

**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 7:01 p.m., Monday, February 25, 2013.

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

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

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

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

The following was presented:

SUBJECT: Council Proceedings of February 11, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of February 11, 2013 be dispensed with and the minutes approved as printed.

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

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

BACKGROUND: The Council Proceedings of February 11, 2013 have been reviewed and certified as correct and complete by the City Clerk.

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the reading of the minutes of the previous Council Proceedings of February 11, 2013 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, February 21, 2013 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request for Proposal for Fourth of July fireworks for July 4, 2013; July 4, 2014; July 4, 2015

RECOMMENDATION/MOTION: That the annual Fireworks Display prices from MIAND, Inc. D/B/A Mad Bomber Fireworks Productions, for the 2013, 2014 and 2015 Fourth of July Fireworks Skyconcert in the amount of \$25,000 annually, be accepted, the contract be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

The annual Fourth of July Skyconcert offers residents to chance to attend and view a fireworks display with simultaneous patriotic music by local AM radio station, WJBC as a free, family-oriented special event.

BACKGROUND: The City and the Town of Normal for more than twenty-five (25) years have prepared and coordinated the annual Fourth of July fireworks displays in each community. The fireworks draw anywhere from 6,000 - 10,000 people to Miller Park and the surrounding area to view the show. The shows in each community are simultaneously shot at each location to a patriotic themed musical set which is aired on local AM radio station WJBC. The 2012 Fourth

of July fireworks show in Miller Park was the last of a three (3) year contract with Melrose Pyrotechnics. In conjunction with the Town, Request for Proposals (RFP) for a new three (3) year agreement, with a three (3) year renewable option, was published and mailed on December 19, 2012. Proposals were accepted until January 22, 2013. The proposals were to include simulcast firework shows for the City and Town with audio synchronization by WJBC Radio, as has been the practice since the mid-1980's. Proposals were sent to seven (7) known vendors. Two (2) RFPs were received from vendors, each met the necessary requirements.

FIRM	2013	2014	2015	2016 Option	2017 Option	2018 Option	Total	# of Shells >1.5"	#of Shells 1.5"
Mad Bomber	\$25,000	\$25,000	\$25,000	\$27,000	\$28,000	\$29,000	\$159,000	4,807	4,200
Melrose Pyrotechnics	\$27,000	\$27,000	\$27,000	\$27,000	\$27,000	\$27,000	\$162,000	3,621	0

Staff from both the City and Town analyzed these proposals and each community is recommending accepting the proposal from Mad Bomber Fireworks Productions. The proposal from Mad Bomber contains the highest number of shells to be used during the performance, as well as offering the lowest cost.

Mad Bomber has an extensive list of clients and has shown the capability to handle high quality firework display events and has provided our Fourth of July Fireworks Skyconcert in the past.

Partnering with WJBC to produce the patriotic music timed to the fireworks display allows WJBC to sell the naming rights to their radio production of the evening event. State Farm Insurance has agreed to again be the title sponsor for the next three (3) years. This sponsorship helps underwrite the cost of the fireworks by \$10,000 per community.

The Town Council will be asked to approve the same proposal at its March 4, 2013 meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Advertised in The Pantagraph on December 19, 2012. WJBC, State Farm Insurance, Town of Normal Parks & Recreation Department.

FINANCIAL IMPACT: The proposed Fiscal Year (FY) 2014 Budget appropriates \$25,000 for the City's portion of the annual fireworks show. The Town commits an equivalent amount. The insurance requirements, electronic firing, shell size, and length of show do not vary from the prior FY. WJBC has committed \$9,600 in financial support to each community to help defray the cost of the shows. This donation reduces the City expenditure to \$15,400. Pending the approval of the FY 2014 Budget, funds will be available in 10014112-70690 "Other Purchased Service" to offset this annual expenditure. *Stakeholders may* locate this expenditure on page #181 within the proposed FY 2014 General Fund Budget.

Respectfully submitted for Council consideration.

Prepared by:

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

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

Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the RFP for the annual Fireworks Display for the 2013, 2014 and 2015 Fourth of July Fireworks Skyconcert be approved, in an annual amount of \$25,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Miller Park Zoo Veterinary Agreement with University of Illinois College

RECOMMENDATION/MOTION: That the Agreement with the University of Illinois for Veterinary Services be approved, in the amount of \$27,300, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 5. Great Place to Live—Livable, Sustainable City.

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

BACKGROUND: The Zoo currently utilizes University of Illinois Veterinary College. This contract is up for renewal as the current one expired in April 2012. Miller Park Zoo staff received this contract in late November 2012. The recently expired contract stated the Zoo would receive four (4) hours of service each week for \$250 and \$0.36 per mile plus \$80/hour over the four (4) hours. The new contract included shows a change from four (4) hours to a visit so it could be an entire day, (if necessary), for the cost of \$470 per visit plus \$0.55 per mile. The new contract entails an eighty-eight percent (88%) and fifty-three percent (53%) increase for visits

and mileage respectively. This new contract has also been given to the Scovil Zoo, (Decatur), where University of Illinois also provides veterinary care.

Staff contacted the two (2) local veterinarians that are qualified to perform this service. Prairie Oak Veterinary Center was the Zoo's contract veterinarian for many years until the switch to University of Illinois. Dr. Fraker is the owner and declined to offer a price since his clinic does not have the time to give to the Zoo that is necessary to meet our needs. The new contract price is less than what we were paying Prairie Oak in early 2011. Dr. Eric Nord was also contacted. He estimated that his price for a full day of work would be approximately \$875, almost double the rate from the University of Illinois.

The Miller Park Zoo staff believes that the University of Illinois' Veterinary College is the best option for the Zoo because of price and expertise. Zoo staff has been pleased with the service provided by the University of Illinois over the last two (2) plus years.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Prairie Oak Veterinary Center and Nord Animal Clinic.

FINANCIAL IMPACT: *The proposed Fiscal Year (FY) 2014 Budget, Miller Park Zoo has incorporated the cost furnished by the University of Illinois for veterinary services. This expenditure has been placed in line item 10014136-70040 as a place holder until the Council provides direction and/or approves the specific vendor for this service. The annual agreement is estimated at \$27,300. Stakeholders may locate this expenditure on page #194 within the proposed FY 2014 General Fund Budget.*

Respectfully submitted for Council consideration.

Prepared by: Jay Tetzloff, Zoo Superintendent

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Agreement with the University of Illinois for Veterinary Services be approved, in the amount of \$27,300, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to the Current Agreement with Republic, (American Disposal Services of Illinois), for Waste Disposal Services

RECOMMENDATION/MOTION: That the amendment to the current agreement with Republic, (American Disposal Services of Illinois), be extended for one (1) year, as mutually agreed upon, 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: In order to be responsive to citizen needs, adequate resources must be provided to fulfill the goal of providing quality basic services. This provides value to the citizen and allows services to be delivered in a cost-effective manner.

BACKGROUND On June 25, 2007 the Council approved a five (5) year agreement with American Disposal for the disposal of waste within the City. The Town of Normal jointly negotiated this previous contract.

At this time, Republic, (American Disposal Services of Illinois, Inc.), has sent a letter of intent to provide pricing for a one (1) year contract extension:

March 1, 2013 – February 28, 2014 = \$44.44 ton.

The Town has entered into a contract with Republic for the above referenced tonnage price. This price encompasses no volume assumptions and will be the fixed rate for all tons delivered during extension period. Previously, the contract language prohibited the City from the transfer of bulk waste material collected from the curb to other facilities to be recycled. The current proposed contract extension allows City crews to transport bulk waste material collected from the curb to Henson Disposal which has a licensed facility for Construction & Demolition (C & D) recycling. This initiative will allow for an estimate of at least eighty percent (80%) of the bulk waste material to be recycled. Henson Disposal's current license does not allow them to accept City bulk waste material. They are applying for a license amendment and once this process is completed, then the City will be able to enter into a separate agreement with Henson to accept all bulk waste material.

A one (1) year extension of this contract will not have any impact on the current consideration of any waste to jet fuel facilities.

Staff has been very pleased with the Republic's service level and facility over the last five (5) years.

Based upon these factors, staff recommends that the contract with Republic, (American Disposal Services of Illinois), be extended for one (1) year mutually agreed upon.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Illinois Environmental Protection Agency, Town of Normal

FINANCIAL IMPACT: The Fiscal Year (FY) 2013 Budget appropriated \$1,136,972 in line item 54404400-70650 to pay for waste disposal within the Solid Waste Budget. In the proposed FY 2014 Budget, staff has allocated the cost of disposal services across five (5) line items which vary in accordance with landfill fees, bulk fees, recycling fees, leaf disposal, and brush disposal. The total allocated to landfill fees is \$924,701. *Stakeholders may* locate this expenditure on page #111 within the proposed FY 2014 Other Funds & Capital Improvement Budget.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

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

Recommended by:

David A. Hales
City Manager

FIRST AMENDMENT TO WASTE DISPOSAL AGREEMENT

This First Amendment to a Waste Disposal Agreement is entered into this ____ day of _____, 2013 by and between the City of Bloomington, Illinois ("City") and American Disposal Services of Illinois, Inc., d/b/a Bloomington Transfer Station ("Republic").

WHEREAS, Republic is the successor to a Waste Disposal Agreement between John Sexton Contractors Co. and the City of Bloomington, Illinois dated February 24, 1997 and entered into June 25, 2007 ("Agreement") for the disposal of solid waste collected in the City; and

WHEREAS, the City and Republic mutually desire to amend Section 2(a) of the Agreement, and further desire to extend the term of the Agreement for an additional one-year period.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, THE CITY AND REPUBLIC AGREE AS FOLLOWS:

1. Delivery by City. Section 2(a) of the Agreement shall be deleted in its entirety and the following inserted in lieu thereof:

“(a) **Delivery by City** City will deliver for disposal at the Bloomington Transfer Station all or some of the Refuse collected by the City, its agents and employees during the term of this Agreement.”
2. Term. The term of the Agreement shall be extended for an additional one-year period from March 1, 2013 through February 29, 2014 (“Renewal Term”).
3. Pricing. The pricing for solid waste disposal to be paid by the City to Republic during the Renewal Term shall be \$44.44 per ton and the City and Republic agree that no specific volume of solid waste shall be fixed during the Renewal Term.
4. Capitalized Terms. Capitalized terms used but not otherwise defined in this Amendment shall have the meanings assigned to them in the Agreement. In the case of a conflict in meaning between the Agreement and this Amendment, this Amendment shall prevail.
5. Continuing Effect. Except as expressly modified or amended by this Amendment, all terms and provisions of the Agreement shall remain in full force and effect.
6. Execution in Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original.

Executed this ____ day of February, 2013.

City of Bloomington, Illinois

American Disposal Services of Illinois, Inc.

By: Stephen F. Stockton
Mayor

By: _____
Its

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Fruin that the contract with Republic, (American Disposal Services of Illinois), be extended for one (1) year, as mutually agreed upon, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of PATH for a fundraiser to be held on March 21, 2013 from 4:00 p.m. until 12 a.m., (midnight), at the Bloomington Center for the Performing Arts, 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: That a LA liquor license for PATH for a fundraiser to be held on March 21, 2013, 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., be created, contingent upon compliance with all applicable health and safety codes.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear 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 Steven Stockton; Tracey Covert, City Clerk; and Karen Zangerle, PATH's Executive Director and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Karen Zangerle, PATH's Director and Applicant representative, began by informing the Commission that this application was for a fundraiser for PATH to be held at the BCPA on Thursday, March 21, 2013 from 4:00 p.m. to 12 a.m. (midnight). This request was for a Limited License for a nonprofit corporation.

Commissioner Stockton questioned if there were any changes from last year. She informed the Commission that this would be the fifth (5th) year for Chef for PATH Gala.

Last year, PATH applied for and was granted an LA liquor license for this event. Ticket sales would be limited to 264. This was an increase of fourteen (14) tickets. She believed that the event would sell out this year. Ticket sales commenced on February 18, 2013. Ticket price was \$65. There will be five (5) chef stations. The following five (5) restaurants and their chefs were confirmed: Station 220, Swingers Grille, Biaggi's, Baxter's and Parke Hotel. Each will prepare 264 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 \$38,000. The event included a live and silent auction. Chefs for PATH came about as a Leadership McLean County small group project.

Commissioner Stockton 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 maitre 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) volunteers plus PATH staff on hand to man the event.

Commissioner Stockton did not see any problems with this event.

Commissioner Stockton recommended that an LA liquor license be created for PATH for a fundraiser to be held on March 21, 2013 from 4:00 p.m. - 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.

FINANCIAL IMPACT: None.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Fazzini, seconded by Alderman Fruin that a LA liquor license for PATH for a fundraiser to be held on March 21, 2013, 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 directed the clerk to call the roll which resulted in the following:

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 1, Block 28 of Camp Potawatomie from Joseph and Shirley Eible to Joan Quinn

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

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

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 1, Block 28 in Camp Potawatomie from Joseph and Shirley Eible to Joan Quinn. The sewage disposal system inspection was completed in late January 2013 and the system was functioning properly at that time. The age of this system is unknown. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20 - 25) years. However, this can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a positive financial impact since the current lease uses the old formula, (\$0.15 per \$100 of Equalized Assessed Value) to determine the Lake Lease Fee. With this lake lease transfer, the lake lease formula will be \$0.40 per \$100 of Equalized Assessed Value and will generate about \$425 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

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

Recommended by:

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from County of McLean requesting approval of a Final Plat for Chamber of Commerce Subdivision, located south of Grove St., west of Albert St., and east of East St.

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

STRATEGIC PLAN LINK: Goal 3: Strong Neighborhoods and Goal 6: Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Approval of this plat allows the property to become viable to sell and be developed to be used in a beneficial way.

BACKGROUND: This Final Plat consists of one (1) lot located south of Grove St., west of Albert St., and east of East St. The zoning in this area is B – 3, Central Business District. While the petition does not directly request to waive bonds and fees as part of the expedited final plat process, there are no known fees or bonds required. There is no public infrastructure required to serve the lots in this subdivision.

This final plat qualifies for submission under the Expedited Final Plat submission process. An expedited final plat submission waives the requirement for preliminary plan, submission, review, and approval. The process is detailed in Chapter 24, Section 3.5.6.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: County of McLean.

FINANCIAL IMPACT: All survey and plat costs are paid by County of McLean.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Kevin Kothe, City Engineer

Reviewed by: Tracey Covert, City Clerk

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

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

Now comes the County of McLean, a body politic 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, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as the Chamber of Commerce Subdivision.
3. That your petitioner also seeks approval of the following exemption or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: Waiver of preliminary plan, submission, review and approval per Chapter 24 § 3.5.6.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Chamber of Commerce subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

County of McLean

By: William R. Wasson
Its: County Administrator

ORDINANCE NO. 2013 - 09**AN ORDINANCE APPROVING THE FINAL PLAT OF THE CHAMBER OF
COMMERCE 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 Chamber of Commerce 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: Waiver of preliminary plan, submission, review and approval per Chapter 24 § 3.5.6.

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 Chamber of Commerce 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 this 25th day of February, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Lots 5 and 6 in the Subdivision of the Southwest Quarter Section 4, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, Illinois, more particularly described as follows: Beginning at the southwest Corner of said Lot 6, thence east 95.08 feet along the south line of said Lot 6 and 5 to the Southwest Corner of said Lot 5, thence North 112.66 feet along the east line of said Lot 5, thence west 95.95 feet to a point on the west line of Lot 6, said point being 112.77 feet north of the Southwest Corner thereof, thence south 112.77 feet along the west line of said Lot 6 to the point of Beginning.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from James A. Shirk and Beer Nuts, Inc. requesting approval of a Final Plat for Foundry Subdivision, located south of Washington St. and west of McClun St.

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

STRATEGIC PLAN LINK: Goal 3: Strong Neighborhoods and Goal 4: Grow the Local Economy.

STRATEGIC PLAN SIGNIFICANCE: Approval of this plat allows the property to become viable to sell and be developed to be used in a beneficial way. This development will be situated next to Constitution Trail, making this a good location for trail related businesses, (bike shops, etc.)

BACKGROUND: This Final Plat consists of two (2) lots located south of Washington St. and east of McClun St., and west of Constitution Trail. The zoning in this area is B - 1, Highway Business District. The subject property is being subdivided in preparation for development on Lot 1 to be known The Foundry. As there is no public infrastructure required to serve the lots in this final plat, the only fee due is a fee in lieu of parkland dedication in the amount of \$32,947.

February 25, 2013

This final plat qualifies for submission under the Expedited Final Plat submission process. An expedited final plat submission waives the requirement for preliminary plan, submission, review, and approval. The process is detailed in Chapter 24, Section 3.5.6.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: James A. Shirk and Beer Nuts, Inc.

FINANCIAL IMPACT: All survey and plat costs are paid by James A. Shirk and Beer Nuts, Inc. Fee in lieu of parkland dedication shall be paid by the petitioner prior to releasing the final plat for recording.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Tracey Covert, City Clerk

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial review by: Timothy L. Ervin, Budget Officer

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

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT UTILIZING EXPEDITED FINAL PLAT PROCESS

State of Illinois)
)ss.
County of McLean)

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

Now comes JAMES A. SHIRK and BEER NUTS, 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;

2. That the Plat depicts a total of not more than three lots and outlots; that the Plat includes all contiguous property in common ownership or unified control;
3. That the proposed Subdivision shall not necessitate the construction or installation of public street improvements;
4. That no waivers of the Land Subdivision Code are requested other than waivers of bonds and fees;
5. That no public improvements are needed in connection with the approval of the Plat of Subdivision;
6. That all prerequisites for proceeding under the Expedited Final Plat Approval process are in place.
7. That Petitioner requests a waiver of the requirement to submit a preliminary plan and to pursue the submission, review and approval procedure and proceed under the Expedited Final Plat submission process.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Foundry Subdivision submitted herewith be approved under the Expedited Final Plat submission procedure.

Respectfully submitted,

JAMES A. SHIRK and BEER NUTS, INC.

By: James A. Shirk, Individually and
As President of Beer Nuts, Inc.

ORDINANCE NO. 2013 - 10**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FOUNDRY 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 Foundry Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests approval pursuant to the Expedited Final Plat process; and

WHEREAS, 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, approval of the Final Plat under the Expedited Final Plat process is 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 Foundry 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 this 25th day of February, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
DESCRIPTION OF PROPERTY

Tract 1:

A part of Lots 4 and 5 in the Subdivision of the South Half of Section 3 and a part of the Southwest Quarter of Section 3, all being in Township 23 North, Range 2 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Lot 4, said corner being a point on the original East Right-of-Way Line of the Illinois Central Railroad. From said Point of Beginning, thence west 94.66 feet along the Westerly Extension of the North Line of said Lot 4; thence south 412.24 feet along a line lying along the Easterly side of a North-South concrete pavement and said line forms an angle to the right of $88^{\circ}-34'-37''$ with the last described course to a point lying 154 feet north of the North Line of Grove Street in the City of Bloomington; thence east 76.20 feet along a line parallel with said North Line and which line forms an angle to the right of $91^{\circ}-21'-22''$ with the last described course to a point lying 176 feet east of the centerline of the main track (now gone) of said Illinois Central Railroad; thence South 154.00 feet along a line which forms an angle to the right of $268^{\circ}-37'-01''$ with the last described course to the North Line of said Grove Street; thence east 26.20 feet along said North Line which forms an angle to the right of $91^{\circ}-22'-59''$ with the last described course to the Southwest Corner of said Lot 5; thence north 126.17 feet along the West Line of said Lot 5 being said original East Right-of-Way Line and said West Line forms an angle to the right of $87^{\circ}-51'-12''$ with the last described course; thence east 239.87 feet along a line which forms an angle to the right of $271^{\circ}-55'-42''$ with the last described course to a point on the East Line of said Lot 5 lying 127.00 feet north of the Southeast Corner thereof; thence north 196.36 feet along said East Line and the East Line of said Lot 4 which form an angle to the right of $90^{\circ}-29'-07''$ with the last described course to a point lying 242.31 feet south of the Northeast Corner of said Lot 4; thence west 248.14 feet along a line which forms an angle to the right of $89^{\circ}-30'-53''$ with the last described course to a point on the West Line of said Lot 4 lying 243.72 feet South of the Point of Beginning; thence north 243.72 feet along said West Line which forms an angle to the right of $268^{\circ}-04'-18''$ with the last described course to the Point of Beginning, McLean County, Illinois.

Tract 3:

A part of Lots 4 in the Subdivision of the South Half of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at a point on the East Line of said Lot 4 lying 242.31 feet south of the Northeast Corner thereof. From said Point of Beginning, thence north 242.31 feet along said East Line to said Northeast Corner; thence west 258.40 feet along the North Line of said Lot 4 which forms an angle to the right of $89^{\circ}-48'-00''$ with the last described course to the Northwest Corner thereof, said Northwest Corner being a point on the original East Right-of-Way Line of the Illinois Central Railroad; thence south 243.72 feet along the West Line of said Lot 4 being said East Right-of-Way Line which forms an angle to the right of $87^{\circ}-47'-11''$ with the last described course; thence east 248.14 feet along a line which forms an angle to the right of $91^{\circ}-55'-42''$ with the last described course to the Point of Beginning, McLean County, Illinois.

Tract 4:

The Westerly part of the following 2 parcels, being the Westerly 80.54 feet along the South line of Washington Street and the Westerly 74.8 feet along the South line of Tract No. 4:

Parcel 1:

A parcel of land located in the Southwest 1/4 of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, Bloomington, Illinois, more particularly described as follows: Beginning at the point of intersection of the North Line of Grove Street and the West line of Lot 5 in the Subdivision of the South Half of said Section 3, said point also being 200.2 feet easterly of the centerline of the main track of the Illinois Central Railroad Company as measured along the North Line of Grove Street; thence Northerly along the West Line of said Lot 5 and the West Line of Lot 4 in the Subdivision of the South Half of said Section 3 a distance of 293.10 feet; thence Westerly and parallel to the South Line of Washington Street a distance of 98.65 feet to the east edge of the most easterly curb of a North-South concrete pavement; thence Northerly along said easterly edge a distance of 154 feet to a point that is 96.47 feet westerly of the West Line of said Lot 4 and 119.23 feet southerly of the South Line of Washington Street; thence westerly parallel to the South line of Washington Street a distance of 78.66 feet to a point 25 feet easterly of the centerline of Grantor's main track; thence southerly 25 feet easterly of and parallel to said centerline of the main track a distance of 293.10 feet to a point, said point being 154 feet northerly of the North Line of Grove Street; thence easterly 154 feet northerly of and parallel to the North Line of Grove Street a distance of 151 feet; thence southerly a distance of 154 feet to a point on the North Line of Grove Street, 174 feet easterly of the centerline of Grantor's main track as measured along said North line; thence easterly along said North Line of Grove Street 26.2 feet to the point of beginning, in McLean County, Illinois.

Parcel 2:

A part of the Southwest 1/4 of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, described as follows:

Beginning at the Northwest corner of Lot 4 in the Subdivision of the South Half of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois and which point is also on the South Line of Washington Street. From said Point of Beginning, thence South 273.23 feet along the West Line of said Lot 4; thence West 98.65 feet parallel with the South Line of Washington Street to a point on the East edge of the easternmost curb of a north-south concrete pavement; thence north 154 feet along the said east edge to a point which is 96.47 feet west of the West line of said Lot 4 and which point is also 119.23 feet south of the South Line of Washington Street; thence West 78.66 feet parallel with the South Line of Washington Street to a point which is 25 feet east of the centerline of the main track of the Illinois Central Railroad; thence North 119.23 feet parallel with said Centerline to a point on the South Line of Washington Street, said point being 175.2 feet west of the Point of Beginning; thence east 175.2 feet along the South Line of Washington Street to the point of beginning, in McLean County, Illinois.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition Tiehack Development, Inc. requesting approval of a Final Plat for The Villas at Spring Ridge Fourteenth Addition, located west of Hershey Rd. and north of GE Rd.

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

STRATEGIC PLAN LINK: Goal 3: Strong Neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Approval of this plat allows for two (2) additional dwellings to be built on what was formerly platted as an outlot.

BACKGROUND: This Final Plat consists of two (2) lots and one (1) outlot located west of Hershey Rd. and north of GE Rd. The zoning in this area is R – 2, Mixed Residence District. The subject property is being subdivided to place two (2) residences on it. This Final Plat qualifies for submission under the Expedited Final Plat submission process.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Tiehack Development, Inc.

FINANCIAL IMPACT: All survey and plat costs paid by Tiehack Development Inc.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Tracey Covert, City Clerk

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial review by: Timothy L. Ervin, Budget Officer

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

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF AN EXPEDIATED 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 Tiehack Development, Inc., an Illinois corporation, 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, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Expedited Final Plat for the subdivision of said premises to be known and described as The Villas at Spring Ridge Fourteenth Addition;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None other than permitted by the Preliminary Plan and/or Annexation Agreement.

WHEREFORE, your petitioner respectfully prays that said Expedited Final Plat for the The Villas at Spring Ridge Fourteenth Addition subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

TIEHACK DEVELOPMENT, INC.
An Illinois corporation

By: James A. Shirk, Its President

ORDINANCE NO. 2013 - 11**AN ORDINANCE APPROVING THE EXPEDITED FINAL PLAT OF THE
VILLAS AT SPRING RIDGE FOURTEENTH ADDITION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Expedited Final Plat of The Villas at Spring Ridge Fourteenth Addition, 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 other than permitted by the Preliminary Plan and/or Annexation Agreement; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Expedited 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 Expedited Final Plat of The Villas at Spring Ridge Fourteenth Addition 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 this 25th day of February, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Legal description

Lot 503 in The Villas at Spring Ridge Phase I First Addition in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2000-22184 in the McLean County Recorder's Office.

Parcel No. 14 – 25 – 353 - 001

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Assess Easement to Robert S. and Esther Shaw

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

STRATEGIC PLAN LINK: 1. Financially Sound City Providing Quality Basic Services (e). Partnering with Others for the Most Cost Effective Service Delivery

STRATEGIC PLAN SIGNIFICANCE: This easement will solve a problem for a McLean County resident who helped McLean County continue to be eligible for federal recreational grants.

BACKGROUND: In 1966 - 1967, the City condemned land and took other necessary steps to construct what is now known as Lake Evergreen. Much of the land around Lake Evergreen is subject to a lease to the County of McLean. The Shaws own a parcel of property which is currently "land-locked". It does not have direct access to County Highway #8. The Shaws desire to obtain an access easement across City owned land, (currently leased to the County), so that their parcel may be sold with the assurance to buyers that the buyers will have access across City property to County Highway #8 so long as the property is used for residential or agricultural purposes.

The County has already granted a similar easement across its leasehold interest to the Shaws. In addition, the Shaws were generous enough to permit Corn Belt Electric an underground utility easement across their property. This easement benefited McLean County by eliminating the need for overhead electrical wires, which allows the County to continue to be eligible for certain types of federal grants which, as a prerequisite, cannot be granted to property which contains overhead electrical lines.

The access easement will not impact City operations. Staff recommends that the easement be granted.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: County of McLean.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared & legal review by: J. Todd Greenburg, Corporation Counsel

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

Recommended by:

David A. Hales
City Manager

GRANT OF EASEMENT

The City of Bloomington does hereby grant unto Robert J. and Esther S. Shaw, husband and wife, of the Town of Hudson, State of Illinois the following described easement, which easement is further depicted and described on the map attached hereto as Exhibit A and incorporated herein by reference, over and across a part of the Northwest Quarter of Section 12 of Township 25 North, Range 1 East of the Third Principal Meridian, in Woodford County, Illinois and being more particularly described as follows:

See schedule attached hereto entitled "Description of Access Easement To Shaw Property" which is incorporated herein by reference.

This Easement is granted for the limited and exclusive purpose of Grantee ingress and egress from the property legally described as follows:

Lot 2-S per plat recorded on August 3, 1993 in Plat Book 38, Page 84, Woodford County as described as: A part of the Northwest Quarter of the Northwest Quarter of Section 12, Township 25 North, Range 1 East of the Third Principal Meridian, the center line of a 20 foot wide easement for ingress and egress is more particularly described as follows:

Commencing at the Southwest corner of Lot No. 2-S; thence South 90°-00'-00" East along the South line of said Lot No. 2-S, a distance of 87.35 feet to the point of beginning of the center line to be described; thence South 28°-40'-41" West, a distance of 130.75 feet; thence South 12°-29'-45" East, a distance of 213.56 feet; thence South 3°-06'-39" East, a distance of 494.09 feet; thence South 33°-27'-19" East, a distance of 61.40 feet to a point on the Northwesterly right of way line of County Highway # 8 and the end of said centerline.

This easement shall remain in effect until such time as Grantee or Grantee's heirs, successors, and assigns subdivide all or any part of said property or use said property for anything other than agricultural or residential purposes, to the extent such property may be used for residential purposes without subdividing it and with the limitations that the Grantee may erect no more than one residence on said property.

Grantee shall have sole responsibility for clearing and surfacing the easement area and maintaining same. Grantor agrees to keep five (5) feet on either side of the easement area free of any obstruction which would prevent or inhibit the passage of machinery across the easement area.

This grant of easement shall be binding upon and inure to the benefit of the Grantee's heirs, successors and assigns.

ADOPTED by the City Council of this City of Bloomington, this 25th day of February, 2013.

CITY OF BLOOMINGTON

By: Stephen F. Stockton
Mayor

Attest:

Tracey Covert
City Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF McLEAN)

I, the undersigned, a notary public in and for said County in the State aforesaid, DO HEREBY CERTIFY, That Stephen F. Stockton, personally known to me to be the Mayor of the City of Bloomington, and Tracey Covert, personally known to me to be the City Clerk of said Municipal Corporation, whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk they

signed and delivered the said instrument of writing as Mayor and City Clerk of said Municipal Corporation, and caused the seal of said Municipal Corporation to be affixed thereto, pursuant to authority given by the City Council of said Municipal Corporation as their free and voluntary act, and as the free and voluntary act and deed of said Municipal Corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal this 25th day of February, A.D. 2013.

Jan Scherff
Notary Public

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Access Easement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Approve Lease Agreement for Multi-Functional Devices (MFD) for various City Departments

RECOMMENDATION/MOTION: That the five (5) year lease agreement with Ricoh Company, Ltd., through previously competitively bid US Communities contract #58795, lead agency located in Los Angeles, CA, for thirty-two (32) MFD, be approved, in the amount of \$450,839.40, which is an estimated one (1) year cost of \$90,167.88, and the Purchasing Agent be authorized to issue a Purchase Order for same.

STRATEGIC PLAN LINK: Goal 1. Financially Sound City, Providing Quality Basic Services, by maintaining the City's printer/copier fleet, which is critical to multiple services provided throughout City departments.

STRATEGIC PLAN SIGNIFICANCE: Objective 1.a. These multi-functional devices are critical to the daily operations of the City. They are used daily to print, copy, fax and scan documents in every City department, supporting all City services. The lease agreement will update a severely aging fleet of devices.

BACKGROUND: A multi-functional device (MFD) is a device that provides copy, print, fax and digital scan functionality. The multi-use capability of an MFD allows it to take the place of multiple individual devices which helps lower the overall management and maintenance burden for staff. In fact, through a City-wide needs assessment, Information Services staff has identified potentially nineteen (19) current individual print/copy/fax/scan devices that will be eliminated with this project.

The City currently has thirty-two (32) MFDs in use throughout various departments. The youngest of the City's current MFDs is over five (5) years old. The oldest machines are between seven (7) and eight (8) years old. These machines have experienced mechanical problems at a rate that has affected staff productivity within each department and Information Services. Although there are maintenance contracts in place for most of the current MFDs, staff has been informed that parts for these devices have become difficult to locate and purchase.

Staff is requesting this approval to replace these previously purchased devices through an equipment lease program provided through a US Communities Cooperative Purchasing Agreement. This agreement is a competitively bid contract (#58795, lead agency is Los Angeles, CA) which allows other entities the opportunity to lease the equipment at extremely competitive rates.

Staff has recommended the lease option versus the purchase of these devices. Although a lease is typically more expensive in the long run, it does provide the following significant benefits which include:

- Eliminates up front capital costs.
- Includes all maintenance and supplies for each device, other than paper and staples.
- Eliminates "lemon" problems - A habitually problematic machine will be replaced at no additional cost to the City.
- Eliminates obsolescence - Machine is returned to lessor at the end of the lease and replaced with an up to date machine.
- Planned replacement – Fleet will be replaced again at the end of the lease.

Staff has estimated the cost of the five (5) year lease at \$450,839.00 (an estimated \$90,167.88 annually) (please see attached spreadsheet for detail). This is an estimated cost since there are two cost components to the lease. The first component is a set monthly hardware cost for each MFD. The second cost component provides ongoing maintenance and consumables and is based on the number of color or black/white pages the devices either print, copy or fax. This "click charge" is \$0.053 for each color printed page, or \$0.0065 for each monochrome page. Staff has estimated the number of color and monochrome pages each of the thirty-two (32) MFDs are expected to print per month, and calculated the monthly "click charge" amount based on that estimate.

Staff researched the estimated five (5) year cost of ownership if the devices were purchased outright versus a lease. Based upon the same estimated "click charge" pricing and estimated number of color and monochrome printed pages for each of the thirty-two (32) MFDs, the five (5) year cost would be approximately \$423,606.00 (an estimated \$84,721.20 annually).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2014 Budget will incorporate a departmental charge to offset the monthly hardware cost and consumable cost for each department which incorporates a MFD in its daily operations. Currently these expenditures are reflected in the “Other Purchase Services” and/or “Other Miscellaneous Expenses” line item. However, Finance plans to standardize the account for these services and create an individual line item dedicated for these expenditures. This will enhance the City’s ability to track these expenditures within each department’s budget.

Respectfully submitted for Council consideration.

Prepared by: Scott A. Sprouls, Information Services Director

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

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

Recommended by:

David A. Hales
City Manager

Mayor Stockton introduced this item.

Alderman Stearns had raised a number of questions regarding this item. She noted the total cost for same. The City planned to lease thirty-two (32) machines. She questioned the need for same.

Scott Sprouls, Director - Information Services, addressed the Council. He affirmed that this item involved the replacement of existing equipment. He added that approximately nineteen (19) laser printers and/or fax machines would be eliminated. He added that the cost per machine varied. The total cost to purchase this equipment was cited. The lease involved a variety of models.

Alderman Stearns noted the lease cost. She believed that City staff had used a shotgun approach. She described same as a Cadillac approach. She noted that the lease provided the City with the option to upgrade the equipment during the lease term if needed. A Cadillac approach was the easiest method. The item should have been tailored to the needs of each department. She added that there must be existing machines that were still in working order. There must be a less expensive approach. She appreciated the answers provided by City staff. She did not believe that the lease concept made the most sense for the City.

David Hales, City Manager, did not believe that a Cadillac approach had been used. He addressed staff productivity. He cited machine downtime. The City had not made an investment in office equipment. City staff relied on these Multi Functional Devices (MFD) to be efficient and to provide cost effective services. These machines were spread across various City offices. City staff had used a thorough approach to reduce the total number of machines. City staff needed reliable, productive machines. He requested Council approval of this item.

Alderman Schmidt questioned if the consumables were included in the lease. She believed that the lease cost was comparable to the purchase cost when one included supplies and maintenance costs.

Alderman Fazzini added that leasing appeared to be slightly more expensive. He added his belief that leasing was less expensive. The lease cost included maintenance and supplies. The City had the ability to upgrade the equipment if necessary. He expressed his support for this item.

Alderman Mathy had read numerous studies. Generally, single vendor selection lead to reduced costs. He added that the City's pricing was better than he received in the private sector.

Mr. Sprouls restated that this item would replace thirty-two (32) MFD. In addition, nineteen (19) laser printers and fax machines would be eliminated. He had targeted machines that were five to seven (5 – 7) years old. He added that the current vendor was having difficulty locating replacement parts for the existing equipment.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the five (5) year lease agreement with Ricoh Company, Ltd., through previously competitively bid US Communities contract #58795, lead agency located in Los Angeles, CA, for thirty-two (32) MFD, be approved, in the amount of \$450,839.40, with an estimated one (1) year cost of \$90,167.88, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: Alderman Stearns.

Motion carried.

The following was presented:

SUBJECT: Public Hearing for Approval and Authorization to Submit the Community Development Block Grant (CDBG) Program Year 2013 - 14 Application and Action Plan, Mayor's Discussion

RECOMMENDATION/MOTION: That the submission of the 2013 - 14 Action Plan to the Department of Housing and Urban Development be approved, and the Resolution adopted.

STRATEGIC PLAN LINK: 2015 Strategic Plan Goal 3: Strong Neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: The Code Enforcement Division and CDBG funding impacts all of the objectives listed under the Strong Neighborhood 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. Funding for sidewalk reconstruction improves neighborhood infrastructure.

Additionally – CDBG funds provide new sewer/water services; better quality of roads and sidewalks which all contribute towards the objectives of Goal 2. Upgrading City Infrastructure.

BACKGROUND: On May 1, 2013, the Community Development Division will begin its Fiscal Year 39 (FY 2013 - 2014). For the past thirty-eight (38) years, the City has applied for funding under the federal CDBG Program, through the Department of Housing and Urban Development (HUD). Funding for the program is based on the federal FY 2014 (October 1st – September 30th). Since February 13, 2013, 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 City 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 summary of the 2013 - 2014 "listing of activities" as part of the Action Plan, (i.e. budget), for FY 39, 2013 - 2014, was provided for review. This summary varies slightly from what was proposed and discussed at the Council's October 8, 2012 Work Session. Revisions have been highlighted. Also included were maps indicating where division activities have taken place in the last year. The City's Low/Moderate Income area encompasses portions of five (5) different wards. In addition, projects have taken place in the remaining four (4) wards due to income eligibility. Division activities impact the City-wide community, not just specific neighborhoods.

Staff recommends that the Council: 1.) approve the attached Resolution authorizing the filing of the CDBG Application for 2013 - 14; and 2.) approve the proposed budget and activities listed in the 2013 - 14 Action Plan.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Copies of the draft Action Plan Executive Summary and notification of the February 25th 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 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 February 25th Public Hearing was published in the February 14, 2013 Pantagraph and PATH sent out the notice February 12, 2013 to over 1,000 individuals and/or local agencies.

FINANCIAL IMPACT: The City maintains a special revenue fund to account for financial activity with the Community Development Program. The City's chart of accounts numbers begin with either 2240 and/or 2250. A delay or lack of Council approval would result in the potential loss of approximately \$600,000 in federal grant funds. These funds are used by community programs within the City which benefits low to moderate income residents and families. Stakeholders may locate a synopsis and outline of this special revenue funds beginning on page #24 within the proposed FY 2014 Other Funds & Capital Improvement Budget.

Respectfully submitted for Council consideration.

Prepared by: Sharon A. Walker, PACE Division Manager

Reviewed by: Mark R. Huber, PACE Director

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

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

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2013 - 02

**RESOLUTION AUTHORIZING THE FILING OF A COMMUNITY DEVELOPMENT
PROGRAM APPLICATION FOR PROGRAM YEAR THIRTY-NINE (39)
(May 1, 2013-April 30, 2014)**

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 \$556,487 (estimated) as the full amount available for undertaking and financing the thirty-ninth (39th) 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 25th day of February, 2013.

Steve Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item and opened the Public Hearing.

David Hales, City Manager, addressed the Council. This item addressed the upcoming Community Development Block Grant (CDBG) year. The Council had been provided with the opportunity to have input into the application.

Sharon Walker, Division Manager – PACE, addressed the Council. She addressed the 2013 – 14 Proposed CDBG Projects – Revised. She cited the changes made to same such as Rehabilitation Loans/Grants for Low & Moderate Income Households including Service Delivery costs; Demolition of Deteriorated Structures – elimination of slum/blight; Administration & General Management; Public Facilities – Boys & Girls Club Renovations Facility located at 1615 W. Illinois; Public Facilities – Labyrinth – Transitional Housing for Recently Paroled Women – rehab existing 6 unit building, 502 N. Oak; and Infrastructure – Sidewalk replacement in our Low/Mod targeted area.

She had made a presentation to Council at their October 8, 2012 Work Session. The Labyrinth project had been reduced from \$150,000 to \$75,000. The Labyrinth project planned to rehab an existing building for transitional housing. This change resulted in increased funding to other areas. She addressed the increase to Administration & General Management. A consolidated plan must be submitted every five (5) years. The next plan was due in 2015. The City had entered into an agreement with the United Way of McLean County for a community assessment of need. The Boys & Girls Club facility needed a local match to be eligible for HUD, (Housing and Urban Development), funds. Finally, additional funds would be directed towards sidewalks.

Ms. Walker welcomed the Council's questions. She added that representatives from the Boys & Girls Club, Labyrinth and West Bloomington Revitalization Project, (WBRP), were present at this evening's meeting.

Dennis Arnold, 504 N. Lee St., addressed the Council. He noted the Labyrinth project's proposed address, 502 N. Oak St. He believed that rehab was worthwhile. The building was located across the street from a bar. He cited prostitution in the neighborhood. He added that social service organization's experiments impacted the neighborhood. He noted the demand on police services made by the mentally ill.

Alton Franklin, 508 Patterson Dr., addressed the Council. He believed that the point was moot. He was not insensitive to the needs. He cited his past experience as a

substance abuse counselor. The Labyrinth project would only address the needs of five (5) people. He addressed the purpose of CDBG funds. He could not endorse the Labyrinth project. There were citizens who were more in need of these funds. He viewed these other uses as more appropriate. These dollars should be directed towards sustainable, suitable living conditions.

Marty Seigel, 615 E. Chestnut St., addressed the Council. She expressed her familiarity with Kaleidoscope. Social service experiments impacted neighborhoods. These types of projects needed to be avoided.

Nick Sanchez, 2214 Patriots Pt. Dr., addressed the Council. He was employed as the Boys & Girls Club's Executive Director. The dollars budgeted were significant. The Club served seventy (70) children per day. The Boys & Girls Club was alive and doing well. He welcomed the Council's questions and encouraged them to tour the facility. He thanked the City for the opportunity.

Mary Campbell, 2319 Mabel Rd., Normal, IL, addressed the Council. She wanted to clarify that the Labyrinth project would work with females. This type of program had been tested and tried throughout the country. This type of project would save money. She cited the cost to house females in jails and/or prisons. In addition, there was the cost of foster care for the children. The research was profound. Data had been gathered. She cited the Labyrinth project's address, 502 N. Oak St. This project had been accepted by WBRP. The Labyrinth project would provide services to improve the neighborhood. Counseling services would be provided. There would be females who were returning from jail. Some will attend Heartland Community College, while others will obtain a job. The common goal would be to regain custody of their children.

Currently, the building was being rehabilitated. These women would be housed in a neighborhood. A safe, secure living environment was important. The Labyrinth project took the Council's feedback seriously. The rehabilitated facility would have the ability to house more females. The building would also house an office and a visiting room with a kitchen. She restated that the Labyrinth project took the Council's advice. There was a private investor.

Alderman Stearns questioned what neighborhood meetings had been held. Ms. Campbell citing meetings with the WBRP, Harvest Family Worship Center located at 712 W. Locust St., had been spoken with. The Harvest Family Worship Center offered to provide \$1,500. In addition, the Gridley, Allin & Prickett and Old Towne neighborhood associations had been spoken to. The Labyrinth project had looked for an existing building.

Alderman Stearns questioned if the Labyrinth project would need to file a Rezoning and/or Special Use Petition(s). Ms. Campbell noted that the building currently was a six (6) unit apartment building. These women would be house in the individual apartments.

Alderman Sage questioned if the Labyrinth project had requested a one time contribution to be used as seed money.

Ms. Campbell stated that the Labyrinth project had established a cost to rehab the building. The roof and brick were sound. The Labyrinth project would rely upon volunteer assistance. She noted the work to date with the trades/laborers.

Alderman Sage was attempting to validate that the business model was sustainable.

Ms. Campbell stated that the Labyrinth project had to exist to be eligible for grant dollars. There was data that similar projects made a difference. There were funds available for women as this was the fastest growing prison population. Women would be allowed to remain at the facility for two (2) years. They would be eligible for services indefinitely. This type of program impacted recidivism rates. There were funding avenues.

Colleen Herald, 1105 Broadway, Normal, IL, addressed the Council. She served on the Boys & Girls Club's Board. She was employed at Illinois State University (ISU) in teacher education. There were flooding issues in the basement room. ISU students have written grants and purchased appropriate furniture. She was pleased that the building was being addressed.

Jon Voegelé, 3054 Gabby Dr., addressed the Council. He currently served as the Boys & Girls Club's Board President. The Club was at seventy-five percent (75%) of capacity. Water and mold represented serious issues. One (1) room has been unusable. He expressed his appreciation to the Council for their support.

Mayor Stockton closed the Public Hearing.

Alderman Fazzini questioned if the Council had correct figures. In addition, he questioned if this would be the only request during the next five (5) years. Ms. Walker cited \$25,000 for public service. The Labyrinth project would also search for grants and donations.

Ms. Campbell noted that a private investor purchased the property. The property currently had tenants. The building would be rehabbed gradually and the tenants would be replaced with Labyrinth project clients. Existing tenants would produce some income. There was a fundraising plan. There also was purchase agreement.

Alderman Fazzini believed that after the property was rehabbed it would have a higher value.

Alderman Schmidt noted comments regarding neighborhood issues. The Labyrinth project and neighborhood were working together. The property would be stabilized. The Labyrinth project would help families one (1) person at a time. The Labyrinth project board took care to listen to the Council. They had rethought their request. She recognized Ms. Walker's efforts.

Alderman Sage questioned the administration of the \$75,000. Ms. Walker stated that these dollars would be released to the Labyrinth project. City staff would oversee this project. Expenditures would be paid as needed. Twelve (12) months would be provided to complete the work. City staff would issue the building permits and perform various inspections. The Labyrinth project would also be required to turn their bills into the City.

Alderman Purcell noted the revised budget. He believed that there was a good division of CDBS funds. He planned to support this item. He recognized staff's efforts.

Ms. Walker added that City staff tried to spread these dollars. She recognized the Council's feedback.

Alderman Stearns recognized the change for the Labyrinth project from \$300,000 to \$75,000 to rehab an existing property. She addressed rehabilitation grants. She questioned if there were applications pending and if funds were adequate. Ms. Walker stated that fifteen (15) applications were pending. City staff had processed twenty-five to thirty (25 – 30) projects. The City was about out of funds. There were some demolition dollars left. She noted the WBRP.

Alderman Stearns addressed the loan program. Ms. Walker noted that these were deferred loans. The loans were paid off when the property is sold.

Alderman Mathy questioned sidewalk dollars. Ms. Walker cited the 50/50 program which required that the homeowner be income qualified. HUD preferred that full blocks be improved in order to have a higher impact.

Alderman Mathy noted that approximately one third of the City was eligible for CDBG funds. Ms. Walker noted that the area was determined by the Public Work's staff. She noted the sidewalk rating system which was applied within the target area.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the submission of the 2013 - 2014 Action Plan to the Department of Housing and Urban Development be approved, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

Alderman Fazzini recognized Drake Zimmerman for his efforts to identify an investor. He thanked Mr. Zimmerman for his assistance.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He noted that Eagle View Park had been removed from the meeting agenda. This item would be addressed at the March 2, 2013 Budget Work Session.

Mr. Hales reminded the Council that the Citizen Voice Meeting would be held on Wednesday, February 27, 2013 at the Bloomington Center for the Performing Arts from 6:00 until 7:30 p.m. The topic would be the recommended Fiscal Year 2014 budget. The FY 2014 budget would be adopted by the Council in April 2013.

MAYOR'S DISCUSSION: Mayor Stockton addressed the Wirtz Beverage facility. He had been aware that the City of Lexington was also interested. The City would not enter into a bidding war. He had spoken with Anthony Iatarola, Wirtz's Realty's Sr. Vice President. He welcomed Wirtz Beverage to McLean County. This business would assist the local economy. He noted that the City asked other governmental units for support.

ALDERMEN'S DISCUSSION: Alderman Fruin cited the \$58 million from the state given to Illinois State University (ISU) for a Fine Arts Building. He recommended that the City partner with ISU regarding the Bloomington Center for the Performing Arts and its Creativity Center. He cited the improvement in the community for arts education.

Alderman Sage addressed City staff's efforts on Council memorandums. He addressed line of sight.

He also noted a \$100,000 donation from Country Financial, Growmark and the Illinois Agricultural Association to the Miller Park Zoo. He cited the value of strategic planning. It provided structure and a line of sight for contributions. He added that the Zoo Master Plan had been paid for the Miller Park Zoological Society.

Alderman Mathy addressed Lutz Rd. He had driven same and reviewed an aerial map. This road should have been addressed at the time of development. He questioned how it would be addressed in the future.

Mayor Stockton noted that the plan to expand the facility was a new development.

Alderman Fazzini expressed his opinion that Wirtz Beverage would have a positive impact upon the community.

Alderman Mwilambwe congratulated David Hales, City Manager and Justine Robinson, Economic Development Coordinator. He noted the improvement to Lakewood Plaza.

Mayor Stockton noted that the Ashley Furniture store located in the Colonial Plaza was moving forward.

Motion by Alderman Fazzini, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 8:15 p.m.

Motion carried.

**Tracey Covert
City Clerk**