

**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 7:01 p.m., Monday, September 24, 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, Chief Deputy Clerk Renee Gooderham, and Corporate Counsel Todd Greenburg were also present.

**Staff Absent:** City Clerk Tracey Covert.

**The following was presented:**

SUBJECT: Appointment to the Beautification Commission

**RECOMMENDATION/MOTION:** That the Appointment be approved.

**BACKGROUND:** I ask your concurrence in the appointment of Valerie Dumser of 809 W. Washington, Bloomington 61701 to the Beautification Commission. Her 4 year term will begin September 24, 2012.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos  
Executive Assistant

Stephen F. Stockton  
Mayor

**Mayor Stockton introduced Valarie Dumser. Ms. Dumser addressed the Council. She had previously served on the Beautification Commission for ten (10) years. She resigned from on the West Bloomington Revitalization project to serve on same. She stated her passion was the beautification of the City.**

**The following was presented:**

SUBJECT: Council Proceedings of September 10, 2012 and Work Session Minutes of July 23, 2012

**RECOMMENDATION/MOTION:** That the reading of the minutes of the previous Council Proceedings of September 10, 2012 and Work Session Minutes of July 23, 2012 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of September 10, 2012 and Work Session Minutes of July 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 by Alderman Fazzini, seconded by Alderman Fruin that the reading of the minutes of the previous Council Proceedings of September 10, 2012 and Work Session Minutes of July 23, 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, September 20, 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)

**Motion by Alderman Fazzini, seconded by Alderman Fruin 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: Lake Bloomington Lease Transfer Petition for Lots 6 & 7, Block 2 of Camp Kickapoo from William R. and Mary E. Masters to Jeffrey A. and Diana L. Lowe

**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 Lots 6 & 7, Block 2 in Camp Kickapoo from William R. and Mary E. Masters to Jeffrey A. and Diana L. Lowe. The sewage disposal system inspection was completed in August of 2012 and the septic system was functioning properly at that time. The sewage disposal system is 13 years old. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately 20-25 years. However, this can be affected greatly by usage patterns of the premises (seasonal versus full time occupancy) and system maintenance.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There were no Community Groups contacted for this petition as it is a routine matter.

**FINANCIAL IMPACT:** This petition will have a neutral financial impact in that the lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value) to determine the Lake Lease Fee. The current lake lease formula will generate approximately \$850 per year in lease income for the Water Fund. This lake lease income will be posted to Lake Lease revenue account line item 50100140-57590.

It should be noted the term of this lease will expire on December 31, 2131, the same term as other lease renewals since 1998.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed by:

Craig M. Cummings  
Director of Water

Patti-Lynn Silva  
Director of Finance

Barbara J. Adkins  
Deputy City Manager

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson  
Asst. Corporation Counsel

David A. Hales  
City Manager

**Motion by Alderman Fazzini, seconded by Alderman Fruin 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: Petition from the Ireland Grove Properties, LLC Requesting Approval of Dedication of Water Main Easement located at 1603 - 1607 Tullamore Ave., south of Ireland Grove Rd.

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

**BACKGROUND:** This easement plat dedicates a twenty foot (20') easement for a public water main to be constructed at the Links at Ireland Grove Office Buildings.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Ireland Grove Properties, LLC.

**FINANCIAL IMPACT:** All survey and platting costs are being paid by Ireland Grove Properties, LLC.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Jim Karch  
Director of Public Works

Craig Cummings  
Director of Water

Rosalee Dodson  
Asst. Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PETITION FOR DEDICATION OF  
WATERMAIN EASEMENT**

STATE OF ILLINOIS        )  
  )SS.  
COUNTY OF MCLEAN     )

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

Now comes Ireland Grove Properties, LLC, an Illinois limited liability company, and owner of the subject property, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested in the dedication of a 20 foot wide Water main Easement for 1603 – 1607 Tullamore Ave., Bloomington, Illinois, in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the dedication of the proposed 20 foot Water main Easement located on said premises;
3. That said Dedication of the Water main Easement is reasonable and proper for the further development of the property.

WHEREFORE, your Petitioner prays that the proposed Dedication of Water main Easement for Ireland Grove Properties, LLC, Bloomington, Illinois be accepted with such further reservation of utility easements as may seem proper.

Respectfully submitted,

By: Marti Rave  
Ireland Grove Properties, LLC  
Petitioner

**ORDINANCE NO. 2012 - 62**

**AN ORDINANCE PROVIDING FOR THE DEDICATION OF  
WATERMAIN EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the Dedication of a Water main Easement for Ireland Grove Properties, LLC., Bloomington, Illinois on the premises heretofore described in Exhibit A attached hereto and made a part hereof by Ireland Grove Properties, LLC., the owner of the subject property; and

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

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

WHEREAS, it is reasonable and proper to accept the said dedication of the Water main Easement as requested in this case.

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

1. That the dedication of the 20 foot Water main Easement for 1603 – 1607 Tullamore Ave., Bloomington, Illinois, is hereby accepted.
2. The aforesaid dedication notwithstanding, the City reserves to itself and to all utilities an easement the full width of the dedicated Water main Easement for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24<sup>th</sup> day of September, 2012.

APPROVED this 25<sup>th</sup> day of September, 2012.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert, City Clerk

**EXHIBIT A**Description of Property

Lot 314 in the First Addition to Links at Ireland Grove Road Subdivision, Bloomington, Illinois, according to the plat thereof recorded January 26, 2006, as Document Number 2006-2199, McLean County, Illinois.

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the Dedication be approved and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Intergovernmental Agreement with District 87 for Providing Salt for 2012/2013 Winter Season

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

**BACKGROUND/MOTION:** The City of Bloomington purchases salt every year for its snow operations through the Illinois state contract. In the past, the City has sold a small amount of salt to District 87 to supplement their snow operations. In an effort to assist with our local school district, staff has negotiated an agreement this year to assist District 87 with a small amount of salt. The amount of salt covered under the agreement is 2.8% of the normal amount used in any given year and should not affect the quality of snow operations that the citizens of Bloomington are used to receiving.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** District 87.

**FINANCIAL IMPACT:** The city will charge District 87 a cost of \$65.21 per ton which is comprised of the raw material cost of \$60.21 per ton in addition to an overhead costs which includes storage, handling and loading fee of \$5 per ton.

Respectfully submitted for Council consideration,

Prepared by:

Financial review by:

Reviewed as to legal sufficiency:

Jim Karch, PE CFM  
Director of Public Works

Patti-Lynn Silva  
Director of Finance

Rosalee Dodson  
Asst. Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Intergovernmental Agreement  
Between the City of Bloomington and  
Bloomington Public Schools, District 87**

In order to better conserve taxpayer dollars, the City of Bloomington (hereafter “City”) and Bloomington Public Schools, District 87 (hereafter “District 87”) hereby enter into the following agreement regarding road salt from the date of its execution through April 30, 2013.

1. The City store and load the salt from its 502 South East Street salt storage facility. District 87 will provide the transportation from this salt storage facility.
2. The City of Bloomington would prefer, but does not require, that the total salt distribution be taken by District 87 at one time. Loading of the salt will need to be arranged by District 87 with the City a minimum of 48 hours prior to the date of request. The City reserves the right to deny the timeline of pickup given based upon daily operations of the City.
3. The salt will be paid for by District 87 at a cost of \$65.21 per ton (this cost includes the raw material cost of \$60.21 per ton plus a storage, handling and loading fee of \$5 per ton).
4. The amount of salt provided to District 87 shall not exceed 250 tons prior to April 30, 2013.
5. This agreement shall be effective as of the date it is passed by the final party to do so.

Passed this 24<sup>th</sup> day of September, 2012.

Stephen F. Stockton  
Mayor  
City of Bloomington

ATTEST:

Tracey Covert  
City Clerk

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2012

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Michael Harrison  
Board President  
Bloomington Public Schools  
District 87

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Analysis of Bids for Water Treatment Chemicals

**RECOMMENDATION/MOTION:** That the bids be awarded to the various vendors and the Purchasing Agent authorized to issue Purchase Orders for same.

**BACKGROUND:** On September 11, 2012, bids were opened for the City of Bloomington's water treatment chemical needs for the twelve months following the award of the bids. As can be seen in the table (below), three chemicals increased in price by double digit amounts and two others decreased in price by low single digit amounts. One chemical remained at the same price because it was contractually bound to remain unchanged in price over three years. This is a clear indication of the continued volatility of the industrial bulk chemical market. Water treatment chemicals are one of the three main expenses in the Water Department operation and maintenance budget. The other two are labor and electricity.

CHEMICAL	VENDOR	Unit of Measure	CURRENT YEAR	LAST YEAR	% Change
Ferric Sulfate	Kemira Water Solutions	Ton	\$169.00	\$147.00	15%
Carbon Dioxide	Praxair	Ton	\$58.00*	\$47.50	22.1%
Sodium Hexametaphosphate	Carus Phosphates	Ton	\$2,000.00 ♦	\$2,060.00	-2.9%
Anhydrous Ammonia	Tanner Industries	Ton	\$1,600.00	\$1,440.00	11.1%
Hydrofluosilicic Acid	Mosaic Crop Nutrition, LLC.	Ton	\$544.00	\$550.00	-1.1%
Liquid Chlorine	JCI Jones, Inc.	Ton	\$500.00^	\$500.00	0%

All chemicals are delivered on an as-needed truckload basis, except sodium hexametaphosphate which is delivered as a single shipment of 20,000 pounds

\* Three year agreement with a maximum 4% per year escalator.

♦ Single 20,000 lb. shipment price

^ Year two of a three year contract with no price increase in this second year.

There are several water chemicals that are used in the water treatment process. These chemicals are used in widely varying dosages when compared one to another and individual chemicals will routinely change in dosage as the quality of the water withdrawn from the supply reservoirs changes. The Water Department has budgeted \$625,000 for the overall cost of water treatment chemicals in FY 12-13. In FY 11-12, \$800,000 was spent on water treatment chemicals and in FY 10-11, \$677,000 was spent.

Due to the volatility in the industrial bulk chemical market, the City attempted to reduce some of the exposure to the market swings by requesting multi-year pricing. All vendors were invited to submit proposals for 3 year agreements for supplying chemicals in addition to the standard one year bid. Two vendors submitted 3 year proposals, namely one for carbon dioxide and one for hydrofluosilicic acid. The number of vendors willing to commit to three year pricing is down from years past, again indicating ongoing volatility in this market.

The carbon dioxide 3 year pricing proposal of \$58 per ton in year one and a maximum 4% escalator in years two and three from Praxair, Inc. is being recommended by staff over the three year pricing proposal of \$62.00 per ton in each of the three years from Continental Carbonic Products, Inc. ("CCP"). If the three year pricing from Praxair were accepted, the savings in year one would be between \$2,000 - \$3,000 as a result of the difference between the bid price of \$58/ton from Praxair compared to the \$62/ton bid by CCP and assuming between 500 and 750 tons of carbon dioxide were used in a year. In year two, assuming a worst case scenario of the full 4% increase in the price from Praxair, their year two price per ton would be \$60.32 as compared to the \$62 per ton price from CCP. The savings in year two would be between \$840 - \$1,260 assuming again that between 500 and 750 tons of carbon dioxide was used in a year. In

year three, assuming a worst case scenario of the full 4% increase in the price from Praxair, their year three price would be \$62.73 per ton as compared to the \$62 per ton price from CCP. There would be no savings in year three. The cost for the Praxair carbon dioxide in year three would actually be more expensive than the year three price per ton from CCP; between \$365 – \$547.50 more expensive, assuming again that between 500 and 750 tons of carbon dioxide was used in a year. Therefore, the two year savings range of the Praxair carbon dioxide would be between \$2,840 – \$4,260 and the year three expense (Praxair's price would be higher in year three under the worst case scenario) would be between \$365 – \$547.50. Adding the three year savings/expenses together, the three year contract with Praxair, in the opinion of staff, is the more economical alternative to bidding the carbon dioxide each year for the next three years or accepting the CCP bid. The savings would be in the range of \$2,475 – \$3,712.50 over the three year term of the contract.

Liquid chlorine is shown on the table but actually was not bid in 2012. It was bid in 2011 and a three year contract was approved by the City Council on September 26, 2011 at a price of \$500 per ton for each of the three years of FY's 2012, 2013 and 2014. Staff committed at that time to present to Council each year for approval, the current year pricing for multi-year contracts.

The use of these individual chemicals in the water treatment process is as follows:

**Ferric Sulfate** – A compound used to increase the removal of suspended materials, such as small soil particles, that are suspended in the water. Basically, very small suspended particles clump together to settle quicker in the water treatment plant.

**Carbon Dioxide** – The compound that gives pop its fizz is the same material used to lower the pH in water after the removal of dissolved minerals through the use of lime (the water softening process). Lime greatly increases the pH of the water and that pH must be lowered to prevent the formation of scale on the filters and to make the water palatable. Carbon Dioxide, which forms a weak acid, is bubbled into the water to accomplish this.

**Sodium Hexametaphosphate** – This phosphate compound is used to prevent scale from forming on the filters in the water treatment plant.

**Liquid Chlorine** – Chlorine is used as a disinfectant in water treatment plants. It is a strong oxidant so it helps with taste and odor as well. In the United States, a minimal amount of chlorine must be present in the pipes in all areas of the water distribution system to continue working as a disinfectant all the way to a customer's water service connection.

**Anhydrous Ammonia** – Ammonia is added to the water already containing chlorine to form a class of compounds known as chloramines. Chloramines act as disinfectants, just like chlorine, but are stable in the water delivered to customers for a longer period of time than just chlorine alone.

**Hydrofluosilicic Acid** – Commonly just referred to as fluoride, this chemical is added to the water to increase the amount of fluoride in drinking water to levels which are optimal for the protection of adults, but to a greater extent, children's teeth from cavities. There is a modest

amount of naturally occurring fluoride in the water taken from our reservoirs; the addition of hydrofluosilicic acid simply increases that to optimal levels. The addition of fluoride to optimal levels is a State Law in Illinois.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There were no Community Groups contacted for this petition as it is a routine matter.

**FINANCIAL IMPACT:** Payment for the purchase of water treatment chemicals throughout the year will be made from the Water Department, O & M budget, Purification Division, Water Treatment Chemicals, Account #50100130-71720. This account is budgeted at \$655,000, for all of the above-mentioned chemicals, for FY 2012/13.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Reviewed by:
Craig M. Cummings Director of Water	Kim Nicholson Purchasing Agent	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

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the bids be awarded to the various vendors and the Purchasing Agent authorized to issue 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: Lake Bloomington Lease addition for Lot 1, Block 29 in Camp Potawatomie

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

**BACKGROUND:** The lease for Lot 1, Block 29 of Camp Potawatomie was transferred in 1998. When the owner of the property applied for a building permit from McLean County to rebuild an existing porch, it was discovered that the porch and part of the house extended over land owned by the City but not in the description of the lease for the property. This encroachment has apparently existed for some time. In order for a permit to be issued, the County Building and Zoning Department requires that the home and all of its appurtenances be within the legally described leased property. This lease addition, amounting to approximately 1,345 square feet does not add materially to the property already leased from the City. It is being recommended to clear up the issue of the entire building being within the legally described lease so a permit can be issued.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There were no Community Groups contacted for this petition as it is a routine matter.

**FINANCIAL IMPACT:** This petition will have a neutral financial impact. This lease is at the formula of \$0.15 per \$100 of Equalized Assessed Value. The current lease rate is about \$105 per year. This addition is approximately 1,345 square feet and does not add materially to this leased property. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by:

Craig M. Cummings  
Director of Water

Financial review by:

Patti-Lynn Silva  
Director of Finance

Reviewed by:

Barbara J. Adkins  
Deputy City Manager

Reviewed as to legal sufficiency:

Rosalee Dodson  
Asst. Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**AMENDMENT TO LAKE BLOOMINGTON LEASE  
FOR LOT 1, BLOCK 29 OF CAMP POTAWATOMIE**

THIS AMENDMENT is made this 24<sup>th</sup> day of September, 2012 by and between the City of Bloomington, a municipal corporation, of McLean County, Illinois (hereinafter referred to as "City") and Shirley Newberry, of Lexington, McLean County, Illinois (hereinafter referred to as "Lessee").

THIS AMENDMENT IS ENTERED INTO on the basis of the following facts, intentions and understanding of the parties:

- A. In 1998, the City and Lessee entered into a Lease Agreement for property owned by the City in the vicinity of Lake Bloomington, Illinois for Lot 1, Block 29 of Camp Potawatomie.
- B. Said Lease expires on December 31, 2131, unless sooner terminated as provided for in the Lease Agreement.
- C. When Lessee applied for a building permit from McLean County to rebuild an existing porch, it was discovered that the porch and part of the house extended over land owned by the City, but not in the description of the Lease Agreement.
- D. In order for a permit to be issued, McLean County requires that the house and all of its appurtenances be within the legally described leased property.
- E. Lessee desires to lease additional property from the City; such addition does not add materially to the property.

NOW, THEREFORE, in consideration of the mutual promises hereinafter expressed between the parties, and other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the parties agree as follows:

- 1. The Lease Agreement shall be amended in that added to and as an additional part of the premises is approximately 1,345 square feet of real property described in Exhibit A attached hereto and incorporated herein by reference.
- 2. All other terms and conditions contained in the Lease Agreement, except amended with the additional parcel to the premises, is otherwise unchanged and remains in full force and effect.

By: Stephen F. Stockton  
Mayor

By: \_\_\_\_\_  
Shirley Newberry

Attest:

Attest: \_\_\_\_\_

Tracey Covert  
City Clerk

Name  
Title

### **Legal Description – Proposed Additional Lease Area**

A part of the E ½ of the NW ¼ of Section 12 Township 25 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the northeast corner of Lot 1 in Bock 29 of the unrecorded Plat of Camp Potowatomie in the possession of the City of Bloomington; thence Southeasterly 30.00 feet on the Easterly extension of the north line of said Lot 1; thence Southeasterly 8.00 feet on a line that forms an angle to the left of 123°-19'59" with the last described course; thence Southwesterly 72.00 feet on a line that forms an angle to the left of 144°-56'-43" with the last described course to the southeast corner of said Lot 1; thence Northerly 85.00 feet to the Point of Beginning on a line that forms an angle to the left of 24°-00'023" with the last described course.

Said Proposed Additional Lease Area containing 1,345.19 square feet/0.03 acres, more or less, as determined by this survey.

**Alderman Purcell expressed concern with amendments to Lake Bloomington leases. There was a tendency to find out about buildings on city property after the fact. He believed there was abuse of same by various lease holders. He planned to vote no on this item.**

**Alderman Stearns echoed Alderman Purcell's comments. She believed this would set a precedent.**

**Alderman McDade stated that most property owners were able to clearly define lot lines. She believed the bigger issue was staff resources and priorities to investigate. Each requested should be viewed on a case by case basis.**

**Mayor Stockton questioned how to avoid potential issues.**

**David Hales, City Manager, addressed the Council. Craig Cummings, Director of Water and staff had reviewed this request. He reminded Council that the land was City owned. Survey lines had been determined decades ago. Lot boundaries were hard to tie down. Homes at the lake were bigger and required more than one (1) lot. Ms. Newberry had gone to the County for a building permit. She was informed at that time that approval was required. He believed this was an opportunity for a small subcommittee to address concerns.**

**Motion by Alderman Fruin, seconded by Alderman Fazzini that the Amendment 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 Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, and Fruin.**

**Nays: Alderman Stearns and Purcell.**

**Motion carried.****The following was presented:**

SUBJECT: Purchase of a Sole Source Bulk Water Dispensing Unit

**RECOMMENDATION/MOTION:** That the purchase of a sole source Truck Fill System bulk water dispensing unit from Northern Water Works Supply of DeKalb, Illinois in the amount of \$29,900 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

**BACKGROUND:** The Water Department Distribution Division provides a bulk water dispensing station at its Division Street pump station. This bulk water dispensing station provides potable water to customers that provide their own tanks for transporting the water. This unit operates in an efficient, safe and cost-effective manner. The customers include contractors needing water for directional drilling, farmers needing water for livestock and rural customers that need water to supplement wells or refill cisterns. This station generates revenues of around \$12,000-\$15,000 each year.

The current system uses a gift-style credit card that is loaded with a given amount of credit by Water Department personnel and is drawn down by the customer with water purchases until exhausted. The card can then be reused by purchasing more credit. The system does not accept cash at the dispensing unit and the purchases are tracked through the City's cash registers.

The microprocessor in the current unit is obsolete as are the magnetic strip cards. The unit can no longer be reprogrammed and the City cannot acquire any more cards for the unit. The unit has failed repeatedly in the last several months and can no longer be repaired.

The Water Department has looked for replacement units and found only one supplier of a fully automated, programmable credit/debit card unit which can link directly to the new MUNIS enterprise software. The unit is priced as follows:

Truck Fill system	\$16,935
Control computer with software installed	\$ 2,600
Credit card interface with thermal printer	\$ 5,000
2" control valve	\$ 2,430
<u>On-site start up and training</u>	<u>\$ 2,935</u>
<b>TOTAL</b>	<b>\$29,900</b>

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There were no Community Groups contacted for this matter.

**FINANCIAL IMPACT:** The purchase of this equipment has been appropriated FY 2013 Water Department budget line item #50100120-72140 Capital Outlay, Equipment Other than Office, Account.

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

### **RESOLUTION NO. 2012 - 31**

#### **A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF A TRUCK FILL SYSTEM BULK WATER DISPENSING UNIT FROM NORTHERN WATER WORKS SUPPLY OF DEKALB, ILLINOIS AT A PURCHASE PRICE OF \$29,900**

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Truck Fill System Bulk Water Dispensing Unit at a Purchase Price of \$29,900.

ADOPTED this 24<sup>th</sup> day of September, 2012.

APPROVED this 25<sup>th</sup> day of September, 2012.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Alderman Fazzini cited concerns that the wording of waiving the competitive bid process was not included in the motion.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the original motion include the wording waiving the competitive bid process.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the formal bid process be waived, that the purchase of a sole source Truck Fill System bulk water dispensing unit from Northern Water Works Supply, DeKalb, IL in the amount of \$29,900, be approved, the Purchasing Agent be authorized to issue a Purchase Order for same and the Resolution adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Analysis of Request for Proposals (RFP) for Taxable Capital Lease

**RECOMMENDATION/MOTION:** That the RFP for Taxable Capital Lease be awarded to Commerce Bank in the amount of \$5.572 million, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** City staff use a diverse range of equipment and vehicles to provide services to residents. Beginning FY 2011, the City undertook an equipment replacement program to replace worn, outdated equipment through the issuance of direct General Fund revenue and a \$4.4 million dollar taxable capital lease. The replacement program has been highly successful in that the City has incurred cost savings in repair and maintenance in addition to low borrowing rates. *In fact, the City's 2011 capital lease program borrowed at a rate of 2.99%, while the proposed 2012 lease will borrow at a rate of 1.84% (a savings of 1.15%).*

The FY 2013 budget included a recommendation the City obtain a five (5) year capital lease to replace approximately \$5.572 million in high cost equipment. Plans to purchase various pieces of equipment and vehicles were adopted in the FY2013 budget at the full recommended budget.

This \$5.572 million equipment list (see attached spreadsheet) is composed of equipment from multiple operational departments. The equipment financed through this capital lease includes equipment such as one (1) ladder truck for the fire department, five (5) dump trucks, and two (2) automated garbage trucks. Further, this list includes five (5) additional automated garbage trucks and nineteen thousand (19,000) refuse totes providing an opportunity for the City to have fully automated refuse collection. The equipment identified for replacement by the capital lease was

recommended by each department and reviewed by Fleet Management who recommended the replacement of the highest priority items.

The Purchasing Agent included a statement in the RFP documents to notify all potential bidders the City would be financing procurement of capital equipment/vehicles with a lessor. The City has purchased thirteen pieces of equipment and this lease will reimburse the City's General operating fund for these individual purchases.

A Request for Proposals was published in the Pantagraph on August 13, 2012 and posted on the City's web site. Eighteen (18) financial institutions were provided RFP's for this program. Six (6) responses were received. The results are as follows:

<b>Bidders</b>	<b>Interest Rate</b>
Commerce Bank	1.84%
JP Morgan Chase	1.857%
US Bank	1.95%
PNC Equipment Finance	2.17%
Busey Bank	2.65%
Caterpillar Financial Services	3.80%

The Chief Budget Officer oversaw the bid process, compiled results, and is recommending the Commerce Bank bid. This recommendation is based upon the lowest interest rate; in addition, this proposal by Commerce Bank provides the City flexibility to retire the debt anytime during the duration of the contract without a "make whole" or penalty clause. The JP Morgan Chase bid has a rate slightly above the Commerce rate, but the lease is subject to a "make whole" clause if the City prepays the lease within 24 months of its issuance. Commerce Bank was awarded the 2011 Capital lease and this relationship has been very successful. Commerce Bank provides the City's Procurement Cards and Utility Lockbox services. The City has received exceptional customer service for these products.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** An RFP was published in the Pantagraph on August 13, 2012 and posted on the City's web site. Sixteen (16) financial institutions were mailed RFP's. Six (6) responses were received.

**FINANCIAL IMPACT:** The estimated five (5) year interest rate cost is approximately \$232,440. Commerce Bank indicated they would pass on interest rate savings from any short term change in interest rates to the City between the bid and the execution of the capital lease contract. The principal and interest expenditures for this item are budgeted from the following line items within each department (73401 – Principal Expense) and (73701 – Interest Expense).

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Timothy Ervin  
Performance Auditor/Budget  
Officer

Patti-Lynn Silva  
Director of Finance

Barbara J. Adkins  
Deputy City Manager

Recommended by:

David A. Hales  
City Manager

**Mayor Stockton introduced this item.**

**David Hales, City Manager, addressed the Council. He stated this was the second (2<sup>nd</sup>) year for the capital lease program. It was economical to purchase large equipment through same.**

**Patti-Lynn Silva, Finance Director addressed the Council. The full 2013 budgeted amount was bid. Bidding the full amount created options. Commerce Bank had the lowest interest rate. There was the ability for early to pay off without penalty.**

**Mr. Hales stated the lease program would assist with the purchase of the automated refuse trucks conversion. The purchase would support the creation two (2) automated routes. The full conversion was anticipated by late summer/early fall 2013.**

**Alderman Stearns questioned commitment of a citywide automated refuse system without committing to the solid waste plan heard at the earlier Work Session. Mr. Hales responded that Council had already committed to the recycling program and the purchase of two (2) automated trucks for household waste. This allows for last minute changes to the programs. He anticipated one (1) truck remaining a rear loader.**

**Alderman Sage stated that the rating agencies looked a multiple levels one of which was purchasing updated capital equipment. He believed this was a benefit to the City's credit rating.**

**Mr. Hales stated the rating agencies were monitoring the progress the city's ability to be back on track with equipment investments and projects. The agencies will review the various master plans as a way to identify capital improvement programs for realistic funding. The current the credit rating success was due to paying off short term debt and building the reserve fund.**

**Alderman Mwilambwe questioned long term funding of equipment. Mr. Hales responded the goal was to fund only large equipment items.**

**Mayor Stockton suggested setting up various emergency reserve funds.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the RFP for Taxable Capital Lease be awarded to Commerce Bank in the amount of \$5.5 million, 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: Presentation and Video Streaming Technology for City Council Chambers

**RECOMMENDATION/MOTION:** That the unit prices from Zeller Digital Innovations, Inc. (Zdi), for the purchase and implementation of video presentation, recording and streaming technology in the amount of \$80,215 be accepted, the contract be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** In support of the Council's 2012 Action Plan, approved by Council on February 13, 2012, staff has been working to bring recommendations before Council to improve the communications technology in the Council Chambers. The 2012 Action Plan item is "Communications Technology Master Plan Phase III and IV – Council Chambers Presentation System and Televising/Webstreaming Council Meetings." This item is in support of City Council Goal #1, which is "Financially Sound City Providing Quality Basic Services."

During the April 12, 2010 meeting, Council approved a Communications Technology Master Plan brought forward by staff. The plan laid out recommendations for improving the technology within the Council Chambers (phases I, III and IV) and a redesign of the City's web site (phase II). The City's new web site went live on July 3, 2012.

The technology improvements within Council Chambers consist of three phases:

- Phase I (audio reinforcement improvements) – This phase involved replacing the audio system (microphones, speakers, amplifiers) that staff believed was the original system installed in Council Chambers. Council gave staff approval to move forward with this phase during the April 12, 2010 meeting in the amount of \$40,825.44. This phase has been completed and the first audio recording of City Council was June 28, 2010.

- Phase III (video presentation) – This phase involves implementing new presentation equipment within Council Chambers. Equipment includes a permanently mounted projector, replacement projection screen, two 55” LED monitors (to allow Council member viewing of presented material), digital signage player and a DVD player.

- Phase IV (video streaming) – This phase will provide the cameras, recording and video streaming equipment to output a video stream of Council and other meetings that can be viewed live, archived and rebroadcasted.

Staff is respectfully seeking Council approval to complete phases III and IV (phases I and II are complete). In addition, staff has been given Council direction to implement a system to display voting results and to provide a timer that would be viewable by Council members, the public and staff during Council meetings. Assuming Council approval, the remaining technology improvements are scheduled to be completed by December 31, 2012.

Attached are three (3) proposals from Zdi. These proposals provide solutions for phase III and IV of the Council communications technology improvements as mentioned above, while also providing a solution for displaying Council voting results and a visual timer.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Staff has received multiple requests from private citizens to provide video streaming of Council meetings.

**FINANCIAL IMPACT:** In bringing Phase I before Council in 2010, staff received proposals from Zdi and three (3) other audio/visual technology vendors for three (3) phases of the Council Chambers portion of the master plan. Staff’s intention was to use the same vendor selected for phase I for phases III and IV. Zdi was selected from four (4) vendors who submitted proposals for all three (3) phases of technology improvements to Council Chambers. The overall Zdi design for all three (3) phases used a building block approach where phases III and IV used technology installed in phase I as a foundation. Staff believes it critical to maintain vendor continuity for this reason.

The Communications Technology Master Plan originally included budgetary estimates for the technology improvements. The budgetary amount included for the Council Chambers improvements (not including web site redesign) was originally \$130,000. In 2010, Zdi’s overall proposal (phases I, III and IV) was for \$124,181.65. Assuming Council approves staff’s current recommendation, the total project cost will be \$121,040.44 (\$40,825.44 phase I + \$80,215.00 phases III and IV plus the voting and timer system).

Funds for the purchase of these technology improvements were appropriated by Council in the Information Services Capital Outlay Computer Equipment account (10011610-72120) within the FY 2013 Budget.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed by:

Scott A. Sprouls  
Director of Information Services

Patti-Lynn Silva  
Director of Finance

Barbara J. Adkins  
Deputy City Manager

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson  
Asst. Corporation Counsel

David A. Hales  
City Manager

**Mayor Stockton introduced this item. He stated that the equipment could be installed by the end of the year. The purchase would provide streaming on the internet and broadcasting on the Comcast public access channel.**

**David Hales, City Manager, addressed the Council. The purchase of equipment allowed for flexibility later in the way of production.**

**Scott Sprouls, Information Services Director, addressed the Council. This was the final phase of the 2010 Communications Plan. The first (1<sup>st</sup>) phase was installation of microphones; second (2<sup>nd</sup>) was the web site which went live July 3, 2012. A Request For Proposal was completed in 2010. Zeller's original proposal was for \$130,000, the actual cost was \$121,000.**

**Mayor Stockton stated that this was a benefit to the public. Streaming would be raw video delayed by seconds. A DVD would be sent to Comcast for the access channel. Scheduling had not been determined.**

**Mr. Hales questioned the possibility of indexing the video. Mr. Sprouls explained that indexing would allow the public to fast forward to certain parts of the meeting from the agenda. This concept would be looked at in the future.**

**Alderman Sage questioned operating costs. Mr. Sprouls responded if production was kept to a minimum there would be no additional costs.**

**Mayor Stockton stated that post production could be flexible with the equipment. Mr. Sprouls responded that four (4) cameras collected information. Only one (1) will be used for streaming.**

**Alderman Anderson questioned the ability to have a written transcript of meeting. Mr. Sprouls stated the technology was available but limited. He stated the ability to identify the speaker was not available. Alderman Anderson believed this would save time for the City Clerk.**

**Alderman Fazzini expressed his appreciation to staff. He cited the Town of Normal and City of Champaign have this technology.**

**Alderman Stearns expressed her appreciation for the ability of the public to “attend” a Council meeting. She questioned the ability to access same without a computer. Mr. Sprouls stated a DVD would be given to Comcast for airing.**

**Alderman Schmidt questioned server space and archiving. Mr. Sprouls explained at this time streaming would be conducted through a hosting site. He cited [www.youtube.com](http://www.youtube.com) as an example. There was the possibility of using Cloud technology for archiving.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the video presentation, recording and streaming technology known as Phases III and IV of the Communications Technology Improvement Master Plan be purchased and installed by Zeller Digital Innovations, Inc., Normal, IL, in the amount of \$40,825.44, the contact 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.**

**MAYOR’S DISCUSSION: None**

**CITY MANAGER’S DISCUSSION: David Hales, City Manager, addressed the Council. Staff was working to present the recommended budget on February 11, 2013. He anticipated a Budget Work Session on Saturday, March 2, 2013. Property tax levy and pre budget would be discussed in the upcoming months.**

**He reminded Council that the subcommittees were a pilot program. These committees needed to begin meeting. He suggested the following begin first (1st): public safety, infrastructure. He anticipated within the next three to six (3 – 6) months discussions on the following: property tax levy, pre budget, and master plan actions items.**

**Mayor Stockton requested Council indicate the committees of interest.**

**ALDERMEN’S DISCUSSION: Alderman Fruin highlighted the Zoning Board of Appeals (ZBA) meeting on September 19, 2012. The ZBA voted unanimously against the Special Use Petitions on Pamela Dr. He cautioned other permitted uses without a hearing. He believed careful consideration should be given as to the best use of the property.**

**Alderman McDade reminded Council about the Citizen's Voice meeting to be held Wednesday, September 26, 2012 at 6:00 p.m. at the Miller Park Pavilion.**

**Alderman Fazzini commented on the recent Attorney General's ruling on an Open Meetings Violation. He had spoken with other municipal officials who stated they attend training together. The officials sit and discuss same. He questioned how they were not reported for an Open Meetings Act Violation.**

**Motion by Alderman Anderson, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 8:15 p.m.**

**Motion carried.**

**Renee Gooderham  
Chief Deputy City Clerk**