

**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 7:30 p.m., Monday, November 14, 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.

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 expressed his belief that he was labeled a disgruntled citizen at the Council's last meeting. He described himself as engaged and informed. The public was not pleased with civic affairs. He noted his right to free speech. He had stood up for his beliefs in an effort to make the City a better community. He cited his willingness to participate. He added that concerns had been raised by his friends' perceptions. He cited name calling as an example. He believed that there were more important issues to address. He noted the City's pension fund shortfalls as an example. There was a mandate for fire protection. The Council should address community concerns.

Ed Johnson, 3527 NE Monroe, Peoria, IL, addressed the Council. He was a concerned citizen. He noted the Pledge which included the phrase "liberty and justice for all". He informed the Council that due to his credit score he had limited access to credit. He cited his personal experience with payday loans. He had no access to traditional institutions such as banks and credit unions. Individuals whose circumstances were similar to his needed access to credit. He had attended the Council's last meeting. He did not believe that the City had the authority to go forward. He believed that the City would put people out of work and result in the loss of tax dollars. He requested that the Council consider all aspects of this issue.

Jack Porter, 1504 W. Locust, addressed the Council. He noted that the City's Corporation Counsel had prepared a Resolution regarding payday loans. This resolution

requested that the General Assembly readdress this issue. He noted that the City had the support of the Illinois People's Action (IPA) leadership. He respectfully requested that the Council adopt this resolution. He planned to work with the Town of Normal and other municipalities. In addition, work would continue with both state and federal legislators. He added his belief that there were additional efforts where the City could take action. The City working with the IPA would be able to address Mr. Johnson's concerns.

Carl Woodard, 3009 Thornwood, addressed the Council. He stated that he was a small businessman with twenty (20) employees. He planned to address the City's pensions, boards and accurate reporting. He addressed what he perceived to be inaccurate reporting. He supported the US Cellular Coliseum, (USCC). He stated that the USCC was in the red. The City was not paying its bills and the public was unaware of same. He cited the Council's fiduciary responsibility. The City did not have any surplus funds. He restated that the City was not paying its bills. He had reviewed the City's Comprehensive Annual Financial Report (CAFR). He cited his concern regarding the federal government. The City claimed to be following state law. In his opinion, this was not enough. The Council needed to behave in a responsible manner.

The following was presented:

Governor's Home Town Award – Presented by Rep. Dan Brady.

Mayor Stockton introduced this item. Barb Adkins, Deputy City Manager, addressed the Council. She noted the 2010 Abraham Lincoln Commission which had been created by the City, Town of Normal and McLean County. The Lincoln, Fell and Davis statute was a legacy for the community. The statute was paid for with private funds. In 2011, the City applied for this award. A presentation was made to the Illinois Department of Commerce and Economic Opportunity. Ms. Adkins introduced the Honorable State Representative Dan Brady.

Representative Brady presented the 2011 Governor's Home Town Award 2011 for Project Winner in Division VI level (population over 70,000) for Convergence of Purpose. He offered congratulations to all involved.

David Hales, City Manager, addressed the Council. The signs would be posted at various locations in the City.

The following was presented:

Introduction of Doug Ellsworth, Interim Finance Director.

David Hales, City Manager, addressed the Council. He introduced Douglass Ellsworth, Interim Finance Director. Mr. Ellsworth had been employed with a number of communities within the state. He provided information regarding Mr. Ellsworth's experience. Mr. Ellsworth was the former President of the International Government Finance Officers Association, (GFOA). Mr. Ellsworth would complete an assessment of the

City's finance operations. Finally, the City's annual audit would be presented at the Council's November 28, 2011 meeting.

The following was presented:

Presentation of GFOA Distinguished Budget Award by Tim Ervin, Performance Auditor & Budget Manager.

David Hales, City Manger, addressed the Council. This was a celebration of staff's efforts.

Tim Ervin, Performance Auditor & Budget Manager, addressed the Council. The Government Finance Officers Association (GFOA) had approximately 18,000 members. This budget award was presented to approximately 1,200 to 1,300 communities. The City had improved its budget document. This award recognized budgets that acted as 1.) a policy document; 2.) a financial plan; 3.) an operations guide; and 4.) a communication device.

Mr. Hales noted that the actual award would be received in the near future. A budget was a planning tool. The City would continue to improve upon the budget document. This was the first time for the City to receive this award.

Mayor Stockton added that the City was following best practices.

The following was presented:

Introduction of and Presentation by Bloomington Normal Public Transit System (BNPTS) new General Manager, Andrew Johnson.

David Hales addressed the Council. He introduced Andrew Johnson, BNPTS's General Manager. Mr. Johnson commenced his employment with the BNPTS in August 2011. He had relocated from Waukesha, WI where he had been employed with the transit system. Mr. Johnson had also been employed in the private sector. The community was fortunate to have Mr. Johnson as the General Manager.

Mr. Johnson addressed the Council. He thanked them for the opportunity to address them. In 1972, the City and Town assumed ownership of the transit system. Today, there are thirteen (13) fixed routes, one (1) special service route and one (1) after hours route. The BNPTS operated six (6) days per week. There was a fleet of forty-five (45) vehicles. The BNPTS had recently relocated to a new facility on Wylie Dr. There were ninety-four (94) employees with the majority being bus drivers. The BNPTS had reach record ridership – over 2 million riders. There had not been a lot of change to the system. He noted past morale issues within the work force. Today, staff was energized and full of ideas. Route changes had been implemented. The BNPTS needed to increase community outreach to schools, businesses and nonprofit sector.

Mr. Johnson addressed challenges. He cited the thirteen (13) fixed routes. He cited the need for frequent, on time service. The routes needed significant redesign. The goal was thirty (30) minute rides during peak times. The BNPTS would host listening sessions. He was working with the McLean County Regional Planning Commission. The forty-five (45) vehicles were circa 1992. The BNPTS needed rolling stock to do the job. Grants would be written for new vehicles. In addition, a grant had been written and awarded for GPS (Global Positioning System) tracking. BNPTS was the only down state grant awarded.

A study group would be assembled to address finances. The BNPTS was dependent upon federal/state dollars, (eighty-six percent of budget). The remainder of the budget came from fares. This was a difficult model with limited ability to maintain/enhance services. There were a number of options. The key would be to land between the extremes. The goal was stable funding. The BNPTS would continue to pursue grants. Funding was not an entitlement. There should be a return on investment for the taxpayers which should result in a higher service level.

Mr. Hales added that the BNPTS needed to appoint individuals to the funding group. Mr. Johnson added that the group would consist of ten to twelve (10 – 12) people. Mr. Hales encouraged the Council to send suggestions to Mr. Johnson, himself or Judy Buchanan, BNPTS Chair.

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

The following was presented:

SUBJECT: Council Proceedings of October 24, 2011, Work Session Minutes of September 26, 2011, Citizen Voice Minutes of October 3, 2011 and Executive Session Minutes of June 13, 2011

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of October 24, 2011, Work Session Minutes of September 26, 2011, Citizen Voice Minutes of October 3, 2011 and Executive Session Minutes of June 13, 2011 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of October 24, 2011, Work Session Minutes of September 26, 2011, Citizen Voice Minutes of October 3, 2011 and Executive Session Minutes of June 13, 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 Schmidt, seconded by Alderman Purcell that the reading of the minutes of the previous Council Meeting of October 24, 2011, Work Session Minutes of September 26, 2011, Citizen Voice Minutes of October 3, 2011 and Executive Session Minutes of June 13, 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 Wednesday, November 9, 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 Schmidt, seconded by Alderman Purcell that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointment to the Board of Fire & Police Commissioners

RECOMMENDATION: That the Appointment be approved.

BACKGROUND: I ask your concurrence in the appointment of Delos Dean Messinger of 2107 Hackberry Rd, to the Board of Fire & Police Commissioners. His three (3) year term will begin November 14, 2011.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos
Executive Assistant

Stephen F. Stockton
Mayor

Mayor Stockton introduced Delos Dean Messinger. Mr. Messinger had served as a volunteer firefighter in Oregon. He had a passion for the fire service. He had retired from

Caterpillar as an Operations Manager. He was interested in community participation and involvement.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the appointment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Pay G.A. Rich & Sons, Inc. for Emergency Repair of City Sewer at the Intersection of E. Oakland Ave. and Florence Ave. (Ward 4)

RECOMMENDATION: That the payment to G.A. Rich & Sons, Inc. for the emergency repair of the sewer at the intersection of E. Oakland Ave. and Florence Ave. in the amount of \$14,902.80 be approved.

BACKGROUND: A sink hole adjacent to a manhole was discovered below the pavement in the intersection of E. Oakland Ave. and Florence Ave. City crews inspected the fifteen inch (15”) combination sewer with the camera truck and discovered a severely deteriorated area inside the manhole and sewer pipe. The sewer at this location is approximately fourteen feet (14’) deep, which exceeds the excavation limits of City equipment. Therefore, staff retained a contractor to perform the repair work. Given the extent of deterioration, the repair was considered an emergency and was performed in June, prior to Council approving the 2011 Emergency Utility Repair Contract on August 8, 2011.

G.A. Rich & Sons, Inc. performed an excavation at this location, removed and replaced the manhole and the deteriorated section, backfilled, and performed surface restoration. A time and materials bill has been submitted for this work in the amount of \$14,902.80. Staff has reviewed the bill and finds it to be in order.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Oakland Elementary School at 1605 E. Oakland Ave.

FINANCIAL IMPACT: The current fiscal year budget includes \$150,000 for sewer repairs in the Sewer Maintenance & Operations Fund. Payment in the amount of \$14,902.80 will be made from the Sewer Maintenance & Operations Funds (5210-52100-70551). The Sewer Maintenance & Operations Fund currently has a negative balance of \$2,117,898.99.

Respectfully submitted for Council consideration.

Prepared by:

Financial reviewed by:

Recommended by:

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

Douglas Ellsworth
Interim Director of Finance

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell that the payment to G.A. Rich & Sons, Inc. for the emergency repair of a sewer at the intersection of E. Oakland Ave. and Florence Ave. in the amount of \$14,902.80 be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of a 2012 Ford Transit Connect for the Water Department

RECOMMENDATION: That the purchase of a 2012 Transit Connect for the Water Department from Currie Motors, Forest Park, IL using the Suburban Purchasing Cooperative Contract in the amount of \$19,976 be approved, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: The Water Department's Transmission and Distribution Division has a 2005 Dodge Dakota scheduled for replacement in Fiscal Year (FY) 2012. It currently has over 84,000 miles. It will be declared surplus and sold at public auction.

It will be replaced by Ford Transit Connect. The Suburban Purchasing Cooperative is a cooperative of 150 municipalities in a six (6) county area of Northern Illinois. Every municipality and government agency in the state is authorized to participate in this program. The City has successfully used this Cooperative in the past.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: In FY 2012, \$18,000 has been budgeted in the Water Department's Transmission and Distribution Division account 50120-72130 for the purchase of the replacement vehicle. The 2012 Ford Transit Connect will cost \$19,976. This cost is \$1,976 over budget. Based on miles driven and Environmental Protection Agency (EPA) Estimated Miles

per Gallon, the Transit Connect should save 333 gallons of fuel per year compared to the Dodge Dakota. At the present fuel cost of \$3.12 for unleaded, this would be a savings of \$1,039 per year. The higher cost would be offset by fuel savings in less than two (2) years.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed By:

Financial reviewed by:

Jim Karch
Director of Public Works

Craig Cummings
Director of Water

Douglas Ellsworth
Interim Finance Director

Recommended by:

David Hales
City Manager

RESOLUTION NO. 2011 - 49

A RESOLUTION TO PURCHASE ONE (1) 2012 TRANSIT CONNECT USING THE SUBURBAN PURCHASING COOPERATIVE CONTRACT FROM CURRIE MOTORS, FOREST PARK IL IN THE AMOUNT OF \$19,976 FOR THE WATER TRANSMISSION AND DISTRABUTION DIVISION OF THE WATER DEPARTMENT

WHEREAS, according to 30ILCS 525/2 from CH. 85, pr. 1602 Sec. 2 (a) Any governmental unit may Purchase personal property, supplies and services jointly with one or more other governmental units. All such joint purchases shall be by competitive bids as provided in Section 4 of this Act; and

WHEREAS, the Suburban Purchasing Cooperative Contract is a competitive bidding process.

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

1. That the formal bidding process be waived and purchase one (1) 2012 Transit Connect using the Suburban Purchasing Cooperative Contract from Currie Motors, Forest Park, IL in the amount of \$19,976 for the Water Transmission and Distribution Division of the Water Department and the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

ADOPTED this 14th day of November, 2011.

APPROVED this 15th day of November, 2011.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Purcell that the purchase of a 2012 Ford Transit Connect for the Water Department from Currie Motors, Forest Park, IL using the Suburban Purchasing Cooperative Contract in the amount of \$19,976 be approved, the Purchasing Agent authorized to issue a Purchase Order for same, 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: Microsoft Software Enterprise Agreement (EA) License Renewal

RECOMMENDATION: That the payment to CDWG, Inc. for a Microsoft EA for software maintenance and support with Microsoft Corporation covering the City's Microsoft licensing, in the amount of \$100,609.64, be approved, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: The City has historically participated in an EA with Microsoft Corporation for the use of all of its Microsoft licenses. These licenses include desktop and server operating systems, enterprise databases, office productivity software, network management software and terminal emulation software used to provide desktop application services across some of the City's slower Wide Area Network (WAN) links. Participation in the EA agreement provides version updates to all software, support, training and transition rights to software when computer hardware is replaced.

The City is able to participate in the Microsoft EA under the State of Illinois Joint Purchasing Contract, under which the State of Illinois has negotiated with Microsoft for lower licensing costs. The Microsoft reseller selected to manage the State of Illinois contract is CDWG, Inc.,

Vernon Hills, IL. As such, the City can only participate in the Microsoft EA by purchasing through CDWG.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds for renewal of the Microsoft EA have been budgeted in the Information Services Repair/Maintenance Office and Computer Equipment account (G11610-70530) within the Fiscal Year 2012 budget.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Scott A. Sprouls
Information Services Director

Doug Ellsworth
Interim Finance Director

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

RESOLUTION NO. 2011 - 50

A RESOLUTION TO PURCHASE MICROSOFT SOFTWARE ENTERPRISE AGREEMENT (EA) LICENSE RENEWAL USING THE STATE OF ILLINOIS JOINT CONTRACT FROM CDWG, INC. OF VERNON HILLS, IL. IN THE AMOUNT OF \$100,609.64 FOR SOFTWARE MAINTENANCE AND SUPPORT WITH MICROSOFT CORPORATION COVERING THE CITY'S MICROSOFT LICENSING

WHEREAS, according to 30ILCS 525/2 from CH. 85, pr. 1602 Sec. 2 (a) Any governmental unit may Purchase personal property, supplies and services jointly with one or more other governmental units. All such joint purchases shall be by competitive bids as provided in Section 4 of this Act; and

WHEREAS, the State of Illinois Joint Purchasing Contract is a competitive bidding process.

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

1. That the formal bidding process be waived and purchase Microsoft Software Enterprise Agreement (EA) License Renewal using the State of Illinois Joint Contract from CDWG, Inc. of Vernon Hills, IL. In the amount of \$100,609.64 for software maintenance and support with Microsoft Corporation covering the City's Microsoft licensing, the

Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

ADOPTED this 14th day of November, 2011.

APPROVED this 15th day of November, 2011.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Purcell that the payment to CDWG, Inc. for a Microsoft EA for software maintenance and support with Microsoft Corporation covering the City's Microsoft licensing, in the amount of \$100,609.64, be approved, the Purchasing Agent authorized to issue a Purchase Order for same, 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: Early Order Program with Helena Chemical (the distributor) for Procurement of Syngenta and BASF (the manufacturers) Golf Course Chemicals from a Single Source

RECOMMENDATION: That the golf course chemicals be purchased through the Early Order Program in an amount not to exceed \$200,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted

BACKGROUND: The City's golf courses are considered some of the finest in downstate Illinois. In the most recent Golf Digest Magazine rankings, The Den at Fox Creek received a prestigious 4½ star rating (out of 5) which places it alongside only six (6) other courses in the state of Illinois in the same fee category to receive the honor. Prairie Vista received a four (4) star rating and Highland Park received a 3½ star rating.

In 2005, Golf Digest also voted Bloomington/Normal the fifth best City to live for golf in the country. In order to maintain the City's courses in a manner that is consistent with the customers' expectations, it is necessary to continue providing quality playing surfaces. One of the primary factors in providing quality playing surfaces, is to keep the turf free from disease and insects. If left untreated, these pests have the potential to do significant damage to the turf resulting in loss of rounds and revenue, while also requiring major expenditures to reseed the infected areas. Best practices in the golf industry indicate that the most efficient manner to treat turf diseases and insects is prevention. By utilizing preventative chemical applications, the City is able to suppress potential outbreaks before they occur.

Each year Syngenta and BASF offer early order programs that allow the opportunity to lock in next year's prices at discounted rates. Syngenta and BASF are the two (2) primary manufacturers of chemical and fertilizer products utilized in the management of turf grass in the golf industry. Through best practices, the golf course maintenance staff has found these Syngenta and BASF products to provide the desired effects in order to provide a high level of playing conditions demanded by the golfing public. In addition, Helena Chemical is the Syngenta and BASF distributor of choice for the municipalities of Normal, Decatur, Peoria, Pekin, Springfield, Champaign and Quincy. The golf courses at Illinois State University, Bloomington Country Club and Crestwicke Country Club also use these products through Helena Chemical. Entering into the early order program guarantees the discounted price for any additional Syngenta or BASF purchases required during 2012.

Syngenta and BASF engage the assistance of locally recognized quality turf distributors to assure the delivery, service and billing of their products. Syngenta and BASF operate using an agency pricing model, meaning the price of their chemicals are the same regardless of the distributor chosen. These distributors are contractually obligated to offer these products at set agency prices. For the past three (3) years, staff has utilized Helena Chemical located in Warrensburg, IL. Helena will store the products on site and deliver it on an as needed basis. Helena's local dealership manager is a Certified Golf Course Superintendent who offers an exceptional level of service and consultation advice during bi-monthly visits to offer support and years of expertise to the City's golf maintenance personnel. This level of service is not offered by any other nearby distributor.

There is no statewide contract available for the procurement of these chemicals and fertilizers. The deadline to enter this program is before December 9, 2011. Council has authorized participation in this program for the last several years.

Staff recommends approval of an early order discount program for the purchase of various Syngenta-branded and BASF-branded chemicals for golf turf grass management for the 2012 golf season and utilizing Helena Chemical as the local distributor for these products be approved and that the Mayor and City Clerk be authorized to execute the necessary documents.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City Purchasing Agent.

FINANCIAL IMPACT: The golf courses annually spend approximately \$200,000 on chemicals and conservatively will realize savings of approximately \$20,000 by participating in this early buy program. Funds will be budgeted and available in 56406400-70590-214008, 56406410-70590-214008 and 56406420-70590-214008.

Respectfully submitted for Council consideration.

Prepared by:

Jason Wingate
Superintendent of Golf

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Reviewed by:

John Kennedy, Director
Parks, Recreation & Cultural Arts

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2011 - 51

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF GOLF COURSE CHEMICALS THROUGH THE EARLY ORDER PROGRAM IN AN AMOUNT NOT TO EXCEED \$200,000

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 golf course chemicals and fertilizer products through the Early Order Program in an amount not to exceed \$200,000.

ADOPTED this 14th day of November, 2011.

APPROVED this 15th day of November, 2011.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Purcell that the golf course chemicals be purchased through the Early Order Program in an amount not to exceed \$200,000, the Purchasing Agent authorized to issue a Purchase Order for same, 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: Analysis of Bids for the Repair of the Police Parking Garage.

RECOMMENDATION: That the bid for the repair of the Police Department Parking Garage be awarded to Western Waterproofing, Inc., in the amount of \$496,225, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: During the summer 2010, staff received a condition report for the Police Department (PD) parking garage completed by an engineering consulting firm. In that report, it was recommended that the top deck of the garage be patched and traffic coating be applied to the surface. Based on the consultant's estimate of \$426,540, staff budgeted \$450,000 this Fiscal Year (FY) for the recommended repairs.

This summer, a Request for Proposals (RFP) was released for an engineering firm to design the repairs to the PD parking garage based on the 2010 condition report. Once Walker Restoration Consultants, Inc. (WRC), City's consultant, was under contract, another condition assessment of the parking garage was conducted. WRC found the top layer of concrete had delaminated from the bottom layer to a point where traffic coating was not recommended for repair. WRC recommended that the entire top layer of concrete be removed and replaced with new concrete. They also identified structural members on the second and third level that are in need of attention. Plans and specifications were developed based on the WRC's 2011 findings.

WRC's 2011 Estimated Cost:

Construction \$463,369.90
Contingency 69,505.49

Total Cost \$532,875.39

The repair will consist of:

- Removing the top 1½ inches of concrete using hydrodemolition technology;
- Replacing top 1½ inches area with new concrete;
- Replacing all calk and expansion joints;
- Applying a penetrating sealer on the new concrete;
- Painting parking spaces;
- Repairing deck drains; and
- Repairing structural concrete sections on the second and third level.

The bidding documents also include an alternate for a five (5) year warranty. The warranty requires the contractor to repair all concrete cracks/delamination, calk joints, expansion joints or any water leaks found in the work completed within the scope of this project.

This work is expected to provide twelve to fifteen (12 - 15) years of normal parking garage usage before major repairs will be needed as long as proper maintenance is performed. A major expense would be \$50,000 or more.

On October 21, 2011, bids were opened and publicly read at City Hall. The bid consists of a base bid for repairing all levels of the garage and two (2) alternates.

Alternate 1: cost for a five (5) year warrantee.

Alternate 2: cost to totally finish the east half before starting on the west half.

Analysis of the Bids:

Company	Base Bid	Alt. 1	Alt. 2	Total Bid
M3 Restoration, Co. Eden Prairie, MN	\$393,369.00	\$0	\$0	\$393,369.00
Western Waterproofing Co. Springfield, IL **	\$494,850.00	\$1,375	No additional Charge.	\$496,375.00
Gill Co. Rolling Meadows, IL	\$521,436.00	\$25,000	\$11,500	\$557,936.00
SPS Infrastructure, Co. St. Paul. MN	\$532,002.65	No Bid	\$55,000	\$587,002.65
Golf Construction Co. Hammond, IN	\$534,900.00	\$25,000	\$20,000	\$579,900.00
Monson Nicholas Co. Villa Park, IL	\$605,957.00	\$7,000	\$10,160	\$623 117.00
Takao Nagai Co. Chicago, IL	\$766,775.00	\$29,001	\$41,000	\$836,776.00

**Recommended bidder

Staff completed reference checks of M3 Restoration (M3R) and found some references were for complete projects. M3R is in their first year of business. It is owned by individuals who have been employed with another company while working on projects which were also listed as references.

Other concerns with M3R bid are:

No charge for a five (5) year warranty;
 Limited Bonding capacity;
 Required financial statement missing; and
 Required equipment list missing.

Comparison of the two (2) lowest bidders:

Concerns	M3 Restoration	Western Waterproofing
Years in business as a restoration Contractor	1 year with 20 years of experience	96 years.
Years in business as a General Contractor	1 year with 20 years of experience	96 years
Years under present business name	1 year	96 years
Five Year Warranty	\$0	\$1,375
Bonding capacity per project	\$800,000.00 plus	\$20 million
Aggregate	\$1,000,000.00 plus	\$125 million
Financial statement	Sent Upon Request	Included in Bid
Equipment list	Faxed Upon Request	Included in Bid

Based upon M3R not submitting a financial statement and an equipment list, and their lack of experience as a company, staff believes their bid should be disqualified. WRC, City's consulting engineering firm, agrees with staff's concerns regarding M3R.

Staff completed reference checks on Western Waterproofing Co. They were found to be in order. Western Waterproofing has also completed work for the City without issue. Staff recommends the contract be awarded to Western Waterproofing Co. in the amount of \$496,375.00.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice of the project was advertised in the Pantagraph on September 30, 2011. A pre-bid meeting was held on October 10, 2011 at City Hall. Nineteen (19) bid sets were mailed to vendors and seven (7) bids were received.

FINANCIAL IMPACT: A total of \$450,000 is budgeted for this project including professional fees. WRC is under a design contract in the amount of \$34,000.

\$494,850.00 Construction Bid Amount
34,000.00 Engineering Fees
 \$528,850.00 Total Project Cost After Bidding

The total price after bid price is \$78,850 over budget.

Staff has two (2) projects identified in this budget year. \$450,000 for the PD parking garage, and \$300,000 for the Market St. garage. Staff believes that the priority is the PD parking garage. The cost for this project will be taken from the \$300,000 budgeted for the Market St. garage. Staff will budget the Market St. garage repairs in FY 2013.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Robert Floyd
Facilities Manager

Mark Huber
Director of PACE

Kim Nicholson
Purchasing Agent

Reviewed as to legal sufficiency:

Reviewed by:

Recommended by:

J. Todd Greenburg
Corporate Council

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell that the bid be awarded to Western Waterproofing in the amount of \$496,225, 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: Professional Services Contract for the Bloomington Center for Performing Arts

RECOMMENDATION: That the contract with Monterey International in the amount of \$25,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Staff respectfully requests approval of contract to engage persons and/or groups represented by: Monterey International to perform services in the Bloomington Center for the Performing Arts (BCPA) on dates agreed by staff. Contract expenses for the contract will be \$25,000. The contract price covers the performing artist fees for a musical performance coming to the BCPA in December. For proprietary and competitive advantage reasons we do not

mention the acts by name in the Council memo. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The selection of these artists was coordinated with the Cultural Commission and the BCPA’s Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the BCPA.

FINANCIAL IMPACT: Funding for these contracts will come from account X21100-70220 of the BCPA’s 2011-12 budget, to be offset by future revenues from ticket sales, grants, playbills, concessions, advertising, and sponsorships. These revenues are also targeted to offset the additional artist expenses for travel, meals and lodging.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

John Kennedy, Director
Parks, Recreation & Cultural Arts

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Purcell that the contract with Heen Enterprises, LLC in the amount of \$25,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of Easement Agreements with Bloomington Country Club Realty Trust and Bloomington Country Club and Approval Contract for Sale of Real Estate and Payments of \$14,500 to Bloomington Country Club Realty Trust for Permanent Easement and \$10,500 to Bloomington Country Club for Temporary Easement

RECOMMENDATION: That the Easement Agreements be approved, the Contract for Sale of Real Estate and payments of \$14,500 to Bloomington Country Club Realty Trust and \$10,500 to Bloomington Country Club be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The proposed easement agreements and easements are part of the Locust-Colton Combined Sewer Overflow project, which has previously been approved by Council. Staff and representatives of Bloomington Country Club Realty Trust and Bloomington Country Club have previously reached agreement in principal on the terms and conditions of the easement agreement and the location of the necessary easements. It is now appropriate for Council to formally approve the easement agreement and payments of \$14,500 to Bloomington Country Club Realty Trust for permanent easement and \$10,500 to Bloomington Country Club for temporary easement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Bloomington Country Club and Bloomington Country Club Realty.

FINANCIAL IMPACT: \$25,000 for the temporary and permanent easements. The Easement Agreement contains standard promises to indemnify the Country Club and the Country Club Realty Trust for any damage to its property if the property is not properly restored after construction, and also contains a promise to reimburse counsel for Bloomington Country Club and Bloomington Country Club Realty Trust for the cost of its attorney's fees in the event drafting and reviewing the easement documents exceeds \$5,000. In addition, the City agrees to waive tap-on fees for water used by Bloomington Country Club to irrigate its property from the storm sewer.

Payment for these easements is budgeted in the current year and will be paid from Account No. X55200-72550

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

Jim Karch
Director of Public Works

David A. Hales
City Manager

(EASEMENT AGREEMENT AND CONTRACT FOR SALE OF REAL ESTATE ON FILE IN CLERK'S OFFICE)

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Easement Agreement with Bloomington Country Club and Bloomington Country Club Realty Trust and the Contract for Sale of Real Estate with Bloomington Country Club Realty Trust be approved, and the payments to Bloomington Country Club Realty Trust in the amount of \$14,500 and to Bloomington Country Club in the amount of \$10,500 be approved, 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: Approval of Payment of \$24,750.00 to District 87 for Easements Necessary for the Locust-Colton Combined Sewer Project and Approval of an Easement Agreement

RECOMMENDATION: That the Easement Agreements and payment to District 87 in the amount of \$24,750 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: These easement agreements and easements are part of the Locust - Colton Combined Sewer Overflow (CSO) project that was previously approved by Council. Staff and representatives of District 87 have previously reached agreement in principal on the terms and conditions of the easement agreement and the location of the necessary easements. It is now appropriate for Council to formally approve the easement agreement and to approve the payment of \$24,750 to District 87 (\$14,750 for permanent easement and \$10,000 for temporary easement, for a total payment of \$24,750).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: District 87.

FINANCIAL IMPACT: \$24,750 to District 87. Payment for these easements is budgeted in the current Fiscal Year and will be paid from Account No. X55200-72550. The Easement Agreements contain standard promises to indemnify District 87 for any damage to its property if the property is not properly restored after construction, and contains a promise to reimburse counsel for District 87 for the cost of its attorney's fees in the event drafting and reviewing the easement documents exceeds \$5,000.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

J. Todd Greenburg
Corporation Counsel

Jim Karch
Director of Public Works

Douglas Ellsworth
Interim Director of Finance

Recommended by:

David A. Hales
City Manager

(EASEMENT AGREEMENT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Easement Agreement and payment of \$24,750 to District 87 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Arlandria, LLC, d/b/a Reality Bites, located at 414 N. Main St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an RAS liquor license for the Arlandria, LLC, d/b/a Reality Bites, located at 414 N. Main St., be created, contingent upon compliance with all applicable health and safety codes and the following conditions: 1.) that the establishment must operate as a restaurant, if at the sole direction of the Liquor Commission, that there is an indication that the establishment is operating as a tavern, the approval of the RAS license would be revisited; 2.) that no alcohol be sold, served or consumed on the premises the earlier of one hour after the kitchen closes or 1:00 a.m. on weekdays, 2:00 a.m. on Friday and Saturday nights; 3.) that amplified music be allowed, but limited to one amplifier per instrument and vocalist; and 4.) that after 12:00 a.m. (midnight) tavern rules apply, in that no one under the age of 21 years of age be allowed inside the establishment.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Arlandria, LLC, d/b/a Reality Bites, located at 414 N. Main St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; Lt. Tim Stanesa; George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk, Gary Pagano, Applicant and owner/operator, and Jim Finnegan, Applicant's attorney.

Absent: Commissioner Mark Gibson and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He noted the number of inquiries received reference operational, parking, and trash issues. The Commission was tasked to address the impact of a liquor license on the neighborhood.

Commissioner Buchanan requested clarification of the LLC. Jim Finnegan, Applicants attorney addressed the Commission. GAPJR, LLC was pending at the time of application with the Secretary of State. This LLC was taken Mr. Pagano then requested Arlandria, LCC.

Gary Pagano, Applicant and owner/operator, addressed the Commission. Mr. Pagano had been the General Manager at Daddios, located at 527 N. Main, for over ten (10) years. He had not received any violations during this time. He would take full ownership of the Reality Bites. The menu would remain the same. He believed that the business lacked direction and leadership. He would bring the business back to its full potential.

Commissioner Stockton questioned if Mr. Pagano was aware of the neighborhood concerns. Mr. Pagano responded affirmatively. He had met with Pam and Herb Eaton on Sunday, October 9, 2011. The following would be enforced: 1.) employees would not be allowed to park in the alley; 2.) folding chairs would be allowed for employee breaks and put away each night; 3.) cigarette butt containers would be used; and 4.) the alley and front sidewalk would be swept and cleaned as part of opening and closing operations.

Commissioner Stockton questioned after hour activities. Mr. Pagano stated that there would be no after hour activities. All employees would be required to leave the premises after closing.

Commissioner Buchanan acknowledged that the complaints received were for the current owners.

Commissioner Stockton opened the hearing to public comment.

Pam Eaton, Eaton Gallery owner/operator, located at 411 N. Center St., addressed the Commission. Eaton Gallery was behind Reality Bites, the alley was shared. She was not opposed to the change of ownership. She provided the Commission pictures of the current alley conditions. She cited a letter sent by Steve Adcock, Inspector I of the City PACE Department, to Stephen Saeriren, owner Reality Bites, in March 2010. Overflowing rubbish in and around the dumpster was an issue. Other concerns were lack of lighting in the alley and after hour noise.

There needed to be reassurances that the current concerns did not continue. She questioned restrictions for renewal or a six (6) month trial basis.

Mrs. Eaton questioned options if the new owners continued as the current owners have. Commissioner Stockton stated that anyone of the Commissioners could take complaints. A violation hearing could be used to address issues. If violations continue, then a renewal hearing could be held. Mrs. Eaton believed there a possibility of collaboration between the two businesses.

Commissioner Petersen questioned the expectation of alley cleaning. Mrs. Eaton stated her expectations' no chairs, trash or cigarette butts. She requested Mr. Pagano be held responsible for his employees actions.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He reminded the Commission of Chapter 6 Alcoholic Beverages, Section 37(e)(4), Same – Powers and Duties Generally of Chapter 6 Alcoholic Beverages. The Commission has the authority to fine and/or suspend or revoke a license in violation of the McLean County Health Department's ordinances.

Bob Vericella, 125 S. Bellemont Rd., building owner, addressed the Commission. He acknowledged that trash was an issue. Downtown owners needed to be held responsible for cleanup of their areas.

Commissioner Stockton questioned alley lights. Mr. Vericella responded currently there were lights on the fire escape. Commissioner Stockton questioned the need to light the whole alley. Mr. Vericella stated his willingness to add lighting in the alley.

Commissioner Petersen noted the picture of boxes and cigarette butts in the alley. He believed this was a fire hazard. He questioned refuse placement. Mr. Pagano stated that he has a lease agreement Koth and Gregory, located at 420 N. Main St. for usage of their dumpster.

Mr. Vericella cited his concern about noise from the patio. He currently has upstairs tenants. He questioned changes. Mr. Pagano responded that the patio would be cleaned. It was his intent for customers to use the patio while they enjoyed their dinner.

Commissioner Stockton stated that he did not believe this was a major problem. It was a matter of keeping the business owner focused on daily cleaning.

Commissioner Tompkins questioned a cigarette butt receptacle. Mr. Pagano was looking into a variety of receptacles. Commissioner Tompkins suggested using a receptacle similar to those at Schnuck stores.

Patrick Fruin, owner/operator of Flingers Pizza Co., located at 608 N. Main St., addressed the Commission. He had owned his business for five (5) years. He believed that Daddios management was top notch. Employees power wash the sidewalks on the weekends.

Tricia Stiller, Downtown Business Association's Executive Director, 106 W. Monroe St., addressed the Commission. Reality Bites was a unique eatery. She was impressed with Mr. Pagano's proactive approach. She believed he set a high standard. He had taken upon himself to talk with the neighbors. This spoke highly of him.

Andy Weaver, 420 N. Main St., current Reality Bites employee, addressed the Commission. He was looking forward to the improvements. He believed that Mr. Pagano's would have high standards for his employees.

Tony Fabrizino, owner/operator Killarney's Pub, located at 523 N. Main St., addressed the Commission. He had known Mr. Pagano for ten (10) years. He concurred with what had previously been stated. He was impressed with how Mr. Pagano managed Daddios.

Commissioner Stockton believed that the applicant understood the issues with the neighborhood. Conditions were not required for the issues stated.

Commissioner Clapp questioned the menu and restaurant operations. She questioned the restaurant turning into a tavern. Mr. Inchol Chong, 1407 W. Elm St., addressed the Commission. He was hired to be the General Manager. He had previous experience with Central Station Café, located at 220 E. Front St. as partner. He would bring food and restaurant knowledge. Mr. Pagano did not want the restaurant to turn into a tavern. There would be some fine tuning of the food menu. He would establish a unique wine and drink menu. The kitchen would remain full service until 10:00 p.m. There would be a late night menu after that time. The atmosphere would that of wine, appetizers and good conversation. The goal would be to attract patrons attending or leaving the performances from the Bloomington Center for Performing Arts and/or the US Cellular Coliseum.

Commissioner Stockton requested a three (3) minute recess.

The Liquor Commission meeting reconvened at 6:11 p.m.

Commissioner Stockton read the amended conditions placed on the current Reality Bites from the Council meeting of October 23, 2006: 1.) that the establishment must operate as a restaurant, if at the sole direction of the Liquor Commission, that there is an indication that the establishment is operating as a tavern, the approval of the RAS license would be revisited; 2.) that no alcohol be sold, served or consumed on the premises the earlier of one hour after the kitchen closes or 1:00 a.m. on weekdays, 2:00 a.m. on Friday and Saturday nights; 3.) that amplified music be allowed, but limited to one amplifier per instrument and vocalist; and 4.) that after 12:00 a.m. (midnight) tavern rules apply, in that no one under the age of 21 years of age be allowed inside the establishment. He stated his belief that the food ratio to alcohol changes as it becomes later in the evening. There also was concern from the Council at that time of having another Downtown tavern. He questioned if Mr. Pagano could agree to these conditions. Mr. Pagano stated affirmatively.

Commissioner Stockton added that under Chapter 6 Alcoholic Beverages, Section 27, No Underage or Intoxicated Person in Licensed Premises Exceptions and Burden of Proof states that

no one under the age of 21 years of age be allowed inside the establishment unless accompanied by a parent or legal guardian.

Mr. Finnegan questioned employees between the ages of 18 - 21. Commissioner Stockton stated after 12:00 a.m. (midnight) a seventeen (17) year old could not be working.

Commissioner Tompkins and Commissioner Buchanan recommend that the conditions as read be added to the license.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the request of the Arlandria, LLC, d/b/a Reality Bites, located at 414 N. Main St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week with the following conditions : 1.) that the establishment must operate as a restaurant, if at the sole direction of the Liquor Commission, that there is an indication that the establishment is operating as a tavern, the approval of the RAS license would be revisited; 2.) that no alcohol be sold, served or consumed on the premises the earlier of one hour after the kitchen closes or 1:00 a.m. on weekdays, 2:00 a.m. on Friday and Saturday nights; 3.) that amplified music be allowed, but limited to one amplifier per instrument and vocalist; and 4.) that after 12:00 a.m. (midnight) tavern rules apply, in that no one under the age of 21 years of age be allowed inside the establishment be approved.

Motion passed unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately 49 courtesy copies of the Public Notice were mailed. In addition, the Agenda for the October 11, 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.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Schmidt, seconded by Alderman Purcell that an RAS liquor license for the Arlandria, LLC, d/b/a Reality Bites, located at 414 N. Main St., be created, contingent upon compliance with all applicable health and safety codes and the following conditions: 1.) that the establishment must operate as a restaurant, if at the sole direction of the Liquor Commission, that there is an indication that the establishment is operating as a tavern, the approval of the RAS license would be revisited; 2.) that no alcohol be sold, served or consumed on the premises the earlier of one hour after the kitchen closes or 1:00 a.m. on weekdays, 2:00 a.m. on Friday and Saturday nights; 3.) that amplified music be allowed, but limited to one amplifier per instrument and vocalist; and 4.) that after 12:00

a.m. (midnight) tavern rules apply, in that no one under the age of 21 years of age be allowed inside the establishment.

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 Provisions of the Bloomington City Code Providing for the Settlement, Purchasing and Contracting Authority of the City Manager

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND:

Settlement Authority:

The City Manager is authorized settlement authority on behalf of the City, under certain limitations, in the event there is litigation or potential litigation involving the City or Workers Compensation claims. Clear outlines of authority eliminate confusion and provide assurances to Council and staff as to proper procedures for claim handling. The proposed amendment increases the settlement authority of the City Manager in efforts to facilitate the efficient administration of claims against the City. The City Manager's settlement authority is amended as follows:

- 1) Settlements under \$25,000 are authorized by the City Manager.
- 2) Settlements between \$25,001 and \$35,000, the City Manager shall advise the City Council of the proposed settlement and allow the City Council the opportunity to discuss the matter in closed session at the first regularly scheduled Council meeting following such notice (if no Council member request to discuss the matter or provide other direction, the City Manager is authorized to settle).
- 3) Settlements over \$35,001, City Council discussion and action are required.

Purchasing and Contracting:

Generally, municipalities are given broad authority to enter into contracts. This authority is often delegated to some municipal official up to a specific dollar amount. Currently, the City Manager

is authorized to purchase, at his discretion, on the open market, commodities and supplies costing not more than \$10,000. The proposed amendment provides that for commodities and supplies costing more than \$10,000 but less than \$25,000, the City Manager is authorized to purchase that item, at his discretion, on the open market, if the item to be purchased is included in the currently approved annual budget and the item will be purchased through a competitive bidding process.

With regard to the competitive bidding process, the Code provides that all contracts or open market orders made by the City shall be awarded to the bidder whose bid is determined by the City Manager to serve best the interest of the City, taking into consideration the quality of the goods or services to be supplied, their conformity with the specifications, the price, delivery terms and service reputation of the vendor. The Council, by resolution adopted by a majority vote, may direct the City Manager to enter into such contracts or make such purchases by waiving the bidding process. The proposed amendment provides that, in cases where the goods or services have already been approved through a state competitive bidding process or are being purchased through a joint purchase agreement with one or more other governmental units, the Council may approve the purchase without the request of a resolution waiving the bidding process.

The proposed amendment also increases the purchasing authority of the City Manager, in the case of emergency purchases, to \$25,000. During the October 15, 2011 City Council Work Session, Council members voiced support to raise the City Manager's settlement authority and purchasing authority.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Rosalee Dodson
Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE 2011 - 49**AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) AND CHAPTER 16 (FINANCE) OF THE BLOOMINGTON CITY CODE****BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:**

SECTION 1: That Section 54A of Chapter 2 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Section 54A: Settlement of Litigation.

In the event there is litigation or potential litigation involving the City of Bloomington or Workers Compensation claims, the City Manager shall be authorized settlement authority on behalf of the City under the following limitations:

- (1) Settlements under \$25,000.00 ~~of \$10,000.00 or less~~ – Authorized by the City Manager.
- (2) Settlements between \$25,001.00 and \$35,000.00 ~~10,001 and \$25,000~~ – City Manager shall advise the City Council of the proposed settlement and allow the City Council the opportunity to discuss the matter in closed session at the first regularly scheduled Council Meeting following such notice. Should no members of the City Council request to discuss the matter and provide other direction, then the Manager shall be authorized to settle.
- (3) Settlements over \$35,001.00 ~~\$25,001~~ – City Council discussion and action will be required.

As it relates to workers compensation claims, the above-guidelines would be for settlement purposes of payment to employees. Medical related expenses and workers compensation wages are paid separately and required under law.

SECTION 2: That Sections 49, 50 and 52 of Chapter 16 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Section 49: Purchases Costing Less Than Twenty-Five ~~Ten~~ Thousand Dollars.

The City Manager is hereby authorized to purchase, at his discretion, on the open market, commodities and supplies costing not more than Ten Thousand Dollars (\$10,000.00). For commodities and supplies costing more than Ten Thousand Dollars (\$10,000.00) but less than Twenty-Five Thousand Dollars (\$25,000.000), the City Manager is authorized to purchase that item, at his discretion, on the open market, if the item to be purchased is included in the currently approved annual budget and the item will be purchased through a competitive bidding process.

Section 50: Qualifications of Bidder; Approval of Contracts; Purchases in Excess of Ten Thousand Dollars.

All contracts or open market orders made by the City shall be awarded to the bidder whose bid is determined by the City Manager to serve best the interest of the City, taking into consideration the quality of the goods or services to be supplied, their conformity with the specifications, the price, delivery terms and the service reputation of the vendor, provided, that the City Manager's action with respect to purchases or contracts involving the expenditure of more than Ten Thousand Dollars (\$10,000.00) shall be approved by the Council before taking effect. All formal contracts shall be approved as to form by the Corporation Counsel.

All notices to bidders for procurement of goods or services in excess of Ten Thousand Dollars (\$10,000.00) shall be published no less than ten (10) days in advance of the date announced for the receiving of bids, in a daily newspaper of general circulation in the City, and shall simultaneously be available at the City Clerk's office in the City Hall. The newspaper notice required shall include a general description of the articles to be purchased, shall state where bid documents may be secured and the time and place for opening bids. In addition, sealed bids shall be solicited by mailing notices to prospective suppliers. All such contracts shall be awarded by the City Council. The City Council by Resolution adopted by a majority vote of the Councilmen elected, including the Mayor, may direct the City Manager to enter into such contracts or make such purchases by waiving the bidding process. In cases where the goods or services have already been approved through a state competitive bidding process or are being purchased through a joint purchase agreement with one or more other governmental units, the City Council may approve the purchase without the request of a Resolution waiving the bidding process.

Section 52: Emergency Purchases; Report Required When More Than Twenty-Five Ten Thousand Dollars.

In the case of the occurrence of any breakage or loss of equipment, or in other circumstances which could not reasonably be anticipated, whereby any necessary regular service of the City is, or is about to be, interrupted or whereby the City will suffer any great or continuing loss, the City Manager, upon the request of the department head, may negotiate an emergency purchase to restore or maintain such service or to terminate such loss, without advertising for bids and in such amount as may be necessary in the circumstances. In the case of such emergency purchases involving amounts of more than Twenty-Five Ten Thousand Dollars (\$25,000.00) (~~\$10,000.00~~), the City Manager shall, at the next meeting of the Council thereafter, render a full report on the case.

SECTION 3. Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 5. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 6. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 14th day of November, 2011.

APPROVED this 15th day of November, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell expressed his belief that settlement amounts in excess of \$25,000 should come to the Council. He did not support the \$25,000 amount for commodities/supplies. He would support \$15,000.

Alderman Anderson expressed his interest in an amendment to the settlement amount. He believed that it should be limited to \$25,000 over a five (5) year period. He noted his concern addressed the position and not the individual. In addition, commodity purchases should be limited to \$25,000 per year per vendor.

Alderman Anderson noted the \$25,000 level for commodities. The same vendor could be selected a number of times at this amount or a lower amount. Mr. Hales stated that it would not be allowed for the same item. City staff would not skirt the policy.

Mayor Stockton cited road salt. Mr. Hales noted that the City specified an amount up front. Delivery was staged.

Alderman Anderson addressed the \$25,000 level for worker's compensation settlements. The same employee could have a number of claims. Mr. Hales offered to track multiple claims by the same employee. Each workers compensation claim must be processed. Alderman Anderson questioned if tracking claims over \$25,000 over a five (5) year period would be a hindrance. Mr. Hales responded that he viewed this request as an unnecessary restriction. He noted City staff's openness addressing claim settlements. City staff would design an annual report to address the Council's concerns. The City would mitigate its risk as part of the City's loss prevention strategy. Alderman Anderson restated

that his concern addressed the position and not the person. He noted the Council's two (2) year election cycle.

Alderman Fazzini believed that City staff could allay the Council's concerns by preparing a monthly report. Mr. Hales noted that a quarterly report would be developed in addition to an annual report. These two (2) reports would allow the Council to see any trends.

Alderman Schmidt noted that any settlement requests must meet certain criteria. Mr. Hales added that each claim was evaluated by the City's third party administrator plus their outside legal counsel.

Motion by Alderman Purcell, seconded by Alderman Stearns that the Ordinance be passed with amendment that Purchasing and Contracting Authority of the City Manager be limited to \$15,000.

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

Ayes: Aldermen Stearns and Purcell.

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

Motion failed.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the Ordinance be passed.

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

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

Nays: Aldermen Stearns, Purcell and Anderson.

Motion carried.

The following was presented:

SUBJECT: A Resolution Requesting the General Assembly to Enact Additional Consumer Protection Legislation Regarding Payday Loans and Small Consumer Loans

RECOMMENDATION: That the Resolution be adopted.

BACKGROUND: On September 26, 2011, Council conducted a Work Session in which it received information from proponents and opponents of a draft ordinance submitted by Illinois

People’s Action which would regulate payday loans and small consumer loans by capping interest rates on such loans at an APR (Annual Percentage Rate) of thirty-six percent (36%). Council requested that the Legal Department staff conduct additional research regarding the home rule authority of the City to regulate interest rates in this manner.

On October 6, 2011, the Illinois Supreme Court issued a ruling in a case (*Stubhub! Inc. v. City of Chicago*) which cast doubt on whether regulation of interest rates is a matter pertaining to local government and affairs. After Council was informed of this ruling, the consensus reached was to forgo passing a home rule Ordinance regulating interest rates on such loans. Instead, Council requested that staff draft a Resolution requesting the General Assembly to enact legislation, placing additional regulations on payday and small consumer loans in a manner consistent with the draft Ordinance.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Illinois People’s Action.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

RESOLUTION NO. 2011 - 52

A RESOLUTION REQUESTING THE GENERAL ASSEMBLY OF THE STATE OF ILLINOIS TO ENACT ADDITIONAL CONSUMER PROTECTION LEGISLATION REGARDING PAYDAY LOANS AND SMALL CONSUMER LOANS

WHEREAS, the General Assembly has previously enacted legislation regulating the interest rates which may be legally charged by businesses offering payday loans and small consumer loans to persons in the State of Illinois; and

WHEREAS, it has come to the attention of the corporate authorities of the City of Bloomington that current state laws permit interest rates of up to 403% to be legally charged in certain types of payday loans; and

WHEREAS, it is the considered opinion of the City Council of the City of Bloomington that additional regulation of payday lending practices is desirable because current permitted lending practices have an unreasonable adverse effect upon the elderly, the economically disadvantaged, and other citizens of the State of Illinois; and

WHEREAS, by reason of a recent decision of the Illinois Supreme Court (*Stubhub! Inc. v. City of Chicago*), it is doubtful that regulation of interest rates on payday loans is a matter pertaining to local government and affairs of home rule units and is therefore beyond the authority of the City of Bloomington to regulate; and

WHEREAS, payday loans and small consumer loans should be uniformly regulated at the state level; and

WHEREAS, many types of loans to persons serving in the military are capped by federal law at an annual percentage rate not to exceed 36%, and it is the opinion of the City Council of the City of Bloomington that such protections should be extended to other citizens in the State of Illinois;

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

That the General Assembly of the State of Illinois is requested to enact legislation which protects consumers throughout the State by prohibiting the following types of payday loans and small consumer loans which are currently permitted under Illinois law:

“Payday loan” – a loan with a finance charge exceeding an annual percentage rate of 36% (as defined by 815 ILCS 122/1-5) and with a term that does not exceed 120 days, including any transaction conducted via any medium whatsoever, including but not limited to, paper, facsimile, Internet or telephone, in which: (1) a lender accepts one or more checks dated on the date written and agrees to hold them for a period of days before deposit or presentment, or accepts one or more checks dated subsequent to the date written and agrees to hold them for deposit; or (2) a lender accepts an interest in a consumer’s wages, including, but not limited to, a wage assignment;

“Small consumer loan” means a loan upon which interest is charged at an annual percentage rate exceeding 36% (as defined by 815 ILCS 122/1-5) and with an amount financed of \$4,000 (four thousand dollars) or less. “Small consumer loan” does not include a title-secured loan as currently defined by the Illinois Consumer Installment Loan Act or a payday loan as currently defined by the Payday Loan Reform Act. A small consumer loan shall be fully amortizing and be repayable in its entirety in a minimum of 6 substantially equal and consecutive payments with a period of not less than 180 days to maturity.

PASSED this 14th day of November, 2011.

APPROVED this 15th day of November, 2011.

APPROVED:

Steven F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item.

David Hales, City Manager, addressed the Council. Todd Greenburg, Corporation Counsel, had prepared the Resolution. He recommended approval of same.

Alderman Purcell had reviewed the information. He cited the recent Illinois Supreme Court ruling. He did not believe that the General Assembly would take further action. It had taken four (4) years to pass the recent state law. He expressed his concern that Council action might irritate state legislators. He did not support action at this time.

He noted the request for the thirty-six percent (36%) interest rate set for military personnel. He cited his personal experience and respect for military personnel. Tonight's discussion involved civilians.

Alderman Anderson expressed his hope that Council would support this item. The City was headed in the right direction. He believed that other communities would also take action. He cited the special consideration given to members of the military. He acknowledged that this would be an uphill battle.

Alderman Stearns stated that the City could not regulate lending rates. Council action would led to chaos. The state regulated the financial industry. Years were spent brokering the recently passed piece of legislation. The General Assembly had performed due diligence. The legislation was acceptable to all parties. She read from the draft resolution. The City had not spoken to the industry's customers. There were individuals with no credit and/or collateral. She believed that the City was restricting citizens' rights. This industry fulfilled a need. The City had not performed due diligence. She described this item as window dressing.

Alderman Mwilambwe noted that the City could not regulate interest rates. He expressed his support for the resolution. The Council had started the conversation. He noted the impact upon the community. His goal was to achieve a better solution. He restated his support for this item.

Alderman Fruin expressed his support for this item. It was a small step in the right direction.

Alderman McDade added that the Council would be sending a message to Springfield. The community wanted action on this issue.

Alderman Fazzini stated that the City was taking one step at a time. He added that Illinois People's Action also supported this item.

Motion by Alderman Fazzini, seconded by Alderman Anderson that the Resolution be passed.

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

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

Nays: Aldermen Stearns, Purcell and Sage.

Motion carried.

The following was presented:

SUBJECT: An Ordinance Amending "An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, Town of Normal and Unincorporated McLean County as an Enterprise Zone"

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND: This ordinance submitted by the Economic Development Council of the Bloomington Normal Area (EDC) seeks to extend the boundaries of the Bloomington/Normal/McLean County Enterprise Zone in order to cover approximately 82.84 acres of property located at 1600 Ft. Jesse Rd. in Normal. The site in question is home to Bridgestone Americas Tire Operations, LLC, (Bridgestone) an existing company.

Bridgestone manufactures off-the-road (OTR) tires at its facility in north Normal. The company is a primary supplier to all major original equipment manufacturers as well as most major global mining and construction companies. The company presently employs 408 workers at its operation in Normal. The EDC has been working with Bridgestone on a potential expansion of its operations and is in the process of assembling an incentive package to make this project financially feasible for the company. The project in question would include an investment of between \$19.8 and \$49.5 million into the plant, which would in turn create between 42 - 95 jobs within thirty-six (36) months.

The project would add on to the existing facility on the site currently owned by the company. The EDC wishes to extend the boundaries of the McLean County/Bloomington/Normal Enterprise Zone to cover the full 82.84 acres of this parcel. Enterprise Zone status will allow Bridgestone to purchase building materials for their new facility using the state sales tax exemption native to the Enterprise Zone. The EDC supports this project because it will create new jobs in the community and increase the property tax base through new investment. The EDC strongly encourages support of this ordinance.

The Town of Normal will pass this Ordinance on November 7, 2011 and this item will appear on the McLean County Board agenda of November 15, 2011.

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

FINANCIAL IMPACT: As stated above, the project in question would see an investment of between \$19.8 and \$49.5 million into the plant, which would in turn create between 42 - 95 jobs within thirty-six (36) months.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

ORDINANCE NO. 2011 - 50**AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIAL WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL, AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE” – BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC**

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

The foregoing ordinance was approved by the Mayor and City Council of the City of Bloomington on the 14th day of November, 2011.

The foregoing ordinance was published in pamphlet form on the 17th day of November, 2011.

EXHIBIT A

3 Foot-Wide Strip (connecting existing Enterprise Zone with Bridgestone Plant Site)

A strip of land 3 feet wide in Section 2, Township 23 North, Range 2 East and Sections 23, 26 and 35 in Township 24 North, Range 2 East, of the Third Principal Meridian, in McLean County, Illinois, and lying 1.5 feet on each side of the following described Centerline:

Beginning at the intersection of the Centerline of F.A.P. 704 (Veterans Parkway) according to Right of Way Plans recorded May 7, 1996 as Document No. 1996-12491 in the McLean County Recorder's Office, with the North Line of said Section 2 being also the South Line of said Section 35. From said Point of Beginning, thence north along said centerline through said

Sections 35, 26 and 23 to Station 355+80.00 as shown on Right of Way Plans recorded January 15, 2002 as Document No. 2002-2123, thence west, perpendicular to said centerline 100.00 feet to the West Right of Way Line as shown on said Right of Way Plans said point also being the Point of Terminus.

Parcel to be Included in Enterprise Zone

Lot 5 in Gregory's Subdivision of part of Section 23, Township 24 North, Range 2 East of the Third Principal Meridian, except (Exception No. 1) a piece on the north end thereof described as follows: Beginning at a point 50 feet southeasterly at a right angle from the centerline of the southbound main track and in the Southeasterly Right-of-Way Line of the Chicago and Alton Railway at Station 6437+04.6 measured from Chicago; thence southwesterly along said Right-of-Way Line 2217.7 feet; thence south 128 feet to a point 100 feet southeasterly at a right angle from said Right-of-Way Line; thence northeasterly parallel with said Right- of-Way Line 2217.7 feet; thence north 128 feet to the Place of Beginning, except (Exception No. 2) also a tract of land conveyed to the State of Illinois for highway purposes by deed recorded June 6, 1939 in Book 428, page 235 and per Book 638, page 445; and also except (Exception No. 3) that part of the real estate lying east of the U.S. Highway 66; also except (Exception No. 4) that part conveyed to the State of Illinois by Quit-Claim Deed recorded January 11, 1977 as Document No. 77-473, (Exception No. 5) by Quit-Claim Deed recorded June 1, 1982 as Document No. 82-4778, and (Exception No. 6) by deed recorded as Document No. 98-31415, and (Exception No. 7) that part taken by the State of Illinois, Department of Transportation in Condemnation Case #2001ED10 filed November 21, 2001 and also (Exception No. 8) all that part lying within Veterans Business Park Subdivision Unit 1 according to the plat recorded October 19, 2005 as Document No. 2005-31837, all in McLean County, Illinois.

82.84 Acres = 0.129 Square Miles to be added to Enterprise Zone.

EXHIBIT B

**AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT --
BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC**

This Amendment is entered into the ____ day of _____, 2011, by and between the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, and the County of McLean, a body politic and incorporate, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

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

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

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

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

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately .1288 square miles would be benefitted by being encompassed within the boundaries of said Enterprise Zone; and

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

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

1. That Section 2 “Description” of the Intergovernmental Agreement, and the property described in Exhibit “E1-a” and incorporated in said Section by reference, as subsequently amended, be and the same is hereby amended to include therein the area described in Exhibit A attached hereto (the “Amended Area”), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.
2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties set forth in the original Intergovernmental Agreement, as subsequently amended, are hereby ratified and confirmed, and are hereby applied to the Amended Area of the Enterprise Zone in their entirety.

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

City of Bloomington
a Municipal Corporation

Town of Normal
a Municipal Corporation

By Stephen F. Stockton
Mayor

By Christopher Koos
Mayor

Attest:

Attest:

Tracey Covert
City Clerk

Wendellyn J. Briggs
City Clerk

County of McLean
a Body Politic and Corporate

By: _____
County Board Chairman

Attest:

County Clerk

Mayor Stockton introduced this item. He cited union support at Bridgestone.

David Hales, City Manager, addressed the Council. He noted the opportunity for a significant expansion at this facility. Bridgestone was working with the EDC, (Economic Development Council). A nationwide search had been undertaken. There would be additional jobs. The Enterprise Zone would be extended to the facility. There was a sales tax incentive. This item had been approved by the Town of Normal at their November 7, 2011 Council meeting. The City was being asked to approve same this evening. It would appear on McLean County's November 15, 2011 meeting agenda. He recalled recent Council action involving the Enterprise Zone and cited CAMTEK located at 2402 E. Empire St. as an example.

Ken Springer, EDC's Project & Data Analyst, 200 W. College Ave., Suite 402, Normal, addressed the Council. He addressed the impact upon City sales taxes. The Illinois Department of Revenue must certify the project. All incentives were at the state level. The 1988 local incentive had been removed. However, there was no way for the City to collect its home rule portion of the sales tax. He added that only building materials qualified for the sales tax exemption. This item involved a \$2 million investment. He estimated the loss of sales taxes as \$77,500 if fifty percent (50%) of the investment total was for building materials. He added that these materials could be purchased anywhere.

Alderman Fazzini questioned the City's portion of this figure. Mr. Springer noted 2.5%. Alderman Fazzini estimated the value at \$20,000.

Alderman Schmidt cited the gain of forty-two (42) manufacturing jobs.

Alderman Purcell questioned the Enterprise Zone limit. He noted the recent wind farms. He questioned if there were any future issues and the efficient use of the zone. Mr. Springer noted that the zone was in its twenty-seventh (27th) year. It was established in 1985. An Enterprise Zone was limited to thirteen (13) square miles. Currently, the zone consisted of 6.7 square miles. Fifty percent (50%) of the zone was remaining. There was no renewal and the zone would expire in 2015. The EDC hoped to use as much of it as possible.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Janessa and Justin Orwig requesting the approval of a Rezoning from R - 2, Mixed Residence District with an S - 4, Historic Preservation District Overlay, to an R - 2, Mixed Residence District, for property located at 1001 Elder Street

RECOMMENDATION: That the Rezoning be denied.

BACKGROUND: This site is currently residential and is located at 1001 Elder Street at the northeast corner of Elder and Walnut. The petitioner desires to remove the S - 4, Historic Preservation District, overlay zoning from the property.

This case was reviewed by the Historic Preservation Commission (HPC) on October 20, 2011 and the Planning Commission on October 26, 2011. At the HPC hearing, the petitioner and staff addressed the petition. One (1) person from the public spoke in opposition, and none one spoke in support of the petition. At the Planning Commission public hearing, the petitioner and staff again addressed the petition. No one from the public spoke in support or opposition to the petition. The petitioner provided copies of emails from neighbors in support of their request. The HPC voted 4 - 0 recommending denial. The Planning Commission voted 5 - 2 with one (1) abstention recommending approval of same.

The requested zoning change does change the underlying R - 2, Mixed Residence District, zoning but would remove the S - 4 overlay zoning which protects the historical character of the property. The site was granted the S - 4 overlay in 2006. In order to remove same, the ordinance criteria used in 2006 needs to be examined.

Staff and the HPC did not see any documentation warranting a change from the original 2006 petition. The Planning Commission did not see such a change but questioned approval of the 2006 petition.

The house was built in 1899 by Hiram and Mary Pierce. The Victorian house is one of only two (2) houses in the City that has a three (3) story finish room tower. Documents have been provided which review the historical ownership of the house. The State of Illinois Historic Preservation Agency has identified the house as historically significant and potentially eligible

for listing on the National Register of Historic Places. It also was featured in *Better Homes and Gardens* as an example of how to “modernize” an old Victorian.

There has been some discussion of the property being “spot zoning”. Spot zoning is generally not desired as the underlying zoning because adjacent land uses may not be compatible. However, overlay zoning protection provides relatively narrow scope and focus, such as historic preservation. The unique cultural aspects of the property are protected without changing the underlying zoning and uses which in this case is residential.

By retaining the historic preservation overlay, spot zoning a property is not created that is completely incompatible with other properties. Furthermore, many properties in the City have the S - 4 overlay without any S - 4 overlays on adjacent properties. This situation is not unusual.

Finally, staff believes the Council should focus on the primary issue of whether the property has significant historical and cultural characteristics such that the property should be preserved as stipulated in the ordinance criteria. This issue can easily be confused with the implications for the petitioner in terms of making repairs and renovations. However since that has been discussed by both Commissions and the petitioner, it is important that the Council understand that even with the S - 4 overlay, the Zoning Ordinance and HPC do not restrict all changes to buildings and also allows for appeals. The standards for review of structures are not unusually restrictive and unique to the City. In fact there are nationwide standards which have been established by the Secretary of Interior and National Park Service. The following is a summary of allowable actions, petitions or appeals for the property owners with an S - 4 overlay:

1. There are building improvements and changes that are not regulated and require no permit under the historical provision in the Zoning Ordinance such as painting, glass replacement and any interior remodeling and improvements.
2. Small repairs such as a roofs, porches, windows, siding, etc. can be approved administratively and do not require review by the HPC.
3. Requests for grant funding for up to \$2,500 for restoration projects.
4. Request to the HPC for waiver of historic standards due to an economic hardship.
5. Appeal to Council of a denial of a certificate of appropriateness, which is required for a permit.
6. Appeal to the Council of a denial of a request for a waiver due to economic hardship.

The petitioner has not exhausted all of the alternatives for addressing the needed repairs and renovations to the house. In fact no denial or approval has been given.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on October 10, 2011. Ninety-two (92) courtesy copies of the notice were mailed to property owners within 500 feet. A public notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

November 14, 2011

733

Prepared by:

Mark Woolard
City Planner

Reviewed by:

Barb Adkins
Deputy City Manager

Reviewed by:

Mark R. Huber
Director of PACE

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 R. Janessa Orwig and Justin Orwig, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

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

WHEREFORE, your petitioners respectfully prays that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R – 2 with an S – 4 overlay to R - 2.

Respectfully submitted,

By: R. Janessa and Justin Orwig

ORDINANCE NO. 2011 - 51

**AN ORDINANCE REZONING 1001 ELDER ST.
FROM R – 2, MIXED RESIDENCE DISTRICT WITH AN S – 4, HISTORIC
PRESERVATION DISTRICT OVERLAY TO R – 2, MIXED RESIDENCE DISTRICT**

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

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

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

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

1. That the premises hereinafter described in Exhibit “A” shall be and the same are hereby rezoned from R – 2, Mixed Residence District with an S – 4, Historic Preservation District to R – 2, Mixed Residence District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 14th day of November, 2011.

APPROVED this 15th day of November, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 8 in Smith and Seybold’s Addition to the City of Bloomington, in McLean County, Illinois.

PIN: 21-04-228-008

Property Address: 1001 Elder St., Bloomington, IL 61701

Mayor Stockton introduced this item.

Alderman Schmidt recused herself as John Elterich, her husband, served on the Historic Preservation Commission.

David Hales, City Manager, addressed the Council. He noted the Council's recent Strategic Planning Work Session held on October 14 and 15, 2011. Todd Greenburg, Corporation Counsel, had prepared a memorandum with suggested procedures and recommendations.

Todd Greenburg, Corporation Counsel, addressed the Council. His memorandum addressed how the courts handle an administrative appeal (Suggested Procedures for Appeals from Boards and Commissions to City Council). No additional evidence is presented. The court examines the record for a glaring mistake of fact. The courts apply the law to the facts. He cited City Code Chapter 2. Administration, Section 26. Final Action on Matters after Public Hearing; Limitation on Rehearing, this section of the City Code addressed when a matter has been the subject of a public hearing. The Council does not make a Findings of Fact. The Council may suspend the rules to allow for potential rebuttal evidence. The Council could send the matter back to the volunteer Board/Commission. The goal was to provide a form to procedure for testifying at a public hearing. This should not occur at a Council meeting.

Mayor Stockton acknowledged that Mr. Greenburg had been asked to keep the Council on track.

Alderman Fazzini noted that two (2) public hearings had been held on this item.

Alderman Purcell noted that much thought had been given to this item. He had requested additional information which he had provided to the Council. This information included an appraisal, permit history, ownership history, and a letter from the Orwigs. No City grants had been received or rental income for/from this property. The property was foreclosed in 2008 and sat vacant for two (2) years. He cited the purchase price and the repair costs to date. At the time of purchase, the Orwigs were unaware of the historic overlay. He cited the Orwigs additional borrowing plans. He noted the number of windows (forty-one) and the estimated replacement costs (\$25,000). A key issue was affordability. In the past, the property had been divided into a multi-family dwelling. Today, it is a single family residence and had become a neighborhood asset. He questioned the S - 4 overlay. He expressed his appreciation to both Commissions for their efforts.

Alderman Fazzini noted the City's Historic Preservation Commission (HPC). The HPC held a public hearing. He noted the HPC unanimous vote. The Planning Commission (PC) also held a public hearing. He noted the PC 4 to 2 vote to remove the overlay. He

added that the majority of the members from both Commissions did not approve the requested change. He noted the Orwigs planned improvements which needed to follow the HPC's guidelines.

Alderman Anderson noted the two (2) oversight Commissions. He had spoken with Alderman Purcell. He had looked at the property.

Alderman Fazzini expressed his interest in looking at what was best for the neighborhood. The property has the designation. Citizens serve as volunteers on these Commissions. This was a nice home. The concept needed to be examined. He noted that no public money had been invested in same.

Alderman Stearns questioned claims that the Council needed to support its boards and commissions. She cited a recent variance involving a fence in the Grove at Kickapoo Creek Subdivision. The Council had reversed a number of commission recommendations. This young couple was doing amazing things. This project was daunting. She noted the work completed. She respected their efforts and did not want the City to impede their progress. The Orwigs have their neighbors' support. This was a lovely home. She hoped more citizens would follow their example. She supported the City's historic neighborhoods and resided in a historic home. She believed in historic neighborhoods. She thanked the Orwigs for their efforts.

Alderman Fruin cited his personal experience with this property. He cited its decline. The Council needed to be careful. The decision was subjective. He noted the differences of opinion. He recalled the City's experience with the Randall Smith home, (502 E. Walnut). He express support for this Petition. He hoped the Orwigs would continue their work plan.

Alderman Fazzini requested that the Council agree to address spot zoning in the future. He planned to support this petition.

Alderman Mwilambwe questioned if this was an all or nothing item. He questioned if additional effort by City staff was an option. Mr. Hales stated that there was no new information.

Mayor Stockton questioned if there were issues with the process. He also questioned if the City needed to change policy.

Alderman Sage questioned the impact of the Commissions' votes based upon the recommended motion. He expressed an interest in a clear line of sight.

Motion by Alderman Purcell, seconded by Alderman Anderson that the Rezoning be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Proposed 2011 Estimated Tax Levy and Process

RECOMMENDATION: That the estimated 2011 Tax Levy be adopted in the amount of \$23,727,794.

BACKGROUND: As has been past practice, the City begin preparation of the annual tax levy in early fall of the calendar year. **This is the initial step to establish the 2011 Tax Levy and thus the adopted Tax Levy may be different from this estimate.** This estimated tax levy will be adopted based upon appropriations for the City's Fiscal Year 2012. Keep in mind; that property taxes will be collected by McLean County during June and September in 2012.

In order to adopt a levy, the City has to formally establish an estimate, which is represented by the figures contained in this document. The Truth in Taxation Law (35 ILCS 200/18-85) has two (2) requirements to comply with the adoption process for the levy. These requirements include:

1. "Not less than 20 days prior to the adoption of its aggregate levy....the corporate authority of each taxing district shall determine the amounts of money....estimated to be necessary to be raised by taxation for that year upon the taxable property in its district."
2. If the estimate of the corporate authority made....is more than 105% of the amount extended or estimated to be extended....the corporate authority shall give public notice of and hold a public hearing on its intent to adopt an aggregate levy in an amount which is more than 105% of the amount extended or estimated to be extended....The notice shall appear not more than 14 days nor less than 7 days prior to the date of the public hearing."

In addition, the tax levy ordinance must be passed by a vote of the City Council and a certified copy thereof filed with the County Clerk on or before the last Tuesday in December. This year's deadline is December 27th. In order to meet the various timing requirements to legally adopt a levy in December, the City must set an "estimated" tax levy in November. Adoption of the 2011 Tax Levy Ordinance will be placed on the Council's December 12, 2011 meeting agenda.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mike Ireland – City of Bloomington Township Assessor.

FINANCIAL IMPACT: The 2011 estimated property tax levy is \$23,727,794, which is a 0.60 percent increase over the 2010 property tax levy extension of \$23,586,906. This recommendation can directly be tied to one component of the overall City levy:

- A 3.12% or \$140,776 increase in the Tax Levy for the Public Library as requested by the Library Board.

The estimated Tax Levy maintains the police and fire pension levies at the prior year funding. With the pension reform changes enacted by the State of Illinois on January 1, 2011, municipalities have seen their pension contributions decrease with the extension of the amortization period. The City is waiting on the preparation of the actuarial report for these funds. In response to staff's recommendation at the October 24, 2011 City Council presentation, the levies for these activities have been maintained at the current contribution level.

The proposed levy is based on a projected 2011 Equalized Assessed Valuation of \$1,808,160,382, which is 0.50% above the 2010 EAV of \$1,799,164,559. The City determined the EAV estimate from discussions with Mike Ireland, City of Bloomington Township Assessor.

The tax rate per \$100 of EAV for the 2010 levy was \$1.310993 (\$1.06013 for the City and \$0.25087 for the Library). The projection for the 2011 levy generates an estimated tax rate of \$1.31226 per \$100 of EAV (\$1.05486 for the City and \$0.25740 for the Library). The increase in the levy amount subject to Truth in Taxation is 0.60%, which is below the 5% threshold that requires a newspaper publication and a public hearing before adopting the final levy. Therefore, the proposed levy will not require the City to have a newspaper publication and a public hearing before the adoption of the final levy.

To recap, as indicated earlier, the estimated levy for 2011 reflects a 0.60% increase in the property Tax Levy from the prior year. Bloomington residents living in a \$100,000 home would see the City portion of the property taxes increase by \$0.42; \$150,000 home would see an increase of \$0.63; and a \$200,000 home would see an increase of \$0.85.

The following is a comparison of last year's levy as extended by the County Clerk to this year's estimated levy:

PROPERTY TAX LEVY COMPARISON

	Estimate 2011	Extension 2010	% Increase
General Corporate	\$1,927,000	\$1,927,000	0.00%
Police Protection	\$1,354,332	\$1,354,332	0.00%
Fire Protection	\$1,183,182	\$1,183,182	0.00%
Public Parks	\$1,001,487	\$1,001,487	0.00%
IMRF Fund	\$2,502,956	\$2,502,956	0.00%
Social Security Fund	\$1,459,097	\$1,459,097	0.00%
Fire Pension Fund	43,407,498	\$3,407,498	0.00%
Police Pension Fund	\$4,057,967	\$4,057,967	0.00%
Public Library Fund	44,654,295	\$4,513,519	3.12%
Truth in Taxation Subtotal	\$21,547,814	421,307,039	0.66%

	Estimate 2011	Extension 2010	% Increase
2001 Refinancing Issue	\$45,000	\$0	100.00%
2001 Series A. Lease Agreement	\$537,129	\$537,129	0.00%
2003 Capital Impr Issue	\$1,321,188	\$1,366,188	-3.29%
2007 G. O. Bond Issue	\$276,663	\$276,550	0.04%
Debt Service Subtotal	\$2,179,980	\$2,179,867	0.01%
Total Tax Levy	\$23,727,794	\$23,586,906	0.06%

The recommended time line to finalize the tax levy is as follows:

1. Set the estimated levy tonight to start the twenty (20) day clock.
2. Formally adopt the Tax Levy on December 12, 2011.
3. Formally adopt the bond abatements at the December 19, 2011 meeting.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Timothy Ervin
Performance Auditor & Budget Mngr.

Douglas Ellsworth, CPA
Interim Finance Director

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

David Hales, City Manager, addressed the Council. The Council would be adopting the estimated Tax Levy this evening. The Property Tax Levy represented a significant source of revenue for the City's Fiscal Year 2013 budget. The Tax Levy Ordinance would appear on the Council's December 12, 2011 meeting agenda. A Public Hearing would not be required. The City's tax levy was the same as last years. The Library had increased its tax levy by an additional \$135,000. The Library Board planned to transfer \$400,000 from operations to future capital. The Fire Pension Fund would see a supplemental contribution based upon the draft actuarial report. He estimated that the Police and Fire Pension Funds could see a supplemental contribution totaling \$1 million.

Mayor Stockton noted the Library Board's request for an additional \$135,000.

Alderman McDade stated her opposition to this increase. Mr. Hales stated that the Library's tax levy could remain flat. Tim Ervin, Performance Auditor & Budget Manager, cited the Library's property tax extension for the previous year.

Alderman Stearns stated her preference for a decrease in the Tax Levy. She noted Alderman McDade's intention that it remain flat.

Alderman Fruin noted the Council's discussion. A spot light had been directed on to the Library's portion of the Tax Levy. The majority of the Tax Levy had been left flat. An individual item had been cited. A flat Tax Levy appeared to be a noble thing. He cautioned the Council to be careful. He questioned the forecast from Springfield, (General Assembly). He believed that it was best to avoid wide fluctuations. The City has deferred and delayed payments.

Alderman Sage was struggling with this item. He cited the flat Tax Levy. He noted the Library Board's intention to direct dollars towards future capital plans. He questioned the Library Board's priorities. The City had more pressing financial needs. He cited reducing debt, addressing unfunded liabilities and infrastructure needs, replacing equipment, etc. He believed that a portion of the Library's Tax Levy should be placed in the City's General Fund.

Mr. Hales noted the significance of the development of Master Plans. These plans would include long term expenditures. When a Master Plan is adopted, it served as a policy document and included financing. Master Plans included a comprehensive assessment. They drive the budget and provide the City with the ability to do better. He noted that revenues were flat. The City was facing challenges. Master Plans provided a reasonable process.

Alderman Sage noted that this evening's vote was procedural and started the clock. He restated his intention to see \$260,000 removed from the Library's Tax Levy and placed into the City's General Fund (tax levy).

Alderman McDade expressed her opinion that she and Alderman Sage were on the same page. The Library's Tax Levy would remain flat. The Council could not instruct the Library Board to not place dollars in its capital fund.

Alderman Mwilambwe expressed his support. He noted that his children utilized both Public Libraries, (City and Town of Normal). There needed to be a plan in place. He acknowledged that the Library Board had an idea.

Mayor Stockton noted that the Tax Levy would remain at last year's level.

Motion by Alderman McDade, seconded by Alderman Purcell that the proposed tax levy be adopted as the estimate of \$23,586,906 for the 2011 Tax Levy.

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: Proposed Ward Redistricting Maps

RECOMMENDATION: That Council direct staff on which alternative to pursue.

BACKGROUND: On October 10, 2011, at the Council Work Session, Council discussed the redistricting maps prepared by staff. Discussion included possible means of establishing a procedure for choosing among proposed maps, whether to request the preparation of additional maps, and how to provide a means for citizen input. Staff has prepared the draft minutes from the October 10, 2011 Work Session for review.

Staff has previously posted twenty-two (22) alternative ward configurations on the City's website.

State law is silent regarding what procedures should be used by a City Council in establishing new wards, so long as the ward boundaries comply with the statutory requirements and the wards are established within the statutory deadline. State law requires that wards shall be created in a manner so that, so far as practicable, no precinct shall be divided between two (2) or more wards, and that in the formation of wards "the population shall be as nearly equal, and the wards shall be of as compact and contiguous territory, as practicable." In addition, decisions of the U.S. Supreme Court and lower federal courts require that the population of the wards be a close to equal as reasonably practicable to ensure that each citizen's vote is equal ("one man-one vote").

The redistricting must be completed by October 16, 2012 (thirty (30) days prior to the first date for the filing of candidate petitions for councilman (65 ILCS 5/5-2-5)).

Council discussed the alternatives of making a decision on ward boundaries itself or whether to appoint another group to make a recommendation or recommendations. Some aldermen stated at that, their preference was to receive input from citizens regarding what steps should be taken regarding redistricting, as well as any comments regarding what ward maps citizens preferred. Some aldermen requested that staff prepare a Resolution, which, if adopted, would establish a Citizens' Advisory Commission, which would make a recommendation regarding the boundaries of the nine (9) wards from which aldermen would be elected beginning in the spring of 2013.

The proposed Resolution, if adopted, would establish a Citizens' Advisory Commission composed of nine (9) persons, subject to the Open Meetings Act, and required to comply with the statutory requirements in establishing wards for the City. It would be required to make a written recommendation to Council by March 1, 2012, although this date may be amended if the Council desires an earlier recommendation.

The Council has several options at this time:

- Adopt the Resolution in its current form or as amended by Council;
- Choose one (1) of the ward maps previously prepared by staff and direct the staff to prepare an Ordinance to be adopted establishing wards in accordance with the map;
- Table this discussion to a future date.

Staff does not believe it is appropriate to take a position on this matter.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Mayor Stockton introduced this item. City staff had prepared alternatives. Citizen input had been received. The Council needed to provide staff with direction, (public hearings, action, map adoption, etc.) He noted the variety of options available.

David Hales, City Manager, addressed the Council. He reviewed the Council's action to date on this topic. City staff had commenced the process and the majority of the work was completed in-house. A number of alternatives were developed. The wards were based on a population of 8,512. Twenty-two (22) maps were presented. There were additional possibilities. The maps presented met the state criteria. He cited the Council's October 10, 2011 Work Session. The maps were posted on the City's web site and citizens were able to email their comments. He presented the Council with three (3) options: 1.) select a map and City staff would draft an ordinance; 2.) lay this item over to a future Council meeting date; and 3.) form a citizens advisory commission. The second item would allow the Council additional time to research this issue. City staff had drafted a resolution which addressed the third option.

Mayor Stockton noted the population deviation for Map 1 was 6.72%.

Alderman Schmidt stated her opposition to selecting a map this evening. She repeated her earlier concerns. The Council was too close to the issue. She was not comfortable with taking action at this time. She noted that the final decision would be the Council's responsibility.

Alderman Anderson expresses his concern regarding additional staff time directed towards researching this issue. The project was too large. He believed that the Council would end up in the same place. The process might become too complicated. He noted the efficiency of McLean County's process.

Alderman Schmidt noted the County's smaller margins. She believed that City staff should also be removed from the process. The feedback received was limited. She hoped for additional sunshine.

Alderman Fruin stated his wish that the Council could remove itself from the process. He had reviewed the emails received. The Council needed to apply a rule of logic. Establishing a ward map was a struggle.

Mayor Stockton acknowledged his understanding of Alderman Schmidt's comments. Council has always done this work. Subjective opinion was involved. If the Council was interested in further study, then direction regarding procedure was required. In the end, the Council must make the final decision. The City had allowed public input and the response was limited.

Alderman Sage cited the flexibility shown. The Election Commission had established the precincts. The Council had to determine the wards utilizing precinct boundaries. He questioned if a seated alderman could be redistrict out of his/her ward.

Todd Greenburg, Corporation Counsel, addressed the Council. Those aldermen elected in 2011 would fulfill their four (4) year term regardless of how the wards are drawn. The City will operate under two (2) different maps for two (2) years. It will take two (2) election cycles to fully implement the new map.

Alderman Fazzini expressed his opinion that gerrymandering was not possible. He cited the various requirements. Map 1 provided the least amount of deviation in population.

Motion by Alderman McDade, seconded by Alderman Fazzini that Alternate Map 1 be accepted and City staff be directed to draft an ordinance.

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

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

Nays: Aldermen Stearns, Schmidt, and Anderson.

Motion carried.

Mayor Stockton noted that the City had a new ward map.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that Saturday, November 26, 2011 was support local business day.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He had provided a handout listing upcoming policy action items. The Council would receive a copy of the City's Comprehensive Annual Financial Report. Lynn Montei, Lynn Montei Associates, Strategic Planning Work Session facilitator, would be providing the Council with a document which addressed suggested topics for the next meeting. City staff was preparing a six (6) month financial report. This document would be a key part of the Fiscal Year 2013 budget preparation. There would be monthly updates.

ALDERMEN'S DISCUSSION: Alderman Schmidt reminded the Council of the Thanksgiving Farmer's Market which will be held at the US Cellular Coliseum on Saturday, November 19, 2011 from 10:00 a.m. until 1:00 p.m.

Alderman Fazzini had participated in a police ride along. It reminded him of the role played by uniformed police officers – keeping the community safe. He noted the various conditions placed upon licensed establishments by the Liquor Commission. He expressed his opinion that conditions should be an exception. He noted the challenged for police enforcement.

Mayor Stockton informed the Council that the Downtown Entertainment Task Force would meet on Thursday, November 17, 2011. A key issue to be addressed was why conditions posed enforcement challenges.

Alderman Fazzini cited the Employee Winter Celebration which will be held on Saturday, January 14, 2011. He noted the number of upcoming events. He questioned which elected officials would be attending which events. He believed that there needed to be better communication. He suggested that RSVP be funneled through Katie Buydos, Executive Assistant.

Mayor Stockton noted that the Council would have to make a commitment for this to work.

Alderman Fruin noted that dates had been provided regarding a follow-up meeting to the Strategic Planning Work Session. The Council needed to be more responsive to City staff. He also noted the Thanksgiving Farmer's Market. He believed that there could be improved chemistry amongst the Council. He had visited other communities' council meetings. He planned to visit the City of Champaign tomorrow night, (Tuesday, November 15, 2011.)

He addressed the hybrid system for City Council. He hoped the Council would take an objective look at same. He welcomed feedback when addressing issues.

Motion by Alderman Anderson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 10:14 p.m.

Motion carried.

**Tracey Covert
City Clerk**