

**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 23, 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, Scott Black, Karen Schmidt, Judy Stearns, Jim Fruin and Mayor Tari Renner.

Alderman Absent: Jennifer McDade.

City Manager David Hales Deputy, Participating Remotely via Telephone, City Manager Barbara Adkins, Chief Deputy City Clerk Renee Gooderham, and Corporate Counsel Todd Greenburg were also present.

Staff Absent: City Clerk Tracey Covert.

The following was presented:

Presentation by Darcy Greder, Bloomington Normal Community Campus Committee (BNCCC).

Mayor Renner introduced Darcy Greder, BNCCC. Ms. Greder, addressed the Council.

Ms. Greder stated the BNCCC server training began January 2005. In August 2006, the BNCCC developed a mission and vision statement. She cited the mission; Reduce high risk drinking and related consequences among Bloomington Normal students The vision was for the community to be fun, safe and diverse, operating in integrity, supporting families of all kinds. She cited the various community partners. Grants had been received to assist community outreach. She cited the Keg Registration as an example in conjunction with server training and support to bar owners.

The BNCCC supports the Council in developing a vibrant entertainment district. There was concern with students on party buses and overserving. Illinois State University (ISU) and Illinois Wesleyan University (IWU) participated in a national survey on drinking. Students were above the national average for consumption of alcohol and binge drinking. Forty percent (40%) of those attending college were already consuming alcohol. She cited national statistics for sexual assault and dating violence.

The following was presented:

Mayor Renner recognized Patti-Lynn Silva, Director of Finance. Ms. Silva received a Certificate of Achievement, the highest award form of recognition in the area of governmental accounting and finance given by the Governmental Finance Officers Association.

Ms. Silva addressed the Council. She thanked the Finance staff for their efforts. She recognized Paulette Hurd, Chief Accountant.

The following was presented:

SUBJECT: Council Proceedings of September 9, 2013 and Citizen Voice Meeting Minutes of February 27, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of September 9, 2013 and the minutes from the Citizen Voice Meeting of February 27, 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 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The Council Proceedings of September 9, 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 September 9, 2013 and Citizen Voice Meeting Minutes of February 27, 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, Lower, Fazzini, Sage, Stearns, 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 18, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of 2013 Washington Street Micro-Surfacing Contract

RECOMMENDATION/MOTION: That the prices from Microsurfacing Contractors, LLC, Peoria, IL be accepted, in the amount of \$99,774.75, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a: Better quality roads and sidewalks and Objective 5a: Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract involves applying micro-surfacing and pavement markings on Washington Street from Mason Street to Gridley Street.

Micro-surfacing is an economic option utilized for pavement preservation and preventative maintenance. Micro-surfacing consists of a surface applied polymer-modified asphalt and aggregate mixture that seals the pavement from air and water, extends the service life of the roadway, and provides a skid-resistant wearing surface.

In addition, pavement markings will be applied to modify the current four lanes of through traffic (two lanes in each direction) to two lanes of through traffic (one lane in each direction) with a center turn lane. The pavement marking will provide wider travel lanes and parking spaces

along Washington Street. The widened travel lanes and parking spaces, and inclusion of a turn lane will improve safety for the pedestrians and motoring public through this corridor.

Bids for this contract were received until 9:00 a.m. Tuesday, September 10, 2013 in the office of the City Clerk. One bid was received and opened in the City Council Chambers. The single bid submitted by Microsurfacing Contractors, LLC did not include two fully completed and signed proposal booklets as required and outlined in the project instruction to bidders. Microsurfacing Contractors, LLC submitted one copy of the proposal cover sheet, Invitation to Bid, Addendum No. 1 cover sheet, Instructions to Bidder, Contractor's Proposal, Schedule of Prices, and a Bid Bond. Staff recommends waiving the technicality associated with not submitting two fully completed proposal booklets.

Microsurfacing Contractors, LLC	\$ 99,774.75 (Low Bid)
Budget	\$ 100,000.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A public meeting was held on August 6, 2013 to discuss and gather input regarding Washington Street lane configuration, traffic and pedestrian safety. It was determined at the public meeting to proceed with conversation of Washington Street from four through lanes to two through lanes and a center turn lane. Staff continues to review options to address pedestrian safety issues and will present for discussion and input at a public meeting scheduled for Tuesday, March 4, 2014, 5:30 p.m. to 6:30 p.m. in the City Council Chambers.

This work was advertised in The Pantagraph on August 26 and September 2, 2013 and a pre-bid meeting was held at 9:00 a.m. on September 3, 2013 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2014 Budget appropriated \$3,800,000 for the overall City Pavement Program of which \$100,000 is allocated for micro-surfacing in Capital Improvement Budget-Street Construction and Improvement (40100100-72530). This memo addresses the micro-surfacing portion of the City's Pavement Program. Stakeholders may locate this line item in the FY 2014 budget book titled "Other Funds and Capital Improvement Program" on pages 106, 274 and 298.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the prices for Washington St. micro-surfacing from Microsurfacing Contractors, LLC, Peoria, IL be accepted, in the amount of \$99,774.75, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of 2013 Utility Maintenance Contract

RECOMMENDATION/MOTION: That the prices from Stark Excavating, Inc. be accepted, in the amount of \$500,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2e: Investing in the City's future through a realistic, funded capital improvement program and Objective 5a: Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are not emergencies. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. The budget for the 2013 Utility Maintenance contract is \$500,000. A list of projects completed under the previous fiscal year contract was provided to Council.

Bids for the 2013 Utility Maintenance contract were received until 9:00 a.m. Tuesday, September 10, 2013 in the office of the City Clerk. Four bids were received and opened in the City Council Chambers. A bid tabulation of all bids is attached. Please note that many of the bidders included \$0.01/hour rate for some of the labor trades. It is not uncommon for bidders to

provide low unit prices for items or labor trades they don't expect to use during a contract. This is a risk for the contractor since they must honor the low rate if that item or labor trade is required during the course of the contract.

Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

Stark Excavating, Inc.	\$ 377,681.20	Low Bid
George Gildner, Inc.	\$ 494,711.70	
Hoerr Construction Company	\$ 519,736.70	
G.A. Rich & Sons, Inc.	\$ 574,112.10	
Budget		
Storm Water	\$ 200,000.00	
Sanitary Sewer	\$ 200,000.00	
Water	<u>\$ 100,000.00</u>	
Total Budget	\$ 500,000.00	

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on August 26 and September 2, 2013 and a pre-bid meeting was held at 10:00 a.m. on September 3, 2013 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2014 budget includes \$500,000 for this work. Funding will be as follows: Storm Water-Repair/Maintenance Infrastructure (53103100-70550) for \$200,000, Sanitary Sewer- Repair/Maintenance Infrastructure (51101100-70550) for \$200,000 and Water Transmission and Distribution-Repair/Maintenance Infrastructure (50100120-70550) for \$100,000.00. Stakeholders can locate this in the FY 2014 budget book titled "Other Funds & Capital Improvement Program" on pages 171, 161 and 139 respectively.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the prices for 2013 Utility Maintenance from Stark Excavating, Inc. be accepted, in the amount of \$500,000, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.**

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of 2013 Emergency Utility Repair Contract

RECOMMENDATION/MOTION: That the prices from Stark Excavating, Inc. be accepted, in the amount of \$500,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities and Goal 5: Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2e: Investing in the City’s future through a realistic, funded capital improvement program and Objective 5a: Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are emergencies. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. The budget for the 2013 Emergency Utility Repair contract is \$500,000. A list of projects completed under the previous fiscal year contract was provided to Council.

Bids for the 2013 Emergency Utility Repair contract were received until 9:00 a.m. Tuesday, September 10, 2013 in the office of the City Clerk. Three (3) bids were received and opened in the City Council Chambers. A bid tabulation of all bids is included. Please note that many of the bidders included \$0.01/hour rate for some of the labor trades. It is not uncommon for bidders to provide low unit prices for items or labor trades they do not expect to use during a contract. This is a risk for the contractor since they must honor the low rate if that item or labor trade is required during the course of the contract.

Since the project involves repair of City utilities throughout the current fiscal year and all locations are not currently known, a contract for the entire budget amount will be awarded.

Stark Excavating, Inc.	\$ 243,105.90	Low Bid
George Gildner, Inc.	\$ 329,495.30	
Hoerr Construction Company	\$ 360,526.70	
Budget		
Storm Water	\$ 250,000.00	
Sanitary Sewer	\$ 200,000.00	
Water	<u>\$ 50,000.00</u>	
Total Budget	<u>\$ 500,000.00</u>	

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on August 26 and September 2, 2013 and a pre-bid meeting was held at 10:00 a.m. on September 3, 2013 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2014 budget includes \$500,000 for this work. Funding will be as follows: Storm Water-Emergency Storm Sewer Repairs (53103100-70552) for \$250,000, Sanitary Sewer-Emergency Sanitary Sewer Repairs (51101100-70551) for \$200,000 and Water Transmission and Distribution-Repair/Maintenance Infrastructure (50100120-70550) for \$50,000. Stakeholders can locate this in the FY 2014 budget book titled "Other Funds & Capital Improvement Program" on pages 171, 161 and 139 respectively.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the prices for 2013 Emergency Utility Repair from Stark Excavating, Inc. be accepted, in the amount of \$500,000, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

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

SUBJECT: Analysis of Bids and Approval of 2013 Traffic Signal Maintenance Contract

RECOMMENDATION/MOTION: That the prices from Bodine Electric, Decatur, IL, be accepted, in the amount of \$100,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities and Goal 5: Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2e: Investing in the City’s future through a realistic, funded capital improvement program and Objective 5a: Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes traffic signal mast arm, post, controller and other signal equipment repairs or replacements that are not emergencies, and other work on City electric and traffic signal facilities. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. A list of projects completed under the previous fiscal year contract was provided to Council.

Bids for the 2013 Traffic Signal Maintenance contract were received until 9:00 a.m. Tuesday, September 10, 2013 in the office of the City Clerk. Two bids were received and opened in the City Council Chambers. A bid tabulation of all bids is included. Since the project involves repair of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

Bodine Electric of Decatur	\$ 90,300 Low Bid
Laesch Electric, Inc.	\$ 93,510
Budget	\$100,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on August 26 and September 2, 2013 and a pre-bid meeting was held at 10:00 a.m. on September 3, 2013 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2014 budget includes \$100,000 for this work under Engineering Administration-Contracted Traffic Signal Work (10016210-70662). Stakeholders can locate this in FY 2014 budget book titled “Budget Overview & General Fund” on page 347.

Respectfully submitted for Council consideration.

Prepared by:

Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the prices for 2013 Traffic Signal Maintenance from Bodine Electric, Decatur, IL, be accepted, in the amount of \$100,000, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of 2013 Emergency Traffic Signal Repair Contract

RECOMMENDATION/MOTION: That the prices from Bodine Electric, Decatur, IL be accepted, in the amount of \$100,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2: Upgrade City infrastructure and facilities and Goal 5: Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2e: Investing in the City’s future through a realistic, funded capital improvement program and Objective 5a: Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes traffic signal mast arm, post, controller and other signal equipment repairs or replacements that are emergencies, and other related emergency work on City electric and traffic signal facilities. Emergencies primarily include signal equipment damage or knockdowns from accidents or storms. This work is beyond the capability

of City crews due to the lack of necessary equipment or manpower. A list of projects completed under the previous fiscal year contract was provided to Council.

Bids for the 2013 Emergency Traffic Signal Repair contract were received until 9:00 a.m. Tuesday, September 10, 2013 in the office of the City Clerk. Two (2) bids were received and opened in the City Council Chambers. A bid tabulation of all bids is included. Since the project involves repair of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

Bodine Electric of Decatur	\$ 88,725.00 Low Bid
Laesch Electric, Inc.	\$ 109,527.50
Budget	\$100,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on August 26 and September 2, 2013 and a pre-bid meeting was held at 10:00 a.m. on September 3, 2013 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2014 budget includes \$100,000 for this work. The funding source is Engineering Administration-Contracted Traffic Signal Work (10016210-70662). Stakeholders can locate this in FY 2014 budget book titled "Budget Overview & General Fund" on page 347.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the prices for 2013 Emergency Traffic Signal Repair from Bodine Electric, Decatur, IL be accepted, in the amount of \$100,000, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of 2013 Street, Alley and Sidewalk Maintenance Contract

RECOMMENDATION/MOTION: That the prices from Stark Excavating, Inc. be accepted, in the amount of \$200,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities and Goal 5: Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks and Objective 5a: Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes maintenance and repair of streets, alleys sidewalks, curb and gutter, driveways and other related items on City owned properties. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. A list of projects completed under the previous fiscal year contract was provided to Council.

Bids for the 2013 Street, Alley and Sidewalk Maintenance contract were received until 9:00 a.m. Tuesday, September 10, 2013 in the office of the City Clerk. Three bids were received and opened in the City Council Chambers. A bid tabulation of all bids is included. Please note that many of the bidders included \$0.01/hour rate for some of the labor trades. It is not uncommon for bidders to provide low unit prices for items or labor trades they do not expect to use during a contract. This is a risk for the contractor since they must honor the low rate if that item or labor trade is required during the course of the contract.

Since the project involves repair of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

Stark Excavating, Inc.	\$ 152,957.50 Low Bid
Mclean County Asphalt, Inc.	\$ 199,335.25
Rowe Construction Company	\$ 229,550.00
 Budget	 \$ 200,000.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on August 26 and September 2, 2013 and a pre-bid meeting was held at 10:00 a.m. on September 3, 2013 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2014 budget includes \$200,000 for this work under Capital Improvement Fund-Street Construction and Improvement (40100100-72530). Stakeholders can locate this in the FY 2014 budget book titled “Other Funds & Capital Improvement Program” on pages 106, 274 and 299.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the prices for 2013 Street, Alley and Sidewalk from Stark Excavating, Inc. be accepted, in the amount of \$200,000, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of 2013 Grading & Seeding Contract

RECOMMENDATION/MOTION: That the prices from Stark Excavating, Inc. be accepted, in the amount of \$100,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 4: Strong neighborhoods and Goal 5: Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 4c. Preservation of property/home valuations and Objective 5e: More attractive City: commercial areas and neighborhoods.

BACKGROUND: This contract includes grading, shaping, seeding, fertilizer application, erosion control installation and other related work on City owned properties. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. A list of projects completed under the previous fiscal year contract was provided to council.

Bids for the 2013 Grading & Seeding contract were received until 9:00 a.m. Tuesday, September 10, 2013 in the office of the City Clerk. Three bids were received and opened in the City Council Chambers. A bid tabulation of all bids is included. Please note that many of the bidders included \$0.01/hour rate for some of the labor trades. It is not uncommon for bidders to provide low unit prices for items or labor trades they do not expect to use during a contract. This is a risk for the contractor since they must honor the low rate if that item or labor trade is required during the course of the contract.

Since the project involves repair of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

Stark Excavating, Inc.	\$ 71,253.20 Low Bid
George Gildner, Inc.	\$ 86,000.70
Rowe Construction Company	\$107,250.00
Budget	
Storm Water	\$ 50,000.00
Sanitary Sewer	<u>\$ 50,000.00</u>
Total Budget	\$100,000.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on August 26 and September 2, 2013 and a pre-bid meeting was held at 10:00 a.m. on September 3, 2013 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2014 budget includes \$100,000 for this work. Funding will be as follows: Storm Water-Grading and Seeding (53103100-70580) for \$50,000 and Sanitary Sewer-Grading and Seeding (51101100-70580) for \$50,000. Stakeholders can locate this in the FY 2014 budget book titled "Other Funds & Capital Improvement Program" on pages 171 and 161 respectively.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the prices for 2013 Grading & Seeding from Stark Excavating, Inc. be accepted, in the amount of \$100,000, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of Highland Golf Course Storm Sewer Contract

RECOMMENDATION/MOTION: That the prices from Stark Excavating, Inc. be accepted, in the amount of \$102,832.54, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2: Upgrade City infrastructure and facilities and Goal 5: Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2c. Functional, well maintained sewer collection system and Objective 5a: Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract involves the construction of a storm sewer across the Highland Park Golf Course. The new sewer will replace an existing one that carries storm water from the Veterans Pkwy., Morris Ave., Six Points Rd. intersection across the golf course to a drainage ditch near Springfield Rd. The existing six inch (6”) sewer is damaged in several locations and will not carry the storm water flows from the subject area. Currently, storm water flows across the ground surface and damage golf cart paths and other areas of the course. The new twenty-four inch (24”) sewer will mitigate this problem.

Bids for this contract were received until 9:00 a.m. Tuesday, September 10, 2013 in the office of the City Clerk. Seven (7) bids were received and opened in the Council Chambers.

Stark Excavating, Inc.	\$ 102,832.54 (Low Bid)
George Gildner, Inc.	\$ 109,515.00
ACE Contracting of IL	\$ 113,470.00
Opperman Construction	\$ 129,507.50
G.A. Rich & Sons, Inc.	\$ 133,681.00
Rowe Construction Company	\$ 142,196.61
Ironhustler Excavating	\$ 165,514.61
Budget	\$ 100,000.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on August 26 and September 2, 2013 and a pre-bid meeting was held at 10:00 a.m. on September 3, 2013 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2014 budget includes \$100,000 for this work. Funding will be from Storm Water-Sewer Construction and Improvements (53103100-72550). The current available balance in this account is \$265,349.18, which is sufficient to cover the \$2,832.54 above the budgeted amount. Stakeholder can locate this in the FY 2014 budget book titled "Other Funds & Capital Improvement Program" on pages 172 & 382.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the prices for Highland Golf Course Storm Sewer from Stark Excavating, Inc. be accepted, in the amount of \$102,832.54, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for Water Treatment Chemicals

RECOMMENDATION/MOTION: That the bids be awarded, on a price per ton basis, to the qualified, responsive low bidders as noted in the table in the memo, for the next 12 months with the exceptions that the 2012 carbon dioxide bid is being presented for approval as a three year bid with a maximum four percent (4%) price escalator in years two (2013) and three (2014) and chlorine was accepted as a three year bid of \$500 per ton in September of 2011. Therefore, chlorine is shown in the table as a \$500 bid for year two (2012) of a three year contract.

CHEMICAL	VENDOR	Unit of Measure	CURRENT YEAR	LAST YEAR	% Change
Ferric Sulfate	Kemira Water Solutions	Ton	\$190.00	\$169.00	12.4%
Carbon Dioxide	Praxair	Ton	\$60.32*	\$58.00	4.0%
Sodium Hexametaphosphate	Carus Phosphates	Ton	\$1,960.00♦	\$2,000.00	-2.0%
Anhydrous Ammonia	Tanner Industries	Ton	\$1,640.00	\$1,600.00	2.5%
Hydrofluosilicic Acid	Mosaic Crop Nutrition, LLC.	Ton	\$522.00	\$544.00	-4.4%
Liquid Chlorine	JCI Jones, Inc.	Ton	\$500.00^	\$500.00	0%

All chemicals are delivered on an as needed truckload basis, except sodium hexametaphosphate which is delivered as a single shipment of 20,000 lb.

*Year two of a three (3) year agreement with a maximum four percent (4%) per year escalator. 2014 price reflects a four percent (4%) price increase.

♦Single 20,000 lb. shipment price.

^Year three of a three (3) year contract with no price increase in this third year.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1e: Partnering with others for the most cost effective service delivery.

BACKGROUND: On September 10, 2013, bids were opened for the City's water treatment chemical needs. As can be seen in the table, three (3) chemicals increased in price by double digit amounts and two (2) others decreased in price by low single digit amounts. One chemical remained at the same price because it was contractually bound to remain unchanged in price over three (3) years. This is a clear indication of the continued volatility of the industrial bulk chemical market. Water treatment chemicals are one of the three main expenses in the Water Department's Operation and Maintenance budget. The other two are labor and electricity. There are several water chemicals that are used in the water treatment process. These chemicals are used in widely varying dosages when compared one to another and individual chemicals will routinely change in dosage as the quality of the water withdrawn from the supply reservoirs changes. The Water Department has budgeted \$625,000 for the overall cost of water treatment chemicals in FY 2012 - 2013. In FY 2011 - 2012, \$800,000 was spent on water treatment chemicals and in FY 2010 - 2011, \$677,000 was spent.

Due to the volatility in the industrial bulk chemical market, the City attempted to reduce some of the exposure to the market swings by requesting multi-year pricing. All vendors were invited to submit proposals for three (3) year agreements for supplying chemicals in addition to the standard one (1) year bid. Two (2) vendors submitted three (3) year proposals, namely one for carbon dioxide and one for hydrofluosilicic acid. The number of vendors willing to commit to three year pricing is down from years past, again indicating ongoing volatility in this market.

The carbon dioxide three (3) year pricing proposal of \$58 per ton in year one and a maximum four percent (4%) escalator in years two and three from Praxair, Inc. is being recommended by staff over the three (3) year pricing proposal of \$62 per ton in each of the three years from Continental Carbonic Products, Inc. (CCP). If the three (3) year pricing from Praxair were accepted, the savings in year one would be between \$2,000 - \$3,000 as a result of the difference between the bid price of \$58/ton from Praxair compared to the \$62/ton bid by CCP and assuming between 500 and 750 tons of carbon dioxide were used in a year. In year two, assuming a worst case scenario of the full four percent (4%) increase in the price from Praxair, their year two price per ton would be \$60.32 as compared to the \$62 per ton price from CCP. The savings in year two would be between \$840 - \$1,260 assuming again that between 500 and 750 tons of carbon dioxide was used in a year. In year three, assuming a worst case scenario of the full four percent (4%) increase in the price from Praxair, their year three price would be \$62.73 per ton as compared to the \$62 per ton price from CCP. There would be no savings in year three. The cost for Praxair carbon dioxide in year three would actually be more expensive than the year three price per ton from CCP; between \$365 - \$547.50 more, assuming again that between 500 and 750 tons of carbon dioxide was used in a year. Therefore, the two year savings range of the Praxair carbon dioxide would be between \$2,840 - \$4,260 and the year three expense (Praxair's price would be higher in year three under the worst case scenario) would be between \$365 - \$547.50. Adding the three year savings/expenses together, the three year contract with Praxair, in the opinion of staff, is the more economical alternative to bidding the carbon dioxide each year for the next three years or accepting CCP's bid. The savings would be in the range of \$2,475 - \$3,712.50 over the three year term of the contract.

Liquid chlorine is shown on the table but actually was not bid in 2012. It was bid in 2011 and a three (3) year contract was approved by Council on September 26, 2011 at a price of \$500 per

ton for each of the three years of FY's 2012, 2013 and 2014. Staff committed at that time to present to Council each year for approval, the current year pricing for multi-year contracts. The use of these individual chemicals in the water treatment process is as follows:

Ferric Sulfate – A compound used to increase the removal of suspended materials, such as small soil particles, that are suspended in the water. Basically, very small suspended particles clump together to settle quicker in the water treatment plant.

Carbon Dioxide – The compound that gives pop its fizz is the same material used to lower the pH in water after the removal of dissolved minerals through the use of lime (the water softening process). Lime greatly increases the pH of the water and that pH must be lowered to prevent the formation of scale on the filters and to make the water palatable. Carbon Dioxide, which forms a weak acid, is bubbled into the water to accomplish this.

Sodium Hexametaphosphate – This phosphate compound is used to prevent scale from forming on the filters in the water treatment plant.

Liquid Chlorine – Chlorine is used as a disinfectant in water treatment plants. It is a strong oxidant so it helps with taste and odor as well. In the United States, a minimal amount of chlorine must be present in the pipes in all areas of the water distribution system to continue working as a disinfectant all the way to a customer's water service connection.

Anhydrous Ammonia – Ammonia is added to the water already containing chlorine to form a class of compounds known as chloramines. Chloramines act as disinfectants, just like chlorine, but are stable in the water delivered to customers for a longer period of time than just chlorine alone.

Hydrofluosilicic Acid – Commonly just referred to as fluoride, this chemical is added to the water to increase the amount of fluoride in drinking water to levels which are optimal for the protection of adults, but to a greater extent, children's teeth from cavities. There is a modest amount of naturally occurring fluoride in the water taken from our reservoirs; the addition of hydrofluosilicic acid simply increases that to optimal levels. The addition of fluoride to optimal levels is a state law in Illinois.

The responsive and qualified low bidders are as follows:

CHEMICAL	VENDOR	Unit of Measure	CURRENT YEAR	LAST YEAR	% Change
Ferric Sulfate	Kemira Water Solutions	Ton	\$190.00	\$169.00	15%
Carbon Dioxide	Praxair	Ton	\$58.00*	\$58.00	22.1%
Sodium Hexametaphosphate	Carus Phosphates	Ton	\$1,960.00 ♦	\$2,000.00	-2.9%
Anhydrous Ammonia	Tanner Industries	Ton	\$1,640.00	\$1,600.00	11.1%
Hydrofluosilicic Acid	Mosaic Crop Nutrition, LLC.	Ton	\$522.00	\$544.00	-1.1%
Liquid Chlorine	JCI Jones, Inc.	Ton	\$500.00^	\$500.00	0%

All chemicals are delivered on an as needed truckload basis, except sodium hexametaphosphate which is delivered as a single shipment of 20,000 lb.

*Year two of a three year agreement with a maximum four percent (4%) per year escalator. 2014 price.

♦Single 20,000 lb. shipment price

^Year three of a three year contract with no price increase in this third year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: BID LANGUAGE

FINANCIAL IMPACT: Payment for the purchase of water treatment chemicals throughout the year will be made from the Water Purification Budget-Water Treatment Chemicals (50130-71720). This account is budgeted at \$660,000, for all of the above-mentioned chemicals, for FY 2014. Stakeholders may locate this in the FY 2014 Budget book titled "Other Funds & Capital Improvement Program" on page 145.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the bids be awarded, on a price per ton basis, to the qualified, responsive low bidder: Kemira Water Solutions – Ferric Sulfate; Carus Phosphates – Sodium Hexametaphosphate; Tanner Industries – Anhydrous Ammonia; Mosaic Crop Nutrition, LLC – Hydrofluosilicic; for the next twelve (12) months and the Purchasing Agent be authorized to issue a Purchase Orders. Exceptions: 2012 Carbon Dioxide bid from Praxair was presented and approved as a three (3) year with a maximum four percent (4%) price escalator in years two (2013) and three (2014) and Liquid Chlorine was approved for three (3) year at \$500 per ton in September of 2011.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Requests for Proposal for Conservation of the Trotter Fountain

RECOMMENDATION/MOTION: That the RFP for conservation of the Trotter Fountain be awarded to Architectural Preservation Services, Baltimore, MD, in the amount of \$42,490, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2: Upgrade City infrastructure and facilities, Goal 4: Strong neighborhoods and Goal 5: Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2d: Well-designed, well maintained City facilities emphasizing productivity and customer service, Objective 4d: Improved neighborhood infrastructure, and Objective 5e: More attractive City: commercial areas and neighborhoods.

BACKGROUND: The Trotter Fountain, located in Withers Park near the corner of Washington and East Sr., was designed by world famous sculptor Lorado Taft, Chicago, IL. The statue is twelve feet (12') high and over six feet (6') long. The base weighs 22,500 lb., (11.5 tons), and the statute/fountain is 21,500 lb., (10.75 tons). The inside is hollow, by design, because of the water feature. The two (2) Indian maidens are each six feet (6') tall and four (4) Indian children play at their feet with a bear cub and a dog. Set in a grassy area that was next to the Library and used as a playground, at the dedication Taft explained the meaning of the spot regarding the children of the past, present, and future. The statue was formally dedicated on May 30, 1911 on public land next to Withers Library.

The piece was willed to the City by James Trotter, an Irish immigrant, whose family members became active, prominent citizens of Bloomington. His brother, John Trotter, was mayor for three (3) terms; a sister, Georgiana, was a Civil War nurse who worked on the front lines with Dorothea Dixson, returned to Bloomington, became a naturalized citizen, (some say the first in the United States), fought tirelessly for a public library in Bloomington, and served on the Board of Education for eighteen (18) years. John and Georgiana, along with James, owned a lumberyard.

Over 102 years, the Trotter Fountain has begun to show some signs of aging. There is rust like stains that have developed from the old water lines. There is also a black looking crust that has developed on numerous parts of the statue from years of biological growth. Some of the features such as fingers and toes have begun to deteriorate which have been recommended for conservation rather than restoration. A detailed cleaning is needed as well as a protective coating is recommended. The specifications are as follows:

1. Review any information about prior treatments as well as any historic photographs that the City can provide.
2. Perform cleaning tests on site to determine safest and most efficient way to remove the various types of soiling and staining on the marble.
3. Carefully clean stone to remove biological growths, black crusts, staining and general soiling.
4. Remove by hand (use only oscillating tools if needed – use of grinders is not allowed) and point mortar joints.
5. Present for approval and evaluate need for application of a protective coating to the marble. Recommend, document and discuss benefits and negative aspects for long term application with the Superintendent of Parks.
6. Provide one (1) original and two (2) copies of written and photographic documentation of all conditions before, during and after treatment.
7. Provide one (1) original and two (2) copies final treatment report with all documentation including procedures and materials used and recommendations for future maintenance

Architectural Preservation Services comes highly recommended and some of their conservation work includes:

Lincoln Memorial, Washington DC
National Park Service
Ronald Reagan Monument and Plaque
Tomb of the Unknowns, Arlington National Cemetery

Name	Location	Bid Price
Architectural Preservation Services	2100 Gable Ave. Baltimore, MD 20814	\$42,490
Conservation of Sculpture and Objects Studio, Inc.	900 S. Des Plaines Ave. Forrest Park, IL 60130	\$44,100

On August 13, 2013 RFP's were opened and read for the Trotter Fountain conservation project. Two (2) proposals were received and both companies were interviewed via telephone by the Park Maintenance Superintendent and the City's Procurement Manager. Staff is recommending authorization to approve the lowest vendor.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Architectural Preservation Services, City staff, (Corporation Council and Procurement Manager), Trotter family heirs.

FINANCIAL IMPACT: Funds were budgeted in the amount of \$60,000 for this expenditure and are available in account 10014110-70690-41000 (Parks Maintenance-Other Purchased Services). Stakeholders can locate this in the FY 2014 budget book titled "Budget Overview & General Fund" on page 207.

Respectfully submitted for Council consideration.

Prepared by: Robert A Moews, Super. of Parks, Rec & Cultural Arts
Reviewed by: John R. Kennedy, Director of Parks, Rec & Cultural Arts

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the RFP for conservation of the Trotter Fountain be awarded to Architectural Preservation Services, Baltimore, MD, in the amount of \$42,490, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

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

SUBJECT: Analysis of Bids for New Irrigation Pump Station at Prairie Vista

RECOMMENDATION/MOTION: That the bid for new irrigation pump station at Prairie Vista be awarded to Watertronics/MTI Distributing, Brooklyn Center, MN, in the amount of \$79,275, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: In order to provide the customers at Prairie Vista with course conditions that match the image of the course we are looking to create, we need to provide quality turf from which to play on. The current irrigation pump station is original to the golf course and is twenty-two (22) years old. Average life expectancy for pump stations is between fifteen to twenty (15 – 20) years. Staff is currently encountering situations where parts needed for repair are either not readily available or not available at all. This has been experienced a number of times in each of the last three (3) years where the City was without the ability to irrigate the courses for two to three (2 – 3) days, while staff waited for a part to be located. If an integral part in the pump station was not available, the course would be put into a position of not being able to irrigate which would be disastrous in the summer months. If a repair was not a viable option and The City should have to replace the pump station, the lead time on a new system is approximately ten to twelve (10 – 12) weeks, which is not an acceptable length of time to be without irrigation at any point in the golf season.

The positives of a new irrigation pump station include immediate water savings and energy savings of up to twenty-five percent (25%) due to increased efficiencies in the newer vertical frequency drive (VFD) pumps. VFD Technology has proven to be the most efficient in reducing energy costs and minimizing system wear. Advanced controls will also save staff time and money by allowing increased communication, from a variety of devices, with the system. Consistent and water application through the irrigation system will lead to better turf for our customers to play from.

On Thursday, August 29, 2013, at 3:00 pm, bids were publicly opened and read for the new irrigation pump station at Prairie Vista.

The bids received were as follows:

FIRM	LOCATION	BID PRICE (Net)
Rainbird	Tuscon, AZ	\$95,109
Watertronics*	Hartland, WI	\$79,275

* - Low and recommended bid

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was placed in The Pantagraph and on the City's web site on August 14, 2013 and two (2) bids were received on August 29, 2013.

FINANCIAL IMPACT: Stakeholders can find this in the FY 2014 budget book titled "Other Funds & Capital Improvement Program" on page 112. This is budgeted in the FY 2014 Capital Lease-Capital Outlay Equipment Other than Office (401001300-72140). Although this item is \$4,275 over the estimated budget, the City will absorb this cost within the lease and look for possible savings with other lease purchases to be made in FY 2014. The principal and interest payments for this lease are budgeted under the Prairie Vista Golf Course budget beginning in FY 2014. For stakeholders this can be located in the same budget book on page 204 under Lease Principal 5640610-73401 and Lease Interest 56406410-73701.

Respectfully submitted for Council consideration.

Prepared by: John Kennedy, Director, Parks, Recreation & Cultural Arts

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the bid for new irrigation pump station at Prairie Vista be awarded to Watertronics/MTI Distributing, Brooklyn Center, MN, in the amount of \$79,275, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of Playground Equipment for Franklin Park

RECOMMENDATION: That the purchase of playground equipment for Franklin Park from The Cooperative Purchasing Network (TCPN) be approved, in the amount of \$31,405.20, utilizing Contract #R5202, and the Purchasing Agent be authorized to issue a Purchase Order.

STRATEGIC PLAN LINK: Goal 2: Upgrade City infrastructure and facilities, Goal 4: Strong neighborhoods and Goal 5: Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2d: Well-designed, well maintained City facilities emphasizing productivity and customer service, Objective 4d: Improved neighborhood infrastructure, and Objective 5d: Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: The playground equipment at Franklin Park was removed several years ago by City staff due to the pieces no longer meeting safety requirements and regulations. Staff began conversations and neighborhood meetings in January in order to find what type of the playground equipment interested the residents in the area of Franklin Park.

Public meetings were held this year on January 31, April 10, and May 8, 2013. As a result of those meetings, additional focus group meetings and feedback received, there is majority support for a playground; there is majority support for the location chosen for a playground. There is majority support for a two (2) playground styles/approaches for Franklin Park. The first, which represents the request presented, is a contemporary pre-manufactured structure from Landscape Structures, Inc. The second is a nature play style that will be constructed by Park Maintenance certified playground specialists. Drawings of each playground style were provided to Council. The new playground is designed to accommodate both the two to five (2 - 5) year old and five to twelve (5 - 12) year old age groups, meets all CPSC and ADA requirements and will be expected to last twelve to fifteen (12 - 15) years. There are trained and certified playground installers in the Parks Maintenance Division who will perform the installation of this equipment.

TCPN assists public agencies and non-profits reap the benefits of national leveraged pricing, with no cost to the member. TCPN leverages one of the largest pools of purchasing potential. This is accomplished by competitively soliciting proposals and awarding contracts for commonly purchased products and services. Through TCPN solicitation process, contracts are awarded covering Facilities, Furniture, Office Supplies & Equipment, Security Systems, and Technology and other goods and services industries.

This purchase through TCPN represents an approximate \$2,000 in savings.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Franklin Square Association, Bloomington Historic Preservation Commission, Illinois Historic Preservation Commission, residents near Franklin Park, Illinois Wesleyan University, and the City Procurement Manager.

FINANCIAL IMPACT: Franklin Park playground equipment was originally budgeted for in FY 2013. The public input process took longer than anticipated therefore this was not bid and thus not purchased last fiscal year. The City has \$90,000 budgeted for Route 66 Bike Trail in FY 2014 under Capital Improvement Fund-Bike Trail (40100100-72580). This phase will not take place in FY 2014. These dollars are proposed to be used for the playground equipment. For stakeholders, this can be found in the budget book titled “Other Funds & Capital Improvement Program” pages 106, 274, 305-306. The playground equipment purchase will occur out of the Capital Improvement Fund-Capital Outlay Equipment Other than Office (40100100-72140).

Respectfully submitted for Council consideration.

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

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the purchase of playground equipment for Franklin Park from The Cooperative Purchasing Network (TCPN) be approved, in the amount of \$31,405.20, utilizing Contract #R5202, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Renewal of Bond Purchasing Agreement for 2004 Variable Rate Demand Bonds

RECOMMENDATION: That the Council authorize the renewal of the 2004 Variable Rate Demand Bond Repurchasing Agreement with J.P. Morgan Chase Bank and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: Staff respectfully requests Council’s approval of the renewal of the contract between the City and J.P. Morgan Chase Bank. This agreement was a part of the original 2004 bond issuance of variable rate demand bonds and makes a covenant with investors to have a bond purchasing agreement in place for the benefit of investors. If this agreement is not in place the bonds would mandatorily redeem. Upon redemption, the City would be obligated to pay off the balance of the bonds prior to their maturity date. In this case, if the renewal was not in place by September 1st, \$10,188,375 of bonds would have been redeemed. To avoid this redemption, the renewal contract was executed. A copy of the contract was provided to Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: There is no direct financial impact of renewing this agreement. However, in not renewing this agreement the City was obligated to pay a lump sum of approximately \$10.2 million dollars. During the remaining life of the bond while the contract is in place J.P. Morgan Bank is obligated to purchase any bonds that cannot be remarketed.

Respectfully submitted for Council consideration.

Prepared and Reviewed by: Patti-Lynn Silva, Director of Finance

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the Council authorize the renewal of the 2004 Variable Rate Demand Bond Repurchasing Agreement with J.P. Morgan Chase Bank 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Professional Services Contract for the Bloomington Center for Performing Arts (BCPA)

RECOMMENDATION: That the contract with Big League Productions be approved, in the amount of \$35,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3: Grow the local economy, Goal 5: Great place – livable, sustainable City, and 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, and Objective 6c: Downtown becoming a community and regional destination.

BACKGROUND: Staff respectfully requests approval of the contract to engage persons and/or groups represented by Big League Production to perform entertainment services in the BCPA. Contract expenses for the contracts will be \$35,000. The contract price covers the artist fees for the performance coming to the BCPA. For proprietary and competitive advantage reasons we do not mention the acts by name in the staff back up report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

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

FINANCIAL IMPACT: The FY 2014 Budget appropriated \$511,300 in line item 2110100-70218-20000. Due to the BCPA fund being consolidated into the General Fund, the corrected coding is 10014125-70218-20000. The purpose of this contract is to engage persons and/or groups represented by: Big League Productions to perform entertainment services in the BCPA. Note 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, and corporate advertisement 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 item in the FY 2014 Budget book titled “Budget Overview and General Fund” on page #408.

Respectfully submitted for Council consideration.

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

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the contract with Big League Productions be approved, in the amount of \$35,000, 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Contract for the Purchase of Electricity for U.S. Cellular Coliseum/Pepsi Ice Center Complex

RECOMMENDATION/MOTION: That the City enter into a two year, (24 month), contract with Ameren Energy Marketing Company (AEM) to supply full retail power for the US Cellular Coliseum and Pepsi Ice Center complex and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1.e. Partnering with others for the most cost effective service delivery. Central IL Arena Management (CIAM) continues to look for ways and means to reduce expenses and save energy throughout the facility on a daily basis. Staff has reduced the power usage in the facility over the course of the past three (3) years by over thirty percent (30%) by changing fixtures in the bowl, programming lights, changing switches to sensor on and off styles, etc., throughout the facility. These changes have led to over \$150,000+ in energy savings over the past thirty-six to forty-eight (36 – 48) months.

BACKGROUND: CIAM is coming to Council for approval of this contract since it is over \$9,999. Staff has worked hard with AEM to lock in rate, (nonadjustable rate would be .04465 per KWh), that is currently lower than the rate the City has with Integrys Energy Company, (Rate .04899). Staff has prepared a chart showing a thirteen (13) month historical Rates and Costs Difference which was provided to the Council. Power rates have been relatively low over the past twelve (12) months and the rates are starting to rise. Now is the time to lock rates in take advantage of the savings it has to offer.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Minimum savings of \$15,000 per year per the comparison chart supplied. This savings was calculated by John Butler, CIAM President.

Respectfully submitted for Council consideration.

Prepared by: John Butler, CIAM President

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, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Schmidt, seconded by Alderman Black that the City enter into a two year, (24 month), contract with Ameren Energy Marketing Company (AEM) to supply full retail power for the US Cellular Coliseum and Pepsi Ice Center complex 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, Lower, Fazzini, Sage, Stearns, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 2. Administration, Relating to Electronic Voting at City Council Meetings

RECOMMENDATION/MOTION: That the Text Amendment be approved and the Ordinance passed.

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

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

BACKGROUND: Electronic voting is useful in Council meetings and anywhere a number of persons may be voting on various issues. This type of voting system allows everyone to vote in privacy and once everyone has voted, the results are provided on a large wall display.

Chapter 2, Section 18(d) currently provides that “the separate yes and no votes of each Council member shall be taken by roll call upon the consideration of all ordinances, and all propositions to create any liability against the City, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings.”

This amendment would allow Council member votes to be taken electronically, and if electronic voting is unavailable, by roll call.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Rosalee Dodson, Asst. Corporation Counsel

Reviewed by: Scott Sprouls, Director, Information Services

Recommended by:

David A. Hales
City Manager

ORDINANCE 2013 - 67**AN ORDINANCE AMENDING CHAPTER 2 OF THE BLOOMINGTON CITY CODE
RELATING TO THE RULES OF CONDUCT FOR CITY COUNCIL MEETINGS**

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

SECTION 1. That the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Chapter 2: Section 18: Rules for Conduct of Meetings.

The following rules shall govern the Council in its deliberations:

- (a) The Mayor, while present, shall preside as Chairperson at all meetings of the City Council. In the Mayor's absence from the meeting, the Mayor Pro Tem shall serve as the Chairperson, or if the Mayor Pro Tem is also absent, the Council members present shall designate by vote another Council member to serve as Chairperson. The meetings of the City Council shall be called to order and conducted by the Chairperson.
- (b) A majority of the members of the Council shall constitute a quorum to do business.
- (c) The Chairperson's powers include, but are not limited to, the following:
 - (1) To rule motions in or out of order. In doing so, he or she may consult with legal counsel who shall serve as the parliamentarian.
 - (2) To regulate the course of the meeting in accordance with these rules and applicable laws and ordinances. This includes the responsibility to regulate speakers and attendees.
 - (3) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground.
 - (4) To entertain and answer questions of parliamentary law or procedure. In doing so, he or she may consult with legal counsel who shall serve as parliamentarian.
 - (5) To call a brief recess at any time.
 - (6) To adjourn in an emergency.
- (d) The separate yes, and no, and abstain votes of each Council member shall be taken electronically, and if electronic voting is unavailable, by roll call upon the consideration of all ordinances, and all propositions to create any liability against the City, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings. The concurrence of a majority of the members elected

to the Council shall be necessary to the passage of any such ordinance or proposition except where otherwise provided by law or by ordinance.

(e) Questions of parliamentary law at the meetings of the Council shall be addressed as provided below. To the extent not provided for in these rules, and to the extent it does not conflict with Illinois law, City ordinances, or with the spirit of these rules, the Council shall refer to Robert's Rules of Order Newly Revised, to answer unresolved procedural questions.

(1) Substantive Motion. A substantive motion may deal with any subject within the Council's legal powers, duties and responsibilities. A substantive motion is out of order while another substantive motion is pending.

(2) Procedural Motion. The following enumeration of procedural motions are in order. Unless otherwise noted each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending. The following is an exhaustive list; if a procedural motion is not on the list, then it is not available. In order of priority, if applicable, the procedural motions are:

(i) Motion to Appeal a Procedural Ruling of the Chairperson. A decision of the Chairperson ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council. This appeal is in order immediately after such decision is announced and at no other time. The Council member making the motion need not be recognized by the Chairperson and the motion, if timely made, may not be ruled out of order. If the appeal is seconded, the Council member making the appeal may bsidy was 100 percent. (The City did not establish a fee until 2004.) Due to capital investments in equipment, the implementation osion. The Chairperson shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "Aye," the ruling of the Chair is sustained; otherwise, it is overruled.

(ii) Motion to Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. A motion to adjourn shall always be in order, except: 1) when a Council member is in possession of the floor; 2) when the Council members are voting; 3) when adjournment was the last preceding motion; and 4) when it has been decided that the previous question shall be taken.

(iii) Motion to Recess. Council members may propose a brief recess during its proceedings. This motion, if passed, requires the Council to immediately take a recess. Normally, the Chairperson determines the length of the recess, which may range from a few minutes to an hour.

(iv) Motion to Call to Follow the Agenda. This motion, if passed, requires the Council to conform to its agenda or order of business. This motion must be made at the first reasonable opportunity (when the item of business that deviates from the agenda is proposed) or the right to make it is waived for the out-of-order item in question.

(v) Motion to Suspend Rules. This motion, if passed, allows the body to suspend its own rules of order, conduct or procedure for a particular purpose. The motion should specifically state the portion of the rules that are being suspended. This motion requires a two-thirds vote. This motion must be specific and state the reason for suspending the rules.

(vi) Motion to Go into Closed Session (Executive Session). The Council may go into closed session only for one or more of the permissible purposes listed under Section 2 of the Illinois Open Meetings Act (5 ILCS 120/1). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting.

(vii) Motion to Leave Closed Session (Executive Session). This motion provides a procedural mechanism for returning from closed session to an open meeting.

(viii) Motion to Divide a Complex Motion (Question) and Consider it by Paragraph. This motion is in order whenever a Council member wishes to consider and vote on subparts of a complex motion separately.

(ix) Motion to Defer Consideration (Table). The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires one-hundred (100) days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending. A Council member who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules.

(x) Motion to Move the Previous Question (Limit Debate). This motion may be made at any time after a substantive motion is made. If made before twenty (20) minutes of debate and the opportunity of each Council member to make both an initial comment and a rebuttal comment as provided under Section 18.2(e) of this Chapter, the motion requires a two-thirds vote. If made after at least twenty (20) minutes of debate and after the opportunity of each Council member to make both an initial comment and a rebuttal comment as provided under Section 18.2(e) of this Chapter, the motion requires a majority vote.

(xi) Motion to Postpone to a Certain Time or Day. This motion allows the Council to postpone consideration of an item to a specified day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A Council member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules.

(xii) Motion to Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend. A motion maybe amended, and that amendment may be amended, but no further amendments may be made until the last offered amendment is disposed of by a vote.

(xiii) Motion to Revive Consideration. The Council may vote to revive consideration of any substantive motion earlier deferred by adoption of a motion to defer consideration (table). The motion is in order at any time within one-hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one-hundred (100) days after the deferral unless a motion to revive consideration is adopted.

(xiv) Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority) and 1) at the meeting during which the original vote was taken, including any continuation of that meeting through recess or adjournment to a time and place certain, or 2) at the next regularly scheduled Council meeting following the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

(xv) Motion to Rescind or Repeal. The Council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. This motion is used at a later meeting and has the purpose of canceling the action the Council took at a previous meeting. This motion can be made by any Council member, no matter how he or she voted on the original motion. The motion requires a majority vote if a Council member provides notice to the Council, prior to the meeting, that the motion will be made, or a two-thirds vote if such notice is not provided.

(xvi) Motion to Prevent Reintroduction for Six (6) Months. This motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires, for adoption, a two-thirds vote. If adopted, the restriction imposed by the motion remains in effect for six (6) months.

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with generally accepted principles of parliamentary procedure.

SECTION 2. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 3. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 4. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 5. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 23rd day of September, 2013.

APPROVED this 25th 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 be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendments to Chapter 10, 15 and 34 Combining Several Boards and Commissions into a Single Board called the “Building Board of Review” and Related Changes to HVAC Contractor Licensing Process

RECOMMENDATION/MOTION: That the Text Amendments be approved and the Ordinance passed.

STRATEGIC PLAN SIGNIFICANCE: 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: Over the past several years, Planning and Code Enforcement (PACE) Department has seen the need for several of the boards and commissions diminish. This reduced need has resulted in very few board and commission meetings. In some cases, boards have not met in excess of two (2) years. In addition, the City created a new board, Property Maintenance Review Board, for property maintenance and rental program reviews and appeals. Besides the reduced need for these boards, it has been increasingly difficult to maintain active membership, resulting in several vacant seats on most of these boards and commissions. Primarily due to

attrition, these vacancies can result in split decisions and cancelled or postponed meetings due to lack of a quorum.

With these issues in mind, staff has promoted the idea of combining similar boards and commissions in ways that would reduce the number of boards and commissions from eight (8) to four (4). Thereby, reducing the number of necessary board members by seventeen (17). While the Planning Commission and the Property Maintenance Review Boards will remain in their current configurations, the remaining boards and commissions are being combined and organized as follows:

Zoning Board of Appeals – As part of this endeavor, the duties of the Sign Code Board of Appeals have already been combined with the Zoning Board of Appeals, (December, 2012). Sign code cases are now part of the Zoning Board of Appeals’ case load. Since signs and their regulations are very much tied to the City’s Zoning Ordinance, this was a natural fit.

Building Board of Appeals – Under the current proposal, the Electrical Commission, Mechanical, Plumbing and Construction Boards will be combined into a single board (Building Board of Appeals) covering all the construction disciplines. Since these boards have meet infrequently; once combined staff does not anticipate meeting more than once per month. The Town of Normal recently created a board of this type for virtually the same reasons cited and it seems to be working well.

The new building board will consist of nine (9) members. However, to maintain the expertise needed to facilitate some cases, the four (4) disciplines covered, (electrical, plumbing, building and HVAC), would have two (2) experts from each of the fields joined by a ninth member “at large”. For a case particular to a specific discipline, the two (2) “expert” members plus any additional members needed for a quorum would be mandatory to hold a hearing. Meetings would be at the call of the chairman.

An additional related change being proposed is how we license HVAC (Heating, Ventilating & Air Conditioning) contractors. Currently, contractor licensing in the City is accomplished as follows:

- | | |
|---------------------------|---|
| Building
Contractors | <ul style="list-style-type: none"> • No license required. • Annual registration and liability insurance required by the. |
| Electrical
Contractors | <ul style="list-style-type: none"> • Standardized Test by the International Code Council’s (ICC) National Contractor/Trades Examination. • Proof of adequate training and background verified by the City. • Annual registration and liability insurance verified by the City. |
| Plumbing
Contractors | <ul style="list-style-type: none"> • Licensed and qualified by the State of Illinois. • Annual registration with City. |

- HVAC Contractors
- Testing by the City.
 - Proof of adequate training and back ground by the City.
 - Annual registration and liability insurance verified by the City.

Staff's intent is to move the HVAC contractor testing to the ICC National Contractor/Trades Examination process. This moves the actual testing to an independent third party and provides for testing created under a psychometric process; assuring fair, accurate testing and procedures.

Included as part of these various changes are code modifications, while not changing the essence the codes are providing clarification of meaning and intent. Examples include recognizing LLC's, removing redundant language and providing consistency throughout the various codes.

ALDERMANIC COMMITTEE BACKGROUND: This proposal was presented to the Administration and Finance Committee on June 3, 2013 where it received an endorsement to move forward to the full Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Staff published a notice of a public hearing regarding this issue in the Pantagraph as well as sending out individual notices to all affected board members. In addition additional notices were sent to the local Homebuilders Association and Board of Realtors. The public meeting was held on August 22, 2013 with three (3) members of the public in attendance.

FINANCIAL IMPACT: The actual financial impact will be time savings by staff. No longer will there be a need for management of multiple boards and commissions or have as many people involved.

Respectfully submitted for Council consideration.

Prepared by: Mark R. Huber, Director of PACE

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

Legal review by: George Boyle, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 68**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTERS 10, 15 AND 34**

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

SECTION 1. That Bloomington City Code Chapter 10, Article II, Section 23 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Section 23: BUILDING BOARD OF APPEALS.

(1) There is hereby created a Building Board of Appeals consisting of nine members. The members of the Board shall be individuals who are qualified by experience and training to decide upon matters pertaining to building construction and shall have the specific qualifications of each discipline set forth in this Section. Three members shall represent general construction, and two members each shall represent the disciplines of mechanical construction, electrical construction and plumbing.

- (a) General Construction: A general construction representative must be a licensed architect, licensed structural engineer, an individual having a minimum of a Master's degree in construction technology or related field, or an individual having a minimum of five years of experience in general construction.
- (b) Mechanical Construction: A mechanical construction representative must be a licensed mechanical engineer or a licensed HVAC contractor with a minimum of five years of experience in HVAC installation and maintenance.
- (c) Electrical Construction: An electrical construction representative must be a licensed electrical engineer or a licensed electrical contractor with a minimum of five years of experience in electrical installation and maintenance.
- (d) Plumbing Construction: A plumbing construction representative must be a licensed plumber with a minimum of five years of experience in plumbing or an individual with a minimum of a Bachelor's Degree in environmental science.

(2) The Mayor, with the consent of the City Council, shall make appointments to the Building Board of Appeals. The initial board shall consist of representatives appointed for staggered terms, with three representatives each appointed to serve a two, three, or four-year term. Thereafter, members shall be appointed for terms of four years and shall serve until their successors are appointed and duly qualified. The Board shall designate one of its members to serve as Chairperson. The Chairperson shall serve a one year term and may be reappointed. The Director of Planning and Code Enforcement or his designee shall serve as an advisor to the Board and may act as its Secretary. Vacancies among Board members shall be filled for the unexpired term in the same manner as original appointments.

- (3) The Building Board of Appeals shall have the following functions:
- (a) To hear and decide all appeals from rulings or determinations made by the Director of Planning and Code Enforcement or department staff pursuant to this Chapter, Chapter 15, (the Electrical Code), or Chapter 34, (the Plumbing Code). In any appeal pertaining to general, mechanical, electrical or plumbing construction, at least one board member representing the discipline at issue must attend and participate in the appeal hearing and deliberations, unless such participation would be prohibited by law. In the event a board member from the discipline at issue is unavailable, the appeal shall be continued in an expeditious manner to a date upon which a representative from the discipline at issue and quorum of the board can be present.
 - (b) To hear appeals related to applications for HVAC and electrical contractor licenses. In any such appeal, at least one board member representing electrical construction must attend and participate in the appeal hearing and deliberations.
 - (c) To conduct hearings on revocation or suspension of licenses, or the levying of fines against licensees.
 - (d) To serve as the “Board of Appeals” as that term is used in the various International construction codes adopted by the City of Bloomington. All appeals of decisions and determinations made under the International Property Maintenance Code or Chapter 45 of this Code shall be heard and reviewed by the Property Maintenance Board of Review as provided in that Chapter.
 - (e) To examine and review background, general practical knowledge, prerequisites and qualifications required to sit for the practical examinations for electricians and mechanical contractors as required in this Chapter and Chapter 15 of this Code.
 - (f) To recommend to the City Council reasonable rules and regulations governing the issuance of permits by the Director of Planning and Code Enforcement under this Chapter.
 - (g) To recommend to the City Council reasonable fees to be paid for the inspections performed by personnel of the Planning and Code Enforcement Department of the City of Bloomington under this Chapter.
 - (h) To perform such other duties as may be given or assigned by the City Council.
 - (i) The Building Board of Appeals, in concurrence with the Director of Planning and Code Enforcement, shall have the authority to provide for experimental programs or pilot studies, including studies which would allow for the installation of materials or methods which are otherwise prohibited by City of Bloomington ordinance. In determining whether to approve such studies or pilot programs, the

Building Board shall consider the health and safety of the residents of the City of Bloomington, the likely future use of the product or method sought to be used, and the expected benefit of the intended material or method. Any program or study approved shall be limited in duration and scope such that a reasonable assessment can be made of the material or method. The Director of Planning and Code Enforcement shall report regularly to the Building Board of Appeals on the effectiveness of such material or method approved for a pilot program or study.

(4) Quorum. Five members of the Board shall constitute a quorum. All decisions shall require an affirmative vote of a simple majority of the Board members present. No member of the Board shall consider or vote on any question in which he, or any corporation, limited liability company, or other legal entity in which he is a shareholder, is financially interested to an extent greater than other persons, firms or corporations performing or in business to perform comparable work.

(5) Meetings and Records. Meetings of the Board shall be held bi-annually, or at the call of the Chairperson or such other times as the Board may determine. All hearings before the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall so indicate. The Board shall also keep records of its other official actions. Such minutes and such records shall be public records.

(6) Appeal Procedure.

(a) Application for Appeal. Any application for appeal shall be made within ten days from the date of the decision appealed from, by filing with the Director of Planning and Code Enforcement a Notice of Appeal specifying the grounds for the appeal. The Director of Planning and Code Enforcement shall transmit to the Board of Appeals the Notice of Appeal and all papers or documents on which the matter appealed from was based.

(b) Any petition for a variance/interpretation from the Building Board of Appeals shall be filed with the Planning and Code Enforcement Department, accompanied by a fee of One Hundred Fifty Dollars, payable to the City of Bloomington. Each additional petition in a multiple petition shall be charged a fee of Thirty Dollars.

(c) Decision of the Board of Appeals. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall promptly be filed in the office of the Director of Planning and Code Enforcement and served either by personal delivery or regular mail on the party initiating the appeal.

(d) If a decision of the Board of Appeals reverses or modifies a decision of the Director of Planning and Code Enforcement, the Director of Planning and Code Enforcement shall take action immediately in accordance with such decision. The decision of the Board shall be final, subject only to judicial review.

(7) Rules and Regulations. The Board may establish rules and regulations for its own procedure not inconsistent with the provisions of this Chapter.

SECTION 2. That Bloomington City Code Chapter 10, Article IV shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Appendix B B101.2: Membership of Board. (Ordinance No. 2003-54)

~~The Board of Appeals shall consist of seven (7) members appointed by the chief appointing authority of the jurisdiction; one (1) member to be appointed for seven (7) years, one (1) for six (6) years, one (1) for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year and thereafter each new member to serve for seven (7) years or until his successor has been appointed. (Ordinance No. 1998-51)~~

Appendix B B101.2.2: Qualifications:

~~Each member of the board of appeals shall be a licensed professional engineer or architect, or a building or superintendent of building construction, with at least ten (10) years' experience, for five (5) years of which he shall have been in responsible charge of work; however, one of the members may be a lawyer. At no time shall there be more than two (2) members of Board selected from the same profession or business. (Ordinance No. 2003-54)~~

Appendix B B101.3.3: Quorum. (Ordinance No. 2003-54)

~~Four (4) members of the Board shall constitute a quorum for the purpose of doing business. (Ordinance No. 1993-79)~~

Appendix B B101.4: Action of Board. (Ordinance No. 2003-54)

~~The Board shall affirm, modify or reverse the decision of the Code Official/Building Official by a concurring vote of four (4) members. (Ordinance No. 1993-79)~~
Mechanical

Section 109.1.2: Fee for Appeals:

~~Any petition for an appeal/variance/interpretation from the Mechanical Board of Appeals shall be filed with the City Clerk, accompanied by a fee of One Hundred Fifty Dollars (\$150.00) payable to the City of Bloomington. For multiple variances/interpretations, a Twenty-five Dollar (\$25.00) fee shall be charged for each extra petition. (Ordinance No. 2011-58)~~

~~Any application for a variance/interpretation to this Code proposed by the City Council, Zoning Board of Appeals, Construction Board of Appeals, Building Code Review Board, Plumbing Board, HVAC Board, Electrical Commission, City staff or Regional Planning Commission staff shall be exempted from the requirements of this Section. (Ordinance No. 2003-54)~~

Section 109.2: Mechanical Board of Appeals—Creation:

~~There is hereby created a Mechanical Board of Appeals which consists of the following seven (7) members: (Ordinance No. 2003-54)~~

~~(a) — The Director of Planning and Code Enforcement and Fire Chief or their designees shall be ex officio members with voting privileges only on matters regarding issuance of new certificates and licenses as hereinafter provided. (Ordinance No. 1993-79)~~

~~(b) — Five (5) members appointed by the Mayor and City Clerk; one (1) member to be appointed for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) to serve one (1) year; and thereafter each new member to serve for five (5) years or until his successor has been appointed. (Ordinance No. 1998-51)~~

~~Section 109.2.1: Qualifications of Board Members. (Ordinance No. 2003-54)~~

~~Each member shall be an Illinois registered professional engineer or a HVAC contractor or supervisor of HVAC installations with at least ten (10) years' experience and five (5) years' experience involving direct charge and responsibility of HVAC work. One of the members at all times must be a registered professional engineer not engaged in the contracting business; however, one of the members may be a lawyer. (Ordinance No. 1981-104)~~

~~Section 109.2.1.1: Powers and Duties.~~

~~(a) — The Board shall have jurisdiction over all persons desiring to engage in the business or practice of contracting, installing replacing, altering or repair work in the City covered by the International Mechanical Code or International Fuel Gas Code. It shall have the authority to and shall examine all persons applying for a license for such business or practice, to determine their fitness and qualifications for conducting the trade, calling, or business related to work covered by the International Mechanical Code or International Fuel Gas Code and to issue a Certificate of Registration to all such persons who shall have passed a satisfactory examination before such Board, under criteria and procedures set up by it and approved by the Director of Planning and Code Enforcement. (Ordinance No. 2003-54)~~

~~(b) — The Mechanical Board of Appeals is authorized to enact rules of procedure governing its proceedings consistent with this Code. (Ordinance No. 1981-104)~~

~~Section M-130.0: Licensing of Contractors.~~

~~Section M-130.1: License Required.~~

It shall be illegal for any person to do work pertaining to any heating, cooling, ventilating, refrigeration systems, or gas piping systems without being a licensed mechanical contractor and only as permitted by license according to the following classifications:

Class "A" License: Enables holder to work on Warm Air Systems.

Class "B" License: Enables holder to do work on Steam and/or Hot Water Boiler Systems.

Class "C" License: Enables holder to do work on Cooling and/or Ventilating Systems.

Class "D" License: Enables holder to do work on Refrigeration Systems.

A building-occupant of a single-family residence can install or do mechanical work in his own house, including accessories of the same, without a license, but is subject to all other provisions of this Code.

To qualify as a builder-occupant, the single-family residence to be worked on must be resided in by the builder-occupant for a period of at least one (1) year from the date of an occupancy certificate is issued and/or a final inspection is completed ~~made~~.

Section M130.2: License Required.

(a) Except as provided in subsection (b) below, every person who shall desire to practice the business of Contractor shall first obtain a license to do so as provided by this Chapter.

(b) All manufacturing and commercial establishments ~~which~~ that have a qualified maintenance staff to do the mechanical work must secure a premises-only license to do mechanical work on their own premises. The application must be filed by the authorized representative of such manufacturing or commercial establishment, and the license must be in the company, the firm, limited liability company or corporation's name. No bond is required in connection with such premises-only license. Permits must be taken out on all installations and major repairs, and inspection of the same requested upon completion.

Section M-130.3: Examination Prerequisite to Issuance.

Every applicant for any license required by this Mechanical Code must pass the N29 National Standard Master Mechanical exam as administered by the International Code Council ~~an examination to be given by the Mechanical Board of Appeals in his particular class or field of work, calling or business~~ prior to the issuance of such license.

(a) Application for Examination. Application for examination shall be in accordance with the procedures set forth by the International Code Council ~~in any of the classes or fields as a Contractor shall be made to the Secretary of the Board upon forms which may be obtained from the Secretary. The application shall state the class or field of contracting in which the applicant is engaged; that he, or the partnership of which he is a member, or a corporation of which he is an officer or representative, is a party directly interested in the license; if a nonresident, the address of his place of business; and if the application is for a license to be issued in the name of a partnership or corporation, the correct name thereof, the location of its principal office, and the length of time such partnership or corporation has been in existence.~~

(b) Applicant's Qualifications. An applicant for a license as a contractor as defined in this Mechanical Code shall be at least twenty-one (21) years of age and shall have had at least four (4) years' practical experience in the field or class in which a license is desired, or shall have satisfactorily completed a course in the subject for which the license is sought given by a

recognized school, plus one (1) year practical experience in the same, or shall be a registered professional engineer.

~~(e) — Scope and Nature of Examination.~~

~~(1) — The examination shall be such as to test the fitness and qualifications of the applicant for the license. The Board shall prepare and conduct separate examinations for each class in accordance with the requirements of the Building Code, Mechanical Code and other related Codes of the City, and the applicant shall be given the examination for the class for which he applies. (Ordinance No. 1993-79)~~

~~(2) — Each applicant shall be examined by oral and written tests as to his fitness to be granted a Contractor's License with a passing grade of 75%. (Ordinance No. 2007-27)~~

~~(3) — The oral and written tests shall be made with reference to knowledge of the Building Code and the Mechanical Code and related Codes of the City of Bloomington. (Ordinance No. 1993-79)~~

~~(4) — The practical test shall test the applicant's practical knowledge of all phases and matters pertaining to the class for which the applicant desires a license and shall be supported by evidence of work done in the class or field.~~

~~(5) — If the applicant should fail the examination, there shall be a ninety (90) day waiting period before retaking the examination. (Ordinance No. 1981-104)~~

Section M-130.4: Bonds, Examination, Insurance and License Fees.

(a) Bond Required of Applicant.

(1) Any person applying for a new or renewed license required by this Mechanical Code shall execute and deliver to the City Clerk a bond in the penal sum of Two Thousand Dollars (\$2,000.00) payable to the City or a continuation certificate for the same. Such bond shall be made for the use and benefit of the owner of, or any party in interest in the property where the Licensee furnishes any material furnished in violation of the requirements of any law of the State or Code of the City governing such work. The Secretary of the Board shall report to the Board as to the existence and sufficiency of such bond. The bond will be used to correct or complete a project in accordance to the laws and Codes of the City when the contractor fails or is unable to do the same upon written notice from the City.

(2) The requirements of subsection (1) above shall not preclude the Building Official from requiring, at his discretion, additional bond commensurate with the size of a project if he deems it necessary.

~~(b) — Examination and License Fees. Each applicant before taking the examination for a license required by this Mechanical Code shall pay to the Director of Finance the sum of Seventy five Dollars (\$75.00) as a fee for the examination and shall file the Mechanical Board of Appeals. If the applicant is found, upon such examination, to be qualified, and upon the execution of the bond required by subsection (a) of this Section, a certificate of liability insurance required by subsection (f) of this Section and the payment by the applicant of an additional sum of Seventy five Dollars (\$75.00) as the licensee fee for the year, the Board and the City Clerk shall grant a license to such person for the remainder of the calendar year after the date of the granting of such license. In case of application for a license for more than one field or class, the examination fee shall be paid for each field in which a license is sought, but only one license shall be required for the combined license. (Ordinance No. 2011-58)~~

~~(e) (b) Renewals; Expiration of License. Any person holding a valid license as a Mechanical Contractor from the City of Bloomington on the effective date of this Ordinance shall have the right, without further examination, to obtain a License from the Mechanical Building Board of Appeals and a license each year thereafter from the City Clerk upon the payment to the City Clerk Director of Finance of a license fee, certificate of liability insurance, and the execution of a bond as required by this Chapter.~~

The license fee for an annual renewal of a license shall be Seventy-five Dollars (\$75.00). All licenses and renewals of the same shall expire on the 31st day of December of each year, and a renewal shall be obtained on or before January 31st of the following year.

Any license forfeited for nonpayment of the renewal fee may be reinstated upon the payment of the annual renewal fee, plus Twenty-five Dollars (\$25.00) for each month, or portion of a month that such delinquency has continued; provided, however, that after the same has been delinquent and not in force on March 1st of any year, then the same shall be null and void and shall not be renewed.

~~(d) (c) Licenses for Partnerships Limited Liability Companies, and Corporations. No partnership, limited liability company, or corporation shall practice or engage in the business of a Contractor, unless a member of the partnership, or an officer or duly authorized representative of such corporation shall obtain ~~apply for~~ a license to be issued to him in behalf of and for the benefit of such partnership, limited liability company, or corporation, which shall be so named in such license, the license shall be issued only if such member of such firm, or officer or representative of such corporation, is personally qualified and complies with all of the provisions of this Chapter.~~

~~(e) (d) Reciprocal Provisions. Any person, firm, limited liability company, or corporation who is registered or licensed for the current year in any jurisdiction ~~city or village in the State of Illinois~~ where the requirements of registration or license were at the date of such registration or license substantially equal to the requirements in force in this City and such jurisdiction ~~city or village~~ extends a similar privilege to the persons registered and licensed under this Mechanical Code, they shall not be required to take an examination, but shall pay a registration fee of Seventy-five Dollars (\$75.00) as provided in this Chapter, to engage in mechanical contracting~~

for such year in this City, and shall file a copy of his registration or license with the Secretary of the ~~Mechanical~~ Building Board of Appeals.

(~~f~~) e) Liability Insurance Required of Applicant. A satisfactory certificate of liability insurance against any form of liability to a minimum of One Hundred Thousand Dollars (\$100,000.00) for property damage and Three Hundred Thousand Dollars (\$300,000.00) for personal injury. The insurance shall be maintained in full force and effect during the term of the registration and said insurance or certificate provide that the City be notified of any cancellation of the insurance ten (10) days prior to the date of cancellation.

Section M-130.5: License Suspension, Revocation and/or Monetary Penalty.

(a) Following a hearing as set forth in Section 23 of this Chapter, the Board may suspend, revoke, or fine a licensee for any of the following reasons: ~~Grounds for License Suspension or Revocation and/or a Monetary Penalty. It shall be illegal for any person to do, or, when required by any law, rule or regulation to fail directly or indirectly to do any of the following acts and a licensee's license issued under this Chapter can be suspended by the Mechanical Board of Appeals for up to one (1) year or revoked and/or as hereafter provided, a monetary penalty can be assessed against a licensee by the said Board on any one or more of the following grounds:~~

- (1) Failure to obtain a permit as required under this Chapter or any other provision of the Bloomington City Code, State or Federal law.
- (2) Taking out or obtaining a permit required by this Chapter for work to be done by another person, firm or other legal entity not employed or otherwise under the supervision and control of the permitted.
- ~~(1) Unintentionally and intentionally taking out of obtaining a permit required by this Chapter or any other law, rule or regulation for any work to be done, worked on, and/or completed to any extent by the licensee (see (c) below), for the owner and/or other person having an interest in the property where the work is or was to be done;~~
- ~~(2) Taking out or obtaining a permit required by this Chapter for work to be done by any person not connected with such license nor in the employ of such licensee or allowing his name to be used by any other person for the purpose either of doing any such work or obtaining a permit therefor;~~
- (3) Abandonment without reasonable cause ~~ground~~ of any project or operation engaged in or undertaken by the licensee as a contractor as defined in this Chapter;
- (4) Conviction of fraud in the furnishing of mechanical work;

- (5) ~~Willful and~~ Deliberate disregard of the Mechanical Code, the safety or the labor laws of the State or any subdivision thereof;
- (6) The refusal to correct work which has been installed improperly when directed to do so by the Director of Planning and Code Enforcement or the Director's designee Mechanical Official;
- (7) ~~Repeated and obvious lack of ability to do mechanical work;~~ failure to properly perform mechanical work; or report any heating, cooling, ventilating and/or refrigeration installation to the Planning and Code Enforcement Department within forty-eight (48) hours after completion; and
- (8) Failure to pay any fine when due owed to the City of Bloomington assessed by the Mechanical Building Board of Appeals, McLean County Circuit Court or other administrative or judicial authority. ~~against any license.~~

(b) The ~~Mechanical Building~~ Board of Appeals may fine a licensee not less than ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for doing any prohibited act or failing to do any required or specified act referred to herein. A separate offense shall be deemed committed for each day during or on which a violation occurs or continues. Each fine shall be paid on or before the payment date set by the Board of Appeals, court or administrative agency and, if an order does not specify a payment date, each fine shall be due and payable in full on or before the fourteenth day following the date the order is entered by the Board, court or agency. ~~Each such fine shall be paid to the City of Bloomington on or before payment date specified in any order of the Board and if an order does not specify a payment date, each fine shall be due and payable in full on or before the fourteenth day following the date on which the order is issued by the Mechanical Board of Appeals.~~ In the event any fine is not so paid, it shall be a debt to the City of Bloomington which shall be collectible in the small claims court or in any other court in which debts to the City may be sued for and collected.

(c) The term "licensee" and/or "person" shall mean any person, partnership, limited liability company, corporation or other legal entity as the context of applying the facts of a particular case to these provisions indicates is proper. Every act or omission of any nature constituting a violation of any of the provisions of this act by, for or on behalf of any licensee or any director, manager, agent, or employee of any licensee shall be deemed ~~and held~~ to be the act of such licensee, and shall be punishable in the same manner as if such acts or omissions had been done, or not done by ~~him~~ the licensee personally.

Section 109.1.1: Fee for Appeals:

~~Any petition for an appeal/variance/interpretation from the Mechanical Board of Appeals shall be filed with the City Clerk, accompanied by a fee of One Hundred Fifty Dollars (\$150.00) payable to the City of Bloomington. For multiple variances/interpretations, a Twenty five Dollar (\$25.00) fee shall be charged for each extra petition. (Ordinance No. 2011-58)~~

~~Any application for a variance/interpretation to this Code proposed by the City Council, Zoning Board of Appeals, Construction Board of Appeals, Building Code Review Board, Plumbing Board, HVAC Board, Electrical Commission, City staff or Regional Planning Commission staff shall be exempted from the requirements of this Section. (Ordinance No. 2003-54)~~

Section 109.2: Board of Appeals

~~Appeals shall be made to the Mechanical Board of Appeals as prescribed in Article VII, Sections 109.2 of this Code. All references to the “Mechanical Board of Appeals”, “Board of Appeals”, “Board” or similar reference shall be considered as references to the Heating, Ventilating and Air Conditioning Board. (Ordinance No. 2003-54)~~

Section 109.2.1: Qualifications:

~~Delete section 109.2.1 (Ordinance No. 2003-54)~~

SECTION 3. That Bloomington City Code Chapter 15, Articles I and II shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

Article I: Electrical Commission

Section 1: Creation; Composition; Appointment and Term; Compensation:

~~There is hereby created a commission which shall be known as the Electrical Commission of the City and which shall consist of six members. The chief Electrical Inspector shall be a member and ex officio chairman of such commission. Of the other five members, one shall be an electrical contractor, one a journeyman electrician, one a representative of an inspection bureau maintained by the fire underwriters (or, if no such representative resides in the City, then the Chief of the Fire Department,) one a representative of an electrical supply company and one shall be a registered professional engineer. Such members shall be appointed for one year by the Mayor, by and with the advice and consent of the City Council.~~

Section 2: Jurisdiction:

~~The Commission shall have jurisdiction over the following:~~

- ~~(a) — To make recommendations for safe and practical regulations for the installation, alteration, and use of electrical systems and equipment to be acted upon by the Council.~~
- ~~(b) — To make recommendations for reasonable modifications to improve or update the Code.~~
- ~~(c) — To conduct administrative public hearings and decide fully initiated appeals from any administrative order, requirement, decision or determination made by the Director of Planning and Code Enforcement or Electrical Inspector in the enforcement of this Code. (Ordinance No. 1992-144)~~

~~(d) — To conduct administrative public hearings and grant or deny requests for variation on the provisions of the Code.~~

~~(e) — To administer the examinations for electrical contractors licensing and approve or deny the granting of a license as warranted.~~

~~(f) — To conduct administrative public hearings for the suspension or revocation of a granted license. (Ordinance No. 1990-23)~~

Article II: Electrical Contractors.

Section 3: Definitions.

Electrical Contractor. The term “Electrical Contractor” as used in this Chapter means any person, firm, limited liability company or corporation engaged in the business of installing or altering by contract electrical equipment and apparatus for utilization of electricity supplied for light, heat, or power, not including radio apparatus or equipment for wireless reception of sounds and signals and not including apparatus, conductors, and other equipment installed for or by public utilities including common carriers, which are under the jurisdiction of the Illinois Commerce Commission, for use in their operation as public utilities but the term “Electrical Contractor” does not include employees employed by such contractor to do or supervise such work.

Section 4: Electrical Contractor - Required to Be Licensed - License Fee.

All electrical work in the City shall be done by a licensed electrical contractor or his employees except as otherwise provided in this Chapter. Before any person, firm, limited liability company or corporation shall engage in the business of electrical contracting in the City, ~~and before any person, firm or corporation now engaged in said business or any class thereof shall continue in said business of electrical contracting in the City, such person, firm, or corporation~~ said entity shall be required to have a license and pay a license fee of ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00) yearly, which license issued thereunder shall expire on the 31st day of December of the year in which it was issued. The City Clerk shall keep a suitable record of all registrations.

Nothing in this Code shall prevent a builder-occupant of a single-family residence from installing or doing electrical work in such residence, including accessories, without an Electrical Contractor license; however, a builder-occupant is subject to all other provisions of this Code.

To qualify as an owner-occupant, the single-family residence to be worked on must be resided in by the owner-occupant for a period of at least one (1) year from the date an occupancy certificate is issued or final inspection is completed.

Section 5: Application for Certificate of License – Examination – Issuance of License.

(a) Any person, firm, limited liability company or corporation desiring to engage in the business of electrical contracting shall apply for a license to the ~~Electrical Inspector, ex officio chairman of the Electrical Commission~~ Planning and Code Enforcement Department, stating the name and place of business of the applicant and the name of the representative of the applicant who will act as supervisor of the work to be done under the license. Such applicant application shall be at least eighteen years of age, ~~accompanied by~~ shall supply a satisfactory affidavit that the applicant has had at least four years of experience being employed full-time as an Electrician or Electrician Helper, installing and altering electrical wiring and apparatus for a licensed electrical contractor, with at least two of those years of experience just prior to the time of application.

~~(b) Before a license shall be issued, the applicant or his or its representative shall, following reasonable advance notice, present him for examination and appear before the Electrical Commission at a time and place set by them and pay a review fee of Fifty Dollars (\$50.00). Said Commission shall examine such applicant as to his practical knowledge of the installation and alteration of electrical equipment and his knowledge of the rules and regulations for the installation of electrical wiring devices and equipment as set forth in the Code of the City and in the then current edition of the National Electrical Code, as published by the National Fire Protection Association.~~

~~(e) (b)~~ Each applicant for a license under this ~~Section~~ Division must pass an examination prior to the issuance of such license. Candidates for the Electrical Contractor License must pass the "Standard Master Electrician" examination administered by the International Code Council or its designated testing agent. In the event any applicant fails to pass ~~the said examination~~ International Code Council's National Contractor Trades Examination, he shall not present himself for reexamination before six (6) months shall elapse from the date of his last examination.

~~(d) (c)~~ Any ~~firm,~~ person, firm, limited liability company or corporation who shall have filed the proper application, paid the Fifty Dollar (\$50.00) fee, passed the examination referred to in subsection (b) and placed on file with the City Clerk a certificate of liability insurance in an amount not less than \$300,000 aggregate bodily injury, \$100,000 aggregate property damage, shall be entitled to receive a license to do electrical work and to engage in the business of electrical contracting in the City.

~~(e) (d)~~ A license issued under this Section can be suspended or revoked by the ~~Electrical Commission~~ Building Board of Appeals, ~~only, and the ground for such action must be the refusal of any contractor to correct work which he has installed improperly when directed to do so by the Electrical Inspector; or repeated and obvious lack of ability or desire to perform his work properly. for repeated failure to perform work properly or for refusal to correct work that has been installed improperly when directed to do so by the Electrical Inspector.~~

(f) The Building Board of Appeals ~~Electrical Commission~~ may issue a limited license to a person, firm, limited liability company or corporation licensed as a heating contractor in the City of Bloomington. The Certificate would permit the holder to do branch circuit electrical power wiring to new heating or cooling equipment being installed in existing

residential buildings. The work to be performed under this limited certificate shall include not more than the actual branch circuitry required to serve or connect four ton or less of air conditioning or five horse power of air conditioning and heating combined, or 7,000 watts of air conditioning and heating combined. This certificate shall not permit the installation of wiring for electric heating equipment which uses electricity as the primary source of fuel, and/or heat through the use of resistance type elements or other electricity-to-heat-converter systems. The examination for this license shall be the "Standard Maintenance Electrician" examination administered by the International Code Council or its designated testing agent. The ~~review~~ application fee shall be Fifty Dollars (\$50.00). The annual renewal fee shall be Fifty Dollars (\$50.00).

Section 6: Same - Expiration; Renewals.

No person, firm, limited liability company or corporation granted a license under provisions of this division shall install, repair or perform any wiring after the expiration of the license or after the license ~~has~~ shall have been suspended or revoked by the ~~Electrical Commission~~ Building Board of Appeals, as herein provided. ~~When a license shall have expired in the year issued, a renewal shall be taken out before any further permits will be issued by the Electrical Inspector.~~ Any person having secured an Electrical Contractor's license under the conditions above set forth shall be granted a renewal of such license, provided application is made to the Electrical Inspector by the holder of such license and upon payment of ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00) with such renewal request.

All licenses ~~renewals of the same~~ shall expire on the 31st day of December of each year, and a renewal shall be obtained on or before January 31st of the following year.

Any licenses forfeited for nonpayment of the renewal fee may be reinstated upon the payment of the annual renewal fee, plus Twenty-five Dollars (\$25.00) ~~Fifteen Dollars (\$15.00)~~ for each month, or portion of a month that such delinquency has continued; provided, however, that after the same has been delinquent and not in force on March 1st of the following year, then the same shall be null and void and shall not be renewed.

A license will be automatically put in an inactive status after a period of twelve (12) months consecutive inactivity and except as herein provided, the Building Board of Appeals ~~Electrical Commission~~ is permitted to reissue the holder's license without reexamination. The Electrical Contractor's license inactive status can remain with payment of the annual renewal fee of ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00). The twelve (12) month period will start at the end of the year during which the contractor was last active in Bloomington.

Such inactive license may be reinstated ~~with review by the Electrical Commission~~ if the contractor ~~can~~ furnishes satisfactory evidence that ~~of~~ his qualifications meet the standards for issuance of a license, and if the person who originally took the examination is to be in charge of the work to be performed. The contractor must furnish evidence of his qualifications in writing to the ~~Electrical Inspector for the consideration of the Electrical Commission.~~ Such reinstatement ~~must include~~ and places on file with the City Clerk, a current certificate of liability insurance in an amount not less than \$300,000 aggregate bodily injury, \$100,000 aggregate property damage.

~~before being entitled to receive a license to do electrical work and to engage in the business of electrical contracting in the City.~~

Section 7.1: Reciprocal Provisions.

Any person, firm, limited liability company or corporation who is licensed for the current year in any jurisdiction city, town or village in the State of Illinois where the requirements of licensing ~~are~~ were at the date of such license substantially equal to the requirements in force in this City, and such jurisdiction city, town or village extends a similar privilege to the persons licensed under this Electrical Code, ~~they~~ shall not be required to take an examination, but shall pay an annual registration fee of ~~Fifty Dollars (\$50.00)~~ Seventy-five Dollars (\$75.00) as provided in this Chapter. Such reciprocal registration must include and place on file with the City Clerk a current certificate of liability insurance in an amount not less than \$300,000 aggregate bodily injury, \$100,000 aggregate property damage, to engage in electrical contracting for such year in this City, and shall file a current copy of his license with the Electrical Inspector.

SECTION 4. That Bloomington City Code Chapter 34, Articles II and VIII shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

ARTICLE II

(Ordinance No. 2005-73)

SEC. 5 CONTRACTOR ADMINISTRATION PERMIT FEE REQUIRED.

Every plumbing contractor engaging in the business of plumbing in the City shall cause his name, residence and place of business to be recorded with the City Clerk of the City. The City Clerk shall keep a record of such business. An annual administration ~~permit~~ fee shall be required of any person, firm, limited liability company or corporation engaging in the business of plumbing contractor in the City. Said annual business shall be issued only upon submission of a copy of the applicant's current Illinois State plumbers contractor registration, and payment of the required fee of Seventy five Dollars (\$75.00) ~~Fifty Dollars (\$50.00)~~, approval by the Plumbing Inspector. Contractors shall obtain the business license on or before January 1 of each year. Should a contractor not obtain the business license by February 1, an additional Twenty-five Dollars (\$25.00) will be required.

SEC. 7 BUSINESS LICENSE REVOCATION.

A business license issued under this Article can be suspended or revoked by the Plumbing Building Board of Appeals, and the cause grounds for such action shall be one of the following:

- (1) the refusal of any contractor to correct work he has installed improperly when directed to do so by the Plumbing Inspector;

- (2) repeated failure and ~~obvious lack of ability or desire~~ to perform his work properly;
- (3) failure to have a licensed plumber in his employ at all times as required by the Illinois State Plumbing Code;
- (4) repeated violation of doing work prior to obtaining the required permit.

Article VIII: Board of Appeals.

Section 122: Appeals.

Appeals relating to this Chapter will be heard by the Building Board of Appeals as provided in Chapter 10, Section 23 of this Code.

Section 122 : Plumbing Board of Appeals Established; Composition; Appointment of Members; Terms; Vacancies; Chairman; Secretary.

~~There is hereby established a Plumbing Board of Appeals consisting of five (5) members, who shall be appointed by the Mayor with the consent of the City Council. The Board shall be composed at all times of two (2) plumbing contractors, one (1) journeyman, one (1) consulting engineer, and one (1) representative of the Department of Health. The Mayor shall appoint one (1) member of the Board of Appeals for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, one (1) member for a term of four (4) years, and one (1) member for a term of five (5) years. Upon the expiration of the terms of office of a member of the Board, his successor shall be appointed for a term of five (5) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. The Mayor shall designate one (1) of the members to serve as chairman. The Director of Planning & Code Enforcement or his/her designee shall be an ex-officio member of the Board and shall act as secretary of the Board. (Ordinance No. 1994-60)~~

Section 123 : Meetings.

~~The Board shall convene as needed to discuss Board reappointments and entertain questions concerned parties have about Chapter 34. It shall meet at other times as may be needed to fulfill its duties. (Ordinance No. 2005-73)~~

Section 124 : Fee for Appeals.

~~Any petition for a variance/interpretation for the Plumbing Board of Appeals shall be filed with the City Clerk, accompanied by a fee of One Hundred Twenty five Dollars (\$125.00) payable to the City of Bloomington. Any additional variance associated with the property at the time of the original variance will be an extra Twenty five Dollars (\$25.00) each.~~

~~Any application for a variance/interpretation to this Code proposed by the City Council, Zoning Board of Appeals, Construction Board of Appeals, Building Code Review Board, Plumbing~~

~~Board, HVAC Board, Electrical Commission, City staff, or Regional Planning Commission staff shall be exempted from the requirements of this Section. (Ordinance No. 1998-52)~~

~~Section 125 : Hearings:~~

~~The Board of Appeals shall hear all appeals from rulings of the administrative authority and shall assist the administrative authority in interpreting the Illinois State Plumbing Code. (Ordinance No. 2005-73)~~

~~Section 126 : Notice; Decision:~~

~~An appeal may be taken within thirty (30) days from the date of the decision appealed from by filing with the Director of Inspections and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Director of Inspections shall forthwith transmit to the Board of Appeals all the papers upon which the action appealed from was taken. All decisions shall require an affirmative vote of three (3) members of the Board. (Ordinance No. 2005-73)~~

SECTION 5. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 6. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 7. 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 8. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 23rd day of September, 2013.

APPROVED this 25th day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Schmidt, seconded by Alderman Black that the Text Amendments be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from FOB Development, Inc., Requesting Approval of a Final Plat for the Empire Business Park Subdivision, Fifth (5th) Addition, commonly located on Magory Dr., east of Cornelius, and north of Empire

RECOMMENDATION/MOTION: That the Final Plat be approved and the Ordinance passed subject to the Petitioner supplying a surety for any uncompleted public improvements and paying the required tap-on fees, prior to recording of the plat.

STRATEGIC PLAN LINK: Goal 5. Strong neighborhoods.

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

BACKGROUND: This subdivision is located south of Golden Eagle South Subdivision, west of Airport Park Subdivision, north of Empire St., (IL Rt. 9), and east of Airport Rd. The parcel is located near the corner of Cornelius Dr. and Magory Dr. and east of the new McDonalds and the Advocate BroMenn Medical Office Building. The Final Plat is in conformance with the Third Revised Preliminary Plan approved on August 12, 2013. Public sidewalks will be provided along both sides of Magory Dr. and at a later date along Empire St. per the approved Preliminary Plan. A professional office building is planned for the new lot.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: FOB Development and Farnsworth Group.

FINANCIAL IMPACT: The cost of all public improvements, platting, and recording will be borne by the petitioner.

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

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes FOB Development, Inc. hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

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

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Empire Business Park Fifth Addition Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By William C. Wetzel

ORDINANCE NO. 2013 - 69**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
EMPIRE BUSINESS PARK FIFTH ADDITION SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Empire Business Park Fifth Addition Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

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

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

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

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

1. That the Final Plat of the Empire Business Park Fifth Addition Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 23rd day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Outlot 4 in Empire Business Park Second Addition in the City of Bloomington, Illinois, according to the Plat thereof recorded May 14, 2012 as Document No. 2012-11782, in the McLean County Recorder's Office and a part of the Southwest Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northeast Corner of Empire Business Park Second Addition. From said Point of Beginning, thence South 350.62 feet along the East Line of said Empire Business Park Second Addition to the North Right-of-Way Line of F.A.P. Route 693 (IL Route 9) per plans recorded as Document No. 95-5258 in said Recorder's Office; thence East 314.76 feet along said North Right-of-Way Line which forms an angle to the right of 90 degrees 00 minutes 00 seconds with the last described course; thence North 360.62 feet along a line which forms an angle to the right of 90 degrees 00 minutes 00 seconds with said North Line; thence West 531.01 feet along a line which forms an angle to the right of 90 degrees 00 minutes 00 seconds with the last described course to the East Line of Trinity Lane as dedicated in Empire Business Park in the City of Bloomington, Illinois according to the Plat thereof recorded January 17, 2007 as Document No. 2007-1452 in said Recorder's Office; thence southerly 10.13 feet along a line being the arc of a curve concave to the West with a radius of 945.00 feet and the 10.13 foot chord of said arc forms an angle to the right of 80 degrees 48 minutes 22 seconds with the last described course to the Northwest Corner of said Empire Business Park Second Addition; thence East 214.64 feet along the North Line of said Empire Business Park Second Addition which forms an angle to the right of 99 degrees 11 minutes 38 seconds with the last described chord to the Point of Beginning.

Said property contains 2.939 acres, more or less.

Motion by Alderman Schmidt, seconded by Alderman Black that the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 40. Taxicabs, Prohibiting Alcoholic Liquor on Vehicles for Hire

RECOMMENDATION/MOTION: That the Text Amendment be approved and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 6. Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Objective 6a. More beautiful, clean, Downtown area.

BACKGROUND: In 2007, the City began to permit the operation of vehicles for hire as a means of evacuating the Downtown area when bars and restaurants closed early on Friday, Saturday and Sunday mornings. Operators of taxicabs conceded that the numbers of persons needing transportation in the Downtown area at those times exceeded the capacity of the taxicabs to provide such service. The Council permitted vehicles for hire as a means of reducing persons operating motor vehicles under the influence of alcohol.

Vehicles for hire have become a popular means of transportation on Thursday, Friday, and Saturday nights. They are not only transporting persons away from the Downtown area, they are also bringing many persons *into* the Downtown area on those nights. While this increases revenue to establishments with liquor licenses, it has also created its own set of problems, resulting in complaints of litter, noise, open alcohol on the streets, public urination, and public intoxication, requiring greater police presence and increasing overtime costs to the City.

One simple suggestion to begin addressing the problems listed above is to prohibit the possession of alcohol on vehicles for hire. While this will not solve all of these problems, it may reduce the number of persons who arrive Downtown with open alcohol in their possession, and may incrementally help drivers of vehicles for hire who are transporting disorderly persons. The ordinance requires signs to be prominently posted at the doors of the vehicles stating “It is unlawful to possess alcohol on this vehicle”.

Section 11-502 of the Illinois Vehicle Code (625 ILCS 5/11-502) prohibits transportation of open alcohol in the passenger area of a motor vehicle, but contains exceptions for “passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used” and for motor homes or mini-motor homes. The state statute defines a limousine as “a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification pursuant to Section 6-104 of this Code.”

The main difference between the state statute and the proposed ordinance is that it prohibits transportation of alcoholic liquor on a vehicle for hire bus regardless of whether the alcoholic liquor is sealed or unsealed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Downtown Entertainment Task Force; Bloomington Normal Community Campus Committee, operators of taxicabs and vehicles for hire.

FINANCIAL IMPACT: Minimal.

Respectfully submitted for Council consideration.

Prepared by: J. Todd Greenburg, Corporation Counsel

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Recommended by:

David A. Hales
City Manager

ORDINANCE NUMBER 2013 - 66**AN ORDINANCE AMENDING CHAPTER 40 OF THE CITY CODE,
PROHIBITING ALCOHOLIC LIQUOR ON VEHICLES FOR HIRE**

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

Section ONE: That Chapter 40 of the Bloomington City Code, 1960, as amended, is further amended by adding the following Section 1031:

SECTION 1031: ALCOHOLIC LIQUOR PROHIBITED ON VEHICLES FOR HIRE

(a). No person may possess alcoholic liquor, regardless of whether the container for such alcoholic liquor is sealed or open, on any vehicle for hire operating within the corporate limits of the City of Bloomington or the Town of Normal. Signs shall be prominently posted at the doors to all vehicles for hire, stating "It is unlawful to possess alcohol on this vehicle".

(b). No driver of a vehicle for hire shall permit a violation of subsection (a) of this Section.

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

SECTION THREE: That this ordinance shall take effect ten days after the date of its publication.

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

ADOPTED this 23rd day of September, 2013.

APPROVED this 25th day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Fazzini believed strict penalty for noncompliance was required. Preventing individuals riding in taxis and vehicle for hire buses with open containers was key. He recommended a \$500 ordinance violation for the first (1st) offense and revoking the company license for a second offense.

Todd Greenburg, Corporation Counsel, addressed the Council. Penalties were in Chapter 40. Taxicab, Section 1011. He cited the various fines. Chapter 40. Taxicab, Section 1031(1)(a) of the proposed Text Amendment applied to passengers. Subsection 1b applied to drivers. He clarified that there are two (2) types of licenses, one (1) to drive and one (1) to operate a vehicle for hire company.

Alderman Black questioned limousine penalties. Mr. Greenburg stated limousines were required by State law to have partition between the driver and passengers to consume alcohol. Alderman Black questioned enforcement. Mr. Greenburg responded spot checks and undercover sting operations were possibilities. He reminded Council there must be probable cause was required to pull over a vehicle. Alderman Black believed banning alcohol was not the solution. He questioned using Police Department (PD) resources to enforce same. He believed they were better utilized in the Downtown.

Alderman Lower echoed Alderman Black's comments. He believed concentration should be given to over consumption.

Alderman Stearns believed the Text Amendment would be difficult to enforce. She questioned the problem it would create for the operator. PD resources were stretched.

Alderman Schmidt stated that the Text Amendment was a recommendation from the Downtown Entertainment Task Force. It was based on a variety of experiences. She believed drivers and company owners should be accountable.

Alderman Sage believed that PD supported this Text Amendment. Drivers were looking for solutions to issues on vehicle for hire buses. Passengers were getting on same already intoxicated. Respect should be given to the businesses, people, sidewalks and streets.

Alderman Mwilambwe believed Downtown culture needed changed. It sends a message about appropriate behavior.

Alderman Fruin believed changes could be proposed if the Text Amendment was not effective.

Alderman Sage echoed Alderman Fruin's comments. He questioned legality.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Text Amendment be approved with the addition that a second offense resulted in loss of vehicle for hire certificate of convenience.

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

Ayes: Alderman Schmidt and Fazzini.

Nays: Alderman Black, Fruin, Lower, Sage, Mwilambwe and Streams.

Motion failed.

Motion by Alderman Fruin, seconded by Alderman Schmidt that the Text 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, Lower, Fazzini, Sage, and Fruin.

Nays: Aldermen Black and Stearns.

Motion carried.

The following was presented:

Presentation by Mike Nugent on Worker's Compensation.

Mayor Renner introduced Mike Nugent, Nugent Consultant Services, LLC. Mr. Nugent addressed the Council. He reminded Council that the City was partially self-insured. There was significant risk on Worker's Compensation (WC) and moderate risk on auto and general liability claims. He provided a brief history.

He stated that WC claims, for our population, were less predictable. Property and liability total increased but remained in the low range. He noted the mild winter 2011 – 2012. Few if any mailbox or pothole claims were reported. 2012 -2013 was also a good year. Majority of the claims were small. He referred the Council to Table 9, Property & Casualty Claim Severity – City Wide by Policy Year 05/01/2008 – 04/30/2013.

WC claims were the bulk of claims. He referenced Table 1, Workers' Compensation Claim Frequency – City Wide 05/01/2008 – 04/30/2013. 2012 – 2103 claims had increased but remained in the acceptable range. He noted that weather impacts claim activity. The Fire Department had the seconded highest year in five (5) years. There were unique events which contributed to same. The Police Department claims were below those of smaller departments. For Parks, Recreation and Cultural Arts, Police, Public Works and Water Departments the leading cost was from sprains and strains to backs, knees and shoulders.

Mr. Nugent referred to Table 8, Workers' Compensation Claim Severity – City Wide 05/01/2008 – 04/30/2013. 2012 – 2013 claims increased over the past two (2) years. Parks, Recreation and Cultural Arts had a large claim. No trend would be noted. He noted Table 15, Workers' Compensation Top Ten Frequency Analysis 05/01/2008 – 04/30/2013 and the cost associated. He believed the strains and sprains were normal. He

explained that Police and Fire have a different benefit than Public Works. The Public Employees Disability Act allows 100% salary for Police and Fire and 66.67% for Public Works.

Mr. Nugent noted lag time was a cost driver. Claims reported after three (3) days increase forty percent (40%). Employee reporting earlier was better for same and the City. The nurse triage service was established to assist.

Alderman Sage thanked Mr. Nugent and his team. He questioned the aberration in 2012 -2013. Mr. Nugent explained that the tasks staff were required to do and employee demographics there would be injuries.

Alderman Fruin questioned third party cost recovery. Mr. Nugent stated that this was pursued aggressively.

Barb Adkins, Deputy City Manager, addressed the Council. The Safety Team meets quarterly to review open claims. Betty McCain, ASC Senior Claims, files subgration with the McLean County State's Attorney. A WC claim indicating equipment and/or training required will automatically be provided.

Alderman Mwilambwe questioned improvements. Mr. Nugent responded that was currently being reviewed. He anticipated a full time safety employee being hired October 2013.

The following was presented:

SUBJECT: Text Amendment to Chapter 21 Refuse regarding Discontinuing Refuse Collection to Housing with Five or More Units

RECOMMENDATION/MOTION: That the Text Amendment be approved and the ordinance be passed.

STRATEGIC PLAN SIGNIFICANCE: Goal 1. Financially Sound City Providing Quality Basic Services. 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND:

The City of Bloomington undertook a comprehensive look at refuse services, starting in April 2012. This process included staff research, Council discussion and public input. Among issues arising was whether to provide City service to apartments and mobile home parks. Staff research did not find an absolute template for service. To the contrary, experts told us that each City creates its own templates based on the needs and desires of the individual community and its municipal staff and elected leadership. That said, a survey of nine Central Illinois communities revealed that Bloomington is the only city surveyed which provides service to apartment complexes. It serves any apartment complex unless the landlord chooses to opt out. Most communities did not serve residences with more than 4 units. Of the others, Decatur set its cutoff

at 6 units while Normal established service according to building structure type: Only house- and duplex-style structures are serviced. Also unlike Bloomington, most provided limited – or no – service to mobile home parks.

PDF Attachment: The Solid Waste Analysis Final Draft Report was made public in July. It contains 13 pages of discussion on the topic of service to apartments, counting notes from two public sessions with landlords. The report excerpts, plus other Solid Waste Analysis excerpts pertaining to this memo are attached.

Scope: During the week of September 16, 2013, Public Works collated its own collection data with records from the Water Department and PACE. It found that:

- 1,777 individual residences exist in 10 mobile home parks served by the City. They generate \$341,184 in revenue per year through the monthly refuse fee.
- 643 apartment units are being served by the City in 63 buildings containing more than 4 units. They generate \$123,456 per year in revenue. (This does not count Bloomington Housing Authority properties.)
- PACE shows there are 641 total apartment buildings with more than 4 units. Combined, these buildings have 8,255 units.
- Therefore, landlords for 578 of the apartment buildings at issue – 4 or more units – already use private haulers. That means 90 percent of the buildings at issue already use private haulers while 10 percent use City service.

Public policy issue: From a policy perspective, the issue hinges on how the City views apartments and mobile home parks.

- If apartments and mobile home parks are “groups of residences,” those residences should be served.
- If they are “businesses,” the business owners – the landlords – should make arrangements for private refuse services just as other businesses are expected to do. Moreover, the apartment and mobile home “businesses” currently are being subsidized by taxpayers by, on average, \$51 per year per billed unit because City refuse service is subsidized by the General Fund. (See Financial Impact below.)
- At least four haulers already operating in Bloomington would be capable of serving apartment buildings, mobile homes or both.

Staff believes mobile home parks and apartments with more than 4 units on a parcel should be viewed as businesses. Staff recommends that service be terminated for apartment parcels containing more than 4 units and for mobile home parks. To clarify, a duplex, three-plex and four-plex remains eligible for residential service under the proposed ordinance amendment. So would two neighboring four-plexes with common ownership if they are on separate parcels.

Logistical issues: The second issue involves logistics, especially in regard to apartments, as the City moves to automated collection of large, wheeled garbage carts. Every residence will be required to have at least one trash cart and is entitled to a recycling cart. This means 12 carts could be used by a six-unit building. Proper storage of the carts becomes a problem. Collection of trash and recycling poses another, as apartment complexes generally allow on-street parking. The City’s automated trucks must have curbside access to carts.

Central collection method: Public Works looked at the possibility of changing apartment service to central collection service facilitated by roll-off carts commonly called by the trademarked name Dumpsters. The Department found the cost to the City to be about \$180,000 for the truck plus the cost of the roll-off Dumpsters and additional labor needed. This would be added expenses to duplicate the services already available to apartment complexes through private haulers.

Private Haulers: During Solid Waste research, Staff identified the following private haulers currently working with the private sector in the Twin Cities:

- a) Allied Waste services (a Republic Services Company)
- b) Area Disposal (PDC Disposal)
- c) Casali & Sons Disposal
- d) Henson Disposal

Staff believes private haulers would be interested in expanding business to additional apartment complexes and mobile home parks but they have not been contacted. They now serve all of them in Normal and some of the apartment complexes in Bloomington.

Recycling implications: City Staff is concerned that ending apartment and mobile home service would decrease the amount of material recycled. A City goal is that all residents have access to recycling. It could partner with the landlords and haulers in some fashion to ensure that mobile homes and apartment complexes have recycling access. Champaign and Urbana are two communities which actively participate in apartment recycling even though both use contracted private service. The Champaign and Urbana collection models were discussed in the First Interim Report, and the excerpt is included in the PDF attachment.

Bloomington Housing Authority: As the Bloomington Housing Authority (BHA) is a nonprofit, City staff recommends that the City continue providing refuse service. The City and BHA are in the process of producing an intergovernmental agreement for Council consideration.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Lengthy research, including public discussion, has occurred over the past year regarding the full range of refuse services. The matter has been discussed by an aldermanic committee (Infrastructure) and the City Council as a whole gave the matter some deliberation in September 2012. Landlords were gathered for meetings the afternoon of April 10 and the evening of April 11 to discuss the staff's recommendations. Twenty-five landlords and employees of landlords attended the two sessions.

FINANCIAL IMPACT: Historically, the General Fund (or taxpayer) has subsidized the City's refuse operations. Initially, the subsidy was 100 percent. (The City did not establish a fee until 2004.) Due to capital investments in equipment, the implementation of the recycling program and changes in management practices this subsidy has been reduced in FY2014 to 33 percent. The City will continue to analyze this fund since a 33 percent subsidy represents a total \$2.5 million loss in uncovered costs. In FY2014 the budgeted General Fund subsidy or transfer is \$1,304,000 and is in addition to the depletion of the Solid Waste fund balance of \$1,251,246. It is projected that by the end of FY2014 the Solid Waste fund will not have any fund balance.

Based on the FY2014 General Fund transfer only (without consideration of past transfers), it could be fairly stated that the City taxpayers spend on average \$50.62 per apartment unit and mobile home per year making payments on behalf of landlords and trailer park owners. This poses a significant question: Should the taxpayer be responsible for paying the expense of a business? Discontinuing service to businesses as defined above is recommended by staff and would have an immediate effect on the health of the refuse program and the Solid Waste fund. Further this would facilitate general fund dollars being utilized for only general operations. Programs that are user based such as the refuse program are enterprise activities and should be supported by the appropriate user fees and cover all related costs.

Staff also notes that mobile homes generate \$341,184 annually from fees and apartments with more than 4 units generate \$123,456. These customers do not “cause” the Solid Waste enterprise fund to require subsidy from the General Fund, and eliminating the service will not “solve” the subsidy issue. Rather, Staff hopes this solution is found through the full service and fee review, which is nearing completion.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, P.E., CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

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

Legal review by: Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item.

Alderman Fazzini believed when there were three, four or five apartments, it was a business. Businesses were required to collect their own refuse.

Alderman Schmidt stated that she and her husband owned rental property. The complexes had less than four (4) units. One size does not fit all. She had observed the rental units in her neighborhood. These units paid \$16 per unit for a total of \$64 a month. At times there were two (2) trash receptacles for same. A home in the same neighborhood would have four (4). She understood applying policy to buildings intentionally built as apartment complexes. She had received telephone calls from mobile home park residents. Concern was expressed on the ability to provide feedback referencing commercial hauler fees.

Alderman Schmidt questioned the effect on the Bloomington Housing Authority (BHA). Barb Adkins, Deputy City Manager, addressed the Council. The BHA would enter into an intergovernmental agreement with the City.

Alderman Schmidt questioned service to the Downtown. Jim Karch, Director Public Works, addressed the Council. Continued service would have to be reviewed for the area. The belief was there were more complexes with four (4) or fewer rental units. Transitioning from manual to automated collection was difficult. He noted that of the nine (9) communities surveyed, no one provided the same service level.

Alderman Stearns expressed surprise at continued service to the Downtown. She questioned what constituted the Downtown area. She had received telephone calls from mobile home park managers, condominium owners and apartment dwellers. She questioned making exceptions. She believed dumpster space and parking were issues just not in the Downtown. In this historic neighborhoods dumpsters took away from the look and feel. She had received complaints about overflowing dumpsters. She had spoken with the Ecology Action Center. Some commercial haulers do not recycle. Residents would not have the ability to recycle. She believed reducing the customer base took work away from staff. Private haulers would clog the streets/alleys. They were noisy and unsightly. She suggested charging for the number of receptacles picked up. A four (4) unit building could have less refuse than a family home.

Mr. Karch responded that the City provides a great service. He believed exceptions were a governance issue. The Solid Waste Analysis provided information for Council to make choices. The Downtown area spoke to the US 51 couplet. Near the couplet there were a lot of apartments. He was aware that area commercial haulers provided varying service levels. Ninety percent (90%) of five (5) or more apartment buildings were already serviced by commercial haulers. He cited employees in/out of vehicles, parking and the need for additional equipment as logistical issues.

Alderman Lower echoed concerns raised. He questioned some residents' ability to pay commercial hauler fees.

Alderman Scott believed there were some unique circumstances. He echoed Alderman Schmidt's comment, One size does not fit all. More time was needed.

Alderman Sage noted the change affected the other ten percent (10%). Mr. Karch responded affirmatively. Mr. Karch clarified that the change refers to refuse collection, recycle, brush/leaf pick up and bulk waste.

Alderman Stearns expressed concern regarding the latter two (2) mentioned. She questioned affecting the look of the historic neighborhoods.

Alderman Mwilambwe questioned transition time frame. Mr. Karch responded January 1, 2014. Staff was currently of ordering carts.

Alderman Fazzini suggested considering exceptions as they occurred.

Mayor Renner stated that at the mayoral open house on Friday, September 20, 2013 the issue was dumpsters in the older neighborhoods.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Text Amendment be approved and the Ordinance passed.

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

Ayes: Aldermen Fazzini, Sage, and Fruin.

Nays: Aldermen Mwilambwe, Schmidt, Lower, Stearns, and Black.

Motion failed.

Alderman Fruin questioned future meetings on the subject. Mayor Renner believed it should be revisited during a Work Session.

The following was presented:

SUBJECT: Text Amendment to Chapter 2. Administration, Section 15, Establishing the Third Monday of Each Month as a Meeting of the City Council As a Committee of the Whole

RECOMMENDATION/MOTION: That the Text Amendment be approved and the Ordinance passed.

STRATEGIC PLAN LINK: 5. Great place - livable, sustainable City. Objective 5a. Well planned City with necessary services and infrastructure; and Objective 5b. City decisions consistent with City policies.

BACKGROUND: For several months, the Council has experimented with a pilot program holding work sessions involving smaller portions of the Council meeting as committees. The Mayor, City Manager and many Aldermen have expressed a desire to try a different approach. At the last Council meeting, staff was directed to prepare an ordinance setting aside the third Monday of each month as a time when the entire Council would meet as a Committee of the Whole. The ordinance before you tonight does this. Agendas for the meeting would be prepared by the City Manager in consultation with the Mayor.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: None.

September 23, 2013

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Respectfully submitted for Council consideration.

Prepared by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NUMBER 2013 - 70**AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE,
ESTABLISHING THE THIRD MONDAY OF EACH MONTH
AS A MEETING OF THE CITY COUNCIL
AS A COMMITTEE OF THE WHOLE**

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

SECTION ONE: That Chapter 2 of the Bloomington City Code, 1960, as amended, is further amended by adding the following underlined language to Section 15 of Chapter 2:

Chapter 2: Section 15: Meetings - Regular and Adjourned.

Beginning January 2012, regular meetings of the City Council of the City of Bloomington shall be held on the second and fourth Monday of each month at the hour of 7:00 p.m. in the Council Chambers of the City Hall in the City of Bloomington, Illinois, or at such other place in said City as the Council shall designate; provided, however, that should any such regular meeting fall upon any holiday recognized by and under the laws of the United States or the State of Illinois, then said regular meeting so falling on said holiday shall be held on the day following such regular meeting date at the same hour and at the place aforesaid.

An adjourned meeting may be held for the purpose of completing the unfinished business of a regular meeting at such time as may be determined by the Council.

On the third Monday of each month at 5:30 p.m., the City Council shall meet as a Committee of the Whole. The agenda for such meeting shall be prepared by the City Manager in consultation with the Mayor. A time for public comment shall be conducted in the manner set forth in Section 17 (5) of this Chapter. No final action may be taken at a meeting of a Committee of the Whole unless it has been called as a Special Meeting as required by Section 16 of this Chapter. To the extent appropriate, the Rules set forth in Section 18 of this Chapter shall govern the proceedings of meetings of a Committee of the Whole.

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

SECTION THREE: That this ordinance shall take effect ten days after the date of its publication.

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

ADOPTED this 23rd day of September, 2013.

APPROVED this 25th day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item. He explained that the number of meetings would remain the same.

Todd Greenburg, Corporation Counsel, addressed the Council. Concerns were expressed regarding Public Comment. The City code stated Public Comment, for regular meetings, would at the first (1st) meeting of the month. The proposed ordinance addressed same. No final action would be taken. He questioned the extent to suspend the rules to permit an individual to address Council.

Mayor Renner suggested adopting same rules as the first Council meeting. Mr. Greenburg cited the Open Meetings Act (OMA) rules for public comment.

Alderman Sage questioned the difference between Work Session and Committee of the Whole. Mr. Greenburg stated Committee of the Whole would be included in City Code.

Alderman Lower contacted the Illinois Policy Institute regarding Committee of the Whole and OMA. He understood the Attorney General had not specifically defined Committee of the Whole. Mr. Greenburg responded no case law or issues had been established. OMA rules apply when meeting. He reviewed same.

Alderman Schmidt questioned meeting expectations. Mayor Renner responded possibly no obligation increase for Council. Alderman Schmidt questioned subjects pertaining to Work Session versus Committee of the Whole. She expressed concern with subject rules for same.

Alderman Fazzini noted his preference for meeting on the Wednesday after the first Council meeting.

Motion by Alderman Fruin, seconded by Alderman Schmidt that the Text 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, Lower, Fruin and Black.

Nays: Aldermen Fazzini, Sage and Stearns.

Motion carried.

CITY MANAGER'S DISCUSSION: None.

MAYOR'S DISCUSSION: Mayor Renner thanked Interim Police Chief R.T. Finney for his service to the community and citizens.

He completed the online OMA training.

He reminded those present of the Joint Meeting of the City, the Town of Normal and McLean County Board would be held on Monday, September 30, 2013.

He noted that the Text Amendment to Chapter 10, 15 and 34 Combining Several Boards and Commissions into a Single Board called the "Building Board of Review" and Related Changes to HVAC Contractor Licensing Process would have nine (9) potential Commissioners. He anticipated appointments by the Council's October 14, 2013 meeting.

ALDERMEN'S DISCUSSION: Alderman Fruin thanked Alderman Schmidt and her husband for revealing that they own rental property.

Alderman Stearns noted her Facebook page Alderwoman Judy Stearns. She noted this page was for City business.

She requested discussion to clarify/understand what is or not a conflict of interest. She requested legality of same.

Motion by Alderman Stearns, seconded by Alderman Black, that the meeting be adjourned. Time: 8:45 p.m.

Motion carried.

**Renee Gooderham
Chief Deputy City Clerk**