

**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 7:38 p.m., Monday, August 9, 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 Huetten, Bernie Anderson, David Sage, John Hanson, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman Absent: Jennifer McDade.

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

The following was presented:

Oath of Office – Firefighter Michal Novak.

Les Siron, Deputy Fire Chief, addressed the Council. He introduced Michal Novak, Firefighter. Mr. Novak came to the City through the Experienced Officer Hiring Program (EOHP) via Carol Stream, IL. He was accompanied this evening by his parents, aunt, uncle, and grandmother.

Tracey Covert, City Clerk, administered the Oath of Office. Mr. Novak thanked all involved in the hiring process. He also thanked his family for attending this evening's meeting. He looked forward to a great career.

The following was presented:

SUBJECT: Council Proceedings of January 22, 2007, December 22, 2008, February 9 and March 23, 2009, and the Work Session Minutes of April 12, 2010

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of January 22, 2007, December 22, 2008, February 9 and March 23, 2009, and the Work Session Minutes of April 12, 2010 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of January 22, 2007, December 22, 2008, February 9 and March 23, 2009, and the Work Session Minutes of April 12, 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 Anderson, seconded by Alderman Purcell that the reading of the minutes of the previous Council Meetings of January 22, 2007, December 22, 2008, February 9 and March 23, 2009, and the Work Session Minutes of April 12, 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, 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 furnished to you on Thursday, August 5, 2010 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements to be approved \$3,094,326.47, (Payroll total \$1,608,093.21, and Accounts Payable total \$1,486,233.26).

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Anderson, seconded by Alderman Purcell 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, Anderson, Hanson, 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 twenty-second partial payment to Interchange City West in the amount of \$166,449.76 on a contract amount of \$3,912,913.66 of which \$2,850,967.95 (\$11,254.99 in reimburseables) will have been paid to date for work certified as 73% complete for the Interchange City West Tax Rebate. Completion date – April 2016.
2. The third partial payment to Rowe Construction in the amount of \$228,220.28 on a contract amount of \$576,549.79 of which \$382,886.01 will have been paid to date for work certified as 66% complete for the 2010-2011 General Resurfacing. Completion date – October 2010.

3. The third partial payment to Rowe Construction in the amount of \$488,045.66 on a contract amount of \$1,094,081.72 of which \$730,863.68 will have been paid to date for work certified as 67% complete for the 2010 Street and Alley Repair. Completion date – November 2010.
4. The eighth partial payment to Stark Excavating in the amount of \$101,836.62 on a contract amount of \$929,561.50 of which \$614,311.45 will have been paid to date for work certified as 66% complete for the Division B – TIF District Streetscape Improvements. Completion date – August 2010.
5. The fourth partial payment to Gildner Plumbing, Inc. in the amount of \$108,287.26 on a contract amount of \$414,990 of which \$294,376.50 will have been paid to date for work certified as 71% complete for the TIF Water Main Replacement – Mulberry and Prairie from Mulberry to Douglas. Completion date – August 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

Motion by Alderman Anderson, seconded by Alderman Purcell that the payments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Pay G.A. Rich & Sons, Inc. for Emergency Repair of City Sewer Manhole on Western Avenue at Grove Street (Ward 6)

RECOMMENDATION: That the payment be approved.

BACKGROUND: The street pavement and sanitary sewer manhole had settled at the intersection of Western Avenue and Grove Street, causing a dangerous sink hole. The old brick manhole had failed and needed to be replaced prior to the resurfacing of Western Avenue. In

addition to manhole failure it was eighteen feet (18 ft.) deep. Due to the depth of repair necessary, staff was unable to make the repairs. G.A. Rich & Sons, Inc. was retained to replace the manhole. The excavation was backfilled and the street patched. A time and materials bill has been submitted for this work in the amount of \$21,880.69. Staff has reviewed the bill and the time and materials used are consistent with repairs of this nature.

Staff maintains a list of the contractors able to perform the various construction operations required for emergency work. Staff is currently drafting a written policy for the practice of emergency contractor selection.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for this work in the amount of \$21,880.69 will be paid with Sewer Maintenance & Operations Funds, (X52100-70551). As of the fiscal year 2009 audited financial statements, the Sewer Maintenance and Operations Fund had an unrestricted fund balance of (\$5,074,937).

Respectfully submitted for Council consideration.

Prepared by:

Financial review:

Recommended by:

Jim Karch
Director of Public Works

Tim Ervin
Finance Director

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Purcell that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Replacement of Golf Course Maintenance Equipment

RECOMMENDATION: That the three (3) pieces of golf course maintenance equipment be purchased from Birkey's Farm Store through the State of Illinois Joint Purchasing Contract in the amount of \$43,005.90, the Purchasing Agent authorized to issue a Purchase Order for same and the Resolution adopted.

BACKGROUND: Three (3) pieces of golf course maintenance equipment are budgeted to be replaced in the current FY 2011 budget.

The first piece of equipment to be replaced is a 2004 Smithco E-Star Sand Trap Rake at Highland Park Golf Course. A sand trap rake is a riding machine used to manicure the sand traps on the golf course. The current sandtrap rake is an electrical machine that does not provide enough power to maintain the level of maintenance preferred by golfers. This piece of equipment is currently inoperable and needs a new electrical system. The City's golf course priority maintenance standards list the conditions of sand traps as priority #2, right behind conditions of putting greens. The maintenance standards priority list was based on feedback from golfers and staff.

Estimated repair cost is a minimum of \$1500. Staff is testing a demo unit from a local vendor to complete maintenance of the sand traps on a short term basis until a replacement can be purchased. Birkey's Farm Store has provided a \$300 trade in allowance for this piece of equipment. The unit recommended for purchase from the State of Illinois Mower Contract is a Smithco SS X-Treme Trap Rake. It is a diesel powered machine that will provide more power to better move the sand and provide for better playing conditions.

The contract price for the Smithco SS X-Treme Trap Rake is \$11,224, minus \$300 trade in allowance for a net cost of \$10,924. Staff recommends trading in the 2004 Smithco E-Star Sand Trap Rake as its parts are not compatible with any other piece of equipment in inventory.

The second piece of equipment to be replaced is a 2003 Smithco Super Rake at the Den at Fox Creek. This piece of equipment is currently inoperable and in need of a new engine valve and possibly a complete engine replacement. An exact diagnosis would not be possible until work on the unit began. Estimated repair cost is a minimum of \$1700 and could be as high as \$4,000 to \$5,000 if a new engine would be required. Staff is testing a demo unit from a local vendor to complete maintenance of the sand traps on a short-term basis until a replacement can be purchased. Birkey's Farm Store has provided a \$700 trade in allowance for this piece of equipment. However, if used for parts, the value of the unit is at minimum of \$1000 for the tires, blade, seat and electrical components. The unit recommended for purchase from the State of Illinois Mower Contract is a Smithco SS X-Treme Trap Rake at the contract price of \$11,224. Staff is recommending retaining the 2003 Smithco Super Rake to be used for parts.

The third piece of equipment to be replaced is a 1999 Jacobsen Greensking V greens mower. This unit is a greens mowing model used to mow the eighteen (18) competition putting greens and two (2) practice putting greens at Prairie Vista Golf Course. The condition of the putting greens is the highest priority on the golf course maintenance standards. This mower has major hydraulic fluid leaks that would require an estimated \$2500 in repairs. Hydraulic fluid when leaked onto grass, kills it resulting in unfavorable playing conditions and expensive repairs to the putting greens. Staff is currently adapting a tee mower with different sets of reels to mow the putting greens and then readjusting the tee mower back to its original condition to be used to mow the tee areas. Beyond the short term this is an inefficient practice.

Birkey's Farm Store provided a \$700 trade in allowance for this unit. However the reels and groomers are worth approximately \$1200 as parts if utilized on other pieces of equipment. The unit recommended to purchase from the State of Illinois Mower Contract is a Jacobsen Greens King IV Plus D at the contract price of \$21,133. Staff recommends keeping the 1999 Jacobsen Greens King V to use for parts as they are compatible with the Jacobsen Greens King IV Plus D and other pieces of equipment in inventory.

While there is the ability to share some pieces of equipment between the three (3) golf courses, some tasks require completion at the same time or within a small window of time at all three (3) courses, requiring each course to have its own inventory of various pieces of equipment.

Staff respectfully recommends that Council approve the purchase of these three (3) pieces of golf course maintenance equipment through the State of Illinois Mower Contract #PSD4015266. Birkey's Farm Store, Vendor #370791276-04, has the current state contract for the replacement equipment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City's Purchasing Agent.

FINANCIAL IMPACT: The current FY2011 budget includes \$50,000 for the replacement of this equipment in accounts X50650-72140, X50652-72140 and X50654-72140. The contract prices, including the \$300 trade in allowance, for all three (3) pieces is \$43,005.90.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John Kennedy, Director
Parks, Recreation & Cultural Arts

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

RESOLUTION NO. 2010 - 26

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF THREE (3) PIECES OF GOLF COURSE MAINTENANCE EQUIPMENT FOR THE PARKS, RECREATION AND CULTURAL ARTS DEPARTMENT FROM BIRKEY'S FARM STORE THROUGH THE STATE OF ILLINOIS JOINT PURCHASING CONTRACT IN THE AMOUNT OF \$43,005

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 three (3) pieces of golf course maintenance equipment for the Parks, Recreation and Cultural Arts Department from Birkey's Farm Store through the State of Illinois Joint Purchasing Contract in the amount of \$43,005.

ADOPTED this 9th day of August, 2010.

APPROVED this 10th day of August, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell commented on future plans for the equipment.

Alderman Anderson stated the Town of Normal had outsourced golf course maintenance and was unsuccessful. He encouraged staff to consider outsourcing and utilization of intergovernmental agreements.

Motion by Alderman Anderson, seconded by Alderman Purcell that the three (3) pieces of golf course maintenance equipment be purchased from Birkey's Farm Store through the State of Illinois Joint Purchasing Contract in the amount of \$43,281, 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, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Renewal of Sprint/Nextel Cellular Telephone Contract

RECOMMENDATION: That a two (2) year contract renewal with Sprint/Nextel to provide cellular telephone equipment and services for the City be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The City has contracted with Sprint/Nextel for cellular services since 1999. Cellular telephones have proven valuable in making City staff more efficient. Mobile telephone

calls, direct connect, and Blackberry access to City email allows staff to use their time more efficiently and respond quickly to various critical situations that arise as part of the City's daily operations.

The City currently has 237 active cellular lines with approximately thirty (30) lines for Blackberries. This number is down from a high of 255 total lines. This decrease was due to retirements and each department eliminating lines wherever possible in response to budget constraints.

Upon expiration of the latest contract, (August 2008), staff began research into the current state of the cellular market, including other cellular providers and the various options they provide. Staff has spent significant time working with Sprint/Nextel, and other providers, to compare available services, coverage areas, handset types, technical options, and pricing. These efforts resulted in a very competitive process as the providers worked to provide their very best offers.

Obtaining true comparisons has proven difficult as product mixes and service options are slightly different between all the providers. As an example, the two way direct connect service provided by Sprint/Nextel is an available option from Verizon Wireless. It is not currently available from US Cellular. Handset refresh policies are also different among providers, as is ongoing equipment replacement costs, nights and weekend options, text messaging options, and available monthly minute packages. However, staff has attempted to determine a "bottom-line" monthly cost for the participating providers. Estimated monthly costs (before fees, surcharges, taxes, and any monthly equipment repair costs) are as follows:

- Sprint/Nextel - \$6,898
- US Cellular - \$7,016
- Verizon Wireless - \$8,798

After researching these options, staff recommends renewing the City's contract with Sprint/Nextel for a two (2) year period. Sprint/Nextel proved extremely competitive and, with a two (2) year renewal, the following incentives are included:

- Replacement of 180 handset devices at \$0.99 each during the two (2) year contract.
- Two (2) months free service of the main voice rate plan, which will equal approximately \$2,300 per month.
- A building signal enhancer for the Parks Maintenance building on Springfield Road. Currently cellular service is problematic within this building.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds for cellular telephone services have been budgeted within the Information Services Telecommunications budget account (G11610-71340) for FY 2011. Cellular services account for approximately \$94,000, (including monthly service fees, equipment costs, and miscellaneous charges) of the overall \$409,180 Telecommunications budget.

Respectfully submitted for Council consideration.

Prepared by:

Scott A. Sprouls
Information Services Director

Reviewed as to legal sufficiency

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

(AGREEMENT ON FILE IN CLERK'S OFFICE)

Alderman Purcell cited the number of cell phones used by the City. He questioned if 100 of those were for use by the Police Department. David Hales, City Manager, addressed the Council. There were a large number of cell phones in use in the public safety area. The City relied on its department heads to apply the discretion necessary when selecting cell phones as part of the job.

Motion by Alderman Anderson, seconded by Alderman Purcell that a two (2) year contract renewal with Sprint/Nextel to provide cellular telephone equipment and services, in the amount of \$6,898 per month (before fees, surcharges, taxes and any monthly equipment repair costs) for the City 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, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Administrative Changes to Employee Health Plan

RECOMMENDATION: That the Administrative Changes to the Employee Health Plan be approved.

BACKGROUND: As provided under Illinois Public Act 95-0958, since January 1, 2010, the City has been required to allow adult dependents up to age twenty-six (26), regardless of student or marital status, to remain on its employee health plans. At the November 9, 2009 Council meeting, Council approved changes to the administration of the City's plans. The City now requires that employees be charged an additional premium to add their adult dependents.

Since that time, new federal legislation has changed the landscape for employer health plans. Among other things, the Patient Protection and Affordable Care Act requires plans and issuers that offer dependent coverage to make that coverage available until the adult child reaches the age of twenty-six (26). The Act also makes the coverage of adult children a non-taxable benefit to employees.

There are several differences between the situation addressed in November, 2009 and the situation that exists after passage of the federal healthcare reform law. The City is not required under federal law to allow adult dependents on its plans until January 1, 2011. Under Illinois law the City has been required to allow them on its plans since January 2010. In November, 2009, Council approved charging additional premiums to keep their adult dependents on their health plans. Under the federal law, we cannot charge differently for adult dependents than we would any other dependents. Moreover, it should be noted that due to the high cost of the additional premiums, there were very few young adult dependents enrolled in the plans.

As a result of the new legislation, staff is presenting the following recommendations for immediate changes to how the City administers its health plans for these dependents.

Recommendation 1: Allow all dependents up to age twenty-six (26) to remain on their parents' health plan if they are currently covered. Charge employees the same premium as they are being charged for any other dependent (i.e. employee plus one or the family premium for coverage of employee plus two or more dependents).

Although the City is not required to make this change until January 1, 2011, there are technical reasons for doing so now. Blue Cross, the City's main health insurance administrator, and other insurers at the request of the federal government, are allowing adult dependents to remain on their plans now rather than requiring them to drop coverage if they have just entered the adult dependent category and then reenroll at the next enrollment period. Blue Cross does not monitor dependent age for adult status, nor do they request school transcripts to verify full time student status, which was a requirement to remain on the plan until age twenty-three (23).

The new federal regulations state that the City cannot charge differently for adult dependents. This is a change from what was established by Council in November 2009. Technically, this change does not take effect until January 2011 but, since there is no good way to identify adult dependents, staff cannot fairly administer differential premiums for the remaining six (6) months in this plan year. It would not be feasible to develop an in-house method to replace Blue Cross's process to report age and investigate student status. Such programs would only be in place until December 31, 2010.

Recommendation 2: Deduct all health insurance premiums (not dental or vision for adult dependents) as pre-tax as long as the employee did not opt out of the pre-tax deduction at the last open enrollment. This is now permissible under federal law.

Recommendation 3: Begin allowing married adult dependents under age twenty-six (26) to remain on the City's plan unless the dependent has access to insurance through their own employer. (The City's coverage would not be available to the spouse of the adult dependent). This too, follows the new federal law.

This recommendation stems directly from the new rules which require allowing married adult children to remain on the plans unless they are able to obtain coverage through their own employer. Again, technically, this does not need to be implemented until January 1, 2011. However, there has never been a good way to verify if a dependent remains single. The spouses or children of the married dependents would not be enrolled in the plan. Employees' grandchildren, unless they become a dependent, are ineligible.

The City could deny coverage to dependents that have health insurance through their own employer until 2014. At that time the City would no longer have the ability to deny such enrollment. Certifications would be required from employees stating that their child does not have access to such coverage. Employees would be required to remove their child from coverage if they have access to health insurance from their employer. However, staff would be unable to monitor compliance and will have to rely on the good faith of employees to do so.

Recommendation 4: Allow adult dependents up to age twenty-six (26) to remain on the City's dental and vision plans. This is required only under Illinois law. There is limited exposure to the City under these plans and staff recommends that employees pay for adult dependents on these plans as they would for any other dependents. This would be a taxable benefit to the employee under IRS regulations.

The new law requires an open enrollment period for adult dependents. The City's plans would not be required to open enroll these dependents until the usual enrollment period and coverage would be effective beginning January 1, 2011. Those dependents currently on the plan would be permitted to remain. Staff recommends waiting until the regular open enrollment period to enroll or re-enroll adult dependents that are not currently on the plans.

Under Illinois law, unmarried military veterans residing in Illinois must be permitted to remain on the City's plan up to age thirty (30). This would be a taxable benefit to employees.

Staff respectfully requests the adoption of the above recommendations.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The financial impact of these changes is difficult to estimate. Blue Cross has projected that there could be approximately a one percent (1%) increase to costs of adding adult dependents to a plan under the federal law change. However, since the City is

already bound under the Illinois law to permit these individuals to remain on its plans and some adult dependents are currently enrolled, the increase over today's costs would be somewhat less.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Laurie Wollrab
Compensation & Benefits Manager

Emily Bell
Director of Human Resources

Reviewed as to legal sufficiency:

Recommended by:

Rosalie Dodson
Asst. Corporation Counsel

David A. Hales
City Manager

Alderman Stearns questioned if the change to the health plan was a state or federal mandate. She clarified that the costs were unknown. She cited the estimated one percent (1%) increase. Laurie Wollrab, Compensation and Benefits Manager, addressed the Council. The estimate was based on federal mandates. There were a limited number of individuals on the plan. They were required by state law to stay on the plan. The City could not predict if more individuals would be added.

Motion by Alderman Anderson, seconded by Alderman Purcell that the Administrative Changes to the Employee Health Plan be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Client Agreement with Walgreens Health Initiatives, Inc. (WHI) for Pharmacy Benefit Management Services

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

BACKGROUND: The City utilizes a pharmacy benefit manager, Walgreens Health Initiatives, Inc. (WHI), to administer the prescription drug component of its Preferred Provider Organization (PPO) health plan. The City has obtained this service through Heartland Healthcare Coalition (Heartland) which is a purchasing cooperative of large and small local and regional employers. Heartland is able to negotiate good pricing because it can bring many employers and plan participants to a vendor. The City also benefits from the expertise Heartland has in the area of benefit contracting and from their skill in vendor negotiations.

In July 2009, Heartland renegotiated the terms of its Master Pharmacy Benefit Manager (PBM) Services Agreement with WHI to provide pharmacy benefit management services for its clients. As provided in that Agreement, prior to the commencement of pharmacy benefit management services to any client, the client must execute a Client Agreement with WHI. WHI did not release these Agreements for review until May 2010. However, as of January 1, 2010, the City has been receiving cost savings pursuant to the renegotiated terms of the Agreements.

The cost savings estimate which was produced by WHI based on the new pricing arrangements and the City's pharmacy benefit structure under this Agreement projects a 7.4% savings or \$112,857 for the 2010 plan year. In addition to processing prescription drug claims, WHI assists the City with obtaining the Medicare Retiree Drug Subsidy (which was \$56,308 this year), provides the City with options to manage pharmacy costs, and gives good service to employees.

The initial term of the Client Agreement between the City and WHI is January 1, 2010 to December 31, 2012. Upon expiration of the initial term, the Agreement will automatically renew for successive renewal periods of one (1) year. Either party may terminate the Agreement without cause effective at the end of the initial term or any renewal period upon at least ninety (90) days advance written notice to the other party. There are also several instances in which the Agreement may be terminated with cause. If the City does not approve the Agreement for the initial term of three (3) years, WHI would require the City to provide a formal termination notice. In this instance, current pricing would continue until December 31, 2010.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Anticipated cost savings of \$112,857 for January to December 2010 plan year.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Laurie Wollrab
Compensation & Benefits Manager

Emily Bell
Director of Human Resources

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

David A. Hales
City Manager

(PARTIALLY EXECUTED CONTRACT ON FILE IN CLERK'S OFFICE)

Alderman Purcell expressed appreciation for the savings received by this agreement. He recognized staff's involvement. David Hales, City Manager, addressed the Council. Laurie Wollrab, Compensation and Benefits Manager, had been responsible for this agreement.

Motion by Alderman Anderson, seconded by Alderman Purcell that the Client 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, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Prevailing Wage Resolution

RECOMMENDATION: That the Resolution be adopted.

BACKGROUND: Illinois law requires the City Council to pass a Prevailing Wage Resolution each year. Prevailing wage records are kept by the Illinois Department of Labor and with the help of municipalities throughout the state, they are updated each June. The prevailing wage information received from the Department of Labor has been corrected pursuant to information received from the various labor unions.

The Resolution requires prevailing wages to be paid when private commercial economic development projects are supported by public funds, such as Tax Increment Financing or tax incentives.

Previous prevailing wage resolutions included a requirement that contractors subject to the Prevailing Wage Resolution participate in apprenticeship and training programs approved and registered with the United State Department of Labor's Bureau of Apprenticeship and Training

for all construction contracts in excess of \$100,000. At this time only home rule municipalities may insert such a provision. Last year, the Council approved this resolution deleting this provision for two reasons: 1.) a survey of our core comparable cities showed that only one (1) city (i.e. Pekin) requires said provision; and 2.) some potential contractors have had concerns that the inclusion of such a provision restricts competition.

The Resolution complies with Illinois law as to public works. The staff recommends adoption of this Resolution.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Area unions and non union contractors.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by and reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

RESOLUTION NO. 2010 - 27

A RESOLUTION OF THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS ASCERTAINING THE PREVAILING RATES OF WAGES FOR LABORERS, WORKERS AND MECHANICS EMPLOYED AT PUBLIC WORKS OF THE CITY OF BLOOMINGTON

WHEREAS, the Prevailing Wage Laws, 820 ILCS 130/1 et seq., as amended, require that each public body awarding any construction contract for public work or doing such work by day labor shall annually ascertain the general prevailing hourly rates of wages for employees engaged on such work; and

WHEREAS, “public work”, as defined in the Prevailing Wage Law, includes commercial or industrial projects financed in whole or in part through the issuance of revenue bonds by the City of Bloomington under authority of the Industrial Project Bond Act or Home Rule Ordinance, without regard to what person or entity formally contracts for such work; and

WHEREAS, the statutes further provide that said rates be published, publicly posted and/or kept available for inspection by any interested party and a certified copy hereof must be promptly filed in the Office of the Secretary of State and Labor Department and be provided to others on request; and

WHEREAS, the City of Bloomington believes Prevailing Wage Law should apply to private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing, Private Activity Bonds, or tax incentives of any kind, but excluding projects financed by the Downtown Commercial Revolving Loan Fund, projects resulting from Annexation Agreements, Intergovernmental Agreements, projects involving the City's Land Subdivision Code (including waivers/variations therefrom), activities that are exempt due to specific contract language, or certain projects the City Council finds inappropriate for application of Prevailing Wage Law; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington, County of McLean, State of Illinois that the prevailing wages as set forth in the document attached hereto are incorporated herein by reference as the prevailing rates of hourly wages in the City of Bloomington, Illinois for the laborers, workers and mechanics specified therein who are engaged in the construction of public works within the jurisdiction of this municipality; and

BE IT RESOLVED that the prevailing wages set forth in the document attached hereto and incorporated by reference shall be paid to laborers, workers and mechanics specified therein when such persons perform work on private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind, but excluding projects financed by the Downtown Commercial Revolving Loan Fund, projects resulting from Annexation Agreements, Intergovernmental Agreements, projects involving the City's Land Subdivision Code (including waivers/variations therefrom), activities that are exempt due to specific contract language, or certain projects the City Council finds inappropriate for application of Prevailing Wage Law; and

BE IT RESOLVED that nothing herein contained shall be construed to apply said prevailing hourly rates of wages in the locality to any work or employment other than public works or private commercial economic development projects directly supported by public funds as defined in the Act and this Resolution; and

BE IT RESOLVED that the City Clerk shall publicly post or keep available for inspection by any interested party in the main office of this City this determination of prevailing rates of wages; and

BE IT RESOLVED that the City Clerk shall mail a copy of this determination to any employer, any association of employers, and to any person or association of employees who have filed or do file their names and addresses with the Clerk requesting copies of any determination under said law of the particular rates and of the particular classes of persons whose wages will be affected by such rates; and

BE IT RESOLVED that the City Clerk shall promptly file a certified copy of this Resolution with the Secretary of State* and the Department of Labor** of the State of Illinois; and

BE IT RESOLVED that the City Clerk, as required by law, shall cause to be published in a newspaper of general circulation within the area of this municipality a notice of this determination and that it is the effective prevailing wage determination of this public body.

ADOPTED this 9th day of August, 2010.

APPROVED this 10th day of August, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(WAGE TABLE ON FILE IN CLERK'S OFFICE)

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, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Apolinar Sotelo Estrada, d/b/a La Guerrence, located at 510 IAA Dr., for a PAS liquor license, which will allow the sale of all types of packaged alcohol for consumption off 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 a PAS liquor license for Apolinar Sotelo Estrada, d/b/a La Guerrence, located at 510 IAA Dr., be denied.

BACKGROUND: Liquor Commissioner Richard Buchanan called the Liquor Hearing to order to hear the request of Apolinar Sotelo Estrada d/b/a La Guerrence, located at 510 IAA Dr., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Richard Buchanan, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Apolinar Sotelo Estrada, owner/operator and Applicant representative, and Reyna Palafox, Applicant's translator.

Commissioner Buchanan questioned the purpose of this application. Apolinar Sotelo Estrada, owner/operator and Applicant representative, addressed the Commission. Reyna Palafox would act as his translator. Mr. Estrada had applied for a liquor license to assist with the growth of his family owned business. Increased sales at his store would benefit the City and his business.

Commissioner Buchanan informed the Commission that he had visited the store the day before. Mr. Estrada hoped to improve overall sales, (food, other items, etc.). The store was located within Empire Plaza near the Verizon store. The Applicant had focused on Mexican specialty products. Mr. Estrada noted that the store offered a variety of Hispanic and American products.

Commissioner Buchanan questioned the volume of alcohol that would be offered for sale. He noted that the store offered a two (2) door cooler to stock cold items for sale. Mr. Estrada responded affirmatively. He had shown Commissioner Buchanan a three (3) door cooler yesterday.

Commissioner Buchanan questioned when La Guerrence opened. Mr. Estrada stated March 2010. Commissioner Buchanan questioned if Mr. Estrada had applied for a liquor license in the past. Mr. Estrada responded negatively.

Commissioner Buchanan noted Mr. Estrada's concern to improve his business. Mr. Estrada had stated that if the liquor license was granted he hoped to expand the business. He noted business hours with a midnight closing. Mr. Estrada stated that it was not his intention to cause the City any concern. He offered to keep his current business hours.

Commissioner Buchanan questioned if Mr. Estrada had any alcohol sales experience. Mr. Estrada answered this question honestly. He had no alcohol sales experience. He would follow the rules and handle alcohol correctly.

Commissioner Petersen questioned Mr. Estrada's familiarity with the City's liquor code, (sale of alcohol). Mr. Estrada was somewhat familiar. He knew to check identification. There would be no sales to minors. He was willing to take in all of the information. He hoped to sell packaged alcohol but not single serve items. He hoped the Commission would find him worthy of a liquor license.

Commissioner Petersen noted that Mr. Estrada had applied as a sole proprietor. Mr. Estrada responded affirmatively.

Commissioner Buchanan questioned other employees and the business' current hours. La Guerrence was open from 9:00 a.m. to 9:00 p.m., seven (7) days a week. Currently, Mr. Estrada was the sole employee. He questioned if the City had to be informed if other employees were hired. He cited a back up employee as an example. Commissioner Buchanan informed Mr. Estrada that the City must be informed of a change of ownership and/or the sale of the business. There was no requirement to inform the City about employees. The Commission might request Mr. Estrada to inform the City Clerk's Office if additional employees were hired.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that a liquor license holder employs a variety of employees. He added that notification was not required. Notification could be done informally or by condition.

Commissioner Buchanan stated that a significant component to successful performance was who would be the responsible party for alcohol sales. The Commission could request informal notification.

Commissioner Petersen questioned if the store's customers had requested alcoholic products. Mr. Estrada responded affirmatively. The number of requests was limited.

Commissioner Tompkins noted that there were four (4) nearby liquor establishments. He cited Mr. Estrada's limited experience. He also believed a liquor license would result in limited business growth. He questioned if this application was worth the effort. Mr. Estrada believed a liquor license could make a difference. He would not know unless he tried.

Commissioner Tompkins stated that the liquor code was complex. If there were liquor violations, Mr. Estrada could lose his license. He questioned if Mr. Estrada had taken any steps to insure compliance with the liquor code. Mr. Estrada stated his approach would be to be faithful to the code. He would strictly follow the rules. He did not want to jeopardize his license. He had no intention to disobey the rules.

Commissioner Tompkins questioned securing the alcohol product. He also questioned a video security system. Mr. Estrada offered to install a surveillance system for the safety of all, (self and customers).

Commissioner Tompkins questioned if the cash register was visible from the parking lot. Mr. Estrada responded affirmatively. Commissioner Buchanan offered to attest to same.

Commissioner Petersen expressed his appreciation for Mr. Estrada's sincerity and honesty. He questioned business sales since La Guerrence's opening. Mr. Estrada noted that the business was new. Sales were slowly increasing. He believed that liquor sales might attract additional customers.

Commissioner Petersen stated that a liquor license was a serious responsibility. He recommended that Mr. Estrada start with a "B", Beer and Wine, only liquor license. He added that current business hours should be retained, (9:00 a.m. to 9:00 p.m.). He stated his preference that there not be an "S", Sunday, liquor license. Finally, he cited City staff as an excellent

resource. Mr. Estrada responded affirmatively. He questioned if La Guerrence could remain open on Sunday without liquor sales.

Mr. Boyle noted the total business hours. He cited the hours worked per week by Mr. Estrada. He questioned if Mr. Estrada had back up staff. Mr. Estrada responded negatively. At this time, he closed the store if needed.

Commissioner Buchanan opened the hearing to public comment.

Jeffrey Walls, 3904 Bluebell Dr., addressed the Commission. He informed the Commission that two (2) of his brothers had been murdered in the area, (Riley Dr.). He described this area has high crime. There were a number of apartment buildings. Mr. Walls added that holding a liquor license was a responsibility. There were a number of liquor establishments in the area. He stated his belief that alcohol use contributed to crime. He was opposed to this application.

Commissioner Petersen requested that the Applicant respond to Mr. Walls' comments. Mr. Estrada made no comment. He would respect the Commission's decision. He understood that a liquor license was a responsibility.

Commissioner Buchanan noted that the Commission had no answer for Mr. Walls. Commissioner Buchanan noted that Mr. Walls was opposed to this application. Mr. Walls responded affirmatively. He noted nearby liquor establishment, (Cub Foods, Schnucks, Famous Liquor, etc.).

Commissioner Buchanan noted that an "A", All types of alcohol, liquor license, allowed the sale of spirits. He questioned what products Mr. Estrada planned to stock and sell. Mr. Estrada stated Hispanic and American beers. He was also interested in stocking and selling Tequila but was willing to forego same.

Commissioner Buchanan questioned pricing of liquor products compared to other stores. Mr. Estrada noted that he would stock smaller quantities. It would be difficult to compare.

Commissioner Petersen noted that the Applicant had stated that he would respect the Commission's decision. He questioned if Mr. Estrada would continue to operate the store without a liquor license. Mr. Estrada responded affirmatively. He added that his sole interest was not to be a liquor store.

Commissioner Buchanan questioned La Guerrence's clientele. Mr. Estrada noted that customers range in age from thirty to fifty (30 - 50). La Guerrence welcomed friends and acquaintances. The store's doors were open to all.

Commissioner Petersen cited Mr. Estrada's inexperience. In addition, Mr. Estrada did not have any back up staff with alcohol sales experience. He was hesitant to recommend approval of this Application at this time.

Commissioner Tompkins questioned if the Applicant would be able to recognize fake identification. Mr. Estrada believed he could do so. The person should be compared to the identification.

Commissioner Petersen stated his intention, based upon the circumstances and the inexperience of the applicant, to make a motion that the application be denied.

Motion by Commissioner Petersen, seconded by Commissioner Tompkins that the application of Apolinar Sotelo Estrada d/b/a La Guerreance, located at 510 IAA Dr., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be denied.

Ayes: Commissioner Petersen and Tompkins.

Abstains: Commissioner Buchanan.

Motion carried.

Commissioner Petersen encouraged Mr. Estrada to become familiar with the City's liquor code. Mr. Estrada was encouraged to refile an application at a future date.

Commissioner Buchanan stated that this application had been difficult. He would have supported creation of a liquor license with conditions. He did not believe that this application would lead to additional crime.

Commissioner Petersen stated his largest concern was the Applicant's inexperience. He expressed his appreciation to the Applicant for his sincerity and honesty. He restated that the store would continue to operate without liquor sales. Mr. Estrada questioned if classes were available. He wanted to demonstrate his interest in pursuing a liquor license.

Commissioner Buchanan stated that there were classes. Most were addressed at sales by the glass. Mr. Estrada was encouraged to visit the state's Liquor Control Commission web site. BASSET (Beverage Alcohol Sellers and Servers Education and Training) was cited as an example. Mr. Estrada was encouraged to study the City's Liquor Code and become more comfortable with same. Mr. Estrada should gain experience before reapplying.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately eighty-four (84) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the July 20, 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 Anderson, seconded by Alderman Purcell that the PAS liquor license for Apolinar Sotelo Estrada, d/b/a La Guerrence, located at 510 IAA Dr., be denied.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of AHI - Bloomington, LLC, d/b/a Country Inn Suites, located at 2403 E. Empire St., for an RAPS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off 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 RBPS liquor license for AHI - Bloomington, LLC, d/b/a Country Inn Suites, located at 2403 E. Empire St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions 1.) that the sale and service of alcoholic beverages be limited to hotel guests only; and 2.) that the consumption of alcohol be limited to the premise.

BACKGROUND: The Bloomington Liquor Commissioner Richard Buchanan called the Liquor Hearing to order to hear the request of AHI - Bloomington, LLC, d/b/a Country Inn Suites, located at 2403 E. Empire St., requesting an RAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Richard Buchanan, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Roger Taylor, Director Hotel Operations and Applicant representative.

Commissioner Buchanan questioned the purpose of this application. Roger Taylor, Director Hotel Operations and Applicant representative, addressed the Commission. He had nineteen (19) years of experience in the hotel industry. Country Inn Suites planned to sell packaged beer and

wine in the hotel's convenience store and host a Manager's Reception from 5:00 to 8:00 p.m., Monday through Thursday.

Commissioner Buchanan informed the Commission that he had visited with the On-duty Manager and was shown the hotel's convenience store. Mr. Taylor informed the Commission that an additional cooler with locking doors would be installed. It measured 36" x 54". Commissioner Buchanan noted that these amenities were for hotel guests only. The Manager's Reception would be held in the hotel's breakfast area which was adjacent to the front lobby. Mr. Taylor cited competition in the hotel industry. Country Inn Suites was a corporate property. The hotel had been upgraded. Business travelers expected to be offer additional amenities.

Commissioner Buchanan questioned if room service was offered from within or externally. Mr. Taylor responded negatively.

Commissioner Buchanan questioned how to define the premise. The premise could include the entrance, foyer and breakfast area or the premise could include the entire building. Mr. Taylor noted that the Manager's Reception would be staffed. Appetizers and finger foods would also be offered during the reception. Commissioner Buchanan questioned if alcohol consumption would be limited to the breakfast area. Mr. Taylor responded affirmatively.

Commissioner Tompkins questioned the "P", Packaged portion of this application. He questioned if guest would be allowed to purchase packaged beer and wine to consume in their rooms. He also questioned if a non guest would be allowed to purchase same. Mr. Taylor informed the Commission that a hotel guest would have to show his/her room key and valid identification in order to purchase beer and/or wine.

Commissioner Petersen stated that he had no concerns with the Manager's Reception. He expressed his concern regarding the convenience store. He noted that the entire hotel building would become the premise. Mr. Taylor noted that other hotels have the ability to sell and serve alcohol.

Commissioner Buchanan noted that there were hotels which offered room service. The "P", Packaged portion of this application was for guest convenience. Mr. Taylor noted that a hotel guest would be allowed to consume packaged beer and/or wine in the breakfast area or the guest room. Hotel staff would try to monitor same. The goal was for the alcohol to stay within the hotel and within designated areas.

Commissioner Buchanan questioned if there were any hotels within the City which offered packaged alcohol for sale. Mr. Taylor informed the Commission that there was a hotel in the Town of Normal which offered this service.

Commissioner Tompkins offered to review the City's liquor license listing. He supported the Manager's Reception but was opposed to "P", Packaged sales. Mr. Taylor restated that only beer and wine would be available for purchase by hotel guests. These would be individual sales, (single can of beer as an example). The hotel desk was manned twenty-four/seven/three hundred sixty-five (24/7/365) days. Liquor sales would cease at 10:00 p.m.

Commissioner Petersen questioned a guest who requested to purchase six (6) beers. Mr. Taylor restated that a hotel guest would only be allowed to purchase a single alcoholic item at a time. Country Inn Suites was not a liquor store. The hotel was attempting to respond to competition within the hotel industry.

Commissioner Buchanan stated that he understood the Manager's Reception. Mr. Taylor noted that there may be guests who choose not to attend the reception. The hotel's convenience store was open twenty-four (24) hours. Liquor would be available for sale from noon until 10:00 p.m., seven (7) days a week.

Commissioner Buchanan acknowledged that the City did not have an exact classification to match the hotel's request. The entire hotel building would be included in the premise. He noted that it would be difficult for hotel management to control what occurred in guest rooms.

Commissioner Petersen questioned if this would become a new trend in the hotel industry. He suggested that alcohol consumption be restricted to the breakfast area. Commissioner Buchanan noted that guest might still bring alcohol into the hotel.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted Taken, Inc., d/b/a A. Renee Shop and Wine Cafe, located at 306 N. Center St., as an example of the combination of packaged sales and sale by the glass. A. Renee offered two (2) separate areas, the packaged store and the wine bar. He noted that Mr. Taylor had stated that packaged sales would be limited to hotel guests. A guest would have to show his/her room key which would limit who could purchase alcohol.

Commissioner Petersen cited the Holiday Inn Hotel & Suites, 3202 E. Empire St. Commissioner Buchanan noted that this hotel offered room service. The entire building was included in the premise. Baxter's American Grille, the liquor license holder, was the responsible party for the entire premise.

Mr. Boyle noted that the liquor license holder would have control over the premise. In addition, the hotel had the right to exercise reasonable business practices.

Commissioner Tompkins questioned control after the sale. Mr. Taylor noted that the hotel staff would make every attempt to control consumption by establishing policies and procedures. The packaged alcohol would be kept in a locked cooler. Guests would be provided with the hotel's alcohol consumption policies at the time of sale. He acknowledged that there would be the possibility that a guest might violate these policies. Commissioner Tompkins expressed his belief that Mr. Taylor was aware of the responsibility.

Commissioner Buchanan noted that whether a guest purchased alcohol via room service or brought alcohol into the hotel, the entire premise was the owner's responsibility. He questioned if the City needed legal research into this area.

Commissioner Petersen questioned Mr. Talyor's tenure with this hotel. Mr. Taylor noted that the hotel had been open for nine (9) years. He had been with County Inn Suites for the past six (6) years.

Commissioner Petersen questioned if guest had requested alcoholic beverages. Mr. Taylor acknowledged this was a frequent request. Country Inn Suites was being hurt by the competition. Commissioner Petersen questioned if Mr. Taylor was interested in the entire hotel being included in the premise. Mr. Taylor responded affirmatively.

Commissioner Buchanan believed that with the controls presented there would be limited exposure for the hotel.

Commissioner Buchanan opened the hearing to the public. No one came forward to address the Commission.

Motion by Commissioner Petersen, seconded by Commissioner Tompkins that the application of AHI - Bloomington, Inc., d/b/a Country Inn Suites, located at 2403 E. Empire St., requesting an RAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types packaged alcohol for consumption off the premises seven (7) days a week be approved with the following conditions: 1.) that the "P", Packaged portion of the license be restricted to the sale of beer and wine only; 2.) that "P", Packaged sales be limited to single serve items; 3.) that the sale and service of alcoholic beverages be limited to hotel guests only; 4.) that the consumption of alcohol be limited to the premise.

Motion carried.

Commissioner Buchanan informed the Applicant that all statements made at this hearing were applicable to the liquor license.

Commissioner Tompkins questioned the impact upon the hotel at this time as it did not have a liquor license. Mr. Taylor cited the Holiday Inn and Baxter's which provided alcoholic beverages to the hotel. He added that there a limited number of restaurants in the area.

City staff has been informed by the McLean County Health Department that at this time only a "B", Beer and wine only, classification would be approved. The hotel lacked the necessary equipment to serve mixed drinks.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately four (4) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the July 20, 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: This would be a new liquor license. Annual fee for an RBPS is \$1,280.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Anderson, seconded by Alderman Purcell that an RBPS liquor license for AHI – Bloomington, LLC, d/b/a Country Inn Suites, located at 2403 E. Empire St., be approved contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) that the sale and service of alcoholic beverages be limited to hotel guests only; and 2.) that the consumption of alcohol be limited to the premise.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for 107.7 The Bull's 3rd Annual Birthday Bash at Six Strings, located at 525 N. Center St. on August 13, 2010

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND: 107.7 The Bull is hosting its 3rd annual birthday party at Six Stings, located at 525 N. Center St. on August 13, 2010. They will be securing the adjacent portion of the public alley and private parking lot behind their building and will have food service in that area. The event organizers want to allow people to walk across the public alley to the private parking lot with their drinks to enjoy the outdoor food vendors. They have requested that Chapter 6 Section 26(d) of the City Code, which prohibits having open containers of alcohol on public right of way, be suspended for the date, time and location of the event. A nationally known country artist will be performing, and all alcoholic beverages will be sold inside the premise. Outdoor consumption would be allowed between the hours of 12 noon and 2:00 a.m.

This has been done for other organizations. Most recently, Council suspended the Ordinance to allow consumption of alcohol on the street for the McLean County Arts Center Fundraiser, Margarita Night on June 24, 2010. Staff reviewed plans for the event with the organizers. Given the nature of this event, the type of crowd it attracts, and the high degree of involvement by event staff, all concerned believe that there would be no issues with suspending the ordinance as requested.

Staff prepared the necessary Ordinance suspending the code as needed for this event and respectfully requests Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed and concur:

Recommended by:

Tracey Covert
City Clerk

Randall D. McKinley
Police Chief

David A. Hales
City Manager

ORDINANCE NO. 2010 - 31

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6
OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN
ALCOHOL ON PUBLIC PROPERTY DURING THE
107.7 THE BULL 3RD ANNUAL BIRTHDAY BASH AT SIX STRINGS**

WHEREAS, 107.7 The Bull will hold its 3rd annual birthday bash at Six Stings, located at 525 N. Center St. on August 13, 2010; and

WHEREAS, Six Strings plans to have food vendors outside of the facility and has requested permission to allow the consumption of alcohol in the public alley and private parking lot during the event; and

WHEREAS, to allow possession of an open container of alcohol on public right of way, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public right of way, 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 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: August 13, 2010 between 12:00 o'clock p.m. (noon) and 2:00 o'clock a.m. in the public alley and private parking lot adjacent to the rear of the building. This suspension shall be effective only as to persons inside the designated area and for alcohol provided by Six Strings, located at 525 N. Center St.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 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).

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

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

PASSED this 9th day of August, 2010.

APPROVED this 10th day of August, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns questioned suspension of rules. She believed this had usually been done for charitable organizations. Mayor Stockton stated this item was not heard by the Liquor Commission. The City often allowed establishments to expand into parking lots for specific events. In this case, an extension of premise was needed because the parking lot was across an alley. Tracey Covert, City Clerk, addressed the Council. She cited the past history of the event. Outdoor liquor sales were not allowed. A suspension of the rules was required to allow patrons to cross the alley with alcohol.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 8, Block 28 of Camp Potawatomie from Charles G. and Julia B. Cresci to Brian T. and Lisa A. Lockenvitz

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 8, Block 28 of Camp Potawatomie from Charles G. and Julia B. Cresci to Brian T. and Lisa A. Lockenvitz. The sewage disposal system is a relatively new system, built in 1987 and was recently inspected. The system is in working order. This petition is in order and staff respectfully recommends that this transfer be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value) for determining the Lake

Lease Fee. The lease rate for 2010 was \$383.90. This lake lease income will be posted to Lake Lease revenue account 5010-50100-50110-57590.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Craig M. Cummings
Director of Water

Tim Ervin
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 7, Block 3 of Camp Potawatomie from MCLT H-217, Phares G. O'Daffer Trustee, to MCLT HBT 408, Heartland Bank Trust Company, Trustee, Jamie L. Drake, Beneficiary

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 3 of Camp Potawatomie from MCLT H-217, Phares G. O'Daffer Trustee, to MCLT HBT 408, Heartland Bank Trust Company, Trustee, Jamie L. Drake, Beneficiary. Staff has reviewed the septic system deficiency letter from the McLean County Health Department. This system is an older system that was extensively upgraded in 1979. The system was completely excavated and inspected in 1997. It is a subsurface discharging system. The effluent from the system does

not discharge directly into Lake Bloomington reservoir and poses little threat to its water quality. The seepage field is slightly undersized, thirty square feet (30 sq ft) but due to the subsurface drainage, this is of little consequence. In addition, the septic tank is five hundred (500) gallons too small but can be mitigated by pumping the system more frequently.

When inspected older solids were noted on the inlet and outlet baffles of the septic tank. It was impossible to tell when this occurred, but was an indication that either the tank was not pumped when it should have been in the past or that there has been a high water level in the septic field in the past causing the septic tank to back up. This could have occurred naturally such as due to a high water table or through excessive use. Lastly, a portion of the seepage field is installed deeper than current code allows. The system does not need to be pumped at this time and there have been no reported problems.

Since this septic system is a subsurface discharging system, which the City prefers as they do not discharge directly into the drinking water reservoir, staff recommends approval of this transfer. There are deficiencies, but these are considered as creating minimal risk to the drinking water reservoir. If required to be brought up to current standards, this system would most likely need to be constructed as a one-half (1/2) sized sand filter with an aerobic unit attached. Since the aerobic unit involves a mechanical blower, it is another point of potential failure and the system effluent would be directly discharged to the drinking water reservoir. Staff avoids the installation of aerobic units if at all possible.

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 to determine the Lake Lease Fee. The lease rate for 2009 was \$321.62. A change to the current rate of \$0.40 means that the 2011 lease rate will be \$857.65. 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 as to legal sufficiency:

Todd Greenburg
Corporation Counsel

Reviewed by:

Tim Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Links at Ireland Grove Road, LLC, Requesting Approval of a Final Plat for the First Addition to Dunraven PUD commonly located south of Ireland Grove Road and west of Towanda Barnes Road (Ward 8)

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

BACKGROUND: On November 22, 2004, Council approved an Annexation Agreement between the City and owners of the subject property. The proposed subdivision is in accordance with this agreement. It is immediately south of Ireland Grove Road and west of Towanda Barnes Road. The final plat is generally in conformance with the Preliminary Plan approved by Council on February 14, 2005. By City Code, (Chapter 24, Section 3.5.4), the Council shall approve the final plat within thirty (30) days of its review. The underground infrastructure has been substantially completed but has not yet been accepted by the City for public maintenance.

Staff respectfully recommends that Council accept the Petition and pass an Ordinance approving the Final Plat for the First Addition to Dunraven PUD subject to the Petitioner supplying a surety for any uncompleted public improvements and paying the required tap-on fees.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: All public improvement costs are the responsibility of the developer.

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 LINKS AT IRELAND GROVE ROAD, LLC, an Illinois limited liability company, a/k/a The Links at Ireland Grove, LLC, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as, First Addition to Dunraven PUD, a Planned Unit Development in the City of Bloomington, McLean County, Illinois, of which the Final Plat is attached hereto and made a part hereof;
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: None

WHEREFORE, your petitioner respectfully prays that said Final Plat for the First Addition to Dunraven PUD, a Planned Unit Development in the City of Bloomington, McLean County, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: The Links at Ireland Grove Road, LLC
an Illinois Limited Liability Company

By: Darren Rogers
Manager

ORDINANCE NO. 2010 - 32

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FIRST ADDITION TO DUNRAVEN PUD, A PLANNED UNIT DEVELOPMENT IN
THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS**

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 First Addition to Dunraven PUD, a Planned Unit Development in the City of Bloomington, McLean County, Illinois, 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: None; 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 First Addition to Dunraven PUD, a Planned Unit Development in the City of Bloomington, McLean County, Illinois, and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 9th day of August, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the West Half of the Northeast Quarter of Section 18, Township 23 North, Range 3 East of the Third Principal Meridian, and a part of Outlot 317 in the First Addition to the Links at Ireland Grove Road Subdivision in the City of Bloomington, McLean County, Illinois, described as follows: Beginning at the Southeast Corner of Lot 257 in Dunraven P.U.D. in the City of Bloomington, Illinois. From said Point of Beginning, thence west 150.00 feet along the South Lines of said Lot 257 and Lot 232 in said Dunraven P.U.D. to the Southwest Corner thereof, said Southwest Corner being on the east Right-of-Way Line of Glenbridge Road in Dunraven First Addition in the City of Bloomington, Illinois; thence south 585.28 feet along said East Right-of-Way Line of Glenbridge Road which forms an angle to the right of 90°-00'-00" with said South Lines to a Point of Tangency; thence southwest 85.82 feet along the arc of a curve concave to the northwest with a radius of 95.00 feet and the 82.94 foot chord of said arc forms an angle to the right of 205°-52'-51" with said East Right-of-Way Line to the Northeast Corner of Lot 118 in said Dunraven First Addition; thence southeast 185.10 feet along the Northeasterly Line of said Lot 118 which forms an angle to the right of 115°-52'-51" with the last described chord to the Southeast Corner of said Lot 118, said Southeast Corner being on the South Line of said Outlot 317; thence east 71.64 feet along said South Line which forms an angle to the right of 128°-14'-18" with said Northeasterly Line to the Southeast Corner of Outlot 317, said Southeast Corner being on the East Line of the West Half of the Northeast Quarter of said Section 18 lying 805.28 feet south of the Point of Beginning; thence north 805.28 feet along said East Line to the Point of Beginning, containing 2.721 acres, more or less.

This property has been subdivided into 25 lots, numbered 233 through 256, inclusive, number 258, 1 outlot, numbered 259 and the easements as shown. Said Subdivision is to be known as "The First Addition to Dunraven P.U.D.", a Planned Unit Development in the City of Bloomington, McLean County, Illinois.

P.I.N.: A part of 22-18-203-003

Commonly known as: The First Addition to Dunraven P.U.D., Bloomington, Illinois 61704

Approximate acreage: Total approximate acreage – 2.721 acres, more or less.

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Links at Ireland Grove Road, LLC, Requesting Approval of a Final Plat for the First Addition to Dunraven Subdivision commonly located south of Ireland Grove Road and west of Towanda Barnes Road (Ward 8)

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

BACKGROUND: On November 22, 2004, Council approved an Annexation Agreement by and between the City and owners of the subject property. The proposed subdivision is in accordance with this agreement. It is immediately south of Ireland Grove Road and west of Towanda Barnes Road. The streets shown on the plat will be publicly owned and maintained in accordance with the preliminary plan when satisfactorily completed by the developer. The final plat is substantially in conformance with the preliminary plan approved by Council on February 14, 2005. By City Code, (Chapter 24, Section 3.5.4), the Council shall approve the final plat within thirty (30) days of its review. The infrastructure has been substantially completed but has not yet been accepted by the City for public maintenance.

Staff respectfully recommends that Council accept the Petition and pass an Ordinance approving the Final Plat for the First Addition to Dunraven Subdivision subject to the Petitioner supplying a surety for any uncompleted public improvements and paying the required tap-on fees.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: All public improvement costs are the responsibility of the developer.

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

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 LINKS AT IRELAND GROVE ROAD, LLC, an Illinois limited liability company, a/k/a The Links at Ireland Grove, LLC, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference; and
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as, First Addition to Dunraven Subdivision, a Subdivision in the City of Bloomington, McLean County, Illinois, of which the Final Plat is attached hereto and made a part hereof; and
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: None

WHEREFORE, your petitioners respectfully pray that said Final Plat for the First Addition to Dunraven Subdivision, a Subdivision in the City of Bloomington, McLean County, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: The Links at Ireland Grove Road,
LLC, an Illinois Limited Liability
Company

By: Darren Rogers
Manager

ORDINANCE NO. 2010 – 33

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FIRST ADDITION TO DUNRAVEN SUBDIVISION, A SUBDIVISION IN THE CITY
OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS**

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 First Addition to Dunraven Subdivision, a Subdivision in the City of Bloomington, McLean County, Illinois, 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: None; 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 First Addition to Dunraven Subdivision, a Subdivision in the City of Bloomington, McLean County, Illinois, and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 9th day of August, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the West Half of the Northeast Quarter of Section 18, Township 23 North, Range 3 East of the Third Principal Meridian, and a part of Outlot 317 in the First Addition to the Links at Ireland Grove Road Subdivision in the City of Bloomington, McLean County, Illinois, described as follows: Beginning at the Southwest Corner of Lot 20 in Dunraven Subdivision in the City of Bloomington, Illinois. From said Point of Beginning, thence east 180.00 feet along the South Lines of Lot 20 and Dunraven Road to the Southeast Corner of thereof; thence north 3.0 feet along the East Line of said Dunraven Road which forms an angle to the left of $270^{\circ}-00'-00''$ with said South Lines to the Southwest Corner of Lot 21 in said Dunraven Subdivision; thence east 120.00 feet along the South Line of said Lot 21 which forms an angle to the left of $90^{\circ}-00'-00''$ with said East Line to the Southeast Corner of said Lot 21, said Southeast Corner being on the West Line of Outlot 122 in said Dunraven Subdivision; thence south 6.00 feet along Said West Line which forms an angle to the left of $90^{\circ}-00'-00''$ with said South Line of Lot 21 to the Southwest Corner of said Outlot 122; thence east 230.00 feet along the South Lines of Outlot 122, Lot 66 and Glenbridge Road in said Dunraven Subdivision which form an angle to the right of $270^{\circ}-00'-00''$ with said West Line of Outlot 122 to the Southeast Corner of Glenbridge Road; thence south 575.16 feet along a line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence southwesterly 85.82 feet along the arc of a curve concave to the northwest with a radius of 95.00 feet and the 82.94 foot chord of said arc forms an angle to the left of $154^{\circ}-07'-09''$ with the last described course; thence southeast 185.10 feet along a line which forms an angle to the left of $244^{\circ}-07'-09''$ with the last described chord to the South Line of Outlot 317 in said First Addition to the Links at Ireland Grove Road Subdivision; thence west along said South Line which forms an angle to the left of $51^{\circ}-45'-42''$ with the last described course to the Southwest Corner of said Outlot 317; thence north 754.70 along the West Line of said Outlot 317 which forms an angle to the left of $90^{\circ}-00'-00''$ with said South Line to the Northwest Corner thereof; thence east 5.00 feet along the North Line of said Outlot 317 which forms an angle to the left of $90^{\circ}-00'-00''$ with said South Line to the Northwest Corner thereof; thence east 5.0 feet along the North Line of said Outlot 317 which forms an angle to the left of $90^{\circ}-00'-00''$ with said West Line to the Northeast Corner thereof; thence North 43.46 feet along the East Line of Lot 311 in said First Addition to the Links at Ireland Grove Road Subdivision which forms an angle to the left of $270^{\circ}-00'-00''$ with said North Line to the Point of Beginning, containing 9.842 acres, more or less.

This property has been subdivided into 52 lots, numbered 67 through 118, inclusive, 4 Outlots, numbered 119 through 121, inclusive, Outlot number 123, the streets and easements as shown. Said Subdivision is to be known as "The First Addition to Dunraven Subdivision", in the City of Bloomington, McLean County, Illinois.

P.I.N.: A part of 22-18-203-003

Commonly known as: The First Addition to Dunraven Subdivision, Bloomington, Illinois 61704

Approximate acreage: Total approximate acreage – 9.842 acres, more or less.

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bid and Approval of Contract for Emergency Repair Program (ERP) Resurfacing Project - Lincoln Street and Ireland Grove Road and Resolution for Appropriation of Motor Fuel Tax Funds (Wards 1, 4 & 8)

RECOMMENDATION: That the bid for ERP for resurfacing Lincoln Street (between Main St. and Mercer Ave. omitting Bunn to Morrissey) and Ireland Grove Road (between Little Kickapoo Bridge and Dover Rd.) be awarded to UCM Rowe Construction in the amount of \$1,197,050.76, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

BACKGROUND: This project includes the resurfacing of Lincoln Street between Main St. and Mercer Avenue, (omitting Bunn to Morrissey) and Ireland Grove Road between Little Kickapoo Bridge to Dover Road. One (1) bid was received and opened at 10:30 a.m. on August 6, 2010 in the City Council Chambers.

Bid Contractor		As Read
UCM Rowe Construction		\$1,197,050.76
Engineer's Estimate		\$1,300,163.50
Budget:	State ERP Grant	\$1,120,000
	MFT Funds	<u>\$ 96,000</u>
	Total	\$1,216,000

This bid is under the Engineer's estimate but over the allocated amount. Staff recommends that an additional \$50,000 in Motor Fuel Tax Funds be appropriated to cover this cost and \$19,000 in contingency, and that the contract be awarded to UCM Rowe Construction in the amount of \$1,197,050.76.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The total dollars currently allocated for this project is \$1,216,000. The ERP Grant will be deposited in Capital Improvement Fund (X40100-53120) and paid to the contractor from Capital Improvement Fund (X40100-72530). The City funded portion of this project will be paid from Motor Fuel Tax Funds (X20300-72530).

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Jim Karch
Director of Public Works

David A. Hales
City Manager

(RESOLUTION 2010 – 28 AND CONTRACT ON FILE IN CLERK’S OFFICE)

Alderman Hanson questioned if Lincoln St. would be completed this season. David Hales, City Manager, addressed the Council. He responded affirmatively. Completion was dependant upon the weather.

Alderman Sage questioned if the City had been waiting for feedback from IDOT before this project began. Mr. Hales stated the City was using Motor Fuel Tax (MFT) funds as part of the funding source for this project. The majority of the project would be paid for with the state’s Emergency Repair Program (ERP) funds. Council had approved a contract to utilize a consultant throughout the project. This evening, staff brought the bid to the Council.

Motion by Alderman Anderson, seconded by Alderman Purcell that the bid for ERP for resurfacing Lincoln Street (between Main St. and Mercer Ave. omitting Bunn to Morrissey) and Ireland Grove Road (between Little Kickapoo Bridge and Dover Rd.) be awarded to UCM Rowe Construction in the amount of \$1,197,050.76, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amended Agreement and Ordinance Authorizing the Refinance of 2001 Bond Series

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

BACKGROUND: The Public Building Commission (PBC) was created by vote of the McLean County Board pursuant to 50ILCS/20/1 et seq. It is legally considered to be a separate, autonomous unit of government. Its members are nominated by the County Board Chairman and confirmed by majority vote of said Board. The purpose of the PBC is to purchase, lease and/or build structures which are paid from tax funds which do not count against the County's statutory tax cap.

On November 2001, Council approved a lease with the PBC for the Government Center (former Champion Federal Building), which is located at 115 E. Washington St., as well as adding two (2) additional parking decks to the Abraham Lincoln Parking Garage (ALPG). The property at 115 E. Washington Street was purchased by the McLean County Board and the City and then ownership was immediately transferred to the PBC. This action was taken so the PBC could use its bonding authority to pay for the purchase and cost of remodeling the building. Furthermore, an additional two (2) levels was added to the ALPG (the PBC already held title to this parking garage).

The lease covered the Champion Federal Building site/surface parking lot as well as the Abraham Lincoln Parking Garage. The lease was approved for a twenty (20) year term (expiring in 2021) and requires annual lease payments from the City and the County in amounts sufficient to retire the bonds within that time. The City's annual payment is \$626,592 and the County's is \$292,093. The City's share is higher because it includes the debt for the parking garage and anticipates the availability of revenue from that operation to make the payment.

The proposed Ordinance authorizes the PBC to work with First Midstate to refinance the Series 2001 Bonds that were issued to finance the renovation of the Government Center. On July 20, 2010, the McLean County Board approved this Ordinance at their regular meeting.

The Amendment provides that the Mayor and City Clerk shall not execute the Amendment if the bonds do not sell at such price and bear such interest rates that the taxes levied are insufficient to pay the principal and interest due on the Series 2004 Bonds and to pay the Cost of Operation and Maintenance of the Government Center (as defined in the Resolution authorizing the issuance of the 2001 Bonds).

Staff recommends that the Ordinance approving the Second Amendment to the Lease Agreement be passed for refinancing of the 2001 Bond Series Bonds that were issued to renovate the Government Center and that a Second Amendment to the Lease Agreement entered into between the PBC, as Lessor, the County of McLean, Illinois, and the City of Bloomington, McLean County, Illinois as Lessees.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: First Midstate (Financial Advisor for the PBC); Chapman & Culter (PBC's Bond Counsel, Chicago, IL); County of McLean, and the PBC.

At the July 26, 2010 Council meeting, staff discussed the “refinancing of the 2001 Series Bonds with Council and was directed to continue to work with the PBC and David C. Wochner, Its attorney.

FINANCIAL IMPACT: The refinancing of the 2001 Bond Series will net an estimated savings of \$260,000 over the term of the bonds. The cost of refinancing will be paid solely by the PBC. The estimated cost of refinancing the 2001 Bond Series is \$141,000 including Bond Counsel, Bond Rating, and Underwriting.

Respectfully Submitted for Council consideration.

Prepared by:

Concurred with:

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Pamela Reel
Chief Accountant

Tim Ervin
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

ORDINANCE NO. 2010 - 34

AN ORDINANCE approving a Second Amendment to Lease Agreement to be entered into between Public Building Commission of McLean County, McLean County, Illinois, as lessor, and The County of McLean, Illinois, and the City of Bloomington, McLean County, Illinois, as lessees, and providing for the levy and collection of a direct annual tax sufficient to pay the rent payable by the City under such Second Amendment to Lease Agreement.

WHEREAS, Public Building Commission of McLean County, Illinois, McLean County, Illinois (the "Commission"), a municipal corporation heretofore duly organized under the provisions of the Public Building Commission Act of the State of Illinois, as amended (the "Act"), was incorporated for the purpose of making possible the construction, acquisition or enlargement of public improvements, buildings and facilities; and

WHEREAS, the Commission, has heretofore issued its Public Building Revenue Bonds, Series 2001 (the "2001 Bonds"), to acquire and improve an office building and related facilities located on the Site and Parking Site (as described and defined in the hereinafter Original Lease) (the "Project"), and that the Site and Parking Site, together with the structures thereon and the improvements and additions provided for in the Original Lease, including the Project, have been leased to The County of McLean, Illinois (the "County") and the City of Bloomington, McLean County, Illinois (the "City"), in accordance with the terms of the Act; and

WHEREAS, the County, the City and the Commission have previously entered into a Lease related to the Project, dated as of November 20, 2001, as amended by an Amendment to Lease Agreement, dated as of December 12, 2003 (together, the "Original Lease"); and

WHEREAS, the County, the City and the Commission propose to enter into a Second Amendment to Lease Agreement, substantially in the form attached hereto as Exhibit A (the "Amendment," and together with the Original Lease, the "Revised Lease"), between the County, the City and the Commission, and providing for payment by the County to the Commission of rentals for the use and occupancy of the Project by the County, in accordance with the terms and provisions of the Original Lease, the Amendment and the Act:

Now, Therefore, Be It and It Is Hereby Ordained by the City Council of the City of Bloomington, McLean County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. The City Council of the City (the "City Council") hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.

Section 2. The Amendment and all the terms and provisions thereof, in substantially the form provided hereby, are hereby approved and the Mayor of the City (the "Mayor") and the City Clerk of the City (the "City Clerk") are hereby authorized and directed to execute, in the

name of the City, the Amendment, without any further authorization or direction from the City Council; provided, however, that the Mayor and City Clerk shall not execute Amendment if the Mayor (the “Designated Representative”) finds and determines that the hereinafter defined Bonds are sold at such price and bear interest at such rates that the taxes levied in Section 3 hereof are insufficient to pay the principal of and interest due on the Bonds and the Commission’s outstanding Public Building Revenue Bonds, Series 2004, in each bond year (November 1 and May 1) and not less than an amount sufficient to pay Costs of Operation and Maintenance (as defined in the resolution authorizing the issuance of the 2001 Bonds). The City hereby requests the Commission to issue its Public Building Refunding Revenue Bonds, Series 2010 (the “Bonds”), to refund the 2001 Bonds.

Section 3. For the purpose of paying the annual rent payable under the Revised Lease, there shall be and there is hereby levied a direct annual tax upon all the taxable property in the City, to wit:

LEVY YEAR	TAX PER ORIGINAL LEASE	ADJUSTMENT IN TAX DUE TO AMENDMENT	TAX PER REVISED LEASE
2010	\$1,148,685	\$0.00	\$1,148,685
2011	1,148,685	0.00	1,148,685
2012	1,148,685	0.00	1,148,685
2013	1,148,685	0.00	1,148,685
2014	1,148,685	0.00	1,148,685
2015	1,148,685	0.00	1,148,685
2016	1,148,685	0.00	1,148,685
2017	1,148,685	0.00	1,148,685
2018	1,148,685	0.00	1,148,685
2019	1,148,685	0.00	1,148,685
2020	1,148,685	0.00	1,148,685
2021	229,000	0.00	229,000

To the extent that the taxes levied above exceed the amount necessary to pay the annual rental payable by the County under the Revised Lease, the Designated Representative is hereby authorized to direct the abatement of such taxes to the extent of the excess of such levy in each year over the amount necessary to pay the annual rental payable by the City under the Revised Lease, in the following bond year. In order to effectuate said abatement, the Designated Representative is hereby authorized to execute a Certificate of Abatement, and said Certificate shall be filed with the County Clerk in a timely manner to effect such abatement.

Section 4. The City Clerk, as keeper of the records and files of the City, be and is hereby ordered and directed to file a certified copy of this Ordinance, having attached a certified copy of the Amendment, with the County Clerk of the County (the “County Clerk”), as tax extension officer of the City, which shall constitute the authority for the City Clerk to extend the tax annually, as provided for in and by this Ordinance, to pay the annual rent payable under the Revised Lease by the City, as and when it becomes due and payable, and the County Clerk shall ascertain the rate per cent which, upon the value of all property subject to taxation within the

City for levy in each of the years 2010 to 2021, inclusive, as that property is assessed or equalized by the Department of Revenue of the State of Illinois, will produce a net amount of not less than the amounts provided for in and by this Ordinance and being the annual rent provided for and reserved in the Revised Lease, and it shall be the duty of the County Clerk annually during the term of Revised Lease to extend said taxes against all the taxable property contained in the City as herein provided, and sufficient to pay the annual rental reserved in such Revised Lease. Such tax shall be levied and collected in like manner with the other taxes of the City, and shall be in addition to all other taxes now or hereafter authorized to be levied by the City, and shall not be included within any statutory limitation of rate or amount, but shall be excluded therefrom and be in addition thereto and in excess thereof.

Section 5. The taxes levied in Section 3 hereof may be abated by the City prior to the extension thereof, in the amount of any funds paid to the Commission as advance rent pursuant to the Revised Lease.

Section 6. Both the County and the City will receive benefits from the issue of the Bonds, and the County and the City have irrevocably agreed that one-half of the Bonds shall be allocated to the County and one-half of the Bonds shall be allocated to the City for purposes of Sections 148(f) (4) (D) (iv) (II) and 265(b) (3) (C) (iii) of the Internal Revenue Code of 1986, as amended (the "Code"). It is hereby found and determined that such allocation bears a reasonable relationship to the respective benefits received by the County and the City from the issue of the Bonds and that only one-half of the Bonds shall be taken into account under Section 265(b)(3)(C)(i) of the Code with respect to the County. The City will not issue or permit the issuance on behalf of it or by any entity subject to control by the City (which may hereafter come into existence) of tax-exempt obligations (including the Bonds) that exceed the aggregate amount of \$30,000,000 during calendar year 2010 unless it first obtains an opinion of Bond Counsel to the effect that such issuance will not adversely affect the treatment of the Bonds as "qualified tax-exempt obligations" for the purposes and within the meaning of Section 265(b)(3) of the Code.

Section 7. The City does hereby consent to the preparation and use of a Preliminary Official Statement and final Official Statement in connection with the sale of the Bonds. The Mayor is hereby authorized and empowered, if requested by the underwriter for the Bonds, to execute and deliver the final Official Statement in the name and on behalf of the City; and that from and after the execution and delivery of the final Official Statement, the officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Official Statement as executed.

Section 8. The Mayor is hereby authorized, empowered and directed to execute and deliver a Continuing Disclosure Undertaking (the "Continuing Disclosure Undertaking") in connection with the issuance of the Bonds, with such provisions therein as he shall approve, his execution thereof to constitute conclusive evidence of his approval of such provisions. When the Continuing Disclosure Undertaking is executed and delivered on behalf of the City as herein provided, the Continuing Disclosure Undertaking will be binding on the City and the officers, employees and agents of the City, and the officers, employees and agents of the City are hereby

authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Continuing Disclosure Undertaking as executed. Notwithstanding any other provision of this Ordinance, the sole remedies for failure to comply with the Continuing Disclosure Undertaking shall be the ability of the beneficial owner of any Bond to seek mandamus or specific performance by court order, to cause the City to comply with its obligations under the Continuing Disclosure Undertaking.

Section 9. In the event the payment of principal and interest on the Bonds is insured pursuant to a municipal bond insurance policy (the “Municipal Bond Insurance Policy”) issued by a bond insurer (the “Bond Insurer”), and as long as such Municipal Bond Insurance Policy shall be in full force and effect, the City agrees to comply with such usual and reasonable provisions regarding presentment and payment of the Bonds, subrogation of the rights of the Bondholders to the Bond Insurer upon payment of the Bonds by the Bond Insurer, amendment hereof, or other terms, as approved by the Mayor on advice of counsel, his or her approval to constitute full and complete acceptance by the City of such terms and provisions under authority of this Section.

Section 10. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 11. All ordinances or resolutions or parts thereof in conflict herewith be and the same are hereby repealed and this Ordinance shall be in full force and effect forthwith upon its adoption.

ADOPTED August 9, 2010.

APPROVED August 9, 2010.

Stephen F. Stockton
Mayor

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

NAYS:

ABSENT: Alderman McDade.

RECORDED in the City Records on August 9, 2010.

Attest:

Tracey Covert
City Clerk

EXHIBIT A

SECOND AMENDMENT TO LEASE AGREEMENT

This Amendment to Lease Agreement made this 27th day of September, 2010, between the Public Building Commission of McLean County, Illinois, McLean County, Illinois, a municipal corporation of the State of Illinois (the "Commission"), as Lessor, and The County of McLean, Illinois, a municipal corporation of the State of Illinois (the "County"), and the City of Bloomington, McLean County, Illinois, a municipal corporation of the State of Illinois (the "City"), as Lessees.

WITNESSETH:

WHEREAS, the Commission, as Lessor, and the County and the City, as Lessees, have heretofore entered into a Lease made the 20th of November, 2001, and amended by an Amendment to Lease Agreement made the 12th day of December, 2003 (collectively, the "Original Lease"), pursuant to which the Commission leases to the County and the City the Site and the Parking Site (each as described and defined in the Original Lease) together with the structures thereon and the improvements and additions provided for under the Original Lease, including the Project (as described and defined in the Original Lease); and

WHEREAS, the Commission, the County and the City desire to amend the Original Lease to take into account the issuance by the Commission of bonds to refund certain bonds previously issued by the Commission to finance the Project; and

WHEREAS, in order to provide the necessary revenues for the payment of said refunding bonds, for the payment of bonds of the Commission issued or hereafter issued for the improvement of the Site, the Parking Site, the structures thereon or the improvements and additions provided for under the Original Lease, including the Project, for all interest that may accrue on said bonds and for the costs of administration as provided in the Original Lease, it is necessary for the parties hereto to enter into this Amendment, amending the Original Lease as hereinafter set forth:

NOW THEREFORE, in consideration of the rents reserved hereunder and the provisions and covenants herein made by each of the parties hereto and for other good and valuable considerations, it is covenanted and agreed by the said parties hereto as follows:

SECTION I — REFUNDING BONDS

For the purpose of refunding certain bonds previously issued by the Commission to finance the Project, the following actions will be taken by the Commission:

A. The Commission shall, with reasonable promptness, upon the execution of this Amendment and pursuant to the provisions of Section 15 of the Public Building Commission Act of the State of Illinois, as amended (the “Act”), provide for the authorization, sale, execution and delivery by it of its bonds in the principal amount of \$7,125,000 to be designated “Public Building Revenue Refunding Bonds, Series 2010” (the “Bonds”), for the purpose of paying the cost of refunding certain bonds previously issued to finance the Project, pursuant to the provisions of the resolution adopted by the Board of Commissioners of the Commission on the 13th day of September, 2010, authorizing and providing for the issue of the Bonds (the “Bond Resolution”), the provisions of which are made a part hereof by reference.

B. Upon the issuance of the Bonds, the Commission shall immediately apply the proceeds derived from the sale of the Bonds pursuant to and in the manner and as provided by the terms of the Act and the Bond Resolution.

SECTION II - AMENDMENT OF ORIGINAL LEASE

Paragraph B of Section II of the Original Lease is amended to read as follows:

The County covenants and agrees, on or before October 1 of each of the years hereafter designated, to pay to the Commission for the use and occupancy of the demised premises, the following annual rentals:

YEAR	ORIGINAL LEASE RENTAL	ADJUSTMENT DUE TO SECOND AMENDMENT	REVISED LEASE RENTAL
2010	\$429,176	\$0	\$429,176
2011	429,176	1,129	428,047
2012	429,176	0	429,176
2013	429,176	159	429,017
2014	429,176	0	429,176
2015	429,176	0	429,176
2016	429,176	0	429,176
2017	429,176	439	428,737
2018	429,176	0	429,176
2019	429,176	0	429,176
2020	429,176	0	429,176
2021	429,176	294,904	134,272
2022	429,176	314,676	114,500

The City covenants and agrees, on or before October 1 of each of the years hereafter designated, to pay to the Commission for the use and occupancy of the demised premises, the following annual rentals:

YEAR	ORIGINAL LEASE RENTAL	ADJUSTMENT DUE TO SECOND AMENDMENT	REVISED LEASE RENTAL
2010	\$719,509	\$0	\$719,509
2011	719,509	2,172	717,337
2012	719,509	0	719,509
2013	719,509	307	719,202
2014	719,509	0	719,509
2015	719,509	0	719,509
2016	719,509	0	719,509
2017	719,509	845	718,664
2018	719,509	0	719,509
2019	719,509	0	719,509
2020	719,509	0	719,509
2021	719,509	566,996	152,513
2022	719,509	605,009	114,500

Notwithstanding anything contained herein to the contrary, the Lessees each agree to joint and several liability for the aggregate total of the aforesaid annual rents required of the County and the City.

SECTION III - MISCELLANEOUS

A. The obligations of the Commission hereunder are subject to the sale, issuance and delivery by the Commission of the Bonds in the principal amount of \$7,125,000. The Commission agrees to proceed as quickly as reasonably possible with the authorization, sale, delivery and issuance of the Bonds.

B. In the event any covenant, phrase, clause, paragraph, section, condition or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of any such covenant, phrase, clause, paragraph, section, condition or provision shall in no way affect any other covenant, phrase, clause, paragraph, section, condition or provision herein contained.

C. This Amendment has been executed in several counterparts, any of which shall be considered as an original.

IN WITNESS WHEREOF, the Public Building Commission of McLean County, Illinois, McLean County, Illinois, by authorizing of its Board of Commissioners, has caused its corporate seal to be affixed hereto and this Amendment to be signed by its Chairman and attested by its Secretary; The County of McLean, Illinois, by authority of its County Board, has caused its corporate seal to be affixed hereto and this Amendment to be signed in its name by the Chairman of the County Board and to be attested by the Clerk of the County; and the City of Bloomington, McLean County, Illinois, by authority of its City Council has caused its corporate seal to be

affixed hereto and this Amendment to be signed in its name by its Mayor and attested by the Clerk of the City, as of the day and year first written.

PUBLIC BUILDING COMMISSION OF
MCLEAN COUNTY, ILLINOIS
MCLEAN COUNTY, ILLINOIS

ATTEST:

John Morel
Secretary

By: Robert Reed Fr.
Chairman

(AFFIX CORPORATE SEAL)

THE COUNTY OF MCLEAN COUNTY,
ILLINOIS

ATTEST:

Peggy Ann Milton
County Clerk of McLean County, Illinois
County, Illinois

By: Matt Sorensen
Chairman, County Board of McLean

(AFFIX CORPORATE SEAL)

CITY OF BLOOMINGTON, MCLEAN
COUNTY, ILLINOIS

ATTEST:

Tracey Covert
City Clerk of the City of Bloomington

By: Stephen F. Stockton
Mayor of the City of Bloomington

(AFFIX CORPORATE SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public in and for said County and State, Do Hereby Certify that and Robert Rush, Jr. and John Morel, personally known to me to be respectively the Chairman and the Secretary of the Board of Commissioners of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, and personally known to me to be the same persons

whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as Chairman and Secretary of the Board of Commissioners of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, they signed and delivered the said instrument and caused the seal of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, to be thereto affixed as their free and voluntary act, and as the free and voluntary act of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, pursuant to the authority and direction of the Board of Commissioners of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 15th day of September, 2010.

David C. Wochner
Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public in and for said County and State, Do Hereby Certify that and Matt Sorensen and Peggy Ann Milton, personally known to me to be respectively the Chairman and the Secretary of the Board of Commissioners of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as Chairman and Secretary of the Board of Commissioners of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, they signed and delivered the said instrument and caused the seal of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, to be thereto affixed as their free and voluntary act, and as the free and voluntary act of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, pursuant to the authority and direction of the Board of Commissioners of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 17th day of September, 2010.

Diana J. Hospelhorn
Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public in and for said County and State, Do Hereby Certify that Steve Stockton and Tracey Covert, personally known to me to be respectively the Chairman and the Secretary of the Board of Commissioners of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as Chairman and Secretary of the Board of Commissioners of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, they signed and delivered the said instrument and caused the seal of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, to be thereto affixed as their free and voluntary act, and as the free and voluntary act of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, pursuant to the authority and direction of the Board of Commissioners of the Public Building Commission of McLean County, Illinois, McLean County, Illinois, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 23rd day of September, 2010.

Stephanie R. Zook
Notary Public

Mayor Stockton introduced this item. Barbara Adkins, Deputy City Manager, addressed the Council. This was an ordinance to authorize bond refinancing. There was a partnership between the City, McLean County, and the Public Building Commission (PBC). This item required Council’s approval. She reviewed the history of the Lincoln parking lot. She believed the City would secure a lower interest rate. The County Board approved the bond on July 20, 2010.

Alderman Sage expressed appreciation for the net savings of \$130,000. He appreciated staff’s efforts.

Alderman Huette questioned the fee to reissue bonds. Ms. Adkins stated it was an estimated fee. The true costs would be known after approval. It was the PBC’s fee to pay. David Hales, City Manager, addressed the Council. Fees were negotiable.

Alderman Huette believed that due to the reissue, a majority of the work had been completed. He supported the savings. Ms. Adkins would contact David Wochner, PBC’s Attorney, regarding negotiations. Mr. Hales believed the dollar amounts were the net savings to the City.

Alderman Stearns questioned if the cost would be borne by the PBC. Ms. Adkins responded affirmatively. The City and County paid rent annually to the PBC. The City paid an additional amount due to the Lincoln Garage debt. The City managed the

operations of the Lincoln Garage but it was owned by the PBC. Mr. Hales recommended this item be approved.

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

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

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

Nays: None.

Motion carried.

The following was presented:

Presentation of Solid Waste Management Program Annual Report – Michael Brown, Executive Director – Ecology Action Center.

David Hales, City Manager, addressed the Council. He believed it was appropriate to have a brief presentation of the Annual Report from the Ecology Action Center (EAC). He introduced Michael Brown, Executive Director – EAC.

Mr. Brown addressed the Council. He thanked Council for the opportunity. He provided a brief history of the EAC. The program was established in 1971 as Operation Recycle. Their educational efforts evolved quickly into many different programs. By the 1980's, a full time center was created. In the mid 1980's, Operation Recycle was working with municipalities to establish solid waste management plans. In 1998, municipalities took over recycle programs. Operation Recycle took on the role of outreach and education. It became the EAC in 2004 to reflect the broader mission. Current efforts were focused on waste reduction. Fourth grade classrooms had been targeted. He cited various educational efforts. The EAC also began a popular web based program called Free Cycle. The EAC acted as a community wide information center and maintained a web site for the community.

Under the role of solid waste coordinator, the EAC provided annual surveys to business and reported the results to the Illinois Environmental Protection Agency (IEPA). In 2009, solid waste numbers had declined due to the recession. The EAC also had a budget coordinator. It coordinated local programs to encourage household battery recycling. Recently a special interest had been hazardous household waste. The last collection was completed in 2007 due to budget cutbacks. The EAC was looking into alternative options. Collaboration with other communities to establish a permanent collection facility was a possibility. In the meantime, the EAC encouraged residents to

reduce the amount of hazardous waste. He appreciated the EAC's relationship with the City. There was a community wide recycling goal of forty percent (40%).

Mayor Stockton thanked Mr. Brown for his presentation. Mr. Hales also thanked Mr. Brown for his assistance to the City.

The following was presented:

SUBJECT: Intergovernmental Agreement for Solid Waste Management Program Services

RECOMMENDATION: That the Agreement for Solid Waste Management Program Services with the Ecology Action Center be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: In 1991, the City together with McLean County and the Town of Normal adopted an Integrated Solid Waste Management Plan (ISWMP) to fulfill mandated requirements of the Illinois Environmental Protection Agency (IEPA). This plan is updated and reported to the IEPA every five (5) years. There are three (3) key elements to the implementation of this plan: 1.) waste source reduction, 2.) recycle and reuse, and 3.) disposal in landfills. When the ISWMP was first adopted, the implementation was managed by a County Solid Waste Coordinator who was compensated from funds generated by a tipping fee placed on waste disposed at the local landfill.

From 1998 through 2004, the City was party to an intergovernmental agreement with McLean County, the Town of Normal and the McLean County Regional Planning Commission for the Commission to provide all management services including solid waste reduction and recycling education programs after the County Solid Waste Coordinator position was eliminated. The Commission, in turn, subcontracted with the Ecology Action Center to provide the education programs.

In the renewal of this agreement in 2004 and 2007, the Ecology Action Center was assigned all duties previously provided by the Commission in addition to the educational services. The current agreement expires December 31, 2010.

All services to be provided by the Ecology Action Center by this proposed agreement are attached. The McLean County Solid Waste Technical Committee has endorsed this agreement and recommends that all three (3) local governments approve it. The Town of Normal approved the intergovernmental meeting at its July 6, 2010 Town Council Meeting. McLean County will consider this agreement at an upcoming County Board meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Solid Waste Technical Committee, Town of Normal, and McLean County.

FINANCIAL IMPACT: Due to constrained budgets by all three (3) governments, the Ecology Action Center is proposing to freeze their compensation for the first year of the proposed

agreement with maximum three percent (3%) annual cost of living adjustments for the remaining two (2) years. During the three (3) year agreement, the City shall have no funding obligation.

There is no impact to the City's budget. All compensation for these services is paid by McLean County from the Solid Waste Landfill Hosting Fund.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch
Director of Public Works

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Tim Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

AGREEMENT

This agreement is entered into as of this 1st day of January, 2011, by and between the City of Bloomington, Town of Normal, and County of McLean (hereinafter referred to as the "City", "Town", and "County") and the Ecology Action Center (hereinafter referred to as the "Center").

A. Purpose of This Agreement:

The purpose of this agreement is to establish a framework for the continuing administration and implementation of the McLean County Solid Waste Program, hereafter referred to as the "Program", to include solid waste and waste reduction education programs for the City, Town, and County and assist the City, Town, and County in meeting the requirements of the Illinois Solid Waste Management Planning and Recycling Act, which requires Illinois counties to administer a solid waste management plan to reduce waste and recycle 40% of the waste generated.

B. Period of Agreement:

The period of this agreement is three (3) years, commencing January 1, 2011 and ending December 31, 2013. This agreement shall be automatically renewed on a calendar year basis unless any party otherwise indicates. Either party may terminate this agreement for any reason with a minimum of sixty (60) days written notice to the other party.

C. Services:

1. City, Town, and County

The City, Town, and County shall:

- a. provide program guidance and oversight through participation on the McLean County Solid Waste Management Program Technical Committee and
- b. provide funding for the project in accordance with item “D” of this agreement.

2. Center

The Center shall:

- a. provide a Solid Waste Coordinator for the community
- b. provide the solid waste and waste reduction services to the City, Town, and County as outlined in the Appendix; and
- c. complete the following reporting requirements: 1) quarterly progress reports to Bloomington, Normal, and the McLean County Board Land Use Committee; 2) annual reports to the Illinois Environmental Protection Agency; 3) five year updates to the McLean County Integrated Solid Waste Management Plan as required; and 4) periodic reports to the McLean County Solid Waste Management Technical Committee as needed.

D. Project Costs:

Payments of \$7,918 shall be made by the County by the first (1st) week of every month of the agreement, pending the receipt of an invoice from the Center by the fifteenth day of the preceding month. An annual cost of living increase will be added to the monthly fee after January 2012 and January 2013 equal to that year’s consumer price index or a maximum of three (3) percent of the monthly contract cost. The total cost of the contract will not exceed \$293,685, which includes a three (3) percent increase per year in January 2012 and January 2013.

It is understood by all parties that payment in support of this agreement is contingent upon availability of Program revenue and/or funds provided through the City, Town, and County General Revenue Funds.

- E. The Center shall save and hold the City, Town, and County, (including its officials, agents and employees) free and harmless from all liability, public or private, penalties, contractual or otherwise, losses, damages, costs, attorney’s fees, expenses, causes of action, claims and judgments, resulting from claimed injury, damage, loss or loss of use for any person, including natural persons and any other legal entity or property of any kind (including, but not limited to, choices in action) arising out of or in any way connected with the performance under this agreement, for any costs, expenses, judgments, and attorney’s fee paid or incurred or paid for on behalf of the City, Town, and/or County, and/or its agents and employees, by insurance provided by the aforementioned government bodies.

F. This agreement may be modified by mutual consent of the parties hereto and agreed to in writing and does not preclude separate agreements between the Center and individual units of government for additional services.

Stephen F. Stockton
City of Bloomington

August 10, 2010

Christopher Koos
Town of Normal

July 8, 2010

Matt Sorenson
County of McLean

August 17, 2010

Nancy Armstrong
Ecology Action Center

June 23, 2010

APPENDIX

The Center shall:

a. provide the following solid waste/waste reduction services to the City and Town:

- keep the EAC open to the public 40 hours/week for telephone and walk-in information and a specialized library with materials for teachers, businesses, and students of all ages about nature and solid waste reduction;
- produce and illustrate instructions to residents on how to recycle;
- produce corrective slips for people who recycle improperly;
- conduct Earth Schools hands-on recycling classes in Bloomington and Normal elementary schools;
- design and produce door hangers, bookmarks, and other materials to encourage new recyclers;
- offer recycling programs and events such as Earth Day and America Recycles Day through the Children's Discovery Museum;
- write and distribute publicity as necessary;
- offer after school recycling programs offered for area youth at various locations;
- offer a recycling education and promotion program for middle and high school students;
- summer reading program for Bloomington and Normal Public Library;
- provide speakers to community groups including civic groups, religious groups, and social groups;
- coordinate public event recycling where feasible at Bloomington and Normal events;
- coordinate the battery recycling program at Interstate Batteries and Batteries Plus;
- coordinate the CFL recycling program at area drop-offs;

- administer the plastic garden pot recycling program.
- b. provide the following solid waste/waste reduction services to the County:
- conduct Earth Schools hands-on recycling classes in County elementary schools;
 - coordinate a Recycling Month event and accompanying activities;
 - attend public festivals to distribute recycling information and provide recycling activities;
 - provide a speaker to community groups as requested;
 - provide newsletters to McLean County residents by download on the EAC website;
 - provide two electronic newsletters per year to McLean County schools;
 - provide online newsletters to email subscribers on a regular basis;
 - facilitate submission of grant proposals by local businesses and schools and apply for relevant grants for McLean County, such as solid waste planning grants and/or household hazardous waste collection grants;
 - create and present educational displays;
 - develop public information guides;
 - write and distribute press releases as appropriate;
 - attend solid waste conferences and educator’s training workshops when appropriate;
 - assist in adult ecology/recycling classes taught through extension program;
 - maintain and moderate the McLean County Freecycle group, a free electronic exchange community to reduce waste;
 - coordinate two Freecycle Free-4-All events each year;
 - coordinate sustainability events to encourage recycling within the context of other environmentally positive practices; update recycling and hazardous waste information for the www.Earth911.com national website and local websites;
 - provide up-to-date information on local recycling and household hazardous waste disposal through the Ecology Action Center website.
- c. perform the following responsibilities in the role of Solid Waste Coordinator:
- organize and record minutes of meetings of the Solid Waste Technical Committee;
 - coordinate and administer County Solid Waste Grant Program involving schools, rural communities and not-for-profit businesses and agencies;
 - co-sponsor, organize and promote Household Hazardous Waste Collection events;
 - offer the McLean County Recycling and Waste Reduction Awards Program, including soliciting entries and evaluate applications, award certificates and recognize winners at meetings and through the media;
 - annually determine McLean County’s recycling rate as prescribed by the Illinois Environmental Protection Agency (“IEPA”) and provide this information to the public and the IEPA;
 - review waste facility site applications as needed;
 - coordinate McLean County Solid Waste Plan updates;
 - coordinate implementation of McLean County Solid Waste Plan.
- d. provide for the administration of the program to include:

- the submission of quarterly progress reports to the City, Town, and County on the activities conducted in compliance with this agreement;
- the combining of relevant programs as appropriate to avoid duplication and reduce costs and time;
- the submission of required reports and updates to the Illinois Environmental Protection Agency (IEPA);
- the invoices for services performed in accordance with item “D” of this agreement and;
- the reporting of program activities to the McLean County Solid Waste Technical Committee.

Jim Karch, Director – Public Works, addressed the Council. He highlighted that there would be no cost to the City. The contract would be paid with tipping fees. The end of the useful life of the landfill was estimated to be 2014. This was an IEPA mandate.

Alderman Schmidt clarified that it was a state mandate. Mr. Karch responded affirmatively. It was at both the state and federal level. McLean County had a twenty (20) year plan that was updated every five (5) years. This was a multi-unit agreement.

Alderman Purcell questioned why the solid waste numbers were decreasing. Mr. Karch stated it had been seen nationwide. There was less solid waste due to the recession. He hoped to see a positive impact by single stream recycling.

Alderman Purcell questioned the City’s option for a landfill in 2014. Mr. Karch stated it was a long process to site a new landfill. Many people hoped the landfill would last longer. The City used a transfer station to dispose of the solid waste. David Hales, City Manager, addressed the Council. He recommended the Council approve the agreement.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the Agreement for Solid Waste Management Program Services with the Ecology Action Center 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, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for Heating, Ventilating and Air Condition System (HVAC) for City Hall

RECOMMENDATION: That the bid including Alternate 1 for an HVAC System at City Hall

in the amount of \$1,014,500 be awarded to Pipeworks, Inc. and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: On June 30, 2010, bids were opened and publicly read for the replacement of the HVAC system at City Hall. The results of the bid are as follows:

	Base Bid	Alternate 1	Total
Pipeworks, Inc. Bloomington	\$999,500	\$15,000	\$1,014,500
Mid-Ill Mechanical, Inc. Bloomington	\$1,060,000	\$54,000	\$1,114,000
Pipco Co. Peoria	\$1,977,000	\$24,000	\$2,001,000

This project will consist of a total replacement of the existing HVAC system at City Hall with a water source heat pump system. Alternate 1 is for installing a new underground pipe from City Hall to the exterior location of chiller or heat rejection unit.

The present system is failing and is no longer reliable. At this time only one chiller is operational. The cost for putting the failed chiller back in service is \$57,503. The remaining chiller will provide enough cooling for the building but there is no back up. Since 2006 the City has spent \$29,000, on major repairs to the chiller system.

Other reasons to replace the HVAC System at City Hall include:

- The current air handler is part of the original 1962 construction and was one of the most energy efficient at that time. Improvements in technology and age have rendered the City Hall HVAC System highly inefficient and unreliable.
- The hot and cold deck dampers within the air handler are not closing properly and are making it difficult to provide a set point temperature in spaces.
- The air handler motor was designed to run at two (2) speeds. The low speed windings failed and the motor was replaced with a single speed motor to reduce costs. The low speed was used at night as a means to save energy.
- Parts for the temperature control system are no longer being manufactured. If there is an electronic component failure thousands of dollars would be spent for a replacement part that would not be designed for the current system.
- In 2006, Council approved retaining Shive Hattery to evaluate the City Hall HVAC system. The recommendation at that time was to replace the entire system.

The energy savings is difficult to determine because the electric meter for City Hall also meters electricity for the Police facility and the City Hall Annex. The estimated FY 2010 energy cost for the HVAC system is \$60,000. The annual savings is estimated to be \$9,000 - \$15,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funding from this project will come from the federal grant and the City’s Capital Improvement Fund (X40100-72520). Last year Council gave staff permission to apply for a US Department of Energy Recovery Act, Energy Efficiency and Conservation Block Grant (EECBG). The grant application was approved and the City was awarded \$746,400, to be spent for reducing energy usage, providing jobs and reducing the environmental impact from energy consumption. FY 2011 Capital Budget included \$312,550 for the replacement of the City Hall HVAC System.

EECBG Federal Grant	\$ 746,400
Capital Improvement Fund (Budgeted)	<u>+\$ 312,550</u>
Total Available for Project	\$1,058,950
Recommended Bid	<u>- \$1,014,500</u>
Under Budget	\$ 44,450

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Reviewed by:
Robert F. Floyd Facilities Manager	Mark R. Huber Director PACE	Barbara J. Adkins Deputy City Manager
Reviewed by:	Reviewed as to legal sufficiency:	Recommended by:
Tim Ervin Finance Director	J. Todd Greenburg Corporation Counsel	David A. Hales City Manager

(CONTRACT ON FILE IN CLERK’S OFFICE)

Mayor Stockton introduced this item. The building needed a reliable heating, ventilating and air condition (HVAC) system. The original system was built in 1962. There were a number of issues with the current system including the cost to upgrade. David Hales, City Manager, addressed the Council. He stressed the need to replace the HVAC system. It was fortunate that federal funding was available to the City. He introduced Robert Floyd, Facilities Manager, to address this item.

Mr. Floyd stated the City was looking at a water source heat pump system. Heat pumps would be placed throughout the building. It was not a geothermal system. A

geothermal system would not be used due to expense and well field space. City Hall's natural gas bill would decrease. The proposed system has a life expectancy of twenty (20) years. A design build process would be used. This process involved the contractor throughout the design process. This project required hands on knowledge by the contractor to determine price. A better end results would be obtained if the contractor, the architect and the engineer acted as a team. This was a more efficient system. There would be electricity savings. The system must be balanced through the seasons. Existing equipment would be removed. Mr. Hales recommended Council approve the bid.

Alderman Anderson expressed his appreciation for staff's efforts. He had faith in Mr. Floyd. There were a number of utility rebate programs available. There were also additional incentives and cost savings available to the City. The City would need to prove efficiency.

Alderman Schmidt clarified that there were no plans to expand City Hall.

Alderman Sage questioned the reduction of natural gas charges. Mr. Floyd stated there would be reduced usage. The estimated savings was a combination of the natural gas and electricity.

Alderman Sage questioned if the contract included a plan or intent for potential changes orders. Mr. Floyd stated it was a fixed price. A change order would only be required for unforeseen items. The duct work was only needed for the make up air/new air. The duct work would be reduced. Mayor Stockton added the make up air/new air was required by law.

Alderman Sage was focused on the contract. He questioned if lessons learned had been applied to the contract. He also questioned if they had been proactive. Mr. Floyd stated change orders were part of the construction industry. He believed the design build process would generate fewer change orders.

Alderman Sage restated his concern. The building had been built in 1962. Mr. Floyd had provided drawings of City Hall to the contractors. He was hoping for the best.

Alderman Purcell questioned how the system would be installed and if the existing system would function during the construction process. Mr. Floyd stated the work would be completed after 5:00 p.m. each day. The existing system would be left in place and used until the new system was ready. There should be minimal disruption and minimal impact on staff. The new system should be in place by spring 2011. Alderman Purcell believed it was time to replace the existing system based upon its age.

Motion by Alderman Hanson, seconded by Alderman Anderson that the bid including Alternate 1 for an HVAC System at City Hall in the amount of \$1,014,500 be awarded to Pipeworks, Inc. 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, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Route 66 Bikeway Project Phase 2

RECOMMENDATION: That Council commits to appropriate up to \$158,687 in FY 2012 budget for the construction of the Route 66 Bikeway Project Phase 2 which would permit McLean County to apply for Illinois Transportation Enhancement Program (ITEP) Grant funding.

BACKGROUND: In 1999, the City entered into an Intergovernmental Agreement (IGA) with McLean County, Town of Normal, Village of Towanda, Village of McLean, City of Chenoa and City of Lexington. This agreement was to fund the Route 66 Bikeway through McLean County as part of a statewide project of a bike trail paralleling Historic Route 66 throughout the entire state from Chicago to St. Louis. With this IGA being more than ten (10) years old, many changes have taken place, including the order in which phases of the trail would be constructed and the actual costs in current dollars are more than the ten (10) year old cost projections.

McLean County is the lead organization for this project throughout the county and is the official grant applicant for ITEP grant funding requests. Phase 1 is under contract and currently under construction to build the bikeway from the intersection of Fox Creek Road and Beich Road south to Shirley, IL. Per the Intergovernmental Agreement, the City's share for Phase 1 is \$127,455 and was included in the current FY 2011 Capital Improvement Budget account X40100-72580.

Phase 2 could be any one of three different sections listed in the chart below.

	OPTION 1 Curve in North Normal to Borrow Pond in South Towanda	OPTION 2 On Old Route 66 Alignment from 0.93 miles South of C.H. 29 in Towanda to 2.55 miles North of C.H. 29 in Towanda	OPTION 3 Curve in North Normal to C.H. 29 in Towanda
Length	3.50 miles	3.48 miles	4.22 miles
Total Cost	\$1,719,900	\$941,850	\$1,930,500
ITEP Grant	\$1,375,920	\$753,480	\$1,544,400
City of Bloomington	\$141,376	\$77,420	\$158,687
Town of Normal	\$104,914	\$57,453	\$117,761
McLean County	\$85,650	\$46,905	\$96,139
City of Lexington	\$4,472	\$2,449	\$5,019
City of Chenoa	\$4,128	\$2,260	\$4,633
Village of McLean	\$2,064	\$1,130	\$2,317
Village of Towanda	\$1,376	\$753	\$1,544

McLean County is in the process of applying for ITEP funding to cover eighty percent (80%) of Phase 2. The remaining twenty percent (20%) would come from the agencies involved in the IGA. The deadline for this grant application is August 31, 2010 and McLean County has inquired about the funding level the City will commit for FY 2012 (Fiscal Year May 1, 2011 – Ending April 30, 2012).

A final decision as to which of the three (3) sections would be chosen to complete will be made after support levels from each agency within the IGA is determined. The Town’s staff has verbally informed McLean County that it will support at the highest level or \$117,761. McLean County is currently working on FY 2012 budgets. McLean County anticipates the smaller communities to contribute at whatever level is supported by the City, Town and County.

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

FINANCIAL IMPACT: According to the IGA, the cost sharing for the local agencies was determined by percentage of population of each agency. The City’s population percentage was 41.1%; therefore its cost share is 41.1% of the local share of the project. ITEP grant funds, if approved will cover 80% with the remaining 20% coming from the local agency shares. If ITEP grant funds are not approved, the project will be delayed until future grant funding can be secured. Funding for this project would be included in FY 2012 Capital Improvement Project budget account X40100-72580.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John Kennedy, Director
Parks, Recreation & Cultural Arts

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Mayor Stockton introduced this item. This project had a long history. Phase 1 was being completed. McLean County was preparing for Phase 2. David Hales, City Manager, addressed the Council. In 1999, the City entered into an intergovernmental agreement with a number of entities. It was a state wide project. The County was the lead agency. The County was asking for participation and support for Phase 2. He introduced John Kennedy, Director – Parks, Recreation and Cultural Arts.

Mr. Kennedy referred the Council to the staff report. The Illinois Transportation Enhancement Program (ITEP) grant deadline was August 31, 2010. The Town of Normal had provided verbal support of this project. The County had researched their budget. They provided three (3) options for the other entities. Staff determined that the City could not use Motor Fuel Tax (MFT) funds. Funding would need to come from the Capitol Improvement Plan (CIP).

Alderman Purcell questioned the funding level of the City. Mr. Kennedy stated it was dependant upon the entities responses. Alderman Purcell expressed his discomfort with this project. Mr. Kennedy stated ITEP would provide eighty percent (80%) of the funding.

Alderman Stearns questioned what would happen if ITEP funding was not received. Mr. Kennedy stated the project would be placed on hold.

Alderman Stearns questioned the termination of agreement. Todd Greenburg, Corporate Counsel, addressed the Council. If any one (1) party exercised their termination rights, the remaining units would renegotiate a new agreement.

Alderman Stearns questioned Phase 2. Mr. Kennedy stated Phase 2 went from Shelbourne Dr. in the Town to north of the Village of Towanda. There were three (3) options for Phase 2 dependent upon funding.

Alderman Stearns cited the importance of intergovernmental cooperation. Rt. 66 was important and unique. She believed the City could capitalize on it.

Alderman Schmidt stated the Town had committed to the highest level. She questioned the City's obligation based on the Town's commitment. Mr. Kennedy stated the County would decide based upon all the entities responses.

Alderman Schmidt questioned if the City funded this project, what would not be funded as a result. Mr. Hales stated the funding appropriation was for the next fiscal year (FY 2011 – 2012). There were a number of "ifs". The high end was \$158,687. It would be

part of the General Fund. If the City committed now it would be a high priority. It would impact the Parks, and Recreation and Cultural Arts' budget.

Alderman Stearns questioned if this item would appear before Council when the grant is approved. Mr. Hales stated if ITEP funding was received the County would invoice the City.

Alderman Hanson questioned the plan. Mr. Hales stated the plan had been modified since 1999. He recommended the Council approve this item. He hoped other units would provide the same funding level.

Alderman Fruin recognized staff's work. He questioned if the Convention and Visitors Bureau (CVB) was actively promoting this project. Mr. Kennedy stated he would pose that question to Crystal Howard, CVB's Director.

Alderman Fruin believed this project had potential. It would be great for families and recreation time. He encouraged the CVB's involvement.

Mayor Stockton questioned how the bikeway differed from the Constitution Trail. Mr. Kennedy stated the Rt. 66 trail would tie into the Constitution Trail.

Alderman Stearns questioned if this was part of the Town's bike plan. Mr. Kennedy did not believe so. Mayor Stockton added they would be complimentary systems.

Motion by Alderman Schmidt, seconded by Alderman Hanson that Council commit to appropriate up to \$158,687 in FY 2012 budget for the construction of the Route 66 Bikeway Project Phase 2 which would permit McLean County to apply for Illinois Transportation Enhancement Program (ITEP) Grant funding.

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

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

Nays: Alderman Purcell.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton reminded the Council of the Citizen's Voice meeting on August 16, 2010 at Fire Station #6. He encouraged citizen attendance.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He cited letters sent to three (3) department heads to address the Management Development International Program at Illinois State University. Mayor Stockton stated he had attended that event in the past. Two (2) languages were used, English and French. He had attended this year's dinner and had received a number of compliments regarding the City.

ALDERMEN'S DISCUSSION: Alderman Anderson commended George Boyle, Asst. Corporation Counsel, for his court appearance regarding a property maintenance issue on S. Mason St.

Alderman Stearns suggested notices and agendas for Work Sessions be provided in advance. There should be protocols/guidelines for determining what was placed on a Work Session agenda. She would like a Work Session on how to incentivize families to purchase vacant properties. She would like to see what other cities were doing and she questioned the last Work Session which was citizen driven. Mayor Stockton stated there would be a review session soon to address the Action Plan and the City's priorities. Once a topic was placed on the Action List, it could be placed on a Work Session agenda. Some ideas require a lot of research which take away from time needed for other issues. There may also be some very good ideas. There had to be a balance.

David Hales, City Manager, addressed the Council. He cited using the quality of life group and neighborhood associations. A brainstorming session could be conducted. Mayor Stockton stated if a good idea was presented and a majority of the Council was interested then it could become a Work Session topic.

Alderman Purcell suggested looking at other cities that offered incentives.

Alderman Anderson reminded the Council of the Citizen Voice meeting on August 16, 2010 at Fire Station #6.

Alderman Fruin stated there had been a good discussion about potential Work Sessions. He encouraged cultivating discussion and performing research. He thanked Scout Sprouls, Director of Information Services, for his feedback on the new audio system. He recommended moving the Board and Commissions meetings from the Conference Room to the Council Chambers. Mayor Stockton noted that the Liquor Commission would be relocated.

Alderman Purcell questioned further discussion on open fires. Mr. Hales stated the discussion would be held during the Council's August 23, 2010 meeting.

Alderman Sage commented on vacant house incentive redevelopment by the private sector.

Alderman Hanson was excited about the potential expansion of the bike path.

Motion by Alderman Purcell, seconded by Alderman Schmidt to recess to Executive Session for the purpose of Litigation, Section 2 (c) (11). Time: 9:24 p.m.

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

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

Nays: None.

Motion carried.

Motion by Alderman Schmidt, seconded by Alderman Purcell to return to Regular Session and adjourned. Time: 9:29 p.m.

Motion carried.

**Tracey Covert
City Clerk**