

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, January 11, 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.

The following was presented:

SUBJECT: Council Proceedings of November 23, 2009

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of November 23, 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 Purcell, seconded by Alderman Hanson that the reading of the minutes of the previous Council Meeting of November 23, 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, January 8, 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)

Motion by Alderman Purcell, seconded by Alderman Hanson 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 seventh and final payment, (final invoice received in December, 2009) to Kirk C & D Recycling, Inc. in the amount of \$5,000 on a contract amount of \$423,000 of which \$423,000 will have been paid to date for work certified as 100% complete for the Demolition of 408 E. Washington. Completion date – June 2009.
2. The fourth partial payment to Felmley Dickerson in the amount of \$2,052.90 on a contract amount of \$148,157.50 of which \$60,286.60 will have been paid to date for work certified as 41% complete for the 2009-2010 Sidewalk Replacement and Handicap Ramp Program. Completion date – April 2010.
3. The nineteenth partial payment to Testing Services Corporation in the amount of \$1,919 on a per ton and hour contract of which \$48,360.13 will have been paid to date for work certified as ongoing for the 2008-2009 Asphalt & Portland Concrete Plant Inspection & Laboratory Testing. Completion date – December 2009.
4. The twenty-first and final payment to Rowe Construction Co. in the amount of \$17,414.48 on a contract amount of \$3,032,562.25 of which \$3,032,562.25 will have been paid to date for work certified as 100% complete for the Mitsubishi Motorway – Six Points to Sugar Creek, (ongoing negotiations may result in a change order). Completion date – October 2008.
5. The twelfth and final payment to Stark Excavating, Inc. in the amount of \$125,836.66 on a contract amount of \$1,992,769.66 of which \$1,992,769.66 will have been paid to date for work certified as 100% complete for the Recovery Pumps and Piping (Groundwater, etc.) – Main Branch Kickapoo Creek Pump Station. Completion date – November 2009.
6. The sixth partial payment to Consoer Townsend in the amount of \$3,014.82 on a contract amount of \$41,760 of which \$20,606.59 will have been paid to date for work certified as 49% complete for the Direct Injection of Carbon Dioxide at the Water Treatment Plant. Completion date – December 2010.

7. The second partial payment to Clark Dietz, Inc. in the amount of \$2,595.06 on a contract amount of \$20,000 of which \$4,946.66 will have been paid to date for work certified as 25% complete for the Inspection Services for Parkview Area Water Main Project Phase II. Completion date – December 2010.
8. The tenth partial payment to Farnsworth Group in the amount of \$13,425 on a contract amount of \$103,000 of which \$102,225 will have been paid to date for work certified as 99% complete for the Inspection Services for Pipeline Road Transmission Main Replacement. Completion date – December 2010.
9. The twenty-fourth partial payment to Clark Dietz, Inc. in the amount of \$757.50 on a contract amount of \$305,000 of which \$211,544.90 will have been paid to date for work certified as 69% complete for the Locust/Colton Street Sewer Separation & Water Main Replacement Design (CSO Elimination Phase I). Completion date – March 2010.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Alderman Stearns questioned Payment 1. The seventh and final payment, (final invoice received in December, 2009) to Kirk C & D Recycling, Inc. in the amount of \$5,000 on a contract amount of \$423,000 of which \$423,000 will have been paid to date for work certified as 100% complete for the Demolition of 408 E. Washington. Completion date – June 2009. She commented on the money spent on the Coachman. She added her interest in an RFP, (Request for Proposal), to market this property. David Hales, City Manager, addressed the Council. The property cannot be marketed yet as the City still needs to take clear title. Todd Greenburg, Corporation Counsel, addressed the Council. He noted that there were a series of deeds which dated back to 1964. The City had to pay real estate transfer taxes which totaled \$4,000. City staff had worked with the County Recorder's Office.

Alderman Schmidt noted that City staff had been instructed to prepare a complete inventory of City owned property including parks. Mr. Hales cited the Bridal Path and BNWRD, (Bloomington Water Reclamation District), as grey areas. Alderman Stearns noted that the Bridal Path was a part of Ewing Park.

Motion by Alderman Purcell, seconded by Alderman Hanson 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: Appointment(s) and Reappointment(s) to Various Boards and Commissions

RECOMMENDATION: That the appointments be approved.

BACKGROUND:

Beautification Committee:

Martha Burk, 904 S. Clinton. Her term will expire on January 31, 2014.

Sue Floyd, 608 N. Lee. Her term will expire on January 31, 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton
Mayor

Mayor Stockton introduced Martha Burk and Sue Floyd, Beautification Committee members. Ms. Burk operated the Main Gallery 404, located at 404 N. Main St. Ms. Floyd was a life long resident and a federal government employee. She was also actively involved in the West Bloomington Revitalization Program and as a resident of the GAP (Gridley Allin Prickett) Neighborhood Association. Mayor Stockton expressed his appreciation to Ms. Burk and Ms. Floyd for their volunteer service to the City.

Motion by Alderman Purcell, seconded by Alderman Hanson that the appointments 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 JG Stewart Contractors, Inc. for Repairs to Pavement on Ft. Jesse Road, east of Towanda Avenue and Several Smaller Street Repairs from Two Invoices in with a Total of \$21,402.94

RECOMMENDATION: That the payment be approved and the Resolution adopted.

BACKGROUND: In July, 2009, several road excavations throughout the City were repaired by JG Stewart Contractors, Inc. as the Public Works Department was behind in making street repairs following Water Department excavations. Additionally, in early November 2009, a twenty four inch (24") water main broke on Ft. Jesse Road just east of Towanda Avenue. This break required a large excavation to facilitate repair. The size of pavement repair was beyond the expertise and capabilities of the Public Works Department. A paving contractor was called to make the necessary emergency repair after the water main was restored. The July invoice was very late in coming to the City. It arrived about the same time the invoice for the work in November arrived.

Staff respectfully recommends that Council approve the payment of these invoices for emergency repairs to the pavement on Ft. Jesse Road, east of Towanda Avenue and several smaller emergency repairs to City streets.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment of these invoices will be posted to the Water Department's Operations & Maintenance budget, Transmission and Distribution Division, Repair and Maintenance to Infrastructure, Account # 5010-50100-50120-70550.

Pavement repairs, both large and small, are budgeted by the Water Department each year. For FY 2009 – 2010, \$425,000 was budgeted in this account.

Respectfully submitted for Council consideration.

Prepared by:

Craig M. Cummings
Director of Water

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Hanson that the payment be approved and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of Self Contained Breathing Apparatus Cylinders

RECOMMENDATION: That the purchase of ninety (90) Self Contained Breathing Apparatus (SCBA) cylinders from Municipal Emergency Services, Inc. be approved in an amount not to exceed \$60,888, the Purchasing Agent be authorized to issue a Purchase Order, and the Resolution adopted.

BACKGROUND: The current SCBA have been used in the Fire Department for the past five (5) years. During this time, there has been a significant rise in the injury rate for occurrences while wearing the existing SCBA. Alternative Services Concepts, LLC, the City's third party administrator, has estimated that SCBA related injuries have caused a loss of over \$300,000 over the past three (3) years. The existing bottles are heavier, have a higher center of gravity, and a taller profile, all of which makes working in these more difficult. The newer cylinders are lighter and have a narrower profile which aids in mobility while working. The overall profile of these bottles is about six inches (6") which also provides for greater mobility and less opportunity for entanglement in debris. The smaller cylinders reduce the physical stress on the firefighter by reducing the work cycle while lowering the amount weight carried. This allows for faster recovery and stress reduction that may lead to heat exhaustion or a sudden cardiac event, a leading cause of firefighter fatalities.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The Fire Department has budgeted \$104,400 for the replacement of SCBA during the FY 2009 - 2010 budget. The cost of cylinder and hardware replacement breakdown is as follows:

Item	Quantity	Unit Price	Cost
Scott Carbon 30 Min 4500 psi SCBA Cylinder	90	\$740.00	\$66,600.00
H-5 High Cycle clip for 30 min 4500	44	\$ 12.00	<u>\$ 528.00</u>
Total			\$67,128.00
Trade in (cylinders)	78	\$ 80.00	<u>-\$ 6,240.00</u>
		Net Cost	\$60,888.00

The Vendor has offered a trade in credit of \$6,240 for the old cylinders. The net purchase price for the cylinders after this trade credit will be \$60,888. The City will need to purchase Scott brand cylinders for use in our Scott brand SCBA, as the manufacturer will not warranty the product for safety if other brands of cylinders are used. Based on this fact, staff respectfully request that the formal bid process be waived and the cylinders be purchased from Municipal Emergency Services, Inc., an authorized Scott dealer and single source vendor for the fire service in our area.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Michael S. Kimmerling
Fire Chief

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2010 - 01

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS
FOR THE FIRE DEPARTMENT FROM MUNICIPAL EMERGENCY SERVICES, INC.
AT A PURCHASE PRICE OF \$60,888**

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

1. The Fire Department has \$104,400 in the FY 2009-2010 budget for SCBA replacement; and
2. Scott, the manufacturer, will not warranty the product for safety if other brands of cylinders are used; and

3. Municipal Emergency Services, Inc., is the authorized Scott dealer and single source vendor for the fire service in our area; and
4. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Self Contained Breathing Apparatus at a Purchase Price of \$60,888.

ADOPTED this 11th day of January, 2010.

APPROVED this 12th day of January, 2010.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton questioned this item. Les Siron, Deputy Fire Chief, addressed the Council. He noted that the key question had been the number of cylinders, (90). The Fire Department has ten (10) vehicles. Each unit has four (4) SCBA, (Self Contained Breathing Apparatus) and each unit needs two (2) cylinders which total eighty (80) cylinders. The additional ten (10) cylinders were for training purposes.

Motion by Alderman Purcell, seconded by Alderman Hanson that the purchase of ninety (90) Self Contained Breathing Apparatus (SCBA) cylinders from Municipal Emergency Services, Inc. be approved in an amount not to exceed \$60,888, the Purchasing Agent be authorized to issue a Purchase Order, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: New World Systems Services Agreement

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

BACKGROUND: Staff respectfully requests permission to enter into a one (1) year agreement with New World Systems for the maintenance of Computer Aided Dispatch (CAD) software. The current agreement expires on January 31, 2010. New World Systems is the sole source provider of this service as it is proprietary computer systems information. This agreement includes all upgrades and maintenance of the software for one (1) year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost to enter into a one (1) year agreement to maintain the computer aided dispatch software, mapping software, and mobile software is \$79,490. Funds for this service have been budgeted in G15118-70530.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by and concur:

Randall D. McKinley
Chief of Police

Scott Sprouls
Director of Information Services

Recommended by:

David A. Hales
City Manager

Alderman Stearns questioned if this one (1) year agreement was for the Dispatch Center. David Hales, City Manger, responded affirmatively.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: An Ordinance Approving an Agreement with Sprint Communications Company L.P. for the Continued Maintenance and Use of a Fiber Optic Cable System Established Under and Over Certain Public Rights of Way in the City

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

BACKGROUND: In 1984 and 1988 the City entered into a franchise agreement with Sprint Communications Company L.P. giving them the right, permission, and authority to install, maintain, and utilize a fiber optic cable system within, under and over certain public rights of way in the City. The 1984 agreement (*Ordinance 1984-116*), which was issued for 519 linear feet, expired on November 27, 2009. The 1988 agreement (*Ordinance 1988-130*), which was issued for 2008 linear feet, expired on November 30, 2009.

Pursuant to the terms of both agreements, Sprint has requested renewal authority for the continued maintenance and use of the fiber optic cable system. The proposed franchise agreement is similar to the existing agreements, with standard language regarding work in the public rights of way, restoration of work sites, insurance, and indemnification.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The state collects a 2.5 percent utility tax for the City as authorized under the Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1). The state remits the collected funds to the City on a monthly basis.

Respectfully submitted for Council consideration.

Prepared by:

Rosalee Dodson
Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE: 2010 - 01

AN ORDINANCE APPROVING AN AGREEMENT WITH SPRINT COMMUNICATIONS COMPANY L.P. FOR THE CONTINUED MAINTENANCE AND USE OF A FIBER OPTIC CABLE SYSTEM ESTABLISHED UNDER AND OVER CERTAIN PUBLIC RIGHTS-OF-WAY IN THE CITY OF BLOOMINGTON, ILLINOIS

WHEREAS, Sprint Communications Company L.P., organized under the laws of the State of Delaware and authorized to do business in the State of Illinois (hereinafter referred to as "Sprint") has petitioned the City of Bloomington, a municipal corporation organized under the laws of the State of Illinois (hereinafter referred to as the "City) asking that the right, permission and authority be granted to it by the City for the continued maintenance and use of a fiber optic cable system established under and over certain public rights-of-way in the City; and

WHEREAS, the City and Sprint have agreed upon the terms, provisions, and conditions granting permission and authority to use certain public rights-of-way as set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois as follows:

SECTION ONE. The Agreement attached hereto between the City and Sprint is approved and the Mayor and the City Clerk are authorized to sign the Agreement for the City.

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

SECTION THREE. The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

SECTION FOUR. This ordinance shall be effective ten (10) days after the date of its publication.

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

PASSED this 11th day of January, 2010.

APPROVED this 12th day of January, 2010.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

**AN AGREEMENT BETWEEN
SPRINT COMMUNICATIONS COMPANY L.P.
AND THE CITY OF BLOOMINGTON, ILLINOIS**

SECTION 1. For the mutual benefit of each of the parties hereto, including the good and valuable consideration specified under this Agreement, Sprint is hereby given the right, permission and authority to install, maintain and utilize a fiber optic cable system (hereinafter referred to as the “System”) within, under and over certain named public rights-of-way, subject to the terms and conditions contained in this Agreement.

SECTION 2. The System shall be installed:

- A. Where the tracks of the Illinois Central Gulf Railroad cross at grade or go over or under City streets: 1) under the Washington Street at grade crossing; 2) on the railroad structures above Division Street, Market Street and Olive Street; and 3) within railroad right-of-way under Emerson Street, Locust Street, Front Street and Mill Street for a total distance of 519 feet.

- B. Within the right-of-way of the Norfolk & Southern Railroad and prior Conrail Railroad right-of-way and shall cross public right-of-way for a total crossing distance of 2,008 feet, beneath a total of 25 public streets and sidewalks, as follows:

<u>Road Name</u>	<u>Linear Feet</u>
East Street	65
Morris Avenue	80
Roosevelt Street	53
Lee & Taylor Street	88
Mason Street	60
Low Street	73
Olive Street	80
Allin Street	80
Grove Street	85
Western Avenue	50
Front Street	138
Howard Street	66
Main Street	80
Center Street	68
Oakland Avenue	172
Gridley Street	62
Lincoln Street	50
Chestnut (Alley)	23
Locust Street	74
Mulberry (Alley)	23
M.L. King Drive	100
Market Street	114

Stillwell & Sheridan	192
Washington Street	66
Madison Street	66

SECTION 3. The above-described uses of public way shall exist by authority granted under this Agreement for a period of ten (10) years from and after the date of approval of this Agreement.

SECTION 4. Sprint agrees to comply with the Illinois Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1). In the event Sprint fails to comply with such Act, or such Act is repealed or determined invalid as to Sprint, then this Agreement shall automatically terminate unless the City and Sprint reach agreement within 60 days on compensation to be paid by Sprint to the City for the rights granted herein.

SECTION 5. Upon termination of the privileges herein granted, Sprint, without cost or expense to the City, shall either remove the System herein authorized and restore the public way to a proper condition under the supervision of the City's Department of Public Works or abandon the System in place if the City so approves. Sprint shall remain liable to the City under the provisions of this Agreement until the System is removed or abandoned in place. If Sprint wishes to abandon the System in place, notice shall be given to the City in writing of the intent to do so. Such notice shall state the date on which the System shall be abandoned and identify which parts of the System will be abandoned in place. Sprint shall have no further responsibility to the City with respect to the System abandoned unless within 30 days of receipt of Sprint's notice, the City directs Sprint to remove all or any part of the System. In such event Sprint shall remove the System as provided herein. Sprint's right, title and interest in any part of the System abandoned in place shall pass to the City and the City may remove, use, lease or sell such System without liability to or consent from Sprint.

SECTION 6. All cable and structures installed after this Agreement and all work completed in connection with the installation shall be performed so as not to interfere unreasonably with ordinary travel on the highways of the City or with any municipality owned water or sewer pipes then in place or placed after this Agreement. Sprint, after doing or having done any excavating, shall leave the surface of the ground in the same condition as it existed prior to the excavation. All disturbed sidewalks, parkways, or pavements shall be restored by Sprint. The surface to be restored shall be with the same type of material as existed prior to the disturbance, and in the event any such sidewalk, parkway or pavement become uneven, unsettled or otherwise require repair because of the disturbance, Sprint, as soon as climatic conditions will permit, shall promptly, upon receipt of notice from the City, cause such sidewalk, parkway or pavement to be repaired or restored to the standards required by the City at the time the work is performed.

SECTION 7. The permission and authority granted under this Agreement may be revoked by the Bloomington City Council if Sprint fails or neglects to comply with any aspect of this grant of authority, but only after being given a reasonable amount of time to cure any defaults. Upon the determination by the City Council that it is necessary to relocate the cable or structures, Sprint shall relocate the cable and structures and shall bear the sole expense of the relocation.

SECTION 8. Sprint shall, at its own expense, provide proof of continuous insurance (certificate of insurance) or proof of self-insurance for this project in the sum of One Million Dollars (\$1,000,000) and shall hold and save the City harmless from any and all liability and expenses, including judgments, costs and damages, arising out of the installation, removal, relocation, alteration, repair, maintenance, restoration, and any other aspect of the System referred to in this Agreement, and from any and all damages thereto on account of the location, construction, alteration, repair or maintenance of any public street, sidewalk, right-of-way, bridge, underpass, subway, tunnel, vault, sewer, watermain, conduit, pipe, pole, and all aspects of any other utility or public facility. The insurance coverage required under this Section shall be maintained at all times by Sprint until the System referred to in this Agreement is removed or abandoned.

SECTION 9. The permission and authority granted under this Agreement shall not be exercised and any work to the System shall not be done until a permit authorizing the work is issued by the Director of Public Works and upon the faithful observance and performance of all of the conditions and provisions of this Agreement.

SECTION 10. Sprint agrees to furnish the City a surety bond in the amount of Ten Thousand Dollars (\$10,000) written by a company authorized to do business in the State of Illinois. The bond shall be in existence during the term of this Agreement and shall be conditioned upon Sprint's performance of its obligations under this Agreement and compliance with all applicable laws and codes. In the event Sprint, after reasonable notice, fails to perform under any term of this Agreement or applicable law or code, the City may, in addition to other remedies, recover on the surety bond. For the City to recover from Sprint or the surety company under this Section, and except as otherwise provided under this Agreement, it is not necessary that the City first make any expenditure or perform any work or have any work performed by a private contractor. The Director of Public Works is authorized to determine what costs would be involved to perform the work and he or she may present the claim to Sprint or the surety company. The claim shall be paid within a reasonable amount of time.

SECTION 11. Sprint shall indemnify and hold the City harmless from any and all damages and claims arising out of damage to the fiber optic cables or structures caused in whole or in part by the City, its officers, employees, and agents or by any other person whether or not they have a permit from the City or are associated with the City in any direct or indirect manner. Sprint waives all claims against the City, whether arising directly, by subrogation, assignment or otherwise, for any and all damages, direct or indirect, resulting from damage to the fiber optic cables or structures done in whole or in part by the City, its officers, employees and agents or by any other person whether or not they have a permit from the City or are associated with the City in any direct or indirect manner. As part of this Section, Sprint shall, at its own expense, defend all suits and agree to indemnify and save harmless the City and its officers and employees from and against all claims and liabilities of whatever nature arising from the granting of authority under this Agreement to Sprint or imposed upon or assumed by it, or by reason of or in connection with any damage to life, limb, or property as a result of any of the installed cables or structures constructed under or by virtue of this Agreement or use or loss of use thereof, and shall save and keep harmless the City from any and all damages, judgments, costs and expenses of every kind that may arise. Notice in writing shall be promptly given to Sprint of any claim or suit against the City and its officers and employees which by the terms of this Agreement, Sprint

has agreed to save and keep harmless the City and those persons. The City shall furnish to Sprint all information in its possession relating to a claim or suit. The City Council may, if it so desires, assist in defending any claim or suit. Sprint will not rely upon governmental immunity afforded to the City, and further agrees that it will pay the costs incurred by the City for the necessary defense of any suit against the City, its officers and employees resulting from this franchise grant.

SECTION 12. The ten (10) year grant of authority is not automatically renewable and any request for authority for the continued maintenance and use of the public rights-of-way after this Agreement expires or is otherwise terminated in any manner, must be specifically obtained from the City Council, subject to the terms and conditions that may be agreed upon at that time. Renewal authority shall be requested not less than ninety (90) days prior to the expiration of this Agreement.

SECTION 13. Sprint shall be able to transfer, sublet or assign its rights under this Agreement to any parent, subsidiary or affiliated entity without the expressed written approval of the City, except notification of such action must be provided in writing to the City. Any entity to whom such transfer, sublet or assignment occurs shall be primarily responsible for all of the responsibilities and duties of Sprint as provided under this Agreement. Sprint shall be secondarily responsible for all the responsibilities and duties in the event the other party does not perform them or does not properly perform them during the term of this Agreement.

SECTION 14. This Agreement shall be in full force upon receipt by the City Clerk of Sprint's written and unconditional acceptance of all of the provisions of this Agreement.

City of Bloomington, Illinois,
A Municipal Corporation

Sprint Communications Company L.P.

By: Stephen F. Stockton, Mayor

Date: 01/11/10

Date: _____

Attest:

Attest:

Tracey Covert, City Clerk

(Name, Title)

Motion by Alderman Purcell, seconded by Alderman Hanson that the Ordinance be passed, the Agreement 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, Hanson, Sage, Fruin and Purcell.

Nays: None.

Abstains: Alderman Anderson.

Motion carried.

The following was presented:

SUBJECT: Application of Walgreens Co., d/b/a Walgreens #02587, located at 2611 E. Oakland Ave., for a PBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a PBS liquor license for Walgreens Co., d/b/a Walgreens #02587, located at 2611 E. Oakland Ave., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that Walgreens Fact Sheet: Reintroducing Beer and Wine Sales at Walgreens be incorporated as part of same.

BACKGROUND: The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Walgreens Co. d/b/a Walgreens #02587, located at 2611 E. Oakland Ave., requesting a PBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; Mike Palmer, District Manager, and Montez Donas, Store Manager, and Applicant representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. He noted that Walgreens Co. had submitted four (4) applications for its four (4) stores located within the City. He added that there were some differences in the store layouts. Walgreens representatives would present the rationale for the application and other relevant information.

Mike Palmer, District Manager and Applicant representative, addressed the Commission. Walgreens had submitted four (4) applications one (1) for each of its four (4) locations within the City. The applications were for a "PB", Packaged Beer and Wine, liquor license. The issue was customer convenience. The application was driven by customer request. Walgreens needed to be competitive with grocery, drug, and convenience stores. Each store would have a two (2) door ten foot (10') cooler which would be stocked with cold beer. In addition, each store would offer twelve to eighteen (12 - 18) lineal feet of bottled wine.

Commissioner Buchanan questioned if the liquor would be in the same location at each store. Mr. Palmer responded affirmatively.

Commissioner Petersen questioned if Bloomington was being used as a pilot location. Mr. Palmer responded negatively. This was a national initiative. Commissioner Buchanan noted that Liquor Hearings were scheduled in the Town of Normal next month, (January 2010). Mr. Palmer added that Walgreens had also filed applications in Galesburg and Peoria. Commissioner Buchanan stated that Walgreens held 465 full (all types of alcohol) liquor licenses. Mr. Palmer responded affirmatively. He noted that in the 1990's the Walgreens' store formerly located at Eastland Mall held an "A", All types of alcohol, liquor license. He added that Walgreens has held liquor licenses since the 1990's. Based upon customer demand, Walgreens had filed these four (4) applications. Packaged beer would be limited to six (6), twelve (12), and eighteen (18) packs and cases. Wine would be bottled.

Commissioner Petersen questioned the statement listed on the Fact Sheet under Product Assortment, "Walgreens will also work with local beer and wine producers to customize our selection with local products." Mr. Palmer stated that Walgreens was interested in working with local distributors who carried local products.

It was noted that on the Fact Sheet: Reintroducing Beer & Wine at Walgreens, under Product Assortment, there was the following statement: "There will be no single servings or any other variation that would be considered conducive to alcohol abuse." Commissioner Buchanan recommended that this Fact Sheet be adopted by reference as it was submitted by the Applicant. He also noted all of the language under Product Assortment. Mr. Palmer restated that liquor sales were not seen as a growth category by Walgreens. The Fact Sheet under Product Assortment stated "Beer and wine will make up less than 5 percent of our total sales." The issue was customer convenience. Commissioner Buchanan questioned if four (4) pack wine coolers would be available for sale. Mr. Palmer noted that the majority of the product selection would be the same nationwide, (major labels). The only exception would be local wineries. He estimated that liquor sales would represent two to three percent (2 - 3%) of gross sales.

Commissioner Buchanan noted that the space dedicated to liquor stock would be minimal. Mr. Palmer stated that Walgreens had a nationwide policy. Single serve sale items and offering the lowest price were not a part of that policy.

Commissioner Petersen questioned if Walgreens' Fact Sheet could be included in the motion. Commissioner Buchanan noted that Walgreens had been precise as to cooler and shelf space. Any expansion of same would require Liquor Commission permission.

George Boyle, Asst. Corporation Counsel, addressed the Commission. Based upon the Applicant's presentation, he did not believe that there would be a large percentage of increase in liquor stock and/or liquor sales.

Commissioner Petersen questioned if only management level staff was ready to handle liquor sales. He questioned staff training. Mr. Palmer noted that a program would be rolled out in the spring 2010. The Fact Sheet had a heading entitled "Operational Controls and Employee Training". Operational controls would be provided. Violations can happen, should one occur options ranged from staff retraining to constructive discipline.

Commissioner Buchanan questioned if a date of birth must be entered to complete a liquor sale. Mr. Palmer responded affirmatively.

Commissioner Buchanan noted that the application was thorough and well prepared. He added his belief that Commissioner Stockton would support same. He cited the City Code, Chapter 6. Alcohol Beverages, Section 4B. Creation of New License - Findings, which lists the criteria for creation of a license. The Applicant must address the need for the liquor license. Walgreens was not surrounded by "P", Packaged, liquor licenses. He noted the limited scope of sales and minimal sales space dedicated to liquor stock. He cited impact on the neighborhood as a criterion. He noted Walgreens' reputation and added his belief that there would be little to no negative impact upon the neighborhood. Walgreens application was different than other "P", Packaged, applications.

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately seventeen (17) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the December 8, 2009 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: An additional PBS liquor license with an annual fee of \$1,180.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Purcell, seconded by Alderman Hanson that at a PBS liquor license for Walgreens Co., d/b/a Walgreens #02587, located at 2611 E. Oakland Ave., be created contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that Walgreens Fact Sheet: Reintroducing Beer and Wine Sales at Walgreens be incorporated as part of same.

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 Walgreens Co., d/b/a Walgreens #05188, located at 1525 N. Veterans Pkwy., for a PBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a PBS liquor license for Walgreens Co., d/b/a Walgreens #05188, located at 1525 N. Veterans Pkwy., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that Walgreens Fact Sheet: Reintroducing Beer and Wine Sales at Walgreens be incorporated as part of same.

BACKGROUND: The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Walgreens Co. d/b/a Walgreens #05188, located at 1525 N. Veterans Pkwy., requesting a PBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; Mike Palmer, District Manager, and Billy Walden Jr., Community Leader, and Applicant representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. He noted that Walgreens Co. had submitted four (4) applications for its four (4) stores located within the City. He added that there were some differences in the store layouts. Walgreens representatives would present the rational for the application and other relevant information.

Mike Palmer, District Manager and Applicant representative, addressed the Commission. Walgreens had submitted four (4) applications one (1) for each of its four (4) locations within the City. The applications were for a "PB", Packaged Beer and Wine, liquor license. The issue was customer convenience. The application was driven by customer request. Walgreens needed to be competitive with grocery, drug, and convenience stores. Each store would have a two (2) door ten foot (10') cooler which would be stocked with cold beer. In addition, each store would offer twelve to eighteen (12 - 18) lineal feet of bottled wine.

Commissioner Buchanan questioned if the liquor would be in the same location at each store. Mr. Palmer responded affirmatively.

Commissioner Petersen questioned if Bloomington was being used as a pilot location. Mr. Palmer responded negatively. This was a national initiative. Commissioner Buchanan noted that Liquor Hearings were scheduled in the Town of Normal next month, (January 2010). Mr. Palmer added that Walgreens had also filed applications in Galesburg and Peoria. Commissioner Buchanan stated that Walgreens held 465 full (all types of alcohol) liquor licenses. Mr. Palmer responded affirmatively. He noted that in the 1990's the Walgreens' store formerly located at Eastland Mall held an "A", All types of alcohol, liquor license. He added that Walgreens has held liquor licenses since the 1990's. Based upon customer demand, Walgreens had filed these four (4) applications. Packaged beer would be limited to six (6), twelve (12), and eighteen (18) packs and cases. Wine would be bottled.

Commissioner Petersen questioned the statement listed on the Fact Sheet under Product Assortment, "Walgreens will also work with local beer and wine producers to customize our selection with local products." Mr. Palmer stated that Walgreens was interested in working with local distributors who carried local products.

It was noted that on the Fact Sheet: Reintroducing Beer & Wine at Walgreens, under Product Assortment, there was the following statement: "There will be no single servings or any other variation that would be considered conducive to alcohol abuse." Commissioner Buchanan recommended that this Fact Sheet be adopted by reference as it was submitted by the Applicant. He also noted all of the language under Product Assortment. Mr. Palmer restated that liquor sales were not seen as a growth category by Walgreens. The Fact Sheet under Product Assortment stated "Beer and wine will make up less than 5 percent of our total sales." The issue was customer convenience. Commissioner Buchanan questioned if four (4) pack wine coolers would be available for sale. Mr. Palmer noted that the majority of the product selection would be the same nationwide, (major labels). The only exception would be local wineries. He estimated that liquor sales would represent two to three percent (2 - 3%) of gross sales.

Commissioner Buchanan noted that the space dedicated to liquor stock would be minimal. Mr. Palmer stated that Walgreens had a nationwide policy. Single serve sale items and offering the lowest price were not a part of that policy.

Commissioner Petersen questioned if Walgreens' Fact Sheet could be included in the motion. Commissioner Buchanan noted that Walgreens had been precise as to cooler and shelf space. Any expansion of same would require Liquor Commission permission.

George Boyle, Asst. Corporation Counsel, addressed the Commission. Based upon the Applicant's presentation, he did not believe that there would be a large percentage of increase in liquor stock and/or liquor sales.

Commissioner Petersen questioned if only management level staff was ready to handle liquor sales. He questioned staff training. Mr. Palmer noted that a program would be rolled out in the spring 2010. The Fact Sheet had a heading entitled "Operational Controls and Employee Training". Operational controls would be provided. Violations can happen, should one occur options ranged from staff retraining to constructive discipline.

Commissioner Buchanan questioned if a date of birth must be entered to complete a liquor sale. Mr. Palmer responded affirmatively.

Commissioner Buchanan noted that the application was thorough and well prepared. He added his belief that Commissioner Stockton would support same. He cited the City Code, Chapter 6. Alcohol Beverages, Section 4B. Creation of New License - Findings, which lists the criteria for creation of a license. The Applicant must address the need for the liquor license. Walgreens was not surrounded by "P", Packaged, liquor licenses. He noted the limited scope of sales and minimal sales space dedicated to liquor stock. He cited impact on the neighborhood as a criterion. He noted Walgreens' reputation and added his belief that there would be little to no

negative impact upon the neighborhood. Walgreens application was different than other “P”, Packaged, applications.

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately nine (9) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the December 8, 2009 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: An additional PBS liquor license with an annual fee of \$1,180.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Purcell, seconded by Alderman Hanson that at a PBS liquor license for Walgreens Co., d/b/a Walgreens #05188, located at 1525 N. Veterans Pkwy., be created contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that Walgreens Fact Sheet: Reintroducing Beer and Wine Sales at Walgreens be incorporated as part of same.

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 Walgreens Co., d/b/a Walgreens #09983, located at 1408 N. Main St., for a PBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a PBS liquor license for Walgreens Co., d/b/a Walgreens #09983, located at 1408 N. Main St., be created, contingent upon compliance with all

applicable health and safety codes with the following condition: 1.) that Walgreens Fact Sheet: Reintroducing Beer and Wine Sales at Walgreens be incorporated as part of same.

BACKGROUND: The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Walgreens Co. d/b/a Walgreens #09983, located at 1408 N. Main St., requesting a PBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; Mike Palmer, District Manager, and Kerry King, Store Manger, and Applicant representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. He noted that Walgreens Co. had submitted four (4) applications for its four (4) stores located within the City. He added that there were some differences in the store layouts. Walgreens representatives would present the rational for the application and other relevant information.

Mike Palmer, District Manager and Applicant representative, addressed the Commission. Walgreens had submitted four (4) applications one (1) for each of its four (4) locations within the City. The applications were for a "PB", Packaged Beer and Wine, liquor license. The issue was customer convenience. The application was driven by customer request. Walgreens needed to be competitive with grocery, drug, and convenience stores. Each store would have a two (2) door ten foot (10') cooler which would be stocked with cold beer. In addition, each store would offer twelve to eighteen (12 - 18) lineal feet of bottled wine.

Commissioner Buchanan questioned if the liquor would be in the same location at each store. Mr. Palmer responded affirmatively.

Commissioner Petersen questioned if Bloomington was being used as a pilot location. Mr. Palmer responded negatively. This was a national initiative. Commissioner Buchanan noted that Liquor Hearings were scheduled in the Town of Normal next month, (January 2010). Mr. Palmer added that Walgreens had also filed applications in Galesburg and Peoria. Commissioner Buchanan stated that Walgreens held 465 full (all types of alcohol) liquor licenses. Mr. Palmer responded affirmatively. He noted that in the 1990's the Walgreens' store formerly located at Eastland Mall held an "A", All types of alcohol, liquor license. He added that Walgreens has held liquor licenses since the 1990's. Based upon customer demand, Walgreens had filed these four (4) applications. Packaged beer would be limited to six (6), twelve (12), and eighteen (18) packs and cases. Wine would be bottled.

Commissioner Petersen questioned the statement listed on the Fact Sheet under Product Assortment, "Walgreens will also work with local beer and wine producers to customize our selection with local products." Mr. Palmer stated that Walgreens was interested in working with local distributors who carried local products.

Commissioner Buchanan noted that Aldermen had expressed an interest in this store due to its proximity to Illinois Wesleyan University. Concerns had been expressed regarding single serve

items. It was noted that on the Fact Sheet: Reintroducing Beer & Wine at Walgreens, under Product Assortment, there was the following statement: "There will be no single servings or any other variation that would be considered conducive to alcohol abuse." Commissioner Buchanan recommended that this Fact Sheet be adopted by reference as it was submitted by the Applicant. He also noted all of the language under Product Assortment. Mr. Palmer restated that liquor sales were not seen as a growth category by Walgreens. The Fact Sheet under Product Assortment stated "Beer and wine will make up less than 5 percent of our total sales." The issue was customer convenience. Commissioner Buchanan questioned if four (4) pack wine coolers would be available for sale. Mr. Palmer noted that the majority of the product selection would be the same nationwide, (major labels). The only exception would be local wineries. He estimated that liquor sales would represent two to three percent (2 - 3%) of gross sales.

Commissioner Buchanan noted that the space dedicated to liquor stock would be minimal. Mr. Palmer stated that Walgreens had a nationwide policy. Single serve sale items and offering the lowest price were not a part of that policy.

Commissioner Petersen questioned if Walgreens' Fact Sheet could be included in the motion. Commissioner Buchanan noted that Walgreens had been precise as to cooler and shelf space. Any expansion of same would require Liquor Commission permission.

George Boyle, Asst. Corporation Counsel, addressed the Commission. Based upon the Applicant's presentation, he did not believe that there would be a large percentage of increase in liquor stock and/or liquor sales.

Commissioner Petersen questioned if only management level staff was ready to handle liquor sales. He questioned staff training. Mr. Palmer noted that a program would be rolled out in the spring 2010. The Fact Sheet had a heading entitled "Operational Controls and Employee Training". Operational controls would be provided. Violations can happen, should one occur options ranged from staff retraining to constructive discipline.

Commissioner Buchanan questioned if a date of birth must be entered to complete a liquor sale. Mr. Palmer responded affirmatively.

Commissioner Buchanan noted that the application was thorough and well prepared. He added his belief that Commissioner Stockton would support same. He cited the City Code, Chapter 6. Alcohol Beverages, Section 4B. Creation of New License - Findings, which lists the criteria for creation of a license. The Applicant must address the need for the liquor license. Walgreens was not surrounded by "P", Packaged, liquor licenses. He noted the limited scope of sales and minimal sales space dedicated to liquor stock. He cited impact on the neighborhood as a criterion. He noted Walgreens' reputation and added his belief that there would be little to no negative impact upon the neighborhood. Walgreens application was different than other "P", Packaged, applications.

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately eighty-two (82) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the DATE 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: An additional PBS liquor license with an annual fee of \$1,180.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Alderman Purcell wanted to be reassured that single serve items would not be available for sale at this location. Mayor Stockton noted the condition placed upon the license. Tracey Covert, City Clerk, reviewed the Fact Sheet. A request to change the condition would be heard by the Liquor Commission first and then forwarded to the City Council.

Motion by Alderman Purcell, seconded by Alderman Hanson that at a PBS liquor license for Walgreens Co., d/b/a Walgreens #05188, located at 1408 N. Main, be created contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that Walgreens Fact Sheet: Reintroducing Beer and Wine Sales at Walgreens be incorporated as part of same.

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 2, Block 3 of Camp Kickapoo from Nathan J. Tinney, Jr. and Delores D. Tinney to Richard F. and Carol Ann Hatzler

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 2, Block 3 of Camp Kickapoo from Nathan J. Tinney, Jr. and Delores D. Tinney to Richard F. and Carol Ann Hatzler. This petition is in order and staff recommends that this transfer be approved. The sewage disposal system was recently inspected and is in order.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Hanson 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: Request Approval of Parks Master Plan Update

RECOMMENDATION: That the Parks Master Plan Update be adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: On April 28, 2008, Council granted permission to hire 3D Design Studios to complete a Parks Master Plan Update. Through various meetings with staff, focus groups, and by utilizing department survey results, a Parks Master Plan Update draft was created and was the subject of two (2) Council Work Sessions.

On July 13, 2009, a Council Work Session was held to present this update for the first time. Feedback was received from Council and staff committed to soliciting additional feedback from Council members and citizens. Advertised through the department's web site and through the monthly water bill statement inserts, feedback was solicited and accepted through September 30, 2009. 3D Design Studios incorporated changes from this feedback and presented an updated plan during a November 9, 2009 Council Work Session.

Much discussion resulted from the Plan review. Overall comments were positive regarding the plan itself. The financing piece of the plan received the most questions. An update to the financial piece for the priorities takes into consideration the current economic climate. The near term priorities are listed in order of commitments already made, projects with approved grant funding, and life/safety issues. Future projects are listed as a roadmap for when economic conditions improve.

Among the changes incorporated include:

- Show possible expansion of the Miller Park Zoo
- Miller Park shoreline erosion control
- Update playground equipment in Franklin Park
- Add arboretum signage to identify trees within Franklin Park
- Suggest other locations besides adjacent to Sunnyside Park for a dog park
- Include Sugar Creek Park as near term consideration for additional land acquisition or development.

Another change instituted was to switch to a general narrative approach to the financial aspect by placing priorities into two (2) parts: 1.) near term (current economic conditions) and 2.) future projects (when economic conditions have improved). This allows for the Plan to be accepted but does not commit the City to any expenditure.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Numerous community groups and users of park facilities as well as two (2) Council Work Sessions.

FINANCIAL IMPACT: The adoption of the Parks Master Plan Update as a working document has no financial impact. The approval of various projects suggested within the Plan will have financial impact that would require Council approval during future annual budget review processes. Adoption of the Parks Master Plan Update does not commit the City to the funding of the individual projects within the Plan.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

John Kennedy
Director of Parks, Recreation & Cultural Arts

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

(UPDATED PARKS MASTER PLAN ON FILE IN CLERK'S OFFICE)

Mayor Stockton introduced this item. David Hales, City Manager, addressed the Council. He invited John Kennedy, Director – Parks, Recreation, and Cultural Arts, to present the update.

Mr. Kennedy addressed the Council. Two (2) Work Sessions had been held on this item. Feedback was solicited from the general public through the month of September 2009. The plan had been changed. He read from the Council memorandum. He addressed the financial piece of the plan. It had been divided into two (2) parts: near term and long term. In the near term, the plan addressed grants and safety issues. The plan was based upon the current economic conditions. The Council would not be making any financial commitments. The plan would serve as a road map. The financial piece would be a part of the City's budget process.

Alderman Anderson cited a recent article in the Pantagraph. He noted that this item was about a plan. There was no direct time line.

Alderman Purcell wanted to confirm that there would be funds available for a park on Empire St. along Constitution Trail. Mr. Kennedy acknowledged that it was under consideration. He deferred any additional questions to the City's Corporation Counsel.

Alderman Schmidt recommended that the proposed Community Center be located on the City's west side. Mr. Kennedy noted that the City was looking for partnerships with the west side. He directed the Council to the Plan's Recommendations section. Mayor Stockton added that there were on going discussions as part of the One Voice Project to request funding for site clean up. Alderman Schmidt expressed her support for the City working towards a partnership. This would result in better results and a stronger project.

Mayor Stockton believed that the City had the ability to bring groups together to create a vision. At this time, the City was in the conceptual stage.

Alderman Sage questioned gathering community input from various groups. Mr. Kennedy noted that City staff was attempting to schedule time with Evelyn Young, Boys & Girls Club's Executive Director, regarding park uses. He cited playground equipment as an example. City staff had also met with Western Avenue Community Center.

Alderman Sage questioned a community athletic complex. Mr. Kennedy noted that a sports complex could be located in the City's southeast quadrant near the new middle

school, (George Evans Junior High School). He added that Sugar Creek Park might be another possible location.

Mayor Stockton expressed his belief that the City needed to work with other governmental units. Future discussion would be needed. Alderman Sage stated that accessibility was important. The location needed to be near the center of town.

Alderman Stearns also shared her concern regarding accessibility to the City center. She cited Franklin Park as an example. Mr. Kennedy noted that planned park improvements included sidewalks and playground equipment. Alderman Stearns questioned the plan's flexibility. Mr. Kennedy restated that no time lines were specified.

Alderman Sage expressed his opinion that additional conversations were needed. He questioned how in fill development would impact the Parks Plan.

Motion by Alderman Hanson, seconded by Alderman Anderson that the Parks Master Plan Update 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: An Ordinance Amending "An Ordinance Describing and Designating an Area Located Partially Within the City of Bloomington, Town of Normal and Unincorporated McLean County as an Enterprise Zone"

RECOMMENDATION: That the ordinance be passed.

BACKGROUND: This Ordinance will extend the boundaries of the Bloomington/Normal/McLean County Enterprise Zone in order to cover approximately twenty (20) acres located at 2402 E Empire St. in Bloomington. The site in question is home to the former Internal Revenue Service (IRS) Processing Center, which has been vacant for nearly three (3) years.

The Economic Development Council, (EDC) has been working on a deal with a local manufacturer of circuitry components called CAMtek, Inc. to expand its operations. CAMtek, Inc. is an electronics manufacturing services (EMS) provider, specializing in technologically advanced printed circuit card assembly and other value added services to a wide range of

industries including aerospace, medical, military, communications, agriculture and large equipment manufacturers. The company provides high quality, cost effective manufacturing solutions to customers located throughout the U.S., shipping to on shore and off shore locations, utilizing state of the art equipment and processes, while operating in a pristine “green” climate controlled manufacturing environment.

The company was considering moving out of state and had received an incentive offer from Indiana. To counter the offer from Indiana, the EDC along with the Illinois Department of Commerce and Economic Opportunity put together a comprehensive incentive package to keep CAMtek in Central Illinois. Part of that incentive package is the Enterprise Zone extension proposed to Council.

If this Enterprise Zone extension passes, the company will move its operations from its current GE Road location to the former IRS building during 2010. The company plans to make significant capital improvement investments in the building and site. More importantly, CAMtek plans to add around seventy-five (75) employees within the next three (3) years, as well as retain all existing employees presently with the company.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Economic Development Council, Town of Normal, and the County of McLean.

FINANCIAL IMPACT: Investments in capital improvements into the building and site, and the addition of approximately seventy-five (75) employees within the next three (3) years.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

ORDINANCE NO. 2010 - 02

AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE” – CAMTEK, INC.

WHEREAS, the City of Bloomington did, on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did, on numerous occasions after establishment of the Enterprise Zone, adopt Ordinances amending Ordinance No. 1984-131, including those lengthening the duration of the Enterprise Zone and amending the territory included within the Enterprise Zone; and

WHEREAS, the City of Bloomington now desires to amend the territory included within the Enterprise Zone and to memorialize the same by amending the Enterprise Zone Intergovernmental Agreement (as hereafter defined); and

WHEREAS, a public hearing regarding such amendments has been held as provided by law.

**NOW, THEREFORE, BE IT ORDAINED BY
THE CITY COUNCIL OF THE CITY OF BLOOMINGTON:**

SECTION ONE: That Appendix “A”, which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said Ordinance, as amended by subsequent Ordinances modifying the boundary of the territory included within the Enterprise Zone, shall be, and the same is, hereby further amended by adding the territory described in Exhibit A to the territory of the Enterprise Zone.

SECTION TWO: That the Mayor of the City of Bloomington, Illinois shall have, and is hereby given authority to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the Town of Normal, Illinois, the City of Bloomington, Illinois, and the County of McLean, Illinois (the “Enterprise Zone Intergovernmental Agreement”) attached hereto as Exhibit B, which Amendment memorializes the addition of the territory identified in this Ordinance to the territory of the Enterprise Zone.

SECTION THREE: That the provisions of Ordinance No. 1984-131 as previously amended and as hereby amended, being “An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as Enterprise Zone” shall remain in full force and effect.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION FIVE: That the City Clerk be and in hereby directed and authorized to publish this Ordinance in pamphlet form as required by law and forward a certified copy of this Ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this Ordinance with the County Clerk for McLean County.

SECTION SIX: That this Ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION SEVEN: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

APPROVED:

Stephen F. Stockton,
Mayor

ATTEST:

Tracey Covert,
City Clerk

The foregoing ordinance was approved by the Mayor and City Council of the City of Bloomington on the 11th day of January, 2010.

The foregoing ordinance was published in pamphlet form on the 13th day of January, 2010.

APPENDIX A

ORDINANCE NO. 1984 - 131

AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED McLEAN COUNTY AS AN ENTERPRISE ZONE

WHEREAS, the State of Illinois Enterprise Zone Act encourages local governmental participation in the promotion of private sector investment in economically depressed areas throughout the State; and

WHEREAS, a large number of residents in the Bloomington-Normal area have experienced pervasive poverty, unemployment and economic distress; and

WHEREAS, the Illinois Enterprise Zone Act requires units of local government to pass an Ordinance establishing an Enterprise Zone before it can apply to the Department of Commerce and Community Affairs for certification of the Zone; and

WHEREAS, a public hearing on the establishment of such a Zone was conducted by the City of Bloomington, Town of Normal and County of McLean on December 13, 1984,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois as follows:

SECTION 1. Designation. The area described and depicted in Appendix "A", which is attached hereto and incorporated herein is hereby designated as an enterprise zone (hereafter "the Zone") subject to the approval of the Illinois Department of Commerce and Community Affairs (hereafter "the Department").

SECTION 2. Qualifications. The City Council finds and determines that the Zone meets the qualifications of Section 4 of the Enterprise Zone Act (III. Rev. Stat. ch. 67 1/2, 5601 et seq.) (hereafter "the Act").

SECTION 3. Duration. The duration of the Zone shall be for a period of ten (10) years from the date of its approval by the Department.

SECTION 4. The Mayor and City Council of the City of Bloomington, in an effort to facilitate the successful development of the Enterprise Zone will make available the following incentives and target the following programs within the Enterprise Zone for the life of the Enterprise Zone and in accordance with policies and procedures to be implemented following designation of the Enterprise Zone by the Department of Commerce and Community Affairs:

(a) Each retailer subject to the Municipal Retailer's Occupation Tax levied by the City of Bloomington may file for a credit thereon for such portion of the tax which is applied to the sale of building and construction materials used for residential, commercial and/or industrial rehabilitation, expansion, or new development projects within the Zone, subject to the limitations imposed by Section 6 of this Ordinance.

(b) Any land owned by the City of Bloomington in the Zone that is available for sale will be sold for commercial or industrial development at a rate below its appraised fair market value as follows:

<u>Amount of Increase in Assessed Valuation</u>	<u>Percentage Discount</u>
Under \$1,000,000	0%
\$1,000,001 - \$2,000,000	20%
\$2,000,001 - \$3,000,000	40%
\$3,000,001 - \$4,000,000	60%
\$4,000,001 - \$5,000,000	80%
Over \$5,000,000	100%

(c) Reduction by 50% of all development and permit fees for work in and related to development of the Zone. Fees subject to the reduction include water and sewer connection charges, excavation permit fees, engineering inspection fees and building permit fees.

(d) Issuance of private activity bonds of the City of Bloomington for development of the Zone to the full extent permitted by the Internal Revenue Code.

(e) Abatement of 50% of the real estate property tax generated within the zone by residential, commercial and industrial rehabilitation, expansion, and/or new development projects in the Zone for a ten (10) year period.

SECTION 5. Pursuant to Section 4(d) of the Act, this Ordinance does not prohibit the City from extending additional tax incentives or reimbursements for business enterprises in this Enterprise Zone or its corporate limits by separate Ordinance.

SECTION 6. No taxes upon real estate shall be abated, nor shall any credit or refund of Municipal Retailer's Occupation Tax be authorized unless the Improvement, reconstruction or rehabilitation to which the same relates is of the nature and scope for which a building permit is required by the Building Code and said required permit has been obtained.

SECTION 7. That the City Manager be, and he is hereby, authorized and directed to cause application in be made to the State of Illinois pursuant to said Act containing that which is required thereby and that which Is permitted thereby to the extent deemed by him to be conducive to the carrying out of the intent and purpose of the Act and of this Ordinance, and to cause to be promulgated such programs, directives, rules and regulations, to make such recommendations, and to furnish such information not inconsistent therewith as to secure certification of said zone and to administer the same and the programs therein after the same is so certified.

SECTION 8. The position of "Zone Administrator" is hereby created. The first Zone Administrator shall be the Executive Director of the McLean County Economic Development Council, who is an officer or employee of the City of Bloomington and successors shall be designated pursuant to an Intergovernmental Agreement by and among the City of Bloomington, Town of Normal and County of McLean pertaining to the Zone. The duties of the Zone Administrator shall I be performed in addition to the regular duties of the position of Executive Director.

It shall be the power and duty of the Zone Administrator to:

(a) supervise the implementation of the provisions of this Ordinance and the Illinois Enterprise Zone Act;

(b) act as a liaison between the City of Bloomington, the County of McLean, the Illinois Commerce and Community Affairs, organization(s); and other state, agencies, whether public or private;

(c) conduct an ongoing evaluation of the enterprise zone program and submit such evaluative reports on at least an annual basis to the Mayor or the City Council;

(d) promote the coordination of other relevant programs, including but not limited to, housing, community and economic development, small business, financial assistance and employment training within the enterprise zone;

(e) recommend qualified designated zone organizations to the City Council; and

(f) have other such duties as specified by either the Mayor or the City Council.

In addition, the City of Bloomington may designate one or more organizations qualified under Section 3(d) of the Act as designated zone organizations.

SECTION 9. All Ordinances or parts of Ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law and shall apply to such portion of the Zone as is or becomes a part of the City of Bloomington in the duration of the Zone.

PASSED this 26th day of December, 1984.

APPROVED this 26th day of December, 1984.

APPROVED:

DONN PIERCE, Acting Mayor

ATTEST:

SANDRA CORDERO, City Clerk

Published this 28th day of December, 1984.

EXHIBIT 1

Tract No. 1:

A part of the Southwest Quarter of Section 36, Township 24 North, Range 2 East of the Third Principal Meridian, more particularly described as follows: Beginning at the Southwest Corner of Lot 1 in Empire East Development, Bloomington, Illinois, recorded as Document No. 85-14445 in the McLean County Recorder's Office. From said Point of Beginning, thence south along the Southerly Extension of the West Line of said Lot 1 to the South Line of said Southwest Quarter; thence east along said South Line to a point lying 3.00 feet normally distant east of said

Southerly Extension; thence north along a line parallel with said Southerly Extension to the South Line of said Lot 1; thence west along said South Line to the Point of Beginning, except the South 1.50 feet thereof.

Tract No. 2:

Lot 1 in Empire East Development being a part of the East Half of the Southwest Quarter of Section 36, Township 24 North, Range 2 East of the Third Principal Meridian, according to the plat thereof recorded November 13, 1985 as Document No. 85-14445, in McLean County, Illinois.

Said Tracts 1 and 2 together contain 19.96 acres, or 0.0312 of a square mile, more or less.

**AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT –
CAMTEK, INC.**

This Amendment is entered into the 12th day of January, 2010, by and between the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, and the County of McLean, a body politic and incorporate, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

WHEREAS, the parties entered into an Intergovernmental Agreement in December, 1984, for the purpose of creating and operating an Enterprise Zone within the jurisdiction of said parties pursuant to the Illinois Enterprise Zone Act (the “Act”); and

WHEREAS, the Enterprise Zone was originally certified as an enterprise zone by the Department of Commerce and Economic Opportunity of the State of Illinois effective July 1, 1985; and

WHEREAS, the Enterprise Zone now compasses approximately 8.88 square miles; and

WHEREAS, the Act allows an enterprise zone to encompass up to 13 square miles if the zone is a joint effort of three or more units of government; and

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately .0312 square miles would be benefited by being encompassed within the boundaries of said Enterprise Zone; and

WHEREAS, it would be in the best interests of the citizens of the City of Bloomington, Illinois, the Town of Normal, Illinois, and the County of McLean, Illinois that said additional territory be included in the Enterprise Zone.

NOW, THEREFORE, BE IT AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. That Section 2 “Description” of the Intergovernmental Agreement, and the property described in Exhibit “E-1a” and incorporated in said Section by reference, as subsequently

amended, be and the same is hereby amended to include therein the area described in Exhibit A attached hereto (the “Amended Area”), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.

2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties set forth in the original Intergovernmental Agreement, as subsequently amended, are hereby ratified and confirmed, and are hereby applied to the Amended Area of the Enterprise Zone in their entirety.

THE UNDERSIGNED PARTIES HAVE CAUSED THIS AMENDMENT TO INTERGOVERNMENTAL AGREEMENT TO BE EXECUTED BY THEIR DULY DESIGNATED OFFICIALS, PURSUANT TO AUTHORITY CONFERRED BY THEIR RESPECTIVE GOVERNING BODIES THE DATE FIRST SHOWN ABOVE.

City of Bloomington
a Municipal Corporation

Town of Normal
a Municipal Corporation

By: Stephen F. Stockton
Mayor

By: Sonja Reece
Pro Tem Mayor

Attest:

Attest:

Tracey Covert
City Clerk

Wendellyn J. Briggs
City Clerk

County of McLean
a Body Politic and Corporate

By: Matt Sorenson
County Board Chairman

Attest:

Peggy Ann Milton
County Clerk

David Hales, City Manager, introduced this item. He requested that the Council suspend the rules to allow Marty Vanags, EDC’s, (Economic Development Council), Chief Executive Officer, to address them.

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

Motion carried.

Marty Vanags, EDC Chief Executive Officer, addressed the Council. This item would allow CAM TEK to relocate within the City in order for the business to expand. CAM TEK had been in business for eleven (11) years. Christine Davis, CAM TEK's President, was present this evening. CAM TEK currently had thirty-eight (38) full time employees. The company would relocate to the former IRS (Internal Revenue Service) building. CAM TEK would have the flexibility to expand on a project by project basis.

He noted that the Enterprise Fund had been used for a variety of purposes. He cited AFNI, (Anderson Financial Network, Inc.), the new Marriott in Uptown Normal, and wind farms. The Enterprise Zone can have up to thirteen (13) square miles. He noted the fiscal impact – no out of pocket expenses. There was a sales tax exemption for building materials. The three (3) units of government, (City, Town and County), must approve this amendment. This request involved an intercity relocation. CAM TEK would bring additional semi skilled manufacturing jobs.

Alderman Anderson questioned the financial impact. Mr. Hales stated that the City would continue to work on this issue. Mayor Stockton noted the increase to property values and payroll (employees).

Alderman Schmidt questioned how long a company could remain in the Enterprise Zone. Mr. Vanags stated that the Enterprise Zone designation can be redacted at any time. He noted that there were state tax credits available under an Enterprise Zone designation. He added that the exemption from sales taxes on building materials was valid any where within the state. The Enterprise Zone would expire in 2015. All three (3) units of government must approve the amendment. Currently, there was an Enterprise Zone in the City.

Alderman Purcell thanked CAM TEK for its efforts to remain in the community. Mr. Vanags believed that this would be a good project.

Alderman McDade noted that this was a forward moving company. It would remain in the City and a vacant site would be improved.

Christine Davis, CAM TEK owner/operator, 1702 G. E. Rd., addressed the Council. CAM TEK was a female owned business. She held a CPA, (Certified Public Accountant), designation. CAM TEK had been in business for eleven (11) years. The company manufacturer circuit boards. Growth had led to larger and longer term projects. She needed more space to add an additional line which meant more jobs. Employees would be needed to fill a wide range of positions. These were not service industry jobs. She was excited about the company's expansion and would like to remain in the City. She planned to sublease unused areas of the building. The building had over 225,000 square feet. CAM

TEK only needed 98,000 square feet. She planned to occupy the front end of the building. She hoped to offer opportunities to other companies which also needed a controlled environment.

Mayor Stockton expressed his hope for CAM TEK's success and enhanced recognition. Ms. Davis noted that a large percentage her customer base was from outside of Illinois. Mayor Stockton noted that CAM TEK brought dollars into the local economy.

Alderman Fruin questioned compatible businesses. Ms. Davis noted no refrigeration trucks due to noise distribution. She was interested in beneficial neighbors.

Alderman Sage wished Ms. Davis success as she expands her business.

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

Motion carried.

Motion by Alderman McDade, seconded by Alderman Schmidt that the Ordinance be passed, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Participation in the Central Illinois Regional Broadband Network Initiative

RECOMMENDATION: That Council agrees in principle to support the Central Illinois Regional Broadband Network Initiative on the condition that at the present time the extent of the City's commitment extends only to permitting the use of existing fiber, conduit, pathways, and facilities, (buildings where network nodes could be located), owned by the City.

BACKGROUND: Recently, a regional working group, (initiated by Illinois State University's Information Technology staff), has been developed. This working group has been named for its project purpose, Central Illinois Regional Broadband Network, (CIRBN). The goal is to design and implement a regional network, serving the Bloomington/Normal metropolitan area and certain outlying communities within the region.

CIRBN has provided the City with its Executive Summary which describes the project and its potential participants. In summary, the project has estimated at a cost of \$20,000,000. CIRBN will be seeking federal and state grants to fund as much as ninety percent (90%) of this cost. American Recovery and Reinvestment Act, (ARRA), funds would cover as much as eighty percent (80%). In addition, CIRBN will request an additional ten percent (10%) match from the existing State of Illinois capital bill. Assuming award of both of these grants, the additional ten percent (10%) of the project (\$1,000,000) would need to come from participating agencies through a combination of real dollars and “in-kind” resources. Ongoing operational costs of the network are estimated at \$1,000,000 annually. These funds would theoretically come from organizations moving their current Internet and wide area networking costs from their current providers to CIRBN.

CIRBN has contacted City staff seeking permission for the potential use of City infrastructure in support of this project. This infrastructure would include existing fiber, conduit, pathways, and facilities, (buildings where network nodes could be located), owned by the City. These infrastructure types would be classified as “in-kind” resources.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: CIRBN has contacted a variety of organizations from education, healthcare, public safety, government, not-for-profit, and commercial institutions within the greater McLean County area. A listing is provided in the Executive Summary.

FINANCIAL IMPACT: Financial impact is unknown at this time. The number of participating organizations will impact the cost for everyone. Staff is not recommending the City commit anything more than the existing infrastructure at this time.

Respectfully submitted for Council consideration.

Prepared by:

Scott A. Sprouls
Director of Information Services

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

David Hales, City Manager, introduced Scout Sprouls, Director – Information Services. He noted that two (2) draft letters had been prepared for the Mayor’s signature. The City would act as a host site. There would not be any financial participation. The goal was to secure federal funding for this project, (stimulus dollars)

Mr. Sprouls addressed the Council. This project was brought forth from Illinois State University’s technical staff. There was the potential for federal stimulus dollars to

fund this project. There was a similar project in Champaign. The project would focus on McLean County. There would be a fiber ring around Bloomington/Normal. Currently, the focus was on finding agency participation. The City would support this initiative with “core nodes” (facilities). This project viewed itself as a component which would allow the Internet to be a commodity. Hopefully, the pooling of resources would lower individual agencies costs. Tonight, the Council was being asked to approve the letters. The City would start with in kind resources for this multi year project. Operating costs were estimated at \$1 million per year. He restated the belief that operating costs would be lowered by pooling resources. Facilities could be tied together.

Mayor Stockton cited the City of Champaign as an example.

Mr. Sprouls informed the Council that the project was in process. The belief was that federal dollars would cover eighty percent (80%) and State Capital Bill dollars would cover ten percent (10%). This would leave agencies participating at the local level to fund the remaining ten percent (10%). The City planned to provide in kind support.

Mayor Stockton noted that there was fiber installed along Veterans Parkway. Mr. Sprouls responded affirmatively. The City has management responsibility for same. This project may request conduit space from the City.

Alderman Schmidt believed that this project would be an economic tool. This initiative would give the community the ability to interconnect. Mr. Sprouls responded affirmatively. In addition, the project would also allow network accessibility to the State’s information technology networks.

Alderman Purcell questioned who would install the fiber optics and who would be allowed to use the City’s infrastructure. Mr. Sprouls informed the Council that a vendor would be selected through a competitive process, (Request for Proposal). He acknowledged that there would be some exposure for the City. However, this project would not use the City’s existing cabling. Both the count and quality of the fiber used for this project would be of a higher grade than the City used. There was space available in the conduit. The City’s in kind contribution would become a part of the contract.

Alderman Sage requested additional clarity and understanding. He noted the list of local agencies, (twenty-six organizations were listed). He estimated that a quarter of them were private companies. He also noted that this regional broadband network would reach outside of the county and state. Mr. Sprouls informed the Council that there was a working group. This group prepared the Executive Summary.

Alderman Huette cited the projected \$20 million cost. The federal government does not have the money. There was no free money. He added that the report prepared was thorough. The end result would be that costs would not be any higher than what is being spent today. Mr. Sprouls acknowledged that the summary was based upon a number of assumptions. He added that there were no guarantees at this time. He estimated the City’s

current cost. He noted that this document represented Phase II of this competitive grant process.

Alderman Huette questioned the market for this type of network. He also questioned upgrading costs and the long term viability. Mayor Stockton restated that Champaign/Urbana had received a grant for a similar project. If these dollars are not spent here in McLean County, then they would be spent some where else. Mr. Sprouls affirmed the Mayor's statement.

Alderman McDade noted that this project would bring federal dollars into the community. Communities all over the country were seeking grants for projects such as this. She believed that it was the Council's responsibility to pursue this opportunity.

Mayor Stockton believed that one advantage would be new job opportunities as the data network would serve as a road to carry information. There were vendors available who would be interested in this project.

Alderman Anderson noted the present day opportunity. He questioned if there would be additional opportunities in the future. Mr. Sprouls responded affirmatively. The City was currently isolated. A regional network would provide local connectivity at a faster speed.

Alderman Anderson noted the \$1 million cost. He assumed that this cost would be spread across all the involved organizations.

Alderman Sage stated that tonight's discussion did not include any funding obligation. Tonight's action was an incremental step, a part of the overall process. He restated that there were no financial obligations on the part of the City. Mr. Sprouls restated that the goal was shared facilities. The City's role would be to provide in kind participation. One goal for this project was to have both public and private entities involved.

Alderman Stearns questioned the City's obligation. Mr. Sprouls noted the annual operating costs. Alderman Stearns stated that this item would need Council's approval. Mr. Hales referred the Council to the draft approval letters.

Mayor Stockton noted that some grants come with strings attached. Alderman Fruin cited the City's information technology ranking. Mayor Stockton agreed. The City had been ranked in Computer World's Top Ten Techy Cities, (ranked sixth). This network would be of assistance to companies from small to medium size.

Motion by Alderman Hanson, seconded by Alderman Schmidt that Council agrees in principle to support the Central Illinois Regional Broadband Network Initiative on the condition that at the present time the extent of the City's commitment extends only to permitting the use of existing fiber, conduit, pathways, and facilities, (buildings where network nodes could be located), owned by the City.

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: Alderman Huette.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton complimented the Public Works Department's snow removal crews. The City did receive some telephone calls. There were few complaints.

CITY MANAGER'S DISCUSSION: David Hales, City Manager addressed the Council. He hoped to place the following items on the January 25, 2010 meeting agenda: 1.) Strategic Plan and 2.) Governance Guide. He hoped to receive the Citizen Summit report from Lyle Sumek Associates, Inc. in the near future.

The Citizen Survey would appear on the Council's February 8, 2010 meeting agenda. He also planned to present an eight (8) month financial report at that time. This report would include updated revenue projections and preliminary work on the budget for the upcoming fiscal year. He reminded the Council that the February 22, 2010 Work Session would be an opportunity to open discussions with the City's state legislators. The Primary Election will have passed by then. He would develop an agenda for this meeting.

The March 8, 2010 Work Session would be the presentation of the recommended budget for Fiscal Year 2010/2011. The Citizen Budget Open House would also be held during March 2010. It would be held at the Bloomington Center for the Performing Arts in the ballroom. City staff would be present to address departmental budgets and services. Additional Budget Work Sessions would be needed. He recommended that the Council consider these meetings for a separate day, such as Saturday and allow four to six (4 – 6) hours. The Council would have busy agendas in the coming months. Significant issues would appear before the Council.

The Public Hearing on the Budget would be scheduled during the Council's April 12, 2010 meeting. The Council needed to review the Strategic Plan and Action Projects. Time lines were being developed. The Council needed to consider the City's various business services and their funding levels, (subsidies). At this time, the City was in the early phase.

He also addressed the November Financial Report. He noted that revenue had continued to decline. City staff had made a \$2 million budget reduction. This action was taken to meet the anticipated drop in revenue. The monthly financial report would continue to be refined. This report will eventually be placed on the City's web site. The November Monthly Report had also been provided to the Council. This report would also

see continual improvement. City staff continued to look for efficiencies as ways to improve productivity.

Mayor Stockton described budget time as crucial and intense. He addressed City subsidies. He noted that City fees generally only cover a portion of the true cost for the service/program.

ALDERMEN'S DISCUSSION: Alderman McDade informed the Council that a public meeting would be held on the Bridal Path on Thursday, January 21, 2010 at 6:00 p.m. in the Conference Room at City Hall. The meeting was scheduled for one hour. David Hales, City Manager, would be in attendance.

Alderman McDade also addressed the new Freedom of Information Act (FOIA) which took effect on January 1, 2010. She noted the increase in the number and complexity of the requests being received. She noted the new statute's call for FOIA Officers. She questioned the City's staffing needs and cost to the City. FOIA represented an unfunded mandate by the state. More staff time would be spent responding to these requests. She noted that the City Clerk's Office prepared a monthly report. This report is incorporated into the City Manager's Monthly Report to the Council. She requested additional information regarding this new law. She requested that City staff track the time spent on same. She added that the Council has set a number of priorities for the City and the FOIA law was not listed. She was interested in the true cost to the City imposed by this law. Mr. Hales offered to respond to the concerns raised. The City planned to be proactive by placing additional information on the City's web site. Citizens were interested in FOIA.

Mayor Stockton stated that the City needed to be in compliance with FOIA. This law was a part of open government. He noted the staff time involved. He added that there was no requirement for the requestor to accept the information provided. Alderman Schmidt added her belief that a substantial number of requests were never picked up.

Alderman Sage acknowledged the snow removal crews efforts. Public Works had done a good job in executing their snow removal plan. Aldermen Fruin and Purcell echoed Alderman Sage's comments.

Alderman Fruin expressed his belief that there had been a reoccurring theme. The need for there to be more information on the City's web site. He questioned the number of hits to same and if individuals were aware of what information was available. He expressed his hope that if more information was made available via the web then the number of FOIA requests would decline. He also cited the various requirements to post items in the Pantagraph. He added his belief that there was a lot of information available to the public.

Alderman Schmidt expressed her interest in structured citizen participation. She noted that there were communities that allowed public comments. She had found a handful of communities which allow same. She wanted to find a way to limit the topics while allowing same. She cited the recent Citizen Summit. She encouraged City staff to

work with Lyle Sumek Associates, Inc. The City needed to provide an event like the Citizen Summit on a regular basis. David Hales, City Manager, addressed the Council. He suggested Town Hall Meetings. He cited the Citizen Budget Open House which would be held in the spring. Alderman Schmidt expressed her interest in a dialogue.

Alderman Stearns expressed her support for transparency in government. She expressed support for open forums on any topic with guidelines. She addressed the new FOIA statute. Illinois had been ranked thirty-eighth (38th) in public accessibility. The law needed to be revised. She expressed her interest in televised Council meetings. She believed that such action would save the City money. She added that the Town of Normal has televised meetings.

Mayor Stockton noted that City staff was working on this issue. He hoped the City would find a way to do so with limited expenditure.

Alderman Huette expressed his support for public comment within a controlled format.

Alderman Anderson commented on Walgreens decision to withdraw its liquor application at the store located at 909 S. Main St.

Motion by Alderman Anderson, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:26 p.m.

Motion carried.

Tracey Covert
City Clerk

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