

CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA
109 E. OLIVE
MONDAY, MARCH 24, 2014 7:00 P.M.

- 1. Call to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call of Attendance**
- 5. Recognition/Appointments**
 - A. Presentation to former Alderman Jennifer McDade**
 - B. Proclamation Declaring April as Child Abuse Prevention Month**
 - C. Presentation of Source Water Protection Award to the Water Department**
 - D. Introduction of Frank Koehler, Interim PACE Director**
- 6. Consent Agenda**
 - A. Council Proceedings of March 10, 2014, Work Session Minutes from March 20, and April 5, 2010, and October 10, 2011 and Special Session Minutes from February 24, 2014. (Recommend that the reading of the minutes of the previous Council Proceedings of March 10, 2014 and the Work Session Minutes from March 10, 2014, Work Session Minutes from March 20, and April 5, 2010, and October 10, 2011 and Special Session Minutes from February 24, 2014 be dispensed with and the minutes approved as printed.)**
 - B. Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)**
 - C. Appointments to the John M. Scott Health Resource Center. (Recommend that the Appointments be affirmed.)**
 - i. Laura Grant, Mid Central Community Action's appointment**
 - ii. Nicole Smith, United Way of McLean County's appointment**

- D. Reappointments to Various Boards and Commission. (Recommend that the Reappointments be approved.)**
- i. Mid Central Community Action Board: Bernard Anderson**
 - ii. Board of Zoning Appeals: Barbara Meek**
 - iii. Property Maintenance Review Board: Julie Morgan, Citizen At Large; Valerie Dumser, Small Landlord member; John Capodice, Large Landlord member**
 - iv. Citizen's Beautification Committee: Sue Floyd and Martha Burk**
 - v. Police Pension Board: Patti-Lynn Silva**
 - vi. Human Relations Commission: Rhonda Smith and John Elliott**
- E. Replacement of Tractor and Front End Loader for Parks, Recreation and Cultural Arts Department. (Recommend that the purchase one (1) Kubota M9960HDC and one (1) LA1353A Quick Attach Front Loader from Nord Outdoor Power, Bloomington, IL using the National Joint Powers Alliance Contract Number 070313-KBA be approved, in the amount of \$55,768.30, and the Procurement Manager be authorized to issue a Purchase Order.)**
- F. Vehicle Replacements for the Water Department. (Recommend that the purchase of two (2) Ford Transit Connects from Curry Motors, Frankfort, IL using the Northwest Suburban Purchasing Cooperative Contract Number 139 be approved, in the amount of \$43,492, and the Procurement Manager be allowed to issue a Purchase Order.)**
- G. Scope Modification to the Professional Engineering Services Contract with Knight E/A, Inc. to perform a Preliminary Environmental Site Assessment for the Intersection Improvements and Traffic Signal Installation Design project. (Recommend that the Amendment to the contract with Knight E/A, Inc. for Intersection Improvements and Traffic Signal Installation Design Services in the amount of \$4,857.45 be approved, the Motor Fuel Tax Resolution adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- H. Change Order for FY 2013 Utility Maintenance Contract. (Recommend that the Amendment to the Contract for 2013 Utility Maintenance, with George Gildner, Inc. be approved, in the amount of \$41,100, and the Resolution adopted, which is germane to the original contract as signed and is in the best interest of the City of Bloomington and authorized by law.)**
- I. Rescind Final Plat for the Resubdivision of Lot 145 in Airport Park Subdivision, 12th Addition, commonly located east of Haeffle Way and north of Rt. 9. (Recommend that Ordinance No. 2009 - 80 be rescinded, and the Ordinance passed.)**

7. Regular Agenda

A. 2014 \$10 MILLION STREET RESURFACING BOND CONTRACTS

- a. Staff Presentation (*5 minutes*)**
- b. Analysis of Bids and Approval of Contract for 2014 Bond General Resurfacing. (Recommend that the unit prices from Rowe Construction for the 2014 Bond General Resurfacing Program be accepted, the contract be approved in the base amount of \$8,190,000 to be paid from the FY 2014 Budget with an additional \$140,000 for the Alternate FY 2015 Howard St. CDBG project to be executed on May 1, 2014 pending approval of the FY 2015 Proposed Budget, and the Mayor and City Clerk be authorized to execute the necessary documents.) (*10 minutes*)**
- c. Analysis of Bids and Approval of Contract for 2014 Bond Sidewalk Replacement and Handicap Ramp Program. (Recommend that the unit prices from J. G. Stewart Contractors, Inc. be accepted for the 2014 Bond Sidewalk Replacement and Handicap Ramp Program and that a contract be approved in the base amount of \$1,000,000 to be paid from the FY 2014 budget, with an additional \$100,000 Alternate as proposed in the FY 2015 proposed budget under the Capital Improvement Fund for the 50/50 Sidewalk Program, said Alternate to be executed on or after May 1, 2014, contingent upon that amount being approved in the 50/50 Sidewalk Program included in the FY 2015 budget.) (*5 minutes*)**
- d. Analysis of Proposal and Approval of Contract for 2014 Bond Pavement Preservation. (Recommend that the unit prices from Corrective Asphalt Materials, LLC, South Roxana, IL for 2014 Bond Pavement Preservation be accepted in the amount of \$450,000, the contract be approved and the Mayor and City Clerk be authorized to execute the necessary documents.) (*5 minutes*)**

B. LUTHER OAKS EXPANSION PROJECT

- a. Staff Presentation (*5 minutes*)**
- b. Luther Oaks 1st Addition Special Use. (Recommend that the Special Use be approved and the Ordinance passed.) (*5 minutes*)**
- c. Petitions from Luther Oaks, Inc., to rescind the Final Plat for First Addition to Luther Oaks Subdivision which was approved by the Council on August 12, 2013 and approval of the Final Plat for First Addition to Luther Oaks Subdivision. (Recommend that Ordinance 2013 - 56 be rescinded, the revised Final Plat be approved and the Ordinances passed.) (*5 minutes*)**

- d. Petitions from Luther Oaks, Inc., for the Vacation of a Sanitary Sewer Easement and a Water Main Utility Easement located in Lot 1, Luther Oaks Subdivision. (Recommend that the Vacations be approved and the Ordinances passed.) (*5 minutes*)
 - C. TAX ENFORCEMENT
 - a. Presentation by Jeff Jurgens, City Corporation Counsel (*5 minutes*)
 - b. Text Amendment to Chapter 39, Addressing the Enforcement and Collection of City Taxes. (Recommend that the Text Amendment be approved and the Ordinance passed.) (*5 minutes*)
 - c. Chateau Tax Repayment Agreement (*5 minutes*)
 - D. Presentation of the Marketplace Fairness Act of 2013 by Justine Robinson, Economic Development Coordinator (*5 minutes*)
 - a. Marketplace Fairness Act of 2013. (Recommend that the Resolution be adopted.) (*5 minutes*)
 - E. Presentation of 2013 Annual Fire Statistics and Fire Services Update by Mike Kimmerling, Fire Chief (*30 minutes*)
8. City Manager's Discussion
 9. Mayor's Discussion
 10. City Aldermen's Discussion
 11. Executive Session – cite section
 12. Adjournment
 13. Notes



FOR COUNCIL: March 24, 2014

SUBJECT: Proclamation of April 2014 as Child Abuse Prevention Month

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

BACKGROUND: The proclamation will be presented:

Declaring April 2014 as Child Abuse Prevention Month.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Proclamation

Motion: That the Proclamation be made a matter of record.

Motion: _____ Seconded by: _____

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

PROCLAMATION

In Recognition of Child Abuse Prevention Month

April 2014

WHEREAS, the City of Bloomington believes that future prosperity depends on our youth; and

WHEREAS, the City of Bloomington believes that nurturing relationships and stable environments improve the well-being of children; and

WHEREAS, the City of Bloomington believes that the community should be a safe and comfortable place for children, parents, caregivers, families, and all others; and

WHEREAS, preventing child abuse and neglect is a community problem that depends on involvement of people across the community to bring about solutions; and

WHEREAS, the month of April has been designated as Child Abuse Prevention Month and the Child Protection Network is providing much-needed services and solutions throughout McLean, Livingston and DeWitt Counties; and

WHEREAS, all residents can participate in Painting the Town Blue by displaying signs in their yards; by attending the First Friday events, in Downtown Bloomington, on April 4th; by making purchases at Sugar Mamas Bakery, 405 North Main Street, Bloomington, during the month of April; and by shopping at Jack Lewis Jewelers, 1704 Eastland Drive, in Bloomington, on April 17th, to build awareness of this important cause.

Now, Therefore it be resolved, that I, Tari Renner, Mayor, do hereby proclaim the month of April 2014 Child Abuse Prevention Month in Bloomington, Illinois. I urge all citizens, community agencies, faith groups, education institutions, medical facilities, and businesses to increase their participation in efforts to support children, parents, care givers, families, and all others, thereby preventing child abuse and strengthening our community.

Tari Renner

Mayor

Tracey Covert

City Clerk



FOR COUNCIL: March 24, 2014

SUBJECT: Council Proceedings of March 10, 2014, Work Session Minutes from March 20, and April 5, 2010, and October 10, 2011 and Special Session Minutes from February 24, 2014

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of March 10, 2014 and the Work Session Minutes from March 10, 2014, Work Session Minutes from March 20, and April 5, 2010, and October 10, 2011 and Special Session Minutes from February 24, 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 Council Proceedings of March 10, 2014, Work Session Minutes from March 20, and April 5, 2010, and October 10, 2011 and Special Session Minutes from February 24, 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:

A handwritten signature in black ink, appearing to read "David A. Hales".

David A. Hales
City Manager

Attachments: Attachment 1. Draft Council Proceedings for March 10, 2014
Attachment 2. Draft Work Session Minutes from March 20, 2010
Attachment 3. Draft Work Session Minutes from April 5, 2010
Attachment 4. Draft Work Session Minutes from October 10, 2011
Attachment 5. Draft Special Session Minutes from February 24, 2014

Motion: _____ Seconded by: _____

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

**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, March 10, 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 Pro Tem Alderman Schmidt who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Kevin Lower, David Sage, Robert Fazzini, Joni Painter, Karen Schmidt, and Jim Fruin.

Deputy City Manager Barbara Adkins, City Clerk Tracey Covert, and Asst. Corporate Counsel George Boyle were also present.

The following was presented:

Request to participate via telephone as Mayor Renner and Aldermen Mwilambwe and Black were out of town on City business.

Motion by Alderman Fazzini, seconded by Alderman Fruin that Mayor Tari Renner, Aldermen Mwilambwe and Black be allowed to participate remotely via telephone.

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

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

Nays: None.

Motion carried.

PUBLIC COMMENT: Mayor Pro Tem Alderman Schmidt opened the Public Comment section of the meeting. She added that there would not be a response from the City under the Public Comment portion of the meeting.

Gary Lambert, 3018 E. Oakland Ave., addressed Council. He had received the Bicycle Path Survey in his water bill. In his opinion, the City was only interested in positive input.

He also addressed the R.R. Donnelley/STL agenda item which would cost the City \$75,000. The agreement was for operational expenses and the Council would be setting a

precedent. He believed that these firms would be back next year requesting additional money.

Mr. Lambert cited an article in the Pantagraph that referenced \$4 million for road repairs. The Council issued \$10 million in bonds which he believed would be additional funding for roads. The Pantagraph reported that the City would only spend borrowed funds for road repairs. The article also mentioned the \$1.5 million bond debt payment. The impact upon street repairs was the loss of \$4 million. The Council took dollars from the many to spend it on the few. He cited \$600,000 was spent for parks. \$10 million bond issue should be for roads. The proposed FY 2015 Budget included paving golf cart paths. He stated that eleven percent (11%) of the population lived below the poverty line. The budget included an increase to the Utility Tax. The City was building a slush fund.

Alton Franklin, 508 Patterson Dr. addressed the Council. The \$75,000 agreement would not set a precedent. It came on the heels of the \$300,000 given to the Ashley Furniture dealer.

He stated that a sitting Alderman wanted to change the way citizens were represented, to their detriment. The Mayor wanted to build a war chest to find people of common vision. The trends were illuminating. The Council needed to recognize that eleven percent (11%) of the population lived below the poverty line. There were important items to address. The City needed a responsible, responsive Council.

The following was presented:

SUBJECT: Retirement of Thomas Kent Berglund

RECOMMENDATION/MOTION: Recognition of retirement.

STRATEGIC PLAN LINK: Not applicable.

STRATEGIC PLAN SIGNIFICANCE: Not applicable.

BACKGROUND: Thomas Kent Berglund began his employment with the City on May 4, 1970 at the Front St. Fire Station. His Fire Chief at this time was Roland Behrends. He rode the ambulance for four (4) years at this station until April, 1975 when he was assigned to Station #3 where he was the Engineer on the Snorkel Truck. Tom ended his first career with the City as an Engineer on July 31, 1995 and began his second career with the City on August 1, 1995 as the first Maintenance Coordinator for the Fire Department.

Tom and his wife Sue will be celebrating fifty (50) years of marriage in October. They have two (2) daughters: Tammy S. Clem (husband Pastor Michael Clem) and Heidi D. Hauss (husband Terry). Tom has two (2) granddaughters: Denise Clem and Melissa Clem. Tom is very proud of his daughters' accomplishments in life and he adores his grandchildren.

Tom has been active in the following organizations:

-Order of Eastern Star of Illinois – has been Worthy Parton for nine (9) terms.

-Served five (5) years on the Eastern Star Nursing Home Board of Governors and ended his term as President.

-Served as a Grand Representative to both Nebraska and District of Columbia for the Eastern Star of Illinois.

-Served on the Bloomington Municipal Credit Union Board for thirteen (13) years. He was appointed as the Chairman of the Credit Committee and the last four (4) years as the Vice Chairman of the Board.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:Mike Kimmerling, Fire Chief

Recommended by:

David A. Hales
City Manager

Mayor Pro Tem Alderman Schmidt introduced this item and requested Mike Kimmerling, Fire Chief, and Tom Berglund come forward to address the Council.

Chief Kimmerling thanked Mr. Berglund for his forty-three (43) years of dedicated service to the City. Mr. Berglund always had the best interest of the City and the Fire Department in mind. He served the City as both a firefighter and as the City's first Maintenance Coordinator. The Maintenance Coordinator position was often a thankless job but Mr. Berglund approached it with enthusiasm. He has been a great department mentor and would be missed. He has been a distinguished employee and an involved citizen in the community.

Mr. Berglund addressed the Council. He thanked them for the recognition. He would be leaving the community upon his retirement.

The following was presented:

SUBJECT: Proclamation of March 10, 2014 as Elmo C.J. Quinn and Family Day

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

BACKGROUND: The proclamation will be presented:

Declaring March 10, 2014 as Elmo C.J. Quinn and Family Day.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

Mayor Pro Tem Alderman Schmidt introduced this item. She noted that Alderman Stearns would present the Proclamation.

Alderman Stearns believed that Main St. would never be the same without Quinn's Shell. Elmo Quinn had enriched the community with his station and service. He always had a kind word for his customers. Alderman Stearns read and presented the Proclamation to Mr. Quinn.

Elmo Quinn addressed the Council. He thanked them for the Proclamation. It had been a pleasure to serve five (5) generations of customers. His retirement plans included serious fishing.

Motion by Alderman Fazzini, seconded by Alderman Painter that the Proclamation be placed on file.

The Mayor Pro Tem 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: Council Proceedings of February 24, 2014 and Work Session Minutes from February 10 and February 24, 2014

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of February 24, 2014 and Work Session Minutes from February 10 and February 24, 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 Council Proceedings of February 24, 2014 and the Work Session Minutes from February 10 and February 24, 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 Painter that the reading of the minutes of the previous Council Proceedings of February 24, 2014 and Work Session Minutes from February 10 and February 24, 2014 be dispensed with and the minutes approved as printed.

The Mayor Pro Tem 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 Thursday, March 6, 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 Painter that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

The Mayor Pro Tem 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: Analysis of Bids for the Police Department Training Facility Range Re-Roofing Project

RECOMMENDATION/MOTION: That the bid for Re-Roofing four (4) buildings at the Police Training Facility/Range be awarded to River City Roofing, in the amount of \$101,500, and the Purchasing Manager be authorized to issue a Purchase Order.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service.

BACKGROUND: The Firing Range Facility needs to be maintained as it is used by not only the Bloomington Police Department but also the Sheriff's Department and Normal Police Department. Re-roofing is the first phase. Other phases include mold removal, heating, ventilation and air condition system, firing range exhaust system, plumbing, and general restoration.

The Procurement Manager, as directed by David Hales, City Manager, acquired architectural and engineering analysis services from Shive-Hattery. Plans and specifications for re-roofing key structures of the facility located east of the City near Colfax were undertaken in order to accommodate a December 2013 project completion date. Considered in the plans and specifications were: re-roofing the two (2) primary buildings (lodge and indoor firing range), the replacement of dilapidated gutters on those two (2) primary buildings, and replacing the roofs on two (2) other ancillary buildings (garage and outdoor firing range shelter). The Police Department's Master Plan calls for the orderly redevelopment of the training facility.

A winter storm on November 17, 2013 caused additional damage to the roofs and appurtenances of the four (4) buildings. This was prior to the advertisement for bids being published and caused a delay in the project timeline. In order to stop further damage, re-roofing of all four (4) structures became imperative.

The bids/specifications were developed to provide a variety of choices for meeting the roofing needs of the facility.

Bid specifications:

Base bid -- Two main buildings roofed with asphalt “three tab” shingles

Alternate 1 -- Two secondary buildings roofed with asphalt “three tab” shingles

Alternate 2 -- Two main buildings roofed with aluminum panels

Alternate 3 -- Two secondary buildings roofed with aluminum panels

The invitation to bid the project was advertised in the Pantagraph on January 24, 2014 and bids were subsequently opened on February 21, 2014. There were seven (7) responses to the advertisement. The responses included one “no bid” and six (6) sealed bids for the proposed work.

Below is a bid summary analysis. The summary identifies the three (3) most viable combinations of roofing combinations. Each combination was bid without exception to the specifications and is identified as follows:

Re-roofing the four (4) buildings identified with standard asphalt shingles -- \$101,500 River City Roofing

Re-roofing the four (4) buildings using standard aluminum panels -- \$148,400 Wyman Roofing

Re-roofing the two (2) main buildings using standard aluminum panels -- \$114,500 Wyman Roofing

The specified warranties are forty (40) years for the asphalt shingles and twenty (20) years for the aluminum panels.

	BASE	Alt. 1	Alt. 2	Alt. 3	Base + Alt. 1	Alt. 2 & 3	Alt. 2
Action Roofing	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
ACR Advanced	\$113,505	\$23,293	\$116,909	\$49,021	\$136,798	\$302,728	\$230,414
CAD	\$91,886	\$21,733	\$37,003	\$6,235	\$113,619	\$156,857	\$128,889
Peoria Roofing	\$92,000	\$19,590	\$88,524	\$18,410	\$111,590	\$218,524	\$180,524
Wyman Roofing	\$97,000	\$19,200	\$17,500	\$14,700	\$116,200	\$148,400	\$114,500
KRC	\$104,815	\$25,128	\$38,700	\$7,500	\$129,943	\$176,143	\$143,515
River City Roofing	\$84,500	\$17,000	\$123,000	\$42,000	\$101,500	\$266,500	\$207,500

Based on the information available, River City Roofing is the appropriate choice for re-roofing the four (4) buildings identified as the Base Bid and Alternate 1 using asphalt shingles.

Although the bid is \$101,500, the City would be well served by adding a 33% contingency to the budget because of the conditions at the facility and the likelihood of unforeseen circumstances. While the budget would be \$135,000, the contractor is not due any extra without concurrence from the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The external stakeholders identified in the 2013 BPD Firing Range Master Plan include: Normal Police Department, McLean County Sheriff's Office, MTU8, US Marshals, Illinois State University ROTC, and Secretary of State Police.

FINANCIAL IMPACT: The Police FY 2014 budget includes \$273,790 for range improvements. The budgeted amount is in Police - Other Supplies (10015110 - 71190). Stakeholders can locate this in the FY 2014 Budget Book titled "Budget Overview & General Fund" on page 255.

Respectfully submitted for Council consideration.

Prepared by: Marsha Ulrich, Office Manager

Reviewed by: Brendan O. Heffner, Chief of Police

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 Alderman Fazzini, seconded by Alderman Painter that the bid for Re-Roofing four (4) buildings at the Police Training Facility/Range be awarded to River City Roofing, in the amount of \$101,500, and the Purchasing Manager be authorized to issue a Purchase Order.

The Mayor Pro Tem 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: Intergovernmental Agreements with the County of McLean and Town of Normal, Regulating Use of the Police Range Facility

RECOMMENDATION/MOTION: That the intergovernmental agreements with the County of McLean and Town of Normal be approved, in the amount of \$8,221.98 each, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: In July 1992, the McLean County Board granted the City a special use permit to allow a privately owned outdoor shooting range and police training facility on land located fourteen (14) miles east of Bloomington on Rt. 9.

An intergovernmental agreement was signed in September 1994 detailing the policies and procedures to be adhered to in order to provide joint training with the Town of Normal and the County of McLean. This standardization of procedures was necessary to provide orderly and safe training at the facility and to comply with the rules of the McLean County Planning and Zoning Commission.

The current intergovernmental agreements expired on December 31, 2013. A new agreement is proposed. The rate for the Town of Normal is \$8,221.98 payable on January 1, 2014 and represents payment for use from January 1, 2014 to December 31, 2014. The rate for the County of McLean is \$8,221.98 and represents payment for use from January 1, 2014 to December 31, 2014. These are one (1) year agreements. There is no rate increase for this contract due to range conditions and our inability to make contractually promised repairs.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Town of Normal and the County of McLean.

FINANCIAL IMPACT: Stakeholders can locate this in the FY 2014 Budget Book titled "Budget Overview & General Fund" on page 254. The Town of Normal's revenue will be recorded under "Police - Town of Normal" (10015110 - 53350) and the County's amount under "Police-McLean County" (10015110 - 53320).

Respectfully submitted for Council consideration.

Prepared by: Marsha Ulrich, Office Manager

Reviewed by: Kenneth Bays, Asst. Chief of Police

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BLOOMINGTON
AND THE COUNTY OF MCLEAN REGULATING THE USE BY THE COUNTY OF
MCLEAN OF THE POLICE SHOOTING RANGE FACILITY OF THE CITY OF
BLOOMINGTON**

WHEREAS, under Article 7, Section 10, of the 1970 Illinois Constitution, units of local government may contract among themselves to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or ordinance; and

WHEREAS, the City of Bloomington is a home rule municipality under Article 7, section 6, of the 1970 Illinois Constitution; and

WHEREAS, the County of McLean is a unit of local government exercising power under the Illinois Counties Code (55 ILCS 5/1-1001, et seq.); and

WHEREAS, the City of Bloomington and the County of McLean desire to agree on the manner in which Law Enforcement Agencies use the Police Shooting Range owned by the City of Bloomington; and

WHEREAS, the McLean County Board and the Bloomington City Council have, by appropriate actions, authorized this Agreement,

I. STATEMENT OF PURPOSE

The shooting range owned by the City of Bloomington is intended to supply training supplemental to the training required by the Police Training Act (50 ILCS 705/1 et seq.) and the Firearms Training for Peace Officers Act (50 ILCS 710/1, et seq.). The facility is owned by the City of Bloomington and is located in Martin Township in unincorporated McLean County.

II. DEFINITIONS

When used in the Agreement, the following terms shall have the meaning indicated:

“Agency/Agencies”: The County of McLean Police Agency.

“Chief”: The City of Bloomington Chief of Police or his designee.

“Facility”: The City of Bloomington Police Shooting Range.

III. ADMINISTRATION

The facility shall be administered by the Chief.

IV. USE OF THE FACILITY

The City of Bloomington shall permit the agencies to use the facility under the following conditions.

A. Scheduling

The agency will submit requests to the Chief by May 1st for the following year. The Chief shall establish a master schedule each year for the use of the facility. The agency will be assigned 25 shooting dates for the year. A proposed schedule will be given to the agency for their review. The agency will be responsible for notifying the Chief of any problems with the scheduled dates. The Chief will issue a final schedule.

Should the agency be unable to use the range during a scheduled time after the final schedule has been issued, the Chief will assign that agency an alternate date if one is available and the agency requests one. Likewise, if the range becomes unavailable on a date scheduled for use by the agency, the Chief will schedule an alternate date if desired. The Chief will assign alternate dates only upon request. The Chief will make every effort to provide 25 shooting dates per year for the agency; however, the agency may receive fewer dates if scheduling problems occur that are beyond the control of the Chief.

The agency may schedule shooting dates in addition to those listed on the master schedule on an as needed basis by contacting the Chief. There shall be no limit on the number of times any agency may use the shooting range during a given year, but requests for use will be subject to range availability. The agency understands and agrees that rescheduling canceled dates from the master schedule shall take precedence over scheduling any additional shooting time.

B. Supervision

The agency shall comply with the conditions of the Special Use Permit for the range property issued by the McLean County Board, a copy of which has been previously supplied and is incorporated herein by reference.

The agency shall be required to provide a range officer who shall be present at all times the agency uses the facility. The use of the facility shall be conditioned on the agency providing the Chief a current list of approved range officers employed by the agency

using the range. Failing to provide the list or to keep it current, shall be grounds to refuse to allow the agency to use the facility.

C. Equipment

The agency using the shooting range shall provide their own ammunition, targets, and related equipment.

The indoor range will be limited to use of lead free ammunition only. Any agency using lead ammunition will be responsible for the cost of lead abatement at the facility as well as for any additional losses suffered by the City of Bloomington in relation to the use of lead ammunition, including loss of use of the facility during such time as needed to abate the property.

D. Damage

The agency using the shooting range shall be responsible for damages that were due to negligence, or misuse of site equipment. Damages associated with regular wear and tear of the equipment are the responsibility of the City of Bloomington.

The range master for the agency shall inspect the shooting range site for any damage at the beginning of each day the range is used by the requesting agency and shall notify the Bloomington Police Department as soon as reasonably possible for such damage. If such notification is not made, the agency shall be billed for any damage discovered at the shooting range site after such agency used the range.

E. Annual Range Preparation

The Bloomington Police Department seeks assistance from the agency in preparing the shooting ranges for annual use. The agency agrees to assign a minimum of one range officer, (if requested) and preferably each Department's head range instructor, for forty (40) hours per year to perform range preparation duties.

V. RANGE FEES/BILLING

The Agency will pay the City of Bloomington an annual fee of eight thousand two hundred twenty-one dollars and ninety-eight cents (\$8,221.98) for use of the facility for 2014. This fee shall be paid on January 1st of 2014 and shall represent payment for use from January 1, 2014 until December 31, 2014. The fee shall be the same regardless of the number of times the agency uses the facility during the year.

VI. MAINTENANCE

The City of Bloomington will maintain the current physical facility and upkeep of the property as it is as of January 1st of the agreement year. ~~However, during the term of this Agreement, the City of Bloomington shall remove the gravel on the pistol shooting side and fill it in with~~

~~concrete, pour a concrete pad for a future "entry house," and increase the size of the rifle range, if feasible.~~ If the agency cannot use the facility because it is not in operating condition (defined as the ability to qualify by state standards) on a scheduled shooting date, the agency may receive a reduction in the annual fee, but only under the following conditions: there shall be no reduction in the fee if the agency receives 25 shooting dates during the year. If the agency receives fewer than 25 shooting dates a reduction shall be made only for those dates missed because of operational conditions with the facility. To receive a fee reduction under those circumstances the agency must contact the Chief or his designee immediately to report that the facility is not in operating condition and remain at the facility, if requested to do so, until the Chief or his designee can verify and document the problem. The agency entitled to reduction shall receive \$280.00 for each scheduled shooting date missed.

VII. LIABILITY

Each of the parties of this Agreement shall insure themselves or obtain insurance in an aggregate amount of \$1,000,000.00 (one million dollars) per incident for claims or judgments against them arising from the construction, management, operation, or maintenance of the Training Facility established by the agreement. Each party to this Agreement shall indemnify and hold harmless the other parties to this Agreement against all liability arising for injury to person or property resulting from the acts of each party's own employees.

In the event an employee of any jurisdiction which is a party to this Agreement is injured in such a manner as to require the jurisdiction employing said officer to pay claims to said officer under the Worker's Compensation Act, the expenses for such injury shall be borne by the jurisdiction employing the officer and shall not be subject to contribution from the other two jurisdictions entering into this Agreement.

Each party to the Agreement shall waive any claims for damages or injury which it may have a right to assert against any other party to this Agreement which arises from the management, operation, or maintenance of the Training Facility established by this Agreement, excepting claims for misappropriation of funds and claims for damages or injury resulting from willful or wanton conduct of an employee of a party to the Agreement.

Nothing in the Agreement is intended to modify or waive the protections each party has under the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101 et seq.).

VIII. AMENDMENT OF AGREEMENT

This Agreement may be amended from time to time as deemed appropriate by the parties to the Agreement. Any party wishing to withdraw is required to give thirty (30) days' notice of such intention to the other parties to this Agreement before December 1st of any year effective January 1st of the following year.

IX. TERM

This Agreement shall remain in full force and effect for a period of one (1) year, beginning on January 1, 2014 and terminating on December 31, 2014. First payment is due January 1, 2014.

X. SEVERABILITY

In the event any portion of this Agreement is held by any court to be unconstitutional or in excess of the powers granted by law to the parties to this Agreement, such ruling or findings shall not void this Agreement, but shall instead be deemed to have severed such provisions from the remainder of this Agreement.

Date

COUNTY OF MCLEAN

By: _____
Chairman, McLean County Board

ATTEST: _____
McLean County Clerk

Date: March 11, 2014

CITY OF BLOOMINGTON

By: Tari Renner
Mayor

ATTEST: Tracey Covert
Bloomington City Clerk

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BLOOMINGTON
AND THE TOWN OF NORMAL REGULATING THE USE BY THE TOWN OF
NORMAL OF THE POLICE SHOOTING RANGE FACILITY OF THE CITY OF
BLOOMINGTON**

WHEREAS, under Article 7, Section 10, of the 1970 Illinois Constitution, units of local government may contract among themselves to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or ordinance; and

WHEREAS, the City of Bloomington and the Town of Normal are home rule municipalities under article 7, section 6, of the 1970 Illinois Constitution; and

WHEREAS, the City of Bloomington and the Town of Normal desire to agree on the manner in which Law Enforcement Agencies use the Police Shooting Range owned by the City of Bloomington; and

WHEREAS, the Board of Trustees of the Town of Normal and the Bloomington City Council have, by appropriate actions, authorized this Agreement,

I. STATEMENT OF PURPOSE

The shooting range owned by the City of Bloomington is intended to supply training supplemental to the training required by the Police Training Act (50 ILCS 705/1 et seq.) and the Firearms Training for Peace Officers Act (50 ILCS 710/1, et seq.). The facility is owned by the City of Bloomington and is located in Martin Township in unincorporated McLean County.

II. DEFINITIONS

When used in the Agreement, the following terms shall have the meaning indicated:

“Agency/Agencies”: The Town of Normal.

“Chief”: The City of Bloomington Chief of Police or his designee.

“Facility”: The City of Bloomington Police Shooting Range.

III. ADMINISTRATION

The facility shall be administered by the Chief.

IV. USE OF THE FACILITY

The City of Bloomington shall permit the agencies to use the facility under the following conditions.

A. Scheduling

The agency will submit requests to the Chief by May 1st for the following year. The Chief shall establish a master schedule each year for the use of the facility. The agency will be assigned 25 shooting dates for the year. A proposed schedule will be given to the agency for their review. The agency will be responsible for notifying the Chief of any problems with the scheduled dates. The Chief will issue a final schedule.

Should the agency be unable to use the range during a scheduled time after the final schedule has been issued, the Chief will assign that agency an alternate date if one is available and the agency requests one. Likewise, if the range becomes unavailable on a date scheduled for use by the agency, the Chief will schedule an alternate date if desired. The Chief will assign alternate dates only upon request. The Chief will make every effort to provide 25 shooting dates per year for the agency; however, the agency may receive fewer dates if scheduling problems occur that are beyond the control of the Chief.

The agency may schedule shooting dates in addition to those listed on the master schedule on an as needed basis by contacting the Chief. There shall be no limit on the number of times any agency may use the shooting range during a given year, but requests for use will be subject to range availability. The agency understands and agrees that rescheduling canceled dates from the master schedule shall take precedence over scheduling any additional shooting time.

B. Supervision

The agency shall comply with the conditions of the Special Use Permit for the range property issued by the McLean County Board, a copy of which has been previously supplied and is incorporated herein by reference.

The agency shall be required to provide a range officer who shall be present at all times the agency uses the facility. The use of the facility shall be conditioned on the agency providing the Chief a current list of approved range officers employed by the agency using the range. Failing to provide the list or to keep it current, shall be grounds to refuse to allow the agency to use the facility.

C. Equipment

The agency using the shooting range shall provide their own ammunition, targets, and related equipment.

The indoor range will be limited to use of lead free ammunition only. Any agency using lead ammunition will be responsible for the cost of lead abatement at the facility as well as for any additional losses suffered by the City of Bloomington in relation to the use of lead ammunition, including loss of use of the facility during such time as needed to abate the property.

D. Damage

The agency using the shooting range shall be responsible for damages that were due to negligence, or misuse of site equipment. Damages associated with regular wear and tear of the equipment are the responsibility of the City of Bloomington.

The range master for the agency shall inspect the shooting range site for any damage at the beginning of each day the range is used by the requesting agency and shall notify the Bloomington Police Department as soon as reasonably possible for such damage. If such notification is not made, the agency shall be billed for any damage discovered at the shooting range site after such agency used the range.

E. Annual Range Preparation

The Bloomington Police Department seeks assistance from the agency in preparing the shooting ranges for annual use. The agency agrees to assign a minimum of one range

officer, (if requested) and preferably each Department's head range instructor, for forty (40) hours per year to perform range preparation duties.

V. RANGE FEES/BILLING

The Agency will pay the City of Bloomington an annual fee of eight thousand two hundred twenty-one dollars and ninety-eight cents (\$8,221.98) for use of the facility for 2014. This fee shall be paid on January 1st of 2014 and shall represent payment for use from January 1, 2014 until December 31, 2014.

VI. MAINTENANCE

The City of Bloomington will maintain the current physical facility and upkeep of the property as it is as of January 1st of the agreement year. ~~However, during the term of this Agreement, the City of Bloomington shall remove the gravel on the pistol shooting side and fill it in with concrete, pour a concrete pad for a future "entry house," and increase the size of the rifle range, if feasible.~~ If the agency cannot use the facility because it is not in operating condition (defined as the ability to qualify by state standards) on a scheduled shooting date, the agency may receive a reduction in the annual fee, but only under the following conditions: there shall be no reduction in the fee if the agency receives 25 shooting dates during the year. If the agency receives fewer than 25 shooting dates a reduction shall be made only for those dates missed because of operational conditions with the facility. To receive a fee reduction under those circumstances the agency must contact the Chief or his designee immediately to report that the facility is not in operating condition and remain at the facility, if requested to do so, until the Chief or his designee can verify and document the problem. The agency entitled to reduction shall receive \$280.00 for each scheduled shooting date missed.

VII. LIABILITY

Each of the parties of this Agreement shall insure themselves or obtain insurance in an aggregate amount of \$1,000,000.00 (one million dollars) per incident for claims or judgments against them arising from the construction, management, operation, or maintenance of the Training Facility established by the agreement. Each party to this Agreement shall indemnify and hold harmless the other parties to this Agreement against all liability arising for injury to person or property resulting from the acts of each party's own employees.

In the event an employee of any jurisdiction which is a party to this Agreement is injured in such a manner as to require the jurisdiction employing said officer to pay claims to said officer under the Worker's Compensation Act, the expenses for such injury shall be borne by the jurisdiction employing the officer and shall not be subject to contribution from the other jurisdiction entering into this Agreement.

Each party to the Agreement shall waive any claims for damages or injury which it may have a right to assert against any other party to this Agreement which arises from the management, operation, or maintenance of the Training Facility established by this Agreement, excepting

claims for misappropriation of funds and claims for damages or injury resulting from willful or wanton conduct of an employee of a party to the Agreement.

Nothing in the Agreement is intended to modify or waive the protections each party has under the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101 et seq.).

VIII. AMENDMENT OF AGREEMENT

This Agreement may be amended from time to time as deemed appropriate by the parties to the Agreement. Any party wishing to withdraw is required to give thirty (30) days' notice of such intention to the other parties to this Agreement before December 1st of any year effective January 1st of the following year.

IX. TERM

This Agreement shall remain in full force and effect for a period of one (1) year, beginning on January 1, 2014 and terminating on December 31, 2014. First payment is due January 1, 2014.

X. SEVERABILITY

In the event any portion of this Agreement is held by any court to be unconstitutional or in excess of the powers granted by law to the parties to this Agreement, such ruling or findings shall not void this Agreement, but shall instead be deemed to have severed such provisions from the remainder of this Agreement.

Date

TOWN OF NORMAL

By: _____
Mayor

ATTEST: _____
Normal Town Clerk

Date: March 11, 2014

CITY OF BLOOMINGTON

By: Tari Renner
Mayor

ATTEST: Tracey Covert
Bloomington City Clerk

Motion by Alderman Fazzini, seconded by Alderman Painter that the Intergovernmental Agreements with the County of McLean and Town of Normal be

approved, in the amount of \$8,221.98 each, and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor Pro Tem 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: Application of CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire St., requesting a RAS liquor license

RECOMMENDATION/MOTION: That a RAS liquor license for CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire St., be created, contingent upon compliance with all applicable health and safety codes.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire St., requesting an RAS liquor license, which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Peter Goranitis, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Peter Goranitis, owner/operator and Applicant's representative, addressed the Commission. He was negotiating the purchase of CJ's Restaurant, had filed an application for a liquor license and planned to move to Bloomington.

Commissioner Jordan questioned the sale time line. Mr. Goranitis informed the Commission that the sale was contingent upon approval of the liquor license. He noted that currently the business held an "R", Restaurant, liquor license.

Commissioner Tompkins cited similar requests in the past.

Commissioner Jordan noted that approval of the liquor license could be contingent upon the sale of the business.

George Boyle, Asst. Corporation Counsel, addressed the Commission. A liquor license holder must own the premise or have a lease to the premise.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that that the application by CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire, requesting an RAS liquor license, which allows the sale of all types of alcohol only by the glass for consumption on the premises seven (7) days a week be approved contingent upon compliance with life safety codes.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on February 3, 2014 in accordance with City Code. In accordance with City Code, one (1) courtesy copy of the Public Notice was mailed. In addition, the Agenda for the February 11, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None. Request is for a change of ownership. Annual fee for a RAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Fazzini, seconded by Alderman Painter that a RAS liquor license for CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire St., be created, contingent upon compliance with all applicable health and safety codes.

The Mayor Pro Tem 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: Application of Bloomington Ribs, LLC d/b/a Tony Roma's, located at 1601 Jumer Dr., requesting a RAS Liquor License

RECOMMENDATION/MOTION: That an RAS liquor license for Bloomington Ribs, LLC d/b/a Tony Roma's, located at 1601 Jumer Dr., be created, contingent upon compliance with all applicable health and safety codes.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of Bloomington Ribs, LLC d/b/a Tony Roma's, located at 1601 Jumer Dr., requesting an RAS liquor license, which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and David McClain, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. David McClain, owner/operator and Applicant's representative, addressed the Commission. He was an operating partner. Tony Roma's would be located at the Chateau. He had two (2) goals for this hearing: a positive recommendation from the Commission to the Council for action and approval of his written request for temporary use of the Chateau's liquor license for Tony Roma's training week. His goal was to have a liquor license issued to Tony Roma's by February 25, 2014.

Commissioner Renner offered congratulations on opening a Tony Roma's in the City.

George Boyle, Asst. Corporation Counsel, addressed the Commission. City staff wished to make a statement regarding this application. The premises was owned and operated by Bloomington Chateau Partners, LLC. He cited Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License Classification, Factual Criteria 7. The financial responsibility of the applicant and 8. Whether the applicant, or (if the applicant is a partnership or corporation) whether any partner officer or director of the applicant has ever held a liquor license and his or her performance as a licensee. He acknowledged that Bloomington Ribs, LLC, the applicant, was a new entity. Mary Pat Kerper, a member of Bloomington Ribs, LLC was employed as the Fiscal Officer for Bloomington Chateau Partners, LLC. There were significant issues with Bloomington Chateau Partners, LLC. He cited unpaid prepared Food & Beverage Taxes and Hotel/Motel Taxes. The Chateau was current on Food & Beverages Taxes. However, there was \$220,000 in outstanding Hotel/Motel Taxes. The Chateau would enter into an agreement with City regarding payment of same. An action plan would be drafted to insure that this would not reoccur. Bloomington Chateau Partner, LLC had made progress. The Chateau's success as a business would be good

for the community. Tony Roma's should enhance Bloomington Chateau Partners, LLC's ability to continue to make payments to the City.

Commissioner Renner was optimistic that this situation would not happen again.

Commissioner Tompkins questioned Mr. McClain's role. Mr. McClain was the Operating Manager.

Commissioner Tompkins questioned if Mr. McClain had read the City's Alcoholic Beverage Code. He also cited the City's requirement for BASSET, (Beverage Alcohol Sellers & Servers Education & Training) certification. Mr. McClain responded affirmatively. Both he and the management team would be BASSET certified. He added that he and his staff must meet Tony Roma's standards. He cited the franchise agreement. A team would come to the City to train the restaurant's staff. Tony Roma's protected the brand.

Commissioner Jordan questioned the current bar area at the Chateau. Mr. McClain stated that when Tony Roma's opened the current bar area would become part of the dining room.

Mr. McClain wanted to clarify the temporary use of the Chateau's liquor license for the training week.

Mr. Boyle noted that Chapter 6. Alcoholic Beverages, Section 2(e)(1-2) License Required; Change of Ownership Approval and Temporary Extension of License to Buyer would allow Tony Roma's to proceed under the Chateau's existing liquor license.

Commissioner Jordan questioned liquor liability. Mr. Boyle noted that Tony Roma's would be operating under the existing the liquor license held by the Chateau. He restated that the City Code allowed same. The City had received letters from both entities.

Mr. McClain restated that it would be a training week. Liquor would only be served at two (2) events: family and friends and the VIP event held on February 24, 2014.

Commissioner Jordan noted that Tony Roma's would not be open to the public.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that that the application by Bloomington Ribs, LLC, d/b/a Tony Roma's, located at 1601 Jumer Dr., requesting an RAS liquor license, which allows the sale of all types of alcohol only by the glass for consumption on the premises seven (7) days a week be approved contingent upon compliance with life safety codes.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on February 3, 2014 in accordance with City Code. In addition, the Agenda for the February 11, 2014 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: Request is for a new RAS liquor license. Annual fee for a RAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

Motion by Alderman Fazzini, seconded by Alderman Painter that an RAS liquor license for Bloomington Ribs, LLC d/b/a Tony Roma's, located at 1601 Jumer Dr., be created, contingent upon compliance with all applicable health and safety codes.

The Mayor Pro Tem 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: Application of PATH for a fundraiser to be held on April 3, 2014 from 4:00 p.m. until 12 a.m., (midnight), at the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., for a Limited Alcoholic Liquor License, Class LA, which will allow the selling and serving of all types of alcohol by the glass for consumption on the premise.

RECOMMENDATION/MOTION: Recommend that a LA liquor license for PATH for a fundraiser to be held on April 3, 2014 from 4:00 p.m. until 12 a.m., (midnight), at the BCPA, located at 600 N. East St., be created, contingent upon compliance with all applicable health and safety codes.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of PATH for a Limited Alcoholic Liquor License, Class LA, which will allow the selling and serving of all types of alcohol by the glass for consumption on the premise. Present at the hearing were Liquor Commissioner Tari Renner, and Tracey Covert, City Clerk; and Karen Zangerle, PATH's Executive Director and Applicant's representative.

Commissioner Renner questioned the purpose of this application. Karen Zangerle, PATH's Executive Director and Applicant's representative, began by informing the Commission that this application was for a fundraiser for PATH to be held at the Bloomington Center for the Performing Arts, (BCPA), on Thursday, April 3, 2014 from 4:00 p.m. until 12:00 a.m. (midnight). This request was for a Limited License for a nonprofit corporation.

Commissioner Renner questioned if there were any changes from last year. She informed the commission that this would be the sixth (6th) year for Chefs for PATH Gala.

Last year, PATH applied for and was granted an LA liquor license for this event. Ticket sales would be limited to 250. She believed that the event would sell out this year. Ticket sales commenced on February 18, 2014. Ticket price was \$65. There will be five (5) chef stations. The following five (5) restaurants and their chefs were confirmed: Biaggi's, Destihl, Baxters, Parke Hotel and Westminster Village. Each will prepare 250 tapas servings. The dessert provider would be Bloomington High School's Culinary Arts classes. The top two (2) chefs, (determined by vote), will have a live cook off.

Last year's event raised \$41,000. The event included live and silent auctions. Chefs for PATH came about as a Leadership McLean County small group project.

Commissioner Renner questioned liquor sales. Ms. Zangerle noted that there would be two (2) bars. The bartenders offered their services at no charge. Identification would be requested. The cash bar would offer specialty beer, wine and high end liquor. This year, the specialty drinks would be the PATHtini and the Crisiscall.

The ticket price attracted an older crowd. This year in keeping with last year's event, attendees had the ability to order a bottle of wine in advance of the event.

Attendees would be greeted by a maître d. A hostess would escort the guests to their table and present the beverage list. PATH would be a restaurant for one night. There would be sixty (60) volunteer plus PATH staff on hand to man the event.

Commissioner Renner did not see any concerns with this event.

Commissioner Renner recommended that an LA liquor license be created for PATH for a fundraiser to be held on April 3, 2014 from 4:00 p.m. until 12:00 a.m. (midnight) at the BCPA, located at 600 N. East St.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice of the Liquor Hearing was placed in the press boxes at City Hall. In addition, the Agenda for the February 27, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Fazzini, seconded by Alderman Painter that a LA liquor license for PATH for a fundraiser to be held on April 3, 2014 from 4:00 p.m. until 12 a.m., (midnight), at the BCPA, located at 600 N. East St., be created, contingent upon compliance with all applicable health and safety codes.

The Mayor Pro Tem 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 Ordinances to Allow Consumption of Alcohol at Lake Bloomington Davis Lodge on June 13, 2014

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Jonathan Hughes and Sarah Spurling to allow moderate consumption of alcohol at their June 13, 2014, wedding reception to be held at the Lake

Bloomington Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Art Donaldson, caterer and requestor's representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Art Donaldson, caterer, addressed the Commission. He was the owner/operator of Times Past Inn located at 1216 Towanda Ave. The wedding reception was scheduled for June 13, 2014 at the Lake Bloomington Davis Lodge. The plan included 75 - 100 guests. Times Past Inn would be retained to provide liquor service, which would be limited to beer and wine only. The wedding was scheduled for 4:00 p.m. The reception was scheduled from 5:00 p.m. until 9:00 p.m. Quiet hours commence at 10:00 p.m. He was asked to address the Commission as the bride and groom resided out of state.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Jonathan Hughes and Sarah Spurling to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their June 13, 2014 wedding be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the February 11, 2014 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

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2014 - 10

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 LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, Jonathan Hughes and Sarah Spurling are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 5:00 p.m. to 10:00 p.m. on June 13, 2014; and

WHEREAS, Jonathan Hughes and Sarah Spurling 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 Lake Bloomington Davis Lodge on June 13, 2014 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 10th day of March, 2014.

APPROVED this 11th day of March, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Painter that the Ordinance be passed.

The Mayor Pro Tem 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: Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply and Approval of Highway Authority Agreement/Leave-in-place Agreement at 1210 W. Market St.

RECOMMENDATION/MOTION: That the Ordinance be passed and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2b. Quality water for the long term and 5c. Incorporation of “Green Sustainable” concepts into City’s development and plans.

BACKGROUND: The Circle K Gas Station (Circle K #1210) owned by Mac’s Convenience Stores LLC, is located at 1210 W. Market St. A Corrective Action Plan has been developed for the site which shows soil and groundwater contamination extending past the property boundary into the right of way for Market St. and into adjoining properties.

Tests showed contamination from some substances above acceptable levels in the groundwater around the site. There is no further economically feasible action that can be taken to clean up the groundwater. It is at a depth that poses minimal risk of exposure through excavation. However, there is still the possibility of coming into contact with the water through shallow domestic wells. The Illinois Environmental Protection Agency (IEPA) is requiring the City to pass an Ordinance prohibiting the use of groundwater as a potable water supply within the affected area as a

requirement for issuance of a “No Further Remediation” letter to protect the public from that possibility.

The City has approved similar groundwater ordinances and highway authority agreements for other contaminated locations in the past.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The consultant will contact the affected property owners upon approval by the IEPA.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: 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

ORDINANCE NO. 2014 - 11

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

WHEREAS, certain properties in the City of Bloomington, McLean County, Illinois have been used over a period of time for commercial/industrial purposes; and,

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class 1 groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and,

WHEREAS, the City desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

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

Section 1: Use of groundwater as a potable water supply prohibited.

The use or attempt to use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited within a rectangle whose corners are described by the following Illinois State Plane East Zone Metric Coordinates based on North American Datum of 1983 (NAD 83) and shown on Exhibit A, which is attached hereto and incorporated herein by reference.

Corner	Easting	Northing
NE	242669.875	423883.885
NW	242559.225	423829.210
SW	242676.227	423606.215
SE	242778.400	423660.957

Section 2: Penalties

Any person violating the provisions of this ordinance shall be subject to a fine of not less than \$50 or more than \$100 for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 3: Definitions

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

“Potable Water” is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Section 4: Repealer

All ordinances or parts of ordinances in conflict with this ordinance, are hereby repealed insofar as they are in conflict with this ordinance.

Section 5: Severability

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section 6: Effective Date

This ordinance shall be in full force and effect from and after its passage.

PASSED this 10th day of March, 2014.

APPROVED this 11th day of March, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT A ON FILE IN CLERK’S OFFICE)

HIGHWAY AUTHORITY AGREEMENT

This Agreement is entered into this ____ day of _____, 2014 pursuant to 35 Ill. Adm. Code 742.1020 by and between Mac's Convenience Stores LLC ("Owner/Operator") and the City of Bloomington, Illinois ("Highway Authority"), collectively known as the "Parties."

WHEREAS, Mac's Convenience Stores LLC is the owner or operator of one or more leaking underground storage tanks presently or formerly located at 1200 West Market Street, Bloomington, Illinois ("the Site");

WHEREAS, as a result of one or more releases of contaminants at the above referenced Site ("the Release"), soil and/or groundwater contamination at the Site exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742;

WHEREAS, the soil and/or groundwater contamination exceeding Tier 1 residential remediation objectives extends or may extend into the Highway Authority's right-of-way;

WHEREAS, the Owner/Operator or Property Owner is conducting corrective action in response to the Release;

WHEREAS, the Parties desire to prevent groundwater beneath the Highway Authority's right-of-way that exceeds Tier 1 remediation objectives from use as a supply of potable or domestic water and to limit access to soil within the right-of-way that exceeds Tier 1 residential remediation objectives so that human health and the environment are protected during and after any access;

NOW, THEREFORE, the Parties agree as follows:

1. The recitals set forth above are incorporated by reference as if fully set forth herein.
2. The Illinois Emergency Management Agency has assigned incident number 991849 to the Release.
3. Attached as Exhibit A are scaled maps prepared by the Owner/Operator that show the Site and surrounding area and delineate the current and estimated future extent of soil and groundwater contamination above the applicable Tier 1 residential remediation objectives as a result of the Release.
4. Attached as Exhibit B are tables prepared by the Owner/Operator that list each contaminant of concern that exceeds its Tier 1 residential remediation objective, its Tier 1 residential remediation objective and its concentrations within the zone where Tier 1 residential remediation objectives are exceeded. The locations of the concentrations listed in Exhibit B are identified on the maps in Exhibit A.
5. Attached as Exhibit C is a scaled map prepared by the Owner/Operator showing the area of the Highway Authority's right-of-way that is governed by this agreement ("Right-of-

Way”). Because Exhibit C is not a surveyed plat, the Right-of-Way boundary may be an approximation of the actual Right-of-Way lines.

6. Because the collection of samples within the Right-of-Way is not practical, the Parties stipulate that, based on modeling, soil and groundwater contamination exceeding Tier 1 residential remediation objectives does not and will not extend beyond the boundaries of the Right-of-Way.
7. The Highway Authority stipulates it has jurisdiction over the Right-of-Way that gives it sole control over the use of the groundwater and access to the soil located within or beneath the Right-of-Way.
8. The Highway Authority agrees to prohibit within the Right-of-Way all potable and domestic uses of groundwater exceeding Tier 1 residential remediation objectives.
9. The Highway Authority further agrees to limit access by itself and others to soil within the Right-of-Way exceeding Tier 1 residential remediation objectives. Access shall be allowed only if human health (including worker safety) and the environment are protected during and after any access. The Highway Authority may construct, reconstruct, improve, repair, maintain and operate a highway upon the Right-of-Way, or allow others to do the same by permit. In addition, the Highway Authority and others using or working in the Right-of-Way under permit have the right to remove soil or groundwater from the Right-of-Way and dispose of the same in accordance with applicable environmental laws and regulations. The Highway Authority agrees to issue all permits for work in the Right-of-Way, and make all existing permits for work in the Right-of-Way, subject to the following or a substantially similar condition:

As a condition of this permit the permittee shall request the office issuing this permit to identify sites in the Right-of-Way where a Highway Authority Agreement governs access to soil that exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742. The permittee shall take all measures necessary to protect human health (including worker safety) and the environment during and after any access to such soil.

10. This agreement shall be referenced in the Agency’s no further remediation determination issued for the Release.
11. The Agency shall be notified of any transfer of jurisdiction over the Right-of-Way at least 30 days prior to the date the transfer takes effect. This agreement shall be null and void upon the transfer unless the transferee agrees to be bound by this agreement as if the transferee were an original party to this agreement. The transferee’s agreement to be bound by the terms of this agreement shall be memorialized at the time of transfer in a writing (“Rider”) that references this Highway Authority Agreement and is signed by the Highway Authority, or subsequent transferor, and the transferee.
12. This agreement shall become effective on the date the Agency issues a no further remediation determination for the Release. It shall remain effective until the Right-of-

13. In addition to any other remedies that may be available, the Agency may bring suit to enforce the terms of this agreement or may, in its sole discretion, declare this agreement null and void if any of the Parties or any transferee violates any term of this agreement. The Parties or transferee shall be notified in writing of any such declaration.
14. This agreement shall be null and void if a court of competent jurisdiction strikes down any part or provision of the agreement.
15. This agreement supersedes any prior written or oral agreements or understandings between the Parties on the subject matter addressed herein. It may be altered, modified or amended only upon the written consent and agreement of the Parties.
16. Any notices or other correspondence regarding this agreement shall be sent to the Parties at following addresses:

Owner/Operator:
Matt Jordan – Compliance and
Environmental Manager
Mac's Convenience Stores LLC
P.O. Box 347
Columbus, Indiana 47202

IN WITNESS WHEREOF, the Parties have caused this agreement to be signed by their duly authorized representatives.

35

Motion by Alderman Fazzini, seconded by Alderman Painter that the Ordinance be passed and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor Pro Tem 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: Text Amendment to Chapter 45. Property Maintenance Code and adoption of the 2012 Edition of the International Property Maintenance Code (IPMC)

RECOMMENDATION/MOTION: That the Text Amendment be approved, the 2012 Edition of the IPMC be adopted as amended and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4c. Preservation of property/home valuations.

BACKGROUND: Every three (3) years the International Code Council (ICC) publishes a new set of codes and standards for adoption by governmental jurisdictions. These codes have been the City's basis for codes and standards since the mid 1950's. The 2012 edition of the IPMC is the latest edition of the standards used for property maintenance inspections and the rental inspection program.

Fortunately, the 2012 edition of the IPMC is a "status quo" code. There are only two (2) changes in the code, and these are already covered by similar or identical local ordinances. These two (2) sections pertain to overcrowding and grease interceptors. Any remaining changes clarify existing language and have little if any effect on the code or its enforcement.

The overcrowding language is found in Section 404, Occupancy Limits. This section determines the number of people allowed in a dwelling based on the space and its related size. These limits are similar to those used in the past and currently in the City's property maintenance ordinance.

Section 506.3, Grease Interceptors is being removed from the IPMC to limit confusion with the grease trap requirements already in existence in the City's plumbing code, Chapter 34.

One (1) addition to the Property Maintenance Code proposed by staff contained in the ordinance is a provision allowing for service of repair orders and other documents by e-mail in keeping with modern business practice.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice was placed in the City's local publication identifying the City's desire to update the code standards. The notice directed interested parties to a meeting of the Property Maintenance Review Board to be held on February 18, 2014 at 4:00 p.m. Notice of the meeting was also mailed to all registered landlords and/or their agents. At the meeting of the Property Maintenance Review Board, the board was presented with the proposed changes and voted unanimously to approve adoption. No public opposition was received.

FINANCIAL IMPACT: There is no direct financial impact to the City by adopting this edition of the International Property Maintenance Code.

Respectfully submitted for Council consideration.

Prepared by: Sharon Walker, Code Enforcement Division Manager

Reviewed by: Frank Kochler, PACE Interim Director

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 - 12

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 45

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

SECTION 1. That Bloomington City Code Chapter 45, Article I, Section 1, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 1: ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2012

2009

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Bloomington, being marked and designated as “The International Property Maintenance Code, ~~2009~~ 2012” as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance code of the City of Bloomington, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in ARTICLE II of this Ordinance.

SECTION 2. That Bloomington City Code Chapter 45, Article II, Sections 103.5, 107.3, 108.0, 108.2.1, 108.6, 108.7, 111, 111.1, 308.0, 308.4, 404.5, 404.5.1, 404.5.2, 506.3 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

ARTICLE II

AMENDMENTS, REVISIONS, ADDITIONS AND MODIFICATIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE ~~2009~~ 2012

SEC. 103.5 FEES.

Insert the following two sections at the end of the paragraph:

(a) Reinspection Fee. If a contractor/owner notifies the Code Official that a project is ready for final inspection and, upon inspection the Code Official finds the project not complete, then the Contractor/Owner shall pay a fee of Twenty-five Dollars (\$25.00) per inspector for each reinspection required. The fee shall be paid prior to any subsequent ~~the~~ reinspection.

(b) Inspection Fee for Code Compliance. If requested, an inspection/ investigation of an existing building/facility for Code compliance may be done by the Code Official or employee charged with enforcement of this code with authorization from the owner. A fee of Ten Dollars (\$10.00) per inspector shall be charged for said inspection/investigation.

Add to SEC. 107.3 METHOD OF SERVICE.

(4) Transmitted via e-mail to the email address of the owner or owner's agent.

SEC. 108.0 UNSAFE STRUCTURES AND EQUIPMENT.

Add the following Sections to read as follows:

SEC. 108.2.2 ~~108.2.1~~ CLOSING STANDARDS.

Structures shall be closed with uniform materials, cut to fit in a workmanlike manner, securely attached and painted to match the surrounding surfaces.

SEC. 108.8 ~~108.6~~ ADMINISTRATIVE FEE AND FINES FOR OWNING CONDEMNED PROPERTY.

(a) Any person who owns a structure condemned under this Code and who fails to bring the structure into compliance with this code within one (1) year of the condemnation order ~~to condemn~~ shall be assessed a fee of five hundred dollars (\$500.00).

(b) If the same structure referred to in paragraph (a) of this Section is not in compliance with this code within eighteen (18) months of the condemnation order ~~to condemn~~, the owner shall be fined an additional seven hundred and fifty dollars (\$750.00) ~~for the second year and two thousand dollars for each additional year thereafter in which that structure is not in compliance with this Code.~~

(c) If the same structure referred to in paragraph (a) of this Section is not in compliance with this code within two (2) years of the condemnation order ~~to condemn~~, the owner shall pay a fine of two thousand dollars (\$2,000.00). ~~The owner shall be fined an additional two thousand dollars (\$2,000.00) for the second year and two thousand dollars for each additional year thereafter in which that the structure remains condemned. is not in compliance with this Code.~~

(d) Any person who owns a structure already condemned under this Code and who has a second structure condemned shall be assessed an additional fine of (\$2,000.00) for each year the second structure remains on the condemned list. ~~The fine shall be \$2,000.00 per year even if the first structure is taken off the condemned list.~~

(e) Any person who owns two (2) structures condemned under this Code and who has a third or more structures condemned shall be assessed a fine of five thousand dollars (\$5,000.00) per structure for every year they remain on the condemned list. ~~The fine shall be five thousand dollars (\$5,000.00) per structure per year even if the first and second structures are removed from the condemned list.~~

The administrative fees and fines authorized by this Section shall be a lien on any real estate owned by such person. In addition to filing a lien upon such real estate, the City shall have the authority to collect such fees or fines by filing an ordinance violation suit or a personal collection action against the owner in court.

SEC. ~~108.9~~ 108.7 NOTICE TO BUYERS OF CONDEMNED STRUCTURE.

(a) Code Enforcement Division to Publish List. The Department of Planning and Code Enforcement, Code Enforcement Division, shall each month compile and publish a list of all structures which have been condemned and any Code violations existing in any structure on the list shall be public information and shall be disclosed to any person making inquiry. In addition, the Division shall disclose to any person making inquiry the location of any other structure condemned since the publication of the most recent list of condemned structures. A copy of the monthly list of condemned structures shall be sent to the Bloomington-Normal Board of Realtors to be made available to any members thereof. When any structure is condemned, notification of condemnation along with a copy of the inspection sheet with regard to said property shall be forwarded to the Bloomington-Normal Board of Realtors.

(b) Contents of Notice. The notices provided for in this Section shall contain the following information:

- (1) the common street address of the property;
- (2) the legal description or real estate index number of the property;
- (3) the fact that the structure on the property has been "Condemned";
- (4) the Code deficiencies found to exist on the property (which may be in the form of an attached inspection sheet) and the fact that occupancy of the structure is prohibited until necessary repairs are made, and if known, an approximate cost estimate of the cost of making sufficient repairs to permit occupancy of the structure.

(c) Real Estate Agent Must Give Notice of Defects. It shall be unlawful for any real estate agent to permit a person to execute a formal offer to purchase any property on which a condemned structure is located without furnishing said person a copy of the notice required by this Section and obtaining written receipt of such notice. The original of said notice and receipt shall be forwarded to the Code Enforcement Division.

Delete the entire Section 111 and substitute the following:

SEC. 111 MEANS OF APPEAL.

SEC. 111.1 Any person directly affected by a decision of the Code Official or a Notice or Order issued under this Property Maintenance Code shall have the right to appeal to the Property Maintenance Board of Review as provided in Section 1000 of this Chapter.

SEC. 308.0 RUBBISH AND GARBAGE

The following section shall be added:

SEC. 308.4 APPROVED REFUSE CONTAINER.

- (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 Service and approved by the City Manager.
- (4) Wheeled garbage carts issued exclusively by the City through the Department of Public Works or its designee or vendor as provided in Chapter 21 of the Bloomington City Code.

SEC. 404.0 LIGHT, VENTILATIONS AND OCCUPANCY LIMITATIONS.

The following section shall be added:

~~SEC. 404.5 OVERCROWDING.~~

~~Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.~~

SPACE	Minimum area in square feet		
	1-2 occupants	3-5 Occupants	6 or more occupants
Living Room ^{a, b}	No requirements	120	150
Dining Room ^{a, b}	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

~~a. — See section 404.5.2 for combined living room/dining room spaces.~~

~~b. — See section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.~~

~~SEC. 404.5.1 SLEEPING AREA.~~

~~The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4~~

~~SEC. 404.5.2 COMBINE SPACES.~~

~~Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.~~

Delete Section 506.3 Grease interceptors.

SECTION 3. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 10th day of March, 2014.

APPROVED this 11th day of March, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Painter that the Text Amendment be approved, the 2012 Edition of the IPMC be adopted as amended and the Ordinance passed.

The Mayor Pro Tem 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: Public Hearing for Approval and Authorization to Submit the Community Development Block Grant (CDBG) Program Year 2014 - 15 Application and Action Plan

RECOMMENDATION/MOTION: That the submission of the 2014 - 15 CDBG Action Plan to the Department of Housing and Urban Development (HUD) be approved and the Resolution adopted.

STRATEGIC PLAN LINK: Goal 2. Upgrading City infrastructure and facilities, and Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: The Code Enforcement Division and CDBG funding impacts all of the objectives listed under the strong neighborhoods goal. Demolishing vacant deteriorated structures discourages crime and preserves property values. Providing vacant lots for new home construction; funds for housing rehabilitation and transitional housing upgrades quality of older housing stock, preserves properties and encourages partnerships with residents and neighborhood associations.

Additionally, CDBG funds provide new sewer/water services; better quality of roads and sidewalks which all contribute towards the objectives upgrading City infrastructure.

BACKGROUND: On May 1, 2014, the Community Development Division will begin its Fiscal Year 40 (FY 2014 - 2015). For the past thirty-nine (39) years, the City has applied for funding under the federal CDBG Program through HUD. Since February 14, 2014, a draft of the Action Plan Executive Summary of proposed activities has been available for review and public comment.

HUD requires the jurisdiction to pursue the following overall goals: “Develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for low and moderate income persons.” The expenditure of the CDBG funds must meet the needs of the community as identified in the Council and HUD approved 2010 - 2015 Consolidated Plan. Each entitlement community may choose from a variety of eligible activities to meet the identified needs designated in the Consolidated Plan:

- Acquisition/Disposition of Property
- Public Facilities and Improvements
- Demolition
- Public Services
- Rehabilitation
- Code Enforcement
- Economic Development Activities
- Homeownership Assistance
- Relocation

- Planning and Administration

A draft summary of the 2014 - 2015 Proposed CDBG Activities as part of the Action Plan, (i.e. Budget), for Fiscal Year 40, 2014 - 2015, has been provided for review. Also included are maps indicating where division activities have taken place in the last year. Low/moderate income area encompasses a portion of five (5) different wards. In addition, projects have taken place in the remaining four (4) wards due to income eligibility. Division activities impacted the entire community, not just specific neighborhoods.

Staff recommends that Council approve the Resolution authorizing the filing of the CDBG Application for 2014 – 15, and approve the proposed budget and activities listed in the 2014 - 15 Action Plan.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Copies of the draft Action Plan Executive Summary and notification of the March 10, 2014 Public Hearing were made available for public viewing on the City's web site, at the City Clerk's Office, the Planning and Code Enforcement Office and the Bloomington Public Library.

The public notice and proposed activity list were mailed to over fifty (50) local churches and neighborhood associations located in the low/moderate income areas of the community.

In addition, notification of the availability of the draft Action Plan Executive Summary and March 10, 2014 Public Hearing was published in the February 15, 2014 Pantagraph. PATH also sent out the notice February 17, 2014 to over 1,000 individuals and/or local agencies.

FINANCIAL IMPACT: Delay or lack of approval would result in the loss of approximately \$600,000 in federal grant funds used for several programs benefiting low to moderate income families within the City.

Respectfully submitted for Council consideration.

Prepared by: Sharon Walker, Code Enforcement Division Manager

Reviewed by: Frank Koehler, PACE Interim Director

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Jeff Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 08

**RESOLUTION AUTHORIZING THE FILING OF A COMMUNITY DEVELOPMENT
PROGRAM APPLICATION FOR PROGRAM YEAR FORTY (40)**

(May 1, 2014-April 30, 2015)

WHEREAS, it is necessary and in the public interest that the City of Bloomington, otherwise known as the Local Public Agency, avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1987, to continue a Community Development Program.

WHEREAS, it is necessary for the Local Public Agency to certify that it will carry out the provisions of the Housing and Community Development Act of 1974, regulations.

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

That an application on behalf of the City of Bloomington for a grant under said Title I in the amount of \$590,000 (estimated) as the full amount available for undertaking and financing the fortieth (40th) increment of such program is hereby approved, and

1. The City Manager is hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development; to act as the certifying officer and assure the status of a responsible Federal Official under the National Environmental Protection Act of 1969; to act as the assuring officer for the City of Bloomington that the Local Public Agency shall comply with those items listed on HUD application forms.
2. The Counsel for the Code Enforcement Division is hereby authorized and directed to file legal certification.
3. The Director of Planning and Code Enforcement, Code Enforcement Division, or his designee, is hereby authorized and directed to provide such additional information and to furnish such documents as may be required on behalf of the Department of Housing and Urban Development, and to act as the authorized correspondent of the City of Bloomington.
4. The City Clerk is hereby authorized and directed to certify such documents as needed by the Department of Housing and Urban Development on behalf of the City of Bloomington.

ADOPTED this 10th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Pro Tem Alderman Schmidt introduced this item. She would not comment on this item and would also abstain from voting as she served on the Board of the West Bloomington Revitalization Project.

Sharon Walker, Code Enforcement Division Manager, addressed Council. This was the 40th year for the City to receive Community Development Block Grant funds from the federal government which have been used primarily for low and moderate income residents. A list of proposed activities was provided to the Council. The 2010 - 2015 Five (5) Year Consolidated Plan was nearing completion. It was time to start preparing the 2015 - 2020 five (5) year plan. The United Way was contracted with to prepare a needs assessment survey that was almost complete.

There were a variety of activities that were allowed with these funds. They must be tied to community needs. City staff had attempted to select those needs which served a variety of needs and demographics.

Alderman Stearns questioned the rehab loans and the application process involved. She specifically questioned the number received, awarded and those waiting for loans.

Ms. Walker stated that there were twenty-five (25) on the waiting list. This figure was typical. She added that approximately the same number of loans were processed each year. Program advertising was limited, (PATH and the Martin Luther King Jr. program booklet), as word of mouth was effective. There were limited funds available. City staff had proposed ten to fifteen (10 - 15) loans. The total amount loaned varied based on cost per project. Applicants were addressed on a first come, first served basis unless the need was urgent. Applications not filled remained on the waiting list.

Mayor Pro Tem Alderman Schmidt declared the Public Hearing open and requested a show of hands of those wishing to speak. Two (2) people responded.

Greg Shaw, 1104 N. Roosevelt, addressed Council. He currently chaired the West Bloomington Revitalization Project's (WBRP) Housing Committee. The WBRP had requested \$10,000 for a second year of home renovations. The goal was to assist residents to stay in their homes based on age and ability. Six (6) projects had been completed during the first year with \$10,000. There was a pool of volunteers. Homeowners also contributed with their labor and dollars.

Mary Campbell, 2319 Mable Rd., Normal, addressed Council. She addressed the properties located at 612, 614 and 616 W. Monroe St. She thanked Council for the \$10,000 awarded in June 2012. A report had been prepared detailing accomplishments made

possible with those funds. There were two (2) houses being rehabilitated which would improve the west side. An additional \$75,000 had been received for rehabilitation. These funds were used carefully. There was an in-kind contribution of siding for these projects. Twenty-three (23) women were being served. Recently, additional grants had been received. This would enable service to more women. The case worker had been halftime but was now three-quarters time. There would be outreach to the County jail. Most women were self referrals or from prison. She thanked PACE staff for their care and assistance with the building rehabilitation projects. Labyrinth only had one (1) women return to prison.

Mayor Pro Tem Alderman Schmidt closed the Public Hearing.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Submission of the 2014 - 15 CDBG Action Plan to the Department of Housing and Urban Development (HUD) be approved and the Resolution adopted.

The Mayor Pro Tem 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.

Abstains: Alderman Schmidt.

Motion carried.

David Hales, City Manager, addressed the Council. He commented on the Five (5) Year Consolidated Plan. The plan was being prepared and he suggested it be placed on a Committee of the Whole agenda in the near future for discussion. CDBG funds can be used for job creation. Many cities were using these funds for economic development efforts. Council should discuss and have input prior to completion of the plan. The new plan provisions would target the WBRP area. In the near future, there would be additional ideas.

The following was presented:

SUBJECT: R.R. Donnelley Economic Development Incentive

RECOMMENDATION/MOTION: That the proposed Economic Development Incentive agreement with the Community Development Corporation for the attraction of R.R. Donnelley (RRD) in the amount of \$75,000 be approved, the Resolution adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3b. Attraction of new targeted businesses that are the “right” fit for Bloomington.

BACKGROUND: According to a memo from the Economic Development Council of the Bloomington-Normal Area, RR Donnelley is a Fortune 250 company. The company is a global provider of integrated communications and works collaboratively with 60,000 customers worldwide to develop custom communications solutions. As part of a strategic modernization effort from within the company, RRD is putting resources into digital materials and services, which in turn has necessitated the creation of software development hubs around the US.

RRD is interested in Bloomington-Normal because of our proximity to its headquarters and the availability of a pool of tech industry workers who are becoming difficult to find. RRD hopes to tap the talent pool of project based IT workers that has been built-up over the years in B-N as a result of existing major employers like State Farm, COUNTRY Financial and others. RRD is interested in exploring the talent resources of the B-N labor market for a year in order to see if there is sufficient local talent for major software development projects. If RRD’s pilot project in the area is a positive one, then the company will likely continue to maintain a presence in the community thereafter.

RRD will initially locate in the “Technology Center” space in STL Technology Solutions’ building in east Bloomington. This location has been chosen because it is already set up with furniture and fixtures and presents a turnkey opportunity to get the project underway quickly. If the project does expand beyond the initial scope of the pilot, RRD will need to build or lease a larger, more permanent facility likely within the next two (2) years. Initially, the company will be hiring a minimum of fifty (50) full-time positions, with the potential to expand beyond the initial hires in subsequent years. These jobs are high tech occupations with average annual wages above \$50,000 – far higher than the average per-capita wage rate in McLean County (\$28,167). The economic impact of these jobs on the broader McLean County economy will be substantial. Furthermore, this project will fortify our economy’s tech sector helping to keep B-N as a viable destination for tech talent into the future.

Because RRD will not immediately be constructing or improving a building, our traditional real estate based incentives of Enterprise Zone and property tax abatement will be of no use to this project. Instead, the EDC is asking the City and Normal to consider offering a startup grant that would defray the pilot project’s costs for the first year. The request is for both Bloomington and Normal to each provide \$75,000 in grant funding. STL is also going to be incentivizing RRD by offering its Technology Center space and certain other facility based expenses at below market costs. The combined effect of the municipal and STL incentives will make RRD’s decision to explore the B-N market an easy one to make.

The STL Technology Center is an 8,200 square foot ready to occupy facility in east Bloomington. The proposed incentives will be used towards the facility costs for the project which include rent, refit expenses such as cabling, security doors, road signage, CIRBN broadband and computer network items.

As proposed, this incentive carries more risk compared to other deals the EDC has brought forth in the past. RRD is not making any commitment to B-N for the long-term as of now. This project as presented is a pilot to see if there is sufficient talent in the local workforce to sustain multiple software development projects. If the pilot project goes well (as we anticipate) then RRD in all likelihood will choose to remain in the community for the long-term.

Though there is risk in approving this incentive, the rewards for this project would be substantial to the community. This is a rare opportunity to attract a Fortune 250 company to B-N, and diversify our employment base beyond our existing large employers. Using the minimum employment figure of fifty (50) jobs, this incentive is still very cheap compared to global incentive averages. At just \$3,000 per job, the proposed incentive is well below the global incentive average of \$69,152 per job (Investment Consulting Associates). And, if the project does indeed expand beyond the initial fifty (50) job minimum, then that incentive per job figure will only be further reduced.

EDC proposes that the grant be paid on a quarterly basis. If RRD decides to leave B-N at any time prior to the end of the twelve (12) month agreement, then the remaining balance of the grant will be withheld.

While this incentive request may seem unorthodox at first glance, the EDC strongly encourages your support. This is a major opportunity to grow and diversify our local economy. The fact that we are going beyond our established incentive toolset to assist this project demonstrates that Bloomington-Normal is responsive to the needs of businesses and can innovate in the economic development sphere.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Economic Development Council of the Bloomington-Normal Area, STL Technology Solutions, and Town of Normal.

FINANCIAL IMPACT: This incentive is included in the Economic Development proposed FY 2015 Budget under rebates (10019170 - 79070) if approved by City Council. For Stakeholders, this can be located 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
Carla A. Murillo, Budget Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Jeff Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

ECONOMIC INCENTIVE AGREEMENT FOR RR DONNELLY & SONS COMPANY

THIS AGREEMENT IS ENTERED INTO THIS ____ DAY OF MARCH 2014 BY AND BETWEEN THE CITY OF BLOOMINGTON, ILLINOIS, THE TOWN OF NORMAL, ILLINOIS, R.R. DONNELLEY & SONS COMPANY A DELAWARE CORPORATION WITH CORPORATE OFFICES AT 111 SOUTH WACKER DRIVE CHICAGO ILLINOIS, STL TECHNOLOGY SOLUTIONS INC. AN ILLINOIS CORPORATION, NORMAN LEASING LLC AN ILLINOIS LIMITED LIABILITY CORPORATION WITH OFFICES AT 501 SOUTH TOWANDA BARNES ROAD, BLOOMINGTON ILLINOIS, THE ECONOMIC DEVELOPMENT COUNCIL OF THE BLOOMINGTON-NORMAL AREA AND COMMUNITY DEVELOPMENT CORPORATION OF THE BLOOMINGTON-NORMAL AREA

WHEREAS, the City of Bloomington and the Town of Normal are home rule units of local government with authority to legislate in matters concerning their local government and affairs; and

WHEREAS, pursuant to the Illinois Municipal Code the City of Bloomington and Town of Normal also have authority to enter into economic incentive agreements; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/8-1-2.5, provides the corporate authorities of a municipality may appropriate and expend funds for economic development purposes, including, without limitation, the making of grants to any other governmental entity or commercial enterprise that are deemed necessary or desirable for the promotion of economic development within the municipality; and

WHEREAS, R.R. Donnelly, a Fortune 500 company, is interested in locating a “Technology Center” in the City of Bloomington, and hire within a two-year period, 50 full-time computer programmers, with the potential to hire as many as 200; and

WHEREAS, R.R. Donnelly is looking at leasing space in the STL Technology Solutions’ building, owned and operated by Norman Leasing LLC, in the City of Bloomington and thereafter building or leasing a larger, more permanent facility, within the next two years; and

WHEREAS, Norman Leasing LLC, is agreeable to providing the space at below-market costs and is offering other incentives to R.R. Donnelly to assist the company’s initial location at the STL Technology Solutions building; and

WHEREAS, the Bloomington-Normal Economic Development Council is seeking to secure a one-time rent subsidy to assist with the recruitment of R.R. Donnelly to the area to assist in reducing the first year start-up costs of the project, including a \$75,000 contribution each from the City of Bloomington and Town of Normal; and

WHEREAS, the parties will utilize the Community Development Corporation of the Bloomington-Normal Area to collect the payments from the City and Town and to thereafter pay Norman Leasing LLC; and

WHEREAS, subject to receiving the financial incentives described above, R.R. Donnelly has indicated a willingness to locate a Technology Center in the City; and

WHEREAS, the development of the Technology Center in the City of Bloomington will create job opportunities within the City and provide an economic stimulus for neighboring properties and otherwise stabilize the property tax base for the City; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bloomington and Normal to enter into an Economic Incentive Agreement with R.R. Donnelly, the Town of Normal, Norman Leasing LLC, and the Bloomington-Normal Economic Development Council and for the City and Town to offer the financial incentive set forth above to assist with the recruitment of a major new employer to the City.

NOW THEREFORE IN CONSIDERATION OF THE MUTUAL COVENANTS AND
PROMISES CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:

1. Subject to the conditions provided herein the Town of Normal and the City of Bloomington each agree to grant the Community Development Corporation of the Bloomington-Normal Area seventy-five thousand dollars (\$75,000.00) for the purpose of providing a one year rent subsidy to Norman Leasing LLC for the location and operation of a Technology Center by R.R. Donnelley & Sons Company in STL Technology offices located at 501 South Towanda Barnes Road Bloomington Illinois.

2. City and Town will remit one-fourth of the grant funds (\$18,750 each) to Community Development Corporation of the Bloomington-Normal Area on a quarterly basis.

3. Subject to the conditions provided herein, Community Development Corporation of the Bloomington-Normal Area will disburse grant funds to Norman Leasing LLC on a quarterly basis beginning on the first day of the fourth month of the one year lease agreement between Norman Leasing LLC and R.R. Donnelley & Sons.

4. The conditions of the grant are as follows:

a. R. R. Donnelley & Sons Company will lease approximately 8,200 square feet of office space at STL Technology Center offices at 501 South Towanda Barnes Road Bloomington Illinois from Norman Leasing LLC (Lease). Such lease will be for a minimum period of one year and the terms and conditions of such lease shall be subject to approval by the

McLean County Economic Development Council, which approval shall not be unreasonably withheld. Norman Leasing LLC represents that the lease will be provided to R.R Donnelley & Sons at a below market rate in order to assist R.R. Donnelley & Sons in locating and operating a Technology Center in Bloomington.

b. R. R. Donnelley & Sons will, within 24 months of the beginning date of the Lease, employ no fewer than fifty (50) employees at the Technology Center. The jobs will be full-time computer programming or other full-time high tech jobs with an average annual wage above fifty thousand dollars (\$50,000). R. R. Donnelley agrees to provide monthly payroll information to McLean County Economic Development Council verifying employment and average annual salary amounts for employees working at the leased facility.

c. R. R. Donnelley & Sons and Norman Leasing LLC shall comply with all laws applicable to operation of the Technology Center and specifically agree to not unlawfully discriminate against any person. As used herein applicable law includes but is not limited to all statutes, acts, ordinances, rules, regulations, permits, licenses, authorizations, directives, orders and requirements of all Governmental Authorities as may be applicable to the construction, maintenance, use and operation of the Technology Center including those relating to employees, zoning, building, health, safety, Hazardous Materials, and accessibility of facilities.

d. During the term of this agreement R.R. Donnelley & Sons and Norman Leasing LLC shall, upon request of McLean County Economic Development Council, promptly submit to MCEDC any and all documentation reasonably requested relating to employment and leasing matters, including financial reports and information determined necessary by MCEDC in order to monitor compliance with the terms of this agreement.

e. During the term of this agreement neither R. R. Donnelley & Sons, nor Norman Leasing LLC shall seek an abatement of real estate taxes assessed against the property used for the Technology Center at 501 South Towanda Barnes Road Bloomington. In the event either party seeks a reduction in property taxes assessed against the Technology Center property, the party seeking such reduction shall provide notice to MCEDC of such application within ten days of filing an application or objection with McLean County or the City of Bloomington Township.

f. In the event R. R. Donnelley fails to comply with the above conditions the grant will be stopped and R. R. Donnelley will repay to the Town and City all grant funds disbursed under the terms of this Agreement. no further disbursements shall be made by Community Development Corporation of the Bloomington-Normal Area to Norman Leasing LLC during such period of non-compliance.

5. R. R. Donnelley & Sons, Norman Leasing LLC, MCEDC and Community Development Corporation of the Bloomington-Normal Area, severally agree to indemnify and save harmless the Town of Normal and City of Bloomington and their officers and employees against all claims by or on behalf of any person, firm or corporation arising from any breach or default in the performance of any of their several obligations under or in respect of this

agreement, any act of negligence or willful or wanton misconduct or any violation of applicable law.

6. R. R. Donnelley & Sons, and Norman Leasing LLC each waive any and all claims against the Town of Normal, City of Bloomington, MCEDC and Community Development Corporation of the Bloomington-Normal Area and their officers and employees, based in whole or in part on any decision to suspend or terminate any quarterly grant payment due to non-compliance with the terms of this agreement.

7. Termination by Town and City. In the event R. R. Donnelley & Sons or Norman Leasing LLC fail to comply with the terms of this agreement, Town and City have the right, upon ten days prior written notice to terminate this agreement and seek recovery in law or equity of any and all grant funds expended under this agreement.

8. Termination by R. R. Donnelley & Sons and Norman Leasing LLC. In the event Town or City fail to comply with the terms of this agreement, R. R. Donnelley & Sons and Norman Leasing LLC shall have the right, upon ten days prior written notice and 30 days opportunity to cure, to terminate this agreement and seek remedies provided by law, subject to the waiver of claims set forth in paragraph 6 above, which shall survive termination.

9. The parties represent that they each have the power and authority to enter into this agreement and the person executing the agreement on their behalf has been duly authorized to execute, deliver and perform this agreement.

10. The term of this agreement shall run from execution until the later of a) expiration of a 24-month period from the date of occupancy under the terms of the Lease, or b) resolution of any audit or claim under the terms of this agreement.

11. City and Town shall have the right to audit the books and records of the parties to this agreement to determine compliance with the terms of this agreement and proper application of grant funds hereunder.

12. The terms and conditions set forth in this agreement supersede all prior oral and written understandings and constitute the entire agreement between the parties with respect to the subject matter hereof.

13. This agreement shall be binding upon all the parties hereto and their respective heirs, successors, assigns or other successors in interest.

14. This agreement shall not be assigned without the express written consent of all the parties.

15. If any provision of this agreement is held to be invalid, the remainder of this agreement shall not be affected thereby.

16. This agreement shall be for the sole benefit of the parties hereto and their respective successors and permitted assigns and nothing herein, express or implied, is intended to or shall confer upon any other person any legal or equitable right, benefit or remedy of any nature whatsoever, under or by reason of this agreement.

17. This agreement shall be governed by and construed in accordance with the laws of the State of Illinois without giving effect to any choice or conflict of law provision or rule that would cause the application of laws of any jurisdiction other than those of the State of Illinois.

18. This agreement may only be amended in writing signed by each party hereto.

19. No waiver by any party of any of the provisions hereof shall be effective unless explicitly set forth in writing and signed by the party so waiving. No failure to exercise, or delay in exercising any rights, remedy, power or privilege arising from this agreement shall operate or be construed as a waiver.

20. R. R. Donnelley & Sons and Norman Leasing LLC each jointly and severally certify the representations set forth in Exhibit A attached hereto and incorporated herein are true and correct and form an essential part of this agreement.

21. This agreement may be executed in one or more counterparts each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Signed signature pages may be transmitted by facsimile or electronically by PDF document and any such signature shall have the same legal effect as an original.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first written above.

City of Bloomington, Illinois

Town of Normal, Illinois

By Tari Renner
Its Mayor

By Christopher Koos
Its President, Board of Trustees

Attest:

Attest:

Tracey Covert
Its City Clerk

Wendellyn Briggs
Its Town Clerk

R. R. Donnelley & Sons Company

STL Technology Solutions, Inc.

By _____
Its _____

By _____
Its _____

Attest: _____
Its _____

Attest: _____
Its _____

Norman Leasing LLC

Economic Development Council of
the Bloomington-Normal Area

By _____
Its _____

By _____
Its _____

Attest: _____
Its _____

Attest: _____
Its _____

Community Development Corporation
of the Bloomington-Normal Area

By _____
Its _____

Attest: _____
Its _____

RESOLUTION NO. 2014 - 09

A RESOLUTION AUTHORIZING EXECUTION OF AN ECONOMIC INCENTIVE AGREEMENT BY THE CITY OF BLOOMINGTON WITH R.R. DONNELLEY, THE TOWN OF NORMAL, NORMAN LEASING LLC, THE BLOOMINGTON-NORMAL ECONOMIC DEVELOPMENT COUNCIL, AND THE COMMUNITY DEVELOPMENT CORPORATION OF THE BLOOMINGTON-NORMAL AREA

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

WHEREAS, pursuant to the Illinois Municipal Code the City of Bloomington also has authority to enter into economic incentive agreements; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/8-1-2.5, provides the corporate authorities of the City may appropriate and expend funds for economic development purposes, including, without limitation, the making of grants to any other governmental entity or commercial enterprise that are deemed necessary or desirable for the promotion of economic development within the municipality; and

WHEREAS, R.R. Donnelley, a Fortune 500 company, is interested in locating a "Technology Center" in the City of Bloomington, with an initial hiring estimate of 50 full-time computer programmers, with the potential to hire as many as 200 by the second year of operation; and

WHEREAS, R.R. Donnelley is looking at leasing space in the STL Technology Solutions' building, owned and operated by Norman Leasing LLC, in the City of Bloomington

and thereafter building or leasing a larger, more permanent facility, within the next two years; and

WHEREAS, Norman Leasing LLC, is agreeable to providing the space at below-market costs and other incentives to R.R. Donnelley to assist the company's initial location at the STL Technology Solutions building; and

WHEREAS, the Bloomington-Normal Economic Development Council is seeking to secure a one-time start up incentive to assist with the recruitment of R.R. Donnelley to the area to assist in reducing the first year start-up costs of the project, including a \$75,000.00 contribution each from the City of Bloomington and Town of Normal; and

WHEREAS, the parties will utilize the Community Development Corporation of the Bloomington-Normal Area to collect the payments from the City and Town and to thereafter pay Norman Leasing LLC; and

WHEREAS, subject to receiving the financial incentives described above, R.R. Donnelley has indicated a willingness to locate a Technology Center in the City; and

WHEREAS, the development of the Technology Center in the City of Bloomington will create job opportunities within the City and provide an economic stimulus for neighboring properties and otherwise stabilize the property tax base for the City; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bloomington to enter into an Economic Incentive Agreement with R.R. Donnelley, the Town of Normal, Norman Leasing LLC, and the Bloomington-Normal Economic Development Council and for the City to offer the financial incentive set forth above to assist with the recruitment of a major new employer to the City.

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

SECTION ONE: That the Mayor be and he is hereby authorized to execute for and on behalf of the City of Bloomington, an Economic Incentive Agreement with R.R. Donnelley, the Town of Normal, Norman Leasing LLC, the Bloomington-Normal Economic Development Council, and the Community Development Corporation of the Bloomington-Normal Area, a copy of said Agreement is marked as Exhibit A, attached hereto and incorporated herein by reference.

SECTION TWO: That the City Clerk be and she is hereby authorized and directed to attest the signature of the Mayor on said Agreement and retain an original in her office for public inspection.

ADOPTED this 10th day of March, 2014.

APPROVED this 11th day of March, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item. He thanked the Economic Development Council for their efforts on this project. He specifically mentioned Mike O’Grady, Vice President for External Affairs, and Ken Springer, Vice President, for their leadership. Negotiations had begun in December 2013. This project would bring high paying jobs to the area. The Council could not leave the City’s economy to chance. This company could grow from fifty (50) to 200 jobs. Capital attracted capital. This was the beginning of a good investment.

Alderman Lower stated that he had a problem with spending public money on this item. The City was facing a budget crisis in the next two (2) months. He questioned if the City had reached out to the business community or if efforts had been made to raise private funding for this project. He had toured STL Technology’s facility. He was impressed with this company. He wanted to encourage forward thinking. He questioned spending public money to attract private business. The City was requesting additional tax revenue. He was opposed to any tax increase. He restated his belief that the City would set a precedent which would result in additional funding request. He questioned the structure of the proposal. He suggested offering a tax abatement for jobs created and retained. This was a venture capital project. The City needed to avoid the risk of public dollars. It was nice to attract RRD but he questioned the cost. He also questioned if there were any guarantees that these were permanent positions which would be given to City residents. He restated that this agreement was unprecedented.

Justine Robinson, Economic Development Coordinator, introduced Ken Springer, EDC’s Vice President, to address the Council.

Ken Springer, EDC’s Vice President, addressed the Council. This proposal was developed by the EDC. This proposal was intended to bring a new company and new jobs to the community. This type of economic development addressed business recruitment. The City has supported same. In order to grow the local economy, new opportunities were needed. Incentives were economic development tools. The City was competing against other communities for jobs. Incentives were part of business attraction.

Alderman Lower questioned if there were any guarantees that these employees would reside in the community, pay local taxes and come from within the community. He restated that the Council would be setting a precedent.

Mr. Springer noted that it would be the company's decision who to hire. This project would put \$2.5 million of new payroll in the community. There would some local revenue capture.

Alderman Lower restated that this proposal was unprecedented. This project would use public money and he was concern about payback.

Mr. Springer stated that there were performance standards for RRD which included creating fifty (50) positions over the next two (2) years with an average salary of \$46,000. This project was more risky than a property tax abatement or a subsidized loan. These jobs could go anywhere in the country. RRD was convinced to locate in the City.

Alderman Stearns informed the Council that she had spoken with STL. Many of her concerns were alleviated. She cited the Ashley Furniture incentive and her no vote. This project was enhancing like businesses. It addressed the reputation of the community. She shared many of Alderman Lower's concerns but this proposal represented jobs. The City's largest employer was in a precarious position and the City must move forward. She planned to support this item. The City might be setting a precedent. Illinois has seen large amounts of out migration. Incentives were part of today's economic development. The City needed to welcome any business that brought jobs to the community, not just high tech. The incentive being offered was a small amount of money. She welcomed RRD to the community.

Alderman Sage thanked the EDC for their efforts. He planned to support this project. He noted the EDC's partnership with the City. The payment were graduated. The City had some control over funds. The City has recently been named one of the top technology cities in the country. He believed that CIRBN, (Central IL Regional Broadband Network), attracted this type of business. The City and EDC were building upon these foundations.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the proposed Economic Development Incentive Agreement with the Community Development Corporation for the attraction of R.R. Donnelley, in the amount of \$75,000, be approved, the Resolution adopted and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor Pro Tem 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: Professional Engineering Services Agreement with Alfred Benesch & Company for the Design of Fox Creek Rd. Bridge and Road Improvements: Danbury Dr. to Beich Rd., RFQ No. 2014 - 24 (Ward 2).

RECOMMENDATION/MOTION: That the Agreement for the Design of Fox Creek Rd. Bridge and Road Improvements: Danbury Dr. to Beich Rd. with Alfred Benesch & Company be approved, in the amount of \$477,504.35, and the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks, and 5a. Well planned City with necessary services and infrastructure.

BACKGROUND: In January of 2013, the resubmitted an application to the Illinois Commerce Commission (ICC) for Grade Crossing Protection funding for the Fox Creek Road Bridge over the Union Pacific Railroad (UPRR). In April of 2013, the ICC notified the City that the Fox Creek Road Bridge over the UPRR was selected for inclusion in the Commission's Crossing Safety Improvement Program 5-Year Plan (Plan) for Fiscal Years 2014-2018. Projects selected for the Plan typically qualify for 60% funding from the Grade Crossing Protection Fund. The bridge is currently programmed in the ICC's Fiscal Year 2018.

The existing thirty (30) year old bridge and adjacent roadway sections are the last remaining two lane sections on the west end of the City's Hamilton/Fox Creek Rd. southern corridor. Because of the existing bridge configuration, the railroad tracks are currently a barrier to pedestrians wishing to access local schools and parks in the area. The lack of a safe pedestrian and bicycle crossing at this location presents a noted safety concern with students crossing on the narrow bridge shoulders. There are no other railroad-pedestrian crossing options available in the vicinity. Three (3) elementary schools in the vicinity of this project will be served by the addition of bike trail and sidewalk to the new bridge including Fox Creek Elementary, Pepper Ridge Elementary and Trinity Lutheran School.

On May 13, 2013, Council authorized staff to move forward with project planning activities. The first step in this process is to select an engineering firm to design the improvements. This project will fund the design work necessary to replace the existing bridge over the UPRR and the adjacent roadway sections. The agreement with Alfred Benesch & Company provides for surveying the existing site, obtaining needed geotechnical information, facilitating public comment and input, performing an alternatives analysis, coordinating with the ICC and UPRR,

and development of construction plans and specifications for both the bridge and roadway improvements.

Alfred Benesch & Company was selected using the Professional Services Quality Based Selection Process. This process involved:

- 1.) Sending out Request for Qualifications (RFQ) specific to the project,
- 2.) Reviewing the submitted Statement of Qualifications based on the criteria outlined in the RFQ and narrowing the thirteen (13) submittals down to three consultants,
- 3.) Interviewing these three consultants, and
- 4.) Selecting a top consultant and negotiating a fee with them.

These four (4) tasks are often referred to as a two-step professional services selection process. The City's procurement agent reviewed this process and confirmed that the procedure was performed in accordance with applicable standards.

A list of the engineering firms that submitted Statements of Qualifications and the three (3) engineering firms that were selected for interviews are attached. Alfred Benesch & Company was selected as the best firm to perform the Fox Creek Road Bridge & Road Improvements design because of their experience with railroad grade separations and their record of successful projects which utilized Grade Crossing Protection Funds through the ICC petitioning process.

In accordance with The Brooks Act - Federal Government Selection of Architects and Engineers (Public Law 92-582), the Illinois Local Government Professional Services Selection Act (50 ILCS 510) and the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act (30 ILCS 535), the Quality Based Selection Process must be followed if federal or state grants, loans or any other federal or state monies are used to fund any portion of the project.

Under the proposed professional engineering services agreement, the selected engineering firm will be performing analysis, completing studies and preparing design plans and specifications. Dependent upon City staffing levels and availability, there is potential to utilize the selected engineering firm to perform construction observation and inspection. If required, an amendment to the agreement for this future work will be created and submitted to Council for approval at that time. This phased approach lets staff determine work load at the time of construction and more accurately determine outside assistance requirements. The contract amount included in the Professional Engineering Services Contract will be a not-to-exceed amount. The final overall rates and fees proposed by Alfred Benesch & Company are fair, appropriate and competitive for the scope of work included.

The estimated construction cost to replace the Fox Creek Rd. Bridge over the UPRR, is \$3,532,000. It is anticipated that sixty percent (60%) of the bridge costs will qualify for reimbursement from the Grade Crossing Protection Fund. The current ICC Crossing Safety Improvement Program 5-Year Plan shows project construction beginning in FY 2018. The estimated construction cost to the City for rebuilding Fox Creek Rd. from Danbury Dr. east to the UPRR Bridge is \$1,850,000. The projects are shown in the City's 5-year capital budget for

construction in FY 2016; however, the project timelines will be adjusted to match the ICC's funding availability.

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

FINANCIAL IMPACT The FY 2014 Budget appropriates \$250,000 for design of the Fox Creek Rd. Bridge over the UPRR in line item 20300300-70050 and \$130,000 for design of Fox Creek Rd. from Danbury to the UPRR Bridge in line item 20300300-70050. Stakeholders may locate these items in the FY 2014 Budget book titled “Other Funds & Capital Improvement Program” on Page 10. The design expense over the budgeted amounts is attributable to the expansion of the project scope to include additional work on Fox Creek Rd., including widening for turn lanes and traffic signals at Danbury Dr., the inclusion of additional environmental assessments required for use of MFT funding and the addition of a public design input phase. Sufficient MFT funds are budgeted in other MFT accounts in FY 2014 that will not be used and are available to cover the additional costs.

Respectfully submitted for Council consideration.

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

Reviewed by: Barbara J. Adkins, Deputy City Manager
Jon Johnston, Procurement 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

Motion by Alderman Sage, seconded by Alderman Lower that the Agreement for the Design of Fox Creek Rd. Bridge and Road Improvements: Danbury Dr. to Beich Rd. with Alfred Benesch & Company be approved, in the amount of \$477,504.35, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

The Mayor Pro Tem 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: Text Amendments to Chapter 21. Refuse, Section 300.1(a) and Section 301.6.

RECOMMENDATION/MOTIONS: That the Text Amendments be approved and the Ordinances passed.

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: Staff has expressed concerns about logistics and efficiency in regard to refuse collection at multiple family residences throughout the study and analysis of the Solid Waste Program. As staff proceeded with accepting cart orders from the public, these issues rose to the forefront. This memorandum will provide general updates on the program as a whole (Attachment 2), two (2) issues come to the Council with recommended text amendments:

- Refuse fees in regard to the Downtown and Bloomington Housing Authority properties and at apartments in which owners wish to enact cart sharing among tenants, Chapter 21. Section 301.6. This text amendment also corrects language to reflect the intent of Council and staff regarding residents substituting refuse carts.
- Collection at apartments with more than six (6) units, Chapter 21. Section 300.1 (a).

Apartment cart sharing

Throughout the process of study and analysis of solid waste collection, staff has strived for efficient and effective service through implementation of automated refuse collection. In regard to multifamily residences, issues regarding logistics of collection and efficiency when collecting multiple carts at a location have been raised at various times.

The question of whether to and how to accommodate cart sharing among apartment tenants arose as staff began accepting cart orders from the public. To date, there has been no decision at the Council level regarding cart sharing. Mailers for cart orders were sent to each individual residence, including every apartment in multifamily buildings. A number of landlords contacted the City wishing to order carts for the building as a whole in order to have fewer but larger carts. Staff believes this to be a beneficial request both for efficient collection of refuse and space issues seen by property owner.

Positives: A multifamily property owner would have less storage demands and greater efficiency under tenant cart sharing. Also, some property owners take it upon themselves to set out refuse. Their work would be lessened. For the City, the savings are in time and gasoline – picking up,

two (2) 95 - gallon carts instead of five (5) 35 - gallon carts as an example. The space needed along the parkway would also be reduced. This would be especially useful along streets with on-street parking, where Public Works anticipates having difficulty accessing carts. Associated benefit: Cart sharing might prompt landlords and tenants to begin or increase recycling. Staff will raise the topic of obtaining recycling carts in the course of a conversation with a landlord regarding refuse carts. An addition of a recycling cart will not increase direct cost to the landlord or tenants. Apartments currently produce little recycling compared to single family homes. Staff is concerned given the nearby landfill space is dwindling and recycling is environmentally responsible. While recycling carts are typically assigned to a specific apartment unit, staff is willing to assign a shared recycling cart, registered under the landlord's name, to an entire apartment building.

Negatives: Garbage cart sharing will require more administrative work to arrange and keep track of each cart sharing property. Also, it creates a problem in tracking the carts themselves. Individual carts are issued by serial number to addresses, including apartment unit numbers, and are the responsibility of the homeowner or tenant. Cart sharing means carts will be collectively assigned to an address with unclear responsibility for the equipment. Cart sharing also creates an accounting issue. If staff's recommendation is followed, tenants of a five (5) unit complex would be billed a combined \$80, (\$16 times five), per month. However, the five (5) unit complex might be served by two (2) 95 - gallon carts, which among single family residences would generate \$40 per month (\$20 times two). An audit of revenue generation becomes complicated as revenue would exceed the simple mathematical equation of revenue generated per cart.

Financial impact: Cart sharing should create minor financial savings. The extent of revenue is unknown and dependent upon how many landlords select this option.

Three options: Staff formulated three (3) options regarding cart sharing, with a recommendation for Option 2.

- Option 1: Decline to allow cart sharing. Each apartment unit has its own cart. For a five (5) unit apartment, this could mean five (5) 35 - gallon carts or it could mean a combination of cart sizes. The landlord is required to make accommodations for storage based on the tenants' cart orders. Landlords also have the option of declining City service and contracting for solid waste service. *Not recommended by staff.*
- Option 2: A landlord can request cart sharing in writing, landlord determines the number of carts and sizes needed, as long as the number of larger carts, (65 - gallon and/or 95 - gallon), equals half the number of units or less. (Examples: a five (5) unit building sharing carts, the maximum number of 95 and 65 - gallon carts would be a total of two (2); a six (6) unit building would be allowed up to three (3) 95 and 65 gallon carts, etc.). The Public Works Director or his designee must agree and sign off on the cart sharing arrangement. Each unit will be charged the minimum fee under the City's new variable structure - \$16, starting May 1, 2014. Landlords also have the option of declining City service and contracting for solid waste service. *Recommended by staff.*

- Option 3: For accounting purposes, the larger carts are assigned to specific units. For example, two (2) tenants of a five (5) unit complex might be billed for a 95 gallon cart, (\$20 per month apiece), while three (3) are billed for 35 gallon carts, (\$16 apiece). The difference is a dollar per week, the unfairness seems glaring. *Not recommended by staff.*

Conclusion: Option 2 marks a departure from the Council policy of affixing a price to every ratepayer based on the size of a cart actually being used. However, cart sharing would better achieve the Council policy to continue service to multiple family residences, as expressed by the vote on September 23, 2013. It also better aligns policy with Strategic Plan Objective 1d, which states “City services delivered in the most cost-effective, efficient manner.” Under Option 2, the departure from the new billing structure would save the City money, increase efficiency and accommodate owners and tenants of multiple family housing. While it complicates the cart tracking and billing processes, it does not do so to an unreasonable level and it simultaneously eases garbage collection.

Condominiums: Condominiums represent a collection of individually owned properties and would not qualify for cart sharing under staff’s proposal. Cart sharing requires common ownership.

Other proposed changes to Refuse Fee

Three (3) other changes are proposed in the Refuse Fee section of Chapter 21.

- Setting the monthly fee for Downtown residents at the lowest residential rate - currently set for \$16 as of May 1, 2014. Cart use will not be practical in the Downtown. Downtown residents receive no curbside service for bulk or recycling. Therefore, staff recommends that they should be charged the minimum fee for refuse service.
- Setting the monthly fee for Bloomington Housing Authority (BHA) residents at the lowest residential rate - currently set for \$16 as of May 1, 2014. Like Downtown, BHA properties will continue to receive manual collection for logistical reasons. Therefore, a refuse fee based on cart size does not apply. Noting that the Council already has a provision for discount to low-income households, staff believes it fair and right to charge BHA residents the minimum fee, which is the discounted rate - currently \$16, starting May 1.
- Upsizing carts: Staff believes the Council on December 9, 2013, intended to set a \$30 administrative fee for ordering larger carts when making a substitution from a smaller to a larger cart. The proposed ordinance amendment clarifies the meaning of the provision.

Collection of refuse at larger apartment complexes

A second proposed text amendment involves reconsideration of collection at large apartment complexes. The Council on September 23, 2013, voted against staff’s proposal to end service to apartments with *more than four (4) units*. It voted to leave apartments under City service unless the owner opts out of the program. As the cart roll-out nears, logistical concerns regarding collection at large apartment complexes persist. Informal conversations have occurred recently, and the topic has arisen. Aldermen Schmidt and Stearns recently indicated that they do not

oppose ending service to apartments with *more than six (6) units*. They are familiar with property management issues, as they own rental property. Both voted to retain service to apartments on September 23, 2013. The proposed ordinance, therefore, has been revised to withdraw service to apartments with *more than six (6) units*. Staff recommends approval.

It is staff's belief that high density apartment complexes are better served by the private sector. A high-density complex is served best logistically by concentrating collection at central points through the use of trash dumpsters and recycling dumpsters. Private haulers are equipped with trucks to unload these dumpsters. The City has no trucks equipped to handle roll-off dumpsters and acquiring and staffing them would require substantial investment. Most property owners also see the logic in this; the owner of Eisenhower Dr. apartments withdrew from City services after considering logistical issues, including storage of tenants' garbage carts. Other owners of major complexes previously opted out of City service. The proposed ordinance would prevent them from initiating or returning to City service and would prevent new high density complexes from entering the City's collection system.

High density apartment complexes present a serious dilemma in that they lack storage facilities for mass numbers of wheeled carts. It also would be onerous to keep track of a specific cart assigned to a specific apartment unit within the complex. Because of their weight, even when empty, the carts cannot be safely carried to upstairs hallways. They must be stored at ground level, unless the apartment is equipped with an elevator. Cart collection also presented a problem: parked cars would block collection trucks from accessing the rows of carts that tenants would place along the parkway. The drivers of automated refuse collection trucks would constantly have dismount and wheel the cart to the automated arm for pickup.

Six units or fewer: By retaining City service to apartments with up to *six (6) units*, the City will maintain services to most if not all houses that have been divided into apartment units and to small apartment buildings. This primarily affects rentals in older neighborhoods near the City's core. Keeping these house type apartment buildings under City service remedies two (2) major concerns expressed by Council members in September 2013 during discussion regarding discontinuance of service: unsightliness of large, steel roll-off bins (dumpsters) in neighborhoods, including our historic areas, and additional truck traffic in the neighborhoods necessitated by private collection. Please note that the text amendment wording specifies that the units be on the same parcel to be considered as an apartment building. Therefore, if an owner has two (2) adjacent houses divided into six (6) apartments each, the property still qualifies for City service as two (2), six (6) unit buildings, unless the two (2) houses are on a single parcel.

Scope: According to City billing records, the proposed ordinance would result in discontinuances of refuse service for fourteen (14) properties with a combined 127 apartment units. The largest is a twenty-three (23) unit complex at 307 Riley Dr. A listing was provided to the Council. The original proposal, rejected by the Council in September 2013, would have removed sixty-three (63) buildings with 643 units from City service.

Condominiums: Condominiums represent a collection of individually owned properties and, while posing logistical challenges, would remain under City service unless a condominium association opts out of service.

Bloomington Housing Authority properties: BHA and the City have made arrangements for continued manual collection of refuse. The properties are not privately owned apartments and are not part of the proposal.

FINANCIAL IMPACT: The financial impact will be limited. The 127 units which would have service discontinued currently generate \$2,032 in revenue per month. Solid Waste is an Enterprise Fund, the fund annually is made whole through a subsidy from the General Fund. Therefore, the current refuse system and its individual parts cannot logically be seen as making money.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

ORDINANCE 2014 - 13

AN ORDINANCE AMENDING SECTION 300.1 OF CHAPTER 21 (REFUSE) OF THE BLOOMINGTON CITY CODE, AMENDING THE SCOPE OF REFUSE COLLECTION SERVICE

BE IT ORDAINED BY THE
CITY COUNCIL OF THE CITY OF BLOOMINGTON:

SECTION ONE: That Section 300.1 (a) of Chapter 21 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(a) The City shall provide refuse collection service from residential buildings with six units or less, but only for refuse generated by occupants of said residential buildings. The City will not pick up refuse from parcels with more than six residential units on the parcel. Refuse generated at another residence or business location will not be collected. Refuse shall be collected only under circumstances provided for herein.

Property owners and/or their agents have the option of declining City service and contracting for private solid waste collection services upon written notification to the Public Works Department.

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

SECTION THREE: That this ordinance shall take effect ~~March 2~~ May 1, 2014.

SECTION FOUR: That this ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution.

ADOPTED this 10th day of March, 2014.

APPROVED this 13th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE 2014 - 14

AN ORDINANCE AMENDING SECTION 301.6 OF CHAPTER 21 (REFUSE) OF THE BLOOMINGTON CITY CODE, AMENDING THE SCOPE OF REFUSE COLLECTION SERVICE

BE IT ORDAINED BY THE
CITY COUNCIL OF THE CITY OF BLOOMINGTON:

SECTION ONE: That Section 301.6 of Chapter 21 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

Section 301.6: Refuse Fee.

Effective May 4, 2012, there shall be a charge for refuse collection of refuse to the owner and/or occupant of every dwelling unit for which refuse service is actually provided by the City. Such fee shall be in the amount of sixteen dollars (\$16.00) per month per single family dwelling and sixteen dollars (\$16.00) per month for each unit in a two family or multi-family dwelling. Effective May 1, 2014, for a single family dwelling and for each unit in a two family or multi-family dwelling, such fee shall be based on the size of the refuse cart as follows: sixteen dollars (\$16.00) per month, per single family dwelling and for each unit in a two family or multi-family dwelling for one 35-gallon refuse cart; twenty-one dollars (\$21.00) per month, per single family dwelling and for each unit in a two family or multi-family dwelling for one 65-gallon refuse cart; and twenty-five dollars (\$25.00) per month, per single family dwelling and for each unit in a two family or multi-family dwelling for a 95-gallon refuse cart.

Effective May 1, 2014, the owner of a multiple-family dwelling may elect to have multiple tenants share garbage carts. The tenants must all live within a building or buildings located on a single lot or on lots abutting one another. In such cases, the property owner shall notify the Department of Public Works in writing and the property owner shall decide upon the number of carts and the size of carts to be used by the tenants. The Director of Public Works has the discretion to approve, amend or refuse the request and his/her judgment is final. If the cart-sharing request is approved by the Director, the Refuse Fee will be assessed for each residential unit at the lowest residential fee, as if each unit has individually ordered one 35-gallon cart. The fee will be assessed as such regardless of whether the property owner or the tenant has assumed primary responsibility for payment of the Refuse Fee.

Effective May 1, 2014, residents of Bloomington Housing Authority units who are excluded from the wheeled cart collection process shall pay the lowest residential fee set by the City.

Effective May 1, 2014, residents living within the Downtown Service Area (defined as the area west of East Street, east of Madison Street, north of Front Street and south of Locust Street; and Front Street from East Street to Prairie Street) who are excluded from the wheeled cart collection process shall pay the lowest residential fee set by the City.

The refuse fee shall be payable on a monthly basis. There shall be a thirty dollar (\$30.00) fee for ~~any an exchange or substitution of an ordered and delivered refuse cart provided by the City if the substituted cart is larger than the original cart. that are is larger than the original cart.~~ There shall be no charge for substitution of additional refuse carts if the substituted cart is that are the same size as the original cart or smaller than the original cart. Failure to pay the fee upon billing by the City may result, at the City's option, in the placement of a lien against the real estate or may result in the filing of a complaint in Circuit Court seeking a personal judgment against the owner or persons interested in the property subject to such refuse fee, termination of refuse services, termination of water service or other remedies. The election of a particular remedy shall not constitute a waiver of any other remedy available to the City for collection of the refuse fee. The owner(s) and tenants of multi-family housing properties shall be exempt from the upsizing fee if their upsizing is a direct result of City-approved cart-sharing arrangements described above in this section.

The owner of the dwelling unit, the occupant thereof and the user of the services shall be jointly and severally liable to pay such refuse fee and the services are furnished to the dwelling unit by the City only on the condition that the owner of the dwelling unit, occupant thereof and user of the refuse service are jointly and severally liable. The refuse fee for such refuse collection shall be paid in advance, for which the City of Bloomington shall provide refuse collection service to the dwelling unit at least once each week.

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

SECTION THREE: That this ordinance shall take effect May 1, 2014.

SECTION FOUR: That this ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution.

ADOPTED this 10th day of March, 2014.

APPROVED this 11th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Pro Tem Alderman Schmidt introduced this item.

Barb Adkins, Deputy City Manager, addressed the Council. The Council had discussed this item at length. Automatic collection started on March 3, 2014. At the Council's direction, issues have been researched regarding refuse. Staff recommended that cart sharing be allowed at established rates. City staff's recommendations also included that the City not provide solid waste services to buildings with more than six (6) units.

Alderman Schmidt noted the number of options. She noted cart sharing and the City providing solid waste services to buildings with fewer than six (6) units.

Alderman Stearns thanked City staff for their efforts. Under Option 2 cart sharing would be allowed. Landlords with buildings with six (6) or fewer units had the option of contracting with a private waste hauler (dumpster). She expressed her disappointment that residents would not be charged based upon volume. It was a great deal for the City to require payment per unit. Recycling was available but not incentivized. She questioned the diversion rate and cost of recycling.

Rodney Henson, Superintendent of Refuse, informed the Council that the base charge of \$16 per month included all solid waste services. Recycling was up over 100 tons per month since the City started automated single stream. Recycling was a commodity so the income varies each month from \$2,000 to \$20,000 per month. Recycling diverted solid waste from the landfill. It resulted in lower tipping fees. Participation was voluntary.

Mayor Pro Tem Alderman Schmidt questioned how a landlord could initiate cart sharing.

Mr. Henson presented the Council with a copy of the Cart Sharing Request Form. There would be no charge to exchange larger carts for smaller ones. The carts would be exchanged and then the landlord would be notified.

Alderman Fazzini believed that the motion needed to be amended. The amendment would address allowing landlords to decline solid waste services.

Alderman Fruin stated his intention to vote no. He opposed the fee structure as it strayed from a focus on financial management and operational efficiencies. It also added administrative costs. Condominiums would be treated differently than apartments. For refuse collection to be effective and efficient in the future, it needed to be simple. He understood cart congestion and the need to address same.

Alderman Sage expressed his respect for Alderman Fruin's comments. He recommended that the Council revisit this item in six (6) months and make adjustments if necessary. Open issues could be addressed in September 2014.

Motion by Alderman Lower, seconded by Alderman Fazzini that landlords also have the option of declining City service and contracting for solid waste service.

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

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

Nays: Alderman Fruin.

Motion carried.

Motion by Alderman Lower, seconded by Alderman Black that the amended Text Amendments be approved and the Ordinances passed.

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

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

Nays: Alderman Fruin.

Motion carried.

MAYOR DISCUSSION: Mayor Renner thanked Alderman Stearns for attending the One Voice meeting. Representatives from various groups in McLean County were in Washington, D.C. Local government needed assistance with mental health issues.

He also thanked Alderman Schmidt for serving as Mayor Pro Tem.

ALDERMAN DISCUSSION: Alderman Sage clarified that the Ashley Furniture Agreement included certain performance metrics that must be met to receive City funding.

Justine Robinson, Economic Development Coordinator, provided an update. She had received documentation that Ashley Furniture was meeting all of the metrics. The City was seeing the results.

Alderman Fruin noted the evening's recognitions. He believed that the City was not doing this often enough. He challenged everyone to recognize City staff and community members.

Alderman Lower thanked the EDC, (Economic Development Council), for their efforts. He specifically cited Mike O'Grady, Vice President for External Affairs, and Ken Springer, Vice President. He enjoyed working with the EDC.

He thanked citizens and City staff for their snow removal efforts. It had been a difficult winter.

Alderman Stearns commented on Ashley Furniture. She questioned if their competitors had come forward for assistance. Fairness was needed. The City needed to welcome all.

Ms. Robinson noted \$6 million in sales leakage was identified in this market. She had met with other retailers and offered the City's assistance. She added that both the EDC and the City were willing to meet with any interested party.

Motion by Alderman Fazzini, seconded by Alderman Black, that the meeting be adjourned. Time: 8:16 p.m.

Motion carried.

**Tracey Covert
City Clerk**

WORK SESSION

Budget

March 20, 2010

Council Present: Aldermen Stearns, Huette, Anderson, Sage, Hanson, McDade, Purcell, Schmidt, Fruin, Schmidt, and Mayor Stephen F. Stockton.

Staff Present: David A. Hales, City Manager, Barb Adkins, Deputy City Manager, Tim Ervin, Director of Finance, Craig Cummings, Water Director, Ben McCready, Administrative Office, Seasonal Staff, and Renee Gooderham, Deputy City Clerk.

Staff Absent: Tracey Covert, City Clerk.

The Work Session was called to order at 8:09 a.m. Mayor Stockton cited the Work Session topic and reviewed the agenda. He recommended discussion of the proposed \$1.6 million budget reduction after the department presentations.

David Hales, City Manager, opened the meeting. He recommended amending the agenda to reflect Bloomington/Normal Public Transportation as item seven (7). The Bloomington/Normal Public Transit Board held their meeting on March 19, 2010.

Mr. Hales stated his appreciation to Staff and Council. The goal was to complete department presentations and begin Council discussion. Mr. Hales introduced Craig Cummings, Water Director.

Mr. Cummings addressed the Council. He provided an overview of the water fund. The department consists of five (5) divisions. The meter service and billing division reads approximately 30,000 meters each month. There were currently 90,000 customers and 300 miles of pipes within the City. The department also provides billing for the Bloomington Normal Water Reclamation District and Julie locate services. The projected FY 2011 budget was up \$1 million over the FY 2010 budget. The city's water rates were scheduled to increase on May 1, 2010. Mr. Cummings explained that the weather pattern affects usage which drives revenue. Expenses for FY 2010 had risen but were less than FY 2009. The department produces a product that is consumed. The Julie locate program was an example of an unfunded mandate. They respond to over 16,000 requests per year. Staff had not been increased to meet the demand. Mr. Cummings noted that work was driven by safety standards i.e. underground trench, chemical safety. Both of these areas affect the budget. Reducing spending was a priority. Maintenance remains an area of concern. He cited fire hydrants as an example. There were thirty (30) hydrants out of service. On line bill payment was introduced in April 2009, currently there were 5,000 customers.

Mr. Cummings described the goals for FY 2011: 1.) proactive maintenance of water infrastructure; 2.) ensure cost effective measures for infrastructure improvements; 3.) self fund all capital projects.

He discussed radio reading water meters. The introduction of these radios would eliminate one (1) position with the remaining two (2) positions phased out in subsequent years

The Water Department also provides for services and maintenance on and around Lake Bloomington. Service examples like plowing snow on the roads, salting, and picking up dead animals were cited. The residents paid toward those costs through their lease. Mr. Cummings recommended that lake leases recover the full amount for those services.

Alderman Huette questioned lease increases. Mr. Cummings responded leases were in effect for ninety nine (99) years. An original lease holder would not have the potential for an increase until 2029 or unless the property sold. He suggested increasing lease fees with proper notice.

Alderman Anderson questioned if there was a time table to review leases. Mr. Hales responded that a lease study was currently underway. Ben McCready, Administrative Office, Seasonal Staff, addressed the Council. The comprehensive report would be reported back to Council. Mr. Hales stated that lease amounts should support services and maintenance at the lake. Alderman Anderson inquired if leases were revenue generating. Mr. Hales responded that that could be a policy option.

Alderman Huette questioned the courtesy patrol. Mr. Cummings stated that Ranger Rick retired. The current position was part time. Residents were asked to contact the Sheriffs Department. Mayor Stockton commented that Ranger Rick was well liked and was missed by the residents.

Alderman Hanson stated his belief that residents were willing to pay for services. He understood the concerns at the lake. This was not an easy fix. He reminded Council that the residents were not the only benefactors, it was community wide. Mayor Stockton stated that it was fine balance. Alderman Hanson believed that the Lake Bloomington Association was willing to partner with the City.

Alderman Purcell questioned policy when buildings were built on City property. Mr. Cummings stated that past practice was to keep peace and wait for the lease to renew. He asked for policy direction from the Council. Alderman Purcell asked if it was possible to collect additional income. Mr. Cummings responded only when the lease renews.

Alderman Anderson questioned construction. Mark Huber, Planning and Code Enforcement Director addressed the Council. The McLean County Board approved structures and the City issues the building permit. He noted that building code standards were hard to enforce. The area was large and removed from the city.

Alderman Purcell questioned the amount of staff for FY 2009 – 2010. Mr. Cummings stated seasonal employees were reduced last year. Seasonal staff free up full time staff to focus on other projects. He gave the example of inspections. This would reduce the need for consultants.

Alderman Purcell questioned Water Treatment plant changes. Mr. Cummings stated that a new carbon dioxide system was on the capital improvement projects list. Next year the goal would be to replace old filters. The plan would identify a safe capacity level. Consumption was down due to water conserving fixtures like low flush toilets. Mayor Stockton inquired if the city had reached capacity. Mr. Cummings replied that in 2005 the city reached twenty two (22) gallons. It was believed that this was brought on by the drought. Mayor Stockton suggested a drought ordinance.

Alderman Sage expressed interest in a conservation policy

Alderman Hanson suggested placing unfunded mandates on the city's web site.

Alderman Sage requested the number of unfunded mandates. Alderman Fruin suggested listing them by department. Mr. Hales responded that he trusts Staff to work out the details and communicate the information to the citizens.

Mr. Hales introduced Tim Ervin, Finance Director.

Mr. Ervin addressed the Council. He referred to the city's long term debt on page 291 of the FY 2011 Recommended Budget. He spoke about each bond background and provided information on individual rates. The debt per capita comparing core cities was provided on page 293. In FY 2009 our debt per capita was \$1,041 based on a population of 74,975. Our debt ratio was below cities close to our population. He suggested using the debt per capita a performance measure.

Mr. Ervin referred to Exhibit A on page 294, Bond Payment Schedule. Bond payments were made twice a year June 1st and December 1st. He explained that payments would fluctuate for the next five (5) years as the principle was paid down. For example the total bond payment for FY 2011 was \$7.2 million the 2012 payment drops to \$4.5 million and then hovers around \$5.6 million.

Mr. Hales questioned when the principal payment begins on the Coliseum bond. Mr. Ervin responded FY 2012. He reminded Council that these bonds were taxable.

Mr. Hales questioned refinancing the 2001 bond. Mr. Ervin explained that refinancing would move \$900,000 into the City's cash flow. It was better to payoff the bond.

Mayor Stockton asked about a debt policy and the need to strike a balance. Mr. Ervin suggested three major policies: 1.) investment; 2.) reserve; and 3.) debt service (to formally set performance measures).

Mayor Stockton stated that the City's debt service was below most for a home rule municipality and includes city's not home rule.

Alderman Hanson requested a percentage chart showing debt per equalization assessed value. He realized the chart would be projections.

Alderman Purcell cited a Barron's article which stated that cities had issued too much bond debt. Fees were raised and people were out of work. He mentioned the Tea Party.

Mr. Hales stated a debt policy would assist citizens with understanding general fund vs. enterprise fund.

Alderman Stearns arrived at 9:15 a.m.

Mr. Ervin provided an overview of Capital Projects from page 299. A small table at the bottom of page 309 indicated funds which when paid off would be closed. The tax increment district (TIF) for the Downtown remained listed. As the fund was paid the expenses would be reduced and the fund eventually closed.

Alderman Schmidt questioned Downtown TIF property tax dollars. Mr. Ervin explained that Mike Ireland, Township Assessor would reassess the TIF area. The funds would be redistributed based on tax levies submitted. He reminded Council that tax dollars for 2010 would be collected in 2011.

Alderman Sage expressed appreciation for the fund chart.

Alderman Stearns questioned obtaining TIF accounting through the freedom of information act. Mr. Ervin responded that each TIF was shown on the Comprehensive Annual Financial Report (CAFR) individually.

Mr. Hales pointed out that a general template and description of the projects was provided. He used the street resurfacing project as an example. This project consisted of two (2) funding streams \$ ½ million from motor fuel tax (MTF); and \$1 million from the general fund.

Alderman Sage questioned if these projects were linked to annexation agreements. Mr. Hales responded affirmatively. Alderman Anderson stated his belief that the City was feeling the pain due to past agreements.

Alderman Hanson asked for a road map for potential bond issues. He cited the Colton Combined Sewer Overflow (CSO) as an example. Alderman Stearns echoed Alderman Hanson. Mr. Hales stated that Jim Karch, Public Works Director was currently working on a capital improvement plan to prioritize and balance projects. Alderman Schmidt requested clarity on project completion dates.

Major Stockton expressed his interest in the creation of a fee subsidy study, and capital expense policy. The question to be answered was what portion of the budget should be invested in the infrastructure. Mr. Ervin stated that polices create goals.

Alderman Hanson raised concerns about infrastructure decay. The mode of spending and the revenue generated had not been balanced.

Alderman Stearns questioned if the Route 66 plan was tied with the Town of Normal. Mr. Hales responded affirmatively.

Alderman McDade suggested placing the capital projects list on the city's web site with links to the associated maps. Mr. Hales thanked the Engineering Division of Public Works for the maps.

Alderman Fruin challenged Council to find a balance of catching up current capital projects before new ones begin.

Mr. Hales asked Council to manage expectations of himself and Staff. It was his belief that there was continuous improvement and the action agenda was very aggressive.

Major Stockton urged balance suggesting Council complete these items first: 1.) maintenance; 2.) economic development; and 3.) quality of life. It was his belief that without these the community would not thrive.

Mr. Ervin began the Pension overview by referring to the articles which begin on page 481 of the FY 2011 Recommended Budget. He found the article Historic Public Safety Pension Enactments referencing timelines very interesting. He encouraged reading the articles. The Fire and Police and Illinois Municipal Retirement Fund (IMRF) pensions were in separate funds. IMRF was mixed with general funds and enterprise funds. He reminded Council that State Statute determine the amount of funding. The pensions had increased twenty to thirty percent (20 – 30%) across the board. The tax levy increase of 8.58% was tied to the pensions.

Mr. Hales presented a Full Cost Analysis for Entry Level Position(s). The handout represented the suggested four (4) new staff positions. He pointed out that IMRF pensions were 1/3 in cost when compared with Fire and Police Pensions.

Alderman McDade stated her appreciation for the handout. She questioned a tolerable level of funding for pensions. She inquired how the City compared with other counties and public employers. Mr. Ervin stated the City was a little above average. Alderman McDade asked if there were best practices and or changes to fund pensions. Mr. Ervin stated that City of Evanston fund pensions through licenses and food and beverage.

Alderman Sage questioned if the practice to hire new employees going forward would factor in the amount of pensions. Mr. Hales responded affirmatively.

The Council took a break to attend the ribbon cutting and open house for the West Bloomington Revitalization Project at 10:15 a.m.

Mayor Stockton called the Work Session back to order at 10:46 a.m. Mr. Hales introduced Mark Huber, Planning and Code Enforcement Director.

Mr. Huber addressed the Council. He provided a brief program description. The budget was less last year. The department has four (4) divisions: 1.) Code Enforcement; 2.) Planning; 3.) Community Development; and 4.) Facilities and Parking Management. Eleven (11) employees had taken early retirement or were laid off. The goal was to be 100% funded through permit fees. Every three to four (3 – 4) years fees were reviewed when the new code is adopted. New construction was down in the last quarter (¼) of 2009 and had bottomed out the first (1st) quarter (¼) of 2010. Permits had increase during the same timeframe. More people were remodeling their homes. Permits fees in 2009 were the lowest in twenty (20) years.

Mr. Huber stated that the Legal Department was currently reviewing the City's past practice of waiving fees. He cited the Cedar Ridge development as an example. Alderman McDade questioned if the policy would be used as a guide only. Mr. Hales stated that the expectation was 100% cost recovery. The question was how to make up the difference when fees were waived. The currently policy was too general; a higher level sets a better tone.

Alderman Stearns questioned if most of the fees were waved for Cedar Ridge. Mr. Huber stated affirmatively and would continue until the threshold was reached.

Alderman Purcell questioned personnel figures from page 144. Mr. Huber explained that he was the .25, split between the four (4) divisions.

Mr. Huber presented the overview for the Planning Division. The new planner, Mark Woolard had been hired. The budget had shrunk. He highlighted the FY 2010 accomplishments. He stated his belief that as the economy turns around the current staffing level would not be adequate.

Mayor Stockton recommended that the comprehensive plan include spots for industry. Create a policy of in fill. He questioned were where the high priority areas. He stated that the current plan had identified old areas. Mr. Huber responded that the 2010 Census would assist with ideas. He cited the rail yard and the Eureka plant as possibilities.

Tracy Covert, City Clerk arrived at 1045 a.m.

Respectfully submitted,

Renee Gooderham
Chief Deputy Clerk

WORK SESSION

Budget

April 5, 2010

Council Present: Aldermen Judy Stearns, Kevin Huette, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin, and Mayor Stephen F. Stockton.

Staff Present: David A. Hales, City Manager, Barb Adkins, Deputy City Manager, Tim Ervin, Director of Finance, and Renee Gooderham, Deputy City Clerk.

Staff Absent: Tracey Covert, City Clerk.

The Work Session was called to order at 5:59 p.m. Mayor Stockton cited the Work Session topic and reviewed the agenda. Tonight's purpose was to finalize questions and move ahead to the April 12, 2010 City Council meeting.

David Hales, City Manager, opened the meeting. Information requested from previous work sessions had been provided. He referred to handout FY 2011 General Fund Recommended Budget Surplus. There was a budget surplus of \$500,000. The proposed changes would result in a revised budget surplus of \$180,141. Bloomington Normal Transit's budget would be reduced by five percent (5%), the Economic Development Council (EDC), Convention & Visitors Bureau (CVB), and the Downtown Business Association (DBA) budgets would be reduced ten percent (10%) rather than twenty (20%). Mr. Hales stated his belief that the reduction of ten percent (10%) was a starting point. An increase to road resurfacing expenditures was also included.

Mr. Hales referred to page two (2) of the FY 2011 General Fund Recommended Budget Surplus. A meeting had been conducted with Erica Kubish, Executive Director, DBA. Terry Lindberg, McLean County Administrator had indicated his belief of the benefits of a Special Service Area (SSA) within the Downtown area. The contribution from the City was \$15,000. Mr. Hales believed that the legal services could be conducted in house reducing the City's contribution by \$2,000. The County had stated they would contribute toward the SSA.

Alderman Schmidt arrived at 6:09 p.m.

Mayor Stockton stated his agreement with Mr. Hales. The ten percent (10%) reduction was a good faith compromise.

Alderman Anderson questioned the CVB's room count impact. Mr. Hales replied that there were many indicators of fair and reasonable allocation of costs. Alderman Anderson questioned the public's perception. Mayor Stockton replied that there was a continued need of accountability. Alderman Anderson stated his belief that the agency terms should be no longer than two (2) years.

Alderman McDade left at 6:10 p.m.

Alderman Schmidt stated her preference of performance indicators for the agencies similar to those of staff.

Alderman Fruin questioned the lessons learned one (1) year ago. That the messages sent to agencies should be sent as a governing body rather than individually. He also questioned the agencies administrative direction.

Alderman McDade returned at 6:20 p.m.

Alderman Stearns stated her belief of staying with the twenty percent (20%) reduction.

Alderman Sage questioned when performance measures would begin. He requested that agencies provide business plans. They should be accountable. Mayor Stockton replied that performance measures had been presented. They were a work in progress.

Alderman Stearns questioned the performance measures. It was her belief that the numbers were extremely subjectable. Mayor Stockton stated that there was room for improvement.

Alderman Anderson questioned the City's focus. His belief that the EDC needed to be better. Direction needed to be provided.

Aldermen Fruin and Schmidt stated the City's goal of grow the local economy.

Mr. Hales stated that the requirements could be in the form of a resolution. Mayor Stockton stated that the performance measures would indicate future funding.

Alderman Fruin stated his belief that some performance indicators can not be controlled. Alderman Schmidt believed that these need to be established now instead of later.

Alderman Anderson suggested meeting every quarter to review. Mr. Hales stated that performance measures would be ongoing.

Alderman Stearns restated her belief that the true numbers would be hard to obtain. She questioned how to link them to funding.

Alderman McDade stated her belief that data was tricky. Not everything can be controlled. Council needed to be straight forward, give specific goals. Alderman Fruin suggested blending the goals with the entire County. Mayor Stockton replied that the City could only control our funding. Alderman McDade replied that performance measures should not hold up the budget approval. Mr. Hales replied that there needed to be an understanding of Council requirements. He reminded Council that bench marking would not be simple. He suggested starting out small to show progression. Mayor Stockton requested better discussion of the requirements. The requirements could be

brought to the Council at a later date. Alderman McDade questioned same funding percentage for all agencies.

Aldermen Stearns and Purcell stated the twenty percent (20%) reduction was appropriate. Mayor Stockton reminded Council that the SSA was a separate item.

Mr. Hales stated that reductions would be worked into the budget. The Council meeting of April 12, 2010 would be for simple changes and citizen input.

Mayor Stockton informed Council that Katie Buydos, Administrative Secretary, had sent the comments from the open house held on March 30, 2010 via email.

Alderman McDade requested clarification of the new personnel positions. Mr. Hales responded that three (3) firefighters would be hired. The remainder budgeted would be placed into a line item referred to as Professional Services Contract. The goal of this line item was to achieve goals. Alderman McDade agreed with the line item which was tied to the strategic plan. She asked for examples to present to citizen for their clarification. Alderman Anderson stated his belief that five percent (5%) of the public does not want the six (6) permanent hires. Alderman Sage questioned the benefits and pensions associated with professional service hires. Mr. Hales stated that benefits and pensions would not be associated.

Alderman Purcell stated his belief that the future was unknown financially. He did not want to hire personnel only to have lay offs. Mike Kimmerling, Fire Chief, addressed the Council. The Board of Fire and Police would still have to grant permission. He anticipated new personnel hired within three (3) months. Alderman McDade stated her belief that call volume warranted the hires. Alderman Purcell requested a contingency plan prior to the April 12, 2010 Council meeting.

Mr. Hales reminded Council that the next (2) Council meeting agenda's would be heavy due to the end of the FY. Aldermen McDade requested a list of items prior to the meetings. Alderman Anderson echoed same.

Alderman Stearns stated that she was conducting several meetings in the upcoming weeks with her ward. She requested ample time be allowed for citizen input. She also questioned video communication of the Council meetings. Mr. Hales stated that audio upgrades were budgeted. Web visual would be budgeted FY 2012.

There being no further business the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Renee Gooderham
Chief Deputy Clerk

WORK SESSION
BCPA Budget Deficit and Creativity Center
Ward Redistricting Maps
FY 2013 (Summer 2012) Street Resurfacing
Major Transportation Project Priorities
EDC's Vacant Building and Property Program
October 10, 2011

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

Staff Present: David Hales, City Manager, Barb Adkins, Deputy City Manager, Todd Greenburg, Corporation Counsel, and Renee Gooderham, Chief Deputy Clerk.

Staff Absent: Tracey Covert, City Clerk.

The Work Session was called to order at 5:45 p.m. Mayor Stockton cited the Work Session topics and reviewed the agenda. There would be budget discussion for the Bloomington Center for Performing Arts (BCPA) and the planning of the Creativity Center. He cited page 25 of the BCPA Subsidy and Creativity Center update, BCPA Nine Year History. He requested David Hales, City Manager provide explanation of same.

David Hales, City Manager, addressed the Council. The 2001 Home Rule Sales Tax increase provided \$2.1 million to the BCPA budget. He reminded Council that the BCPA was a special revenue fund. The operating and capital expenses were separate. Bonds were issued in 2004 to purchase the former physician's building located, 107 E. Chestnut, also known as the Creativity Center. In 2005 bonds were issued for the renovation of the former Scottish Rite Temple. Operating expenses began 2000 - 2007 with the opening of the facility. In 2008 debt service increased to \$990,000. Fund balances continued to decrease. The current fiscal year (FY) deficit was ½ million. Expenses change from year to year depending on programing. Reserves were decreasing. Projections for FY 2013 are reserves will be enough to balance the BCPA budget. He commended John Kennedy, Parks Recreation and Cultural Arts Director and Joel Aalberts, Marketing Manager Parks Recreation and Cultural Arts for providing the history and information contained in the packet.

John Kennedy, Parks Recreation and Cultural Arts Director, addressed the Council. He suggested revenue enhancements and/or expenditure reductions. He stated that each had pros and cons. The economic impact should be considered. The challenge would be finding the balance between private and public funding. The following were considered when pricing an event: 1.) selection; 2.) rental of events and 3.) opportunities available.

The Creativity Center had received \$1.1 million from private fund raising and/or federal grants. These funds were restricted to the Center. The Farnsworth Group was hired

February 2010 to finalize renovation plans. The cost for the renovation was \$5.2 million. Phase 1 would address mechanical and structural issues. A black box theater was the largest dollar amount requested from the public. The creation was estimated at \$2.7 million. He believed the theater would be obtainable through fund raising. The design was completed. It was a matter of the type of community commitment level.

Mr. Hales requested guidance for FY 2013 budget. He stated that the BCPA was one (1) of several fiscal challenges. He referred to the discussion on page 43 of the BCPA Subsidy and Creativity Center. Private funds paid the design contract. The motion had two (2) conditions: 1.) City staff undertake a study of the Creativity Center which would address the building's management, operations, and fiscal policy; and 2.) City staff present the Council with a long term model for the Creativity Center. This is staff's attempt to address same. At that time there was Council concern with long-term commitment. Private investors and donors were questioning the level of commitment.

Mayor Stockton cited capital and operating costs as budget issues for the Creativity Center. Council had stated that capital costs should be raised privately. Council needed to show a commitment. There had been discussion with bringing partners in to assist with the operating costs.

Alderman Fazzini stated that the ¼ percent sales tax increase was not to be capped at \$1.5 million. He suggested reinstating the sales tax funding. He suggested including information from the Bloomington-Normal Area Convention and Visitors Center (CVB) listing the city benefits from events held. He questioned the number of seats. Mr. Kennedy responded 1196. Alderman Fazzini stated that the Normal Theater sold seats for \$150 each. Mr. Kennedy responded that seats had been sold during the renovation. More seats were available. Alderman Fazzini suggested partnering with Heartland Community College for grants.

Mayor Stockton questioned the impact of ¼ percent sales tax. Mr. Hales responded it would reduce resources in the general fund by \$700,000.

Alderman Schmidt echoed Alderman Fazzini's statement that the ¼ percent sales tax was intending for the BCPA. She believed excess funds were to be used for the Pepsi Ice Rink, Pepsi Ice parking garage, and Police hire back program. The money generated for the sales tax was referred to as a Downtown Coliseum and BCPA fund. She had previous concerns that funding could fall below \$1.5 million.

Alderman Fazzini believed the sales tax funded a variety of different Downtown projects. The money was taken from the original intent to fund same. He believed that Mr. Hales' reference to reducing the general fund would only be giving the money back. Uniquely Bloomington a/k/a Downtown Business Association worked for four (4) years to determine a funding stream based on quality of life, artist goals and finances. He was part of the original Commission who made the presentation. He would not have made his financial recommendation had he known the ¼ percent would be capped.

Alderman McDade cited pages 22 and 23. On June 10, 2002 Council voted to cap the ¼ percent sales tax. She read from same. She was not clear if staff had already placed the money into the general fund and the memorandum made it formal.

Mr. Hales stated that it was clear in 2002 that Council was capping the ¼ percent sales tax. The sales tax in 2002 & 2003 generated \$2.9 - \$3 million. For five (5) years the BCPA received \$1.5 million. The recession had reduced the amount of sales tax received. The City was still operating under previous Council policy decision. The \$1.5 million is insufficient to balance the BCPA fund. Revenue needed to be raised and operating expenses reduced. He requested Council direction now or in the months ahead.

Alderman McDade questioned the intent in 2000 and the policy decision in 2002. Alderman Schmidt explained originally the entire amount was given to the BCPA. There were many discussions on the funds generated by the sales tax. There were several downtown buildings which required funding. The belief was to use the money for the betterment of the Downtown. Without the cap the funding for the BCPA could fall below the \$1.5 million. It was a safeguard. Alderman McDade questioned having a downtown funding stream versus placing the money in the general fund.

Alderman Sage cited a paragraph on page 22 which stated that the estimated \$1.5 million would be more than sufficient to meet the BCPA needs.

Alderman Purcell stated that the belief was the \$1.5 million was sufficient. There was no discussion on the amount falling short in the future.

Alderman Fazzini believed either way the money will come from the general fund.

Mr. Hales believed there was a third (3rd) option. The assumption was the service level remaining the same. The City had been revising the levels of service due to the economy. He cited the US Cellular Coliseum as an example. Twenty to twenty – five percent (20 - 25%) of their operating expenses had been reduced. Council could decide which services would be eliminated. To maintain current levels money would come from the general fund.

Alderman Stearns questioned generating revenue versus subsidizing. She questioned balancing tickets prices on an event. She requested more information on strategies. Presenting what is profitable versus not so. Council could be willing to subsidize the less profitable. Mr. Kennedy responded that ticket prices and additional revenue streams were set to cover the direct expenses. Direct expenses include: artist fees, additional fees to bring them into the city, marketing expenses, and seasonal labor salaries. If certain events are not selling but is reaching a certain demographic ticket prices are set at an affordable level. Other revenue streams considered include sponsorships and Illinois Arts Council grants.

Mayor Stockton clarified the difference between operating costs of the US Cellular Coliseum and the BCPA. Council was being asked to subsidize the cost of full time

employees and the operating expenses for show to break even. Mr. Kennedy responded affirmatively.

Alderman Mwilambwe cautioned viewing the BCPA as a profit versus losses. There were shows that brought more to the community. He requested conversations on the big picture. Mr. Kennedy stated that the economic impact information leaned towards the arts industry. Crystal Howard, Director, (CVB) Bureau was contacted for more information.

Mayor Stockton cited three parallel goals with the Coliseum: 1.) operating costs; 2.) attendance/number of people entertained and 3.) the benefits to the community.

Alderman Purcell cited the 2005 General Operating and the 2004 Variable Bond Debt on page 2 and the BCPA Fund Balance on page 3. He questioned how much more was required to operate. Mr. Kennedy responded the current deficit was \$500,000. In the next five (5) years the estimate was \$350,000 - \$380,000.

Alderman Stearns questioned the \$500,000. Mr. Kennedy stated the amount included capitol purchases.

Alderman Fruin stated his appreciation for the information provided. He stated that any time there is a mix of community interest and private donations Council should be very sensitive and show a real commitment. Past and present Councils have stated that the Downtown is important.

Alderman Sage questioned private donations. Mr. Kennedy stated the donations were for the Creativity Center. Alderman Sage stated that Council should not dictate the type of programs. The \$1.5 million was intended to fund the BCPA. Expenses should be cut and ticket prices rose to assist with the deficit.

Mayor Stockton cited Council concerns: 1.) how much funding increase; 2.) impact of funding from general fund; 3.) increase to debit service; 4.) opportunities to enhance revenue; and 5.) cutting expenses. He asked BCPA staff and the Cultural District Commission to address these at a later date. He questioned the Creativity Center funding. He believed that the BCPA expenses needed to be resolved prior to Creativity Center discussion. Council had concerns with subsidizing and operating costs of same. Council needed to state the level of commitment.

Alderman Fruin believed the BCPA and the Creativity Center were one issue.

Alderman Sage stated his focus was on priorities. He cited the following concerns: BCPA deficit, Enterprise Fund deficit, Pension funding, and flat EAV's. Consumer spending was down. He cited infrastructure and economic development as already established priorities.

Mayor Stockton requested that Mr. Hales and staff address BCPA funding and then the Creativity Center.

Mayor Stockton introduced the topic Ward Redistricting Maps. Council was provided twenty-three (23) maps. David Hales, City Manager stated these maps were available on the City's website under City Council. Depending on discussions maps would be posted separately. He questioned which maps to post and direction going forward. Mayor Stockton stated his belief that the Pantagraph has also posted these maps.

Alderman Purcell had reviewed the maps. He requested the least amount of ward boundary disruption so Aldermen could continue working with the citizens whom relationships had established. Mayor Stockton reminded Council of the twenty-six-percent (26%) deviation. It would be difficult not to move ward boundaries. He acknowledged relationships had been established. Compactness and population deviation should also be considered.

Alderman Anderson believed that Alderman should not have input. An Ad Hoc Committee was appropriate. He did not want ward issues to be factors. The decision was better left up to the citizens.

Alderman Schmidt echoed Alderman Anderson's statement. It could be perceived that there were vested interests. They were elected by the citizens therefore citizens should make the decision. The law describes what wards should look like. It has to do with cohesiveness and gerrymandering. Alderman Fruin had previously suggested establishing a hybrid system. She believed this decision was not their's to make. The citizens should answer what wards would look like and how they are organized.

Alderman Purcell stated the possibility that three (3) Aldermen could be in the same ward. He believed it was unfair to have three (3) Aldermen in the same ward.

Alderman McDade questioned the timeline and deadlines. Todd Greenburg, Corporation Counsel, addressed the Council. The new ward boundaries deadline is October 6, 2012. The deadline for petitions of Aldermen in odd numbered wards is October 16, 2012. He reminded Council that even numbered ward elections would be in 2015. Regardless of how the boundaries are redrawn under state law no one is removed from Council even if an Alderman is no longer residing in an even numbered ward.

Mayor Stockton stated that advice can be taken from a Commission but Council had the final vote. Mr. Greenburg responded affirmatively.

Mr. Hales restated the formal deadline. He had spoken with the Bloomington Elections Commission. Their recommendation was to reach a decision sooner than later. It provided opportunity to citizens interested in running for Alderman. Citizens would have an understanding of the ward they were residing.

Alderman McDade stated concern with an Ad Hoc Committee. The Committee could go down a path that Council would not support. There could be pressure to meet deadlines. Ultimately Council would have the final decision. She stated concern with weaving the ideas of ward boundaries and hybrid systems versus an at large system. The redistricting of wards was following state law and the results of the 2011 Census. She did not want to be a part of any conversation concerning other forms of government from the Council. She believed that discussion belonged to the voters.

Alderman Fazzini stated his support of an Ad Hoc Committee. The Committee should consist primarily of past mayors and alderman. He believed they would have an understanding of the City and its best interests at heart. He would also like for them to consider the hybrid system.

Alderman Anderson questioned establishing a hybrid system at the same time. His concern was with the possibility of having to redo ward boundaries again. Mr. Greenburg responded that legally a change would take a referendum on the spring 2012 ballot. It would take a vote of the citizens to change the current system. Mayor Stockton stated to place an item on the spring ballot a petition would need to be filed seventy-eight (78) days before the election. Mr. Greenburg stated that Council could ask for a question to place on the ballot. Public money cannot be spent on a referendum.

Alderman Sage questioned if in 1981 citizens had requested the change from an at large system to a ward system. Mr. Greenburg believed that a majority of the Council was against the ward system. Alderman Sage stated that there has not been prior practice of Council changing the form of government. Mr. Greenburg responded affirmatively. Alderman Sage echoed Alderman McDade's concern with changing the form of government. If citizens want to head toward that direction Council would support it. He assumed if an Ad Hoc Committee formed Council would provide detailed direction. He questioned the advantage.

Mayor Stockton reminded Council that the main factors were in the statute. The Committee would work from the statute. If Council was not willing to make the decision then too much detail should not be given to the Committee. It would defeat the purpose of the committee. If citizens were interested in a hybrid or at large system they should begin the petition process soon.

Alderman Stearns questioned the statute wording on developing a commission. Mr. Greenburg stated it is silent. She believed citizens should provide advice to a commission. Mr. Greenburg responded that Council could provide that direction. She understood the separation of ward redistricting and a different form of government. She questioned if the commission could discuss both. Mr. Greenburg stated that if it is not on the ballot then it cannot happen. She questioned the number of signatures required for an item to be placed on the ballot. She believed it was very high. Mr. Greenburg responded he did not know. She was in favor of a citizen commission who provided advice on ward redistricting.

Alderman Purcell stated that the shape and number of citizens within a precinct was determined by the McLean County Board of Elections Commission. He questioned the need for an Ad Hoc Committee. He questioned selection of citizens for the committee. Would they actually have any more information than the Council? He believed the Council should make the decision. There was not a need for a hybrid system.

Alderman Fruin stated he had been through redistricting. Council would make the final decision on the ward map. He echoed Alderman Schmidt's statement that the seats belong to the citizens. The Council appreciates community participation. A committee should not make a decision and then have the Council reject it. He questioned the Ad Hoc Committee's objectives. The driving factor was to minimize deviation within wards. He was in favor of not providing a lot of direction. To hear from the group on what they think the primary issues were. Should Downtown be represented by one Alderman or split? Focus should be on the redistricting. The second step should the citizens desire to pursue a different form of government would be next. The first map has the current deviation of twenty-six percent (26%). Mayor Stockton stated that alternative number one (1) had the best deviation 6.72%. Deviation increases with each alternative presented. Alderman Fruin stated the objective was ward population close to 8500 as possible. Wards were going to change.

Mayor Stockton stated that ward map alternative number one (1) was below ten percent (10%) deviation. Precinct 38 and 25 seem to be the peninsulas with the rest being fairly compact. He suggested obtaining public input for two (2) weeks on alternative one and two (1 & 2). If the input received dictated the need to establish a commission then staff could prepare a memorandum for the next Council meeting. If the input seems to agree with the choices then the commission would not be established.

Alderman Mwilambwe questioned methodology. Mr. Hales stated that Troy Olson, Engineering Technician, utilized technology tools to draw the maps. The County did not take a high tech approach to draw maps. There could be more variations which take time and could overload Council. There are three (3) statutory tests and beyond that information presented would be overwhelming. The rest of the questions would be subjective. Staff was uncomfortable drawing the maps out further. A memorandum could be developed for Council. He cautioned obtaining a lot of public input and establishing an Ad Hoc Committee. It could be redundant.

Alderman Fazzini believed the last time there was redistricting State Farm provided the maps. Mayor Stockton stated that it could take several months for State Farm to draw the maps. Alderman Fazzini stated that twenty-three (23) maps were too many. He echoed Mayor Stockton's thoughts to have one or two alternatives for public input. After that Council should vote. Mr. Hales reminded Council that they decide which maps were available for public input.

Alderman Streans questioned when the new boundaries become official. Mr. Greenburg responded spring 2013 when odd numbered wards were up for elections and spring of 2015 for even numbered wards.

Mayor Stockton suggested that staff present alternatives: 1.) adoption of a particular ward map and 2.) creation of the Ad Hoc Committee. He requested the public review the first two or three maps and provide input. The input would assist Council on how they proceed.

Mr. Greenburg clarified that staff could not recommend which maps to post on the website. The Mayor could nominate setting up a commission and the Council would confirm. Council needed to provide direction to staff on committee composition and which maps to post.

Mr. Hales stated a resolution for an Ad Hoc Committee and their limitations could be drafted. All twenty-three (23) maps would be posted on the city's website, radio and the Pantagraph encouraging public input. All of these maps would then be brought back to Council for vote.

Alderman McDade stated her appreciation for the maps provided by staff. It was now time for Aldermen to move forward. An Ad Hoc Committee still needed to be defined. The state statute was specific. She questioned the committee's role.

Mayor Stockton stated there was not time to define a commission. Staff could assist with standards. The maps need to be posted and public input received.

Alderman Fruin stated that placing maps on the website was a good idea.

Alderman Streans agreed with Alderman Fruin comments. She was leaning towards a strong public input without a committee.

Alderman Sage stated his concern with staff's position. Mayor Stockton suggested Council providing input to staff. Council would have the final vote.

Mayor Stockton suggested bringing the item to Council in four (4) weeks. Mr. Hales stated four (4) weeks would possibly bring better public input.

Mayor Stockton introduced the FY 2013 (Summer 2012) Street Resurfacing and Major Transportation Project Priorities. He asked that David Hales, City Manager provide an update on same.

David Hales, City Manager, addressed the Council. He referred Council to the map labeled Resurfacing – 2012 Preliminary Plan Est. \$2.5 million. He asked Council review same. Staff would provide reasoning for selected streets at a later date. The objective was to bid the project late winter early spring. The goal was to complete the work mid to late summer. He questioned if \$2.5 million was sufficient. Information from the packet stated the amount would not provide a good schedule for the resurfacing program.

Mr. Hales provided background on the upcoming Economic Development Commission (EDC) sponsored Trans Summit. The purpose was to discuss large transportation

projects that the City, Town of Normal and McLean County want the EDC to lobby Washington, DC. These would be collaboration. Council was provided information on Metropolitan Planning Organization five (5) year traffic impact analysis. He pointed out that there were more projects then funding. The goal was to become eligible for State and Federal funding. He cited the possible funding of an east west connection with Hamilton Rd. The completion of this road has economic development and efficient transportation benefits. Staff was reviewing major transportation projects which no funding was available. He requested Council input for other possibilities.

Alderman Mwilambwe left at 7:16 p.m.

Alderman Stearns questioned resurfacing alleys. Mr. Hales responded affirmatively. Jim Karch, Director Public Works addressed the Council. Last year's resurfacing was a success.

Mayor Stockton introduced the Economic Development Commission (EDC) Vacant Building and Property Program topic. He asked that David Hales, City Manager provide an update on same.

David Hales, City Manager, addressed the Council. He provided background on the EDC program. He cited the Wilder properties, located at 1101 Bell and 1601 GE Rd and the Railroad property as meeting the criteria. One (1) property would be selected from each City. Marty Vanags, CEO, EDC, believes that two from each City could be selected yearly. Staff suggested the Wildwood property (old Eureka plant) located at 1101 Bell to begin.

Alderman Mwilambwe returned at 7:19 p.m.

Mayor Stockton requested Council contact Mr. Hales with other suggestions.

Respectfully submitted,

Renee Gooderham
Chief Deputy Clerk

SPECIAL SESSION
CITY COUNCIL
City Hall Conference Room
February 24, 2014

Council present: Aldermen David Sage, Mboka Mwilambwe, Judy Stearns, Rob Fazzini, Karen Schmidt, Jim Fruin, Scott Black, Kevin Lower and Mayor Tari Renner.

Staff present: David Hales, City Manager, Jeff Jurgens, Interim Corporation Counsel, Jim Karch, Public Works Director, Patti-Lynn Silva, Finance Director, Laurie Wollrab, Compensation & Benefits Manager, Angie Brown, HR Specialist, and Tracey Covert, City Clerk.

Mayor Renner called the Special Session to order at 5:01 p.m. He noted the topics: Collective Bargaining, Section 2 (c) (2); Approval of Closed Session Minutes, Section 2(c)(21) ;and Biannual Review of Closed Session Minutes, Section 2 (c) (21).

The Special Session would commence with a presentation by Jeff Jurgens, Interim Corporation Counsel, regarding closed session training.

Jeff Jurgens, Interim Corporation Counsel, addressed the Council. He planned to review proper procedures and discussions for closed session. He had prepared a handout for the Council. The handout had been reviewed by other local government attorneys. It addressed the process for going into closed session. The Council should commence a closed session with motion which required a roll call vote. He added that there must be a quorum physically present.

The Council should announce if it planned to take any action afterwards. If action is planned then said action must be listed on the meeting agenda.

Once in closed session, the recording device must be started. A second roll call should be taken to identify everyone present for the record. The prefer method was to have each person in the closed session state their name and position.

He cautioned the Council that adversaries should not be invited into closed session. There was no negotiating in closed session.

Announce the reason/purpose of the closed session. If the reason is probable/imminent litigation, the Council should state the finding for, enter the basis for the finding. This should be entered into the minutes plus Council's consensus regarding same.

The Council needed to stay focused. It was easy to stray. The Council had the ability to reach a consensus but no final action can be taken.

Mayor Renner noted that he would be able to obtain a sense of the Council.

Mr. Jurgens restated that any vote must be taken in open session. The Council had the ability to set a direction.

Mayor Renner expressed his interest in determining if there was a majority consensus on an item.

Mr. Jurgens informed the Council that the content of closed session meeting minutes can be approved in closed session. He had reached out the Attorney General's (AG) Office to confirm same. In addition, the Council can perform the review of closed session minutes and determine what to release.

Mayor Renner noted that the Council is provided with a list of minutes. The Council would vote in open session regarding which was to release.

Mr. Jurgens acknowledged that a report of the Council's decision is made in open session. He recommended the use of a resolution.

Mayor Renner added that this action would be based upon the Council's action taken in closed session. He noted that a Council member may want to release minutes which the Council was not recommending for release. In this case, the Council member could choose to vote no.

Mr. Jurgens affirmed that a Council member can disagreed with the Council's decision.

When the closed session is complete, a motion is made to adjourn the closed session. A voice vote should be taken. The last step would be to stop the recording device.

The Council would return to open/special session and make a motion to adjourn. A roll call vote should be taken.

Mr. Jurgens prepared a page of sample motions. After the motion to go into closed session is approved, the Council should determine who would be in attendance at the closed session. If there is controversy regarding those in attendance, a motion should be made and vote taken.

Alderman Stearns addressed legalities regarding a plan to disclose the content of closed sessions, i.e. talking about.

Mr. Jurgens noted that the driver should be the release of closed session minutes. The Council could adopt mechanisms. The Council needed to feel free to voice opinions. Ninety percent (90%) of Council actions were public and completed in the public eye. Confidentiality was important. There were communities that did not release closed session minutes. It was key to protect confidentiality.

Mr. Jurgens had prepared general topic guidelines and recommendations. They addressed common closed sessions. The AG's Office narrowly construed closed session. The Council needed to stay on topic.

Alderman Black questioned probable litigation. He noted that there would not be a lawsuit filed. He specifically questioned what type of action should be taken.

Mr. Jurgens cited the AG's Office's high standard. He cited the online Open Meetings Act training. There is a scenario regarding an angry citizen who threatens the Council during an open meeting. In this case, the AG's Office would not support a closed session. Probable litigation needed to be evaluated on a case by case basis. If an individual has retained an attorney, then there would not be an issue.

Motion by Alderman Mwilambwe, seconded by Alderman Fruin to recess to closed session regarding Collective Bargaining, Section 2 (c) (2); Approval of Closed Session Meeting Minutes, Section 2 (c) (21); and Biannual Review of Closed Session Meeting Minutes, Section 2 (c) (21). Time: 5:22 p.m.

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

Nays: None.

Motion carried.

Motion by Alderman Stearns, seconded by Alderman Mwilambwe to adjourn the closed session. Time: 5:55 p.m.

Motion carried, (viva voce).

Motion by Alderman Schmidt, seconded by Alderman Black to return to Special Session and adjourn. Time: 5:56 p.m.

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

Nays: None.

Motion carried.

Respectfully submitted,

Tracey Covert
City Clerk



FOR COUNCIL: March 24, 2014

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 March 20, 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:

A handwritten signature in black ink, appearing to read "David A. Hales".

David A. Hales
City Manager

Motion:

Motion: _____ Seconded by: _____

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



FOR COUNCIL: March 24, 2014

SUBJECT: Appointment to John M. Scott Health Resource Center

RECOMMENDATION/MOTION: That the Appointments be affirmed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1e. Partnering with others for the most cost-effective service delivery.

BACKGROUND: I ask your affirmation of the following appointment:

John M. Scott Health Resource Center: Laura Grant, Family Stabilization Coordinator affirming Mid Central Community Action's appointment to this Board. Ms. Grant shall serve until May 30, 2016. Mid Central Community Action, Inc. is authorized to select an individual for appointment to this Board by the Trustees.

John M. Scott Health Resource Center: Nicole Smith, Community Impact's Asst. Director, affirming the United Way of McLean County's appointment to this Board. Ms. Smith will complete Ashley Long's appointment. The United Way of McLean County is authorized to select an individual for appointment to this Board by the Trustees.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

Motion: **That the Appointments be affirmed**

Motion: _____ Seconded by: _____

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



FOR COUNCIL: March 24, 2014

SUBJECT: Reappointments to Various Boards and Commissions

RECOMMENDATION/MOTION: That the Reappointments be approved.

STRATEGIC PLAN LINK: Goal 3. Strong neighborhoods.

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

BACKGROUND: I ask your concurrence in the reappointment of:

- Bernard Anderson of 12 Hiddenlake Ct., 61704 to the Mid Central Community Action Board. His four (4) year term will expire February 28, 2018.
- Barbara Meek of 1914 Hackberry Rd., 61704 to the Board of Zoning Appeals. Her three (3) year term will expire April 30, 2017.
- Julie Morgan of 705 Ohara, 61701 to the Property Maintenance Review Board as the Citizen At Large member. Her three (3) year term will expire April 30, 2017.
- Valerie Dumser of 809 W. Washington, 61701 to the Property Maintenance Review Board as the Small Landlord member. Her three (3) year term will expire April 30, 2017.
- John Capodice of 2827 Capodice Rd., 61704 to the Property Maintenance Review Board as the Large Landlord member. His three (3) year term will expire April 30, 2017.
- Sue Floyd of 608 N. Lee St., 61701 to the Citizen's Beautification Committee. Her three (3) year term will expire April 30, 2016 (term expired 4/30/2013).
- Martha Burk of 904 S. Clinton St., 61701 to the Citizen's Beautification Committee. Her three (3) year term will expire April 30, 2016 (term expired 4/30/2013).
- Patti-Lynn Silva of 109 E. Olive St., 61701 to the Police Pension Board. Her two (2) year term will expire April 30, 2016.
- Rhonda Smith of 2 Rock Garden Ct., Duplex #2, 61704 to the Human Relations Commission. Her three (3) year term will expire April 30, 2017.
- John Elliott of 1408 Kurt Dr., Apt #10, 61701 to the Human Relations Commission. His three (3) year term will expire April 30, 2015 (term expired 4/30/2012).

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Assistant

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Board Rosters

Motion: _____ Seconded by: _____

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

Board of Zoning Appeals

Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Re/Appointment Date	Year First Appt	Reappointment
Chair (re-appt'd 1/13/13)		Mike	Ireland	816 S. Mercer	Bloomington	IL	61701	04/30/18	01/13/13	2003	
		Barbara	Meek	1914 Hackberry Rd.	Bloomington	IL	61704	04/30/14		2010	eligible
		William	Zimmerman	1413 Mill Creek Rd	Bloomington	IL	61704	04/30/16	01/09/12	2012	
		Richard	Briggs	3 Sable Oaks Ct.	Bloomington	IL	61704	04/30/17	05/13/13	2003	
		Robert	Kearney	514 S. Moore	Bloomington	IL	61701	04/30/17	05/13/13	2006	
		Amelia	Buragas	23 White Place	Bloomington	IL	61701	04/30/17	05/13/13	2013	
		James	Simeone	1923 E Taylor	Bloomington	IL	61701	04/30/17	05/13/13	2013	
Staff		Mark	Woolard	109 E Olive	Bloomington	IL	61701				

Details:

Term: 4 years (3 years as of 5/1/2014)
 Term Limit per City Code: 3 terms/9 years
 Members: 7 members
 Number of members the Mayor appoints: 7
 Type: Internal
 City Code:
 Required by State Statute: No
 Intergovernmental Agreements: None
 Funding budgeted from COB for FY2014: None
 Meetings: 3rd Wednesday of each month at 3:00pm in the Council Chambers
 Number of Vacancies: 0
 Number of Expired Board Members (Blm Appointments only): 0

Appointment/Reappointment Notes:

Property Maintenance Review Board

Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Appointment Date	Year First Appt	Reappointment
Tenant		VACANT									
Contractor		Mark	Fetzer	1713 Whitmer Ct	Bloomington	IL	61704	4/30/16	12/09/13	2013	
Large Landlord		John	Capodice	2827 Capodice Rd	Bloomington	IL	61704	4/30/14	06/13/11	2011	eligible
Citizen At Large		Julie	Morgan	705 Ohara	Bloomington	IL	61701	4/30/14	06/13/11	2011	eligible
Small Landlord		Valerie	Dumser	809 W Washington St	Bloomington	IL	61701	4/30/14	06/13/11	2011	eligible
Contractor		Brent	Moore	1006 Park St	Bloomington	IL	61701	4/30/15	01/09/12	2012	
Tenant		Mark	Williams	602 Bradley Dr	Bloomington	IL	61704	4/30/16	09/09/13	2013	
Staff		Sharon	Walker	109 E Olive St	Bloomington	IL	61701				

Details:

Term: 3 years
Term Limit per City Code: 3 terms/9 years
Members: 7 members
Term Limit per City Code: 3 terms/9 years
Number of members the Mayor appoints: 7
Type: Internal
City Code: Chapter 45, Section 1000.0
Required by State Statute: No
Intergovernmental Agreements: None
Funding budgeted from COB for FY2014: None
Meetings: As needed, 4th Thurs at 3:00pm - Council Chambers, members given 48 hours+ notice before a meeting

Number of Vacancies: 1
Number of Expired Board Members (Blm Appointments only): 0

Appointment/Reappointment Notes:

Citizen's Beautification Committee

Staff/Chair(date appt'd)	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Appointment Date	Year First Appt	Reappointment
		VACANT									
		Tammi	Winters	1120 S. Low St	Bloomington	IL	61701	04/30/10	09/01/07	2007	not eligible
		Julie	Morton	204 W. Tanner St	Bloomington	IL	61701	04/30/10	09/01/07	2007	not eligible
Vice Chair		Martha	Burk	904 S. Clinton	Bloomington	IL	61701	04/30/13	01/11/10	2010	eligible
		Sue	Floyd	608 N Lee	Bloomington	IL	61701	04/30/13	01/11/10	2010	eligible
		Patricia	Morin	1405 N Clinton Blvd	Bloomington	IL	61701	04/30/15	08/22/11	2011	
		Marlene	Gregor	107 W Market St	Bloomington	IL	61701	04/30/15	08/22/11	2011	
Chair (1/23/2014)		Josh	Barnett	55 Brookshire Green	Bloomington	IL	61704	04/30/15	08/22/11	2011	
		Anne	Driskell	1228 Bancroft Dr	Bloomington	IL	61704	04/30/15	09/12/11	2011	
		Valerie	Dumser	809 W. Washington	Bloomington	IL	61701	04/30/16	09/24/12	2012	
		Amy	Davis	501 S. Clayton St	Bloomington	IL	61701	04/30/16	10/22/12	2012	
		Erica	Larkin	909 Snyder Dr	Bloomington		61701	04/30/17	05/28/13	2013	
Ex-officio		Jan	Lauderman	4 Oxford Ct	Bloomington	IL	61704				

Staff		Jeff	Hindman	Parks & Recreation							
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Details:

Term: 4 years (3 years as of 5/1/2014)
 Term Limit per City Code: 3 terms/9 years
 Members: 12 members, 1 ex-officio member
 Number of members the Mayor appoints: 12
 Type: Internal
 City Code:
 Required by State Statute: No
 Intergovernmental Agreements:
 Funding budgeted from COB for FY2014:
 Meetings: 4th Thurs of each month at 7:00pm - Blm Library Community Room
 Number of Vacancies: 1
 Number of Expired Board Members (Blm Appointments only): 4

Appointment/Reappointment Notes:

Sue Floyd (app) and Martha Burk (app) would all like to be reappointed.

Police Pension Board

Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Re/Appointment Date	Year First Appt	Mayor Appointed	Reappointment
Vice President		Karen	Calvert	12 Brookridge Ct	Bloomington	IL	61704	04/30/13	05/01/09	1994		
Secretary		Timothy	Stanasa	109 E. Olive	Bloomington	IL	61701	04/30/13	05/01/11	2011		
Trustee		Patti-Lynn	Silva	1106 Lockenvitz Lane, #2	Bloomington	IL	61704	04/30/14	06/11/12	2012	X	eligible
President		Dan	Donath	109 E. Olive, PO Box 3157	Bloomington	IL	61702	04/30/14	05/01/10	2004		
Assistant Secretary		Don	Wilkey	107 Ruth Rd	Bloomington	IL	61701	04/30/15	05/13/13	2011	X	
Contact Person/Staff		Dan	Donath									

Details:

Term: 2 years (3 years after 5/1/2014)
Term Limit per City Code: 3 terms/9 years
Members: 5 members
Number of members the Mayor appoints: 2
Type: Internal
City Code:
Required by State Statute: Yes, Chapter 40 ILCS5
Intergovernmental Agreements:
Funding budgeted from COB for FY2014:
Meetings: 3rd Tues of each month at 3:00pm - Police Dept

Other: Per State Statute there are 2 Mayoral appointments, 2 active union employees, 1 police beneficiary/retiree

Number of Vacancies: 0
Number of Expired Board Members (Blm Appointments only): 0

Appointment/Reappointment Notes:

Human Relations Commission

Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Appointment Date	Year First Appt	Reappointment
Chair		Cathy	Ahart	828 W. Oakland	Bloomington	IL	61701	04/30/08	04/30/00	1999	not eligible
		Anthony	Jones	2103 Clearwater	Bloomington	IL	61704	04/30/11	04/30/01	2000	not eligible
		John	Elliott	1408 Kurt Dr #10	Bloomington	IL	61701	04/30/12	03/23/09	2009	eligible
		Rhonda	Smith	2 Rock Garden Ct, Duplex #1	Bloomington	IL	61704	04/30/14	10/24/11	2011	eligible
		Donya	Wills Flohr	5207 Longfield Rd	Bloomington	IL	61705	04/30/14	10/24/11	2011	resigning Feb 1, 2014
		Suresh	Krishna	1408 Tralee Lane	Bloomington	IL	61704	04/30/16	05/28/13	2013	
		Janet	Lancaster	316 N Main	Bloomington	IL	61701	04/30/16	05/28/13	2013	

Staff		Ernestine	Jackson	109 E. Olive St	Bloomington	IL	61701				
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Details:

Term: 3 years
Term Limit per City Code: 3 terms/9 years
Members: 7 members
Number of members the Mayor appoints: 7
Type: Internal
City Code:
Required by State Statute: No
Intergovernmental Agreements:
Funding budgeted from COB for FY2014:
Meetings: 2nd Wed of each month at 7:00pm - Council Chambers

Number of Vacancies: 0
Number of Expired Board Members (Blm Appointments only): 3

Appointment/Reappointment Notes:

Next Appointee: Camille Taylor (see Mayor Renner's email from 5/7/2013 - she was suggested by Ernestine and the HRB)
Donya Wills Flohr would like to be replaced - resigning Feb 1st

Mid Central Community Action Board

Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Appointment Date	Year First Appt	Reappointment
		Bernie	Anderson	11 Hiddenlake Ct	Bloomington	IL	61704	02/28/14	02/28/10	2010	Reappointment eligible

Staff		Laurie	Peterson	1301 W Washington	Bloomington	IL	61701				
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Details:

Term: 4 years

Term Limit per City Code: 3 terms/12 years

Members:

Number of members the Mayor appoints: 1

Type: Multi Jurisdictional

City Code: No

Required by State Statute: No

Intergovernmental Agreements: ??

Funding budgeted from COB for FY2014: ??

Meetings: ??

Number of Vacancies: ?

Number of Expired Board Members (Blm Appointments only): 1

Appointment/Reappointment Notes:

*only tracking Bloomington Mayoral appointments



FOR COUNCIL: March 24, 2014

SUBJECT: Replacement of Tractor and Front End Loader for Parks, Recreation and Cultural Arts Department

RECOMMENDATION/MOTION: Recommend that the purchase one (1) Kubota M9960HDC and one (1) LA1353A Quick Attach Front Loader from Nord Outdoor Power, Bloomington, IL using the National Joint Powers Alliance Contract Number 070313-KBA be approved, in the amount of \$55,768.30, and the Procurement Manager be authorized to issue a Purchase Order.

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 Parks, Recreation and Cultural Arts Department, Park Maintenance Division, operates a 1994 Case 401D tractor, unit #704, with a front end loader. The transmission lost forward speeds during the last fiscal year. The overall condition of the unit and the repair estimate were considered and the repair expense was deemed financially irresponsible. The cost of maintenance of this unit to date is \$36,580.36.

Parks also operates a 1998 Ford 545D tractor with a front end loader, unit #857 that is used on a daily basis. The cab is severely rusted and many repairs have been done to the door. It has had electrical, steering, rear axle, and shifting problems. Total maintenance cost to date is \$21,840.81. Staff asks that both of these units be declared surplus and disposed of according to Chapter 16. Department of Finance, Section 57. Disposal of Surplus Property.

The new unit will be used on a daily basis at our chip pile loading trucks and moving mulch. With the addition of the jaw bucket on the new unit, it will be capable of moving and loading logs. This will help our Forestry Division on street and park tree log removals. This unit will help streamline the efficiency of site cleanup.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Kubota Tractor Corporation, Corporation Counsel, and Procurement Manager.

FINANCIAL IMPACT: Parks and Recreation Division have \$55,000 budgeted this fiscal year in the FY 2014 Capital Lease - Capital Outlay Equipment Other than Office (40110130 - 72140) line item. The replacement unit will cost \$55,768.30. The \$768.30 overage will be absorbed by savings in the fund from other purchases. Stakeholders can locate this in the FY 2014 Budget Book titled "Other Funds & Capital Improvement Program" on pages 109 and 112.

Respectfully submitted for Council consideration.

Prepared by: Rob Krones, Superintendant of Fleet Maintenance
Reviewed and Concur: Jim Karch P.E., Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Quotes
Attachment 2. Two Tractor Photos

Motion: _____ Seconded by: _____

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

Kubota Configurator Web Quote 209342

From: quotes@kubota.com
To: jbarnes@nordpower.com
Priority: Normal
Date: 03-11-2014 11:14 AM



M9960HDC - M9960HDC - 4WD
TRACTOR WITH HYDRAULIC
SHUTTLE & CAB

Total Price As Configured
\$52,193.30

Dear Rob Krones:

Thank you for your interest in Kubota Products. We are happy to provide the attached copy of your detailed quote for the M9960HDC that was created for you by our National Account team. As a National Account customer, Rob Krones is entitled to special pricing year round from Kubota. This quote provides detailed pricing for the M9960HDC that has been configured for you, including freight, dealer assembly, and all other fees and discounts. Please review this quote and contact the National Accounts Department at Kubota Tractor Corporation at (310) 370-3370 EXT 1813 or Fax (310) 370-3846 to purchase the M9960HDC as configured.

Again, thank you for considering Kubota in your selection process.

MyKubotaQuote_M9960HDC.pdf

Content-Type: application/pdf,
name="MyKubotaQuote_M9960HDC.pdf"
Size: 71.03 KB



M9960HDC WEB QUOTE #209342
Date: 3/11/2014 9:14:44 AM
- Customer Information -
Krones, Rob
City of Bloomington
jbarnes@nordpower.com
309-434-2296

- Standard Features -

- Custom Options -



Not Available in Nebraska

M Series

M9960HDC

4WD TRACTOR W/HYDRAULIC SHUTTLE & CAB
*** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE

Model # V3800-CR-TIE4
Common Rail Electronic Fuel Injection
Electronic Governor Control
Turbocharged w/Wastegate
4 Cyl. 230 cu. in.
^ 99 Net Eng. HP
^ 89 PTO HP
@ 2600 Eng. rpm
EPA Tier IV Emission Certified
Includes EGR Valve
12V 900 CCA Battery
Charging Output 45 amps (ROPS)
Charging Output 60 amps (CAB)
Charging Output 100 amps
(ROPS/Cab) Option

HYDRAULICS / HITCH / DRAWBAR

Open Center Gear Type
6.1 gpm Power Steering
17.0 gpm Remotes / 3 Pt. Hitch
@ 2844 psi
23.1 gpm Total
Cat II 3-point Hitch
At lift Point 5510 lbs.
24" Behind 4630 lbs.
Note: HD12/HDC12/HDC24 Models
At lift Point 8600 lbs.
24" Behind 7055 lbs.
Telescoping Lower Links
First Remote (SCD) with Self
Canceling Detents - Std.
Stabilizers
Swinging Drawbar

FRONT AXLE

Hydrostatic Power Steering
2WD: Tubular Steel Beam
Adj. (Telescoping) Tread Spacing
4WD: Bevel Gear
55 degree turning angle Cast Iron
Limited Slip Differential
Adj. (Rim) Tread Spacing
Wide Row Kit Optional
HDC244WD Automatic braking from 2WD
with both brakes applied
Electro/Hydraulic Engagement of front wheel
drive

DRIVE TRAIN

+Eight Speed Models
Four Speed Fully Synchronized
8F/8R Synchro Shuttle
8F/8R Speeds Hydraulic shuttle
+Twelve Speed Models
HD12/HDC12 Models
Six Speed Fully Synchronized
12F/12R Speeds with Hydraulic
Shuttle, wet clutch
12th Gear Overdrive maximum engine
RPM 2080, increases fuel economy
+Twenty-Four Speed Cab Model
HDC24
Six Speed Fully Synchronized
24F/24R Speeds with Dual Speed
Hydraulic shuttle, wet clutch
Planetary Final Drives (All Models)

POWER TAKE OFF

Live-Independent Hyd. PTO
SAE 1 3/8" Six Spline
540 rpm @ 2295 Eng. rpm

SAFETY EQUIPMENT

Flip-Up PTO Shield
Safety Start Switches
PTO - OPC (Operator
Presence
Control, Alarm 10 seconds)
Electric Key Shut Off
Hydraulic Wet Disc Brakes
Transmission Parking Lock
Turn Signals, Safety Flashers
SMV Sign

ROPS MODEL

2-Post Foldable ROPS
Retractable Seat Belt

CAB MODEL (Ultra Grand
Cab)

Integral Factory ROPS
Certified
Retractable Seat Belt
Flat Deck
Grammer Deluxe Seat with
Armrests
(Air Ride Optional)
Tinted Glass
Dual Level Air Conditioning &
Heater
Electric A/C Controls
Front Wiper w/Washer - 2
Speed
Radio Ready, includes 2-
speakers,
antenna, and wiring harness.
Left & Right Side Exterior
Mirrors
2 - Front Work Lights
2 - Rear Work Lights
2 Doors, Frameless all glass
Left & Right Side Steps
Sun Visor
Tilt Steering Wheel
Interior Dome Light
Accessory Plug 12V - 15 Amp
and
3 Pin 30 Amp Coupler
Cup Holder
Ashtray
Horn

LIGHTING

2 Headlights
2 Grill side lights
2 Tail lights
2 Hazard Flasher Lights with
Turn Signals (ROPS)
4 Hazard Flasher Lights with
Turn
Signals (CAB)
7 Pin Electrical Trailer
Connector

M9960HDC Base Price: \$50,998.00

(1) QUICK ATTACH FRONT LOADER LA1353A-QUICK ATTACH FRONT LOADER	\$5,526.00
(1) STANDARD CONTROL VALVE KIT (CAB) M1806-STANDARD CONTROL VALVE KIT (CAB)	\$1,001.00
(1) THIRD FUNCTION VALVE (CAB) M1978-THIRD FUNCTION VALVE (CAB)	\$945.00
(1) 2ND POSITION VALVE MOUNTING KIT M7687-2ND POSITION VALVE MOUNTING KIT	\$140.00
(1) 3RD POSITION VALVE MOUNTING KIT M7688-3RD POSITION VALVE MOUNTING KIT	\$140.00
(1) SELF CANCELING DETENT VALVE (SCD) M7610-SELF CANCELING DETENT VALVE (SCD)	\$693.00
(1) FLOAT DETENT VALVE M7611-FLOAT DETENT VALVE	\$684.00
(1) 3-POINT LIFT ASSIST DUAL CYLINDER KIT M7651-3-POINT LIFT ASSIST DUAL CYLINDER KIT	\$961.00
(1) AM/FM RADIO CD/MP3 PLAYER W/7- CHANNEL WEATHER BAND E9276B-AM/FM RADIO CD/MP3 PLAYER W/7-CHANNEL WEATHER BAND	\$440.00
(1) REAR WINDOW WIPER KIT W/WASHER M7649-REAR WINDOW WIPER KIT W/WASHER	\$233.00
(1) ELECTRIC DEFOGGER KIT W/80 AMP ALTERNATOR M7679-ELECTRIC DEFOGGER KIT W/80 AMP ALTERNATOR	\$769.00
(1) FRONT GRILLE GUARD FOR LOADER APPLICATIONS M1871A-FRONT GRILLE GUARD FOR LOADER APPLICATIONS	\$196.00
<u>Configured Price:</u>	<u>\$62,726.00</u>
<u>NJPA 070313-KBA Discount:</u>	<u>(\$12,545.20)</u>
<u>NJPA 070313-KBA Price:</u>	<u>\$50,180.80</u>
Factory Assembly:	\$250.00
Dealer Assembly:	\$922.50
Freight Cost:	\$590.00
PDI:	\$250.00

Final Sales Price: \$52,193.30

Rear Diff. Lock (All Models)
Creep Speed: Cassette Type option (All Models)

FLUID CAPACITY

Fuel Tank (ROPS) 23.8 gal
Fuel Tank (Cab) 29.1 gal
Cooling System 9.5 qts
Crankcase 11.3 qts
Transmission and
Hydraulics 14.25 gal
Front Axle (4WD) 10.0 qts

SELECTED TIRES

AMR8556A & AMR9258 AG TIRES
FRONT - 12.4-24 R1 Titan Tru Grip Lug TL WAF
REAR - 16.9-34 R1 Firestone Traction Field & Road Cast

INSTRUMENTS

Tachometer/Hour meter
Oil Pressure
Fuel Gauge
Coolant Temperature

[^] Manufacturer estimate.

*All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote.

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109 37 52 00

Q U O T A T I O N

PAGE: 1

NORD OUTDOOR POWER
1716 EAST HAMILTON ROAD
BLOOMINGTON, IL 61704-9607
Phone #: (309)663-5151
Fax #: (309)662-8699

PHONE #: (309)434-2260
CELL #: (217)971-0842
ALT. #: (309)261-8784 Ext: DAVE
P.O.#: ROB KRONES
TERMS: Net 10th EOM
SALES TYPE: Quote

DATE: 3/11/2014
ORDER #: 59390
CUSTOMER #: 1054
CP: John
LOCATION: 1
STATUS: Active

BILL TO 1054

CITY OF BLOOMINGTON
109 EAST OLIVE STREET
PO BOX 3157
BLOOMINGTON, IL 61701

SHIP TO

City of Bloomington
109 E Olive Street
PO Box 3157
Bloomington, IL 61701

MFR	PRODUCT NUMBER	DESCRIPTION	QTY	PRICE	NET	TOTAL
WRL	UJ1X84	4-IN-1 BUCKET/ 84 INCH/ QUICK ATTACH (INSTALLED)	1	\$3,575.00	\$3,575.00	\$3,575.00

ROB

HERE IS THE QUOTE FOR THE 4-IN-1 BUCKET TO GO WITH THE

KUBOTA M9960HDC TRACTOR QUOTE

PLEASE LET ME KNOW IF YOU HAVE ANY QUESTIONS

MY CELL PHONE NUMBER IS (309) 825-7372

MY EMAIL IS jbarnes@nordpower.com

THANK YOU VERY MUCH FOR YOUR TIME!

SINCERELY

JOHN BARNES

QUOTES MAY BE FOR SPECIFIC UNITS THAT ARE SUBJECT TO PRIOR SALE. QUOTES ARE SUBJECT TO AVAILABILITY OF MACHINE QUOTED AND UNDER NO CIRCUMSTANCES ARE QUOTES GOOD FOR MORE THEN 30 DAYS UNLESS SPECIFICALLY NOTED.

IMPORTANT ADDITIONAL TERMS!

All returns or exchanges require your original cash register receipt. Returns or exchanges may be made on most unused merchandise* within sixty (60) days.

*NO REFUND OR EXCHANGE on electrical parts or special order parts.

*All purchases subject to a MINIMUM 15% restocking fee.

*ALL OUTDOOR GAS POWERED EQUIPMENT, GRILLS & SOUNDCAST - ITEMS COVERED UNDER MANUFACTURERS WARRANTY WILL BE REPAIRED OR ADJUSTED ACCORDING TO MANUFACTURERS SPECIFICATIONS.

It is agreed as part of the consideration for this sale that the price shown hereon for the goods, if not already paid, shall be paid on or before the 10th day of the month following the month of purchase. Any portion of invoice not paid within said time period shall thereafter bear interest at the HIGHEST PREVAILING RATE.

The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The seller hereby expressly disclaims all warranties, either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

Pickup & Delivery are not included for warranty service unless specifically covered by a manufacturer or extended service agreement.

SUBTOTAL: \$3,575.00







FOR COUNCIL: March 24, 2014

SUBJECT: Vehicle Replacements for Water Department

RECOMMENDATION/MOTION: Recommend that the purchase of two (2) Ford Transit Connects from Curry Motors, Frankfort, IL using the Northwest Suburban Purchasing Cooperative Contract Number 139 be approved, in the amount of \$43,492, and the Procurement Manager be allowed to issue a Purchase Order.

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: Water Transmission and Distribution Division has a 2006 Dodge Dakota with over 102,000 miles. It is scheduled for replacement this fiscal year. This unit has had front end and transmission problems. The maintenance cost to date for this unit is \$11,917.63. Staff asks that both of these units be declared surplus and disposed of according to Chapter 16. Department of Finance, Section 57. Disposal of Surplus Property.

The Water Transmission and Distribution Division also has a 2001 Chevrolet Cavalier. This unit has 64,013 miles and is scheduled to be replaced due to its age. This unit is a passenger car that cannot be used to transport tools or equipment. The Cavalier has not had any major maintenance issues. The Water Department has made operational changes during the transition to automated meters and no longer requires this passenger car. Staff is recommending that this unit be transferred to the Motor Pool and used as a loaner vehicle by all departments when a unit is in for repair. Staff also recommends that the Motor Pool's 1999 Dodge 1500 pickup with differential problems be declared surplus and disposed of according to Chapter 16. Department of Finance, Section 57. Disposal of Surplus Property.

There is currently a Transit Connect in service at the Water Department and has proven to be very versatile. It provides secure storage and protection for expensive tools and equipment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The replacement units will cost \$43,492 and are budgeted in Water Transmission & Distribution - Capital Outlay Licensed Vehicles (50100120 - 72130). Stakeholders can locate this in the FY 2014 Budget Book titled "Other Funds & Capital Improvement Program" on page 140.

Respectfully submitted for Council consideration.

Prepared by: Rob Krones, Superintendant of Fleet Maintenance
Reviewed and Concur: Jim Karch P.E., Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Quote Document
Attachment 2. Vehicle Photos

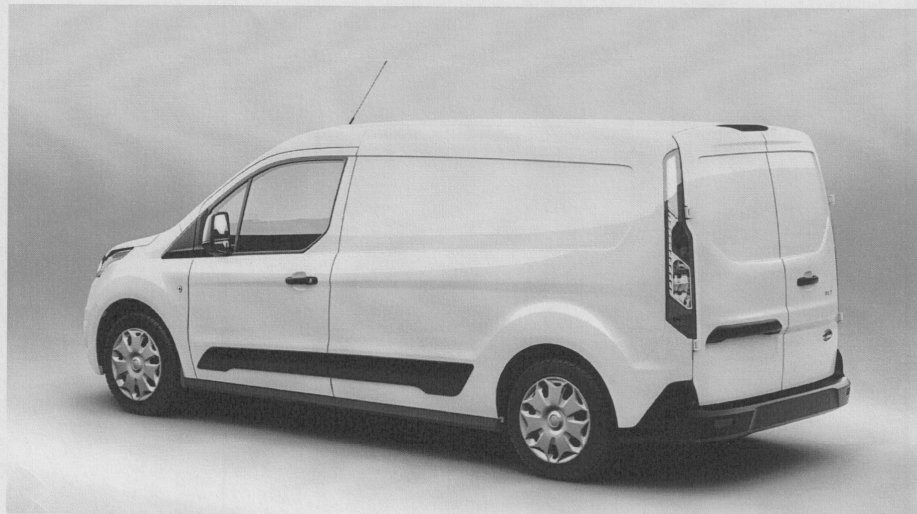
Motion: _____ Seconded by: _____

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



2014 FORD TRANSIT XL CARGO VAN

Contract# 139



Currie Motors Fleet

"Nice People To Do Business With"

Your Full-Line Municipal Dealer
www.CurrieFleet.com

Factory Order Cutoff Date: TBD





Currie Motors Frankfort
SPC Contract Winner
2014 Ford Transit XL Cargo Van
Call Tom Sullivan (815) 464-9200

Standard Package: \$18,986.00

Warranty 3 Years 36, 000 miles Bumper to Bumper/ 5 Years 60,000 Power train

Exterior

Bodyside Moldings – Gray, molded-in-color
Front Bumper – Gray, Molded-in-Color
Grille – Gray, Molded-in-Color
Manual Adjust Exterior Mirrors with Manual
Fold – Black, Molded in Color
Rear Bumper and Rear Bumper End Caps –
Gray, Molded in Color
Dual Sliding Side Doors without Glass on
Either Side
180 Degree Rear Cargo Doors
Side & Rear Cargo Door Handles – Black,
Molded in Color
Halogen Headlamps

Interior

2 Front Cupholders
2 Front Speakers
2-Way Manual Driver Seat
4-Way Adjustable Steering Column
12V Powerpoint in Center Console
AM/FM Stereo Receiver
Audio Input Jack
Cargo Tie Down Hooks
Front Vinyl Floor Cover
2-Way Manual Passenger Seat with Folding
Back
Power Front Row Windows with One-Touch
Down on Drivers Side
Vinyl Seating Surfaces

Powertrain/Functional

2.5L DOHC I-4 Gas Engine
6-Speed SelectShift® Automatic Transmission
Alternator – 150A
Battery 60 Amp hour, 590 Cold Cranking Amp
Breaking – Power Front & Rear Disc Brakes
Breaking – ABS with ESC & RSC
Breaking – Electronic Emergency Brake Assist
Breaking – Hill Launch Assist
Electric Power-Assist Steering (EPAS)
Front Wheel Drive
Fuel Tank – 15.8 Gal with Easy Capless Fuel
Fill (with fill door cover & misfuel inhibitor)
Suspension – MacPherson Strut Independent
Front Suspension
Tires – 215/55 R 16 97H XL All Season
Wheels – 6.5" x 16" Steel with XL Full Wheel
Covers

Safety/Security

Driver & Passenger Front Airbags
Driver & Passenger Side Airbags
1st Row Curtain Airbags
Power Central Single Door – Locks with One
Step Unlocking
Remote Keyless-Entry with 2 Key Fobs
SecuriLock® Passive Anti-Theft System (PATS)
Tire Pressure Monitoring system (TPMS)

Factory Order Cutoff Date: To be determined

Additional Options and Order Ford

Please enter the following:

Ford Fleet Number

Contact Name

Phone Number

Purchase Order Number

State Tax Exempt Number

PLEASE SUBMIT P.O. TO:

Currie Motors
9423 W. Lincoln Hwy
Frankfort, IL 60423
PHONE: (815)464-9200 FAX: (815) 464-7500
Contact Person: Tom Sullivan
CurrieFleet@gmail.com
www.CurrieFleet.com

Model

☐	XL Cargo Van	STD
☐	XL Cargo Van LWB	1384.00
☐	XLT Cargo Van	1625.00
☐	XLT Cargo Van LWB	2726.00
☐	XL Wagon LWB only -2 nd Row 3-passenger 3 rd Row 2-passenger	3085.00
☐	XLT Wagon -2 nd Row 3-passenger	2525.00
☐	XLT Wagon LWB-2 nd Row 3-passenger 3 rd Row 2-passenger	4511.00

Powertrain

☐	2.5L DOHC I-4 Gasoline	STD
☐	1.6L Ecoboost (n/a with LWB Wagons)	678.00
☐	CNG Prep Package (n/a with 1.6L Engine)	268.00
☐	Trailer Tow Package	337.00
☐	Block Heater	29.00

Glass

☐	No Side/Rear Glass	STD
☐	Rear Door Privacy Glass	508.00
☒	Side/Rear Door Privacy Glass	568.00
☐	Side /Rear Door Privacy Glass w/Liftgate	316.00
☐	Windshield Defroster	320.00
☐	Rear Defroster	129.00

Doors

☐	Rear Symmetrical Doors	N/C
☐	Rear Liftgate w/Fixed Glass	N/C

Exterior

☐	Reverse Sensing System	252.00
☒	Daytime Running Lights	38.00
☒	Large Exterior Mirrors-Includes Power Heated Mirrors	166.00
☐	4-Corner Strobe	850.00
☐	Splash Guards	119.00

Interior

☐	AM/FM/CD	299.00
☐	AM/FM CD w/Camera	490.00
☐	AM/FM/CD/Sync	634.00
☐	AM/FM/CD/Sync/Camera	827.00
☐	4-Way Drivers Seat w/Fixed Passenger	119.00
☐	4-Way Drivers Seat w/Folding Passenger	81.00
☐	All-Weather Mats	52.00
☒	Cruise Control	192.00
☐	Rear Cargo LED Light	60.00
☒	Key Fobs	56.00
☐	Keyed Alike	48.00

Accessories

☐	Adrian Van Package	1565.00
☐	Ladder Rack	650.00
☒	Rustproofing/Undercoating	395.00
☒	5 Year 100,000 mile Powertrain Care	1195.00
☒	Delivery over 50 Miles	150.00

Exterior Color

☐	Tectonic Silver – Wagon only
☐	Deep Impact Blue – Wagon only
☐	Burnished Glow – Wagon only
☐	Solar – Wagon only
☐	Dark Blue

☐	Midnight Sky
☐	Race Red
☐	Silver Metallic
☐	Panther Black
☒	Frozen White

Interior Color

☐	Pewter Vinyl	STD
☐	Charcoal Black Cloth	85.00

Please contact us if we have missed an option

CurrieFleet@gmail.com

Please submit P.O. with Vehicle Order







FOR COUNCIL: March 24, 2014

SUBJECT: Scope Modification to the Professional Engineering Services Contract with Knight E/A, Inc. to perform a Preliminary Environmental Site Assessment for the Intersection Improvements and Traffic Signal Installation Design project.

RECOMMENDATION/MOTION: Recommend that the Amendment to the contract with Knight E/A, Inc. for Intersection Improvements and Traffic Signal Installation Design Services in the amount of \$4,857.45 be approved, the Motor Fuel Tax Resolution adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks; Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: Council approved a contract with Knight E/A, Inc. on October 28, 2013 for design services related to the intersection improvements at General Electric Rd. and Keaton Pl./Auto Row, Hershey Rd. and Arrowhead Dr., and Hershey Rd. and Clearwater Ave. The approved scope of work includes the following: perform traffic analysis, complete intersection design studies, and prepare construction plans, specifications and estimates as required to utilize Motor Fuel Tax funding.

In addition, the original scope of work includes preparation and submission of an Environmental Survey Request (ESR). The ESR was submitted to the Illinois Department of Transportation (IDOT) in January 2014. As part of IDOT's review it was determined that in addition to the ESR, IDOT is requiring that a Preliminary Environmental Site Assessment (PESA) be performed. As part of coordination discussions, IDOT provided east side highway environmental information that will assist the PESA efforts for this project. The provided information allows the required PESA scope to be minimized and the process to be completed faster than what is typical for this scope of work.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: IDOT was contacted to determine required environmental review procedures.

FINANCIAL IMPACT: The additional \$4,857.45 will be paid out of the FY 2014 Budget, Motor Fuel Tax - Street Construction & Improvement (20300300 - 72530). This scope modification was not included in the original Motor Fuel Tax budget for FY 2014. Due to other budgeted Motor Fuel Tax projects not ready to bid, funds are available. Stakeholders can locate this in the FY 2014 Budget Book titled "Other Funds & Capital Improvement Program" on page 10.

Respectfully submitted for Council consideration.

Prepared by: Robert Yehl, PE, Assistant City Engineer
Reviewed and Concur: Jim Karch, PE, CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy 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

Attachments: Attachment 1. Supplement #1 Preliminary Engineering Service Agreement
Attachment 2. MFT Resolution
Attachment 3. Map

Motion: _____ Seconded by: _____

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

Municipality City of Bloomington	L O C A L A G E N C Y	 Illinois Department of Transportation Preliminary Engineering Services Agreement For Motor Fuel Tax Funds Supplement #1	C O N S U L T A N T	Name Knight E/A, Inc.
Township Bloomington				Address 993 Clocktower Drive, Suite A
County McLean				City Springfield
Section 13-00351-00-TS				State Illinois

THIS AGREEMENT is made and entered into this _____ day of _____, _____ between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION. Motor Fuel Tax Funds, allotted to the LA by the State of Illinois under the general supervision of the State Department of Transportation, hereinafter called the "DEPARTMENT", will be used entirely or in part to finance ENGINEERING services as described under AGREEMENT PROVISIONS.

Section Description

Name Intersection and Signal Design

Route Various Length _____ Mi. _____ FT (Structure No. _____)

Termini General Electric Road and Keaton Pl./Auto Row Dr., and Hershey Rd. at Clearwater Ave. and Arrowhead Drive.

Description:

Intersection improvements and traffic signals at General Electric Rd. & Keaton Pl./Auto Row Dr., Hershey Rd. and Clearwater Ave., and Hershey Rd. and Arrowhead Dr. in Bloomington.

Agreement Provisions

The Engineer Agrees,

1. To perform or be responsible for the performance of the following engineering services for the LA, in connection with the proposed improvements herein before described, and checked below:
 - a. ☐ Make such detailed surveys as are necessary for the preparation of detailed roadway plans
 - b. ☐ Make stream and flood plain hydraulic surveys and gather high water data, and flood histories for the preparation of detailed bridge plans.
 - c. ☐ Make or cause to be made such soil surveys or subsurface investigations including borings and soil profiles and analyses thereof as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations are to be made in accordance with the current requirements of the DEPARTMENT.
 - d. ☐ Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
 - e. ☐ Prepare Army Corps of Engineers Permit, Department of Natural Resources-Office of Water Resources Permit, Bridge waterway sketch, and/or Channel Change sketch, Utility plan and locations, and Railroad Crossing work agreements.
 - f. ☐ Prepare Preliminary Bridge design and Hydraulic Report, (including economic analysis of bridge or culvert types) and high water effects on roadway overflows and bridge approaches.
 - g. ☐ Make complete general and detailed plans, special provisions, proposals and estimates of cost and furnish the LA with five (5) copies of the plans, special provisions, proposals and estimates. Additional copies of any or all documents, if required, shall be furnished to the LA by the ENGINEER at his actual cost for reproduction.
 - h. ☐ Furnish the LA with survey and drafts in quadruplicate of all necessary right-of-way dedications, construction easement and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

Note: Four copies to be submitted to the Regional Engineer

- i. ☐ Assist the LA in the tabulation and interpretation of the contractors' proposals
- j. ☐ Prepare the necessary environmental documents in accordance with the procedures adopted by the DEPARTMENT's Bureau of Local Roads & Streets.
- k. ☐ Prepare the Project Development Report when required by the DEPARTMENT.
- l. ☒ **See Attachment A.**

- (2) That all reports, plans, plats and special provisions to be furnished by the ENGINEER pursuant to the AGREEMENT, will be in accordance with current standard specifications and policies of the DEPARTMENT. It is being understood that all such reports, plats, plans and drafts shall, before being finally accepted, be subject to approval by the LA and the DEPARTMENT.
- (3) To attend conferences at any reasonable time when requested to do so by representatives of the LA or the Department.
- (4) In the event plans or surveys are found to be in error during construction of the SECTION and revisions of the plans or survey corrections are necessary, the ENGINEER agrees that he will perform such work without expense to the LA, even though final payment has been received by him. He shall give immediate attention to these changes so there will be a minimum delay to the Contractor.
- (5) That basic survey notes and sketches, charts, computations and other data prepared or obtained by the Engineer pursuant to this AGREEMENT will be made available, upon request, to the LA or the DEPARTMENT without cost and without restriction or limitations as to their use.
- (6) That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by him and will show his professional seal where such is required by law.

The LA Agrees,

- 1. To pay the ENGINEER as compensation for all services performed as stipulated in paragraphs 1l, 2, 3, 5 and 6 in accordance with one of the following methods indicated by a check mark:
 _____ percent of the awarded contract cost of the proposed improvement as approved by the DEPARTMENT.
- b. ☐ A sum of money equal to the percent of the awarded contract cost for the proposed improvement as approved by the DEPARTMENT based on the following schedule:

Schedule for Percentages Based on Awarded Contract Cost

Awarded Cost	Percentage Fees	(see note)
Under \$50,000	_____	%
	_____	%
	_____	%
	_____	%
	_____	%

Note: Not necessarily a percentage. Could use per diem, cost-plus or lump sum.

- c. ☒ **See Attachment B**
- 2. To pay for services stipulated in paragraphs 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k of the ENGINEER AGREES at actual cost of performing such work plus _____ percent to cover profit, overhead and readiness to serve - "actual cost" being defined

as material cost plus payrolls, insurance, social security and retirement deductions. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost. Subject to the approval of the LA, the ENGINEER may sublet all or part of the services provided under the paragraph 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k. If the ENGINEER sublets all or part of this work, the LA will pay the cost to the ENGINEER plus a five (5) percent service charge.

"Cost to Engineer" to be verified by furnishing the LA and the DEPARTMENT copies of invoices from the party doing the work. The classifications of the employees used in the work should be consistent with the employee classifications for the services performed. If the personnel of the firm, including the Principal Engineer, perform routine services that should normally be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the work performed.

3. That payments due the ENGINEER for services rendered in accordance with this AGREEMENT will be made as soon as practicable after the services have been performed in accordance with the following schedule:
 - a. Upon completion of detailed plans, special provisions, proposals and estimate of cost - being the work required by paragraphs 1a through 1g under THE ENGINEER AGREES - to the satisfaction of the LA and their approval by the DEPARTMENT, 90 percent of the total fee due under this AGREEMENT based on the approved estimate of cost.
 - b. Upon award of the contract for the improvement by the LA and its approval by the DEPARTMENT, 100 percent of the total fee due under the AGREEMENT based on the awarded contract cost, less any amounts paid under "a" above.

By Mutual agreement, partial payments, not to exceed 90 percent of the amount earned, may be made from time to time as the work progresses.

4. That, should the improvement be abandoned at any time after the ENGINEER has performed any part of the services provided for in paragraphs 1a, through 1h and prior to the completion of such services, the LA shall reimburse the ENGINEER for his actual costs plus _____ percent incurred up to the time he is notified in writing of such abandonment - "actual cost" being defined as in paragraph 2 of THE LA AGREES.
5. That, should the LA require changes in any of the detailed plans, specifications or estimates except for those required pursuant to paragraph 4 of THE ENGINEER AGREES, after they have been approved by the DEPARTMENT, the LA will pay the ENGINEER for such changes on the basis of actual cost plus _____ percent to cover profit, overhead and readiness to serve - "actual cost" being defined as in paragraph 2 of THE LA AGREES. It is understood that "changes" as used in this paragraph shall in no way relieve the ENGINEER of his responsibility to prepare a complete and adequate set of plans and specifications.

It is Mutually Agreed,

1. That any difference between the ENGINEER and the LA concerning their interpretation of the provisions of this Agreement shall be referred to a committee of disinterested parties consisting of one member appointed by the ENGINEER, one member appointed by the LA and a third member appointed by the two other members for disposition and that the committee's decision shall be final.
2. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at his last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all surveys, permits, agreements, preliminary bridge design & hydraulic report, drawings, specifications, partial and completed estimates and data, if any from traffic studies and soil survey and subsurface investigations with the understanding that all such material becomes the property of the LA. The ENGINEER shall be paid for any services completed and any services partially completed in accordance with Section 4 of THE LA AGREES.
3. That if the contract for construction has not been awarded one year after the acceptance of the plans by the LA and their approval by the DEPARTMENT, the LA will pay the ENGINEER the balance of the engineering fee due to make 100 percent of the total fees due under this AGREEMENT, based on the estimate of cost as prepared by the ENGINEER and approved by the LA and the DEPARTMENT.
4. That the ENGINEER warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the ENGINEER, to solicit or secure this contract, and that he/she has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the ENGINEER, any fee, commission, percentage, brokerage fee, gifts or any other consideration, contingent upon or resulting from the award or making of this contract. For Breach or violation of this warranty the LA shall have the right to annul this contract without liability.

IN WITNESS WHEREOF, the parties have caused the AGREEMENT to be executed in quadruplicate counterparts, each of which shall be considered as an original by their duly authorized officers.

Executed by the LA:

(Municipality/Township/County) of the
ATTEST: State of Illinois, acting by and through its
By _____

Clerk By _____
(Seal) Title _____

Executed by the ENGINEER:

ATTEST: _____
By _____ By _____
Title _____ Title _____

Approved

Date

Department of Transportation

Regional Engineer

SUPPLEMENT #1
ATTACHMENT A: SCOPE OF SERVICES
INTERSECTION IMPROVEMENTS AND TRAFFIC SIGNAL INSTALLATIONS-VARIOUS
MFT SECTION NO. 13-00351-00-TS

Project Understanding

Knight E/A, Inc. shall prepare a Preliminary Environmental Site Assessment (PESA) with special waste analysis for the City of Bloomington (Client) in support of the subject project which will include intersection improvements and traffic signal installations at the three (3) intersections of General Electric Road and Keaton Place/Auto Row Drive, Hershey Road and Clearwater Avenue, and Hershey Road and Arrowhead Drive. The PESA will be prepared in accordance with current Illinois Department of Transportation (IDOT) – and/or Illinois Environmental Protection Agency (IEPA) policies and procedures – in conformance with ASTM Standard E 1527-13 for Phase I Environmental Site Assessments (Phase I ESA).

Scope of Services

Knight proposes to perform the following services as requested by the Client to prepare a Preliminary Environmental Site Assessment (PESA) as a requirement to complete Phase I of the street corridors identified above:

1. **Regulatory Background Review** – Obtain a copy of the federal, tribal and state government records or database radius map to collect and review the following information as available:
 - National Priority List (NPL), State Priority List (NPL) and Delisted NPL sites
 - Federal and State Equivalent Comprehensive Environmental Response Compensation (CERCLIS) and state landfill and/or solid waste disposal list (SWLF) properties
 - Former CERCLIS sites with no further remedial action notices
 - Resource Conservation and Recovery Act (RCRA) Notifier List
 - RCRA CORRACTS and NON-CORRACTS Treatment, Storage and/or Disposal (TSD) Sites
 - Federal, tribal and/or state permitted landfills and solid waste management sites
 - Federal Emergency Response Notification (ERN) List
 - Toxic Substance Control Act (TSCA), PCB Activity Database System (PADS) and FINDS lists
 - State List of registered underground storage tanks (UST) and reported leaking underground storage tank (LUST) incidents
 - Federal and State Site Remediation Program (SRP)
 - Brownfields and Brownfield SRP Lists
 - Former Manufactured Gas Sites Lists
 - Environmental cleanup liens file or recorded under federal, tribal, state or local law.
2. **Review Historical Aerial Photographs and Sanborn Maps** – Review available historical aerial photographs, historic Sanborn Fire Insurance maps and historical USGS topographic maps for the

property and adjoining properties. As available, this work may also include review of available City or County Planning and Zoning, County or Township Assessors office and US Natural Resource Conservation Service resources. This work does not include acquiring a chain of title search or performing an environmental lien search.

3. **Review Geological and Hydrological Information** – Request and review available information from the Illinois State Geological Survey and the Illinois State Water Survey regarding geologic and water well records. The USGS topographic 7.5 minute maps and wetland maps will be reviewed to evaluate the area, regional topography and drainage features.
4. **Site Reconnaissance** – Perform a site reconnaissance of all accessible areas of the defined limits of the two following street corridors: (Site 1) on General Electric Road at the intersection of Keaton Place/Auto Row Drive; and (Site 2) on Hershey Road at the intersections of Clearwater Avenue and Arrowhead Drive. The intent of the report is an effort to identify any visible potential source of environmental concern to the site or immediately adjacent properties. The visual inspection will be performed for indicative signs such as stained or discolored soil and pavements, stressed vegetation, debris, above ground utility markers or facilities for underground systems, drums and chemical containers, and transformers (with PCB potential). Any visible evidence of documented features identified in Task Item #1 above will be noted.
5. **Report Preparation** – Prepare a PESA (Level 1/Phase I) for Site 1, which will incorporate a Special Waste regulatory search evaluation for Site 2. This report will summarize the site investigation findings and provide conclusions and recommendations. The report will include a site map, site reconnaissance photos, and copies of historic information and regulatory database search results. The report will include an opinion as to whether the inquiry has identified conditions indicative of releases or threatened releases of hazardous substances. The recommendations will include, in conformance with ISGS guidance language, if further investigation is warranted that may require Phase II subsurface testing (PSI).

The following items are not included in Knight's scope of services:

- Archeological studies
- Boundary and topographic surveys
- IDNR permits
- IDOT Phase I Environmental Site Assessments
- IEPA NPDES storm water permits
- Phase II Environmental Site Assessments (ESA) or Preliminary Site Investigations (PSI)
- State or federal grant applications
- Taking samples for laboratory analysis
- ASTM Non-Scope Items

Schedule - Knight will initiate work on this engineering project for the PESA only within ten days after the Notice to Proceed. A copy of the draft PESA will be delivered to the Client and IDOT for review and comment within four (4) weeks from the Notice to Proceed.



BE IT RESOLVED, by the Council of the City of Bloomington Illinois
Council or President and Board of Trustees
City, Town or Village
 that the following described street(s) be improved under the Illinois Highway Code:

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of preparation of a Preliminary Environmental Site Assessment.

2. That there is hereby appropriated the (additional ☒ Yes ☐ No) sum of Four thousand eight hundred
fifty seven and 45 cents Dollars (4857) for the
improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

BLR 09111 (Rev. 11/06)

2013 Intersection Improvements & Traffic Signal Locations



0 315 630 1,260 Feet





FOR COUNCIL: March 24, 2014

SUBJECT: Change Order for the FY 2013 Utility Maintenance Contract

RECOMMENDATION/MOTION: Recommend that the Amendment to the Contract for 2013 Utility Maintenance, with George Gildner, Inc. be approved, in the amount of \$41,100, and the Resolution adopted, which is germane to the original contract as signed and is in the best interest of the City of Bloomington and authorized by law.

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

STRATEGIC PLAN SIGNIFICANCE: Objectives 2b. Quality water for the long term, and 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: At the August 13, 2012 and April 8, 2013 meetings, Council executed the FY 2013 Utility Maintenance Contract with George Gildner, Inc. in the amount of \$600,000. Upon execution of the contract, Gildner completed thirty-five (35) repair projects. Some of these projects involved maintenance on pumps at the Lake Bloomington Water Treatment Plant and Ft. Jesse Water Pump Station. This work involved repairing large pumps that have failed or needed maintenance. Final invoices for these repairs have been submitted and exceed the current contract amount by approximately \$41,100. A list of completed projects and cost is provided.

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 Conference Room.

FINANCIAL IMPACT: The revision to the contract amount is an additional \$41,100 to be paid by Water Transmission and Distribution - Water Main Construction and Improvement (50100120 - 72540). The Water Department budget has available budgeted funds to cover the revision. Stakeholders may find this in the FY 2014 Budget Book titled "Other Funds and Capital Improvement Program" on page 140. The current and revised amounts that are proposed are listed below.

	CURRENT	REVISED
Storm Water (53103100-72550)	\$150,000	\$150,000
Sanitary Sewer (51101100-72550)	\$200,000	\$200,000
Water Transmission & Dist. (50100120-72540)	\$250,000	\$291,100
Total Contract	\$600,000	\$641,100

Respectfully submitted for Council consideration.

Prepared by: Craig Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy 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

Attachments: Attachment 1. Resolution
Attachment 2. FY13 Projects List

Motion: _____ Seconded by: _____

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

RESOLUTION NO. 2014 -

**A RESOLUTION AUTHORIZING A CHANGE ORDER
IN THE AMOUNT OF \$41,100 IN THE CONTRACT BETWEEN THE
CITY OF BLOOMINGTON AND GEORGE GILDNER, INC.**

WHEREAS, the City of Bloomington has previously entered into a contract with George Gildner, Inc. in the amount of \$600,000 for thirty-five (35) repair projects; and

WHEREAS, for the reasons set forth in a staff report dated March 24, 2014 it is necessary to enter into the change order (see invoices attached hereto as Exhibit A) and the City Council finds that such is germane to the original contract as signed; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the March 24, 2014 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$41,100 in the contract between the City of Bloomington and George Gildner, Inc. be approved.

ADOPTED this 24th day of March, 2014.

APPROVED this ____ day of March, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
INVOICES



George Gildner, Inc.

Plumbing • Underground Utilities

Commercial • Industrial • Mechanical Contractor

2031 Ireland Grove Road, P.O. Box 846, Bloomington, IL 61702-0846

Phone: (309) 663-8458 Fax: (309) 663-8461

March 11, 2014

Invoice # 5094

City of Bloomington
Public Works Department
Engineering Division
PO Box 3157
Bloomington, IL 61702-0357

Project: 2012 Utility Maintenance Progress Bill # 70 - Interest

RE: Interest due on overdue payments

Invoice #	Date:	Amount:	Total days since invoice date:	Days over 30 since invoice date:	Total Interest Due (compounded every 30 days @ 1.5%):
5088	12/31/2013	\$ 45,824.97	70	40	\$ 1,385.06
5090	1/23/2014	\$ 13,497.84	47	17	\$ 202.47
5091	1/23/2014	\$ 1,336.80	47	17	\$ 20.05

Total Interest Amount Due: \$ 1,587.53

Interest Breakdown:

Invoice #	Days 31 - 60	Days 61 - 90			Total Interest Due:
5088	\$ 687.37	\$ 697.69			\$ 1,385.06
5090	\$ 202.47				\$ 202.47
5091	\$ 20.05				\$ 20.05

TOTAL AMOUNT DUE: \$ 1,587.53

Approved 3/11/14
Russ Walker
Contract 55
Water Funds



George Gildner, Inc.

Plumbing • Underground Utilities

Commercial • Industrial • Mechanical Contractor

2031 Ireland Grove Road, P.O. Box 846, Bloomington, IL 61702-0846

Phone: (309) 663-8458 Fax: (309) 663-8461

December 31, 2013

Invoice # 5088

City of Bloomington
Public Works Department
Engineering Division
PO Box 3157
Bloomington, IL 61702-0357

Project: 2012 Utility Maintenance Progress Bill #67 - Division St Motor #4 Repair

Material:

Decatur Industrial Electric Inv. # 0125973 \$ 45,824.97

Off Site Repairs Total: \$ 45,824.97

Total Amount Due: \$ 45,824.97

All off site repairs billed based on attached invoices plus 10% markup

Approved 3/11/14
Russ Walker
Contract 55
Water Funds

TOTAL AMOUNT DUE: \$ 45,824.97

Terms: Net 30 days

1 1/2% Interest Monthly After 30 Days

Aged Receivables:

<u>Current</u>	<u>31-60 Days</u>	<u>61-90 Days</u>	<u>Over 90 Days</u>
\$ 45,824.97			



Contractor George Gildner, Inc

Date 12/31/13

Description and Location of Work: Division St Motor #4 off site repairs

Name, Worker Classification

Total Hours Worked
(Straight-Time) (Overtime)

MATERIAL USED

Description:
List Manufacturer, Model, Year Built, Capacity

Number of
Hours

Description

Quantity

off site repair invoice

REMARKS:

APPROVED: *Timothy G. Gorden* APPROVED: *[Signature]*

Contractor's Representative

APPROVED:

City's Representative



George Gildner, Inc.

Plumbing • Underground Utilities

Commercial • Industrial • Mechanical Contractor

2031 Ireland Grove Road, P.O. Box 846, Bloomington, IL 61702-0846

Phone: (309) 663-8458 Fax: (309) 663-8461

January 23, 2014

Invoice # 5090

City of Bloomington
Public Works Dept - Engineering Division
PO Box 3157
Bloomington, IL 61702-0357

Project: 2012 Utility Maintenance Progress Bill # 68 Water Department Material

Material:

1 EA - 20" MJ RW DI OL Gate Valve \$ 13,497.84

Material Total: \$ 13,497.84

Total Amount Due: \$ 13,497.84

All material billed based on attached supplier invoices plus 10% markup

*Approved 3/11/14
Russ Walker
Contract 55
Water Funds*

TOTAL AMOUNT DUE: \$ 13,497.84

Terms: Net 30 days

1 1/2% Interest Monthly After 30 Days

Aged Receivables:

Current

31-60 Days

61-90 Days

Over 90 Days

\$ 13,497.84



CITY OF BLOOMINGTON
Public Works Department/Engineering Division
PO Box 3157, Bloomington IL 61702-3157
309-434-2225 Fax 309-434-2201
www.cityblm.org

MAINTENANCE AND REPAIR TIME & MATERIALS REPORT

Contractor

George Gilcher, Inc.

Date

1/23/14

Description and Location of Work:

Water Department Material

LABOR

Name, Worker Classification

Total Hours Worked
(Straight-Time) (Overtime)

EQUIPMENT USED

Description:
List Manufacturer, Model, Year Built, Capacity

Number of
Hours

MATERIAL USED

Description

Quantity

20" ATRW Gate Valve

1 EA

REMARKS:

APPROVED

Jim M. Gilcher 1/24/13
Contractor's Representative

APPROVED:

[Signature]
City's Representative



George Gildner, Inc.

Plumbing • Underground Utilities

Commercial • Industrial • Mechanical Contractor

2031 Ireland Grove Road, P.O. Box 846, Bloomington, IL 61702-0846

Phone: (309) 663-8458 Fax: (309) 663-8461

January 23, 2014

Invoice # 5091

City of Bloomington
Public Works Department
Engineering Division
PO Box 3157
Bloomington, IL 61702-0357

Project: 2012 Utility Maintenance Progress Bill # 69 Water Dept Division St Motor #4

Labor and Equipment:

1/13/2014	Hours	Rate	Total
Superintendent	3	\$ 87.00	\$ 261.00
Pickup Truck	3	\$ 20.07	\$ 60.21
Trailer	3	\$ 3.13	\$ 9.39

1/14/2014	Hours	Rate	Total
Superintendent	1	\$ 87.00	\$ 87.00
Laborer Skilled	1	\$ 71.00	\$ 71.00
Pickup Truck	1	\$ 20.07	\$ 20.07
Trailer	1	\$ 3.13	\$ 3.13
Crane rental			\$ 825.00

Labor and Equipment Total: \$ 1,336.80

Total Amount Due: \$ 1,336.80

All equipment billed based on attached Equipment Watch rate sheets.

All material billed based on attached supplier invoices plus 10% markup

Contract 55,
Water Funds
Approved 3/11/14
Russ Waller

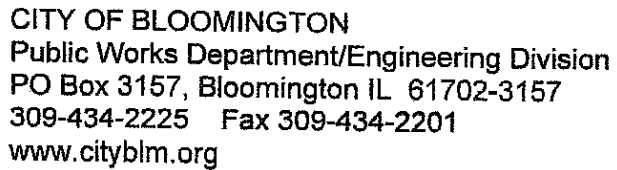
TOTAL AMOUNT DUE: \$ 1,336.80

Terms: Net 30 days

1 1/2% Interest Monthly After 30 Days

Aged Receivables:

Current	31-60 Days	61-90 Days	Over 90 Days
\$ 1,336.80			



Contractor George Gildner, Inc.

Date 1/13/14

Description and Location of Work: Division 84 Motor #4: pick up from dealer, transport to shop.

[illegible][illegible]

APPROVED

James G. Giddens
Contractor's Representative


City's Representative



CITY OF BLOOMINGTON
Public Works Department/Engineering Division
PO Box 3157, Bloomington IL 61702-3157
309-434-2225 Fax 309-434-2201
www.cityblm.org

MAINTENANCE AND REPAIR TIME & MATERIALS REPORT

Contractor George E. Galtner, Inc.

Date 1/14/14

Description and Location of Work: Division St Motor # 4: Deliver to Water Dept.

LABOR

Name, Worker Classification	Total Hours Worked (Straight-Time) (Overtime)
<u>Superintendent</u>	<u>1</u>
<u>Laborer Skilled</u>	<u>1</u>

EQUIPMENT USED

MATERIAL USED

Description: List Manufacturer, Model, Year Built, Capacity	Number of Hours	Description	Quantity
<u>p/p truck</u>	<u>1</u>		
<u>trailer</u>	<u>1</u>		
<u>crane rental</u>			

REMARKS: _____

APPROVED _____

Contractor's Representative

APPROVED _____

City's Representative

2012 UTILITY MAINTENANCE (FY 2013)

PROJECT DESCRIPTION	FUNDING	START DATE	END DATE	COST	WATER	SEWER	STORM WATER
					\$250,000.00	\$200,000.00	\$150,000.00
					REMAINING BUDGET		
Ft Jesse Pump Repair	Water	11/11/2012	11/01/2012	\$4,777.54	\$245,222.46	\$200,000.00	\$150,000.00
Lake Bloomington Pump Repair	Water	11/20/2012	11/20/2012	\$6,420.03	\$238,802.43	\$200,000.00	\$150,000.00
Lake Bloomington Pump Repair	Water	12/04/2012	12/06/2012	\$18,007.48	\$220,794.95	\$200,000.00	\$150,000.00
109-111 Parkview Storm Sewer Repair	Storm	10/15/2012	11/09/2012	\$8,829.19	\$220,794.95	\$200,000.00	\$141,170.81
14 Canterbury San MH Adjustment	Sewer	10/25/2012	11/09/2012	\$5,240.10	\$220,794.95	\$194,759.90	\$141,170.81
1804 S. Hershey Rd San Swr I&I Repair	Sewer	10/30/2012	11/09/2012	\$9,248.80	\$220,794.95	\$185,511.10	\$141,170.81
Cottage Ave Comb Swr Upsizing	Sewer	10/25/2012	12/17/2012	\$33,206.74	\$220,794.95	\$152,304.36	\$141,170.81
Railroad Sewer Debris Removal	Sewer	12/04/2012	12/19/2012	\$7,054.35	\$220,794.95	\$145,250.01	\$141,170.81
Washington & Mercer MH Repair	Storm	12/19/2012	12/19/2012	\$1,294.16	\$220,794.95	\$145,250.01	\$139,876.65
Luther Oaks Sewer Screen	Sewer	01/08/2013	01/16/2013	\$1,627.26	\$220,794.95	\$143,622.75	\$139,876.65
Ft Jesse Pump Repair	Water	01/07/2013	01/07/2013	\$13,555.88	\$207,239.07	\$143,622.75	\$139,876.65
Railroad Sewer Debris Removal	Sewer	02/18/2013	02/25/2013	\$6,317.82	\$207,239.07	\$137,304.93	\$139,876.65
Eagle Crest East Lift Station Access	Sewer	02/21/2013	02/21/2013	\$214.14	\$207,239.07	\$137,090.79	\$139,876.65
Sugar Creek Lift Station Access & Walls	Sewer	02/11/2013	03/01/2013	\$5,036.42	\$207,239.07	\$132,054.37	\$139,876.65
Washington & Mercer MH Repair	Storm	03/12/2013	03/15/2013	\$13,825.26	\$207,239.07	\$132,054.37	\$126,051.39
Fairway Drive Inlets	Storm	03/13/2013	03/19/2013	\$2,587.71	\$207,239.07	\$132,054.37	\$123,463.68
Sugar Creek Lift Station Air Relief Valve	Sewer	03/01/2013	03/21/2013	\$8,177.63	\$207,239.07	\$123,876.74	\$123,463.68
Oakland & Clayton Sewer Insp & Repair	Sewer	03/11/2013	03/11/2013	\$1,719.89	\$207,239.07	\$122,156.85	\$123,463.68
Fairway Drive Inlets & Sump Drain Line	Storm	03/22/2013	04/05/2013	\$20,473.01	\$207,239.07	\$122,156.85	\$102,990.67
Lake Bloomington Pump Repair	Water	02/21/2013	02/21/2013	\$68,896.53	\$138,342.54	\$122,156.85	\$102,990.67
Lake Bloomington Pump Repair	Water	N/A	N/A	\$17,691.10	\$120,651.44	\$122,156.85	\$102,990.67
Lake Bloomington Pump Repair	Water	04/05/2013	04/11/2013	\$28,511.85	\$92,139.59	\$122,156.85	\$102,990.67
Warner Street Sewer Repair	Sewer	04/11/2013	04/15/2013	\$6,230.64	\$92,139.59	\$115,926.21	\$102,990.67
Sugar Creek Lift Station Ladder	Sewer	04/12/2013	04/15/2013	\$3,102.39	\$92,139.59	\$112,823.82	\$102,990.67
Water Funding Interest	Water	N/A	N/A	\$1,568.16	\$90,571.43	\$112,823.82	\$102,990.67
Storm Water Funding Credit	Storm	N/A	N/A	-\$720.00	\$90,571.43	\$112,823.82	\$103,710.67
Fairway Drive Inlets & Sump Drain Line	Storm	04/09/2013	04/09/2013	\$712.75	\$90,571.43	\$112,823.82	\$102,997.92
Stewart St Detention Basin	Storm	04/25/2013	04/25/2013	\$356.14	\$90,571.43	\$112,823.82	\$102,641.78
Miller Park Lake Outlet Repair	Storm	04/23/2013	04/23/2013	\$672.21	\$90,571.43	\$112,823.82	\$101,969.57
Fairway Drive Inlets & Sump Drain Line	Storm	04/22/2013	04/22/2013	\$833.85	\$90,571.43	\$112,823.82	\$101,135.72
Ireland Grove Rd Force Main Tracer Wire	Sewer	04/23/2013	04/30/2013	\$9,554.47	\$90,571.43	\$103,269.35	\$101,135.72
Sugar Creek Lift Station Site Repairs	Sewer	04/22/2013	04/26/2013	\$5,904.87	\$90,571.43	\$97,364.48	\$101,135.72
N. Main St Manhole Repair	Sewer	04/23/2013	04/30/2013	\$1,721.80	\$90,571.43	\$95,642.68	\$101,135.72
Madison St Sewer Repair	Sewer	04/22/2013	04/23/2013	\$334.64	\$90,571.43	\$95,308.04	\$101,135.72
Kensington Sewer Repair	Sewer	04/30/2013	04/30/2013	\$378.14	\$90,571.43	\$94,929.90	\$101,135.72
Lake Bloomington Pump Repair	Water	05/07/2013	05/14/2013	\$3,348.22	\$87,223.21	\$94,929.90	\$101,135.72
Eagle Crest East Lift Station Access	Sewer	05/06/2013	05/16/2013	\$784.42	\$87,223.21	\$94,145.48	\$101,135.72
Eagle Crest East Lift Station Access	Sewer	05/16/2013	05/21/2013	\$1,909.07	\$87,223.21	\$92,236.41	\$101,135.72
Gridley St Guard Rail Repair	Storm	05/21/2013	05/21/2013	\$417.55	\$87,223.21	\$92,236.41	\$100,718.17
Stewart St Detention Basin	Storm	06/05/2013	06/18/2013	\$6,347.50	\$87,223.21	\$92,236.41	\$94,370.67
Kensington Sewer Repair	Sewer	07/03/2013	07/03/2013	\$107.07	\$87,223.21	\$92,129.34	\$94,370.67
Stewart St Detention Basin	Storm	06/26/2013	06/26/2013	\$160.61	\$87,223.21	\$92,129.34	\$94,210.06
Stewart St Detention Basin	Storm	06/25/2013	07/11/2013	\$47,108.43	\$87,223.21	\$92,129.34	\$47,101.63
Kensington Sewer Repair	Sewer	07/23/2013	07/23/2013	\$1,241.92	\$87,223.21	\$90,887.42	\$47,101.63
HoJo Sewer Force Main Investigation	Sewer	08/02/2013	08/09/2013	\$7,560.52	\$87,223.21	\$83,326.90	\$47,101.63
Constitution Trail Storm Sewer Repair	Storm	06/25/2013	07/11/2013	\$10,557.97	\$87,223.21	\$83,326.90	\$36,543.66
Willshire Ct Sump Pump Line	Storm	08/05/2013	08/06/2013	\$4,432.78	\$87,223.21	\$83,326.90	\$32,110.88
Grove St RR Track Removal	Water	07/23/2013	07/31/2013	\$1,200.96	\$86,022.25	\$83,326.90	\$32,110.88
Maple Hill Rd Culvert & Grading	Water	07/18/2013	08/08/2013	\$4,526.62	\$81,495.63	\$83,326.90	\$32,110.88
Willshire Ct Sump Pump Line	Storm	08/13/2013	08/13/2013	\$362.40	\$81,495.63	\$83,326.90	\$31,748.48
Constitution Trail Storm Sewer Repair	Storm	08/23/2013	08/23/2013	\$149.82	\$81,495.63	\$83,326.90	\$31,598.66
Kensington Sewer Repair	Sewer	08/23/2013	08/23/2013	\$5,085.00	\$81,495.63	\$78,241.90	\$31,598.66
Maple Hill Rd Culvert & Grading	Storm	08/13/2013	08/20/2013	\$7,019.77	\$81,495.63	\$78,241.90	\$24,578.89
HoJo Sewer Force Main Investigation	Sewer	08/12/2013	08/23/2013	\$24,439.14	\$81,495.63	\$53,802.76	\$24,578.89
BNWRD Water Meter	Water	09/19/2013	09/23/2013	\$1,563.13	\$79,932.50	\$53,802.76	\$24,578.89
Cottage Ave Storm Sewer	Storm	09/11/2013	09/17/2013	\$5,098.82	\$79,932.50	\$53,802.76	\$19,480.07
Crown Ct Storm Sewer	Storm	09/11/2013	09/18/2013	\$3,066.60	\$79,932.50	\$53,802.76	\$16,413.47
Maple Hill Rd Culvert & Grading	Storm	08/28/2013	08/29/2013	\$1,600.12	\$79,932.50	\$53,802.76	\$14,813.35
Stewart St Detention Basin	Storm	08/30/2013	08/30/2013	\$794.46	\$79,932.50	\$53,802.76	\$14,018.89
HoJo Sewer Force Main Investigation	Sewer	08/27/2013	08/28/2013	\$2,538.92	\$79,932.50	\$51,263.84	\$14,018.89
Division St Motor Repair	Water	09/17/2013	09/17/2013	\$957.82	\$78,974.68	\$51,263.84	\$14,018.89
BNWRD Water Meter	Water	10/07/2013	10/28/2013	\$31,374.94	\$47,599.74	\$51,263.84	\$14,018.89
Norbloom Sewer Repair	Sewer	10/10/2013	10/23/2013	\$18,725.08	\$47,599.74	\$32,538.76	\$14,018.89
Norbloom Sewer Repair	Sewer	11/07/2013	11/13/2013	\$13,324.05	\$47,599.74	\$19,214.71	\$14,018.89
Norbloom Sewer Repair	Sewer	11/14/2013	11/14/2013	\$1,220.34	\$47,599.74	\$17,994.37	\$14,018.89
Water Department Materials	Water	12/09/2013	12/09/2013	\$26,449.35	\$21,150.39	\$17,994.37	\$14,018.89
Division St Motor Repair #4	Water	12/31/2013	12/31/2013	\$45,824.97	-\$24,674.58	\$17,994.37	\$14,018.89
Division St Motor Repair #4	Water	01/13/2014	01/14/2014	\$1,336.80	-\$26,011.38	\$17,994.37	\$14,018.89
Water Department Materials	Water	01/23/2014	01/23/2014	\$13,497.84	-\$39,509.22	\$17,994.37	\$14,018.89
Water Funding Interest	Water	N/A	N/A	\$1,587.53	-\$41,096.75	\$17,994.37	\$14,018.89
TOTALS:				\$609,083.49			



FOR COUNCIL: March 24, 2014

SUBJECT: Rescind Final Plat for the Resubdivision of Lot 145 in Airport Park Subdivision, 12th Addition, commonly located east of Haeffele Way and north of Rt. 9

RECOMMENDATION/MOTION: That the Final Plat and Ordinance No. 2009 - 80 be rescinded and the Ordinance passed.

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

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

BACKGROUND: On December 14, 2009, the Council approved the Final Plat for the Resubdivision of Lot 145 in Airport Park Subdivision, 12th Addition. The Petitioner was CIP, LLC. This Final Plat was never recorded.

The plan was to divide Lot 145 into two (2) separate lots. One lot would be developed as a bar and grill. A site plan for the T-Box Bar and Grill was developed by Lewis, Yockey & Brown, Inc. but the development was never completed.

The City Clerk's Office as part of administrative housekeeping is requesting formal action from the Council as land issues are permanent records.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Legal review by: Jeff Jurgens, Interim Corporation Counsel

Recommended by:

A handwritten signature in black ink, appearing to read "David A. Hales".

David A. Hales
City Manager

Attachments: Attachment 1. Ordinance
Attachment 2. Map

Motion:

Motion: _____ Seconded by: _____

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

ORDINANCE NO. 2014 - _____

**AN ORDINANCE RESCINDING
THE ORDINANCE PREVIOUSLY APPROVING
THE FINAL PLAT OF THE RESUBDIVISION OF LOT 145 IN THE
12TH ADDITION OF AIRPORT PARK SUBDIVISION**

For the reasons set forth in the Petition for Repeal of Ordinance Approving Final Plat, which Petition is valid and sufficient, and the relief requested in the Petition should be granted.

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

1. That Ordinance Number 2009 - 80 approved by Council on December 14, 2009 be rescinded;
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of March, 2014.

APPROVED this ____ day of March, 2014.

Mayor

ATTEST:

City Clerk

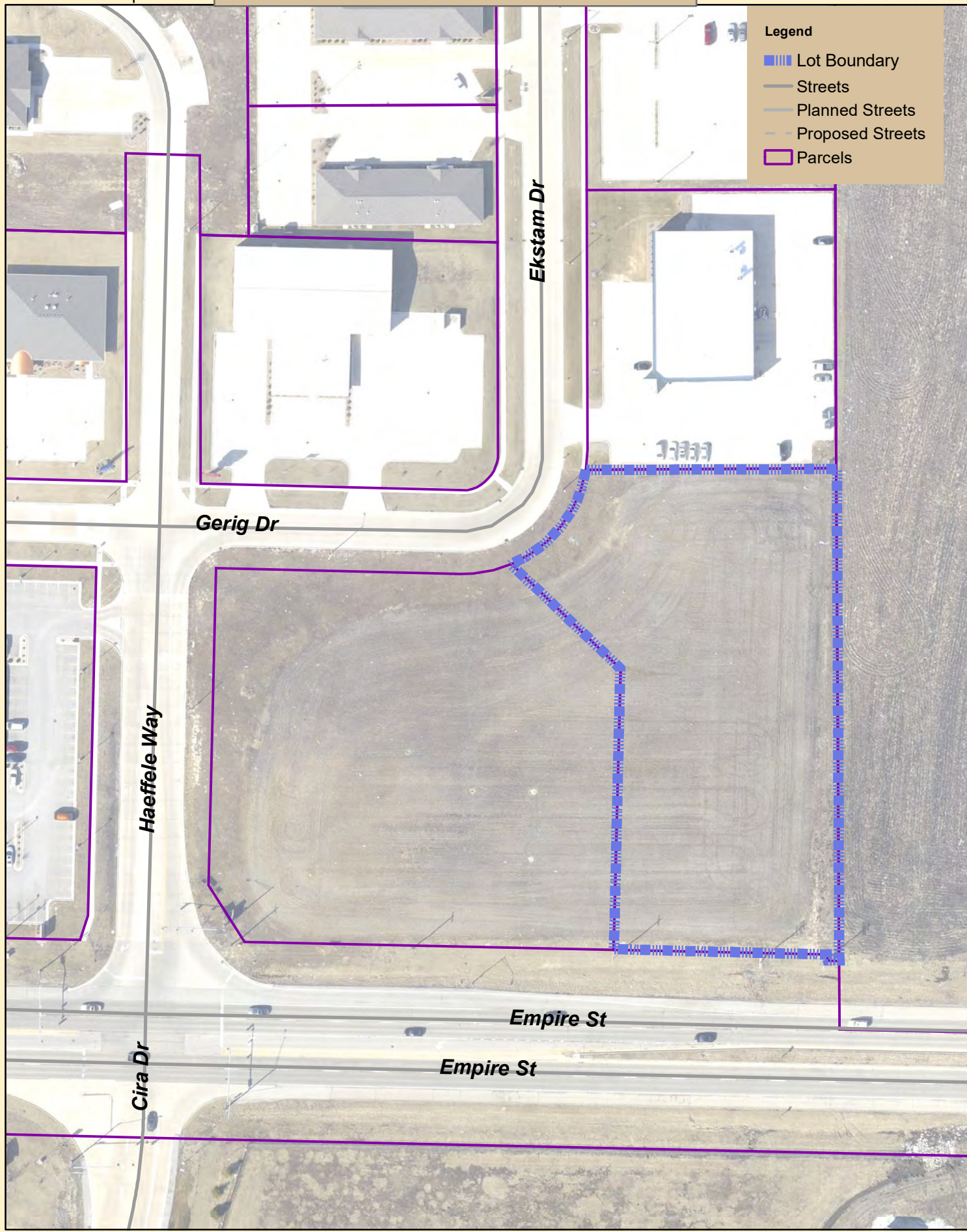
Resubdivision of Lot 145 of Airport Park Subdivision 12th Addition



90 45 0 Feet


Legend

-  Lot Boundary
-  Streets
-  Planned Streets
-  Proposed Streets
-  Parcels





FOR COUNCIL: March 24, 2014

SUBJECT: Analysis of Bids and Approval of Contract for 2014 Bond General Resurfacing

RECOMMENDATION/MOTION: That the unit prices from Rowe Construction for the 2014 Bond General Resurfacing Program be accepted, and the contract be approved in the base amount of \$8,190,000 to be paid out of the FY 2014 budget, with an additional \$140,000 for the Alternate FY 2015 Howard St. CDBG project, to be executed on or after May 1, 2014, contingent upon approval of the Howard St. CDBG project included in the FY 2015 Proposed Budget, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks; Objective 4d. Improved neighborhood infrastructure; and Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: The Public Works Department prepared the 2014 Bond General Resurfacing proposal package and advertised the project for competitive bids. Bids for this contract were received until 11:30 a.m. Monday, March 10, 2014 in the office of the City Clerk. A lone bid was received and opened in the Council Chambers. The single bid was submitted by Rowe Construction.

Rowe Construction – Base Price	\$9,989,386.58
Rowe Construction – Alternate Price (CDBG Howard Street Scope of Work)	\$159,422.62
Rowe Construction Base + Alternate Price	\$10,148,809.20
Engineer’s Estimate – Base Price	\$9,872,532.60
Engineer’s Estimate – Alternate Price	\$170,987.00
Engineer’s Estimate	\$10,043,519.60
Bond Allocation Amount	\$ 8,190,000.00
CDBG Funds	\$140,000.00
Total City Funds Allocation	\$8,330,000.00

As shown above, the contract package included a base bid, as well as an alternate bid that utilizes Community Development Block Grant (CDBG) Funds for curb and gutter, sidewalk and driveway improvements on Howard St.

The Alternate constitutes work proposed to be funded in the FY 2015 proposed budget. Since the FY 2015 budget is not currently approved, this portion of the contract cannot be executed at this time. After May 1, 2014 the Alternate portion, which includes the Howard St. CDBG project work, will be executed if approved in the FY 2015 budget.

Rowe Construction's base price is greater than the \$8,190,000 staff recommends be allocated to the bond general resurfacing related work. Staff requests Council authorization to coordinate with Rowe Construction, the lone low bidder, in order to determine Value Engineering solutions that will reduce project cost and maximize the scope of work that can be completed. Upon final scope determination, a contract will be issued and executed up to a maximum of \$8,190,000. The Howard St. CDBG project work will be executed contingent upon approval of the Howard St. CDBG project included in the FY 2015 Proposed Budget. In addition, the successful bidder will be required to provide a separate performance bond for the Howard St. CDBG project.

A unit price comparison of the major work items included in the bond fund scope of work is shown in the table below (alternate not included):

ITEM DESCRIPTION	UNITS	2013 Unit Price	2014 Unit Price	Change (\$) 2013 - 2014	Change (%) 2013 - 2014
Inlets to be Adjusted	EA	\$933.53	\$950.00	\$16.47	1.76%
Inlets to be Reconstructed - Type 3 Frame & Grate	EA	\$2,600.94	\$2,800.00	\$199.06	7.65%
Pavement Patching	SY	\$87.71	\$95.86	\$8.15	9.29%
Comb Concrete Curb & Gutter - Spot Repair	LF	\$73.74	\$86.27	\$12.53	16.99%
Polymerized HMA Surface Course, Stone Matrix	TON	\$147.91	\$163.85	\$15.94	10.78%
Polymerized HMA Surface Course	TON	\$110.06	\$111.61	\$1.55	1.41%
Polymerized Leveling Binder, Machine Method	TON	\$123.31	\$126.66	\$3.35	2.72%
Sand Seal Coat	TON	\$151.28	\$151.46	\$0.18	0.12%
Surface Removal, 1 ¾"	SY	\$3.88	\$4.80	\$0.92	23.71%
Surface Removal, 2 ¼" / 2 ½"	SY	\$6.55	\$5.90	(\$0.65)	-9.92%
Thermoplastic Pavement Marking Line 6"	LF	\$0.89	\$1.17	\$0.28	31.46%
HMA Speed Hump	EA	\$3,422.14	\$4,266.19	\$844.05	24.66%
Removal of Traffic Calming Circle	EA	\$2,741.28	\$4,582.34	\$1,841.06	67.16%

The 2014 Bond General Resurfacing proposal package was prepared by Public Works' staff to include a scope of work greater than the bond allocation amount for this contract. Staff was optimistic that the increase in scope of work above previous years would result in economies of scale for the perspective bidders and in turn reduce the unit prices from those seen in years past. As shown above, this did not occur. Therefore, Value Engineering and reduced scope of work will be necessary to adjust the work to the allocated bond amount.

The 2014 \$10,000,000 Bond Block by Block projects have been allocated as follows:

CCTV Sewer Inspections	\$200,000
Pavement Preservation Program	\$450,000
Sidewalk Replacement & Handicap Ramp Program	\$1,000,000
SEDCO Microwave Detection	\$160,000
General Resurfacing Program	\$8,190,000

The additional \$140,000 for the Alternate FY 2015 Howard St. CDBG project funds are proposed to be allocated from the FY 2015 Proposed Budget.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on February 24 and March 3, 2014 and a pre-bid meeting was held at 10:30 a.m. on March 3, 2014 in the Public Works Department's Conference Room.

FINANCIAL IMPACT: General Resurfacing Contract for \$8,190,000 is included in the FY 2014 Amended Budget. On October 14, 2013, Council passed an ordinance providing for an issuance of General Obligation Bonds not to exceed \$10,000,000 for the purpose of financing street and sewer improvements. The budget amendment was presented by staff and approved by Council on December 16, 2013. The accounting for payment of the \$8,190,000 is Capital Improvement - Street Construction & Improvements (40100100 - 72530). These funds will be encumbered in FY 2014 and all bond related expenditures will be assigned project code 40500. The additional \$140,000 for the Alternate FY 2015 Howard St. CDBG project funds are proposed to be allocated from the FY 2015 Proposed Budget, Community Development Capital Improvement - Street Construction (22402440 – 72530 - 52000). The additional \$140,000 will be encumbered after May 1, 2014 contingent upon Council approval of the Howard St. CDBG project being included in the FY 2015 Budget.

Respectfully submitted for Council consideration.

Prepared by: Robert Yehl, PE, Assistant City Engineer
Reviewed and Concur: Jim Karch, PE, CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

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

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1: 2014 Bond General Resurfacing Map

Motion: _____ Seconded by: _____

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

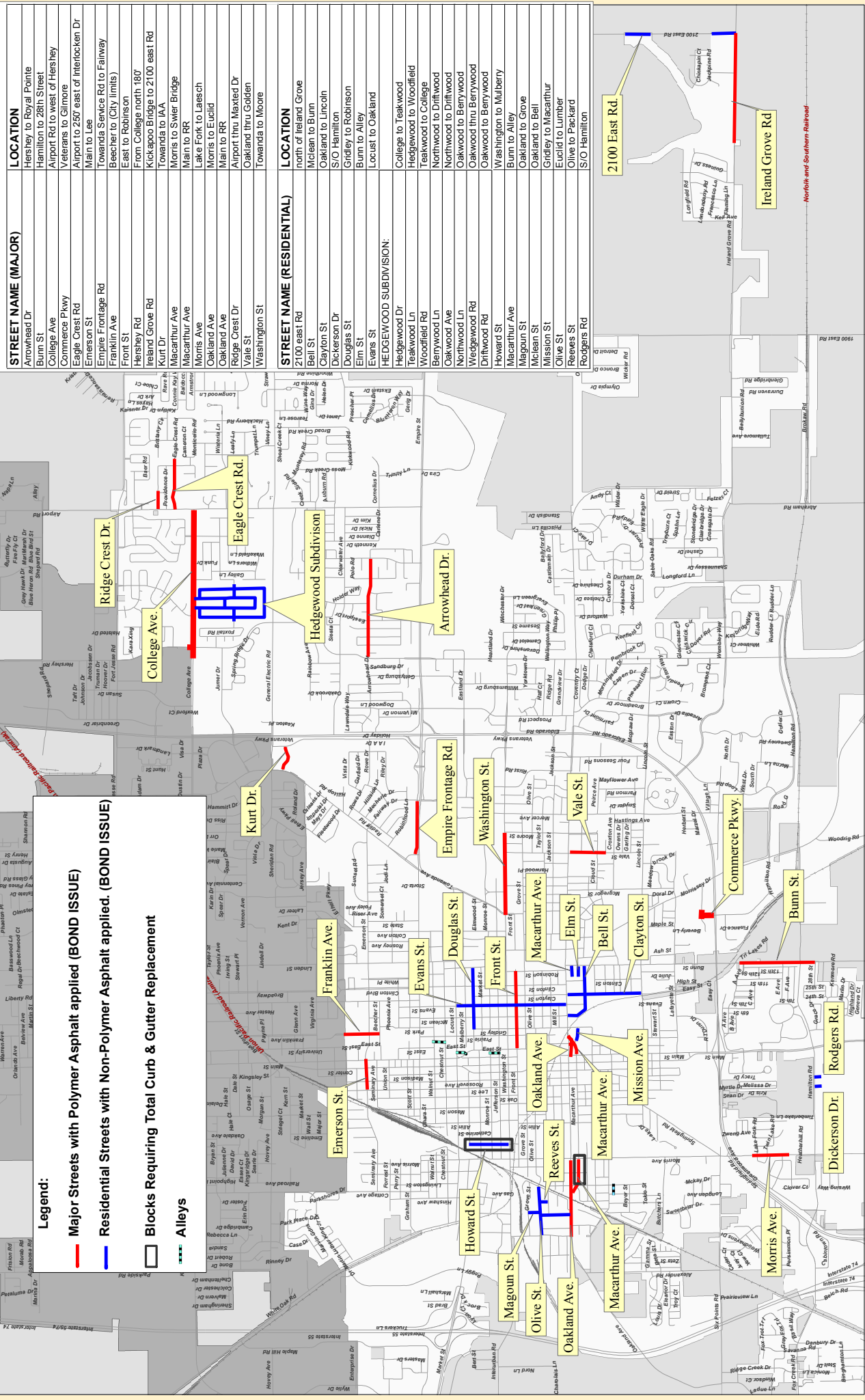
Draft 2014 Resurfacing Plan

0 25.00 50.00 feet



Legend:

- Major Streets with Polymer Asphalt applied (BOND ISSUE)
- Residential Streets with Non-Polymer Asphalt applied. (BOND ISSUE)
- Blocks Requiring Total Curb & Gutter Replacement
- Alleys



STREET NAME (MAJOR)	LOCATION
Arrowhead Dr	Hershey to Royal Pointe
Burn St	Hamilton to 28th Street
College Ave	Airport Rd to west of Hershey
Commerce Pkwy	Veterans to Gilmore
Eagle Crest Rd	Airport to 250' east of Interlocken Dr
Emerson St	Main to Lee
Empire Frontage Rd	Towards Service Rd to Fairway
Franklin Ave	Beecher to (City limits)
Front St	East to Robinson
Hershey Rd	From College north 180'
Ireland Grove Rd	Kickapoo Bridge to 2100 east Rd
Kurt Dr	Towards to IAA
Macarthur Ave	Morris to Swier Bridge
Morris Ave	Main to RR
Morris Ave	Lake Fork to Laesch
Morris Ave	Morris to Euclid
Oaklawn Ave	Main to RR
Ridge Crest Dr	Airport thru Maxted Dr
Vale St	Oakland thru Golden
Washington St	Towards to Moore

STREET NAME (RESIDENTIAL)	LOCATION
2100 east Rd	north of Ireland Grove
Bell St	McLean to Bunn
Clayton St	Oakland to Lincoln
Dickerson Dr	S/O Hamilton
Douglas St	Gridley to Robinson
Elm St	Burn to Alley
Evans St	Locust to Oakland
HEDGEWOOD SUBDIVISION:	
Hedgewood Dr	College to Teakwood
Teakwood Ln	Hedgewood to Woodfield
Woodfield Rd	Teakwood to College
Berrywood Ln	Northwood to Driftwood
Oakwood Ave	Northwood to Driftwood
Northwood Ln	Oakwood to Berrywood
Wedgewood Rd	Oakwood thru Berrywood
Driftwood Rd	Oakwood to Berrywood
Howard St	Washington to Mulberry
Macarthur Ave	Burn to Alley
Magoun St	Oakland to Grove
McLean St	Oakland to Bell
Mission St	Gridley to Macarthur
Olive St	Euclid to Lumber
Reeves St	Olive to Packard
Rodgers Rd	S/O Hamilton

Norfolk and Southern Railroad



FOR COUNCIL: March 24, 2014

SUBJECT: Analysis of Bids and Approval of Contract for 2014 Bond Sidewalk Replacement and Handicap Ramp Program

RECOMMENDATION/MOTION: Recommend that the unit prices from J. G. Stewart Contractors, Inc. be accepted for the 2014 Bond Sidewalk Replacement and Handicap Ramp Program and that a contract be approved in the base amount of \$1,000,000 to be paid from the FY 2014 budget, with an additional \$100,000 Alternate as proposed in the FY 2015 proposed budget under the Capital Improvement Fund for the 50/50 Sidewalk Program, said Alternate to be executed on or after May 1, 2014, contingent upon that amount being approved in the 50/50 Sidewalk Program included in the FY 2015 budget.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. This project upgrades sidewalks throughout the City, providing better pedestrian access. It also improves the infrastructure in neighborhoods, providing residents with a way to contribute to the quality of the sidewalks in their neighborhood. Objective 4d. Improved neighborhood infrastructure; Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: Bids for this contract were received until 11:30 a.m. Monday, March 10, 2014 in the office of the City Clerk. Three (3) bids were received and opened in the Council Chambers.

Bids:		Base bid	Alternate (for FY2015 50/50 program)	Total
J.G. Stewart, Inc., Bloomington, IL	<i>Low Bid</i>	\$ 926,172.40	\$ 86,698.75	\$ 1,012,871.15
George Gildner, Inc., Bloomington, IL		\$ 997,331.00	\$ 106,398.00	\$ 1,103,729.00
Otto Baum Company, Inc., Morton, IL	<i>As Corrected</i>	\$1,204,432.50	\$ 105,736.00	\$ 1,310,168.50
	<i>As Read</i>	\$1,195,312.50	\$ 105,736.00	\$ 1,301,048.50
Engineer's Estimate:		\$1,083,012.50	\$ 112,275.63	\$ 1,195,288.13

This project includes the upgrade of any non-ADA compliant sidewalk access ramps and replacement of sidewalk that is not considered serviceable along the streets to be resurfaced under the Bond Issue. The Alternate includes work to be done under the 50/50 sidewalk program which is an annual program administered by Public Works which allows homeowners to request that sidewalk be replaced in front of their property, with the City's contractor doing the work and sharing in half the cost.

Since the low bid is under \$1,000,000, the Alternate is under \$100,000 and the bid documents allow the addition of repair locations, a Contract for the entire budget amount will be awarded.

The Alternate constitutes work to be funded in the FY 2015 proposed budget. Since the FY 2015 budget is not currently approved, this portion of the contract cannot be executed at this time. After May 1, 2015, the Alternate portion which includes the 50/50 Sidewalk Program will be executed contingent upon approval of the 50/50 Sidewalk Program included in the 2015 proposed budget. In addition, the successful bidder will be required to provide a separate performance bond for the 50/50 Sidewalk Program.

The substantial completion date for this project is in the bid documents as November 14, 2014. If there is still money left in the 50/50 sidewalk program, the ending date will be extended until funds runs out or April 30, whichever occurs first. This past year an insert was included in the water bill to promote the 50/50 sidewalk program. This resulted in a sizable response which depleted all of the funds. If a water bill insert is mailed this year, it may result in funds being used sooner than last year.

The project instruction to bidders stated that bidders shall return two complete copies of the entire proposal booklet when submitting their bid. Of the three bidders, two submitted only one copy of their bid proposal booklet. The lowest bidder, J.G. Stewart, was one of these. The City chose to waive this non-compliance with bid instructions as non-material. Under Illinois law, whether a variance between a bid instruction and a bid is material is determined by whether this variance gives one bidder a substantial advantage or benefit over other bidders. The City judged this failure as non-material in that it did not confer one bidder with a substantial advantage over other bidders.

A unit price comparison of five (5) major work items included in the bond fund scope of work is shown in the table below (alternate not included):

DESCRIPTION	UNITS	2013 Unit Price	2014 Unit Price	Change (\$) 2013 - 2014	Change (%) 2013 - 2014
4" sidewalk remove/replace	SF	\$6.40	\$6.40	\$0.00	0.00%
6" sidewalk remove/replace	SF	\$6.75	\$6.75	\$0.00	0.00%
saw cutting	SF	\$1.40	\$1.65	\$0.25	17.86%
curb replacement	LF	\$22.75	\$23.00	\$0.25	1.10%
retaining wall	SF	\$40.00	\$40.00	\$0.00	0%

The 2014 \$10,000,000 Bond Issue Block by Block project funds have been allocated as follows:

CCTV Sewer Inspections	\$200,000
Pavement Preservation Program	\$450,000
Sidewalk Replacement & Handicap Ramp Program	\$1,000,000
SEDCO Microwave Detection	\$160,000
General Resurfacing Program	\$8,190,000

The additional \$100,000 for Alternate FY15 50/50 Sidewalk Program funds would be allocated from the FY 2015 Proposed Budget.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on February 24 and March 3, 2014 and a pre-bid meeting was held at 9:00 a.m. on March 3, 2014 in the Public Works Department's Conference Room.

FINANCIAL IMPACT: Sidewalk Replacement & Handicap Ramp Program for \$1,000,000 is included in the FY 2014 Amended Budget. On October 14, 2013, Council passed an ordinance providing for an issuance of General Obligation Bonds not to exceed \$10,000,000 for the purpose of financing road and sewer improvements. The budget amendment was presented by staff and approved by Council on December 16, 2013. The accounting for payment of the \$1,000,000 is Capital Improvement - Sidewalks (40100100 - 72560). These funds will be encumbered in FY 2014 and all bond related expenditures will be assigned project code 40500. A budget transfer of \$1,000,000 from Street Construction to Sidewalks will need to be processed in Munis (City's financial system) after Council approval and prior to the encumbrance being created. The remaining \$100,000 for the 50/50 sidewalk portion is included in the FY 2015 Proposed Budget. On May 1, 2014 contingent upon Council approval of the 50/50 Sidewalk Program included in the FY 2015 Proposed Budget, this will be encumbered and paid out of Capital Improvement - Sidewalks (40100100 - 72560).

Respectfully submitted for Council consideration.

Prepared by: Anthony Meizelis, PE, Civil Engineer I
Reviewed and Concur: Jim Karch, PE CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

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

Recommended by:



David A. Hales
City Manager

Motion: _____

Seconded by: _____

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



FOR COUNCIL: March 24, 2014

SUBJECT: Analysis of Proposal and Approval of Contract for 2014 Bond Pavement Preservation

RECOMMENDATION/MOTION: That the unit prices from Corrective Asphalt Materials, LLC, South Roxana, IL for 2014 Bond Pavement Preservation be accepted in the amount of \$450,000, the contract be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks; Objective 4d. Improved neighborhood infrastructure; and Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: The Pavement Preservation program was bid in 2011. The sole bidder in 2011 was Corrective Asphalt Materials, LLC. The Reclamite Preservation Seal and CRF Restorative Seal materials are proprietary and Corrective Asphalt Materials, LLC is the sole source distributor/applicator for our region. At the January 28, 2013 meeting, Council directed the Public Works Department to negotiate the 2013 Pavement Preservation Program. As has been done since 2011, the 2014 Bond Pavement Preservation program was negotiated with Corrective Asphalt Materials, LLC.

Reclamite is an emulsion made up of specific petroleum oils and resins. It penetrates into the top layer of asphalt pavement and brings the Maltene and Asphaltene ratio back to a proper balance. The rejuvenating process keeps the pavement flexible, so both cracking and road fatigue are reduced. It also seals the pavement from air and water, slowing the oxidation process and reducing the loss of small aggregate.

CRF is an emulsion containing Reclamite and eleven percent (11%) asphalt. It provides more of a seal coat and is covered with a thick layer of lime screenings which blend into the surface and help to fill voids and cracks.

This year's contract provides for increased use of CRF Restorative Seal for streets that have aged beyond the timeframe to apply Reclamite alone. Several CRF trials have been done on streets since 2007 with positive results. The price totals listed below are based on unit prices of \$0.85 per square yard for Reclamite (2013 was \$0.83, 2012 was \$0.82) and \$2.12 per square yard for CRF (2013 was \$2.46).

Rejuvenator – Reclamite	\$169,082.00
CRF Restorative Seal	\$300,192.00
Street Sweeping and Cleaning – Before Treatment	\$5,500.00
Base Price	\$474,774.00
Alt 1 (Credit for providing Material Stockpile Site)	(\$35,250.00)
Base + Alt 1	\$439,524.00
Engineer's Estimate	\$539,038.80
Bond Allocation Amount	\$450,000.00

These types of treatments are designed to keep streets in good condition. Streets are treated with Reclamite the same year they are resurfaced to obtain maximum benefit from the Reclamite. The streets scheduled to be treated under this contract are shown on the attached maps.

The 2014 \$10,000,000 Bond Issue Block by Block project funds have been allocated as follows:

CCTV Sewer Inspections	\$200,000
Pavement Preservation Program	\$450,000
Sidewalk Replacement & Handicap Ramp Program	\$1,000,000
SEDCO Microwave Detection	\$160,000
General Resurfacing Program	\$8,190,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Pavement Preservation Program for \$450,000 is included in the FY 2014 Amended Budget. On October 14, 2013, Council passed an ordinance providing for an issuance of General Obligation Bonds not to exceed \$10,000,000 for the purpose of financing street and sewer improvements. The budget amendment was presented by staff and approved by Council on December 16, 2013. The accounting for payment of the \$450,000 is Capital Improvement - Street Construction & Improvements (40100100 - 72530). These funds will be encumbered in FY 2014 and all bond related expenditures will be assigned project code 40500.

Respectfully submitted for Council consideration.

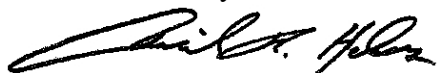
Prepared by: Robert Yehl, PE, Assistant City Engineer
Reviewed and Concur: Jim Karch, PE, CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

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

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1 – Corrective Asphalt Materials, LLC Sole Source Letter
Attachment 2 – 2014 Bond Pavement Preservation Maps
Attachment 3 – Reclamite Test Photo
Attachment 4 – CRF Demonstration Test

Motion: _____ Seconded by: _____

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

February 25, 2014

Mr. Jeff Kohl
Engineering Technician
Engineering Department City of Bloomington, IL
115 E. Washington St.
Bloomington, IL 61702-3157
Office 309-434-2225
Cell 309-275-1633
jkohl@cityblm.org

Mr. Kohl,

Corrective Asphalt Materials, LLC, CAM, LLC (CAM) has an agreement with TRICOR Refinery, Patent owner of Reclamite and CRF, to manufacture the final Reclamite Preservative Seal emulsion and to apply and distribute in the states of Illinois, Missouri, Arkansas, Alabama, Iowa and Mississippi.

Based on the aforementioned agreement, CAM, LLC is the sole distributor in Illinois of TRICOR Refinery's Reclamite & CRF, of which the Reclamite Preservative Seal emulsion and CRF Restorative Seal emulsion is made.

And, according to TRICOR Refining's own website distributor information, this is the case.

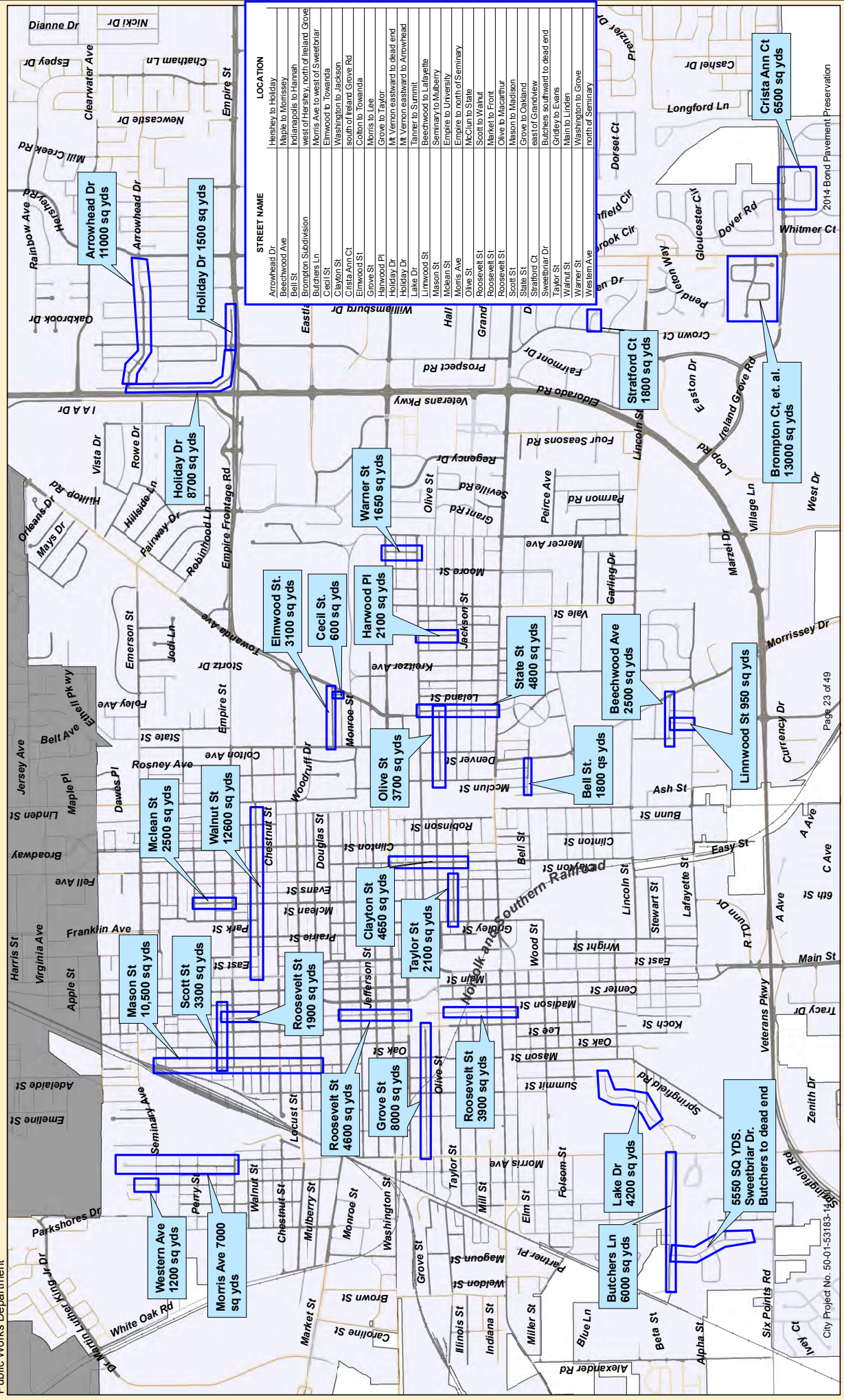
I trust this satisfies all questions regarding the proprietary nature of Reclamite Preservative Seal and CRF Restorative Seal.

Thank you,



Anthony J. Witte, PE (Tony)
CEO-Corrective Asphalt Materials, LLC, CAM, LLC
Off-618-254-3855
Mob-618-407-1570
Fax-618-254-2200
tony@cammidwest.com

CRF Pavement Preservation 2014



RECLAMITE PAVEMENT PRESERVATION 2014

0 1,300 2,600 5,200 Feet



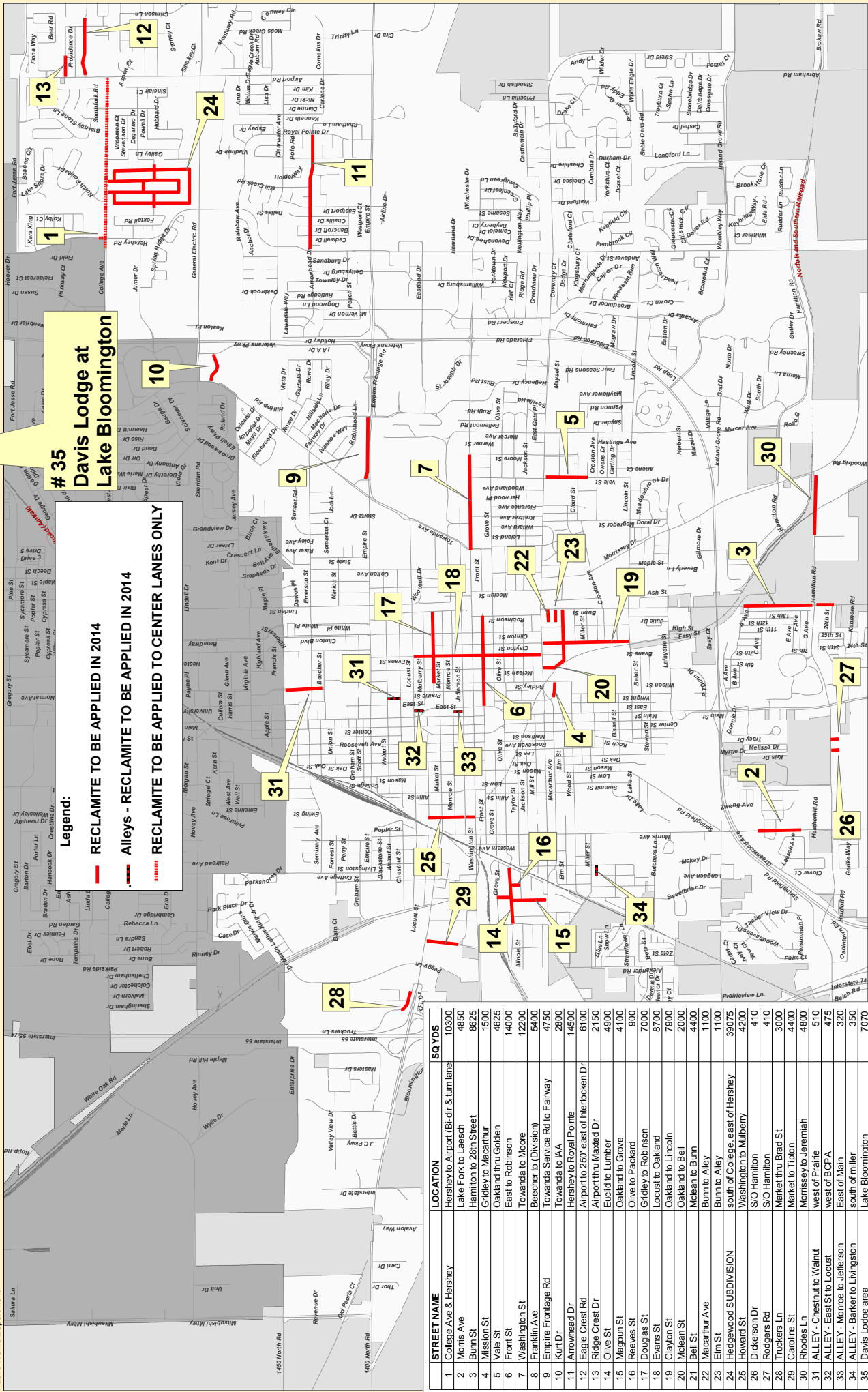
Legend:

— RECLAMITE TO BE APPLIED IN 2014

- - - Alleys - RECLAMITE TO BE APPLIED IN 2014

--- RECLAMITE TO BE APPLIED TO CENTER LANES ONLY

35
Davis Lodge at
Lake Bloomington



STREET NAME	LOCATION	SOYDS
1 College Ave & Hershey	Hershey to Airport (Bi-tur & turn lane)	10300
2 Morris Ave	Lake Fork to Laesch	4850
3 Bunn St	Hamilton to 28th Street	8625
4 Mission St	Gridley to MacArthur	1500
5 Vale St	Oakland thru Golden	4825
6 Front St	East to Robinson	14000
7 Washington St	Towanda to Moore	12200
8 Franklin Ave	Beecher to (Division)	5400
9 Empire Frontage Rd	Towanda Service Rd to Fairway	4750
10 Kurt Dr	Towanda to AA	2800
11 Arrowhead Dr	Hershey to Royal Pointe	14500
12 Eagle Crest Rd	Airport to 250' east of Heriboken Dr	6100
13 Ridge Crest Dr	Airport thru Maxed Dr	2150
14 Olive St	Euclid to Lumber	4900
15 Magoun St	Oakland to Grove	4100
16 Reeves St	Olive to Packard	900
17 Douglas St	Gridley to Robinson	7000
18 Evans St	Locust to Oakland	8700
19 Clayton St	Oakland to Lincoln	7900
20 McLean St	Oakland to Bell	2000
21 Bell St	McLean to Burn	4400
22 MacArthur Ave	Burn to Alley	1100
23 Elm St	Burn to Alley	1100
24 Hedgewood SUBDIVISION	south of College, east of Hershey	39075
25 Washington St	Washington to Mulberry	4200
26 Dickerson Dr	S/O Hamilton	410
27 Rodgers Rd	S/O Hamilton	410
28 Truckers Ln	Market thru Brad St	3000
29 Caroline St	Market to Tipson	4400
30 Roodes Ln	Morrissey to Jeremiah	4900
31 ALLEY - Chestnut to Walnut	west of BCPA	515
32 ALLEY - East St to Locust	East of Main	320
33 ALLEY - Monroe to Jefferson	south of miller	350
34 ALLEY - Barker to Livingston	Lake Bloomington	7070
35 Davis Lodge area		



Reclamite treated asphalt pavement more than 15 years old in Yorkville, IL

CRF Restorative Seal "CRF" is a product of Tricor Refining, LLC in Bakersfield, California (www.tricorrefining.com). The vendor and applicator of CRF for this area of the Midwest is Corrective Asphalt Materials, LLC, "CAM" (www.cammidwest.com). In 2007 CAM provided a demonstration of CRF on Kenyon Court. Kenyon Court is a Hot Mix Asphalt "HMA" pavement that was built in 1960, resurfaced in 1983 and was considered to be a poor candidate for this



Figure 1 - Kenyon Ct before CRF Treatment in 2007



Figure 2 - CRF applied by hand applicator then broom finish

treatment by the contractor. The PASER rating was a 3 at the time of the demonstration in 2007. The CRF material was applied full strength with a wand applicator by hand. The material was smoothed out with a broom. CRF is an asphalt emulsion containing Reclamite rejuvenating seal that goes down chocolate milk brown in color then breaks or sets to a black finish usually within 10-20 minutes. A coating of lime screenings is applied over the CRF to prevent tracking and help fill in voids in the worn and weathered asphalt surface.



Figure 3 - Kenyon Ct one year later



Figure 4 - Kenyon Ct five years later in 2012

In the years since the treatment the City's Engineering staff has kept careful watch of this test section on Kenyon Court. At the six year mark the test section still looks good and needs no patching where areas of the pavement adjacent to the test site have been pothole patched several times. Kenyon Court is currently rated a 2 and is scheduled for a mill and HMA overlay in 2013.

If the entire street had been treated with CRF in 2007, the mill and overlay would have been deferred at least 12 years since the CRF test section is in better condition now than the street was in 2007.



Figure 5 - Kenyon Ct six years later in 2013



Figure 6 - Moore Street prior to 70/30 CRF treatment

2012 CRF 70/30 Mix Test

As a result of the good performance on Kenyon Court, the City in 2012 paid CAM to apply CRF to several more streets using an applicator truck.

CRF is normally applied full strength when used for crack filling from a wand.

The standard practice when using an applicator truck for surface applying the CRF is to dilute the mix to 70% CRF to 30% water. City staff did not see the same results when using the 70/30 mix as with the 2007 test on Kenyon Court. The material did not fill surface cracks and defects as well as the thicker mix. Please see the attached map for the 2012 CRF street test sections.



Figure 7 - Moore Street during application - other side is done

2013 CRF Full Strength Test

City of Bloomington Engineering staff worked with CAM to develop a full strength application of CRF using the applicator truck. Staff identified streets with varying ages and pavement conditions for a test section utilizing different application rates.

The test sections included the 400 & 500 blocks of S. Oak St. and the 500 & 600 blocks of W. Jackson St. and W. Taylor St.

Parts of these blocks were left untreated as control sections to gauge the effectiveness of these CRF treatments.

Temporary no parking signs were installed 24 hours before treatment. The street was swept and cleaned of debris prior to treatment. Inlets and manholes in the spray zone were covered with disposable towels to keep CRF out of the sewers.

Application rates varied from 0.125 gallons per square yard up to 0.375 gallons per square yard in multiple passes.

Application rates over 0.18 gallons per square yard exhibited some bleed through in the days following the test. Those locations received an additional application of lime screenings.

Results following the application look very similar to Kenyon Court following treatment in 2007. Engineering Staff is pleased with the coverage since the surface cracks and defects have been filled to the surface with CRF material and lime screenings. Cost for a larger program should be around \$1.75 per square yard. This compares favorably with Reclamite which is just under \$1.00 per square yard. Cost for mill and overlays of roads are in the \$20 - \$25 per square yard range. Expansion of the CRF program is desired for the FY2015 budget.



Figure 8 - Jackson Street prior to CRF treatment



Figure 9 – CRF just applied to north side of Jackson Street. South side has cured to black color after 15 minutes. Lime screenings on Oak Street are visible on left side of picture.



Figure 10- Jackson Street 9 days after CRF treatment

Item 7B-b.

**Luther Oaks First Addition Subdivision
Special Use Petition
(5 minutes)**

**Will be available
Via addendum**



FOR COUNCIL: March 24, 2014

SUBJECT: Petitions from Luther Oaks, Inc., to rescind the Final Plat for First Addition to Luther Oaks Subdivision which was approved by the Council on August 12, 2013 and approval of the Final Plat for First Addition to Luther Oaks Subdivision.

RECOMMENDATION/MOTION: Recommend that Ordinance 2013 - 56 be rescinded, the revised Final Plat be approved and the Ordinances passed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses.

BACKGROUND: This petition is one of three (3) Council items on the agenda for this site.

On February 17, 2006, Council approved the final plat for Luther Oaks Subdivision.

On August 12, 2013, Council approved the final plat for the First Addition to Luther Oaks Subdivision in preparation for a building expansion. This building expansion was later scaled back due to requirements from the State of Illinois.

The petition to repeal the Final Plat for First Addition to Luther Oaks Subdivision reverses approval of the Final Plat submitted in August 2013.

This Final Plat covers the same area as Ordinance 2013 – 56 approved in August 2013. It revises the locations of some utilities in preparation for the scaled back expansion of the Luther Oaks facility.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Luther Oaks, Inc.

FINANCIAL IMPACT: None to the City, all survey, plat and recording costs are paid by Luther Oaks, Inc.

Respectfully submitted for Council consideration.

Prepared by: Anthony Meizelis, PE, Civil Engineer I
Reviewed and Concur: Jim Karch, Director of Public Works

Reviewed by: John Kennedy, Director of Parks, Rec & Cultural Arts
Barbara J. Adkins, Deputy 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

Attachments: Attachment 1. Petition, Ordinance, Legal Description for Repeal of Final Plat
Attachment 2. Petition, Ordinance, Legal Description for Final Plat
Attachment 3. Tap On Fee Memo
Attachment 4. Map
Attachment 5. Subdivision Plat

Motion: _____ Seconded by: _____

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

**PETITION TO RESCIND AN
ORDINANCE APPROVING A 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 LUTHER OAKS, INC., hereinafter referred to as your Petitioner, 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, 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 to rescind the Ordinance adopted by the City of Bloomington hereinafter described, and in support of this Petition states as follows:
 - A. That your Petitioner previously filed herein a Petition for Approval of Final Plat for the First Addition to Luther Oaks Subdivision;
 - B. That by action of the City Council of the City of Bloomington at its regularly scheduled meeting held on August 12, 2013, the Council approved the Final Plat as presented and the approval was reflected in Ordinance Number 2013 - 56;
 - C. That subsequent to the adoption of the Ordinance, your Petitioner determined that the Final Plat as approved was incomplete and that the most appropriate way to deal with the issue presented was to vacate the above-referenced Ordinance and proceed with the filing of a revised Final Plat for the First Addition to Luther Oaks Subdivision, which filing has been accomplished simultaneously with the filing of this Petition.

WHEREFORE, your Petitioner prays that Ordinance Number 2013 - 56 be repealed for the reasons hereinabove set forth.

Respectfully submitted,

LUTHER OAKS, INC.

By: _____
William C. Wetzel, Its Attorney

ORDINANCE NO. 2014 - _____

**AN ORDINANCE RECINDING
THE ORDINANCE PREVIOUSLY APPROVING
THE FINAL PLAT OF THE FIRST ADDITION TO LUTHER OAKS SUBDIVISION**

For the reasons set forth in the Petition for Repeal of Ordinance Approving Final Plat, which Petition is valid and sufficient, and the relief requested in the Petition should be granted.

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

1. That Ordinance Number 2013 - 56 approved by Council on August 12, 2013 be recinded;
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of March, 2014.

APPROVED this ____ day of March, 2014.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

State of Illinois)
)ss.
County of McLean)

Now comes LUTHER OAKS, INC., hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

- WHEREFORE, your petitioner respectfully prays that said Final Plat for the FIRST ADDITION TO LUTHER OAKS SUBDIVISION submitted herewith be approved with the exemptions or variations as requested herein.

LUTHER OAKS, INC.

By : _____
William C. Wetzel
Its Attorney

ORDINANCE NO. 2014 - _____

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FIRST ADDITION TO LUTHER OAKS 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 FIRST ADDITION TO LUTHER OAKS 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 FIRST ADDITION TO LUTHER OAKS 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 24th day of March, 2014.

APPROVED this ____ day of March, 2014.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

MEMORANDUM

February 11, 2014
TO: Tracey Covert, City Clerk
FROM: Tony Meizelis, Engineering Division Public Works
RE: Performance Guarantees and Tap-On Fees

The following are the Performance Guarantee and Tap On fees required from the developer for that part of the Trinity Lutheran School site to be **First Addition to Luther Oaks Subdivision**.

A: Tap-On Fees:

The following tap-on fees are due for that part of the Trinity Lutheran School site to be **First Addition to Luther Oaks Subdivision**, per the annexation agreement approved September 26, 2000. Tap on fees for 10 acres (original subdivision) were paid previously on March 27, 2006.

		<u>Fund</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1	Southwest Sanitary Sewer	51101100-57320	\$759.85	\$1,553.89	\$2,313.74
2	Pump Station and Force Main	51101100-57320	\$0.00	\$0.00	\$0.00
3	Watermain in Hamilton Rd.	50100120-57320	\$0.00	\$0.00	\$0.00
4	Hamilton Rd. pavement (MFT)	20300300-57320	\$0.00	\$0.00	\$0.00
5	Heidloff Rd./Greenwood pav't (MFT)	20300300-57320	\$0.00	\$0.00	\$0.00
6	Lutz Road pavement	40100100-57320	\$0.00	\$0.00	\$0.00
7	Fee in lieu of Park Land Ded.	24104100-57320	\$10,614.00	\$0.00	\$10,614.00
	TOTAL :		\$11,373.85	\$1,553.89	<u>\$12,927.74</u>

Area of Sub. = 12.171 acs. (10 acres platted in 2006, 2.171 remaining)

Watermain Frontage on Hamilton = 0

Pavement Frontage on Heidloff (formerly Greenwood) = 0

Pavement Frontage on Lutz Road = 381.21 ft.

Parkland: 0.42 ac req'd @ \$25,200 per ac.

- 1) Southwest Sanitary Sewer @ \$350/ac +6% SI from Feb. 1980.
- 2) Pump Station and Force Main, Trinity Lutheran to pay Prenzler directly when they connect.
- 3) Watermain @ \$20/ft.
- 4) Hamilton Road pavement: no fee per agreement.
- 5) Greenwood Ave. pavement @ \$75/ft of frontage (less credit of \$15,681.00 per agreement).
- 6) Lutz Rd. pavement @ \$75/ ft of frontage.

7) Park Land Ded. fee = \$18,144 for retirement development per agreement.

B: Performance Guarantee:

110% of incomplete public improvement construction costs as of 2/1/14: \$ 55,418.00

10% of all completed public improvement construction costs: \$ 0.00

Total (Amount of the bond): **\$ 55,418.00**

C: Bond for adjacent substandard street improvement:

Lutz Rd.: No new bond required; no additional frontage on Lutz road. Bond for frontage on Lutz Road shown on this plat was part of original subdivision plat.



Public Works Department

ENGINEERING DIVISION

115 E. Washington St., PO BOX 3157

Bloomington, IL 61702-3157

Phone: 309-434-2225

Fax: 309-434-2201

cc: Jim Karch, Director of Public Works
Kevin Kothe, City Engineer
Patti-Lynn Silva, Finance
Engineer: Michael Sewell Shive Hattery
Attorney: William Wetzel

Luther Oaks Subdivision First Addition

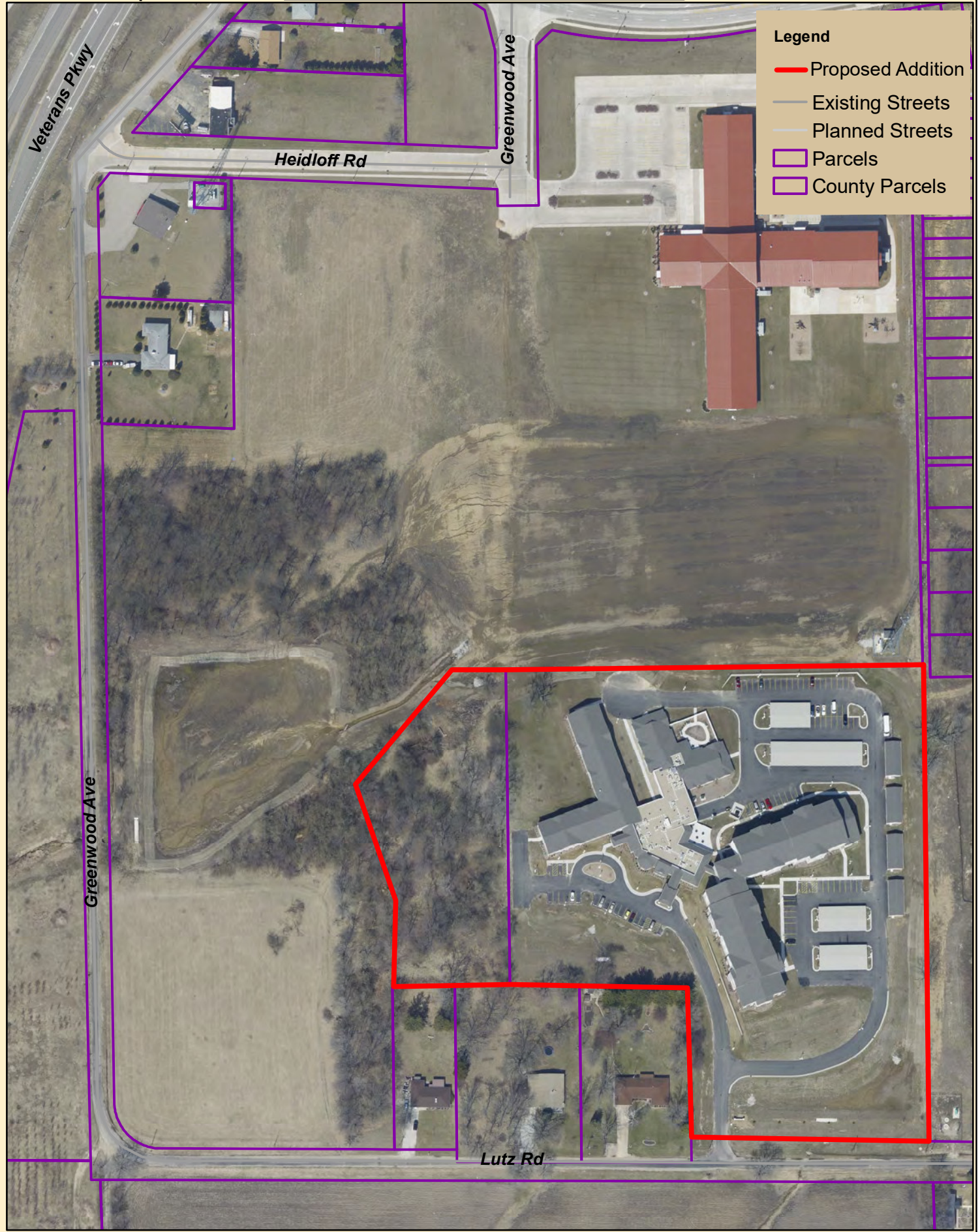


0 105 210 Feet

DATE 03/06/2014

Legend

-  Proposed Addition
-  Existing Streets
-  Planned Streets
-  Parcels
-  County Parcels



A part of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian

Bloomington, Illinois

2103 Eastland Drive | Bloomington, Illinois 61704
309.862.8992 | fax 309.862.5808 | shrive-hattery.com
Iowa | Illinois | Missouri | Illinois Firm Number: 184-000214

B1



FOR COUNCIL: March 24, 2014

SUBJECT: Petitions from Luther Oaks, Inc., for the Vacation of a Sanitary Sewer Easement and a Water Main Utility Easement located in Lot 1, Luther Oaks Subdivision

RECOMMENDATION/MOTION: That the Vacations be approved and the Ordinances passed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses.

BACKGROUND: These two (2) petitions are among three (3) Council items on the agenda for this site.

On February 17, 2006, Council approved the Final Plat for Luther Oaks Subdivision.

On August 12, 2013, Council approved the Final Plat for the First Addition to Luther Oaks Subdivision in preparation for a building expansion. This building expansion was later scaled back after submission to the State of Illinois for review.

The first easement vacation plat vacates an easement at the west end of the building that was dedicated along the west edge of the original Luther Oaks Subdivision, passed by Council on February 17, 2006. This water main will be looped further to the west with an easement dedicated with the revised Final Plat for the First Addition to Luther Oaks Subdivision.

The second easement vacation plat removes the easement for a sanitary sewer that is being changed from a public sewer to a private sewer. This sewer does not need to be public as it only serves the Luther Oaks facility.

Collectively, the submitted easement vacations are to prepare for a repeal of Ordinance 2013 - 56 and approval of a revised Final Plat for the First Addition to Luther Oaks Subdivision.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Luther Oaks, Inc.

FINANCIAL IMPACT: None. All survey, plat and recording costs are paid by Luther Oaks, Inc.

Respectfully submitted for Council consideration.

Prepared by:

Anthony Meizelis, PE, Civil Engineer I

Reviewed and Concur:

Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy 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

Attachments: Attachment 1. Petition, Ordinance, Legal Description for Water Main Utility Easement
Attachment 2. Water Main Utility Easement Plat
Attachment 3. Petition, Ordinance, Legal Description for Sanitary Sewer Easement
Attachment 4. Sanitary Sewer Utility Easement Plat
Attachment 5. Luther Oaks First Addition Subdivision Map

Motion: _____ Seconded by: _____

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

PETITION FOR VACATION OF SANITARY SEWER EASEMENT

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes LUTHER OAKS, INC., hereinafter referred to as your Petitioner(s), respectfully
representing and requesting as follows:

1. That your Petitioner is interested as owner in the premises hereinafter described in
Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the vacation of the Sanitary Sewer Easement as set
forth on the attached Easement Vacation Plat adjacent to said premises;
3. That said vacation of the Sanitary Sewer Easement is reasonable and proper because such
Sanitary Sewer Easement is not needed for public right of way by said City, its only use
being the location of existing or proposed utilities.

WHEREFORE, your Petitioner prays that the Sanitary Sewer Easement be vacated with such
reservation of utility easements as may seem proper.

Respectfully submitted,

LUTHER OAKS, INC.

By: _____
William C. Wetzel
Its Attorney

ORDINANCE NO. 2014 - _____

**AN ORDINANCE PROVIDING FOR THE VACATION
OF SANITARY SEWER EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of Sanitary Sewer Easement; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said vacation; and

WHEREAS, it is reasonable and proper to vacate said Sanitary Sewer Easement as requested in this case.

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

1. That the Sanitary Sewer Easement, as shown on the attached Easement Vacation Plat, is hereby vacated.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated Sanitary Sewer Easement for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of March, 2014.

APPROVED this _____ day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

PETITION FOR VACATION OF WATER MAIN UTILITY EASEMENT

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes LUTHER OAKS, INC., hereinafter referred to as your Petitioner, respectfully
representing and requesting as follows:

1. That your Petitioner is interested as owner in the premises hereinafter described in
Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the vacation of the Water Main Utility Easement
as set forth on the attached Easement Vacation Plat adjacent to said premises;
3. That said vacation of the Water Main Utility Easement is reasonable and proper because
such Water Main Utility Easement is not needed for public right of way by said City, its
only use being the location of existing or proposed utilities.

WHEREFORE, your Petitioner prays that the Water Main Utility Easement be vacated with such
reservation of utility easements as may seem proper.

Respectfully submitted,

LUTHER OAKS, INC.

By: _____
William C. Wetzel
Its Attorney

ORDINANCE NO. 2014 - _____

**AN ORDINANCE PROVIDING FOR THE VACATION
OF WATER MAIN UTILITY EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of Water Main Utility Easement; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said vacation; and

WHEREAS, it is reasonable and proper to vacate said Water Main Utility Easement as requested in this case.

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

1. That the Water Main Utility Easement, as shown on the attached Easement Vacation Plat, is hereby vacated. This vacation, however, is contingent on the Petitioner relocating the water easement at his sole cost and expense in a location and manner agreed upon by the City.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated Water Main Utility Easement for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of March, 2014.

APPROVED this _____ day of March, 2014.

Tari Renner, Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

Luther Oaks Subdivision First Addition

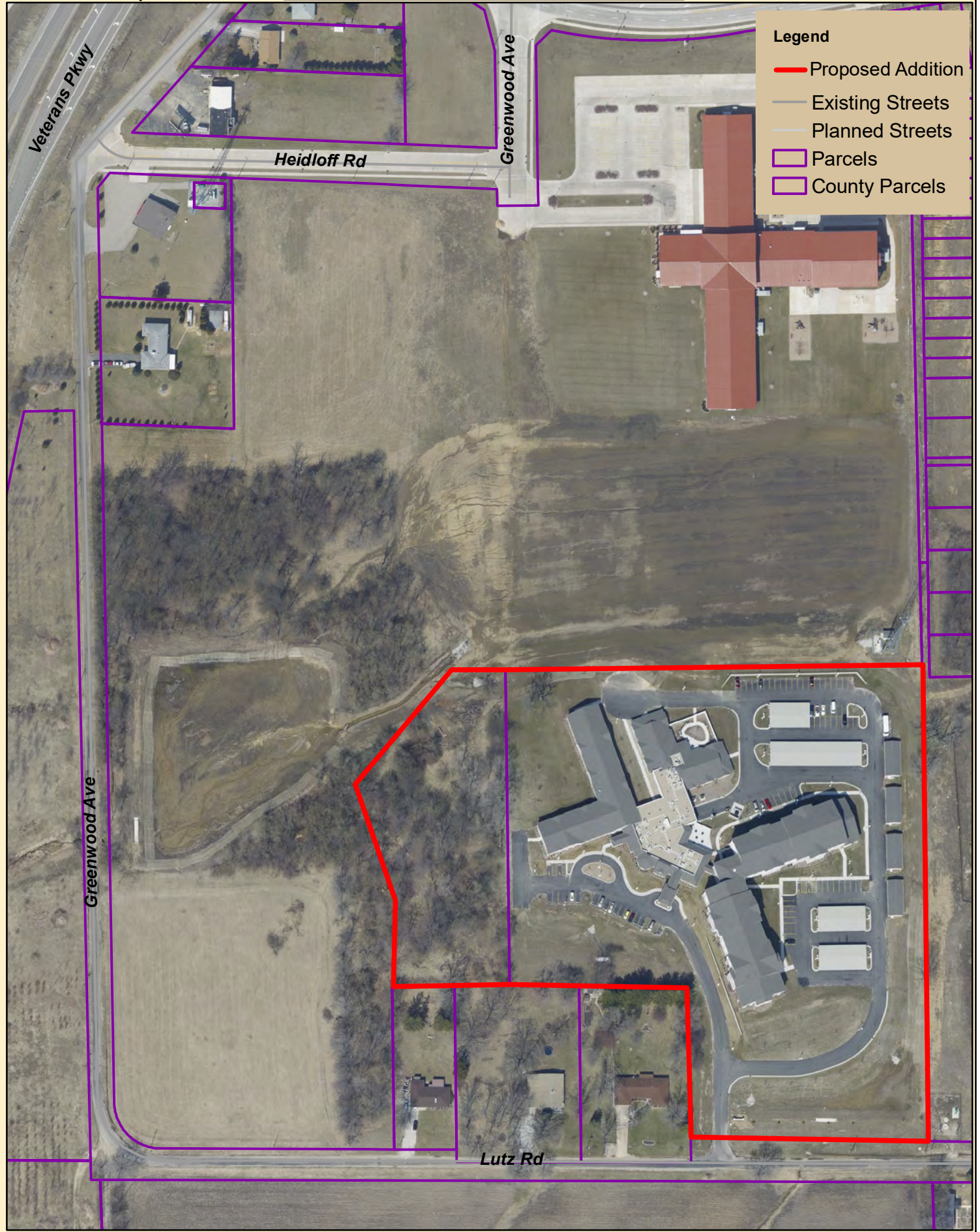


0 105 210 Feet

DATE 03/06/2014

Legend

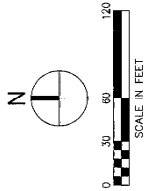
-  Proposed Addition
-  Existing Streets
-  Planned Streets
-  Parcels
-  County Parcels



SHIVE

UTILITY EASEMENT
VACATION

FIRST ADDITION TO
LUTHER OAKS SUBDIVISION
BLOOMINGTON, ILLINOIS



UTILITY EASEMENT LINE
BOUNDARY OF SUBDIVISION
5.891 SF UTILITY EASEMENT
TO BE VACATED

DRAWN	JAB
APPROVED	DCD
ISSUED FOR	FINAL-CITY
DATE	01-17-14
FIELD BOOK	
PROJECT NO.	6131270

LUTHER OAKS SUBDIVISION
UTILITY EASEMENT
VACATION

B31.1

Easement Vacation

Luther Oaks Subdivision

A part of
Section 17, Township 23 North, Range 2 East
of the Third Principal Meridian
Bloomington, Illinois

LEGEND

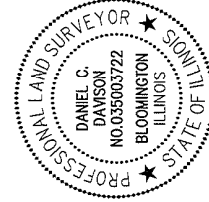
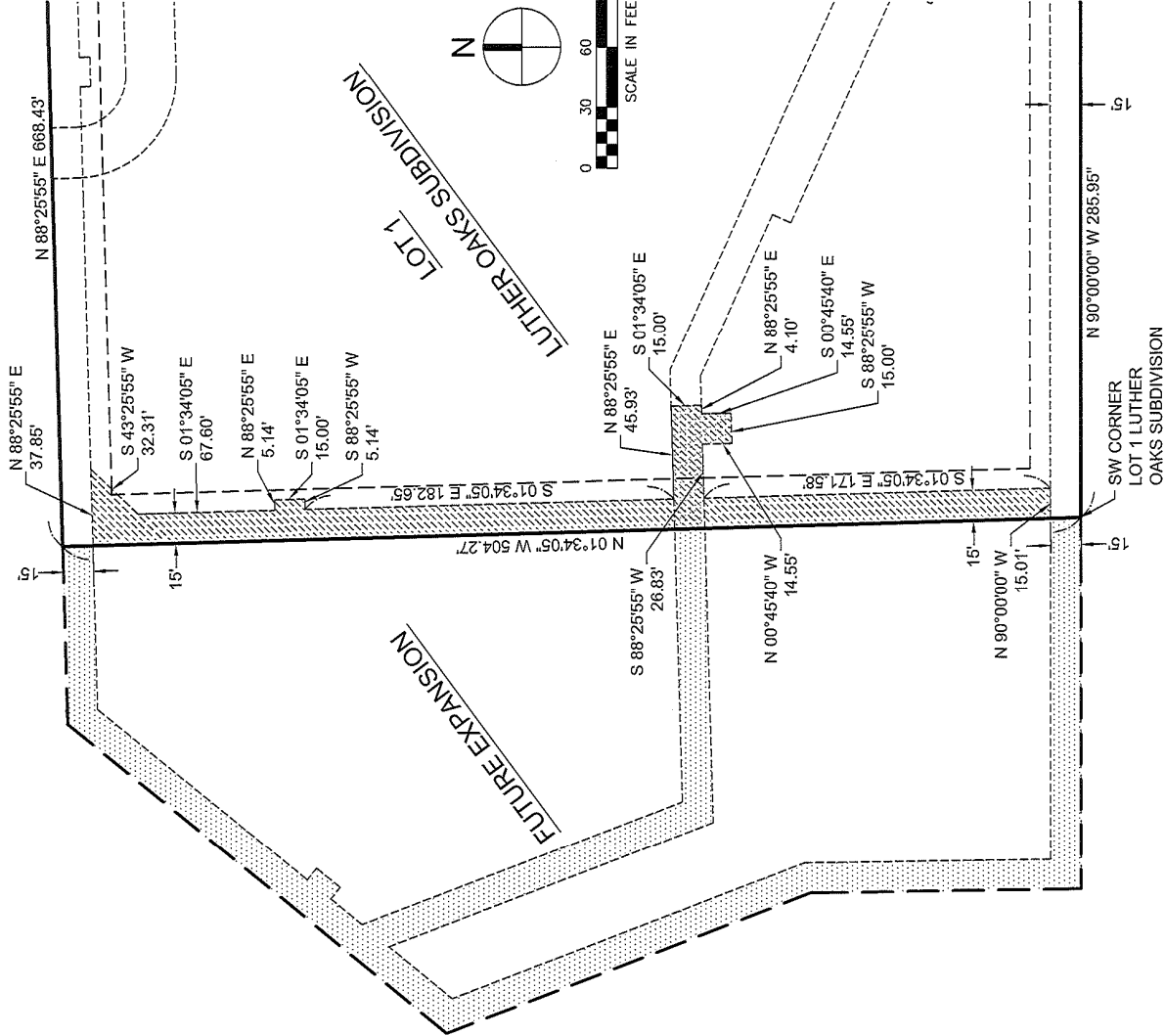
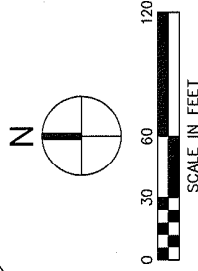
- 25' BUILDING SETBACK LINE
- UTILITY EASEMENT LINE
- FUTURE PROPERTY LINE
- BOUNDARY OF SUBDIVISION



8,382 SF UTILITY EASEMENT
TO BE VACATED



FUTURE EASEMENT TO BE DEDICATED



FIRM REGISTRATION #184-000214

THIS PROFESSIONAL SERVICE CONFORMS TO
THE CURRENT ILLINOIS MINIMUM STANDARDS
FOR A BOUNDARY SURVEY.

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS
PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT
I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF
THE STATE OF ILLINOIS.

SIGNATURE: Daniel C. Davison
NAME: DANIEL C. DAVISON
DATE: 03/03/2014
LICENSE EXPIRES: 11/30/2014
PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: B1



FOR COUNCIL: March 24, 2014

SUBJECT: Text Amendment to Chapter 39, Addressing the Enforcement and Collection of City Taxes

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

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: In reviewing the procedures utilized by the City to address unpaid City taxes, a few discrepancies and ambiguities were found. The text amendment clarifies the procedures that the City will utilize if a person or business fails to pay the taxes charged by the City (e.g., food and beverage taxes, hotel taxes, etc.) and strengthens the options available to the City. Under the new structure, any unpaid tax will be subject to a five percent (5%) penalty and monthly interest in the amount of one and one-half percent (1.5%). In addition, various taxing lien and other enforcement provisions have been added. Much of the language tracks the language as authorized by the Illinois Municipal Code, the Illinois Local Government Taxpayers Bill of Rights, and the statutory collection provisions utilized by the Illinois Department of Revenue for the collection of unpaid taxes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Interim Corporation Counsel

Review by: Patti-Lynn Silva, Director of Finance

Recommended by:

A handwritten signature in black ink, appearing to read "David A. Hales".

David A. Hales
City Manager

Attachment: Attachment 1. Ordinance

Motion: That the Text Amendment be approved and the Ordinance passed.

Motion: _____ Seconded by: _____

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

ORDINANCE 2014 - _____

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
CHAPTER 39 OF THE BLOOMINGTON CITY CODE ADDRESSING
THE ENFORCEMENT AND COLLECTION OF CITY TAXES**

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

SECTION 1. That the sections identified below in Chapter 39 of Bloomington City Code, 1960, as amended, shall be further amended as follows (unless otherwise noted, additions are indicated by underlines; deletions indicated by strikeouts):

- A. Section 28(d) shall be deleted in its entirety.**
- B. Section 29 shall be deleted in its entirety and replaced as follows:**

Whenever any person shall fail to pay any tax as herein provided or required, or to file any tax return, the penalties, interest, and collection procedures set forth in Article XV shall apply in addition to any other rights and remedies provided to the City by law or ordinance.

- C. The title of Section 32 shall be amended as follows:**

~~SEPARABILITY~~ SEVERABILITY

- D. Section 43 shall be deleted in its entirety and replaced with the following:**

INTENTIONALLY LEFT BLANK

- E. Section 51 shall be amended as follows:**

SEC. 51 CREDIT FOR OVERPAYMENT.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Articles from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefore shall be so credited.

~~No action to recover any amount of tax dues under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.~~

F. Section 148, the sixth paragraph, shall be amended as follows:

In case of failure to pay the tax, or any portion thereof, or any penalty provided for in this Article, or interest, when due, the City may bring suit against the tax collector or the purchaser or user to recover the amount of such tax or portion thereof, and/or penalty or interest; or, if the tax collector or purchaser or user has died or become incompetent, may file a claim therefore against his estate; provided that no such suit with respect to any tax, or portion thereof, or penalty, and/or interest shall be instituted more than ~~two (2)~~ six (6) years after the date any proceedings in court for review thereof have terminated or the time for the taking thereof has expired without such proceeding being instituted, except with the consent of the person from whom such tax or penalty or interest is due; nor, except with such consent, shall such suit be instituted more than ~~two (2)~~ six (6) years after the date any return is filed with the City in cases where the return constitutes the basis for the suit for unpaid tax or portion thereof, or penalty provided for in this Article, or interest: Provided that the time limitation period on the City's right to bring any such suit shall not run during any period of time in which the order of any court has the effect of enjoining or restraining the City from bringing such suit.

G. Section 302 shall be amended as follows:

SEC. 302 SCOPE.

~~The provisions of this ordinance shall apply to the City's procedures in connection with all of the City's locally imposed and administered taxes~~ which are not inconsistent with the Articles imposing the City's locally imposed and administered taxes, shall apply as far as practicable, to the City's procedures and collection powers in connection with all of the City's locally imposed and administered taxes.

H. Section 311 shall be deleted in its entirety and replaced as follows:

SEC. 311 INTEREST AND PENALTIES.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated. For any locally imposed tax under this Chapter 39 or the City that is not paid when required, or only partially paid, or when no tax return is timely filed, the provisions of Section 311(a) and (b) below shall be applicable.

- (a) Interest. The City hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, together with any unpaid interest assessed on such tax, to be one and one-half percent (1.5%) per month, based on a 30 day month and the number of days elapsed.
- (b) Late Filing and Payment Penalties. If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed; and if any tax is not paid within the time and manner provided by the controlling tax ordinance, a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty-five percent (25%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty under this Article shall not apply if a failure to file or pay penalty is imposed by the controlling ordinance.

I. Section 314 shall be amended as follows:

SEC. 314 STATUTE OF LIMITATIONS.

The City, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing:

- (a) No determination of tax due and owing may be issued more than 4 years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
- (b) If any tax return is not filed or if during any 4-year period for which a notice of tax determination or assessment may be issued by the City, the tax paid was less than 75% of the tax due, the statute of limitations for issuance of a notice of tax determination or assessment shall be six (6) years after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

- (c) No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.

SEC. 314A COLLECTION.

In case of failure to pay any tax imposed under this Chapter 39 or by the City, or any portion thereof, or any penalty provided for in this Article, or interest, when due, the City may bring suit against the tax collector or the purchaser or user to recover the amount of such tax or portion thereof, or penalty and/or interest; or, if the tax collector or purchaser or user has died or become incompetent, may file a claim therefore against his estate; provided that no such suit with respect to any tax, or portion thereof, or penalty, or interest shall be instituted more than six (6) years after the date any proceedings in court for review thereof have terminated or the time for the taking thereof has expired without such proceeding being instituted, except with the consent of the person from whom such tax or penalty or interest is due; nor, except with such consent, shall such suit be instituted more than six (6) years after the date any return is filed with the City in cases where the return constitutes the basis for the suit for unpaid tax or portion thereof, or penalty provided for in this Article, or interest: Provided that the time limitation period on the City's right to bring any such suit shall not run during any period of time in which the order of any court has the effect of enjoining or restraining the City from bringing such suit.

SEC. 314B TAX LIENS.

The City shall have a lien for any tax imposed under this Chapter 39 or by the City, or any portion thereof, or for any penalty provided for in this Chapter, or for any amount of interest which may be due as provided for in this Chapter, upon all the real and personal property of any person to whom a final assessment or revised final assessment has been issued as provided in this Chapter, or whenever a return is filed without payment of the tax or penalty shown therein to be due, including all such property of such persons acquired after receipt of such assessment or filing of such return. The taxpayer is liable for the filing fee incurred by the City for filing the lien and the filing fee incurred by the City to file the release of that lien. The filing fees shall be paid to the City in addition to payment of the tax, penalty, and interest included in the amount of the lien.

However, where the lien arises because of the issuance of a final assessment or revised final assessment by the City, such lien shall not attach and the notice hereinafter referred to in this Section shall not be filed until all proceedings in court for review of such final assessment or revised final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted.

The lien created by the issuance of a final assessment shall terminate unless a notice of lien is filed within 6 years from the date all proceedings in court for the review of such final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted and where the lien results from the filing of a return without payment of the tax or penalty shown therein to be due, the lien shall terminate unless a notice of lien is filed within 6 years from the date when such return is filed with the City: Provided that the time limitation period on the City's right to file a notice of lien shall not run (1) during any period of time in which the order of any court has the effect of enjoining or restraining the City from filing such notice of lien, or (2) during the term of a repayment plan that taxpayer has entered into with the City, as long as taxpayer remains in compliance with the terms of the repayment plan.

The procedures for notice and enforcement of such lien shall be the same as that provided in the Retailers' Occupation Tax Act as now or hereafter amended. The lien may be signed by the City Manager or City Finance Director, or their designees.

Such lien authority is provided as authorized by the Illinois Municipal Code, Article 8, Division 3.

J. Section 332 shall be deleted in its entirety and replaced as follows:

SEC. 332 COMPENSATION FOR COLLECTION SERVICES.

As compensation for services rendered in the collection and payment of this tax, retailers filing a tax return may retain an amount of money equal to one percent (1%) of the tax due.

K. Section 357 shall be deleted in its entirety and replaced as follows:

Whenever any person shall fail to pay any tax as herein provided or required, or to file any tax return, the penalties, interest, and collection procedures set forth in Article XV shall apply in addition to any other rights and remedies provided to the City by law or ordinance.

SECTION 4. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 5. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 6. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 7. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 24th day of March, 2014.

APPROVED this ____ day of March, 2014.

APPROVED:

Tari Renner, Mayor

ATTEST:

Tracey Covert, City Clerk

Item 7C-c.

Chateau Tax Repayment Agreement
(5 minutes)

Will be available
Via addendum



FOR COUNCIL: March 24, 2014

SUBJECT: Marketplace Fairness Act of 2013

RECOMMENDATION/MOTION: That the Resolution be adopted.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4a. Retention and growth of current local businesses; Objective 4b. Attraction of new targeted businesses that are the “right” fit for Bloomington; Objective 4d. Expanded retail businesses; and Objective 4e. Strong working relationship among the City, businesses, economic development organizations.

BACKGROUND: According to the International Council of Shopping Centers, (ICSC), the Marketplace Fairness Act of 2013 (S. 336/H.R. 684,) represents bipartisan legislation that would close the online sales tax loophole and bring long overdue fairness to brick-and-mortar retailers, all without adding to the federal deficit, creating new taxes or increasing existing taxes.

The ICSC explains that, in today’s marketplace, consumers have many choices about where and how they shop. The blending of traditional and online marketplaces based on new and developing technology should be a positive for consumers and retailers. However, fair competition is a necessary part of a thriving multi-channel retail marketplace. In order for there to be real and fair competition, there has to be a level playing field. Brick-and-mortar retailers have for too long been put at a tremendous disadvantage by an antiquated sales tax framework that clearly benefits online retailers. A business environment is needed in which all retailers can grow, create jobs, and continue to drive the American economy.

Unfortunately, the current sales tax system is threatening our community retailers, which serve as the backbone of our local economies. Local businesses on average circulate more than forty (.40) cents back into the community for every dollar spent, according to the American Independent Business Alliance. To put this in perspective, a local retail store with sales of \$1 million a year will circulate on average \$400,000 back into the community, per year. Local retailers also drive employment. According to a 2011 University of Tennessee study, each \$1 million of new retail sales in traditional brick-and-mortar establishments adds 3.61 jobs. The same \$1 million in new sales at an online retailer is expected to create 0.88 jobs. Local retailers are critical to the economic health of our communities.

The Marketplace Fairness Act will help level the playing field for brick-and-mortar retailers, while restoring states' rights to establish and enforce collection of their own sales taxes. Currently, states are deprived of this right because they cannot compel online retailers and other out-of-state sellers to collect sales taxes, even though the tax on those purchases is currently due. Under existing tax laws, consumers are required to pay the sales tax on purchases made from out-of-state sellers directly to the state when the retailer does not collect it on their behalf. However, this requirement is an impractical and cumbersome burden on consumers, as well as inefficient tax collection policy. By correcting this inefficiency through the Marketplace Fairness Act, Congress will give states the ability to avoid increasing taxes on in state consumers and businesses.

For all of these reasons, the ICSC is asking its members to support the Marketplace Fairness Act, which would fix the current competitive imbalance, ensure a viable marketplace for all retailers and promote a more stable and efficient revenue stream.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Chamber of Commerce, Economic Development Council for the Bloomington-Normal Area; the Senate voted 75-24 in favor of this bill (S.336) on Friday, March 22, 2013 with Senator Durbin being one of the bill's sponsors and Senator Kirk voting in the affirmative.

FINANCIAL IMPACT: The Illinois Department of Revenue released a report titled "Estimating Illinois' E-Commerce Losses", to which an update was issued in June 2011. Within this report, the Department estimates losses of \$197 million in sales tax revenue in FY 2013 as a result of online purchases. If this estimate holds true, based upon a high level calculation which indexes to the State's FY 2013 disbursements, the City has the potential to receive an additional \$1,182,000 in sales tax revenue if the Marketplace Fairness Act is enacted (Illinois Department of Revenue).

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

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

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Resolution
Attachment 2. Letter

Motion: _____ Seconded by: _____

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

RESOLUTION NO. 2014 - ____

RESOLUTION SUPPORTING THE MARKETPLACE FAIRNESS ACT OF 2013

WHEREAS, the City of Bloomington seeks to grow the local economy through the retention and growth of current local businesses, the attraction of new targeted businesses; the expansion of retail businesses and the enhancement of working relationships with businesses; and

WHEREAS, many of these goals, as identified in the City's Strategic Plan and adopted by the Bloomington City Council, are directly impacted by local, state and federal tax regulations; and

WHEREAS, the current sales tax system favors online retailers over their brick-and-mortar counterparts, placing our local businesses and entrepreneurs at an unfair disadvantage; and

WHEREAS, the present tax system places an impractical legal burden on consumers who choose to make purchases online; and

WHEREAS, the Marketplace Fairness Act of 2013, under consideration by Congress, seeks to close the online sales tax loophole and bring fairness to brick-and-mortar retailers without adding to the federal deficit, creating new taxes or increasing existing taxes.

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

SECTION 1

The City of Bloomington supports the bipartisan Marketplace Fairness Act (S. 336/H.R. 684) under consideration by the United States Congress in 2014.

SECTION 2

Given that the Marketplace Fairness Act (S. 336/H.R. 684) does *not*:

- (A) Add to the federal deficit
- (B) Establish new taxes; and/or
- (C) Increase existing taxes

SECTION 3

Considering that the Marketplace Fairness Act (S. 336/H.R. 684) serves to:

- (A) Level the playing field for all retailers
- (B) Make it easier for consumers to fulfill their existing tax obligations; and/or
- (C) Restore states' right to enforce their tax laws

SECTION 4

The City of Bloomington recognizes that the Senate voted 75-24 in favor of this bill (S.336) on Friday, March 22, 2013 with Senator Durbin being one of the bill's sponsors and Senator Kirk voting in the affirmative

The City of Bloomington requests that U. S. Senators Durbin and Kirk, and U. S. Congressmen Davis and Schock, State Senators Brady and Barickman, and State Representatives Brady and Sommer support the bipartisan Marketplace Fairness Act (S. 336/H.R. 684).

SECTION 5

A copy of this resolution will be forwarded to the appropriate legislators including U. S. Senators Richard Durbin and Mark Kirk, and U. S. Congressmen Rodney Davis and Aaron Schock, State Senators Bill Brady and Jason Barickman, and State Representatives Dan Brady and Keith Sommer to serve as support for the passage of the Marketplace Fairness Act.

PRESENTED and ADOPTED this 24th day of March, 2014.

Mayor

ATTEST:

City Clerk



March 24, 2014

Dear Legislator:

According to the International Council of Shopping Centers (ICSC), the Marketplace Fairness Act of 2013 represents bipartisan legislation that would close the online sales tax loophole and bring long-overdue fairness to brick-and-mortar retailers—all without adding to the federal deficit, creating new taxes or increasing existing taxes.

The ICSC explains that, in today's marketplace, consumers have many choices about where and how they shop. The blending of traditional and online marketplaces based on new and developing technology should be a good thing for consumers and retailers. However, fair competition is a necessary part of a thriving multi-channel retail marketplace. In order for there to be real and fair competition, there has to be a level playing field. Brick-and-mortar retailers have for too long been put at a tremendous disadvantage by an antiquated sales tax framework that clearly benefits online retailers. We need a business environment in which all retailers can grow, create jobs, and continue to drive the American economy.

Unfortunately, the current sales tax system is threatening our community retailers, which serve as the backbone of our local economies. Local businesses on average circulate more than 40 cents back into the community for every dollar spent, according to the American Independent Business Alliance. To put this in perspective, a local retail store with sales of \$1 million a year will circulate on average \$400,000 back into the community, per year. Local retailers also drive employment. According to a 2011 University of Tennessee study, each \$1 million of new retail sales in traditional brick-and-mortar establishments adds 3.61 jobs. The same \$1 million in new sales at an online retailer is expected to create 0.88 jobs. Local retailers are critical to the economic health of our communities.

The Marketplace Fairness Act will help level the playing field for brick-and-mortar retailers, while restoring states' rights to establish and enforce collection of their own sales taxes. Currently, states are deprived of this right because they cannot compel online retailers and other out-of-state sellers to collect sales taxes, even though the tax on those purchases is currently due. Under existing tax laws, consumers are required to pay the sales tax on purchases made from out-of-state sellers directly to the state when the retailer does not collect it on their behalf. However, this requirement is an impractical and cumbersome burden on consumers, as well as inefficient tax collection policy. By correcting this inefficiency through the Marketplace Fairness Act, Congress will give states the ability to avoid increasing taxes on in-state consumers and businesses.

For all of these reasons, the City of Bloomington is asking you to support the Marketplace Fairness Act, which would fix the current competitive imbalance, ensure a viable marketplace for all retailers and promote a more stable and efficient revenue stream. Please see the attached resolution supporting the Marketplace Fairness Act of 2013.

Sincerely,

Mayor

Bloomington Fire Department

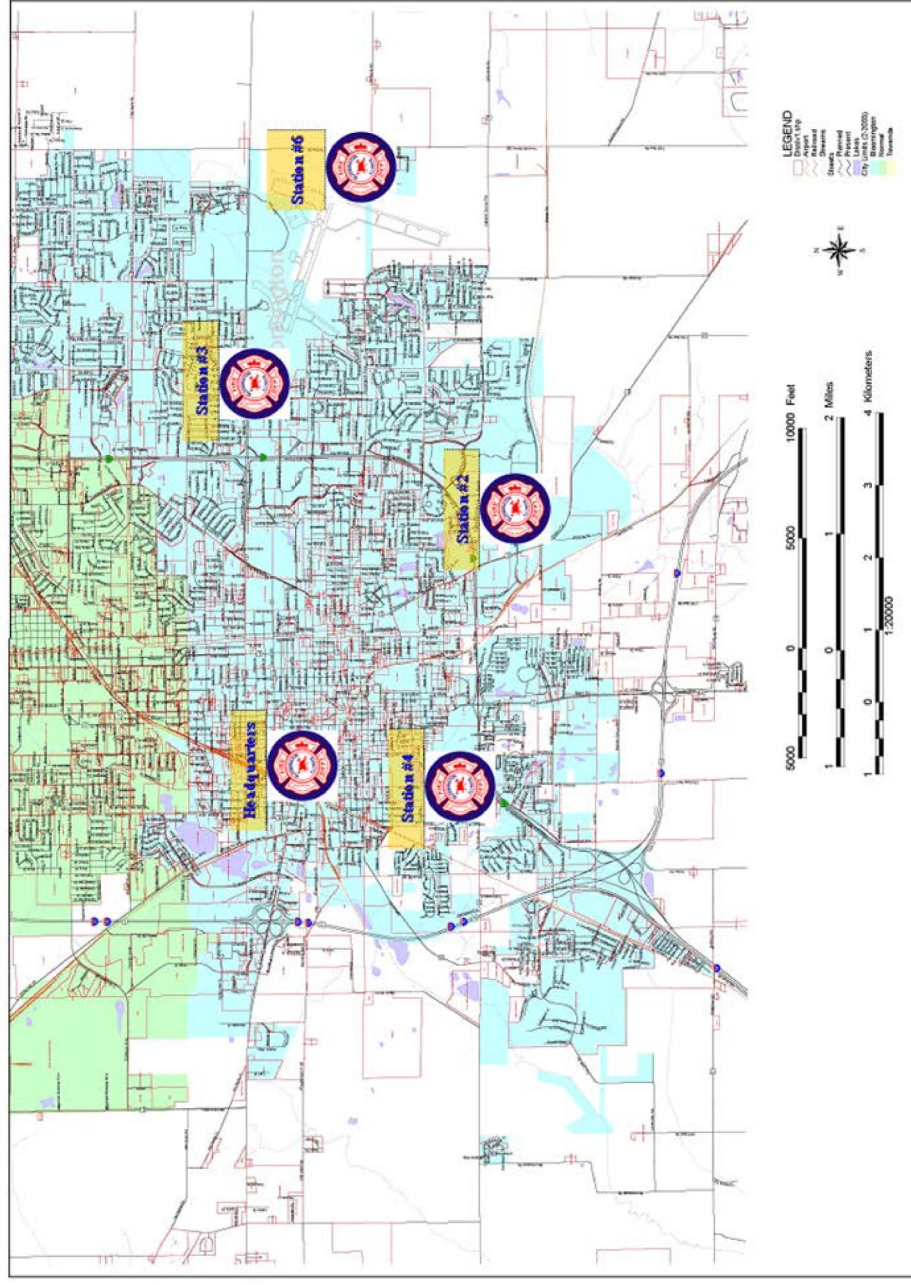
"Dedicated to our Community, our Profession and Each Other"

Proudly Serving Bloomington
Since 1868



Fire Stations

The Bloomington Fire Department currently operates out of 5 manned stations.



Station #1

"Headquarters" - 310 N. Lee St.



Station #2

"South-East Station" - 1911 Hamilton Rd.



#3 Station

"North-East Station" - 2301 E. Empire St.



#4 Station

"South-West Station" - 1705 S. Morris Ave.



#6 Station

"Airport Station" - 4040 E. Oakland Ave.



Fire Department Shifts

- Firefighters work 24/48 shifts
 - A Shift
 - B Shift
 - C Shift



Frontline Fire Apparatus

2 Truck Companies



4 Engine Companies



EMS Vehicles

4

Paramedic Ambulances



1

EMS Supervisor Vehicle



Fire Apparatus

Shift Commander



Fire Apparatus

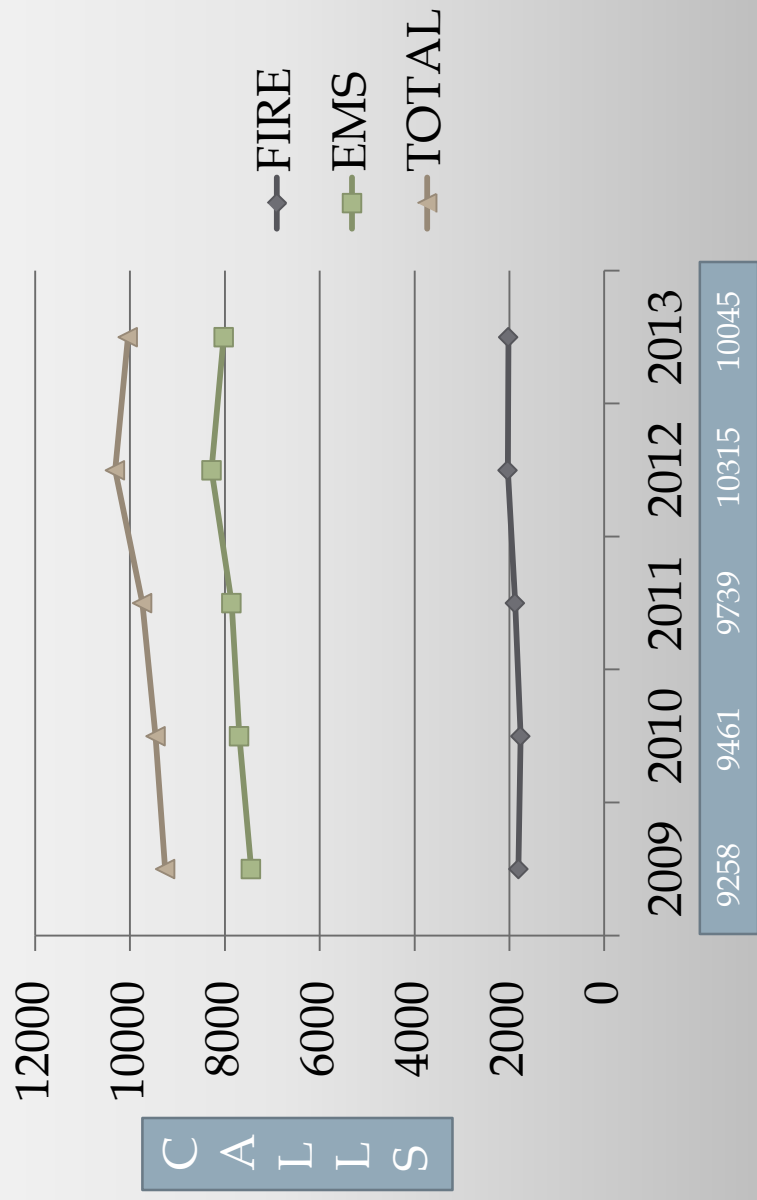
2 Airport Crash Units



Regional Hazardous Materials Response Team



Bloomington Fire Department Emergency Calls - 5 Year Trend



Bloomington Fire Department Emergency Calls 2013

**Total Calls:
10,045**



EMS

Total EMS Responses:	8,025
Total Patients:	13,116
Total Transported:	6,146

Top 5 EMS Response Types

1. Breathing Problems
2. Motor Vehicle Accidents
3. Sick Person (Non-Specific)
4. Unconscious / fainting
5. Falls



Fire Response

Total Fire Responses:	2,020
Total Structure Fires:	88
Total Estimated Dollar Loss:	\$1,450,380

Top 5 Fire Response Types

1. Good intent call
2. Alarm system activation, no fire
3. Passenger vehicle fire
4. Smoke detector activation, no fire
5. Carbon monoxide incident



Station Call Volumes

Station

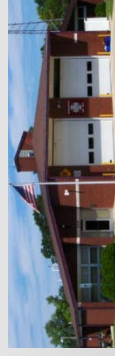
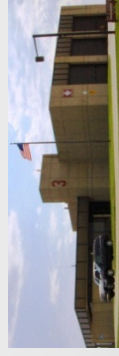
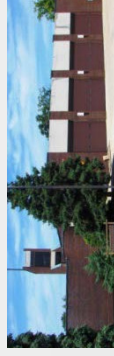
HQ

#3

#4

#2

#6



Percentage

41.93%

20.23%

19.06%

17.51%

1.27%

Busiest Units

Ambulance / Fire

3N16 - HQ



2,863 calls

Engine 1 - HQ



817 calls

Response Time Analysis

NFPA 1710 is a standard concerning personnel deployment and response times to fires and medical emergencies

6 Minute Response Time

Fire – 73.4 %
EMS – 67.9 %

90 % Percentile Times

Fire = 8.10 minutes
EMS = 9.0 minutes

Monthly Call Total

- High
 - August – 900 calls
- Low
 - February – 765 calls
- Average
 - 837 calls per month
- Average Daily
 - 27 calls per day





Day of Week Distribution

Busiest Day - Sunday (15.52%)

Slowest Day - Monday (13.39%)



Hour of Day Distribution

Slowest Hour – 04:00 (4:00 am)

Busiest Hour – 17:00 (5:00 pm)

Other Activities & Programs

- Fire Hydrants
 - The fire department inspects the city's 5000+ hydrants and reports any issues found to the Water Department for repairs/replacement.



Training

2013

- Personnel Training
 - In-house training is conducted for all fire department personnel:
 - Fire/Rescue – 5,887.5 hours
 - EMS – 3,076.1 hours
 - Hazardous Materials – 3,919.3 hours
 - ARFF – 4,503.5 hours
 - Driver/Operator Training – 1,104.3 hours
 - Admin – 2,725.1 hours





A Knox Box

- Provides rapid access to your business or home in case of an emergency, and avoid any damage to doors or windows.
- Required by city code on businesses that have a monitored alarm system.
- At this time there are approximately 470 of these in use on area businesses.
- There is also approximately 40 of these in use on residential buildings.



Knox Box Maintenance Program

- The fire department has a maintenance program for the business occupancies only.
- We make sure the box can be opened, lubricate the lock and gasket, and make sure the correct keys are in the box.
- We also try to update any contact information at the same time.
- We will also provide that service to residential owners of a knox box at the occupants request.

ISO Rating: 3

Less than 4% of fire departments nationwide have an ISO Rating of 3 or less.





Training Tower

The training tower serves as the center piece of a multiple hazard training facility that the department is developing. This tower has been designed to assist and maintain skills required as a professional firefighter.



Public Education

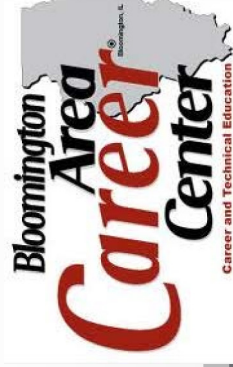
- Programs for Children
- Schools & Special Events
 - Fire Safety/Stranger Awareness/Bullying/Bike Safety/Halloween Trick-or-Treat Safety/Hazard House/Sparky the Fire Dog/Risk Watch/Juvenile Fire Setter Intervention



Public Education

- Programs for Adults
 - Businesses/Organizations
 - Fire Safety/Fire Extinguisher Training/Remembering When – Fire and Fall Prevention for Older Adults/CPR Training (for non-profit groups and organizations)





Partnership with the Bloomington Area Career Center

The Fire Science and EMT Basic programs allow students to explore and prepare for a possible career in Fire Service and as an Emergency Medical Responder (EMR). The course is taught by Professional Firefighters. Students gain lab experience on-site at Bloomington and Normal Fire Stations.

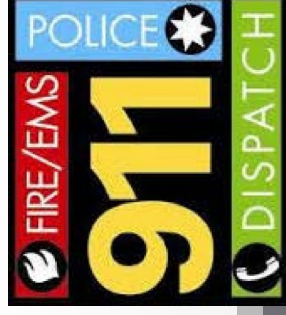




Fire Department: Service-User Survey

We have a service-user study on the satisfaction of those receiving services delivered by the Bloomington Fire Department's Fire Suppression, Rescue, and Ambulance services in order to improve performance.

The Survey Form can be found on the Bloomington
Fire Department Website.



Premise Alert Program

The Premise Alert Program is specifically designed to provide responding units with information that may assist them in their response to your call for service.

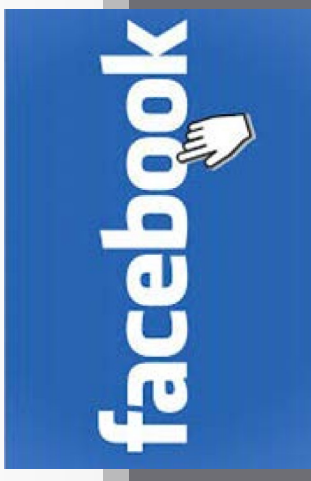
Any resident with a special need may register.

Examples of special needs that qualify for the program:

- Autism
- Alzheimer's
- Deaf / Hard of Hearing
- Mental Illness
- Visually Impaired
- Physical Disability
- Developmental Disability
- Other Special Needs



Social Media



The Bloomington Fire Department can be
found at:

Facebook: City of Bloomington - Fire

Twitter: @cityblmFD

2014 Accomplishments

EMS Shift supervisors position
(1 Chiefs)

Aerial Ladder replacement

Additional Firefighter per shift (3)
to reduce overtime (1 Chiefs)

Reinstated Deputy Chief position
(1 Chiefs)

2015 Focus

Develop new agreement with Central Illinois
Regional Airport

Update dispatch radios to STARCOM to
improve response capabilities with Normal
FD

Upgrade Station Alerting systems to improve
turnout times and information to responders
(IChiefs)

Future needs

Reinstatement of Engine Company
at Station #3 (IChiefs)

Traffic signal preemption system for
community (IChiefs)

Additional Ambulance for
increasing EMS responses (IChiefs)

Future needs

Add 6 Additional staff to reduce overtime and workload (ICchiefs)

Upgrade of Engine Companies capabilities to Advanced Life Support (ICchiefs)

Continue to collaborate with Normal FD on shared Automatic Vehicle Location (AVL)

Major station renovation needs (5Bugles)



QUESTIONS?



ADDENDUM I

BLOOMINGTON CITY COUNCIL AGENDA

MARCH 24, 2014

ADDITION TO CONSENT AGENDA

- Item 6B. Bills and Payroll. (Recommend that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.) *City Council Memorandum.*
- Item 7B-b. SP-01-14 Review of the Petition Submitted by Luther Oaks, Inc. requesting Approval of a Special Use Permit for a Skilled Nursing Facility for the Property Located at 601 Lutz Rd. (Recommend that the Special Use Permit be approved and the Ordinance passed with the following conditions of approval:
1. A sewer screen being installed in the sanitary sewer; and
 2. Luther Oaks shall be required to provide secondary emergency access to the property as set forth in this condition to the Special Use Permit. The preferred secondary emergency access shall be off Greenwood Ave. and Luther Oaks agrees to maintain the temporary construction access off of Greenwood Ave. as the initial secondary emergency access. If Luther Oaks is unable in the future to keep the temporary construction access as the secondary emergency access due to the activities or decisions of the property owner, including the development of the property currently owned by Trinity Lutheran Church, then Luther Oaks shall work in good faith to secure another secondary emergency access off of Greenwood Ave. For purposes of attempting to secure another emergency access point off of Greenwood Ave., the City acknowledges that Luther Oaks does not currently own any property off of Greenwood Ave. and its efforts may be limited based on the actions of the owner of the property and its future development. If Luther Oaks is unable to secure a secondary emergency access off of Greenwood Ave., Luther Oaks shall provide a secondary emergency access off of Lutz Rd. For purposes of this condition, Luther Oaks shall be required to maintain the grading and gravel of any secondary emergency access point. The City shall be responsible for posting signs stating the access is for emergency vehicle use only and providing security for the access, (when no longer being utilized as a construction access), by temporary or other measures, (e.g., a chain or rope across the entry point, etc.), for emergency access only. Council may in the future, in its discretion, eliminate this condition to the Special Use Permit as it

determines is appropriate based on the future development of the surrounding property and/or improvements to adjacent roads.) *City Council Memorandum.*

- Item 7C-c. Bloomington Chateau Partners, LLC (“BCP”), d/b/a The Chateau, Tax Repayment Agreement for Hotel/Motel Tax. (Recommend that the Repayment Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.) *City Council Memorandum.*



FOR COUNCIL: March 24, 2014

SUBJECT: Bills and Payroll

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

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

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

FINANCIAL IMPACT: Total disbursements to be approved \$4,996,620.57, (Payroll total \$2,181,376.38, PCard total \$187,728.72 and Accounts Payable total \$2,627,515.47).

Respectfully submitted for Council consideration.

Prepared by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

Motion: _____ Seconded by: _____

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



FOR COUNCIL: March 24, 2014

SUBJECT: SP-01-14 Review of the Petition Submitted by Luther Oaks, Inc. requesting Approval of a Special Use Permit for a Skilled Nursing Facility for the Property Located at 601 Lutz Rd.

RECOMMENDATION/MOTION: That the Special Use Permit be approved and the Ordinance passed with the following conditions of approval:

1. A sewer screen being installed in the sanitary sewer; and
2. Luther Oaks shall be required to provide secondary emergency access to the property as set forth in this condition to the Special Use Permit. The preferred secondary emergency access shall be off Greenwood Ave. and Luther Oaks agrees to maintain the temporary construction access off of Greenwood Ave. as the initial secondary emergency access. If Luther Oaks is unable in the future to keep the temporary construction access as the secondary emergency access due to the activities or decisions of the property owner, including the development of the property currently owned by Trinity Lutheran Church, then Luther Oaks shall work in good faith to secure another secondary emergency access off of Greenwood Ave. For purposes of attempting to secure another emergency access point off of Greenwood Ave., the City acknowledges that Luther Oaks does not currently own any property off of Greenwood Ave. and its efforts may be limited based on the actions of the owner of the property and its future development. If Luther Oaks is unable to secure a secondary emergency access off of Greenwood Ave., Luther Oaks shall provide a secondary emergency access off of Lutz Rd. For purposes of this condition, Luther Oaks shall be required to maintain the grading and gravel of any secondary emergency access point. The City shall be responsible for posting signs stating the access is for emergency vehicle use only and providing security for the access, (when no longer being utilized as a construction access), by temporary or other measures, (e.g., a chain or rope across the entry point, etc.), for emergency access only. Council may in the future, in its discretion, eliminate this condition to the Special Use Permit as it determines is appropriate based on the future development of the surrounding property and/or improvements to adjacent roads.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses.

Upon approval of the Special Use Permit, the expansion of the skilled nursing facility may begin. This will enable the expansion of this business, as well as encourage the growth of other businesses by providing local jobs at the skilled nursing facility and related local health care occupations.

BACKGROUND: The petitioner is requesting the approval of a Special Use for a skilled nursing facility in order to expand the existing senior housing and assisted living facility with a new skilled nursing facility. The new building will be attached to their existing building. The site is located on the north side of Lutz Rd.

This case was before the Zoning Board of Appeals for a public hearing and review on March 20, 2014. The petitioner, their attorney and engineer spoke in favor of the petition. They explained how they have worked to satisfy staff's concerns, particularly about accommodating the need for a secondary access road for emergency vehicles. They also supported a condition of approval that a screen be installed in the sewer system to deal with material from their existing facility that has clogged the system. Mike Kimmerling, Fire Chief, testified as to the need for the second emergency access and how an agreement has been reached addressing maintenance and alternatives if the land used for the access road should become unavailable. The conditional requirements for secondary access were prepared by Jeff Jurgens, Interim Corporation Counsel and found acceptable by the petitioner's attorney. No one else from the public spoke in favor or opposition to the petition.

Staff has evaluated the project and finds it to be an appropriate use for the site. The adjacent land uses should be compatible with the proposed use. Senior or institution use and a school already exist with a large open space between it and the proposed use. The capacity of the street is adequate and there should be only a minimal change in traffic.

The Zoning Board of Appeals voted to recommend approval of the special use permit by a vote of 7 - 0 condition upon the petitioner meeting the two (2) conditions of approval as stated above.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code, courtesy copies of the Public Notice were mailed to twenty-five (25) property owners within 500'. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: The financial impact on City revenues should increase with an increase in sales tax through many health care purchases with the approval of the Special Use.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

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

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

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Petition, Ordinance and Legal Description
Attachment 2. ZBA Minutes March 19, 2014
Attachment 3. ZBA Report March 19, 2014
Attachment 4. Neighborhood Mailing Labels
Attachment 5. Neighborhood Map
Attachment 6. Aerial Map

Motion: _____ Seconded by: _____

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

State of Illinois)
)ss.
County of McLean)

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

NOW COMES Luther Oaks, Inc., an Illinois not-for-profit corporation, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is a lessee of the premises hereinafter legally described in Exhibit “A”, which is attached hereto and made a part hereof by this reference;
2. That said premises presently has a zoning classification of S – 2, (Public Lands and Institutions District), under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code the construction of a skilled nursing facility, is allowed as a special use in an S - 2 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the S - 2 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;

9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the S - 2 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.
11. That the detail of the proposed use and improvements is reflected in the attached materials dated December 20, 2013 prepared by Shive Hattery Architecture and Engineering and by Hoffman Planning, Design and Construction, Inc.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

LUTHER OAKS, INC.

By: William C. Wetzel
Its Attorney

ORDINANCE NO. 2014 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR
CONSTRUCTION OF A SKILLED NURSING FACILITY
FOR PROPERTY LOCATED AT: 601 LUTZ ROAD, BLOOMINGTON, IL 61704**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for the construction of a skilled nursing facility for certain premises hereinafter described in Exhibit "A"; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the Special Use Permit for the construction of a skilled nursing facility on the premises hereinafter described in Exhibit "A" shall be and the same is hereby approved with the following conditions:
 - a. A sewer screen being installed in the sanitary sewer; and
 - b. Luther Oaks shall be required to provide secondary emergency access to the property as set forth in this condition to the Special Use Permit. The preferred secondary emergency access shall be off Greenwood Ave. and Luther Oaks agrees to maintain the temporary construction access off of Greenwood Ave. as the initial secondary emergency access. If Luther Oaks is unable in the future to keep the temporary construction access as the secondary emergency access due to the activities or decisions of the property owner, including the development of the property currently owned by Trinity Lutheran Church, then Luther Oaks shall work in good faith to secure another secondary emergency access off of Greenwood Ave. For purposes of attempting to secure another emergency access point off of Greenwood Ave., the City acknowledges that Luther Oaks does not currently own any property off of Greenwood Ave. and its efforts may be limited based on the actions of the owner of the property and its future development. If Luther Oaks is unable to secure a secondary emergency access off of Greenwood Ave., Luther Oaks shall provide a secondary emergency access off of Lutz Rd. For purposes of

this condition, Luther Oaks shall be required to maintain the grading and gravel of any secondary emergency access point. The City shall be responsible for posting signs stating the access is for emergency vehicle use only and providing security for the access, (when no longer being utilized as a construction access), by temporary or other measures, (e.g., a chain or rope across the entry point, etc.), for emergency access only. Council may in the future, in its discretion, eliminate this condition to the Special Use Permit as it determines is appropriate based on the future development of the surrounding property and/or improvements to adjacent roads.

2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 24th day of March, 2014.

APPROVED this _____ day of March, 2014.

Mayor

ATTEST:

City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 ACRES) square feet more or less.

**UNAPPROVED MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
WEDNESDAY, MARCH 19, 2014, 3:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE ST., BLOOMINGTON, IL**

Members present: Ms. Barbara Meek, Mr. Robert Kearney, Ms. Amelia Buragas, Mr. Dick Briggs, Mr. Bill Zimmerman, Mr. Mike Ireland, Mr. Jim Simeone

Also present: Mr. Mark Woolard, City Planner
Mr. Frank Koehler, Interim Director Planning and Code Enforcement
Mr. Michael Kimmerling, Chief - Fire Department
Mr. Jim Karch, Director of Public Works
Mr. Kevin Kothe, City Engineer

Mr. Woolard called the meeting to order at 3:00 p.m. and called the roll. A quorum was present. The Board reviewed the minutes from February 19, 2014, and accepted the minutes as printed. Chairman Ireland explained the meeting procedures. Mr. Woolard stated the cases had been published.

REGULAR AGENDA:

SP-01-14 Public Hearing and Review on the petition submitted by Luther Oaks, Inc. requesting approval of a special use permit for a nursing home for the property located at 601 Lutz Road. Zoned S-2, Public Lands and Institutions District. (Ward 2).

Chairman Ireland introduced the case and asked for anyone who would like to speak regarding the petition. Mr. Bill Wetzel, 115 W. Jefferson, Suite 400, representing Luther Oaks was sworn in and stated that Luther Oaks is well used by this community. He said there were two issues that needed to be worked out and we have reached an agreement which is reflected in the staff report. He said that we have met all of the requirements for the special use and this is a sound project.

Tom Hankins, Luther Oaks Interim Administrator, 601 Lutz Road, was sworn in. He stated at Luther Oaks we have a continuing care retirement community. In August, 2013, Luther Oaks applied for a certificate of need with the Illinois Health Facilities Planning Board for a 36 bed skilled nursing addition that would have provided short term rehabilitation services as well as long term nursing care services to Luther Oaks residence and the surrounding community. This project was unanimously approved by the Zoning Board of Appeals in July, 2013. Due to low occupancy numbers within our region, the certificate of need was denied by the state board in August. A smaller 18 bed skilled nursing unit was approved by the state in February, 2014. He stated due to the project reconfiguration, we are here today requesting approval of the same project, only on a smaller scale. We are very excited for the project and the amount of jobs that it would bring to the Bloomington area. Most importantly, we are excited for the current residents who have waited for this project to get off the ground.

Mr. Kearney asked what has changed since last reviewed. Mr. Hankins explained the state board denied their first request due to the duplication of services within this service region. The state

board likes to see a 90% occupancy rating within a skilled nursing environment. He said we have come with a much lower number under the state guidelines. The footprint is reduced from 36,000 square foot to about 20,000 square feet.

Mr. Simeone stated his like for the current project proposal as this seemed to have more service access than the first project, however the secondary access road is not shown in the current plan.

Michael Sewel, Civil Engineer, 2103 Eastland Drive was sworn in and stated the secondary road details have been submitted to the Fire Chief. He said there have been many conversations with staff resulting in language drafted with the city attorney. Those details will be submitted along with the building permits that will be reviewed by city engineering and the PACE department.

Mr. Simeone asked about the temporary construction access. Mr. Sewel explained the access is for construction only and is not meant for public access but for emergencies. A discussion ensued regarding the location of the secondary access. Mr. Simeone asked why the road is not placed permanently for the sake of public safety. Mr. Sewel stated that Luther Oaks doesn't own the property and there is a lease agreement in place with Trinity Lutheran Church, so there is no control over the long term use of that roadway or the development of their property. Mr. Wetzel explained Luther Oaks is a tenant and the Greenwood Avenue access is not considered permanent. Chairman Ireland asked if the agreement is in place. Mr. Wetzel stated the agreements are in place. The Luther Oaks and Trinity Lutheran Church relationship is solely that of landlord and tenant.

Chairman Ireland asked if anyone else was present to speak in favor of this special use petition and no one spoke. Chairman Ireland asked if anyone was present to speak in opposition of this special use petition and no one spoke.

Mr. Woolard explained the staff position is that the land use is compatible with nearby land uses. The only concern was the secondary access for emergency vehicles and an agreement has been reached. There are two conditions of approval. One is to install a screen in the sewer system to prevent clogging. The second condition addresses concerns over the maintenance of the secondary access. Staff recommends approval with the two conditions as stated in the staff report.

Mr. Briggs inquired about who is responsible to verify the secondary access is maintained. Fire Chief, Mike Kimmerling explained the residents are at a higher risk than average due to the population may not be able to self-evacuate. The main access is still off of Lutz Road. When the construction access was proposed the secondary access for emergency vehicles was discussed with all parties. The purpose is to have multiple ways to bring vehicles in if necessary. The Fire Department will inspect this area to be sure the surface can support a heavy duty apparatus. He stated that there was not any other apparent option for a second access at the time Luther Oaks first proposed the project. There are many factors figured into public safety. The future development, the movement of ambulances and fire apparatus, the current road conditions and temporary options were all factors considered when we discussed this with Trinity Lutheran Church and Luther Oaks. Mr. Simeone asked if there were other fire apparatus entrances into residential areas similar to this situation. Mr. Kimmerling stated the new apartments off of Hamilton and Hershey were in need of similar access points.

Mr. Wetzel reiterated there how there have been efforts of many to reach an agreement the city could support. He asked for the recommendation of approval from this board for this special use permit.

Mr. Briggs made a motion to include the two conditions as stated in the staff recommendations, points one and two, verbatim. Mr. Zimmerman supported the motion which was approved with a voice vote of seven (7) voting in favor and zero (0) against.

The vote on recommending approval of special use permit SP-01-14 with the two conditions was approved with seven (7) voting in favor and zero (0) against with the following votes being cast on roll call: Mr. Briggs—Yes; Ms. Meek—Yes; Mr. Simeone—Yes; Mr. Kearney—Yes; Mr. Zimmerman—Yes; Ms. Buragas—Yes; Mr. Ireland—Yes.

DRAFT

REPORT

To: Zoning Board of Appeals

From: Staff

Subject: **SP-01-14 Public Hearing and Review on the petition submitted by Luther Oaks, Inc. requesting approval of a special use permit for a nursing home for the property located at 601 Lutz Road. Zoned S-2, Public Lands and Institutions District**

BACKGROUND INFORMATION:

Adjacent Zoning

North: S-2, Public Lands and Institutions District
South: County Zoning
East: S-2, Public Lands and Institutions District
West: S-2, Public Lands and Institutions District

Adjacent Land Uses

North: School
South: SF Homes, Vacant
East: Vacant
West: Vacant

The Comprehensive Plan calls for the property to be low/medium density residential.

This petitioner is seeking a special use for a nursing home on vacant land adjacent to their existing senior and assisted living facilities. The adjacent land uses should be compatible with the proposed use in that there are other senior or institution uses and a school with a large open space between it and the proposed use. The single-family homes will also have ample yard space to buffer the uses.

Staff is recommending that a condition of approval be placed upon the special use to require the installation of a screen in the sanitary sewer to prevent clogging of the public sewer system.

Traffic and parking

The developer is complying with the required amount of parking. Since the last meeting staff has worked with the petitioner to insure that a secondary access for emergency vehicles will be provided to the site. You will find below language drafted by the City Attorney conditioning special use approval upon a second access for emergency vehicles be provided.

Action by the Board of Zoning Appeals.

For each special use application the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless such Board shall find:

1. **that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;** provided a secondary access for emergency vehicles is provided and a screen installed in the sewer, the special use will not be detrimental to the public health in that it will be compatible with adjacent land uses.
2. **that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;** the use will not be injurious to others in that the proposed use is compatible with surrounding uses.
3. **that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;** the use will not be impede development and improvements and will in part complement the petitioner's existing facilities.
4. **that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided** in compliance with city code with a secondary access road for emergency vehicles provided and a screen installed in the sewer.
5. **that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and traffic** concerns should not be realized since a secondary access for emergency vehicles will be provided.
6. **that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137)** and the adherence to the two conditions of approval.

STAFF RECOMMENDATION:

Staff recommends that the Zoning Board of Appeals pass a motion recommending City Council approval of this petition in Case SP-01-14 to allow a special use for a nursing home for the property located at 601 Lutz Road condition upon:

- 1) a sewer screen being installed in the sanitary sewer and
- 2) Luther Oaks shall be required to provide secondary emergency access to the property as set forth in this condition to the special use permit. The preferred secondary emergency access shall be off Greenwood Avenue and Luther Oaks agrees to maintain the temporary construction access off of Greenwood Avenue as the initial secondary emergency access. If Luther Oaks is unable in the future to keep the temporary construction access as the secondary emergency access due to the activities or decisions of the property owner, including the development of the property currently owned by Trinity Lutheran Church, then Luther Oaks shall work in good faith to secure another secondary emergency access off of Greenwood Avenue. For purposes of attempting to secure another emergency access point off of Greenwood Avenue, the City acknowledges that Luther Oaks does not currently own any property off of Greenwood Avenue and its efforts may be limited based on the actions of the owner of the property and its future development. If Luther Oaks is unable to secure a secondary emergency access off of Greenwood Avenue, Luther Oaks shall provide a secondary emergency access off of Lutz Road. For purposes of this condition,

Luther Oaks shall be required to maintain the grading and gravel of any secondary emergency access point. The City shall be responsible for posting signs stating the access is for emergency vehicle use only and providing security for the access (when no longer being utilized as a construction access), by temporary or other measures (e.g., a chain or rope across the entry point, etc.), for emergency access only. The City Council may in the future, in its discretion, eliminate this condition to the special use permit as it determines is appropriate based on the future development of the surrounding property and/or improvements to adjacent roads.

Respectfully submitted,

Mark Woolard
City Planner

WITTENBERG II LLC
% LARRY HUNDMAN 405 N HERSHEY RD
BLOOMINGTON IL 617043577

LISA A KUSTER
1002 WITTEN WOODS
BLOOMINGTON IL 61704

VERNON L SCHROF
2409 WIRSING WAY
BLOOMINGTON IL 617049208

MICHAEL & BRANDI REECE
2411 WIRSING WAY
BLOOMINGTON IL 617049208

YAW & ANGELA OPOKU-AGYEMANG
1004 Witten Woods Dr
Bloomington IL 617048765

MICHAEL E & MICHELLE L FRYER
1007 Witten Woods Dr
Bloomington IL 617048601

STEPHEN & KIRA PLUHAR
1003 WITTEN WOODS DR
BLOOMINGTON IL 617048601

CRISTIN & DAVID WEBER
1012 GERIKE WAY
BLOOMINGTON IL 617048700

JIM OTT
2505 WIRSING WAY
BLOOMINGTON IL 617049209

STEPHEN R CROWLEY
2503 WIRSING WAY
BLOOMINGTON IL 617049209

VERNON L SCHROF
2409 WIRSING WAY
BLOOMINGTON IL 617049208

AUGUST & BETTE J BERNING
1006 WHITTENWOODS
BLOOMINGTON IL 61704

MICHAEL A PIETSCH
1005 WITTEN WOODS DR
BLOOMINGTON IL 617048601

KATHERINE RIGG
2501 WIRSING WAY
BLOOMINGTON IL 617049209

VERNON L SCHROF
2409 WIRSING WAY
BLOOMINGTON IL 617049208

WITTENBERG II LLC
% LARRY HUNDMAN 405 N HERSHEY RD
BLOOMINGTON IL 617043577

BENJAMIN & ANDREA MARQUARDT
2507 WIRSING WAY
BLOOMINGTON IL 617049209

DEVON MCCUMBER
2509 WIRSING WAY
BLOOMINGTON IL 617049209

VELTIN & JUDY BOUDREAUX
1008 WITTEN WOODS DRIVE
BLOOMINGTON IL 61704

WITTENBERG II LLC
% LARRY HUNDMAN 405 N HERSHEY RD
BLOOMINGTON IL 617043577

LUTHER OAKS
601 LUTZ RD
BLOOMINGTON IL 61704

NANCY MILLER
910 WITTEN WOODS DRIVE
BLOOMINGTON IL 61704

TRINITY LUTHERAN CHURCH
801 S MADISON
BLOOMINGTON IL 61701

LUTHER OAKS
601 LUTZ RD
BLOOMINGTON IL 617048608

MILDRED L BEASLEY
502 RADLIFF ROAD
BLOOMINGTON IL 61701

GERALD LUTZ REVOCABLE TRUST
600 COMMERCE DR
REED CITY MI 49677

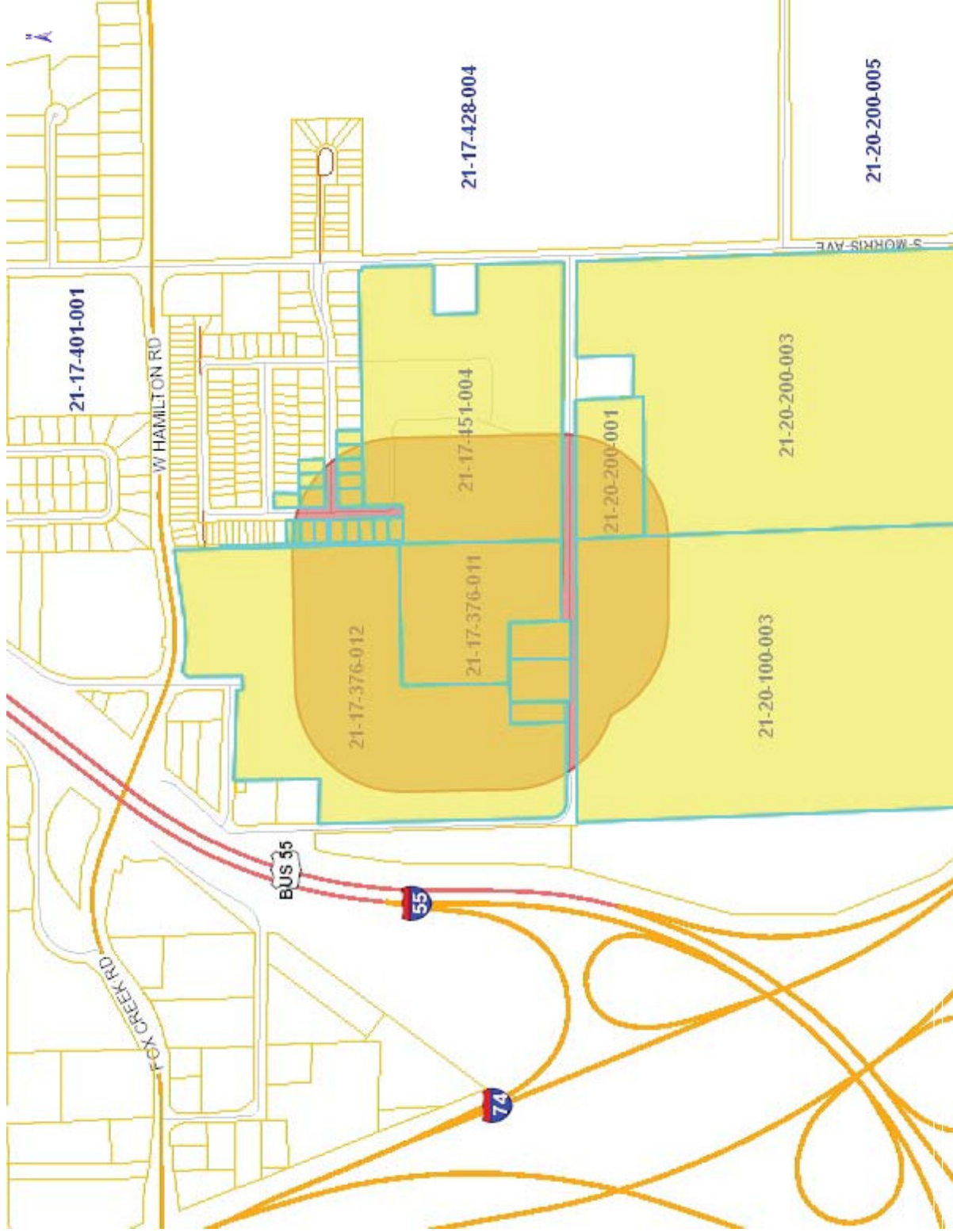
JOSEPH & RUTH M MAREK
607 LUTZ RD
BLOOMINGTON IL 617048635

KELLY J DUNLAP
RR 16 BOX 87
BLOOMINGTON IL 61704

EVELYN FARM LUTZ
% SOY CAPITAL AG SERVICES PO BOX 1607
BLOOMINGTON IL 617021607



ZBA Map 601 Lutz Road. Neighbor Mailing



Legend

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

Notes

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FOR COUNCIL: March 24, 2014

SUBJECT: Bloomington Chateau Partners, LLC ("BCP"), d/b/a The Chateau, Tax Repayment Agreement for Hotel/Motel Tax

RECOMMENDATION/MOTION: Recommend that the Repayment Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5b. City decisions consistent with plans and policies.

BACKGROUND: The Finance and Legal Departments have been working with BCP since late 2012 to collect Food & Beverage and Hotel/Motel Taxes which were significantly in arrears. Efforts by each department included personal meetings, visits to the business, and telephone calls which aided in intermittent periods of receiving tax payments. In addition, resources to facilitate possible funding for a high end restaurant were provided which BCP worked with for over four (4) months. Tony Roma's opened in February 2014.

BCP has been paying their taxes each month since November 2013 and has been paid in full all outstanding Food & Beverage Taxes. BCP stands ready to address the outstanding balance on Hotel/Motel Taxes culminating with the attached tax repayment agreement attached.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The payments will be deposited in the Non-Departmental - Hotel/Motel Tax account (10010010 - 50034).

Respectfully submitted for Council consideration.

Prepared by: Chris Tomerlin, Budget Analyst

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

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

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Tax Repayment Agreement

Motion: _____ Seconded by: _____

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

**CITY OF BLOOMINGTON
TAX REPAYMENT AGREEMENT**

This TAX REPAYMENT AGREEMENT is entered into as of this _____ day of March, 2014 by and between the CITY OF BLOOMINGTON, an Illinois municipal corporation, and BLOOMINGTON CHATEAU PARTNERS, LLC, an Illinois limited liability company.

RECITALS

WHEREAS, Chapter 39, Section 26(a) of the City Code of the City of Bloomington ("City"), imposes a 6% tax of the rent charged for the privilege and use of renting a hotel room within the City for each 24 hour period (hereinafter "Hotel Tax"); and

WHEREAS, Chapter 39, Section 26(c) provides it shall be the duty of the owner of every hotel to secure said tax from the renter of the hotel and to pay over to the City Treasures said tax; and

WHEREAS, Bloomington Chateau Partners, LLC ("BCP") owns the hotel located at 1601 Jumer Drive in the City of Bloomington and known as the Chateau Hotel & Conference Center; and

WHEREAS, since on or around June 2011, BCP has defaulted in paying Hotel Tax in the amount of \$205,775.43, with \$68,798.91 in interest and fees due and owing thereon, as well as defaulted on a previous settlement amount of \$13,689.44, for a total due to the City of \$288,263.78 to the City as set forth in Exhibit A (hereinafter "Default Amount"); and

WHEREAS, BCP desires to repay the Default Amount and the parties have agreed to enter into this Tax Repayment Agreement to set forth the conditions of repayment.

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. **Recitals.** The recitals set forth above are a material part of this Agreement and are hereby incorporated in this Agreement by reference.

2. **Amount Due.** BCP agrees and acknowledges that the total outstanding principal of Hotel Tax due between June 2011 and December 2013, is \$205,775.43. BCP further acknowledges that the penalty agreed to by the parties for the late payment, in the amount of 5%, totals \$12,415.38, and that the interest charge by the City in the amount of 1.5% per month totals \$56,383.53. The parties finally acknowledge a past due balance on a previous settlement agreement in the amount of \$13,689.44. The parties are therefore in agreement the total outstanding due to the City for period between June 2011 and December 2013 is \$288,263.78.

3. **Repayment.** BCP agrees to pay to the City the total amount due, \$288,263.78, in full within 36 months by making equal monthly installment payments in the amount of \$7,763.16 per month and a final balloon payment in the amount of \$86,554.00 being due on April 15, 2017.

The monthly payment includes interest on the principal amount owed and the payment shall be due and owing on the 15th of each month. The first payment will be due on April 15, 2014, and the last monthly payment will be due on March 15, 2017, with the balloon payment thereafter due on April 15, 2017. Payments shall be deemed delinquent if not received in the City Treasurer's office by the close of business on the fifteenth day of each month. Payments are to be applied toward the interest and penalty fees first and the principal balance second. Nothing herein shall prohibit BCP from paying off the Default Amount owed early.

4. **Tax Good Standing Requirements.** In addition to the requirements to make the monthly repayments set forth in Section 3, it shall be a condition and requirement of this Tax Repayment Agreement that BCP timely make any and all other tax payments due and owing to the City, including specifically taxes under the Hotel Tax.

5. **Term.** This Agreement shall remain in effect until the Default Amount is paid in full.

6. **No Assignment.** BCP agrees not to assign, transfer, or convey any of its interest in and to this Agreement to any other person, partnership, corporation, or other entity, without the prior written consent of the City.

7. **Events of Default.** The following shall constitute Events of Default with respect to this Agreement:

- A. **Breach.** Default in the performance or breach of any covenant, warranty, or obligation of a Party to this Agreement and continuance of such default or breach for a period of ten (10) days after another Party hereto has given written notice thereof to such defaulting Party hereto unless the default is the failure of BCP to make a timely payment under Section 3 of this Agreement which shall not require any notice by the City; or
- B. **Involuntary Bankruptcy.** The entry of a decree or order for relief by a court having jurisdiction in the premises in respect to BCP in an involuntary case under the Federal bankruptcy laws, as now or hereafter constituted, or any other applicable Federal or state bankruptcy, insolvency or other similar law, or appointing a receiver, liquidator, assignee, custodian, trustee, sequestrator (or similar official) of BCP for any substantial part of its property, or ordering the winding-up or liquidation of its affairs and the continuance of any such decree or order unstayed and in effect for a period of sixty (60) consecutive days;
- C. **Voluntary Bankruptcy.** The commencement by BCP of a voluntary case under the Federal bankruptcy laws, as now or hereafter constituted, or any other applicable Federal or state bankruptcy, insolvency or other similar law, or the consent by any

such entity to the appointment of or taking possession by a receiver, liquidator, assignee, trustee, custodian, sequestrator (or similar official) of BCP or of any substantial part of such entity's property, or the making of any such entity of any assignment for the benefit of creditors or the failure of BCP in furtherance of any of the foregoing; or

8. **Remedies on Default.** If either party commits a default of this Agreement as specified in Section 7 above, the non-defaulting party may terminate the Agreement without any further obligation or may file a lawsuit seeking specific performance, mandamus, or an action for declaration of a right and such shall be the sole remedies of default. Further, if BCP defaults under Section 3 or Section 4 of this Agreement, BCP agrees and acknowledges that the entire amount due and owing on the Default Amount shall immediately become due and owing to the City. At said time, the remaining unpaid portion of the Default Amount shall begin accruing interest at a rate of 3% per month and shall be subject to an additional late payment penalty of 5% per month. BCP shall further be subject to any and all other enforcement provisions allowed under Illinois law, the City Code of the City of Bloomington, or any other applicable regulation in relation to the collection and enforcement of the unpaid portion of the Default Amount and/or any other unpaid taxes due and owing from BCP.

9. **Entire Contract and Amendments.** This Agreement (together with the Exhibits attached hereto) is the entire contract between the City and BCP relating to the subject matter hereof, supersedes all prior and contemporaneous negotiations, understandings, and agreements, written or oral, between the City and BCP, and may not be modified or amended except by a written amendment executed by both of the Parties.

10. **Third Parties.** Nothing in this Agreement, whether expressed or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any other persons other than the City and BCP and their respective successors and assigns, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third persons to either the City or BCP, nor shall any provision give any third parties any right of subrogation or action over or against either the City or BCP. This Agreement is not intended to and does not create any third-party beneficiary rights whatsoever.

11. **Counterparts.** Any number of counterparts of this Agreement may be executed and delivered, and each shall be considered an original and together they shall constitute one agreement.

12. **Notices.** Any notice, demand, or request required or permitted to be given under the provisions of this Agreement shall be in writing and delivered personally or by registered or certified mail, postage prepaid, to the following persons and addresses, or to such other addresses or persons as either Party may designate by subsequent notice to the other Party:

If to the City, to:

City of Bloomington
Attn: City Manager
Attn: Corporation Counsel
109 E. Olive Street
Bloomington, IL 61701

If to BCP, to:

Jeremy Cruthis
1601 Jumer Drive
Bloomington, IL 61702

and

Mary Pat Kerper
Platinum Hospitality Group, LLC
Director of Finance
800 White Street
Suite 200
Dubuque, IA 52001

13. **Governing Law.** This Agreement has been executed and made in Bloomington, Illinois, and shall be construed in accordance with and governed by the laws of the State of Illinois.

14. **Severability.** The Parties intend and believe that each provision of this Agreement complies with all applicable local, state, and federal laws and judicial decisions. However, if any provision or any portion of any provision of this Agreement is found by a court of law to be in violation of any applicable local, state, or federal ordinance, statute, law, administrative or judicial decision, or public policy, and if such court should declare such provision or portion to be illegal, invalid, unlawful, void, or unenforceable as written, it is the intent of the Parties that such provision or portion shall be given force to the fullest possible extent that it is legal, valid, and enforceable, that the remainder of this Agreement shall be construed as if such illegal, invalid, unlawful, void, or unenforceable provision or portion were not contained in this Agreement, and that the rights, obligations, and interests of the Parties under the remainder of this Agreement shall continue in full force and effect.

15. **Waiver of Statute of Limitations.** BCP hereby waives the right to assert any statute of limitations or any other defense as a bar to the enforcement of any tax lien or claim for the Default Amount or to any action brought to enforce this Agreement or claim for the Default Amount.

16. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefits of, and be enforceable by, the Parties and their respective successors and assigns.

17. **Waiver.** The failure of either of the Parties to insist, in any one or more instances, on the performance of any term, covenant, or condition of this Agreement shall not be construed as a waiver or relinquishment of any rights hereunder or of the future performance of any such term, covenant, or condition, but the obligations of the Parties with respect thereto shall continue in full force and effect.

18. **Repealer.** To the extent that any ordinance, resolution, rule, order, or provision of the City's Code of Ordinances or any part thereof is in conflict with the provisions of this Agreement, the provisions of this Agreement shall be controlling.

IN WITNESS WHEREOF, the parties have executed this agreement as of the effective date above.

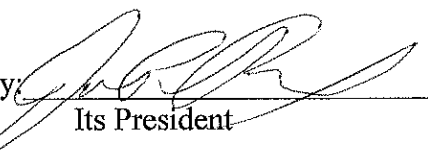
CITY OF BLOOMINGTON

By: _____
Its Mayor

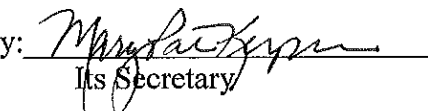
ATTEST:

By: _____
Its City Clerk

**BLOOMINGTON CHATEAU
PARTNERS, LLC**

By: 
Its President

ATTEST:

By: 
Its Secretary

Item 7C-c.

Chateau Tax Repayment Agreement
(5 minutes)

Will be available
Via addendum



ADDENDUM II

BLOOMINGTON CITY COUNCIL AGENDA

MARCH 24, 2014

CHANGE TO REGULAR AGENDA

- Item 7A-d. Analysis of Proposal and Approval of Contract for 2014 Bond Pavement Preservation. (Recommend that the unit prices from Corrective Asphalt Materials, LLC, (a sole source provider), South Roxana, IL for 2014 Bond Pavement Preservation be accepted in the amount of \$450,000, (waive formal bids due to sole source provider), the contract be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)