

**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 7:36 p.m., Monday, July 26, 2010.

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

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

**Aldermen: Judy Stearns, Kevin Huette, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

**Deputy City Manager Barbara Adkins, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.**

**Staff absent: David Hales, City Manager.**

**The following was presented:**

Oaths of Office – Firefighters - James Buenrostro, Brandon Burnett, and Robert Fulcher.

**Mike Kimmerling, Fire Chief, addressed the Council. He thanked the Council for the opportunity to introduce new members of the Fire Department. Robert Fulcher, also known as JR, came from Mt. Zion. He began as a volunteer firefighter. He was married with two (2) children. He held his EMT – P license.**

**Brandon Burnett grew up in Taylorville. He attended Lincoln Land Community College. He obtained two (2) Associates degrees, one (1) in Nursing and one (1) in Emergency Medical Services (EMS). He was a volunteer firefighter with the Taylorville Fire Department for three (3) years. He was a firefighter for Mattoon, IL prior to coming to the City. His parents and wife were present this evening.**

**James Buenrostro was a native of West Chicago. He attended Waubensee Community College where he obtained a degree in Fire Science. His parents and fiancé were present this evening.**

**Tracey Covert, City Clerk, administered the Oath of Office. Mayor Stockton expressed congratulations and welcomed them to the City.**

**The following was presented:**

SUBJECT: Council Proceedings of May 12, 2008, January 26 and August 10, 2009; Citizen Voice Minutes of May 3, 2010, and Work Session Minutes of June 14, 2010

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of May 12, 2008, January 26 and August 10, 2009; Citizen Voice Minutes of May 3, 2010, and Work Session Minutes of June 14, 2010 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of May 12, 2008, January 26 and August 10, 2009; Citizen Voice Minutes of May 3, 2010, and Work Session Minutes of June 14, 2010 have been reviewed and certified as correct and complete by the City Clerk.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Motion by Alderman Purcell, seconded by Alderman Stearns that the reading of the minutes of the previous Council Meeting of May 12, 2008, January 26 and August 10, 2009; Citizen Voice Minutes of May 3, 2010, and Work Session Minutes of June 14, 2010 be dispensed with and the minutes approved as printed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Bills and Payroll

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

**BACKGROUND:** The list of bills and payrolls will be furnished to you on Thursday, July 22, 2010 by posting via the City's web site.

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

**FINANCIAL IMPACT:** Total disbursements to be approved \$3,613,835.62, (Payroll total \$1,600,943.79 and Accounts Payable total \$2,012,891.83).

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 Purcell, seconded by Alderman Stearns that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, 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 second partial payment to Downtown Bloomington Association in the amount of \$29,250 on a contract amount of \$175,500 of which \$43,875 will have been paid to date for work certified as 25% complete for the Downtown Bloomington Association Annual Funding. Completion date – April 2011.
2. The third partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,000 on a contract amount of \$72,000 of which \$18,000 will have been paid to date for work certified as 25% complete for the McLean County Economic Development. Completion date – April 2011.
3. The third partial payment to Convention & Visitors Bureau in the amount of \$42,300 on a contract amount of \$507,600 of which \$126,900 will have been paid to date for work certified as 25% complete for the CVB Annual Funding Commitment. Completion date – April 2011.
4. The ninth partial payment to Main & Veterans General Partnership in the amount of \$55,000 on a contract amount of \$550,000 of which \$495,000 will have been paid to date for work certified as 90% complete for the Main & Veterans Development Infrastructure. Completion date – June 2011.
5. The first partial payment to the Pantagraph in the amount of \$1,497.12 on a contract amount of \$46,585.92 of which \$1,497.12 will have been paid to date for work certified as 3% complete for the 2010-2011 Seasonal Advertising Services. Completion date – April 2011.
6. The fourth partial payment to Planning Resources, Inc. in the amount of \$1,089.85 on a contract amount of \$49,915 of which \$9,503.06 will have been paid to date for work certified as 19% complete for the Gaelic Park Planning/Development. Completion date – December 2010.
7. The fourth partial payment to Illinois Department of Transportation in the amount of \$34,541.43 on a contract amount of \$624,200 of which \$310,931.91 will have been paid to date for work certified as 50% complete for the Constitution Trail Project – Grove St. to Croxton Ave. Completion date – October 2010.
8. The second partial payment to JG Stewart Contractors in the amount of \$44,254.35 on a contract amount of \$180,428 of which \$60,589.70 will have been paid to date for work certified as 25% complete for the 2010-2011 Sidewalk Replacement and Handicap Ramp Program. Completion date – April 2011.
9. The second partial payment to Rowe Construction in the amount of \$231,969.70 on a contract amount of \$1,094,081.72 of which \$242,818.02 will have been paid to date for work certified as 21% complete for the Street and Alley Repair. Completion date – November 2010.

10. The second partial payment to Rowe Construction in the amount of \$134,411.59 on a contract amount of \$576,549.79 of which \$154,665.73 will have been paid to date for work certified as 23% complete for the 2010-2011 General Resurfacing. Completion date – October 2010.
11. The seventh partial payment to Stark Excavating, Inc. in the amount of \$100,160.46 on a contract amount of \$929,561.50 of which \$512,474.83 will have been paid to date for work certified as 55% complete for the Division B – TIF District Streetscape Improvements. Completion date – August 2010.
12. The second and final payment to Illinois Department of Transportation in the amount of \$28,867.51 on a contract amount of \$60,984.49 of which \$60,984.49 will have been paid to date for work certified as 100% complete for the US Rt. 51 South Main Street Sidewalk. Completion date – July 2009.
13. The third partial payment to Clark Dietz, Inc. in the amount of \$4,049 on a contract amount of \$93,400 of which \$13,950.50 will have been paid to date for work certified as 15% complete for the Design Regency Station Rehabilitation. Completion date – January 2011.
14. The ninth partial payment to Consoer Townsend in the amount of \$5,445.66 on a contract amount of \$49,760 of which \$32,846.33 will have been paid to date for work certified as 66% complete for the Direct Injection of Carbon Dioxide at Treatment Plant. Completion date – December 2010.
15. The third partial payment to Gildner Plumbing Inc. in the amount of \$57,895.65 on a contract amount of \$414,990 of which \$186,089.24 will have been paid to date for work certified as 45% complete for the Water Main Replacement TIF Water main – Mulberry & 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 Purcell, seconded by Alderman Stearns that the payments be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Report

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

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

1. Monthly Receipt & Expenditure Report, June 2010.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert  
City Clerk

Timothy Ervin  
Director of Finance

David A. Hales  
City Manager

(REPORT ON FILE IN CLERK'S OFFICE)

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Request to Pay JG Stewart Contractors, Inc. for Emergency Repair of Bradley Drive Culvert (Ward 5)

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

**BACKGROUND:** The sixty inch (60”) diameter corrugated metal culvert pipe under Bradley Drive rusted through and resulted in a sink hole forming under the sidewalk. Due to the size, it was a larger project than City crews could handle. The work was of an emergency nature because the sink hole was growing larger and could have impacted the road resulting in more costly repairs. JG Stewart Contractors, Inc. was retained to repair the culvert, fill in the void area and replace the sidewalk. A time and materials bill has been submitted for this work in the amount of \$13,580.85. Staff has reviewed the bill and the time and materials used are consistent with repairs of this nature.

As the long term goal of a sewer asset audit is completed, this type of emergency repair should be reduced by a properly funded preventative maintenance program. Staff maintains a list of 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 \$13,580.85 will be paid with Storm Water Management Funds, (X55100-70552).

Respectfully submitted for Council consideration.

Prepared by:

Financial review:

Recommended by:

Jim Karch  
Director of Public Works

Tim Ervin  
Director of Finance

David A. Hales  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Request to Pay Stark Excavating, Inc. for Emergency Repair of City Sewer on Jackson Street east of Woodland Avenue (Ward 4)

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

**BACKGROUND:** The resident at 1802 Jackson Street complained of sewer problems at his home. Public Service staff found a blockage in the City's twelve inch (12") sewer that is eighteen feet (18') deep. The blockage could not be resolved without digging up the sewer main.

The work was of an emergency nature as sewage was backing up into a residence. Due to the depth of repair necessary, Stark Excavating, Inc. was retained to repair the sewer. The excavation was backfilled and the street repaired. A time and materials bill has been submitted for this work in the amount of \$24,144.88. Staff has reviewed the bill and the time and materials used are consistent with repairs of this nature. At this time a claim has not been submitted to the City's third party administrator for this damage.

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

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Adjacent property owners and residents.

**FINANCIAL IMPACT:** Payment for this work in the amount of \$24,144.88 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  
Director of Finance

David A. Hales  
City Manager

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

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

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

**Nays: None.**



**Motion carried.**

**The following was presented:**

SUBJECT: Payment for Emergency Repairs to a Booster Pump

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

**BACKGROUND:** The Enterprise Zone Pump Station has three (3) pumps which provide pressure and volume to the west side of the City. This station was originally built in 1987 to provide water to the Mitsubishi Motors Manufacturing facility. The two (2) larger pumps are the workhorses of the pump station with the third (3<sup>rd</sup>) pump providing negligible back-up since it is much smaller in capacity. One of these large pumps uncoupled from the motor and fell into the pump pit. Once the pump was retrieved it was sent to Foremost Industrial Technologies of Peoria, an authorized Fairbanks Morse pump repair shop.

A repair estimate of \$15,970.30 was quoted and staff directed the vendor to proceed, since the remaining pump had no redundancy and its failure would have reduced pressure to the west side to unacceptable levels.

Staff recommends that payment be made for emergency repairs to a booster pump for the Enterprise Zone pump station which provides pressure and volume to the entire west side of the City of Bloomington.

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

**FINANCIAL IMPACT:** Payment for this invoice will be posted to the Water Department, O & M budget, Transmission and Distribution Division, Other Professional and Technical Services, Account #5010-50100-50120-70220. This service was budgeted in the 2010/11 Water Department budget in the amount of \$100,000.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Craig M. Cummings  
Director of Water

David A. Hales  
City Manager

**Alderman Purcell questioned the date the pump went out, the time line for returning the pump back on line, when the pressure would be reduced, and what the labor rate was for the repair. Craig Cummings, Director of Water, addressed the Council. It was a multi-stage pump that pumped at a high pressure. The exact date of the damage was unknown. The request for repair was received on October 7, 2009. The estimated weight of the pump was two (2) tons. The repair was needed as soon as possible. The pump was**

over twenty (20) years old. Parts must be ordered. The failure was an uncoupling. That was rare and the City was looking for a long-term solution to the problem. The repair required a large list of parts. He was unsure of the labor rates but would provide an answer. The Mitsubishi Pump work had been slowed due to budget cutbacks and the fact that the plant had not used as much water. The current rate was based upon three (3) shifts per day, which was approximately sixty (60) pounds of pressure. The numbers had decreased over thirty percent (30%) compared to the previous year. The pressure for that station still needed to be decreased.

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Change Order to the Agreement with George Gildner, Inc. for a Water Main Replacement Project in the Parkview area along the streets of Miller and Barker Street west to the Railroad Tracks, a Portion of Pancake Street between Miller and Wood Streets, Hinshaw Avenue from Miller Street to Wood Street and Barker Street from Miller Street to Wood Street

**RECOMMENDATION:** That a change order in the amount of \$31,539.74 be approved and the Resolution adopted.

**BACKGROUND:** The Parkview area is an older residential neighborhood that has been the site of numerous water main failures in recent years. The Parkview area, Phase II, for the purposes of this water system improvement project, is bounded on the north by Wood Street, on the east by Barker Street, on the south by Miller Street and on the west by the Union Pacific railroad tracks.

Phase I of this neighborhood water system improvement project involved the installation of replacement water mains on Livingston Street from Beyer to Tokio Street, Tokio Street from Livingston Street to Hinshaw Avenue, Barker Street from Tokio Street to Beyer Street and the alley between Barker Street and Hinshaw Avenue, south of Tokio Street. This was completed in the spring of 2008.

Phase II involved the replacement of the water mains on Miller Street from Barker Street to the railroad tracks, a portion of Pancake Street between Miller and Wood Streets, Hinshaw Avenue from Miller Street to Wood Street and Barker Street from Miller Street to Wood Street. The project also involved the installation of four (4) new or replacement fire hydrants and the replacement of all water services from the water main to the curb stop. A few homes had the water service installed from the water main into their homes because the previous water “main” connection was not in the front of the home and their curb stop was either in a side or back yard. Additionally, two (2) old undersized water “mains” (a six inch (6”) main and a 2 inch (2”) line), that run through now abandoned alleys were abandoned in place and no longer used.

The changes from the original plans are included in an itemized list with explanations for each change. They were approved by staff in the field and are based upon the bid unit prices for the particular tasks. If the quantity of eight inch (8”) pipe increased or decreased from the original plans, this change is multiplied by the unit price for that pipe, resulting in a change to the amount invoiced to the City.

This project is not unlike many Water Department projects, particularly in older neighborhoods. The Water Department records, which are the general basis for the design of the project, are not as precise as they could be. For example, if the contractor bids a project based upon certain fittings being shown in certain locations and the location found in the field is different, the contractor must make an adjustment to the work that was bid.

There is always concern with underground utility construction that what has been designed, based upon the best available records and cost-effective field measurements, is always subject to differences due to most of the work being buried. Very little of what is designed can be physically viewed, inspected or measured. Thus there is a certain amount of risk on the City and the contractor’s part. That risk is minimized by due diligence in the design and bidding of projects, but it is always present.

For instance, with this project, there was segment of Miller Street where the pavement thickness increased to over one foot when other parts of the same street were the assumed eight inches (8”) of thickness. This increase in pavement thickness was not anticipated nor expected. This was an unforeseen circumstance and added over \$25,000 to the cost of excavation and replacement of that section of the overall project. Various other adjustments were made in the field based upon the conditions encountered once the water main and its appurtenances were excavated and could be inspected.

This change order results in this project being 12.6% over the bid amount but the total project cost of \$282,731.74 is still substantially below the next lowest bidder which had bid a total price of \$389,365.

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

**FINANCIAL IMPACT:** This change order will require the payment of an additional \$31,539.74 from the Water Department Operating and Maintenance Fund, Distribution Division,

Repair/Maintenance of Infrastructure, 5010-50120-70550. This change order will have minimal impact on the Water Department overall budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by

Reviewed as to legal sufficiency:

Craig M. Cummings  
Director of Water

Tim Ervin  
Director of Finance

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

#### **RESOLUTION NO. 2010 - 25**

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$31,539.74 IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND GEORGE GILDNER, INC. FOR A WATER DEPARTMENT WATER MAIN REPLACEMENT PROJECT IN THE PARKVIEW AREA ALONG THE STREETS OF MILLER AND BARKER STREET WEST TO THE RAILROAD TRACKS, A PORTION OF PANCAKE STREET BETWEEN MILLER AND WOOD STREETS, HINSHAW AVENUE FROM MILLER STREET TO WOOD STREET AND BARKER STREET FROM MILLER STREET TO WOOD STREET**

WHEREAS, the City of Bloomington has previously entered into a contract with George Gildner, Inc. for a Water Department Water Main Replacement Project in the Parkview area along the streets of Miller and Barker Street west to the Railroad Tracks, a Portion of Pancake Street between Miller and Wood Streets, Hinshaw Avenue from Miller Street to Wood Street and Barker Street from Miller Street to Wood Street; and

WHEREAS, for the reasons set forth in a staff report dated July 26, 2010 it was necessary to make various field changes to the design and scope of the work; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the July 12, 2010 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$31,539.74 in the contract between the City of Bloomington and George Gildner, Inc. for a Water Department Water Main Replacement Project

in the Parkview area along the streets of Miller and Barker Street west to the Railroad Tracks, a Portion of Pancake Street between Miller and Wood Streets, Hinshaw Avenue from Miller Street to Wood Street and Barker Street from Miller Street to Wood Street be approved.

ADOPTED this 26<sup>th</sup> day of July, 2010.

APPROVED this 27<sup>th</sup> day of July, 2010.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Stearns expressed concern regarding the increased number of change orders. She questioned at what point contractors were held accountable for the unknowns of a project. This Change Order may be appropriate. The contractor could bid low and then submit a change order. She questioned the additional \$27,000 on invoice #9. Craig Cummings, Director of Water, addressed the Council. The number of service taps was reduced. Contractors bid on a unit price basis. The City had added two (2) additional services. This project was an alley water main. The problem was not known at the time of the bid. It was an older section of the City where there were a lot of unknowns.**

**Alderman Stearns questioned the \$25,000 for pavement removal. Mr. Cummings stated this cost mainly covered labor. It was not the typical thickness of a street as specified by the City. A3 street (oil and chip) was over concrete. It was a time and material basis. There were liquidated damages charged for this project. He believed this project was well managed and supervised. The City had hired a third party inspector.**

**Alderman Stearns questioned why the second bidder was so much higher than the first. Mr. Cummings stated Gildner, Inc. was a smaller firm with less overhead. This firm did not bid not on larger projects.**

**Alderman Stearns questioned rewarding contractors with Change Orders. Mr. Cummings informed the Council that the final Change Order had been negotiated. There was give and take between the City and contractor. This was a legitimate Change Order for additional work and was based upon unit price.**

**Alderman Purcell questioned the thickness of the pavement. Mr. Cummings stated it was a mixture over one (1) foot thick. There were various layers.**

**Alderman Purcell questioned the size of the section removed. Mr. Cummings would have to review field work notes in order to respond. A third party inspector had been present throughout the entire project. It took time to remove and haul away the material. Alderman Purcell requested the linear feet.**

**Alderman Sage believed the City had the technology to record and keep track of water mains and the surrounding material. He hoped this technology would prevent this problem in the future. Mr. Cummings stated the greater the unknowns the greater the bid pricing would be.**

**Alderman Sage questioned if steps were being taken towards better documentation. Mr. Cummings responded affirmatively. He cited the Global Positioning System (GPS) technology. Two (2) planes could be seen to determine where the water mains were. Three (3) planes were now available to determine how deep the pipes were. There were still many unknowns.**

**Ron Schultz, 1208 E. Oakland, addressed the Council. He questioned why the City had not hired a Civil Engineer for the Water Department. He believed the City would benefit by having a Civil Engineer on staff. Mr. Cummings had spoken with David Hales, City Manager, in the past thirty (30) days regarding that issue. He believed there was a need for a Civil Engineer. He planned to request this position in the FY 2011 – 2012 budget.**

**Alderman Stearns questioned Civil Engineer's assignments. She also questioned if that position would have an impact on outside contracting. Mr. Cummings stated a Civil Engineer would not begin with design work. The City needed to increase staff to complete more in-house projects. The Water Department would expect a Civil Engineer to be a liaison to firms, keep records updated, answer questions, and handle change orders and specifications.**

**Alderman Stearns questioned if this position would help to avoid change orders. Mr. Cummings responded affirmatively. The position would provide better design from the front end of a project.**

**Mike Fitzgerald, 1805 Dunraven, addressed the Council. He questioned where the funds for the Change Order came from and what would not be funded as a result. Barbara Adkins, Deputy City Manager, addressed the Council. She cited that under Financial Impact, it stated this cost would come from line items for maintenance and infrastructure. There was a set line item for items not accounted for in the budget. Funding for other projects would not be effected. The Water Department was an Enterprise Fund. It had budgeted dollars for contingencies. Mr. Cummings added the Water Department had reduced their capital budget by \$2.5 million the previous year. They had \$6 million in the reserve fund. The goal had been to add to the reserves and build a healthy fund.**

**Motion by Alderman Purcell, seconded by Alderman Stearns that a Change Order in the amount of \$31,539.74 be approved and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Professional Services Contracts for the Bloomington Center for Performing Arts (BCPA)

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

**BACKGROUND:** Staff respectfully requests approval of contracts to engage persons and/or groups represented by: Monterey International and Producers, Inc. to perform services in the BCPA on dates agreed by staff. Contract expenses for the contracts will be \$26,000. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

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

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

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

John Kennedy, Director  
Parks, Recreation & Cultural Arts

J. Todd Greenburg  
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

(CONTRACTS ON FILE IN CLERK'S OFFICE)

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Annual Contract Renewal for Beverage Services for Events Held at the Bloomington Center for the Performing Arts (BCPA)

**RECOMMENDATION:** That the contract with KPTS, Inc., d/b/a Six Strings, as the beverage services vendor for the BCPA be extended for an additional year, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** Request for Proposals (RFP) for beverage services for the BCPA was solicited in August 2008 and Council awarded Six Strings the contract on September 8, 2008. The terms of the contract provide for an annual renewal for up to three (3) years. This is the second contract renewal. Staff has observed Six Strings' performance at each event and is pleased by their attention to customer service, variety of product offerings and increased beverage revenues received.

During the first year of the contract, (September 2008 to September 2009), Six Strings provided beverage service for twenty one (21) events and provided the BCPA with revenues of \$3,500. The contract is currently in the second year with at least six (6) events remaining and the BCPA should collect at least \$4,500. The increase is partially due to the active involvement of Six Strings' managerial staff to increase their level of performance. Staff respectfully recommends renewal.

**COMMUNITY GROUPS INTERESTED PERSONS CONTACTED:** Cultural District Commission.



**FINANCIAL IMPACT:** The BCPA receives fifteen percent (15%) of total gross sales from this vendor. This is a normal and reasonable amount. Projected revenue to be received is approximately \$6,000 for the year. Each year projected revenue from beverage services has been reached.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John Kennedy  
Director, Parks & Recreation  
and Cultural Arts

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Motion by Alderman Purcell, seconded by Alderman Stearns that the contract with Six Strings, LLC, as the beverage services vendor for the BCPA be extended for an additional year, and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Renewal of a contract with Starnet Technologies, Inc. for Preventive Maintenance and Support Service of the Water Department Supervisory Control and Data Acquisition (SCADA) system.

**RECOMMENDATION:** That the Agreement with Starnet Technologies, Inc. be approved in the amount of \$19,949.36 per year, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The Water Department Supervisory Control and Data Acquisition (SCADA) system is over fifteen (15) years old and is in need of increasing maintenance. Currently, the department utilizes the SCADA system integrator, Starnet Technologies, Inc., on an as needed basis to provide maintenance beyond that which staff is able to provide. Staff has purchased this service for several years and finds it to be more cost effective than purchasing support time on an emergency basis.

If the SCADA system is not regularly maintained, it could lead to catastrophic failures of the control system for the water treatment plant and distribution pump stations, which could lead to treatment violations and water outages.

Sarnet Technologies, Inc. has submitted a proposal for their preventive maintenance services to provide sixteen (16) one-day preventative maintenance visits and ten (10) hours of telephone support for \$19,949.36 per year. Staff has reviewed this proposal and finds it to be in order.

Staff respectfully recommends that Council approve an agreement with Sarnet Technologies, Inc., for preventative maintenance of the SCADA system at a cost of \$19,949.36 per year.

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

**FINANCIAL IMPACT:** This service has been budgeted in the 2010/11 Water Department budget. Payment for the service would be made from funds in the Water Department, Purification Division, Operations and Maintenance accounts, Other Professional and Technical Services, account number 5010 - 50130 - 70220 50% and Water Department, Transmission and Distribution Division, Operations and Maintenance accounts, Other Professional and Technical Services, account number 5010 - 50120 - 70220 50%. These accounts are budgeted at \$75,000 and \$100,000, respectively.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Reviewed as to legal sufficiency:
Craig M. Cummings Director of Water	Tim Ervin Director of Finance	J. Todd Greenburg Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Purcell, seconded by Alderman Stearns that the Agreement with Sarnet Technologies, Inc. be approved in the amount of \$19,949.36 per year, and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Intergovernmental Agreement with Bloomington Township

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

**BACKGROUND:** On June 14, 2010, Council approved the letting of a contract with Rowe Construction Company for road resurfacing within the City. Bloomington Township, which covers territory outside the corporate limits of the City, needs to contract with a private vendor to provide road resurfacing for portions of Alexander Road which are maintained by the Township. Since the City let the road resurfacing contract after a public bidding process, the Township is satisfied that its own bidding policies would be satisfied if the successful bidder (Rowe Construction) would agree to provide road resurfacing at the same unit prices as are in effect between the City and Rowe. Representatives of Rowe Construction are willing to do so.

The City's Legal Department has drafted a mutual agreement in which Rowe Construction agrees that the current contract between the City and Rowe will be amended to provide road resurfacing for Alexander Road in Bloomington Township for the same unit prices as contained in the current agreement with the City. Such work will not exceed \$72,000. Bloomington Township agrees to reimburse the City an amount not to exceed \$72,000 for such work.

Staff believes this agreement promotes a "good neighbor" policy with a neighboring governmental entity at no cost to the City and recommends its approval.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Manager Hales discussed this idea at the July 13<sup>th</sup> meeting of the Board of Trustees for Bloomington Township. The Board is in favor of this agreement. As stated above, Rowe Construction is also willing to enter into this agreement.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

J. Todd Greenburg  
Corporation Counsel

Jim Karch  
Director of Public Works

Timothy Ervin  
Director of Finance

Recommended by:

David A. Hales  
City Manager

**Intergovernmental Agreement between  
the City of Bloomington, Illinois and  
the Board of Trustees of Bloomington Township**

Whereas, the City of Bloomington, Illinois (hereafter “City”), a home rule municipality, currently has in effect a contract (hereafter, the “contract”) between the City and Rowe Construction (hereafter “Rowe”), approved by the Bloomington City Council on June 14, 2010, for the resurfacing of streets within the City of Bloomington, said contract let after a competitive bidding process; and

Whereas, Bloomington Township (hereafter “Township”), a unit of local government, has a need to resurface certain roads which it is legally authorized to maintain; and

Whereas, Rowe Construction has stated to representatives of both the City and the Township that it is willing to agree to a change order in its contract with the City to perform resurfacing work for the Township at the same unit prices as are in effect in the contract between the City and Rowe; and

Whereas, Bloomington Township requires contracts for resurfacing work to be let after a competitive bidding process, and it is the agreement of all parties that such a requirement would be satisfied by the competitive bidding process which was used by the City of Bloomington prior to the letting of the aforesaid contract between the City and Rowe; and

Whereas, the City and the Township are authorized to enter into intergovernmental agreements by Article VII, Section 10 of the 1970 Illinois Constitution and by the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.);

The undersigned parties agree as follows:

1. The City of Bloomington will execute a work order in its current road resurfacing contract with Rowe Construction which authorizes Rowe Construction to perform up to \$72,000.00 in resurfacing work on areas of Alexander Road which are under the road maintenance authority of Bloomington Township. In calculating the value of such work, Rowe Construction agrees that it will use the unit prices which are currently in effect in the aforesaid contract between the City and Rowe.
2. Bloomington Township agrees that it will reimburse the City of Bloomington amounts not to exceed \$72,000.00 in resurfacing work on areas of Alexander Road which are under the road maintenance authority of Bloomington Township. In calculating the value of such work, Rowe

Construction agrees that it will use the unit prices which are currently in effect in the aforesaid contract between the City and Rowe.

3. The parties will work together in good faith to designate the areas of Alexander Road in Bloomington Township which will be resurfaced pursuant to this Agreement.

4. The persons signing this Agreement have been given full authority to do so by their principals.

CITY OF BLOOMINGTON, ILLINOIS

By: Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

BLOOMINGTON TOWNSHIP

By: Joe Monti

ATTEST:

Gary G. Pearl  
Township Clerk

ROWE CONSTRUCTION

By: Michael T. Goeken

**Alderman Sage noted this was a description of the City building a relationship with the Township. He believed it was a positive step forward.**

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of Fraternal Order of Eagles #527, d/b/a Eagles, located at 313 - 315 S. Main St., for a Limited (LB) liquor license, to conduct a wine tasting party on August 21, 2010 with the ability to sell packaged wine to support a Veterans Benefit

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a Limited (LB) liquor license for Fraternal Order of Eagles #527, d/b/a Eagles, located at located at 313 - 315 S. Main St., to conduct a wine tasting party on August 21, 2010 from noon to 6:00 p.m. with the ability to sell packaged wine to support their September 18, 2010 Veterans Benefit be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Richard Buchanan called the Liquor Hearing to hear the application of Fraternal Order of Eagles #527, d/b/a Eagles, located at 313 - 315 S. Main St., currently holding a CA liquor license which allows the sale of all types of alcohol for consumption on the premises seven (7) days a week, requesting a Limited Liquor License, (LB), to conduct a wine tasting party on August 21, 2010 with the ability to sell packaged wine to support their September 18, 2010 Veterans Benefit. Present at the hearing were Liquor Commissioners Richard Buchanan, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Bob Fisher, Eagles' President and Jerry Reynolds, member, and License holder representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the License holder address their Application. Jerry Reynolds, member and License holder representative, addressed the Commission. This one (1) day event would involve a wine tasting party with the option to order packaged wine that day. The wine would be delivered to the Eagles' building approximately one (1) week later. Individuals would be responsible to pick up their orders. All proceeds, (revenue in excess of expenditures), from this event would assist with funding the Eagles' Veterans Benefit which will be held on Saturday, September 18, 2010.

Bob Fisher, Eagles' President and License holder representative, addressed the Commission. He would also act as the Event Chairman. He hoped the wine tasting party would encourage the community to participate and support both events. The wine tasting party would also enhance the Eagles' fund raising efforts for the September 18<sup>th</sup> Veterans Benefit.

Commissioner Buchanan noted that the Commission would make a recommendation to the City Council. The Council would have to approve the creation of this license.

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

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Purcell, seconded by Alderman Stearns that a Limited (LB) liquor license for Fraternal Order of Eagles #527, d/b/a Eagles, located at 313 – 315 S. Main St., to conduct a wine tasting party on August 21, 2010 from noon to 6:00 p.m. with the ability to sell packaged wine to support their September 18, 2010 Veterans Benefit be created, contingent upon compliance with all applicable health and safety codes.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

Presentation – Downtown Bloomington Association – Special Services Area.

**Erika Kubsch, Executive Director Downtown Bloomington Association (DBA), addressed the Council. There would be a Power Point presentation regarding the Special Services Area (SSA). The DBA had been exploring the SSA for the past eight (8) months. They had been working with Jamie Licko, President of Centro, Inc. Three (3) public meetings would be held this week. Tonight's presentation was a brief highlight of the presentation to the public.**

**Ms. Licko addressed the Council. She had worked with thirty-five (35) cities across the country. The SSA was a special district financing tool. Creation of these districts was allowed by state statute. The stakeholders provided a self assessment for enhanced services. Funding could be directed toward a variety of services. It was a broad spectrum as outlined by the state statute. The funds would be self governed by the rate payers. Ms.**

Licko presented the culmination draft management plan. The elements involved were defined by state statute. The process to create a district was broad and wide and allowed for input by stakeholders and public.

The process started in December 2009 with a Feasibility Study. The goal was to determine interest and economic support. Research had been performed. An online survey of stakeholders was completed with one hundred (100) responses. The survey revealed a willingness by stakeholders to pay additional assessments to support improvements to Downtown. The services of interest were cleanliness, improvement of pedestrian environment, and retail business improvement through economic development assistance. The survey revealed a good show of support. After the survey a plan was formulated and a stakeholders meeting was held in June 2010. The goal that week was to host a forum and receive feedback from the public and stakeholders.

Goals and values of the City were assessed. The SSA would create a public and private partnership to manage, market, and maintain Downtown Bloomington. It would show a commitment to the Downtown's future and the stakeholder's willingness to invest their resources. The second goal was to leverage the stakeholder's investments to improve services delivered to Downtown.

The specifics of the plan included establishing a study area. Zone 2, indicated by the blue line on the map provided, was the outer boundary of the district. Zone 1, indicated by the red line on the same map, was the core area that had a stronger need for services. The rate assessment for Zone 1 would be higher than Zone 2. The zones created were received well by the stakeholders. Services driven by the survey and outreach revealed four (4) core areas. The details in the final plan would need to be flexible. The areas were listed in order of importance. The first service was sanitation and enhanced maintenance. This included more cleaning Downtown and creating cooperative trash programs, recycling programs, and snow removal. The second service was lighting, landscape, and amenities. This included increased greening of Downtown, public art, and beautification. The third service was economic development which included helping with business attraction, retention, and incubation. This meant having a DBA staff person to provide business support services. The fourth service was marketing, image, and events. Events were a big reason to come Downtown.

The budget for the SSA was created by backing into it. Property characteristics were examined. The value of property, square footage of buildings, and linear footage, etc. was assessed. Ms. Licko provided what she believed to be an achievable budget. The budget was based on commercial property that could raise \$250,000 per year. This would provide a nice Downtown resource. The numbers of services were separated by zone. Zone 1 would receive seventy-five percent (75%) of services and Zone 2 would receive twenty-five percent (25%). Economic development and marketing services would be divided equally. Ms. Licko also provided an enhanced/ideal budget for the Downtown. Illinois State Statute states the SSA cannot assess property taxes on exempt properties. The SSA would request that exempt properties pay a fair share into the district for selected service areas. An adjusted rate for exempt properties was created which could mean an



additional \$50,000 in funding. Other revenues that were included came from DBA membership, grants, and event revenue for an additional \$45,000. The SSA requested the City continue its contribution to the DBA be dedicated to Downtown. The SSA would not replace money that would instead go towards the General Fund. The last piece of the budget was for enhanced security which was also critical. This was an ideal situation if public and private partnership could be brought together.

Property assessment rates were based on building footage and linear parcel frontage. It was complicated but there was a methodology to it. Ms. Licko provided an annual assessment rate per year for the two (2) zones. She also provided a tax exempt assessment rate, which was voluntary. The figures provided equaled the budget. SSA funds were governed by the entities that were assessed. The SSA recommended using the DBA structure and restructure the by-laws to ensure the appropriate people provided input on SSA expenditures. Baseline services would be put in place. They would serve as a binding agreement for what the City would provide and at what frequency and level it would do so. The goal was to be more efficient.

The creation of the SSA was an eight (8) month process. The legal requirements required the SSA management plan and a request to create the district by the City Council. This would also include stated support and a signature from the property owners. Ms. Licko recommended a voluntary petition be sought to demonstrate support. A public hearing would be held with a sixty (60) day waiting period for objections. Assessment rates could be submitted to McLean County by the last Tuesday in December 2010.

Barbara Adkins, Deputy City Manager, addressed the Council. She clarified that the DBA was paid out of the General Fund. Ms. Kubsch stated the funds represented what the City had received back.

Alderman Schmidt questioned if the exempts column included the City. Ms. Licko responded affirmatively. She was still clarifying exact numbers for assessments. She believed it would be approximately \$30,000.

Alderman Schmidt stated the \$180,000 could be in kind for enhancement and not replacement. She questioned in kind services. Ms. Licko stated it was leveraging existing services. She cited cleaning as an example. The City could explore the service delivery to determine the number of people, equipment involved, etc. They would need to look at how effective and efficient the service delivery, security, cleaning, and economic development were.

Alderman Stearns stated security for the bar district was already being paid for by the City. She cited overtime costs for the Police Department. She questioned if the City would need to shift to a private firm for added security. Ms. Licko clarified that the City had been providing an enhanced service. The plan would go above and beyond what was currently being done.

Alderman Stearns clarified that the process involved one (1) year for formation. She questioned when the sixty (60) days began. Ms. Licko hoped she could provide the Council with the final Management Plan and letters of support by September 2010, which would start the process. The public hearing could occur early in October 2010. The sixty (60) day clock would start after the public hearing.

Alderman Stearns questioned the opposition petitions. Ms. Licko stated the City would need fifty-one percent (51%) of property owners and fifty-one percent (51%) of registered electors in the district.

Alderman Stearns questioned if an individual would have to sign twice if they were both a property owner and a registered elector. Ms. Licko responded affirmatively.

Alderman Fruin questioned if the same PowerPoint presentation would be used at the public meetings. Ms. Licko responded affirmatively. It would be an expanded presentation of about thirty (30) minutes at each meeting. There would also be time for questions and answers. A handout of the presentation would be provided to all who attend.

Alderman Fruin requested Ms. Licko address occupancy issues. Ms. Licko stated occupancy did not effect the assessment. The SSA did not want to encourage vacancies or a lack of improvement to properties. The SSA was trying to be as careful and as fair as they could be.

Alderman Sage questioned if the enhanced security was primarily Police over time. Ms. Licko stated a lot of communities partnered with the Police Department to train "safety ambassadors". Their role would be another eye on the street. It had been very effective and the Police Department believed it helped them spread their resources even further. The safety ambassadors would be trained security personnel.

Alderman Sage questioned who made up the 425 people contacted for the online survey. Ms. Licko stated the list was compiled using the property owner database and the DBA listing of members and residents.

Alderman Sage expressed his concern for staying accurate and inclusive throughout the process. Ms. Licko wanted to reach as many people as possible. The SSA used addresses from the Township Assessor's Office. She encouraged Ms. Kubsch to utilize the media such as newspaper, television, and radio. There would be another mailing from the City to make people aware of the SSA public hearings.

Alderman Sage questioned if the SSA was different than Tax Increment Financing (TIF). He questioned if the SSA was self imposed, additional tax. Ms. Licko responded affirmatively. Those in Zone 1 and 2 pay and spend the additional assessment. All commercial and residential properties were included. Ms. Kubsch noted that the majority of the properties were commercial.

**Alderman Sage questioned the percent of commercial versus residential properties. Ms. Licko would have to provide those numbers at another time. She noted that the exempt properties were also a large percentage.**

**Alderman Hanson requested clarification of the petition process. He questioned if the petition was for property owners and registered voters within the SSA. Ms. Licko stated Illinois state law only addressed objections to the SSA. The law does not require an up front demonstration of support.**

**Alderman Hanson questioned who would qualify the petition signatures. Ms. Licko believed it would be the City Clerk's Office. The petitions would be compared to the property database. There was a process to check each signature.**

**Alderman Hanson stated petitions could be questioned. He questioned the average cost impact per square footage. Ms. Licko stated in Zone 1 it was \$.07 per square foot.**

**Alderman Hanson requested the average impact on a lease rate. Ms. Licko stated the average cost may be \$2,000. Some owners had larger properties than others. She would provide specific examples during the public hearings. The general rule across the country was \$.10 - .12 per square foot. The difference for the City was that they had long term leases with no pass through.**

**Alderman Purcell questioned the City's portion of the Downtown TIF. Mrs. Adkins did not have the specific numbers available.**

**Alderman Purcell stated the City's contribution to the DBA was scheduled to terminate. He requested further explanation of the SSA baseline services. Ms. Licko stated the SSA law stipulates that the City cannot reduce the service level. The SSA was looking for unique attributes. The SSA was trying to find efficiencies in service delivery.**

**Alderman Purcell believed the City's contribution could top \$300,000. He requested Ms. Licko define "fair share". Mayor Stockton stated the Council was interested in additional information.**

**Alderman Stearns questioned the legality for voting against the SSA and if it was limited to registered voters or property owners. Todd Greenburg, Corporate Counsel, addressed the Council. Research was still being done to determine if a property owner owned more than one parcel and the impact upon voting.**

**Alderman Stearns questioned if electors could be tenants. Ms. Licko responded affirmatively. Mr. Greenburg stated fifty-one percent (51%) of both groups had to oppose the SSA. The date of the public hearing determined the status.**

**Alderman Anderson questioned if this would be part of the budget process. He clarified that the SSA did not hinge on Council's support. Ms. Licko stated the SSA would appreciate Council's support. She believed the baseline services were important. The SSA**

was open to exploration. It would provide more resources for the Downtown. A commitment could be made by the City. Mayor Stockton reminded those present of the public hearing dates and times. He thanked the SSA and DBA for their presentation.

**The following was presented:**

SUBJECT: Bid Analysis for the Construction of a Replacement Water Main on Graham Street from Hinshaw Avenue to O'Neil Park, through O'Neil Park and back to Hinshaw

**RECOMMENDATION:** That the bid for the construction of a replacement water main on Graham Street from Hinshaw Avenue to O'Neil Park, through O'Neil Park and back to Hinshaw be awarded to George Gildner, Inc. in the amount of \$233,597, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** Graham Street runs east and west and terminates at its western end at White Oak Road. The base bid of this project would extend a water main from the near western end of Graham Street, south through the park property, to the northern edge of the Park, then through the Park to connect to the water main in Hinshaw Avenue. The six inch (6") water main in Graham Street is an unlined cast iron pipe that dead-ends past the last home on Graham Street. Due to the pipe being unlined, (the water inside is in direct contact with the cast iron pipe) and the main ending in a dead-end, this stretch must be frequently flushed to remove the iron that builds up. The water main, as designed for the base bid, would eliminate the dead end pipe and improve circulation in this area by connecting through O'Neil Park.

The base bid project would connect at the western end of the water main and connect through O'Neil Park with a six inch (6") lined, ductile iron water main. Ductile iron water main is more flexible than cast iron and being lined (a thin coat of cement is manufactured into the inside of the pipe) the water does not come in direct contact with the ductile iron. The lining will greatly reduce corrosion forming inside the pipe.

The additive alternate for this project would replace the water main from the western end of Graham Street to the connection at Hinshaw Avenue. The unlined six inch (6") water main in Graham Street will be replaced from Hinshaw Avenue to its western end with an eight inch (8") lined, ductile iron pipe. In addition to increasing the water main from six inches (6") to eight inches (8"), which will improve fire flow, the new main will be lined to reduce corrosion.

The additive alternate was not contemplated when the project was first designed. When it became known that this block of Graham Street is planned to be overlaid next fiscal year, it made sense to change the plans to include the replacement of the water main from Hinshaw to its western end. The substantial completion date has been projected at sixty-five (65) calendar days. Staff recommends the inclusion of the additive alternate in the overall cost. This project also has an early completion incentive of \$500/day up to a maximum of fifteen (15) days or a total of \$7,500. It should be noted that this project also has the standard liquidated damages of \$500/day (with no maximum) for being late on the project.

Requests for bids were advertised and sealed bids were opened at 2:00 PM, July 8, 2010. The following is the summary of the bids received:

George Gildner, Inc.	Base Bid	\$133,382.00
	Additive Alternate	<u>\$ 99,715.00</u>
	Total Bid	\$233,597.00
	Possible early completion incentive (up to)	\$ 7,500.00
Hoerr Construction, Inc.	Base Bid	\$167,929.00
	Additive Alternate	<u>\$101,906.00</u>
	Total Bid	\$269,835.00
	Possible early completion incentive (up to)	\$ 7,500.00
Wachstetter Excavating	Base Bid	\$171,556.00
	Additive Alternate	<u>\$109,930.00</u>
	Total Bid	\$281,486.00
	Possible early completion incentive (up to)	\$ 7,500.00
Stark Excavating, Inc.	Base Bid	\$187,122.00
	Additive Alternate	<u>\$134,845.00</u>
	Total Bid	\$321,967.00
	Possible early completion incentive (up to)	\$ 7,500.00
G.A. Rich & Sons, Inc.	Base Bid	\$196,818.00
	Additive Alternate	<u>\$146,728.00</u>
	Total Bid	\$343,546.00
	Possible early completion incentive (up to)	\$ 7,500.00
Atlas Excavating, Inc.	Base Bid	\$211,991.00
	Additive Alternate	<u>\$113,215.00</u>
	Total Bid	\$325,206.00
	Possible early completion incentive (up to)	\$ 7,500.00
Walker Excavating, Inc.	Base Bid	\$210,316.80
	Additive Alternate	<u>\$120,642.93</u>
	Total Bid	\$330,959.73
	Possible early completion incentive (up to)	\$ 7,500.00
Engineers' Estimate	Base Bid	\$170,000.00
	Additive Alternate	<u>\$110,000.00</u>

Total	\$280,000.00
Possible early completion incentive (up to)	\$ 7,500.00

Staff and the design engineering firm, Clark Dietz, Inc. have analyzed these bids. All bids had the addendum (Addendum #1) returned with the bid submittal. The low bidder and two (2) others failed to acknowledge this fact on the outside of their sealed envelope. There was also a small mathematical error (\$200) on the bid form for the low bidder. The low bidder has acknowledged this and will stand by the corrected bid.

Lastly, the low bidder used a Bid Bond form equal in substance to the one provided in the specifications, but did not use the provided form.

The City’s advertisement for bids contains the following language, “The City reserves the right to reject any and all bids and waive technicalities in bidding”. Staff views the failure to acknowledge the addendum on the outside of the sealed envelope, the small mathematical error, and bid bond form as minor informalities.

A minor informality or irregularity is one, which is merely a matter of form and not of substance or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement on the IFB (Invitation for Bid), the correction or waiver of which would not be prejudicial to other bidders. The defect or variation in the bid is immaterial and inconsequential when its significance as to price, quantity, or quality, or delivery is trivial or negligible when contrasted with the total cost or scope of the supplies or services being procured. Failure to return a bid addendum or amendment if, on the face of the bid, the vendor acknowledges receipt of the addendum or amendment, is recognized as an example of a minor informality that may be waived.

Furthermore, Staff views the acceptance of the lowest bid to be in the best interest of the City. Staff recommends that Council waive these minor informalities and accept the bid from George Gildner, Inc. in the amount of \$233,597. With early completion of this project from the sixty-five (65) days submitted in the bid, the contractor can earn up \$7,500.

Funds for this project were included in the FY 2010/2011 budget in Water Department Depreciation Funds (Account # X50200-72540) in the amount of \$150,000. The total project recommended by staff is \$233,597. The additional funding for this project would come from funds in the Water Department Depreciation account, which is currently under budget, as other capital projects that have been bid this fiscal year have come in lower than expected.

The Greenwood Avenue water main project was budgeted at \$750,000 and the low bid was \$443,000 and the Illinois Street water main project was budgeted at \$250,000 and the low bid was \$211,000.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** A pre-construction meeting will be held in the next few weeks.

**FINANCIAL IMPACT:** This project will require the payment of up to \$233,597 from the Water Department depreciation fund, X50200-72540. That fund has a positive balance. This project is included in the FY 2010/11 capital budget for the Water Department.

Respectfully submitted for Council consideration.

Prepared by:                                      Reviewed by:                                      Reviewed as to legal sufficiency

Craig M. Cummings  
Director of Water

Tim Ervin  
Director of Finance

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

## **AGREEMENT FORM**

### **PART 1 GENERAL**

1.1      **THIS AGREEMENT** made this 26<sup>th</sup> day of July, 2010, by and between the City of Bloomington, Illinois hereinafter called the Owner and George Gildner, Inc. doing business as a Corporation and hereinafter called the Contractor.

1.2      The Owner and Contractor agree as follows:

- A.      **Contract Documents:** The Contract Documents consist of this Agreement; the General and Supplementary Conditions of the Contract and Specifications as listed in the Index to the Project Manual; Performance, Payment, and other Bonds; Instruction to Bidders; Schedule of Prices as completed in the Bid Form; Wage Rates; and all Exhibits to this Agreement; the Drawings as listed in the Index to the Drawings; all Addenda issued prior to and all Change Orders issued after execution of this Agreement. These form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein.
  
- B.      **Scope of Work:** The Contractor shall perform work required by the Contract Documents for the O’Neil Park Water Main Project.
  
- C.      **Contract Time:** To begin work not later than 10 days after issuance of a Notice to Proceed, unless otherwise provided. The project shall be substantially complete, for Owner’s beneficial use, within 65 calendar days after Written Notice To Proceed and shall be fully completed within 30 calendar days following substantial completion.

- 1. The Contractor shall not be charged liquidated damages. The Contractor shall be entitled to an Incentive Payment in accordance with the Bid Form "A+B Bidding". Penalties shall be charged in accordance with the Bid Form "A+B Bidding".
  
- D. Additional Engineering Costs: In addition to any penalties, Contractor shall be liable for all additional costs for Engineer's services beyond the substantial completion date. Owner will deduct these costs from any monies due or that may become due Contractor as surety and pay Engineer for said services.
  
- E. Contract Price: The Owner will pay the Contractor in current funds for the performance of the Work, subject to additions and deductions by Change Order, the Total Contract Price of Two Hundred Thirty Three Thousand, Five Hundred Ninety Seven and No/100 Dollars
  - (1) Contractor
  - (2) Sole Proprietor, Partnership or Corporation
 (\$ 233,597.00). Payments will be made to the Contractor for actual constructed quantities on the basis of the Bid Form, which shall be as fully a part of the Contract as if attached or repeated herein.
  
- F. Payments: The Owner will make payments as provided in the General Conditions and Supplementary Conditions.
  
- G. Retainage: The Owner shall retain ten (10) percent of the amount of each payment until final completion and acceptance of all work covered by the Contract Documents.
  
- H. Engineer: The Project has been designed by Clark Dietz, Inc., referred to in the Documents as the Engineer, whose authority during the progress of construction is defined in the General Conditions and Supplementary Conditions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

(SEAL)

Contractor George Gildner, Inc.

By \_\_\_\_\_

Attest \_\_\_\_\_

Title \_\_\_\_\_



(SEAL)

Owner City of Bloomington

By: Stephen F. Stockton

Attest: Tracey Covert

Title: Mayor

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

**Mayor Stockton introduced this item. Barbara Adkins, Deputy City Manager, addressed the Council. The Water Department had concentrated its efforts on this project. It was determined that some resurfacing was needed. There was work to be done in the area. She requested Council's approval for the bid.**

**Alderman Sage stated it looked like the City had spent additional time and money on flushing out the system. He was anticipating operational savings if the project went forward. Mrs. Adkins responded affirmatively. Money had been spent. Staff believed this would eliminate the issue.**

**Alderman Sage questioned if there was a way to capture the cost, then it would be relevant to the financial impact.**

**Alderman Anderson believed it would enhance fire protection with redundancy.**

**Alderman Purcell thanked staff for their efforts with water issues. The main would be looped to eliminate the rust problem. He was glad the Council was moving forward with this project.**

**Alderman Stearns questioned under what circumstances the City ran service to the house. Craig Cummings, Director of Water, addressed the Council. Typically service was run to the property line at the curb stop. The City would recommend the property owner renew their service. It was dependent upon conditions. The Community Development Block Grant (CDBG) funds had been used in the past. Sometimes with abandoned mains, the City would perform the work needed.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt that the bid for the construction of a replacement water main on Graham Street from Hinshaw Avenue to O'Neil Park, through O'Neil Park and back to Hinshaw be awarded to George Gildner, Inc. in the amount of \$233,597, and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

Presentation – Discussion – Open Burning.

**Mayor Stockton stated some concerns had been raised regarding the open fire issue. He cited the City ordinance. Despite the ordinance, stores sold fire pits and outdoor chimneys. The issues had been regarding smoke and allergies. There were also fire safety concerns. People also questioned why they could not have a fire pit.**

**Mike Kimmerling, Fire Chief, addressed the Council. The original ordinance was written in 1989. He noted that the outdoor fire pits available today were not available in 1989. He had heard from people on both sides of the issue. His job was to uphold the current ordinance. Staff had sent notifications with water bills. The Fire Department enforced the ordinance on a complaint basis only. No ordinance violations had been issued. He encouraged neighbors to be proactive and talk to each other. Staff was willing to research alternatives.**

**Mayor Stockton questioned the federal government air quality standards. He believed the City was below the level of concern. Chief Kimmerling could not comment on that. He did not believe the Illinois Environmental Protection Agency (IEPA) regulated the devices under debate.**

**Mayor Stockton questioned propane devices. Chief Kimmerling stated the Fire Department had not had many issues with propane. Most of the complaints addressed wood burning fires.**

**Mayor Stockton questioned if it was necessary to send a fire truck to extinguish a fire. Chief Kimmerling cited various options. In the past three (3) years, there had only been 150 complaints. The Police Department had the ability to put fires out if the resident refused.**

**Alderman Hanson questioned the original intent of the ordinance. From a public safety stand point he was willing to entertain an amended ordinance. Chief Kimmerling reiterated that the department had not received a lot of complaints. There were a large number of devices in the community. The Fire Department was working with the PACE Department to determine size, location, and hours of use. Barbara Adkins, Deputy City Manager, addressed the Council. Staff was looking at other communities' current ordinances. It was time to take another look at this issue. Under the current ordinance open fires were prohibited. Homework needed to be done.**

**Alderman Anderson noted that metropolitan areas charcoal grills put out more carbon dioxide. There were no compliance issues for the City.**

Alderman Purcell presented a handout with homemade units similar to a wood burning stove. Council needed to look at this ordinance and resolve what was and was not safe. A unit that was enclosed was no different than a fireplace. Chief Kimmerling reiterated the current ordinance did not allow open fires outdoors.

Alderman Huette believed all of Council had been contacted regarding this issue. He would like staff to bring back options. Mayor Stockton stated there were three (3) issues that needed clarification: 1.) federal or state regulations; 2.) fire safety issues; and 3.) citizens with health issues. There needed to be balance between these issues.

Alderman Purcell requested statistics on fires that had been started by fire pits.

Alderman Schmidt requested efforts be focused on the ordinance and not statistics. Chief Kimmerling noted that the department started a database in 2000.

Alderman Stearns questioned why some fire pits produced so much smoke. Chief Kimmerling cited weather conditions, fuel type used, and the condition of the wood. There were a number of issues. There would still be some subjectivity within the proposed ordinance. Alderman Stearns questioned if a fire could exist without smoke. Chief Kimmerling stated it would need a high combustion rate to reduce the smoke.

**MAYOR'S DISCUSSION: None.**

**CITY MANAGER'S DISCUSSION:** Barbara Adkins, Deputy City Manager, addressed the Council. She cited a letter from David Wochner, Public Building Commission's (PBC) Attorney. The City and McLean County were in partnership with the PBC regarding the Government Center. The PBC had taken out a bond issue for renovations of this facility. The PBC was requesting the City's permission to refinance the remaining debt. She questioned Council's interest. The savings would be seen upon the bonds expiration. Mayor Stockton clarified that the savings would be a little over \$200,000. This would allow the bonds to be paid off earlier.

Ms. Adkins stated Tim Ervin, Finance Director, and Todd Krzyskowski, Mesirow Financial, were asked to examine the bond. Pam Reel, Chief Accountant, was also asked to research this issue. Staff would like to meet with Terry Lindberg, County Administrator. Mr. Wochner would address the benefits. Ms. Reel believed refinancing would provide a lower interest rate. Ms. Adkins noted it would be a blend of two (2) rates. Mayor Stockton noted the basis of this request was to obtain a lower interest rate.

Alderman Fruin questioned the extent of the County Board's review. Ms. Adkins noted that Mr. Wochner had been working with Mr. Lindberg and David Hales, City Manager. The City tried to keep intergovernmental agreements in tandem.

Alderman Purcell questioned the cost to the City. Ms. Adkins cited refinancing costs which were unknown at this time. Alderman Purcell's interest was in the end result.

**Ms. Adkins added the citizen responses from the May 3, 2010 Citizens Voice meetings were available on the City's web site. Also available was the Summary of Cost of Growth Issues and Recommended Implementation Steps presentation by Carson Bise, TishlerBise.**

**ALDERMEN'S DISCUSSION: Alderman McDade presented a handout with information for the next Citizens Voice meeting. It would be held Monday, August 16, 2010 at Fire Station #6 from 6:00 to 7:30 p.m. The information would also be available on the City's web site. The meeting would follow the same guidelines as the last one. There would be two (2) more meetings this year. Citizens should contact the City Administration Office with questions.**

**She would be unable to attend the Council's August 9, 2010 meeting.**

**Alderman Fruin believed the City should take advantage of the new sound system. The Council Chambers should be used instead of the Conference Room as a courtesy to the audience.**

**Alderman Schmidt questioned the removal of the Resolution in support of the Downtown Bloomington Strategy. She wanted to involve the Downtown Bloomington Association's (DBA) Executive Committee and the Main St. group. There was a need for clarity. Mayor Stockton noted the minimal response until it was placed on the Council's meeting agenda. Staff needed additional time to refine the language. Alderman Schmidt stated there were various interested parties. Mayor Stockton believed Council members could relay input.**

**Alderman Purcell thanked staff for the water main project on Graham St.**

**Alderman Stearns thanked Alton Franklin for videotaping Council meetings. She believed the video would be posted on YouTube. She reiterated her desire for televised Council meetings. Mayor Stockton stated a lot of work went into taping the meetings. Audio was also available via the WJBC web site. A Request for Proposal (RFP) was in process to install cameras.**

**Alderman Anderson hoped those opposed to the DBA would stay engaged. He also looked forward to televised Council meetings. Mayor Stockton stated he had requested additional time on the DBA issue. Alderman Anderson hoped staff would work with Council on this issue.**

**Motion by Alderman Purcell, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 10:06 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**

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