

**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, January 9, 2012.

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

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

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

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

The following was presented:

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

Peggy Miles, 2212 Riverwoods Ln., thanked the Mayor and Council for the opportunity to address them. She described herself as a concerned citizen. The proposed eastside corridor could be located east of her neighborhood. There also were other neighborhood issues such as detention basins. She believed that her presence before the Council would make a difference. She added her concern regarding the lack of communication regarding this study. She noted this project's history which started 2002. There were no residential homes in the area ten (10) years ago. She addressed the proposed alignments. The study stated that there would be reduced traffic congestion. She noted the light traffic volume along Towanda Barnes Rd. and the speed limit. She cited the estimated cost of \$300 million. These funds could be spent better elsewhere.

Craig Fisher, 3906 Watertown Ln., thanked the Mayor and Council for the opportunity to address them. He addressed the eastside corridor. A key question was should this road be built. He attended the last community meeting. He encouraged the Council to look at the community's growth. The engineering consulting firm had modeled traffic congestion. The proposed corridor would be a limited east/west access road. The proposed eastside corridor would in reality be a north/south road.

He was employed at State Farm. The proposed eastside corridor would add eight (8) miles to his daily commute, (four miles each way). He noted the limited traffic on

**Towanda Barnes Rd.** The majority of travel on this proposed road would be trucks and travelers. It made no sense to build this road as there was no benefit to the City. He added his belief that this road would have a negative impact upon the businesses located along the City's west side which were adjacent to the interstate

Jessica Oester, 2209 Tyler Trail, addressed the Council as a concerned citizen and mother. She believed that there were health implications associated with highways. This road should not be built close to residential homes. She cited a 2007 study which claimed that children's lung function and adults' cardiac function were affected. Pollution could spread to a distance of one and half (1½) miles. She appreciated the City's advocacy as she had received a generic letter.

Ms. Oester also addressed the proposed Eagle View South Park. She believed that the corridor study would consider park land in its alignment assessment.

In closing, she restated that the issue for her was children's health and safety.

Alton Franklin, 5 Andy Ct., Unit 1, thanked the Mayor and Council for the opportunity to address them. The City was facing serious issues. He cited pension fund shortfalls. He encouraged the Council to take action. He noted the debt load. He understood that there were constraints. He noted the Council's work effort.

Mr. Franklin addressed the residential sprinkler system issue. He directed the Council to Chapter 27. He cited a monthly fee of \$27. He added his belief that there would be follow up inspections regarding this mandate. He did not believe that what was needed was more action on an issue that was wanted by a select few individuals. He planned to be prepared for the next time.

Mayor Stockton noted that the next meeting regarding the eastside corridor study would be held on Wednesday, January 11, 2012 from 6:00 until 8:00 p.m. at Normal Community High School.

David Hales, City Manager, added that the next Citizen Voice Meeting would be held on Monday, February 20, 2012 from 6:00 until 7:30 p.m. at the Bloomington Center for the Performing Arts. There was some interaction with the public at this type of meeting.

**The following was presented:**

**SUBJECT:** Council Proceedings of December 12, 2011 and Executive Session Minutes for December 19, 2011

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of December 12, 2011 and Executive Session Minutes for December 19, 2011 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of December 12, 2011 and Executive Session Minutes for December 19, 2011 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 Sage that the reading of the minutes of the previous Council Meeting of December 12, 2011 and the Executive Session Minutes for December 19, 2011 be dispensed with and the minutes approved as printed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Bills and Payroll

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

**BACKGROUND:** The list of bills and payrolls will be posted on the City's website on Friday, January 6, 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:

Douglas Ellsworth  
Interim Director of Finance

David A. Hales  
City Manager

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Appointment to the Bloomington-Normal Public Transit System Study Committee

**RECOMMENDATION:** That the appointment be approved.

**BACKGROUND:** I ask your concurrence in the appointment of Mike Fitzgerald of 1806 Dunraven Rd., to the Bloomington-Normal Public Transit System Study Committee. He will serve until the committee is dissolved.

**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 Mike Fitzgerald. Mr. Fitzgerald would be appointed to Bloomington-Normal Public Transit System Study Committee. This group would research how the system is funded. He appreciated Mr. Fitzgerald's willingness to serve.**

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Appointment to the Bloomington Zoning Board of Appeals.

**RECOMMENDATION:** That the Appointments be approved.

**BACKGROUND:** I ask your concurrence in the appointment of William Zimmerman of 1413 Mill Creek Rd., to the Zoning Board of Appeals. His four (4) year term will begin January 9, 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 Bill Zimmerman. Mr. Zimmerman would be appointed to the Zoning Board of Appeals. He was a twenty-two (22) year resident of the County. He was well suited this Board and looked forward to serving.**

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Appointment to the Property Maintenance Review Board.**

**RECOMMENDATION:** That the Appointments be approved.

**BACKGROUND:** I ask your concurrence in the appointment of Brent Moore of 6 Keisha Drive, Apt #7, to the Property Maintenance Review Board. Brent is an employee of an Electrical Contractor and a Bloomington Tenant; he will be holding the position as a Tenant on the Board. His three (3) year term will begin January 9, 2012.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Kathryn Buydos  
Executive Assistant

Recommended by:

Stephen F. Stockton  
Mayor

**Mayor Stockton introduced Brent Moore. Mr. Moore would be appointed to the Property Maintenance Review Board. He was a tenant and a contractor. His employment involved work with engineers. His college degree was in Construction Management and Design.**

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Analysis of Bid for Four (4) Heating Units to be Installed in the Pepsi Ice Center to Adequately Accommodate Consumer and Trade Shows

**RECOMMENDATION:** That the bid for four (4) units for the Pepsi Ice Center be awarded to Mid-Illinois Mechanical, Inc., in the amount \$62,950, and the Purchasing Agent be authorized to issue a Purchase Order.

**BACKGROUND:** When the Interstate Center was sold, several high profile events needed to find another location within the City. The Babyfold's Festival of Trees and Bloomington Normal Home Builders Association Home Show are now tenants of the U.S. Cellular Coliseum (USCC) and Pepsi Ice Center. Both events need a large amount of floor space, the Pepsi Ice Center has been utilized as well. At the time the Pepsi Ice Center was built, heating was not installed and therefore, temperatures cannot be regulated.

Several of the consumer and trade show planners have spoken with the Central Illinois Arena Management (CIAM) to discuss the USCC and how this facility could serve as a venue for these types of events. This would help in keeping the events and revenue within the community. David Hales, City Manager asked CIAM to gage interest in moving events to the USCC. CIAM established a working relationship with the two (2) events listed above. The Festival of Trees uses only the USCC. However, the Home Builders show uses the USCC as well as the Pepsi Ice Center.

In order for the USCC and the Pepsi Ice Center facilities to be marketed as a consumer and trade show venue. It is essential to add heating units to regulate the indoor temperature.

Two (2) years ago, additional electrical outlets were installed in the USCC and it was paid for within one (1) year.

Bids were received in the City Clerk's Office until 11:00 a.m. on December 9, 2011. The bids are as follows:

COMPANY	LOCATION	PRICE
Mid-Illinois Mechanical	Bloomington, IL	\$62,950
Pipeworks, Inc.	Bloomington, IL	\$71,700

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Bloomington Normal Home Builders Association, the Babyfold, Illinois High School Association (IHSA) sporting events, State Chess Tournament and perspective new tenants.

An Invitation to Bid was placed in the Pantagraph on November 22, 2011 and was available on the City's web site. Seventeen (17) bid packages were mailed to prospective bidders. Two (2) bids were received.

**FINANCIAL IMPACT:** Cost of purchase, \$62,950, Ice Capital Program – Other Capital Outlay 40750750-72190, Fiscal Year 2012.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Barbara J. Adkins  
Deputy City Manager

John Kennedy  
Director of Parks, Recreation &  
Cultural Arts

Kim Nicholson  
Purchasing Agent

Reviewed by:

Recommended by:

John Butler  
CIAM Manager

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage the bid for four (4) heating units for the Pepsi Ice Center be awarded to Mid-Illinois Mechanical, Inc., in the amount of \$62,950, and the Purchasing Agent be authorized to issue a Purchase Order.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**



SUBJECT: Government Center Operation and Maintenance Expenses in the Amount of \$383,635 for Calendar Year 2012

**RECOMMENDATION:** That Attachment No. Ten to Amendment to Lease and Operation and Maintenance Agreement for the City/County Office Building be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The City and McLean County jointly lease the Government Center facility from the Public Building Commission (PBC). According to the terms of the lease, the County and City must each make an annual payment to the PBC to cover operation and maintenance expenses for that year. The amount of payment is determined each year based upon the previous years' experience and anticipated additional expenses. The City's share for calendar year 2012 has been determined to be \$383,635.

Staff met with the County to review and discuss respective maintenance operations and the proposed budget for calendar year 2012. This proposal was found to be reasonable. The proposed budget represents a zero (0%) increase from the current year's budget.

The lease requires the parties to execute an attachment to the lease every year to indicate the operation and maintenance expenses due for that year. Staff respectfully recommends approval of the attachment and authorization for payment.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** The \$383,635 operation and maintenance expense is included as part of the 2011 Tax Bond and Interest Levy. The payment will be paid from account 1001-15485-70425, in Fiscal Year 2013.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

Timothy Ervin  
Performance Auditor  
& Budget Mngr.

David A. Hales  
City Manager

**ATTACHMENT NO. TEN TO AMENDMENT TO LEASE AND OPERATION AND MAINTENANCE AGREEMENT FOR THE CITY/COUNTY OFFICE BUILDING**

Pursuant to the provisions of that certain AMENDMENT TO LEASE AND OPERATION AND MAINTENANCE AGREEMENT for the City/County Office Building at 115 E. Washington Street, Bloomington, Illinois dated November 20<sup>th</sup>, 2001, between the undersigned parties, the

City and County agree to pay to the PBC for the period beginning January 1<sup>st</sup>, 2012 and ending December 31<sup>st</sup>, 2011 the sum of \$767,270.00. Of this total, the City agrees to pay \$383,635.00 and the County agrees to pay \$383,635.00.

The PBC agrees to perform the operation, maintenance, upkeep and safekeeping functions for the City/County Office Building for the one-year period beginning January 1, 2012 said functions being all pursuant to the provisions of Section III of the Lease, dated November 20<sup>th</sup>, 2001.

The City and County agree to cause the necessary tax levies to be made to provide for the collection of the funds needed to pay the amounts hereinabove set forth.

This Attachment is executed by the officers of the Public Building Commission, by the Officers of the County of McLean and by the Officers of the City of Bloomington as of the dates set forth below.

COUNTY OF MCLEAN

ATTEST:

By: Matt Sorenson  
Chairman, County Board

Kathy Michael  
County Clerk

Executed: December 20, 2011

PUBLIC BUILDING COMMISSION OF  
McLEAN COUNTY, ILLINOIS

ATTEST:

By: Robert Rush Jr.  
Its Chairman

John Morel  
Its Secretary

Executed: December 13, 2011

CITY OF BLOOMINGTON

ATTEST:

By: Stephen F. Stockton  
Its Mayor

Tracey Covert  
City Clerk

Executed: January 10, 2012

**Motion by Alderman Anderson, seconded by Alderman Sage that Attachment No. Ten to Amendment to Lease and Operation and Maintenance Agreement for the City/County Office Building be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Resolution Regarding Temporary Closing of State Right of Way Annual Community Events**

**RECOMMENDATION:** That the Resolution be adopted.

**BACKGROUND:** The Illinois Department of Transportation (IDOT) requires that Council adopt a Resolution requesting permission to close or hinder traffic on a State Route.

Typically the City only has two (2) requests each year for parades on a State Route, (US Route 51) which involves the Labor Day and Christmas Parades. IDOT has requested that each municipality that experiences multiple parades on a State Route pass one (1) blanket Resolution at the beginning of each calendar year in order to minimize paperwork and manpower expenses.

Therefore, staff respectfully requests that Council adopt the Parade Resolution and further, that the Mayor and City Clerk be authorized to execute the necessary document. Upon adoption and execution, the Resolution will be forwarded to IDOT.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Tracey Covert  
City Clerk

J. Todd Greenburg  
Corporate Counsel

David A. Hales  
City Manager

**RESOLUTION NO. 2012 - 01****RESOLUTION REGARDING TEMPORARY CLOSING OF  
STATE RIGHT OF WAY ANNUAL COMMUNITY EVENTS**

WHEREAS, the City of Bloomington sponsors parades, road races, festivals and other such events which constitute a public purpose; and

WHEREAS, many of these events are held on State rights of way which will require the temporary closure of said highways; and

WHEREAS, Section 4-408 of the Illinois Highway Code, 605 ILCS 5/1-101 et seq., authorizes the State of Illinois Department of Transportation (IDOT) to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

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

**SECTION 1**

The City of Bloomington requests an annual permit allowing the temporary closure of State highways for the purpose of conducting various parades, road races, - festivals, and other such events. By receiving an annual permit, the City will be required to notify the Department in writing approximately ten (10) days in advance of all road closures so that all emergency agencies will be notified of the proposed event.

**SECTION 2**

(A) That traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State highway, except as provided in Subsections (B) and (C) hereof.

(B) That when a marked detour is not provided, police officers or authorized flaggers shall, at the expense of the City of Bloomington, be positioned at each end of the closed section of roadway and at other points as may be necessary to assist in directing traffic through the temporary detour.

(C) That when the roadway is closed for less than 15 minutes, police officers, at the expense of the City of Bloomington shall stop traffic for a period not to exceed fifteen (15) minutes and an occasional break shall be made in the procession so that traffic may pass through.

**SECTION 3**

That the City of Bloomington assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

SECTION 4

That all debris shall be removed by the City of Bloomington prior to reopening the State highway.

SECTION 5

That the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices (MUTCD).

SECTION 6

That the City of Bloomington hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above and to hold harmless the State of Illinois from all claims arising from the requested road closings.

SECTION 7

That a copy of this resolution be forwarded to the Illinois Department of Transportation; District 5 Bureau of Operations, 13473 IL Hwy. 133, P. O. Box 610, Paris, Illinois 61944-0610 to serve as authorization for the City of Bloomington to request highway closures through December 31, 2011.

PRESENTED and ADOPTED this 9<sup>th</sup> day of January 2012.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Anderson, seconded by Alderman Sage the Resolution be adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of OSF St. Joseph Medical Center Foundation located at Eastland Medical Plaza I, Atrium, 2200 E. Washington St., for an LB liquor license, which will allow the selling and serving of beer and wine by the glass for consumption on the premise

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commissioner recommends to the City Council that an LB liquor license be created for OSF St. Joseph Medical Center Foundation for a fund raiser to be held on February 17, 2012 from 6:00 – 8:30 p.m. at Eastland Medical Plaza I, Atrium, 2200 E. Washington St., contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to consider the application of OSF St. Joseph Medical Center Foundation for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioner Steven Stockton; Tracey Covert, City Clerk; and Patricia O’Dell, Foundation Executive Director, and Kate Sies, Development Associate, and Applicant representatives.

Commissioner Stockton questioned the purpose of this application. Patricia O’Dell, Foundation Executive Director and Applicant representative, began by informing the Commission that this application was for a fund raiser for the OSF St. Joseph Medical Center Foundation to be held at the Eastland Medical Plaza I Atrium on Friday, February 17, 2012 from 6:00 to 8:30 p.m. This request was for a Limited License for a nonprofit corporation.

She reminded the Commission that this was an annual event. She believed that this would be the event’s sixteenth year and the fourth time to host it in February. World Tour, A Sampling of International Beer, Wine and Food, involved tasting cups to serve the beer and wine. Commissioner Stockton noted that he had attended this event. It was a nice and well run event.

Commissioner Stockton questioned who would act as servers. Mrs. O’Dell noted that OSF was working Famous Liquors located at 1404 E. Empire. The Foundation hoped to work with a local vendor. Famous seemed interested. She noted that if the two (2) parties could not reach agreement then the Foundation would work with Specialty Imports, Peoria. Specialty Imports cannot accept orders at the event. Acceptance of same would be the point of sale. Specialty Imports may act as the event’s caterers/distributors. Mrs. O’Dell expressed her understanding of same and would share this information with Specialty Imports.

Mrs. O’Dell noted that this year would mark this event’s fifteenth or sixteenth anniversary. The event was originally held at Central Station. This will be the thirteenth year for it to be held on the OSF campus. There also were corporate sponsors for this event.

Mrs. O’Dell estimated the event attendance at 200. The event recognized OSF/St. Joseph’s donor base. Dollars raised from this year’s event will be used to meet the Foundation’s pledge to

the hospital. These dollars will be directed towards a new birthing center. The Foundation made a three (3) year \$1 million pledge. This year would mark the third year.

Commissioner Stockton informed the Applicant that the license fee would be waived as in the past.

Commissioner Stockton would recommend to the City Council that an LB liquor license be created for OSF St. Joseph Medical Center Foundation for a fund raiser to be held on February 17, 2011 from 6:00 - 8:30 p.m. at Eastland Medical Plaza I, Atrium, 2200 E. Washington St.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** None.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Anderson, seconded by Alderman Sage that an LB Liquor License be created for OSF St. Joseph Medical Center Foundation for a fund raiser to be held on February 17, 2012 from 6:00 – 8:30 p.m. at Eastland Medical Plaza I, Atrium 2200 E. Washington St., contingent upon compliance with all applicable health and safety codes.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: An Ordinance Amending “An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, Town of Normal and Unincorporated McLean County as an Enterprise Zone” including Amendment to Enterprise Zone Intergovernmental Agreement – Kongskilde Industries and Nussbaum Transportation Services, Inc.

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

**BACKGROUND:** The ordinance submitted by the Economic Development Council (EDC) of the Bloomington-Normal Area seeks to extend the boundaries of the Bloomington/Normal/McLean County Enterprise Zone in order to cover approximately forty-one (41) acres of property located at and around 19500 North 1425 East Rd., Hudson, IL 61748. The territory in question is presently home to Kongskilde Industries and will also be the site of a new development by Nussbaum Transportation Services Inc. Enterprise Zone status will allow the companies to purchase building materials for their new facilities using the sales tax exemption native to the Enterprise Zone.

Kongskilde Industries targets the development of combined solutions for industrial and agricultural tasks. The company would like to expand their Hudson facility in order to add a new automated blasting, cleaning and powder paint line and also build a new production building that would house welding, cutting and punching operations.

Nussbaum Transportation Services offers dedicated contract carriage, regional truckload services and third party logistics from its present location in north Normal. Nussbaum has outgrown its existing space and seeks to build a new facility which will serve as headquarters with an attached facility for maintenance and parking.

Combined, both projects will lead to the creation of approximately seventy (70) new jobs over the next twenty-four (24) months. The total amount of new investment expected into the zone will be approximately \$10.5 million for both companies combined.

The EDC strongly supports this boundary extension for a number of reasons. First and foremost, these projects would create new jobs in the community and increase the overall tax base through new capital investment. Both companies operate in key targeted industries identified by the 2012 - 2016 EDC Strategic Plan (agribusiness and logistics). Both companies also export their goods and services to customers outside of McLean County, thereby bringing new dollars into the community.

Extending the Enterprise Zone to cover these parcels will involve minimal risk to our local taxing bodies. Some local sales tax revenue could be jeopardized via the building materials sales tax exemption if the companies choose to purchase their building materials locally. The EDC estimates that if both companies purchased one hundred percent (100%) of their eligible materials from a single municipality, the maximum loss of local sales tax revenue would total \$131,250. This is based on a local sales tax rate of 1.5% plus the state pass through portion of one percent (1%) multiplied by a fifty percent (50%) materials cost. The EDC stresses however, that the quantity of jobs at stake and the future increase to the property tax base more than makes up for any potentially lost sales tax revenue.

Lastly, the Bloomington/Normal/McLean County Enterprise Zone still has ample free territory to be deployed for expansion projects such as this. At present, the Zone comprises only 6.259 square miles of the total thirteen (13) square miles allotted by state law. This project would add only .064 square miles to the total territory deployed, leaving us with still more than fifty percent (50%) of our zone's territory left to use in the coming years. The Bloomington/Normal/McLean County Enterprise Zone is presently set to expire completely in 2015.



**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Economic Development Council, Town of Normal, and McLean County.

**FINANCIAL IMPACT:** As stated above, both projects will lead to the creation of approximately seventy (70) new jobs over the next twenty-four (24) months, and the total amount of new investment expected into the territory will be approximately \$10.5 million for both companies combined.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**ORDINANCE NO. 2012 - 01****AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIAL WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL, AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE” – NUSSBAUM TRANSPORTATION SERVICES INC. AND KONGSKILDE INDUSTRIES**

WHEREAS, the City of Bloomington did, on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did, on numerous occasions after establishment of the Enterprise Zone, adopt Ordinances amending Ordinance No. 1984 - 131, including those lengthening the duration of the Enterprise Zone and amending the territory included within the Enterprise Zone; and

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

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

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

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

SECTION TWO: That the Mayor of the City of Bloomington, Illinois shall have, and is hereby given authority to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the Town of Normal, Illinois, the City of Bloomington, Illinois, and the County of McLean, Illinois (the “Enterprise Zone Intergovernmental Agreement”) attached hereto as Exhibit B, which Amendment memorializes the addition to the territory identified as this Ordinance to the territory of the Enterprise Zone.

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

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

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

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

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

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

The foregoing ordinance was approved by the Mayor and City Council of the City of Bloomington on the 9<sup>th</sup> day of January, 2012.

The foregoing ordinance was published in pamphlet form on the 11<sup>th</sup> day of January, 2012.

### EXHIBIT A

#### Legal Description Tract I Passive Enterprise Zone Connector

A part of the NW<sup>1</sup>/<sub>4</sub> of Section 9 and a part of the SW<sup>1</sup>/<sub>4</sub> of Section 4, all in Township 24 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, being a tract of land 3 feet of even width lying 1.5 feet on each side of the following described centerline: Beginning on the east right of way line of North Main Street, also known as U.S. Route 51 in the Town of Normal, at a point 86.5 feet North of the south line of the N<sup>1</sup>/<sub>2</sub> of the S<sup>1</sup>/<sub>2</sub> of Section 9; thence Westerly 79.8 feet parallel with the south line of the N<sup>1</sup>/<sub>2</sub> of the S<sup>1</sup>/<sub>2</sub> of said Section 9 to the centerline of said North Main Street and U.S. Route 51 according to the Right of Way Plans

thereof recorded as Document No. 87-22330 in the McLean County Recorder of Deeds Office; thence North 3579 feet on said centerline of U.S. Route 51, and as according to the Right of Way Plans thereof recorded as Document No. 87-22333 and Document No. 87-22332 in the McLean County recorder of Deeds Office, to the centerline of Township Road (T.R.) 181 East as depicted on said Right of Way Plans; thence Northeasterly 300 feet on the centerline of said Township Road (T.R.) 181 East to the intersection of the centerline of a public road, as depicted on said Right of Way Plans, now commonly known as Former U.S. Route 51; thence Northerly 1904 feet on the centerline of said public road and Former U.S. Route 51 to a point 1.5 feet north of the easterly extension of the south line of Lot 1 of Birkey's Farm Store Subdivision according to the Plat thereof recorded as Document No. 2008-25692 in the McLean County Recorder of Deeds Office; thence Westerly 60 feet parallel with the south line of said Lot 1 to the Point of Termination on the east line of said Lot 1 in Birkey's Farm Store Subdivision, containing 16,896 square feet/0.39 acres, more or less.

#### Legal Description Tract II

#### Nussbaum /Kongskilde Enterprise Zone

Lot 1 in Birkey's Farm Store Subdivision according to the Plat thereof recorded as Document No. 2008-25692 in the McLean County Recorder of Deeds Office, Lot 1 in Bates Subdivision according to the Plat thereof recorded as Document No. 88-11868 in the McLean County Recorder of Deeds Office and a part of Lot 8 in Heirs Survey, all in Section 4, Township 24 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the southeast corner of Lot 1 in Birkey's Farm Store Subdivision; thence S.87°-56'-26"W. 822.27 feet to the southwest corner of said Lot 1; thence N.00°-38'-14"W. 513.24 feet on the west line of said Lot 1; thence N.07°-53'-37"E. 303.36 feet on the west line of said Lot 1; thence N.00°-38'-14"W. 300.00 feet on the west line of said Lot 1 and the easterly right of way line of F.A.P. 412/Interstate 39; thence N.24°-51'-54"W. 109.66 feet on said easterly right of way line of F.A.P. 412/Interstate 39; thence N.00°-38'-14"W. 837.38 feet on said right of way line; thence N.01°-45'-54"E. 438.03 feet on said right of way line to the north line of Lot 8 in Heirs Survey of Section 4; thence N.89°-19'-03"E. 567.21 feet on said north line of Lot 8 to the northwest corner of a tract conveyed in a Warranty Deed recorded December 15, 1993 as Document No. 93-38725 in the McLean County Recorder of Deeds Office; thence S.02°-03'-34"E. 363.28 feet to the southwest corner of said tract conveyed in Document No. 93-38725; thence S.87°-05'-31"W. 120.83 feet on the westerly extension of the south line of said tract conveyed in Document No. 93-38725 to the northwest corner of a tract of land conveyed to Arin Rader in Warranty Deed recorded as Document No. 2006-13844 in the McLean County Recorder of Deeds Office; thence S.02°-03'-34"E. 431.39 feet to the southwest corner of said tract conveyed to Arin Rader in Document No. 2006-13844; thence N.87°-56'-26"E. 176.00 feet on the southerly line of said tract conveyed to Arin Rader in Document No. 2006-13844; thence S.02°-03'-34"E. 69.00 feet on the southerly line of said tract conveyed to Arin Rader in Document No. 2006-13844; thence N.87°-56'-26"E. 124.00 feet to the southeast corner of said tract conveyed to Arin Rader in Document No. 2006-13844 on the west right of way line of Former U.S. Route 51; thence S.02°-03'-34"E. 509.00 feet on said west right of way line of Former U.S. Route 51 to the southeast corner of Lot 1 in Bates Subdivision, according to the Plat thereof recorded as Document No. 88-11868 in the McLean County Recorder of Deeds Office, also being the northeast corner of said Lot 1 in Birkey's Farm Store Subdivision; thence

S.01°-51'-01"E. 1098.96 feet on said west right of way line of Former U.S. Route 51 to the Point of Beginning containing 1,768,972 square feet/ 40.61 acres, more or less, with assumed bearings given for description purposes only.

Tax Parcel ID #s

P.I.N. 14-04-300-009 (Nussbaum--Lot 1 Birkey's Farm Store Subdivision)

P.I.N. 14-04-100-016 (Kongskilde Industries)

41.00 Acres = .0640625 Square Miles to be added to Enterprise Zone

**EXHIBIT B**

**AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT --  
NUSSBAUM TRANSPORTATION SERVICES INC. AND KONGSKILDE INDUSTRIES**

This Amendment is entered into the 17<sup>th</sup> day of January, 2012, by and between the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, and the County of McLean, a body politic and incorporate, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

WHEREAS, the parties entered into an Intergovernmental Agreement in December, 1984, for the purpose of creating and operating an Enterprise Zone within the jurisdiction of said parties pursuant to the Illinois Enterprise Zone Act (the Act); and

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

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

WHEREAS, the Act allows an enterprise zone to encompass up to 13 square miles if the zone is a joint effort of three or more units of government; and

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately .06406 square miles would be benefitted by being encompassed within the boundaries of said Enterprise Zone; and

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

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

1. That Section 2 Description of the Intergovernmental Agreement, and the property described in Exhibit E1-a and incorporated in said Section by reference, as subsequently amended, be and the same is hereby amended to include therein the area

described in Exhibit A attached hereto (the Amended Area), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.

2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties set forth in the original Intergovernmental Agreement, as subsequently amended, are hereby ratified and confirmed, and are hereby applied to the Amended Area of the Enterprise Zone in their entirety.

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

City of Bloomington  
a Municipal Corporation

Town of Normal  
a Municipal Corporation

By: Stephen F. Stockton  
Mayor

By: Chris Koos  
Mayor

Attest:

Attest:

Tracey Covert  
City Clerk

Wendelleyn J. Briggs  
Town Clerk

County of McLean  
a Body Politic and Corporate

By: Matt Sorenson  
County Board Chairman

Attest:

Kathy Michael  
County Clerk

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Re-appointment to the Bloomington-Normal Economic Development Council Board

**RECOMMENDATION:** That the re-appointment be approved.

**BACKGROUND:** I ask your concurrence in the re-appointment of Jennifer McDade of 206 Fleetwood Drive, Bloomington 61701 to the Bloomington-Normal Economic Development Council Board. Her one (1) year term will begin January 1, 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

**Alderman McDade left the dais.**

**Alderman Stearns stated that she had not received a response to her question. David Hales, City Manager, addressed the Council. City staff did not have the time to research this question. Alderman Stearns restated her belief that there was a conflict of interest for members of the Council to serve on boards/commissions. She noted that the Economic Development Council (EDC) received funding from the City. She cited the history of a Council member serving on this board. She added that Council members had recused themselves when an issue before the Council involved a family member. She also cited the membership of the CIRPA (Central Illinois Risk Pooling Authority) Board. She questioned how an individual could serve as a Council member/Board member and vote on funding issues.**

**Todd Greenburg, Corporation Counsel, addressed the Council. He addressed criminal conflict of interest. There was none when serving as a Council/Board member. An individual may choose to recuse oneself. He noted that there was no economic benefit by serving on this board. He added that there might be the appearance that one's judgment was compromised.**

**Alderman Stearns noted that it was an individual decision.**

**Mayor Stockton stated that the City makes an investment in the EDC. In addition, the City wanted representation on this board to oversee the use of these dollars. Alderman Stearns believed that Mr. Hales served on this board in a nonvoting capacity. She believed this practice needed to be re-examined. She looked forward to a detailed response to her question. She restated her belief that there was a conflict of interest.**

**Mr. Hales readdressed the Council. He noted his service on the EDC's Board and Executive Council. He served as a voting member.**

**Motion by Alderman Sage, seconded by Alderman Anderson that the Appointment be approved.**

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

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

**Nays: Alderman Stearns.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Approval of Indoor Football License Agreement between the City, Central Illinois Arena Management, Inc. (CIAM) and ROAR, LLC**

**RECOMMENDATION:** That the Indoor Football License Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The license to Bloomington-Normal (B-N) Football, LLC for an indoor football team to play at the US Cellular Coliseum (UCSS) was not renewed. Ed Brady, Bloomington Extreme football team's General Partner and majority shareholder for B – N Football, LLC, sold the assets of the company to ROAR, LLC. The sale did not include the Extreme name or B-N Football, LLC itself. The principal shareholders of ROAR, LLC are Jim Morris and Scott Henderson, local businessmen.

The proposed lease is quite similar to the hockey license agreement which was approved by Council on May 23, 2011. That license was amended to reflect the five (5) years of experience, to encourage attendance at games, (which benefits the City and CIAM), and ensure that the new team is adequately capitalized.

The term of the lease is for two (2) years, with an option by the licensee to extend it for one (1) year.



The licensee's commitments under the lease are secured by a \$25,000 irrevocable letter of credit with the City and CIAM as beneficiaries. The lease requires ROAR, LLC to inform the City and CIAM of the identity of every member of the LLC with an ownership or voting interest of ten percent (10%) or more.

All payments from ROAR, LLC will be deposited in the Coliseum Fund, from which all payments to CIAM and the City are made. The rental fee to be paid to the Fund is \$6,000 per home game. There will be a minimum of seven (7) home games, for a minimum payment of \$42,000. However, the amount paid per game may be reduced pursuant to an "attendance incentive credit" which is set forth in Section 9 of the lease. The attendance credit is based on actual turnstile numbers rather than tickets sold. The incentive is that by using proprietary information of CIAM to calculate the parking fee, facility fee and the average for refreshments spent by each fan per game, a reduction in the amount to be paid by the football team for each additional 500 fans will actually generate more revenue for the arena. For each additional 500 fans, the rental fee will be reduced by \$500, but the City and CIAM will net approximately \$900 more in revenue.

The team will pay a parking fee of fifty cents (\$.50) per ticket sold to each home game, excepting the first 700 tickets.

The team will pay a facility fee of fifty cents (\$.50) per ticket sold to each home game, excepting the first 700 full, partial and club seat tickets per home game.

All suite revenue shall go to the City and CIAM, except that the City and CIAM will pay to the team \$1,200 for each full suite season ticket, (total of fourteen/14 full season tickets per suite), and \$600 for each half suite season ticket, (total seven/7 half season tickets per suite).

The City and CIAM shall retain all Coliseum Club seat membership annual dues and a commission of 7.5% for each Coliseum Club season ticket sold by the licensor (92.5% to the team).

In the event of a cancellation of all or part of a season by the licensee, there is a liquidated damages section specifying the amount of damages to be paid to the City and CIAM (\$30,000 if the licensee cancels prior to August 1<sup>st</sup> for the season that begins in the next calendar year; \$60,000 if the cancellation is between August 1<sup>st</sup> and November 30<sup>th</sup> for the season that begins in the next calendar year; and \$90,000 for any cancellation after November 30<sup>th</sup> for the season that begins in the next calendar year).

The dispute resolution process has been considerably streamlined from the previous lease.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** CIAM, Inc., ROAR, LLC and City staff.

**FINANCIAL IMPACT:** Revenue neutral, although increased revenues to the City and CIAM are possible by reason of the attendance incentive credit.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Mayor Stockton introduced this item.**

**David Hales, City Manager, stated that this item involved the management agreement with Central Illinois Arena Management, (CIAM). There were two (2) major tenants at the US Cellular Coliseum, (USCC): minor league hockey and indoor football. This agreement represented a source of revenue. He noted the past success of the indoor football team. The team would have local investors. The City looked to CIAM due to the change of ownership and local investors were found. The agreement was similar to the hockey agreement.**

**John Butler, CIAM's President, addressed the Council. He introduced Jim Morris and Scott Henderson, the new team owners. They had purchased the former team's assets and formed a new LLC. They did not purchase the former team's name. The previous agreement had expired. This would be a two (2) year agreement with a one (1) year renewal. He restated that this agreement mirrored the hockey agreement. CIAM had developed a good relationship with the new owners. They have the ability to capitalize the team. They were successful businessmen with strong local ties. They also have sports backgrounds. In addition, they operated the minor league basketball team.**

**Mr. Hales had reviewed the agreement and recommended Council approval.**

**Alderman Mwilambwe questioned the marketing vision and new team name.**

**Motion Alderman Stearns, seconded Alderman Purcell to suspend the rules to allow someone to speak.**

**Motion carried, (viva voce).**

**Jim Morris, 211 N. Williamsburg Dr., Suite A, indoor football team co-owner, addressed the Council. He addressed economics and sponsorships. Heller Ford would be sponsoring the Edge and the Drive. The marketing plan would be assertive and aggressive. He noted that only general admission tickets remained for the Drive. He hoped to surpass past sales levels.**

**Alderman Fazzini cited the lower base rent and attendance incentives. Mr. Butler noted that the base rent was the same. CIAM has historical data regarding concessions, parking and ticket sales. The goal was to be creative when addressing corporate sponsorships and incentives.**

Mayor Stockton noted the impact, (6,000 people in attendance at \$8.50 per person. Mr. Butler noted the facility fee, (\$1 per ticket sold). He believed that there would be revenue increases.

Alderman Purcell had reviewed the contract. Mr. Morris noted the business risk. He restated that the team would be well capitalized. Attendance was key. The lease was fair. He also cited the good working relationship with CIAM. He thanked the Council for the opportunity to lease the USCC.

Alderman Schmidt thanked Mr. Morris for his outreach to children. She hoped it would encourage involvement in sports. Mr. Morris noted the West Bloomington Revitalization Program. He believed that minor league sports needed to be affordable for a family. The USCC should be a family venue. Everyone should have the opportunity to experience a game.

Scott Henderson, 211 N. Williamsburg Dr., Suite A, addressed the Council. He was a life long resident. This opportunity allowed him and Mr. Morris to blend their talents. He informed the Council that the basketball team would open it season on Thursday, January 12, 2012. A press conference would be held on Wednesday, January 11, 2012 at 1:00 p.m. at the USCC. He invited everyone in attendance to come to Thursday night's game.

**Motion by Alderman Fazzini, seconded by Alderman Purcell to return to order.**

**Motion carried, (viva voce).**

**Motion by Alderman Fazzini, seconded by Alderman Purcell that the Indoor Football License Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Request to Enter into a Professional Services Agreement with Foth Infrastructure and Environment, LLC for Sewer Master Plans**

**RECOMMENDATION: That the Agreement with Foth Infrastructure and Environment, LLC to prepare storm and sanitary sewer master plans, perform the eastside Inflow & Infiltration (I &**

I) study, and televise and rate portions of the existing brick sewer system be approved in an amount not to exceed \$700,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The proposed master plans will begin by rating the existing condition of the City's aging sewer infrastructure. It will also provide direction on Best Management Practices (BMP's) for managing, operating, and maintaining the City's sewer and drainage systems into the future. In addition, the plans will identify key capital projects and establish a mechanism to prioritize current and future projects based on a model for assigning business risk to decision making.

#### Storm & Sanitary Sewer Master Plans:

The Storm & Sanitary Sewer Master Plans will identify the overall state of the City's sanitary sewer, storm water, and surface drainage systems. The plans will provide guidance for future management, maintenance and operation of the systems in order to comply with Environmental Protection Agency (EPA) requirements and implementing BMP's. Citizen involvement and input on drainage problems will be sought and used to help determine areas where detailed study in limited area is warranted. While the study will not provide a detailed hydraulic model of the entire system, it will model portions of the sewer system to help identify problem drainage areas and propose possible solutions. In addition the study will recommend the staffing levels and equipment required to effectively operate each system. The information and goals identified in the master plan process will be used as an input for future rate studies and provide a framework for needed future modeling, data collection, and life cycle cost analysis for the entire system.

#### Eastside Inflow & Infiltration Study:

The sanitary sewer system east of Veterans Parkway is a separate sewer system (sanitary only) that is not designed to carry the large amounts of ground water (infiltration) and runoff (inflow) that currently enters the system during periods of heavy rain and wet weather. Due to these additional flows, the Bloomington Normal Water Reclamation District (BNWRD) must divert excessive flows to the Sugar Creek Waste Water Treatment Plant (SCWWTP) during major rain events to avoid a Sanitary Sewer Overflow (SSO) at the Randolph Waste Water Treatment Plant (RWWTP). This study will lay out a plan to discover possible sources of the excessive inflow and infiltration (I&I) in the sanitary sewer system east of Veterans Parkway that flows to the RWWTP and make recommendations for corrective measures. The BNWRD has collected flow data over several years at key points in the trunk sewers that will be shared as a starting point. Work will include development of a partial model of the sanitary sewer system to help identify potential problems and analysis of flow metering data to determine the areas which contribute the most to I & I. Two (2) pilot study areas will be selected to conduct smoke testing and physical inspections to determine the sources of I & I. It is anticipated that the findings and recommendations from this study will lead to future study phases and field investigations in order to solve the I & I problems east of Veterans Parkway.

#### Televise Brick Sewers:

This project involves televising, recording and rating selected portions of the City's brick sewers. Many of the emergency sewer repairs in the last several years have been related to the deteriorating condition of the old brick sewers. The information gathered through the televising work will be used to inventory, rate, quantify and prioritize needed repairs. The brick sewers range in size from one to eight feet (1' – 8') in diameter. Most of these trunk sewers have a considerable amount of flow and require specialized equipment that the City does not have. Staff will work with the contractor to prioritize the sewer locations for televising. The Master Plan will provide recommendations for corrective action, estimated quantities, costs, and priorities for keeping these lines in good condition. There is a total of 14.5 miles of brick sewers identified in the City's Geographic Information System (GIS).

To select a consultant to perform this work, the City advertised a Request for Qualifications and received Statements of Qualifications from ten professional firms in response. Five (5) firms were selected for interviews. Foth Infrastructure and Environment and Farnsworth Group were selected as finalists to submit a more defined project scope and cost proposals. Both firms have offices in Central Illinois along with partners that provide national expertise.

Both proposals contained the following general work items:

#### Sanitary Sewer Master Plan

- Inventory & rating of selected assets to be part of City GIS.
- Partial system flow modeling and capacity analysis.
- Identify needed capital improvements and develop ranking system for prioritization.
- Review existing practices and recommend BMPs.

#### Storm Sewer Master Plan

- Inventory & rating of selected assets to be part of City GIS.
- Partial system flow modeling and capacity analysis.
- Identify needed capital improvements in selected areas and develop ranking system for prioritization.
- Review existing practices and recommend BMPs.

#### Eastside Inflow and Infiltration (I&I) Study

- Analyze sewer sheds for problem flows (flow metering or other methods).
- Target problematic sewer shed areas to determine sources of I&I through field investigation.
- Televiser brick sewers.

The following analysis highlights unique attributes from the scope of services from each firm.

Foth Infrastructure & Environment, LLC, Champaign, IL [www.foth.com](http://www.foth.com)

Partners: Michael Baker Jr. Inc. [www.mbakercorp.com](http://www.mbakercorp.com), OHM [www.ohm-advisors.com](http://www.ohm-advisors.com)

#### Key Points Specific to Foth Proposal

- Provides a risk metric methodology (Business Risk Exposure (BRE)) to identify critical assets and determine which projects provide the largest return on investment.
- Provides for citizen input through use of a drainage survey to gather information from the community.
- OHM provides i3d modeling capabilities (Antecedent Moisture Model (AMM)) which quickly narrow the search for I & I problem areas without the need to do as much traditional flow monitoring.
- Michael Baker has a national reputation in asset rating, asset management, data collection and GIS development.
- Builds detailed hydraulic sanitary sewer models in select sub-basin areas where moderate/severe I&I are probable.
- Builds detailed hydraulic storm water models in select sub-basin areas of known and discovered drainage problems.
- Provides development impacts and recommendations for future flood surveys in the Sugar Creek headwater area.
- Recommendations on integrating collected GIS information into the City's Munis system.
- Includes areas of stream bank/channel inventory and evaluation.
- Recommendations for a greenways plan.
- Total Project Cost \$700,000 (within approved budget).

Farnsworth Group, Bloomington, IL [www.f-w.com](http://www.f-w.com)

Partners: Black & Veatch [www.bv.com](http://www.bv.com), Hoerr [www.hoerr.com](http://www.hoerr.com)

#### Key Points Specific to Farnsworth Proposal

- Traditional engineering approach which includes:
  - Build a hydraulic model of storm sewer trunk lines; and
  - Major open channel modeling utilizing existing FEMA models.
- Black & Veatch has extensive Master Plan experience throughout the nation.
- Total Project Cost ~\$700,000 (within approved budget).

The Farnsworth team proposes a traditional engineering approach to these projects. The Foth proposal includes public input phases and the use of technology in ways that are likely to produce more specific and tangible results. The Foth proposal and Statement of Qualification documents include specific deliverables and examples of the results of this technology and its innovative approach to solving problems in various communities. The Foth proposal also provides guidance on several areas of specific concern to the City including use of GIS data with the new Munis system, greenway and stream buffer planning, and stream bank assessment tools. References have been contacted and favorable comments have been received for both teams. While both firms are able to perform the foundational work needed for the master plan documents, Foth's proposal provides additional tangible deliverables beyond those proposed by Farnsworth.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Bloomington Normal Water Reclamation District.



He noted that there were representatives from Foth present at this evenings meeting. This contract represented the culmination of the process to date.

The City would receive an infrastructure inventory. The data would be used to draft a ten (10) year plan. Projects would be prioritized. He cited various projects, (storm water, stream buffer, rain gardens, sustainable city). Problem areas would be modeled. Hot spots for the I & I issue would be identified. Representatives from BNWRC were also present at this evenings meeting.

Mr. Hales recommended Council approval.

Alderman Stearns raised a global question: would the recommendations be City wide. Mr. Karch noted that the City's 600 miles of sewer would not be televised. Some of the work would be completed in house. Everything cannot be done. This project would lay a foundation.

Alderman Fazzini questioned how this plan would compare to the City's street ratings. Mr. Karch noted that this plan would be more comprehensive. In addition, there would be more analysis. The plan would cover a broad range of topics.

Alderman Schmidt cited the issue of sewer failures, (i.e. City versus homeowners). She questioned if televising the sewer might identify problems early. She questioned if the inventory would be focused on certain areas of the City. She noted the financial impact. Citizens paid to correct leaks.

Mr. Hales noted that the Council would need to revisit the City's current policy regarding laterals. He cited the impact of street reconstruction, (i.e. curb, gutter, sidewalks). Key questions included: 1.) who initiates the project and 2.) how to coordinate the various components. The goal would be to present a complete package and bring City infrastructure up to current specifications.

Alderman Fazzini questioned if homeowners insurance addressed sewer failure. Mr. Hales stated that the City could offer an insurance program for laterals.

Alderman Stearns questioned the use of CDBG (Community Development Block Grant) funds. Mr. Hales noted that there were income qualifications.

Alderman Stearns questioned the 600 miles of sewer. The City knew where the CSO (Combined Sewer Overflow) were. Mr. Karch responded affirmatively. He added that samples would be taken of sewers based upon age. A report would be prepared. Alderman Stearns questioned BNWRD's perspective and if there was any input from same. Mr. Karch noted that Randy Stein, BNWRD's Asst. Director, participated on the interview team. He expressed his appreciation to BNWRD for their involvement.



Mr. Hales added that the I & I issue needed to be solved. The cost was extreme. The City must solve this issue as soon as possible. Mr. Stein was a strong partner in the process.

Mayor Stockton declared Mr. Stein an extension of City staff.

Randy Stein, BNWRD's Asst. Director, 2015 W. Oakland Ave., addressed the Council. He cited BNWRD's interest in I & I. He believed that this issue should be addressed first. He noted that BNWRD's west side plant was larger. The southeast plant was a separate system. He had participated in the selection process. BNWRD would provide data dating back to 1991. He estimated the data's value at \$1.2 million. This data would be used for modeling.

Alderman Purcell questioned the I & I source. The City would need funds to correct this issue. Mr. Stein noted that there was the ability to add capacity at a cost of \$10 – \$12 per gallon for capital cost. Prevention equaled lower costs. The southeast plant served 35,000 people. In dry weather, there was one (1) million gallons of leakage.

Alderman Stearns noted the first steps would be critical. She questioned other alternatives. Mr. Stein cited in-house information which would be applied through modeling. Problem areas would be targeted. There were various methods to address this issue.

Alderman Sage stated his understanding that scientific samples would be taken from which assumptions would be drawn. Mr. Karch responded affirmatively. Alderman Sage cited the cultural change, (i.e. cooperation amongst departments). He noted the value offered to the taxpayers.

Mr. Hales noted that there were times when it was necessary to go outside of the City. He noted interagency coordination was needed when addressing public utilities.

Alderman Purcell had reviewed the contract. He cited its citywide view.

Alderman Mwilambwe questioned if this plan would be similar to the street master plan. He noted that this plan would be an expensive one to fund. He questioned if federal/state dollars were available.

Mr. Hales stated that the next step would be a rate study. This study would cover O & M (Operations and Maintenance) costs plus capital cost. At this time, the City did not have all of the necessary information. A key question for the Council was how aggressive to be. A primary funding source for these projects might be low interest state loans. He believed that the majority of funding would come from user fees. The City needed to know the state of the system and the cost to maintain same. Action was needed today in order to address the future. The City had deferred a lot of maintenance. This study represented a critical tool.

Mayor Stockton acknowledged that this issued included a large funding need. He cited the City's 600 miles of sewers. The City needed a plan in order for the dollars to be spent well. He stated that the City's sewer and storm water management funds were in the red. He noted the impact this plan would have upon these two (2) funds. He believed that the City's sewer fund would be in the black in the next couple of years. Expenses could be built into the plan. This was not the case with the storm water management fund. The City needed a plan to address this fee. The plan would also set priorities, address O & M and capital costs.

Motion by Alderman McDade, seconded by Alderman Purcell that the Agreement with Foth Infrastructure and Environment for Sewer Master Plans in an amount not to exceed \$700,000 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, Sage, Fruin and Purcell.

**Nays:** None.

Motion carried.

**MAYOR'S DISCUSSION:** Mayor Stockton noted that four (4) Illinois Wesleyan University student interns had attended this evening's meeting. Council members and City staff were working together on this learning project experience. He added that there would also be three (3) Illinois State University students participating in this program.

Mayor Stockton addressed the Work Session with state legislators which was held this evening. He noted the handout which had been prepared by City staff. The City hoped to coordinate its efforts when addressing the state.

He noted the United States Postal Service's deadline, (Friday, January 13, 2012), for comments regarding the closing of the mail processing center. He had submitted a three (3) page letter. He believed that this would be an uphill battle. He cited the assistance from the EDC (Economic Development Council).

The Liquor Commission would be meeting tomorrow at 4:00 p.m. He reviewed the agenda for same. He had also received a letter from Walgreens for a change of classification from PBS (Packaged, Beer and wine only, Sunday sales) to PAS (Packaged, All types of alcohol, Sunday sales).

**CITY MANAGER'S DISCUSSION:** David Hales, City Manager, addressed the Council. He informed the Council that Douglas Ellsworth's, Interim Finance Director, contract had expired. He introduced Rich Hentschel who would serve as Interim Finance Director for the next two to three (2 - 3) months. Mr. Hentschel had a broad

finance/accounting background/experience. This was a critical time for the Finance Department.

The residential sprinkler system text amendment would appear on the Council's January 23 or February 13, 2012 meeting agenda. City staff had performed outreach to the home builders regarding the mandatory option.

He reminded the Council that the annual Martin Luther King Jr. Luncheon would be held on Saturday, January 14, 2012.

He noted the condition of N. Center St. This street was resurfaced by the state approximately two (2) years ago. City staff had improved resurfacing analysis. It was unknown what caused this premature failure. The City's goal was to avoid a similar situation. A key was advanced preparation.

He addressed the eastside corridor. The City had played a key role as planners with a long term view. He noted the need to preserve corridors. The City needed to plan today for a City of 100,00 to 150,000. He cited the importance of strong planning efforts. Generally, cities lack long term planning efforts. The Council needed to think fifty (50) years out. The Council needed to have a legacy for the future. All needed to see themselves as planners.

**CITY ALDERMAN'S DISCUSSION:** Alderman Anderson expressed his hope that the Walgreens located at Main and Wood would not reappear on a Liquor Commission agenda.

He noted that the City had donated a property in the 600 block of W. Mulberry to Habitat for Humanity. He noted the positive impact on the community.

Alderman Mwilambwe introduced his brother, Aubert, who was present at this evening's meeting. He was visiting from the Democratic Republic of the Congo.

Alderman Stearns commented on a home which had been purchased on E. Front St. She described the property as historic and believed that the new owners would need assistance from the City.

Mayor Stockton noted the positive impact upon a neighborhood can occur one home at a time.

Alderman McDade thanked the Council for the reappointment to the EDC, (Economic Development Council). She enjoyed serving on this board. She tried to address Council concerns. She cited her hopes for economic development.

She noted that the Library groups would be meeting tomorrow, Tuesday, January 10, 2012.

She also welcomed the City interns, (Illinois Wesleyan University) students, who were present. The Illinois State University students would be present at the Council's January 23, 2012 meeting. These internships would provide the students with a learning experience. She appreciated City staff's efforts and believed that the City would reap the benefits.

Alderman Schmidt echoed Alderman McDade's comments. She thanked Alex McElroy, Technical Asst., for the internship packet.

She questioned the eastside corridor study. She also questioned how the public could express opinions. Mayor Stockton noted that McLean County was the sponsoring agency. Federal/state funds were involved. A consultant, Clark Dietz, had been retained.

Alderman Schmidt stated that she did not support this project and was not in agreement with same. Mayor Stockton encourage her to attend the meeting and submit an opinion.

Mr. Hales added that City staff was involved with this project. There were not any City dollars involved.

Alderman Purcell noted that the current funding was federal/state dollars. Mr. Hales stated that this project was a planning endeavor. The project was a transportation plan. He noted that the City's Comprehensive Land Use Plan was underway. This plan might contain some language regarding an eastside corridor. Mayor Stockton believed that there was funding for a couple more years.

Alderman Purcell stated that this was the Council's first meeting in 2012. An important issue was addressed. Infrastructure was important.

Alderman Fazzini noted that on Sunday, January 8, 2012, there was a water main break on Canterbury Ct. and on Monday morning a valve broke. He cited the speedy repair. City staff was professional and friendly. A weekend crisis was handled well.

Alderman Fruin noted that January 2012 marked David Hales, City Manager, third anniversary with the City. He appreciated Mr. Hales' leadership. He encouraged Mr. Hales to delegate work to City staff.

He also recognized Crystal Howard, Convention & Visitors Bureau's Director.

He noted that there would be a neighborhood meeting regarding the eastside corridor and Eagle View Park. He cited two (2) focuses: openness and communication. He noted the challenge of being an alderman and addressing the good of the City. He believed that the Council was receptive and good listeners.

The meeting on the eastside corridor would be held at Normal Community High School on Wednesday, January 11, 2012, with two (2) presentations – one at 6:00 p.m. and

the other at 7:00 p.m. A couple of alignments were remaining. The alignments were not a couple of miles east of Towanda Barnes Rd. He noted the nearby subdivisions. Clark Dietz had prepared a map which had a route through the Harvest Pointe Subdivision. There was another route between the Grove Subdivision and Towanda Barnes Rd. Citizens wanted the Council to represent their views. He questioned the Council's opinion.

He also addressed Eagle View Park. The City had acquired 14.5 acres for this park. He cited Council's past actions. There was an OSLAD (Open Space Land and Development) grant, (\$400,000). This grant would expire in December 2012. He had met with the neighbors. He noted the following issues: competing budget issues and no promise and/or guarantee to build a park. There would be a neighborhood meeting next week, (Tuesday, January 17, 2012). Topics included the park, the budget, and the eastside corridor.

He cited past joint meetings with McLean County and the Town of Normal. Times have changed since the eastside corridor was first proposed. He cited the cost \$200 - \$300 million. This corridor would bypass the City. The next phase would address options. There was no decision to build this corridor.

He was close to both issues. He welcomed comments from the Council.

Motion by Alderman Anderson, seconded by Alderman Mwilambwe, that the meeting be adjourned. Time: 9:13 p.m.

Motion carried.

Tracey Covert  
City Clerk

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