

**CITY OF BLOOMINGTON  
COUNCIL MEETING AGENDA  
109 E. OLIVE  
MONDAY, AUGUST 13, 2012, 7:00 P.M.**

- 1. Call to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call of Attendance**
- 5. Recognition/Appointments**
- 6. “Consent Agenda”**
  - A. Council Proceedings of July 23, 2012 and Work Session Minutes of January 23 and April 23, 2012. (Recommend that the reading of the minutes of the previous Council Meeting of July 23, 2012 and Work Session Minutes of January 23 and April 23, 2012 be dispensed with and the minutes approved as printed.)**
  - B. Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)**
  - C. Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington’s Davis Lodge on September 29, 2012. (Recommend that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on September 29, 2012 be passed.)**
  - D. Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington’s Davis Lodge on September 15, 2012. (Recommend that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on September 15, 2012 be passed.)**

- E. Request for Alcohol in Miller Park Zoo for the Miller Park Zoological Society Fundraiser, known as ZooDo. (Recommend that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol Miller Park Zoo on September 8, 2012 be passed.)**
- F. Analysis of Bids and Approval of the FY 2013 Emergency Traffic Signal Repair Contract (City Wide) (Recommend that the bid for the FY 2013 Emergency Traffic Signal Repairs be awarded to Bodine Electric of Decatur in the amount of \$100,000.00, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- G. Analysis of Bids and Approval of the FY 2013 Emergency Utility Repair Contract (City Wide) (Recommend that the bid for the FY 2013 Emergency Utility Repair Contract be awarded to Stark Excavating, Inc. in the amount of \$400,000.00, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- H. Analysis of Bids and Approval of the FY 2013 Grading & Seeding Contract (City Wide) (Recommend that the bid for the FY 2013 Grading & Seeding Contract be awarded to George Gildner, Inc. in the amount of \$150,000.00, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- I. Analysis of Bids and Approval of the FY 2013 Utility Maintenance Contract (City Wide) (Recommend that the bid for the FY 2013 Utility Maintenance Contract (City Wide) be awarded to George Gildner, Inc. in the amount of \$400,000.00, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- J. Analysis of Bids and Approval of the FY 2013 Street, Alley & Sidewalk Maintenance Contract (City Wide) (Recommend that the bid for the FY 2013 Street, Alley & Sidewalk Maintenance Contract be awarded to McLean County Asphalt, Inc. in the amount of \$200,000.00, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- K. Request to Waive Bids and Accept quote from Brown Traffic Products, Inc. for the purchase of two complete MS Sedco Microwave Detection Systems that will be installed at the Hamilton & Morris and Lincoln & Hershey intersections (Recommend that the purchase of two complete MS Sedco Microwave Detection Systems from Brown Traffic Products, Inc., in the amount of \$39,562.00 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.)**
- L. Purchase print and online advertising in *The Pantagraph* and *pantagraph.com* for the Bloomington Center for Performing Arts. (Recommend that the purchase of advertising for the Bloomington Center for the Performing Arts (BCPA) from The Pantagraph, in the amount of \$38,000.00 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.)**

- M. Payment for Regional Planning Service Agreement. (Recommend that the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$23,239.33 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- N. Petition submitted by Dana Kowalewski, requesting special use approval for a bed and breakfast for the property located at 708 E. Jackson Street. (Recommend that the Ordinance for a Special Use Permit requested by Dana Kowalewski, for a bed and breakfast for property located at 708 E. Jackson Street, McLean County, Illinois be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- O. Ratification of Contract with the Police Benevolent and Protective Association Unit 21. (Recommend that the contract with Police Benevolent and Protective Association Unit 21 be ratified.)**
- P. Ratification of Contract with Laborers International Union Local 362 Parking Enforcement. (Recommend that the Successor Agreement with Laborers Local 362 Parking Enforcement be ratified and that the City's Last and Final Offer imposed on January 1, 2011 be ratified retroactively.)**
- Q. Text Amendments adding to Section 192.1 to Chapter 29 of the Bloomington City Code: Specific Tow Away Zones for the 300 and 400 Blocks of West Front Street (south side), 500 Block of N. Main Street (east side) and 100 Block of West Washington Street (south side). (Recommend that the Text Amendment to Chapter 29, Motor Vehicles and Traffic, Section 192.1, be approved and the Ordinance passed.)**
- R. Text Amendments changing Section 150 of Chapter 29 of the Bloomington City Code: Specific to 500 Block of North Main Street (both sides) and 100 Block of West Washington Street (south side). (Recommend that the Text Amendment to Chapter 29, Motor Vehicles and Traffic, Section 150, be approved and the Ordinance passed.)**

## **7. "Public Hearings"**

## **8. "Regular Agenda"**

- A. Selection of Rehrig Pacific Company as Vendor to provide 65-gallon and 95-gallon Black Wheeled Recycling and Garbage Carts with Blue Lids. (Recommend that the City Council reject all bids submitted in response to the Invitation to Bid for curbside recycling carts and lids, and that staff be directed to enter into a contract with Rehrig Pacific Company consistent with the terms and conditions outlined in this memo.) (20 minutes)**
- B. Contract Amendment to the Professional Services Agreement with Hanson Professional Services Inc. for the design of Hershey Road from Hamilton**

**Road to 750' South. (Recommend that the Amendment to the contract with Hanson Professional Services Inc. for the design of Hershey Road from Hamilton Road to 750' South in the amount of \$46,382.00 be approved.) (15 minutes)**

- 9. City Manager's Discussion**
- 10. Mayor's Discussion**
- 11. City Aldermen's Discussion**
- 12. Executive Session - cite section**
- 13. Adjournment**
- 14. Notes**

FOR COUNCIL: August 13, 2012

SUBJECT: Council Proceedings of July 23, 2012 and Work Session Minutes of January 23 and April 23, 2012

**RECOMMENDATION/MOTION:** That the reading of the minutes of the previous Council Proceedings of July 23, 2012 and Work Session minutes of January 23, and April 23, 2012 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of July 23, 2012 and Work Session minutes of January 23 and April 23, 2012 have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**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 7:00 p.m., Monday, July 23, 2012.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of 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, Mboka Mwilambwe, Bernard Anderson, David Sage, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

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

The following was presented:

SUBJECT: Proclamation

**RECOMMENDATION/MOTION:** That the proclamation be made a matter of record.

**BACKGROUND:** The proclamation will be presented: Japanese Sister City Asahikawa 50<sup>th</sup> Anniversary.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Bloomington Normal Japan Sister Cities Committee.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

Stephen F. Stockton  
Mayor

Mayor Stockton welcomed the representatives from Asahikawa, Japan, on this 50<sup>th</sup> Anniversary celebration. There had been a number of official visits between representatives of the two (2) cities. In addition, both junior and senior high schools

students have had the experience of being exchange students. He recognized the delegation led by Masahito Nishikawa, Mayor.

Mayor Nishikawa thanked the Mayor and the Council for the invitation. Five (5) members of the Asahikawa delegation were present at this evening's meetings. He noted the fifty (50) years of friendship between the sister cities. Visits had been exchanged between the cities. He believed that there had been over 100 foreign exchange students. He hoped that the friendships between the cities would continue to deepen.

Mayor Stockton read and presented the Proclamation to Mayor Nishikawa.

Motion by Alderman McDade, seconded by Alderman Schmidt that the Proclamation be made a matter of record.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Council Proceedings of July 9, 2012 and Citizens Voice Minutes of April 30, 2012

**RECOMMENDATION/MOTION:** That the reading of the minutes of the Council Proceedings of July 9, 2012 and Citizens Voice Meeting of April 30, 2012 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of July 9, 2012 and Citizens Voice Minutes of April 30, 2012 have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the reading of the minutes of the previous Council Meeting of July 9, 2012 and Citizen Voice Meeting of April 30, 2012 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Bills and Payroll

**RECOMMENDATION/MOTION:** That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

**BACKGROUND:** The list of bills and payrolls will be posted on the City's website on Thursday, DATE by posting via the City's web site.

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

**FINANCIAL IMPACT:** Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Patti-Lynn Silva  
Director of Finance

David A. Hales  
City Manager

(ON FILE IN CLERK'S OFFICE)



**Motion by Alderman Anderson, seconded by Alderman Sage that the Bills and Payroll be allowed and the 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition from CIP, LLC requesting approval of a Final Plat for the Fifteenth Addition to Airport Park Subdivision located west of Towanda-Barnes Road and north of Empire St. (IL Rte. 9)

**RECOMMENDATION/MOTION:** That the Final Plat be approved subject to the petitioner paying the required tap-on fees prior to recording the plat and the Ordinance passed.

**BACKGROUND:** This final plat consists of one (1) lot located on the west side of Ekstam Dr. north of Gerig Drive and south of Cornelius. The zoning along this block of Ekstam is primarily B/1 Highway Business District. The approved Preliminary Plan for this subdivision approved by Council on November 13, 2000 shows the subject area to be C/1 (Office District). The Council approved rezoning the subject area from C/1 Office District to B1 Highway Business District on January 22, 2001. The zoning to the west and north of this lot is R/3B Zoning. This proposed 1.98 +/- acre lot is being developed as part of the 6.00 +/- Wingover East Apartments project.

Detention for the subject area will be provided onsite, in accordance with the Preliminary Plan covering this site approved by Council on November 13, 2000.

A Special Use permit was approved by council on July 9, 2012 for multiple family dwellings for the property located at 1028 Ekstam Dr.

Section 7.2 Parkland Dedication Requirements in City Code Chapter 24, Land Subdivision Code requires donation of parkland, or a fee in lieu of, for residential zoning, (see excerpt of Section 7.2 below). This Final Plat consists of B/1 zoning and therefore does not enact the parkland dedication ordinance.

**Section 7.2 : Dedication Requirements.**

The dedications of land or cash contributions in lieu thereof required by this Ordinance shall also be required as a condition to the annexation of any land to the City and provisions therefor shall be incorporated in any pre-annexation agreement governing such land. As a condition of approval of a final plat of a subdivision code, each owner, subdivider or developer or property with a residential zoning classification, shall be required to dedicate land for park and

recreational purposes, to serve the immediate and future needs of the residents of the development or to contribute cash in lieu of said actual land dedication, or to make a combination of cash contribution and land dedication at the election of the City.

The City Manager has directed staff to prepare an ordinance that would require residential development in a non-residential zone to be subject to parkland dedication or a parkland case contributes. This ordinance will be submitted to the Planning Commission in the very near future.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** CIP, LLC., Apartment Mart, and adjacent properties. There was a public hearing for a Special Use Permit and variance before the Zoning Board of Appeals on June 20, 2012.

**FINANCIAL IMPACT:** The cost of all public improvements, platting, and recording will be borne by the petitioner.

Respectfully submitted for Council consideration:

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Jim Karch  
Director of Public Works

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS )
)SS
COUNTY OF McLEAN )

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

NOW COMES CIP, L.L.C., an Illinois Limited Liability Company, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your petitioner is the owner of the freehold or lesser estate therein of the premises described on Exhibit A attached hereto and made a part hereof by this reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision to be known and described as Airport Park Subdivision 15th Addition, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None;
4. That your petitioner hereby dedicates to the public, all public rights-of-way and easements shown on said Final Plat;

WHEREFORE, your Petitioner, CIP, L.L.C., an Illinois Limited Liability Company, prays that the that the Final Plat for Airport Park Subdivision 15th Addition, Bloomington, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

CIP, LLC, an Illinois Limited Liability Company, Petitioner,

By: Robert Lenz
Its Attorney

**ORDINANCE NO. 2012 - 47**

**AN ORDINANCE FOR APPROVAL OF THE FINAL PLAT OF  
AIRPORT PARK SUBDIVISION 15<sup>TH</sup> ADDITION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Approval of the Final Plat of the Airport Park Subdivision 15<sup>th</sup> Addition, legally described on Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960, as amended: NONE; and

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

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

1. That the Final Plat of Airport Park Subdivision 15<sup>th</sup> Addition, and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of July, 2012.

APPROVED this 24<sup>th</sup> day of July, 2012.

APPROVED:

Steve Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**  
Legal Description

A part of the W½ of the SE¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southeast corner of Lot 121 in Airport Park Subdivision 1<sup>st</sup> Addition according to the Plat thereof recorded as Document No. 2001-33847 in the McLean County Recorder of Deeds Office, on the west right of way line of Ekstam Drive; thence S.00° - 20' -26"E. 432.00 feet on said west right of way line to the northeast corner of Lot 127 in Airport Park Subdivision 5<sup>th</sup> Addition according to the Plat thereof recorded as Document No. 2002-1045I in the McLean County Recorder of Deeds Office; thence S.89°-39'-34"W. 200.00 feet to the northwest corner of said Lot 127 on the east line of Lot 263 in Airport Park Subdivision 6<sup>th</sup> Addition according to the Plat thereof recorded as Document No. 2003-42269 in the McLean County Recorder of Deeds Office; thence N.00°-20'-26"W. 432.00 feet to the southwest corner of said Lot 121 in Airport Park Subdivision 1<sup>st</sup> Addition; thence N.89°-39'-34"E. 200.00 feet to the Point of Beginning containing 1.98 acres, more or less, with assumed bearings given for description purposes only.

**Motion by Alderman Anderson, seconded by Alderman Sage that the Final Plat be approved, subject to the petitioner paying the required tap on fees prior to recording, and the Ordinance passed.**

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

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on August 19, 2012

**RECOMMENDATION/MOTION:** That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on August 19, 2012 be passed.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Kurt Rhoda and Janni Rhoda to allow moderate consumption of alcohol at Davis Lodge for their parent's 50th Wedding Anniversary on August 19, 2012. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst.

Corporation Counsel; Clay Wheeler, Asst. Police Chief; and Tracey Covert, City Clerk, and Kurt Rhoda, requester's representative.

Commissioner Stockton opened the liquor hearing and requested that Mr. Rhoda, requester's representative, address the Commission regarding this request. Kurt Rhoda addressed the Commission. He informed them that he and Janni Rhoda, his sister in law, were planning a 50th wedding anniversary open house and dinner for their parents. The date is Sunday, August 19, 2012 between the hours of 2:00 - 7:00 p.m. Invitations have been extended to 200 people with an estimated attendance of 100 - 150 individuals. A family dinner is scheduled to commence at 5:00 p.m. Beer and wine would be catered by CJ's Restaurant, located at 2901 E. Empire.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the request of Kurt and Janni Rhoda to allow moderate consumption of alcohol at Davis Lodge for their parents' 50th wedding anniversary on August 19, 2012 be approved.

Motion carried, unanimously (viva voce).

Commissioner Stockton noted that CJ's will also be required to obtain a one (1) day liquor license from McLean County.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the July 10, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

Reviewed by:

Craig M. Cummings  
Director of Water

Reviewed by:

David A. Hales  
City Manager

Reviewed by:

Randall D. McKinley  
Police Chief

Respectfully submitted by:

Stephen F. Stockton  
Chairman of Liquor Commission

**ORDINANCE NO. 2012 - 48**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Kurt Rhoda and Janni Rhoda are planning to hold their parents' 50<sup>th</sup> wedding anniversary open house and dinner at the Lake Bloomington Davis Lodge from 2:00 p.m. to 7:00 p.m. on August 19, 2012; and

WHEREAS, Kurt Rhoda and Janni Rhoda have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on August 19, 2012 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 23<sup>rd</sup> day of July, 2012.

APPROVED this 24<sup>th</sup> day of July, 2012.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Anderson, seconded by Alderman Sage that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on August 19, 2012 be passed.**

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

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Analysis of Bids for White and Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material for the Public Works Streets and Sewers Division**

**RECOMMENDATION/MOTION:** That the bid for the purchase of White and Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material for the remainder of FY 2013 be awarded to Diamond Vogel Paint, Bloomington, IL, in the amount of up to \$78,395.25, and the Purchasing Agent be authorized to issue a Purchase Order for same.

**BACKGROUND:** The Public Works Department's Streets and Sewers Division received permission to purchase a new self-propelled traffic line painting machine from E-Z Liner Industries at the March 26, 2012 Council meeting. This machine requires the pavement marking beads to be loaded mechanically and the traffic line paint to be drawn from fifty-five (55) gallon drums. A bid specification was created which allows for the purchase of traffic line paint to be used not only with the new machine but also with the existing walk behind traffic line painting machines.

On July 10, 2012 at 11:00 a.m. bids were opened and read. A total of five (5) bids were received. The five (5) bids are as follows:



Vendor	Traffic Line Paint and Beads
AllStates Coatings Company	\$42, 794.90
Ennis Paint	\$61, 644.185
Diamond Vogel Paints**	\$78,398.25
Sherwin Williams	\$89, 177.35
Don Smith	No Bid

(\*\*Recommended)

The white and yellow high durability traffic line paint and glass beads for pavement marking provided by Diamond Vogel Paints, Bloomington, IL is recommended for the following reasons:

1. The paint specification provided by this vendor meets and/or exceeds the bid specification submitted by staff.
2. This bead specification provided by this vendor meets and/or exceeds the bid specification submitted by staff.
3. This is the lowest priced while meeting all of the bid specifications, without exception. The other vendors failed to include the addendum to the bid specification with their bid packet.

Staff respectfully requests to accept the bid from Diamond Vogel Paint, Bloomington IL. Staff will begin ordering white and yellow high durability traffic line paint and glass beads for pavement marking from this vendor upon approval by the Council.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice of the bid was published in the Pantagraph on June 20, 2012. Five (5) bid packages were provided. A total of five (5) bids were received.

**FINANCIAL IMPACT:** The FY 2013 Budget appropriated \$73,500 in the General Fund line item 10016120-71098. The total cost to purchase the white and yellow high durability traffic line paint and glass beads for pavement marking is \$78,398.25. This purchase is \$4,898 higher than the budget, Staff recommends this purchase based upon the explanation offered with the background section.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the bid for the purchase of White and Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material for the remainder of FY 2013 be awarded to Diamond Vogel Paint, Bloomington, IL in an amount not to exceed \$78,395.25, 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Request to Purchase one (1) Replacement Truck with Service (Utility) Body**

**RECOMMENDATION/MOTION:** Recommend that the bid for one (1) Replacement Truck with Service (Utility) Body be awarded to Marrow Brothers Ford in the amount of 21,155.00 and one (1) Service Utility Body be awarded to Koenig Body and Equipment in the amount of \$7,925.00, for a total of \$29,080.00, and the Purchasing Agent be authorized to issue a Purchase Orders for same.

**BACKGROUND:** Public Works Street Maintenance Division has a 1992 GMC 3500 truck equipped with a service (utility) body which is due to be replaced with a new vehicle. This truck is over twenty (20) years old and through daily use has accumulated over 150,000 miles. The truck is in poor condition with a buildup of rust on the exterior, and Staff has determined it would be inefficient to commit further dollars towards the maintenance of this vehicle.

Bids for the installation of the service body were opened on July 10, 2012 at 11:30 AM. A total of six (6) bids were received from various vendors and the results are summarized as follows:

<b>Vendor</b>	<b>Service Body with Installation</b>
Koenig Body	\$7,925
Drake-Scruggs	\$8,293
Linco- Precision	\$8,435
Monroe Truck	\$9,149

<b>Vendor</b>	<b>Service Body with Installation</b>
Altec	\$9,197
Badger Truck	\$12,250

Staff recommends the acceptance of the low bid for the installation of the service body from Koenig Body and Equipment, Peoria, IL and the purchase of the chassis from the State of Illinois Joint Purchasing Contract #, from Marrow Brothers Ford, Greenfield, IL.

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

**FINANCIAL IMPACT:** The FY 2013 Budget appropriated \$33,000 for the purchase of the Public Works' Street Maintenance Service Body truck in line item 40100130-72130. The replacement truck will cost \$29,080 The truck came in under budget by \$3,920 or 11.8% under budget. The initial purchase of the truck will be financed through a five (5) year capital lease, The principal and interest payment is appropriated within the Street Maintenance Division.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Reviewed by:

Recommended by:

Kim Nicholson  
Purchasing Agent

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the purchase of a replacement truck from Marrow Brothers Ford, Greenfield, IL, under the State of Illinois Joint Purchasing Contract, be approved in the amount of \$21,155, and the bid for a service utility body with installation be awarded to Koenig Body, Peoria, IL, in the amount of \$7,925, for a total of \$29,080, and the Purchasing Agent be authorized to issue a Purchase Orders for same.**

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

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Professional Services Contract for the Bloomington Center for Performing Arts,  
(BCPA)

**RECOMMENDATION/MOTION:** That the contracts from Creative Artists Agency in the amount of \$50,000 and Goodsmack Productions, Inc. in the amount of \$25,000 be accepted and that the City Manager or Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** Staff respectfully requests approval of contracts to engage persons and/or groups represented by: Creative Artists Agency in the amount of \$50,000 and Goodsmack Productions, Inc. in the amount of \$25,000 to perform services in the Bloomington Center for the Performing Arts (BCPA). The contract prices cover the performing artist fees for two (2) performances coming to the BCPA in the fall 2012. For proprietary and competitive advantage reasons staff does not mention the acts by name in the Staff back up report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The selection of these artists was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the BCPA.

**FINANCIAL IMPACT:** Funds for these contracts have been appropriated in the FY 2013 Budget line item 21101100-70220 and will be offset by future revenues from ticket sales, grants, playbills, concessions, advertising, and sponsorships. These revenues are targeted to offset the additional artist expenses for travel, meals and lodging. The preliminary, unaudited, Unreserved Fund Balance for FY 2012 for the BCPA is \$415,538, which includes an additional \$250,000 transfer from the General Fund approved by Council at the end of FY 2012. This balance includes the compilation of fiscal year revenues and expenditures, but does not include any potential audit adjustments yet to be made for FY 2012.

Respectfully submitted for Council consideration.

Prepared by:

John R. Kennedy  
Director of Parks, Recreation & Cultural Arts

Reviewed as to legal sufficiency:

J. Todd Greenburg  
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the contracts from Creative Artists Agency in the amount of \$50,000, and Goodsmack Productions, Inc. in the amount of \$25,000 be approved and the City Manager or 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Purchase of fourteen (14) variable speed drives for the Heating Ventilation and Air Conditioning (HVAC) System at the US Cellular Coliseum

**RECOMMENDATION/MOTION:** That purchase of new variable speed drives from Wilcox Electric and Service, Normal, IL, in the amount of \$60,978.80 be accepted, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** In 2006, the Council contracted with Central Illinois Arena Management to serve as the management company for the Coliseum. CIAM is responsible for the day to day operation of the facility as well as inspections/maintenance of all equipment to ensure efficient functionality. The original HVAC system in the Coliseum was designed by the building engineers, Brisbin, Brook and Beynon (BBB Architects). The system that was designed for the units allows for the motors to run at 100% when the HVAC system is in use. This has caused high electric cost and it is not efficient for the units to run at 100% the entire time the system is on.

Over the last couple of years, CIAM discovered after some discussion with Springfield Electric (Bloomington IL) representatives that by adding variable speed drives to the existing HVAC system they would lower the output of the motor controls, thus slowing the fan motors down. The speed drives are three by one (3 x 1) foot and would be attached to the exterior of the HVAC units. This would provide a twenty percent (20%) energy savings as well as receiving a \$75.00 per 213 horse power motor rebate for a total of \$15,975.00 from Integrity's Energy Service, which is the Coliseum's electric supplier. It is estimated that the energy savings would be \$37,799 in

the first year, with a payback on the \$60,978.80 in less than two (2) years. In calendar year 2011, the electric bill for the Coliseum totaled \$188,998.71.

The City's Purchasing Agent released Bids on May 31, 2012 with a deadline of June 20, 2012. A Pre-Bid meeting was held at the US Cellular Coliseum on June 7, 2012 and it was decided to move the deadline to June 29, 2012 to give the Vendors ample opportunity to contact Integry's Energy Service and Johnson Controls for proper pricing for the project.

Bids were received in the City Clerk's Office. Two Bids were received and were opened on June 29, 2012 at 11:00 AM Central Standard Time (CST).

<b>Company</b>	<b>Amount of Bid</b>	<b>Location</b>
Anderson Electric	\$78,820.00	Bloomington, IL
*Wilcox Electric	\$60,978.80	Normal, IL

\*After reviewing the Bids, Staff determined that Wilcox Electric was the lowest and met all of the criteria of the bid specifications. There is a one (1) year manufactures warranty.

CIAM staff's estimate: \$63,500

If the purchase is approved, CIAM anticipates the project to be completed by October 2012.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Bid noticed published in the Pantagraph and on the City's web-site.

**FINANCIAL IMPACT:** The FY Budget appropriated \$80,000 for the replacement of these variable speed motors in line item 57107110-72140. The low bid was submitted \$19,021 under the appropriation amount.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

John Butler  
President of Central Illinois  
Arena Management

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the bid for fourteen (14) variable speed drives be awarded to Wilcox Electric & Service, Normal, IL,**

in the amount of \$60,978.80, 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

**Nays:** None.

**Motion carried.**

**The following was presented:**

SUBJECT: Proposed Change Order for 2012 Drainage Improvements (Citywide)

**RECOMMENDATION:** Recommend that the Amendment to the contract with Stark Excavating, Inc. for the 2012 Drainage Improvements (Citywide) in the amount of \$22,160.00 be approved.

**BACKGROUND:** On April 23, 2012 the Council approved a contract with Stark Excavating, Inc. for the 2012 Drainage Improvements. The amount of the original approved contract by Council was \$166,216.20 the second lowest bid was \$216,597. Since the approval of this contract the contractor has unearthed two (2) significant issues which were not anticipated in the original bid.

The following summarizes each issue:

**Shoreline Stabilization 180 feet of the north shore of White Eagle Lake:** Once the water level in White Eagle Lake was lowered, the contractor determined the north shoreline, which was originally designed to install Type II shoreline stabilization (placement of Rip-rap), was in such poor condition that the new stabilization features would not remain in place without the contractor regrading the shoreline. Furthermore, the current filter fabric was deteriorated to the point it was impractical to reuse for the new stabilization features. Although the contractor verbally stated the unit price for the shoreline stabilization would remain the same, the cost to stabilize the shoreline would increase by \$2,160 to \$23,780 (originally \$21,620).

**Additional rip-rap along south shore of White Eagle Lake:** The original contract included an estimate prepared by Farnsworth Group in 2008 for 100 tons of concrete which would be depleted for spot repairs along the South section of White Eagle Lake. Once the water level was lowered, the contractors discovered additional stabilization (rip-rap) would need to be installed to minimize the current and future erosion. On Wednesday, July 11 2012, staff and residents undertook a meeting where residents expressed interest in the installation of rip-rap along the entire length of the section. This work is needed to control erosion along the shoreline. The estimate to place rip-rap along the entire length

(approximately 405 feet) is approximately 315 tons. This would require an additional \$20,000 to complete this project.

The revised total dollars budgeted for these projects are as follows:

**Budget:**

Council Approved Contract	\$166,216.00
Change Order	\$22,160.00
Funds Below Original Budget	\$188,376.00
FY 2012 Original Budget	\$274,907.00
Second Lowest Bidder	\$216,597.00
Third Lowest Bidder	\$344,669.20

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

**FINANCIAL IMPACT:** Council appropriated funds in the City's Storm Water Fund to disburse funds for the 2012 Drainage Improvement Project. The funds will be accounted in line item 53103100-70552. Although the change order will increase the original contract awarded by Council, the contract still remains \$88,531 below the original budget as well as \$30,221 below the second bid of \$216,597 and \$158,293 below the third bid of \$344,669.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the Amendment to the 2012 Drainage Improvements contract with Stark Excavating, Inc., in the amount of \$22,160, be approved.**

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

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**



**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Petition submitted by William Jesse, Charles Radcliffe, Elmer "Ray" McWhorter, Jason Knuth, David Biddle, and Barbara Erdman, requesting approval of the vacation of a north south alley

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

**BACKGROUND:** The petitioners are requesting to vacate an alley bounded by Circle Ave on the north, Washington Street on the south. The adjacent properties are also bounded by Darrah Street on the east and Brown St on the west. The adjacent property owners want to close the alley because they believe it is a hazard, It is very overgrown and it is not maintained or paved. They want to improve the appearance of their yards by clearing the brush in the alley. At least two (2) of the property owners stated will have more room to build sheds if the alley is vacated.

All of the utility companies have no objection to the Vacation however Nicor Gas is requesting an easement be maintained.

The Planning Commission reviewed the petition on June 27, 2012. Two (2) of the petitioners spoke at the meeting explaining the reasons for the desired vacation which are the same reason stated above. The Commission held a public hearing and no one else from the public spoke in favor of or in opposition to the request. The Planning Commission voted 6/0 to recommend approval of the petition. Staff is recommending that an easement be maintained. The Planning Commission did not make this a part of the motion but they did not object to such.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. Courtesy copies of the Public Notice were mailed to ten (10) property owners within the block.

**FINANCIAL IMPACT:** The financial impact on the funding of City services should not be significantly impacted. Maintaining and plowing of the alley does not occur now but the alley vacation will insure this will not be a future expense. There will over time be a slight increase in revenue (property taxes) form the land going from public to private ownership.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard  
City Planner

Mark R. Huber  
Director of PACE

Barbara J. Adkins  
Deputy City Manager

Recommended by:

David A. Hales  
City Manager

**PETITION FOR VACATION OF A NORTH/SOUTH ALLEY**

STATE OF ILLINOIS    )  
  ) ss.  
COUNTY OF MCLEAN )

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

Now comes William Jesse, Charles Radcliffe, Elmer "Ray" McWhorter, Jason Knuth, David Biddle, and Barbara Erdman, hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1. That your Petitioners are interested as adjacent property owners in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioners seek approval of the vacation of a north south alley adjacent to said premises;
3. That said vacation of a north south alley is reasonable and proper because such alley is not needed for public right-of-way by said City, its only use being the location of existing or proposed utilities.

WHEREFORE, your Petitioners pray that north south alley be vacated with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: William Jesse  
Charles Radcliffe  
Elmer "Ray" McWhorter  
Jason Knuth  
David Biddle  
Barbara Erdman

**ORDINANCE NO. 2012 - 49**

**AN ORDINANCE PROVIDING FOR THE VACATION OF A NORTH/SOUTH ALLEY  
BOUNDED BY CIRCLE AVE. ON THE NORTH, WASHINGTON ST. ON THE SOUTH,  
DARRAH ST. ON THE EAST AND BROWN ST. ON THE WEST**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of north south alley; 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 north south alley as requested in this case.

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

1. That the north south alley 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 north south alley 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 23<sup>rd</sup> day of July, 2012.

APPROVED this 24<sup>th</sup> day of July, 2012.

APPROVED:

Steve Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

## **EXHIBIT A**

All of that portion of 12 feet north-south alley, running west of Lots 2, 6, 7 and 10 in Block 14 of the Fair Grounds Subdivision, bounded by Circle Ave. on the north, Darrah St. on the east, Washington St. on the south and Brown St. (platted as Dinsmore St.) on the west. The said alley is located in the SW¼ of Section 5, Township 23 North, Range 2 East, of the 3<sup>rd</sup> Principal Meridian.

**Motion by Alderman Anderson, seconded by Alderman Sage 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Lake Bloomington Lease Transfer Petition for Lots 18 and 18 A, Block 0 of Camp Peoria Point from Margaret Wolf to Heartland Bank Trust # 416**

**RECOMMENDATION/MOTION:** That the Lake Lease be approved with the condition that the septic tank be replaced by November 1, 2012 and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** Staff has reviewed the Lake Bloomington Lease Transfer Petition for 18 and 18A, Block 0 of Camp Peoria Point from Margaret Wolf to Heartland Bank Trust # 416. The sewage disposal system inspection was completed in April 2012 and the septic system was functioning properly at that time. The sewage disposal system is forty (40) years old, its septic tank is undersized and that septic tank has a garage built over it. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20-25) years. This can be affected greatly by usage patterns of the premises (seasonal versus full time occupancy) and system maintenance. This sewage disposal system is a subsurface discharging system, meaning the system effluent, following treatment, does not directly discharge to the Lake Bloomington Reservoir. The effluent flows slowly through a leach field and then into the ground. If there were a problem with the system, it would back up into the cabin and poses little threat to the reservoir. Regardless, with the age, the septic tank being undersized, the septic tank cannot be adequately inspected, and the fact that a garage is built over the septic tank, the City will require that the septic tank be replaced by November 1, 2012.

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

**FINANCIAL IMPACT:** This petition will have a positive financial impact in that the lease uses the old formula, (\$0.15 per \$100 of Equalized Assessed Value) for determining the lake lease fee. With this lake lease transfer, the lake lease fee will change to the current formula (\$0.40 per \$100 of Equalized Assessed Value). The old lake lease formula generates about \$300 per year in lease income and the current lease formula will generate about \$820 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

It should be noted that the term of this lease is until December 31, 2131, the same term as other lease renewals since 1998.

Respectfully submitted for Council consideration.

Prepared by:

Craig M. Cummings  
Water Director

Reviewed by:

Barbara J. Adkins  
Deputy City Manager

Financial review by:

Patti-Lynn Silva  
Director of Finance

Reviewed as to legal sufficiency:

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the Lake Lease be approved, with the condition that the septic tank be replaced by November 1, 2012, 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 23, Block 2 of Camp Kickapoo from Patricia Kaisner to Aaron and Jennifer Davitt**

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

**BACKGROUND:** Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 23, Block 2 of Camp Kickapoo from Patricia Kaisner to Aaron and Jennifer Davitt. The sewage disposal system was replaced in July 2012 and is in complete compliance with the current sewage disposal code.

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

**FINANCIAL IMPACT:** This petition will have a positive financial impact in that the lease uses the old formula, (\$0.15 per \$100 of Equalized Assessed Value) for determining the Lake Lease Fee. With this lease transfer, this will change to the current lake lease formula (\$0.40 per \$100 of Equalized Assessed Value). The old formula generated about \$318 per year. The current formula will generate about \$455 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

It should be noted that the term of this lease is until December 31, 2131, the same term as other lease renewals since 1998.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Financial review by:

Craig M. Cummings  
Director of Water

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Ordinance Amending the City's Ordinances to Permit Video Gambling as Permitted by State Law

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

**BACKGROUND:** On July 13, 2009, the Video Gaming Act was signed into law by Governor Quinn. The Act legalizes video gaming and establishes a tax on the proceeds, a portion of which goes to the municipality where the video gaming takes place. At present, the ordinances of the City do not allow video gaming. Chapter 20, Section 2 of the City Code prohibits persons from playing "for money or other valuable thing at any game with cards, dice, checks, or at billiards, or with other any article, instrument, or thing whatsoever which may be used for the purpose of playing or betting upon or winning or losing money or any other valuable thing or article of value." Similarly, Chapter 6, Section 37(e)(10) makes it a violation of the Liquor Code for a licensed liquor establishment to permit "any gambling device or equipment to be located on the licensed premises."

The City has the option of either adopting amendments to the above ordinances that would allow for video gaming, or to choose to allow the ordinances prohibiting video gaming to remain in effect. This memo and the attached materials are intended to provide information to assist the Council in making that determination.

**Video Gaming Act Summary**

There are four (4) categories of establishments where video gaming is allowed under the Act:

1. "Licensed establishments": A licensed establishment is any licensed retail establishment where alcoholic liquor is served for consumption on the premises. In Bloomington, there are eighty-one (81) restaurants and thirty-one (31) taverns that could potentially qualify for video gaming licenses under this category.
2. "Licensed fraternal establishment": A licensed fraternal establishment is a location where a fraternal organization that derives its charter from its national parent organization regularly meets. There are approximately five (5) establishments of this kind in the City.
3. "Licensed veterans' establishment": A licensed veteran's establishment is a location where a qualified veteran's organization that holds a charter from its national parent organization regularly meets. Two (2) organizations could qualify under this category for video gaming licenses.
4. "Licensed truck stop establishment": A licensed truck stop establishment is a facility of at least three (3) acres with a convenient store, separate diesel islands for fueling commercial motors vehicles and parking spaces for commercial vehicles. Two (2) locations in Bloomington could presently qualify for video gaming licenses under this category.

No more than five (5) video gaming terminals (VGT's) are allowed in any single establishment. Income generated via VGT's and related processes will be collected by the State of Illinois and distributed as follows:

- A tax of thirty percent (30%) is imposed on net terminal income and shall be collected by the Board.
- Of the tax collected under this Section, five-sixths shall be deposited into the Capital Projects Fund and one-sixth shall be deposited into the Local Government Video Gaming Distributive Fund.
- Twenty-five percent (25%) of fees collected shall be paid, subject to appropriation by the General Assembly, to the Department of Human Services for administration of programs for the treatment of compulsive gambling.

### **Survey of Other Municipalities**

A review of the Illinois Gaming Board's website and the ordinances of various municipalities throughout the state indicates:

- 344 municipalities in the State of Illinois do ***not*** allow video gaming
- 342 municipalities in the State of Illinois do allow video gaming
- 778 municipalities in the State of Illinois are not yet classified as allowing or not allowing video gaming

Among the 344 communities that prohibit video are Springfield, Carbondale, Clinton, Moline, Eureka, Lincoln, Morton, Naperville and Schaumburg. The 342 municipalities allowing video gaming include Normal, Peoria, East Peoria, Champaign, Urbana and Decatur.

### **Social Factors**

Other factors to be considered when assessing the approval of video gaming include the effects of gambling on local residents and families. Staff has reached out to Chestnut Health Systems for statistical data and professional recommendations surrounding the topic, but has yet to receive an official response. According to their website,

“Problematic gambling occurs when there is a disruption in any major area of life: psychological, physical, social, financial, or vocational. It is characterized by a preoccupation with gambling, a need to bet more money more frequently, restlessness and irritability when attempting to stop, chasing losses, and the feeling of losing control. The goal of Chestnut Health Systems is to increase the awareness of problematic gambling and to provide treatment for problem gamblers and their families. Chestnut Health Systems offers a comprehensive assessment for gambling and substance abuse problems in a safe environment. If



the assessment suggests that problematic gambling treatment is appropriate, Chestnut offers individual and group counseling, family counseling, and relapse prevention. We will also assist in developing a support system and in addressing financial and legal issues that are the result of problem gambling behaviors.”

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** This matter was discussed at the July 9, 2012 Council and information about video gambling has also been placed on the City’s website.

**FINANCIAL IMPACT:** Given the lack of historical data, it is difficult to accurately assess the financial impact of video gaming. City video gaming revenues will be derived from five percent (5%) of total video gaming revenue collected within City limits. The funds will be collected by the State and deposited in a separate Local Government and Video Gaming Fund and will not be deposited into State general fund. The Illinois Municipal League advises using an estimate of between \$1,500 and \$2,000 per machine annually in local tax revenue. Organizations supporting video gaming have provided City staff with more than a few scenarios outlining the potential tax revenue to be collected by the City; these groups include Midwest Electronics, whose projections range from \$286,160 to \$447,125/year and the Illinois Coalition for Employment and Business Growth, which estimates \$610,000/year can be collected by the City of Bloomington as a result of video gaming. This vast discrepancy is due in large part to the considerable number of variables involved in the equation, including:

- Number of establishments that desire video gaming terminals.
- Number of establishments that qualify for video gaming terminals.
- Number of establishments that are awarded approval for video gaming terminals.
- Number of video gaming terminals installed in each of the approved establishments.
- Revenue generated by each of the video gaming terminals.
- How and when the state will allocate collected revenues.

The lack of historical data also makes it difficult to estimate the costs to City and social services that may be incurred as a result of dealing with the effects of problem gambling behaviors.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

George Boyles  
Asst. Corporation Council

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**ORDINANCE 2012 - 50**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 6 AND  
CHAPTER 20 OF THE BLOOMINGTON CITY CODE, RELATING TO VIDEO  
GAMING**

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

SECTION 1: That Section 37 of Chapter 6 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

**Chapter 6: Section 37: Same - Powers and Duties Generally.**

The local Liquor Control Commissioner shall have the following powers and duties:

(a) Recommend the Granting, Fining, Suspending or Revoking. To recommend to the City Council the creating and granting of licenses and to fine licensees and/or to suspend or revoke for cause all licenses created under this Chapter for premises within the local Liquor Control Commissioner's jurisdiction. (Ordinance No. 1992-102)

(b) Right of Entry. To enter any time into any premises licensed hereunder to determine whether any of the provisions of the Illinois Liquor Control Act or of this Code or any other laws or of any rules and/or regulations adopted by the Commissioner or by the State Commission have been or are being followed or violated by any person. This authorization provision also applies to law enforcement officers and any member of the Liquor Commission.

It shall be the responsibility and duty of any license holder and of any employee, agent or other representative of a license holder to enable and permit the Liquor Commissioner, any member of the Liquor Commission and any law enforcement officer to enter a licensed establishment at any time before or after the closing time and the failure to do so shall be a violation of this Code. (Ordinance No. 1992-102)

(c) Exercise Powers, Etc. Granted Under State Law, Etc. To exercise all the powers, functions and duties which now or hereafter may be granted to him by the Illinois Liquor Control Act regulations of the Illinois State Liquor Control Commission, or by this Chapter. (Ordinance No. 1992-102)

(d) Liquor Commission. The local Liquor Commissioner may appoint one or more persons to the Bloomington Liquor Commission to assist him and such person(s) shall have any and all of the authority the Commissioner has in the exercise of the powers and the performance of the duties provided for the local Liquor Control Commissioner. (Ordinance No. 1982-102)

(e) Fine and/or Suspension or Revocation of License. To fine any licensee and/or to suspend or revoke any license(s) issued under this Chapter for any of the following reasons:

(1) That the licensee has violated any of the laws of the United States relating to the sale of alcoholic liquor or any of the provisions of the Illinois Liquor Control Act, of this Chapter, or

any applicable rules and regulations adopted by the local Liquor Control Commissioner or by the State Commission.

(2) The willful making of any false statement as to a material fact in the application for such license or in any change of ownership application or request or affidavit for the renewal of any license. Making a false statement shall include not making a complete statement of all relevant facts which relate to the situation.

(3) The permitting of any violation of state law or Bloomington City Code by any person upon the licensed premises.

(4) Failure to use and maintain the licensed premises in compliance with all codes and regulations pertaining to health and safety applicable within the City of Bloomington, including but not limited to Building, Plumbing, Electrical and Fire Codes, Zoning Ordinances, McLean County Health Ordinances, and all regulations and orders of the McLean County Health Department.

(5) The refusal of any licensee to testify under oath to all relevant and material questions propounded to him at any hearing conducted by the local Liquor Control Commissioner.

(6) Suspension or revocation of the license of the licensee by the State Commission.

(7) Payment by the licensee of the special federal tax imposed under Section 4411 (Wagering) or Section 4461 (Coin Operated Gaming Devices) of the Internal Revenue Code of 1954, as amended.

(8) Maintaining or operating a dram shop on any premises registered as a place of business where activities are carried on which make the person or persons carrying on such activities subject to the special federal tax on wagering. (Section 4411 of said Internal Revenue Code).

(9) Having on the premises where the licensee carries on his business any coin operated gaming device subject to the special federal tax imposed under Section 4461 of said Internal Revenue Code, whether or not said tax is paid.

(10) Permitting any gambling device or equipment to be located on the licensed premises, except for devices and equipment licensed and operated in accordance with the Video Gaming Act, 230 ILCS 40/1, et. seq.

(11) Failure to adhere to any changes or requirements imposed as a condition of being issued by the City Council pursuant to Section 4C or by the Liquor Commissioner pursuant to Section 4D of this Chapter. (Ordinance No. 1992-102)

(f) Conditions on License. The Liquor Commission may require changes in the licensee's operations in addition to or in lieu of assessing a fine and/or suspending a license for any of the reasons stated in Section 37(e). Such changes may include, but are not limited to (1) restricting the hours of sale; (2) adding exterior lighting; (3) erecting fencing; (4) patrolling the premises;

(5) restricting the sale of single serving sizes of all types or a particular type of alcohol for consumption off of the premises; (6) requiring employee training; (7) establishing a minimum number of employees; (8) limiting the number and/or location of signs. (Ordinance No. 2004-2)

(g) Fines. Each fine imposed hereunder may not be less than \$250.00 nor more than \$3,500.00. A separate fine may be imposed for each violation and each day that the activity of a violation occurs or continues shall be a separate violation for which a separate fine may be assessed.

Fines shall be payable in the manner indicated in any Order which results from a hearing or as the Liquor Commissioner may otherwise specify in writing and the failure to pay any part of a fine as so indicated or specified may result in the license being similarly suspended or revoked by the Liquor Commissioner. The licensee may request a hearing on such action but pending a hearing and a decision thereon by the Liquor Commissioner, the license shall remain suspended or revoked. It shall be the duty of each licensee who makes a fine payment as indicated or specified to request a hearing at the earliest possible time to explain the situation and request that license(s) not be suspended or revoked as provided for herein or for any other reason. Any fine may be collected in court. (Ordinance No. 2004-2)

(h) Examination of Applicants, Licensees and Records. To examine or cause to be examined under oath any applicant or any representative of an applicant for a local license or for a renewal thereof or any licensee (see (g)) and to hear testimony and take proof of any witness or person having information about the issues being considered and to consider any other relevant evidence and for such purposes to issue subpoenas which shall be effective in any part of the State.

Each licensee involved in a hearing for a possible violation of this Code or other law(s) shall provide to the Liquor Commissioner at his request a copy of the income statement and/or any other requested financial statement of the involved establishment for a reasonable period of the past of not less than one year and the failure to do so shall be a violation of this Code. This provision is not intended to be a limitation of the authority of the Liquor Commissioner under Chapter 43, Illinois Revised Statutes (See Ch. 43, Sec. 126a). (Ordinance No. 1982-90)

(i) Investigation of Complaints, Etc. To receive the complaint of any resident of the City and to investigate upon such complaint or to investigate upon his own initiative any alleged action of any law of the United States relating to the sale of alcoholic liquor or any of the provisions of the Illinois Liquor Control Act or of this Code, or any applicable rules and regulations adopted by the local Liquor Control Commissioner or by the State Commission. (Ordinance No. 1992-102)

(j) Rules and Regulations. To make, promulgate, alter, amend, repeal, and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this Chapter as may be deemed by him to be desirable. (Ordinance No. 1992-102)

(k) Ordering the License Classification of any establishment to be changed upon application as provided in Section 4F of this Chapter or upon his own initiative if he finds, after hearing evidence, that an establishment fails to qualify for the license it holds. (Ordinance No. 1992-102)

SECTION 2: That Sections 2, 12, and 13 of Chapter 20 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

**Chapter 20: Section 2: Gambling - Penalty.**

(a) Whoever shall be an inmate of or connected with any gambling room or shall play for money or other valuable thing at any game with cards, dice, checks, or at billiards, or with any other article, instrument, or thing whatsoever which may be used for the purpose of playing or betting upon or winning or losing money or any other valuable thing or article of value or shall bet on any game that others may be playing shall be fined not less than Five Dollars nor more than Fifty Dollars for each offense.

(b) Participants in any of the following activities shall not be convicted of gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance; and

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest; and

(3) Pari-mutuel betting as authorized by the law of this State; and

(4) manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal law; and

(5) The game commonly known as "bingo" when conducted in accordance with "An Act making lawful the conducting of bingo by certain non-profit organizations, requiring licensing and prescribing regulations therefore"; and

(6) Lotteries when conducted by the State of Illinois in accordance with the "Illinois Lottery Law" enacted by the 78th General Assembly. (Ordinance 1974-78)

(7) Video gaming when licensed by the State and conducted in accordance with the Video Gaming Act, 230 ILCS 40/1, et. seq.

**Chapter 20: Section 12: Places Kept for Gambling Declared Nuisance, Etc.**

Every house, room, yard, boat, vessel, or other structure, or premises kept or used for the purpose of permitting persons to gamble for any valuable thing is hereby declared to be a common nuisance, except for licensed establishments operated in accordance with the Video Gaming Act, 230 ILCS 40/1, et. seq. No person shall own, keep, maintain, manage, or conduct or shall be interested in owning, keeping, maintaining, managing, or conducting any such place.

**Chapter 20: Section 13: Seizure of Implements, Etc. Resistance - Penalty.**

It is hereby made the duty of every member of the police force to seize any table, instrument, device, or thing used for the purpose of gaming, except for devices and equipment licensed and operated in accordance with the Video Gaming Act, 230 ILCS 40/1, et. seq. ~~and all such tables, instruments, devices, or things shall be destroyed.~~ Any person or persons obstructing or resisting any member of the police force in any act authorized by this Section shall be subject to a fine of not less than Fifty Dollars for each offense.

SECTION 3. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 4. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 5. This ordinance shall be effective immediately upon passage and approval.

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

PASSED this 23<sup>rd</sup> day of July, 2012.

APPROVED this 24<sup>th</sup> day of July, 2012.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert,  
City Clerk

**Mayor Stockton introduced this item. He noted the Council's July 9, 2012 Work Session.**

**David Hales, City Manager, addressed the Council. Updated information from the City's web site would be presented.**

**Alex McCready, Asst. to the City Manager, addressed the Council. Information had been provided to the Council on Friday, July 20, 2012. He noted the vote count from the web site survey. This survey was not statistically significant. No scientific methods had been used. The raw data had been presented. This tool provided a quick snapshot.**

**George Boyle, Asst. Corporation Counsel, addressed the Council. This Text Amendment amended Chapter 6. Section 37: Same - Powers and Duties Generally; and Chapter 20: Section 2: Gambling – Penalty, Section 12: Places Kept for Gambling Declared Nuisance, Etc., and Section 13: Seizure of Implements, Etc. Resistance – Penalty. The Chapter 6 amendment makes an exception for video gaming devices. The amendment to Chapter 20, Section 2 and Section 13 makes an exception for devices covered by the state's video gaming act.**

**Mr. Hales noted that similar information was presented to the Council two (2) weeks ago.**

Alderman Fazzini recalled the Council's July 9, 2012 Work Session discussion. He was not in favor of this item. Video gaming may help small business, increase City revenue, and minimize illegal activity. In addition, it would keep discretionary dollars in the City. On the negative side was the fact that gambling can become a social addiction. He cited his familiarity with same. There might be an increase in crime to some degree. He recommended that these dollars be directed towards road repair and/or pension funding. He would not support this item if the dollars were not earmarked for these purposes.

Alderman McDade cited her comments at the July 9, 2012 Work Session. The Council had heard from the people. This would provide a new revenue stream for the City. She was pleased with the use of the City's web site. She hoped to see continued use of same in the future. This was the first she had heard of an amendment to this item. The Council would decide how these dollars would be spent. This Council could not bind future Councils.

Mayor Stockton reviewed the web site survey results as of Friday, July 20, 2012. He noted that it was obvious that some individuals voted every several minutes. He found the individual comments interesting.

Alderman Anderson stated that he was not able to support this item. He cited a letter which he received this date from Churches in Action. He noted the letter's compassion and concern regarding this item. He was troubled by the state and cities eagerness for this revenue possibility. He believed that this was only the beginning.

Alderman Purcell stated that he was the Alderman for Ward 7 but saw himself as a watchdog for the City. He did not believe that this item would have a specific impact as it was nothing new. He had received a limited positive response to this item. Video gaming would be regulated by the state. He believed that it would assist small businesses. There would be no impact upon the City. He planned to support this item. He added his support for Alderman Fazzini's comments.

Alderman Fazzini acknowledged that this Council could not obligate future Councils. He stated his intention to make an amendment to the main motion.

Alderman Stearns added her support for designating any revenue from video gaming to streets and pensions. These were two (2) areas of concern. The Council needed to keep City establishments competitive. She noted the current opportunities in the community for gambling. City businesses would be the losers. Customers will make a choice. She added that local veterans groups were planning on offering video gaming. They plan to designate revenue raised from video gaming to charitable causes. She restated that streets were in need of repair.

Alderman Fruin believed that the entire Council was concerned about funding for streets and pensions. He did not support designating this revenue. He believed that it would create confusion. The Council would determine where this revenue would be spent

at a later date. He understood the interest in designating these dollars. He believed that such action would complicate the issue. He planned to vote against the amendment.

Alderman Sage echoed Alderman Fruin's statement. The Council needed to prioritize City spending. There needed to be good planning and a better process. He noted the increase spending on street projects. Pension funding had increased and the state was in flux. He restated that going forward the Council needed to prioritize spending.

Alderman Mwilambwe expressed his opinion that Alderman Fazzini's amendment complicated this issue.

Mr. Hales informed the Council that it was difficult to segregate General Fund revenues. This fund's revenues came from a variety of sources which were not designated. In addition, the amount of revenue from video gaming was an unknown. The City does not have the staff or the budget.

Motion by Alderman Fazzini, seconded by Alderman Stearns that the first year's revenue from video gaming be equally divided between street projects and pension funding.

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

Ayes: Aldermen Stearns, Fazzini and Purcell.

Nays: Alderman Mwilambwe, Schmidt, McDade, Sage, Fruin and Anderson.

Motion failed.

Alderman Stearns expressed her opinion that the failed amendment would have sent a great message. The Council needed to set priorities. She cited her vote with the minority.

Mayor Stockton stated that this issue would be addressed at budget time when the amount of revenue would be known.

Alderman Fruin restated that the entire Council supported infrastructure improvements and improved pension funding.

Alderman Sage recalled the Council's July 9, 2012 Work Session. He reviewed Randy McKinley', Police Chief, comments. Chief McKinley expressed his support for the ordinance and the Council's approach to same. Law enforcement concerns had been addressed.

Alderman McDade believed that the Council was focused on infrastructure and pensions. She believed that the majority of the Council supported same. This would be seen in the City's 2014 adopted budget.



**Mayor Stockton noted that the Council would be legalizing gambling. If there were unforeseen consequences, he believed that the Council could reverse this action.**

**Todd Greenburg, Corporation Counsel, addressed the Council. Currently, each municipality decided to allow video gaming. This was not a legal issue but a political one. The state might restrict home rule municipalities authority in the future.**

**Mayor Stockton put the public on notice that if there were unintended consequences changes could be made in the future.**

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

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

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.**

**Nays: Alderman Anderson.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Proposed Ordinance Amending Chapter 27, Section 8 of the City Code, Rules Governing the Use of City Water and adding Section 36, Water Emergency Response Ordinance, to Chapter 27**

**RECOMMENDATION/MOTION:** Recommend that Text Amendments to Chapter 27, Section 8 of the City Code, Rules Governing the Use of City Water, be amended by removing paragraph (b), Authority to Impose Water Use Restrictions, and relettering the remaining paragraphs (c) through (g), also that the subject matter of the previous Chapter 27, Section 8, paragraph (b), Authority to Impose Water Use Restrictions be moved to and expanded upon, in the new Section 36, Water Emergency Response Ordinance, of Chapter 27, be approved and the Ordinance passed.

**BACKGROUND:** Staff has prepared a Water Emergency Response Ordinance, which will take the place of Chapter 27, Section 8 of the City Code, Rules Governing the Use of City Water and replace it with a much more detailed and specific Water Emergency Response Ordinance. The Water Emergency Response Ordinance is the culmination of several years of research into other municipalities Water Emergency Ordinances and is intended to be utilized whenever a water emergency is encountered, whether it is supply related, such as a drought, treatment related, such as a long term power outage at the water treatment or other pumping facility or a water distribution system or water quality related issue.

The driving force in the Ordinance is the preservation of safe drinking water for human consumption, sanitation, fire protection and other essential needs. It is intended to provide the water customers of the City of Bloomington with the foreknowledge of the actions that will be taken if a water emergency is encountered.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Craig M. Cummings  
Director of Water

Barbara J. Adkins  
Deputy City Manager

Financial review by:

Reviewed as to legal sufficiency:

Recommended by:

Patti-Lynn Silva  
Director of Finance

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**ORDINANCE NO. 2012 -**

**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 27**

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

SECTION 1. That Bloomington City Code Chapter 27 be amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

**Chapter 27: Section 8: Rules Governing Use of City Water.**

The following rules governing the use of City water are hereby adopted:

- (a) **Waste of Water Not Permitted.** Customers shall keep their water service pipes and all plumbing connected with the City's water system in good repair and protected from freezing at their own expense. Hydrants, taps, hoses, water closets, urinals, baths or other fixtures shall not be kept running when not in use. In conditions of extreme cold weather water may be kept running at a trickle to prevent pipes from freezing. If it is found that there is an unreasonable or unnecessary waste of water in any building, structure or premise to which water is supplied from the City's water system, the Director of Engineering & Water may cause the water service to be disconnected to stop the waste of water. (Ordinance No. 1994-43)

**Chapter 27: Section 36: Water Emergency Response Ordinance.**

**(a) DECLARATION OF POLICY, PURPOSE, AND INTENT**

Purpose: To achieve the greatest public benefit from domestic water use, sanitation, fire protection and to provide water for other purposes in an equitable manner and to preserve water quality, the City of Bloomington, Illinois adopts the following regulations and restrictions on the delivery and consumption of water.

This Ordinance is hereby declared necessary for the preservation of public health, safety, welfare and enhances water supply operational flexibility and shall take effect upon its adoption by the City of Bloomington, Illinois.

Whenever, in the judgment of the City Council of the City of Bloomington, Illinois, it becomes necessary to conserve water in the service area, due to drought, water treatment capacity or other conditions, the City of Bloomington, Illinois *City Manager*, in consultation with the Water Department *Director* is authorized to issue a Proclamation that existing drought or other conditions prevail over fulfillment of the usual water-use demands. The Proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection and other essential needs become endangered.

Immediately upon the issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become more effective and remain in effect until the water shortage is terminated and the Proclamation rescinded.

Water uses, regulated or prohibited under the Ordinance, are considered to be non-essential and continuation of such uses during times of water shortage is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The provisions of the Ordinance shall apply to customers within the jurisdiction of the City of Bloomington, Illinois Water Department.

**(b) DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls

Commercial and industrial water use: water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Customer: any person, company, or organization using water supplied by the City of Bloomington, Illinois Water Department.

Domestic water use: water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drought Alert Phase:

1. Moderate Drought: Combined reservoir water-levels reduced below spillway level by 8 feet or a proclamation that a moderate water emergency exists.

2. Severe Drought: Combined reservoir water-levels reduced below spillway level by 10 feet or a proclamation that a severe water emergency exists.

3. Extreme Drought: Combined reservoir water-levels reduced below spillway level by greater than 12 feet and stream flow in Mackinaw River less than 20 cubic feet per second or a proclamation that an extreme water emergency exists.

Essential water uses: Water used specifically for fire fighting, and to satisfy federal, state, or local public health and safety requirements.

Even numbered address: street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or letters A-M; and locations without addresses.

Institutional water use: water use by government, public and private educational institutions, public medians and rights of way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

Landscape water use: water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.

Odd numbered address: street addresses, box numbers or rural numbers or rural route numbers ending in 1, 3, 5, 7, 9 or letters N-Z.

Water hauling: Water sold by the City of Bloomington at bulk dispensing facility for use at a location other than the location where it was purchased.

Water shortage: lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, and/or deterioration of water quality which causes water supplies to be less than usual.

Wholesale customer: A public body that purchases water in bulk and redistributes it to its own customers.

(c) NON-ESSENTIAL WATER USE

All water use categories, other than essential water use, may be curtailed during severe or extreme drought. Some examples of non-essential water uses follow:

A. Residential and Institutional:

1. Washing down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface areas.
2. Washing down buildings or structures for purposes other than immediate fire protection.
3. Flushing gutters or permitting water to run or accumulate in any gutter or street.
4. Washing any motor bike, motor vehicle, boat, trailer, airplane or other vehicle in public or private garages or elsewhere.
5. Maintaining fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes.
6. Filling or maintaining public or private swimming pools.
7. Sprinkling lawns, plants, trees, and other flora on private or public property, except as otherwise provided under the Ordinance.

B. Commercial and Industrial:

1. Serving water routinely in restaurants.
2. Increasing water levels in scenic and recreational ponds and lakes.
3. Irrigating golf courses and any portion of its grounds, except greens or as otherwise provided under this Ordinance.
4. Obtaining water from hydrants for any purpose other than firefighting.
5. Serving customers who have been given a 10-day notice to repair one or more leaks and has failed to comply.
6. Expanding commercial nursery facilities, placing new sod on commercial and/or residential sod after the drought proclamation, or planting or landscaping when required by site design review process.

(d) RESPONSES TO MODERATE, EXTREME, AND SEVERE DROUGHT ALERT PHASES

Levels of drought are set forth in this ordinance as moderate, severe, and extreme. Proclamations issued by the City of Bloomington, Illinois *City Manager*, in consultation with the Water Department *Director* shall coordinate an appropriate response to the level of drought which exists.

Proclamations setting forth responses to the various drought alert phases shall be made by the City of Bloomington, Illinois *City Manager*, in consultation with the Water Department *Director* and are to be based upon local and/or regional monitoring data.

A. Moderate Drought Alert Phase: If conditions indicate that a moderate drought condition is present and is expected to persist, the City of Bloomington, Illinois *City Manager* in consultation with the Water Department *Director* shall notify municipal and county governments and issue press releases concerning the drought conditions to the news media. Large or key water users will be contacted directly by the Water Department.

1. Goal:

(a) Public awareness and education of drought procedures and water saving.

(b) A five percent voluntary water use reduction for residential, commercial, industrial, institutional, wholesale and electric power generation purposes in order to extend the water supply for duration of the drought.

2. General Responses:

(a) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of non-essential water uses (SECTION (c)).

(b) Institute an increased water supply system maintenance effort to identify and correct water leaks by initiating a complete leak detection survey.

• Leaks greater than 100 gallons per minute under the control of the Water Department will be corrected within 72 hours of the Department becoming aware of the leak.

(c) Encourage customers of the City of Bloomington, Illinois Water Department to comply with the listed voluntary water-use restrictions in all categories while moderate drought conditions exist.

3. Water-Use Restrictions:

(a) Residential:

- Reduce domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.

(b) Commercial, Industrial, and Institutional:

- Reduce aesthetic, domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.
- Water sold for transport elsewhere (“water hauling”) shall have the rate doubled.

(c) Agricultural, Irrigation and Livestock:

- Implement conservation techniques, explore different water saving methods, and use alternative sources.

(d) Electric Power Generation:

- Implement conservation techniques, explore different water saving methods, and use alternative sources.

(e) Lake Bloomington

- Prohibit direct water withdrawals from Lake Bloomington

(f) Wholesale customers

- Water use reductions of five percent

4. Water Department Operational Procedures:

- (a) Eliminate hydrant flushing, except that flushing necessary to maintain the water quality in the water distribution system.

B. Severe Drought Alert Phase: A drought of this severity requires official declaration and implementation of mandatory water use restrictions by the City of Bloomington, Illinois City Manager, in consultation with the Water Department Director. In such cases, the City Manager, in consultation with the Water Department Director will notify municipal and county governments in the affected drought areas. The Utility will also issue press releases concerning the drought conditions to the news media.

1. Goal:

(a) Generate a public response that helps alleviate drought stress through mandatory water use restrictions.

(b) A ten percent water use reduction for residential, agricultural, commercial, industrial, institutional, wholesale and electric power generation purposes.

## 2. General Responses:

(a) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper or general circulation within the affected community and region. This statement shall include a list of water- use curtailment measures.

(b) Require customers of the City of Bloomington, Illinois Water Department to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

## 3. Water-Use Restrictions:

### (a) Residential:

- Use low-volume hand-held applicators only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.
- Restrict landscape watering to Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

### (b) Commercial, Industrial, and Institutional:

- Prohibit aesthetic water use.
- Reduce domestic water use to minimum levels necessary for maintaining health and safety.
- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that require filtration and/or water recycling.
- Use low-volume hand-held applicators only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.



- Restrict landscape watering on Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

- Water sold for transport elsewhere (“water hauling”) shall have the rate tripled and shall only be sold on Monday, Wednesday and Friday, 8a.m. to 4 p.m.

(c) Agriculture, Irrigation and Livestock:

- Implement conservation techniques, explore different water saving methods, and use alternative sources.

- Restrict irrigation use from 7:00 p.m. to 7:00 a.m.

(d) Electric Power Generation

- Implement conservation techniques, explore different water saving methods, and use alternative sources.

(e) Lake Bloomington

- Prohibit direct water withdrawals from Lake Bloomington

(f) Wholesale Customers

- Water use reductions of ten percent.

4. Water Department/City Operational Procedures

- Prohibit the use of water-based recreational activities that rely on single use water supply, such as municipal water parks.

- Enact a 24-hour, service-area wide, monitoring system to evaluate the community’s response and cooperation to drought procedures.

- Reduce the water supply hydraulic grade-line (levels in water towers) by five feet.

C. Extreme Drought Alert Phase: The City of Bloomington, Illinois City Manager, in consultation with the Water Department Director will notify municipal and county governments in the affected drought areas, and issue press releases concerning the drought conditions to the news media. Water-use restrictions imposed during extreme drought conditions are mandatory.

1. Goal:

(a) A fifteen percent water use reduction for residential, institutional, agricultural, commercial, industrial, and electric power generation purposes.

2. General Responses:

(a) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water- use curtailment measures.

(b) Require customers of the City of Bloomington, Illinois Water Department to comply with the listed water-use restrictions in all categories while extreme drought conditions exist.

3. Water-Use Restrictions:

(a) Residential:

- Reduce domestic water use to minimum levels necessary to maintain health and safety.
- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that employ filtration and/or water recycling.
- Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.
- Restrict landscape watering on Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(b) Commercial, Industrial, and Institutional:

- Prohibit aesthetic water use.
- Reduce domestic water use to minimum levels necessary for maintaining health and safety.
- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that employ filtration and/or water recycling.

- Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.
- Restrict landscape watering on Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
- Cease selling water for transport elsewhere (“water hauling”).

(c) Agriculture, Irrigation and Livestock:

- Implement conservation techniques, explore different water saving methods, and use alternative sources.
- Restrict irrigation use from 12:00 a.m. to 4:00 a.m.

(d) Electric Power Generation

- Implement conservation techniques, explore different water saving methods, and use alternative sources.

(e) Lake Bloomington

- Prohibit direct water withdrawals from Lake Bloomington.

(f) Wholesale Customers

- Water use reductions of fifteen percent.

4. Water Department/City Operational Procedures

- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that require filtration and/or water recycling.
- Prohibit the use of water-based recreational activities that rely on single use water supply, such as municipal water parks.
- Prohibit water-based street cleaning.
- Enact a 24-hour Water Department monitoring system to evaluate the community’s response and cooperation to drought procedures.
- Reduce the water supply hydraulic grade-line (levels in water towers) by ten feet.

- Eliminate golf course irrigation, except for greens

(e) NEW WATER SERVICE CONNECTIONS

Correspondence regarding water availability, pipeline extension agreements, and applications requesting service, received and dated after the date of this Ordinance shall include conditions relating to water shortages.

No applications for new, additional, further expanded, or an increase in size of water service connections, meters, service lines, pipeline extensions, approved or installed unless such action is in compliance with provisions of this Ordinance.

(f) WATER RATES

In the event of an extreme drought related water shortage, the City of Bloomington, Illinois *City Manager in conjunction with the Water Department Director* is hereby authorized to monitor water use. Under extreme drought conditions the Water Department's drought water rates will be enacted through the duration of the drought for all water users except as otherwise noted in this Ordinance. These water rates are defined as the water rates in effect at the time of the extreme drought declaration multiplied by 1.50.

(g) RATIONING

In the event that a drought or other condition(s) threaten(s) the preservation of public health and safety, the City of Bloomington, Illinois *City Manager, in consultation with the Water Department Director* is hereby authorized to ration water.

(h) FINES AND PENALTIES

Except as otherwise stated herein, violators of any provision of this Ordinance shall be penalized.

**Violation Classification Penalty**

- First offense infraction in severe drought – Courtesy reminder to implement procedures
- First offense infraction in extreme drought -- \$50.00
- Second offense infraction within the same drought period -- \$100.00
- Third and subsequent offense within the same drought period -- \$250.00

- The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

(i) ENFORCEMENT

Employees of the City of Bloomington, Illinois Water Department, City of Bloomington police officers, firefighters, and plumbing inspectors have the duty, and are hereby authorized to enforce the provisions of this Ordinance and shall have the power and authority to issue written notices to appear when violations of this Ordinance occur during any declared severe or extreme drought or water shortage.

(j) VARIANCES

Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use within twenty-four hours of the declaration of water use curtailment/reduction and shall apply for a variance from curtailment.

Persons requesting exemption from the provisions of this Ordinance shall file a petition for variance with the City of Bloomington, Illinois *City Manager* ~~Water Department~~ within ten days after such curtailment becomes effective.

When the Drought Ordinance has been invoked by the City of Bloomington, Illinois *City Manager*, in consultation with the Water Department Director, all petitions for variances shall be reviewed by the City of Bloomington, Illinois *City Manager* in consultation with the Water Department Director. Petitions shall contain the following:

1. Name and address of the petitioner(s).
2. Purpose of water use.
3. Specific provisions from which the petitioner is requesting relief.
4. Detailed statement as to how the curtailment declaration adversely affects the petitioner.
5. Description of the relief desired.
6. Period of time for which the variance is sought.
7. Economic value of the water use.
8. Damage or harm to the petitioner or others if petitioner complies with Ordinance.

9. Restrictions with which the petitioner is expected to comply and the compliance date.

10. Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance.

11. Other pertinent information.

In order for a variance to be granted, petitioner must show one of more of the following conditions:

A. Compliance with the Ordinance cannot be technically accomplished during the duration of the water shortage.

B. Alternate methods can be implemented which will achieve the same level of reduction in water use.

The City of Bloomington, Illinois *City Manager in consultation with the* Water Department Director may, in writing, grant temporary variances for existing water uses otherwise prohibited under the Ordinance if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more aforementioned conditions is met. The City of Bloomington, Illinois *City Manager in consultation with the* Water Department ~~Water~~ Director shall approve or deny any such variance. Any such variance so ratified may be revoked by later action of the City of Bloomington, Illinois *City Manager in consultation with the* Water Department Director. ~~Any such variance denied by the City of Bloomington, Illinois Water Department Director can be appealed to the City of Bloomington, Illinois City Manager.~~

No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to the issuance of the variance.

Variances granted by the City of Bloomington, Illinois ~~Water Department Director or City~~ Manager shall be subject to the following conditions, unless waived or modified by the City of Bloomington, Illinois ~~Water Department or~~ City Manager.

A. Variances granted shall include a timetable for compliance.

B. Variances granted shall expire when the water shortage no longer exists, unless the petitioner has filed to meet specified requirements.

#### (k) STATUS OF THE ORDINANCE

In the event that any portion of this Ordinance is held to be unconstitutional for any reason, the remaining portions of the Ordinance shall not be affected. The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of the City of Bloomington, Illinois and/or State of Illinois.

SECTION 2. 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 immediately upon passage and approval.

PASSED this \_\_\_\_ day of July, 2012.

APPROVED this \_\_\_\_ day of July, 2012.

APPROVED:

Steve Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

**ORDINANCE NO. 2012 - 51**

**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 27**

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

SECTION 1. That Bloomington City Code Chapter 27 be amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

**Chapter 27: Section 8: Rules Governing Use of City Water.**

The following rules governing the use of City water are hereby adopted:

(a) Waste of Water Not Permitted. Customers shall keep their water service pipes and all plumbing connected with the City's water system in good repair and protected from freezing at their own expense. Hydrants, taps, hoses, water closets, urinals, baths or other fixtures shall not be kept running when not in use. In conditions of extreme cold weather water may be kept running at a trickle to prevent pipes from freezing. If it is found that there is an unreasonable or unnecessary waste of water in any building, structure or premise to which water is supplied from the City's water system, the Director of Engineering & Water may cause the water service to be disconnected to stop the waste of water. (Ordinance No. 1994-43)

~~(b) Authority to Impose Water Use Restrictions. The City Manager may, at any time he determines that the conditions affecting the City's water supply, reservoirs, pumping or distribution facilities make restriction of water use, either on a short term or indefinite basis necessary in the public interest, order cessation or restriction of any one or more of the following activities by City customers, whether inside or outside the City's corporate limits:~~

- ~~(1) watering of lawns, gardens, trees, shrubs and vegetation, established or new;~~
- ~~(2) water conservation measures by non-residential or residential users, or both;~~
- ~~(3) washing of cars, either totally or at certain types of locations;~~
- ~~(4) filling of swimming or wading pools;~~
- ~~(5) use of fountains or other decorative water features;~~
- ~~(6) sales to water haulers;~~
- ~~(7) service of water to restaurant customers, except on request;~~
- ~~(8) any other practice which in the City Manager's opinion may be wasteful of water.~~

~~The City Manager shall cause notice of any such restrictions to be included with the next water bill issued immediately following the imposition of any restrictions, except that in case of an emergency, the City Manager shall cause notice of such restrictions to be publicly announced by means of broadcasts or telecasts from a radio station in a normal operating range covering the~~



~~City. All restrictions shall remain in effect from the date notice is given until they are rescinded by the City Manager.~~

~~In the case of sale of water to other public bodies, the City Manager may require the public bodies to adopt and enforce Ordinances or Resolutions imposing restrictions to their water customers consistent with those imposed within the City's corporate limits.~~

~~In addition to any penalties otherwise provided for in this Chapter, the City Manager may order a disconnection of water service to any customer violating any of the foregoing restrictions. Once disconnected the customer's water service may be resumed only after the City Manager determines that future violations by said customer will not occur. (Ordinance No. 1994-43)~~

~~(b)~~ (e) Disconnection of Water Service. In any case where the water service has been disconnected for any reason provided in this Chapter, and the water is found reconnected or when in the opinion of the Director of Engineering & Water the disconnection of the water service by closing the curb shutoff valve is not a sufficient protection against the further use of the water, it shall be lawful to cause the water service to be disconnected by whatever means necessary. Upon a re-application for water service, an additional charge covering all the expenses of disconnecting the water service shall be made. (Ordinance No. 1994-43)

~~(c)~~ (d) Unauthorized Reconnection of Water Service. No customer shall reconnect or cause or allow the reconnection of water service to any premise to which the City has disconnected water service in any manner other than provided in this Chapter. Only ~~the Director of Engineering or Water,~~ *the City Manager, the Water Director*, his officers, and employees may reconnect a water service. Any customer who reconnects water service to a premise contrary to the provisions of this Chapter shall be liable for payment of a fine as provided in Section 15 of this Chapter in addition to any other fees or charges assessed as a result of special measures which must be taken to disconnect the service as a result of the reconnection. In any prosecution charging an unauthorized reconnection of water service, the person lawfully in possession and/or in control of the premises shall be presumed to have made, caused or allowed the reconnection of the water service. (Ordinance No. 1994-43)

~~(d)~~ (e) Right of Entry. The officers, agents and employees of the Water Department shall have free access to all and every part of any building, structure or premises to which water is supplied from the City's water system for the purpose of:

- (i) reading water meters and/or remote reading devices;
- (ii) examining and/or repairing the water pipes, taps, fixtures, hydrants, valves, shutoff boxes and any other appurtenances related or connected to the City's water system; and
- (iii) disconnecting and/or reconnecting water service as provided in this Chapter.

Such officers, agents and employees shall also have the right to take such steps as are necessary to repair pipes, taps, fixtures, hydrants, valves, shutoff boxes and other appurtenances related to or connected with the City water system and/or disconnect or reconnect water service as provided in this Chapter, including but not limited to conducting excavations on the customer's premises.

No person shall in any manner obstruct, or cause to be obstructed or refuse or prevent, the free access of any officer, agent or employee of the Water Department to all or any part of any building, structure or premise for the purposes set forth herein. Any person who so obstructs the access of any such officer or person or who shall refuse to permit such entry or access or who shall do or cause to be done any act or thing for the purpose of preventing such entry or access, shall be punished as provided in Section 1-6 of Chapter 1 of this Code. (Ordinance No. 1994-43)

(e) (f) Separate Storm and Sanitary Drainage Required. No water service shall be provided to any premises where storm water and sanitary drainage are not separated as required by the chapter governing sewers and sewage disposal. (Ordinance No. 1994-43)

(f) (g) Plumbing Code Requirement. No water service shall be provided turned on for service into any premise in which the plumbing does not comply with the Plumbing Code of the City and the requirements of this Chapter. Water service may be provided for construction work in unfinished buildings, subject to the provisions of this Chapter. (Ordinance No. 1994-43)

### **Chapter 27: Section 36: Water Emergency Response Ordinance.**

#### **(a) DECLARATION OF POLICY, PURPOSE, AND INTENT**

Purpose: To achieve the greatest public benefit from domestic water use, sanitation, fire protection and to provide water for other purposes in an equitable manner and to preserve water quality, the City of Bloomington, Illinois adopts the following regulations and restrictions on the delivery and consumption of water.

This Ordinance is hereby declared necessary for the preservation of public health, safety, welfare and enhances water supply operational flexibility and shall take effect upon its adoption by the City of Bloomington, Illinois.

Whenever, in the judgment of the City Council of the City of Bloomington, Illinois, it becomes necessary to conserve water in the service area, due to drought, water treatment capacity or other conditions, the City of Bloomington, Illinois City Manager, in consultation with the Water Department Director is authorized to issue a Proclamation that existing drought or other conditions prevail over fulfillment of the usual water-use demands. The Proclamation is an attempt to prevent depleting the water supply to the extent that water-use for human consumption, sanitation, fire protection and other essential needs become endangered.

Immediately upon the issuance of such a Proclamation, regulations and restrictions set forth under this Ordinance shall become more effective and remain in effect until the water shortage is terminated and the Proclamation rescinded.

Water uses, regulated or prohibited under the Ordinance, are considered to be non-essential and continuation of such uses during times of water shortage is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

The provisions of the Ordinance shall apply to customers within the jurisdiction of the City of Bloomington, Illinois Water Department.

(b) DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls

Commercial and industrial water use: water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Customer: any person, company, or organization using water supplied by the City of Bloomington, Illinois Water Department.

Domestic water use: water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drought Alert Phase:

1. Moderate Drought: Combined reservoir water-levels reduced below spillway level by 8 feet or a proclamation that a moderate water emergency exists.

2. Severe Drought: Combined reservoir water-levels reduced below spillway level by 10 feet or a proclamation that a severe water emergency exists.

3. Extreme Drought: Combined reservoir water-levels reduced below spillway level by greater than 12 feet and stream flow in Mackinaw River less than 20 cubic feet per second or a proclamation that an extreme water emergency exists.

Essential water uses: Water used specifically for fire fighting, and to satisfy federal, state, or local public health and safety requirements.

Even numbered address: street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or letters A-M; and locations without addresses.

Institutional water use: water use by government, public and private educational institutions, public medians and rights of way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

Landscape water use: water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.

Odd numbered address: street addresses, box numbers or rural numbers or rural route numbers ending in 1, 3, 5, 7, 9 or letters N-Z.

Water hauling: Water sold by the City of Bloomington at bulk dispensing facility for use at a location other than the location where it was purchased.

Water shortage: lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, and/or deterioration of water quality which causes water supplies to be less than usual.

Wholesale customer: A public body that purchases water in bulk and redistributes it to its own customers.

(c) NON-ESSENTIAL WATER USE

All water use categories, other than essential water use, may be curtailed during severe or extreme drought. Some examples of non-essential water uses follow:

A. Residential and Institutional:

1. Washing down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface areas.
2. Washing down buildings or structures for purposes other than immediate fire protection.
3. Flushing gutters or permitting water to run or accumulate in any gutter or street.
4. Washing any motor bike, motor vehicle, boat, trailer, airplane or other vehicle in public or private garages or elsewhere.
5. Maintaining fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes.
6. Filling or maintaining public or private swimming pools.
7. Sprinkling lawns, plants, trees, and other flora on private or public property, except as otherwise provided under the Ordinance.

B. Commercial and Industrial:

1. Serving water routinely in restaurants.
2. Increasing water levels in scenic and recreational ponds and lakes.

3. Irrigating golf courses and any portion of its grounds, except greens or as otherwise provided under this Ordinance.

4. Obtaining water from hydrants for any purpose other than firefighting.

5. Serving customers who have been given a 10-day notice to repair one or more leaks and has failed to comply.

6. Expanding commercial nursery facilities, placing new sod on commercial and/or residential sod after the drought proclamation, or planting or landscaping when required by site design review process.

#### (d) RESPONSES TO MODERATE, EXTREME, AND SEVERE DROUGHT ALERT PHASES

Levels of drought are set forth in this ordinance as moderate, severe, and extreme. Proclamations issued by the City of Bloomington, Illinois *City Manager*, in consultation with the Water Department *Director* shall coordinate an appropriate response to the level of drought which exists.

Proclamations setting forth responses to the various drought alert phases shall be made by the City of Bloomington, Illinois *City Manager*, in consultation with the Water Department *Director* and are to be based upon local and/or regional monitoring data.

A. Moderate Drought Alert Phase: If conditions indicate that a moderate drought condition is present and is expected to persist, the City of Bloomington, Illinois *City Manager* in consultation with the Water Department *Director* shall notify municipal and county governments and issue press releases concerning the drought conditions to the news media. Large or key water users will be contacted directly by the Water Department.

##### 1. Goal:

(a) Public awareness and education of drought procedures and water saving.

(b) A five percent voluntary water use reduction for residential, commercial, industrial, institutional, wholesale and electric power generation purposes in order to extend the water supply for duration of the drought.

##### 2. General Responses:

(a) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of non-essential water uses (SECTION (c)).

(b) Institute an increased water supply system maintenance effort to identify and correct water leaks by initiating a complete leak detection survey.

• Leaks greater than 100 gallons per minute under the control of the Water Department will be corrected within 72 hours of the Department becoming aware of the leak.

(c) Encourage customers of the City of Bloomington, Illinois Water Department to comply with the listed voluntary water-use restrictions in all categories while moderate drought conditions exist.

### 3. Water-Use Restrictions:

#### (a) Residential:

• Reduce domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.

#### (b) Commercial, Industrial, and Institutional:

• Reduce aesthetic, domestic, landscaping, and water-based recreational activities such as swimming pools, water slides, and other related water activities.

• Water sold for transport elsewhere (“water hauling”) shall have the rate doubled.

#### (c) Agricultural, Irrigation and Livestock:

• Implement conservation techniques, explore different water saving methods, and use alternative sources.

#### (d) Electric Power Generation:

• Implement conservation techniques, explore different water saving methods, and use alternative sources.

#### (e) Lake Bloomington

• Prohibit direct water withdrawals from Lake Bloomington

#### (f) Wholesale customers

• Water use reductions of five percent

4. Water Department Operational Procedures:

(a) Eliminate hydrant flushing, except that flushing necessary to maintain the water quality in the water distribution system.

B. Severe Drought Alert Phase: A drought of this severity requires official declaration and implementation of mandatory water use restrictions by the City of Bloomington, Illinois City Manager, in consultation with the Water Department Director. In such cases, the City Manager, in consultation with the Water Department Director will notify municipal and county governments in the affected drought areas. The Utility will also issue press releases concerning the drought conditions to the news media.

1. Goal:

(a) Generate a public response that helps alleviate drought stress through mandatory water use restrictions.

(b) A ten percent water use reduction for residential, agricultural, commercial, industrial, institutional, wholesale and electric power generation purposes.

2. General Responses:

(a) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper or general circulation within the affected community and region. This statement shall include a list of water- use curtailment measures.

(b) Require customers of the City of Bloomington, Illinois Water Department to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

3. Water-Use Restrictions:

(a) Residential:

• Use low-volume hand-held applicators only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.

• Restrict landscape watering to Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(b) Commercial, Industrial, and Institutional:

- Prohibit aesthetic water use.
- Reduce domestic water use to minimum levels necessary for maintaining health and safety.
- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that require filtration and/or water recycling.
- Use low-volume hand-held applicators only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.
- Restrict landscape watering on Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
- Water sold for transport elsewhere (“water hauling”) shall have the rate tripled and shall only be sold on Monday, Wednesday and Friday, 8a.m. to 4 p.m.

(c) Agriculture, Irrigation and Livestock:

- Implement conservation techniques, explore different water saving methods, and use alternative sources.
- Restrict irrigation use from 7:00 p.m. to 7:00 a.m.

(d) Electric Power Generation

- Implement conservation techniques, explore different water saving methods, and use alternative sources.

(e) Lake Bloomington

- Prohibit direct water withdrawals from Lake Bloomington

(f) Wholesale Customers

- Water use reductions of ten percent.

4. Water Department/City Operational Procedures

- Prohibit the use of water-based recreational activities that rely on single use water supply, such as municipal water parks.



- Enact a 24-hour, service-area wide, monitoring system to evaluate the community's response and cooperation to drought procedures.

- Reduce the water supply hydraulic grade-line (levels in water towers) by five feet.

C. Extreme Drought Alert Phase: The City of Bloomington, Illinois *City Manager*, in consultation with the Water Department *Director* will notify municipal and county governments in the affected drought areas, and issue press releases concerning the drought conditions to the news media. Water-use restrictions imposed during extreme drought conditions are mandatory.

1. Goal:

(a) A fifteen percent water use reduction for residential, institutional, agricultural, commercial, industrial, and electric power generation purposes.

2. General Responses:

(a) Issue a Public Notice of Drought Conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water- use curtailment measures.

(b) Require customers of the City of Bloomington, Illinois Water Department to comply with the listed water-use restrictions in all categories while extreme drought conditions exist.

3. Water-Use Restrictions:

(a) Residential:

- Reduce domestic water use to minimum levels necessary to maintain health and safety.

- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that employ filtration and/or water recycling.

- Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.

- Restrict landscape watering on Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(b) Commercial, Industrial, and Institutional:

- Prohibit aesthetic water use.
- Reduce domestic water use to minimum levels necessary for maintaining health and safety.
- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that employ filtration and/or water recycling.
- Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design maintenance.
- Restrict landscape watering on Tuesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.
- Cease selling water for transport elsewhere (“water hauling”).

(c) Agriculture, Irrigation and Livestock:

- Implement conservation techniques, explore different water saving methods, and use alternative sources.
- Restrict irrigation use from 12:00 a.m. to 4:00 a.m.

(d) Electric Power Generation

- Implement conservation techniques, explore different water saving methods, and use alternative sources.

(e) Lake Bloomington

- Prohibit direct water withdrawals from Lake Bloomington.

(f) Wholesale Customers

- Water use reductions of fifteen percent.

4. Water Department/City Operational Procedures

- Prohibit water-based recreational activities except facilities, such as swimming pools and other related water activities that require filtration and/or water recycling.

- Prohibit the use of water-based recreational activities that rely on single use water supply, such as municipal water parks.
- Prohibit water-based street cleaning.
- Enact a 24-hour Water Department monitoring system to evaluate the community's response and cooperation to drought procedures.
- Reduce the water supply hydraulic grade-line (levels in water towers) by ten feet.
- Eliminate golf course irrigation, except for greens

(e) NEW WATER SERVICE CONNECTIONS

Correspondence regarding water availability, pipeline extension agreements, and applications requesting service, received and dated after the date of this Ordinance shall include conditions relating to water shortages.

No applications for new, additional, further expanded, or an increase in size of water service connections, meters, service lines, pipeline extensions, approved or installed unless such action is in compliance with provisions of this Ordinance.

(f) WATER RATES

In the event of an extreme drought related water shortage, the City of Bloomington, Illinois *City Manager in conjunction with the Water Department Director* is hereby authorized to monitor water use. Under extreme drought conditions the Water Department's drought water rates will be enacted through the duration of the drought for all water users except as otherwise noted in this Ordinance. These water rates are defined as the water rates in effect at the time of the extreme drought declaration multiplied by 1.50.

(g) RATIONING

In the event that a drought or other condition(s) threaten(s) the preservation of public health and safety, the City of Bloomington, Illinois *City Manager, in consultation with the Water Department Director* is hereby authorized to ration water.

(h) FINES AND PENALTIES

Except as otherwise stated herein, violators of any provision of this Ordinance shall be penalized.

**Violation Classification Penalty**

- First offense infraction in severe drought – Courtesy reminder to implement procedures

- First offense infraction in extreme drought -- ~~\$50.00~~ \$100.00
- Second offense infraction within the same drought period -- ~~\$100.00~~ \$200.00
- Third and subsequent offense within the same drought period -- ~~\$250.00~~ \$500.00
- The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

(ii) ENFORCEMENT

Employees of the City of Bloomington, Illinois Water Department, City of Bloomington police officers, firefighters, and plumbing inspectors have the duty, and are hereby authorized to enforce the provisions of this Ordinance and shall have the power and authority to issue written notices to appear when violations of this Ordinance occur during any declared severe or extreme drought or water shortage.

(j) VARIANCES

Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use within twenty-four hours of the declaration of water use curtailment/reduction and shall apply for a variance from curtailment.

Persons requesting exemption from the provisions of this Ordinance shall file a petition for variance with the City of Bloomington, Illinois *City Manager* ~~Water Department~~ within ten days after such curtailment becomes effective.

When the Drought Ordinance has been invoked by the City of Bloomington, Illinois *City Manager*, in consultation with the Water Department Director, all petitions for variances shall be reviewed by the City of Bloomington, Illinois *City Manager* in consultation with the Water Department Director. Petitions shall contain the following:

1. Name and address of the petitioner(s).
2. Purpose of water use.
3. Specific provisions from which the petitioner is requesting relief.
4. Detailed statement as to how the curtailment declaration adversely affects the petitioner.
5. Description of the relief desired.

6. Period of time for which the variance is sought.

7. Economic value of the water use.

8. Damage or harm to the petitioner or others if petitioner complies with Ordinance.

9. Restrictions with which the petitioner is expected to comply and the compliance date.

10. Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance.

11. Other pertinent information.

In order for a variance to be granted, petitioner must show one of more of the following conditions:

A. Compliance with the Ordinance cannot be technically accomplished during the duration of the water shortage.

B. Alternate methods can be implemented which will achieve the same level of reduction in water use.

The City of Bloomington, Illinois *City Manager in consultation with the* Water Department Director may, in writing, grant temporary variances for existing water uses otherwise prohibited under the Ordinance if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation, or fire protection for the public or the petitioner and if one or more aforementioned conditions is met. The City of Bloomington, Illinois *City Manager in consultation with the* Water Department ~~Water~~ Director shall approve or deny any such variance. Any such variance so ratified may be revoked by later action of the City of Bloomington, Illinois *City Manager in consultation with the* Water Department Director. ~~Any such variance denied by the City of Bloomington, Illinois Water Department Director can be appealed to the City of Bloomington, Illinois City Manager.~~

No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to the issuance of the variance.

Variances granted by the City of Bloomington, Illinois ~~Water Department Director or~~ City Manager shall be subject to the following conditions, unless waived or modified by the City of Bloomington, Illinois ~~Water Department or~~ City Manager.

A. Variances granted shall include a timetable for compliance.

B. Variances granted shall expire when the water shortage no longer exists, unless the petitioner has filed to meet specified requirements.

(k) STATUS OF THE ORDINANCE

In the event that any portion of this Ordinance is held to be unconstitutional for any reason, the remaining portions of the Ordinance shall not be affected. The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of the City of Bloomington, Illinois and/or State of Illinois.

SECTION 2. 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 the date of its publication.

PASSED this 23<sup>rd</sup> day of July, 2012.

APPROVED this 24<sup>th</sup> day of July, 2012.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Mayor Stockton introduced this item. He noted the Council's past discussions regarding a drought ordinance and the current weather.**

**David Hales, City Manager, addressed the recommended changes to this Text Amendment which had been provided to the Council via Addendum II. The recommended changes involved the City Manager as the key role player when evoking the drought ordinance. He viewed this change as important and questioned the Council's interest in further discussions regarding same. He noted his past experience addressing drought situations. The community needs to keep in the mind the good of the whole during a drought.**

Craig Cummings, Water Director, addressed the Council. He provided the Council with an update. He expressed his opinion that cost would impact water usage. The first step of water management is conservation. The City has a clear plan. Currently the two (2) lakes were down 5.8'. The first drought trigger occurred at eight feet, (8'). At this level, the City would be in a moderate drought. City staff would watch water demands at this point. The City would encourage voluntary compliance to all water customers. Mr. Cummings noted that the customer base was larger than City residents and businesses. This would be labeled a moderate drought and the City would request a five percent (5%) reduction in water usage. He informed the Council that meetings had been held with State Farm Insurance. The Water Department would be issuing a Request for Proposal (RFP) regarding Water Conservation. The second drought trigger level occurred at ten feet (10'). There would be additional restrictions. The third drought trigger level occurred at twelve feet (12'). There would be additional restrictions plus fines. Water needed to be preserved for essential services. He viewed this Text Amendment as a living document which could be amended as needed.

Alderman Purcell requested clarification regarding water levels. Mr. Cummings informed the Council that City staff had contacted the Corp of Engineers regarding the City's permit. City staff was attempting to determine the volume of water for each lake. Alderman Purcell addressed the City's permit which allows water to be pumped from the Mackinaw River to fill the lakes.

Alderman Fruin encouraged the Council to support the amended Text Amendment. He also recommended that the fine amounts be doubled. He noted the time spent by City staff to enforce this ordinance. He expressed his belief that the fee structure was out of date. The City needed to cover the cost of processing a fine.

Alderman Fazzini expressed his belief that businesses would be protected during a drought. He also hoped that residents who had just sodded their lawns would be granted an exemption. Mr. Cummings directed the Council to subsection (j) Variances. City staff would consider the investment.

Alderman Mwilambwe questioned if the fine amounts were high enough for the City's largest water users. Mr. Cummings reminded the Council that the City has the shut off key. He added that there were other enforcement tools available to City staff. He expressed his hope that during a drought the customers would respond. The goal of this ordinance was to change behavior.

Mayor Stockton noted that the ordinance addressed water usage. If a customer used an alternative water source, that use would be exempt from this ordinance. Mr. Cummings responded affirmatively. He cited the use of water from detention basins as an example. The City would encourage the use of alternative water sources. He cited rain barrels as another example. The Water Department already had records of addresses with alternative water sources.

Alderman Purcell noted that the lake level was currently down by 5.8'. He questioned when water rates would be increased. Mr. Cummings noted during an extreme drought or a drop of lake level equal to twelve feet (12'). During an extreme drought water rates would double and there would be no bulk water hauling allowed.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the amended Text Amendments be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Construction Contract for the Fire/Rescue Training Tower Analysis of Bid

**RECOMMENDATION/MOTION:** That a professional services contract for \$327,232.70 be awarded to PJ Hoerr Normal, IL for the construction of the Fire/Rescue Training Tower located at 1911 E. Hamilton Rd, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The Farnsworth Group, Inc. prepared an invitation to bid for the construction of the Fire/Rescue Training Tower on behalf of the City. The scope of this invitation includes: installation of new concrete footings, foundations, slabs interior and exterior light fixtures, site work, erection and construction of a pre-manufactured fire training tower and other necessary items and incidentals relating to the Fire/Rescue Training Tower.

A pre-bid meeting was held at Fire Station #2 on Monday, July 2, 2012 with eight (8) firms represented. At City Hall on Tuesday, July 10, 2012 at 2:00 p.m. sealed bids were publicly opened and read. A review of those bids was conducted by both Farnsworth Group personnel and Fire Department staff.

PJ Hoerr	Normal, IL	\$327,232.70	** Recommended
Tarter Construction	Bloomington, IL	\$391,720.00	

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** An Initiation to Bid notice was placed in the Pantagraph newspaper and was posted on both the City and the Farnsworth Groups websites.

The following is a plan holder's list for this project:



Aupperle Construction	Johnson Controls
Bidclerk	Johnston Contractors
Bidtool	Leander Construction, Inc.
Buddy's Grounds Maintenance, Inc.	McGraw-Hill
Central Illinois Plan Room	National Pump & Compressor
Conrad Sheet Metal	Nielsen Building Systems, inc.
Cornerstone Construction, LLC	PJ Hoerr
D. Joseph Construction Company	PDH Landscaping Group, LLC
D.J. Sickley Construction Company, Inc.	Reed Construction Data
Diversa Tech Metal Fab, LLC	Southern Illinois Builders Association
F & W Lawn Care and Landscaping Company	Standard Heating & Cooling
George Gildner, Inc.	Stark Excavating, Inc.
Greater Peoria Contractors & Suppliers Assoc., Inc.	Tarter Construction LLC
Hein Construction Company	Tech Electronics
Illowa Builders Exchange	Uesco Cranes
Intra-Plant Maintenance	United Contractors Midwest
ISQFT Plan Room	Weber Electric, Inc.
J.G. Stewart Contractors, Inc.	Wilcox Electric & Service
Johnco Construction, Inc.	Williams Brothers Construction, Inc.

**FINANCIAL IMPACT:** The FY 2013 Budget appropriated \$650,000 for the construction of the Fire/Rescue Training Tower in line item 40100100-72520. The City has allocated \$85,000 to Farnsworth and this memo is proposed to allocate \$327,233 for the continual construction of the facility. Staff expects further cost such as construction phase testing, contingency to be incurred in the upcoming months during the construction of the facility.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Financial review by:
Eric Vaughn Assistant Chief/Officer	Michael Kimmerling Fire Chief	Patti-Lynn Silva Director of Finance

Recommended by:

David A. Hales  
City Manager

**Mayor Stockton introduced this item.**

**David Hales, City Manager, recommended that this item be approved.**

**Alderman Fazzini noted that the project appeared to be within budget.**

**Motion by Alderman Fazzini, seconded by Alderman Anderson that the bid for the Fire Training Tower be awarded to PJ Hoerr, Normal, IL, in the amount of \$327,232.70, 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**MAYOR'S DISCUSSION: Mayor Stockton addressed the "Ain't Nothin But the Blues" festival. The Liquor Commission took various decibel meter readings. These readings ranged between fifty-two to sixty-four (52 – 64) decibels. A level below seventy (70) was permitted. The stage was relocated and the music stopped at 10:30 p.m. The liquor license holder was in compliance.**

**He also addressed the Lincoln Days Festival which were held on Saturday and Sunday, July 21 – 22, 2012. This event was well done and worth attending.**

**CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He addressed the updated City Council Future Agenda Topics. The second page listed items for the months of August and September 2012. He noted the need to set the dates for the Council's fall retreat. The retreat would address policy issues, the Fiscal Year 2014 budget and pension studies. He planned to move the budget process up by two (2) months to allow additional time for Council review. He recommended that the retreat be held on a Friday and Saturday. Saturday would be dedicated to the budget.**

**He also addressed the work load. The Council has made additions to this list. Work Sessions would be scheduled for two (2) hours on the Council's first meeting of the month, (second Monday of the month). He also noted the need for Executive Sessions. He noted time limitations. He believed that the Council's Rules of Procedure had helped with meeting efficiency. The Council Agenda contained time limits for various items which have appeared on the Regular Agenda.**

**The Council has expressed an interest in discussing spending priorities and revenues (taxes, fees, etc.). He requested that the Council review this document. He viewed it as a work in progress. He hoped the Council would find this information helpful. He welcomed their feedback.**

**ALDERMEN'S DISCUSSION: Alderman McDade expressed her pleasure at the opportunity to serve on the 50<sup>th</sup> Anniversary Committee. She acknowledged the efforts of Harriet Steinbach. She informed the Council that on Wednesday, July 25, 2012 the delegation would be at City Hall at 9:00 a.m. They would also take a Downtown art tour and spend an afternoon at the Bloomington Center for the Performing Arts engaged in cultural activities. She extended an invitation to all to attend the closing ceremony at the**

**Marriott in Uptown Normal on Thursday evening, July 27, 2012. She thanked the Mayor for his efforts to make this 50<sup>th</sup> Anniversary celebration a success.**

**She also requested that the fall retreat dates be selected soon.**

**Alderman Sage addressed the topic of aldermanic subcommittees. He requested additional information. There was a lot of work to be done. He expressed his interest in making efficient use of the Council's time. He would need a better understanding in order to make an informed decision. He recommended that a Work Session be scheduled on this topic.**

**Alderman Fruin noted the Japanese delegation which had attended this evening's meeting. He acknowledged their culture. He cited their respectfulness and decorum.**

**He addressed the number of Future Agenda Topics. He believed that there were too many issues and the Council needed to reduce their number. The Council should identify the low hanging fruit.**

**Alderman Mwilambwe also addressed the blues festival. He noted the cooperation. It was a nice event.**

**He also addressed video gaming. The Council may need to restate what was important. He noted the link between gambling and revenue. There was speculation regarding social costs. The City needed to take a wait and see attitude.**

**Alderman Anderson echoed Alderman Sage's comments regarding aldermanic subcommittees.**

**Alderman Schmidt echoed Alderman Anderson's comments. She added that Iowa City, IA had an Economic Development Committee.**

**She informed the Council that the 700 W. Jefferson St. Block Party was a success. She noted the support from City staff.**

**Alderman Fazzini requested the dates for the fall retreat in the next ten (10) days.**

**Motion by Alderman Anderson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 8:38 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**

WORK SESSION  
Downtown Entertainment Task Force  
Locust St. CSO Elimination and Water Main Replacement Project, Phase 1. Sanitary  
Sewer Lateral Replacement Proposal  
January 23, 2012

Council Present: Aldermen Judy Stearns, Bernard Anderson, Steven Purcell, Karen Schmidt, Jim Fruin, David Sage, Rob Fazzini, Mboka Mwilambwe, Jennifer McDade and Mayor Stephen F. Stockton.

Staff Present: David Hales, City Manager, Jim Karch, Public Works Director, and Tracey Covert, City Clerk.

The Work Session was called to order at 5:30 p.m. Mayor Stockton noted the two (2) topics: Downtown Entertainment Task Force, (DETF), and Locust St. CSO Elimination & Water Main Replacement Project, Phase 1. Sanitary Sewer Lateral Replacement Proposal.

**DOWNTOWN ENTERTAINMENT TASK FORCE, (DETF)**

Alderman Schmidt recognized Trisha Stiller, Downtown Business Association's Executive Director, and Barb Adkins, Deputy City Manager, for their efforts. A report had been prepared for the Council's information. It outlined the road ahead. She welcomed the Council's questions. The Council created the DETF in February 2011. She noted the make up of this group. It addressed the Downtown's vitality. The initial report was presented in June 2011. It addressed key areas. She referred to the City budget and staffing issues. The final report was presented in December 2011.

She addressed the issue of cleanliness. She cited a letter and a brochure. Downtown properties would be provided with information regarding the City's expectations. In addition, McLean County's Court Services Department would be contacted regarding the availability community service hours. Individuals would be engaged in clean up activities within the Downtown. There would be no cost involved and the County would provide supervision.

The City has provided trash receptacles at a cost of \$900 each. She believed that some receptacles could be relocated. Recycling bins would be added to the Downtown. Pick up of recyclable materials would occur at the Monroe Center, located at 200 W. Monroe St.

Litter issues would be tied to the City's Alcoholic Beverage Code.

Trial cigarette butt receptacles would be placed in front of Six Strings located at 525 N. Center St. and Blue Line Club located at 602 N. Main St.

There would be a trial period for a vehicle staging area. This would address egress from the Downtown. There would be a ten (10) minute parking space in the 600 block of N. Main St. Three (3) staging areas had been identified. The Police Department had expressed an interest in same. Individuals would congregate at same.

Downtown security cameras would be installed. The City needed to adopt rules and procedures for the use of same.

City staff was drafting a noise ordinance.

Liquor licenses were addressed. The Liquor Commission held a separate hearing regarding same. BYOB (Bring Your Own Booze) establishments were addressed. The need for compliance reviews was addressed. The Commission needed to be more proactive in the area of conditions.

The City needed to collaborate with the Downtown Bar Association. There should be a more formal relationship. She cited the density in the 500 and 600 blocks of N. Main St. There should not be any additional tavern liquor licenses within these blocks. She cited the preference that taverns be located at the Downtown's south end. The City needed to look at occupancy and over crowding.

All tavern employees should be BASSET, (Beverage Alcohol Sellers & Server Education & Training), trained. The City needed to develop a process. She added that the BNCCC, (Bloomington Normal Community Campus Committee), supported same.

The DETF was a work in progress. The DETF would meet again in the spring 2012. She noted the collaboration between the various parties involved. She added her appreciation for the Downtown's culture.

Trisha Stiller, DBA's Executive Director, expressed her commitment to the DETF. The DETF had solidified communication and relationships. She noted the stakeholder variety. Repore had been developed between the groups. The DETF had been a unifier. She noted the Downtown's entertainment opportunities. The Downtown welcomed return visitors.

Alderman Anderson questioned an SSA (Special Service Area). He cited the revenue potential and believed that this idea should be revisit. He also cited Police Department's hire back program.

Alderman Schmidt noted the SSA conversation. She addressed the possibility of an RFP (Request for Proposal). It would need to be an opt in program directed by the business owners. Police Department hire backs were a budgetary issue. She noted the deployment of the Police Department. A police officer served on the DETF. He supported staging areas for taxicabs and shuttle vehicles.

David Hales, City Manager, addressed the Council. Randy McKinley, Police Chief, had requested that violation fines be increased. Chief McKinley believed that the fines were too low. Information had been submitted to the Commission and Council regarding same. He believed that fines served as an effective deterrent.

Alderman Schmidt expressed support from the DETF and the Downtown Bar Association regarding fines.

Alderman Anderson expressed his opinion that fines should be progressive.

Mayor Stockton noted that Council action did not involve fines. The Commission could increase fines. The Commission has used a progressive system. Initial violations were given a settlement offer through the City's Corporation Counsel Office. The Commission had attempted to address concerns and trends. Fines have been raised by thirty to forty percent (30 – 40%). An initial violation fine had been increased from \$300 to \$500. A second offense had been increased from \$600/700 to \$1,000. Action had already been taken by the Commission.

Alderman Purcell expressed his opinion that the Commission had drafted a white paper which presented an overview of the changes needed in the Downtown.

Alderman Schmidt addressed the Downtown's culture in the area of a cleanliness program, a noise ordinance and a vehicle staging area.

Alderman Purcell questioned if the DETF's report was complete. He noted that the DETF stayed within the boundaries. He believed that this was a work in progress.

Alderman Sage noted the partnership and cooperation between the public and private sector. He cited the culture change and the comparisons and contrasts. He addressed the report format which included time lines with a line of sight. He appreciated the DETF's efforts.

Mayor Stockton addressed the issues of overcrowding, over serving and occupancy. He noted the Commission's frustration. He questioned how to measure and know what was happening in the Downtown. The Commission has had conversations with liquor license holders regarding realistic expectations.

Alderman Schmidt expressed her opinion that the Downtown Bar Association was interested in what was best for the whole of Downtown.

Alderman Mwilambwe requested an update regarding the proposed noise ordinance. Mr. Hales stated that it was not ready for distribution. City staff needed to review same.

Mayor Stockton expressed his appreciation to the DETF for its efforts. Changes had been seen and there was more to come.

## SEWER LATERAL REPLACEMENT PROPOSAL

Mayor Stockton addressed the next topic: Locust St. CSO (Combined Sewer Overflow) Elimination and Water Main Replacement Project, Phase 1. – Sanitary Sewer Lateral Replacement Proposal.

David Hales, City Manager, addressed the Council. City staff was interested in future direction. He noted the progress made by the City's engineering staff. He addressed the pavement grading system and the back log of deferred maintenance. He noted the major projects but added that the key question was what else needed to be done. He hoped that the City would take a holistic approach going forward.

He cited Country Club Pl. which was described as an older neighborhood. He cited lateral failures of both sewer and water services. In addition, curb and gutter, sidewalks and street lights were in need of replacement. There needed to be a robust assessment of the City's underground infrastructure. He also noted I & I, (Infill and Infiltration). He noted City staff's limitations. He cited the role of value engineering. Geotechnical investigation resources can be applied to detect early failure.

He addressed the City's long range goal regarding street resurfacing. He cited a Transportation Master Plan. This plan would address all of the necessary resources. This plan would go beyond resurfacing. The City would be more effective. There would be no surprises and the City would maximize its investment.

The City would have a replacement schedule, establish maintenance costs and determine what the property owners' responsibilities were. A key issue was should the City encourage and/or require replacement. The City would need the cooperation of the property owners. This would be a long range process.

Jim Karch, Director – Public Works, addressed the Council. The Council had been provided with a hand out entitled Locust St. CSO Elimination and Water Main Replacement Project, Connection to Home Sewer Services. He noted that the existing sewer tile was under the existing pavement. The existing pipe was made of clay. Today, PVC pipe with water tight joints was used. A key concern was the clay pipe. This type of pipe was not good for a sewer system. The best approach would be to replace the existing laterals. The old pipe would be removed. There was a sewer lining for existing pipe which can provide structural stability.

Mr. Hales recommended that the City continue this project as designed. There were no IEPA (Illinois Environmental Protection Agency) loan funds for laterals. Laterals were the property owners' responsibility. He added that the City would be installing a new water main. The curb stops would also be replaced. There also were laterals off of the water main. City staff would reach out to each property owner as it would be less expensive to do the work at this time. The Council might need future discussion regarding tools and incentives. The City needed a strategic plan for laterals.

Mr. Karch also addressed Washington St. There were two (2) factors which impacted this portion of the project. He cited the large trees in the parkway and clean outs. A clean out consists of a T in the lateral which allowed access to sewer service. He also addressed a change in clean out locations which represented forward thinking. In new subdivisions, clean outs would be located near the right of way. For service laterals this represented the best management practice.

Mr. Hales added that in other states clean outs were near the right of way line.

Mr. Karch addressed I & I. He believed that between sixty to seventy percent, (60 – 70%), of infiltration issues were related to sewer laterals.

Mr. Hales cited the City's Sewer Master Plan which was recently approved. The current project was before the Council for consideration. Work had begun at the Bloomington Country Club. He noted the March 1, 2012 deadline. City staff's input was key when addressing sewer failures.

Alderman Purcell noted that this project involved a new water main and a new sanitary sewer. He noted the wide trench and questioned if existing pipe would be disturbed. Mr. Karch stated that the excavation was large and a certain amount of pipe would be replaced.

Alderman Sage questioned the property line versus the right of way. Mr. Karch reminded the Council that there was not a sidewalk on Country Club Pl. Alderman Sage questioned if the City had adversely impacted the sewer tile. Mr. Hales stated that the City would go back far enough to make a good fit.

Alderman Anderson questioned if there was a replacement schedule for water mains and sewer services. He believed that there was an insurance opportunity which citizens could opt in or opt out of. There were two (2) types of service – internal and external.

Alderman Stearns questioned if the lateral would be patched or replaced in part or in full. Mr. Karch stated that under this contract the lateral would be repaired to a point and banded.

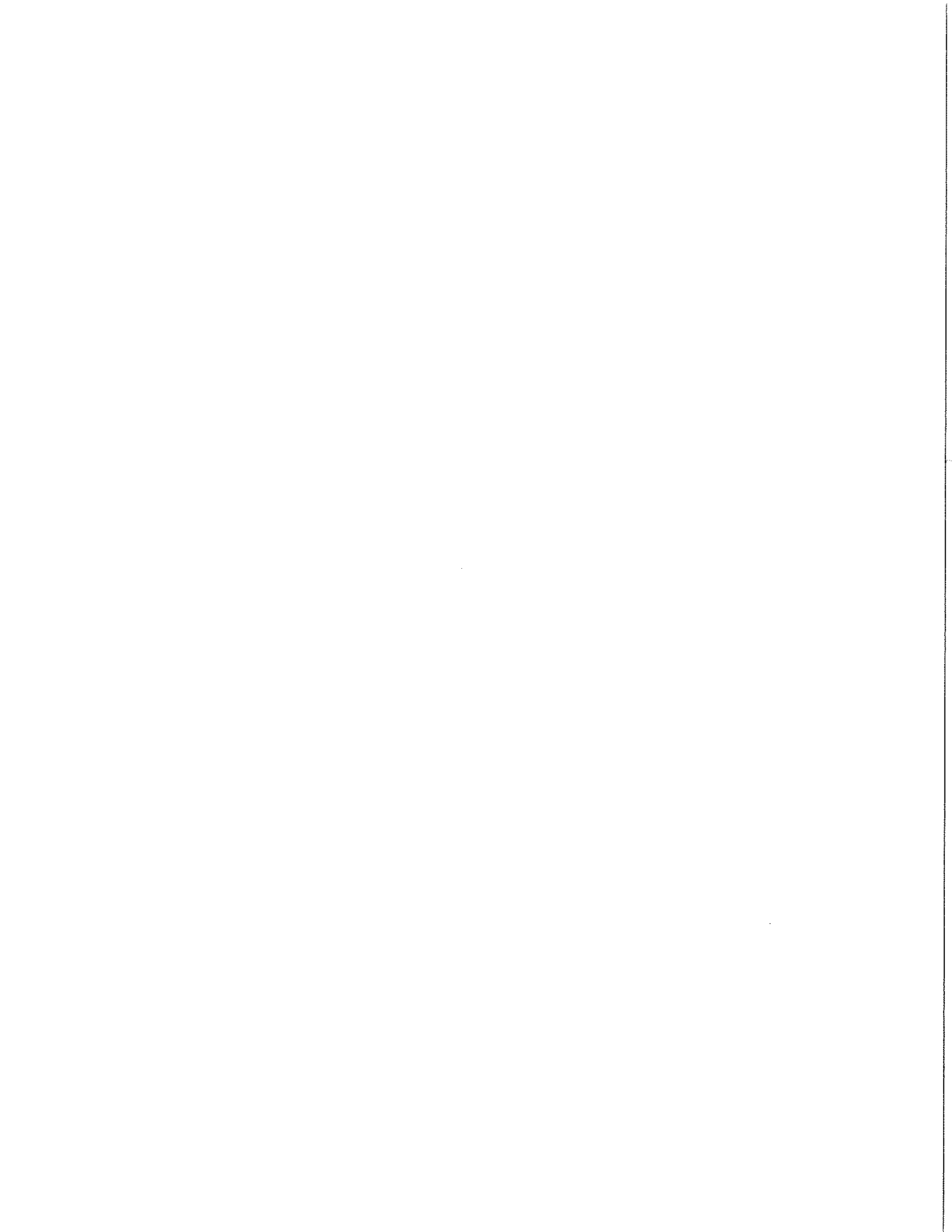
Alderman Stearns questioned who would be responsible to repair the street. Mr. Karch noted that under the current Code it would be the homeowners. The City had a business practice of repair work if pedestrians and/or motor vehicles were impacted.

There being no further business the meeting adjourned at 6:29 p.m.

Respectfully submitted,

Tracey Covert  
City Clerk





WORK SESSION  
Illinois Transportation Enhancement Program (ITEP)  
Gateway Grant Application Discussion  
April 23, 2012

Council Present: Aldermen Judy Stearns, Bernard Anderson, Steven Purcell, Karen Schmidt, Jim Fruin, David Sage, Rob Fazzini, Mboka Mwilambwe, Jennifer McDade and Mayor Stephen F. Stockton.

Staff Present: David Hales, City Manager, Justine Robinson, Economic Development Coordinator, and Tracey Covert, City Clerk.

Others present: Tim King, Hitchcock Design Group's Principal.

The Work Session was called to order at 5:32 p.m. Mayor Stockton noted the discussion at a previous Council meeting regarding ITEP. City staff had completed further research. The Council would have additional discussion regarding this topic. A stakeholder meeting was held this date. The City's proposed Fiscal Year (FY) 2013 budget included \$200,000 as the City's match portion.

David Hales, City Manager, noted the Council's March 26, 2012 vote on this topic. He planned to present a status report. City staff would need assistance to prepare the grant application. The City had entered into an agreement with Hitchcock Design Group (HDG). Tim King, HDG's Principal, was present at this evening's meeting. The Council had been provided with a document entitled ITEP/Gateways – Stakeholder Meeting, April 23, 2012. He planned to present a recommended concept plan at the Council's May 14, 2012 meeting.

Stan Cain, Beautification Committee Chairman, addressed the Council. He presented an update regarding the Gateway's project. The stakeholders' meeting was well attended. An additional meeting may be held. HDG had submitted a Request for Proposal (RFP) in 2008. There were four (4) primary gateways in the City. Each one was visited this date. He noted that there were additional gateways in the City and in the Town of Normal. There needed to be a Gateways' Master Plan. Specific content would follow.

Tim King, HDG's Principal, addressed the Council. He made a brief presentation. He noted HDG's trademark "Creating Better Places". He presented a brief history of HDG. Their focus had been on urban design. He noted HDG's public entity clients. He added the firm's experience with ITEP. He addressed HDG's approach to an ITEP application. HDG took a strategic approach. They addressed the big picture. Gateways were viewed as infrastructure improvements.

Mr. King provided an outline of the process used. Research and analysis would be done. Meetings would be held with stakeholders. Concepts would be presented at the Council's May 14, 2012 meeting. Full drawings were not required for the ITEP application. He

added that community support was important. HDG would work with City staff to gather photographs, narratives and costs.

ITEP was a federally funded program which was administered through IDOT. ITEP started in the early 1990's. The grant required an 80/20 match. The match for lighting was 50/50. The target was for a \$1 million project. HDG would prepare an attractive grant application. Design and engineering was applicable. If the grant is funded, then an engineer would need to become involved. Strategically this project would be part of something larger.

He cited four (4) areas. The gateways were located at E. Empire, W. Market, S. Main and Veterans Pkwy. It was not possible to complete all four (4) gateways. The \$1 million would provide the best opportunity. Gateway examples were provided for Champaign, IL, (I - 57 interchange), Burr Ridge, IL, (I - 55 interchange at County Line Rd.), Warrenville, IL, (IL Rt. 56), Oak Brook, IL, (Beautification Master Plan), and Schaumburg, IL, (one large sign).

He addressed why communities install gateways. He noted community pride, economic development component, express the community's uniqueness, etc. Gateways must be consistent, recognizable, bold and sustainable over time. He addressed the elements of gateways: architectural, graphic, and landscape.

Mr. Hales stated the intention to hear from the Council regarding further thoughts on this subject. The City does not have a master plan. There was a limited amount of time to prepare for this project. The focus would be on the W. Market interchange. Input from the Council was welcomed.

Mayor Stockton expressed his belief that gateways provide a function beyond the City's image. Sidewalks addressed safety issues.

Mr. King noted that sidewalks were eligible. ITEP grants looked at connectivity. HDG would perform a gap study. ITEP funds could not be used for routine maintenance.

Justine Robinson, Economic Development Coordinator, addressed the Council. She addressed an article entitled, "Beautiful Places: The Role of Perceived Aesthetic Beauty in Community Satisfaction". Gateways were subjective and difficult to quantify. Gateways provided direct and indirect opportunities. She noted the funding match. Gateways addressed business attraction. They also served to attract consumer sales.

Alderman Fazzini believed that there was community support for gateways. He questioned what would be included in the application. Mr. King stated a letter of support would be submitted with the application.

Alderman Fazzini had spoken with someone who had taken today's tour. He had received positive feedback. This application was only the primer. This project would take years and make the City unique. Mr. King noted the day's earlier discussion. Ideas

would be created from the discussion. There were a variety of opinions. A design would not be locked in by the application. The design process would begin after funding approval.

Alderman McDade expressed her appreciation for the work to date. She requested clarification. She first heard about gateways at the Council's Budget Work Session. The City was now racing to the finish. She cited the current economy. The process had been too fast and furious. She questioned the Council's priorities. She had trouble advocating for this project. It appeared that there might be community support for same.

Mayor Stockton stated that there was no certainty about the ITEP grant. The City had budgeted for the grant match, (\$200,000).

Mr. Hales restated that this was a federally funded program. There were no guarantees of future ITEP funding. He cited past use of ITEP funds, (bike paths such as Rt. 66). The program has been around for some time. The City received notice of the ITEP grant. This grant allowed the City to leverage other sources of money. He restated that eighty percent (80%) of the cost would be covered by federal funds. Gateways were an attempt to beautify the City. The Council had selected gateways. There were no future guarantees. The decision would be made by the Council.

Alderman Sage noted the Rt. 66 bike path. He believed that this project was subject to an intergovernmental agreement. He added that the term beauty was subjective. He also addressed economic development and questioned if there was data to support this claim. Mr. King acknowledged that gateways were subjective. He had seen communities which had seen improvements. Gateways were difficult to pinpoint.

Alderman Sage restated his concern that gateways were linked to economic development. He noted the City's financial turnaround. Concerns had been raised regarding the City's capital needs. There was no line of sight. He stated his intention to make a motion that the recommended budget be amended and these dollars be reallocated to capital equipment.

Alderman Purcell questioned if the I-57 bridge was lit at night. He questioned if ITEP grants were federal or state funds. Mr. King restated federal dollars which were administered by the state.

Alderman Purcell addressed lighting and water. He recommended that there be four (4) basic gateways which could be upgraded. He questioned who owned the property in question. He expressed concerns regarding liability, repair and maintenance. Finally, he questioned where the gateways would be placed and who would maintain same. Mr. King noted the 80/20 construction split. Water and electric service installation were grant eligible expenses. The City would need to enter into an intergovernmental agreement with the state regarding maintenance and repair. These two (2) items would be the City's responsibility. He believed that there were federal standards. He added that the Council

would have to make a decision: put the energy into one (1) gateway or smaller scale gateways at four (4) locations.

Alderman Mwilambwe questioned the process. He also questioned the link to economic development. He understood the City's opportunity to leverage other funds due to the 80/20 match. The City needed to address W. Market St. but appearance was subjective. Gateways could be used to brand the City and promote same. Appealing entrances were important.

Alderman Schmidt stated that W. Market St. was not a new idea. She questioned the involvement of the West Bloomington Revitalization Project and the Economic Development Council of Bloomington/Normal. Gateways should provide the City with a cohesive, connected, welcoming look. She believed that there was a link to economic development. There would be a return on investment.

Alderman Anderson noted that gateways were not something new. He traveled throughout the state. The City was the only one he knew of that did not have gateways. City staff had research projects. The Council selected gateways. Gateways improved a community appearance. Appearance was an economic engine. He added that W. Market St. should be addressed first.

Alderman Stearns agreed that continuity and cohesiveness were important. She noted the high traffic along W. Market St. This area was not attractive. She cited the condition of City streets, curbs, gutters and sidewalks. The rest of the street was the big picture. She was not confident in the grant application.

Mr. King acknowledged that these were challenging areas. HDG would look at what could be done. The interchanges would be looked at with an eye towards possibilities. The whole corridor would see improvements. The City needed to start some where. This would be a step in the right direction.

Alderman Fazzini noted that the City had two (2) representatives on the EDC. The City had increased its funding of this entity by \$100,000. He believed that the McLean County Chamber of Commerce supported a gateways ITEP grant application. He questioned the EDC's thoughts on same.

Mr. Hales informed the Council that Ken Springer, EDC's Sr. Associate for Research & Economic Data, was present at the stakeholders' meeting. He did not know the EDC's position on this grant application. He noted the EDC's five (5) year plan which included business attraction.

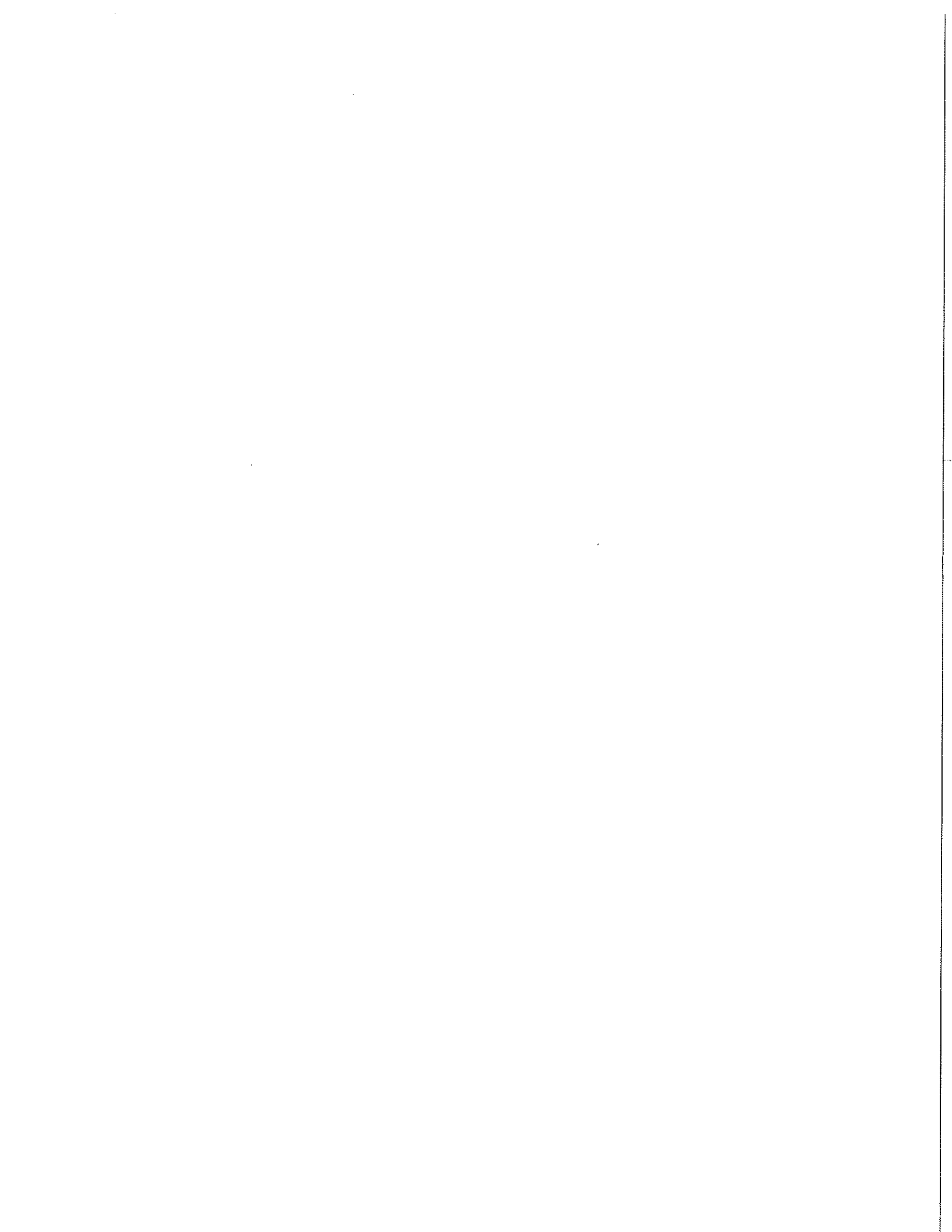
Alderman McDade could not provide a perspective from the EDC. She believed that the City could do other helpful things. She cited incentives as an example. She was unsure if the Council would support incentives.

Alderman Fruin described his thoughts as mixed as insufficient time had been allowed.

There being no further business the meeting adjourned at 6:31 p.m.

Respectfully submitted,

Tracey Covert  
City Clerk



FOR COUNCIL: August 13, 2012

SUBJECT: Bills and Payroll

**RECOMMENDATION/MOTION:** That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

**BACKGROUND:** The list of bills and payrolls will be posted on the City’s website on Thursday, August 9, 2012 by posting via the City’s web site.

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

**FINANCIAL IMPACT:** Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Patti-Lynn Silva  
Director of Finance

David A. Hales  
City Manager

(ON FILE IN CLERK’S OFFICE)

Attachment: Attachment 1. Bills and Payroll on file in the Clerk’s office. Also available at [www.cityblm.org](http://www.cityblm.org)

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



FOR COUNCIL: August 13, 2012

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on September 29, 2012

**RECOMMENDATION/MOTION:** That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on September 29, 2012 be passed.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their wedding reception on September 29, 2012. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police Chief; and Tracey Covert, City Clerk, and Gary Merriam and Barb Mosson, requesters.

Commissioner Stockton opened the liquor hearing and requested that Mr. Merriam and Ms. Mosson, requesters, address the Commission regarding their request. Barb Mosson addressed the Commission. She informed them that 175 people had been invited to their wedding reception which would be held at Davis Lodge. The date is Saturday, September 29, 2012 between the hours of 4:00 p.m. until midnight. They hoped to serve all types of alcohol. Commissioner Stockton informed Ms. Mosson that only beer and wine service was allowed.

Ms. Mosson added that Times Past Inn, located at 1216 Towanda Ave., would cater the event providing both food and beverage service.

Commissioner Petersen questioned the end time which was cited, midnight. Commissioner Stockton noted that event have occurred in the past which ended at this hour. Ms. Mosson noted that the time stated included clean up time. There are quiet hours at Davis Lodge which commence at 10:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their wedding reception on September 29, 2012 be approved.

Motion carried, (viva voce).

Commissioner Stockton noted that Times Past Inn will also be required to obtain a one (1) day liquor license from McLean County.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the July 10, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

Reviewed by:

Reviewed by:

Reviewed by:

Craig Cummings  
Director of Water

Randy McKinley  
Police Chief

David A. Hales  
City Manager

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

Attachments: Attachment 1. Ordinance

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Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**ORDINANCE NO. 2012 - \_\_\_\_**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Gary Merriam and Barb Mosson are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 4:00 p.m. to midnight on September 29, 2012; and

WHEREAS, Gary Merriam and Barb Mosson have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on September 29, 2012 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 23<sup>rd</sup> day of July, 2012.

APPROVED this \_\_\_\_<sup>th</sup> day of July, 2012.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

FOR COUNCIL: August 13, 2012

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on September 15, 2012

**RECOMMENDATION/MOTION:** That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on September 15, 2012 be passed.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Nicole and Jason Thomas to allow moderate consumption of alcohol at Davis Lodge for their 15th Wedding Anniversary on September 15, 2012. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police Chief; and Tracey Covert, City Clerk, and Nicole and Jason Thomas, requesters.

Commissioner Stockton opened the liquor hearing and requested that Mr. and Mrs. Thomas, requesters, address the Commission regarding their request. Jason Thomas addressed the Commission. He informed them that he and his wife, were planning their 15th wedding anniversary celebration at Davis Lodge. The date is Saturday, September 15, 2012 between the hours of 5:00 p.m. until midnight. Invitations have been extended to 120 - 130 people. No minors have been invited. Baxter's, located at 3212 E. Empire, would cater the event providing both food and beverage service. Only beer and wine would be served.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the request of Nicole and Jason Thomas to allow moderate consumption of alcohol at Davis Lodge for their 15th wedding anniversary on September 15, 2012 be approved.

Motion carried, (viva voce).

Commissioner Stockton noted that Baxter's will also be required to obtain a one (1) day liquor license from McLean County.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the July 10, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

Reviewed by:

Reviewed by:

Reviewed by:

Craig Cummings  
Director of Water

Randy McKinley  
Police Chief

David A. Hales  
City Manger

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

Attachments: Attachment 1. Ordinance

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Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**ORDINANCE NO. 2012 - \_\_\_\_**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

Whereas, Jason Thomas and Nicole Thomas are planning to hold their 15<sup>th</sup> wedding anniversary celebration at the Lake Bloomington Davis Lodge from 5:00 p.m. to midnight on September 15, 2012; and

Whereas, Jason Thomas and Nicole Thomas have requested permission from the City to serve beer and wine during this event; and

Whereas, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on September 15, 2012 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 13<sup>th</sup> day of August, 2012.

APPROVED this \_\_\_\_<sup>th</sup> day of August, 2012.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk



FOR COUNCIL: August 13, 2012

SUBJECT: Request for Alcohol in Miller Park Zoo for the Miller Park Zoological Society Fundraiser, known as ZooDo

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

**BACKGROUND:** For many years, the Miller Park Zoological Society held its Annual Gala at Bloomington Country Club. The event has consisted of a catered dinner and silent auction with proceeds helping to support both education and capital development projects. In 2008, the event was renamed ZooDo and moved back to Miller Park.

The 2012 event is being planned to occur within the Zoo's grounds with Biaggi's Ristorante Italiano providing food and alcohol service. In case of inclement weather, the event will be moved indoors to the Pavilion. The event is scheduled for Saturday, September 8, 2012 from 6:00 until 9:00 p.m.

Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code prohibits the possession of open containers of alcohol on public property and the sale and possession of alcohol in the parks respectively.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Miller Park Zoological Society.

**FINANCIAL IMPACT:** The ZooDo fundraising goal is \$50,000 which will assist the Society to fund future capital improvements to the Zoo.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John Kennedy  
Director of Parks, Recreation  
& Cultural Arts

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

Attachments: Attachment 1. Ordinance

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Motion: \_\_\_\_\_

Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**ORDINANCE NO. 2012 - \_\_\_\_**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 AND SECTION 701 OF CHAPTER 31 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE ZODO TO BE HELD AT THE MILLER PARK ZOO AND PAVILION**

WHEREAS, the Miller Park Zoo Society will hold a ZooDo at the Miller Park Zoo and Pavilion on September 8, 2012; and

WHEREAS, the Miller Park Zoo Society requested permission to allow sales and consumption of alcohol during the ZooDo, its Annual Gala; and

Whereas, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 which prohibits the possession of open containers of alcohol on public streets and Section 701 of Chapter 31 which prohibits alcohol within the park of the Bloomington City Code, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code, 1960, as amended, are suspended on the following dates during the following hours: September 8, 2012 between 5:00 o'clock p.m. and 10:00 o'clock p.m. for Miller Park Zoo and Pavilion. This suspension shall be effective only as to persons inside the designated area only and for alcohol purchased from an event vendor within the designated area. No alcohol may be taken out of a licensed premises into the designated area, notwithstanding the fact that the premises are operated by the event vendor.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d) and Section 701.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

Passed this 13<sup>th</sup> day of August, 2012.

Approved this \_\_\_\_th day of August, 2012.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

FOR COUNCIL: August 13, 2012

SUBJECT: Analysis of Bids and Approval of the FY 2013 Emergency Traffic Signal Repair Contract (City Wide).

**RECOMMENDATION/MOTION:** That the prices be accepted from Bodine Electric of Decatur and a contract be executed in the amount of \$100,000.00.

**BACKGROUND:** This contract includes traffic signal mast arm, post, controller and other signal equipment repairs or replacements that are emergencies, and other related emergency work on City electric and traffic signal facilities. Emergencies primarily include signal equipment damage or knockdowns from accidents or storms. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor's experience and availability, as well as other factors. Pursuant to the Council's request for a more competitive process, the City started accepting bids for this work in FY 2012. A single bid for the FY 2012 Traffic Signal Maintenance contract was received. Since the bid prices were extremely high, Council rejected the bid and did not award a contract for the FY 2012 work. The FY 2013 bid prices are approximately 20% lower than the FY 2012 prices and approximately 10% lower than the comparable FY 2013 Emergency Utility Repair bid prices. Since the scope of work is unknown, the prices are higher than standard contracts where the scope of work is well defined. The Contractor must assume additional risk and adds the risk and unknowns into their bid prices.

Bids for the FY 2013 Emergency Traffic Signal Repair contract were received until 10:00 a.m. Monday, July 9, 2012 in the Office of the City Clerk. Two bids were received and opened in the City Council Chambers. Since the project involves emergency repair of City traffic signals and other electric utilities throughout the current fiscal year and locations are determined as emergencies arise, a contract for the entire budget amount will be awarded.

<b>Bodine Electric of Decatur</b>	<b>\$ 98,957.50 (Low Bid)</b>
Laesch Electric, Inc.	\$ 112,925.00

<b><u>Budget</u></b>	
Capital Improvement Funds	\$ 100,000.00

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

**FINANCIAL IMPACT:** The FY 2013 budget appropriated \$100,000.00 for emergency traffic signal repairs. As indicated above, the FY 2013 Emergency Traffic Signal Repair contract will be executed in the amount of \$100,000.00. Since the bid involves emergency repairs of traffic signals, staff is unsure the amount of the appropriation that will be paid to the awarded bidder

until the end of the fiscal year. Payment to the Contractor will be from the Capital Improvement Fund (40100100-72530).

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Legal review by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

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Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: August 13, 2012

SUBJECT: Analysis of Bids and Approval of the FY 2013 Emergency Utility Repair Contract (City Wide).

**RECOMMENDATION/MOTION:** That the unit prices from Stark Excavating, Inc., for the FY 2013 Emergency Utility Repairs in the amount of \$400,000.00 be accepted, the contract be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are emergencies. Emergencies primarily include utility problems that require immediate attention in order to minimize danger to the public or maintain required water and sanitation facilities. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor's experience and availability and other factors. Pursuant to the Councils request for a more competitive process, the City started to accept bids for this work in FY 2012. The budget for the FY 2012 Emergency Utility Repair contract was \$150,000. Projects completed under last year's contract included the repair of several sanitary sewer and manhole failures throughout the City, the replacement of the air relief valve on the southwest sanitary sewer force main, and the repair of the Holiday Lane pump station. The sanitary sewer repairs are typically the largest expense. These repairs average \$15,000 to \$25,000 per location. To date, approximately \$132,000 has been expended for the FY 2012 Emergency Utility Repair contract. Some repair work was just recently completed and additional payments will still be made. Although other maintenance locations were known, there was not enough staff available to initiate the work, monitor the Contractor's performance and perform other contract administration duties. In addition, the remaining budget was insufficient to complete all the work.

Bids for the FY 2013 Emergency Utility Repair contract were received until 10:00 a.m. Monday, July 9, 2012 in the office of the City Clerk. Three bids were received and opened in the City Council Chambers. Since the project involves emergency repair of City utilities throughout the current fiscal year and locations are determined as emergencies arise, a contract for the entire budget amount will be awarded.

<b>Stark Excavating, Inc.</b>	<b>\$ 338,335.00</b> (Low Bid)
George Gildner, Inc.	\$ 350,578.00
Hoerr Construction Company	\$ 392,358.88

<b><u>Budget</u></b>	
Storm Water	\$ 150,000.00
Sanitary Sewer	\$ 200,000.00
Water	<u>\$ 50,000.00</u>
<b>Total Budget</b>	<b>\$ 400,000.00</b>

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** This bid was advertised in the Pantagraph on June 25 and July 2, 2012. A pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

**FINANCIAL IMPACT:** The FY 2013 budget appropriated \$400,000.00 for emergency utility repair. This is an increase from the FY 2012 budget due to maintenance locations that were not completed last year. In addition, several projects were completed prior to awarding the FY 2012 contract. The cost for these additional projects was approximately \$100,000 and was included in establishing the FY 2013 budget. As indicated above, the FY 2013 Emergency Utility Repair contract will be executed in the amount of \$400,000.00. Payment to the Contractor will be as follows.

Storm Water (53103100-72550)	\$150,000.00
Sanitary Sewer (51101100-72550)	\$200,000.00
Water (50100120-72540)	<u>\$ 50,000.00</u>
Total Contract	\$400,000.00

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Legal review by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



FOR COUNCIL: August 13, 2012

SUBJECT: Analysis of Bids and Approval of the FY 2013 Grading & Seeding Contract (City Wide).

**RECOMMENDATION/MOTION:** That the unit prices from George Gildner, Inc., for the FY 2013 Grading & Seeding in the amount of \$150,000.00 be accepted, the contract be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** This contract includes grading, shaping, seeding, fertilizer application, erosion control installation and other related work on City owned properties. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor's experience and availability and other factors. Pursuant to the Councils request for a more competitive process, the City started accepting bids for this work in FY 2012. The budget for the FY 2012 Grading & Seeding contract was \$50,000. Projects completed under last years contract included grading and seeding the bare parkway at the intersection of GE Road and Airport Road and grading, shaping and erosion control barrier installation at the Water Department Division Street location for traffic signal material storage. Approximately \$33,000 was expended for the FY 2012 Grading & Seeding contract. Although other maintenance locations were known, there was not enough staff available to initiate the work, monitor the Contractor's performance and perform other contract administration duties. In addition, the remaining budget was insufficient to complete all the work.

Bids for the FY 2013 Grading & Seeding contract were received until 10:00 a.m. Monday, July 9, 2012 in the office of the City Clerk. Two bids were received and opened in the City Council Chambers. Since the project involves grading and seeding City properties throughout the current fiscal year and all locations are not yet known, a contract for the entire budget amount will be awarded.

<b>George Gildner, Inc.</b>	<b>\$ 125,805.00</b> (Low Bid)
Rowe Construction Company	\$ 138,720.00

<b><u>Budget</u></b>	
Storm Water	\$ 50,000.00
Sanitary Sewer	\$ 50,000.00
Water	<u>\$ 50,000.00</u>
<b>Total Budget</b>	<b>\$ 150,000.00</b>

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

**FINANCIAL IMPACT:** The FY 2013 budget includes \$150,000.00 for this work. This is an increase from the FY 2012 budget due to maintenance locations that were not completed last year and a growing list of known maintenance locations. As indicated above, the FY 2013 Grading & Seeding contract will be executed in the amount of \$150,000.00. Payment to the Contractor will be as follows.

Storm Water (53103100-72550)	\$ 50,000.00
Sanitary Sewer (51101100-72550)	\$ 50,000.00
Water (50100120-72540)	\$ 50,000.00
<b>Total Contract</b>	<b>\$150,000.00</b>

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Legal Review by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: August 13, 2012

SUBJECT: Analysis of Bids and Approval of the FY 2013 Utility Maintenance Contract (City Wide).

**RECOMMENDATION/MOTION:** That the bid for the FY 2013 Utility Maintenance Contract be awarded to George Gildner, Inc. in the amount of \$400,000.00, and the Purchasing Agent be authorized to issue a Purchase Order for same.

**BACKGROUND:** This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are not emergencies. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor's experience and availability and other factors. Pursuant to the Councils request for a more competitive process, the City started accepting bids for this work in FY 2012. The budget for the FY 2012 Utility Maintenance contract was \$200,000. Projects completed under last years contract included repairing several sanitary sewer and manhole failures throughout the City, installing a sump pump drain line on Buckhurst Court and replacing a pump in the HoJo pump station. The sanitary sewer repairs are typically the largest expense. These repairs average \$15,000 to \$25,000 per location. To date, approximately \$151,000 has been expended for the FY 2012 Utility Maintenance contract. Some repair work was just recently completed and additional payments will still be made. Although other maintenance locations were known, there was not enough staff available to initiate the work, monitor the Contractor's performance and perform other contract administration duties. In addition, the remaining budget was insufficient to complete all the work.

Bids for the FY 2013 Utility Maintenance contract were received until 10:00 a.m. Monday, July 9, 2012 in the office of the City Clerk. Three bids were received and opened in the City Council Chambers. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

<b>George Gildner, Inc.</b>	<b>\$ 361,975.00</b> (Low Bid)
Hoerr Construction Company	\$ 378,664.45
Stark Excavating, Inc.	\$ 396,105.00
<b>Budget</b>	
Storm Water	\$ 150,000.00
Sanitary Sewer	\$ 200,000.00
Water	<u>\$ 50,000.00</u>
<b>Total Budget</b>	<b><u>\$ 400,000.00</u></b>

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

**FINANCIAL IMPACT:** The FY 2013 budget includes \$400,000.00 for this work. This is an increase from the FY 2012 budget due to maintenance locations that were not completed last year. In addition, several projects were completed prior to awarding the FY 2012 contract. The cost for these additional projects was approximately \$50,000 and was included in establishing the FY 2013 budget. As indicated above, the FY 2013 Utility Maintenance contract will be executed in the amount of \$400,000.00. Payment to the Contractor will be as follows.

Storm Water (53103100-72550)	\$150,000.00
Sanitary Sewer (51101100-72550)	\$200,000.00
Water (50100120-72540)	\$ 50,000.00
<b>Total Contract</b>	<b>\$400,000.00</b>

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Legal Review by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

Motion: \_\_\_\_\_

Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: August 13, 2012

SUBJECT: Analysis of Bids and Approval of the FY 2013 Street, Alley & Sidewalk Maintenance Contract (City Wide).

**RECOMMENDATION/MOTION:** That the contract for the FY 2013 Street, Alley & Sidewalk Maintenance from Mclean County Asphalt, Inc., in the amount of \$200,000.00 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.

**BACKGROUND:** This contract includes maintenance and repair of streets, alleys sidewalks, curb & gutter, driveways and other related items on City owned properties. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor's experience and availability and other factors. Pursuant to the Councils request for a more competitive process, the City started accepting bids for this work in FY 2012. The budget for the FY 2012 Street, Alley & Sidewalk Maintenance contract was \$100,000. Projects completed under last years contract included repairing and resurfacing Washington Street between Center and Main Streets. Approximately \$36,000 was expended for the FY 2012 Street, Alley & Sidewalk Maintenance contract. Although other maintenance locations were known, there was not enough staff available to initiate the work, monitor the Contractor's performance and perform other contract administration duties. In addition, the remaining budget was insufficient to complete all the work.

Bids for the FY 2013 Street, Alley & Sidewalk Maintenance contract were received until 10:00 a.m. Monday, July 9, 2012 in the office of the City Clerk. Two bids were received and opened in the City Council Chambers. Since the project involves maintenance of City streets, alleys and sidewalks throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded. Mclean County Asphalt, Inc. (MCA) had a single technicality with their bid. They failed to include the addenda with their bid submittal as directed in the proposal documents. MCA signed and returned the acknowledgement of receipt for Addendum #1 prior to the bid opening. Although Staff have a record that Addendum #2 was sent to MCA, they did not return the acknowledgement of receipt. Addendum # 2 included two clarifications regarding the bid. One was the requirement to include a bid bond with the bid submittal and the other was confirmation that all line items in the bid proposal must be completed. MCA provided a bid bond and completed all line items in the proposal.

<b>McLean County Asphalt, Inc.</b>	<b>\$ 198,701.50</b> (Low Bid)
Rowe Construction Company	\$ 210,200.00
<b>Budget</b>	
Capital Improvement Funds	\$ 200,000.00

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

**FINANCIAL IMPACT:** The FY 2013 budget includes \$200,000.00 for this work. This is an increase from the FY 2012 budget due to maintenance locations that were not completed last year and a growing list of known maintenance locations. As indicated above, the FY 2013 Street, Alley & Sidewalk Maintenance contract will be executed in the amount of \$200,000.00. Payment to the Contractor will be from Capital Improvement Funds (40100100-72530).

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Legal Review by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

Attachments:

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: August 13, 2012

**SUBJECT:** Request to Waive Bids and Accept quote from Brown Traffic Products, Inc. for the purchase of two complete MS Sedco Microwave Detection Systems that will be installed at the Hamilton & Morris and Lincoln & Hershey intersections.

**RECOMMENDATION/MOTION:** That the purchase of two complete MS Sedco Microwave Detection Systems in the amount of \$39,562.00 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.

**BACKGROUND:** For years, vehicle detection at intersections controlled by traffic signals has been done with detector loops that are installed in the pavement. The loops are exposed to nearly constant abuse by traffic, street plowing and maintenance and pavement degradation. Also, the loops must be replaced each time a pavement repair or improvement is performed. Furthermore, the loops are designed to detect large metal objects and do not always detect motorcycles, mopeds, bicycles and other small vehicles.

In 2010, a new type of detection system was investigated and included in the College and Hershey signalization project. This system uses microwave radar to detect all objects, including bicycles and small vehicles. Since the system is mounted on the mast arms and signal posts, it is not subject to the abuses and maintenance problems associated with the pavement. City Engineering Staff monitored the system installed at Hershey & College for a year and did not observe any detection issues or other problems. Based on this positive initial installation, a second system was purchased and installed in 2011 by the City Electricians at the Lincoln and Arcadia intersection. This system has also performed well during the past year. Given the positive results observed with the two existing systems, staff is requesting that two more systems be purchased for installation by the City Electricians at Hamilton & Morris and Lincoln & Hershey. The existing loops at these two intersections require routine repair or replacement due to ongoing pavement deterioration.

There are only two companies that supply microwave detection systems, Brown Traffic Products, Inc. and Traffic Control Corporation. Brown Traffic supplies the MS Sedco and Traffic Control Corp. supplies the Wavtronix. The Wavtronix system requires multiple detectors for each approach to an intersection. Both intersection and advance detectors are needed. For a typical four-way intersection, eight detectors are required. The MS Sedco system only requires one detector for each approach to an intersection. Only four detectors are required for a typical four-way intersection. The additional detectors needed for a Wavtronix system require additional wiring, mounting posts and other structures. These additional items add considerable cost and maintenance responsibilities. The additional structures also create more safety and liability concerns at the intersection. Based on these issues, the MS Sedco system was selected for the previous locations and staff desires to continue with the installation of this system at the subject intersections.

VEHICLE DETECTION COMPARISON (TYPICAL 4 LEG INTERSECTION)			
Vehicle Detection	Detector Loops	Wavtronix Microwave System	MS Sedco Microwave System
Life Expectancy of Detection System	10 years	25 years	25 years
Pavement Repair Estimated Cost	\$35,000	None	None
Detector Installation Estimated Cost	\$20,000	\$50,000	\$30,000
Estimated Repairs during Life	\$20,000	\$15,000	\$10,000
Total Estimated Present Value	\$55,000	\$50,000	\$30,000
Total Estimated Future Value (25 yrs)	\$85,000	\$72,500	\$45,000

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not Applicable

**FINANCIAL IMPACT:** The FY 2013 budget includes \$107,000 for electrical and signal maintenance and repair supplies. As indicated above, the purchase order will be executed in the amount of \$39,562.00. Payment will be made from Engineering Administration - Electrical Maintenance and Repair Funds (10016210-71078), which has a current available balance of \$93,311.43.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Legal Review by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

Attachment: Attachment 1. Map  
Attachment 2. Quote

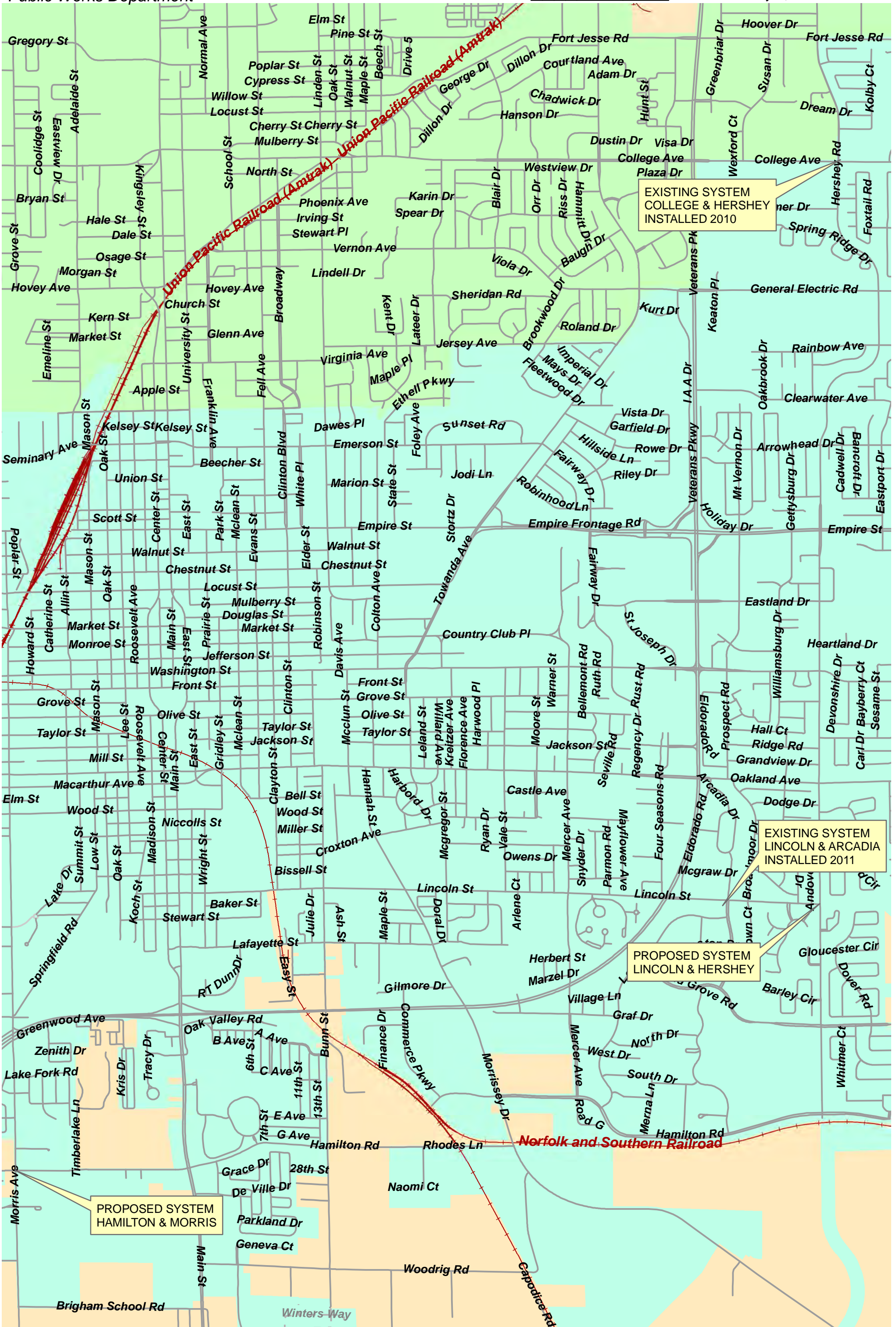
Motion:

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Stearns				Alderman McDade			
Alderman Mwilambwe				Alderman Anderson			
Alderman Fazzini				Alderman Schmidt			
Alderman Sage				Alderman Fruin			
Alderman Purcell							
				Mayor Stockton			







EXISTING SYSTEM  
COLLEGE & HERSHEY  
INSTALLED 2010

EXISTING SYSTEM  
LINCOLN & ARCADIA  
INSTALLED 2011

PROPOSED SYSTEM  
LINCOLN & HERSHEY

PROPOSED SYSTEM  
HAMILTON & MORRIS

**To:** Bloomington, IL, City of  
 Engineering Department  
 P.O. Box 3157  
 Bloomington, IL 61702-3157  
 USA

**Date:** 07/05/2012  
**Prepared By:** Barbara Moore

**Contact:** Chris Kane  
**Phone:** 309-434-2225  
**Fax:**  
**Email:** ckane@cityblm.org

**RFQ #:**  
**Description:** MS SEDCO HAMILTON & MORRIS, LINCOLN & HERSHEY REVISED

Part #	Description	Quantity	Price	Extended
CR-1P2VD	4 Position Card Rack for Iteris - 1 power supply & 2 Edge2-2N	4	\$225.00	\$900.00
PS-2.4	TS1 Detector Rack Power Supply-2.4 A, 24VDC	4	\$180.00	\$720.00
MSS-TC1B-4.2	Intersector - 4-Output Double-wide NEMA Interface Board	8	\$415.00	\$3,320.00
MSS-TC-CK1-SBE	Intersector - Presence Sensor	8	\$4,100.00	\$32,800.00
CAT5e Outdoor	Outdoor Rated CAT5 Cable, Belden 7934A (IF NEEDED)	500	\$0.50	\$250.00
EZ-RJ45	Crimp Tool - Ethernet (IF NEEDED)	1	\$63.00	\$63.00
EZ-RJ45 CAT 5	CAT5 Connectors (was EX-RJ45) (IF NEEDED)	12	\$0.75	\$9.00
FS-IL MODIFY	MODIFY CABINET	2	\$750.00	\$1,500.00

**Total:** **\$39,562.00**

**Notes:**  
 SHIPPING INCLUDED.

THE ABOVE QUOTE IS FOR 2 INTERSECTIONS.

**Terms:**

THIS QUOTE IS BASED ON THE ENTIRE VALUE AND VOLUME OF ALL LINE ITEMS - Prices listed on this quote are valid only in the event of purchase of all line items in the quantities listed, in their entirety. Purchases of individual line items will require a new quote prior to acceptance of any purchase orders.

Shipment of the material will be approximately 90 days after receipt of both an acceptable purchase order and approved submittal data if required. PAYMENT TERMS ARE NET 30 DAYS with prior approved credit. Brown Traffic Products, Inc. retains title to material until paid in full. A service charge of 1.5% per month (18% annual rate) will be assessed against all past due accounts. Prices and delivery quoted are firm for 30 days from the date of bid. The above quote does not include installation of the products quoted. On-Site technical assistance is available and will be quoted upon request.

Quotation does not include sales tax. Sales tax will be added at time of invoice unless a valid Sales Tax Exempt certificate has been provided. Sales tax exempt certificate should accompany customer Purchase Order.

Limited Warranty: Brown Traffic Products only obligations shall be to replace such quantity of the product proven to be defective.

Warranty Period: The length of warranty manufacturers have conveyed to the seller and which can be passed on to the buyer.

Additional terms and conditions apply - See Brown Traffic Products Terms & Conditions document at our website: [www.browntraffic.com](http://www.browntraffic.com).

Thank you for the opportunity to provide this quote.

FOR COUNCIL: August 13, 2012

SUBJECT: Purchase print and online advertising in *The Pantagraph* and *pantagraph.com* for the Bloomington Center for Performing Arts.

**RECOMMENDATION/MOTION:** That the purchase of advertising for the Bloomington Center for the Performing Arts (BCPA) from The Pantagraph, in the amount of \$38,000.00 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.

**BACKGROUND:** Staff requests permission to purchase \$38,000.00 in advertisements to promote the programming of the BCPA in *The Pantagraph* of Bloomington, Illinois, from September 2012-August 2013. A waiver from the bidding process is requested as *The Pantagraph* is the only major daily newspaper publishing for a general audience in Bloomington-Normal. As such, *The Pantagraph* provides the only practical solution to promoting BCPA events and activities in the printed media to a broad audience. The Pantagraph reports that 89.5% of newspaper users surveyed utilize their print or online product. This process is the same staff has used in the past and the contract amount proposed for the upcoming year is a decrease of approximately \$5,000.

Due to knowing the exact schedule of the BCPA's 2012-2013 Season this advertising buy is exclusively for marketing those 31 performances with allowances made for limited additions to the schedule. The advertising needs for the other divisions are more fluid in nature and not as practical to layout an exact annual schedule. By working with a single point of contact to handle advertising purchases, Staff will leverage this advertising purchase to obtain the best possible advertising rates for the needs of all divisions within the department from *The Pantagraph*.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** As a result of the annual contract the ads will be billed at a rate of no more than \$37.11 per column inch daily and \$42.27 for Sunday, which is reduced from the standard rate of \$60.54, daily/\$68.83, Sunday. This reduced rate will be extended to other PR&CA Departments Divisions during the term of the contract. Online rates can be packaged with print ads or purchased individually at \$10 per thousand impressions.

Analytics will be made available from the Pantagraph for web advertising tracking and the BCPA Box Office tracks advertising source codes. The Pantagraph historically ranks high as a primary or secondary advertising source for ticket sales.

Funding for the advertising was budgeted, and approved by Council in line item 21101100-70610 of the BCPA budget.

Respectfully submitted for Council consideration,

Prepared by:

John R. Kennedy  
Director, Parks & Recreation and Cultural Arts

Reviewed by:

Barbara J. Adkins  
Deputy City Manager

Recommended by:

David A. Hales  
City Manager

---

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: August 13, 2012

SUBJECT: Payment for Regional Planning Service Agreement

**RECOMMENDATION/MOTION:** That the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$23,239.33 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The McLean County Regional Planning Commission has been providing long term planning for the City of Bloomington, Town of Normal and McLean County for many years. Their functions include such things as long range transportation needs, comprehensive plans, public mapping services, etc. The three government entities as well as state and federal grants provide the operational funding for the commission.

Over the past several years, the City has seen its contribution to the McLean County Regional Planning Commission fluctuate, which has included two past fiscal years (2009 and 2010) where no payment was required (the Commission used some of its reserves to lessen the financial burden of the City, Town and County in the slow economy). For FY 2013, the McLean County Regional Planning Commission set the City's contribution at \$23,239.

<b><u>Fiscal Year</u></b>	<b><u>City Contribution</u></b>
FY 2008	\$43,491
FY 2009	\$0
FY 2010	\$0
FY 2011	\$23,023
FY 2012	\$24,244
<b>FY 2013</b>	<b>\$23,239</b>

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

**FINANCIAL IMPACT:** The FY 2013 Budget appropriated \$30,000 in the Planning division of the PACE Department account item 10015420-75025. The payment is \$6,761 less than the appropriation or 22.5% below budget.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber  
Director, PACE

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

---

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

## REGIONAL PLANNING SERVICE AGREEMENT

This agreement is entered into as of the 1st day of July, 2012, by and between the McLean County Regional Planning Commission (hereinafter referred to as the "Commission") and the City of Bloomington (hereinafter referred to as the "City").

The parties do mutually agree as follows:

### A. Period of Agreement

This agreement shall remain in full force and effect through June 30, 2013.

### B. Long Range Planning Services

The Commission shall maintain a permanent professional planning staff capable of performing, or causing to be performed, a long range planning work program, including the following activities:

1. Assist the City in the periodic updating of plans and ordinances that pertain to planning and development, including the Comprehensive plan and zoning ordinances and subdivision regulations as needed.
2. Prepare or coordinate the preparation and updating of reports that are an integral part of the McLean County Transportation Study, including the Unified Work Program (UWP), Long Range Transportation Plan (LRTP), and the Transportation Improvement Program (TIP).
3. Coordinate the development and management of the regional geographic information system (GIS) as per separate intergovernmental agreement.
4. Maintain a website to post statistical data, plans and studies, and other planning-related information to serve as a resource for local governments and the public.
5. Provide assistance in the preparation of applications for Federal or State funding as needed.
6. Attend meetings of county and municipal government and civic organizations or other groups interested in planning and development as requested and as schedules permit.
7. Provide technical assistance as needed and requested in matters of long range planning and development.

### C. Staff

The Commission shall employ a Director of the Commission and other employees as necessary and authorized by the budget. It is agreed by all parties that the City short range planner will be available to assist the Commission staff to accomplish the activities specified in "B" above as applicable to the City of Bloomington.



D. Financing

The City of Bloomington will remit to the Commission the sum of TWENTY-THREE THOUSAND TWO HUNDRED THIRTY NINE AND 34/100 DOLLARS (\$23,239.34) for deposit in the accounts of the Commission upon the City's receipt of an invoice for said amount.

\_\_\_\_\_  
Mayor - City of Bloomington

\_\_\_\_\_  
City Clerk - City of Bloomington

\_\_\_\_\_  
Date

*Carl F. Such*      *Paul Russell*

\_\_\_\_\_  
Chairman  
McLean County Regional Planning  
Commission

\_\_\_\_\_  
Executive Director  
McLean County Regional Planning  
Commission

\_\_\_\_\_  
Date

**INVOICE**

Please make your check payable to McLean County Regional Planning Commission, and *please include a copy of this form with payment.* Thank you for your attention to this matter.

**To** City of Bloomington

**Invoice No.** fy2013blm  
**Date** July 1, 2012  
**Amount Due** \$23,239.34

**Description of Services** Regional Service Agreement

**Terms** Net  
**Due date** Upon receipt



115 E. Washington

M103

Bloomington, IL 61701

P: 309/ 828-4331

F: 309/ 827-4773

W: [www.mcplan.org](http://www.mcplan.org)

FOR COUNCIL: August 13, 2012

**SUBJECT:** Petition submitted by Dana Kowalewski, requesting special use approval for a bed and breakfast for the property located at 708 E. Jackson Street.

**RECOMMENDATION/MOTION:** That the Ordinance for a Special Use Permit requested by Dana Kowalewski, for a bed and breakfast for property located at 708 E. Jackson Street, McLean County, Illinois be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The property is zoned R-2, Mixed Residence District. This district allows single-family and two-family residences by right. Multi-family and a bed and breakfast are allowed with special use permits. The petitioner is also the owner of the adjacent Vrooman mansion at 701 E. Taylor Street.

This case went before the Zoning Board of Appeals for a public hearing and review on July 18, 2012. The petitioner spoke in favor of the petition. He explained how the request is necessary to make the existing bed and breakfast at the Vrooman Mansion a financially viable business in that currently, the expenses exceed the revenues. The expansion into the former carriage house for the mansion will provide two additional bedrooms each with its own bath. The Vrooman mansion is difficult to rent out all five rooms because two bedrooms must share one bath. No one else from the public spoke in favor or against the request. The Board voted to recommend approval of the special use permit by a vote of 4-0. The Vrooman Mansion has five guest rooms and by ordinance definition the site is tied to the existing Vrooman Mansion and the petitioner was required to request a variance to increase to the maximum allowable number of guest rooms from 5 to 7. Prior to the approval of the special use the Board approved this variance by a vote of 4-0.

The site is currently a single-family residence and the petitioner is seeking to convert the house into a bed and breakfast. The site will comply with the required number of off-street parking spaces. The development should be compatible with the other nearby residences and the adjacent Vrooman Mansion which is a bed and breakfast now.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code SEC.4410-3B., 109 courtesy copies of the Public Notice were mailed. In addition, a public notice/identification sign was posted on the property.

**FINANCIAL IMPACT:** The bed and breakfast will generate new property tax and sales tax revenue but not increase a demand for services related for the property.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard  
City Planner

Mark R. Huber  
Director, PACE

Barbara J. Adkins  
Deputy City Manager

Recommended by:

David A. Hales  
City Manager

Attachments:    Attachment 1.    Map – 708 E Jackson  
                          Attachment 2.    Map – Notification addresses  
                          Attachment 3.    List of notifications sent  
                          Attachment 4.    Zoning notes – July 11, 2012  
                          Attachment 5.    Zoning DRAFT minutes – July 18, 2012

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



308  
310

Taylor St

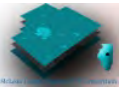
Vrooman Mansion

Proposed Bed and Breakfast

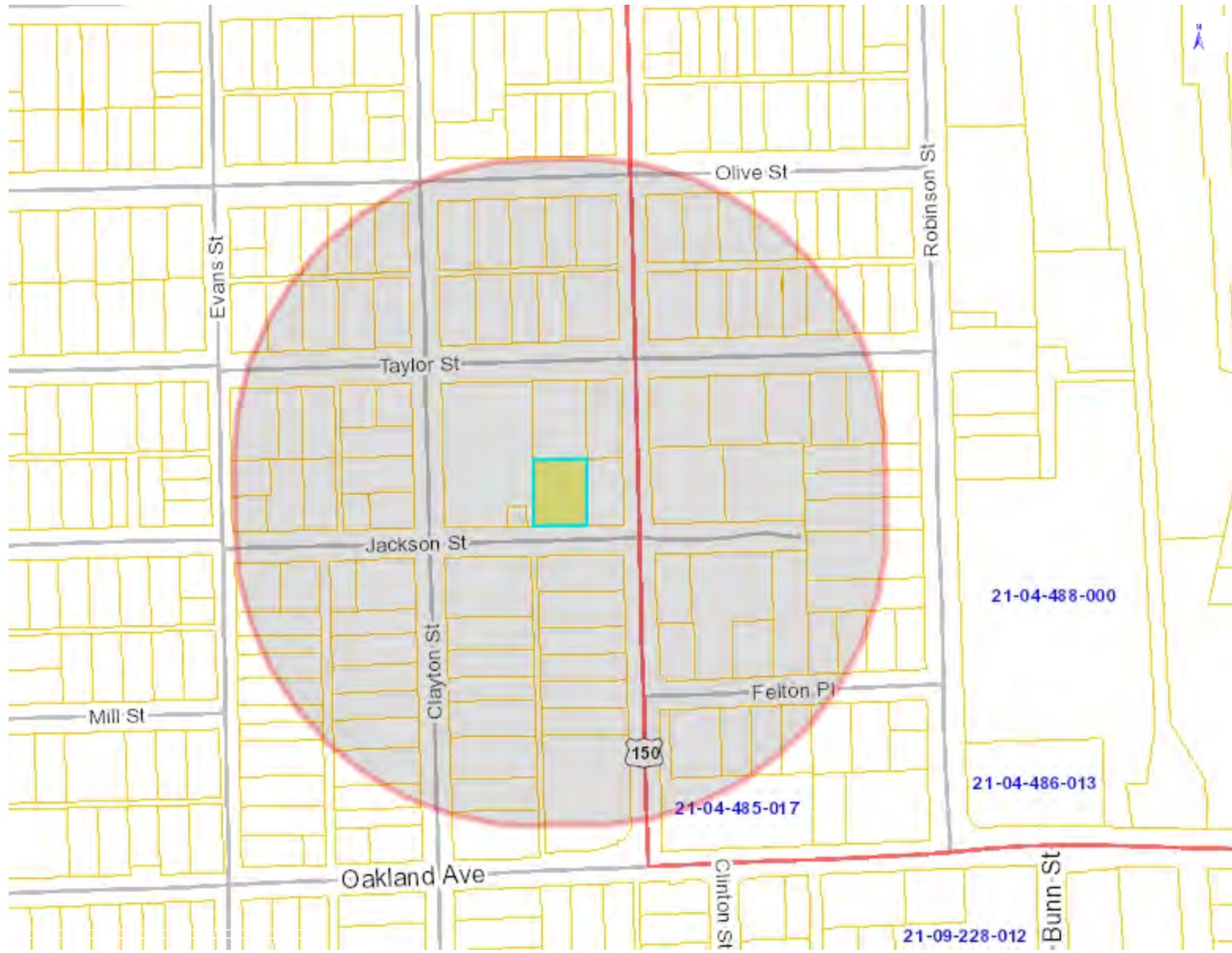
Clayton St

Clinton St

Jackson St

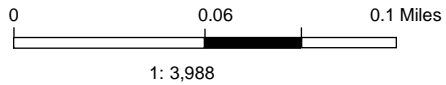


# 708 E Jackson Notification Map



### Legend

- Parcels
- Interstates
- US\_Highways
- State\_Highways
- County\_Highways
- County\_Rd
- City\_Streets**
  - ALLEY
  - CITY\_ARTERIAL
  - CITY\_COLLECTOR
  - CITY\_STREET
  - PRIVATE\_STREET
- Railroad
- County



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### Notes

Notification Mailing List

RENEE M LEVEQUE  
711 E TAYLOR ST  
BLOOMINGTON, IL 61701

RON NURCESKI  
110 W WASHINGTON ST  
BLOOMINGTON, IL 61701

JOHN H HILL  
50 KENFIELD CIRCLE  
BLOOMINGTON, IL 61704

DANA & PAM KOWALEWSKI  
701 E TAYLOR  
BLOOMINGTON, IL 61701

ANDREW HAGENBUCH  
507 S CLAYTON ST  
BLOOMINGTON, IL 61701

L ANGIE DOSSETT  
507 S CLAYTON  
BLOOMINGTON, IL 61701

CLINT ENGLAND  
503 S CLINTON  
BLOOMINGTON, IL 61701

TERRY & DEBBIE RUSSELL  
9236 Hilltop Ln  
Bloomington, IL 61705

OSCAR & EDUARDA ORTEGA  
505 S CLINTON  
BLOOMINGTON, IL 61701

SARA L SIMPSON  
709 E TAYLOR ST  
BLOOMINGTON, IL 61701

DARELL L CARSON  
407 S CLAYTON ST  
BLOOMINGTON, IL 61701

JAMES C KALAPP  
405 S CLAYTON ST  
BLOOMINGTON, IL 61701

KEVIN S GERRARD  
711 E OLIVE  
BLOOMINGTON, IL 61701

KEN SLOAN-COUCH  
PO BOX 724  
ROANOKE, IL 61561

JACQUELINE M DELLAMANO  
604 E JACKSON  
BLOOMINGTON, IL 61701

JACQUELINE P FLOOD  
603 E TAYLOR ST  
BLOOMINGTON, IL 61701

STEPHEN A ROPP  
601 E TAYLOR ST  
BLOOMINGTON, IL 61701

RONALD G & SHARRON L BRADFO  
703 E OLIVE ST  
BLOOMINGTON, IL 61701

Drake E. & Heidi M. Flessner  
508 S Clayton St  
Bloomington, IL 61701

JONATHAN G & REBEKAH A BERRY  
605 E Taylor St  
Bloomington, IL 61701

MARK K & DIANA SHEPHERD  
707 E OLIVE ST  
BLOOMINGTON, IL 61701

KRISTOPHER KUSCH  
507 S CLINTON  
BLOOMINGTON, IL 61701

WILLIAM INKS  
701 E OLIVE  
BLOOMINGTON, IL 61701

CHARLES BETHEL  
508 1/2 S EVANS STREET  
BLOOMINGTON, IL 61701

DEBRA LEISNER  
607 E OLIVE  
BLOOMINGTON, IL 61701

FRANKLIN D HENARD  
607 E JACKSON  
BLOOMINGTON, IL 61704

JASON C & JESSICA GEBBINK  
605 E JACKSON  
BLOOMINGTON, IL 61701

GREGG & SARAH HANZEL  
601 E JACKSON  
BLOOMINGTON, IL 61701

JOHN J & ROBIN L KIDWELL  
514 S CLAYTON ST  
BLOOMINGTON, IL 61701

% REDBIRD PROP MGMT T & E REI  
200 N LINDEN ST  
NORMAL, IL 61761

DANA KOWALEWSKI  
701 E TAYLOR ST  
BLOOMINGTON, IL 61701

MICHAEL JOINER  
605 E OLIVE  
BLOOMINGTON, IL 61701

ANTHONY L ELLIOTT  
602 E TAYLOR  
BLOOMINGTON, IL 61701

JEROME V BIRDITT JR  
603 E OLIVE STREET  
BLOOMINGTON, IL 61701

TERRY L WILLIAMS  
511 1/2 S CLAYTON ST  
BLOOMINGTON, IL 61701

ROBERT SWALLOW  
505 W Mill St  
Bloomington, IL 61701

MYRON C CRUTCHER  
509 S CLAYTON ST  
BLOOMINGTON, IL 61701

DAVID J SCHUMACHER  
502 S CLAYTON ST  
BLOOMINGTON, IL 61701

AMY JOHNSON DAVIS  
501 S CLAYTON ST  
BLOOMINGTON, IL 61701

ANTHONY J VOZZELLA  
512 S Clayton St  
Bloomington, IL 61701

WAYNE & KATHRYN PELHANK  
2625 Day Lily Run  
The Villages, FL 32162

AMANDA WAIT  
504 1/2 S Evans St  
Bloomington, IL 61701

SHARON FITZER  
604 E TAYLOR  
BLOOMINGTON, IL 61701

SUSAN RUSH  
516 S CLAYTON ST  
BLOOMINGTON, IL 61701

ANTHONY R & AMANDA D GONDICI  
13 FETZER CT. APT #3  
BLOOMINGTON, IL 61704

ARLA ABRELL  
409 S CLAYTON ST  
BLOOMINGTON, IL 61701

LARRY P SAEBENS  
608 E JACKSON  
BLOOMINGTON, IL 61701

DANIEL L PENN  
511 S CLAYTON  
BLOOMINGTON, IL 61701

DAVID TAPKE  
613 E TAYLOR  
BLOOMINGTON, IL 61701

MELISSA E COSTELLO  
1414 River Lndg  
Normal, IL 61761

THOMAS G & JOAN PHILLIPS  
503 S CLAYTON  
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LARRY THOMPSON  
506 S CLAYTON  
BLOOMINGTON, IL 61701

DANARION T WILLIAMS  
510 1/2 S CLAYTON  
BLOOMINGTON, IL 61701

JOHN A COLTEAUX  
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BLOOMINGTON, IL 61701

GERALD & MARY ANN BURKEY  
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BLOOMINGTON, IL 61701

THELMA SNODGRASS  
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BLOOMINGTON, IL 61701

JENNIFER PERDUE  
510 S EVANS  
BLOOMINGTON, IL 61701

JAMES A & PEGGY ROMBA  
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MACS CONVENIENCE STORES LLC  
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Staurt & Katrina Eames  
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MORGAN ELVIDGE  
809 E OLIVE  
BLOOMINGTON, IL 61701

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BLOOMINGTON, IL 61701

ILLINOIS DEPT TRANSPORTATION  
13473 HWY 133 P O BOX 610  
PARIS, IL 61944

CURTIS FLEMING  
1412 EASTHOLME AVE  
BLOOMINGTON, IL 61701

**REPORT**

To: Zoning Board of Appeals

From: Staff

Subject: **SP-05-12** Public Hearing and Review on the petition submitted by Dana Kowalewski requesting approval of a special use permit for a bed and breakfast for the property located at 708 E. Jackson Street Drive. Zoned R-2, Mixed Residence District

**BACKGROUND INFORMATION:**

Adjacent Zoning

North: R-2, Mixed Residence District, S-4 Historic Dist.  
South: R-1C, Single-Family Residence District  
East: R-2, Mixed Residence District  
West: R-2, Mixed Residence District, S-4 Historic Dist.

Adjacent Land Uses

North: Single-Family  
South: Single-Family  
East: Single-Family  
West: Bed and Breakfast

The Comprehensive Plan calls for the property to be residential and highway commercial.

This petitioner is seeking a special use for a bed and breakfast. The petitioner also owns the adjacent Vrooman bed and breakfast. The site will comply with the required number of off street parking spaces but it will have two more guest rooms than allowed by code. See the variance petition.

With only two guest rooms in the structure the level of activity should be very low. The proposed use should be compatible with nearby uses especially with the existing bed and breakfast next door. Since the use is compatible with nearby uses, staff supports the request.

**Action by the Board of Zoning Appeals.**

For each special use application the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless such Board shall find:

- 1. that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;**
- 2. that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;**

- 3. that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;**
- 4. that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;**
- 5. that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and**
- 6. that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137)**

**STAFF RECOMMENDATION:**

Staff recommends that the Zoning Board of Appeals pass a motion recommending City Council approval of this petition in Case SP-05-12 to allow a bed and breakfast for the property located at 708 E. Jackson Street.

Respectfully submitted,

Mark Woolard  
City Planner

**UNAPPROVED MINUTES  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
WEDNESDAY, JULY 18, 2012, 3:00 P.M.  
COUNCIL CHAMBERS, CITY HALL  
109 E. OLIVE ST., BLOOMINGTON, IL**

Members present: Mr. Dick Briggs, Mr. Mike Ireland, Mr. Robert Kearney, Mr. Steve Parker  
Members absent: Mrs. Barbara Meek, Mr. Bill Zimmerman  
Also Present: Mr. Mark Woolard, Acting Secretary

Mr. Woolard called the meeting to order at 3:04 p.m. and called the roll. A quorum was present.

The Board reviewed the minutes from May 16, and June 20, 2012. The minutes were accepted as printed.

Chairman Ireland explained the procedures of the meeting and that the special use cases must be reviewed by the City council. Mr. Woolard stated that the cases had been published.

**SP-05-12** Public Hearing and Review on the petition submitted by Dana Kowalewski requesting approval of a special use permit for a bed and breakfast for the property located at 708 E. Jackson Street. Zoned R-2, Mixed Residence District.

**Z-15-12** Public Hearing and Review on the petition submitted by Dana Kowalewski to allow a bed and breakfast and for a variance to increase to the maximum allowable number of guest rooms from 5 to 7 for the property located at 708 E. Jackson Street. Zoned R-2, Mixed Residence District.

Chairman Ireland introduced the petitions and asked for anyone who would like to speak in favor of the petition to come forward. Dana Kowalewski, property owner of 708 E. Jackson, was sworn in and stated he is requesting to extend the Vrooman Mansion to the original carriage house to be able to financially sustain the bed and breakfast business. The mansion has five rooms two of which share a bath and the customers do not like sharing the bath so they usually only rent three rooms.

Chairman Ireland asked for anyone else who would like to speak in favor or against the special use and the variance petitions and no one spoke.

Mr. Woolard explained the special use will be for the carriage house which will be for two bedrooms and the structure is relatively small compared to the mansion. There does appear to be any negative impacts on the neighborhood. No additions are being added and he has not heard any complaints. Since the use appears is compatible with adjacent uses, especially the mansion staff supports the request.

The vote on the variance was approved with four (4) voting in favor and none (0) against. The vote on the special use was approved with four (4) voting in favor and none (0) against. Chairman Ireland explained that record needs to note that the variance was approved before the special use.

FOR COUNCIL: August 13, 2012

SUBJECT: Ratification of Contract with the Police Benevolent and Protective Association  
Unit 21

**RECOMMENDATION/MOTION:** That the contract with Police Benevolent and Protective Association Unit 21 be ratified.

**BACKGROUND:** On August 15, 2011 the parties met and began to negotiate changes to the agreement that expired on April 30, 2011. The parties began mediation on May 11, 2012 with the Federal Mediation and Conciliation Service (FMCS). During the second mediation session on July 10, 2012 the parties reached a Tentative Agreement. The Union ratified the contract on July 19, 2012. The expired agreement can be located at [www.cityblm.org](http://www.cityblm.org) under Human Resources in a folder titled Labor Contracts.

**Highlights of Contract:**

**WAGES**

May 1, 2011	2% (Longevity per contract will be applied)
November 1, 2011	1% (Longevity per contract will be applied)
May 1, 2012	1.5% (Longevity per contract will be applied)
November 1, 2012	1.5% (Longevity per contract will be applied)
May 1, 2013	1.5% (Longevity per contract will be applied)
November 1, 2013	1.5% (Longevity per contract will be applied)

Increases in pay prior to the effective date of this Agreement shall be paid retroactively for all hours worked or paid to officers employed in the bargaining unit on the effective date of this agreement, 2012, or who have retired since May 1, 2011. No other sections of this Agreement shall be applied retroactively. Officers will be eligible to be paid through direct deposit, following a one week pay lag in order for the City to convert to a new pay system. Retroactive money owed to the officer shall be used to help offset the one week pay lag accompanying the conversion to the new pay system.

**EMERGENCY LEAVE:** Parties agreed to eliminate Emergency Leave benefit. Officers shall be required to use their own accrued Vacation, Personal Convenience days, Court Exchange or Earned Time for compensation purposes.

**HEALTH INSURANCE:**

Unit 21 employees will be eligible for the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raises deductibles from \$250 to \$400.

**COMPENSATORY TIME OFF:** The parties agreed to have all Compensatory time banks converted to straight time hour banks. Every officer is limited to taking 120 fixed compensatory time hours off work per calendar year. Only 40 compensatory time hours may be placed in the

officer's comp time bank per calendar year from overtime worked on hire-back for non-City entities (i.e. Wehrenberg Theater; Wal-mart; Bloomington High School).

**HIRE BACK WORK:** The parties agreed that the above referenced compensatory time off changes will be eliminated and prior compensatory time language reinstated, if the City raises the hire-back rate above \$70 per hour. The \$70 per hour rate can be increased by the amount of the percentage increase each May 1.

**SCHEDULED LEAVE DAYS:** The parties agreed to increase slots from one (1) to two (2) slots per shift.

**DISCIPLINARY LEAVE:** The parties agreed to allow Officers who have been suspended the ability to work the suspension days and use their accrued paid time off in lieu of serving an unpaid suspension. For purposes of progressive discipline, the official record and employment personnel file shall show that the disciplinary suspension was given and served.

**MANAGED COMPETITION:** The parties agreed to the following language:

“The City agrees that it will not replace Officers or allow Officers other than Association Officers to perform traditional core police functions such as patrol and investigations as has historically been performed by Association Officers, except during limited training or in cases of emergency (i.e. natural or man-made disasters). The City may, however, assign the following work to other than Association Officers, including volunteers, where such assignment of work does not result in the layoff of any bargaining unit member(s): grant writing or other activities which have historically been performed by other than Association Officers.”

**TERM OF AGREEMENT:** Parties agreed to a three (3) year term of agreement that will expire on April 30, 2014.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Council, Unit 21 Members

**FINANCIAL IMPACT:** The City anticipates the wage increases during the term of the Agreement to cost \$765,667.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Emily Bell, IPMA-CP  
Human Resources Director

Randy McKinley  
Police Chief



Legal Review by:

Recommended by:

J.Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

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Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: August 13, 2012

SUBJECT: Ratification of Contract with Laborers International Union Local 362 Parking Enforcement

**RECOMMENDATION/MOTION:** That the Successor Agreement with Laborers Local 362 Parking Enforcement be ratified and that the City's Last and Final Offer imposed on January 1, 2011 be ratified retroactively.

**BACKGROUND:** On April 16, 2009 the parties met and began to negotiate changes to the agreement that would expire on April 30, 2009. The parties were not successful in reaching an agreement and the City made a final offer to the Union on December 14, 2010. This final offer was imposed on January 1, 2011. The expired agreement can be located at [www.cityblm.org](http://www.cityblm.org) under Human Resources in a folder titled Labor Contracts. The highlights of the Imposed Contract changes are outlined below.

On May 12, 2011 Laborers Local 362 and the City staff began negotiating the terms for a successor collective bargaining agreement. The parties last met on July 19, 2012. The Union ratified the Successor Contract on July 19, 2012. The highlights of the Successor Agreement changes are outlined below.

Highlights of Contract:

**Imposed Contract**

**WAGES**

May 1, 2009	0% (Longevity per contract will be applied)
May 1, 2010	2% (Longevity per contract will be applied)

Wages were retro to May 1, 2010.

**HEALTH INSURANCE:**

Local 362 Parking Enforcement employees participate in the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raised deductibles from \$250 to \$400.

**SICK LEAVE BUYBACK:** Elimination of Sick Leave Buyback, including monthly RHS contribution for all new employees hired after May 1, 2009.

**MANAGED COMPETITION:** Elimination of prohibitions . Ability to pursue Managed Competition during the term of the contract.

**TERM OF AGREEMENT:** Two year agreement that expired on April 30, 2011.

**Successor Agreement**

**WAGES:**

May 1, 2011 2% (Longevity per contract will be applied)

May 1, 2012 2% (Longevity per contract will be applied)

Wages will be retro to May 1, 2011.

**EMERGENCY LEAVE:** Parties agreed to eliminate Section 10.1 Emergency Leave.

Employees will be eligible to use up to 24 hours of sick leave per fiscal year for the planned or unplanned surgery of their parent or step-parent.

**SICK LEAVE:** Parties agreed to reduce the sick leave accrual for new employees from 20 hours per month for the first year to 8 hours per month until they reach the maximum allowed sick leave.

**UNIFORMS AND CLOTHING:** Parties agreed to increase the shoe allowance from \$150 per year to \$200 per year.

**MANAGED COMPETITION:** Parties agreed to the following language:

“It is the general policy of the City to continue to utilize its employees to perform work they are qualified to perform. However, the City reserves the right to contract out any work it deems necessary in the interests of efficiency, economy, improved work production, quality of work, customer service, emergency or for other sound efficiency or operational reasons. Except where an emergency situation exists, before the City changes its policy involving the overall subcontracting of work in a general area, where such policy change amounts to a significant deviation from past practice which will result in the layoff of one or more bargaining unit employees, the City will notify the Union and offer the Union an opportunity to meet and discuss, but not negotiate, the desirability of subcontracting such work. Following notice and an opportunity to meet, the City reserves the right to proceed with such layoff.

Effect of Managed Competition. Any employee who is laid off as a result of the City’s decision to implement a layoff shall:

- (a) Be paid for any earned but unused vacation and personal days . In the event that a laid off employee is recalled, he regains any accumulated sick time that existed prior to the layoff;
- (b) Remain on the City’s recall list for a period of six (6) months plus one (1) additional month for each year of service up to a maximum of one (1) year; and
- (c) Be eligible for bid on vacant City positions while on the recall list provided the employee has the required knowledge, skill, ability and experience.”

**TERM OF AGREEMENT:** Parties agreed to a two (2) year term of agreement that will expire on April 30, 2013.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Council, Local  
362 Parking Members

**FINANCIAL IMPACT:** For the Imposed Contract the City anticipated the 2% increase for FY10 to cost the City \$2,240 plus longevity increases where applicable. Projected savings on insurance is estimated at a savings of \$1,036 for the City and \$307 for the Union. For the Successor Agreement the City anticipates the 2% increase for FY11 to cost \$2,284 and for FY12 to cost \$2,330 plus longevity increases where applicable. The additional cost for the shoe allowance will be \$200 per fiscal year. The anticipated savings for the reduction in sick leave will 144 hours of sick leave.

Respectfully submitted for Council consideration.

Prepared by:

Legal review by:

Recommended by:

Emily Bell, IPMA-CP  
Human Resources Director

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

Motion: \_\_\_\_\_

Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: August 13, 2012

**SUBJECT:** Text Amendments adding to Section 192.1 to Chapter 29 of the Bloomington City Code: Specific Tow Away Zones for the 300 and 400 Blocks of West Front Street (south side), 500 Block of N. Main Street (east side) and 100 Block of West Washington Street (south side)

**RECOMMENDATION/MOTION:** That the Text Amendment to Chapter 29, Motor Vehicles and Traffic, Section 192.1, be approved and the Ordinance passed.

**BACKGROUND:** On June 11, 2012, the City Council approved a text amendment adding Section 1030C to Chapter 40 of the City Code, establishing Hub locations for Vehicles for Hire.

The Downtown Entertainment Task Force (DETF) recommendation report supported this action to specify hub locations in the 500 block of North Main Street, the south side, the south side of the 100 block of West Washington St., and the south side of the 300 and 400 blocks of West Front Streets as areas which should be reserved for the use of Vehicles of Hires for loading and a unloading students that are in the downtown Thursday through Saturday night each week.

The City permits Vehicles for Hires to operate on Thursday evenings, Friday evenings, and Saturday evenings (ending on the following mornings) and on “special” days that would include the Pub Crawl, Halloween, New Year’s Eve (if these days fall outside of their authorized days of the week) when college students are most likely to visit and leave Bloomington’s Downtown. Beginning at 10:00 P.M. on events when Vehicles for Hires are permitted to operate, several streets in the Downtown become crowded with Vehicles for Hires, creating both a traffic problem and a pedestrian safety problem.

To prevent vehicles other than the Vehicle for Hires from parking in the designated parking spaces on authorized days and times, “towing” must be authorized by City Council and as such, signs will need to be posted in order for the Police Department to enforce these designated parking hubs.

There are over eighty (80) “specific tow away zones” throughout the City that are enforced by the Police Department.

The City staff believes this ordinance is in the best interest of the health, safety and welfare of the City’s citizens, student visitors and recommends its passage and approval.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Vehicle for Hire Operators, Downtown Business Association (DBA), Downtown Entertainment Task Force (DETF), Downtown Traffic Committee and City staff.

**FINANCIAL IMPACT:** Possible fines and towing of vehicles in the event of noncompliance

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Barbara J. Adkins  
Deputy City Manager

Randy McKinley  
Chief of Police

Jim Karch  
Director of Public Works

Legal review by:

Recommended by:

Rosalee Dodson  
Assistant Corporation  
Counsel

David A. Hales  
City Manager

Attachments: Attachment 1. Ordinance

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Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**ORDINANCE 2012 - \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 192.1 OF CHAPTER 29 OF THE BLOOMINGTON CITY CODE, RELATING TO SPECIFIC TOW AWAY ZONES**

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

SECTION 1: That Section 192.1 of Chapter 29 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

**Section 192.1: Specific Tow Away Zones.**

(a) At the times herein specified and when signs are erected giving notice of the illegal parking and of the towing zone, no person shall directly or indirectly (Sec. 191) park or permit a vehicle owned by him/her to be parked at the locations on the streets hereinafter described and any vehicle so parked may be towed from these locations as provided in this Article:

Alley (north-south) bounded by East, Locust, Prairie and Mulberry, on the west side from Locust to a point 110' south between 6:00 a.m. and 4:00 p.m., Monday through Friday

Beecher on the north side from Franklin to Main

Beecher on the south side from 50' west of the west line of East to 40' east of the east line of East

Beecher on the south side from 65' west of the west line of Franklin to 20' east of the east line of Franklin

Beecher on the south side from the east line of Main to a point 20' east

Center Street, on the west side, from 45' to 85' north of the north line of Kentucky Alley between 6:00 a.m. and 4:00 p.m., Monday through Friday

Center Street, on the east side, from 39' south to 112' south of the south line of Olive Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Center Street on the east side from 105' to 125' north of the north line of Market Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Chestnut Street, on the south side, from 50' to 90' west of the west line of Main Street

Chestnut Street, on the south side from 110' to 150' west of the west line of East Street

Chestnut Street, on the south side, from Mason Street to 130' east of the east line of Mason Street

Chestnut Street between Prairie and McLean on the north side 60' east and west from the midpoint of the crosswalk to Franklin Park near the center of the block

Douglas Street, on the north side, from 150' west to 173' west of the west line of Prairie Street between 6:00 a.m. and 4:00 p.m. Monday through Friday

East on the east side from the north line of Beecher to a point 20' north

East on the east side from the north line of Emerson to a point 53' north

East on the east side from 290' north of Emerson to 42' north of the south line of Kelsey

East on the east side from the south line of Emerson to a point 30' south

East on the east side from the north line of Graham to a point 20' north

East on the east side from 365' north of Kelsey to north corporate limits

East on the west side from Division to a point 38' south

East on the west side from Emerson to Beecher

East on the west side from the south line of Graham to a point 20' south

Emerson on the north side from 250' west of the west line of Fell to Franklin

Franklin on both sides from the north line of vacated Kelsey to a point 30' north

Franklin on both sides from the south line of vacated Division to a point 30' south

Franklin Avenue, on the east side from Beecher to a point 20' north

Franklin Avenue, on the west side from the Crosswalk north of Emerson to a point 20' south

Front Street, on the north side, from 31' to 68' east of the east line of East Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Front Street, on the north side, from 20' west to 107' west of the west line of East Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Front Street, on the north side, from 43' east to 80' east of the east line of Madison Street between 6:00 a.m. and 4:00 p.m., Monday through Friday



Front, on both sides from Lee to Mason. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Front Street, 300 and 400 blocks west, south side, on dates when vehicles for hire may legally operate as provided in Section 1002 of Chapter 40 of the Bloomington City Code, commencing at 10:00 p.m. and ending at 3:00 a.m.

Gill on the south side from turn around area west of Airport Road to Airport Road

Graham on the south side from 30' west of the west line of East to 20' east of the east line of East

Graham on the south side from the east line of Main to a point 20' east

Grove Street, on the south side, from 20' to 40' east of the east line of East Street

Grove, on the south side from Lee to Mason. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

IWU Area - See Exhibit "D"

Jackson Street, on the south side, from 20' to 120' west of the west line of Mason Street between 8:00 a.m. and 5:00 p.m., Monday through Friday

Jefferson Street, on the north side, from 51' west to 98' west of the west line of Center Street

Jefferson Street, on the south side, from 20' to 170' west of the west line of Evans Street

Jefferson Street, on the south side from 30' to 52' east of the east line of Main Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Jefferson Street, on the south side, from 45' west to 64' west of the west line of East Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Lee, on the west side, from Front to Grove in the south half of the block. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Lee Street, 500 block between Market and Mulberry, east and west side, 24 hours a day, seven days a week, except for the east side of Lee Street from Mulberry Street to a point 80 feet south between the hours of 8:00 a.m. and 6:00 p.m. which continues to have a 2 hour time limit. Vehicles displaying permits issued pursuant to Section 192.2 of this chapter are exempt from towing.

Lee on the east side from Mulberry to a point 36' south

Lee on the west side from Mulberry to a point 36' south

Lee on the west side from Mulberry to a point 36' north

Lee on the east side from Mulberry to a point 54' north

Livingston Street, on the west side, from 20' to 120' north of the north line of Walnut Street

MacArthur Street, on the north side, from 170' to 205' west of the west line of Bunn Street

Madison Street, on the west side, from 250' to 310' north of the north line of Wood Street

Madison Street, on the west side, from MacArthur Avenue to 130' south of the south line of MacArthur Avenue between 8:00 a.m. and 5:00 p.m.

Main Street, on the east side, from 20' north to 68' north of the north line of Chestnut Street

Main Street on the east side from 40' south of the south line of Graham to 42' north of the north line of Graham

Main Street, on the east, from 30' south to 68' south of the south line of West Mulberry Street extended east to the east line of Main Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Main Street on the east side, from 50' south to 98' south of the south line of Market Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Main Street on the east side, from 35' to 80' south of the south line of Union

Main Street, 500 block north, on the east side, the seven regular parking spaces north of the handicapped parking space and the two "freight loading" spaces north of those seven spaces on dates when vehicles for hire may legally operate as provided in Section 1002 of Chapter 40 of the Bloomington City Code, commencing at 10:00 p.m. and ending at 3:00 a.m.

Market Street, on the north side, from 30' to 50' east of the east line of Center Street

Market Street, on the north side, from 69' west to 92' west of the west line of East Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Market Street, on the north side, from 65' to 85' west of the west line of East Street

Mason Street, on the west side, from 75' to 155' south of the south line of Chestnut Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Mason, on both sides, from Front to Grove. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Mason, in the cul-de-sac south of Division

Monroe Street, on the north side, from 30' east to 50' east of the east line of Main Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Monroe Street, on the south side, from 75' east to 94' east of the east line of Main Street between 6:00 a.m. and 4:00 p.m., Monday through Friday.

Monroe Street, on the north side, from 30' east to 48' east of the east line of Center Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Olive Street, on the south side, from 88' to 158' west of the west line of Prairie Street

Parking Lot on southeast corner of Hinshaw at Market between 6:00 p.m. to 8:00 a.m.

Prairie Street, on the west side, from 30' to 80' north of the north line of Grove Street in the parkway

Roosevelt Street, on the west side from 100' to 200' north of the north line of Walnut Street

Roosevelt Street, on the east side, from Locust Street to a point 175' north between 2:30 p.m. and 3:30 p.m.

Roosevelt Street, on the west side from Grove to a point 110' south from 7:00 a.m. to 6:00 p.m. seven days a week. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Sale Barn Road - Main Street to Timberlake

State Street, on the east side, from Washington Street to a point 200' south

Truckers Lane, on both sides, Market to the north end

Valley View on both sides, from Wylie to west end

Washington on the south side from 20' to 45' east of the east line of Allin between 11:00 a.m. and 11:00 p.m.

Washington Street, on the north side, from 20' to 61' west of the west line of Madison Street, between 8:30 a.m. and 5:00 p.m.

Washington Street, on the east side, from 20' to 64' west of the west line of Mason Street, between 8:00 a.m. and Noon and 6:00 p.m. - 9:00 p.m.

Washington Street, on the south side, from 30' west to 77' west of the west line of Madison Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Washington Street, 100 block west, on the south side, on dates when vehicles for hire may legally operate as provided in Section 1002 of Chapter 40 of the Bloomington City Code, commencing at 10:00 p.m. and ending at 3:00 a.m.

Wood Street, on the south side, from 110' to 190' west of the west line of Gridley Street

Woodhill Towers as indicated in Exhibit A

(b) When necessary to accommodate special events on City streets, the City Traffic Engineer and the Chief of Police may designate certain portions of any street as a tow-away zone. Any vehicles parked on a portion of a street so designated may be towed away, with the cost of towing and storage to be paid by the owner, provided that signs designating the area as a tow-away zone are posted at least 24 hours prior to the date and time the tow-away zone designation is to take effect.

SECTION 2. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 3. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 4. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 5. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this \_\_\_\_\_ day of August, 2012.

APPROVED this \_\_\_\_\_ day of August, 2012.

APPROVED:

\_\_\_\_\_

Stephen F. Stockton, Mayor

ATTEST:

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Tracey Covert, City Clerk

FOR COUNCIL: August 13, 2012

**SUBJECT:** Text Amendments changing Section 150 of Chapter 29 of the Bloomington City Code: Specific to 500 Block of North Main Street (both sides) and 100 Block of West Washington Street (south side)

**RECOMMENDATION/MOTION:** that the Text Amendment to Chapter 29, Motor Vehicles and Traffic, Section 150, be approved and the Ordinance passed.

**BACKGROUND:** On June 11, 2012, the City Council approved a text amendment adding Section 1030C to Chapter 40 of the City Code, establishing Hub locations for Vehicles for Hire.

The Downtown Entertainment Task Force (DETF) recommendation report supported this action to specify hub locations in the 500 block of North Main Street, the south side of the 100 block of West Washington St., and the south side of the 300 and 400 blocks of West Front Streets as areas which should be reserved for the use of Vehicles of Hires for loading and a unloading students that are in the downtown Thursday through Saturday night each week.

The City permits Vehicles for Hires to operate on Thursday evenings, Friday evenings, and Saturday evenings (ending on the following mornings) and on “special” days that would include the Pub Crawl, Halloween, New Year’s Eve (if these days fall outside of their authorized days of the week) when college students are most likely to visit and leave Bloomington’s Downtown. Beginning at 10:00 P.M. on events when Vehicles for Hires are permitted to operate, several streets in the Downtown become crowded with Vehicles for Hires, creating both a traffic problem and a pedestrian safety problem.

On street overnight parking is generally not allowed in the downtown area except as provided in Section 150 of Chapter 29. This helps the City to provide more efficient and effective street sweeping, snow plowing and other maintenance activities. In order to allow Vehicles for Hire to use the designated blocks and still allow downtown resident’s opportunities for overnight on street parking these change are necessary.

The City staff believes this ordinance is in the best interest of the health, safety and welfare of the City’s citizens, student visitors and recommends its passage and approval.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Vehicle for Hire Operators, Downtown Business Association (DBA), Downtown Entertainment Task Force (DETF), Downtown Traffic Committee and City staff.

**FINANCIAL IMPACT:** Possible fines in the event of noncompliance.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Randy McKinley  
Chief of Police

Legal review by:

Recommended by:

Rosalee Dodson  
Assistant Corporation  
Counsel

David A. Hales  
City Manager

Attachments: (will be numbered and labeled by City Clerk's Office)

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Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**ORDINANCE 2012 - \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 150 OF CHAPTER 29 OF THE BLOOMINGTON CITY CODE, RELATING TO SPECIFIC TOW AWAY ZONES**

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

SECTION 1: That Section 150 of Chapter 29 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

**Section 150: Parking Prohibited During Certain Hours on Certain Streets.**

In accordance with Section 126, and when signs are erected giving notice thereof, no person shall park a vehicle between the hours specified herein on the specified days upon any of the streets or parts of streets as follows:

Alternate Side Parking -- 3:00 a.m. to 5:00 a.m.

In an area commencing in the center of Gridley at the south line of Olive Street; thence north along the center line of Gridley Street to the north line of Douglas Street; thence west along the north line of Douglas Street to the east line of East Street; thence north along the east line of East Street to the north line of Locust Street; thence west along the north line of Locust Street to the west line of U.S. 51 southbound; thence south along the west line of U.S. 51 southbound to the north line of Monroe Street; thence west along the north line of Monroe Street to the west line of Roosevelt Avenue ; thence south along the west line of Roosevelt Avenue to the north line of Grove Street; thence south along the east line of Roosevelt Avenue to the north line of Olive Street; thence east along the north line of Olive Street to the east line of Madison Street; thence east along the south line of Olive Street to the point of beginning with the following exceptions;

- (1) Jefferson Street between Prairie Street and Gridley Street. In the area described above, vehicles are allowed to park during this period on the west side and north sides of the streets on Mondays, Wednesdays, Fridays and Sundays and on the east and south sides of the streets on Tuesdays, Thursdays, Saturdays and Sundays. (Ordinance No. 1995-62)
- (2) Main Street between Market Street and Mulberry Street. In the area described above, vehicles are allowed to park during this period on the west side of the street on Mondays, Wednesdays, Thursdays, Fridays, Saturdays, and Sundays and on the east side of the street on Tuesdays and Sundays.
- (3) Washington Street between Center Street and Main Street. In the area described above, vehicles are allowed to park during this period on the south side of the street on Tuesdays and Sundays



7 days a week -- 3:00 a.m. - 5:00 a.m.

Center on both sides, Jefferson to Washington, (Tow Away Zone on Saturday and Sunday)

Jefferson on both sides Main to Center (Tow Away Zone on Saturday and Sunday)

Main on both sides Washington to Jefferson (Tow Away Zone on Saturday and Sunday)

Hall on the south side from Prospect to 535 feet east

Jefferson, both sides, Main to Center (Tow Away Zone, Saturday and Sunday)

Washington on the south side from Caroline to west corporate limits

Washington on both sides from Morris to ICG Railroad

(Ordinance No. 2008-76)

7:00 a.m. to 6:00 p.m.

Grove on the south side from McClun to Denver

5:00 p.m. to 8:00 a.m.

Mission on the north side from Gridley to 340' west (Ordinance No. 2003-47)

6:00 p.m. to 6:00 a.m.

MacArthur on the south side from Center to Main

6:00 p.m. to 8:00 p.m.

Parking Lot on southeast corner of Hinshaw at Market

(Ordinance No. 2005-111)

Tuesday -- 6:00 a.m. - 3:00 p.m.

Oakland Court on both sides from 250' to 300' north of the north line of Oakland

(Ordinance No. 1994-116)

Except 8:00 a.m. to 12:30 p.m. Sundays

Four Season on the east side from 40' to 160' north of Clobertin

Lincoln on the north side between Capen and Broadmoor

(Ordinance No. 2002-101)

Except 4:00 p.m. - 8:00 p.m. - Saturday; 6:00 a.m. - Noon Sunday

Locust on both sides from Western to Morris

(Ordinance No. 1997-4)

6:00 a.m. to 4:00 p.m.

Fillmore on the south side from Center to Main  
Main on the west side from Fillmore to Graham  
(Ordinance No. 1990-97)

10:00 p.m. to 6:00 a.m.

Atwood Wayside Parking Lot  
Currency on both sides from Commerce to southwest end  
Finance on both sides from Currency to south end  
(Ordinance No. 2005-111)

24 Hour Restriction

Albert on the west side from Grove to Olive  
East Street on the east side from Monroe to Market  
Oakland on the south side from Seville to Regency  
(Ordinance No. 1984-157)

SECTION 2. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 3. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 4. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 5. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this \_\_\_\_\_ day of August, 2012.

APPROVED this \_\_\_\_\_ day of August, 2012.

APPROVED:

---

Stephen F. Stockton, Mayor

ATTEST:

---

Tracey Covert, City Clerk

FOR COUNCIL: August 13, 2012

**SUBJECT:** Request to accept the bid from Rehrig Pacific Company to become the city's vendor for 65-gallon and 95-gallon wheeled recycling carts and the selection of black carts with blue lids.

**RECOMMENDATION:** That the City Council award the bid to Rehrig Pacific Company for black carts with blue lids.

**BACKGROUND:** The city is preparing to initiate curbside cart recycling. The wheeled carts provide safe, clean, efficient collection and in greater volume than the small blue bins they replace. Residents currently are placing orders and choosing between 65-gallon and 95-gallon containers. Residents who sign up for carts before August 31<sup>st</sup> will see carts delivered during the month of November. The four trucks with mechanical arms to lift and empty the carts have arrived. Staff had initially sought a no-bid contract with a vendor based on its product and a positive experience in Normal.

Bids for carts were opened on July 20, 2012. Four companies submitted bids:

- Cascade Engineering, Grand Rapids, MI.
- Rehrig Pacific Company, Los Angeles, CA.
- Schaefer Systems International, Charlotte, N.C.
- Toter Inc., Statesville, N.C.
- Rehrig Pacific is the low bidder for the carts recommended below; Cascade Engineering is extremely close.

The term of contract is for one year at the bid price with four annual renewal options. Price increases are possible due to increases in the cost of materials, transportation and other factors, but the city may negotiate each renewal and seek another vendor if mutual agreement cannot be reached. Further contract extensions are possibly by mutual consent.

**COLOR:** Color selection affects per-cart price. Staff recommends black carts with blue lids.

**Black carts:** Garbage and recycling containers are not enhancements to the beauty of a property, in the opinion of the common person. They can detract. The goal, therefore, is to use a color that does not draw excessive attention to the cart, as not all households have garages for carts. Black achieves the goal of aesthetics. City staff believes the best color selection for *wheeled trash carts* is black carts with black lids. The *recycling carts* and *trash carts* should have an obvious difference so that the resident doesn't get confused when discarding material. A contrast between the two carts will prevent contamination of recyclables. A blue lid, clearly labeled for recyclables, on the recycling cart will achieve this goal. Another important factor to consider is that different lid colors enable the city collector to easily spot which cart holds garbage and which holds recycling. This prevents confusion and increases efficiency. Having black *carts bodies* for both recycling and trash also makes sense, as a cart can be switched from one use to the other simply by exchanging lids.

**Blue lids:** Blue is the common color associated with recyclables. Our residents have been using blue recycling bins for years. Blue, therefore, is the best choice for a lid.

**Problem with green lids:** Green also gets associated with recycling, as in “going green.” However, staff believes that green lids can be hard to distinguish from black lids at night, when people are placing material into carts, and in the early morning, when our hauling and recycling routes begin.

**The following bids are prices per wheeled cart with a black base and a blue lid (Alternative 3 in the bidding documents). Freight to Bloomington, but not delivery to the household doorsteps, is included.) Carts are backed by 10-year warranties.**

Company	65 Gallon	95 Gallon
Rehrig Pacific	\$36.57	\$42.37
Cascade Engineering	\$37.23	\$42.99
Toter Inc.	\$40.25	\$46.75
Schaefer Systems	\$43.17	\$45.91

**DELIVERY TO HOUSEHOLDS PER CART:** Staff assessed current in-house resources and calculated the costs associated with in-house delivery. It recommends using a manufacturer to deliver carts to households.

Rehrig Pacific	\$4.00
Cascade Engineering	\$3.75
Toter Inc.	*\$4.50-\$4.85
Schaefer Systems	\$6.00

\*Price depends on whether the city requests the logging of serial numbers by household.

**TOTAL price per cart: Black with blue lids, plus home delivery.**

Company	65 Gallon	95 Gallon
Rehrig Pacific	\$40.57	\$46.37
Cascade Engineering	\$40.98	\$46.75
Toter Inc.	\$44.75-\$45.10	\$51.25-51.60
Schaefer Systems	\$49.17	\$51.91

**Note on side sticker:** The bid also included the option of placing stickers on the sides of carts to denote recycling. Staff believes the sticker need not be used and should not be ordered to save money. Choosing a black cart with a blue lid (with an in-mold recycling labeling on this lid) will achieve this goal.

**OUTSIDE PRODUCT COMPARISON:** Note that the prices of the two lowest bidders, Rehrig Pacific and Cascade Engineering, are very competitive. All four bidders have considerable credentials. Staff sought information on product comparisons beyond anecdotal material. To our knowledge, there are no publicly available, scientifically performed product comparisons. One prominent cart tester, A. Brent Strong from Brigham Young University, said he was unaware of any published, recent studies. Cities have contracted Professor Strong’s private firm for testing and comparisons, but he is prohibited by contract from sharing the results or the name of the cities. We also contacted the Illinois Municipal League and the industry group National Solid Wastes Management Association. Neither had materials, and public affairs staff had no knowledge of published reports. Consumer Reports magazine’s online edition had nothing.

One of our contacts had done comparative durability testing, albeit informal. He is Scott Donelon, solid waste manager for Springfield, MA. He hurled carts off a 16-foot roof. Rehrig Pacific carts held up well, and he found them to be stronger than the Cascade carts. Please note that Mr. Donelon is a listed reference for Rehrig and not a laboratory tester. Bloomington staff was unable to perform its own comparisons because Cascade, unlike all other bidders, did not provide sample carts with its bid.

***Providing sample carts was a requirement in our Request for Bids document. Cascade failed to meet it. Nonetheless, city staff did check references/other sources for Cascade rather than only researching the low bidder Rehrig.***

#### **ANALYSIS OF REHRIG:**

We can report that we are pleased with the Rehrig product, and background checks on Rehrig provided unequivocal endorsements for the company in all the key areas: Service, responsiveness to questions/concerns, willingness to back its warrantee, ease of the warrantee process, cart delivery to households and, most important, quality of the cart itself.

Reference 1: Mr. Donelon.

Reference 2: Jeff Wood, solid waste manager for Lakeland, Fla., said: "I don't know who could be any better" in all areas of product and service.

Reference 3: Also contacted was the City of Los Angeles, which has used Rehrig since 1997. Los Angeles serves 750,000 single-family homes with a multi-stream system: Household trash, recycling, landscape waste and, where needed, horse manure. The LA project manager dealing with Rehrig, Jonathan Zari, highly recommended Rehrig based on quality, service/responsiveness and in Rehrig honoring the warrantee on its totes.

Reference 4: Additionally, city staff contacted the City of Davenport, Iowa, which Rehrig listed as one of its cart customers but not among references. Davenport uses Rehrig for its 35-, 65- and 95-gallon trash carts, and a Davenport official spoke very highly of the bidder.

Additional References: Other references giving recommendations were officials from Howard County, MD, and the combined government of Lexington-Fayette-Urban County, Kentucky. References outside of L.A. included smaller cities/counties with populations more resembling Bloomington's. Staff took an extra step in finding users supplied by Rehrig -- but not provided by Rehrig as a reference. They were a city official in Fall River, MA, and officials from the private hauler PDC/Area Disposal and the firm Midwest Fiber Recycling. All passed along positive opinions of Rehrig Pacific. Eric Shangraw, municipal marketing manager for PDC, said the Peoria-based company uses Zarn, Schaefer, Otto and Rehrig carts at various locations. He said truck operators prefer Rehrig. Also, Mr. Shangraw stated that some carts tend to tip over when an emptied cart is left on the curb with its lid is left open, but that Rehrig's do not. The director of sales and procurement for Midwest Fiber, Todd Shumaker, said his company worked with Rehrig for a very smooth roll-out of new carts for Decatur in 2011 -- on time, with well-coordinated delivery. Rehrig uses its own employees for delivery rather than subcontracting.

To summarize, nine customers/sources vouched for Rehrig, and three of those sources appeared nowhere in Rehrig's bid package as suggested people to call. We can report that we are pleased with the Rehrig product, and background checks on Rehrig provided strong endorsements of the company.

Bloomington Public Works staff conducted its own inspection and concluded the product is durable, of high quality and that works well with our trucks. While none of the carts met all requested specification, we would note that Rehrig Pacific met the thickness specification while other vendors did not. Thickness directly relates to durability. All the companies' carts have a tapered design, narrowing toward the bottom. Staff noted that the Rehrig cart has a wider, well-defined lip about mid-way up the cart. We noticed that our automated trucks very easily grab the carts just under the lip and the lip provides a brace to stabilize the cart while it is being lifted from the ground with our truck's mechanical arm.

**ABOUT REHRIG PACIFIC:** Rehrig is a family-owned company that has been in the container business since 1911. Headquartered in Los Angeles, it is in its fourth generation of Rehrig management. It has seven manufacturing plants in the United States, plus one in Mexico, and sales offices in the United Kingdom, Brazil and Hong Kong. Its nearest plant is located in Pleasant Prairie, outside Kenosha WI, and the Wisconsin office prepared the company's bid. The various bidders have received honors over the years, and for Rehrig this is one that jumped out at us: The Kenosha plant in 2006 received the distinguished SHARP designation for plant safety and health from the federal Occupational Safety and Health Administration (OSHA).

**CASCADE ANALYSIS:** Cascade Engineering's failure to provide sample carts -- as required -- complicated the analysis process. Nevertheless, staff made inquiries using the list of users provided by Cascade in its bid. A couple references spoke highly of the company.

Reference 1: Tim Jacobson, Public Works superintendent for Menasha, WI. Menasha, being south of Green Bay, experiences rough winters as well as periods of extreme summer heat. The carts hold up well under the conditions, Mr. Jacobson said. He has found customer service/responsiveness to be fabulous and never has a problem getting Cascade to honor a warrantee. For trash containers, Menasha gradually is replacing old Toter Inc. carts with Cascade carts.

Reference 2: Sheila Baummer, recycling and solid waste coordinator for Naugatuck, CT, said the carts have endured two winters, one brutal, said Mr. Baummer. Naugatuck uses Cascade for trash and recycling. She also vouches for Cascade's service.

Other sources: Two communities contacted by staff had some issues.

Champaign, IL, wasn't listed by Cascade Engineering on its bid documents as a reference but uses the carts. Angela Adams, recycling coordinator for Champaign, said Cascade has provided quality service and responsiveness but that the city has had problems with the Cascade carts since getting 95-gallon recycling carts in January. Specifically, there has been a fairly common problem of lids falling off. She did not rule out a problem stemming from how they were being emptied by the city's contracted hauler. The city and Cascade also had a major misunderstanding with the city. Ms. Adams said Cascade's submitted response to an RFP including details on an automated tracking system, called radio frequency ID tags, which enable communities and haulers to track a cart's whereabouts. Champaign assumed the ID tags were part of the proposed price and awarded a contract. Cascade then said ID tags cost extra. Cascade included the tag at no added cost following discussions involving the city's legal department, Ms. Adams said. Cascade also failed to deliver spare parts but delivered them after the omission was brought to its attention, Ms. Adams added. She said she would not recommend Cascade to others.

St. Louis County encountered major issues when it rolled out a cart recycling program with Cascade Engineering in 2008, according to the county Solid Waste Program Manager John Haasis. The county paid Cascade for delivery and delivery became a "fiasco" with missed stops and various other problems,

Mr. Haasis said. He puts only partial blame on Cascade. Its subcontractor seemed to be partly at fault and St. Louis County carries partial blame for the way it set up the process of distributing 105,000 carts to households, he said. Cascade worked diligently to rectify delivery problems, Mr. Haasis added.

**ABOUT CASCADE:** Founded in 1973, the Michigan-based company has grown six employees to more than 1,000 at 14 facilities. Its company website emphasizes quality of product but also stewardship and concerns for humanity. It notes a program to train welfare recipients, wind-turbine production for sustainable energy and an initiative to improve water quality overseas. It has a pink cart program, partial proceeds of which go to breast cancer research.

**NOTES ON SCHAEFER:** Bloomington city staff initially sought to contract (without bid) with Schaefer Systems International, Charlotte, N.C., based on Normal's good experience with Schaefer and on our staff's opinion of the Schaefer wheeled carts. Staff and the city manager changed course and instead recommended the project be bid, as there are other companies producing quality carts. Staff used a Schaefer cart to help prepare specs for bidders. As part of its bid, Schaefer provided a sample cart showing a new design that appears to be less sturdy than the Schaefer carts the city staff initially wanted. It also was outbid by its competitors. Schaeffer contacted the city after the bid opening to say it did not receive material in a bid addendum ("Addendum 2"). City records show the Purchasing Agent sent the entire Addendum 2 by electronic mail. Additionally, the bid instructs interested bidders to check the City website or contact the City Clerk's office prior to submitting a bid for the most up to date documents related to the bid. The addendum was on the website and available in the City Clerk's office. The company made a note on the bid referring to information that was on Addendum 2, indicating that it was aware of the addendum, but did not include it. The bid was evaluated and not immediately disqualified.

**FINANCIAL IMPACT:** The FY 2013 Budget has appropriated \$950,000 in the Capital Lease Fund line item 40110110-72130 for the purchase of recycling toters.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Legal Review by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

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Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



FOR COUNCIL: August 13, 2012

**SUBJECT:** Contract Amendment to the Professional Services Agreement with Hanson Professional Services Inc. for the design of Hershey Road from Hamilton Road to 750' South.

**RECOMMENDATION/MOTION:** That the Amendment to the contract with Hanson Professional Services Inc. for the design of Hershey Road from Hamilton Road to 750' South in the amount of \$46,382.00 be approved.

**BACKGROUND:** On February 11, 2002, Council approved an Annexation Agreement with Hershey Grove LLC regarding property on the southeast side of the City. Among the provisions of that Agreement was a requirement that the City extend Hershey Road to the southern perimeter of the annexed premises within ten (10) years of the making of the Agreement and apply to the Illinois Commerce Commission (ICC) for a crossing permit for the Norfolk Southern (NSRR) railroad tracks which lie across the proposed Hershey Road extension within two (2) years from the making of the Agreement. For various reasons, including manpower and budget issues, the City was not able to comply with that portion of the Agreement. On August 22, 2011, Council approved an amendment to the 2002 agreement, which grants the City an extension of the time frame for application for a crossing permit by the City to the Illinois Commerce Commission so that Hershey Road can cross the railroad tracks, with a commitment to file a crossing petition by September 1, 2012, and construct Hershey Road across the tracks no later than two (2) years after the date of the receipt of an order from the Commerce Commission allowing the crossing. This contract with Hanson endeavors to fulfill the amended agreement's requirement to complete the project design and file a crossing petition with the ICC by September 1, 2012. The design contract with Hanson includes surveying, planning, and engineering design for the proposed road extension across the railroad to the southern limits of the Hershey Grove property. The project is on schedule to meet this deadline.

The first phase of the design involved evaluating the proposed railroad crossings in the southeastern portion of the City for crossing types (at-grade, over, or under), locations, and traffic impacts. This analysis recommended an at-grade crossing of the NSRR at Hershey Road and extending Hershey Road to Morrissey Drive near the Unit 5 George Evans Junior High School. This project will extend the road 750' south of its current terminus at Hamilton Road. The design project will begin to fulfill the City's obligations toward Hershey Road under the amended Hershey Grove annexation agreement and further the traffic study's recommendation of extending the road to Morrissey Drive in the future.

During initial design review with the ICC and Norfolk Southern Railroad, it became clear that the ICC will require the City to install a traffic signal at the Hershey and Hamilton intersection with an interconnect to the future railroad safety gates. The interconnected signal is necessary because of the proximity of the tracks to the intersection and the anticipated traffic volumes and required vehicle storage. The traffic signal interconnect allows the traffic signal controller to clear the railroad crossing when an oncoming train is registered by the railroad safety gate equipment. Hanson has prepared a supplemental agreement to add the design and permitting of the traffic signals and railroad interconnect to the current design contract. In addition, the supplemental

contract includes the design of a bike trail extension from the Little Kickapoo Bridge to Hershey Road and a sidewalk along the east side of Hershey Road from Hamilton Road to Ireland Grove Road. These extensions will connect the Brookridge and surrounding neighborhoods, including Rollingbrook and Ireland Grove, to the trail sections by State Farm. The sidewalk along Hamilton Road east of Hershey has seen heavy use since its installation this spring. This section will extend the trail/sidewalk along Hamilton Road to connect to the trail at State Farm to form a completed walking/biking route for area residents commuting to State Farm’s south complex. The trail and sidewalks will be designed as part of this project and will be constructed if the project budget allows.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Snyder Development

**FINANCIAL IMPACT:** The professional engineering design services contract with Hanson Professional Services needs to be increased \$46,382.00 to a total not-to-exceed cost of \$294,758.00. Payment shall be made within Motor Fuel Tax Fund 20300300-72530. The \$46,382.00 is available within the current MFT account. In addition to a future budget amendment, a supplemental MFT Resolution to appropriate \$46,382.00 in MFT funds must be adopted by Council.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Legal Review by:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

Attachments:      Attachment 1.      MFT Resolution  
                         Attachment 2.      Agreement  
                         Attachment 3.      Map

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			

Alderman Mwilambwe							
				Mayor Stockton			



Municipality City of Bloomington	<b>L O C A L  A G E N C Y</b>	<b>Preliminary Engineering Services Agreement For Motor Fuel Tax Funds  Supplement #1</b>	<b>C O N S U L T A N T</b>	Name Hanson Professional Services Inc
Township				Address 7625 N. University St. Ste 200
County McLean				City Peoria
Section 10-00347-00-PV				State IL

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of August, 2012 between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION. Motor Fuel Tax Funds, allotted to the LA by the State of Illinois under the general supervision of the State Department of Transportation, hereinafter called the "DEPARTMENT", will be used entirely or in part to finance ENGINEERING services as described under AGREEMENT PROVISIONS.

### Section Description

Name Hershey Road Extension

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Route FAU 6416 Length 0.14 Mi. 750 FT (Structure No. \_\_\_\_\_)

Termini Hamilton Road to 750 ft south of Hamilton Road

**Description:**

Addition of a bike path from the end of the existing path near State Farm to Hershey Road along Hamilton Road and sidewalk on Hershey Road from Hamilton Road to Ireland Grove Road. Design of traffic signals for the Hershey Road/Hamilton Road.

### Agreement Provisions

**The Engineer Agrees,**

1. To perform or be responsible for the performance of the following engineering services for the LA, in connection with the proposed improvements herein before described, and checked below:
  - a.  Make such detailed surveys as are necessary for the preparation of detailed roadway plans
  - b.  Make stream and flood plain hydraulic surveys and gather high water data, and flood histories for the preparation of detailed bridge plans.
  - c.  Make or cause to be made such soil surveys or subsurface investigations including borings and soil profiles and analyses thereof as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations are to be made in accordance with the current requirements of the DEPARTMENT.
  - d.  Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
  - e.  Prepare Army Corps of Engineers Permit, Department of Natural Resources-Office of Water Resources Permit, Bridge waterway sketch, and/or Channel Change sketch, Utility plan and locations, and Railroad Crossing work agreements.
  - f.  Prepare Preliminary Bridge design and Hydraulic Report, (including economic analysis of bridge or culvert types) and high water effects on roadway overflows and bridge approaches.
  - g.  Make complete general and detailed plans, special provisions, proposals and estimates of cost and furnish the LA with five (5) copies of the plans, special provisions, proposals and estimates. Additional copies of any or all documents, if required, shall be furnished to the LA by the ENGINEER at his actual cost for reproduction.
  - h.  Furnish the LA with survey and drafts in quadruplicate of all necessary right-of-way dedications, construction easement and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

Note: Four copies to be submitted to the Regional Engineer

- i.  Assist the LA in the tabulation and interpretation of the contractors' proposals
- j.  Prepare the necessary environmental documents in accordance with the procedures adopted by the DEPARTMENT's Bureau of Local Roads & Streets.
- k.  Prepare the Project Development Report when required by the DEPARTMENT.
- l.  **See Attachment A.**

- (2) That all reports, plans, plats and special provisions to be furnished by the ENGINEER pursuant to the AGREEMENT, will be in accordance with current standard specifications and policies of the DEPARTMENT. It is being understood that all such reports, plats, plans and drafts shall, before being finally accepted, be subject to approval by the LA and the DEPARTMENT.
- (3) To attend conferences at any reasonable time when requested to do so by representatives of the LA or the Department.
- (4) In the event plans or surveys are found to be in error during construction of the SECTION and revisions of the plans or survey corrections are necessary, the ENGINEER agrees that he will perform such work without expense to the LA, even though final payment has been received by him. He shall give immediate attention to these changes so there will be a minimum delay to the Contractor.
- (5) That basic survey notes and sketches, charts, computations and other data prepared or obtained by the Engineer pursuant to this AGREEMENT will be made available, upon request, to the LA or the DEPARTMENT without cost and without restriction or limitations as to their use.
- (6) That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by him and will show his professional seal where such is required by law.

**The LA Agrees,**

- 1. To pay the ENGINEER as compensation for all services performed as stipulated in the paragraphs 1i, 2, 3, 5 and 6 in accordance with one of the following methods indicated by a check mark:
  - a.  A sum of money equal to \_\_\_\_\_ percent of the awarded contract cost of the proposed improvement as approved by the DEPARTMENT.
  - b.  A sum of money equal to the percent of the awarded contract cost for the proposed improvement as approved by the DEPARTMENT based on the following schedule:

Schedule for Percentages Based on Awarded Contract Cost

Awarded Cost	Percentage Fees	
Under \$50,000		(see note)
		%
		%
		%
		%
		%

Note: Not necessarily a percentage. Could use per diem, cost-plus or lump sum.

- c.  **See Attachment B**
- 2. To pay for services stipulated in paragraphs 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k of the ENGINEER AGREES at actual cost of performing such work plus \_\_\_\_\_ percent to cover profit, overhead and readiness to serve - "actual cost" being defined

**as salary cost.** Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost. Subject to the approval of the LA, the ENGINEER may sublet all or part of the services provided under the paragraph 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k. If the ENGINEER sublets all or part of this work, the LA will pay the cost to the ENGINEER plus a five (5) percent service charge.

"Cost to Engineer" to be verified by furnishing the LA and the DEPARTMENT copies of invoices from the party doing the work. The classifications of the employees used in the work should be consistent with the employee classifications for the services performed. If the personnel of the firm, including the Principal Engineer, perform routine services that should normally be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the work performed.

3. That payments due the ENGINEER for services rendered in accordance with this AGREEMENT will be made as soon as practicable after the services have been performed in accordance with the following schedule:
  - a. Upon completion of detailed plans, special provisions, proposals and estimate of cost - being the work required by paragraphs 1a through 1g under THE ENGINEER AGREES - to the satisfaction of the LA and their approval by the DEPARTMENT, 90 percent of the total fee due under this AGREEMENT based on the approved estimate of cost.
  - b. Upon award of the contract for the improvement by the LA and its approval by the DEPARTMENT, 100 percent of the total fee due under the AGREEMENT based on the awarded contract cost, less any amounts paid under "a" above.

By Mutual agreement, partial payments, not to exceed 90 percent of the amount earned, may be made from time to time as the work progresses.

4. That, should the improvement be abandoned at any time after the ENGINEER has performed any part of the services provided for in paragraphs 1a, through 1h and prior to the completion of such services, the LA shall reimburse the ENGINEER for his actual costs plus 200 percent incurred up to the time he is notified in writing of such abandonment - "actual cost" being defined as in paragraph 2 of THE LA AGREES.
5. That, should the LA require changes in any of the detailed plans, specifications or estimates except for those required pursuant to paragraph 4 of THE ENGINEER AGREES, after they have been approved by the DEPARTMENT, the LA will pay the ENGINEER for such changes on the basis of actual cost plus 200 percent to cover profit, overhead and readiness to serve - "actual cost" being defined as in paragraph 2 of THE LA AGREES. It is understood that "changes" as used in this paragraph shall in no way relieve the ENGINEER of his responsibility to prepare a complete and adequate set of plans and specifications.

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#### **It is Mutually Agreed,**

1. That any difference between the ENGINEER and the LA concerning their interpretation of the provisions of this Agreement shall be referred to a committee of disinterested parties consisting of one member appointed by the ENGINEER, one member appointed by the LA and a third member appointed by the two other members for disposition and that the committee's decision shall be final.
2. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at his last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all surveys, permits, agreements, preliminary bridge design & hydraulic report, drawings, specifications, partial and completed estimates and data, if any from traffic studies and soil survey and subsurface investigations with the understanding that all such material becomes the property of the LA. The ENGINEER shall be paid for any services completed and any services partially completed in accordance with Section 4 of THE LA AGREES.
3. That if the contract for construction has not been awarded one year after the acceptance of the plans by the LA and their approval by the DEPARTMENT, the LA will pay the ENGINEER the balance of the engineering fee due to make 100 percent of the total fees due under this AGREEMENT, based on the estimate of cost as prepared by the ENGINEER and approved by the LA and the DEPARTMENT.
4. That the ENGINEER warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the ENGINEER, to solicit or secure this contract, and that he/she has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the ENGINEER, any fee, commission, percentage, brokerage fee, gifts or any other consideration, contingent upon or resulting from the award or making of this contract. For Breach or violation of this warranty the LA shall have the right to annul this contract without liability.

- 5. That the attached General Conditions (C/S) Rev. 3 are included in and made a part of this Agreement.
- 6. That the attached Addendum to Scope of Services, City of Bloomington Public Works Department are included in and made a part of this Agreement.

IN WITNESS WHEREOF, the parties have caused the AGREEMENT to be executed in quadruplicate counterparts, each of which shall be considered as an original by their duly authorized officers.

Executed by the LA:

City of Bloomington of the  
(Municipality/Township/County)

ATTEST:

State of Illinois, acting by and through its

By \_\_\_\_\_

\_\_\_\_\_

Clerk

By \_\_\_\_\_

(Seal)

Title \_\_\_\_\_

Executed by the ENGINEER:

Hanson Professional Services Inc.

7625 N. University Street, Suite 200

ATTEST:

Peoria, IL 61614

By *Kenn Bull*

By *Jumda A Fox*

Title Associate

Title Regional Vice President

Approved

\_\_\_\_\_  
Date

Department of Transportation

\_\_\_\_\_  
Regional Engineer



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## General Conditions

Hanson Agreement: C10L0118

Agreement Date: July 25, 2011

Project Name: Hershey Road Extension

**1. Invoices:** Charges for services will be billed at least as frequently as monthly, and at the completion of the Project. CLIENT shall compensate HANSON for any sales or value added taxes which apply to the services rendered under this agreement or any addendum thereto. CLIENT shall reimburse HANSON for the amount of such taxes in addition to the compensation due for services. Payment of invoices shall not be subject to any discounts or set-offs by the CLIENT unless agreed to in writing by HANSON. Invoices are delinquent if payment has not been received within 30 days from date of invoice. There will be an additional charge of 1 1/2 percent per month compounded on amounts outstanding more than 30 days. All time spent and expenses incurred (including attorney's fees) in connection with collection of any delinquent amount will be paid by CLIENT to HANSON per HANSON's current fee schedules.

**2. Termination:** This Agreement may be terminated by either party upon written notice. Any termination shall only be for good cause such as legal, unavailability of adequate financing or major changes in the scope of services. In the event of any termination, HANSON will be paid for all services and expenses rendered to the date of termination on a basis of payroll cost times a multiplier of 3.0 (if not previously provided for) plus reimbursable expenses, plus reasonable termination expenses, including the cost of completing analyses, records, and reports necessary to document job status at the time of termination.

**3. Reuse of Documents:** All documents including reports, drawings, specifications, and electronic media furnished by HANSON pursuant to this Agreement are instruments of its services. They are not intended or represented to be suitable for reuse by CLIENT or others on extensions of this project, or on any other project. Any reuse without specific written verification or adaptation by HANSON will be at CLIENT's sole risk, and without liability to HANSON, and CLIENT shall indemnify and hold harmless HANSON from all claims, damages, losses and expenses including court costs and attorney's fees arising out of or resulting there from. Any such verification or adaptation will entitle HANSON to further compensation at rates to be agreed upon by CLIENT and HANSON.

**4. Standard of Care:** Services performed by HANSON under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No other representation expressed or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document or otherwise.

**5. General Liability Insurance and Limitation:** HANSON is covered by general liability insurance for bodily injury and property damage arising directly from its negligent acts or omissions, with limits which HANSON considers reasonable. Certificates of insurance shall be provided to CLIENT upon request in writing. Within the limits and conditions of such insurance, HANSON agrees to indemnify and save CLIENT harmless from any loss, damage or liability arising directly from any negligent act or omission by HANSON. HANSON shall not be responsible for any loss, damage or liability beyond the amounts, limits and conditions of such insurance. HANSON shall not be responsible for any loss, damage or liability arising from any act or omission by CLIENT, its agents, staff, other consultants, independent contractors, third parties or others working on the Project over which HANSON has no supervision or control.

**6. Suspension of Services:** If CLIENT fails to make payments when due or otherwise is in breach of this Agreement, HANSON may suspend performance of services upon five (5) calendar days' notice to CLIENT. HANSON shall have no liability whatsoever to CLIENT, and CLIENT agrees to make no claim for any delay or damage as a result of such suspension.

**7. Consequential Damages:** Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither CLIENT nor HANSON, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for incidental, indirect, or consequential damages arising out of or connected in any way to this Project or this Agreement. This mutual waiver of consequential damages shall include, but not be limited

to, loss of use, loss of profit, loss of business, loss of income, loss of reputation and any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict and implied warranty. Both CLIENT and HANSON shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in the Project.

**8. Contingency Fund:** The Client and Hanson acknowledge that changes may be required during construction because of possible omissions, ambiguities or inconsistencies in the plans and specifications and, therefore, that the costs of the project may exceed the construction contract sum. The Client agrees to set aside a reserve in the amount of Five Percent (5%) of the actual project construction costs as a contingency reserve to be used, as required, to pay for any such increased project costs. The Client further agrees to make no claim by way of direct or third-party action against Hanson or subcontractors and subconsultants with respect to any payments within the limit of the contingency reserve made to the construction contractors because of such changes or because of any claims made by the construction contractors relating to such changes.

**9. Additional Limitation:** In recognition of the relative risks and benefits of the Project to both the CLIENT and HANSON, the risks have been allocated such that the CLIENT agrees that for the compensation herein provided HANSON cannot expose itself to damages disproportionate to the nature and scope of HANSON's services or the compensation payable to it hereunder. Therefore, the CLIENT agrees to limit its remedies against HANSON arising from HANSON's professional acts, errors or omissions, in any action based on strict liability, breach of contract or any other cause of action, such that the total aggregate amount of the CLIENT's damages shall not exceed \$50,000 or HANSON's total net fee for services rendered on the Project, whichever is greater. This limitation pertains to HANSON and its employees, and to its subcontractors and subconsultants, and applies as a single aggregate amount to all work performed under the Agreement, including all work performed under an amendment or modification. If CLIENT desires a limit greater than that provided above, CLIENT and HANSON shall include in this Agreement the amount of such limit and the additional compensation to be paid to HANSON for assumption of such additional risk. CLIENT must notify HANSON in writing, before HANSON commences any services, of CLIENT's intention to negotiate a greater limitation of remedies against Hanson and its associated impact on services, schedules, and compensation. Absent CLIENT's written

notification to the contrary, HANSON will proceed on the basis that the total remedies against HANSON is limited as set forth above.

**10. Personal Liability:** It is intended by the parties to this Agreement that HANSON's services in connection with the Project shall not subject HANSON's individual employees, officers or directors to any personal legal exposure for the risks associated with this Project. Therefore, and notwithstanding anything to the contrary contained herein, the Client agrees that as the Client's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against HANSON, a Delaware corporation, and not against any of HANSON's individual employees, officers or directors.

**11. Assignment:** Neither party to this Agreement shall transfer, sublet, or assign any rights or duties under or interest in this Agreement, including but not limited to monies that are due or monies that may become due, without the written consent of the other party. Subcontracting to subconsultants, normally contemplated by HANSON as generally accepted business practice, shall not be considered an assignment for purposes of this Agreement.

**12. Statutes of Repose and Limitation:** All legal causes of action between the parties to this Agreement shall accrue and any applicable statutes of repose or limitation shall begin to run not later than the date of Substantial Completions. If the act or failure to act complained of occurs after the date of Substantial Completion, then the date of final completion shall be used, but in no event shall any statute of repose or limitation begin to run any later than the date HANSON's services are completed or terminated.

**13. Dispute Resolution:** In an effort to resolve any conflicts that arise during the design and construction of this Project or following completion of this Project, the CLIENT and HANSON agree that all disputes between them arising out of or relating to this Agreement or this Project shall be submitted to nonbinding mediation.

**14. Authority and Responsibility:** HANSON shall not guarantee the work of any Contractor or Subcontractor, shall have no authority to stop work, shall have no supervision or control as to the work or persons doing the work, shall not have charge of the work, and shall not be responsible for safety in, on, or about the job site or have any control of the safety or adequacy of any equipment, building component, scaffolding, supports, forms or other work aids.

**15. Right of Entry:** CLIENT shall provide for HANSON's right to enter property owned by CLIENT and/or others in order for HANSON to fulfill the scope of services for this Project. CLIENT understands that use of exploration equipment may unavoidably cause some damage, the correction of which is not the responsibility of HANSON.

**16. Utilities:** CLIENT shall be responsible for designating the location of all utility lines and subterranean structures within the property line of the Project. CLIENT agrees to waive any claim against HANSON, and to defend, indemnify and hold harmless from any claim or liability for injury or loss arising from HANSON or other persons encountering utilities or other man-made objects that were not called to HANSON's attention or which were not properly located on plans furnished to HANSON. CLIENT further agrees to compensate HANSON for any time or expenses incurred by HANSON in defense of any such claim, in accordance with HANSON's prevailing fee schedule and expense reimbursement policy.

**17. Job Site:** Services performed by HANSON during construction will be limited to providing assistance in quality control and to deal with questions by the CLIENT's representative concerning conformance with drawings and specifications. This activity is not to be interpreted as an inspection service, a construction supervision service, or guaranteeing the Contractor's performance. HANSON will not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs. HANSON will not be responsible for the Contractor's obligation to carry out the work in accordance with the Contract Documents. HANSON will not be considered an agent of the owner and will not have authority to direct the Contractor's work or to stop work.

**18. Opinions of Cost:** Since HANSON has no control over the cost of labor, materials or equipment or over a Contractor's method of determining prices, or over competitive bidding or market conditions, its opinions of probable Project cost or construction cost for this Project will be based solely upon its own experience with construction, but HANSON cannot and does not guarantee that proposals, bids or the construction cost will not vary from its opinions of probable costs. If the CLIENT wishes greater assurance as to the construction cost, he shall employ an independent cost estimator.

**19. Shop Drawing Review:** CLIENT agrees that HANSON's review of shop drawings, when such review is included in the scope of services, shall be solely for their conformance with HANSON's design intent and

conformance with information given in the construction documents. HANSON shall not be responsible for any aspects of a shop drawing submission that affect or are affected by the means, methods, techniques, sequences and operations of construction, safety precautions and programs incidental thereto, all of which are the Contractor's responsibility. The Contractor will be responsible for lengths, dimensions, elevations, quantities and coordination of the work with other trades. CLIENT warrants that the Contractor shall be made aware of his responsibilities to review shop drawings and approve them in these respects before submitting them to HANSON.

**20. Confidentiality:** Each party shall retain as confidential, all information and data furnished to it by the other party which are designated in writing by such other party as confidential at the time of transmission, and are obtained or acquired by the receiving party in connection with this Agreement, and said party shall not disclose such information to any third party.

**21. Third Party Beneficiaries:** Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either CLIENT or HANSON. HANSON's services under this Agreement are being performed solely for the CLIENT's benefit, and no other party or entity shall have any claim against HANSON because of this Agreement or the performance or nonperformance of services hereunder. CLIENT and HANSON agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors, and other entities involved in this Project to carry out the intent of this provision.

**22. Severability:** If any term or provision of this Agreement is held to be invalid or unenforceable under any applicable statute or rule of law, such holding shall be applied only to the provision so held, and the remainder of this Agreement shall remain in full force and effect.

**23. Survival:** Notwithstanding completion or termination of the Agreement for any reason, all rights, duties, obligations of the parties to this Agreement shall survive such completion or termination and remain in full force and effect until fulfilled.

**24. Entire Agreement:** This Agreement is the entire Agreement between the CLIENT and HANSON. It supersedes all prior communications, understandings and agreements, whether written or oral. Both parties have participated fully in the preparation and revision of this Agreement, and each party and its counsel have reviewed the final document. Any rule of contract construction regarding ambiguities being construed against the drafting

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party shall not apply in the interpreting of this Agreement, including any Section Headings or Captions. Amendments to this Agreement must be in writing and signed by both CLIENT and HANSON.

**25. *Modification to the Agreement:*** CLIENT or HANSON may, from time to time, request modifications or changes in the scope of services to be performed hereunder. Such changes, including any increase or decrease in the amount of HANSON's compensation, to which CLIENT and HANSON mutually agree shall be incorporated in this Agreement by a written amendment to the Agreement.

**26. *Governing Law:*** This Agreement shall be governed by and interpreted pursuant to the laws of the State of Illinois.

SUPPLEMENT #1  
ATTACHMENT A: SCOPE OF SERVICES  
HERSHEY ROAD EXTENSION: HAMILTON TO 750' SOUTH  
MFT PROJECT NO. 10-00347-00-PV

Hanson Professional Services Inc. shall prepare project development studies and design plans, specifications and estimates for an extension of Hershey Road from Hamilton Road to approximately 750 ft south, in the City of Bloomington (CITY). The proposed improvements include building a full 20-year design section south across the Norfolk Southern Railroad right-of-way and then tapering down to a lesser section south of the railroad. The design will reference a recent alignment and profile study performed by Farnsworth Group.

The Project shall be designed in accordance with Motor Fuel Tax (MFT) standards and Specifications of the Illinois Department of Transportation, except as may be modified or approved by the City of Bloomington Public Works Department.

Plans will be prepared in English units (feet) using Microstation software in accordance with CAD conventions of the Illinois Department of Transportation (IDOT) in IL State Plane Coordinates (East Zone), except as modified and approved by the City of Bloomington Public Works Department.

**SERVICES:** The Additional Scope of Services will be limited to the following:

- A. The corridor boundaries for data collection and design are along the north side of Hamilton Road from the end of the bike path at State Farm to Hershey Road, approx. 1450 ft, along Hershey Road from Hamilton Road to Ireland Grove Road, approx. 1750 ft., and between Hershey Road and the first cul-de-sac to the east, approx. 400 ft.
  
- B. Study Surveying and Mapping
  - 1. Field survey services, including:
    - i. Establish horizontal and vertical control surveys as needed.
    - ii. Field topographic surveys of the existing conditions for use in the preparation of construction plans. Collect existing roadway top of curb (or equivalent) data and 25 ft. behind existing curb along Hamilton and Hershey Roads at approximate 50 ft. intervals. For the segment east of Hershey Road, provide cross section data of existing ground at approximate 50 ft intervals.
    - iii. Courthouse research to obtain copies of available deeds, subdivision plats, plats of survey, monument records, and right of way documents.
    - iv. Coordinate & attend joint utility meeting with JULIE member utility companies to field locate underground utility facilities. Above ground utilities and above ground indications of below ground utilities will be shown on the topographic survey drawing. Above ground indications of below ground utilities are those indications, such as signs, manholes and markings made by respective utility companies, which are within the survey limits and which are easily and readily visible to our survey crew at the time of the field survey. Sewer invert elevations will be determined to the extent possible by manhole lid removal and direct measurement. If visible from the opening, the survey crew will measure to the structure invert and identify the

size (diameter), direction, material and invert (if not at structure invert) of the pipes which connect to the structure. The survey crew will not enter any structures.

- v. Locate section corner and control monuments. Prepare recovery ties as needed.
  - vi. Locate, uncover, and flag existing monuments along right of way lines of the project corridor within data collection limits.
  - vii. Locate peripheral block, subdivision, and property corners within data collection limits.
  - viii. Set traverse points throughout project. Prepare recovery ties.
  - ix. Traverse and run level circuit through traverse points and data collection points.
    - x. Set monuments at corners of proposed right of way and easement parcels obtained for the project after construction is complete.
    - xi. Perform field locating and staking of control points and benchmarks per the IL Department of Transportation's Recurring Special Provision for Construction Layout Stakes – Check Sheet #10, Department Responsibility Items (a) and (b).
2. Establish existing right of way lines and relevant deed lines within the data collection limits.
  3. Update base map of the existing topography in CAD format. This file shall include survey points, planimetric mapping, breaklines, digital terrain model, and contour lines.
  4. ROW / Easement plat and legal description preparation for one property. Obtain title commitments for one property. We assume no additional ROW or easement is required for the proposed sidewalk along Hershey Road.

#### C. Environmental Studies

1. Data collection of environmental resources and mapping.
2. Conduct a site reconnaissance survey to inventory environmental resources in the vicinity of the project area.
3. Prepare an Environmental Survey Request (ESR) and submit to IDOT for cultural resources review.
4. Submit an EcoCAT (Ecological Compliance Assessment Tool) request to the Illinois Department of Natural Resources (IDNR) for threatened and endangered species and natural areas reviews.
5. Conduct a special waste assessment screening; scope does not include a PESA or PSI.
6. Document environmental resources and clearances on form BLR 10100.
7. Assumptions for the environmental scope of services:
  - i. This project will be processed under MFT guidelines of IDOT and should not require the preparation of any NEPA documentation including an ECAD, EA, or EIS, or a PDR, PESA, or PSI.

#### D. Erosion Control

1. Plans will be prepared in accordance with the requirements of the Illinois Environmental Protection Agency and the City of Bloomington.
2. Storm Water Pollution Prevention Plan will be prepared for inclusion in the construction documents, including the preparation of a NPDES permit.

E. Bike Trail Design

1. Identify horizontal and vertical alignment controls
2. Create horizontal and vertical alignments
3. Determine typical section
4. Complete cross section studies to finalize proposed horizontal and vertical alignments.
5. Determine utility conflicts and make adjustments as necessary. Determine necessary utility relocations.
6. Prepare plan and profile sheets (@ 1"=20' H., 1"=5' V.) and cross sections every 50' and each existing driveway (@ 1"=10' H., 1"=5' V.) within the project limits.
7. Identify limits of property needs.

F. Traffic Signal

1. Prepare railroad signal report to determine warning time
2. Prepare traffic signal plans at the intersection of Hershey Road and Hamilton Road in accordance with the current editions of the IDOT specifications and Manual on Uniform Traffic Control Devices. Plans to be reviewed by the CITY, ICC and IDOT.

G. Preparation of necessary plans and specifications, which include the following minimum items:

1. Existing/Proposed Typical Sections for all pavements with alternate proposed pavement types if requested by the City
2. Removals/Relocations Plan
3. Plan / Profile Sheets (1" = 20' H & 1" = 5' V)
4. Miscellaneous details
5. Cross Section Sheets (with cross-sections every 50' (min.))

H. Quality Assurance

Provide proper quality assurance prior to sending any construction plans and specifications for review. The following items as a minimum will be reviewed prior to submitting any construction plans or specifications for review:

1. Every item shown in the construction plans either has a pay item or is specifically discussed in a pay item special provision.
2. Items to be constructed have been reviewed for constructability and directly correspond to a standard pay item or a special provision.
3. Existing utilities, as provided by the utility companies, have been checked against proposed facilities for horizontal and vertical conflict during construction.
4. Address City comments and concerns.

I. Project Management

1. Coordination with CITY
2. Internal team kick-off meeting
3. Staffing and Management Plan
4. Financial and schedule controls

J. CITY Responsibilities

The City of Bloomington will perform or provide the following:

1. The City will make available digital files of aerial photographs, contours, and basic topography from the McLean County G.I.S. data.
  2. The City will provide the copies of such construction plans as the City may have on file for existing infrastructure within the project limits.
  3. The City will attend design meetings to be held at the City Public Works office. During each meeting, key elements of the project shall be identified including progress, schedule, submittal review, value engineering options and other design issues.
- K. The following items are not included in the scope of work but could be provided as an addendum to the contract:
1. Construction observation activities
  2. Sewer televising
  3. Section 106 statement or mitigation for cultural resource impacts
  4. Section 4(f) evaluation
  5. NEPA documentation, i.e., EA, EIS
  6. Mitigation planning and design for impacts to threatened and endangered species, wetlands/waters, or historic/archaeological resources.
  7. Preparation and coordination for an Individual Section 404 permit and Individual Section 401 Water Quality Certification.
  8. Utility relocation plans
  9. Water Main Plans
  10. Sanitary sewer plans and details.
  11. Lighting plans and details.
  12. Necessary permitting and/or mitigation for locations outside the shown mapped Zone AE floodplain in current FEMA mapping.



ATTACHMENT B  
Supplement #1

Payment  
Hershey Road Extension  
Hamilton Road to 750' South  
Section No. 10-00347-00-PV

The LA agrees to pay the ENGINEER as compensation for all services rendered in accordance with this Supplement, on the basis hourly rates using the multiplier of 3.0, with a maximum compensation not to exceed \$46,382. Total compensation for the entire project shall not exceed \$294,758.

<b>Tasks</b>	<b>Total Hours</b>	<b>Ave Hourly Rate</b>	<b>Labor Costs</b>	<b>Direct Costs</b>	<b>Fee</b>
Project Management	16	\$135.00	\$2,160	\$0	\$2,160
Survey	75	\$82.85	\$6,214	\$1,054	\$7,268
ROW Documents	19	\$88.37	\$1,679	\$603	\$2,282
Environmental Sign-offs	59	\$108.34	\$6,392	\$350	\$6,742
Construction Document Preparation	256	\$98.55	\$25,230	\$2,700	\$27,930
<b>Total</b>	<b>425</b>	<b>\$98.06</b>	<b>\$41,675</b>	<b>\$4,707</b>	<b>\$46,382</b>

# Hershey Road Extension: Hamilton to 750' South

