

**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 7:03 p.m., Monday, April 23, 2012.

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, Bernard Anderson, 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.

Alderman Fruin read the same statement that appeared on the August 23, 2010 Council meeting prior to voting.

The following was presented:

Introductions of 2012 – 2013 Bloomington Normal Sister Cities High School Exchange Students by Rich Strle, Chairman, Bloomington Normal Sister City Committee.

Mayor Stockton introduced Rich Strle, Bloomington Normal Sister City Committee Chairman. He introduced three (3) foreign exchange students. One (1), Miho Kunugiyama, would be returning to Japan. Two (2) local students, Khadairis Mason-Allison and Kylie Eagles, would be studying abroad next year.

Miho Kunugiyama addressed the Council. She expressed her appreciation for the opportunity and the experience.

Khadairis Mason-Allison addressed the Council. She was looking forward to the opportunity to study in Japan. She had participated in a Jr. High School exchange.

Kylie Eagles addressed the Council. She also was looking forward to the opportunity to study in Japan. She was excited to travel to Japan. She enjoyed traveling and the opportunity to observe other cultures.

Mr. Strle introduced K. Wilson and J. Rhea, Sister City Committee members, who were present at this evening's meeting. He also informed the Council that the 50th Anniversary of this sister city relationship would be celebrated in the community this

summer. Thirty (30) individuals from Asahikawa would visit the twin cities. This relationship was one of the longest in the entire country.

The following was presented:

Recognition of the 2012 Spring Illinois State University/Illinois Wesleyan University Internship Students.

Mayor Stockton introduced each student intern. The following students were present: Elly Rankin, Single Stream Recycling; Yelei "Matt" Kong, Development Review; TJ Luby, Firing Range; Dave Warren, Pepsi Ice Center, Second Ice Sheet; Kelsey Van Gieson, Performance Appraisals; and Dori Ginsberg, Water Usage Policy. One student was not present: Celeste Borjas, Housing Court.

Mayor Stockton also introduced Tari Renner and Jim Simeone, IWU Professors, who oversaw this program.

SUBJECT: Proclamation

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

BACKGROUND: The proclamation will be presented:

1. Declaring April 29 – May 5, 2012 as Municipal Clerk's Week.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Mayor Stockton read and presented the Municipal Clerk's Week Proclamation to Tracey Covert, City Clerk. He noted that the Clerk's Office was the center of the network which kept the City running. He expressed his appreciation for the good work performed by the Clerk's Office. He cited the quality of the minutes prepared and the volume of Freedom of Information Act requests processed. He recognized Ms. Covert's accomplishments.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Council Proceedings of April 9, 2012

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of April 9, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of April 9, 2012 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:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that the reading of the minutes of the previous Council Proceedings of April 9, 2012 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, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, April 19, 2012 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:

Recommended by:

Rich Hentschel
Interim Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fruin, seconded by Alderman Anderson that the bills and payroll be allowed and 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, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointment to the Bloomington-Normal Public Transit System (BNPTS) Board and the Planning Commission

RECOMMENDATION: That the Appointments be approved.

BACKGROUND: I ask your concurrence in the appointment of Ryan Whitehouse of 1806 Cottage Ave., Bloomington 61701 to the BNPTS Board. His four (4) year term will begin April 23, 2012.

At the Council's March 12, 2012 meeting, Ordinance No. 2012 – 12, An Ordinance Amending the Operating Structure of the BNPTS was passed. The City has four (4) trustees on this board. The City Manager has become a nonvoting ex officio member.

I ask your concurrence in the appointment of Rex Diamond of 2915 Fox Creek Rd, Bloomington 61705 to the Planning Commission to represent the southwest quadrant of the City. His four (4) year term will begin April 23, 2012.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos
Executive Assistant

Stephen F. Stockton
Mayor

Mayor Stockton introduced Ryan Whitehouse. Mr. Whitehouse was employed at the McLean County Chamber of Commerce. He cited Mr. Whitehouse's interest in public transportation. He noted Mr. Whitehouse's relationship with individuals at the federal and state levels of government. He believed that Mr. Whitehouse would be an asset to the Transit Board. Mr. Whitehouse looked forward for the opportunity to serve.

Mayor Stockton introduced Rex Diamond. Mr. Diamond had been encouraged by Alderman Sage to submit a Statement of Interest. Mr. Diamond served as the Southwest Bloomington Neighborhood Association's President. Mr. Diamond was interested in serving on the Planning Commission.

Mayor Stockton expressed his appreciation for their willingness to serve.

Motion by Alderman Fruin, seconded by Alderman Anderson that the Appointments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase Park Maintenance Mowing Equipment on the State of Illinois Joint Purchasing Program

RECOMMENDATION: That the purchase of an eleven foot (11') width, sixty (60) horse power (HP) diesel Jacobsen R-311T wide area mower from Burris Equipment, Frankfort, IL, under the State of Illinois Joint Purchasing Program be approved in the amount of \$33,426, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The current wide area mower, known as unit #784, is a 2001 John Deere 1600. This mower, which was originally scheduled to be replaced in 2008, has sustained substantial wear over the previous eleven (11) years. It had hydraulic and four-wheel drive issues, incurring repair costs of \$8,900 to date. Currently the hood is in need of replacement, the four-wheel drive unit is failing and additional hydraulic issues are becoming noticeable. Repairs to these items are currently estimated at \$3,500. This mower is used primarily along Veterans Pkwy., Constitution Trail and most of our parks in the south and east quadrants of the City. Unit #784 would be traded in towards the purchase of a new unit, with \$7,000 trade-in allowance offered by the state contract vendor, Burris Equipment.

The unit would be assigned to the same mowing crews as unit #784 and would be used to mow the same areas. During the mowing season, approximately April through October, this mower is used five (5) days per week for eight (8) hours a day. Park Maintenance currently has two (2) similar mowers in its inventory and has been satisfied with the performance and dependability of the Jacobsen mowers. The life expectancy of this mower is eight (8) years.

The Joint Purchasing Program helps maximize the value of taxpayer dollars that state agencies spend on goods and services, the Bureau of Strategic Sourcing (BOSS) works closely with the States Chief Procurement Officer and State Purchasing Officers of the Executive Ethics Commission (EEC) to provide improved transparency, accountability and cost savings in the procurement process.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: State of Illinois Joint Purchasing Program and Burriss Equipment.

FINANCIAL IMPACT: The Parks Maintenance and Operations Department Fiscal Year (FY) 2012 budget (10014110-72140) has \$35,000 budgeted for this purchase.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Robert Moews, Supt. Park Maintenance
Parks, Recreation & Cultural Arts

John R. Kennedy, Director
Parks, Recreation & Cultural Arts

Reviewed by:

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Kim Nicholson
Purchasing Agent

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that the purchase of an eleven foot (11') width, sixty (60) horse power (HP) diesel Jacobsen R-311T wide area mower from Burriss Equipment, Frankfort, IL, under the State of Illinois Joint Purchasing Program be approved in the amount of \$33,426, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for Replacing Carpet at City Hall in the Finance and Human Resources (HR) Departments

RECOMMENDATION: That the bid for carpeting, including removal and installation for the first floor Finance Department and HR Department offices be awarded to Cushing Commercial Carpet, Bloomington, IL, in the amount \$21,400, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The carpet in the departments is in excess of ten (10) years old and has become worn, stained and frayed beyond repair. Staff specified carpet squares as the replacement. Carpet squares will make repairs and future replacement less costly than broadloom carpet. A total of 3,528 sq. ft. of carpet will be replaced. The bid also requires the successful contractor to dispose of all demo material, move all furniture and provide two (2) boxes of carpet squares for stock.

On April 5, 2012, bids were publicly opened and read. A total of five (5) bids were received. The five (5) bids are as follows:

Vendor	Location	Total
Lincoln Office	Bloomington, IL	No bid
Tiles in Styles	Naperville, IL	Disqualified
Cushing Commercial Carpets**	Bloomington, IL	\$21,400
Carpet Weavers	Bloomington, IL	\$25,490
Tile Specialists	Champaign, IL	\$25,550

** Recommended bidder.

Tiles in Styles Co. was disqualified because they did not return a signed addendum. Instructions in the addendum included, "Failure to return this addendum will result in disqualification from this bid."

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was published in the Pantagraph on March 21, 2012. Six (6) contractors received the bid package. Five (5) bids were returned to the City Clerk.

FINANCIAL IMPACT: A total of \$25,000 has been budgeted for this project in the Building Maintenance budget, Building Alterations, 10015480-72150.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Robert Floyd
Facilities Manager

Mark Huber
Director of PACE

Timothy Ervin
Performance Auditor/Budget Mngr.

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that the bid for carpeting, including removal and installation for the first floor Finance Department and HR Department offices be awarded to Cushing Commercial Carpet, Bloomington, IL, in the amount \$21,400, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bid for One (1) Maintenance Skid Steer for the Water Department

RECOMMENDATION: That the bid for one (1) Maintenance Skid Steer for the Water Department be awarded to Bobcat of Bloomington, IL for a 2012 Bobcat Skid-Steer Loader in the amount of \$37,515, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The Water Department is in need of a Skid-Steer loader at the Water Treatment Plant. This unit would be utilized to move chemicals, replace large pumps and motors, grounds maintenance, and snow removal. This machine is very versatile. It will be used to move some of the motors and pumps that were moved with an obsolete boom truck which was retired from service last year.

The Electrician's boom truck will still be necessary for some jobs, but the Skid-Steer unit will be used when reach is not an issue. Staff time will be saved on those occasions, since the boom truck will not have to travel to the lake facilities and jobs can be completed quickly, without having to wait for equipment availability. Currently, the Public Works Street Department uses the same model machine. This is the first Skid-Steer loader for the Water Department.

The unit will also be used to transport water treatment chemicals and other heavy items that are currently transported with hand carts. The ability to remove snow and ice from narrow and physically tight areas around the plant facilities will result in quicker and more reliable surface

maintenance. The Fleet Maintenance staff is satisfied with the overall maintenance and performance of the last unit purchased. The Fleet Division stocks parts for this model and has the training to repair and maintain this equipment.

Bids were mailed to prospective vendors. Bids were publically opened March 30, 2012 at 11:00AM and the results are as follows:

Vendor	Machine Cost	Full Machine Warranty Cost	Total
Bobcat of Bloomington IL.	\$35,115	\$2,400.00	\$37,515.00
Altorfer of East Peoria	\$35,080	\$2,536.61	\$37,616.61
Vermeer Sale and Service, Goodfield, IL	No Bid		

Altorfer of East Peoria had some variances to their bid. The main ones were: Bid Spec-Hand Controlled steering with foot controlled bucket operation. *Variance: all functions are hand controlled.* Bid Spec-Low oil pressure engine shutdown feature. *Variance: light and audible alarm.* Bid Spec-Low hydraulic oil pressure shutdown. *Variance: light and audible alarm.* Bobcat of Bloomington met the machine bid specifications and was the lowest bidder. The bidder signed the bid form as required, but the cost was included on an attached detail of all costs.

The City's Purchasing Agent did not determine that the omission would disqualify the bid. Therefore, staff is requesting that the Council waive this minor technicality in accordance with the bid specification under the section General Instruction for Bidders which states: "The City of Bloomington reserves the right to reject any and all bids and to waive minor technicalities."

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was published in the Pantagraph on Thursday, March 15, 2012. Twelve (12) bid packages were mailed. A total of three (3) bids were received.

FINANCIAL IMPACT: In Fiscal Year 2012, \$38,000 has been budgeted in the Water Department's Water Purification Division account 50300130-72140 for the purchase of the equipment.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch
Director of Public Works

Craig Cummings
Director of Water

Kim Nicholson
Purchasing Agent

Financial review by:

Reviewed by:

Recommended by:

Richard Hentschel
Interim Director of Finance

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that the bid for one (1) Maintenance Skid Steer for the Water Department be awarded to Bobcat of Bloomington, IL for a 2012 Bobcat Skid-Steer Loader in the amount of \$37,515, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for One (1) Outdoor Warning Siren

RECOMMENDATION: That the bid for the installation of one (1) Outdoor Warning Siren be awarded to Innotech Communications, Bloomington, IL, in the amount of \$29,412.10 and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The Outdoor Warning Siren system is designed to alert people who are outdoors of approaching dangerous weather. Depending on the wind direction and strength, and where a citizen lives in relation to siren location, the ability to hear the sirens will vary. The system has a series of overlaps in coverage, and as a result, most residents will be able to hear one (1) or more sirens in the event sirens are activated.

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

The Fire Department has oversight responsibility of the outdoor siren and warning system. This oversight includes selecting additional sites for new sirens, establishing a maintenance procedure, monitoring of the status of the sirens and writing specifications for new purchases. The Public Works Department Engineering Division assists the Fire Department to determine sirens in need of repair or replacement based on age and condition of the siren. They also

provide some of the repair work and general maintenance to existing units. Failure to maintain this system can adversely affect the public's early warning system.

This proposed siren located at 5601 Ireland Grove Rd. (Kickapoo Creek Sewage Pump Station), has been identified as a priority because of its close location to Benjamin Elementary School and the newly developed Kickapoo Creek neighborhood. Currently, there is no coverage for either of these locations. The bid calls for the installation of a new fully operational pole mounted siren on a spot designated by the City.

Vendor	Location	Bid Amount
Innotech Communications**	Bloomington, IL	\$29,412.10
Laesch Eclectic, Inc.	Towanda, IL	\$45,321.00

**Recommended bidder

Once the product is ordered, the estimated timeline is eight (8) weeks to delivery. Installation is approximately an additional two (2) weeks, weather permitting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was posted on the City website and placed in the Pantagraph on March 15, 2012. A total of twenty – four (24) bids were mailed. The City Clerk received two (2) bids.

FINANCIAL IMPACT: The Fiscal Year 2012 Budget has appropriated funds in the Fire Department line item 10015210-72140 for the completion of this project.

Respectfully submitted for Council consideration.

Prepared by:

Steve Giusti
Asst. Fire Chief

Reviewed by:

Kevin Kothe
City Engineer

Financial review by:

Timothy Ervin
Performance Auditor/Budget Mngr.

Reviewed by:

Michael Kimmerling
Fire Chief

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that the bid for the installation of one (1) Outdoor Warning Siren be awarded to Innotech Communications, Bloomington, IL, in the amount of \$29,412.10 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, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Request for Proposals (RFP) for Replacement of Patrol Car In-Car Camera Recording System

RECOMMENDATION: That the RFP for In-Car Camera Recording System be awarded to CDS Office Technologies, Peoria, IL, in the amount of \$277,302 and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The current Police Department (PD) in-car camera system was purchased from AMR Digital Corporation and installed in September 2005. Numerous equipment failures have been experienced with this system. Historically, repair service from AMR Digital has not met City standards and parts of the system have become obsolete. Based upon these and other problems, the PD elected to pursue a replacement in-car camera recording system.

Upon initial research, the PD learned there are modern recording systems which provide additional data, such as automatic activation of camera system in the patrol car in the event of an accident. Another feature is a second camera to record the backseat area. The new system has numerous ways to retrieve downloaded video footage which will be more efficient than the current system. The current in-car camera system does not have any of these aforementioned functions. Currently there is only (1) computer that allows an officer to view his or her traffic stop. To retrieve video footage from the current system, the officer has to remember what patrol car they drove at the time of the traffic stop. The new system has several search methods for retrieving information such as name of officer, patrol car number, type of stop, or date of stop.

The research and evaluation of the new camera system was a joint effort by staff from the PD, Public Work Department's Fleet Division, and Information Technology Department. An RFP was solicited. The City received eleven (11) responses from potential vendors. An additional meeting was held to narrow the search to four (4) potential vendors to provide a detailed presentation and product cost. Each vendor provided a static display of their equipment and demonstrated their ability to connect via wireless transmission to the City's web server. PD staff provided their input on functionality and ease of use. Fleet Division staff was able to provide insight as to the durability of each system and to determine the best equipment mounting in the patrol cars to ensure longevity.

After the evaluation of each test sample (static display model), another meeting was held to discuss the merits of each system. During this meeting, staff decided to pursue CDS Office Technologies (CDS) as the project vendor. One of the primary reasons for selecting CDS is the

fact that the camera system is comprised of Panasonic electrical components, Arbitrator 360, which is designed to work with existing laptop computers installed in the patrol cars. CDS provided a list of current Police Department's as references. The Normal Police Department is on this list.

Factors used to determine recommendation between two lowest bidders:

Vendor	CDS Technologies	I-Cop 20/20
Number of IL Police Agencies Served	63	1
Individual Log Ins	Uses same log in as computer	Needs separate log in
Zoom Capability	220x	40x
Field of Vision	68.4 degrees	46 degrees

Staff visited the Normal Police Department to see the system actually installed in a patrol vehicle and to gather feedback on the ability of the system to perform. The Normal Police Department's officers provided positive feedback about CDS, the equipment, customer service, and the user friendly system. In addition, two (2) other police departments were contacted, (City of Decatur and Will County Sheriff's Department). They also provided positive feedback on both the CDS' service and the Arbitrator 360 camera system.

The Panasonic Arbitrator 360 camera system and associated hardware, camera installation and associated electronics for thirty-eight (38) patrol vehicles, with two (2) complete spare camera systems for a total of forty (40), two (2) year extended warranty, fifty (50) additional personal microphone packs, and a one (1) year maintenance agreement has a total cost of \$252,450. In addition, a five (5) year maintenance agreement at initial purchase of the system would cost \$24,852 for a grand total of \$277,302.

The following is a list of the top four (4) vendors:

Vendor	Location	Amount
CDS Office Technologies*	Peoria, IL	\$277,302.00
General Dynamics Itronix	Sunrise, FL	\$357,133.00
I-Cop	Houston, TX	\$198,500.36
Motorola Solutions Inc.	Schaumburg, IL	\$294,780.00

*Recommended bidder

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the Request for Proposals was published in the Pantagraph on Friday, January 6, 2012. This RFP was available in the City Clerk's Office and/or on the City's web site. Four (4) vendors received the RFP from the City Clerk's Office. Eleven (11) RFP were returned to the City Clerk's Office and staff selected four (4) vendors to evaluate.

FINANCIAL IMPACT: Funds for this purchase has been allocated in line item 10015110 – 72190.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Randall D. McKinley
Chief of Police

Timothy Ervin
Performance Auditor/Budget Mgr.

Recommended by:

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fruin, seconded by Alderman Anderson that the RFP for In-Car Camera Recording System be awarded to CDS Office Technologies, Peoria, IL, in the amount of \$277,302 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, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for 2012 Drainage Improvements (Citywide)

RECOMMENDATION: That the bid for 2012 Drainage Improvements be awarded to Stark Excavating, Inc., in the amount of \$166,216.20, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: This project consists of clearing vegetation and trees, channel grading, rip rap placement, and channel paving needed to improve White Eagle Lake, Gaelic Lake Channel, Slayton Drive, and Sugar Creek along GE Rd. The purpose of this work is to reshape and protect the shoreline of White Eagle Lake, Gaelic Channel, and the banks of Sugar Creek.

Project needs by area:

White Eagle Lake – The shoreline on the north side of the lake has eroded severely and could eventually endanger White Eagle Road. The rip rap placement on the north and east sides of the lake will protect the shoreline from eroding due to wave action. The silt removal is to remove accumulated silt to restore the basin to its original capacity.

Gaelic Channel – The channel between White Eagle Lake and Gaelic Lake has eroded significantly. The original channel was lined with rip rap which has since eroded. The channel paving is to prevent future erosion of the channel.

Slayton Drive – The inlet is being enlarged to more effectively catch water coming from the paved ditch and so reduce the amount of water flowing into the street during rain events.

Sugar Creek – Certain locations along Sugar Creek north of General Electric Road and East of Hershey Road have severe erosion that threatens the Constitution Trail. This project is to provide erosion protection to prevent damage to the Constitution Trail.

The work is anticipated to start in June 2012 and will continue through the summer and fall. The contract completion date is April 30, 2013 to allow for seeding and ground restoration if unable to complete before winter 2012.

On April 9, 2012 at 2:00 p.m., bids were publicly opened and read. A total of three (3) bids were received. The bids are as follows:

Vendor	Location	As Read	As Corrected
Stark Excavating, Inc.	Bloomington, IL	\$166,216.20	
George Gildner, Inc.	Bloomington, IL	\$216,597.00	
Rowe Construction Co.	Bloomington, IL	\$344,669.20	\$344,669.20

Engineer's Estimate

\$215,973.00

Budget:	White Eagle Lake	\$120,000	Storm Water Mgmt. Funds
	Detention Program	\$ 50,000	Storm Water Mgmt. Funds
	Drain Tile Repair Program	\$ 50,000	Storm Water Mgmt. Funds
	Gaelic Channel Paving	\$ 54,907	Storm Water Mgmt. Funds
	Total	\$274,907	

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was published in the Pantagraph on March 26 and April 2, 2012. This bid was available on the City's web site. Seven (7) contractors received the bid package. Three (3) bids were returned to the City Clerk.

FINANCIAL IMPACT: The total dollars allocated to this project is \$274,907 as budgeted in the Storm Water Management Fund (53103100-70552). The net asset fund balance as of April 30, 2011 was \$796,952.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial reviewed by:

Jim Karch, PE CFM
Director of Public Works

Timothy Ervin
Performance Auditor
/Budget Mngr.

Rich Hentschel
Interim Director of Finance

Reviewed as to legal sufficiency:

Reviewed by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that the bid for 2012 Drainage Improvements be awarded to Stark Excavating, Inc., in the amount of \$166,216.20, 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, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Agreement with Sentinel Technologies, Inc. for City Voice over Internet Protocol Phone System and Network and Security Devices Hardware Maintenance

RECOMMENDATION: That the two (2) Agreements with Sentinel Technologies, Inc., Springfield, IL, one (1) for hardware maintenance renewal for the City's Voice over Internet Protocol (VoIP) phone system and related equipment, in the amount of \$30,342; and the other for hardware maintenance renewal for the City's network infrastructure, in the amount of \$49,286, for a total of \$79,628, be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

BACKGROUND: Staff maintains third party support agreements for the City's VoIP phone system, data network hardware and network security hardware as the manufacturers warranty and support period expires. These support agreements provide critical hardware and software support and upgrade services to these systems. Guaranteed response times, appropriate to each

specific piece of hardware, are defined within these contracts. The more critical devices (i.e. phone system hardware, data network core, firewall) are covered by a twenty-four (24) hour, seven (7) day per week, four (4) hour guaranteed response contract while the less critical systems are typically eight (8) hour, five (5) days per week, next business day response. Staff places an appropriate level of coverage on each device to control the cost of maintaining the City's critical data infrastructure.

Staff respectfully requests approval to renew the following maintenance contracts, provided by Sentinel Technologies, Inc., Springfield, IL.

Contract	Cost
VoIP Phone System and Associated Hardware	\$30,342
Data Network Core and Distribution Hardware	\$49,286

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds for these support agreements were budgeted and approved by Council in the Information Services Department's Repair/Maintenance Office and Computer Equipment account (10011610-70530) within the Fiscal Year 2012 Budget.

Respectfully submitted for Council consideration.

Prepared by:

Scott Sprouls
Director of Information Services

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Financial review by:

Rich Hentschel
Interim Director of Finance

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2012 - 16

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE AGREEMENT OF CITY VOICE OVER INTERNET PROTOCOL PHONE SYSTEM AND NETWORK AND SECURITY DEVICES HARDWARE MAINTENANCE FOR THE CITY FROM SENTINEL TECHNOLOGIES INC., AT A COST OF \$79,628

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

1. That the bidding process be waived and the Mayor and City Clerk be authorized to execute the necessary documents for hardware maintenance renewal for the City's Voice over Internet Protocol (VoIP) phone system and related equipment, in the amount of \$30,342; and for hardware maintenance renewal for the City's network infrastructure, in the amount of \$49,286, for a total of \$79,628.

ADOPTED this 23rd day of April, 2012.

APPROVED this 24th day of April, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fruin, seconded by Alderman Anderson that the two (2) Agreements with Sentinel Technologies, Inc., Springfield, IL, one (1) for hardware maintenance renewal for the City's Voice over Internet Protocol (VoIP) phone system and related equipment, in the amount of \$30,342; and the other for hardware maintenance renewal for the City's network infrastructure, in the amount of \$49,286, for a total of \$79,628, be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Resolution to Reserve the City's Allocation of the Private Activity Bonding Cap

RECOMMENDATION: That the Resolution be adopted.

BACKGROUND: The Internal Revenue Code permits the City, as an Illinois Home Rule Municipality, to issue private activity bonds. The federal tax code classifies private activity bonds as bonds utilized for projects that primarily benefit private entities. A chart of eligible projects has been provided. Congress uses an annual state volume cap, which is currently capped at the rate of \$95 per capita for the 2012 calendar year. Based upon a population of 76,610, the City's volume cap is \$7,277,950 for calendar year 2012.

For the current fiscal year, staff has determined no projects are readily available that can use the City's volume cap. In the past when this situation has occurred, the City has ceded over its bond volume cap to the Illinois Housing Development Authority (IHDA) to further homeownership within the community (2003, 2004, 2007, 2008, 2009, and 2010). IHDA assists communities to help working families and individuals achieve homeownership through their Mortgage Credit Certificate (MCC) program and the Mortgage Revenue Bond (MRB) program. A request has been submitted to IHDA to determine if there is sufficient funding for these two (2) programs during 2012.

Other private activity bond projects have been: 2005 Lincoln Tower renovations; 2006 Habitat for Humanity, Mid Central Community Action and Clayton Jefferson for Affordable Housing Development (project not completed, bonding authority returned to the state); and 2011 Eastern Illinois Economic Development Authority.

For Fiscal Year (FY) 2013, staff requests to reserve the City's volume cap for an eligible activity, yet to be determined. This does not obligate the City financially or in any other way. This resolution simply "reserves" the City's portion to possibly be used at a later date for an activity within the community. The City may elect to carry any unused volume cap of a calendar year forward for three (3) years.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Illinois Housing Development Authority.

FINANCIAL IMPACT: As specified in the City's Comprehensive Annual Financial Report (CAFR) Note #14, these bonds are secured solely by the property financed and are payable solely from the payments received on the underlying mortgage loans on the property. The City is not obligated in any manner for the repayment of the bonds. Accordingly, the private activity bonds outstanding are not reported as a liability on the City's financial statements.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Justine Robinson
Economic Development
Coordinator

Sharon Walker
Division Manager
Code Enforcement

Timothy Ervin
Performance Auditor/Budget Mngr.

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

RESOLUTION NO. 2012 - 17

**A RESOLUTION TO RESERVE CITY OF BLOOMINGTON'S ALLOCATION OF THE
2012 PRIVATE ACTIVITY BONDING CAP**

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

Section 1: That the CITY OF BLOOMINGTON reserves the City's share of the Activity Bond Volume Cap for Calendar Year 2012. Said Volume Cap to be used for eligible activities, yet to be determined.

Section 2: That the City Manager is authorized to execute a letter to reserve the City's share of the Activity Bond Volume Cap for Calendar Year 2012.

Section 3: That the City Manager is authorized and directed to maintain a record of bonds that are issued, in accordance with the Tax Reform Act of 1986, as amended and 30 ILCS 345.

Section 4: That the City Manager shall provide a notice of reallocation to the Office of the Governor.

Section 5: That this Resolution shall be effective from and after its passage.

ADOPTED this 23rd day of April, 2012.

APPROVED this 24th day of April, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracy Covert
City Clerk

Motion by Alderman Fruin, seconded by Alderman Anderson that the Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Little India Bloomington & Normal, Inc., d/b/a Little India, located at 503 N. Prospect Rd., Suite 103 - 104, for an RBS liquor license, which will allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an RBS liquor license for Little India Bloomington & Normal, Inc., d/b/a Little India Restaurant, located at 503 N. Prospect Rd., Suite 103 - 104, be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Little India Bloomington & Normal, Inc. d/b/a Little India located at 503 N. Prospect Rd., Suite 103 - 104, requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Anoop Bhanot, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address this request. Anoop Bhanot, owner/operator and Applicant representative, addressed the Commission. The application was for an RBS, (Restaurant, Beer & wine only, Sunday sales) liquor license. Beer & wine would be offered to compliment the food. He cited customer requests for same.

Commissioner Stockton questioned Mr. Bhanot's experience. Mr. Bhanot acknowledged that he had restaurant experience. Little India had been open for eighteen (18) months. He admitted that he had never held a liquor license. He restated that customers had requested same. There would not be a bar. Alcohol would be provided via table service. He planned to offer bottled wine and bottled beer, (Indian and domestic). All sales would be by the glass.

Commissioner Buchanan questioned if a floor plan had been provided. Commissioner Gibson noted that it was contained in the Commission's meeting packet.

Commissioner Clapp questioned the business hours. Mr. Bhanot stated that Little India was open for lunch and dinner. Lunch was served on Tuesdays through Thursdays from 11:00 a.m. until 1:30 p.m. In addition, lunch was served from 11:00 a.m. until 2:30 p.m. on Fridays through Sundays. Dinner was served Tuesdays through Sundays from 5:00 to 10:00 p.m. Little India was closed on Mondays. Commissioner Clapp questioned the number of waitstaff. Mr. Bhanot noted that there were three (3) servers.

Commissioner Gibson questioned staff training. Mr. Bhanot noted that servers would be instructed to request identification prior to serving alcohol. If staff believed that a customer was intoxicated, then no alcohol would be served.

Commissioner Tompkins questioned who Vandana Guglani was. Mr. Bhanot informed the Commission that Ms. Guglani was his wife. Commissioner Tompkins questioned the financial statements. Mr. Bhanot noted that the statements were for the business and his personal one.

Commissioner Gibson expressed his concern that the Applicant understands both the City Code and state liquor laws. He noted that liquor service would be something new for Mr. Bhanot. He encouraged Mr. Bhanot to become familiar with both in order to have a full understanding.

Commissioner Stockton encouraged Mr. Bhanot to review the City's Alcoholic Beverage Code to gain a full understanding of same. Mr. Bhanot responded affirmatively. He added that he would thoroughly review same.

Commissioner Stockton recommended that Mr. Bhanot give consideration to formal server training. He cited STEPS (Safety Training to Encourage Profitable Service) which was offered locally by the BNCCC (Bloomington/Normal Community Campus Committee). Another option was the BASSETT (Beverage Alcohol Sellers & Server Education & Training) program offered by the state's Liquor Control Commission. The cost was inexpensive but the knowledge gained was valuable. Mr. Bhanot welcomed the Commission's suggestions.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of Little India Bloomington & Normal, Inc., d/b/a Little India Restaurant, located at 503 N. Prospect Rd., Suite 103 - 104, requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately sixteen (16) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the April 10, 2012 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: This would be a new liquor license. Annual fee for a RBS liquor license is \$1,110.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Fruin, seconded by Alderman Anderson that an RBS liquor license for Little India Bloomington & Normal, Inc., d/b/a Little India Restaurant, located at 503 N. Prospect Rd., Suite 103 - 104, 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, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition for Annexation and Rezoning for the Jeff Niepagen Subdivision, commonly located north of Fox Creek Rd. and east of I-55

RECOMMENDATION: That the Annexation and Rezoning be approved and the Ordinances passed.

BACKGROUND: The subject tract is located north of Fox Creek Road and east of Interstate I-55. An Annexation Agreement with Charles Frank Niepagen was approved by the City Council on November 22, 2010. The proposed Annexation and Rezoning is in accordance with this agreement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A public hearing for the Annexation Agreement, Rezoning, and Concept Plan was held by the Planning Commission on November 10, 2010 and by Council on November 22, 2010.

FINANCIAL IMPACT: The cost of platting and recording will be borne by the petitioner. A \$351 fee in lieu of Parkland Dedication is due at the time of Final Platting by the petitioner. A \$541.41 annexation fee shall be paid at the time a building permit is issued.

Respectfully submitted for Council consideration.

April 23, 2012

1337

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

Barbara J. Adkins
Deputy City Manager

Financial review by:

Recommended by:

Rich Hentschel
Interim Director of Finance

David A. Hales
City Manager

PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

State of Illinois)
) ss.
County of McLean)

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

Now comes Charles Frank Niepagen hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto made and a part hereof by this reference, and 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 said premises presently have a zoning classification of A - Agricultural under the provisions of the McLean County Zoning Ordinance;
3. That there is attached hereto and made a part hereof an Annexation Agreement between said City and your petitioners dated December 14, 2010, and approved March 28, 2011;
4. That said Annexation Agreement provides that, upon annexation of said premises to said City, said premises would be zoned as follows under the provisions of Chapter 44 of the Bloomington City Code-1960, as amended: to R - 1A, Single Family Residence District;
5. That your petitioners hereby requests that they Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois pursuant to said Annexation Agreement, annex said premises to said City and amend the Official Zoning Map of said City to reclassify said premises into the R-1A Single Family Residence District zoning district classification;
6. That said requested zoning classification is consistent with the terms of the Annexation Agreement and more compatible with existing uses and/or zoning of adjacent property than the zoning of said premises to the A-Agriculture District; and
7. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed

the hardships imposed on your petitioners by the zoning of said premises to the A - Agriculture District.

WHEREFORE, your petitioners respectfully pray that pursuant to the terms of the Annexation Agreement, that said premises be annexed to the City of Bloomington, McLean County, Illinois, and that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above described premises to R - 1A, Single Family Residence District.

Respectfully submitted,

Charles Frank Niepagen

EXHIBIT A

Legal Description

A part of Lot 2 in Frank Niepagen Subdivision in the NE $\frac{1}{4}$ of Section 18, according to the Plat thereof recorded as Document No. 1992-22241 in the McLean County Recorder of Deeds Office, all in Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the southwest corner of Lot 2 in Frank Niepagen Subdivision on the easterly right of way line of F.A.I. Route 55 / 74; thence N.22°-31'-34"W. 390.45 feet on the westerly line of said Lot 2 to the easterly right of way line of the Illinois Central Gulf Railroad; thence N.78°-59'-58"E. 400.00 feet; thence S.73°-05'-44"E. 299.00 feet; thence S.02°-00'-28"E. 328.93 feet parallel with the east line of Marc Center Subdivision, according to the Plat thereof recorded as Document No. 99-13867 in the McLean County Recorder of Deeds Office to the south line of said Frank Niepagen Subdivision on the south line of the NE $\frac{1}{4}$ of Section 18; thence S.87°-44'-31"W. 541.09 feet on the south line of said Frank Niepagen Subdivision to the Point of Beginning, containing 5.48 acres, more or less, with assumed bearings given for description purposes only.

ANNEXATION AGREEMENT

PURSUANT to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961, and as an exercise of the Home Rule powers of the City of Bloomington, and for and in consideration of the mutual promises contained herein and other good and valuable consideration, the undersigned CITY OF BLOOMINGTON, ILLINOIS, a Municipal Corporation, hereinafter referred to as "City" and CHARLES FRANK NIEPAGEN, hereinafter referred to as "Owner" of property, a legal description of which is included as Tract 1 on Exhibit "A", AGREE AS FOLLOWS:

I. ANNEXATION PETITION. The Owner, subject to the terms and conditions set forth in this annexation agreement, has petitioned the City of Bloomington, requesting annexation of a tract of land described as Tract 1 on Exhibit "A" (hereinafter referred to as "the tract" or, after final platting of the tract and other property, as "the lot") to the corporate limits of the City of

Bloomington, Illinois. The City has heretofore published and given such notices and conducted such public hearings as may be required to annex the tract, including specifically a public hearing on this annexation agreement conducted after notice as required by law and ordinance on the 22nd day of November, 2010.

II. ANNEXATION. The City agrees to adopt an ordinance annexing the tract to the City of Bloomington within 30 days from the date of submission of an annexation plat depicting the area to be annexed and all required supporting documentation.

III. ZONING, CONCEPT PLAN APPROVAL, SUBDIVISION AND DEVELOPMENT.

A. Zoning - Within 30 days of annexation of the tract, the City agrees to rezone Tract 1 described on Exhibit A to R - 1A Single Family Residence District. The public hearings required for such rezoning having been held before the Planning Commission of the City of Bloomington on the 10th day of November, 2010, after notice required by law and ordinance.

B. Subdivision Plan Approval - Within 60 days from the submission of a Final Subdivision Plat in the form and with the content required by the City's Land Subdivision Code, the City agrees to approve a one lot Final Subdivision Plat for the property described as Tracts 1 and 2 on Exhibit A. No Preliminary Plan shall be required. The approval and recording of the Final Plat shall permit the conveyance of the lot. In connection with the subdivision and development of the lot, City agrees:

1. To permit the lot to be used as a single family dwelling, including customary accessory buildings. A private drive access to the lot from Fox Creek Road shall be established and maintained by the owners of the lot. Garbage pick-up shall be from Fox Creek Road.

IV. PUBLIC IMPROVEMENTS. With regard to the annexation, rezoning and approval of the final plat, the installation of public improvements within and serving the tract, and the use and development of the tract during the term of this Agreement, the following agreements and conditions shall apply in place of those that might otherwise apply during subdivision or development of the site:

A. Streets & Sidewalks

1. (Owner's Position) Fox Creek Road - The owner may subdivide, develop and use the lot without any adjacent street improvement obligations or the payment of any tap-on fee or connection charge for access to Fox Creek Road.

(Staff Position) - The Owner may subdivide, develop and use the lot, but at final platting shall pay a street "tap-on fee" of \$11,250.00.

B. Water

1. Owner may tap and use a water main in the Fox Creek Road right-of-way, in which case Owner shall pay a tap-on fee of \$25.00 per lineal foot of contiguity ($\$25 \times 75 =$

\$1,875), payable at final platting. The water service line from the public main to the proposed single family residence shall be at owner's expense.

C. Septic System

The proposed single family residence on the lot may be served by a private septic system meeting County Health Department standards. No public sanitary sewer extension shall be required and no tap on fee shall be payable.

D. Storm Water Drainage

Owner agrees to discharge storm water to a pond on adjoining property. No other storm water detention requirements shall be imposed.

E. Park Land Dedication

Owner agrees to pay a fee of \$351.00 in lieu of park land dedication per City Code at final platting, based on one additional dwelling unit.

F. School Site Dedication

None required.

G. Annexation Fee

Owner agrees to pay an annexation fee of \$540.41. The fee shall be paid at the time a building permit issues.

V. The Owner, not later than thirty (30) days after the date of annexation of the Tract, shall file the necessary petitions to annex that area to the Central Illinois Regional (Bloomington-Normal) Airport Authority and Bloomington and Normal Water Reclamation District.

VI. Except as provided in the agreement, the Owner shall in the use and development of the property comply with all then applicable zoning, subdivision, building and mechanical codes of the City.

VII. This Agreement is declared to be enforceable by the parties for a period of ten (10) years from the date of its execution. Said Agreement is further binding upon the present Owners, their heirs, successors or assigns and upon the City of Bloomington's designated corporate authorities and successors in office.

DATED at Bloomington, Illinois, this 22nd day of November, 2010.

CITY OF BLOOMINGTON, ILLINOIS,
A MUNICIPAL CORPORATION

BY: Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Petitioner

Charles Frank Niepagen

EXHIBIT A

Tract 1

A part of Lot 2 in the Frank Niepagen Subdivision of Section 18, Township 23 North, Range 2 East of the Third Principal Meridian more particularly described as follows:

Commencing where the south line of Lot 2 intersects with the easterly right-of-way line of Interstate I-55, thence easterly along the south line of Lot 2 550 feet, thence northerly along a line parallel with the west line of Oakwoods Subdivision 326 feet, thence westerly parallel with the south line of Lot 2 505 feet, thence northwesterly parallel with the easterly right-of-way line of Interstate I-55 42 feet, thence westerly parallel with the southerly line of Lot 2 to a point of intersection with the westerly right-of-way line of Interstate I-55, thence southeasterly along said right-of-way line to the Point of Beginning.

(Part of 21 – 18 – 276 - 006)

Tract 2

A strip of land of even width extending between Tract 1 and Fox Creek road, being the westerly 75 ± feet of Lot 1 in the Subdivision of the East 44 acres of the Southeast ¼ of Section 18, Township 23 North, Range 2 East of the Third Principal Meridian.

(Part of 21 – 18 – 426 - 002)

ORDINANCE NO. 2012 - 17

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
AS HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON,
MCLEAN COUNTY, ILLINOIS**

WHEREAS, there has heretofore entered into a certain Agreement for Annexation dated December 14, 2010 and approved March 28, 2011 between the City of Bloomington and Charles Frank Niepagen and Katherine M. Niepagen, the owner of the premises hereinafter described, which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; and

WHEREAS, the City Council of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement; and

WHEREAS, the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided and was approved on March 28, 2011. Said City Council has further determined that the proposed zoning, as established in the aforesaid Agreement, follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be place in effect as to said land upon the annexation of same, all as by Statute specifically provided.

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

SECTION ONE: That the City Council of the City of Bloomington, Illinois, determines that the territory described in the attached Exhibit A is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington.

SECTION TWO: That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington, McLean County, Illinois and that the boundary of said City is hereby changed to include the property hereinabove described.

SECTION FOUR: That the Annexation Agreement, hereinabove referred to and hereto attached be and the same hereby is ratified, affirmed, and incorporated into this Ordinance.

SECTION FIVE: That this Ordinance shall be in full force.

PASSED this 23rd day of April, 2012.

APPROVED this 24th day of April, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE NO. 2012 - 18

**AN ORDINANCE REZONING
A VACANT TRACT OF LAND TO BE KNOWN AS JEFF NIEPAGEN SUBDISION
FROM A - AGRICULTURAL TO R - 1A, SINGLE FAMILY RESIDENCE**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit "A"; and

WHEREAS, the City of Bloomington approved the Annexation Agreement on March 28, 2011 which provides for the annexation and rezoning of the premises to R - 1A, Single Family Residence District.

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit "A" shall be and the same are hereby rezoned from A - Agricultural District to R - 1A, Single Family Residence District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 23rd day of April, 2012.

APPROVED this 24th day of April, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A**Legal Description**

A part of Lot 2 in Frank Niepagen Subdivision in the NE¼ of Section 18, according to the Plat thereof recorded as Document No. 1992-22241 in the McLean County Recorder of Deeds Office and part of Lot 1 in the Subdivision of the East 44 Acres of the SE¼ of Section 18, all in Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southwest corner of Lot 2 in Frank Niepagen Subdivision on the easterly right of way line of F.A.I. Route 55 / 74; thence N.22°-31'-34"W. 390.45 feet on the westerly line of said Lot 2 to the easterly right of way line of the Illinois Central Gulf Railroad; thence N.78°-59'-58"E. 400.00 feet; thence S.73°-05'-44"E. 299.00 feet; thence S.02°-00'-28"E. 815.56 feet parallel with the east line of Marc Center Subdivision, according to the Plat thereof recorded as Document No. 99-13867 in the McLean County Recorder of Deeds Office to the northwest corner of the parcel of land conveyed to Wade and Sherri Wimp by Warranty Deed, recorded as Document No. 90-10482 in the McLean County Recorder of Deeds Office; thence continuing S.02°-00'-28"E. 176.44 feet on the west line of said Wimp parcel and parallel with the east line of said Marc Center Subdivision to the north right of way line of Fox Creek Road, as conveyed to the People of the State of Illinois by Warranty Deed, recorded as Document No. 2002-25094 in the McLean County Recorder of Deeds Office; thence N.83°-09'-05"W. 75.88 feet on said north right of way line to the east line of said Marc Center Subdivision; thence N.02°-00'-28"W. 651.06 feet on the east line of said Marc Center Subdivision to the northeast corner thereof, said point lying on the south line of the NE¼ of Section 18 being also the south line of said Frank Niepagen Subdivision; thence S.87°-44'-31"W. 466.11 feet on the south line of said Frank Niepagen Subdivision to the Point of Beginning, containing 6.61 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Fruin, seconded by Alderman Anderson that the Annexation and Rezoning be approved and the Ordinances passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Charles Frank Niepagen and Katherine M. Niepagen, requesting approval of a Final Plat for the Jeff Niepagen Subdivision, commonly located north of Fox Creek Road and east of I-55

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

BACKGROUND: This subdivision is located north of Fox Creek Road and east of Interstate I-55. The Final Plat is in conformance with the Annexation Agreement approved by Council on November 22, 2010. This is a residential one (1) lot subdivision and a Preliminary Plan is not required.

Staff recommends that Council accept the Petition and pass an ordinance approving the Final Plat for Jeff Niepagen Subdivision subject to the Petitioner, paying the \$351.00 fee in lieu of parkland dedication prior to recording of the plat.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A public hearing for the Annexation Agreement, Rezoning, and Concept Plan was held by the Planning Commission on November 10, 2010 and by Council on November 22, 2010.

FINANCIAL IMPACT: The cost of platting and recording will be borne by the petitioner. A \$351.00 fee in lieu of Parkland Dedication is due at the time of Final Platting by the petitioner. A \$541.41 annexation fee shall be paid at the time a building permit is issued.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

Barbara J. Adkins
Deputy City Manager

Financial review by:

Recommended by:

Rich Hentschel
Interim Director of Finance

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 Charles Frank Niepagen and Katherine M. Niepagen hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

- 1. That your Petitioners are the owners of the freehold or lessor estate therein of the premises hereinafter described as Exhibit A, attached hereto and made a part of hereof by this reference;
- 2. That your Petitioners seek approval of the Final Plat for the subdivision to be know and described as the Jeff Niepagen Subdivision, which Final Plat is attached hereto and made a part hereof;
- 3. That your Petitioners also seek approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960;
- 4. None, but subject to the terms and conditions of the Annexation Agreement between Petitioner and the City of Bloomington dated December 14, 2010 and approved March 28, 2011;
- 5. That your Petitioners seek expedited approval of the Final Plat, without Preliminary Plan pursuant to the terms of the Annexation Agreement;
- 6. That your Petitioner hereby dedicates to the public, all public rights of way and easements shown on said Final Plat.

WHEREFORE, your Petitioners pray that the Final Plat for the Jeff Niepagen Subdivision, submitted herewith the exemptions or variations as requested herein.

Respectfully submitted,

Katherine M. Niepagen

Charles Frank Niepagen

ORDINANCE NO. 2012 - 19

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
JEFF NIEPAGEN 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 Jeff Niepagen 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 Chapter 24 of the Bloomington City Code – 1960 as amended:

All terms and conditions pursuant to Annexation Agreement dated December 14, 2010, approved March 28, 2011, between Charles Frank Niepagen and the City of Bloomington.

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 the requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREAS, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision and Planned Unit Development 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 Jeff Niepagen Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That the Ordinance shall be in full force and effect as of the time of its passage and approval.

PASSED this 23rd day of April, 2012.

APPROVED this 24th day of April, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

A part of Lot 2 in Frank Niepagen Subdivision in the NE¼ of Section 18, according to the Plat thereof recorded as Document No. 1992-22241 in the McLean County Recorder of Deeds Office and part of Lot 1 in the Subdivision of the East 44 Acres of the SE¼ of Section 18, all in Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southwest corner of Lot 2 in Frank Niepagen Subdivision on the easterly right of way line of F.A.I. Route 55 / 74; thence N.22°-31'-34"W. 390.45 feet on the westerly line of said Lot 2 to the easterly right of way line of the Illinois Central Gulf Railroad; thence N.78°-59'-58"E. 400.00 feet; thence S.73°-05'-44"E. 299.00 feet; thence S.02°-00'-28"E. 815.56 feet parallel with the east line of Marc Center Subdivision, according to the Plat thereof recorded as Document No. 99-13867 in the McLean County Recorder of Deeds Office to the northwest corner of the parcel of land conveyed to Wade and Sherri Wimp by Warranty Deed, recorded as Document No. 90-10482 in the McLean County Recorder of Deeds Office; thence continuing S.02°-00'-28"E. 176.44 feet on the west line of said Wimp parcel and parallel with the east line of said Marc Center Subdivision to the north right of way line of Fox Creek Road, as conveyed to the People of the State of Illinois by Warranty Deed, recorded as Document No. 2002-25094 in the McLean County Recorder of Deeds Office; thence N.83°-09'-05"W. 75.88 feet on said north right of way line to the east line of said Marc Center Subdivision; thence N.02°-00'-28"W. 651.06 feet on the east line of said Marc Center Subdivision to the northeast corner thereof, said point lying on the south line of the NE¼ of Section 18 being also the south line of said Frank Niepagen Subdivision; thence S.87°-44'-31"W. 466.11 feet on the south line of said Frank Niepagen Subdivision to the Point of Beginning, containing 6.61 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Fruin, seconded by Alderman Anderson 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, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition Requesting Approval of a Special Use Permit for an Additional Dwelling Unit for Property Located at 811 W. Washington St.

RECOMMENDATION: That the Special Use Petition be remanded to the Zoning Board of Appeals (ZBA) for further public hearing.

BACKGROUND: The ZBA recommended approval of the Special Use Permit for the property at 811 W. Washington St.

The property is zoned R - 2, Mixed Residence District. The petitioner currently owns the location which has been used as a five (5) unit apartment building under a Special Use Permit. In order to expand the number of dwelling units for the building to six (6), the owner has petitioned for a Special Use Permit.

The petition to increase the number of dwelling units for the property is not in line with the predominant character of the neighborhood which is single family or two (2) family residences with a few three (3) unit apartment buildings. Increasing the number of apartments on a site results in an increase in activity, neighborhood congestion and nuisances. Approval of this request could encourage other property owners to increase density.

The site does not comply with the required number of off street parking spaces. By code, the current five (5) dwelling units require ten (10) parking spaces. Only one (1) parking space, with access off Washington St., is available. The addition of a sixth dwelling unit would require a total of twelve (12) parking spaces. When evaluating the parking in the neighborhood, many of the properties are in compliance or nearly in compliance with the code. The property at 816 W. Washington St. only has nine (9) parking spaces for sixteen (16) units and appears to be an exception. The code requires less parking for the apartments which are used by developmentally disabled individuals. There also is a six (6) unit apartment building at 827 W. Washington St. built in 1935. No on-site parking was provided and it is considered a nonconforming use.

The petitioner's plan calls for a few more parking spaces. The proposed spaces do not comply with code due to improper access to the spaces. On the west side of the lot the driveway is so narrow that when two (2) cars are parked, one (1) in front of the other, encroachment onto the neighboring property is required to enter or leave the space.

The floor area ratio is not in compliance with code which is designed to limit the building bulk and provide for more open area around the building. Although bulk will not be added to the building, there will be a decrease in the amount of open space on a per resident basis.

This case appeared before the ZBA for public hearing and review on February 15 and March 21, 2012. The petitioner spoke in favor of the petition. Staff recommended denial. No one else spoke in favor of or in opposition to this request. The ZBA voted to recommend approval of the Special Use Permit by a vote of 5 - 0.

Since the ZBA's recommendation, staff has become aware of concerns from several neighbors. Concerns included: additional on street parking, including the fact that Washington St. is used as a Snow Route; the shared driveway; and the neighborhood density.

Staff believes this petition is not compatible with predominant neighborhood uses and recommends denial. Staff also supports remanding this petition back to the ZBA for public input and additional consideration.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code courtesy copies of the Public Notice were mailed. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: A slight increase in property value and property tax revenue may be seen if the Special Use Permit is approved. Over the long term, this could easily be offset or reduced by additional demand upon City services, such as Fire, Police and/or Code Enforcement.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Mark Woolard
City Planner

Mark R. Huber
Director of PACE

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that the Special Use Petition be remanded to the Zoning Board of Appeals (ZBA) for further public hearing.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lease of Marginal Land at Lake Bloomington Adjacent to Lake Bloomington Estates Subdivision

RECOMMENDATION: That Lake Lease of marginal lands be approved, the annual fee be increased to \$50, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The City leased a .82 acre tract of property in the area of Money Creek to Bill Martin in 1981. Mr. Martin needed the land to gain access to an adjacent piece of property in the Lake Bloomington Estates Subdivision. This lease has been transferred a number of times since it was originally made as Martin and his successors have sold their interest in the adjacent property. The property is transferring again and the City has received a request from the current owner, Douglas R. Smith as Trustee of McLean County Land Trust No. ELO 001 to transfer the lease to the buyer, Tom and Breann Neal.

This lease does not interfere with public access, or the use of the marginal lake lands, and there have not been any problems with this lease over the years it has been in effect. Staff respectfully recommends Council approve the transfer.

The privately owned parcel of property is north of Ron Smith Memorial Highway and just east of Money Creek as it enters Lake Bloomington. The subject lot does have access to the highway in about the width of a standard driveway. However an electrical power pole was placed in this access point (driveway) which rendered it unusable. Moving the power pole would be a costly endeavor. Previous owners of this privately owned lot have entered into a lease agreement with the City at an annual cost of \$10. This fee has never been adjusted.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This lease has been in effect since 1981 at a cost of \$10 per year. Staff recommends that this lease be granted and the fee increased to \$50 per year. In addition, staff would review said lease and fee in five (5) year intervals. Lake lease income is posted to Lake Parks Lease Income revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Craig M. Cummings
Director of Water

Rich Hentschel
Interim Director of Finance

Recommended by:

Reviewed as to legal sufficiency:

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fruin, seconded by Alderman Anderson that Lake Lease of marginal lands be approved, the annual fee be increased to \$50, 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, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Fiscal Year 2012 Year End Budget Amendment

RECOMMENDATION: That the Fiscal Year 2012 Year End Budget Amendment be approved and the Ordinance passed.

BACKGROUND: State of Illinois statutes require expenditures incurred within each individual fund not to exceed the appropriation amount set forth in the annual budget of an established fiscal period. In an effort to strengthen the fiscal controls of the budgetary process, staff has prepared a list of budgetary amendments for the current Fiscal Year (FY). This action corresponds with the August 24, 2009 discussion where staff committed to the Council that the majority of budget amendments would be presented in the fiscal year the expenditure occurred rather than in the preceding fiscal year.

The appropriated budget of individual funds may be exceeded for several reasons such as but not limited to:

- Prior year encumbrances paid out of the fiscal period in question;
- Transfers to cover higher than planned expenses;

- Purchases and/or projects (ex. grants) that were approved in midyear but not included within the appropriated budget;
- Projects approved after the annual budget was approved, and
- Cost incurred for unforeseen circumstances.

Staff has prepared documentation which itemized the proposed mid-year budgetary amendments and a short description of the reason behind the budget amendment. As a reminder, as part of the Financial Impact section for each Council memo, if necessary a statement will be included that will disclose the need for a budget amendment if the applicable item is approved by the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The net impact on the City's budget from this series of budget amendments is \$439,906, which represents the purchase of two (2) ambulances approved by Council on March 12, 2012. This amount represents approximately .00588% of expenditures within the General Fund FY 2012 budget of \$74,689,258.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy L. Ervin

Barbara J. Adkins

David A. Hales

Performance Auditor/Budget Mngr. Deputy City Manager

City Manager

ORDINANCE NO. 2012 – 20**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2012**

WHEREAS, on April 11, 2011 by Ordinance Number 2011 - 17, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2012, which Ordinance was approved by Mayor Stephen F. Stockton on April 12, 2011; and

WHEREAS, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2011 - 17 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2012) is further hereby amended by inserting the following line items and amounts presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2011 - 17 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2011 - 17.

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

PASSED the 23rd day of April, 2012.

APPROVED the 24th day of April, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT 1

Fund	Account Name	Revised Budget	Description
General Fund - Fire	Capital Outlay License Vehicle	(\$439,906.00)	To purchase two ambulances for the Fire Department passed by the Council on March 12, 2012
General Fund Transfers	GF Transfer to 2007 Bond Fire Station	(\$33,386.00)	To offset deficit balance in 2007 Fire Station Capital Improvement Fund and close fund 4017 at the end of FY 2012.
2007 Fire Station	Transfer from General Fund	\$33,386.00	To record transfer from the General Fund to close fund at the end of FY 2012.
General Fund Transfers	GF Transfer to Pepsi Ice Center Capital Project	(\$71,184.00)	To offset deficit balance in 2007 Fire Station Capital Improvement Fund and close fund 4075 at the end of FY 2012.
Ice Center Capital Project	Transfer from General Fund	\$71,184.00	To record transfer from the General Fund to close fund at the end of FY 2012.
Drug Enforcement Fund	Other Fines	\$75,000.00	To record revenue seized from Drug Raids in FY 2012.
Drug Enforcement Fund	Capital Outlay License	(\$75,000.00)	To record payout of supplies for Drug Enforcement from seized drug funds in FY 2012.
Park Dedication Fund	Sponsorship and Advertising	\$22,500.00	To record sponsorship and advertising dollars to the Park Dedication Fund in 2012.
Park Dedication Fund	Property Owner Contribution	\$66,500.00	To record property owner contributions to the Park Dedication Fund in FY 2012.
Park Dedication Fund	Other Repair and Maintenance	(\$17,000.00)	To account for expenditures of Kickapoo Creek monitoring grant in the Grove Subdivision.
Park Dedication Fund	Park Construction and Improvements	(\$60,000.00)	To construct and install the seat wall caps at McGraw Park for the City's Sister City program.
Park Dedication Fund	Other Miscellaneous Expenditures	(\$12,000.00)	To account for architectural fees and repairs at various park facilities.
General Fund Transfers	GF Transfer to BCPA	(\$250,000.00)	To partially offset 2005 \$750,000 General Bond &

Fund	Account Name	Revised Budget	Description
			Interest Bond payment transferred to the Debt Service Fund.
BCPA	Transfer from General Fund	\$250,000.00	To partially offset 2005 \$750,000 General Bond & Interest Bond payment transferred to the Debt Service Fund.
General Fund Transfer	GF Transfer to Storm Water Fund	(\$100,000.00)	To fund the expansion of the Gaelic Channel paving project/renovation.
Storm Water Fund	Transfer from General Fund	\$100,000.00	To fund the expansion of the Gaelic Channel paving project/renovation
General Fund Transfers	GF Transfer to Casualty Fund	(\$500,000.00)	To begin pay down the audited deficit balance in the Casualty Fund as of April 30, 2011.
Casualty Fund	Transfer from General Fund	\$500,000.00	To begin to pay down the audited deficit balance in the Casualty Fund as of April 30, 2011.
General Fund Transfers	GF Transfer to Solid Waste	(\$500,000.00)	To transfer funds saved from snow operations to offset capital equipment purchases and operating costs in FY 2012.
Solid Waste Fund	Transfer from General Fund	\$500,000.00	To transfer funds saved from snow operations to offset capital equipment purchases and operating costs in FY 2012.
<i>Overall Net Impact on City Budget</i>		<i>(\$439,906.00)</i>	

Motion by Alderman Fruin, seconded by Alderman Anderson that the Fiscal Year 2012 Year End Budget Amendment 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, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amended Participant and Collocation Agreements for Central Illinois Regional Broadband (CIRBN) Project at Government Center

RECOMMENDATION: That the Amended Agreements be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: During the October 24, 2011 meeting, Council approved Participant and Collocation Agreements for participation in the CIRBN network. These facilities were a combination of City owned facilities and facilities where the City is a tenant and a third party is the owner. Facilities in which the City is a tenant include Fire Stations 3 and 6 owned by the Central Illinois Regional Airport (CIRA), and the Government Center, owned by the Public Building Commission (PBC).

The facilities in which the City is a tenant required three (3) party Participant and Collocation Agreements between Illinois State University, the City and the respective owner of each facility. After Council approved these three (3) party documents, they were forwarded on to the respective owners for approval. No additional modifications were required by the CIRA. The PBC has requested further modifications to the Participant and Collocation Agreements relative to the Government Center. These two (2) agreements, therefore, are being brought back before Council for final approval.

Staff agrees with the modifications being requested by the PBC. These changes reflect a desire by the PBC to be responsible only for providing access to the Government Center facility and to not be responsible for any improvements that may be necessary during the installation of the fiber cabling and networking equipment necessary for connection to the CIRBN network. Further, the Illinois State University/CIRBN construction manager has visited the site and has reported that he believes no further improvements will be necessary for the Government Center installation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: CIRBN, Illinois State University, PBC, and CIRA.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Scott Sprouls
Information Services Director

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Aldermen McDade and Mwilambwe left the dais due to their employment with Illinois State University.

Motion by Alderman Fazzini, seconded by Alderman Purcell that the Amended Agreements 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, Schmidt, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

Alderman McDade and Mwilambwe returned to the dais.

The following was presented:

SUBJECT: Presentation of Main Street Feasibility Study

RECOMMENDATION: That the Main Street Feasibility Study be received as presented.

BACKGROUND: A presentation of the Main Street Transportation Feasibility Study will be made by Gewalt Hamilton Associates, Inc. The yearlong study began in January 2011 and was completed in January 2012. It was prepared for the McLean County Regional Planning Commission and the Illinois Department of Transportation (IDOT). The study area was the nine (9) mile Business US 51 corridor from Interstate 74 north to Interstate 39 in Normal. It has made determinations as to what transportation improvements are feasible for the corridor. IDOT may use the feasibility study when future plans are developed. IDOT does not require Council approval of this study.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There was extensive public solicitation and input through open houses on June 30 and September 29, 2011, an interactive web site, and along the corridor itself with electronic message board signs. There also was a public meeting with the Main Street Commission on June 30, 2011.

FINANCIAL IMPACT: The study does not obligate the City or IDOT to spend funds on any corridor improvements or plans.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Mark Woolard
City Planner

Jim Karch
Director of Public Works

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Mayor Stockton introduced this item. The Council would not be taking formal action on same.

David Hales, City Manager, noted the community outreach regarding this study. IDOT, (Illinois Department of Transportation) used a context sensitive solution process. Feedback was solicited. He noted the public involvement and the opportunities to participate in same. Staff's recommendation was simply to receive the report. Staff from Gewalt Hamilton Associates, Inc. would make a presentation. He encouraged the Council to actively listen to same. This study may be a future Work Session topic. In the future, the City may want to draft a response to this study. IDOT was not soliciting feedback at this time. In the future, IDOT may take action regarding this report.

Jim Karch, Public Works Director, addressed the Council. He cited the report's title, Main Street Transportation Improvement Feasibility Study. He noted that six (6) governmental units, (City, Town of Normal, McLean County Regional Planning Commission, Bloomington-Normal Public Transit System, IDOT and the Federal Highway Administration/FHWA), that participated in the study. It was funded by FHWA. Gewalt Hamilton Associates (GHA), Inc., Alta Planning & Design, and Houseal Lavigne Associates made up the planning and design team. GHA served as the team leader. This was a feasibility study for the nine (9) mile US 51 corridor. There are no recommendations contained in this report. It only addressed feasibilities.

Bill Grieve and Kelly Connolly, GHA, addressed the Council. They thanked City staff for their assistance with this study. The Consultant Team consisted of three (3) different firms. Each had an area of expertise. GHA's role addressed transportation planning and engineering. Houseal Lavigne Associates addressed public outreach and engagement. Alta Planning & Design addressed bicycle and pedestrian planning. The first stage of this project was entitled Main St: A Call for Investment Plan. This report contained the top twenty-five (25) design ideas. The Feasibility Study was directed to stay

within the curb lines. Alternatives to the Context Sensitive Solution were developed. The goal was to determine what was feasible. IDOT might begin work on low cost items. The purpose of the study was to develop a comprehensive multimodal, (vehicles, bicycles and pedestrians) Main St. corridor plan. It was noted that Main St. was the most under utilized and under leveraged asset in the county. The US 51 corridor was approximately nine (9) miles in length. It was a major arterial road which connected the two (2) communities, (City and Town). It intersected with three (3) interstates which provided access to key destinations. US 51 supported transit. A key concern was how to conserve costs both now and in the near future by staying within the existing right of way.

The process included corridor tours, TAG meetings, public workshops, press releases, message boards, and an interactive project website. Issues addressed included mapping, the use of social networking, online surveys, key person interviews and presentations. Community participation and response was cited. Key concerns addressed included an interest in bicycle lanes, speed limits, and sidewalk improvements.

The report provided an overview of what was feasible. A key issue was mobility. Lanes could be narrowed to reduce speed, provide on street bike lanes, wider sidewalks, landscaped medians, intersection enhancement for pedestrians, traffic signal timing and additional locations for same, lane reductions, convert Main and Center St. to two (2) way traffic in the Downtown.

Ms. Connolly addressed the study by corridor segments. Within the City: Main St., (Division St. to Locust St.) was addressed. Lanes could be reduced in number and width which would reduce speed. The extra pavement could be used for buffered on street bike lanes. On street parking could be retained and sidewalks could be widened. Intersection improvements for pedestrians were possible i.e. count down traffic signals and sidewalk ramps. It was noted that currently there were gaps in the sidewalks.

It was noted that there were four (4) travel lanes in the Downtown. Excess capacity was cited. Three (3) lanes were needed. The excess pavement could be used as buffered bike lanes and/or sidewalks could be widened. The streetscape could be improved. The Main St. streetscape was cited as an example of a theme which could be extended to other streets.

The intersection of Locust and Madison was addressed. Improvements were needed for truck traffic. Trucks needed the ability to maneuver. In the Downtown, Main and Center St. were cited. These two (2) streets could be uncoupled to allow for two way traffic. The cost to do so would be minimal. The belief was that there would be a benefit to the retailers. Pedestrian crosswalks could be enhanced. The City could consider extending the Downtown streetscape.

Main St. south of Oakland Ave. was addressed, (Oakland to RT Dunn Dr.). Lanes could be narrowed and reduced in number which would reduce speed. The excess pavement could be used for on street north bound bike lanes or a widen sidewalk/parkway.

No parking would be allowed. There would be no change to Center St. Bicycles would be accommodated on Madison St.

Main St., (RT Dunn Dr. to Brigham School Rd.) was also addressed. Lanes could be narrowed to reduce speed. On one side of the street there could be a multiuse path with a sidewalk on the other side. Another option was to have sidewalks on both sides of the street. Pedestrian/bike crossings at intersections could be enhanced. The median could be landscaped. Some curb cuts could be eliminated.

Mayor Stockton noted the depth of the full report.

Alderman Sage requested that GHA's presentation be placed on the City's web site. He believed that this information would prove helpful in future discussions. He cited Locust St. at Lee St. as traffic became two (2) way west of this intersection. Mr. Grieve stated the key issue was truck maneuvers.

Alderman Anderson expressed his opinion that US 51 was meant for vehicular traffic. Pedestrians and bicycles should have separate lanes to travel. At a minimum he hoped that an alternative path could be found all along the corridor. Mr. Grieve addressed widened sidewalks. Lanes could be narrowed, which resulted in reduced speed. The excess pavement allowed for the addition of a bike lane.

Alderman Anderson stated that there was no mention of a form based code within this report.

Alderman Schmidt expressed her interest in a bicycle and pedestrian friendly community. She believed that the number of people travelling by bicycle would increase. She cited a recent bicycle give away where 100 bikes were distributed in thirty (30) minutes. Safety issues must be addressed. Bike lanes were not always along main arterial roads.

Ms. Connolly restated that the study involved looking at the corridor in order to see if it could be made bicycle friendly. Standards were used for on street bike lanes. A key question was why this road should only be used for vehicles.

Mayor Stockton noted that narrower lanes would slow down traffic. US 51 was the main north south artery. He expressed his concern that there be no impact upon travel times. He expressed support for a safety buffer zone.

Ms. Connolly noted that the buffer was included due to the excess pavement. It was not mandatory. Another option was to widen sidewalks. Speed studies had been looked at. The goal was to keep vehicles traveling at the posted speed. At the same time, bicycles could be accommodated. Traffic signal timing would be adjusted based upon the number of lanes.

Mr. Grieve restated that US 51 would also be pedestrian friendly. The number of lanes could be reduced because of the capacity. Lane reductions would force individuals to drive at the posted speed limit. Traffic would be kept moving.

Mayor Stockton noted that traffic volume might increase over time. He questioned the ability to reverse any changes made.

Mr. Grieve noted that a traffic simulation model was used to project growth over a thirty (30) year period. Growth was projected at one percent (1%) per year. Bike lanes could be painted on to the pavement. If the paved area is needed for vehicular traffic then the bike lanes would disappear. He restated that the focus of the study was feasibility.

Mayor Stockton questioned what the public could expect. Mr. Hales restated that there were no recommendations at this time. If there is a decision to pursue this study there would be discussions in the future regarding any future actions. He questioned if the Council had significant concerns. City staff would contact IDOT to determine how the Council might address any concerns or make a statement regarding this study.

Mayor Stockton stated that the City would pay attention to any improvements on US 51. He cited the full report's length. He thanked those involved in the study for their efforts. He noted that there were individuals who rode bicycles to work. It can be a challenge to share the road with vehicles. The Council had seen recommendations in other studies to change Main and Center St. within the Downtown to two (2) way streets. He expressed support for bike lanes. The issue was safety. He also expressed his concern regarding costs. He questioned the ability to ride bicycles year round in Central Illinois. He also questioned the use for bike lanes along the US 51 corridor. He expressed his willingness to accept the report.

Alderman Stearns expressed her confusion regarding the process and project funding. She expressed her belief that the Town of Normal had requested same through the McLean County Planning Commission. Mr. Hales believed the study was funded by IDOT. Mr. Karch added that the Regional Planning Commission made the request of IDOT. IDOT's planning funds were used.

Alderman Stearns questioned jurisdiction and if the state had the authority to make changes. Mr. Karch noted the US 51 was a state route/road. IDOT is responsible for the right of way. IDOT involved the City in this project. Mr. Hales added that if IDOT planned to implement any of the study's recommendations, it would contact the City. He believed that there would be collaboration between the two (2), (IDOT and the City). Mr. Karch added that IDOT would be receptive to any Council statement.

Mayor Stockton believed that IDOT was also concerned about traffic flow. No formal action would be taken this evening. The City's jurisdiction was within the Downtown couple. Mr. Karch noted that staff believed that it was feasible to make Main and Center St. two (2) way streets. He added that further research was needed to address

cost and impact. Mr. Hales added that nothing had been budgeted towards same in the City's five (5) year Capital Improvement Program.

Alderman Sage questioned Downtown Business Association's, (DBA), involvement. He expressed his opinion that the City needed to obtain the DBA's opinion regarding changing one way streets to two way. He did not see the DBA listed in the report. Mr. Hales noted that the DBA had not taken a position on same. The study had a life of its own. Public input and feedback was allowed for. The plan would provide feedback to IDOT. Silence would be viewed as consensus. The Council could choose to solicit the public's feedback or schedule a Work Session regarding this study.

Alderman Fruin expressed his opinion that Council comments were important. He encouraged the Council to take a serious look at the report and consider unintended consequences. He noted that there were large facilities along US 51. In addition, there were empty lots and the unknowns. Future forecast involved the unknown.

Alderman Mwilambwe noted that the study solicited public input. He had the impression that the majority of same was positive. Concerns and issues were raised which addressed safety, cost, and traffic speeds. He questioned if all of this information had been captured in the document. He questioned bike lanes along a major vehicular artery. He questioned if parking would be decreased in the Downtown.

Mr. Grieve stated that there would be no decrease to parking. He added that citizens expressed their preference for free parking. The Feasibility Study stated that traffic should travel at thirty miles per hour, (30 mph). Bike lane strategy claimed that bicyclist acted as a traffic calming device. Wider lanes give the impression that traffic speeds are higher. Bike lanes would be feasible while remaining within the existing curb line/right of way.

Mayor Stockton restated that the Council would be receiving the report not endorsing same. He added that the Council wanted to encourage additional public input.

Alderman Sage expressed his interest in a future Work Session regarding this study. Mayor Stockton expressed his trust in staff. Mr. Hales suggested that at the next quarterly report this item could be added to the Action Plan.

Mayor Stockton extended his appreciation to GHA's staff for addressing the Council this evening.

Motion by Alderman Fazzini, seconded by Alderman Purcell that the Main Street Feasibility Study be received as presented with the understanding that the Council was not endorsing same, encouraged public input and believed that there would be further discussions with IDOT, (Illinois Department of Transportation).

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 29, Raising Parking Fees for City Owned and/or Managed Parking Facilities in Downtown

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

BACKGROUND: The City's Parking operations are accounted for within an Enterprise Fund. The principal behind an Enterprise Fund is the expenses of this fund are offset by user fees. Over the past fiscal year, staff evaluated the financial and capital operations of this fund and determined there was a backlog of overdue maintenance and a short fall in operational funding. This is consistent with the negative \$1.3 million net asset deficit reported in the April 30, 2011 City Comprehensive Annual Financial Report. To begin addressing this shortfall, staff enacted a long term maintenance plan to eliminate the back log of deferred maintenance at the Market St. and Lincoln Parking Garages. The City divested the ninety (90) space Snyder Parking Garage which provided minimum revenue, but required significant cost to repair the infrastructure of the facility. The financial analysis determined parking fees have remained consistent since 2003. The current parking fee structure is forty dollars (\$40) per month for monthly pass holders and sixty-five cents (\$.65) per hour for hourly parking.

A review of other Central Illinois parking operations confirms the City's fee structure is below other area facilities. This finding, in addition to no change in the parking rate since 2003, prompted staff to recommend an increase to the parking fees. The recommended fee structure would transition hourly parking from sixty-five cents (\$.65) to one dollar (\$1.00) per hour with maximum daily charge going from four dollars, fifty-five cents (\$4.55) to seven dollars (\$7.00). The monthly parking fee pass holders would transition from forty dollars (\$40) to fifty dollars (\$50) per month.

Note: McLean County has an agreement for approximately 185 monthly parking spaces at \$40 per month through calendar year 2012. That agreement will be honored, with the increase taking effect for these 185 parking spaces in January 2013.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The need for a rate increase has been communicated to the Downtown Bloomington Association, the McLean County Administrator's office, and the Public Building Commission. In addition monthly parking pass holders have been notified by mail.

FINANCIAL IMPACT: As mentioned in the budget presentation, staff will recommend the Parking Fund be incorporated into the Fiscal Year 2014 General Fund. The infrastructure of the Parking division will require significant capital investment in the upcoming years as the Market Street Parking Deck approaches the end of its useful life. It is unlikely the revenue generated from user charges in this fund will offset the expenditures in the short and long term. The fee increase will offset additional cost which have escalated since 2003 and are projected to increase into the future. The new fees are proposed to generate an additional \$110,000 for the Parking Fund.

Respectfully submitted for Council consideration.

Prepared by:

Financially reviewed by:

Mark R. Huber
Director, PACE

Timothy Ervin
Performance Auditor/Budget Mngr.

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

ORDINANCE NO. 2012 - 21**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 29**

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

SECTION 1. That Bloomington City Code Chapter 29, Section 180 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 180 FEE LOTS AND GARAGES, RATES AND TIME LIMITS.

(a) Parking rates for parking in off-street parking lots and garages operated by parking devices shall be as follows:

- (1) Abraham Lincoln Memorial Parking Garage: ~~\$.65~~ \$1.00 for each hour or fraction thereof; ~~\$4.55-~~ \$7.00 daily maximum, Monday thru Friday, except holidays. ~~\$40.00~~ \$50.00 per space per month.
- (2) Association of Commerce Lot: ~~\$40.00~~ \$50.00 per space per month. The first level shall be free; however, no vehicle shall be allowed to park more than four (4) hours per day in such facility. Vehicles exceeding the four (4) hour daily limit shall be fined in the amount provided under Section 187 of this Article for each additional four (4) hour period, or part thereof, the vehicle is parked in excess of the initial time or any subsequent four (4) hour period. No vehicle may be parked in the free portion of the Association of Commerce Lot more than one time during the same day, regardless of whether the vehicle occupied the same or another space in the portion of the parking lot and regardless of whether the vehicle was parked for the full amount of time allowed by this ordinance.
- (3) Major Butler Parking Lot: Parking is free; however, no vehicles shall be allowed to park for more than two (2) hours in any designated public parking space. Each designated public parking space is independent of the other.
- ~~(4) Snyder Parking Garage: Spaces in that portion of the Snyder Parking Garage which are accessible from Jefferson Street shall be rented for \$40.00 per space per month at the expiration of existing leases. Parking in that portion of the Snyder Parking Garage which is accessible from Washington Street shall be free; however, no vehicle shall be allowed to park more than three (3) hours per day in such facility. Vehicles exceeding the three (3) hour daily limit shall be fined in the amount provided under Section 187 of this Article for each additional three (3) hours period. No vehicle may be parked in the free portion of the Snyder Parking Garage more than one time during the same day, regardless of~~

~~whether the vehicle occupied the same or another space in that portion of the parking garage and regardless of whether the vehicle was parked for the full amount of time allowed by this ordinance.~~

(~~5~~) (4) Pepsi Ice Center Parking Garage: ~~\$45.00~~ \$50.00 per space per month. The first and second levels shall be free; however, no vehicle shall be allowed to park more than four (4) hours per day in such facility. Vehicles exceeding the four (4) hour daily limit shall be fined in the amount provided under Section 187 of this Article for each additional four (4) hour period, or part thereof, the vehicle is parking in excess of the initial time of any subsequent four (4) hour period. No vehicle may be parked in the free portion of the Pepsi Ice Center Parking Garage more than one time during the same day, regardless of whether the vehicle occupied the same or another space in that portion of the parking garage and regardless of whether the vehicle was parked for the full amount of time allowed by this ordinance.

(b) Monthly Parking. All other City owned parking facilities shall be rented for ~~\$40.00~~ \$50.00 per space per month at the expiration of existing leases.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. 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 5. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 23rd day of April, 2012.

APPROVED this 24th day of April, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item.

David Hales, City Manager, addressed the Council. This item addressed parking fee increases in the Downtown. He reviewed same and recommended approval.

Motion by Alderman Fruin, seconded by Alderman Anderson that the Text Amendment be approved and the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Section 301.6 of Chapter 21 – Refuse Fee Increase from a Fourteen Dollar (\$14) to a Sixteen Dollar (\$16) Monthly Fee

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

BACKGROUND: The City's solid waste management program includes the following services: weekly garbage collection, weekly limited bulk collection, brush and leaf collection, biweekly recycle collection, appliance pickup and access to the City's drop off facility.

The City's Solid Waste operations are accounted for within an Enterprise Fund. The principal behind an Enterprise Fund is the expenses of this fund are offset by user charges. The user fees for the Solid Waste Enterprise Fund are monthly refuse fees invoiced to customers on monthly utility bills. Staff proposes to increase the current fourteen dollars (\$14) per month refuse fee to sixteen dollars (\$16). Originally, staff proposed to increase the fee to eighteen dollars (\$18) per month. Council directed staff to lower the fee to sixteen dollars (\$16) per month at the April 9, 2012 Work Session. These fees support the operations and replacement of capital equipment within the Solid Waste Enterprise Fund. This fee increase is an assumption integrated into the Fiscal Year (FY) 2013 Budget and is projected to generate approximately \$600,000 in additional revenue.

The City retained Pritchard & Osborn to prepare a full cost analysis (direct & indirect cost) for the City. This preliminary report has been presented to Council during the work session on April 9, 2012. The analysis found Solid Waste user charges are not sufficient to offset the cost of operations so a General Fund subsidy is needed to offset the expenses in excess of revenue. Staff plans to immediately undertake a project to assess the bulk waste operations within the

City's Solid Waste Fund. The Council will be presented with a scope of work, time line, and other pertinent data at this evening's Council meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Council held two (2) Budget Work Sessions, (March 31 and April 9, 2012). A Public Hearing on the FY 2013 Budget was held during the Council's April 9, 2012. The Pantagraph published multiple stories regarding the recommendation to increase the refuse fee.

FINANCIAL IMPACT: The FY 2013 recommended budget included an eighteen dollar (\$18) refuse fee. Council directed staff to lower the fee to sixteen dollars (\$16) during the budget work session by enacting option 1.) transfer the potential \$304,000 Mitsubishi Motorway settlement from Capital Improvement Fund to Motor Fuel Tax Fund; and option 2.) elimination of \$250,000 traffic signal project and the reduction of Solid Waste overtime from \$125,000 to \$75,000, included in the April 9, 2012 budget presentation. The sixteen dollar (\$16) refuse fee is projected to generate approximately \$4.8 million, while the General Fund will subsidize Solid Waste operations through a \$1.4 million transfer. Any reduction in the monthly fee would impact the operations of this fund. Without identifying new revenue streams, the City would need to reduce expenditures through lower service levels, transfer additional funds from the General Fund, or permit the fund to slide into a deficit net asset balance.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed by:

Jim Karch
Director of Public Works

Timothy Ervin
Performance Auditor/
Budget Manager

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

ORDINANCE NUMBER 2012 - 22**AN ORDINANCE AMENDING CHAPTER 21 SECTION 301.6,
REVISING THE AMOUNT CHARGED FOR COLLECTION OF REFUSE**

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

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

Effective May ~~4, 2011~~ 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 ~~fourteen~~ sixteen dollars ~~(\$14.00)~~ (\$16.00) per month per single family dwelling and ~~fourteen~~ sixteen dollars ~~(\$14.00)~~ (\$16.00) per month for each unit in a two family or multi-family dwelling. ~~Effective May 1, 2012, such fee shall be in the amount of seven dollars (\$7.00) per single family dwelling and seven dollars (\$7.00) per month for each unit in a two family or multi-family dwelling.~~ The refuse fee shall be payable on a monthly basis. 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 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: Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

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

Section Four: 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 Five: This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 23rd day of April, 2012.

APPROVED this 24th day of April, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. He noted past Council discussions regarding same.

David Hales, City Manager, addressed the Council. A draft scope of work which contained highlights and a time line had been provided to the Council. Mr. Hales recognized Jim Karch, Public Works Director and Tim Ervin's, Performance Auditor/Budget Manager, efforts regarding same. He also encouraged the Council to make comments regarding same. This would be a year long study. The following items would be looked into: all costs, cost for services, future options, revenue, and expenditures. The issue of fairness and equity would be addressed, i.e. impact for those who used less services. Automated residential refuse collection would be study. Input would be solicited from employees. Best practices would be identified.

There were five (5) objectives: 1.) develop an improved Solid Waste Management Plan; 2.) examine legal, regulatory and organizational framework with recommendations to strengthen and sustain City's capacity to financially and operationally manage same; 3.) development of policies, regulations, programs, and capital and operational budget to enhance program's economic sustainability; 4.) design program which will generate sufficient revenue while offsetting increasing costs with an equitable payment methodology; and 5.) involve employees responsible for operations, oversight and policy support to provide knowledge, understanding, and program efficiencies. Various data would be collected. The study would commence on May 1, 2012. The Inception Report would be presented to Council by July 1, 2012. The First Interim Report would be presented to Council by September 1, 2012. The Second Interim Report would be presented to Council by November 1, 2012. The Final Draft Report would be presented to Council by March 1, 2013. The Final Report would be presented to Council by April 1, 2013. Council input would be solicited upon the study's completion. Ideas would be implemented as certain programs were season sensitive. He described the plan as aggressive. There would also be a citizen engagement as part of the process.

Alderman Sage expressed his interest in deliverables. He cited a Master Plan as an example. The reports should address the whats, the hows, the whens and the costs. Mr.

Hales stated his intention to provide costs plus alternatives. Alderman Sage thanked staff in advance for their efforts.

Alderman Purcell expressed his support for this study. He noted the cost of refuse collection. In addition, there was the cost of equipment. He specifically cited the toters. He expressed his interest in what services at what cost. At this time, solid waste collection was not self supporting.

Alderman McDade expressed her opinion that the forecasted dates were reasonable. However, the Final Report to Council was scheduled for April 1, 2013. This time line seemed tight. She wanted to avoid a budget crunch. She expressed support for the study. She questioned if enough time had been allowed.

Mr. Hales informed the Council that the City would purchase two (2) automated trucks plus the containers, (toters). Next year there would be five (5) automated trucks plus the containers. He noted the increased costs for this equipment. There would be a revenue recommendation regarding bulk waste. Revenue and expenses would be watched for each service. The Council may need to modify this program. Alternatives would be brought before the Council with the long term financial impact of same.

Alderman McDade noted the improvements made to date. There were a variety of options that have worked in other communities. She cited pay as you throw programs and the sticker/bag programs.

Alderman Mwilambwe expressed his appreciation for the plan. He insisted on a public communication plan. The City needed to keep the public engaged. He hoped the community would be comfortable with the results.

Alderman Fruin noted that staff planned to provide the Council with options. He believed that the Council would be challenged to reach a consensus.

Alderman Fazzini cited the City of Urbana's solution. Citizens must contract with their own private refuse collection service. The Council needed to be open to different ways of doing business. Mr. Hales added that managed competition would look at this option. Currently, the City provided Cadillac refuse collection services.

Alderman Stearns stated that her position had been consistent. The issue for her was that the current system was unfair. The Council had stated that its priorities were economic development and a beautiful community. She questioned same when there was refuse on the parkway. The inner-city was being devalued. The City had to find a way to change. She stated her intention to vote no on this item. She believed that the City should have found a way to change refuse collection years ago. The current system was a burden on senior citizens and low income families.

Alderman Sage commented on the proposed study. During this fiscal year he wanted to see goals with time lines for the City's Solid Waste Program.

Motion by Alderman Fruin, seconded by Alderman Anderson that the Text Amendment be approved and the Ordinance passed.

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

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

Nays: Aldermen Stearns and Fazzini.

Motion carried.

The following was presented:

SUBJECT: Adoption of an Ordinance Titled “Budget and Appropriation Ordinance for the Fiscal Year (FY) Ending April 30, 2013”

RECOMMENDATION: That the FY 2013 Annual Budget Ordinance be passed.

BACKGROUND: On March 26, 2012, the City Manager presented a recommended budget for the Fiscal Year ending April 30, 2013 to Council. Budget Work Sessions were held on Saturday, March 31 and Monday, April 9, 2012.

A Public Hearing on the budget is required and a notice was published in the Pantagraph on March 30, 2012 to announce this hearing which was held on April 9, 2012.

The final budget includes the following modifications from the recommended budget:

- a reduction of refuse fees from \$18 per month to \$16 per month,
- elimination of a \$250,000 traffic signal project,
- reductions of Solid Waste Overtime from \$125,000 to \$75,000, and
- the transfer of the potential \$304,000 Mitsubishi Motorway settlement from the Capital Improvement Fund to Motor Fuel Tax.

Staff respectfully recommends the FY 2013 Annual Budget Ordinance passed.

The final printed budget document will be filed with the County Clerk and Treasurer within thirty (30) days of the adoption and will be available for distribution.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The City held two (2) Budget Work Sessions and a Public Hearing on the FY 2013 was held at the Council’s April 9, 2012 meeting. The Pantagraph published the required notice for the Public Hearing and also published articles on the FY 2013 Budget.

FINANCIAL IMPACT: As listed in the Budget and Appropriation Ordinance for FY ending April 30, 2013.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy L. Ervin
Performance Auditor/Budget Mngr.

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

ORDINANCE NO. 2012 - 23**BUDGET AND APPROPRIATION ORDINANCE
FISCAL YEAR ENDING APRIL 30, 2013
CITY OF BLOOMINGTON**

Make appropriations for all Corporate Purposes for the Fiscal Year beginning May 1, 2012 and ending April 30, 2013, for the City of Bloomington, McLean County, Illinois.

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

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

Section Two. The amount appropriated for each object or purpose is set forth in the Annual Budget for the year ending April 30, 2013, a copy of which is available at the City Clerk's Office and incorporated by reference.

(NOTE: Amounts appropriated hereby are contained in the Annual Budget for the year ending April 30, 2013, published in book form, copies of which are available for inspection at City Hall, Bloomington Public Library, and other places throughout the City.)

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

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

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

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

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

PASSED by the City Council of the City of Bloomington, Illinois this 23rd day of April, 2012.

APPROVED by the Mayor of the City of Bloomington, Illinois this 24th day of April, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. He noted that Budget Work Sessions had been held.

David Hales, City Manager, addressed the Council. He briefly summarized the budget highlights. He noted the two (2) recently passed fee increases. He noted that a traffic signal project had been eliminated. A potential payment regarding Mitsubishi Motorway had been transfer to MFT (Motor Fuel Tax) funds. The budget was prepared with Council input.

Alderman Fruin believed that there would be a brief discussion regarding \$200,000 labeled for ITEP, (Illinois Transportation Enhancement Program).

Alderman Sage noted claims that gateways would be an economic development tool. At this time, there were no facts to support this claim. He could not understand budgeting \$200,000 for gateways. He also cited the increase to the refuse fee.

Alderman Fruin believed that there was a simple solution. The ITEP funding could be left in the budget. The Council would make a decision in the future to submit a grant application or not. He believed that the budget could be adopted as presented. A decision on the ITEP grant would not be voted on this evening.

Mayor Stockton acknowledged the Council could amend the budget at a future date. There would be another opportunity to address the ITEP grant application.

Mr. Hales added that if ITEP grant application was eliminated, staff would bring a recommendation to the Council regarding these dollars.

Alderman Fazzini expressed his preference that the Council leverage the \$800,000 in federal funding. He was opposed to any budget amendment.

Alderman Schmidt noted that the City staff was developing the ITEP grant application proposal. She hoped to see the process through to completion. If a budget amendment failed, then the \$200,000 budgeted for ITEP would remain in the budget. She added that if the City was not awarded the grant, then these dollars could be reallocated.

Alderman Sage stated that he did not understand. The City entered into a contract to commence the gateways design. He found this action surprising. Mr. Hales noted that this was necessary in order to develop the grant application. The City needed a concept plan with detailed costs. A consultant was retained to prepare same. He cited the timeframe and short turn around needed. He added his belief that there was Council support for this project. The Council selected gateways for application funding.

Mayor Stockton noted the Council's interest in leveraging the grant. This may be the last year for ITEP. The Council did not want to miss the opportunity. The City may not receive the grant. He expressed his hope that the budget would be adopted as presented.

Alderman Stearns informed the Council that she had sent an email with her comments. Her position on the budget had been consistent. She expressed her trust in Tepfer Consulting Group, LLC. She addressed pension funding. The City's debt liability was a true crisis. The Council's actions were unfair to future generations.

She added her concerns regarding capital improvements. This was a status quo budget. The General Fund was growing. She expressed her concern regarding spending.

Mayor Stockton noted that the General Fund had grown. The City's debt was lower. He shared her concerns regarding capital improvements. He described this budget as a good compromise.

Motion by Alderman Sage, seconded by Alderman McDade that the Ordinance be amended by transferring the \$200,000 labeled for an ITEP (Illinois Transportation Enhancement Program) grant application to capital equipment.

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

Ayes: Aldermen McDade, Sage and Fruin.

Nays: Aldermen Anderson, Mwilambwe, Stearns, Schmidt, Purcell and Fazzini.

Motion failed.

Alderman Sage expressed his appreciation for the opportunity to amend the budget. He added that he would vote for the budget as presented even though he was not in total agreement with same.

Mayor Stockton noted Alderman Sage's opportunity to amend the budget.

Alderman Purcell added that he would vote for the budget as presented even though he was not in total agreement with same.

Alderman Fazzini addressed pensions. He did not agree with Tepfer Consulting Group, LLC. Governor Quinn had recently made recommendations to reduce the state's pension liability. He noted the highlights: 1.) increase employee contributions by three percent (3%); 2.) reduce COLA (Cost of Living Adjustment) to the lesser of three percent (3%) or to half (1/2) of the Consumer Price Index; 3.) delay COLA until the earlier of age sixty-seven (67) or five (5) years after retirement; 4.) increase retirement age to sixty-seven (67) years old; 5.) establish thirty (30) year closed actuarially required contribution funding schedule; and 6.) keep public sector pensions public. The City provided \$500,000 over the required contribution. There was not a pension problem.

Motion by Alderman Fazzini, seconded by Alderman Anderson that the FY 2013 Annual Budget Ordinance be passed.

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

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

Nays: Alderman Stearns.

Motion carried.

MAYOR'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Fazzini informed the Council that he completed the Attorney General's Open Meeting Act and Freedom of Information Act training.

Alderman Anderson reminded the Council that a Citizens Voice Meeting would be held on Monday, April 30, 2012 from 6:00 until 7:30 p.m. at Northpointe Elementary School.

He added that this evening's discussions had been good. He added his interest in City fees being set at a level which covers the cost for services received. He added his hope that fees might be reduced in the future.

Alderman Stearns questioned the history of United Nations flag at City Hall. Todd Greenburg, Corporation Counsel, addressed the Council. He reminded them that Adlai Stevenson lived here. He served as the Governor of Illinois. He ran for President of the United States twice. At the time of his death, Mr. Stevenson served as the US Ambassador to the United Nations. He believed that the flag was a tribute to him.

Mayor Stockton noted that this question had recently been made of City staff. He noted the flag's heritage. He added his opinion that there was a rational reason for the flag to be at City Hall.

Alderman Stearns added that a citizen had contacted her. She questioned a United Nations flag being located in a municipal building. She hoped that the Council would consider this item and reach an understanding. She questioned if citizens supported same.

Mayor Stockton questioned why the flag should be removed.

CITY MANAGER'S DISCUSSION: None.

Motion by Alderman Purcell, seconded by Alderman Anderson, that the meeting be adjourned. Time: 9:22 p.m.

Motion carried.

Tracey Covert
City Clerk

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