

**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 7:01 p.m., Monday, September 9, 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: Mboka Mwilambwe, Kevin Lower, David Sage, Robert Fazzini, Jennifer McDade, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

Alderman absent: Judy Stearns.

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

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

Alton Franklin, 508 Patterson Dr., addressed the Council. He thanked Mayor Renner for the mayoral open houses. He invited the Council to attend same. He addressed transparency. He had been troubled. He cited dollars spent by the Bloomington Center for the Performing Arts. He specifically cited the subsidy and how these dollars were used. He expressed his interest in additional detail. An informed citizenry was part of the team.

Wayne Brown, 17 Springridge Circle, addressed the Council. He addressed recycling totes and their size. He had a small garage and two (2) vehicles. He specifically cited the smaller tote's width. It did not fit in between his vehicles. Currently, he took his recyclables to a recycling center. A thirty-five (35) gallon tote was available. He noted its smaller width. He had attended the public meetings which were held by the City. He had requested a thirty-five (35) gallon tote. The City's equipment could handle the smaller size. He did not believe that there would be a cost increase for the smaller size tote. He cited the convenience of the smaller tote. It would be easy to move. He questioned why the City would not permit the option of a thirty-five (35) gallon tote.

The following was presented:

SUBJECT: Council Proceedings of August 12 and 26, 2013

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

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

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

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

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the reading of the minutes of the previous Council Meetings of August 12 and 26, 2013 be dispensed with and the minutes approved as printed.

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: 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 September 4, 2013 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointment to the Property Maintenance Review Board

RECOMMENDATION/MOTION: That the Appointment be approved.

STRATEGIC PLAN LINK: Goal 3. Strong neighborhoods.

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

BACKGROUND: I ask your concurrence in the appointment of Mark Williams, 602 Bradley Dr., Bloomington 61704 to the Property Maintenance Review Board. His three (3) year term will expire April 30, 2017.

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Asst.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Schmidt, seconded by Alderman Black that the Appointment be approved.

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: None.

Motion carried.

The following was presented:

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

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

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

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

BACKGROUND: The City leases space at the southeast corner of the Market St. Parking Garage to the US Postal Service for their sub-station. The annual lease payment is \$13,800.

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

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

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

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

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

FINANCIAL IMPACT: The estimate for this project was \$50,000. Funding for this activity was included in the Market St. Garage Repair Project. A total of \$550,000 was budgeted for the Market St. Parking Garage Repairs in the FY 2014 budget. The garage repair bid was awarded by Council on July 8, 2013 to J. Gill Co. in the amount of \$414,393. Work is in progress. The total cost for both activities is \$464,393. Stakeholders can locate the funding for the Market Street Garage Repair which included the roof replacement in the FY 2014 Budget in the book

titled "Other Funds & Capital Improvement Program" on pages 106, 274 and 300. The funding source for the project is the Capital Improvement Fund-Buildings (40100100-72520).

Respectfully submitted for Council consideration.

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

David A. Hales
City Manager

AGREEMENT

THIS AGREEMENT, Made and entered into on September 9, 2013, by and between Union Roofing, Co., Inc. first party, also hereinafter referred to as "Contractor", and the City of Bloomington, a municipal corporation, second party.

WITNESSETH:

THAT WHEREAS, the City of Bloomington did on August 9, 2013, by advertisement, call for bids for furnishing all labor and material for the repair of the Market Street Parking Garage Post Office Roof Replacement, Bloomington, IL, project for said City.

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

THEREFORE, it is covenanted and agreed upon the part of said first party that in consideration of the amounts to be paid by said City, he will furnish all labor, tools, machinery

and materials for the complete roof replacement, in accordance with the said plans, profiles and specifications, call for bids, and said contractor's bid, each herein set out and made a part hereof.

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

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

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

IT IS EXPRESSLY UNDERSTOOD AND AGREED that whenever the said City may deem necessary, additional or new bond shall be furnished by said Contractor with such sureties as will be satisfactory to the said City Council, as a guarantee that said Contractor will faithfully perform the work in accordance with the terms of this agreement.

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

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

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

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

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

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

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

THE TOTAL CONTRACT AMOUNT will include:

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

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

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

ATTEST:

CITY OF BLOOMINGTON

Tracey Covert, City Clerk

By: Tari Renner, Mayor

WITNESS:

CONTRACTOR

Union Roofing, Co., Inc.

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

Motion by Alderman Schmidt, seconded by Alderman Black that the bid for Roof Replacement at the Market St. Parking Garage be awarded to Union Roofing Co., in the amount of \$41,990, and the Mayor and City Clerk be authorized to execute the necessary documents.

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: None.

Motion carried.

The following was presented:

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

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

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

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

BACKGROUND: Staff respectfully requests approval of a contract to engage persons and/or groups represented by BTB Touring Company, LLC to perform entertainment services in the Bloomington Center for the Performing Arts (BCPA). Contract expenses for this contract will be dependent on ticket sales based on an agreed upon split of Net Adjusted Gross Box Office Receipts (NAGBOR). The balance due to BTB Touring Company, LLC may be as high as not to exceed \$59,592 for a total sellout, but the actual payment amount cannot be determined until sales are final. The split of NAGBOR will cover the artist fees for the performance coming to the BCPA in October 2013. For proprietary and competitive advantage reasons, we do not

mention the act by name in the staff backup report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however, virtually all artists are provided with meals and non-alcoholic beverages.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The selection of this artist was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals will attract broad, positive community involvement and contribute to the public service mission of the BPCA.

FINANCIAL IMPACT: The FY 2014 Budget appropriated \$511,300 in line item 2110100-70218-20000. Due to the BCPA fund being consolidated into the General Fund, the corrected coding is 10014125-70218-20000. The purpose of this contract is to engage persons and/or groups represented by BTB Touring Company, LLC to perform entertainment services in the BPCA. Note that this is only a portion of the total budget. The cost of this service will be offset by revenue generated from ticket sales, grants, playbills, concessions, corporate advertisements and sponsorships. These revenues are also targeted to offset the additional artist expenses for travel, meals and lodging. With the incorporation of the BCPA Fund into the General Fund in FY 2014, stakeholders may locate this purchase in the FY 2014 General Fund Budget document on page #408.

Respectfully submitted for Council consideration.

Prepared by: Bev Spencer, Performing Arts Finance Manager

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black the contract for BTB Touring Company, with a potential payment of \$59,592, be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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: None.

Motion carried.

The following was presented:

SUBJECT: Application of Saraswati Group, LLC, d/b/a Rangoli Indian Cuisine located at 716 S. Eldorado Rd., for a RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion carried (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 5, 2013 in accordance with City Code. In accordance with City Code, approximately 322 courtesy copies of the Public Notice were mailed on August 5, 2013. In addition, the Agenda for the August 13, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: Request is for a new liquor license. Annual fee for an RBS liquor license is \$1,100.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Schmidt, seconded by Alderman Black that an RBS liquor license for Saraswati Group, LLC, d/b/a Rangoli Indian Cuisine, located at 716 S. Eldorado Rd., be created, contingent upon compliance with all applicable health and safety codes.

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: None.

Motion carried.

The following was presented:

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

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

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

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

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

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

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 13, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2013 - 59**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE MILLER PARK PAVILION**

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

WHEREAS, Sarah Kelch and Mark Mellor have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Miller Park Pavilion on November 9, 2013 under the conditions set forth in the rental agreement.

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

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

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

PASSED this 9th day of September, 2013.

APPROVED this 10th day of September, 2013.

APPROVED:

Tari Renner, Mayor

ATTEST:

Tracey Covert, City Clerk

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

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: None.

Motion carried.

The following was presented:

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

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

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

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

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

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

Motion carried, (unanimously).

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 13, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2013 - 60

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

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

WHEREAS, Michelle Julian and Jody Ravary have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Miller Park Pavilion on November 8, 2014 under the conditions set forth in the rental agreement.

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

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

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

PASSED this 9th day of September, 2013.

APPROVED this 10th day of September, 2013.

APPROVED:

Tari Renner, Mayor

ATTEST:

Tracey Covert, City Clerk

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

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: None.

Motion carried.

The following was presented:

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

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

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

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

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

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

Commissioner Stockton questioned the last time this fee had been increased. Tracey Covert, City Clerk, informed the Commission that this fee was last increased in September 1998. She

noted that the cost to place a legal notice had increased over time. The fee also addressed mailing costs and City inspections.

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

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 13, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2013 - 61**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 6, SECTION 3.**

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

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

SEC. 3 NUMBER OF LICENSES LIMITED - APPLICATIONS.

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

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

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

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

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

PASSED this 9th day of September, 2013.

APPROVED this 10th day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Black that the Text Amendment to the City Code Chapter 6. Alcoholic Beverages, Section 3. Number of Licenses Limited – Applications be approved and the Ordinance be passed.

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: None.

Motion carried.

The following was presented:

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

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

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

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

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

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

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

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 62**AN ORDINANCE PROVIDING FOR THE VACATION OF EASEMENTS**

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

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

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

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

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

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

PASSED this 9th day of September, 2013.

APPROVED this 10th day of September, 2013.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal description:

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

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

Description of Easement Vacation:

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

Motion by Alderman Schmidt, seconded by Alderman Black that the Vacation of an Easement be approved and the Ordinance passed.

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: None.

Motion carried.

The following was presented:

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

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

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

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

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

sidewalk around the inner part of Winding Way and Misty Ln. as well as a sidewalk along the west side of Winding Way connecting to Rutherford Dr.

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

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

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

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark R. Huber, Director - PACE

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF PRELIMINARY PLAN FOR A SUBDIVISION

State of Illinois)
) ss.
County of McLean)

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

Now comes Fox Creek Village, LLC hereinafter referred to as your Petitioner(s) respectfully representing and requesting as follows:

1. That your petitioner is interested as Owner in the premises hereinafter in Exhibit A attached hereto and made a part hereof to be known by this reference;
2. That your Petitioner seeks approval of the Preliminary Plan for a subdivision of said premises to be known and described as Fox Creek Village Planned Unit Development which Preliminary Plan is attached hereto and made a part hereof;
3. That your Petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24, of the Bloomington City Code: none.

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

Respectfully submitted,

Steve Snyder
Member/Owner

ORDINANCE NO. 2013 - 63**AN ORDINANCE APPROVING THE PRELIMINARY PLAN OF THE FOX CREEK VILLAGE PUD SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition for approval of the Preliminary Plan of Fox Creek Village PUD Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference;

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

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

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

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

1. That the Preliminary Plan of the Fox Creek Village PUD Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as the time of its passage on this 9th day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

TRACT 1:

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

TRACT 2:

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

Tracts 1 and 2 combined contain 26.25 acres.

Motion by Alderman Schmidt, seconded by Alderman Black that the Amended Preliminary Plan for the Fox Creek Village PUD Subdivision be approved and the Ordinance passed.

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: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on November 9, 2013

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Becky Stolzenbach and Erik Nuesken to allow moderate consumption of alcohol at their November 9, 2013 wedding reception to be held at the Lake Bloomington Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk, and Becky Stolzenbach, bride and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Becky Stolzenbach, bride, addressed the Commission. Her wedding reception was scheduled for November 9, 2013 at the Lake Bloomington Davis Lodge. She planned to invite 150 guests. A decision on a City licensed caterer had not been made at this time. She believed that Baxter's American Grille, located at 3212 E. Empire St., would be the caterer. She understood that liquor service would be limited to beer and wine only. The wedding would be held in Gatlinburg, TN on October 19, 2013. The reception would start at 2:00 p.m. and end by 10:00 p.m. The Lake Bloomington's Davis Lodge must be vacated by midnight, 12:00 a.m.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton that the request of Becky Stolzenbach and Erik Nuesken to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their November 9, 2013 wedding reception be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 13, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2013 - 64**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Becky Stolzenbach and Erik Nuesken are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 1:00 p.m. to 11:00 p.m. on November 9, 2013; and

WHEREAS, Becky Stolzenbach and Erik Nuesken have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on November 9, 2013 under the conditions set forth in the rental agreement.

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

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

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

PASSED this 9th day of September, 2013.

APPROVED this 10th day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Black the Ordinance be passed.

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: None.

Motion carried.

The following was presented:

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

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

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

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

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

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

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

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

Respectfully submitted for Council consideration.

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

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

Recommended by:

David A. Hales
City Manager

SETTLEMENT AGREEMENT AND RELEASE

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

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

WHEREAS, Nicor's gas mains are and were located in a private easement and, thus, Bloomington was responsible for reimbursing Nicor for the construction costs to relocate the gas

mains, which costs were estimated at approximately One Hundred Eighty-Two Thousand Dollars (\$182,000.00) in the Proposal Contract;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signature Date

CITY OF BLOOMINGTON

Tari Renner, Mayor

September 10, 2013

Alderman Fazzini noted that this item happened three (3) years ago. He questioned who was responsible for what. There were two (2) estimates. He noted the actual cost and the budgeted amount. He questioned why the Council was being requested to take action on this item.

Mayor Renner cited other public utilities and their similar business practices.

David Hales, City Manager, addressed the Council. The City had established good working relationships with the public utilities. He cited the City's experience with IDOT (Illinois Department of Transportation). The City has an estimate. The City was responsible for the cost and \$200,000 should have been budgeted. Nicor's gas main was located in a private easement. This item was part of IDOT's Hamilton Rd. project.

He added that going forward City staff would not give verbal authorization. A contract would be approved first. Staff requested a cost breakdown due to the cost difference. This item would close the last chapter on the Hamilton Rd. project. Nicor had reduced its cost by \$76,000. The budgeted amount should have matched the \$200,000. City work processes would be completed differently in the future.

Alderman Fazzini questioned the cost difference. Mr. Hales restated that there had been a budget error in this year's budget as only \$50,000 had been budgeted. In the past, \$200,000 had been budgeted. He restated that Nicor had reduced their bill by \$76,000.

Alderman Fazzini noted that this item would be paid for in this fiscal year.

Alderman Schmidt cited staff's numerous efforts to contact Nicor. She believed that there were communication issues. Mr. Hales expressed his trust and confidence in Nicor.

There would be a sit down meeting between City staff and Nicor officials. If a company was unresponsive, City staff will take their concerns to a supervisor. Items will not remain at the staff level to insure action.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Settlement Agreement and Release be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and payment of \$200,000 to Nicor Gas Co. be authorized.

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: None.

Motion carried.

The following was presented:

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

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

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

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

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

Sewer service laterals will not be televised because they are considered private and funding for televising is limited. There is inherent risk associated with not televising sewer laterals since they can fail within the City right of way and impact the public. Inspecting the sewer laterals takes a different operation than televising the sewer mainline. There is a concern that the contractor might not be able to complete the televising of the mainline and the private sewer

laterals even if the additional work were approved. Manhole and inlet structures will be inspected by staff. Based on information from the City's GIS system, data analysis indicates that approximately 145,000' – 160,000' of sanitary and combined sewer mains need to be inspected prior to finalizing the list of streets for resurfacing at the end of this year.

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

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

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2013 - 13

RESOLUTION EXPRESSING OFFICIAL INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED FROM PROCEEDS OF AN OBLIGATION TO BE ISSUED BY THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

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

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

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

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Bloomington, McLean County, Illinois, in the exercise of its home rule powers, as follows:

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

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

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

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

Section 5. Severability. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

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

ADOPTED: September 9, 2013.

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

Nays: None.

Absent: Alderman Stearns

APPROVED: September 9, 2013

Tari Renner
Mayor

Recorded in the City Records on September 9, 2013.

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Description of Capital Projects

Road and sewer improvements

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. It was important to investigate underground services, (water and sewer mains). A portion of these expenses would be addressed as part of the \$10 million street resurfacing bond issue. This work involved a short time line. The vendor provided the City with competitive rates.

Jim Karch, Public Works Director, addressed the Council. The City would look at the sewers. This work must be completed and either bond funds or Fiscal Year 2015 street resurfacing dollars would be used. City staff was drafting a proposed list of streets with the logic applied to same. He noted the need which would be evaluated and refined. Foth had modified their existing contract and provided competitive rates. Foth would subcontract this work. Task scheduling had started. He noted the activities that were underway. The plan was to go out for bid in March 2014. He cited the amount of sewers which needed to be televised. He added that a draft document had been provided to the Council which addressed curb and gutter replacement. This item would also impact the amount of street that could be resurfaced. No action would be taken on this item this evening. The Council would need to set priorities and make the project selections. The Council had been provided with a map which contain over \$15 million worth of street

projects. There would be sewer issues which is why the plan addressed looking at as many sewers as possible. City staff was being proactive. Coordination was needed due to the amount of resurfacing work.

Mr. Hales respectfully requested that the Council approve this change order. The Infrastructure Committee would address the curb and gutter issue. Lessons had been learned due to the Locust Colton Combined Sewer Overflow (CSO) project. Staff would make recommendations with the Council making the final decision. He noted the preliminary map/list. He cited his concern regarding the condition of water and sewer mains. The City would make use of outside assistance. In FY 2015, the plan was to dedicate a \$10 million bond issue and \$4 million in General Fund dollars toward street resurfacing. He added that all costs from this change order would be paid from bond proceeds.

Alderman Lower stated that most of his questions had been answered. Televised sewer work would be good for a number of years.

Mr. Karch informed the Council that the City needed to televise all of its sewers. This was addressed as part of the Sewer Master Plan.

Alderman Schmidt noted the infrastructure located under the street. She believed that some streets would require extensive sewer work. These streets would not be part of this bond issue.

Mr. Karch responded affirmatively. Streets would be eliminated. Only streets which needed quick repairs would become a part of the bond issue. If sewer repair was needed, then a determination would be made as to a course of action.

Alderman Schmidt noted that the City planned to televise the main line. She questioned if CDBG (Community Development Block Grant) dollars and/or low interest loans would be available for sewer laterals.

Mr. Hales noted that the CDBG budget would be adopted this fall. The plan was to televise the sewer mains. He stated his concern as there were 100 year old laterals. Laterals were the property owners' responsibility. He cited Special Improvement Districts as a possibility. These districts can be time consuming to establish. Laterals were an on going concern. He noted Public Works' Block by Block Total Rehabilitation Program.

Mr. Karch affirmed that laterals were private and they did fail.

Alderman Black noted that there was some excitement regarding street resurfacing. He added his concern regarding street conditions. It appeared that the map addressed streets throughout the City. City staff had developed a set of criteria.

Mr. Karch cited his PowerPoint presentation. Alderman Black requested that this document be placed on the City's web site. Mr. Karch added that Public Work's staff had enhanced its portion of the City's web site.

Alderman Fazzini read a prepared statement. These dollars would result in a lot of work. Streets and sewers had been included in the motion for the \$10 million bond issue. He added that the Administration and Finance Committee had described this bond issue as phase one. Additional bond issues might be needed. He believed that there would be additional phases.

Mr. Karch noted that the Public Work's Department had made a number of changes. He cited permanent pothole repair as an example. In addition, there was preventive work, (i.e. Reclamite). There would be additional road work due to the bond issue. The Public Work's Department also had worked on a manageable plan for solid waste.

Alderman Fruin noted that the Administration and Finance and the Infrastructure Committees had addressed this issue. He questioned how to best communicate with the Council.

Mayor Renner noted that the Council Committees would be phased out.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Scope Modification, in the amount of \$200,000 be approved and 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: None.

Motion carried.

The following was presented:

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

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

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

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

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

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

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

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

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

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

FINANCIAL IMPACT: The Fiscal Year (FY) 2013 Budget has appropriated \$950,000 in the Capital Lease Fund line item 40110120-72140 for the purchase of refuse carts. This would allow for the purchase of up to 19,000 carts at the current price. These funds were not encumbered prior to the end of FY 2013. A budget amendment is needed to re-appropriate the fund for FY 2014. The City plans to purchase these carts as part of the Capital Lease.

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

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch, PE, CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 65

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

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

WHEREAS a budget amendment is needed as detailed below;

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

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

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

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

PASSED the 9th day of September 2013.

APPROVED the 10th day of September 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT 1

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

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. He noted past Council discussion. The City would continue its purchase of toters in order to implement automated refuse collection. The trucks had arrived. The toters needed to be ordered. This action would facilitate implementation of automated solid waste refuse collection.

Alderman Sage wanted to clarify that the thirty-five (35) gallon toter would not impact efficiency.

Mr. Hales addressed program administration and toter ordering. He also noted the fee schedule which could be impacted if the fee is based upon toter size. He acknowledged that the thirty-five (35) gallon toter had been discussed. There had been success with the City's automated recycling program which offered sixty-five (65) and ninety-five (95) gallon toters. City staff had planned for the peak not the bare minimum. He cited cost efficiency. City staff was considering a user based approach to pricing. There would be challenges.

Mr. Karch added that City staff had contacted other communities. He noted that there were small garages. The thirty-five (35) gallon toter was impacted by the wind. The City owned the toters. He added his concern as storage space was a challenge.

Alderman Sage expressed his appreciation to staff for their comments. He added his concern regarding program administration. The value to the sixty-five (65) gallon toter was fewer trips to the curb. He planned to vote against this item.

Alderman Schmidt expressed her appreciation regarding the comments made. One size did not fit all. She noted the storage issues and physical challenges. The thirty-five (35) gallon toter appeared to answer a need.

Alderman Black informed the Council that he had been contacted by senior citizen who could not manage the sixty-five (65) gallon toter.

Alderman Fruin questioned the level of interest in the thirty-five (35) gallon toter. Mr. Karch believed that the interest was limited.

Alderman Mwilambwe noted conversations with Wayne Brown. The thirty-five (35) gallon toter provided an option for the elderly and/or disabled. He recommended that the City conduct a pilot program.

Alderman McDade informed the Council that there was one subdivision in her ward that did not allow toter storage outside of the home's garage. The thirty-five (35) gallon toter would provide an option.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that Council authorize staff to purchase thirty-five (35), sixty-five (65) and ninety-five (95) Gallon Black

Wheeled Refuse Carts, in an amount up to \$950,000, the budget amendment be approved and the Ordinance passed.

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

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

Nays: Alderman Sage.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. City staff planned to research refunding a portion of the US Cellular Coliseum bonds prior to the Council's September 23, 2013 meeting.

Mr. Hales complimented City staff for their efforts regarding the Fox Creek Village PUD (Planned Unit Development) Subdivision. He noted the focus on public safety, (i.e. access and sidewalks). He added that lessons had been learned over time, (i.e. the past ten to fifteen years).

Finally, he noted major policy issues which would appear on Council meeting agendas over the next four (4) months: property tax levy, pension funding, facilities, and budget ordinance. The process would be complicated. The goal was to adopt a five (5) year Capital Improvement Program. FY 2015 would address affordability and priority setting for operations and capital.

MAYOR'S DISCUSSION: Mayor Renner extended his appreciation to David Hales, City Manager, Barb Adkins, Deputy City Manager, and Jim Karch, Public Works Director for making things happen. He cited the Snow Plow Rodeo which was hosted in Normal on Friday, September 6, 2013.

He addressed the Council Committees. He stated his intention to phase the Committees out in the next month or two. He would work with Mr. Hales to accomplish same. He planned to move forward with the committee of the whole.

The mayoral open house discussions had been robust and respectful. He believed all who attended wanted what was best for the City.

He also thanked the Council for the balancing act each must do, (i.e. personal, professional and City). All of the elected officials wanted what was best for the City.

ALDERMEN'S DISCUSSION: Alderman Lower expressed his concern regarding Open Meetings Act issues. He cited Public Comment being included as part of meetings. He cautioned that meeting agendas must be posted forty-eight (48) hours in advance of the meeting.

Alderman Schmidt noted that the City was poised for electronic voting. Mr. Hales informed the Council that City staff planned to implement it in October 2013.

Alderman Black thanked Barb Adkins, Deputy City Manager, regarding her assistance with a variety of issues. He expressed his interest in the City's various wards. He was interested in their challenges. He noted that Ward 7's major concerns were code enforcement, public safety and street maintenance. He added that committee meeting agendas also needed to be posted forty-eight (48) hours in advance.

Mr. Hales informed the Council that an ordinance regarding the committee of the whole would be drafted for the Council's September 23, 2013. The first meeting would be held on the third Monday in October 2013.

Alderman Black questioned the day of the week. Mayor Renner noted that generally Council members reserve Mondays for Council meetings.

Alderman Black informed the Council that Big Brothers/Big Sisters would be hosting a fundraiser at the Castle Theater located at 209 E. Washington St. on Friday, September 13, 2013 at 7:00 p.m.

Alderman Fazzini noted the cooperation between the City and the Town of Normal. He noted that there were a number of intergovernmental agreements. He cited recent events such as the Labor Day Parade and the Board/Commission reception.

He also noted the City's various national rankings. He encouraged all present to distribute Economic Excellence 2013 – 2014 Facts and Figures, economic development pamphlet, and assist in selling the community. The City needed to make this hand out readily available.

Motion by Alderman Schmidt, seconded by Alderman Black, that the meeting be adjourned. Time: 8:12 p.m.

Motion carried.

Tracey Covert
City Clerk