

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:35 p.m., Monday, March 28, 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, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman absent: Bernie Anderson.

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

Alderman Fruin read the same statement that appeared on the August 23, 2010 Council meeting prior to voting. He added that it only applied to the Consent Agenda.

The following was presented:

SUBJECT: Council Proceedings of March 14, 2011

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of March 14, 2011 and Executive Session Minutes of November 8, 2010 and March 14, 2011 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of March 14, 2011 and Executive Session Minutes of November 8, 2010 and March 14, 2011 have been reviewed and certified as correct and complete by the City Clerk.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Meeting of March 14, 2011 and the Executive Session of November 8, 2010 and March 14, 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, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, March 24, 2011 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Hanson, 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, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointments/Reappointment to Various Boards and Commissions

RECOMMENDATION: That the Reappointments be approved.

BACKGROUND: I ask your concurrence in the following reappointments to the Cultural District Commission with terms to expire April 30, 2012:

Bruce Bergethon, 13 Brookshire Dr.

Jim Waldorf, 1603 E. Washington.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton
Mayor

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Reappointments of Bruce Bergethon and Jim Waldorf to the Cultural District Commission be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Donation of up to Forty (40) Bicycles to the West Bloomington Revitalization Partnership for the Global Youth Service Day

RECOMMENDATION: That the donation of bicycles be approved.

BACKGROUND: The Police Department routinely receives bicycles that are abandoned from various locations throughout the City. These bicycles are stored for a required length of time and then disposed of in different manners. In the past some of these bicycles have been donated to various organizations for charitable purposes. Others have been sold at a nominal return via online auctions. A request has been received from the West Bloomington Revitalization Partnership for a donation of forty (40) bicycles for the Global Youth Service Day scheduled for April 16, 2011. They intend to assist individuals in making needed repairs to the bicycles and then donating them as a charitable endeavor.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This request was made on behalf of the West Bloomington Revitalization Partnership.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Randall D. McKinley
Police Chief

David A. Hales
City Manager

Alderman McDade addressed this item. She recognized and thanked Deb Halperin, Illinois Wesleyan University, for her efforts. Global Youth Services Day would be held on April 16, 2011 for youth ages five to twenty-five (5 – 25).

Motion by Alderman Hanson, seconded by Alderman Schmidt that the donation of bicycles be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payment \$18,174.03 to JULIE, Inc. for the Annual Assessment for the City's Participation in the State Mandated Joint Utility Locating Information for Excavators (JULIE) System

RECOMMENDATION: That the payment to JULIE, Inc. in the amount of \$18,174.03 be approved.

BACKGROUND: The City is required by state law to be a member of the state wide one call system known as the JULIE system. As part of the participation in this system, member utilities must pay a pro-rata share of the usage of the system. The City's share has been calculated at \$18,174.03 based upon the number of requested utilities locates, (water, storm water, sewer, street lights and traffic lights) within the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for this service will be paid from the Water Fund, Distribution Division, Operations, & Maintenance account for other professional and technical services (5010-50120-70220).

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Craig M. Cummings
Director of Water

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Alderman Fruin addressed this item. He noted that this program was an unfunded mandate passed by the state's legislature. He questioned if the City had a list of all state unfunded mandates. David Hales, City Manager, responded that he was not aware of one. Alderman Fruin recommended that the City consider a college internship to develop same. He expressed his belief that the results would be amazing.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Payment to JULIE, Inc. in the amount of \$18,174.03 be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Annual Water Billing Software Maintenance Fee

RECOMMENDATION: That the Payment to SpringBrook Software in the amount of \$25,684.74 be approved.

BACKGROUND: The Water Department has utilized Springbrook software for water billing since 2001. This software has been regularly updated and is functional. In May 2008, staff was granted permission to purchase the on-line bill payment module, which is currently in use. This invoice contains the traditional maintenance cost and the additional maintenance cost for the online bill payment module. If the annual software maintenance invoice is not paid, any problems with the software would be paid on a full cost basis and on the vendor's timetable. This could lead to catastrophic failures or delays in the billing system. Staff has reviewed the invoice and finds it in order.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This is a budgeted annual maintenance fee. \$25,684.74 will be paid from account 5010-50110-70590 (Water, Administration and General, Other Repair and Maintenance).

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Craig M. Cummings
Director of Water

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Payment to SpringBrook Software in the amount of \$25,684.74 be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Permission to Sell Surplus Water Meters and Water Meter Parts

RECOMMENDATION: That the surplus water meters and meter parts be sold to Gunners Meters of Pontiac, Michigan.

BACKGROUND: Staff respectfully requests permission to dispose of surplus water meters and meter parts. In certain installations, staff has been changing large meters from a style known as turbine meters to that of a compound meter. In addition, the part of the meter with the moving parts that actually measures the flow of the water through the meter (the UME) is changed out from time to time, generally based upon the total flow that has moved through the chamber.

In the past, when water meters or meter parts were deemed obsolete, surplus, or unusable, they were sold for the scrap value of the metal used in the meter body. The estimated value of these meters if sold for scrap is \$500. Staff contacted three (3) meter repair and resale shop that will take these larger water meters/parts and rehabilitate them; Morris Tick, Bloomington, Gunners Meters, Pontiac, MI, and A & R Recycling Co., Houston, TX. Gunners Meters of Pontiac, Michigan, offered the best prices for the purchase of these used meters and meter parts. They offered the following pricing for these surplus meters/parts:

Prices for Meter Inventory

<u>Meter Type and Size</u>	<u>Price per Item</u>	<u># in inventory</u>	<u>Price</u>
3" T/T	\$ 125.00	1	\$ 125.00
3" HPT	\$ 125.00	1	\$ 125.00
4" T/T	\$ 150.00	1	\$ 150.00
3" UME	\$ 50.00	26	\$ 1,300.00
4" UME	\$ 75.00	18	\$ 1,600.00
6" UME	\$ 100.00	12	\$ 1,200.00
8" UME	\$ 150.00	3	\$ 450.00

TOTAL

\$ 4,700.00

T/T = Twin Turbine

HPT = High Performance Turbine

UME = Unitized Measuring Element

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This revenue would be deposited in the Water Department Operations & Maintenance account, Meter Division, Salvage Revenue account, (5010-X50150-57190). The disposition of these meters and meter parts is in compliance with the City's disposition policy.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Craig M. Cummings
Director of Water

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Alderman Purcell thanked City staff for their efforts. He believed that this was a good use of City resources.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the surplus water meters and meter parts be sold to Gunners Meters of Pontiac, Michigan.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Three (3) Year Renewal of the Proprietary Water Meter Reading Equipment Maintenance Agreement

RECOMMENDATION: That the three (3) year service agreement with Northern Water Works Supply for water meter reading equipment maintenance in the amount of \$28,298.82 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The water meter reading equipment maintenance agreement with Northern Water Works Supply, the service provider, is due for renewal. This is a recurring renewal for

proprietary maintenance service of equipment. This equipment is used every day and is subject to changing weather conditions. Northern Water Works Supply, the area's authorized equipment dealer has submitted a quotation of \$28,298.82 for three (3) years of this service. The three (3) year plan offers a ten percent (10%) discount in the price. This agreement will cover the maintenance of seven (7) field programmers, eight (8) Ethernet cradles and power adapters, sixteen (16) meter reading handheld devices, eight (8) handheld computers, seven (7) receivers and the meter reading software. This is all of the meter reading equipment that the City currently owns.

Staff respectfully requests that the water meter reading equipment maintenance agreement with Northern Water Works Supply in the amount of \$28,298.82 for three (3) years of service be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment will be made with Water Department, Operations and Maintenance Funds, Meter Services Division, Repair and Maintenance of Equipment other than Office (X5010-50150-70540). At this time, that fund has a positive balance of approximately \$400,000.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Craig M. Cummings
Director of Water

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Alderman Stearns questioned the impact of automation on water meter reading staff positions. Craig Cummings, Water Director, addressed the Council. He noted that there had been three (3) full time and a part time position. Currently, there were only two (2) full time positions. He expressed his belief that these two (2) positions would be eliminated in the next five (5) years.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He was pleased with Mr. Cummings' response. He also questioned the City's policy regarding credit card usage fees. Tim Erin, Finance Director, addressed the Council. He noted that the City had eliminated the acceptance of two (2) credit cards, (American Express and Discover Card). The Water Department had the highest use of payment by credit card. City staff was researching the implementation of a utility rate fee of one to two percent, (1 – 2%). He added that the City had the ability to scan credit cards which automatically posts the payment to the individual's water account. He added that this has resulted in staff time savings to the payment process. Staff had been reassigned to other work tasks. Craig Cummings, Water Director, readdressed the Council. He addressed the issue of balance.

The City had participated in a state on line bill payment program. There was limited participation. The City's on line bill payment program with no convenience fee had 9,000 users. This program adds 250 new customers per month. He added that some of this program's users have chosen a paperless billing option.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the three (3) year service agreement with Northern Water Works Supply for water meter reading equipment maintenance in the amount of \$28,298.82 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, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for Sandblasting of Holiday Park Pool

RECOMMENDATION: That the bid for sandblasting Holiday Park Pool be awarded to Tri-County Painting in the amount of \$19,900, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: In order to keep a smooth, safe surface on pool floors and walls best practice is to repaint every four (4) years. The type of paint that was used in the past at Holiday Pool, a Volatile Organic Compound (VOC), is no longer compliant with the State of Illinois Department of Public Health (IDPH). New IDPH regulations require that epoxy based paint be used. Epoxy paint will not adhere to the existing layer of paint on the pool surface. Therefore, two (2) steps must be taken to repaint Holiday Pool. First, the entire pool surface, which is 9,210 square feet and holds 210,000 gallons of water, must be sandblasted. Park Maintenance staff does not have the necessary equipment or experience to perform this work. Park Maintenance staff will repaint the pool after the sandblasting is completed. As a cost saving measure during the 2005 - 2006 renovation of Holiday Park and Pool, the pool painting was reduced to only select spots on the pool bottom. It has been at least six (6) years since the entire pool floor and walls have been repainted.

On Thursday, February 24, 2011, at 11:15 am, bids were publicly opened and read for this project. The entire project will be completed in the fall at the conclusion of the pool season. The fall provides the best weather for pool painting to ensure the longest lasting results. The project was bid now as \$20,000 is budgeted in the current FY 2011 budget and is not being included in the recommended FY 2012 budget.

The bids received were as follows:

FIRM	LOCATION	BID PRICE
Tri-County Painting	Pekin, IL	\$19,900 *
Clifford Litwiller	Delavan, IL	\$36,000
Pecover Decorating	Aurora, IL	\$42,000
Alpha Paintworks	Chicago, IL	\$42,900
Western Waterproofing	Springfield, IL	\$57,850

*Low and recommended bid

Included with their bid for this project, Tri-County Painting attached a signed letter from their insurance company along with a certificate of insurance. However, they neglected to sign the insurance section of the bid documents. Since all the necessary documents were submitted, staff believes the missing signature to be a minor oversight and therefore, respectfully requests that Council waive this technicality.

Tri-County Painting would be required to submit a signed copy within four (4) days of the bid being awarded. Tri-County Painting completed sandblasting at O'Neil Pool in October 2010 and did an excellent job.

Staff respectfully requests that Council accept the low bid of \$19,900 submitted by Tri-County Painting and authorize the Purchasing Agent to issue a purchase order for same. A total of \$20,000 was budgeted in the Aquatics operating budget, account 14120-70590 (Other Property Maintenance) for this work.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was placed in the Pantagraph on February 9, 2011. Four (4) vendors were mailed bid packets and four (4) vendors picked up a bid packet from the Clerk's office. Five (5) bids were received on February 24, 2011.

FINANCIAL IMPACT: Funds are available in the FY 2011 budget, account G14120-70590.

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 L. Ervin
Director of Finance

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman Schmidt that the bid for sandblasting of Holiday Park Pool be awarded to Tri-County Painting in the amount of \$19,900, 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, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for Seventy-two (72) Replacement VHF Portable Radios, Charging Units, Accessory Equipment, and Three (3) Year Extended Warranty

RECOMMENDATION: That the bid for seventy two (72) replacement VHF Portable Radios and accessory equipment be awarded to Supreme Communications in the amount of \$85,130.64, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The Fire Department has operated for the last eight (8) years with the current Motorola portable radios. The current radios are no longer manufactured, and replacement parts are not being produced since these radios have been discontinued for several years. Repairs are made using parts from other unrepairable radios and has become harder to have qualified repairs completed. The radios are failing when exposed to water and the existing batteries are in need of replacement.

The need for a rugged reliable radio is critical in and out of the hazard zone at a fire or any emergency scene. The portable radio is the only line of communication with firefighters in the hazard zone. Staff is no longer confident that the current radios will operate during extended operations or during extreme conditions often encountered during incidents. The current radios also only have sixteen (16) programmable frequency/channels.

A committee was formed consisting of the Deputy Chief of Operations, one (1) Assistant Chief, one (1) Engineer, and three (3), Firefighter/Paramedics. The committee evaluated several radios including the Motorola XTS 1500, two (2) Kenwood Models and a Vertex portable radio. The committee unanimously chose the Motorola XTS 1500. Its features, staff's experience with the

current Motorola radios, and its physical characteristics made this the first choice. The new radios have important operational and safety features such as the noise canceling microphones that will enhance operations on the fireground by filtering out background noise allowing clearer communications. The radios also have more frequency capacity that will allow the department to add local mutual aid frequencies as well as maintain all the Mutual Aid Box Alarm System (MABAS) frequencies needed.

A total of seventy two (72) radios are needed in order to provide a radio for every person on duty, one (1) for each staff officer, radios for reserve apparatus, and spare radios for each station. This is particularly critical when there is a need to put additional units in service due to a major fire or incident, or in the event that radio(s) need repairs.

The smart chargers will be purchased to extend the life of the batteries. These chargers will recharge the batteries and monitor charging rates. Other accessory equipment such as ear pieces will allow medics to hear the radios when in crowded or noisy environments such as events at the US Cellular Coliseum and football games. The leather cases are necessary to carry and protect the radios and allow firefighters to utilize the existing radio straps.

A three (3) year extended warranty is also being purchased for each radio. This warranty will begin after the standard warranty expires one (1) year after purchase.

Six (6) bid packets were mailed out, and four (4) bids were received for this equipment. The bid totals include all equipment, including battery chargers, extended warranty, and the accessory equipment. The bids were:

Supreme Radio	\$85,130.00	Ragan Communications	No Bid
Buchanon Communications	\$92,340.00	Innotech Communications	No Bid
Squad Technologies (two bids)		Barback Communications	No Bid
Bid 1 (ICOM radio)	\$98,258.46		
Bid 2 (Vertex radio)	\$111,068.46		

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED Public Notice of the bid was placed in the Pantagraph on February 11, 2011. A public Notice was also posted on the City web site. Six (6) vendors were mailed bid packets. A pre-bid meeting was held on February 18, 2011 at City Hall. City staff and four (4) vendors were present.

FINANCIAL IMPACT: Funds for this purchase are available in the Fire Department account #G15210-72120.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Lester Siron
Deputy Chief

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Alderman Purcell questioned this item and the use for the existing radios. Mike Kimmerling, Fire Chief, addressed the Council. Some of the existing radios will be donated to the Bloomington Area Career Center's Fire Science program. The existing and new radios will operate on the same frequency. Some existing radios will be retained for emergency situations. All of the existing equipment will be used in some capacity.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the bid for seventy-two (72) replacement VHF Portable Radios, Charging Units, Accessory Equipment, and Three (3) Year Extended Warranty be awarded to Supreme Communications in the amount of \$85,130.64, 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, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Moses Montefiore Temple, located at 102 Robinhood Ln., for a fund raiser to be held on April 2, 2011 from 6:00 to 9:00 p.m., at the Temple for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an LB liquor license for Moses Montefiore Temple, located at 102 Robinhood Ln., be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Moses Montefiore Temple located at 102 Robinhood Ln. for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioner Steven Stockton, George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Steve Bernstein, congregation member and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Steve Bernstein, congregation member and Applicant representative, began by informing the Commission that this application was for a fund raiser for Moses Montefiore Temple to be held at the Temple on Saturday, April 2, 2011 from 6:00 to 9:00 p.m. This request was for a Limited License for a religious organization.

The art auction has been held at the Temple for a number of years. He noted the impact of the economy. This year, the decision was made to not hire a caterer. Food and beverage service would be handled internally to reduce costs.

Commissioner Stockton noted that this was a long established event. He cited the demographics of the attendees. He added that the congregation members who would be handling the liquor would need to be informed about proper liquor sales. Commissioner Stockton did not see any problems with this event.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Hanson, seconded by Alderman Schmidt that an LB Liquor License be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 6, Block 4 of Camp Kickapoo from Land Trust #239, Heartland Bank and Trust Company, Trustee, to Mike and Stacy Mavec

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 6, Block 4 of Camp Kickapoo from Land Trust #239, Heartland Bank and Trust Company, Trustee, to Mike and Stacy Mavec. The sewage disposal system inspection was completed at the end of February and several deficiencies were noted. The system did not have a chlorinator tube at the effluent of the sand filter, it did not have a rock evaporation trench, and the pump chamber was

undersized. The first two (2) deficiencies must be corrected and the selling agent is in the process of having these deficiencies corrected. The insufficiently sized pump chamber is mitigated by the fact that there is a high level alarm for the pump chamber in the home. It has been checked for proper operation and it is fully functional. If the pump should fail, that alarm would be activated alerting the homeowner that corrective action must be taken. Staff recommends that this lake lease transfer be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a positive financial impact in that the lease will move from the previous formula of \$0.15 per \$100 of Equalized Assessed Value to the current formula of \$0.40 per \$100 of Equalized Assessed Value for determining the Lake Lease Fee.

The current lease rate is \$161. This will increase to \$300+ next year. The closing is tentatively scheduled for the end of March 2011. This lake lease income will be posted to Lake Lease revenue account 5010-50100-50110-57590. It should be noted that the term of this lease is until December 31, 2131, the same term as other lease renewals since 1998.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed as to legal sufficiency:

Craig M. Cummings
Director of Water

Timothy Ervin
Director of Finance

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

David Hales, City Manager, reminded the Council that Lake Bloomington Lease are scheduled to expire in December 2131.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Lake Lease be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from the Links at Ireland Grove Road, LLC requesting approval of the Dedication of an east/west Easement located over part of Lot 325 in the Resubdivision of Lot 316 in 1st Addition to the Links at Ireland Grove Road Subdivision

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

BACKGROUND: A petition has been received from the Links at Ireland Grove Road, LLC for the Dedication of a fifteen foot (15') water main easement over part of Lot 325 in the Resubdivision of Lot 316 in 1st Addition to the Links at Ireland Grove Road Subdivision. Staff has reviewed the plat and finds it acceptable.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost of all platting will be borne by the developer.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

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

Craig Cummings
Director of Water

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2011 - 15

AN ORDINANCE PROVIDING FOR THE DEDICATION OF WATERMAIN EASEMENT

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the Dedication of a Watermain Easement for Tullamore Village Apartments, Bloomington, Illinois on Lot 325 in the Resubdivision of Lot 316 in the First Addition to Links at Ireland Grove Road Subdivision by The Links at Ireland Grove Road, LLC, the owner of the subject property; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said Dedication; and

WHEREAS, it is reasonable and proper to accept the said dedication of the Watermain Easement as requested in this case.

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

1. That the dedication of the 15 foot Watermain Easement for Tullamore Village Apartments, Bloomington, Illinois, is hereby accepted.
2. The aforesaid dedication notwithstanding, the City reserves to itself and to all utilities an easement the full width of the dedicated Watermain Easement for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 28th day of March, 2011.

APPROVED this 29th day of March, 2011.

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

EXHIBIT A

A 15.00 foot wide Watermain Easement over part of Lot 325 in the Resubdivision of Lot 316 in 1st Addition to the Links at Ireland Grove Road Subdivision per plat recorded April 8, 2009 as Document No. 2009-10476 in the McLean County Recorder's Office, McLean County, Illinois, more particularly described as follows: Commencing at the Southeast Corner of said Lot 325, thence north 167.33 feet along the East Line of said Lot 325; thence west 15.00 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course to the Point of Beginning. From said Point of Beginning, thence west 157.85 feet along a line which forms an angle to the right of 180°-00'-00" with the last described course; thence southwest 36.86 feet along a line which forms an angle to the right of 172°-45'-55" with the last described course; thence northwest 15.00 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course; thence northeast 7.39 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course; thence northwest 5.42 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence northeast 15.00 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course; thence southeast 5.42 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course; thence northeast 15.42 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence east 158.80 feet along a line which forms an angle to the right of 187°-14'-05" with the last described course; thence south 15.00 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course to the Point of Beginning, containing 3,016 square feet, more or less, in the City of Bloomington, McLean County, Illinois.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Dedication 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, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ordinance Amending the City Liquor Code to Allow the Liquor Commissioner to Issue Emergency Orders

RECOMMENDATION: That the Text Amendment be approved and the Ordinance passed.

BACKGROUND: Staff proposes a Text Amendment to Chapter 6 – Alcoholic Beverages authorizing the Liquor Commissioner to issue temporary emergency orders regulating,

restricting, and prohibiting the sale of alcoholic liquor in all or any portion of the City whenever an emergency exists, or is reasonably anticipated. Prior to issuing an order, the Liquor Commissioner is required to make a finding describing the nature and extent of the emergency or the reasonably anticipated emergency. Emergency orders issued pursuant to such finding are required to be reasonably related to the protection of persons or property, the promotion of temperance in the consumption of alcoholic liquor, or otherwise rationally related to the promotion of health, safety and welfare of the citizens of Bloomington.

This Ordinance is virtually identical to one passed by the Normal Town Council in preemptive anticipation of a large “unofficial party” gathering of college students on the weekend of April 1, 2011 in the Bloomington-Normal area. It is based on an ordinance that City of Champaign officials have found useful in dealing with similar events. The City of Champaign has used this Ordinance to prohibit the sale of alcoholic beverages in bottles thereby decreasing broken glass and possible personal injury. They have also used the emergency Ordinance to change the hours of operation for certain licensed establishments around the campus area, thereby promoting temperance in the consumption of alcoholic liquor.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

George Boyle
Asst. Corporation Counsel

Randy McKinley
Police Chief

David A. Hales
City Manager

Recommended by:

Stephen F. Stockton
Mayor

ORDINANCE NO. 2011 - 16

**AN ORDINANCE AMENDING
THE BLOOMINGTON CITY CODE TO AUTHORIZE
EMERGENCY ORDERS BY THE LIQUOR COMMISSIONER**

WHEREAS, the City of Bloomington is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the City of Bloomington has adopted a comprehensive Liquor Code incorporated as Chapter 6 of the Bloomington City Code; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bloomington to grant authority to the Liquor Commissioner to issue emergency orders when, in the determination of the Liquor Commissioner, such order is necessary for the health, safety and welfare of the citizens of Bloomington, necessary to protect property or promote temperance in the consumption of alcoholic liquor.

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

SECTION 1. That Chapter 6, Section 37 of the Bloomington City Code shall be and the same is hereby amended to read as follows: (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 37 SAME - POWERS AND DUTIES GENERALLY.

The local Liquor Control Commissioner shall have the following powers and duties:

(a) Recommend the Granting, Fining, Suspending or Revoking. To recommend to the City Council the creating and granting of licenses and to fine licensees and/or to suspend or revoke for cause all licenses created under this Chapter for premises within the local Liquor Control Commissioner's jurisdiction. (Ordinance No. 1992-102)

(b) Right of Entry. To enter any time into any premises licensed hereunder to determine whether any of the provisions of the Illinois Liquor Control Act or of this Code or any other laws or of any rules and/or regulations adopted by the Commissioner or by the State Commission have been or are being followed or violated by any person. This authorization provision also applies to law enforcement officers and any member of the Liquor Commission.

It shall be the responsibility and duty of any license holder and of any employee, agent or other representative of a license holder to enable and permit the Liquor Commissioner, any member of the Liquor Commission and any law enforcement officer to enter a licensed establishment at any time before or after the closing time and the failure to do so shall be a violation of this Code. (Ordinance No. 1992-102)

(c) Exercise Powers, Etc. Granted Under State Law, Etc. To exercise all the powers, functions and duties which now or hereafter may be granted to him by the Illinois Liquor Control Act regulations of the Illinois State Liquor Control Commission, or by this Chapter. (Ordinance No. 1992-102)

(d) Liquor Commission. The local Liquor Commissioner may appoint one or more persons to the Bloomington Liquor Commission to assist him and such person(s) shall have any and all of the authority the Commissioner has in the exercise of the powers and the performance of the duties provided for the local Liquor Control Commissioner. (Ordinance No. 1982-102)

(e) Fine and/or Suspension or Revocation of License. To fine any licensee and/or to suspend or revoke any license(s) issued under this Chapter for any of the following reasons:

- (1) That the licensee has violated any of the laws of the United States relating to the sale of alcoholic liquor or any of the provisions of the Illinois Liquor Control Act, of this Chapter, or any applicable rules and regulations adopted by the local Liquor Control Commissioner or by the State Commission.
- (2) The willful making of any false statement as to a material fact in the application for such license or in any change of ownership application or request or affidavit for the renewal of any license. Making a false statement shall include not making a complete statement of all relevant facts which relate to the situation.
- (3) The permitting of any violation of state law or Bloomington City Code by any person upon the licensed premises.
- (4) Failure to use and maintain the licensed premises in compliance with all codes and regulations pertaining to health and safety applicable within the City of Bloomington, including but not limited to Building, Plumbing, Electrical and Fire Codes, Zoning Ordinances, McLean County Health Ordinances, and all regulations and orders of the McLean County Health Department.
- (5) The refusal of any licensee to testify under oath to all relevant and material questions propounded to him at any hearing conducted by the local Liquor Control Commissioner.
- (6) Suspension or revocation of the license of the licensee by the State Commission.
- (7) Payment by the licensee of the special federal tax imposed under Section 4411 (Wagering) or Section 4461 (Coin Operated Gaming Devices) of the Internal Revenue Code of 1954, as amended.

- (8) Maintaining or operating a dram shop on any premises registered as a place of business where activities are carried on which make the person or persons carrying on such activities subject to the special federal tax on wagering. (Section 4411 of said Internal Revenue Code).
- (9) Having on the premises where the licensee carries on his business any coin operated gaming device subject to the special federal tax imposed under Section 4461 of said Internal Revenue Code, whether or not said tax is paid.
- (10) Permitting any gambling device or equipment to be located on the licensed premises.
- (11) Failure to adhere to any changes or requirements imposed as a condition of being issued by the City Council pursuant to Section 4C or by the Liquor Commissioner pursuant to Section 4D of this Chapter. (Ordinance No. 1992-102)

(f) Conditions on License. The Liquor Commission may require changes in the licensee's operations in addition to or in lieu of assessing a fine and/or suspending a license for any of the reasons stated in Section 37(e). Such changes may include, but are not limited to (1) restricting the hours of sale; (2) adding exterior lighting; (3) erecting fencing; (4) patrolling the premises; (5) restricting the sale of single serving sizes of all types or a particular type of alcohol for consumption off of the premises; (6) requiring employee training; (7) establishing a minimum number of employees; (8) limiting the number and/or location of signs. (Ordinance No. 2004-2)

(g) Fines. Each fine imposed hereunder may not be less than \$250.00 nor more than \$3,500.00. A separate fine may be imposed for each violation and each day that the activity of a violation occurs or continues shall be a separate violation for which a separate fine may be assessed.

Fines shall be payable in the manner indicated in any Order which results from a hearing or as the Liquor Commissioner may otherwise specify in writing and the failure to pay any part of a fine as so indicated or specified may result in the license being similarly suspended or revoked by the Liquor Commissioner. The licensee may request a hearing on such action but pending a hearing and a decision thereon by the Liquor Commissioner, the license shall remain suspended or revoked. It shall be the duty of each licensee who makes a fine payment as indicated or specified to request a hearing at the earliest possible time to explain the situation and request that license(s) not be suspended or revoked as provided for herein or for any other reason. Any fine may be collected in court. (Ordinance No. 2004-2)

(h) Examination of Applicants, Licensees and Records. To examine or cause to be examined under oath any applicant or any representative of an applicant for a local license or for a renewal thereof or any licensee (see (g)) and to hear testimony and take proof of any witness or person having information about the issues being considered and to consider any other relevant

evidence and for such purposes to issue subpoenas which shall be effective in any part of the State.

Each licensee involved in a hearing for a possible violation of this Code or other law(s) shall provide to the Liquor Commissioner at his request a copy of the financial statement and/or any other requested financial statement of the past of not less than involved establishment for a reasonable period of one year and the failure to do so shall be a violation of this Code. This provision is not intended to be a limitation of the authority of the Liquor Commissioner under Chapter 43, Illinois Revised Statutes (See Ch. 43, Sec. 126a). (Ordinance No. 1992-102)

(i) Investigation of Complaints, Etc. To receive the complaint of any resident of the City and to investigate upon such complaint or to investigate upon his own initiative any alleged action of any law of the United States relating to the sale of alcoholic liquor or any of the provisions of the Illinois Liquor Control Act or of this Code, or any applicable rules and regulations adopted by the local Liquor Control Commissioner or by the State Commission. (Ordinance No. 1992-102)

(j) Rules and Regulations. To make, promulgate, alter, amend, repeal, and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this Chapter as may be deemed by him to be desirable. (Ordinance No. 1992-102)

(k) Ordering the License Classification of any establishment to be changed upon application as provided in Section 4F of this Chapter or upon his own initiative if he finds, after hearing evidence, that an establishment fails to qualify for the license it holds. (Ordinance No. 1992-102)

(l) To issue temporary emergency orders regulating, restricting or prohibiting the sale of alcoholic liquor in all or a part of the City of Bloomington whenever an emergency exists or is reasonably anticipated. Prior to issuing an emergency order, the Liquor Commissioner shall execute a finding describing the nature and extent of the emergency or the reasonably anticipated emergency. Any emergency order issued pursuant to such finding shall be reasonably related to the protection of persons from injury, the protection of property from damage or destruction, the promotion of temperance in the consumption of alcoholic liquor, or otherwise rationally related to the promotion of the health, safety and welfare of the citizens of Bloomington. Emergency orders shall be effective from the time of issuance for a period not to exceed 48 hours. The order shall be publicly disseminated, delivered to affected licensees, and filed with the City Clerk. No person shall disobey an emergency order.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect immediately upon its passage and approval due to the urgency occasioned by an “unofficial party” potentially to occur in the upcoming week, as similar gatherings in other communities have resulted in a high incidence of alcohol abuse and associated violence, injury and vandalism.

PASSED this 28th day of March, 2011.

APPROVED this 29th day of March, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. He noted that a similar ordinance had already been adopted by the Town of Normal. He cited concerns with the proposed Fool’s Fest celebration. He noted that as Liquor Commissioner he currently had emergency power under Chapter 6, Section 41. Mayor May Close by Proclamation – Penalty. The proposed text amendment would allow for a more moderate approach. As Liquor Commissioner, a determination would be made regarding the best option. It also provided flexibility. He cited the City of Champaign’s experience with St. Patrick’s Day celebrations. Champaign had prohibited the sale of shot drinks and pitchers. In addition, glass containers have also been prohibited.

Todd Greenburg, Corporation Counsel, addressed the Council. The proposed ordinance was based upon what is in place for the City of Champaign. The goal was to maintain order. He described the current ordinance as an all or nothing approach. He restated that the Town had already adopted a similar ordinance. The City was informed of a possible spring event that a large number of students were aware of. The ordinance would take effect immediately upon passage.

Mayor Stockton added that as Liquor Commissioner he would not make use of same lightly. He hoped to not use it at all. The City will take a wait and see approach. There must be a cause for alarm. The City needed to be prepared to take action.

Alderman Purcell questioned if the Council would be notified of any restrictions. He also questioned the notification process for the liquor establishments effected. Mayor Stockton noted that there were dissemination standards. There must be a finding of an emergency. A public order must be issued. It would be in writing. He planned to include

the Council regarding same. Such action had never been taken before by the City. He would take cues from the Police Department and Downtown taverns. He restated his hope that this ordinance will not be needed.

Motion by Alderman Fruin, seconded by Alderman Stearns that the Text Amendment be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, noted that the City Hall HVAC, (Heating, Ventilating and Air Conditioning), project was in its final phases. The HVAC system would be down during much of the month of April. The Council's April meetings may be relocated to the County Board meeting room located in the Government Center, 115 E. Washington St., 4th Floor.

ALDERMEN'S DISCUSSION: Alderman Mwilambwe acknowledged City staff. He was making time to become familiar with the various City departments.

He had also received his first constituent email. He commended Jim Karch, Public Works Director, for his efforts. The matter had been resolved. He noted that they had both served as Residence Hall Assistants together at Illinois State University.

Alderman Stearns noted that she shared Alderman Mwilambwe's enthusiasm. She raised the issue regarding constituent questions. She expressed her confusion. She believed that Council should encourage citizens to contact City staff. David Hales, City Manager, responded that the Council had adopted a policy that Council encourage citizens to first make direct contact with City staff. He added that there was a number of citizens who directly contact City staff on a daily basis. Emergencies would be different. He noted the goals of efficiency and good communications as reasons for this recommendation. Mayor Stockton added that City staff would follow up with the Council. Alderman Stearns saw these requests as opportunities to meet with constituents. Mayor Stockton noted that these requests served as learning experiences for all.

Alderman Purcell cited the March 19, 2011 Budget Work Session. He added the Citizens' Budget Open House would be held on Tuesday, March 29, 2011 from 6:00 – 8:00 p.m. at the Bloomington Center for the Performing Arts located at 600 N. East St. He

thanked staff for their efforts regarding same. Mayor Stockton added that budget meetings were a great way to learn about the City.

Alderman Schmidt addressed the Downtown Entertainment Task Force, (DETF) which held its first meeting on Wednesday, March 23, 2011. The group had decided to research five (5) areas: cleanliness, noise, transportation, safety, and liquor licenses. They had scheduled their next meeting for Wednesday, April 27, 2011. She would be preparing the minutes for the DETF. Information regarding same can be found on the City's web site. She encouraged those present to visit same and review the information. She described the group as enthusiastic and positive.

Alderman Fruin informed the Council that he had attended the DETF meeting. He described the group as well organized. He cited his impression of the group and the group's energy.

Alderman Schmidt addressed Global Youth Services Day. The event will be held on Saturday, April 16, 2011 from 9:00 – 11:00 a.m. sponsored by the Westside Bloomington Revitalization Partnership. There would be a number of activities. A diversity service would be held at the First Christian Church located at 401 W. Jefferson St.

Alderman McDade expressed her appreciation to City staff for their efforts regarding issues within her ward.

Motion by Alderman Hanson, seconded by Alderman Purcell to recess to Executive Session, (Sale of Real Estate – Section 2 (c) (6) and Claims Settlement – Section 2 (2) (8)). Time: 8:19 p.m.

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

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

Nays: None.

Motion carried.

Motion by Alderman Stearns, seconded by Alderman Purcell, to return to Regular Session and adjourn. Time: 8:40 p.m.

Motion carried.

Tracey Covert
City Clerk