

**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 7:02 p.m., Monday, November 13, 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.

PUBLIC COMMENT: Mayor Stockton opened the Public Comment section of the meeting. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Alton Franklin, 508 Patterson Dr., addressed the Council. He expressed his concern regarding the estimated property tax levy. People were hurting. He requested that the Council find \$1 million in savings. The Council needed to reduce spending. He had been attending the Council meetings and knew what was going on. The Council would continue to grow City government through cost increases. The Council needed to consider the welfare of its citizens and the City's quality of life. He noted the comparison made based upon a home's value. A few dollars can mean a lot. He hoped the Council would take a closer look at this item. The City needed to participate in shared sacrifices and delay expenditures.

Peggy Miles, 2212 Riverwoods Ln., addressed the Council. She had appeared before the Council on a number of occasions regarding the Eagle View South Park. She appreciated the opportunity to partner with the City. This area of the City had waited seven (7) years for this park. The design funds were included in this year's budget. Planning Resources, Inc., (PRI), was selected to design the park. It had been a pleasure to work with PRI and City staff. The neighborhood was cohesive in its request for additional parking due to the ball fields. She thanked the Council for the park's design.

Bernie Uszcienski, 1107 N. Hinshaw Ave., addressed the Council. He noted the recent dog attack in the City. He recognized the efforts of the City's Police Department and telecommunicators. He cited the professionalism shown. This incident was another

dog attack in the City. He and his wife visited the couple. He requested that the City draft a proactive ordinance and pass same.

Carl Woodward, 1707 Clearwater Ave., addressed the Council. He was a CPA, (Certified Public Accountant). He owned and operated a small business with twenty (20) employees. The City had missed the deadline for its audit. He found this unacceptable. He questioned the Council's management of the community. The City may need to hire additional staff to accomplish mandated tasks. He addressed the unfunded pension liability which he estimated at \$130 million. The Council was not doing its job. Tepfler & Associates, actuarial firm, gave the Council the facts. No conclusion was reached and the City retained another actuarial firm, Milliman. He addressed the catch up time line. The information was not pleasant. Milliman did not present a recommendation. The Council served as the elected officials of the City. He found their lack of action as an embarrassment. The Council needed to take action soon.

The following was presented:

SUBJECT: Council Proceedings of October 22, 2012 and November 22, 2010, the Council and Cultural District Commission Joint Meeting Minutes of June 11, 2012, and Citizen Voice Meeting Minutes for September 26, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of October 22, 2012 and November 22, 2012, the Council and Cultural District Commission Joint Meeting Minutes of June 11, 2012, and Citizen Voice Meeting Minutes for September 26, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of October 22, 2012 and November 22, 2010, the Council and Cultural District Commission Joint Meeting Minutes of June 11, 2012, and Citizen Voice Meeting Minutes for September 26, 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 Sage, seconded by Alderman Mwilambwe that the reading of the minutes of the previous Council Proceedings of October 22, 2012 and November 22, 2012, the Joint Meeting Minutes of June 11, 2012 and Citizen Voice Meeting Minutes of September 26, 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, November 8, 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 Sage, seconded by Alderman Mwilambwe 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: Request to enter into an Early Order Program with Helena Chemical, (the distributor), for procurement of Syngenta and BASF, (the manufacturers), golf course chemicals utilizing cooperative agency pricing

RECOMMENDATION/MOTION: That participation in an early order discount program for the purchase of various Syngenta-branded and BASF branded chemicals for golf turfgrass management for the 2013 golf season and use of Helena Chemical as the local distributor for these products be approved, and that the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: Our golf courses are considered to be some of the finest in downstate Illinois. In the most recent Golf Digest Magazine rankings, The Den at Fox Creek received a prestigious 4½ star rating (out of 5) which places it alongside only six other courses in the state of Illinois in the same fee category to receive the honor. Prairie Vista received a 4 star rating while Highland Park received a 3½ star rating. In 2005, Golf Digest also voted Bloomington/Normal the fifth best city to live for golf in the country. The courses regularly host events from throughout the state, most notably, the Illinois High School State Finals, (IHSA), held at The Den at Fox Creek and Prairie Vista in October of each year. In order to maintain our courses in a manner that is consistent with the expectations of our customers, we need to continue providing quality playing surfaces. One of the primary factors in providing quality playing surfaces is to keep the turf free from disease and insects, which if left untreated, have the potential to do significant damage. Damage to the playing surface/turf would result in a significant loss of rounds and revenue, while also requiring major dollars to reseed the infected areas. Best practices in the golf industry show the most efficient manner to treat turf diseases and insects to do so in a preventative manner. By utilizing preventative chemical applications, we stay ahead of the diseases and suppress potential outbreaks before they occur.

Each year Syngenta and BASF offer an early order program allows the opportunity to lock in next year's prices at discounted rates. Syngenta and BASF are the two (2) primary manufacturers of chemical and fertilizer products utilized in the management of turfgrass in the

golf industry. Through best practices, the golf course maintenance staff has found these Syngenta and BASF products to provide the desired effects in order to provide a high level of playing conditions demanded by our golfing public. In addition, Helena Chemical is the Syngenta and BASF distributor of choice for the municipalities of Normal, Decatur, Peoria, Pekin, Springfield, Champaign and Quincy. The golf courses at Illinois State University, Bloomington Country Club, and Crestwicke Country Club use these products through Helena Chemical. Entering into the early order program guarantees the discounted price for any additional Syngenta or BASF purchases required during 2013. Additionally, by participating in the early order program we are offered extended payment terms with payment not due until mid-July on all early order purchases.

Name	May 2010	May 2011	May 2012
Urea (per ton cost)	\$315.00	\$350.00	\$400.00
Concert (per gallon cost)	\$76.00	\$68.40	\$68.40
Banner Maxx (per gallon cost)	\$206.00	\$206.00	\$206.00

Syngenta and BASF engages the assistance of local recognized quality turf distributors to assure the delivery, service and billing of their products. Syngenta and BASF operate using an agency pricing model, meaning the price of their chemicals is exactly the same regardless of the distributor chosen. These distributors are contractually obligated to offer these products at set agency prices. This agency pricing model removes our need to bid out the products we choose to purchase. For the past four years, we have utilized Helena Chemical located in Warrensburg, IL. Helena will store the products on their site and deliver to us on an as needed basis saving us space in our golf maintenance facilities. Helena's local dealership manager is a Certified Golf Course Superintendent who offers an exceptional level of service and consultation advice as he visits our courses to offer support and years of expertise to our golf maintenance personnel.

There is no statewide contract available for the procurement of these chemicals and fertilizers. The deadline to enter this program is before December 7, 2012. City Council has given Staff permission to participate in this program for the last several years.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Cathy Link, Interim Purchasing Agent.

FINANCIAL IMPACT: The golf courses annually spend approximately \$200,000 on chemicals and conservatively will realize savings of approximately \$20,000 through the participation in this early buy program. Funds will be appropriated in the FY 2014 Budget line items 56406400-70590, 56406410-70590 and 56406420-70590 to offset the cost of this service.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Jason Wingate
Supt. of GolfJohn Kennedy
Director of Parks, Recreation & Cultural Arts

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City ManagerDavid A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that participation in an early order discount program for the purchase of various Syngenta and BASF branded chemicals for golf turfgrass management for the 2013 golf season and use of Helena Chemical, as the local distributor, for these products be approved, and the Purchasing Agent be authorized to issue a Purchase Order.

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 the Purchase a New Heating and Cooling System for Miller Park Pavilion

RECOMMENDATION/MOTION: That the bid for the purchase of a new heating and cooling system at Miller Park Pavilion, from Hermes Service and Sales, in the amount of \$45,625 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: On October 12, 2012 at 1:30 p.m. bids were publicly opened and read for this HVAC replacement project. Three (3) bids were received and staff recommends approval of the lowest bidder. Included in this bid is the removal and installation of three (3) condensers, six (6) evaporator coils and four (4) furnaces

The current condensers are thirty-three (33) years old and inefficient. The current units have a five (5) Standard Energy Efficient Rating (SEER) and the new units have an 11.2 SEER. This means the units will run more efficiently. The City should see a twenty-three percent, (23%), savings in energy cost. The estimated annual electrical cost at the Pavilion is \$10,714; an

estimated annual electrical cost saving of \$2,464 is projected. The current units have had numerous repairs some of which included blower motor replacement, new control board installation, and a Freon leak in one (1) of the coils. This leak has been difficult to locate and repair. Staff has spent numerous hours trying to address this problem. The estimated annual repair and maintenance cost for the three (3) condensers is \$1,200. There are three (3) condensers at the Pavilion with each one (1) dedicated to cooling one (1) the floor. Staff believes that any time a condenser could malfunction and the floor it is dedicated to cool will be without air conditioning. Parts are no longer available for the existing units.

The current furnaces on the third floor are thirty-three (33) years old and are eight percent (80%) efficient. The current furnaces on the main level are fourteen (14) years old and are ninety-one percent (91%) efficient. The new units specified are ninety-five percent (95%) efficient. A twenty percent (20%) savings in natural gas usage will be seen on the third floor. A five percent (5%) savings in natural gas usage will be seen on the main floor. The estimated annual natural gas cost saving for the entire Pavilion is \$496. The new units will be able to keep up with all heating and cooling demands. Maintenance cost and service hours will decrease due to the units being newer and much more efficient. The Pavilion is rented or programmed by City staff an estimated 175 days a year with the Miller Park Adult Center operated in the lower level Monday through Friday year round.

The combination of new condensers and furnaces will help heat and cool the Pavilion at a more rapid rate which will also help save utility costs. The estimated annual energy cost savings for the Pavilion is \$2,960. The estimated payback period is 14.3 years.

An application has been filed with the state Department of Commerce and Economic Opportunity, (DCEO), Public Sector Program which provides incentives for projects that increase the energy efficiency of local governments. The estimated rebate from DCEO is \$3,146. The money will be refunded once the project is completed.

Bidder	Bid Price
Hermes Service and Sales	\$45,625
Lane Company	\$46,474
SBC Heating and Air Conditioning	\$65,581

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Hermes Service and Sales and Cathy Link, Interim Purchasing Agent.

FINANCIAL IMPACT: The FY 2014 Budget appropriated \$45,000 in the Park Dedication Fund for this project available in account 24104100-72140. Although, the projected is expected to exceed the budget by \$625 or 1.3%, the Parks Department has applied for the DCEO grant mentioned within the background section. This potential grant is expected to offset a portion of the total cost of this project.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Robert Moews
Supt. of Park Maintenance
Arts

John R. Kennedy
Director of Parks, Recreations & Cultural

Reviewed by:

Reviewed by:

Recommended by:

Cathy Link
Interim Purchasing Agent

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the bid for the purchase of a new heating and cooling system at Miller Park Pavilion, from Hermes Service and Sales, in the amount of \$45,625, be approved, and the Purchasing Agent be authorized to issue a Purchase Order.

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 Two (2) Dump Trucks for the Public Works' Sewer Maintenance and Operations Division using the State of Illinois Joint Purchasing Contract

RECOMMENDATION/MOTION: That the purchase one (1) International 4300 Low Pro Dump Truck, in the amount of \$135,307, and one (1) 7400 Dump Truck, in the amount of \$145,625, from Prairie International, Normal, IL, using the State of Illinois Joint Purchasing Contract #PSD4016932 be approved, and the Purchasing Agent be authorized to issue a Purchase Order.

BACKGROUND: Public Works' Sewer Maintenance and Operations Division has a 1999 International S4700 Low Pro Dump Truck and a 2001 International S4900 Dump Truck that are scheduled for replacement in Fiscal Year 2013. These units are used in the day to day repair and maintenance of the City's sewage system. During snow and ice events, these units are used to plow snow and distribute anti-icing agents. The larger unit is also used in the leaf collection program. The new 4300 Low Pro Dump Truck will be equipped with a nine foot, (9'), stainless steel dump body, ten foot, (10'), power reversing snow plow, and a stainless steel salt distributor.

The 7400 Dump Truck will be equipped with a twelve foot, (12'), stainless steel dump body, eleven foot, (11'), power reversing snow plow, and a stainless steel salt distributor. Both units will have electric and hydraulic systems to operate all equipment.

The replacement units will be sold at public auction and are expected to be worth \$9,000 each.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Sewer Maintenance and Operations Division's budget appropriated \$274,000 within line item 51101100-72130 for the replacement of these two (2) dump trucks. The replacement cost for these vehicles is \$280,932. The replacement cost will exceed the budgeted amount by \$6,932. Staff expects the overage to be offset by savings in the repair and maintenance of vehicles which at mid-year is projected to be \$13,951.72 below budget.

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:

Reviewed by:

Recommended by:

Timothy Ervin
Budget Manager

Catherine Link
Interim Purchasing Agent

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the purchase one (1) International 4300 Low Pro Dump Truck, in the amount of \$135,307, and one (1) 7400 Dump Truck, in the amount of \$145,625, from Prairie International, Normal, IL, utilizing the State of Illinois Joint Purchasing Contract #PSD4016932 be approved, and the Purchasing Agent be authorized to issue a Purchase Order.

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 the Purchase One (1) Backhoe for the Public Works' Sewer Maintenance and Operations Division

RECOMMENDATION/MOTION: That the bid for the purchase of one (1) Caterpillar 430F IT Backhoe from Altorfer Inc., East Peoria, IL, in the amount of \$163,550.22 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: Public Works' Sewer Maintenance and Operations Division has a 2004 Caterpillar 430D backhoe with 6,561 hours that is due for replacement in Fiscal Year 2013. This unit is used in the day to day repair and maintenance of the City's sewage system. During snow and ice events this unit is used to plow snow. The new unit will be equipped with a ten foot, (10'), snow plow, hydraulic pavement breaker, twelve inch, (12'') bucket, twenty-four inch, (24''), bucket, thirty-six inch, (36'') bucket, and forty-eight inch, (48'') bucket. Bid packages were mailed on September 14, 2012 and sealed bid were opened on October 12, 2012. The results are as follows:

Bidder	Make & Model	Amount	Net Price Full Machine Warranty	Net Price Cust. Serv. Agreement	Amount Buy Back opt	Amount Trade-in Allowance opt	Total
Altorfer Inc.	430F IT	\$142,715	\$5,336.84	\$15,498.38	\$45,000	\$45,000	\$163,550.22
Martin Imp.	John Deere 410K TMC	\$135,950	\$6,200.00	\$18,800.00	\$51,000	\$51,000	\$160,950.00
Birkey's Imp.	Case 590SN	\$150,900	\$6,621.00	\$10,800.00	\$65,500	\$65,500	\$168,321.00
Roland Mach.							No Bid
McAllister Equip.							No Bid

Of the three (3) bidders, Altorfer Inc. met the entire bid specifications with no exceptions. Altorfer provided a bid for a Caterpillar 430F IT. Public Works' Streets and Sewer Division's heavy machine operators and the Assistant Superintendent of Streets and Sewers evaluated all three (3) machines. City staff recommends the Caterpillar 430F IT for the following reasons: 1.) after all three (3) manufacturers were tested by the union members, the Caterpillar was best suited for the Public Works Department's operations. Since 2004, the department has had the two (2) Caterpillar backhoes. The hydraulic controls on the Caterpillar are what our heavy operators are the most comfortable with and believe are the safest when working underground.

The old unit will be moved to Lake Bloomington to replace a 1997 John Deere 410D Backhoe that has over 8,000 hours and is at the end of its dependable service life. The John Deere 410D backhoe from Lake Bloomington will be sold at public auction and its salvage value is estimated to be \$11,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Streets and Sewers staff provided input on the equipment best suited for operations.

FINANCIAL IMPACT: The Sewer Maintenance and Operations Division budget appropriated \$115,000 in line item 51101100-72140 for the replacement of the backhoe. The replacement

cost for this piece of equipment is \$163,550. The replacement cost will exceed the budgeted amount by \$48,550. Staff will prepare a budget amendment in the amount of \$48,550 to offset the difference between budget and actual cost of the backhoe. Staff expects the overage to be offset by sewer charges which at mid-year is projected to be approximately \$200,000 over budget.

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:

Reviewed by:

Recommended by:

Timothy Ervin
Budget Manager

Catherine Link
Interim Purchasing Agent

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the bid for the purchase of one (1) Caterpillar 430F IT Backhoe, from Altorfer Inc., East Peoria, IL, in the amount of \$163,550.22, be approved, and the Purchasing Agent be authorized to issue a Purchase Order.

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 Market St. Parking Garage Repairs, Phase II

RECOMMENDATION/MOTION: That the bids be rejected and the project be rebid in Fiscal Year (FY) 2014.

BACKGROUND: In order to spread the repair cost over several years for the Market St. Parking Garage project was divided into three (3) phases. Phase I was completed in FY 2011 at a cost of \$224,977. Phase I consisted of repairing structural members, life safety and normal maintenance issues. Phase II and III consisted of repairing life safety and normal maintenance

issues. The intent of this three (3) phase repair project was to extend the life of the garage by ten, (10), years.

On October 5, 2012, at 2:00 p.m., bids were publicly opened and read for the Market St. Parking Garage Repairs, Phase II. The bid results are:

Company	Location	Alternate 1	Base Bid
Western Waterproofing	Springfield, IL	\$1,650.00	\$552,103.50
Concrete Strategies	St. Louis, MO	\$53,000.00	\$623,925.00
E&H Restoration	Davenport, IA	\$14,449.15	\$642,699.99
SPS Infrastructure	St. Paul, MN	No Bid	\$481,694.25

Alternate 1 was for a four (4) year extension, labor and material, of the standard one (1) year warranty.

The budget amount for this project is \$275,000.

SPS Infrastructure Co., St. Paul, MN, was the low bidder. This firm would have been disqualified because they did not submit pricing for all unit cost items that were included in the base bid.

Phase II was scheduled for completion this FY followed by Phase III following next FY. A total of \$575,000 has been budgeted for Phase II and III. Staff believes the bids for Phase II exceeded the budget amount to a point where it is not feasible to start the project this FY. Staff is requesting that Council reject the current bids and allow staff to combine Phase II and III into the next FY's proposed budget. The project can be re-bid next spring in FY 2014. A total of \$575,000 is currently budgeted for Phase II and III.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This project was advertised in the Pantagraph Aug. 31, 2012.

FINANCIAL IMPACT: The FY 2013 Budget appropriated \$275,000 in the Capital Improvement Fund for this project. The Capital Improvement Fund is funded through an inter-fund transfer from the City's General Fund. The City can either reduce the current FY transfer from the General Fund or retain the savings in the General Fund. This action will require the entire amount be transferred in the FY 2014 Budget. Furthermore, the City can transfer the \$275,000 in accordance with the direction set forth within the budget. Through this action the City can transfer a lower amount into the Capital Improvement Fund next year to fund this project.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Robert F. Floyd
Facilities Manager

Mark A Huber
Director of PACE

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
Corporate Counsel

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the bids be rejected and the project be rebid in Fiscal Year 2014.

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: Extension of Bid for an Additional \$50,000 for Shoreline Protection Work Along the Evergreen Lake Reservoir

RECOMMENDATION/MOTION: That the additional funding be approved.

BACKGROUND:

Funding

Staff requested and Council authorized entering into a funding agreement on August 27, 2012 between the IEPA, (Illinois Environmental Protection Agency), and the City for the funding of a shoreline erosion control project at the Evergreen Lake reservoir. This cooperative effort entailed the funding of a \$100,000 project with \$36,000 from IEPA’s Bureau of Water and \$64,000 from the City’s Water Improvement Fund.

This project was competitively bid and administered by the McLean County Soil and Water Conservation Office (MCSWCO) utilizing the Water Conservationist. The City funds the majority of this position through our Intergovernmental Agreement with McLean County, the Town of Normal, and the MCSWCO. The City’s commitment to this project, as stated above, was \$64,000. However, in light of the ongoing drought, in addition to the fact the shoreline is

exposed within the Evergreen Lake Reservoir, staff has requested an additional \$50,000 be allocated for this project through the use of bid prices obtained by the MCSWCO. This additional funding is not part of the original grant and will be completely funded by the City.

Staff has requested this additional amount because it is rare the Evergreen Lake Reservoir would be five feet, (5'), below its full level. At this level, the shoreline where the protection work will take place is dry. This will permit the construction work to proceed at a quicker pace with the ability to thoroughly inspect the work.

To date, the Water Department has garnered over \$500,000 in competitive cash grants from the Sand County Foundation, a private foundation that funds watershed programs and the IEPA. This agreement will add to this tally and will utilize a proven mitigation effort, (shoreline protection), that is part of the IEPA's strategy to reduce phosphorous in the City's drinking water reservoirs.

Project Scope of Work

The shoreline protection project is designed to mitigate problems with reservoirs that have been determined to be impaired based upon targeted contaminants that may be found in the reservoirs above certain levels.

The shoreline protection project is the culmination of many years work on the improvement of the quality of the City's drinking water reservoirs. Starting in 2003, the IEPA conducted a Source Water Assessment and a Total Maximum Daily Load (TMDL) analysis of the Evergreen Lake reservoir. A TMDL is the greatest amount of a given contaminant a reservoir can receive without violation of water quality standards and designated uses.

The Evergreen Lake reservoir is a high quality reservoir, but it is impaired by phosphorous which can stimulate the growth of algae within the reservoir eventually resulting in low dissolved oxygen levels and the proliferation of nuisance organisms. Phosphorous can come from many sources but one known source is completely natural in that phosphorous can be released into the reservoir from soil that has eroded from the shoreline. To minimize the phosphorous load into the reservoir, shoreline erosion must be reduced.

The Source Water Assessment and a TMDL analysis of the Evergreen Lake reservoir was completed in 2006. An implementation plan for reducing pollutants in the reservoirs was determined and only then could grant dollars from the federal and state government become available for implementation or mitigation effort. The awarding of grant dollars is a competitive process and the amount in the Partners in Conservation program can vary from year to year. The City has applied for grant dollars in the past but has not been successful in its efforts to complete a project from this funding source.

Conclusion

More funding for the Evergreen Lake shoreline protection project should be appropriated. There is an enormous amount of shoreline that has not been protected since the construction of the Evergreen Lake Reservoir in the 1970's. The additional funding for 2012 is being requested as there is an ideal opportunity to complete additional shoreline protection while the reservoir is

four plus feet, (4'+), below its typical level. Any amount of additional shoreline protection at this time simply reduces the City's need to complete shoreline protection projects in the future at higher costs. Each shoreline protection segment completed reduces the amount of shoreline erosion which reduces the capacity of the reservoir and adds substances, such as naturally occurring phosphorous, that degrade the integrity of the reservoir.

Staff therefore respectfully requests that the Council authorize an additional \$50,000 be allocated for the Evergreen Lake Reservoir shoreline protection project that will be paid for from the City's Water Fund. This project is identified in the FY 2013 Capital Budget as the Reservoir Shoreline/Stream Erosion Control Improvements project in the amount of \$100,000. This capital budget line item has \$64,000 encumbered for the shoreline protection's cost sharing project. It is anticipated the balance of \$36,000 will be spent on other stream erosion projects. Therefore, the \$50,000 additional funding would come from other capital projects in the FY 2013 budget.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The McLean County Department of Parks and Recreation and Illinois Department of Natural Resources were contacted as part of the original project. No parties have been contacted concerning this additional work.

FINANCIAL IMPACT: Upon approval by Council, a mid-year budget amendment in the amount of \$50,000 would be prepared in the Water Fund line item 50100130-70220. Staff expects to continue to fund this type of project in future budgets.

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

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the additional funding 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: Payment of \$10,546 to A & R Mechanical Contractors, Inc., for a Change Order for Construction Changes to Fittings, Piping and Painting Associated with the Lime Dust Collection System at the Water Treatment Plant

RECOMMENDATION/MOTION: That the amendment to the contract with A & R Mechanical Contractors, Inc., for construction changes to fittings, piping and painting associated with the Lime Dust Collection System at the Water Treatment Plant, in the amount of \$10,546 be approved.

BACKGROUND: The Lime Dust Collection System replacement project is now completed and operating well. This project was a retrofit of an existing system at the Water Treatment Plant. During this project, there were design changes that were made to improve the efficiency and safety of the project. These design changes were completed by the contractor building the system.

Retrofitting a system into an existing process was very challenging. Not only were there issues of coordination, since the plant was still in operation while the improvements were taking place, but there were also issues of encountering conditions other than those anticipated in the original scope of the design. Blending new technology into an older plant can result in changes that must be made in the field.

The Lime Dust Collector System is used when lime, a water treatment chemical, is unloaded at the Water Treatment facility. Lime is unloaded in 50,000 pound loads several times a week. Lime is a granular material and can produce a large amount of dust when unloaded. The lime is unloaded by a system that conveys the lime vertically through four inch, (4”), steel pipes from the delivery truck to the top of the storage bins. The dust collection system that was replaced was experiencing operational problems including difficulty in changing filter bags, obsolescence of filter bags and a general decline in the overall capability of the system to remove dust. The older bag system was replaced with a new system that uses filter fabric for the filtering medium. When a delivery is completed, the system self-cleans the filters through the use of compressed air bursts to remove the lime dust. This system is completely automated and does not require the frequent and dangerous replacement of the dust collection bags that was required of the older system. The filter bags were located on the top of the lime bins some forty-five feet, (45’), above the floor.

Design modifications were made for the project as directed by staff. These modifications to the Lime Dust Collection System resulted in various parts of the lime piping system being replaced. The Lime Dust Collection System was planned, designed and competitively bid to be replaced. However, the piping to the lime storage bins was not designed for replacement. When the piping to the Lime Dust Collection System was removed for installation of the new system, it was discovered that the existing elbows and pipes were extremely worn and needed replacement.

Once it was determined that the piping had to be replaced, staff suggested that sweeping, reinforced piping elbows, made especially for granular material unloading systems, like the lime conveyance system, should be used. The worn elbows and adjacent pipes were replaced with the new reinforced fittings which required changes in the pipe support systems. The new fittings were larger and heavier. The new fittings and piping had to be painted once they were installed. The majority of the lime delivery piping was replaced via Change Order number one, approved by Council on October 11, 2011, in the amount of \$18,912.

These field changes for Change Order number two were made by the contractor in amount of \$10,546.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no one contacted for this Change Order as it was a routine City matter.

FINANCIAL IMPACT: This Change Order will require the payment of an additional \$10,546 from the Water Department Fund line item 50100130-72590. This fund has a positive fund balance. This Change Order will have minimal impact to the overall financial position of the Water Department.

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

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Change Order with A & R Mechanical Contractors, Inc., for construction changes to fittings, piping and painting associated with the Lime Dust Collection System at the Water Treatment Plant, in the amount of \$10,546, 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: Payment of \$34,393.91 to AECOM, Inc. for Professional Services Provided for Various Design Changes in the Lime Dust Collection and Recarbonation Systems at the Water Treatment Plant

RECOMMENDATION/MOTION: That the amendment to the contract with AECOM, Inc., for various design changes in the Lime Dust Collection and Recarbonation Systems at the Water Treatment Plant, in the amount of \$34,393.91 be approved.

BACKGROUND: Staff has completed two (2) projects that were retrofits of existing systems at the Water Treatment Plant. Both projects are now completed and operating well. With both projects, there were design changes that were made to improve the efficiency and safety of the respective projects. These changes were not determined until the project was already designed and under construction.

Retrofitting a system into an existing process is very challenging. Not only were there issues of coordination, since the plant was still in operation while the improvements were taking place, there are issues of encountering conditions other than those anticipated in the original design scope. Blending new technology into an older plant can result in changes that must be made in the field.

The first project, the Lime Dust Collector System, which is used when lime is unloaded at the water treatment facility. Lime is unloaded in 50,000 pound loads several times a week. Lime is a granular material and can produce a large amount of dust when unloaded. The Lime Dust Collection System that was replaced was having operational problems including difficulty in changing filter bags, obsolescence of filter bags and a general decline in the overall capability of the system to remove dust. The older bag system was replaced with a new system that uses filter fabric for the filtering medium and when the delivery is completed. The system self-cleans those filters through the use of compressed air bursts to remove the lime dust. This system is completely automated and does not require frequent and dangerous replacement of dust collection bags that was required of the older system. The filter bags were located on the top of the lime bins some forty-five feet, (45'), above the floor.

The second project was the Recarbonation System. The Recarbonation System reduces the pH of treated water to an acceptable level. This is accomplished through the use of carbon dioxide. The same gas that gives pop its fizz. Carbon dioxide forms a weak acid when injected into water thus lowering the pH to acceptable levels. The new recarbonation system takes the carbon dioxide and directly injects it into the water in a very efficient manner. This direct injection system, due to its efficiency, has reduced the amount of carbon dioxide that is used. As an added benefit, the use of this system is expected to reduce the incrustation of calcium compounds on the interior of some of the pipes in the water treatment facility. This will, in turn, increase the hydraulic capacity of the plant.

As a result of changes directed by staff, design modifications were made for each project. As an example, one of the larger modifications made was to various parts of the lime piping which had to be replaced. The Lime Dust Collection System was being replaced but the piping to the lime bins was not designed for replacement. When the piping to the system was removed for the new dust collection system to be installed, it was discovered that the existing elbows were extremely worn and needed to be replaced as well as some of the pipes. Once it was determined that the piping had to be replaced, staff suggested that sweeping, reinforced piping elbows, made especially for granular material unloading systems like the lime conveyance system, should be used. The worn elbows and pipes were replaced with the new reinforced fittings and piping which required change in the pipe support systems. The new fittings were larger and heavier. The new fittings and piping had to be painted once they were installed.

Additionally a modification was made to allow two (2) pH monitors to be installed in manholes instead of being buried. The lines where these monitors are located are between ten and fifteen feet, (10 – 15’), deep. The installation of a manhole over each effluent line made maintenance much safer as there is no need for excavation and thus no need for trench shoring. The manholes will provide safe, easy access to the monitors.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no one contacted for this Change Order as it was a routine City matter.

FINANCIAL IMPACT: This Change Order will require the payment of an additional \$18,056.04 from the Water Department Fund in line item 50100130-72540. This fund retains a positive fund balance. This Change Order will have minimal impact to the overall financial position of the Water Department.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Craig M. Cummings
Water Department Director

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 Sage, seconded by Alderman Mwilambwe that the contract amendment with AECOM, Inc., for various design changes in the Lime Dust Collection and Recarbonation Systems at the Water Treatment Plant, in the amount of \$34,393.91, 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 from Wingover East, LLC Requesting Approval of a Dedication of a Water Main Easement, located at Lot 126 Airport Park Subdivision, 15th Addition, west of Ekstam Dr.

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

BACKGROUND: On July 23, 2012, Council approved the Final Plat for Airport Park Subdivision Fifteenth Addition.

On September 10, 2012, Council approved a fifteen feet (15') water main easement for a public water main to be constructed at Wingover East Apartments.

The subject easement plat dedicates an additional five feet (5') wide easement necessitated by a five foot, (5'), shift of a 150' section of the water main caused by a redesign of the onsite detention system during construction.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Wingover East, LLC.

FINANCIAL IMPACT: All survey and platting costs are paid by Wingover East, 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

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR DEDICATION OF
WATER MAIN 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 Wingover East, LLC, hereinafter referred to as your Petitioner, respectfully
representing and requesting as follows:

1. That your Petitioners is interested in the dedication of a five foot Water Main Easement on Lot 126 in Airport Park Subdivision Fifteenth Addition in the premises hereinafter described in Exhibits "A" attached hereto and made a part hereof by this reference;
2. That your Petitioners seeks approval of the dedication of proposed five foot Water Main Easement located on said premises;

WHEREFORE, your Petitioner prays that the proposed Water Main Easement for Wingover East LLC, Bloomington, Illinois be accepted with such reservation of utility easements as may seem proper.

Respectfully submitted,

By: Kurt Hoferle

ORDINANCE NO. 2012 - 68**AN ORDINANCE PROVIDING FOR THE DEDICATION OF
WATER MAIN EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the dedication of Water Main Easement for Wingover East LLC, Bloomington, Illinois; and

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

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

WHEREAS, it is reasonable and proper to dedicate said 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 5 foot Water Main Easement on Lot 126 Airport Park Subdivision Fifteenth Addition are hereby dedicated.
2. The aforesaid dedication notwithstanding, the City reserves to itself 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 13th day of November, 2012.

APPROVED this 14th day of November, 2012.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Description of Property

Lot 126 in Airport Park Subdivision Fifteenth Addition, City of Bloomington, according to the plat thereof recorded August 23, 2012 as Document No. 2012-21100, in McLean County, Illinois.

PIN 15 – 31 – 452 - 006

Motion by Alderman Sage, seconded by Alderman Mwilambwe 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: Lake Bloomington Lease Transfer Petition for Lot 1, Block 14 of Camp Potawatomie, commonly located at 25105 White Owl Ln., Hudson, from Jansen and Deanne Wiley to Tim and Cathy Strader

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 1, Block 14 of Camp Potawatomie, commonly known as 25105 White Owl Ln., Hudson, from Jansen and Deanne Wiley to Tim and Cathy Strader. The sewage disposal system inspection was completed in October 2012. The septic system was functioning properly at that time. The sewage disposal system is twenty-two, (22), years old. 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. The sewage disposal system is a surface discharging system, meaning the system effluent, following treatment, directly discharges to an evaporation trench which eventually leads to the Lake Bloomington Reservoir. The effluent flows slowly through the evaporation trench where a small amount leaches into the ground, some evaporates and anything left flows into the reservoir. If there were a problem with the system, it would back up into the home and poses little threat to the reservoir.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no one 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) for determining the Lake Lease Fee. The current lake lease formula generates about \$630 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:

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

Motion by Alderman Sage, seconded by Alderman Mwilambwe 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: Application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, for a PBA liquor license, which will allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week

RECOMMENDATION/MOTION: The Liquor Commission recommends that the City Council approve a PBS liquor license for MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine and 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.

BACKGROUND: The Bloomington Liquor Commissioner Stockton called the Liquor Hearing to order to hear the application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, requesting a PBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, Mahesh Patel, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. He noted that this application involved the sale of an existing business with a liquor license. Mahesh Patel, owner/operator and Applicant representative, addressed the Commission. Mr. Patel informed the Commission that he had owned and operated Franzetti's located at 801 E. Washington St. currently holding a PBS liquor license for the past fourteen (14) years. Commissioner Stockton questioned this application. Mr. Patel planned to expand his business. There would be no changes at the W. Market St. store. The store would close at 10:00 p.m. He cited a condition upon the current license: no sale of alcohol until 10:00 a.m. He requested that alcohol sales be allowed starting at 7:00 a.m. six days a week and 8:00 a.m. on Sundays. There were no changes planned to the store's interior space.

Commissioner Tompkins acknowledged Mr. Patel's ownership of Franzetti's. He questioned if there had been any violations during the past two (2) years. Mr. Patel responded negatively.

Commissioner Clapp noted that there was a school bus stop nearby the W. Market St. store. The neighborhood had expressed concerns regarding school children.

Commissioner Stockton added his belief that there had been reasons in the past for the store's existing conditions.

Commissioner Tompkins noted that the current owner had been a good neighbor. He added that Mr. Patel was a current license holder in good standing. He questioned if there was any interest in an "A", All types of alcohol, liquor license.

Commissioner Gibson noted that the application was for a "B", Beer & wine only. Mr. Patel responded affirmatively. Commissioner Gibson addressed the Applicant's financials. He noted information had been included regarding audits. He appreciated the inclusion of this information. He addressed the nature of the license. He questioned the percentage of sales from alcohol. Mr. Patel believed that the existing business had grocery sales in the range of seventy-

five to eighty percent (75 - 80%). Commissioner Gibson noted the store's smaller space and the higher percentage of sales from non alcohol items.

Commissioner Petersen questioned the business hours. Mr. Patel stated 6:00 a.m. until 10:00 p.m. on Monday through Saturday and 8:00 a.m. until 10:00 p.m. on Sunday. Commissioner Petersen questioned the existing license type at the store. Mr. Patel noted a PBS liquor license.

Commissioner Buchanan addressed eliminating the condition addressing sale hours. The Commission needed to address the demand for alcohol sales as a financial consideration. Mr. Patel responded affirmatively. He noted there would also be additional tax revenue for the City. Commissioner Buchanan restated Mr. Patel's request that alcohol sales commence at 7:00 a.m., Monday through Saturday, and 8:00 a.m. on Sunday. Mr. Patel responded affirmatively. He did not anticipate a high demand for alcohol sales. He believed that there would be more interest in alcohol sales on Sunday.

Commissioner Stockton noted the current conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine; 2.) there shall be no sale of alcohol before 10:00 a.m. Monday through Saturday; and 3.) the dedicated sales space for stocking/displaying of alcohol be limited to ten percent (10%) of available floor space not to exceed 100 square feet (reference Applicant lease). He also cited window signage. This was a safety issue. He noted Mr. Patel's opposition to the 10:00 a.m. sale hour condition. He added his belief that there was a school bus stop.

Dennis Arnold, 504 N. Lee St., addressed the Commission. He represented the Gridley Allin Prickett's (GAP) Neighborhood Association. He noted the preference that the existing conditions be retained. He stated that signs had been removed from the windows. District 87's school bus stop had been relocated to the intersection of Roosevelt and Mulberry. He added that bus stops can be changed for special needs children. He was not as concerned about Saturday and Sunday. The school bus stop was located one (1) block north of the store. There was no adult supervision. The GAP Neighborhood Association was strongly against a 7:00 a.m. sale hour. He requested that the existing conditions be retained.

Commissioner Tompkins had surveyed the GAP neighborhood approximately eight to twelve (8 - 12) months ago. There was neighborhood support for the existing business practices. There was opposition to an A license classification.

Commissioner Buchanan did not understand the connection between a school bus stop and a 10:00 a.m. sale hour. Mr. Arnold restated that the bus stop was only one (1) block north of the store. The change occurred this year. Bus stops were dependent upon the student population. The last pick up occurred around 9:00 a.m.

Commissioner Tompkins believed that the bus stop was at 7:45 a.m. Mr. Arnold noted special needs children. Commissioner Tompkins questioned if Mr. Arnold believed that children would purchase alcohol. Mr. Arnold noted mothers were concerned about the store's clientele. Commissioner Tompkins noted the store's parking lot area. The school bus stop was one (1) block away.

Commissioner Stockton noted the Commission's history regarding consideration of later hours. There was a clientele that would line up at the hour alcohol sales started. The bus stop had been on the corner. The combination of children and certain clientele was not the best. Mr. Arnold added that a bus stop can be changed at anytime. Commissioner Stockton noted the revenue from alcohol sales. The Commission should retain some restrictions when granting a new license. He cited the sale hours for alcohol as an example. Conditions could be modified at a future date. He did not believe that the Council would support a 7:00 a.m. sale hour.

Commissioner Gibson questioned the last bus stop. Mr. Arnold noted that there were children who attended Sheridan Elementary School located at 1403 W. Walnut St. and Sarah Raymond Childhood Education Center located 1402 W. Olive St.

Commissioner Petersen noted that concerns during the week would not be applicable to Saturday and Sunday. Mr. Arnold cited school days as the greatest concern.

Commissioner Gibson expressed his appreciation and understanding of Mr. Arnold's comments. He addressed fairness and equity to license holders. He noted the history of conditions which was to mitigate issues. He believed that this applicant should be given the opportunity. The City needed to level the playing field. He cited shift workers.

Commissioner Stockton expressed his support to continue the time restriction. Commissioner Gibson questioned when it would end. Commissioner Stockton noted the focus has been on the Downtown. Commissioner Gibson questioned carry over conditions.

Mr. Arnold noted that Pub I located at 505 W. Market St., and Circle K located at 1210 W. Market St., were also located in the GAP neighborhood. He expressed his concern that other license holders would request a change of conditions.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson that the application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, requesting a PBS liquor license be approved with the following condition: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine.

Ayes: Commissioners Gibson and Tompkins.

Nays: Commissioners Stockton, Buchanan, Clapp, and Petersen.

Motion failed.

Commissioner Buchanan questioned condition 3. Commissioner Tompkins believed that this condition was set by ordinance. Commissioner Buchanan informed the Commission that he had visited the premises to reacquaint himself with the facility. The store was in compliance with condition 3. Alcohol items were at or below ten percent (10%) of floor space.

Commissioner Clapp noted the neighborhood concerns and believed that the Commission should take them seriously. The conditions might bear review. Vehicular traffic might be a safety issue.

Commissioner Petersen noted that Mr. Arnold represented the GAP Neighborhood Association. These conditions have worked well for the last four to five (4 - 5) years. There were children in the vicinity. He noted that there were no concerns with Saturday and Sunday. The conditions could be retained on Monday through Friday. The City could see the impact of the conditions upon the store and neighborhood. He expressed his concerns and noted the store's clientele.

Commissioner Gibson noted that the school bus stop had been moved to another location. Commissioner Petersen expressed his concern for the children. Commissioner Clapp added that a neighborhood representative had presented the Commission with its concerns.

Commissioner Gibson stated that the Commission played fast and loose with conditions. Conditions were arbitrary and subjective. He noted that weekends were different. He described the 10:00 a.m. sale hour as harsh.

Commissioner Stockton believed that the Commission had been consistent. Conditions had been used to address the neighborhood's environment. He noted the store's location and its proximity to the Downtown. He cited the clustering of the homeless population at this location. The school buses were generally gone by 9:00 a.m. The Commission could adjust the sale hour condition. He noted the concern addressed Monday through Friday. He hoped the Commission would find a compromise. The Commission had the ability to remove conditions at a future time.

Commissioner Buchanan initially thought the concern was for the City to be proactive and prohibit undesirable behavior. He noted that the school bus stop was no longer on the corner of Market and Roosevelt. He added that CVS located at 202 N. Center St. had a line when it opened. He questioned if the same occurred in this neighborhood. He did not recall any reports from W. Market St. He would support some type of condition. He expressed his interest in a compromise.

Commissioner Tompkins questioned palatable sale hours. Mr. Patel noted that he planned to open at 7:00 a.m. but would be unable to sale alcohol until 10:00 a.m. There were no restrictions at his current location.

Commissioner Tompkins noted that classes start at District 87 at 8:50 a.m. He believed that the school buses arrived fifteen to twenty (15 - 20) minutes before the bell.

Commissioner Stockton expressed his concern regarding a change from 10:00 a.m. to 8:00 a.m.

Commissioner Buchanan recommended 9:00 a.m. on Monday through Friday and 7:00 a.m. on Saturday and Sunday. Commissioner Tompkins added a provision that the condition be removed if there were no issues. Commissioner Clapp requested that any incidents be reported to the Commission.

Mr. Arnold anticipated feedback from the City if there were any issues. Commissioner Tompkins assured Mr. Arnold that the Commission would respond. Mr. Arnold expressed his opinion that the neighborhood would be treated as an experiment.

Commissioner Buchanan noted that the conditions were the experiment. Mr. Arnold cited the neighborhood's experience with Pub I located at 505 W. Market St., Circle K located at 1210 W. Market St. and Pops Grocery located at 918 W. Market St. Pub I had voluntarily stopped the sale of single serve and small bottles.

Commissioner Gibson stated that the issue was proximity of school children waiting for the school bus. The school calendar was only 180 days a year. He acknowledged children safety and a harmful environment. He questioned non school days. He noted past practices.

Mr. Patel noted Price Rite located at 706 N. Clinton St. He cited the pedestrian traffic at this location. Commissioner Stockton stated that concerns have been raised at this location. The condition would become complex by exempting the summer months. Commissioner Gibson restated that the issue was children's safety versus earlier sale hours. The Commission was responding to neighborhood concerns. The key was how much interference/conditions. The Commission must consider the neighborhood and the Council.

Commissioner Buchanan had heard concerns about problems. He questioned if this location was different than CVS. *CVS located at 202 N. Center St. currently holds a PAS, (Packaged, All types of alcohol and Sunday sales), liquor license with the following conditions: 1.) no alcohol sales permitted before 9:00 a.m. and 2.) no single serve sales permitted before 12 noon.*

Commissioner Stockton recommended that the Commission set a review date.

George Boyle, Asst. Corporation Counsel, addressed the Commission. The Applicant could request a change to/review of conditions. He noted Mr. Patel's economic interest and Mr. Arnold's neighborhood concerns. A review could be schedule in three, six, nine, (3, 6, 9) months. There was no set time.

Commissioner Stockton cited other options such as exempt the summer and/or set an automatic review date.

Mr. Patel stated his willingness to try 9:00 a.m. on Monday through Friday.

Commissioner Stockton requested that the neighborhood be willing to consider same. Mr. Arnold stated that the GAP Neighborhood Association would meet on Thursday, October 11, 2012. He planned to keep W. Market St. on GAP's agenda. Commissioner Stockton expressed his opinion that the impact upon liquor sales would be limited. Mr. Arnold expressed his opinion that customers would be present sleeping on the ground.

Commissioner Stockton noted the lease provision: condition 3.) the dedicated sales space for stocking/displaying of alcohol be limited to ten percent (10%) of available floor space not to exceed 100 square feet, (reference Applicant lease).

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, requesting a PBS liquor license be approved with the following conditions: 1.) 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine and 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.

Ayes: Commissioner Stockton, Buchanan, Clapp, Petersen and Tompkins.

Nays: Commissioner Gibson.

Motion carried.

Commissioner Stockton thanked the Commission for their cautious approach. He hoped the Council would support this item. The City would need to work with the neighborhood.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on October 1, 2012 in accordance with City Code. In accordance with City Code, approximately fifty (50) courtesy copies of the Public Notice were mailed on September 28, 2012. In addition, the Agenda for the October 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. Request is for a change of ownership. Annual fee for a PBS liquor license is \$1,180.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Sage, seconded by Alderman Mwilambwe that a PBS liquor license for MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., be created contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine and 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.

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: Text Amendment to Chapter 40 of the City Code Relating to Taxicabs and Vehicles for Hire

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

BACKGROUND: Chapter 40 of the City Code regulates taxicab and vehicle for hire service in the City, and by intergovernmental agreement, in the Town of Normal. In order to ensure the public health, safety and welfare, the Chapter has basic requirements for owners, drivers and vehicles. The proposed Ordinance revises and clarifies language as to those persons prohibited from obtaining certificates of convenience, (required of company owners), permits to drive and the consequences for failure to abide by those prohibitions.

Specifically, the proposed ordinance does the following:

- Provides that no person who is a “sex offender,” as defined, shall obtain a certificate of public convenience, a permit to drive a taxi or permit to drive a vehicle for hire. The Chapter had previously provided that no person who had been convicted of a sexual offense within the past five (5) years could obtain a certificate of public convenience or permit to drive.
- Updates and broadens the definition of “sex offender,” by specifically tying that definition to the definition of that term used in the Sex Offender Registration Act, and by further providing that the term applies to any person found to have committed a sexual offense as described in the Act, regardless of whether that person is required to register as a sex offender in Illinois.
- Provides that no one who has been convicted of a felony within the past ten (10) years shall be eligible to receive a certificate of public convenience or a permit to drive unless the applicant receives a written determination from the City Manager that the applicant is sufficiently rehabilitated such that the issuance to that person of a certificate or a permit would not pose a danger to the public. The Ordinance lists factors the City Manager may consider in making that determination, such as the nature of the felony, the length of time since the conviction and efforts of the applicant at rehabilitation.
- Provides that owners who hire sex offenders or prohibited felons may have their certificates revoked by the City Manager.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The proposed changes have been shown to and received the support of the Town of Normal’s Corporate Counsel and City Manager, the Bloomington-Normal Taxicab and Vehicle for Hire Owners Group and the Bloomington-Normal Community Campus Coalition.

FINANCIAL IMPACT: No significant financial impact upon the community is expected.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

George Boyle
Asst. Corporation Counsel

Barbara J. Adkins
Deputy City Manager

Randall McKinley
Chief of Police

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2012 - 69

**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 40**

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

SECTION 1. That Bloomington City Code Chapter 40, Sections 102, 203, 402, 405, 1002C, 1002J, 1003, 1005, 1005A, shall be and the same are hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 102 DEFINITIONS.

The following words and phrases when used in this Ordinance shall have the meanings as set out herein, unless the context in which they are used clearly indicates that a different meaning is intended.

(a) “Approved” shall mean reasonably acceptable to the Chief of Police of the City of Bloomington.

(b) “Certificate” shall mean a certificate of public convenience issued by the City Manager authorizing the holder to conduct a taxicab business in the City of Bloomington or such other areas to which this Code applies pursuant to an intergovernmental cooperation agreement.

(c) “Council” shall mean the City Council of the City of Bloomington, Illinois.

(d) “Cruising” shall mean the driving of a taxicab on the streets, alleys or public places of the City of Bloomington and other such areas to which this Code applies pursuant to an intergovernmental cooperation agreement without a paying passenger and apparently in search of, or soliciting prospective passengers for hire.

(e) “Driver” shall mean the operator of the taxicab.

(f) “Driver’s Permit” shall mean the written permission granted by the City Manager to a person to drive a taxicab upon the streets of the City of Bloomington and such other areas to which this Code applies pursuant to an intergovernmental cooperation agreement.

(g) “Holder” shall mean a person to whom a certificate of public convenience has been issued.

(h) “License Year” shall mean one (1) calendar year beginning January 1 and ending December 31st.

(i) “Manager” shall mean the City Manager of the City of Bloomington, Illinois.

(j) “Manifest” shall mean a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

(k) “Open Stand” shall mean a public place alongside the curb of a street or elsewhere in the City of Bloomington or other jurisdiction in which this Code applies pursuant to an intergovernmental cooperation agreement designated by the respective corporate authority as reserved exclusively for the use of taxicabs.

(l) “Person” includes an individual, a corporation or other legal entity, a partnership and any unincorporated association.

(m) “Rate Card” shall mean a card issued by the City Clerk for display in each taxicab which contains the rates of fare then in force.

(n) “Sex Offender” shall mean any person convicted, adjudicated or otherwise found to be a sex offender as that term is defined in the Sex Offender Registration Act, 730 ILCS 150/2. Said term shall include any person found to have committed a sexual offense as described in said statute, regardless of whether that person is required to register as a sex offender in Illinois. Said term shall include convictions, adjudications or findings of a violation of any substantially similar federal, uniform code of military justice, sister state, or foreign country law. This Section shall not be construed so as to violate provisions of the Juvenile Court Act.

(o) ~~(n)~~ “Taxicab” shall mean any vehicle used in the business of carrying passengers for hire and not operated regularly upon established routes; however, motor vehicles operated for purposes of mass transit by the City of Bloomington and the Town of Normal and shuttle services operated by hotels and motels as a courtesy to their guests shall not be considered taxicabs. (Ordinance No. 2009-21)

(p) ~~(o)~~ “Taximeter” shall mean a meter instrument or device attached to a taxicab which measures mechanically and/or electrically the distance driven and the waiting time upon which the fare is based.

(q) ~~(p)~~ “Waiting Time” shall mean the following times when a hired taxicab is not in motion, to wit:

- (1) Time commencing three (3) minutes after arrival at the place to which the taxicab has been summoned and ending with the passenger's entry into the vehicle;
- (2) Time consumed by ordinary traffic delays;
- (3) Time the taxicab is not in motion due to the request, act, or fault of a passenger or passengers.

It shall not include:

- (1) Time lost due to inefficiency of the vehicle or its driver;
- (2) Time consumed by premature response to a call;
- (3) Any other time lost.

(r) ~~(q)~~ "Horse Drawn Vehicle" shall mean any vehicle pulled by a horse or other animal which may be hired for the transportation of passengers. Such vehicles will be subject to all appropriate provisions of this Chapter of the City Code and to the provisions of the Illinois Vehicle Code.

SEC. 203 INVESTIGATIONS.

The Chief of Police shall cause an investigation to be made of the character, fitness and qualifications of the applicant, and shall transmit the findings to the City Manager. No applicant who is a sex offender as that term is defined in Section 102 of this Chapter shall be eligible to receive a certificate of public convenience and necessity. No applicant who has been convicted within the last 10 years of a felony shall be eligible to receive a certificate of public convenience and necessity, unless a written determination has been made by the City Manager that such person has been sufficiently rehabilitated such that the issuance to that person of a certificate of public convenience and necessity would not pose a danger to the public. In making said determination, the City Manager may consider the factors set forth in Section 405(g) of this Chapter. If the applicant is a corporation or limited liability company, no such entity having as its chief stockholder, president, secretary or any other officer a person who is a sex offender as defined under Section 102 of this Chapter, shall be eligible to receive a certificate of public convenience and necessity. If the applicant is a corporation or limited liability company, no such entity having as its chief stockholder, president, secretary or any other officer a person who has been convicted of a felony within the last 10 years shall be eligible to receive a certificate of public convenience and necessity unless such person has received from the City Manager a written determination that he or she has been sufficiently rehabilitated such that the issuance to the applicant of a certificate of public convenience and necessity will not pose a danger to the public. No applicant who has been convicted within the last five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code Any person who has received a certificate of public convenience and necessity who desires to drive a taxicab must also have a permit from the City of Bloomington pursuant to Article IV of this Chapter. In addition to any other fee required by this Chapter 40, every person for whom a background investigation is required shall pay a fee of \$10.00 to the City of Bloomington for the costs of an initial background investigation and shall pay an additional fee of \$20.00 in the event an additional check (including but not limited to the cost of fingerprinting) is deemed necessary by the City.

SEC. 402 APPLICATION FOR DRIVER'S PERMIT.

An application for a taxicab driver's permit shall be filed with the City Clerk on forms provided by the City of Bloomington; and such application shall be verified under oath and shall contain the following information:

- (a) The name, age and residence of applicant;
- (b) The names and addresses of four (4) persons who have known the applicant for a period of four (4) years and who will vouch for the sobriety, honesty, and general good character of the applicant;
- (c) The number of the applicant's operator license issued by the State of Illinois;
- (d) Whether the applicant's operator license has ever been suspended or revoked by any governmental body in or outside of the State of Illinois, and if so, the reason therefor;
- (e) The number and nature of moving traffic violations committed by the applicant;
- (f) A concise history of the applicant's employment;
- (g) Whether the applicant is a sex offender within the meaning of Section 102 of this Chapter; and
- (h) Convictions of the applicant of any felony in any jurisdiction. For each such conviction, the applicant must detail the charge, jurisdiction and date of conviction.
- ~~(g) Convictions of the applicant within the past five (5) years of any felony in any jurisdiction, or of any sexual offense under Articles 11 or 12 of the Illinois Criminal Code, or equivalent sexual offenses of any other jurisdiction.~~

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

SEC. 405 GROUNDS FOR DENIAL OR REVOCATION OF APPLICATION.

The following shall be grounds for denial of an application for a taxicab driver's permit:

- (a) The applicant has a communicable disease of a type likely to be transmitted to a passenger in the normal course of business;
- (b) The applicant is afflicted with a disease or uncorrected impairment which would affect his driving ability;
- (c) The applicant has not attained the age of 18 years;
- (d) The applicant does not have a valid operator's license issued by the State of Illinois;

- (e) The applicant has a bad driving record, which is defined as a conviction within the last five (5) years of any of the following:
 - (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle;
 - (2) Driving under other influence of narcotics or intoxicating liquor, or permitting another to drive one's vehicle while under the influence of liquor or narcotics;
 - (3) Two (2) charges of reckless driving;
 - (4) Failure as the driver of any vehicle involved in any accident to stop and disclose his identity at the scene and to render aid to others, if needed, and/or failure to give notice of the accident by the fastest available means of communication to the local Police Department as required by law; or had his taxicab driver's permit or state driver's license revoked.
- (f) The applicant is a sex offender within the meaning of Section 102 of this Chapter;
- (g) The applicant has been convicted of a felony within the last 10 years, unless the applicant obtains a written determination by the City Manager that he or she has been sufficiently rehabilitated to the extent where the issuance of a taxicab driver's permit to the applicant will not pose a danger to the public. In making said determination, the City Manager may consider such factors as the nature of the felony, the length of time since the conviction and efforts of the applicant at rehabilitation;
- ~~(f) The applicant has been convicted within the past five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code;~~
- ~~(g)~~ (h) The failure of an applicant to furnish truthful information on an application for a taxicab driver's permit; and
- (i) The conviction of the applicant for one or more violations of the provisions of this Chapter.

SEC. 1002C INVESTIGATION.

The Chief of Police shall cause an investigation to be made of the character, fitness and qualifications of the applicant, and shall transmit the findings to the City Manager. No applicant who is a sex offender as that term is defined in Section 102 of this Chapter shall be eligible to receive a certificate of public convenience and necessity. No applicant who has been convicted of a felony within the last 10 years shall be eligible to receive a certificate of public convenience and necessity, unless a written determination has been made by the City Manager that such person has been sufficiently rehabilitated such that the issuance to that person of a certificate of

public convenience and necessity would not pose a danger to the public. In making said determination, the City Manager may consider the factors set forth in Section 1005(g) of this Chapter. If the applicant is a corporation or limited liability company, no such entity having as its chief stockholder, president, secretary or any other officer a person who is a sex offender as defined under Section 102 of this Chapter, shall be eligible to receive a certificate of public convenience and necessity. If the applicant is a corporation or limited liability company, no such entity having as its chief stockholder, president, secretary or any other officer a person who has been convicted of a felony within the last 10 years shall be eligible to receive a certificate of public convenience and necessity unless such person has received from the City Manager a written determination that he or she has been sufficiently rehabilitated such that the issuance to the applicant of a certificate of public convenience and necessity will not pose a danger to the public. ~~No applicant who has been convicted within the last five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code shall be eligible to receive a certificate of public convenience and necessity.~~—Any person who has received a certificate of public convenience and necessity who desires to drive a vehicle for hire must also have a permit from the City of Bloomington pursuant to Article X of this Chapter. In addition to any other fee required by this Chapter 40, every person for whom a background investigation is required shall pay a fee of \$10.00 to the City of Bloomington for the costs of an initial background investigation and shall pay an additional fee of \$20.00 in the event an additional background check (including but not limited to the cost of fingerprinting) is deemed necessary by the City.

SEC. 1002J SUSPENSION OR REVOCATION OF CERTIFICATE.

A certificate issued under the provisions of this Ordinance may be revoked or suspended by the City Manager ~~is~~ if the holder thereof has:

- (a) Violated any of the provisions of this Ordinance; or
- (b) Violated any ordinances of the City of Bloomington or the ordinances of any other jurisdiction in which the holder operates, or the laws of the United States or the State of Illinois, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation; or
- (c) Hired as a driver a sex offender within the meaning of Section 102 of this Chapter; or
- (d) Hired a person who has been convicted of a felony within the last 10 years, unless that person has obtained from the City Manager a written determination that the person has been sufficiently rehabilitated such that the person may drive a vehicle for hire without posing a danger to the public.

Prior to suspension or revocation, the holder shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to be heard.

No refunds of fees shall be made to the holder on account of suspension or revocation of certificate under this Section.

In addition to the foregoing, the owner shall be responsible for all of the acts of his employees, agents or drivers related to the violation of or non-compliance with any of the laws, rules or regulations relating to operation of vehicles for hire or the solicitations of business or to the conduct of his business to the extent that the holder's certificate may be suspended or revoked by the City Manager for violations of such laws, rules or regulations by his employees, agents or drivers.

SEC. 1003 PERMIT TO DRIVE VEHICLES FOR HIRE REQUIRED.

No person shall drive a vehicle for hire without having applied to the City of Bloomington and having received from the City of Bloomington a permit to drive a vehicle for hire. A person who has obtained from the City a permit to drive a taxicab pursuant to Section 401 of this Chapter shall be deemed to have a Vehicle for Hire driver's permit under this Chapter so long as the City permit to drive a taxicab has not expired or has been suspended or revoked. Such application shall be verified by oath and shall contain the following information.

- (a) The name, age and residence of applicant;
- (b) The names and addresses of four (4) persons who have known the applicant for a period of four (4) years and who will vouch for the sobriety, honesty, and general good character of the applicant;
- (c) The number of the applicant's operator license issued by the State of Illinois;
- (d) Whether applicant's operator license has ever been suspended or revoked by any governmental body in or outside of the State of Illinois, and if so, the reason therefor;
- (e) The number and nature of moving traffic violations committed by the applicant;
- (f) A concise history of the applicant's employment;
- (g) Whether the applicant is a sex offender within the meaning of Section 102 of this Chapter;
- ~~(g) Convictions of the applicant within the past five (5) years of any felony in any jurisdiction, or of any sexual offense under Articles 11 or 12 of the Illinois Criminal Code, or equivalent sexual offenses of any other jurisdiction.~~
- (h) Convictions of the applicant of any felony in any jurisdiction. For each such conviction, the applicant must detail the charge, jurisdiction and date of conviction.

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

SEC. 1005 GROUNDS FOR DENIAL OF APPLICATION.

The following shall be grounds for denial of an application for a permit to drive a vehicle for hire:

- (a) The applicant has a communicable disease of a type likely to be transmitted to a passenger in the normal course of business;
- (b) The applicant is afflicted with a disease or uncorrected impairment which would affect his driving ability;
- (c) The applicant has not attained the age of 18 years;
- (d) The applicant does not have a valid operator's license issued by the State of Illinois;
- (e) The applicant has a bad driving record, which is defined as a conviction within the last five (5) years of any of the following:
 - (1) Manslaughter or reckless homicide resulting from the operation of a motor vehicle;
 - (2) Driving under other influence of narcotics or intoxicating liquor, or permitting another to drive one's vehicle while under the influence of liquor or narcotics;
 - (3) Two (2) charges of reckless driving;
 - (4) Failure as the driver of any vehicle involved in any accident to stop and disclose his identity at the scene and to render aid to others, if needed, and/or failure to give notice of the accident by the fastest available means of communication to the local Police Department as required by law; or had his taxicab driver's permit or state driver's license revoked.
- ~~(f) The applicant has been convicted within the past five (5) years of any felony or any criminal offense under Article 11 of the Illinois Criminal Code;~~
- (f) The applicant is a sex offender within the meaning of Section 102 of this Chapter;
- ~~(g) The failure of an applicant to furnish truthful information on an application for a permit to drive a vehicle for hire.~~
- (g) The applicant has been convicted of a felony within the last 10 years, unless the applicant has obtained a written determination by the City Manager that he or she

has been sufficiently rehabilitated to the extent where the issuance of a vehicle for hire driver's permit to the applicant will not pose a danger to the public. In making said determination, the City Manager may consider such factors as the nature of the felony, the length of time since the conviction and efforts of the applicant at rehabilitation;

(h) The failure of an applicant to furnish truthful information on an application; and

(i) The conviction of the applicant for one or more violations of the provisions of this Chapter.

SEC. 1005A INDEMNITY BOND OR LIABILITY INSURANCE REQUIRED.

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

- (1) The policy shall provide the same coverage as required for bonds above.
- (2) Said policy of insurance shall contain a provision that the same cannot be cancelled by the company issuing the same without giving thirty (30) days notice in writing of such cancellation to the holder and to the City Manager, either personally or by registered mail. Whenever any such policy shall be so cancelled, the City Manager shall require such owner either to furnish a bond or a new policy of insurance, in accordance with the provision of this Chapter. Whenever the issuing company gives such notice of cancellation, the City Manager shall, at the expiration of said thirty (30) days, mark said insurance policy or certificate "withdrawn" with the date such withdrawal became effective, and thereupon the liability of such company on said policy shall cease as to any injury or damage sustained after the date such withdrawal becomes effective.
- (3) If, at any time, in the judgment of the City Manager, said policy of insurance is not sufficient for any good cause, he may require the owner of such vehicle for hire ~~taxicab~~ who filed the same to replace said policy of

insurance with another good and sufficient bond or insurance policy, in accordance with the provisions of this Chapter.

- (4) All policies of insurance herein required shall expire the 30th day of June of each year. This expiration date shall not operate to terminate liabilities under such policies which occurred during the period in which the policies were in effect.
- (5) The applicant or holder shall deposit with the City Clerk a duplicate certificate of effective insurance from the company or a copy of all policies of insurance for public liability and property damage required by the State of Illinois for the operation and driving of a motor vehicle for the carriage of passengers for hire; and the same shall be applied to the extent thereof as long as said policies are in full force and effect in determining whether the owner of such ~~taxi cab~~ vehicle for hire has fulfilled the requirements for a policy of insurance as provided in this Chapter.
- (6) The applicant or holder shall immediately notify the City Manager if any policies of insurance required under this Chapter have lapsed, been revoked, or in any other manner ceased coverage.

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 14. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13th day of November, 2012.

APPROVED this 14th day of November, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Text Amendment be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Deneen Brothers Farms, LLC requesting approval of an Expedited Final Plat for Deneen Section 17 Subdivision located east of Towanda Barnes Rd. and south of Ireland Grove Rd.

RECOMMENDATION/MOTION: That the Petition be accepted with the understanding that the bonds and fees be waived until future development occurs and that they be collected at the then current rate at the time this land is further subdivided for development, the Final Plat be approved and the Ordinance passed.

BACKGROUND: This final plat consists of one (1) lot, (21.33+/- acres), and one (1) outlot, (6.86+/- acres), located on the east side of Towanda Barnes Rd. and south of Ireland Grove Rd. The land is currently farmed and zoned agricultural.

This land is subject to an Annexation Agreement for the Grove Subdivision, (formerly Eastlake), that was approved by Council on September 26, 2005. The annexation of this land to the City was approved on May 8, 2006.

The petitioner requests that any bonds and fees be waived at this time. The current intention is to continue to use this land for farming. The petitioner desires to sell Lot 1 to another farming operation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Deneen Brothers, LLC, petitioner.

FINANCIAL IMPACT: The petitioner has asked for the waiver of bonds and fees until future development occurs and that they be collected at the then current rate at the time this land is further subdivided for development. The cost of all documents, platting, and recording will be borne by the petitioner. The petitioner paid \$110, (\$100 plus \$5 per lot), as required by the Subdivision Code to file this expedited final plat with the City.

The current Annexation Agreement states on Page 5; “Nothing in this agreement shall be construed as relieving Searls or Deneen from their responsibility to meet the code requirements for adjacent substandard street(s) at such time as they subdivide adjacent property.”

The current substandard road fee is \$175 per lineal foot, (LF), which is for half the cost of a thirty foot, (30’), wide street. This subdivision has 1,412.38 feet of frontage along Ireland Grove Rd. At the current rate of \$175/LF, the substandard road fee for Ireland Grove Rd. would be \$247,166.50, (1,412.38 x \$175). A substandard road bond would be \$271,883.15 which equals 110% of the total fee. The substandard road fee is expected to increase in the future.

Since this land is currently zoned agricultural, there is currently no parkland dedication requirement. Tap on fees for sewer and water will be due, in the future, when there is a need to connect to water and sewer. Currently, there is no public sewer to serve this location. A public sewer will need to be constructed to tie into the trunk sewer in the Grove Subdivision which is a tributary to the Kickapoo Pump Station.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT UTILIZING
EXPEDITED FINAL PLAT PROCESS**

State of Illinois)
)ss.
County of McLean)

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

Now comes DENEEN BROTHERS FARMS, LLC, 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 hereinafter legally described in Exhibit "A" which is attached hereto and made a part hereof by this reference;
2. That the Plat depicts a total of not more than three lots and outlots; that the Plat includes all contiguous property and common ownership or unified control;
3. That the proposed Subdivision shall not necessitate the construction or installation of public street improvements;
4. That no waivers of the Land Subdivision Code are requested other than waivers of bonds and fees;
5. That no public improvements are needed in connection with the approval of the Plat of Subdivision;
6. That all prerequisites for proceeding under the Expedited Final Plat Approval process are in place.
7. That Petitioner requests a waiver of the requirement to submit a preliminary plan and to pursue the submission, review and approval procedure and proceed under the Expedited Final Plat submission process.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Deneen Section 17 Subdivision submitted herewith be approved under the Expedited Final Plat submission procedure.

Respectfully submitted,

DENEEN BROTHERS FARMS, LLC

By: William C. Wetzel

ORDINANCE NO. 2012 - 67**AN ORDINANCE APPROVING THE EXPEDITED FINAL PLAT OF THE
DENEEN SECTION 17 SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Deneen Section 17 Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests approval pursuant to the Expedited Final Plat process; and

WHEREAS, the following exemptions or variations from the provisions 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 requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, approval of the Final Plat under the Expedited Final Plat process is reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That the Final Plat of the Deneen Section 17 Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 13th day of November, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT ADescription of Property

A part of the Northwest Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Northwest Quarter. From said Point of Beginning, thence south 300.04 feet along the West Line of said Northwest Quarter; thence east 1292.14 feet along a line 300.00 feet normally distant south of and parallel with the North Line of said Northwest Quarter, and which line forms an angle to the right of 90°-54'-21" with the last described course; thence south 965.08 feet along a line parallel with said West Line which forms an angle to the right of 269°-05'-39" with the last described course; thence east along a line to a point on the East Line of said Northwest Quarter lying 1248.53 feet south of the Northeast Corner thereof; thence north 1248.53 feet along said East Line to the Northeast Corner thereof; thence west along the North Line of said Northwest Quarter to the Point of Beginning, excepting therefrom, the tract of land described and conveyed in Deed Book 720, page 11, recorded September 11, 1961 as Document No. 13704 in the McLean County Recorder's Office; also except that portion of Ireland Grove Road per Document No. 2007-6432 in said Recorder's Office; also except that portion of County Highway 29 (Towanda Barnes Road) per Document No. 2001-5022 in said Recorder's Office.

Mayor Stockton introduced this item.

Alderman Anderson expressed his confusion. He questioned if the City was waiving or delaying the performance bond and tap on fees. David Hales, City Manager, addressed the Council. He noted that the performance bond and tap on fees were being deferred to a point in the future. The land was currently zoned A – Agricultural. The City retained its authority to assess the performance bond and tap on fee when the land is rezoned.

Alderman Anderson questioned if the City was setting a precedent. Todd Greenburg, Corporation Counsel, addressed the Council. He responded negatively. The land was currently zoned A – Agricultural. As long as the land remained for agricultural production, then this request was for a deferral. The petitioner was not requesting a waiver. Alderman Anderson restated that the performance bond and tap on fees would not be waived.

Alderman Fazzini stated that he had the same concern. He added that the City was not granting special accommodations to the land owner. Mr. Greenburg restated that the performance bond and tap on fee would be deferred until the land use changed.

Motion by Alderman Fazzini, seconded by Alderman Anderson that the Petition be accepted, with the understanding that the performance bond and tap on fees be deferred until such time as the land use is for anything other than agricultural purposes, the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Report

RECOMMENDATION: That the report be received and placed on file.

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

1. Connect Transit, a/k/a Bloomington Normal Public Transit System, Fiscal Year, (FY), 2012.

At the Council's March 12, 2012 meeting, Ordinance No. 2012 – 12, An Ordinance Amending the Operating Structure of Bloomington Normal Public Transit System was passed. This Ordinance is an intergovernmental agreement with the Town of Normal. Section Nine requires an annual report to the corporate authorities. Andrew Johnson, General Manager, will make a presentation to the Council in addition to the Connect Transit FY 2012 report.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Mayor Stockton introduced this item.

David Hales, City Manager, addressed the Council. He introduced Andrew Johnson, General Manager. He had met Mr. Johnson through his service on the BNPTS, (Bloomington Normal Public Transit System), Board. He cited the progress made. Mr. Johnson had come to the area from WI. Mr. Johnson was involved in public transit committees on the national and state level. He was committed to best practices. Mr. Johnson was required to make an annual report to the Council.

Mr. Johnson addressed the Council. He believed that a lot had been accomplished during his first year with BNPTS. Ridership had grown by twenty-one percent, (21%). This was an impressive statistic. There were over twenty-two, (22), boardings per revenue hour on fixed routes. This represented a twenty percent, (20%), increase and another impressive statistic. The BNPTS provided sixteen, (16), rides per person based upon population. The system was well used. On the financial side, operating revenue increased by fifteen percent, (15%). At the same time, operating expenses increased only 2.5%. The subsidy per ride decreased by sixteen percent, (16%). Fare box recovery increased by ten percent, (10%). Total expenses recovered from fare box revenue equaled 14.5%.

He addressed the implementation of technology. Paratransit, (special services), scheduling software was installed and improved productivity by thirty percent (30%). This resulted in a revenue increase and a labor and vehicle hour decrease. Fleet maintenance software was installed. This program tracks maintenance operations and increased efficiency. New accounting software was also installed. In addition, AVL (Automated Vehicle Location) software was installed. This allows passengers to track buses in real time. This has improved customer service.

The BNPTS has a new name and new look. The fixed route system will be known as Connect Transit and the paratransit service will be known as Connect Mobility. The late night service will be known as Connect Late Night.

The transit staff demonstrated solid grant writing skills. He noted the award of two (2) grants that provided bus overhauls, radio upgrades and GPS (Global Positioning System) software.

He noted the work with the elected officials. There had been leadership changes. He addressed the Triennial Review, (regulatory audit). There were only two (2) minor findings. The reviewers stated that the BNPTS was the most organized system reviewed. The system's Procurement Policy was cited as a best practice for the industry.

A Transit System Funding Study Group had been formed. The group would address stabilized funding due to the decline in federal and state dollars. This was an uncertain time. Meetings were held regarding a proposal to revise existing bus routes. The goal was efficient routes and effective service. He noted the comments received from the system's older and disabled passengers. Transit staff would review, resolve, revise and redesign the bus routes. A new deadline had been set: June 2013.

Alderman Fazzini stated that the list of accomplishments was impressive. He questioned advertising on the transit buses as another source of income. Mr. Johnson responded affirmatively. The first step was to adopt a new color scheme and update the fleet of buses. There will be space on the buses for advertising.

Alderman Fazzini recommended that a photograph of the new buses be placed on the BNPTS' web site. Mr. Johnson stated that was in the plan.

Alderman Schmidt addressed special services. She noted the BNPTS staff's outreach to a passenger. This action reflected well on the systems.

Alderman Mwilambwe addressed the perception/observation that BNPTS' passengers were individuals who do not own a vehicle. He added that the system had encouraged individuals to view the service as a transportation alternative. People could leave their vehicle at home. He noted the impact upon streets and parking. Mr. Johnson acknowledged that the system's core group was transit dependent. He noted the impact of the economy. Individuals have tried the transit system. The retention for these individuals has been ten to thirty percent, (10 – 30%). The system has reached out to community groups and businesses. If the key factors were time and convenience, then the system cannot compete with an automobile. The system was starting to see individuals who were riders by choice.

Alderman Sage commended Mr. Johnson for his business savvy. The system had changed its approach and perspective. He recognized Mr. Johnson's good work.

Mayor Stockton expressed his appreciation to Mr. Johnson for the report.

The following was presented:

SUBJECT: Contract Amendment with Hanson Professional Services Inc. to the Professional Services Agreement for Travel Demand and Railroad Crossing Study, (all wards)

RECOMMENDATION: That the contract amendment with Hanson Professional Services Inc. for travel demand and railroad crossing study, in the amount of \$105,135 be approved, the Resolution adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: As part of the Development Agreement with Hershey Grove, LLC, the City agreed to extend Hershey Road south of Hamilton Rd. and across the Norfolk Southern Railroad (NSRR) to the southern limits of the Hershey Grove annexation, (~750'). Prior to beginning the design of the roadway extension, Hanson Professional Services Inc., (HPS), completed a travel demand study to investigate the needs and options for grade separated crossings in southeast Bloomington. The study considered traffic impacts and costs for several different road projects and ranked them in priority using a cost benefit analysis. The Hershey Rd. extension was the top ranked project in that study. HPS was subsequently contracted to design the Hershey Rd. extension.

Per the time line agreed to in the Hershey Grove development agreement, the City continued to design the Hershey Rd. extension and filed a petition with the Illinois Commerce Commission, (ICC), for an at-grade crossing of the NSRR for Hershey Rd. on August 28, 2012. An initial prehearing meeting for the Hershey Rd. crossing was held with the ICC, NSRR representatives, HPS officials, and City staff on October 11, 2012, at ICC's Springfield office. At this meeting, NSRR representatives voiced concerns that their business operations would be adversely affected

if an at-grade crossing was constructed as a part of the Hershey Rd extension. However, NSRR officials indicated an at-grade crossing at Abraham Rd. would not hinder operations and a grade separation at either Morrissey Dr., (US Route 150), or Towanda Barnes Rd. may alleviate operational concerns associated with an at-grade crossing at Hershey Rd. NSRR's operational concerns were not considered in the previous study.

Any grade separation improvement could cost between \$10 and \$20 million, the City needs a plan that prioritizes the necessity to construct arterial streets or enhancements to existing arterial streets in the areas surrounding the City. The benefits of each improvement will be objectively quantified with analysis and qualified through stakeholder involvement activities to determine which improvements provide the most cost effective benefits to constituents while providing continued growth opportunities for the City. Once project prioritization has been globally identified, an improvements plan time line will be developed and negotiated with NSRR to settle existing and future crossing types and location disputes.

This additional study will prioritize the construction of eleven (11) proposed transportation system improvements, (arterial streets, railroad crossings, and potential interchange facility), provide detailed cost analysis for three (3) potential grade separated railroad crossings, take a cursory look at the environmental conditions near the proposed improvements, develop and support negotiations of a settlement plan, and construction time line with NSRR for system improvements in the southeastern portion of the City. The amended contract included Exhibit #1, Project Study Area Map, for a depiction of the study area and proposed transportation improvements.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The professional engineering design services contract with HPS will need to be increased \$105,136 with a total not to exceed cost of \$189,841. Payment shall be made with Motor Fuel Tax (MFT) Funds, Section No. 10-00347-00-PV, X20300-72530. The \$105,136 is available in the current MFT account. A Supplemental MFT Resolution appropriating \$105,136 in MFT funds must also be adopted. Payment for this increase in design fee will be made from the MFT account as follows:

Motor Fuel Tax Funds (20300300-72530)	\$105,136	Motor Fuel Tax
Total Increase in Design Cost	\$105,136	

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
Corporate Counsel

David A. Hales
City Manager

Mayor Stockton introduced this item. He noted the traffic and railroad issues.

David Hales, City Manager, addressed the Council. This item addressed a major street project. The extension of Hershey Rd. was a contractual obligation. He noted previous Council discussions regarding same. The City would petition the ICC, (Illinois Commerce Commission), for an at grade railroad crossing. The railroad has opposed this crossing citing safety and service impacts. An in depth study was needed to address railroad crossings. This work needed to be done for the City's petition to be effective. The work included looking at the railroad concerns. The settlement must be global and impact safety. The City hoped to mitigate the impact. The Council needed to rank/prioritize capital improvement projects with objective ways to measure. The City needed a number of railroad crossings. Hanson Professional Services, Inc., (HPS), had railroad experience.

Jim Karch, Public Works Director, addressed the Council. He noted that the project's scope of work had changed. He cited an October meeting with the ICC and Northfork Southern Railroad, (NSRR). The goal was to file an uncontested petition. The project had been expanded. The end result would be a global solution. Railroad crossings were a challenge. The time line would be five to fifteen, (5 – 15), years. A plan would be in place for capital projects. The Council would need to consider a number of items. Data would be used to expand the negotiations with the railroad. Mr. Karch recognized Kurt Bialobreski, HPS's Traffic Engineer

Mr. Hales noted that City staff did not have the manpower or the expertise. He described this as mega project with a multi million dollar cost. The City would continue to move forward with a cost benefit analysis. Another key issue would be funding methodology. He believed that there were opportunities for state dollars. The City wanted to be in the best position to be eligible for these funds.

Alderman Fruin questioned the role for the Council and the involvement of state elected officials for assistance. Mr. Karch stated the City needed to have the report first. The next step would be to approach the state with a key project. Alderman Fruin noted the project review and study. He hoped for a quicker timeframe to facilitate the petition to the ICC and railroad.

Kurt Bialobreski, HPS's Traffic Engineer, addressed the Council. The first step was prioritization. The City would request the assistance of the federal and state levels of government. The key was to file an uncontested petition with the ICC. The ICC would make a ruling which would then be used to make a funding request.

Mr. Hales noted that the Council would receive the Hershey Rd. extension report prior to a filing before the ICC. The Council would be kept informed when the City reached the last and best offer. Technical work was needed first. He restated that the Council would be kept informed.

Mr. Bialobreski noted that the Council and NSRR were both stakeholders. The NSRR had operational concerns. The NSRR can be delayed by the Union Pacific Railroad, (UPRR). The City needed to make a good faith effort. There was a single track line. He noted the rail congestion in Chicago. This line by passed Chicago.

Alderman Anderson questioned if the Market St. bridge was involved. Mr. Hales stated that the bridge was a separate issue. There would be an update regarding same. The City was waiting for the UPRR's response. This bridge was part of the high speed rail project.

Mr. Karch added that this item addressed railroad crossings. Mr. Hales noted that these two (2) rail lines crossed each other in the study area.

Mr. Bialobreski cited the UPRR's interlocker. The NSRR had customers on both sides of the interlocker and needed UPRR's permission to cross. The clearance can take from fifteen to thirty, (15 – 30), minutes. There was the possibility of an additional track due to high speed rail. The issues were time, cost and the quality of the line.

Alderman Stearns understood the advantage of this item. She noted the \$100,000 cost for the study and the use of MFT, (Motor Fuel Tax), funds. She cited street conditions. These dollars could be spent elsewhere. This study was not a priority. She stated her intention to vote no.

Alderman McDade questioned the impact of not approving this item. Mr. Hales noted that MFT funds were directed towards major street projects. The City had a contractual obligation. The project was in the budget and MFT dollars were designated. He cautioned the Council regarding a breach of contract.

Alderman Sage requested clarification. This item started with an Annexation Agreement dated 2002. The City handled annexations differently now. Mr. Hales requested Council approval. Time was of the essence.

Alderman Fazzini noted that there were two (2) aspects of a breach of contract: financial and reputation. It may also impact the City's bond rating. Mr. Hales encouraged the Council to take this item seriously. The City has an obligation. In the future, the Council would learn the true cost to implement this item.

Alderman Stearns noted breach of contract. She questioned increasing the scope of the study. Mr. Hales noted that this was not a simple endeavor. The ICC would look at the railroad concerns and its expectations for the City. The initial scope of work was

insufficient. This was a complex endeavor involving two (2) railroads. The focus of the study was on the necessary.

Mayor Stockton noted that due diligence was needed now. He hoped by addressing the item now, money would be saved in the future.

Alderman Stearns expressed her opinion that the possibility of breach of contract could have been made clearer in the Council memorandum.

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the contract amendment with Hanson Professional Services Inc., for travel demand and railroad crossing study, in the amount of \$105,136, be approved, the Resolution adopted, 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:

Proposed 2012 Tax Levy and Process. Presentation and Discussion.

Mayor Stockton introduced this item.

David Hales, City Manager, addressed the Council. There were three (3) interrelated items. Each would be reviewed with the last action of the evening being the adoption of an estimated property tax levy. The Tax Levy Ordinance would be placed on the Council's December 10, 2012 meeting agenda. City staff had prepared a number of options/scenarios. There were advantages and disadvantages to each scenario. He cited the public's perception of the property tax. The recovery from the global recession had been slow. He noted the City's strong financial health. He noted the cut backs to City infrastructure and equipment. Expenses had been deferred. Staff had been reduced and responsibilities had been increased. He cited the community's service demands. He noted the City's labor costs, (collective bargaining), and pension costs. Revenue estimates were unreliable at this time. The property tax levy was a significant revenue source. He noted the Council's priorities: public safety and infrastructure. The property tax represented reliable dollars.

Patti-Lynn Silva, Finance Director, addressed the Council. This evening the Council would adopt an estimated property tax levy which would start the twenty (20) day calendar. The property tax was a sensitive topic. She had prepared a summary sheet and

a tax levy work sheet. The Council would be asked to pass the Property Tax Ordinance and adopt Property Tax Abatement Resolutions at their December 10, 2012 meeting. She noted that the Property Tax Levy must be filed by the last Tuesday in December.

Ms. Silva addressed pension funding. She cited the City's practice of providing supplemental contributions. The City needed to develop a pension funding policy. A phased in approach was needed. She noted the difficulty in addressing pensions. The City does not control the investments or the benefits. She advocated for supplemental contributions.

There were nine (9) units of government that received property tax dollars. The City had other funding sources, such as sales taxes, income taxes, etc. Property taxes equaled fourteen percent (14%). \$60 million of road projects had been deferred. The City needed \$18 million per year for streets.

Ms. Silva addressed IMRF, (Illinois Municipal Retirement Fund), and other City services that property tax dollars were levied for. The library was almost 100% reliant upon the property tax levy.

Ms. Silva reviewed Scenario A. She noted the impact upon the property tax bill. She also reviewed Scenario F, (new option). This option only levied for those items which the City was legally required to do so.

Mr. Hales described this option as minimal with no impact on the property taxpayer. The City's budget would have to absorb a loss of over \$300,000 in revenue. He noted the Council's priorities. He added that Scenarios B – E were various versions between Scenarios A and F. He requested that the Council consider the Library's and the City's tax levy.

Alderman McDade noted that Scenario E had the lowest impact on the property taxpayer. Mr. Hales and Ms. Silva responded affirmatively. Alderman McDade noted that the budget would follow the tax levy. There could be increased funding for street resurfacing through the reallocation of funds during the budget process. Mr. Hales noted that there were other cost increases. He cited union contracts as an example. Ms. Silva cited the impact of these contracts between \$500,000 to \$1 million. Mr. Hales expressed his opinion that it would be a challenge to increase funding for street resurfacing. Alderman McDade expressed her appreciation for Scenario E.

Alderman Schmidt noted the loss of \$400,000. Ms. Silva noted that the City's EAV, (Equalized Assessed Value), had declined by \$30 million.

Alderman Schmidt questioned rolling the Library and City into one, (1), vote. Mr. Hales cited past practice. He added that under Scenario D, E or F there would be no increase for the Library. Ms. Silva added that the Library's number would be rolled into the City's tax levy. The Library was a component of the City.

Mayor Stockton noted the agenda's structure. Discussion of the City's tax levy, followed by a discussion of the Library's tax levy, followed by adoption of the estimated property tax levy.

Alderman Fazzini noted that City's legal obligation to pay pension. Mr. Hales responded affirmatively. Alderman Fazzini believed that there were options regarding how to fund these pensions. The state would provide options. There were a number of factors that would impact same. The City needed to develop a pension funding plan. He recommended that the City provide the statutory minimum this year. There would be a thirty (30) year funding plan by next year. He was uncertain. The number was unknown. Property tax dollars should be used for the known.

Alderman McDade requested clarification regarding supplemental pension funding which could be discussed as part of the budget process. Mr. Hales responded affirmatively.

Alderman Purcell addressed Scenario D which called for a limited increase. There would be some dollars for roads. There would not be any additional money for pensions and the Library. He could support same and there would not be any reduction. Money was needed for street resurfacing. He was concerned about the condition of City streets.

Alderman Fruin addressed the City's debt total for Fiscal Year 2012, \$118 million. He requested additional information regarding debt payments.

Alderman Mwilambwe requested a sales tax assessment.

Ms. Silva noted that revenues were \$1.4 million ahead of expenditures. The state sales tax level reached above 2004 levels. This was an elastic revenue and there was not a lot of extra room. The City needed to establish a rainy day fund equal to six (6) months of expenditures. There was risk in not having this fund.

The City was required to levy for pensions. At year end, the Council would examine OPEB, (Other Post Employment Benefits), and street resurfacing. She understood that addressing the property tax levy was difficult. She believed that there would be unexpected costs. She cited the City's aged infrastructure.

Mr. Hales added that the sixth, (6th), month financial report would be provided to the Council by their December 10, 2012 meeting. City staff would attempt to make early revenue projections.

Alderman Anderson expressed his support for Scenario E. This scenario would force the Council to reallocate, prioritize and force their hand. The City has provided supplemental pension funding. He believed that other revenue streams were increasing. Budget planning was ahead. The Council needed to hold the property tax levy.

Alderman Sage noted that dollars had been spent for streets. He cited capital projects, MFT, (Motor Fuel Tax), projects, and maintenance and repair. These items

needed to be totaled. Mr. Hales estimated total expenditures at \$6 million, (street resurfacing \$3.5 million, MFT \$2 million, and operations/maintenance \$500,000). Alderman Sage addressed maintenance/repair. He cited permanent patching which was comparable to street resurfacing. Constituents were tapped out. Citizens have more month than money. Other taxing entities were raising the tax levy due to declining EAV. He expressed his support for Scenario E. The City needed to be the exception and accommodate the taxpayer.

Alderman Fazzini questioned the estimated \$6 million figure for roads. He cited the Locust/Colton Combined Sewer Overflow Elimination and Water Main Replacement project. He questioned the true cost for roads. Mr. Hales noted the City's efforts to average the same dollar amount for roads year after year. The Locust/Colton project was a special one.

Alderman Fazzini cited the City's systems for rating streets. The Council needed to make a decision regarding how much to spend on streets. The Council had the information available. He expressed support for Scenario E.

Alderman Stearns questioned the sixth, (6th), month financial report. She also questioned the status of the CAFR, (Comprehensive Annual Financial Report). Mr. Hales stated that the audited statement was due by October 31, 2012. The City requested a two, (2), month extension. He cited a variety of issues, (staffing, MUNIS, etc.). The intent was for the CAFR to be completed by December 31, 2012. Alderman Stearns stated that the CAFR was critical. She recommended that pensions be funded beyond the statutory minimum. The City has not adequately funded pensions. The City had two, (2), actuarial opinions. She did not believe that nothing could be done with the City's budget. She recommended cutting expenses. There were other scenarios. City staff needed to look at other areas and reduce expenses. She cited pressures on the taxpayers. She noted federal and state taxes. The City's water rates had been increased.

She cited pension funding for the state's public schools. City staff needed to start looking at expenses. She expressed support for Scenario E. City staff needed to take a hard look at the City's budget. The City had a healthy UFB. She cited the City's foreclosure rate. People were tapped out.

Mayor Stockton noted that there was Council consensus regarding Scenario E. He noted the Council's dilemma. Costs continued to increase. He cited fuel, labor and pensions as examples. Labor costs were impacted by collective bargaining. Pensions were impacted by investment returns and benefit levels established by the state legislature. The Council could reduce costs by reducing the number of employees. Costs could be deferred for some items. He noted the decline in various revenue streams. The Council had held the tax levy for the past three (3) years. He cited funding for street resurfacing. The Council's ability to hold the line was commendable. At some point this course of action will have to end. The Council will need to reduce City services or increase the tax base through growth or tax increases.

Alderman Fruin expressed support for Mayor Stockton's comments. The Council has continued to hold the line. This action will catch up with the City. He noted the support for Scenario E. He was comfortable with holding the tax levy flat. He anticipated a spike in the tax levy in the next year or two.

Alderman Fazzini cited his visits to other Central Illinois cities. A number of these communities have a local motor fuel tax. He believed that a City local fuel tax would provide the City with \$1.4 million for road projects. This represented another revenue source.

The following was presented:

SUBJECT: Request Approval of Proposed Property Tax Levy Figure for Public Library

RECOMMENDATION/MOTION: That the Property Tax Levy figure of \$4,648,925 requested by the Library Board of Trustees be approved.

BACKGROUND: The proposed Library Maintenance & Operating Budget was approved by the Library Board of Trustees on October 16, 2012. The Library Board respectfully requests a property tax levy figure of \$4,648,925. This represents an increase of \$135,406 over last year, (.029%). This increase is primarily due to increases in salaries for full and part time employees and their associated benefit costs. The property tax levy figure for the Library has been flat for the past three (3) years at \$4,513,060 in Fiscal Year (FY) 2011; \$4,518,200 in FY 2012; and \$4,513,519 in FY 2013.

The Council was provided with a spreadsheet which showed the detail of the Library Maintenance & Operating Budget for FY 2010 through FY 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The property tax levy figure of \$4,648,925 requested by the Library Board represents an increase of \$135,406, (.029%).

Respectfully submitted for Council consideration.

Prepared by:

Georgia Bouda
Library Director

Mayor Stockton introduced this item.

Bill Wetzel, 115 W. Jefferson, Suite 400, addressed the Council, as a Library Board member. He noted the Council's discussion. He commended them for same. He noted that

for a fourth year the tax levy would remain flat. The Library Board had requested an increase to the tax levy to cover the cost of a two percent, (2%), staff salary increase. The library study had been completed. He noted the high level of satisfaction with library services and library utilization. The Library was a critical part of the community. He requested that the Council give consideration to the Library Board's request.

Georgia Bouda, Library Director, addressed the Council. The Library was a busy place. She noted the tough economic times. There had been a ten percent, (10%), annual service demand increase during this time.

Mayor Stockton noted that the tax levy increase would be used for an employee salary increase. Ms. Bouda cited the last union contract which called for a two percent, (2%), wage increase.

Alderman Stearns questioned the Friends of the Library donation. She believed the amount involved was \$100,000. Ms. Bouda stated that there was an agreement between the parties. These dollars were designated for the Summer Reading Program. The Library has opened a book shop. \$7,000 had been raised since June 2012. This was a fundraising effort undertaken at the Library. The Library Foundation continued to accept monetary donations.

Mayor Stockton thanked Ms. Bouda and Mr. Wetzel for addressing the Council this evening. Their presentation would help the Council to see both sides.

The following was presented:

SUBJECT: Proposed 2012 Estimated Tax Levy

RECOMMENDATION: The Council makes a motion to set the estimated 2012 property tax levy in the amount of \$24,393,923 or adoption of Scenario A.

DISCUSSION: According to the Illinois Property Tax Code Division 2 Truth in Taxation (35ILCS 200/18-60), the City must formally adopt an estimated tax levy not less than twenty (20) days prior to the adoption of a final tax levy.

35ILCS 200/18-85 requires said estimate be compared to the prior year extension and if a five percent (5%) increase exists then a public notice and a public hearing must occur.

In addition, the tax levy ordinance must be passed by a vote of the Council and a certified copy, thereof, filed with the County Clerk on or before the last Tuesday in December. The last working Tuesday in December is the 18th therefore; the adoption of the 2012 Tax Levy Ordinance should be placed on the Council's December 10, 2012 meeting agenda. It is our goal to abate any taxes at this meeting.

BACKGROUND: Factors affecting the property tax levy range from changes in the Equalized Assessed Value (EAV) of real property to increases in City expenditures required to be levied. The City's tax levy is one (1) of nine (9) overlapping levies from multiple taxing districts which affect taxpayers in the City. The tax rates which result from these overlapping levies create a composite tax rate which is applied to one third (1/3) of the market value of real property. The City's tax levy is made up of the following components explained briefly below:

1. General Corporate – this levy is used the general operations of the City, in FY2013 this component was increased by \$1,046,867 to supplement the Road Resurfacing Program due to the City's growing deferred road maintenance. Total dollars budgeted for road resurfacing in FY2013 is \$3,500,000.
2. Fire Protection - this levy is used to fund costs associated with fire protection. Fire protection costs (net of departmental revenue) are approximately \$11,568,424 for FY2013. The City levies roughly ten percent (10%) of this cost.
3. Police Protection – this levy is used to fund costs associated with police protection. Police protection costs (net of departmental revenue) are approximately \$14,374,493 for FY2013. The City levies nine percent (9%) of this cost.
4. Public Parks – this levy is used to fund costs associated with public parks. Park costs which include: administration, maintenance, recreation, aquatics, Miller Park Zoo, and the Pepsi Ice Center (net of departmental revenues) are approximately \$5,434,917 for FY2013. The City levies about nineteen percent (19%) of these costs.
5. Bonds & Interest – this levy is used to fund costs associated with City owned debt instruments. The General Obligation debt service is approximately \$14,415,593 for FY2013 (excluding capital leases and IEPA loans for Enterprise Funds). The City levies approximately \$2,180,143 or 15.2%; the balance is abated and paid for with general revenues.
6. IMRF – this levy is used to fund portions of the annual pension contribution for employees eligible for the Illinois Municipal Retirement Fund. The FY2013 minimum statutory contribution (excluding the early retirement payment*) was \$2,750,069. The City levied for ninety percent (90%) of the required minimum contribution in FY2013 and paid the balance, in addition to a \$250,000 supplemental contribution out of general revenues.
7. Fire Pension – this levy is used to fund the minimum annual statutory required contribution for employees eligible for a fire pension. The FY2013 minimum statutory contribution was \$2,861,552. The City levied 108% of this contribution making an additional \$250,000 supplemental pension contribution for a total levy of \$3,111,552.
8. Police Pension – this levy is used to fund the minimum annual statutory required contribution for employees eligible for a police pension. The FY2013 minimum statutory contribution was \$3,056,933. The City levied 108% of this contribution making an additional \$250,000 supplemental pension contribution for a total levy of \$3,306,933.

9. Social Security – this levy is used to fund costs associated with the cities portion of social security for eligible employees. The FY2013 social security costs are estimated at \$1,904,524. The City levies roughly seventy-seven percent (77%) of this cost.
10. Library – this levy is used to fund costs associated with the Library. The FY2013 estimated Library costs are \$4,566,548 net of departmental revenue. The City levied for ninety-nine percent (99%) of the net Library costs in FY2013.

Expenditure estimates noted above are primarily related to operations with the exception of the Library estimate which includes contributions to capital and the Road Resurfacing Program contribution reflected in the General Corporate component.

**The early retirement was paid in full to IMRF with the issuance of the 2012 Taxable Bond. The annual debt service related to this payment is reflected in the City's General Obligation debt seen in item #5. Refinancing this liability saved the City approximately \$1,000,000 in interest costs.*

FINANCIAL IMPACT/ANALYSIS: The Council has adopted a “level dollar” tax levy for the last three (3) fiscal years of \$23,586,801 *as extended*. The City Manager and Finance Director recommend the Council adopt tax levy of \$24,393,923. Increasing the levy by \$807,122 enables the City to ensure revenues to fund the Library’s FY2014 budget request, a \$500,000 increase in the Road Resurfacing Program and funding the increase in the statutory minimum contributions for the Police and Fire Pensions, in addition to adding a supplemental contribution \$250,000 to each.

The Finance Department created various scenarios to facilitate Council’s decision making process over the next twenty (20) days. There are six (6) levy scenarios A through F, each scenario shows the estimated impact on the tax rate, cents per EAV and how the potential results may affect the homeowners of varied assessments. The Council was provided with various charts depicting the allocation of the 2011 Tax Levy, General Fund Revenues, and outstanding debt by category.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Patti-Lynn Silva, CPA
Director of Finance

David Hales
City Manager

Scenario A – Pensions/Road/Library Increase

Description	FY 2013 Adjusted Levy as Extended	FY 2014 Adjusted Levy	Increase/(Decrease)
General Corporate	\$2,973,822	\$3,473,822	\$500,000
Bonds & Interest	\$2,180,143	\$2,180,143	

Description	FY 2013 Adjusted Levy as Extended	FY 2014 Adjusted Levy	Increase/(Decrease)
IMRF	\$2,502,907	\$2,502,907	
Fire Protection	\$1,183,228	\$1,183,228	
Fire Pension	\$3,111,532	\$3,158,472	\$46,940
Police Protection	\$1,354,421	\$1,354,421	
Police Pension	\$3,306,847	\$3,431,581	\$124,734
Public Parks	\$1,001,415	\$1,001,415	
Social Security	\$1,459,009	\$1,459,009	
Library	\$4,513,477	\$4,648,925	\$135,448
Total	\$23,586,801	\$24,393,923	\$807,122

Tax Rate % Increase	5.21%
Cents per EAV	\$0.068
\$100,000 Home	\$22.77
\$150,000 Home	\$34.15
\$200,000 Home	\$45.53
\$250,000 Home	\$56.92
Levy % Increase	3.42%

This scenario would result in approximately a .07 cents increase per \$100 of EAV or a 5.21% increase in tax rate. Please note the estimated impact to taxpayers of different home values. These estimates make the assumption that individual homeowner's EAV trends with the overall 2012 EAV decrease.

Scenario A is recommended by the City Manager and depicts an \$807,122 increase over the prior year levy based on adjusting the following components:

- Increasing the General Corporate levy by \$500,000 for the Road Resurfacing Program.
- Increasing the Fire Pension levy by \$46,920 for the increase in the statutory minimum contribution and making an additional \$250,000 supplemental contribution.
- Increasing the Police Pension levy by \$124,000 for the increase in the statutory minimum contribution and making an additional \$250,000 supplemental contribution.
- Increasing the Library levy by \$135,448 for the FY2014 budget request.

**The Town of Normal has proposed a .07 cents increase per \$100 EAV and a 4.65% increase in tax rate.*

Scenario B – Library/Road/Pension Increase

Description	FY 2013 Adjusted Levy as Extended	FY 2014 Adjusted Levy	Increase/(Decrease)
General Corporate	\$2,973,822	\$3,473,822	\$500,000
Bonds & Interest	\$2,180,143	\$2,180,143	
IMRF	\$2,502,907	\$2,502,907	

Description	FY 2013 Adjusted Levy as Extended	FY 2014 Adjusted Levy	Increase/(Decrease)
Fire Protection	\$1,183,228	\$1,183,228	
Fire Pension	\$3,111,532	\$2,908,472	(\$203,060)
Police Protection	\$1,354,421	\$1,354,421	
Police Pension	\$3,306,847	\$3,181,581	(\$125,266)
Public Parks	\$1,001,415	\$1,001,415	
Social Security	\$1,459,009	\$1,459,009	
Library	\$4,513,477	\$4,648,925	\$135,448
Total	\$23,586,801	\$23,893,923	\$307,122

Tax Rate % Increase	3.05%
Cents per EAV	\$0.040
\$100,000 Home	\$13.35
\$150,000 Home	\$20.02
\$200,000 Home	\$26.69
\$250,000 Home	\$33.36
Levy % Increase	1.30%

This scenario would result in approximately a .04 cents increase per \$100 of EAV or a 3.05% increase in tax rate. Please note the estimated impact to taxpayers of different home values. These estimates make the assumption that individual homeowner's EAV trends with the overall 2012 EAV decrease.

Scenario B depicts a \$307,122 increase over the prior year levy based on adjusting the following components:

- Increasing the General Corporate levy by \$500,000 for the Road Resurfacing Program.
- Increasing the Fire Pension levy by \$46,920 for the increase in the statutory minimum contribution and making no supplemental contributions.*
- Increasing the Police Pension levy by \$124,000 for the increase in the statutory minimum contribution and making no supplemental contributions.*
- Increasing the Library levy by \$135,448 for the FY2014 budget request.

**Please note the Fire and Police Pension levies appear to be decreasing due to the 2011 tax levy. These levies were "grossed up" for \$250,000 in supplemental contribution each. The minimum statutory contributions for Fire and Police for the 2011 tax levy were \$2,861,552 and \$3,056,933 and have increased for the 2012 levy.*

Scenario C – Pensions/Library/Road Increase

Description	FY 2013 Adjusted Levy as Extended	FY 2014 Adjusted Levy	Increase/(Decrease)
General Corporate	\$2,973,822	\$3,473,822	\$500,000
Bonds & Interest	\$2,180,143	\$2,180,143	

Description	FY 2013 Adjusted Levy as Extended	FY 2014 Adjusted Levy	Increase/(Decrease)
IMRF	\$2,502,907	\$2,502,907	
Fire Protection	\$1,183,228	\$1,183,228	
Fire Pension	\$3,111,532	\$3,111,532	
Police Protection	\$1,354,421	\$1,354,421	
Police Pension	\$3,306,847	\$3,306,847	
Public Parks	\$1,001,415	\$1,001,415	
Social Security	\$1,459,009	\$1,459,009	
Library	\$4,513,477	\$4,648,925	\$135,448
Total	\$23,586,801	\$24,222,249	\$635,448

Tax Rate % Increase	4.47%
Cents per EAV	\$0.059
\$100,000 Home	\$19.53
\$150,000 Home	\$29.30
\$200,000 Home	\$39.06
\$250,000 Home	\$48.83
Levy % Increase	2.69%

This scenario would result in approximately a .06 cents increase per \$100 of EAV or a 4.47% increase in tax rate. Please note the estimated impact to taxpayers of different home values. These estimates make the assumption that individual homeowner's EAV trends with the overall 2012 EAV decrease.

Scenario C depicts a \$635,448 increase over the prior year levy based on adjusting the following components:

- Increasing the General Corporate levy by \$500,000 for the Road Resurfacing Program.
 - Increasing the Fire Pension levy by \$46,920 for the increase in the statutory minimum contribution and making an additional supplemental contribution of \$203,060 keeping this year's levy level with last years.*
 - Increasing the Police Pension levy by \$124,000 for the increase in the statutory minimum contribution and making an additional supplemental contribution of \$125,266 keeping this year's levy level with last years.*
- Increasing the Library levy by \$135,448 for the FY2014 budget request.

**Please note the Fire and Police Pension levies appear to be decreasing due to the 2011 tax levy. These levies were "grossed up" for \$250,000 in supplemental contribution each. The minimum statutory contributions for Fire and Police for the 2011 tax levy were \$2,861,552 and \$3,056,933 and have increased for the 2012 levy.*

Scenario D – Level Dollar Levy

Description	FY 2013 Adjusted Levy as Extended	Increase/Decrease	FY 2014 Adjusted Levy	Increase/(Decrease)
General Corporate	\$2,973,822	\$1,046,737	\$3,302,148	\$328,326
Bonds & Interest	\$2,180,143	\$275	\$2,180,143	
IMRF	\$2,502,907	(\$91)	\$2,502,907	
Fire Protection	\$1,183,228	\$97	\$1,183,228	
Fire Pension	\$3,111,532	(\$295,906.00)	\$2,908,472	(\$203,060)
Police Protection	\$1,354,421	\$10	\$1,354,421	
Police Pension	\$3,306,847	(\$751,169.00)	\$3,181,581	(\$125,266)
Public Parks	\$1,001,415		\$1,001,415	
Social Security	\$1,459,009	(\$113)	\$1,459,009	
Library	\$4,513,477	(\$87)	\$4,513,477	
Total	\$23,586,801	(\$247)	\$23,586,801	

Tax Rate % Increase	1.73%
Cents per EAV	\$0.023
\$100,000 Home	\$ 7.56
\$150,000 Home	\$11.34
\$200,000 Home	\$15.12
\$250,000 Home	\$18.90
Levy % Increase	0.00%

This scenario would result in approximately a .02 cents increase per \$100 of EAV or a 1.73% increase in tax rate. Please note the estimated impact to taxpayers of different home values. These estimates make the assumption that individual homeowner's EAV trends with the overall 2012 EAV decrease.

Scenario D illustrates a level dollar levy or no increase over last year's levy based on adjusting the following components:

- Increasing the General Corporate levy by \$328,326 for the Road Resurfacing Program.
- Increasing the Fire Pension levy by \$46,920 for the increase in the statutory minimum contribution and making no supplemental contributions.*
- Increasing the Police Pension levy by \$124,000 for the increase in the statutory minimum contribution and making no supplemental contributions.*
- Leaving the Library levy flat no increase for the FY2014 budget request.

**Please note the Fire and Police Pension levies appear to be decreasing due to the 2011 tax levy. These levies were "grossed up" for \$250,000 in supplemental contribution each. The minimum statutory contributions for Fire and Police for the 2011 tax levy were \$2,861,552 and \$3,056,933 and have increased for the 2012 levy.*

Scenario E – Reduced EAV

Description	FY 2013 Adjusted Levy as Extended	FY 2014 Adjusted Levy	Increase/(Decrease)
General Corporate	\$2,973,822	\$2,901,180	(\$72,642)
Bonds & Interest	\$2,180,143	\$2,180,143	
IMRF	\$2,502,907	\$2,502,907	

Description	FY 2013 Adjusted Levy as Extended	FY 2014 Adjusted Levy	Increase/(Decrease)
Fire Protection	\$1,183,228	\$1,183,228	
Fire Pension	\$3,111,532	\$2,908,472	(\$203,060)
Police Protection	\$1,354,421	\$1,354,421	
Police Pension	\$3,306,847	\$3,181,581	(\$125,266)
Public Parks	\$1,001,415	\$1,001,415	
Social Security	\$1,459,009	\$1,459,009	
Library	\$4,513,477	\$4,513,477	
Total	\$23,586,801	\$23,185,833	(\$401,215)

Tax Rate % Increase	0.00%
Cents per EAV	
\$100,000 Home	
\$150,000 Home	
\$200,000 Home	
\$250,000 Home	
Levy % Increase	-1.70%

This scenario would result in approximately a .00 cent increase per \$100 of EAV or a zero percent (0%) increase in tax rate. Please note the estimated impact to taxpayers of different home values; these estimates make the assumption that the taxpayer's individual EAV trends with the overall 2012 decrease. ***If a homeowners EAV increases then under this scenario their taxes would still increase.*

Scenario E is not recommended. In this scenario general revenues would lose approximately \$400,000 in property tax revenue. Adjusting the following components could achieve a reduced levy:

- Decreasing the General Corporate levy by \$72,642 for the Road Resurfacing Program.
- By increasing the Fire Pension levy for the increase in the statutory minimum contribution of \$46,920 with no supplemental contribution (this increase is required by law).*
- By increasing the Police Pension levy for the increase in the statutory minimum contribution of \$124,000 with no supplemental contribution (this increase is required by law).*
- Leaving the Library levy flat no increase for the FY2014 budget request.

**Please note that the Fire and Police Pension levies appear to be decreasing due to last year's levy "gross ups" for \$250,000 in supplemental contribution payments each. The minimum statutory contributions for Fire and Police for the 2011 tax levy were \$2,861,552 and \$3,056,933.*

Scenario F – Flat Roads/Min Pension/No Library
(Presented at Council Meeting)

Description	FY 2013 Adjusted Levy as Extended	FY 2014 Adjusted Levy	Increase/(Decrease)
General Corporate	\$2,973,822	\$2,973,822	
Bonds & Interest	\$2,180,143	\$2,180,143	
IMRF	\$2,502,907	\$2,502,907	
Fire Protection	\$1,183,228	\$1,183,228	
Fire Pension	\$3,111,532	\$2,908,472	(\$203,060)
Police Protection	\$1,354,421	\$1,354,421	
Police Pension	\$3,306,847	\$3,181,581	(\$125,266)
Public Parks	\$1,001,415	\$1,001,415	
Social Security	\$1,459,009	\$1,459,009	
Library	\$4,513,477	\$4,513,477	
Total	\$23,586,801	\$23,258,475	(\$328,326)

Tax Rate % Increase	0.31%
Cents per EAV	\$0.004
\$100,000 Home	\$1.37
\$150,000 Home	\$2.06
\$200,000 Home	\$2.75
\$250,000 Home	\$3.43
Levy % Increase	-1.39%

Mayor Stockton introduced this item. The Council would set the estimated tax levy with a final vote to approve the Property Tax Levy Ordinance at its December 10, 2012 meeting.

David Hales, City Manager, addressed the Council. Scenario A did not imply that there would be no increase to street resurfacing. \$3.5 million had been a constant funding level. He addressed the various pension funds. The City has always made the statutorily required payment. The employer must cover the difference between investment earnings and benefits. The City is required by law to levy for pensions. Pension costs continued to increase. The City had made the annual required contributions. The Council determined what the rate would be. This was a policy decision. The citizens will see what will happen based upon the Council's decision. The Council had not been presented with a variety of options in the past. City staff would be professional and meet the Council's priorities. City staff was ready to assist the Council with this difficult decision. City staff would maintain City services while addressing quality of life. The property tax was one (1) revenue source. These were trying times.

Alderman Schmidt expressed her support for the Library. She expressed her disappointment. She noted the global recession and individuals utilizing the Library to conduct on line job searches. She also cited children's services from books to homework assistance. The City was cutting into the Library's resources.

Alderman Fruin echoed Alderman Schmidt's comments.

Mr. Hales noted that the property tax was the Library's primary revenue source. He cited the Library's Unreserved Fund Balance, (UFB). The Library could draw upon these dollars to assist with operating costs. He compared the Library's UFB to the City's UFB. The property tax levy would not be sufficient to address needs.

Alderman Purcell noted that the Council would need to cut the budget by over \$500,000. He encouraged the Council to think about same.

Motion by Alderman McDade, seconded by Alderman Fazzini that the proposed tax levy be adopted as the estimate of \$23,185,833 for the 2012 Tax Levy.

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.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, presented the Council with a document from John Butler, McLean County Board member.

He added that the delivery of recycling carts would be completed on schedule. Mayor Stockton questioned the use of same. Mr. Hales noted that the carts can be used immediately. Citizens without a cart would continue to use the existing recycling bins. The City had continued to accept requests for carts. The City's outreach efforts would continue. Alderman Fruin questioned if the recycling carts would become the property of the homeowner. Mr. Hales responded negatively. The carts were to remain with the home.

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that the Liquor Commission's November 14, 2012 meeting would be held in the Police Department's Osborn Room. He reviewed the Commission's meeting agenda which included a change of ownership and license classification for Laugh Comedy Club, a review of the DETF (Downtown Entertainment Task Force) report, a draft Text Amendment which addressed server training, and a couple of liquor violations.

ALDERMEN'S DISCUSSION: Alderman Schmidt addressed Mr. Uszcienski's presence at the Council's meeting. She recommended that a citizens group be formed to determine the best practices used to address vicious dogs/dog attacks. She was interested in positive progressive approach. This issue needed to be addressed.

Mr. Hales informed the Council that City staff would prepare an updated report. It would be prepared with the assistance of the Police Department and McLean County

Health Department's Animal Control. The report would look at practices nationwide. He also recommended that this issue be addressed by the Public Safety Subcommittee. The report would include additional statistics and recommended actions. The goal to address same would be year's end.

Mayor Stockton encouraged City staff to watch statistics. This would be a good project which needed to be looked at again.

Mr. Hales reminded the Council that each subcommittee meeting would have to have a notice and agenda posted at least forty-eight (48) hours in advance. There will be three (3) elected officials on each subcommittee. Any of the elected officials may attend any subcommittee meeting.

Alderman Stearns questioned the Commission's intention regarding the proposed text amendment to address server training. She believed that the Commission would make a recommendation to the Council. She questioned the effectiveness of this training. She cited the cost, expense, time, and staff turn over.

Alderman Schmidt expressed her opinion that the Downtown bar owners were aware of this draft text amendment.

Alderman Mwilambwe thanked the Public Works' staff for the recycling cart. He also noted Jim Karch's, Public Works Director, article entitled Good Stewardship Helps Failing Infrastructure, in the Illinois Municipal Review, November 2012 issue.

He informed the Council that during American Education Week he spoke with Unit 5's French classes.

Alderman Purcell informed the Council that he had been contacted by the Pantagraph regarding additional information due to the recent dog bites. He expressed his concern that there would be a fatality in the City. This has happened elsewhere.

Motion by Alderman Anderson, seconded by Alderman McDade, that the meeting be adjourned. Time: 9:42 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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