

**COUNCIL PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:36 p.m., Monday, December 12, 2011.

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.

Alton Franklin, 5 Andy Ct., Unit 1, addressed the Council. He had caught the end of the December 12, 2011 Work Session, (Rules of Procedure). He cited the United States' Declaration of Independence and Constitution. The role of the Mayor was to guide debate and control the discussion. He addressed basic principles of leadership. He believed that citizen's participation would be reduced. He stated his unwillingness to work with his ward's alderman as this individual was unresponsive. He would not be intimidated. He believed in participatory government and he was here to be of assistance. He had presented his concerns and ideas. He cited an example of offering his assistance to the City's Information Services Department. The Council was a procedural nightmare.

The following was presented:

SUBJECT: Proclamation

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

BACKGROUND: The proclamation will be presented:

1. In Recognition of National Drunk and Drugged Driving (3D) Prevention Month, December 2011.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed and Concur with:

Recommended by:

Tracey Covert
City Clerk

Randall McKinley
Police Chief

David A. Hales
City Manager

Mayor Stockton read and presented the National Drunk and Drugged Driving Prevention Month, (December) Proclamation to Robert Wall, Asst. Police Chief. Asst. Chief Wall noted that enforcement was serious matter. The Police Department placed an emphasis on DUI (Driving Under the Influence) training and arrest.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Council Proceedings of November 28, 2011

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of November 28, 2011 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of November 28, 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 Fazzini, seconded by Alderman Fruin that the reading of the minutes of the previous Council Meeting of November 28, 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 Thursday, December 8, 2011 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

(ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Reports

RECOMMENDATION: That the reports be received and placed on file.

BACKGROUND: The following reports should be received and placed on file with the City Clerk:

1. Firemen's Pension Fund Comprehensive Annual Financial Report for the Years Ended April 30, 2011 and 2010.
2. Police Pension Fund Comprehensive Annual Financial Report for the Year Ended April 30, 2011.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert
City Clerk

Timothy Ervin
Performance Auditor & Budget Manager

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the reports for be received and placed on file.

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: Emergency Replacement of Two (2) Drainage Culverts on Inner Loop Rd. at Lake Bloomington

RECOMMENDATION: That the payment to George Gildner, Inc. in the amount of \$28,983.50 for the emergency replacement of two (2) drainage culverts be approved.

BACKGROUND: The Inner Loop Road is a well-used road adjacent to the southern shoreline of the Lake Bloomington reservoir. This road is popular for walkers, joggers and bicyclists in addition to some vehicular traffic. Being adjacent to the reservoir means there are several natural drainage ways that cross this road to empty into the reservoir. Some of these drainage ways are quite deep. In early 2011, spring and early summer had higher than normal precipitation and the drainage ways on the lake side of the road were severely eroded. Lake Parks Maintenance staff attempted to correct this problem by filling in the voids with compactible rock but the erosion continued. It was apparent that a more substantial solution would be needed as the road on the lake side at each of the culverts collapsed creating a large and deep sink hole at each site. Staff contacted George Gildner, Inc. to make the emergency repairs as soon as possible, on a time and materials basis. Those repairs were completed and the invoice has been submitted for payment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for emergency replacement of these culverts will be made from the Water Department, Operation & Maintenance budget, Lake Maintenance Division, Other Repair and Maintenance, Account #5010-50100-50140-70590. This account has a budget of \$20,000 for FY 2012. To date, only \$1,542 has been expended. At this time, the Lake Maintenance Division is currently under budget for expenses in FY 2012 by \$41,000. This additional expense will not cause the Division to exceed its overall budget.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Craig M. Cummings

Douglas Ellsworth

David A. Hales

Water Department Director

Interim Director of Finance

City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the payment to George Gildner, Inc., in the amount of \$28,983.50 for emergency replacement of two (2) drainage culverts be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to 2010 Sump Pump Drainage Contract (City Wide)

RECOMMENDATION: That the Amendment to the 2010 Sump Pump Drainage Contract with George Gildner, Inc. in the amount of \$2,209.40 be approved.

BACKGROUND: On October 25, 2010, Council approved a contract with George Gildner, Inc. for the 2011 Sump Pump Drainage System. The improvements involve the installation of drain tiles for the collection of sump pump discharges at locations throughout the City. Existing sump pump discharge pipes from private properties were connected and service tees provided for future connections. This work minimizes sump pump discharge water onto City streets and sidewalks which can create hazards, especially during the winter. The three (3) locations were the 400 block of Radcliff Road with a cost of \$17,957.10, the 2300 block of Lamon Dr. with a cost of \$10,481.00 and Earls Court, (north and south) with a cost of \$23,771.30. Each was completed under this contract. In order to complete the last location, the original contract amount was exceeded.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The FY 2012 budget included \$50,000 for Sump Pump Drainage System installations. Payment to the contractor for this change order will be from Storm Water Funds (53103100-72550). This account has a current available balance of approximately \$3,380,000.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Jim Karch, PE CFM
Director of Public Works

Doug Ellsworth
Interim Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporate Counsel

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the amendment to the 2010 Sump Pump Drainage Contract with George Gildner in the amount of \$2,209.40 be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to 2011 General Resurfacing Contract (City Wide)

RECOMMENDATION: That the Amendment for the 2011 General Resurfacing Contract with Rowe Construction Company, a Division of United Contractors Midwest, in the amount of \$8,178.69 be approved.

BACKGROUND: On April 11, 2011, Council approved a contract with Rowe Construction Company, a Division of United Contractors Midwest, for 2011 General Resurfacing. All work included in the original contract is complete. During the summer, Public Works' staff discovered some severely deteriorated shoulders which required immediate attention. If left unattended, the deterioration could have caused accidents and liability issues for the City. Most of the shoulder work was completed within the original contract limit. In order to perform all the necessary repairs, the original contract amount was exceeded.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The FY 2012 Budget includes \$2,500,000 for the Pavement Management Program. The resurfacing contract with Rowe Construction was executed in the amount of \$1,931,300. The remaining Pavement Management Funds were used for the Street and Alley Repair and Pavement Maintenance contracts. Payment will be from the Capital Improvement Fund (4010-40100100-72530). This account has a current available balance of approximately \$465,000.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Jim Karch, PE CFM
Director of Public Works

Doug Ellsworth
Interim Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporate Counsel

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Amendment to the 2011 General Resurfacing Contract with Rowe Construction Company, a Division of United Contractors Midwest, in the amount of \$8,178.69 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: Change Order No. 4 to the Professional Services Agreement with Foth Infrastructure & Environment, LLC for Lafayette St. and Maple St. Reconstruction Project, Engineering Design Services and Supplemental Motor Fuel Tax (MFT) Resolution (Ward 4)

RECOMMENDATION: That the Amendment to the Professional Services Agreement with Foth Infrastructure & Environment, LLC in the amount of \$15,500 be approved and the Resolutions passed.

BACKGROUND: This project is for the design of construction plans to reconstruct Lafayette St. from Maple St. to Morrissey St., and also to overlay Maple St. from Lafayette St. to Lincoln St. and Redwood Ave. from Maple St. to Morrissey St.

Currently, the City has obtained signed contracts for all necessary temporary easements and permanent right of way for the Lafayette St. project. The City's Corporation Counsel Office is facilitating the closings with land owners to obtain signed deeds, make payments, and file the documents with the County Recorder's Office. Construction plans are in a state of pre-final (95% completion). It is expected that the construction plans will be completed and the project bid in late winter to early spring 2012. Plans indicate construction to commence early in the 2012 season.

A timeline of the design work is as follows:

September 25, 2006, Council approved a contract for professional services with Foth in the amount of \$120,000 for the design of pavement reconstruction of Lafayette St. from Maple St. to Morrissey St. and Maple St. from Lafayette St. to Beechwood Ave. including a two (2) lane curb and gutter facility with a middle bi-directional turn lane on Lafayette, and a two (2) lane curb and gutter facility (no turn lane) on Maple.

August 27, 2007, Council approved Change Order No. 1, in the amount of \$13,264, for Foth to provide a detailed drainage study and analysis of the capacity of the fifty-four inch (54") storm sewer on Beechwood Ave., which was found to be adequate to handle storm flow in the area, resulting in an estimated construction cost savings of \$275,000.

October 13, 2008, Council approved Change Order No. 2, in the amount of \$30,000, for Foth to design the additional sewer mains recommended in the detailed drainage study. Foth then delivered preliminary plans to the City for final review. The project was put on hold at that time.

October 10, 2010, Council approved Change Order No. 3 to finalize plans and move forward with construction. Along with updating the plans with current Geographic Information System (GIS) and topographic data, a revision was made to the channel carrying storm water flow from Maple St. to the Baker-Ash Detention Basin, at an added design cost of \$9,200. Additionally, replacement of an old water main within the project limits was added to the project, at a design cost of \$22,700.

Currently, Foth has submitted Change Order No. 4 in the amount of \$15,500 to cover additional cost necessary in completing the design. These additional costs resulted from negotiations with property owners along Maple St. There was objection to the City's plan to repair the drainage channel west of Maple St., to the Baker-Ash Detention Basin. Foth was asked to design alternatives for review. Additionally, there was objection to the reconstruction of Maple St. with new curb, gutter and sidewalk. The plans had to be revised to include only asphalt overlay of Maple St. and inclusion of Redwood Ave. for overlay.

FUND	Motor Fuel Tax (MFT)	Capital Improvement Fund (CIF)	Sewer Water Depreciation Fund (SWDF)	Water Depreciation Fund (WDF)	TOTAL:
Original Contract	\$90,000	\$30,000			\$120,000
Change Order 1 8/27/2007			\$13,264		\$13,264
Change Order 2 10/13/2008	\$30,000				\$30,000
Change Order 3 10/25/2010	\$9,200			\$22,700	\$31,900
Change Order 4	\$6,700		\$8,800		\$15,500
Grand Total	\$135,900	\$30,000	\$22,064	\$22,700	\$210,664

The estimate of cost for construction of this project is as follows:

Lafayette St. and Maple St. Reconstruction: \$1,800,000 MFT Funds
Lafayette St. and Maple St. Water Main Replacement: \$ 200,000 WDF Funds

Funds are available in the MFT and WDF budgets for Pavement Reconstruction/Overlay and Water Main Replacement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: It is anticipated that prior to final plan approval, a public meeting will be held to discuss pre-final plans with interested citizens.

FINANCIAL IMPACT: The professional services agreement with Foth Infrastructure & Environment, LLC for the design of the Lafayette St. and Maple St. Reconstruction Project, needs to be increased by \$15,500 to a total cost not to exceed of \$210,664. The \$15,500 is available in current City funds. A Supplemental MFT Resolution appropriating \$6,700 in MFT funds must also be adopted. Payment for this design fee increase will be made as follows:

SOURCE	FUND	LINE ITEM	COST
Motor Fuel Tax	MFT	X20300-72530	\$6,700
Public Works	SWDF	X55200-72530	\$8,800
Total Increase			\$15,500

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Jim Karch, P.E., CFM
Director of Public Works

Douglas Ellsworth
Interim Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporate Counsel

David Hales
City Manager

RESOLUTION NO. 2011 - 55

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$15,500 IN THE CONTRACT BETWEEN THE CITY OF
BLOOMINGTON AND FOTH INFRASTRUCTURE & ENVIRONMENT, LLC
FOR LAFAYETTE ST. AND MAPLE ST. RECONSTRUCTION PROJECT,
ENGINEERING DESIGN SERVICES**

WHEREAS, the City of Bloomington has previously entered into a contract with Foth Infrastructure & Environment, LLC for Lafayette St. and Maple St. Reconstruction Project, Engineering Design Services; and

WHEREAS, it was necessary to revise the plans to include only asphalt overlay of Maple St. and the inclusion of an overlay for Redwood Ave.; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the December 12, 2011 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$15,500 in the contract between the City of Bloomington and Foth Infrastructure & Environment, LLC for Lafayette St. and Maple St. Reconstruction Project be approved.

ADOPTED this 12th day of December, 2011.

APPROVED this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

(RESOLUTION NO. 2011 - 56 ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Amendment to the Professional Services Agreement with Foth Infrastructure & Environment LLC in the amount of \$15,500 be approved and the Resolutions passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Addendum to Agreement with George Gildner, Inc. for Water Main Replacement Project Along Greenwood Ave. from Main Street to Morris Ave.

RECOMMENDATION: That the Addendum to agreement with George Gildner, Inc. for Greenwood Ave. Water Main Replacement Project in the amount of \$89,696.08 be approved and the Resolution adopted.

BACKGROUND: Greenwood Avenue is a frontage road running parallel with and on the south side of S. Veterans Parkway between Main St. and Morris Ave. The replacement of the water main, valves fire hydrants and service connections was a complicated job in that it involved two (2) separate directional drilling segments under state controlled right of way on Veterans Pkwy and additional work state controlled S. Main St near the Veterans Pkwy overpass. The project was necessary because the two (2) water mains, (twelve inch and six inch), which were replaced during this project, were beyond their useful life and were the site of frequent water main breaks.

The changes from the original plans have been incorporated into a listing with explanations. The changes were approved in the field by staff and were based upon bid unit prices for the particular tasks. As an example, if the quantity of eight inch (8") pipe was increased or decreased from the original plans, this change was multiplied times the unit price, resulting in a change to the amount invoiced to the City.

This project is not unlike many Water Department projects, particularly in older areas of the City. The Water Department records, which are the general basis for the design of the project, are not as precise as they could be. If the contractor bids a project based upon, for instance, certain fittings being shown in certain locations and the locations found in the field are different, the contractor must make an adjustment to the work that was bid. This can be an addition or deduction as evidenced by the listing where there were additions and deductions to the project.

There is always concern with underground utility construction that what has been designed, based upon the best available records and cost-effective field measurements, is always subject to differences due to most of the work being buried. Very little of what is designed can be physically viewed, inspected or measured. There is a certain amount of risk on the City and the contractor's part. That risk is minimized by due diligence in the design and bid process of projects, but it is always present. For instance, with this project, it was determined after the project was designed and under construction, that the addition of a pressure regulating station should be added to the project at S. Main St.

Greenwood Ave. is the interface between two (2) pressure zones. It was known that valves would be installed to separate the two (2) zones. When the project was underway and valves were closed as part of the construction, it became apparent that simply having a main line valve in a closed position between the two (2) pressure zones was not the ideal solution to the separation between the two zones. A fully closed valve would work to separate the pressure zones but would not allow water to flow between the zones at times when the pump station supplying either side of the valve were out of service. A pressure regulating valve can be set to allow water to flow in either direction based upon the adjustable settings for the valve.

This was an unforeseen circumstance and added over \$25,000 to the cost of excavation and replacement of that section.

Various other adjustments were made in the field based upon the conditions encountered once the water main and its appurtenances were excavated and could be inspected.

Repair existing 6" water main damaged while hand probing for its location:	\$ 1,687.95
Repair existing 2" private (unmarked) well water line:	\$ 3,894.85
Add fire hydrant to south side of road:	\$ 1,027.90
Add 1" service to customer previously on a well system*	\$ 5,937.10
Add 2" service to customer previously on a well system*	\$ 6,890.13
4" service connection on "cased" service, service was designed as "not cased"	\$ 3,160.28
Offset water main to avoid casing pipe	\$ 5,430.68
Remove and reweld casing pipe	\$ 2,558.28
Install new pressure reducing station (not designed as part of project)	\$21,139.95
Change 12" cut-in on Main Street to 12" tee and valve	\$22,938.68
Removal of existing 12" tee in Main Street (not designed as part of project)	\$15,030.28

Grand Total**\$89,696.08**

*Repair and water main pretapped.

The bid cost of this project was \$442,516.08. The total of the change order is \$89,696.08. This addendum results in this project being twenty percent (20%) over the bid amount. The total project cost of \$532,212.18 is still below the next lowest bidder who had bid a total price of \$544,297.40. The same conditions would have encountered in the field as did the awarded contractor.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This addendum will require the payment of an additional \$89,606.08 from the Water Department Operating and Maintenance Fund, Distribution Division, Repair/Maintenance of Infrastructure, 5010-50120-70550. This change order will have minimal impact on the Water Department overall budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Craig M. Cummings
Water Department Director

Douglas Ellsworth
Interim Director of Finance

David A. Hales
City Manager

RESOLUTION NO. 2011 – 57

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$89,696.08 IN THE CONTRACT BETWEEN THE CITY OF
BLOOMINGTON AND GEORGE GILDNER, INC.
FOR WATER MAIN REPLACEMENT PROJECT ALONG GREENWOOD AVE.
FROM MAIN ST. TO MORRIS AVE.**

WHEREAS, the City of Bloomington has previously entered into a contract with George Gildner, Inc.; and

WHEREAS, for the reasons set forth in a staff report dated December 12, 2011 it was necessary to make a number of adjustments in the field based upon conditions; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the December 12, 2011 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$89,696.08 in the contract between the City of Bloomington and George Gildner, Inc. be approved.

ADOPTED this 12th day of December, 2011.

APPROVED this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Fruin that the addendum to the Agreement with George Gildner, Inc. for Greenwood Ave. Water Main Replacement Project in the amount of \$89,696.08 be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Requested Withdrawal by the Lowest Bidder for Ferric Sulfate and Award to Kemira Water Solutions, Inc.

RECOMMENDATION: That the bid submitted by General Chemical be withdrawn, the bid for ferric sulfate be awarded to Kemira Water Solutions, Inc. in the amount of \$169.00 on a per dry ton, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: On September 9, 2011, bids were opened for the City's water treatment chemical needs for the following twelve (12) months. General Chemical (GC) submitted a bid of \$147.00 per dry ton for ferric sulfate. Kemira Water Solutions, Inc., (KWS) bid was \$169.00 per

dry ton. The 2010 bid price was \$141.30 per dry ton submitted by KWS. The bid for ferric sulfate was awarded to GC by the Council on September 26, 2011.

Ferric Sulfate is a compound used to increase the removal of suspended materials, such as small soil particles, that are suspended in the water. Basically, these particles clump together to settle more quickly.

After the bid was awarded to GC for ferric sulfate, the vendor contacted the City and requested that their bid be withdrawn. A clerical error was made when submitting their bid. Their bid submission was based upon a liquid ton basis as opposed to the requested dry ton basis. The City, in its bid specifications, requests ferric sulfate be bid on a dry ton basis. The amount of ferric sulfate in the liquid solution can vary (and invariably does). The City pays only for the ferric sulfate utilized, not the water used to make up the solution.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for the purchase of water treatment chemicals throughout the year will be made from the Water Department, Operations & Maintenance Budget, Purification Division, Water Treatment Chemicals, Account #5010-50100-50130-71720. This account for Fiscal Year 2012 is budgeted at \$600,000. Although this bid price is higher than originally thought, the amount of ferric sulfate used by the City is not a major chemical cost and therefore should not materially affect the budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Craig M. Cummings
Director of Water

Kim Nicholson
Purchasing Agent

Douglas Ellsworth
Interim Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the bid submitted by General Chemical be withdrawn, the bid for ferric sulfate be awarded to Kemira Water Solution, Inc. in the amount of \$169.00 on a per dry ton, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Rescission Agreement with Corn Belt Energy Corporation

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

BACKGROUND: On September 12, 2011, Council approved a contract between the City and Corn Belt Energy Corporation (CBEC) in which the City agreed to sell to CBEC 1.5 acres of City owned land, located at Evergreen Lake, for \$39,000. CBEC provides power to over 33,000 households and businesses in eighteen (18) counties throughout Central Illinois, including McLean County. In an effort to meet a growing demand for electricity in that area, CBEC requested to purchase City owned land for purposes of building an electric substation.

The contract, among other things, provided CBEC with a sixty (60) day inspection period to determine if the property was suitable for their intended purpose. CBEC was allowed to enter the property during this period to conduct inspections, surveys and other investigations. It was during one of their visits to the site that the current events unfolded.

On September 28, 2011, while surveying the intended substation site, CBEC was instructed to cease their work by the McLean County Department of Parks and Recreation. Through subsequent conversations with officials from McLean County that day, City staff became aware of several important issues impacting the contract between the City and CBEC.

COMLARA Park Lease between City and McLean County

In 1972, the City entered into a lease agreement with McLean County in which the County agreed to develop and maintain a land water area near Evergreen Lake known as COMLARA Park. As background, Evergreen Lake was developed as a water supply source for the City. In addition to owning the 694 acre lake, the City also purchased 1,454 acres of land surrounding the lake. This land had the potential of being developed into much needed public recreational facilities within a natural environment. By lease agreement the City entrusted McLean County with the responsibility of developing the facilities needed for the area's population to enjoy a wide variety of water related and other types of recreation.

The lease agreement provides that McLean County should assume all responsibility for the maintenance and supervision of the leased premises (including all roads and all water available for recreational use); make and enforce rules and regulations governing the use of the premises by the public; and use all reasonable care to keep the premises safe from damage or destruction. Although the City retains the right to enter the premises at any time for any purpose related to use of the waters of Evergreen Lake, primary use and regulation of the premises is the sole responsibility of McLean County. The lease agreement will expire on January 1, 2032.

McLean County's Objection to CBEC Purchase

In addition to informing City staff of the existing lease agreement, McLean County also made staff aware of their objections to the City's contract with CBEC. McLean County explained that construction of new overhead power lines in the park may threaten their eligibility for certain federal and state park grants. These grant programs assist eligible local units of government acquire and/or develop public outdoor recreation areas. The grant requirements are strict, including the requirement that local project sponsors take all reasonable steps to bury, screen, or relocate existing overhead utility lines on a project site and install all future electrical lines and other utility wires underground.

In making its objection, McLean County also referenced the COMLARA Park Management Plan approved in 1974. With regard to utilities, the Plan states that "[i]n so far as possible all future electrical utilities within each park site should be placed underground to lessen visual pollution of the landscape."

Recent Developments

Since the September 28th developments, City staff has had numerous discussions with officials from McLean County and CBEC. As initially explained to CBEC, if it wished to proceed to closing it could, but it would acquire the 1.5 acreage subject to McLean County's existing lease. And even if acquired and they built a substation on the subject parcel, the City would be unwilling to grant CBEC a requested easement over the premises. In addition to the substation, CBEC was also interested in acquiring a permanent easement on the premises measuring approximately thirty feet (30') adjacent to the right of way line to construct overhead power lines. This would be adverse to McLean County's leasehold interest and inconsistent with the outdoor recreational use of the property.

After continued discussions, CBEC presented several new proposals to City staff and McLean County for consideration. As of this submission, the proposal that is tentatively agreeable to all parties involves construction of the substation at the north end of the park area next to an existing Ameren 34,500 volt line. The substation site will be east of the dam area and involve underground power line construction and minimal overhead power line construction (two poles). Staff intends to present that proposal for your consideration at a later date.

Attached and for your consideration is an agreement between the City and CBEC rescinding the contract previously approved by Council on September 12th. By entering into the agreement, in addition to canceling the contract, the City and CBEC agree to settle and resolve all potential claims, legal actions, judgments, disputes, causes of action, and appeals against each other, known or unknown.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

Craig Cummings
Director of Water

David A. Hales
City Manager

RESCISSION AGREEMENT

This Rescission Agreement (“Agreement”) is made and entered into this _____ day of _____, 20____, by and between the City of Bloomington, a municipal corporation organized under the laws of the State of Illinois (“City”) and Corn Belt Energy Corporation, a not-for-profit corporation authorized to do business in and organized under the laws of the State of Illinois (“Corn Belt”); collectively referred to herein as the “Parties.”

WHEREAS, the Parties previously entered into a Contract for Sale of Real Estate (“Contract”) on September 20, 2011 for the purchase by Corn Belt of 1.5 acres of City-owned land located at Evergreen Lake Road in the amount of \$39,000.00 (said Contract is attached and marked as *Exhibit A*); and

WHEREAS, due to certain developments after the Contract was entered into, the Parties desire to cancel, rescind and render null and void said Contract;

NOW THEREFORE, in consideration of the mutual covenants herein contained, the Parties, intending to be legally bound, hereby agree as follows:

1. The Parties hereby cancel and rescind the aforementioned Contract effective as of this day first written above and declare the Contract to be null and void for all purposes.
2. The Parties hereby acknowledge and agree that, as a result of the rescissions and cancellations described above, each party shall, in every respect, be in the same position it was in immediately prior to the consummation of the transactions expressly rescinded hereby and all transactions relating thereto. Neither party shall have any further rights or duties thereunder.
3. The Parties agree to settle and resolve all potential claims, legal actions, judgments, disputes, causes of action, and appeals against each other, known or unknown, by entering into this Agreement.
4. This Agreement shall be binding upon the Parties, their successors, assigns and personal representatives.
5. The Agreement represents the entire agreement with respect to matters contemplated herein and supersedes any prior oral or written agreements or undertakings between the Parties to such matters.

6. This Agreement shall be enforced under the laws of the State of Illinois.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed and delivered as to the date first written above.

**City of Bloomington
A Municipal Corporation**

By: Stephen F. Stockton, Mayor

Attest: Tracey Covert, City Clerk

Corn Belt Energy Corporation

By: _____
Name, Title

Attest: _____
Name, Title

EXHIBIT A

**CONTRACT FOR SALE OF REAL ESTATE
McLEAN COUNTY BAR ASSOCIATION APPROVED FORM
(REVISED CONTRACT FORM EFFECTIVE JANUARY 1, 2008)**

Seller: CITY OF BLOOMINGTON

Buyer: CORN BELT ENERGY CORPORATION

Address: 109 East Olive Street
Bloomington, IL 61701

Address: One Energy Way
Bloomington, IL 61705

Attorney Rosalee Dodson
Address: 109 East Olive Street
Bloomington, IL 61701

Attorney:
Address:

Telph: (309) 434-2213
Fax: (309) 434-2316

Telph: (309) 662-5330
Fax: (309) 663-4516

Listing Broker/Telephone/Fax: N/A

Selling Broker/Telephone/Fax: N/A

Agent: N/A

Agent: N/A

Current Mortgage holder/Loan #/Address/Telephone: N/A

CONTRACT FOR SALE OF REAL ESTATE

THIS IS INTENDED TO BE A LEGAL DOCUMENT. AN ATTORNEY AT LAW SHOULD BE CONSULTED PRIOR TO THE EXECUTION OF THIS DOCUMENT.

THIS CONTRACT is entered into between the City of Bloomington, hereinafter referred to as Seller, and Corn Belt Energy Corporation, hereinafter referred to as Buyer, who agree as follows:

1. DESCRIPTION, PRICE AND PAYMENT: Seller sells the following described real estate, for the purpose of building an electric substation, to-wit:

A PART OF SOUTHWEST QUARTER OF SECTION 12 OF TOWNSHIP 25 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, WOODFORD COUNTY, ILLINOIS.

(PIN: 19-12-300-004) (the exact legal description is to be determined via survey and platting to be completed within sixty (60) days after the date of execution of this Contract),

~~with improvements, commonly known as _____, located thereon, to Buyer, who agrees to pay \$39,000 therefor in the manner following: (down payment inclusive of earnest money) upon the execution of this Contract:~~

~~_____ A. To be deposited into escrow until closing;~~

~~_____ B. To be delivered to Seller, receipt of which is hereby acknowledged;~~

~~and the remainder~~ by cashier's check, certified funds, or the equivalent on or before the 18th day of November, 2011, and on receipt of deed.

2. EVIDENCE OF TITLE: Not less than fourteen (14) days prior to closing, Seller will furnish Buyer with written commitment from a title insurance company duly authorized to do business in Illinois, showing title to said premises subject only to matters to which this sale is subject by the terms hereof and to the customary exceptions contained in owners policies issued by such company. If written commitment discloses defects in title other than matters to which this sale is subject by the terms hereof and the customary exceptions in such policies, then Seller shall have until date for delivery of deed to correct such defects. Owners title policy, in amount of the purchase price for said premises, will be paid for by the Seller and issued to Buyer after delivery of deed.

3. DEED AND POSSESSION: Seller will cause fee simple title to said real estate to be conveyed to Buyer, or to such party as Buyer may direct, by Warranty Deed (or Trustee's Deed or Executor's Deed, where applicable), and shall deliver possession to Buyer upon payment

being made as herein provided, on or before the 18th day of November, 2011. Seller shall pay all owners' association(s) dues and/or assessments, and water, sewer, and public utility service charges incurred for improvements on said real estate up to the time when possession passes to Buyer.

4. RISK OF LOSS: This Contract is subject to the State of Illinois Uniform Vendor and Purchaser Risk Act (765 ILCS 65/1), which provides, in general, that the Seller shall bear the risk of loss until transfer of possession or receipt of deed, whichever occurs first.

5. TAXES: Unless otherwise provided for herein, all general real estate taxes shall be prorated as of the date of delivery of possession of the premises to Buyer, and by allowance of Seller's share thereof being a credit against the purchase price at closing, based upon the latest known assessed valuation and latest known tax rate. ~~Further, the parties agree that the real estate taxes shall be re-prorated for a given year upon receipt of the actual real estate tax bills. The re-proration shall be done by the party receiving the tax bill with notice to the other party. If the re-prorated amount differs from the credit amount by \$100.00 or more, Seller shall pay Buyer, or Buyer shall pay Seller, the appropriate adjustment within fifteen (15) days from receipt of the re-proration computation (or receipt of the actual tax bill, whichever is received first by the party obligated to pay the adjustment).~~ All transfer taxes shall be paid by Seller. This provision shall survive closing and delivery of deeds.

6. ENCUMBRANCES:

- A. Mortgage, if any, shall be satisfied out of the purchase price and released when deed is delivered. Seller's obligation to obtain the mortgage release shall continue until the release is obtained and recorded.
- B. Easements and building or use restrictions of record, and zoning and building ordinances, if any, shall not be considered as rendering title unmerchantable or unacceptable, provided same are not violated by the existing improvements or the use thereof.

7. PERSONAL PROPERTY: (Deleted)

8. FINANCING: (Deleted)

9. WOOD DESTROYING INSECT PROVISION: (Deleted)

10. EQUIPMENT & INSPECTIONS: (Deleted)

11. LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS: (Deleted)

12. SELLER'S WARRANTIES: (Deleted)

13. ADDITIONAL PROVISIONS:

- A. ~~Buyer shall assume any assumption or transfer fees incurred as a result of Buyer assuming, or taking subject to, Seller's existing mortgage, and both Seller and Buyer agree to comply with the requirements of the Real Estate Settlement Procedures Act.~~
- B. Words importing the masculine gender include the feminine, words importing the singular number include the plural, and words importing the plural number include the singular.
- C. The covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties.
- D. The parties acknowledge that the State of Illinois has enacted the Smoke Detector Act (425 ILCS 60/1, *et seq.*), and the Carbon Monoxide Alarm Detector Act (430 ILCS 135/1, *et seq.*).
- E. Time is of the essence of this Contract.
- F. Any deadline in this Contract which falls on a Saturday, Sunday or legally recognized State of Illinois or federal holiday shall be extended to the next business day.
- G. Section or paragraph headings, or lack thereof, that may be used in various places throughout this Contract are intended for convenience only and shall not be taken into consideration in any construction or interpretation of this Contract or any of its provisions. To the extent there is deemed to be any conflict between the headings and/or numbers, and the text of this Contract, the text shall control.
- H. Seller shall provide reasonable access to Buyer and Buyer's representative(s) for purposes of inspection(s) and appraisal(s).
- I. *This Contract is contingent upon approval by the Bloomington City Council.*

14. ESCROWEE: (Deleted)

15. NOTICES, ETC.: Title commitments, communications and any notices required to be given pursuant to this Contract shall be delivered to the party's attorney, or to the party if not represented by counsel. Any notice shall be given in writing in one of the following ways: (i) by personal delivery to the party or attorney; (ii) by U.S. mail, with postage prepaid, addressed to the party or attorney at the address set forth on the first page hereof; or (iii) by express delivery to the party or attorney at the address set forth on the first page hereof, with charges prepaid. Such notice shall be deemed given on the date when delivered personally, or on the date deposited with the express delivery company (with charges prepaid), or on the date deposited in the U.S. Mail, with postage prepaid.

16. PREPARATION AND APPROVAL: This Contract was prepared by Rosalee Dodson, Seller's attorney, and approved by Buyer and/or Buyer's attorney.

17. SETTLEMENT: Closing shall be held in McLean County at *such place as the parties may agree* ~~the office of Buyer's closing agent, unless the parties agree otherwise.~~

18. SELLER'S DISCLOSURE: The parties acknowledge that this Contract is *not* subject to the Illinois Residential Real Property Disclosure Act (765 ILCS 77/1, *et seq.*) and the Illinois Radon Awareness Act (420 ILCS 46/1, *et seq.*). ~~Buyer acknowledges receipt of a completed Residential Real Property Disclosure Report, Illinois Disclosure of Information on Radon Hazards and the IEMA pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions" prior to the time this Contract was signed and said disclosures are incorporated herein by reference.~~

19. ATTORNEY'S FEES AND EXPENSES: Should Seller or Buyer bring any action against the other with respect to this Contract, the party that does not prevail upon the action, as determined by the court, shall be liable to the other party for any reasonable attorney's fees, costs, and expenses (including expenses of litigation) incurred by such other party and as determined by the court. This provision shall survive closing and delivery of deeds.

20. DEFAULT: In the event either party should breach this Contract, the other party may pursue any and all remedies provided.

21. ENTIRE AGREEMENT: This Contract represents the entire agreement of the parties. No covenants, agreements, representations or warranties of any kind have been made by any party or agent of a party to this Contract, except as specifically set forth herein. The parties expressly acknowledge that, in executing this Contract, they have not relied on any prior or contemporaneous oral or written representations, statements or agreements, except as expressly set forth herein. Any modifications of the terms of this Contract must be in writing and signed by both parties, in the absence of which the terms of this Contract shall govern.

22. FORM OF AGREEMENT: This Contract conforms in all respects with the form Contract for Sale of Real Estate adopted by the McLean County Bar Association effective January 1, 2008, with the exception of the language shown stricken, deleted, and italicized and the following paragraph:

23. INSPECTION PERIOD: Buyer shall, at Buyer's expense and within sixty (60) days after the date of execution of this Contract, determine whether the property is suitable, in the Buyer's sole and absolute discretion for the purpose of building an electric substation. During this period, Buyer may conduct a Phase I environmental assessment and any other tests, analyses, surveys, and investigations ("inspections") that Buyer deems necessary to determine to Buyer's satisfaction the property's engineering, architectural and environmental properties; zoning and zoning restrictions; subdivision statutes; soil and grade; availability of access to public roads, water, and other utilities; consistency with local, state and regional growth management plans; availability of permits, easements, government approvals, and licenses; and other inspections that Buyer deems appropriate to determine the property's suitability for the

THIS CONTRACT WILL BE DEEMED EFFECTIVE AS OF THE LAST DATE SIGNED.

~~The above named designated Escrowee hereby accepts the escrow on the terms and conditions heretofore set forth.~~

X _____
Agent for Escrowee

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Rescission 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: Intergovernmental Agreement with District 87 for Providing Salt during the Upcoming Winter Season

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

BACKGROUND: The City purchases salt every year for its snow operations through the state contract. In the past, the City has sold a small amount of salt to District 87 to supplement their snow operations. In an effort to assist with our local school district, staff has negotiated an agreement this year to assist District 87 with a small amount of salt. The amount of salt covered under the agreement is two point eight percent (2.8%) of the normal amount used in any given year and should not affect the quality of City snow operations.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: District 87.

FINANCIAL IMPACT: The City will charge District 87 \$65.21 per ton which includes the raw material cost of \$60.21 per ton plus storage, handling and loading fees of \$5 per ton.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Jim Karch, PE CFM
Director of Public Works

Doug Ellsworth
Interim Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

**Intergovernmental Agreement
Between the City of Bloomington and
Bloomington Public Schools, District 87**

In order to better conserve taxpayer dollars, the City of Bloomington (hereafter "City") and Bloomington Public Schools, District 87 (hereafter "District 87") hereby enter into the following agreement regarding road salt from the date of its execution through April 30, 2012.

1. The City store and load the salt from its 502 South East Street salt storage facility. District 87 will provide the transportation from this salt storage facility.
2. The City of Bloomington would prefer, but does not require, that the total salt distribution be taken by District 87 at one time. Loading of the salt will need to be arranged by District 87 with the City a minimum of 48 hours prior to the date of request. The City reserves the right to deny the timeline of pickup given based upon daily operations of the City.
3. The salt will be paid for by District 87 at a cost of \$65.21 per ton (this cost includes the raw material cost of \$60.21 per ton plus a storage, handling and loading fee of \$5 per ton).
4. The amount of salt provided to District 87 shall not exceed 250 tons prior to April 30, 2012.
5. This agreement shall be effective as of the date it is passed by the final party to do so.

Passed this 12th day of December, 2011.

Steven F. Stockton, Mayor
City of Bloomington

ATTEST:

Tracey Covert, City Clerk

Passed this _____ day of _____, 2011

Michael Harrison, Board President
Bloomington Public Schools, District 87

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Intergovernmental 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: Ratification of Union Contract with the Telecommunicators for the Period of May 1, 2008 until April 30, 2011

RECOMMENDATION: That the Contract be ratified.

BACKGROUND: On May 2, 2008, the City received notice that a tally of majority support had been received on the certification of representation for those employed as a Telecommunicator with the City. The notice acknowledged the Policemen's Benevolent Labor Committee as the exclusive representation of all Telecommunicators employed by the City. The City and the Policemen's Benevolent Committee began negotiation of the first collective bargaining agreement on July 1, 2008. The parties reached tentative agreement on May 18, 2011 in mediation pending presentation and approval of the Council. The tentative agreement reached on May 18, 2011 was presented to the Council in Executive Session on June 13, 2011. The Union ratified the contract on Wednesday, October 5, 2011. It is now in order for the Council to ratify the contract.

In accordance with state law, this group would have been eligible for arbitration due to this being their first contract. Future negotiations will not be subject to arbitration. All articles and

sections of the contract have been tentatively agreed (TA) to signed off on by both parties. The TAs have been incorporated into a draft contract. The parties have not finalized the contract for signature which will officially execute the contract. Minor cleanup and final review by the parties remains. It is hoped that the final contract will be ready for signature and execution within thirty (30) days of ratification by the Council. A draft of the contract has been made available for review.

The contract contains standard articles and sections consistent with other collective bargaining agreements. There is no explicit language which addresses managed competition. Future contract modifications will be addressed during negotiations for a successor agreement. The contract that the union has ratified and the Council is being requested to act upon expired on April 30, 2011. Negotiations will commence for a successor agreement upon execution of this one. Highlights are listed below. Upon ratification by the Council the contract will be finalized and executed by the parties.

Highlights of Contract:

•**TERM OF AGREEMENT**

Contract is for three (3) years, retroactive to May 1, 2008 and expiring on April 30, 2011.

•**WAGES**

Wages for current employees will increase as follows: Year 1 (May, 2008) – no additional increase over performance increases which were given at that time and which averaged 4.1%; Year 2 (May 1, 2009) – 0%; and Year 3 (May 1, 2010) – 2%. In addition, each full time employee who remains employed as of the date the contract is approved will receive \$500, which will not be included in the base for purposes of determining future raises. This bonus is worth approximately one percent (1%) of the average wage and allowed the parties to close a gap in their proposals and make the deal, avoiding arbitration. All new full time employees will be paid a starting wage of \$18.69 per hour and seasonal employees will be paid \$17.78 per hour.

•**LONGEVITY**

Employees will receive a longevity schedule equal to the longevity plans that apply to most other City bargaining units. There are currently eight (8) TCMs who were original hires whose salaries are beyond the traditional longevity schedule. The parties agreed to a longevity schedule as follows: Five (5) years = 5%, Ten (10) years = 7%, Fifteen (15) years = 9%, Twenty (20) years = 11%, Twenty-five (25) years = 13%, and Thirty (30) years = 15%.

•**HEALTH INSURANCE**

Effective January 1, 2012, Telecommunicators will participate in the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raises deductibles from \$250 to either \$300 or \$400 (depending on eligibility) for employee only coverage and from \$500 to \$800 for employee plus one and family coverage. Co-pays increase from \$15 to \$20 for in network coverage. Annual out-of-pocket maximums are raised slightly from \$1,000 to \$1,400 for employee only coverage (from \$3,000 to

\$3,400 for out of network) and from \$2,000 to \$2,800 for employee plus one and family coverage (from \$6,000 to \$6,800 for out of network). Annual maximums are removed for wellness/preventative benefits.

•**TUITION REIMBURSEMENT**

For job related courses that are approved by the Department Head, employees will be reimbursed for tuition and expenses equal to the tuition rate at Illinois State University and up to the total amount per year that the Internal Revenue Service recognizes as acceptable without taxation. The Department will budget an amount up to but not to exceeding \$30,000 per year for all TCMs for tuition reimbursement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Council and Telecommunicators.

FINANCIAL IMPACT: The City anticipates the two percent (2%) increase will cost the City \$13,605.78. The bonus is anticipated to cost the City \$7,500. Projected savings on insurance is estimated at \$10,648.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Emily Bell, IPMA-CP
Human Resources Director

Randy McKinley
Chief of Police

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Adoption of the *International Mechanical Code/2009* (IMC), *International Fuel Gas Code/2009* (IFGC), and *National Electrical Code/2011* (NEC) with related fee modifications

RECOMMENDATION: That the Text Amendments to Chapter 10. Building Code and Chapter 15. Electricity with modifications related to permit fee schedules be approved and the Ordinances passed.

BACKGROUND: Since the 1970's, the City has looked to national standard codes to form the basis of City's technical residential and commercial building, fire and related codes. These codes are developed in the national arena among experts in the field, voted on by member governmental jurisdictions, and are considered to be the minimum standards for construction when adopted by local jurisdictions. The IMC, IFGC, and NEC are among International Code Council family of codes. As new codes are developed and modified every three (3) years, staff reviews the changes, holds public hearings and recommends changes for adoption by Council.

In addition to reviewing the codes, staff review budgets to ensure our operating expenses and revenues are meeting operational objectives. In this case fees have been raised on average approximately eight to ten percent (8 - 10%). The last time fees were adjusted was in 2003. The proposed increases equate to approximately one percent (1%) per year since the last adjustment. It is our intent for permit and other fees to pay for the operation of the Building Safety Division of Planning and Code Enforcement, (PACE).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Heating, Ventilation and Cooling (HVAC) Review Board met on August 20, 2010 to consider the adoption of the 2009 editions of the IMC and IFGC. Upon completion of their review, they voted 4 - 0 to recommend Council's adoption of these codes. This was followed by a Public Hearing on October 18, 2011. Notices were mailed to all registered HVAC Contractors to make them aware of the meeting. One (1) contractor was present at the meeting where the code changes were discussed. There was no expressed opposition to adoption of the new codes.

The Electrical Commission met on December 9, 2010 to discuss the adoption of the 2011 edition of the National Electric Code. After discussion the Commission voted unanimously to recommend Council's adoption of the latest edition of the NEC. This meeting was followed by a public hearing on February 24, 2011. All registered electrical contractors were notified by mail of the meeting. Two (2) contractors were present during the discussion of the new requirements. There was no expressed opposition to adoption of the codes.

FINANCIAL IMPACT: The code adoptions in themselves will not provide a financial impact on the City. However, the proposed fee increases will help the Building Safety Division of PACE move towards self-sufficiency.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Mark R. Huber
Director, PACE

J. Todd Greenburg
Corporate Counsel

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2011 – 55**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 10**

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

SECTION 1. That Bloomington City Code Chapter 10, Article II, Section 16, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 16 ADOPTION OF THE INTERNATIONAL MECHANICAL CODE – ~~2006~~ 2009.

There is hereby adopted by the City Council for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, including heating systems, ventilation systems, cooling systems, steam and hot water heating systems, hydronic piping, boiler and pressure vessels, appliances using gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration systems, fireplaces, solar systems, barbecues, incinerators, and crematories in the City of Bloomington, the International Mechanical Code ~~2006~~ 2009, as published by the International Code Council, Inc. save and except such portions as are deleted, modified or amended in Article VII of this Chapter, of which Code not less than one (1) copy has been and now is on file in the office of the Clerk of the City of Bloomington. The provisions of said Code are hereby adopted and incorporated as fully as if set out at length and the provisions thereof shall be controlling in regard to the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, including heating systems, ventilation systems, cooling systems, steam and hot water heating systems, hydronic piping, boiler and pressure vessels, appliances using gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration systems, fireplaces, solar systems, barbecues, incinerators, and crematories, except as provided in Section 12 of this Article.

In addition to the one (1) copy of the International Mechanical Code ~~2006~~ 2009, which has been on file in the office of the Clerk of the City of Bloomington, for use and examination by the public, at least one (1) copy of said Code shall be kept on file in the office of the Planning and Code Enforcement Department for public inspection.

All references to the “Mechanical Board of Appeals”, “Board of Appeals”, “Board” or similar reference shall be considered as references to the Heating, Ventilating and Air Conditioning Board established in Bloomington City Code Chapter 2, Section 30, unless a contrary reference is clearly intended by context of the reference.

SECTION 2. That Bloomington City Code Chapter 10, Article II, Section 17, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 17 ADOPTION OF THE INTERNATIONAL FUEL GAS CODE – ~~2006~~ 2009.

An ordinance of the City of Bloomington adopting the 2006 edition of the International Fuel Gas Code, regulating and governing fuel gas systems and gas-fired appliances in the City of Bloomington; providing for the issuance of permits and collection of fees therefor; That a certain document, one (1) copy of which is on file in the office of the City of Clerk of the City of Bloomington, being marked and designated as the International Fuel Gas Code, ~~2006~~ 2009 edition, including Appendix Chapters A, B, C and D, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Bloomington, in the State of Illinois; for regulating and governing fuel gas systems and gas-fired appliances as herein provided for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City of Clerk of the City of Bloomington are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, prescribed in ARTICLE VIII of this chapter.

All references to the “Mechanical Board of Appeals”, “Board of Appeals”, “Board” or similar reference shall be considered as references to the Heating, Ventilating and Air Conditioning Board established in Bloomington City Code Chapter 2, Section 30, unless a contrary reference is clearly intended by context of the reference.

SECTION 3. That Bloomington City Code Chapter 10, Article IV, Section 108.11, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

The permit fee for all work covered by provisions of the International Mechanical Code and/or International Fuel Gas Code of the City shall be calculated based on estimated cost/value and nature of the work proposed. “Estimated Costs” shall be calculated by totaling the cost/value of all services, labor, materials, equipment and any other appliances or devices entering into and necessary to the execution and completion of the installation or the work using the following schedule:

<u>Estimated</u> <u>Cost</u>	<u>New Work Installations,</u> <u>Replacement or Additional/Alteration</u>
\$ 500 or less	\$ 15.00 <u>20.00</u> minimum
\$ 501 - \$ 1,000	\$ 25.00 <u>30.00</u> minimum
\$ 1,001 - \$20,000	\$ 25.00 <u>30.00</u> plus \$ 2.20 <u>2.40</u> per hundred or part thereof
\$20,001 - \$50,000	\$ 443.00 <u>496.00</u> plus \$ 0.38 <u>0.42</u> per hundred or part thereof
\$50,001 and over	\$ 557.00 <u>612.00</u> plus \$ 0.22 <u>0.24</u> per hundred or part thereof

Permits issued to the owner of owner occupied single-family residences shall be charged a permit fee based on the above schedule with a 50% surcharge.

COMMERCIAL KITCHEN HOODS FIRE SUPPRESSION SYSTEM FEE.

The fee for a permit for commercial kitchen hoods fire suppression systems shall be based on the reasonable cost/value of the installation, including material and labor, in accordance with the fee schedule of this Section 108.11.

SECTION 4. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 5. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 6. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 7. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 12th day of December, 2011.

APPROVED this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE NO. 2011 – 56**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 15**

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

SECTION 1. That Bloomington City Code Chapter 15, Section 9, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

There is hereby adopted by the City for the purpose of establishing rules and regulations for the safe and practical installation, alteration and use of electrical equipment, including permits and penalties, that certain Electric Code known as the National Electrical Code, as published by the National Fire Protection Association, being particularly the ~~2008~~ 2011 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy is on filed in the office of the Clerk of the City and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which the Ordinance shall take effect, the provisions thereof shall be controlling in the installation, alteration, and use of electrical equipment within the corporate limits of the City and on City owned property outside the corporate limits of the City.

SECTION 2. That Bloomington City Code Chapter 15, Section 19, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

The permit fee for all work covered by provision of the National Electrical Code of the City shall be calculated based on estimated/reasonable cost/value and nature of the work proposed for all new work, improvement, installations, system repair, replacement, addition, and alteration including material and labor using the following schedules:

(a) Fee Schedule:

Service Entrance or Feeder

0 to 100 amp	\$ 25.00 <u>30.00</u>
101 to 200 amp	\$ 55.00 <u>60.00</u>
201 to 400 amp	\$ 80.00 <u>100.00</u>
401 to 600 amp	\$ 110.00 <u>150.00</u>
601 to 800 amp	\$ 165.00 <u>200.00</u>
801 to 1000 amp	\$ 220.00 <u>250.00</u>
1001 to 1200 amp	\$ 275.00 <u>300.00</u>
Over 1200 amp	\$ 330.00 <u>350.00</u>

(b) Fee Schedule:

Valuation	Fee
\$500.00 or less	\$25.00 <u>30.00</u>
\$501.00 to \$1,000.00	\$35.00 <u>50.00</u>
\$1,001.00 to \$10,000.00	\$35.00 <u>50.00</u> plus \$4.60 <u>1.75</u> per hundred or fraction thereof over \$1,000.00
\$10,001.00 to \$50,000.00	\$179.00 <u>207.50</u> plus \$.50 <u>.55</u> per hundred or fraction thereof over \$10,000.00
Above \$50,001.00	\$379.00 <u>427.50</u> plus \$.30 <u>.35</u> per hundred or fraction thereof over \$50,000.00

Permits issued to owner occupied single-family residences, where owner is doing work without the help of a contractor, shall be charged a permit fee based on the above schedules with an additional 50% surcharge.

(c) Fee Surcharge. Any work undertaken without a permit shall be subject to a surcharge of one hundred percent (100%) of the regular charge or Fifty Dollars (\$50.00), whichever is greater, upon issuance of a valid permit. This shall be construed as a supplemental penalty accruing regardless of any imposition provided for in this Code.

(d) Additional Requirements:

1. All work shall use the total of schedules (a) and (b) combined.
2. Where no change in service amperage is made at an existing building, schedule (b) shall be used (i.e. remodeling, new circuits and feeders, replacement of fixtures and electrical equipment of any nature).
3. Where only a service replacement is made at an existing building, schedule (a) shall be used.
4. For each multi-meter installation there will be an additional charge of \$10.00 per meter.

SECTION 3. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 12th day of December, 2011.

APPROVED this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Text Amendments to Chapter 10. Building Code and Chapter 15. Electricity with modifications to related permit fee schedules be approved and the Ordinances passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Adoption of the *International Property Maintenance Code/2009* (IPMC) with Staff Additions/Modifications

RECOMMENDATION: That the Text Amendment to Chapter 45. Property Maintenance Code with staff amendments be approved and the Ordinance passed.

BACKGROUND: Since the 1970's, the City has looked to national standard codes to form the basis of City's technical building, fire and property maintenance codes. These codes are developed in the national arena among experts in the field and voted on by member government

jurisdictions. The IPMC is among this family of codes. As new codes are developed and modified every three (3) years, staff reviews the changes, holds Public Hearings and recommends changes for adoption by the Council. In addition, staff has established proposals for minor changes that allow for clarity and easier enforcement of City standards. These proposed changes include the following topics:

Detention Basins: This new section is being added to the code to assist the Public Works Department enforce maintenance of the original design and overall proper operations of storm water control facilities. Currently, there are 388 detention basins within the City, including both private and public ownership.

Overcrowding: Previous to the 2006 edition of the IPMC, “overcrowding” was handled in a fairly specific manner. The code identified minimum space requirements based on the number of people occupying a dwelling unit. In the 2006 edition of the code and the proposed 2009 edition “overcrowding” was changed to a more performance based language. To staff, this language is vague, argumentative, open to interpretation, and hard to enforce. Therefore, staff is proposing to reestablish the language from the 2003 edition of the code. 404.5

SPACE	Minimum area in square feet		
	1 - 2 occupants	3 - 5 Occupants	6 or more occupants
Living Room ^{a, b}	No requirements	120	150
Dining Room ^{a, b}	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

a. See section 404.5.2 for combined living room/dining room spaces.

b. See section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

Section 404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4

Section 404.5.2 Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room. This language allows for a clear understanding for staff, landlords, and tenants as it relates to the number of people who should be occupying a dwelling unit.

Kitchens: Over the years there has been discussion regarding which appliances are needed in a kitchen to meet the language requirements of the property maintenance code. The new proposed language indicates that kitchens shall contain appliances for cooking, baking and refrigeration to ensure the safe and sanitary preparation and storage of food. It is not the intent of this section to regulate the number or size of kitchen appliances but rather to establish minimum requirements for cooking, baking, refrigeration, and storage of food.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A Public Hearing was held related to the adoption of the IPMC on October 25, 2011. The related information was posted on the City's web site and public notice mailings were sent to all registered landlords or their agents. After hearing staff and public input, the Property Maintenance Review Board (PMRB) voted unanimously to recommend Council adoption of the IPMC and the related code changes.

Note: Proposals for changes to the rental inspection program including fee modifications were laid over until the January 26, 2012 meeting of the PMRB.

FINANCIAL IMPACT: There is no financial impact to the City related to adoption of the IPMC.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Mark R. Huber
Director, PACE

J. Todd Greenburg
Corporate Counsel

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2011 – 57**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 45**

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

SECTION 1. That Bloomington City Code Chapter 45, Section 1, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 1: ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ~~2006~~ 2009

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Bloomington, being marked and designated as “The International Property Maintenance Code, ~~2006~~ 2009” as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance code of the City of Bloomington, in the State of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the Additions, insertions, deletions and changes, if any, prescribed in ARTICLE II of this Ordinance.

SECTION 2. That Bloomington City Code Chapter 45, Section 302.2.1, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 302.2.1 DETENTION BASINS AND DRAINAGE SWALES.

Maintenance detention basins and swales shall include the following:

1. Facilities including the outlet structure, inflow pipes, and basin contours shall be maintained in conformance with the approved construction plans on file with the City of Bloomington.
2. No trees or shrubs shall be allowed to grow in detention basins or in drainage swales such that full flow is restricted.
3. Appropriate ground cover shall be maintained so that no erosion occurs.
4. Existing pipes, underdrains, and other infrastructure shown on construction plans shall remain in working order.

SECTION 3. That Bloomington City Code Chapter 45, Section 404.0, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 404.0 LIGHT, VENTILATIONS AND OCCUPANCY LIMITATIONS.

SEC. 404.5 OVERCROWDING.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

<u>SPACE</u>	<u>Minimum area in square feet</u>		
	<u>1-2 occupants</u>	<u>3-5 Occupants</u>	<u>6 or more occupants</u>
<u>Living Room</u> ^{a,} _b	<u>No requirements</u>	<u>120</u>	<u>150</u>
<u>Dining Room</u> ^a _b	<u>No requirements</u>	<u>80</u>	<u>100</u>
<u>Bedrooms</u>	<u>Shall comply with Section 404.4</u>		

a. See section 404.5.2 for combined living room/dining room spaces.

b. See section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

SEC. 404.5.1 SLEEPING AREA.

The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4

SEC. 404.5.2 COMBINE SPACES.

Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

SEC. 404.7.1 RESIDENTIAL KITCHENS.

Residential kitchens shall contain appliances for cooking, baking and refrigeration to ensure the safe and sanitary preparation and storage of food.

SECTION 4. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 5. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 6. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 7. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 12th day of December, 2011.

APPROVED this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Text Amendment to Chapter 45. Property Maintenance Code with staff amendments be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Adoption of the *International Building Code/2009* (IBC), *International Residential Code/2009* (IRC), *International Fire Protection Code/2009* (IFC), *International Existing Building Code/2009* (IEBC), *International Energy Conservation Code/2009* (IECC) and modifications to related building permit fee schedules

RECOMMENDATION: That the Text Amendment to Chapter 10. Building Code with modifications related to building permit fee schedules be approved and the Ordinance passed.

Note: The residential fire sprinkler requirements have been removed from this action and will be considered separately.

BACKGROUND: Since the 1970's, the City has looked to national standard codes to form the basis of City's technical residential and commercial building, fire and related codes. These codes are developed in the national arena among experts in the field, voted on by member governmental jurisdictions and are considered to be the minimum standards for construction

when adopted by local jurisdictions. The IBC, IRC, IFC, IEBC and IECC are among this family of codes. As new codes are developed and modified every three (3) years, staff reviews the changes, holds public hearings and recommends the changes for adoption by Council.

Staff is proposing fee increases to the majority of building permits. The fee proposals are in the eight to ten percent (8 - 10%) range and have not been adjusted since 2003. The proposed increases equate to approximately one percent (1%) per year since the last fee increase. Approximately between seventy and ninety dollars (\$70 - \$90) would be added to a permit for a typical new home. At current business volume, an additional \$67,000 to \$84,000 would be generated.

As noted above, the fire sprinkler requirement for new homes has been removed from this action. The residential fire sprinkler issue is intended to appear before the Council in January 2012.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Staff published a notice of this action on two (2) occasions, provided direct mailings to all registered contractors (approximately 1,200) and sent direct notice to the Board of Realtors and Homebuilders Association. A Public Hearing was held before the Construction Board of Appeals on November 7, 2011. As expected, there was active participation related to the residential fire sprinkler issue. The Board tabled the sprinkler issue until December 13, 2011 to allow for additional documentation of the issue to be collected. When the Board took up the discussion related to adoption of the remaining codes, there was no further input from the public. After a brief discussion with staff, the Board voted unanimously to recommend the City adopt the Text Amendments as presented.

FINANCIAL IMPACT: The code adoptions in themselves will not provide a financial impact on the City. However, the proposed fee increases will help the Building Safety Division of PACE move towards self-sufficiency.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Mark R. Huber
Director, PACE

J. Todd Greenburg
Corporate Counsel

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2011 - 58**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 10**

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

SECTION 1. That Bloomington City Code Chapter 10, Article II, Section 13, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 13 ADOPTION OF INTERNATIONAL BUILDING CODE – ~~2006~~ 2009.

There is hereby adopted for the purpose of establishing minimum regulations governing the design, construction, alteration, enlargement, repair, removal, demolition, equipment installation, use and occupancy, location, conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits, collection of fees and penalties, a Building Code known as the International Building Code ~~2006~~ 2009 edition, including Appendix Chapters B, C, F, G, I, and J, as published by the International Code Council, Inc., and the whole thereof, hereinafter referred to as International Building Code, save and except such portions as are deleted, modified or amended in Article IV of this Chapter, of which Code not less than one (1) copy have been and now are filed in the office of the Clerk of the City of Bloomington. The provisions of said Code are hereby adopted and incorporated as fully as if set out at length and the provisions thereof shall be controlling in regard to all property, buildings and structures within the corporate limits of the City, except as provided in Section 12 of this Article.

In addition to the one (1) copy of the International Building Code ~~2006~~ 2009, which has been on file in the office of the City Clerk of the City, for use and examination by the public, at least one (1) copy of said Code shall be kept on file in the office of the Planning and Code Enforcement Department for public inspection.

All references to the “Board of Appeals” or “Board” in said Code shall be deemed references to the Construction Board of Appeals established in Bloomington City Code Chapter 2, Section 30, unless a contrary reference is clearly dictated by the context of the reference.

SECTION 2. That Bloomington City Code Chapter 10, Article II, Section 14, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 14 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS – ~~2006~~ 2009.

There is hereby adopted the ~~2006~~ 2009 edition of the International Residential code for One- and Two-Family Dwellings, including Appendix Chapters A, B, C, D, E, G, H, I, J, K and Q, as published by the International Code Council Inc. for the purpose of regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, their appurtenances and accessory structures, or maintenance of building, mechanical, and electrical systems, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Bloomington; providing for the issuance of permits and collection of fees therefor; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code of which not less than one (1) copy has been and now is filed in the office of the Clerk of the City of Bloomington, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in ARTICLE V of this ordinance, except as provided in Section 12 of this Article.

In addition to the one (1) copy of the International Residential Code for One and Two Family Dwellings – ~~2006~~ 2009, which has been on file in the office of the City Clerk of the City, for use and examination by the public, at least one (1) copy of said Code shall be kept on file in the office of the Department of Planning and Code Enforcement for public inspection.

SECTION 3. That Bloomington City Code Chapter 10, Article II, Section 18, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 18 ADOPTION OF THE INTERNATIONAL FIRE CODE – ~~2006~~ 2009.

An ordinance of the City of Bloomington adopting the ~~2006~~ 2009 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Bloomington; providing for the issuance of permits for hazardous uses or operations. That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Bloomington, being marked and designated as the International Fire Code, including Appendix Chapters B, C, D, E, F and G, as published by the International Code Council, be and is hereby adopted as the code of the City of Bloomington for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Bloomington and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, ~~2006~~ 2009 edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in ARTICLE IX of this chapter.

SECTION 4. That Bloomington City Code Chapter 10, Article II, Section 19, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 19 ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE – 2006 2009.

An ordinance of the City of Bloomington adopting the ~~2006~~ 2009 edition of the International Existing Building Code, regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, in the City of Bloomington; providing for the issuance of permits and collection of fees therefor. That a certain document, one (1) copy of which is on file in the office of the City Clerk of City of Bloomington, being marked and designated as the International Existing Code, ~~2006~~ 2009 edition, including Appendix A, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Bloomington, in the State of Illinois for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and term of said Existing Building code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in ARTICLE X of this chapter.

SECTION 5. That Bloomington City Code Chapter 10, Article II, Section 20, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 20 ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE – 2009.

There is hereby adopted for the purpose of establishing minimum regulations governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems; providing for the issuance of permits, collection of fees and penalties, an energy code by the name of the International Energy Conservation Code, 2009 edition, as published by the International Code Council, Inc., and the whole thereof, hereinafter referred to as International Energy Conservation Code, save and except such portions as are deleted, modified or amended in Article IV of this Chapter, of which Code not less than one (1) copy have been and now are filed in the office of Clerk of the City of Bloomington. The provisions of said Code are hereby adopted and incorporated as fully as if set out at length and provisions thereof shall be controlling in regard to all property, buildings and structures within the corporate limits of the City, except as provided in Section 12 of this Article.

SECTION 6. That Bloomington City Code Chapter 10, Article II, Section 20, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. ~~20~~ 21 SUPPLEMENTS/AMENDMENTS/ADDENDA TO ADOPTED CODES.

Whenever any Code adopted by this Article II includes a supplement, amendments or addenda which has also been adopted by this Article II, all subsequent references to said Code in this Chapter 10 shall be deemed to refer to the supplement, amendments or addenda of said Code as well.

SECTION 7. That Bloomington City Code Chapter 10, Article II, Section 21, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. ~~21~~ 22 VIOLATION - PENALTIES.

The penalty for violating any provision of any of the Codes adopted by reference into this Chapter shall be as provided in the Code violated; if the Code violated fails to specify a penalty, the penalty shall be a fine not to exceed Five Hundred Dollars (\$500.00). The penalty for violating any other provision of this Chapter shall be a fine not to exceed Five Hundred Dollars (\$500.00). A separate offense shall be deemed committed each day that a violation exists or continues.

SECTION 8. That Bloomington City Code Chapter 10, Article IV, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

ARTICLE IV

ADDITIONS, COMPLETIONS, MODIFICATION, AMENDMENTS TO
INTERNATIONAL BUILDING CODE - ~~2006~~ 2009

SECTION 9. That Bloomington City Code Chapter 10, Article IV, Section 108.7, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(a) General. The fee for permits for work regulated by any Code adopted by reference into Bloomington City Code Chapter 10 shall be as provided in this Section 108.7. The fee for a permit shall be based on the reasonable cost/value of the improvement, including material and labor, in accordance with the fee schedule of subsection (b) of this Section. If the Code Official/Building Official determines that the applicant's estimate of the cost of the improvement is unreasonable, the permit fee shall be established according to the provisions of subsection (c) of this Section. One and Two family dwellings shall be calculated per subsection (d) of this section. The Code Official's/Building Official's determination of reasonability of the applicant's estimate shall be appealable as provided in Sections 121.1 and 121.1.1 of this Code.

(b) Fee Schedule based on estimated value of improvements:

Estimated Cost	Fee
\$0 - \$1,000	\$25.00 <u>30.00</u> minimum

\$1,001 - \$5,000	\$25.00 <u>30.00</u> plus \$.75 <u>.80</u> per hundred or part thereof of the estimated cost over \$1,000 Maximum - \$55.00 <u>62.00</u>
\$5,001 - \$10,000	\$55.00 <u>62.00</u> plus \$.50 <u>.54</u> per hundred or part thereof of the estimated cost over \$5,000 Maximum - \$80.00 <u>89.00</u>
\$10,001 - \$50,000	\$80.00 <u>89.00</u> plus \$.40 <u>.44</u> per hundred or part thereof of the estimated cost over \$10,000 Maximum - \$240.00 <u>265.00</u>
\$50,001 - \$100,000	\$240.00 <u>265.00</u> plus \$.33 <u>.36</u> per hundred or part thereof of the estimated cost over \$50,000 Maximum - \$405.00 <u>445.00</u>
\$100,001 - \$500,000	\$405.00 <u>445.00</u> plus \$.27 <u>.29</u> per hundred or part thereof of the estimated cost over \$100,000 Maximum - \$1,485.00 <u>1605.00</u>
\$500,001 - \$1,000,000	\$1,485.00 <u>1,605.00</u> plus \$.25 <u>.27</u> per hundred or part thereof of the estimated cost over \$500,000 Maximum - \$2,735.00 <u>2,995.00</u>
\$1,000,001 - \$5,000,000	\$2,735.00 <u>2,995.00</u> plus \$.22 <u>.23.5</u> per hundred or part thereof of the estimated cost over \$1,000,000 Maximum - \$11,535.00 <u>12,355.00</u>
\$5,000,001 - \$10,000,000	\$11,535.00 <u>12,355.00</u> plus \$.19 <u>.20.5</u> per hundred or part thereof of the estimated cost over \$5,000,000 Maximum - \$21,035.00 <u>22,605.00</u>
\$10,000,001 - \$50,000,000	\$21,035.00 <u>22,605.00</u> plus \$.15 <u>.16</u> per hundred or part thereof of the estimated cost over \$10,000,000 Maximum - \$81,035.00 <u>86,605.00</u>

\$50,000,001 - \$100,000,000	\$81,035.00 <u>86,605.00</u> plus \$.13 <u>13.5</u> per hundred or part thereof of the estimated cost over \$50,000.00 Maximum - \$146,035.00 <u>154,105.00</u>
\$100,000,001 and over	\$146,035.00 <u>154,105.00</u> plus \$.08 <u>.09</u> per hundred or part thereof of the estimated cost over \$100,000,000

(c) Alternate Method of Establishing Cost of Improvement or Valuation. Should the declared estimated value of improvements, which is the basis of permit fee calculation, be deemed unreasonable by the Code Official/Building Official, the most recent Building Valuation Data Report of the International Code Council Inc., or equal will be used in establishing the correct valuation.

NOTE: (1) This Schedule is applicable to each building on a lot considered separately as independent fire areas. For purposes of this Section, any structure under one roof shall be considered one building.

(2) The Director of Planning and Code Enforcement may waive or adjust the amount of the fee for any permit required by this Chapter.

(d) Fees for new one and two family homes shall be calculated on the gross area of the dwelling based on the following fee schedule:

- | | |
|--|---|
| 1.) Finished floor area | \$.14 <u>.15</u> per gross square foot |
| 2.) Finished Basements | \$.14 <u>.15</u> per gross square foot |
| 3.) Unfinished basements | \$.07 <u>.08</u> per gross square foot |
| 4.) Garages/carports | \$.07 <u>.08</u> per gross square foot |
| 5.) Building Additions shall be based on area or cost of work per the building permit fee schedule, which ever is greater. | |

(e) Definitions. For clarity, the following definitions and guidelines are herein incorporated:

(1) Estimated cost/value include all cost of labor and material given a fair market value. A contractor-owner contract or letter of acceptance, certified architect-engineer estimate or accepted bid, or equivalent shall be acceptable as estimated cost adjusted only as allowed by other provisions of this Section.

(2) Allowed exclusions from the estimated cost for fee consideration are the costs of the following:

- a. Painting;
- b. Nonstructural embellishments;

- c. Permanent cabinetry or shelving not affecting area, exiting or fire rating requirements of the Code;
- d. Except in residential occupancy/use, fixtures not basic to the occupancy or use of the building/structure, except lighting fixtures;
- e. Fixtures, devices, equipment, and appliances covered by a separate permit;
- f. Landscaping not required by statute.

(3) For the purposes of clarification, the following costs are included in the estimated cost:

- a. Excavation work for foundations and subgrade structures;
- b. Rough grading for drainage;
- c. Dust proofing of parking lots/spaces including drainage facilities as approved and endorsed to the department by the Engineering and Water Department;
- d. Work required by zoning, rezoning, or annexation conditions under the department's supervisory jurisdiction.

(4) The estimated cost for permit and fee considerations of temporary buildings/structures shall be the labor cost of assembling, disassembling, and disposal or moving without affecting regular street traffic.

(f) Fee Surcharge. Any work undertaken without a permit shall be subject to a surcharge of 100% of the regular charge or Fifty Dollars (\$50.00), whichever is greater, upon issuance of a valid permit. This shall be construed as a supplemental penalty accruing regardless of any imposition provided for in Section 116.4 of this Code.

(g) A fee will be required for the review of construction documents/plans, other than 1 & 2 family dwellings, for work regulated by any code adopted or by referenced by Bloomington City Code Chapter 10. The fee for this review shall be of the reasonable value/cost of each separate project as follows:

Estimated Cost of Project	Fee and Multiplier
\$ 0 - \$ 1,250,000	X \$.0015 <u>.0016</u>
\$ 1,250,001 - \$ 5,000,000	base fee of \$1,875.00 <u>2,000.00</u> plus X \$.0005 <u>.0006</u> of valuation over \$ 1,250,000

\$ 5,000,001 - and over

base fee of ~~\$3,750.00~~ 4,250.00 plus
X \$.0004 of valuation over
\$5,000,000

If the Code Official/Building Official determines that the applicant's estimate of the value/cost for the project is unreasonable, the value of the project shall be as established according to the provisions of subsection (c) of this Section. Appeals shall be provided for in Sections 121.1 and 121.1.1 of this Code.

SECTION 10. That Bloomington City Code Chapter 10, Article IV, Section 108.18, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

~~SEC. 108.18 INSPECTION FEE FOR CODE COMPLIANCE.~~

~~If requested, an inspection/investigation of an existing building/facility for Code compliance may be done by the City with authorization from the owner. A fee of Ten Dollars (\$10.00) per inspector shall be charged for said inspection/investigation.~~

SECTION 11. That Bloomington City Code Chapter 10, Article IV, Section 108.20, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

1. Purpose: The section is intended safeguard the public safety, health and general welfare of the citizens by establishing minimum standards for contractor registration, insurance and performance.

2. Definitions: Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, be interpreted as herein defined:

- (a) "Construction" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediation, renovating, custom fabricating, maintenance, improving, wrecking, demolishing, and adding to or subtracting from any building, structure, parking facility, or any other structure to such an extent a permit is required to be issued by the Department of Planning and Code Enforcement.
- (b) "Construction Documents" – Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit. Construction documents shall be drawn to an appropriate scale.
- (c) "Contractor" means any sole proprietor, partnership, firm, corporation, Limited Liability Company, association or other legal entity permitted by law to do business within the State of Illinois who engages in construction as defined herein.

3. Certificate of Registration. Every person who shall desire to practice the business of a Contractor, shall first obtain a Certificate of Registration to do so as provided by this Chapter. This registration is required for any contractor doing work in the City of Bloomington for which a building permit is required.

- (a) The registration fee and annual renewal shall be ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00). All registrations and renewals of the same shall expire on the 31st day of December of each year, and a renewal shall be obtained on or before January 31st of the following year.
- (b) Any Certificate of Registration forfeited for nonpayment of the renewal fee may be reinstated upon the payment of the annual renewal fee, plus ~~Fifteen Dollars (\$15.00)~~ Twenty-five Dollars (\$25.00).
- (c) Liability Insurance Required of Registrant. Contractor registrants shall provide a satisfactory certificate of liability insurance against any form of liability to a minimum amount of One Hundred Thousand Dollars (\$100,000.00) for property damage and Three Hundred Thousand Dollars (\$300,000.00) for personal injury. The insurance shall be maintained in full force and effect during the term of the registration and said insurance policy, or certificate of insurance, shall provide that the City of Bloomington be notified of any cancellation or termination of the insurance ten (10) days prior to the date of cancellation or termination.

Contractor registrants are responsible for notifying the City of said cancellation or termination as required herein and may be sanctioned, as provided in paragraph 4(d) this Section, and as provided elsewhere in the Bloomington City Code, for, failure to provide said notification.

- (d) An owner/occupant of a single-family residence shall be permitted, without registration, to obtain a permit to perform construction at or on said residence, including accessories thereto; however said owner/occupant is subject to all other provisions of this Code.
- (e) Construction by a building owner may be undertaken with the appropriate permits, provided the work does not include work whose performance requires a license, such as plumbing, electrical, & HVAC.

4. Contractor Responsibility: To ensure construction is meeting the minimum standards set forth in this chapter and other City, State or Federal regulations, persons conducting business as a contractor shall be responsible for the following:

- (a) Registration: Contractors shall be responsible for maintaining their registration and associated liability insurance current and up to date.
- (b) Construction Documents: Contractors shall be responsible for providing the appropriate construction documents as needed to obtain required permits.

- (c) Permits: Contractors shall be responsible for obtaining appropriate permits prior to the start of any construction work.
- (d) Violations: Contractors who fail to comply with the requirements of this Section shall be subject to fines of not less than Two Hundred Fifty dollars (\$250) nor more than One Thousand Dollars (\$1000), irrespective of charges or fines that may be included in Sections 108.7(f) or 113.4 of this Code. Each day that a violation continues shall be deemed a separate violation and shall subject the violator to an additional penalty within the parameters of the fines set forth in the preceding sentence.

SECTION 12. That Bloomington City Code Chapter 10, Article IV, Section 108.21, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

As per Section 7.7 of Chapter 43, Bloomington City Code, the following fee schedule will be followed for required permits in regards to manufactured homes in manufactured home parks:

Multi-Purpose Permit	Fee based on work regulated by Section 108.7 of this Code
HVAC Permit	Fee based on work regulated by Section 108.11 of this Code
Plumbing Permit	Same as residential plumbing permit schedule in City Code Chapter 34
Electrical Permit	Same as those provided for in Bloomington City Code Chapter 15
Manufactured Home Connection	\$50.00 <u>75.00</u> includes occupancy certificate

Manufactured Home Disconnect ~~\$50.00~~ 75.00

SECTION 13. That Bloomington City Code Chapter 10, Article IV, Section 108.22, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Any time a construction trailer is located on a construction site, a tie-down permit fee of ~~Twenty five Dollars (\$25.00)~~ Thirty Dollars (\$30.00) will be charged the general contractor and/or subcontractor meeting the tie-down guidelines as identified in Chapter 43.

SECTION 14. That Bloomington City Code Chapter 10, Article IV, Section 108.23, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

The permit fee for all fire protection work (sprinkler systems) shall be on the reasonable cost/value of the work to be performed or the system components based on the following schedule:

System Riser or Standpipes	\$ 110.00 <u>125.00</u> each
System zones	\$ 27.50 <u>30.00</u> per zone after the first riser.
System Heads	\$ 1.10 <u>1.20</u> per head
Fire pump	\$ 55.00 <u>75.00</u>

Alterations/Modifications Per fee schedule in Section 108.7

Permit fees for a 13D fire protection systems installed as an integral part of the potable water system shall be \$125.00.

SECTION 15. That Bloomington City Code Chapter 10, Article IV, Section 112.4, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Any petition for a variance/interpretation from the Construction Board of Appeals shall be filed with the Planning and Code Enforcement Department, accompanied by a fee of ~~One Hundred Twenty five Dollars (\$125.00)~~ One Hundred Fifty Dollars (\$150.00) payable to the City of Bloomington. Each extra petition in a multiple petition shall be charged a fee of ~~Twenty five Dollars (\$25.00)~~ Thirty Dollars (\$30.00). Any variance involved with Property Maintenance Code will be charged ~~Thirty five Dollars (\$35.00)~~ Fifty Dollars (\$50.00) per initial variance with Ten Dollars (\$10.00) charged for each additional variance.

Any application for a variance/interpretation to this Code provided by the City Council, Zoning Board of Appeals, Construction Board of Appeals, Building Code Review Board, Plumbing Board of Appeals, Electrical Commission, HVAC Board, City staff or Regional Planning Commission staff shall be exempted from the requirements of this Section.

SECTION 16. That Bloomington City Code Chapter 10, Article IVI, Section 508.2, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 508.2 ~~INCIDENTAL USES CLASSIFICATION.~~

Modify the Incidental Use Areas Accessory Occupancies Table 508.2.5

~~INCIDENTAL USE AREAS~~ ACCESSORY OCCUPANCIES

ROOM or AREA	SEPARATION and/or PROTECTION
Furnace Room	1 hour or provide automatic fire-extinguishing system

Rooms with any boiler	1 hour or provide automatic fire-extinguishing system
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Remainder of table unchanged.

SECTION 17. That Bloomington City Code Chapter 10, Article V, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

ARTICLE V

ADDITIONS, COMPLETIONS, MODIFICATIONS, AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS - ~~2006~~ 2009 EDITION

The numbered sections of this Article correspond to sections of the International Residential Code for One and Two-Family Dwellings - ~~2006~~ 2009 Edition which are completed, modified, amended or deleted thereby.

SECTION 18. That Bloomington City Code Chapter 10, Article V, Section R 101.1, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

These provisions shall be known as the Residential Code for One-Two-Family Dwellings of City of Bloomington, shall be cited as such and shall be referred to herein as “this Code”.

TABLE R 301.2(1)

Insert the following into the Climatic and Geographic Design Criteria Table R 301.2(1)

Ground snow load (pounds per square foot) = 30
 Wind speed (mph) = 90 mph
 Seismic Design Category = B
 Subject to damage from:
 Weathering = Severe
 Frost line depth = minimum depth of 40” below finish grade
 Termite = Moderate to Heavy
 Decay = Slight to Moderate
 Winter design temp. = -5 degrees F
 Ice shield under-layment required = Yes
 Flood Hazards = The Flood Insurance Study for the “City of Bloomington”, dated “February 9, 2001”, as amended or revised.
 Air Freezing Index = 1,500
 Mean Annual Temp. = 52

Delete Section R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

(Note: These sections removed from Chapter 10 not the standards.
Article VII: Additions, Completions, Modifications, Amendment to International
Mechanical Code – 2009.

Part VII - PLUMBING. Chapters 25 through 32

The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in buildings shall comply with the requirements of the Illinois State Plumbing Code currently adopted by the City.

~~SEC. R 404.1 CONCRETE AND MASONRY FOUNDATION WALLS.~~

~~Modify Section R 404.1 Concrete and masonry foundation walls by deleting everything after the second sentence that ends with “authority”.~~

~~TABLES R 404.1(1), Table R 404.1.(2) and Table R 404.1.(3)~~

~~Delete tables: Table R 404.1(1), Table R 404.1.(2) and Table R 404.1.(3)~~

SECTION 19. That Bloomington City Code Chapter 10, Article VII, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

ARTICLE VII

ADDITIONS, COMPLETIONS, MODIFICATIONS, AMENDMENT TO
INTERNATIONAL MECHANICAL CODE - ~~2006~~ 2009

The numbered Sections of this Article represent additions to the International Mechanical Code ~~2006~~ 2009 or correspond to Sections of said Code which are completed, modified, amended or deleted thereby.

SECTION 20. That Bloomington City Code Chapter 10, Article VII, Section 109.1.2, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Any petition for an appeal/variance/interpretation from the Mechanical Board of Appeals shall be filed with the City Clerk, accompanied by a fee of ~~One Hundred Twenty-five Dollars (\$125.00)~~ One Hundred Fifty Dollars (\$150.00) payable to the City of Bloomington. For multiple variances/interpretations, a Twenty-five Dollar (\$25.00) fee shall be charged for each extra petition.

Any application for a variance/interpretation to this Code proposed by the City Council, Zoning Board of Appeals, Construction Board of Appeals, Building Code Review Board, Plumbing Board, HVAC Board, Electrical Commission, City staff or Regional Planning Commission staff shall be exempted from the requirements of this Section.

SECTION 21. That Bloomington City Code Chapter 10, Article VII, Section M-130.4, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(a) Bond Required of Applicant.

- (1) Any person applying for a new or renewed license required by this Mechanical Code shall execute and deliver to the City Clerk a bond in the penal sum of Two Thousand Dollars (\$2,000.00) payable to the City or a continuation certificate for the same. Such bond shall be made for the use and benefit of the owner of, or any party in interest in the property where the Licensee furnishes any material furnished in violation of the requirements of any law of the State or Code of the City governing such work. The Secretary of the Board shall report to the Board as to the existence and sufficiency of such bond. The bond will be used to correct or complete a project in accordance to the laws and Codes of the City when the contractor fails or is unable to do the same upon written notice from the City.
- (2) The requirements of subsection (1) above shall not preclude the Building Official from requiring, at his discretion, additional bond commensurate with the size of a project if he deems it necessary.

(b) Examination and License Fees. Each applicant before taking the examination for a license required by this Mechanical Code shall pay to the Director of Finance the sum of ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00) as a fee for the examination and shall file the Mechanical Board of Appeals. If the applicant is found, upon such examination, to be qualified, and upon the execution of the bond required by subsection (a) of this Section, a certificate of liability insurance required by subsection (f) of this Section and the payment by the applicant of an additional sum of ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00) as the licensee fee for the year, the Board and the City Clerk shall grant a license to such person for the remainder of the calendar year after the date of the granting of such license. In case of application for a license for more than one field or class, the examination fee shall be paid for each field in which a license is sought, but only one license shall be required for the combined license.

(c) Renewals; Expiration of License. Any person holding a valid license as a Mechanical Contractor from the City of Bloomington on the effective date of this Ordinance shall have the right, without further examination, to obtain a License from the Mechanical Board of Appeals and a license each year thereafter from the City Clerk upon the payment to the Director of Finance of a license fee, certificate of liability insurance, and the execution of a bond as required by this Chapter.

The license fee for an annual renewal of a license shall be ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00). All licenses and renewals of the same shall expire on the 31st day of December of each year, and a renewal shall be obtained on or before January 31st of the following year.

Any license forfeited for nonpayment of the renewal fee may be reinstated upon the payment of the annual renewal fee, plus ~~Fifteen Dollars (\$15.00)~~ Twenty-five Dollars (\$25.00) for each month, or portion of a month that such delinquency has continued; provided, however, that after the same has been delinquent and not in force on March 1st of any year, then the same shall be null and void and shall not be renewed.

(d) Licenses for Partnerships and Corporations. No partnership or corporation shall practice or engage in the business of a Contractor, unless a member of the partnership, or an officer or duly authorized representative of such corporation shall apply for a license to be issued to him in behalf of and for the benefit of such partnership or corporation, which shall be so named in such license, the license shall be issued only if such member of such firm, or officer or representative of such corporation, is personally qualified and complies with all of the provisions of this Chapter.

(e) Reciprocal Provisions. Any person, firm or corporation who is registered or licensed for the current year in any city or village in the State of Illinois where the requirements of registration or license were at the date of such registration or license substantially equal to the requirements in force in this City and such city or village extends a similar privilege to the persons registered and licensed under this Mechanical Code, they shall not be required to take an examination, but shall pay a registration fee of ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00) as provided in this Chapter, to engage in mechanical contracting for such year in this City, and shall file a copy of his registration or license with the Secretary of the Mechanical Board of Appeals.

(f) Liability Insurance Required of Applicant. A satisfactory certificate of liability insurance against any form of liability to a minimum of One Hundred Thousand Dollars (\$100,000.00) for property damage and Three Hundred Thousand Dollars (\$300,000.00) for personal injury. The insurance shall be maintained in full force and effect during the term of the registration and said insurance or certificate provide that the City be notified of any cancellation of the insurance ten (10) days prior to the date of cancellation.

SECTION 22. That Bloomington City Code Chapter 10, Article VIII, Section 109.1.1, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Any petition for a appeal/variance/interpretation from the Mechanical Board of Appeals shall be filed with the City Clerk, accompanied by a fee of ~~One Hundred Twenty five Dollars (\$125.00)~~ One Hundred Fifty Dollars (\$150.00) payable to the City of Bloomington. For multiple variances/interpretations, a Twenty-five Dollar (\$25.00) fee shall be charged for each extra petition.

Any application for a variance/interpretation to this Code proposed by the City Council, Zoning Board of Appeals, Construction Board of Appeals, Building Code Review Board, Plumbing Board, HVAC Board, Electrical Commission, City staff or Regional Planning Commission staff shall be exempted from the requirements of this Section.

SECTION 23. That Bloomington City Code Chapter 10, Article VIII, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

ARTICLE VIII

ADDITIONS, COMPLETIONS, MODIFICATIONS, AMENDMENTS TO INTERNATIONAL FUEL GAS CODE - ~~2006~~ 2009

The numbered Sections of this Article represent additions to the International Fuel Gas Code ~~2006~~ 2009 or correspond to Sections of said Code which are completed, modified, amended or deleted thereby.

SECTION 24. That Bloomington City Code Chapter 10, Article IX, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

ARTICLE IX

ADDITIONS, COMPLETIONS, MODIFICATIONS, AMENDMENTS TO INTERNATIONAL FIRE CODE - ~~2006~~ 2009

SECTION 25. That Bloomington City Code Chapter 10, Article X, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

ARTICLE X

ADDITIONS, COMPLETIONS, MODIFICATIONS, AMENDMENTS TO INTERNATIONAL EXISTING BUILDING CODE - ~~2006~~ 2009

SECTION 26. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 27. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 28. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 29. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 12th day of December, 2011.

APPROVED this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Text Amendment to Chapter 10. Building Code with modifications related to building permit fee schedules be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Lease Separation from Combined Leases for Lot 2 and Lot 3, Block 15 of Camp Potawatomie, Dissolution of Agreement with John and Lisa Larkin and Lake Bloomington Lease Transfer Petition for Lot 3, Block 15 of Camp Potawatomie from John and Lisa Larkin to Francis C. Quinn

RECOMMENDATION: That the agreement with John and Lisa Larkin be dissolved, Lot 2 and Lot 3, Block 15 of Camp Potawatomie be separated, the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: John and Lisa Larkin, the lease holders, have requested that the lease for two (2) lots which were joined in April 2010 be dissolved. When the purchase was made, the Larkins requested that the two (2) lots be combined into one (1) lot lease. The agreement contained specific language that required them to remove one or both of the small cabin type structures (one cabin per lot) by April 26, 2015. Staff supports combining lots as this reduces density.

This request would decouple the lease for the two (2) lots. Each lot will be returned to their respective leases if Council approves this request. This action will not increase the housing

density at the lake as both cabins remain in existence today. The lot leases were combined by Council action on April 26, 2010 and the cabins which were on the two (2) lots at that time still remain. Lot 3's septic system has been inspected and is operating satisfactorily.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value) for determining the Lake Lease Fee. The current annual lease rate is \$93.46 and it is expected that next year's rate will be about the same. This lake lease income will be posted to Lake Lease revenue account 5010-50100-50110-57590.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed as to legal sufficiency:

Craig M. Cummings
Director of Water

Douglas Ellsworth
Interim Director of Finance

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the agreement with John and Lisa Larkin be dissolved, Lot 2 and Lot 3, Block 15 of Camp Potawatomie be separated, the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Eastlake, LLC, requesting Rezoning from R - 1B, Single Family Residence District; R - 1C, Single Family Residence District; R - 2, Mixed Residence District; and S - 2, Public Lands & Institutions District; to R - 1B, Single Family Residence District; R - 1C, Single Family Residence District; R - 2, Mixed Residence District, and S - 2, Public Lands & Institutions District for the property commonly located north of Ireland Grove Rd., also known as the Grove on Kickapoo Creek Subdivision

RECOMMENDATION: That Rezoning be approved and the Ordinance passed.

BACKGROUND: The petitioner desires to eliminate the zero lot line housing and develop single family detached housing in its place. Both the rezoning and amended preliminary plan are required for this development change.

The Planning Commission reviewed the petition on November 9, 2011. The petitioner, his attorney and engineer, and staff spoke at the public hearing. No one from the public spoke in support of or opposition to this request. The Commission voted seven to zero (7 - 0) recommending approval of the petition.

The City's Comprehensive Land Use Plan provides for low medium density residential for the site as well as a small area of high medium density residential around a commercial node. For the vast majority of the site, the existing zoning and proposed zoning are in line with the plan. The exception would be for the small area of high medium density residential with a commercial node.

The petitioner desires to rezone the property. All of the present zoning will remain. The amount allocated to the different zones as well as their location will change. For example the only R - 2 area will be in a southeast part of the subdivision. The R - 1B and R - 2 areas will become R - 1C. Portions of the subdivision will be more densely populated but overall the density will decrease. The intent is to eliminate the zero lot line dwelling units. Information has been provided regarding the number of homes already built and the number of available lots. The Council was also provided with information regarding the existing and proposed changes regarding the Rezoning and Amended Preliminary Plan.

The proposed changes should not create any nuisances for nearby existing residences. With or without the Rezoning and amended Preliminary Plan traffic will increase due to new homes being built. The overall amount of traffic should decrease once the subdivision is fully developed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with same, courtesy copies of the Public Notice were mailed to 232 property owners within 500 feet. In addition, a public notice/identification signs were posted on the property.

FINANCIAL IMPACT: The financial impact on City services will be lowered as subdivision density will decrease.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director, PACE

Barbara J. Adkins
Deputy City Manager

Recommended by:

David Hales
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes 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 undeveloped portion of the freehold estate of the premises legally described in Exhibit A, which is attached hereto and made a part hereof by this reference;
2. That said premises legally described in Exhibit A presently has zoning classifications of R - 1B Single Family Residence District, R - 1C, Single Family Residence District, R - 2, Mixed Residence District and S - 2, Public Lands & Institutions District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your Petitioner hereby requests that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R - 1B,

Single Family Residence District, R - 1C, Single Family Residence District, R - 2, Mixed Residence District and S - 2, Public Lands & Institutions District zoning district classifications as set forth on Exhibit B attached hereto and made a part hereof by this reference;

5. That said requested zoning classifications are more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and

6. That said requested zoning classifications are more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your Petitioner by the present zoning of said premises.

WHEREFORE, your Petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois, be amended by changing the zoning classifications of the above-described premises from R - 1B, R - 1C, R - 2 and S - 2 Districts to R - 1B, R - 1C, R - 2 and S - 2 Districts as set forth on Exhibit B attached hereto.

Respectfully submitted,

EASTLAKE, LLC

By: Victor E. Armstrong, Jr.
Member

ORDINANCE NO. 2011 – 59**AN ORDINANCE REZONING THE GROVE ON KICKAPOO CREEK SUBDIVISION FROM: R - 1B SINGLE FAMILY RESIDENCE DISTRICT, R - 1C SINGLE FAMILY RESIDENCE DISTRICT, R – 2, MIXED RESIDENCE DISTRICT, AND S – 2, PUBLIC LANDS & INSTITUTIONS DISTRICT TO: R - 1B, R - 1C, R - 2 and S - 2**

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

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

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

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

1. That the premises hereinafter described in Exhibit A shall be and the same are hereby rezoned from R - 1B, Single Family Residence District, R - 1C, Single Family Residence District, R – 2, Mixed Residence District, and S – 2, Public Lands & Institutions District to R - 1B, R - 1C, R – 2, and S-2 Districts in accordance with Exhibit B attached hereto and incorporated herein.

2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.

3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 12th day of December, 2011.

APPROVED this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT ALegal Description

A part of the Southeast Quarter of Section 8 and a part of Section 9, all in 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 said Section 9. From said Point of Beginning, thence north 887.10 feet along the East Line of the Southeast Quarter of said Section 9; thence west 605.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence north 720.00 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course; thence east 605.00 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course to said East Line; thence north 1,055.52 feet along said East Line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to the Northeast Corner thereof; thence north 1,270.69 feet along the East Line of the Northeast Quarter of said Section 9 which forms an angle to the right of $180^{\circ}-00'-00''$ with the last described course; thence west 600.00 feet along a line which is parallel with the South Line of said Northeast Quarter and which forms an angle to the right of $90^{\circ}-58'-34''$ with the last described course; thence southwest 1,432.61 feet along a line which forms an angle to the right of $132^{\circ}-50'-42''$ with the last described course; thence southwest 415.51 feet along a line which forms an angle to the right of $195^{\circ}-09'-56''$ with the last described course to a point on said South Line lying 1,948.26 feet west of the Southeast Corner of said Northeast Quarter; thence west 1,970.13 feet along said South Line and the South Line of the Northwest Quarter of said Section 9, said South Lines form an angle to the right of $211^{\circ}-59'-23''$ with the last described course to a point lying 1,400.00 feet east of the Southwest Corner of said Northwest Quarter; thence north 1,100.00 feet along a line which is parallel with the West Line of said Northwest Quarter and which forms an angle to the right of $268^{\circ}-35'-58''$ with the last described course; thence west 1,400.00 feet along a line which is parallel with said South Line and which forms an angle to the right of $91^{\circ}-24'-02''$ with the last described course to a point on said West Line lying 1,100.00 feet north of the Southwest Corner of said Northwest Quarter; thence south 1,100.00 feet along said West Line which forms an angle to the right of $88^{\circ}-35'-58''$ with the last described course to said Southwest Corner; thence west 1,337.57 feet along the North Line of the Southeast Quarter of said Section 8 which forms an angle to the right of $271^{\circ}-14'-21''$ with the last described course to a stone at the Northwest Corner of the East Half of said Southeast Quarter; thence south 2,661.94 feet along the West Line of the East Half of said Southeast Quarter which forms an angle to the right of $88^{\circ}-42'-04''$ with the last described course to the Southeast Corner thereof; thence west 1,334.77 feet along the South Line of the East Half of said Southeast Quarter which forms an angle to the right of $91^{\circ}-14'-48''$ with the last described course to the Southeast Corner of said Section 8; thence east 2,639.83 feet along the South Line of the Southwest Quarter of said Section 9 which forms an angle to the right of $180^{\circ}-13'-28''$ with the last described course to the Southeast Corner thereof; thence east 2,658.88 feet along the South Line of the Southeast Quarter of said Section 9 which forms an angle to the right of $180^{\circ}-01'-45''$ with the last described course to the Point of Beginning, containing 466.58 acres, more or less.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Eastlake, LLC requesting the approval of an Amended Preliminary Plan of the Grove on Kickapoo Creek Subdivision for the property commonly located north of Ireland Grove Rd.

RECOMMENDATION: That the Amended Preliminary Plan be approved and the Ordinance passed.

BACKGROUND: The petitioner desires to eliminate the zero lot line housing and develop single family detached housing in its place. Both the rezoning and amended preliminary plan are required for the development change.

The Planning Commission reviewed the petition on November 9, 2011. The petitioner, his attorney and engineer, and staff spoke at the public meeting. No one from the public spoke in support of or opposition to the request. The Commission voted seven to zero (7 – 0) to recommend approval of the petition.

The petitioner desires to reconfigure the lots. The subdivision is not expanding beyond the boundaries of the existing preliminary plan. If approved, the subdivision density will decrease. Information has been provided regarding the number of homes already built and the number of lots available. The Council was also provided with information regarding the existing and proposed changes regarding the Rezoning and Amended Preliminary Plan.

The proposed changes should not create any nuisances for nearby existing residences. With or without the Rezoning and the amended Preliminary Plan, traffic will increase, due to new homes being built. The overall amount of traffic should also decrease once the subdivision is fully developed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the same, courtesy copies of the Public Notice were mailed to 232 property owners within 500 feet. In addition, a public notice/identification signs were posted on the property.

FINANCIAL IMPACT: The financial impact on City services will be lowered as subdivision density will decrease.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director, PACE

Barbara J. Adkins
Deputy City Manager

Recommended by:

David Hales
City Manager

**PETITION FOR APPROVAL OF AMENDED PRELIMINARY PLAN FOR THE
GROVE AT KICKAPOO CREEK SUBDIVISION**

State of Illinois)
)ss.
County of McLean)

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

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 interested as the owner of the undeveloped portion of the premises described in Exhibit A attached hereto and made a part hereof to be known by this reference; and
2. That your Petitioner seeks approval of an Amended Preliminary Plan for a subdivision of said premises to be known and described as The Grove on Kickapoo Creek, which Amended Preliminary Plan is attached hereto and made a part hereof; and
3. That your Petitioner also seeks approval of the exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code set forth on the Amended Preliminary Plan and Annexation Agreements, all of which have been previously approved.

WHEREFORE, your Petitioner prays that the Amended Preliminary Plan for The Grove on Kickapoo Creek subdivision submitted herewith be approved with the exemptions or variations as requested therein.

Respectfully submitted,

EASTLAKE, LLC.

By: Victor E. Armstrong, Jr.
Member

ORDINANCE NO 2011 – 60

AN ORDINANCE APPROVING THE AMENDED PRELIMINARY PLAN OF THE GROVE ON KICKAPOO CREEK SUBDIVISION

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Amended Preliminary Plan of The Grove on Kickapoo Creek Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition does not request any exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended, that have not already been approved; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and the Amended Preliminary Plan attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code except for the requested exemptions and/or variations that have previously been approved as 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 Amended Preliminary Plan of The Grove on Kickapoo Creek 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 the time of its passage on this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT ALegal Description

A part of the Southeast Quarter of Section 8 and a part of Section 9, all in 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 said Section 9. From said Point of Beginning, thence north 887.10 feet along the East Line of the Southeast Quarter of said Section 9; thence west 605.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence north 720.00 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course; thence east 605.00 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course to said East Line; thence north 1,055.52 feet along said East Line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to the Northeast Corner thereof; thence north 1,270.69 feet along the East Line of the Northeast Quarter of said Section 9 which forms an angle to the right of $180^{\circ}-00'-00''$ with the last described course; thence west 600.00 feet along a line which is parallel with the South Line of said Northeast Quarter and which forms an angle to the right of $90^{\circ}-58'-34''$ with the last described course; thence southwest 1,432.61 feet along a line which forms an angle to the right of $132^{\circ}-50'-42''$ with the last described course; thence southwest 415.51 feet along a line which forms an angle to the right of $195^{\circ}-09'-56''$ with the last described course to a point on said South Line lying 1,948.26 feet west of the Southeast Corner of said Northeast Quarter; thence west 1,970.13 feet along said South Line and the South Line of the Northwest Quarter of said Section 9, said South Lines form an angle to the right of $211^{\circ}-59'-23''$ with the last described course to a point lying 1,400.00 feet east of the Southwest Corner of said Northwest Quarter; thence north 1,100.00 feet along a line which is parallel with the West Line of said Northwest Quarter and which forms an angle to the right of $268^{\circ}-35'-58''$ with the last described course; thence west 1,400.00 feet along a line which is parallel with said South Line and which forms an angle to the right of $91^{\circ}-24'-02''$ with the last described course to a point on said West Line lying 1,100.00 feet north of the Southwest Corner of said Northwest Quarter; thence south 1,100.00 feet along said West Line which forms an angle to the right of $88^{\circ}-35'-58''$ with the last described course to said Southwest Corner; thence west 1,337.57 feet along the North Line of the Southeast Quarter of said Section 8 which forms an angle to the right of $271^{\circ}-14'-21''$ with the last described course to a stone at the Northwest Corner of the East Half of said Southeast Quarter; thence south 2,661.94 feet along the West Line of the East Half of said Southeast Quarter which forms an angle to the right of $88^{\circ}-42'-04''$ with the last described course to the Southeast Corner thereof; thence west 1,334.77 feet along the South Line of the East Half of said Southeast Quarter which forms an angle to the right of $91^{\circ}-14'-48''$ with the last described course to the Southeast Corner of said Section 8; thence east 2,639.83 feet along the South Line of the Southwest Quarter of said Section 9 which forms an angle to the right of $180^{\circ}-13'-28''$ with the last described course to the Southeast Corner thereof; thence east 2,658.88 feet along the South Line of the Southeast Quarter of said Section 9 which forms an angle to the right of $180^{\circ}-01'-45''$ with the last described course to the Point of Beginning, containing 466.58 acres, more or less.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the amended Preliminary Plan be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Ryan Scritchlow requesting the Rezoning from R - 1C Single Family Residential District, to B - 2, General Business District for the property commonly located at 1906 S. Morris Avenue

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

BACKGROUND: The petitioner desires to rezone this property to B - 2, General Business District zoning in order to establish a landscaping business at the site. The site currently has a residence, outbuildings, and scattered trees.

A public hearing on this petition was held by the Planning Commission on September 14, 2011. The petitioner handed out a twelve (12) page document in support of his request which included letters from neighbors stating they are in favor of his petition. No one from the public spoke in opposition.

The proposed use will not create any substantial nuisance for the nearby properties. There are manufacturing and business zoning adjacent to or across the street. The business use of the property should not be highly incompatible with nearby uses. The neighbors have signed letters of support. This use should be less intrusive and somewhat of a buffer from the more intense M - 1 Restricted Manufacturing District. The Commission voted 5 - 0 to recommend approval of the petition.

This item appeared on the October 10 and 24, 2011, Council agenda. At the request of Alderman Anderson, this item was laid over until the Council's December 12, 2011. Alderman Anderson requested that a neighborhood meeting be held. The meeting was held on Wednesday, November 16, 2011 at 7:30 p.m. at the Miller Park Pavilion. Persons in attendance included the following: two (2) Aldermen, four (4) City staff, the Petitioner and his attorney, and five (5) neighbors. The Petitioner affirmed his commitment to this project, (development of a landscape nursery with a retail shop). The Petitioner's attorney noted that the site was not suitable for a number of business uses based upon limited exposure and no access to Veterans Pkwy. All neighbors spoke in favor of the petition.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 30, 2011. Courtesy copies of the Public Notice were mailed to sixty-two (62) property owners within 500 feet. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director, PACE

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes Ryan W. Scritchlow hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

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

WHEREFORE, your petitioner respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R – 1C to B - 2.

Respectfully submitted,

By: Ryan W. Scritchlow

ORDINANCE NO. 2011 – 61**AN ORDINANCE REZONING 1906 S. MORRIS AVE.
FROM R -1C, SINGLE FAMILY RESIDENCE DISTRICT TO B – 2, GENERAL
BUSINESS DISTRICT**

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

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

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

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

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

PASSED this 12th day of December, 2011.

APPROVED this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of Lot 5 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: beginning

at the northeast corner of said Lot 5, thence west 660' along the north line of said Lot 5 to the northwest corner thereof, thence south 277.5' along the west line of said Lot 5, thence east 334.8' parallel with the north line of said Lot 5 to the east line thereof; thence north 391.4' along the east line of said Lot 5 to the point of beginning (being described as Parcel A in a Plat by Melvin H David, Registered Land Surveyor No 1785 dated March 21, 1967) except the north 50' of the east 330' of said Lot 5 in McLean County, Illinois

PIN: 21 – 17 – 227 – 032

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Bona Fide Thai Cuisine, LLC, d/b/a Bona Fide Thai Cuisine, located at 1500 E. Empire, Ste. #A1, for an RBS liquor license, which will allow the sale of beer and wine only by glass for consumption on the premises seven (7) days a week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an RBS liquor license for Bona Fide Thai Cuisine, LLC, d/b/a Bona Fide Thai Cuisine, located at 1500 E. Empire, Ste. #A1, be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to consider the application of Bona Fide Thai Cuisine, LLC, d/b/a Bona Fide Thai Cuisine located at 1500 E. Empire Ste. #A1, requesting an RBS liquor license which would allow the sale of beer and wine only by glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steven Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Supakorn Lertmahawong, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Supakorn Lertmahawong, owner/operator and Applicant representative, addressed the Commission. He planned to open Bona Fide Thai on Monday, November 14, 2011. He hoped

to offer beer and wine. Commissioner Stockton questioned Mr. Lertmahawong's experience. Mr. Lertmahawong had been employed as a server at a Chicago area restaurant which held a liquor license. He had also completed BASSETT, (Beverage Alcohol Sellers and Servers Education and Training), training. His managing partner had been employed at Thai House located at 805 Morrissey Dr. This individual had also been BASSETT trained.

Commissioner Stockton questioned Mr. Lertmahawong recent job experience. Mr. Lertmahawong had been employed as a data analyst at State Farm.

Commissioner Petersen questioned if Bona Fide Thai was a new restaurant. Commissioner Buchanan noted that this location was recently known as Na Na Thai. It also was the former location of Tien Tsien.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Bona Fide Thai Cuisine, LLC, d/b/a Bona Fide Thai Cuisine located at 1500 E. Empire, Ste. #A1, requesting an RBS liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately sixty-five (65) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the November 8, 2011 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None. Request is for a change of ownership. Annual fee for an RBS liquor license is \$1,100.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Alderman Sage stated his intention to vote no on this item.

Alderman Purcell noted that there had been a restaurant liquor license at this location. Tracey Covert, City Clerk, addressed the Council. She cited Na Na Thai and Tien Tsien.

Motion by Alderman Anderson, seconded by Alderman Schmidt that an RBS liquor license for Bona Fide Thai Cuisine, LLC d/b/a Bona Fide Thai Cuisine located at 1500 E. Empire, Ste. #A1, 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: Alderman Sage.

Motion carried.

The following was presented:

SUBJECT: Approval of 2011 Library Tax Levy

RECOMMENDATION: That the 2011 Library Tax Levy be approved and a consolidated Tax Levy Ordinance be prepared upon adoption of the 2011 City Tax Levy.

BACKGROUND: It is a statutory requirement that on or before the last Tuesday of December, the Council approve and the tax levy be filed with the McLean County Clerk. McLean County will access a tax rate to produce the dollars levied in this ordinance. The current year's budget provides the authority to levy property taxes for the following year.

Council reviewed the estimated 2011 property tax levy of \$4,654,295 on November 14, 2011. In accordance with the direction set by the Council, the 2011 library property tax levy was adjusted to reflect the Tax Levy amount levied in calendar year 2010, (\$4,513,519). The 2011 Tax Levy Ordinance, if approved, would make various sums of money available to the Library for specified purposes through the collection of real estate taxes.

All statutory requirements have been met which include the adoption by the Council of an estimated tax levy on November 14, 2011. A Truth in Taxation publication and hearing were not required because the percentage of increase of the 2011 Tax Levy did not exceed five percent, (5%). The recommended Library Tax Levy not including the City Tax Levy for 2011 is \$4,513,519. The final vote on the City's Tax Levy ordinance will include the amount approved for the Library.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Community at large through a presentation at the Council's October 24, 2011 meeting and adoption of the estimated Tax Levy on November 14, 2011 by the Council.

FINANCIAL IMPACT: The library property tax levy for 2011 represents a 0.00% increase over the 2010 Tax Levy.

The 2010 Library Property Tax Levy is projected to decrease .00125, which would produce a rate of \$0.24962. The tax rate assumes a 0.5% increase in Equalized Assed Valuation, (EAV). Actual assessed values will not be known until July, 2012. An increase above 0.5% would lower the tax rate below the current projection. The average assessed value increased 4.75% between 2002 and 2010. In 2010, the City's assessed value increased 1.514%.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Timothy Ervin
Performance Auditor & Budget Manger

Douglas Ellsworth, CPA
Interim Director of Finance

Recommended by:

David A. Hales
City Manager

David Hales, City Manager, addressed the Council. He noted the Council's prior action. The estimated Tax Levy was adjusted to the 2010 level. The Council would address the Library's Tax Levy first. Once approved, the Library Tax Levy would be incorporated into the City's Tax Levy. The City had also received a revised preliminary budget for the Library.

Mayor Stockton expressed his belief that there would be slight reduction to the tax rate. Mr. Hales believed that any comments regarding the tax rate would be speculative at this time.

Alderman Sage stated that if the Library Tax Levy did not pass that he would make an alternative motion to reduce the Library's Tax Levy by \$250,000. The Library's budget included dollars for an east side branch. He believed that these dollars should be returned to the taxpayers. He noted the \$10,000 for liability costs. The Library Board planned to undertake a strategic plan.

Alderman Schmidt spoke in support of the Library. She was a citizen and a library administrator. The Public Library was doing an outstanding job. She noted the increase in needs. These needs pointed in the direction of expansion. The Library Board's intention was to set aside money instead of borrowing. This action documented good financial management.

Alderman Fazzini noted the Board's good foresight. The Library paid off its loan from the City early. The plan called for a small amount of money to be set aside. This was a preferred approach. He believed that there would be an expansion.

Alderman Fruin stated his intention to vote in support of this item. He cited Aldermen Schmidt's and Fazzini's comments. He added his passion for the Library. He described it as a key ingredient to the City's mission/vision. The Library was well managed. He noted the service demands from the entire community.

Alderman Stearns described herself as a frequent user. The Library was well managed. She noted the automation which had enhanced services. She addressed staff efficiency. Library staff was doing more with less. However, \$250,000 was real money. She stated her intention to vote no on this item. There were other more important needs. There was no disrespect intended.

Motion by Alderman Fruin, seconded by Alderman Schmidt that the 2011 Library Tax Levy be approved and a consolidated Tax Levy Ordinance be prepared upon adoption of the 2011 City Tax Levy.

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

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

Nays: Aldermen Purcell, Sage, Stearns and McDade.

Motion carried.

The following was presented:

SUBJECT: Approval of 2011 Tax Levy

RECOMMENDATION: That the 2011 Tax Levy be approved and the Ordinance passed.

BACKGROUND: It is a statutory requirement that on or before the last Tuesday of December, the Council approve and the tax levy be filed with the County Clerk. McLean County will access a tax rate to produce the dollars levied in this ordinance. The current year's budget provides the authority to levy property taxes for the following year.

Council reviewed the estimated 2011 property tax levy of \$19,073,499 on November 14, 2011. In accordance with the direction set by Council, the 2011 General Corporate property tax levy was lowered by \$113.00 to match the prior year levy, excluding the library, at \$19,073,386. Although the City Tax Levy presented remains at \$19,073,386, the Levy presented for adoption reallocates funds across three (3) activities. The actuary has determined the minimum statutory Tax Levy (40 ILCS 5/3) for the Fire Pension to be \$2,861,552 and for the Police Pension to be \$3,056,933. The revised levy incorporates an additional \$250,000 contribution to these two (2) pension funds and allocates the difference of \$1,046,868 into the General Corporation activity. This reallocation will shift funds to increase road resurfacing from \$2.5 million to \$3.5 million. The 2011 Tax Levy Ordinance, if approved, would make various sums of money available to the City for specified purposes through the collection of real estate taxes.

All statutory requirements have been met which include the adoption by the Council of an estimated tax levy on November 14, 2011. A Truth in Taxation publication and hearing was not required because the percentage of increase of the 2011 Tax Levy did not exceed five percent, (5%). The total recommended tax levy not including the Library Tax Levy for 2011 is

\$19,073,387 and is comprised of the following activities: General Corporate, IMRF Fund, Social Security, Fire Pension, Police Pension, and General Obligation (GO) Bond Fund.

The Library Tax Levy will be passed on a separate vote by the Council and incorporated with the City Levy into a single ordinance remitted to McLean County.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Community at large through a presentation at the Council meeting of October 24, 2011 and Council's adoption of the estimated Tax Levy on November 14, 2011.

FINANCIAL IMPACT: The net recommended City Tax Levy (excluding the Library) for 2011 represents a 0.00% increase over the 2010 Tax Levy.

The 2011 City property tax rate is projected to decrease .00527, which would produce a rate of \$1.05485. The tax rate assumes a 0.5% increase in Equalized Assesed Valuation, (EAV). Actual assessed values will not be known until July, 2012. An increase above 0.5% would lower the tax rate below the current projection. The average assessed value increased 4.75% between 2004 and 2010. In 2010, the City's assessed value increased 1.514%.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy Ervin
Performance Auditor
& Budget Manager

Douglas Ellsworth, CPA
Interim Director of Finance

David A. Hales
City Manager

ORDINANCE NO. 2011 - 62**AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012 FOR THE CITY OF BLOOMINGTON**

Be it ordained by the City Council of the City of Bloomington, Illinois:

Section One. (a) The sum of Twenty-three Million Five Hundred Eighty-six Thousand Nine Hundred and six dollars (\$23,586,906) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2011 and ending April 30, 2012, for all corporate purposes and including General Corporate Purposes, Payment of Bonds and Interest on Bonds, Public Library, Fire Pension Fund, Police Pension Fund, Public Parks Fund, Fire Protection Fund, Police Protection Fund, IMRF Fund, and FICA Taxes Fund as appropriated for the fiscal year beginning May 1, 2011 and ending April 30, 2012 as passed by the City Council of said City at its regular meeting held on the 11th of April, 2011, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation "Amount to be raised by Taxation", the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2011 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows (\$1 difference due to rounding):

I. General Corporate Purposes	\$2,973,867
II. Police Protection Fund	1,354,332
III. Fire Protection Fund	1,183,182
IV. Public Parks	1,001,487
V. Fire Pension Fund	3,111,552
VI. Illinois Municipal Retirement Fund	2,502,956
VI. FICA Taxes Fund	1,459,097
VII. Police Pension Fund	3,306,933
VIII. General Bond and Interest	2,179,980
XI. Public Library Fund	<u>4,513,519</u>
	\$23,586,906

Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the

appropriate tax books for the fiscal year of said City beginning May 1, 2011 and ending April 30, 2012.

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

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund. The rate at which a tax shall be levied for General Corporate purpose shall be that rate necessary, after rates for all other funds are established, to result in a total levy of \$23,586,906.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, signing, approval, and recording, according to law.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

PASSED by the City Council of the City of Bloomington, Illinois, this 12th day of December, 2011.

APPROVED by the Mayor of the City of Bloomington, Illinois, this 13th day of December, 2011.

David Hales, City Manager, addressed the Council. The Tax Levy for 2011 would be \$23,586,906. This figure represented a flat tax levy. The amount was equal to last year's tax levy. He noted the modification to the amounts allocated to the Police and Fire Pension Funds and General Corporate. The gap between the two (2) years was \$1.5 million. The City's revenue sources were flat. He noted the need to increase funding for street resurfacing. The Police and Fire Pension Funds would be provided with the

statutory minimum plus an additional \$250,000. This would mean that \$1 million would be allocated exclusively to street resurfacing. There was no other way to increase funding for street resurfacing. Mr. Hales cited the assistance provided by Doug Ellsworth, Interim Finance Director and Tim Ervin, Performance Auditor & Budget Manager.

Alderman Fazzini wanted to clarify that the pension funding issue was not unusual. State statute had required that Police and Fire Pension Funds be 100% funded by 2032. The law was recently amended and now requires ninety percent (90%) funding by 2040. The Police and Fire Pension Funds have set a goal of 7.5% annual return on investments. He noted that over the past fifty (50) years the stock market had averaged nine percent (9%) return.

Doug Ellsworth, Interim Finance Director, addressed the Council. He noted the actuarial assumptions. Alderman Fazzini added that in the past the City had made contributions which were above the requirement. Mr. Ellsworth noted the two (2) different figures. Mr. Hales added that there had been years when the City provided the statutory minimum. Mr. Ellsworth noted the change in methodology. In addition, the Police and Fire Pension Funds have achieved some good investment returns. He cited the smoothing effect of the additional \$250,000.

Alderman Anderson addressed unfunded liabilities. This issue had to be balanced with the City's quality of life as a place to live. The Council needed to fund the various pensions as much as possible. He questioned the return on investment over time.

Alderman Stearns questioned Alderman Anderson's question. She noted the limitation placed upon the Police and Fire Pension Funds, (fifty percent limit on securities). She questioned if the 7.5% return on investment was realistic. Mr. Ellsworth responded affirmatively long term. The market was volatile. He believed that the pension funds would see losses this year. The return on investment would not be 7.5% percent. Alderman Stearns noted that pension funds would also be addressed at the Council's December 19, 2011 meeting.

Mayor Stockton stated that this evening's vote addressed the tax levy. The Council has the authority to amend the budget. Mr. Hales stated that the tax levy was specific in the way it addressed pensions. The budget addressed line items. Mr. Ellsworth agreed that the tax levy portion fixed the amount for pensions. Mr. Hales added that the pension dollars went directly from the County to the pension funds.

Alderman Purcell expressed his appreciation for the additional \$250,000 towards the Police and Fire Pension Funds. He believed that the City would reach the goal by 2040. The City's streets were not in good shape. The condition of the streets were the number one (1) complaint. Dollars were limited.

Motion by Alderman Anderson, seconded by Alderman Purcell that the 2011 Tax Levy including the Library Tax Levy be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of Fire/Rescue Training Tower to be located behind Fire Station #2, 1911 Hamilton Road

RECOMMENDATION: That the Fire/Rescue Training Tower be purchased from Fire Facilities, Inc., Sun Prairie, WI in the amount \$258,367, the Purchasing Agent be authorized to issue a purchase order for same and the Resolution adopted.

BACKGROUND: Fire Department staff has been working to develop a multiple hazard training facility that allows firefighting personnel a location to maintain and fine tune basic and advanced functions and learn new skills. The center piece of this facility is the live Fire/rescue Training Tower, (FTT). In the development of this training simulator, staff researched, analyzed and evaluated different structure configurations and building types: from low cost/low return shipping containers to high cost/high return concrete/masonry structures. The final selected design was a four (4) story steel structure developed by Fire Facilities, Inc., Sun Prairie, WI, a sole source provider.

In November 2010, the Fire Department secured and received a \$405,000 Illinois Department of Commerce and Economic Opportunity (DCEO) grant to assist in the purchase and construction of a FTT. This grant's original expiration date was September 30, 2011. The City was able to gain a one (1) year extension until September 30, 2012. The state's grant administrator has indicated that it may be possible to obtain another extension. There is no guarantee.

The cost of the FTT superstructure is \$258,367. Engineering, site work, and installation of the FTT are estimated to cost \$638,853. The total estimated cost of the project is \$897,220. The City has already received grant proceeds in the amount of \$405,000 for the FTT. These dollars will need to be returned to the state if this project does not go forward.

At the Council's September 12, 2011 Work Session, Fire Department staff presented the FTT status and projected the City's investment at \$492,220. Staff was directed to seek additional funding to cover the remaining cost of the FTT. Staff has written for additional grants which have been denied. Staff attempted applying for grants which the City was not qualified for in hopes of consideration. Neither local fire departments, nor area municipalities are in a position to provide financial assistance. The City's Foreign Fire Insurance Board has pledged \$150,000

for construction of the FTT. This is a reimbursement contribution to be paid after the construction is completed and over a six (6) year time period.

This project will include the selection of a construction oversight firm. This firm will be responsible for the overall project management, grant administration, and assistance in the selection of the construction/erection firm(s). Staff plans to utilize a Request for Qualifications to a Request for Proposal process for a construction oversight firm. These documents are being prepared.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Fire Facilities, Inc., Sun Prairie, WI; Illinois Department of Commerce and Economic Development; Honorable Daniel Brady, State Representative 88th District; and Farnsworth Group, Inc.

FINANCIAL IMPACT: Effective January 1, 2012, the price of steel is scheduled to increase by twenty-five percent (25%). According to Fire Facilities Inc., this will add \$64,591.75 to the cost of the structure. This is not the only construction cost area that has seen increases since this project began four to six (4 – 6) years ago. These increases have been around twenty percent (20%) on items such as copper and labor. The longer the project is delayed the more costs will increase.

The original deadline for the DCEO grant was September 30, 2011. Fortunately, the City was able to receive a one (1) year extension. There is no guarantee that the grant will be renewed for an additional year. The grant funds cannot be used for any other projects. It must be used for the purchase and construction of the FTT. Failure to do so will lead to the immediate forfeiture of the entire \$405,000.

The Fire Department will be developing policies and a fee structure for area emergency service providers who wish to utilize the FTT. These fees will provide funds to help deflect direct cost such as maintenance of the structure and replacing consumables such as pallets and straw. These fees will also cover additional Fire Department personnel needed onsite while outside agencies use the FTT.

The General Fund ended Fiscal Year (FY) 2011 with an Unreserved Fund Balance (UFB) of \$14,304,992, which is \$1,779,512 higher than the Fund Balance Policy benchmark. The Council has already earmarked a total of \$1.4 million of the UFB for other City projects; \$600,000 for Gaelic Park and \$800,000 for the Locust Street Combined Sewer Overflow Elimination and Water Main Replacement Project, Phase 1. Staff hopes to be able to return this cost back to MFT funding. Staff is awaiting Illinois Department of Transportation (IDOT) approval. This leaves a remaining UFB of \$400,000. These funds could be used to cover the majority of the FTT's \$492,220 net cost. The remaining \$92,220 would be budgeted in FY 2013. The Foreign Fire Insurance Board has agreed to reimburse the City \$25,000 per year for six (6) years for a total of \$150,000 towards the project's cost. A budget amendment for FY 2012 will be submitted to the Council for approval to cover the acquisition of the tower superstructure and a portion of the engineering and construction costs. The remaining balance of the project will be budgeted for in FY 2013.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Eric Vaughn
Training Officer

Mike Kimmerling
Fire Chief

Douglas Ellsworth
Interim Director of Finance

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2011 - 58

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF A FIRE/RESECUE TRAINING TOWER FOR
THE FIRE DEPARTMENT FROM FIRE FACILITIES, INC. AT A PURCHASE PRICE
OF \$258,367**

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 a Fire/Rescue Training Tower from Fire Facilities, Inc. at a Purchase Price of \$258,367.

ADOPTED this 12th day of December, 2011.

APPROVED this 13th day of December, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. He noted the potential price increase.

David Hales, City Manager, noted the Council's previous discussion, (September 12, 2011 Work Session). This issue was additional funding. City staff had done a lot of work on this project. The Foreign Fire Insurance Board (FFIB) had agreed to provide \$150,000 over six (6) years. City staff would continue its funding efforts. He noted the \$60,000 price increase effective January 2012. He addressed two (2) items: a financial summary and the City's Unreserved Fund Balance, (UFB). It would take Council action for the use of these dollars. The City would be able to retain the fifteen percent (15%) target. The use of UFB dollars required a budget amendment. He cited the Locust St. CSO (Combined Sewer Overflow) project. Approximately \$800,000 of this project's cost would be shifted to MFT (Motor Fuel Tax) dollars. Stark Excavating was IDOT (Illinois Department of Transportation) certified. The City's reserves, (UFB), would be used to address the funding gap. General discussions had been held with the Town of Normal. The Council was being asked to consider this item. This facility would be a tremendous asset. It would address the needs of City and Town firefighters. The cost would be divided into two (2) different fiscal years.

Mr. Hales stressed that this facility would serve the City's training needs. He noted the state's concerns. There was a deadline for the state grant.

Mike Kimmerling, Fire Chief, addressed the Council. He planned to make brief comments. This facility was important to the City's 100 uniformed firefighters. There was no hands on live fire training facility. He noted recent issues such as asbestos abatement. Burn certificates are required. This type of facility allows firefighters to maintain their skills. The University of Illinois has a facility which was sixty (60) miles away. Most firefighter training is completed while the individual is on duty. Skills maintenance classes can cost \$3,000 each. He restated that the City had 100 uniformed firefighters. Training was needed on a daily, weekly and monthly basis.

Mr. Hales restated his hope for collaboration with the Town of Normal. Chief Kimmerling cited the following benefits: rapid intervention, shared equipment, limited travel time, and opportunities for regional training. The state grant had been extended to September 2012. The state was not receptive to another grant extension. The state wanted to see progress on this project. The cost estimate was \$897,000. He cautioned that this price was not guaranteed. He cited the state grant funding - \$405,000. The FFIB had offered \$150,000 over six (6) years. Total dollars available equaled \$555,000. The remaining balance was \$342,000.

Alderman Schmidt noted the City's ISO rating. She cited the recent positive news and lower insurance rates. She questioned if this facility would be viewed as a positive. Chief Kimmerling cited the complicated formula. This facility would be one more piece in the puzzle. The goal was to improve the rating.

Alderman Sage noted the out of pocket expense - \$342,000. Mr. Hales was unsure if this figure included contingency. Alderman Purcell believed that the cost estimate included a five percent (5%) contingency. Alderman Sage questioned if this facility would eliminate training cost for the Champaign facility. Chief Kimmerling restated that this training was

currently not being done. The City did not provide skills maintenance training. Mr. Hales agreed and noted that there was a training deficiency. The City has been unable to budget the \$300,000 per year needed for this training.

Alderman Sage noted that there would be no offset in training costs. He questioned policies for use of the facility and an accompanying fee structure. He noted the City's plan to charge back for overhead and maintenance. The City needed to generate a profit for use of the facility. Chief Kimmerling stated that this goal would require a long term marketing study. The City would need to develop a faculty and curriculum. This would place the City's facility in competition with Champaign.

Alderman Sage believed that the City needed to apply an overlay rate. The City needed to offset the construction costs. Chief Kimmerling noted that there would other options available. The City did not have the classroom space. City staff had attempted to itemize the various costs. City staff would continue to build bridges with its neighbors. He noted the possibility of collaborative responses in emergencies. Alderman Sage stated that the City needed to develop a fee structure. He did not support a no profit beyond costs mentality. Mr. Hales addressed the original grant application. This facility was characterized as a regional facility. City staff would continue to solicit capital contributions. Alderman Sage described the state grant as one with strings attached.

Alderman Fazzini addressed one of the Council's Action Agenda 2012 Goal 7 addressed public safety. He noted the potential cost increase for this facility and the loss of the state grant. He questioned the contribution from the FFIB. Mr. Hales noted that the state grant was contingent upon this project. He noted that \$555,000 was at risk. Alderman Fazzini hoped that Normal might make a contribution. Mr. Hales informed the Council that the City would make a formal request.

Alderman Fazzini noted the plan to use the UFB for the Locust St. Combined Sewer Overflow project. Mr. Hales noted the contract with Clark Dietz for project management. The City did not have final numbers. Alderman Fazzini questioned if dollars from this project could be shifted to the fire training facility.

Alderman Stearns stated her expectation that MFT (Motor Fuel Tax) dollars would be used for the Locust St. project. Mr. Hales noted that the City annually received approximately \$1.9 million in MFT funds. He estimated the resurfacing cost at \$800,000. City staff was researching the amount of uncommitted MFT dollars.

Alderman Stearns questioned if there were other projects that these grant dollars could be used for. Chief Kimmerling responded negatively. The City would loose the grant.

Alderman Anderson stated his intention to vote yes for this item. He cited the cost per man for routine training. He hoped that surrounding communities would participate. Chief Kimmerling noted the rural fire districts' limited budgets. He cited the strength in

joint training. He hoped this facility would help the Fire Department build bridges with other fire departments.

Alderman Anderson questioned if the use of this facility might approach Champaign's facility. Chief Kimmerling described Champaign's program as a cornerstone. Alderman Anderson cited NICOR's experience.

Alderman Purcell believed this expenditure was necessary for the Fire Department to provide proper firefighter training. This training was necessary for firefighters to perform their job. He cited the facility's expense. This project was important.

Alderman Fruin thanked Chief Kimmerling for the information. He noted that the focus had been upon the cost. He questioned the operational costs going forward. He cited the FFIB annual income - \$80,000. Chief Kimmerling responded affirmatively. These dollars were used for operational equipment. He cited the following items which were purchased with FFIB funds: thermal imaging gear, furnishings, helmets, public education – "Sparky" program, and other operational items. He cited the importance of the FFIB continued purchases of these types of items.

Alderman Fruin recommended that Mr. Hales and Chief Kimmerling hold further discussion with the FFIB to request additional funds for this facility. Alderman Fruin requested Council input. He believed that the City needed to request additional funds from FFIB.

Todd Greenburg, Corporation Council, addressed the Council. He noted that the Council's next regular meeting would be on Monday, December 19, 2011. The Council's first meeting in 2012 would be held on Monday, January 9, 2012. He noted the Open Meetings Act.

Alderman Anderson noted that discussions had been held. City staff would reach out to Normal and the MABAS (Mutual Aid Box Alarm System) group. He did not believe that City staff needed additional direction.

Alderman Fazzini was not comfortable with the idea of requesting additional dollars from FFIB. These dollars were used to benefit the Fire Department.

Alderman Schmidt echoed Alderman Fazzini's comments. She expressed her belief that Mr. Hales would pursue this issue as appropriate. Mr. Hales offered to approach the FFIB. This facility had been discussed for a number of years. This action might be beneficial. He noted the FFIB's unanimous vote on the funding for this facility. He restated his willingness to approach the FFIB due to the funding gap.

Motion by Alderman McDade, seconded by Alderman Mwilambwe that Fire/Rescue Training Tower be purchased from Fire Facilities, Inc., Sun Prairie, WI in the amount of \$258,367, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution be adopted.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton noted that the Council's final meeting for 2011 would be held on Monday, December 19, 2011 at 7:30 p.m.

ALDERMEN'S DISCUSSION: Alderman Fruin noted the City Manager's report which has shown continued improvement.

David Hales, City Manager, addressed the Council. He credited Alex McElroy, Technical Assistant, and the Department Directors for their efforts to continue to improve this report.

Alderman Schmidt presented a flyer regarding West Bloomington Revitalization Project community night at Jimmy Johns located at 203 W. Market St., on Thursday, December 15, 2011 from 5:00 until 7:30 p.m.

She also noted that there would be an indoor Farmer's Market at the McLean County History Museum from 10:00 a.m. until 12 noon on Saturday, December 17, 2011.

Alderman McDade expressed her appreciation to Alderman Schmidt for her leadership on the Downtown Entertainment Task Force. She also noted Barb Adkins, Deputy City Manager, efforts to provide staff support.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He noted this evening's Work Session topic, (Rules of Procedure). He requested Council direction. He questioned if the Council wanted a plan for the December 19, 2011 meeting.

Mayor Stockton noted that there appeared to be support for a part of the proposed text amendment. Council needed to identify what to include. The issue needed majority support from the Council.

Alderman Anderson noted that it was up to the Council to provide feedback to City staff, (Mr. Hales). This issue should not appear on the Council's December 19, 2011 meeting agenda.

Mayor Stockton noted that a text amendment to address the Council meeting time would have to appear on the December 19, 2011 meeting in order for it to take effect in 2012.

Alderman Stearns recommended that any revisions and/or suggestions be made public. She expressed her concern regarding the Council's suggestions being in the hands of one person. She believed that the Council needed to analyze where time was being spent and put time limits in place. The Council needed to perform a time study.

Motion by Alderman Purcell, seconded by Alderman Anderson, that the meeting be adjourned. Time: 9:07 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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