

**RECORD OF MOTIONS AND VOTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, June 25, 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, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman absent: David Sage.

City Manager David Hales, City Clerk Tracey Covert, and Asst. Corporate Counsel Rosalee Dodson were also present.

Staff absent: Todd Greenburg, Corporation Counsel.

The following was presented:

SUBJECT: Council Proceedings of May 29, 2012

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of May 29, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of May 29, 2012 have been reviewed and certified as correct and complete by the City Clerk.

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the reading of the minutes of the previous Council Meeting of May 29, 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, 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, June 21, 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 Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointment to the Cultural District Commission

RECOMMENDATION: That the Appointments be approved.

BACKGROUND: I ask your concurrence in the appointment of Vicki Lynn Tilton, 200 W. Monroe St., #501, Bloomington 61701 to the Cultural District Commission. Her three (3) year term will begin June 25, 2012.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos
Executive Assistant

Stephen F. Stockton
Mayor

Mayor Stockton introduced Vicki Tilton. He had known Ms. Tilton for a number of years. She would be appointed to the Cultural District Commission. She was a Cultural District supporter. The Bloomington Center for the Performing Arts offered cultural events to the area. Ms. Tilton was honored to serve. He thanked Ms. Tilton for her willingness to serve. Boards and Commissions' efforts benefited the Council.

Motion by Alderman Anderson, seconded by Alderman Fazzini that the appointment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of Upgraded/Replacement Tasers and Accessories

RECOMMENDATION: That the upgraded/replacement tasers be purchased from Ray O’Herron Co., Danville, IL, in the amount of \$172,049.90 plus freight, the Purchasing Agent be authorized to issue a Purchase Order, and the Resolution adopted.

BACKGROUND: Currently, the Police Department issues a Taser Model X - 26 to each police officer. The majority of the tasers were purchased in May 2004. The life expectancy of a taser is approximately five (5) years. Staff is encountering failures with the tasers as they have surpassed their life expectancy and need to be replaced. The replacement taser model is an X - 2, which boasts higher performance, effectiveness and reliability. The purchase price of the X - 2 model includes a holster, power module, four (4) cartridges and a four (4) year warranty. The purchase price listed reflects a \$250 credit for each taser X - 26 traded in. It is anticipated that 130 taser Model X - 26 models would be traded in. The Police Department needs to purchase 130 new tasers to outfit the police officers and stock five (5) replacements. Staff requests approval to waive the bid process, purchase the following items from Ray O’Herron, the authorized dealer in this area for taser, who is the sole source of supply:

130	Taser Model X - 2	\$1,217.65 each	\$158,294.50
480	15’ Live Smart Cartridges	\$26.95 each	\$ 12,936.00
10	Performance Power Magazines	\$49.95 each	\$ 499.50
2	X2 Dataport Download Kit	\$159.95 each	\$ 319.90
		Total	\$172,049.90

In addition, the freight cost has been estimated at \$200. The purchase should be approved to include actual freight charges.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost for the purchase of the new tasers and taser supplies is \$172,049.90 plus freight. Funds for this purchase have been budgeted in 10015110-71190, Police Other Supplies.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Randall D. McKinley
Chief of Police

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

RESOLUTION NO. 2012 - 24

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF TASERS AND ACCESSORIES FOR THE
POLICE DEPARTMENT FROM RAY O'HERRON CO., DANVILLE, IL AT A
PURCHASE PRICE OF \$172,049.90 PLUS FREIGHT**

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 130 Taser Model X – 2 with accessories at a Purchase Price of \$172,049.90 plus freight.

ADOPTED this 25th day of June, 2012.

APPROVED this 26th day of June, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Fazzini that the upgraded/replacement tasers be purchased from Ray O'Herron Co., Danville, IL, in the amount of \$172,049.90, 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of One (1) 2013 Ford Transit Connect for the Fire Department

RECOMMENDATION: That the purchase of one (1) 2013 Ford Transit from Currie Motors, Forest Park, IL, under the Suburban Purchasing Cooperative Contract, (SPCC), in the amount of \$21,801.32 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The Fire Department has a 2002 Ford Windstar in service at this time. Another 2002 Ford Windstar has already been replaced in Fiscal Year (FY) 2012. The vehicle had multiple failures: blown engine head gasket, anti-lock brake failure codes, and body module codes. Staff plans to replace the remaining 2002 Ford Windstar before there are major problems. This action should lower vehicle maintenance expenditures. The vehicle will be replaced with a 2013 Ford Transit Connect. The SPCC is a cooperative consisting of 150 municipalities located within six (6) northern Illinois counties. Every municipality and government agency in the state is authorized to participate in this program. In the past, the City has successfully participated in this program. In addition, staff respectfully requests to have the existing vehicle declared surplus and sold at public auction. The value of surplus vehicle is approximately \$2,200.

The new vehicle achieves six miles per gallon, (6 mpg), better fuel economy per government fuel ratings for City driving than the current vehicle.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: In FY 2013, the Fire Department budgeted \$24,500 in account 10015210-72130 for the purchase of the replacement vehicle. The 2002 Ford Windstar is scheduled for replacement in FY 2013. The 2013 Ford Transit Connect will cost \$21,801.32.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial reviewed by:

Jim Karch
Director of Public Works

Mike Kimmerling
Fire Chief

Patti-Lynn Silva
Director of Finance

Recommended by:

David Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the purchase of a 2013 Ford Transit Connect from Currie Motors, Forest Park, IL, under the Suburban Purchasing Cooperative Contract, in the amount of \$21,801.32 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of One (1) 2013 Ford Transit Connect for Parks, Recreation & Cultural Arts Department

RECOMMENDATION: That the purchase of one (1) 2013 Ford Transit Connect from Currie Motors, Forest Park, IL, under the Suburban Purchasing Cooperative Contract, (SPCC), in the amount of \$21,737.32 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: Parks, Recreation & Cultural Arts Department's Zoo Division had a 1994 Ford Windstar. The engine head gasket failed early last Fiscal Year (FY). Cost to repair the vehicle exceeded its value. This vehicle was removed from service and a 1995 Ford E150 van was used in its place from the Fleet Division's motor pool. This unit is scheduled for replacement in FY 2013. The replacement vehicle will be a 2013 Ford Transit Connect. It will be used to transport zoo animals and for daily in town driving. The SPCC is a cooperative consisting of 150 municipalities located within six (6) northern Illinois counties. Every municipality and government agency in the state is authorized to participate in this program. In the past, the City has successfully participated in this program. In addition, staff respectfully requests to have the existing vehicle declared surplus and sold at public auction. Value of surplus vehicle is approximately \$1,200.

The new vehicle achieves nine miles per gallon, (9 mpg), better fuel economy per government fuel ratings for City driving than the current vehicle.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: In FY 2013, the Parks, Recreation & Cultural Arts Department's Zoo Division budgeted \$24,500 in account 10014136-72130 for the purchase of the replacement vehicle. The 2013 Ford Transit Connect will cost \$21,737.32.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial reviewed by:

Jim Karch
Director of Public Works

John Kennedy
Director of Parks, Recreation
& Cultural Arts

Patti-Lynn Silva
Director of Finance

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the purchase of 2013 Ford Transit Connect from Currie Motors, Forest Park, IL, under the Suburban Purchasing Cooperative Contract, in the amount of \$21,737.32 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of Two (2) Ford F150 Pickup Trucks for the Water Department

RECOMMENDATION: That the purchase two (2) 2012 Ford F150 Pickup Trucks from Morrow Brothers Ford Inc., Greenfield, IL, under the State of Illinois Joint Purchasing Contract Number 4016059, in the amount of \$37,570 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The Water Department's Transmission and Distribution Division has a 2005 Dodge Dakota that is scheduled for replacement this Fiscal Year, (FY). This unit has approximately 95,000 miles on it. This year, it has had steering and engine problems. It will be replaced with a Ford F150 Pickup Truck that achieves two miles per gallon (2 mpg) better fuel economy per government fuel ratings than the current vehicle. Over the life of this vehicle assuming \$4.00 per gallon for fuel, there is a potential fuel savings of \$3,136.

The Water Department's Lake Maintenance Division has a 2003 GMC 2500 that is also scheduled for replacement this FY. This unit currently has 101,500 miles on it. It has had problems with the air conditioning, charging and ignition systems along with drive train issues. It will be replaced with a Ford F150 Pickup Truck that achieves seven miles per gallon (7 mpg) better fuel economy per government fuel ratings for City driving than the current vehicle. Over the life of this vehicle assuming \$4.00 per gallon for fuel, there is a potential fuel savings of \$16,472.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: In FY 2013, the Water Department's Transmission and Distribution Division budgeted \$18,700 in account 50100120-72130 for the purchase of the replacement vehicle. The new vehicle will cost \$18,785.

In FY 2013, the Water Department's Lake Maintenance Division budgeted \$23,000 in account 50100140-72130 for the purchase of the replacement vehicle. The new vehicle will cost \$18,785.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE CFM
Director of Public Works

Craig Cummings
Director of Water

Patti-Lynn Silva
Director of Finance

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the purchase of two Ford F150 Pickup Trucks from Morrow Brothers Ford Inc., Greenfield, IL, under the State of Illinois Joint Purchasing Contract Number 4016059, in the amount of \$37,570 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of Contract for 2012 Pavement Preservation (City Wide)

RECOMMENDATION: That the unit prices from Corrective Asphalt Materials, LLC, located in South Roxana, IL, for 2012 Pavement Preservation be accepted in the amount of \$147,451, the contract be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: At the Council's February 13, 2012 meeting, staff was directed to negotiate the 2012 Pavement Preservation Program with Corrective Asphalt Materials, (CAM), LLC, South Roxana, IL. In 2011, CAM was the sole bidder for this work. The Reclamite Rejuvenator material used is a proprietary product and CAM is the sole source distributor/applicator for our region. This region includes the entire state. The bid price last year was \$0.80 per square yard. The price this year is \$0.82 per square yard.

The specifications called for several alternates in order to compare prices for street sweeping before and after treatment. Street sweeping was done last year by City crews, but coordination with the contractor's schedule and the weather made it difficult to have everything swept just before treatment. Based on the alternate prices below, it is recommended to accept Alternate 1.

Base Price	\$145,700	
Alt 1 (Street Sweeping Before)	\$ 1,751	
Alt 2 (Street Sweeping After)	\$ 7,000	
Alt 3 (Street Sweeping After w/ City Dump Truck)	\$ 5,100	
Base + Alt 1	\$147,451	Recommend
Engineer's Estimate	\$149,188	
Budget	\$150,000	

Reclamite is an emulsion made up of specific petroleum oils and resins. It penetrates into the top layer of pavement and brings the Maltene and Asphaltene ratio back to a proper balance. The rejuvenating process keeps the pavement flexible, so both cracking and road fatigue are reduced. It also seals the pavement from air and water, slowing the oxidation process and reducing the loss of small aggregate.

This type of treatment is designed to keep streets in good condition in the same condition. In order to preserve our asphalt pavement, staff plans to treat streets that have been overlaid within the last seven (7) years.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The proposed FY 2013 budget included \$3,500,000 for the Pavement Management Program. As indicated above, the 2012 Pavement Preservation contract will be executed in the amount of \$147,451. At the June 11, 2012 meeting, the 2012 Street & Alley Repair contract was awarded in the amount of \$1,750,000 and the 2012 General Resurfacing contract was awarded in the amount of \$1,500,000. The remaining Pavement Management Funds total \$102,549 which will be used for the Shoulder Repair contract. Payment to the contractor will be from Capital Improvement Funds 40100100-72530.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed as to legal sufficiency:

Jim Karch, PE CFM
Director of Public Works

Patti-Lynn Silva
Director of Finance

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the unit prices from Corrective Asphalt Materials, LLL, South Roxanna, IL, for 2012 Pavement Preservation be accepted in the amount of \$147,451, the contract 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Gold Standard Enterprises, Inc., d/b/a Binny's Beverage Depot, located at 1407 N. Veterans Pkwy., for a PAS liquor license, which will allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a PAS liquor license for Gold Standard

Enterprises Inc., d/b/a Binny's Beverage Depot, located at 1407 N. Veterans Pkwy., be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the application of Gold Standard Enterprises, Inc., d/b/a Binny's Beverage located at 1407 N. Veterans Pkwy., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days week. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Michael Binstein, CEO, Walt Fornek, President, and Steve Ryd, Corporation Counsel, Applicant representatives.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address this request. Michael Binstein, CEO and Applicant representative, addressed the Commission. Binny's had waited seven (7) years for a hearing before the Commission. The company had searched for an appropriate site. Binny's hoped to open a store in the community. He noted the company deep roots. Binny's was a family business started with one (1) store in 1948. He described Binny's as old fashioned merchants with good work ethics and ideas who believed in hard work. Binny's was a local family owned business with a national reputation. Binny's newest store was located in Champaign. Binny's had been named retailer of the year by Wine Spectator magazine and had also been cited in the Wall St. Journal.

Mr. Binstein noted that Binny's acknowledged that wherever purchased Bacardi and Budweiser tasted the same. The key was selection. Binny's offered a large selection, (wine - 6,000, beers - 2,000 and spirits - 3,000). Binny's hired smart, knowledgeable staff. He encouraged the Commission to visit the Champaign store. Binny's was happy to be in Champaign. Last year, Binny's stores served 6.5 million customers with no violations.

Commissioner Clapp questioned the store's operations. Mr. Binstein stated that the store would have 20,500 square feet. Binny's would offer a staff of twenty-five to thirty (25 - 30) people who would be residents of the community. The store would be open seven (7) days a week. Binny's would follow the laws. The store would provide sales tax dollars to the City. Bloomington was a great town. Binny's planned to invest over \$1 million in the facility. This store would become part of something bigger.

Commissioner Clapp questioned other product lines. Mr. Binstein informed the Commission that there would be a walk- in cigar humidor. He described it as a store within a store. Binny's would also offer a climate controlled wine cellar. Binny's offered good service and low prices. Binny's does the research. Binny's was happy to be in Champaign.

Commissioner Tompkins addressed the Emergency Call-in Listing. He requested that this form be updated to include local contact information. Mr. Binstein informed the Commission that Binny's had hired a store manager. Commissioner Tompkins addressed the Liquor License Questionnaire, Item 1(k). The Applicant had provided supplemental information to this item. He noted the comments regarding sales to others who held liquor licenses. Mr. Binstein noted

that Binny's looked for red flags. He cited unusual purchases, quantities purchased, etc. Binny's had denied sales.

Commissioner Petersen noted the business' hours: Monday through Saturday - 9:00 a.m. until 10:00 p.m., and Sunday - 10:00 a.m. until 6:00 p.m. Mr. Binstein noted that these were standard store hours.

Commissioner Clapp questioned if Binny's planned to offer tastings. Commissioner Buchanan noted that tastings were allowed under the City Code. Mr. Binstein noted that Binny's had a copy of the City Code and would adhere to same.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the application of Gold Standard Enterprises Inc., d/b/a Binny's Beverage Depot located at 1407 N. Veterans Pkwy., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved.

Motion carried.

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 June 12, 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: Annual fee for a PAS liquor license is \$1,410. This would be a new liquor license.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Anderson, seconded by Alderman Fazzini that a PAS liquor license for Gold Standard Enterprises, Inc., d/b/a Binny's Beverage, 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Eastlake, LLC, an Illinois Limited Liability Company, requesting Annexation and Rezoning of a 12.141 acre tract in the Grove on Kickapoo Creek Subdivision

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

BACKGROUND: On September 26, 2005, the Council approved an Annexation Agreement by and between the City, Deneen Bros. Farms LLC, Richard A. Searls Jr., Thomas J. Searls, Richard A. Searls III, Stephen J. Searls, John D. Searls, and Eastlake LLC. The proposed Annexation and Rezoning is in accordance with this Agreement. The proposed annexation area encompasses the recently completed Kickapoo Creek Restoration Project, Phase 3.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: All of the required public hearings on the Annexation Agreement were held by the Bloomington Planning Commission and Council in September of 2005.

FINANCIAL IMPACT: There are revenues and costs associated with the entire Grove on Kickapoo Creek development that are detailed in the approved Annexation Agreements, and are triggered by construction of utilities or final platting. The cost for plat and document preparation was borne by the petitioner. The City will be responsible for recording the documents and all recording fees.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Jim Karch, PE CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

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

State of Illinois)
) ss.
County of McLean)

Now Comes, EASTLAKE, L.L.C., an Illinois Limited Liability Company, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the owner of the freehold estate of the premises hereinafter legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the "premises").
2. That the premises presently has a zoning classification of Agricultural District ("A") under the provisions of the McLean County Zoning Ordinance.
3. That the premises is the subject of an Annexation Agreement dated April 21, 2005, by and between City of Bloomington, McLean County, Illinois, a Municipal Corporation (hereinafter referred to as "City") and Deneen Brothers Farms, LLC., Richard A. Searls, Jr., Thomas J. Searls, Richard A Searls, III, Stephen J. Searls, John D. Searls and Eastlake and that Annexation Agreement provides that the premises will include "S-2" Public Lands and Institutions District zoning under the provisions of Chapter 44 of the Bloomington City Code-1960, as amended.
4. That the Annexation Plat prepared by Brent A. Bazan, Illinois Professional Land Surveyor No. 3715 of the Farnsworth Group on April 17, 2012, is attached hereto and incorporated herein as Exhibit B.
5. That the "S-2" Public Lands and Institutions District zoning is set forth in said Annexation Agreement.

Wherefore, your Petitioner respectfully prays that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois, approve this Petition, and that the premises be annexed to the City of Bloomington, McLean County, Illinois, and that the Official Zoning Map of the City be amended to classify the premises into the zoning classifications set forth in the Annexation Agreement.

Respectfully submitted,

EASTLAKE, L.L.C.

By: Victor E. Armstrong, Jr.
Member

ORDINANCE NO. 2012 - 41**AN ORDINANCE ANNEXING CERTAIN TERRITORY AS HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR REZONING**

WHEREAS, the real estate depicted by the Annexation Plat prepared by Brent A. Bazan, Illinois Professional Land Surveyor No. 3715 of the Farnsworth Group on April 17, 2012, and legally described in Exhibit A attached hereto and incorporated herein is the subject of a certain Annexation Agreement detailed below;

WHEREAS, the City of Bloomington entered a certain Annexation Agreement dated April 21, 2005, which is by and between the City and Deneen Brothers Farms, LLC., Richard A. Searls, Jr., Thomas J. Searls, Richard A Searls, III, Stephen J. Searls, John D. Searls and Eastlake LLC, and said Annexation Agreement was recorded with the Recorder of Deeds for McLean County, Illinois on September 8, 2006, as Document Number 2006-00011501;

WHEREAS, said Annexation Agreement provides for rezoning of the real estate described in Exhibit A attached hereto and incorporated herein and the Bloomington Planning Commission, after proper notices were given, conducted Public Hearings on the proposed rezoning;

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

WHEREAS, the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided;

WHEREAS, the City Council of the City of Bloomington has further determined that the proposed zoning, as established in the Annexation Agreement follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be placed in effect as to said real estate upon the annexation of same, all as by Statute specifically provided;

WHEREAS, the City Council of said City has the power to pass this Ordinance to annex and rezone the real estate described in Exhibit A.

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

1. That the City Council of the City of Bloomington, Illinois, determines that the real estate described in the attached Exhibit A is not within the confines of any municipality of the State of Illinois, but it is however, contiguous to the City of Bloomington.

2. That the real estate described in this Ordinance is hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington, McLean County, Illinois and that the boundary of said City is hereby changed to include the real estate described herein.
3. That the Annexation Agreement referred to above and attached hereto be and the same hereby are ratified, affirmed and incorporated into this Ordinance.
4. That the real estate described in Exhibit A shall be and the same is hereby rezoned from Agricultural District (“A”) to Public Lands and Institutions District (“S-2”) in accordance with the Annexation Agreement referred to above and incorporated herein.
5. The Official Zoning Map of the said City shall be amended to reflect this change in zoning classification.
6. This Ordinance shall take effect immediately upon passage and approval and shall be in full force.

PASSED this 25th day of June, 2012.

APPROVED this 26th day of June, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

A part of the Southwest Quarter and the Northwest Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of a tract of land annexed to the City of Bloomington per document recorded August 17, 2009 as Document No. 2009-26456 in the McLean County Recorder’s Office, McLean County, Illinois. From said Point of Beginning, thence easterly 403.91 feet along the North Line of the western portion of said tract; thence northwest 471.61 feet along a line which forms an angle to the right of 71°-16’-55” with the last described course; thence northwest 406.32 feet along a line which forms an angle to the right of

163°-58'-16" with the last described course to a Point of Curvature; thence northwesterly 298.57 feet along a line being the arc of a curve concave to the northeast with a radius of 452.00 feet and the 293.17 foot chord of said arc forms an angle to the right of 198°-55'-25" with the last described course to a Point of Tangency; thence north 45.61 feet along a line which forms an angle to the right of 198°-55'-25" with the last described chord; thence southwesterly 66.71 feet along a line being the arc of a non-tangent curve concave to the southeast with a radius of 781.00 feet and the 66.69 foot chord of said arc forms an angle to the right of 74°-35'-20" with the last described course; thence northwest 200.56 feet along a line which forms an angle to the right of 265°-22'-46" with the last described chord; thence northwest 654.98 feet along a line which forms an angle to the right of 192°-08'-29" with the last described course to a point on the North Line of a tract of land conveyed to Eastlake, L.L.C. per warranty deed recorded October 19, 2005 as Document No. 2005-31753 in said Recorder's Office, said point being 523.06 feet west of the Northeast Corner thereof; thence west 158.73 feet along said North Line which forms an angle to the right of 99°-17'-26" with the last described course; thence south 869.67 feet along a line which forms an angle to the right of 88°-35'-58" with said North Line; thence northeasterly 34.83 feet along a line being the arc of a non-tangent curve concave to the northwest with a radius of 781.00 feet and the 34.83 foot chord of said arc forms an angle to the right of 71°-57'-17" with the last described course; thence southeast 244.30 feet along a line which forms an angle to the right of 268°-43'-20" with the last described chord; thence southwest 5.00 feet along a line which forms an angle to the right of 251°-28'-33" with the last described course; thence southeast 624.55 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence northeast 5.00 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence southerly 239.51 feet along a line being the arc of a curve concave to the west with a radius of 245.00 feet and the 230.08 foot chord of said arc forms an angle to the right of 298°-00'-21" with the last described course to a Point of Tangency; thence southwest 123.68 feet along a line which forms an angle to the right of 208°-00'-21" with the last described chord to the Point of Beginning, containing 12.141 acres, more or less.

Motion by Alderman Anderson, seconded by Alderman Fazzini that the Annexation and 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, Schmidt, McDade, Anderson, Fazzini, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Eastlake, LLC, an Illinois Limited Liability Company, requesting approval of a Final Plat for the Grove on Kickapoo Creek Stream Restoration

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

BACKGROUND: On September 26, 2005, the Council approved an Annexation Agreement by and between the City, Deneen Bros. Farms LLC, Richard A. Searls Jr., Thomas J. Searls, Richard A. Searls III, Stephen J. Searls, John D. Searls, and Eastlake LLC. This Agreement included cost sharing for the construction of the Kickapoo Creek Restoration Area. A substantial portion of the construction cost was covered by grants from the Illinois Environmental Protection Agency. A primary condition of the grants is that the City own and maintain the entire Creek Restoration Area. The Creek Restoration work was completed in three (3) phases over the last four (4) years. The final phase was just recently completed and accepted by the City for maintenance. This Final Plat consists of one (1) lot which encompasses the entire Kickapoo Creek Stream Restoration Area and dedicates the property to the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Eastlake, LLC.

FINANCIAL IMPACT: The cost for plat and document preparation was borne by the petitioner. The City will be responsible for recording the documents and all recording fees.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Jim Karch, PE CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

Now Comes EASTLAKE, LLC, an Illinois Limited Liability Company, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the owner of the freehold estate of the premises hereinafter legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the “premises”) and depicted by the Final Plat of The Grove on Kickapoo Creek Stream Restoration, Bloomington, Illinois prepared by the Farnsworth Group on April 17, 2012, which is attached hereto and incorporated herein.

2. That your Petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as The Grove on Kickapoo Creek Stream Restoration, Bloomington, Illinois.

Wherefore, your Petitioner respectfully prays that said Final Plat of The Grove on Kickapoo Creek Stream Restoration, Bloomington, Illinois, submitted herewith be approved.

Respectfully submitted,

EASTLAKE, LLC

By: Victor E. Armstrong, Jr.
Member

ORDINANCE NO. 2012 - 42**AN ORDINANCE APPROVING FINAL PLAT OF
THE GROVE ON KICKAPOO CREEK STREAM RESTORATION,
BLOOMINGTON, ILLINOIS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of The Grove on Kickapoo Creek Stream Restoration, Bloomington, Illinois, which is legally described in Exhibit A attached hereto and incorporated herein; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code.

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

1. That the Final Plat of The Grove on Kickapoo Creek Stream Restoration, Bloomington, Illinois be, and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval and shall be in full force.

PASSED this 25th day of June, 2012.

APPROVED this 26th day of June, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A**Legal Description**

Tract 1:

A part of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of Lot 25 in The Grove on Kickapoo Creek First Addition in the City of Bloomington per plat recorded May 30, 2007 as Document No. 2007-13421 in the McLean County Recorder's Office, McLean County, Illinois. From said Point of Beginning, thence northeast 57.02 feet along the North Line of said Lot 25; thence northeast, east, southeast, south and southwest 588.93 feet along said North Line, the North Line of Lot 24 the Easterly Line of Lot 23 and the Southeasterly Line of Lot 22, all in said First Addition, said Lines being the arc of a curve concave to the southwest with a radius of 180.00 feet and the 359.24 foot chord of said arc forms an angle to the right of $246^{\circ}-27'-53''$ with the last described course to a Point of Reverse Curve; thence southwesterly 122.99 feet along the Southeasterly Line of said Lot 22 and the Easterly Line of Lot 20 in said First Addition being the arc of a curve concave to the southeast with a radius of 120.00 feet and the 117.67 foot chord of said arc forms an angle to the right of $244^{\circ}-22'-11''$ with the last described chord to a Point of Reverse Curve; thence southwesterly 72.78 feet along the Easterly Line of said Lot 20 and the Easterly Line of Lot 19 in said First Addition being the arc of a curve concave to the northwest with a radius of 1,299.00 feet and the 72.77 foot chord of said arc forms an angle to the right of $152^{\circ}-14'-38''$ with the last described chord to the Northwest Corner of a tract of land conveyed to the City of Bloomington per warranty deed recorded April 7, 2008 as Document No. 2008-9415 in said Recorder's Office; thence southeast 1,175.86 feet along the North Line of said Tract which forms an angle to the right of $91^{\circ}-36'-18''$ with the last described chord; thence northeasterly 55.02 feet along an arc of a non-tangent curve concave to the southeast with a radius of 215.00 feet and the 54.87 foot chord of said arc forms an angle to the right of $106^{\circ}-21'-29''$ with the last described course to a Point of Tangency; thence northeast 240.00 feet along a line which forms an angle to the right of $187^{\circ}-19'-52''$ with the last described chord to a Point of Curve; thence northeasterly, easterly and southeasterly 337.72 feet along the arc of said curve concave to the south with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the right of $225^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence southeast 670.71 feet along a line which forms an angle to the right of $225^{\circ}-00'-00''$ with the last described chord; thence southeasterly 163.40 feet along an arc of a non-tangent curve concave to the northeast with a radius of 600.00 feet and the 162.90 foot chord of said arc forms an angle to the right of $180^{\circ}-40'-04''$ with the last described course; thence northeast 60.08 feet along a line which forms an angle to the right of $79^{\circ}-19'-56''$ with the last described chord to the Southeast Corner of Lot 250 in The Grove on Kickapoo Creek Second Addition in the City of Bloomington according to the plat recorded June 12, 2009 as Document No. 2009-18355 in said Recorder's Office; thence northwesterly, northerly and northeasterly 1,358.47 feet along the arc of a curve concave to the east with a radius of 540.00 feet and the 1,027.54 foot chord of said arc forms an angle to the right of $165^{\circ}15'-14''$ with the last described course; thence northeast 265.08 feet along a line which forms an angle to the right of $227^{\circ}-51'-59''$ with the last described chord; thence northeast 170.89 feet along a line which forms an angle to the right of $168^{\circ}-20'-43''$ with the last described course; thence northeast 558.86 feet along a line which forms an angle to the right of $188^{\circ}-56'-59''$ with the last described course; thence northeast 316.63 feet along a line which forms an angle to the right of $163^{\circ}-57'-11''$ with the last described course; thence northeast 441.83 feet along a line which forms an angle to the right of $184^{\circ}-15'-32''$ with the last described course; thence east 238.09 feet along a line which forms an angle to the right of $226^{\circ}-46'-51''$ with the last described course to the East Line of said Northeast Quarter; thence north 651.05 feet along said East Line which forms an angle to the

right of $90^{\circ}-00'-00''$ with the last described course; thence west 112.10 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with said East Line to a Point of Curve; thence northwesterly 97.59 feet along the arc of said curve concave to the north with a radius of 342.00 feet and the 97.26 foot chord of said arc forms an angle to the right of $188^{\circ}-10'-29''$ with the last described course to a point of compound curve; thence northwesterly 209.53 feet along the arc of said curve concave to the northeast with a radius of 1,490.00 feet and the 209.36 foot chord of said arc forms an angle to the right of $192^{\circ}-12'-12''$ with the last described chord; thence southwest 153.29 feet along a line which forms an angle to the right of $113^{\circ}-26'-35''$ with the last described chord; thence southeast 85.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to a Point of Curve; thence southeasterly, southerly and southwesterly 337.72 feet along the arc of said curve concave to the west with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the right of $225^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence southwest 1,092.51 feet along a line which forms an angle to the right of $225^{\circ}-00'-00''$ with the last described chord; thence southwest 270.67 feet along a line which forms an angle to the right of $191^{\circ}-11'-12''$ with the last described course; thence southwest 218.59 feet along a line which forms an angle to the right of $187^{\circ}-36'-24''$ with the last described course; thence southwest 702.69 feet along a line which forms an angle to the right of $172^{\circ}-55'-40''$ with the last described course; thence southwest 439.79 feet along a line which forms an angle to the right of $196^{\circ}-14'-08''$ with the last described course; thence southwest 460.89 feet along a line which forms an angle to the right of $175^{\circ}-58'-47''$ with the last described course; thence southerly, southwesterly, westerly, northwesterly and northerly 838.70 feet along the arc of a curve concave to the north with a radius of 250.00 feet and the 497.16 foot chord of said arc forms an angle to the right of $209^{\circ}-41'-10''$ with the last described course; thence northwest 423.06 feet along a line which forms an angle to the right of $240^{\circ}-18'-50''$ with the last described chord; thence west 403.91 feet along a line which forms an angle to the right of $108^{\circ}-43'-05''$ with the last described course; thence southwest 230.27 feet along a line which forms an angle to the right of $111^{\circ}-15'-52''$ with the last described course; thence southwest 64.30 feet along a line which forms an angle to the right of $179^{\circ}-33'-13''$ with the last described course to the Point of Beginning, containing 48.426 acres, more or less.

Tract 2:

A part of the Southwest Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of Ireland Grove Road as dedicated in the Grove on Kickapoo Creek, a subdivision in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2007-11268 in the McLean County Recorder's Office, said Corner being on the South Line of said Southwest Quarter. From said Point of Beginning, thence east 737.71 feet along said South Line to a point lying 1007.39 feet west of the Southeast Corner of said Southwest Quarter; thence north 50.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence northeast 801.14 feet along a line which forms an angle to the right of $242^{\circ}-46'-23''$ with the last described course; thence north 337.15 feet along a line which forms an angle to the right of $124^{\circ}-50'-15''$ with the last described course; thence northerly 133.78 feet along a line being the arc of a curve concave to the east with a radius of 215.00 feet and the 131.63 foot chord of said arc forms an angle to the right of $173^{\circ}-30'-24''$ with the last described course to a point on the North Line of a tract of land conveyed to the City of Bloomington per

warranty deed recorded April 7, 2008 as Document No. 2008-9415 in said Recorder's Office, said point being 14.90 feet westerly of the Northeast Corner thereof; thence northwest 1175.86 feet along said North Line which forms an angle to the right of $98^{\circ}-47'-56''$ with the last described course to the Northwest Corner of said tract of land; thence southwesterly 231.51 feet along the East Lines of Lot 19, Lot 18, Outlot 200 and Lot 17 in The Grove on Kickapoo Creek First Addition, a subdivision in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2007-13421 in said Recorder's Office being the arc of a curve concave to the northwest with a radius of 1299.00 feet and the 231.21 foot chord of said arc forms an angle to the right of $95^{\circ}-06'-21''$ with the last described course to a Point of Tangency; thence southwest 811.04 feet along the East Line of said Lot 17 and the East Lines of Lots 16 through 10, inclusive, in said First Addition and along the East Line of Lot 9 in said The Grove on Kickapoo Creek which form an angle to the right of $185^{\circ}-06'-20''$ with the last described chord to the Southernmost Corner of said Lot 9, said Corner being the Northeast Corner of Outlot 198 in said The Grove on Kickapoo Creek; thence south 100.00 feet along the East Line of said Outlot 198 and the East Line of said Ireland Grove Road which forms an angle to the right of $159^{\circ}-52'-21''$ with the last described course to the Point of Beginning, containing 26.073 acres, more or less.

Tract 3:

A part of the Southwest Quarter and the Northwest Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of a tract of land annexed to the City of Bloomington per document recorded August 17, 2009 as Document No. 2009-26456 in the McLean County Recorder's Office, McLean County, Illinois. From said Point of Beginning, thence easterly 403.91 feet along the North Line of the western portion of said tract; thence northwest 471.61 feet along a line which forms an angle to the right of $71^{\circ}-16'-55''$ with the last described course; thence northwest 406.32 feet along a line which forms an angle to the right of $163^{\circ}-58'-16''$ with the last described course to a Point of Curvature; thence northwesterly 298.57 feet along a line being the arc of a curve concave to the northeast with a radius of 452.00 feet and the 293.17 foot chord of said arc forms an angle to the right of $198^{\circ}-55'-25''$ with the last described course to a Point of Tangency; thence north 45.61 feet along a line which forms an angle to the right of $198^{\circ}-55'-25''$ with the last described chord; thence southwesterly 66.71 feet along a line being the arc of a non-tangent curve concave to the southeast with a radius of 781.00 feet and the 66.69 foot chord of said arc forms an angle to the right of $74^{\circ}-35'-20''$ with the last described course; thence northwest 200.56 feet along a line which forms an angle to the right of $265^{\circ}-22'-46''$ with the last described chord; thence northwest 654.98 feet along a line which forms an angle to the right of $192^{\circ}-08'-29''$ with the last described course to a point on the North Line of a tract of land conveyed to Eastlake, L.L.C. per warranty deed recorded October 19, 2005 as Document No. 2005-31753 in said Recorder's Office said point being 523.06 feet west of the Northeast Corner thereof; thence west 158.73 feet along said North Line which forms an angle to the right of $99^{\circ}-17'-26''$ with the last described course; thence south 869.67 feet along a line which forms an angle to the right of $88^{\circ}-35'-58''$ with said North Line; thence northeasterly 34.83 feet along a line being the arc of a non-tangent curve concave to the northwest with a radius of 781.00 feet and the 34.83 foot chord of said arc forms an angle to the right of $71^{\circ}-57'-17''$ with the last described course; thence southeast 244.30 feet along a line which forms an angle to the right of $268^{\circ}-43'-20''$ with the last described chord; thence southwest 5.00 feet along

a line which forms an angle to the right of 251°-28'-33" with the last described course; thence southeast 624.55 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence northeast 5.00 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence southerly 239.51 feet along a line being the arc of a curve concave to the west with a radius of 245.00 feet and the 230.08 foot chord of said arc forms an angle to the right of 298°-00'-21" with the last described course to a Point of Tangency; thence southwest 123.68 feet along a line which forms an angle to the right of 208°-00'-21" with the last described chord to the Point of Beginning, containing 12.141 acres, more or less.

The above described premises is part of the following parcel identification numbers:

22 - 09 - 354 - 024	22 - 09 - 326 - 001	22 - 09 - 200 - 006
22 - 09 - 376 - 001	22 - 09 - 300 - 010	22 - 08 - 426 - 029
22 - 09 - 376 - 002	22 - 09 - 401 - 001	22 - 08 - 400 - 013

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from First State Bank of Bloomington Trustee MCLT #LDB-52 (Larry D. Bielfeldt) requesting approval of a Final Plat for the Eighth Addition to Hawthorne Commercial Subdivision located west of Towanda Barnes Rd. and south of G. E. Rd.

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

BACKGROUND: This Final Plat consists of two (2) outlots for the purpose of outdoor advertising. Outlot 19 is south of the Parke Hotel and Conference Center on the west side of Towanda Barnes Rd. Outlot 20 is north of the Super Pantry Convenience store on the west side of Towanda Barnes Rd. Both outlots show no access strips along Towanda Barnes Rd. Access easements are being provided through existing lots as shown on the plat. The zoning in this area is B - 1, Highway Business District and the proposed use is allowed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Highway Department and Bloomington/Normal Airport Authority.

FINANCIAL IMPACT: The cost of all platting and recording will be borne by the petitioner.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Jim Karch, PE CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2012 - 43

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
EIGHT ADDITION TO HAWTHORNE COMMERCIALSUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the 8th Addition Hawthorne Commercial Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: N/A; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the 8th Addition to Hawthorne Commercial Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 25th day of June, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Eighth Addition to Hawthorne Commercial Subdivision

A part of the Northeast Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, Bloomington, McLean County, Illinois, more particularly described as follows:

TRACT 1 (Outlot 19):

A part of the Northeast Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of Lot 12 in the Fourth Addition to Hawthorne Commercial Subdivision recorded as Document No. 2005-00031041 in the McLean County Recorder's Office, said Southeast Corner being a point on the West Right-of-Way Line of Towanda Barnes Road in the City of Bloomington, Illinois. From said Point of Beginning, thence west 30.00 feet along the South Line of said Lot 12; thence south 30.00 feet along a line which forms an angle to the right of 90°-05'-05" with the last described course; thence east 30.00 feet along a line which forms an angle to the right of 89°-54'-55" with the last described course to said West Right-of-Way Line; thence north 30.00 feet along said West Right-of-Way Line which forms an angle to the right of 90°-05'-05" with the last described course to the Point of Beginning.

TRACT 2 (Outlot 20):

A part of the Northeast Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northeast Corner of Lot 18 in the Seventh Addition to Hawthorne Commercial Subdivision recorded as Document No. 2008-00030218 in the McLean County Recorder's Office, said Northeast Corner being a point on the West Right-of-Way Line of Towanda Barnes Road in the City of Bloomington, Illinois. From said Point of Beginning, thence north 30.00 feet along said West Right-of-Way Line; thence west 30.00 feet along a line which forms an angle to the right of 89°-54'-55" with the last described course; thence south 30.00 feet along a line which forms an angle to the right of 90°-05'-05" with the last described course to the North Line of said Lot 18; thence east 30.00 feet along said North Line which forms an angle to the right of 89°-54'-55" with the last described course to the Point of Beginning.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Larry Bielfeldt requesting approval of a Final Plat for the Ninth Addition to Hawthorne Commercial Subdivision located west of Towanda Barnes Rd. and south of G.E. Rd.

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

BACKGROUND: This Final Plat consists of one (1) lot located directly south of the recently completed Super Pantry Convenience Store. The zoning in this area is B – 1, Highway Business District. The Final Plat is in conformance with the approved Preliminary Plan for the subdivision.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Larry Bielfeldt.

FINANCIAL IMPACT: The cost of all platting and recording will be borne by the petitioner.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Jim Karch, PE CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2012 - 44

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
NINTH ADDITON TO HAWTHORNE COMMERCIAL SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Ninth Addition to Hawthorne Commercial Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: none; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the 9th Add. to Hawthorne Commercial Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 25th day of June, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Northeast Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning

at the Northwest Corner of Lot 17 in the Sixth Addition to Hawthorne Commercial Subdivision in the City of Bloomington, Illinois, recorded as Document No. 2007-21532 in the McLean County Recorder's Office. From said Point of Beginning, thence south 264.30 feet along the West Line of said Lot 17 to the Southwest Corner thereof; thence west 150.01 feet along the South Line of said Northeast Quarter which forms an angle to the left of 89°-21'-50" with the last described course; thence north 262.41 feet along a line which forms an angle to the left of 90°-38'-10" with the last described course to the South Right-of-Way Line of Pamela Drive recorded as Document No. 2007-29742 in the McLean County Recorder's Office; thence east 150.00 feet along said South Right-of-Way Line which forms an angle to the left of 90°-05'-06" with the last described course to the Point of Beginning, containing 0.907 of an acre, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Fiscal Year 2013 Budget Amendment

RECOMMENDATION: That the Fiscal Year (FY) 2013 Budget Amendment be approved and the Ordinance passed.

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

The FY 2012 Budget included an appropriation of \$1,702,000 of Motor Fuel Tax, (MFT), Funds and \$223,000 of Water Funds for this road project from Lafayette St. to Lincoln, and Redwood Ave., from Maple to Morrissey. In addition, the FY 2012 Budget included a \$300,000 appropriation in the Sewer Fund for the Regency Pump Station replacement. During the preparation of the FY 2013 Budget, staff did not include an appropriation for both projects. It was anticipated that it would be approved by the Council by the last meeting in April 2012. Due

to unforeseen circumstances regarding right away acquisition and evaluation of the gravity sewer, staff was unable to complete the bid process by the end of FY 2012. This delay resulted meant no encumbrance was issued for both projects. This budget amendment will appropriate the funds for both projects since sufficient funds remain available within City funds, (General and MFT), to complete these projects. With regards to the Pump Station project, staff recommends a \$502,329 transfer from the General Fund to the Sewer Fund due to the deficit net asset balance of this fund. Staff may propose an additional transfer later in the FY to lessen the deficit within the Sewer Fund.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The net impact on the City's budget from this series of budget amendments is \$1,675,759.16. This amount represents approximately one percent (1%) of expenditures within the City's FY 2013 Budget of \$167,005,149.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Timothy L Ervin
Performance Auditor/Budget Mngr.

Patti-Lynn Silva
Director of Finance

Barbara J Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2012 - 45**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2013**

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

WHEREAS, a budget amendment is needed as detailed below;

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

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

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

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

PASSED the 25th day of June, 2012.

APPROVED the 26th day of June, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT #1

Account Code	Fund	Account Name	Revised Budget	Description
20300300-72530	Motor Fuel Tax	MFT St. Construction & Improvement	\$918,888.26	Lafayette & Maple Rd. Project
50100110-72540	Water Fund	Water Admin. Other Capital Outlay	\$254,541.90	Lafayette & Maple Rd. Project
51101100-72550	Sewer Fund	Sewer Construction & Improvement	\$502,329.00	Regency Pump Station
10019180-89511	General Fund	Transfer to Sewer Fund	(\$502,329.00)	Transfer to Sewer Fund
51101100-75511	Sewer Fund	Transfer from General Fund	\$502,329.00	Transfer from General Fund

Overall Impact on City Budget

\$1,675,759.16

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Fiscal Year (FY) 2013 Service Agreement Between City and Downtown Bloomington Association (DBA)

RECOMMENDATION: That the FY 2013 service agreement with the DBA in the amount of \$90,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Over the last twenty (20) years, the City has had a long history of partnering with several different programs/organizations in historic Downtown. Bloomington Unlimited, Uniquely Bloomington and currently the Downtown Bloomington Association are examples of same. These partnerships have included both financial and in kind support that has been nurtured as the Downtown continues to develop as a unique neighborhood within the community.

In 2007, the DBA entered into an agreement with the City for administering Downtown programs. The agreement was nearly identical to the agreement that the City had in previous

years with Uniquely Bloomington. Uniquely Bloomington's agreement provided for \$200,000 per year of Downtown TIF, (Tax Increment Finance), Funds. After Uniquely Bloomington dissolved, the DBA was created and the City provided \$50,000. In 2006, the City provided \$75,000.

On May 14, 2007, the Council approved a five (5) year agreement with the DBA that included a performance clause with annual renewals based upon City staff's recommendation, with threshold dollars amounts remaining in place.

Agreement:

1. \$180,000 in 2007
2. \$190,000 in 2008
3. \$195,000 in years 2009 and 2010
4. \$90,000 in 2011*
5. \$90,000 Proposed in Fiscal Year 2013*

*Less dollars were requested in 2011, due to the DBA's efforts working towards forming a Special Services Area, (SSA), which would be in place by 2010 with income being used toward Downtown programs.

In the fall 2010, it was determined that the SSA would not go forward, due to a lack of support. During this time, Mayor Stockton invited Downtown property owners, elected officials and City staff to meet to discuss the future of the DBA, an SSA and to brainstorm other ideas. Several meetings were held to gather input from those involved. The Downtown property owners also formed an "unofficial" group to discuss their options pertaining to a BID (Business Improvement District) and/or an SSA.

In the last year, another Downtown property owners group has been meeting regularly. It is coordinated by Robert Varney, Downtown attorney and building owner. On April 12, 2012, City staff made a presentation to the members that included Downtown beautification plans for 2012 – 2013, sidewalk vaults, and water mains.

During the March 31, 2012 Budget Work Session, staff discussed with the Mayor, Council and City Manager funding recommendations for the DBA. Council members raised the following questions/comments:

1. **Alderman Sage:** "Was DBA involved with and supportive of the proposed parking fee increases?" Staff's response: "DBA was notified via email and Deputy City Manager had met with Tricia Stiller, DBA's Executive Director, about the parking fee increases."
2. **Alderwoman Stearns:** "Would like to see actual list of businesses that are members. An inventory of Downtown businesses and how the DBA reached out to the businesses." Staff's response: Members and Downtown business lists have been provided as well as how the DBA reaches out to the businesses.

3. **Alderman Fazzini:** “How do people know about the Façade Program Grant?” Staff’s response: The DBA sends out a notification via email, newsletter, web site, talking with businesses and word of mouth. The City has it on its web site; Historic Planning Commission and its members.

4. **Alderman Sage:** “Staff’s report is working towards a clear and direct line of sight for achieving deliverables. I see this as a results based contract.” For every dollar the City invests in the Façade Program, it increases the EAV, (Equalized Assessed Value), by what?” Staff’s response: “Bloomington Township’s Tax Assessor’s latest report has been provided for comparison.

City Council Questions from April 9, 2012 Council Agenda:

1. Alderwoman Stearns: “What exactly is DBA’s role in the Farmer’s Market and how would the Farmer’s Market operate without the DBA?” Staff’s response: “The DBA is the sole administrator for the Farmer’s Market. The 2011 “Qualifications and Duties of Farmers Market Management” has been provided. For current 2012 season, if the DBA did not operate the Farmer’s Market, it would not occur. This year the market started on May 9, 2012; there is a considerable amount of hours spent during the pre-season; the season itself as well as the post season. In the past, Elaine Sebald volunteered in excess of 140 hours from February through January to coordinate the Farmer’s Market. Ms. Sebald retired from the Farmer’s Market after the 2011 season. All duties are now performed by DBA staff, an Illinois Wesleyan University student intern and volunteers.

2012 Farmer’s Market

Season- and Executive Director Hours	Marketing Coordinator	IWU Intern	Volunteers
Post Season: December 2011- January 2012 Hours: (30 hours)	50 hours	20 hours	0 hours
Pre-Season: February-April (45 hours)	65 hours	30 hours	0 hours
Season: May-October (40 hours a week)	85 hours a week	62 hours a week	50 hours a week

Note: These hours are for the Farmer’s Market only. They do not include hours for the Thanksgiving and Winter Farmer’s Markets

In previous years, the Farmer’s Market had been awarded an Illinois Department Agriculture Advertising Grant, in the amount of \$26,000. This year the Farmer’s Market did not receive the grant as the guidelines for application criteria changed. A more regional approach was required, covering a much wider demographic in Central Illinois, and sharing the funding with several markets. The grant had been used to support both the City’s and Normal’s Farmer’s Markets. Due to these changes, the Farmer’s Market was not able to establish a regional network in time to meet the application deadline. DBA will explore opportunities to participate in the grant program in the future.

The DBA's Executive Director also serves as the Office Manager, along with her other duties. The Office Manager position was not filled. The office staff consists of the Executive Director and part-time Marketing Coordinator.

The proposed Services Agreement with DBA and City's funding was based on the following:

1. Fixed cost, (salaries, rent and utilities).
2. Administering the 2012 Farmers Market: Thanksgiving and Winter Farmer's Markets; and Artist Show Case.
3. Salary and benefits for the DBA's Executive Director and Marketing Coordinator.
4. Outreach: number of activities, building renovation, public and private reinvestments statistics, and private partnerships that could include a formal sidewalk snow removal and refuse collection contracts.
5. Oversee Downtown refuse/litter program through partnership with Mclean County Adults Services (probationers).
6. Carry out Downtown Entertainment Task Force, (DETF), recommendations that were assigned to the DBA:
 - a. Further develop the existing DBA information directory to include specific ordinances and fine schedules on litter, snow removal, and refuse collection for residences.
 - b. Create a Downtown Ambassador program that consists of Downtown residents who already serve as advocates and who are already actively involved in the Downtown to walk the Downtown and assign grades for cleanliness. Program has been developed and implemented, (Golden Broom Award).
 - c. Continue to serve as the DBA liaison and provide updates to the DETF as requested.
7. Special Events would include events that would benefit all Downtown merchants.
8. Performance Measurements and Economic Development: DBA will be responsible for tracking and reporting of all Performance Measurements. *Performance Measurement data will be submitted to the City Manager's Office on a monthly basis for inclusion in the City Manager's Monthly Performance Data Report.
9. Monthly Report to be submitted to the Deputy City Manager by the 15th of each month.
10. Monthly meetings are to be held with the DBA's Executive Director and the Deputy City Manager to ensure "immediate accomplishments".
11. Maintain the Illinois Main Street designation.
12. Agreement would be in effect, commencing on May 1, 2012 and terminating on April 30, 2013.

Performance Measurements:

January 1, 2011 thru May 31, 2012	FY 2011 Actual	FY 2012	FY 2012	FY 2013 Projected
Number of Members				
Golden Broom Award	Not Applicable			

January 1, 2011 thru May 31, 2012	FY 2011 Actual	FY 2012	FY 2012	FY 2013 Projected
Number of Community Service Hours-Litter Removal	Not Applicable			
*Including building renovation and public and private reinvestments statistics				
Farmer's Market Number of Vendors				
Thanksgiving Farmer's Market	Not Applicable			
Winter Farmer's Market				

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: DBA's Board President, DBA, Downtown property owners group, and Bloomington Township Tax Assessor. 2012 City Action Plan as approved by Council on February 13, 2012 - Goal 5 "Prosperous Downtown Bloomington", "Staff to provide policy direction future funding for DBA services to Council. Council to approve new DBA Services Agreement."

FINANCIAL IMPACT: The FY 2013 Budget included \$90,000 approved by Council on April 23, 2012, under: "Economic Development" Line Item: 10019170 – 75190, DBA.

Respectfully submitted for Council consideration.

Prepared by:

Barbara J. Adkins
Deputy City Manager

Reviewed by:

Justine Robinson
Economic Development Coordinator

Approved by:

David A. Hales
City Manager

Reviewed as to legal sufficiency:

Rosalee Dodson
Asst. Corporation Counsel

Financial reviewed by:

Patti-Lynn Silva
Director of Finance

**FUNDING AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND THE
DOWNTOWN BLOOMINGTON ASSOCIATION**

This Agreement is made and entered into this ___ day of June, 2012 by and between the City of Bloomington, a municipal corporation organized under the laws of the State of Illinois (hereinafter referred to as “City”), and the Downtown Bloomington Association, a not-for-profit membership-based organization (hereinafter referred to as “DBA”).

Recitals

WHEREAS, the DBA is a not-for-profit membership-based organization representing business and property owners, and residents to enhance the vitality and livability of downtown Bloomington; and

WHEREAS, the DBA has served the Bloomington community in a variety of ways over the last several years, generating awareness and increased business traffic in downtown Bloomington with various events, including Farmers’ Market which has proven to be one of the largest markets in central Illinois, providing opportunities for people to come into downtown from May to October of each year for fresh vegetables and fruit and local shopping; and

WHEREAS, in March 2005, the DBA was accepted into the Illinois Main Street Program which provides technical assistance and in partnership with the Illinois Historic Preservation Agency, provides design assistance to the downtown business and property owners; and

WHEREAS, the DBA receives financial support from private sponsors, contributing members and the City; and

WHEREAS, in May 2007, the City Council approved a five (5) year Agreement with the DBA for financial support in the following amounts: 2007 = \$180,000, 2008 = \$190,000, 2009 and 2010 = \$195,000 and 2011 = \$90,000; and

WHEREAS, in 2012, the City Council provided financial support to the DBA in the amount of \$90,000, which is due to end April 30, 2012; and

WHEREAS, the City now desires to enter into a Funding Agreement with the DBA and agrees to provide financial support in the amount of \$90,000 in Fiscal Year 2013.

NOW THEREFORE, in consideration of the mutual covenants and agreements obtained herein, the City and the DBA do hereby agree as follows:

Section 1. Funding. The City, subject to the terms and conditions of this Agreement, hereby agrees to provide the DBA the sum of no less than ninety-thousand dollars (\$90,000) for FY 2013. None of these funds shall be utilized for political activities, or in any other manner that is inconsistent with the vision, goals and objectives of the City.

Monthly payments shall be made to the DBA by the first of each month and retroactive to May 1, 2012. First payment shall be made in July 2012 in the amount of \$22,500 for the months of May, June and July. Subsequent monthly payments shall be \$7,500. The last payment shall be in April 2013.

Section 2. Term. The term of said contract shall be May 1, 2012 through April 30, 2013.

Section 3. DBA Responsibilities. During the funding period outlined in Section 1, the DBA's responsibilities shall include, but not be limited to, the following: 1) coordinating Bloomington's downtown revitalization efforts; 2) providing design assistance to property owners; 3) managing business recruitment activities; 4) planning and overseeing the Farmers' Market from May until October of each year, the Thanksgiving Farmers' Market and the Winter Farmers' Market; 5) overseeing trash and litter from the sidewalks; 6) increasing DBA membership; and 7) continuing to work towards forming a Special Services Area (SSA); 8) carry out the Downtown Entertainment Task Force Recommendations as assigned- (a) further develop the existing DBA information directory to include specific ordinances and fine schedules on litter, snow removal, and trash pick-up for residences/business and (b) create a downtown Ambassador Program. The DBA shall provide other services on an on-going and "as requested" basis as agreed upon by the City of Bloomington and the DBA Board of Directors.

Section 4. Performance Measurements. The DBA shall be responsible for the tracking and reporting of the following performance measurements: 1) number of DBA members; 2) number of reoccurring events; 3) Golden Broom Awards; 4) number of new events; 5) revitalization efforts (including building renovation and public and private reinvestments statistics); 6) number of private partnerships (including trash and snow removal); and 7) vendors for the Farmers' Market.

Section 5. Records and Reports. The DBA shall provide the performance measurement data outlined in Section 3 to the Office of the City Manager by the 15th of each month of the funding period for inclusion in the City Manager Monthly Performance Data Report.

Section 6. Board Representation. The DBA Board of Directors shall provide balanced representation across the downtown Bloomington area. The City Manager and Deputy City Manager, or their designees, shall serve as ex officio members of the DBA Board of Directors.

Section 7. Termination. This Agreement may be terminated by the City immediately and without notice for any of the following reasons: 1) violation of the terms and conditions of this Agreement by the DBA; and/or 2) if the DBA enters into an arrangement for satisfaction of its creditors, receivership, or bankruptcy under the laws of the United States or the State of Illinois, either voluntarily or involuntarily.

Section 8. Dissolution of the DBA. In the event the DBA is dissolved for any reason after payment of all debts and obligations of the DBA, the City's funds for the then current fiscal year shall, to the extent permitted by law, be returned to the City in a pro-rated amount.

Section 9. Waiver. Waiver by any party of any breach of any term, condition, or covenant contained in this Agreement shall not be deemed a waiver of any other term, condition or covenant herein.

Section 10. Assignability. It is agreed that neither the City nor the DBA shall have the right to assign this Agreement, in whole or in part, without the written consent of the other party.

Section 11. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the City and the DBA and their respective successors and assigns.

In Witness Whereof, the parties hereto have executed this Agreement on the date first appearing above.

**City of Bloomington, Illinois,
a Municipal Corporation**

Downtown Business Association

By: Stephen F. Stockton
Mayor

By: Carl Teichman
President

Attest:

Attest:

Tracey Covert
City Clerk

Mayor Stockton introduced this item, the Downtown Bloomington Association (DBA) service agreement.

David Hales, City Manager, informed the Council that the City's representative on the Downtown was Barb Adkins, Deputy City Manager. Ms. Adkins would provide an overview of this agreement.

Barb Adkins, Deputy City Manager, addressed the Council. City staff was encouraged by the DBA's actions. She noted that the Downtown TIF, (Tax Increment Financing), District had been closed. She cited the DBA's various activities. The highlight was the Farmer's Market. She cited the addition of the Thanksgiving and Winter Markets. The DBA operated with limited staff. The DBA's function was to bring people to the Downtown. The DBA's activities should be a benefit to all in the Downtown, (businesses, residents, etc.). She noted the various uses within the Downtown.

Ms. Adkins cited the Budget Work Session and the Council's budget discussions. Information regarding same was included in the Council memorandum. The DBA's day to day activities continue to make the Downtown a thriving place. This service agreement with the DBA was the best use of public funds. This would be a one (1) year agreement at a cost of \$90,000. She noted that this item was listed on the Council's Action Agenda. She reviewed the Performance Measurements. She would hold a monthly meeting with the

DBA's Executive Director. The DBA has been charged with the responsibility of carrying out the Downtown Entertainment Task Force's direction.

In closing, she noted that Trish Stiller, DBA Executive Director, was present at this evening's meeting. In addition, there were some DBA Board members also present.

Trish Stiller, DBA's Executive Director, 106 E. Monroe St., addressed the Council. She acknowledged Ms. Adkins' efforts. The City and the DBA had developed a partnership. She informed the Council that she also was a Downtown resident. She believed that the DBA enhanced the livability of the Downtown.

Mayor Stockton noted that on behalf of the Council he appreciated the DBA's hard work. He cited the Farmer's Market. He noted the DBA's expanded offerings. He stated the City's goal that the DBA obtain funding from Downtown businesses.

Motion by Alderman McDade, seconded by Alderman Fazzini that the FY 2013 service agreement with the DBA in the amount of \$90,000 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of Contract for Sidewalk Reconstruction (Citywide)

RECOMMENDATION: That the bid be awarded to J.G. Stewart for 2012 Sidewalk Replacement and Handicap Ramp Program by accepting the unit prices, a contract in the amount of \$425,000 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: This program includes three (3) budgeted projects: 1.) 50/50 Residential Sidewalk Replacement; 2.) Sidewalk Repair and 3.) CDBG (Community Development Block Grant) Sidewalk:

50/50 Residential Sidewalk Replacement Program: Annual program that provides for replacement of public sidewalk up to \$50,000 with the participation of the property owner up to \$50,000. Program is voluntary based on first come first served until

available funds are expanded. Low income households may qualify for assistance through CDBG programs.

Sidewalk Repair Program: Annual program that provides for repair of public sidewalks not addressed by the 50/50 program to correct hazardous conditions. This program also provides for replacement of public sidewalk ramps in order to comply with Federal ADA, (Americans with Disabilities Act) requirements. Locations are determined by citizen request and then by public benefit. Priority is given to citizen requests to repair sidewalks and ramp locations that are noncompliant with current standards. Other locations are determined by a variety of factors: number of pedestrians, (school walking areas, Downtown, etc.), and rated condition.

CDBG Sidewalk Program: Program that provides for repair of public sidewalks with funding from CDBG funds through a grant from the United States Housing and Urban Development, (HUD).

Four (4) bids were received and opened at 2 P.M. on June 11, 2012 in the City Clerk's Office. Since the low bid is under budget and the project bid documents allow the addition of repair locations, a contract for the entire budgeted amount will be awarded.

J.G. Stewart, Inc., Bloomington, IL		<u>Low Bid</u>	\$342,047.25
WAS CON Co., Hammond, IL			\$363,584.25
Rowe Construction Co., Bloomington, IL			\$449,844.50
Engineer's Estimate			\$422,281.75
Budget:	Residential Sidewalk Program	\$ 50,000	Capital Improvement Fund
	Residential Sidewalk Program	\$ 50,000	Private Property
	Sidewalk Repair Program	\$250,000	Capital Improvement Fund
	CDBG	<u>\$ 75,000</u>	CDBG
	Total	\$425,000	

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2013 Budget allocated \$425,000 for the Sidewalk Repair and Ramp Replacement Program. The Capital Improvement Fund, (CIF), allocates \$300,000 from account 40100100-72560; while the Community Development Fund allocates \$75,000 from CDBG funds account (22402440-72560). Private property contributions account for approximately \$50,000 and are passed through the CIF. The FY 2012 Budget allocated \$200,000 for the Sidewalk Repair and Ramp Replacement Program.

Respectfully submitted for Council consideration.

Prepared by: Financial review by: Reviewed as to legal sufficiency

Jim Karch, PE CFM
Director of Public Works

Patti-Lynn Silva
Director of Finance

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Mayor Stockton introduced this item.

David Hales, City Manager, addressed the Council regarding the Sidewalk Master Plan.

Jim Karch, Director – Public Works, addressed the Council. He presented a brief history of the annual sidewalk contract and reviewed the City’s expenditure history. This year, \$425,000 has been budgeted. He cited the Council’s vision regarding convenient connectivity. He stated his goal to complete a comprehensive Sidewalk Master Plan which would rate sidewalks by PIN, (Parcel Identification Number), prior to the Fiscal Year 2014 budget. This plan would use objective criteria to determine funding.

Alderman Stearns noted her familiarity with the City’s 50/50 sidewalk program. Citizens were required to submit an application. Mr. Karch noted that the City had been accepting applications. Alderman Stearns restated her familiarity with the process. She questioned what services were available for low income individuals. Mr. Karch stated that an individual might be eligible for CDBG, (Community Development Block Grant), funds through the PACE, (Planning and Code Enforcement), Department’s Community Development Division.

Alderman Stearns questioned sidewalk repair. She specifically cited tripping hazards and how to define same. Mr. Karch restated that sidewalks were evaluated. This evaluation included a number of factors. He added that an individual may submit a request that a sidewalk be evaluated.

Mr. Hales added that more specific information would be available in the future. He complimented City staff on their efforts on this program. The Sidewalk Master Plan would include more detailed information. Definitions would be clear.

Alderman Purcell questioned if there was a list of sidewalks. Mr. Karch cited staff turnover. City staff was attempting to take a comprehensive approach. An area has been identified which would qualify for CDBG funds. City staff has developed a list. Priorities were identified taking into consideration citizen requests. Mr. Karch read from the Council memorandum.

Alderman Purcell questioned coordinating sidewalk replacement with street resurfacing projects. Mr. Karch responded affirmatively. He cited the ADA, (Americans with Disabilities Act), which required sidewalk ramps.

Alderman Purcell noted that children rode bicycles on sidewalks which kept them off the street.

Alderman McDade questioned this Master Plan. She noted that there were streets which did not have sidewalks on either side of the street. She questioned if this information would be included in the plan. Mr. Karch responded affirmatively. City staff was using GIS (Geographic Information System), to identify these areas. Sidewalks are located in the public right of way. He added that accessibility guidelines were forthcoming. The Council would need to have policy level discussions regarding same.

Alderman Stearns questioned if handicap ramps were still being installed. Mr. Karch responded affirmatively. The City has an active sidewalk handicap ramp program.

Alderman Mwilambwe questioned connectivity and where bicycles fit in. Mr. Karch noted that generally children rode their bicycles on the sidewalk. He restated that sidewalks were part of the City's vision. Alderman Mwilambwe noted the belief that the City was not well connected.

Mr. Hales informed the Council that the Town of Normal had a Bicycle Master Plan. The development of this type of plan would take Council direction. Resources would have to be identified and bicycle routes would have to be created. Alderman Mwilambwe believed such a plan would be beneficial to the City.

Mayor Stockton stated that City staff would need to gauge Council support for a Bicycle Master Plan.

Alderman Anderson noted bicycle traffic on US 51. He questioned if sidewalks could be widened for pedestrians and bicyclists. He believed this would be an efficient solution, the combination of a sidewalk and a bicycle path. The City could not replace all of its sidewalks. He questioned if IDOT, (Illinois Department of Transportation), would take issue with this idea.

Alderman Schmidt echoed Alderman Mwilambwe's comments. She noted the recently updated Constitution Trail map. The City should be on board with this idea.

Motion by Alderman Stearns, seconded by Alderman McDade that the bid be awarded to J.G. Stewart for 2012 Sidewalk Replacement and Handicap Ramp Program by accepting the unit prices, a contract in the amount of \$425,000 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, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Presentation of Pavement Material Alternatives, (Asphalt, Concrete and/or Overlay of the Two).

Mayor Stockton introduced this item. He noted the deterioration of street surfaces. He added that there were treatments for asphalt and concrete.

David Hales, City Manager, stated that this presentation was related to the Lafayette St. reconstruction project. Alternative bids were requested based upon materials used. As background information, concerns had been raised regarding joint failure and surface deterioration.

Kevin Kothe, City Engineer, addressed the Council. He cited the deterioration of the City's concrete streets. He had been taught that concrete streets would last from thirty to forty, (30 – 40), years. He had been employed with the City for twenty-four (24) years. During this time, the City has resurfaced concrete streets with asphalt. Street projects were designed based upon IDOT standards which are based upon traffic volume and weight. He cited the life cycle cost for streets, which included the construction plus the maintenance costs. Comparisons had been done which compared streets based upon when they were constructed, the traffic volume, and the street condition. Research has been ongoing with no good answers. Streets were not meeting their life expectancy. He cited asphalt streets which can be milled and overlaid. The City had 100 years of asphalt street experience. Streets that were built in the 1990's were in bad condition. He described the deterioration to a cancer. Concrete deterioration can be arrested. The surface is milled and overlaid with asphalt. A sand seal is used and the surface is treated.

Mr. Hales questioned IDOT's actions. Mr. Kothe responded that IDOT was studying and researching this issue. He noted that material specifications had changed over time. There was no answer to the problem at this time.

Alderman Purcell questioned the depth of the concrete. Mr. Kothe noted that it could vary from six to ten inches, (6 – 10"). He added that concrete streets have been problematic. A newer street design has included the use of dowel bars. These bars address weight transfer.

Alderman Purcell questioned asphalt streets. Mr. Kothe restated that the design included the traffic. Lafayette St. was designed to be nine and half inches, (9½"), of asphalt over a twelve inch (12") aggregate base.

Alderman Anderson questioned repair costs and joint issues. He questioned if the issues with street conditions were more problematic in Central Illinois. Mr. Kothe addressed joint spacing. The higher the number of joints, the higher the repair costs. The dowel bars addressed the washboard effect.

The following was presented:

SUBJECT: Analysis of Bids for the Lafayette St. Reconstruction, from Maple to Morrissey, and Maple/Redwood Mill and Overlay Project, MFT Section No. 06-00336-00-PV (Ward 4)

RECOMMENDATION: That the bid be awarded to Rowe Construction for Lafayette St. Reconstruction by accepting the unit prices for the Base Bid plus Alternate #1, a contract in the amount of \$1,173,430.16 be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution appropriating \$1,000,000 in MFT Funds be approved.

BACKGROUND: This project will reconstruct Lafayette St. pavement, from Maple to Morrissey, and also mill and overlay the asphalt surface of Maple Street, from Lafayette to Lincoln, and Redwood Ave., from Maple to Morrissey. Reconstruction of Lafayette St. will include pavement widening from a two (2) lane rural cross section, with ditches and no curb, to a new three (3) lane pavement, including middle bi-directional turn lane, with concrete curb and gutter draining into new storm sewer. The new Lafayette St. pavement will be full depth asphalt. Additionally, a new twelve inch (12”) water main will be installed in Lafayette St. as part of this project.

The project bid included alternates for three (3) different pavement types as follows:

- Alternate 1: Full depth asphalt.
- Alternate 2: Unreinforced concrete pavement, over an asphalt base, with an asphalt wear surf.
- Alternate 3: Full joint reinforced concrete.

Two (2) bids were received and opened at 2 P.M. on June 11, 2012 in the City Clerk’s Office. The bids received are as follows:

	Base Bid	Base Bid + Alt 1	Base Bid + Alt 2	Base Bid + Alt 3
Rowe	\$835,358.72	\$1,173,430.16 (low)	\$1,230,447.41	\$1,193,788.62
Stark	\$832,542.83	\$1,193,554.33	\$1,275,754.58	\$1,217,669.35
Engineer Est.	\$931,062.00	\$1,272,274.00	\$1,225,943.00	\$1,179,233.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The City held a public informational meeting on January 27, 2011 to inform residents of the scope of the project. Individual meetings were held with all affected residents and businesses for right of way and easement acquisition purposes.

FINANCIAL IMPACT: The FY 2012 Budget included \$1,702,000 of Motor Fuel Tax, (MFT), Funds in account 20300300-72530, and \$223,000 of Water Funds in account 50100110-72540 appropriated for this road project. The FY 2013 Budget did not include an appropriation since it was anticipated the bid process would be completed by the end of FY 2012. Staff was unable to complete the bid process by the end of FY 2012 so funds were not encumbered. Sufficient funds are available within the MFT and Water Funds to complete this project. A budget amendment to carry forward the FY 2012 appropriation for this project is required.

Payment to the Contractor will be made from the following funds:

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
20300300-72530, MFT	Public Works	\$ 918,888.26
50100110-72540, Water	Water	\$ 254,541.90
Total		\$1,173,430.16

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE CFM
Director of Public Works

Craig Cummings
Director of Water

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Reviewed by:

J. Todd Greenburg
Corporation Counsel

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

(RESOLUTION NO. 2012 – 25 ON FILE IN CLERK’S OFFICE)

David Hales, City Manager, introduced this item.

Jim Karch, Director – Public Works, addressed the Council. He noted the bid award was within budget. City staff had recommended the full depth asphalt.

Alderman Anderson questioned City staff’s confidence in the asphalt recommendation. Mr. Karch noted that a different methodology was used. The asphalt would have a thicker structure. The asphalt would break down from the top. There was

the ability to mill and resurface. He described this approach as perpetual pavement design. This approach was an accepted practice.

Alderman Purcell was glad that this project would be completed. He expressed his opinion that asphalt was not as strong as concrete. Mr. Karch restated that it was a different material and a different design. In addition, the street would be less expensive to maintain. The street would have a longer life expectancy. Repair costs would be dependent upon traffic volume.

Motion by Alderman Fazzini, seconded by Alderman Anderson that the bid be awarded to Rowe Construction for Lafayette St. Reconstruction by accepting the unit prices for the Base Bid plus Alternate #1, a contract in the amount of \$1,173,430.16 be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution appropriating \$1,000,000 in MFT Funds be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of Contract for Regency Pump Station Rehabilitation (Wards 8)

RECOMMENDATION: That the bid for Rehabilitation to the Regency Pump Station be awarded to G. A. Rich & Sons, Inc., Deer Creek, IL, in the amount of \$502,329, the technicalities be waived, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: This contract was submitted for approval at the Council's April 23, 2012 meeting. It was removed from the agenda and the Council was provided with a staff memorandum dated April 20, 2012. As indicated in this memorandum, a gravity sewer option was evaluated and a cost comparison between the pump station rehabilitation and gravity sewer options was performed by Clark Dietz, Inc. (CDI). CDI provided a report which included thorough evaluation of the gravity sewer option and detailed cost comparison. The report describes several negative consequences of the gravity sewer option and indicated that this option was more expensive for both construction and life cycle evaluations. Based on their results, CDI recommended the pump station rehabilitation option. City staff concurs with this recommendation.

A history of the pump station and the rehabilitation design is included in the April 20 Memorandum. The following paragraphs address the pump station rehabilitation bids, bid award and contract execution.

Pump station rehabilitation includes removal of the existing dry well, installation of new submersible pumps in the existing wet well, installation of a new electric service from AmerenIP, installation of a new electrical control system in a prefabricated building, and installation of other related plumbing and electrical components. Bypass pumping will also be required in order to complete the rehabilitation. The bid included a project completion evaluation, in which the bidders indicated the number of days they could complete the project, with a maximum of 180 days. All but two (2) bidders indicated the project would take 180 days to complete. The two (2) remaining bidders indicated 170 days. The difference did not represent a significant time advantage for either of the two (2) bidders. The bid also included an alternate which involved providing an extra pump for the station. The repair history for the City's other pump stations indicate that it can be difficult to obtain needed parts for repair only a few years after initial installation. The extra pump provides a solution to this problem and minimizes the City's liability in the event of a pump failure. City staff can replace a failed pump with the extra pump, virtually eliminating down time and potential sewer backups.

	<u>Base Bid</u>	<u>Base + Alternate</u>
G.A. Rich & Sons, Inc.	\$457,929	\$502,329*
Stark Excavating, Inc.	\$474,500	\$520,500*
Mid-Illinois Mechanical	\$690,000	\$725,000*
George Gildner, Inc.	\$718,400	\$758,600*
Hoerr Construction	\$751,000	\$786,000

* Corrected Bid Amounts (Indicated bidders incorrectly completed the Bid Form).

Engineer's Estimate (Clark Dietz)	\$310,000	\$325,000
Budget (Sanitary Sewer Operations Fund)	\$300,000	

The following technicalities were identified during the bid opening. The technicalities involved proper bid submittals, which was addressed as Item #2 in Addendum #1 and included herein.

Bid Submittal

All bidders shall submit at least one complete Bid Proposal to the City Clerk. The Bid Proposal includes the entire Project Manual with all requested information and original signatures. All bidders shall also submit a second copy of the following completed pages with original signatures.

- *Instruction to Bidders, Apprenticeship Program Information (pg. 00 21 13-7)*
- *Bid Form (pgs. 00 41 43-1 to 43-8)*
- *Bid Bond Form (pgs. 00 43 13-1 and 13-2) and applicable surety*
- *EEO Contract Compliance Report Form (pgs. B-20 to B-24)*
- *Schedule of Values (pg 01 29 73-3)*
- *All Addenda*

Technicalities

G.A. Rich & Sons, Inc. did not submit a copy of the entire project manual, the Instruction to Bidders, Apprenticeship Program Information and the EEO Contract Compliance Report Form. In addition, they incorrectly completed the Bid Form.

Mid-Illinois Mechanical did not submit a copy of the entire project manual, the Instruction to Bidders, Apprenticeship Program Information, the EEO Contract Compliance Report Form and the Schedule of Values. Also, the Addenda were not signed and they incorrectly completed the Bid Form.

Stark Excavating, Inc. and George Gildner, Inc. submitted all required bid documents, but incorrectly completed the Bid Form.

Hoerr Construction submitted all required bid documents and correctly completed the Bid Form. There were no technicalities in their bid submittal.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: State Farm and Ameren.

FINANCIAL IMPACT:

OPTION 1 – AWARD CONTRACT: The FY 2012 budget included \$300,000 for the project. Since the bids were opened after the proposed FY 2013 budget was complete, the project is not included in the current budget. A budget amendment which appropriates \$502,329.00 from the Sewer Fund will fund this project. The FY 2012 budget was based on preliminary construction estimates provided by Clark Dietz. Although their final engineer's estimate did not vary considerably from the budget amount, there is considerable difference between the estimate and bid amounts. The low bid is \$177,329 over the engineer's estimate and \$202,329 over budget. Engineer's estimates are created based on standard industry construction procedures. Occasionally, a contractor believes that standard construction procedures are not suited for a project and there is substantial variation between the estimate and bids. There is only a 3.6% variation between the two (2) lowest bids and an 8.5% variation between the three (3) remaining bids. These low variations indicate that the contractors understood the project and submitted reasonable bids. Clark Dietz prepared an explanation of the estimate bid variation. Rebidding the project will take considerable time and may not result in lower bid amounts. Since the facility is currently not operating, completing the project is still recommended. Despite Clark Dietz's recommendation to not add the alternate, (extra pump), staff still recommends including it for the previously stated reasons.

The Regency Pump Station Rehabilitation contract will be executed in the amount of \$502,329.00. The Sewer Fund is in a deficit cash position, (FY 2011 -\$3,121,044), and preliminary estimates do not portray a positive balance as of April 30, 2012. Staff recommends a transfer of \$502,329 from the General Reserve Fund to subsidize this critical component of sewer infrastructure. Upon further analysis staff may return to Council and recommend a supplemental transfer to accelerate this fund's transition to a positive net asset balance.

OPTION 2 – RE-BID PROJECT: Staff recognizes the significant financial impact of awarding this contract as currently bid. An alternative which may reduce the financial impact is to reject all bids, modify the project specifications and rebid the project. Some project changes which may reduce cost include specifying different pumps and allowing the adjacent streets to be closed during construction. The currently specified pumps are designed to pass large stringy objects, such as mop heads, without clogging. These pumps were selected given the station's history of receiving mop heads, towels and similar objects. Requiring the adjacent streets to remain open during construction was primarily done to accommodate State Farm shuttles. Before pursuing this option, staff respectfully requests that Council consider the following disadvantages.

1. A change order in the design consultant's contract, CDI, will be necessary in order to make the project changes and submit a revised permit application to the Illinois Environmental Protection Agency, (IEPA).
2. The project will be delayed several months in order to make the changes, obtain a new IEPA permit and re-bid. This delay increases the possibility of sewer backups in adjacent buildings, including State Farm which increases the City's financial liability.
3. The proposed pump change may result in more clogging problems and station down time which will increase City maintenance time and expense.
4. Allowing the adjacent streets to be closed will have significant impact on State Farm's parking access and shuttle service.
5. Significant reduction in the bids may not occur even with the indicated changes.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Mayor Stockton introduced this item. This item had been removed from the Council's April 23, 2012 meeting agenda.

David Hales, City Manager, addressed the Council. He noted that City staff researched a gravity sewer as an alternative. An evaluation had been completed. It included life cycle costs at present dollar value. The effectiveness of a gravity sewer was addressed. City staff had performed due diligence.

Jim Karch, Director – Public Works, addressed the Council. This project was needed. The current pump station was an older design which he described as unsafe. The

pump station would be replaced. The additional evaluation was completed as the City preference is to use gravity sewers where possible. He cited the cost increase for a gravity sewer. The best option for this project was the pump station.

Alderman Purcell noted that the recommendation included a back up pump. Mr. Karch restated that the recommendation was for a new pump station plus a spare pump. He added that it can be difficult to obtain replacement parts as the pumps are custom built. He noted that the same evaluation will be completed on all of the City's pump stations. The issue was the fact that solids built up over time. This becomes a maintenance issue.

Alderman Mwilambwe cited Clark Dietz's recommendation which did not include the spare pump. Mr. Karch noted that City staff disagreed with their recommendation. City staff tried to exercise best management practices. He restated that the City needed to purchase a spare pump.

Alderman Anderson questioned storage of the spare pump. Mr. Karch noted that the pump would not be stored outside. The City had four (4) electricians on staff. Spare parts were warehoused in order to maintain services.

Alderman Anderson questioned if the City rotated its pumps. Mr. Karch acknowledged that pumps had been rotated in the past. He noted that the City's electricians maintain these pumps.

Motion by Alderman Fazzini, seconded by Alderman Purcell that the bid for Rehabilitation to the Regency Pump Station be awarded to G. A. Rich & Sons, Inc., Deer Creek, IL, in the amount of \$502,329, the technicalities be waived, 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, Fruin and Purcell.

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that he had attended the US Conference of Mayor Conference. He planned to make the materials available for the Council's review. He cited a few topics of interest: 1.) attracting veterans to the City, community resources were addressed such as education due to the military's education benefit; 2.) the importance of education and cities stake in same due to federal and state funding issues; and 3.) the use of social media.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, recognized Barb Adkins', Deputy City Manager, efforts to prepare the staff's responses to the Council's questions.

Mr. Hales informed the Council that the Jehovah Witness Conventions would be held on the following dates: June 29 – July 1, 2012 and July 6 – 8, 2012.

ALDERMEN'S DISCUSSION: Alderman Fazzini invited the Council to attend the Peoria city council meeting on Tuesday, June 26, 2012.

He noted that Bloomington/Normal had been ranked in the top twenty-five (25) retirement work communities in the country. It was the only ranked city in Illinois.

He also requested that Municipal Aggregation be added to the City's fourth quarter topics list. He believed that this issue was important due to the savings realized.

Alderman Anderson stated that he would only support an opt in program. The voters had voted against same. He was not interested in revisiting this issue. The City should wait a couple of years before readdressing this issue.

Alderman McDade did not support this idea. A citizen's ad hoc committee would need to be formed to address municipal aggregation.

Alderman Fruin expressed his support for Alderman's Fazzini's comments.

Mayor Stockton noted that other cities had obtained good rates. There appeared to be limited interest in this issue.

Alderman Fruin also addressed Work Sessions. These discussions could be short. He noted that Mr. Hales had requested that Council reach a majority for new topics. He questioned what the Council wanted to accomplish on the issue of bicycles.

Alderman Mwilambwe cited the Main St. study. Residents had contacted him regarding the issue of bicycle connectivity. He believed that a bicycle plan would be an inexpensive answer.

Mayor Stockton questioned what specifically was wanted. Alderman Mwilambwe stated dedicated bicycle lanes on City streets. Bicycles should share the road with vehicles. Mayor Stockton restated that City staff should develop a bicycle network which would include the use of streets, sidewalks and Constitution Trail.

Mr. Hales noted that Council's interest in a Bicycle Master Plan. He requested additional guidance and direction from the Council. He considered the undertaking. The City could begin by reviewing Normal's plan to determine what might be applicable to the City. City staff would attempt to control costs. A comparison would be done which looked at the advantages and disadvantages. This issue should be addressed at a Work Session.

Mayor Stockton addressed two (2) items: 1.) review Normal's plan and 2.) short Council discussion regarding direction. He noted that the majority of the Council supported same.

Alderman Anderson stated that the DBA, (Downtown Bloomington Association), had come a long way. He cited his familiarity with the Downtown and the Farmer's Market. He thanked the DBA for its efforts.

Alderman Purcell informed the Council that he would not attend the Council's August 13, 2012 meeting.

Motion by Alderman Purcell, seconded by Alderman McDade, that the meeting be adjourned. Time: 8:20 p.m.

Motion carried.

**Tracey Covert
City Clerk**

This page intentionally left blank.