

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, August 23, 2010.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silence.

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, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

**Alderman Absent: John Hanson.**

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

**The following was presented:**

2010 Beautification Awards – Stan Cain.

Mayor Stockton introduced Stan Cain, Beautification Committee Chairman, to present the 2010 Beautification Awards. Mr. Cain expressed appreciation of everyone's time. There were twelve (12) residential awards and three (3) commercial awards. Seventy (70) nominations had been received this year. He introduced the Committee members present: Marti Dulac, Valeria Dumster, Julie Morton, Tammy Winters, Sue Floyd, Jan Lauderman, and Martha Burke and Jeff Hindman, Parks, Recreation & Cultural Arts Department staff member.

Residential awards were given to the following: David and Barbara Wilson, 1002 E. Monroe St.; Paul and Beverly Essington, 1002 E. Jefferson St.; Rita Buczyna, 826 W. Oakland Ave.; Lloyd and Katherine Cook, 1202 S. Bunn St.; Tim and Sue Penhollow, 1920 E. Taylor St.; Jeannie O'Brien, 117 S. Belmont Rd.; Elke and Glen Beltz, 215 Florence Ave.; Andy Copenhaver and Macaria Lopez, 203 Orleans Dr.; Bill and Sue Long, 205 Orleans Dr.; Julie Philpott, 17 Lexis Ct.; Lou and Joyce Yonker, 11 Cygnet Crossing; and Margie Casey, 1209 W. Elm St.

Commercial awards were given to: Olive Garden Italian Restaurant, 1701 E. Empire St. – Philip Ray, General Manager, accepted the award; Michael Manna, 622 N. Main St.; and State Farm Park, S. Main St. – Dave Rasmussen, Director Administrative Services and Lisa Hoffman, Supervisor Administrative Services accepted the award. Mr. Cain encouraged all present to visit these properties. Mayor Stockton thanked the

Beautification Committee for their efforts. They played an important role in improving the City's appearance. He recognized the recipients. Their efforts benefited the entire community.

Prior to voting on any Council items Alderman Fruin read the following statement into the record: "With regard to both the Consent and Regular Agenda items, I do not have any personal interest, or business interest, nor have I received any financial benefit from any of the parties or organizations on tonight's Agenda."

The following was presented:

SUBJECT: Council Proceedings of February 12 and 26, 2007, and April 27, 2009

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of February 12 and 26, 2007, and April 27, 2009 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of February 12 and 26, 2007, and April 27, 2009 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 Schmidt, seconded by Alderman Stearns that the reading of the minutes of the previous Council Meetings of February 12 and 26, 2007, and April 27, 2009 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, 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 furnished to you on Thursday, August 19, 2010 by posting via the City's web site.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Total disbursements to be approved \$3,120,638.96, (Payroll total \$1,578,866.40, and Accounts Payable total \$1,541,772.56).

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

(ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Schmidt, seconded by Alderman Stearns 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, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Payments from Various Municipal Departments

**RECOMMENDATION:** That the payments be approved.

**BACKGROUND:** All of the described payments are for planned and budgeted contracts previously approved by the City Council.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** As follows:

1. The first and final payment to Mike Nurceski in the amount of \$20,000 on a contract amount of \$20,000 of which \$20,000 will have been paid to date for work certified as 100% complete for the Harriet Fuller Rust Façade Grant. Completion date – August 2010.
2. The fourth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,000 on a contract amount of \$72,000 of which \$24,000 will have been paid to date for work certified as 33% complete for the McLean County Economic Development. Completion date – April 2011.
3. The third partial payment to Downtown Bloomington Association in the amount of \$14,625 on a contract amount of \$175,500 of which \$58,500 will have been paid to date for work certified as 33% complete for the Downtown Bloomington Association Annual Funding. Completion date – April 2011.
4. The fourth partial payment to Convention and Visitors Bureau in the amount of \$42,300 on a contract amount of \$507,600 of which \$169,200 will have been paid to date for work certified as 33% complete for the CVB Annual Funding Commitment. Completion date – April 2011.
5. The second partial payment to Cannon Cochran Management Services, Inc. in the amount of \$20,475 on a contract amount of \$40,950 of which \$30,712.50 will have been paid to date for work certified as 75% complete for the FY 2010 Loss Control Services. Completion date – April 2011.
6. The ninth partial payment to Stark Excavating, Inc. in the amount of \$129,929.40 on a contract amount of \$929,561.50 of which \$744,240.85 will have been paid to date for work certified as 80% complete for the Division B – TIF District Streetscape Improvements. Completion date – August 2010.
7. The seventh partial payment to Testing Services Corporation in the amount of \$4,687 on a per ton and hour contract of which \$14,759 will have been paid to date for work certified as ongoing for the 2010 - 2011 Asphalt & Portland Concrete Plant Inspection & Laboratory Testing. Completion date – December 2011.
8. The fourth partial payment to Rowe Construction in the amount of \$271,385.67 on a contract amount of \$1,094,081.72 of which \$1,002,249.35 will have been paid to date for work certified as 92% complete for the 2010 - 2011 Street and Alley Repair. Completion date – November 2011.

9. The fourth partial payment to Rowe Construction in the amount of \$38,434.10 on a contract amount of \$576,549.79 of which \$421,320.11 will have been paid to date for work certified as 73% complete for the 2010 - 2011 General Resurfacing. Completion date – October 2010.
10. The second partial payment to Illinois Department of Transportation in the amount of \$290,260.50 on a contract amount of \$993,000 of which \$350,460.50 will have been paid to date for work certified as 35% complete for the Hamilton Rd. – Timberlake to Main St. Completion date – June 2011.
11. The fifth and final payment to Farnsworth Group in the amount of \$642.50 on a contract amount of \$35,000 of which \$14,846.60 will have been paid to date for work certified as 100% complete for the ICC Petition for Future Hamilton Road Railroad Crossing. Completion date – December 2010.
12. The fifth partial payment to Gildner Plumbing, Inc. in the amount of \$95,962.35 on a contract amount of \$414,990 of which \$390,338.85 will have been paid to date for work certified as 94% complete for the Water Main Replacement Downtown TIF Water Main – Mulberry & Prairie from Mulberry to Douglas. Completion date – August 2010.
13. The thirty-second partial payment to Consoer Townsend & Associates in the amount of \$6,029.14 on a contract amount of \$185,000 of which \$158,738.70 will have been paid to date for work certified as 86% complete for the Electrical Improvements at Lake Bloomington. Completion date – December 2010.
14. The tenth partial payment to Clark Dietz, Inc. in the amount of \$1,852.43 on a contract amount of \$20,000 of which \$18,935.58 will have been paid to date for work certified as 95% complete for the Inspection Services for Water Main Installation on West Miller Street. Completion date – December 2009.
15. The first partial payment to Gildner Plumbing, Inc. in the amount of \$109,972.68 on a contract amount of \$442,516.10 of which \$109,972.68 will have been paid to date for work certified as 25% complete for the Greenwood Avenue Water Main Replacement. Completion date – December 2010.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert  
City Clerk

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

**Alderman Fruin addressed Payment 11. The fifth and final payment to Farnsworth Group in the amount of \$642.50 on a contract amount of \$35,000 of which \$14,846.60 will have been paid to date for work certified as 100% complete for the ICC Petition for Future**

**Hamilton Road Railroad Crossing. Completion date – December 2010. He cited the contract amount (\$35,000). The City spent a significant amount less than estimated. He expressed his appreciation for this item.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the payments be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Report

**RECOMMENDATION:** That the report be received and placed on file.

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

1. Monthly Receipt & Expenditure Report, July, 2010.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert  
City Clerk

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

(REPORT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the report be placed on file and made a matter of record.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Reject Bid for Recycling Containers

**RECOMMENDATION:** That the bids be rejected.

**BACKGROUND:** On December 8, 2008, a presentation was made to Council on the benefits of converting to curbside single stream recycling. As a result, Council authorized staff to submit a grant application to the Illinois Department of Commerce and Economic Opportunity (DCEO) for the purchase of trucks to convert the City to single stream recycling. On June 10, 2009, the City was notified that it received an Illinois Recycling Grant in the amount of \$60,000 for the purchase of a single stream recycling truck.

Economic conditions and a solid waste program evaluation prevented a comprehensive fleet replacement as originally planned. Staff sent DCEO a grant modification request to purchase curbside recycle containers as opposed to recycle trucks, and let bids for ninety-five (95) gallon single stream recycle containers. The modification request was denied.

DCEO stated that the Illinois Recycling Grant Program (IRGP) was a competitively based program evaluated by the applications submitted. The City's requested change significantly reduced the matching City funds and the grant funds usage. Staff respectfully recommends that Council reject the bids for the ninety-five (95) gallon single stream recycle containers.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Ecology Action Center, Council, and the Town of Normal.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Jim Karch  
Director of Public Works

Kim Nicholson  
Purchasing Agent

David A. Hales  
City Manager

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the bids be rejected.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Analysis of Bids - General Obligation Funds – Bloomington Center for the Performing Arts (BCPA) Roof Replacement**

**RECOMMENDATION:** That the bid for the membrane roof replacement for the BCPA barrel roof located at 600 N. East St., including a twenty (20) year warranty, be awarded to Union Roofing Company, Inc. in the amount of \$63,300, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** On February 22, 2010, Council authorized staff to utilize surplus proceeds from the General Obligation Bond Series 2004 bond for projects at the BCPA, Pepsi Ice Center and O’Neil Pool. On April 26, 2010, Council rejected all bids received for this project after the first Invitation to Bid process failed to produce a bid staff was comfortable recommending for approval.

The current membrane was installed in 1989 with a ten (10) year warranty and a life expectancy of fifteen to twenty (15-20) years. The membrane is now twenty-one (21) years old and is separating from the insulation. The seams are coming apart and overall the membrane is breaking down. Union Roofing has experience with membrane roof replacement and has also performed other satisfactory roof work on other sections of the BCPA’s roof.

A follow up Invitation to Bid for this project was published on July 14, 2010. Bids were received and publicly opened at 11:00 a.m. on Thursday, July 29, 2010. Twenty (20) firms received the invitation and six (6) firms responded. One (1) bid was disqualified by the Purchasing Agent because the form was not signed by a representative from the company. The responses were as follows:

Company	15 Year Warranty	20 Year Warranty	Insulation Sq. Ft.	Wood Deck Sq. Ft.
Henson Robinson Co	\$81,781.00	\$82,381.00	\$3.50	\$15.00
Meyer Roofing Inc.	\$79,000.00	\$81,600.00	\$2.55	\$8.25
Advanced Wayne Cain & Sons	\$69,927.00	\$70,677.00	\$2.20	\$6.00
Wyman Roofing & Sheet Metal	\$69,000.00	\$69,437.00	\$13.36	\$17.85
Union Roofing Co. Inc	\$62,650.00	<b>\$63,300.00*</b>	\$4.50	\$10.00



\*Low and recommended bid

This project consists of the removal of the current twenty (20) year old membrane, the installation of a recovery board on top of the current insulation and the installation of a new membrane according to the manufacturer's specifications.

It is unknown if any damaged insulation or wood decking exists that might require replacement. The bid specified that bidders provide a square foot (sq. ft.) price for replacement of any damaged materials beneath the current membrane. Any unforeseen replacement will be at the square foot price as a change order. Staff has performed three (3) tests and each test found no need to replace insulation or the wood deck, however until the entire membrane is removed staff cannot guarantee the condition of the entire insulation and wood deck.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Cultural District Commission and its patrons.

**FINANCIAL IMPACT:** Funds are available in the 2004 General Obligation Bonds, account X40750-4075-72520. No expenses for this contract will be disbursed from the department's operations account.

Respectfully submitted for Council consideration.

Prepared by:

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

Reviewed by:

Timothy J. Ervin  
Director of Finance

Reviewed by:

Barbara J. Adkins  
Deputy City Manager

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the bid for the membrane roof replacement for the BCPA barrel roof located at 600 N. East St., including a twenty (20) year warranty, be awarded to Union Roofing Company, Inc. in the amount of \$63,3000, 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, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Analysis of Bids for Community Development Block Grant (CDBG) Sidewalk Rehabilitation (Ward 6)

**RECOMMENDATION:** That the unit prices from JG Stewart Contractors, Inc., be accepted, a contract for a sidewalk rehabilitation project in the 500, 600, 800 and 900 blocks of W. Grove St., the 800 and 900 blocks of W. Mulberry St. and the 600 block of Catherine St. in the amount of \$162,505 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** As part of the American Recovery & Reinvestment Act (ARRA), CDBG-R (Stimulus) funds were appropriated and provided to communities through the CDBG program. These funds are in addition to the regular CDBG funds. This project, as bid, included the replacement of sidewalks in the 500 and 600 blocks of W. Grove St., the 800 and 900 blocks of W. Mulberry St. and the 600 block of Catherine St. Four (4) bids were received and opened at 10:00 am on August 9, 2010 in the Council Chambers. Based on the low bid, additional sidewalk replacement is possible. The contract documents allow the addition of the 800 and 900 blocks of W. Grove St. The blocks were part of the original project approved in the CDBG 2009 – 10 Action Plan.

Project estimates were higher than available funds and these two (2) blocks were removed from the project. The engineer's estimate was prepared using average costs from recently submitted bids for similar work. The estimate was less than the high bid and only slightly higher than the average of the three (3) high bids. Staff speculates that the current economic climate and shortage of work has influenced these low bid numbers. Staff is pleased to be able to return these blocks to the project based upon the low bid's unit prices.

JG Stewart Contractors	\$ 85,201.60
Felmley Dickerson Co.	\$ 98,336.20
Stark Excavating, Inc.	\$ 124,627.25
Rowe Construction Co.	\$ 160,444.79
Engineer's Estimate	\$ 154,998.00
Budget: CDBG-R Sidewalk Program	\$ 162,505.00

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Total budget allocated for this project is \$162,505. The low bid and engineer's estimate differ from this amount, the project can be expanded to the total budget amount. CDBG Stimulus funds will be received as revenue in 2240-22470-53110 (Federal

Grants) and paid to the contractor from 2240-22470-72560 (Sidewalk Construction and Improvements).

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch  
Director of Public Works

Mark Huber  
Director of PACE

Barbara J. Adkins  
Deputy City Manager

Recommended by:

David A. Hales  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**Alderman Purcell expressed concern as these funds would be spent only in one (1) area.**

**Alderman Stearns questioned if other areas met the grant criteria and why the funds were concentrated in one (1) area. David Hales, City Manager, addressed the Council. The area had to be designated as a low/moderate income area. Mark Huber, Director – PACE, addressed the Council. There were two (2) areas in the City that qualified. One (1) section was the City core. The other area was identified as a slum blight area. A commitment had been made to the West Bloomington Revitalization Program (WBRP). A number of factors played into the selection.**

**Alderman Stearns requested a map of the areas and questioned the terminology. Mr. Huber stated the plan was reviewed every five to ten (5 - 10) years. Census track and information was used. She requested additional information. She questioned if the entire block would be repaired. Mr. Huber stated it would be based upon the actual condition of the sidewalk.**

**Alderman Stearns questioned if there would be excess funds. Mr. Huber stated there was a unit price. They may be able to add excess funds to the list. Mr. Hales stated City spending on sidewalk repairs had increased. Staff planned to inventory the sidewalks. They would generate a plan to determine where work was needed.**

**Alderman Stearns stated as best practice, some cities did sidewalk repairs as they occurred. She questioned the definition of a tripping hazard. Todd Greenburg, Corporate Counsel, addressed the Council. The courts had not defined liability. It was addressed on a case by case basis. Mr. Hales stated there were areas which needed replacement. There were limited funds for tripping hazards. The City had \$50,000 in General Fund revenue.**

There also was a 50/50 matching program available to property owners for sidewalks determined as a significant liability.

Mike Fitzgerald, 1805 Dunraven, addressed the Council. He questioned the engineer's estimates. Jim Karch, Director – Public Works, addressed the Council. Recently submitted bids were used. There had been a large price range across the bids. The City had received good pricing. The vendor was well known to the City.

Tim Ervin, Director – Finance, addressed the Council. Regarding construction projects, Finance staff worked with Engineering staff to identify weaknesses and improve same. The improvement would come with time.

Motion by Alderman Schmidt, seconded by Alderman Stearns that the unit prices from JG Stewart Contractors, Inc. be accepted, a contract for a sidewalk rehabilitation project in the 500, 600, 800 and 900 blocks of W. Grove St., the 800 and 900 blocks of W. Mulberry St. and the 600 block of Catherine St. in the amount of \$162,505 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, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request for Alcohol in Miller Park Zoo for the Miller Park Zoological Society Fundraiser, known as ZooDo

**RECOMMENDATION:** That the Ordinance be passed.

**BACKGROUND:** For many years, the Miller Park Zoological Society held its Annual Gala at Bloomington Country Club. The event has consisted of a catered dinner and silent auction with proceeds helping to support both education and capital development projects. In 2008, the event was renamed ZooDo and moved back to Miller Park.

The 2010 event is being planned to occur within the Zoo's grounds with local restaurants preparing hors d'oeuvres. In case of inclement weather, the event will be moved indoors to the Pavilion. The event is scheduled for Saturday, September 11, 2010 from 6 p.m. until 10 p.m.

Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code prohibits the possession of open containers of alcohol on public property and the sale and possession of alcohol in the parks respectively.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Miller Park Zoological Society.

**FINANCIAL IMPACT:** The ZooDo fundraising goal is \$50,000 to assist with future capital improvements to the Zoo.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John Kennedy  
Director of Parks, Recreation  
& Cultural Arts

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**ORDINANCE NO. 2010 - 35**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 and SECTION 701 OF CHAPTER 31 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE ZOO DO TO BE HELD AT THE MILLER PARK ZOO AND PAVILION**

WHEREAS, the Miller Park Zoo Society will hold a Zoo Do at the Miller Park Zoo and Pavilion on September 11, 2010; and

WHEREAS, the Miller Park Zoo Society requested permission to allow sales and consumption of alcohol during the Zoo Do, its Annual Gala; and

WHEREAS, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 which prohibits the possession of open containers of alcohol on public streets and Section 701 of Chapter 31 which prohibits alcohol within the park of the Bloomington City Code, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code, 1960, as amended, are suspended on the following dates during the following hours: September 11, 2010 between 5:00 o'clock p.m. and 10:00 o'clock p.m. for Miller Park Zoo and Pavilion. This suspension shall be effective only as to persons inside the designated area only and for alcohol purchased from an event vendor within the designated area. No alcohol may be taken out of a licensed premises into the designated area, notwithstanding the fact that the premises are operated by the event vendor.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d) and Section 701.

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 23<sup>rd</sup> day of August, 2010.

APPROVED this 24<sup>th</sup> day of August, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Fixed Asset Threshold

**RECOMMENDATION:** That the fixed asset capitalization threshold on individual items be increased from \$1,000 to \$5,000 effective May 1, 2011.

**BACKGROUND:** Fixed assets, also known as a non current asset or as property, plant, and equipment, is a term used in accounting for assets and property which cannot easily be converted into cash. The City's fixed asset manual defines policy and provides guidance from control measures used to safeguard and track equipment to specific policies related to the presentation (capitalization) of fixed assets within the City's financial statements. The City's current fixed asset manual defines a fixed asset as an individual capital outlay whose cost is greater than \$1,000. From a financial statement perspective, this establishes the fixed assets capitalization threshold at \$1,000 and indicates these items must be depreciated to comply with generally accepted accounting principles. Depreciation is the annual charge to income that results from a systematic and rational allocation of cost over the life of the fixed asset.

The Government Finance Officers Association (GFOA) maintains as a recommended practice that "as a general rule, fixed asset thresholds should be designed to encompass approximately eighty percent (80%) of a government's total non infrastructure assets"— that is, assets other

than items like roads, bridges, and sidewalks. The City is in compliance with this recommended practice and this compliance is reviewed during the annual audit. However, upon Sikich's (City's external audit firm) review of the City's capital asset balance, it was noted that assets under \$5,000 made up approximately two percent (2%) of the entire capital asset balance, but accounted for approximately two-thirds of the total capital items. Thus, Sikich, in the FY 2009 Management letter recommended the City increase the capitalization threshold... The City will maintain itemized lists of assets to safeguard from theft, plus this change will not affect the acquisition requirements established in the purchasing policy.

Staff has discussed the increased \$5,000 limit with Sikich and determined this change will not impede the City's compliance with the GFOA recommended practice.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** The increase of the dollar threshold of a fixed asset will be considered a change in accounting policy. This action will modify the budget format used by City departments where items under \$5,000 will be budgeted within each departments operating budget, while items over \$5,000 will be treated as a capital expense. Due to the impact on City budgets, the recommendation indicates this change in accounting policy will be effective on May 1, 2011.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy L Ervin  
Director of Finance

Barbara J Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Alderman Sage commented on the principal/practice change from the department perspective to complete higher quality work. The change was beneficial. He expressed his appreciation for this item.**

**Ron Shultz, 1208 E. Oakland, addressed the Council. He questioned the rise in threshold. David Hales, City Manager, addressed the Council. This was a financial reporting issue. The recommendation came from an outside auditor. This change would reduce the fixed asset inventory.**

**Mike Fitzgerald, 1805 Dunraven, questioned the quality control of documents. Tim Ervin, Director of Finance, addressed the Council. He cited staff turnover in the past several years. Finance staff was developing a data dictionary. He cited car washes as an example. Regarding the fixed assets, Finance staff would train department heads.**

**Mayor Stockton questioned tracking the threshold change. Mr. Ervin stated there were 1,500 items. Finance would keep records to prevent theft. Fixed assets would be restated in the financials. Mayor Stockton questioned the responsible party. Mr. Hales**



stated ultimately it was the City Manager and department heads' responsibility. The City needed to design an efficient system to have good balance and internal control.

Mayor Stockton believed private industry had higher levels. Mr. Hales stated good inventory practices were available. He cited lock down/tag out procedures as an example.

Motion by Alderman Schmidt, seconded by Alderman Stearns that the fixed asset capitalization threshold on individual items be increased from \$1,000 to \$5,000 effective May 1, 2011.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 7, Block 5 of Camp Iroquois from James Donahue Jr. to Kurt and Stephanie Bowers

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

**BACKGROUND:** Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 7, Block 5 of Camp Iroquois from James Donahue Jr. to Kurt and Stephanie Bowers. The sewage disposal system inspection was waived as this cabin will be torn down within two (2) years and a new residence and septic system installed at that time. This petition is in order and staff recommends that this transfer be approved.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** This petition will have a positive financial impact in that the lease will move from the previous formula of \$0.15 per \$100 of Equalized Assessed Value to the current formula of \$0.40 per \$100 of Equalized Assessed Value for determining the Lake Lease Fee. The current lease rate is \$119. This will increase to \$318 next year. The closing is tentatively scheduled for August 31, 2010. This lake lease income will be posted to Lake Lease revenue account 5010-50100-50110-57590.

Respectfully submitted for Council consideration.

Prepared by:

Craig M. Cummings  
Director of Water

Reviewed by:

J. Todd Greenburg  
Corporation Counsel

Reviewed by:

Tim Ervin  
Director of Finance

Recommended by:

David A. Hales  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Ratification of the Memorandum of Understanding to Cooperate in the Development of the McLean County Integrated Sustainability Plan (MCISP)

**RECOMMENDATION:** That the Memorandum of Understanding to cooperate in the Development of the McLean County Integrated Sustainability Plan (MCISP) be ratified.

**BACKGROUND:** Completion of the MCISP would allow for the application of a US Department of Housing and Urban Development (HUD) planning grant. This recently announced grant program provides a number of important potential benefits to the area planning partners as follows:

1. Enhance the information within the McLean County Regional Comprehensive Plan:
2. Incorporate and help fund updates of the Bloomington and Normal Comprehensive Plans into the process and thereby reduce funding requests for local support of Regional Planning during the period of the grant program: and
3. Develop an implementation strategy that includes performance measures.

Even if this application is not funded in the 2010 round of grants, it may permit the County to qualify for Preferred Sustainability Status. This designation would give our region access to other funding channels through HUD, US Department of Transportation, and Environmental Protection Agency, and would streamline the application process for the 2011 round of Sustainable Communities grants.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** McLean County Regional Planning Commission, McLean County, Town of Normal, and Ecology Action Center.

**FINANCIAL IMPACT:** There is no financial commitment either now or in the future. The Memorandum of Understanding commits the City to in-kind contributions of staff time and resources toward the development of the MCISP. A completed MCISP would allow for application to HUD planning grant.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Jim Karch  
Director of Public Works

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**Memorandum of Agreement  
McLean County Integrated Sustainability Plan**

The undersigned agencies agree to cooperate in the development of the McLean County Integrated Sustainability Plan (MCISP). The plan will expand the McLean County Regional Comprehensive Plan to incorporate the U.S. Department of Housing and Urban Development Livability Principles (attached) and the appropriate recommendations from adopted municipal comprehensive plans within McLean County, and develop a detailed implementation strategy. It will also consider other plans for the area, including the City of Bloomington and the Town of Normal, the Long-Range Transportation Plan 2035 for the Bloomington-Normal Urbanized Area, the McLean County Regional Greenways Plan, and other plans and studies. This agreement establishes the undersigned as participants in the McLean County Sustainability Consortium (MCSC).

The Consortium participants agree hereby:

1. To endorse the development of the Integrated Sustainability Plan.
2. To designate the McLean County Regional Planning Commission (MCRPC) as the lead applicant agency for the U.S. Department of Housing and Urban Development (HUD) 2010 Sustainable Communities Regional Planning Grant application.
3. To designate the Executive Director of the McLean County Regional Planning Commission, the metropolitan planning organization for the Bloomington-Normal urbanized area, as the Project Manager for the development of the McLean County Integrated Sustainability Plan.
4. To designate representatives of the member agencies of the Consortium to serve on the Project Steering Committee, including but not limited to the following persons or their designees:
  - a. The Executive Director of the Regional Planning Commission
  - b. The Director of the McLean County Department of Building and Zoning
  - c. The Director of Public Works for the Town of Normal
  - d. The Director of Public Works for the City of Bloomington
  - e. The Executive Director of the Ecology Action Center
5. To provide project resources as in-kind contributions as set forth in an executed cooperative agreement between the Consortium and the U.S. Department of Housing and Urban Development, pursuant to a grant awarded by HUD through the 2010 Sustainable Communities Regional Planning Grant program.

Signatures:

Paul E. Russell Executive Director McLean County Regional Planning Commission	08-19-10
Terry Lindberg County Administrator McLean County	08-19-10
Mercy Davison Town Planner Town of Normal	08-19-10
David A. Hales City Manager City of Bloomington	08-18-10
Michael P. Brown Executive Director Ecology Action Center	08-20-10

**U.S. Department of Housing and Urban Development Livability Principles**

**1. Provide more transportation choices.**

Develop safe, reliable and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health.

**2. Promote equitable, affordable housing.**

Expand location- and energy-efficient housing choices for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation.

**3. Enhance economic competitiveness.**

Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers as well as expanded business access to markets.

**4. Support existing communities.**

Target federal funding toward existing communities – through such strategies as transit-oriented, mixed-use development and land recycling – to increase community revitalization, improve the efficiency of public works investments, and safeguard rural landscapes.

**5. Coordinate policies and leverage investment.**

Align federal policies and funding to remove barriers to collaboration, leverage funding and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.

**6. Value communities and neighborhoods.**

Enhance the unique characteristics of all communities by investing in healthy, safe and walkable neighborhoods – rural, urban or suburban.

**McLean County Integrated Sustainability Plan**

Project Description

The McLean County Sustainability Consortium proposes the development of the McLean County Integrated Sustainability Plan (MCISP). This document will build upon the McLean County Regional Comprehensive Plan adopted in November 2009, and address the six livability principles (attached) required in a comprehensive Regional Plan for Sustainable Development as established by the U.S. Department of Housing and Urban Development, the U.S. Department of Transportation and the U.S. Environmental Protection Agency through the Partnership for Sustainable Communities. The MCISP will also include an implementation strategy for plan elements that support these principles and related community priorities established in the adopted comprehensive plans for the City of Bloomington and the Town of Normal, the Long-Range Transportation Plan 2035 for the Bloomington-Normal Urbanized Area, the McLean County Regional Greenways Plan, and other relevant plans and studies developed for the Region and its communities. Development of the MCISP will also draw upon existing and emerging local resources, including a Geographic Information Systems (GIS) based natural resources inventory, data compiled on transportation system safety and performance, including urban and regional public transportation generated through the Human Services Transportation Plan process, and targeted area transportation and development plans. The MCISP will focus on implementation of plan elements that advance the HUD Livability Principles.

A majority of work elements identified will be carried out by the McLean County Regional Planning Commission ((MCRPC) staff, in cooperation with Consortium participants. Consortium support will include facilitating data collection and analysis and assisting with public outreach efforts to include coordination with stakeholders. Stakeholders will include government agencies and departments and interested citizens solicited for participation on a Steering Committee to be formed to oversee plan development. Consortium support may also include contributions of staff time where members of Consortium participant staff can provide expertise on specific issues or areas of concern, the use of facilities for public meetings and other purposes, and materials or production resources for public involvement activities.

Development of the plan will leverage the Consortium’s substantial investment in GIS technology, applications and data development, and will include a substantial work plan component for enhanced GIS data development and analysis to support the implementation of plan goals. A member of the MCRPC staff will be assigned to manage GIS project elements, including correlation of existing data, development of new datasets relating to housing costs,

accessibility and location, integrated land use and transportation analysis, alternate transportation modes, natural resources and demographic distribution. These enhanced GIS capabilities may be supplemented by additional GIS technologies and applications sourced from outside vendors in the course of the project.

The MCISP will update population projections from existing plans using Census 2010 and the American Community Survey, and will incorporate updated and expanded economic forecasting based upon the revised demographic data. Demographic projections will provide data required for updating the land use, housing, transportation and community facilities elements of the Regional Comprehensive Plan.

The project work program will include the following tasks:

1. Form a community-based Steering Committee to provide technical and advisory assistance in developing the plan, and implementation strategy. Members of the Steering Committee will include citizens, government and agency staff and private sector representatives with expertise in demographic analysis, economic development, affordable and fair housing policy implementation, environmental resource management, transportation systems and modes, renewable energy and GIS.
2. Update regional goals, objectives and strategies to provide additional emphasis to all HUD livability principles. This will include the review of the Regional Comprehensive Plan and other area plans in cooperation with the Steering Committee, to identify and prioritize goals and objectives requiring additional analysis or data collection to support sustainable community and economic development.
3. Identify implementation strategies for sustainable community and economic development. This will include an inventory of strategies for implementation outlined in the Regional Comprehensive Plan and area plans, and identification of additional strategies to support the HUD Livability Principles.
4. Develop GIS resources to support community needs assessment, environmental analysis, integrated land use and transportation planning, health impact assessment, and housing development policy.
5. Conduct public outreach activities at intervals throughout the project. This task will seek public comment in the review of the findings and conclusions of the Steering Committee, and to obtain public contributions in developing and reviewing goals, priorities and schedules for implementation of the MCISP.
6. Develop a detailed implementation schedule for the sustainability recommendations.
7. Develop a financial projection of implementation costs.
8. Develop a regional housing plan for implementing recommendations for fair and affordable housing.

9. Develop a regional air quality plan and implementation strategy, in concert with the Long-Range Transportation Plan update scheduled for adoption in June 2012;
10. Establish a continuing process for measurement and evaluation of the execution of the MCISP, including an evaluation framework report to be referenced on a continuing basis through the life of the plan, and a process and timetable for updates of the MCISP.
11. Present the proposed plan for adoption by McLean County, the City of Bloomington, and the Town of Normal.

**Mayor Stockton introduced this item.**

**Alderman Purcell understood there was no financial commitment by the City. He expressed concern for the end results of a sustainable, livable neighborhood.**

**Alderman Stearns expressed concern that the City was going down a certain path. She did not have enough information to understand the path. The City was looking at a Housing and Urban Development (HUD) grant. She considered signing on to something a significant action. The six (6) principals were vague and could not be defined. They could imply many things. She questioned the role of the City. She questioned other cities using this plan and the impact it had. There were a lot of buzz words included that had been heard nationwide. She reiterated there was not enough information for her to be comfortable with this item. She questioned the role of HUD, City, and state. She also questioned what the City would do and what the City would receive.**

**David Hales, City Manager, addressed the Council. He believed it was a great opportunity to offset additional annual contributions by the City, McLean County and the Town of Normal. He had spoken to Paul Russell, Regional Planning Commission's Executive Director. If the grant was approved it would help to control costs to the City. Mr. Russell believed that the grant program's principals were good planning principals. The same language was included in the strategic plan. These were general principals. An enhanced Comprehensive Plan would provide additional details. The majority of the work would be completed by the McLean County Regional Planning (MCRPD) Commission staff. There would be opportunities for involvement by others. The application was still awaiting the Council's approval. He reiterated that if approved the City had the opportunity to control costs and take advantage of the HUD funds.**

**Alderman Schmidt stated items also included the West Bloomington Neighborhood Plan (WBNP). She saw opportunities for Mid Central Community Action. The language was keeping with the efforts of the Economic Development Council (EDC) and the Chamber of Commerce. She believed this item was a good thing.**

**Alderman McDade echoed Alderman Schmidt's comments. The definition of sustainability was expanding to include socioeconomic impact. This was not a discussion purely on environmental impact.**



**Alderman Anderson expressed concern for the man hours. He was told the estimated man hours for each department head would be five (5) hours per month. He had reviewed the statements and was in support of this item.**

**Alderman Sage believed the Council wanted to make sure this was a clear issue. There had been discussion on the form based code. He wanted discussions and direction for Main St. and Downtown, for example, to be clearer. Participation in HUD did not commit the Council to principals they had not discussed. He cited the form based code. There was no linkage to the grant application. Mr. Hales had additional information explaining the principals. He would give that information to Council. The Council had an opportunity to review them and approve same.**

**Alderman Huette had nothing specific to object to. The definitions were broad. He believed this item would be heavy on studies, surveys and plans, and light on deliverables. He was beginning to care less for this item as he saw it carried out.**

**Alderman Stearns commented on the process, plans, and consultants, etc. She cited federal funds, federal mandates, mixed use development, and form based code. She was not in support of this item.**

**Alderman Purcell stated it had a wide spectrum. He did not want to micromanage. He cited the cost of construction and cost to implement. He expressed concern for the rules and regulations.**

**Alderman McDade questioned what actions HUD might take.**

**Alderman Huette objected to the actions.**

**Alderman Schmidt added the City spends Community Development Block Grant (CDBG) funds to enhance the quality of life. She believed this was an opportunity for the City. Good things could come from this. Mayor Stockton noted that it was difficult for Council to move forward without planning principals. It was about financial sustainability. He believed the land recycling referred to controlling sprawl. There were ambiguities. This was a first general step for the City. Principals were changing. This was the start of a framework. The City had been working with federal and state governments and had begun to see funds returned to the community. He had been assured that there was no financial commitment by the City. He was in support of this item. Mr. Hales confirmed there was no financial commitment.**

**Alderman McDade stated her support of this item was based on philosophical reasons. She believed the City would have a seat at the table. She encouraged individuals with concerns to stay on top of them. Mr. Hales added the goal at tonight's meeting was ratification. The application was in process.**

**Alderman Stearns believed the Council should have reasons and principals. Individuals were losing their rights as American citizens. She believed this was about self**

determination and responsibility. This was a constitutional issue and it started with the Council. She reiterated her concern and cited the Environmental Protection Agency (EPA) regulation of lead based paint by federal mandate. Mayor Stockton stated there had to be a balance of individual rights and community benefit. He noted unfunded federal and state mandates. Mr. Hales stated this was an integrated sustainability plan. The County, Town and the City were trying to integrate sustainability principals. It was included in the strategic plan. He noted its role in the comprehensive plan. He would like to see citizen involvement in the future. This item would help control financial contributions.

Alderman Purcell was in support of this item. Some caution still needed to be taken to achieve the best end result. He believed the principals would make the City better.

Motion by Alderman Purcell, seconded by Alderman Schmidt that the Memorandum be ratified.

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

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

Nays: Aldermen Stearns and Huette.

Motion carried.

The following was presented:

SUBJECT: Ordinance Repealing Chapter 22.8 (Insurance), which established the Central Illinois Risk Pooling Authority

**RECOMMENDATION:** That the Ordinance be passed.

**BACKGROUND:** In 1995, the City enacted Chapter 22.8 of the City Code, which established the Central Illinois Risk Pooling Authority (CIRPA). The City was not a member of a risk pooling association at that time. The City's intent was for CIRPA to establish itself as a method for the City to share the expenses relating to insurance, to establish a municipal investment fund which would be professionally managed, and to hire personnel who could advise the City and other pool members on how to lower the risk of liability resulting from personal injuries and property damage.

The fact that no other entities joined CIRPA created a legally ambiguous situation regarding whether CIRPA was a separate entity from the City and whether CIRPA's employees might possibly be considered City employees. To remedy this uncertainty, Risk & Insurance Management Company (RIMCO), an Illinois not-for-profit corporation, was incorporated in 2001 and CIRPA's Board of Directors contracted with RIMCO to provide risk management services. In 2009, CIRPA's Board of Directors voted to end its contractual relationship with RIMCO, which dissolved shortly afterward.

Staff has examined the issue of whether there is any further need for CIRPA to exist, and has come to the conclusion that there is no such need. Since May 2009, the City has contracted with entities and individuals with expertise in the area of municipal risk management. None of those persons, including staff, believe there is any need at the present time to use the risk pooling association model to address the City's risk management needs.

Therefore, staff respectfully recommends that Council repeal the ordinance which established CIRPA. Since there are no other municipal members of CIRPA, and since the investment funds formerly managed by CIRPA have been returned to the control of the City, there are no further functions for CIRPA to perform and it will cease to exist after passage and approval of the proposed ordinance. The CIRPA board has not met since May, 2009. Since CIRPA has no other members and the City has been conducting all risk management transactions either directly in its own name or through Alternative Service Concepts (ASC), the effective date of the Ordinance is retroactive to April 30, 2010. This will avoid any necessity of an audit of CIRPA's activities for this fiscal year.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** No groups have been directly contacted. This matter has been the subject of several public work sessions.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**ORDINANCE NUMBER 2010 - 36**

**AN ORDINANCE REPEALING CHAPTER 22.8  
OF THE BLOOMINGTON CITY CODE, RELATING  
TO THE CENTRAL ILLINOIS RISK POOLING AUTHORITY**

BE IT ORDAINED BY THE  
CITY COUNCIL OF THE CITY OF BLOOMINGTON:

Section One: That the Bloomington City Code, 1960, as amended, be further amended by repealing Chapter 22.8 (Insurance).

Section Two: The repeal of Chapter 22.8 by authority of this ordinance shall in no way diminish the authority of the City of Bloomington to perform any of the functions which were delegated by the City of Bloomington to the Central Illinois Risk Pooling Authority during the time Chapter 22.8 was in effect, including but not limited to the ability to settle any claims submitted to the Central Illinois Risk Pooling Authority during the time such authority was functioning.

Section Three: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section Four: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Five: This ordinance shall be retroactive to April 30, 2010.

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

PASSED this 23<sup>rd</sup> day of August, 2010.

APPROVED this 24<sup>th</sup> day of August, 2010.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

Mayor Stockton introduced this item. This ordinance would eliminate a level that was no longer necessary. Todd Greenburg, Corporate Counsel, addressed the Council. The ordinance would repeal Central Illinois Risk Pooling Authority (CIRPA). The City was the only member. CIRPA had no power within the last eighteen (18) months. The City had the authority to permit others to settle claims. CIRPA had not worked like the City had hoped it would. No other entities had joined the risk pool association. No economies of scale had occurred. Risk and Insurance Management Company (RIMCO) was created five (5) years after CIRPA. It addressed the concern of no additional members. There had been concern regarding CIRPA's liabilities and if they transferred to the City. CIRPA had lasted fifteen (15) years. There was no reason to continue with CIRPA. If the ordinance passed it would repeal CIRPA's Charter.

David Hales, City Manager, addressed the Council. An outside auditor had made the recommendation. CIRPA would be retroactive through April 30, 2010. In FY 2010 – 2011, there would not be additional cost or a separate expense for CIRPA audits. This was a housekeeping issue.

Alderman Purcell questioned if there were any outstanding cases. Mr. Greenburg stated there were no general liability claims pending. There were some workers compensation cases. They were being transferred to Alternative Service Concepts (ASC). Alderman Purcell believed this was a good idea.

Alderman Stearns questioned CIRPA's assets. Mr. Greenburg stated there were bonds jointly held by the City.

Alderman Stearns questioned the value of the bonds. Tim Ervin, Finance Director, addressed the Council. The value was \$500,000. Mr. Hales noted that went to the City's casualty fund, which was under Council's control.

Alderman Stearns questioned claim reserves. Mr. Hales stated it would be noted in the financial report. Mayor Stockton added that any assets under CIRPA would be moved under the City's name.

Motion by Alderman McDade, seconded by Alderman Anderson that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

**SUBJECT:** An Ordinance Adding Section 54A to Chapter 2 of the Bloomington City Code, and Amending Section 54 of Chapter 2 of the City Code, Relating to Authority to Settle Litigation

**RECOMMENDATION:** That the Ordinance be passed.

**BACKGROUND:** Since the creation of CIRPA in 1995, the settlement of routine litigation such as personal injury and property claims against the City was usually handled by CIRPA or delegated by contract by CIRPA to RIMCO. Assuming that the proposed ordinance to dissolve CIRPA is passed by Council, it would be desirable to establish a formal policy for the settlement of routine litigation. The proposed ordinance is based on an ordinance from the Village of Palatine.

Claims (or threatened claims) against the City may be settled by the authority of the City Manager up to \$20,000. If a proposed settlement is between the amounts of \$20,000 and \$50,000, the City Manager is required to advise the Council of the proposed settlement in enough time for the matter to be discussed in closed session if any alderman so requests. Proposed settlement amounts of more than \$50,000 must be brought before Council for approval. The language of the ordinance does not require that the proposed settlement be discussed in open session, but under the Open Meetings Act, no final action may be taken in closed session, and recent amendments to the Freedom of Information Act prohibit confidential settlements of litigation.

According to Mike Nugent, the City's insurance advisor, the proposed settlement authority amounts are in line with practices of other municipalities. Staff respectfully recommends approval of the proposed ordinance.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** No groups have been directly contacted. This matter has been the subject of several public work sessions.

**FINANCIAL IMPACT:** Not ascertainable at this time; however, it is not anticipated that this policy will significantly change the amounts paid by the City in the past to settle litigation.

Respectfully submitted for Council consideration.

Prepared by:

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**ORDINANCE NUMBER 2010 - 37**

**AN ORDINANCE AMENDING  
CHAPTER 2, SECTION 54A OF THE BLOOMINGTON CITY CODE,  
RELATING TO SETTLEMENT OF LITIGATION**

**BE IT ORDAINED BY THE  
CITY COUNCIL OF THE CITY OF BLOOMINGTON:**

Section One: That the Bloomington City Code, 1960, as amended, be further amended by adding the following Section 54A to Chapter 2:

Section 54A - Settlement of Litigation

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

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

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

Section Two: Section 54 of Chapter 2 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions by strikeouts):

Chapter 2: Section 54: Same [Corporation Counsel] - Duties Generally.

The Corporation Counsel or his designee shall:

- (1) Advise and assist in the drafting of City ordinances, orders, and regulations, and contracts to which the City is expected to become a party; he shall approve all ordinances as to form before the same are submitted to the City Council and approve all contracts before the same are signed by the proper

official, including all proposed forms of contracts made a part of any specifications for bids;

(2) Advise all administrative and legislative officers of the City as to the legality of any proposed action and give formal written legal opinions on questions and matters of concern to the City when required;

(3) Be responsible for the handling of any and all legal affairs of the City and all prosecution of ordinance violations by the City;

(4) Represent the City as attorney in all legal proceedings in which the City is a party before any court or before any judicial, administrative, or other body;

(5) He shall, if so authorized by the City Manager, ~~together with the City Manager~~, settle or compromise claims or suits at law or in equity to which the City may be a party either by judgment entry or otherwise, for an amount of not more than ~~\$2,500.00~~ \$10,000 and

(6) Defend, appeal, try or settle any Worker's Compensation claim against the City before the ~~Industrial~~ Workers' Compensation Commission of the State of Illinois.

Section Three: Except as provided for herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

Section Four: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Five: This ordinance shall be effective ten days after the date of its publication.

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

PASSED this 23<sup>rd</sup> day of August, 2010.

APPROVED this 24<sup>th</sup> day of August, 2010.

APPROVED:

Stephen F. Stockton  
Mayor



ATTEST:

Tracey Covert  
City Clerk

Mayor Stockton introduced this item. This ordinance would change the way settlement authority is granted. The City had to have a plan in place. Todd Greenburg, Corporate Counsel, addressed the Council. It was common for a city to have an ordinance regarding settlements. Settlements were to be done with notice and authorization by the Council. Mike Nugent, Nugent Consulting Group, (the City's insurance consultant & advisor), had assisted with this item. Litigation would be discussed in closed session. Settlements would be approved in open session. Settlements of \$20,000 and below would be authorized by the City Manager. Settlements between \$20,000 and \$50,000 required the City Manager provide a memorandum to the Council. The Council could request a closed session. Settlements over \$50,000 would be required to be presented to the Council. Workers Compensation not included under the statutory requirements were award of damages. David Hales, City Manager, addressed the Council. The Council should establish a comfort level. The level could be reviewed in the future. He cited transparency. The disbursement information would be in the Alternative Service Concepts (ASC) records. There would be documentation with litigation settlements. The current threshold was \$10,000.

Alderman Purcell stated his comfort level was \$10,000.

Alderman Anderson agreed with a level of \$10,000. He also wanted to reduce \$50,000 to \$25,000. He requested reports in a timely manner. He suggested that there be reports quarterly.

Alderman Schmidt requested a safe guard that settlement amounts not go to the same person. Mr. Hales stated staff could provide annual reports. Sometimes there were multiple cases and multiyear payouts. Staff could address Council's concerns.

Alderman Schmidt supported the lower amount. She wanted the Council to proceed with caution.

Alderman Fruin stated it was common for auditors to look at large multiple payment cases. He suggested staff give consideration to same.

Mayor Stockton questioned safe guards for the lower amounts. He questioned the steps that could be taken to prevent Council members from being lobbied. He also questioned how the Council would be informed in order to assist in their decision making. Mr. Hales stated the Council needed to refer people to ASC's Claims Administrator. Staff would bring the Council information from their legal counsel such as: the status of the case and recommendations. These items could be discussed in the Executive Session. Mr. Greenburg stated settlements from \$10,000 and above would be discussed in closed session.

Mayor Stockton questioned the number of claims per year over \$10,000. Mr. Greenburg had not received a claims history from ASC as of this date. He estimated the number at fifteen to twenty-five (15 – 25) per year.

Alderman Fruin expressed concern regarding confidentiality and protecting the taxpayers' money. He cited the Health Insurance Portability and Accountability Act (HIPAA) regulations. Mr. Greenburg stated employees' names would not be used.

Alderman Stearns questioned when Council last received a report on outstanding litigation. Mr. Hales stated the safety audit was complete. The final report would be provided in the near future. She also questioned if there were claims beyond Workers Compensation. Mr. Hales stated the Council had seen the summary totals.

Alderman Stearns inquired about large claims. Mr. Greenburg stated lawyers were not allowed to ask for a settlement in excess of the claim adjuster's amount. It would mean an automatic motion to dismiss. Mr. Hales could not recall a large claim. Mr. Greenburg stated in his tenure with the City there had been few instances of large claims. Mr. Hales stated if a lawsuit was filed the Council would be notified. Mayor Stockton clarified that future reports would be improved in the level of detail.

Alderman Stearns question if information could be received from RIMCO. Mr. Greenburg stated if CIRPA claims were in excess of \$10,000, the member had the option to reject the settlement. He did not recall that happening. There had been few General Liability claims.

Mr. Hales summed up the Council's requests: 1.) settlements of \$10,000 or less, 2.) settlements of \$10,000 to \$25,000, and 3.) settlements of \$25,000 and over. Mayor Stockton hoped the Council would reconsider the amounts in the future. Mr. Greenburg stated there was a second part that amends settlement authority of Corporation Counsel to \$10,000.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bid and Approval of Contract for 2010 Motor Fuel Tax (MFT) Resurfacing Project and Resolution for Appropriation of Motor Fuel Tax Funds (Wards 3, 5 & 6)

**RECOMMENDATION:** That the bid for resurfacing various high volume streets be awarded to UCM Rowe Construction in the amount of \$685,499.76, the Resolution to appropriate an additional \$185,500 in Motor Fuel Tax Funds be adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** This project includes the resurfacing of Market Street from Hinshaw to Howard, Jumer Drive, east of Veterans, Eastport Drive from Empire to Slayton and Williamsburg Drive from Washington to Maloney. One (1) bid was received and opened on August 17, 2010 at 2:00 p.m. in the Council Chambers.

Bid Contractor	As Read
UCM Rowe Construction	<b>\$685,499.76</b>
Engineer's Estimate	\$644,538.50
Budget:	MFT Funds \$500,000.00

This bid is over the Engineer's estimate and over the allocated budget amount. The budget amount approved during the February 8, 2010 Council Meeting was determined using 2009 bid prices. Hot mix asphalt prices have increased approximately \$25/ton since that time. The prices are comparable to other recently bid resurfacing projects. Staff recommends that an additional \$185,500 in Motor Fuel Tax Funds be appropriated to cover the additional cost and the contract be awarded to UCM Rowe Construction in the amount of \$685,499.76. Staff believes this project will be completed by July 2011.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** The total dollars allocated for this project are \$685,499.76 which will be paid from Motor Fuel Tax Funds (X20300-72530). The additional \$185,500 will impact available MFT dollars in FY 2011-2012 for MFT road projects. The year to date fund balance for this account after this payment will be \$392,446.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Jim Karch  
Director of Public Works

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

(RESOLUTION 2010 – 29 AND CONTRACT ON FILE IN CLERK’S OFFICE)

Mayor Stockton introduced this item. David Hales, City Manager, addressed the Council. The Motor Fuel Tax (MFT) funding for street resurfacing increased from \$1.5 million to \$2 million. Jim Karch, Director – Public Works, addressed the Council. Using MFT funds for street resurfacing required additional time. The City still needed the Illinois Department of Transportation’s (IDOT) approval. The completion date would be late June 2011. He cited Rowe Construction’s production for the year. There was a lot more work to this project.

Alderman Purcell stated asphalt prices had increased. He questioned the current cost. Mr. Karch stated asphalt was over \$120 per ton. Supply and demand played a role. \$500,000 was considered a small amount in this case.

Alderman Schmidt questioned if funding was coming from next year’s MFT funds and if the City was borrowing next year’s funding. Mr. Karch stated the funds for next year would be impacted. The completion date was June 2011. After the completion date the contractor would be assessed penalties. He believed the price of asphalt would not decrease. He could not predict next year’s asphalt prices.

Mr. Hales stated the City was using available funds. The Governor’s Office had a plan to transfer the October and November MFT payments to the state’s General Fund (GF) to help with their deficit. Staff objected to this. They were encouraging local legislators to vote no on the plan. Mr. Karch noted the City received \$150,000 per month from the MFT.

Alderman Stearns questioned the street’s ratings. Mr. Karch stated the ratings were available on McLean County Regional Planning Commission’s web site. There was a link to this web site from the City’s web site.

Alderman Stearns questioned which plan included street resurfacing. Mr. Karch stated the streets from the list were included in the current year’s Pavement Management Program.

Alderman Schmidt believed the Beautification Committee had been considering improvements to Market St. She questioned if that work and the resurfacing would coincide. Mr. Hales had not been aware of the Beautification Committee’s plan. Mayor Stockton believed the Beautification Committee’s focus had been on the Gateway portion of Market St. He cited changes to the railroad underpass. The City would work with Union Pacific Railroad. He was not sure of anything at this time.

Motion by Alderman McDade, seconded by Alderman Purcell that the bid for resurfacing various high volume streets be awarded to UCM Rowe Construction in the amount of \$685,499.76, the Resolution to appropriate an additional \$185,500 in Motor Fuel Tax Funds be adopted, 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, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**MAYOR'S DISCUSSION:** Mayor Stockton noted that the Council approved the ZooDo event. It would be held on Saturday, September, 11, 2010. This was a great event. He was planning to attend.

**CITY MANAGER'S DISCUSSION:** David Hales, City Manager, addressed the Council. He provided a handout with an update on the Starcom 21 radios for the Police Department. The City was able to secure \$336,266 in grants towards the purchase of radios. The City was short \$488,873.30. Staff was still working to attain funding. They were working with State Representative Dan Brady. There would be a formal discussion regarding Starcom 21 during the September 13, 2010 Council meeting.

Bob Siron, Assist. Police Chief, addressed the Council. The Illinois Criminal Justice Information Authority granted the City \$133,276. The City had to purchase forty-two (42) radios by September 24, 2010 or forfeit the grant. Mr. Hales stated if Council decided to utilize the grant money there were several financing options available for the remaining balance. Tim Ervin, Finance Director, was researching additional financing options. There was a deadline for radios. He met with Representative Brady to discuss other funding options. He hoped for more good news in the future. Asst. Chief Siron noted Motorola had a variety of financing options.

Mayor Stockton questioned issues with the existing system. Asst. Chief Siron stated the equipment was ten (10) years old. Maintenance costs were paid annually. Eventually the system would need to be replaced. Mayor Stockton questioned if other grants were available. Asst. Chief Siron stated the City of Champaign had received a grant. They had spent over \$7 million to build a new system. If the City built their own system it could cost several million dollars. Mayor Stockton questioned the monthly subscription cost. Asst. Chief Siron stated it was \$30 per month per radio.

Alderman Huette questioned alternatives for the existing equipment. Asst. Chief Siron stated the current system could be migrated to Public Works as a back up system.

Alderman Purcell questioned the total purchase cost. Asst. Chief Siron stated there would not be any maintenance costs for the first two (2) years, just the monthly user fee.

Mr. Hales stated staff was finishing the first quarter financial report. There were some high spots, i.e. increase in sales tax revenue. Hotel/motel taxes were down twenty

percent (20%) in the first quarter for the second year in a row. Staff was also looking at revenue projections.

Mr. Hales also noted there had been a substantial increase in the amount of Council Proceedings approved since spring. The goal for the next sixty (60) days was to be current. Once current, the goal was to complete Council Proceedings within thirty (30) days. He expressed his appreciation for the efforts of the City Clerk's Office and stated they were making good progress. Mayor Stockton noted that Council Proceedings were more detailed and unusual for most cities. The Record of Motions and Votes were available the day after Council meetings on the City's web site.

**ALDERMEN'S DISCUSSION:** Alderman Anderson thanked the Parks, Recreation and Cultural Arts Department for the Cultural Festival on August 21 – 22, 2010. He had a good time and encouraged future attendance.

Alderman Huette thanked staff for their efforts with the RIMCO transition. He believed it was a positive step.

Alderman Stearns expressed concern regarding the time invested for the fall retreat. She questioned the meetings length. She planned to attend. David Hales, City Manager, addressed the Council. The retreat would be all day Friday, October 8, 2010 and half day Saturday, October 9, 2010. Alderman Stearns expressed concern for City resources and Council and staff's time. She questioned if this was the best allocation of time and money. Goals had not been achieved in the past. She read from the strategic plan. She questioned the benefit to citizens. There were a number of goals established and a number of needs. She reiterated her concern regarding time, money and staff resources.

Alderman Purcell questioned the status of open burning ordinance. Mr. Hales stated the issue would be discussed during the Council's September 13, 2010 meeting.

Alderman Schmidt questioned the status of Main St. Mr. Hales stated the Main St. Commission meeting would be held August 27, 2010 at 9:00 a.m. in the County Board Meeting Room. The Ad Hoc Committee's report would be presented to the Commission, then on to the City's Planning Commission and finally to the Council. Alderman Schmidt questioned if there would be conversations with the Town of Normal. Mark Huber, Director – PACE, addressed the Council. The first step was a presentation to the Commission. Staff would then work on the recommendations made. There was not a decision made on how to disseminate information back to the Town and City. Alderman Schmidt believed there had not been an opportunity for the Town and the City to speak to each other.

Alderman Anderson expressed concern for meeting times. He believed citizen input was important. He requested that a change to meeting times be taken seriously to allow more people to attend. Mayor Stockton had drafted a letter to the City's Boards and Commissions. There needed to be a balance between staff's time and available times for citizens. He cited the Liquor Commission as an example. The Commission would attempt

to hold controversial issues until after 5:00 p.m. In regard to the Main St. Commission, the task force report would be sent to the Commission first. There would be a presentation and a discussion of the guiding principals. There would be a discussion of what the next step should be. Options included sending the report to the Planning Commission or a joint meeting of the Town and City Council.

Alderman Fruin stated he would be out of town through early September. He would miss the Labor Day Parade and ZooDo. He would attend the Council's September 13, 2010 meeting. He recognized the Beautification Committee's efforts. He had made a suggestion to the Pantagraph that it expand the column on area legislator's voting. The issue was transparency. Important issues needed to be reported. He enjoyed knowing how representatives were voting and believed voters should be educated.

Alderman McDade thanked those who attended the Citizens Voice meeting on August 16, 2010. The third meeting would be held on November 16, 2010 at Miller Park Pavilion. She welcomed feedback and any suggestions on how to fine tune the meetings. She also thanked Mayor Stockton and Alderman Schmidt for their attendance at the Illinois State University's Community Service Project on August 21, 2010. The volunteers had spent three (3) hours cleaning the City's west side. She encouraged students to volunteer. She thanked those individuals willing to help.

Motion by Alderman Anderson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 10:05 p.m.

Motion carried.

Tracey Covert  
City Clerk

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