

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, July 22, 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, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.**

**Alderman Absent: Jennifer McDade.**

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

**The following was presented:**

SUBJECT: Proclamation

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

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

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

**BACKGROUND:** The proclamation will be presented:

Declaring July 22, 2013 to be Peace Corps Day.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner  
Mayor

**Mayor Renner read and presented the Peace Corps Day Proclamation to Beverly Beyers.**

**Beverly Beyer, representing Illinois State University's Stevenson Center, addressed the Council. She thanked the Council for the opportunity. These students have changed lives here and abroad. She introduced Nancy Ouedraogo, who had completed an internship in the City's Fire Department. Ms. Ouedraogo thanked the City for the opportunity and the Council for the recognition.**

**Motion by Alderman Lower, seconded by Alderman Sage that the Proclamation be placed on file.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Council Proceedings of July 8, 2013

**RECOMMENDATION/MOTION:** That the reading of the minutes of the previous Council Proceedings of July 8, 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 July 8, 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, 5 ILCS 120/2.06(b).

**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

**Motion by Alderman Lower, seconded by Alderman Sage that the reading of the minutes of the previous Council Proceedings of July 8, 2013 be dispensed with and the minutes approved as printed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Bills and Payroll

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

**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 Wednesday, July 17, 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 Lower, seconded by Alderman Sage 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, Lower, Fazzini, Sage, Fruin and Black.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: 2013 Edward Byrne Memorial Grant (JAG)

**RECOMMENDATION/MOTION:** That the 2013 Edward Byrne Memorial Justice Grant in the amount of \$43,408 be accepted, the Mayor and City Clerk be authorized to execute the necessary documents, and the Budget Amendment Ordinance passed.

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

**STRATEGIC PLAN SIGNIFICANCE:** Grant money allows City services to be delivered in the most cost effective, efficient manner without over spending from the budget.

**BACKGROUND:** Staff recommends acceptance of federal grant money from the 2013 Edward Byrne Memorial Justice Grant (JAG), in the amount of \$43,408, to be shared with the Town of

Normal. The Town of Normal will receive \$10,183 and the City will receive \$33,225. The monies for the City would be used for technology, training, and equipment.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** None.

**FINANCIAL IMPACT:** The FY 2014 General Fund Budget conservatively anticipated and appropriated \$15,000 for the receipt of the 2013 Edward Byrne Memorial Justice Grant in the revenue line item 10015110-53155. The corresponding \$15,000 of expenditures are incorporated into multiple expenditure line items within the budget. The actual grant funds are \$33,225. The City views this as a positive and will allow the purchase of additional equipment which can be utilized by the Police Department. Stakeholders may locate this revenue line item in the FY 2014 General Fund Budget document on page #254.

Respectfully submitted for Council consideration.

Prepared by: Gregory Scott, Police Lt.

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

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**ORDINANCE NO. 2013 - 46****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 22<sup>nd</sup> day of July 2013.

APPROVED the 23<sup>rd</sup> day of July 2013.

APPROVED:

Tari Renner  
Mayor

ATTEST:

Tracey Covert  
City Clerk

(EXHIBIT #1 ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Lower, seconded by Alderman Sage that the 2013 Edward Byrne Memorial Justice Grant, in the amount of \$43,408, be accepted, the Mayor and City**

**Clerk be authorized to execute the necessary documents and the Budget Amendment Ordinance be passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: New World Systems Standard Software Maintenance Agreement Payment

**RECOMMENDATION/MOTION:** That the payment to New World Systems for standard software maintenance agreement, in the amount of \$44,811, be approved.

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

**STRATEGIC PLAN SIGNIFICANCE:** This agreement allows with City to support and maintain defined services and levels of service in the 911 Communications Center. Specifically, this agreement provides twenty-four (24) hour support and maintenance to the Computer Aided Dispatch system used to dispatch police, fire, and ambulance units.

**BACKGROUND:** This standard software maintenance agreement payment is part of an agreement that is effective from February 1, 2012 to January 31, 2015. The original agreement was approved by Council on January 23, 2012. This payment covers the term of August 1, 2013 to January 31, 2014.

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

**FINANCIAL IMPACT:** The FY 2014 Budget appropriated \$45,931.50 to New World Systems for a standard software maintenance agreement in line item 10015118-70530. The total cost for this software maintenance agreement is \$44,811, which is \$1,120.50 below the appropriated budget or 2.44%. Stakeholders may locate this purchase in the FY 2014 General Fund Budget document on page #266.

Respectfully submitted for Council consideration.

Prepared by: Darren R. Wolf, Communications Center Manager

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

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Lower, seconded by Alderman Sage that the payment to New World Systems for a standard software maintenance agreement, in the amount of \$44,811, be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application by Bloomington Normal (BN) Jaycees, requesting a Limited Liquor License, (LB), which would allow the sale of beer and wine only by the glass for consumption at the event called “Bruegala”, a charitable fundraiser, to be held at the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., on Friday and Saturday, August 23 and 24, 2013 from 5:00 p.m. to 11:00 p.m.

**RECOMMENDATION/MOTION:** That the application by BN Jaycees, requesting a Limited Liquor License, (LB), which would allow the sale of beer and wine only by the glass for consumption at the event called “Bruegala”, a charitable fundraiser, to be held at the BCPA, located at 600 N. East St., on Friday and Saturday, August 23 and 24, 2013 from 5:00 p.m. to 11:00 p.m. be created, contingent upon compliance with all applicable health and safety codes.

**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 application by Bloomington Normal (BN) Jaycees, requesting a Limited Liquor License, (LB), which would allow the sale of beer and wine only by the glass for



consumption at the event called “Bruegala”, a charitable fundraiser, to be held at the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., on Friday and Saturday, August 23 and 24, 2013 from 5:00 p.m. to 11:00 p.m. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk; and Seth Carter and Jeremy Kelley, BN Jaycees and Applicant representatives.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicants address this application. He noted that Bruegala was an annual event. This year marked Bruegala’s fourteenth (14<sup>th</sup>) year. Samples will be available in the BCPA Ballroom and sales by the glass would be available at Lincoln Festival Park in conjunction with concerts by Red Wanting Blue and David Mayfield Parade. Bruegala was a charity event.

Seth Carter and Jeremy Kelley, BN Jaycees and Applicant representatives, addressed the Commission. They served as the event co-chairpersons. This year, the plan was to serve beer in glass pints for a VIP Section. Last year, the beer was served in twelve ounce (12 oz.) plastic cups.

Commissioner Tompkins noted that this was an annual event which was well run. He informed the Commission that he had attended same in the past. Bruegala was professionally operated. He informed Mr. Carter and Mr. Kelley that Liquor Commissioners have the right to enter and inspect the event. He stated his intention to attend Bruegala this year.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application by BN Jaycees, requesting a Limited Liquor License, (LB), which would allow the sale of beer and wine only by the glass for consumption at the event called “Bruegala”, a charitable fundraiser, to be held at the BCPA, located at 600 N. East St., on Friday and Saturday, August 23 and 24, 2013 from 5:00 p.m. to 11:00 p.m. be approved.

Motion carried, (unanimously).

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the July 9, 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.

Recommended by:

Tari Renner  
Mayor

**Motion by Alderman Lower, seconded by Alderman Sage that the application by BN Jaycees, requesting a Limited Liquor License, (LB), which would allow the sale of beer and wine only by the glass for consumption at the event called “Bruegala”, a charitable fundraiser, to be held at the BCPA, located at 600 N. East St., on Friday and Saturday, August 23 and 24, 2013 from 5:00 p.m. to 11:00 p.m. be created, contingent upon compliance with all applicable health and safety codes..**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Text Amendment to Chapter 31. Section 901, Changing the Closing Time at Friendship Park from 10:00 PM to 9:00 PM

**RECOMMENDATION/MOTION:** That the Text Amendment to Chapter 31. Section 901, Hours of Parks – Penalty, be approved and the Ordinance passed.

**STRATEGIC PLAN SIGNIFICANCE:** Goal 4. Strong neighborhoods; Objective 4a. Residents feeling safe in their homes and neighborhoods; Objective 4e. Strong partnership with residents and neighborhood associations; and Goal 5. Great place – livable, sustainable City; Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

**BACKGROUND:** Currently, Chapter 31. Section 901 sets park hours as 6:00 a.m. to 10:00 p.m. for all public parks in the City. Constitution Trail is closed one (1) hour after sunset until one (1) hour before sunrise.

Friendship Park, located at 719 W. Jefferson St., is a very small mini park that was created in the 1990’s when the City made improvements to dead end Jefferson St. to address some problems in the neighborhood. On April 23, 2013, staff attended a meeting with residents in and around the Friendship Park area. Staff, along with a couple of Aldermen, heard requests from many of the attendees for Friendship Park to have an earlier closing time. Police Department staff in attendance acknowledged their interest in doing this to assist them with some of the neighborhood problems they are dealing with in this area.

The proposed text amendment would close Friendship Park between the hours of 9:00 p.m. and 6:00 a.m. If this text amendment is approved and the ordinance passed, enforcement will be

paramount. This will require cooperation from the lone full-time Park Police Officer and the City's Police Department to successfully implement an earlier closing time.

On July 11, 2013, the Public Safety Committee made a motion to recommend this text amendment to the full Council for passage and adoption.

The ordinance also updates the list of City Parks.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Neighborhood residents in and around the 700 block of W. Jefferson St., Jesus Coffee House, and City Police Department.

**FINANCIAL IMPACT:** The approval of this text amendment will require the cooperation from the lone full-time Park Police Officer and the City's Police Department to successfully implement an earlier closing time. These individuals are current City paid employees. Staff does not anticipate non-City resources will be used to enforce this ordinance therefore the financial impact to the City would be minimal.

Respectfully submitted for Council consideration.

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

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**ORDINANCE 2013 - 47****AN ORDINANCE AMENDING SECTION 901 OF CHAPTER 31 OF THE  
BLOOMINGTON CITY CODE, LISTING THE PUBLIC PARKS AND ESTABLISHING  
CLOSING HOURS FOR FRIENDSHIP PARK****BE IT ORDAINED BY THE  
CITY COUNCIL OF THE CITY OF BLOOMINGTON:**

SECTION ONE: That Section 901(a) of Chapter 31 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(a) As used in this Section, the term “public parks” shall include Airport Park, Bloomington High School Tennis Courts, Buck-Mann Park, Evergreen Park, Ewing Parks I, II and III, Fell Avenue Park, Forest Park, Franklin Park, ~~Front Street Park~~, Withers Park, Highland Park, Holiday Park, Miller Park, Oakland School Park, O’Neil Park, Rollingbrook Park, Stevenson School Park, Suburban East Park, Sunnyside Park and Constitution Trail, Northpoint Park, Buckeye Park, ~~and~~ Angler’s Lake Nature Preserve, Clearwater Park, Eagle Crest Park, Tipton Park, McGraw Park, Bittner Park, Atwood Wayside, Lincoln Park, Dawes Place, Friendship Park, Alton Depot, the Den at Fox Creek Golf Course, Lincoln Leisure Center, P.J. Ervin Park, Pepper Ridge Park, Prairie Vista Golf Course, Sale Barn Soccer Fields, Cedar Ridge Park, Emerson Park, Lincoln Oak Memorial Park, Marie Litta Park, R.T. Dunn Fields, Brookridge Park, Gaelic Park, Eagle View Park, The Grove Park, and Hershey Road Community Gardens.

SECTION TWO: That Section 901(b) of Chapter 31 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(b) Constitution Trail shall be closed between one hour after sunset and one hour before sunrise. Friendship Park shall be closed between the hours of 9:00 p.m. and 6:00 a.m. All other public parks in the City of Bloomington shall be closed between the hours of 10:00 p.m. and 6:00 a.m. Except as provided in subsection (c), no person shall enter or remain upon the premises of a public park in the City of Bloomington during hours said park is closed.

SECTION THREE: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION FOUR: That this ordinance shall take effect immediately upon passage and approval.

SECTION FIVE: That this ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution.

ADOPTED this 22<sup>nd</sup> day of July, 2013.

APPROVED this 23<sup>rd</sup> day of July, 2013.

APPROVED:

Tari Renner  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Lower, seconded by Alderman Sage that the Text Amendment to Chapter 31. Section 901, Hours of Parks – Penalty, be approved and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Variance from Chapter 38, Section 123(a) of City Code to Allow a Driveway Approach Thirty-three Feet (33') Wide at 3013 Mirium Dr.

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

**STRATEGIC PLAN LINK:** Goal 3. Strong neighborhoods.

**STRATEGIC PLAN SIGNIFICANCE:** Objectives 3.c. Preservation of property/home valuation and 3.e. Strong partnership with residents and neighborhood associations.

**BACKGROUND:** Staff has received a written request from Jim Kachelmuss, owner of 3013 Mirium Dr., to grant a variance to Chapter 38, Section 123(a) of City Code to allow a driveway approach thirty-three feet (33') wide at the property line. This is an existing single family residence with a two (2) car garage on a corner lot that has 128' of frontage along Mirium Dr. which is where the existing seventeen foot (17') wide driveway approach is located. The driveway is currently seventeen feet (17') wide and the owner is requesting permission to add sixteen feet (16') to the driveway to accommodate the addition of a third stall on to the garage which would be constructed in conjunction with the driveway widening. City Code allows

residential double wide driveways to be up to twenty feet (20') wide at the property line and no more than one (1) driveway entrance if the lot is less than 100' wide. One (1) thirty-three foot (33') wide driveway would be proposed for approval in lieu of two (2) twenty foot (20') wide driveway approaches. Driveway variances are recommended by the Public Works Department on a case by case basis after evaluation of criteria such as sight distance, width of adjacent roadway and amount of property frontage.

The following is the evaluation by staff on the different criteria:

- Sight distance – there are no identified issues with horizontal or vertical sight distance by allowing this variance.
- Width of adjacent roadway – the adjacent roadway is of sufficient width to allow the driveway widening without causing concern.
- Distance to intersection – the driveway is being expanded further away from the intersection so that is not a concern.
- Amount of property frontage – with 128' of frontage, there is enough to allow for expanding the existing driveway by sixteen feet (16').

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Jim Kachelmuss, homeowner.

**FINANCIAL IMPACT:** None.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Legal review by: J. Todd Greenburg, Corporation Counsel

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

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Lower, seconded by Alderman Sage that the variance be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Extension of the Existing Expired Fox Creek Village Planned Unit Development (PUD) Preliminary Plan

**RECOMMENDATION/MOTION:** That the extension of the existing expired Fox Creek Village PUD Preliminary Plan be approved for a time not to exceed 120 days and the Ordinance passed.

**STRATEGIC PLAN SIGNIFICANCE:** Having a good preliminary plan for subdivisions is one of the first steps in creating a livable, sustainable City, (Goal 5). A temporary reinstatement of this preliminary plan is a first step in continued work with the developers to improve shortcomings of an older plan.

**BACKGROUND:** The Fox Creek developments began in 1993 with the coinciding development of the Fox Creek Country Club Golf Course. In May 2003, the Council approved a Preliminary Plan for the Fox Creek Village PUD. The last Final Plat approved for this development was August 2005. This PUD was a compact development with a mix of duplexes and single family homes on private streets. This Preliminary Plan continued until recently when the developers filed for approval of the Final Plat for the Third Addition to Fox Creek Village PUD. It was determined that due to the time constraints in Chapter 25. Land Subdivision, the Preliminary Plan had expired. In short, the economic downturn in the past several years caused development to halt for enough time that it caused the Preliminary Plan to expire. Without a valid Preliminary Plan, a Final Plat cannot be approved.

With the previous Preliminary Plan expired, the petitioners began the process of establishing a new Preliminary Plan. They submitted new plans for review by staff and the Planning Commission. The new Preliminary Plan was nearly identical to the expired plan. During staff review, it was determined there were several development issues, that while approved originally, staff had concerns about moving forward. These concerns involved, among other things, public safety issues including emergency vehicle and pedestrian access throughout the subdivision.

To this point the petitioners have been working diligently with staff to address these issues and have developed a new Preliminary Plan which staff thinks positively about. Due to some short timing issues including completing the new Preliminary Plan and new home sales on lots that cannot presently be final platted, the petitioners are requesting an extension of the Preliminary Plan as allowed by Chapter 24. Land Subdivision, Section 3.2.9, Extension of a Preliminary Plan. By extending the originally approved Preliminary Plan, the petitioners can final plat the lots needed for construction of the homes currently under contract. This also provides the time needed for the petitioner to finish the new Preliminary Plan so it can be reviewed by staff and the Planning Commission.

Staff is in agreement with this process. However, in an effort to keep from making the old plan open ended, staff is recommending the approval have a 120 day expiration date. This should be an adequate amount of time for the new plan to be worked out and vetted through the approval process.

On July 10, 2013, the Planning Commission met to discuss the progress on the revised Preliminary Plan for the Fox Creek Village PUD. Staff explained the current sequence of events and the request being made of the Council. The Commission voted to continue the hearing on the Fox Creek Village PUD until August 14, 2013. As part of their motion they also voted to recommend the Council approve extension of the existing Preliminary Plan for a period not to exceed 120 days.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There is no additional requirement for public notice for the Council to take the action requested here. However, the new Preliminary Plan is currently working its way through the Planning Commission where public notice has been given, signage has been placed on the property, and direct mailings have been sent.

**FINANCIAL IMPACT:** There are no particular financial impacts to the City if the Council approves this recommended action. However, there is the possibility there could be a financial impact once the final outcome of the new Preliminary Plan has been determined. This financial impact will be addressed when these impacts become known and applicable to the City.

Respectfully submitted for Council consideration.

Prepared by: Mark R. Huber, Director - PACE

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Legal review by: Todd Greenburg, Corporation Council

Recommended by:

David A. Hales  
City Manager



**ORDINANCE NO. 2013 - 48**

**AN ORDINANCE EXTENDING THE FOX CREEK PUD PRELIMINARY PLAN**

WHEREAS, the Land Subdivision Code of the City of Bloomington (Bloomington City Code, 1960, as amended, Chapter 24) regulates the manner in which land within the corporate limits of the City of Bloomington is subdivided into smaller lots, including provisions for preliminary plans of proposed developments showing public and private infrastructure, and

WHEREAS, such planning promotes the public health, safety and welfare by permitting the City staff, the City Planning Commission, and the City Council the opportunity to review private developments and to provide input for safe movement of pedestrians and vehicles, adequate space for recreational uses, and adequate provisions for water, sewer, gas, electricity and other needed infrastructure, and

WHEREAS, the City is reexamining its policies regarding whether provisions for private streets and waiver of sidewalks serves the long-term needs of the residents of the City; and

WHEREAS, the Preliminary Plan for the Fox Creek PUD has expired and, although the City is willing to revive and extend the Preliminary Plan for a short period of time in order to permit the filing of a Final Plat for Fox Creek Village, 3<sup>rd</sup> Addition, the City staff is in the process of reviewing a new Preliminary Plan for Fox Creek PUD which provides more adequate access for emergency vehicles and pedestrian access to nearby schools and does not desire to further encourage development of Fox Creek PUD under the original Preliminary Plan, the City Council of the City of Bloomington is reviving and extending the original Fox Creek PUD Preliminary Plan for a term not to exceed 120 days from the date of this action:

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

That the preamble to this Ordinance is hereby incorporated by reference and made a part of this Ordinance, and that the Preliminary Plan of Fox Creek PUD, originally approved on May 27, 2003, is revived and extended for a term not to exceed 120 days from July 22, 2013.

PASSED this 22<sup>nd</sup> day of July, 2013.

APPROVED this 23<sup>rd</sup> day of July, 2013.

APPROVED:

Tari Renner  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Lower, seconded by Alderman Sage that the extension of the existing expired Fox Creek Village PUD Preliminary Plan be approved for a time not to exceed 120 days, and the Ordinance be passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition from Fox Creek Village, LLC Requesting Approval of a Final Plat for Fox Creek Village, 3<sup>rd</sup> Addition, Located South of Fox Creek Rd. and West of Union Pacific Railroad

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

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

**STRATEGIC PLAN SIGNIFICANCE:** Approval of this Final Plat allows the property to become viable to sell and used in a beneficial way.

**BACKGROUND:** The original Preliminary Plan for the Fox Creek Village Planned Unit Development (PUD) was passed by the Council on May 23, 2003. The last approved Final Plat for this area was passed by the Council on August 25, 2008. Since over three (3) years have elapsed since the last Final Plat was approved, the Preliminary Plan for this area has expired. The last approved construction plans for an addition to this subdivision, (Fox Creek Village 3<sup>rd</sup> Addition), were approved by the City on July 23, 2010, before the Preliminary Plan had expired. The developer delayed construction until spring 2013. Technically construction of infrastructure for the 3<sup>rd</sup> Addition occurred while the Preliminary Plan had expired. This Final Plat is being submitted in conjunction with a temporary reinstatement of the existing Preliminary Plan to allow the developer to proceed with construction of several houses along Misty Ln., (Court).

The subject Final Plat includes the following minor deviations from the Preliminary Plan approved on May 27, 2003:

- An additional six feet (6') of private right of way on Misty Ln., (Court) and Winding Way for sidewalks.
- The parking area on Winding Way has been shifted to allow for sidewalk on Winding Way.
- The end of the cul-de-sac will be extended to Winding Way in a future amended Preliminary Plan
- The street name has been changed from Misty Court to Misty Ln., as it will not be a cul-de-sac in the future amended Preliminary Plan.

The deviations from the existing Preliminary Plan have been made to comply with the future amended Preliminary Plan.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Fox Creek Village, LLC.

**FINANCIAL IMPACT:** All survey, plat and recording costs are paid by Fox Creek Village, LLC.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT**

State of Illinois                     )  
   )ss.  
 County of McLean                 )

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

Now comes Fox Creek Village, LLC, an Illinois limited liability company hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as Third Addition to Fox Creek Village PUD Subdivision;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None other than permitted by the Preliminary Plan and/or Annexation Agreement.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

FOX CREEK VILLAGE, LLC,  
 By Snyder Properties Trust, Member,

By: Stephen W. Snyder, One of its Trustees

**ORDINANCE NO. 2013 - 49**

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE  
THIRD ADDITION TO 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 Final Plat of the Third Addition to Fox Creek Village PUD Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: None other than permitted by the Preliminary Plan and/or Annexation Agreement; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, 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 Final Plat of the Third Addition to 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 of the time of its passage this 22<sup>nd</sup> day of July, 2013.

APPROVED:

Tari Renner  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Exhibit A – Legal Description**

Outlot 46 in the Second Addition to Fox Creek Village Subdivision in the City of Bloomington, McLean County, Illinois, according to the plat recorded as Document No. 2008-26743 in the McLean County Recorder's Office, being a part of the Northwest Quarter of Section 19, Township 23 North, Range 2 East of the Third Principal Meridian, and a part of Lot 4 in Capen's Subdivision of Part of Sections 13 and 24, Township 23 North, Range 1 East of the Third Principal Meridian, and a 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 7 in Fox Creek Village Subdivision Planned Unit Development in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2003-46554 in said Recorder's Office. From said Point of Beginning, thence southwest 173.00 feet along the Northwesterly Right-of-Way Line of the former Chicago and Alton Railroad, said Right-of-Way line also being the Southeasterly Line of Lot 4 in Capen's Subdivision; thence northwest 129.95 feet along a line which forms an angle to the left of 89°-59'-37" with the last described course; thence northeast 19.97 feet along a line which forms an angle to the left of 90°-00'-00" with the last described course; thence northwest 76.16 feet along a line which forms an angle to the left of 270°-00'-00" with the last described course to a point on the South Line of said Outlot 46; thence east 2.28 feet along said South Line which forms an angle to the left of 26°-01'-08" with the last described course; thence southeast 99.11 feet along said South Line which forms an angle to the left of 153°-58'-52" with the last described course to the Southernmost Corner of said Outlot 46; thence northeast 152.03 feet along the Southeasterly Line of said Outlot 46 which forms an angle to the left of 270°-00'-00" with the last described course to the Westernmost Corner of said Lot 7; thence southeast 104.93 feet along the Southwesterly Line of said Lot 7 which forms an angle to the left of 90°-00'-00" with the last described course to the Point of Beginning.

**Motion by Alderman Lower, seconded by Alderman Sage that the Final Plat be approved and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 1, Block 4 of Camp Kickapoo (Resurvey of Lots 3, 4 & 5), from McLean County Land Trust H-330, Edgar E Lundeen, Jr., Trustee, to Keith Evans**

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

**STRATEGIC PLAN LINK:** Goal 1: Financially sound City providing quality basic services. Value for your tax dollars and fees.

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

**BACKGROUND:** Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 1, Block 4 of Camp Kickapoo from McLean County Land Trust H-330, Edgar E Lundeen, Jr., Trustee, to Keith Evans. The sewage disposal system inspection was completed in late June 2013. The age of the system is fifty-one (51) years. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20 - 25) years.

The septic tank and seepage field are slightly smaller than what current code calls for. However, this system is a subsurface discharging system which means it has a septic field and does not drain directly to the reservoir via a drainage trench like a sand filter system does. If this system malfunctions, it would cause a backup into the home.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There were no community groups contacted as it is a routine matter.

**FINANCIAL IMPACT:** This petition will have a positive financial impact in that the current lease uses an older formula, (\$.15 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. With this Lake Lease transfer, the Lake Lease formula will use the current fee, (\$.40 per \$100 of Equalized Assessed Value), and generate the about \$205 per year in lease income. This Lake Lease income will be posted to Lake Lease revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Lower, seconded by Alderman Sage that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Lake Bloomington Lease Transfer Petition for Lot 3, Block 15 of Camp Potawatomie from Francis Quinn, to Tom and Amy Miller

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

**STRATEGIC PLAN LINK:** Goal 1: Financially sound City providing quality basic services. Value for your tax dollars and fees.

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

**BACKGROUND:** Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 3, Block 15 of Camp Potawatomie from Francis Quinn, to Tom and Amy Miller. The sewage disposal system inspection was completed in early July 2013. The age of the system is over fifty (50) years. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20 – 25) years. However, this can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance. This system meets current code and is functioning normally.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There were no community groups contacted as it is a routine matter.

**FINANCIAL IMPACT:** This petition will have a neutral financial impact in that the current lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. With this Lake Lease transfer, the Lake Lease formula will generate about \$79 per year in lease income. This Lake Lease income will be posted to Lake Lease revenue account 50100140-57590.

Respectfully submitted for Council consideration.



Prepared by: Craig M. Cummings, Director of Water  
Reviewed by: Barbara J. Adkins, Deputy City Manager  
Financial & budgetary review by: Timothy L. Ervin, CPFO, MS, Budget Officer  
Legal review by: J. Todd Greenburg, Corporation Counsel  
Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Lower, seconded by Alderman Sage that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Proposed Amendment to Contract Regarding the Clinton Landfill Permit Application to Accept Polychlorinated Biphenyls

**RECOMMENDATION/MOTION:** That the Amendment to the contract regarding the Clinton Landfill Permit Application to Accept Polychlorinated Biphenyls in the amount of \$2,000 be approved.

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

**STRATEGIC PLAN SIGNIFICANCE:** Objective 5a. Well planned City with necessary services and infrastructure.

**SUMMARY:** On February 27, 2012, the Council approved an Intergovernmental Agreement joining a coalition in opposition to the permitting of Polychlorinated Biphenyls at the Clinton Landfill #3 site in DeWitt County. The landfill is located directly over top of the Mahomet Aquifer; which is one of the largest groundwater resources in the state underlining fifteen (15) counties and providing 100,000,000 gallons per day of groundwater for public water use,

industrial use, and irrigation. The coalition currently has nine (9) members: City of Champaign, (acting lead agency), Town of Normal, City of Urbana, Village of Savoy, Champaign County, Piatt County, Mahomet Valley Water Authority, City of Decatur, and City of Bloomington.

On June 26, 2013, it came to the attention of staff that the City of Champaign, (as acting lead agency), had, to date, approved and processed payments to the two (2) attorneys representing the local government Clinton Landfill litigation coalition in the amount of \$36,840.58. This amount exceeds the “not-to-exceed” limit set forth in the current contract with the attorneys of \$30,000 for a “Challenge to IEPA Approval.” Champaign City officials brought this to the attention of the two (2) attorneys, and they offered apologies for not monitoring their billings more carefully with regards to the contract terms. While the City of Champaign’s Legal Department has consistently found the billings from Mr. Wentworth and Mr. Ettinger to be very reasonable for the high level of work they have performed to date, the City of Champaign apologized on behalf of the litigation coalition for not monitoring the billings more closely.

**Summary of Contracts with David Wentworth and Albert Ettinger:** The City of Champaign, in its capacity as the designated lead agency in the Intergovernmental Agreement, has now entered into two (2) contracts with David Wentworth’s law firm and Albert Ettinger. The initial contract, executed on January 17, 2012, called for the attorneys to review the administrative records pertaining to any local and state approvals of the proposed chemical waste unit at the Clinton Landfill facility, identify any legal issues with regards to those approvals, and to review the administrative record of Clinton Landfill, Inc.’s pending application to the US EPA, (Environmental Protection Agency), seeking approval for the disposal of waste containing concentrations of Polychlorinated Biphenyls, (PCBs), that are regulated by the Federal Toxic Substances Control Act, (the Council was provided with a copy of the Legal Services Agreement entered into by the City of Champaign dated January 17, 2012). The contract committed both attorneys to an hourly rate of \$175 to perform those services, with a not to exceed cap on those charges of \$12,500.

That contract was superseded by a second contract, executed on September 12, 2012, which combined the scope of services from the first contract with work necessary to prosecute a legal challenge in court to any IEPA approval of the chemical waste for a revised not to exceed cap of \$30,000. In addition, the new contract also provided a not to exceed cap for fees of an additional \$10,000 for the prosecution of any appeal from any decision rendered by the trial court on the IEPA approval challenge, and provided a cumulative not to exceed cap for legal services of \$75,000, to include all of the trial and appeals work associated with the IEPA approval challenge and all work to prosecute a challenge, at the trial level, to any US EPA approval of the PCB waste disposal application, if such an approval occurs, (the Council was provided with a copy of the Legal Services Agreement entered into by the City of Champaign dated July 31, 2012).

**Assessment of the Legal Work Performed to Date by Attorneys Wentworth and Ettinger:** The City of Champaign reports that they have been very satisfied with the services Mr. Wentworth and Mr. Ettinger have rendered to the coalition to date. The City finds the hourly billing rates of \$175 per hour by Mr. Wentworth and Mr. Ettinger very reasonable given the experience of each of these attorneys. Champaign’s legal staff states that hourly rates between \$300 and \$500 are not at all unusual for the type of legal work performed by the coalition’s

attorneys. In addition, Champaign's legal staff states itemized bills approved to date have been very reasonable in the manner they have attributed amounts of time to the completion of various tasks the attorneys have performed.

**Complexity of the Case:** Champaign's legal staff stated that in their opinion the cost overrun can be explained to a significant degree by the unanticipated complexity of developing the legal strategy the coalition's attorneys have arrived at as the basis for the pending complaint before the Illinois Pollution Control Board, (IPCB). That complaint takes the form of a "Citizen's Complaint", filed pursuant to authority granted by Section 31, paragraph (d) of the Illinois Environmental Protection Act, (the "Act", 415 ILCS 5/31). It alleges that the chemical waste unit cannot be lawfully operated by Clinton Landfill, Inc. at their Clinton Landfill facility because a chemical waste unit, the landfill classification necessary under state law for acceptance of waste with high concentrations of PCBs, was not evaluated and approved by the DeWitt County Board at a local siting review hearing conducted in accordance with Section 39.2 of the Act (415 ILCS 5/39.2). This approach was recommended by the coalition's attorneys because of the difficulty, under current Illinois law, of directly attacking decisions by the IEPA that approve proposed landfills.

**The IEPA's Unorthodox "Permit Modification" Approach to Proposed Chemical Waste Unit:** What significantly complicated matters for purposes of challenging the state and local approvals regarding the Clinton Landfill site was the IEPA did in fact authorize the operation of the chemical waste unit by means of an approved "modification" of the previously granted permit for a conventional municipal solid waste landfill. This, in the view of the coalition's attorneys was an impermissible use of the permit modification mechanism for what the coalition's complaint alleges was a "new pollution control facility," authorized under state law to accept substantially more hazardous materials than those that may be lawfully disposed of at a municipal solid waste landfill. The coalition's attorneys determined that the Citizen's Complaint approach, naming the landfill company as the offending party, had the greatest likelihood of success because of the obstacles under current law to a direct challenge to the IEPA action in this case.

**Enlisting the Support of the Illinois Attorney General's Office:** In addition to formulating what the coalition considers a very creative strategy to contest the lawfulness of the chemical waste unit under state law, the coalition's attorneys effectively engaged the attorneys in the Environmental Division of the Illinois Attorney General's (IAG) Office to enlist their support for the coalition's complaint. That office has now formally intervened in the case before the IPCB and filed a brief supporting the coalition's position. Securing the support of the IAG's Office in favor of the coalition's view significantly increases the chances that the IPCB will find the coalition's complaint meritorious and force Clinton Landfill, Inc. to submit its proposal to DeWitt County and satisfy the county that the criteria of Section 39.2 have been met, including a showing that the facility is "so designed, located and proposed to be operated that the public health, safety and welfare will be protected."

**The Newly Elected DeWitt County Board:** The current DeWitt County Board has some new members who campaigned against their incumbent opponents based on concerns about the previous Board's lax oversight of the Clinton Landfill facility, and more specifically its

unwillingness to even evaluate the level of threat posed by the Chemical Waste Unit to the Mahomet Aquifer. Coalition members believe that current indications are that a majority of the current board members are prepared to conduct the thorough local siting review called for by Section 39.2 of the Act.

**Recommendation of Approval of Proposed Amendment:** The coalition's attorneys have indicated that, as a result of the extensive amount of work already performed in preparation for the filing of the Citizen's Complaint, they have performed the large majority of the work that will be necessary to prosecute the coalition's complaint to the point that the IPCB renders a "final" disposition of the complaint. For that reason, they are willing to be bound by a new not to exceed figure of \$38,000 for that phase of their representation. For the reasons stated above, Champaign's legal staff believes this modification of the contract with Attorneys Wentworth and Ettinger is warranted and very reasonable and *recommend its approval*.

**Coalition Members Supporting the Amendment to Date:** The following coalition members have already approved the amendment: Champaign, Normal, Urbana, Savoy, Champaign County, Piatt County, Mahomet Valley Water Authority, and Decatur. The City is the only coalition member that has yet to approve this amendment.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Coalition members in opposition of a PCB permit for the Clinton Landfill site #3 in DeWitt County: Champaign, Normal, Urbana, Savoy, Champaign County, Piatt County, Mahomet Valley Water Authority, and Decatur.

**FINANCIAL IMPACT:** The proposed contract amendment would increase the "not to exceed" limit for legal services to challenge the IEPA permit approval from \$30,000 to \$38,000. The City is currently in a percent share agreement with coalition members based on population. The City is responsible for 17.42% of the costs associated with the coalition's attorneys, plus a portion of a \$3,800 administrative fee due to the City of Champaign. The proposed amendment would increase the City's costs by approximately \$2,000 and be deducted from 10010010-70690.

Respectfully submitted for consideration.

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

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

Alderman Fazzini expressed his concern regarding the small increase to this contract, (\$2,000) and the fifty-three (53) pages of justification for same. The Council needed to grant authority to the City Manager to approve contract amendments. This issue should be addressed in the City's new purchasing policy.

Alderman Lower noted that this issue would impact DeWitt County. This was an important issue.

Alderman Sage echoed Alderman Fazzini's comments. The Council needed to grant spending authority to the City Manager.

Alderman Stearns expressed her confusion. The Council was proposing granting discretionary spending authority to the City Manager.

David Hales, City Manager, noted that the Council had given him authority up to \$25,000 for commodities and/or services. The Council had recommended granting the City Manager authority to approve contract amendments.

Alderman Stearns noted that this would involve contract change orders. She had supported the City entering into this contract. She expressed her interest in change orders and wanted to be aware of all contract amendments. Citizens were concerned about change orders. She expressed her opposition to changing the current policy/practice.

Motion by Alderman Fazzini, seconded by Alderman Lower that the Amendment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Replacement of Fire Department 100' Aerial Platform Truck

**RECOMMENDATION/MOTION:** Presentation only.

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

**STRATEGIC PLAN SIGNIFICANCE:** Objective 5. Well planned City with necessary services and infrastructure. The purchase of the truck is part of the Fire Department's vehicle replacement plan and is needed to provide necessary services to the community.

**BACKGROUND:** See next item, Replacement of Fire Department 100' Aerial Platform Truck.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** None.

**FINANCIAL IMPACT:** See next item, Replacement of Fire Department 100' Aerial Platform Truck.

Respectfully submitted for Council consideration.

Prepared by: Lester Siron, Deputy Chief

Reviewed by: Mike Kimmerling, Fire Chief

Recommended by:

David A. Hales  
City Manager

**The following was presented:**

**Mayor Renner introduced this item.**

**David Hales, City Manager, addressed the Council. City staff would make a presentation regarding the purchase of this vehicle prior to voting on the purchase of same. This would be a front line vehicle. The current truck would become a reserve vehicle.**

**Mike Kimmerling, Fire Chief, addressed the Council. He presented an overview of the Fire Department's vehicle inventory. The presentation included each Fire Station with a listing of the frontline and reserve apparatus. The Council had been provided with a map of the department's occupied fire stations. The goal was adequate response times. Chief Kimmerling reviewed the apparatus for each station. There were front line and reserve vehicles. Structural fires at a minimum required two (2) engines and a truck. He cited the department's call volume. He noted vehicle maintenance and the need for reserve units. He added that Hazmat 1 and Squad 4 were currently unstaffed units. The crash vehicle was staffed and paid for by the Airport Authority.**

**Mayor Renner thanked the Fire Department for their efforts.**

SUBJECT: Replacement of Fire Department 100' Aerial Platform Truck

**RECOMMENDATION/MOTION:** That the purchase of an Emergency One 100' rear mount platform demonstrator truck from Banner Fire Equipment, Inc., Roxana, IL, be approved, in the amount of \$964,950, Truck 2 and Truck 4 be sold with proceeds deposited into the General Fund to offset this purchase, and Budget Amendment Ordinance passed.

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

**STRATEGIC PLAN SIGNIFICANCE:** Objective 5a. Well planned City with necessary services and infrastructure. The purchase of this truck is part of the Fire Department's vehicle replacement plan and is needed to provide necessary services to the community.

**BACKGROUND:** The Fire Department operates with a single 100' aerial platform apparatus within the City. Aerial platforms provide a stable elevated work surface for multiple firefighters to achieve fire suppression and rescue activities. The platform provides firefighters a "bucket" or operational platform which significantly increases the safety for firefighters and victims within an already hazardous environment in comparison to straight ladders mounted on fire apparatus. The aerial platform is assigned to Station 3, which provides emergency assistance in the northeast region of the community in addition to aerial support for structure fires and other pertinent emergencies within the community. Both the City and the Town of Normal have one (1) aerial platform in service on a daily basis.

In 2009, an Engine Company was repositioned from Station 3 to Station 6 due to the weakened financial position of the City. This left an ambulance and a ladder company at Fire Station 3. Through this repositioning of manpower and the Engine Company, the City did not have to add additional firefighter/paramedics to the department. One consequence of this action was the 100' aerial platform apparatus assigned to Station 3 began to respond to numerous types of emergencies from medical emergencies to automobile accidents in addition to structure fires on a daily basis. As a result of the additional wear and tear, the fire apparatus, purchased in 1998, is reaching the end of its useful life as a primary response vehicle. The fire apparatus has served the City residents for fifteen (15) years. The Fire Department plans to incorporate this vehicle into the fire apparatus reserve fleet.

The City's fire apparatus reserve fleet currently has a 1994 mid mount aerial platform. This platform has incurred maintenance issues and has frequently been out of service. Another drawback with this reserve unit is the mid mount's setup is difficult for fire suppression activities. It is extremely important to have at least one (1) aerial platform in the City. It is optimal for the City to possess a reliable front line aerial platform with a reliable reserve fire apparatus. The purchase of a replacement 100' aerial platform apparatus and transition of the current fire apparatus to a reserve status will accomplish this goal.

This recommendation, the purchase of a 100' aerial platform apparatus, is conditioned upon a demonstration unit being available. If this unit is no longer available, staff would return to the Council and request approval to bid for a new 100' aerial platform apparatus. If approved, the bid would be issued with an award to the appropriate vendor. The estimated purchase price for a new customized 100' aerial platform apparatus would be approximately \$1.3 million

Staff is requesting Council approval to purchase of a demonstration model from Banner Fire Equipment, Inc. While a demonstration truck is not the ideal option in all cases, this particular situation would be in the best interest of the City and the Fire Department, as well as be fiscally responsible. The purchase of this piece of fire apparatus has the potential to result in cost savings estimated at \$300,000 - \$400,000. Demonstration trucks are fabricated to a standard specification exclusive of custom features integrated into fire apparatus. The available demonstration unit is priced at \$964,950. In addition to lower cost, staff believes that the demonstration truck is similar to the existing aerial platform and will meet the Fire Department's requirements. Additionally, the delivery time of a demonstration truck is significantly less than customized fire apparatus.

To further assist with the purchase of the 100' aerial platform apparatus, staff recommends two (2) currently owned fire apparatus, (Truck 2 and Truck 4), be sold with the proceeds from their sale offsetting cost of the new fire apparatus. Truck 2 would not be sold until the new vehicle is in service. The sale of these two (2) vehicles *will not* hinder the department's firefighting activities. Staff has provided estimated values for each fire apparatus. The combined estimates are \$500,000. These funds would offset the overall price of the new fire apparatus. Staff recommends the sale of these two (2) pieces of fire equipment be included as part of the purchase of the 100' aerial platform.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** None.

**FINANCIAL IMPACT:** The FY 2014 Budget did not appropriate funds for the purchase of the 100' aerial platform truck. Although the initial budget incorporated the replacement of this truck, the final budget excluded this vehicle due to the lack of funds. This was the same approach used for the construction of Eagle View Park. As mentioned, staff recommended the replacement of the 100' aerial platform truck within the FY 2014 Budget. On September 26, 2012, the Council approved the FY 2013 Capital Lease with Commerce Bank, in the amount of \$5.572 million at 1.84%. One parameter of this lease allows the City to borrow additional funds to purchase additional equipment.

Staff has inquired whether the City could borrow additional funds to pay for the purchase of the 100' aerial platform truck under the terms of this lease. Commerce Bank has concurred with the issuance of a five (5) year capital lease in conjunction with the terms, (excluding interest), from the original lease bid by the City in FY 2013. The interest rate for this portion of the FY 2013 lease is expected to be 2.1%. This rate is locked in for thirty (30) days. The slight increase from the 1.84% is due to the fact interest rates have risen since the original issuance of the FY 2013 Capital Lease.

The initial purchase of the truck would be paid from line item 40110120-72130, (Capital Lease Fund), while the debt service payment would be paid from the Fire Department's line items 10015210-73401, (Principal Lease Payment), and 10015210-73701, (Interest Lease Payment), found within the General Fund. The first year payment of approximately \$192,990 will be paid from the City's General Fund balance and the corresponding Budget Amendment Ordinance has been prepared. Interest is excluded from year one since the first principal payment is paid



immediately by the City. The four (4) out year payments will be incorporated within the operating budget of the Fire Department during the compilation of the FY 2015 Budget.

<b>Debt Service Schedule</b>			
	<b>Principal Payments</b>	<b>Interest Payments</b>	<b>Total</b>
<b>Borrowing</b>	<b>\$964,950</b>		
Year 1	\$192,990		\$192,990
Year 2	\$192,990	\$15,980	\$208,970
Year 3	\$192,990	\$11,985	\$204,975
Year 4	\$192,990	\$7,990	\$200,980
Year 5	\$192,990	\$3,995	\$196,985

This debt service amortization chart does not include funds the City may receive from the salvage value of two (2) fire apparatus currently owned, (Truck 2 and Truck 4). The City can use these funds to pay down the lease. Upon the collection of these funds, the City will account for these funds within the Fire Department's revenue line item 10015210-57114, (Sale of Equipment), and restrict these proceeds to retire debt incurred due to the replacement of Fire Department vehicles. This practice is consistent with past City's practice where proceeds from equipment sold are accounted for within the specific department which purchased the equipment.

Respectfully submitted for Council consideration.

Prepared by: Lester Siron, Deputy Chief

Reviewed by: Mike Kimmerling, Fire Chief

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

Recommended by:

David A. Hales  
City Manager

**ORDINANCE NO. 2013 - 50****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 22<sup>th</sup> day of July 2013.

APPROVED the 23<sup>th</sup> day of July 2013.

APPROVED:

Tari Renner  
Mayor

ATTEST:

Tracey Covert  
City Clerk

(EXHIBIT #1 ON FILE IN CLERK'S OFFICE)

**Mayor Renner introduced this item.**

Alderman Lower cited his experience in a number of industries. The fire service required special use vehicles. He questioned the equipment needs for this vehicle. He noted that the City intended to purchase a demonstrator unit. He questioned what was missing and the cost for same in order to fully equip the unit.

Chief Kimmerling stated that there would not be any additional cost. Existing equipment would be moved from the existing vehicle. The price break was due to the fact that this would not be a brand new vehicle. He acknowledged that the cab configuration would be smaller than planned for. The current vehicle was fifteen (15) years old and had a lot of miles on it. This truck had been requested as part of the Fiscal Year (FY) 2014 budget. This request was a fiscally responsible approach. This truck would have some upgrades.

Alderman Fazzini noted that this item had been presented to the Public Safety Committee. He recommended that future Council memorandums include information regarding the presentation and vote by the Council Committee.

Motion by Alderman Lower, seconded by Alderman Sage that the purchase of an Emergency One 100' rear mount platform demonstrator truck from Banner Fire Equipment, Inc., Roxanna, IL, be approved, in the amount of \$964,950, Truck 2 and Truck 4 be sold with the proceeds deposited into the General Fund to offset this purchase, and the Budget Amendment Ordinance passed.

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

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

**Nays:** None.

**Motion carried.**

**The following was presented:**

**SUBJECT:** Solid Waste Program Analysis Final Draft Report

**RECOMMENDATION/MOTION:** Presentation only.

**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:** A copy of the Solid Waste Analysis, Final Draft Report dated July 22, 2013 was provided to the Council.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** None.

**FINANCIAL IMPACT:** A copy of Solid Waste Analysis, Final Draft Report dated July 22, 2013 was provided to the Council.

Respectfully submitted for Council consideration.

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

Recommended by:

David A. Hales  
City Manager

**Mayor Renner introduced this item.**

**David Hales, City Manager, addressed the Council. He recognized City staff involved with this report. He specifically cited Alex McElroy, Asst. to the City Manager and Jim Karch, Director – Public Works. This had been a lengthy project. There were policy issues for the Council.**

**Alex McElroy, Asst. to the City Manager, addressed the Council. He recognized City staff's efforts. The report contained a lot of information. Council would need to reflect on same. City staff would need Council input to prepare the final report. Staff's time line had a deadline of August 31, 2013.**

**Mr. Elroy presented a brief history. The report included five (5) major studies. He noted the progress. In the first year, two (2) reports were issued. The final report would include a fee analysis and recommendations. There were a number of reasons why the study was done. He presented a snapshot of the Solid Waste Program which addressed the users, services and history. He noted that carts had not been purchased for the refuse program.**

**Mr. Elroy addressed the equipment inventory. There was automated equipment. The City had purchased eleven (11) vehicles. There were not any back up vehicles. He cited trends which documented that the tonnage for bulk had decreased. In addition, daily refuse totals had also decreased which resulted in cost savings. At the same time, recycling had increased. These changes resulted in landfill savings.**

**He presented a fee for service history. A bar graph for same had been provided to the Council. The solid waste program required a transfer from the General Fund. This amount had decreased. He restated the impact of recycling.**

A cost analysis had been prepared which addressed days invested. Bulk waste represented the largest percentage of labor. It also was the largest cost percentage of the program. He also noted the percentage of participation.

Staff recommendations included a reduction to the number of buckets for bulk waste, an increase to the bulk waste bucket fee, and elimination of bulk waste drop offs at the yard. In addition, the City should continue to automate services and discontinue services to residential buildings with five (5) or more units for logistical issues.

Next steps included the Final Report, Council input and decisions about what services would be included.

Mayor Renner highlighted the issues.

Mr. Hales added that bulk waste was the most expensive component. Bulk waste usage was down. If this service was eliminated, City staff was concerned about illegal dumping. Technology would have a limited impact upon bulk waste. This service was not automated. The City might see full cost recovery with a \$4 per month increase to the fee. He cautioned that this was a preliminary estimate. The Council could also adopt a variable fee structure based upon volume. This report could be returned to the Infrastructure Committee. The Final Report would include recommendations and options. It was hard to find municipalities that offered bulk waste service.

Mayor Renner thanked Mr. McElroy for his efforts.

Alderman Fazzini noted the breath and depth of the analysis. He cautioned against additional costs based upon refuse amounts. The percentage was limited. He believed that the difference was ten percent (10%). He questioned if automated refuse collection would result in an increase percentage for recycling.

Alderman Stearns questioned the time spent on this report. She expressed her support for pay as you throw approach. Cost savings had been realized due to increases in recycling. Citizen should be asked to pay a fair rate. She cited the bulk waste program. City employees needed to be engaged in the process. They were concerned that refuse collection services would be taken away from the City. Recycling meant that the City avoided landfill costs.

She addressed pages 11 and 12 of the report. The City's demographics were different. Some believed that privatization would resolve the situation. The Public Works Department provided value to the City.

Alderman Sage echoed the comments regarding this report. He cited feedback regarding the Solid Waste Program. It appeared that the fee structure would be changed. He specifically cited the bulk waste program. Fees would be adjusted going forward. He congratulated City staff for their efforts.

Alderman Mwilambwe echoed Council's comments regarding this report. The Council should have the ability to make decisions based upon the information provided. He noted citizen participation. He questioned how the City could convince citizens to become involved. He addressed program utilization. The City needed to consider family size.

Alderman Black echoed Council's comments. The report was thorough and thoughtful. This report should be placed on the City's web site. He recommended that the focus should be on those individuals without families. He was also interested in recycling services for apartment buildings. The City needed to make this service available. He questioned the time line which he believed was the end of August 2013. The final report should be returned to the Infrastructure Committee.

Mayor Renner noted that the Council needed time to process the information. The Infrastructure Committee would be an efficient work group. The Committee would make a recommendation to the Council.

Mr. Hales noted that there might be several recommendations. The first one might address household refuse. Additional analysis might be needed. The process would start in August 2013. He believed that three (3) meetings would be needed.

Alderman Black noted that this was a big issue. He expressed his interest in a time line.

Alderman Fruin questioned what issues were on the Infrastructure Committee's agenda. The Council needed to be sensitive to this committee's work load.

Motion by Alderman Black, seconded by Alderman Schmidt to return this item to the Infrastructure Committee.

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

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

Nays: None.

Motion carried.

**CITY MANAGER'S DISCUSSION:** David Hales, City Manager, addressed the Council. He noted that the US Cellular Coliseum (USCC) had seen its highest fiscal year end operating profit. The figures were unaudited. He also cited the USCC's local economic impact which was estimated at \$98 million by the Bloomington Normal Convention & Visitor's Bureau. All of this was positive news.

**MAYOR'S DISCUSSION:** Mayor Renner noted that the City was the eleventh fastest growing local economy.

Mayor Renner recognized State Representative Keith Sommer who had attended this evening's meeting.

The last Mayoral Open House had a robust discussion. He cited streets and a bond issue and the Downtown Plan. The discussion was respectful. He offered congratulations to Alderman Fazzini for his ribbon cutting duties. He had gone above the call of duty.

Alderman Schmidt had also filled in for him during his recent absence.

He recognized Aldermen Sage and Schmidt's assistance in understanding the City Boards and Commissions' process and changes needed to same. The City needed to have appointed volunteers who were accountable, fair and balanced.

Alderman Stearns had addressed the restoration of the Soldiers/Sailors and Korean/Vietnam memorials at Miller Park.

**ALDERMEN'S DISCUSSION:** Alderman Schmidt addressed the talk in the community regarding sales tax increases. She noted a news report on WGLT Radio. She cited soccer fields and the YMCA and described the use of sales tax dollars as an unusual approach. She questioned if there were any formal proposals and a time table for same.

David Hales, City Manager, addressed the Council. No formal requests had been received regarding the soccer fields and YMCA. A meeting had been scheduled with the Bloomington Normal Public Transit System's, (a/k/a Connect Transit), Board chair and General Manager.

Alderman Schmidt also addressed school districts that had also expressed an interest in sales taxes. Mr. Hales noted that these appeared to be moving forward. The plan was to place a referendum on the March 2014 ballot. He believed that this would take action by the McLean County Board.

Mayor Renner added his belief that the schools were moving forward. There were no formal proposals regarding the soccer fields and/or YMCA.

Alderman Stearns cited the recent damage to the Soldiers/Sailors memorial. Veterans groups were interested in the memorials and wanted to be a part of their restoration. She believed that the bids were in and that David Hales, City Manager, had the authority to approve same. She questioned the plan to highlight the names which were wearing off. She had been in contact with the founders of the Korean/Vietnam memorial. She readdressed the painting and questioned what it would look like.

**Mr. Hales noted that the goal was to find the best way to restore the memorials. John Kennedy, Director – Parks, Recreation & Cultural Arts, had attempted to find the right vendors to perform the work.**

**Alderman Stearns noted that the VFW had not been involved.**

**Alderman Fazzini addressed the new leadership at the City Township. He recognized the transition committee, (Trustees Schmidt, Mwilambwe and himself). There would be a new intergovernmental agreement between the Township and the City regarding information technology.**

**He also addressed recent news stories regarding the soccer fields and YMCA. He added his confusion as the City had not received a proposal. He questioned if these entities had requested to meet with the City.**

**Alderman Black questioned public input regarding the soccer fields and the YMCA. Meetings would need to be aggressively publicized.**

**Alderman Lower addressed the recent news stories regarding the soccer complex/YWCA. He added that the YMCA located at 602 S. Main St. which was located in his ward. The community needed look at the facility and its needs. He encouraged private investment. He informed the Council that he would be meeting with the YMCA's Executive Director in the morning.**

**Mayor Renner believed that the YMCA's current facility was inadequate. He believed that there were a number of options.**

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

**Motion carried.**

**Tracey Covert  
City Clerk**