

**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 7:35 p.m., Monday, February 8, 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 Huette, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

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

Mayor Stockton recognized Boy Scout Troup 12 from Our Redeemer Lutheran Church.

The following was presented:

Introduction of Casandra “KC” Fritzsche, Executive Director of the West Bloomington Revitalization Partnership.

Valeria Dunser, West Bloomington Revitalization Program (WBRP) President, introduced Casandra “KC” Fritzsche. Ms. Fritzsche was from Illinois State University’s Stevenson Center. Ms. Fritzsche was WBRP’s new Director. She reviewed the program’s brief history. A non profit organization has been formed. The WBRP was seeking private investment. Mayor Stockton had been closely involved. The WBRP has done some amazing things. Alderman Schmidt added that the WBRP had just opened its office at 800 W. Washington St. A ribbon cutting would be held soon.

The following was presented:

SUBJECT: Council Proceedings of January 8, 2007 and November 9, 2009, and the Council Retreat of December 1, 2009

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of January 8, 2007 and November 9, 2009, and the Council Retreat of December 1, 2009 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of 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 McDade, seconded by Alderman Anderson that the reading of the minutes of the previous Council Meetings of January 8, 2007 and November 9, 2009, and the Council Retreat of December 1, 2009 be dispensed with and the minutes approved as printed.

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

Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, 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, February 5, 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:

Timothy Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: 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 eighth and final payment to Fred Wollrab in the amount of \$6,141.24 on a contract amount of \$80,000 of which \$61,261.82 will have been paid to date for work certified as 100% complete for the Wonderlin Galleries – 405-407 N. Main St. Completion date – December 2009.
2. The tenth partial payment to Technical Design Services in the amount of \$10,090 on a contract amount of \$99,619 of which \$75,005.06 (\$6,290.06 reimburseables) will have been paid to date for work certified as 69% complete for the Enterprise Resource Planning Full System Selection Process – Phase 1. Completion date – February 2010.

3. The fifth and final payment to Stark Excavating, Inc. in the amount of \$43,588.16 on a contract amount of \$1,327,376.20 of which \$1,302,901.63 will have been paid to date for work certified as 100% complete for the Kickapoo Creek Restoration – Phase 1. Completion date – December 2009.
4. The first partial payment to Carl Walker, Inc. in the amount of \$8,565.15 on a contract amount of \$31,700 of which \$8,565.15 (\$137.15 reimburseables) will have been paid to date for work certified as 27% complete for the Market Street Garage Restoration. Completion date – June 2010.
5. The fifth partial payment to McLean County Asphalt in the amount of \$11,583.46 on a contract amount of \$375,000 of which \$231,669.10 will have been paid to date for work certified as 62% complete for the 2009-2010 Street & Alley Repair. Completion date – June 2010.
6. The thirty-seventh partial payment to Clark Dietz, Inc. in the amount of \$509.85 on a contract amount of \$392,895 of which \$372,033.83 will have been paid to date for work certified as 95% complete for the Hamilton Rd. – Timberlake to Main St., f/k/a Hamilton & Main St. Completion date – December 2009.
7. The twenty-fourth partial payment to Whittman Hydro Planning Associates, Inc. in the amount of \$27,579.12 on a contract amount of \$868,846 of which \$748,104.44 will have been paid to date for work certified as 86% complete for the Strategic Source Water Study. Completion date – September 2010.
8. The seventh partial payment to Consoer Townsend in the amount of \$5,096.28 on a contract amount of \$41,760 of which \$25,702.87 will have been paid to date for work certified as 62% complete for the Direct Injection of Carbon Dioxide at Water Treatment Plant. Completion date – December 2010.
9. The sixth partial payment to Gildner Plumbing, Inc. in the amount of \$4,136.98 on a contract amount of \$116,421 of which \$91,699.78 will have been paid to date for work certified as 79% complete for the 2007-2008 Detention Basin Improvements. Completion date – April 2010.
10. The seventh partial payment to Gildner Plumbing, Inc. in the amount of \$26,634.61 on a contract amount of \$1,186,825 of which \$1,186,168.55 will have been paid to date for work certified as 99% complete for the Division D Pipeline Rd. 36 inch Transmission Main. Completion date – August 2010.
11. The twenty-fifth partial payment to Clark Dietz, Inc. in the amount of \$1,505.50 on a contract amount of \$305,000 of which \$213,050.40 will have been paid to date for work certified as 70% complete for the Locust/Colton St. Sewer Separation & Water Main Replacement Design (CSO Elimination Phase 1). Completion date – March 2010.

12. The first partial payment to Gildner Plumbing, Inc. in the amount of \$73,720.45 on a contract amount of \$251,326 of which \$73,720.45 will have been paid to date for work certified as 29% complete for the Water Main Replacement Parkview Project Phase II – Miller, Wood, Pancake and Baker. Completion date – December 2010.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Anderson 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: Payments to Bloomington-Normal Water Reclamation District (BNWRD) for the City share of Illinois Environmental Protection Agency (IEPA) Loans for the Joint Combined Sewer Overflow (CSO) Improvements Completed on the City's West Side (Ward 2)

RECOMMENDATION: That the payments be approved.

BACKGROUND: On January 26, 2004, Council approved an intergovernmental agreement with the Bloomington-Normal Water Reclamation District (BNWRD) to share in the cost of constructing improvements to the CSO on Sugar Creek at Caroline Street and at Graham Street.

On December 12, 2005, Council approved the Amended Intergovernmental Agreement with BNWRD for the Long Term CSO Control Plan.

On April 28, 2008, Council approved the Second Amended Intergovernmental Agreement with BNWRD for the Long Term CSO Control Plan.

On May 11, 2009, Council approved the Third Amended Intergovernmental Agreement with the BNWRD for the Long Term CSO Control Plan.

Under the agreements, BNWRD will pay forty percent (40%) of the cost and City will pay for the remaining sixty percent (60%). The project was constructed in three (3) phases using two (2) IEPA loans. As construction payments have been made, the total borrowed under both loans has increased. The third amended agreement authorized borrowing up to \$20,500,000. The current loan amounts for Phase 1 is \$5,194,321.64 and Phase 2 and 3 is \$15,084,196.00, which totals \$20,278,517.64. The loans have been amortized based on these totals. The City's share of the semiannual payment for Phase 1 loan is \$112,169.15. The City's share of the semiannual payment for Phase 2 and 3 loan is \$304,889.08. The payments of each loan extend over twenty (20) years.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The payments are budgeted and will be made from the Storm Water Management Fund (X55100-74910). This fund has a positive balance.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Anderson 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: Analysis of Proposals for Fourth of July Fireworks for 2010, 2011, and 2012

RECOMMENDATION: That the Proposal be awarded to Melrose Pyrotechnics, Inc. in an amount not to exceed \$25,000 per year, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: For more than twenty-five (25) years, the City and the Town of Normal have prepared and coordinated the annual Fourth of July fireworks displays in each community. The fireworks draw anywhere from 6,000 to 10,000 people out to Miller Park and the surrounding area to view the show. The shows in each community are simultaneously shot at each location to patriotic themed music set which is aired on local AM radio station WJBC.

The 2009 Fourth of July fireworks show in Miller Park was the last of a three (3) year contract with S & N Display Fireworks. In conjunction with the Town, Request for Proposals for a new three (3) year agreement was published and distributed on November 4, 2009. Proposals were accepted until November 30, 2009. The proposals were to include simulcast firework shows for the City and Town with audio synchronization by WJBC Radio, as has been the practice since the mid-1980's. Proposals were received from four (4) vendors and each met the necessary requirements.

- Melrose Pyrotechnics Kingsbury, IN * Recommended
- Mad Bomber Kingsbury, IN
- S&N Display Fireworks Lincoln, IL
- Central States Fireworks Athens, IL

Staff from both municipalities analyzed the proposals and each recommended accepting the proposal from Melrose Pyrotechnics, Inc. The proposal from Melrose contains the highest number of shells to be used during the performance.

Melrose has an extensive list of clients which include: Navy Pier, Millennium Park and Taste of Chicago; many Major League Baseball and National Football League teams; and Taste of Minnesota to name a few. Melrose has shown the capability to handle high quality firework display events

The Town Council approved their contract with Melrose Pyrotechnics, Inc., at its January 19, 2010 meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Town of Normal, WJBC Radio, citizens of the City and Town.

FINANCIAL IMPACT: The annual budget for the show is \$25,000 per community. The insurance requirements, electronic firing, shell size, and length of show are all the same as years past. WJBC is again committing \$8,000 in financial support to each community to help defray the cost of the shows. This creates a net expense of \$17,000 for the City. This will be a three (3)

year contract in an amount not to exceed \$25,000 per year. Pending approval of the FY 2010-2011 budget, there will be funds available in G14112-70990.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John Kennedy, Director
Parks, Recreation and
Cultural Arts Department

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Alderman Purcell questioned a three (3) year commitment. David Hales, City Manager, noted that this item was coordinated with the Town of Normal. The contract terms was for three (3) years.

Motion by Alderman McDade, seconded by Alderman Anderson that the Proposal be awarded to Melrose Pyrotechnics, Inc., in an amount not to exceed \$25,000 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: Parade Resolution

RECOMMENDATION: That the Resolution be adopted.

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

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

Therefore, staff respectfully requests that Council adopt the Parade Resolution and further, that

the Mayor and City Clerk be authorized to execute the necessary document. Upon adoption and execution, the Resolution will be forwarded to IDOT.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

RESOLUTION NO. 2010 - 03

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

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

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

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

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

SECTION 1

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

SECTION 2

(A) That traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the

satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State highway, except as provided in Subsections (B) and (C) hereof.

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

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

SECTION 7

That a copy of this resolution be forwarded to the Illinois Department of Transportation; District 5 Bureau of Operations, 13473 IL Hwy. 133, P.O. Box 610, Paris, Illinois 61944-0610 to serve as authorization for the City of Bloomington to request highway closures through December 31, 2010.

PRESENTED and ADOPTED this 8th day of February 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Children's Foundation of Children's Home & Aid, for a fund raiser to be held on February 11, 2010 from 5:30 - 7:30 p.m. at the McLean County Arts Center, 601 N. East St., for an LB liquor license, which will allow the limited sale of beer and wine by the glass for consumption on the premises

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an LB liquor license for Children's Foundation of Children's Home & Aid, for a fund raiser to be held on February 11, 2010 from 5:30 - 7:30 p.m. at the McLean County Arts Center, 601 N. East St., 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 the Children's Foundation of Children's Home & Aid for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioner Steven Stockton, and Tracey Covert, City Clerk; and Harry Johnson, Regional Development Manager and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Harry Johnson, Regional Development Manager and Applicant representative, began by informing the Commission that this application was for a fund raiser for the Children's Foundation to be held at the McLean County Arts Center on Thursday, February 11, 2010 from 5:30 to 7:30 p.m. This request was for a Limited License for a nonprofit corporation.

Mr. Johnson noted that the reception would be hosted to bring awareness to the Children's Foundation. In addition, the event should raise awareness of the Arts Center and the Downtown. This year marked the Children's Foundation's fourth reception. Each year a different venue is selected. In the past, this event has been held at Illinois State University's (ISU) Alumni Center and Ewing Manor.

Food would be donated by Biaggi's and Destihl. Beverages offered included beer, wine and soda. Children's Foundation staff would act as servers. The ticket charge for the event was \$30.

Commissioner Stockton noted that alcohol service training would be offered to the Children's Foundation staff. He questioned anticipated attendance. Mr. Johnson believed that 75 - 100 people would attend the event. Last year, the event was held at ISU. ISU's catering staff handled all food and beverage issues.

This year there would be an ISU string quartet. Ann Coulter would be the featured artist. He hoped to raise \$4,000 to \$5,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice of the Liquor Hearing was placed in the press boxes at City Hall.

FINANCIAL IMPACT: None.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman McDade, seconded by Alderman Anderson that an LB liquor license for Children's Foundation of Children's Home & Aid, for a fund raiser to be held on February 11, 2010 from 5:30 to 7:30 p.m. at the McLean County Arts Center, 601 N. East St., be created contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on July 31, 2010

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends that the City Council suspend the ordinance to allow liquor service at the Davis Lodge on July 31, 2010 under the conditions set forth in the rental agreement, (1. restrict alcohol consumption to the building's interior and rear patio; 2. requiring a class "W", catering liquor license (no cash bar); and 3. setting the time of day).

BACKGROUND: The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Jamie Whitfield, 1532 Trumbull Ave., Apt. 13, to allow moderate consumption of alcohol at her July 31, 2010 wedding reception to be held at Lake Bloomington's Davis Lodge. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, Steve Petersen, and Mark Gibson; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Jamie Whitfield.

Commissioner Buchanan opened the liquor hearing. He noted that Ms. Whitfield was in attendance. He stated that the Commission had held discussions in the recent past regarding liquor service at City facilities, (Miller Park Pavilion and Davis Lodge). At this time the City did not have a policy/procedure in place that would allow same. The Commission could forward a recommendation to the Council to suspend City ordinance to allow same. He noted that there might be jurisdictional issues as the City owned the facility which was located in McLean County. He expressed his hope that the Commission would provide Ms. Whitfield with a response.

In addition, he noted the following: 1.) if consumption is allowed, the liquor provider must hold a City catering liquor license; and 2.) the liquor provider must comply with McLean County's liquor licensing requirements. It was noted that both facilities, (Davis Lodge and Miller Park Pavilion), were located within City parks.

He added that Craig Cummings, Director - Water, had received another request to allow liquor at the Davis Lodge on Saturday, March 20, 2010.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that liquor service had been allowed at the Miller Park Pavilion for a wedding reception in the recent past. Conditions were placed upon same and the Council suspended City ordinance. He believed that the Commission needed to establish conditions. He cited the following: 1.) restricting alcohol consumption to the building's interior; 2.) requiring a class "W", catering liquor license (i.e. no cash bar); and 3.) setting the time of day.

Commissioner Clapp expressed her belief that there must be other considerations. She questioned the City's rental contract for use of Davis Lodge. Commissioner Buchanan acknowledged that there was a rental agreement. However, allowing liquor service would require that City ordinance be suspended. He questioned if Mr. Cummings wanted a staff member to be on duty. He cited issues with clean up. Mr. Cummings noted that clean up was

addressed in the existing contract. At this time, a staff member is not present and there is no specified closing time. He noted Davis Lodge's remote location. There is not a police presence at Lake Bloomington. Police patrols were limited.

Commissioner Clapp questioned oversight and emergency situations. Mr. Cummings stated that having a staff member on duty would impact rental cost. Commissioner Clapp recommended that this cost be included in the rental fee. She cited liability issues.

Commissioner Buchanan noted that Tracey Covert, City Clerk, had provided information from the City of Waukesha, WI. This City's Parks Department allows liquor service when renting their facilities. City staff, from various departments (Corporation Counsel, City Clerk, Water, and Parks, Recreation and Cultural Arts), would develop policies and procedures to address same. Commissioner Buchanan returned to Ms. Whitfield's request.

Mr. Boyle expressed his belief that the response would be yes or no to suspend the ordinance. He added that conditions should be placed upon this request. Commissioner Buchanan believed that this approach was reasonable.

Commissioner Buchanan recommended that exterior consumption not be allowed. Commissioner Clapp expressed her interest in allowing same. Mr. Boyle restated the past conditions: 1.) no exterior consumption; 2.) liquor must be provided by an entity holding a class "W", catering license; and 3.) no cash bar. He added that the liquor provider must comply with McLean County's licensing requirements.

Commissioner Gibson arrived at 4:30 p.m.

Commissioner Buchanan restated that the Commission's role would be to make a recommendation to the Council regarding suspending City ordinance. City staff will work to establish policies and procedures for liquor service within park facilities. This information would return to the Commission for a recommendation regarding a Text Amendment to the City Code. He added that Mr. Cummings had received a second request for Davis Lodge for Saturday, March 20, 2010.

Commissioner Clapp returned to the issue of interior consumption only. She questioned enforcement of same.

Commissioner Petersen had no issues with suspending the ordinance. He expressed his concern regarding 1.) establishing a time limit and 2.) no staff member present.

Mr. Boyle suggested that the Commission obtain Mr. Cummings's feedback regarding outdoor consumption. He noted that liquor service for this event would be limited to beer and wine only. Mr. Cummings did not have any opposition to consumption on the Lodge's rear patio. He added his concerns regarding the slope of the land which ends at the lake's edge. There is not a fence or any type of barrier.

Commissioner Gibson expressed his concern regarding individuals congregating and drinking in the parking lot. He noted that today's discussion was focused on Davis Lodge and the Miller Park Pavilion. He cited that other City parks have facilities, Tipton Park was used as an example. He was not advocating that all City parks be included in this discussion. However, City staff needed to consider all parks' facilities.

Commissioner Buchanan restated that the Commission would have the opportunity to review any and all policies and procedures prior to implementation.

Commissioner Petersen noted that each park facility was different. He cited various liability issues at Davis Lodge. Mr. Cummings offered to install a rail at the patio's edge. The Commission was reminded that the final product would include a Text Amendment. Commissioner Petersen expressed his appreciation for the opportunity to raise his concerns.

Ms. Whitfield addressed the Commission. She informed them that the reception was scheduled from 5:00 until 10:00 p.m. She was interested in limited liquor service, (i.e. a champagne toast and a keg of beer).

Mr. Cummings noted that having a staff member on site would increase the rental costs by \$50 per hour. He would have a higher comfort level with a staff member present. He was interested in having the same standards regardless of City facility. He was not inclined to require that a staff member be present. He would also request that the McLean County Sheriff's Department perform a courtesy patrol. He restated his concern regarding cost.

Commissioner Buchanan requested that Mr. Boyle contact Hannah Eisner, McLean County's Civil Asst. State's Attorney, to address liquor license requirements within the County. A key issue might be redundant liquor licenses.

Commissioner Buchanan noted that the Commission had reached a consensus. City staff was requested to draft/develop a set of policies/procedures which would allow the consumption of alcohol at City park facilities. He added that the Commission did not have all of the details today.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the January 12, 2010 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

George Boyle
Asst. Corporation Counsel

ORDINANCE NO. 2010 - 05

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, an individual is planning to hold her wedding reception at the Lake Bloomington Davis Lodge from 5:00 p.m. to 10:00 p.m. on July 31, 2010; and

WHEREAS, the individual has requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended.

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on July 31, 2010 on the following conditions: a) this suspension shall be effective only for guests at the reception and shall be restricted to the interior of the building and the rear patio; b) alcohol shall only be provided by a person holding a Class W catering license, and c) there shall be no sales of alcohol.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

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

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

PASSED this 8th day of February, 2010.

APPROVED this 9th day of February, 2010.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman McDade, seconded by Alderman Anderson the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the possession and consumption of alcohol at the Lake Bloomington Davis Lodge on July 31, 2009 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: Petition submitted by Heritage Enterprises, Inc., requesting the Rezoning of land located at 1006 and 1008 Elder St., from R-2, Mixed Residence District, to R-3A Multiple-family Residence District for the property adjacent to Heritage Manor, 700 E. Walnut St.

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

BACKGROUND: This case was before the Planning Commission on January 13, 2010. Ben Hart, Sr. Vice President for Corporate Services, Heritage Enterprises and Frank Miles, Attorney were present to speak in favor of this petition. Four (4) people spoke in opposition to the request. Note that one person who initially spoke under opposition or questioning the request, later supported the request.

The existing Heritage Manor nursing home has an R-3A zoning and the proposed rezoning is applicable to the two (2) lots northeast and adjacent to the nursing home. The rezoned property, if approved, will match the R-3A zoning of the existing nursing home. The two (2) lots currently contain single family homes. The petitioner plans to demolish the two (2) houses and expand the nursing home and parking lot.

If the rezoning is approved, the petitioner will also need approval of a special use permit for the expansion of the nursing home. This is a separate application but is running concurrently with this petition. The Planning Commission concurred with staff and recommend by a vote of 8-0 that Council approve rezoning the properties located at 1006 and 1008 Elder Sts. from R-2, Mixed Residence District, to R-3A Multiple-Family Residence District.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notices in the newspaper, mailings to the nearby property owners, and a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director of PACE

Barb Adkins
Deputy City Manager

David A. Hales
City Manager

Alderman Purcell informed the Council that Heritage Enterprises had held a neighborhood meeting. He had reviewed the minutes of the Planning Commission and Zoning Board of Appeals. He had been contacted by neighborhood residents. There were remaining issues. He cited truck traffic and the placement of light poles as examples. The neighbors wanted assurances that the petitioner would build according to the plans submitted. Their concerns included landscaping. This was a residential area which contained a commercial business. They were also concerned about the use of the alley. He had met with Mark Huber, Director – PACE, to discuss a truck loading zone. He requested that this item be laid over for two (2) weeks. He believed that this business could become neighborhood friendly.

Mark Huber, Director – PACE, addressed the Council. He presented a couple of ideas. The petitioner made offers before the Zoning Board of Appeals to discuss truck traffic. The alley is used to unload trucks. The project met the standards for Rezoning and the Special Use. Traffic should have a neutral impact. The plan would reduce the number of beds/residents.

Mayor Stockton questioned if the truck traffic was the central issue. Mr. Huber informed the Council that the facility had been in this location since 1963. The light pole would be moved to create additional space for trucks, (turn radius).

Mayor Stockton questioned if a two (2) week extension would be enough time to sort out the issues. Mr. Huber questioned if the petitioner had any concerns. Mayor Stockton questioned if the petitioner would agree to a two (2) week extension.

Alderman Purcell added that the goal would be to work out the details. He cited the use of the parking lot and alley traffic.

Alderman Anderson made the following observations. Heritage Enterprises was a great business. It had been at this location since 1963. The alley was City property which it could address. He questioned why the Council should hinder this project. He had started out apprehensive.

Alderman Schmidt had received emails regarding this issue. She expressed her concern regarding the neighborhood's future. There was a conflict. She believed there had been a piece meal approach. The Council was second guessing the Planning Commission and Zoning Board of Appeals.

Alderman Anderson believed that the Council needed to be fair to the residents and the business. This was a great business with a long tenure.

Alderman Purcell noted that this petition was for the business to expand within this residential neighborhood.

Alderman Stearns noted that zoning should strengthen property values. It was a challenge to strengthen neighborhoods. The key was to find the balance. Zoning addressed property rights and values.

Alderman Hanson questioned what would be gained from a two (2) week extension. The Council still held a dialogue. Heritage Enterprises was a good corporate neighbor. He had grown up in this neighborhood. The issues were workable.

Alderman Purcell believed that the Council would be providing a message. Issues should be resolved prior to a vote. He had spoken with the neighbors. There were pros and cons to this petition.

Mayor Stockton did not want to rehash the public hearings which had already been held. The City had a number of boards and commissions. The Council made the final decision. He believed that change was the constant. The Council's role was to make change understandable. Heritage Enterprises were anxious to move forward but had agreed to a two (2) week delay.

Alderman Schmidt requested that Alderman Purcell and Mr. Huber facilitate a conversation between the parties.

Mayor Stockton noted that Heritage Enterprises was a good business. The Council was serious about the best value for the community.

Alderman Sage expressed his support for the request to lay over this item. Both parties had agreed to same. He questioned what would be resolved and the expectations.

Alderman McDade expressed support for the two (2) week extension to establish a compromise. The residents needed to feel valued and be a good partner with this business. The City needed to be good through the process and produce a list of things, a plan for the neighborhood. The item had been before two (2) boards. She questioned the time line. She believed that the City needed think long term about neighborhoods.

Alderman Fruin stated that if the process worked as it was suppose to then the Council would not act as another hearing body. He cited the recent petition for a Special

Use for a pharmacy at 3717 GE Rd. as an example. Neighborhood meetings were held. The City lived by the process. He expressed support for the two (2) week delay.

Motion by Alderman Purcell, seconded by Alderman Stearns that the item be laid over until the Council's February 22, 2010 meeting.

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

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

Nays: None.

Motion carried.

Alderman Purcell requested that Mr. Huber identify three (3) neighborhood representatives plus Heritage Enterprises to meet to resolve the issues.

The following was presented:

SUBJECT: Petition submitted by Heritage Enterprises, Inc., requesting a Special Use Permit for a nursing home located at 700 E. Walnut St., including the properties at 1006 and 1008 Elder St.

RECOMMENDATION: That the Special Use Permit be approved and the Ordinance passed.

BACKGROUND: On January 20, 2010, the Zoning Board of Appeals (ZBA) heard the Petition submitted by Heritage Enterprises, Inc., requesting a Special Use Permit for a nursing home located at 700 E. Walnut St including the properties at 1006 and 1008 Elder St.

The case was represented by Ben Hart, Sr. Vice President of Corporate Services, Heritage Enterprises and Frank Miles, Attorney. Five (5) people appeared to speak in opposition to the petition. The existing nursing home holds R-3A, Multiple Family Residence District zoning. This is the second part of a two (2) part process requiring Council approval. The first part was rezoning of 1006 and 1008 Elder St. which adjoins the principle site.

The proposed nursing home expansion is not for additional rooms for the residents. The goal is to improve therapy services and staff facilities. Additional parking would also be added. No variances were requested and additional parking spaces should help alleviate problems created by current on-street parking. Any negative impacts upon the surrounding properties should not be significantly different than what already exists.

The Board discussed the existing congestion in the alley but believed that any possible mitigation should be dealt with separately from this request. The ZBA concurred with staff and voted 5-1

to recommend Council approve a Special Use Permit for expansion of Heritage Manor located at 700 E. Walnut Street (including sites formally known as 1006 and 1008 Elder St).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notices in the newspaper, mailings to the nearby property owners, and a public notice/identification sign posted on the property.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director, PACE

Barb Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Stearns that the item be laid over until the Council's February 22, 2010 meeting.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Resolution to Cede 2010 Private Activity Bond Cap to Clayton Jefferson LLC

RECOMMENDATION: That the Resolution Allocating the City's 2010 Volume Cap for the Issuance of Private Activity Bonds in an amount not to exceed \$4 million be adopted.

BACKGROUND: Timothy J. Maurer, President of Clayton Jefferson LLC has formally requested that Council approve the allocation of the City's 2010 Volume Cap for the issuance of Private Activity Bonds in an amount not to exceed \$4 million.

The bonds are to be used for the purchase, rehabilitation, alterations, and/or historic preservation of the properties located at: 901 N. McLean St.; 812 - 814 N. Prairie St.; 602 - 604 E. Chestnut St., and 512 E. Locust St. Such properties are to be used for low and moderate income housing, with such purchase, rehabilitation, alterations, and/or historic preservation to be performed by Clayton Jefferson LLC, or an entity to be formed by or on its behalf. A Resolution has been

prepared by Larry Blast, Mr. Maurer's Bond Counsel and reviewed by Kurt Froehlich, Bond Counsel for the City.

City staff lacks technical expertise regarding the issuance of private activity bonds. On the other hand, the Illinois Housing Development Authority (IHDA) processes hundreds of transactions of this nature adding up to millions of dollars each year. IHDA is a full service state agency whose mission is to guide developers seeking to finance affordable multi-family housing developments across Illinois. The agency provides financing from multiple state and federal programs, issues private activity bonds, and other mortgage financing, etc. Staff has been in contact with Nikki Pecori, IHDA's Director, Finance & Development, to discuss the pros and cons of which entity would be best to handle this private activity bond transaction. A report on these discussions will be provided to the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Administration costs have not been finalized at this time.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos
Executive Assistant

David A. Hales
City Manager

RESOLUTION 2010 - 04

A RESOLUTION ALLOCATING BOND VOLUME CAP AUTHORITY

WHEREAS, the City of Bloomington is a Home Rule Unit of Local Government, as defined by Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, pursuant to the Tax Reform Act of 1986, the City of Bloomington as a Home Rule Unit of Government is directly allocated Volume Cap for tax exempt bonding purposes and can bond amounts in addition to its allocated authority if ceded to it by the State of Illinois; and

WHEREAS, the City of Bloomington finances projects that serve the public purposes of relieving unemployment and encouraging the increase of commerce within the State of Illinois and the City of Bloomington, preserving and increasing the tax base of the City and providing for the increased welfare of the residents of the City, by issuing bonds; and

WHEREAS, Clayton Jefferson LLC currently has a project in the planning stages, involving the purchase and rehabilitation of the properties at the addresses set forth below.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington, Illinois, as follows:

1. The City of Bloomington hereby approves the allocation of not to exceed \$4.0 million of the City's 2010 Volume Cap for the issuance of private activity bonds to be used for the purchase and rehabilitation of the properties located at: (a) 901 N. McLean St., Bloomington, Illinois 61701; (b) 812-814 N. Prairie St., Bloomington, Illinois 61701; (c) 602-604 E. Chestnut St., Bloomington, Illinois 61701; and (d) 512 E. Locust St., Bloomington, Illinois 61701, such properties to be used for low and moderate income housing, and such purchase and rehabilitation to be performed by Clayton Jefferson LLC, or an entity to be formed by or on its behalf; and

2. The City Manager is hereby authorized to take all actions required in regard to this resolution.

3. This resolution is made on the condition that any bonds issued pursuant to this resolution and all costs related to any such bonds, whether or not actually issued, shall be paid by Clayton Jefferson LLC and Clayton Jefferson LLC shall indemnify, defend and hold harmless the City in connection with this resolution and the issuance of the bonds. The bonds issued under the resolution shall be payable solely and only by or on behalf of the bond borrower, and in no event by the City and shall never constitute a debt or obligation of any kind of the City, the State of Illinois or any other political subdivision of the State of Illinois.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

PASSED this 8th day of February, 2010.

APPROVED this 9th day of February, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

ACCEPTANCE

The attached Inducement Resolution (Resolution No. _____, adopted _____, 200__), of the City of Bloomington, Illinois, is accepted and constitutes an agreement with such City, including as to indemnification, defense and hold harmless under paragraph 3 in such resolution.
Dated _____, 20__

By
Its

David Hales, City Manager, had received a request from Tim Maurer. He cited the purpose of this item. The properties involved were in foreclosure. Bonds would be used to acquire and convert them to multi family use. The request was for the City issue the bonds. The City would allocate a portion of its volume cap. Generally the City ceded it back to IHDA, (Illinois Housing Development Authority). There was some urgency. This was not the last step. Mr. Maurer needed to pull together a financing package. The Council would take final action. Staff does not have the expertise. IHDA has the resources to assist Mr. Maurer. IHDA would look for Council's support of this project. He cited three (3) key questions: 1.) does the Council have enough information about this project; 2.) do the neighbors have enough information about the project; and 3.) should the City be the entity to issue the bonds. Mr. Maurer was concerned about the cost and time involved to go through IHDA. Discussions had been held with staff, Mr. Maurer and Alderman Stearns.

Alderman Sage questioned if this would be the first time for the Council to take this action. Mr. Hales stated that similar actions were taken in the past. He was presenting this project. Alderman Sage questioned the longer term project. He cited consistent zoning and Section 8 housing. Mr. Hales could not answer. Alderman Sage noted there was no clear calculation of financial risk. Mr. Hales restated that there was no risk for the City. Alderman Sage noted that the City would not be liable for these bonds. He questioned administrative costs. Mr. Hales did not have a clear idea of these costs. The City would seek reimbursement of same.

Alderman McDade expressed her concern regarding administrative costs. This was a worthwhile project. Costs needed to be quantified. The City needed to stay focused on its back to the basics program. Staff was overworked. This represented a new project. Mr. Hales cited IHDA's staffing. City staff did not have the expertise. He was unsure of the issues.

Alderman Anderson had no interest in new projects. The City does not have the staff. The neighborhoods needed to be involved. He was not in favor of this item.

Alderman Schmidt believed that it was important to hear from Mr. Maurer. The City would be allocating its volume cap. She did not see the financial impact. The City was not issuing bonds tonight. Mr. Hales had involved the City's bond counsel. It can be complex. There were additional questions.

Alderman Stearns questioned the cost to look into this item. Mr. Hales noted that this was a unique request. It involved the rehabilitation of single family residences into multi family housing. The City does not have staff with the necessary experience.

Alderman Stearns noted that this item was on tonight's agenda. Mr. Hales expressed his support for this item in principal. The City should not be the issuer. IHDA has the expertise. Mr. Maurer should make application to IHDA. Alderman Stearns expressed her belief that there would be gains. She cited Franklin Square properties. The Police Department's involvement in this area was due to vacant properties. She saw this item as a possible solution. She noted the cost of restoration.

Alderman McDade noted that the project could still happen.

Alderman Fruin questioned if the Council should suspend the rules. The Council had reservations. This item involved a handful of homes which no one had shown interest in.

Alderman Stearns noted that there was not a local company. She cited the Loudon Building and the impact upon District 87.

Alderman Purcell questioned the risk to the City. Mr. Hales stated that IHDA needed a complete application, financing plan, etc. to determine costs. He restated that IHDA had the expertise. The City does not have same.

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

Motion carried.

Tim Maurer, 317 E. Chestnut, addressed the Council. He currently resided in Franklin Square. Some of these structures were vacant. Some had code violations. Their conditions were deteriorating. IHDA would not work. He cited the time, the money and discretion issues. He addressed the aggregate volume cap from various municipalities. The properties were in foreclosure. The bank was looking to sell same. Discretion included a market study. Financing and vacancy rates would be looked at. IHDA would take six to eight (6 – 8) months. The volume cap was a local benefit. Older neighborhoods were threatened. He cited the number of condemned and foreclosed properties. The administrative costs would not be born by the City. He anticipated these costs at two percent (2%) of the bond issuance. The resolution would be allocation. The next step would be the business and financing plan, then the bond issuance. He had addressed the neighbors . They were aware and supported his plan.

Alderman Anderson questioned 2006. Mr. Maurer stated that the projects were similar. That project involved Andrew Colburn properties. He had requested a bond allocation. He had attempted to put together a program with Habitat and Mid Central Community Action. He requested a three (3) year extension. Today the principal was the same, the properties were different. Alderman Anderson believed that there were too many things on the table. He was not interested in this item at this time. Mr. Maurer believed that this was a fact of life for the City.

Alderman Stearns noted that the Coachman had evolved. Citizens were outrage. The City should not have wasted its resources. There was no jeopardy to the City. Costs needed to be nailed down prior to issuance. The neighbors had been informed and invited. Mr. Maurer was a real estate investor. He was interested in properties that no one would touch.

Alderman Anderson believed that there was a process. He was aware of the properties. The Council needed to stay focused. He believed that Council would continue to spread its interest. He wished Mr. Maurer the best. He questioned why Mr. Maurer chose not to work with IHDA. Mr. Maurer expressed his concern about the time, the dollars, and discretion. IHDA was interested in 100% affordable housing. He noted that Phoenix Towers had been acquired and funded with Private Activity Bond Cap.

Alderman Hanson questioned if the Council approved the allocation what the next step would be. Mr. Maurer stated the financing package and operating agreement. A trustee agreement would verify the work was complete. He had separate bond counsel. The City would act as a conduit. There would be no indebtedness.

Alderman Hanson noted that the City had a resolution which supported financing. He added that Mr. Maurer was not confident in IHDA's processes. Mr. Maurer restated that the process could take six to eight (6 – 8) months. The bank would own the properties by March 2010. There were three (3) options: fix, repair, or demolish.

Alderman Stearns added that there also was a historic overlay.

Alderman Huette expressed his support for Alderman Anderson's comments. However, he noted the opportunity and the potential for long term dividends. He needed to know the range of risks. Mr. Hales suggested that the City look for a consultant to review the financing package. Alderman Huette believed the downside was limited.

Alderman McDade recommended that the Council take the first step and see what happens. She cited park grants as an example. The topic was serious and project appeared worthwhile. She did not know how much this project would costs. She believed there was a need for this type of project. She questioned what the process would be and how to capture the costs. Mr. Hales informed the Council that the City would received a bill from Kurt Froeliche, (City's bond counsel). Cost would be identified in the next phase.

Mayor Stockton had three (3) questions: 1.) what was needed to start the ball rolling; 2.) what was the City's commitment; and 3.) acknowledging the City's lean staffing, this project would be dependent upon outside talent, would Mr. Maurer pay for same.

Alderman Huette viewed this item differently. The City would be reimbursed for the costs. Mr. Maurer stated that the allocation would demonstrate the seriousness of purpose. He was working with the same people as the Lincoln Towers project. There would be a lot paperwork. The process was simple.

Alderman Stearns did not believe that there would be any costs. She compared this item to the Coachman. Mr. Hales restated his preference for IHDA. He believed this item could be resolved in ninety (90) days.

Alderman Fruin struggled to see the good. Council was struggling with philosophy. This was new territory. He acknowledged Mr. Maurer's good reputation. Mr. Maurer noted that the next step was the money. There were no charges for work to date.

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

Motion carried.

Motion by Alderman Stearns, seconded by Alderman Schmidt that the Resolution Allocating the City's 2010 Volume Cap for the Issuance of Private Activity Bonds in an amount not to exceed \$4 million be adopted.

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

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

Nays: Alderman Anderson.

Motion carried.

Mayor Stockton noted that the Council had not made a commitment. The City may need to retain outside assistance.

The following was presented:

SUBJECT: Fiscal Year 2010 - 2011 Pavement Management Project

RECOMMENDATION: Staff respectfully requests that on February 8, 2010, Council grant permission to seek competitive bids for the following projects as part of the Fiscal Year (FY) 2010 – 2011 Pavement Management Project:

	<u>Contract Dollar Range</u>	<u>Percentage</u>
• 2010 General Resurfacing – (large streets)	\$750,000	50%
• 2010 Street and Alley Repair		
○ Low-volume streets	\$480,000	32%
○ Patching areas	\$200,000	13%
○ Alley Resurfacing	\$50,000	3%
• 2010 Brick Pavement Rehabilitation	\$15,000	1%
• 2010 Reclamite Treatment	<u>\$5,000</u>	<u>< 1%</u>
	\$1,500,000	100%

BACKGROUND: The Public Works Department has prepared a Pavement Management Project for FY 2010 - 2011 which takes a systematic and comprehensive approach to existing pavement within the City. In order to meet an early spring bid letting date, the following bidding schedule is recommended:

January 25, 2010 – Present 2010 Pavement Management Project to Council. Allow for evaluation and input by Council on proposed streets designated for various project components.

February 8, 2010 – Request Council concurrence on designated streets and alleys to be included in each of the project components. Begin specification preparation.

March 23, 2010 – Begin specification distribution and notice publication period.

March 30, 2010 – Hold the pre-bid meeting for the various specifications.

April 13, 2010 – Open bids for various project components.

May 8, 2010 – Award various contracts.

This item was laid over by the Council at the January 25, 2010 meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT: By bidding the Pavement Management Project early in the construction season, it is anticipated that better unit pricing will be received. A second potential bidder has been located for the larger streets 2010 General Resurfacing contract. With a second bidder, it is possible to competitively bid this contract as opposed to negotiating the contract as in previous years. The City Manager's recommended budget for FY 2010-2011 will include \$1.5 million for the Pavement Management Project.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Jim Karch
Director of Public Works

David A. Hales
City Manager

David Hales, City Manager, addressed this item. This item had been laid over from the Council's January 25, 2010 meeting. He requested that the Council grant permission to proceed. The plan was to put this item for bid early. The bid recommendation and contract award would appear before the Council at a later date.

Jim Karch, Director – Public Works, addressed the Council. He presented the Council with a Compact Disk, (CD) which addressed pavement conditions and traffic volume. He also prepared a PowerPoint presentation entitled 2010 Pavement Management

Program. The presentation addressed the proposed resurfacing and patching locations for Fiscal Year (FY) 2010 – 2011 and FY 2011 – 2012. He also informed them of streets which had a rating of 3 but were not scheduled for resurfacing through 2014. He provided a listing of Small Streets, Alleys, Patching Areas, and Large Streets which were contained in the FY 2010 – 2011 budget.

Motion by Alderman Huette, seconded by Alderman Hanson that the proposed schedule for the FY 2010 – 2011 Pavement Management Project 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: 2009 Citizen Survey

RECOMMENDATION: That the data from the survey be reviewed by Council and staff, and utilized to aid in decision making throughout the budget and policy making process in calendar year 2010.

BACKGROUND: In November 2009, staff prepared a draft survey for review. Both elected officials and City staff were given the opportunity to review the survey. After receiving input, staff prepared a final draft of the survey. The final draft was condensed to a six (6) page packet; with one hundred fourteen (114) distinct multiple choice/short answer questions, and an additional seven (7) opportunities to provide written feedback.

Survey participants were selected at random, utilizing the water billing database and support from the City's Geographic Information Systems (GIS) Specialist. An equal number of households were selected at random from every ward in the community. The survey participants were selected completely randomly. Only households within the City's corporate limits received the survey, excluding non residential properties. Participants were mailed a copy of the survey, a letter explaining its purpose, and a self addressed stamped envelope.

It was determined that in order to obtain some measure of statistical validity, 378 or more completed surveys would need to be returned in order to achieve a 95% confidence level, with a 5% confidence interval. Resulting in a 95% confidence rate within a 5% margin of error were the benchmarks set for the survey as accurate reflections of citizen's opinions.

Staff opted to utilize a larger sample size in hopes of obtaining both the minimum requirement for statistical validity, and perhaps enough participants to allow for a higher degree of accuracy. Nearly 2,150 surveys were distributed by mail in December, 2009. Residents were instructed to either mail or drop completed surveys at City Hall prior to December 23, 2009. A small number of surveys were returned due to recent change of addresses. These were redistributed equally amongst the wards and given an extended deadline of January 8, 2010.

The City received 459 complete surveys for the data entry portion of this project. The returned surveys equated to a response rate exceeding twenty percent (20%). The City continued to receive some surveys past the due date, these surveys continue to be added to the database, but are not represented in the final figures of this report.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Multiple households, Council, staff, Illinois Wesleyan University, and Illinois State University.

FINANCIAL IMPACT: The cost of this survey has been estimated at \$3,000, this figure included all postage and printing. Staff was responsible for the data input and analysis. Outsourcing this to a private organization with expertise in public surveys would have had a base cost exceeding \$10,000.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Ben McCready
Special Projects Analyst

David A. Hales
City Manager

David Hales, City Manager, introduced this item. Ben McCready, Special Projects Analyst, addressed the Council. Mr. McCready presented a brief overview of the Citizen Survey. He also prepared a PowerPoint presentation entitled 2009 Citizen Survey. The Council was provided with a variety of hand outs, (memorandum whose subject is listed as 2009 Citizen Survey Results; City of Bloomington – 2009 Citizen Survey including Appendix I; Additional Survey Comments; Written Comments Concerning “Direction” of City; Written Comments Concerning Departmental Customer Service; Service Adjustment/Elimination, two separate documents; and City Improvement). He presented the components of the survey. The data set was within acceptable margins. One goal established by staff was to control the cost of the survey. Goals were weighted. He presented the top three (3) goals: 1.) implement changes to create a financially stable community; 2.) update existing infrastructure and facilities; and 3.) support activities that promote growth in the local economy. He reviewed the preliminary results regarding importance and satisfaction. He addressed a variety of City maps. Areas in green held a more favorable view compared to average. Neighborhood quality was based upon perception, (green = above, yellow = match, and red = below). These figures were based upon averages. Bar graphs were presented which addressed information source and web

utilization. An investment in data would assist with the establishment of benchmarks. He expressed his appreciation to City staff for their assistance with this project.

Mr. Hales complimented Mr. McCready for his work on the survey. The hard costs were limited for this project. The survey would be posted on the web site. The City can have a high confidence level in the survey. He noted the Citizen's Summit and the Council's strategic plan. The City has critical tools to make good decisions. The City has a plan. The City's financial situation was improving. A key question was how the City should communicate, inform, educate, and reach out to its citizens. He thanked Mr. McCready, Katie Buydos, Executive Assistant, Aldermen Anderson and McDade, and Mayor Stockton for their assistance with the survey.

Mayor Stockton requested that the PowerPoint presentation be provided to the Council. He agreed that the information should be placed on the City's web site. City staff provided a good summary.

Alderman Anderson noted that themes from the survey were also found in the strategic plan. Key issues were a fiscally sound City, good infrastructure, and supported growth. He believed that televised meetings would have limited viewership.

Alderman Schmidt offered her congratulations. She requested that the comments be sorted by topic area. She was interested in emerging themes.

Alderman McDade thanked Mr. McCready for his efforts. She estimated an outside vendor cost at \$15,000. This survey was a top notch tool. The City had used Mr. McCready's expertise. She appreciated the responses. It could be used by the Council to assist with good decision making. This was a healthy step.

Alderman Sage left the meeting at 9:45 p.m.

The following was presented:

SUBJECT: Federal Appropriations for Federal Fiscal Year (FFY) 2011

RECOMMENDATION: That Council approves submitting requests for federal funding to its Congressional Representatives and Senators.

BACKGROUND: Staff has assessed the possibility of obtaining federal funding for several projects. Three (3) projects have been selected as candidates for their potential to be earmarked. Staff worked within guidelines set by Congresswoman Halvorson, Congressman Johnson, and Senator Durbin to prepare requests for appropriations in the upcoming federal fiscal year beginning October 1, 2010 and ending September 30, 2011. The first deadline for requests is February 12, 2010.

Last year Congresswoman Halvorson received 318 requests and only fifteen (15) projects were funded. This is an extremely long process with heavy competition. The City will be informed if submitted projects were accepted in October, 2010 or later. Applicants are notified after the President has signed the appropriation bills. Congresswoman Halvorson's office will submit projects with the best chance of being earmarked by the Appropriations Committee.

Three (3) projects that staff will be requesting funds to support include a study of the East Side Sanitary Sewer; the former railroad yard site, and an additional appropriation to facilitate the improvement of the railroad overpass on West Market Street. Additional details about each project are provided.

East Side Sanitary Sewer – Inflow & Infiltration Study

This project will study the cause(s) of abnormally high inflow and infiltration rates in sanitary sewers that feed into transmission mains that lead to the Bloomington-Normal Water Reclamation District's (BNWRD) Randolph Waste Water Treatment Plant, a sewage treatment plant on the south side of town.

Abnormal inflow and infiltration can be a product of too much rainfall/snowmelt infiltrating through the ground into leaky systems, roof drains connected to sewers, blocked or cracked pipes, or lines that have shifted since construction. During high rainfall events, operators of the treatment plant divert some sewage to another treatment plant to avoid overwhelming the plant. Diverting the water to other plants provides a temporary solution. The diversion to other plants allows for overflow to occur, a practice which is both unsustainable and has environmental consequences. The overflow may contain raw sewage, creating potential environmental and public health risks. This study will help determine the cause and potential solutions to the inflow and infiltration. Staff is requesting an appropriation of \$1.2 million to conduct this study.

Rail Yard Redevelopment Study

This property is located northwest of downtown Bloomington, adjacent to the Union Pacific rail line. It is bound by two (2) major collector streets to the north and south (Emerson and Locust) and historic neighborhoods in the near vicinity. Staff has identified the nearly fifty (50) acres of property as underutilized. Originally an industrial area, the property has now become almost completely unused, the exception being Ag Rail located on the southern portion. The remaining unoccupied industrial structures on the property are unfit for occupancy in their derelict condition. While zoned for heavy manufacturing, the property could be redeveloped to facilitate a number of uses which would positively impact the local economy. Staff seeks an appropriation to fund a comprehensive study of the area to identify any barriers to redevelopment and determine how the City should proceed to reach an outcome that will be aligned with its strategic goals. Staff is requesting an appropriation of \$150,000 to facilitate this study.

Market Street Union Pacific Overpass

Union Pacific Railroad maintains a rail overpass on West Market Street. City Civil Engineer, Greg Kallevig states, "The entire superstructure and supporting piers are metal and showing

signs of wear and decay due to advanced age. All metal elements are rusting and some elements show loss of section due to corrosion. Concrete footings, supporting the piers, have cracked and spalled areas with loss of section. Wood railroad ties support the tracks crossing over the structure and are susceptible to decay; in June of 2008 pieces of railroad tie fell to the street below, damaging a passing vehicle.” Market Street serves as a major east-west corridor in the community. A traffic count reports 11,000 vehicles travel this road per day. The overpass allows for uninterrupted traffic flow. As the community has grown, traffic on this street has increased, necessitating a wider street. Market Street now accommodates two (2) lanes of traffic moving in either direction. The original overpass serves as a bottle neck, forcing the four (4) lane street to be reduced to a two (2) lane street. Any changes to this configuration would involve both the Union Pacific Railroad and engineering expertise the staff does not have readily available. The City is seeking an appropriation to study the feasibility and costs of replacing this bridge. Expenses will include preliminary engineering work and extensive collaboration with the Union Pacific Railroad. Staff is requesting an appropriation of \$250,000 to facilitate the initial study.

Staff has prepared and is planning to submit requests for federal funding to Congresswoman Halvorson, Congressman Johnson, and Senator Durbin. These projects have long term environmental and economic potential. Staff believes it is prudent to take proactive steps in addressing these issues. Funding is not guaranteed, but these steps potentially allow the City to receive federal assistance, addressing a variety of community issues and alleviating a portion of the burden on the current budget.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: These projects would also involve BNWRD, Union Pacific Railroad, and the owners of the rail yard property.

FINANCIAL IMPACT: Staff is seeking appropriations for three (3) separate projects totaling \$1.6 million. The City intends to match appropriated funds up to an additional twenty-five percent (25%) depending on the amount of the appropriation. Any budget funds required would be approved in the Fiscal Year 2012 budget which begins May 1, 2011.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Benjamin McCready
Special Projects Analyst

David A. Hales
City Manager

(LETTER FROM ROBERT L. CARTER, LITTLE KICKAPOO CREEK INFLOW & INFILTRATION STUDY MAP, AND MAP OF RAILYARD ON FILE IN CLERK’S OFFICE)

David Hales, City Manager, introduced this item. Ben McCready, Special Projects Analyst, had assisted with this item. Mr. Hales hoped the City would be included in the federal appropriation bill. The federal government’s fiscal year would commence on October 1, 2010. The application deadline was this Friday, February 12, 2010. All of the

City's requests were study related. There were three (3) items: Bloomington Normal Water Reclamation District's east side sewers; rail yard (One Voice – Economic Development Council trip); and the Market Street/Union Pacific overpass. A key concern would be the local match, (twenty-five percent/25%), which would be included in City's 2012 fiscal year. He expressed his comfort level with rail yard and the Market St. bridge. More study was needed on Infill and Infiltration, (I & I). Mr. McCready had assisted with this item.

Mayor Stockton agreed that the I & I study must be done. A key concern was exceeding the plant's capacity. Mr. Hales added that I & I might hinder future growth. There were serious problems east of Veterans Pkwy.

Mayor Stockton noted that the railroad bridge would be a part of high speed rail. The timing for this request appeared to be good.

Mayor Stockton noted that the rail yard consisted of forty to fifty (40 - 50) acres. This would be large project which could have an influence on the community's future.

Alderman Fruin noted that government does not have to do everything. He encouraged the City to look for private investment.

Alderman Stearns questioned if the City had received any stimulus funds to date. Mr. Hales cited the following projects: 1.) Hamilton Rd.; 2.) Ireland Grove Rd., and 3.) traffic signals at College and Hershey. Jim Karch, Director – Public Works, estimated the amount received at \$2 million. Mr. Hales added that the City also benefitted from the state's use of these funds, (resurfacing of US Rt. 51).

Motion by Alderman McDade, seconded by Alderman Purcell that Council support the Application for U.S. House of Representatives Congressional Earmarks.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, noted the efforts of the Public Works Department to address pothole repair. Overtime has been authorized through January 30, 2010. The Pantagraph has provided good coverage.

He informed the Council that the monthly report for December 2009 had included additional cost cutting measures.

He addressed the topic of Town Hall meetings. The first one would be held in May 2010. Four (4) were planned per year. The City would be divided into quadrants.

He noted that the Citizen's Budget Open House would be held in March 2010. Council and City staff would attend same.

The February 22, 2010 Work Session would be a meeting with state legislators. State Representative Dan Brady had confirmed attendance at same. Mr. Hales was interested in developing a list of issues for this meeting.

ALDERMEN'S DISCUSSION: Alderman Fruin wanted to address two (2) items: 1.) improved external communications through use of the City's web site; and 2.) complaint follow ups by the Police Department through attendance at neighborhood meetings.

He also informed the Council that he and Alderman Schmidt were attempting to schedule a joint meeting with the Normal Town Council

Alderman Stearns questioned if the Council would be approving the fee for the Main St. form based code. David Hales, City Manager, noted that the \$4,500 cost had been included in the City's FY 2010 – 2011 budget. Alderman Stearns noted that the item would be paid and the decision had been made.

She addressed televising Council meetings. She noted that web casting had been mentioned. She believed that the Town of Normal spent \$700 per meeting to televise same. She wanted to share this information with the Council. Mayor Stockton questioned viewership. Alderman Stearns wanted this issue put to a vote.

Alderman Anderson expressed his concern regarding the Council's practice of rehearing issues. In an effort to support transparency, he suggested that City boards and commissions start their meetings after 6:00 p.m. Mayor Stockton suggested that a letter be sent to each board or commission's chair to solicit input. Alderman Anderson added that input should be solicited from the public.

Mr. Hales questioned if there was Council consensus. Alderman Stearns stated her need to understand the process. She specifically cited the decision making process. Her role was to serve her constituents. Alderman Anderson restated his interest in public input. Alderman Hanson expressed his interest in input from staff.

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

Motion carried.

**Tracey Covert
City Clerk**