

**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, December 14, 2009.

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.

Motion by Alderman McDade, seconded by Alderman Schmidt to allow Alderman Sage to participate remotely via telephone.

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

Nays: None.

Alderman David Sage participated remotely via telephone.

Motion by Alderman Schmidt, seconded by Alderman Purcell to amend the agenda by addressing the Oaths of Office before the 2009 Studs Terkel Humanities Service Award.

Motion carried.

The following was presented:

Oath of Office – Michael Luedtke, Police Patrol Officer and Justin Milton, Firefighter.

Randy McKinley, Police Chief, introduced Michael Luedtke, Police Patrol Officer. Mr. Luedtke was an Illinois Central College graduate. He was hired through the Experienced Officer Hiring Program. He was accompanied this evening by his wife, son, and parents.

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

Mayor Stockton presented Mr. Luedtke with the Commission's certificate. He offered congratulations on behalf of the City.

Mike Kimmerling, Fire Chief, introduced Justin Milton, Firefighter. Mr. Milton also was an Illinois Central College graduate and Heartland Community College's advanced EMS (Emergency Medical Services) program. He was accompanied this evening by his parents and sister.

The following was presented:

2009 Studs Terkel Humanities Service Award – Bill Kemp.

Mayor Stockton introduced this item. The nomination form is signed by the Mayor. He served as a conduit. This year, forty-four (44) medals had been presented. Bill Kemp was employed as the librarian/archivist at the McLean County History Museum, (MCHM). He had written over 100 weekly columns for the Pantagraph. He believed that quality of his writings was enhanced with primary source materials. Mr. Kemp would be presented with his medal this evening.

Greg Koos, MCHM's Executive Director, addressed the Council. He also served on the Humanities Council Board. History was the community's story. Mr. Kemp understands the underlying story.

Mayor Stockton presented the medal to Mr. Kemp. He offered his congratulations and appreciation to him.

Mr. Kemp thanked Mayor Stockton, Alderman Schmidt, and Mr. Koos. He also thanked the Pantagraph for supporting the history column in the Sunday edition.

The following was presented:

SUBJECT: Council Proceedings of December 11, 2006, and Work Session Minutes of November 9 and 23, 2009

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of December 11, 2006 and Work Session Minutes of November 9 and 23, 2009 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of December 11, 2006 and Work Session Minutes of November 9 and 23, 2009 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 Hanson, seconded by Alderman McDade that the reading of the minutes of the previous Council Meeting of December 11, 2006 and Work Session Minutes of November 9 and 23, 3009 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, December 11, 2009 by posting via the City's web site. After examination, I will notify the Council of any items which may need to be addressed.

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

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payments from Various Municipal Departments

RECOMMENDATION: That the payments be approved.

BACKGROUND: All of the described payments are for planned and budgeted contracts previously approved by the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: As follows:

1. The eighth partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$80,000 of which \$53,333.28 will have been paid to date for work certified as 67% complete for the McLean County Economic Development. Completion date – April 2010.
2. The sixth and final payment to Citizens Equity First Credit Union (CEFCU) in the amount of \$328,000 on a contract amount of \$2,228,000 of which \$2,228,000 will have been paid to date for work certified as 100% complete for the Ensenberger Building. Completion date – November 2010.
3. The second partial payment to James Shirk – Sale Barn Properties in the amount of \$160,052.33 on a contract amount of \$480,157 of which \$320,104.67 will have been paid to date for work certified as 67% complete for the James Shirk – Purchase of Right of Way Easement. Completion date – March 2010.
4. The fortieth partial payment to APACE Architects & Design in the amount of \$634.67 on a contract amount of \$349,800 of which \$350,168.33 (\$12,992.58 in reimburseables) will have been paid to date for work certified as 96% complete for the Design of Fire Station #5. Completion date – August 2009.

5. The eighteenth partial payment to Stark Excavating, Inc. in the amount of \$127,521.30 on a contract amount of \$2,550,426 of which \$2,422,904.71 will have been paid to date for work certified as 95% complete for the McGraw Park – Phase II – General Construction. Completion date – December 2009.
6. The tenth and final payment to Felmley Dickerson in the amount of \$5,486.66 on a contract amount of \$1,097,327.14 of which \$1,097,331.14 will have been paid to date for work certified as 100% complete for the Miller Park Playground Renovation. Completion date – May 2007.
7. The third partial payment to Felmley Dickerson in the amount of \$23,417.31 on a contract amount of \$148,157.50 of which \$58,233.70 will have been paid to date for work certified as 39% complete for the 2009-2010 Sidewalk Replacement and Handicap Ramp Program. Completion date – April 2010.
8. The seventeenth partial payment to Testing Services Corporation in the amount of \$2,646.50 on a per ton and hour contract of which \$46,292.38 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.
9. The thirteenth partial payment to Rowe Construction Co. in the amount of \$840,483.56 on a contract amount of \$3,476,726.41 of which \$3,101,813.91 will have been paid to date for work certified as 89% complete for the Lincoln Street – Bunn to Morrissey (MFT 92-00283-00-RP). Completion date – December 2009.
10. The second and final payment to Illinois Department of Transportation in the amount of \$72,205.65 on a contract amount of \$181,054.83 of which \$181,054.83 will have been paid to date for work certified as 100% complete for the White Oak Road and ML King Intersection. Completion date – June 2008.
11. The eighteenth and final payment to Clark Dietz in the amount of \$2,695.23 on a contract amount of \$50,000 of which \$50,000 will have been paid to date for work certified as 100% complete for the Water Mapping Services. Completion date – December 2009.
12. The twenty-second partial payment to Whittman Hydro Planning Associates, Inc. in the amount of \$29,529.89 on a contract amount of \$868,846 of which \$672,285.57 will have been paid to date for work certified as 77% complete for the Strategic Source Water Study. Completion date – September 2010.
13. The fifth partial payment to Gildner Plumbing, Inc. in the amount of \$158,949.37 on a contract amount of \$1,186,825 of which \$886,413.76 will have been paid to date for work certified as 75% complete for the Division D Pipeline Rd. 36 in. Transmission Main. Completion date – August 2010.

14. The ninth partial payment to Farnsworth Group in the amount of \$28,835 on a contract amount of \$103,000 of which \$88,800 will have been paid to date for work certified as 86% complete for the Inspection Services for Pipeline Rd. Transmission Main Replacement. Completion date – December 2010.
15. The fifty-second partial payment to Farnsworth Group in the amount of \$225 on a contract amount of \$1,077,688.73 of which \$1,059,009.22 will have been paid to date for work certified as 98% complete for the Design Transmission Water Main to Lake Bloomington. Completion date – January 2010.
16. The twenty-third partial payment to Clark Dietz, Inc. in the amount of \$1,375 on a contract amount of \$305,000 of which \$210,787.40 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.
17. The third and final payment to Pizzo & Associates, Ltd. in the amount of \$12,079.92 on a contract amount of \$210,725.31 of which \$166,228.96 will have been paid to date for work certified as 79% complete for the Grove Phase I – 2nd Part – Prairie Grass and Ecological System. Completion date – December 2009.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman McDade 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 Reappointments(s) to Various Boards and Commissions

RECOMMENDATION: That the reappointments be approved.

BACKGROUND:

Planning Commission

Greg Shaw, 1104 N. Roosevelt Ave. His term will expire on April 30, 2012.

Ken DuLac, 24 Stonehedges Ct. His term will expire on April 30, 2013.

Julie Morton, 204 W. Tanner St. Her term will expire on April 30, 2013.

Tyhad Harrison, 2412 Savanna Rd. His term will expire on April 30, 2013.

Susan Brandt, 213 Hillside Ln. Her term will expire on April 30, 2013.

Bill Schulz, 2103 Woodfield Rd. His term will expire on April 30, 2013.

Cultural District Commission

Mike Kerber, 406 N. Linden. His term will expire on April 30, 2011.

This item had been laid over by the Council at the November 23, 2009 meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Stan Cain, Planning Commission Chair, and Judy Markowitz, Cultural District Commission Chair.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

Stephen F. Stockton
Mayor

Motion by Alderman Hanson, seconded by Alderman McDade that the appointment and reappointments 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: Partial Payment to the Grove on Kickapoo Creek, LLC for the Grove on Kickapoo Creek Subdivision 2nd Addition - Black Oak Boulevard Over-Sizing

RECOMMENDATION: That the payment be approved.

BACKGROUND: On September 26, 2005, Council approved an Annexation Agreement with the Grove on Kickapoo Creek, LLC. The Annexation Agreement requires the City to share fifty percent (50%) of the construction cost for Black Oak Boulevard from Ireland Grove Road to approximately 1000' north with a pedestrian underpass. The pedestrian underpass beneath Black Oak Boulevard will connect the future Unit 5 Benjamin Elementary School to a future City park and stream restoration area.

Construction of Black Oak Boulevard and the pedestrian underpass are nearing completion. Staff believes that it will be completed by the end of the construction season. The invoice total for this portion of construction is \$121,572.75. The Annexation Agreement requires the City to pay the invoices within thirty (30) days of receipt of all documentation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Grove on Kickapoo Creek, LLC.

FINANCIAL IMPACT: Partial payment of \$121,572.75 for the City's share of Black Oak Boulevard and the pedestrian underpass to be made from Capital Improvement Funds (X40100-72530). The Capital Improvement Budget for FY 2009-2010 also included \$292,000 for this project. Including this payment, the total cost to date for the City's share of Black Oak Boulevard and the pedestrian underpass is \$285,559.83.

Respectfully submitted for Council consideration.

Prepared by:

Financial review:

Recommended by:

Jim Karch
Director of Public Works

Tim Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Hanson, seconded by Alderman McDade that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Early Order Program with Syngenta and Helena Chemical for Procurement of Golf Course Chemicals from a Single Source

RECOMMENDATION: That the formal bidding process be waived, golf course chemicals and fertilizer products be purchased through the Syngenta and Helena Early Order Program in an amount not to exceed \$232,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: Syngenta is the manufacturer of many chemical and fertilizer products utilized in the management of turf grass in the golf industry. Staff has used these products for many years with much success. Each year Syngenta offers an early order program that allows the opportunity to lock in next year's prices at discounted rates. The deadline to enter this program is before the end of this calendar year. Council has approved participation in this program for the last several years.

Syngenta engages the assistance of local recognized quality turf distributors to assure the delivery, service, and billing of their products. Our two (2) local distributors are Pro Source One and Helena Chemical. Syngenta operates using an agency pricing model, meaning the price of their chemicals are exactly the same whether purchased from Helena Chemical or Pro Source One. These distributors are contractually obligated to offer these products at set agency prices. Helena Chemical will store the products on their site and deliver them on an as needed basis. Helena's local dealership manager is a Certified Golf Course Superintendent who offers an exceptional level of service and support to the City's golf maintenance personnel. In addition, Helena Chemical is the Syngenta distributor of choice for the municipalities of Decatur, Peoria, Pekin, Springfield, Champaign, and Quincy.

Staff respectfully requests that Council waive the formal bid process, authorize the purchase of Syngenta brand chemicals for golf turf grass management for the 2010 golf season and use Helena Chemical as the local distributor for these products, the Purchasing Agent be authorized to issue a purchase order for same, and the Resolution adopted.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City Purchasing Agent.

FINANCIAL IMPACT: The City spends approximately \$232,000 annually on golf course chemicals and will realize a savings of about \$56,000 by participating in this early buy program. Funds will be budgeted and available in G14150-70590, G14152-70590 and G14154-70590.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John Kennedy, Director
Parks, Recreation and
Cultural Arts Department

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

RESOLUTION NO. 2009 - 56

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF GOLF COURSE CHEMICALS AND
FERTILIZER PRODUCTS THROUGH THE SYNGENTA AND HELENA EARLY
ORDER PROGRAM IN AN AMOUNT NOT TO EXCEED \$232,000**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to purchase golf course chemicals and fertilizer products through the Syngenta and Helena Early Order Program in an amount not to exceed \$232,000.

ADOPTED this 14th day of December, 2009.

APPROVED this 15th day of December, 2009.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Hanson, seconded by Alderman McDade that the formal bidding process be waived, golf course chemicals and fertilizer products be purchased through the Syngenta and Helena Early Order Program in an amount not to exceed \$232,000, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Intergovernmental Agreement with the Town of Normal, McLean County, the Bloomington-Normal Water Reclamation District (BNWRD), and the Ecology Action Center (EAC) for Storm Water Education Services

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

BACKGROUND: On February 10, 2003, Council adopted a Storm Water Management Plan in order to comply with the federally mandated requirements of the National Pollution Discharge Elimination System (NPDES) and the Clean Water Act, (CWA) of 1970. The Plan was updated in May 2009 and addressed six (6) mandated minimum control measures:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control
5. Post Construction Runoff Control
6. Pollution Prevention and Good Housekeeping

The plan states that the public education and outreach control measure are to be implemented by a mix of best management practices (BMPs) to address fecal coliform (animal waste), grease and oil, household and lawn/garden chemicals that could potentially end up in local streams or creeks. This control measure is to target homeowners, restaurateurs, industry, and the general public. An informed and knowledgeable community is crucial to the success of the storm water management program. As the public becomes aware of their personal responsibilities and the actions they can take to protect or improve the quality of area waters, a greater compliance with the storm water program will result. The plan has two (2) major initiatives, 1.) the formation of partnerships, and 2.) the use of educational materials.

Support by citizens is crucial to the success of the storm water management plan. The intent of the public participation and involvement measure is to involve all socioeconomic groups to discuss various viewpoints and provide input concerning appropriate storm water management policies and BMPs.

Since 1993, the EAC has provided waste reduction and recycling education programs for the City, County and Town to help meet the requirements of the Illinois Solid Waste Management Planning and Recycling Act.

Staffs of the City, Town, County, and BNWRD believe that the EAC can coordinate and implement the required storm water education programs as successfully as they have for the waste reduction and recycling education programs. The targeted audience required in the Storm Water Management Plan for public outreach is the same.

At the request of staff, the EAC has provided the cost of storm water education activities for 2010. Some of the proposed programs are:

- Coordinate clean water programs in schools (\$3,780)
- Provide informational displays at local events and presentations to local groups on clean water issues (\$1,875)
- Coordinate volunteers for stream clean up and storm inlet stenciling programs (\$4,345)
- Conduct the Yard Smart Program including rain barrel workshops (\$4,000)
- Promote clean water issues in rural areas of lake watersheds and lake community through Lake Smart program (\$3,900)
- Promote clean water message through multimedia information campaign, displays, newsletters (\$4,100)
- Develop new McLean County Watersheds Forum website as clearinghouse of local water information and resources, with discussion forum (\$2,000)

Staff respectfully recommends that Council approve a three (3) year agreement with the EAC beginning February 1, 2010 to provide Storm Water Education and Public Participation Programs as required for federally mandated compliance of the NPDES and the CWA of 1970. Failure to comply with these requirements may result in sanctions and/or fines.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Town of Normal, McLean County, BNWRD, and the EAC.

FINANCIAL IMPACT: Annual payments of \$10,000 will be made by the City by March 1st, pending receipt of an invoice from the EAC. The second year annual payment will be adjusted on February 1st by the lesser of three percent (3%) or the percentage increase in the “Consumer Price Index All Urban Consumers All Items Chicago Area Published by the U.S. Department of Labor Bureau of Labor Statistics”. The addition of BNWRD and the County to this agreement has allowed the EAC to maintain the initial payment at \$10,000 as opposed to \$11,000. The payments will be taken from the Storm Water Management Funds (X55100-70990).

The Town of Normal’s Council will be presented with this agreement at their December 7, 2009 meeting. McLean County will present the agreement through the County Board Committee on December 1, 2009 and to the County Board on December 15, 2009.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

AGREEMENT FOR STORM WATER EDUCATION PROGRAM SERVICES

This agreement is entered into this 1st day of February, 2010, between the City of Bloomington, the Town of Normal, McLean County, and the Bloomington-Normal Water Reclamation District (hereinafter referred to as “City”, “Town”, “County”, and “BNWRD”) and the Ecology Action Center, an Illinois not-for-profit corporation (hereinafter referred to as the “Center”).

A. Purpose of This Agreement

The purpose of this agreement is to establish a framework for the continuing administration and implementation of a storm water education program, hereafter referred to as the “Program” to include storm water education programming for the City, Town, County, and BNWRD and assist the City, Town, County, and BNWRD in meeting the public education and outreach requirements of their National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Management Plans.

B. Period of Agreement

The period of this agreement is (3) years commencing on February 1, 2010 and ending on January 31, 2013. Either party may terminate this agreement for any reason with a minimum of sixty (60) days written notice to the other party.

C. Services

1. City, Town, County, and BNWRD

The City, Town, County, and BNWRD shall:

- a. provide program guidance and oversight; and
- b. provide funding for the Program in accordance with item “D” of this agreement.

2. Center

The Center shall:

- a. provide the storm water education services to the City, Town, County, and BNWRD as outlined in the Appendix A, being the Center’s proposed Storm Water Education Program; and

- b. complete the following reporting requirements: 1) quarterly progress reports to the City, Town, County, and BNWRD; and 2) annual reports to the City, Town, County, and BNWRD in the form and content required for submittal to the Illinois Environmental Protection Agency.

D. Project Costs:

1. Annual payments of \$10,000.00 each shall be made by the City and the Town by March 1st, pending receipt of an invoice from the Center by February 15th. Beginning February 1, 2011, such annual payment shall be adjusted on February 1st of each year by the lesser of 3% or the percentage increase in the Consumer Price Index All Urban Consumers All Items Chicago Area Published by the U. S. Department of Labor Bureau of Labor Statistics.
2. Annual payments of \$2000.00 each shall be made by the County and BNWRD by March 1st, pending receipt of an invoice from the Center by February 15th. Beginning February 1, 2011, such annual payment shall be adjusted on February 1st of each year by the lesser of 3% or the percentage increase in the Consumer Price Index All Urban Consumers All Items Chicago Area Published by the U. S. Department of Labor Bureau of Labor Statistics.

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

- E. Center shall save and hold the City, Town, County, and BNWRD, (including its officials, agents and employees) free and harmless and indemnify City, Town, County, and BNWRD from all liability, public or private, penalties, contractual or otherwise, losses, damages, costs, attorney's fees, expenses, causes of actions, claims or judgments, resulting from claimed injury, damage, loss or loss of use for any person, including natural persons and any other legal entity, or property of any kind (including, but not limited to choices in action) arising out of or in any way connected with Center's performance under this agreement.
- F. This agreement may be modified by mutual consent of the parties hereto and agreed to in writing, and does not preclude separate agreements between the Center and individual units of local government for additional services.
- G. Center agrees to execute and does hereby represent that the affirmations contained in Exhibit 1 attached hereto are true and correct.

Stephen F. Stockton
City of Bloomington

December 15, 2009

Town of Normal

Date

McLean County

Date

Bloomington-Normal Water Reclamation District

Date

Nancy Armstrong
EAC Board President

November 19, 2009

APPENDIX A

The Center shall:

1. Provide the following storm water education services to the City, Town, County, and BNWRD:
 - a. Ongoing program evaluation
 - b. Perform Clean Water education programs in Bloomington-Normal schools and Tri-Valley Elementary School, Hudson Elementary School, and Towanda Elementary School
 - c. Provide informational displays at local events (Earth Day, Sugar Creek Arts Festival, Illinois Sustainable Living and Wellness Expo, etc.)
 - d. Conduct the Yard Smart program to promote reduction in use of synthetic fertilizers
 - e. Encourage reduction of stormwater runoff through coordination of rain barrel workshops and rain garden workshops
 - f. Promote and coordinate public involvement in watershed activities such as stream clean up events, storm drain stenciling and promote related programs such as RiverWatch stream monitoring
 - g. Expand clean water educational efforts in rural areas including the Lake Bloomington community, Towanda and Hudson to encourage proper septic system maintenance, stream buffers, and awareness of storm water issues
 - h. Conduct multimedia stormwater educational campaign
 - i. Create and maintain McLean County Watersheds Forum website as resource for information on local water issues, watershed plans, with online forums of topics related to clean water
2. Provide for the administration of the program to include:
 - a. Submission of quarterly progress reports to the City, Town, County, and BNWRD on the activities conducted in compliance with this agreement;

- b. Combining of relevant programs as appropriate in order to avoid duplication and reduce costs and time;
- c. Submission of required reports and updates to the Illinois Environmental Protection Agency (IEPA);
- d. Invoices for services performed in accordance with item “D” of this agreement.

Exhibit 1
Contractor Certification

Contractor on behalf of contractor certifies that the following representations are true and correct and further agrees as a condition of doing business with the Town of Normal to require all of Contractor’s subcontractors and sub-subcontractors to certify that the following representations are true and correct for each subcontractor and sub-subcontractor:

- 1. Contractor certifies that no Town of Normal officer or employee has any interest in the proceeds of this contract.
- 2. Contractor certifies that same has not committed bribery or attempted bribery of an officer or employee of any governmental official whether on the federal, state or local level.
- 3. Contractor certifies that same has not been barred from conducting business with any governmental unit whether federal, state or local.
- 4. Contractor certifies that the business entity its officers, directors, partners, or other managerial agents of the business have not been convicted of a felony under the Sarbanes-Oxley Act of 2002 nor have any of the same been convicted of any felony under state or federal securities laws.
- 5. Contractor certifies that same has not been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 (bid-rigging) or 720 ILCS 5/33E-4 (bid-rotating).
- 6. Contractor certifies that same is not delinquent in the payment of any debt or tax due the State or the Town of Normal.
- 7. Contractor certifies that same has read the Drug-Free Workplace Act (30 ILCS 580/1 et. seq.) and is in compliance with the act on the effective date of this contract.
- 8. Contractor certifies that same shall maintain books and records relating to the performance of this contract as necessary to support amounts charged under the contract for a period of three (3) years from the later of the date of final payment under the contract or completion of the contract.
- 9. Contractor agrees to comply with applicable provisions of the Town of Normal Human Rights Ordinance, the Illinois Human Rights Act, the U.S. Civil Rights Act and the Americans with Disabilities Act.
- 10. Contractor certifies that the same is an “Equal Opportunity Employer” as defined by Section 2000 (e) of Chapter 21, Title 42 U.S. Code Annotated and applicable Executive Orders.
- 11. Contractor certifies in accordance with the State of Illinois Steel Products Procurement Act (30 ILCS 565/ et. seq.) that steel products used or supplied in the performance of this contract are manufactured or produced in the United States.

12. Contractor certifies that same is in compliance with the Employment of Illinois Workers on Public Works Act (30 ILCS 570/ et seq.)
13. Contractor certifies that same is in compliance with the State of Illinois Public Works Employment Discrimination Act (775 ILCS 10/ et seq.)
14. Contractor certifies that same is in compliance with the State of Illinois Prevailing Wage Act (820 ILCS 130/et seq.)
15. Contractor certifies that for public works contracts exceeding one hundred thousand dollars (\$100,000) in value contractor is in compliance with the Town of Normal Responsible Bidder Ordinance which requires Contractor to participate in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training. (This provision shall not apply to federally funded projects if such application would jeopardize the receipt of use of federal funds in support of such project.)
16. Contractor certifies that same is or is not (please circle applicable designation) a Minority and Female Business Enterprise as defined by the State of Illinois (30 ILCS 575/et seq.)

Contractor: Nancy Armstrong

Date: November 19, 2009

(PROGRAM BUDGET ON FILE IN CLERK'S OFFICE)

Alderman Huette noted that this item involved a federal government mandate. He questioned \$30,000 for promotional education. He encouraged the Council to look at the take aways. He questioned the return on investment. He cited the City's budget situation. He believed that this item was a duplication of services. He could not support this item and planned to vote no.

Mayor Stockton questioned the City's options. David Hales, City Manager, addressed the Council. He noted that this item addressed a federal mandate. Education was a part of the permitting requirements. The agreement was a joint cooperative effort. Resources would be pooled in an effort to keep costs as low as possible. The work plan was supported by all entities.

Alderman Huette believed that water bill inserts would be sufficient. Mr. Hales restated that the parties of this agreement reached a consensus on the program. He believed that it represented a cost effective program.

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

Nays: Alderman Huette.

Motion carried.

The following was presented:

SUBJECT: Request to Enter into a Professional Services Contract with the Farnsworth Group for Design Services for Replacement Water Mains on Monroe Street from Madison to Center, and Gridley Street from Jackson to Oakland

RECOMMENDATION: That the formal bid process be waived a professional design services agreement with the Farnsworth Group (FG) be approved in the amount of \$26,500 for water main replacement on Monroe Street from Madison to Center, and Gridley Street from Jackson to Oakland, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

BACKGROUND: In light of the final year for the Downtown TIF (Tax Increment Financing) District, staff suggested several projects which could utilize TIF funds in accordance with statute. The Water Department's staff identified several areas where obsolete and undersized water mains could be replaced if funding were approved. Due to the compressed time line for proposing, designing, and approving these projects, the FG was contacted to provide a cost estimated for design services for the proposed water main improvements. In addition, the FG also provided design service costs for the Downtown TIF streetscape project.

Subsequent to moving forward with the design of the proposed water main replacement projects, it was determined that additional funding for streetscape was needed due to unforeseen vaults in this project work area. Funding for the water main projects was reduced to the Prairie Street water main replacement. At the Water Department's request, the FG, design consultant, was well into the survey and design work for all the water main replacement projects. Staff determined the following: 1.) certain design costs had already been incurred; 2.) the Water Department would, in the near future, complete the unfunded 2009 Downtown TIF projects; 3.) it made sense to complete the design process; and 4.) payment for same would come from Water Department funds.

The design for these two (2) projects which will not be funded with Downtown TIF dollars will be completed. The designs will be held until construction is funded by the Water Department in the future.

Staff requests that the Council approve an engineering services agreement with the Farnsworth Group in the amount of \$26,500 with payment from the Water Department/Depreciation Fund, Consultant Services (Account # X50200-70050), and the Mayor and City Clerk be authorized to enter into an agreement for said work.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Downtown
Bloomington Association.

FINANCIAL IMPACT: The water main design was not included specifically in the FY 2009/10 capital budget. However, other FY 2009/2010 budgeted projects have been delayed. These design projects will require the payment of \$26,500 from the Water Fund, Depreciation, Consultant Services X50200-72540. This fund currently has a positive balance. The cost for the design work will have little impact upon the Water Department's FY 2009/10 budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Craig M. Cummings
Water Department Director

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2009 - 57

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND APPROVAL
TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE
FARNSWORTH GROUP FOR WATE MAIN REPLACEMENT DESIGN SERVICES**

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

1. That the bidding process be waived, a professional services agreement with the Farnsworth Group for water main replacement on Monroe St. from Madison to Center, and Gridley St. from Jackson to Oakland be approved at a cost of \$26,500, and the Mayor and City Clerk be authorized to execute the necessary documents.

ADOPTED this 14th day of December, 2009.

APPROVED this 15th day of December, 2009.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

AGREEMENT is effective this ____ day of December in the year 2009, between Farnsworth Group, Inc., hereinafter referred to as FGI, of 2709 McGraw Drive, Bloomington, IL 61704 and City of Bloomington, Illinois hereinafter referred to as the CLIENT.

The Scope of Services to be provided under this agreement is as follows:

2009 Bloomington Water Main Upsize and Replacement Design

The Project Area is defined as the following three general areas;

- A. Gridley Street from Jackson Street to Oakland Avenue.
- B. Monroe Street between Madison Street and Center Street.

1) Surveying

- Topographic survey of the Project Area to locate surface topography, existing utilities marked by other, elevations, surface improvements and other improvements including, utility poles, traffic control devices, building corners, as needed, trees and shrubbery.
- No property corners or lines will be located.

2) Permitting and Signoffs

- Environmental Signoffs Applications for IDNR, IHPA, EcoCat.
- IEPA Construction Permit

3) Design

- Review of the survey data and maps of the existing utilities, provided by other, to address potential conflicts.
- Design layout, existing connections, and future extension locations in compliance with local and state regulations.
- Development of plans including initial layout, owner's comments and QA/QC review.
- Development of specifications including construction requirements.
- Coordination Meetings with the City's Water Department Staff.

4) Bidding Services and Contract Documents

- Coordinate the advertisement of the proposed project.
- Distribute the Plans and Specifications to the proposed bidders.
- Contractor Q & A.

- Attend Bid Opening.
- Analyze bids.
- Prepare Contracts for execution by City and Contractor.

The Schedule for these services is as follows: Advertisement of the Project by December 1st, 2009, Plans available to potential bidders December 7th, 2009 and Bid Opening December 17th, 2009.

The fee for the above described services will be \$26,500.00, Lump Sum

This Agreement and the attached General Conditions represent the entire and integrated Agreement between the CLIENT and FARNSWORTH GROUP, INC. and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both CLIENT and FARNSWORTH GROUP, INC.

Farnsworth Group, Inc.

City of Bloomington, IL

Steve Myers, P.E. LEED AP
Principal

Stephen F. Stockton
Mayor

11/24/09

12/15/09

Motion by Alderman Hanson, seconded by Alderman McDade that the formal bidding process be waived, a professional design services agreement with the Farnsworth Group (FG) be approved in the amount of \$26,500 for water main replacement on Monroe Street from Madison to Center, and Gridley Street from Jackson to Oakland, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Authorizing the Extension of the Abraham Lincoln Bicentennial Commission of McLean County, Illinois

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

BACKGROUND: On August 14, 2006, a Resolution was adopted that created an ad hoc intergovernmental Abraham Lincoln Bicentennial Commission of McLean County. The same Resolution was subsequently approved by both the Town of Normal and McLean County.

The purpose of this Commission was to bring together local leaders, historians, and Abraham Lincoln enthusiasts to plan potential celebratory activities and legacy projects that would highlight McLean County's impact on Lincoln's life. The Commission aimed to be a local extension of the national and state bicentennial commissions that were previously formed for similar purpose.

In order to accomplish the goals set forth by the Commission, the three (3) local governments agreed to provide local funding of \$104,000, which was split equally among the governments as well as a staff person. To date, the Commission has executed and planned several activities. A full listing and description of these events has been prepared by the Commission and is attached to this report.

The Resolution creating the Abraham Lincoln Bicentennial Commission of McLean County contained a termination date of December 31, 2009. It was anticipated that all activities would be completed by this time and that there would no longer need to be a formal active Commission in place.

The Commission is now requesting a one (1) year extension of their term, as they have three (3) outstanding projects and events that they would like to complete as outlined below:

- The statuary group of Lincoln, Davis and Fell and its public unveiling.
- The permanent and traveling exhibits of the 8th Judicial Circuit
- Sponsorship of a visiting scholar in conjunction with ISU for a symposium in the spring of 2010.

In addition, they are requesting to use a portion of their unused local government dollars to fund two (2) of these remaining projects.

According to records kept by the Commission's fiscal agent, The David Davis Foundation, the group has only spent \$77,486 of the \$104,000 local government dollars that were originally granted. The Commission is requesting a carry over of \$18,405 to fund the remaining activities. The remaining \$8,110 will be returned to the local governments and will be split equally. A financial accounting report has been attached for Council's review.

Staff respectfully recommends approval of this extension request. The Commission has coordinated several high quality activities over the last three (3) years. They have been excellent stewards of the local government monies, which is evident by their willingness to return unused dollars. A Commission representative will be in attendance should Council have any questions.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Citizens of McLean County.

FINANCIAL IMPACT: A return of \$8,110 to be split equally between the local governments.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency by:

Barbara J. Adkins
Deputy City Manager

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2009 - 58

**A RESOLUTION AUTHORIZING EXTENSION OF THE ABRAHAM LINCOLN
BICENTENNIAL COMMISSION OF MCLEAN COUNTY, ILLINOIS**

WHEREAS, the Town of Normal, the City of Bloomington and the County of McLean did in 2006 approve a Resolution creating the Abraham Lincoln Bicentennial Commission of McLean County, Illinois; and

WHEREAS, according to the terms of the Resolution creating the Abraham Lincoln Bicentennial Commission of McLean County, Illinois, the Commission is to terminate on December 31, 2009; and

WHEREAS, the Commission desires to extend its existence to December 31, 2010 in order to conduct various activities associated with the celebration of the life of President Abraham Lincoln; and

WHEREAS, the Town of Normal, the City of Bloomington and the County of McLean find it in the best interests of its residents and citizens to extend the life of the Abraham Lincoln Bicentennial Commission of McLean County, Illinois, to December 31, 2010 in order to conduct certain planned activities, all as more fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by the legislative bodies of the Town of Normal, City of Bloomington and County of McLean that the Abraham Lincoln Bicentennial Commission of McLean County, Illinois, previously created by joint Resolution of the parties in 2006, be and the same is hereby continued and extended through December 31, 2010, under the same terms and conditions as originally set forth in the creating Resolution adopted by the governing bodies.

BE IT FURTHER RESOLVED, that the Commission shall fully comply with the terms of the Intergovernmental Agreement for funding of the Abraham Lincoln Bicentennial Commission of McLean County as adopted and approved by the parties hereto in 2008.

BE IT FURTHER RESOLVED that the Commission shall make a full report to the governing bodies on or before January 1, 2010, of activities undertaken by the Commission and funds expended by the Commission.

BE IT FURTHER RESOLVED, that the Commission shall between now and December 31, 2010, undertake those activities set forth in Exhibit A attached hereto and incorporated herein by reference and shall, upon completion of its charge file a complete report to the Town of Normal, City of Bloomington and County of McLean detailing the activities undertaken and funds expended for said purpose.

BE IT FURTHER RESOLVED that any funds remaining and not expended for Abraham Lincoln Bicentennial Commission of McLean County activities shall be returned to the Town of Normal, City of Bloomington and County of McLean on a pro-rata basis.

ADOPTED this 15th day of December, 2009.

APPROVED:

Chris Koos
President of the Board of Trustees of
the Town of Normal, Illinois

ATTEST:

Wendy Briggs
Town Clerk

APPROVED:

Matt Sorensen, Chairman
McLean County Board

Date: _____

APPROVED:

Stephen F. Stockton, Mayor
City of Bloomington

ATTEST:

Peggy Ann Milton, County Clerk

ATTEST:

Tracey Covert, City Clerk
City of Bloomington

Alderman Huette questioned this item. He cited the extension of this Commission. Barb Adkins, Deputy City Manager, addressed the Council. She noted that this request did not include a request for additional funding. The request was for an additional year. The Commission will return a small amount of money to the City.

Motion by Alderman Hanson, seconded by Alderman McDade that the extension 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: Application of Café Italia, LLC, d/b/a Café Italia, located at 1804 S. Hershey for an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an RBS liquor license for Café Italia, LLC, d/b/a Café Italia, located at 1804 S. Hershey, be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) the Commission reserves the right to observe the establishment and apply tavern “T” rules, if needed.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Café Italia, LLC, d/b/a Café Italia, located at 1804 S. Hershey for an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week.

Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, and Marabeth Clapp; George Boyle, Assistant Corporation Counsel; Renee Gooderham, Chief Deputy Clerk; Frank Composto, owner/operator and Applicant representative.

Absent: Commissioners Steve Petersen and Mark Gibson.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant present the business plan. Frank Composto owner/operator and Applicant representative, address the Commission. The restaurant had been open for six (6) months. The menu is similar to what is found in an Italian home. It was his belief that adding beer and wine to the menu choice would offer a higher value. They had received customer requests. It was their intention to serve only

Italian beer and wine. As the volume of customers increased there also was a potential to expand the business by an additional 2,500 square feet.

Commissioner Stockton questioned the percentage of take out verses dine-in sales. Mr. Composto replied that take out orders equaled less then a dozen.

Mr. Boyle asked about seating. Mr. Composto stated that current capacity was seating for thirty (30). He had received permission from the building owner, The Snyder Companies, to install a concrete pad which would increase seating in the spring. Commissioner Stockton informed Mr. Composto before serving liquor on the patio he would need to present the seating arrangement and plan to the Commission for approval.

Commissioner Clapp questioned the experience of the wait staff to pour and serve alcohol. Mr. Composto expressed his willingness to attend any and all TIPS, BASSETT and/or STEPS alcohol sales training classes. He intended to card everyone.

Employees under age would not be allowed to serve alcohol. Marcello Marotta, his partner, and himself would be allowed to serve the alcohol. As the customer base increased there would be the potential to hire more kitchen staff and allow them to assist with alcohol service.

Commissioner Stockton questioned package liquor sales. Mr. Composto stated that alcohol would not be offered for take out.

Commissioner Stockton inquired about signage in the windows. Mr. Composto replied the lease currently does not allow for signage unless it is an open/closed sign.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately sixteen (16) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the November 10, 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: A new "R" (Restaurant) liquor license for 2010. Anticipated annual revenue \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Hanson, seconded by Alderman McDade that an RBS liquor license for Caffé Italia, LLC, d/b/a Caffé Italia, located at 1804 S. Hershey, be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) the Commission reserves the right to observe the establishment and apply tavern "T" rules, if needed.

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 Canambo, LLC, d/b/a Blue Line Night Club, located 602 N. Main St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on 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 TAS liquor license for Canambo, LLC, d/b/a Blue Line Night Club, located 602 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to regulate the environment's surroundings, with regard to music and sound baffling; 2.) the Commission reserves the right to regulate the use of the future outdoor patio to include the time of use, the time for liquor sales, sound/visual baffling/barrier, and occupancy; and 3.) appropriate approval from the PACE Department with regard to the sprinkler system.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Canambo, LLC, d/b/a Blue Line Night Club, located 602 N. Main St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, and Marabeth Clapp; George Boyle, Assistant Corporation Counsel; Renee Gooderham, Chief Deputy Clerk; Jack Bataoel, owner/operator and Applicant representative.

Absent: Commissioners Steve Petersen and Mark Gibson.

Commissioner Stockton opened the liquor hearing. He requested that the Applicant explain the changes. Jack Bataoel owner/operator and Applicant representative, address the Commission. Mr. Bataoel stated that he currently owned and operated OYOS, LLC, d/b/a Rhino's at the same location. The economy had taken its toll. The business was not the same as it was two – three (2 – 3) years ago. He had taken on a partner Andrew Kelly, an attorney, to form a new limited liability corporation. His concept is to draw in the after work crowd, similar to the Loft and to compliment Drifters. There was the possibility of adding a beer garden in the future. Commissioner Stockton cautioned that before serving liquor in the beer garden the seating arrangement and plan would need to be presented the Commission for approval.

Commissioner Stockton inquired about remodeling. Mr. Bataoel responded affirmatively. They had been given building permits. Bob Coombs, Inspector III, PACE Department, had reviewed the drawings. There were questions about a new sprinkler system. The plan was to redo the restrooms, hardwood floors, expand the bar area, remove the bump out in front of the building and replace it with windows to match the existing frontage. The front door would remain angled.

Mr. Boyle inquired how long Mr. Bataoel had been in business. Mr. Bataoel responded seven (7) years. He also was a real estate agent.

Commissioner Stockton questioned entertainment. Mr. Bataoel stated that live entertainment such as Jazz bands would be considered. The stage would remain in the same area. The dance floor area would in the back with couches, chairs, and tables in the front area.

Commissioner Buchanan questioned the present operation and intent of new business. Mr. Bataoel stated that currently Rhino's is open on Friday and Saturday nights. It was his hope to be open more during the week. They would be taking a wait and see approach.

Commissioner Buchanan noted that there are three (3) apartments above the business. Mr. Bataoel responded affirmatively. They managed and collected rent from the apartments.

Commissioner Clapp inquired on the opening date. Mr. Bataoel responded that it was his hope to open for New Years Eve.

Mr. Boyle reminded Mr. Bataoel to keep current on the City's food and beverage tax.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately two (2) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the November 10, 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: Neutral.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Hanson, seconded by Alderman McDade that a TAS liquor license for Canambo, LLC, d/b/a Blue Line Night Club, located at 602 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the Commission reserves the right to regulate the environment's surroundings, with regard to music and sound baffling; 2.) the Commission reserves the right to regulate the use of the future outdoor patio to include the time of use, the time for

liquor sales, sound/visual baffling/barrier, and occupancy; and 3.) appropriate approval from the PACE Department with regard to the sprinkler system.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by the City of Bloomington, requesting the amendment of Chapter 44 (Zoning), by adequately defining “drug store” and “pharmacy”; and identifying “pharmacy” as a permissible use, special use, or accessory in certain zoning districts within the City of Bloomington

RECOMMENDATION: That the Text Amendment be approved and the Ordinance passed.

BACKGROUND: On October 14, 2009, the Planning Commission held a public hearing on this petition. No one from the public spoke against the request. Troy Williams spoke in favor of the request and explained his pharmacy’s operation and purpose, and how the amendment language appears to be in line with his operation. The Planning Commission voted unanimously to recommend approval of this zoning text amendment.

Staff respectfully recommends that Council approve the Text Amendment amending Chapter 44 (Zoning), by adequately defining “drug store” and “pharmacy”; and identifying “pharmacy” as a permissible use, special use, or accessory in certain zoning districts within the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A public notice was placed in the newspaper. This Text Amendment applies city wide therefore no other notice was required.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director of PACE

Barb Adkins
Deputy City Manager

David A. Hales
City Manager

PETITION FOR ZONING TEXT AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes the City of Bloomington, McLean County, Illinois, a municipal corporation hereinafter referred to as your petitioner respectfully representing and requesting as follows:

1. That the text of Chapter 44, Sections 44.3-2, 44.10-4, Table 44.6-30 and Appendix C of the Bloomington City Code, 1960 no longer contributes to the public welfare for the following reasons:
 - a. There is a distinct difference in use and operation between a “drug store” and a “pharmacy” within the City of Bloomington, and;
 - b. The Zoning Code does not adequately define either “drug store” or “pharmacy”, and;
 - c. “Pharmacy” is not identified as a permissible use, special use, or accessory use in any zoning district within the City of Bloomington.

2. That your petitioner hereby requests that following said Sections be amended as hereinafter proposed:
 - a. The term “pharmacy” be added to section 44.3-2 and defined as “an establishment having at least one licensed pharmacist as owner or employee which fills prescriptions on the premise for sale, and additionally sells nonprescription drugs, medicines and medical supplies, and;
 - b. The term “Drug Store” be added to section 44.3-2 and defined as “A pharmacy that includes general merchandise sales as part of their business plan or operations, and;
 - c. The term “pharmacy be added to section 44.10-4 (special use standards) in conjunction with the requirements for a “Drug Store”, and;
 - d. and that section 4.6-30 and Appendix C of Chapter 44 be amended by inserting “Pharmacy” as a permitted use in the C-2, Neighborhood Shopping District, C-3, Community/Regional Shopping District, B-1, Highway Business District, B-2, General Business District, B-3, Central Business District, and S-1 University District; as a Special Use in the C-1 Office District, R-3B, Multiple-Family Residential District, and R-4, Manufactured Home Park District; and an indication of “3” in the S-5 Airport District.

3. That the approval of said amendment will substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code, 1960; and
4. That the approval of said amendment will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by the proposed text of said Section.

WHEREFORE, your petitioner respectfully prays that this petition to amend Chapter 44, Section 44.3-2, Table 44.6-30 and Appendix C of the Bloomington City Code, 1960 as stated herein be approved in the public interest.

Respectfully submitted,

By: Mark R. Huber
Director of PACE

ORDINANCE NO. 2009 - 77

AN ORDINANCE TO AMMEND THE TEXT OF CHAPTER 44, SECTION 44.3-2, TABLE 44.6-30, AND APPENDIX C OF THE BLOOMINGTON CITY CODE, 1960

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition praying for the amendment of Chapter 44, Section 44.3-2, Table 44.6-30, and Appendix C of the Bloomington City code, 1960; and

WHEREAS, the Bloomington Planning and Zoning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the text amendment prayed for in said Petition is in the public interest; and

WHEREAS, the City Council of said City has the power to pass this Ordinance to amend said Section 44.3-2, Table 44.6-30, and Appendix C of Chapter 44 of the Bloomington City Code-1960.

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

1. That the Chapter 44, Section 44.3-2, Table 44.6-30, and Appendix C of the Bloomington City Code-1960 shall and the same are hereby amended:
 - a. The term “pharmacy” be added to section 44.3-2 and defined as “an establishment having at least one licensed pharmacist as owner or employee which fills prescriptions on the premise for sale, and additionally sells nonprescription drugs, medicines and medical supplies, and;
 - b. The term “Drug Store” be added to section 44.3-2 and defined as “A pharmacy that includes general merchandise sales as part of their business plan or operations, and;
 - c. The term “pharmacy be added to section 44.10-4 (special use standards) in conjunction with the requirements for a “Drug Store”, and;
 - d. and that section 4.6-30 and Appendix C of Chapter 44 be amended by inserting “Pharmacy” as a permitted use in the C-2, Neighborhood Shopping District, C-3, Community/Regional Shopping District, B-1, Highway Business District, B-2, General Business District, B-3, Central Business District, and S-1 University District; as a Special Use in the C-1 Office District, R-3B, Multiple-Family Residential District, and R-4, Manufactured Home Park District; and an indication of “3” in the S-5 Airport District.
2. Ordinance shall take effect immediately upon passage and approval.

PASSED this 14th day of December, 2009.

APPROVED this 15th day of December, 2009.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Hanson, seconded by Alderman McDade that the Text Amendment be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of Preservation Easement Documents for Bloomington Center for the Performing Arts (BCPA) as Part of the Requirements for a Save America's Treasures Grant through the United States National Park Service (USNPS)

RECOMMENDATION: That the Preservation Easement be approved and the documents recorded.

BACKGROUND: This conservation easement is a condition for eligibility to receive a \$173,000 grant from the USNPS's Save America's Treasures Program. Significant historical features of the BCPA will be protected from renovation or alteration for a period of fifty (50) years. Elements of the building already renovated can be updated again without violating this agreement.

Staff have identified all of the original elements of the building to be protected by the easement and believe their protection through this program will not create future problems or challenges for the operation of the BCPA. These original components are structurally significant to the character, engineering, and architecture of the BCPA and offer little to no opportunity for improvement or refurbishment. Upon approval, the easement must be registered as a deed with the property.

Staff respectfully recommends that Council approve the historic easement, labeling specific elements of the BCPA as historically and/or architecturally significant so that the property can be added to the National Register of Historic Places.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Illinois State Historical Society

FINANCIAL IMPACT: Approval of the easement will contribute to the continued development of the BCPA as an arts destination and community resource.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency by:

John Kennedy, Director
Parks, Recreation and
Cultural Arts Department

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

**CONSERVATION EASEMENT BETWEEN THE CITY OF BLOOMINGTON,
ILLINOIS AND THE ILLINOIS HISTORIC PRESERVATION AGENCY FOR A SAVE
AMERICA'S TREASURES GRANT TO A HISTORIC SUBJECT PROPERTY**

INTRODUCTION. This conservation easement agreement is made the ____ day of _____, 20____, between City of Bloomington, Illinois, as GRANTOR of a conservation easement (hereafter referred to as the "Grantor"), and the Illinois Historic Preservation Agency, as GRANTEE of the conservation easement (hereafter referred to as the "Grantee"). This conservation easement agreement is entered under the Illinois Real Property Conservation Rights Act (765 ILCS 120/) for the purpose of preserving the Bloomington Center for the Performing Arts, a building that is important culturally, historically, and/or architecturally.

1. **The Subject Property.** This agreement creates a conservation easement in real estate legally described in Exhibit A. The Subject Property is the site of the Bloomington Center for the Performing Arts, located at 600 N. East Street, Bloomington, Mclean County, Illinois (hereafter referred to as the "Subject Property").

2. **Grant of conservation easement.** In consideration of the sum of \$173,000.00 received in grant-in-aid financial assistance from the National Park Service of the United States Department of the Interior, the Grantor hereby grants to the Grantee a conservation easement in the Subject

Property for the purpose of assuring preservation of the Bloomington Center for the Performing Arts.

3. **Easement required for Federal grant.** This conservation easement is granted as a condition of the eligibility of the Grantor for the financial assistance from the National Park Service of the United States Department of the Interior appropriated from the Historic Preservation Fund for the Save America's Treasures Grant Program.

4. **Conditions of easement:**

- a. *Duration.* This conservation easement is granted for a period of fifty (50) years commencing on the date when it is filed with the McLean County Recorder, in the State of Illinois, in the United States of America.
- b. *Documentation of condition of the Bloomington Center for the Performing Arts at time of grant of this easement.* In order to make more certain the full extent of Grantor's obligations and the restrictions on the Subject Property, and in order to document the nature and condition of the Subject Property, including significant interior elements in spatial context, a list of character-defining materials, features, and spaces is incorporated as Exhibit "B" at the end of this agreement. The Grantor has provided to the Grantee architectural drawings of the Subject Property. To complement Exhibit "B", Grantee and/or the Grantor personnel have compiled a photographic record, including photographer's affidavit, black and white photographs and negatives, or electronic image files saved as high resolution images, photograph logs, and a keyed location map. The Grantor agrees that the nature and condition of the Subject Property on the date of execution of this easement is accurately documented by the architectural drawings and photographic record, which shall be maintained for the life of this easement in the Grantee's conservation easement file for the Subject Property.
- c. *Duty to maintain the Subject Property.* The Grantor agrees to assume the cost of continued maintenance and repair of the Subject Property so as to preserve the architectural, historical, and/or archeological integrity of the Subject Property and its materials to protect those qualities that made the Subject Property eligible for listing in the National Register of Historic Places (or a Subject Property contributing to the significance of a National Register listed Historic District) throughout the effective date of this easement.
- d. *Restrictions on activities that would affect historically significant components of the Subject Property.* The Grantor agrees that no demolition, construction, alteration, remodeling, or any other activity shall be undertaken or permitted to be undertaken on the Subject Property which would affect historically significant exterior features or interior spaces identified as significant in Exhibit "A." Exterior construction materials, architectural details, form, fenestration, scale, and mass should not be adversely affected nor the structural soundness or setting altered without prior written permission of the Grantee affirming that such reconstruction, repair, refinishing, rehabilitation, preservation, or restoration will meet The Secretary of the Interior's *Standards for the Treatment of Historic Properties* (hereinafter referred to as the "Standards").

- e. *Restrictions on activities that would affect archeological resources.* The Grantor agrees that no ground disturbing activity shall be undertaken or permitted to be undertaken on the Subject Property which would affect historically significant archeological resources identified in Exhibit "A" without prior written permission of the Grantee affirming that such work will meet The Secretary of the Interior's applicable "*Standards for Archeology and Historic Preservation*".
- f. *Maintenance of recovered materials.* The Grantor agrees to ensure that any data and material recovered will be placed in a repository that will care for the data in the manner prescribed in the applicable *Standards for Archeology and Historic Preservation* or will comply with the requirements of the Native American Graves Protection and Repatriation Act, and with 36 CFR 79 and 43 CFR 10.
- g. *Public access.* The Grantor agrees to provide public access to view the grant-assisted work or features no less than twelve (12) days a year on an equitably spaced basis. The dates and times when the Subject Property will be open to the public must be annually published and provided to the Grantee. At the option of the Grantor, the relevant portions of the Subject Property may also be open at other times in addition to the scheduled twelve (12) days a year. Nothing in this agreement will prohibit a reasonably nondiscriminatory admission fee, comparable to fees charged at similar facilities in the area.
- h. *Right to inspect.* The Grantor agrees that the Grantee, its employees, agents and designees shall have the right to inspect the Subject Property at all reasonable times, with twenty-four (24) hours written notice, in order to ascertain whether the conditions of this conservation easement agreement are being observed. However, in the case of any natural or man-made disaster or imminent endangerment to the Subject Property the easement holder shall be granted access to the Subject Property with no prior notice.
- i. *Anti-discrimination.* The Grantor agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Americans with Disabilities Act (42 U.S.C. 12204), and with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). These laws prohibit discrimination on the basis of race, religion, national origin, or disability. In implementing public access, reasonable accommodation to qualified disabled persons shall be made in consultation with the Grantee.
- j. *Easement shall run with the land; conditions on conveyance.* This conservation easement shall run with the land and be binding on the Grantor, its successors, and assigns. The Grantor agrees to insert an appropriate reference to this easement agreement in any deed or other legal instrument by which it divests itself in part or in whole of either the fee simple title or other lesser estate in the Subject Property, or any part thereof.
- k. *Casualty Damage or Destruction.* In the event that the Subject Property or any part of it shall be damaged or destroyed by fire, flood, windstorm, earth movement, or other casualty, the Grantor shall notify the Grantee in writing within fourteen (14) calendar days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs or reconstruction of any type, other than temporary emergency work to

prevent further damage to the Subject Property and to protect public safety, shall be undertaken by the Grantor without the Grantee's prior written approval indicating that the proposed work will meet the Standards. The Grantee shall give its written approval, if any, of any proposed work within sixty (60) days of receiving the request from the Grantor. If after reviewing the condition of the Subject Property, the Grantee determines that the features, materials, appearance, workmanship, and environment (or setting) which made the Subject Property eligible for listing in the National Register of Historic Places have been lost or so damaged that its continued National Register listing is in question, the Grantee will notify the Keeper of the National Register in writing of the loss. The Keeper of the National Register will evaluate the findings and notify the Grantee in writing of any decision to remove the Subject Property from the National Register. If the Subject Property is removed, the Grantee will then notify the Grantor that the agreement is null and void. If the damage or destruction that warrants the properties removal from the National Register is deliberately caused by the gross negligence or other actions of the Grantor or successor owner, then the Grantee will initiate requisite legal action to recover, at a minimum, the Federal grant funds applied to the Subject Property which will then be returned to the U.S. Government.

- l. Enforcement.* The Grantee shall have the right to prevent and correct violations of the terms of this conservation easement. If the Grantee, upon inspection of the Subject Property, finds what appears to be a violation, it may exercise its discretion to seek injunctive relief in a court having jurisdiction. Except when an ongoing or imminent violation will irreversibly diminish or impair the cultural, historical and/or architectural importance of the Subject Property, the Grantee shall give the Grantor written notice of the violation and allow thirty (30) calendar days to correct the violation before taking any formal action, including, but not limited to, legal action. If a court, having jurisdiction, determines that a violation exists or has occurred, the Grantee may seek to obtain an injunction to stop the violation, temporarily or permanently. A court may also issue a mandatory injunction requiring the Grantor to restore the Subject Property to a condition that would be consistent with preservation purposes of the grant from the National Park Service. In any case where a court finds that a violation has occurred, the court may require the Subject Property to reimburse the Grantee and the Illinois Attorney General for all the State's expenses incurred in stopping, preventing, and/or correcting the violation, including, but not limited, to reasonable attorney's fees. The failure of the Grantee to discover a violation or to take immediate action to correct a violation shall not bar it from doing so at a later time.
- m. Effective date; severability.* This conservation easement shall become effective when filed by the Grantor in the Office of the Recorder of McLean County, Illinois, with a copy of the recorded instrument provided to the Grantee for its conservation easement file. If any part of this conservation easement agreement is held to be illegal by a court, the validity of the remaining parts shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the conservation agreement does not contain the particular part held to be invalid.
- n. Amendments.* The parties may by mutual written agreement jointly amend this conservation easement, provided the amendment shall be consistent with preservation purpose of this conservation easement and shall not reduce the regulatory controls listed in the conditions of

this conservation easement. Any such amendment shall not be effective unless it is executed in the same manner as this easement, refers expressly to this easement, and is filed with the McLean County Recorder.

This instrument reflects the entire agreement of Grantor and Grantee regarding the subject easement. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution of this agreement, unless set out in this instrument.

In witness whereof, Grantor and Grantee have set their hands under seal on the days and year set forth below.

GRANTOR: Stephen F. Stockton
Mayor

STATE OF ILLINOIS, McLEAN COUNTY, ss: On this 15th day of December, 2009, before me the undersigned, a Notary Public for said State, personally appeared Stephen F. Stockton, to me personally known, who stated that he is Mayor of the City of Bloomington, Illinois, that no seal has been procured by said corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its City Council, and that as such officer, he acknowledged that he executed the foregoing instrument as his voluntary act and the voluntary act of the corporation.

Tracey Covert
NOTARY PUBLIC

GRANTEE: _____
By: Name & Title

STATE OF Illinois, McLean COUNTY, ss: On the ___ day of _____, 20__, before me, a Notary Public for said State, personally appeared Stephen F. Stockton, who stated that he/she is the duly appointed and actively serving Mayor, and that he/she executed the foregoing conservation easement agreement as his/her voluntary act and as the voluntary act of the State Department of Cultural Affairs.

NOTARY PUBLIC

EXHIBIT A TO THE CONSERVATION AGREEMENT
Legal description of the Subject Property

Lot 1, 4, 5, 8 and 9 in Block 13 in Durley's Addition to the City of Bloomington, EXCEPT that portion conveyed to the City of Bloomington by instrument recorded February 14, 1927 in Book 381, Page 227, described as follows: Commencing at the southeast corner of Lot 9 in Block 13 in Durley Addition, thence west along the south line of said Lot 9 a distance of 23 feet, thence northeasterly on a regular curve having a radius of 35 feet, said curve being convex to the roadway of East Street in said City, to a point on the east line of said Lot 9 which is 23 feet north of the southeast corner of said Lot 9, thence south along the east line of said Lot 9 to the point of beginning.

EXHIBIT B TO CONSERVATION EASEMENT AGREEMENT

Baseline Documentation

Bloomington Center for the Performing Arts, Bloomington, Illinois

To remain eligible for listing on the National Register of Historic Places, a Subject Property must be able to convey its significance. The following character-defining materials, spaces, and features have been identified as those that help convey the significance of the Bloomington Center for Performing Arts. Also current photo documentation and the narrative of the National Register nomination must be attached to the baseline documentation.

Significant Character Defining Interior Spaces and Features

- **View of lobby, facing northeast** – Outside wrought iron hand rails are original to the building (center stair rail was added during 2006 renovation in the style of existing railings to bring the staircase up to code), as are all columns, light fixtures, and decorative plaster-work. Wooden doors into the theater are new from the renovation.
- **Ballroom, facing northeast** – Terrazzo flooring and columns are original to the building. Ceiling tiles replacement windows, curtains, track lighting as well as lighting elements on the top of the columns are new, as recent as the 2006 renovation.
- **Audience Chamber from Stage, facing east** – Proscenium arch and decorative work are original. Rondels were replaced during the 2006 renovation and accompanying lighting elements were replaced at the same time. The front of the stage was replaced in the last 25 years. Seats, curtains, speakers, exit lighting, and all wooden doors were replaced during the renovation, as was all of the interior lighting seen on the right side of the photo. Decorative plasterwork above the exit door on the main floor was also refurbished in the 2006 renovation. A fire system (an alarm box is visible below the first two columns on the wall, was also added in 2006). The rest of the interior is original to the building, including the box seats and the grillwork above, the balcony, the two curtained wall cutouts, and the floor below the seats.
- **Audience chamber** – Added in the renovation: carpeting, seats, curtains, wooden doors, under-balcony light fixtures, stage lighting, exit lighting and the back wall of the

audience chamber, which was reshaped to create a light lock/cry room space for patrons. All other construction is original to the building.

Significant Character Defining Exterior Spaces and Features

- **Exterior and grounds, facing north** – Entry doors are new to the 2006 renovation. Arched stained glass windows were added to the building in 1962. All other exterior windows are replacement windows from the past 20 years. Staircase railings are also new. Electronic sign was added in 2007. All other elements of the façade are original.

EXHIBIT C TO CONSERVATION EASEMENT AGREEMENT

Written Documentation of the Signatories Authority to Sign for and Legally Bind their Organization

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS

RESOLVED, that the City of Bloomington, Illinois, an Illinois Municipal Corporation (the “Grantor”) shall execute a conservation easement with the Illinois Historic Preservation Agency, the Illinois State Historic Preservation Office (the “Grantee”). This conservation easement will be entered under the Illinois Real Property Conservation Rights Act for the purpose of preserving the Bloomington Center for the Performing Arts, a building that is important culturally, historically, and architecturally.

RESOLVED, that Stephen F. Stockton, as Mayor of the City of Bloomington, Illinois, is authorized, directed, and empowered to take such action and execute and deliver such document in such form as he deems to be in the best interests of the City of Bloomington, Illinois including without limitation the execution and delivery of a conservation easement between the City of Bloomington, Illinois and the Illinois Historic Preservation Agency.

I, Stephen F. Stockton, Mayor of the City of Bloomington, Illinois, do hereby certify that the foregoing is a full, true and correct copy of the resolution of the City Council of Bloomington, Illinois, duly and regularly passed by the City Council of Bloomington, Illinois in all respects as required by law, on the 14th day of December 2009, at which time a majority of the City Council of said Corporation was present and voted in favor of said resolution.

Date: December 15, 2009

GRANTOR: CITY OF BLOOMINGTON, ILLINOIS
A Municipal Corporation

By: Stephen F. Stockton, Mayor

Motion by Alderman Hanson, seconded by Alderman McDade that the Preservation Easement be approved and the documents recorded.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from CIP, LLC, Requesting approval of the Vacation of a Utility Easement located in Lot 262, Airport Park Subdivision, 6th Addition, commonly located west of Haeffele Way and north of Gerig Drive (Ward 9)

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

BACKGROUND: On August 11, 2003, Council approved the Final Plat for the Airport Park Subdivision, 6th Addition which includes the subject site. The subject easement vacation plat removes a utility easement in preparation for Airport Park Subdivision, 14th addition.

Staff respectfully recommends that Council accept the Petition and pass an Ordinance approving the Vacation of a Utility Easement located in Lot 262, Airport Park Subdivision, 6th Addition. Since no extensions or modifications to City infrastructure are necessary, no tap-on fees or bonding is required.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: CIP, LLC.

FINANCIAL IMPACT: All survey and platting costs are being paid by CIP, LLC.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

**PETITION FOR VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT
LOCATED ON LOT 262 OF AIRPORT PARK SUBDIVISION 6TH ADDITION**

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes CIP, LLC, an Illinois Limited Liability Company, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested as the owner of the premises hereinafter described as:

Lot 262 in Airport Park Subdivision 6th Addition in the SW ¼ & SE ¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, according to the Plat thereof recorded August 20, 2003 as Document No. 2003-00042268 in the McLean County Recorder of Deeds Office. (“Premises”)

2. That your Petitioner seeks approval of the vacation of a portion of a Public Utility Easement located on Lot 262 of Airport Park Subdivision 6th Addition (“Easement”), as set forth on the Easement Vacation Plat attached hereto as Exhibit A and made a part hereof by this reference; adjacent to said Premises.

3. That said vacation of the Easement is reasonable and proper because such Easement is not needed for use by the City nor public utility providers as evidenced by the correspondence contained in group Exhibit C attached hereto and made a part hereof by this reference.

WHEREFORE, your Petitioner prays that a portion of a Public Utility Easement located on Lot 262 of Airport Park Subdivision 6th Addition as be vacated.

Respectfully submitted,

By: Laurence F. Hundman
Chairman of Hundman Management,
LLC, the Manager of CIP, LLC

ORDINANCE NO. 2009 - 78

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT LOCATED ON LOT 262 OF AIRPORT PARK SUBDIVISION 6TH ADDITION

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of a portion of a Public Utility Easement located on Lot 262 of Airport Park Subdivision 6th Addition; and

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

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

WHEREAS, it is reasonable and proper to vacate said portion of a Public Utility Easement located on Lot 262 of Airport Park Subdivision 6th Addition as requested in this case.

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

1. That a portion of a Public Utility Easement located on Lot 262 of Airport Park Subdivision 6th Addition is hereby vacated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 14th day of December, 2009.

APPROVED this 15th day of December, 2009.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

Lot 262 in Airport Park Subdivision 6th Addition in the SW ¼ & SE ¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, according to the Plat thereof recorded August 20, 2003 as Document No. 2003-00042268 in the McLean County Recorder of Deeds Office.

Motion by Alderman Hanson, seconded by Alderman McDade that the Vacation be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from CIP, LLC, Requesting Approval of a Final Plat for Airport Park Subdivision 14th Addition, commonly located west of Haeffele Way and north of Gerig Drive (Ward 9)

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

BACKGROUND: On August 11, 2003, Council approved the Final Plat for the Airport Park Subdivision, 6th Addition which includes part of the subject site. The subject subdivision is immediately north of the west end of Gerig Drive.

Staff respectfully recommends that Council accept the Petition and pass an Ordinance approving the Final Plat for Airport Park Subdivision 14th Addition subject to the Petitioner supplying a surety for any uncompleted public improvements and paying any applicable required tap-on fees prior to recording of the plat, and the approval of the utility easement vacation for Airport Park Subdivision 6th Addition also before Council on December 14, 2009.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: CIP, LLC.

FINANCIAL IMPACT: All survey and platting costs are being paid by CIP, LLC.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

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

Now comes CIP, LLC, an Illinois Limited Liability Company hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

- 1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference;
- 2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Airport Park Subdivision 14th Addition;
- 3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Airport Park Subdivision 14th Addition submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Laurence F. Hundman, Chairman of Hundman Management, LLC, the Manager of CIP, LLC

ORDINANCE NO. 2009 - 79

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
AIRPORT PARK SUBDIVISION 14TH ADDITION SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Airport Park Subdivision 14th Addition Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: None; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the Airport Park Subdivision 14th Addition Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 14th day of December, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

A part of the SW ¼ and a part of the SE ¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southwest corner of Lot 262 in Airport Park Subdivision 6th Addition according to the plat thereof recorded as Document No. 2003-42269 in the McLean County Recorders of Deeds Office; thence N.00 degrees, 28 minutes, 08 seconds west 168.19 feet on the west line of said Lot 262; thence S.88 degrees 37 minutes 35 seconds east 588.93 feet parallel with the south line of said Lot 262; thence S.01 degrees 22 minutes 25 seconds west 168.10 feet parallel with the east line of said Lot 262 to the south line of said Lot 262; thence continuing S.01 degrees 22 minutes 25 seconds west 200.00 feet parallel with the east line of Lot 131 in Airport Park Subdivision according to the plat thereof recorded as Document No. 2001-23503 in the McLean County Recorders of Deeds Office to the north right of way line of Gerig Drive; thence N.88 degrees 37 minutes 35 seconds west 267.09 feet on the north right of way line of Gerig Drive; thence northwesterly 103.37 feet on the said right of way line of Gerig Drive on a non-tangential curve concave to the southwest having a radius of 60.00 feet, central angle of 98 degrees 42 minutes 42 seconds and a chord of 91.05 feet bearing N.83degrees 40 minutes 03 seconds west from the last described course to the northeast corner of Lot 136 in Airport Park Subdivision 11th Addition according to the plat thereof recorded as Document No. 2006-24104 in the McLean County Recorders of Deeds Office; thence N.43 degrees 01 minutes 24 seconds west 268.90 feet on the northeasterly line of said Lot 136 to the south line of Lot 262 in said Airport Park Subdivision 6th Addition; thence N.88 degrees 37 minutes 35 seconds west 37.59 feet to the Point of Beginning, containing 4.28 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Hanson, seconded by Alderman McDade that the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from CIP, LLC, Requesting Approval of a Final Plat for the Resubdivision of Lot 145 in Airport Park Subdivision, 12th Addition, commonly located east of Haeffele Way and north of Empire Street (State Route 9) (Ward 9)

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

BACKGROUND: On June 11, 2007, Council approved the Final Plat for the Airport Park Subdivision, 12th Addition which includes the subject site. The resubdivision only affects lot 145 of Airport Park Subdivision, 12th Addition, dividing it into two (2) lots.

Staff respectfully recommends that Council accept the Petition and pass an Ordinance approving the Final Plat for the Resubdivision of Lot 145 in Airport Park Subdivision, 12th Addition. Since tap-on fees were paid as part of Airport Park Subdivision, 12th Addition, and no extensions or modifications to City infrastructure are necessary, no tap-on fees or bonding is required.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: CIP, LLC.

FINANCIAL IMPACT: All survey and platting costs are being paid by CIP, LLC.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

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

Now comes CIP, LLC, an Illinois Limited Liability Company hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as the Resubdivision of Lot 145 of Airport Park Subdivision 12th Addition;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None.

WHEREFORE, your petitioner respectfully pray that said Final Plat for the Resubdivision of Lot 145 of Airport Park Subdivision 12th Addition subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Laurence F. Hundman,
Chairman of Hundman Management, LLC,
the Manager of CIP, LLC

ORDINANCE NO. 2009 - 80

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
RESUBDIVISION OF LOT 145 OF AIRPORT PARK SUBDIVISION 12TH ADDITION
SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Resubdivision of Lot 145 of Airport Park Subdivision 12th Addition Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: None; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the Resubdivision of Lot 145 of Airport Park Subdivision 12th Addition Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 14th day of December, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

Lot 145 in Airport Park Subdivision 12th Addition, according to the Plat thereof recorded as Document No. 2007-00019290 in the McLean County Recorder of Deeds, being a part of the W½ of the SE¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois.

Motion by Alderman Hanson, seconded by Alderman McDade that the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by FOB Development, requesting the approval of the Second Revised Preliminary Plan of the Empire Business Park, located north of Route 9, east of Airport Road, west of Trinity Lane and south of Cornelius Drive, consisting of approximately 34.9 acres

RECOMMENDATION: That the Second Revised Preliminary Plan be approved and the Ordinance passed.

BACKGROUND: The Planning Commission held a public hearing for this petition on November 12, 2009. No one was present to speak against the petition.

The petition provides a new layout for streets and lots. None of these streets are proposed to intersect with Illinois Route 9. The new Galena Street is proposed to intersect with Airport Road and Trinity Lane and the new intersections are properly off set from other streets. There should be no hazardous intersection with this design.

A cul-de-sac which previously had been proposed to intersect with Trinity Lane has been eliminated and this will accommodate a larger Lot 2. The proposed Lot 2 will provide ample space for an identified buyer and should be a stable anchor for the Empire Business Park. The Commission voted 7-0 in favor of recommending approval.

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

FINANCIAL IMPACT: There is no financial impact with the request.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director, PACE

Barb Adkins
Deputy City Manager

David A. Hales
City Manager

**PETITION FOR APPROVAL OF A SECOND REVISION
TO A PORTION OF EMPIRE BUSINESS PARK PRELIMINARY PLAN
FOR A SUBDIVISION**

State of Illinois)
)ss.
County of McLean)

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

Now comes FOB Development, Inc representing and requesting as follows:

1. That your petitioner is interested as Contract Buyer in the premises described in Exhibit "A";
2. That your Petitioner seeks approval of a Second Revision to a portion of Empire Business Park Preliminary Plan of said premises, which said Second Revision is attached hereto and made a part hereof;
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code: None.

WHEREFORE, your Petitioner prays that the Second Revision to a portion of Empire Business Park Preliminary Plan for the Empire Business Park Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

FOB Developmental, Inc.

Attorney for Petitioner,
Livingston, Barger, Brandt & Schroeder

BY: William C. Wetzel

ORDINANCE NO. 2009 - 81

**AN ORDINANCE APPROVING THE SECOND REVISION TO A PORTION OF
EMPIRE BUSINESS PARK PRELIMINARY PLAN OF THE
EMPIRE BUSINESS PARK SUBDIVISION**

WHEREAS, there was heretofore filed with City Clerk of the City of Bloomington, McLean County, Illinois a Petition for Approval of the Second Revision to a portion of Empire Business Park Preliminary Plan of Empire Business Park Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code, 1960, as amended: None; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and the Second Revision to a portion of Empire Business Park Preliminary Plan attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision code, Chapter 24 of the Bloomington City Code, 1960, as amended.

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

1. That the Second Revision to a portion of Empire Business Park Preliminary Plan of the Empire Business Park Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as the time of its passage on this 14th day of December, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"
Description of property

All that part of 355.15 Acres off the West Side of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, per "Survey of 355.15 Acres off the West Side of Section 31" as shown in Plat Book 12, page 120, in the McLean County Recorder's Office, lying south of and adjacent to the South Line of Cornelius Drive, east of and adjacent to the East Line of Airport Road, north of and adjacent to the North Line of Illinois Route 9 and west of and adjacent to the West Line of Trinity Lane, all in the City of Bloomington, Illinois.

This property contains 34.90 acres, more or less.

Motion by Alderman Hanson, seconded by Alderman McDade that the Second Revised Preliminary Plan be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request for Proposals for Debt Collection Services Unpaid Emergency Medical Service Bills

RECOMMENDATION: That the Request for Proposal (RFP) for Debt Collection Services be awarded to RMK Holdings Inc., and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: RFP for debt collection services for outstanding unpaid medical bills resulting from provision of emergency medical services by the Fire Department were accepted until October 13, 2009 at 2:00 p.m. in the City Clerk's Office. Eight (8) RFP's were received. One (1) did not comply with the requirements and was excluded from the selection process. The remaining RFP's were reviewed by a staff committee consisting of the Deputy City Manager, Finance Director, Corporation Counsel, Fire Chief and the Fire Department's Administrative Assistant.

The following vendors submitted acceptable RFP's:

Ann Arbor Credit Bureau, Ann Arbor, MI
Eagle Recovery Associates, Peoria, IL

RMK Holdings Inc., Barrington, IL
The Affiliated Group, Rochester, MN
EOS CCA, Norwell, MA
Penn Credit Corporation, Harrisburg, PA
Nationwide Credit and Collection, Oakbrook, IL

Each Vendor was evaluated using the following criteria for a possible total of 100:

- Qualifications/Experience (maximum 20 points)
- Collecting Procedures (maximum 20 points)
- Reporting (maximum 10 points)
- Fee Structure (maximum 30 points)
- Customer Service (maximum 15 points)
- Remarks (maximum 5 points)

Each evaluator scored each proposal. The scores were totaled and a median score was determined for each vendor. The RFP with the highest median score was RMK Holdings Inc.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The revenue collected from receipt of collections will be credited to line item 1001-15210-54995 Collection Agency Receipts.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Michael S. Kimmerling
Fire Department

Rosalee Dodson
Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

RMK HOLDINGS, INC.
COLLECTION SERVICES AGREEMENT

This Agreement is made and entered into this _____ day of _____, 2009 by and between the City of Bloomington, a municipal corporation organized under the laws of the State of Illinois (hereinafter referred to as the "City") and RMK Holdings, Inc., a licensed and bonded

collection agency licensed to do business in the State of Illinois (hereinafter referred to as "RMK").

RMK and the City therefore agree that the following shall constitute the service conditions between RMK and the City applicable to this engagement:

1. **General.** RMK agrees to make diligent efforts to recover all accounts forwarded to it for recovery by employing lawful, ethical and nondiscriminatory means, methods and procedures including, but not limited to, compliance with all Federal and State laws relating to the recovery of delinquent debts, including the terms of the Fair Debt Collection Practices Act and procedures of ACA International, of which RMK shall remain a member in good standing.
2. **Fees.** The City shall pay a contingency fee on all amounts collected on accounts referred to RMK (whether paid to RMK or directly to the City) in the amount of 13.5%.
3. **Remittance.** RMK agrees to remit to the City all sums collected on a monthly basis no later than the 15th (fifteenth) day of each month for collections made up to the last calendar day of the preceding month, along with a statement showing the amount recovered on each item and the fee charged for recovery of each item. Amounts will be remitted net of collection and other permitted fees as provided under Section 2 of this Agreement. In the event any amounts are paid directly to the City or if for other reasons there is a balance due from the City to RMK, the City agrees to remit all fees due RMK within 30 days of receipt of RMK's monthly remittance statement. Any amount outstanding after 30 days shall bear interest at the rate of 1.0% per month. RMK agrees to retain all monies received on accounts turned over to it by the City in an appropriate Trust Account.
4. **Terms.** This Agreement shall be effective for a period of three (3) years, subject to the fee structure provided under Section 2 of this Agreement. Either party may cancel this Agreement, with or without cause before the start of the second or third year, by giving written notice to the other party at least ninety (90) days prior to the expiration of the original term or any extension. Any and all accounts referred and sums and or consideration paid to RMK or the City within the 90 day period from the time of service of notice of intent to terminate this Agreement until the Agreement is actually no longer in force, will be subject to the terms of the Agreement.

Notwithstanding any such termination, RMK shall continue to work accounts in inventory and payment plans for a period of six (6) months following the termination date, and the City shall reasonably cooperate with RMK in collection of the same. Thereafter, all judgment accounts and payment plans will be retained by RMK until satisfied or until RMK determines that it has exhausted all efforts on the same and closes the account. In the event of such termination, RMK will return the original of all instruments (or copies thereof if copies were originally sent to RMK) to the City within thirty (30) days of the said effective date of termination, except for those documents and records pertaining to accounts which remain with RMK, and as to those, all documents and records shall be returned within thirty (30) days of satisfaction or closure of the account.

5. **Close and Return.** RMK shall return to the City, without charge, any account which is requested by the City for reasonable business reasons to be closed.
6. **Litigation.** RMK will not institute any litigation or refer any account to an attorney without the City's express written authorization. When suit is authorized, RMK may recover court cost and other statutory fees from monies collected on any specific account.
7. **Failure to Perform.** The obligations and responsibilities of RMK and the City are described in this Agreement. Any deemed failure to perform under this Agreement shall be documented in writing by the grieved party and sent to the attention of the authorized representative of the alleged violating party. The alleged violating party will then have either thirty (30) calendar days to satisfactorily respond to such allegations and or cure such alleged failure to perform. If at the end of this thirty (30) day period, the alleged failure to perform remains uncorrected, this Agreement shall be terminated.
8. **Indemnification.** RMK and the City agree to and shall defend, indemnify and hold the other harmless from and against all liability, loss, damage, expenses, claims, counterclaims, attorney's fees, court costs, or any legal recourse that arises from, is originated in connection with, or is due to the performance of this Agreement or the errors or omissions of the indemnifying party.
9. **Confidentiality.** RMK and the City recognizes and acknowledges that as a result of this Agreement and their relationship they may be provided, exposed to, or learn confidential or proprietary information pertaining to the other's customers, prospects, financial condition, operations, sales information, marketing concepts, methods and techniques in conducting their businesses (collectively referred to as "Confidential Information"). Each party further recognizes and acknowledges that the Confidential Information and all other aspects of the other party's business are and shall remain the exclusive property of the other. Further, RMK and the City covenant and agrees that during and after the term of this Agreement they will not orally or in writing, directly or indirectly, divulge, disclose, communicate, or make available to any person, firm, corporation or association or any other entity the Confidential Information, other than as necessary to carry out the purposes of this Agreement. The provisions of this Section shall survive termination of this Agreement.
10. **Independent Contractor.** RMK is and shall perform work as an independent contractor, and, as such, shall have and maintain complete control over all of its employees, agents and operations. Neither RMK nor anyone employed by it shall be, represent, act, purport to act, or be deemed to be an employee or servant of the City.
11. **Client Audits.** RMK shall maintain company records as they pertain to all accounts, in such a manner as to permit audits by the City at any time during normal business hours. The City shall have the right to audit said records on reasonable notice and at a time mutually convenient so as not to disrupt unreasonably the operations of RMK.
12. **Insurance.** Throughout the term of this Agreement, RMK shall maintain, at its expense, general and professional liability insurance coverage. RMK shall provide the City a Certificate

of Insurance evidencing such coverage upon request. RMK shall give the City thirty (30) days prior written notice of cancellation, modification or termination of such insurance.

13. **Assignment and Subleasing**. RMK shall not have the right to assign this Agreement or sell, transfer or sublet any portion thereof without the express written consent of the City. Said consent shall not release or discharge RMK from any obligations hereunder.

14. **Waiver**. The unenforceability of any term or provision of this Agreement shall in no way affect any other term or provision. The waiver by either party of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of this Agreement.

15. **Jurisdiction**. This Agreement shall be governed by the laws of the State of Illinois.

In witness whereof, the parties have executed this Agreement in duplicate on the date above written.

**City of Bloomington, Illinois,
A Municipal Corporation**

RMK Holdings, Inc.

By: Stephen F. Stockton, Mayor

Ronald McLaughlin, President

Date: December 15, 2009

Date: December 31, 2009

Attest: Tracey Covert, City Clerk

Attest: Brenda J. Anderson, Notary

Motion by Alderman Hanson, seconded by Alderman McDade that the Request for Proposal (RFP) for Debt Collection Services be awarded to RMK Holdings Inc., and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from FOB Development, Inc., Requesting Approval of a Final Plat for the Empire Business Park Subdivision, First Addition, commonly located north of IL Route 9 and east of Airport Road (Ward 9)

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

BACKGROUND: This subdivision is located south of Golden Eagle South Subdivision, west of Airport Park Subdivision, north of Empire Street (IL Route 9), and east of Airport Road. The Final Plat is in conformance with the Revised Preliminary Plan to be approved on December 14, 2009.

Staff recommends that Council accept the Petition and pass an ordinance approving the Final Plat for Empire Business Park Subdivision, First Addition subject to the Petitioner supplying a surety for any uncompleted public improvements and paying the required tap-on fees prior to recording of the plat.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The public infrastructure required for this site is either existing or funded by the developer. The future commercial property may generate revenues.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes FOB Development, Inc. hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit "A" which is attached hereto and made a part hereof by this reference, of is are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as: Empire Business Park 1st Addition
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Empire Business Park First Addition subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: William C. Wetzel

ORDINANCE NO. 2009 - 82

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
EMPIRE BUSINESS PARK 1ST ADDITION SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Empire Business Park 1ST Addition Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: None; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the Empire Business Park 1ST Addition Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 14th day of December, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the Southwest Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning

at the Southwest Corner of Trinity Lane as dedicated per Empire Business Park Subdivision in the City of Bloomington, Illinois, per plat recorded January 17, 2007 as Document No. 2007-1452 in the McLean County Recorder's Office, said Southwest Corner also being a point on the North Right-of-Way Line of F.A.P. Route 693 (IL Route 9) per plans recorded as Document No. 95-5258 in said Recorder's Office. From said Point of Beginning, thence northeast 41.97 feet along the West Right-of-Way Line of said Trinity Lane; thence north 128.21 feet along said West Right-of-Way Line which forms an angle to the right of 134°-23'-10" with the last described course to a Point of Curve; thence northwesterly 450.52 feet along the arc of said curve, concave to the southwest with a radius of 855.00 feet and the 445.33 foot chord of said arc forms an angle to the right of 164°-54'-17" with the last described course to a Point of Reverse Curve; thence northwesterly 243.16 feet along the arc of said curve concave to the northeast with a radius of 945.00 feet and the 242.49 foot chord of said arc forms an angle to the right of 172°-16'-35" with the last described chord; thence west 470.55 feet along a line which forms an angle to the right of 110°-46'-40" with the last described chord; thence south 794.75 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course to the North Right-of-Way Line of said F.A.P. Route 693 (IL Route 9); thence east 3.50 feet along said North Right-of-Way Line which forms an angle to the right of 92°-02'28" with the last described course to a point lying 65 feet left of Centerline Station 150+56.32 on said F.A.P. Route 693; thence east 150.35 feet along said North Right-of-Way Line which forms an angle to the right of 176°-11'-11" with the last described course to a point lying 75 feet left of Station 152+06.34 on said Centerline; thence east 468.55 feet along said North Right-of-Way Line which forms an angle to the right of 185°-02'-28" with the last described course to the Point of Beginning, containing 11.000 acres, more or less.

Motion by Alderman Hanson, seconded by Alderman McDade that the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Approval of 2009 Tax Levy

RECOMMENDATION: That the 2009 Tax Levy be approved and the Ordinance passed.

BACKGROUND: It is a statutory requirement that on or before the last Tuesday of December, the Council approve and the tax levy be filed with the County Clerk. McLean County will

calculate a tax rate to produce the dollars levied in this ordinance. The current year's budget provides the authority to levy property taxes for the following year.

Council reviewed the proposed 2009 property tax levy of \$25,586,675 on November 9, 2009. In accordance with the direction set by City Council, the 2009 property tax levy was lowered to \$23,586,675. The 2009 Tax Levy Ordinance, if approved, would make various sums of money available to the City for specified purposes through the collection of real estate taxes.

All statutory requirements have been met; including the City Council adopting a proposed tax levy on November 9, 2009, a Truth in Taxation notification was published in the local newspaper of largest circulation on December 1, 2009, and a Truth in Taxation Public Hearing to be held on December 14, 2009. A Truth in Taxation publication and hearing were required because of the percentage of increase (8.58%) over the prior year's levy exceeded five percent, (5%). The total recommended tax levy for 2009 is \$23,586,675, and is comprised of the following: General Fund, IMRF Fund, Social Security, Fire Pension, Police Pension, Liability Insurance, Bloomington Public Library, Audit Fund, and General Obligation (G.O.) Bond Fund.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Community at large through publication in the Pantagraph.

FINANCIAL IMPACT: The net recommended property tax levy for 2009 represents an 8.58%, (\$1,864,629), increase over last year's levy. The proposed levy reflects an increase in the levies for IMRF (30%), Fire Pension (31.13%), and Police Pension (21.77%). The Police and Fire Pension levies are controlled by state statute, (40 ILCS 5/3), and have been calculated by an actuary. The Public Benefit Fund levy has been eliminated, while the Audit Fund has been increased by twenty-three percent, (23%), or a total of \$15,000. No increase is reflected for the General Fund and Library Fund.

The 2009 property tax rate is projected to increase .06172, which would produce a rate of \$1.31821. The tax rate assumes a 3.5% increase in Equalized Assesed Valuation, (EAV). Actual assessed values will not be known until July, 2010. An increase above 3.5% would lower the tax rate below the current projection. The average assessed value increased 5.19% between 2003 and 2008. In 2008, the City's assessed value increased 4.8%.

Respectfully submitted for Council consideration.

Prepared by:

Timothy Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2009 - 83

AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30 2010 FOR THE CITY OF BLOOMINGTON

Be it ordained by the City Council of the City of Bloomington, Illinois:

Section One. (a) The sum of Twenty-three Million Five Hundred Eighty-six Thousand Six Hundred and seventy-five dollars (\$23,586,675) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2009 and ending April 30, 2010, for all corporate purposes and including General Corporate Purposes, Payment of Bonds and Interest on Bonds, Public Library, Fire Pension Fund, Police Pension Fund, Public Parks Fund, Fire Protection Fund, Police Protection Fund, Judgment Fund, IMRF Fund, and FICA Taxes Fund as appropriated for the fiscal year beginning May 1, 2009 and ending April 30, 2010 as passed by the City Council of said City at its regular meeting held on the 10th of April, 2009, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation "Amount to be raised by Taxation", the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2008 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows (\$1 difference due to rounding):

I.	General Corporate Purposes	\$2,252,266
II.	Police Protection Fund	1,354,332
III.	Fire Protection Fund	1,183,182
IV.	Public Parks	1,001,487
V.	Fire Pension Fund	3,116,325
VI.	Illinois Municipal Retirement Fund	2,502,956
VI.	FICA Taxes Fund	1,459,097
VII.	Judgment Fund	100,000
VIII.	Police Pension Fund	3,843,510
IX.	General Bond and Interest	2,180,001
X.	Public Library Fund	4,513,519
XI.	Audit Fund	<u>80,000</u>
		23,586,675

Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this

Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the appropriate tax books for the fiscal year of said City beginning May 1, 2009 and ending April 30, 2010.

Section Three: If any section, subdivision, sentence or clause of this Ordinance for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund. The rate at which a tax shall be levied for General Corporate purpose shall be that rate necessary, after rates for all other funds are established, to result in a total levy of \$23,586,675.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, signing, approval, and recording, according to law.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

PASSED by the City Council of the City of Bloomington, Illinois, this 14th day of December, 2009.

APPROVED by the Mayor of the City of Bloomington, Illinois, this 15th day of December, 2009.

**CERTIFICATE OF COMPLIANCE
TRUTH IN TAXATION**

I, Stephen F. Stockton, the duly qualified Mayor of the City of Bloomington, McLean County, Illinois, and the presiding officer of the City Council of said City, do hereby certify that the 2009

tax levy of said City attached hereto was adopted in full compliance with the provisions of Sections 4 through 7 of the Illinois "Truth in Taxation Act". The 2009 aggregate levy was greater than 105% of the previous year's extension, so a public hearing and notice was required.

IN WITNESS WHEREOF, I have pleaded my official signature on 15th of December, 2009.

Stephen F. Stockton,

Mayor of the City Council of
Bloomington

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton addressed the item. A Public Hearing would be held on the proposed Tax Levy. The goal was not to increase the size of City government. The goal was to recover lost revenues. A key question was how much would the budget be reduced. The City had held the tax rate for the last five to six (5 – 6) years. These were challenging times. He cited the national recession. The City was not collecting the revenue streams as in the recent past. Revenues were down by millions of dollars. At the same time, costs were increasing. He cited the cost for salaries and benefits as an example. He added that there would be other cost increases. In the last two (2) years, the budget had been reduced by over \$8 million. Pension costs were also up. Pensions were set by the state legislature and must be levied against the property tax. He anticipated that this cost would increase by \$1.8 million next year. The City must adopt a balanced budget. This can be accomplished by reducing expenses, increasing revenues or both. The City had implemented a number of reductions. The easy ones had been done. Further reductions would impact City service levels. This evening, the Council would consider additional revenue. Currently, there was \$5 million worth of unfunded needs. This figure would increase to \$6.8 million without an increase in the Property Tax Levy. The Council would make a tough decision this evening. He noted that no one liked taxes. Times were tough. The Council needed to be fiscally responsible by protecting the City's credit rating. He encouraged empathy and compassion, the presentation of solid ideas in the effort to reach a good decision.

David Hales, City Manager, addressed the Council. He noted that he had been with the City for almost one (1) year. There were budget challenges. The City was not as fiscally strong as he wanted it to be. This was a great city and things will be better. It was known for providing great city services. He noted the Citizen Summit which was held on Monday, November 30, 2009. He cited future aspirations. City staff had shown their commitment to efficiency and effectiveness. The Council had embarked on a strategic planning process which would be built upon. The Council had been provided with a

number of hand outs regarding the Property Tax. The City only received .13 of every property tax dollar. He noted the past practice when addressing the mandated state pension costs. Operations have been funded by consumer taxes which were volatile. Revenues have been flat for five (5) years. This fact has impacted critical services, (police, fire, and parks). The City was in a financial storm which affected every level of government, (local, state, and federal). Last year, the City made a number of painful budget cuts. He believed that there would be more painful cuts to the Fiscal Year 2010/2011 budget. Currently, there were not any funds available for street resurfacing. He referred the Council to the line graph provided (Major Users of the Property Tax Levy and Allocation of \$1 Property Taxes Districts Less School District #87). He credited the Council for being fiscally responsible. In the past, the City has benefited from growth. Commercial and industrial development assists with cost of providing residential services. He noted the status of the City's cash reserve, (currently there was \$2 million while the need was \$11 million). Cash flow remained an issue. The property tax represented one (1) revenue stream. The City's bond rating had been decrease to AA-. It needed to be rebuilt. For the City to be fiscally responsible, it needed to have the revenue streams. He encouraged the Council to put the property tax into perspective and cover the pension costs. There was no perfect tax. The property tax was a critical, stable revenue source which should be used to cover the cost of basic services. He cited the impact of the proposed property tax increase upon a home with a market value of \$150,000, (an increase of \$30.86 to the annual property tax bill).

Mayor Stockton opened the Public Hearing.

Alton Franklin, 5 Andy Court, Unit 1, addressed the Council. He thanked the Council for the opportunity to address them. He had an issue with the City. There had been a surplus. He understood that there was a recession. There was a leadership vacuum at the City. The City had recently hired a CPA, (Certified Public Accountant). The City should not buy what it cannot afford to pay for. He called for the Mayor to resign.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He stated that four (4) Aldermen had offered nineteen (19) ideas. In addition, he had twenty to thirty (20 – 30) ideas which could save the City money. He questioned why thirty-nine (39) City vehicles were allowed to be taken home by City employees. He had requested two to three (2 – 3) years ago that RIMCO, (Risk Insurance Management Company), services be put out for bid. He believed that three (3) Aldermen had served on the Council for as long as RIMCO had been in existence.

Jack Porter, 1504 W. Locust St., addressed the Council. He cited the criticism of the City's past performance. He believed that it was time to look to the future. The Council needed to realign its priorities. He expressed his concern regarding the Council's practice of deferring maintenance. He expressed his preference to pay his fair share. In closing, he addressed his interest in the living wage, (\$9.81 per hour).

Gary Stevens, 1612 Iowa St., addressed the Council. He noted that the power to tax was the power to destroy. He did not want the Council to make decisions which would

impact desired services. He acknowledged the need for more money to fund pensions. He encouraged the Council to take actions which would decrease the damage from increasing pension costs. He recommended that the gasoline tax and parking fees/fines be increased. He cited selective paid parking. These two (2) decisions would impact transportation choices and bring about improvements to the transportation system. He believed that home ownership was important.

Eric Decossas, 4 Downing Circle, addressed the Council. He wanted to share his concerns with the Council. He acknowledged that the police and fire pensions needed to be paid. He presented his reflection of the past year. The City made spending cuts while stating that it did not have the time to study certain financial issues. During the annual audit, dollars were found. He questioned how much money the City had available to it for operations. Increasing the property tax levy was the easy way out. This action would not be fair to the public. The Council had the power to raise taxes.

Tom Morgan, 917 E. Baker, addressed the Council. He commended Alderman Stearns for hosting a Town Meeting. He cited the US Cellular Coliseum, (USCC). He was a small business owner without a pension. He expressed his opinion that the public sector was out of control. The City should have resurfaced Lincoln St.

Donald Thompson, 1304 Broad Creek Rd., addressed the Council. He provided the Council with a hand out. It listed seventeen (17) items to help City finances. The Council needed to determine what were appropriate City services. The Council needed the support of the people.

Elizabeth Blankenship, 17 Canellor Ct., addressed the Council. She stated her opposition to the proposed Property Tax Levy. She noted that pension costs were increasing. She acknowledged that the funding requirements were contained in state statute. She questioned if the increase was caused by the stock market. She questioned the recent recovery of same. She encouraged the Council to make budget cuts this year.

Mayor Stockton encouraged Ms. Blankenship to make an appointment with David Hales, City Manager.

Mary Kramp, 903 Durham Dr., addressed the Council. She wanted to address the pension costs. She had visited the IML, (Illinois Municipal League), web site. She had sent an email to the Council. Adoption of the Property Tax Levy was an annual event. She noted the impact of unfunded mandates. She encouraged the Council to contact its state legislators. She noted that these three (3) pensions offered generous pay outs at thirty (30) years. She noted that the cities of Springfield and Peoria have laid off police officers. MetCom is an issue that the City needed to talk about.

Don McClure, 2409 Sarah Anne, addressed the Council. He stated his opposition to the proposed Property Tax Levy. He expressed his opinion that property values were declining. The Council needed to start over. Property taxes should not be increased.

Craig Gates, 1206 E. Empire St., addressed the Council. He thanked the Council for their service to the City. The role of the Council was to correct problems. The Council had made wrong decisions. He encouraged the Council to rectify same. He cited the USCC and added that it lost money every month. He questioned expenditures, and the Council's decisions regarding MetComm and the Bloomington Center for the Performing Arts. The Council needed to change the mind set to one of financial accountability. The proposed increase would provide a quick way out. However, the problems would still be there.

Tony Bykowski, 3312 Monterey Rd., addressed the Council. He expressed his concern regarding this item. He believed that there had been an on going tax and spend mentality at the City. He had retired and lived on a fixed income. He had to live within his means. He described the real estate tax burden as oppressive. Currently, he was at a crossroad – to downsize or leave the community. He restated his belief that the Council held a tax and spend mentality.

John Brandt, 2004 Trotter, addressed the Council. He wanted to leave the Council with something to think about. He questioned if the Council was behind Mr. Hales, City Manager. Mr. Hales had presented the Council with what he believed to be in the best interest of the City. He encouraged the Council to give Mr. Hales their one hundred percent (100%) support. He questioned the recent downgrade to the City's bond rating. He recommended that the City return to the 2005 budget levels. The Council needed to ask organized labor to make concessions. Labor and management needed to come together. If organized labor was unwilling to compromise, he recommended that these work tasks be put out for bid.

Elizabeth Gruber, 10 Kleggstone, addressed the Council. She was opposed to the proposed Property Tax Levy. She expressed her appreciation to Mr. Hales, new City Manager. The City did not know where the dollars were going. She cited recent news coverage regarding Unit 5. Laying off police and fire personnel should be a last resort.

Chris Gramm, 2901 Keystone, addressed the Council. He was opposed to the proposed Property Tax Levy. He noted that the 2011 and 2013 elections were on the way. He planned to recruit and fund candidates who would run for office to remove any Aldermen who voted in support of this item.

Craig Stimpert, 1104 Sidney, addressed the Council. He was the sole supporter of his household. He did not believe that it was impossible to not raise the Property Tax Levy. He disagreed with the statement that thirty dollars (\$30) was not that big of a deal. There needed to be greater accountability. He noted that millions of dollars had been found during the annual audit. He called for truth in accounting. He believed that there would be others who would have difficulty paying their property taxes.

Dale Naffzinger, 212 Greenleaf, addressed the Council. He cited past Council's reckless spending. He noted the revenue shortfall. The City needed to be financially sound. He cited government workers' pensions and salaries. The City needed to live within its budget. Taxes kept going up and this needed to stop.

Justin Brandel, 5 Dry Sage Circle, addressed the Council. He wanted to make a couple of points. He was a new member of the community who had moved here from Maryland. Property taxes and home values were double there. The City needed to live within its means. Organized labor contracts must be within the City's budget. The Council needed to try harder.

Dr. Gian Sud, 1802 Crimson, addressed the Council. The debate was between those who wanted to raid citizens' wallets, and those citizens who did not want their wallets raided. The tax and spend and spend and tax mentality presented an easier course of action. The City Manager had drafted the propose Property Tax Levy with blinders on. Thirty dollars (\$30) was not small change. Next year, the City would want even more. The Police Department should be exempt from any budget reductions. The City needed to conduct a study which would result in empirical information as proof of the need for an increase to the Property Tax Levy. The City needed to control pension costs. They were not sacred. Firefighter productivity needed to be measured. Waste needed to be eliminated.

Jason Riddle, 413 E. Cherry St., Normal, addressed the Council. He stated his opposition to the proposed Property Tax Levy. He believed that inflation would follow the national recession. He noted the increase to the money supply. His employer was located within the City. He believed in individual liberty and small government. This item would increase the size of the government. He recommended that the City sell the USCC and the golf courses.

Dave Gura, 214 Woodland, addressed the Council. He stated his opposition to the proposed Property Tax Levy. He was tired of being squeezed by the government. He cited the tax and spend mentality. He was tired of hearing that there would budget cuts which would impact the Police and Fire Departments. He has seen on duty City employees at local convenient stores.

Dennis Arnold, 504 N. Lee St., addressed the Council. He stated his support for the proposed Property Tax Levy. He believed that the proposed increase was too low. The tax rate has been held for fourteen (14) years. He encouraged the Council to look at the growth in the community. He believed that in the future growth must be responsibly controlled.

Dan Moore, 1617 E. Oakland Ave., addressed the Council. He stated his opposition to the proposed Property Tax Levy. He believed that the gasoline tax should be increased. He provided a figure of 135,000 gallons of gasoline being sold in the City. He had attended Alderman Stearns' Town Hall Meeting. \$2 million worth of budget cuts had been presented. He addressed refuse collection which needed a long term solution. Pension costs must also be addressed. He needed an explanation of the retirement funds. The management contract for the USCC was in its fifth year. This contract should be bought out and the City should enter into a new contract based upon profitability. He questioned the \$2 million which he described as financial fraud.

Mayor Stockton closed the Public Hearing. He noted that good points were made and there were some common themes. The Council had looked at spending cuts. Uniformed police and fire personnel would be a last resort. A Work Session had been held earlier this evening regarding the Annual Audit. Accounting errors had been addressed during this meeting. He added that suggestions presented included increasing the gasoline tax, buying out Central Illinois Arena Management's contract, and spending cuts (past and future).

Mr. Hales noted that the budget was an on going continuous process. The 2010 Action Plan addressed Managed Competition, (outsourcing). The active agenda included cost cutting measures. He believed that the FY 2010 – 2011 budget would include the elimination of City programs and services. The City would focus on its core services. He also anticipated additional personnel reductions.

Mayor Stockton added that the Council supported a back to basics agenda which was focused on core City services.

Alderman Anderson expressed his concern that an increase to the Property Tax Levy had been labeled an easy way out. Work had just begun on growth management. This item represented a difficult decision. The Council needed to find a way to manage and control growth. The City has been blessed. In the future, he hoped that revenue streams would rebound. He planned to support an increase to the Property Tax Levy this year. He believed that the Council was committed to additional cuts. The Property Tax Levy would be reviewed next year. He hoped that there would be sufficient time to recover from the recession.

Alderman Huette thanked those who addressed the Council for attending this evening's meeting. He noted the importance of adequate police and fire protection. Their pension plans presented a challenge for the City. He noted the richness of these plans. The Council has invited the elected state representatives to a meeting in order to have a dialogue regarding same. He noted the following items within the City budget which caused him concern: 1.) MetComm; and 2.) managed competition for refuse collection, (City employees would compete with the private sector). The public had spoken and the message was clear.

Mayor Stockton noted that these two (2) items were on the list for Council review. A key issue was accountability.

Alderman Stearns expressed her appreciation to Alderman Huette for his comments. There were many ways to look at this item. She believed that she was elected to serve the citizens. It was important to hear from same. Many points were made. She stated her intention to vote against this item. She did not believe that an increase to the Property Tax Levy would work. The City had serious problems. She was invested and cared for the City. An increase to the Property Tax Levy was an easy, quick fix which was not sustainable. She had many ideas on how the City could change the way it conducted business. An increase to the Property Tax Levy would act as a reward for the way things

were currently being done. The option presented was a tax increase or a reduction in services. She wanted the option to improve services. Key questions were 1.) what was wanted; 2.) what would it cost; and 3.) is this the best price? An increase to the Property Tax Levy would not work, would not stop, would take the City down, and she would not support same.

Alderman Purcell expressed his appreciation to those who attended this evening's meeting. He liked the back to the basics agenda. However, he did not believe that this agenda was affordable. He was elected in 2005 to reduce City spending. He cited the Village of Glen View as an example. He had visited same and provided the Council with a hand out. The current revenue streams would not support local government. He cited the budget cuts made in the last two (2) years. There was a projected reduction for the coming year. He stated his intention to support this item.

Alderman Schmidt expressed her appreciation for the different points of view presented this evening. Tax increases were never popular. The City had hired a new City Manager. These were challenging times, (budget cuts, staff lay offs). There would not be a quick, easy fix. She stated her intention to support this item this year. At this time, the Council had not made any changes to the budget, (service cuts).

Alderman Fruin echoed Aldermen Anderson and Schmidt's comments. He planned to support this item. It was a difficult and tough decision. There had been a number of tough nights last year and he anticipated that there would be additional ones in 2010. The Council was elected for the same reason to be a public servant. He had left the Council in 2003 after fourteen (14) years of serving the City in a various capacities. He also cared for the community and wanted to make it a better place. He was pleased by the exchange that had taken place this evening. He cited the recent Citizen Summit which had been held on Monday, November 30, 2009. The public was engaged again this evening. A glaring issue for him was the information gap. He suggested that the Council host Town Hall meetings. These meetings should be uniform community wide. He addressed expense management. He recommended that the City produce a popular financial report which would consist of eight to ten (8 – 10) pages. This report should be placed on a staff to do list. The material handed out this evening should be placed on the City's web site, (Reasons to Adopt the Current Tax Levy, Illinois City General Fund Balances, and the following draft documents: Vision 2025, Our Mission, Basic Service Businesses, Policy & Management Action 2010). He believed that the Council should be graded after a review of 2010.

Mayor Stockton noted the recent Council discussions. There would be Budget Work Sessions scheduled. He noted that governmental accounting standards were different. He expressed support for the idea of Town Hall meetings.

Alderman Sage echoed other Aldermen's comments. He thanked the Council and the citizens for their input on this item. The Council had been warned for months that there would be draconian cuts if the Property Tax Levy was not increased. He expressed his interest in thoughtful reductions. Ideas had been offered to reduce spending. He acknowledged that the City offered a wonderful parks system. He believed that the design

for a new park should be delayed. The Public Library's repayment of a City loan should be accelerated. He believed that the ideas presented would generate \$1 million in savings. He had received input for the residents of Ward 2 which aligned with the comments made this evening. Needs should be prioritized. He did not understand the need to increase the Property Tax Levy.

Alderman McDade thanked those present for attending this evening's meeting. She had learned things from the comments made. She supported the City as an organization. She believed that there was a difference between a customer and a citizen. An increase to the Property Tax Levy was not an easy way out. The past six (6) months had been hard. The Council had undertaken a strategic planning process which currently had a twenty-one (21) point agenda. The financial pendulum meant that currently we were in difficult times. A \$5 million budget deficit meant people and programs. One part of the revenue picture was the Property Tax Levy. This item involved an annual process. The Council was interested in working with the citizens. She planned to be here for a long time. Currently, the City was in trouble. An extensive audit had been completed. The City's bond rating had been decreased. 2013 did not scare her. She defined quality of life as a safe and comfortable community. The City was a great place to live. The Council currently supported a number of issues. This was not political rhetoric. She planned to continue to work to serve the public in the hope of gaining their respect.

Alderman Hanson thanked those present for attending this evening's meeting. There had been a good dialogue. This was a starting point. There were perceptions and reality. He was a small business owner who had chosen to stay in the community. Everyone will be impacted by this decision. This was a tough issue. The Council needed to work collectively as a body. The Council had selected Mr. Hales as its City Manager. The Council believed in his ability to start a new financial course for the City. The Council needed to support City staff who had worked diligently. There were a number of good ideas. In addition, there would be a number of tough decisions coming regarding expense cuts. He had previously served on the District 87 School Board. Expense cuts were needed there too. He described the collective bargaining system as broken. The state's pension systems need to be redirected. Citizens needed to speak to their elected state officials. He restated that everyone would be impacted by tonight's decision. The Property Tax Levy was reviewed annually. The tax rate had been held at \$1.00 for a number of years. There was no choice this year. He wanted less government and less governmental encroachment. He challenged those present to provide feedback regarding what services the City should not be providing. He stated his intention to support this item and encouraged all to support the Council, Mr. Hales, and City staff.

Mayor Stockton noted that everyone was looking for ideas regarding the mission of the City. The goal was to optimize the quality of life at a reasonable cost. He believed that the Council would reach a good decision. He restated the need for \$1.8 million to cover pension costs. He cited the \$5 million funding gap. He questioned the impact of budget cuts at this dollar value. The decision was a difficult one. He encouraged the Council to be open to compromise and keep the best of interest of the community in mind.

Mr. Hales reminded the Council that the Property Tax Levy Ordinance could be modified.

Alderman Purcell expressed his interest in addressing budget cuts before a tax increase.

Motion by Alderman McDade, seconded by Alderman Schmidt to call for the question.

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

Nays: Aldermen Huette, Stearns and Purcell.

Motion carried.

Motion by Alderman Hanson, seconded by Alderman Schmidt that the 2009 Tax Levy be approved and the Ordinance passed.

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

Ayes: Aldermen Schmidt, McDade, Anderson, Hanson and Fruin.

Nays: Aldermen Stearns, Huette, Sage and Purcell.

Motion carried.

The following was presented:

SUBJECT: Implementation of an “Adopt-a-Street” Program

RECOMMENDATION: That the “Adopt-a-Street” Program be implemented.

BACKGROUND: The Adopt-A-Street Program is a partnership between the City and the people who live and work in Bloomington to keep the City free of litter one (1) street at a time. Groups adopt a street and agree to remove litter a minimum of four (4) times per season. All groups are provided with safety vests and trash bags in the amount requested to fit the number of volunteers. The Waste Management Division of Public Works will pick up filled trash bags after the cleanup. The filled trash bags must be placed at a location approved by the Public Works Department. The following are advantages of the Adopt-a-Street Program:

- Clean Streets encourage neighborhood pride and increase property values
- Reduce water pollution
- Improve the attractiveness of the City
- Increase the public awareness of environmental issues
- Reduce roadway pollution

- Reduce the cost of litter removal
- People litter less in clean neighborhoods

Citizens can participate in an Adopt-a-Highway program through the State of Illinois. The City's Adopt-a-Street program will allow citizens to adopt a City street that is not on a state route. Staff has provided a list of streets that can be adopted by groups. The following are examples of groups who can participate in the program:

- Civic Associations
- Fraternities or Sororities
- Church Groups
- Neighborhood Organizations
- Families
- Businesses

The group signs an application with the City and accepts the responsibility of picking up litter on this section of street for the period beginning April 1 and ending November 1 of each year. The application is renewable every two (2) years by written notice from the City. Staff respectfully recommends that Council approve the implementation of an "Adopt-a-Street" Program to improve the attractiveness of the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Safety vests and trash bags in an amount that matches the size of the volunteer group will be provided. In addition, Public Works will collect and dispose of the collected trash bags, and install the "Adopt-a-Street" signs recognizing the group after the first six (6) months of clean-up.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Anderson that the item be laid over until the Council's December 28, 2009 meeting.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, encouraged those present to review the information that had been presented to the Council. He noted that the IML, (Illinois Municipal League) has a Pension Reform Task Force. This group was a collaboration of a number of municipalities. Concerns included wages and collective bargaining. He informed the Council that City department heads had volunteered a wage freeze for FY 2009 -2010. Classified employees will take a wage freeze for FY 2010 – 2011. He noted that there would be difficult budget decisions. Personnel costs represented a large percentage of the budget. His goal was to keep employee lay off numbers as low as possible. He requested that the Council go on record in support of the City's bargaining team in their efforts to secure a wage freeze from all bargaining units in FY 2010 – 2011.

Mayor Stockton renewed the Council's support for City employees' assistance in sharing the City's financial burdens at this time.

Alderman Stearns stated that the Council continued to ask the wrong question. The City needed the right services at the right price. The Council needed to look at managed competition. The Council needed to rethink things at a simplistic level. The City needed to do something different. She had only heard of the idea of a wage freeze a couple of hours ago.

Mayor Stockton noted that the Council had discussed this issue a number of times. He added that it appeared that there was only one (1) Alderman who did not support a wage freeze.

Alderman Schmidt agreed that this issue had been discussed a number of times. She noted that Alderman Stearns did not attend the entire Council retreat. The Council supported the idea of managed competition. The Council has to work together. The Council needed to step back and hold wages flat.

Alderman McDade agreed that the Council supported a hold on wages for all City employees for one (1) year.

Mr. Hales informed the Council that the communication subgroup recommended that a Budget Open House be held. The Open House would address core City services. Informal one on one discussions would occur. This meeting could be held in late March 2010. The Council would need to bridge the gap between revenue and expenditures.

Randy McKinley, Police Chief, addressed the Council. He informed them that Bob Wall, Asst. Police Chief, had graduated from FBI Academy. Currently, there were four (4) members of the Police Department that had graduated from this training.

ALDERMEN'S DISCUSSION: Alderman Schmidt noted the detailed monthly FOIA, (Freedom of Information Act) report. Alderman Schmidt expressed her concern regarding the workload. Tracey Covert, City Clerk, noted that FOIA was a state unfunded mandate.

Alderman Purcell noted that the City of Charleston has televised Council meetings. The City works with Eastern Illinois University to provide this service. The City needed to find a way to televise its meetings without a fee.

Mayor Stockton noted that City staff was looking at various alternatives. Some solutions would be expensive.

Alderman Stearns noted that a call for the question stopped discussion. She questioned what had been done in the past.

She noted that thirty-nine (39) City vehicles continue to go home with City staff. The termination of RIMCO resulted in savings estimated at \$1.5 million. David Hales, City Manager, had presented the Property Tax Levy increase as a stop gap before service cuts.

Alderman Anderson encouraged the Council to remember where the City's has been. The Council needed constructive feedback. It was a pleasure to serve the City.

Motion by Alderman Purcell, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 10:17 p.m.

Motion carried.

Tracey Covert
City Clerk

This page intentionally left blank.