

**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 8:01 p.m., Monday, May 9, 2011, 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, Bernie 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 noted that seven (7) Comment Cards had been received. Ryan Whitehouse, McLean County Chamber of Commerce's Government & Public Affairs Director, was asked to select five (5) cards at random. Mayor Stockton noted that there would be no dialogue during this section of the meeting.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He was a resident of Ward 4. Alderman Stearns was his alderman as elected by the people. He expressed his belief that Alderman Stearns should have been allowed to take the Oath of Office. He acknowledged that Alderman Stearns had held multiple homestead exemptions. He also believed that there were at least two (2) other Council members with the same circumstances. He added that there were other citizens in the same situation.

Phil Boulds, 1 Palm Ct., addressed the Council. He had spoken with some of the Council members. He expressed his disappointment.

Dale Nafzinger, 212 Greenleaf, addressed the Council. He stated that he was angry and disappointed. He believed that Alderman Stearns was being attacked. He described the Council's actions as a witch hunt. The situation was one of what did and did not happen. No one was perfect. The Council needed to move forward.

Lee Newcom, 1404 Royal Rd., addressed the Council. He informed them that he had been involved in local politics for over twenty (20) years. He was known to take a stand on issues. He added that adults can disagree and still be respectful. Alderman Stearns as a person was not the issue. The issue was the law. He noted that the City had a Corporation Counsel Office. The Council voted to deny Alderman Stearns her seat for subjective reasons. This situation involved the dislike of a person and questions/calls

regarding same. This issue was not about the Council's opinion. Council opinion was only relevant to questions of policy. The action taken by the Council was wrong. The Council had no legal right to deny Alderman Stearns from taking the Oath of Office. He described the Council's behavior as incredible.

John Meckley, 29 Kenfield Circle, addressed the Council. He informed them that he spoke as Local 49 President, (Firefighters Union). He noted that his comments were in no way a reflection upon Mike Kimmerling, Fire Chief. Local 49 had been without a contract for two (2) years. The union went to arbitration and won. He added his belief that the Council has not been given a copy of the arbitrator's ruling. The ruling took effect thirty (30) days after issuance. The union won on wages but lost on health insurance. He expressed his opinion that the arbitrator was critical of the City. He added his belief that an agreement could have been reached. The City chose to retain an attorney from Chicago. The arbitrator approached both sides with a compromise. He believed that the Council had been used as a scapegoat. The City needed to move forward

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

The following was presented:

SUBJECT: Council Proceedings of April 25, 2011 and Work Session Minutes of March 19, 2011

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of April 25, 2011 and Work Session of Minutes of March 19, 2011 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of April 25, 2011 and Work Session Minutes of March 19, 2011 have been reviewed and certified as correct and complete by the City Clerk.

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:

Tracey Covert
City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Meeting of April 25, 2011 and Work Session Minutes of March 19, 2011 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

FINANCIAL IMPACT: Total disbursements to be approved \$3,998,069.97, (Payroll total \$1,608,847.72, and Accounts Payable total \$2,389,222.25).

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Anderson, seconded by Alderman Schmidt that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for New Golf Carts at Prairie Vista Golf Course

RECOMMENDATION: That the bid for the new golf carts at Prairie Vista be awarded to EZ-GO in the amount of \$221,060 and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The current fleet of sixty-five (65) golf carts has been in use for eleven (11) seasons. Most courses replace fleets after five (5) seasons of use and at the high end, after eight (8) seasons of use. For Fiscal Year (FY) 2012, golf cart rental revenue at Prairie Vista was budgeted at \$215,000. The EZ-GO carts are the only cart in the industry to use AC (Alternate Current) technology which makes them thirty percent (30%) more efficient to operate by an independent study by Tawas Inc., which translates to an approximate annual savings of \$2,900. Additionally, these carts come equipped with a single point battery watering system which staff projects will save a minimum of 250 man hours over a five (5) year period.

In addition to the golf carts, EZ-GO has also agreed to provide at no charge, ten (10) extra carts to use during the peak months (May – October) which will save an estimated \$3,500 per year in rental costs where the City would rent additional carts for large outings and events. EZ-GO has also agreed to provide at no charge, a new beverage cart valued at \$18,500, a new range picker cart valued at \$7,500, and a course range cart valued at \$4,500. These three (3) vehicles will become property of the City upon arrival. Finally, the EZ-GO dealer is located in the City, just minutes from the course which will be advantageous for obtaining parts and service.

On Tuesday, April 19, 2011, at 11:00 am, bids were publicly opened and read for new golf carts at Prairie Vista Golf Course. The proposed purchase was included in the approved as part of the FY 2012 budget.

The bids received were as follows:

FIRM	LOCATION	BID PRICE (Net)
EZ-GO (Prairie Land Golf Cars)	Bloomington, IL	\$221,060 *
TNT Golf Cars & Equipment	Quincy, IL	\$246,956
Battery Specialists & Golf Cars	Champaign, IL	\$248,320

*Low and recommended bid

Staff respectfully requests that Council accept the low bid of \$221,060 submitted by EZ-GO and authorize the Purchasing Agent to issue a purchase order for same.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was placed in The Pantagraph on April 4, 2011 and three (3) bids were received on April 19, 2011.

FINANCIAL IMPACT: This replacement equipment is part of the FY 2012 Budget, approved by Council on April 11, 2011. Funds are budgeted in the Golf Enterprise Funds 5060-50652-72140. This replacement will be funded through a proposed a five (5) year lease proposal. The purpose behind the lease proposal is to allow the golf courses to replace this equipment, while allocating the cost of this equipment over a period of five (5) years rather than at one time.

The golf carts that will be replaced are in poor condition. To minimize investing additional dollars to keep the current fleet operational, it is optimal the golf carts are replaced on an accelerated basis. The City uses a comingled cash structure to account for cash allocated among the City’s funds. The golf course will temporarily fund this purchase through borrowing excess cash from other City funds until the lease purchase can be established through a Request for Proposal (RFP) process. Once the lease purchase is finalized the temporary financing will be replaced with permanent financing. Staff expects the permanent financing to be established by the last Council meeting in June.

The delay in the issuance of an RFP for the equipment lease purchase is due to the time Finance staff is spending on the Enterprise Resource System Process (Phase 1 - financials & Phase 2 - payroll), preparation for the FY 2011 annual audit fieldwork, refinancing \$10 million of the 2004 Series US Cellular Coliseum Bonds, and preparation of the final FY 2012 Budget document. The Finance Department currently is fast tracking an RFP for the lease purchase of capital equipment. This process will take a couple months to complete.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

John R. Kennedy, Director
Parks, Recreation, & Cultural Arts

Kim Nicholson
Purchasing Agent

Timothy Ervin
Director of Finance

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Schmidt that the bid for the new golf carts at Prairie Vista be awarded to EZ-GO in the amount of \$221,060, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for New Golf Maintenance Equipment for the Golf Division of the Parks, Recreation, and Cultural Arts Department

RECOMMENDATION: That the bid be awarded to ERB Turf Equipment for golf course maintenance equipment for the golf division in the amount of \$294,237.25, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: In order to provide playing conditions that meet the City's written golf course standards, staff respectfully requests to purchase new golf maintenance equipment. This new equipment replaces existing equipment that has been in use for a minimum of eleven (11) playing seasons. This has caused low productivity. Industry standards recommend replacing key maintenance equipment every four to six (4 - 6) years. In addition, the new maintenance equipment utilizes vastly improved efficiencies particularly in the area of golf greens mowers where hybrid technology is used to create a thirty percent (30%) energy savings. This new equipment also utilizes the latest in cutting unit technology. It will no longer be necessary to grind cutting reels which requires a significant number of staff hours.

On Tuesday, April 19, 2011, at 11:15 am, bids were publicly opened and read. The proposed purchase was approved Fiscal Year (FY) 2012 budget. A list of the equipment to be purchased is as follows:

Piece	Qty
Rough Mower	2
Greens Mower	4
Trim Mower	1
Fairway Mower	1
Spray Tank	1
Vehicle for Spray Tan	1
Sand Trap Rake	3

The bids received were as follows:

FIRM	LOCATION	BID PRICE (Net)
ERB Turf Equipment	Belleville, IL	\$294,237.25*
Burris Equipment	Waukegan, IL	\$303,466
MTI Distributing	Brooklyn Center, MN	\$315,285

*Low and recommended bid

Staff respectfully requests that Council accept the low bid of \$294,237.25 submitted by ERB Turf Equipment and authorize the Purchasing Agent to issue a purchase order for same. In addition to being low bidder, ERB Turf Equipment has provided the City with several years of outstanding customer service and has proven to place the City's golf courses' success as a high priority.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was placed in The Pantagraph on April 4, 2011. Three (3) bids were received on April 19, 2011.

FINANCIAL IMPACT: Included the approved FY 2012 Budget is the replacement of golf maintenance equipment for all three (3) golf courses through the Golf Enterprise Funds 5060 - (506510), (50652), (50654), -72140. This replacement will be funded through a proposed five (5) year lease proposal. The purpose behind the lease proposal is to allow the golf courses to replace this equipment, while allocating the cost for same over a five (5) year period rather than at one time. Over the past five (5) years, the City has deferred the replacement of this equipment.

The golf maintenance equipment that will be replaced is in poor condition. Significant amounts of downtime occur to keep this equipment operational. To minimize investing additional dollars to keep the current equipment operational and to increase staff efficiency, it is optimal to replace this equipment on an accelerated basis. The City uses a comingled cash structure to account for cash allocated among the City's funds. The golf course will temporarily fund this needed purchase through borrowing excess cash from other City funds until the lease purchase can be established through a Request for Proposal process. Once the lease purchase is finalized the temporary financing will be replaced with permanent financing. Staff expects the permanent financing to be established by the last City Council meeting in June.

The delay in the issuance of an RFP for the equipment lease purchase is due to the time Finance staff is spending on the Enterprise Resource System Process (Phase 1 - financials & Phase 2 - payroll), preparation for the FY 2011 annual audit fieldwork, refinancing \$10 million of the 2004 Series US Cellular Coliseum Bonds, and preparation of the final FY 2012 Budget document. The Finance Department currently is fast tracking an RFP for the lease purchase of capital equipment. This process will take a couple months to complete.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

John R. Kennedy, Director
Parks, Recreation, & Cultural Arts

Kim Nicholson
Purchasing Agent

Timothy Ervin
Director of Finance

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Schmidt that the bid be awarded to ERB Turf Equipment for golf course maintenance equipment for the golf division in the amount of \$294,237.25, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

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

RECOMMENDATION: That the bid be awarded to WAS CON CO., for the 2011 Sidewalk Replacement and Handicap Ramp Program in the amount of \$200,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: This project includes three (3) budgeted projects; the 50/50 Residential Sidewalk Replacement Program, the Sidewalk Repair Program and the Americans with Disabilities Sidewalk (ADA) Wheelchair Ramp Program.

50/50 Residential Sidewalk Replacement Program: Annual program that provides for replacement of public sidewalk, (\$50,000) with the participation of the property owner, (\$50,000). Program is voluntary based on first come first served until available money runs out. Low income households may qualify for assistance through Community Development Block Grant programs (CDBG).

Sidewalk Repair Program: Annual program that provides for repair of public sidewalks not addressed by the 50/50 program to correct hazardous conditions.

Americans with Disabilities Sidewalk Wheelchair Ramp Program: Annual program that provides for replacement of public sidewalk ramps in order to comply with Federal ADA requirements. Locations are determined by citizen request and then by public benefit.

Four (4) bids were received and opened at 2:00 P.M. on April 25, 2011 in the City Hall Conference Room. Since the low bid is under budget and the project bid documents allow the addition of repair locations, a contract for the entire budget amount will be awarded.

		<u>Low Bid</u>	As Read	As Corrected
WAS CON Co.			\$175,259.25	
J.G. Stewart, Inc.			\$184,816.00	
Felmley-Dickerson Co.			\$195,405.00	\$195,404.50
Rowe Construction Co.			\$233,695.76	
Engineer's estimate			\$199,988.00	
Budget:	Residential Sidewalk Program	\$ 50,000	CIF	
	Residential Sidewalk Program	\$ 50,000	PRI PROP	
	Sidewalk Repair Program	\$ 50,000	CIF	
	Sidewalk Wheelchair Ramps	<u>\$ 50,000</u>	<u>CIF</u>	
	Total	\$200,000		

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on April 12, and April 18, 2011. A pre-bid conference was held on April 18, 2011 at 10:00 a.m.

FINANCIAL IMPACT: \$200,000 is budgeted in Capital Improvement Fund (X40100-72560) and from private property contributions.

Respectfully submitted for Council consideration.

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

Jim Karch, PE CFM
Director of Public Works

Timothy Ervin
Director of Finance

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Alderman McDade addressed this item. She noted that it had a citizens' component. She specifically cited the 50/50 program and the ADA (Americans with Disabilities Act) portion/handicap ramps. She was attempting to raise awareness. She encouraged citizens to visit the City's web site and make a request.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the bid be awarded to WAS CON CO., for the 2011 Sidewalk Replacement and Handicap Ramp Program in the amount of \$200,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Intergovernmental Agreement with McLean County Board of Health for Animal Control Warden Services

RECOMMENDATION: That the Intergovernmental Agreement with McLean County Board of Health for Animal Warden Services be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: For the past several years, an intergovernmental agreement has been in effect between the City and McLean County Board of Health whereby the Board of Health assumes all responsibilities for the duties of animal control on a twenty-four (24) hour basis within the corporate limits of the City and enforces all Illinois animal control laws and City ordinances relating to animals. Services and conditions are outlined in the intergovernmental agreement. The agreement reflects a five percent (5%) increase or an increased annual cost from \$91,020 to \$95,568. This increase is due to increased personnel costs incurred by the County for IMRF and group health coverage, increased fuel prices, and the need to purchase a new vehicle for this purpose.

This intergovernmental agreement is renewable on a year to year basis and will be in effect from May 1, 2011 through April 30, 2012, and renewable on May 1st of each year.

The following is a sample of the activities covered in this agreement for the previous calendar year:

Activity	2010
General On Call Activity	477
General Dog / Cat Complaint	992
Dead Animal Removal	297
Bite Investigations Activity	681
Complaint Letters Mailed	61

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This change will increase the budgeted amount for animal control services from \$91,020 to \$95,568. For Fiscal Year 2012, \$95,568 has been budgeted in line item G15110-70990.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed as to legal sufficiency:

Randall D. McKinley
Chief of Police

Timothy Ervin
Director of Finance

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

AGREEMENT FOR ANIMAL CONTROL WARDEN SERVICES

This AGREEMENT for Animal Control Warden Service made this 1st day of May, 2011 by and between the McLEAN COUNTY BOARD OF HEALTH, the governing body of the McLean County Health Department located in the City of Bloomington, Illinois (hereinafter called "BOARD OF HEALTH"), and the City of Bloomington, a Municipal Corporation, located in the State of Illinois, County of McLean (hereafter called "MUNICIPALITY").

WHEREAS, there is a need to respond to citizen and police requests for animal control services twenty-four hours (24) per day within the corporate limits of the MUNICIPALITY; and,

WHEREAS, there is a need to remove stray or straying dogs and cats, and dogs and cats otherwise subject to impoundment, from within the corporate limits of the MUNICIPALITY upon the request of the MUNICIPALITY; and,

WHEREAS, there is a need to remove dead animals from within public areas of the corporate limits of the MUNICIPALITY upon the request of the MUNICIPALITY; and,

WHEREAS, there is a need to remove wild animals from residential areas in situations where there is a potential rabies hazard, upon request from the MUNICIPALITY during these time periods; and,

WHEREAS, the BOARD OF HEALTH has the capacity to provide such services through its Animal Control Wardens; and,

WHEREAS, the BOARD OF HEALTH, by and through the McLean County Health Department, has been designated as the supervising and administrative agent to administer and oversee animal control functions as defined in the Illinois Animal Control Act and County ordinances enacted attendant thereto by the County of McLean; and,

WHEREAS, the BOARD OF HEALTH wishes to provide such services to the MUNICIPALITY through its Animal Control Wardens;

IT IS THEREFORE AGREED AS FOLLOWS:

1. That parties enter this AGREEMENT for the period May 1, 2011 through April 30, 2012.
2. That the BOARD OF HEALTH agrees as follows:
 - A. To provide contracted animal control services, twenty-four (24) hours per day within the corporate limits of the MUNICIPALITY, within a reasonable period of time;
 - B. To remove stray or straying dogs and cats, and dogs and cats otherwise subject to impoundment, from within the corporate limits of the MUNICIPALITY upon the request of the MUNICIPALITY twenty-four (24) hours per day within a reasonable period of time;
 - C. To remove dead animals from public right of way within the corporate limits of the MUNICIPALITY upon the request of the MUNICIPALITY, and removal of dead dogs and cats from private property within the corporate limits of the MUNICIPALITY when an owner is unknown, twenty-four (24) hours per day within a reasonable period of time providing the MUNICIPALITY provides a disposal site for said carcasses. When any dead animal, except a dog or cat with no known owner, shall be found on any private land in the MUNICIPALITY it shall be the responsibility of the person owning or occupying such land to remove or arrange for the removal of said dead animal;
 - D. To assist the MUNICIPALITY to take custody of dogs and cats authorized to be seized pursuant to warrants issued for enforcement of MUNICIPAL housing and/or zoning codes, and dogs and cats seized in the course of executing warrants for the arrest of the owners or persons having custody of such dogs and cats, which assistance shall be subject to the terms of paragraph B in Section 3;

- E. To remove nuisance wild animals from residential areas only when said animal has entered an actual living space of a dwelling or if the potential of exposure to rabies is increased due to high levels of interaction with said animal, upon request from the MUNICIPALITY twenty-four (24) hours day within the corporate limits of the MUNICIPALITY within a reasonable period of time. Notwithstanding the foregoing, nuisance wildlife identified in Section 525 of the Illinois Administrative Code, not posing an eminent potential of rabies exposure, shall be removed by a licensed trapper;
- F. To continue to collect and remit to the MUNICIPALITY all release fees associated with owner reclamation of impounded animals in accordance with Chapter 8, Section 53 of the MUNICIPALITY'S ordinance governing animal and fowls;
- G. To provide the MUNICIPALITY written evidence, in a manner acceptable to the MUNICIPALITY, detailing the hours expended by its Animal Control Wardens pursuant to this Agreement;
- H. To indemnify and hold the MUNICIPALITY harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent act performed by the BOARD OF HEALTH, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.

3. That the MUNICIPALITY agrees as follows:

- A. To pay the BOARD OF HEALTH for such services ninety-five thousand five-hundred and sixty-eight dollars (\$95,568), payable as follows: Seven-thousand, nine-hundred and sixty-four dollars (\$7,964) monthly beginning May 1, 2011, and continuing throughout the term of this agreement for the services described in paragraphs A, B, C, E, F, G, and H of Section 2;
- B. To pay the BOARD OF HEALTH forty-five (\$45.00) dollars per hour per Warden for the services specified in paragraph D in Section 2. The MUNICIPALITY understands and agrees that the BOARD OF HEALTH shall not be obligated to provide such services and that any agreement to do so shall be dependent on the availability of staff and capacity at the Animal Control Center. The MUNICIPALITY shall be responsible for notifying the owners or persons who had custody of any dog or cat taken to the Animal Control Center after the execution of a warrant as provided in paragraph D of Section 2 that the dog or cat has been taken to the Animal Control Center, the procedures and cost for reclaiming such dog or cat and the consequences for failing to do so. Notice shall be given in writing within twenty-four (24) hours of the dog or cat being taken to the Animal Control Center and shall be on forms provided by the BOARD OF HEALTH;

- C. To indemnify and hold harmless the BOARD OF HEALTH from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent acts performed by the MUNICIPALITY, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies;
- D. To have the right to assign tasks to Animal Control Wardens pursuant to this agreement; however, supervision and the means by which tasks are accomplished shall be the responsibility of the BOARD OF HEALTH.

4. That the BOARD OF HEALTH and the MUNICIPALITY agree as follows:

- A. That this agreement may be terminated for any of the following reasons:
 - i. At the request of the MUNICIPALITY upon ninety (90) days written notice.
 - ii. At the request of the BOARD OF HEALTH upon ninety (90) days written notice.
- B. That in the event this Agreement is terminated prior to its expiration, then the MUNICIPALITY agrees to pay the BOARD OF HEALTH for any services outstanding rendered by the BOARD OF HEALTH.
- C. That this Agreement includes all of the agreements made by the BOARD OF HEALTH and the MUNICIPALITY without regard to any oral conversations which may have taken place prior to execution or subsequent thereto and that any changes shall be made in writing and agreed to by both parties.
- D. That if any provision of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall nevertheless remain in full force and effect. If any provision is held invalid or unenforceable with respect to a particular circumstance, it shall nevertheless remain in full force and effect in all other circumstances.
- E. That any issues pertaining to the sheltering of animals shall come under the Inter- Governmental Agreement for Animal Control Center Services.

CITY OF BLOOMINGTON, a Municipal Corporation

By: Stephen F. Stockton
Mayor

Date: May 10, 2011

ATTEST:

By: Tracey Covert
City Clerk

Date: May 10, 2011

McLEAN COUNTY BOARD OF HEALTH

By: Walter P. Howe
Director

Date: _____

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Intergovernmental Agreement with McLean County Board of Health for Animal Warden Services in the amount of \$95,568 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Intergovernmental Agreement with McLean County Board of Health for Use of Animal Shelter

RECOMMENDATION: That the Intergovernmental Agreement with McLean County Board of Health for use of the Animal Shelter be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: For the past several years the City and the McLean County Board of Health have entered into an intergovernmental agreement wherein the County Board of Health provides shelter for stray animals. The Town of Normal has a similar agreement. The existing contract expired April 30, 2011.

The proposed contract for the period May 1, 2011 through April 30, 2012 by the County Board of Health reflects a three percent (3%) increase, the annual cost for this service will go from \$32,520 to \$33,492. This agreement is renewable on a year to year basis and is renewable on May 1st each year.

The following is an example of the activities covered by the agreement:

Activity	2009	2010
General Phone Calls / Questions	n/a	3786
Reclaim Activity	129	247
Animals Accepted at the Center	583	602
Shelter Inquiries	n/a	503

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This change will increase the budgeted amount for animal shelter services from \$32,520 to \$33,492. For Fiscal Year 2012, \$33,492 has been budgeted in line item G15110-70990.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed as to legal sufficiency:

Randall D. McKinley
Chief of Police

Timothy Ervin
Director of Finance

J. Todd Greenburg
Corporation Counsel

Recommended by :

David A. Hales
City Manager

ANIMAL CONTROL CENTER AGREEMENT

This AGREEMENT for Animal Control Center Services is made this 1st day of May, 2011 by and between the McLEAN COUNTY BOARD OF HEALTH, the governing body of the McLean County Health Department located in the City of Bloomington, Illinois (hereinafter called "BOARD OF HEALTH"), and the City of Bloomington, a Municipal Corporation located in the State of Illinois, County of McLean (hereafter called "MUNICIPALITY").

WHEREAS there is a need to provide prompt and quality shelter for stray or straying dogs and cats, and dogs and cats otherwise subject to impoundment that are picked up by a McLean County Animal Control Officer or any other authorized representative of the MUNICIPALITY; and,

WHEREAS the MUNICIPALITY wishes to contract for prompt and quality shelter for stray or straying dogs and cats subject to impoundment that are picked up within its jurisdictional boundaries; and,

WHEREAS the BOARD OF HEALTH has the capacity to provide such services and will permit 24-hour, seven days per week access to the McLean County Animal Control Center; and,

WHEREAS the BOARD OF HEALTH wishes to provide such services to the MUNICIPALITY through this AGREEMENT,

IT IS, THEREFORE, AGREED by and between the BOARD OF HEALTH and the MUNICIPALITY as follows:

1. The parties enter into this AGREEMENT for the period May 1, 2011 through April 30, 2012.
2. The BOARD OF HEALTH agrees to provide shelter to: a) stray or straying dogs and cats, and dogs and cats otherwise subject to impoundment placed in the Animal Control Center by any authorized representative of the MUNICIPALITY; b) dogs and cats seized by MUNICIPALITY law enforcement officers in the course of executing warrants for the arrest of the owners or persons having custody of any such dogs and cats; c) dogs and cats seized pursuant to warrants issued for the enforcement of MUNICIPALITY housing and/or zoning codes; and, d) dogs and cats summarily seized by MUNICIPALITY law enforcement officers for failure to vaccinate for rabies and/or failure to register a dog or cat.
3. The BOARD OF HEALTH agrees to assist the MUNICIPALITY in enforcing its municipal ordinances through any or all of the following: collecting reclamation/release fees, reporting the names and addresses of persons reclaiming animals placed in the Animal Control Center by an authorized representative of the MUNICIPALITY and providing within the Animal Control Center information and education materials to residents of the MUNICIPALITY concerning ordinances prohibiting dogs and cats from running at large.
4. The MUNICIPALITY agrees to pay to the BOARD OF HEALTH for such services thirty-three thousand four-hundred and ninety-two dollars (\$33,492) per year, payable as follows:
 - A. Two-thousand seven-hundred and ninety-one dollars (\$2,791) monthly, beginning May 1, 2011, and continuing throughout the term of this AGREEMENT.
5. Payments for services rendered pursuant to this AGREEMENT will be made by the MUNICIPALITY to the BOARD OF HEALTH (payable to the McLean County Health Department) monthly no later than the 15th day of each month.
6. The BOARD OF HEALTH shall indemnify and hold the MUNICIPALITY harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent act performed by the BOARD OF HEALTH, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.

7. The MUNICIPALITY shall indemnify and hold harmless the BOARD OF HEALTH from all causes of action, whether judicial or administrative, and the costs of defending any such actions resulting from any intentional or negligent acts performed by the MUNICIPALITY, its employees and/or its agents which arise out of the performance of this agreement. Such actions shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
8. All stray or straying dogs and cats placed in the Animal Control Center by a representative of the MUNICIPALITY pursuant to the terms of this Agreement shall be subject to all of the ordinances, rules and regulations of the BOARD OF HEALTH and County of McLean, including but not limited to any and all statutes, ordinances and regulations relating to the release, quarantine, adoption and disposal of animals. The MUNICIPALITY agrees that the BOARD OF HEALTH shall have no obligation to hold animals any longer than required by law; provided however the BOARD OF HEALTH will hold an animal longer at the request of the MUNICIPALITY on the condition that there is sufficient space available to house the animal and that the MUNICIPALITY agrees to pay all fees for boarding the animal for any additional days. The persons reclaiming such dog(s) or cat(s) shall be required to first pay all such reclaim, boarding, registration, veterinarian costs and all applicable fees associated with such ordinances, rules and regulations due to the BOARD OF HEALTH in addition to the reclamation/release fee of the MUNICIPALITY.
9. This AGREEMENT may be terminated at the request of the MUNICIPALITY or of the BOARD OF HEALTH upon ninety days written notice being provided by either party to the other.
10. It is understood that the terms of this AGREEMENT include all of the agreements made by the BOARD OF HEALTH and the MUNICIPALITY without regard to any oral conversations which may have taken place prior to its execution or subsequent thereto, and that any changes must be agreed to by both parties in writing.
11. If any provision of this AGREEMENT shall be held invalid or unenforceable the remainder of the AGREEMENT shall nevertheless remain in full force and effect. If any provision is held invalid or unenforceable with respect to particular situations or circumstances, it shall nevertheless remain in full force and effect in all other situations or circumstances.

CITY OF BLOOMINGTON, a Municipal Corporation

By: Stephen F. Stockton
Mayor

Date: May 10, 2011

ATTEST:

By: Tracey Covert
City Clerk

Date: May 10, 2011

McLEAN COUNTY BOARD OF HEALTH

By: Walter P. Howe
Director

Date: _____

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Intergovernmental Agreement with McLean County Board of Health for use of the Animal Shelter in the amount of \$33,492 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: Annual Agreement Renewal and Payment to Midco for the Maintenance of the Police Department and Underground Parking Deck Security System

RECOMMENDATION: That the agreement with Midco for maintenance of the security system of the Police Department building and underground parking decks in the amount of \$11,271 be renewed, and the payment be approved.

BACKGROUND: The City renewed a maintenance contract with Midco in May, 2008. This agreement covers the security equipment to the underground parking decks and the Police Department building. This system is complicated and controls access to the facility and the access documentation of the system. This agreement covers both the hardware and software related to the system. It also provides for a preventive maintenance check of the entire system on a yearly basis. The estimated value of this system is \$1.2 million dollars. The agreement is for a five (5) year term, renewable annually. Cost of the maintenance contract is \$11,271 annually. This amount has been budgeted in G15110-70990. If this agreement was not in place it would be necessary to service the system on an as needed basis at a time and materials cost. The City would also be responsible for the costs of software upgrades.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost of \$11,271 which has been budgeted in G15110-70990.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Randall D. McKinley
Police Department

Timothy Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Schmidt that the agreement with Midco for maintenance of the security system of the Police Department Building and Underground Parking Decks in the amount of \$11,271 be renewed, and the payment 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: Agreement with Nugent Consulting Group (NCG) for Insurance and Consulting Services from May 1, 2011 through April 30, 2013

RECOMMENDATION: That the two (2) year Agreement with Nugent Consulting Group (NCG) for Insurance and Consulting Services be approved at an hourly rate of \$135 with a not to exceed annual cap of \$20,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

BACKGROUND: In Fiscal Year (FY) 2009, Council entered into an agreement with Nugent Consulting Group to review insurance services provided by Risk Insurance Management Company (RIMCO). During Mr. Nugent's first year, a review of RIMCO was made and it was

determined that the City's cost for RIMCO's insurance program could be reduced by \$1.5 million. David Hales, City Manager, recommended that the Council terminate its relationship with RIMCO effective May 31, 2009. Due to the short turnaround, Mr. Nugent worked with staff to secure Alternative Concept Solutions (ASC) to serve as the City's Third Party Administrator (TPA) for one (1) year.

In FY 2010, the Council approved a new one (1) year agreement with NCG to provide guidance to staff regarding Third Party Administration, Request for Qualifications (RFQ) and Request for Proposals (RFP) for Insurance Brokerage Services and Third Party Administrator, Risk/Safety, Nurse Triage. By using cost effective and efficient programs, NCG has assisted staff to insure that the City's present and future assets are protected.

In FY 2011, Mr. Nugent worked very closely with staff to set up and introduce the Nurse Triage System. This system is an outsourced service that brings back the company nurse concept. Instead of having a nurse on staff, one is available 24 – 7, (twenty-four hours a day, seven days a week), for injured employees to call. The expectation is that the use of this system will improve injured employees medical outcomes resulting in faster return to full working capacity and ultimately lower workers compensation costs to the City. Human Resources (HR) staff worked closely with Mr. Nugent to gather all of the required data in order for the City to establish the Medcor system. Medcor contracts with ASC to provide this program. Mr. Nugent and HR staff worked closely to develop the training materials and provided a roll out day to employees. The initial training was conducted for all department heads and supervisors in late February 2011. Medical network development went live on March 1, 2011. The initial feedback from staff has been positive.

Mr. Nugent also worked with staff on a variety of projects such as a Safety Plan, review of insurance policies and issuance, day to day risk management advice, insurance coverage, a Services Renewal Plan for FY 2012, and assisting staff in implementing/overseeing renewal and renewal terms for Workers' Compensation and Property Liability insurance.

Risk Management duties are being contracted out on an hourly basis and/or HR staff working with Mr. Nugent and Occupational Safety Hazard Administration (OSHA) to provide state and federal mandated training for employees as needed.

During 2011 - 2013, NCG will continue to work with staff to provide quarterly Medcor reports; quarterly loss analysis; assist HR in Nurse Triage/TPA processing; assist in identification of safety resources as needed; review insurance policies upon issuance; provide day to day risk management advice; provide insurance coverage and services renewal plan by November 15, 2011; implement/oversee renewal plan and present all renewal terms; allocate insurance cost, and assist in RFP process for Insurance Brokerage and Third Party Administrator agreements in 2012.

Mr. Nugent's experience in the insurance and safety field has been valuable to staff. He is familiar with the City's operations, which have proved to be important asset in the administration of the City's Workers' Compensation, Property Casualty and Risk Management Program. Mr. Nugent's background in municipal insurance arena, including private and public sector risk

management experience, brings the qualifications and experience to assist staff in carrying out this work.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Services will be provided at an hourly rate of \$135 with a not to exceed annual cap of \$20,000. Fund - Property Insurance: #6015: Line Item 70714 is available in FY 2012 Budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Barbara J. Adkins
Deputy City Manager

Kim Nicholson
Purchasing Agent

Timothy Ervin
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

RESOLUTION NO. 2011 - 16

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND APPROVING A TWO (2) YEAR AGREEMENT WITH NUGENT CONSULTING GROUP FOR INSURANCE CONSULTING SERVICES AT A COST NOT TO EXCEED \$20,000

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

1. That the bidding process be waived and a two (2) year Agreement for insurance consulting services with Nugent Consulting Services be approved at a cost not to exceed \$20,000.

ADOPTED this 9th day of May, 2011.

APPROVED this 10th day of May, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**AGREEMENT FOR SERVICES BETWEEN THE CITY OF BLOOMINGTON (THE
CITY) AND NUGENT CONSULTING LLC
2011 - 2013**

SCOPE

Nugent Consulting LLC will provide the following services to the City (estimated annual hours in parenthesis):

- Attend quarterly claim reviews (15)
- Provide quarterly Medcor reports (10)
- Provide quarterly loss analysis (10)
- Assist HR in Nurse Triage / TPA processing (10)
- Assist in identification of safety resources as needed (5)
- Review insurance policies upon issuance (10)
- Attend City meetings as required (10)
- Provide day to day risk management advice to the City (20)
- Provide a insurance coverage and services renewal plan to the City by November 15, 2011 (10)
- Implement / oversee renewal plan and present all renewal terms to the City (20)
- Allocate insurance costs (8)
- Assist in RFP process for Brokerage and TPA agreements (2012)

TERM

June 1, 2011 to June 1, 2013.

Either party can cancel the agreement by giving 60 days written notice.

FEE

The fee for all services in the above scope will not exceed \$20,000 for each 12 month period commencing June 1, 2011. The hourly rate is \$135. Nugent will handle all normal expenses and the City will pre-approve any unusual expenses in the delivery of this scope. Monthly billings will be sent with an hour statement.

CONFLICT OF INTEREST

Nugent Consulting LLC will not receive any revenue of any kind from any provider or other organization other than the fee outlined above in performance of this agreement.

Nugent Consulting LLC

City of Bloomington

Signature

Stephen F. Stockton

Date

May 10, 2011

Motion by Alderman Anderson, seconded by Alderman Schmidt that the two (2) year Agreement with Nugent Consulting Group (NCG) for Insurance and Consulting Services be approved at an hourly rate of \$135 with a not to exceed annual cap of \$20,000, the Mayor and City Clerk be authorized to execute the necessary documents, 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: Professional Services Contracts for the Bloomington Center for Performing Arts

RECOMMENDATION: That the performance contracts for the Bloomington Center for Performing Arts with Baylin Artists Management Inc., Brad Simon Organization, Entourage Talent Associates Ltd., International Music Network, Paradigm, and Opus 3 Artists be approved in the total amount of \$112,500, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Staff respectfully requests approval of contracts to engage persons and/or groups represented by: Baylin Artists Management Inc., Brad Simon Organization, Entourage Talent Associates Ltd., International Music Network, Paradigm, and Opus 3 Artists to perform services in the Bloomington Center for the Performing Arts (BCPA) on dates agreed by staff. Contract expenses for the contracts will be \$112,500. 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. 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 the BCPA’s Fiscal Year 2012 budget, account X21100-70220, 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 R. 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

(PARTIALLY EXECUTED CONTRACTS ON FILE IN THE CLERK’S OFFICE)

Motion by Alderman Anderson, seconded by Alderman Schmidt that that the performance contracts for the Bloomington Center for Performing Arts with Baylin Artists Management Inc., Brad Simon Organization, Entourage Talent Associates Ltd., International Music Network, Paradigm, and Opus 3 Artists be approved in the total amount of \$112,500, 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: Agreement with Tech Solve in Conjunction with the Government Finance Officers Association for Integration of the “CONROE LEAN” Process into the City’s Cash Handling Process

RECOMMENDATION: That the agreement with Tech Solve in conjunction with the Government Finance Officers Association (GFOA) to advise the City how to integrate elements of the “CONROE LEAN” into the City’s cash handling process in the amount of \$23,760 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The City operates and provides services to residents at its’ various facilities. At these facilities residents are allowed to remit cash and checks to pay for services. This means that cash and checks are collected Citywide by all departments. Cash and checks are reconciled on a daily basis and an internal deposit is prepared by each collection area. The City has a centralized cash location that collects and processes all internal deposits, with the lone exception being the City’s golf courses. The “cashier area” is located in the lower level of City Hall. These internal deposits are brought to the cashier’s area and transported by armored car to a financial institution used by the City. This labor intensive process has largely remained stagnant over time with few modifications despite recent changes in technology (Check 21 processing-electronic processing of checks).

Citizens entrust resources to their government for the specific purpose of providing services. Therefore, it is not enough simply to ensure cash and checks are safeguarded. Cash and checks must be accounted for in an efficient and effective manner. Lean manufacturing techniques have been around in one form or another for more than eighty-five (85) years. These techniques when properly applied have enabled companies to gain significant competitive advantage by producing high cost products at lower cost, while shortening the time between order and delivery.

The complexity of government operations can make the process of defining desired results less straight forward than in the private sector. When focusing upon lean analysis in government operations, an analyst must integrate the laws and regulations inherent in government with the processes used by employees to provide services. Tech Solve and the GFOA seek to assist the City with the integration of lean analysis into the City’s cash collection process. These firms have developed a proven version of “CONROE LEAN” specifically designed and proven for local governments. Staff seeks permission to use this methodology to enhance the effectiveness and efficiency of the City’s cash handling system. This project would review the internal control framework of the cash collection process to ensure pertinent laws and regulations are incorporated within same.

Tech Solve is a not for profit professional service organization that assist local governments identify processes and organizational improvement opportunities that reduce cost, lead time, and enhance effectiveness and quality. The GFOA is the premier association for public sector finance professionals in the U.S.

Founded in 1906, GFOA currently has more than 17,500 members that refer to the association as the gold standard to identify, develop, and communicate practices and benchmarks in government management.

The primary purpose of the project will be to improve the efficiency and effectiveness of the City's cash collection process and enhance internal control function. In addition, the City will seek to gain cost savings through reduction of the numerous levels currently inherent in the labor intensive cash collection process. It is recommended that this study occur prior to the initiation of Phase #3 of the Enterprise Resource Planning (ERP) system where the City is set to implement the cashiering cycle. Council has been provided with information regarding the process used for "CONROE LEAN" methodology. This material provided additional information on the product the City will receive from Tech Solve and GFOA.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: In FY 2012, the City has allocated \$145,000 in G10010-70090 for special projects designed to enhance efficiency and/or effectiveness of City processes. Tech Solve in conjunction with the GFOA has indicated the cost of this project would be \$21,600. This figure does not include travel and out of pocket expense. Staff requests that Council allocate a contingency of ten percent, (10%), or \$2,160 for a total cost of \$23,760.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Timothy L. Ervin,
Director of Finance

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Schmidt that the agreement with Tech Solve in conjunction with the Government Finance Officers Association (GFOA) to advise the City how to integrate elements of the "CONROE LEAN" into the City's cash handling process in the amount of \$23,760 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 R & J Enterprises, LLC, d/b/a Caboose, located at 608 W. Seminary, for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days 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 R & J Enterprises, LLC, d/b/a Caboose, located at 608 W. Seminary, be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) taverns rules would apply at midnight or one (1) hour after the kitchen closes; 2.) prior to license issuance proof of LLC must be filed with the City Clerk's Office; and 3.) all tax payments be current..

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of R & J Enterprises, LLC d/b/a Caboose, located at 608 W. Seminary, 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, and Geoffrey Tompkins; Rosalee Dodson, Asst. Corporation Counsel and Tracey Covert, City Clerk, and Randy Gelsthorpe, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Randy Gelsthorpe, owner/operator and Applicant representative, addressed the Commission. The Caboose would be acquired on a contract for deed. The agreement was contingent upon a liquor license being granted. For the first couple of months, he would work as the day operator. He was currently employed with Electrolux. The company was leaving the City and relocating to North Carolina. His plans for the business included eventually being open for breakfast and lunch.

Commissioner Stockton questioned Mr. Gelsthorpe's motivation. Mr. Gelsthorpe stated it had been his dream to operate a restaurant/bar. He acknowledged that he had no experience in this industry. He noted that his role with his current employer was a business within a business. He was currently working with the EDC, (Economic Development Council), and the Small Business Center. He was also working with an accountant. The current staff would be provided with additional training.

Commissioner Tompkins noted the floor plan. He wished Mr. Gelsthorpe the best of luck.

Commissioner Clapp questioned occupancy. Mr. Gelsthorpe estimated occupancy at 96 - 100.

Commissioner Clapp noted that this business was currently operated by an experience license holder. Mr. Gelsthorpe added that he had no knowledge of any violations.

Rosalee Dodson, Asst. Corporation Counsel, noted that the LLC application was pending. Mr. Gelsthorpe cited the cost to incorporate at \$700. He expressed his hope for a favorable recommendation from the Commission. He had already met with an attorney. Ms. Dodson

questioned if Mr. Gelsthorpe anticipated any problems with the state. Mr. Gelsthorpe responded negatively.

Commissioner Buchanan noted that Mr. Gelsthorpe had filed as an LLC. He questioned the business hours. Mr. Gelsthorpe cited the following business hours: Monday through Thursday - 3:00 p.m. until 1:00 a.m. and Friday and Saturday - 3:00 p.m. until 2:00 a.m. He added the following kitchen hours: Monday through Thursday - 5:00 - 9:00 p.m. and Friday and Saturday - 5:00 - 10:00 p.m. Commissioner Buchanan noted that after 9:00/10:00 p.m., the Caboose turned into a tavern. He believed that alcohol sales equaled thirty to forty percent, (30 - 40%). Mr. Gelsthorpe responded affirmatively. This figure was based upon research. He wanted the Caboose to be a restaurant with a bar. There were no tappers. He restated his plan to offer breakfast and lunch.

Commissioner Buchanan questioned if the current staff would be retained. Mr. Gelsthorpe stated his intention to evaluate the existing staff. He needed to learn the business and evaluate same. Commissioner Buchanan questioned the data for food and alcohol sales. He also questioned if Mr. Gelsthorpe had reviewed the pro forma. Mr. Gelsthorpe had only been provided with receipt data. He had not been provided with any expense information.

Commissioner Buchanan noted Mr. Gelsthorpe's intention to remain open until 2:00 a.m. on the weekends. Mr. Gelsthorpe responded affirmatively if there were customers. The Caboose offers a U shaped bar with thirty-four (34) stools. Commissioner Buchanan expressed his opinion that it was possible for the Caboose to become a tavern.

Commissioner Tompkins questioned if the current liquor license was an RAS. Tracey Covert, City Clerk, responded affirmatively. Mr. Gelsthorpe noted that currently the Caboose was not open on Sundays.

Commissioner Stockton noted the Commission's ability to audit any license holder. He cautioned that the Caboose might turn into a tavern. He specifically cited during the late evening. He questioned if a limited menu would be available. He cited the Commission's ability to place conditions upon the liquor license.

Commissioner Stockton also questioned if the Caboose was current on its taxes. Mr. Gelsthorpe believed the correct answer was yes.

Commissioner Stockton recommended that any motion made include the following conditions that the license not be made available until proper remittance of information to the City, assurance that all past due taxes are paid and tavern rules applied one (1) hour after the kitchen closes.

Mr. Gelsthorpe noted that the kitchen closing hour could be later. He cited the possibility of a City audit. Commissioner Buchanan noted that customers would be provided with time to eat.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code,

approximately one (1) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the April 12, 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. This application was for a change of ownership. Annual fee for an RAS liquor license is \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Anderson, seconded by Alderman Schmidt that an RAS liquor license for R & J Enterprises, LLC, d/b/a Caboose, be created contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) tavern rules would apply at midnight or one (1) hour after the kitchen closes; 2.) prior to license issuance proof of LLC must be filed with the City Clerk's Office; and 3.) all tax payments be current.

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: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on June 10, 2011

RECOMMENDATION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on June 10, 2011 be passed.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Sally Wolfe and Brandon Curtis to allow moderate consumption of alcohol at their June 10, 2011 wedding reception to be held at Davis Lodge, Lake Bloomington. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, and Geoffrey Tompkins; Rosalee Dodson, Asst. Corporation Counsel and Tracey Covert, City Clerk, and Sally Wolfe and Brandon Curtis, request representatives.

Commissioner Stockton opened the liquor hearing and requested that Sally Wolfe and Brandon Curtis, request representatives, address their request. Sally Wolfe, 302 N. Woodlawn, addressed the Commission. The wedding reception is scheduled for June 10, 2011. They plan to invite 200 people to the ceremony/reception. The reception would start at 6:00 p.m. It would be a catered event. She noted that the plan included use of outdoor seating. Commissioner Stockton cautioned that the wedding guest should remain in the vicinity of the Lodge.

Commissioner Buchanan questioned if A. Renee held a catering license. Tracey Covert, City Clerk, responded affirmatively.

The Commission voted unanimously to recommend to the Council the suspension of City ordinances for a wedding reception being held at Davis Lodge on June 10, 2011.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the April 12, 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 by:

Stephen F. Stockton
Chairman of Liquor Commission

Craig Cummings
Director of Water

Reviewed as to legal sufficiency:

Reviewed and concur:

Reviewed by:

George Boyle
Asst. Corporation Counsel

Randy McKinley
Police Chief

David A. Hales
City Manager

ORDINANCE NO. 2011 - 19**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Sally Wolfe and Brandon Curtis are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 6:00 to 10:30 p.m. on June 10, 2011; and

WHEREAS, Sally Wolfe and Brandon Curtis have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on June 10, 2011 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 9th day of May, 2011.

APPROVED this 10th day of May, 2011.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on June 10, 2011 be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition requesting approval of a Special Use Permit for a Two Family Dwelling for the property located at 1220 E. Washington St.

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

BACKGROUND: Currently, the building is vacant and has been zoned R - 1C, Single-Family Residence District. Several years ago, the home was a nonconforming three (3) unit apartment building. A more recent Special Use Permit for a two (2) family dwelling had expired. The petitioner desires to re-establish a two (2) family dwelling. Since the building has been vacant for some time the City's Zoning Ordinance requires compliance with only permitted land uses. A three (3) unit apartment cannot be reintroduced. A two (2) family dwelling is allowed as an approved special use.

The petition was scheduled for a Public Hearing before the Zoning Board of Appeals (ZBA) on April 20, 2011. The petitioner and his realtor spoke in favor of the petition. One (1) person spoke in opposition to this request and one (1) person spoke who was not opposed to or in support of the petition. The concern raised addressed the outdoor staircase. This, as a condition of approval and prior to occupancy is required to conform to City regulations (including installation of proper handrails) or be removed. Draft ZBA Minutes have been provided to the Council. The ZBA vote was 6 - 0 recommending approval of the petition for a Special Use Permit.

The site has adequate space to comply with the required four (4) off street parking spaces. Access can be gained off Washington St. and the adjacent alley at the rear of said lot.

The proposed two (2) family dwelling should be compatible with the surrounding land uses. There is a two (2) family dwelling and a three (3) unit apartment building to the north of the property across the alley. There should not be a negative impact on providing services.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on April 4, 2011. 136 courtesy notices were mailed to the nearby property owners and a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director - PACE

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
1220 E. WASHINGTON STREET**

State of Illinois)
) ss.
County of McLean)

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

Now comes Donny Bounds hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit 1, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of R – 1C, Single Family Residence District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code two family dwellings are allowed as a special use in an R – 1C zoning district;

4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R – 1C zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;
8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R – 1C zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

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

Respectfully submitted,

Donny Bounds

ORDINANCE NO. 2011 - 20**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
TWO FAMILY DWELLING FOR PROPERTY LOCATED AT 1220 E. WASHINGTON
STREET**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Two Family Dwelling for certain premises hereinafter described in Exhibit 1; and

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

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

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

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

1. That the Special Use Permit for a Two Family Dwelling on the premises hereinafter described in Exhibit 1 shall be and the same is hereby approved.
2. That as a condition of such approval, prior to occupancy, the applicant agrees to bring the existing outdoor staircase in conformity with City regulations, including, but not limited to, installing proper handrails. In the event this cannot be done prior to occupancy, or it is determined that the existing outdoor staircase is not needed, the applicant agrees to remove the staircase and seal the accompanying door.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 9th day of May, 2011.

APPROVED this 10th day of May, 2011.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

EXHIBIT 1

GW Meyer Addition, Lot 14, Block 2, City of Bloomington, McLean County, Illinois

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Special Use Permit be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: A Resolution Approving an Appointment of William Strother Wilson to the Bloomington/Normal Public Transit Board

RECOMMENDATION: That the Appointment be approved and the Resolution adopted.

BACKGROUND: I ask that you concur with the following appointment to the Bloomington/Normal Public Transit Board:

Appoint William Strother Wilson, 9 Gulf Pointe Ct. His three (3) year term would begin May 9, 2011. Mr. Wilson will be replacing Mary Caisley whose original appointment expired on March 31, 2011.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton
Mayor

RESOLUTION NO. 2011 - 15**A RESOLUTION APPROVING THE APPOINTMENT OF WILLIAM STROTHER WILSON TO THE BLOOMINGTON/NORMAL PUBLIC TRANSIT BOARD**

WHEREAS, the powers of the Bloomington-Normal Public Transit System shall be exercised by a Board of Trustees consisting of five members; and

WHEREAS, three of the Trustees shall be citizens of either the City of Bloomington or the Town of Normal (Citizen Trustees) and not employees or officers, and the other two trustees shall be the City Managers of the City of Bloomington and the Town of Normal or their designees; and

WHEREAS, one Citizen Trustee shall be appointed by the City of Bloomington, one Citizen Trustee shall be appointed by the Town of Normal and one Citizen Trustee shall be alternatively appointed by the City of Bloomington and Town of Normal; and

WHEREAS, all subsequent terms of Citizen Trustees shall be for three years, and the term of the City Manager Trustees shall endure so long as they are City Managers of their respective municipality; and

WHEREAS, a vacancy to the alternatively appointed Citizen Trustee position was created with the expiration of Mary Caisley's term on March 31, 2011 and the City of Bloomington must appoint a replacement.

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

The appointment of William Strother Wilson to the Bloomington/Normal Public Transit Board be approved for a term of three years to commence on July 1, 2011; and be it further

RESOLVED, that the City Clerk of Bloomington shall attest the same after signature of the Mayor.

ADOPTED this 9th day of May, 2011.

APPROVED this 10th day of May, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman McDade stated her intention to vote no on this item. This item lacked clarity. She expressed her concern regarding the City's relationship with the Town of Normal.

Alderman Purcell also expressed his intention to vote no on this item. He added his belief that this item would be amended to allow Mary Caisley to continue her service on this Board until July 1, 2011. Mr. Wilson's term would begin on this date.

David Hales, City Manager, addressed this item. He acknowledged that the effective date would be July 1, 2011. There was a disagreement between the two (2) cities. The agreement for the Transit Authority was dated 1972. He expressed his opinion that it was archaic. There was a five (5) member board consisting of both City Managers, an appointment by the City and Town, and a rotating trustee who served a three (3) year term. Mrs. Caisley was appointed to the rotating position by the Town. She has served two (2) terms. The City hoped to exercise its appointment opportunity. The practice of overseeing the Transit Authority has not been consistent with the agreement. It appeared that the rotating appointment had allowed the person to serve as long as the individual wanted. The Town believed that it was their appointment. This would mark Mrs. Caisley's third term.

Mr. Hales noted that interviews had been scheduled for the General Manager position. He had hoped that Mr. Wilson would be allowed to participate in the process.

Mayor Stockton stated that the mayor was responsible for the selection of an individual. He noted the procedural questions. He had spoken with Mayor Chris Koos. It appeared that Tom Hamilton, former City Manager, allowed the Town to reappoint Mrs. Caisley in 2008. The Town believed that the City had waived its right to appoint. The two (2) cities were not in synch.

Alderman Fazzini encouraged the Council to do the math. The City and Town had been trading appointments informally. Mayor Stockton noted that if an agreement was not reached with the Town, than the Resolution would be rescinded.

Alderman Sage questioned if the Council took action 2008. Mayor Stockton had no recollection of same. He was certain that the City did not waive its rights.

Alderman Fruin expressed his opinion that it was important for the City to be synch with the Town's intentions.

Alderman Purcell clarified that Mrs. Caisley would serve until July 1, 2011. Mr. Wilson's term would be effective July 1, 2011. Mayor Stockton added that Judy Buchanan, City's appointee, would serve as Board Chair commencing July 1, 2011.

Alderman McDade questioned the urgency. She did not understand. She believed that there was time to address any misunderstanding.

Mr. Hales restated that Mr. Wilson as an incoming Board member would be allowed to sit in on the interviews. He would not be a voting member. This was the only urgency. He hoped that this issue would be resolved in thirty (30) days.

Alderman Anderson affirmed the City's belief that it was the City's turn to make an appointment to the Board.

Motion by Alderman Fruin, seconded by Alderman Fazzini that the Appointment be approved and the amended Resolution adopted.

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

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

Nays: Alderman McDade.

Motion carried.

The following was presented:

SUBJECT: Payment for Property, Liability, Excess Liability, and Excess Workers' Compensation Insurance Coverage

RECOMMENDATION: That the Payment for Insurance Coverage and Insurance Broker Service from May 1, 2011 through April 30, 2012 in the amount of \$685,101 be approved.

BACKGROUND: Arthur J. Gallagher (AJG) has served as the City's Insurance Broker since 2010. On January 10, 2011, Council approved an extension for two (2) years starting May 1, 2011 through April 30, 2013. AJG is responsible for researching the insurance market and purchasing the City's insurance.

Mike Nugent, the City's Insurance Consultant, has provided a renewal cost letter and spreadsheet comparing insurance premiums. The spreadsheet compares 2009/2010; 2010/2011 and the "proposed" 2011 - 2012. The premium for 2011 - 2012 has increased from the previous years due to the City's Excess Workers Compensation Coverage.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Citizens and City staff.

FINANCIAL IMPACT: The insurance renewal cost for 2011 - 2012 is \$685,101. The Insurance Broker service fee of \$37,500 is included in the total. Funds were budgeted in the Casualty Insurance Line Item #60150 for FY-2012.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

Timothy Ervin
Director of Finance

David A. Hales
City Manager

David Hales, City Manager, addressed this item. There was positive news regarding renewal coverages.

Barb Adkins, Deputy City Manager, addressed the Council. She noted that this was the first time that insurance premium renewals had been brought before the Council. She noted that Mike Nugent, Nugent Consulting Group, and representatives from Arthur J. Gallagher, were present. Excess Workers' Compensation premiums had increased by \$44,000. Claims experience was audited a year in arrears. She added that other premiums were down slightly. The City was headed in the right direction. The Council had been provided with supporting documentation prepared by Mr. Nugent.

There had been perceived and real increases. Cost summary was reviewed. Excess Workers' Compensation had increased \$4,000 when one compared the projected to the proposed premium. There were issues with the payroll figures provided for the Fire Department. There had also been an increase to the premium for Liability as the exposure base was higher. Representatives from Arthur J. Gallagher were recognized for their responsiveness to City staff.

Mayor Stockton thanked Mr. Nugent and Gallagher staff members present for attending this evening's meeting.

Mr. Hales described the renewal process as open and transparent. He planned to continue it in the future.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the payment to Arthur J. Gallagher for Insurance Coverage and Insurance Broker Service from May 1, 2011 through April 30, 2012 in the amount of \$685,101 be approved.

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

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

Nays: None.

Absent: Alderman Stearns.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of Contract for Tanner Street Reconstruction (Wards 1 & 2)

RECOMMENDATION: That bid be awarded to Stark Excavating, Inc. for the construction of the Tanner Street improvements in the amount of \$1,067,710.85 and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: In 2008, Morris Avenue from Miller Street to the Fox Hill Apartments was reconstructed. In anticipation of the future relocation of Tanner Street to accommodate work on Miller Lake Dam, Tanner Street was disconnected from Morris Avenue. Since that time, the Illinois Department of Transportation (IDOT) project involving the reconstruction of the Veterans Parkway, Morris Avenue, Six Points Road, Springfield Road, and Greenwood Avenue intersection has begun. Stark Excavating, Inc. is the contractor for this project. During the second year of this IDOT project, a cul-de-sac will be installed on Springfield Road adjacent to Forrest Park. This will eliminate access to Morris Avenue. As a result of these closures, access to residents in the South Hill and Miller Park area will be primarily from Wood Street. This limited access is problematic for residents and emergency services.

The reconstruction of Tanner Street resolves the access issue. Part of the construction involves excavation through the former Holiday Knolls Mobile Home Park. Staff had concerns about unforeseen issues that may be discovered during excavation. In order to minimize concerns, a limited subsurface investigation was performed on the site during the design stage. Although the investigation did not reveal any major issues, buried items may still exist on the site. These unforeseen items may necessitate a change order during the project.

Bids were opened on April 18, 2011 at 2:00 p.m. The results are as follows:

	<u>Base Bid</u>	<u>Base + Alt 1</u>	<u>Base + Alt 2</u>
Stark Excavating, Inc.	\$911,960.85*	\$1,067,710.85*	No Bid
Rowe Construction Company	\$1,029,095.61	\$1,218,532.11	\$1,192,677.61
Engineer's estimate	\$1,189,235.00	\$1,367,235.00	\$1,358,335.00

* Read as follows due to error in bid tabulation.

\$911,867.35	\$1,067,617.35
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Budget

Capital Improvement Funds	\$ 1,150,000
Water Administration Funds	\$ 80,000
Storm Water Management Funds	<u>\$ 120,000</u>
Total Budget	\$ 1,350,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on March 28, and April 4, 2011. A pre-bid conference was held on April 4, 2011 at 10:00 a.m.

FINANCIAL IMPACT: The approved FY 2012 Budget included \$1,350,000 for this project. The Tanner Street Reconstruction contract will be executed in the amount of \$1,067,710.85. Payment will be made as follows: \$921,938.85 from Capital Improvement Funds (4010-40100-72530); \$72,390 from Water Administration Funds (5010-50110-72540) and \$73,382 from Storm Water Management Funds (5510-55100-72550).

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed by:

Jim Karch, PE CFM
Director of Public Works

Timothy Ervin
Director of Finance

Craig Cummings
Director of Water

Reviewed as to legal sufficiency by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Mayor Stockton introduced this item. David Hales, City Manager, addressed the Council. This project was contained in the City's Fiscal Year (FY) 2012 Budget. \$5 million had been budgeted for street projects. He noted the City's FY 2012 Resurfacing project had already been approved by Council. The Tanner St. project had been impacted by the closure of Springfield Rd. Jim Karch, Director – Public Works, addressed the Council. This was not a new project. Tanner St. was related to IDOT, (Illinois Department of Transportation), Veterans Parkway/Morris Avenue project. Stark Excavating also held the state contract. There were concerns regarding the closure of Springfield Rd. Neighborhood access was a concern. Timing was critical. Tanner St. must be completed prior to the closure of Springfield Rd. The bids were under the engineer's estimate for the project. He addressed the possibility for change orders as this site had contained a mobile home court. Situations may arise. There was some element of risk.

Alderman Purcell questioned potential change orders. Mr. Karch responded unanticipated items. This had been a County mobile home court. The City purchased the right of way.

Alderman Sage noted that sampling had been done. City staff had exercised due diligence. He appreciated City staff providing the Council with a heads up.

Alderman Anderson noted that only two (2) bids had been received. He questioned City staff's claims of unknowns. Tanner St. would follow the former road. Mr. Karch responded negatively. He had brought exhibits to the meeting which shown Tanner St. and how it would be realigned with Butcher's Lane. Alderman Anderson expressed his

opposition to change orders. The City needed to move forward on this project. He questioned the portion of Morris Ave. which had not been upgraded and if this section of road had been included in the Tanner St. project. Mr. Karch noted the section of Morris Ave. south of Wood St. There was a gap where the state project stopped. The project design was completed. Alderman Anderson noted comments of economy of scale. He added that Stark Excavating was allegedly there.

Alderman Fazzini questioned if the City included a contingency line item in its capital projects. Mr. Karch responded negatively. All change orders must be justified and brought before the Council for approval. Alderman Fazzini stated that generally there is a contingency line item for capital projects in the three to five percent (3 – 5%) range. Mr. Hales noted that the City had a contingency fund in its budget. There was not a contingency line item for City contracts.

Alderman Purcell noted the difference between the budget and the bid. The City needed to move forward on this project.

Motion by Alderman Sage, seconded by Alderman Anderson that the bid be awarded to Stark Excavating, Inc. for the construction of the Tanner Street Improvements in the amount of \$1,067,710.85, 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: East Side Corridor Presentation

BACKGROUND: A representative from Clark Dietz, Inc. will present the East Side Highway Environmental Assessment and Fact Sheet to Council regarding the East Side Corridor.

Prepared by:

Recommended by:

Jim Karch
Director of Public Works

David A. Hales
City Manager

Mayor Stockton introduced this item. There had been two (2) studies to date. A third one was under way. This study would address need and capacity. No Council action was needed at this time.

Jim Karch, Director – Public Works, addressed the Council. An overview would be presented this evening by Jerry Payonk, Clark Dietz’s Project Manager for the East Side Highway Assessment and Vice President & Director of Transportation Operations. Mr. Payonk had prepared a PowerPoint presentation which would provide a short history, update the Council and provide an opportunity for question and answer.

Mr. Payonk addressed the Council. His goal was to inform the Council about a plan for the future. McLean County was fast growing. He addressed the land use plan. The City was twice the size it had been in 1970. The majority of growth had occurred on the east side. The plan was to provide a transportation facility. He addressed the projected population growth. He noted growth in the following employment sectors: agriculture, insurance and manufacturing. He stressed that this project was planning for the future. The study process included an environmental assessment. He noted that there could be an impact but it would not be significant. Mr. Payonk cited a federal statute passed in 1969 which required an assessment due to the impact of the interstate system. Transportation projects took time. He noted the study’s objective: to “identify and evaluate the environmental, cultural and socio-economic impacts of a single alternative alignment on the east side of Bloomington-Normal that will improve regional access and relieve urban traffic congestion”. A map of the study area was provided.

Mr. Payonk addressed the study process from a step by step view point. The process began with a Problem Statement: “Provide transportation infrastructure on the east side of Bloomington-Normal, defined by the project study area map, which will accommodate managed growth and address future mobility and safety needs.” The Purpose & Need step was the foundation of the study. The two (2) key points under this step were Accommodate Managed Growth and Improve Local and Regional Mobility. Accommodate Managed Growth included alternative development. There were four (4) steps to same: 1.) Develop Preliminary Corridors; 2.) Screen & Consolidate Corridors; 3.) Perform Macro Analysis; and 4.) Develop Preliminary Alignments. In addition, there were environmental resource issues which would impact the study. Sustainability was a new topic. He cited pedestrian, bicycle and multi-modal transportation. Another key issue was east-west mobility. The study would use a travel demand model. The public had been surveyed with a thirty percent (30%) response rate.

Mr. Payonk stated that a model would be built. The known build model would be used. All planned road projects were placed on a five (5) year time line. The model considered volume/capacity ratio. The next step would involve the addition of the eastside highway. The plan may note a need to improve other east-west roads in the community. Resources would be looked at. He cited alternative to screening as an example. Staff involved would use their best judgment, develop estimated and establish cut offs. Various items would be reviewed. He noted sensitivity testing – Context Sensitive Solutions

involved the public. There had been healthy discourse. Some individuals were supportive while others were skeptical. He noted the interest areas involved.

Results would be compared. The prefer alternative would be presented to the Federal Highway Administration. A location would be determined. There had been three (3) studies to date. The first addressed feasibility. The second addressed alignment. This was the third study and it addressed location. Mr. Payonk reviewed the time line through 2014. The goal was to have a location by 2014. The next plan would address the development of plans, specifications and cost estimates. In addition, there would be right of way acquisition prior to construction. There was a web site for this project which was updated daily.

Alderman Sage noted the Community Working Groups and the groups listed.

Alderman Mwilambwe questioned if this evening's presentation was also on the web site. Mr. Payonk responded negatively. He added that it could be place on same.

Mayor Stockton noted concerns about growth and what if the projections were wrong. He also questioned a time line for construction. Mr. Payonk noted that currently there was only funding for the study. There was no funding for Phase 2, which would involve right of way acquisition and construction. This phase was at least ten (10) years away. This road might never be built. He restated that this was a planning project. He stressed the need to plan ahead.

Alderman Mwilambwe questioned the financial impact (cost) to the City. Mr. Payonk noted that this would be a large project. If this was deemed a high priority project, then the federal government would provide eighty percent (80%) and the local government would be expected to provide the remaining twenty percent (20%). This project would have to be included in a transportation bill. He estimated the road cost at \$400 million.

Alderman Stearns questioned the cost of this study. Mr. Payonk noted \$10.3 million. It was contained in the state capital bill and administered by McLean County.

Mayor Stockton believed that there were also federal dollars involved. Mr. Payonk noted that the corridor study involved federal funds.

Alderman Purcell stated that he had been following this project. He thanked Mr. Payonk for the update.

Mayor Stockton noted that some had called this project a bypass. He believed that this road would move people into the community. Mr. Payonk agreed. This road would serve the community. It would not be a bypass. Mayor Stockton thanked Mr. Payonk for the presentation. He appreciated the update. Mr. Payonk noted that the project was in community outreach phase. The next public meeting would be held in July/August 2011.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that during the fall 2010 the City's Corporation Counsel Office reviewed rules for the Council. A draft document has been prepared. He stated his intention to provide same to the Council via email. He would appreciate Council feedback.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, informed the Council that the Union Pacific Railroad would be in the City to replace the tracks for high speed rail.

Jim Karch, Director - Public Works, addressed the Council. High speed rail was coming to and passing through the City. The City had been provided with a new time line. Street/crossing closures would begin on May 17, 2011. Information regarding this project can be found on IDOT's (Illinois Department of Transportation) web site. Information will be updated as it becomes available. He believed that there would be media releases. Message boards would also be in place at the affected crossings.

ALDERMEN'S DISCUSSION: None.

Motion by Alderman Anderson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 9:34 p.m.

Motion carried.

Tracey Covert
City Clerk

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