

**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 7:42 p.m., Monday, January 10, 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, Kevin Huette, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

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

PUBLIC COMMENT: Mayor Stockton opened the Public Comment section of the meeting. He noted the recent amendment to the Open Meetings Act. The state had mandated and the City decided how to implement same. He also stated that the next Citizens Voice meeting would be held on Monday, February 7, 2011.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He appreciated the opportunity to speak to the Council. He requested information regarding the cost of expansion. He specifically cited the Grove at Kickapoo Creek Subdivision. He questioned the policy for procuring consultants. He expressed his concern regarding the Council's use of electronic devices during Council meetings. He requested that this form of communication be banned during same. He added that if action was not taken then he would file a FOIA, (Freedom of Information Act) request with the media provider. The issue was transparency.

Alton Franklin, 5 Andy Ct., Unit 1, addressed the Council. He echoed Mr. Shultz's expression of appreciation. He expressed his concern regarding the issue of transparency. He addressed requests to waive the formal bid process with no justification for same. He requested a list of items bid and a vendors listing. He believed that there needed to be broader dissemination of bid information. He added his belief that there was interest in City bids. The City was not trying hard enough. He requested greater transparency going forward.

The following was presented:

SUBJECT: Council Proceedings of September 27 and October 25, 2010

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of September 27 and October 25, 2010 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of September 27 and October 25, 2010 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 Purcell, seconded by Alderman Anderson that the reading of the minutes of the previous Council Meeting of September 27 and October 25, 2010 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, Huette, Schmidt, McDade, Anderson, 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, January 6, 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:

Timothy Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Purcell, seconded by Alderman Anderson 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Procurement Card Provider

RECOMMENDATION: That Commerce Bank be authorized to continue as the Procurement Card Provider for the City PCard program for a contract period of three (3) years, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: On February 26, 2007, Council authorized staff to obtain proposals from financial institutions for the purpose of providing a PCard program to the City. The purpose of the PCard program is to streamline and simplify the purchasing and payment processes for small dollar transactions. The program is designed to shorten the approval process and reduce paperwork for procurement procedures such as purchase orders, petty cash, check requests, and expense reimbursements. Additionally, the City required a program that would provide a rebate (payment to the City) on purchases. The term for the original contract was for three (3) years, with (two) three year renewal options. The purpose for the longer term is due to the length of time and human resources that would be required for both the City and bank staff to implement the program. Additionally, this is not a service that should go through an annual change out.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: There are no costs to the City. Commerce Bank offers the City a twenty-five (25) day grace period to pay the monthly statement. Commerce Bank will continue to provide the City with a monthly revenue share based on the net average spent per month. The City has received \$96,432 of revenue share in the first contract term since 2007.

The City's credit limit for the PCard program is \$1,800,000 which includes PCard usage and Accounts Payable (AP) that are enrolled in the AP program known as "Push-Pay".

Respectfully submitted for Council consideration.

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

Kim Nicholson
Purchasing Agent

Tim Ervin
Director of Finance

J. Todd Greenburg
Corporate Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Anderson that Commerce Bank be authorized to continue as the Procurement Card Provider for the City PCard program for a contract period of three (3) years, 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of a Forensic Computer for Police Cyber Crimes Unit

RECOMMENDATION: That a Forensic Computer be purchased from Forensic Computers, Inc. in the amount of \$12,149, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: Due to the addition of a Cybercrime Detective, there is a need for an additional specialized forensic computer. The forensic computer is used for performing forensic analysis in support of cybercrime investigations. This computer is a very powerful, purpose built tool that is engineered to provide the ability to connect to and perform forensics on a wide variety of computers and peripherals available in the marketplace. This forensic work requires high performance and places stresses on the system above what a typical home or business computer would support.

The existing computers currently in use were purchased from Forensic Computers, Inc., Glen Lyn, VA. Staff's previous and current research determined that Forensic Computers, Inc. to be a premier provider for this type of system. As such, staff has requested and received a proposal for the replacement system.

Forensic Computers, Inc. is the sole source provider of the specialized forensic computer system. The act of collecting computer evidence and performing forensic analysis of that evidence places unrealistic demands on the standard computer system. Forensic Computers, Inc. has developed a testing methodology that exceeds these demands and insures data integrity.

Staff respectfully requests permission to purchase a Forensic Tower IV Dual Xeon Quad Core 0 (FTK Ready) in the amount of \$12,149.00, from Forensic Computers, Inc. The amount has been budgeted in line item G11610-72120, Capital Outlay Computer Equipment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: \$12,149 has been budgeted in G11610-72120, Capital Outlay Computer Equipment.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Randall D. McKinley
Chief of Police

Scott Sprouls
Information Systems

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Anderson that a Forensic Computer be purchased from Forensic Computers, Inc. in the amount of \$12,149, 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of Five (5) Undercover Vehicles for the Police Department

RECOMMENDATION That five (5) vehicles be purchased for use as undercover vehicles for the Police Department's Vice Unit in the amount of \$79,833, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND Over time it becomes necessary for undercover police vehicles to be replaced due to age and recognition. The Police Department needs to purchase five (5) vehicles, (four (4) used vehicles and one (1) new vehicle). The new vehicle will be purchased under the State of Illinois Joint Purchasing Contract.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: \$79,833 for this purchase are available in the Drug Enforcement Fund X20900-72130.

Respectfully submitted for Council consideration.

Prepared by:

Financial review:

Recommended by:

Randall D. McKinley
Chief of Police

Tim Ervin
Director of Finance

David A. Hales
City Manager

RESOLUTION NO. 2011 - 01

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FIVE (5) VEHICLES BE PURCHASED FOR
USE AS UNDERCOVER VEHICLES FOR THE POLICE DEPARTMENT'S VICE UNIT
AT A PURCHASE PRICE OF \$79,833**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to purchase five (5) vehicles for use as undercover vehicles for the Police Department's Vice Unit at a purchase price of \$79,833.

ADOPTED this 10th day of January, 2011.

APPROVED this 11th day of January, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Purcell, seconded by Alderman Anderson that five (5) vehicles be purchased for use as undercover vehicles for the Police Department's Vice Unit in the amount of \$79,833, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for the Construction of a High Efficiency Carbon Dioxide (CO₂) Direct Injection System and the Construction of an Access Hatch for Sludge Blow Down Pumps at the Water Treatment Plant

RECOMMENDATION: That the bid be awarded to Johnston Contractors, Inc. in the amount of \$525,600, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The Water Treatment Plant uses lime to reduce the hardness of the water it delivers to citizens. The addition of lime increases the pH of the water to levels where the water is very alkaline and not acceptable to regulators and customers. Therefore, the pH of the water must be lowered. This is accomplished through the use of CO₂ which forms a weak acid when injected into the water and thus lowers the pH. The proposed system takes CO₂ and directly injects it into the water in an efficient manner. This direct injection system, due to its efficiency, will reduce the amount of CO₂ that is used each year. As an added benefit, the use of this system is expected to reduce the incrustation of calcium compounds on the interior of some of the pipes in the water treatment facility. This will, in turn, increase the hydraulic capacity of the facility.

The other portion of this bid is the construction of an access hatch over the sludge blow down pumps for the clarifiers in the facility. These pumps take sludge that is created in the clarification and lime softening processes and remove it to the sludge lagoons. The pumps deal with very abrasive lime sludge and need continuous maintenance. Unfortunately, the only way the pumps can be removed for maintenance is to literally winch the pumps up a stairwell once they are removed from their mounts. Since the pumps are very heavy, this is a time consuming and dangerous job. The new hatch will allow for much safer and efficient removal of the pumps from their mounts through the use of a portable chain hoist which can be located directly over the pumps through the new hatch.

Requests for bids for the project were advertised and sealed bids were opened at 2:00 p.m., December 1, 2010. The following is the summary of the bids received:

Bidder	Written Total Base Bid Amount	Item # 1	Item # 2	Item # 3	Item # 4	Item # 5	Item # 6	Sum of items 1-6
Johnston Contractors	\$525,600	\$475,000	\$9,400	\$18,100	\$21,000	\$1,200	\$900	\$525,600
Tarter Construction	\$538,502*	\$492,277	\$10,591	\$20,954	\$10,857	\$1,677	\$1,677	\$538,033
George Gildner, Inc.	\$554,400	\$506,000	\$12,300	\$24,700	\$8,000	\$1,700	\$1,700	\$554,400
A & R Mechanical	\$664,520	\$568,000	\$9,720	\$35,050	\$50,000	\$750	\$1,000	\$664,520

*Tarter Construction's overall total was incorrect. The sum of all the bid items was \$538,033 and the written total for their base bid was \$538,502. This \$469 error did not alter the bid order in any fashion.

Staff and AECOM, Inc., design engineering firm, have analyzed the bids and found them to be in order. The engineer's estimate for this project was \$525,000. Staff respectfully recommends that Council accept the least cost, qualified bid, and award the contract to Johnston Contractors, Inc., in the amount of \$525,600.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was placed in the Pantagraph. Nine (9) bids were provided to appropriate vendors. An Addendum was issued. Four (4) vendors submitted a bid.

FINANCIAL IMPACT: This project will require the payment of up to \$525,600 from the Water Department Depreciation Fund, X50200. This fund has a positive balance. This project is included in the 2010 - 2011 capital budget for the Water Department in the amount of \$350,000. Since this project was bid at \$525,600, an additional \$175,600 will be spent from the Water Depreciation Fund if the project is approved. It is anticipated that at least two (2) projects planned for this fiscal year will not expend their budgeted amounts by at least \$500,000. These

dollars can be utilized to cover the difference between the amount budgeted for the CO₂ system, while keeping the overall Depreciation Fund for the Water Department under budget.

Respectfully submitted for Council consideration.

Prepared by:

Financial reviewed:

Recommended by:

Craig M. Cummings
Director of Water

Tim Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Anderson that the bid be awarded to Johnston Contractors, Inc. in the amount of \$525,600, 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Request for Proposals (RFP) for Lockbox Services for Water Utility Bills

RECOMMENDATION: That the Proposal be awarded to Commerce Bank for a period of four (4) years and one (1) two (2) year renewal period, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: In November 2010, the City issued a Request for Proposal (RFP) for lockbox services for water utility bills generated by the City. A lockbox service is a service offered by financial institutions that simplify the collection and processing of utility payments by having customer payments mailed directly to a location accessible by a financial institution. The financial institution collects and processes the payments then deposits the payments into the City's account. The financial institution compiles the multiple payments into one (1) payment file which can be imported into the City's utility software. This process allows payments to be quickly and efficiently applied to customer accounts. The prior lockbox RFP was issued in August 2004. During Budget Work Sessions, staff informed Council that this service was due to be rebid in the current fiscal year. The contract signed in 2004 has expired and staff determined that the service should be rebid to ensure optimal pricing.

Before issuing the Lockbox Service RFP, staff examined whether this outsourced service should be reabsorbed into City operations. It was determined that for staff to provide this service, it would require hiring one (1) additional full time employee, incurring not only an additional salary, but additional insurance and pension costs. The cost of providing this service in house would surpass the cost of continuing to outsource.

Fifteen (15) RFPs for lockbox services were mailed with six (6) responses received. The list of vendors was taken from a list of financial institutions listed in the telephone book in addition to financial institutions that were on the City's bid list maintained by the Purchasing Agent.

Staff respectfully recommends that Council accept the proposal from Commerce Bank for a period of four (4) years and one (1) two (2) year renewal period, subject to cancellation by either party with a ninety (90) day notice. Commerce Bank has the lowest per unit and overall cost. Staff's analysis reviewed other costs associated with this service such as account maintenance fees, check clearance fees, etc. Commerce Bank currently provides similar lockbox services to the Town of Normal and McLean County. Staff has contacted these institutions and received strong recommendations. The references expressed a positive opinion on the willingness and accessibility Commerce staff demonstrated to the needs of their operations.

Furthermore, in 2010, Commerce was ranked the third (3rd) best bank in the nation by Forbes Magazine. In 2009, it was ranked the seventh (7th) top performing bank in the United States by Bank Director's Magazine. Commerce Bank is the largest bank by market share which has not applied for nor taken Troubled Asset Recovery Plan (TARP) funds. For the past three (3) years, Commerce Bank has received the highest ranking from JD Power and Associates for Customer Satisfaction in the Midwest Region. It has created a culture among its employees where volunteerism and charitable giving are encouraged. This has led to its employees being involved in multiple charitable organizations within the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: RFP's mailed to area financial institutions and a notice was published on September 24, 2010 in the Pantagraph.

FINANCIAL IMPACT: Each financial institution which remitted an RFP prepared a cost proposal. With lockbox services, a significant cost element incurred by the City is the processing fee applied with each utility stub handled by the service. Currently, the City pays approximately \$0.13 per stub processed with Regions Bank. These fees are paid from the Water Enterprise Fund. The following charts outlines the processing fee applied to each utility stub in the cost proposals submitted by each financial institution.

Lock Box Service	Per item rate
Current rate	\$0.13
Commerce Bank	\$0.11
US Bank	\$0.20
Busey Bank	\$0.19
Regions Bank	\$0.25
JP Morgan	\$0.25

Central Illinois Bank

\$0.25

The City incurs others fees related to general account services, depository services, and information services. Staff selected these items and prepared the following monthly cost analysis which compares the difference in the outsourcing and in house cost of services. This set up a line by line comparison of various charges including the per item rate that are included within the RFP. The comparison ensured the same level of activity was reflected across all proposers to establish an equal comparison.

Lock Box Service		
	Monthly Cost	Yearly Cost
Commerce Bank	\$2,551.70	\$30,620.40
Busey Bank	\$3,049.00	\$36,588.00
US Bank	\$3,696.00	\$44,352.00
In-house	\$4,161.33	\$49,936.00
JP Morgan	\$4,765.00	\$57,180.00
Regions Bank	\$4,854.20	\$58,250.40
Central Illinois Bank	\$5,057.50	\$60,690.00

The cost of the lockbox service has been budgeted in account X50110-79990.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy L Ervin
Director of Finance

Craig Cummings
Director of Water

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Anderson that the proposal be awarded to Commerce Bank for a period of four (4) years and one (1) two (2) year renewal period, 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Extension of Arthur J. Gallagher (Gallagher), Insurance Broker for Worker's Compensation and Property Casualty

RECOMMENDATION: That the extension be granted to Gallagher in the amount of \$75,000 for two (2) years, (May 1, 2011 through April 30, 2013) and that the Mayor and City Clerk are authorized to execute necessary documents.

BACKGROUND: On April 12, 2010, Council approved a one (1) year contract with Gallagher to provide Worker's Compensation and Property Casualty Insurance Coverage. Gallagher proposed a three (3) year Insurance Broker contract for \$37,500 each year. At that time, staff and Mike Nugent, the City's Insurance Consultant, decided not to recommend a three (3) year contract as the relationship was new. Staff wanted to ensure that Gallagher was the right fit for the City.

Gallagher and the City are now into seventh (7th) month of the one (1) year contract. Gallagher has performed well for the City. They are very responsive to any issues that have been raised; negotiated insurance prices on additional City property as needed and more importantly, greatly reduced the City's insurance premiums.

In the best interest of the City, Mike Nugent negotiated with Gallagher to replace the City's current contract with the attached contract, for the second and third years of service at \$37,500 per year. The City will benefit from locking in the fees due to an increasing fee environment.

Staff respectfully requests that Council approve the new contract, allowing Gallagher to concentrate on renewal negotiations for the City's Worker's Compensation and Property Casualty ahead of the May 1, 2011 coverage renewal date. There is also a thirty (30) day written notice of cancellation provision for any reason, including poor performance.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The citizens of the City.

FINANCIAL IMPACT: The cost for the two (2) year contract to provide Insurance Broker Services is \$75,000. This fee does not include the projected cost for insurance premiums of \$600,000. The \$75,000 will be budgeted and paid from the Casualty Fund Account Number: 6015-60150-70720.

Respectfully submitted for Council consideration.

Prepared by:

Barbara J. Adkins
Deputy City Manager

Financial review:

Reviewed by:

Kim Nicholson
Purchasing Agent

Reviewed as to legal sufficiency:

Tim Ervin
Finance Director
Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

AGREEMENT

THIS AGREEMENT is made and entered into and effective this 1st day of May, 2010 (“Effective Date”) by and between City of Bloomington (IL) (“Client”), and ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC., an Illinois corporation (“Gallagher”).

I. TERM AND TERMINATION

This Agreement shall commence on the Effective Date for a term of three (3) years and shall automatically renew on the first anniversary of the Effective Date and annually thereafter for an additional one (1) year term but may be terminated by either party at any time upon thirty (30) days prior written notice. This agreement will remain in effect until April 30, 2013.

II. OBLIGATIONS OF GALLAGHER

Gallagher will provide the services set out on Exhibit A attached hereto (collectively, The “Services”) to Client. Gallagher will use its commercial best efforts to secure such insurance coverages on Client’s behalf. In the event an insurance company cancels or refuses to place such coverages, Gallagher will use its commercial best efforts to obtain the coverage from another insurance company.

III. OBLIGATIONS OF CLIENT

Gallagher will write policies on behalf of Client for the coverages set out in Exhibit A attached hereto (“Policies”) net of commission, and will not earn or retain any commissions on the Policies. In lieu of receiving commissions, Gallagher will charge and Client will pay an annual fee of \$37,500 during the term hereof payable upon inception for the Services. The Policies renew on May 1st of each year. If additional services are required, other than those set out in Exhibit A, Client agrees to compensate Gallagher for those services at its usual and customary rates.

IV. DISCLOSURES

A. In addition to such fees and commissions provided herein, Gallagher may also receive investment income on fiduciary funds temporarily held by it, such as premiums or return premiums. Other parties, such as excess and surplus lines brokers, wholesalers, reinsurance intermediaries, underwriting managers, captive managers and similar parties, some of which may be owned in whole or in part by

Gallagher's corporate parent, may earn and retain usual and customary commissions and fees in the course of providing insurance products to clients. Any such fees or commission will not constitute compensation to Gallagher under Section III. above. Gallagher agrees that it shall not accept contingent commissions on any of Client's placements.

- B. Where applicable, insurance coverage placements which Gallagher makes on Client's behalf, may require the payment of federal excise taxes, surplus lines taxes, stamping or other fees, to the Internal Revenue Service (federal), various state(s) departments of revenue, state regulators, boards or associations. In such cases, Client is responsible for the payment of such taxes and/or fees, which will be identified separately by Gallagher on invoices covering these placements. Under no circumstances will these taxes or other related fees or charges be offset against the amount of Gallagher's brokerage fees or commissions referred to herein.

V. INDEMNIFICATION

- a. Gallagher agrees to indemnify and hold Client harmless from any loss, cost, damage, or expense (including reasonable attorney's fees) arising from the negligent acts or omissions of Gallagher.
- b. Client agrees to indemnify and hold Gallagher harmless from any loss, cost, damage, or expense (including reasonable attorney's fees) arising from the negligent acts or omissions of Client, including any financial obligation to pay premiums to any insurance company.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first written above.

Arthur J. Gallagher Risk Management Services, Inc.

City of Bloomington (IL)

By:

By: Stephen F. Stockton
Mayor

Date:

Date: January 11, 2011

EXHIBIT A
City of Bloomington
BROKERAGE SERVICES FOR POLICY TERM 5/1/2010 to 4/30/2013

Insurance coverages include: Property/Inland Marine, Auto Physical Damage, Auto Liability, General Liability, Public Officials including Employment Practices Liability, Employee Benefits Liability, Law Enforcement, Terrorism, Excess Liability Excess Workers Compensation, Crime, and Boiler and Machinery.

1. Prepare Renewal Strategy Plan for Client and Risk Management Consultant;
2. Prepare Renewal Spreadsheets and forms. Obtain renewal information from the Client and Consultant;
3. Produce comprehensive submissions, based on underwriting data compiled and present to each selected market;
4. Provide the Client and Risk Management Consultant a detailed renewal proposal outlining pricing and coverage information within requested time-frame;
5. Market and bind coverage as instructed by the Client and the Risk Management Consultant;
6. Arrange for binders to be prepared and deliver binders to the Client and copy to Risk Management Consultant ;
7. Review the accuracy of all policies and obtain corrections where needed in a timely manner;
8. Distribute copy of policies to both the Client and Risk Management Consultant;
9. Process endorsement requests with carriers as requested by the Client and the Risk Management Consultant;
10. Issue or arrange for issuance of Auto ID cards and Certificates of Insurance as requested by the Client and Risk Management Consultant;
11. Act as Liaison if necessary between claims TPA and Client;
12. Prepare for and attend meetings, as requested by the Client/Consultant/Board;
13. Review Insurance Contracts and Certificates.

Alderman Stearns noted that the contract would be extended. She questioned if this item was put out for formal bid. David Hales, City Manager, reminded the Council that this item went through the formal bid process during this calendar year. Typically, insurance contracts were for a two to three (2 – 3) year period. This firm had successfully completed the initial year with the City. This item would extend the agreement to a typical time frame. Mayor Stockton noted that this item would be put out for formal bid in the near future.

Alton Franklin, 5 Andy Court, Unit 1, addressed the Council. He noted that only two (2) items on the meeting agenda were listed as an analysis of bid. Mr. Hales directed Mr. Franklin to the Council packet which contained the staff's reports.

Motion by Alderman Purcell, seconded by Alderman Anderson that the extension be granted to Gallagher in the amount of \$75,000 for two (2) years, (May 1, 2011 through April 30, 2013), 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Professional Services Contract for the Bloomington Center for Performing Arts

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

BACKGROUND: Staff respectfully requests approval of contract to engage persons and/or groups represented by Creative Artists Agency to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Contract expenses for the contract will be \$35,000. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

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

FINANCIAL IMPACT: Funding for these contracts will come from account X21100-70220 of the BCPA's 2010-11 budget, to be offset by future revenues from ticket sales, grants, playbills, concessions, advertising, and sponsorships. These revenues are also targeted to offset the additional artist expenses for travel, meals and lodging.

Respectfully submitted for Council consideration.

Prepared by:

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

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Purcell, seconded by Alderman Anderson that the contract 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Parade Resolution

RECOMMENDATION: That the Resolution be adopted.

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

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed as to legal sufficiency:	Recommended by:
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Tracey Covert
City Clerk

J. Todd Greenburg
Corporate Counsel

David A. Hales
City Manager

RESOLUTION NO. 2011 - 02

RESOLUTION REGARDING TEMPORARY CLOSING OF STATE RIGHT OF WAY ANNUAL COMMUNITY EVENTS

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

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

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

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

SECTION 1

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

SECTION 2

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

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

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

SECTION 7

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

PRESENTED and ADOPTED this 10th day of January 2011.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Purcell, seconded by Alderman Anderson that Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of T.S.S.O. North, Inc. for a change of corporation Heartland Apple Bloomington, LLC, d/b/a Applebee's Neighborhood Grill & Bar, located at 502 N. Veterans Parkway, 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 Heartland Apple Bloomington, LLC, (f/k/a T.S.S.O. North, Inc.), d/b/a Applebee's Neighborhood Grill & Bar, located at 502 N. Veterans Parkway, be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Heartland Apple Bloomington, LLC, d/b/a Applebee's Neighborhood Grill & Bar, located at 502 N. Veterans Parkway, requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, (currently the license holder is T.S.S.O. North, Inc.). Present at the hearing were Liquor Commissioners Stephen Stockton, Marabeth Clapp, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He noted that no one was present to represent the License holder.

Tracey Covert, City Clerk, informed the Commission that a new corporation had been formed with the same corporate officers.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the December 14, 2010 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 corporation. 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 Purcell, seconded by Alderman Anderson that an RAS liquor license for Heartland Apple Bloomington, LLC, (f/k/a T.S.S.O. North, Inc.) d/b/a Applebee's Neighborhood Grill & Bar, located at 502 N. Veterans Parkway, 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

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

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an LB liquor license be created for OSF St. Joseph Medical Center Foundation for a fund raiser to be held on February 18, 2011 from 6:00 - 8:30 p.m. at Eastland Medical Plaza I, Atrium, 2200 E. Washington St., contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of OSF St. Joseph Medical Center Foundation for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioners Steven Stockton, Marabeth Clapp, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk; and Patricia O'Dell, Foundation Executive Director and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Patricia O'Dell, Foundation Executive Director and Applicant representative, began by informing the Commission that this application was for a fund raiser for the OSF St. Joseph Medical Center Foundation to be held at the Eastland Medical Plaza I Atrium on Friday, February 18, 2010 from 6:00 to 8:30 p.m. This request was for a Limited License for a nonprofit corporation.

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

Commissioner Gibson arrived at 4:10 p.m.

Commission Clapp questioned who would act as servers. Mrs. O'Dell noted that OSF was working Specialty Imports, Peoria (beer service). She was still in the process of securing a local

vendor to handle the wine. George Boyle, Asst. Corporation Counsel, cautioned that Specialty Imports cannot accept orders at the event. Acceptance of same would be the point of sale. Specialty Imports may act as the event's caterers/distributors. Mrs. O'Dell expressed her understanding of same and would share this information with Specialty Imports.

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

Mrs. O'Dell estimated the event attendance at 200. The event recognized OSF/St. Joseph's donor base. Dollars raised from this year's event will be used to meet the Foundation's pledge to the hospital. These dollars will be directed towards a new birthing center. Commissioner Stockton informed the Applicant that the license fee would be waived as in the past.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the December 14, 2010 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Purcell, seconded by Alderman Anderson that an LB liquor license be for OSF St. Joseph Medical Center Foundation for a fund raiser to be held on February 18, 2011 from 6:00 – 8:30 p.m. at Eastland Medical Plaza I, Atrium, 2200 E. Washington St., 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, Huette, Schmidt, McDade, Anderson, Hanson, 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 May 27, 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 May 27, 2011 be passed.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Jerome and Tammie Bossingham to allow moderate consumption of alcohol at their daughter's wedding reception on May 27, 2011 to be held at Davis Lodge at Lake Bloomington from 5:30 until 12:00 a.m., (midnight). Present at the hearing were Liquor Commissioners Stephen Stockton, Marabeth Clapp, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Jerome Bossingham, requester.

Commissioner Stockton opened the liquor hearing. The Commission had agreed to allow moderate consumption of alcohol at the Davis Lodge on a trial basis. Jerome Bossingham, requester, addressed the Commission. They had hired CJ's Restaurant located at 2901 E. Empire St., to cater their daughter's wedding reception. They hoped to offer beer and wine to the estimated 100 guests.

Commissioner Gibson questioned if there was another way to address these requests. He recommended that a form be created and the City grant the Mayor as Liquor Commissioner the authority to approve these requests. Commissioner Stockton reminded the Commission of the goal to allow six to twelve, (6 - 12), of these requests and evaluate same. At that point, a policy would be developed.

Commissioner Clapp questioned the caterer's responsibilities. Commissioner Stockton stated that the license holder was the responsible party. CJ's was licensed, bonded and insured. This fact provided the Commission with the authority to address any violations.

Commissioner Clapp questioned outdoor consumption. Commissioner Stockton noted that no one from the Water Department was present at these events. The McLean County Sheriff's Department has authority as the Lodge is located in rural McLean County. The City conducts Lake Bloomington patrols.

Mr. Bossingham informed the Commission that McLean County also required a liquor license, (Special Event).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the December 14, 2010 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,

Stephen F. Stockton
Chairman of Liquor Commission

Reviewed and concur:

Randall D. McKinley
Police Chief

ORDINANCE NO. 2011 - 01

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, Jerome and Tammie Bossingham are planning to hold their daughter's wedding reception at the Lake Bloomington Davis Lodge from 5:30 p.m. to 12:00 a.m. (midnight) on May 27, 2011; and

WHEREAS, Jerome and Tammie Bossingham 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 May 27, 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 10th day of January, 2011.

APPROVED this 11th day of January, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Purcell, seconded by Alderman Anderson 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 May 27, 2001 be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to Chapter 6. Alcoholic Beverages, Section 1. Definitions, Tasting

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that the Text Amendment be approved and Ordinance passed.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton opened the discussion regarding the Text Amendment to Chapter 6, Section 1. Tastings. Present at the hearing were Liquor Commissioners Stephen Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Stockton introduced this item which had appeared before the Commission at their September 14, 2010.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that the tasting text amendment would allow "spirits". Currently, the code only allowed tastings of beer and wine. He had reviewed the Town of Normal's ordinance. He had added "and spirits" to the current code. The Commission had the option to 1.) limit the amount for spirits; 2.) make no change to the existing code; and/or 3.) limit the number of servings and/or duration of tastings. The Town's ordinance addressed all of these options. He read from the Town's ordinance. The Town also has a tastings license which has a \$50 fee.

Commissioner Stockton expressed his opinion that this would be a simple change.

Commissioner Clapp noted that one ounce (1 oz.) represented a serving of spirits. Commissioner Tompkins noted that an American serving was one and a half ounces, (1½ oz.). Commissioner Gibson also expressed his concern regarding the volume of alcohol. Mr. Boyle suggested that the code state “not more than an ounce”. Commissioner Clapp expressed her preference for a half ounce (½ oz.) limit.

Matt Dunn, Manager at Friar Tuck located at 2401 Maloney, currently holding a PAS liquor license addressed the Commission. He planned to limit spirits tastings to just a taste, (i.e. less than a half ounce). He believed that placing limitations on spirit tastings would be beneficial.

Commissioner Gibson questioned if any liquor license holder would be allowed to host tastings. Tracey Covert, City Clerk, noted that tastings were generally hosted by larger retailers. She cited Friar Tuck and large grocery stores. She added that A. Renee has also hosted tastings. Mr. Boyle added that Normal had seen tastings in some of its smaller retailers.

Commissioner Stockton did not want to see tastings hosted by establishments holding a “G”, Gasoline, license classification.

Commissioner Petersen read from the current Alcoholic Beverage code. He cited Section 1. Definitions, Wine and Beer Tasting (E). He questioned the term “licensed registered tasting representative”. Mr. Dunn noted this would be someone employed by the license holder, a winery representative, etc. He added that there were states that had required training. The training generally addressed the process to insure that there would not be any over serving.

Commissioner Gibson questioned if there would be tastings of high end spirits. Mr. Dunn responded affirmatively. In addition, ready to consume cocktails would be offered.

Mr. Boyle questioned tasting hours. Mr. Dunn noted that tastings were generally held on Saturday from 1:00 to 4:00 p.m. Mr. Boyle questioned if Friar Tuck had employees and guest distributors host the tastings. Mr. Dunn responded affirmatively.

Commissioner Stockton recommended the following changes to the draft ordinance: 1.) Section 1. Definitions, Wine and Beer and Spirits Tasting (A) spirit tastings would be limited to one half ounce, (½ oz.) or less; and 2.) add (F) tastings would not be allowed by class “G” Gasoline license holders.

Commissioner Tompkins questioned if the City was interested in a tastings license. Commissioner Stockton noted that liquor license fees had not been raised in twenty-eight (28) years. The Commission would be discussing this issue. He added that a tasting license would be practical and should be included in the license fee discussion.

Mr. Dunn expressed his opinion that license holders who were interested in hosting tastings would be willing to pay the fee.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the December 14, 2010 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 at this time.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

ORDINANCE NO. 2011 - 02

**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 6**

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

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

Wine, ~~and Beer~~ and Spirits Tasting: A supervised presentation of beer, ~~and wine or spirits~~ products to the public, offered free of charge or for a fee, in which small quantities of beer, ~~and wine or spirits~~ are served for consumption on the premises as a sample of the product being sold by the license holder and which meets the following conditions:

- A. Samples of beer are offered in amounts of 2 ounces or less, ~~and~~ samples of wine are offered in amounts of 1 ounce or less and samples of spirits are offered in amounts of ½ ounce or less.
- B. A maximum of two tastings may be conducted during any week.
- C. ~~Three hour maximum duration for each tasting~~ Each tasting shall have a maximum duration of three hours.
- D. No tasting shall take place after 9:00 o'clock p.m.
- E. ~~Beer and wine~~ All samples shall be poured by the licensee, an employee of licensee or a licensed Registered Tasting Representative.
- F. No tastings shall occur at premises of license holders with a GPB or GPA license.

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 passage and approval.

PASSED this 10th day of January, 2011.

APPROVED this 11th day of January, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Purcell, seconded by Alderman Anderson 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of a Final Plat for Tanner Street Subdivision commonly located south of Miller Lake and east of Morris Avenue (Ward 2)

RECOMMENDATION: That the Final Plat be approved and the Ordinance passed.

BACKGROUND: On November 14, 2005, April, 23, 2007 and June 25, 2007, Council approved the purchase of four (4) private properties located south of Miller Lake and adjacent to Tanner Street. These parcels were purchased in order to allow for the improvement of Miller Lake Dam and reconstruction of a portion of Tanner Street. The section of Tanner Street to be reconstructed is between Lake Drive and Morris Avenue and will be south of the existing Tanner Street in order to accommodate the improvements to Miller Lake Dam. The subject Plat dedicates the right of way and easements for the proposed construction and creates a lot for future park facilities.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Since all property included in the Plat is owned by the City, the subdivision will not generate any property tax revenue. Construction of Tanner Street is necessary in order to provide adequate access for residents and emergency service vehicles to Springfield Road north of Veterans Parkway. As part of the State's reconstruction of the Veterans-Morris-Six Points intersection, a cul-de-sac will be installed on Springfield Road north of Veterans Parkway adjacent to Forrest Park.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch
Director of Public Works

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes the City of Bloomington 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 of the premises hereinafter legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the “premises”) and depicted by the Final Plat of the Tanner Street Subdivision, Bloomington, Illinois prepared by the Farnsworth Group on March 19, 2010, which is attached hereto and incorporated herein.
2. That your Petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as the Tanner Street Subdivision, Bloomington, Illinois.
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960, as amended: 3.5.6 Waiver of Preliminary Plan.
4. That your Petitioner hereby dedicates to the public, all public right of way and easements shown in said Final Plat.

WHEREFORE, your Petitioner respectfully prays that said Final Plat for the Tanner Street Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Stephen F. Stockton
Mayor

ORDINANCE NO. 2011 - 03

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE TANNER STREET
SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Tanner Street Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: Section 3.5.6 Waiver of Preliminary Plan; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the Tanner Street Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 10th day of January, 2011.

APPROVED this 11th day of January 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Tanner Street Subdivision Legal Description

Lots 1 through 5, inclusive, in the County Clerk's Subdivision of Lot 6 and also, Lot 7, except the East 242 feet thereof, all in the Subdivision of the Southeast Quarter of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, Mclean County, Illinois per plat recorded in Deed Book 34 at page 73 in the Mclean County Recorder's Office. Said property contains 5.98 acres, more or less.

Tax Identification Numbers: 21-08-430-001, 21-08-430-012, 21-08-430-013, 21-08-430-014

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petitions from Trunk Bay Construction Requesting Approval the Vacation of an existing Utility Easement on Lots 80 & 81 and the Dedication of a new Utility Easement on Lot 80 in the Second Addition to Royal Links Subdivision (Ward 3)

RECOMMENDATION: That the Vacation and Dedication be approved and the Ordinances passed.

BACKGROUND: On August 14, 2006, Council approved the final plat for the Second Addition to Royal Links Subdivision. Lots 80 & 81 are located on the south side of Baer Road, just west of Alana Way. The petitioner has requested to vacate the existing ten foot (10') wide utility easement which is centered on the lot line of the two lots, and to dedicate a new ten foot (10') wide utility easement that is five feet (5') west of the aforementioned lot line. A City street light cable is located within the existing easement. The street light cable will be relocated to the new easement at the petitioner's cost.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Letters from local utility companies indicating their approval of the easement vacation and dedication have been received.

FINANCIAL IMPACT: The cost for all utility relocations and plat preparation and filing will be borne by the petitioner.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR VACATION OF A 10' UTILITY EASEMENT

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes Trunk Bay Construction, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested as Owner in the premises hereinafter described in Exhibits A and B attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the vacation of Easement adjacent to said premises;
3. That said vacation of Easement is reasonable and proper because such Easement is not needed for public right of way by said City, its only use being the location of existing or proposed utilities.

WHEREFORE, your Petitioner prays that the 10' Easement be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: Kevin Tuuk
Representative of Trunk Bay Construction

ORDINANCE NO. 2011 - 04

**AN ORDINANCE PROVIDING FOR THE VACATION OF
10' UTILITY EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of a 10' utility easement at Lots 80/81 Royal Links Subdivision; 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 vacation; and

WHEREAS, it is reasonable and proper to vacate said 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 a 10' easement adjacent to both Lots 80/81 Royal Links Subdivision is hereby vacated.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated 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 10th day of January, 2011.

APPROVED this 11th day of January, 2011.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Utility Easement to be Vacated:

The West 5 feet of Lot 81 and the East 5 feet of Lot 80 in the Second Addition to Royal Links Subdivision in the City of Bloomington per plat recorded September 12, 2006 as Document No. 2006 – 25260, in McLean County, Illinois, except therefrom the North 15 feet thereof and also, except therefrom the South 20 feet thereof.

PETITION FOR DEDICATION OF A 10’ UTILITY EASEMENT

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes Trunk Bay Construction, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your Petitioner is interested as Owner in the premises hereinafter described in Exhibits A and B attached hereto and made a part hereof by this reference;
- 2. That your Petitioner seek approval of the dedication of Easement adjacent to said premises.

WHEREFORE, your Petitioner prays that the 10’ Easement be dedicated with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: Kevin Tuuk
Representative of Trunk Bay Construction

ORDINANCE NO. 2011 - 05

**AN ORDINANCE PROVIDING FOR THE DEDICATION OF
A 10' UTILITY 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 10' utility easement at Lots 80/81 Royal Links Subdivision; 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 vacation; and

WHEREAS, it is reasonable and proper to dedicate said 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 a 10' utility easement adjacent to both Lots 80/81 Royal Links Subdivision is hereby dedicated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 10th day of January, 2011.

APPROVED this 12th day of January, 2011.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT B

Utility Easement to be Dedicated:

The West 10 feet of the East 15 feet of Lot 80 in the Second Addition to Royal Links Subdivision in the City of Bloomington, per plat recorded September 12, 2006 as Document No.

2006 – 25260, in McLean County, Illinois, except therefrom the North 15 feet thereof and also, except therefrom the South 20 feet thereof.

Motion by Alderman Purcell, seconded by Alderman Anderson that the Vacation and Dedication be approved and the Ordinances passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: New World Systems Additional Software License Agreement

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

BACKGROUND: Staff respectfully requests to enter into an Additional Software License Agreement with New World Systems. New World Systems is the provider of the Computer-Aided Dispatch System (CAD) utilized in the Communications Center. The additional software is Web CAD Monitor. Web CAD Monitor allows authorized users to access the computer aided dispatch system from any City network computer. The Web CAD Monitor software will provide a cost benefit to the City. Currently, each licensed CAD workstation has a one time cost of \$1,000. Due to this cost, access has been granted sparingly to users who request CAD access. This has resulted in users who have a need for access being denied due to cost. With Web CAD Monitor, access will be granted without regard to cost to an unlimited number of users who have a valid need. This is especially important as the Fire Department has expanded to a five (5) stations and the Police Department has recently realigned divisions.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED Not applicable.

FINANCIAL IMPACT The cost to enter into the additional software license agreement with New World Systems is \$15,500. Travel expenses for installation and implementation are estimated at \$3,000 and will be billed at actual cost. A prorated maintenance fee will be added to the existing Standard Software Maintenance Agreement with New World Systems. Funds for the software license agreement and travel are budgeted in G15118-72120 (Communication Center/Computer Equipment).

Respectfully submitted for Council consideration.

Prepared by:

Randall D. McKinley
Police Chief

Financial Review:

Timothy Ervin
Director of Finance

Reviewed by:

Michael Kimmerling
Fire Chief

Recommended by:

David A. Hales
City Manager

ADDITIONAL SOFTWARE LICENSE AGREEMENT

December 10, 2010

Mr. Darren Wolf
City of Bloomington, IL
305 S. East Street
Bloomington, IL 61702-3157

Dear Mr. Wolf:

New World Systems is pleased to license you additional software per your request.

The attached forms (Exhibit AA and Proposal Summary dated 12/10/2010) are to be reviewed and approved by you and/or your authorized representative. They describe the additional software and services you have requested along with the related fees.

Other than for the purposes of internal review, we ask that you treat our fees as confidential information. This is due to the competitive nature of our business.

The General Terms and Conditions from our original License Agreement are incorporated and continue to apply. Any taxes or fees imposed from the course of this Agreement are the responsibility of the Customer.

We thank you for your continued business with New World Systems. We look forward to working on this project with you.

ACKNOWLEDGED AND AGREED TO BY:

NEW WORLD SYSTEMS CORPORATION
(New World)

CITY OF BLOOMINGTON, IL
(Customer)

By:

By: Stephen F. Stockton
Mayor

By: Tracey Covert
City Clerk

Date:

Date: January 11, 2011

Each individual signing above represents that (s)he has the requisite authority to execute this Agreement on behalf of the organization for which (s)he represents and that all the necessary formalities have been met.

PRICING VALID THROUGH DECEMBER 27, 2010

(EXHIBIT AA TOTAL COST SUMMARY AND PAYMENT SCHEDULE; AND BUDGETARY PROPOSAL SUMMARY ON FILE IN CLERK'S OFFICE)

Motion by Alderman Schmidt, seconded by Alderman Stearns that the Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: New World Systems Additional Services Agreement

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

BACKGROUND: Staff respectfully requests to enter into an Additional Services Agreement with New World Systems. New World Systems is the provider of the Computer-Aided Dispatch (CAD) System utilized in the Communications Center. The Additional Services Agreement is for software utilization and best practices review. This process will include evaluating and

verifying that all New World Systems licensed software is properly configured and utilized effectively. It will also include a review of current practices and procedures for software/hardware maintenance. The services will conclude with detailed recommendations for end-user training and utilization of under utilized features. The process includes six (6) days of onsite review and evaluation. The cost benefit of this agreement is unknown at this time. However, the software utilization study and best practices review may produce results which will increase the efficiency of staff and the utilization of the software. Those results could in turn lead to improvements that produce both cost savings and better service delivery.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost for Additional Services Agreement is \$9,600, plus an estimated \$3,000 in travel expenses. Funds are available in G15118-72120 (Communication Center/Computer Equipment).

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Reviewed By:	Recommended by:
Randall D. McKinley Chief of Police	Michael Kimmerling Fire Chief	Timothy Ervin Director of Finance	David A. Hales City Manager

ADDITIONAL SERVICES AGREEMENT

November 10, 2010

Mr. Darren Wolf
City of Bloomington, IL
305 S. East Street
Bloomington, IL 61702-3157

Dear Mr. Wolf:

New World Systems is pleased to provide you additional services per your request.

The attached forms (Exhibit AA and Proposal Summary dated 11/10/2010) are to be reviewed and approved by you and/or your authorized representative. They describe the additional software and services you have requested along with the related fees.

Other than for the purposes of internal review, we ask that you treat our fees as confidential information. This is due to the competitive nature of our business.

The General Terms and Conditions from our original License Agreement are incorporated and continue to apply. Any taxes or fees imposed from the course of this Agreement are the responsibility of the Customer.

We thank you for your continued business with New World Systems. We look forward to working on this project with you.

ACKNOWLEDGED AND AGREED TO BY:

NEW WORLD SYSTEMS CORPORATION
(New World)

CITY OF BLOOMINGTON, IL
(Customer)

By:

By: Stephen F. Stockton
Mayor

By: Tracey Covert
City Clerk

Date:

Date: January 11, 2011

Each individual signing above represents that (s)he has the requisite authority to execute this Agreement on behalf of the organization for which (s)he represents and that all the necessary formalities have been met.

The "Effective Date" of this Agreement is the latter of the two dates in the above signature block.

PRICING VALID FOR 30 DAYS FROM DATE REFERENCED ABOVE.

(EXHIBIT AA TOTAL COST SUMMARY AND PAYMENT SCHEDULE; AND BUDGETARY PROPOSAL SUMMARY ON FILE IN CLERK'S OFFICE)

The Council jointly discussed the New World software license and services agreements.

Alderman Schmidt had received an email from a resident. She questioned the overall plan. She specifically cited MetComm. It was her understanding that the City's system was not fully integrated. David Hales, City Manager, addressed the Council. MetComm was discussed at the Council's retreat and was an Action Agenda item. Progress had been made regarding the rebuilding of relationships. The City would move to StarCom21 in the near future.

Alderman Schmidt questioned the software and if the City would be in isolation. Randy McKinley, Police Chief, addressed the Council. New World was a complicated and expensive system. It must be continually updated. There were a number of CAD

(Computer Aided Dispatch) systems which were a part of the overall system. He cited the cost for view licenses and maintenance. New World was web based. By spending an additional \$15,000, the City could add as many view sites as were needed. The plan called for the addition of view licenses in the command areas of the Police and Fire Departments, and various units within the Police Department, (street crimes, vice, etc.). He also acknowledged that the Council had questioned travel expenses for New World staff. One (1) item addressed the software update, while the other would be a program review to determine best practices.

Alderman Stearns questioned the previous system. Darren Wolf, Communications Center Manager, addressed the Council. In the past, MetComm had used a similar product which also was web based. She questioned the communications center's annual budget. Mr. Wolf stated \$1.5 – 1.6 million. Chief McKinley noted that MetComm did not use New World. She also questioned the current staffing levels and if this update would improve staff efficiency. She believed that technology should be used to enhance staff's performance.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: A Resolution in Appreciation of the McLean County Abraham Lincoln Bicentennial Commission

RECOMMENDATION: That the Resolution be adopted.

BACKGROUND: The McLean County Abraham Lincoln Bicentennial Commission worked to commemorate Abraham Lincoln's Bicentennial Birthday. By bringing awareness to Abraham Lincoln the Commission also brought greater understanding to our citizens of the key role McLean County and two (2) contemporaries of President Lincoln, Judge David Davis and Jesse Fell, had in his nomination and election as the 16th President of the United States.

As a symbol of this historical event a three (3) person bronze statue of Lincoln, Judge David Davis and Jesse Fell has been placed in the newly named Lincoln Park outside the Bloomington

Center for the Performing Arts. The local artist who sculpted this statue was Andrew Jumonville, who uniquely captured the excitement and energy of this historical collaboration.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn S. Buydos
Executive Assistant

Stephen F. Stockton
Mayor

CITY OF BLOOMINGTON ILLINOIS

RESOLUTION NO. 2011 - 03

RESOLUTION OF APPRECIATION

WHEREAS, the McLean County Abraham Lincoln Bicentennial Commission was organized to commemorate Abraham Lincoln's Birthday; and

WHEREAS, by celebrating and bringing awareness to Abraham Lincoln's birthday the Commission brought greater understanding to citizens of the key role McLean County and two contemporaries of Abraham Lincoln, Judge David Davis and Jesse Fell had in Lincoln's nomination and election as the 16th President of the United States; and

WHEREAS, to honor and celebrate this Bicentennial, a bronze three person sculpture of Abraham Lincoln, Judge David Davis and Jesse Fell was created by local artist, Andrew Jumonville, who uniquely captured the excitement and energy of this historical collaboration; and

WHEREAS, the bronze sculpture has been placed in the newly named Lincoln Park outside the Bloomington Center for the Performing Arts for all citizens and visitors to view and enjoy for years to come.

NOW THEREFORE, the City of Bloomington, Illinois hereby congratulates the McLean County Abraham Lincoln Bicentennial Commission and wishes to thank them for their countless hours spent on this historical event which brought awareness to the key role McLean County and its residents played in the nomination and election of the 16th President of the United States, Abraham Lincoln.

ADOPTED this 10th day of January, 2011.

CITY OF BLOOMINGTON, ILLINOIS

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. He noted the statute of Abraham Lincoln, David Davis and Jesse Fell located in front of the Bloomington Center for the Performing Arts. The Commission had provided a number of commemorative events. He recognized that there were Commission members present at this evening's meeting. Each member would receive a copy of the Resolution.

Motion by Alderman Anderson, seconded by Alderman Purcell that the Resolution be adopted.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell, (viva voce).

Nays: None.

Motion carried.

The following was presented:

SUBJECT: 2011 Pavement Management Program

RECOMMENDATION: That staff be authorized to negotiate the 2011 General Resurfacing with Rowe Construction Company (Rowe) and to seek competitive bids for the 2011 Street and Alley Repair as part of the 2011 Comprehensive Pavement Management Program.

<u>Contract</u>	<u>Dollar Range</u>	<u>Percentage</u>
• 2011 General Resurfacing – (large streets)	\$1,950,000	78%
• 2011 Street and Alley Repair		
○ Small streets	\$ 250,000	10%
○ Patching areas	\$ 200,000	8%
○ Alley Resurfacing	\$ 50,000	2%
• 2011 Preservative Treatment	<u>\$ 50,000</u>	<u>2%</u>

\$2,500,000

100%

BACKGROUND: Staff has compiled a 2011 Pavement Management Program which takes a systematic and comprehensive approach to maintaining existing pavement within the City. In order to begin work as early as possible in the 2011 - 2012 Fiscal Year (FY), staff recommends the following schedule:

January 10, 2011 – Present 2011 Pavement Management Program to Council. Allow for evaluation and input by Council.

March 14, 2011 – Advertise for bids for 2011 Street and Alley Repair. Negotiate 2011 General Resurfacing contract.

March 28, 2011 – Open bids for 2011 Street and Alley Repair.

April 11, 2011 – Council approves contracts for 2011 General Resurfacing and 2011 Street and Alley Repair effective May 1, 2011.

May 1, 2011 – Execute contracts and encumber funds for the 2011 Pavement Management Program.

September 30, 2011 – Work complete for 2011 Pavement Management Program.

Last year all resurfacing contracts were publicly bid including: 1.) General Resurfacing; 2.) MFT, (Motor Fuel Tax), Resurfacing; 3.) American Recovery and Reinvestment Act, (ARRA), – Ireland Grove part one; 4.) Emergency Repair Program, (ERP),– Lincoln & Ireland Grove part two, and 5.) Street and Alley Repair. With the exception of the Street and Alley Repair contract, Rowe was the lone bidder. Staff has been successful in negotiating unit prices directly with this vendor in the past. This request is being made in order to make this program more cost effective. Staff has evaluated the merits of including comprehensive curb and gutter replacement when resurfacing various streets. Prices for curb and gutter can vary depending on the amount and location of the work. In general, replacing curb and gutter along with resurfacing will double the cost. It is recommended that the City continue with the current practice of replacing failing curb and gutter at selected locations.

In order to comply with the American with Disabilities Act, the City is required to bring sidewalk ramps into compliance when resurfacing a street. In order to be cost effective, sidewalk ramp compliance will be included with the 2011 Sidewalk Program. The work will be completed following resurfacing of the street.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: By starting the Pavement Management Program early in the construction season, it is anticipated that better unit pricing will be received. The FY 2011 – 2012 budget appropriation will include \$2,500,000 for the 2011 Pavement Management Program.

Recent history for Pavement Management Expenditures:

FY	Budget	Additional Information
2009 – 2010	\$1,000,000	<i>Borrowed from Water Fund</i>
2010 – 2011	\$1,500,000	
2011 - 2012	\$2,500,000	<i>Proposed</i>

Respectfully submitted for Council consideration.

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

Jim Karch, PE CFM
 Director of Public Works

Timothy Ervin
 Director of Finance

Todd Greenburg
 Corporate Counsel

Recommended by:

David A. Hales
 City Manager

Mayor Stockton introduced this item. David Hales, City Manager, addressed the Council. Maps with information had been provided to the Council during December 2010. This item addressed General Fund resurfacing for Fiscal Year 2011 – 2012. Staff planned to bid this project in early spring. Work would start in early summer and be completed by fall. Staff hoped to continue the process with Council’s vote this evening. General Fund resurfacing dollars had been increased by \$1 million. He reminded the Council that there was a backlog of streets in need of resurfacing. Council would be asked to consider increasing dollars which would be directed to the General Fund. Tanner St. would be a General Fund project but not part of the resurfacing bid. He stated that MFT (Motor Fuel Tax) funds would not be discussed this evening.

Jim Karch, Director – Public Works, addressed the Council. This evening was the second step in the process. The Pavement Management program was a proactive process. There was a map and a plan. He requested approval of same. He cited the map provided to the Council at their November 22nd meeting. He thanked the Council for their feedback. He stressed the expenditure of MFT dollars required additional work. These dollars were reserved for large capital projects.

Mr. Karch addressed the sole source provider for resurfacing. Staff had reached out in FY 2010 – 2011 to find additional vendors who would be willing to bid on this work. Historically, there has only been one (1) bidder. He noted the mobilization costs. Staff’s goal was to capitalize the use of City funds for this project. Eighty percent (80%) of the work would be performed by Rowe Construction. Staff would negotiate with same. Twenty percent (20%) of the work involved pavement patching and alley work. Finally,

there were dollars directed toward short, intermediate and long term treatments to pavement.

Mr. Hales noted that there would be changes going forward. Staff was ready to commence negotiations. For years there had only been a lone bidder. The process would begin earlier in the year. A portion of the work would still be put out for formal bid.

Mr. Karch added that staff resources would be directed towards other projects. Staff cannot address all of the City's pavement needs.

Alderman Stearns cited constituent feedback to place this item out for bid. She also requested a list of alleys. Mr. Karch noted that \$50,000 had been allocated towards alleys. Alleys had been audited as an asset. The alley rating structure was completed. At this time, a list of alleys had not been developed. He stressed that there would not be enough funding to meet all needs.

Alderman Hanson stated that the City had a better handle on its pavement needs. There was better utilization of City dollars. A methodology had been used to develop this program. He addressed the relationship between production and equipment utilization. Mr. Karch noted that historically the City had spread resurfacing work throughout the City. In the future, he hoped to concentrate on quadrants. In the long term, the City would see cost savings and efficiencies. Alderman Hanson added that such action would save taxpayer dollars. This was a win - win process. Mr. Karch added that costs would be reduced by commencing work early in the season.

Mayor Stockton cited past history and cost savings. He also anticipated cost increases this year due to the cost of oil. Mr. Karch responded affirmatively. Mayor Stockton noted that Rowe was a local vendor. Mr. Karch had contacted another firm from the Pontiac, IL area. This firm chose not to bid last year.

Alderman Hanson added that Rowe was a local firm. It had an asphalt plant here in the community. He noted the various efficiencies gained by working with this vendor. Mr. Karch added that delivery of asphalt and concrete products were time dependent. A local company has an advantage.

Alderman Purcell questioned if all items on the map would be addressed. Mr. Karch stated that the projects had been ranked. He hoped all of the highest priority items would be addressed. If there were remaining funds, staff would determine which additional areas could be addressed. He requested flexibility from the Council. He directed Council to the spreadsheet which had been provided. He was confident that the primary tier would be addressed. He hoped to reach the second tier streets. He understood the importance of avoiding change orders.

Alderman Stearns noted that there was a time line and staff's interest in efficiencies. She questioned if McLean County Asphalt was able to bid on larger projects. Mr. Karch noted past efforts by staff. By dividing the work, staff has provided McLean County

Asphalt with the ability to bid on some of the work. He described these as smaller street projects. He believed that this firm would be on this portion of the work.

Alderman Anderson recalled that the City went down this path last year. He cautioned staff not to make this same request next year. He added his understanding of the rationale for this request.

Alderman Sage recalled that there was one (1) bidder last year. Mr. Karch noted that there had not been competitive bids since UCM, (United Constructors Midwest), was established. This merger involved Rowe Construction. Alderman Sage noted that a key issue was the use of staff resources.

Alderman Fruin stated that this was not the first time for the issue to be addressed. Staff had done its homework. The Council needed to support the staff's recommendation.

Alderman Purcell noted that total expenditure.

Alderman Stearns stated that staff would negotiate a unit price with Rowe. She questioned if the resurfacing work would be packaged differently. Mr. Karch noted that the estimate was based upon past history. A final agreement would be placed before the Council for approval.

Alderman Anderson questioned total resurfacing expenditures for FY 2010 – 2011 and FY 2011 – 2012. Mr. Karch did not have the exact figures with him this evening.

Alderman McDade expressed her appreciation to staff for their effort to establish priorities. Staff would place its efforts elsewhere. She thanked Alderman Sage for his comments.

Motion by Alderman Fruin, seconded by Alderman Purcell that staff be authorized to negotiate the 2011 General Resurfacing with Rowe Construction Company (Rowe) and the seek competitive bids for the 2011 Street and Alley Repair as part of the 2011 Comprehensive Pavement Management Program.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that the names of the eight (8) candidates for Ward 3 had been provided to the press. The Council would host a public session. There would be a pattern interview. He requested that the Council

submit their questions to him for same. He hoped to schedule a meeting time in the near future.

He informed those present that there would be a joint meeting of the Council and Liquor Commission on Tuesday, January 11, 2011 at 6:00 p.m. He believed that the meeting would be beneficial to both groups. He planned to limit the meeting to two (2) hours.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He reminded them that the Martin Luther King Jr. luncheon would be held Saturday, January 15, 2011.

Names of invitees for the Citizen Summit should be provided to Katie Buydos, Executive Asst., as soon as possible.

There would be a Work Session on February 14, 2011 with area state legislators.

He noted that the November 2010 Monthly Report had included an Executive Summary. The report would continually be improved upon.

Finally, he reminded those present that City Hall would be closed on Monday, January 17, 2011 in observance of the Martin Luther King Jr. Holiday.

ALDERMEN'S DISCUSSION: Alderman Anderson acknowledged use of his cell phone during Council meetings. He cited job responsibilities for same.

Alderman Stearns noted recent residential burglaries and an armed robbery that occurred this date. Randy McKinley, Police Chief, cited the Police Department's concern regarding same. Police investigators were working on these cases. There have been sixteen (16) adults arrested plus juvenile arrests in the last sixty (60) days. Residential burglaries were typical this time year. She expressed her appreciation to the Police Department for its efforts. She believed that additional police officers were needed on the street to address citizen safety. Chief McKinley stated that the Police Department's command staff was working with Unit 21. He was also working towards full uniform staffing, (123 officers). Currently there were 119 uniformed officers on staff, leaving the Department with four (4) vacancies. He added that there were several officers off for medical reasons, (both personal and work related). Alderman Stearns addressed staffing issues with civilian personnel. She noted the department's use of civilian personnel. Chief McKinley acknowledged there was a vacancy in nonsworn personnel. CSO (Civilian Service Officers) perform vital functions. She restated her belief that the department was understaffed.

Alderman Sage recommended that information be placed on the City's web site regarding crime prevention. He noted that there were simple steps that could be taken. He recalled that there was a check list. Chief McKinley stated that the Police Department had various brochures on these topics. Information could also be placed on the City's web site. Finally, he reminded the Council that he hosted a bi-monthly meeting.

Alderman Hanson recalled his personnel experience with residential burglary. The crime happened during daylight hours. A key issue was neighborhood awareness. He expressed his support for neighborhood watch groups. He added that if one called the Police Department, they would respond. Chief McKinley added that citizens were the eyes and ears of the police.

Mayor Stockton questioned Chief McKinley's next meeting. Chief McKinley stated the next meeting would be held on March 2, 2011 at 5:30 p.m. in the Osborn Room. Bi-monthly meetings were held on the first Wednesday of the month. He added that attendance has grown. Mayor Stockton stressed that the City needed the community's cooperation. Chief McKinley stated that his staff worked hard but there will be crime.

Alderman Purcell questioned the meeting format for the joint meeting with the Liquor Commission. Mayor Stockton stated that all parties would be equal participants.

Alderman Schmidt addressed the residence located at 601 W. Jefferson St. This residence had been rehabbed by the City and the Salvation Army. She thanked staff for their efforts on this project.

She also thanked the street crews for their efforts during recent snow falls.

She noted the recent changes at City Hall, (new HVAC system units and podium).

Alderman Fruin noted the recent Pantagraph editorial which encourage citizen involvement in government. He noted that four (4) Council members were placed on same by appointment. He added his appreciation to the media for informing the community of the vacancy in Ward 3.

Alderman Sage echoed Alderman Schmidt's comments regarding the street crews. He cited their efforts on Christmas Eve, December 24, 2010.

He added that the Council's retreat was held at City Hall.

Alderman McDade wished those present a Happy New Year. She also welcomed them to attend future Council meetings. She echoed the comments regarding the street crews.

She informed those present that the next Citizens Voice meeting would be held on Monday, February 7, 2011 from 6:00 – 7:30 p.m. at Central Catholic High School's Auditorium. Guidelines were available on the City's web site.

She noted her use of electronic devices during Council meetings was for personal use.

Alderman Hanson echoed the various statements regarding the street crews' efforts. He addressed snow plowing and refuse pick up. He noted that the forecast for this evening called for measurable snow fall.

Motion by Alderman Anderson, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:10 p.m.

Motion carried.

**Tracey Covert
City Clerk**