

**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 7:02 p.m., Monday, May 14, 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.

Deputy City Manager Barbara Adkins, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

Staff absent: David Hales, City Manager.

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

Alton Franklin, 508 Patterson Dr., addressed the Council. He wanted to address an ongoing issue. He cited gateways. The Council rejected the idea of an extension to Constitution Trail. The City's Fiscal Year 2013 Capital Improvement budget included \$200,000 for an ITEP, (Illinois Transportation Enhancement Program), grant application. He compared gateways to façade work. They merely made the City look good. The City was a quality community. The Council needed to pay attention to needs and not wants. He cited streets an example. The City should practice preventative maintenance. He had lived here for the past eleven (11) years. The citizens deserved better.

Donny Herrin 1504 Julie Dr., addressed the Council. He informed them that he was the founder of Citizen Watch Group. He was concerned about the Main St. Feasibility Study. He expressed his belief that this report was a controversial subject. Council needed to take notice. There were five (5) components of the plan: 1.) auto/traffic issues; 2.) bike issues; 3.) pedestrian issues; 4.) transit issues; and 5.) parking issues. The report included a corridor analysis with various alternatives. There was no community support for a transportation make over. It would not fit the City's needs. He added his belief that the foundation of the Feasibility Study was Doug Farr's Main St.: A Call for Investment.

Rich Buchanan, 1206 E. Jefferson St., addressed the Council. He noted the Locust/Colton sewer separation project. His was one (1) of two (2) homes where staff has

been unable to locate the sanitary sewer. The City and its contractor have done a tremendous job. He expressed his appreciation for the communication and staff's efforts to keep those directly impacted informed.

The following was presented:

SUBJECT: Proclamation

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

BACKGROUND: The proclamation will be presented:

1. Declaring May 20 – May 26, 2012 as Public Works' 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 Public Works' Week Proclamation to Jim Karch, Director – Public Works. Mr. Karch accepted the Proclamation on behalf of the department's staff.

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

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

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

Nays: None.

Motion carried.

The following was presented:

Oath of Office – Patti-Lynn Silva, Director of Finance.

Mayor Stockton introduced Patti-Lynn Silva, Finance Director.

Tracey Covert, City Clerk, performed the Oath of Office.

Ms. Silva addressed the Council. She informed them that her husband was employed at State Farm. She noted her passion for municipal government. She had been employed as an outside auditor and as a municipal finance officer. She expressed her belief that her skill set would be of assistance to the City. She looked forward to working with the Council and staff.

Mayor Stockton expressed his expectation that Ms. Silva would make a contribution and bring new ideas to the City. He noted her past work history.

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

The following was presented:

SUBJECT: Council Proceedings of April 23, 2012 and Citizen Voice Meeting of February 20, 2012

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of April 23, 2012 and Citizen Voice Meeting of February 20, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of April 23, 2012 and Citizen Voice Meeting of February 20, 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 ClerkDavid A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the reading of the minutes of the previous Council Proceedings of April 23, 2012 and Citizen Voice Meeting of February 20, 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, May 10, 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:

Patti Lynn Silva
Director of FinanceDavid A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Fruin 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: Purchase Two (2) Dump Trucks for the Public Works Department Street Maintenance and Operations Division and Three (3) Dump Trucks for the Public Works Snow and Ice Division

RECOMMENDATION: That the purchase five (5) International 7400 Single Axle Dump Trucks from Prairie International, Normal, IL, under the State of Illinois Joint Purchasing Contract Number PSD4016932, in the amount of \$693,530 be approved and the Purchasing Agent be authorized to issue a Purchase Order for the same.

BACKGROUND: Public Works Street Maintenance and Operations Division has a 2001 International Dump Truck that is scheduled for replacement in Fiscal Year (FY) 2013. This unit is used in the day to day repair and maintenance of the City's street system. Street Maintenance also has a 1995 International Dump Truck with a Crash Attenuator mounted on it. This unit is used by all departments doing any work that requires a Crash Attenuator for personnel safety. The Snow and Ice Division has three (3) 2001 International Dump Trucks that are scheduled for replacement in Fiscal Year 2013. These units are used to pick up solid waste throughout the year. During snow and ice events all five (5) of these units are used to plow snow and distribute anti-icing agents. Currently, these units require more down time and cost \$3,000 to \$4,000 more per unit to maintain than the newer dump trucks in the fleet. The new units will be equipped with twelve foot (12') stainless steel dump bodies, eleven foot (11') power reversing snow plows, stainless steel salt distributors, and electric and hydraulic systems to operate all equipment. Since these five (5) units are being replaced in the Streets Maintenance and Operations Division and the Snow and Ice Division. There is no impact on the Solid Waste Master Plan Study being performed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Public Works Street Maintenance and Operations Division Budget line item FY 2013 10016120-72130 has \$283,000 budgeted. The replacement units will cost \$277,412.00. The Public Works Snow and Ice Division FY 2013 Budget line item 10016124-

72130 has \$420,000 budgeted. The replacement units will cost \$416,118.00. The total cost for all five (5) units will be 693,530. The vehicles will be financed through a five (5) year capital lease using account 40110120-72130.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Financial review by:
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Jim Karch Director of Public Works	Kim Nicholson Purchasing Agent	Patti-Lynn Silva Director of Finance
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Financial review by:	Reviewed by:	Recommended by:
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Tim Ervin Performance Auditor/ Budget Mngr.	Barbara J. Adkins Deputy City Manager	David A. Hales City Manager
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Motion by Alderman Fazzini, seconded by Alderman Fruin that the purchase five (5) International 7400 Single Axle Dump Trucks from Prairie International, Normal, IL, under the State of Illinois Joint Purchasing Contract Number PSD4016932, in the amount of \$693,530 be approved and the Purchasing Agent be authorized to issue a Purchase Order for the 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: Purchase of Six (6) Police Patrol Cars

RECOMMENDATION: That the purchase of six (6) replacement marked police vehicles from Miles Chevrolet, Decatur, IL, under the State of Illinois Joint Purchasing Contract Number 4017159, in the amount of \$161,532, and additional equipment to be installed by City staff at a cost of \$9,230, for a total cost of \$170,762 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: A total of eight (8) units will have mileage exceeding 100,000 this Fiscal Year, (FY). One (1) of the units is out of service due to engine failure. Six (6) vehicles are scheduled for replacement during the current FY.

Normal replacement of marked patrol cars occurs at 100,000 miles. Staff respectfully requests replacement of the six (6) units with the highest mileage or units whose repairs needed exceed their value at the time the new units are put in service. In addition, staff requests to have the replacement units declared surplus and sold by public auction.

The six (6) units will cost \$26,922 each for a total of \$161,532. The equipment, which includes mounting and adapter brackets to mount light bars, prisoner transport cages and consoles, will be installed in the cars. The equipment will cost \$9,230, for a total cost of \$170,762.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The total cost to purchase the six (6) marked patrol cars plus equipment is \$170,762. The cost of six (6) vehicles, \$161,532, will be financed through a five (5) year capital lease, account 40110120 – 72130. In addition the equipment, in the amount of \$9,230, will be paid from the Police Department’s FY 2013 Budget, 10015110 - 72130.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Financial review by:
Jim Karch Director of Public Works	Randy McKinley Chief of Police	Timothy Ervin Performance Auditor Budget Mngr./
Financial reviewed by:	Reviewed by:	Recommended by:
Patti-Lynn Silva Finance Director	Barbara J. Adkins Deputy City Manager	David Hales City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the purchase of six (6) replacement marked police vehicles from Miles Chevrolet, Decatur, IL, under the State of Illinois Joint Purchasing Contract Number 4017159, in the amount of \$161,532, and additional equipment to be installed by City staff at a cost of \$9,230, for a total cost of \$170,762 be approved, 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: Purchase Two (2) Side Load Automated Refuse Trucks

RECOMMENDATION: That the purchase of two (2) Side Loading Automated Refuse Trucks from Cumberland Service Center, Arlington Heights, IL in the amount of \$580,792 with the optional Left Side Helping Hand Automated Arms in the amount of \$71,366 for a total of \$652,158 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.

BACKGROUND: In Fiscal Year (FY) 2012 Public Works Department used the City's competitive bid process to purchase four (4) side loading automated refuse trucks which were approved at the August 22, 2011 Council. The bid was awarded to Cumberland Service Center, Arlington Heights, IL. They provided Crane Carrier Chassis with Labrie Expert Helping-Hand bodies. These units are currently being used for curbside recycling collection. The new units have been utilized to pick - up solid waste. The need for the optional Left Side Automated Arm is for the ability to pick up carts on one way streets. Staff will come back to the council with a purchase order for the carts needed for automated refuse collection. The automated refuse trucks are requested to be purchased first since they take 6-8 months to receive as opposed to the 6-8 weeks for cart delivery. The 2012 Crane Carrier LDT-2-26 Chassis with Labrie Expert (t) 2000 Helping Hand Body is being recommended for purchase for the following reasons:

1. This piece of equipment is currently being used for City operations and has been successfully demonstrated in the past for City staff.
2. The Town of Normal has had great success with the Labrie Helping Hand system over many years and has changed over to the Crane Carrier Chassis because of concerns over previously used chassis systems.
3. The potential for intergovernmental cooperation and sharing of parts as needed with the Town of Normal if the equipment was the same.
4. The Crane Carrier Chassis does not have to be modified thereby nullifying the warranty to fit the Labrie Helping Hand body.
5. The purchase of this equipment does not impact the City's ability to pursue managed competition in the solid waste area.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Town of Normal.

FINANCIAL IMPACT: The Public Works Solid Waste Division included these trucks in the FY 2013 budget. The replacement units will cost \$652,158. The vehicle will be financed through a five (5) year capital lease account 40110120 - 72130.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch
Director of Public Works

Kim Nicholson
Purchasing Agent

Tim Ervin
Performance Auditor/Budget Mngr.

Financial review by:

Reviewed by:

Recommended by:

Patti-Lynn Silva
Director of Finance

Barbara J. Adkins
Deputy City Manager

David Hales
City Manager

RESOLUTION NO. 2012 - 18

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF TWO (2) SIDE LOADING AUTOMATED
REFUSE TRUCKS FOR THE PUBLIC WORKS DEPARTMENT FROM
CUMBERLAND SERVICE CENTER, ARLINGTON HEIGHTS, IL
AT A PURCHASE PRICE OF \$652,158**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase two (2) Side Loading Automated Refuse Trucks from Cumberland Service Center, Arlington Heights, IL in the amount of \$580,792 with the optional Left Side Helping Hand Automated Arms in the amount of \$71,366 for a total of \$652,158 be approved.

ADOPTED this 14th day of May, 2012.

APPROVED this 15th day of May, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Fruin that the purchase of two (2) Side Loading Automated Refuse Trucks from Cumberland Service Center, Arlington

Heights, IL in the amount of \$580,792 with the optional Left Side Helping Hand Automated Arms in the amount of \$71,366 for a total of \$652,158 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and 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: Purchase of Six (6) LifePak 15 Cardiac Monitors

RECOMMENDATION: That the purchase of six (6) LifePak 15 Cardiac Monitors from Physio-Control, Redmond, WA, in the amount of \$141,669.20 be approved, the Purchasing Agent be authorized to issue a Purchase Order, and the Resolution adopted.

BACKGROUND: Cardiac Monitors are a highly critical and technical piece of equipment used in providing Emergency Medical Services. Presently, the department uses LifePak Cardiac Monitors which allows our personnel to monitor the different types of cardiac rhythms for diagnosis. This unit can monitor Oxygen saturation levels, Carbon Dioxide levels, and noninvasive blood pressures. In addition to monitoring, the unit allows our personnel the ability to provide automatic and manual defibrillation, synchronized cardioversion, and demand or non-demand pacing. These procedures are used on both adults and pediatric patients. It is essential that this piece of equipment be maintained and in service at all times. Advance Life Support (ALS) vehicles cannot remain in service without this piece of equipment functioning properly in accordance with Illinois Department of Public Health (IDPH) rules.

Presently, the department still owns six (6) LifePak 12 units. The LifePak 12 is no longer manufactured. The LifePak 15 is the version which replaced the LifePak 12. The need for replacement is based on their age and amount of service. With the department having contact with over 8,000 patients last year, and with over 2,500 of these patients receiving cardiac monitoring, these units see heavy use during emergency response. The units being replaced are over six (6) years old and are extensively worn. Maintenance issues with the older units are becoming more frequent. In some instances the units have not operated during service calls, resulting in the need to use another unit from a different vehicle.

The department uses Physio-Control Cardiac Monitors in all its Intermediate and ALS units. Staff is requesting the purchase of this brand of monitor to ensure that all units are of like design and function. In emergency situations, the familiarity with equipment is of extreme importance

to ensure a positive outcome and avoid confusion between differing devices. Staff also has an existing maintenance contract for all its Physio-Control units which will cover the new units as well. Physio-Control is the sole source provider of its equipment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Area EMS System.

FINANCIAL IMPACT: The purchase of six (6) Physio-Control LifePak 15 monitors will be \$141,669.20. This price includes six (6) mobile battery chargers, eighteen (18) lithium-ion batteries, carry bag kits, and accessories. The price reflects both units discounted pricing as well as the trade-in of six (6) LifePak 12 units. The Fiscal Year 2013 Budget included \$150,000 in 10015210-72140 for the purchase of these six units.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Eric Vaughn
Asst. Chief/Train. Officer

Michael Kimmerling
Fire Chief

Patti-Lynn Silva
Director of Finance

Financial review by:

Recommended by:

Timothy Ervin
Performance Auditor/Budget Mgr.

David A. Hales
City Manager

RESOLUTION NO. 2012 - 19

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SIX (6) LIFEPAK 15 CARDIAC MONITORS
FOR THE FIRE DEPARTMENT FROM PHYSIO-CONTROL AT A PURCHASE PRICE
OF \$141,669.20**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase six (6) LifePak 15 Cardiac Monitors from Physio-Control at a Purchase Price of \$141,669.20.

ADOPTED this 14th day of May, 2012.

APPROVED this 15th day of May, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Fruin that the purchase of six (6) LifePak 15 Cardiac Monitors from Physio-Control, Redmond, WA, in the amount of \$141,669.20 be approved, the Purchasing Agent be authorized to issue a Purchase Order, 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: Payment for Participation in McLean County's Information Technologies for EJustice Support

RECOMMENDATION: That the payment to McLean County's Information Technologies EJustice support in the amount of \$29,876 be approved.

BACKGROUND: On August 23, 1999, Council entered into a joint agreement with other police agencies in McLean County to use EJustice (formerly known as Integrated Justice Information System/IJIS) as its means to enter police reports. The EJustice System allows the Police Department and the Legal Department staff to track evidence, review police reports from other agencies, and view other agencies' mug shots.

The EJustice System is the City's only means of electronic report submission and electronic evidence tracking. Due to a change in the ownership of the EJustice program, all users are now required to provide funds to support the EJustice program. The total price for supporting the program is \$140,000 per year. McLean County pays \$35,000 per quarter. The City, Town of Normal, Illinois State University, and the McLean County Sheriff's Department split the

\$140,000 based on the number of users in each department. It should be noted McLean County Sheriff's Department pays for users in the Circuit Clerks Office, States Attorney's Office and all rural police agencies.

This agreement is renewable on a yearly basis and will be in effect from May 2012 through May 2013.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost for the one (1) year agreement of technology support is \$29,876. Funds for the agreement have been budgeted in 10015110-70990 (Other Purchased Services).

Respectfully submitted for Council consideration.

Prepared by:

Reviewed for legal sufficiency:

Randall D. McKinley
Chief of Police

J. Todd Greenburg
Corporation Counsel

Financial review by:

Recommended by:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the payment to McLean County's Information Technologies EJustice support in the amount of \$29,876 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: Amendment to the Purchase Order with Badger Truck Center for New Service Truck for the Public Works Department

RECOMMENDATION: That Amendment to the Purchase Order with Badger Truck Center, Milwaukee, WI, in the amount of \$125 be approved.

BACKGROUND: At the January 23, 2012 meeting, Council approved the purchase of a replacement truck from Badger Truck Center, Milwaukee, WI, under the State of Illinois Joint Purchasing Contract.

Staff did not foresee the interference of the fuel tank location and the mounting of the service body which caused the need for the fuel tank to be relocated to the center of the chassis. This additional work incurred an additional \$125 for the department.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This truck was contained in Public Works Department's Street Maintenance Division 2012 Fiscal Year Budget, line item 1001 – 10016120 – 72130. \$95,000 was budgeted for same. The total cost to purchase the Ford F450 with Service Body installation and Sign Post Equipment was \$51,221. The additional \$125 will bring the total cost to \$51,346. This vehicle was financed through the five (5) year capital lease account #40110110 - 72130.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial reviewed by:

Jim Karch
Director of Public Works

Kim Nicholson
Purchasing Agent

Patti-Lynn Silva
Director of Finance

Financial reviewed by:

Reviewed by:

Recommended by:

Timothy Ervin
Performance Auditor/Budget Mngr.

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that Amendment to the Purchase Order with Badger Truck Center, Milwaukee, WI, in the amount of \$125 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: Illinois Transportation Enhancement Program (ITEP) Application by McLean County for Route 66 Bikeway Project Phase 3

RECOMMENDATION: That the commitment remain to participate in the Intergovernmental Agreement (IGA) with McLean County Regional Planning Commission, County of McLean and the Municipalities of Normal, Chenoa, Lexington, Towanda and McLean for the purposes of Route 66 Bikeway Project Phase 3 and acknowledge McLean County's application for ITEP Grant funding.

BACKGROUND: In 1999, the City entered into an Intergovernmental Agreement with the McLean County Regional Planning Commission, County of McLean and the municipalities of Normal, Chenoa, Lexington, Towanda and McLean to fund the Route 66 Bikeway through McLean County as part of a statewide project to have a bike trail parallel Historic Route 66 throughout the entire state from Chicago to St. Louis. With this IGA being more than ten (10) years old, many changes have taken place, including the order in which phases of the trail would be constructed and the actual costs in current dollars are more than the ten (10) year old cost projections.

McLean County is the lead organization for this project throughout the county and is the official grant applicant for ITEP grant funding requests. Phase 1, starting at Fox Creek Rd. and Beich Rd. and continuing south to Shirley, has been completed and is currently in use. Phase 2 from north Normal to County Highway 29 in Towanda is currently in the engineering phase with construction anticipated for summer 2013. The recently adopted City Fiscal Year (FY) 2013 Budget includes \$14,200 in Account 40100100-72570 for the City's share of Phase 2 engineering. The City's share for Phase 2 construction will be budgeted in FY 2014 in the amount of \$142,868.

Staff received a letter from McLean County on April 27, 2012 stating their intention to apply for ITEP funding for the next phase of the Route 66 Bikeway Project. Staff discussed this letter with the Executive Management team on April 30, 2012 and is bringing it to Council due to the May 29, 2012 ITEP application deadline.

Phase 3 would start at County Highway 29 in Towanda and continue north approximately two and a half (2.5) miles with an estimated cost of \$1 million. McLean County is in the process of applying for ITEP funding to cover eighty percent (80%), or \$800,000, of Phase 3. The remaining twenty percent (20%), or \$200,000, would come from the agencies involved in the IGA. Per the IGA cost sharing formula, the City's share for Phase 3 is currently estimated at \$82,200 and would not be needed until construction of Phase 3 is completed. It is estimated that Phase 3 would not be constructed until 2014 or 2015. If ITEP funding is not awarded to this project, the project would be put on hold until future grant funds could be secured.

Article XIII of the IGA contains a provision where the City could terminate the agreement by providing written notice at least thirty (30) days in advance of the annual renewal date of the

Agreement, which is November 23. In such event, the City would retain responsibilities for routine maintenance as outlined under Article IX of the IGA. The City would also forfeit any monies invested in the bikeway and have no claim to any of the capital facilities which would remain under the joint ownership of the remaining parties.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County.

FINANCIAL IMPACT: According to the IGA, the cost sharing for the local agencies was determined by percentage of population of each agency. The City population percentage was forty-one point one percent (41.1%). The cost share is the same. ITEP grant funds, if approved will cover eighty percent (80%) with the remaining twenty percent (20%) coming from the local agency shares. If ITEP grant funds are not approved, the project will be delayed until future grant funding can be obtained. Funding for this project would be included in FY 2015 Capital Improvement Project budget account X40100-72580.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

John Kennedy, Director
Parks, Recreation & Cultural Arts

Jim Karch,
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the commitment remain to participate in the Intergovernmental Agreement (IGA) with McLean County Regional Planning Commission, County of McLean and the Municipalities of Normal, Chenoa, Lexington, Towanda and McLean for the purposes of Route 66 Bikeway Project Phase 3 and acknowledge McLean County's application for ITEP Grant funding.

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: Ratification of Contract with Laborers International Union Local 362 Inspectors

RECOMMENDATION: That the Contract be ratified.

BACKGROUND: On May 16, 2011 Laborers Local 362 and the City staff began negotiating the terms for a collective bargaining agreement to replace the agreement which expired on April 30, 2011. The parties last met on March 20, 2012. The Union ratified the contract on Wednesday, April 11, 2012. At this time, collective bargaining agreements are placed on the City's website.

Laborers Local 362 Inspections has fifteen (15) members who provide a variety of inspections services for residential and commercial properties for the PACE Department and crime intelligence for the Police Department. It is now in order for the Council to ratify the contract.

CONTRACT HIGHLIGHTS:

TERM of AGREEMENT: Contract is for two (2) years, retroactive to May 1, 2011 and expiring on April 30, 2013.

WAGES:

May 1, 2011 2% (Longevity per contract will be applied)

May 1, 2012 0% (Longevity per contract will be applied)

HEALTH INSURANCE: Effective January 1, 2013, Local 362 Inspector employees will participate in the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raises deductibles from \$250 to \$400.

SICK LEAVE BUYBACK: Elimination of Sick Leave Buyback, including monthly RHS contribution for all new employees hired after the date this Agreement is signed.

CALL IN PAY: Agree to pay call-ins for a minimum of three (3) hours. Increased from two (2) hours.

REMOVAL OF ADVERSE MATERIAL: Agreed to change window in which discipline can be used against an employee from two (2) years to (3) three years consistent with the discipline guidelines.

EMERGENCY LEAVE: Parties agreed to eliminate Emergency Leave. Employees will be eligible to use up to twenty-four (24) hours per fiscal year for the unplanned surgery of their parent, step parent or spouses parent or step-parent.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City Council, Local 362 Inspectors members.

FINANCIAL IMPACT: The City anticipates the two percent (2%) increase to cost the City \$15,865 for FY 2011/2012 plus longevity increases where applicable. Projected savings on insurance is estimated at a savings of \$6,975 for the Union and \$20,264 for the City.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Emily Bell, IPMA-CP
Director of Human Resources

Randy McKinley
Chief of Police

Mark Huber
Director of PACE

Recommended by:

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of Laborers' International Union of North American National (Industrial) Pension Fund ("LIUNA") contract

RECOMMENDATION: That the Tentative Agreements ("TAs") be ratified.

BACKGROUND: All City employees who are represented by the Laborers' International Union ("Union") participate in the Laborers' International Union of North American National (Industrial) Pension Fund ("LIUNA"). The City received notice that LIUNA is underfunded, and that LIUNA was increasing pension contribution rates as part of its plan to become a well funded pension plan. The City's bargaining team negotiated Tentative Agreements ("TAs") with all of the Union's bargaining groups regarding the mandatory pension contributions. The TAs are cost neutral to the City, with the employees absorbing 100% of the increased pension costs.

We recommend that the City Council approve the Tentative Agreements so that they can be incorporated into the collective bargaining agreements.

The City has approximately forty-five (45) employees in three (3) bargaining units that are represented by the Union, including the City's Support Staff, Parking Attendants, and Inspectors. These employees all participate in the LIUNA pension fund.

The Employee Retirement Income Security Act of 1974 ("ERISA") applies to all multi - employer pension funds that cover any private sector employers, even if the same fund also covers governmental employers. The LIUNA fund provides benefits to both private sector and government employers, so it is regulated by ERISA. Although the City is a government employer, the City's contributions to LIUNA are governed by ERISA. *See, e.g., City of Warwick v. LIUNA*, 2009 U.S. Dist. LEXIS 14008 (D.R.I. Feb. 23, 2009) ("when a state or local government body voluntarily accepts a private welfare benefit plan for its employees it cannot later complain that ERISA regulation of that plan invades its sovereignty").

In 2006, Congress passed the Pension Protection Act ("PPA"). The PPA amended ERISA and the related statutes to include several new measures designed to protect the viability of pension funds, and to help insure that participating employees would be able to receive the pensions which they had earned.

The key feature of the PPA is a set of restrictions placed on any multiemployer pension fund funds that are in "endangered" or "critical" status. The rules for determining "endangered" and "critical" status are very complex. Generally speaking, however, a plan is "endangered" if it is less than eighty percent (80%) funded or if it is projected to have a funding deficiency within seven (7) years. A fund is in "critical" status if it is less than sixty-five percent (65%) funded, if it will have a funding deficiency within five (5) years, or if it will be unable to pay benefits within seven (7) years. A plan that is in critical status must adopt a rehabilitation plan within one (1) year. The rehabilitation plan may mandate increased contributions to the fund, and may also limit certain types of retirement benefits.

In 2010, the LIUNA fund entered "critical" funding status. Later that year, LIUNA adopted a rehabilitation plan. The rehabilitation plan included several important features:

- The fund instituted a mandatory five percent (5%) surcharge on all contributions from June 1, 2010 through December 31, 2010;
- The fund instituted a mandatory ten percent (10%) surcharge on all contributions after January 1, 2011;
- The fund adopted two (2) different benefit schedules: the preferred schedule, and the default schedule. Employers and unions must negotiate to select one (1) schedule or the other. If the parties did not reach an agreement, the default schedule is implemented automatically.
 - The preferred schedule increases the contribution rates by ten percent (10%) per year for ten (10) consecutive years. There are very limited changes to the employees' pension benefits.

- The default schedule increases the contribution rates by eight percent (8%) per year for ten (10) consecutive years. Pension benefits are accrued at a lower rate, participants are not eligible for disability pensions, early retirement benefits are no longer subsidized, optional pension forms are eliminated, and the pre-retirement death benefit is eliminated.

Negotiations

The City and the Union entered negotiations regarding the selection of the preferred or the default plan. The Union said that it wanted the preferred schedule for all of its employees. Fortuitously, all three (3) bargaining agreements already include strong, City friendly language with a hard cap on the amount of the City's contributions to the pension funds. The caps are as follows:

<u>Bargaining Unit</u>	<u>Contract Section</u>	<u>City Contribution Cap</u>
Support Staff	13.4	\$0.36/hour
Parking Attendants	13.3	\$0.30/hour
Inspectors	13.4	\$0.20/hour

In light of these caps, the City's bargaining team said that it would agree to the adoption of the preferred schedule, but only if the Union would agree that the contribution caps that are specified in all three (3) bargaining agreements would be honored, and that the increased pension costs would be paid in lieu of wages. The Union agreed to these limitations, and the parties executed the TAs which have been provided.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City Council, Local 362 Inspectors, Support Staff and Parking Attendant members.

FINANCIAL IMPACT: The City does not anticipate any increase in costs per the contract language capping the City's contributions.

Respectfully submitted for Council consideration.

Prepared by:

Emily Bell, IPMA-CP
Director of Human Resources

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Financial review by:

Patti-Lynn Silva
Director of Finance

Recommended by:

David A. Hales
City Manager

**City of Bloomington and
Laborers Local 362 Support Staff
Tentative Agreement**

1. The City and Union agree to select the “Preferred Schedule” from the LIUNA funding rehabilitation plan. The selection of the Preferred Schedule will be retroactive to February 1, 2011.
2. All contributions to the LIUNA pension will be funded as described in Section 13.4 of the Support Staff agreement. The City’s contributions to the fund shall not be increased beyond the amounts described in those sections of the agreements. Increases in the pension costs will be paid in lieu of wages which would otherwise have been paid to the employees.
3. Retroactive cost increases that are greater than the City’s contribution limit will be deducted from the employees’ paychecks.
4. Upon ratification of this agreement by the City Council and the Union membership, the parties will execute the attached addendum to the collective bargaining agreements.

ADDENDUM TO COLLECTIVE BARGAINING AGREEMENT

Whereas the undersigned Union and Employer are parties to a collective bargaining agreement that provides for contributions to the Laborers' National (Industrial) Pension Fund; and

Whereas, the Pension Fund's Board of Trustees has adopted a Funding Rehabilitation Plan (“Plan”), dated July 26, 2010, to improve the Fund’s funding status over a period of years as required by the Pension Protection Act of 2006 (“PPA”); and

Whereas, a copy of the Plan has been provided to the Union and the Employer; and

Whereas, the Plan, in accordance with the PPA, requires that the signatories to every collective bargaining agreement providing for contributions to the Pension Fund adopt one of the Schedules included in the Plan; and

Whereas, the Union and the Employer have agreed to adopt the Plan's Preferred Schedule and wish to document that agreement;

It is hereby agreed by the undersigned Union and Employer as follows:

1. This Addendum shall be considered as part of the collective bargaining agreement. The provisions of this Addendum supersede any inconsistent provision of the collective bargaining agreement, except that the City’s contribution rates shall be governed by Section 13.4 of the bargaining agreement.

2. The current contribution rate to the Pension Fund of \$.36 per hour shall be increased by 10% to the rate of \$.40 per hour effective February 1, 2011. On each anniversary of that effective date for the term of the collective bargaining agreement, the contribution rate then in effect shall be increased by another 10% (rounded to the next highest penny). The City's portion of this contribution rate shall be governed by Section 13.4 of the bargaining agreement.
3. With regard to benefits under the Pension Fund, the Plan's Preferred Schedule provides that the Pension Fund's current plan of benefits for the group will remain unchanged with the following exceptions:
 - a) Benefit accruals for periods after adoption of the Preferred Schedule will be based on the contribution rate in effect immediately before the Preferred Schedule goes into effect for the group, not on the increased rates required by this Schedule.
 - b) Effective April 30, 2010 and until the Rehabilitation Plan succeeds, the Pension Fund is not permitted by the PPA to pay any lump sum benefits or pay any other benefit in excess of the monthly amount that would be payable to the pensioner under a single life annuity. This means that the Fund must suspend its Partial Lump Sum option, Social Security Level Income option, and Widow/Widower Lump Sum option. Exceptions are made for a lump sum cash-out of a participant or beneficiary whose entire benefit entitlement has an actuarial value of \$5,000 or less and for the Fund's \$5,000 death benefit.
 - c) The Board of Trustees continues to have discretionary authority to amend the Rules & Regulations of the Pension Fund, including the Rehabilitation Plan, within the bounds of applicable law.
4. The Plan as a whole is deemed to be a part of the Preferred Schedule.
5. This Addendum shall be effective as of, February 1, 2011, which date is the same date on which the contribution rate increase under paragraph 2 is first effective.

To acknowledge their agreement to this Addendum, the Union and the Employer have caused their authorized representatives to place their signatures below:

FOR THE UNION:

Signature: Anthony Penn
Position: Business Manager

Date: May 16, 2012

FOR THE EMPLOYER:

Signature: Stephen F. Stockton
Position: Mayor

Date: May 15, 2012

**City of Bloomington and
Laborers Local 362 Parking Attendants
Tentative Agreement**

1. The City and Union agree to select the “Preferred Schedule” from the LIUNA funding rehabilitation plan. The selection of the Preferred Schedule will be retroactive to February 1, 2011.
2. All contributions to the LIUNA pension will be funded as described in Section 13.3 of the Parking Attendants agreement. The City’s contributions to the fund shall not be increased beyond the amounts described in those sections of the agreements. Increases in the pension costs will be paid in lieu of wages which would otherwise have been paid to the employees.
3. Retroactive cost increases that are greater than the City’s contribution limit will be deducted from the employees’ paychecks.
4. Upon ratification of this agreement by the City Council and the Union membership, the parties will execute the attached addendum to the collective bargaining agreements.

ADDENDUM TO COLLECTIVE BARGAINING AGREEMENT

Whereas the undersigned Union and Employer are parties to a collective bargaining agreement that provides for contributions to the Laborers' National (Industrial) Pension Fund; and

Whereas, the Pension Fund’s Board of Trustees has adopted a Funding Rehabilitation Plan (“Plan”), dated July 26, 2010, to improve the Fund’s funding status over a period of years as required by the Pension Protection Act of 2006 (“PPA”); and

Whereas, a copy of the Plan has been provided to the Union and the Employer; and

Whereas, the Plan, in accordance with the PPA, requires that the signatories to every collective bargaining agreement providing for contributions to the Pension Fund adopt one of the Schedules included in the Plan; and

Whereas, the Union and the Employer have agreed to adopt the Plan's Preferred Schedule and wish to document that agreement;

It is hereby agreed by the undersigned Union and Employer as follows:

1. This Addendum shall be considered as part of the collective bargaining agreement. The provisions of this Addendum supersede any inconsistent provision of the collective bargaining agreement, except that the City’s contribution rates shall be governed by Section 13.3 of the bargaining agreement.

2. The current contribution rate to the Pension Fund of \$.30 per hour shall be increased by 10% to the rate of \$.33 per hour effective February 1, 2011. On each anniversary of that effective date for the term of the collective bargaining agreement, the contribution rate then in effect shall be increased by another 10% (rounded to the next highest penny). The City's portion of this contribution rate shall be governed by Section 13.3 of the bargaining agreement.
3. With regard to benefits under the Pension Fund, the Plan's Preferred Schedule provides that the Pension Fund's current plan of benefits for the group will remain unchanged with the following exceptions:
 - a) Benefit accruals for periods after adoption of the Preferred Schedule will be based on the contribution rate in effect immediately before the Preferred Schedule goes into effect for the group, not on the increased rates required by this Schedule.
 - b) Effective April 30, 2010 and until the Rehabilitation Plan succeeds, the Pension Fund is not permitted by the PPA to pay any lump sum benefits or pay any other benefit in excess of the monthly amount that would be payable to the pensioner under a single life annuity. This means that the Fund must suspend its Partial Lump Sum option, Social Security Level Income option, and Widow/Widower Lump Sum option. Exceptions are made for a lump sum cash-out of a participant or beneficiary whose entire benefit entitlement has an actuarial value of \$5,000 or less and for the Fund's \$5,000 death benefit.
 - c) The Board of Trustees continues to have discretionary authority to amend the Rules & Regulations of the Pension Fund, including the Rehabilitation Plan, within the bounds of applicable law.
4. The Plan as a whole is deemed to be a part of the Preferred Schedule.
5. This Addendum shall be effective as of, February 1, 2011, which date is the same date on which the contribution rate increase under paragraph 2 is first effective.

To acknowledge their agreement to this Addendum, the Union and the Employer have caused their authorized representatives to place their signatures below:

FOR THE UNION:

Signature: Anthony Penn
Position: Business Manager

Date: May 16, 2012

FOR THE EMPLOYER:

Signature: Stephen F. Stockton
Position: Mayor

Date: May 15, 2012

**City of Bloomington and
Laborers Local 362 Inspectors
Tentative Agreement**

1. The City and Union agree to select the “Preferred Schedule” from the LIUNA funding rehabilitation plan. The selection of the Preferred Schedule will be retroactive to November 1, 2011.
2. All contributions to the LIUNA pension will be funded as described in Section 13.4 of the Inspectors agreement. The City’s contributions to the fund shall not be increased beyond the amounts described in those sections of the agreements. Increases in the pension costs will be paid in lieu of wages which would otherwise have been paid to the employees.
3. Retroactive cost increases that are greater than the City’s contribution limit will be deducted from the employees’ paychecks.
4. Upon ratification of this agreement by the City Council and the Union membership, the parties will execute the attached addendum to the collective bargaining agreements.

ADDENDUM TO COLLECTIVE BARGAINING AGREEMENT

Whereas the undersigned Union and Employer are parties to a collective bargaining agreement that provides for contributions to the Laborers’ National (Industrial) Pension Fund; and

Whereas, the Pension Fund’s Board of Trustees has adopted a Funding Rehabilitation Plan (“Plan”), dated July 26, 2010, to improve the Fund’s funding status over a period of years as required by the Pension Protection Act of 2006 (“PPA”); and

Whereas, a copy of the Plan has been provided to the Union and the Employer; and

Whereas, the Plan, in accordance with the PPA, requires that the signatories to every collective bargaining agreement providing for contributions to the Pension Fund adopt one of the Schedules included in the Plan; and

Whereas, the Union and the Employer have agreed to adopt the Plan’s Preferred Schedule and wish to document that agreement;

It is hereby agreed by the undersigned Union and Employer as follows:

1. This Addendum shall be considered as part of the collective bargaining agreement. The provisions of this Addendum supersede any inconsistent provision of the collective bargaining agreement, except that the City’s contribution rates shall be governed by Section 13.4 of the bargaining agreement.

2. The current contribution rate to the Pension Fund of \$.20 per hour shall be increased by 10% to the rate of \$.22 per hour effective November 1, 2011. On each anniversary of that effective date for the term of the collective bargaining agreement, the contribution rate then in effect shall be increased by another 10% (rounded to the next highest penny). The City's portion of this contribution rate shall be governed by Section 13.4 of the bargaining agreement.
3. With regard to benefits under the Pension Fund, the Plan's Preferred Schedule provides that the Pension Fund's current plan of benefits for the group will remain unchanged with the following exceptions:
 - a) Benefit accruals for periods after adoption of the Preferred Schedule will be based on the contribution rate in effect immediately before the Preferred Schedule goes into effect for the group, not on the increased rates required by this Schedule.
 - b) Effective April 30, 2010 and until the Rehabilitation Plan succeeds, the Pension Fund is not permitted by the PPA to pay any lump sum benefits or pay any other benefit in excess of the monthly amount that would be payable to the pensioner under a single life annuity. This means that the Fund must suspend its Partial Lump Sum option, Social Security Level Income option, and Widow/Widower Lump Sum option. Exceptions are made for a lump sum cash-out of a participant or beneficiary whose entire benefit entitlement has an actuarial value of \$5,000 or less and for the Fund's \$5,000 death benefit.
 - c) The Board of Trustees continues to have discretionary authority to amend the Rules & Regulations of the Pension Fund, including the Rehabilitation Plan, within the bounds of applicable law.
4. The Plan as a whole is deemed to be a part of the Preferred Schedule.
5. This Addendum shall be effective as of, November 1, 2011, which date is the same date on which the contribution rate increase under paragraph 2 is first effective.

To acknowledge their agreement to this Addendum, the Union and the Employer have caused their authorized representatives to place their signatures below:

FOR THE UNION:

Signature: Anthony Penn
Position: Business Manager

Date: May 16, 2012

FOR THE EMPLOYER:

Signature: Stephen F. Stockton
Position: Mayor

Date: May 15, 2012

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Tentative Agreements (“TAs”) be ratified.

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 Shreeji 12 Inc., d/b/a Bloomington Citgo Quick Mart, located at 1901 W. Market St., for a GPBS liquor license, which will allow the sale of packaged beer and wine only for consumption off the premises seven (7) days week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommend to the City Council that a GPBS liquor license for Shreeji 12 Inc., d/b/a Bloomington Citgo Quick Mart, located at 1901 W. Market St., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that the applicant/owner appear before the Commission’s hearing officers.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Shreeji 12 Inc., d/b/a Bloomington Citgo Quick Mart, located at 1901 W. Market St., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off 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 Ray Patel, Applicant’s representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant’s representative address this request. Ray Patel, Applicant’s representative, addressed the Commission. Currently, there was a GPBS, (Gasoline, Packaged, Beer & wine only, Sunday sales) liquor license at this location. This would be a business opportunity for Rakesh Kumar Patel, his brother-in-law. He believed that he would be the store manager.

Commissioner Tompkins recommended that this Application be laid over until the new owner could be present to address the Commission.

Commissioner Clapp expressed her opinion that the Commission should proceed with the hearing.

Commissioner Buchanan questioned why the owner was not present. He believed that the Commission would understand if Mr. Patel was working. Mr. Patel noted that the owner was currently working. He added that there might be a language barrier.

Mr. Patel informed the Commission that he currently held the liquor license for Famous Liquors located at 1404 E. Empire St. They owned and operated family businesses.

Tracey Covert, City Clerk, addressed the Commission. She noted that this Application was for a change of ownership. She added that there was a relationship between three (3) items, (Shreeji 12, Inc., d/b/a Citgo Quick Mart, Anjana 3 Inc., d/b/a Mayuri Indian Restaurant and Famous Inc., d/b/a Famous Wine & Spirits), on this meeting's agenda.

Commissioner Gibson expressed his opinion that more logic could have been used when preparing this meeting's agenda.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that the Commission had discretion. He questioned if the individual present was an authorized representative of the applicant. Mr. Patel stated that he believed that he would act as the store manager on a part time basis. He was a family member and friend of the applicant. Mr. Boyle believed that there should be something more formal.

Commissioner Stockton expressed his concern that the Commission might be setting a precedent. He questioned if the Commission was familiar with the applicant. He instructed Mr. Patel that in the future the applicant or an authorized agent must be present to address the Commission.

Commissioner Gibson added his belief that Mr. Patel had an ownership interest in this business. It appeared that there was none.

Commissioner Petersen expressed his concern that Mr. Patel could not state that he would be the store's manager.

Commissioner Stockton believed that the Commission had made their intentions known to City staff. In the future, the applicant or his/her authorized agent must appear before the Commission. Commissioner Buchanan requested that the minutes reflect that Mr. Patel was officially authorized to represent Shreeji 12 Inc., d/b/a Bloomington's Citgo Quick Mart. Mr. Patel restated his belief that he would act as the store's manager.

Commissioner Buchanan questioned the City's enforcement ability. Mr. Boyle noted that if the license were created, the City would have full enforcement rights. This would include any suggestions, recommendations and/or conditions made. If a license were created in the future, then the formal relationship begins.

Commissioner Stockton stated that the hearing would go forward. The Commission noted a condition, that if Mr. Patel provided inaccurate information then the Commission's recommendation might be withdrawn. He also noted that this application was for a change of ownership.

Mr. Patel stated that there was a lease for the property. The store would be updated, (exterior/interior). This location was a gas station/convenient store.

Commissioner Stockton questioned the investment in the property. Mr. Patel stated \$30,000.

Commissioner Stockton questioned the applicant's experience. Mr. Patel noted that the applicant had been employed at Main St. Convenient located at 1919 S. Main St., for four (4) years. Currently, he was employed at Famous Liquors.

Commissioner Stockton questioned if there had been any violations. Mr. Patel responded negatively.

Commissioner Tompkins questioned if there would be video surveillance security cameras. Mr. Patel stated that the plan was to install an up to date color system for the store's interior and exterior property.

Commissioner Petersen noted that alcohol must be secured during non sale hours.

Commissioner Tompkins added the space restriction for convenience stores, (maximum fifteen percent/15% total public selling space for display of alcoholic beverages for sale, Chapter 6. Alcoholic Beverages, Section 1. Definitions). Mr. Patel responded affirmatively. Commissioner Buchanan added that there were also product line requirements, (five of seven categories - dairy products, baked goods, frozen foods, groceries, snack foods, health & beauty aids). (See same Chapter and Section.) He added that compliance with same was required.

Commissioner Stockton added that the City did not license liquor stores which also happen to sell gasoline. The store must truly be a convenience store. He wanted to insure that the applicant understood the requirements.

Commissioner Gibson suggested that the Commission make it mandatory for the applicant to attend the Council meeting.

Commissioner Stockton suggested that the Commission's action be conditional upon the applicant meeting with Commission representatives to verify this hearing.

Commissioner Clapp added that the applicant could provide a signed release that Mr. Patel was authorized to represent him.

Commissioner Stockton noted that if there has been any misrepresentation then the Commission's motion would be withdrawn.

Commissioner Petersen expressed his belief that it was unusual for the owner not to be present at the liquor hearing. Commissioner Stockton noted that for small businesses the Commission expected the owner to be present. He requested volunteers who would be willing to speak with the owner and act as hearing officers.

Commissioner Tompkins noted the informal, verbal relationship between the parties.

Commissioner Gibson restated his concern that Mr. Patel might not be the store manager. He questioned who was authorized to speak for the applicant. The issue involved respect.

Commissioner Buchanan recommended that a condition be added to a motion: the applicant could appear before the Council or appear before the Commission's hearing officer(s).

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of Shreeji 12 Inc., d/b/a Bloomington Citgo Quick Mart, located at 1901 W. Market St., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week be approved with the following condition: 1.) that the applicant/owner appear before the Commission's hearing officers.

Ayes: Commissioner Stockton, Buchanan, Clapp, Petersen and Gibson.

Nays: Commissioner Tompkins.

Motion carried.

Commissioner Stockton expressed his opinion that the hearing officer(s) option would be more meaningful. Commissioners Buchanan and Tompkins volunteered. They were instructed to report back to him within a week.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately four (4) 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: None. Request is for a change of ownership. Annual fee for a GPBS liquor license is \$1,180.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Chief of Police

Motion by Alderman Fazzini, seconded by Alderman Fruin that a GPBS liquor license for Shreeji 12 Inc., d/b/a Bloomington Citgo Quick Mart, located at 1901 W. Market

St., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that the applicant/owner appear before the Commission's hearing officers.

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 Anjana 3 Inc., d/b/a Mayuri Indian Restaurant, located at 1407 N. Veterans Pkwy., for an RAS liquor license, which will allow the sale of all types of alcohol 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 RAS liquor license for Anjana 3 Inc., d/b/a Mayuri Indian Restaurant, located at 1407 N. Veterans Pkwy., 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 Anjana 3 Inc., d/b/a Mayuri Indian Restaurant, located at 1407 N. Veterans Pkwy., requesting an RAS liquor license which would allow the sale of all types of alcohol 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 Venu Danda, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address this request. Venu Danda, owner/operator and Applicant representative, addressed the Commission. Mayuri Indian Restaurant opened on January 29, 2012. Seating capacity was seventy-four (74). The menu offered Indian cuisine. Customers have requested alcoholic beverages to accompany their food order. He noted that in preparation for liquor license the interior space would have to be reorganized.

Commissioner Stockton questioned the request for an RAS liquor license. Mr. Danda stated that spirits were a good accompaniment for appetizers.

Commissioner Stockton noted the business hours: 11:00 a.m. until 11:00 p.m. Mr. Danda added that a buffet lunch was offered from 11:00 a.m. until 2:00 p.m. Dinner was a la carte and was offered from 5:00 p.m. until 11:00 p.m.

Commissioner Stockton cited that the floor plan did not show a bar area. Mr. Danda responded affirmatively. There would be table service only.

Commissioner Stockton questioned Mr. Danda's restaurant business experience. Mr. Danda stated since January 2012. He had been at the restaurant everyday. Due to the restaurant, he planned to sell his interest in 1901 W. Market St. Commissioner Stockton noted that Mr. Danda planned to focus on the restaurant. He again questioned Mr. Danda's restaurant experience. Mr. Danda informed the Commission that he had been employed at Indian Bhaven Restaurant formerly located at 716 S. Eldorado Rd. for six (6) months.

Commissioner Stockton questioned if there were any liquor violations. Mr. Danda responded negatively.

Commissioner Tompkins noted that Mr. Danda currently operated 1901 W. Market St. Mr. Danda responded affirmatively. He added that the restaurant currently had three (3) experienced servers. The staff was well trained. Identification would be checked prior to liquor service.

Commissioner Petersen questioned if Mr. Danda would retain ownership of W Market Groceries located at 301 W. Market St. Mr. Danda responded affirmatively.

Commissioner Petersen questioned Mayuri's location. Mr. Danda stated in the Lakewood Plaza.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of Anjana 3 Inc., d/b/a Mayuri Indian Restaurant, located at 1407 N. Veterans Pkwy., requesting an RAS liquor license which would allow the sale of all types of alcohol 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 twenty-one (21) 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 an RAS liquor license is \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Chief of Police

Motion by Alderman Fazzini, seconded by Alderman Fruin that an RAS liquor license for Anjana 3 Inc., d/b/a Mayuri Indian Restaurant, located at 1407 N. Veterans Pkwy., 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: Application of OKGO Restaurant Group, LLC, d/b/a Moe's Southwest Grill, located at 2401 E. Empire St., for an RAS liquor license, which will allow the sale of all types of alcohol 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 RAS liquor license for OKGO Restaurant Group, LLC, d/b/a Moe's Southwest Grill, located at 2401 E. Empire St., 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 OKGO Restaurant Group, LLC, d/b/a Moe's Southwest Grill, located at 2401 E. Empire St., requesting an RAS liquor license which would allow the sale of all types of alcohol 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 Ken Solem, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant representative address this request. Ken Solem, owner/operator and Applicant representative, addressed the Commission. He informed the Commission that he also served as the corporation's president. This would be Moe's second location. (Current location: 1730 Bradford Ln., Normal). This site was selected over three (3) years ago. The landlord will build

the facility. The plan is for this location to open in June 2012. This store would be larger than the Normal site: 3,300 square feet versus 2,400 sq. ft. Seating capacity would be as follows: interior - 112 and patio - 32. The patio is adjacent to the store and faced Empire St.

Commissioner Stockton requested additional details regarding the patio. Mr. Solem noted that the area would be fenced with an emergency only exit. Commissioner Stockton questioned if there would be amplified and/or live music. Mr. Solem responded negatively. Commissioner Stockton informed the Applicant that if Moe's changed its position regarding outdoor music to contact the City Clerk's Office.

Commissioner Gibson noted the restaurant's proximity to the airport.

Commissioner Tompkins commended the Applicant on the completed liquor application packet.

Mr. Solem informed the Commission that Moe's would only offer Moritas and beer.

Commissioner Stockton questioned if the Applicant held ownership in any other restaurants. Mr. Solem responded negatively. Commissioner Stockton questioned if Moe's had any liquor violations. Mr. Solem responded affirmatively. It involved a compliance check approximately two and half (2½) years ago. Moe's had successfully passed all compliance checks since the lone violation. He added that typically the Chief of Police sends the establishment a letter for successful passage. All of Moe's cashiers must be nineteen (19) years of age. The company has purchased ServSafe Alcohol Training, (video program), for all employees.

Commissioner Stockton expressed his belief that anyone serving and/or pouring alcohol must be twenty-one (21) years of age. George Boyle, Asst. Corporation Counsel, addressed the Commission. He referred the Commission and the Applicant to Chapter 6. Alcoholic Beverages, Section 18. Employees - Diseases - Age Limits. He offered to answer anyone's questions by contacting the City's Corporation Counsel Office.

Commissioner Petersen questioned if Moe's planned to serve liquor on Sundays. Commissioner Stockton noted that the application packet included the Sunday Sales form.

Commissioner Gibson noted that the floor plan did not show a full bar. Mr. Solem restated that Moe's would only offer Moritas and beer. Commissioner Gibson questioned the percentage of liquor sales. Mr. Solem responded between two to three percent, (2 - 3%).

Commissioner Petersen questioned the location. Mr. Solem stated at the intersection of Empire and Eastport.

Commissioner Stockton noted Moe's closing time: 9:00 p.m. on weekdays and 10:00 p.m. on weekends. Mr. Solem stated the Moe's was a restaurant and not a tavern.

Commissioner Gibson questioned if there were differences between the two (2) communities', (City and Town of Normal), liquor codes.

Motion by Commissioner Clapp, seconded by Commissioner Gibson that the application of OKGO Restaurant Group, LLC d/b/a Moe's Southwest Grill, located at 2401 E. Empire St., requesting an RAS liquor license which would allow the sale of all types of alcohol 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 fourteen (14) 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 an RAS liquor license is \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Chief of Police

Motion by Alderman Fazzini, seconded by Alderman Fruin that an RAS liquor license for OKGO Restaurant Group, LLC, d/b/a Moe's Southwest Grill, located at 2401 E. Empire St., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 1, Block 8 of Camp Potawatomie from Edgewood Resources, LLC to Revocable Trust of Joseph D. Dierker, dated July 22, 1996; Revocable Trust of Alicia L. Dierker, dated May 19, 1994 and the Revocable Trust of Sarah Elizabeth Anne Dierker, dated June 18, 2007

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

BACKGROUND: The sewage disposal system inspection was completed in July of 2011 and the septic system was functioning properly at that time. The septic tank was installed over 50 years ago and the seepage field is thought to be 75+ years old. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately 20-25 years. However, this can be affected greatly by usage patterns of the premises (seasonal versus full time occupancy) and system maintenance. This is a small cabin and its use will continue to be seasonal. The sewage disposal system is a subsurface discharging system, meaning the system effluent, following treatment, does not directly discharge to the Lake Bloomington Reservoir. The effluent flows slowly through a leach field and then into the ground. If there were a problem with the system, it would back up into the cabin and/or the ground surface. There is no evidence that the system has malfunctioned in this manner. Being a subsurface discharging system, the effluent poses little threat to the reservoir.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value) for determining the Lake Lease Fee. The current lake lease formula generates about \$530 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by:

Financial Review by:

Reviewed by:

Craig M. Cummings
Director of Water

Patti-Lynn Silva
Director of Finance

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.**The following was presented:**

SUBJECT: Application of the Board of Trustees of Illinois State University, d/b/a Shakespeare Festival, located at 48 Sunset Rd., requesting a LB liquor license, which would allow the limited sale of beer and wine only by the glass for consumption on the premises from June 26, 2012 to August 11, 2012

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a LB liquor license for the Board of Trustees of Illinois State University, located at Ewing Cultural Center, 48 Sunset Rd., for the 2012 Illinois Shakespeare Festival to be held from June 26 to August 11, 2012, 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 the Board of Trustees of Illinois State University, d/b/a Shakespeare Festival located at the Ewing Cultural Center, 48 Sunset Rd., requesting a LB liquor license which would allow limited sales of beer and wine only by the glass for consumption on the premises seven (7) days a week for the performance season, (June 26, 2012 to August 11, 2012). Present at the hearing were Liquor Commissioner Steve Stockton; Tracey Covert, City Clerk; and Dick Folse, Managing Director and Applicant representative.

Commissioner Stockton opened the liquor hearing. He noted that this would be the fifth year for the Shakespeare Festival to hold a LB liquor license. Dick Folse, Managing Director and Applicant representative, addressed the Commission. He acknowledged that this would be the fifth year for the Illinois State University to request a LB liquor license for the Shakespeare Festival. This application was the same as last year. Liquor sales represented a small percentage, (twenty percent/20%) of the overall revenue. There were no incidents involving alcohol during last four (4) years at the Festival. Festival staff received training for alcohol sales. The Festival is a family oriented event. The Festival was a successful event.

Mr. Folse noted that patrons have dinner on the grounds. The Festival offered a concession area. The theater offered 480 seats. He noted that the performance season was from June to August 2012.

Commissioner Stockton noted that the City had not received any complaints. He agreed that the Festival was well run. Hearing no planned changes, he encouraged the Applicant to keep up the fine work.

Commissioner Stockton stated his intention to recommend that a LB liquor license be created for the Board of Trustees of Illinois State University located at the Ewing Cultural Center, 48 Sunset Rd., for the 2012 Illinois Shakespeare Festival to be held from June 26 to August 11, 2012.

Commissioner Stockton extended best wishes for a successful season.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This would be a new liquor license. The fee for a season performance LB liquor license is \$500.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Chief of Police

Mayor Stockton noted that Alderman Mwilambwe was employed at Illinois State University. Alderman Mwilambwe recuse himself from voting and left the dais.

Motion by Alderman Fazzini, seconded by Alderman Fruin that a LB liquor license for the Board of Trustees of Illinois State University, located at Ewing Cultural Center, 48 Sunset Rd., for the 2012 Illinois Shakespeare Festival to be held from June 26 to August 11, 2012, be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

Alderman Mwilambwe returned to the meeting.

The following was presented:

SUBJECT: Petition submitted by Illinois Wesleyan University, (IWU), requesting the approval of a Rezoning from R - 2, Mixed Residence District to S - 1, University District, for property commonly located at 1102, 1104, 1106 N. Evans St., 1101, 1102, 1103, 1105 N. McLean St. and 508 E. Empire St., consisting of approximately 1.175 acres

RECOMMENDATION: That the Rezoning be approved and the Ordinance passed.

BACKGROUND: The property is currently zoned R - 2, Mixed Residence District and is largely vacant. It does have two (2) houses remaining which will be demolished if the Rezoning is approved. IWU has acquired the subject properties and desires to construct two (2) new apartment buildings. They desire S - 1, University District zoning to be in line with other IWU owned properties. There also is a lot at the northwest corner of McLean and Empire which is

part of the Rezoning but will remain vacant. IWU has also simultaneously requested a Special Use for a noncommercial parking lot at the northeast corner of Graham and McLean St. This parking lot is intended to be used by the students in the two (2) apartment buildings.

The location of the proposed zoning change is close to existing IWU property and buildings. Many of the residential uses that are permitted in the S - 1 District are also allowed in the R - 2 District either by right or with a Special Use permit. The land uses will be controlled by IWU and should not create substantial nuisance for the nearby parcels.

This case was before the Planning Commission for Public Hearings and review on April 11 and 25, 2012. The petitioner spoke in favor of same. At the public hearings, five (5) citizens were opposed to the petition stating issues such as a negative impact on the character of the neighborhood, a higher density of students, a change in the mixture of the neighborhood to more students, noise, immature drivers, decline in quality of life, alley being closed, increased traffic, parking problems – few spaces for students’ guests, parking lots and streets being full, and underestimating parking needs, property values, no amenities for neighbors, other development sites available, rental competition, and lack of green space. Four (4) citizens were in favor of the petition stating IWU was a good manager of their properties. They addressed concerns and would be proactive. In addition, IWU maintains their properties and would be a good respectful neighbor. Students walk to campus. It was good for the neighborhood and would revitalize same. The buildings would provide a buffer for Empire St. Two (2) citizens did not support or oppose the petition but explained problems they have encountered with IWU and parking. Staff also received several letters in support of and in opposition to this petition as well as a petition signed by twelve (12) citizens opposed to same. The Commission voted to recommend approval of the Rezoning by a vote of 7 - 1.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with Code, 137 courtesy copies of the Public Notice were mailed. In addition, six (6) public notice/identification signs were posted on the property.

FINANCIAL IMPACT: IWU will likely request an exemption on property taxes like most of their other properties. There will be no increase property tax revenue. There may be other short term economic benefits to the project as construction estimates for this project are \$6 million. Since testimony is such that IWU effectively manages their properties the additional demand upon services for fire, police and/or planning and code enforcement should be minimal.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director of PACE

Barb Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes Illinois Wesleyan University, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of R – 2, Mixed Residence District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the S – 1, University District, zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. 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 petitioner by the present zoning of said premises.

WHEREFORE, your petitioner respectfully prays 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 from R – 2, Mixed Residence District to S – 1, University District.

Respectfully submitted,

By: Carl Teichman

ORDINANCE NO. 2012 - 24**AN ORDINANCE REZONING 1102, 1104 & 1106 N. EVANS ST., AND 1101, 1102, 1103,
& 1105 N. McLEAN ST., & 508 E. EMPIRE ST.
FROM R – 2, MIXED RESIDENCE DISTRICT TO S – 1, UNIVERSITY DISTRICT**

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 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 R – 2, Mixed Residence District to S – 1, University 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 14th day of May, 2012.

APPROVED this 15th day of May, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 7 in Block 5 in Orme’s Addition to the City of Bloomington, in McLean County, Illinois, commonly known as 1101 N. McLean St.

Lot 6 in Block 4 in Orme's Addition to the City of Bloomington, in McLean County, Illinois, commonly known as 1102 N. McLean St.

Lot 8 in Block 5 in Orme's Addition to the City of Bloomington, in McLean County, Illinois, commonly known as 1103 N. McLean St.

Lot 9 in Block 5 in Orme's Addition to the City of Bloomington, in McLean County, Illinois, commonly known as 1105 N. McLean St.

The West 50 feet of Lots 5 and 6 in Orme's Addition to the City of Bloomington, McLean County, Illinois, commonly known as 508 E. Empire St.

The East 100 feet of Lot 6 in Block 5 in Orme's Addition to the City of Bloomington, McLean County, Illinois, commonly known as 1102 N. Evans St.

The East 100 feet of Lot 5 in Block 5 in Orme's Addition to the City of Bloomington, McLean County, Illinois, commonly known as 1104 N. Evans St.

Lot 4 in Block 5 in Orme's Addition to the City of Bloomington, in McLean County, Illinois, commonly known as 1106 N. Evans St.

Mayor Stockton noted that Alderman Schmidt was employed at Illinois Wesleyan University, (IWU), and planned to recuse herself. Alderman Schmidt recuse herself from voting and left the dais.

Alderman Purcell addressed this item. He noted that IWU was located in his ward. This issue had seen disagreement between the residents and IWU. He reviewed the public notice process. He informed the Council that he had attended the public hearing(s). This project involved apartment style dormitories. The buildings would be governed by IWU's Residential Life Guidelines. These dormitories would be for junior and senior year students. He addressed the impact upon the City's infrastructure. He reviewed IWU's plan to address parking and sewers. Adequate parking would be provided by IWU. He noted IWU's staff's efforts to reach out to the neighborhood. IWU was an asset to the community. He planned to vote in support of this item.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Illinois Wesleyan University, (IWU), requesting approval of a Special Use for a noncommercial parking lot for the property located at 502 E. Graham St. and 1205 N. McLean St.

RECOMMENDATION: That the Special Use be approved and the Ordinance passed.

BACKGROUND: The property has been zoned R - 2, Mixed Residence District. The property is currently vacant and void of any buildings. IWU has acquired the subject properties and hopes to construct a parking lot to serve the two (2) new apartment buildings to the south off Empire St. The site of the apartments to be built is subject to approval of the Rezoning petition which is being processed simultaneously and appears on the same Council agenda. This parking lot is intended to be used only for the new apartment buildings' residents.

The apartment development will use the parking lot associated with this Special Use request, the parking lot located adjacent to the buildings as well as the Park St. lot. The use of all of these parking lots will comply and even exceed the required off - street parking.

The Graham and McLean site is in close proximity to other IWU facilities and only one half block from the apartment site. Since IWU will carefully monitor and manage the site the parking lot should not generate nuisances for nearby properties. The petition is not out of line with the character of the neighborhood, especially with IWU owned properties to the west.

This case appeared before the Zoning Board of Appeals, (ZBA), for a Public Hearing and review on April 18, 2012. The petitioner spoke in favor of the petition. At that meeting the ZBA approved a variance for building height. One (1) person from the public spoke in favor of the request. This individual stated that IWU was a good manager of its sites and has addressed concerns. One (1) person was in opposition to this request and stated a concern regarding parking. Staff also has received several letters in support of and in opposition to this petition. The ZBA voted to recommend approval of the Special Use permit by a vote of 5 - 0.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with Code, 132 courtesy copies of the Public Notice were mailed. In addition, two (2) public notice/identification signs were posted on the property.

FINANCIAL IMPACT: IWU will likely request an exemption on property taxes like most of their other properties. There will be no increase in property tax revenue. There may be other economic benefits to the project as construction estimates for the project are \$6 million. Since testimony is such that IWU effectively manages their properties the additional demand upon services for fire, police and planning and code enforcement should be minimal.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director of PACE

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
502 E. GRAHAM ST. AND 1205 N. MCLEAN ST.**

State of Illinois)
)
County of McLean) ss.

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

Now comes Illinois Wesleyan University hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor; trustee, lease, or any 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 has a zoning classification of R – 2, Mixes Residence District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code Parking Lot, is allowed as a special use in an R - 2 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already

- permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R - 2 zoning district;
 7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
 8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
 9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
 10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R - 5 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Carl Teichman

ORDINANCE NO. 2012 - 25

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
PARKING LOT FOR PROPERTY LOCATED AT: 502 E. GRAHAM ST.
AND 1205 N. MCLEAN ST.**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Parking Lot for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the Special Use Permit for a Parking Lot on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 14th day of May, 2012.

APPROVED this 15th day of May, 2012.

APPROVED:

Stephen Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 8 and the South Half of Lot 9 in Block 2 in Orme's Addition to the City of Bloomington, McLean County, Illinois, commonly known as 502 E. Graham St. PIN# 14-33-455-019

Lot 10 and the North ½ of Lot 9 in Block 2 in Orme's Addition to the City of Bloomington, McLean Count, Illinois, commonly known as 1205 N. McLean St. PIN# 14-33-455-019

Mayor Stockton noted that Alderman Schmidt was employed at Illinois Wesleyan University, (IWU), and planned to recuse herself. Alderman Schmidt recuse herself from voting and left the dais.

Barb Adkins, Deputy City Manager, addressed the Council. This Special Use Petition was to allow a noncommercial parking lot. This parking lot would provide additional parking for the apartment style dormitories. The property involved was currently vacant. IWU acquired these properties for this purpose. Staff recommended approval of same.

Mayor Stockton questioned if there would be additional parking. Mark Huber, Director - PACE, addressed the Council. This Special Use Petition was for a parking lot. No variances had been requested. The parking lot was to address the need for additional parking due to the apartment style dormitories. A Public Hearing was held before the Zoning Board of Appeals.

Motion by Alderman Fazzini, seconded by Alderman Mwilambwe that the Special Use be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

Alderman Schmidt returned to the meeting.

The following was presented:

SUBJECT: An Ordinance Amending "An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, Town of Normal and Unincorporated McLean County as an Enterprise Zone" including Amendment to Enterprise Zone Intergovernmental Agreement – One Earth Energy, LLC

RECOMMENDATION: That the amended Intergovernmental Agreement (IGA) be approved, the Mayor and City Clerk be authorized to execute the necessary documents and the Ordinance be passed.

BACKGROUND: This ordinance submitted by the Economic Development Council (EDC) of the Bloomington – Normal Area seeks to extend the boundaries of the Bloomington/Normal/McLean County Enterprise Zone in order to cover approximately 377.6 acres of property located at and around 202 N. Jordan Drive, Gibson City, IL 60936. The territory in question is presently home to One Earth Energy, LLC. Enterprise Zone status will allow the company to use the state natural gas tax exemption native to the Enterprise Zone.

According to the EDC, One Earth Energy operates a 100 million gallon dry mill corn processing plant near Gibson City. The plant produces ethanol and distiller's grain from corn grown around the region. The plant began producing ethanol in 2009 and at present, grinds approximately 38 million bushels of corn each year. The plant employs fifty (50) persons.

Through the Enterprise Zone's natural gas tax exemption, the company would save approximately \$350,000 to \$400,000 per year. At present, One Earth is the only ethanol plant in the state of Illinois not located in an Enterprise Zone. Due to state law, no new Enterprise Zones can be authorized and both Gibson City and Ford County lack an existing Enterprise Zone to use for this project. As such, these communities and One Earth have reached out to the Bloomington/Normal/McLean County Enterprise Zone for assistance.

If approved, this zone expansion would present a number of benefits to McLean County for consideration. Annually, One Earth purchases 9.5 million bushels of corn each year from suppliers in McLean County, mainly from elevators located in Colfax, Anchor, Cropsey, Saybrook and Bellflower. In addition, per the Enterprise Zone regulations, adding Gibson City and Ford County into the Bloomington/Normal/McLean County Enterprise Zone's governing coalition would enable our zone to utilize an additional two (2) miles of zone, bringing our total from thirteen (13) up to fifteen (15) square miles of deployable zone. The Economic Development Council stands to collect an estimated fee of \$20,000 annually for this project, until the expiration date in 2015. This fee would in turn be used to support economic development activities in McLean County. It is also worth mentioning that "agribusiness" is one (1) of the five (5) targeted industries identified for specific focus in the 2012 - 2016 EDC strategic plan.

Agriculture, and related transportation, was the topic when the "One Voice group went to Washington, D.C. in March of 2012 when it met with elected officials from Illinois and staff members from the Department of Agriculture and Transportation.

The required public hearings to amend the Enterprise Zone were conducted in Normal and Gibson City by the EDC on May 7, 2012. The Town of Normal passed this amendment on May 7, 2012. It will be on the McLean County Board's Agenda for the June Meeting. It will also need to be approved by the governing bodies of Gibson City and Ford County. Media reports indicate that it has support in those bodies. Because this amended Agreement now includes Gibson City and Ford County, those bodies will need to approve all future amendments to the

Enterprise Zone. However, the IGA includes language requiring Gibson City and Ford County to approve future amendments if the City, Normal and McLean County approve them.

The General Assembly is currently considering legislation, (Senate Bill 3688) which would, among other amendments, extend the life of Enterprise Zones from thirty (30) years to fifty-five (55) years. The original Enterprise Zones are currently due to expire in 2013. This legislation is endorsed by the Illinois Municipal League (IML). IML's synopsis of SB3688 has been provided.

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

FINANCIAL IMPACT: See above.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

Justine Robinson
Economic Development
Coordinator

David A. Hales
City Manager

ORDINANCE NO. 2012 - 26

ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL, AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE” - TO INCLUDE NEW TERRITORY AND THE NEW UNITS OF GOVERNMENT OF FORD COUNTY AND GIBSON CITY

WHEREAS, the City of Bloomington did, on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and WHEREAS, the City of Bloomington did, on numerous occasions after establishment of the Enterprise Zone, adopt Ordinances amending Ordinance No. 1984-131, including those lengthening the duration of the Enterprise Zone and amending the territory included within the Enterprise Zone; and

WHEREAS, the City of Bloomington now desires to amend the territory included within the Enterprise Zone and to memorialize the same by amending the Enterprise Zone Intergovernmental Agreement (as hereafter defined); and

WHEREAS, the City of Bloomington received a request from Ford County and Gibson City to expand the boundaries of the Enterprise Zone and Add units of Government to the benefit of economic development; and

WHEREAS, the City of Bloomington would be benefited by the regional economic activity of including said territory within the boundaries of said Enterprise Zone, and it would be in the best interests of the citizens of the Town of Normal, City of Bloomington and County of McLean that said additional properties be included in the Enterprise Zone; and

WHEREAS, a public hearing regarding such amendments has been held as provided by law.

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

SECTION ONE: That Appendix “A”, which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said Ordinance, and amended by the Ordinance enacted on March 19, 1985; and further amended by subsequent Ordinances modifying the boundary of the territory included within the Enterprise Zone, shall be, and the same is, hereby further amended by adding the territory described in Exhibit A to the territory of the Enterprise Zone.

SECTION TWO: That the Mayor of the City of Bloomington, Illinois shall have, and is hereby given authority to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the Town of Normal, Illinois, the City of Bloomington, Illinois, and the County of McLean, Illinois (the “Enterprise Zone Intergovernmental Agreement”) attached

hereto as Exhibit B, which Amendment memorializes the addition of the territory and addition of the units of government of Ford County and Gibson City identified in this Ordinance to the territory of the Enterprise Zone.

SECTION THREE: That the provisions of Ordinance No. 1984-131 as previously amended and as hereby amended, being “An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as Enterprise Zone” shall remain in full force and effect.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION FIVE: That the Bloomington City Clerk be and is hereby directed and authorized to publish this Ordinance in pamphlet form as required by law and forward a certified copy of this Ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this Ordinance with the County Clerk for McLean County.

SECTION SIX: That this Ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION SEVEN: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(APPENDIX A. ORDINANCE NO. 1984 – 131 ON FILE IN CLERK’S OFFICE)

EXHIBIT A

(Description of Territory to be added to the Enterprise Zone)

BLOOMINGTON NORMAL MCLEAN ENTERPRISE ZONE

Description of territory to be added

Adding One Earth Energy Site

April 25, 2012

Site A: - One Earth Energy Site – From the intersection of Oakland Avenue and the Illinois Central Railroad, in the corporate limits of the City of Bloomington, Illinois hence northerly on the eastern side of the railroad on a three foot wide strip to West Emerson Street; hence easterly along West Emerson Street to North Towanda Avenue; hence northerly along North Towanda Avenue to Rowe Drive; hence easterly along Rowe Drive to North Veterans Parkway; hence north along North Veterans Parkway to Arrowhead Drive; hence easterly along Arrowhead Drive to Gettysburg Drive; Hence southerly along Gettysburg Drive to Illinois Route 9; hence easterly on the southern side of Illinois Route 9 to the border of McLean County, Illinois; hence easterly along Illinois Route 9 in Ford County, Illinois to the City limits of the City of Gibson City, Illinois hence easterly along Illinois Route 9 in the City of Gibson City, Illinois to N 300E Road for the starting at the point; then from the starting point at the intersection of Illinois Route 9 and N 300E Road; hence northerly on N 300E Road to E 550N Road, hence easterly along E 550N Road 3004 feet to a point; hence directly south to Illinois Route 9; hence westerly along Illinois Route 9 to the starting point of the intersection of Illinois Route 9 and E550N Road encompassing all the area

EXHIBIT B

**AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT --
TO INCLUDE NEW TERRITORY AND THE NEW UNITS OF GOVERNMENT OF
FORD COUNTY AND GIBSON CITY**

This Amendment is entered into the ____ day of _____, 2012, by and between the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, the County of McLean, the County of Ford and the City of Gibson City, a municipal corporation, a body politic and incorporate, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

WHEREAS, the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, the County of McLean, entered into an Intergovernmental Agreement in December, 1984, for the purpose of creating and operating an Enterprise Zone within the jurisdiction of said parties pursuant to the Illinois Enterprise Zone Act (the "Act"); and

WHEREAS, the Enterprise Zone was originally certified as an enterprise zone by the Department of Commerce and Economic Opportunity of the State of Illinois effective July 1, 1985; and

WHEREAS, the Enterprise Zone now compasses approximately 6.259 square miles; and

WHEREAS, the Act allows an enterprise zone to encompass up to 15 square miles if the zone is a joint effort of four or more units of government; and

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately 0.59 square miles would be benefited by being encompassed within the boundaries of said Enterprise Zone; and

WHEREAS, it would be in the best interests of the citizens of the City of Bloomington, Illinois, the Town of Normal, Illinois, and the County of McLean, Illinois that said additional territory and new units of government be included in the Enterprise Zone.

NOW, THEREFORE, BE IT AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. That Section 2 "Description" of the Intergovernmental Agreement, and the property described in Exhibit "E1-a" and incorporated in said Section by reference, as subsequently amended, be and the same is hereby amended to include therein the area described in Exhibit A attached hereto (the "Amended Area"), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.
2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties set forth in the original Intergovernmental Agreement, as subsequently amended, are hereby ratified and confirmed, and are hereby applied to the Amended Area of the Enterprise Zone in their entirety.
3. This agreement may be amended from time to time only by written agreement of the parties, provided, however, that the Town of Normal may seek to amend provisions of the Enterprise Zone ordinance or amend the boundaries of the Enterprise Zone within their corporate boundaries or delete enterprise zone territory in the City of Bloomington, the Town of Normal, or the County of McLean providing they receive the approval of the State Agency in charge of such approval, without the need to further amend this Agreement; and further, by execution of this Agreement Ford County and Gibson City consent to any such changes by the Town of Normal. If requested by the State Agency or the Town of Normal, the Corporate Authorities of the County of Ford and City of Gibson City shall each enact ordinances acknowledging this limited consent to such boundary change(s).

THE UNDERSIGNED PARTIES HAVE CAUSED THIS AMENDMENT TO INTERGOVERNMENTAL AGREEMENT TO BE EXECUTED BY THEIR DULY DESIGNATED OFFICIALS, PURSUANT TO AUTHORITY CONFERRED BY THEIR RESPECTIVE GOVERNING BODIES THE DATE FIRST SHOWN ABOVE.

City of Bloomington
a Municipal Corporation

Town of Normal
a Municipal Corporation

By: Stephen F. Stockton
Mayor

By: Christopher Koos
Mayor

Attest:

Attest:

Tracey Covert
City Clerk

Wendelbyn Briggs
City Clerk

County of McLean
a Body Politic and Corporate

County of Ford
a Body Politic and Corporate

By: _____
County Board Chairman

By: _____
County Board Chairman

Attest:

Attest:

County Clerk

County Clerk

City of Gibson City
A Municipal Corporation

By: _____
Mayor

Attest:

City Clerk

Mayor Stockton introduced this item. He noted that this amendment would extend the Enterprise Zone to Ford County.

Barb Adkins, Deputy City Manager, noted that when the Enterprise Zone was established the state had approved it for the Town of Normal, McLean County and the City. State statute allows enterprise zones to be extended into another county.

Justine Robinson, Economic Development Coordinator, addressed the Council. She informed the Council that representatives of the Bloomington Normal Economic Development Council, (EDC), Ford County and One Earth were present at this evening's meeting. One Earth operated an ethanol plant. Meetings were held and information was shared. The EDC held the required public hearing. She described the situation as unique. Ford County and Gibson City were unable to form an enterprise zone. One Earth's goal was to avoid natural gas taxes. This was the only plant in the state which was paying this tax. She noted the support of State Representative Dan Brady. Additional territory would be added to the Enterprise Zone. One Earth purchased corn and employed McLean County residents. The EDC would receive a \$50,000 administrative fee. All of the governmental bodies must approve the intergovernmental agreement. Normal had already approved this item. McLean County would address this item at their June 19, 2012 meeting. Ford County and Gibson City would be unable to block any action by the three (3) original governing bodies, (Town, City and County).

Ms. Adkins welcomed the Council's questions.

Alderman Fazzini recused himself. He had approved a loan for One Earth as President of Busey Bank. Alderman Fazzini left the dais.

Alderman Purcell believed that this issue was complex. Extension of an enterprise zone was not a normal process.

Ken Springer, EDC's Sr. Associate for Research & Economic Data, addressed the Council. He appreciated the opportunity to address the Council. State statute allowed an enterprise zone to be expanded as long as the area is contiguous. He cited the benefits of this expansion. He specifically cited that the territory would be expanded. The size of the enterprise zone was impacted by the number of governmental units which are party to same. The Enterprise Zone would be expanded by two (2) square miles, (from thirteen to fifteen, 13 - 15). In addition, more resources would be available. There were bills in Springfield to extend the life of existing enterprise zones. The current Enterprise Zone was set to expire in 2015.

Alderman Stearns restated that One Earth was the only ethanol plant currently paying the natural gas tax. She questioned the tax rate and the number of plants. Mr. Springer noted that the tax rate was five percent (5%). There were thirteen (13) plants. Alderman Stearns noted that One Earth would be given the same opportunity as the other plants.

Mayor Stockton questioned the percentage of corn One Earth purchased from McLean County. Mr. Springer noted that One Earth had purchased 9.5 million bushels from McLean County. He added that there was an economic link between the communities.

Mayor Stockton questioned the dollar value. Mr. Springer cited the USDA's (United States Department of Agriculture) average price per bushel, \$6.38. Mayor Stockton noted the commerce value between the communities.

Motion by Alderman McDade, seconded by Alderman Schmidt that the amended Intergovernmental Agreement (IGA) be approved, the Mayor and City Clerk be authorized to execute the necessary documents 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, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

Alderman Fazzini returned to the meeting.

The following was presented:

SUBJECT: Illinois Transportation Enhancement Program (ITEP)

RECOMMENDATION: That the Illinois Transportation Enhancement Program (ITEP) application for the Gateways project be submitted and the Resolution adopted.

BACKGROUND: In 2008, the Citizen's Beautification Committee (CBC) launched a Request for Proposal for the creation of a gateways plan. Through this approach, the City would develop a comprehensive strategy, master plan and design concept for the major entrances or "gateways" to the community. In alignment with the Principles of the Vision 2025 as outlined in the City's Strategic Plan, the Gateways project serves to make the City beautiful with attractive, clean entrances along major corridors. Gateways provides an opportunity to create a strong visual identity that promotes the unique character of the City, while also providing better connectivity to major destinations and attractions in the community. The City wishes to achieve this long term vision, the ITEP program has been identified as an opportunity to stimulate progress, provide a major funding source and ultimately maximize the City's financial investment in its vision.

Historically, ITEP provided funding for community based projects that expand travel options and enhance the transportation experience. This is done by improving the cultural, historic, aesthetic and environmental aspects of transportation infrastructure. As project sponsor, how the City would be defined, may receive up to eighty percent (80%) reimbursement for eligible project costs. The remaining twenty percent (20%) is the responsibility of the project sponsor. A project must qualify as one (1) of the twelve (12) eligible categories listed in the ITEP Guidelines Manual. The project must relate to surface transportation in order to be eligible for funding. In prior years, McLean County has received ITEP funds for the Route 66 Bike Trail.

While no official announcements have been made to date, it is important to note that the state may eliminate ITEP funding. This could be the final opportunity to submit an application for this long standing, bi-annual program.

Having received Council's approval on April 9 and 23, 2012, the CBC, with the support of staff and Hitchcock Design Group, has conducted further research in an attempt to prepare a more comprehensive strategy for the ITEP application. This process included: 1.) formulating an approach; 2.) establishing priorities; 3.) creating a template for current and future enhancements; 4.) understanding financial and non-financial impacts as they relate to each stage; and 5.) incorporating project phases over a period of time that would allow the City to achieve the 2025 Vision.

In accordance with a Policy Action item under Goal 4: Grow the Local Economy, the City is charged with the creation of a Major Corridors Revitalization Strategy. If approved, the Gateways would function as a starting point and provide direction for this comprehensive strategy, master plan and design concept. While long term vision includes the need to create solutions for all community entrances, the first step in this ITEP visioning process is to identify the location for which the program funds can have the greatest impact. Once a location and solution are identified, a specific design concept is then created, adopted and implemented. In moving forward with the creation of a master plan, this ITEP application will serve as a model or template for all remaining gateways into our community.

Priorities for the gateways project were identified in large part during the stakeholder tour held on April 23, 2012. When participants saw the true aesthetic appearance of our community's gateways, there was unanimous support for using the Market St. entrance as a model for future projects. While traffic counts are higher in other areas, including the Veterans Pkwy/Rt. 9 intersection, those areas were thought to have greater aesthetic appeal and more recent economic development. These entrances were not identified as the first priority for the application process.

The second phase of the gateways ITEP application process includes the creation of a concept plan that would enhance the transportation experience at the selected entrance, in this case the Market St./I - 55/I - 74 interchange. As outlined in the Context Plan provided by Hitchcock Design Group, the City's ITEP application strives to achieve a well maintained interstate, neighborhood and surrounding green space program. The use of a combination of public space, pedestrian and vehicular safety improvements, landscape, streetscape and design elements that work collectively and serve to enhance the transportation experience by improving aesthetic and environmental aspects of our transportation infrastructure.

The preliminary project breakdown highlights a half mile radius around the I - 55/I - 74 interchange, specifically between Wylie Dr. and Martin Luther King Dr. on Market St. As proposed, the scope of work serves to improve existing sidewalks, add pedestrian crosswalks at major intersections, and to plant an abundance of trees, shrubs and perennial plants. The installation of two (2) Municipal Gateway Signs along with four (4) Tertiary Way Finding Signs that allow travelers to more easily connect with local businesses and organizations is part of the scope of work. All elements and materials selected incorporate sustainable, natural, prairieland

concepts that promote the “blooming grove” theme and preserve the natural resources and beauty that currently exist. Consideration was given to both surrounding businesses and City resources when respectively determining which types and heights of trees were appropriate and what levels of continuing maintenance and operational costs were deemed suitable.

Future phase enhancements can expand the Market St. gateway or focus on other areas of the community. Additional gateways should be independently reviewed and incorporate the materials and methodology as laid out in the ITEP application. Supplemental elements found within the Context Plan, including the Gateway Monuments, can also be incorporated as sufficient community input is achieved and funding is allocated.

When analyzing this opportunity, staff referenced the City’s Strategic Plan to determine what impact this will have on the community and its citizens. The gateways program achieves congruency with fifteen (15) of the sections outlined therein and are as follows:

1. Vision 2025, Principle A: Beautiful City, page 5:
 - Attractive, clean entrances and major corridors
 - Incorporating sustainability concepts and respect for the natural environment in our designs, buildings, developments and policies
 - Well-maintained parks and public green spaces
 - Well-maintained homes, yards and neighborhoods
 - Respect for the heritage of the community and neighborhoods
2. Vision 2025, Principle F: Convenient Connectivity, page 6:
 - State of the art technology and infrastructure connecting businesses and individuals
 - Well-maintained city streets and sidewalks
 - Convenient access to a well maintained interstate system
3. Vision 2025, Principle I: Pride in Bloomington, page 7:
 - Maintaining the unique character and identity of Bloomington
4. Transforming to a “Sustainable City”: A Workable Model for City Leaders: Critical Factors Contributing to Environmental Stewardship, page 11:
 - Preservation of natural resources and beauty
 - Air quality
 - Open Space
5. Transforming to a “Sustainable City”: A Workable Model for City Leaders: Critical Factors Contributing to Community Building, page 13:
 - Working relationships: city, community organizations, schools, faith-based institutions, private sector
 - Effective use of boards, commissions, task forces and committees
6. City of Bloomington Plan: Goal 4: Grow the Local Economy, page 33
 - 2010 Policy Action – Major Corridors Revitalization Strategy – Identified as a High Priority

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A community stakeholder meeting was held on April 23, 2012. Information surrounding the Gateways project, along with invitations for further discussion and collaboration, were extended to representatives from the following organizations: Town of Normal, McLean County, Bloomington-Normal Area Convention and Visitors Bureau, Economic Development Council of the Area, McLean County Chamber of Commerce, West Bloomington Revitalization Project, Illinois Wesleyan University, Illinois State University, Downtown Bloomington Association, Mitsubishi, State Farm, COUNTRY Financial, Afni, Illinois Department of Transportation, McLean County Regional Planning Commission and the McLean County Museum of History. Stakeholder input continues to be a critical factor in this process. As the overall Context Plan from Hitchcock Design Group is being shared directly with the organizations referenced above, the gateways committee will continue to solicit feedback and gain stakeholder approval, provided that the City moves forward with the ITEP application.

FINANCIAL IMPACT: As provided, Phase I is designed and estimated to cost just under \$1,000,000, with eighty percent (80%) or \$800,000 being funded by ITEP and twenty percent (20%) or \$200,000 being covered by the City. Should the application be denied, the City is not committed to moving forward with any aspect of the project. Furthermore, if the application is approved, the City has up to five (5) years to finalize and execute the project. Funding for this project is included in the FY 2013 Capital Improvement Project budget account 40100100-72570.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Justine Robinson
Economic Development
Coordinator

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

RESOLUTION NO. 2012 - 20

A RESOLUTION AUTHORIZING THE APPLICATION BY THE CITY OF BLOOMINGTON FOR ITEP FUNDING FOR A GATEWAYS PROJECT

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

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the City of Bloomington to take reasonable steps to make the major entranceways to the City of Bloomington esthetically pleasing; and

WHEREAS, a “gateways” project of the type described in this preamble would be aided by financial assistance from the State of Illinois; and

WHEREAS, the deadline for applying for such state funding expires on May 29, 2012;

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

SECTION ONE: That Deputy City Manager Barb Adkins, and any persons to whom she may delegate such authority, is authorized to take all necessary steps to apply for Illinois Transportation Enhancement Program (ITEP) funding for gateways project as described in the preamble to this Resolution, which is incorporated by reference.

ADOPTED this 14th day of May, 2012.

APPROVED this 15th day of May, 2012.

APPROVED:

Stephen Stockton
Mayor of the City Council of
Bloomington, Illinois

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. City staff had worked quickly due to the application deadline. The focus of the application would be on W. Market St.

Stan Cain, Beautification Chairman, addressed the Council. He noted the amount of work which had been completed in the past three (3) weeks. He introduced Tim King, Hitchcock Design Group. Mr. King addressed the Council and made a brief presentation. The presentation would address goals & objectives, gateway locations, priority gateway location, gateway elements, and ITEP application strategy. He addressed the elements of a gateway: wayfinding signage, municipal gateway signage, future gateway monument, and Phase 1 Streetscape Enhancement. He noted that the focus on one (1) gateway was part of the application strategy.

He addressed the goal and objectives of the Gateways ITEP Grant Application. A number of gateway locations had been identified. He cited major corridors such as Empire St., Market St., and S. Main St./US 51. Locations were also identified in Normal. The City and Town needed to coordinate their efforts regarding gateways. A priority gateway was identified, the Market St. Gateway. The gateway was presented in half (1/2) mile

increments. This gateway would extend to Mitsubishi Motorway on the west and to and White Oak Rd., old Rt. 150 on the east. The strategy was to have the project's total cost equal \$1 million. The improvements included landscaping, the bridge, signage, etc. Street improvements would extend from Wylie Dr. on the west to Martin Luther King Dr. on the east. Sidewalks were a future possibility. He addressed possible enhancement to the west and the east. He cited sidewalks, crosswalks, landscaping and signage. Sample signage was provided. Mr. King noted that the signage must fit the community. Stakeholder and community input would be needed. Future monuments were presented as ideas. Monuments would not be included in the application. The style must represent the City. He cited potential themes: prairie, agriculture, education, industry, science/technology, etc. Finally, he addressed the construction cost which included design, engineering. The figure totaled \$1 million.

Mr. King restated that ITEP was an eighty/twenty (80/20) match. The application must be completed in the next couple of weeks.

Mayor Stockton acknowledged that \$1 million was a lot of money. He noted that some had questioned spending money on aesthetics. He noted the traffic volume as Market St. was located along two (2) interstates. People travelling stop and spend money here. He cited their recollection of the City. He recommended that the Council give this item careful consideration.

Mr. King cited Hitchcock's experience in other communities. Gateways provided an impression of the City. Individuals remember cities. Gateways provided a sense of place. Landscaping selections would be low maintenance trees. Gateways say that the community cares. Gateways were an investment in the City's appearance. They are placed in the public right of way. Wayfinding signs direct travelers to various attractions within the community. It was difficult to pinpoint their impact. They make a statement about a community's commitment to itself and assist business.

Justine Robinson, Economic Development Coordinator, addressed the Council. She cited the City's Strategic Plan. Gateways would implement the City's vision and provide curb appeal. Real estate professionals address and encourage curb appeal. Gateways would enhance the City's appearance to current and potential investors.

Barb Adkins, Deputy City Manager, addressed the Council. She noted the eighty/twenty (80/20) match. The City would have five (5) years to construct the gateway if the grant was awarded. She acknowledged the involvement of taxpayer dollars in this project. She noted that gateways were a part of the City's vision.

Mayor Stockton stated that the federal dollars would be passed through the state. These dollars would be spent somewhere in Illinois.

Alderman McDade shared her outlook on the item. She planned to vote no. It was difficult to balance the City's needs. She believed that there were other better uses of these

dollars. She was a proponent for economic development. She was interested in a discussion regarding incentives to attract businesses to this region.

Alderman Fruin was looking for reasons to support this item. He acknowledged that he had reservations regarding same. He described this item as an eleventh hour budget addition which had had little conversation. The first step involved \$1 million. He questioned the total future costs. The ITEP grant application must be related to surface transportation. He hoped that this program would be an economic development driver. He saw gateways as a beautification effort. He questioned if all stakeholder groups had been recognized. He specifically cited representation by the business community.

Alderman Sage made a brief comment. He did not see a direct link between gateways and economic development. Gateways were a beautification project. The City had higher priorities. He cited the following needs: 1.) Enterprise Fund balances and 2.) capital equipment. The City did not have the resources to address same. He planned to vote no on this item.

Alderman Anderson believed this item addressed a critical point. The Council needed to start taking action to improve the City. Other cities in Illinois have beautiful entrances. The City needed gateways which can serve as an economic development engine. Gateways serve as displays for entryways. He had worked with the Beautification Committee and planned to vote yes. He added that this item was not related to a form based code.

Alderman Stearns expressed her appreciation to the Hitcock Group's efforts. She questioned the expenditure for this item to date. Mr. King stated that there was a single contract between the City and the Hitcock Group in the amount of \$12,000. Alderman Stearns cited the homogeneous nature of suburbia. Gateways went beyond aesthetics. She noted the Parks, Recreation and Cultural Arts Department's Forestry Division. City staff could plant additional trees along Market St. There was no need for an outside design firm. The City's infrastructure needs were critical. The Council needed to focus on the basics. The City's needs went beyond beautiful gateways. She addressed the issue of connectivity. She noted the City's capital improvement needs which had been cited by the bonding agencies. She did not believe that these agencies had gateways in mind.

Alderman Purcell cited his personal travels. He noted his first impression of the City. Gateways would say this is Bloomington. It would be a step in the right direction. He planned to support the grant application.

Alderman Mwilambwe stated that the process had not been perfect. The Council recently became aware of this opportunity. This area needed improvement. The City has an opportunity to have a gateway at a reduced cost. He believed that the City should pursue same. The Council tended to be reactive. Gateways could inspire the citizenry. He believed that there was an opportunity for citizen involvement. He saw gateways as a positive and planned to vote in support of this item.

Alderman Schmidt expressed her support for this item. She believed that gateways would be an economic development tool. She noted the time spent on the City's west side. She specifically cited the West Bloomington Revitalization Project. She did not believe that the appearance of this area represented the community.

Alderman Fazzini described this item as a budget issue. The City had the opportunity to leverage dollars and concentrate same on gateways. He added his belief that a small percentage of the City's population utilized Constitution Trail. The City's current gateways were abysmal. The City does not have a gateway that it can be proud of. The City has the opportunity to leverage federal dollars. Either the City applies and is selected or these dollars will be given to another community. Gateways will make the community a better place for all.

Mayor Stockton believed that gateways tell a story. He noted an out of town developer who had made numerous stops to the City. He did not find the community attractive. His daughter attended Illinois State University. W. Market St. does not mirror the City. The City needed to make a good first impression. Gateways provide individuals with a connection to the community. The Council would have further opportunities to vote on this item. Tonight the issue was should the City make an ITEP application. He believed it was worth making an application. The return on the dollar was four to one (4:1).

Mr. King noted that gateways needed to address the City short and long term vision. Work on gateways started in 2008. A conversation point included incorporating gateways into the City's Master Plan. Sidewalks had been included. The City's budget could be amended. The budget was a template.

Motion by Alderman Fazzini, seconded by Alderman Mwilambwe that the recommendation be accepted and application submission be approved.

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

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

Nays: Aldermen Sage, Stearns and McDade.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton noted that the Council's next meeting would be held on Tuesday, May 29, 2012 due to the Memorial Day Holiday.

ALDERMEN'S DISCUSSION: Alderman Purcell had received a telephone call from a constituent regarding an attack from a vicious dog. The Council needed to address this issue. Dogs are bred and trained to be mean. He compared these dogs to a weapon. The City needed to move forward and change its current ordinances. He expressed his concern that a fatality might occur.

Alderman Schmidt expressed support for Alderman Purcell's comments. She believed that registration was required. She expressed interest in statistics regarding same. She cited the number of incidents, issues, etc. She was also interested in other communities' dog ordinances.

Mayor Stockton questioned if statistics were available. Barb Adkins, Deputy City Manager, addressed the Council. She believed that the Police Department maintained figures regarding same. This information might be contained in the City Manager's monthly report. The City's Corporation Counsel could review other cities ordinances. Mayor Stockton encouraged City staff to address this issue.

Alderman Mwilambwe noted Mr. Buchanan's statement under Public Comment. He cited his brother's visit and the City's Sewer Master Plan.

He also addressed the Main St. corridor. He had been contacted regarding a bike trail. There was no sense of connectivity in the community for bicycles. This issue needed to be investigated.

Alderman Fazzini stated his intention to visit other Central Illinois cities' council meetings in June 2012.

CITY MANAGER'S DISCUSSION: Barb Adkins, Deputy City Manager, addressed the Council. At the Council's May 29, 2012 meeting there would be an Executive Session. Two (2) hours would be scheduled.

Motion by Alderman Anderson, seconded by Alderman Fazzini, that the meeting be adjourned. Time: 8:45 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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