

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:30 p.m., Monday, July 14, 2008.

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 Tom Hamilton, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

Stan Cain, Beautification Committee Chairman addressed the Council. He presented the Council with an Annual Report. He had met with Mayor Stockton, Tom Hamilton, City Manager, and Dean Kohn, Director – Parks & Recreation. The Committee was established by ordinance in 1973. This year marked the Committee's 35th Anniversary. The Committee needed four (4) additional members and Mr. Cain was actively recruiting for new members. He reviewed three (3) of the Committee's annual activities: 1.) Arbor Day; 2.) Cleanup Week; and 3.) Beautification Awards. He also addressed recent projects: 1.) Veterans Parkway; 2.) West Market Street; and 3.) Downtown. He introduced a current project: gateways. Gateways would provide visual improvements. A Gateways Plan would take careful and comprehensive planning. A Gateways Plan project would include a number of steps.

Mayor Stockton noted that the Gateways Plan was just beginning. The Beautification Committee was moving in the right direction. He added that this project would take funding beyond consultant fees. He believed that a viable plan would include planting trees and modest signage.

Alderman Schmidt expressed her appreciation to the Committee. She noted the Committee's collaborative efforts. She encouraged the Committee to gather information.

Alderman Huette noted his preference for a planned approach. Gateways provided a first impression of the City. Perhaps one gateway would be funded per year. He expressed his opinion that W. Market St. did not provide a good impression.

Alderman Stearns thanked the Committee for its efforts. She described this group as positive. She liked the idea of gateways which would be a wonderful addition.

Alderman Fruin questioned Mr. Cain's tenure with this Committee. This group had worked well for a number of years. Mr. Cain had provided leadership to this group. The Committee's accomplishments had been done through collaboration. It was a team effort which can make things challenging.

Alderman Purcell expressed support for the gateways project. He questioned the project's cost. He thanked the Committee for its efforts. Mr. Cain noted that Committee members have noticed gateways in other communities.

Alderman Sage expressed his appreciation to the Committee. He added his belief that the gateways project would be successful. Mr. Cain noted that this Committee makes an annual report to the Council. The Committee would continue work on the gateways project by performing research. This project would be a group effort. Outside assistance will be needed. After completing additional research, the Committee will return to the Council.

Mayor Stockton acknowledged that the Committee would move ahead. He agreed that W. Market St. gave a false impression of the City. He thanked the Committee for their efforts.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Council Proceedings of January 23, 2006, Work Session Minutes of May 12, 2008, and Executive Session of June 9, 2008

The Council Proceedings of January 23, 2006, Work Session Minutes of May 12, 2008, and Executive Session of June 9, 2008 have been reviewed and certified as correct and complete by the City Clerk.

Respectfully,

Tracey Covert
City Clerk

Tom Hamilton
City Manager

Alderman Fruin thanked Tracey Covert, City Clerk, for the City Clerk's Office's efforts to address the backlog of Council Proceedings. He noted that the Council had held a number of Work Sessions.

Mayor Stockton noted that the City's Council Proceedings went beyond the summary produced by most cities. The Proceedings were detailed and have been helpful on a number of occasions. He thanked Ms. Covert for her efforts.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the reading of the minutes of the previous Council Proceedings of January 23, 2006, Work Session Minutes of May 12, 2008, and Executive Session of June 9, 2008 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bills and Payroll

The following list of bills and payrolls have been furnished to you in advance of this meeting. After examination I find them to be correct and, therefore, recommend their payment.

Respectfully,

Brian J. Barnes
Director of Finance

Tom Hamilton
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Finnegan, 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payments from Various Municipal Departments

1. The twelfth partial payment to the Pantagraph in the amount of \$1,255.44 on a contract amount of \$35,350.92 of which \$32,358.52 will have been paid to date for work certified as 92% complete for the 2007-2008 Seasonal Advertising Services. Completion date – April 2008.
2. The eighteenth partial payment to Town of Normal in the amount of \$226,778.66 on a percentage basis contract of which \$3,679,458.11 will have been paid to date for work certified as ongoing for the Metro Zone Sales Tax Rebates. Completion date – Ongoing.
3. The first partial payment to Teska Associates, Inc. in the amount of \$12,163.08 on a contract amount of \$49,650 of which \$12,163.08 will have been paid to date for work certified as 24% complete for the Teska Westside Redevelopment Planning. Completion date – April 2009.
4. The first partial payment to Peoria Metro Construction in the amount of \$29,755.80 on a contract amount of \$2,895,600 of which \$29,755.80 will have been paid to date for work certified as 1% complete for the Construction of Fire Station #5. Completion date – February 2009.
5. The second partial payment to Peoria Metro Construction in the amount of \$146,546.10 on a contract amount of \$2,895,600 of which \$176,301.90 will have been paid to date for work certified as 6% complete for the Construction of Fire Station #5. Completion date – February 2009.
6. The fourth and final payment to Truesdell Corp. of WI, Inc. in the amount of \$3,648.80 on a contract amount of \$136,488 of which \$136,488.80 will have been paid to date for work certified as 100% complete for the Police Parking Deck. Completion date – November 2007.
7. The second partial payment to McLean County Highway Dept. in the amount of \$101,076.83 on a contract amount of \$392,340.82 of which \$148,350.90 will have been paid to date for work certified as 38% complete for the Towanda Barnes – Oakland Avenue Traffic Signals. Completion date – December 2008.

8. The thirteenth partial payment to Rowe Construction Co. in the amount of \$139,677.44 on a contract amount of \$817,603.74 of which \$587,458.94 will have been paid to date for work certified as 72% complete for the 2007 Curb and Gutter Improvements. Completion date – September 2008.
9. The thirteenth partial payment to Terracon Consultants, Inc. (Dept. 1277) in the amount of \$173.75 on a per ton and hour contract of which \$30,682.42 will have been paid to date for work certified as ongoing complete for the 2007-2008 Asphalt & Portland Concrete Plant Inspection and Lab Testing. Completion date – July 2008.
10. The third partial payment to Rowe Construction in the amount of \$640,357.27 on a contract amount of \$2,376,000 of which \$1,012,734.23 will have been paid to date for work certified as 43% complete for the 2008-2009 General Resurfacing. Completion date – October 2008.
11. The eleventh partial payment to Rowe Construction in the amount of \$340,266.60 on a contract amount of \$2,940,450.76 of which \$1,203,690.22 will have been paid to date for work certified as 40.9% complete for the Mitsubishi Motorway – Six Points to Sugar Creek. Completion date – September 2008.
12. The tenth partial payment to Stark Excavating, Inc. in the amount of \$67,925.20 on a contract amount of \$1,925,274.55 of which \$882,185.22 will have been paid to date for work certified as 46% complete for the Morris Ave. – Miller to Fox Hill Apartments. Completion date – January 2009.
13. The second and final payment to Illinois Prairie Electric in the amount of \$8,718.85 on a contract amount of \$70,844.50 of which \$70,844.50 will have been paid to date for work certified as 100% complete for the Installation of Area Lighting around the Division St. Reservoir. Completion date – December 2008.
14. The first partial payment to Donohue Group in the amount of \$3,628.04 on a contract amount of \$5,000 of which \$3,628.04 will have been paid to date for work certified as 73% complete for the Water Rates Revision. Completion date – December 2008.
15. The ninth partial payment to Consoer Townsend & Associates in the amount of \$7,745.86 on a contract amount of \$74,800 of which \$31,967.47 will have been paid to date for work certified as 43% complete for the In Line Booster Station at Mitsubishi Motorway. Completion date – December 2008.
16. The twentieth partial payment to Consoer Townsend & Associates in the amount of \$1,120.76 on a contract amount of \$185,000 of which \$119,488.46 will have been paid to date for work certified as 65% complete for the Electrical Improvements at Lake Bloomington. Completion date – December 2008.

17. The twenty-second partial payment to Clark Dietz, Inc. in the amount of \$380 on a contract amount of \$22,000 of which \$21,378.02 will have been paid to date for work certified as 97% complete for the Water Department Emergency Response Plan. Completion date – December 2008.
18. The first partial payment to Clark Dietz, in the amount of \$2,041.25 on a contract amount of \$50,000 of which \$2,041.25 will have been paid to date for work certified as 4% complete for the Water Mapping Services. Completion date – December 2008.
19. The first partial payment to Clark Dietz, in the amount of \$7,047.94 on a contract amount of \$18,600 of which \$7,047.94 will have been paid to date for work certified as 38% complete for the Inspection Services for the Division Street Lighting Services. Completion date – December 2008.
20. The tenth partial payment to Clark Dietz in the amount of \$1,106.61 on a contract amount of \$47,000 of which \$43,313.59 will have been paid to date for work certified as 90% complete for the Construction Observation Services – James/Charles Place. Completion date – November 2008.
21. The eighth partial payment to Clark Dietz in the amount of \$18,119.26 on a contract amount of \$60,000 of which \$38,288.57 will have been paid to date for work certified as 64% complete for the Observation/Inspection of Parkview Phase I Water Main Replacement. Completion date – October 2008.
22. The first partial payment to Clark Dietz in the amount of \$3,403.59 on a contract amount of \$20,000 of which \$3,403.59 will have been paid to date for work certified as 17% complete for the Inspection Services for Water Main Construction on E. Lincoln from Morrissey to McGregor. Completion date – December 2008.
23. The first partial payment to Clark Dietz, in the amount of \$477.45 on a contract amount of \$20,000 of which \$477.45 will have been paid to date for work certified as 2% complete for the Inspection Services for Water Main Installation on West Miller Street. Completion date – December 2008.
24. The twenty-ninth partial payment to Farnsworth Group in the amount of \$2,107 on a contract amount of \$384,300 of which \$371,231.12 will have been paid to date for work certified as 97% complete for the Kickapoo Force Main Design, Property Surveys and Brokaw Road Surveys. Completion date – July 2008.
25. The sixth partial payment to Clark Dietz in the amount of \$220 on a contract amount of \$25,000 of which \$22,354.06 will have been paid to date for work certified as 89% complete for the Main Replacement on Oak & Roosevelt. Completion date – December 2008.

26. The twenty-seventh partial payment to Lewis, Yockey & Brown in the amount of \$195.66 on a contract amount of \$93,000 of which \$88,256.64 will have been paid to date for work certified as 96% complete for the Lincoln Street Water Main – Veterans to Morrissey. Completion date – June 2008.
27. The twelfth partial payment to Clark Dietz in the amount of \$1,770 on a contract amount of \$84,600 of which \$55,899.22 will have been paid to date for work certified as 65% complete for the Parmon Rd. Water Main Replacement. Completion date – December 2008.
28. The fifth partial payment to Gildner Plumbing, Inc. in the amount of \$64,219.60 on a contract amount of \$434,125 of which \$422,981.60 will have been paid to date for work certified as 97% complete for the James/Charles Place Water Main Replacement. Completion date – December 2007.
29. The sixth partial payment to Clark Dietz in the amount of \$3,944.30 on a contract amount of \$305,000 of which \$38,513.30 will have been paid to date for work certified as 13% complete for the Locust/Colton Street Sewer Separation & Water Main Replacement Design. Completion date – May 2008.

All of the above described payments are for planned and budgeted items previously approved by the City Council. I recommend that the payments be approved.

Respectfully,

Tom Hamilton
City Manager

Motion by Alderman Finnegan, 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Adjustment to an Approved Payment to Mid Central Community Action for Sewer Work in West Grove Street Adjacent to Trailside Subdivision

On July 9, 2007 the Council approved repaying Mid Central Community Action for storm sewer and sanitary sewer work in West Grove Street adjacent to Trailside Subdivision. The work consisted of abandoning the old 36 inch brick combination sewer (constructed in 1892), connecting the inlets in Grove Street to a new storm sewer, and creating new sanitary services to two (2) City owned lots. Now that the work is complete, staff has received an invoice from Mid Central Community Action for the final payment. There is an increase in cost, as a result of a change from asphalt over a ten (10") inch gravel base, to seven (7") inches of Portland Cement Concrete in the pavement repair. This change was requested by staff to provide a stable patch able to handle the projected traffic. The final cost of the work is:

	Original Cost	Final Cost	Amount of Change Order	Fund
	\$15,030.70	\$16,752.68	\$1,721.98	55200-72550 Storm Water
	<u>\$60,018.25</u>	<u>\$80,783.00</u>	<u>\$20,764.75</u>	52200-72550 Sewer Fund
Total	\$75,048.95	\$97,535.68	\$22,486.73	

Staff has examined the invoice from Mid Central Community Action and finds it to be correct. This is not a budgeted expense. Staff respectfully recommends that Council approve the adjustment to the payment to Mid Central Community Action in the amount of \$22,486.73 for a new total of \$97,535.68.

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Purcell that the adjustment to the payment in the amount of \$22,486.73 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment to Norfolk Southern for Railroad Work Associated with the White Oak Road and Dr. Martin Luther King Jr Drive Intersection Improvements MFT No. 96-00306-00-SP (IDOT Contract 91362), ICC Order T06-0110

The signal and roadway improvements at the intersection of White Oak Road and Dr. Martin Luther King Jr. Drive impact the Norfolk Southern railroad crossing just west of the intersection. Due to this construction, Norfolk Southern needed to perform work on the railroad crossing as stipulated in ICC Order T06-0110. The work performed by Norfolk Southern is covered 95% by the Grade Crossing Protection Fund. The City must pay this invoice to Norfolk Southern and then request repayment from the Illinois Department of Transportation administered Grade Crossing Protection Fund.

Norfolk Southern has completed the installation of the crossing gates leaving only minor work to complete at the sidewalk crossing and has submitted a bill for construction work in the amount of \$30,810.91. City staff has reviewed the bill and finds it to be in order.

Staff respectfully requests that Council approve a payment in the amount of \$30,810.91 to Norfolk Southern for the construction work with payment made with Capital Improvement Funds (X40100-72530).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Purcell that the payment be approved, and reimbursement requested from IDOT's Grade Crossing Protection Fund.

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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Payment for City Vision Television Show

The City Vision cable television show has been running on ICN5 in the Bloomington-Normal area since 2000. This hour long show, which is produced by Twinstar Productions Inc., highlights current community events and important local government news. In 2003, both the City and the Town of Normal committed to provide funding in the amount of \$8,400. The supplemental funding from the municipalities allowed Twinstar to expand and enhance the format of the City Vision Program. In 2006, both Councils approved an increase in annual funding to \$9,500. Lastly, in 2007 both communities increased the annual funding amount to \$10,500.

With the supplemental funding provided by the municipalities, Twinstar has been able to expand the City Vision program from a half-hour to a full hour. Furthermore, the monies provided by both communities have enabled Twinstar to upgrade equipment and set operations, which has ultimately resulted in a more professional production. As part of the original funding arrangement, Twinstar has agreed to tape and produce up to five (5) commercials each year for both municipalities. The City has used these commercials to market a variety of safety and City programs, including Parks and Recreation, Public Service, Police Department, Fire Department and most recently "Parkway Pride".

Staff believes that the City Vision program is an excellent external communication tool. During the show, the Twinstar staff members report on the latest Council news that may be relevant to City residents. City staff and elected officials also tape four (4) interview segments for each City Vision show. These personal interviews provide the City with a great opportunity to directly inform and educate residents on various topics in a timely manner.

According to Twinstar, the funding provided by the two (2) municipalities covers roughly one-third of the production costs of the show. Other costs are covered by Comcast, a federal crime prevention grant, and from channel advertisements paid by local businesses.

Staff supports the continued funding of Twinstar Production as we believe that the program remains a great value for the City and its residents. Therefore, staff respectfully requests that Council approve funding in the amount of \$10,500. Funds are available in Administration - Community Relations Line Item # 11110-79110.

Respectfully,

Barbara J. Adkins
Deputy City Manager

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Purcell that the payment to Twinstar Productions in the amount of \$10,500 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Evergreen Lake Nutrient Management Project Payment

As part of the source water quality protection program, staff has been working with the McLean County Soil and Water Conservation District to control the amount of nutrients entering the reservoirs. The nutrient this project targets is nitrogen, which can lead to nitrate formation. State and federal drinking water standards limit the allowable amount of nitrate that can be present in the finished water.

The funding is used to provide cost sharing to producers in the Evergreen Lake watershed for implementing nutrient management plans for their farm fields. Soil tests are used by certified crop advisors to develop customized fertilizer application plans for individual fields. Precision application of nutrients results in lower overall application rates, and less nutrients that can be lost from the fields.

Funding for the Evergreen Lake Nutrient Management Program in the amount of \$100,000 was approved in the FY08/09 budget under the capital project titled: Stream Bank Stabilization, Easement or Purchase, which was meant to encompass the watershed protection plans whether it is nutrient management, stream bank stabilization or other source water quality protection methods.

The cost share will be disbursed by the McLean County Soil and Water Conservation District, the City's longtime partner, and Technical Service Provider for this project. Staff respectfully requests that Council approve the disbursement of funds through the McLean County Soil and Water Conservation District for the Evergreen Lake Watershed nutrient management project, in the amount of \$69,141.80 and that payment be made with Water Depreciation Funds, Stream Bank Stabilization, Easement or Purchase 5020-X50200-72510.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Motion by Alderman Finnegan, 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Waive the Formal Bidding Process and Enter a Professional Services Agreement with Clark Dietz, Inc. for Inspection Services of the Water Main Construction Project on Towanda Barnes Road from Rte 9 south to Oakland Avenue

Staff has requested design and construction of a new water main on Towanda Barnes Road from Rte. 9 south to Oakland Avenue to connect existing large diameter water mains and improve flow and pressure in the distribution system. The water main project has been bid and the successful bidder was Stark Excavating, Inc. Since construction will begin within a few weeks, staff requests to employ Clark Dietz, Inc. for construction inspection services.

Staff respectfully recommends that the bidding process be waived for this professional service and an agreement with Clark Dietz, Inc. be approved in an amount not to exceed \$20,000. This project will be paid for with funds from the Water Department/Depreciation Fund, Consultant Services (Account #X50200-70050).

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 48

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND APPROVING AN AGREEMENT WITH CLARK DIETZ, INC. FOR INSPECTION SERVICES FOR THE TOWANDA BARNES ROAD WATER MAIN IN AN AMOUNT NOT TO EXCEED \$20,000

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

1. That the bidding process be waived and an Agreement with Clark Dietz, Inc. for Inspection Services for the Towanda Barnes Road Water Main be approved in an amount not to exceed \$20,000.

ADOPTED this 14th day of July, 2008.

APPROVED this 15th day of July, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned this item. He recommended that City staff perform this work. Craig Cumming, Director – Water, addressed the Council. He noted that there was insufficient staffing to perform this work. He cited the J.U.L.I.E. program and the number of locates performed. The Water Department would need additional manpower to perform this work.

Mayor Stockton noted that the City would hire a professional service to perform this work. He questioned recourse if the work was found to be faulty. Mr. Cummings noted an example such as a defective pipe and its manufacturer. This firm would be paid to insure that the contractor followed the plans and complied with the specifications. There had not been any action against in his tenure.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the formal bidding process be waived, the agreement with Clark Dietz, Inc. for Inspection Services be approved in an amount not to exceed \$20,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Analysis of Bids for Recycle Containers

On June 24, 2008 sealed bid documents were received for 3,500 curbside recycle containers from the following companies:

SCL A-1 Plastics LTD	Brampton, Ontario	\$16,590.00
Busch Systems	Barrie, Ontario	\$16,905.00
Central Supply	Bloomington, IL.	\$19,250.00
Rehrig Pacific Company	Los Angeles, Ca.	\$21,000.00
Otto Environmental Systems	Charlotte, NC	\$21,315.00

SCL A-1 Plastics LTD submitted the low bid and met all specification requirements. The Public Service Department's curbside recycle program is currently using blue bins supplied by SCL A-1 Plastics LTD and are the same specifications as the bid sample that was submitted. These bins are acceptable to staff.

Staff respectfully recommends that the bid be awarded to SCL A-1 Plastics LTD in the amount of \$16,590, and the Purchasing Agent be authorized to issue a Purchase Order for same. \$25,000 has been budgeted for this purchase from Refuse Account #1001-16130-71990.

Respectfully,

Rick Clem
Director of Public Service

Tom Hamilton
City Manager

Alderman Hanson questioned this item. Rick Clem, Director – Public Services, addressed the Council. This item did not represent a complete replacement of existing containers. He described this purchase as restocking. Alderman Hanson questioned if more people were recycling. Mr. Clem anticipated that half of these containers would be new requests and the other half would be replacement of existing ones. Tom Hamilton, City Manager, addressed the Council. He cited the growth in the number of households, the damage done to containers, and the fact that some containers leave the City. Mr. Clem

stated that citizens call in and request a container. Public Service tracks the number of containers per household. Containers can be dropped off or picked up.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the bid be awarded to SCL A-1 Plastics LTD in the amount of \$16,590, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Bid Analysis for Kickapoo Creek Restoration – Phase I (Site Work)

Bidding proposals for Kickapoo Creek Restoration – Phase I (Site Work) were received until 10:00 a.m. Tuesday, July 1, 2008, in the office of the City Clerk at which time and place the bids were opened and read aloud as follows:

Stark Excavating, Inc. \$1,327,376.20 (Low Bid)

Otto Baum Co. \$1,364,712.10

Rowe Construction Co. \$1,387,444.93

Entler Excavating Co. \$2,549,197.50

Engineer's Estimate \$1,272,440.00

Budget \$ 950,000.00 IEPA Grant

\$ 126,881.00 IDNR Fish & Wildlife Grant

\$ 131,000.00 Park Dedication Property Owner Contribution

\$ 200,000.00 Stormwater Depreciation Fund

\$1,407,881.00 Total Budget

This project consists of grading, creek restoration work, and installation of a pedestrian bridge and other related site work at the future Kickapoo Park adjacent to the Grove Subdivision.

The low bid for the project is over the Engineer's Estimate but under Budget.

Staff respectfully recommends that Council accept the low bid from Stark Excavating, Inc. in the amount of \$1,327,376.20 and, further, that the Mayor and City Clerk be authorized to enter into a contract for said work. Payment will be made with IEPA Grant Funds (X40100-72570, \$950,000), IDNR Fish & Wildlife Grant Funds (X40100-72570, \$126,881), Property Owner Contribution Funds (X40100-72570, \$131,000) and Storm Water Depreciation Funds (X55200-72550, \$119,495.20).

Respectfully,

Douglas G. Grovesteen
Director of Engineering

Dean Kohn
Director of Parks & Recreation

Tom Hamilton
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Finnegan, seconded by Alderman Purcell that the bid be awarded to Stark Excavating, Inc. in the amount of \$1,327,376.20, 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Renewal of RFP Award for the Purchase of Protective Wear for Firefighters

Staff respectfully requests authorization to purchase up to twenty-nine (29) sets of firefighter protective clothing from MES located in Washington, IL at a cost not to exceed \$53,650 during the 2008-2009 fiscal year, (FY.)

Firefighter protective clothing is on a five (5) year replacement schedule. Each year the department replaces approximately twenty percent (20%) of its total inventory. Additional sets of protective clothing are purchased to replace equipment damaged beyond repair, as well as sets necessary to equip new hires. Staff anticipates purchasing twenty (20) sets for replacement purposes and nine (9) sets to equip new hires during FY 2008-2009.

In June 2006, Council approved a three (3) year purchase agreement with MES Global for firefighter protective clothing. The base price of a set of protective clothing is \$1,885. There are additional charges for larger sizes and/or rush delivery. The department's FY 08-09 fixed asset budget contains \$53,650 for new and replacement protective clothing. Payment for this purchase will be taken from Account #F15210-72140.

Respectfully,

Keith Ranney
Fire Chief

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Purcell that the twenty-nine (29) sets of firefighter clothing be purchased from MES in the amount of \$53,650, and the Purchasing Agent authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Ratification of Three (3) Year Collective Bargaining Agreement with Local 362 Inspectors

Staff respectfully requests that Council ratify the Collective Bargaining Agreement with Local 362 Inspectors. The City began negotiating the terms of a contract in the spring of 2008. The tentative agreement reached was ratified by the Union on June 30, 2008. The following are a summary of changes the City implemented and/or agreed to with Local 362.

Three year (3) agreement expiring on April 30, 2011
3% wage increase May 1, 2008, May 1, 2009 and May 1, 2010
Increase vacation schedule to two weeks at date of hire
Increase Safety Shoe Allowance from \$200 to \$250 on a wear out basis
Extension of Probationary Period from six months to one year
Addition of Core Certifications for new staff and an incentive for existing staff to obtain Core Certifications. Certifications will be paid as follows:

Core Certifications 40 cents per hour

All other Certifications 25 cents per hour.

Effective May 1, 2008, employees maxed out on sick leave, pay 50% of accrued unused sick time into the Retirement Health Savings (RHS) account. Payment of

Sick Leave Buyback at Retirement into RHS account

Elimination of future Supplemental Sick Leave

Rapid Accrual available only once after May 1, 2008 for the employee's career

Addition of Sick Leave Abuse language

Eliminate No Sick Leave usage language and replace with Wellness Day

Increase physical fitness reimbursement from \$75 to \$150 annually

This group currently contributes an average of 25% for all levels of Health Insurance Premiums.

Staff respectfully recommends Council ratification of this Agreement.

Respectfully,

Emily Bell
Director of Human Resources

Mark Huber
Director of PACE

Tom Hamilton
City Manager

Alderman Finnegan questioned the initials "RHS". Emily Bell, Director – Human Resources, addressed the Council. "RHS" stood for a Retirement Health Savings. An account would be established at retirement. These dollars may be used to pay health insurance premiums or other medical expenses. She compared it to a Flex Spending Account. Tom Hamilton, City Manager, added that in the past employees were able to take a cash payout after taxes. RHS was a new retirement tool provided by the ICMA, (International City Manager Association). RHS was first implemented in the Fire Department. These dollars are tax deferred, and can be used for any medical related cost allowed by the IRS, (Internal Revenue Service).

Motion by Alderman Finnegan, seconded by Alderman Purcell that the Agreement with Local 362 Inspectors be ratified.

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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Application to the Illinois Municipal Retirement Fund for “Out of State Service Credit”

Michael Davis, employed at Miller Park Zoo, desires to purchase Illinois Municipal Retirement Fund (IMRF) “out-of-state service credit” to augment his pension. He would be purchasing up to two and a half years (2½) of service accumulated when he was employed by the City of Topeka, Kansas as a Zookeeper. The amount of time spent in that position did not fall within the vesting requirements of the pension system. As a result, Mr. Davis stands to lose his municipal service credit for the time he worked in Topeka. He can retain this service if he purchases it through IMRF. The IMRF out-of-state service credit requires Council approval since it involves the City’s contribution rate to IMRF.

Mr. Davis’ would be required to make a contribution plus interest for the out-of-state service which would be approximately \$14,884. The City’s contribution would be made through future contributions, and would not require separate payment. There is a two-year (2) lag between the valuation and the affect on the employer contribution rate and the amount is amortized over a twenty-seven (27) year period. It is likely to increase the City’s employer rate by 0.01% (one hundredth of one percent).

The City’s IMRF rate is determined by actuarial projections and is based on the makeup of the City’s workforce. It is also dependent upon investment returns. The IMRF actuarial projection will also take into consideration the service Mr. Davis establishes by the amount of his contribution, which will be either the full amount noted above or a portion thereof. If he contributes less than this amount, his service credit will be reduced by IMRF, which will result in a smaller increase to the employer rate.

The City has allowed other employees to purchase out-of-state credits and will continue to do so, with Council approval, for all other City employees making this request. We therefore recommend that City Council approve out-of-state Illinois Municipal Retirement Fund credits as stated above for Michael Davis.

Respectfully,

Laurie Wollrab
Benefits Manager

Emily Bell
Director of Human Resources

Tom Hamilton
City Manager

Motion by Alderman Finnegan, seconded by Alderman Purcell that the Application 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:

To: Members of the City Council

From: Liquor Commission

Subject: Application of OSF St. Joseph Medical Center Foundation for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of OSF St. Joseph Medical Center Foundation for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioner Steven Stockton, Hannah Eisner, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Patricia O'Dell, Foundation Executive Director and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Patricia O'Dell, Foundation Executive Director and Applicant representative, began by informing the Commissioner that this application was for a fund raiser for the OSF St. Joseph Medical Center Foundation to be held at the Eastland Medical Plaza I Atrium on Friday, August 15, 2008 from 6:00 to 8:30 p.m. This request was for a Limited License for a nonprofit corporation.

This would be the twelfth or thirteenth World Tour, A Sampling of International Beer, Wine and Food. She noted that taster cups would be used to serve the beer and wine. Commissioner Stockton questioned who would act as servers. Mrs. O'Dell noted that OSF would be working with Famous Liquors, located at 1404 E. Empire St. (wine service) and Specialty Imports, Peoria (beer service). Last year, OSF worked with A. Renee, located at 306 N. Center St. Hannah Eisner, Asst. Corporation Counsel, cautioned that Famous Liquors and Specialty Imports cannot accept orders at the event. Acceptance of same would be the point of sale. Famous Liquors and Specialty Imports may act as the event's caterers/distributors. Mrs. O'Dell expressed her understanding of same and would share this information with Famous Liquors and Specialty Imports.

Mrs. O'Dell noted that this year would mark this event's eleventh or twelfth anniversary. The event was originally held at Central Station. This will be the ninth year for it to be held on the OSF campus. There also were corporate sponsors for this event.

Mrs. O'Dell estimated the event attendance at 200. The event recognized OSF/St. Joseph's donor base. Commissioner Stockton noted that he had attended the event in the past. Dollars raised from this year's event will be used to meet the Foundation's pledge to the hospital. These dollars will be directed at education and training of hospital staff and the palliative care unit.

Commissioner Stockton informed the Applicant that the license fee would be waived as in the past.

Based on the above, the Liquor Commission recommends to the City Council that an LB liquor license for OSF St. Joseph Medical Center Foundation for a fund raiser to be held on August 15, 2007 from 6:00 - 8:30 p.m. at Eastland Medical Plaza I, Atrium, 1505 Eastland Dr., be created, contingent upon compliance with all applicable health and safety codes.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Finnegan, seconded by Alderman Purcell that an LB liquor license for OSF St. Joseph Medical Center Foundation for a fund raiser to be held on August 15, 2007 from 6:00 - 8:30 p.m. at Eastland Medical Plaza I, Atrium, 1505 Eastland Dr., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Text Amendment to Chapter 10 Regarding Contractor Registration

In 1998 the City instituted a contractor registration program intended to protect the citizens from "fly-by-night" contractors and raise the professionalism of the construction industry. The registration simply asked contractors, conducting work that requires a permit, to register their business annually and provide proof of minimal liability insurance. Unfortunately, too many contractors are skirting their duties by putting the responsibility of the permit back on

homeowners. This practice often leads to work done without permits and in violation of other City ordinances (i.e. zoning); leaving the owner stuck trying to resolve the problem after the fact. Additionally, if the owner comes to the City for a permit they are generally ill equipped to provide the information needed to authorize the work. This delays the process, often with the work already in progress.

As a result of the apparent loop holes in the current Ordinance, staff has proposed changes intended to clarify the responsibilities of contractors working in the City. This is being done by clarifying when a permit is required, who is responsible for the permit and stiffening the penalties for failure to comply. Staff reviewed these changes with the Construction Board of Appeals and the Bloomington-Normal Home Builders Association and received positive feedback from both groups.

Staff respectfully requests that Council pass the proposed changes to Chapter 10, updating the requirements for contractor registration, and the Ordinance be passed.

Respectfully,

Mark R. Huber
Director, PACE

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 45

**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 10**

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

SECTION 1. That Bloomington City Code Chapter 10, Article I, Section 108.20, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Section 108.20: Contractor Registration, Fees, Liability Insurance and Responsibility.

1.Purpose: The section is intended safeguard the public safety, health and general welfare of the citizens by establishing minimum standards for contractor registration, insurance and performance.

2.Definitions: Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, be interpreted as herein defined:

- (a) "Construction" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediation, renovating, custom fabricating, maintenance, improving, wrecking, demolishing, and adding to or subtracting from any building, structure, parking facility, or any other structure to such an extent a permit is required to be issued by the Department of Planning and Code Enforcement.
- (b) "Construction Documents" – Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit. Construction documents shall be drawn to an appropriate scale.
- (c) "Contractor" means any sole proprietor, partnership, firm, corporation, Limited Liability Company, association or other legal entity permitted by law to do business within the State of Illinois who engages in construction as defined herein.

3.Certificate of Registration: Every person who shall desire to practice the business of a contractor shall first obtain a Certificate of Registration to do so as provided by this Chapter. This registration is required for any contractor doing work in the City of Bloomington for which a building permit is required.

- (a) The registration fee and annual renewal shall be Fifty Dollars (\$50.00). All registrations and renewals of the same shall expire on the 31st day of December of each year, and a renewal shall be obtained on or before January 31st of the following year.

- (b) Any Certificate of Registration forfeited for nonpayment of the renewal fee may be reinstated upon the payment of the annual renewal fee, plus Fifteen Dollars (\$15.00).
- (c) Liability Insurance Required of Registrant. Contractor registrants shall provide a satisfactory certificate of liability insurance against any form of liability to a minimum amount of One Hundred Thousand Dollars (\$100,000.00) for property damage and Three Hundred Thousand Dollars (\$300,000.00) for personal injury. The insurance shall be maintained in full force and effect during the term of the registration and said insurance policy, or certificate of insurance, shall provide that the City of Bloomington be notified of any cancellation or termination of the insurance at least ten (10) days prior to the date of cancellation or termination. Contractor registrants are responsible for notifying the City of said cancellation or termination as required herein and may be sanctioned, as provided in paragraph 4(d) of this Section, and as provided elsewhere in the Bloomington City Code, for, failure to provide said notification.
- (d) An owner/occupant of a single-family residence shall be permitted, without registration, to obtain a permit to perform construction at or on said residence, including accessories thereto; however said owner/occupant is subject to all other provisions of this Code.
- (e) Construction by a building owner may be undertaken with the appropriate permits, provided the work does not include work whose performance requires a license, such as plumbing, electrical, & HVAC.

4. Contractor Responsibility: To ensure construction is meeting the minimum standards set forth in this chapter and other City, State or Federal regulations, persons conducting business as a contractor shall be responsible for the following:

- (a) Registration: Contractors shall be responsible for maintaining their registration and associated liability insurance current and up to date.
- (b) Construction Documents: Contractors shall be responsible for providing the appropriate construction documents as needed to obtain required permits.
- (c) Permits: Contractors shall be responsible for obtaining appropriate permits prior to the start of any construction work.
- (d) Violations: Contractors who fail to comply with the requirements of this Section shall be subject to fines of not less than Two Hundred Fifty dollars (\$250) nor more than One Thousand Dollars (\$1000), irrespective of charges or fines that may be included in Sections 108.7(f) or 113.4 of this Code. Each day that a violation continues shall be deemed a separate violation and shall subject the violator to an additional penalty within the parameters of the fines set forth in the preceding sentence.

SECTION 2. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 14th day of July, 2008.

APPROVED this 15th day of July, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, 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.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Brian J. Barnes, Finance Director

Subject: Housekeeping Budget Amendments

State statutes require that the City not spend more in any individual fund than it appropriates in the budget for that fiscal year. Every year about this time staff prepares a list of “Housekeeping” budget amendments, wherein line items are adjusted as needed to ensure compliance with the requirements, as well as adjusting line items for other technical reasons. Staff tries to budget as carefully as possible and not have any padding. However, some lines will inevitably go over budget each year, requiring “housekeeping” budget amendments at year end.

These budget amendments deal only with technical adjustments or decisions already made and programs already approved therefore the funds are already spent. Rather than constantly preparing amendments during the year, staff waits until the year is over and makes the amendments only for those items needed once all the final numbers are in. This is a routine step that is required by the audit process and is performed by every municipality.

In addition, if staff were to amend each and every line item that went over by a dollar, this document would go on for several pages. In order to keep things simple and accomplish the needed task, staff has amended only a single line item per fund, but for the entire amount needed to cover that fund. Also, please bear in mind that there are many more line items that did not go over budget than did, for example, the Finance Dept. itself came in under budget.

There are several possible reasons for the adjustments including 1.) prior year encumbrances being paid out in the next year, 2.) transfers to cover higher than planned expenses, 3.) purchases or projects (such as grants) that were approved in midyear but may not have been provided for in the budget at the time, 4.) projects approved after the budget was published, 5.) unforeseen circumstances (such as retirements of specific personnel and unfunded mandates,) 6.) unforeseen emergencies, errors in budgeting wherein staff spent more than anticipated, or 7.) simply a typo in the official budget.

Staff has included a line of description after each requested amendment.

Respectfully,

Brian J. Barnes
Finance Director

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 46

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2008**

Whereas on April 9, 2007 by Ordinance Number 2007-25, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2008, which Ordinance was approved by Mayor Stephen F. Stockton on April 10, 2007; and

Whereas a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2007-25 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2008) is further hereby amended by inserting the following line items and amounts in the appropriate place in said Ordinances:

Fund	Line Item	Before Amendment	After Amendment
General Fund	100-10010-80282	\$3,095,190.00	\$7,569,460.00

To Capital Improvements Fund-Several item make up the over expended line items: Transfer to cover debt service on the Coliseum, higher than expected utility and fuel costs, particularly bad winder for snow and ice, ambulance fee bad debt and insurance write off which has an offsetting revenue.

Motor Fuel Tax	2030-20300-72630	\$3,790,00.00	\$4,246,000.00
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Street Const and Improvements-Encumbrance from prior year and higher construction costs.

Board of Elections	2070-20700-70990	\$48,925.00	\$211,925.00
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Other Purchased Services-Higher service costs

Community Development	2240-22430-79130	\$0.00	\$116,000.00
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Grants – Grants issued to residence for home improvements

IHDA Grant	2250-22510-80180	\$0.00	\$562.00
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To Community Development – To close fund due to end of project

Library Fixed Asset Replacement	2320-23200-72120	\$80,700.00	\$94,900.00
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Capital Outlay Office & Computer Equip. – Higher than anticipated computer costs. Revenue offsets additional costs.

2003 Bond Project	4015-40152-72530	\$694,000.00	\$2,668,000.00
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Street Const and Improvements – Encumbrances rolled from prior year.

2007 Bond Sewer Project	4016-40160-72550	\$0.00	\$6,120,000.00
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Sewer Const and Improvement – Projects associated with the bond issue of 2007.

2007 Bond Fire Station	4017-40170-72520	\$0.00	\$3,124,000.00
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Buildings – New fire station paid with the bond issue of 2007.

2007 Bond Parks	4018-40180-72570	\$0.00	\$93,000.00
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Park Const and Improvement – Parks expenses associated with the bond issue of 2007.

Central Bloomington TIF	4030-40300-79070	\$774,286.00	\$1,594,486.00
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Rebates – Encumbrance rolled from prior year which includes the balance due on the Ensenberger agreement.

Southeast Development	4040-40400-80120	\$0.00	\$10,100.00
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To Capital Improvement Fund – Close out Fund no longer using.

Pepsi Ice Center Capital Project	4075-40750-80285	\$0.00	\$146,200.00
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To West Side Parking Cap Project Fund – To redistribute proceeds from bond issue.

Water Maintenance & Operation	5010-50120-70550	\$375,000.00	\$791,000.00
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Repr/Mntnce Infrastructure – Higher costs in maintenance, electricity and water chemicals.

Water Depreciation Fund	5020-50200-72540	\$2,911,000.00	\$4,286,000.00
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Watermain Const and Improvements – Encumbrances rolled from prior year and engineering services for projects.

Sewer Depreciation Fund	5220-52200-72550	\$830,500.00	\$1,030,500.00
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Sewer Const and Improvements – Encumbrances rolled from prior year.

Sewer Capital Project	5225-52250-72550	\$0.00	\$182,100.00
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Sewer Const and Improvements – Cost associated with intergovernmental agreement with Downs.

Sewer Fixed Asset Replacement Fund	5230-52300-72140	\$114,000.00	\$135,500.00
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Capital Outlay Eq Other than Office – Higher than anticipated equipment costs.

Parking Maintenance & Operation	5410-54100-71320	\$25,000.00	\$108,800.00
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Electricity – Higher costs in utilities and supplies.

Parking Fixed Asset Replacement	5420-54200-72130	\$0.00	\$16,000.00
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Capital Outlay Licensed Vehicles – Encumbrance rolled from prior year.

Abraham Lincoln Parking Facility	5430-54300-71320	\$25,000.00	\$53,100.00
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Electricity - Higher costs in utilities and supplies.

Storm Water Depreciation Fund	5520-55200-72550	\$2,696,000.00	\$2,781,000.00
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Sewer Const and Improvements – Encumbrance rolled from prior year.

City Coliseum Fund	5610-56110-70720	\$0.00	\$164,000.00
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Insurance Admin Fee – Insurance costs for Coliseum. Revenue from US Cellular Operations to offset.

Employee Insurance & Benefits	6020-60210-70717	\$4,402,431.00	\$4,760,431.00
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Claims Paid – Higher Medical Claims.

Flex Cash Fund	70200-79030	\$230,000.00	\$322,500.00
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Flex Cash Medical – Higher Claims from employees for the Section 125 flexible compensation. Revenues from employee contributions offset.

Park Dedication Fund	7030-14110-79990	\$0.00	\$220,150.00
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Other Miscellaneous Expense – Annexation agreement for the Eagle View subdivisions.

Police Pension Fund	7510-75100-74910	\$1,789,375.00	\$1,834,025.00
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To Other Governments or Agencies - Police Pension benefits increased due to statutory increases in pay outs/

Fire Pension Fund	7520-75200-74910	\$1,850,000.00	\$1,880,100.00
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To Other Governments or Agencies - Fire Pension benefits increased due to statutory increases in pay outs

Section Two: Except as provided for herein, Ordinance Number 2007-25 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2007-25.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED the 14th day of July, 2008.

APPROVED the 15th day of July, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Finnegan, seconded by Alderman Purcell that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Lake Bloomington Lease Transfer Petition for Lot 1, Block 8 of Camp Potawatomie from the Victoria A. Mecherle to Edgewood Resources, LLC

Staff has reviewed the Lake Bloomington Lease Transfer Petition and the septic system deficiency letter from the McLean County Health Department for Lot 1, Block 8 of Camp Potawatomie from the Victoria A. Mecherle to Edgewood Resources, LLC.

This system is an old system, apparently originally constructed in 1934. The system was upgraded in 1961 with the installation of a concrete septic tank. It is a subsurface discharging system which means the effluent from the system does not discharge directly into Lake Bloomington reservoir and thus poses little threat to the water quality. The seepage field is slightly undersized (140 square feet) but due to the subsurface drainage with this system, this is of little consequence. The system was pumped two (2) years ago and had no known problems.

Since this is a small cabin that will be used seasonally, the system can remain as is. Staff respectfully requests that Council approve the Lake Bloomington Lease Transfer for Lot 1, Block 8 of Camp Potawatomie from the Victoria A. Mecherle to Edgewood Resources, LLC.

Respectfully,

Craig M. Cummings
Director of Water

Tom Hamilton
City Manager

Alderman Hanson questioned this item. Tom Hamilton, City Manager, noted that a variety of legal entities held lake leases. Hannah Eisner, Deputy Corporation Counsel, addressed the Council. She noted that there was nothing to prohibit the transfer. She noted that the Lake Lease prohibited home rental. The Lake Leases were a ground leases. The City had no liability for the home.

Motion by Alderman Finnegan, seconded by Alderman Purcell that the Lake Lease 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from Williamsburg LLC, for Approval of an Easement Dedication Plat for Lot 5 in First Addition to Williamsburg Place Subdivision

A Petition has been received from Williamsburg LLC, for approval of an Easement Dedication Plat for Lot 5 in First Addition to Williamsburg Place Subdivision. The request is to dedicate two (2) easements, each fifteen (15') feet in width, one (1) for the water main and one (1) for the sanitary sewer. Staff has reviewed the plat and found that it conforms to the construction plans for Brady Court Apartments approved by the Engineering Department on June 23, 2008.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Easement Dedication Plat for Lot 5 in First Addition to Williamsburg Place Subdivision.

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**PETITION FOR APPROVAL OF EASEMENT DEDICATION PLAT FOR BRADY
COURT APARTMENTS, BLOOMINGTON, ILLINOIS**

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes Williamsburg, L.L.C., hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested as Owner and Developer in the following premises:

Lot 5 First Addition to Williamsburg Place according to Document #200-31228 in the McLean County Recorder of Deeds, in Section 2, Township 23 North, Range 2 East of the 3rd Principal Meridian, McLean County, Illinois.
2. That your Petitioner seeks approval of the Easement Dedication Plat which is part of said premises. Said Easement Dedication Plat is attached hereto and made a part hereof.

WHEREFORE, your Petitioner prays that the Easement Dedication Plat submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Williamsburg, L.L.C.
By: Jason A. Barickman,
Its Attorney

ORDINANCE NO. 2008 - 47

AN ORDINANCE APPROVING THE EASEMENT DEDICATION PLAT FOR BRADY COURT APARTMENTS, BLOOMINGTON, ILLINOIS

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of an Easement Dedication Plat for Brady Court Apartments, Bloomington, Illinois; 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 easement as request in this case.

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

1. That the easement for Brady Court Apartments, Bloomington, Illinois 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 14th day of July, 2008.

APPROVED this 15th day of July, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lot 5 First Addition to Williamsburg Place according to Document #200-31228 in the McLean County Recorder of Deeds, in Section 2, Township 23 North, Range 2 East of the 3rd Principal Meridian, McLean County, Illinois.

Pin 21-02-227-006

Motion by Alderman Finnegan, 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:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Petition from O'Neal Builders for Approval of an Easement Vacation Plat for Lot 8 in Route 9 Commercial Park Subdivision, 1st Addition

A Petition has been received from O'Neal Builders for approval of an Easement Vacation Plat for Lot 8 in Route 9 Commercial Park Subdivision, 1st Addition. The request is to vacate the south three (3) feet of the twenty-five (25) foot existing utility easement located adjacent to the north property line of Lot 8. All relevant private utility companies have reviewed the plat and granted their approval of the easement vacation. Staff has also reviewed the plat and found no conflicts with existing or proposed public utilities and drainage ways.

Staff respectfully recommends that Council approve the Petition and adopt an Ordinance approving the Easement Vacation Plat for Lot 8 in Route 9 Commercial Park Subdivision, 1st Addition.

Respectfully,

Doug Grovesteen
Director of Engineering

Tom Hamilton
City Manager

**PETITION FOR VACATION OF
UTILITY EASEMENT IN LOT 8 RT. 9 COMMERCIAL
SUBDIVISION, FIRST ADDITION**

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes O’Neal Builders, 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 vacation of utility easement adjacent to said premises;
3. That said vacation of utility easement is reasonable and proper because such utility easement is not needed for public right-of-way by said City, its only use being the location of existing or proposed utilities.

WHEREFORE, your Petitioner prays that utility easement be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

Elizabeth Lovelace

ORDINANCE NO. 2008 - 48

**AN ORDINANCE PROVIDING FOR THE VACATION OF
UTILITY EASEMENT IN LOT 8 RT. 9 COMMERCIAL
SUBDIVISION, FIRST ADDITION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of utility 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 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 utility 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 utility 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 14th day of July, 2008.

APPROVED this 15th day of July, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

This is a plat of a portion of an existing 25-foot wide utility easement in Lot 8 in the First Addition to Route 9 Commercial Park Subdivision in the City of Bloomington, McLean County, Illinois, which is to be vacated. Said portion to be vacated is more particularly described as follows: The South 3 feet of even width of the North 25 feet of even width of said Lot 8, except therefrom, the East 5 feet thereof.

Pin 21-01-102-002

Motion by Alderman Finnegan, 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:

To: Members of the City Council

From: Liquor Commission

Subject: Application of Sport & Bait Lounge Tavern, Inc., d/b/a Sport & Bait Lounge, located at 304 N. Morris Ave., for a TAPS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor for consumption off the premises seven (7) days a week

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the application of Sport & Bait Lounge Tavern, Inc., d/b/a Sport & Bait Lounge, located at 304 N. Morris Ave., requesting a TAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and Ron "Butch" and Zelda Hincee, owner/operators and Applicant representatives.

Commissioner Stockton opened the liquor hearing. He requested that the Applicants present the business plan. Ron "Butch" Hincee, owner/operator and Applicant representative, addressed the Commission. He informed the Commission that they had sold the business. The buyer failed

to make payments. There was a past due balance of \$12,000. They forgave the debt and reclaimed the business. They had owned and operated Sport & Bait for over twenty-seven (27) years.

Commissioner Stockton restated that the Hincees took back the business. Mr. Hincee described himself as a hard working, honest business man. The neighborhood seemed happy. He ran a tight ship. Both he and his wife have been retired for a number of years.

Commissioner Petersen questioned the drive up window. Mr. Hincee expressed his interest in same. Window sales consisted of various types of bait and six (6) packs of beer to fishermen. Commissioner Clapp noted that the City removed the right to use same at the time that the business changed ownership. Mr. Hincee restated that the window was a customer convenience. Sales consisted of bait, tackle, and six (6) packs of beer. He restated his interest window sales.

Commissioner Buchanan questioned if there had been a down turn in business. He questioned the impact of the City's indoor smoking ban. Mr. Hincee did not understand the behavior of the buyer. They had never made a lot of money. Their daughter planned to work there. She may be interested in ownership of same in the future. Zelda Hincee, owner/operator and Applicant representative, addressed the Commission. She stated that patrons go outside to smoke. Mr. Hincee added that they were not interested in an outdoor area. Patrons will not be allowed to take their drink outdoors.

Commissioner Buchanan questioned the Hincees' plan. Mr. Hincee noted that they were working eight to twelve (8 - 12) hour days. He performed maintenance work. Mrs. Hincee handled the bookkeeping. Mrs. Hincee added that there were three (3) bartenders. They had employed their daughter and ex-son-in-law.

Commissioner Petersen noted the Hincees' ownership of twenty-seven (27) years. He questioned if any stipulations had been placed on the liquor license. Mr. Hincee responded negatively. The window was built to accommodate bait and tackle sales. There was a time when they did not offer same and window sales were ceased. When they resumed bait and tackle sales, the City granted authority to use same.

Commissioner Stockton recognized the Hincees' twenty-seven (27) years of creditable service. The sole issue was the drive up window. The Commission would make a recommendation to the Council.

Commissioner Buchanan noted that Sport & Bait had opened in 1980. There had not been any problems. He acknowledged that he understood conceptually that there might be some concerns. He reviewed the Hincees' history and noted that practically there were none. He was comfortable supporting the drive up window. He added that it did not serve as the main sales outlet.

Commissioner Clapp noted that she did not have any concerns. The exception would be the drive up window. She noted other change of ownership applications where the Commission did

not approve a request for a drive up window. By limiting the use of same, the Commission would make it more exclusive. She noted that it could be addressed from a grandfathering viewpoint.

Commissioner Petersen questioned if the Applicant had any concerns regarding the drive up window. Mr. Hinchee restated that it addressed customer convenience. There was no experience with attempted underage sales at the window. In twenty-seven, (27), there had only been a single violation. It occurred inside the tavern.

Commissioner Petersen questioned personnel. Mr. Hinchee restated who was employed as bartenders. Staff tended to stay.

Hannah Eisner, Deputy Corporation Counsel, arrived at 4:25 p.m.

Commissioner Petersen recommended that there be a time limit on window sales, (set a.m. and p.m.). Mr. Hinchee informed the Commission that Sport & Bait opened at 8:00 a.m. Commissioner Petersen noted that times had changed since the Hinchees first opened.

Commissioner Stockton expressed his support for the license. He added that the window may be more trouble than it was worth for an occasional convenience. Mr. Hinchee noted his understanding that each application was viewed individually. Mrs. Hinchee added that package sales were limited.

Commissioner Buchanan noted the importance of consistency. However, the Commission must look at the individual application. An important factor was who would be operating the establishment. Commissioner Stockton expressed his opinion that the negatives outweighed the positives. Commissioner Petersen acknowledged that the Hinchees had had the window in the past. They had owned and operated Sport & Bait for twenty-seven (27) years. Commissioner Clapp noted that Bloomington was not a large city. She did not see the window as a huge benefit.

Commissioner Buchanan stated his intention to recommend same. He questioned its role to the business success. Mr. Hinchee stated that window sales would be helpful. They did not push window sales. These sales would be tied to bait sales. It would be a customer convenience.

Commissioner Buchanan cautioned the Hinchees to anticipate a police audit at the drive up window.

Based on the above, the Liquor Commission recommends to the City Council that a TAPS liquor license for Sport & Bait Lounge Tavern, Inc., d/b/a Sport & Bait Lounge, located at 304 N. Morris Ave., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) that the drive up window sales be limited to six (6) packs of beer when other nonalcoholic items are purchased, (bait, tackle, etc.) and 2.) that liquor sales hours at the drive up window be set from 8:00 a.m. to 6:00 p.m.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Mayor Stockton introduced this item. This issue was the drive up window. Alderman Schmidt stated that she had received inquiries regarding this application from the Old Towne Neighborhood Association. The concerns addressed the drive up window and notification. She also cited the West Bloomington Neighborhood Redevelopment study.

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

Motion carried.

Valerie Dumser, 809 W. Washington St., addressed the Council. She currently served as the Vice President of the Old Towne Neighborhood Association. (OTNA). The OTNA was not aware of this application. She requested that this item be delayed in order for the OTNA to meet with the establishment's owner. If the OTNA would have been notified, then OTNA representatives would have attended the Liquor Hearing. She noted that the drive through window would open at 8:00 a.m. She did not believe that this fact would help the neighborhood. She restated that the OTNA needed time to meet with the owners. The OTNA was not prepared tonight and requested that this item be laid over until the Council's July 28, 2008 meeting.

Dennis Arnold, 504 N. Lee St., addressed the Council. He currently served as the President of the Gridley Allin Pricketts Neighborhood Association. He also was not present at the last Liquor Hearing. He supported Ms. Dumser's request to lay this item over to allow the OTNA to meet with the establishment's owner.

Alderman Schmidt questioned the status of the list serve for the Liquor Commission. Alderman Gibson questioned if there was a problem with notification for liquor license applications.

Alderman Schmidt believed that this would be the only drive up window in the City. Mayor Stockton confirmed same. He noted his opposition to this application due to the drive up window. The Commission placed conditions upon it. The Council could approve the application without the drive up window. He added his concern that there would be additional requests.

Alderman Schmidt questioned if the OTNA would be opposed to approving this application without the drive up window. Ms. Dumser noted the OTNA's concerns included the 8:00 a.m. start time, a liquor license in the neighborhood, etc. She also questioned the license classification.

Mayor Stockton noted that the liquor license applicant had owned and operated the business for twenty-seven (27) years. The business had been sold on contract. The applicant had been forced to take the business back. Ms. Dumser expressed her opinion that this application was not a good thing and would be bad for the neighborhood.

Alderman Finnegan questioned if the issue was beer sales at the drive up window. Ms. Dumser addressed the issue of time. She added her belief that there would be later sale hours. In addition, she cited litter problems. This application would make the situation worse and magnify problems. Ms. Dumser expressed her belief that Carolyn Steele, President OTNA, knew the Hincees.

Mayor Stockton noted that the temporary license would expire the next day.

Butch and Zelda Hincee, 7 Zelda Ln., addressed the Council. They had operated the business for twenty-seven (27) years with a drive up window. They had sold the business. They had been working ten to twelve, (10 – 12) hour days. They had hired an individual to mow the grass and pick up around the property. Fishermen come early. The business would open at 7:00 a.m. but the window could not be used until 8:00 a.m. There had not been any problems at the business. They were forced to take the business back.

Alderman Finnegan questioned if there had been any violations. Mr. Hincee cited a single violation for under age sales in twenty-seven (27) years. A fine had been paid. He cited the one six pack per customer limit at the drive up window. Alderman Finnegan questioned the percentage of sales anticipated at the window. Mr. Hincee restated that the window was for customer convenience. He restated the sale limit. He was willing to do whatever the Council approved. Alderman Finnegan questioned if Mr. Hincee was willing to meet with Ms. Dumser and Mr. Arnold.

Alderman Gibson questioned the delay. The Hincees had held a liquor license at this location.

Alderman Hanson question if there was a timeframe for this item to return before the Council. Mayor Stockton responded negatively. Mr. Hincee noted that the business needed to be rebuilt. If the Council did not believe that there should be a window, he would not ask again.

Alderman Schmidt stated her appreciation to the Hincees for their honesty. She added her responsibility to reflect the needs and wishes of her ward. She encouraged the Hincees to re-establish a relationship with the OTNA. She also encouraged them to become involved in the west side redevelopment plan.

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

Motion carried.

Mayor Stockton expressed his preference that this item be laid over prior to granting the drive up window. Alderman Gibson questioned laying this item over until the Council's July 28, 2008 meeting. Alderman Schmidt noted the disagreement over the drive up window.

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

Motion carried.

Rich Buchanan, 1206 E. Jefferson, addressed the Council. He currently served on the Liquor Commission. He questioned if the condition had been properly cited. The Commission voted in favor of the window. The applicants were not an unknown entity/persons. They had a twenty-seven (27) year track record. The Commission acknowledged their past performance. The window was a nonissue. Liquor sales would be limited. The Commission wanted the Hinchees to be successful. The window could be helpful and might impact the business' financial viability.

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

Motion carried.

Motion by Alderman Schmidt, seconded by Alderman Purcell that a TAPS liquor license for Sport & Bait Lounge Tavern, Inc., d/b/a Sport & Bait Lounge located at 304 N. Morris Ave., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that alcohol sales be prohibited at the drive up window.

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.

Mayor Stockton encouraged the Hinchees to develop a dialogue with the OTNA and Mr. Arnold. They could appear before the Commission if an agreement is reached.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Agreement Between the City and Downtown Bloomington Association
– Year Two (2) Funding

The Downtown Bloomington association (DBA) seeks Year two (2) funding based on the current agreement with the City for administering downtown programs. Last year, (2007) the City provided \$180,000. It was agreed that funding would be reviewed annually.

The DBA is seeks in \$190,000 funding from the City 2008; \$195,000 in 2009 and 2010; and \$90,000 in 2011. The DBA is requesting less money in 2011 because they are anticipating having a Business Improvement District (BID) in place in 2010 with income from the BID in 2011. Funding for this agreement will come from the Downtown TIF district.

The proposed agreement outlines the activities that the DBA will undertake in exchange for the City's funding support. Included are copies of the DBA's proposed budget and work plan. Staff believes that continued funding of the DBA is an essential element to the overall success of the Downtown. Staff believes that it is important to continue to have an independent organization to handle Downtown events and issues, and serve as a liaison between the City and the Downtown stakeholders. Staff respectfully requests that Council approve Year two (2) funding in the amount of \$190,000 per the existing agreement.

Respectfully,

Tom Hamilton
City Manager

City of Bloomington and Downtown Bloomington Association Agreement

The City of Bloomington, Illinois, hereby agrees to pay the Downtown Bloomington Association, Inc. the sum of no less than \$190,000 for calendar year 2008, to coordinate Bloomington's downtown revitalization effort and provide assistance to property owners, manage business recruitment & retention activities, develop special events, and promote downtown. The City also states its present intention, subject to City Council's annual determination that the Downtown Bloomington Association is achieving the goals set forth in the work plan attached to this document, to pay these additional amounts: \$195,000 for calendar year 2009, \$195,000 for calendar year 2010, and \$90,000 in 2011. As part of its activities, Downtown Bloomington Association will, on an annual basis, serve as the liaison for the City to the Downtown community, connect the downtown community with available business training, funding, and assistance programs, manage a Downtown Information Center to help promote downtown business and solicit vacant commercial and residential properties, serve as primary sponsor/organizer of at least three (3) special events, and aid the city in business attraction and

retention in the Downtown Bloomington Association District. Other services provided by Downtown Bloomington Association in an on-going and "as requested" basis and are listed in the attached work plan.

In addition, Downtown Bloomington Association will, on a quarterly basis, provide a report to the City Manager on its progress in achieving these objectives. Such report will include net new businesses and jobs, number of building renovations, and public and private reinvestment statistics occurring in the downtown. Such data will be made available in reports produced by Downtown Bloomington Association.

The Mayor shall appoint three (3) people to serve as voting members of the Downtown Bloomington Association Board of Directors. The City Manager and Mayor, or their designees, will serve a officio to the Downtown Bloomington Association Board of Directors to help ensure communication and compliance. The term of this contract commences on May 1, 2007, for an initial term of one year, renewable annually by the City Council every year thereafter. Unless earlier terminated by the City Council, this contract shall end on December 31, 2011.

CITY OF BLOOMINGTON, ILLINOIS

Stephen F. Stockton
Its Mayor

July 25, 2008

Attest:

Tracey Covert
City Clerk

DOWNTOWN BLOOMINGTON ASSOCIATION, INC.

Greg Koos

July 29, 2008

Attest:

Jamie Mathy
Its Secretary

Mayor Stockton introduced this item. He had reviewed the Council Proceedings from the May 14, 2007 meeting. Tonight, the Council would address the 2008 budget. There was a five (5) year plan. He did not want any surprises. The only question was did the Downtown Business Association (DBA) meet its responsibilities. The Council had been given a report from the DBA. The Council would not be voting on the plan.

Tom Hamilton, City Manager, noted that the City provided funding after receipt of the DBA's budget. He added that there was the presumption that if the Council approved this item, then the City would also support the Farr study. This study was a key element in the DBA's budget. Mayor Stockton noted that \$75,000 had been held over from the previous year's budget.

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

Motion carried.

Greg Koos, DBA Board President, addressed the Council. He thanked the Council for the work done by the City within the Downtown. He presented portfolios of the Downtown for Council review. He provided a brief history of the DBA. He cited the \$10 million increase to the Downtown's EAV, (Equalized Assessed Value). He noted the Downtown TIF, (Tax Increment Financing) District. He cited the Camiros study and the need for a management plan for the Downtown. He reviewed the past year's accomplishments. He cited Hot August Nights. Last year, the Pantagraph acted as a corporate sponsor. This year, OSF St. Joseph would also sponsor this event. The primary focus of the new study would be redevelopment. The DBA was not a merchants' association. The DBA had a street presence. A work plan was needed which would become the Downtown's strategy. He cited the marketing of residential and commercial properties as an issue. Downtown needed to be clean and safe. He cited the efforts of various City departments, (Parks & Recreation, Public Service, Police, and PACE). The Downtown needed to be promoted in various media. The DBA needed to build working relationships. He cited DBA revenue.

The DBA had introduced LIFE.Downtown. There would be new advertising which marketed the Downtown as a destination. He had a list of hard facts. Effective marketing involved providing facts. He cited parking as an example. The DBA worked with the staff at a number of business entities, (US Cellular Coliseum, Bloomington Center for the Performing Arts, Convention & Visitors Bureau, Economic Development Council, etc.).

Mayor Stockton requested that Mr. Koos provide information regarding the plan. Mr. Koos noted that the DBA had accomplished and achieved a number of things. A professional strategic plan would provide future direction. He cited parking management, business retention and recruitment, incentive plans, and informational campaigns. Other items might be contained in the final report.

The \$190,000 payment was part of the five (5) year plan. \$75,000 in savings from the current year's budget had been placed in escrow. These dollars represent the \$75,000 reserve fund for the strategic plan.

Alderman Purcell questioned the anticipated results of the Farr study. Mr. Koos stated that it would be very specific. It would address implementation, costs, assignments,

and finances. He noted the tension between the Downtown residents and the entertainment venues. Form-based zoning might be an option.

Alderman Sage made a quick comment. He liked the proposed report format: plan versus results. The DBA needed to provide the City with a line of sight. Mayor Stockton noted that the DBA budget must interplay with the study. Mr. Koos restated that \$75,000 had been redirected for this study. Mayor Stockton restated that these dollars were from the previous year's budget.

Alderman Hanson noted that the DBA had \$75,000 and planned to request an additional \$125,000 from the City for the study.

Alderman Stearns noted that the DBA had spent less than projected. She added that the DBA had earmarked \$75,000 for the study. However, \$125,000 would be needed from the City. This evening, the Council was being asked to vote on the DBA budget. However, there was the presupposition that the City would fund the study.

Alderman Schmidt expressed her opinion that this study was important and needed. She currently served on the DBA Board. The DBA needed the City's financial help to fund the study.

Mr. Hamilton restated that the DBA was willing to commit \$75,000 to the study. If the Council approves this item, there would be the belief that the Council would also fund the remainder of the study's cost.

Mayor Stockton questioned the impact if the City chose not to fund the study. Mr. Koos stated that the DBA would not go forward without the City's financial support. These dollars would be used for another purpose or returned to the City.

Alderman Huette expressed his concern regarding linking these two (2) items. He was unwilling to vote for this item. He expressed his belief that these two (2) items were separate of each other. He questioned the Farr study but stated his willingness to support the DBA.

Mayor Stockton expressed his support for the plan. There would be a separate vote on same. He did not want the Council to take action which would harm the DBA. Mr. Koos noted that the Council's decision would reflect its strategic vision for the Downtown. Mayor Stockton expressed his belief that the Council was looking for additional information. The Farr study might appear on the Council's July 28, 2008 meeting agenda.

Alderman Finnegan questioned if the \$75,000 was the issue. Mayor Stockton stated that these funds had been held in reserve for the study. The City would be asked to fund the difference.

Alderman Sage expressed his support for the DBA. He added his belief that the Downtown study would be discussed separately. Mr. Koos added that the DBA was willing

to discuss the importance of a strategic plan for the Downtown. Alderman Sage expressed his interest in additional information regarding the Downtown TIF District. He also questioned the timing and impact of this study. Mr. Koos acknowledged that District 87 must be at the table. He restated that the DBA had set aside \$75,000 to help to fund this study.

Mayor Stockton stated that the issue appeared to be the \$125,000 plus needed to fund the study. The Council would have its questions answered when the study appeared on the Council's July 28, 2008 meeting agenda.

Alderman Finnegan questioned the City's contribution tonight. Mr. Koos noted that the DBA and City operated on different fiscal years. (City was May to April, and the DBA was January to December.)

Alderman Stearns congratulated the DBA on a successful year. The Camiros report was a Downtown management plan. The cost to implement this plan was estimated at \$7.5 million. She cited the cost for the proposed Farr study. She requested a ballpark figure for implementation. She noted that Farr & Associates charged the Town of Normal \$85,000 in 2001/2002 for the Uptown Normal study. The cost of implementation has been estimated at \$70 - \$120 million. Mr. Koos noted that at this point there was not a cost estimate. He expressed his opinion that the largest cost for Uptown Normal had been paid by private developers. He also cited the enhance tax base for the Unit 5 school district.

Alderman Stearns restated her question, what would be the City's cost to implement the Farr study. She requested a ball park estimate. She also questioned how this cost could be financed. Mr. Koos noted that this figure would be a part of the plan. There would be a needs assessment.

Alderman Schmidt noted that Farr & Associates had alluded to a public/private partnership. Without a plan, any figure would be speculation. Mr. Koos added that this plan was about economic development. It would be an income generator. He warned the Council about taking a short sighted view. Costs would be heavier during the initial years.

Alderman Purcell questioned the role for local developers. He also questioned their interest and/or commitment to the Downtown. Mr. Koos cited the housing market and the demand for denser, urban living spaces. The Downtown needed a plan which would serve as a template for development. Developers would react to a plan.

Mayor Stockton questioned if developers would be encouraged to participate in the process. Mr. Koos expressed his belief that the Farr study would take a community wide approach. Information would be collected through an open process.

Mayor Stockton encouraged Mr. Koos to invite Mr. Farr to the Council's July 28, 2008 meeting. He encouraged the Council to return to the item before the Council this evening.

Alderman Stearns questioned if the \$75,000 would remain in escrow if the study is not approved. Mr. Koos stated that the DBA Board would reach a decision regarding these funds.

Alderman Fruin expressed his opinion that there needed to be a partnership between the City and the DBA. The goals needed to be the same.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Agreement and payment 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.

Mayor Stockton noted that the DBA budget had been approved. The partnership between the City and the DBA should be built upon trust. On July 28, 2008, the Council would vote on a plan for the Downtown which would address the next ten (10) years.

Motion by Alderman Schmidt, seconded by Alderman Gibson to amend the agenda by addressing the Text Amendment to the Plumbing Code before the Demolition at 408 E. Washington St.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Modifications to Chapter 34 - Plumbing Code

In an effort to update Chapter 34 - Plumbing Code, staff proposes several changes. These changes would allow the use of additional material options in plumbing systems, recognize new technologies, and provide for an update to the City's fee schedules. Staff has reviewed this information thoroughly, conducted public input meetings, and received positive recommendations from the Plumbing Board (see attached minutes).

There were two (2) public meetings held in reference to these proposed changes. The first was held primarily between the Plumbing Board and PACE staff. The second meeting was

moderated by the Plumbing Board but was intended for general comments by any interested parties. This second meeting was advertised as usual with the addition of direct mailings to all plumbers registered with the City as well as the Plumbers and Pipe Fitters Local 99. There was opposition raised concerning cross linked polyethylene (PEX) plumbing systems during this meeting. While staff understood the objections, staff did not believe that they were substantiated in a way that should disqualify the proposed changes (see attached report dated June 13, 2008).

Staff respectfully requests that Council approve the original changes proposed by staff to the Plumbing Code, Chapter 34.

Respectfully,

Mark R. Huber
Director of PACE

Tom Hamilton
City Manager

ORDINANCE NO. 2008 - 49

**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 34**

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

SECTION 1. That Bloomington City Code Chapter 34, Section 17(f) and (g), shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(f) All piping from the City water mains to the curb stop (curb shutoff valve) ~~water meter~~ shall be of type "K" copper; if larger than two inches (2"), it shall be of Class 150 cast iron. All joints in water services are to be ~~flared joints~~, mechanical/compression, threaded, slip seal or lead free solder. When water services larger than two inch (2") are installed through the side wall of a building, such iron type water services shall be restrained with field lock or similar restraining type devices or locking gaskets.

(g) Water services from the curb box (curb shutoff valve) to the building shall be type "K" copper, Class 150 cast iron, or copper tube size (CTS) polyethylene (PE) tubing meeting ASTM D 2737 - standard. Polyethylene (PE) pipe shall be installed only with compression fittings with insert and clamp type fittings. All clamps shall be of corrosion resistant material. The inside diameter (ID) of any insert fitting shall not be less than the minimum allowable size for water service as required by the Illinois State Plumbing Code. PE tubing is only allowed for residential building of (3) three stories or less(as determined by the Building Code). PE tubing water service shall be one continuous pipe from the curb stop or pig tail to building water meter. PE water service shall have a solid 12 gauge blue sheathed coated, suitable for direct burial tracer wire connected to the coupling or curb stop secured to the service every 6 feet, unbroken and accessible at the water meter.

SECTION 2. That Bloomington City Code Chapter 34, Section 23, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Where a fixture or fixtures are to be removed, all vent, soil, and waste pipes serving such fixture or fixtures should be removed, if feasible, so as to avoid any dead ends and the opening left thereby shall be securely closed. Where an old or defective fixture is removed to be replaced by another fixture of the same type, or the same fixture is repaired, and no other fixture or piping is to be added or remodeled, it will not be necessary to reconstruct the soil, wasted or vent piping to conform to the Code of the City, unless the said piping is in a defective condition. Plumbing equipment installed in or removed from a building, if found to conform to the requirements of this Chapter, may be reused. Removal of any plumbing fixtures and/or plumbing system shall be done by a licensed plumbing contractor or owner occupant of a single family residence.

SECTION 3. That Bloomington City Code Chapter 34, Section 24(a), shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(a) Distribution piping in ~~single-family dwellings, multi-family or commercial~~ all buildings shall be types "K", "L" or "M" copper, galvanized steel or equal. Solder joints to be of lead-free solder.

Exception 1: Distribution piping in residential buildings of 3 stories or less shall be type "K", "L" or "M" copper galvanized steel or cross linked polyethylene meeting the fitting and standard requirements as list in the Illinois State Plumbing Code.

Exception 2: For interior HUD manufactured single-family homes, Appendix A, Table 6, Section 890 of the Illinois State Plumbing Code shall apply.

SECTION 4. That Bloomington City Code Chapter 34, Section 31, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

All plumbing done and all plumbing fixtures installed as of the effective date of this Ordinance shall meet or exceed the following water conservation requirements:

(a) All lavatory faucets in public rest rooms shall meet the requirements of the Illinois State Plumbing Code.

(b) All water used for cooling equipment and machinery shall be re-circulated (exception: Medical equipment).

(c) All ~~automatic~~ automatic or manual in conjunction with ~~automatic~~ automatic car washes must be designed and built to recycle 20% to 50% of the wash and rinse water.

(d) All flush valves shall conform to the Illinois Plumbing Code for water usage.

(e) All other fixtures, applications or systems not specifically described above shall have their maximum water usage determined by the City of Bloomington Plumbing Inspector on a case by case basis. No person shall install or cause the installation of any fixture, application or system stated above which exceeds the maximum water usage as determined by the City of Bloomington Plumbing Inspector.

(f) Installation of water cooled ice machines are prohibited.

SECTION 5. That Bloomington City Code Chapter 34, Section 31 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

The drilling and tapping of house drains, soil, waste, waterlines or vent pipes, and the use of saddle hubs, bands and sleeves is prohibited.

All joints and connections shall meet the requirements of the Illinois State Plumbing Code.

SECTION 6. That Bloomington City Code Chapter 34, Section 51(e) shall be and the same are hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(e) Where a Reduced Pressure Principle backflow device is required on fire system 4 inch and larger for manufacturing or industrial buildings by the Illinois State Plumbing Code, it shall be a Reduced Pressure Principle Detector Assembly.

SECTION 7. That Bloomington City Code Chapter 34, Section 55 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(a) There shall be a ~~\$35.00~~ \$40.00 fee for filing the survey required under Section 37 of this Chapter. The fee shall be assessed for each survey filed. This fee shall be assessed each time a survey is filed, regardless of whether the survey submitted had been filed previously and is being resubmitted to correct deficiencies or errors in a previously filed survey.

(b) There shall be a charge of \$50.00 per hour assessed for any inspection conducted by the Director of Water or his authorized agent pursuant to Section 43 of this Chapter or under any other provision of this Chapter to check information set forth in a survey report or to verify compliance with the requirements of this Article.

(c) There shall be a ~~\$15.00~~ \$20.00 fee for filing the annual certification of cross connection control devices as required in Section 49(d)(3) of this Chapter. The fee shall be assessed for each device certified.

(d) All fees provided for herein shall be paid to the Director of Water or his designated representative.

SECTION 9. That Bloomington City Code Chapter 34, Section 98 shall be and the same are hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

The waste piping from a point five feet (5') outside a building to the City sewer shall be considered the building sewer and shall be constructed of the following materials with a minimum diameter of four inches (4"): cast or ductile iron, PVC schedule 40, PVC schedule 80 with solvent weld joints, or PVC Schedule 21 - Type PSM-SDR slip joint pipe.

Cure in place sewer liners may be accepted for making repairs of existing sanitary and storm water sewer services provided liner systems, installation and materials standards are approved and permits issued prior to installation.

All material shall be embedded with a minimum of four inches (4") granular cradle below the sewer pipe and six inches (6") of granular cradle above.

SECTION 10. That Bloomington City Code Chapter 34, Section 117 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

(a) New plumbing system installations, additions, or major alterations to existing systems shall upon approval of plans and specifications be granted a work permit. The total fee for such a permit shall be an accumulation of the fees corresponding to each and every plumbing fixture or appurtenant device in the system as contained in the following schedule. The minimum fee for a permit in this Section shall be Twenty Five Dollars (~~\$20.00~~) (\$25.00).

The fee for any fixture or work not listed in this Section shall be determined by the Plumbing Inspector.

Backwater valve		\$10.00
Bathtub with or without shower		\$ 7.00 <u>10.00</u>
Bidets		\$ 7.00 <u>10.00</u>
Dishwashers:	residential	\$ 7.00 <u>10.00</u>
	commercial	\$10.00 <u>13.00</u>
Disposals:	Garbage	\$ 7.00 <u>10.00</u>
Drains:	Floor Drain	\$ 7.00 <u>10.00</u>
	Roof Drain	\$ 7.00 <u>10.00</u>
	Carwash or Repair Garage Drain	\$10.00 <u>13.00</u>
	Trench drain	\$10.00 <u>13.00</u>
	Open Site Drain	\$ 7.00 <u>13.00</u>
	Parking Lot Drain	\$ 7.00 <u>13.00</u>
Fountains:	Drinking Fountain	\$ 7.00 <u>10.00</u>
	Water Fountain	\$10.00 <u>13.00</u>
Grease Interceptor		\$10.00 <u>13.00</u>
Oil Interceptors		\$10.00 <u>13.00</u>
Lawn Sprinkler:	Each sprinkler head	\$ 1.00
	Irrigation system	\$10.00
Lavatory / Hand sink		\$ 7.00 <u>10.00</u>
Pools:	Spas	\$ 7.00 <u>10.00</u>
	Whirlpools	\$10.00
	Private pools	\$10.00 <u>25.00</u>
	Public Pools	\$25.00 <u>50.00</u>
Pumps:	Water pressure built-in boosters	\$10.00
	Sewage injection pump	\$10.00
	Circulating pump	\$10.00

Residential New Construction: Water & Sewer	\$25.00 <u>30.00</u>
Water Service	\$20.00 <u>25.00</u>
Sanitary Sewer Service	\$20.00 <u>25.00</u>
Storm Sewer connection	\$20.00 <u>25.00</u>
Shower: Stall or compartment shower head	\$-7.00 <u>10.00</u>
Sinks: Kitchen sink	\$-7.00 <u>10.00</u>
3 compartment sink	\$10.00 <u>13.00</u>
Laundry (tub) Sink	\$-7.00 <u>10.00</u>
Service (Mop) Sink	\$-7.00 <u>10.00</u>
Bar sink	\$-7.00 <u>10.00</u>
Surgeon, Pantry, Bedpan. etc.	\$-7.00 <u>10.00</u>
Softener: Water Softener/Filtration Systems	\$-7.00 <u>20.00</u>
Sprinkler System: Service connection	\$20.00 <u>25.00</u>
Backflow preventer	\$10.00 <u>20.00</u>
Medical Equipment: Instruments, utensils, etc	\$-7.00 <u>10.00</u>
Sinks	\$10.00 <u>13.00</u>
Emergency showers and eye wash	\$10.00 <u>15.00</u>
Tanks: Water Supply	\$-7.00 <u>10.00</u>
Pressure tanks	\$-7.00 <u>10.00</u>
Traps; standpipes, etc.	\$-7.00 <u>10.00</u>
Urinals: Wall or Floor type	\$-7.00 <u>10.00</u>
Waterclosets: Floor or wall mounted	\$-7.00 <u>10.00</u>
Water Heaters: Domestic or residential	\$10.00 <u>15.00</u>
Commercial	.\$10.00 <u>20.00</u>
Water heater replacement with piping change	\$20.00 <u>25.00</u>
Washer: Clothes	\$ 7.00 <u>10.00</u>
Garbage can	\$ 7.00 <u>10.00</u>

Medical Gas Systems: Fees for medical gas system installation shall be calculated by cost of work using the Building Permit fee schedule set forth in Chapter 10. All medical gas systems installed or repaired shall be by a certified medical gas installer.

Except as specifically noted, permit fees of ~~Seven~~ Ten Dollars (~~\$7.00~~ 10.00) are applicable only for one and two family dwelling installations. Multi-family and other nonresidential fees shall be ~~Ten~~ Thirteen Dollars (~~\$10.00~~ 13.00). Fees for plumbing work over \$50,000 will be determined by plumbing permit fee schedule of ~~Ten~~ Thirteen Dollars (~~\$10.00~~ 13.00) plus cost of work evaluation using fee schedule for building permit in the Building Code (Chapter 10).

(b) If proposed work is in pipe replacement only, the fee will be calculated based on "reasonable estimated cost" and using the fee schedule for building permits in the Building Code (Chapter 10).

(c) Minor Repairs. Minor repairs do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or reinstallation of any pipe or

plumbing fixture. The minimum fee for the permit, if needed, shall be Twenty Five Dollars (~~\$20.00~~) (\$25.00).

(d) Pipe work. Any water supply pipe replacement or addition, and sewer pipe installation work shall be granted permits with fees based on the reasonable cost of improvement and using the fee schedule in Section 117(b). The minimum fee for a permit, if needed, shall be Twenty Five Dollars (~~\$20.00~~) (\$25.00).

(e) Permits issued to owner occupied single-family residences shall be charged a permit fee based on the above schedules with an additional fifty percent (50%) surcharge.

(f) A penalty surcharge of one hundred percent (100%) but not less than Fifty Dollars (\$50.00) shall be added to the permit fee when any work is undertaken prior to obtaining a required permit.

(g) A re-inspection fee of \$50.00 may be imposed when work being inspected is not complete at time of inspection.

Nothing in this Section shall prevent the Plumbing Inspector from recommending to the Plumbing Board of Appeals the revocation of the contractor's Certificate of Registration for repeated violation of doing work prior to his obtaining the required permit.

SECTION 11. That Bloomington City Code Chapter 34, Section 131 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

It is required that grease interceptors (traps) be located outside the building and shall be accessible for maintenance purposes. See illustrations in the Illinois State Plumbing Code.

Exception: When property restrictions prevent a grease ~~trap~~ interceptor to be located outside of an existing building, i.e., downtown buildings, strip and shopping malls, Plumbing Drainage Institute (PDI) approved grease ~~traps~~ interceptor may be allowed in lieu of the required outside grease ~~trap~~ interceptor. Such ~~trap~~ interceptor shall be installed with an approved solid interceptor located before the grease ~~trap~~ interceptor.

All ~~new~~ restaurants ~~that~~ which require a grease ~~trap~~ interceptor as per the Illinois State Plumbing Code shall install a minimum 1,000 gallon outside ~~trap~~ interceptor. Sandwich bars and carryout services which only prepare (not cooked foods) cold sandwiches shall install a mini-mum 250 gallon grease ~~trap~~ interceptor or as described in above code Section.

Any business or individual which causes the City's sewer to become laden or plugged with fats, oils, grease, or other substance will be required to reimburse a minimum of \$2,500 (first offense) or actual cost which ever is greater to the City of Bloomington for any cost related to cleaning of said sewer. Fines will double for every reoccurrence of this violation.

SECTION 12. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 13. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 14. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 15. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 14th day of July, 2008.

APPROVED this 15th day of July, 2008.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mark Huber, Director – PACE, addressed the Council. City staff had been approached by plumbing contractors several months ago regarding the use of other materials beyond copper pipes. City staff working with the State of Illinois allowed trials in Habitat for Humanity homes and a hotel. The materials used were permissible by the state. Their performance was deemed acceptable. Public hearings were held before the Plumbing Board. The proposed text amendment would grant what is currently allowed under state law. The alternative material meets the minimum standards, and complies with state law and the International Building Code.

Alderman Finnegan noted that this material can only be used in structures of three (3) stories or less. Mr. Huber noted that its use was limited to residential occupancies which included hotels/motels of three (3) stories or less. He restated that the proposed text amendment complied with state law.

Alderman Hanson noted that there was opposition. He questioned if anyone had been harmed. He added that the builder can state his/her preference. Mr. Huber informed the Council that there were two (2) approved and tested materials. The text amendment would allow for a choice. This material is used throughout the state with the exception being the City of Chicago.

Alderman Schmidt questioned if there were any health concerns. She questioned the materials longevity. The plumber would need to educate the consumers. Mr. Huber responded affirmatively. He restated that the proposed text amendment would allow for a choice which is allowed by state law. Plumbers would have to provide information regarding the use for both systems.

Alderman Gibson noted recent reports which linked carcinogenic compounds to plastic water bottles. He expressed his opinion that the proposed text amendment was not a good idea. He believed that there would be future health issues. Mr. Huber believed that the issue of plastic water bottles had been reviewed by the FDA, (Food & Drug Administration). The construction industry was continuing to evolve. He added that there was no health issue related with its use to his knowledge.

Alderman Sage questioned its use outside of the state. Mr. Huber noted that this material has been used throughout the United States.

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

Motion carried.

Rick Tervin, 9375 Orion Dr., Illinois Pipes Trades Association's, (IPTA), Executive Director, addressed the Council. He requested that the Council reconsider its time limit for persons addressing them.

Steve Rever, 407 N. Oak, Lexington, addressed the Council. He was employed by Plumbers and Pipefitters Local 99 as the Business Manager. He thanked the Council members who returned his telephone calls. He expressed his opinion that the safety issue had been misperceived. The Council needed to stand up for higher standards. He added that there were safety and cost factors involved. He cited the environmental impact. He stated his belief that this alternative could not be used in hotels/motels.

Alderman Hanson noted that the proposed text amendment would not abolish the use of copper pipe. It would provide an alternative. A choice would have to be made. The responsibility would fall to the plumber. Mr. Rever stated that all of the plumbers do not have all of the information. The cost to plumb a house would remain the same.

Darick Volz, 1316 Eastport Dr., addressed the Council. He also was employed by Plumbers and Pipefitters Local 99 as the Business Agent. He noted that organized labor was also a consumer. He cited the environmental impact on the community. He read from a prepared statement. He cited various contaminants such as mercury, PVC dust, etc. He provided the Council with a handout from the Copper Development Association, Inc. and the Illinois Pipe Trades Association. The handout also addressed class action lawsuits.

Mr. Volz presented information about PVC, PB, (polybutylene). and PEX, (polyethylene). PEX has been used for the past twenty-five (25) years. Copper pipe has

been used over fifty (50) years. He noted that a home mortgage is generally for thirty (30) years. He added that the contractors should have the information. He restated that there was not much of a cost difference. The issue was what was being put into these buildings. PEX can be damaged by UV, (ultraviolet), rays. All plastics are petrol products. He added that the City of Chicago has not approved the use of PEX. He encouraged the Council to look at this issue from the view point of a consumer and from an environmental stand point. He added his opinion that consumers would not be informed. He questioned the current and future impacts.

Alderman Gibson expressed his belief that the plumber's apprenticeship included health issues. Mr. Volz noted that there was the belief that anyone could install PEX. In reality, this work should be performed by a certified PEX installer. If the City were to approve the use of PEX, then the union would implement an appropriate training program. He stressed that this issue was not a union versus nonunion. Alderman Gibson noted that the water supply from a health safety standpoint was an important issue. Mr. Volz stated that PEX cannot be recycled.

Alderman Schmidt questioned the longevity of PEX. She also questioned the length of its use. Mr. Volz noted that it had been around since the 1970's. PEX evolved from PB. He could not answer the longevity question. He added that the majority of court cases have been filed in the south and west. He restated that issues have arisen regarding the use of PEX. He restated that it was not environmentally friendly and its longevity issues.

Mayor Stockton noted that there had been class action lawsuits involving plastic pipes. Mr. Volz added that a PEX system expands and contracts.

Alderman Huette left the meeting 9:45 p.m.

Alderman Fruin stated that this Text Amendment would bring consistency with surrounding communities within the state. Mr. Volz responded that his concern was with the consistency of the product. The Council should strive for a strong code which protects the public and maintain integrity with labor and trades. He restated the environmental issues.

Alderman Huette returned at 9:49 p.m.

Mr. Tervin noted the IPTA works for the union. Homes with copper pipes will have a higher value. Eighty percent, (80%), of the state uses copper. There will be no cost savings. The homeowners would not be aware of what type of pipe had been installed in their homes. He expressed his belief that the use of PEX in hotels/motels had been denied. He estimated the cost of training at \$140 million to protect the public's health and safety. In addition, he restated that there were two (2) other issues: 1.) the inability to recycle this product and 2.) the fact that it was an oil by-product. In closing, he thanked the Council for their attention.

Walt Petri, 204 E. Lincoln, addressed the Council. He had been a plumber for over fifty (50) years. He cited his work experience. Plumbers must know how to use plastic pipes. Plumbers, union and nonunion, must pass a state exam. He expressed his belief that sixty percent, (60%) of those who sit for the exam fail. Plumbing work with plastic pipes can be done properly. He noted that issues can arise if these pipes freeze. Fire can also be of concern as plastic will melt. He acknowledged that there were safety factors. He added his belief that these pipes may be more expensive. He cited Hamilton County, Ohio's experience.

Gary Ruyon, Highway II East, Commerce, TX, addressed the Council. He spoke on behalf of the pipe manufacturers. PEX is permitted by all major, model plumbing codes. It is used in all fifty (50) states. He addressed safety issues and noted that PEX should be measured in smaller quantities. PEX meets standard 61. It was a unique plastic that was primarily made from natural gas not petroleum. He addressed its life cycle inventory. PEX had lower energy cost/carbon foot print than copper. He addressed the marketing and warranty of PEX. The fifty (50) year warranty only applies to no freeze and no corrosion. Manufacturers provide training to all plumbers, union and nonunion.

PEX was introduced in the United States during the late 1980's. Its use became widespread during the mid 1990's. It was originally used in Europe during the 1970's. It meets the chlorine test. Litigation had involved the mettle fillings. Plastic fittings are available.

Vince Paukauyas, Viega, 304 N. Main, Wichita, Kansas, addressed the Council. He read from a prepared letter. The pipe manufacturers provide training but do not certify the plumbers and/or inspectors. PEX is not allowed in the Chicago metro area. Fittings have failed but not the pipe/tube.

Bill Fey, Specified Systems, 11832 Dorset Rd., Maryland Heights, Maryland, addressed the Council. PEX was brought to market in the 1970's. There was 3 million feet of PEX in service in North America. There was a thirty-five (35) year history of successful application. The key was installer training. The cost of PEX has been stable. He added that there will always be advancements. PEX was a natural progression. The City's Plumbing Board had given its approval. PEX had value to the consumer. This text amendment would allow for a choice. PEX was cost effective and reliable.

Mr. Rever readdressed the Council. The Plumbing Board's approval did not make it right. PEX was a bad product. The state made a bad decision regarding the use of PEX. He requested that the Council vote no on this item.

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

Motion carried.

Mr. Huber readdressed the Council. The Plumbing Board held two (2) hearings on this issue. At the first meeting, the Board voted to allow PEX for residential uses. At the

second hearing, the Board voted to remove the use of PEX in dormitories and hotels/motels. Staff has recommended that the Council adopt the action taken by the Board at the first hearing as it matched state code.

Alderman Hanson questioned the genesis of this issue. Mr. Huber noted that the original request came from the plumbers. Alderman Hanson noted that not a single plumber had addressed the Council this evening.

Alderman Gibson questioned water pressure. Mr. Huber responded that PEX can be used for pressure above what the City approves. PEX used is based upon water temperature.

Alderman Purcell questioned if the City used plastic pipes in its distribution lines. Craig Cumming, Director of Water, addressed the Council. He responded negatively. Water mains are either cast iron or ductile. City services are copper. Tom Hamilton, City Manager, noted that the Kickapoo force main was plastic.

Alderman Finnegan expressed his belief that the product was not dangerous. He believed that the City should allow the citizens to make a choice.

Alderman Gibson made a motion to deny the proposed Text Amendment. The motion failed due to the lack of a second.

Alderman Purcell stated that the proposed Text Amendment would allow the use of either product.

Alderman Sage acknowledged that he had some concerns regarding health and safety. He believed that water and water quality were core competencies for the City. The City spends a good deal of time on these two (2) issues. Alderman Huette expressed his opinion that the homeowners should be given a choice. Alderman Sage noted that the installers should be credentialed by completing certified training.

Alderman Stearns expressed her concerns about PEX. She had visited the union's training facility. She added her concerns about the environment and water quality.

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

Motion carried.

Motion by Alderman Purcell, seconded by Alderman Finnegan that 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, Hanson, Fruin and Purcell.

Nays: Alderman Schmidt, Sage, Gibson and Stearns.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council
From: Staff
Subject: Demolition of 408 E. Washington St. (Coachman Motel)

In January of 2008, Council approved the demolition bid of Kirk C&D Recycling in the amount of \$187,000 to demolish the Coachman Motel, 408 E. Washington St. During the asbestos remediation it was determined there was additional asbestos in the hollow block of the building that went undetected. The type of insulation (loose fill mineral based, aka "vermiculite") made removal virtually impossible and drastically altered the demolition, debris handling, and disposal procedures. A new plan was reviewed, approved by the EPA and implemented. Subsequently, the contractor provided a change order in the amount of \$424,000, bringing the total cost of the demolition to \$611,000.

After reviewing the process and amounts, staff believed that there had to be opportunities to reduce this cost. A conference call was made to representatives of the Federal EPA in Chicago and their supervisors in Washington D.C. to discuss possible relief and/or options that might be available. Based on these discussions and additional information provided by the EPA, the demolition plans were revised again and the contractor provided a new change order. The current change order is in the amount of \$206,000; bringing the total new cost of demolition to \$393,000. There is an option to remove the building's foundations for an additional \$30,000. However, staff recommends that Council pass on this option in the interest of cost savings.

At this time, staff is confident with the changes made and the contractor's efforts to keep costs in line. Although the new cost of demolition is over the estimated value of the land (\$380,904) staff respectfully recommends the change order to the contract with Kirk C&D Recycling and Demolition in the amount of \$206,000 be approved and the Resolution adopted. Funds for this change order will be paid from account 19110-70990.

Respectfully,

Mark R. Huber
Director, PACE

Tom Hamilton
City Manager

RESOLUTION NO. 2008 - 49

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE
AMOUNT OF \$236,000 IN THE CONTRACT BETWEEN THE CITY
OF BLOOMINGTON AND KIRK C & D RECYCLING AND DEMOLITION FOR THE
DEMOLITION OF THE COACHMAN HOTEL AT 408 E. WASHINGTON**

WHEREAS, the City of Bloomington has previously entered into a contract with Kirk C & D Recycling and Demolition for demolition of the Coachman Hotel at 408 E. Washington; and

WHEREAS, for the reasons set forth in a staff report dated July 14, 2008 it was necessary to remove additional asbestos; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the July 14, 2008 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$236,000 in the contract between the City of Bloomington and Kirk C & D Recycling and Demolition for demolition of the Coachman Hotel at 408 E. Washington be approved.

ADOPTED this 14th day of July, 2008.

APPROVED this 15th day of July, 2008.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Tom Hamilton, City Manager, introduced this item. This project had turned into quite a process. City staff has worked to present the Council with a reasonable budget. Mark Huber, Director of PACE, informed the Council that when the project was started asbestos was found in the walls. At that point, the job was stopped. The City has finally gained clearance to resume the work. The original cost was \$611,000. City staff discussed options with the Environmental Protection Agency, (EPA). The contractor has been very cooperative. The plan presented was the best that City staff could negotiate with the EPA.

Alderman Finnegan questioned if the property would be sellable with the foundation left in place. Mr. Huber noted that there were various options. City staff believed that it would be best to leave the foundation in place. It would not be visible. In addition, the footings and stem walls would also be left in place.

Alderman Schmidt expressed her concern regarding safe removal. Mr. Huber informed the Council that the building would be taken down in pieces. The structure would be kept wet. Great care will be taken.

Alderman Hanson noted that \$393,000 had been invested in this property. Mr. Hamilton added that this figure was close to the property's value. The City would hold the deed to the property and attempt to sell same in an effort to recoup the cost of demolition.

Alderman Finnegan recommended that the Council spend the additional \$30,000 to address the foundation issue. He noted the pending study of the Downtown. He expressed his opinion that this parcel would be a valuable property.

Alderman Stearns left the meeting at 10:39 p.m.

Alderman Schmidt expressed her opinion that the \$30,000 expenditure to remove the foundation might be a good investment. Approving this work would remove any environmental concerns. Mr. Hamilton noted that this item might impact the property's future use. Mr. Huber informed the Council that the footings could be recycled. Alderman Schmidt recommended that the Council include at a price not to exceed any motion. Mr. Huber stated that City staff had attempted to control the cost of this project.

Alderman Sage questioned if an asbestos inspection of the property had been done. Mr. Huber responded affirmatively. Some asbestos was found and removed. In twenty-three (23) years, he had never come across asbestos which had been placed within a building's interior walls. Its removal was required by law.

Alderman Stearns returned at 10:40 p.m.

Alderman Schmidt questioned if there was any recourse the City could take against the engineering firm. Mayor Stockton questioned if it was reasonable to check for asbestos within a building's interior walls. Todd Greenburg, Corporation Counsel, addressed the Council. Any suit would have to address issues of fact and duty of care. Recovering an amount would be questionable. The property owner would need to pursue this course of action. Mr. Hamilton restated that City staff had never come across this before. Alderman Sage noted that the City had engaged outside experts.

Alderman Stearns questioned the property's marketability with and/or without the foundation. She recommended that the potential buyer should decide this issue. Mayor Stockton noted that such action would be a calculated risk.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Change Order in the amount of \$236,000 be approved, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

MAYOR'S DISCUSSION: Mayor Stockton stated that he would keep his comments short. He address the City's police radios with the following points: 1.) the City rejected Motorola's digital StarComm radios; 2.) the majority of downstate police agencies also do not use this system; 3.) the standard system used is analogue; and 4.) the Town of Normal's Fire Department is on an analogue system. He expressed his surprise regarding the article in the Pantagraph. The City had not been officially notified by either unit of government, (McLean County and Town of Normal). The communications issues with State Farm's basement were well known prior to this incident. Police Department staff will meet with the McLean County Sheriff.

The radio system will be re-evaluated in the future if the situation changes. There were systems in place to address compatibility issues, ("patch" systems). After there is a review of the incident, City staff will report back to the Council.

Alderman Sage expressed his discomfort. Alderman Stearns expressed her need to understand what happened. She questioned how the City could patch into and/or adopt the StarComm system.

Mayor Stockton stated his understanding of the issues. He cited deployment and communication. Radios were offered. It had already been determined at the scene that there was no real threat.

Alderman Stearns encouraged City staff to contact FEMA, (Federal Emergency Management Agency), and other experts. She described the situation as serious. She claimed that the City had declined a \$3.3 million state grant.

Mayor Stockton restated that there were various concerns with the StarComm system. There were real reasons why the City chose not to move to this system.

Keith Ranney, Fire Chief, addressed the Council. He noted that communication systems go beyond radios. Separation is appropriate. He reviewed the incident command structure. He reviewed how the radios are used for day to day operations. He cited the City's participation in MAVIS, which uses a common analogue system. He cited the state's

plan. The City was adding repeater sites. The StarComm system would not be good for the fire service. It was best to stay with the system used by the majority.

Alderman Purcell cited the Fire Department's experience in Uttica, IL and New Orleans, LA. He described both as learning experiences. Chief Ranney responded affirmatively.

Mayor Stockton questioned if Chief Ranney would be receptive to participating in the discussions with the County Sheriff and the Town of Normal. Chief Ranney noted that there would always be a need to improve the various communication systems. Mr. Hamilton noted that these agencies had been invited to the debriefing. A summary would be prepared.

CITY MANAGER'S DISCUSSION: Tom Hamilton, City Manager, reminded the Council that the second meeting for the West Bloomington Neighborhood Redevelopment study would be held on Thursday, July 17, 2008 at 6:30 p.m. at Mt. Pisgah Baptist Church.

ALDERMEN'S DISCUSSION: Alderman Fruin addressed two (2) items. The first was the Mayor's salary. The Council was responsible for setting elected officials' salaries prior to an election. The Mayor's salary has been held at \$12,000 for the last eight (8) years. He believed that this issue needed to be discussed. He added that Council salaries should also be included in the discussion. The City's elected officials' salaries should be competitive with the surrounding communities.

Next, he addressed a performance evaluation for Tom Hamilton, City Manager. He expressed his opinion that Mr. Hamilton was entitled to same. The Council needed to set an Executive Session within the month.

Finally, he noted that it had been a long but good meeting.

Motion by Alderman Schmidt, seconded by Alderman Fruin, that the meeting be adjourned. Time: 11:45 p.m.

Motion carried.

Tracey Covert
City Clerk