

**CITY PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, August 26, 2013.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silent prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Mboka Mwilambwe, Kevin Lower, David Sage, Robert Fazzini, Jennifer McDade, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

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

The following was presented:

2013 Beautification Awards.

Mayor Renner introduced Stan Cain, Beautification Committee Chairman.

Stan Cain, Beautification Committee Chairman, addressed the Council. The Beautification Committee was pleased to present its 2013 Beautification Awards. Awards would be presented to residential and commercial properties. These properties made a positive impact upon the City. Mr. Cain recognized the twelve (12) individuals currently serving on the Beautification Committee.

Residential awards: David & Janet Holman, 2301 Revere Rd., Mr. Holman was present to receive the award. David & Jodelle Ayers, 1125 E. Grove St., Mr. & Mrs. Ayers were present to receive their award. Lucas & Megan Winters, 8 Tami Ct., Mr. & Mrs. Winters were present to receive their award. Mike Manna, 812/814 N. Prairie St., Mr. Manna was not present to receive the award. It was noted that this home dates back to 1859. Nancy Smith, 35 Parkshores Dr., Ms. Smith was present to receive her award. Denise Kaveney, 3211 Suffolk Way, Ms. Kaveney was present to receive her award. Francis & Vickie Ihejirika, 4 Flint Ct., Ms. Ihejirika was present to receive the award. Jolie Hoffman and Cheri Miller, 204 S. Mercer Ave., Ms. Hoffman & Ms. Miller were present to receive their award. Greg Shaw & Mollie Ward, 1104 N. Roosevelt Ave., Mr. Shaw & Ms. Ward were present to receive their award.

Commercial awards: Evangelical Free Church, 2910 E. Lincoln St.; Pastor Brett Miley and Peggy Drake were present to receive the award. Thomson & Weintraub, LLC,

105 N. Center St., Katie Kraft, Al Weintraub et al were present to receive the award. First State Bank, 502 N. Hershey Rd., Richard Stroyan, President was present to receive the award.

Mr. Cain expressed his appreciation to the Council for their support.

Mayor Renner extended congratulations to the award recipients.

The following was presented:

Mayor Renner introduced Mark Williams. Mr. Williams had been recommended for appointment to the Property Maintenance Review Board. As mayor, he had been informed that there were vacancies which needed to be filled on this board. Two (2) tenants and a contractor were needed to complete this board's make up. He cited work with Aldermen Schmidt and Sage regarding the City's appointment process. Mr. Williams had made a formal application. He believed that there were other interested individuals to fill all vacancies. Mr. Williams was a graduate student at Illinois State University. His course of study was public service.

Alderman Black informed the Council that he knew Mr. Williams as they both resided in the same apartment building.

Mayor Renner informed the Council that Mr. Williams' appointment would appear on a future Council agenda during the month of September 2013.

The following was presented:

SUBJECT: Bills and Payroll

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. 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 Wednesday, August 21, 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 by Alderman Black, seconded by Alderman McDade that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Approve Purchase of One (1) Police Pursuit Package Chevrolet Tahoe for the Police Department

RECOMMENDATION/MOTION: That the formal bid process be waived, a 2014 Chevrolet Tahoe for the Police Department be purchased from Currie Motors, Forest Park, IL, utilizing the Northwest Suburban Purchasing Cooperative Contract, in the amount of \$32,274 and the Purchasing Agent be authorized to issue a Purchase Order.

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 Police Department has a 2007 GMC Yukon Four Wheel Drive that is scheduled for replacement in Fiscal Year (FY) 2014. This unit will have over 130,000 miles on it when the new unit is delivered. This unit has averaged \$2,500 per year in maintenance costs. Recent repairs include front end work, brake hydro boost, power steering, body control module, and other electrical issues. This unit is a vital piece of equipment for getting around during snow and ice events. The Police Department's FY 2014 Budget has \$34,505 budgeted for replacement of this unit. The Tahoe will cost \$32,274. The police equipment to be installed on the new unit

will be moved from the existing unit. The Suburban Purchasing Cooperative is a cooperative of 150 municipalities in the northern Illinois six (6) county area. Every municipality and government agency in the state is authorized to participate in this program. The City has successfully used this Cooperative in the past. In addition, staff respectfully requests to have the replacement unit declared surplus and be sold on public auction.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Police Department's FY 2014 budget 10015110-72130 has \$34,505 budgeted for replacement of this unit. The Tahoe will cost \$32,274. The police equipment to be installed will be moved from the existing unit. This unit is expected to bring \$14,000 at public auction. Stakeholders can find this vehicle in the FY 2014 Budget book entitled "Budget Overview and General Fund" on pages 134 and 256.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Public Works Director
Reviewed by: Barbara J. Adkins Deputy City Manager
Reviewed by: R.T. Finney, Interim Police Chief
Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Legal review by: J. Todd Greenburg, Corporation Counsel
Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman McDade that the formal bid process be waived, a 2014 Chevrolet Tahoe for the Police Department be purchased from Currie Motors, Forest Park, IL, utilizing the Northwest Suburban Purchasing Cooperative Contract, in the amount of \$32,274, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Financial Assistance Agreement known as Partners in Conservation, (Agreement), between the Illinois Environmental Protection Agency, Bureau of Water, (IEPA), and the City

RECOMMENDATION/MOTION: That the Agreement be approved.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2b: Quality water for the long run.

BACKGROUND: Staff respectfully requests that Council authorize entering into the Agreement between the IEPA and the City for funding a shoreline erosion control project at the Evergreen Lake reservoir. This cooperative effort would entail funding a \$95,000 project with \$45,000 coming from IEPA and \$50,000 coming from the City's Water Improvement Fund.

To date, the Water Department has garnered over \$500,000 in competitive cash grants from the Sand County Foundation, a private foundation that funds watershed programs. In addition, in 2012, the Water Department was the recipient of a competitive cash grant from IEPA in the amount of \$36,000. This Agreement will add to that tally and will utilize a proven mitigation effort, (shoreline protection), that is part of the IEPA's strategy to reduce phosphorous in the City's drinking water reservoirs.

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

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

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

Once the Source Water Assessment and a TMDL analysis of the Evergreen Lake reservoir were completed in 2006, an implementation plan for reducing pollutants in the reservoirs was determined. At that point the City could receive grant dollars from the federal and state governments for implementation or mitigation effort. The awarding of grant dollars is a

competitive process and the amount in the Partners in Conservation program can vary from year to year. The City has applied for grant dollars in the past but has not been successful in its efforts to complete a project from this funding source.

This project will be competitively bid and will be administered by the McLean County Soil and Water Conservation Office utilizing the Water Conservationist. The City funds the majority of this position through an Intergovernmental Agreement with McLean County, the Town of Normal and the McLean County Soil and Water Conservation Office.

Staff therefore respectfully requests that the Council authorize entering into the Agreement with the IEPA. The City's portion for this \$95,000 project is \$50,000 and will be paid from the City's Water Improvement Fund. This project is identified in the Water Purification Budget under Other Professional Technical Services as the Reservoir Shoreline/Stream Erosion Control Improvements project in the amount of \$200,000. No funds have been expended for this project at this time

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The City's commitment to this Agreement in the amount of \$50,000 is budgeted in the Water Purification Budget under Other Professional Technical Services 50100130-70220 as the Reservoir Shoreline/Stream Erosion Control Improvements. Stakeholders may locate this in the FY 2014 Budget book entitled Other Funds & Capital Improvement Program on page 144.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Black, seconded by Alderman McDade that the Agreement be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ratification of Contract with Local 362 Laborers International Union (Support Staff) for the period of May 1, 2009 through April 30, 2013

RECOMMENDATION/MOTION: That the Contract be ratified.

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

STRATEGIC PLAN SIGNIFICANCE: Objectives: 1d. City services delivered in the most cost-effective, efficient manner, and 1e. Partnering with others for the most cost effective service delivery

BACKGROUND: On April 16, 2009, the parties met and began to negotiate changes to the agreement that would expire on April 30, 2011. The parties were not successful in reaching an agreement and the City made a final offer to the Union on December 14, 2010. This final offer was imposed on January 1, 2011. The highlights of the Imposed Contract changes are outlined below.

On May 12, 2011, Laborers Local 362 – Support Staff and the City staff began negotiating the terms for a successor collective bargaining agreement. The parties last met on July 26, 2013. The Union ratified the Successor Contract on August 8, 2013. The highlights of the Successor Agreement changes are outlined below.

Highlights of Contract:

Imposed Contract

Sick Leave

- Elimination of Sick Leave Buy Back and Monthly RHS contributions for employees hired after May 1, 2009.

Health Insurance

- Employees will be eligible for the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raises deductibles from \$250 to \$400. This change was effective January 1, 2013.

Wages

- May 1, 2009 wage table will be increased by 0% on May 1, 2009 and 2% on May 1, 2010 with retroactive pay.

Other

- Elimination of the following language “The City agrees not to subcontract out bargaining unit work for permanent replacements. The preceding sentence shall not be construed as prohibiting the hiring of temporary support help to fill temporary absences in the bargaining unit.”
- Addition of “scheduled work day” limitation for Community Service Officers court overtime.
- Use of an employee’s full-time date of hire for determining longevity and leave accruals if the employee is hired after May 1, 2009.
- Requirement to request tuition reimbursement from Department Head by August 1, in order to be eligible for funds the following fiscal year with Council approval through the budget.

Successor Agreement

Wages

- May 1, 2011 wage table will be increased by 2% and 2% on May 1, 2012 with retroactive pay for those who retired and Kelly Baar.
- Elimination of .20 per hour wage reduction for probationary employees.
- \$500 signing bonus for those members employed upon Council ratification of contract.

Sick Leave

- Reduce Sick Leave accrual for new hires from 20 hours of sick leave for employees first twelve (12) months to an employee’s first nine (9) months effective with employees hired after August 26, 2013.
- Employees will be eligible to use up to 24 hours of sick leave for the unplanned surgery of their parent, step-parent or their spouses parent or step parent in a fiscal year.

Other

- Elimination of Court Exchange Days for new Community Service Officers hired after August 26, 2013.
- Elimination of Emergency Leave.

Subcontract Language

- Right to contract out any work City deems necessary in the interest of efficiency, economy, and improved work product or emergency.
- Ability to implement the decision prior to the conclusion of impact or effects bargaining.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City Council and Local 362 – Support Staff.

FINANCIAL IMPACT: The financial impact of the Tentative Agreements includes:

- Increase in wage tables for existing employees by 2% effective May 1, 2010, 2% effective May 1, 2011 (with retro) and 2% effective May 1, 2012 (with retro).

Estimated cost of the 2% (without longevity) for FY 11 is \$16,973 and for FY 12 is \$17,264.

- Increase in rate of pay for probationary employee which will amount to \$208 dollars over a six (6) month period.
- Elimination of Sick Leave Buy Back at retirement and on a monthly basis.
- Reduction in City Health Insurance costs. Estimated savings for 2013 is \$25,094.
- \$500 signing bonus for bargaining unit employees on payroll at time of ratification. Estimated thirty (30) employees at \$15,000.
- Increased the time employees get to longevity steps and increase leave time by using their full-time date of hire versus their last continuous date of hire.

For stakeholders the cost is spread across multiple department budgets. Local 362 Laborers International Union, (Support Staff), is represented by employees in numerous departments.

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Human Resources Specialist

Reviewed by: Emily Bell, Director of Human Resources

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman McDade that the Contract be ratified.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ratification of Collective Bargaining Agreement between Bloomington Public Library Board of Trustees/City of Bloomington and AFSCME Local 699

RECOMMENDATION/MOTION: That the Contract be ratified.

STRATEGIC PLANK LINK: Goal 1. Financially sound City providing quality basic services and Goal 5. Great place - livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. Quality services delivered in the most cost effective, efficient manner and Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: Pursuant to Illinois labor law, the Bloomington Public Library Board of Trustees and the City are considered “joint employers” of the employees of the Bloomington Public Library. Most non-management employees, (both full-time and part-time), of the Library are represented by AFSCME Local 699.

Beginning in June of 2012, bargaining teams representing the Library Board/City and AFSCME Local 699 began negotiating the terms a collective bargaining agreement to replace the one which expired on April 30, 2012.

The bargaining teams have reached tentative agreement on the terms of a new collective bargaining agreement. Library employees have ratified the contract, as has the Library Board of Trustees. The staff submits the attached contract to the Council for its review.

Highlights of the agreement are as follows:

- The agreement is for two (2) years, expiring on April 30, 2014.
- Both full-time and part-time employees will receive an increase of 2% on base wages in each year of the contract. In addition, employees will receive a one-time signing bonus of \$500.00.
- New language has been inserted into the contract in which the Library Board/City reserves the right to contract out any work it deems necessary “in the interest of efficiency, economy, improved work product or emergency.” In non-emergency situations, where a decision to subcontract bargaining unit work amounts to a loss of bargaining unit employees, other than through attrition, the parties will notify the union and offer the union an opportunity to discuss the desirability of contracting out such work prior to making a decision. Management will provide forty-five (45) days’ notice in non-emergency situations. In the event management decides to contract out the work, it will notify the union of its decision. If layoffs are necessary, the least senior employees will be laid off first. Employees laid off will have the opportunity to apply for other vacancies within the Library. Management has the right to implement its decision prior

to the completion of bargaining with the union over the “impact or effects” of its decision, (such bargaining is required by Illinois labor law if the union so requests).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The parties to the proposed collective bargaining agreement.

FINANCIAL IMPACT: The financial impact of the Tentative Agreements includes:

Increase in wage tables for existing employees by 2% effective May 1, 2012 (with retro). Estimated cost of the 2% (without longevity) is \$27,570.

Increase in wage tables for existing employees by 2% effective May 1, 2013 (with retro). Estimated cost of the 2% (without longevity) is \$28,122.

Total of the 2 years: \$55,692.

\$500 bonus for bargaining unit employees on payroll at time of ratification. Estimated sixty-two (62) employees at \$31,000.

This will be paid out of the Library budget which for stakeholders can be found in the FY 2014 budget book entitled Other Funds & Capital Improvement Program on pages 52 - 66.

Respectfully submitted for Council consideration.

Prepared by: J. Todd Greenburg, Corporation Counsel

Reviewed by: Georgia Bouda, Library Director

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman McDade that the Contract be ratified.

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

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

Nays: None.

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

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

RECOMMENDATION/MOTION: That the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 5. Great Place – Livable, Sustainable City.

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

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

The 2013 event is being planned to occur within the Zoo's grounds with Baxters American Grille providing food and alcohol service. In case of inclement weather, the event will be moved indoors to the Pavilion. The event is scheduled for Saturday, September 7, 2013 from 4:00 P.M. until 10:00 P.M.

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

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

FINANCIAL IMPACT: The ZooDo fundraising goal is \$50,000 to assist with future capital improvements to the Zoo.

Respectfully submitted for Council consideration.

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 58

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

WHEREAS, the Miller Park Zoological Society will hold a ZooDo at the Miller Park Zoo and Pavilion on September 7, 2013; and

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

WHEREAS, to allow possession of alcohol at this event, Section 26(d) of Chapter 6 of the Bloomington City Code prohibiting the possession of open containers of alcohol on public property and Section 701 of Chapter 31 of the Bloomington City Code prohibiting alcohol within Miller Park Zoo and Pavilion, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code, 1960, as amended, are suspended on the following dates during the following hours: September 7, 2013 between 4:00 o'clock p.m. and 10:00 o'clock p.m. for Miller Park Zoo and Pavilion. This suspension shall be effective only as to persons inside the designated area only and for alcohol purchased from an event vendor within the designated area.

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

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

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

Passed this 26th day of August, 2013.

Approved this 27th day of August, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Black, seconded by Alderman McDade that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Review of Executive Session Minutes from 1995 - 2013

RECOMMENDATION/MOTION: That the Resolution be adopted.

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 Open Meeting Act requires a semiannual review of approved Executive Session Minutes to determine whether to release any of these minutes to the public. Final action is taken in open session. This amendment was enacted in 2006.

A Resolution has been drafted as a record of the Council's action. The Council met on Monday, August 12, 2013 in Executive Session to review Executive Session Minutes. Resolution states that these Executive Session Minutes will be retained (i.e., not disclosed) at this time.

In compliance with the Open Meetings Act, City staff plans to present Executive Session Minutes for review to the Council during Executive Sessions scheduled during the months of February and August of each year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk
Legal review by: J. Todd Greenburg, Corporation Counsel
Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2013 -12

**A RESOLUTION REGARDING THE RETENTION
OF EXECUTIVE SESSION MINUTES**

WHEREAS, the City Council of the City of Bloomington, Illinois has met from time to time in executive session for purposes authorized by the Illinois Open Meetings Act; and

WHEREAS, pursuant to the requirements of 5 ILCS 120/2.06(c), a review of all closed session minutes has been completed; and

WHEREAS, the City Council has determined that the minutes of the meeting listed on Schedule A, attached hereto, no longer require confidential treatment and should be made available for public inspection; and

WHEREAS, the City Council has further determined that a need for confidentiality still exists as to the Executive Session Minutes from the meetings set forth on Schedule B, attached hereto and incorporated by reference; and

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

Section 1. The Executive Session Minutes from those meetings set forth on Schedule A, attached hereto and incorporated by reference, are hereby released. The preamble to this Resolution is incorporated into the body of this resolution.

Section 2. The City Clerk is hereby authorized and directed to make the minutes from those meetings listed in Schedule A available for inspection and copying in accordance with the Open Meetings Act and standing procedures of the Clerk's Office.

Section 3. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 26nd day of August, 2013.

APPROVED this 27th day of August, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

**EXHIBIT A
TO BE RELEASE**

DATE	REASON
April 27, 2009	Section 2 (c)(11) Litigation
January 25, 2010	Section 2(c)(12) Settlement
March 22, 2010	Section 2(c)(11) Litigation
November 8, 2010	Section 2(c)(12) Settlement
March 14, 2011	Section 2(c)(12) Settlement
March 28, 2011	Section 2(c)(6) Sale or Lease of Real Estate
June 13, 2011	Section 2(c)(12) Settlement
July 11, 2011	Section 2(c)(11) Litigation
August 8, 2011	Section 2(c)(12) Settlement Section 2(c)(6) Sale or Lease of Real Estate
December 19, 2011	Section 2(c)(12) Settlement
August 27, 2012	Section 2(c)(12) Settlement Section 2(c)(11) Litigation
December 10, 2012	Section 2(c)(12) Settlement

**EXHIBIT B
TO BE RETAINED**

DATE	REASON
January 23, 1995	Section 2(c)(1) Personnel
June 12, 1995	Section 2(c)(2) Collective Bargaining
February 26, 1996	Section 2(c)(1) Personnel
October 14, 1996	Section 2(c)(2) Collective Bargaining
November 12, 1996	Section 2(c)(2) Collective Bargaining
February 24, 1997	Section 2(c)(1) Personnel
March 10, 1997	Section 2(c)(2) Collective Bargaining
May 12, 1997	Section 2(c)(2) Collective Bargaining
July 14, 1997	Section 2(c)(2) Collective Bargaining
October 13, 1997	Section 2(c)(2) Collective Bargaining
January 26, 1998	Section 2(c)(1) Personnel

DATE	REASON
July 14, 1998	Section 2(c)(2) Collective Bargaining
July 27, 1998	Section 2(c)(2) Collective Bargaining
December 28, 1998	Section 2(c)(1) Personnel
May 10, 1999	Section 2(c)(2) Collective Bargaining
June 14, 1999	Section 2(c)(2) Collective Bargaining
September 13, 1999	Section 2(c)(5) Purchase or Lease of Real Estate
November 22, 1999	Section 2(c)(1) Personnel
December 13, 1999	Section 2(c)(1) Personnel
December 11, 2000	Section 2(c)(1) Personnel
November 13, 2001	Section 2(c)(1) Personnel
May 28, 2002	Section 2(c)(2) Collective Bargaining
September 23, 2002	Section 2(c)(2) Collective Bargaining
November 12, 2002	Section 2(c)(1) Personnel
March 8, 2004	Section 2(c)(1) Personnel
May 10, 2004	Section 2(c)(2) Collective Bargaining
February 28, 2005	Section 2(c)(1) Personnel
March 14, 2005	Section 2(c)(1) Personnel
March 28, 2005	Section 2(c)(6) Sale or Lease of Real Estate
May 9, 2005	Section 2(c)(2) Collective Bargaining
August 14, 2006	Section 2(c)(1) Personnel
August 28, 2006	Section 2(c)(1) Personnel
August 13, 2007	Section 2(c)(2) Collective Bargaining
November 13, 2007	Section 2(c)(2) Collective Bargaining
December 10, 2007	Section 2(c)(1) Personnel
January 7, 2008	Section 2(c)(1) Personnel
February 11, 2008	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
June 9, 2008	Section 2(c)(5) Purchase or Lease of Real Estate
August 19, 2008	Section 2(c)(1) Personnel
October 13, 2008	Section 2(c)(5) Purchase or Lease of Real Estate
November 3, 2008	Section 2(c)(1) Personnel
November 17, 2008	Section 2(c)(1) Personnel
November 18, 2008	Section 2(c)(1) Personnel
November 19, 2008	Section 2(c)(1) Personnel
March 9, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(11) Litigation
March 30, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
April 6, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
April 13, 2009	Section 2(c)(2) Collective Bargaining

DATE	REASON
April 27, 2009	Section 2(c)(2) Collective Bargaining
May 26, 2009	Section 2(c)(2) Collective Bargaining
June 8, 2009	Section 2(c)(2) Collective Bargaining
June 22, 2009	Section 2(c)(2) Collective Bargaining
June 27, 2009	Section 2(c)(2) Collective Bargaining
August 10, 2009	Section 2(c)(2) Collective Bargaining
September 28, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(5) Purchase or Lease of Real Estate Section 2(c)(6) Sale or Lease of Real Estate
December 14, 2009	Section 2(c)(2) Collective Bargaining
January 11, 2010	Section 2(c)(2) Collective Bargaining
January 25, 2010	Section 2(c)(2) Collective Bargaining Section 2(c)(5) Purchase or Lease of Real Estate
February 8, 2010	Section 2(c)(2) Collective Bargaining Section 2(c)(6) Sale or Lease of Real Estate
February 22, 2010	Section 2(c)(2) Collective Bargaining
April 5, 2010	Section 2(c)(2) Collective Bargaining
April 26, 2010	Section 2(c)(6) Sale or Lease of Real Estate Section 2(c)(2) Collective Bargaining
June 28, 2010	Section 2(c)(1) Personnel
September 27, 2010	Section 2(c)(1) Personnel
November 8, 2010	Section 2(c)(5) Purchase or Lease of Real Estate
November 22, 2010	Section 2(c)(2) Collective Bargaining
March 28, 2011	Section 2(c)(2) Collective Bargaining
May 9, 2011	Section 2(c)(2) Collective Bargaining Section 2(c)(11) Litigation
June 13, 2011	Section 2(c)(2) Collective Bargaining
July 11, 2011	Section 2(c)(1) Personnel
August 8, 2011	Section 2(c)(5) Purchase or Lease of Real Estate
December 19, 2011	Section 2(c)(5) Purchase or Lease of Real Estate
May 29, 2012	Section 2(c)(2) Collective Bargaining
August 17, 2012	Section 2(c)(1) Personnel
November 8, 2012	Section 2(c)(1) Personnel
December 10, 2012	Section 2(c)(1) Personnel
December 17, 2012	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
February 25, 2013	Section 2(c)(29) Meet with External Auditors Section 2(c)(2) Collective Bargaining

Mayor Renner introduced this item. He noted that the Open Meetings Act required periodic review of closed session minutes. He met with a work group which consisted of himself and Aldermen Stearns and Black. There was unanimous agreement with most of City staff's recommendation. There was disagreement regarding closed session minutes regarding the performance evaluation for the City Manager.

MAIN MOTION: Motion by Alderman Schmidt, seconded by Alderman McDade that the Resolution be adopted.

AMENDMENT: Motion by Alderman Stearns, seconded by Alderman Lower to amend the main motion by releasing the following closed session minutes: December 10, 2007, January 7 and August 19, 2008 pertaining to the Performance Evaluation of former City Manager Tom Hamilton.

Alderman Stearns expressed her belief in the public's right to know. She cited the impact of the City Manager upon the City. She specifically cited TIF, (Tax Increment Financing), Districts, the US Cellular Coliseum, (USCC), and the Bloomington Center for the Performing Arts, (BCPA). The Council's evaluation of the City Manager should be public in her opinion. She encouraged the Council to visit the City of Evanston's web site. She defined transparency as not keeping the City Manager's performance evaluation secret. The City Manager was a public figure. She planned to take a stand by stating her belief that these minutes should be released.

Mayor Renner recognized the research completed by Alderman Stearns. He had also located communities that released the City Manager's performance evaluations. None of these communities were located within the state. Other communities release an executive summary. He did not find a Central Illinois city that releases this information.

Alderman Black stated his intention to vote in support of releasing closed sessions regarding City Manager Performance Evaluations. He was employed in the Human Resources field. He found this question interesting. The City Manager was a special employee who should be held accountable to the citizens. The City Manager was the face of the City. He planned to support the release of closed session minutes. The Council needed to be consistent and move forward on this issue.

Alderman Fazzini noted the spirited, candid and in depth discussions which had occurred in closed session. He believed that the selection of which minutes would be released would impact his future comments in closed session. He supported an executive summary for release to the public but not the release of the closed session minutes regarding the performance evaluation of the City Manager.

Alderman Schmidt addressed the issue of performance evaluations and the expectation of privacy. The release of minutes should be addressed under a city manager's conditions of employment. She had been employed by the State of Illinois and knew that her performance evaluations were private. The release of these minutes would change the nature of the contract between the City and the City Manager. Such language was not part

of David Hales', (current City Manager), contract. An ordinance is prepared and the Council votes in open session to complete the performance evaluation process. The release of closed session minutes regarding the performance evaluation of the City Manager did not appear to be for transparency's sake.

Alderman McDade acknowledged that she was not on the Council when Tom Hamilton was the City Manager. There were good reasons why some things were addressed in private. The Council needed to set a position for what would be made public. The Council needed to set expectations regarding what people have the right to know, what the Council determined was private and what the Council determined would eventually become public.

Alderman Fruin addressed the fact that the Council met in Executive Session for a variety of reasons. The City Manager's performance evaluation resulted in public action. The Council provided the City Manager's rating, salary and benefits.

Alderman Lower expressed his agreement with Alderman Stearns. The Council was in an era where the public believed that it had a right to know. The public was the Council's employer. He added his opinion that everything should be released.

Alderman Stearns expressed her appreciation to Alderman Lower. She stated that there was a critical point: private corporations versus public businesses. The City Manager made decisions on behalf of the City. The Council hired and evaluated the City Manager. The City Manager was the Council's responsibility. The citizens should know the reasons the Council supported the City Manager.

Alderman Sage expressed his exception to Alderman Stearns' comments. Opposition to the release of closed session minutes regarding the City Manager's performance evaluation did not mean that someone was hiding something. He was not a Tom Hamilton fan. It was a matter of principal. He cited conditions of employment. If the Council so desired then it needed to change the contract language. He noted that the Mayor had provided information regarding other Central Illinois cities.

Alderman Mwilambwe agreed with the statements that addressed fairness. He acknowledged that he was not a member of the Council during Mr. Hamilton's tenure with the City. He cited the Council's past practice. This approach was not the right way. If the Council wanted to change its practice going forward then the first step would be to build consensus. He noted that the past has been brought up, (USCC and BCPA). He did not believe that there was something new to be learned.

Mayor Renner noted that this was the classic debate. The discussion was nothing new. The issue of future impact was unknown. There appeared to be some who believed that the public had the right to have knowledge of the City Manager's performance evaluation.

Motion by Alderman Stearns, seconded by Alderman Lower to amend the main motion by releasing the following closed session minutes: December 10, 2007, January 7 and August 19, 2008 pertaining to the Performance Evaluation of former City Manager Tom Hamilton

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

Ayes: Aldermen Lower, Stearns and Black.

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

Amendment to main motion failed.

Motion by Alderman Schmidt, seconded by Alderman McDade that the Resolution be adopted.

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

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

Nays: Alderman Stearns.

Motion carried.

CITY MANAGER'S DISCUSSION: None.

MAYOR'S DISCUSSION: Mayor Renner informed the Council to meet for the Labor Day Parade on Monday, September 3, 2013 at 9:00 a.m. The Council would walk in the parade with the Town of Normal Council.

He also thanked Ron Schultz for providing information regarding a water conference in Decatur, IL.

He stated his intention to speak with each Alderman regarding the Council's committee structure. He added that there might be a future Work Session regarding same. An alternative was to meet as a committee of the whole.

He thanked the Fire Department for their efforts to educate the Council regarding the new 78' platform truck.

ALDERMEN'S DISCUSSION: Alderman Black noted Bruegala was held at Lincoln Park on August 23 and 24, 2013. This was a positive event which was held in the Downtown.

He added that school was in session. He encouraged those individuals who pick up children from school to be mindful of driveways.

Alderman Schmidt thanked those involved in the Jaycees Criterium Bike Race which was held on Saturday, August 24, 2013 in the Downtown. She hoped this would be a re-emerging event. The feedback had been positive.

Alderman Mwilambwe cited the Sheridan School Back to School Parade which would be held on August 30, 2013. He offered to coordinate this event.

Alderman Stearns addressed the Vietnam Memorial at Miller Park. The names were legible. The restoration would be completed by November 11, 2013.

Alderman Lower noted feedback from the \$10 million bond issue for street resurfacing. The City needed to refinance its existing debt and pay off debt early. The Council needed to reprioritize its action agenda. A bond was a tax.

Motion by Alderman McDade, seconded by Alderman Fazzini, that the meeting be adjourned. Time: 7:47 p.m.

Motion carried.

**Tracey Covert
City Clerk**