

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, October 14, 2013.

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

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

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

Alderman absent: Karen Schmidt.

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

Motion by Alderman Black, seconded by Alderman McDade to allow Alderman Schmidt to participate remotely via telephone.

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

Nays: None.

Motion carried.

The following was presented:

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

Mike McCurdy, 1403 Chadwick Dr., Normal, addressed the Council. He was speaking on behalf of the Bloomington Normal Public Transit System, a/k/a Connect Transit. The Board supported the proposed bike path: initial phase and contract for bicycle plan. The Board had passed a Resolution in support of the City adopting a bicycle plan plus the proposed streets for a bike path. He noted that all Connect Transit buses have bike racks. Bicycles were a transit component. Often bicycles addressed the first and the last mile issue. The proposed bike path was good for the City and Connect Transit.

Alton Franklin, 508 Patterson Dr., addressed the Council. He planned to address a couple of items. He questioned the schedule of payments based upon the life of the infrastructure. He also addressed the bike trail and safety. He believed that there was a small percentage of professional bicycle riders. Bicycles must adhere to the Rules of the Road. He cited traffic congestion. Due to safety issues, the Council must consider everyone who uses City streets. He believed that rider education was needed. He also addressed the cost of development. The City should not give developers the key to the City.

Carl Woodward, 1707 Clearwater, addressed the Council. He hoped his comments would stir people up. He addressed the City's pension issues. He estimated the pension debt at \$130 million. He believed that the Mayor and Council had allowed this to happen. Funding had been inadequate. He noted that there were four (4) funds: 1.) Fire Pension; 2.) Police Pension; 3.) IMRF (Illinois Municipal Retirement Fund); and 4.) health insurance. The City had twenty-five (25) years to catch up. He estimated the cost at \$5 million or more per year. The Council needed to determine who should pay what and when. He questioned the percentage of burden that would be place on future generations. The Council needed to determine this and work backwards. A pay as you go approach was equivalent to a ponzi scheme. He believed that the logic was flawed (i.e. cannot afford to pay more now). He encouraged the Council to be responsible. The Council had been irresponsible for the past thirteen (13) years.

Kevin Suess, 113 Kreitzer Ave., addressed the Council. He was a City resident and a member of the BloNo bicycle group. He cited the issue before the Council this evening: bike path – initial phase and contract for bicycle plan. He cited the number of people present at this evening's meeting who were in support of this item. He encouraged the Council to vote in favor of this item. The Bicycle Master Plan would determine the best streets for bicycle routes. He noted that there would be on street bicycle routes. He cited Front St. from Downtown to Constitution Trail and the Prairie St./Park St. corridor from Downtown to Illinois Wesleyan University, (IWU). These shared bike lanes would connect Constitution Trail and IWU. He believed that these bike lanes would bring business to the Downtown. Bike lanes were good for property values. Younger individuals were using alternative transportation and driving less. He requested that the Council vote for cycling citizens.

The following was presented:

Oath of Office Brendan Heffner, Police Chief.

Tracey Covert, City Clerk, administered the Oath to Brendan Heffner, Police Chief.

The following was presented:

SUBJECT: Moving Forward Youth At Risk Program – Summary and Presentation by Pastor Rayford

RECOMMENDATION/MOTION: None.

STRATEGIC PLAN LINK: Goal 3. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Residents feeling safe in their homes and neighborhoods and Objective 3e. Strong partnership with residents and neighborhood associations.

BACKGROUND: On April 30, 2013, several African American ministers in the community met with City staff to discuss building a different approach to youth activity on the west side of the community, in conjunction with the City. The African American ministers have been discussing the possibility of moving the YMCA out of the Downtown area, the uncertain financial future of the Boys and Girls Club and the increased number of police calls for unruly youth in the west side area.

The first meeting was held on April 30, 2013 at Mt. Moriah Christian Church in Downtown Bloomington to brainstorm and explore alternative programming for youth this summer.

Churches and organizations that were represented at the April 30, 2013 meeting:

- Alderwoman Karen Schmidt, Bloomington Police Officers, Bloomington Parks and Recreation
- Mt. Moriah, Mt. Pisgah and City of Refuge Churches
- Jesus Coffee House
- Project Oz

On May 14, 2013 another meeting was held with the African American Ministers where a proposal for a Summer Program for “at risk” youth was presented. The proposal outlined focused on youth ages twelve to seventeen (12 – 17) that live within the corporate limits of the City.

On May 28, 2013, the Council approved City funding for this program.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: African American ministers in the community; State Farm Insurance; West Bloomington Redevelopment Program (WBRP), Bloomington Police, Bloomington Parks, Recreation and Cultural Arts, and United Way of McLean County.

FINANCIAL IMPACT: The FY 2014 General Fund Budget appropriated \$50,000 for Contingency in line item 10019110-79990. Staff proposed to use \$21,303.96 in Contingency Funds to fund this program. Stakeholders may locate the budget for this line item in the FY 2014 General Fund Budget book titled “Budget Overview & General Fund” on page 364.

Respectfully submitted for Council consideration.

Prepared by:

Sharon Walker, Division Manager

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

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced Pastor John Rayford, Mt. Moriah Christian Church located at 510 E. Washington St..

Pastor Rayford addressed the Council. The pilot program was a success. There had been challenges and obstacles. Eighteen (18) young people were served. An investment had been made in these youth. All had diagnosable issues, (emotional/physical injuries). Moving Forward was a ten (10) week program. There were no police issues during the program. The Moving Forward program was in the planning stages. Assistant/participant ratios would be re-examined. He thanked the Council for their support.

The following was presented:

Introduction of Various Appointments and Reappointments.

Mayor Renner read the list of appointments/reappointments. Individuals who were present were asked to stand and be recognized.

The following was presented:

SUBJECT: Council Proceedings of September 23, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of September 23, 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 23, 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 Black, seconded by Alderman Fazzini that the reading of the minutes of the previous Council Proceedings of September 23, 2013 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's web site on Wednesday, October 9, 2013 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements information will be provided via addendum. Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman Fazzini that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Various Appointments and Reappointments to Bloomington Boards and Commissions

RECOMMENDATION/MOTION: That the Appointments and Reappointments be approved.

STRATEGIC PLAN LINK: Goal 3. Strong neighborhoods.

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

BACKGROUND: I ask your concurrence with the following appointments:

Building Board of Review: John Weber, 2903 Grandview Dr., Michael Raikes, 1520 N. Clinton Blvd., Bloomington 61701 as an Electrical Member. Their four (4) year term will expire on April 30, 2017.

Larry Stevig, 2814 Arrowhead Dr., Bloomington 61704 as a Design Professional Member. His four (4) year term will expire on April 30, 2017.

Edwin Neaves, 2907 Breezewood Blvd., Bloomington 61704 as a Member At Large. His four (4) year term will expire on April 30, 2017.

Barbara Page, 401 Bronco Dr., Suite A, Bloomington 61704 as an HVAC Member. Her four (4) year term will expire on April 30, 2017.

Jeremy Dodson, 1418 Norma Dr., Bloomington 61704 as an HVAC Member. His four (4) year term will expire on April 30, 2017.

John Meek, 1914 Hackberry Rd., Bloomington 61704 as an Engineer Member. His four (4) year term will expire on April 30, 2017.

CIRBN Board: Robert Fazzini, 5 Canterbury Ct., Bloomington 61701 to replace David Hales. There is no expiration date, but individuals can be replaced at any time by the Mayor with Council's approval.

Cultural District Commission: Neeraj Joshi, 1 Ashling Ct., Bloomington 61704. His three (3) year term will expire on April 30, 2016.

Historic Preservation Commission: Julian Westerhout, 816 E. Monroe St., Bloomington 61701. His four (4) year term will expire on April 30, 2017.

Planning Commission: Christopher Cornell, 2605 Binghamton Ln., Bloomington 61705. His four (4) year term will expire on April 30, 2017.

I ask your concurrence in the reappointments:

Historic Preservation Commission: John Elterich, 409 E. Grove St., Bloomington 61701. His four (4) year term will expire on April 30, 2017.

Jeffrey Kennedy, 315 E. Chestnut St., Apt B, Bloomington 61701. His four (4) year term will expire on April 30, 2017.

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Asst.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Black, seconded by Alderman Fazzini that the Appointments and Reappointments be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Waive the Formal Bid Process and Authorize the Water Department to Purchase Specialty Water Treatment Chemical, Polymers, from Brenntag Mid-South, Inc. for the Year Starting October 1, 2013

RECOMMENDATION/MOTION: That the Council approve waiving the formal bidding process for the specialty water treatment chemical, polymers and purchase this chemical from Brenntag Mid-South, Inc. the supplier at the quoted price for the year of \$.652 per pound for cationic polymer and \$1.25 per pound for anionic polymer.

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: Each year, staff has requested competitive bids for the Water Department's annual water treatment chemical needs. However, these bids have historically not included polymers for the water clarification process. The Water Department, through years of exhaustive bench testing and actual use at the water treatment plant, has determined what polymers have worked with the specific water quality that is experienced in our water treatment plant. The polymers used by the City are as follows:

Cationic polymer; product name: Robin 120, with a typical dosage of ~1.25 - 1.75 parts per million.

Anionic polymer; product name: Robin 30A, with a typical dosage of ~0.25 - 0.50 parts per million.

The City uses two (2) different types of polymers for two (2) different purposes. Both types are extremely critical in removing particles from the reservoir water that is being treated. The broad difference between the two (2) polymers is that one (1) polymer has a net positive charge (cationic) and the other has a net negative charge (anionic). The cationic polymer is used to neutralize the net negative surface charges of the particles in the reservoir water, which then collide and stick together in large groups of particles, (algae, bacteria, silt, possible disease causing organisms, etc.), which settle out as heavier than water particles and are removed during treatment. The anionic polymer improves the settling characteristics of the heavier than water particles and the minerals, (hardness), that are removed during the softening process. Both types of polymers are extremely important in assuring that small particles of potential health significance are removed during treatment.

Polymers are, generally, long chains of carbon groups linked together with other functional groups to “connect” the heavier than water particles and precipitated minerals to improve their settling characteristics. Small changes in formulations can have large effects on treatment performance. Characteristics of individual water sources and temperature also affect polymer performance.

Many surface water reservoir supplies in Central Illinois use a variation of a class of polymers called poly-diallyldiammonium chloride (polyDADMAC for short). The City uses a low molecular weight version that is currently purchased from Brenntag Mid-South, Inc. The anionic polymer is also purchased from Brenntag Mid-South, Inc. Once a polymer is found that works well for a particular water source and treatment system, utilities generally stay with the product unless reliability of supply or if raw water or polymer characteristics change to where treatment efficiencies change.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for the purchase of water treatment chemicals throughout the year will be made from the Water Purification-Water Treatment Chemicals (50100130-71720). This account is budgeted at \$660,000, for all of the water treatment chemicals, for FY 2014. Stakeholders may locate this on page 145 in the FY 2014 Budget book titled “Other Funds & Capital Improvement Program.”

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman Fazzini that the formal bid process be waived, the polymers be purchased from Brenntag Mid-South, Inc., at the quoted price of \$.652 per pound for Cationic Polymer and \$1.25 per pound for Anionic Polymer, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Waive the Formal Bidding Process and Authorize the Water Department to Purchase Lime, Water Treatment Chemical, from Mississippi Lime, Inc., for Two (2) Years Starting October 1, 2013

RECOMMENDATION/MOTION: That the Council approve waiving the formal bidding process for lime, water treatment chemical, the lime be purchased from Mississippi Lime, Inc., at the quoted price of \$172.40 per ton for the first year and \$179.80 per ton in the second year.

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

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

BACKGROUND: Each year, Water Department requests competitive bids for the Water Department's water treatment chemical needs. Typically, these bids have included lime for the water softening process. In 2007, a supplier with the lowest bid price was chosen. When the product was delivered and used by the Water Department, the product did not meet the City's specification and the material caused operational water treatment problems. Additionally, other suppliers have been tried in past years as well with similar results. This has generally led to serious equipment problems, extensive clean-up efforts, water quality degradation and overall higher water treatment costs.

With the problems that arose in years past, staff had requested Council's permission to negotiate a lime price from Mississippi Lime, Inc. the supplier that we have used successfully for years. This request was first approved by Council on March 24, 2008 and a two (2) year agreement was approved by Council on September 26, 2011. Since the competitors, through actual use, have been shown to be unable to meet the City's specification and the department has successfully used Mississippi Lime's product for years, staff is requesting to purchase this chemical from Mississippi Lime, Inc. in Fiscal Year (FY) 2013/2014 for the quoted price of \$172.40/ton and \$179.80/ton in FY 2014/2015. The \$172.40/ton price for FY 2013/2014 represents an increase of \$6.25/ton or 3.8% from the FY 2012/2013 price which was \$166.15/ton. The \$179.80/ton price represents an increase of \$7.40/ton or 4.3% from the FY 2013/2014 price of \$172.40/ton.

Lime (Calcium Oxide) – Lime is used as a water softening agent in water treatment plants that have source water with high levels of calcium and magnesium, two(2) elements that cause water to be characterized as "hard". Lime is mixed with water in the water treatment facility and this solution is then added to the water to be treated. The lime causes the calcium and magnesium in the source water to settle out of the water. The quality of calcium oxide can vary due to the variations in the raw ingredient, limestone.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for the purchase of water treatment chemicals throughout the year will be made from the Water Purification-Water Treatment Chemicals (50100130-71720). This account is budgeted at \$660,000, for all of the water treatment chemicals, for FY 2014. Stakeholders may locate this on page 145 in the FY 2014 Budget book titled "Other Funds & Capital Improvement Program."

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman Fazzini that formal bid process be waived, the lime be purchased from Mississippi Lime, Inc., at the quoted price of

\$172.40 per ton for the first year and \$179.80 per ton in the second year, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Approve Purchase of Two (2) Forensic Analysis Work Stations, Three (3) Forensic Air-Lite VII i7Laptops and Computer Peripherals for the Police Department Cyber Crimes Unit

RECOMMENDATION/MOTION: That the purchase of two (2) Forensic Analysis Work Stations, three (3) Forensic Air-Lite VII i7Laptops and computer peripherals for the Police Cyber Crimes Unit be approved in the amount of \$51,166, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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: The Cybercrime Unit currently uses high performance, highly specialized computers to collect and analyze digital evidence. These computers are produced and sold exclusively by Forensic Computers, Inc., Glen Lyn, VA, making them the sole source for procurement.

The analysis of the data from digital devices places demands on a computer system that normal administrative use does not. Not only do the computers need processing power above and beyond computers used for normal administrative functions, they also need to have the ability to protect any evidence that is collected in a forensically sound manner. Without this, the evidence would not be admissible in court. These specialized computers contain forensic drive bay controllers which enable the forensic examiner to properly seize and image digital information without it being altered.

2 - Forensic Analysis Work Stations	\$25,999
3 - Forensic Air-Lite VII i7 Laptops and computer peripherals (i.e. write blocks and evidence coping devices)	\$25,167
TOTAL	\$51,166

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Stakeholders can find this budgeted under Information Services-Capital Outlay Computer Equipment (10011610-72120). Stakeholders may find this in the FY 2014 Budget book titled “Budget Overview & General Fund” on page 186.

Respectfully submitted for Council consideration.

Prepared by: Michael Fazio, Police Detective

Reviewed by: Scott Sprouls, Director of Information Services

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman Fazzini that the purchase of two (2) Forensic Analysis Work Stations, three (3) Forensic Air-Lite VII i7Laptops and Computer Peripherals for the Police Cyber Crimes Unit be approved in the amount of \$51,166, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Project Acceptance and Contract Amendment for Morris Ave. Reconstruction: Six Points Rd. to Fox Hill Apartments which Includes Approval of a Budget Amendment

RECOMMENDATION/MOTION: That the completed project be accepted, the contract amendment be approved, in the amount of \$10,450.13, final payment executed and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services, and Goal 2. Upgrade City infrastructure and facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner, and Objective 2a. Better quality roads and sidewalks.

BACKGROUND: At the July 9, 2012 meeting, Council approved a contract with Stark Excavating for the reconstruction of Morris Ave. between Six Points Rd. and Fox Hill Circle. At the October 8, 2012 meeting, Council approved a contract amendment for the remediation of poor subgrade soils discovered during construction. The project is now complete and final payment is necessary. This contract amendment accounts for variations in the original project and actual construction quantities. Staff made every effort to include accurate quantities in the original contract, but variations occurred due to field adjustments, resident accommodations and other unforeseen conditions. The resident accommodations included minor adjustments to the property improvements promised in the right of way acquisitions contracts. These adjustments typically included slight increases to contract quantities, such as for driveway or sidewalks.

With this amendment, the revised contract total cost is still under both the engineer's estimate and budget.

Original Contract	\$1,046,725.75
Subgrade Remediation (Approved 10/8/12)	\$137,802.00
Final Quantity Variations	\$10,450.13
Revised Total Contract Cost	\$1,194,977.88
Engineer's Estimate	\$1,351,570.00
Budget	
MFT	\$1,140,000.00
Storm Water	\$210,000.00
Sanitary Sewer	\$65,000.00
Water	\$200,000.00
Total Budget	\$1,615,000.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Stark Excavating, Inc.

FINANCIAL IMPACT: The FY 2013 budget includes \$1,615,000 for the project. As indicated above, the contract amendment will be executed in the amount of \$10,450.13. There is available fund balance in the Motor Fuel Tax (MFT) Fund to increase the budget. The contract revision will be as follows.

	Amended	Actual
Motor Fuel Tax Funds (20300300-72530)	\$845,497.75	\$874,439.22
Storm Water (53103100-72550)	\$122,880.00	\$117,473.66
Sanitary Sewer (51101100-72550)	\$58,100.00	\$57,185.00
Water (50100120-72540)	\$158,050.00	\$145,880.00
Total Construction	\$1,184,527.75	\$1,194,977.88

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 71**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2014**

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

WHEREAS, a budget amendment is needed as detailed below;

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

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

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

SECTION THREE: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED the 14th day of October 2013.

APPROVED the 15th day of October 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT #1

Account Code	Fund	Account Name	Revised Budget	Description
20300300-72530	Motor Fuel Tax	Street Construction and Improvements	\$28,941.47	Increase MFT encumbrance (Contract #46) for Morris Avenue Reconstruction: Six Points Rd. to Fox Hill Apartments
53103100-72550	Storm Water	Sewer Construction & Improvement	(\$5,406.34)	Decrease Storm Water encumbrance (Contract #46) for Morris Avenue Reconstruction: Six Points Rd. to Fox Hill Apartments
51101100-72550	Sanitary Sewer	Sewer Construction & Improvement	(\$915.00)	Decrease Sanitary Sewer encumbrance (Contract #46) for Morris Avenue Reconstruction: Six Points Rd. to Fox Hill Apartments
50100120-72540	Water Transmission and Distribution	Water Main Construction and Improvement	(\$12,170.00)	Decrease Water Transmission & Distribution encumbrance (Contract #46) for Morris Avenue Reconstruction: Six Points Rd. to Fox Hill Apartments
			\$10,450.13	Overall Increase

Motion by Alderman Black, seconded by Alderman Fazzini that the completed project be accepted, the contract amendment be approved, in the amount of \$10,450.13, final payment be executed, the budget amendment approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to the 2011 Contract with Calgon Carbon Corporation for a Thirty-six (36) Month Lease of Calgon Filtrasorb 300 Granular Activated Carbon (GAC) for Use in the Filters at the Water Treatment Facility

RECOMMENDATION/MOTION: That Council approve an amendment to the 2011 contract with Calgon Carbon Corporation for the leasing of Calgon Filtrasorb 300 Granular Activated Carbon at a cost of \$14,751 per month for thirty-six (36) months, the same cost as the 2011 amended contract price.

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

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

BACKGROUND: The Water Department has utilized Calgon Carbon Corporation for the leasing of Calgon Filtrasorb 300 GAC since 1990 after extensive bench scale tests indicated that it was the best GAC for the City's source waters, (Lake Bloomington and Evergreen Lake reservoirs). Each source water is unique in the constituents that can be found in the water. In addition, the treatment objectives of using a particular GAC determine the best GAC for the particular application. In the case of the City, removal of taste and odor compounds is the highest priority followed by organic compound removal. Calgon Filtrasorb 300 GAC has demonstrated that it is the best taste and odor adsorbing carbon for the City's source waters. Prior to 1990, the City's water supply was plagued by annual taste and odor occurrences of varying intensity. Since 1990 the City's water supply has been free from objectionable tastes and odors for the majority of customers the vast majority of the time.

The GAC acts like a sponge adsorbing organic compounds from the water. Once the GAC is saturated, it must be replaced with fresh GAC. Since this is a process, that in the City's experience takes several years, approximately one third of the total filters at the water treatment plant have the GAC replaced annually. Thus the figure of 5,532 cubic feet indicates the GAC that will be replaced each year representing the GAC required to fill three (3) of the filters in the newer portion of the plant and four (4) of the filters in the older portion of the plant.

The subject of this request is to modify the existing contract to allow the Water Department to replace the 5,532 cubic feet of carbon each year that has been removed from the City's water treatment plant filters and has been regenerated offsite and returned to the City in lieu of purchasing new "virgin" carbon. The regenerated carbon, again taken from the City's filters and regenerated, would offer substantial savings over leasing virgin material. The amended contract cost would be \$14,751 per month for thirty-six (36) months as opposed to previous contracts of approximately \$20,000 per month for the removed carbon to be replaced with virgin carbon. The City will provide the labor and materials to remove and replace the carbon. This contract amendment is only an extension of the time frame for an additional thirty-six (36) months with the price for the material remaining the same as the 2011 amendment.

As with previous contracts, the contract amount assumes a twenty-five percent (25%) make-up rate which is necessary to account for material losses. Any amount of make-up greater than twenty-five percent (25%) will be made with virgin carbon at the virgin carbon rate of \$45 per cubic foot.

The offsite regenerated carbon is essentially as good as virgin material in that it retains the same properties it had before. This has been done for years in some water treatment facilities that have

their own regeneration facilities on site. The regeneration facilities are essentially large ovens which heat the carbon to very high temperatures to destroy the adsorbed organic material. Some research has shown this process to actually improve the capabilities of the GAC by enlarging the pore sizes in the carbon making it more productive in adsorbing material. This process is allowed for water treatment plants provided the regenerated material originated from the same water treatment plant.

Previously, the material removed from the City's water treatment plant was regenerated offsite and sold to other GAC customers for processes that did not require either virgin material or regenerated material that originated from the same source. These are generally industrial applications.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for the lease of the GAC throughout the year will be made from the Water Purification-Carbon Reactivation Services (50100130-71725). This account is budgeted at \$250,000 for FY 2014, of which \$183,620.50 is still available as of October 10, 2013. Stakeholders can locate this in the FY 2014 Budget book titled "Other Funds & Capital Improvement Program" on page 145. At the contractually stated price of \$14,571 per month, this equates to \$175,852 annually or \$31.61 per cubic foot for regenerated carbon. The contract amount assumes a twenty-five percent (25%) make-up rate which is necessary to account for material losses. Any amount of make-up greater than twenty-five percent (25%) will be made with virgin carbon at the virgin carbon rate of \$45 per cubic foot.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman Fazzini that the amended contract with Calgon Carbon Corporation for lease of Calgon Filtrasorb 300 GAC, at a cost of \$14,751 per month for thirty-six (36) months for a total cost of \$531,036 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Change Order of \$1,042.79 in a Professional Services Agreement with Hanson Professional Services, Inc. for Evergreen Lake Reservoir Spillway and Bridge Inspections

RECOMMENDATION/MOTION: That the Change Order of \$1,042.79 be approved.

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

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

BACKGROUND: The Evergreen Lake Reservoir spillway was inspected in late 2011 and subsequent to that inspection, a report was produced. The final report and correspondence with the Illinois Department of Transportation (IDOT) was completed in the summer 2013. Since it was not anticipated that the bridge structure would be in as a degraded condition as it was found once the inspection was initiated, Hanson Engineers had to complete more analyses to determine the safe limits on the bridge until it can be repaired or replaced.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This change order will require the payment of an additional \$1,042.79 from the Water Purification-Engineering Services budget (50100130-70050). Funds are available in this line item to cover the change order. Stakeholders may locate this on page 144 in the FY 2014 Budget book titled "Other Funds & Capital Improvement Program".

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

Legal review by J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman Fazzini that the Change Order be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Agreement with Ecology Action Center for Solid Waste Program

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner, and Objective 5a. Well planned City with necessary services and infrastructure.

BACKGROUND: The proposed three year (3) agreement with the Ecology Action Center (EAC) stems from the EAC's need to ensure operating funds and stability in the event that the McLean County Landfill ceases operations. The landfill is operated by American Disposal Services of Illinois, a subsidiary of Allied Waste Industries Inc.. It is projected to remain in operation into 2016. The EAC agreement covers 2014, 2015 and 2016.

As part of its landfill contract, Allied pays EAC indirectly out of Allied's dumping charge, called a tipping fee, to provide the bulk of the EAC's budget. This money is allocated through the McLean County Solid Waste Fund. Due to this funding, the City currently pays nothing out of its budget to sustain the general operations of the EAC.

By the letter of Solid Waste Program Agreement currently before the Council, the City obligates itself for up to \$140,336.55 over three (3) years to support general operations of the EAC. The

Town of Normal obligates itself to up to \$96,676.29. McLean County obligates itself to a maximum \$74,846.16. Amounts are prorated by population.

As a practical matter, all three (3) units of government should pay far less - unless by unforeseen circumstance the landfill abruptly closes. It is possible that the City will pay nothing. The agreement specifies that the obligation becomes effective only if the tipping fee revenue for the EAC is lost.

Longer term, the agreement could set the stage for community governments to directly sustain the EAC. The McLean County Landfill is the only landfill in the county, and currently no plan has been proposed to expand it to keep it in operation beyond 2016.

Efficiency: EAC provides an efficiency of scale and avoids some duplication of service by the three (3) local governments: City, Town and County.

Agency service: The EAC has been a vital partner with the City, Town and County in providing public education services. It also has filled gaps in service – organizing, for example, periodic collection of household hazardous waste. It is located at 202 W. College Ave., Normal. Its web site, ecologyactioncenter.org, serves as clearinghouses of information for the full breath of recycling information. Its work stands out for quality and reliability. Among services, EAC keeps abreast of regulations and files mandatory reports to the Illinois Environmental Protection Agency on behalf of the City, Town and County.

Accountability: The ability to work cooperatively has been exceptional and the EAC operates with an air of transparency. The Solid Waste Management Policy Committee consists of the McLean County Board Director, Mayor of Bloomington, Mayor of Normal, and McLean County Regional Planning Commission Chair serves as this board's Chairman. The Solid Waste Management Technical Committee consists of the Bloomington City Manager, the Normal City Manager, the Executive Director of the McLean County Regional Planning Commission and the Director of the Mclean County Department of Building and Zoning.

Agency history: The EAC was founded in 1971 as Operation Recycle during the emerging modern US environmental movement. It started as an all-volunteer group. It evolved into a professional, full-time agency while using both paid and volunteer workers to address a range of issues and to partner with communities and their governments. The name EAC was officially adopted in 2004.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The City pays nothing as long as the landfill continues to operate and pay for the EAC through the McLean County Solid Waste Fund. Tipping fees from the landfill are projected to cover all costs of the City's obligation at least for 2014 and 2015 and possibly 2016 as well.

In the event that the Center loses this tipping fee revenue, total payments by the three (3) local governments for 2014 are a combined \$8,444 per month, with the City obligated to pay the

population prorated share of \$3,799.80 (forty-five percent/45%). Rises in the consumer price index would be used to calculate cost of living increases for 2015 and 2016 but with a maximum annual increase of three percent (3%). Stakeholders can locate the City portion of the expenditure source if the Center loses this tipping fee revenue in the FY 2014 budget book titled "Other Funds & Capital Improvement Program" under Solid Waste-Landfill Fees (54404400-70650).

Without the EAC, the City would look to replace at least some of its services in-house. To staff's knowledge, no other local agency is similarly positioned to undertake the work accomplished by EAC. The City would have to add staff or reallocate resources to serve functions now carried out by the EAC.

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman Fazzini that the Agreement with the EAC for Solid Waste Program be approved, in the amount of \$140,336.55 over three (3) years, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Saheli 1810 Corp. d/b/a Bloomington Citgo, located at 1810 S. Morris Ave. requesting a GPBS liquor license, which would allow the sale of packaged beer and wine only for consumption off premises seven (7) days a week

RECOMMENDATION/MOTION: That a GPBS liquor license for Saheli 1810 Corp. d/b/a Bloomington Citgo, located at 1810 S. Morris Ave. be created, contingent upon compliance with all applicable health and safety codes.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by Saheli 1810 Corp., d/b/a Bloomington Citgo, located at 1810 S. Morris Ave., requesting a GPBS liquor license, which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Ron Mudrick, Applicant's representative.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Ron Mudrick, Manager and Applicant's representative, addressed the Commission. Sandipkumar Patel, President, owned thirty-two (32) convenience stores in Illinois and Indiana. Fourteen (14) stores held liquor licenses. The gas station would be converted to a Citgo. The store would offer beer and wine for sale. All customer service representatives were BASSET certified. Quarterly refresher courses were also offered. To complete an alcohol and/or tobacco sale, the employee must input the customer's age. The cash registers were connected to the Internet which allowed management staff to check the Date of Birth entries. The goal was to prevent underage sales.

Mr. Mudrick stated that there was another building on the property. The plan was to revive the property and freshen up the corner. Convenient stores operated on tight margins. The current store manager would remain at least through new staff training.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application by Saheli 1810 Corp., d/b/a Bloomington Citgo, located at 1810 S. Morris Ave., requesting a GPBS liquor license, which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week be approved.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 30, 2013 in accordance with City Code. In accordance with City Code, one (1) courtesy copy of the Public Notice was mailed. In addition, the Agenda for the September 10, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: Request is for a change of ownership. Annual fee for a GPBS liquor license is \$1,180.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Black, seconded by Alderman Fazzini that a GPBS liquor license for Saheli 1810 Corp. d/b/a Bloomington Citgo, located at 1810 S. Morris Ave. be created, contingent upon compliance with all applicable health and safety codes

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Parkway Partners, LLC d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd. requesting an RAS liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: That an RAS liquor license for Parkway Partners, LLC d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd. be created, contingent upon compliance with all applicable health and safety codes

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by Parkway Partners, LLC, d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd., requesting an RAS liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and John and James Mann, owner/operator and Applicant's representative, and Julia Davis, Applicant's attorney.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Julia Davis, Applicant's attorney, addressed the Commission. Ms. Davis noted that John and James Mann were present at the hearing. She stated that there needed to be a correction to Liquor License Questionnaire, 3. Impact of Establishment (b) the time need to be changed from 5:00 until 7:00 p.m. to 4:00 until 11:00 p.m., seven (7) days a week.

Commissioner Renner questioned the sales percentage for alcohol. Ms. Davis noted that the majority of gross revenue would come from hotel room charges.

Commissioner Tompkins questioned room service and if alcohol would be provided. Ms. Davis informed the Commission that room service would not be available.

Commissioner Jordan cited the City's BASSET training ordinance. Ms. Davis noted the City's requirement. Commissioner Jordan informed the Applicant that Heartland Community College offered certified BASSET training. He added that the Residence Inn offered a small bar for its guests.

George Boyle, Asst. Corporation Counsel, questioned complimentary alcohol service. He questioned the terms and conditions. Ms. Davis noted that the manager's special would be offered during the week from 5:00 until 7:00 p.m. for business travelers.

John Mann, owner/operator and Applicant's representative, addressed the Commission. The manager's special was for hotel guests only. This was a nationwide, mandated Marriott program. It was brand standard. Free food and beer and wine only were offered to hotel guests. This program was established to accommodate hotel guests. There would be a small bar in the hotel. This bar was not for the public and there would be no advertising.

Commissioner Jordan questioned the giving away of alcohol and compliance with state law. Mr. Mann noted that the Residence would comply with standards. A hotel guest's age would be verified. This program was offered at a Residence Inn located in Moline, IL which they also owned.

Commissioner Tompkins noted that these manager's special programs were becoming standard.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application by Parkway Partners, LLC, d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd., requesting an RAS liquor license, which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 30, 2013 in accordance with City Code. In accordance with City Code, approximately three (3) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the September 10, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None. Request is for a new liquor establishment. Annual fee for a RAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Black, seconded by Alderman Fazzini that an RAS liquor license for Parkway Partners, LLC d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd. be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Rescind Final Plat for Airport Park Subdivision, 14th Addition

RECOMMENDATION/MOTION: That the Final Plat and Ordinance No. 2009 – 79 be rescinded.

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

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

BACKGROUND: On December 14, 2009, the Council approved the Final Plat for Airport Park Subdivision, 14th Addition. The Petitioner at that time was CIP, LLC. This Final Plat was never recorded.

On November 28, 2011, the Council approved the Final Plat for Airport Park Subdivision, 14th Addition. The Petitioner at that time was Wingover Six, LLC. Ordinance No. 2009 – 79, An Ordinance Approving the Final Plat of the Airport Park Subdivision, 14th Addition should have been rescinded at that time.

The City Clerk’s Office as part of administrative housekeeping is requesting formal action from the Council as land issues are permanent records.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Black, seconded by Alderman Fazzini that the Final Plat and Ordinance No. 2009 - 79 be rescinded.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Illinois Wesleyan University (IWU) requesting the Vacation of the Titan Dr. right of way west of Fell Ave. and the adjacent north-south alley right of way lying north of the easterly extension of the centerline of the vacated east-west alley in Block 6 in the Phoenix Addition

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

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

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

BACKGROUND: IWU has petitioned to vacate or abandon the public right of ways for Titan Dr. and an adjacent alley. If approved the land used by both public right of ways will then be transferred to IWU, the adjacent property owner, as all of the adjacent land for both the alley and Titan Dr. is owned by IWU.

The purpose of the Vacations are to enable IWU to control and maintain land which is adjacent to their parking lots. In the future, IWU desires to expand the parking areas near the Shirk Center. That expansion could be cumbersome and inefficient if the right of ways remained in place. Both are adjacent to IWU and do not serve any other property.

Streets and Traffic

The vacations will also alleviate the expense incurred by the City for maintaining and plowing the street and alley. Staff does not foresee traffic patterns changing for the area. IWU has testified that they have no intention to eliminate access to Fell Ave. This second access point, which serves a large parking area, is important for vehicle circulation as well as for emergency vehicles.

The Planning Commission held a public hearing on September 11, 2013. Todd Bugg, Petitioner's attorney, and Carl Teichman, IWU's Director of Government and Community Relations, spoke in support of the petition. They emphasized the desire for more efficient parking lot development as well as the City benefits described above. No one else from the public spoke in opposition to or in support of the petition. The Planning Commission voted 9 - 0 to recommend approval of the petition to the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with Code and courtesy copies of the Public Notice were mailed to two (2) adjoining property owners. In addition, public notice/identification sign was posted on the property.

FINANCIAL IMPACT: No significant impact per the PACE Department.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark Huber, Director of PACE

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

ORDINANCE NO. 2013 - 72**AN ORDINANCE PROVIDING FOR THE VACATION OF TITAN DRIVE AND
BLOCK 6 ALLEY**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of Titan Drive and Block 6 Alley; and

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

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

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

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

1. That Titan Drive and Block 6 Alley, as shown on the plats submitted with the Petition, are hereby vacated.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated street and alley for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 14th day of October, 2013.

APPROVED this 15th day of October, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A**LEGAL DESCRIPTION**

Titan Drive: All of Titan Drive lying east of and adjacent to the Northerly Extension of Lot 4 in Block 6 in Phoenix Addition except that portion of said street which has previously been vacated per ordinance recorded in Deed Book 443, Page 513.

Alley: All of the North-South alley in Block 6 in Phoenix Addition lying North of the Easterly extension of the centerline of the vacated East-West alley in said Block 6.

Alderman Schmidt recused herself from this item due to her employment at Illinois Wesleyan University. She ended her telephone contact and City staff agreed to re-establish the call after the Council voted on the item.

Motion by Alderman Black, seconded by Alderman Fazzini that the Vacations be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

Alderman Fruin expressed his support for the Vacation of streets/alleys. He recalled the Council's decision to deny the Vacation of Scott St. The Gailey Eye Clinic was the Petitioner. He requested Council be provided with guidance regarding when to approve and when to deny these petitions.

The following was presented:

SUBJECT: Bike Path Initial Phase and Contracting for a Bicycle Plan

RECOMMENDATION/MOTION: That City staff be authorized to erect signage and paint lane markings along Front St. from Downtown to the Constitution Trail for shared bike lanes and designated bike lanes and along the Prairie St./Park St. corridor from Downtown to Illinois Wesleyan University (IWU) for shared bike lanes, that the attached Resolution be adopted and staff be authorized to enter into an agreement with the League of Illinois Cyclists for preparation and production of a "Bicycle Plan - Basic" in an amount not to exceed \$11,750.

STRATEGIC PLAN SIGNIFICANCE: Goal 1. Financially sound City providing quality basic services; Goal 2. Upgrade City infrastructure and facilities; Goal 3. Grow the local economy;

Goal 4. Strong neighborhoods; Goal 5. Great place – livable, sustainable City; and Goal 6. Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner; Objective 1e. Partnering with others for the most cost-effective service delivery; Objective 2d. Well designed, well maintained City facilities emphasizing productivity and customer service; Objective 3a. Retention and growth of current local businesses; Objective 4d. Improved neighborhood infrastructure; Objective 5a. Well planned City with necessary services and infrastructure, Objective 5c. Incorporation of “Green Sustainable” concepts into City’s development and plans; and Objective 6d. Healthy adjacent neighborhoods linked to Downtown.

BACKGROUND: Members of the community have long been desirous of formal bike routes through the Twin Cities in addition to the traditional Constitution Trail. Bike routes through both shared lanes (“sharrows”) and designated bike lanes serve the recreational bicyclists and those who choose bicycles as a mode of transportation. Per the request of Mayor Renner, City Manager David Hales and members of staff have been engaged in recent talks to move this concept forward. Staff recommends two (2) measures:

- In-house work done with City crews to create shared-lane signage and street pavement markings along the Prairie St./Park St. Corridor from Downtown to Illinois Wesleyan University (IWU) and along Front St./Grove St. for Front St., one block, from East St. to Prairie St., would have bike only designated lanes. The rest of the Front St. corridor would likely be a sharrow. The Front St. corridor would link with the Prairie/Park sharrow and continue east to the Constitution Trail, linking with the Trail near McClun St. To the west, the Front St. sharrow would continue to the Constitution Trail intersection near Allin St. The routes will link neighborhoods to Downtown and create a bike route that links destinations: Downtown, IWU, Constitution Trail and Uptown Normal.
- Contracting with the League of Illinois Cyclists for a strategic bike plan.

Based on staff/Council member conversations with the League, staff is certain that the Front-Prairie corridors will feed into the plan and not contradict it. The majority of the Front/Prairie work would be completed in the 2013 calendar year. These two (2) sharrow corridors would serve as the first phase of a broader bike plan produced with the League.

Markings, Signage and Sharrows: Typically, not all portions of bike paths through cities provide designated bike lanes. Often, they involve sharrows. Such will be the case in the City’s plan. This first phase of the City’s bike plan includes only one small portion of designated bike lane – along Front from East to Prairie. The rest of the Front/Prairie bike route will likely be sharrow lanes. The sharrows seek to safely encourage bicycle traffic along lower volume and slower streets while also providing bicyclists and motorists with continual reminders of their respective rights and duties.

By law, motorists passing persons using bicycles must give them at least three feet (3’) of clearance when passing them, (625 ILCS 5/11-703). In effect, motorists should change lanes to

pass cyclists in most instances. Motorists commonly disobey this law and squeeze the cyclists while passing in the same lane. When a community installs designated Lane Sharing, it reduces safety problems by providing reminders of the law and encouraging cyclists to use streets judged to be safer than others because of their construction, traffic volume and vehicle speeds.

The painted white markings and yellow signage were selected by staff for three (3) reasons: 1.) Compliance with the Manual on Uniform Traffic Control Devices; 2.) desirability of the signage and 3.) the fact that it mirrors the Town of Normal's existing signage and markings for sharrow lanes and will provide continuity between the cities.

Marking Sharrows

Staff intends to post two yellow signs, one above the other on a single sign post, approximately every 1,000 feet or as needed, for its shared lanes (sharrows). Placement near intersections will be most useful as it alerts motorists turning onto the street. This mirrors the standard used in the Town of Normal.

In addition, sharrows will feature on-street markings painted in white at approximately 250 foot intervals. As with signs, their placement will be strategic to ensure that motorists and cyclists who enter the street from an intersection will be aware of the shared-street designation.

Bicycle Plan - Basic

The League of Illinois Bicyclists' proposal for a bike plan was provided to the Council. Staff believes the proposal by the League of Illinois Bicyclist to be extremely reasonable and notes that the League already has undertaken basic planning at no cost. The League is headquartered in Aurora, IL. Its local members have been advocates and partners with the City in initial discussions. The League would engage staff and members of the public, including the Friends of the Constitution Trail, in forging the plan. It also will consult with IWU, which is interested in extending bike paths through campus, and consult the Town of Normal's Bicycle and Pedestrian Master Plan during the planning efforts. The League approximates spending a maximum of 170 hours of its staff time on the plan at a cost of \$65 per hour plus travel costs.

It is important to note that this item is not in the current Fiscal Year (FY) 2014 Action Plan. With the level of work staff is currently focused on within the approved Action Plan, there is concern with resource levels.

At this time, staff recommends that the City forego the "Extra Planning Tasks" available in the League proposal.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: League of Illinois Cyclists, Friends of the Constitution Trail, IWU, and Town of Normal.

FINANCIAL IMPACT: The League contract would cost up to \$11,750 including League travel costs. Although not budgeted in FY 2014, the Engineering budget can assume this cost. For stakeholders this can be found in the FY 2014 Budget book titled "Budget Overview & General Fund" on page 347 under the budget Engineering-Other Professional Services (10016210-

70220). \$95,390 was budgeted in this line item and as of October 8, 2013 \$89,816.75 is still available.

Possible contribution: The Friends of the Constitution Trail has expressed a desire to contribute up to \$5,000 toward the project. A formal agreement has not been finalized.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

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

RESOLUTION 2013 - 14

A RESOLUTION ADOPTING A BIKE PLAN FOR THE CITY OF BLOOMINGTON, ILLINOIS

WHEREAS, members of the Bloomington-Normal community are desirous of using portions of the public streets as bicycle routes by means of the use of shared lanes known as “shallows” and designated bike lanes; and

WHEREAS, under Illinois law the intended and permitted users of public streets are persons using motor vehicles; and

WHEREAS, although the bicycle routes recommended by the staff of the City of Bloomington are the safest alternatives reasonably available using current engineering standards, a possibility of injury to person or damage to property will always exist when bicycles and motor vehicles share the public streets; and

WHEREAS, municipalities are generally immune from liability for injuries occurring on property used for recreational purposes or for access roads or trails; and it is the legislative determination of the City Council that the City has used the most conservative means available using current engineering standards to safely designate bicycle routes on the public streets and does not intend by this action to waive any tort immunities it has under Illinois law;

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

That the bike route plan recommended to the City of Bloomington by the City staff in its memo and attachments submitted to the City Council at its regular meeting on October 14, 2013 is hereby adopted; and

That the preamble to this Resolution and the aforesaid memo and attachments is incorporated by reference and adopted as the legislative action of the Bloomington City Council as though fully set forth herein.

ADOPTED this 14th day of October, 2013.

APPROVED this 15th day of October, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Jim Karch, Public Works Director, had prepared a “Share the Road” presentation. He cited the popularity of the Constitution Trail. Bicycle riders were interested in more options. The City would enter into its first contract for a Bicycle Plan. He addressed sharrows versus bike lanes. (A sharrow was shared facility for bicycles and vehicles.) A Bicycle Plan would be in compliance with the City’s Strategic Plan. On street bicycle routes should have a limited number of stop signs. They should not be on arterial streets. Bike lanes meant that there would be a separate lane for bicycles. Bike lanes required additional street width to accommodate same.

Phase 1 would address low hanging fruit. He addressed sharrows. There would be a bike lane on Front St., east of Prairie St. He noted the low daily traffic volume. Phase 2 would look to the future. The City would gauge the interest in a possible bike route. He noted the Downtown and bicycle traffic. He cited the possible impact on economic development. There would be access to Illinois Wesleyan University via Prairie St. which had recently been resurfaced. The City would partner with the Illinois League of Bicyclist. He added that the Friends of Constitution Trail had offered \$5,000 towards the cost of the Plan. A steering committee would be selected with the assistance of Ed Barsotti, League of Illinois Bicyclists Executive Director. The Plan would include feedback. A public meeting

would be held. The goal would be to determine the best location for bike routes. Information would be provided to the steering committee and then on to the Council.

The goal was to complete two (2) bike routes by year end. They would be accomplished via pavement markings and signage. The work may need to be completed in the spring 2014.

Alderman Sage questioned the public element. He expressed his interest in a line of sight. He questioned what would be involved. His interest went beyond results.

Mr. Karch noted that there would only be one (1) large public meeting. One goal was to keep the cost low. He cited the use of technology. The steering committee would refer to the contract. The Council would be provided with a narrative report.

Alderman Sage questioned the solicitation process. He questioned if there would be face to face meetings. He also questioned the communication plan.

Mr. Karch restated that the emphasis was on low cost. The City was a partner. The City would utilize the City's web site, water bill inserts, press releases, etc. The more input into the process the better.

David Hales, City Manager, addressed the Council. City staff would provide a draft communication plan.

Alderman Fazzini cited Illinois State University's motorcycle class. Bicyclists needed to be aware of motor vehicles. He recommended that a bicycle school be established. He believed that marked streets would be safer.

Mr. Karch noted that there needed to be a culture shift in the community. The City needed to start somewhere.

Alderman Fruin expressed his support for this item. The City would learn from this trial. He questioned if the City had solicited input from the residents on Front and Prairie St.

Mr. Karch noted that the City would not be removing the parking on these streets.

Alderman Fruin addressed the learning curve. He cited an educational process. He believed that this was a good place to start. He noted that various modes of transportation had found their place on Constitution Trail. He questioned if pedestrians would be allow to use bike lanes/sharrows.

Mr. Karch stated that the intent was for bicycle traffic.

Alderman Fruin expressed his belief that pedestrians would use the bicycle lanes. He encouraged City staff to solicit feedback from City residents.

Mr. Karch cited the Public Works Department's portion of the City's web site. He noted the addition of educational material. Bicycle information would also be added.

Alderman Lower questioned the merger of other types of vehicles on bicycle lanes. He cited motorized bicycles, motorized wheelchairs and low volume electric vehicles.

Mr. Karch noted the sidewalks should be used by handicapped individuals. Sidewalks were designed for safe conveyance.

Alderman Black expressed his appreciation for the presentation. He planned to support this item. He believed the key question should be why the City did not have bicycle lanes. He questioned the time line for action.

Mr. Karch restated that there were two (2) routes. The majority of the work on Front/Prairie St. would be completed this year. The work involved pavement markings and signage. This work was weather dependent. All of the work would be completed by spring 2014. There would be no action beyond these two (2) routes. A Bicycle Plan would be presented to the Council for evaluation.

Alderman Black questioned the use of social media for public input.

Alderman Mwilambwe thanked Mr. Karch for the presentation. He had heard concerns from experienced bicyclists. He liked the approach being used. The City would have the time to learn from the experience. The City could be more aggressive when considering alternative modes of transportation.

Mr. Karch readdressed sharrows and bike lanes. There were various levels of bicycle riders. Some of the more experienced riders want use of City streets.

Alderman Stearns expressed her appreciation for the input. She welcomed individuals to the City's older neighborhoods. She supported this item.

Motion by Alderman Fazzini, seconded by Alderman Mwilambwe that City staff be authorized to erect signage and paint lane markings along Front St. from Downtown to Constitution Trail for shared bike lanes and designated bike lanes along the Prairie St./Park St. corridor from Downtown to Illinois Wesleyan University for shared bike lanes, the Resolution adopted and staff be authorized to enter into an agreement with the League of Illinois Cyclists for preparation and production of a "Bicycle Plan - Basic" in an amount not to exceed \$11,750.

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

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

Nays: None.

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

SUBJECT: Ordinance Providing for the Issuance of not to exceed \$10,000,000 General Obligation Bonds of the City of Bloomington, McLean County, Illinois, for the Purpose of Financing Road and Sewer Improvements in and for said City and Providing for the Levy and Collection of a Direct Annual Tax Sufficient for the Payment of the Principal of and Interest on said Bonds

RECOMMENDATION: That the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services, and Goal 2. Upgrade City infrastructure and facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services, and Objective 2e. Investing in the City's future through a realistic, funded capital improvement program.

BACKGROUND: On September 13, 2013, Council adopted a Resolution of official intent on authorizing staff to proceed in issuing bonds for street resurfacing and sewer improvements in an amount not to exceed \$10,000,000. An ordinance has been prepared by the City's Bond Counsel, which outlines the details of the intended sale. Also, provided were updated debt service projections for both a ten and fifteen (10 & 15) year bond issue with level debt service. Road resurfacing is generally considered capital maintenance and has a shorter useful life than either new road construction or road re-construction. After further review of the street assessments, the roads proposed for this bond issue are heavily traveled arterial or collector roads that are currently in very poor condition. As such, staff believes it is more appropriate to utilize a useful life of ten (10) years, and a correspondingly ten (10) year bond is recommended.

Please note that projections are best estimates – market conditions on the day of the bond sale could produce a variation in figures presented.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The estimated annual debt service on a ten (10) year, \$10,000,000 level debt service bond will add on average \$1,155,746 to the annual budget each year for the next ten (10) years. The first payment will begin in the FY 2015 budget year. It is anticipated that an increase in revenue will be needed to pay this debt service.

Respectfully submitted for Council consideration.

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

Recommended by:

David A. Hales
City Manager

(ORDINANCE NO. 2013 – 73 ON FILE IN CLERK’S OFFICE)

Mayor Renner introduced this item. He noted that it would be a ten (10) year bond issue.

David Hales, City Manager, addressed the Council. There were three (3) bond issues before the Council; (\$10,000,000 street/sewer bond issue; \$8,500,000 refunding bonds; and Government Center bond). He noted that Lynda Given, Chapman & Cutler, (bond counsel), and Todd Krzyskowski, Mesirow Financial (Financial Advisor), were present. He noted that the street/sewer bonds were presented with two (2) options: ten (10) year debt service or fifteen (15) year debt service. He requested that the Council specify the debt service term.

Alderman Sage made a few comments. He had voted against this issue at the Council’s August 12, 2013 meeting. The administrative policy portion decision was made at that meeting. He believed that it was bad governance to issue \$10 million in bonds outside of the City’s budget process. He cited pensions and delayed capital needs. He believed that this issue would drive the City towards a tax increase. He planned to vote in support of this item.

Alderman Fruin echoed Alderman Sage’s comments. As policy, this item had been approved. He also planned to support same.

Alderman Fazzini expressed his opinion that whatever the State of Illinois did was irrelevant. The \$10 million bond issue was phase one. Additional bond issues were coming. He questioned the bond issuance process: competitive versus negotiated. He also questioned the pros and cons of each.

Patti-Lynn Silva, Finance Director, addressed the Council. There would be a competitive sale bid which would be open and offered to all interested parties. The goal was to obtain the lowest possible cost which was required by policy.

Alderman Stearns questioned the increase revenue language. She expressed her support for the bond issuance as it represented a direct response to citizens. She cited the need for street repair. The bond issue would be a partial solution. She described it as a “get it done” approach. She addressed the revenue needed language. She believe that this was not settled and open to question. She did not accept that this bond issue could not be done without a revenue increase. She believed that this was standard language and part of the bond issuance process.

Ms. Silva noted that it would be dependent upon the schedule selected. This bond issue represented a recurring expense for the City for the next ten to fifteen (10 – 15) years. It was not unreasonable to include this language. Addressing this debt would be part of the Fiscal Year 2015 budget process.

Alderman Stearns believed that there were a lot of possibilities.

Alderman Lower echoed Alderman Stearns' comments. The City needed to be reorganized and priorities needed to be re-examined. He cited from experience that there were cost savings to repair and not replace pavement.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Ordinance be passed with a debt repayment of ten (10) years.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ordinance Providing for the Issuance of not to exceed \$8,500,000 General Obligation Refunding Bonds of the City of Bloomington, McLean County, Illinois, for the Purpose of Refunding Certain Outstanding Bonds of said City and Providing for the Levy and Collection of a Direct Annual Tax Sufficient for the Payment of the Principal of and Interest on said Bonds

RECOMMENDATION: That the Ordinance be passed.

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: On September 23, 2013, Council discussed refunding of the 2003 General Obligation Bonds at a Work Session where staff recommended an opportunity to save money while the City was already going into the bond market for the 2013 \$10,000,000 bond issue. The 2003 bonds which are currently callable will be refunded for bonds at a lower interest rate. The City's financial advisor estimates \$288,000 in savings. The refunding ordinance, as prepared by the City's Bond Counsel, outlines the details of the intended sale. Updated debt service projections for 2013 refunding bonds were provided to the Council.

Please note these are best estimates – market conditions on the day of the sale could produce a variation in figures presented.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: It is estimated that the City will save \$288,356 over the next ten (10) years. Savings will begin in FY 2015 at approximately \$28,000.

Respectfully submitted for Council consideration.

Prepared and reviewed by: Patti-Lynn Silva, Finance Director

Recommended by:

David A. Hales
City Manager

(ORDINANCE NO. 2013 – 74 ON FILE IN CLERK’S OFFICE)

Alderman Fazzini cited the cost savings.

David Hales, City Manager, addressed the Council. City staff continued prior efforts. He expressed his appreciation to Patti-Lynn Silva, Finance Director, and that Lynda Given, Chapman & Cutler, (bond counsel), and Todd Krzyskowski, Mesirow Financial (Financial Advisor).

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ordinance approving a Fourth Amendment to Lease Agreement to be Entered into between Public Building Commission of McLean County, McLean County, Illinois, as lessor, and the County of McLean, Illinois, and the City of Bloomington, McLean County, Illinois, as lessees, and Providing for the Levy and Collection of a Direct Annual Tax Sufficient to pay the Rent Payable by the City under such Fourth Amendment to Lease Agreement

RECOMMENDATION: That the Ordinance be passed.

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: On September 23, 2013, Council discussed the refunding of the 2003 General Obligation Bonds at the Work Session where staff recommended an opportunity to save money while the City was already going into the bond market for the 2013 \$10,000,000 bond issue. The Public Building Commission (PBC) would like to refund there outstanding bonds but needs the City's approval. The City and the County have a lease agreement with the PBC to rent the space in the County building, located at One Government Center and parking in the Abraham Lincoln Parking Garage, which in turn is used by the PBC to pay their debt service. Should the City adopt this ordinance and amend the lease the City will save approximately \$53,490 mostly in the last year of the lease. The lease amendment ordinance was prepared by the PBC's Bond Counsel which outlines the details of their intended sale. The Council was also provided with the debt service projection for the PBC's refunding bonds which translates into direct savings in the City and amends the lease document. The City and the County share these savings equally.

Please note these are best estimates – market conditions on the day of the sale could produce a variation in figures presented.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: It is estimated that the City will save \$53,390 in lease rental payments made to the PBC over the next nine (9) years.

Respectfully submitted for Council consideration.

Prepared and reviewed by: Patti-Lynn Silva, Finance Director

Recommended by:

David A. Hales
City Manager

(ORDINANCE NO. 2013 – 75 ON FILE IN CLERK’S OFFICE)

FOURTH AMENDMENT TO LEASE AGREEMENT

This Fourth Amendment to Lease Agreement made this ____ day of _____, 2013, between the Public Building Commission of McLean County, McLean County, Illinois, a municipal corporation of the State of Illinois (the “*Commission*”), as Lessor, and The County of McLean, Illinois, a municipal corporation of the State of Illinois (the “*County*”), and the City of Bloomington, McLean County, Illinois, a municipal corporation of the State of Illinois (the “*City*”), as Lessees.

WITNESSETH:

WHEREAS, the Commission, as Lessor, and the County and the City, as Lessees, have heretofore entered into a Lease made the 20th of November, 2001, and amended by an Amendment to Lease Agreement made the 12th day of December, 2003, a Second Lease Agreement Amendment made the 4th day of October, 2005, and a Second Amendment to Lease Agreement made the 27th day of September, 2013 (collectively, the “*Original Lease*”), pursuant to which the Commission leases to the County and the City the Site and the Parking Site (each as described and defined in the Original Lease) together with the structures thereon and the improvements and additions provided for under the Original Lease, including the Project (as described and defined in the Original Lease); and

WHEREAS, the Commission, the County and the City desire to amend the Original Lease to take into account the issuance by the Commission of bonds to refund certain bonds previously issued by the Commission to finance the Project; and

WHEREAS, in order to provide the necessary revenues for the payment of said refunding bonds, for the payment of bonds of the Commission issued or hereafter issued for the improvement of the Site, the Parking Site, the structures thereon or the improvements and additions provided for under the Original Lease, including the Project, for all interest that may accrue on said bonds and for the costs of administration as provided in the Original Lease, it is necessary for the parties hereto to enter into this Amendment, amending the Original Lease as hereinafter set forth:

NOW THEREFORE, in consideration of the rents reserved hereunder and the provisions and covenants herein made by each of the parties hereto and for other good and valuable considerations, it is covenanted and agreed by the said parties hereto as follows:

SECTION I — REFUNDING BONDS

For the purpose of refunding certain bonds previously issued by the Commission to finance the Project, the following actions will be taken by the Commission:

- A. The Commission shall, with reasonable promptness, upon the execution of this Amendment and pursuant to the provisions of Section 15 of the Public Building

Commission Act of the State of Illinois, as amended (the “Act”), provide for the authorization, sale, execution and delivery by it of its bonds in the principal amount of \$_____ to be designated “Public Building Revenue Refunding Bonds, Series 2013” (the “Bonds”), for the purpose of paying the cost of refunding certain bonds previously issued to finance the Project, pursuant to the provisions of the resolution adopted by the Board of Commissioners of the Commission on the 1st day of October, 2013, authorizing and providing for the issue of the Bonds (the “Bond Resolution”), the provisions of which are made a part hereof by reference.

B. Upon the issuance of the Bonds, the Commission shall immediately apply the proceeds derived from the sale of the Bonds pursuant to and in the manner and as provided by the terms of the Act and the Bond Resolution.

SECTION II — AMENDMENT OF ORIGINAL LEASE

Paragraph B of Section II of the Original Lease is amended to read as follows:

The County covenants and agrees, on or before October 1 of each of the years hereafter designated, to pay to the Commission for the use and occupancy of the demised premises, the following annual rentals:

<u>YEAR</u>	<u>ORIGINAL LEASE RENTAL</u>	<u>ADJUSTMENT DUE TO THIS AMENDMENT</u>	<u>REVISED LEASE RENTAL</u>
2014	\$429,176	\$	\$
2015	429,176		
2016	429,176		
2017	428,737		
2018	429,176		
2019	429,176		
2020	429,176		
2021	134,272		
2022	114,500		

The City covenants and agrees, on or before October 1 of each of the years hereafter designated, to pay to the Commission for the use and occupancy of the demised premises, the following annual rentals:

<u>YEAR</u>	<u>ORIGINAL LEASE RENTAL</u>	<u>ADJUSTMENT DUE TO THIS AMENDMENT</u>	<u>REVISED LEASE RENTAL</u>
2014	\$719,509	\$	\$
2015	719,509		
2016	719,509		
2017	718,664		
2018	719,509		
2019	719,509		
2020	719,509		
2021	152,513		
2022	114,500		

Notwithstanding anything contained herein to the contrary, the Lessees each agree to joint and several liability for the aggregate total of the aforesaid annual rents required of the County and the City.

SECTION III — MISCELLANEOUS

A. The obligations of the Commission hereunder are subject to the sale, issuance and delivery by the Commission of the Bonds in the principal amount of \$_____. The Commission agrees to proceed as quickly as reasonably possible with the authorization, sale, delivery and issuance of the Bonds.

B. In the event any covenant, phrase, clause, paragraph, section, condition or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of any such covenant, phrase, clause, paragraph, section, condition or provision shall in no way affect any other covenant, phrase, clause, paragraph, section, condition or provision herein contained.

C. This Amendment has been executed in several counterparts, any of which shall be considered as an original.

IN WITNESS WHEREOF, the Public Building Commission of McLean County, McLean County, Illinois, by authorizing of its Board of Commissioners, has caused its corporate seal to be affixed hereto and this Amendment to be signed in its name by the Chairman of said Board and attested by the Secretary of said Commission; The County of McLean, Illinois, by authority of its County Board, has caused its corporate seal to be affixed hereto and this Amendment to be signed in its name by the Chairman of the County Board of said County and to be attested by the Clerk of said County; and the City of Bloomington, McLean County, Illinois, by authority of its City Council has caused its corporate seal to be affixed hereto and this Amendment to be signed in its name by the Mayor of said City and attested by the Clerk of said City, as of the day and year first written.

PUBLIC BUILDING COMMISSION OF MCLEAN
COUNTY, MCLEAN COUNTY, ILLINOIS

ATTEST:

Secretary

By: _____
Chairman, Board of Commissioners

THE COUNTY OF MCLEAN, ILLINOIS

ATTEST:

County Clerk

By: _____
Chairman, County Board

CITY OF BLOOMINGTON, MCLEAN COUNTY,
ILLINOIS

ATTEST:

Tracey Covert
City Clerk

By: Tari Renner
Mayor

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

I, the undersigned, a Notary Public in and for said County and State, Do Hereby Certify that _____ and _____, personally known to me to be respectively the Chairman of the Board of Commissioners of the Public Building Commission of McLean County, McLean County, Illinois, and the Secretary of said Commission, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as Chairman of the Board of Commissioners of the Public Building Commission of McLean County, McLean County, Illinois, and the Secretary of said Commission, they signed and delivered the said instrument and caused the seal of the Public Building Commission of McLean County, McLean County, Illinois, to be thereto affixed as their free and voluntary act, and as the free and voluntary act of the Public Building Commission of McLean County, McLean County, Illinois, pursuant to the authority and direction of the Board of Commissioners of the Public Building Commission of McLean County, McLean County, Illinois, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this ____ day of _____, 2013.

Illinois Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF McLEAN)

I, the undersigned, a Notary Public in and for said County and State, Do Hereby Certify that Matt Sorensen and Kathy Michael, personally known to me to be respectively the Chairman of the County Board of The County of McLean, Illinois, and the Clerk of said County, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as Chairman of the County Board of The County of McLean, Illinois, and as County Clerk of said County, they signed and delivered the said instrument and caused the seal of The County of McLean, Illinois, to be thereto affixed as their free and voluntary act, and as the free and voluntary act of The County of McLean, Illinois, pursuant to the authority and direction of the County Board of The County of McLean, Illinois, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this ____ day of _____, 2013.

Illinois Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF McLEAN)

I, the undersigned, a Notary Public in and for said County and State, Do Hereby Certify that Tari Renner and Tracey Covert, personally known to me to be respectively the Mayor and the Clerk of the City of Bloomington, McLean County, Illinois, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Mayor and Clerk of the City of Bloomington, McLean County, Illinois, they signed and delivered the said instrument and caused the seal of the City of Bloomington, McLean County, Illinois, to be thereto affixed as their free and voluntary act, and as the free and voluntary act of the City of Bloomington, McLean County, Illinois, pursuant to the authority and direction of the City Council of the City of Bloomington, McLean County, Illinois, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 14th day of October, 2013.

Jan Scherff
Illinois Notary Public

David Hales, City Manager, addressed the Council. He noted the slight cost savings.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Ordinance be passed and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

Presentation regarding Employee Health, Dental and Vision Self-Insured Benefit Plans and the Affordable Care Act: Phil Sauder, Clemons and Associates

Laurie Wollrab, Compensation & Benefits Manager, addressed the Council. She introduced Phil Sauder, Clemons & Associates. She added that the numbers might be revised. She recommended that approval be postponed on some items as better pricing was possible. She cited the BlueCross/BlueShield Stop Loss and the Health Alliance HMO.

Phil Sauder, Clemons & Associates, addressed the Council. He cited the presentation to the Council's Administration and Finance Committee. The initial increase to Health Alliance's HMO was twenty-six percent (26%). New pricing had been received which reflected a \$15.84% increase. He noted the savings. He believed that there could be additional savings. He requested an additional two to three (2 -3) weeks.

Alderman Fazzini questioned a postponement. The Council could approve this item at a certain level. He added that this issue had been addressed by the Administration Finance Committee. The Council could approve this item at a 15.84 % increase or lower.

Mr. Sauder described Health Alliance as fair.

Alderman Fruin cited the material that had been presented. There were no changes to the plan. This item addressed premium renewals and the cost for same. There was no need to restudy the issue. He recommended that the Council accept City staff and Mr. Sauder's advice and postpone action at this time.

Alderman Sage echoed his support for Alderman Fruin's comments.

Alderman Fruin questioned if the City had a Stop Loss policy for prescription drug claims.

Mr. Sauder responded negatively.

The following was presented:

SUBJECT: Client Agreement with Blue Cross/Blue Shield of Illinois (Blue Cross) for Third Party Administrator (TPA) Services and Individual Stop Loss (ISL) Insurance for the Employee and Retiree Preferred Provider Organization (PPO) Health Plans; Client Agreement with Health Alliance Medical Plans (HAMP) for Employee and Retiree Health Maintenance Organization (HMO) Plan Option; Client Agreement with Blue Cross for TPA Services for the Employee and Retiree Dental Plan

RECOMMENDATION/MOTION: That the Client Agreements be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: The City provides health, dental and vision options to its employees and retirees. The contract and plan years for these benefits are January to December. Employees and retirees have a choice between two (2) City provided health plans: a PPO plan and an HMO plan. All employees and retirees who choose either the PPO or the HMO plan are now either on the \$400 deductible PPO plan or the \$20 copay HMO plan. Sworn police personnel have an additional option of a union plan which is not a part of this memorandum. The City has used the broker services of Phil Sauder, Clemens and Associates, in procuring and assisting with these benefits and the group life insurance plan.

The PPO plan elements consist of medical and pharmacy claims, administrative fees and individual stop loss. The pharmacy benefit management portion of the plan is administered by Catamaran, a separate entity, and the contract for those services was approved by Council at the October 22, 2012 meeting.

The PPO plan is self-insured by the City whereas the HMO plan is fully insured. With a self-insured plan, the City holds the risk that the claims will not exceed planned expenses. Stop loss insurance covers some of this risk. In a fully insured plan, the insurance company holds the risk that plan expenses and a profit margin will be covered by the premiums charged.

Blue Cross PPO Administration: The City utilizes Blue Cross as its TPA, (Third Party Administrator), to administer its employee and retiree PPO health plan. Through the Administrative Services Only (ASO) arrangement the City's plan members have access to the Blue Cross provider network, provider discounts and a variety of services for members and to assist City administrative staff. **For calendar year 2014, there will be no increase to the Blue Cross ASO rate.** It will remain at \$47.43 Per Employee Per Month (PEPM).

Blue Cross also charges an Illinois Facility Access Fee enabling them to develop and maintain an extensive discounted provider network. The Illinois Facility Access Fee is based on Illinois inpatient hospital claims and is a percentage of the savings resulting from the Blue Cross discounting arrangements with the providers. **There is no change to the Facility Access Fee for calendar 2014.**

Individual Stop Loss (ISL) for PPO Plans: Individual Stop Loss, (ISL), or reinsurance, insures the City in the event that any member of its PPO health plan incurs catastrophic claims during the plan year in excess of a certain dollar amount known as the “deductible”. In 2012, the ISL deductible was increased to \$155,000 from \$145,000. Mr. Sauder and Blue Cross have analyzed the specifics of the City’s PPO claims and **recommend no increase to the deductible for 2014.**

Staff requested that Mr. Sauder bid out the City’s ISL. Blue Cross is currently providing the ISL for the City’s PPO plans. The least expensive quote was received from Blue Cross. **That rate is \$53.72 PEPM which is an increase of 15.4% over the 2013 rate.**

PPO Total Costs: The following shows the total projected plan totals for calendar years 2013 and 2014. The medical claims figures were developed by Blue Cross actuaries.

PPO - Medical Only - (non-pharmacy)

	2013 Plan Year	2014 Plan Year	Percent Change
Projected Enrollees	464	442	-4.7%
Projected Net Paid Medical Claims	\$4,155,064	\$3,907,139	-6.0%
Administration Fee	\$264,090	\$251,569	-4.7%
Illinois Facility Access Fee	\$46,977	\$44,928	-4.4%
Individual Stop Loss	\$259,190	\$284,931	9.9%
Broker Fee	\$9,500	\$9,500	0.0%
Total Projected costs	\$4,734,821	\$4,498,067	-5.0%
Recommended Change in Reserves	\$18,555	\$-4,629	-124.9%

Plan premiums need to include an amount for the pharmacy benefit. To cover the anticipated increase to pharmacy expenses, **PPO premiums will increase 2.6% in 2014 over the 2013 premiums with the increase generated by anticipated increases in pharmacy claim costs.** Premiums are shared on average, as seventy-five percent (75%) by the City and twenty-five percent (25%) by employees. Retirees pay the full premium.

PPO - Full Monthly Premium Equivalents – Including Rx

Coverage Level	Number of Enrollees	2013 Plan Year	2014 Plan Year	Percentage Change
Employee Only	195	\$549	\$566	3.1%
Employee + One	89	\$1,190	\$1,211	1.8%
Family	122	\$1,873	\$1,923	2.7%
Medicare Primary - Single	27	\$549	\$564	2.7%
Medicare Primary – Ret. + 1	9	\$1,061	\$1,084	2.1%
Annual Total Projected Cost	442	\$5,590,116	\$5,735,459	2.6%

Health Alliance Medical Plan (HAMP) HMO: The City utilizes HAMP to provide an HMO health plan option to its employees and retirees. This is a fully insured product.

The HAMP HMO premiums are increasing 15.8% for 2014 over those for 2013. The high increase is due largely to claim experience and also includes a 3.7% increase to cover Affordable Care Act taxes. Based on 118 enrollees, the estimated total cost for the calendar 2014 plan year is \$1,931,880. Staff anticipates that some employees currently enrolled in the HMO will switch plans given the increase so that total enrollment and total costs for this plan will be lower than projected here.

HMO - Full Monthly Premiums

Coverage Level	Number of Enrollees	2013 Plan Year	2014 Plan Year	Percentage Change
Employee Only	38	\$571	\$661	15.8%
Employee + One	16	\$1,122	\$1,300	15.9%
Family	64	\$1,552	\$1,798	15.9%
Annual Total Projected Cost	118	\$1,667,736	\$1,931,880	15.8%

Dental Plan: The City uses Blue Cross to administer its self-funded employee and retiree dental plan. Through the contract the City has access to a small local and nationwide provider network and the discounts which Blue Cross has negotiated.

The dental premium equivalents are comprised of an administrative fee and an actuarial projection of claim costs for plan participants. The following shows the total projected plan totals for calendar years 2013 and 2014. The dental claims figures were developed by Blue Cross actuaries.

Dental Plan

	2013 Plan Year	2014 Plan Year	Percent Change
Projected Enrollees	661	663	0.3%
Projected Net Paid Claims	\$485,518	\$470,279	- 3.1%
Administration Fee	\$32,125	\$32,222	0.3%

	2013 Plan Year	2014 Plan Year	Percent Change
Total Projected Cost	\$517,643	\$504,217	- 2.9%
Recommended Change in Reserves	\$3,109	\$1,716	-44.8%
Recommended Premium increase			- 3.3%

Dental - Full Monthly Premium Equivalents

Coverage Level	2013 Plan Year	2014 Plan Year	Percentage Change
Employee Only	\$31.11	\$30.08	-3.3%
Employee + One	\$62.62	\$60.55	-3.3%
Family	\$94.80	\$91.67	-3.3%

Due to the projected decrease in claims and no increase to the administrative fee, **dental premiums will decrease by 3.3% for 2014 over 2013**. The City shares the costs of this plan equally (50%/50%) with its employees. Retirees pay full premium costs (0% City/100% retiree).

ALDERMANIC COMMITTEE BACKGROUND: Preliminary information was presented to the Administration and Finance Committee on September 10, 2013 by City staff and Phil Sauder, Clemens and Associates.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The total amounts cited above represent the anticipated full cost to provide health and dental insurance for employees, retirees and Township employees. The Township reimburses the City for their benefit costs. Once premiums and reimbursements from all sources were factored in, the City paid for sixty-two percent (62%) of the total health insurance costs for the PPO and HMO plans and forty-three percent (43%) of the dental plan costs in FY 2012/2013.

The following illustrates the projected impact the current renewals may have on the FY 2013/2014 budget. The actual figures will depend on January's enrollment and on the actual claims paid under the PPO and dental plan. Broker services were budgeted within the PPO fund divisions and there is no change to the cost of this service.

	PPO Plan*	HAMP HMO	Dental Plan
Total Budgeted Amt.	\$6,203,499	\$1,616,090	\$535,682
Budgeted City Amt.	\$3,724,808	\$1,134,244	\$228,592
Budgeted Increase %**	8.0%	8.0%	6.0%
Renewal Increase %**	2.6%	15.8%	-3.3%
Est. Projected Impact To Total Budget**	-\$103,391 (under budget)	\$38,905.87 (over budget)	-\$15,666 (under budget)

*PPO Plan – Includes both medical (Blue Cross) and pharmacy (Catamaran) components.

**The budget increase percent was the increase estimated for January 2014 when the FY 2013/2014 budget was prepared. The renewal increase percent is the actual percent increase for January 2014. The estimated projected impact to total budget is the difference between the projected and actual increases taken over the four (4) remaining months of the FY 2013/2014 budget, (January 2014 through April 2014).

The items in this memo are budgeted for FY 2013/2014 as follows:

Blue Cross PPO, Claims, Administration and Stop Loss: fund divisions 60200210 and 60280210.

Health Alliance Medical Plans HMO: fund divisions 60200232 and 60280232.

Dental Claims and Administration: fund divisions 60200240 and 60280240.

Respectfully submitted for Council consideration.

Prepared by: Laurie Wollrab, Compensation and Benefit Manager

Reviewed by: Emily Bell, Director of Human Resources

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

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Laurie Wollrab, Compensation & Benefits Manager, addressed the Council. She recommended that the Council postpone action on the BlueCross/BlueShield Stop Loss and Health Alliance HMO.

Mayor Renner stated that the Council should take action on the BlueCross/BlueShield PPO and Dental Plan.

David Hales, City Manager, addressed the Council. He requested that the Council approve the BlueCross/BlueShield PPO and Dental Plan.

Alderman Sage questioned if there were any concerns raised by separating these items.

Ms. Wollrab noted that there were other potential providers for the Stop Loss. She also hoped that Health Alliance might lower its cost.

Alderman Fruin expressed his opinion that he viewed these items as a package.

Mayor Renner noted that Alderman Fruin recommended that the Council delay taking action on this item.

Alderman Sage questioned if there were any issues separating these items. Ms. Wollrab responded negatively.

Alderman Fazzini recommended that this item be approved. Ms. Wollrab restated the potential for a different Stop Loss provider.

Alderman Black addressed the time line. He questioned open enrollment. Ms. Wollrab stated her goal to place the issue before the Council at their November 12, 2013 meeting.

Mr. Hales added that this item would be returned to the Council when it was completed.

Motion by Alderman Fruin, seconded by Alderman Fazzini that this item be postponed until negotiations are finalized.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Eric Trujillo Requesting Approval of a Special Use Permit for Expansion of a Nonconforming Restaurant and Bar for Property Located at 903 W. Wood St.

RECOMMENDATION/MOTION: The Zoning Board of Appeals (ZBA) recommends that the Special Use Permit be approved and the Ordinance passed. City staff is recommending that the Petition be denied.

STRATEGIC PLAN LINK: The project presented here does not meet Goal 4. Strong neighborhoods and Objective 4a. Residents feeling safe in their homes and neighborhoods. It

also does not meet Goal 5. Great place – livable, sustainable City and Objective 5b. City decisions consistent with plans and policies.

STRATEGIC PLAN SIGNIFICANCE: The on street congestion that will be created from the lack of off street parking will not encourage a strong neighborhood. Increased late night noise and activities from the bar are likely to make people feel less safe in their neighborhood. The petition is contrary to the City's Comprehensive Land Use Plan, which calls for residential uses for the property. The proposed use will not be in keeping with the policy or code requirement that commercial development should maintain off-street parking.

BACKGROUND: Earlier this spring, acting on information from the McLean County Health Department and other sources, the PACE Department found that the petitioner had changed the occupancy of the west end of the building by removing the approved mercantile space and constructing a bar. In May 2013, a letter from the PACE Department was sent to Mr. Trujillo's attorney outlining a minimum of nine (9) zoning and building violations. The most troubling of which was expansion of a nonconforming use without approvals or permits. In addition, the proposed use would require an additional variation of fourteen (14) off-street parking spaces, from the nine (9) spaces required for the current retail use to the twenty-three (23) that would be required for the proposed restaurant/bar. The total overall requirement for the building would become forty-seven (47) spaces. However, only fifteen (15) spaces are being provided.

Based on the violations presented, the petitioner is now requesting the approval of a Special Use for an expanded nonconforming bar/restaurant in a residential neighborhood at the corner of Wood and Allin St. The Special Use is required since the applicant plans on expanding the existing bar/restaurant into what had previously been a grocery area. Staff recommends that the petition be denied because the new use of the building as a bar/restaurant will generate a substantial amount of additional traffic and require much more parking than presently required for the site. This is especially true when the grocery store had been generating very little business and vehicular traffic. Compounding this issue - no parking is allowed on the south side of Wood St. or the west side of Allin St. In addition, the expanded bar use will also encourage late hour operations in a primarily residential neighborhood; bringing the possibility of exterior noise, litter, and raucous behavior by patrons.

This petition appeared before the ZBA for a public hearing and review on August 21, 2013. The petitioner, his attorney and ten (10) members of the audience spoke in support of the petition. Their comments were that the proposal is merely a continuation the current use, parking has not been a problem, the petitioner is a hard worker, has a great restaurant/bar, and the use is good for the neighborhood. No one from the public spoke in opposition to the petition. No immediate neighbors from the Allin and Wood Street area spoke at the hearing in favor of or in opposition to the petition. Those who addressed the ZBA appeared to be patrons of the restaurant. The ZBA voted to recommend approval of the Special Use permit by a vote of 6 - 0.

Staff recognized there were ten (10) people in support of the petition. However, none of those speaking in favor were from the neighborhood affected. The closest one was located nearly a half (½) mile away and others were from as far away as the City of Lincoln and the State of Texas. Not one could speak to the effect expanding a nonconforming use would have on the

neighborhood. This petition is about how an expansion of a bar and restaurant will affect a residential neighborhood. Staff still sees negative impacts occurring to those close neighbors on Allin and Wood St. Staff has evaluated the project and finds the expansion is not an appropriate use for the site. The adjacent land uses will likely be impacted by congestion, parking problems, late night noise and litter.

If the Council votes to approve the Special Use, the petitioner would need to file an application with the City Clerk's Office for an expansion of premise regarding the existing RAS, (Restaurant, All types of alcohol, Sunday), liquor license. A hearing would be scheduled before the Liquor Commission.

SUPPLEMENTARY INFORMATION: Staff has confirmed the existence of a Contract for Deed/Deed in Escrow wherein the buyer is Hamilton E. Trujillo as President of TVEO Corporation and the seller is Chandler Enterprises, Inc. The Petitioner provided a copy of an affidavit executed by the seller.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code, courtesy copies of the Public Notice were mailed to seventy-five (75) property owners within 500'. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: Staff believes the City may see an increase in the demand for police service required by parking and noise issues related to the expanded use. On the other hand, City revenues may benefit if the petition is allowed through an increase in sales and real estate tax revenues.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner
Reviewed by: Mark R. Huber, Director of PACE
Reviewed by: Patti-Lynn Silva, Director of Finance
Reviewed by: Barbara J. Adkins, Deputy City Manager
Legal review by: George Boyle, Asst. Corporation Counsel
Recommended by:

David A. Hales
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY
LOCATED AT: 903 W. WOOD STREET**

State of Illinois)
) ss.
County of McLean)

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

Now comes Eric Trujillo hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of R – 2, Mixed Residence District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code, restaurants and bars are allowed as a special use in an R - 2 zoning district; pursuant to Chapter 44, Section 44.4-6D of the Bloomington City Code:
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the R - 2 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R - 2 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Eric Trujillo

Harold Jennings

ORDINANCE NO. 2013 - 76

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A RESTAURANT AND BAR FOR PROPERTY LOCATED AT: 903 W. WOOD STREET

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Restaurant and Bar for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS, the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the Special Use Permit for a Restaurant and Bar on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 14th day of October, 2013.

APPROVED this 15th day of October, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Subdivision of Block 4 James Miller Second Addition south 74' of the east 42' of Lot #9

PIN 21 - 08 - 228 - 057

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. There would be no new testimony. The Council would take action based upon the written record. He questioned if the Council was ready to take action on this item.

Alderman Schmidt informed the Council that she had spoken with neighbors. They did not appear before the Zoning Board of Appeals, (ZBA). She believed that the ZBA's 3:00 p.m. meeting time was a hardship. The neighbors have concerns regarding the granting of a liquor license. There were concerns regarding a club atmosphere. They would like to see this business succeed.

Mayor Renner wanted to insure the Council that there would not be a disconnect between the Council and the Commission. There would be aggressive enforcement. This would be a neighborhood establishment.

Alderman Schmidt had encouraged the neighbors to attend the Commission's liquor hearing.

Alderman Lower added that he had heard similar comments.

Motion by Alderman Black, seconded by Alderman Stearns that the Special Use Permit be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Budget Amendment for the Authorization to Pay for the Cost of Oversizing the Sanitary Trunk Sewer in the Grove 5th Addition as per the Annexation Agreement; City's Approximate Oversizing Cost is \$1,000,000

RECOMMENDATION/MOTION: That the Council approve the proposed budget amendment to the FY 2014 budget for the reallocation of funds within the Sanitary Sewer Fund for \$1,000,000 for the oversizing.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5e. More attractive City: commercial areas and neighborhoods.

BACKGROUND: On March, 13, 2006, Council approved the Preliminary Plan for the Grove on Kickapoo Creek Subdivision which includes the subject site. The Grove on Kickapoo Creek Subdivision, Fifth Addition includes sixty (60) lots and one (1) outlot.

The City is responsible for the cost of oversizing the sanitary trunk sewer in this addition. The City's approximate oversizing cost is \$1,000,000. Final oversizing cost will not be known until installation of the trunk sewer is complete.

On September 26, 2005, Council approved an Annexation Agreement with the Grove on Kickapoo Creek, LLC. The Annexation Agreement requires the City to pay for over sizing the sanitary trunk sewers in the Grove Subdivision. The east branch trunk sewers have been oversized to serve approximately 4,000 acres north and east of the Grove development and a portion of the Adams property south of Ireland Grove Rd. The Annexation Agreement requires the City to pay the oversizing invoices within thirty (30) days of receipt of all documentation.

Construction of an east branch trunk sewer extension, which will serve the Grove on Kickapoo Creek, 5th Addition is ready to begin. The developer has already bid the project and is waiting on Council's approval of the subject budget amendment before they begin construction. Staff has reviewed the trunk sewer construction plans and finds them to be in conformance with applicable City codes.

The developer has tried to keep the City abreast of proposed additions that include City cost sharing. In late 2012, the City was informed of a proposed addition that would involve City cost sharing for water main, street and sewer oversizing. Proposed funding for these items totaled \$381,000 and was included in the proposed FY 2014 Budget, but the funding was not included in the approved FY 2014 Budget. In addition, the developer informed the City in May 2013 of their intent to develop an alternate addition. The alternate addition, now known as the subject 5th Addition, only involved City cost sharing for sewer oversizing. Unfortunately, the City has no recourse for the development change and does not know when any developments will occur. The Annexation Agreement does not require the developer to provide any notice of proposed developments, which would allow staff to budget for oversizing costs.

To accommodate the unfunded sewer oversizing expense, staff reviewed other sewer projects included in the FY 2014 Budget. In order to fund the Grove 5th trunk sewer oversizing, the projects shown in the following table can be delayed or a reduced scope of work can be performed.

Budgeted FY14 Project	Funding Amount	Transfer	Proposed Action
Locust CSO Non-Loan Eligible (Phase 2 Construction) <i>(Currently budgeted in Sewer 51101100-72550)</i>	\$99,000	(\$99,000)	Delay to FY15
Locust Colton CSO Elimination (Phase 2 Construction) <i>(Currently budgeted in Sewer 51101100-72555-would need to transfer budget to 51101100-72550)</i>	\$574,000	(\$574,000)	Delay to FY15
Sugar Creek Pump Lift Station <i>(Currently budgeted in Sewer 51101100-72140-would need to transfer budget to 51101100-72550)</i>	\$100,000	(\$100,000)	Delay to FY15
Jackson St. Sanitary Sewer (500-600 E. Block) <i>(Currently budgeted in Sewer 51101100-72550-budgeted for \$280,000 in FY 2014)</i>	\$227,000	(\$227,000)	Delay to FY15
Total:	\$1,000,000	(\$1,000,000)	
Sewer-Main Construction (51101100-72550)	\$326,000	\$674,000	

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Eastlake, LLC and the Farnsworth Group.

FINANCIAL IMPACT: The future residential properties will generate property tax revenue and annexation fees. There are revenues and costs associated with the entire Grove on Kickapoo Creek development that are detailed in the approved Annexation Agreements, and are triggered by construction of utilities or final platting. The City is responsible for the cost of oversizing the sanitary trunk sewer in this addition. The estimated cost of oversizing is \$1,000,000. Final oversizing cost will not be known until installation of the trunk sewer is complete. The cost of all other public improvements, platting, and recording will be borne by the petitioner. The oversizing will be paid out of the Sewer-Sewer Main Construction (51101100-72550). Stakeholders can locate this budget in the FY 2014 Budget book titled "Other Funds & Capital Improvement Fund" on page 162.

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item. The Council needed to move forward on this item. He described the past agreement as unwise. In the future, the City would not act as a bank for a developer.

David Hales, City Manager, addressed the Council. The Council had been provided with an updated list of costs for improvements at the Grove on Kickapoo Creek. The budget amendment was for the Grove on Kickapoo Creek, 5th Addition for oversizing the trunk sewer. The estimated cost was \$1 million. Payment to the developer was expected in December 2013/January 2014. Currently budgeted projects would be delayed to a future time. Fiscal Year (FY) 2015 or beyond was cited. A sewer project list would be prepared for five (5) years and twenty (20) years based upon the Sewer Master Plan. City staff would prepare same. This item would reauthorize dollars currently budgeted for other items.

Alderman Black noted that the Council was bound by previous Councils. Mr. Hales cited the Annexation Agreement for the Grove on Kickapoo Creek. This was the most significant Annexation Agreement. Alderman Black stated that he would vote for this item. He would not support similar agreements in the future.

Alderman Fazzini questioned if the motion defined where the dollars would come from and how the City would pay for this item. Mr. Hales restated that this item was not budgeted. Various sewer projects would be shifted for this item. He restated that the Council had adopted the Annexation Agreement.

Alderman Schmidt stated the cost was a surprise. Mr. Hales noted that a detailed fiscal impact analysis had not been completed. This would have addressed potential revenue with the associated costs. This issue would be addressed in the City's future Comprehensive Land Use Plan.

Alderman Fazzini stated that the Council did not know the costs that were associated with this Annexation Agreement. Alderman Schmidt recalled that there was no fiscal impact analysis.

Alderman Stearns questioned the length of the agreement. Todd Greenburg, Corporation Counsel, addressed the Council. The term of the agreement was twenty (20) years.

Alderman Sage noted that there had been a cultural change. In the future, City staff would perform due diligence and address an agreement's cost.

Alderman Fazzini questioned the delayed projects. He recommended that the Council consider a bond issue, raising revenue, etc.

Mr. Hales reminded the Council that sanitary sewers were an Enterprise Fund. This fund required dedicated revenue. This Fund had operated in the red in the past. He restated that projects had been identified prior to the Sewer Master Plan. The Council may see new priorities and also need to determine how to fund same.

Motion by Alderman Fruin, seconded by Alderman McDade that the Budget Amendment, in the amount of \$1,000,000, for the reallocation of funds within the Sanitary Sewer Fund for sewer oversizing be approved.

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

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

Nays: Alderman Fazzini.

Motion carried.

The following was presented:

SUBJECT: Petition from Eastlake, LLC, requesting Annexation and Rezoning of a 18.91 Acre Tract to be known as The Grove on Kickapoo Creek Subdivision, Fifth Addition, commonly located north of Ireland Grove Rd. and west of Township Rd. 2100 East

RECOMMENDATION/MOTION: That the Annexation and Rezoning be approved and the Ordinance passed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5e. More attractive City: commercial areas and neighborhoods.

BACKGROUND: The Council approved an Annexation Agreement with Deneen Bros. Farms LLC, Richard A. Searls Jr., Thomas J. Searls, Richard A. Searls III, Stephen J. Searls, John D. Searls, and Eastlake LLC on September 26, 2005. The proposed Annexation and Rezoning is in accordance with this agreement. The proposed annexation area is immediately north of the Grove at Kickapoo Creek 2nd Addition and will contain sixty (60) residential lots, one (1) outlot and right of way for City streets.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: All of the required public hearings on the Annexation Agreement were held by the Planning Commission and Council in September 2005.

FINANCIAL IMPACT: The future residential properties will generate property tax revenue and annexation fees. There are revenues and costs associated with the entire Grove on Kickapoo Creek development that are detailed in the approved Annexation Agreements, and are triggered by construction of utilities or final platting.

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON,
MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICIAL
ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS**

State of Illinois)
) ss.
County of McLean)

Now Comes, EASTLAKE, LLC, an Illinois Limited Liability Company, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is the owner of the freehold estate of the premises hereinafter legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the “premises”).

2. That the premises presently has a zoning classification of Agricultural District (“A”) under the provisions of the McLean County Zoning Ordinance.

3. That the premises is the subject of an Annexation Agreement dated April 21, 2005, by and between City of Bloomington, McLean County, Illinois, a Municipal Corporation (hereinafter referred to as “City”) and Deneen Brothers Farms, LLC., Richard A. Searls, Jr., Thomas J. Searls, Richard A Searls, III, Stephen J. Searls, John D. Searls and Eastlake LLC.

4. That the premises is the subject of City of Bloomington, Illinois, Ordinance No. 2011-59, dated December 12, 2011, providing that the premises will include "R-1C Single Family Residence District" zoning under the provisions of Chapter 44 of the Bloomington City Code-1960, as amended.

5. That the Annexation Plat prepared by Bret Bazan, Illinois Professional Land Surveyor No. 3715 of the Farnsworth Group on September 4, 2013, is attached hereto and incorporated herein as Exhibit B.

6. That your Petitioner hereby requests that the Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois, approve this petition and annex the premises to the City and amend the Official Zoning Map of the City to classify the premises into the zoning classifications set forth in the Annexation Agreement and said Ordinance No. 2011-59.

Wherefore, your Petitioner respectfully prays that this petition be approved, that the premises be annexed to the City of Bloomington, McLean County, Illinois, and that the Official Zoning Map of the City be amended to classify the premises into the zoning classifications set forth in the Annexation Agreement and said Ordinance No. 2011-59.

Respectfully submitted,

EASTLAKE, LLC

By: Victor E. Armstrong, Jr.
President

Attest: William C. Doud
Secretary

ORDINANCE NO. 2013 - 77**AN ORDINANCE ANNEXING CERTAIN TERRITORY AS HEREINAFTER DESCRIBED TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR REZONING**

WHEREAS, the real estate depicted by the Annexation Plat prepared by Brent A. Bazan, Illinois Professional Land Surveyor No. 3715 of the Farnsworth Group on September 4, 2013, and legally described in Exhibit A attached hereto and incorporated herein is the subject of a certain Annexation Agreement detailed below;

WHEREAS, the City of Bloomington entered a certain Annexation Agreement dated April 21, 2005, which is by and between the City and Deneen Brothers Farms, LLC., Richard A. Searls, Jr., Thomas J. Searls, Richard A Searls, III, Stephen J. Searls, John D. Searls and Eastlake LLC, and said Annexation Agreement was recorded with the Recorder of Deeds for McLean County, Illinois on September 8, 2006, as Document Number 2006-00011501;

WHEREAS, said Annexation Agreement provides for rezoning of the real estate described in Exhibit A attached hereto and incorporated herein and the Bloomington Planning Commission, after proper notices were given, conducted Public Hearings on the proposed rezoning;

WHEREAS, the real estate was also the subject of a certain Petition for Zoning Map Amendment filed by Eastlake, LLC, and related City of Bloomington, Illinois, Ordinance No. 2011-59 (hereinafter referred to as "2011 Ordinance Rezoning the Grove on Kickapoo Creek Subdivision") providing that the premises will include "R-1C Single Family Residence District" zoning under the provisions of Chapter 44 of the Bloomington City Code-1960, as amended.

WHEREAS, the City Council of the City of Bloomington, after proper notices were given, conducted Public Hearings on the Annexation Agreement and 2011 Ordinance Rezoning the Grove on Kickapoo Creek Subdivision;

WHEREAS, the City Council of the City of Bloomington has considered the question of annexation and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided;

WHEREAS, the City Council of the City of Bloomington has further determined that the proposed zoning, as established in the Annexation Agreement and 2011 Ordinance Rezoning the Grove on Kickapoo Creed Subdivision follows the general comprehensive plan and development theme heretofore established by the corporate authorities of the City of Bloomington and should be placed in effect as to said real estate upon the annexation of same, all as by Statute specifically provided;

WHEREAS, the City Council of said City has the power to pass this Ordinance to annex and rezone the real estate described in Exhibit A.

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

1. That the City Council of the City of Bloomington, Illinois, determines that the real estate described in the attached Exhibit A is not within the confines of any municipality of the State of Illinois, but it is however, contiguous to the City of Bloomington.

2. That the real estate described in this Ordinance is hereby annexed to and does by said Ordinance become a part of the incorporated City of Bloomington, McLean County, Illinois and that the boundary of said City is hereby changed to include the real estate described herein.

3. That the Annexation Agreement referred to above and attached hereto be and the same hereby are ratified, affirmed and incorporated into this Ordinance.

4. That the real estate described in Exhibit A shall be and the same is hereby rezoned from Agricultural District ("A") to Single Family Residence District ("R-1C") in accordance with the Annexation Agreement referred to above and incorporated herein.

5. The Official Zoning Map of the said City shall be amended to reflect this change in zoning classification.

6. This Ordinance shall take effect immediately upon passage and approval and shall be in full force.

PASSED this 14th day of October, 2013.

APPROVED this 15th day of October, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Legal Description

A part of the Southeast Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning

at the Northeast Corner of Lot 213 in The Grove on Kickapoo Creek Second Addition in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2009-18355 in the McLean County Recorder's Office, From said Point of Beginning, thence north 312.53 feet along the Northerly Extension of the East Line of said Second Addition which forms an angle of $88^{\circ}-59'-01''$ as measured from west to north with the North Line of said Second Addition; thence northwest 130.82 feet along a line which forms an angle to the right of $117^{\circ}-30'-48''$ with the last described course; thence northeast 16.80 feet along the arc of a non-tangential curve concave to the southeast with a radius of 35.00 feet and the 16.63 foot chord of said arc forms an angle to the right of $283^{\circ}-44'-50''$ with the last described course; thence northwest 180.00 feet along a line which forms an angle to the right of $103^{\circ}-44'-50''$ with the last described chord; thence northeast 278.34 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course to a Point of Curvature; thence northeast 126.59 feet along the arc of a curve concave to the northwest with a radius of 452.00 feet and the 126.18 foot chord of said arc forms an angle to the right of $171^{\circ}-58'-35''$ with the last described course to a Point of Tangency; thence northeast 278.40 feet along a line which forms an angle to the right of $171^{\circ}-58'-35''$ with the last described chord to a Point of Curvature; thence northeast 11.30 feet along a line being the arc of a curve concave to the southeast with a radius of 152.00 feet and the 11.30 foot chord of said arc forms an angle to the right of $182^{\circ}-07'-46''$ with the last described course to a Point of Tangency; thence northeast 17.35 feet along a line which forms an angle to the right of $182^{\circ}-07'-46''$ with the last described chord; thence northwest 300.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to the Southeast Line of the Grove on Kickapoo Creek Stream Restoration in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2012-19531 in the McLean County Recorder's Office; thence southwest 34.15 feet along said Southeast Line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence southwest 316.63 feet along said Southeast Line which forms an angle to the right of $175^{\circ}-44'-28''$ with the last described course; thence southwest 558.86 feet along said Southeast Line which forms an angle to the right of $196^{\circ}-02'-49''$ with the last described course; thence southwest 170.89 feet along said Southeast Line which forms an angle to the right of $171^{\circ}-03'-01''$ with the last described course; thence southwest 265.08 feet along a line which forms an angle to the right of $191^{\circ}-39'-17''$ with the last described course; thence southwesterly 504.22 feet along said Southeast Line being the arc of a non-tangential curve concave to the southeast with a radius of 540.00 feet and the 486.10 foot chord of said arc forms an angle to the right of $177^{\circ}-27'-11''$ with the last described course to the Northwest Corner of Lot 244 in The Grove on Kickapoo Creek Second Addition Phase II in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2009-27933 in the McLean County Recorder's Office; thence southeast 210.00 feet along the Northeast Line of said Lot 244 and the Northeast Line of Winterberry Circle in said Second Addition Phase II which forms an angle to the right of $63^{\circ}-15'-01''$ with the last described chord to the Northeast Corner of said Winterberry Circle; thence southeasterly 6.33 feet along the Southeasterly Line of said Winterberry Circle being the arc of a non-tangential curve concave to the southeast with a radius of 330.00 feet and the 6.33 foot chord of said arc forms an angle to the right of $269^{\circ}-27'-02''$ with the last described course to the Northwest Corner of Lot 243 in said Second Addition Phase II; thence southeast 150.00 feet along the Northeast Line of said Lot 243 which forms an angle to the right of $89^{\circ}-27'-02''$ with the last described chord to the Northeast Corner of said Lot 243, being on the Northwesterly Line of Lot 222 in said Second Addition; thence northeasterly 200.12 feet along said Northwesterly Line and the Northwesterly Line of Lot 221 in said Second

Addition being the arc of a curve concave to the southeast with a radius of 180.00 feet and the 189.97 foot chord of said arc forms an angle to the right of 121°-50'-59" with the last described course to a Point of Tangency; thence east 860.72 feet along the North Line of said Second Addition which forms an angle to the right of 211°-50'-59" with the last described chord to the Point of Beginning, containing 18.910 acres, more or less.

PIN: part of 22-09-300-011

ANNEXATION AGREEMENT

PURSUANT to legislative authorization found in Article .11 Division 15.1 of the Illinois Municipal Code of 1961, and as an exercise of the Home Rule powers of the City of Bloomington, and for and in consideration of the mutual promises contained herein and other good and valuable consideration, the undersigned CITY OF BLOOMINGTON, ILLINOIS, a Municipal Corporation, hereinafter referred to as "City" and DENEEN BROTHERS FARMS, L.L.C. (hereinafter Deneen), RICHARD A. SEARLS, JR., THOMAS J. SEARLS, RICHARD A. SEARLS III, STEPHEN J. SEARLS, AND JOHN D. SEARLS (hereinafter Searls), and EASTLAKE, L.L.C. (hereinafter Eastlake, Owner, or Developer) The Deneen property is described on Exhibit A, the Searls property on Exhibit B, and the Eastlake property on Exhibit C. The parties AGREE AS FOLLOWS:

I. ANNEXATION PETITION. Eastlake, Deneen and Searls, subject to the terms and conditions set forth in this annexation agreement, have petitioned the City of Bloomington, requesting annexation of tracts of land described in Exhibits "A", "B" and "C" (hereinafter referred to as "the tract") to the corporate limits of the City of Bloomington, Illinois. The City has heretofore published and given such notices and conducted such public hearings as may be required to annex the tract, including specifically a public hearing on this annexation agreement conducted after notice as required by law and ordinance on the 11th day of April, 2005, continued to the 26th day of September, 2005.

II. ANNEXATION. The City agrees to adopt an ordinance annexing the tract, in whole or in part, to the City of Bloomington within 30 days from the date of submission of an annexation plat depicting the area to be annexed and all required supporting documentation.

III. ZONING. SKETCH PLAN APPROVAL, SUBDIVISION AND DEVELOPMENT.

A. Zoning - Within 30 days of any annexation of all or any portion of the tract, the City agrees to rezone the tract to the zoning classifications set forth on Exhibit D. The public hearing required for such rezonings having been held before the Planning Commission of the City of Bloomington on the 23rd day of March, 2005, continued to the 14th day of September, 2005, after notice required by law and ordinance.

B. Sketch Plan Approval - The City hereby approves a Sketch Plan for the property, a copy of which Sketch Plan is attached hereto and made a part hereof as Exhibit "E".

C. Subdivision Plan Approval - Within 60 days from the submission of one or more Preliminary Subdivision Plans and Final Subdivision Plats in the form and with the content required by the City's Land Subdivision Code as it now exists, and after any public hearings required by law and ordinance, the City agrees to approve Preliminary Subdivision Plans and after the preparation by the Owner and approval by the City of required construction drawings and the completion of or bonding for all public improvements, the City agrees to approve Final Subdivision Plats, provided such plans and plats are in substantial accordance with the approved Sketch Plan and approved Preliminary Plans. Any Preliminary Subdivision Plan may include less than all the acreage in the tract, provided it contains at least 40 acres.

IV. PUBLIC IMPROVEMENTS. With regard to the approval of the preliminary plan and final subdivision plat, the installation of public improvements within and serving the tract, and the use and development of the tract during the term of this Agreement, the following agreements and conditions shall apply in place of those that might otherwise apply during subdivision or development of the site:

A. Streets & Sidewalks

1. Adjacent Roads [Ireland Grove Road, County Highway 28 and 2100 East] Right-of-Way.

a) Deneen shall dedicate right-of-way for Ireland Grove Road as required by the maintaining authority of the road, but not more than 50 feet in width. Right-of-way plats and dedication documents shall be prepared by Developer.

b) Searls shall dedicate right-of-way for Ireland Grove Road as required by the maintaining authority of the road, but not more than 50 feet in width. Right-of-way plats and dedication documents shall be prepared by Developer.

c) Eastlake shall dedicate right-of-way for Ireland Grove Road as required by the maintaining authority of the road, but not more than 50 feet in width and the West ½ of 2100 East as required by the City of Bloomington, but not more than 50 feet in width. Right-of-way plats and conveyance documents shall be prepared by Developer.

d) City agrees to take jurisdiction over and maintenance responsibility for Ireland Grove Road adjacent to the tract if an inter-governmental agreement between the County and the City defining same is approved by the City, County and State.

e) Developer shall reimburse Old Town Township Road District the local share of recent improvements to a bridge on T. R. 2100 East in an amount not to exceed \$50,000.00 within 30 days from the effective date of this Agreement.

2. Improvement - At the election of the City, and in lieu of any other adjacent street improvement obligation, Developer shall either:

a) Improve Ireland Grove Road from Towanda Barnes easterly 9,300 lineal feet by providing a 4- 1/2" asphalt overlay to a width of 22 feet, at a cost not to exceed the total cost of the alternative listed below.

or in the alternative

b) Eastlake shall provide at final platting of adjacent property, a substandard adjacent roadway guarantee as per City Code. The amount of the guarantee shall be based on \$125.00 per front foot. The bond and guarantee shall be for the frontage of the Eastlake development on Ireland Grove Road (except the Park and Greenway frontage) and on Road 2100 E.

Nothing in this agreement shall be construed as relieving Searls or Deneen from their responsibility to meet the code requirements for adjacent substandard street(s) at such time as they subdivide adjacent property.

3. Interior streets -

a) All interior streets shall be built by Owner to City subdivision code standards. Any oversizing or increased structural strength required by the City over and above what is required to serve this subdivision shall be installed by Eastlake and shall be paid for by the City within 30 days from billing by Eastlake. The Arterial Street at 2000 E shall not allow access from lots fronting thereon and shall have a 45 mph design speed.

b) The Owners may elect to construct one or more entrance gates for residential streets under the following conditions:

1. The street (including gate, pavement, curb, gutter & sidewalk) and storm sewer (including inlets and manholes) on the street thereby affected shall be considered a private street.

2. A viable homeowners association or other responsible agency shall be transferred the maintenance responsibility (including snow removal) for said private street.

3. The City shall be granted access to said private street for maintenance of other utilities such as water and sanitary sewer.

4. Provisions shall be made to grant unimpeded access to said private street for all emergency vehicles and services (such as attachment of a-Knox Box).

5. The City agrees to continue garbage collection on said private street(s) only to the extent there is unimpeded access for the City's collection vehicles and provisions of a hold harmless agreement.

6. The Homeowners Association shall supply the City with a hold harmless agreement.

c) Owner may construct a boulevard street from Ireland Grove Road north on the easterly side of the proposed residential development. The City shall reimburse one-half the cost of said

boulevard street, where it is not adjacent to residential development, to Eastlake within 30 days of billing.

d) Owner shall include a grade separated pedestrian crossing under said street described in Paragraph IV A 3 C to facilitate pedestrian traffic, one-half the cost of which shall be reimbursed to Eastlake by the City, within 30 days from billing.

e) The City may allow Developers to construct berms in outlots and signage in street medians. Any signage and berms constructed shall be per code and maintained by the homeowners association, which shall indemnify the City and hold the City harmless.

5. Traffic Impact Analysis - Owner shall prepare and submit a traffic impact analysis for the development. The analysis shall predict the traffic impacts on the interior streets, Ireland Grove Road and 2100 E. The Owner shall prepare an Intersection Design Study for the intersection of the Arterial Street entrance at 2000 E with Ireland Grove Road. If traffic signals are warranted at this location because of traffic generated by the Eastlake development, the Owner shall pay the cost of the signalization, with installation to be made when traffic from the development warrants the installation.

B. Water

1. To the Site: The Developer shall design and construct a water main of a size determined by the City to serve the tract if developed as depicted on the Sketch Plan along Ireland Grove Road from Towanda Barnes Road to the West line of the Eastlake property by Eastlake shall have no requirement to pay a tap on fee to connect to this water main. City shall reimburse Developer the entire cost of this water main within 30 days from billing by Eastlake.

2. Adjacent to the Site: Eastlake shall construct water mains on the adjacent roads South and East of their development of a size to be determined by the City. Where said water mains are adjacent to property to be developed by Eastlake for residential purposes, Developer shall pay for that portion of the cost of a water main of a size sufficient to serve the development. The City shall pay the cost of oversizing the main beyond what is required to serve the development. Where the water main is adjacent to park land or other land not being developed for residential purposes by Eastlake, the City shall reimburse the entire cost of that portion of the main. The City shall make payment within 30 days from billing by Eastlake.

3. Within the Site: Eastlake shall construct water mains within their development to comply with City standards. If the City requests any internal water mains to be larger in diameter than is required to serve the development, the City shall pay the reasonable cost for oversizing after installation and within 30 days from billing by Eastlake.

C. Sanitary Sewer –

1. The City shall design and construct a sanitary sewer pump station and necessary sanitary sewer force mains and sewers of a sufficient size to serve the Development as depicted on the Sketch Plan by July 1, 2007 or such later date as Eastlake may accept.

2. Eastlake shall pay a tap on fee to the City to connect to the City's sanitary sewer pump station, force main and sewer proportional to the capacity of said pump station, force main and sewer used for owner's development, divided by the total capacity of said pump station, force main and sewers on a flow rather than acreage basis. Tap on fees shall be paid at the time of final platting of subdivision additions.

3. Eastlake shall not be required to pay a sanitary sewer tap on fee for land used for park, pump station, Greenway purposes or land not proposed for development by Eastlake.

4. Eastlake shall dedicate reasonable and sufficient land to the City for the construction of a sanitary sewer pump station, if a location study identifies Eastlake property as a preferred location.

5. Eastlake shall construct interceptor sanitary sewers within their development to comply with City standards. If any internal sanitary sewers are to accept flow from future upstream areas, the City's share shall be determined based on the areas served, with Eastlake responsible only for its developed area (exclusive of park, Greenway, and pump station site) and the City reimbursing Eastlake for the costs attributable to all other areas, with payment to be made within 30 days from billing by Eastlake.

6. If a sanitary sewer and pump station is not in place ready to use by January 1, 2007, the City shall permit a temporary "sewer on wheels" at developer's expense until such time as the pump station and force main are accepted.

D. Storm Water Drainage - Detention - Owner agrees to build a detention basin and weir to provide storm water detention at the location depicted on the Sketch Plan of a size and capacity sufficient to serve the property.

1. Owner shall design, obtain necessary permits for and construct a weir and storm water detention basin.

2. The City shall assist in obtaining necessary permits, including signing permit applications as owner of completed weir and storm water detention basin.

3. The City shall accept ownership of and maintain completed weir and storm water detention basin.

4. If this development provides storm water storage in excess of that required by Code for the tract, the City shall participate in the costs of constructing the proposed weir and storm water detention basin. Cost sharing would be based upon the proportionate share of additional volume provided as compared to the total volume and shall include land costs at fair market value. Design and construction shall be by Eastlake. The City's share shall be paid within 30 days from billing by Eastlake.

5. City agrees to use its best efforts to obtain easements and permits allowing appurtenant backup on upstream properties, if necessary.

6. Eastlake shall incorporate into the design of the proposed weir and storm water detention basin sediment entrapment devices and wetland area to improve the water quality in the Kickapoo Creek and to reduce future maintenance costs. These enhancements to the detention basin and Greenway shall be considered a reasonable part of the detention basin/Greenway construction costs to be shared with the City if storm water storage capacity in excess of City code requirements is provided.

E. Park Land Dedication –

1. Owner shall dedicate park land to the City as shown on the Sketch Plan, which shall include a 20+ acre park and 10+ acre public access way around the detention basin/Greenway.

2. Owner shall prepare the park and public access way for seeding and seed the land with a seed mixture approved by the City. Owner shall provide erosion protection plantings for the stream restoration area. In the event grant funds are available for seeding, planting and/or preparation work, the City shall apply for those funds and if received, use them for this purpose.

3. If the amount of land dedicated is less than that required by Code, Developer shall pay and City shall accept a fee in lieu. If the amount of land dedicated exceeds that required by Code, Developer shall be allowed a credit against other fees due, based on a land value of \$30,000 per acre.

a) Developer will dedicate a minimum of 300 foot wide greenway for the east branch of Kickapoo Creek and a minimum 250 foot wide greenway for the west branch north to the east west collector. The development shall be designed to maintain the 100 year flood within this greenway.

4. Eastlake shall “rough grade”, within the public access way, for a future pedestrian/bike trail around the proposed greenway in consultation with the City in general conformance with the location shown on the sketch plan. The City shall construct the proposed pedestrian/bike trail at least 10 feet in width. The City shall pay the entire cost of designing and constructing this trail.

V. MODEL HOMES -

A. The City shall allow the construction of up to ten model single family homes and/or zero lot line homes on the premises for presentation and sale purposes, provided water, sewer and a gravel base road surface are installed before construction commences. The location of the model homes may change from time to time and place to place as the Owner desires. Notwithstanding the foregoing, no conveyance of title shall take place of any model home or multiple family structure until a final subdivision plat is of record for the lot on which said model home is located. No certificate of occupancy shall be issued for any model home or multiple family structure until an approved street is in place to provide access to the lot on which said model home is located.

VI. BONDING - The Owner may fulfill the bonding requirements of Chapter 24, Section 3.16 of the City's Code as it pertains to sureties for uncompleted public improvements for any tract of land by posting a \$250,000.00 revolving commercial surety bond from an insurance company reasonably acceptable by the City, a revolving letter of credit on a local financial institution, or a revolving cash escrow. The Owner shall provide a substandard roadway surety in addition to the revolving surety for uncompleted public improvements.

VII. OTHER ANNEXATIONS - The Owner, not later than thirty (30) days after the date of annexation of any portion of the Tract, shall file the necessary petitions to annex the area annexed to the Central Illinois Regional (Bloomington-Normal) Airport Authority and Bloomington and Normal Water Reclamation District.

VIII. APPLICABLE LAW - Except as provided in the agreement, the owner shall in the use and development of the property comply with all then applicable zoning, building and mechanical codes of the City. Except as otherwise provided in this Agreement, the development of the tract during the life of this Agreement shall comply with the subdivision code regulations in effect on the date of this Agreement, not those adopted after the date of this Agreement.

IX. DEFAULT - Prior to the declaration of any default or the initiation of any action to enforce, terminate or seek damages for alleged violation or non-compliance of this agreement, the party asserting the breach, default or non-compliance shall give written notice to the other party specifying the nature of the alleged breach default or non-compliance and provide a reasonable period of time (not less than 30 days) to cure.

X. DURATION - This Agreement is declared to be enforceable by the parties for a period of twenty (20) years from the date of its execution. Said Agreement is further binding upon the present Owners, their heirs, successors or assigns and upon the City of Bloomington's designated corporate authorities and successors in office.

Dated at Bloomington, Illinois, this 26th day of September, 2005.

CITY OF BLOOMINGTON, ILLINOIS, A
MUNICIPAL CORPORATION

BY: Stephen F. Stockton

ATTEST:

BY: Tracey Covert

DENEEN BROTHERS FARMS, LLC

BY: David Deneen

Richard A. Searls, Jr.

Thomas J. Searls

Richard A. Searls III

Stephen J. Searls

John D. Searls

EASTLAKE LLC

BY: Mercer Turner

List of Exhibits

Exhibit A	Deneen
Exhibit B	Searls
Exhibit C	Eastlake
Exhibit D	Zoning description
Exhibit E	Sketch Plan
Exhibit F	Deneen Right-of-way Dedication
Exhibit G	Searls Right-of-way Dedication

Exhibit "A"

Deneen Tract

Part of Northwest Quarter of Section 17, Township 23 North, Range 3 East of Third Principal Meridian, McLean County, Illinois, described as follows: Beginning at Northwest Corner of said Northwest Quarter. From said Point of Beginning, thence south 300.04 feet along West Line of said Northwest Quarter; thence east 1292.14 feet along a line 300.00 feet normally distant south of and parallel with North Line of said Northwest Quarter, and which line forms an angle to the right of 90°-54'-21" with the last described course; thence south 965.08 feet along a line parallel with said West Line which forms an angle to the right of 269°-05'-39" with the last described course; thence east along a line to a point on East Line of said Northwest Quarter lying 948.50 feet south of Northeast Corner thereof; thence north 948.5 feet along said East Line to Northeast Corner thereof; thence west along North Line of said Northwest Quarter to Point of Beginning, excepting there from, the tract of land described and conveyed in Deed Book 720, page 11, recorded September 11, 1961 as Document No. 13704 in the McLean County Recorder's Office.

Exhibit "B"

Searl Tract

North 300 Feet of Northeast Quarter of Section 17 and South 948-53 Feet of North 1,248.53 Feet of West 300 Feet of Northeast Quarter of Section 17, Township 23 North, Range 3 East of Third Principal Meridian, McLean County, Illinois.

Exhibit "C"

Bittner, Mecherle, Benjamin & Rudesill Tracts

South 1,100 Feet of West 1,400 Feet of Northwest Quarter of Section 9; also, a tract of land being approximately 35 acres in South half of Northeast Quarter of Section 9, said tract of land being trapezoidal in shape, approximately 600 feet in length on the north side, approximately 1,800 feet in length on the south side and the East Line of said tract being the East Line of South Half of said Northeast Quarter; also, South Half of Section 9 except 10 acres around and including Tax Parcel No. 22-09-400-002; and also, East Half of Southeast Quarter of Section 8, all being in Township 23 North, Range 3 East of Third Principal Meridian, McLean County, Illinois.

EXHIBITS "D" AND "E" ON FILE IN THE CITY CLERK'S OFFICE

Exhibit "F"

Deneen Road Dedication for Annexation Agreement

All that part of the following described property lying within a strip of land 50 feet in width located south of adjacent to the North Line of the Northwest Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian except there from, any portion of said 50 foot strip which has previously been dedicated. Said property is described as:

A part of the Northwest Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Northwest Quarter. From said Point of Beginning, thence south 300.04 feet along the West Line of said Northwest Quarter; thence east 1292.13 feet along a line 300.00 feet normally distant south of parallel with the North Line of said Northwest Quarter, and which line forms an angle to the right of 90°-54'-21" with the last described course; thence south 965.08 feet along a line parallel with said West Line which forms an angle to the right of 269°-05'-39" with the last described course; thence east along a line to a point on the East Line of said Northwest Quarter lying 948.50 feet south of the Northeast Corner thereof; thence north 948.5 feet along said East Line to the Northeast Corner thereof; thence west along the North Line of said Northwest Quarter to the Point of Beginning, excepting there from, the tract of land described and conveyed in Deed Book 720, page 11, recorded September 11, 1961 as Document No. 13704 in the McLean County Recorder's Office.

Exhibit "G"

Searls Road Dedication for Annexation Agreement

The North 50 Feet of the Northeast Quarter of Section 17, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois.

David Hales, City Manager, addressed the Council. He recommended approval as this Petition was consistent with the Annexation Agreement.

Todd Greenburg, Corporation Counsel, addressed the Council. Failure to approve the Petition would result in breach of contract.

Motion by Alderman McDade, seconded by Alderman Lower that the Annexation and Rezoning be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Eastlake, LLC, requesting Approval of a Final Plat for The Grove on Kickapoo Creek Subdivision, Fifth Addition, commonly located north of Ireland Grove Rd. and west of Township Rd. 2100 East

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5e. More attractive City: commercial areas and neighborhoods.

BACKGROUND: On March, 13, 2006, Council approved the Preliminary Plan for The Grove on Kickapoo Creek Subdivision which includes the subject site. The Grove on Kickapoo Creek Subdivision, Fifth Addition includes sixty (60) lots and one (1) outlot.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Eastlake, LLC and the Farnsworth Group.

FINANCIAL IMPACT: The future residential properties will generate property tax revenue and annexation fees. There are revenues and costs associated with the entire Grove on Kickapoo Creek development that are detailed in the approved Annexation Agreements, and are triggered by construction of utilities or final platting. The City is responsible for the cost of oversizing the sanitary trunk sewer in this addition. The estimated cost of oversizing is \$1,000,000. Final oversizing cost will not be known until installation of the trunk sewer is complete. The cost of all other public improvements, platting, and recording will be borne by the petitioner. The

oversizing will be paid out of the Sewer-Sewer Main Construction (51101100-72550). Stakeholders can locate this budget in the FY 2014 Budget book titled "Other Funds & Capital Improvement Fund" on page 162. To pay for this annexation agreement staff is proposing that four (4) Sewer Capital Projects budgeted in FY 2014 be delayed until future fiscal years. A separate memo identifying these projects is included in this Council Meeting.

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

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
) ss.
County of McLean)

Now Comes EASTLAKE, LLC, an Illinois Limited Liability Company, (hereinafter referred to as your "Petitioner"), respectfully representing and requesting as follows:

1. Petitioner is the owner of the freehold estate of the premises hereinafter legally described in Exhibit A attached hereto and incorporated herein (hereinafter referred to as the "Premises") and depicted by the Final Plat of The Grove on Kickapoo Creek Fifth Addition in the City of Bloomington, McLean County, Illinois prepared by the Farnsworth Group, Inc. on September 24, 2013, which is attached hereto and incorporated herein.

2. Petitioner seeks approval of the Final Plat for the subdivision of the Premises to be known and described as The Grove on Kickapoo Creek Fifth Addition in the City of Bloomington, McLean County, Illinois.

Wherefore, your Petitioner respectfully prays that the Final Plat of The Grove on Kickapoo Creek Fifth Addition in the City of Bloomington, McLean County, Illinois, submitted herewith, be approved.

Respectfully submitted,

EASTLAKE, LLC

By: Victor E. Armstrong, Jr.
President

Attest: William C. Doud
Secretary

ORDINANCE NO. 2013 - 78**AN ORDINANCE APPROVING FINAL PLAT OF THE GROVE ON KICKAPOO CREEK FIFTH ADDITION IN THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS**

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 Grove on Kickapoo Creek Fifth Addition in the City of Bloomington, McLean County, Illinois, which is legally described in Exhibit A attached hereto and incorporated herein; 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.

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

1. That the Final Plat of The Grove on Kickapoo Creek Fifth Addition in the City of Bloomington, McLean County, Illinois, be and the same is hereby approved.

2. This Ordinance shall take effect immediately upon passage and approval and shall be in full force.

PASSED this 14th day of October, 2013.

APPROVED this 15th day of October, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A**Legal Description**

A part of the Southeast Quarter of Section 9, Township 23 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows: Beginning

at the Northeast Corner of Lot 213 in The Grove on Kickapoo Creek Second Addition in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2009-18355 in the McLean County Recorder's Office, From said Point of Beginning, thence north 312.53 feet along the Northerly Extension of the East Line of said Second Addition which forms an angle of $88^{\circ}-59'-01''$ as measured from west to north with the North Line of said Second Addition; thence northwest 130.82 feet along a line which forms an angle to the right of $117^{\circ}-30'-48''$ with the last described course; thence northeast 16.80 feet along the arc of a non-tangential curve concave to the southeast with a radius of 35.00 feet and the 16.63 foot chord of said arc forms an angle to the right of $283^{\circ}-44'-50''$ with the last described course; thence northwest 180.00 feet along a line which forms an angle to the right of $103^{\circ}-44'-50''$ with the last described chord; thence northeast 278.34 feet along a line which forms an angle to the right of $270^{\circ}-00'-00''$ with the last described course to a Point of Curvature; thence northeast 126.59 feet along the arc of a curve concave to the northwest with a radius of 452.00 feet and the 126.18 foot chord of said arc forms an angle to the right of $171^{\circ}-58'-35''$ with the last described course to a Point of Tangency; thence northeast 278.40 feet along a line which forms an angle to the right of $171^{\circ}-58'-35''$ with the last described chord to a Point of Curvature; thence northeast 11.30 feet along a line being the arc of a curve concave to the southeast with a radius of 152.00 feet and the 11.30 foot chord of said arc forms an angle to the right of $182^{\circ}-07'-46''$ with the last described course to a Point of Tangency; thence northeast 17.35 feet along a line which forms an angle to the right of $182^{\circ}-07'-46''$ with the last described chord; thence northwest 300.00 feet along a line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course to the Southeast Line of the Grove on Kickapoo Creek Stream Restoration in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2012-19531 in the McLean County Recorder's Office; thence southwest 34.15 feet along said Southeast Line which forms an angle to the right of $90^{\circ}-00'-00''$ with the last described course; thence southwest 316.63 feet along said Southeast Line which forms an angle to the right of $175^{\circ}-44'-28''$ with the last described course; thence southwest 558.86 feet along said Southeast Line which forms an angle to the right of $196^{\circ}-02'-49''$ with the last described course; thence southwest 170.89 feet along said Southeast Line which forms an angle to the right of $171^{\circ}-03'-01''$ with the last described course; thence southwest 265.08 feet along a line which forms an angle to the right of $191^{\circ}-39'-17''$ with the last described course; thence southwesterly 504.22 feet along said Southeast Line being the arc of a non-tangential curve concave to the southeast with a radius of 540.00 feet and the 486.10 foot chord of said arc forms an angle to the right of $177^{\circ}-27'-11''$ with the last described course to the Northwest Corner of Lot 244 in The Grove on Kickapoo Creek Second Addition Phase II in the City of Bloomington, Illinois, according to the plat recorded as Document No. 2009-27933 in the McLean County Recorder's Office; thence southeast 210.00 feet along the Northeast Line of said Lot 244 and the Northeast Line of Winterberry Circle in said Second Addition Phase II which forms an angle to the right of $63^{\circ}-15'-01''$ with the last described chord to the Northeast Corner of said Winterberry Circle; thence southeasterly 6.33 feet along the Southeasterly Line of said Winterberry Circle being the arc of a non-tangential curve concave to the southeast with a radius of 330.00 feet and the 6.33 foot chord of said arc forms an angle to the right of $269^{\circ}-27'-02''$ with the last described course to the Northwest Corner of Lot 243 in said Second Addition Phase II; thence southeast 150.00 feet along the Northeast Line of said Lot 243 which forms an angle to the right of $89^{\circ}-27'-02''$ with the last described chord to the Northeast Corner of said Lot 243, being on the Northwesterly Line of Lot 222 in said Second Addition; thence northeasterly 200.12 feet along said Northwesterly Line and the Northwesterly Line of Lot 221 in said Second

Addition being the arc of a curve concave to the southeast with a radius of 180.00 feet and the 189.97 foot chord of said arc forms an angle to the right of 121°-50'-59" with the last described course to a Point of Tangency; thence east 860.72 feet along the North Line of said Second Addition which forms an angle to the right of 211°-50'-59" with the last described chord to the Point of Beginning, containing 18.910 acres, more or less.

PIN: 22-09-300-011.

Motion by Alderman McDade, seconded by Alderman Fruin that the Final Plat be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 45, Section 900. Rental Inspection Program, Creating a New Inspection Rotation and Registration Fee Structure

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

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4b. Upgraded quality of older housing stock and 4c. Preservation of property/home valuations.

BACKGROUND: In July, 2003, the City created a proactive inspection program intended to address continued concerns. These concerns related to the appearance or lack of appropriate exterior maintenance of rental property and absentee or uncaring landlords. The program's purpose as stated in original documents was expanded to include interior as well as exterior property maintenance issues: "to maintain the City's rental housing stock by enforcement of property maintenance, life safety and health codes through periodic building inspections and property registration". To date, the program has been successful in resolving nonconforming or illegal dwelling units; improving living conditions for tenants; and improving the appearance and overall quality of rental units within neighborhoods. However, the program finds itself challenged in the current operational climate of the City. Therefore, changes are being proposed. These changes are not intended to deviate from the original purpose, but to change how that purpose is accomplished.

Last year, staff proposed several changes to the rental inspection program to the Property Maintenance Review Board (PMRB) for review. Their recommendations were then to be forwarded to the Council. These proposals were intended to streamline operations of the program and included:

- A proposal to eliminate the separate fee process for inspection activities in favor of a combined fee structure where all fees would be collected during registration. This process would completely eliminate a second fee processing procedure, thereby streamlining department operations and stabilizing income to the program.
- A proposal to eliminate the grading system in favor of a regular rotation of inspections. This included a proposal to delay inspections of newer buildings so an emphasis could be placed on those buildings most likely to need inspections. This would allow staff to concentrate on older buildings, (most likely to need inspections), and address the lack of sustainability brought on by the current grading system.

The PMRB held two (2) public hearings on the proposed changes: October 25, 2011 and again on January 26, 2012.

During the January meeting, testimony was again taken from members of the public (primarily landlords). After listening to the testimony and discussing the issues, the PMRB voted to recommend the following:

- The inspection process/fees should be brought together as a single fee at registration. While there were concerns expressed about the dollar amounts related to the proposal, they agreed the level of self-sufficiency in the program was a policy level decision to be made by the Council.
- That the grading system be dropped in favor of an inspection rotation not related to the building condition. However, the board did not agree with the proposal to remove the newest buildings (less than twenty-five/25 years old) from the inspection rotation.

While staff greatly appreciated the PMRB's support of most of staff's proposals, the lack of support for dropping newer buildings from the inspection rotation left staff with concerns related to inspection timing and the continuing problem of the rental program's financial sustainability.

Staff had the option of returning to the Council a request that new buildings be dropped as proposed. This would have been against the recommendation of the PMRB. Instead, staff went back to the drawing board and reevaluated comments and concerns from the PMRB and citizens. Staff reviewed current practices and developed a new program of inspections. Staff believes this proposal will address many of the issues surrounding the inspections program.

New Inspection Program

The primary focus of this revised inspection program is to change the inspection focus to buildings that seem to continually need property maintenance and life safety enforcement, regardless of the building's age. In addition, the program would be incentivized by: 1.) allowing

buildings that are well maintained to be removed from regular and routine inspection process while; 2.) buildings continuing in the rotation due to poor maintenance and life safety performance would pay a higher portion of the cost to operate the program.

Rotation Pool

The intent of the new rotation is to “reboot” the inspection portion of the program with any building that received a grade of less than “A” on its last inspection. This limited number of buildings (approximately a third of the total number of buildings) will be placed in a rotation pool of buildings to be inspected. As the program progresses, any rental building subject to a substantiated complaint involving a threat to life, health or safety or numerous property maintenance code violations, buildings converted to rental, or otherwise added to the rental inspection program (except new buildings) would be added to this inspection pool. Proactive rental inspections will be limited to those buildings in the inspection pool.

As inspections are completed on the buildings in the pool, they will be evaluated to have acceptable or unacceptable building conditions. Buildings judged to be “acceptable” will be dropped from the inspection pool. Buildings judged to be “unacceptable” will be given correction notices, assigned follow-up inspections, and be reinserted into the inspection rotation (the same process as today). These buildings will be inspected again when the rotation comes back to that particular building. If an unacceptable building is reinspected in the future and found to be acceptable, it will be dropped from the inspection rotation. If a building that has been dropped from the rotation is found to have validated complaints of life safety or poor property maintenance in the future, it will result in the building being placed back into the inspection rotation.

Fee Structure

The rental registration for 2014 will start with an annual fee equal to the current fee of \$30 for buildings currently rated “A” or “B”. Buildings currently rated “C” and “D” will be assessed an additional annual registration fee of \$100 for one and two (1 and 2) unit buildings plus \$25 per unit in excess of the first two. Thereby, the annual fee for a single family dwelling, in the inspection rotation will pay \$130/year for as long as the building remains in the rotation. A four (4) unit building will pay \$180 annually; an eight (8) unit building will pay \$280, etc. While these annual registration fees are substantially higher than the fees currently charged, staff is trying to create an incentive for landlords to improve their buildings so they can rotate out of the pool. Additionally, the owners/landlords having “rotation pool” buildings will pay more to support the program since their buildings become the primary focus of inspections. The fees proposed here presume a self funded program.

In the beginning of our reboot process, (starting with calendar year 2014 registrations), “B” rated buildings will be inspected in the rotation to be further designated as acceptable or unacceptable for the next annual registration. This delay in ranking of “B” rated buildings is in recognition that these buildings could fall either way in the rankings. A building in this category found to be acceptable will continue in its original registration status. A “B” rated building rated as unacceptable will be placed in the rotation pool and be registered accordingly the next year.

Staff has given consideration to the concerns and criticisms raised by the PMRB and landlords. As proposed, this new inspection rotation pool will:

- Make better use of the City's resources by concentrating staff's efforts to the most problematic buildings.
- Eliminate the majority of the registered buildings from routine or regular inspections.
- Streamline the fee process to one (1) annual payment, eliminating the need for a second fee (inspections) processing activity.
- Eliminate the grading system in favor of acceptable/unacceptable review; placing a greater emphasis on life safety issues while still addressing and promoting good property maintenance.
- Place the heaviest cost burden of the program on those who fail to maintain their properties to minimum levels, thereby, requiring the most staff time.
- Better incentivize the program to encourage a higher level of life safety and property maintenance without the City's involvement.

ALDERMANIC COMMITTEE BACKGROUND: These changes were presented to the Infrastructure Committee on September 16, 2013, where staff was directed to place this item before the full Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: PACE staff mailed approximately 1,100 notices to landlords and/or agents who participate in the City's Rental Inspection Program as well as advertising a public information meeting that was held in the Council Chambers on August 29, 2013. Approximately sixty (60) people were present to hear the proposal, ask questions and provide input.

While responses were mixed from, "the program is not needed and get rid of it", to an appreciation of the changes, the general consensus seemed to be in support of the changes.

FINANCIAL IMPACT: The current Rental Inspection Program operates with approximately 1.25 Full Time Equivalent (FTE) inspectors at an annual cost of approximately \$205,000 (FY2013). The fees taken in for the program in FY 2013 were \$108,788 – a deficit of \$96,212. The fees as proposed for the new rotation and fee schedule should bring the program to a self-sufficient level by FY2015. Programmatic data is tracked by and provided by the PACE Department.

Respectfully submitted for Council consideration.

Prepared by:	Mark R. Huber, Director - PACE
Reviewed by:	Barbara J. Adkins, Deputy City Manager
Financial & budgetary review by:	Chris Tomerlin, Budget Analyst Patti-Lynn Silva, Director of Finance
Legal review by:	George Boyle, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 79**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 45**

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

SECTION 1. That Bloomington City Code Chapter 45, Sections 900.1 through 900.18 shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 900.1 PURPOSE.

To maintain the City's rental housing stock by enforcement of property maintenance, life safety and health codes, "applicable codes", through periodic building inspections and annual registration.

~~SEC. 900.2 SCOPE OF INSPECTION.~~

~~All residential rental units not occupied by the owner, shall be inspected systematically for compliance with all the applicable codes enacted by the City of Bloomington. Systematic inspection shall consist of both exterior and interior inspections. Exterior inspections shall include the principal structure and any accessory structures.~~

SEC. ~~900.3~~ 900.2 DEFINITIONS.

For purposes of this Section, 900, the following definitions shall apply:

(a) Acceptable Building: A building that is free of life, safety or health code violations that pose a threat to tenants or the public, or a building having few or no property maintenance code violations. This definition shall also include new buildings.

(b) New Building: A recently constructed or rehabilitated building that has received a certificate of occupancy from the Department of Planning and Code Enforcement in the past year.

(c) Owner: Any person, agent, operator, firm, limited liability company or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

~~(1) For purposes of registration as required by this Article, an owner is the person or other legal entity whose name is on the deed recorded in the county recorder's office in McLean County. The definition of owner as applied in this section should not be construed to narrow or limit the definition of owner as it appears and is applied in the Bloomington Property~~

~~Maintenance, Building Safety and Refuse Codes. Violations of property maintenance, building and refuse codes noted during rental inspections are the responsibility of the owner, as that term is defined in the aforesaid codes.~~

~~(2) — Excellent (New or Like New) — an extremely good or new component which has been replaced/repaired or recently corrected to meet City Code.~~

~~(3) — Good — A component which is above average in condition. No obvious maintenance required, but not necessarily new.~~

~~(4) — Sound — average (no observed defects) Some evidence of normal wear and tear, with age, in that a few minor repairs are needed (i.e. paint, tacking down a shingle, etc.)~~

~~(5) — Minor Violation — a component is in need of repair to extend its life. It has minor code violations or has incipient violations. An incipient violation exists if, at the time of inspection, it is thought that the physical condition of an element in the structure will deteriorate into an actual violation in the near future (approx. 1-2 years).~~

~~(6) — Major Violation — the component's useful life is near, a lot of repair is needed. It would be a major expense to replace the component (usually greater than \$1,000 to repair/replace.)~~

~~(7) — Critical Violations — the component's useful life is over, it is an immediate health and safety hazard, it is a candidate for demolition, costs to replace/repair exceeds 100% of the value of the structure.~~

~~(8) (d) Residential Rental Units - Any unit in an apartment house, duplex, condominium or a single family home that is rented or available for rent located in the City of Bloomington.~~

~~(9) (e) Rent - The consideration, including any payment, deposit, benefit, service, bonus or gratuity, bargained for, demanded, accepted or received by an owner for or in exchange for demanded, bargained for, or received for or in connection with the use or occupancy of a residential rental unit.~~

~~(f) Rental Inspection Pool: A group of buildings containing residential rental units subject to periodic, systemic inspection. The pool shall consist of buildings in one or more of the following categories:~~

~~(1) Buildings having a rental inspection program rating of B, C or D upon the date of the passage of this ordinance; or~~

~~(2) Buildings given an unacceptable rating as defined in this Section; or~~

~~(3) Buildings that are the subject of substantiated complaints involving one or more life, health or safety related code violations that pose a threat to~~

tenants or the public, or involving numerous, less serious property maintenance code violations; or

(4) Buildings converted to rental units, other than new buildings.

(g) Unacceptable Building: A building having one or more code violations that pose a threat to the life, health or safety of tenants or the public, or a building with numerous property maintenance code violations.

SEC. ~~900.4~~ 900.3 REGISTRATION.

(a) Except as otherwise provided in this Section, every owner of a building containing residential rental units, vacant or occupied, shall file annually a registration statement with the Department of Planning and Code Enforcement on forms provided by the Department. Registration periods are concurrent with the calendar year, beginning on January 1 and ending on December 31. Registration statements must be filed prior to January 1 of the year for which registration is sought, unless registration of a building is transferred, in which case the new owner is required to register within 30 days of said transfer as provided in paragraph (e) of this Section. Owners who fail to register rental property as required herein, or as provided in paragraph (e) of this Section, shall be subject to a fine of not less than \$50.00, nor more than \$500.00 for each day the building remains unregistered, regardless of whether the building is occupied.

(b) An owner of a single family residence will be exempted from this requirement for a particular building if the owner files a sworn statement with the City of Bloomington attesting to its status as an owner-occupied building or its status as a vacant building that is not intended to be rented.

(c) Once a single family home is registered as a rental, it must be registered every year unless occupied by the owner or ~~is vacant~~ vacated and the owner does not intend to rent the single family home. A sworn statement by the owner must be ~~on~~ filed with the City of Bloomington attesting to its status as an owner-occupied single family home or its status as a vacant single family home that is not intended to be rented. Any outstanding violations may be recorded with the McLean County Recorder of Deeds.

(d) The provisions of this section shall not apply to the following:

- (1) Owner occupied single family homes and that portion of a duplex or multifamily structure occupied by the owner.
- (2) Condominiums (owner/occupied only).
- (3) Hotels and Motels as defined in Chapter 44 Section 3.20-97.0.
- (4) Nursing Homes as defined in Chapter 44 Section 3.20-131.0.

- (5) Housing operated by the Bloomington Housing Authority.
- (6) Rooming houses as defined in Chapter 44 Section 3.20-157.
- (7) Bed and breakfast establishments as defined in Chapter 44, Section 3.20-16.1.
- (8) Community reception establishments as defined in Chapter 44, Section 3.20-44.3.
- (9) Contract sales of single family residential structures provided that such contract or a Memorandum of Contract is recorded with the McLean County Recorder and that a copy of the contract for deed or Memorandum of Contract is provided to the Department of Planning and Code Enforcement.

(e) Transfer of ownership. Registration is not transferable. All buildings must be registered and the registration fee paid by the new owner within 30 days of transfer of ownership. New owners who fail to register as required by this paragraph shall, after the 30 day grace period, be considered to have failed to register and, upon conviction thereof, be subject to a fine of not less than \$50.00, nor more than \$500.00, for each day beyond the grace period the building remains unregistered, regardless of whether the building is occupied.

(f) Information Required.

The registration statement shall include:

1. The address ~~Address~~ of the building.
2. The type ~~Type~~ of building and number of units and addresses for each unit, e.g. "1", "A", "upper".
3. The name ~~Name~~, street address, mailing address, and telephone number of the owner of the building. ~~A registration statement will not be considered complete and may not be accepted for purposes of registration if it contains only a post office box or other mailing address, but does not contain an actual location, such as a business or residence address, where the owner may be contacted.~~
4. ~~Name, street address, mailing address and telephone number of the building manager.~~
5. ~~If the owner is a corporation, limited liability company, or other entity other than an individual or a partnership, the name, street address and mailing address of the registered agent.~~

4. If the owner of the building is not an individual or a partnership, but is a corporation, limited liability company, land trust or other legal entity, the registration statement shall contain the name, street address, and mailing address of the registered agent or trustee. If this information is not included on the registration statement, it will not be considered complete and the owner may be subject to penalties as provided in this Section.
- ~~6. 5.~~ The name, street address, mailing address and telephone number of the person preparing the registration statement and a certification; by that persons that the information on said statement is true and correct to the best of that person's information, knowledge and belief. Any registration statement that lacks this certification will be considered incomplete and the owner may be subject to penalties for failure to register the property as provided in this Section. ~~filed on behalf of such entity which lacks this information will not be considered complete and will not be accepted for purposes of registration.~~
- ~~7. 6.~~ The name ~~Name~~ of any buyer on a contract for deed. A copy of the contract shall be provided to the Department of Planning and Code Enforcement.

(g) The Director of Planning and Code Enforcement may, at any time, require additional relevant information of the owner or owner's agent ~~building manager~~ to clarify items on the application for registration statement.

(h) Owners required to register ~~file registration statements~~ shall pay a fee for each registration as provided indicated in Section ~~900.18~~ 900.13. Registration statements will not be considered completed ~~filed~~ unless accompanied by the required fee. Registrations ~~statements~~ filed after March 1st shall be assessed a late filing fee in the amount provided in Section ~~900.18~~ 900.13 in addition to any other fines or penalties provided in this Section.

(i) All registration statements must be signed by a person who is either the owner of the property or a person acting with authority from the owner in matters related to the maintenance and control of the property. The person signing the form certifies:

1. that they have personal knowledge that the statements contained in the form are true and correct.
2. that they are either the owner of the property or a person acting with direct authority from the owner in matters pertaining to the control and maintenance of the property. ~~Any person who provides false information on the registration statement shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each false statement made on the registration application in addition to the fees provided in 900.18(a)(6).~~

(j) Any person who provides false information on the registration statement shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each false statement made on the registration application in addition to the fees provided in 900.13.

~~SEC. 900.5 INSPECTION CERTIFICATE REQUIRED.~~

~~It shall be unlawful for any owner of a building required to be registered under Section 900.4 to permit any building to be occupied or to rent or lease any such building without a Certificate of Inspection issued by the Department of Planning and Code Enforcement.~~

~~SEC. 900.6~~ 900.4 INSPECTION.

~~(a) All buildings required to be registered pursuant to Section 900.4 shall be inspected to determine whether the buildings comply with all applicable codes for purpose of issuing Certificates of Inspection.~~

(a) All buildings in the rental inspection pool as defined in Section 900.2(f) shall be inspected to determine if they comply with all applicable codes. Based upon the inspection, each building will be rated as acceptable or unacceptable as those terms are defined in Sections 900.2(a) and (g), respectively.

(b) Buildings in the rental inspection pool shall be inspected on a rotating basis, prioritizing for inspection those buildings that have not received a rental inspection for the greatest length of time. Notwithstanding the rotating nature of the rental inspection pool, a building may be inspected earlier than its place in the rotation if the Director of Planning and Code Enforcement certifies that, based upon the number and/or serious nature of code complaints pertaining to a building, inspection is necessary to protect the life, health or safety of tenants or the public.

(c) Nothing in this Section, 900, shall be construed to prevent the Department of Planning and Code Enforcement from responding to property maintenance complaints received by the department as they pertain to a particular building or premises.

~~(b) All buildings covered by this ordinance shall be inspected at least once every five (5) years. After inspection the building will be classified as follows:~~

~~(1) CLASS A — The building is in excellent condition has minor or no violations of applicable City Codes requiring re-inspection. The building shall be re-inspected in five (5) years.~~

~~(a) Shall a Class A building be sold or therewise change ownership, the building shall be subject to re-inspection within (1) year of the date of sale.~~

~~(b) — Should a Class A building be found to have a major violation within the five (5) year re inspection term, the entire building will be subject to a complete re inspection and re grading.~~

~~(c) — New construction. First inspection five years from the date of the occupancy certificate is issued.~~

~~(2) — CLASS B — The building is in good condition and has minor violations of applicable City Codes requiring re inspection and the violations do not pose an immediate threat of danger to the life, health and safety of the occupants of the building. The building shall be re inspected in two (2) years.~~

~~(3) — CLASS C — The building is in sound condition and has major or minor violations of applicable City Codes requiring re inspection and that do not pose an immediate threat of danger to the life, health or safety of the occupants of the building. The building shall be re inspected in one (1) year.~~

~~(4) — CLASS D — The building has critical violations and is either unsafe, contains unsafe equipment, is unfit for human occupancy or is unlawful as defined in Chapter 45 Section 108.1 et seq. The building shall be declared an “unsafe structure” and be subject to Chapter 10, Article III UNSAFE OR ABANDONED BUILDINGS.~~

~~(c) — Nothing in this section shall preclude the inspection of any building subject to this section more frequently than set forth in Section 900.6(b) above.~~

~~SEC. 900.7 ISSUANCE OF CERTIFICATE OF INSPECTION.~~

~~(a) — If, upon completion of the inspection the building is classified an A, B, or C and the building registration statement is on file with the City, and the appropriate registration and inspection fees have been paid to the City, then the City shall issue a Certificate of Inspection for the building. Issuance of this Certificate does not mean the building is in full compliance with the City Code. Building owners are still responsible for correcting code violations that are not part of the annual inspection program and will be subject to penalties as provided by the City codes for failure to do so.~~

~~(b) — If, upon completion of the inspection the building is classified a D, then regardless of whether or not the building registration statement is on file with the City and/or the appropriate registration and inspection fee have been paid to the City, the City shall not issue a Certificate of Inspection for the building until the owner (a) corrects all code violations or (b) complies with Chapter 10, Article IV, Section 105.8 Issuance of a Permit — Occupancy Prohibited Structure.~~

~~(c) — No Certificate of Inspection shall be issued for any building for which there is no registration statement on file with the City or for which the appropriate registration and inspection fees have not been paid regardless of the building classification~~

~~SEC. 900.8 REPAIR PERFORMANCE GUARANTEE.~~

~~(a) — The owner of any building classified as a D may be required to obtain a Letter of Credit or pledge an account in the amount of \$5,000.00 (Five Thousand Dollars) in favor of the City of Bloomington for each building with a D classification. The Letter of Credit or pledged account shall remain in effect for as long as the building holds the D classification. The City may draw upon the Letter of Credit or pledged account as necessary to make repairs to the building pursuant to a Court order when the owner, after receiving notice of code violations, has failed to make the necessary repairs. The City may also draw upon the Letter of Credit or pledged account to relocate tenants if the building cannot be occupied because of the lack or revocation of a Certificate of Inspection.~~

~~(b) — The failure of any building owner to maintain in effect the Letter of Credit required by this section shall automatically terminate the Certificate of Inspection issued pursuant to this section.~~

~~SEC. 900.9~~ 900.5 INSPECTION NOTICE REQUIREMENTS.

(a) The code official ~~will~~ shall send notice of the date and time that the inspection of a building listed in the rental inspection pool is to ~~will~~ take place to the Owner or Owner's Agent at least 15 days prior to the scheduled inspection date.

(b) Upon receipt of the notice of inspection, the owner or owner's agent will have ten (10) business days to contact the ~~Code Official~~ code official to reschedule the inspection. The maximum extension allowed shall be ten (10) business days from the date specified on ~~of~~ the original inspection notice. Failure to appear at a rental inspection shall subject the owner, owner's agent, or both, to penalties as provided in Section 900.7 of this Section. Failure to reschedule may be deemed a missed inspection and subject to penalties.

(c) Notices shall be mailed to the business address provided on the registration statement. The owner of a building is responsible for notifying the Department of Planning and Code Enforcement of any and all changes of address pertaining to the registration of a building. It is the duty of the building owner to notify the City of changes of address. It is not a defense to this section that notice was not received if there has not been a change of address given to the City within the fourteen (14) days prior to sending the notice.

(d) ~~The notice~~ Notices of Inspection shall advise the owner/tenant of his or her right to refuse inspection of the building and the City's right to seek the issuance of an administrative search warrant in the event of any such refusal. No inspection of an occupied building shall occur without the consent of the tenant/occupant unless an administrative search warrant is obtained.

(e) The owner, or owner's agent will be notified of inspection results and whether the building has been classified as an acceptable or unacceptable building within five (5) business days of the inspection. Inspection results will be in the form provided in Chapter 45, Section 107.2 with the additional requirement that they shall include the amount of fines applicable to all code violations noted in the results in the event said violations are not remedied in the time provided in the report of inspection results. Notice will be given to the owner or agent of the inspection results and the classification assigned to the building within five (5) business days of the inspection. Notices will be in form provided in Chapter 45 Section 107.2 with the additional requirement that they shall include the amount of any fine applicable to any code violations indicated.

~~SEC. 900.10~~ 900.6 OWNER'S RESPONSIBILITIES FOR INSPECTION.

(a) It shall be the responsibility of the owner, the owner's ~~designated~~ agent or the occupant to be present at the time scheduled for a rental inspection in order ~~building on the date and time of inspection~~ to provide access for the inspection.

(b) Access is required for all units in a building at the scheduled time of inspection. Failure to grant full access to the building at the scheduled time of the inspection appointment may be deemed a refusal of the inspection and the City may apply to the Circuit Court for an administrative search warrant. Failure to grant full access to the building at the time of inspection shall also subject the owner to a fine for missed inspection as provided in Section 900.7 of this Section.

(c) Any owner who fails to register a building as required by ~~under the provisions of this~~ Section 900.3 shall ~~further~~ be deemed to consent to receive by posting at the building, any and all notices of code violations concerning the building.

~~(d) — Access is required for all units in a building at the scheduled time of inspection. —~~

~~(d)~~ (e) ~~Owners/agents~~ Owners or their Agents shall contact the City at least seven (7) business days prior to ~~the~~ a scheduled inspection if they are unable to obtain their tenants' consent to the inspection. Failure to do so will be considered a missed inspection and shall subject the owner, owner's agent, or both to penalties as provided in Section 900.7.

~~SEC. 900.11~~ ~~REVOCATION OF CERTIFICATE OF INSPECTION.~~

~~(a) — The Certificate of Inspection for any building classified as a "C" may be revoked if the owner fails to correct all violations by the date indicated on the timetable submitted as condition of the issuance of the Certificate of Inspection. —~~

~~(b) — The code official shall serve the owner with a Notice of Revocation of Certificate of Inspection prior to the Certificate being revoked. The Notice shall include the following information: list all remaining code violations, the date those violations were to be corrected as indicated on the timetable and a final date for correction of all violations. The Notice shall~~

~~further advise the Owner that failure to complete repairs on the final date will result in the revocation of the Certificate of Inspection and shall also inform the owner of the right to appeal.~~

~~(e) — It shall be the owner's responsibility to notify the code official when repairs have been completed and request a re-inspection to verify compliance. The City shall presume that repairs have not been completed if an owner does not notify the City.~~

SEC. ~~900.12~~ 900.7 PENALTIES.

(a) Every day that any building required to be registered by Section ~~900.3~~ 900.4 remains unregistered shall constitute a separate offense and shall, upon conviction thereof, ~~be~~ subject the owner, owner's agent, or both to a fine of not less than \$50.00 nor more than \$500.00 per day.

~~(b) — Every day that any one building required to be registered by Section 900.4 is occupied and does not have the Certificate of Inspection required by this ordinance shall constitute a separate offense and upon conviction thereof be subject to a fine of not less than \$50.00 nor more than \$500.00 per day.~~

~~(e)~~ (b) Any person who provides false information on ~~the~~ a registration statement shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each false statement ~~made on the registration application.~~

(c) Any owner or owner's agent found to have missed an inspection as set forth in Section 900.6 shall be subject to a fine of not less than \$250.00 nor more than \$500.00 for each offense.

SEC. ~~900.13~~ 900.8 ASSESSMENT OF PENALTIES ON PAST DUE ACCOUNTS.

Any fees, debts, accounts receivable or other payments due to the Department of Planning and Code Enforcement (PACE) which remain unpaid for more than thirty (30) days after the due date set forth in the first demand for payment sent by the City to the debtor, shall have an interest penalty of ten percent (10%) per month assessed on the unpaid principal of such fee, debt, account receivable or other payment. These penalties may be waived, reduced, or otherwise settled by the Director of Planning and Code Enforcement.

SEC. ~~900.14~~ 900.9 APPEAL PROCESS.

An owner or other person aggrieved by any action taken by the City pursuant to this Section may appeal the decision before the Property Maintenance Review Board as provided in Chapter 45, Section 1000-~~0~~, et seq.

SEC. ~~900.15~~ 900.10 SEVERABILITY.

If any section, subsection, paragraphs, sentence, clause or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect

the other sections, subsections, paragraph, sentences, clauses or words of this ordinance, and the application thereof; and to that end the sections, subsections, paragraph, sentences, clauses, and words of this Section shall be deemed severable.

SEC. ~~900.16~~ 900.11 ENFORCEMENT.

(a) The Director of Planning and Code Enforcement or his or her designee shall enforce the provisions of this Section and, in addition to any other remedies provided by law, may apply to the Corporation Counsel for prosecution of owners who fail to comply.

(b) The code official may refuse to issue any permit required under the Code for any construction, alteration, installation, razing or other work done in or on any building covered by this Section, unless the owner or other applicant for such permit has a current registration statement on file with the City ~~and there is a current Certificate of Inspection for the building.~~

(c) The code official may refuse to issue any permit required under the Code for construction, alteration, installation, razing or other work done in or on any building containing rental units for which fines pertaining to Code housing code violations remain unpaid, until the total amount of said fines, together with any court costs, as well as any unpaid accounts or bills for water service or other City services to said building, are paid in full.

SEC. ~~900.17~~ 900.12 OTHER REMEDIES.

Nothing in this section shall prevent the City from taking action under any applicable City code or ordinance for any violation thereof or limit the right or authority of the City to seek injunctive relief or other appropriate legal remedy for any violation of such code or ordinance.

SEC. ~~900.18~~ 900.13 FEES.

(a) The City shall assess the following fees for registrations and inspections required by this Section:

1. \$30.00 per building for buildings having a rating of "A" or "B" at the time of the adoption of this Ordinance and for those buildings receiving an acceptable rating as defined in Section 900.2(a);
2. \$130.00 for the first two units for buildings rated "C" or "D" at the time of the adoption of this Ordinance or receiving an unacceptable rating as defined in Section 900.2(f). An additional \$25.00 per unit will be assessed for buildings with 3 or more units.
3. Missed inspection fee: \$50.00 per building or condominium for each missed inspection.
4. Second re-inspection appointment fee: \$50.00 per building.

5. Late fees on billing statements: 10% interest per month on outstanding balances per Section 900.8.

~~(a) The City shall assess the following fees for registration and inspections required by this section:~~

- ~~1. Registration: \$30.00 per building or condominium.~~
- ~~2. Late Registration (after March 1st): \$100.00 per building or condominium in addition to any other fines or penalties applicable under this code.~~
- ~~3. Inspection fee: \$30.00 per building or condominium and \$10.00 per each additional dwelling unit in any building or condominium with more than three dwelling units.~~
- ~~4. Missed inspection fee: \$50.00 per building or condominium for each missed inspection.~~
- ~~5. Second re-inspection appointment fee: \$50.00 per building.~~
- ~~6. Late fees on billing statements: 10% interest per month on outstanding balances per Section 900.13.~~

~~(b) Any fees due and owing shall be added to the yearly registration fee and must be paid in full at the time of registration. Failure to pay fees may result in a revocation of the building's Certificate of Inspection.~~

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

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

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

SECTION 5. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 14th day of October, 2013.

APPROVED this 15th day of October, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Black expressed his interest in a larger conversation which would address neighborhood revitalization.

Alderman Schmidt acknowledged her original thought that this item should be laid over due to any impact upon a \$1.5 million grant. She had spoken with Mark Huber, Director – PACE. This was a different program. She had met with the West Bloomington Housing Collaborative and was ready to move forward on this item.

Mark Huber, PACE Director, addressed the Council. The current rental housing program was not sustainable. City staff would focus their efforts on landlords and properties experiencing life/safety issues. Fees would be streamlined. The burden of the program would be on problematic buildings.

Alderman Stearns questioned the program's age. Mr. Huber noted that the program was ten (10) years old.

Alderman Stearns noted her original support. She had attended the public meeting. The text amendment would eliminate the grading system. The focus would be on problematic properties. This raised questions of fairness. There were hardworking landlords. The focus would be on detrimental properties.

Mr. Huber noted that buildings could be challenged. The City had established a Property Maintenance Review Board. Appeals could be filed. He noted that only one (1) case had been filed in three (3) years. An effort was made to balance cost versus frivolous appeals.

Alderman Stearns cited the \$100 filing fee.

Alderman Black expressed his appreciation for the comments. City staff would focus on specific problems. He cited concerns regarding upkeep. Mr. Huber noted that landlords focused on life safety issues while residents focused on property maintenance. City staff was currently reviewing the existing check list. Alderman Black expressed his concern regarding easing restrictions.

Alderman Stearns noted that this program would be complaint driven.

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. City staff had drafted a street/alley vacation policy which was currently under review. This policy would include compensation for same.

He also addressed the October 21, 2013 Committee of the Whole Agenda. Topics included pensions, solid waste fee, property tax levy, and budget updates for Fiscal Years 2014 and 2015.

MAYOR'S DISCUSSION: Mayor Renner informed the Council that he would not be attending the Council's October 28, 2013 meeting.

ALDERMEN'S DISCUSSION: Alderman Fazzini informed the Council that the Miller Park Zoo was cited in the October 2013 issue of National Geographic.

He also noted the mural dedication on Sunday, October 13, 2013. This mural was a project of the Regional Alternative School. He noted the impact upon youth. The mural was completed at no cost to the City. These youth were "at risk". He expressed his hope that murals would spring up throughout the City. Murals would assist tourism.

Alderman Sage expressed his appreciation for liquor enforcement.

The meeting adjourned. Time: 9:00 p.m.

Tracey Covert
City Clerk