

**RECORD OF MOTIONS AND VOTES  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:01 p.m., Monday, March 24, 2014.

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, Joni Painter, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.**

**City Manager David Hales, City Clerk Tracey Covert, and Interim Corporate Counsel Jeff Jurgens were also present.**

**The following was presented:**

**Item 5A. Presentation to former Alderman Jennifer McDade.**

**The following was presented:**

**Item 5B. Proclamation Declaring April as Child Abuse Prevention Month.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that Proclamation be made a matter of record.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 5C. Presentation of Source Water Protection Award to the Water Department.**

**The following was presented:**

**Item 5D. Introduction of Frank Koehler, Interim Director - PACE.**

**The following was presented:**

**Item 6A. Council Proceedings of March 10, 2014, Work Session Minutes from March 20, and April 5, 2010, and October 10, 2011 and Special Session Minutes from February 24, 2014.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the reading of the minutes of the previous Council Proceedings of March 10, 2014, the Work Session Minutes from March 20, and April 5, 2010, and October 10, 2011 and Special Session Minutes from February 24, 2014 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, Painter, Lower, Fazzini, Sage, Fruin and Black.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6B. Bills and Payroll.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin 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, Painter, Lower, Fazzini, Sage, Fruin and Black.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6C. Appointments to the John M. Scott Health Resource Center.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the Appointments be affirmed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6D. Reappointments to Various Boards and Commission.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin the Reappointments be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6E. Replacement of Tractor and Front End Loader for Parks, Recreation and Cultural Arts Department.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the purchase one (1) Kubota M9960HDC and one (1) LA1353A Quick Attach Front Loader from Nord Outdoor Power, Bloomington, IL using the National Joint Powers Alliance Contract Number 070313-KBA be approved, in the amount of \$55,768.30, and the Procurement Manager 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, Painter, Lower, Fazzini, Sage, Fruin and Black.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6F. Vehicle Replacements for the Water Department.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the purchase of two (2) Ford Transit Connects from Curry Motors, Frankfort, IL using the Northwest Suburban Purchasing Cooperative Contract Number 139 be approved, in the amount of \$43,492, and the Procurement Manager be allowed to issue a Purchase Order.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6G. Scope Modification to the Professional Engineering Services Contract with Knight E/A, Inc. to perform a Preliminary Environmental Site Assessment for the Intersection Improvements and Traffic Signal Installation Design Project.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the Amendment to the contract with Knight E/A, Inc. for Intersection Improvements and Traffic Signal Installation Design Services be approved, in the amount of \$4,857.45, the Motor Fuel Tax Resolution adopted, 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, Painter, Lower, Fazzini, Sage, Fruin and Black.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6H. Change Order for FY 2013 Utility Maintenance Contract.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the Amendment to the Contract for 2013 Utility Maintenance, with George Gildner, Inc. be approved, in the amount of \$41,100, and the Resolution adopted, which is germane to the original contract as signed and is in the best interest of the City and authorized by law.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6I. Rescind Final Plat for the Resubdivision of Lot 145 in Airport Park Subdivision, 12<sup>th</sup> Addition, commonly located east of Haeffele Way and north of Rt. 9.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that Ordinance No. 2009 - 80 be rescinded, and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7A.a. 2014 \$10 Million Street Resurfacing Bond Contracts. Staff presentation.**

**The following was presented:**

**Item 7A.b. Analysis of Bids and Approval of Contract for 2014 Bond General Resurfacing.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the unit prices from Rowe Construction for the 2014 Bond General Resurfacing Program be accepted, the contract be approved in the base amount of \$8,190,000 to be paid from the FY 2014 Budget with an additional \$140,000 for the Alternate FY 2015 Howard St. CDBG project to be executed on May 1, 2014 pending approval of the FY 2015 proposed budget, 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, Painter, Lower, Fazzini, Sage, Fruin and Black.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7A.c. Analysis of Bids and Approval of Contract for 2014 Bond Sidewalk Replacement and Handicap Ramp Program.**

**Motion by Alderman Fazzini, seconded by Alderman Black that the unit prices from J. G. Stewart Contractors, Inc. be accepted for the 2014 Bond Sidewalk Replacement and Handicap Ramp Program and that a contract be approved in the base amount of \$1,000,000 to be paid from the FY 2014 Budget, with an additional \$100,000 Alternate as proposed in the FY 2015 proposed budget under the Capital Improvement Fund for the 50/50 Sidewalk Program, said Alternate to be executed on or after May 1, 2014, contingent upon that amount being approved in the 50/50 Sidewalk Program included in the FY 2015 Budget.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7A.d. Analysis of Proposal and Approval of Contract for 2014 Bond Pavement Preservation.**

**Motion by Alderman Fruin, seconded by Alderman Schmidt that the unit prices from Corrective Asphalt Materials, LLC, (a sole source provider), South Roxana, IL for 2014 Bond Pavement Preservation be accepted in the amount of \$450,000, (waive formal bids due to sole source provider), the contract 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, Painter, Lower, Fazzini, Sage, Fruin and Black.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7B.a. Luther Oaks Expansion Project. Staff presentation.**

**The following was presented:**

**Item 7B.b. Luther Oaks 1<sup>st</sup> Addition Special Use Petition.**

**Motion by Alderman Sage, seconded by Alderman Lower that the Special Use Permit be approved and the Ordinance passed with the following conditions: 1.) a sewer screen being installed in the sanitary sewer; and 2.) Luther Oaks shall be required to provide secondary emergency access to the property as set forth in this condition to the Special Use Permit. The preferred secondary emergency access shall be off Greenwood Ave. and Luther Oaks agrees to maintain the temporary construction access off of Greenwood Ave. as the initial secondary emergency access. If Luther Oaks is unable in the future to keep the temporary construction access as the secondary emergency access due to the activities or decisions of the property owner, including the development of the property currently owned by Trinity Lutheran Church, then Luther Oaks shall work in good faith to secure another secondary emergency access off of Greenwood Ave. For purposes of attempting to secure another emergency access point off of Greenwood Ave., the City acknowledges that Luther Oaks does not currently own any property off of Greenwood Ave. and its efforts may be limited based on the actions of the owner of the property and its future development. If Luther Oaks is unable to secure a secondary emergency access off of Greenwood Ave., Luther Oaks shall provide a secondary emergency access off of Lutz Rd. For purposes of this condition, Luther Oaks shall be required to maintain the grading and gravel of any secondary emergency access point. The City shall be responsible for posting signs stating the access is for emergency vehicle use only and providing security for the access, (when no longer being utilized as a construction access), by temporary or other measures, (e.g., a chain or rope across the entry point, etc.), for emergency access only. Council may in the future, in its discretion, eliminate this condition to the Special Use Permit as it determines is appropriate based on the future development of the surrounding property and/or improvements to adjacent roads.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7B.c. Petitions from Luther Oaks, Inc., to rescind the Final Plat for First Addition to Luther Oaks Subdivision which was approved by the Council on August 12, 2013 and approval of the Final Plat for First Addition to Luther Oaks Subdivision.**

**Motion by Alderman Sage, seconded by Alderman Lower that Ordinance 2013 - 56 be rescinded, the revised Final Plat be approved and the Ordinances passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7Bd. Petitions from Luther Oaks, Inc., for the Vacation of a Sanitary Sewer Easement and a Water Main Utility Easement located in Lot 1, Luther Oaks Subdivision.**

**Motion by Alderman Sage, seconded by Alderman Lower that the Vacations be approved and the Ordinances passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7Ca. Tax Enforcement. Staff presentation.**

**The following was presented:**

**Item 7Cb. Text Amendment to Chapter 39, Addressing the Enforcement and Collection of City Taxes.**

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

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



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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7Cc. Bloomington Chateau Partners, LLC, d/b/a The Chateau, Tax Repayment Agreement for Hotel/Motel Tax.**

**Motion by Alderman Mwilambwe, seconded by Alderman Stearns that the Repayment Agreement 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, Painter, Lower, Fazzini, Sage, Fruin and Black.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7D. Presentation of the Marketplace Fairness Act of 2013.**

**The following was presented:**

**Item 7Da. Marketplace Fairness Act of 2013.**

**Motion by Alderman Fazzini, seconded by Alderman Black that the Resolution be adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7E. Presentation of 2013 Annual Fire Statistics and Fire Services Update.**

**Motion by Alderman Fazzini, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:18 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**