

CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA

109 E. OLIVE

MONDAY, SEPTEMBER 9, 2013, 7:00 P.M.

- 1. Call to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call of Attendance**
- 5. Public Comment**
- 6. Recognition/Appointments**
- 7. “Consent Agenda”**
 - A. Council Proceedings of August 12 and 26, 2013. (Recommend that the reading of the minutes of the previous Council Meetings of August 12 and 26, 2013 be dispensed with and the minutes approved as printed.)**
 - B. Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)**
 - C. Appointments to the Property Maintenance Review Board. (Recommend that the Appointments and Reappointments be approved.)**
 - D. Analysis of Bids for Roof Replacement at the Market St. Parking Garage, Post Office Sub-Station. (Recommend that the bid be awarded to Union Roofing Co., in the amount of \$41,990 and the Mayor and City Clerk be authorized to execute the necessary documents.)**
 - E. Payment to Nicor Gas Co. for Cost of Relocation of Natural Gas Main. (Recommend that the Settlement Agreement and Release be approved and payment of \$200,000 to Nicor Gas Co. be authorized.)**

- F. Professional Services Contract for the Bloomington Center for Performing Arts. (Recommend the contract for BTB Touring Company, with a potential payment of \$59,592, be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- G. Application of Saraswati Group, LLC, d/b/a/ Rangoli Indian Cuisine for a RBS liquor license. (Recommend an RBS liquor license be created, contingent upon compliance with all applicable health and safety codes.)**
- H. Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on November 9, 2013. (Recommend that the Ordinance be passed.)**
- I. Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on November 8, 2014. (Recommend that the Ordinance be passed.)**
- J. Text Amendment to City Code Chapter 6 Alcoholic Beverages, Section 3 Number of Licenses Limited – Applications. (Recommend that the text amendment to the City Code Chapter 6 Alcoholic Beverages, Section 3 Number of Licenses Limited – Applications be approved and the Ordinance be passed.)**
- K. Petition from Ramana Chenji, Authorized Representative of Sai Samsthan USA, Requesting Approval of the Vacation of an Easement Located Between Lots 30 and 31, Towanda Barnes Business Park, 15th Addition, commonly located west of Towanda Barnes Rd. and south of Oakland Ave. (Recommend that the Vacation of an Easement be approved and the Ordinance be passed.)**
- L. Petition submitted by Fox Creek Village, LLC Requesting Approval of an Amended Preliminary Plan for the Fox Creek Village Planned Unit Development, (PUD). (Recommend that the Amended Preliminary Plan for the Fox Creek Village PUD subdivision be approved and the Ordinance be passed.)**

8. “Regular Agenda”

- A. Scope Modification to the Professional Services Contract with Foth Infrastructure and Environment, LLC for Sew Televising (All Wards). (Recommend that the Scope Modification in the amount of \$200,000 be approved and Resolution be adopted.) (15 minutes)**
- B. Order portion of Rehrig Pacific Co. sixty-five (65) and ninety-five (95) Gallon Black Wheeled Refuse Carts. (Recommend the Council authorize staff to purchase sixty-five (65) and ninety-five (95) Gallon Black Wheeled Refuse Carts, in an amount up to \$950,000, the budget amendment be approved and the Ordinance passed.) (15 minutes)**

9. City Manager’s Discussion

10. Mayor’s Discussion

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



FOR COUNCIL: September 9, 2013

SUBJECT: Council Proceedings of August 12 and 26, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of August 12 and 26, 2013 be dispensed with and the minutes approved as printed.

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 Council Proceedings of August 12 and 26, 2013 have been reviewed and certified as correct and complete by the City Clerk.

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Draft Council Proceedings for August 12, 2013
Attachment 2. Draft Council Proceedings for August 26, 2013

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			



FOR COUNCIL: September 9, 2013

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 September 4, 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:

David A. Hales
City Manager

Motion:

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			



FOR COUNCIL: September 9, 2013

SUBJECT: Appointments to the Property Maintenance Review 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 appointment of Mark Williams, 602 Bradley Dr., Bloomington 61704 to the Property Maintenance Review Board. His three (3) year term will expire April 30, 2017.

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Asst.

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Property Maintenance Review Board Roster

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

Bloomington Property Maintenance Review Board

Category	Staff/Chair	Title	First Name	Last Name	Street	City	Zip	Expiration	Appointment Date	Year First Appt
Property Maintenance Review Board	Contractor		VACANT							
Property Maintenance Review Board	Tenant		VACANT							
Property Maintenance Review Board	Tenant		VACANT							
Property Maintenance Review Board	Large Landlord		John	Capodice	2827 Capodice Rd	Bloomington	61704	06/01/14	06/13/11	2011
Property Maintenance Review Board	Citizen At Large		Julie	Morgan	705 Ohara	Bloomington	61701	06/01/14	06/13/11	2011
Property Maintenance Review Board	Small Landlord		Valerie	Dumser	809 W Washington St	Bloomington	61701	06/01/14	06/13/11	2011
Property Maintenance Review Board	Contractor		Brent	Moore	6 Keisha Dr, Apt #7	Bloomington	61704	01/31/15	01/09/12	2012

Property Maintenance Review Board	Staff		Sharon	Walker	109 E Olive St	Bloomington	61701			
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Number of Vacancies	3
Number of Applications on file	6
Number of Expired Board Members	0

Notes
 3 year terms
 7 members
 Number Mayor Appoints: 7
 Type: Internal
 City Code:
 Required by code - State or City: No
 Meets quarterly as needed, 4th Thurs of Jan, Apr, July, Oct at 3:00pm - Council Chambers.
 Occasionally there might be more than four meetings per year.



FOR COUNCIL: September 9, 2013

SUBJECT: Analysis of Bids for Roof Replacement at the Market St. Parking Garage, Post Office Sub-Station

RECOMMENDATION/MOTION: That the bid for Roof Replacement at the Market St. Parking Garage, Post Office Sub-Station be awarded to Union Roofing Co., in the amount of \$41,990.00, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service.

BACKGROUND: The City leases space at the southeast corner of the Market St. Parking Garage to the US Postal Service for their sub-station. The annual lease payment is \$13,800.00.

The roof for the Post Office is in excess of twenty (20) years old, constantly in need of repairs (four times in the past year), and in dire need of replacement. The new roof will consist of a complete tear-off with new insulation to meet the current energy code. The new roof surface will consist of a modified bituminous membrane.

This project was bid last fiscal year as part of the parking garage repair. The bids were too high and Council rejected the same. In order to reduce the cost, staff developed the specifications for the roof and the roof was bid separate from the parking garage repairs. The new roof will come with a manufacturer's twenty (20) year labor and material, No Dollar Limit (NDL), warranty.

On August 27, 2013 bids were opened and publicly read for the replacement of the Post Office roof. A total of four (4) companies submitted bids. The bids are as follows:

<u>Company</u>	<u>Total Bid</u>
Union Roofing Co. Chenoa, IL	\$41,990
Top Quality Roofing Co. Mt. Zion, IL	\$47,000
Peoria Roofing & Restoration Co. Peoria, IL	\$50,640
Wyman Roofing Co. Peoria, IL	\$53,500

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice of this project was published in the local newspaper August 9, 2013. A total of twenty-one (21) bid packages were distributed and a total of four (4) were received.

FINANCIAL IMPACT: The estimate for this project was \$50,000. Funding for this activity was included in the Market St. Garage Repair Project. A total of \$550,000 was budgeted for the Market St. Parking Garage Repairs in the FY 2014 budget. The garage repair bid was awarded by Council on July 8, 2013 to J. Gill Co. in the amount of \$414,393. Work is in progress. The total cost for both activities is \$464,393. Stakeholders can locate the funding for the Market Street Garage Repair which included the roof replacement in the FY 2014 Budget in the book titled "Other Funds & Capital Improvement Program" on pages 106, 274 and 300. The funding source for the project is the Capital Improvement Fund-Buildings (40100100-72520).

Respectfully submitted for Council consideration.

Prepared by: Robert F. Floyd, Facilities Manager
 Reviewed by Mark R. Huber, Director - PACE
 Reviewed by: Barbara J. Adkins, Deputy City Manager
 Financial & budgetary review by: Chris Tomerlin, Budget Analyst
 Patti-Lynn Silva, Director of Finance
 Legal review by: J. Todd Greenburg, Corporate Counsel
 Recommended by:

David A. Hales
 City Manager

Attachments: Attachment 1. Union Roofing Co., Inc. Contract

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

AGREEMENT

THIS AGREEMENT, Made and entered into on September 09, 2013, by and between Union Roofing, Co., Inc., first party, also hereinafter referred to as "Contractor", and the City of Bloomington, a municipal corporation, second party.

WITNESSETH:

THAT WHEREAS, the City of Bloomington did on August 09, 2013, by advertisement, call for bids for furnishing all labor and material for the repair of the Market Street Parking Garage Post Office Roof Replacement, Bloomington, IL, project for said City.

AND WHEREAS, in pursuance of said call for bids said first party, did on August 27, 2013, submit this bid to said City of Bloomington for furnishing all of the labor and materials for the job of said Market Street Parking Garage Post Office Roof Replacement, Bloomington, IL, project for said City on file in the office of the City Clerk of said City. A copy of which specifications, plans and profiles of said improvement on file in the City Clerks' Office are hereby referred to and made a part hereof by reference, and said first party being the lowest responsible bidder was awarded the contract for the construction of the said improvement, which bid of said Contractor is hereto attached and made a part hereof.

THEREFORE, it is covenanted and agreed upon the part of said first party that in consideration of the amounts to be paid by said City, he will furnish all labor, tools, machinery and materials for the complete roof replacement, in accordance with the said plans, profiles and specifications, call for bids, and said contractor's bid, each herein set out and made a part hereof.

IT IS FURTHER AGREED that said Contractor will furnish a bond to the City of Bloomington in the penal sum of \$ \$41,990, Forty One Thousand Nine Hundred Ninety Nine Dollars and No Cents, executed by said contractor and at least two responsible persons as sureties or by some surety company satisfactory to the said City of Bloomington and the City Council, as a guarantee that said Contractor faithfully will perform the work in accordance with this agreement.

Said bond shall be conditioned to save and keep harmless said City from any and all claims, demands, loss, suits, costs, expenses and damages which may be brought, sustained or recovered against said City by reason of any negligence, default or failure of the said contractor in building, constructing or completing said improvement and its appurtenances, or any part thereof, and that said improvement when constructed shall be free from all defects and remain in good order and condition for one year from its completion and acceptance, ordinary wear and tear, and damage resulting from accident or willful destruction excepted; which bond is attached hereto and made a part hereof.

IT IS FURTHER AGREED that said work will be completed *as outlined in the bid specs for the Market Street Parking Garage Post Office Roof Replacement, Bloomington IL.*

IT IS EXPRESSLY UNDERSTOOD AND AGREED that whenever the said City may deem necessary, additional or new bond shall be furnished by said Contractor with such sureties

as will be satisfactory to the said City Council, as a guarantee that said Contractor will faithfully perform the work in accordance with the terms of this agreement.

IT IS FURTHER AGREED that should said Contractor fail to complete the work within the time herein specified for doing the same, then he shall pay the expense of the City Inspector or Inspectors from the date specified for completion until said work is completed. Or if the time for completion of the work under this contract is extended at the request of said Contractor, then he shall pay the expense of the Inspector during such extended time until completion, and shall pay to the City all other expenses created by reason of such failure to complete said work in the specified time or by reason of such time being extended.

This agreement shall not be assigned, nor any part of the work subcontracted without the written consent of the City of Bloomington endorsed hereon, and in no case shall such consent relieve the party of the first part from the obligations herein entered into by said party, or change the terms of this agreement.

IT IS FURTHER STIPULATED AND AGREED by and between the parties hereto that all ordinances now in force in the City of Bloomington respecting and regulating public improvement, not in conflict with the terms of this contract, shall be a part and parcel of this contract.

The number of inspectors to be placed on said work shall be determined by the City of Bloomington, but if at any time on account of a disregard of any of the provisions of this contract by the said first party, or on account of the failure of said first party to faithfully perform the work in accordance with this contract, additional inspectors shall be deemed necessary by said City, the pay of such additional inspectors shall be charged to said Contractor and be deducted from the amount due said Contractor on final settlement under this contract.

The Contractor and all persons employed on the work shall obey the instruction of the City Facilities Manager or the Inspector on said work. Any person who shall refuse or neglect to so obey, or who shall be deemed incompetent by said City Facilities Manager or said Inspector shall at once be removed from the work by the Contractor when so required by said Facilities Manager or Inspector.

The City of Bloomington hereby covenants and agrees, in consideration of the faithful performance of the covenants and agreements in this contract specified to be kept and performed by first party, to pay party of the first part, when this contract shall be wholly carried out and completed upon the part of the said Contractor, and when said work shall have been finally accepted by said City of Bloomington, the amounts set forth in first party's bid in manner as herein and in said call for bids provided.

IT IS FURTHER AGREED AND UNDERSTOOD that the work to be done pursuant to this contract shall be done under the direction and to the satisfaction of the City of Bloomington, and that, except as otherwise provided in the said ordinance or the judgment of the court, said City, except as by law provided, or any officer thereof, shall not be liable for any portion of the expense of said work, nor for any delinquency or persons or property assessed.

THE TOTAL CONTRACT AMOUNT will include:

Base Bid	\$41,990
No Alternate	
Total Contract Amount	\$41,990

This contract and the bond herein provided, shall be signed in triplicate and be subject to the approval of the City of Bloomington.

IN TESTIMONY WHEREOF the said first party has hereunto set his hand and seal, and the City of Bloomington has caused this agreement to be signed by its Mayor, its corporate seal to be attached, and said signing and sealing to be attested by its City Clerk on the day and year first above written.

(Seal)

ATTEST;

Tracey Covert, City Clerk

CITY OF BLOOMINGTON

By: _____
MAYOR TARI RENNER

WITNESS:

CONTRACTOR (Seal)

Union Roofing, Co., Inc.

By: _____
Agent for Union Roofing Co., Inc.



FOR COUNCIL: September 9, 2013

SUBJECT: Payment to Nicor Gas Company for Cost of Relocation of Natural Gas Main

RECOMMENDATION/MOTION: That the Settlement Agreement and Release be approved and payment of \$200,000 to Nicor Gas Company be authorized.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks.

BACKGROUND: In December 2009, in order to accommodate a road improvement project by the City at Hamilton Rd. and Main St., Nicor began to relocate its natural gas main. At the time Nicor began work, Public Works Department staff requested but did not receive, an estimate from Nicor for the relocation work along Main St. near the Huck's located at 2401 S. Main St. This work was subject to a private natural gas easement. Due to the City's contractual commitments with the Illinois Department of Transportation and Stark Excavating, Inc. related to the Hamilton Rd. project, this necessary work was allowed to proceed without the requested estimate from Nicor. By March 5, 2010, the relocation work on Main St. was completed.

In April 2010, Nicor provided an estimate and Proposal Contract to the City for the cost of the relocation of its gas mains at that location. Public Works Department Staff did not seek Council approval of this Nicor Gas Proposal Contract because a detailed justification of charges had not been provided. City staff had requested additional documentation regarding a cost breakdown for the main relocation. The costs of the project were estimated by Nicor at approximately \$182,000. After the conclusion of the relocation, Nicor requested reimbursement in the amount of \$276,600.

Michael Partee, Senior Environmental Counsel to Nicor, states that the format and detail of Breakdown of Actual Expenditures vs. Estimates is identical to what Nicor provides other municipalities in the State of Illinois. Consequently, what the City has received from Nicor as confirmation of its expenses is no different than what is accepted by other cities and counties.

The parties have agreed to settle this dispute in return for the payment by the City to Nicor of \$200,000. A settlement agreement and release, as well as the aforementioned breakdown of costs, is attached.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: FINANCIAL IMPACT: For Stakeholders, this will be paid out of the Contingency Budget-Other Expenditures (10019110-79990). This can be located in the FY 2014 budget book titled “Budget Overview and General Fund” on page 364. The City budgeted \$50,000 in FY 2014. The City has paid past settlements in prior years out of the Contingency department budget. A budget amendment may be necessary later in FY 2014, if other General Fund savings are not recognized.

Respectfully submitted for Council consideration.

Prepared by: J. Todd Greenburg, Corporation Counsel
Jim Karch, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Settlement Agreement and Release
Attachment 2. Breakdown of Costs

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (hereinafter "Agreement") is made by and between NORTHERN ILLINOIS GAS COMPANY d/b/a NICOR GAS COMPANY ("Nicor") and the CITY OF BLOOMINGTON, a body politic in the State of Illinois, and its elected officials and employees, agents and assigns ("Bloomington"). Nicor and Bloomington are sometimes referred to herein individually as a "Party" and collectively as "Parties."

Whereas, in about April 2010, Nicor provided a Proposal Contract to Bloomington for the relocation of Nicor's natural gas mains at Hamilton Road and Main Street under Nicor Work Order #449835, in order to accommodate a road improvement project by Bloomington;

Whereas, Nicor's gas mains are and were located in a private easement and, thus, Bloomington was responsible for reimbursing Nicor for the construction costs to relocate the gas mains, which costs were estimated at approximately One Hundred Eighty-Two Thousand Dollars (\$182,000.00) in the Proposal Contract;

Whereas, under the terms of the Proposal Contract, Bloomington was responsible for payment of Nicor's actual construction costs even if they exceeded the estimated costs;

Whereas, without signing the Proposal Contract, Bloomington asked Nicor to relocate Nicor's gas mains, and Nicor proceeded to relocate its gas mains;

Whereas, after completing the relocation, Nicor's actual costs were approximately Two Hundred Seventy Six Thousand Six Hundred Dollars (\$276,600.00), which was in excess of the estimated costs;

Whereas, a dispute ensued between Nicor and Bloomington over whether Bloomington is responsible to reimburse Nicor for Nicor's estimated or actual construction costs; and

Whereas, Bloomington and Nicor desire to settle the disputed claim for a total of Two Hundred Thousand Dollars (\$200,000.00) for the sole purpose of avoiding the uncertainty, expense and delay of litigation.

Therefore, for in consideration of the mutual promises contained herein, the Parties agree as follows:

1. Bloomington shall pay Nicor the sum of \$200,000.00 within thirty (30) days of the date that this Agreement is fully executed. Payment shall be to "Nicor Gas" and delivered to the Nicor Gas (attention Bernie Anderson), 1305 Martin Luther King Dr., Bloomington, IL 61701.

2. Nicor releases and forever discharges Bloomington from any and all disputes, claims, liabilities, rights, causes of actions or suits for payment of Nicor's construction costs for relocation of Nicor's natural gas mains at Hamilton Road and Main Street under Nicor Work Order #449835.

3. This Agreement reflects a compromise of disputed claims and shall not be construed or deemed to be an admission by any Party of the truth of any allegation or concession of liability in any respect, all such allegations and liability being expressly denied.

4. This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois.

5. This Agreement constitutes the full and entire agreement between the Parties with regard to the subject hereof, and supersedes any prior representations, promises, or warranties (oral or otherwise) made by any Party. Each Party has carefully reviewed the Agreement and consulted with its own legal counsel.

6. Neither Party shall publicize its allegations regarding the relocation construction costs at issue or the existence of this Agreement and shall treat the terms of this Agreement as confidential to the full extent possible consistent with applicable law.

7. The persons executing this Agreement on behalf of Nicor and Bloomington do hereby covenant and warrant that as to the Party for which execution is made, such Party is duly authorized and has full right and authority to enter into this Agreement and that the person signing on behalf of said Party is authorized to do so.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first set forth below.

NORTHERN ILLINOIS GAS COMPANY d/b/a NICOR GAS COMPANY

Signature

Date

Printed Name

CITY OF BLOOMINGTON

Signature

Date

Printed Name

**Breakdown of Actual Expenditures vs. Estimates
W.O.# 449835**

Dear Customer,

This is a breakdown of the costs for the work performed. All appropriate charges are allocated as either labor, materials or taxes along with appropriate overheads. If you have any further questions please contact your Nicor representative.

<u>Job Estimates</u>		<u>Job Actuals</u>	
Labor	\$161,904.25	Labor	\$241,285.48
Materials	\$16,135.58	Materials	\$31,344.10
Taxes	\$4,771.47	Taxes	\$3,970.95
Total	\$182,811.30	Total	\$276,600.53
% Difference	-100.38%	Labor Difference	(\$116,167.32)
		Material Difference	(\$13,272.25)
		Tax Difference	(\$133.46)
		Refund / Rebill	(\$129,573.03)



FOR COUNCIL: September 9, 2013

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

RECOMMENDATION: That the contract for BTB Touring Company, with a potential payment of \$59,592, be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3. Grow the Local Economy. Goal 6. Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong working relationship among the City, businesses, economic development organizations. Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents. Objective 6c. Downtown becoming a community and regional destination.

BACKGROUND: Staff respectfully requests approval of a contract to engage persons and/or groups represented by BTB Touring Company, LLC to perform entertainment services in the Bloomington Center for the Performing Arts (BCPA). Contract expenses for this contract will be dependent on ticket sales based on an agreed upon split of Net Adjusted Gross Box Office Receipts (NAGBOR). The balance due to BCB Touring Company, LLC may be as high as not to exceed \$59,592 for a total sellout, but the actual payment amount cannot be determined until sales are final. The split of NAGBOR will cover the artist fees for the performance coming to the BCPA in October 2013. For proprietary and competitive advantage reasons, we do not mention the act by name in the staff backup 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 this artist was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals will attract broad, positive community involvement and contribute to the public service mission of the BCPA.

FINANCIAL IMPACT: The FY 2014 Budget appropriated \$511,300 in line item 2110100-70218-20000. Due to the BCPA fund being consolidated into the General Fund, the corrected coding is 10014125-70218-20000. The purpose of this contract is to engage persons and/or groups represented by BTB Touring Company, LLC to perform entertainment services in the BCPA. Note that this is only a portion of the total budget. The cost of this service will be offset by revenue generated from ticket sales, grants, playbills, concessions, corporate advertisements and sponsorships. These revenues are also targeted 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: Bev Spencer, Performing Arts Finance Manager

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments:

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			



FOR COUNCIL: September 9, 2013

SUBJECT: Application of Saraswati Group, LLC, d/b/a Rangoli Indian Cuisine for a RBS liquor license

RECOMMENDATION/MOTION: That an RBS liquor license for Saraswati Group, LLC, d/b/a Rangoli Indian Cuisine, located at 716 S. Eldorado Rd., be created, contingent upon compliance with all applicable health and safety codes

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.a. Retention and growth of current local business.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by Saraswati Group, LLC, d/b/a Rangoli Indian Cuisine, located at 716 S. Eldorado Rd., requesting an RBS liquor license, which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk; and Ravi Patel, owner/operator and Applicant representative.

Commissioner Renner opened the liquor hearing and requested that the Applicants address this application.

Commissioner Tompkins questioned the Applicant's Emergency Contact Sheet. He requested that additional persons be listed. Ravi Patel, owner/operator and Applicant representative, addressed the Commission. He acknowledged same.

Commissioner Tompkins questioned the Liquor License Questionnaire. He specifically cited 1. Legal Requirements, items (l) and (n). He questioned Mr. Patel's familiarity with state and local liquor laws. He also questioned Mr. Patel's liquor sales experience. Mr. Patel informed the Commission that this would be his first liquor license.

Commissioner Tompkins questioned if Mr. Patel was familiar with the City's BASSET training requirements. Mr. Patel responded negatively.

Commissioner Tompkins encouraged Mr. Patel to review the City's BASSET ordinance. BASSET training was available and there were a variety of options. Mr. Patel restated that he had no liquor sales experience. Commissioner Tompkins noted that there were responsibilities to holding a liquor license. Mr. Patel needed to familiarize himself with both state and local liquor laws.

Commissioner Stockton questioned if Mr. Patel had a copy of the City's Alcoholic Beverage Code, (Chapter 6). Mr. Patel responded affirmatively.

Commissioner Stockton stated that a liquor license holder must have a full understanding of the liquor laws. Mr. Patel needed to spend time and review same. He needed to gain an understanding of the laws. He encouraged Mr. Patel to reach out to the Liquor Commission, the City Clerk's Office and/or George Boyle, Asst. Corporation Counsel. The Commission would not accept an "I did not know" as an acceptable excuse in the event of a liquor violation.

George Boyle, Asst. Corporation Counsel, addressed the Applicant. He restated that Chapter 6. Alcoholic Beverages was available on the City's web site. He also encouraged Mr. Patel to call the Corporation Counsel Office with any questions. He also questioned if Mr. Patel had a copy of Chapter 6. Alcoholic Beverages.

Commissioner Renner encouraged the Commission to take action on this application.

Commissioner Stockton questioned when the restaurant had opened. Mr. Patel stated on March 30, 2013. There were food sales but alcoholic beverages were not available. Commissioner Stockton questioned Mr. Patel's application. Mr. Patel informed the Commission that he had established the restaurant first. Customers have requested alcoholic beverages.

Commissioner Stockton questioned the anticipated percentage of alcohol sales. He expressed his opinion that alcohol sales would be limited. Mr. Patel responded liquor sales might equal \$50,000 annually which would be thirty to forty percent, (30 – 40%) of total sales. He informed the Commission that the facility had a banquet hall.

Commissioner Stockton noted that Mr. Patel's application stated no entertainment. He acknowledged that the banquet hall could be used for receptions and/or parties. He believed that the percentage of alcohol sales cited was high for a restaurant. Mr. Patel noted that the banquet hall could be used for birthday parties.

Commissioner Stockton questioned if the banquet hall would be in use when the restaurant was closed. Mr. Patel believed that such use would be unlikely. Commissioner Stockton questioned if parties would be held when the kitchen was closed. Mr. Patel responded negatively. He added that staff would have to be scheduled for such events.

Commissioner Stockton questioned if Mr. Patel had a business partner with liquor sales experience. Mr. Patel informed the Commission that he had a silent partner who had operated a restaurant in India.

Commissioner Tompkins did not believe that this restaurant would create additional traffic. He also questioned the percentage of alcohol sales. He questioned the restaurant's commercial neighbors. Mr. Patel noted Monical's Pizza located at 718 S. Eldorado Rd. and Legends Sports Bar and Grill located at 712 Eldorado Rd. Commissioner Tompkins noted that both of these businesses held liquor licenses. He noted Mr. Patel's Liquor License Questionnaire, 3. Impact of Establishment (i).

Commissioner Stockton noted that this restaurant was surrounded by establishments which held liquor licenses. He noted that the Commission had all of the required documents.

Commissioner Tompkins cited his concern regarding Mr. Patel's grasp of state and local liquor laws. Mr. Patel needed to understand the responsibility of holding a liquor license.

George Boyle, Asst. Corporation Counsel, noted the availability of BASSET training in the community.

Tracey Covert, City Clerk, addressed the Commission. Heartland Community College offered its first BASSET class on August 12, 2013. The Illinois Liquor Control Commission (ILCC) has approved on line classes. ILCC staff recommended that on line courses be used as a refresher.

Commissioner Stockton expressed his trust in Mr. Patel that he would complete BASSET training within sixty (60) days of liquor license approval.

Commissioner Renner noted that all liquor license holders would be held to the same standard.

Mr. Boyle encouraged Mr. Patel to contact Heartland Community College as soon as possible.

Motion by Commissioner Stockton, seconded by Commissioner Tompkins that the application by Saraswati Group, LLC, d/b/a Rangoli Indian Cuisine, located at 716 S. Eldorado Rd. requesting an RBS liquor license, which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved contingent upon compliance with life safety codes.

Motion carried (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 5, 2013 in accordance with City Code. In accordance with City Code, approximately 322 courtesy copies of the Public Notice were mailed on August 5, 2013. In addition, the Agenda for the August 13, 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: Request is for a new liquor license. Annual fee for an RBS liquor license is \$1,100.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion:

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			



FOR COUNCIL: September 9, 2013

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on November 9, 2013

RECOMMENDATION/MOTION: That the Ordinance 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 Sarah Kelch and Mark Mellor to allow moderate consumption of alcohol at their November 9, 2013, wedding reception to be held at Miller Park Pavilion. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk, and Sarah Kelch, bride and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Sarah Kelch, bride, addressed the Commission. Her wedding was scheduled for November 9, 2013 at the Miller Park Pavilion. She planned to invite 100 guests. Famous Liquors, located at 1404 E. Empire St., would be retained to provide liquor service, which would be limited to beer and wine only. The wedding was scheduled for 5:15 p.m. at the Miller Park Pavilion. The reception would start at 6:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton that the request of Sarah Kelch and Mark Mellor to allow moderate consumption of alcohol at the Miller Park Pavilion for their November 9, 2013 wedding be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 13, 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.

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Ordinance

Motion:

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

ORDINANCE NO. 2013 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE MILLER PARK PAVILION

WHEREAS, Sarah Kelch and Mark Mellor are planning to hold their wedding reception at the Miller Park Pavilion from 6:00 p.m. to 11:00 p.m. on November 9, 2013; and

WHEREAS, Sarah Kelch and Mark Mellor 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 Miller Park Pavilion on November 9, 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 9th day of September, 2013.

APPROVED this Xth day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk



FOR COUNCIL: September 9, 2013

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on November 8, 2014

RECOMMENDATION/MOTION: That the Ordinance 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 Michelle Julian and Jody Ravary to allow moderate consumption of alcohol at their November 8, 2014, wedding reception to be held at the Miller Park Pavilion. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk, and Michelle Julian & Jody Ravary, bride & groom and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Jody Ravary, groom, addressed the Commission. His wedding was scheduled for November 8, 2014 at the Miller Park Pavilion. He planned to invite 150 guests. Famous Liquors, located at 1404 E. Empire St., would be retained to provide liquor service, which would be limited to beer and wine only. The wedding was scheduled for 3:00 p.m. at the Miller Park Pavilion. The reception would start at 4:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton that the request of Michelle Julian and Jody Ravary to allow moderate consumption of alcohol at the Miller Park Pavilion for their November 8, 2014 wedding be approved.

Motion carried, (unanimously).

Commissioner Renner stated that this item would appear on the Council's September 9, 2013 Consent Agenda. He encouraged Mr. Ravary to attend same.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 13, 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.

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Ordinance

Motion:

Motion: _____ Secoded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

ORDINANCE NO. 2013 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE MILLER PARK PAVILION

WHEREAS, Michelle Julian and Jody Ravary are planning to hold their wedding reception at the Miller Park Pavilion from 3:00 p.m. to 11:00 p.m. on November 8, 2014; and

WHEREAS, Michelle Julian and Jody Ravary 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 Miller Park Pavilion on November 8, 2014 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 9th day of September, 2013.

APPROVED this ___th day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk



FOR COUNCIL: September 9, 2013

SUBJECT: Text Amendments to City Code Chapter 6 Alcoholic Beverages, Section 3
Number of Licenses Limited - Applications

RECOMMENDATION/MOTION: That the text amendments to the City Code Chapter 6 Alcoholic Beverages, Section 3 Number of Licenses Limited - Applications be approved and the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.a. Retention and growth of current local business.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the proposed Text Amendment to Section 3. Number of Licenses Limited - Applications. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and requested that City staff address this item. George Boyle, Asst. Corporation Counsel, addressed the Commission. He added that this item had been introduced to the Commission at their July 9, 2013 meeting. The application fee would be increased from \$300 to \$400.

Commissioner Stockton questioned the last time this fee had been increased. Tracey Covert, City Clerk, informed the Commission that this fee was last increased in September 1998. She noted that the cost to place a legal notice had increased over time. The fee also addressed mailing costs and City inspections.

Motion by Commissioner Stockton, seconded by Commissioner Tompkins that the proposed Text Amendment be approved and recommended to the Council for adoption.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 13, 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.

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Ordinance
Attachment 2. Liquor Commission Meeting Minutes from July 9 and August 13

Motion:

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

ORDINANCE NO. 2013-

**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 6, SECTION 3.**

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

SECTION 1. That Bloomington City Code Chapter 6 is hereby amended by adding Section 3 to read as follows:

~~The maximum number of liquor license authorized in the City of Bloomington shall be the number of licenses being utilized or for which a permit for license has been created as of March 8, 1981, as determined by the records of the City Clerk.~~ Applications for creation of such licenses shall be made to the Mayor upon forms prepared and furnished by the City Clerk. Each application shall be signed and verified by the oath or affirmation of the applicant, if an individual. If the application is a partnership, all parties shall sign and verify the application. In case the application is a corporation or club, all officers must sign and verify the application and indicate their official position. The information recited in the application form must be verified as to each person signing the application. Such application shall be submitted and filed with the ~~Mayor~~ City Clerk's Office after payment to the City on of an application fee of ~~\$300.00~~ \$400.00, except that there shall be no fee for applications for an LA, LB, SA, SB or W licenses. Each application shall contain the following information and statements:

SEC. 3 NUMBER OF LICENSES LIMITED - APPLICATIONS.

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

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

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

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

PASSED this 9th day of September, 2013.

APPROVED this _____ day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

July 9, 2013

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding a proposed Text Amendment to Chapter 6. Alcoholic Beverages, Section 3. Number of Licenses Limited - Applications. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing. He noted that City staff had requested that the application fee be increased from \$300 to \$400. A formal presentation would be made to the Commission at their August 13, 2013 meeting.

There being no further business before the Commission, the meeting adjourned at 5:40 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

August 13, 2013

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the proposed Text Amendment to Section 3. Number of Licenses Limited - Applications. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and requested that City staff address this item. George Boyle, Asst. Corporation Counsel, addressed the Commission. He added that this item had been introduced to the Commission at their July 9, 2013 meeting. The application fee would be increased from \$300 to \$400.

Commissioner Stockton questioned the last time this fee had been increased. Tracey Covert, City Clerk, informed the Commission that this fee was last increased in September 1998. She noted that the cost to place a legal notice had increased over time. The fee also addressed mailing costs and City inspections.

Motion by Commissioner Stockton, seconded by Commissioner Tompkins that the proposed Text Amendment be approved and recommended to the Council for adoption.

Motion carried, (viva voce).

Commissioner Renner informed the Commission that this item would appear on the September 9, 2013 City Council Consent Agenda.

There being no further business before the Commission, the meeting adjourned at 4:35 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk



FOR COUNCIL: September 9, 2013

SUBJECT: Petition from Ramana Chenji, Authorized Representative of Sai Samsthan USA, Requesting Approval of the Vacation of an Easement Located Between Lots 30 and 31, Towanda Barnes Business Park, 15th Addition, commonly located west of Towanda Barnes Rd. and south of Oakland Ave.

RECOMMENDATION/MOTION: That the Vacation of an Easement be approved and the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses.

BACKGROUND: On May 23, 2005, Council approved the Final Plat for Towanda Barnes Business Park, 15th Addition which includes the subject site. It was common practice for the commercial lots in this area to have 5' utility easements dedicated along the sideyards of each commercial lot. Sai Samsthan USA owns both lots and intends to construct a building that crosses over the subject easement. Since permanent structures are not allowed over utility easements, the easement must be vacated in order to allow the building to be constructed. The petitioner has supplied letters from the utility companies stating no objection to the easement vacation. As a general rule, the City does not place water and/or sewer mains in side yard easements. This petition has no impact upon City services.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Ramana Chenji, authorized representative of Sai Samsthan USA.

FINANCIAL IMPACT: All survey and platting costs are being paid by Sai Samsthan USA.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Petition, Ordinance and Legal Description
Attachment 2. Map, Plat and Utility Letters

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

PETITION FOR VACATION OF EASEMENTS

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes Ramana Chenji, authorized representative of Sai Samsthan USA, hereinafter referred to as the Petitioner, respectfully representing and requesting as follows:

1. That the Petitioner is interested as authorized representative in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That the Petitioner seeks approval of the vacation of two five foot (5') easement strips located on said premises;
3. That said vacation of easements is reasonable and proper because such easements are not needed for the utilities by said City and by the utility companies either for existing or future utilities.

WHEREFORE, the Petitioner prays that said easements be vacated.

Respectfully submitted,

By: Ramana Chenji
Sai Samsthan USA

ORDINANCE NO. 2013 - _____

AN ORDINANCE PROVIDING FOR THE VACATION OF EASEMENTS

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of five foot (5') wide utility easement strips; and

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

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

WHEREAS, it is reasonable and proper to vacate said easements as requested in this case.

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

1. That the two strips of five foot (5') wide utility easement described in Exhibit A are hereby vacated.
2. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 9th day of September, 2013.

APPROVED this ____th day of September, 2013.

Mayor

ATTEST:

City Clerk

EXHIBIT A

Legal description:

A part of the northeast quarter of Section 7, Township 23 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois more particularly described as follows:

Lots 30 and 31 in Fifteenth Addition to Towanda Barnes Business Park per plat recorded as Document #2005 – 14860 in the Office of the Recorder of Deeds McLean County, Illinois.

Description of Easement Vacation:

The existing 5 feet wide easements lying parallel, adjacent and on north and south sides of common lot line of Lots 30 and 31 as shown on the plat.





Lot 30 and 31, Towanda Barnes Business Park Easement Vacation



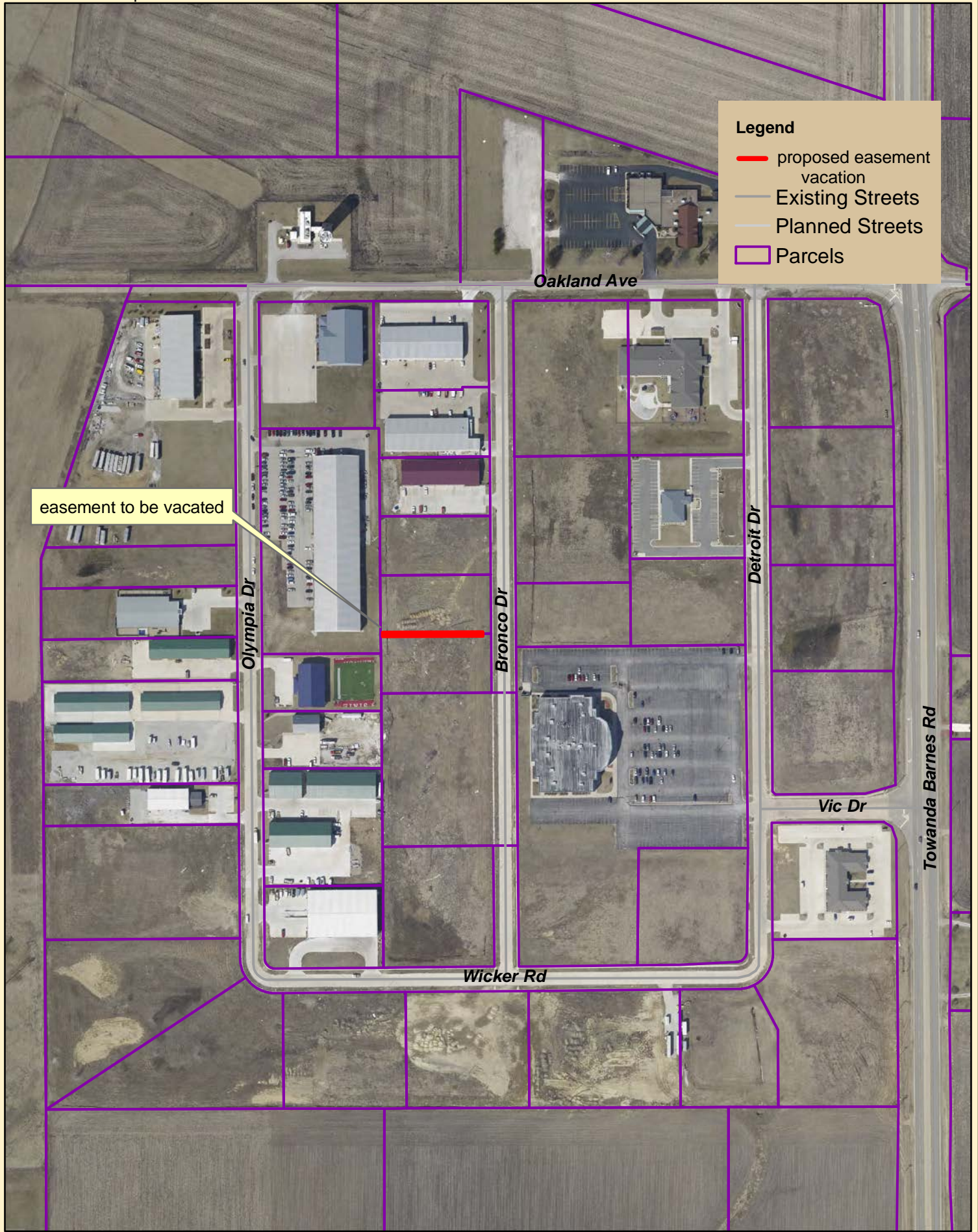
270 135 0 Feet



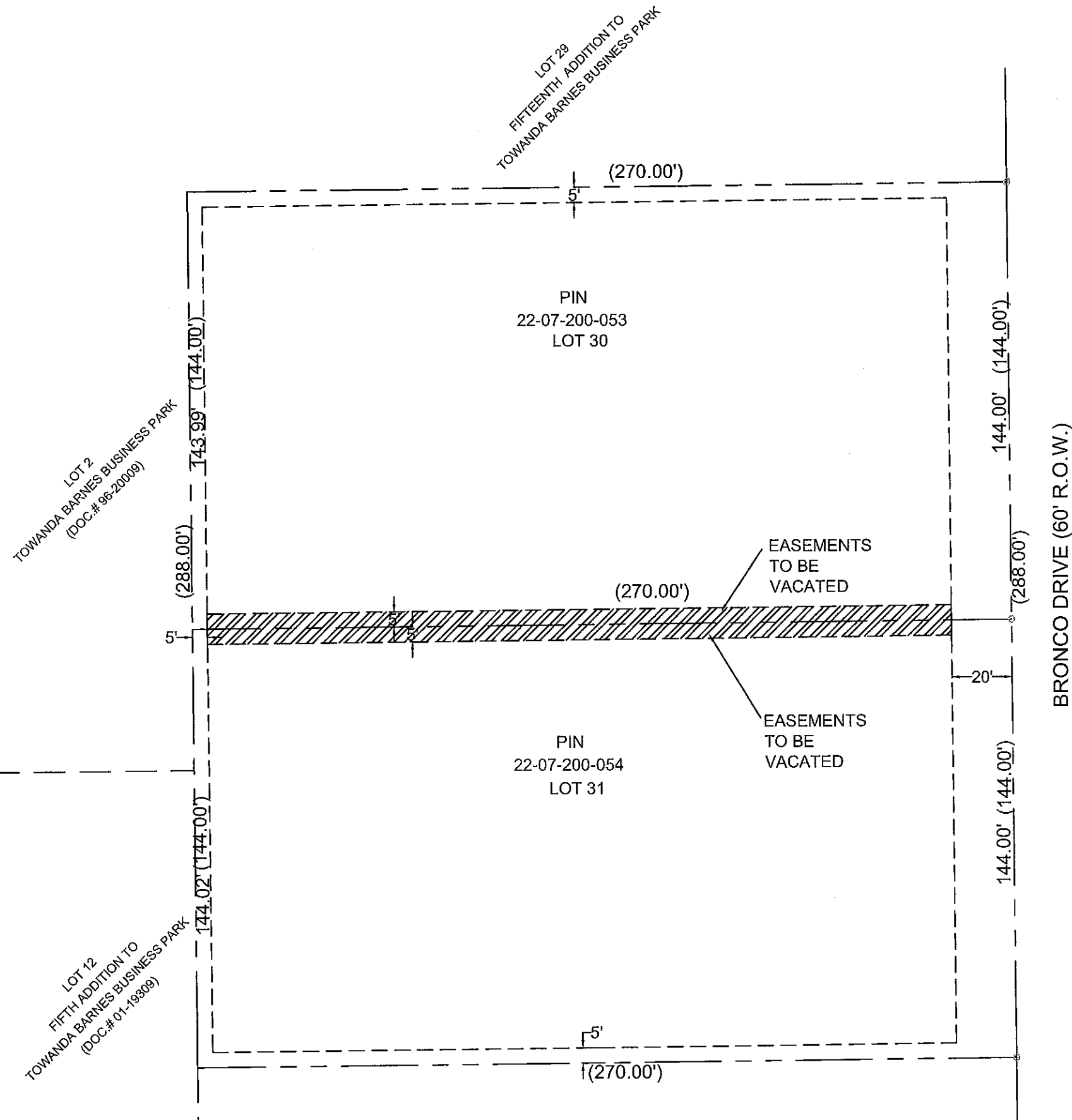
Legend

-  proposed easement vacation
-  Existing Streets
-  Planned Streets
-  Parcels

easement to be vacated



SAI SAMASTHAN
BLOOMINGTON, ILLINOIS
EASEMENT VACATION PLAT



DESCRIPTION OF PROPERTY:




A PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 23 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 30 AND 31 IN FIFTEENTH ADDITION TO TOWANDA BARNES BUSINESS PARK PER PLAT RECORDED AS DOCUMENT # 2005 - 14860 IN THE OFFICE OF RECORDER OF DEEDS McLEAN COUNTY, ILLINOIS.

DESCRIPTION OF EASEMENT VACATION:

THE EXISTING 5 FEET WIDE EASEMENTS LYING PARALLEL, ADJACENT AND ON NORTH AND SOUTH SIDES OF COMMON LOT LINE OF LOTS 30 AND 31 AS SHOWN ON THE PLAT.

LEGEND

-  PROPERTY LINE
-  EASEMENT LINE
-  PROPOSED EASEMENT VACATION



SCALE 1:40

CHECKED BY :SSS
 DRN BY: PRIYA RAM
 07/10/2013

EASEMENT VACATION PLAT
LOT 30 & LOT 31

TOWANDA BARNES BUSINESS PARK, FIFTEENTH ADDITION
 BRONCO DRIVE, BLOOMINGTON, IL



GLOBAL ENGINEERING & TECHNOLOGY
 PO BOX:5711
 BLOOMINGTON, IL 61702-5711
 (309) 664-1900





Comcast Cable
688 Industrial Drive
Elmhurst, IL 60126

August 12, 2013

Global Engineering & Technology, LLC
P.O. Box 5711
Bloomington, Illinois 61702-5711
Attn: Surinder Sethi, P.E.

Re: Vacation of utility easements on Lots 30 & 31 in 15th Addition to Towanda Barnes
Business Park Subdivision, Bloomington, Illinois.

To Whom It May Concern:

Please be advised that Comcast Cable Communications, Inc. and its affiliates, having no cable infrastructure in, on or across the existing five-foot wide utility easements abutting either side of the common property line of Lots 30 and 31 in the 15th Addition to Towanda Barnes Business Park Subdivision in Bloomington, Illinois, have no objection to the vacation and abrogation of said utility easements.

This disclaimer is not intended to and shall not in any way affect any other easements which Comcast and/or its affiliates have a right to use, except as to the premises herein specifically described.

Cordially yours,


Robert L. Schulter, Jr.
Central Division Director of Construction

By:

Frank Gautier
Sr. Right-Of-Way Engineer
(630) 600-6348



Count on Corn Belt!
Your Local Energy Resource

Your Touchstone Energy[®] Cooperative 

July 18, 2013

Surinder Sethi, P.E.
Global Engineering & Technology, LLC.
P.O. Box 5711
Bloomington, Illinois 61702-5711

RE: Easement vacation.

Dear Mr. Sethi:

We cannot speak for other utilities in regards to easement needs in this area, but Corn Belt Energy has no objection to vacation of the easement area described in your easement vacation plat of lot 30 & lot #31 in The 15th Addition to Towanda Barnes Business Park Subdivision.

Respectfully,

A handwritten signature in cursive script, appearing to read "Ronald D. Hopkins".

Ronald D. Hopkins
Manager of Engineering Services



Frontier North Inc.
Centralized JT Use Team
104 W Mulberry
Normal, IL 61761

July 24, 2013

Global Engineering & Technology, LLC
Attn: Surinder Sethi, P.E.
P.O. Box 5711
Bloomington, IL 61702-5711
309-829-2552

RE: **Vacating Portion of Utility Easement** of the existing 5 feet wide easements lying parallel, adjacent and on North and South side of common lot line of lots 30 and 31 of Towanda Barnes Business Park per Plat recorded as Document 2005-14860 in McLean County Recorder of Deeds; all in the NE ¼ of Section 7 in Township 23 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County..

Dear Mr. Sethi,

Frontier North Inc. has no objections to vacating the portion of utility easement described above in Towanda Barnes Business Park.

If you have any further questions or concern, please contact Janet Hall at (309) 454-3434.

Sincerely,

A handwritten signature in black ink that reads "Janet Hall".

Janet Hall
Contract Engineer
OSP Network Engineering

cc: Terry Thomas – Normal, IL



Nicor Gas
3000 E. Cass Street
Joliet, IL 60432

Phone (815) 272-9248
e-mail rhuddle@aglresources.com
Internet www.nicor.com

August 6, 2013

Surinder Sethi
Global Engineering and Tech.
P. O. Box 5711
Bloomington, IL 61702

Re: Parts of Lots 30 and 31 in the Fifteenth Addition to Towanda Barnes
Business Park Per Plat recorded as Document # 2005-14860 in the Office of
Recorder of Deeds, McLean County, IL.

Dear Mr. Sethi;

This letter is sent in response to your recent inquiry regarding utility easements on or
across the following described property:

The five feet wide Easements lying parallel and adjacent to the south five feet of Lot 30,
and the North five feet of Lot 31 (Except the West five feet and the East twenty feet), in
Parts of Lots 30 and 31 in the Fifteenth Addition to Towanda Barnes Business Park per
Plat recorded as document # 2005-14860 in the Office of Recorder of Deed, McLean
County, IL.

Nicor Gas hereby releases and disclaims any and all right, title and interest it may have
in any public utility easements set forth on any plat of subdivision or plat of survey,
which easements may be on or across the above described property.

This release and disclaimer does not waive any rights Nicor Gas may have for gas
service pipes extending from gas system mains, which pipes may provide gas service to
the described property. The gas service pipes are neither covered by recorded
easement nor are their locations mapped.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Huddleston".

Ron Huddleston
Land Management Agent Joliet



FOR COUNCIL: September 9, 2013

SUBJECT: Petition Submitted by Fox Creek Village, LLC Requesting Approval of an Amended Preliminary Plan for the Fox Creek Village Planned Unit Development, (PUD)

RECOMMENDATION/MOTION: That the Amended Preliminary Plan for the Fox Creek Village PUD Subdivision be approved and the Ordinance passed.

STRATEGIC PLAN LINK: The Preliminary Plan will facilitate the goal of strong neighborhoods and the objective of improved neighborhood infrastructure.

STRATEGIC PLAN SIGNIFICANCE: The plan includes additional sidewalks and street connections than originally planned in 2003. This should provide for safer pedestrian movements through the neighborhood and nearby residential areas, and the Pepper Ridge Elementary School. The street connection to Rutherford Dr. will provide less congestion on or near Westbrook Dr.

BACKGROUND: The petitioner is requesting to amend the Preliminary Plan for the Fox Creek Village PUD Subdivision. This is for the property located south of Carrington Ln., west of Union Pacific Railroad and adjacent to the Fox Creek Country Club Subdivision. It consists of approximately twenty-six (26) acres. The plan has been improved with a loop street system in place of two (2) cul-de-sacs and a connection from Winding Way to Rutherford Dr. which is better for emergency vehicle access and movement through subdivision. The plan also shows a sidewalk around the inner part of Winding Way and Misty Ln. as well as a sidewalk along the west side of Winding Way connecting to Rutherford Dr.

The Planning Commission reviewed the Petition on June 26, July 10, and August 14, 2013. The petitioner's engineer spoke at the meetings explaining the changes in the amended Preliminary Plan. The Commission had discussion on providing sidewalks and having additional connections from the subdivision to other areas. The Commission held public hearings and three (3) people spoke noting that any lack of time or preparation should not force a decision, the traffic from the subdivision will have to navigate through the Pepper Ridge Subdivision and improved emergency vehicle access is necessary. At the June and July meetings, the case was laid over in order to revise the plan regarding street connections and sidewalks as well as for staff to make a proper notification for the July meeting. All of the issues identified in the engineering memorandum, dated August 5, 2013, had been resolved prior to the August 14, 2013 Commission meeting. At that meeting, the Commission voted 8 - 0 to recommend approval of the Petition.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code and courtesy copies of the Public Notice were mailed to 119 property owners within 500'. In addition, public notice/identification sign was posted on the property.

FINANCIAL IMPACT: The financial impact on 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

Recommended by:

David A. Hales
City Manager

- Attachments:**
- Attachment 1. Petition for Approval of Preliminary Plan for a Subdivision, Ordinance and Legal Description
 - Attachment 2. Unapproved Minutes from Planning Commission August 14, 2013 Meeting
 - Attachment 3. Approved Minutes from Planning Commission July 10, 2013 Meeting
 - Attachment 4. Approved Minutes from Planning Commission June 26, 2013 Meeting
 - Attachment 5. Staff Memo from Planning Commission August 14, 2013 Meeting
 - Attachment 6. Staff Memo from Planning Commission July 10, 2013 Meeting
 - Attachment 7. Staff Memo from Planning Commission June 26, 2013 Meeting
 - Attachment 8. Consistency Report
 - Attachment 9. Engineering Memo from Review of Preliminary Plan
 - Attachment 10. Mailing List
 - Attachment 11. Map

Motion: _____

Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

PETITION FOR APPROVAL OF 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 Fox Creek Village, LLC hereinafter referred to as your Petitioner(s) respectfully representing and requesting as follows:

1. That your petitioners is interested as Owner in the premises hereinafter in Exhibit A attached hereto and made a part hereof to be known by this reference;
2. That your Petitioner seeks approval of the Preliminary Plan for a subdivision of said premises to be known and described as Fox Creek Village Planned Unit Development which 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: none.

WHEREFORE, your Petitioner prays that the Preliminary Plan for the Fox Creek Village Planned Unit Development Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

Member/Owner

ORDINANCE NO 2013 - _____

AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE FOX CREEK VILLAGE PUD SUBDIVISION

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Preliminary Plan of Fox Creek Village PUD 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 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

WHEREFORE, 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 Preliminary Plan of the Fox Creek Village PUD 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 9th day of September, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

EXHIBIT A

Legal Description

TRACT 1:

Lot 2 in Fox Creek Country Club in the City of Bloomington, McLean County, Illinois, per plat recorded as Document No. 95-26592, McLean County, Illinois, being a part of the Northwest Quarter of Section 19, Township 23 North, Range 2 East of the Third Principal Meridian containing 14.39 acres.

TRACT 2:

A part of Lots 3 and 4 in Capen's Subdivision of Part of Sections 13 and 24, Township 23 North, Range 1 East of the Third Principal Meridian, and of part of Sections 18 and 19, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Southernmost Corner of Lot 74 in Pepper Ridge Subdivision in the City of Bloomington, Illinois, per plat recorded as Document No. 91-14640, McLean County, Illinois. From said Point of Beginning, thence northwest 235.00 feet along the Southwesterly Line of said Lot 74 and the Southwesterly Right-of-Way Line of Carrington Lane in said Pepper Ridge Subdivision to the Easternmost Corner of Lot 248 in Pepper Ridge Subdivision First Addition in the City of Bloomington, Illinois, per plat recorded as Document No. 92-31034, McLean County, Illinois; thence southwest 110.00 feet along the Southeasterly Line of said Lot 248 which forms an angle to the right of 90°-00'-00" with the last described course to the Southernmost Corner thereof; thence northwest 120.00 feet along the Southwesterly Lines of said Lot 248 and Lots 247 and 246 in said First Addition which form an angle to the right of 270°-00'-00" with the last described course to Point No. 229, being a point on the Southeasterly Line of Lot 2 as shown on the Plat of Fox Creek Country Club in the City of Bloomington, McLean County, Illinois, recorded as Document No. 95-26592, McLean County, Illinois; thence southwest 800.10 feet along said Southeasterly Line which forms an angle to the right of 90°-00'-00" with the last described course to a point on the South Line of said Lot 2, being Point No. 226 on said plat; thence west 703.34 feet along said South Line which forms an angle to the right of 243°-57'-52" with the last described course to the Southwest Corner of said Lot 2 being a point on the West Line of Lot 4 in said Capen's Subdivision and also Point No. 468 on said plat; thence south 242.80 feet along the West Line of said Lot 4 which forms an angle to right of 90°-00'-00" with the last described course; thence east 980.28 feet along a line parallel with the South Line of said Lot 2 which forms an angle to the right of 90°-00'-00" with the last described course to a point on the Northwesterly Right-of-Way Line of the former Chicago and Alton Railroad, said Right-of-Way Line being also the Southeasterly Line of said Lot 4; thence northeast 5.50 feet along the Southeasterly Line of said Lot 4 which forms an angle to the right of 116°-00'-45" with the last described course; thence northwest 25.00 feet along said Southeasterly Line which forms an angle to the right of 90°-00'-00" with the last described course; thence northeast 600.00 feet along said Southeasterly Line which forms an angle to the right of 270°-00'-00" with the last described course; thence southeast 25.00 feet along said Southeasterly Line which forms an angle to the right of 270°-00'-00" with the last described course; thence northeast 401.20 feet along said Southeasterly Line which forms an angle to the right of 90°-00'-00" with the last described course to the Point of Beginning, containing 11.86 acres.

Tracts 1 and 2 combined contain 26.25 acres.

**UNAPPROVED MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING,
WEDNESDAY, AUGUST 14, 2013, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mr. Jim Pearson, Mr. Ryan Scritchlow, Mr. Bill Schulz, Mr. Charles Stuckey, Mr. Robert Wills

MEMBERS ABSENT: Mr. David Stanczak

OTHERS PRESENT: Mr. Kevin Kothe, City Engineer
Mr. Mark Woolard, City Planner

CALL TO ORDER: Chairperson Cain called the meeting to order at 4:00 P.M.

ROLL CALL: Mr. Woolard called the roll. A quorum was present.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the July 24, 2013 minutes. Mr. Stuckey moved to approve the July 24, 2013 minutes as submitted. Mr. Pearson seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--present; Mr. Pearson--yes; Mr. Balmer--present; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--absent; Mr. Diamond--present.

REGULAR AGENDA:

PS-04-13 Public hearing and review on the petition submitted by Fox Creek Village, LLC, requesting the approval of an Amended Preliminary Plan for the Fox Creek Village Planned Unit Development Subdivision, for the property located south of Carrington Lane, west of Union Pacific Railroad, consisting of approximately 26.25 acres.

Chairperson Cain introduced the petition. Mr. Woolard explained the changes to the plan from the previous Planning Commission review including a replacement of two cul-de-sacs by a street loop which enables emergency vehicles to maneuver easier through the subdivision. The plan also shows new sidewalks and a connection to Rutherford Way. Staff recommends approval contingent upon the developer adequately addressing the items in the engineering memo.

Chairperson Cain opened the public hearing. Mr. Don Adams of 2709 McGraw Drive, stated they do not have total flexibility to do things that he would like since much of the property is developed. He explained the changes and that connecting Rutherford Drive to Winding Way is not as simple as building a new intersection. Construction plans were approved for the intersection and the developer thought the residents may have wanted it but there has been a change in heart from some residents who did not want it. The developer has agreed with the home owner's association to not build on the end lot. The association has a first right of refusal to buy the lot and make the connection if desired. He said it is not the developer's responsibility

to make the connection. City staff will reach out to the association regarding the connection. A sign will be posted indicating it is a private street. The city will have to acquire an easement to build sidewalks along the east part of Winding Way on the lots that are already sold. He said the items identified by the engineering memo have been changed on the plans and outlot 126 can be used for emergency vehicles. He will revise the golf course name. Mr. Balmer stated when he was out to the site recently, he could not get through the main entrance and had to use the construction entrance. He explained how a permanent connection to Rutherford Drive is important both for the residents and for emergency services.

Chairperson Cain asked if there were any members of the audience who wished to speak in opposition, in favor or if they had questions pertaining to the petition and no one spoke.

Chairperson Cain closed the public hearing.

Mr. Pearson questioned if a private street is based on width or ownership and Mr. Kothe explained it is a little of both because for a public street it has to comply with the Subdivision Code and the city does not maintain the streets.

Mr. Balmer said he understands how the development evolved over time and the original and current thinking in how this was designed but prefers not to see a lot of these in the future. He would like to see guidelines in the comprehensive plan particularly in the provision of services.

Mr. Diamond moved in case PS-04-13 to pass a motion to recommend to the City Council to approve the Amended Preliminary Plan for Fox Creek Village Planned Unit Development Subdivision for the property located south of Carrington Lane, west of Union Pacific Railroad, consisting of approximately 26.25 acres. Mr. Scritchlow seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--absent; Mr. Diamond--yes.

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING,
WEDNESDAY, JULY 10, 2013, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mr. Ryan Scritchlow, Mr. Charles Stuckey, Mr. Robert Wills

MEMBERS ABSENT: Mr. Bill Schulz, Mrs. Julie Morton, Mr. Jim Pearson, Mr. David Stanczak

OTHERS PRESENT: Mr. Mark Huber, Director PACE Department
Mr. Mike Kimmerling, Fire Chief
Mr. Kevin Kothe, City Engineer
Mr. Mark Woolard, City Planner

CALL TO ORDER: Chairperson Cain called the meeting to order at 4:01 P.M.

ROLL CALL: Mr. Woolard called the roll. A quorum was present.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the June 26, 2013 minutes. Mr. Balmer moved to approve the June 26, 2013 minutes as written. Mr. Wills seconded the motion which passed by a vote of 6 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--absent; Mr. Balmer--yes; Mr. Schulz--absent; Mr. Scritchlow--yes; Mr. Stanczak--absent; Mr. Diamond--yes.

REGULAR AGENDA:

PS-04-13 Public hearing and review on the petition submitted by Fox Creek Village, LLC, requesting the approval of an Amended Preliminary Plan for the Fox Creek Village Planned Unit Development Subdivision, for the property located south of Carrington Lane, west of Union Pacific Railroad, consisting of approximately 26.25 acres.

Chairperson Cain introduced the petition. Mr. Huber explained at the last meeting there were several issues and the case was held over. The issues have been mostly worked through. There is a concern for a need to sell certain lots and thus the petitioner is going to the City Council to have the original preliminary plan reinstated for a period not exceeding 120 days. This will allow the petitioner to then obtain a final plat and sell certain lots. The amended preliminary plan review should be held over until August 14.

Chairperson Cain asked the petitioner to present any comments. Mr. Don Adams, 2709 McGraw Drive with Farnsworth Group stated they have nothing to add but will address questions.

Chairperson Cain opened the public hearing and asked if there were any members of the audience who wished to speak in opposition or support of the petition and no one spoke. He also asked if there were any members of the audience who had questions. Bruce Meeks of 1402 Wright St. questioned if there will be a republishing. He suggested that they do republish. He agreed the fire situation is a concern and this was not very well planned. The Commission could pursue changes to the code. Mr. Huber explained the publication and sign requirements were met.

Mr. Wills asked the petitioner if this will be a hardship or is it mutually agreeable. Mr. Steven Snyder, 1 Brickyard Dr. said anytime you have to go back and redo the preliminary plan it is a hardship. It was approved originally and should still be good but they are making the changes willingly and have worked through about 95 percent of the staff concerns. He said we should be able to bring back a plan that he can work with and will also please the Planning Commission.

Ann Eckert of 2607 Westbrook Dr. asked if there is a process that you carefully go through for an expired preliminary plan to make sure it is now in compliance with the entire Manual of Practice, which has been updated more than once since this original preliminary plan was drawn. Mr. Huber stated the original plan was approved in 2003 and the Manual of Practice has changed since. He said we have learning much from past practices that are not working very well today. When the plans are submitted they are reviewed by staff for compliance.

The Planning Commission discussed the benefits and process of reviewing expired preliminary plans. Mr. Huber explained how this is a new problem in that plans have not expired until more recently. He said what is going to the City Council now will allow the developer to go ahead with just these lots but still have to come back with an amended plan. Commissioners felt they should still make a recommendation to be thorough and consistent.

Chairperson Cain closed the public hearing.

Mr. Stuckey moved to lay over case PS-04-13 to August 14, 2013 to fully consider matters in the petition of the amended preliminary plan with the exception of making an advisory recommendation to the City Council to reinstate the preliminary plan for 120 days for purposes of going ahead and developing or building on the lots. Mr. Wills seconded the motion which passed by a vote of 6 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--absent; Mr. Balmer--yes; Mr. Schulz--absent; Mr. Scritchlow--yes; Mr. Stanczak--absent; Mr. Diamond--yes.

OLD BUSINESS:

Planning Education – Transportation Planning

Mr. Kothe discussed traffic tools that are used in engineering and transportation planning including the Long Range Transportation Plan which is useful in planning for where we will need future roads. Plans can also help for bike planning. These types of plans are beneficial so developers will know where the improvements should be located. He also explained possible changes to Washington Street to improve safety for pedestrians and how we will be seeking

public comments on the changes. Micro-surfacing may also be used on this road to extend the pavement life which will also avoid having to remove the old pavement paint.

NEW BUSINESS:

ADJOURNMENT

There being no further business to come to the Bloomington Planning Commission's attention, Mr. Balmer moved to adjourn and Mr. Scritchlow seconded the motion which was approved unanimously. The meeting was adjourned at 5:06 p.m.

Respectfully submitted,

Mark Woolard
City Planner

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, JUNE 26, 2013, 4:00 PM
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE STREET, BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. Stuckey, Mr. Schultz, Mr. Diamond, Mr. Balmer, Mr. Stanczak, Mr. Scritchlow, Mr. Wills, and Mr. Cain.

MEMBERS ABSENT: Ms. Morton, Mr. Pearson

OTHERS PRESENT: Mr. Mark Huber, Director of Planning and Code Enforcement
Mr. Kevin Kothe, City Engineer
Mr. David Hales, City Manager
Mr. Todd Greenburg, Corporation Council

CALL TO ORDER: Mr. Woolard called the meeting to order at 4:00 p.m.

ROLL CALL: Mr. Woolard called the roll and noted the presence of a quorum.

PUBLIC COMMENT: Mr. Bruce Meeks, 1402 Wright Street, Bloomington, was present to provide public comment. Mr. Meeks believed due to an error by City staff to properly post the meeting's agenda the requisite 48 hours in advance of the meeting that the meeting could not be held and that it would be in violation of the spirit of the open meetings act. Mr. Meeks further threatened to file a request for review of any action taken by the board.

MINUTES: The first item of business was the approval of the minutes of the June 12, 2013 meeting of the Planning Commission. The following corrections were offered by the Commission:

- Last paragraph of page 3: add the word "not" to the sentence so that it reads, "Mr. Woolard identified the location of the 12 foot alley and said staff does not see any adverse impacts with the closure."
- Page 5 vote tally: Mrs. Morton and Mr. Stuckey were both present and voted "yes".

A motion to approve the minutes as corrected was made by Mr. Stuckey and seconded by Mr. Stanczak. The minutes were approved on the following voice votes: Mr. Stuckey – Yes, Mr. Schultz -- yes, Mr. Wills – Present, Mrs. Morton – Absent, Mr. Diamond – Yes, Mr. Balmer – Yes, Mr. Pearson – Absent, Mr. Stanczak – Yes, Mr. Scritchlow – Yes, and Mr. Cain – Yes.

Mr. Huber, Director of the Planning and Code Enforcement Department came forward to comment on Mr. Meeks concerns. Mr. Huber admitted there had been a clerical error in posting the agenda the requisite 48 hours prior to today's meeting. Staff had posted signs on the property, posted the legal notice as required in the newspaper, and sent courtesy notices to the adjoining property owners.

Mr. Huber also noted the City Clerk had been in touch with the Attorney General's office, explained the issue, and described how the issue would be resolved. Upon hearing the resolution of the problem the Clerk was told there would be no further need for review.

Mr. Huber then explained the Commission could open the hearing for discussion, take testimony from the petitioners or any citizens who might be present, and hold the case over to the July 10, 2013 meeting. Staff would ensure the meeting was properly noticed and posted. They would then work to get the results of the Planning Commission meeting to the City Council for their July 22, 2012 meeting. This would be the same meeting of the Council the case would have originally gone without the problem of the notice.

After answering questions from the Commission related to the public's need for attendance, the City's calendar of events, and additional notice requirements; Mr. Huber suggested that Mr. Greenburg, the City's Attorney was available for further comment.

Mr. Greenburg again apologized to the Board for the mistake in getting the meeting posted as required by the open meetings act. He then substantiated the comments by Mr. Huber and offered to address any other questions the Board might have of staff related to this issue.

The first case to come before the planning commission was that of Fox Creek Village, LLC, requesting an approval of an Amended Preliminary Plan for the Fox Creek Village Planned Unit Development. This request is for property located generally south of Carrington Lane and west of the Union Pacific Railroad, consisting of approximately 26.25 Acres.

At this point, Commissioner David Stanczak explained since this case was directly related to his employer he would not be participating in any deliberations or voting to avoid a conflict of interest.

Mr. Don Adams of the Farnsworth Group, 2709 McGraw Drive, Bloomington, was present to speak on behalf of this petition. Mr. Adams began his testimony by providing some of the history of this development. He explained this was part of the 500 acre development known as the Den at Fox Creek, created in 1992 and was never intended to be a standard subdivision. Construction of this portion of the development started in 1995 with sales being substantially less than anticipated; causing the development to be redesigned and redirected. The outcome was a planned unit development of single family detached homes. Since that time three phases, nearly half the development, have been completed.

Because of the recent recession there has been no activity on the project for several years. This lack of activity caused the preliminary plan to expire. A new preliminary plan was submitted for review, resulting in a request by staff to change a dead end street to a through street. This alteration was completed; hence the current title "Amended Preliminary Plan". Since the current plan was submitted, staff has requested other changes that will be more difficult to accomplish. These requests would require changes to the basic format of the plan. Mr. Adams provided the following testimony related to staff's additional requests as follows:

Sidewalks: Would not be appropriate or positive for the citizens of the City. The development is already half built out without sidewalks and there would be no connection to the public streets.

Looped Water Main: While there are many positives to looping a water main this request would require a connection through the golf course; a situation the City and

developers worked very hard to avoid in the original development. Additionally, this would be a change in direction after the fact when often water mains are dead ended where new development would pick-up in the future.

Connection to Rutherford Drive: The current configuration is for construction traffic. There was no intent to put this road through. However, the home owner's association considered the possible need for a connection and currently have a first right of refusal to purchase the land associated with this request.

Timing: Since questions have been raised as to the necessity to push this forward, Mr. Adams noted the difficult times and time restraints associated with this development. The street and other infrastructure have already been installed based on an approved construction plan. The only thing holding up the progress is getting the final plat approved. Four homes have already been sold and are in jeopardy of not being completed as required which could jeopardize the sales.

At this time the petitioners were requesting the Planning Commission recommend approval to the City Council of the plan as presented.

Mr. Adams was question by the Commission related to access and circulation through the development. Mr. Adams responded by explaining the primary access and egress from the property would be through the Pepper Ridge Subdivision as it was approved in 1993. There is the probability and plan for another connection through the west side of the development but that is through property not under control of the developer.

Stan Gosur, 22 Winding Way, was present to provide testimony in this case. Mr. Gosur wanted to express his desire for the Commission to please not let a lack of time or preparation force a decision by the Commission. Let the Commission's decision be based on sound review of the facts related to the case.

Ann Eckart, 2607 Westbrook Dr., was present to provide testimony related to this case. Ms. Eckart wanted to clarify the traffic from the Fox Creek Village did not have a direct connection to Fox Creek Road but had to navigate through various streets of Pepper Ridge Subdivision to access Fox Creek Road. Ms. Eckart also clarified the agreement between the homeowner's association and Snyder development related to the connection to Rutherford Dr. When the construction access was no longer needed the association would have the right to purchase the associated lots and put the access through at the association's expense.

Mr. Adams, in response to Mr. Gosur's concern, explained this case was not given to staff on any unusually short time frame. The only issue has been the posting of the meeting 48 hours in advance as required.

Mr. Diamond asked for clarification related to the agreement between the homeowner's association and Snyder Development. Mr. Adams responded by explaining how the lots would remain undeveloped to allow for construction traffic access to the developing area. These lots

would be the last to be sold to allow for that access. The homeowners were in essence given a first right of refusal to purchase the lots when they became available.

Since there was no further testimony to be presented the public hearing was closed by Chairman Cain and brought back before the commission.

Mr. Scritchlow questioned the type of street that might be connected to the end of Winding Way where it connected to the adjoining property. Mr. Woolard explained that it would be up to the developer of the property to propose the type of development and street configuration.

Mr. Diamond made the motion to hold over case PS-04-13 to the July 10, 2013 meeting of the Planning Commission so that the requirements of the open meetings act could be met. The motion was seconded by Mr. Scritchlow and passed by a vote of 7 to 0, with one commissioner voting "present". The roll call vote was as follows: Mr. Stuckey – yes, Mr. Schulz – yes, Mr. Wills – yes, Mr. Diamond – yes, Mr. Balmer – yes, Mr. Scritchlow –yes, and Chairman Cain – yes.

In a matter of old business, "Planning Education", the Commission turned to Kevin Kothe, City Engineer, for a topic related to transportation planning. Mr. Kothe covered many topics very briefly, explaining standards used for determining types of roadways and their capacities, intersection designs, traffic signaling and the standards or criteria to which these elements are based.

Mr. Woolard broached the subject of long range traffic planning as a future topic for discussion.

Since there was no further business Mr. Wills moved the meeting be closed. This was seconded by Mr. Balmer and was followed by a unanimous vote of the members present.

FOR PLANNING COMMISSION: August 14, 2013
Agenda item #5A
Prepared August 7, 2013

To: Bloomington Planning Commission
From: Staff

Subject: **PS-04-13** Public hearing and review on the petition submitted by Fox Creek Village, LLC, requesting the approval of an Amended Preliminary Plan for the Fox Creek Village Planned Unit Development Subdivision, for the property located south of Carrington Lane, west of Union Pacific Railroad, consisting of approximately 26.25 acres.

BACKGROUND INFORMATION:

Adjacent Zoning

North: R-2, Mixed Residence, R-1C, SF Residence
South: S-2, Public Lands and Institutions
East: Railroad
West: County Zoning

Adjacent Land Uses

North: Single Family, Two-Family
South: Detention
East: Railroad
West: Agricultural

The Comprehensive Plan calls for Low/Medium Residential for the site.

This petition was held over to this meeting in order for the preliminary plan to be revised addressing previous concerns. Staff has met with the petitioner and major issues pertaining to this case have been resolved and the only outstanding issues to be addressed are listed on the attached memo from engineering dated August 5, 2013. The plan has been improved with sidewalks and a loop street system with fewer cul-de-sacs which is better for emergency access and vehicle movements.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission pass a motion recommending that the City Council approve the Preliminary Plan for the Fox Creek Village Planned Unit Development Subdivision, for the property located south of Carrington Lane, west of Union Pacific Railroad, consisting of approximately 26.25 acres, in Case PS-04-13 contingent upon the items in the memo from engineering dated August 5, 2013, being adequately addressed on the preliminary plan to the satisfaction of the engineering staff.

Respectfully submitted,

Mark Woolard
City Planner

FOR PLANNING COMMISSION: July 10, 2013
Agenda item #5A
Prepared July 10, 2013

To: Bloomington Planning Commission
From: Staff

Subject: **PS-04-13** Public hearing and review on the petition submitted by Fox Creek Village, LLC, requesting the approval of an Amended Preliminary Plan for the Fox Creek Village Planned Unit Development Subdivision, for the property located south of Carrington Lane, west of Union Pacific Railroad, consisting of approximately 26.25 acres.

BACKGROUND INFORMATION:

Adjacent Zoning

North: R-2, Mixed Residence, R-1C, SF Residence
South: S-2, Public Lands and Institutions
East: Railroad
West: County Zoning

Adjacent Land Uses

North: Single Family, Two-Family
South: Detention
East: Railroad
West: Agricultural

The Comprehensive Plan calls for Low/Medium Residential for the site.

Staff has met with the petitioner and issues pertaining to this case have generally been resolved however a revised preliminary plan has not been completed. At the same time the petitioner still needs to have a final plat only for a smaller eastern part of the subdivision approved in order to build three houses. Thus after staff consulted with our legal department it was determined that the preliminary plan for this subdivision can be reinstated with a petition to the City Council which should be on their agenda just before that final plat at their next meeting later this month. Those two reviews will not come before the Planning Commission. Staff is recommending that the City Council approve such reinstatement only for 120 days. The time limit assures that the petitioner will not be able to continue with development under the old preliminary plan for the entire subdivision where the issues exist yet build on lots that are not impacted by the desired changes. If approved by the Council the 120 days should provide ample time for the petitioner to complete an amended preliminary plan which should come back to you for your review on August 14.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission pass a motion laying over this Case PS-04-13 until the August 14, 2013, meeting.

Respectfully submitted,

Mark Woolard
City Planner

FOR PLANNING COMMISSION: June 26, 2013
Agenda item #5A
Prepared June 20, 2013

To: Bloomington Planning Commission
From: Staff

Subject: **PS-04-13** Public hearing and review on the petition submitted by Fox Creek Village, LLC, requesting the approval of an Amended Preliminary Plan for the Fox Creek Village Planned Unit Development Subdivision, for the property located south of Carrington Lane, west of Union Pacific Railroad, consisting of approximately 26.25 acres.

BACKGROUND INFORMATION:

Adjacent Zoning

North: R-2, Mixed Residence, R-1C, SF Residence
South: S-2, Public Lands and Institutions
East: Railroad
West: County Zoning

Adjacent Land Uses

North: Single Family, Two-Family
South: Detention
East: Railroad
West: Agricultural

The Comprehensive Plan calls for Low/Medium Residential for the site.

The petitioner needs to first request a reinstatement of the preliminary plan for this subdivision before this petition can move forward and since such has not been submitted this case needs to be laid over to a meeting after such petition has been submitted.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission pass a motion laying this case over to the next meeting after submission of a petition for a reinstatement of the Preliminary Plan for the Fox Creek Village Planned Unit Development Subdivision.

Respectfully submitted,

Mark Woolard
City Planner

**Review of Development Proposal for Consistency with Local and Regional Comprehensive Plans
McLean County Regional Planning Commission (MCRPC)**

1. INTENT

This review is intended to assist local governments in determining the consistency of regionally significant development proposals with the objectives and policies of local and regional comprehensive plans. "Regionally significant" is generally defined as proposals of five or more acres, but may include smaller projects, including infill or redevelopment, that could reasonably be expected to produce significant impacts or benefits beyond the immediate vicinity of the project in terms of traffic generation and/or other considerations. This review results in a rating of the specified proposal based on the number of identified features that support the comprehensive plans. This review and rating process is designed to help ensure at least minimal features are provided in new development and to encourage the provision of optional features that support adopted strategies to enhance the quality of life in this region.

The Intergovernmental Development Committee, which includes local and regional planning and engineering staff, normally reviews each project and assigns a rating of "A" through "E" for consideration by the review bodies. When sufficient time exists before the designated action dates, the MCRPC also notes its recommendation regarding project approval.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

Case No.: PS-04-13 Jurisdiction: City of Bloomington
 Project Name: Fox Creek Village PUD (Pre-Plan) Applicant Name: Fox Creek Village, LLC
Legal entity confirmed with the Secretary of State's office:
 Yes No N/A
 Action Dates: 6/26/13 PC/ZBA 7-22-13 Council/Board
 No. of Acres: 26.25 Location: South of Carrington, west of Union Pacific Railroad
 No. of Dwelling Units: 144 Public Water Supply? Y N Public Sewer Service? Y N
 Access: Main Entrance off of Airport Road with another entrance planned for Shepard Road and future access from the east stub street.
 Applicant's Proposed Land Use: Residential Applicant's Proposed Zoning: R-2, mixed residential district

Existing Land Use: Subject Property <u>two-family/sf residence</u> Property North <u>two-family/sf residence</u> Property East <u>railroad</u> Property South <u>detention</u> Property West <u>agricultural, golf course</u>	Existing Zoning: <u>R-2 mixed residential</u> <u>R-1C SF residential</u> <u>M-1 restricted manufacturing</u> <u>S-2 public lands & institutions</u> <u>S-2 public lands & institutions</u>	Affected Taxing Bodies Represented on MCRPC: <input checked="" type="checkbox"/> City of Bloomington <input type="checkbox"/> Town of Normal <input checked="" type="checkbox"/> BN Water Reclamation District <input checked="" type="checkbox"/> BN Airport Authority <input type="checkbox"/> District 87 <input checked="" type="checkbox"/> Unit 5 Nearest Elementary School: <u>Pepper Ridge Elementary</u>
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3. PROJECT TYPE/PHASE (Check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation Agreement | <input type="checkbox"/> Zoning Change | <input type="checkbox"/> Concept Plan |
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other (Specify): _____ |
| <input checked="" type="checkbox"/> Preliminary Subdivision Plan | <input type="checkbox"/> Special Use | |
| <input checked="" type="checkbox"/> Preliminary PUD Plan | | |

4. COMPREHENSIVE PLAN FEATURES IN PROJECT VICINITY (See attached map.)

Land Use: Low/Med. Residential Street or Road Improvements: TBA
 Com. Facilities (parks, schools, trails, fire stations, other): Fox Creek Elementary

5. MINIMAL FEATURES IN SUPPORT OF COMPREHENSIVE PLAN

		Yes	No	N/A
Land Use	Project is consistent with adopted land use plan or provides acceptable alternative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	At least 50% of project area is within planned growth area and/or contiguous to an existing developed area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	At least 20% of project site is within or contiguous to existing urban service area or development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Project is compatible with adjacent land use.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Proposed multiple land uses are compatible (if applicable).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Meets zoning map amendment guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Meets general commercial zoning requirements as applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Meets general municipal landscape standards as applicable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transportation	Meets local requirements for street, curb and gutter, and sidewalk design, or provides staff approved alternative design.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Provides traffic impact analysis, if required, based on expected trip generation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Provides appropriate number of connections to local street or road networks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Provides adequate connectivity with existing and future adjacent developments (including stub streets).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Project streets are interconnected with no more than 20% of lots fronting on streets that terminate as dead ends.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Points of egress with arterial roadways are consistent with the requirements of an access management plan and/or policy.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Utilities	Proposed arterial and collector streets within the project are compatible with transit and pedestrian movement.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Provides public water service or individual water supplies approved by McLean County Public Health Department (MCPHD).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Provides public sewer service or other wastewater disposal system approved by MCPHD.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Open Space/ Other Features	Implements planned bikeway or greenway (if applicable).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Meets appropriate park land dedication requirement (if applicable).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Meets school land dedication requirement (if applicable).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Preserves cultural or historic features.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. OPTIONAL FEATURES IN SUPPORT OF COMPREHENSIVE PLAN

		Yes
Land Use	Makes compatible use of vacant land within community (applies to infill development).	<input type="checkbox"/>
	Provides properly designed mixed uses within an appropriate service center location.	<input type="checkbox"/>
	Meets density and transit design requirements (8 d.u.a. net density).	<input type="checkbox"/>
	Land use and street design are expected to reduce traffic generation over conventional design.	<input type="checkbox"/>
	Provides open space in excess of park land dedication requirement.	<input type="checkbox"/>
	The development includes at least one pedestrian destination of natural or urban character.	<input type="checkbox"/>
	The development is located within a half mile of a commercial or activity center.	<input type="checkbox"/>
	Commercial activity and housing density increases towards the center of the neighborhood.	<input type="checkbox"/>
	A diversity of housing types is featured that includes one or more of the following in addition to the primary housing type: single family detached, row houses, coach or "granny flat" houses, apartments above commercial spaces, multi-family housing.	<input type="checkbox"/>
	Results in jobs and/or services within a ½ mile of a residential development.	<input type="checkbox"/>
Transportation	Meets design concepts for conservation subdivision as applicable.	<input type="checkbox"/>
	Development includes or is located within a half mile of an existing or planned transit corridor.	<input type="checkbox"/>
	Provides sheltered transit stops.	<input type="checkbox"/>
	Provides for bicycle parking and/or storage.	<input type="checkbox"/>
	Provides bikeway connection to existing or planned regional bikeway.	<input type="checkbox"/>
	Utilizes only existing transportation infrastructure.	<input type="checkbox"/>
	Response time of emergency services would be expected to be within five minutes travel of development.	<input type="checkbox"/>
	Traffic generation will not exceed current design of roadways.	<input type="checkbox"/>
	Streets feature medians or traffic calming devices to promote pedestrian safety.	<input type="checkbox"/>
	Design of development encourages one or more of the following when appropriate: on-street parking, use of alleys, and non-motorized travel options.	<input type="checkbox"/>
	Sidewalk widths exceed local minimum standards.	<input type="checkbox"/>
	Development provides curb extensions and/or textured pedestrian crossings.	<input type="checkbox"/>
Housing	Average block length is 450 feet or less.	<input type="checkbox"/>
	At least 10% of proposed housing units meet HUD guidelines for low to moderate income housing.	<input type="checkbox"/>
	No more than 30% of proposed housing units in any 400 linear feet of streetscape meet HUD guidelines for low to moderate income housing.	<input type="checkbox"/>
	Preserves or renovates historically or architecturally significant structures.	<input type="checkbox"/>
	Development provides a compatible mixture of housing sizes and styles, including houses of less than 1,000 square feet.	<input type="checkbox"/>
	Provides a variety of high-quality, durable external building materials, such as brick, wood, or concrete fiber.	<input type="checkbox"/>
	The same design is not used for more than 25% of the total number of single family units in any 400 linear feet of streetscape.	<input type="checkbox"/>
Redevelopment	Project provides for the acceptable use of green building techniques.	<input type="checkbox"/>
	Pedestrian access is to the front with parking or garages to the rear of buildings.	<input type="checkbox"/>
	Does not require new water or sewer infrastructure.	<input type="checkbox"/>
	Redevelops a brownfield site.	<input type="checkbox"/>
	Does not require new school infrastructure (applies to residential projects only).	<input type="checkbox"/>
Open Space/Other Amenities	Does not require new park and recreation infrastructure (applies to residential projects only).	<input type="checkbox"/>
	The development maintains necessary pervious cover or other options for storm water detention on site.	<input type="checkbox"/>
	Preserves or restores natural areas.	<input type="checkbox"/>
	Development exceeds minimum stream buffer requirements.	<input type="checkbox"/>
	Provides open space linkages to existing or planned open space through greenways and/or trails.	<input type="checkbox"/>
	Development preserves or renovates historical or architecturally significant structures.	<input type="checkbox"/>
	Development provides decorative or pedestrian scale street lighting.	<input type="checkbox"/>
	Schools are centrally located within the development or within half mile and accessible by pedestrians and non-motorized travel.	<input type="checkbox"/>
	Libraries are centrally located within the development or within half mile and accessible by pedestrians and non-motorized travel.	<input type="checkbox"/>
	Active or passive recreation available within ½ mile of 75% of housing units in project area.	<input type="checkbox"/>
	Provides significant active or passive recreational opportunities.	<input type="checkbox"/>
	Development provides pocket parks or plazas.	<input type="checkbox"/>
	Development exceeds minimum requirements for landscaping.	<input type="checkbox"/>
	Community gardens and/or public social areas are provided.	<input type="checkbox"/>
	Provides public art and monuments at approved locations.	<input type="checkbox"/>
Provides pedestrian seating and/or other pedestrian amenities.	<input type="checkbox"/>	
Includes other notable amenity(ies) not listed herein (see comments).	<input type="checkbox"/>	

Commercial	Paved surfaces are mitigated with shade trees (one tree to ten parking spaces) or other green space amenities.	<input type="checkbox"/>
	Pervious materials are used in medium to light-use parking areas.	<input type="checkbox"/>
	Signage is visible to drivers but oriented to scale for pedestrians.	<input type="checkbox"/>
	Buildings are scaled with appropriate proportion to the width of the right of way.	<input type="checkbox"/>
	The development encourages off-street parking behind buildings and pedestrian access to the front of buildings.	<input type="checkbox"/>
	Building entrances are located at the public sidewalk or within five feet of a public sidewalk.	<input type="checkbox"/>
	Project provides for acceptable use of green building techniques.	<input type="checkbox"/>
	Provides for appropriate extraction of mineral resources consistent with comprehensive plan.	<input type="checkbox"/>
	Includes acceptable reclamation plan.	<input type="checkbox"/>

7. PROJECT RATING

- A = Provides minimal features or acceptable alternatives, plus 11 or more options. Merits highly favorable recommendation.
 B = Provides minimal features or acceptable alternatives, plus 6 to 10 options. Merits favorable recommendation.
 C = Provides minimal features or acceptable alternatives, with 0 to 5 optional features. Favorable recommendation is possible.

- D = Does not provide minimal features or acceptable alternatives, but does provide one or more optional features. Project should be modified and/or reevaluated prior to approval.
 E = Does not provide minimal or optional features. Project should be modified to be considered for approval.

8. STAFF COMMENTS (if any):

- 1. Vehicular Access:** The proposed preliminary plan shows only one access into the subdivision. The City has received and approved plans in 2009 to connect the intersection of Carrington Lane and Rutherford Drive to Winding Way. However, this is not shown on the plans. It is anticipated there would be approximately 1,000 ADT on Winding Way south of Westbrook Drive.
- 2. Pedestrian Access:** The preliminary plan does not provide any pedestrian accommodations. Residents must walk in the street to Carrington Lane where there is public sidewalk. This subdivision is within the school walking route boundary for Pepper Ridge School. However, there is not a defined school walking route due to the lack of sidewalks.
- 3. Emergency Vehicle Access:** This preliminary plan shows only one access point with narrow streets. Due to the length from the nearest major street (Fox Creek Road), response times to the far end of Winding Way will be severely impacted. Emergency vehicles would need to travel 4,000 feet on residential streets just to get to the subdivision. Access to the west end of Winding Way would be an additional 2,900 feet or a 6,900 foot total.

9. INTERGOVERNMENTAL STAFF REVIEWED THIS PROJECT: Yes No

10. MCRPC RECOMMENDS PROJECT APPROVAL: Yes No No action

SIGNATURE: Paul Russell
 Paul E. Russell, AICP, Executive Director

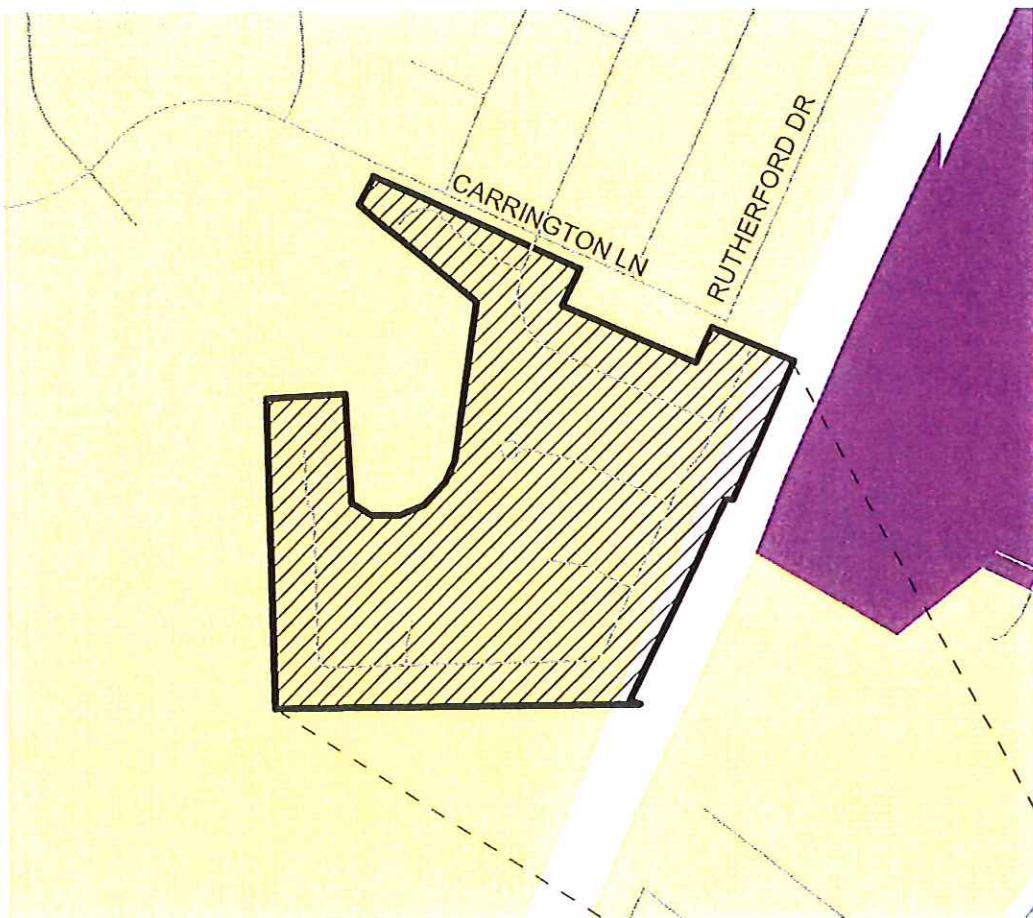
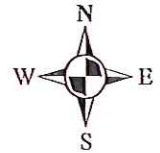
6-17-13
 Date

CONSISTENCY REVIEW
In relation to Bloomington
Comprehensive Plan

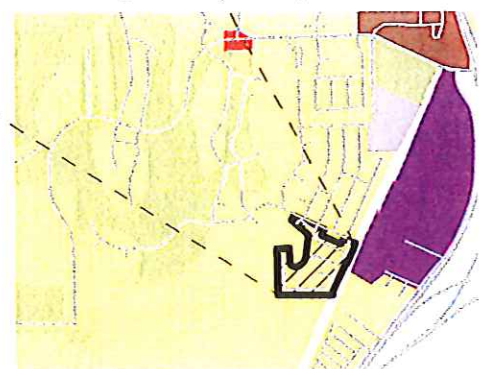
FOX CREEK VILLAGE PUD

LEGEND

-  Streets
- Bloomington Land Use**
-  Low/Medium Density Residential
-  High Density Residential
-  Neighborhood Commercial
-  Regional/Highway Commercial
-  Light Industrial
-  Heavy Industrial
-  Government/Institutional
-  Conservation/Recreation
-  Vacant/Agricultural
-  Highway Corridor



Regional Perspective





Public Works Department
ENGINEERING DIVISION
115 E. Washington St., PO BOX 3157
Bloomington, IL 61702-3157
Phone: 309-434-2225
Fax: 309-434-2201

MEMORANDUM

TO: Jim Karch, Director of Public Works
Kevin Kothe, City Engineer
Mark Huber, Director of PACE
Mark Woolard, City Planner
John Kennedy, Director of Parks and Recreation
Mike Kimmerling, Fire Chief

CC: Don Adams, Farnsworth Group

FROM: Anthony J. Meizelis, Civil Engineer I

DATE: August 5, 2013

SUBJECT: Fox Creek Village PUD Amended Preliminary Development Plan
Review Comments

I have reviewed the proposed preliminary plan and provide the following comments. The following comments reference the preliminary plan submittal from Farnsworth Group dated July 22, 2013.

1. Note 15 on the cover sheet specifies that the sidewalk for outlot 25 and 59 may be constructed in the future by others. These two outlots are currently under the ownership of Fox Creek Village LLC. As such outlots 25 and 59 should be included with the lots with sidewalk to be built by the developer or homebuilder.
2. It is our understanding that outlot 59 was created to allow for cars to park without blocking the sidewalk. Please show the revised parking layout on outlot 59. Please also revise outlots 123 and 125 to show parking deep enough for cars to park without blocking the sidewalk.
3. The City is concerned that the second entrance may or may not delineate the fact that Rutherford lane transitions to a private street (Winding Way) as it curves into Fox Creek Subdivision. The proposed amended preliminary plan shows curb and gutter at the intersection of Carrington Lane and Rutherford Drive, however the proposed curb affects the driveway for Lot 74. Please include the building footprint and driveway for Lot 74 to show how the driveway is affected.
4. The City has a concern with the detention basin access in its current location. Should the detention basin get plugged, the high water level for the basin is at 756.0. At this elevation, the edge of the water line will be at the back of the lots along the south side of Winding Way, leaving no room for City maintenance vehicles to get to the basin outlet. Placing the maintenance drive between lots 74 and 75 would alleviate this issue. Additionally, the



Public Works Department
ENGINEERING DIVISION
115 E. Washington St., PO BOX 3157
Bloomington, IL 61702-3157
Phone: 309-434-2225
Fax: 309-434-2201

storm sewer between lots 73 and 74 can be shifted in between lots 74 and 75 to eliminate the easement needed between lots 73 and 74.

25 ACCESS WAY
BLOOMINGTON IL 617044122

109 E OLIVE ST
BLOOMINGTON IL 61701

3 ASHFORD CT
BLOOMINGTON IL 61704

2906 SCARBOROUGH
BLOOMINGTON IL 61704

2904 ESSINGTON ST
BLOOMINGTON IL 61704

2823 ROCKSBURY DRIVE
BLOOMINGTON IL 61701

2819 RUTHERFORD DR
BLOOMINGTON IL 61704

2912 ESSINGTON ST
BLOOMINGTON IL 617056539

2909 ESSINGTON ST
BLOOMINGTON IL 617056540

2829 RUTHERFORD DR
BLOOMINGTON IL 61704

2910 ESSINGTON
BLOOMINGTON IL 61704

2911 ESSINGTON ST
BLOOMINGTON IL 617056540

2820 ROCKSBURY DR
BLOOMINGTON IL 617056514

40 APPLE RIDGE RD
DANBURY CT 06810

1707 E HAMILTON RD
BLOOMINGTON IL 617049607

2829 ROCKSBURY DR
BLOOMINGTON IL 617046515

2825 RUTHERFORD DR
BLOOMINGTON IL 61704

2830 RUTHERFORD DR
BLOOMINGTON IL 617056516

2907 ESSINGTON ST
BLOOMINGTON IL 617056540

2908 ESSINGTON ST
BLOOMINGTON IL 617046539

846 GARFIELD ST
SUMAS WA 982959504

2905 ESSINGTON
BLOOMINGTON IL 61704

2701 CARRINGTON
BLOOMINGTON IL 61704

2915 ESSINGTON
BLOOMINGTON IL 61704

2827 ROCKSBURY DRIVE
BLOOMINGTON IL 61704

2905 SCARBOROUGH ST
BLOOMINGTON IL 617046544

2914 ESSINGTON ST
BLOOMINGTON IL 617046539

2821 RUTHERFORD DR
BLOOMINGTON IL 61704

2834 RUTHERFORD CIR
BLOOMINGTON IL 61704

9040 Windsor Dr
Palos Hills IL 604651168

2828 RUTHERFORD DR
BLOOMINGTON IL 61704

2906 Essington St
Bloomington IL 617056539

2908 SCARBOROUGH ST
BLOOMINGTON IL 617056543

2831 RUTHERFORD
BLOOMINGTON IL 61704

2706 CARRINGTON LN
BLOOMINGTON IL 617046525

8 ASHFORD CT
BLOOMINGTON IL 61705

2824 ROCKSBURY DR
BLOOMINGTON IL 61704

2822 RUTHERFORD DR
BLOOMINGTON IL 61704

2823 RUTHERFORD
BLOOMINGTON IL 61705

2825 ROCKSBURY
BLOOMINGTON IL 61701

2822 ROCKSBURY DR
BLOOMINGTON IL 61705

2820 RUTHERFORD DR
BLOOMINGTON IL 617046516

2903 ESSINGTON
BLOOMINGTON IL 61704

2916 Essington St
Bloomington IL 617056539

2912 Scarborough St
Bloomington IL 617056543

2824 RUTHERFORD DR
BLOOMINGTON IL 61704

2918 Essington St
Bloomington IL 617056539

2828 ROCKSBURY DR
BLOOMINGTON IL 61704

2913 ESSINGTON ST
BLOOMINGTON IL 617056540

2903 SCARBOROUGH ST
BLOOMINGTON IL 617046544

2827 RUTHERFORD DR
BLOOMINGTON IL 61705

2830 ROCKSBURY
BLOOMINGTON IL 61705

2704 CARRINGTON LANE
BLOOMINGTON IL 61704

2832 RUTHERFORD DR
BLOOMINGTON IL 617046516

2504 Piney Run
Bloomington IL 617056448

2821 ROCKSBURY
BLOOMINGTON IL 61704

2217 Knollbrook Way
Bloomington IL 617056303

2901 CARRINGTON LN
BLOOMINGTON IL 617046550

PO BOX 1546
BLOOMINGTON IL 61702

PO BOX 1546
BLOOMINGTON IL 61702

2836 RUTHERFORD DR
BLOOMINGTON IL 617046516

2604 CARRINGTON LN
BLOOMINGTON IL 61705

18 FULLER CT
BLOOMINGTON IL 61701

22 FULLER CT
BLOOMINGTON IL 61701

23 FULLER CT
BLOOMINGTON IL 61701

19 FULLER CT
BLOOMINGTON IL 61704

9 ASHFORD CT
BLOOMINGTON IL 61704

7 ASHFORD CT
BLOOMINGTON IL 617046548

2 ASHFORD CT
BLOOMINGTON IL 617046548

2607 WESTBROOK DRIVE
BLOOMINGTON IL 61704

2703 WESTBROOK DR
BLOOMINGTON IL 61704

2611 WESTBROOK DR
BLOOMINGTON IL 617056565

2615 WESTBROOK DRIVE
BLOOMINGTON IL 61704

8 WINDING WAY
BLOOMINGTON IL 61704

22 Winding Way
Bloomington IL 617056591

1 BRICKYARD DR
BLOOMINGTON IL 61704

1 HUFF WAY
BLOOMINGTON IL 617056453

2612 CARRINGTON LANE
BLOOMINGTON IL 61704

6 Winding Way
Bloomington IL 617056591

2610 Carrington Ln
Bloomington IL 617056523

2606 Carrington Ln
Bloomington IL 617056523

20 FULLER CT
BLOOMINGTON IL 61704

24 FULLER CT
BLOOMINGTON IL 61701

21 FULLER CT
BLOOMINGTON IL 61701

4 ASHFORD CT
BLOOMINGTON IL 61704

1 BRICKYARD DR
BLOOMINGTON IL 61704

20 WINDING WAY
BLOOMINGTON IL 617056591

1 BRICKYARD DR
BLOOMINGTON IL 61704

2701 WESTBROOK DR
BLOOMINGTON IL 617046559

2619 WESTBROOK DR
BLOOMINGTON IL 61705

1 BRICKYARD DR
BLOOMINGTON IL 61704

24 Winding Way
Bloomington IL 617056591

1 BRICKYARD DR
BLOOMINGTON IL 61704

4 Barclay Ct
Bloomington IL 617056592

1 BRICKYARD DR
BLOOMINGTON IL 61704

8 BARCLAY CT
BLOOMINGTON IL 617056592

1 BRICKYARD DR
BLOOMINGTON IL 61704

11 Barclay Ct
Bloomington IL 617056592

3 Barclay Ct
Bloomington IL 617056592

7 PINEY RUN CT
BLOOMINGTON IL 61704

PO BOX 1546
BLOOMINGTON IL 61702

PO BOX 1546
BLOOMINGTON IL 61702

2913 LONE OAK RD
BLOOMINGTON IL 617057802

1 BRICKYARD DR
BLOOMINGTON IL 61704

2 BARCLAY CT
BLOOMINGTON IL 617056592

10 Barclay Ct
Bloomington IL 617056592

1 SHALIMAR PT
BLOOMINGTON IL 617059094

12 Barclay Ct
Bloomington IL 617056592

14 Barclay Ct
Bloomington IL 617056592

20 Barclay Ct
Bloomington IL 617056592

9 BARCLAY CT
BLOOMINGTON IL 617056592

13 Barclay Ct
Bloomington IL 617056592

1 BRICKYARD CT
BLOOMINGTON IL 61704

19 BARCLAY CT
BLOOMINGTON IL 617056592

1 BRICKYARD DR
BLOOMINGTON IL 61704

2602 WESTBROOK DR
BLOOMINGTON IL 617056565

14 WINDING WAY
BLOOMINGTON IL 617056591

12 Winding Way
Bloomington IL 617056591

1 BRICKYARD DR
BLOOMINGTON IL 61704

5 WINDING WAY
BLOOMINGTON IL 61704

1 BRICKYARD DR
BLOOMINGTON IL 61704

1 BRICKYARD DR
BLOOMINGTON IL 61704

PO BOX 1546
BLOOMINGTON IL 61702

PO BOX 1546
BLOOMINGTON IL 61702

P O BOX1546
BLOOMINGTON IL 61702

2909 LONE OAK RD
BLOOMINGTON IL 61704

2907 LONE OAK RD
BLOOMINGTON IL 617057802

P O BOX1546
BLOOMINGTON IL 61702

2 RANNEY CT
BLOOMINGTON IL 61704

4 Ranney Ct
Bloomington IL 617051700

26 FULLER CT
BLOOMINGTON IL 61701

28 FULLER CT
BLOOMINGTON IL 61704

30 FULLER CT
BLOOMINGTON IL 61701

25 FULLER CT
BLOOMINGTON IL 61701

29 Fuller Ct
Bloomington IL 617054184

27 FULLER CT
BLOOMINIGTON IL 61704

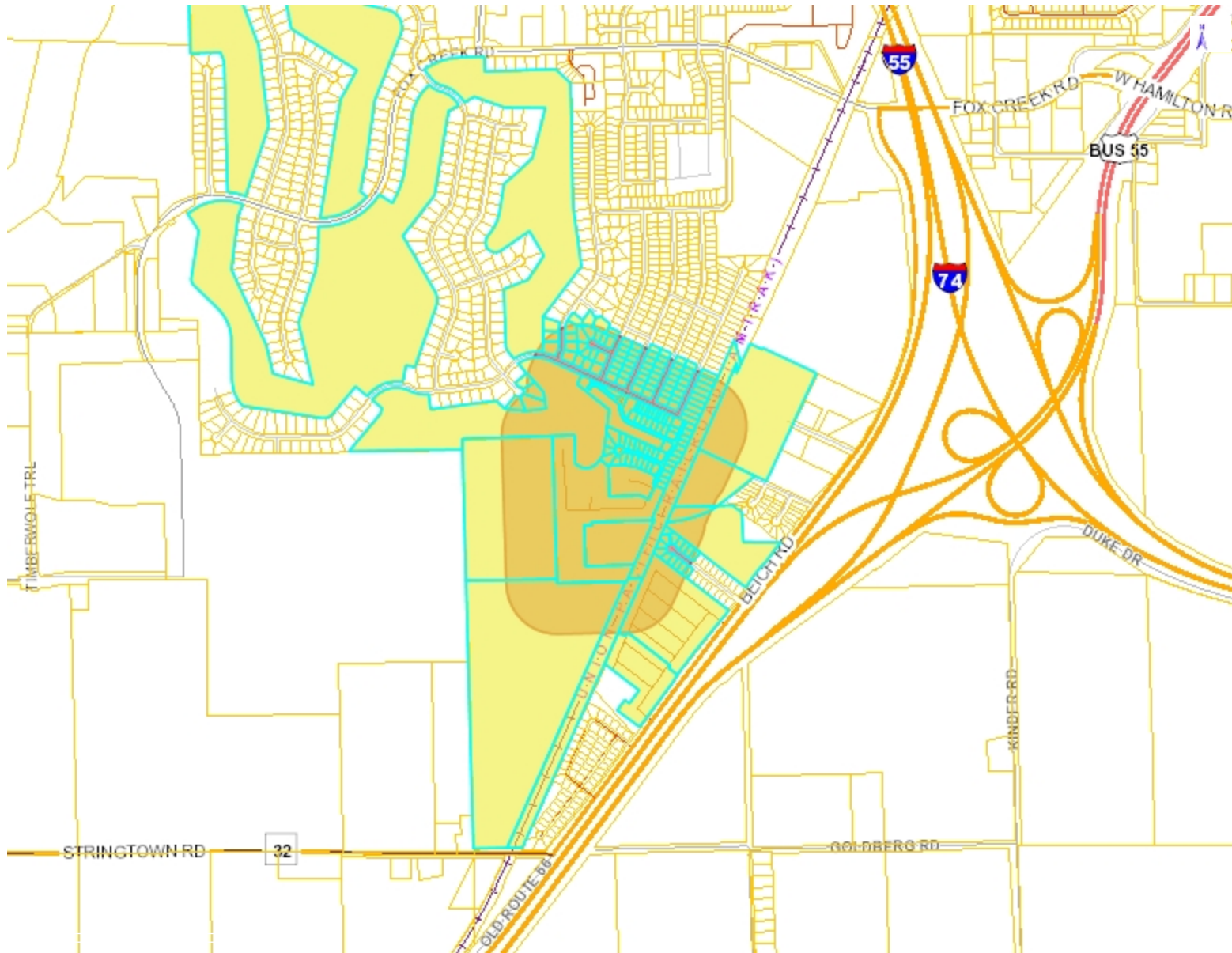
109 E OLIVE ST
BLOOMINGTON IL 61701

1 BRICKYARD DR
BLOOMINGTON IL 61704

3207 STRINGTOWN RD
SHIRLEY IL 617727539

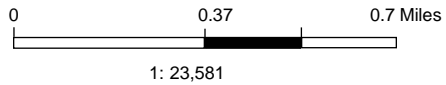


Property Owners Notified Within 500' of Fox Creek Village Preliminary Plan area



Legend

- Parcels
- Interstates
- US_Highways
- State_Highways
- County_Highways
- County_Rd
 - PAVED
 - UNPAVED
- City_Streets
 - ALLEY
 - CITY_ARTERIAL
 - CITY_COLLECTOR
 - CITY_STREET
 - PRIVATE_STREET
- Railroad
- County



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Notes



FOR COUNCIL: September 9, 2013

SUBJECT: Scope Modification to the Professional Services Contract with Foth Infrastructure and Environment, LLC for Sewer Televising (All Wards)

RECOMMENDATION/MOTION: That the scope modification in the amount of \$200,000 be approved and resolution be adopted.

STRATEGIC PLAN LINK: Goal 2. Upgrade City Infrastructure and Facilities, Goal 5. Great Place - Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2b. Quality water for the long term. Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: As part of the planning process for the approximately \$10,000,000 bond and \$4,000,000 FY 2015 resurfacing program considered by Council on August 12, 2013, the Public Works Department needs to determine the condition of the underground infrastructure beneath the streets being considered for resurfacing to proactively identify any deteriorating or failing facilities. Sewer televising is one of the tasks required to determine the underground infrastructure conditions. By rating and determining the conditions of the sewers and sewer service laterals beneath the pavement, Public Works staff will be able to identify sewers in need of repair and take corrective action prior to investing in an asphalt overlay.

Sewer service laterals will not be televised because they are considered private and funding for televising is limited. There is inherent risk associated with not televising sewer laterals since they can fail within the City right of way and impact the public. Inspecting the sewer laterals takes a different operation than televising the sewer mainline. There is a concern that the contractor might not be able to complete the televising of the mainline and the private sewer laterals even if the additional work were approved. Manhole and inlet structures will be inspected by staff. Based on information from the City's GIS system, data analysis indicates that approximately 145,000' – 160,000' of sanitary and combined sewer mains need to be inspected prior to finalizing the list of streets for resurfacing at the end of this year.

The amount of sewers to be reviewed and the time frame available to complete the review requires dedication of resources that is above the capabilities of City staff at this time. Typically the Public Works Department operates two camera trucks. At this time, one of the camera trucks is not operational and with current demands for the remaining camera truck, City resources will not be able to accomplish the sewer evaluation that is required by years end. The cost per linear foot is \$1.25. This linear foot cost is at the low end of the expected cost range for sewer televising. Staff has recently received costs for sewer televising ranging from \$1.25 - \$2.43 per linear foot from six different contractors.

Foth Infrastructure and Environment, LLC is currently finalizing the Sewer and Storm Water Master Plans. The current contract value is \$700,000. A significant portion of their master planning work involved televising many of the City’s large diameter trunk sewers. Staff proposes to modify the scope of the sewer televising portion of the Master Plan to accomplish the inspections needed for the FY 2015 resurfacing program and add to the Sewer Master Plan business risk exposure models which will help drive future decisions on sewer rehabilitation and construction. This work will allow the Public Works Department to proactively evaluate the sewers, perform corrective action, if necessary, and bid the resurfacing program by March of 2014 to take advantage of the early season cost savings.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable.

FINANCIAL IMPACT: The funds for this work will be part of the \$10,000,000 million street resurfacing and sewer bond issue. Council will need to adopt a reimbursement resolution prepared by the City’s bond counsel. Staff proposes to use funds budgeted in line item 51101100-70050 (Sanitary Sewer-Engineering Services) for the \$200,000 change order in the meantime. The bond proceeds will reimburse the Sanitary Sewer Fund.

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: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Finance Director

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Resolution

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

EXTRACT OF MINUTES of the regular public meeting of the City Council of the City of Bloomington, McLean County, Illinois, held in the City Hall, 109 East Olive Street, in said City at 7:30 o'clock P.M., on the 9th day of September, 2013.

* * *

The meeting was called to order by the Mayor, and upon the roll being called, Tari Renner, the Mayor, and the following Aldermen were physically present at said location: __

The following Aldermen were allowed by a majority of the City Council in accordance with and to the extent allowed by rules adopted by the City Council to attend the meeting by video or audio conference: _____

No Alderman was not permitted to attend the meeting by video or audio conference.

The following Aldermen were absent and did not participate in the meeting in any manner or to any extent whatsoever: _____

* * *

The Mayor announced that the City has developed a list of capital projects for which it reasonably expects to reimburse itself for the expenditures related thereto with the proceeds of an obligation and that the City Council would consider the adoption of a resolution expressing its official intent with regard to such expenditures.

Whereupon _____ presented and the City Clerk read by title a resolution as follows, a copy of which was provided to each Alderman prior to said meeting and to everyone in attendance at said meeting who requested a copy:

RESOLUTION expressing official intent regarding certain capital expenditures to be reimbursed from proceeds of an obligation to be issued by the City of Bloomington, McLean County, Illinois.

* * *

WHEREAS, the City Council (the “*City Council*”) of the City of Bloomington, McLean County, Illinois (the “*City*”), has developed a list of capital projects described in *Exhibit A* hereto (the “*Projects*”); and

WHEREAS, all or a portion of the expenditures relating to the Projects (the “*Expenditures*”) (i) have been paid within the 60 days prior to the passage of this Resolution or (ii) will be paid on or after the passage of this Resolution; and

WHEREAS, the City reasonably expects to reimburse itself for the Expenditures with the proceeds of an obligation:

NOW, THEREFORE, Be It and It Is Hereby Resolved by the City Council of the City of Bloomington, McLean County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. Incorporation of Preambles. The City Council hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

Section 2. Intent to Reimburse. The City reasonably expects to reimburse the Expenditures with proceeds of an obligation.

Section 3. Maximum Amount. The maximum principal amount of the obligation expected to be issued for the Projects is \$10,000,000.

Section 4. Ratification. All actions of the officers, agents and employees of the City that are in conformity with the purposes and intent of this Resolution, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 5. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such

section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. Repeal. All resolutions or parts thereof in conflict herewith be and the same are hereby repealed and this Resolution shall be in full force and effect forthwith upon its adoption.

ADOPTED: September 9, 2013.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED: September 9, 2013

Mayor

RECORDED in the City Records on September 9, 2013.

ATTEST:

City Clerk

EXHIBIT A

DESCRIPTION OF CAPITAL PROJECTS

- Road and sewer improvements

Alderman _____ moved and Alderman _____
seconded the motion that said resolution as presented and read by title be adopted.

After a full discussion thereof, the Mayor directed that the roll be called for a vote upon
the motion to adopt said resolution.

Upon the roll being called, the following Aldermen voted AYE: _____

The following Aldermen voted NAY: _____

Whereupon the Mayor declared the motion carried and said resolution adopted, approved
and signed the same in open meeting and directed the City Clerk to record the same in the
records of the City Council of the City of Bloomington, McLean County, Illinois, which was
done.

Other business not pertinent to the adoption of said resolution was duly transacted at the
meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

CERTIFICATION OF MINUTES AND RESOLUTION

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Bloomington, McLean County, Illinois (the “City”), and as such official I am the keeper of the records and files of the City and of the City Council (the “City Council”) thereof.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the City Council held on the 9th day of September, 2013, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION expressing official intent regarding certain capital expenditures to be reimbursed from proceeds of an obligation to be issued by the City of Bloomington, McLean County, Illinois.

a true, correct and complete copy of which said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the City Council on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the City Council at least 72 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 72-hour period preceding said meeting, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Illinois Municipal Code, as amended, and that the City Council has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the City Council.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 9th day of September, 2013.

City Clerk



FOR COUNCIL: September 9, 2013

SUBJECT: Order Portion of Rehrig Pacific Company Sixty-five (65) and Ninety-five (95) Gallon Black Wheeled Refuse Carts

RECOMMENDATION/MOTION: That Council authorize staff to purchase sixty-five (65) and ninety-five (95) gallon refuse carts, in an amount up to \$950,000, the budget amendment be approved and the Ordinance passed.

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

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

BACKGROUND: The City is preparing to initiate automated curbside refuse collection. The City needs to order to order sixty-five (65) and ninety-five (95) gallon Black Wheeled Refuse Carts at freight to the City. It is estimated that 19,000 carts could be ordered. Current data suggests that 26,000 carts will likely be needed. Authorization does not include delivery to each household which will result in additional costs.

The wheeled carts provide safe, clean and efficient collection of household waste in greater volume than the current containers allow. The City has accepted the delivery of automated refuse trucks.

At this time, staff requests to move forward with phase one of the refuse cart roll out to the largest Monday and Tuesday routes. A copy showing this route configuration is attached.

On August 13, 2012, Council approved Rehrig Pacific as the cart vendor. The term of the contract with Rehrig was for one (1) year at the bid price with four (4) annual renewal options. Price increases are possible due to increase in the cost of materials, transportation and other factors. The City may negotiate each renewal and seek another vendor if mutual agreement cannot be reached. Further contract extensions are possible by mutual consent.

Overall, staff is pleased with the Rehrig product which had strong endorsements from multiple references and the City's experience since recycling collection was automated.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: See Council Proceedings dated August 13, 2012 regarding the selection of Rehrig Pacific Company as Vendor to Provide Sixty-five (65) and Ninety-five (95) Gallon Black Wheeled Recycling and Refuse Carts with Blue Lids.

FINANCIAL IMPACT: The Fiscal Year (FY) 2013 Budget has appropriated \$950,000 in the Capital Lease Fund line item 40110120-72140 for the purchase of refuse carts. This would allow

for the purchase of up to 19,000 carts at the current price. These funds were not encumbered prior to the end of FY 2013. A budget amendment is needed to re-appropriate the fund for FY 2014. The City plans to purchase these carts as part of the Capital Lease.

Stakeholders can find the original budget for these carts in the FY 2014 Budget book entitled “Other Funds & Capital Improvement Program” on page 111 and the header titled “2013 Original Budget”. The payments for the principal and interest portion of the refuse carts is budgeted and being paid out of 54404400-73401 for principal and 54404400-73701 for interest. Stakeholders can find the principal and lease payments for these carts in the FY 2014 Budget book entitled “Other Funds & Capital Improvement Program” on page 183.

Respectfully submitted for Council consideration.

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Ordinance
Attachment 2. Council Proceedings from August 13, 2012
Attachment 3. Route Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade				Alderman Black			
Alderman Mwilambwe				Alderman Fazzini			
Alderman Sage							
				Mayor Renner			

ORDINANCE NO. 2013 - __

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2014**

WHEREAS on April 8, 2013 by Ordinance Number 2013 - 18, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2013, which Ordinance was approved by Mayor Stephen F. Stockton on April 09, 2013; and

WHEREAS a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2013 - 18 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2014) is further hereby amended by inserting the following line items and amounts presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2013 - 18 shall remain in full force and effect in addition to previous amendments, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2013 - 18.

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

PASSED the 9th day of September 2013.

APPROVED the ___th day of September 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT 1

Account Code	Fund	Account Name	Revised Budget	Description
40110120-72140	Capital Lease Fund	Capital Outlay Equipment Other Than Office	\$950,000	Purchase of 19,000 Refuse Carts

The following was presented:

SUBJECT: Selection of Rehrig Pacific Company as Vendor to provide 65-gallon and 95-gallon Black Wheeled Recycling and Garbage Carts with Blue Lids

RECOMMENDATION/MOTION: That the City Council reject all bids submitted in response to the Invitation to Bid for curbside recycling carts and lids, and that staff be directed to enter into a contract with Rehrig Pacific Company consistent with the terms and conditions outlined in this memo.

BACKGROUND: The City is preparing to initiate curbside cart recycling. The wheeled carts provide safe, clean, and efficient collection of recyclables and in greater volume than the small blue bins they replace. Residents currently are placing orders and choosing between 65-gallon and 95-gallon containers. Residents who sign up for carts before August 31st will see carts delivered during the month of November. The four trucks with mechanical arms to lift and empty the carts have arrived.

Bids for carts were opened on July 20, 2012. The following four companies submitted bids:

- Cascade Engineering, Grand Rapids, MI
- Rehrig Pacific Company, Los Angeles, CA
- Schaefer Systems International, Charlotte, NC
- Toter Inc., Statesville, NC

Per the Invitation to Bid, the City reserved the right to reject any and all bids and to waive technicalities. None of the companies met all of the criteria outlined in the bid document. The prices of Cascade Engineering and Rehrig Pacific Company were very close and competitive:

(Prices per Cart) - the following bids are prices per wheeled cart with a black base and a blue lid (Alternative 3 in the bidding documents). Freight to Bloomington, but not delivery to the household doorsteps, is included. Carts are backed a 10-year warranty.

Company	65 Gallon	95 Gallon
Rehrig Pacific	\$36.57	\$42.37
Cascade Engineering	\$37.23	\$42.99
Toter Inc.	\$40.25	\$46.75
Schaefer Systems	\$43.17	\$45.91

(Delivery to Households per Cart) - staff assessed current in-house resources and calculated the costs associated with in-house delivery. It is recommended that a manufacturer be used to deliver carts to households.

Rehrig Pacific	\$4.00
Cascade Engineering	\$3.75
Toter Inc.	\$4.50-\$4.85*
Schaefer Systems	\$6.00

*Price depends on whether the City requests the logging of serial numbers by household.

(Total Price per Cart) - black with blue lids, plus home delivery.

Company	65 Gallon	95 Gallon
Rehrig Pacific	\$40.57	\$46.37
Cascade Engineering	\$40.98	\$46.75
Toter Inc.	\$44.75-\$45.10	\$51.25-51.60
Schaefer Systems	\$49.17	\$51.91

Note on Side Stickers: The bid also included the option of placing stickers on the sides of carts to denote recycling. Staff believes the sticker need not be used and should not be ordered to save money. In addition, stickers do not have the same 10 year warranty that the cart does. Municipalities typically have operational issues with stickers falling off with continued use. This creates additional time and funds expended to maintain the stickers moving forward. Choosing a black cart with a blue lid (with an in-mold recycling labeling on this lid) will achieve this goal.

Overall, staff was more pleased with the Rehrig product and the strong endorsements provided by multiple references, as explained below. As such, staff recommends that all of the bids be rejected and that staff be directed to enter into a contract (without bid) consistent with the terms and conditions outlined below.

Product Comparison

All four (4) bidders have considerable credentials. Staff sought information on product comparisons beyond anecdotal material. To our knowledge, there are no publicly available, scientifically performed product comparisons. One prominent cart tester, A. Brent Strong from Brigham Young University, said he was unaware of any published, recent studies. Cities have contracted Professor Strong's private firm for testing and comparisons, but he is prohibited by contract from sharing the results or the name of the cities. We also contacted the Illinois Municipal League and the industry group National Solid Wastes Management Association. Neither had material, and public affairs staff had no knowledge of published reports. Consumer Reports magazine's online edition did not have anything either.

One of our contacts has done comparative durability testing, albeit informal. Scott Donelon, Solid Waste Manager for Springfield, MA hurled carts off a 16-foot roof. Rehrig carts held up well, and he found them to be stronger than Cascade carts. Please note, Mr. Donelon is a listed reference for Rehrig and not a laboratory tester. Staff was unable to perform its own comparisons because Cascade, unlike all other bidders, did not provide sample carts with its bid which was a requirement in the bid documents. Nonetheless, staff did check references/other sources for Cascade rather than only researching the low bidder Rehrig.

Rehrig Analysis: Rehrig is a family-owned company that has been in the container business since 1911. Headquartered in Los Angeles, CA, it is in its fourth generation of Rehrig management. It has seven (7) manufacturing plants in the United States, plus one (1) in Mexico, and sales offices in the United Kingdom, Brazil and Hong Kong. Its nearest plant is located in Pleasant Prairie, outside Kenosha, Wisconsin. This office prepared the company's bid. The various bidders have received honors over the years, and for Rehrig this is one that stood out: in 2006, the Kenosha plant received the distinguished SHARP designation for plant safety and health from the federal Occupational Safety and Health Administration (OSHA).

We can report that we are pleased with the Rehrig product, and background checks on Rehrig provided unequivocal endorsements for the company in all the key areas: service, responsiveness to questions/concerns, willingness to back its warranty, ease of the warranty process, cart delivery to households and, most importantly, quality of the cart itself.

- Reference 1: Mr. Donelon (see above).
- Reference 2: Jeff Wood, Solid Waste Manager for Lakeland, FL, said: “I don’t know who could be any better” in all areas of product and service.
- Reference 3: Los Angeles, CA, which has used Rehrig since 1997. Los Angeles serves 750,000 single-family homes with a multi-stream system: household trash, recycling, landscape waste and, where needed, horse manure. The Los Angeles Project Manager dealing with Rehrig, Jonathan Zari, highly recommended Rehrig based on quality, service/responsiveness and honoring the warranty on its totes.
- Reference 4: Staff contacted Davenport, IA, which Rehrig listed as one of its cart customers but not among references. Davenport uses Rehrig for its 35-, 65- and 95-gallon trash carts, and a Davenport official spoke very highly of the bidder.
- Additional References: Other references giving recommendations were officials from Howard County, MD, and the combined government of Lexington-Fayette-Urban County, KY. References outside of Los Angeles included smaller cities/counties with populations more resembling Bloomington’s. Staff took an extra step in finding users supplied by Rehrig -- but not provided by Rehrig as a reference. They were a city official in Fall River, MA, and officials from the private hauler PDC/Area Disposal and the firm Midwest Fiber Recycling. All passed along positive opinions of Rehrig. Eric Shangraw, Municipal Marketing Manager for PDC, said the Peoria-based company uses Zarn, Schaefer, Otto and Rehrig carts at various locations. He said truck operators prefer Rehrig. Also, Mr. Shangraw stated that some carts tend to tip over when an emptied cart is left on the curb when its lid is left open, but that Rehrig’s does not. The Director of Sales and Procurement for Midwest Fiber, Todd Shumaker, said his company worked with Rehrig for a very smooth roll-out of new carts for Decatur in 2011 and they were on time, with well-coordinated delivery. Rehrig uses its own employees for delivery rather than subcontracting.

To summarize, nine customers/sources vouched for Rehrig, and three of those sources did not appear in Rehrig’s bid package as suggested people to call. Staff is pleased with the Rehrig product, and background checks on Rehrig provided strong endorsements of the company. Public Works staff conducted its own inspection and concluded the product is durable, of high quality and works well with our trucks. While none of the carts met all requested specification, we would note that Rehrig met the thickness specification while other vendors did not. Thickness directly relates to durability. All the companies’ carts have a tapered design, narrowing toward the bottom. Staff noted that the Rehrig cart has a wider, well-defined lip about mid-way up the cart. We noticed that our automated trucks very easily grab the carts just under the lip and the lip provides a brace to stabilize the cart while it is being lifted from the ground with our truck’s mechanical arm.

Cascade Analysis: Founded in 1973, the Michigan-based company has grown six employees to more than 1,000 at 14 facilities. The company website emphasizes quality of product, but also

stewardship and concerns for humanity. It notes a program to train welfare recipients, wind-turbine production for sustainable energy and an initiative to improve water quality overseas. It has a pink cart program, partial proceeds of which go to breast cancer research.

Cascade's failure to provide sample carts -- as required -- complicated the analysis process. Nevertheless, staff made inquiries using the list of users provided by Cascade in its bid. A couple references spoke highly of the company.

- Reference 1: Tim Jacobson, Public Works Superintendent for Menasha, WI. Menasha, being south of Green Bay, experiences rough winters as well as periods of extreme summer heat. Mr. Jacobson said that the carts hold up well under the conditions. He has found customer service/responsiveness to be fabulous and never has a problem getting Cascade to honor a warranty. For trash containers, Menasha gradually is replacing old Toter Inc. carts with Cascade carts.
- Reference 2: Sheila Baummer, Recycling and Solid Waste Coordinator for Naugatuck, CT, said the carts have endured two winters, one brutal. Naugatuck uses Cascade for trash and recycling. She also vouches for Cascade's service.

Two (2) communities contacted by staff had some issues.

- Champaign, IL was not listed by Cascade on its bid documents as a reference but uses the carts. Angela Adams, Recycling Coordinator for Champaign, said Cascade has provided quality service and responsiveness but that the city has had problems with the Cascade carts since getting 95-gallon recycling carts in January. Specifically, there has been a fairly common problem of lids falling off. She did not rule out a problem stemming from how they were being emptied by the city's contracted hauler. The city and Cascade also had a major misunderstanding. Ms. Adams said Cascade submitted a response to an RFP including details on an automated tracking system, called radio frequency ID tags, which enable communities and haulers to track a cart's whereabouts. Champaign assumed the ID tags were part of the proposed price and awarded a contract. Cascade said that the ID tags would cost extra. Cascade included the tag at no added cost following discussions involving the city's legal department. Cascade also failed to deliver spare parts but delivered them after the omission was brought to its attention. She said she would not recommend Cascade to others.
- St. Louis County encountered major issues when it rolled out a cart recycling program with Cascade in 2008, according to the County's Solid Waste Program Manager John Haasis. He said that the county paid Cascade for delivery and delivery became a "fiasco" with missed stops and various other problems. He puts only partial blame on Cascade. Its subcontractor seemed to be partly at fault and St. Louis County carries partial blame for the way it set up the process of distributing 105,000 carts to households. According to Mr. Haasis, Cascade worked diligently to rectify delivery problems.

Notes on Schaefer: Staff initially sought to contract with Schaefer Systems International, Charlotte, NC, (without bid), based on Normal's good experience with Schaefer and on our staff's opinion of the Schaefer wheeled carts. Staff and the City Manager changed course and instead recommended the project be bid, as there are other companies producing quality carts.

Staff used a Schaefer cart to help prepare specs for bidders. As part of its bid, Schaefer provided a sample cart showing a new design that appears to be less sturdy than the Schaefer carts the city staff initially wanted. It also was outbid by its competitors. Schaefer contacted the City after the bid opening to say it did not receive material in a bid addendum (“Addendum 2”). City records show the Purchasing Agent sent the entire Addendum 2 by electronic mail. Additionally, the bid instructs interested bidders to check the City website or contact the City Clerk’s Office prior to submitting a bid for the most up to date documents related to the bid. The addendum was on the website and available in the City Clerk’s Office. The company made a note on the bid referring to information that was on Addendum 2, indicating that it was aware of the addendum, but did not include it. The bid was evaluated and not immediately disqualified.

Contract with Rehrig: The term of the contract with Rehrig would be for one(1) year at the bid price with four (4) annual renewal options. Price increases are possible due to increases in the cost of materials, transportation and other factors, but the City may negotiate each renewal and seek another vendor if mutual agreement cannot be reached. Further contract extensions are possible by mutual consent.

Carts: Color selection affects per-cart price. Staff recommends black carts with blue lids. Garbage and recycling containers are not enhancements to the beauty of a property, in the opinion of the common person. They can detract. The goal, therefore, is to use a color that does not draw excessive attention to the cart, as not all households have garages for carts. Black achieves the goal of aesthetics. City staff believes the best color selection for wheeled trash carts is black carts with black lids. The recycling carts and trash carts should have an obvious difference so that the resident does not get confused when discarding material. A contrast between the two carts will prevent contamination of recyclables. A blue lid, clearly labeled for recyclables, on the recycling cart will achieve this goal. Another important factor to consider is that different lid colors enable the city collector to easily spot which cart holds garbage and which holds recycling. This prevents confusion and increases efficiency. Having black cart bodies for both recycling and trash also makes sense, as a cart can be switched from one use to the other simply by exchanging lids.

Lids: Blue is the common color associated with recyclables. Our residents have been using blue recycling bins for years. Blue, therefore, is the best choice for a lid. Green also gets associated with recycling, as in “going green.” However, staff believes that green lids can be hard to distinguish from black lids at night, when people are placing material into carts, and in the early morning, when our hauling and recycling routes begin.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT: The FY 2013 Budget has appropriated \$950,000 in the Capital Lease Fund line item 40110110 - 72140 for the purchase of recycling totes. This would allow for the purchase of up to 20,487 carts at the price provided by the low bidder.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

David A. Hales
City Manager

Mayor Stockton introduced this item. He stated that the carts would be black with a blue lid.

David Hales, City Manager, addressed the Council. He expressed his appreciation for the Public Works staff and the thorough process applied to this item. City staff recommended that all bids be rejected and staff be authorized to obtain a contract with the lowest bidder. City staff believed that this was the best product based upon cost.

Jim Karch, Public Works Director, addressed the Council. He noted the amount of material involved. He cited the staff time and research involved. Staff took this selection seriously. He presented the Council with what he called good news. Fifty-eight percent (58%) of refuse households had signed up for the new recycling carts. The goal was a sixty percent (60%) sign up rate. Recycling was the corner stone of the solid waste program. The initial order of carts would be delivered in November 2012. He added his belief that there would be a second wave of carts ordered. He noted that the carts would be black with blue lids. The lids were interchangeable. The black base provided flexibility.

Alderman Stearns questioned the status of recycling drop off sites. Mr. Karch noted that the sites located in the City were maintained by the Town of Normal. All of the remaining sites would be in Normal. There would only be eight (8) locations.

Alderman Stearns questioned the City's plan for small apartment buildings and duplexes. Mr. Karch stated that City staff was developing a plan to address same. He noted that there were a number of issues. He cited space and parking as a couple of issues. He noted that this would be a policy issue for the Council.

Mr. Hales described this issue as a work in progress. There were options and/or alternatives. This issue would appear before the Council at a future date.

Alderman Stearns expressed her opinion that less refuse in the landfill benefited all. She believed that there was a need for the drop off centers. These centers were important. The carts were too big and citizens would not recycle. Mr. Hales noted that there also was a cost to recycling. The City received a credit which is based upon the recycling market.

Alderman Stearns expressed her opinion that every citizen should have the opportunity to recycle.

Mr. Karch questioned where the City wanted to go on this issue. The goal was to have more refuse directed to recycling versus the landfill.

Alderman Fazzini noted the reference checks performed by City staff. The recommended vendor was a fourth generation company. He added that this vendor also was the lowest bidder. He added his belief that the carts would be easier to maneuver than the blue bins.

Mr. Karch addressed the Town of Normal's cart selection. The new cart selected by Normal was a Schafer cart. This cart no longer met the specifications as Schafer modified the cart to reduce production costs. He added that the foot print of the carts was the same as the blue bins. Vertically, the carts were taller. He added his belief that once the recycling container was full people stop recycling.

Alderman Anderson addressed the drop off centers. He believed that the right thing to do was to continue the drop off centers regardless of cost. There were homes in the City where there was not space for the carts. He cited the Downtown as an example.

Mr. Karch noted that there was a program. The City yard had limited space available. Mr. Hales restated that nothing was off the table. He restated that roll offs were expensive. The goal was a cost efficient solid waste program. The issue of drop off centers was still be evaluated.

Alderman Anderson restated his opinion that the City should have drop off centers.

Alderman Schmidt questioned if the City would use these carts. Mr. Hales responded affirmatively.

Mr. Karch added that these carts would be put in service at the public schools, City facilities, etc. He expressed his opinion that the youth of the community would promote recycling.

Alderman Schmidt questioned if there would be recycling at the US Cellular Coliseum and the Bloomington Center for the Performing Arts. She encouraged recycling at both facilities.

Alderman McDade stated that she had heard from both sides. She acknowledged concerns regarding the carts' sizes. The size helped to control costs. There was not a perfect solution. This was a difficult decision. This change involved different equipment in an effort to address staffing and cost control.

Alderman Stearns expressed her belief that the goal was to increase the diversion rate. This item was difficult for her to support. She could not believe that there was not a

plan in place to provide recycling services to all. She believed that hundreds of households would be eliminated from the City's recycling program. She noted the impact upon the City central. She restated her disappointment.

Mr. Hales restated that a final decision had not been made. He restated that the City was moving from a manual to an automated process. He cited the City's lean staffing. Staff was still working towards the goal of cost efficient recycling for all.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that Council reject all bids submitted in response to the Invitation to Bid for curbside recycling carts and lids, staff be directed to order recycling carts and lids from Rehrig Pacific Company consistent with the terms and conditions outlined in Council memorandum, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

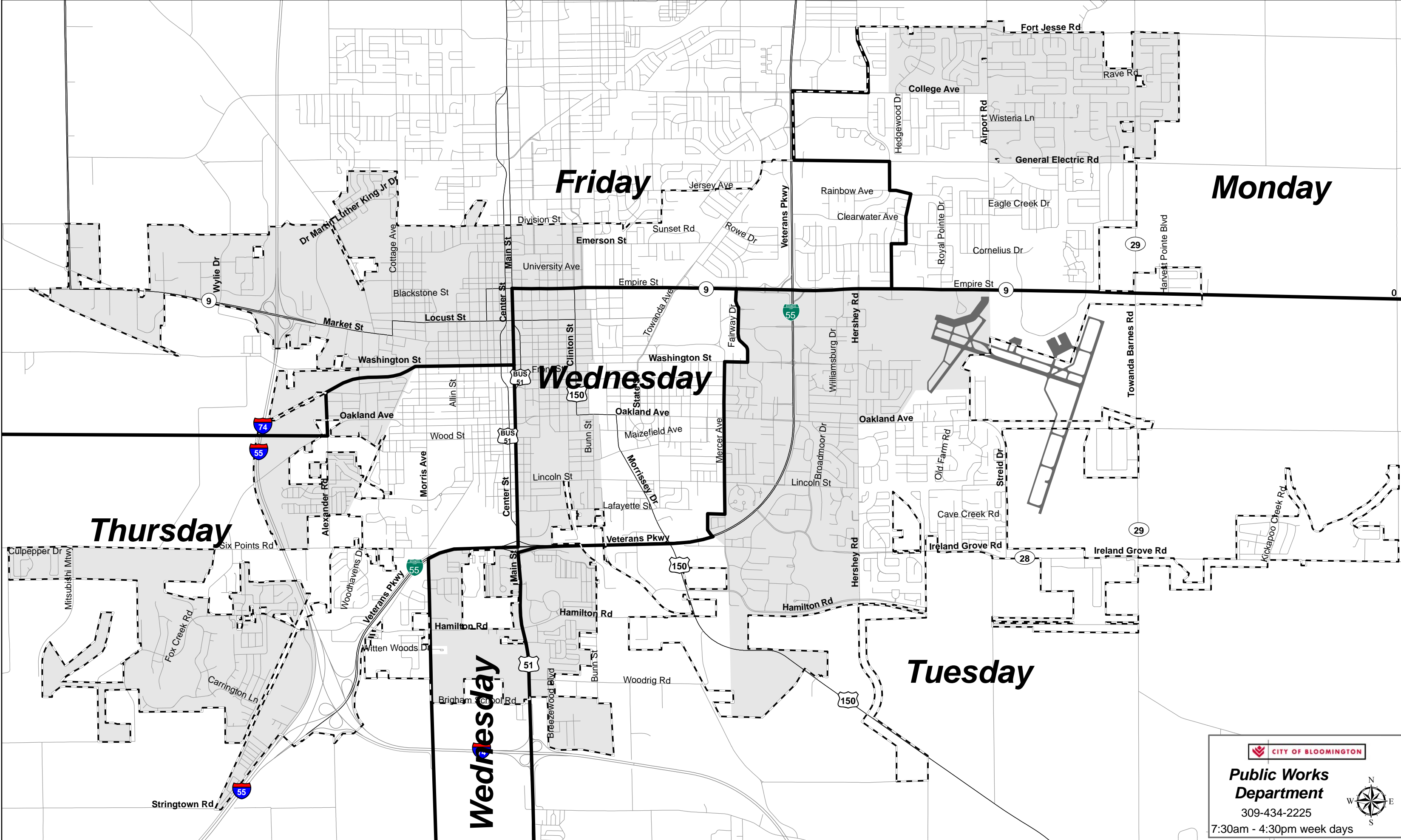
2013 Recycle Collection Map

- 1) Locate your residence on the map.
- 2) Determine which day of the week your garbage and recycle materials are collected. Both are collected on the same day of the week. However, garbage is collected weekly and recycle collection is **every other week**.
- 3) Determine if your residence is located in a shaded or unshaded area.
- 4) If the area where you live is shaded, your recycle collection dates on the calendar are shaded. If your area is unshaded, your recycle collection dates on the calendar are unshaded.

* Recycle and garbage will not be collected on Wednesday, December 25, 2013. Recycle and garbage normally collected that day will be collected on Thursday, December 26, 2013, along with the regular Thursday collection.

Receipt of this brochure by condo/ and apartment complexes does not guarantee participation in recycle/garbage collection. Please contact the Public Works Department to determine eligibility to participate in the Recycle Program at 434-2225.

JANUARY							FEBRUARY							MARCH						
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APRIL							MAY							JUNE						
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OCTOBER							NOVEMBER							DECEMBER						
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CITY OF BLOOMINGTON
Public Works Department
 309-434-2225
 7:30am - 4:30pm week days