

**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 7:37 p.m., Monday, May 10, 2010.

The Meeting was opened by Pledging Allegiance to the Flag followed by Silent Prayer.

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

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

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

The following was presented:

Oaths of Office – Firefighters Jon Caponi and Paul Sudlow

Mike Kimmerling, Fire Chief, introduced Jon Caponi and Paul Sudlow. Mr. Caponi came from the Joliet area. He attended St. Xavier College. He obtained his EMT – P and Firefighter II license. His goal as a firefighter was to be promoted to an officer position. He was accompanied by his wife, son, father and mother-in-law.

Mr. Sudlow was raised in Catlin, IL. He graduated from Lincoln Christian College where he received his Bachelors degree. He obtained his EMT- P and Firefighter II license. He was accompanied by his wife and parents.

Tracey Covert, City Clerk, administered the Oath of Office.

Mr. Caponi addressed the Council. The City provided him with a great opportunity. It was a good, solid community. He thanked Chief Kimmerling. Mr. Sudlow also addressed the Council. The City was growing and a good community. The Fire Department was moving forward. Mayor Stockton congratulated Mr. Caponi and Mr. Sudlow on their new careers.

The following was presented:

Presentation of Retirement Plaque to Larry Shepherd – Police Department

Randy McKinley, Police Chief, introduced Sergeant Larry Shephard. He had served the Police Department for over thirty (30) years. He was accompanied by his wife and friend, Dan Brady. Mr. Shephard addressed the Council. He was humbled. Thirty (30) years and eight (8) months ago he began working for the City. His father had told him he was working for one of the finest Police Departments in the state. The City was a great place. He had no regrets. He had served under nine (9) different Chiefs. Chief McKinley had a strategic plan unlike any he had seen before. It had been an honor and a pleasure. Mayor Stockton added it was nice to see a successfully completed career.

The following was presented:

SUBJECT: Proclamations

RECOMMENDATION: That the proclamations be made a matter of record.

BACKGROUND:

1. Proclamation to Declare May 16 – 22, 2010 Judge David Davis Week – Marsha Fogerty, President of the David Davis Foundation.
2. Designating May 16 – 22, 2010 as Emergency Medical Services Week – Fire Chief Mike Kimmerling.
3. Declaring May 10, 2010 as “Delta Days”.

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

Mayor Stockton read and presented the Proclamation declaring May 16 – 22, 2010 Judge David Davis Week. Marsha Fogerty, David Davis Foundation President, addressed the Council. It had been a challenging time for the Foundation and the historic site. She introduced Mark Taylor to speak about David Davis. Mr. Taylor addressed the Council. 150 years ago David Davis helped organize the convention campaign for Abraham Lincoln. Judge Davis played an indispensable role in bringing the great President Lincoln to us. A leading historian of that era had produced a biographical sketch of Mr. Davis. Mr. Taylor provided copies of an article entitled “David Davis: Lawyer, Judge, and Politician in the

Age of Lincoln”, by William D. Bader and Frank J. Williams, published by Roger Williams University Law Review, Volume 14, Spring 2009, Number 2. Mayor Stockton added that a statue of Abraham Lincoln, David Davis, and Jesse Fell would be placed in front of the Bloomington Center for Performing Arts in September 2010.

Mayor Stockton read and presented the Proclamation declaring May 10, 2010 Delta Day. Janessa Williams addressed the Council. She thanked the Council for the honor. It was tradition for Delta Sigma Theta to be recognized for their community service.

Mayor Stockton read and presented the Proclamation declaring May 16 – 22, 2010 Emergency Medical Services (EMS) Week. Mike Kimmerling, Fire Chief, addressed the Council. Two (2) members of the EMS committee were present, Jim Davis and Cory Matheny, Firefighters/Paramedic. A number of individuals were involved in providing the quality services. Mayor Stockton thanked them for their efforts.

Motion by Alderman Purcell, seconded by Alderman Schmidt that the proclamations be 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: Council Proceedings of February 25 and April 28, 2008, Executive Session Minutes of February 8, 2010, and Work Session Minutes of February 10, 2010

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of February 25 and April 28, 2008, Executive Session Minutes of February 8, 2010 and Work Session Minutes of February 10, 2010 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of February 25 and April 28, 2008, Executive Session Minutes of February 8, 2010, and Work Session Minutes of February 10, 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 Schmidt that the reading of the minutes of the previous Council Meeting of February 25 and April 28, 2008, Executive Session Minutes of February 8, 2010, and Work Session Minutes of February 10, 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 Friday, May 7, 2010 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT:

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)

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He questioned expenditures. On May 6, 2010, Mike Fitzgerald had asked some basic questions. These questions had not been answered. Mayor Stockton stated that David Hales, City Manager, usually responded to his questions. Mr. Hales addressed the Council. Time was an issue. The City did not have a staff member assigned to respond to emails. Some of the questions asked were repetitive and had been addressed in the past.

Mayor Stockton cited the Budget Open House as a more organized place to answer citizens' questions. Citizens Voice meetings were another opportunity and would be held at least four (4) times a year. The Council and staff received a large number of emails every day. Mr. Hales stated staff had to prioritize their work. The City had a lean work force. There were less people and resources with increasing expectations.

Alderman Fruin added it was hard for staff to prioritize. He cited that new staff had not been approved by Council.

Alderman Stearns had responded to questions and had forwarded some of them to Mr. Hales. Mayor Stockton stated the City Manager was the single point of contact for most issues.

Mike Fitzgerald, 1805 Dunraven, addressed the Council. He expressed concern for the amount spent on food. He cited \$63,000 over the last three (3) fiscal years. In the atmosphere of transparency, he believed each department should have a food fund limit. He had been approached by an employee of City Hall who stated the City often provided lunches.

Alderman Anderson believed a food policy was coming. The issue had not been pushed aside. Mayor Stockton stated a number of times food had been provided for Council meetings. They were generally low cost meals. There were alternatives and the Council was open to suggestions.

Alderman Hanson noted that he had also responded to Mr. Fitzgerald's emails. The job of an alderman had changed over the last couple years. Meeting times and the work load had changed.

Alderman Anderson stated the \$4,800 stipend did not cover all costs. Mr. Schultz requested that the report be clarified.

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

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

Ayes: Aldermen Stearns, 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 first partial payment to JG Stewart in the amount of \$9,000 on a contract amount of \$11,000 of which \$9,000 will have been paid to date for work certified as 82% complete for the Construction of the Lincoln Davis & Fell Statue Base. Completion date – August 2010.
2. The second partial payment to Ideal Environmental in the amount of \$8,100 on a contract amount of \$25,000 of which \$13,234.75 will have been paid to date for work certified as 53% complete for the Mitigating Hazardous Materials in Vaults to be Abandoned and Filled in Downtown. Completion date – August 2010.
3. The second partial payment to Stark Excavating, Inc. in the amount of \$25,253.45 on a contract amount of \$929,561.50 of which \$49,880.87 will have been paid to date for work certified as 5% complete for the Division B – TIF District Streetscape Improvements. Completion date – August 2010.
4. The first partial payment to Planning Resources in the amount of \$1,140.50 on a contract amount of \$49,915 of which \$1,140.50 will have been paid to date for work certified as 2% complete for the Gaelic Park Planning/Development. Completion date – December 2010.
5. The eighteenth partial payment to Thompson Dyke & Associates in the amount of \$1,251.23 on a contract amount of \$248,500 of which \$272,151.72 (\$31,801.72 in reimburseables) will have been paid to date for work certified as 97% complete for the McGraw Park - Phase II. Completion date – June 2010.

6. The twentieth and final payment to Stark Excavating, Inc. in the amount of \$50,000 on a contract amount of \$2,550,426 of which \$2,550,426.01 will have been paid to date for work certified as 100% complete for the McGraw Park – Phase II – General Construction. Completion date – April 2010.
7. The seventh partial payment to McLean County Asphalt in the amount of \$36,340.77 on a contract amount of \$375,000 of which \$332,297.21 will have been paid to date for work certified as 99% complete for the 2009-2010 Street & Alley Repair. Completion date – June 2010.
8. The first partial payment to Illinois Department of Transportation in the amount of \$60,200 on a contract amount of \$993,000 of which \$60,200 will have been paid to date for work certified as 6% complete for the Hamilton Rd. – Timberlake to Main Street. Completion date – June 2011.

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 Schmidt 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: Payment to Springbrook, Inc. for Annual Software Maintenance Costs

RECOMMENDATION: That the payment be approved.

BACKGROUND: The Water Department has utilized Springbrook software for water billing since 2001. This software has been regularly updated and is functional. In May 2008, staff requested permission to purchase the on-line bill payment module, currently in use, with over 5,000 customers.

Staff has received the annual invoice which contains the traditional maintenance costs and the additional maintenance costs for the on-line bill payment module. Staff has reviewed the invoice for the billing software and finds it in order and respectfully recommends that the payment be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This annual maintenance cost of \$24,461.67 has been budgeted and will be drawn from account 5010-50110-70220 (Water, Administration and General, Other Professional and Technical Services).

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Craig M. Cummings
Director of Water

David A. Hales
City Manager

Alderman Schmidt questioned the reason for out of town services. Craig Cummings, Director of Water, addressed the Council. There were various functions for the billing process. Some were local and some were outside. The software was the only part of the process that was not local. It was acquired in 2000. He anticipated that the software would be incorporated into the proposed ERP system. Computerized meters download the information into handheld computers in the office. That information was then sent via internet to a Texas firm where the bills were printed. The bills were mailed to the customer. The customer remits the bill to a lock box in Alabama. He was looking into a Request for Proposal (RFP) for lock box services. He hoped to bring those services back locally. In-house service could not be provided at the time. It was a commodity service like check cancellation. It is regionalized with a local presence in the City. Staff will wait to see the response from vendors.

Alderman Stearns stated it was good to hear the explanation. She questioned the acceptance of credit cards for payments and the credit card company charges. Mr. Cummings stated there was no charge to the customer for credit card use. The City had absorbed these costs. The savings were greater than the credit card charges. Twenty percent (20%) of customers were paying online.

Alderman Stearns questioned the amount charged per year. Mr. Cummings cited \$50,000 per year citywide. Tim Ervin, Director of Finance, clarified the amount was \$100,000.

Alderman Stearns questioned if other cities charged back. Mr. Cummings believed some cities were. Some credit card companies would not allow charge back for fees.

Alderman Stearns believed other cities and utilities do charge back. She requested staff look at potential savings for charge backs. David Hales, City Manager, addressed the Council. Staff could look at the issue. He believed the Citizens would see it as an additional fee. Some cities see it as a cost of doing business.

Alderman Sage commented on the RFP. He believed the City's goal was to consolidate and reduce costs.

Alderman Anderson believed the end user should pay for benefit. He believed customers would continue to pay online due to the convenience. Mayor Stockton believed several Aldermen would like staff to look into this issue. Staff should review the current policy, benefits and cost off sets.

Motion by Alderman Purcell, seconded by Alderman Schmidt 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: Authorization of the Installation of Street Lights in Fox Lake Subdivision, Phase II and III and Payment of \$16,180 to Ameren IP (Ward 2)

RECOMMENDATION: That the installation of street lights in Fox Lake Subdivision and payment to Ameren IP in the amount of \$16,180 be approved.

BACKGROUND: Street lighting in new subdivisions is typically installed when approximately sixty percent (60%) of the homes in the addition or phase are complete. Phases II and III of Fox Lake Subdivision are currently at this level and many residents have requested the installation of street lights.

Under the franchise agreement between the City and Ameren IP, Ameren installs and owns the lighting. Under the rate structure approved by the Illinois Commerce Commission (ICC), Ameren IP is allowed to charge the City the capital cost to install street lighting, in addition to a monthly fee for power and maintenance. Ameren IP has submitted an estimate in the amount of \$16,180 for the installation of four (4) one hundred (100) watt High Pressure Sodium (HPS) lights in Phases II and III of Fox Lake Subdivision.

In accordance with Section 9.02 of the City's Manual of Practice for the Design of Public Improvements, the developer is required to pay the Street Light Electric Service Fee. This fee includes the original installation costs, but not the monthly usage fee. Once the installation and payment to Ameren is complete, the developer will be billed for the actual installation cost.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Fox Lake Subdivision Residents, and Ameren IP.

FINANCIAL IMPACT: The estimate for the installation of the street lighting is \$16,180. Payment will be made from Street Lighting Funds (G16220-70990).

Respectfully submitted for Council consideration.

Prepared by: Reviewed as to legal sufficiency: Recommended by:

Jim Karch
Director of Public Works

Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Schmidt that the installation of street lights in Fox Lake Subdivision and payment to Ameren IP in the amount of \$16,180 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: Professional Services Contracts for the Center for Performing Arts

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: MPI Talent Agency, Art Fegan Entertainment, Inc., American Federation of Musicians of the United States and Canada, Joanne Rile Artists Management, Inc., Steven Barclay Agency, Vanishing Artists, Off Booking Broadway, and IMG Artists to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Base expenses for the contracts will be \$128,500.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The selection of these artists was coordinated with the Cultural Commission and the Cultural District'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 Cultural District and the Bloomington Center for the Performing Arts.

FINANCIAL IMPACT: Funding for these contracts is budgeted in Cultural District account X21100-70220. Fees will be offset by future revenues in ticket sales, playbill advertisements and other revenues.

Respectfully submitted for Council consideration.

Prepared by:

John Kennedy, Director
Parks, Recreation & Cultural Arts

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACTS ON FILE IN CLERK'S OFFICE)

Motion by Alderman Purcell, seconded by Alderman Schmidt 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: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the WGLT Event June 12, 2010

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND: WGLT is sponsoring an outdoor summer concert in downtown Bloomington on Saturday, June 12, 2010. This will be the seventh (7th) of what has become an annual event. The organizers have had beer and wine at the previous events and would like to have both available again this year. They would like the people who attend the event to be able to purchase a drink and move about freely within the designated event area rather than have a designated “beer garden”. Beer and wine would be sold only by an existing liquor license holder with a secondary license for the event and only beer and wine purchased from the event vendor could be consumed within the designated event area. Outdoor consumption would be allowed between 1:00 o’clock p.m. and 10:00 o’clock p.m.

The event organizers met with staff, including representatives from the police, legal and administrative departments to review this plan. Given the nature of the event, the type of crowd it attracts and the high degree of involvement by event staff, all concerned believe this plan could work without problems.

Staff prepared an Ordinance suspending the code as needed for this event. Council will note that the Ordinance makes the suspension effective one (1) hour before the sales begin to allow the organizers time to set up for the event. Staff respectfully recommends that the Ordinance be passed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT:

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert
City Clerk

George Boyle
Deputy Corporation Counsel

David A. Hales
City Manager

ORDINANCE NO. 2010 - 18

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 WGLT OUTDOOR CONCERT IN DOWNTOWN BLOOMINGTON

WHEREAS, WGLT will hold an outdoor concert in downtown Bloomington on June 12, 2010; and

WHEREAS, WGLT requested permission to allow sales and consumption of beer and wine during the concert on Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street; and

WHEREAS, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public streets, 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: June 12, 2010 between 1:00 o'clock p.m. and 10:00 o'clock p.m. for Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street. This suspension shall be effective only as to persons inside the designated area only and for alcohol purchased from an event vendor within the designated area. No alcohol may be taken out of licensed premises into the designated area, notwithstanding the fact that the premises are operated by the event vendor.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 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 10th day of May, 2010.

APPROVED this 11th day of May, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Bloomington Normal Jaycees, requesting a Limited Liquor License, (LB), for the event called “Bruegala”, a charitable fundraiser to be held at the Interstate Center located at 2301 W. Market St., on Friday and Saturday, August 27 and 28, 2010 which allows the limited sale of beer and wine by the glass for consumption on the premises

RECOMMENDATION: That a LB liquor license be created for Bloomington Normal Jaycees, for the event called “Bruegala”, a charitable fundraiser to be held at the Interstate Center located at 2301 W. Market St., on August 27 and 28, 2010 from 6:00 p.m. until 12:00 a.m. contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Bloomington Normal Jaycees, requesting a Limited Liquor License, (LB), for the event called “Bruegala”, a charitable fundraiser to be held at the Interstate Center located at 2301 W. Market St., on Friday and Saturday, August 27 and 28, 2010 which allows the limited sale of beer and wine by the glass for consumption on the premises. Present at the hearing were Liquor Commissioners Steve Stockton; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Eric England and Jeremy Kelly, Jaycees members and Applicant representatives.

Commissioner Stockton opened the liquor hearing. He noted the Applicant's past experience. He questioned if the Jaycees' plan included anything new this year. Jeremy Kelly, Applicant representative, addressed the Commissioner. He noted that the group was considering the addition of wine tasting this year. The Jaycees had contacted Amy Calhoun, A. Renee Shop and Wine Cafe. In addition, a shuttle service may be provided between the Interstate Center and the Downtown. The sale of the Interstate Center to Birkey's would have no impact on this event as it is held in the Mini Expo Building.

George Boyle, Asst. Corporation Counsel, noted that the same controls would be applied to the wine tastings. Mr. Kelly responded affirmatively.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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 Schmidt that an LB liquor license for the Bloomington Jaycees, for "Bruegala", a charitable fundraiser to be held at the Interstate Center located at 2301 W. Market St. on Friday and Saturday, August 27 and 28, 2010 from 6:00 p.m. until 12:00 a.m. be approved contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of the Board of Trustees of Illinois State University, d/b/a Shakespeare Festival, located at the Ewing Cultural Center, 48 Sunset Rd., requesting a LB liquor license which would allow the limited sale of beer and wine only by the glass for consumption on the premises from June 24, 2010 to August 8, 2010

RECOMMENDATION: Based on the above, the Liquor Commission recommends to the City Council that a LB liquor license for Board of Trustees of Illinois State University, located at the Ewing Cultural Center, 48 Sunset Rd., for the 2010 Illinois Shakespeare Festival to be held from June 24 to August 8, 2010 be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Board of Trustees of Illinois State University, d/b/a Shakespeare Festival located at Ewing Cultural Center, 48 Sunset Rd., requesting a LB liquor license which would allow limited sales of beer and wine only by the glass for consumption on the premises seven (7) days a week for the performance season, (June 24, 2010 to August 8, 2010). Present at the hearing were Liquor Commissioners Steve Stockton; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Dick Folse, Applicant representative.

Commissioner Stockton opened the liquor hearing. He noted that this would be the third year for the Shakespeare Festival to hold a LB liquor license. Dick Folse, Applicant representative, addressed the Commissioner. He acknowledged that this would be the third year for the Illinois State University to request a LB liquor license for the Shakespeare Festival. This application was the same as last year. Liquor sales represented a small percentage of the overall revenue. There were no incidents involving alcohol during last two years at the Festival. Festival staff received training for alcohol sales. The Festival is a family oriented event. The Festival was a successful event.

Commissioner Stockton noted that the City had not received any complaints. He agreed that the Festival was well run. Hearing no planned changes, he encouraged the Applicant to keep up the fine work.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: A LB liquor license has an annual fee of \$500.00.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Purcell, seconded by Alderman Schmidt that a LB liquor license for Board of Trustees of Illinois State University, d/b/a Shakespeare Festival, located at Ewing Cultural Center, 48 Sunset Rd., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 9, Block 0 of Camp Peoria Pointe from Jane Hume to Peter and Beth Printz

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 9, Block 0 of Camp Peoria Pointe from Jane Hume to Peter and Beth Printz. The sewage disposal system was recently inspected and is in order. The septic tank is 500 gallons too small but this will not materially affect the operation of this system. Staff respectfully recommends that this transfer be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a positive financial impact in that the lease will move from the previous formula of \$0.15 per \$100 of Equalized Assessed Value to the current formula of \$0.40 per \$100 of Equalized Assessed Value for determining the Lake Lease Rental Fee. This lake lease income will be posted to Lake Lease revenue account 5010-50100-50110-57590.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Craig M. Cummings
Water Department Director

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 8, Block 3 of Camp Kickapoo from Patricia S. Spelios to Marie Keeley and Mike Sturtewagen

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 3 of Camp Kickapoo from Patricia S. Spelios to Marie Keeley and Mike Sturtewagen. The sewage disposal system was recently inspected and is in order. This petition is in order and Staff recommends that this transfer be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a positive financial impact in that the lease will move from the previous formula of \$0.15 per \$100 of Equalized Assessed Value to the current formula of \$0.40 per \$100 of Equalized Assessed Value for determining the Lake Lease Rental Fee. This lake lease income will be posted to Lake Lease revenue account 5010-50100-50110-57590.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Craig M. Cummings
Water Department Director

David A. Hales
City Manager

Alderman Purcell questioned the use of additional money to pave roads. Craig Cummings, Director of Water, addressed the Council. The Water Department was working on a study examining costs covered by the lake lease fees. He questioned if there was a surplus. A draft of the study was complete and a final report would be provided in the near future. Funds came from the operating budget.

Alderman Purcell stated the real estate taxes go to McLean County. There were costs associated with snow plowing and street maintenance. Mr. Cummings stated the study would determine the true cost and revenue stream.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Marti Rave, Requesting Approval of an Ordinance Vacating Portions of a Utility Easement in the Villas at Eagle View South Subdivision (Ward 9)

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

BACKGROUND: On May 29, 2007, Council approved the Final Plat for the Villas at Eagle View South Subdivision. The petitioner has requested to vacate the east two and a half feet (2.5') of the twelve and a half foot (12.5') easement on the west side of Lot 88 to allow construction of a new home with larger dimensions than currently possible. There are no City utilities located or planned in this portion of the easement. Letters from local utility companies indicating their approval of the vacation have been received.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The costs of all improvements will be paid by 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 VACATION OF
A PORTION OF UTILITY EASEMENT IN VILLAS AT EAGLE VIEW SOUTH
SUBDIVISION**

STATE OF ILLINOIS)
) SS.
COUNTY OF MCLEAN)

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

Now comes Mr. Marti Rave, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested as Property Owner in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the vacation of the east 2.5' of the west 12.5' of said Lot 88 except the north 15' thereof and except the south 7.5' thereof adjacent to said premises;
3. That said vacation of the east 2.5' of the west 12.5' of said Lot 88 except the north 15' thereof and except the south 7.5' thereof is reasonable and proper because such easement width is not needed for public right-of-way by said City, its only use being the location of existing or proposed utilities.

WHEREFORE, your Petitioner prays that the east 2.5' of the west 12.5' of said Lot 88 except the north 15' thereof and except the south 7.5' thereof be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: Mr. Marti Rave

ORDINANCE NO. 2010 - 19

**AN ORDINANCE PROVIDING FOR THE VACATION OF PORTION OF UTILITY
EASEMENT IN VILLAS AT EAGLE VIEW SOUTH SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of the east 2.5' of the west 12.5' of said Lot 88 except the north 15' thereof and except the south 7.5' thereof; and

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

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

WHEREAS, it is reasonable and proper to vacate said the east 2.5' of the west 12.5' of said Lot 88 except the north 15' thereof and except the south 7.5' thereof as requested in this case.

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

1. That the east 2.5' of the west 12.5' of said Lot 88 except the north 15' thereof and except the south 7.5' thereof is hereby vacated.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated the east 2.5' of the west 12.5' of said Lot 88 except the north 15' thereof and except the south 7.5' thereof for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 10th day of May, 2010.

APPROVED this 11th day of May, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The east 2.5 feet of the west 12.5 feet of said Lot 88, except the north 15 feet thereof and except the south 7.5 feet thereof.

PIN #15-29-354-019

Motion by Alderman Purcell, seconded by Alderman Schmidt that the Vacation be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Enter into a Professional Services Contract with Shive Hattery for Motor Fuel Tax (MFT) / Emergency Resurfacing Repair Program, (ERRP) Engineering Contract Services

RECOMMENDATION: That a Professional Engineering Contract with Shive Hattery in an amount not to exceed \$20,000 and the appropriation of \$520,000 MFT ERRP be approved, the Mayor and City Clerk authorized to execute the necessary documents, and the Resolutions adopted.

BACKGROUND: On March 20, 2010, Council directed staff to proceed with \$2,000,000 for the 2010 resurfacing program, (\$1,500,000 being allocated from the General Fund, and \$520,000 from the Motor Fuel Tax (MFT) Fund). In addition, on October 26, 2009 Council approved a resolution appropriating \$46,000 in MFT dollars for the City’s portion of the ERRP. The ERRP projects include Lincoln Street from Main Street to Mercer Avenue and Ireland Grove Road from the Kickapoo Creek Bridge to Dover Road.

Staff anticipates recommending both the General Resurfacing and the Street & Alley Resurfacing contracts using General Fund dollars at the June 14, 2010 Council meeting. The General Fund resurfacing work is being broken into two (2) contracts to increase the likelihood of multiple submissions. These contracts will cover all of the patching, alley and street resurfacing except for the “Large Volume Streets (State Funds)”. Additional plans and specifications are required for the utilization of MFT dollars.

Due to limited resources, staff will be unable to meet the desired bidding timeline for the \$520,000 in MFT resurfacing and the estimated \$1,166,000 in ERRP resurfacing. In order to complete the resurfacing projects within the current construction season and prevent pavements under contract to worsen, staff believes it to be in the best interest of the City to obtain the assistance of an outside firm to complete the contract services portion of this work.

Staff reviewed Statements of Qualification and conducted an interview process to select a local professional firm to ensure timely completion of the bidding process.

The anticipated schedule for construction is as follows:

- May 20, 2010 – Deliver contracts to IDOT for review
- June 3, 2010 – Receive IDOT approval of Plans, Specifications and Estimate (P,S&E)
- June 4, 2010 – Project information approved by IDOT placed in Local Roads Contractors Bulletin
- June 10 & 17, 2010 – Project appears in the Local Roads Contractors Bulletin
- June 25, 2010 – Bid Opening
- July 12, 2010 – Council approves bid and awards project
- July 29, 2010 – Contract approved by IDOT, returned to City
- August 1, 2010 – Contractor able to begin resurfacing work

Staff respectfully recommends that Council approve a Professional Engineering Contract with Shive Hattery in an amount not to exceed \$20,000 and the appropriation of \$520,000 MFT ERRP and the Resolutions be adopted.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for this work will be made with Motor Fuel Tax Funds (X20300-72530).

Respectfully submitted for Council consideration.

Prepared by:	Reviewed as to legal sufficiency:	Recommended by:
Jim Karch Director of Public Works	Todd Greenburg Corporation Counsel	David A. Hales City Manager

RESOLUTION NO. 2010 - 22

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING A PROFESSIONAL ENGINEERING CONTRACT WITH SHIVE
HATTERY IN AN AMOUNT NOT TO EXCEED \$20,000**

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

1. That the bidding process be waived and authorizing a Professional Engineering Contract with Shive Hattery in an amount not to exceed \$20,000.

ADOPTED this 10th day of May, 2010.

APPROVED this 11th day of May, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(RESOLUTION 2010 – 21 ON FILE IN CLERK’S OFFICE)

PROPOSAL FOR SERVICES

TO: City of Bloomington
ATTN: Mr. Jim Karch
401 S East Street
Bloomington, IL 61702

PROJECT NAME: COB – 2010 MFT/ERP Resurfacing

DATE: May 6, 2010

PROJECT DESCRIPTION:

Your project is the resurfacing of streets located in the City of Bloomington, IL as outlined in the attached EXHIBITS A and B. Your project is being funded with ERP and MFT funds. The ERP work in this project includes Lincoln Street from Main St to Mercer Ave (excluding Bunn to Morrissey) and approximately 2,700 ft of Ireland Grove from the end of the current repairs westerly. The MFT work in your project includes Williamsburg Drive (Washington thru Maloney), Jumer Drive (Veterans Pkwy westward 1100 ft), Eastport Drive (Rt. 9 thru Slayton) and Market Street (Howard to Hinshaw)

The undersigned Client and ShiveHattery, Inc. (S-H) agree as follows:

SCOPE OF SERVICES: S-H will provide the following services:

1. Provide bidding/contract documents for streets outlined for MFT and ERP funded resurfacing in accordance with IDOT requirements. Documents will include: Basic construction plan sheets showing locations of work, transit or centerline stationing, typical sections and general notes. (11x17 sheets bound into the bid documents is anticipated).
2. Provide bidding documents including standard IDOT local agency front end documents, special provisions, applicable highway standards, check sheets, and recurring/bde special provisions.
3. Submit the project/package thru IDOT District 5 in Paris, IL. Coordinate and communicate with the reviewer to assist in getting the submittal through the IDOT approval process as quickly as possible to meet your schedule.
4. Meet with the city to discuss proposed operations (mill and fill, overlay, etc), proposed typical sections, proposed special provisions and final project limits.

CLIENT RESPONSIBILITIES: It will be your responsibility to provide the following:

1. Legal, accounting and insurance counseling services that may be necessary.
2. Applicable GIS data for the project areas.
3. Applicable notes or results of field investigations so that items to be adjusted and/or protected can be noted on the plans and quantified.
4. Specification of preferred polymerize HMA mix design to include in the project specifications.
5. Copies of project commitments or other applicable communications that would impact this project.

SCHEDULE:

We will start our services upon receipt of this Agreement executed by you which will serve as a notice to proceed. The bid package will be in the IDOT office by May 21, 2010. The remaining services required for your project will occur according to the following tentative schedule. Some items are at the discretion of IDOT and beyond our control. We will coordinate, as necessary, with the IDOT office to achieve a construction start date no later than August 15, 2010:

June 3, 2010 – Tentative IDOT approval of P, S, & E. (At the discretion of IDOT)

June 4, 2010 – Information released by IDOT to Local Roads Contractors Bulletin

June 10, 2010 and June 17, 2010 – Project appears in IDOT Local Roads Bulletin (June 24th being a fall back date in the event that they fail to get the advertisement on the June 10, 2010 bulletin).

June 25, 2010 – Bid Opening at City Hall June 25, 2010 – Bids reviewed, council memo written

June 28, 2010 – Council memo approved and placed on the July 12th Council meeting agenda

July 12, 2010 – Council approves bid and awards project

July 15, 2010 – Contract received by contractor for Execution

July 22, 2010 – Executed Contract and bonds returned to the City, executed by city and sent to IDOT.

July 29, 2010 – Contract approved by IDOT, returned to City (at the discretion of IDOT),

August 1, 2010 – Tentative contractor start date.

As discussed on May 5, 2010, this schedule gives us a little float time to still meet the July 12th Council meeting and in the event that IDOT is slow in reviewing or that a larger issue comes up we have time to move things back two weeks to hit the July 26th council meeting (with that being the case you could still have the contractor working by August 15th).

COMPENSATION:

We will provide the Scope of Services on an hourly rate basis, not to exceed \$19,500, plus reimbursable expenses at our Standard Hourly Fee Schedule in effect at the time that the services are performed. See attached Standard Hourly Fee Schedule.

The terms of this proposal are valid for 30 days from the date of this proposal.

ADDITIONAL SERVICES: You may wish to include the following services in your project but they are not currently in our scope of services. We would be happy to provide these services if you desire.

1. None

EXHIBITS:

1. Emergency Repair Program – Location Map – EXHIBIT A
2. Proposed Resurfacing and patching Location Map – EXHIBIT B

AGREEMENT: This proposal shall become the Agreement for Services when signed and dated by both parties. THE ATTACHED STANDARD TERMS AND CONDITIONS DATED JULY

2002 ARE MADE A PART OF THIS PROPOSAL AND AGREEMENT FOR SERVICES AND MUST BE RETURNED WITH A SIGNATURE OF ACCEPTANCE. Please return a signed copy to us in the enclosed green envelope.

ACKNOWLEDGEMENT OF OFFER AND ACCEPTANCE:

Proposal accepted and work is authorized to proceed:

Offer by:

CITY OF BLOOMINGTON

SHIVE/HATTERY, INC.

BY: Stephen F. Stockton
TITLE: Mayor

David W. Shafer, PE, PLS
Project Manager

DATE ACCEPTED: May 11, 2010

(EXHIBITS A & B, STANDARD TERMS AND CONDITIONS AND STANDARD HOURLY FEE SCHEDULE ON FILE IN CLERK'S OFFICE)

Motion by Alderman Purcell, seconded by Alderman Schmidt that a Professional Engineering Contract with Shive Hattery in an amount not to exceed \$20,000, and the appropriation of \$520,000 MFT ERRP be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolutions 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: Opening of One Bid for Two (2) Hydraulic Shoring Shields

RECOMMENDATION: Recommend that the bid be rejected and City staff be authorized to re-bid the shoring shields and trailer.

BACKGROUND: Bids for two (2) Hydraulic Shoring Shields were received by the City Clerk until April 9, 2010 at 11:00 a.m. City Manager David Hales instructed staff to open the lone bid. The bid was opened on May 6, 2010 at 9:00 a.m. The lone bid was submitted by Lee Jensen,

Crystal Lake, IL. Staff reviewed the bid and is recommending that the bid be rejected and that staff be authorized to re-bid the shoring shields and trailer.

Lee Jensen did not submit a fully compliant bid. Staff believes that the limited response may be attributable to the specifications being too restrictive. This bid covered the shoring shields plus a trailer to transport same. Staff has researched this equipment and was confident that there would be multiple submissions. Staff plans to separate the shoring shield from the trailer when the City re-bids. This action should result in increase competition.

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

Jim Karch
Director of Public Works

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Schmidt that the bid be rejected and City staff be authorized to re-bid the shoring shields and trailer.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Request for Proposals (RFP) for Safety Program Audit

RECOMMENDATION: That the Proposal be awarded to Cannon Cochran Management Services, Inc. (CCSMI) in the amount of \$40,950, and the Mayor and City Clerk be authorized to execute necessary documents.

BACKGROUND: In April of 2009, Risk Insurance Management Company (RIMCO) notified the City that the business would close at the end of May of 2009. RIMCO provided Risk and Safety Management as part of their services.

As part of the contract with Mike Nugent, Nugent Consulting Group (NCG), an RFP for a Safety Audit was created and issued, competitive proposals secured, and a detailed report to be provided.

On December 15, 2009, Kim Nicholson, City Purchasing Agent and Mr. Nugent issued an RFP that was emailed to potential vendors as well as published in the Pantagraph on December 15, 2009.

RFP packets were emailed to the following companies:

R. Moore Consulting - Normal
Wzorek Consulting - Orland Park
Cannon Cochran Management Services, Inc. (CCMSI) - Danville
Marsh - Chicago
Gallagher Bassett Services – Itasca
Alternative Solution Concepts (ASC) - Nashville, TN

One (1) subsequent Addendum was issued with a due date of February 15, 2010.

Five (5) Companies responded to the RFP:

Wzorek Consulting - Orland Park
Cannon Cochran Management Services, Inc. (CCMSI) - Danville
Marsh - Chicago
Gallagher Bassett Services - Itasca
R. Moore Consulting - Normal

The proposals were analyzed based on the criteria requested in the RFP, which were:

1. Completeness of proposal to include all required services;
2. Cost requirements for services to be provided;
3. Experience with Fire, Police and Public Works safety and risk management, and
4. Ability to meet service requirements.

Based on the criteria and evaluation, three (3) Companies were invited for interviews.

CCMSI
Marsh
Gallagher Bassett Services

On April 12, 2010, interviews were conducted at City Hall. The interview team consisted of Emily Bell, Director of Human Resources; Kim Nicholson, Purchasing Agent; John Kennedy, Director of Parks, Recreation and Cultural Arts; Jim Karch, Director of Public Works; Robert Siron, Assistant Chief of Police; Mike Kimmerling, Fire Chief, Sgt. Greg Scott, Police Training Officer; Captain David Tally, Fire Training Officer; Barb Adkins, Deputy City Manager, and Mike Nugent, Consultant.

Once the interviews were completed, the final ratings were adjusted based on the presentations and the question and answer process. The final ratings resulted in CCMSI as the best submittal.

CCMSI will provide the following services at a cost of \$40,950:

- Identification of current safety and loss control practices
- Identification of areas requiring safety training and/or safety policies
- Evaluation of the City's Safety Library
- Evaluation of the City's loss data for trend identification and safety plan focus
- Development of both short term and long term safety training and other safety/risk management program developmental goals, in order of priority (high to low)
- Identification of sources to assist in implementing short and long term goals
- Implementation plan with target dates and assignments
- Identification of all required Occupational Safety/Health Administration (OSHA) training by department
- Term of the Agreement will terminate upon the submission and acceptance of the Final Report by the City Manager and completion of the services provided pursuant to Request for Proposal-Loss Control Services

Staff respectfully recommends that Council approve a contract with CCMSI to conduct a Safety Audit in the amount of \$40,950 and that the Mayor and City Clerk be authorized to execute the necessary documents.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds in the amount of \$40,950 are available in account #6040-60-60400-70713.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Barbara J. Adkins
Deputy City Manager

Kim Nicholson
Purchasing Agent

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

**LOSS CONTROL SERVICE AGREEMENT BETWEEN THE CITY OF
BLOOMINGTON AND CANNON COCHRAN MANAGEMENT SERVICES, INC.**

THIS SERVICE AGREEMENT is made and entered into this 11th day of May 2010, by and between The City of Bloomington (the "Client"), and Cannon Cochran Management Services, Inc. ("CCMSI"), a Delaware corporation. It is agreed between the parties hereto as follows:

- A. **APPOINTMENT OF CCMSI.** CCMSI will provide the Client loss control services upon mutual agreement of the parties. The Client shall remain fully responsible for the implementation and operation of its own safety programs and for the detection and elimination of any unsafe conditions or practice. The Schedule of Loss Control Services is attached hereto as Exhibit A.
- B. **BOOKS AND RECORDS.** CCMSI or the Client shall not, during this Agreement, disclose to any other person or entity or utilize in any way, any confidential information or trade secrets of CCMSI or the Client, including but not limited to CCMSI's or the Client's business methods and techniques, research data and financial information. Unless required to do so by law.
- C. **SOLICITATION OF EMPLOYEES.** During the term of this Agreement and for 6 months thereafter, the Client and CCMSI mutually agree not to recruit, solicit or hire any employee of the other without written permission.
- D. **TERM AND TERMINATION.**
1. **Term of Agreement.** Unless earlier terminated as provided hereunder, this Agreement shall terminate upon the submission and acceptance of the Final Report by the Client and completion of the services provided pursuant to Request for Proposal-Loss Control Services, dated February of 2010.
 2. **Termination of Agreement.** This Agreement may be terminated:
 - (a) By mutual agreement of the parties hereto;
 - (b) By 30 days notice of Client.
- E. **SERVICE FEE PAYMENTS.** The Client shall pay to CCMSI a service fee as outlined in the Fee and Payment Schedule, attached hereto as Exhibit A.
- F. **RELATIONSHIP OF PARTIES.** Nothing in this Agreement shall be construed to create a relationship of employer/employee, partners or joint venture between the Client and CCMSI.
- G. **INDEMNIFICATION.**

1. Indemnification by Client. The Client agrees that it will indemnify and hold harmless CCMSI and CCMSI's directors, officers, employees, agents, shareholders, subsidiaries and other affiliates from and against any and all claims, losses, liability, costs, damages and reasonable attorneys' fees incurred by CCMSI as a result of breach of this Agreement by the Client, or misconduct, error or omissions by the Client, or by any of the Client's trustees, directors, officers, employees, agents, shareholders, subsidiaries or other affiliates in connection with the performance of this Agreement. Provided however that this provision shall not constitute a waiver of any immunity that the Client could claim under law, including but not limited to the Tort Immunity Act.
2. Indemnification by CCMSI. CCMSI agrees that it will indemnify and hold harmless the Client and the Client's trustees, mayor, directors, officers, employees, agents, shareholders, subsidiaries, members, or other affiliates from and against any and all claims, losses, liability, costs, damages and reasonable attorneys' fees incurred by the Client as the result of breach of this Agreement by CCMSI or misconduct, error or omissions by CCMSI, or by any of CCMSI's directors, officers, employees, agents, shareholders, subsidiaries or other affiliates in connection with the performance of this Agreement.

H. **CHANGE IN CIRCUMSTANCES.** In the event the adoption of any statute, rule, or regulation materially changes the nature of the relationship between the parties hereto or the legal or economic premises upon which this Agreement is based, the parties hereto shall undertake good faith negotiations to amend the terms of this Agreement to account for such changes in a reasonable manner.

I. **MISCELLANEOUS.**

1. **Governing Law.** This Agreement shall be governed by and construed in accordance with the internal laws of the State of Illinois without regard to principles of conflicts of law.
2. **Timing of Services.** CCMSI may exercise its own judgment, within the parameters set forth herein, as to the time and manner in which it performs the services required hereunder.
3. **Successors in Interest.** This Agreement shall be binding upon, and inure to the benefit of, the successors in interest and permitted assigns of the parties hereto.
4. **Severability.** The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if the invalid or unenforceable provision had been revised to the minimum extent necessary to make it valid and fully enforceable under applicable law.

5. Paragraph Headings. All paragraph headings in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
6. Waiver. The failure of any party to enforce any provisions of this Agreement shall not constitute a waiver by such party of any provision. A past waiver of a provision by either party shall not constitute a course of conduct or a waiver in the future with respect to that same provision.
7. Entire Agreement/Amendment. This Agreement sets forth the full and final understanding of the parties hereto with respect to the matters described herein, and supersedes any and all prior agreements and understandings between them, whether written or oral. This Agreement may be amended only by written document executed by the Client and CCMSI.

Executed this 11th day of May, 2010.

Cannon Cochran Management Services, Inc.

By:George M. Peterson
Its:Loss Control Manager

City of Bloomington

By:Stephen F. Stockton
Its:Mayor

(SERVICES RENDERED ON FILE IN CLERK'S OFFICE)

Mayor Stockton introduced this item. Barbara Adkins, Deputy City Manager, addressed the Council with an overview of staff's recommendation. It was over a year ago that Risk Insurance Management Company (RIMCO) closed its doors. The staff had been working with Mike Nugent, Nugent Consulting Group. The last part of the project was risk and safety training. There were federal and state rules and regulations to follow. Staff was asking that Cannon Cochran Management Services (CCSMI) be approved to look at the City's safety structure. They would provide a written report in sixty to ninety (60 – 90) days. Staff had received five (5) Requests for Proposals (RFP's). Mr. Nugent and a representative from CCSMI were present to answer questions. David Hales, City Manager, addressed the Council. RIMCO's program was expensive. He was proposing that the City be more strategic with expenditures. The City needed to target same, question losses, and be proactive.

Alderman Huette clarified that the purpose was to determine needs and receive recommendations. Mr. Hales stated they may or may not be in-house.

Alderman Stearns questioned what kind of losses they were looking at. Mr. Hales responded they would be looking at Workers Compensation and General Liability. Workers compensation was a priority and had received the greatest exposure.

Alderman Sage believed staff practice had been to choose the lowest bidder. He questioned if CCSMI had been the lowest bidder.

Motion by Alderman Sage, seconded by Alderman Schmidt to suspend the rules to allow someone to speak.

Motion carried.

Mike Nugent, Nugent Consulting Group, 2409 Peachtree Lane, Northbrook IL, addressed the Council. CCSMI was the lowest bidder that still provided the entire scope of practice required by the City. Mr. Hales stated CCSMI would be coming back to the Council with a report. Mayor Stockton requested a brief introduction of the firm and what they purpose to do.

George Peterson, CCSMI Loss Control Manager, addressed the Council. CCSMI was a third party administrator. They partner with clients to develop long term strategies. Their primary focus was on Department of Labor's rules and regulations. They work with various departments to look at objectives within the RFP as well as goals for a safe work environment. They planned to approach the objectives, stated in the RFP, by a four (4) step process. The final step would be an accumulated report. They would provide short and long term strategies. They would try to identify resources available to the City. Mayor Stockton hoped the report would include a way to measure loss mitigation work. He would like to see better access to money spent versus results. He hoped CCSMI could provide a rational way to measure.

Motion by Alderman Schmidt, seconded by Alderman McDade to return to order.

Motion carried.

Alderman Purcell believed staff had done a good job. Workers Compensation was a challenge. It was important to train employees on safe ways to perform their jobs. Mayor Stockton believed it was important to be proactive.

Motion by Alderman Hanson, seconded by Alderman McDade that the Proposal be awarded to Cannon Cochran Management Services, Inc. (CCSMI) in the amount of \$40,950, and the Mayor and City Clerk be authorized to execute necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Proposals for a Single Stream Recycling Facility

RECOMMENDATION: That the proposal from Henson Disposal Inc. for providing the Single Stream Recycling Facility for the City's recycling material be accepted.

BACKGROUND: On December 8, 2008, a presentation was made to Council on the benefits of converting to curbside single stream recycling. The City currently collects dual stream recycling material at the curb and takes the material to the Town of Normal's transfer station at 1301 Warriner Street, Normal. The City had a contract with Phoenix Paper for the processing of co-mingled paper and a contract with Resource Management in Chicago Ridge for the co-mingled containers which have expired.

Currently, the City has an intergovernmental agreement with the Town for the acceptance and transfer of recycling material which expires May 15, 2010. Additionally, the City plans to change its curbside recycling program from a dual to a single stream collection program once the intergovernmental agreement with the Town expires.

Proposals were solicited from qualified vendors to accept and transfer acceptable single stream recyclable materials starting Monday, May 17, 2010. Any potential processing solutions for the City's single stream materials were considered in the selection process.

The following is a list of benefits for conversion to the single stream recycle program:

- Studies and surveys have shown that recycle material is increased by at least twenty percent (20%) when conversion to single stream is made. Every ton of increased recycle material saves the City on the cost to dispose of the material at the landfill. This would further reduce the cost of our Waste Management Division and bring us closer to citizens paying for the service that they receive.
- Single stream recycling could be implemented utilizing the current recycle trucks until funding is available to replace them. If the existing recycle trucks were to break down, rear packer garbage trucks could be used as back up.
- Citizens will experience an immediate benefit from curbside single stream recycling due to the convenience of not having to use specified containers and not having to sort their recyclables.
- The majority of communities that make any changes to their recycle program are changing to curbside single stream recycling.

- Single stream recycling is considered the environmentally friendly way for the City to increase our “green” appearance with the public.
- Single stream recycling sets up the City to convert to automated collection in the future.

A pre-proposal conference was held on March 31, 2010. Two (2) firms responded with proposals. The proposal from Henson Disposal, Inc. meets all of the City’s minimum requirements as stated in the Request for Proposal (RFP).

Using the material pricing and hauling costs at the time of the proposal opening, the difference of material payment for the two (2) proposals are as follows:

Henson Disposal, Inc.	Payment to City	\$21.05 per ton
Midwest Fiber Recycling	City to Pay Vendor	\$ 8.50 per ton

The pricing is dependent upon the market or commodity values for the single stream material and the hauling rate which is dependent upon fuel prices. It is important to stress that the recommendation to proceed with the Henson Disposal, Inc. would utilize a variable market rate based upon the Official Board Market (OBM) which is the industry standard for the recycling market. There is not a guaranteed floor or maximum market price using this system.

On April 26, 2010, Council laid this item over until the May 10, 2010 meeting. This additional time has allowed staff to:

1. Evaluate the advantages/disadvantages of using a commodity-based pricing system versus a fixed-rate pricing system for single stream material.
2. Evaluate any potential violations of the ex parte communication clause in the RFP.
3. Further interview the two (2) firms that submitted proposals, by asking clarifying questions and receiving additional information.
4. Provide the additional information to Resource Recycling Systems, an outside solid waste expert, for review and comments.

It should be noted, with respect to the issue of ex parte communication, in the RFP general instructions for bidders, bidders were informed that to insure the proper and fair evaluation of a proposal or bid, the City prohibits ex parte communication (i.e., unsolicited) initiated by the offeror to a City official or employee evaluating or considering the proposal/bid prior to the time a selection has been made. Furthermore, ex parte communication may be grounds for disqualifying the offending offeror from consideration or award of the proposal.

Henson Disposal, Inc. and Midwest Fiber Recycling both sent out mass emails to Council members prior to the time a final selection had been made by Council, (Midwest Fiber Recycling – prior to the Council meeting of April 26; Henson Disposal, Inc. – after the Council meeting of April 26).

To avoid any interference with the bidding process, the prohibition against ex parte communication should be adhered to without exception. This was not the case for either bidder.

It should also be noted that Article 33E of the Illinois Criminal Code makes it a Class 3 felony for any public official to knowingly award a contract based on criteria which was not publicly disseminated via the invitation to bid, when such invitation to bid is required by law or ordinance, the pre-bid conference, or any other solicitation for contracts procedure.

Staff respectfully recommends accepting the proposal from Henson Disposal, Inc. to provide Single Stream Recycling until May 1, 2012.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Ecology Action Center, a City Council Work Session, and the Town of Normal.

FINANCIAL IMPACT: It is anticipated that conversion to single stream recycling will increase the recycling volume which will reduce the overall cost of solid waste disposal. In addition, the performance measure used for recycling collection is anticipated to decrease. This is another step toward bringing the service level in line with the cost of service.

The cost analysis comparing Henson Disposal, Inc. and Midwest Fiber Recycling, offered by Resource Recycling Systems, took into account: 1) assumptions about recycling tons (current average and 20% increase); 2) assumptions about market values of recyclables (low, average, high); and 3) quarterly (3 month) projections to account for the shift to new Materials Recycling Facility (MRF).

The Henson Disposal/Revenue Management contract value is positive under all three (3) market scenarios, ranging from a low of \$76,050 in net revenue share for the City to a high of \$304,050 in net revenue share. The Midwest Fiber Recycling “fixed cost” approach always carries the same net cost of \$60,000 and their “true market value” approach has positive revenue share in all three (3) market scenarios, ranging from a low of \$120 in net revenue share for the City to a high of \$67,680 in net revenue share. A detailed discussion of this cost analysis can be found on pages 12 and 13 of the Resource Recycling Systems report.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch
Director of Public Works

Kim Nicholson
Purchasing Agent

Tim Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

Mayor Stockton introduced this item. It had been laid over from the Council’s April 26, 2010 Council meeting. David Hales, City Manager, addressed the Council. Staff

had asked for additional time to complete additional analysis. The additional analysis was prepared by Jim Fry, CEO Resource Recycling, 416 Longshore Dr. Ann Arbor MI, 48105, to determine risk factors. Staff looked at potential violations of ex parte communication clause in the Request for Proposal (RFP). He wanted the RFP to be done in a fair and equitable manner to maintain integrity throughout the process. The additional time allowed staff to complete interviews with the firms. He believed it was beneficial to look for an outside independent party to review and analyze the firms. Staff recommended Henson Disposal Inc.

Jim Karch, Director of Public Works, addressed the Council. The Public Works Department was an advocate for single stream recycling. It was a step in the solid waste process. It increased recycling. The current diversion rate for the City was ten percent (10%). This was a step towards automation. Staff followed the City's purchasing policy and utilized the RFP process. Staff had sought an outside consultant who supported the staff's previous recommendation.

Alderman Huette questioned the termination clause on page 6 of the RFP. Mr. Karch stated the contract was a short two (2) year contract.

Alderman Huette questioned the use of an outside provider. Mr. Karch noted this was a question for the City's Corporation Counsel. Todd Greenburg, Corporation Counsel, stated the rules could not be changed. The City could reject or provide a new RFP. Mr. Hales did not foresee any obstacles with the contract.

Alderman Huette questioned the requirement of a private contractor paying Prevailing Wage. Mr. Greenburg stated Prevailing Wage had been for construction projects through Public Works. The RFP had an N/A (Not Applicable) next to that section.

Alderman Stearns restated the City's diversion rate was ten percent (10%). She questioned the Town of Normal's rate. She believed it was higher. She also questioned incentives.

Motion by Alderman Stearns, seconded by Alderman Purcell to suspend the rules to allow someone to speak.

Motion carried.

Jim Frey, Resource Recycling, 416 Longshore Dr., Ann Arbor, MI, addressed the Council. He directed the Council to the chart included in the document. High performance programs had 1,000 pounds per household. Highest level programs were using incentive programs like recycle bank. Single stream was a start. Other communities were using pay as you throw.

Alderman Stearns questioned other ways to encourage recycling. Mr. Fry stated there were different techniques. The City could provide discount fees for recycling. The

behavior modification the City was looking for was getting containers to the curb. Recycle bank rewarded citizens with coupons and gift certificates for participating.

Alderman Stearns had completed increase diversion rate calculations and believed the City could receive some real money. The recycle market was up. She requested figures on an increased diversion rate. Mr. Fry had completed calculations in the RFP. The City's revenue potential could be in the six figures. There was a potential gain of \$60 per ton recycled.

Alderman Huette questioned route redesign. Mr. Karch stated staff would look at the process and the routes.

Alderman Anderson questioned projections. Mr. Karch stated there was no floor on the contract. Mr. Fry had provided various projections and ranges. Mr. Hales stated that Mr. Fry was brought in to determine risk in the commodity market. Mr. Fry stated a \$53 processing fee was deducted from the market value of the materials.

Alderman Anderson questioned history. Only seven (7) months were included. Mr. Fry stated they work with users of recycled materials. The users do their own projections for the next two (2) years. They were predicting more aggressive pricing. A negative market position was an anomaly. Mr. Hales added that Barbra Adkins, Deputy City Manager, had emailed the five (5) year history to the Council. Mr. Fry stated there were three (3) factors to look for in a vendor: 1.) experience processing single stream, 2.) strong relationships and redundancy in the market, and 3.) getting premium pricing.

Alderman Anderson questioned the experience with other municipalities. He also questioned if the trend of single stream recycling would cause prices to decline. Mr. Fry stated current concerns were with material shortages.

Alderman McDade questioned the Midwest having a local site coming online. Mr. Fry stated ideally in the long term the City would have local processing. Circumstances would determine if that could happen. He believed it would be a positive development. The City needed to wait for a financial situation that would benefit the City. He believed in the future they could submit a very competitive proposal. Mr. Hales had met with Mark Peterson, Town of Normal's City Manager, on Friday May 7, 2010. He would like to continue working with the City.

Alderman Sage questioned cost – benefit analysis. Fluid situations could be difficult to isolate. Mr. Fry stated the weakness of solid waste management programs was cost based. Over time the City could provide improved services that were environmentally responsible.

Motion by Alderman Huette, seconded by Alderman Purcell to return to order.

Motion carried.

Motion by Alderman Huette, seconded by Alderman Purcell that the proposal from Henson Disposal Inc. for providing the Single Stream Recycling Facility for the City's recycling material be accepted.

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: Police Department Radio Communication Report and Grant Opportunity

RECOMMENDATION: That Council authorize staff to proceed with applying for any appropriate grants.

BACKGROUND: A presentation will be made to Council regarding radio communications for the Police Department only.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Randall McKinley
Police Chief

David A. Hales
City Manager

Mayor Stockton introduced this item. He reviewed the recent history of radio communication systems. The City left MetCom (McLean County, the Town of Normal and various rural agencies) five (5) years ago. David Hales, City Manager, held a series of meetings a year ago. They included meetings with individuals at the state level of government. These meetings commenced the replacement process from an analog to a digital system. There was an opportunity to receive state grant funds.

Randy McKinley, Police Chief, addressed the Council. The purpose of this item was to test and evaluate the Starcom21 system. The report provided details regarding possible solutions to issues with the current system. He highlighted details contained in the report.

In 2002, the City left MetCom (the County and Town). At that time an EF Johnson digital system was in place. There were many issues with this system. The City returned to an analogue system. He cited inventory and maintenance costs of the current system. The cost to the City to replace the current system was substantial. Starcom21 was an 800 MHz digital system that was designed for linkage statewide. The Police Department completed a four (4) month evaluation of Starcom21. He cited the various groups that assisted with this study. Forty-five (45) sworn and non-sworn personnel evaluated the system. The evaluation focused on three (3) areas: 1.) wide area coverage; 2.) in building coverage; and 3.) general usability. Personnel used Starcom21 portables for approximately five (5) weeks. There were areas of concern identified. He believed concerns could be addressed through proper training. The digital system was different than what they were used to. The Starcom21 system was not reliable in the lower level of the Police Department. Issues needed to be rectified prior to implementation. The City would require high quality and thorough training for all system users. He addressed the various users.

The Town and County were satisfied with the system and the services provided by Motorola. The Police Department (PD) had contacted agencies in Decatur and Springfield regarding Starcom21. In considering Starcom21 as an alternative to the current system the PD requested a proposal that would detail their costs. The price was estimated at \$972,409. The City could reduce this by purchasing fewer portable radios. User fees would be over \$63,000 per year. He restated that there were grant opportunities available. He recommended Council approved of Starcom21. It was a proven system which allowed for better communication. The disadvantages were that the City would not own the system and would have to pay maintenance fees. The benefit was that Public Works and Water Department could migrate to the Police Department's old system.

The PD was unable to address a grant opportunity in 2009. There were funding options if the City decided to purchase the Starcom21 system: 1.) a cash purchase; 2.) a grant opportunity would become available in June 2010; and 3.) a lease purchase through Motorola. Mr. Hales questioned interoperability between the City, the Town and the County. Chief McKinley stated the PD thought the patch system would work. There had been serious radio communication issues. The City needed to address the issue.

Alderman Anderson questioned the life expectancy for the current system. Chief McKinley stated the system was eight (8) years old. It was an outdated analogue system.

Alderman Anderson clarified that Starcom21 was owned by Motorola. He questioned if there were other vendors involved. Chief McKinley stated the PD would work with the state on the system was owned by Motorola.

Alderman Anderson questioned the cost difference. Chief McKinley stated the current system's annual maintenance cost was \$25,000. With the Starcom21 system, there would be monthly fees (\$63,000 per year).

Alderman Anderson believed the new system would have some of the same issues as Blackberries. These issues could be addressed.

Alderman Sage appreciated the efforts of the PD to reach out to the Town, County and other municipalities. Staff had done a good job. There was cooperation and collaboration. He questioned if Starcom21 would improve life, health and safety. Chief McKinley responded affirmatively. It would help from the viewpoint of working with other agencies. The current issue was the inability to communicate well with others. The reason for the length of the study was due to all the homework involved. Mr. Hales stated that for Champaign and Peoria Counties' system consistency was key.

Alderman Sage believed the PD had done a good job reaching out for state resources. Chief McKinley restated funding may be available.

Alderman McDade questioned if steps were taken to correct the immediate issues. She believed that Council would be supportive of this recommendation. She thanked State Representative Dan Brady for his efforts on this issue.

Mayor Stockton believed the PD was uneasy due to the issues of control. The City would have to subscribe to the system. He questioned remedies for performance problems. Chief McKinley wanted certain things in writing. There was only one (1) Starcom21 tower in the community. Mayor Stockton clarified the concern addressed redundancy and back up. He questioned guarantees and cost controls. Chief McKinley requested that Todd Greenberg, Corporate Counsel, look at the contract.

Alderman Stearns questioned if the vote was to give the PD an opportunity to seek grants. Chief McKinley responded affirmatively. He requested Council's support to seek grants.

Alderman Stearns recognized state Representative Dan Brady's efforts.

Motion by Alderman Stearns, seconded by Alderman Purcell to suspend the rules to allow someone to speak.

Motion carried.

Dan Brady, State Representative, 202 N. Prospect Rd. Suite 203, addressed the Council. He provided a brief history of the Starcom21 project. The project began in 2002. In 2003, he pursued funding for McLean County. \$3 million dollars would be given to McLean County as a test site. He continued to work on the project. In 2008, a Resolution was passed. The key was interoperable communication. In 2009, there were funding opportunities. The present grant opportunity was federal money passed through the state. There were avenues available. He would help in any way he could and offered to work with the City. Police Chief McKinley thanked Representative Brady for his support.

Mayor Stockton questioned the latest grant. Mr. Hales stated the study had not been completed last fall. Mayor Stockton questioned the cost to the City. Mr. Hales stated staff was waiting for criteria. Mayor Stockton questioned if City funds were available. Mr. Hales stated staff was hoping the project would be fully funded. The City may need to

borrow some funds. They would address the issue in the future when they had more information.

Dick Fasig, 610 E Douglas, addressed the Council. He questioned if the City was considering rejoining MetCom. He also questioned if there was a 100% guarantee of system compatibility. Mayor Stockton noted this issue had been brought up at the Citizens Voice (May 3, 2010) meeting. There were some advantages to rejoining. The City would retain its center in order to have back up. All parties would need to agree. No radio system was 100% perfect. Mr. Hales added the Town and County use this system.

Alderman Sage noted that staff did not have the “hows” figured out yet. They were still addressing the “whats”. The “hows” would become clearer throughout the process. Mr. Hales hoped that there would be some grant opportunities. The various issues would be addressed.

Alderman Anderson had attended the MABAS, (Mutual Aid Box Alarm System), meetings. They were also looking into upgrading their system. The compatibility was there.

Ron Schultz, 1208 E. Oakland, addressed the Council. He questioned if the City would consolidate to one (1) communications center. Mayor Stockton acknowledged that there were advantages to same.

Alderman Hanson believed there were advantages to the City’s current system.

Motion by Alderman Purcell, seconded by Alderman Stearns to return to order.

Motion carried.

Motion by Alderman Purcell, seconded by Alderman Stearns that Council authorize staff to proceed with applying for any appropriate grants.

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

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

Nays: None.

Motion carried.

The following was presented:

Hydrant Program Update

Staff was directed to place this item on the May 24, 2010 Council meeting.

MAYOR'S DISCUSSION: The Council needed to do some follow up after the Citizens Voice (May 3, 2010) meeting. He also requested a report on Council Minutes, food expenditures, outside consultants, solid waste and sod pick up, and Met Comm. He encouraged the Aldermen to contact David Hales, City Manager, with special concerns.

CITY MANAGER'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Anderson thanked the Miller Park Neighborhood Association for the neighborhood clean up efforts.

Alderman Stearns thanked David Hales, City Manager, for his help regarding Hick St. A patch of the brick street would be restored. Citizens on Taylor St. were pleased.

Alderman Fruin believed Council Meeting discussions needed to be as efficient as possible. He cited guidelines for when to suspend the rules. He also cited the Council Retreat (December 1, 2009). The Council needed to change the current process. He had received an email regarding the IML Conference. There had been discussion regarding Council becoming more involved in this type of event. He questioned if there was money available in the budget for same.

Alderman McDade thanked the attendees of the Citizens Voice meeting (May 3, 2010).

Motion by Alderman Purcell, seconded by Alderman McDade to recess to Executive Session to address the following: Collective Bargaining, Section 2(c)(2) and Pending Litigation, Section 2(c)(11). Time : 10:08 p.m.

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

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

Nays: None.

Motion carried.

Motion by Alderman Purcell, seconded by Alderman Stearns that the meeting return to Regular Session and adjourn. Time: 10:40 p.m.

Motion carried.

Tracey Covert
City Clerk