

**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, April 27, 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, Allen Gibson, David Sage, John Hanson, Jim Finnegan, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

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

**The following was presented:**

Oath of Office – Firefighter Michael Parkhurst.

**Keith Ranney, Fire Chief, introduced Michael Parkhurst. Mr. Parkhurst came to the City from Bolingbrook, IL. He had resided in Champaign and decided to return to Central Illinois to join the Fire Department. Chief Ranney stated Mr. Parkhurst was compassionate and diligent.**

**Tracey Covert, City Clerk, administered the oath of office. Mayor Stockton welcomed Mr. Parkhurst to the City.**

**The following was presented:**

Presentation by National Association of Letter Carriers National Food Drive – Dana St. Hilaire and Denise Boyd.

**Denise Lloyd, Bloomington Letter Carrier, addressed the Council. She announced that the Annual Food Drive would be held on Saturday, May 9, 2009. Citizens should place donated food by their mailbox. Last year 73.1 million pounds of food was donated nationwide. They were asking for nonperishable food items.**

**The following was presented:**

**SUBJECT: Proclamation**

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

**BACKGROUND:**

1. Declaring May 3, through May 9, 2009 as the 40<sup>th</sup> Annual Municipal Clerk's Week. The proclamation will be presented to Tracey Covert, City Clerk.
2. Proclamation of Appreciation in Recognition of James "Jim" Finnegan, and Allen Gibson.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Mayor Stockton read and presented the Proclamation declaring May 3 - 9, 2009 as the 40<sup>th</sup> Annual Municipal Clerk's Week. He commented on the role of the City Clerk's Office.**

**He also read and presented the Proclamations of Appreciation in Recognition of Jim Finnegan and Allen Gibson. Alderman Finnegan had served for twelve (12) years and Alderman Gibson had served for four (4) years. Neither had run for reelection. The Proclamations were given in appreciation of their service to the City.**

**Alderman Gibson believed the City had a supreme Council and dedicated staff who served with excellence. Mayor Stockton acknowledged the families and wives for their sacrifice for service.**

**Motion by Alderman Gibson, seconded by Alderman Hanson that the proclamations be made a matter of record.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

Presentation of Retirement Plaques to Fire Chief Keith Ranney and Dan Augstin.

Mayor Stockton acknowledged the retirements of Keith Ranney, Fire Chief, and Dan Augstin, Director of Fleet Management. Mr. Augstin began working for the City in 1979 as a mechanic at \$6.76 per hour. He became the Superintendent of Equipment Maintenance. In 2007, he was promoted to Director of Fleet Maintenance. He was recently honored as the Association of Equipment Management Professionals' (AEMP) Member of the Year. Mayor Stockton presented the plaque knowing that Mr. Augstin was owed much more. Mr. Augstin stated it had been an interesting journey. In 1979, there were one hundred sixty (160) pieces of equipment with four (4) technicians. Today there were over five hundred (500) pieces of equipment and seven (7) technicians. He was glad to retire and had several job offers to consider. A study had been done and revealed that this industry was changing faster than the medical field. The City had seven (7) highly trained technicians and a good superintendent.

Mayor Stockton stated Chief Ranney had been with the Fire Department since 1979. He became Assistant Fire Chief in 1995 and Chief in 1998. He had served as Chief for eleven (11) years. Mayor Stockton stated the Fire Department was a very different place today. Chief Ranney believed all organizations needed to look forward. He had a quality staff that made it easy to perform well. The training they received exposed them to other innovative ideas. He had been fortunate to lead such a good group.

David Hales, City Manager, had the pleasure of working with both men over the past three (3) months. Both departments had improved under their leadership. They had made sure the City had a well trained staff. They were constantly examining cost efficiencies. He complimented their productivity and performance.

**The following was presented:**

SUBJECT: Council Proceedings of November 13, 2006

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of November 13, 2006 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of November 13, 2006 have been reviewed and certified as correct and complete by the City Clerk. Once approved, The Council Proceedings are made available for public inspection within seven (7) days of approval by the Council.

**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 Gibson, seconded by Alderman Hanson that the reading of the minutes of the previous Council Meeting of November 13, 2006 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, Finnegan, Gibson, 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, April 24, 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:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, 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 items previously approved by the City Council.

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

**FINANCIAL IMPACT:** As follows:

1. The eleventh partial payment to Peace Meal in the amount of \$625 on a contract amount of \$7,500 of which \$6,875 will have been paid to date for work certified as 92% complete for the John M. Scott Home Delivered Meals. Completion date – April 2009.
2. The eleventh partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$22,902 will have been paid to date for work certified as 92% complete for the Peace Meal. Completion date – May 2009.
3. The first partial payment to Fred Wollrab in the amount of \$81,663.47 on a contract amount of \$210,063.47 of which \$81,663.47 will have been paid to date for work certified as 39% complete for the Wollrab TIF Agreement. Completion date – September 2009.
4. The thirty-second partial payment to Economic Development Council of Bloomington/Normal in the amount of \$6,666.66 on a contract amount of \$400,000 of which \$213,333.12 will have been paid to date for work certified as 53% complete for the McLean County Economic Development. Completion date – August 2011.
5. The eleventh partial payment to Peoria Metro Construction in the amount of \$261,180.61 on a contract amount of \$2,976,502 of which \$2,100,559.67 will have been paid to date for work certified as 71% complete for the Construction of Fire Station #5. Completion date – May 2009.

6. The sixth and final payment to Farnsworth Group in the amount of \$9,591.58 on a contract amount of \$94,800 of which \$94,800 will have been paid to date for work certified as 100% complete for the Constitution Trail Extension Phase II – Grove to Croxton. Completion date – January 2010.
7. The ninth partial payment to Testing Services Corporation in the amount of \$525 on a per ton and hour contract of which \$23,152.63 will have been paid to date for work certified as ongoing for the 2008-2009 Asphalt and Portland Concrete Plant Inspection and Laboratory Testing. Completion date – July 2009.
8. The fifth partial payment to Rowe Construction Co. in the amount of \$104,122.76 on a contract amount of \$3,476,726.41 of which \$1,038,571.16 will have been paid to date for work certified as 30% complete for the Lincoln Street – Bunn to Morrissey. Completion date – October 2009.
9. The eleventh partial payment to Clark Dietz in the amount of \$2,148.75 on a contract amount of \$50,000 of which \$27,234.77 will have been paid to date for work certified as 54% complete for the Water Mapping Services. Completion date – December 2009.
10. The fourth partial payment to Clark Dietz, Inc. in the amount of \$4,014.70 on a contract amount of \$16,500 of which \$14,835.02 will have been paid to date for work certified as 90% complete for the Knowledge Transfer Project – Distribution System. Completion date – December 2009.
11. The third and final payment to Westin Engineering, Inc. in the amount of \$1,960 on a contract amount of \$15,800 of which \$15,800 will have been paid to date for work certified as 100% complete for the Knowledge Transfer Project. Completion date – December 2009.
12. The second partial payment to Censer Townsend Envirodyne in the amount of \$196.12 on a contract amount of \$6,000 of which \$4,035.31 will have been paid to date for work certified as 67% complete for the Hydraulic Modeling of Maximum Plant Capacity. Completion date – December 2009.
13. The fifteenth partial payment to Whitman Hydro Planning Associates, Inc. in the amount of \$4,695.20 on a contract amount of \$518,846 of which \$420,927.68 will have been paid to date for work certified as 81% complete for the Strategic Source Water Study. Completion date – September 2009.
14. The sixteenth partial payment to Farnsworth Group in the amount of \$1,460.50 on a contract amount of \$50,000 of which \$48,448.05 will have been paid to date for work certified as 97% complete for the Ultraviolet Light & Hydrogen Peroxide Feasibility Study. Completion date – October 2010.

15. The fifteenth partial payment to Clark Dietz in the amount of \$881.80 on a contract amount of \$60,000 of which \$54,206.17 will have been paid to date for work certified as 90% complete for the Observation/Inspection of Parkview Phase I Water Main Replacement. Completion date – January 2010.
16. The sixth partial payment to Clark Dietz, Inc. in the amount of \$35 on a contract amount of \$21,700 of which \$12,842.86 will have been paid to date for work certified as 59% complete for the Lincoln Street – Bunn to Morrissey Dr. Observation. Completion date – July 2009.
17. The third partial payment to Clark Dietz, Inc. in the amount of \$210 on a contract amount of \$20,000 of which \$5,747.92 will have been paid to date for work certified as 29% complete for the Inspection of Water Main Construction on Ireland Grove from Kickapoo Creek to Benjamin School. Completion date – December 2009.
18. The seventh partial payment to Clark Dietz, Inc. in the amount of \$70 on a contract amount of \$20,000 of which \$10,465.54 will have been paid to date for work certified as 52% complete for the Inspection Services for Water Main Construction on E. Lincoln from Morrissey to McGregor. Completion date – December 2009.
19. The first partial payment to Shive Hattery in the amount of \$9,906.20 on a contract amount of \$19,500 of which \$9,906.20 will have been paid to date for work certified as 51% complete for the Design Water Main Replacement on Greenwood Ave. Completion date – December 2009.
20. The seventeenth partial payment to Clark Dietz in the amount of \$9,060 on a contract amount of \$84,600 of which \$67,190.40 will have been paid to date for work certified as 79% complete for the Parmon Road Water Main Replacement. Completion date – December 2009.
21. The eighth partial payment to Clark Dietz in the amount of \$280.92 on a contract amount of \$25,000 of which \$22,651.61 will have been paid to date for work certified as 91% complete for the Main Replacement on Oak and Roosevelt. Completion date – December 2008.
22. The first partial payment to Gildner Plumbing, Inc. in the amount of \$414,003.90 on a contract amount of \$1,186,825 of which \$414,003.90 will have been paid to date for work certified as 35% complete for the Division D Pipeline Road 36 Inch Transmission Water Main. Completion date – August 2010.
23. The seventh partial payment to Clark Dietz in the amount of \$210 on a contract amount of \$22,000 of which \$18,842.53 will have been paid to date for work certified as 86% complete for the Water Main Inspection Graham Street through O’Neil Park. Completion date – October 2009.

24. The fourteenth partial payment to Village of Downs in the amount of \$27,048.95 on a contract amount of \$435,000 of which \$376,706.49 will have been paid to date for work certified as 87% complete for the Downs Sewerage Improvements Project. Completion date – September 2009.
25. The first partial payment to George Gildner, Inc. in the amount of \$20,027.41 on a contract amount of \$96,539 of which \$20,027.41 will have been paid to date for work certified as 21% complete for the Lee Street Sanitary Sewer Extension. Completion date – May 2009.
26. The sixteenth partial payment to Clark Dietz, Inc. in the amount of \$11,932.59 on a contract amount of \$305,000 of which \$143,513.75 will have been paid to date for work certified as 47% complete for the Locust/Colton Street Sewer Separation & Water Main Replacement Design (CSO Elimination Phase I). Completion date – March 2010.
27. The fifth partial payment to Kirk C & D Recycling, Inc. in the amount of \$51,550.18 on a contract amount of \$423,000 of which \$371,449.83 will have been paid to date for work certified as 88% complete for the Demolition of 408 E. Washington St. Completion date – June 2009.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Alderman Schmidt questioned Payment 27. The fifth partial payment to Kirk C & D Recycling, Inc. in the amount of \$51,550.18 on a contract amount of \$423,000 of which \$371,449.83 will have been paid to date for work certified as 88% complete for the Demolition of 408 E. Washington St. Completion date – June 2009. She questioned what remained to be done. Mark, Director – PACE, stated they were still grading, completing clean up, and tearing down the fencing. The sign would be the last item removed.**

**Motion by Alderman Gibson, seconded by Alderman Hanson that the payments be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**



**The following was presented:**

SUBJECT: Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the Month of March, 2009

**RECOMMENDATION:** That the audit of the bills and payrolls for the Township for the month of March, 2009 be made a matter of record.

**BACKGROUND:** Audit of the Accounts for the Township Supervisor of General Assistance Fund and General Town Fund for the month of March were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, April 27, 2009 at 6:30 p.m. in the Conference Room of Bloomington City Hall and should, at this time, be made a matter of record.

**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 Gibson, seconded by Alderman Hanson that the audit of the bills and payroll be made a matter of record.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Reports

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

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

1. Monthly Receipt & Expenditure Report, March 2009.
2. Police Department Annual Report 2008.

**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 Gibson, seconded by Alderman Hanson that the reports be placed on file and made a matter of record.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Appointments and Reappointments to the following Boards, Committees and Commissions

**RECOMMENDATION:** That the following appointments/reappointments be approved:

**Reappointments to the Scott Health Care Commission:**

Gregory I. Halperin, MD, 1213 E. Washington. His term will expire May 31, 2012. He represents the McLean County Medical Society.

Rebecca Lysohir, 3 State Farm Plaza South. Her term will expire May 31, 2012. She represents the United Way of McLean County.

Reappointments to the Cultural District Commission:

Carol Baker, 1515 N. Linden  
Patty Donsbach, 1402 Ironwood  
Ron Guthoff, Box 1445  
Judy Markowitz, 326 Vista Dr.

Their new terms will expire April 30, 2012.

**BACKGROUND:** Not applicable.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton  
Mayor

**Motion by Alderman Gibson, seconded by Alderman Hanson that the reappointments be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Analysis of Request for Proposals (RFP) for a Communications Tower for Fire Station #5 at 2602 Six Points Rd.**

**RECOMMENDATION:** That the proposal submitted by Innotech, Inc. be accepted in the amount of \$15,221.12 for the construction of a tower to hold the Fire Station #5 communications equipment and an outdoor warning siren, and the Purchasing Agent be authorized to issue a Purchase Order for same.

**BACKGROUND:** Staff has requested a proposal to have a communications tower erected on City owned property at Fire Station #5 for the purpose of locating communications equipment for the station and to support an outdoor warning siren for the area. Staff chose a one tower installation for obvious efficiencies and aesthetics. Eight (8) proposals were received and are as follows:

<b>Company</b>	<b>Addendum</b>	<b>References</b>	<b>Price</b>
Hill Radio Bloomington, IL	yes	yes	\$18,450.00
Swager Communications Fremont, IN	yes	yes	\$28,587.39
Rodes Tower Service Gibson, City, IL	Yes	Yes	\$28,587.39
Rohn Products, LLC Peoria, IL	No	Yes	\$26,593.00
Allstate Tower Henderson, KY	No	Yes	\$27,500.00
Sentinel Tower Springfield, IL	Yes	Yes	\$18,704.00
Mid West Underground Technologies Champaign, IL	Yes	2 Of 3	\$20,242.49
Innotech Communications Bloomington, IL	Yes	Yes	\$15,221.12

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There were no parties contacted about this project as it is the opinion of staff that this project should only be perceived as a positive for neighbors in the area as they get an advanced warning siren for their area where there currently is none.

**FINANCIAL IMPACT:** Payment of \$15,221.12 is to be paid from Capital Improvement account X40170-72520. This amount is within the budgeted amount for the station construction project.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Keith A. Ranney  
Fire Chief

David A. Hales  
City Manager

### Communications / Outdoor Warning Siren Tower Project

The City had the need for 2 elevated pieces of equipment to be located at the location of Fire Station #5 at 2602 Six Points Rd. This would necessitate a tower for each of the projects, or as we elected to do, erect one tower to accommodate both needs. We felt this would make for a much cleaner installation and provide some obvious efficiencies as well.

#### Communications

The location of this fire station would not allow for an immediate fiber optic installation to support both the radio and computer needs for the station. After consulting with Information Services, and then some extensive review of the possible solutions, Scott Sprouls recommended we use a site to site communications network. If a set of receiving and transmitting equipment were located high enough and pointed in the right direction, we could access the communications signals needed from the water tower installations located at our Fire Station #2, located at 1911 E. Hamilton Rd. Further, we would be able to use some existing equipment that was being replaced at another city location, so installation and the tower would be the main costs associated with this project.

#### Outdoor Warning Siren

With plans to also install an outdoor warning siren in this area, we looked into using the same tower for both the communications and the siren. We consulted with the communications folks about our plan, and it was determined that the height needed for the communications equipment would be appropriate for placement just below the 50' height needed for the siren. The tower would also be capable of carrying the weight of the siren equipment to be located much closer to the ground.

#### Conclusion

The common use of one tower for 2 projects will provide for a clean looking installation as well as eliminate the need for 2 towers, resulting in sought after efficiencies.

**Alderman Purcell questioned the tower's appearance. David Hales, City Manager, stated it would be a fifty foot (50') tower. Keith Ranney, Fire Chief, addressed the Council. It would be a three-legged tower located approximately twenty-five (25) feet behind the fire station. The electrical wiring would be underground. It would be supported by a concrete pedestal. An outdoor warning siren would be placed on top. Below that would be a**

communications dish which was recycled from the Water Department. The tower would be free standing.

Alderman Purcell questioned a wind tower. Chief Ranney stated the wind tower would be at a different location.

Motion by Alderman Hanson, seconded by Alderman Gibson that the proposal submitted by Innotech, Inc. be accepted in the amount of \$15,212.12 for the construction of a tower to hold the Fire Station #5 communications equipment and an outdoor warning siren, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Renewal of Bid for Heavy Duty Towing

**RECOMMENDATION:** That the bid between the City and Southtown Wrecker for towing, winching and vehicle storage services for City-owned vehicles over 10,000 GVW be renewed.

**BACKGROUND:** Southtown Wrecker has provided excellent service since the award of this bid. In 2006, the City let bids for heavy-duty towing for a one (1) year term with an additional four (4) year renewal option. This recommendation is for the Fiscal Year 2009/2010. There is one (1) more year available for renewal for the Fiscal Year 2010/2011.

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

**FINANCIAL IMPACT:** The rates for services are:

Towing	\$45.00 per incident
Winching	\$45.00 per incident
Storage	\$1.00
Mileage outside City	\$0.50 per mile

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Jim Karch  
Interim Director of Public Works

David A. Hales  
City Manager

**Motion by Alderman Gibson, seconded by Alderman Hanson that the bid be renewed with Southtown Wrecker for towing, winching, and vehicle storage services for City-owned vehicles over 10,000 GVW for FY 2009/2010.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Renewal of Prescription Plan Administration Agreement

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

**BACKGROUND:** The John M. Scott Health Resources' Prescription Medicine program is offered to residents of McLean County, who meet the financial and residency guidelines, lack health insurance and cannot afford the cost of prescribed medications. Since 1982, this program has served thousands of residents. The original program required monthly visits to Scott Health Resources to meet with staff and get paper vouchers to take to pharmacies. Those vouchers were returned to Scott Health for review and payment. In June 1992, this was a very labor intensive program for Scott Health staff and the pharmacists. In 1993, after meeting with local pharmacists and members of the Scott Commission, an agreement was established with a Third Party Administrator (TPA) to manage the program and reduce the labor intensity for staff.

The local pharmacists recommended HCH Administration (FKA Kepple & Company). With the adoption of a defined formulary that limits medications to Generics, when available, and less costly, but very effective brand name products, the costs for this program have greatly reduced, while still addressing the need and not turning persons away. There is no waiting list for this program. The formulary and restrictions are managed electronically by the staff of Scott Health and the TPA. After the initial determination of eligibility, persons can receive their medications at local pharmacies, where they are charged a co-pay amount of \$5 per Rx.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** For the past several months, staff has been in communication with Jerry Custer, of Heartland Health Care Coalition,

to see if there is an advantage for Scott Health Resources to have access to benefits the coalition offers their members. The City is an active member of the Heartland Health Care Coalition. As of this date, a decision has not been made; therefore, it was of the best interest for Scott Health Resources and local pharmacies to continue an agreement with HCH Administration, thus avoiding a return to the labor intensive method that would require multiple visits to our offices and allows us to stay within our budget for the Prescription program. Communication will continue so that we can determine whether a change should be recommended in the future.

**FINANCIAL IMPACT:** There is a total of \$40,000 budgeted in FY 2009-2010 in line item 79090, and is part of the overall cost of the J. M. Scott Prescription Medicine Program.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Ruth Ann Fraker  
John M. Scott Health Resources

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PRESCRIPTION DRUG EXPENSE  
PLAN ADMINISTRATION AGREEMENT**

**SIXTEENTH RENEWAL**

This Sixteenth Renewal to the Prescription Drug Expense Plan Administration Agreement dated May 1, 1993 (“Agreement”), is made this first day of May, 2009 (“Effective Date”), by and between HCH Administration Inc. (“Contract Administrator”) and the City of Bloomington, a municipal corporation, in its capacity as Trustee of the John M. Scott Health Care Trust (“Trust”).

NOW, THEREFORE, IT IS AGREED, that the term of this Agreement shall be extended from May 1, 2009 to April 30, 2010.

The following Fees apply to services rendered under this Agreement:

**Rx Claims:**

The Trust shall pay the Contract Administrator for such services provided by the Contract Administrator, for Rx claim processing at the following monthly rate per script:



May 1, 2009 - April 30, 2010 \$1.75

HCH ADMINISTRATION INC.

CITY OF BLOOMINGTON AS TRUSTEE

By: James D. Stevenson  
Its President

By: Stephen F. Stockton  
Its Mayor

Dated: May 4, 2009

Dated: April 28, 2009

CONTRACT REVIEWED BY:

J. Todd Greenburg  
Legal Department  
City of Bloomington

Dated: April 28, 2009

Attest: Tracey Covert  
City Clerk

Dated: April 28, 2009

**Ron Schultz, 1208 E. Oakland Ave., questioned what the Council would be approving and who it would affect. Ruth Ann Fraker, Director - John M. Scott Health Resources, addressed the Council. The Scott Health program began in 1982. They have a third party administrator who manages the formulary.**

**Alderman Fruin believed the \$1.75 was competitive and reasonable. Ms. Fraker stated the price was locked in for three (3) years and they were in their second (2<sup>nd</sup>) year.**

**Motion by Alderman Gibson, seconded by Alderman Hanson that the Agreement be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Agreement with IDOT for the Constitution Trail Project from Grove St. to Croxton Ave., east of Robinson St. and Bunn St.

**RECOMMENDATION:** That the Revised Illinois Department of Transportation (IDOT) Local Agency Agreement for Federal Participation be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** On November 10, 2008, Council approval was granted to sign the IDOT Local Agency Agreement for Federal Participation, in order to utilize the \$1,000,000 Federal High Priority Project (HPP) Grant to build a section of Constitution Trail between Grove St. and Croxton Ave. The Farnsworth Group, Inc., design consultant for this project, received final plan review comments from IDOT which included increasing an expensive retaining wall quantity. Also, an additional storm sewer and inlets were required to ensure adequate drainage along Indianapolis St. at the south end of the project. Due to these revisions, the estimate of construction cost has increased \$74,200, requiring a revised IDOT agreement.

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

**FINANCIAL IMPACT:** The total construction cost of this project is estimated as follows:

**“Participating” Construction**

Federal - HPP Grant Funds	\$1,000,000
Local – Park Dedication Funds (7030-1411-79990)	\$ 494,200

**“Nonparticipating” Construction**

Water Depreciation Funds (X50200-72620)	<u>\$ 130,000</u>
---	-------------------

Total Estimated Funding	\$1,624,200
-------------------------	-------------

Staff has proposed using Park Dedication Funds (i.e. short term loan) to pay the local share of this project. This fund currently has a balance of \$690,569.64 which is adequate to cover the City’s cost of the project.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

John Kennedy  
Interim Director of Parks & Recreation

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

**Eric Decossas, 4 Downing Circle, requested Council remove this item from the meeting agenda. He cited the cost of \$624,000 for three quarters (3/4) of a mile of trail. He questioned the timing of this expenditure. If Motor Fuel Tax funds were used for the Hamilton Road extension then there would be no money for pothole repair. There had been an increase to refuse fees and employee lay offs to balance the budget. He believed there were higher priorities. The City was falling into a pattern of borrowing for wants not needs.**

**Motion by Alderman Stearns, seconded by Alderman Fruin to remove the Agreement with IDOT for the Constitution Trail Project from Grove St. to Croxton Ave., east of Robinson St. and Bunn St. from the meeting agenda.**

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

**Ayes: Alderman Stearns, Huette, Fruin, and Hanson.**

**Nays: Alderman Sage, Finnegan, Schmidt, Purcell, and Gibson.**

**Motion failed.**

**David Hales, City Manager, stated Constitution Trail was funded by a \$1 million federal grant. If the City turned down the grant there was no guarantee they would receive another in the future. IDOT was ready to open bids in June 2009. The roads/street resurfacing was an issue. There were a number of projects funded with federal stimulus dollars. Motor Fuel Tax funds were tied to IDOT projects. There were no General Fund dollars available. City staff was trying to find ways to free up money. The City may be able to restructure debt. Public Work's staff was developing a list of additional potential savings. Staff was trying to find funds to resurface streets. Mayor Stockton questioned the pothole repair program. Mr. Hales was working with Jim Karch, Interim Director – Public Works. The pothole repair program would be a high priority during the month of May 2009. Staff would complete any cold patches possible. Hot asphalt would become available during May 2009. The budget included equipment that would allow some cut/dig out work.**

**Alderman Stearns questioned if the budget for street repair was the same this year as it was last year. Mr. Karch stated there were similar amounts for street repairs. The staff was trying to be as responsive as possible. Staff had to make some cuts. He would provide the Council with the numbers.**

**Alderman Stearns was interested in street repair. Streets were in worse condition than ever. She wanted to know if the same numbers of crews were working. Mayor Stockton stated there were different levels of street repair. There was the cold patch, hot patch, cut outs, total resurfacing and reconstruction. Each level was more expensive.**

**Alderman Stearns was an advocate for the same amount of money used for street repairs. Mayor Stockton stated Mr. Hales would move through the year trying to find a way to fund more repairs. There were two (2) priorities: 1.) street repair and 2.) building the reserve fund.**

**Alderman Sage believed that the Constitution Trail was more than a trail. There was infrastructure involved. Mr. Karch responded affirmatively. There would be a storm sewer, water main work, and bridge work. Extra expenses were due to the retaining wall. Mr. Hales stated the right of way had been acquired. The design work was completed. There was an opportunity for \$1 million federal dollars. Mr. Karch stated the extensive pothole program was scheduled for thirty (30) days. There would be a media blitz to include citizens' input. Staff would dedicate the resources once the hot plants open.**

**Motion by Alderman Gibson, seconded by Alderman Hanson that the revised IDOT Local Agency Agreement for Federal Participation be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Authorized Representative to Sign Documents for Illinois Environmental Protection Agency (IEPA) Loan Funds**

**RECOMMENDATION: That the Resolution be adopted.**

**BACKGROUND: The City is applying for a low interest loan from IEPA to construct Phase I of a project to eliminate a Combined Sewer Overflow near Locust St. and Colton Ave. Phase I construction includes building a new sanitary sewer across Bloomington High School, (BHS) property, Bloomington Country Club, (BCC) property and through the neighborhoods north of BHS & BCC, and south of Washington St. IEPA requires that a Resolution be adopted authorizing a City representative to sign documents relative to this loan. This Resolution would designate the City Manager as the authorized representative.**

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Jim Karch  
Interim Director of Public Works

David A. Hales  
City Manager

**RESOLUTION NO. 2009 - 22**

**RESOLUTION AUTHORIZING A REPRESENTATIVE TO SIGN  
LOAN DOCUMENTS**

WHEREAS, application provisions for loans from the Water Pollution Control Revolving Fund for construction of sewage treatment works require that the City of Bloomington authorize a representative to sign the loan application forms and supporting documents.

THEREFORE, be it resolved by the City of Bloomington that David A. Hales, City Manager is hereby authorized to sign all loan application forms and documents.

ADOPTED this 27<sup>th</sup> day of April, 2009.

APPROVED this 28<sup>th</sup> day of April, 2009.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Stearns believed the City had been waiting for the stimulus fund. She questioned the loan amount and what phases were involved. Jim Karch, Interim Director – Public Works, addressed the Council. Locust/Colton was a large multi-phase project. Phase I was \$5 million. The intention was to build an eighteen foot (18’) sanitary sewer. Staff was attempting to start the process. There was a potential for a zero percent (0%) interest loan with twenty-five percent (25%) of principal forgiven. This was a long term**

**funding vehicle through the stimulus plan. They were ready to move forward. Construction would not begin in the current year. It would be long term funding.**

**Alderman Stearns questioned if they would use the plans for the project. Mr. Karch stated the plans were still valid. David Hales, City Manager, stated for the City to be eligible they must make an application. Mr. Karch added that the worse case scenario would be three percent (3%) with no principal forgiven.**

**Motion by Alderman Gibson, seconded by Alderman Hanson that the Resolution be adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

Subject: Resolution Adopting an Identity Theft Policy

**RECOMMENDATION:** That the Resolution be adopted.

**BACKGROUND:** The federal government has issued rules pursuant to the Fair and Accurate Credit Transactions Act of 2003 which require “creditors” to adopt policies to better ensure against identity theft. The federal regulations apply to some of the City’s operations, since the City provides services such as water and garbage pickup and subsequently bills for those services, it meets the definition of a “creditor”. The regulations require such policies to be adopted by May 1, 2009.

Staff has drafted a Resolution in compliance with the federal regulations.

The policy requires safeguards when the City, in its capacity as a creditor, is in possession of “sensitive information”, which is defined as information related to credit cards (card number, expiration date, cardholder name and address), tax identification numbers (such as social security numbers, business ID numbers, and employer ID numbers), payroll information, cafeteria plan check requests and associated paperwork, medical information, and personal information such as dates of birth, addresses, phone numbers, maiden names, and customer numbers.

City employees and municipal contractors who receive sensitive information from the City will be required to comply with such common sense policies as locking file cabinets, desk drawers, and other storage spaces containing sensitive information when not in use and at the end of each

workday, clearing desks, work stations, printers and fax machines of all documents containing sensitive information when not in use, and shredding documents containing sensitive information when no longer needed. The policy also requires encryption when storing sensitive information electronically or transmitting it to third parties.

The regulations require the City to pay attention to the signs of possible identity theft, which are referred to as “red flags”. Examples of “red flags” include the following:

- Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services;
- The making of suspicious documents;
- The presentation of suspicious personal identifying information, such as a suspicious address change;
- The unusual use of, or other suspicious activity related to, a covered account; and
- Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.

The policy also sets forth various criteria for suspicious documents (such as altered identification cards and photographs on the document which do not match the customer), suspicious identifying information (such as use of an unissued social security number, a social security number listed in the SSA’s Death Master File, or fictitious addresses), or suspicious activity (mail sent to the customer is returned as undeliverable even though transactions continue to be made, etc.).

Once potentially fraudulent activity is detected, the policy directs employees to gather related documentation and a description of the situation and present the information to the City Manager. The City Manager may take such actions as cancelling the transaction, notifying law enforcement, determining whether there is any liability of the City, and notifying the actual customer that fraud has been attempted. The City is also required to train employees in the policy (since this regulation applies to all creditors, there should be numerous training programs available).

This policy will help protect both the recipients of City services and City taxpayers. Staff respectfully that Council adopt this Resolution.

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

**FINANCIAL IMPACT:** Minimal. It is not anticipated that any new equipment, software, or staff will be needed to implement these procedures.

Respectfully,

Recommended by:

Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**RESOLUTION NO. 2009 - 23**

**A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY**

WHEREAS, The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules become effective May 1, 2009, and require municipal utilities and other departments to implement an identity theft program and policy; and

WHEREAS, The City of Bloomington has determined that the following policy is in the best interest of the municipality and its citizens. NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington that the following is hereby approved:

**IDENTITY THEFT POLICY**

**SECTION 1: BACKGROUND**

The risk to the municipality, its employees and customers from data loss and identity theft is of significant concern to the municipality and can be reduced only through the combined efforts of every employee and contractor.

**SECTION 2: PURPOSE**

The municipality adopts this sensitive information policy to help protect employees, customers, contractors and the municipality from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the municipality in compliance with state and federal law regarding identity theft protection.



This policy enables the municipality to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the municipality from fraudulent new accounts. The program will help the municipality:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

### SECTION 3: SCOPE

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the municipality, including all personnel affiliated with third parties.

### SECTION 4: POLICY

#### 4.A: Sensitive Information Policy

##### 4.A.1: Definition of Sensitive Information

Sensitive information includes the following items whether stored in electronic or printed format:

##### 4.A.1.a: Credit card information, including any of the following:

1. Credit card number (in part or whole)
2. Credit card expiration date
3. Cardholder name
4. Cardholder address

##### 4.A.1.b: Tax identification numbers, including:

1. Social Security number
2. Business identification number
3. Employer identification numbers

4.A.1.c: Payroll information, including, among other information:

1. Paychecks

2. Pay stubs

4.A.1.d: Cafeteria plan check requests and associated paperwork

4.A.1.e: Medical information for any employee or customer, including but not limited to:

1. Doctor names and claims

2. Insurance claims

3. Prescriptions

4. Any related personal medical information

4.A.1.f: Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth

2. Address

3. Phone numbers

4. Maiden name

5. Names

6. Customer number

4.A.1.g: Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Illinois Freedom of Information Act (5 ILCS 140). If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor.

#### 4.A.2: Hard Copy Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.

2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded. Locked shred bins are labeled “Confidential paper shredding and recycling.” Municipal records, however, may only be destroyed in accordance with the city’s records retention policy.

#### 4.A.3: Electronic Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

“This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”

## SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM

### 5.A: Covered accounts

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the municipality from identity theft, including financial, operational, compliance, reputation, or litigation risks.

### 5.B: Red flags

5.B.1: The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. alerts, notifications or warnings from a consumer reporting agency;
2. fraud or active duty alert included with a consumer report;
3. notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

5.B.2: Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- A recent and significant increase in the volume of inquiries;
- An unusual number of recently established credit relationships;
- A material change in the use of credit, especially with respect to recently established credit relationships; or
- An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

#### 5.C: Suspicious documents

5.C.1: Documents provided for identification that appear to have been altered or forged.

5.C.2: The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

5.C.3: Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

5.C.4: Other information on the identification is not consistent with readily accessible information that is on file with the municipality, such as a signature card or a recent check.

5.C.5: An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

#### 5.D: Suspicious personal identifying information

5.D.1: Personal identifying information provided is inconsistent when compared against external information sources used by the municipality. For example:

- The address does not match any address in the consumer report;
- The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
- Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

5.D.2: Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the municipality. For example, the address on an application is the same as the address provided on a fraudulent application

5.D.3: Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the municipality. For example:

- The address on an application is fictitious, a mail drop, or a prison; or
- The phone number is invalid or is associated with a pager or answering service.

5.D.4: The SSN provided is the same as that submitted by other persons opening an account or other customers.

5.D.5: The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

5.D.6: The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

5.D.7: Personal identifying information provided is not consistent with personal identifying information that is on file with the municipality.

5.D.8: When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

5.E: Unusual use of, or suspicious activity related to, the covered account

5.E.1: Shortly following the notice of a change of address for a covered account, the municipality receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

5.E.2: A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments

5.E.3: A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- Nonpayment when there is no history of late or missed payments;
- A material change in purchasing or usage patterns

5.E.4: A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

5.E.5: Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

5.E.6: The municipality is notified that the customer is not receiving paper account statements.

5.E.7: The municipality is notified of unauthorized charges or transactions in connection with a customer's covered account.

5.E.8: The municipality receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the municipality

5.E.9: The municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

## SECTION 6: RESPONDING TO RED FLAGS

6.A: Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the municipality from damages and loss.

6.A.1: Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

6.A.2: The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement;
3. Determining the extent of liability of the municipality; and
4. Notifying the actual customer that fraud has been attempted.

#### SECTION 7: PERIODIC UPDATES TO PLAN

7.A: At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

7.B: Periodic reviews will include an assessment of which accounts are covered by the program.

7.C: As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

7.D: Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the municipality and its customers.

#### SECTION 8: PROGRAM ADMINISTRATION

##### 8.A: Involvement of management

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
2. The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.
3. Operational responsibility of the program is delegated to the City Manager, who may delegate it to other employees answerable to him or her.

##### 8.B: Staff training

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the municipality or its customers.
2. The City Manager, or his/her designate, is responsible for ensuring identity theft training for all requisite employees and contractors.
3. Employees must receive annual training in all elements of this policy.

4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

8.C: Oversight of service provider arrangements

1. It is the responsibility of the municipality to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

This resolution will take effect immediately upon its passage, the public welfare requiring it.

APPROVED this 27<sup>th</sup> day of April, 2009.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Gibson, seconded by Alderman Hanson that the Resolution be adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**



SUBJECT: Ordinance Delaying Effective Date of Use Tax Increase

**RECOMMENDATION:** That the ordinance be passed.

**BACKGROUND:** At the April 13, 2009 Council meeting, the Council voted to increase the home rule use tax from  $\frac{1}{2}$  of one percent to  $\frac{3}{4}$  of one percent. The effective date of the increase was scheduled for May 1, 2009. The Town of Normal will be increasing its use tax effective June 1, 2009. In order to better coordinate the change and to give motor vehicle retailers in Bloomington and Normal more time to implement the increase, the proposed ordinance will delay the increase in the City's use tax to June 1, 2009.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**ORDINANCE NO. 2009 - 27**

**AN ORDINANCE DELAYING THE EFFECTIVE DATE OF  
ORDINANCE NUMBER 2009-25**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON,  
ILLINOIS:

Section One: That the effective date of City of Bloomington Ordinance Number 2009-25, entitled, "An Ordinance Amending Section 142 of Chapter 39 by Increasing the Use Tax from One-Half of One Percent to Three-Quarters of One Percent" is delayed from May 1, 2009 to June 1, 2009.

Section Two: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Three: This ordinance shall be effective upon passage and approval.

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

PASSED this 27<sup>th</sup> day of April, 2009.

APPROVED this 28<sup>th</sup> day of April, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Gibson, seconded by Alderman Hanson that the Ordinance be passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Ordinance amending Chapter 21 to prohibit placing brush containing Ash tree debris out for collection between April 30, 2009 and September 1, 2009

**RECOMMENDATION:** That the Ordinance be passed.

**BACKGROUND:** The Emerald Ash Borer (EAB) beetle infests and kills Ash trees. To prevent the spread of the pest, the U.S. Department of Agriculture and the Illinois Department of Agriculture have imposed quarantines restricting movement of EAB host materials out of areas where the beetles have been detected between April 30<sup>th</sup> and September 1<sup>st</sup> each year. The beetle was found in the City recently and McLean County was added to the list of counties under quarantine. The quarantine must be strictly observed to prevent further infestation. Staff was concerned that the City could inadvertently violate the quarantine if contaminated tree waste is collected and processed through the residential brush collection program. Staff is proposing amending Chapter 21 to prohibit placing Ash tree debris out for collection between April 30<sup>th</sup> and September 1<sup>st</sup> in any year there is a quarantine in effect to insure strict compliance with the quarantine.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** None.

**FINANCIAL IMPACT:** Minor. May require public service announcements to advise the public of the restriction.

Respectfully submitted for Council consideration.

Prepared by:

Hannah R. Eisner  
Deputy Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**ORDINANCE NO. 2009 - 28**

**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 21**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 21, Section 300.5, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

**SEC. 300.5 FREQUENCY OF COLLECTION.**

Garbage shall be collected once per week according to a collection schedule established by the Director of Public Service, except for such holidays as hereinafter provided.

Debris shall be collected on a schedule established by the Director of Public Service which shall ensure collection every other week, with the following exception. No brush or tree debris containing limbs, logs, branches, leaves from Ash trees commonly known as White Ash, Green Ash and Blue Ash will be collected between April 30<sup>th</sup> and September 1<sup>st</sup> in any year when there is an Emerald Ash Borer Quarantine in effect in McLean County.

SECTION 2. That Bloomington City Code Chapter 21, Section 400.4, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

**SEC. 400.4 PLACEMENT OF REFUSE FOR COLLECTION.**

(a) Street Collection. Not earlier than 2:00 p.m. on the day prior to the scheduled collection day, all refuse to be collected shall be placed so as not to present a hazard to pedestrian or vehicular traffic. Placement of refuse on the owner's property shall constitute authorization for refuse collectors to enter onto said property for the purpose of collecting refuse deposited thereon.

(b) Alley Collection. Where alley pick up is authorized under this Chapter, all refuse to be collected shall be placed within five (5) feet of the alley, or in the alley in such a manner as to be readily collectible and not to present a hazard to vehicular traffic. Placement of refuse on the owner's property shall constitute authorization of refuse collectors to enter onto said property for the purpose of collecting refuse deposited thereon.

(c) Collection in General. During the period of time beginning at 2:00 p.m. on the day prior to the scheduled collection day and ending at 9:00 a.m. on the day following the collection day, garbage placed for collection may be placed in any of the approved refuse containers specified in Section 200.4, including plastic refuse bags established by the Director of Public Service.

(d) No person shall place any brush or tree debris of any kind, including but not limited to limbs, logs, branches, leaves; from Ash trees commonly known as White Ash, Green Ash and Blue Ash for collection by the City of Bloomington between April 30<sup>th</sup> and September 1<sup>st</sup> in any year when there is an Emerald Ash Borer Quarantine in effect in McLean County.

SECTION 3. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 27<sup>th</sup> day of April, 2009.

APPROVED this 28<sup>th</sup> day of April, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Schmidt acknowledged that some public relations work would need to be completed. She questioned the alternative was for residents. John Kennedy, Interim Director – Parks and Recreation, stated a flyer would be sent with water bills instructing residents what to do. The flight season was April 30, through September 1, 2009. There were two (2) compliant facilities in town. City Vision would participate. The City website also contained links for residents.**

**Alderman Purcell questioned how to identify an ash tree. Mr. Kennedy hoped that residents were not putting ash tree material on the curb. Jim Karch, Interim Director – Public Works, stated staff would have to deal with the problem. Staff would be trained. Letters would be mailed to inform citizens. The City would have to wait and see how prevalent the problem was. Citizens needed to be informed. Staff would work with the media. Ash tree branches must be shredded to meet federal government regulations.**

**Motion by Alderman Gibson, seconded by Alderman Hanson that the Ordinance be passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition from Pinehurst Development, Inc. Requesting Approval of Vacating a Portion of the Drainage & Utility Easement in Lot 83 in the Third Addition to Fox Hollow Subdivision (Ward 2)

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

**BACKGROUND:** On September 12, 2005, Council approved the Final Plat for the Third Addition to Fox Hollow Subdivision. Lot 83 is located on the north side of Fox Trot Trail, just west of Savanna Road. The petitioner has requested to vacate the east 0.92 feet of the six foot (6”) easement on the west side of Lot 83 as described in the attached Exhibit “A”. No City utilities are located or planned in this portion of the easement. Letters from local utility companies indicating their approval of the vacation have been received. The easement being vacated is to facilitate the future resubdivision of Lots 73-90. The easement will be rededicated to its full width after the resubdivision is complete.

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

**FINANCIAL IMPACT:** The costs of all improvements will be borne by the developer.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch  
Interim Director of Public Works

Reviewed as to legal sufficiency:

J. Todd Greenburg  
Corporation Counsel



**ORDINANCE NO. 2009 - 29**

**AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE DRAINAGE & UTILITY EASEMENT IN LOT 83 IN THE THIRD ADDITION TO FOX HOLLOW SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of the Lot 83 Easement located in the Third Addition to Fox Hollow Subdivision; 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 easement as requested in this case.

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

1. That the Lot 83 Easement located in the Third Addition to Fox Hollow Subdivision as described in Exhibit B is hereby vacated.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated easement for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 27<sup>th</sup> day of April, 2009.

APPROVED this 28<sup>th</sup> day of April, 2009.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk



**EXHIBIT A**

**LEGAL DESCRIPTION**

A part of Section 18, Township 23 North, Range 2 East of the Third Principal Meridian in McLean County, IL more particularly described as follows:

Beginning at the Northwest corner of Outlot 55 in the Second Addition of Fox Hollow Subdivision thence North 01 degrees 34 minutes 39 seconds West 260.24 feet along the Westerly line of Ridgewood Subdivision

Thence North 87 degrees 51 minutes 43 seconds East 342.97 feet;

Thence South 01 degrees 35 minutes 20 seconds East 35.91 feet;

Thence North 87 degrees 51 minutes 43 seconds East 305.73 feet;

Thence South 02 degrees 08 minutes 16 seconds East 110.10 feet to a point on the Northerly right-of-way line of Fox Trot Trail;

Thence South 87 degrees 51 minutes 44 seconds West 233.83 feet along said Northerly right-of-way;

Thence Northwesterly 12.50 feet along a 90.00 foot radius curve concave to the North whose chord bears North 88 degrees 09 minutes 32 seconds West 12.49 feet;

Thence North 84 degrees 10 minutes 48 seconds West 211.71 feet along said Northerly right-of-way;

Thence Southwesterly 177.88 along a 50.00 foot radius curve concave to the East whose chord bears South 47 degrees 02 minutes 02 seconds West 97.85 feet to the Northwest corner Lot 72 in the Third Addition to Fox Hollow point also being on the Southerly right-of-way of Fox Trot Trail;

Thence South 35 degrees 07 minutes 04 seconds 110.53 feet along the Westerly line of said Lot 72 point also being the Northerly line of said Outlot 55;

Thence North 84 degrees 10 minutes 48 seconds West 54.53 feet along the Northerly line of said Outlot 55 to the point of beginning;

Said parcel contains 1.74 acres (0.705 hectares) (more or less).

**EXHIBIT B**

**LEGAL DESCRIPTION OF EASEMENT**

The East 0.92 feet of the West 6.00 feet of Lot 83 in the 3<sup>rd</sup> Addition to Fox Hollow Subdivision bounded on the North and South by a 15.00 foot wide utility easement. Located in Section 18, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois.

**Motion by Alderman Gibson, seconded by Alderman Hanson 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition from Harvest Developers, Inc. Requesting Approval of a Vacation of a Portion of the Utility Easement in Lot 138 in the Harvest Pointe Subdivision (Ward 9)

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

**BACKGROUND:** On September 25, 2006, Council approved the final plat for Harvest Pointe Subdivision. Lot 138 is located on the north side of Pump House Lane, between Harvest Pointe Boulevard and Homestead Drive. The petitioner has requested to vacate the east two and a half feet (2.5') of the seven and a half (7.5') foot easement on the west side of Lot 138. No City utilities are located or planned in this portion of the easement. Letters from local utility companies indicating their approval of the vacation have been received. This easement is being vacated to allow the same duplex building construction as those that are throughout the development. A seven and a half (7.5') foot easement was unintentionally shown on the final plat instead of a five (5') foot easement. A five (5') foot easement is sufficient to allow utilities to service this area.

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

**FINANCIAL IMPACT:** The costs of all improvements will be borne by the developer.

Respectfully submitted for Council consideration.



**ORDINANCE NO. 2009 - 30**

**AN ORDINANCE PROVIDING FOR THE VACATION OF  
A PORTION OF AN EASEMENT FOR UTILITIES ON LOT 138 IN HARVEST POINTE  
SUBDIVISION, BLOOMINGTON, ILLINOIS**

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 the East 2.5 feet of the 7.5 foot wide utility easement on the west side of Lot 138 in Harvest Pointe Subdivision; 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 easement as requested in this case.

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

1. That the portion of the utility easement on lot 138 in Harvest Point Subdivision described on Exhibit A 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 27<sup>th</sup> day of April, 2009.

APPROVED this 28<sup>th</sup> day of April, 2009.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

DESCRIPTION OF UTILITY EASEMENT TO BE VACATED

The East 2.5 feet of the West 7.5 feet of Lot 138 in Harvest Pointe Subdivision in the City of Bloomington per plat recorded October 31, 2006 as Document No. 2006-30281 in the McLean County Recorder's Office, except therefrom the North 7.5 feet and also except therefrom the South 15 feet thereof, in McLean County, Illinois

**Alderman Purcell questioned giving and taking back the easement. Jim Karch, Interim Director – Public Works, stated the portion dedicated was larger than needed. There were no utilities on that property.**

**Motion by Alderman Gibson, seconded by Alderman Hanson 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, Finnegan, Gibson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Police Department 2008 Annual Report – Chief Randy McKinley.**

**Randy McKinley, Police Chief, addressed the Council. The report came out in February 2009. It was available online on their web site. The department was divided into two (2) sections: 1.) Administration Services Division and 2.) Operations. Dispatch received over 99,000 calls in 2008. He cited the call volume, arrest statistics, and traffic accident statistics. Traffic accidents were down four percent (4%) from 2007. He acknowledged the traffic divisions Step Program and their concentrated efforts to decrease the number of accidents. There had been six (6) homicides in 2008. Sexual assaults were down twenty-five percent (25%). Robbery/burglary was up by eleven percent (11%). There were three (3) patrol shifts. The shifts included: sixteen (16) for the first (1<sup>st</sup>) shift, twenty (20) for the second (2<sup>nd</sup>) shift, and eighteen (18) for the third (3<sup>rd</sup>) shift. This included nine (9) sergeants and three (3) lieutenants. Street crime has one (1) sergeant and six (6) patrol officers. They have three (3) school resource officers, four (4) canine units, and twenty (20) detectives. He added the non sworn staff/support staff was an important part of the department. This report was dedicated to Chief Aikin for his thirty (30) years of service, eight (8) years as Chief. The Police Department replaced staff over the last two (2) years as needed only. There were fourteen (14) vacant positions. He had be authorized to fill six (6) police patrol officer positions. They had applied for a federal grant. Mayor Stockton was glad to hear that crimes had been cleared out.**

**The following was presented:**

SUBJECT: Intergovernmental Agreement between the City and the Bloomington Normal Water Reclamation District

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

**BACKGROUND:** The City and the Bloomington Normal Water Reclamation District (BNWRD) have a close working relationship. There have been many formal agreements and informal arrangements that have one or the other performing services on the other's behalf and to reimburse the other for the services performed. A running tally has been kept of who owes who what across all the various agreements and arrangements over the years, but that tally has never been reduced to writing. As key people retire from both the City and BNWRD, and institutional memory fades, it has become evident that the outstanding obligations should be periodically reconciled and reduced into a single agreement.

Staff and BNWRD has prepared an Intergovernmental Agreement for that purpose. This Agreement finalizes the performance due from the City and BNWRD under a 1992 Intergovernmental Agreement to construct the Ireland Grove Road Sewer, provides for payment of tap on fees to BNWRD for properties that were connected to sewer as a result of a City construction project, and resolves a billing error between the City and BNWRD.

The net result is the City will be required to pay BNWRD a lump sum payment of \$29,687.22 on or before June 1, 2009 and make monthly payments of \$8,500 for a period of five (5) years beginning on May 1, 2009. The City will receive three (3) parcels of property valued at \$353,657.64 and BNWRD will construct a gravity sewer with an estimated cost of between \$1,000,000 and \$2,000,000 in return for the City's payments.

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

**FINANCIAL IMPACT:** This will not create any new obligations. All sums due were previously obligated. It reduces the initial cash outlay by crediting BNWRD's obligations against those owed by the City and spreads the impact of the billing error over multiple years. The lump sum payment will be paid out of the Sewer Depreciation Fund. The installment payments will be paid out of line item in the Water Operations and Maintenance Fund for payments to other Governmental Units, Acct. Code 74910.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Hannah R. Eisner  
Deputy Corporation Counsel

David A. Hales  
City Manager

David Hales, City Manager, introduced this item. It was not a simple agreement. He introduced Hannah Eisner, Deputy Corporation Counsel, to address the agreement. Ms. Eisner would be leaving to take a job with the McLean County State's Attorney's Civil Division. Ms. Eisner addressed the Council. She noted that Susan Brandt, attorney, and Bob Carter, Director, Bloomington Normal Water Reclamation District (BNWRD) were also present and available for questions. Discussion on the agreement began in 2004. BNWRD began to build the eastside interceptor sewer. The Randolph Plant had not been completed due to a delay in the opening. Dual feed water lines were needed for the southwest section of the City from Pepperidge to Fox Creek. The goal was to exchange things to avoid writing checks to each other.

Article I laid out obligations regarding the sewer line. Article II included addresses. The City had caused the connections. The goal was to achieve a balance between obligations. The City provided billing services for BNWRD. The sewer project was an even exchange. The billing component was added to correct amounts. It had been evolving over time. Staff had received questions regarding the value of the properties. BNWRD was appraised for what they paid for the property. It would connect the two (2) parks. The larger parcel was not priced separately. It was adjacent to the property the City had purchased. It had been zone as M – 2, General Manufacturing District. There was a potential for the City to sell it for future development. She displayed maps which showed the road extension of Martin Luther King Jr. Dr. This was a way to bundle the agreements.

Alderman Stearns questioned if the past agreements were verbal. She did not have the 1992 agreement. Ms. Eisner stated the 1979 agreement was the original.

Alderman Stearns questioned the Ireland Grove Sewer Agreement. Ms. Eisner stated construction had been completed in 1992/1993.

Alderman Stearns questioned when the BNWRD made the \$629,000 payment. Mr. Carter stated it was in February 1995. Ms. Eisner stated BNWRD paid the design costs. The City had collected tap on fees. In 2005, the treatment facility went online and the balance was due.

Alderman Stearns questioned the value of the land. Ms. Eisner stated the money had been used to cover construction costs.

Alderman Stearns questioned when the City had determined the need or want for these properties. Ms. Eisner stated the expectation for the smaller \$6,300 piece was to connect White Oak Park to O'Neil Park. The larger parcel was viewed as a future site for a Boys and Girls Club.

Alderman Stearns also questioned taking land instead of cash. In addition, she inquired if the earlier conversations had been confirmed. She was concerned about the best interest of the City. Ms. Eisner stated it was for the Council to decide if this was reasonable at that time. Staff had prepared a proposal. BNWRD had approved it. The

road would eventually be extended. The property had been zoned M – 2, General Manufacturing District. She believed the property was marketable.

Alderman Gibson questioned if funding was in the budget this year. Ms. Eisner restated there were two (2) parcels. One (1) piece had cost \$30,000 for the land and fees. The second (2<sup>nd</sup>) piece addressed billing errors to be paid over five (5) years which equated to \$8,500 per month. Mr. Hales added that the Sewer Fund balance was a negative \$6 million. The water payments were budgeted.

Alderman Stearns questioned land and sewer construction. Craig Cummings, Director – Water Department, noted the billing errors were a separate issue. The billing errors were relatively recent. It was discovered in 2007 from deleted accounts. The City had purchased billing software. From 2001 to 2007, there were a number of accounts that continued which should have been deleted. It was human error. When the error was discovered City and BNWRD staffs held discussions. There was a signed agreement. BNWRD was over charged for years. The other issue involved the ten percent (10%) penalty fees the City collected per month. The penalties for each entity were the same. This issue dated back to 2008. The penalty funds had not been dispersed to BNWRD. In 2007, collections and billing were merged. Staff analyzed the software and found the errors. The City and BNWRD staff agreed to gather a years worth of data. The benchmark was set at \$190,000. This figure would be applied over five (5) years. Funding had been budgeted within the Water Fund.

Alderman Stearns questioned the total. Mr. Cummings estimated the total figure at \$30,000 to \$40,000 or higher. No penalties or interest would be applied. The City and BNWRD staff recommended a master agreement.

Alderman Stearns questioned if the Water Fund was in the black. Mr. Cummings responded affirmatively. Revenue in excess of expenditures was estimated at \$100,000 per year. There was a careful analysis of the software. It was the City's mistake. It was the right thing to do.

Alderman Stearns understood the City needed to repay BNWRD. She questioned the City purchasing two (2) parcels of land. The City could use this money for street repairs. She recommended the item be laid over. She suggested that BNWRD pay the City or a land swap for the sewer. She questioned sewer tap on fees and if there had been an attempt to give the landowners these fees. Ms. Eisner stated no fees were not due as City construction destroyed the septic systems.

Alderman Gibson questioned if the land would be needed in the future for road extension. He believed if the City had to purchase the land in the future, it should take action now before the costs increased.

Alderman Huette questioned if the Martin Luther King Jr. Dr. extension was included in the budget. Jim Karch, Interim Director – Public Works, addressed the



**Council. He would report back after re-evaluation. Ms. Eisner added that a water main crossed the property. The City had all the property it needed.**

**Alderman Hanson questioned the history on purchasing property for future projects. Ms. Eisner restated the need to install the water main. If purchasing was available at a reasonable cost the City should secured same.**

**Alderman Hanson clarified that the road would be needed. Ms. Eisner responded affirmatively. The road had been designed and the City had construction plans. The expectation was to have additional north/south arterial roads.**

**Alderman Huette questioned purchasing right of way and the City not becoming land speculators.**

**Alderman Purcell requested that BNWRD staff address the gravity sewer. Ms. Eisner stated that the gravity sewer currently was built for the pump station. BNWRD wanted to retain the force main. She believed this project was out for bid.**

**Alderman Sage wanted good reference on Martin Luther King Jr. Dr. He questioned the extension and future land value given the close proximity to Market Street and the interstates. He questioned if it would be a commercial development and the opportunity to recoup some of the costs.**

**Alderman Fruin requested information on land versus money. He wanted clarification on the types of discussions that occurred in the past. He questioned if the City should honor a mutual agreement. Ms. Eisner stated George Drye, Director of Engineering, and Mike Callahan, BNWRD's Director, had serious discussions. Staff did not make the final decision. The disadvantage was that it had taken a long time.**

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

**Motion carried.**

**Susan Brandt, BNWRD's attorney, 115 W. Jefferson, addressed the Council. She had been involved in the discussions for the past fifteen (15) years. Staff tried to draft agreements for discussion for Mr. Drye and Mr. Callahan before they retired. It came down to committing on paper the agreements by staff. She noted that parcel 2 had been appraised seven (7) years ago and parcel 1's figures were even older. BNWRD owed the City \$325,500 and the City owed BNWRD \$35,000 without the land. If the land was removed from the agreement she questioned if BNWRD would be willing to finance repayment. The sewer costs were \$1 million. She believed this project would be out for bid in the near future.**

Alderman Purcell questioned the comfort level with the billing errors number. Ms. Brandt stated that the Board had granted its approval. It was not possible to generate an exact figure.

Alderman Purcell questioned gauging the sewage amount and money to cover the costs. Bob Carter, BNWRD Executive Director, addressed the Council. The City had a number of combined sewers. An exact figure was not available.

Alderman Purcell was uncomfortable with this agreement. The \$500,000 cost over five (5) years had not been properly addressed. He was unsure if the calculations were accurate. Mayor Stockton stated the estimates had been deemed fair both by BNWRD and the City.

Alderman Stearns believed this item addressed two (2) different things. She was comfortable with the billing error rate. She understood BNWRD's unwillingness to finance over five (5) years. She was not comfortable with the lack of a land appraisal. She did not have a map. She wanted to know when the road would be built. She suggested exploring the purchase of the right of way. She believed these were separate issues. Council was operating in the dark. She was concerned about street conditions, the budget, etc. She recommended that this item be laid over to learn more about the land.

Alderman Sage added that laying it over would allow for time to understand the information presented.

Alderman Schmidt wanted to give BNWRD an opportunity to react. Ms. Eisner stated an appraisal could not be provided by the Council's May 11<sup>th</sup> meeting. The road projection would be researched. Ms. Eisner restated that BNWRD had already approved the agreement. There had been honest discussions for many years. Land values were based upon appraisals and sales. Both staffs were comfortable with the .80 per square foot. Mayor Stockton commented on the appraisal's cost.

Alderman Huette noted that when looking at the budget crunch, this was a \$350,000 land purchase. He was not sure if the City should be putting money into land speculation. He was also unsure if it was the best use of the City's money.

Alderman Schmidt clarified that by not moving ahead the Council may change the dynamics of the agreement. She was concerned about BNWRD's response. Ms. Eisner stated the City had been given the opportunity to repay the debt over five (5) years without interest and/or penalties.

Alderman Stearns believed the terms could be more favorable for the City. She still questioned the Kickapoo Creek sewer agreement.

Alderman Fruin was concerned about the City's relationship with BNWRD. This relationship was of a high value to the City. Mayor Stockton agreed. The Council needed more time to explore the options. Mr. Hales recommended laying this item over until the

**Council's June 8, 2009 meeting. Ms. Eisner was unsure what the Council wanted from staff. Mayor Stockton stated acceptance of the work regarding the billing error. The Council questioned if the City should purchase the right of way and if the City was obligated to move forward in good faith.**

**Motion by Alderman Schmidt, seconded by Alderman Purcell to return to order.**

**Motion carried.**

**Alderman Purcell was concerned about verbal agreements. He wanted to see documentation concerning the discussions. Mayor Stockton informed BNWRD that the Council needed time to explore options.**

**Motion by Alderman Stearns, seconded by Alderman Purcell that the item be laid over until the Council's May 26, 2009 meeting.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, Finnegan, Sage, Fruin and Purcell.**

**Nays: Aldermen Gibson and Hanson.**

**Motion carried.**

**MAYORS' DISCUSSION: Mayor Stockton announced that on May 1, 2009 at 4:00 p.m. there would be a swearing-in ceremony in Council Chambers. Alderman Purcell and Huette would be sworn in prior to the May 11, 2009 meeting.**

**CITY MANAGERS' DISCUSSION: David Hales, City Manager, noted that the Council would receive a letter from Fire Chief Ranney regarding the flu. He had appointed Mike Kimmerling, Interim Fire Chief.**

**ALDERMENS' DISCUSSION: Alderman Gibson stated it had been a pleasure. He had had good discussions with Mayor Stockton. He believed Bernie Anderson would be an asset to the Council. The City had good staff and department heads. Citizens should pay attention to Council actions because it runs the City. His term in office had been challenging but fun. He enjoyed his time on the Council.**

**Alderman Huette enjoyed working with Alderman Gibson and appreciated his sense of humor. He had worked with Alderman Finnegan for six (6) years and he appreciated his time, energy and investment.**

**Alderman Stearns wished Aldermen Gibson and Finnegan well. She congratulated Aldermen McDade, Anderson, Purcell, Huette, Fruin, and Mayor Stockton.**

**Alderman Purcell thanked Aldermen Finnegan and Gibson for their service to the City. The Council's role was one of checks and balances.**

**Alderman Schmidt stated Alderman Finnegan would be missed. Both Aldermen Finnegan and Gibson said what was on their minds and left their egos at the door.**

**Alderman Fruin wished Aldermen Gibson and Finnegan the best. He cited years ago when the Council consisted for eight (8) Aldermen. There were many four to four (4 – 4) ties such as Hooters Restaurant, Washington Street viaduct, and many others. Alderman Finnegan had been involved with the BP issue and determining its historic value as well as the Huck's issue. Those examples had been good decisions for the City. Alderman Finnegan had been involved with the Davis Lodge and determining if it was historic or old. There were many issues they had dealt with then that were the same today such as: neighborhood traffic, noise and crime. Another example of a controversial issue was the Jewel Osco on Oakland Avenue. Those issues had brought back good memories. It was a pleasure to work with both Aldermen Gibson and Finnegan. He wished them the best.**

**Alderman Sage enjoyed working with Alderman Gibson. He thanked Aldermen Gibson and Finnegan for their service and wished them the best.**

**Alderman Hanson recognized the number of good comments. The public needed to know that this was a job of contention. Aldermen Finnegan and Gibson were wise individuals. He appreciated their perspective on where the City was at. They used their conscience to vote for what was best of the City.**

**Alderman Finnegan thanked the Council and staff. He had mixed emotions about leaving. It had been great. They all had different view of things. He cited the number of meetings attended. The work the Council did was important and would be criticized. The Council needed to keep in mind that they were protecting the City. Contested races were tough. He encouraged greater participation in the political process. He believed uncontested races slowed the political process. Jennifer McDade and Bernie Anderson would make a contribution to the Council. He thanked the Mayor and staff for the work performed for citizens. He thanked the media. He also thanked his wife Jo. On August 8, 2009, they would celebrate their fiftieth (50<sup>th</sup>) wedding anniversary. It had been a great ride. He wished the Council the best in the future due to some difficult issues that were upcoming.**

**Alderman Gibson added that Alderman Fruin had forgotten to mention the Walgreens issue. It was an asset to the City.**

**Motion by Alderman Gibson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 10:03 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**

**This page intentionally left blank.**