

**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 7:32 p.m., Monday, March 23, 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 Deputy Corporate Counsel Hannah Eisner were also present.

Staff absent: Todd Greenburg, Corporation Counsel.

The following was presented:

SUBJECT: Opening of One Bid for Outdoor Warning Sirens for the Fire Department

RECOMMENDATION: That the Bid be opened at the March 23, 2009 Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

BACKGROUND: Bids for Outdoor Warning Sirens for the Fire Department were received by the City Clerk until March 10, 2009 at 10:00 a.m. There is \$50,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize staff to open the bid at the March 23, 2009 meeting and present a recommendation prior to the end of the meeting concerning award of the bid.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: For Fiscal Year 2008-2009, \$50,000 was budgeted in Fire Department Fixed Asset account #F15210-72140 – Equipment other than Office.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Schmidt that the bid be opened at the Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

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:

Mayor Stockton introduced Ruth Ann Fraker, Director of John M. Scott Health Resources. Ms. Fraker acknowledged the donation of a van for the John M. Scott Health Resources Transportation Program. This program provided safe, reliable transportation in the Bloomington/Normal area for health and dental appointments for individuals in need. All of the program's vehicles had been donated since the program's inception. All the drivers were volunteers.

Ms. Fraker recognized the donor organizations and individuals. She noted the 2003 Honda Odyssey Minivan was a wonderful vehicle. She thanked the organizations which collaborated to provide the funding for the vehicle. Pam Womack, Children's Health Care Council of McLean County's Executive Director, noted donations were coordinated by Ms. Fraker.

Mayor Stockton stated, on behalf of the Council, this program made a big difference in the community. He thanked Ms. Fraker and her organization for providing assistance to those in need.

The following was presented:

SUBJECT: Council Proceedings of May 29, 2007 and Work Session Minutes of March 2, 2009

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of May 29, 2007 and the Work Session Minutes of March 2, 2009 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of May 29, 2007 and the Work Session Minutes of March 2, 2009 have been reviewed and certified as correct and complete by the City Clerk. The Council may receive these documents in hard copy or electronic format.

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 Huette, seconded by Alderman Purcell that the reading of the minutes of the previous Council Meeting of May 27, 2007 and Work Session Minutes of March 2, 2009 be dispensed with and the minutes approved as printed.

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

Ayes: Aldermen Stearns, Huette, Schmidt, 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 in on Friday, March 20, 2009 by posting via the City's web site. After examination, I will notify the Council of any items which may need to be addressed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT:

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Huette, seconded by Alderman Purcell 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 tenth partial payment to Peace Meal in the amount of \$625 on a contract amount of \$7,500 of which \$6,250 will have been paid to date for work certified as 83% complete for the John M. Scott Home Delivered Meals. Completion date – April 2009.
2. The tenth partial payment to Peace Meal in the amount of \$2,082 on a contract amount of \$25,000 of which \$20,820 will have been paid to date for work certified as 83% complete for the Peace Meals. Completion date – May 2009.

3. The first partial payment to Devyn Corporation in the amount of \$233,060 on a contract amount of \$466,120 of which \$233,060 will have been paid to date for work certified as 50% complete for the McBarnes TIF Redevelopment Agreement. Completion date – August 2009.
4. The seventeenth partial payment to Interchange City West in the amount of \$151,655.89 on a contract amount of \$3,700,487.08 of which \$2,068,204.49 will have been paid to date for work certified as 56% complete for the Metro Zone Tax Rebate. Completion date – November 2010.
5. The twenty-first partial payment to Town of Normal in the amount of \$270,753.44 on a percentage basis contract of which \$4,339,388.12 will have been paid to date for work certified as ongoing for the Metro Zone Sales Tax Rebate. Completion date – Ongoing.
6. The thirty-first 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 \$206,666.46 will have been paid to date for work certified as 52% complete for the McLean County Economic Development. Completion date – August 2011.
7. The third partial payment to Illinois Department of Transportation in the amount of \$12,162.71 on a contract amount of \$42,604 of which \$37,622.01 will have been paid to date for work certified as 88% complete for the Downtown Main Street – Front to Washington Beautification. Completion date – July 2009.
8. The second and final payment to National Garage, Inc. in the amount of \$58,597.50 on a contract amount of \$117,195 of which \$117,195 will have been paid to date for work certified as 100% complete for the Parking Control System – Lincoln Garage. Completion date – January 2009.
9. The second partial payment to Technical Design Services in the amount of \$17,633.37 on a contract amount of \$99,619 of which \$25,950 will have been paid to date for work certified as 26% complete for the Enterprise Resource Planning Full System Selection Process – Phase 1. Completion date – August 2009.
10. The thirty-fourth partial payment to APACE Architects & Design in the amount of \$1,024.62 on a contract amount of \$349,800 of which \$329,103.13 will have been paid to date for work certified as 94% complete for the Design of Fire Station #5. Completion date – May 2009.
11. The fifth partial payment to Farnsworth Group in the amount of \$4,109.12 on a contract amount of \$94,800 of which \$85,208.42 will have been paid to date for work certified as 90% complete for the Constitution Trail Extension Phase II – Grove to Croxton. Completion date – January 2010.

12. The fifteenth partial payment to Thompson Dyke & Associates in the amount of \$1,189.52 on a contract amount of \$248,500 of which \$237,567 will have been paid to date for work certified as 96% complete for the McGraw Park Phase II. Completion date – December 2009.
13. The fourth partial payment to Johnston Contractors, Inc. in the amount of \$65,623.50 on a contract amount of \$367,700 of which \$177,770.43 will have been paid to date for work certified as 48% complete for the McGraw Park – Phase II – Restroom Facilities. Completion date – June 2009.
14. The first partial payment to Pizzo & Associates, Ltd. in the amount of \$108,719.23 on a contract amount of \$210,725.31 of which \$108,719.23 will have been paid to date for work certified as 52% complete for the Grove – Phase 1 – 2nd Part – Prairie Grass and Ecological System. Completion date – December 2009.
15. The second partial payment to William Masters, Inc. in the amount of \$63,522 on a contract amount of \$103,800 of which \$75,834 will have been paid to date for work certified as 73% complete for the Installation of New Transformer at the Water Treatment Plant. Completion date – December 2009.
16. The ninth partial payment to the Pantagraph in the amount of \$1,010.12 on a contract amount of \$40,097.92 of which \$37,823 will have been paid to date for work certified as 94% complete for the 2008-209 Seasonal Advertising Services. Completion date – April 2009.

Respectfully submitted for Council consideration.

Recommended by:

David A. Hales
City Manager

Alderman Purcell questioned Payment 4. The seventeenth partial payment to Interchange City West in the amount of \$151,655.89 on a contract amount of \$3,700,487.08 of which \$2,068,204.49 will have been paid to date for work certified as 56% complete for the Metro Zone Tax Rebate. Completion date – November 2010. He inquired if this was the regular, continuing agreement with the developer. David Hales, City Manager, answered affirmatively.

Alderman Stearns questioned if the City had used any outside counsel for analysis. Mr. Hales responded that staff had not reached that point in their review. It may be a future option.

Motion by Alderman Huette, seconded by Alderman Purcell 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 February, 2009

RECOMMENDATION: That the audit of the bills and payrolls for the Township for the month of February, 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 February, 2009 were presented for Audit by the Township Supervisor.

The Audit of these accounts took place on Monday, March 23, 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 Huette, seconded by Alderman Purcell 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, February - 2009.
2. Firemen's Pension Fund to the Council for Fiscal Year 2007/2008.
3. Police Pension Fund to the Council for Fiscal Year 2007/2008.
4. Motor Fuel Tax Audit Report 2007/2008.

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 Huette, seconded by Alderman Purcell 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 and reappointments be approved.

Library Board:

Appoint Catherine Pratt, 703 S. Moore Street. Her term will begin on May 1, 2009 and expire on 4/30/2012. She is replacing Dick Luedke.

Reappoint Bill Wetzel, 1323 Grove, and Peggy Burton, 34 Chiswick Circle. Their new terms will begin 5/1/2009 and expire 4/30/2012.

Japan Sister City Committee:

Appoint Richard Strle, 2903 Hendrix. His term will begin 5/1/2009 and expire 4/30/2012. He is not replacing anyone. His appointment is needed to bring the number of representatives from Bloomington to ten (10).

Human Relations Commission:

Appoint John Elliott, 53 Prenzler. His term will begin 5/1/2009 and expire 4/30/2012. He is replacing Ana Compain-Romer.

Evergreen Cemetery Trustees:

Reappoint Gene Keister, 707 N. Oak. His new term will begin 5/1/2009 and expire 4/30/2014.

Police Pension Board:

Reappoint Bill Wills, 2404 Clarkson Lane. His new term will begin 5/1/2009 and expire 4/30/2011.

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

Alderman Schmidt inquired if there were any of the appointees in the audience. Georgia Bouda, Public Library's Executive Director, addressed the Council. She introduced Catherine Pratt, the Library Board's newest member. Ms. Pratt was a practicing attorney and a life long resident. Ms. Pratt was honored to be asked to become a part of the Board.

Motion by Alderman Huette, seconded by Alderman Purcell that the appointments and 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: Payment to the Grove on Kickapoo Creek, LLC for Ireland Grove Road Trunk Sewer Oversizing

RECOMMENDATION: That the payment be approved.

BACKGROUND: On September 26, 2005, Council approved an Annexation Agreement with the Grove on Kickapoo Creek, LLC. The Annexation Agreement requires the City to pay for over sizing the sanitary trunk sewers in the Grove subdivision. Construction of the east branch trunk sewers in the subdivision has begun and a first partial payment invoice from the developer has been received. The invoice for this portion of the east branch sewer is \$358,970.38. The Annexation Agreement requires the City to pay the over sizing invoices within thirty (30) days of receipt.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Partial Payment of \$358,970.38 to be made from Sewer Depreciation Funds (X52200-72550). The current budget does not show this expense in FY 2008-2009. It was projected to be \$350,000 in the out year of FY 2009-2010.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Douglas G. Grovesteen
Director of Engineering

David A. Hales
City Manager

Motion by Alderman Huette, seconded by Alderman Purcell that the payment 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: Request to Approve Purchase Office Supplies using the State of Illinois Joint Purchasing Contract

RECOMMENDATION: That the formal bidding process be waived, the contract for office supplies be awarded to Office Depot through the State of Illinois Central Management Services Joint Purchasing Contract bid, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: The City of Bloomington “piggybacks” contracts with the State of Illinois by participating in the joint purchasing master contracts program. Last year, it was determined that utilizing the State contract was the best option for the City due to the lower pricing based on purchasing volume. That reasoning is even more applicable today. The City has decreased procurement of office supplies to a minimum due to budget constraints.

Additionally, Office Depot has provided the City with excellent service. The company has provided a “shopping card” that allows staff to shop at the local store and the purchase is applied directly to the City’s account with the appropriate contract pricing. This is a great convenience tool to be used in case of emergency when next day delivery is not an option for the buyer. The State of Illinois contract with Office Depot is effective from January 10, 2009 – January 09, 2011. The contract – CMS 0625400, was awarded to Office Depot through a competitive bid.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The City began using the State of Illinois contract with Office Depot in July 2008. Since that time, the City has spent \$20,544. The previous six (6) months on the

City contract with Office Max, the City spent \$27,788. The decrease in spending is due to lower costs for products purchased from the State contract with Office Depot, and the decreased volume in products purchased by the City.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed for legal sufficiency:

Kim Nicholson
Purchasing Agent

Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2009 - 19

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND UTHORIZING
THE PURCHASE OF OFFICE SUPPLIES THROUGH THE STATE OF
ILLINOIS JOINT PURCHASING CONTRACT**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Office Supplies through the State of Illinois Joint Purchasing Contract.

ADOPTED this 23rd day of March, 2009.

APPROVED this 24th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Huette, seconded by Alderman Purcell that the formal bidding process be waived, the contract for office supplies be awarded to Office Depot through the State of Illinois Central Management Services Joint Purchasing Contract bid, the Purchasing Agent authorized to issue a Purchase Order for same, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to Intergovernmental Agreement between the City and County of McLean

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

BACKGROUND: The City and County of McLean entered into a parking space lease agreement on July 26, 2005. The agreement allowed the County to lease 176 parking spaces at the Abraham Lincoln Parking Garage at a sliding rate until December 31, 2010.

The County has requested that the number of parking spaces leased under this agreement be increased by eleven (11) bringing the total to 187. This change has previously been approved by the County Board and must be approved by Council before it can be enacted. Staff believes that the additional eleven (11) monthly spaces will not affect the parking available to hourly customers.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The additional eleven (11) leased spaces will increase revenue through the life of the agreement by \$8,943.

Respectfully submitted for Council consideration.

Prepared by:

Hannah Eisner
Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

**AMENDMENT TO LEASE AGREEMENT BETWEEN
THE COUNTY OF McLEAN AND THE CITY OF BLOOMINGTON**

WHEREAS, the County of McLean, a body corporate and politic, as Lessee, and the City of Bloomington, a Municipal Corporation, as Lessor, entered into a lease agreement on July 26, 2005, for Lessee's employee parking in the Abraham Lincoln Memorial Parking Deck Garage located on the corner of Front and East Streets in downtown Bloomington, Illinois; and,

WHEREAS, the term of this lease is for five (5) years, expiring on December 31, 2010; and,

WHEREAS, the parties mutually agree to increase the quantity of leased parking spaces afforded to employees of McLean County under this agreement from 176 to 187, and increase of eleven (11) parking spaces to Lessee; and,

WHEREAS, no further amendments are being considered by either party; now, therefore,

It is agreed by the parties as follows:

1. Language contained in Article I, Article IV, and Article V referencing 176 parking spaces is hereby amended to reflect 187 parking spaces. The 2009 payment due the City of Bloomington from McLean County for these additional eleven (11) parking spaces will be calculated to commence on the first day of the month following approvals by the City of Bloomington and the McLean County.

A signed copy of the Amendment shall be forwarded to the McLean County Administrator, McLean County Clerk, McLean County Auditor, McLean County Treasurer, McLean County Director of Facilities Management, and the City of Bloomington Director of Facilities Management.

IN WITNESS WHEREOF, the parties hereto have executed this lease amendment by their respective officers, there unto duly authorized at Bloomington, Illinois, this 24th day of March, 2009.

APPROVED:

City of Bloomington

County of McLean

Stephen F. Stockton
Mayor

Matt Sorensen
Chairman, McLean County Board

ATTEST:

Tracey Covert
City Clerk

Peggy Ann Milton
Clerk of the McLean County Board

Alderman Purcell questioned the contract's amount. He also questioned the dollar amount per space per car for this five (5) year agreement. Mark Huber, Director - PACE addressed the Council. He did not have the exact figures. This agreement amended the current contract between the City and McLean County. It was a sliding scale that would bring the cost into alignment with current fees. It was a one (1) year amendment. The current contract ended in 2010.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Renewal of Contract to Purchase Electricity

RECOMMENDATION: That the purchase of electricity through the State of Illinois contract be extended to May 1, 2010, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: On Feb. 12, 2007, Council approved the purchase of electricity through the State of Illinois contract for a period of two (2) years. The original estimated savings of \$272,910 was based on a two (2) year consumption of 24,000,000 kWh. The financial analysis shows a one (1) year savings of \$221,211.00, which is based on the actual usage of 15,651,917 kWh. Purchasing electricity through the State of Illinois contract has exceeded staff's expectation.

Staff respectfully requests permission to continue this agreement until, May 1, 2010, the end of the State contract with the electricity supplier, Integrys Energy. Electricity is bought and sold hourly on an open market. Integrys Energy has agreed to hold a price open for twenty-four (24) hours while Council considers their contract offer.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost analysis compares the Ameren IP cost versus the State of Illinois contract price from March 2007 to May 2008:

LOCATION	AMEREN COST	STATE CONTRACT COST	COST SAVINGS
US Cellular Coliseum	\$414,730	\$300,014	\$114,716
Lake Blm. Water Pumping	\$411,383	\$316,700	\$94,682
City Hall	\$131,392	\$131,106	\$286
Center for the Performing Arts	\$99,732	\$97,750	\$1,981
Division St. Water Pumping	\$91,090	\$90,386	\$704
56 Small Accounts	\$228,705	\$219,863	\$8,842
TOTAL	\$1,377,032	\$1,155,819	\$221,211

Funds for electricity are budgeted in all effected departments' operating budgets.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed for legal sufficiency:

Mark R. Huber
Director PACE

Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Alderman Purcell questioned the cost savings reflected in this contract. Bob Floyd, Facilities Manager, addressed the Council. The City requested bids for electricity two (2) years ago. The state contract was considered. The current rate reflected the current market. This item reflected a thirty percent (30%) cost savings for the City within this one (1) year contract.

Motion by Alderman Huette, seconded by Alderman Purcell that the purchase of electricity through the State of Illinois contract be extended to May 1, 2010, 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: Renewal of Armored Car Services Contract

RECOMMENDATION: That the Contract be renewed and the Mayor and City Clerk authorized to execute the necessary documents.

BACKGROUND: The City outsources armored car services to transport cash and checks from various City locations to be deposited at the financial institution indicated by the City. Currently, the locations include City Hall, Highland Park Golf Course, Prairie Vista Golf Course and The Den at Fox Creek Golf Course.

On January 22, 2007, Council approved the proposal from United Armored Car Service, which has been acquired by Garda CL (Cash Logistics).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The monthly base total is \$711.55. The costs may vary depending on additional trips as requested by the City, or any “off-day” trips (off day for Garda) for a fee of \$32.10 per trip. Staff believes these costs to be reasonable. The original contract was for a base monthly price of \$1,220, with a five percent (5%) annual increase upon renewal.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed for legal sufficiency:

Kim Nicholson
Purchasing Agent

Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Huette, seconded by Alderman Purcell that the Contract be renewed and the Mayor and City Clerk 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: Petition from Larry Bielfeldt Requesting Approval the Dedication of a Drainage and Utility Easement north of and adjacent to, Lot 18 in the Seventh Addition to Hawthorne Commercial Subdivision (Ward 9)

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

BACKGROUND: On November 10, 2008, Council approved the final plat for the Seventh Addition to Hawthorne Commercial Subdivision. Lot 18 is located on the north side of Pamela Drive, between Leslie Drive and Towanda Barnes Road. The petitioner has requested to dedicate a twenty foot (20') wide drainage and utility easement north of and adjacent to lot 18. Staff has requested a revised drawing be submitted that depicts how the flood route would be constructed in the relocated easement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Costs for relocating the flood route within the easement will be paid by the petitioner.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Douglas G. Grovesteen
Director of Engineering

Hannah R. Eisner
Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR DEDICATION OF
EAST/WEST UTILITY AND DRAINAGE EASEMENT LOCATED WITHIN AND
NORTH OF LOT 18 HAWATHORNE COMMERCIAL, 7th ADDITION, EAST OF
LESLIE DRIVE and WEST OF TOWANDA BARNES ROAD**

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes Larry Bielfeldt, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested as Owner in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the dedication of an East/West Utility and Drainage Easement located north and within Lot 18 Hawthorne Commercial Subdivision, 7th Addition.

WHEREFORE, your Petitioner prays that the Utility and Drainage Easement be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: Larry Biefeldt

ORDINANCE NO. 2009 - 16

**AN ORDINANCE PROVIDING FOR THE DEDICATION OF
AN EAST/WEST UTILITY AND DRAINAGE EASEMENT LOCATED WITHIN AND
NORTH OF LOT 18 HAWTHORNE COMMERCIAL SUBDIVISION, 7TH ADDITION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the dedication of an East/West Utility and Drainage Easement located within and north of Lot 18 Hawthorne Commercial Subdivision, 7th Addition; and

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

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

WHEREAS, it is reasonable and proper to dedicate said Utility and Drainage 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 said East/West Utility and Drainage Easement is hereby dedicated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of March, 2009.

APPROVED this 24th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A strip of land 20 feet in width lying north of and adjacent to the North Line of Lot 18 in the Seventh Addition to Hawthorne Commercial Subdivision in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2008-30218 in the McLean County Recorder's Office. Said strip is bounded on the west by the East Line of Leslie Drive according to the plat recorded as Document No. 2007-29742 in said McLean county Recorder's Office and bounded on the east by the West Right-of-Way Line of Towanda Barnes Road per Condemnation Case No. 2001 ED 9.

Motion by Alderman Huette, seconded by Alderman Purcell that the Dedication 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 Larry Bielfeldt Requesting Approval of the Vacation of a Portion of the Drainage and Utility Easement in Lot 18 in the Seventh Addition to Hawthorne Commercial Subdivision (Ward 9)

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

BACKGROUND: On November 10, 2008, Council approved the final plat for the Seventh Addition to Hawthorne Commercial Subdivision. Lot 18 is located on the north side of Pamela Drive, between Leslie Drive and Towanda Barnes Road. The petitioner has requested to vacate the southern twenty feet (20') of the easement on lot 18 and replace it with an easement dedication on adjacent property owned by the petitioner. Staff has requested a revised drawing be submitted that depicts how the flood route would be constructed in the relocated easement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Costs for relocating the flood route within the easement will be paid by the petitioner.

Respectfully submitted for Council consideration.

ORDINANCE NO. 2009 - 17

**AN ORDINANCE PROVIDING FOR THE VACATION OF
20' UTILITY AND DRAINAGE EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of 20' Utility and Drainage Easement; 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 Utility and Drainage 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 20' Utility and Drainage Easement 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 23rd day of March, 2009.

APPROVED this 24th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

The South 20 feet of the North 25 feet of Lot 18 in the Seventh Addition to Hawthorne Commercial Subdivision in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2008-30218 in the McLean County Recorder's Office, except the West 25 feet thereof and except the East 25 feet thereof.

Motion by Alderman Huette, seconded by Alderman Purcell 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 Links at Ireland Grove Road, LLC, Requesting Approval of a Final Plat for the Resubdivision of Lot 316 in First Addition to The Links at Ireland Grove Road Subdivision, commonly located south of Ireland Grove Road, east of Streid Drive and west of Towanda Barnes Road (Ward 8)

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

BACKGROUND: On November 22, 2004, Council approved the annexation of the subject tract. The tract was subsequently platted as Lot 316 First Addition to The Links at Ireland Grove Road Subdivision. The subject plat divides the parcel into two (2) lots. This tract is zoned B-1, Highway Business District. The petitioner is required to pay any required tap-on fees and supplying a surety for any uncompleted public improvements prior to recording of the plat.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Costs for utility extensions and adjacent road improvements have been paid by the petitioner.

Respectfully submitted for Council consideration.

Prepared by:

Douglas G. Grovesteen
Director of Engineering

Recommended by:

David A. Hales
City Manager

Reviewed as to legal sufficiency:

Hannah R. Eisner
Deputy Corporation Counsel

ORDINANCE NO. 2009 - 18

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE RESUBDIVISION OF
LOT 316 IN THE FIRST ADDITION TO THE LINKS AT
IRELAND GROVE ROAD SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois a Petition for approval of the Final Plat of the Resubdivision of Lot 316 in the First Addition to The Links At Ireland Grove Road Subdivision, legally described in Exhibit A attached hereto and made a part of hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code - 1960, as amended:

- a) waiver of requirement of filing a Preliminary Plan; and,

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

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

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

1. That the Final Plat of the Resubdivision of Lot 316 in the First Addition to The Links at Ireland Grove Road Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 24th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Re-subdivision of Lot 316 in the first addition to the Links at Ireland Grove Road Subdivision.

Motion by Alderman Huette, seconded by Alderman Purcell that the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Cedar Ridge of Bloomington, LLC, Requesting Approval of a Final Plat for the Resubdivision of Outlot 35 Cedar Ridge Subdivision, commonly located south of Woodrig Road and east of Breezewood Boulevard (Ward 1)

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

BACKGROUND: On December 26, 2006, Council approved the annexation of the subject tract as part of Cedar Ridge Subdivision. The tract was subsequently platted as Outlot 35 Cedar Ridge Subdivision and designated as future sites for a Community Unit School District No. 5 Elementary School and City park. The subject plat divides the parcel into two (2) lots. Lot 1 is the site of the proposed Cedar Ridge Elementary School and Lot 2 is planned for a future City park. This tract is zoned S-2, Public Lands and Institutions District. Staff recommends approval of the final plat subject to the Petitioner paying any required tap-on fees and supplying a surety for any uncompleted public improvements prior to recording of the plat.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Community Unit School District No. 5.

FINANCIAL IMPACT: Costs for utility extensions and adjacent road improvements will be paid by the petitioner and Community Unit School District No. 5.

Respectfully submitted for Council consideration.

Prepared by:

Douglas G. Grovesteen
Director of Engineering

Recommended by:

David A. Hales
City Manager

Reviewed as to legal sufficiency:

Hannah R. Eisner
Deputy Corporation Counsel

PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS)
) SS.
COUNTY OF McLEAN)

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

Now comes Cedar Ridge of Bloomington, LLC, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;
2. That your petitioner seeks approval of the amended preliminary plan for the subdivision known and described as Resubdivision Outlot 35 Cedar Ridge Subdivision, Bloomington, Illinois, which Amended Preliminary plan is attached hereto and made a part hereof; and with all notes contained thereof being approved.

WHEREFORE, your petitioner prays that the Final Plat for Resubdivision Outlot 35 Cedar Ridge Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Cedar Ridge of Bloomington, L.L.C

By: Mercer Turner
Its Attorney

SUBSCRIBED AND SWORN to before me this 12th day of February, 2009.

Tammie R. Keener
Notary Public
My Commission Expires September 10, 2009

ORDINANCE NO. 2009 - 19

**AN ORDINANCE APPROVING THE FINAL PLAT FOR RESUBDIVISION OF
OUTLOT 35 CEDAR RIDGE SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat for Resubdivision of Outlot 35 Cedar Ridge Subdivision, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code.

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

1. That the Final Plat of Resubdivision of Outlot 35 Cedar Ridge Subdivision is hereby approved, with all notes contained thereof.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of March, 2009.

APPROVED this 24th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Outlot 35 in Cedar Ridge Subdivision in the City of Bloomington, McLean County, Illinois, per plat recorded January 17, 2008 as Document No 2008-1507 in the McLean County Recorder's Office. Said property contains 18.141 acres, more or less

P.I.N. 21-21-202-002

Motion by Alderman Huette, seconded by Alderman Purcell that the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Permission to Submit a Request for Proposal for Neighborhood Stabilization Program, (NSP)

RECOMMENDATION: That permission to submit a Request for Proposal be approved.

BACKGROUND: The Neighborhood Stabilization Program (NSP) is a federal grant program authorized by the Housing and Economic Recovery Act of 2008 (HERA) to provide emergency assistance for the acquisition and redevelopment of foreclosed and abandoned properties that might become sources of abandonment and blight within their communities.

On March 4, 2009, the Illinois Department of Human Services, as the lead entity for the state's Neighborhood Stabilization Program, released a competitive NSP Request for Proposals, which is due to be submitted on or before Monday, May 4, 2009 at 2:00 p.m. The state has approximately \$53 million in NSP funding to be used for eligible activities under the program.

Eligible activities include the purchase and rehabilitation of foreclosed homes for resale or rental, demolition of blighted structures, provision of secondary financing for the purchase of properties, redevelopment of demolished or vacant properties, and land banking. HERA requires all NSP funds to be used in areas of greatest need that have been impacted by foreclosures, high risk mortgages, and high rates of abandoned or vacant properties. The program requires all funds be obligated to a specific property within eighteen (18) months of receipt and expended within four (4) years.

City staff has been working with local lenders to identify potential structures and/or vacant/abandoned dwellings, in compliance with the NSP guidelines, for inclusion in the City's grant submission.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Receipt of NSP funds will assist the City in addressing neighborhood revitalization by either the rehabilitation of single and/or multi-family dwellings and/or the redevelopment of vacant and/or abandoned structures or land.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Mark R. Huber
Director PACE

David A. Hales
City Manager

David Hales, City Manager, addressed the Council. This was an exciting opportunity for the City. There was potential. He introduced Connie Griffin, recently retired City staff member, to explain this grant request.

Ms. Griffin presented a Power Point presentation along with a handout. The Housing Economic Recovery Act (HERA) offered \$4 billion to communities for redevelopment of abandoned and/or foreclosed structures before they become a blight on the neighborhood.

The Neighborhood Stabilization Program (NSP) was actually a part of the Community Development Block Grants (CDBG). The Housing and Urban Development (HUD) Department analyzed areas to determine the high priority, high needs areas. McLean County was not one of the high needs areas within the State of Illinois.

Ms. Griffin reviewed the maps for the Council. She addressed the eligible uses for the NSP funds. Some included establishing financing mechanisms to purchase or redevelop foreclosed property. It could also be used to rehabilitate abandoned homes or to establish land banks. One of the requirements of this grant included twenty-five percent (25%) of the grant must benefit households with an income of less than fifty percent (50%) of the median income for the given area.

This was a competitive grant application process. Organizational capacity and willingness to proceed were both scored highly within the application. The state and its sub-recipients needed to have the funds obligated within eighteen (18) months and the projects completed within four (4) years.

Alderman Purcell questioned how other cities purchased foreclosed housing, repaired it and sold same. He questioned the process used. Ms. Griffin stated that issue may fall under the Davis Bacon rules for infrastructure. There are certain exemptions for CDBG funds.

Alderman Purcell inquired if other cities demolished structures and donated the land to organizations such as Habitat for Humanity. Another option for the City was to refurbish the structure and sell it. Ms. Griffin stated cities with CDBG funds may have

rehabilitation money available. The City had given priority to single family, owner occupied housing which met income guidelines.

Alderman Schmidt inquired as to where the referenced properties were located. Ms. Griffin noted those properties were generally located in the central part of the City. The City worked closely with the lenders who own vacant properties.

Alderman Stearns questioned if the City had a potential list of locations that may qualify for NSP funds. Ms. Griffin answered affirmatively. There were approximately fifteen to twenty (15 - 20) properties on the list. Alderman Stearns questioned if the money could be allocated directly to those homeowners who were involved in foreclosure. Ms. Griffin noted that would be dependent upon the program's rules.

Mr. Hales stated the application process was brought before the Council to receive concurrence that staff should proceed. Ms. Griffin added that the application would be brought before the Council at their April 13, 2009 meeting for the required authorization. It would involve a resolution in order to comply with the NSP requirements.

This grant looked at the high needs areas which were concentrated within the central City. Appraised values would be evaluated, and were required to be less than sixty (60) days old. The lenders involved must be willing to give a fifteen percent (15%) discount on the purchase price of the property. The last requirement was that the refurbishing of the properties could not exceed seventy-five percent (75%) of the property's purchase price. Any of the requirements which applied to the CDBG would also apply to the NSP funds.

Alderman Stearns questioned if the Council would approve the specific locations which would receive this grant. She also questioned if the neighborhood associations would be involved. Mr. Hales stated that when this item was brought before the Council on April 13, 2009 meeting, it would include language requiring neighborhood association involvement as well as each acquisition would require Council approval prior to the purchase.

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

Motion carried.

Marsha Beeler, 1315 S. Cook, addressed the Council. She questioned the qualifications included in order to receive these funds. Ms. Griffin stated it was a competitive grant process. A large portion of the grant applications were rated on readiness to proceed with the work and the capacity to complete the work.

Dan Metz, 608 E. Mulberry, addressed the Council. He was concerned about these funds and the strings attached. With the City purchasing real estate, it would not encourage private development. He cited a conversation held with a lender regarding a

certain property. The lender stated that he would not sell to Mr. Metz because he could obtain a better deal through the City. He also believed there should be an effort to restore the historical and cultural districts within the City.

Ms. Griffin stated that the rules cited were federal regulations. She restated some of the requirements and the fact that this was a competitive process. Several locations had recently been evaluated. The lenders would make the decisions as to whom they would sell the properties. The banks needed to guard their financial capacity.

Mr. Hales stated the federal government, as well as municipalities, had interest in citizen's participation. Ms. Griffin concurred and stated the City needed to complete preliminary investigations regarding the prospective properties. After a property was selected, the City must specify a dollar amount necessary to complete the project.

Alderman Fruin appreciated the specific interest and the specific properties identified. He questioned how much the Council should be involved in the actual selection of the project properties.

Alderman Stearns stated this was not so much of the Council being involved as it was the neighborhoods being involved. This would be a vehicle to notify neighborhoods and encourage participation.

Dennis Arnold, 1504 N. Lee St., addressed the Council. He had been at a previous presentation regarding NSP funding. He believed it was a terrific idea. It was important to bring the decisions back to the neighborhoods. Alderman Stearns concurred and noted various neighborhoods should be involved in the process.

Mr. Arnold believed that the community had seen a lack of investment by the City, state and federal governments over the past four (4) decades. These issues needed to be addressed. Neighborhoods needed the opportunity to rehabilitate their areas.

Alderman Gibson questioned if the properties were able to be refurbished, then why were there not private buyers interested. He noted that the Council did not have the expertise or knowledge to make the repairs themselves. He questioned who would decide if these were valid selections. Mr. Arnold acknowledged the program would probably demolish the majority of the properties. There were, however, other uses for these properties. Private investment would be encouraged.

Mayor Stockton noted the City could demolish a structure and then transfer the title of the property to Habitat for Humanity. Ms. Griffin concurred. There were seven (7) different eligible activities for the selected properties. It would need to be determined which best suits each particular site. The proposed list of properties was amendable. Properties must be vacant, with a clear title in order for the City to purchase same. It would be difficult to comply with the regulations regarding this grant.

Mr. Metz questioned the length of time this project had been in process. Ms. Griffin reviewed the NSP time lines. The West Bloomington Task Force worked with Ms. Griffin to locate eligible properties.

Alderman Purcell stated his commitment to the redevelopment of the west side. This was a great option since it was believed that the CDBG funding would be less this year. He thanked Ms. Griffin for her years of service.

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

Motion carried.

The following was presented:

SUBJECT: Presentation of New Street Condition Rating System

RECOMMENDATION: Not applicable.

BACKGROUND: The Engineering Division of the Department of Public Works will present 1.) the methods used to rate the condition the 311 centerline miles of street maintained by the City; 2.) the current ratings of our City streets; 3.) continued evaluation of new materials or processes, and 4.) estimates of the financial needs to be good stewards of the roadway system.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Presentation will expound on the City's past commitments to street resurfacing, and future needs.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Douglas G. Grovesteen
Director of Engineering

David A. Hales
City Manager

Alderman Huette left the meeting at 8:37 p.m.

Mayor Stockton introduced this item. There were a large number of streets that needed resurfacing. It was necessary to prioritize the work because the need was greater than allocated resources. Council needed to determine the best method of prioritizing streets.

Alderman Huette returned to the meeting at 8:40 p.m.

David Hales, City Manager, addressed the Council. Staff had put together an overall inventory of the City's streets with a rating system. This system could be used as part of the City's capital improvement plan. The information presented tonight would inform the Council about what was available in the future.

Municipalities throughout the country tried to determine how much to invest in streets and roads. A key question was how much should be invested into existing versus new roads and streets. The City could benefit from an objective inventory which listed all streets with their condition. This was a professional approach. Staff and citizens should develop overall transportation goals for the community. A key question was the level of usefulness the community wanted from its roads.

There were two (2) ways to approach street funding: 1.) the budgeting process including street repair with left over funds, or 2.) plan and outline long term goals for the street repairs. A key consideration was affordability.

There would be opportunities for future discussions regarding decisions on a long term improvement plan.

Jim Karch, Director of Public Works, addressed the Council. This evening was an introduction for the Council. Staff was interested in further discussion in the future. Long term strategic planning and objective criteria would be laid out for discussion. There were four (4) key areas for the Public Works Department to have as goals for the future. The Council would be asked to help determine how to proceed and how to fund the changes.

Kevin Kothe, Design Engineer, addressed the Council. There were several different types of pavement management systems. The one (1) which staff chose was developed at the University of Wisconsin. It assigned a rating to the street on a scale of one to ten (1 – 10), with ten (10) being newly paved or resurfaced streets. A rating of one (1) meant the street should be closed due to the hazards.

Data was collected on streets, blocks and intersections maintained by the City. The system compiled the data and produced reports. The reports outlined the specific streets in need of repair as well as calculating the costs of the repair. He proceeded to show slides of streets with different ratings.

Of the streets maintained by the City, twenty-five percent (25%) of them rated at a four (4) or below. Twenty-five percent (25%) was rated at a nine (9) or ten (10).

Mr. Kothe presented a slide outlining dollars spent by the City on resurfacing projects. He noted that Motor Fuel Tax (MFT) funds were used until the state had taken them from the City to be used for larger state projects.

In the 2007-2008 Fiscal Year, direct negotiations with contractors resulted in lower costs. The cost of asphalt per ton included the installation fees, as well. The grade of

asphalt determined the cost per ton. Historically, asphalt costs had increased by six percent (6%) per year.

The City was able to negotiate lower pricing when costs were high. The years which the City negotiated, instead of bid, the resurfacing was complete earlier than the years where bids were accepted and then read and approved through the state.

Mr. Kothe presented a chart which showed the pavement conditions over time. Different types of streets age over different time spans due to the level of traffic on the streets.

He also presented slides outlining the costs for the City to maintain the streets at different levels plus the costs to bring the other streets at the suggested level.

The City was working at finding ways to enhance pavement life. Street sealing was one option. There was less cost and less disruption with some alternatives.

Mr. Karch stated this was an objective system that could be integrated into the City's goals.

Alderman Fruin questioned if there was any new pavement products coming in the future. Mr. Kothe responded affirmatively. The City had begun using polymer mixes with the asphalt. It was more expensive, but provided better performance. Illinois Department of Transportation (IDOT) was also testing new asphalt types that showed promise.

Alderman Sage questioned if the polymer was the same one the City tried on Martin Luther King Jr. Drive. Mr. Kothe responded affirmatively. The additional cost per ton was approximately six dollars (\$6).

Alderman Sage noted the amount the City spent on streets during the last four (4) years was more than the previous eleven (11) years combined. Mr. Karch agreed and noted it was due to the focus on the back to basics campaign. The effort on resurfacing had been enhanced. He requested the Council think about what level they would like to set as policy. This decision would be based upon the street levels presented this evening.

Alderman Sage acknowledged the prioritization this system would bring to the City. There were objective elements which would assist staff in the decision making process. It would help rating current streets as well. Mr. Karch responded affirmatively. This system offered a long term strategic plan. It helped the City to be better stewards of resources.

Alderman Hanson acknowledged this was good information for the Council. He requested that staff provide average daily vehicle counts for these projects.

Alderman Stearns questioned the unit prices from the contractor. Mr. Karch noted it would be the unit cost plus any anticipated increase. Mr. Kothe stated the overall average cost was simply a composite amount of twenty dollars (\$20) per square yard. Some

streets may cost more, while others may cost less. It would depend upon the amount of work necessary to bring the streets up to repaving condition.

Alderman Schmidt questioned if there was a rating for the brick streets. Mr. Kothe responded negatively. Brick streets were not rated because staff was still under the mandate not to overlay brick. The City needed a plan to evaluate which brick streets would need to be replaced and which could be preserved.

Alderman Purcell noted the systematic approach to the City's streets. He believed this was the best way to proceed. There was a lot of work to complete.

Mr. Hales reminded the Council of the back to basics mandate. The City would receive Motor Fuel Tax funds. There were three (3) projects which may qualify for federal stimulus dollars. Those projects needed to meet the specified criteria. A list of prospective streets to repair needed to be aggressive.

Alderman Sage questioned if this plan was for a single year or for multiple years. Mr. Hales believed it was for multiple years.

Alderman Stearns questioned if there was any funding for alley paving. Mr. Hales stated alley paving was also part of the capital improvement fund.

Mayor Stockton noted the influence for back to basics. These projects needed to be timely and in line with the budget. There was still much to be done. There were a number of things to consider.

The following was presented:

SUBJECT: Text Amendment to Increase Various Ordinance Violation Fines

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

BACKGROUND: The Police Department issues tickets for violation of many ordinances in the City. The fine associated with the violation acts as a deterrent. Although judges are permitted to impose a range of fines if the person goes to court, many persons receiving ordinance violation (OV) tickets prefer to pay at City Hall. The fine for a ticket paid at City Hall is set by ordinance. The Police Department requests the minimum fine on the following OV's be raised from \$50 to \$100. The increase will not only act as a deterrent but will also better represent the human resource costs involved in the investigation and prosecution of such violations.

- | | |
|-------------------------------|---------------|
| 1. Being in Parks after Hours | (31 - 901) |
| 2. Disorderly Conduct | (28 - 5) |
| 3. Excessive Engine Emissions | (4 - 27) |
| 4. In Cemetery after Hours | (31 - 1208) |
| 5. Dog Running at Large | (8 - 50 & 81) |

6. Possession of Tobacco by Minor	(28 - 105)
7. Sale of Tobacco to Minor	(41 - 6)
8. Unlawful Use or Sale of Fireworks	(17 - 105)
9. Challenge to Fight	(28 - 6)
10. Discharge of an Air Gun	(28 - 52)
11. Disorderly House	(28 - 65)
12. Injury to Property	(28 - 53)
13. Noisy Animals	(8 - 8)
14. Public Intoxication	(28 - 15)
15. Public Urination	(28 - 23)
16. Alarm	(35 - 43)

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Based on figures for 2008 OV's, a revenue increase of between \$80,000 and \$100,000 based on collection.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Randall McKinley
Police Chief

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NUMBER 2009 - 20

**AN ORDINANCE AMENDING SECTION 9 OF CHAPTER 1
OF THE CITY CODE, AMENDING MINIMUM FINES
FOR CERTAIN ORDINANCE VIOLATIONS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON

Section One:

That Section 9 of Chapter 1 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

<u>OFFENSES</u>	<u>CHAPTER</u>	<u>SECTION</u>	<u>AMOUNT</u>	
Air Pollution:	4	All	\$50.00	\$100.00
Animals:	8	All	\$50.00	\$100.00
Misdemeanors:	28	All*	\$50.00	\$100.00
*Except as noted below				
a. Graffiti	28	101		\$500.00
b. Possession of Cannabis	28	103(a)		\$250.00
c. Possession of Drug Paraphernalia	28	103.1		\$250.00
d. Sanitation – Cats and Dogs	28	104	\$25.00	\$50.00
e. Narcotics- Related Loitering	28	106		\$100.00
f. Curfew	28	17		\$50.00
g. Truancy	28	19		\$50.00
Parks and Cemeteries:	31	All*	\$50.00	\$100.00
*Except as noted below				
a. Alcohol in Park Prohibited	31	701		\$250.00
Police:				
a. Alarms w/Automatic 911 Dialing	35	42		\$100.00
b. Excessive False Alarms	35	43(b)	\$50.00	\$100.00
c. Emergency Contact Information	35	44		\$100.00
d. Intentional Activation of Alarm	35	45		\$150.00
e. Nuisance Alarms	35	46	\$50.00	\$100.00
Tobacco	41	All*	\$50.00	\$100.00
a. Smoking in City Owned Facilities	41	12		\$100.00
b. Smoking in Public Places & Places of Employment	41	13		\$100.00

e. Smoking within 15 ft of any public— —entrance to a place where smoking is— —prohibited	41	14	\$100.00
d. Non-Retaliation	41	17	\$100.00
e. Posting of Signs	41	19	\$100.00

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

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

Section Four: This ordinance shall be effective ten days after the date of its publication.

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

PASSED this 23rd day of March, 2009.

APPROVED this 24th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Bob Wall, Assistant Police Chief, addressed the Council. These fees act as a deterrent to offenders. The City had not raised these fees in the past fifteen (15) years. The increase would bring the fees in line with the cost of providing services. It would also provide a more uniform fee scale with the Town of Normal. These were nuisance offenses and should have no impact on the law abiding citizens. Assistant Chief Wall noted these increases would effect approximately 1,500 Ordinance Violations annually.

Alderman Schmidt questioned the process for repeat offenders who do not pay their fines. Hannah Eisner, Deputy Corporate Counsel, addressed the Council. Once a citation had been issued, the offender would have fifteen (15) days to pay the fine at City Hall. No other fees or court costs would be incurred.

If an offender does not pay the fine within the fifteen (15) days, the offense was moved to Circuit Court and a court date scheduled. Due to the back up in the court system, it was not unusual for individuals to make multiple court appearances. Staff tried to consolidate the fines. Once at court, the judge has discretion. There was a range of fines available for the specific offense. Staff tracked fines on a monthly basis.

Alderman Fruin questioned if other departments within the City needed to update their fees. The City needed a process by which to update fees for all the departments. David Hales, City Manager, addressed the Council. The draft budget allowed funding for staff to process a comprehensive, city wide review of fees and service charges. It would outline direct and indirect costs to the City. Once the review was completed, staff would present recommendations to the Council regarding the costs of the services and the levels of subsidies associated.

Alderman Gibson questioned the engine noise ordinance. He believed loud mufflers within the City were more of a concern. Ms. Eisner noted that fines for noisy vehicles were currently higher than those listed.

Alderman Gibson questioned if an air gun was the same as a bb gun. Assistant Police Chief Wall answered affirmatively.

Alderman Stearns reminded Council that she and Mayor Stockton had been looking into a vehicular noise ordinance based on the City of Decatur's ordinance. They were in the preliminary stages of writing the ordinance.

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

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

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

Nays: None.

Motion carried.

Alderman Purcell left the meeting at 9:40 p.m.

The following was presented:

SUBJECT: Text Amendment and Ordinance Amending Chapter 40 (Taxicabs) of the City Code

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

BACKGROUND: By intergovernmental agreement, the City regulates companies which transport persons in return for the payment of fees (the operations of the Bloomington-Normal Public Transit System are exempted from these regulations).

In 2007, it came to the attention of staff that minivans were operating in the Downtown, mainly at closing time for liquor establishments, and were transporting customers home in return for fees. This activity violated the ordinances then in effect; however, it was also recognized that the minivans were serving the general welfare by lessening the possibility of driving under the influence of alcohol. Representatives of taxi companies conceded that they did not have sufficient resources to provide transportation to all liquor establishment patrons who needed it at closing time, but understandably protested that totally unregulated minivans transporting persons for hire was not in the public interest.

In November of 2007, Council enacted an ordinance regulating some of the operations of “vehicles for hire”. Limousines were not regulated. Late in 2008, it came to the attention of the staff that the November 2007 ordinance needed revision because persons were taking advantage of ambiguities in the ordinance to operate unregulated shuttle services. Owners of taxicab companies and vehicle for hire companies were invited to meet with staff on January 13, February 13, and February 24, 2009 to discuss issues and recommend changes to the draft ordinance. Staff has also agreed to meet with the taxicab and vehicle for hire owners every three (3) months, to keep the dialogue open, discuss concerns, etc.

The proposed ordinance seeks to add necessary regulations in a manner which is fair to all sides. All sides recognize that taxicab companies are required by the City to incur business expenses which vehicles for hire and limousines are exempt. They must provide service 24 hours a day, 7 days a week. Their fares are regulated by ordinance, and the number of taxi companies and taxicabs cannot be increased except by a decision of the City Manager. However, if vehicles for hire and limousines are permitted to cut into the market for taxi services too much, the taxi companies will be driven out of business, which is not in the public interest. Similarly, vehicles for hire have a purpose in transporting larger groups of people to and from liquor establishments to lessen the possibility of driving under the influence of alcohol and to facilitate quick evacuation of the downtown areas when the bars are closing. Finally, legitimate limousine rental businesses address an obvious public desire.

The ordinance makes the following changes:

The definition of “Taxicab” is changed to clarify that any vehicle which carries passengers for hire and not operated regularly on established routes is considered a taxicab unless otherwise exempted from taxi regulations under the “Vehicle for Hire” or “Limousine” articles of Chapter 40. Also, the transit system vehicles and hotel/motel courtesy vans are exempt from the regulations.

Persons who have felony convictions within the last five (5) years or convictions for sexual offenses (no matter how old) are prohibited from operating taxicab companies or vehicle for hire companies. (Drivers were already covered by such regulations).

Taxi and vehicle for hire companies must provide proof of insurance to the City and to inform the City if the insurance lapses or is cancelled for any reason (they must also have policies which require the company to so inform the City).

The regulations covering “Vehicles for Hire” are amended to allow such vehicles to transport persons to or from the central business districts of Bloomington or Normal or to or from establishments holding a current license from Bloomington or Normal to sell liquor for consumption on the premises (this section was amended because it was pointed out that groups often desire transportation to liquor establishments which are outside the central business districts). Vehicles for hire are only permitted to operate on Thursdays, Fridays and Saturdays commencing at 6:00 P.M. on those days until 3:00 A.M. the following morning. They are also permitted to operate between 6:00 P.M. on March 17th until 3:00 A.M. the following morning and between 6:00 P.M. on December 31st until 4:00 A.M. the following morning, and on other dates on which an official notice permitting them to do so has been issued by the Mayor acting in his or her capacity as Liquor Commissioner.

“Limousines” would now be regulated by Chapter 40. They are defined as any vehicle for which the lessee has executed a written contract giving the lessee and his or her guests the exclusive use of the vehicle for a continuous period of time of at least three (3) hours or more. All vehicles claiming to be limousines must have a copy of the written contract which has been executed by lessee in the vehicle. Whenever the limousine is parked during the period it is leased, it must have a sign prominently displayed stating “Not for Hire”. Finally, vehicles purporting to be limousines must have “livery” or “PT” license plates on it. Persons violating these provisions may be charged and fined under any of the provisions of Chapter 40 (the current penalties are a fine of between \$250 and \$1,000 for a first offense and a fine of between \$250 and \$2,500 for second and subsequent offenses).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Owners of taxicab, vehicles for hire and limousine companies, and representatives of the Town of Normal. Meeting sign in sheets are attached.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2009 - 21

**AN ORDINANCE AMENDING CHAPTER 40
OF THE BLOOMINGTON CITY CODE, RELATING
TO TAXIS, VEHICLES FOR HIRE AND LIMOUSINES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON

Section One: That Chapter 40 (Taxicabs) of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

Section 102: Definitions

(n) “Taxicab” shall mean any vehicle used in the business of carrying passengers for hire; ~~having a seating capacity of less than ten (10) persons~~ and not operated regularly upon established routes; however, motor vehicles operated for purposes of mass transit by the City of Bloomington and the Town of Normal and shuttle services operated by hotels and motels as a courtesy to their guests shall not be considered taxicabs.

Section 203: Investigation

The Chief of Police shall cause an investigation to be made of the character, fitness and qualifications of the applicant, and shall transmit the findings to the City Manager. No applicant who has been convicted within the last five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code shall be eligible to receive a certificate of public convenience and necessity. Any person who has received a certificate of public convenience and necessity who desires to drive a taxicab must also have a permit from the City of Bloomington pursuant to Article IV of this Chapter.

Section 205: Indemnity Bond or Liability Insurance Required.

No certificate of public convenience shall be issued or continued in operation and it shall be unlawful for any person to operate a taxicab unless there is in full force and effect an indemnity bond for each vehicle authorized in the amount of Fifty Thousand Dollars (\$50,000) for death or bodily injury to any one person; in the amount of One Hundred Thousand Dollars (\$100,000) for death and/or injuries to more than one (1) person which are sustained in the same accident and Fifty Thousand Dollars (\$50,000) for property damage resulting from any one accident. Said bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants, agents, or drivers. Said bond or bonds shall be filed in the office of the City Clerk and shall have as surety thereon a surety company authorized to do business in the State of Illinois.

The City Manager may in his discretion allow the holder to file, in lieu of bond or bonds, a liability insurance policy or certificate showing the specific vehicles covered by an effective policy in said amounts issued by an insurance company authorized to do business in the State of Illinois. Said policy shall conform to the following provisions:

- (1) The policy shall provide the same coverage as required for bonds above.
- (2) Said policy of insurance shall contain a provision that the same cannot be cancelled by the company issuing the same without giving thirty (30) days notice in writing of such cancellation to the holder and to the City Manager, either personally or by registered mail. Whenever any such policy shall be so cancelled, the City Manager shall require such owner either to furnish a bond or a new policy of insurance, in accordance with the provisions of this Chapter. Whenever the issuing company gives such notice of cancellation, the City Manager shall, at the expiration of said thirty (30) days, mark said insurance policy or certificate "withdrawn" with the date such withdrawal became effective, and thereupon the liability of such company on said policy shall cease as to any injury or damage sustained after the date such withdrawal becomes effective.
- (3) If, at any time, in the judgment of the City Manager, said policy of insurance is not sufficient for any good cause, he may require the owner of such taxicab who filed the same to replace said policy of insurance with another good and sufficient bond or insurance policy, in accordance with the provisions of this Chapter.
- (4) All policies of insurance herein required shall expire the 31st day of December of each year. This expiration date shall not operate to terminate liabilities under such policies which occurred during the period in which the policies were in effect.
- (5) The applicant or holder shall deposit with the City Clerk a duplicate certificate of effective insurance from the company or a copy of all policies of insurance for public liability and property damage required by the State of Illinois for the operation and driving of a motor vehicle for the carriage of passengers for hire; and the same shall be applied to the extent thereof as long as said policies are in full force and effect in determining whether the owner of such taxicab has fulfilled the requirements for a policy of insurance as provided in this Chapter.
- (6) The applicant or holder shall immediately notify the City Manager if any policies of insurance required under this Chapter have lapsed, been revoked, or in any other manner ceased coverage.

Article X: Vehicles for Hire ~~Operating within the Central Business District~~

Section 1001: Definitions.

For the purposes of this Article, "vehicles for hire" shall mean any motor vehicle engaged in the business of carrying persons for hire ~~within the Central Business District of the City of Bloomington and/or the Central Business District of the Town of Normal~~; however, taxis and limousines otherwise regulated under this Chapter 40 and operating in compliance with such

regulations and motor vehicles operated for purposes of mass transit by the City of Bloomington and the Town of Normal shall not be considered vehicles for hire.

For the purposes of this Article, “Central Business District of the City of Bloomington” shall mean the area bounded by the following streets:

Beginning at the intersection of Locust and Roosevelt Streets; thence east on Locust to Prairie Street; thence south to Douglas Street; thence east to Gridley Street; thence south to Jefferson Street; thence east to McLean Street; thence south to Front Street; thence west to Gridley Street; thence south to Olive Street; thence west to Prairie Street; thence south to Jackson Street; thence west along Jackson Street and an extension thereof to Main Street; thence north to Kentucky Alley; thence west to Center Street; thence north to Olive Street; thence west to Lee Street; thence north to Front Street; thence west to Oak Street; thence north to Monroe Street; thence east to Roosevelt Street; thence north to a point immediately south of Mulberry Street; thence east to a point halfway between the Roosevelt Street right-of-way and the Madison Street right-of-way; thence north to Locust Street.

For the purposes of this Article, “Central Business District of the Town of Normal” shall mean the area bounded by the following streets:

Starting at the point in the intersection of Fell Ave. and W. College Ave., then South to the intersection of S. Fell Ave. and the South right of way of the railroad, then North Easterly along said right of way to the point of the North West corner of the Parkinson St. parking lot, then South to the centerline of Parkinson St., then North Easterly along said street centerline to the intersection of S. Linden St., then South to the intersection of Linden and Taylor St., then East to the center of the intersection of S. Oak St., then North to the point of the intersection of the North row of E. College Ave and the North row of the railroad, then North Easterly along said row to the Southern row of E. Mulberry St., the along said row Westerly to the intersection of N. Linden St., then South along the street centerline to the intersection of E College Ave., then West to the point of beginning.

For the purposes of this Article, “operate or drive a vehicle for hire” shall mean to operate a business or drive a vehicle which transports persons in return for payment when such transportation commences or terminates within the Central Business District of the City of Bloomington, the Central Business District of the Town of Normal or any establishment holding a current license from the City of Bloomington or Town of Normal to sell liquor for consumption on the premises.

Section 1002: Illegal Operation of Vehicles for Hire.

No person or entity shall operate or drive a vehicle for hire ~~within the Central Business District of the City of Bloomington or the Central Business District of the Town of Normal~~ without

complying with the requirements of this Article. Vehicles for hire may only be operated on Thursdays, Fridays and Saturdays, commencing at 6:00 P.M. until 3:00 A.M. the following morning. Vehicles for hire may also be operated on March 17 commencing at 6:00 P.M. through 3:00 A.M. on March 18th and on December 31st until 4:00 A.M. January 1st. Vehicles for hire may also be operated on any dates and times for which an official notice to do so has been issued by the Mayor acting as Liquor Commissioner. Persons or entities otherwise regulated pursuant to the remainder of Chapter 40 of the Bloomington City Code are exempt from the requirements of this Article X; however, all taxis and vehicles for hire must have a current permit which has been issued by the City of Bloomington.

Section 1003: Permit to Drive Vehicles for Hire or Operate a Vehicle for Hire Company Required.

No person shall drive a vehicle for hire or operate a vehicle for hire company without having applied to the City of Bloomington and having received from the City of Bloomington a permit to drive a vehicle for hire and operate a vehicle for hire company. Such application shall be verified by oath and shall contain the following information:

- (a) The name, age and residence of applicant;
- (b) The names and addresses of four (4) persons who have known the applicant for a period of four (4) years and who will vouch for the sobriety, honesty, and general good character of the applicant;
- (c) The number of the applicant's operator license issued by the State of Illinois;
- (d) Whether applicant's operator license has ever been suspended or revoked by any governmental body in or outside of the State of Illinois, and if so, the reason therefore;
- (e) The number and nature of moving traffic violations committed by the applicant;
- (f) A concise history of the applicant's employment;
- (g) Convictions of the applicant within the past five (5) years of any felony in any jurisdiction, or of any sexual offense under Articles 11 or 12 of the Illinois Criminal Code, or equivalent sexual offenses of any other jurisdiction.

At the time the application is filed, the applicant shall pay to the City Clerk the sum of Ten Dollars (\$10.00).

Section 1004: Investigations of Applicant.

The Police Department shall conduct an investigation of each applicant for a vehicle for hire driver's permit and a report of such investigation and copy of the traffic and police record of the applicant, if any, shall be forwarded to the City Manager. The City Manager upon consideration of the application shall approve or deny it. Approval of any application may be withdrawn if a

police investigation or other information discloses grounds for denial of an application under Section 1005. No applicant for a permit to operate a vehicle for hire company who has been convicted within the last five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code shall be eligible operate a vehicle for hire company. Any person who has received a permit to operate a vehicle for hire company who desires to drive a taxicab must also have a permit to drive a vehicle for hire from the City of Bloomington pursuant to Section 1003 of this Chapter.

Section 1005: Indemnity Bond or Liability Insurance Required.

No permit shall be issued or continued in operation to operate a vehicle for hire and it shall be unlawful for any person to operate a vehicle for hire unless there is in full force and effect an indemnity bond for each vehicle authorized in the amount of Fifty Thousand Dollars (\$50,000) for death or bodily injury to any one person; in the amount of One Hundred Thousand Dollars (\$100,000) for death and/or injuries to more than one (1) person which are sustained in the same accident and Fifty Thousand Dollars (\$50,000) for property damage resulting from any one accident. Said bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants, agents, or drivers. Said bond or bonds shall be filed in the office of the City Clerk and shall have as surety thereon a surety company authorized to do business in the State of Illinois.

The City Manager may in his discretion allow the holder to file, in lieu of bond or bonds, a liability insurance policy or certificate showing the specific vehicles covered by an effective policy in said amounts issued by an insurance company authorized to do business in the State of Illinois. Said policy shall conform to the following provisions:

- (1) The policy shall provide the same coverage as required for bonds above.
- (2) Said policy of insurance shall contain a provision that the same cannot be cancelled by the company issuing the same without giving thirty (30) days notice in writing of such cancellation to the holder and to the City Manager, either personally or by registered mail. Whenever any such policy shall be so cancelled, the City Manager shall require such owner either to furnish a bond or a new policy of insurance, in accordance with the provisions of this Chapter. Whenever the issuing company gives such notice of cancellation, the City Manager shall, at the expiration of said thirty (30) days, mark said insurance policy or certificate "withdrawn" with the date such withdrawal became effective, and thereupon the liability of such company on said policy shall cease as to any injury or damage sustained after the date such withdrawal becomes effective.
- (3) If, at any time, in the judgment of the City Manager, said policy of insurance is not sufficient for any good cause, he may require the owner of such taxicab who filed the same to replace said policy of insurance with another good and sufficient bond or insurance policy, in accordance with the provisions of this Chapter.
- (4) All policies of insurance herein required shall expire the 30th day of June of each year. This expiration date shall not operate to terminate liabilities under such policies which occurred during the period in which the policies were in effect.

(5) The applicant or holder shall deposit with the City Clerk a duplicate certificate of effective insurance from the company or a copy of all policies of insurance for public liability and property damage required by the State of Illinois for the operation and driving of a motor vehicle for the carriage of passengers for hire; and the same shall be applied to the extent thereof as long as said policies are in full force and effect in determining whether the owner of such taxicab has fulfilled the requirements for a policy of insurance as provided in this Chapter.

(6) The applicant or holder shall immediately notify the City Manager if any policies of insurance required under this Chapter have lapsed, been revoked, or in any other manner ceased coverage.

Article XI: Limousines.

Section 1100. "Limousine" shall mean any vehicle for which the lessee has executed a written contract granting the lessee and his or her guests the exclusive use of the vehicle for a continuous period of time of three hours or more. All vehicles purporting to be operating as a limousine must at all times have in the possession of the driver a copy of the written contract which has been executed by the current lessee of the vehicle. Whenever a limousine is under the exclusive use of a lessee and is parked, it must have a sign prominently posted which states, "Not for Hire". No vehicle shall be leased as a limousine unless it has "livery" or "PT" vehicle registration plates issued by the Illinois Secretary of State. Persons operating a vehicle in compliance with the requirements of this Article XI shall not be deemed to be unlawfully operating a taxi or a vehicle for hire.

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

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

Section Four: This ordinance shall be effective ten days after the date of its publication.

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

PASSED this 23rd day of March, 2009.

APPROVED this 24th day of March, 2009.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item.

Alderman Purcell returned to the meeting at 9:42 p.m.

Barbara Adkins, Deputy City Manager, addressed the Council. In 2007, taxicab owners came before the Council to express their concern regarding unregulated competition. Staff researched and defined the term of vehicle for hire.

In 2008, taxicab owners came before the Council again. They believed there were illegally operated shuttles and limousines within the City as vehicles for hire.

This ordinance would level the playing field between the taxicabs and the vehicles for hire. The basis for the vehicle for hire was to assist taxicabs to clear the Downtown on Thursday, Friday and Saturday nights at the bar's closing time.

Three (3) meetings were held between staff, taxicab owners, and vehicle for hire owners. The majority of these owners were present for the meetings. It was a collaborative process. Staff recommended Council adopt the ordinance to level the playing field for these business owners.

Alderman Sage questioned if this was a refinement to the 2007 ordinance. Ms. Adkins responded affirmatively. Alderman Sage also questioned if vehicles for hire displayed the PT license plates. These vehicles could only run on Thursday, Friday and Saturday nights. Ms. Adkins responded affirmatively.

Ms. Adkins explained that initially, vehicles for hire were limited to running services from Downtown Bloomington to Uptown Normal. Shuttles were going to apartment complexes and loading many more individuals than a taxicab could transport.

Vehicles for hire were not required to meet certain standards like taxicab companies. They did not need to register with the City. The drivers were not required to submit to a background screening. Insurance certificates were not required.

Ms. Adkins restated the goal of this change was to be fairer to taxicab companies.

The vehicles for hire requested nights in addition to the Thursday, Friday and Saturday nights. Those additional nights included New Year's Eve and St. Patrick's Day. The ordinance allowed the Mayor to designate additional nights.

Mayor Stockton reiterated this ordinance simply leveled the playing field for these business owners. Taxicabs were necessary. They were mandated to run 24/7/365, (twenty-four hours a day, seven days a week, three hundred, sixty-five days a year).

Closing time on the weekends provided enough business for taxicabs and vehicles for hire.

This item addressed citizens safety. Regulations needed to apply to both, (taxicabs and vehicles for hire). Background screenings for drivers and necessary insurance were both important.

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

Motion carried.

Brian Hug, 11 Bailey Court, attorney for Bloomington/Normal Shuttle, addressed the Council. His client had not been operating in the manner which Ms. Adkins presented. They had tried to follow the regulations. His client did what was required. This Text Amendment would revoke his license.

Mr. Hug referenced his letter sent to Council. His client had invested \$50,000 and hired seven (7) employees. A background check had been performed.

The City did not provide a grandfather clause within this amendment to allow those with established vehicle for hire businesses to continue. He presented his clients license as well as a written statement from his client.

Mayor Stockton questioned which changes within the ordinance would affect his client. Mr. Hug stated that owners may not be convicted of a felony. His client would also not be able to operate during the day to transport the disabled or provide an airport shuttle.

The vehicles for hire were providing a service. Taxicabs did not meet all service needs. Some people prefer shuttles.

Mr. Hug encouraged the Council to consider a grandfather clause to the amendment.

Alderman Finnegan questioned if Mr. Hug's client could not qualify based upon the felony conviction. Mr. Hug responded affirmatively.

Alderman Stearns questioned if Mr. Hug's client met the criteria for licensure under the current vehicle for hire regulations. Mr. Hug responded affirmatively. His client had also been renewed through the City.

If the City chose to revoke a current license, that owner would be entitled to a hearing. With this Text Amendment, his client would not be entitled to a hearing. Alderman Stearns questioned who would hold the hearings. Ms. Adkins stated it would be the City Manager.

Under the Text Amendment, the drivers could not be convicted of a felony within the last five (5) years. If a person were convicted of a sexual crime, they would never be able to drive a vehicle for hire within the City.

Ms. Eisner stated the current ordinance gives taxicabs Certificates of Convenience which allows them to operate within the City. It would be the Council's decision if a grandfather clause would be added to the Text Amendment. The felony conviction piece of the ordinance now applied to taxicabs and vehicles for hire.

Mayor Stockton questioned if the main threat for Mr. Hug's client was the prohibition of owning and/or operating a vehicle for hire. Mr. Hug responded that would be significant. Mayor Stockton questioned how long this client had been in business. Mr. Hug responded one and one-half (1½) years. The owner did not drive vehicles.

Alderman Huette questioned if the grandfather clause would impact the vehicle for hire companies. Ms. Adkins was unsure. There were three (3) taxicab companies and eight (8) vehicle for hire companies within the City.

Alderman Schmidt questioned what the grandfather clause would include. Mr. Hug responded it would include the background piece for his client. There were concerns about the limited time for operation and the limited area requirements. The grandfather clause would need to apply to all current owners.

Alderman Sage questioned the amount of participation staff received at the meetings regarding this change. Ms. Adkins stated the majority of the owners were in attendance. None had issues with the proposed change.

Gary Etko, 208 E. Locust, Red Top Taxicab Co., co-owner and Business Manager, addressed the Council. The ordinance passed in 2007 infringed upon the taxicab business. It outlined the limited area for vehicles for hire.

The three (3) meetings were held to allow input and determine what was fair for all. Bloomington-Normal Shuttle was the only business which expressed this being an issue. He believed that was because Bloomington-Normal Shuttle wanted to be a taxicab service, but be registered as a vehicle for hire. They did not want to be bound by the rules and regulations this ordinance would bring. He encouraged Council to approve this Text Amendment.

Alderman Hanson appreciated Ms. Adkins efforts on this issue. All sides were heard. He would support it as presented.

Mayor Stockton stated he was in favor of the insurance requirements. He believed the larger threat to Bloomington-Normal Shuttle was the company's ownership by a convicted felon. He inquired if the Council would want to grandfather that one piece into the ordinance since the business had been operating for over a year.

Alderman Gibson stated he would not support the grandfather clause.

Alderman Schmidt questioned how the City policed the geographic boundaries of the vehicles for hire. Ms. Eisner stated that many people in the given business actually monitor each other. If an infraction was found, a hearing would be scheduled to address the issue.

Alderman Stearns was concerned with the precedent which was set. This business had been operating outside of the specifications set previously. Ms. Eisner stated the Council had legislative authority to make the changes.

Aaron Halliday, 1508 S. Main, Checker Cab Company, addressed the Council. His company had provided 6,300 rides last year. He stated the paper presented to the Council earlier was a permit and receipt, not a license.

Alderman Sage asked for clarification. He questioned if the proposed restrictions, with the exception of the grandfather clause for ownership, leveled the playing field for the businesses within the City. Mr. Halliday stated seven (7) of the eight (8) shuttle services had agreed to these changes. Bloomington-Normal Shuttle was the only company that did not want to comply with the regulations.

Alderman Hanson stated three (3) taxicab companies and seven (7) shuttle services had agreed to this. One (1) business owner was asking for exceptions. The playing field would not be level, as referenced previously. Mr. Halliday noted that credibility was a huge issue. It was important to comply with the rules. Taxicab companies know they need assistance from the shuttles on the specific nights.

Reve Jackson, 802 W. Jefferson, Master Trax Shuttle Service, LLC, addressed the Council. Master Trax received requests for service every day of the week. He did not think it was fair that this ordinance limited the days of operation to Thursday, Friday and Saturday. It was necessary to have the ability to respond to calls any day of the week.

Alderman Purcell suggested they look into changing their license from a shuttle service to a taxicab company. Mayor Stockton concurred. He stated with the additional privileges come additional requirements.

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

Motion carried.

Motion by Alderman Gibson, seconded by Alderman Hanson to call the question.

Motion carried.

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

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

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

Nays: Aldermen Stearns and Schmidt.

Motion carried.

The following was presented:

SUBJECT: Opening of One Bid for Outdoor Warning Sirens for the Fire Department

RECOMMENDATION: That the Bid be opened at the March 23, 2009 Council meeting, referred to staff for analysis and reported back to Council prior to the end of the meeting.

BACKGROUND: Bids for Outdoor Warning Sirens for the Fire Department were received by the City Clerk until March 10, 2009 at 10:00 a.m. There is \$50,000 budgeted for this item. Only one bid was received by the City Clerk and it is City policy in situations where only one bid is received to have the bid opened and read at the Council Meeting.

Staff requests that the City Council authorize staff to open the bid at the March 23, 2009 meeting and present a recommendation prior to the end of the meeting concerning award of the bid.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: For Fiscal Year 2008-2009, \$50,000 was budgeted in Fire Department Fixed Asset account #F15210-72140 – Equipment other than Office.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert
City Clerk

Recommended by:

David A. Hales
City Manager

Keith Ranney, Fire Chief, addressed the Council. The bid was to replace two (2) outdoor warning sirens. One would be located on Fire House #5, and the other would replace a malfunctioning siren at the top of the State Farm Fire Building.

Innotech was the lone company to respond to the bid. Their bid was complete and met specifications. They held the maintenance agreement for the sirens within the City. Their bid was under the budgeted amount by staff. He recommended the Council approve this bid.

Alderman Sage questioned if the state held any type of contract for municipalities to purchase outdoor sirens. Mr. Ranney was unsure. Council could lay the item over for further review.

Alderman Fruin believed it should be a complete and thorough bidding process. Alderman Sage suggested staff inquire with the state to ensure best use of resources.

Motion by Alderman Sage, seconded by Alderman Schmidt that the item be laid over until the Council's April 13, 2009 meeting.

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

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

Nays: Alderman Gibson.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton noted the budget situation. He thanked David Hales, City Manager, for hitting the ground running regarding the budget. It was a difficult time. The City was notified of a drastic drop in sales tax revenue. Staff was looking for solutions. Reality was looming. People were concerned about service cuts.

Staff needed time to consider options and gather input. The process needed to include to analyzing alternatives. There would be a Work Session next Monday, March 30, 2009, regarding the budget. The cost of labor was sixty-five percent (65%) of the total budget. Employees and unions had been informed of possible lay offs.

The City needed to increase revenue while reducing the costs. Job cuts were common in the area. These were unusual times. He requested an additional thirty (30) days.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, concurred the City had a difficult budget this year. There were deficits within various funds, declining revenues and increased expenses. He hoped to have the budget approved by the Council by April 30, 2009.

The additional thirty (30) days would provide a kind, compassionate time frame for employees facing layoffs.

Staff needed to prepare a budget amount that the Council would be willing to support. It was important to adopt a balanced budget.

Mayor Stockton concurred. The City would have lay offs. This would provide more time to think about the options.

Alderman Gibson questioned what was left to evaluate.

Alderman Stearns noted that staff had already been given notice. Mr. Hales agreed and stated individuals who were notified of lay off were given the target date of April 30, 2009. He would like that date pushed back to May 30, 2009. At that time, Council would have approved the final budget.

Alderman Schmidt noted the Council's input regarding programs and services. There would need to be discussion on how to balance revenue versus expenditures. Mr. Hales noted without impacting the levels of service. Mayor Stockton stated the City would need to work with the bargaining units.

Alderman Sage believed thirty (30) days would be a reasonable pause. Alderman Stearns noted this would be respectful to employees. It would need to be determined if the cuts were appropriate and how they would impact services provided. It would provide clarity for the timeline and decision making process. Alderman Sage concurred. The Council needed a line of sight to make an informed decision.

Mayor Stockton stated that staff cannot fully examine the options with the current time line. Alderman Fruin stated the importance of balancing revenue and expenses. The situation was severe.

Alderman Purcell noted the cuts were severe. Staff and Council need time to look at the possibilities.

Mayor Stockton stated dialogue would begin on Monday, March 30, 2009 at the Work Session.

ALDERMENS' DISCUSSION: Alderman Stearns noted the new neighborhood association regarding Constitution Trail.

The ordinance regarding the noise level within the City was still being reviewed.

Alderman Purcell recognized the employees who were present. He appreciated their loyalty.

Alderman Hanson requested an overview of the pavement options. He reminded the Council of the back to basics philosophy. The Council had a commitment to the streets. They needed to be kept within budget while remaining focused.

Motion by Alderman Hanson, seconded by Alderman Sage, that the meeting be adjourned. Time: 11:03 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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