

**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 7:03 p.m., Tuesday, May 28, 2013.

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, Kevin Lower, David Sage, Jennifer McDade, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

Alderman absent: Robert Fazzini

City Manager David Hales, City Clerk Tracey Covert, and Asst. Corporate Counsel George Boyle were also present.

Staff absent: Todd Greenburg, Corporation Counsel.

Mayor Renner recognized Rev. Dale and Tammy Miller, Harvest Family Worship Center, located at 712 W. Locust St. They hosted an annual service which recognized the locally elected officials.

The following was presented:

Japanese Sister City Foreign Exchange Students to Thank the Council by Masaki Okada (BHS) and Sayuki Oka (NCHS).

Richard Strel, Japan Sister City Committee Chair, addressed the Council. He presented three (3) students. Masaki Okada and Sayuki Oka had respectfully attended Bloomington High School and Normal Community High School. He also introduced Ann Sekiguchi who would study in Asashikawa this coming fall.

Masaki Okada addressed the Council. He had completed his year at Bloomington High School. He thanked the Council for the opportunity. He cited his experiences in the United States. Everyone had been kind. His English had improved. He expressed his appreciation to his host family, teachers and fellow students. He had joined the Barbershoppers. He found this group exciting and enjoyed same. There were two (2) concerts that he participated in: Christmas and Annual Show. He would be leaving soon. He had had a good time and felt like a citizen. He looked forward to returning to the United States.

Sayuki Oka addressed the Council. She was proud to participate in the student exchange program. Bloomington was a college town. Her studies had been impacted by her English. Her host family assisted her with her studies. She enjoyed conversations with her fellow students. Her goal was to be a scientist. She had fulfilled a dream by coming to the United States. She liked the community.

Anna Sekiguchi addressed the Council. She would have the opportunity to study abroad. She was a life long resident of the City. She would represent the community and share her life here in Asashikawa. She thanked the Council for supporting this program. It was a once in a life time opportunity.

Mayor Renner extended his appreciation to the students.

The following was presented:

Annual Donation by Miller Park Zoological Society to the City.

John Kennedy, Parks, Recreation & Cultural Arts Director, addressed the Council. There was something to celebrate. He introduced Traci Zeller, Miller Park Zoological Society (MPZS) Board President. He expressed his appreciation to the MPZS for their relationship with the City. Their donation to the Zoo showed the MPZS support of the Zoo and helped the Zoo to achieve its goals.

Traci Zeller, 1207 S. McLean St., MPZS Board President, addressed the Council. She presented a check to the City in the amount of \$115,000 for the Zoo.

Motion by Alderman Schmidt, seconded by Alderman McDade to express appreciation to the Miller Park Zoological Society.

Motion carried, (viva voce).

The following was presented:

SUBJECT: Proclamations

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

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1.c. Engaged residents that are well informed and involved in an open governance process.

BACKGROUND: The proclamations will be presented:

1. In Recognition of League of Women Voters of Illinois 2013;

2. Dr. C. Alvin Bowman Day.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

Motion by Alderman Black, seconded by Alderman McDade that the proclamations be made a matter of record.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Introduction of Appointments/Reappointments to Boards, Commissions and Committees: Beautification, Airport Authority, Convention & Visitors Bureau, Human Relations and Japanese Sister City.

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.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1.d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, May 23, 2013 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: Tracey Covert, City Clerk

Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Recommended by:

Barbara J. Adkins
Deputy City Manager

Motion by Alderman Black, seconded by Alderman McDade 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, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointments to the Beautification Committee, Human Relations Commission and Japanese Sister City Committee, and Reappointments to the Bloomington-Normal Airport Authority, and Bloomington-Normal Convention & Visitors Bureau Board

RECOMMENDATION/MOTION: That the appointments and reappointments be approved.

STRATEGIC PLAN LINK: Goal 3. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 3.e. Strong partnership with residents.

BACKGROUND: I ask your concurrence in the following appointments:

Erica Larkin, 909 Snyder Dr., Bloomington 61701 to the Beautification Committee. Her first four (4) year term will expire April 30, 2017.

Janet Lancaster, 316 N. Main St., Bloomington 61701 to the Human Relations Commission. Her first three (3) year term will expire on April 30, 2016.

Suresh Krishna, 1408 Tralee Ln., Bloomington 61704 to the Human Relations Commission. His first three (3) year term will expire on April 30, 2016.

Teodora Amoloza, 39 Breckenwood Ct., Bloomington 61704 to the Japanese Sister City Committee. Her first three (3) year term will expire on April 30, 2016.

I ask your concurrence in the following reappointments:

Aaron Quick, 1618 Keybridge Way, Bloomington 61704 to the Bloomington-Normal Airport Authority. His second five (5) year term will expire April 30, 2018.

David Colee, 2807 Kolby Ct., Bloomington 61704 to the Bloomington-Normal Airport Authority. His second five (5) year term will expire April 30, 2018.

Jim Fruin, 3001 Thornwood, Bloomington 61704 to the Bloomington-Normal Convention & Visitors Bureau Board. His second indefinite term will not expire unless he is formally replaced.

Julie Kubsch, 317 N. Center St., Bloomington 61701 to the Bloomington-Normal Convention & Visitors Bureau Board. Her second indefinite term will not expire unless she is formally replaced.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mayor contacted all appointments and reappointments.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Asst.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Black, seconded by Alderman McDade that the appointments and reappointments be approved.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Payment for participation in McLean County's Information Technologies for EJustice Support and Oracle Support

RECOMMENDATION/MOTION: That the payment to McLean County's Information Technologies in the amount of \$29,564.03 for EJustice support and \$8,498.41 for Oracle support for EJustice be approved for a total of \$38,062.44.

STRATEGIC PLAN LINK: Goal 1: Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Partnering with several other law enforcement entities provides a cost effective service delivery.

BACKGROUND: On August 23, 1999, Council entered into a joint agreement with other police agencies in McLean County to use EJustice as a means to enter police reports. The EJustice System allows the Police Department staff to track evidence, review police reports from other agencies, and view other agencies' mug shots.

The EJustice System is the City's only means of electronic report submission and electronic evidence tracking. Due to a change in the ownership of the EJustice program, all users are now required to provide funds to support the EJustice program. The total price for supporting the program is \$140,000 per year. The City, Town of Normal, Illinois State University, and McLean County Sheriff's Department divide the \$140,000 cost based upon the number of users in each department. It should be noted McLean County Sheriff's Department pays for users in the Circuit Clerk's Office, States Attorney's Office and all rural police agencies. The County handles the processing of payments to Oracle and EJustice and is reimbursed by the City, Town of Normal, and Illinois State University.

The Oracle System is the database and all associated tools to keep it functional including the application server license and license for Discoverer which is the ad-hoc reporting tool available to the agencies. This expense has been shared by the agencies since 2006. Bloomington Police Department did not pay anything for the original development of the software. The cost this year is \$8,498.41.

This agreement is renewable on a yearly basis and will be in effect from May 2013 through May 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2014 Budget appropriated \$30,000 for EJustice Support and Oracle Support in line item 10015110-70220. The total cost to purchase this service is \$38,062.44. The funds or \$8,062.44 which exceed budget, are expected to be offset by savings from other line items within the Police Department. Stakeholders may locate this purchase in the FY 2014 General Fund Budget document on page #255.

Respectfully submitted for Council consideration.

Prepared by: R. T. Finney, Interim Chief of Police

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Motion by Alderman Black, seconded by Alderman McDade that the payment to McLean County's Information Technologies, in the amount of \$29,564.03 for EJustice support and \$8,498.41 for Oracle support for EJustice, for a total of \$38,062.44, be approved.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for Sixty Four (64) New Golf Carts at the Den at Fox Creek

RECOMMENDATION/MOTION: That the bid for golf carts at The Den at Fox Creek be awarded to EZ-GO, Bloomington, IL, in the amount of \$224,704, and the Purchasing Agent be authorized to issue a Purchase Order for same.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of the residents.

BACKGROUND: In order to provide the customers at The Den at Fox Creek with golf carts that match the image of the course we are looking to create, the City needs to provide up to date, good, running golf carts. The current fleet has been in use for seven (7) seasons. The City plans to purchase sixty-four (64) golf carts at this time. This number of carts is necessary in order to have enough carts available to host large outings and to keep up with the demand on busy days. Golf cart rentals at The Den are budgeted to bring in \$224,000 in revenue in Fiscal Year (FY) 2014. The cost for the new carts before trade in is \$269,504. The trade in value the City will receive is \$44,800 which brings the total bid for golf carts minus the trade-in value to \$224,704. The City will trade in sixty-four (64) golf carts with forty-eight (48) carts coming from Highland Park and sixteen (16) from The Den at Fox Creek. The remaining forty-eight (48) carts from The Den at Fox Creek will become the fleet at Highland Park.

The EZ-GO carts are the only cart in the industry to use AC (Alternate Current) technology which makes them thirty percent (30%) more efficient to operate. Additionally, these carts come equipped with a single point battery watering system which staff projects will save a minimum of 250 man hours over a five (5) year period. EZ-GO has also agreed to provide at no charge to the City a new beverage cart, valued at \$18,500, a new range picker cart, valued at \$7,500 and a course range cart, valued at \$4,500. These carts will become property of the City upon arrival. In addition, the EZ-GO dealer is located in Bloomington, just minutes from the course which will be advantageous when obtaining parts and service. Thanks to the good work from golf course staff, staff will still be able to utilize our current GPS system on the new carts.

On Tuesday, May 7, 2011, at 11:00 a.m., bids were publicly opened and read for the new golf carts at The Den at Fox Creek.

The bids received were as follows:

FIRM	LOCATION	BID PRICE (Net)
EZ-GO (Prairie Land Golf Cars)	Bloomington, IL	*\$224,704
Battery Specialists	Champaign, IL	\$241,280
TNT Golf Cars	Quincy, IL	\$243,571

* - Low and recommended bid

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was placed in The Pantagraph and on the City's website on April 19, 2013 and three (3) bids were received on May 7, 2013.

FINANCIAL IMPACT: The FY 2014 Capital Lease Budget appropriated \$260,000 for the replacement of the Golf Cart Fleet at The Den at Fox Creek in line item 40120140-72140. The total cost to replace the fleet is \$224,704, which is \$35,296 below the appropriated budget or 13.5%. The Golf Operations Fund will absorb the payments for the five (5) year capital lease

into the facilities operational budget. Stakeholders may locate the initial purchase in the FY 2014 Other Funds and Capital Improvement Program Budgetary document on page #112, while the debt service payments may be located in the Golf Operations Fund in the same budget document on page #209.

Respectfully submitted for Council consideration.

Prepared by: Jason Wingate, Superintendent of Golf

Reviewed by: John R. Kennedy, Director of Parks, Rec. & Cultural Arts

Financial & budgetary review by: Timothy L Ervin, CPFO, MS, Budget Officer

Recommended by:

Barbara J. Adkins
Deputy City Manager

Motion by Alderman Black, seconded by Alderman McDade that the bid for golf carts at The Den at Fox Creek be awarded to EZ-GO, Bloomington, IL, in the amount of \$224,704, 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, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Brush Disposal Agreement between the City and T Kirk Brush, Inc.

RECOMMENDATION/MOTION: That the Brush Disposal Agreement between the City and T Kirk Brush, Inc. be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1: Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: In order to be responsive to citizen needs, adequate resources must be provided to fulfill the goal of providing quality basic services. This provides value to citizens and allows services to be delivered in a cost-effective manner.

BACKGROUND: On June 14, 2010, the Council approved entering into an agreement with T Kirk Brush, Inc. for the disposal of brush generated by City households participating in the refuse collection program. The original contract was in effect until May 1, 2012. The contract allowed the City and T Kirk Brush, Inc. to extend the contract for one (1) year upon mutual agreement of both parties to May 1, 2013.

This new Agreement shall remain in full force and effect for one (1) year, unless terminated. The new agreement will begin at the expiration of the Initial Term (May 1, 2013), the Agreement will automatically renew for successive one (1) year periods, but for no more than three (3) renewal periods total, unless a party provides the other party with notice of its intent not to renew the Agreement at least ninety (90) days prior to the expiration of the then current term.

The City collects and processes approximately 30,000 cubic yards of brush at T Kirk Brush disposal site annually. At this time, T Kirk Brush, Inc. is the only local vendor that is approved by the Illinois Environmental Protection Agency (IEPA), as confirmed by Mike Mullins, Environmental Protection Specialist, (Champaign Region). The Council was provided with contact information for Mr. Mulins.

Staff has been pleased with T Kirk Brush Inc.'s service level and facility over the last three (3) years. T Kirk Brush, Inc. has expressed its interest in continuing brush collection and processing for the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: IEPA.

The City reached out to both Twin City Wood and T Kirk Brush, Inc. as vendors. City staff received an email from John Wollrab, Twin City Wood representative's, which stated that he is not interested in the City's brush contract. Due to EPA requirements, at this time, T Kirk Brush, Inc. is the only vendor available to dispose of the City brush needs.

FINANCIAL IMPACT: The FY 2014 Budget appropriated \$278,280 for brush disposal in the Solid Waste Fund line item 54404400-70655. In FY 2014, the Solid Waste Fund has begun to track this expenditure separate from the landfill disposal charges. Stakeholders may locate this purchase in the FY 2014 Other Funds and Capital Improvement Program document on page #111.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, P.E., Director of Finance
Reviewed by: David A. Hales, City Manager
Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer
Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of May, 2013, by and between the City of Bloomington, Illinois, a municipal corporation, hereinafter referred to as “City” and T. Kirk Brush, Inc., hereinafter referred to as “Kirk.”

WITNESSETH:

WHEREAS, on June 14, 2010 the City approved an agreement with Kirk for the disposal of brush generated by Bloomington households which participate in the refuse collection program; and

WHEREAS, the 2010 agreement with Kirk was in effect until May 1, 2012 and was extended upon the mutual agreement of both parties for an additional year to May 1, 2013; and

WHEREAS, the City continues to collect brush from the curb throughout the City on a daily basis and processes approximately 30,000 cubic yards of brush at the Kirk disposal site on an annual basis; and

WHEREAS, currently, Kirk is the only local vendor approved by the Illinois Environmental Protection Agency for the collection and processing of brush; and

WHEREAS, the City has been very pleased with Kirk’s service level and facility over the last several years.

NOW, THEREFORE, in consideration of the mutual covenants and agreements obtained herein, the City and Kirk do hereby agree as follows:

Section 1. Definitions. “Brush” shall mean tree branches, tree limbs, tree trimmings, shrubbery and other wood materials collected by the Public Service Department of the City of Bloomington through its citywide household bulk waste collection program; except, “brush” shall not include any long large diameter logs of lengths not reasonably placed on the curb by an average homeowner and such materials which contain crude oil, petroleum, creosote or other contaminants or environmentally hazardous materials.

Section 2. Scope of Work. Kirk shall take delivery of all of the City’s brush, chip the brush delivered and dispose of the wood chips created. This shall be an exclusive, requirements contract for the delivery and disposal of the City’s brush. The City shall deliver all brush it

collects to Kirk's processing facility. The City shall not deliver any brush to any other individual or entity during the term of this Agreement.

Section 3. Price. The City shall pay Kirk \$7.91 per cubic yard of brush delivered to the site. Kirk shall equally divide with the City any profits from the sale of the processed brush sold.

Section 4. Payment. Kirk shall bill the City monthly for the brush delivery to the site. Each bill shall list the dates of brush delivery and the number of truckloads of brush delivered on each date, identifying the truck making the delivery by number and/or type. The City shall pay Kirk within forty-five (45) days of receipt of the bill. The City shall pay only the amount billed and shall not guarantee a minimum monthly payment.

Section 5. Term. This Agreement shall remain in full force and effect for one year, unless terminated earlier as provided herein. At the expiration of the Initial Term, the Agreement will automatically renew for successive one year periods, but no more than three (3) renewal periods total, unless a party provides the other party with notice of its intent not to renew the Agreement at least ninety (90) days prior to the expiration of the then current term.

Section 6. Condition of Brush. The City shall deliver the brush to Kirk as the City collects it. Kirk understands and agrees that the City shall not process the brush in any manner prior to delivering it to Kirk and that the City shall have no responsibility for removing foreign materials from the brush prior to delivery. The City shall have no liability whatsoever for the presence of foreign materials in the brush it delivers. However, the City shall haul away and dispose of any foreign materials Kirk removes from the brush City delivers upon Kirk's request and on the condition that Kirk load any such foreign materials onto City's trucks. Kirk hereby releases the City and agrees to indemnify and hold the City harmless from any claim of damage or injury to persons or property related to or arising from the presence of any foreign material in the brush delivered.

Section 7. Method of Processing Brush. Kirk may process and dispose of the City's brush in any manner allowed under Federal, State, local laws, ordinances and regulations. However, the price stated herein is based on Kirk's representation that it will chip the brush and dispose of the wood chips generated by the chipping process. Every reasonable effort will be made to process and remove wood materials from the site in a timely manner.

Section 8. Default. Either party shall be in default if it fails to perform all or any part of this Agreement. Specifically, Kirk shall be in default if it refuses to accept delivery of brush at any time and/or it does not have the site open for dumping brush during the hours agreed upon by both parties for any reason other than those permitted under the terms of this Agreement or for reasons beyond Kirk's control, including, but not limited to, Acts of God. For purposes of this Agreement, any disruption in service caused or created by Kirk's failure to obtain proper permits or financial difficulties, including insolvency, reorganization and/or voluntary and involuntary bankruptcy, shall be deemed to be within Kirk's control and shall constitute an event of default hereunder. If either party is in default, the other may:

- a. terminate the Agreement upon giving written notice of such termination to the party in default and/or file a lawsuit against the defaulting party in the Circuit Court of the Eleventh Judicial Circuit, County of McLean to recover any and all damages resulting from the breach and subsequent termination which are allowed by law; or
- b. continue the Agreement and/or file a lawsuit against the defaulting party in the Circuit Court of the Eleventh Judicial Circuit, County of McLean to recover any and all damages resulting from the breach which are allowed by law.

Section 9. Law. This Agreement shall be construed pursuant to Illinois law.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

CITY OF BLOOMINGTON, ILLINOIS

T. KIRK BRUSH, INC.

By: Tari Renner
Mayor

By: _____
Patrick Henson, Owner

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Black, seconded by Alderman McDade that the Brush Disposal Agreement with T Kirk Brush, Inc. 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, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Retention of the Law Firm of Hinshaw & Culbertson, LLP, to Represent the City Before the Illinois Commerce Commission with Respect to Existing and Proposed Grade Crossings of the Norfolk Southern Railroad in and near Bloomington

RECOMMENDATION/MOTION: That the retention of the law firm of Hinshaw & Culbertson, LLP be approved pursuant to the terms of the retention letter dated March 18, 2013 and that Corporation Counsel be authorized to sign such letter on the City's behalf.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective a. Better Quality Roads and Sidewalks. A global settlement with Norfolk Southern Railway (NSRR) regarding crossing of its rail lines at several locations in the City could lead to a better street system and increased economic development.

BACKGROUND: An annexation agreement with Hershey Grove, LLC required the City to file a request with the Illinois Commerce Commission (ICC) for an at-grade crossing at a point where an extension of Hershey Rd. will cross the existing NSRR tracks. The City did so last year, but the petition will require a great deal of specialized legal work before it proceeds to hearing.

Railroads generally do not view requests for additional at-grade crossings of their railways with favor. In addition, the ICC has for several years requested petitioners to show why pedestrian safety would not be better served by a bridge across existing tracks. Separated crossings, (i.e. bridges), are much more costly to build than at-grade crossings.

The interested parties, (the City, NSRR, ICC, and the Illinois Department of Transportation/IDOT), have entered into very preliminary talks to explore the possibility of a "global settlement". A possible agreement between the City and NSRR which could address not only a crossing of the railroad tracks at the extension of Hershey Rd., but other places in the City where the parties know that NSRR tracks will need to be crossed, (e.g. both ends of Hamilton Rd.). All parties recognize that, although a global settlement will have many details to be negotiated in order to be successful, this type of resolution could be a "win-win" situation for both the City and NSRR.

City staff has contacted Edward Gower, attorney with Hinshaw & Culbertson, LLP, Springfield, IL, and recommends that this firm be retained by the City to represent it in negotiations with NSRR and, if necessary, a hearing on the petition for the at-grade crossing which is currently before the ICC. Mr. Gower's resume was provided to the Council. He has the necessary background to represent the City in these types of negotiations and proceedings.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City staff, representatives of NSRR, staff members of ICC and IDOT.

FINANCIAL IMPACT: The FY 2014 General Fund Budget appropriated \$250,000 for outside legal fees in line item 10011710-70010. As set forth in the retention letter, Mr. Gower's hourly rate is \$300 per hour, and Raylene DeWitte Grischow, partner, is \$210 per hour. The amount of fees to be actually paid is dependent upon the extent of the negotiations and whether a hearing will be required in front of the ICC. A reasonable estimate is a minimum of \$30,000, with the maximum dependent upon circumstances which are too soon to assess at this point in time.

Stakeholders may locate this purchase in the FY 2014 General Fund Budget document on page #193.

Respectfully submitted for Council consideration.

Prepared by & legal review by: J. Todd Greenburg, Corporation Counsel

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Recommended by:

Barbara J. Adkins
Deputy City Manager

Motion by Alderman Black, seconded by Alderman McDade that the retention of the law firm of Hinshaw & Culbertson, LLP be approved pursuant to the terms of the retention letter dated March 18, 2013 and Corporation Counsel be authorized to sign such letter on the City's behalf.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Professional Services Contract for the Bloomington Center for Performing Arts

RECOMMENDATION: That the contracts in the amount of \$87,500 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy; Goal 5. Great place – livable, sustainable City; and Goal 6. Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.e. Strong working relationship among the City, businesses, economic development organizations; Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents; and Objective 6.c. Downtown becoming a community and regional destination.

BACKGROUND: Staff respectfully requests approval of contract to engage persons and/or groups represented by: Jazz at Lincoln Center, Inc. and Opus 3 Artists to perform entertainment services in the Bloomington Center for the Performing Arts (BCPA). Contract expenses for the contracts will be \$87,500. The contract price covers the artist fees for the performances coming to the BCPA during the 2013 - 2014 season. For proprietary and competitive advantage reasons staff does not mention the acts by name in the back up report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

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

FINANCIAL IMPACT: The FY 2014 Budget appropriated \$511,300 in line item 10014125-70218-20000. The purpose of the \$87,500 contract is to engage persons and/or groups represented by: Jazz at Lincoln Center, Inc. and Opus 3 Artists Associates to perform entertainment services at the BCPA. Note this is only a portion of the total budget appropriation. The cost of this service will be offset by revenue generated from ticket sales, grants, playbills, concessions, and corporate advertisement and sponsorships. These revenues also are designated to offset the additional artist expenses for travel, meals and lodging. With the incorporation of the BCPA Fund into the General Fund in FY 2014, stakeholders may locate this purchase in the FY 2014 General Fund Budget document on page #408.

Respectfully submitted for Council consideration.

Prepared by: Joel Aalberts, Performing Arts Manager

Reviewed by: John R. Kennedy, Director of Parks, Rec. & Cultural Arts

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Motion by Alderman Black, seconded by Alderman McDade that the contracts with Jazz at Lincoln Center, Inc. in the amount of \$52,500 and Opus 3 Artists, LLC in the amount of \$35,000, for a total amount of \$87,500, 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, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on June 11, 2013

RECOMMENDATION/MOTION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on June 11, 2013 be passed.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Patrick Sheridan and Molly Hennessy, to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their consultant reception on June 11, 2013. Present at the hearing were Liquor Commissioner Tari Renner; Renee Gooderham, Chief Deputy City Clerk; and Patrick Sheridan, Associate Partner, and Molly Hennessy, Consultant, Applicant representatives.

Staff absent: George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner Renner questioned the purpose of this request. Patrick Sheridan, Associate Partner, and Applicant representative addressed the Commissioner. Mr. Sheridan stated that the consultant reception was scheduled for Tuesday, June 11, 2013. Alcohol service would be provided for the approximate 150 consultants. The reception was scheduled from 5:00 p.m. until 9:00 p.m. Alcohol service would be limited to beer and wine only. Redbird catering, located at 1507 N. Main St., would provide the food and beer and wine.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the May 20, 2013 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.

Respectfully submitted for Council consideration.

Prepared by: Renee Gooderham, Records and Information Manager

Reviewed by: Craig Cummings, Director of Water

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2013 - 28

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

WHEREAS, Patrick Sheridan, Associate Partner and Molly Hennessy, Consultant, IBM representatives are planning to hold their consultant reception at the Lake Bloomington Davis Lodge from 5:00 p.m. to 9:00 p.m. on June 11, 2013; and

WHEREAS, Patrick Sheridan and Molly Hennessy, IBM representatives, have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on June 11, 2013 under the conditions set forth in the rental agreement.

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

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

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

PASSED this 28th day of May, 2013.

APPROVED this 29th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Black, seconded by Alderman McDade that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington's Davis Lodge on June 11, 2013 be passed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 2, Block 0 of Camp Peoria Pointe from Francis R. Donovan (deceased) to Gregory, Michael and Roger Donovan

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

STRATEGIC PLAN LINK: Goal 1: Value for your tax dollars and fees.

STRATEGIC PLAN SIGNIFICANCE: Objective 1: Budget with adequate resources to support defined services and level of services.

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 2, Block 0 of Camp Peoria Pointe from Francis R. Donovan (deceased) to Gregory, Michael and Roger Donovan. The first sewage disposal system inspection was completed in late January 2013. The septic tank needed to be pumped for a thorough inspection to take place. This was completed in February 2013. The system was re-inspected in February and the system was functioning properly at that time. The age of the sewage disposal system is forty-one (41) years. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20-25) years. However, this can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance.

The system does need a chlorinator tube and a fifty foot (50') long rock, (aeration, biological decomposition and evaporation), trench. These will be installed by July 1, 2013 and Lake Patrol will visit the property to make sure this project is complete.

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

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. With this lake lease transfer, the lake lease formula will generate approximately \$345 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Motion by Alderman Black, seconded by Alderman McDade 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, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Eastlake, LLC, requesting Approval of Final Plats for the Grove on Kickapoo Creek Subdivision, Fourth Addition and Grove Park Subdivision commonly located north of Ireland Grove Rd. and west of Township Rd. 2100 East

RECOMMENDATION/MOTION: That the Final Plats be approved and the Ordinances passed.

STRATEGIC PLAN LINK: Goal 6 – Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 6.a. and 6.d. - The subdivisions improve quality of life adding single family residential lots to the market and dedicating ground for a future City park.

BACKGROUND: On March, 13, 2006, Council approved the Preliminary Plan for The Grove on Kickapoo Creek Subdivision which includes the subject sites. The Grove on Kickapoo Creek Fourth Addition includes forty-nine (49) lots and two (2) outlots. The Grove Park Subdivision includes one (1) lot for a future City park. Both subdivisions are immediately south of the Grove on Kickapoo Creek Subdivision, Second Addition. Public improvements in the Fourth Addition include streets, storm sewers, sanitary sewers, water mains, sump pump drain lines and related components. There are no required public improvements in the Grove Park. The surety for these public improvements is 110% of the construction costs. Since the surety is being provided prior to the actual construction, engineering cost estimates are used. The surety can be a bond, cash, letter of credit or other financial guarantee as described in City Code and shall not have an expiration date.

Staff asks that Council accept the Petitions and pass the ordinances approving the Final Plats for the Grove on Kickapoo Creek Subdivision, Fourth Addition and Grove Park Subdivision subject to the Petitioner supplying a surety for any uncompleted public improvements and paying the required tap-on fees prior to recording of the plats.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Eastlake, LLC.

FINANCIAL IMPACT: The future residential properties will generate property tax revenue and annexation fees. There are revenues and costs associated with the entire Grove on Kickapoo Creek development that are detailed in the approved annexation agreements, and are triggered by construction of utilities or final platting. There is no requirement to develop the park within a specific timeframe in the Annexation Agreement or other agreement related to this subdivision.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, PE, CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Recommended by:

Barbara J. Adkins
Deputy City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

Now Comes CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS, a municipal corporation, and EASTLAKE, LLC, an Illinois Limited Liability Company, and ARMSTRONG GROVE, INC., an Illinois Corporation, and DOUD LAND DEVELOPMENT, INC., an Illinois Corporation, and FRANKE GROVE, INC., an Illinois Corporation, and IUVO CONSTRUCTUM, LLC, an Illinois Limited Liability Company, and KAISNER CORPORATION, an Illinois Corporation, and R & H HOMES, INC., an Illinois Corporation (hereinafter individually and collectively referred to as your “Petitioner”), respectfully representing and requesting as follows:

1. Petitioner is the owner of the freehold estate of the premises hereinafter legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the “Premises”) and depicted by the Final Plat of The Grove on Kickapoo Creek Fourth Addition in the City of Bloomington, McLean County, Illinois prepared by the Farnsworth Group, Inc. on April 25, 2013, which is attached hereto and incorporated herein.
2. Petitioner seeks approval of the Final Plat for the subdivision of the Premises to be known and described as The Grove on Kickapoo Creek Fourth Addition in the City of Bloomington, McLean County, Illinois.

Wherefore, your Petitioner respectfully prays that the Final Plat of The Grove on Kickapoo Creek Fourth Addition in the City of Bloomington, McLean County, Illinois, submitted herewith, be approved.

Respectfully submitted,

CITY OF BLOOMINGTON,
McLEAN COUNTY, ILLINOIS

By: Todd Greenburg
Corporation Counsel

ARMSTRONG GROVE, INC.

By: Victor E. Armstrong, Jr.
President

DOUD LAND DEVELOPMENT, INC.

By: William C. Doud
President

FRANKE GROVE, INC.

By: Donald R. Franke
President

EASTLAKE, L.L.C.

By: Victor E. Armstrong, Jr.
Authorized Member

IUVO CONSTRUCTUM, LLC

By: Marti Rave
Manager

KAISNER CORPORATION

By: Marshall L. Kaisner
President

R & H HOMES, INC.

By: Ken Verkler
President

ORDINANCE NO. 2013 - 29

AN ORDINANCE APPROVING FINAL PLAT OF THE GROVE ON KICKAPOO CREEK FOURTH ADDITION IN THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS

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 Grove on Kickapoo Creek Fourth Addition in the City of Bloomington, McLean County, Illinois, which is legally described in Exhibit A attached hereto and incorporated herein; 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.

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

1. That the Final Plat of The Grove on Kickapoo Creek Fourth Addition in the City of Bloomington, McLean County, Illinois, be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval and shall be in full force.

PASSED this 28th day of May, 2013.

APPROVED this 29th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

A part of the Southwest Quarter and a part of the Southeast Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Beginning at the Southwest Corner of Lot 251 in the Grove on Kickapoo Creek Second Addition in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2009-18355 in the McLean County Recorder's Office. From said Point of Beginning, thence southwest 60.08 feet along a line which forms an angle to the left of $180^{\circ}-00'-00''$ with the West Line of said Lot 251; thence southeasterly 121.60 feet along the arc of a curve concave to the northeast with a radius of 600.00 feet and the 121.39 foot chord of said arc forms an angle to the left of $278^{\circ}-40'-18''$ with the last described course; thence southwest 96.51 feet along a line which forms an angle to the left of $81^{\circ}-19'-42''$ with the last described chord to a Point of Curvature; thence southwesterly, westerly and northwesterly 375.25 feet along the arc of a curve concave to the northwest with a radius of 215.00 feet and the 329.40 foot chord of said arc forms an angle to the left of $130^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence northwest 277.71 feet along a line which forms an angle to the left of $130^{\circ}-00'-00''$ with the last described chord; thence southwest 155.00 feet along a line which forms an angle to the left of $270^{\circ}-00'-00''$ with the last described course to a Point of Curvature; thence southwesterly, westerly and northwesterly 337.72 feet along the arc of a curve concave to the northwest with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the left of $135^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence northwest 320.00 feet along a line which forms an angle to the left of $135^{\circ}-00'-00''$ with the last described chord to a Point of Curvature; thence northwesterly, northerly and northeasterly 337.72 feet along the arc of a curve concave to the northeast with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the left of $135^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence northeast 240.00 feet along a line which forms an angle to the left of $135^{\circ}-00'-00''$ with the last described chord to a Point of Curvature; thence northeasterly, easterly and southeasterly 337.72 feet along the arc of a curve concave to the southeast with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the left of $135^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence southeast 670.71 feet along a line which forms an angle to the left of $135^{\circ}-00'-00''$ with the last described chord; thence southeasterly 163.40 feet along the arc of a non-tangential curve concave to the northeast with a radius of 600.00 feet and the 162.90 foot chord of said arc forms an angle to the left of $179^{\circ}-19'-56''$ with the last described course; thence northeast 60.08 feet along a line which forms an angle to the left of $280^{\circ}-40'-04''$ with the last described chord to the Southeast Corner of Lot 250 in said Grove on Kickapoo Creek Second Addition, said Southeast Corner also being the Southwest Corner of Sugarberry Avenue as dedicated in said Grove on Kickapoo Creek Second Addition; thence southeasterly 60.03 feet along the South Line of said Sugarberry Avenue being the arc of a curve concave to the northeast with a radius of 540.00 feet and the 60.00 foot chord of said arc forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Point of Beginning, containing 14.15 acres, more or less.

The above described premises is part of the following parcel identification numbers: 22-09-451-001 and 22-09-451-002

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

Now Comes CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS, a municipal corporation, and EASTLAKE, LLC, an Illinois Limited Liability Company, and ARMSTRONG GROVE, INC., an Illinois Corporation, and DOUD LAND DEVELOPMENT, INC., an Illinois Corporation, and FRANKE GROVE, INC., an Illinois Corporation, and IUVO CONSTRUCTUM, LLC, an Illinois Limited Liability Company, and KAISNER CORPORATION, an Illinois Corporation, and R & H HOMES, INC., an Illinois Corporation (hereinafter individually and collectively referred to as your “Petitioner”), respectfully representing and requesting as follows:

1. Petitioner is the owner of the freehold estate of the premises hereinafter legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the “Premises”) and depicted by the Final Plat of Grove Park Subdivision in the City of Bloomington, McLean County, Illinois prepared by the Farnsworth Group, Inc. on January 25, 2013, which is attached hereto and incorporated herein.

2. Petitioner seeks approval of the Final Plat for the subdivision of the Premises to be known and described as Grove Park Subdivision in the City of Bloomington, McLean County, Illinois.

Wherefore, your Petitioner respectfully prays the Final Plat of Grove Park Subdivision in the City of Bloomington, McLean County, Illinois, submitted herewith, be approved.

Respectfully submitted,

CITY OF BLOOMINGTON,
McLEAN COUNTY, ILLINOIS

EASTLAKE, LLC

By: Todd Greenburg
 Corporation Counsel

By: Victor E. Armstrong, Jr.
 Authorized Member

ARMSTRONG GROVE, INC.

IUVO CONSTRUCTUM, LLC

By: Victor E. Armstrong, Jr.
 President

By: Marti Rave
 Manager

DOUD LAND DEVELOPMENT, INC.

KAISNER CORPORATION

By: William C. Doud
President

By: Marshall L. Kaisner
President

FRANKE GROVE, INC.

R & H HOMES, INC.

By: Donald R. Franke

By: Ken Verkler

ORDINANCE NO. 2013 - 30

**AN ORDINANCE APPROVING FINAL PLAT OF THE GROVE PARK SUBDIVISION
IN THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS**

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 Grove Park Subdivision in the City of Bloomington, McLean County, Illinois, which is legally described in Exhibit A attached hereto and incorporated herein; 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.

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

1. That the Final Plat of Grove Park Subdivision in the City of Bloomington, McLean County, Illinois, be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval and shall be in full force.

PASSED this 28th day of May, 2013.

APPROVED this 29th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

A part of the Southwest Quarter and a part of the Southeast Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of Lot 251 in the Grove on Kickapoo Creek Second Addition in the City of Bloomington, Illinois, according to the plat recorded as

Document No. 2009-18355 in the McLean County Recorder's Office. From said Point of Beginning, thence southwest 60.08 feet along a line which forms an angle to the right of $180^{\circ}-00'-00''$ with the West Line of said Lot 251; thence southeasterly 121.60 feet along the arc of a curve concave to the northeast with a radius of 600.00 feet and the 121.39 foot chord of said arc forms an angle to the right of $81^{\circ}-19'-42''$ with the last described course; thence southwest 96.51 feet along a line which forms an angle to the right of $278^{\circ}-40'-18''$ with the last described chord to a Point of Curvature; thence southwesterly, westerly and northwesterly 375.25 feet along the arc of a curve concave to the northwest with a radius of 215.00 feet and the 329.40 foot chord of said arc forms an angle to the right of $230^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence northwest 277.71 feet along a line which forms an angle to the right of $230^{\circ}-00'-00''$ with the last described chord; thence southwest 155.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to a Point of Curvature; thence southwesterly, westerly and northwesterly 337.72 feet along the arc of a curve concave to the northwest with a radius of 215.00 feet and the 304.06 foot chord of said arc forms an angle to the right of $225^{\circ}-00'-00''$ with the last described course to a Point of Tangency; thence northwest 320.00 feet along a line which forms an angle to the right of $135^{\circ}-00'-00''$ with the last described chord to a Point of Curvature; thence northwesterly 148.92 feet along the arc of a curve concave to the northeast with a radius of 215.00 feet and the 145.96 foot chord of said arc forms an angle to the right of $199^{\circ}-50'-35''$ with the last described course to a point on the Easterly Line of The Grove on Kickapoo Creek Stream Restoration recorded as Document No. 2012-19531 in said Recorder's Office; thence southerly 337.15 feet along said Easterly Line which forms an angle to the right of $44^{\circ}-09'-44''$ with the last described chord; thence southwest 801.14 feet along the Southeasterly Line of said Grove on Kickapoo Creek Stream Restoration which forms an angle to the right of $235^{\circ}-09'-45''$ with the last described chord; thence south 50.00 feet along a line which forms an angle to the right of $117^{\circ}-13'-37''$ with the last described course to the Southeast Corner of said Grove on Kickapoo Creek Stream Restoration, said Southeast Corner also being on the South Line of said Southwest Quarter; thence east 1,007.39 feet along said South Line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to the Southeast Corner of said Southwest Quarter; thence east 1,209.82 feet along the South Line of said Southeast Quarter which forms an angle to the right of $180^{\circ}-01'-46''$ with the last described course to the Southwest Corner of Benjamin School Subdivision recorded as Document No. 2009-12863 in said Recorder's Office, said Southwest Corner also being on the West Line of Black Oak Boulevard as dedicated in said Benjamin School Subdivision; thence north 50.00 feet along said West Line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence northeast 28.28 feet along said West Line which forms an angle to the right of $225^{\circ}-00'-00''$ with the last described course; thence north 656.23 feet along said West Line which forms an angle to the right of $135^{\circ}-00'-00''$ with the last described course to the Southeast Corner of Lot 252 in said Grove on Kickapoo Creek Second Addition; thence west 62.41 feet along the South Line of said Lot 252 which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence westerly 192.18 feet along the arc of a curve concave to the north with a radius of 540.00 feet and the 191.17 foot chord of said arc forms an angle to the right of $190^{\circ}-11'-44''$ with the last described course to the Point of Beginning.

The above described premises is part of the following parcel identification numbers:
22-09-376-001; 22-09-451-001; and 22-09-451-002

Motion by Alderman Black, seconded by Alderman McDade that the Final Plats be approved and Ordinances be passed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition Submitted by Interchange City West, LLC, Requesting Approval of a Reinstatement of a Preliminary Plan for the West Gate Plaza Subdivision

RECOMMENDATION/MOTION: The Planning Commission and staff are recommending the City Council approve Case PS-01-13 for the Reinstatement of a Preliminary Plan for the Third Amended Interchange City West Subdivision.

STRATEGIC PLAN LINK: The preliminary plan will facilitate the objective of expanding retail businesses.

STRATEGIC PLAN SIGNIFICANCE: Once the plan is approved and along with final platting, development of vacant land can begin. This visual investment will encourage the retention and growth of local businesses in the west Market St. area which has been hampered by the economic recession. As more businesses are located there it will encourage vacant store fronts to be occupied and improve the overall economic vitality of the area.

BACKGROUND: The petitioner is requesting to reinstate the Preliminary Plan which has expired. This is for the property located north of IL Rt. 9, east and west of Interstate Dr. consisting of approximately 22.85 acres. There are no proposed changes from what was previously approved. The Plan expired because of the economic recession which has seen a low demand for commercial development. The owner is now seeing interest in the subdivision but first the Preliminary Plan must be reinstated.

The Planning Commission reviewed the petition on May 8, 2013. The petitioner's attorney spoke at the meeting explaining the reinstatement. The Commission held a public hearing and no one spoke in support of or in opposition to the request. The Planning Commission voted 9 - 0 to recommend approval of the petition.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code, (Ordinance No. 2006 - 137), courtesy copies of the Public Notice were mailed to ten (10)

property owners within 500'. In addition, a public notice/identification sign were posted on the property.

FINANCIAL IMPACT: The financial impact upon City revenues and services should not change with the approval of the reinstated of the Preliminary Plan.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director, PACE

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

PETITION TO REINSTATE PRELIMINARY PLAN

State of Illinois)
) ss.
County of McLean)

To: The Honorable Mayor and City Council of the City of Bloomington, Illinois.

Now comes Interchange City West, LLC, an Illinois Limited Liability Company, hereinafter referred to as your Petitioner respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises described on Exhibit A attached hereto and made a part hereof by this reference;

2. That your Petitioner seeks to reinstate the “Preliminary Plan for West Gate Plaza Subdivision” heretofore approved by the City Council on April 12, 2044, by Ordinance No. 2004 – 18;

3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code: None.

WHEREFORE, your Petitioner, Interchange City West, LLC, an Illinois Limited Liability Company, prays that the Preliminary Plan for West Gate Plaza Subdivision hereto fore approved by the City Council by Ordinance No. 2004 – 18, be reinstated as requested herein.

Respectfully submitted,

Interchange City West, LLC, an Illinois Limited Liability Company, Petitioner

By: Robert J. Lenz
 Its Attorney

ORDINANCE NO. 2013 - 31**AN ORDINANCE FOR REINSTATEMENT OF THE PRELIMINARY PLAN OF WEST GATE PLAZA SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for Reinstatement of the Preliminary Plan of West Gate Plaza Subdivision, made a part hereto by this references; and

WHEREAS, said Petition requests 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 Preliminary Plan should be reinstated as requested; and

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

1. That the Preliminary Plan of West Gate Plaza Subdivision be and the same is hereby reinstated.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 28th day of May, 2013.

APPROVED this 29th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A**Legal Description**

A part of the NE¼ of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian and a part of the SE¼ of Section 36, Township 24 North, Range 1 East of the Third

Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Commencing at the stone which marks the southeast corner of the SE $\frac{1}{4}$ of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian and the northeast corner of the NE $\frac{1}{4}$ of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian; thence S.00°-20'-49"E. 224.62 feet on the east line of the NE $\frac{1}{4}$ of said Section 1 to the northeast right of way line of F.A.I. Route 03 (Illinois Route 9); thence N.77°-22'-26"W. 180.73 feet on said northeast right of way line of F.A.I. Route 03 (Illinois Route 9); thence S.12°-37'-34"W. 21.84 feet to the northeast right of way line of F.A. Route 693 (Illinois Route 9); thence N.78°-27'-22"W. 534.51 feet on said northeast right of way line of F.A. Route 693 (Illinois Route 9) to the Point of Beginning; thence continuing N.78°-27'-22"W. 392.92 feet on said northeast right of way line of F.A. Route 693 (Illinois Route 9); thence N.76°-04'-08"W. 175.84 feet on said right of way line; thence N.88°-54'-30"W. 319.92 feet on said right of way line; thence northwesterly 326.64 feet on said right of way line on a non-tangential curve concave to the southeast having a radius of 11519.16 feet, central angle of 01°-37'-29" and a chord of 326.63 feet bearing N.84°-46'-03"W. from the last described course; thence N.00°-24'-21"W. 860.28 feet; thence N.89°-00'-30"E. 583.71 feet; thence S.01°-03'-19"E. 226.02 feet; thence N.88°-20'-23"E. 468.66 feet; thence N.01°-04'-49"W. 116.72 feet; thence N.88°-59'-18"E. 147.76 feet; thence S.00°-18'-41"E. 934.13 feet to the Point of Beginning, containing 22.85 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Black, seconded by Alderman McDade that the Preliminary Plan be reinstated and the Ordinance passed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition Submitted by Interchange City West, LLC, Requesting Approval of an Amended Preliminary Plan for the West Gate Plaza Subdivision

RECOMMENDATION/MOTION: The Planning Commission and staff are recommending the City Council approve Case PS-02-13 for the Amended Preliminary Plan for the West Gate Plaza Subdivision subject to the six (6) conditions identified by the Engineering Memorandum dated April 25, 2013.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy. The preliminary plan will facilitate the objective of expanding retail businesses.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.a. Once the plan is approved and along with final platting, development of vacant land can begin. This visual investment will encourage the retention and growth of local businesses in the west Market St. area which has been hampered by the economic recession. As more businesses are located there it will encourage vacant store fronts to be occupied and improve the overall economic vitality of the area.

BACKGROUND: The petitioner is requesting to amend the preliminary plan. This is for the property located north of IL Rt. 9, west of Interstate Dr., consisting of approximately 11.81 acres. The Preliminary Plan is for land east and west of Interstate Dr. The area to be revised is only west of Interstate Dr. Some lot configurations will change. The location of the existing Interstate Dr. will not change. There has been a low demand for commercial development in recent years. However now with the recovery from the economic recession the owner is seeing a renewed interest in development and a need for reconfigured lots.

The Planning Commission reviewed the petition on May 8, 2013. The petitioner's attorney and engineer both spoke at the meeting explaining the amended Preliminary Plan. The Commission held a public hearing and no else one spoke in support of or in opposition to the request. The Public Works Department's Engineering Division provided written comments in a memorandum dated April 25, 2013. Item 3 of this document discusses the need for a cul-de-sac at the north end of Interstate Dr. The City's Corporation Counsel Office has provided direction that a cul-de-sac at this location cannot be required. The Planning Commission voted 9 - 0 to recommend approval of the petition subject to the six (6) conditions identified by the Engineering memorandum dated April 25, 2013.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code, (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to ten (10) property owners within 500'. In addition, a public notice/identification sign were posted on the property.

FINANCIAL IMPACT: The financial impact upon City revenues and services should not change with the approval of the amended Preliminary Plan.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director, PACE

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

**PETITION FOR APPROVAL OF AN AMENDED PRELIMINARY PLAN FOR A
SUBDIVISION**

State of Illinois)
) ss.
County of McLean)

To: The Honorable Mayor and City Council of the City of Bloomington, Illinois

Now comes Interchange City West, LLC, an Illinois Limited Liability Company, hereinafter referred to as your Petitioner, respectfully and requesting as follows:

1. That your Petitioner is interested as Owner in the premises hereinafter described on Exhibit "A" attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the Amended Preliminary Plan for the subdivision known as "West Gate Plaza Subdivision," which Amended Preliminary Plan is attached hereto and made a part hereof;
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code 1960, as amended: none.

WHEREFORE, your Petitioner prays that the Amended Preliminary Plan for "West Gate Plaza Subdivision," submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Interchange City West, LLC, an Illinois Limited
Liability Company, Petitioner

By: Robert J. Lenz
 Its Attorney

ORDINANCE NO. 2013 - 32**AN ORDINANCE APPROVING THE AMENDED PRELIMINARY PLAN FOR WEST GATE PLAZA SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Amended Preliminary Plan for “West Gate Plaza Subdivision”, legally described in Exhibit “A” attached hereto and made a part hereof by this reference;

WHEREAS, said Petition requests 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 the Amended Preliminary Plan attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

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

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

1. That the Amended Preliminary Plan of the West Gate Plaza 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 the time of its passage on this 28th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

A part of Lot 3 in Interstate Center Subdivision, according to the Plat thereof recorded as Document No. 2004-15809 in the McLean County Recorder of Deeds Office, being a part of the NE¼ of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian and a part of the SE¼ of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the northwest corner of Lot 3 in Interstate Center Subdivision; thence N.89°-00'-30"E. 583.71 feet on the north line of said Lot 3 to the west line of Lot 4 in Resubdivision of Part of Lots 1 and 2 in Interstate Center Subdivision, according to the Plat thereof recorded as Document No. 2009-36443 in the McLean County Recorder of Deeds Office; thence S.01°-03'-19"E. 226.02 feet on the west line of said Lot 4 to the north right of way line of Interstate Drive as dedicated in West Gate Plaza Subdivision, according to the Plat thereof recorded as Document No. 2004-21239 in the McLean County Recorder of Deeds Office; thence S.88°-20'-23"W. 11.95 feet on said north right of way line; thence S.01°-02'-47"E. 678.83 feet on the west right of way line of said Interstate Drive to the south line of said Lot 3 in Interstate Center Subdivision on the northeast right of way line of F.A. Route 693 (Illinois Route 9); thence N.88°-54'-30"W. 256.93 feet on the south line of said Lot 3 and northeast right of way line of F.A. Route 693 (Illinois Route 9); thence northwesterly 326.64 feet on the south line of said Lot 3 and northeast right of way line of F.A. Route 693 (Illinois Route 9) on a non-tangential curve concave to the southeast having a radius of 11519.16 feet, central angle of 01°-37'-29" and a chord of 326.63 feet bearing N.84°-46'-03"W. from the last described course to the southwest corner of said Lot 3 in Interstate Center Subdivision; thence N.00°-24'-21"W. 860.28 feet to the Point of Beginning, containing 11.81 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Black, seconded by Alderman McDade that the Amended Preliminary Plan be approved and the Ordinance passed subject to the six (6) conditions identified by the Engineering Memorandum dated April 25, 2013.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Interchange City West, LLC Requesting Approval of a Final Plat for West Gate Plaza, 2nd Addition, Located north of Market St./Rt. 9 and east of Interstate Dr.

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

STRATEGIC PLAN LINK: Goal 3: Strong neighborhoods, and Goal 4: Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Approval of this Plat allows the property to become viable to sell and to be used in a beneficial way. This development is situated next to the fairgrounds, and will continue to provide overflow parking for events at the fairgrounds.

BACKGROUND: This Final Plat consists of one (1) outlot located west of Interstate Dr. and north of Market St. The zoning in this area is B - 1, Highway Business District. The subject property is being final platted in preparation for sale to the Mclean County Farm Bureau to be used for overflow parking for the fair and other events at the fairgrounds.

The lot is being platted as an outlot because there is no immediate intention for any structures to be built on this lot. Outlots are not buildable lots and as such do not require public infrastructure services to be provided. The sanitary sewer tap on fee for this lot will be deferred until such time as the lot is re-platted as a buildable lot.

On May 8, 2013, the reinstatement of the preliminary plan for this area and an amended preliminary plan were approved by the Bloomington Planning Commission. This Plat conforms with the amended preliminary plan to be approved by Council at their May 28, 2013 meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Interchange City West, LLC.

FINANCIAL IMPACT: All survey, plat and recording costs are paid by the Interchange City West, LLC.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara Adkins, Deputy City Manager

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS)
) SS
COUNTY OF Mc LEAN)

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

NOW COMES INTERCHANGE CITY WEST, LLC, an Illinois Limited Liability Company hereinafter referred as your Petitioner, respectfully representing and requesting as follows:

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

WHEREFORE, your Petitioner, INTERCHANGE CITY WEST, LLC, an Illinois Limited Liability Company, prays that the that the Final Plat for West Gate Plaza Subdivision 2nd Addition, Bloomington, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

INTERCHANGE CITY WEST, LLC, an Illinois Limited Liability Company, Petitioner,

By: Robert J. Lenz
 Its Attorney

ORDINANCE NO. 2013 - 33**AN ORDINANCE FOR APPROVAL OF THE FINAL PLAT OF
WEST GATE PLAZA SUBDIVISION 2ND ADDITION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for Approval of the Final Plat of the West Gate Plaza Subdivision 2nd Addition, legally described on Exhibit A attached hereto and made a part hereof by this reference; and

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

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

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

1. That the Final Plat of West Gate Plaza Subdivision 2nd Addition, and any and all requested exemptions and/or variations be, and the same is hereby approved, and all dedications made therein are accepted.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 28th day of May, 2013.

APPROVED this 29th day of May, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

A part of Lot 3 in Interstate Center Subdivision, according to the Plat thereof recorded as Document No. 2004-15809 in the McLean County Recorder of Deeds Office, being a part of the SE¹/₄ of Section 36, Township 24 North, Range 1 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the northwest corner of Lot 3 in Interstate Center Subdivision; thence N.89°-00'-30"E. 583.71 feet on the north line of said Lot 3 to the west line of Lot 4 in Resubdivision of Part of Lots 1 and 2 in Interstate Center Subdivision, according to the Plat thereof recorded as Document No. 2009-36443 in the McLean County Recorder of Deeds Office; thence S.01°-03'-19"E. 226.02 feet on the west line of said Lot 4 to the north right of way line of Interstate Drive as dedicated in West Gate Plaza Subdivision, according to the Plat thereof recorded as Document No. 2004-21239 in the McLean County Recorder of Deeds Office; thence S.88°-20'-23"W. 11.95 feet on said north right of way line; thence S.01°-02'-47"E. 15.00 feet on the west right of way line of said Interstate Drive; thence S.89°-41'-19"W. 574.47 feet to the west line of said Lot 3 in Interstate Center Subdivision; thence N.00°-24'-21"W. 234.35 feet to the Point of Beginning, containing 138,959.58 square feet/3.19 acres, more or less, with assumed bearings given for description purposes only.

Motion by Alderman Black, seconded by Alderman McDade 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, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following presented:

SUBJECT: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the WGLT Event June 8, 2013

RECOMMENDATION/MOTION: That the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Goal 5. Objective d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: WGLT is sponsoring an outdoor summer concert in downtown Bloomington on Saturday, June 8, 2013. This will be the tenth (10th) of what has become an annual event. The organizers have had beer and wine at the previous events and would like to have both available again this year. They would like the people who attend the event to be able to purchase

a drink and move about freely within the designated event area rather than have a designated “beer garden”. Beer and wine would be sold only by Bill Hill, Inc., d/b/a Maguires, an existing liquor license holder, by an extension of premise for the event. Only beer and wine purchased from the event vendor can be consumed within the designated event area. Outdoor consumption would be allowed between 3:30 o’clock p.m. and 10:00 o’clock p.m.

The event organizers met with staff, including representatives from the police, legal and administrative departments to review this plan. Given the nature of the event, the type of crowd it attracts and the high degree of involvement by event staff, all concerned believe this plan could work without problems.

Staff prepared an Ordinance suspending the code as needed for this event. Council will note that the Ordinance makes the suspension effective one (1) hour before the sales begin to allow the organizers time to set up for the event and one (1) hour after the event to clean up after. Staff respectfully recommends that the Ordinance be passed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: George Boyle, Asst. Corporation Counsel

Reviewed by: R.T. Finney, Interim Police Chief

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2013 - 27

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE WGLT OUTDOOR CONCERT IN DOWNTOWN BLOOMINGTON

WHEREAS, WGLT will hold an outdoor concert in downtown Bloomington on June 8, 2013; and

WHEREAS, WGLT requested permission to allow sales and consumption of beer and wine during the concert on Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street; and

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

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

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: June 8, 2013 between 2:30 o'clock p.m. and 11:00 o'clock p.m. for Jefferson Street between Main Street and the north/south alley between Center Street and Madison Street and on Center Street between Washington Street and the east/west alley between Jefferson Street and Monroe Street. This suspension shall be effective only as to persons inside the designated area only and for alcohol purchased from an event vendor within the designated area. No alcohol may be taken out of licensed premises into the designated area, notwithstanding the fact that the premises are operated by the event vendor.

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

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

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

PASSED this 28th day of May, 2013.

APPROVED this 29th day of May, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Mwilambwe cited his employment with Illinois State University. He left the dais.

Motion by Alderman Schmidt, seconded by Alderman Sage that the Ordinance be passed.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

Alderman Mwilambwe returned to the dais.

The following was presented:

SUBJECT: Westside Churches United for Youth Program Proposal

RECOMMENDATION/MOTION: Approve the Westside Churches United for Youth Program Proposal.

STRATEGIC PLAN LINK: Goal 3. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 3.a. Residents feeling safe in their homes and neighborhoods and Objective 3.e. Strong partnership with residents and neighborhood associations.

BACKGROUND: On April 30, 2013, several African American ministers in the community requested to meet with the City to discuss building a different approach to youth activity on the west side of the community, in conjunction with the City. The African American ministers have been discussing the possibility of moving the YMCA out of the Downtown area, the uncertain

financial future of the Boys and Girls Club, and the increased number of police calls for unruly youth in the west side area.

The first meeting was held on April 30, 2013 at Mt. Moriah Christian Church, located at ADDRESS which is in Downtown to brainstorm and explore alternative programing for youth this summer.

Churches and organizations that were represented at the April 30, 2013 meeting:

- Alderwoman Karen Schmidt, Bloomington Police Officers, Bloomington Parks, Recreation and Cultural Arts staff.
- Mt. Moriah, Mt. Pisgah and City of Refuge Churches.
- Jesus Coffee House.
- Project Oz.

On May 14, 2013, another meeting was held with the African American ministers where a proposal for a Summer Program for “at risk” youth was presented.

The proposal as outlined will focus on youth ages twelve to seventeen (12-17):

- Must live within the corporate limits of the City.
- Youth are left with little or no proper adult supervision throughout the day.
- Youth are referred, recruited and or placed in the daily care of a team of youth development professionals.
- All programing/activities will be held in two (2) separate west side churches.
- The Program’s goal is to integrate the family of each youth to create a family centered intervention, targeting youth who are at risk for problem behaviors or substance use and their families.
- Take youth and thirty (30) juvenile offenders off the street from June through August and place them in a supervised, structured program.
- Work with parents of the youth in improve family management and communication skills.
- Financial assistance from the City in the amount of \$21,303.96.
- “In-kind” assistance equals \$34,946.02.

Discussions have also been taking place with State Farm Insurance and an initiative in New Orleans, the Reconciliation Institute, (www.cafereconcile.org/about/mission). State Farm Insurance has committed to assist in two (2) ways:

- A grant of \$3,000 - \$5,000 for the summer pilot.
- Bring a couple of Reconciliation Program staff to Bloomington and help to shape the efforts during this pilot year program.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: African American ministers in the community; State Farm Insurance; West Bloomington Redevelopment Program,

(WBRP); Bloomington Police and Parks, Recreation and Cultural Arts staff; and the United Way of McLean County.

FINANCIAL IMPACT: The FY 2014 General Fund Budget appropriated \$50,000 for contingency in line item 10019110-79990. Staff proposes to use \$21,303.96 in contingency funds to fund this program. Stakeholders may locate the budget for this line item in the FY 2014 General Fund Budget document on page #364.

Respectfully submitted for Council consideration.

Prepared by: Barbara J. Adkins , Deputy City Manager

Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer

Recommended by:

Tari Renner
Mayor

Mayor Renner introduced this item. This program had been developed in the past six (6) weeks. It would be a pilot program. This program has been developed with the assistance of a variety of individuals. The City was still learning about implementation. He stressed that this would be a pilot experimental program. There might be interest from the judicial community. There was potential for growth.

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

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

Ayes: Aldermen Mwilambwe, Schmidt, McDade, Sage, Fruin Lower, Stearns, and Black.

Motion carried.

Pastor Frank McSwain, Mt. Pisgah Baptist Church, located at 801 W. Market St., addressed the Council. He encouraged the Council's support. He noted the needs of the community's youth from June through August. They held a different view of the City. The community has grown. All of the children were important. The City needed to come together as a community. The City had been presented with an opportunity to grow, nurture, train and prepare the City's youth for the future. Today's youth were facing challenges. This program would include the youth's parents. The goal was develop families. He noted that this was a pilot program which needed the City's investment.

Pastor John Rayford, Mt. Moriah Christian Church, located at 510 E. Washington St., addressed the Council. He thanked the Council for the opportunity to address them. He noted that during the last three (3) summers there had been over 100 youth offenders. The churches wanted to proactively address this issue. Dollars would be invested to stem the tide of generational crime. The goal was to make families whole. There were businesses and churches involved. The churches and City would stand together. There would be a basketball game between the pastors and youth. He hoped to develop positive relationships with the youth and their families. The City's investment was minor.

Pastor Andrew Helm, 914 W. Washington St., addressed the Council. He served as the Youth Pastor at the Jesus Coffee House. He had worked with youths for the past two and half (2½) years. He had seen drug overdoses and bullet wounds. The program would work with Police Department, and the local trades to develop skills. There were not enough role models. This was an opportunity to stop the violence. The program would promote God and morale standing.

Miles Spann, 104 W. Locust, #2, addressed the Council. He spoke as an advocate for the program. He was a testament for programs like this. He cited his childhood and his mother who was a drug addict. He had been raised by his grandmother. She put him in summer programs. These had served as opportunities/options to not be on the street.

Angelic Racki, 322 E. Mulberry, addressed the Council. She owned and operated the BCAI School of Art. Her programs were based upon quality and not quantity. Her parents had sent her to a boarding school. It can take time for an individual to learn what he/she is capable of. If one can increase these individuals self importance by helping them to find their purpose, skills, and unique reason for being here, then one can decrease their desire to rebel. She also helped to provide these youths with a safe place via the TRU (Talent, Responsibility, Unity), Alliance. This organization had a spiritual foundation.

RT Finney, Interim Police Chief, addressed the Council. The Police Department's POP (Problem Oriented Policing) program looked at crime. The Police Department looked at patterns and calls for service. In 2012, the Police Department received 7,000 calls for service and there were 300 juvenile arrests. He could not tell the Council how to spend the City's funds. At \$21,000, the investment for thirty (30) youth would be \$700 per child. The financial impact would be substantial. The cost of incarceration was substantial. This was an opportunity for the Council to do something for someone. This program would be productive for the City, the Police Department and the neighborhood.

Alderman Sage believed that there were City Police Patrol Officers that were assigned to work with youth. He noted the level of enthusiasm for this program. Interim Chief Finney stated that a program that took youth off the streets would see enthusiastic support from the Police Department. Alderman Sage viewed Police Department participation as significant.

Alderman Stearns questioned if this program would be formalized through the courts. She cited Drug Court as an example.

Mayor Renner noted that Drug Court was established through a federal grant.

Alderman Stearns believed that there would be private sector support for this program. She added that it should also be formalized through the courts.

Interim Chief Finney believed that there were programs paid for with government funds.

Nick Sanchez, ADDRESS, addressed the Council. He had been only been contacted three (3) weeks ago. This would be a nuts and bolts program. It would be a twelve (12) week program.

Alderman Sage addressed City financial support. He expressed his interest in a line of sight regarding the use of these dollars. There needed to be a system of checks and balances to address accounting.

Mr. Sanchez cited the program's total cost, \$60,000. The local churches were covering the majority of these costs. The \$21,000 would cover staff costs. There would be four (4) staff members: three (3) activity instructors and one (1) coordinator. The Family Community Resource Center would act as the program's fiscal officer/agent. The program had received offers from two (2) other non for profit agencies to act as fiscal agent.

Alderman Sage noted that if approved City dollars would be expended for staffing costs. He restated his interest in oversight and accountability.

David Hales, City Manager, addressed the Council. He recommended that an agreement letter be drafted. It would identify a City staff member who would provide oversight and define a mechanism for payment.

Alderman Stearns had submitted a list of questions. She specifically questioned the qualifications of the Director and employees. She cited licensing, education, certifications, etc.

Mr. Sanchez stated that one staff member would be a licensed Social Worker. Staff must have street creditability. Staff could not pass judgment on these youths. Staff might have a similar background as the youth but have moved beyond same. This program had the support of a number of local organizations. A clinician would be used on a case by case basis. Staff would be college educated young adults who had worked with inner city youth.

Alderman Stearns recommended that formal bids for a fiscal agent be solicited. This program would be spending local taxpayer dollars. This program needed to be accountable to the taxpayers. The Council needed to insure that this was a wise expenditure. She questioned the need and if there were other agencies that offered similar services. She believed that public hearings should be held and restated that formal bids should be solicited. She questioned the program's criteria and application process. She had heard that there would be a referral process. She believe that there should be City

wide opportunities to participate in this program. The program needed to be open to all faiths.

Mayor Renner restated that this was a pilot program.

Mr. Sanchez noted that summer was here. A focus group quickly developed a plan. This was pilot program and the request was for \$21,000.

Alderman Stearns questioned who would be selected to participate in this program. Mr. Sanchez stated that selection would start with the courts, Police Department and the Police Patrol Officers. These entities would be provided with program information due to their interaction with juvenile offenders. Juvenile Court Services would also have program information available. A variety of organizations would be made aware of this program. He believed that there would be a program waiting list.

Mayor Renner believed that the family would have to refer the youth to the program.

Alderman Stearns cited the communities various ethnic groups. There needed to be strict criteria in place for this program. There would be program limitations. She expressed her concern regarding arbitrary rationales. She questioned the \$3,000 figure for rent and utilities. She understood that the program was about children and their futures. She was interested in metrics/statistics as proof of program effectiveness. She was a champion of the City's west side. This program needed to be fairly offered across the City. The program's accomplishments needed to be measurable.

Alderman McDade was excited for the opportunity. This appeared to be a great program. It was not a government program. The City would only be providing a third of the support. The program involved a public/private partnership. This was an important opportunity. The program supported the City's strategic vision. She cited Goal 3. Strong neighborhoods. Hard work was already underway. She thanked the program's organizers for the opportunity.

Alderman Schmidt noted that this was a pilot program. If the City waited until the program grew, then it would never participate. Dollars were being spent elsewhere in the community, (juvenile justice system). The Council had heard that there was support from other youth organizations and State Farm for this program. Café Reconciliation would help to shape this program. There would be a proper assessment which would result in a strong start.

Alderman Black informed the Council that he had been part of the conversation. He cited west side issues such as crime and juveniles. He expressed his interest in results. The program had presented great ideas. Implementation would have a targeted focus. He planned to be a program volunteer.

Alderman Mwilambwe struggled with his comments. There appeared to be a great need. Dollars were spent in different ways. This would be a pilot program. He encouraged the Council to be open and willing to try. He supported the partnership. The City had the opportunity to build for the future. He noted the uncertainty and saw the synergy and energy. He felt hopeful. He cited the Japanese Sister City Committee. The City provided financial support. There was limited community participation but the program benefited the community. He restated his willingness to give the program a trial.

Alderman Sage noted that this would be a one (1) time commitment for a pilot program.

Mayor Renner did not want to burden the program's organizers. The City would be providing seed money. He recommended that authority be delegated to David Hales, City Manager, to insure consistency. This program had the opportunity to make a difference in the lives of others. The program's participants would come from the community.

Alderman Schmidt cited the comments and questions raised. It has raised emotional issues. She cited her family's background which gave her an understanding of the issues. She understood the Council's interest in taking a closer look at this program. From the stand point of private business, metrics would be needed. Key questions would be: what has been done and what is being done.

Mr. Sanchez acknowledged that there had been limited efforts directed at seeking funding from outside agencies/businesses. The program has sought support from the City and State Farm. The Board would need to develop a resource development plan. This plan would include solicitations and special events. The focus had been on program development. A resource development plan was a future item.

Alderman Lower requested that fundraising efforts begin immediately. He was employed in the private sector. Private industry was mindful of the bottom line. He believed that there were private citizens would be willing to support this program. He recommended that telephone solicitation start now. City support should be handled through incremental funding. He believed that private dollars could be used to reduce the City's contribution.

Mayor Renner restated his recommendation that Mr. Hales oversee City expenditures to support this program.

Alderman Stearns readdressed rent and utility payments. Mayor Renner noted that these were in kind contributions. Alderman Stearns restated that taxpayer dollars were part of this program's budget.

Pastor Rayford readdressed the Council. The program cost exceeded \$21,000. Local churches were absorbing the cost for rent and utilities. All of churches involved

would make in kind contributions. All of the entities involved would work together to make this program happen.

Mayor Renner restated that City dollars would cover personnel costs.

Willie Brown, 3208 Dorset, addresses the Council. He had made a contribution to the program. This was a pilot program. The City had been asked for a \$21,000 donation. The program was open to all. There were issues on the City's west side. This program had been pulled together quickly.

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

Motion carried, (viva voce).

Alderman Stearns expressed her interest in discussing an issue. This program involved the promotion of God. She was an elected official. This program had requested taxpayer dollars. She expressed her concern regarding this program which would be religion related. She believed that this need for additional dollars could be found in the community. She added that private individuals and businesses would support this program. The program did not meet federal/state grant criteria and would not receive federal/state support. There needed to be metrics. The Council would be unable to hold this program accountable. She supported the program and wished them success.

Alderman Lower echoed Alderman Stearns comments. This program had requested public funds. There needed to be a plan. He would not support this item. It needed to be a responsible program before the City should make funding available. The City should stand behind this program but not with financial support.

Alderman Fruin expressed his full support. He acknowledged the uncertainty. A \$21,000 grant would be a good investment.

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

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

Ayes: Aldermen Mwilambwe, Schmidt, McDade, Sage, Fruin and Black.

Nays: Aldermen Lower and Stearns.

Motion carried.

Motion by Alderman McDade, seconded by Alderman Schmidt to delegate the authority to David Hales, City Manager, for the preparation of a letter agreement which addressed the required payouts as specified in the Council Memorandum.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

The following was presented:

SUBJECT: Text Amendment to Chapter 8, Draft 2. Incorporating some changes suggested by Wishbone Animal Rescue

RECOMMENDATION/MOTION: That the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 3: Strong Neighborhoods; Objective a: Residents feeling safe in their homes and neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Proposed ordinance amendments encourage responsible pet ownership and enhance staff's ability to properly identify potentially problem animals, provide safe and equitable restrictions on declared animals, and penalize irresponsible pet owners.

BACKGROUND: At the Council meeting on May 13, 2013, Council voted to delay consideration of a proposed ordinance amending Chapter 8 of the Code as it relates to dangerous and vicious dogs. Since the Council meeting, staff has reached out to Wishbone Animal Rescue and the McLean County Humane Society for their input regarding the proposed ordinance. A meeting was held with Mayor Renner, Aldermen Stearns and Lower, City staff, and Wishbone Animal Rescue's representatives. Also present at the meeting was Dr. Thomas Anderson, a veterinarian and McLean County Humane Society board member. The draft ordinance accompanying this memorandum incorporates some of the suggested changes to the ordinance made at that meeting. This amended ordinance differs from the May 13th draft in the following respects:

- Language is added to Section 50(c)(3) and 50(k)(4). Those sections had previously provided that any dog that has been found to be a dangerous or vicious dog in any other jurisdiction shall be considered as a dangerous or vicious dog in the City. The added language exempts dogs that are found dangerous or vicious in other jurisdictions solely because of their breed.
- Section 83(e) has been changed to provide that in the event the appeal of a declaration that a dog is subject to euthanasia is denied, the dog shall be euthanized no sooner than five (5) days after denial of the appeal. This clarifies and slightly expands the time within which a dog owner who loses such an appeal may seek redress in the courts.
- Section 83(d)(9) has been changed so that the amount of liability insurance required to be purchased by the owner of a vicious dog from \$200,000 to \$250,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Wishbone Animal Rescue, McLean County Humane Society, Mayor Renner, and Aldermen Stearns and Lower.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Alex McElroy, Asst. to the City Manager

Reviewed by: R.T. Finney, Interim Police Chief

Legal review by: George Boyle, Asst. Corporation Counsel

Recommended by:

Barbara J. Adkins
Deputy City Manager

Alderman Stearns requested that this item be laid over until the Council's June 10, 2013 meeting or that the Council vote to suspend the rules. She noted that Wish Bone Canine Animal Rescue (WBCAR) had provided the Council with a written statement. She cited the issue involved time and coordination. WBCAR's attorney was out of town this evening.

Mayor Renner informed the Council that meetings had been held with the McLean County Humane Society and WBCAR. Aldermen Stearns and Lower and George Boyle, Asst. Corporation Counsel, had also attended same.

Alderman Schmidt recommended that this item be returned to the Public Safety Committee.

Alderman Fruin noted the request for suspension of the rules.

Alderman Sage added his assumption that if there would be public comment that the time allotted be minimal. He noted that the Public Safety Committee's would meet on June 13, 2013. The Council would meet on June 24, 2013. He encouraged those interested in this item to address the Public Safety Committee.

Alderman Black questioned the postponement. He had been contacted by interested citizens.

Alderman Stearns cited WBCAR and the Humane Society. She expressed concern regarding the animal foster program. These organizations were concerned about animal welfare. The proposed text amendment would hamper these efforts. She supported returning this item to the Public Safety Committee.

George Boyle, Asst. Corporation Counsel, addressed the Council. He recommended that the insurance component of the proposed text amendment also be readdressed. The ordinance had been rewritten to address many of WBCAR's concerns.

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

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

Ayes: Aldermen Mwilambwe, Schmidt, Sage, Fruin Lower, Stearns, and Black.

Nays: Alderman McDade.

Motion carried.

Gary Pearl, 16551 Old Colonial Rd., addressed the Council. He served at the County's Veterinarian. He expressed his concern that all parties be given the opportunity to address the Public Safety Committee. He added that Animal Control had not been part of the recent discussions regarding the proposed text amendment.

Cary Barr, 812 E. Elm St., addressed the Council. He addressed the insurance claim side of this issue. He believed that more time was needed. He expressed his willingness to attend the Public Safety Committee meeting. He would present information regarding what insurance was available and its associated cost.

Christina Bicknell Marlett, 1112 N. Mason St., addressed the Council. It appeared that the City planned to change the rules. She questioned if her dogs would be grandfathered under the current ordinance.

Mr. Boyle stated that there would be change with notice. He did not recommend a discussion of an individual case at this time.

Mayor Renner informed Ms. Bicknell Marlett that she would have an opportunity to address the Public Safety Committee. If she wanted to address specific issues/dogs, then he encouraged her to attend a Mayoral Open House. The next one would be held on Friday, June 7, 2013 from 4:00 until 5:30 p.m.

Motion by Alderman Sage, seconded by Alderman Fruin to return to order.

Motion carried, (viva voce).

Alderman Sage restated that the Public Safety Committee would meet on June 13, 2013 at 5:00 p.m. He recommended that the one (1) hour meeting be devoted to this issue.

Motion by Alderman Stearns, seconded by Alderman Lower that the item be remanded back to the Public Safety Committee's June 13, 2013 meeting.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, directed the Council to the Park Signage Report that had been provided. Developers set expectations with their signage. A Council cannot bind a future Council. He welcomed the Council's thoughts regarding this issue. He was interested in what the City could do and next steps.

MAYOR'S DISCUSSION: Mayor Renner stated that the Mayoral Open House meetings had had robust discussions. The next one would be held on June 7, 2013 from 4:00 until 5:30 p.m. His summer interns were drafting a transparency ordinance which would address access to City Hall. The Downtown Plan was progressing. He cited capital projects and infrastructure financing. The City's budget would address pension funding first. He had met with Aldermen Schmidt and Sage regarding the City's Boards and Commissions.

ALDERMEN'S DISCUSSION: Alderman Fruin recommended that the City reach out to the Association of Realtors. This organization was active at the federal, state and local level. The City should meet with this group and send the message that there should be no false hopes on the part of citizens.

He also addressed suspending the rules. He noted the time that had been allowed this evening. Citizens needed to address the first body that heard an issue. He added that time was needed to address one of the issues.

Mayor Renner restated that this program had been developed quickly.

Alderman McDade addressed two (2) issues. The first was a process for suspending the rules. She noted the proposed text amendment which had been returned to the Public Safety Committee. Citizens had been informed of a future opportunity to be heard. The best place for these discussions was not at a Council meeting. If a public hearing was needed the Council needed to be proactive and designate a time limit. She was sensitive to the summer youth program. However, time limits should have been set for each speaker.

Alderman Stearns added her support for suspending the rules. However, she did not support time constraints. The summer youth program was groundbreaking. She cited church and state issues. The plan included to openly use God in the program. There needed to be fairness to all. She restated her concern that God was part of this program's mission. She noted the speakers' verbage regarding God. The program also lacked metrics.

Alderman Mwilambwe addressed the Township Assessor's Report for May 2013. It told a good story.

Alderman Sage addressed two (2) items. The first addressed suspending the rules. He believed that this issue had been settled. There was a process/procedure in place. He also requested that the Council use the microphone when speaking. It was important to speak clearly in order to be heard. He supported Mayor Renner's approach to running the Council meeting.

Alderman Black noted that he was a proponent of the separation of church and state. This program would teach at risk youth job skills/trades. This would in turn help them to become productive members of society.

Mayor Renner noted that constitutionally if the program also had a secular purpose government funding was okay.

Motion by Alderman McDade, seconded by Alderman Black, that the meeting be adjourned. Time: 8:58 p.m.

Motion carried.

**Tracey Covert
City Clerk**