

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

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

Presentation to former Alderman Jennifer McDade.

Mayor Renner noted that Ms. McDade had served as an Alderman from May 1, 2009 until February 6, 2014. He presented her with a plaque.

Jennifer McDade addressed the Council. She thanked the Council and City staff for their service. She recognized the support received from the residents. This was a great City. She was grateful for the experience.

The following was presented:

SUBJECT: Proclamation of April 2014 as Child Abuse Prevention Month

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

BACKGROUND: The proclamation will be presented:

Declaring April 2014 as Child Abuse Prevention Month.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

Mayor Renner read and presented the Child Abuse Prevention Month Proclamation to Bruce Bergethon and Rachel McFarland, Child Protection Network Vice Chair. He recognized Jason Chambers, McLean County State's Attorney, who was present at the meeting.

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:

Presentation of Source Water Protection Award to the Water Department.

Craig Cummings, Water Director, addressed the Council. He thanked them for the opportunity. Rick Twait, Superintendent – Water Purification, had accepted the Award from the AWWA (American Water Works Association). This was a competitive award. This year was the award's inaugural year. He cited the City's collaborative efforts, (McLean County Soil & Water Conservation District/MCSWCD, Nature Conservancy, Environment Defense Fund), and the watershed programs. Mr. Twait had been tireless in his efforts. He cited watershed expansion and the recognition received. The bar for this award had been set high.

Rick Twait, Superintendent – Water Purification, addressed the Council. He presented the Award to the Council. He was proud to be part of the Source Water Protection, Lake & Watershed Management Program for the City's Water Supply Reservoirs. He expressed his appreciation to the Council for their support and trust. Part of water supply planning included water quality and quantity. There was no sure thing; the goal was to reach a long term solution. He noted ancillary benefits. The City entered into a formal relationship with the MCSWCD in 1992. He also recognized the Nature Conservancy. These relationships helped the City address nitrate controls and lake

shore and stream stabilization. The Friends of Evergreen, a new group, hoped to increase habitats and recreational uses. He thanked all of the City's partners and recognized their trust in the City.

The following was presented:

Introduction of Frank Koehler, Interim Director - PACE.

David Hales, City Manager, introduced Frank Koehler, PACE's Interim Director. Mr. Koehler had been retained due to Mark Huber's retirement. He provided background information. Mr. Koehler had retired in 2010 from a career in local government. He held a number of college degrees and liked serving local communities.

The following was presented:

SUBJECT: 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

RECOMMENDATION/MOTION: That the reading of the minutes of the previous 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 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 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 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 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:

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 website on March 20, 2014.

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 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:

SUBJECT: Appointments to John M. Scott Health Resource Center

RECOMMENDATION/MOTION: That the Appointments be affirmed.

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: I ask your affirmation of the following appointment:

John M. Scott Health Resource Center:

Laura Grant, Family Stabilization Coordinator affirming Mid Central Community Action's appointment to this Board. Ms. Grant shall serve until May 30, 2016. Mid Central Community Action, Inc. is authorized to select an individual for appointment to this Board by the Trustees.

Nicole Smith, Community Impact's Asst. Director, affirming the United Way of McLean County's appointment to this Board. Ms. Smith will complete Ashley Long's appointment. The United Way of McLean County is authorized to select an individual for appointment to this Board by the Trustees.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

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:

SUBJECT: Reappointments to Various Boards and Commissions

RECOMMENDATION/MOTION: That the 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 in the reappointment of:

- Mid Central Community Action Board: Bernard Anderson of 12 Hiddenlake Ct., 61704. His four (4) year term will expire February 28, 2018.
- Board of Zoning Appeals: Barbara Meek of 1914 Hackberry Rd., 61704. Her three (3) year term will expire April 30, 2017.

- Property Maintenance Review Board: Julie Morgan of 705 Ohara, 61701 to the Property as the Citizen at Large member. Her three (3) year term will expire April 30, 2017.
- Valerie Dumser of 809 W. Washington, 61701 as the Small Landlord member. Her three (3) year term will expire April 30, 2017.
- John Capodice of 2827 Capodice Rd., 61704 as the Large Landlord member. His three (3) year term will expire April 30, 2017.
- Citizens' Beautification Committee: Sue Floyd of 608 N. Lee St., 61701. Her three (3) year term will expire April 30, 2016 (term expired 4/30/2013).
- Martha Burk of 904 S. Clinton St., 61701. Her three (3) year term will expire April 30, 2016 (term expired 4/30/2013).
- Police Pension Board: Patti-Lynn Silva of 109 E. Olive St., 61701. Her two (2) year term will expire April 30, 2016.
- Human Relations Commission: Rhonda Smith of 2 Rock Garden Ct., Duplex #2, 61704. Her three (3) year term will expire April 30, 2017.
- John Elliott of 1408 Kurt Dr., Apt #10, 61701. His three (3) year term will expire April 30, 2015 (term expired 4/30/2012).

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 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:

SUBJECT: Replacement of Tractor and Front End Loader for Parks, Recreation and Cultural Arts Department

RECOMMENDATION/MOTION: Recommend 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.

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 Parks, Recreation and Cultural Arts Department, Park Maintenance Division, operates a 1994 Case 401D tractor, unit #704, with a front end loader. The transmission lost forward speeds during the last fiscal year. The overall condition of the unit and the repair estimate were considered and the repair expense was deemed financially irresponsible. The cost of maintenance of this unit to date is \$36,580.36.

Parks also operates a 1998 Ford 545D tractor with a front end loader, unit #857 that is used on a daily basis. The cab is severely rusted and many repairs have been done to the door. It has had electrical, steering, rear axle, and shifting problems. Total maintenance cost to date is \$21,840.81. Staff asks that both of these units be declared surplus and disposed of according to Chapter 16. Department of Finance, Section 57. Disposal of Surplus Property.

The new unit will be used on a daily basis at our chip pile loading trucks and moving mulch. With the addition of the jaw bucket on the new unit, it will be capable of moving and loading logs. This will help our Forestry Division on street and park tree log removals. This unit will help streamline the efficiency of site cleanup.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Kubota Tractor Corporation, Corporation Counsel, and Procurement Manager.

FINANCIAL IMPACT: Parks and Recreation Division have \$55,000 budgeted this fiscal year in the FY 2014 Capital Lease - Capital Outlay Equipment Other than Office (40110130 - 72140) line item. The replacement unit will cost \$55,768.30. The \$768.30 overage will be absorbed by savings in the fund from other purchases. Stakeholders can locate this in the FY 2014 Budget Book titled "Other Funds & Capital Improvement Program" on pages 109 and 112.

Respectfully submitted for Council consideration.

Prepared by: Rob Kronen, Superintendent of Fleet Maintenance

Reviewed and concur: Jim Karch P.E., Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Recommended by:

David A. Hales
City Manager

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:

SUBJECT: Vehicle Replacements for Water Department

RECOMMENDATION/MOTION: Recommend 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.

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: Water Transmission and Distribution Division has a 2006 Dodge Dakota with over 102,000 miles. It is scheduled for replacement this fiscal year. This unit has had front end and transmission problems. The maintenance cost to date for this unit is \$11,917.63. Staff asks that both of these units be declared surplus and disposed of according to Chapter 16. Department of Finance, Section 57. Disposal of Surplus Property.

The Water Transmission and Distribution Division also has a 2001 Chevrolet Cavalier. This unit has 64,013 miles and is scheduled to be replaced due to its age. This unit is a passenger car that cannot be used to transport tools or equipment. The Cavalier has not had any major maintenance issues. The Water Department has made operational changes during the transition to automated meters and no longer requires this passenger car. Staff is recommending that this unit be transferred to the Motor Pool and used as a loaner vehicle by all departments when a unit is in for repair. Staff also recommends that the Motor Pool's 1999 Dodge 1500 pickup with differential problems be declared surplus and disposed of according to Chapter 16. Department of Finance, Section 57. Disposal of Surplus Property.

There is currently a Transit Connect in service at the Water Department and has proven to be very versatile. It provides secure storage and protection for expensive tools and equipment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The replacement units will cost \$43,492 and are budgeted in Water Transmission & Distribution - Capital Outlay Licensed Vehicles (50100120 - 72130). Stakeholders can locate this in the FY 2014 Budget Book titled "Other Funds & Capital Improvement Program" on page 140.

Respectfully submitted for Council consideration.

Prepared by: Rob Kronen, Superintendent of Fleet Maintenance

Reviewed and concur: Jim Karch P.E., Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Recommended by:

David A. Hales
City Manager

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:

SUBJECT: 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

RECOMMENDATION/MOTION: Recommend that the Amendment to the contract with Knight E/A, Inc. for Intersection Improvements and Traffic Signal Installation Design Services in the amount of \$4,857.45 be approved, the Motor Fuel Tax Resolution adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: Council approved a contract with Knight E/A, Inc. on October 28, 2013 for design services related to the intersection improvements at General Electric Rd. and Keaton Pl./Auto Row, Hershey Rd. and Arrowhead Dr., and Hershey Rd. and Clearwater Ave. The approved scope of work includes the following: perform traffic analysis, complete intersection design studies, and prepare construction plans, specifications and estimates as required to utilize Motor Fuel Tax funding.

In addition, the original scope of work includes preparation and submission of an Environmental Survey Request (ESR). The ESR was submitted to the Illinois Department of Transportation (IDOT) in January 2014. As part of IDOT's review it was determined that in addition to the ESR, IDOT is requiring that a Preliminary Environmental Site Assessment (PESA) be performed. As part of coordination discussions, IDOT provided east side highway environmental information that will assist the PESA efforts for this project. The provided information allows the required PESA scope to be minimized and the process to be completed faster than what is typical for this scope of work.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: IDOT was contacted to determine required environmental review procedures.

FINANCIAL IMPACT: The additional \$4,857.45 will be paid out of the FY 2014 Budget, Motor Fuel Tax - Street Construction & Improvement (20300300 - 72530). This scope modification was not included in the original Motor Fuel Tax budget for FY 2014. Due to other budgeted Motor Fuel Tax projects not ready to bid, funds are available. Stakeholders can locate this in the FY 2014 Budget Book titled "Other Funds & Capital Improvement Program" on page 10.

Respectfully submitted for Council consideration.

Prepared by: Robert Yehl, PE, Asst. City Engineer

Reviewed and concur: Jim Karch, PE, CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

(RESOLUTION NO. 2014 – 11 ON FILE IN CLERK’S OFFICE)

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:

SUBJECT: Change Order for the 2012 Utility Maintenance Contract

RECOMMENDATION/MOTION: Recommend that the Amendment to the Contract for 2012 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 of Bloomington and authorized by law.

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

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

BACKGROUND: At the August 13, 2012 and April 8, 2013 meetings, Council executed the 2012 Utility Maintenance Contract with George Gildner, Inc. in the amount of \$600,000. Upon execution of the contract, Gildner completed thirty-five (35) repair projects. Some of these projects involved maintenance on pumps at the Lake Bloomington Water Treatment Plant and Ft. Jesse Water Pump Station. This work involved repairing large pumps that have failed or needed maintenance. Final invoices for these repairs have been submitted and exceed the current contract amount by approximately \$41,100. A list of completed projects and cost is provided.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The revision to the contract amount is an additional \$41,100 to be paid by Water Transmission and Distribution - Water Main Construction and Improvement (50100120 - 72540). The Water Department budget has available budgeted funds to cover the revision. Stakeholders may find this in the FY 2014 Budget Book titled “Other Funds and Capital Improvement Program” on page 140. The current and revised amounts that are proposed are listed below.

	CURRENT	REVISED
Storm Water (53103100-72550)	\$150,000	\$150,000
Sanitary Sewer (51101100-72550)	\$200,000	\$200,000
Water Transmission & Dist. (50100120-72540)	\$250,000	\$291,100
Total Contract	\$600,000	\$641,100

Respectfully submitted for Council consideration.

Prepared by: Craig Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 12

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$41,100
IN THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND GEORGE
GILDNER, INC.**

WHEREAS, the City of Bloomington has previously entered into a contract with George Gildner, Inc. in the amount of \$600,000 for thirty-five (35) repair projects; and

WHEREAS, for the reasons set forth in a staff report dated March 24, 2014 it is necessary to enter into the change order (see invoices attached hereto as Exhibit A) and the City Council finds that such is germane to the original contract as signed; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the March 24, 2014 memo was in the best interest of the citizens of the City of Bloomington.

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

That a change order in the amount of \$41,100 in the contract between the City of Bloomington and George Gildner, Inc. be approved.

ADOPTED this 24th day of March, 2014.

APPROVED this 25th day of March, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT A ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Amendment to the Contract for 2012 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:

SUBJECT: Rescind Final Plat for the Resubdivision of Lot 145 in Airport Park Subdivision, 12th Addition, commonly located east of Haeffele Way and north of Rt. 9

RECOMMENDATION/MOTION: That the Final Plat and Ordinance No. 2009 - 80 be rescinded and the Ordinance passed.

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 the Resubdivision of Lot 145 in Airport Park Subdivision, 12th Addition. The Petitioner was CIP, LLC. This Final Plat was never recorded.

The plan was to divide Lot 145 into two (2) separate lots. One lot would be developed as a bar and grill. A site plan for the T-Box Bar and Grill was developed by Lewis, Yockey & Brown, Inc. but the development was never completed.

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

Legal review by: Jeff Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2014 - 15

**AN ORDINANCE RESCINDING THE ORDINANCE PREVIOUSLY APPROVING
THE FINAL PLAT OF THE RESUBDIVISION OF LOT 145 IN THE
12TH ADDITION OF AIRPORT PARK SUBDIVISION**

For the reasons set forth in the Petition for Repeal of Ordinance Approving Final Plat, which Petition is valid and sufficient, and the relief requested in the Petition should be granted.

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

1. That Ordinance Number 2009 - 80 approved by Council on December 14, 2009 be rescinded;
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of March, 2014.

APPROVED this 25th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

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:

2014 \$10 Million Street Resurfacing Bond Contracts - Staff presentation.

David Hales, City Manager, introduced this item. The listing of streets to be resurfaced had not been finalized. City staff could not negotiate with Rowe Construction until after the bid is awarded by the Council. There were three (3) contracts which were part of \$10 million bond issue for streets and sewers.

Jim Karch, Public Works Director, addressed the Council. He presented a short history. City staff had met the deadlines. All sewers had been televised as part of the City's block by block philosophy. He addressed street resurfacing. This project started with a long list of streets. Some streets have sewer issues. City staff included more work in the bid specifications than was possible to be addressed this year. City staff would use this list when looking at the next fiscal year. After the Council awarded the bid, City staff would commence value engineering with Rowe Construction. The contract would be written for a certain dollar amount. There was some money directed towards sewers. There had been some main line sewer repair work completed. The amount of money budgeted for sidewalks was larger than normal. To be compliant with ADA (American with Disabilities Act), sidewalk ramps must be addressed when a street is resurfaced. The City's block by block philosophy requires a review/repair of sidewalks. Street signs and fire hydrants were included in this review process. He also addressed pavement preservation. The City has changed the way it viewed streets. The goal with this program was to extend the pavement's life. This was a continuing program. He stressed that the City was not there yet. The Council needed to stay the course by providing steady funding and a sustainable plan.

The following was presented:

SUBJECT: Analysis of Bids and Approval of Contract for 2014 Bond General Resurfacing

RECOMMENDATION/MOTION: That the unit prices from Rowe Construction for the 2014 Bond General Resurfacing Program be accepted, and the contract be approved in the base amount of \$8,190,000 to be paid out of the FY 2014 budget, with an additional \$140,000 for the Alternate FY 2015 Howard St. CDBG project, to be executed on or after May 1, 2014, contingent upon approval of the Howard St. CDBG project included in the FY 2015 Proposed Budget, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks; Objective 4d. Improved neighborhood infrastructure; and Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: The Public Works Department prepared the 2014 Bond General Resurfacing proposal package and advertised the project for competitive bids. Bids for this contract were

received until 11:30 a.m. Monday, March 10, 2014 in the office of the City Clerk. A lone bid was received and opened in the Council Chambers. The single bid was submitted by Rowe Construction.

Rowe Construction – Base Price	\$9,989,386.58
Rowe Construction – Alternate Price (CDBG Howard Street Scope of Work)	\$159,422.62
Rowe Construction Base + Alternate Price	\$10,148,809.20
Engineer’s Estimate – Base Price	\$9,872,532.60
Engineer’s Estimate – Alternate Price	\$170,987.00
Engineer’s Estimate	\$10,043,519.60
Bond Allocation Amount	\$ 8,190,000.00
CDBG Funds	\$140,000.00
Total City Funds Allocation	\$8,330,000.00

As shown above, the contract package included a base bid, as well as an alternate bid that utilizes Community Development Block Grant (CDBG) Funds for curb and gutter, sidewalk and driveway improvements on Howard St.

The Alternate constitutes work proposed to be funded in the FY 2015 proposed budget. Since the FY 2015 budget is not currently approved, this portion of the contract cannot be executed at this time. After May 1, 2014 the Alternate portion, which includes the Howard St. CDBG project work, will be executed if approved in the FY 2015 budget.

Rowe Construction’s base price is greater than the \$8,190,000 staff recommends be allocated to the bond general resurfacing related work. Staff requests Council authorization to coordinate with Rowe Construction, the lone low bidder, in order to determine Value Engineering solutions that will reduce project cost and maximize the scope of work that can be completed. Upon final scope determination, a contract will be issued and executed up to a maximum of \$8,190,000. The Howard St. CDBG project work will be executed contingent upon approval of the Howard St. CDBG project included in the FY 2015 Proposed Budget. In addition, the successful bidder will be required to provide a separate performance bond for the Howard St. CDBG project.

A unit price comparison of the major work items included in the bond fund scope of work is shown in the table below (alternate not included):

ITEM DESCRIPTION	UNITS	2013 Unit Price	2014 Unit Price	Change (\$) 2013 - 2014	Change (%) 2013 - 2014
Inlets to be Adjusted	EA	\$933.53	\$950.00	\$16.47	1.76%
Inlets to be Reconstructed - Type 3 Frame & Grate	EA	\$2,600.94	\$2,800.00	\$199.06	7.65%
Pavement Patching	SY	\$87.71	\$95.86	\$8.15	9.29%

ITEM DESCRIPTION	UNITS	2013 Unit Price	2014 Unit Price	Change (\$) 2013 - 2014	Change (%) 2013 - 2014
Comb Concrete Curb & Gutter - Spot Repair	LF	\$73.74	\$86.27	\$12.53	16.99%
Polymerized HMA Surface Course, Stone Matrix	TON	\$147.91	\$163.85	\$15.94	10.78%
Polymerized HMA Surface Course	TON	\$110.06	\$111.61	\$1.55	1.41%
Polymerized Leveling Binder, Machine Method	TON	\$123.31	\$126.66	\$3.35	2.72%
Sand Seal Coat	TON	\$151.28	\$151.46	\$0.18	0.12%
Surface Removal, 1 ¾"	SY	\$3.88	\$4.80	\$0.92	23.71%
Surface Removal, 2 ¼" / 2 ½"	SY	\$6.55	\$5.90	(\$0.65)	-9.92%
Thermoplastic Pavement Marking Line 6"	LF	\$0.89	\$1.17	\$0.28	31.46%
HMA Speed Hump	EA	\$3,422.14	\$4,266.19	\$844.05	24.66%
Removal of Traffic Calming Circle	EA	\$2,741.28	\$4,582.34	\$1,841.06	67.16%

The 2014 Bond General Resurfacing proposal package was prepared by Public Works' staff to include a scope of work greater than the bond allocation amount for this contract. Staff was optimistic that the increase in scope of work above previous years would result in economies of scale for the perspective bidders and in turn reduce the unit prices from those seen in years past. As shown above, this did not occur. Therefore, Value Engineering and reduced scope of work will be necessary to adjust the work to the allocated bond amount.

The 2014 \$10,000,000 Bond Block by Block projects have been allocated as follows:

CCTV Sewer Inspections	\$200,000
Pavement Preservation Program	\$450,000
Sidewalk Replacement & Handicap Ramp Program	\$1,000,000
SEDCO Microwave Detection	\$160,000
General Resurfacing Program	\$8,190,000

The additional \$140,000 for the Alternate FY 2015 Howard St. CDBG project funds are proposed to be allocated from the FY 2015 Proposed Budget.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on February 24 and March 3, 2014 and a pre-bid meeting was held at 10:30 a.m. on March 3, 2014 in the Public Works Department's Conference Room.

FINANCIAL IMPACT: General Resurfacing Contract for \$8,190,000 is included in the FY 2014 Amended Budget. On October 14, 2013, Council passed an ordinance providing for an issuance of General Obligation Bonds not to exceed \$10,000,000 for the purpose of financing street and sewer improvements. The budget amendment was presented by staff and approved by Council on December 16, 2013. The accounting for payment of the \$8,190,000 is Capital Improvement - Street Construction & Improvements (40100100 - 72530). These funds will be encumbered in FY 2014 and all bond related expenditures will be assigned project code 40500. The additional \$140,000 for the Alternate FY 2015 Howard St. CDBG project funds are proposed to be allocated from the FY 2015 Proposed Budget, Community Development Capital Improvement - Street Construction (22402440 – 72530 - 52000). The additional \$140,000 will be encumbered after May 1, 2014 contingent upon Council approval of the Howard St. CDBG project being included in the FY 2015 Budget.

Respectfully submitted for Council consideration.

Prepared by: Robert Yehl, PE, Asst. City Engineer

Reviewed and concur: Jim Karch, PE, CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: George D. Boyle, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

David Hales, City Manager, addressed the Council. He recommended approval of the lone bid. The City would accept the unit prices and limit the contract amount to \$8,190,000. In addition, Community Development Block Grant funds, in the amount of \$140,000, would also be used for resurfacing.

Alderman Painter questioned the lone bid.

Jim Karch, Public Works Director, addressed the Council. He noted that an asphalt plant was required. Street resurfacing was put out for bid. There were other vendors. He cited the contract amount.

Alderman Sage thanked the Public Works staff. He cited the magnitude of the project. He expressed his appreciation for their effort.

Mr. Karch acknowledged that Public Works staff had worked hard.

Alderman Stearns questioned if Evans St. would be resurfaced. She noted that it was a brick street. She questioned the status of the proposed Brick Street Policy. Mr. Karch noted that there was Brick Street Strategic Plan. The request to resurface was due to the street's condition. The City has resurfaced brick streets in the past.

Alderman Stearns requested that a neighborhood meeting be held. She did not believe that the residents understood that their brick street would be resurfaced. She had the same concerns regarding Taylor St. Mr. Karch believed that Taylor St. was scheduled for Pavement Preservation. He offered to host a neighborhood meeting regarding Evans St.

Alderman Lower commented that this was a large project. He requested the public's patience. This was large job. Motorists needed to be careful as there would be road crews. The City was making improvements.

Alderman Mwilambwe believed that the summer construction season would be busy. He questioned the process/rationale for streets being removed from the list.

Mr. Karch referred the Council to the City's web site. Criteria was listed there. He restated that the need exceeded the available dollars. It was an issue of economics. He added that there would be traffic control. Street resurfacing would address a combination of arterial and residential streets. The key was balance.

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:

SUBJECT: Analysis of Bids and Approval of Contract for 2014 Bond Sidewalk Replacement and Handicap Ramp Program

RECOMMENDATION/MOTION: Recommend 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.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. This project upgrades sidewalks throughout the City, providing better pedestrian access. It also improves the infrastructure in neighborhoods, providing residents with a way to contribute to the quality of the sidewalks in their neighborhood. Objective 4d. Improved neighborhood infrastructure; Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: Bids for this contract were received until 11:30 a.m. Monday, March 10, 2014 in the office of the City Clerk. Three (3) bids were received and opened in the Council Chambers.

Bids:		Base bid	Alternate (for FY2015 50/50 program)	Total
J.G. Stewart, Inc., Bloomington, IL	<i>Low Bid</i>	\$ 926,172.40	\$ 86,698.75	\$ 1,012,871.15
George Gildner, Inc., Bloomington, IL		\$ 997,331.00	\$ 106,398.00	\$ 1,103,729.00
Otto Baum Company, Inc., Morton, IL	<i>As Corrected</i>	\$1,204,432.50	\$ 105,736.00	\$ 1,310,168.50
	<i>As Read</i>	\$1,195,312.50	\$ 105,736.00	\$ 1,301,048.50
Engineer's Estimate:		\$1,083,012.50	\$ 112,275.63	\$ 1,195,288.13

This project includes the upgrade of any non-ADA compliant sidewalk access ramps and replacement of sidewalk that is not considered serviceable along the streets to be resurfaced under the Bond Issue. The Alternate includes work to be done under the 50/50 sidewalk program which is an annual program administered by Public Works which allows homeowners to request that sidewalk be replaced in front of their property, with the City's contractor doing the work and sharing in half the cost.

Since the low bid is under \$1,000,000, the Alternate is under \$100,000 and the bid documents allow the addition of repair locations, a Contract for the entire budget amount will be awarded.

The Alternate constitutes work to be funded in the FY 2015 proposed budget. Since the FY 2015 budget is not currently approved, this portion of the contract cannot be executed at this time. After May 1, 2015, the Alternate portion which includes the 50/50 Sidewalk Program will be executed contingent upon approval of the 50/50 Sidewalk Program included in the 2015 proposed budget. In addition, the successful bidder will be required to provide a separate performance bond for the 50/50 Sidewalk Program.

The substantial completion date for this project is in the bid documents as November 14, 2014. If there is still money left in the 50/50 sidewalk program, the ending date will be extended until funds runs out or April 30, whichever occurs first. This past year an insert was included in the water bill to promote the 50/50 sidewalk program. This resulted in a sizable response which depleted all of the funds. If a water bill insert is mailed this year, it may result in funds being used sooner than last year.

The project instruction to bidders stated that bidders shall return two complete copies of the entire proposal booklet when submitting their bid. Of the three bidders, two submitted only one copy of their bid proposal booklet. The lowest bidder, J.G. Stewart, was one of these. The City chose to waive this non-compliance with bid instructions as non-material. Under Illinois law, whether a variance between a bid instruction and a bid is material is determined by whether this variance gives one bidder a substantial advantage or benefit over other bidders. The City judged this failure as non-material in that it did not confer one bidder with a substantial advantage over other bidders.

A unit price comparison of five (5) major work items included in the bond fund scope of work is shown in the table below (alternate not included):

DESCRIPTION	UNITS	2013 Unit Price	2014 Unit Price	Change (\$) 2013 - 2014	Change (%) 2013 - 2014
4" sidewalk remove/replace	SF	\$6.40	\$6.40	\$0.00	0.00%
6" sidewalk remove/replace	SF	\$6.75	\$6.75	\$0.00	0.00%
saw cutting	SF	\$1.40	\$1.65	\$0.25	17.86%
curb replacement	LF	\$22.75	\$23.00	\$0.25	1.10%
retaining wall	SF	\$40.00	\$40.00	\$0.00	0%

The 2014 \$10,000,000 Bond Issue Block by Block project funds have been allocated as follows:

CCTV Sewer Inspections	\$200,000
Pavement Preservation Program	\$450,000
Sidewalk Replacement & Handicap Ramp Program	\$1,000,000
SEDCO Microwave Detection	\$160,000
General Resurfacing Program	\$8,190,000

The additional \$100,000 for Alternate FY15 50/50 Sidewalk Program funds would be allocated from the FY 2015 Proposed Budget.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on February 24 and March 3, 2014 and a pre-bid meeting was held at 9:00 a.m. on March 3, 2014 in the Public Works Department's Conference Room.

FINANCIAL IMPACT: Sidewalk Replacement & Handicap Ramp Program for \$1,000,000 is included in the FY 2014 Amended Budget. On October 14, 2013, Council passed an ordinance providing for an issuance of General Obligation Bonds not to exceed \$10,000,000 for the purpose of financing road and sewer improvements. The budget amendment was presented by staff and approved by Council on December 16, 2013. The accounting for payment of the \$1,000,000 is Capital Improvement - Sidewalks (40100100 - 72560). These funds will be encumbered in FY 2014 and all bond related expenditures will be assigned project code 40500. A budget transfer of \$1,000,000 from Street Construction to Sidewalks will need to be processed in Munis (City's financial system) after Council approval and prior to the encumbrance being created. The remaining \$100,000 for the 50/50 sidewalk portion is included in the FY 2015 Proposed Budget. On May 1, 2014 contingent upon Council approval of the 50/50 Sidewalk Program included in the FY 2015 Proposed Budget, this will be encumbered and paid out of Capital Improvement - Sidewalks (40100100 - 72560).

Respectfully submitted for Council consideration.

Prepared by: Anthony Meizelis, PE, Civil Engineer I

Reviewed and concur: Jim Karch, PE CFM, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: George D. Boyle, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

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:

SUBJECT: Analysis of Proposal and Approval of Contract for 2014 Bond Pavement Preservation

RECOMMENDATION/MOTION: 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.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks; Objective 4d. Improved neighborhood infrastructure; and Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: The Pavement Preservation program was bid in 2011. The sole bidder in 2011 was Corrective Asphalt Materials, LLC. The Reclamite Preservation Seal and CRF Restorative Seal materials are proprietary and Corrective Asphalt Materials, LLC is the sole source distributor/applicator for our region. At the January 28, 2013 meeting, Council directed the Public Works Department to negotiate the 2013 Pavement Preservation Program. As has been done since 2011, the 2014 Bond Pavement Preservation program was negotiated with Corrective Asphalt Materials, LLC.

Reclamite is an emulsion made up of specific petroleum oils and resins. It penetrates into the top layer of asphalt pavement and brings the Maltene and Asphaltene ratio back to a proper balance. The rejuvenating process keeps the pavement flexible, so both cracking and road fatigue are reduced. It also seals the pavement from air and water, slowing the oxidation process and reducing the loss of small aggregate.

CRF is an emulsion containing Reclamite and eleven percent (11%) asphalt. It provides more of a seal coat and is covered with a thick layer of lime screenings which blend into the surface and help to fill voids and cracks.

This year’s contract provides for increased use of CRF Restorative Seal for streets that have aged beyond the timeframe to apply Reclamite alone. Several CRF trials have been done on streets since 2007 with positive results. The price totals listed below are based on unit prices of \$0.85 per square yard for Reclamite (2013 was \$0.83, 2012 was \$0.82) and \$2.12 per square yard for CRF (2013 was \$2.46).

Rejuvenator – Reclamite	\$169,082.00
CRF Restorative Seal	\$300,192.00
Street Sweeping and Cleaning – Before Treatment	\$5,500.00
Base Price	\$474,774.00
Alt 1 (Credit for providing Material Stockpile Site)	(\$35,250.00)
Base + Alt 1	\$439,524.00
Engineer’s Estimate	\$539,038.80
Bond Allocation Amount	\$450,000.00

These types of treatments are designed to keep streets in good condition. Streets are treated with Reclamite the same year they are resurfaced to obtain maximum benefit from the Reclamite. The streets scheduled to be treated under this contract are shown on the attached maps.

The 2014 \$10,000,000 Bond Issue Block by Block project funds have been allocated as follows:

CCTV Sewer Inspections	\$200,000
Pavement Preservation Program	\$450,000
Sidewalk Replacement & Handicap Ramp Program	\$1,000,000
SEDCO Microwave Detection	\$160,000
General Resurfacing Program	\$8,190,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Pavement Preservation Program for \$450,000 is included in the FY 2014 Amended Budget. On October 14, 2013, Council passed an ordinance providing for an issuance of General Obligation Bonds not to exceed \$10,000,000 for the purpose of financing street and sewer improvements. The budget amendment was presented by staff and approved by Council on December 16, 2013. The accounting for payment of the \$450,000 is Capital Improvement - Street Construction & Improvements (40100100 - 72530). These funds will be encumbered in FY 2014 and all bond related expenditures will be assigned project code 40500.

Respectfully submitted for Council consideration.

Prepared by: Robert Yehl, PE, Asst. City Engineer

Reviewed and concur: Jim Karch, PE, CFM, Director of Public Works
Reviewed by: Barbara J. Adkins, Deputy City Manager
Financial & budgetary review by: Carla A. Murillo, Budget Manager
Legal review by: George D. Boyle, Asst. Corporation Counsel
Recommended by:

David A. Hales
City Manager

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:

Luther Oaks Expansion Project - Staff presentation.

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. This item would involve a number of action items. City staff had negotiated a significant condition regarding the Special Use Permit: a secondary road/access. A skilled nursing facility was a high risk development from a fire safety viewpoint.

Jim Karch, Public Works Director, addressed the Council. This project was adjacent to Trinity Lutheran School. The property was owned by Trinity Lutheran Church. The Church had leased the land to Luther Oaks. This facility had done well. He recognized concerns regarding Lutz Rd. This was Luther Oaks' second request to expand a skilled nursing facility. The parties had reached an understanding. A screen would be installed on Luther Oaks' private sewer line plus a grinder pump. There had been issues at

the City's lift station. The Fire Department had expressed concern regarding this facility, (i.e. high hazard), and requested a secondary access. In the future, this access point might become a secondary access for the residents. He restated that the property was owned by Trinity Lutheran Church and an agreement had been reached between the parties.

The following was presented:

SUBJECT: SP-01-14 Review of the Petition Submitted by Luther Oaks, Inc. requesting Approval of a Special Use Permit for a Skilled Nursing Facility for the Property Located at 601 Lutz Rd.

RECOMMENDATION/MOTION: That the Special Use Permit be approved and the Ordinance passed with the following conditions of approval:

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.

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

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

Upon approval of the Special Use Permit, the expansion of the skilled nursing facility may begin. This will enable the expansion of this business, as well as encourage the growth of other

businesses by providing local jobs at the skilled nursing facility and related local health care occupations.

BACKGROUND: The petitioner is requesting the approval of a Special Use for a skilled nursing facility in order to expand the existing senior housing and assisted living facility with a new skilled nursing facility. The new building will be attached to their existing building. The site is located on the north side of Lutz Rd.

This case was before the Zoning Board of Appeals for a public hearing and review on March 20, 2014. The petitioner, their attorney and engineer spoke in favor of the petition. They explained how they have worked to satisfy staff's concerns, particularly about accommodating the need for a secondary access road for emergency vehicles. They also supported a condition of approval that a screen be installed in the sewer system to deal with material from their existing facility that has clogged the system. Mike Kimmerling, Fire Chief, testified as to the need for the second emergency access and how an agreement has been reached addressing maintenance and alternatives if the land used for the access road should become unavailable. The conditional requirements for secondary access were prepared by Jeff Jurgens, Interim Corporation Counsel and found acceptable by the petitioner's attorney. No one else from the public spoke in favor or opposition to the petition.

Staff has evaluated the project and finds it to be an appropriate use for the site. The adjacent land uses should be compatible with the proposed use. Senior or institution use and a school already exist with a large open space between it and the proposed use. The capacity of the street is adequate and there should be only a minimal change in traffic.

The Zoning Board of Appeals voted to recommend approval of the special use permit by a vote of 7 - 0 condition upon the petitioner meeting the two (2) conditions of approval as stated above.

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 twenty-five (25) property owners within 500'. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: The financial impact on City revenues should increase with an increase in sales tax through many health care purchases with the approval of the Special Use.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

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

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
601 LUTZ ROAD, BLOOMINGTON, ILLINOIS, 61704**

State of Illinois)
)ss.
County of McLean)

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

NOW COMES Luther Oaks, Inc., an Illinois not-for-profit corporation, hereinafter referred to as
your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is a lessee of the premises hereinafter legally described in Exhibit
“A”, which is attached hereto and made a part hereof by this reference;
2. That said premises presently has a zoning classification of S – 2, (Public Lands and
Institutions 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 the
construction of a skilled nursing facility, is allowed as a special use in an S - 2 zoning
district;
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 S - 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 S - 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.
11. That the detail of the proposed use and improvements is reflected in the attached materials dated December 20, 2013 prepared by Shive Hattery Architecture and Engineering and by Hoffman Planning, Design and Construction, Inc.

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

Respectfully submitted,

LUTHER OAKS, INC.

By: William C. Wetzel
Its Attorney

ORDINANCE NO. 2014 - 16

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR CONSTRUCTION OF A SKILLED NURSING FACILITY FOR PROPERTY LOCATED AT: 601 LUTZ ROAD, BLOOMINGTON, IL 61704

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 the construction of a skilled nursing facility 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 the construction of a skilled nursing facility on the premises hereinafter described in Exhibit "A" shall be and the same is hereby approved with the following conditions:
 - a. A sewer screen being installed in the sanitary sewer; and
 - b. 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.

2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 24th day of March, 2014.

APPROVED this 25th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

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:**

SUBJECT: 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

RECOMMENDATION/MOTION: Recommend that Ordinance 2013 - 56 be rescinded, the revised Final Plat be approved and the Ordinances passed.

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

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

BACKGROUND: This petition is one of three (3) Council items on the agenda for this site.

On February 17, 2006, Council approved the final plat for Luther Oaks Subdivision.

On August 12, 2013, Council approved the final plat for the First Addition to Luther Oaks Subdivision in preparation for a building expansion. This building expansion was later scaled back due to requirements from the State of Illinois.

The petition to repeal the Final Plat for First Addition to Luther Oaks Subdivision reverses approval of the Final Plat submitted in August 2013.

This Final Plat covers the same area as Ordinance 2013 – 56 approved in August 2013. It revises the locations of some utilities in preparation for the scaled back expansion of the Luther Oaks facility.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Luther Oaks, Inc.

FINANCIAL IMPACT: None to the City, all survey, plat and recording costs are paid by Luther Oaks, Inc.

Respectfully submitted for Council consideration.

Prepared by: Anthony Meizelis, PE, Civil Engineer I

Reviewed and concur: Jim Karch, Director of Public Works

Reviewed by: John Kennedy, Director of Parks, Rec & Cultural Arts
Barbara J. Adkins, Deputy City Manager

March 24, 2014

1251

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION TO RESCIND AN ORDINANCE APPROVING A FINAL PLAT

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

Now comes LUTHER OAKS, INC., hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

- 1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit "A" which is attached hereto and made a part hereof by this reference, is are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
- 2. That your Petitioner seeks approval to rescind the Ordinance adopted by the City of Bloomington hereinafter described, and in support of this Petition states as follows:
 - A. That your Petitioner previously filed herein a Petition for Approval of Final Plat for the First Addition to Luther Oaks Subdivision;
 - B. That by action of the City Council of the City of Bloomington at its regularly scheduled meeting held on August 12, 2013, the Council approved the Final Plat as presented and the approval was reflected in Ordinance Number 2013 - 56;
 - C. That subsequent to the adoption of the Ordinance, your Petitioner determined that the Final Plat as approved was incomplete and that the most appropriate way to deal with the issue presented was to vacate the above-referenced Ordinance and proceed with the filing of a revised Final Plat for the First Addition to Luther Oaks Subdivision, which filing has been accomplished simultaneously with the filing of this Petition.

WHEREFORE, your Petitioner prays that Ordinance Number 2013 - 56 be repealed for the reasons hereinabove set forth.

Respectfully submitted,

LUTHER OAKS, INC.

By: William C. Wetzel, Its Attorney

ORDINANCE NO. 2014 - 17

AN ORDINANCE RESCINDING THE ORDINANCE PREVIOUSLY APPROVING THE FINAL PLAT OF THE FIRST ADDITION TO LUTHER OAKS SUBDIVISION

For the reasons set forth in the Petition for Repeal of Ordinance Approving Final Plat, which Petition is valid and sufficient, and the relief requested in the Petition should be granted.

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

1. That Ordinance Number 2013 - 56 approved by Council on August 12, 2013 be rescinded;
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of March, 2014.

APPROVED this 25th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes LUTHER OAKS, INC., hereinafter referred to as your petitioners, 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, of is are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as First Addition to Luther Oaks Subdivision;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the First Addition to Luther Oaks Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

LUTHER OAKS, INC.

By : William C. Wetzel
Its Attorney

ORDINANCE NO. 2014 - 18**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
FIRST ADDITION TO LUTHER OAKS SUBDIVISION**

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

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

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

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

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

1. That the Final Plat of the First Addition to Luther Oaks Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 24th day of March, 2014.

APPROVED this 25th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

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:

SUBJECT: 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

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

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

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

BACKGROUND: These two (2) petitions are among three (3) Council items on the agenda for this site.

On February 17, 2006, Council approved the Final Plat for Luther Oaks Subdivision.

On August 12, 2013, Council approved the Final Plat for the First Addition to Luther Oaks Subdivision in preparation for a building expansion. This building expansion was later scaled back after submission to the State of Illinois for review.

The first easement vacation plat vacates an easement at the west end of the building that was dedicated along the west edge of the original Luther Oaks Subdivision, passed by Council on February 17, 2006. This water main will be looped further to the west with an easement dedicated with the revised Final Plat for the First Addition to Luther Oaks Subdivision.

The second easement vacation plat removes the easement for a sanitary sewer that is being changed from a public sewer to a private sewer. This sewer does not need to be public as it only serves the Luther Oaks facility.

Collectively, the submitted easement vacations are to prepare for a repeal of Ordinance 2013 - 56 and approval of a revised Final Plat for the First Addition to Luther Oaks Subdivision.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Luther Oaks, Inc.

FINANCIAL IMPACT: None. All survey, plat and recording costs are paid by Luther Oaks, Inc.

Respectfully submitted for Council consideration.

Prepared by: Anthony Meizelis, PE, Civil Engineer I

Reviewed and concur: Jim Karch, Director of Public Works

ORDINANCE NO. 2014 - 19**AN ORDINANCE PROVIDING FOR THE VACATION OF SANITARY SEWER
EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of Sanitary Sewer Easement; 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 Sanitary Sewer Easement as requested in this case.

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

1. That the Sanitary Sewer Easement, as shown on the attached Easement Vacation Plat, is hereby vacated.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated Sanitary Sewer Easement 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 24th day of March, 2014.

APPROVED this 25th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

ORDINANCE NO. 2014 - 20

**AN ORDINANCE PROVIDING FOR THE VACATION OF WATER MAIN UTILITY
EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the vacation of Water Main Utility Easement; 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 Water Main Utility Easement as requested in this case.

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

1. That the Water Main Utility Easement, as shown on the attached Easement Vacation Plat, is hereby vacated. This vacation, however, is contingent on the Petitioner relocating the water easement at his sole cost and expense in a location and manner agreed upon by the City.
2. The aforesaid vacation notwithstanding, the City reserves to itself and to all utilities an easement the full width of the vacated Water Main Utility Easement 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 24th day of March, 2014.

APPROVED this 25th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT "A"
BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois more particularly described as follows:

Commencing as a point of reference at a stone marking the Southeast corner of the Southwest Quarter of said Section 17;

Thence North 01 Degree 34 Minutes 05 Seconds West along the East line of the Southwest Quarter of said Section 17 a distance of 40.02 feet to the Point of Beginning;

Thence North 90 Degrees 00 Minutes 00 Seconds West and parallel with the South line of the East half of the Southwest Quarter of said Section 17 a distance of 381.51 feet;

Thence North 01 Degree 51 Minutes 29 Seconds West a distance of 241.98 feet;

Thence North 90 Degree 00 Minutes 00 Seconds West a distance of 470.00 feet to a point on the West line of Lot 3 in Townley's Highland Acres Subdivision;

Thence North 00 Degrees 48 Minutes 10 Seconds West along the West line of said Lot 3 a distance of 134.07 feet;

Thence North 20 Degrees 56 Minutes 51 Seconds West a distance of 192.92 feet;

Thence North 39 Degrees 14 Minutes 11 Seconds East a distance of 242.01 feet;

Thence North 88 Degrees 25 Minutes 55 Seconds East a distance of 756.50 feet to a point on the East line of the Southwest Quarter of said Section 17;

Thence South 01 Degree 34 Minutes 05 Seconds East along the East line of the Southwest Quarter of said Section 17 a distance of 764.50 feet to the Point of Beginning.

Said described parcel contains 530208.619 (12.171 acres) square feet more or less.

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.

Alderman Sage highlighted the collaboration between the City, Trinity Lutheran Church, Trinity Lutheran School and Luther Oaks. Luther Oaks would be adding full time jobs at their facility. At some point the City will need to address Lutz Rd. In the next month, a traffic study would be conducted. The design work for Lutz Rd. would be completed soon. He wanted the Council to be aware of Lutz Rd.

Alderman Lower expressed his support for Alderman Sage's comments. It had been a long process. Luther Oaks was a major project and a bright spot on the City's southwest side.

The following was presented:

Tax Enforcement - Staff presentation.

Mayor Renner introduced this item.

Jeff Jurgens, Interim Corporation Counsel, addressed the Council. Currently, there were tax issues. A Text Amendment had been prepared which would update the City Code, address penalties, provide clearer direction, allow interest charges, etc. In addition, there was a repayment agreement with the Chateau. This agreement addressed arrearages. The agreement was comprehensive, (\$56,383.53 in interest and \$12,415.38 in penalties). Repayments would be made over a three (3) year period. The City would be made whole. City staff had taken this situation seriously. The text amendment addressed the process to file tax liens and the notification process.

Mayor Renner briefly addressed the history of this item. The City needed to have an agreement with the Chateau prior to approval of a liquor license for Tony Roma's. He thanked Mr. Hales, Mr. Jurgens and George Boyle, Asst. Corporation Counsel, for their efforts.

Alderman Fazzini had reviewed City staff's response. He questioned other enforcement efforts beyond at tax lien.

Mr. Jurgens stated action would be similar to the state's Dept. of Revenue. Court action could be taken up to business closure. The City would keep better track of these tax payments. The City will be on top of, enforce taxes and insure payments of same.

Alderman Fazzini questioned if the City had the ability to acquire property. Mr. Jurgens was unsure but would verify same with tax attorneys.

Alderman Fazzini noted the dollar amount and when the Council had been informed.

Mr. Hales stated that this issue had been brought to his attention by Patti-Lynn Silva, Finance Director and the Finance Dept. staff. City staff has drafted a debt collection policy/procedure. He added that the first thirty to sixty (30 – 60) days were critical.

Mayor Renner added that there had been months of negotiations. He restated that there was a new restaurant, Tony Roma's, at the Chateau. Revenue had been collected but not turned over to the City.

Alderman Lower noted that the City had a vehicle to collect the debt. If possible, the City needed to keep the Chateau in business.

Mr. Jurgens added that the City wanted the Chateau to succeed. The City wanted to be repaid. He believed that this would be done over the next three (3) years.

Alderman Stearns noted that the Chateau was not the only hotel in the City. She questioned the scope across the City.

Mayor Renner stated that he was not aware of anything else.

Mr. Hales added that the City had seen hotel properties which have gone bankrupt. Dollars owed to the City were not significant.

Alderman Stearns questioned how many businesses were in arrears. Mr. Hales was not aware of any.

Alderman Stearns questioned the City's ability to collect if a bankruptcy is filed. Mr. Jurgens informed the Council that he had utilized the assistance of a Sorling Northrup attorney who had been employed by the Dept. of Revenue. This individual had experience in tax collections.

Alderman Stearns noted City staff efforts with this vendor. Mr. Jurgens stated that internal protocols would be developed. The City wanted this business to be successful. City staff will need to stay on top of this item

Alderman Stearns expressed her opinion that the Chateau was important.

Alderman Fazzini cited his past experience with hotel properties. The Chateau had been spending the City's money. The Chateau had given away City dollars to avoid bankruptcy. The City needed to act quickly.

The following was presented:

SUBJECT: Text Amendment to Chapter 39, Addressing the Enforcement and Collection of City Taxes

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

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

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

BACKGROUND: In reviewing the procedures utilized by the City to address unpaid City taxes, a few discrepancies and ambiguities were found. The text amendment clarifies the procedures that the City will utilize if a person or business fails to pay the taxes charged by the City (e.g., food and beverage taxes, hotel taxes, etc.) and strengthens the options available to the City. Under the new structure, any unpaid tax will be subject to a five percent (5%) penalty and monthly interest in the amount of one and one-half percent (1.5%). In addition, various taxing lien and other enforcement provisions have been added. Much of the language tracks the language as authorized by the Illinois Municipal Code, the Illinois Local Government Taxpayers Bill of Rights, and the statutory collection provisions utilized by the Illinois Department of Revenue for the collection of unpaid taxes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Interim Corporation Counsel

Review by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

ORDINANCE 2014 - 21

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE
BLOOMINGTON CITY CODE ADDRESSING THE ENFORCEMENT AND
COLLECTION OF CITY TAXES**

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

SECTION 1. That the sections identified below in Chapter 39 of Bloomington City Code, 1960, as amended, shall be further amended as follows (unless otherwise noted, additions are indicated by underlines; deletions indicated by strikeouts):

- A. Section 28(d) shall be deleted in its entirety.**
- B. Section 29 shall be deleted in its entirety and replaced as follows:**

Whenever any person shall fail to pay any tax as herein provided or required, or to file any tax return, the penalties, interest, and collection procedures set forth in Article XV shall apply in addition to any other rights and remedies provided to the City by law or ordinance.

- C. The title of Section 32 shall be amended as follows:**

~~SEPARABILITY~~ SEVERABILITY

- D. Section 43 shall be deleted in its entirety and replaced with the following:**

INTENTIONALLY LEFT BLANK

- E. Section 51 shall be amended as follows:**

SEC. 51 CREDIT FOR OVERPAYMENT.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Articles from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefore shall be so credited.

~~No action to recover any amount of tax dues under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.~~

F. Section 148, the sixth paragraph, shall be amended as follows:

In case of failure to pay the tax, or any portion thereof, or any penalty provided for in this Article, or interest, when due, the City may bring suit against the tax collector or the purchaser or user to recover the amount of such tax or portion thereof, and/or penalty or interest; or, if the tax collector or purchaser or user has died or become incompetent, may file a claim therefore against his estate; provided that no such suit with respect to any tax, or portion thereof, or penalty, and/or interest shall be instituted more than ~~two (2)~~ six (6) years after the date any proceedings in court for review thereof have terminated or the time for the taking thereof has expired without such proceeding being instituted, except with the consent of the person from whom such tax or penalty or interest is due; nor, except with such consent, shall such suit be instituted more than ~~two (2)~~ six (6) years after the date any return is filed with the City in cases where the return constitutes the basis for the suit for unpaid tax or portion thereof, or penalty provided for in this Article, or interest: Provided that the time limitation period on the City's right to bring any such suit shall not run during any period of time in which the order of any court has the effect of enjoining or restraining the City from bringing such suit.

G. Section 302 shall be amended as follows:

SEC. 302 SCOPE.

The provisions of this ordinance shall apply to the City's procedures in connection with all of the City's locally imposed and administered taxes which are not inconsistent with the Articles imposing the City's locally imposed and administered taxes, shall apply as far as practicable, to the City's procedures and collection powers in connection with all of the City's locally imposed and administered taxes.

H. Section 311 shall be deleted in its entirety and replaced as follows:

SEC. 311 INTEREST AND PENALTIES.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated. For any locally imposed tax under this Chapter 39 or the City that is not paid when required, or only partially paid, or when no tax return is timely filed, the provisions of Section 311(a) and (b) below shall be applicable.

- (a) Interest. The City hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, together with any unpaid interest assessed on such tax, to be

one and one-half percent (1.5%) per month, based on a 30 day month and the number of days elapsed.

- (b) **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed; and if any tax is not paid within the time and manner provided by the controlling tax ordinance, a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty-five percent (25%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty under this Article shall not apply if a failure to file or pay penalty is imposed by the controlling ordinance.

I. Section 314 shall be amended as follows:

SEC. 314 STATUTE OF LIMITATIONS.

The City, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing:

- (a) No determination of tax due and owing may be issued more than 4 years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
- (b) If any tax return is not filed or if during any 4-year period for which a notice of tax determination or assessment may be issued by the City, the tax paid was less than 75% of the tax due, the statute of limitations for issuance of a notice of tax determination or assessment shall be six (6) years after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.
- (c) No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.

SEC. 314A COLLECTION.

In case of failure to pay any tax imposed under this Chapter 39 or by the City, or any portion thereof, or any penalty provided for in this Article, or interest, when due, the City may bring suit against the tax collector or the purchaser or user to recover the amount of such tax or portion thereof, or penalty and/or interest; or, if the tax collector or purchaser or user has died or become incompetent, may file a claim therefore against his estate; provided that no such suit with respect to any tax, or portion thereof, or penalty, or interest shall be instituted more than six (6) years after the date any proceedings in court for review thereof have terminated or the time for the taking thereof has expired without such proceeding being instituted, except with the consent of the person from whom such tax or penalty or interest is due; nor, except with such consent, shall such suit be instituted more than six (6) years after the date any return is filed with the City in cases where the return constitutes the basis for the suit for unpaid tax or portion thereof, or penalty provided for in this Article, or interest: Provided that the time limitation period on the City's right to bring any such suit shall not run during any period of time in which the order of any court has the effect of enjoining or restraining the City from bringing such suit.

SEC. 314B TAX LIENS.

The City shall have a lien for any tax imposed under this Chapter 39 or by the City, or any portion thereof, or for any penalty provided for in this Chapter, or for any amount of interest which may be due as provided for in this Chapter, upon all the real and personal property of any person to whom a final assessment or revised final assessment has been issued as provided in this Chapter, or whenever a return is filed without payment of the tax or penalty shown therein to be due, including all such property of such persons acquired after receipt of such assessment or filing of such return. The taxpayer is liable for the filing fee incurred by the City for filing the lien and the filing fee incurred by the City to file the release of that lien. The filing fees shall be paid to the City in addition to payment of the tax, penalty, and interest included in the amount of the lien.

However, where the lien arises because of the issuance of a final assessment or revised final assessment by the City, such lien shall not attach and the notice hereinafter referred to in this Section shall not be filed until all proceedings in court for review of such final assessment or revised final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted.

The lien created by the issuance of a final assessment shall terminate unless a notice of lien is filed within 6 years from the date all proceedings

in court for the review of such final assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted and where the lien results from the filing of a return without payment of the tax or penalty shown therein to be due, the lien shall terminate unless a notice of lien is filed within 6 years from the date when such return is filed with the City: Provided that the time limitation period on the City's right to file a notice of lien shall not run (1) during any period of time in which the order of any court has the effect of enjoining or restraining the City from filing such notice of lien, or (2) during the term of a repayment plan that taxpayer has entered into with the City, as long as taxpayer remains in compliance with the terms of the repayment plan.

The procedures for notice and enforcement of such lien shall be the same as that provided in the Retailers' Occupation Tax Act as now or hereafter amended. The lien may be signed by the City Manager or City Finance Director, or their designees.

Such lien authority is provided as authorized by the Illinois Municipal Code, Article 8, Division 3.

J. Section 332 shall be deleted in its entirety and replaced as follows:

SEC. 332 COMPENSATION FOR COLLECTION SERVICES.

As compensation for services rendered in the collection and payment of this tax, retailers filing a tax return may retain an amount of money equal to one percent (1%) of the tax due.

K. Section 357 shall be deleted in its entirety and replaced as follows:

Whenever any person shall fail to pay any tax as herein provided or required, or to file any tax return, the penalties, interest, and collection procedures set forth in Article XV shall apply in addition to any other rights and remedies provided to the City by law or ordinance.

SECTION 4. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 5. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 6. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 7. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 24th day of March, 2014.

APPROVED this 25th day of March, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

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:

SUBJECT: Bloomington Chateau Partners, LLC (“BCP”), d/b/a The Chateau, Tax Repayment Agreement for Hotel/Motel Tax

RECOMMENDATION/MOTION: Recommend that the Repayment Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5b. City decisions consistent with plans and policies.

BACKGROUND: The Finance and Legal Departments have been working with BCP since late 2012 to collect Food & Beverage and Hotel/Motel Taxes which were significantly in arrears. Efforts by each department included personal meetings, visits to the business, and telephone calls which aided in intermittent periods of receiving tax payments. In addition, resources to facilitate

possible funding for a high end restaurant were provided which BCP worked with for over four (4) months. Tony Roma's opened in February 2014.

BCP has been paying their taxes each month since November 2013 and has been paid in full all outstanding Food & Beverage Taxes. BCP stands ready to address the outstanding balance on Hotel/Motel Taxes culminating with the attached tax repayment agreement attached.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The payments will be deposited in the Non-Departmental - Hotel/Motel Tax account (10010010 - 50034).

Respectfully submitted for Council consideration.

Prepared by: Chris Tomerlin, Budget Analyst

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

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

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:

Presentation of the Marketplace Fairness Act of 2013.

Mayor Renner introduced this item.

David Hales, City Manager, addressed the recent One Voice trip and the Bloomington Normal Economic Development Council.

Justine Robinson, Economic Development Coordinator, addressed the Council. She described this proposed law as critical. It would level the playing field for brick & mortar versus on line retailers. She noted that individuals were supposed to claim online sales purchases on their income tax forms. The Council was being asked to adopt a Resolution in support of this law. The City's support of this law would encourage federal level elected officials to support same. She noted that US Senator Dick Durbin and Mark Kirk had already expressed their support. This act addressed economic viability of local retailers and the City.

Mayor Renner noted that there was support for this piece of legislation, (i.e. US Conference of Mayors, National League of Cities, National Association of Counties, etc.).

The following was presented:

SUBJECT: Marketplace Fairness Act of 2013

RECOMMENDATION/MOTION: That the Resolution be adopted.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 4a. Retention and growth of current local businesses; Objective 4b. Attraction of new targeted businesses that are the "right" fit for Bloomington; Objective 4d. Expanded retail businesses; and Objective 4e. Strong working relationship among the City, businesses, economic development organizations.

BACKGROUND: According to the International Council of Shopping Centers, (ICSC), the Marketplace Fairness Act of 2013 (S. 336/H.R. 684,) represents bipartisan legislation that would close the online sales tax loophole and bring long overdue fairness to brick-and-mortar retailers, all without adding to the federal deficit, creating new taxes or increasing existing taxes.

The ICSC explains that, in today's marketplace, consumers have many choices about where and how they shop. The blending of traditional and online marketplaces based on new and developing technology should be a positive for consumers and retailers. However, fair competition is a necessary part of a thriving multi-channel retail marketplace. In order for there to be real and fair competition, there has to be a level playing field. Brick-and-mortar retailers have for too long been put at a tremendous disadvantage by an antiquated sales tax framework that clearly benefits online retailers. A business environment is needed in which all retailers can grow, create jobs, and continue to drive the American economy.

Unfortunately, the current sales tax system is threatening our community retailers, which serve as the backbone of our local economies. Local businesses on average circulate more than forty

(.40) cents back into the community for every dollar spent, according to the American Independent Business Alliance. To put this in perspective, a local retail store with sales of \$1 million a year will circulate on average \$400,000 back into the community, per year. Local retailers also drive employment. According to a 2011 University of Tennessee study, each \$1 million of new retail sales in traditional brick-and-mortar establishments adds 3.61 jobs. The same \$1 million in new sales at an online retailer is expected to create 0.88 jobs. Local retailers are critical to the economic health of our communities.

The Marketplace Fairness Act will help level the playing field for brick-and-mortar retailers, while restoring states' rights to establish and enforce collection of their own sales taxes. Currently, states are deprived of this right because they cannot compel online retailers and other out-of-state sellers to collect sales taxes, even though the tax on those purchases is currently due. Under existing tax laws, consumers are required to pay the sales tax on purchases made from out-of-state sellers directly to the state when the retailer does not collect it on their behalf. However, this requirement is an impractical and cumbersome burden on consumers, as well as inefficient tax collection policy. By correcting this inefficiency through the Marketplace Fairness Act, Congress will give states the ability to avoid increasing taxes on in state consumers and businesses.

For all of these reasons, the ICSC is asking its members to support the Marketplace Fairness Act, which would fix the current competitive imbalance, ensure a viable marketplace for all retailers and promote a more stable and efficient revenue stream.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Chamber of Commerce, Economic Development Council for the Bloomington-Normal Area; the Senate voted 75-24 in favor of this bill (S.336) on Friday, March 22, 2013 with Senator Durbin being one of the bill's sponsors and Senator Kirk voting in the affirmative.

FINANCIAL IMPACT: The Illinois Department of Revenue released a report titled "Estimating Illinois' E-Commerce Losses", to which an update was issued in June 2011. Within this report, the Department estimates losses of \$197 million in sales tax revenue in FY 2013 as a result of online purchases. If this estimate holds true, based upon a high level calculation which indexes to the State's FY 2013 disbursements, the City has the potential to receive an additional \$1,182,000 in sales tax revenue if the Marketplace Fairness Act is enacted (Illinois Department of Revenue).

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 13

RESOLUTION SUPPORTING THE MARKETPLACE FAIRNESS ACT OF 2013

WHEREAS, the City of Bloomington seeks to grow the local economy through the retention and growth of current local businesses, the attraction of new targeted businesses; the expansion of retail businesses and the enhancement of working relationships with businesses; and

WHEREAS, many of these goals, as identified in the City's Strategic Plan and adopted by the Bloomington City Council, are directly impacted by local, state and federal tax regulations; and

WHEREAS, the current sales tax system favors online retailers over their brick-and-mortar counterparts, placing our local businesses and entrepreneurs at an unfair disadvantage; and

WHEREAS, the present tax system places an impractical legal burden on consumers who choose to make purchases online; and

WHEREAS, the Marketplace Fairness Act of 2013, under consideration by Congress, seeks to close the online sales tax loophole and bring fairness to brick-and-mortar retailers without adding to the federal deficit, creating new taxes or increasing existing taxes.

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

SECTION 1

The City of Bloomington supports the bipartisan Marketplace Fairness Act (S. 336/H.R. 684) under consideration by the United States Congress in 2014.

SECTION 2

Given that the Marketplace Fairness Act (S. 336/H.R. 684) does *not*:

- (A) Add to the federal deficit
- (B) Establish new taxes; and/or
- (C) Increase existing taxes

SECTION 3

Considering that the Marketplace Fairness Act (S. 336/H.R. 684) serves to:

- (A) Level the playing field for all retailers
- (B) Make it easier for consumers to fulfill their existing tax obligations; and/or
- (C) Restore states' right to enforce their tax laws

SECTION 4

The City of Bloomington recognizes that the Senate voted 75-24 in favor of this bill (S.336) on Friday, March 22, 2013 with Senator Durbin being one of the bill's sponsors and Senator Kirk voting in the affirmative.

The City of Bloomington requests that U. S. Senators Durbin and Kirk, and U. S. Congressmen Davis and Schock, State Senators Brady and Barickman, and State Representatives Brady and Sommer support the bipartisan Marketplace Fairness Act (S. 336/H.R. 684).

SECTION 5

A copy of this resolution will be forwarded to the appropriate legislators including U. S. Senators Richard Durbin and Mark Kirk, and U. S. Congressmen Rodney Davis and Aaron Schock, State Senators Bill Brady and Jason Barickman, and State Representatives Dan Brady and Keith Sommer to serve as support for the passage of the Marketplace Fairness Act.

PRESENTED and ADOPTED this 24th day of March, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Lower questioned enforcement.

Justine Robinson, Economic Development Coordinator, addressed the Council. Sales taxes would be collected at the point of sale. The details were still being ironed out. Issues were being studied. She added that it would take a cooperative effort.

David Hales, City Manager, addressed the Council. The Internet retailer would be responsible for charging sales tax and remittance to the state.

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:

Presentation of 2013 Annual Fire Statistics and Fire Services Update.

Mayor Renner introduced this item.

Mike Kimmerling, Fire Chief, addressed the Council. He noted his presentation made at the March 22, 2014 Budget Work Session. The Fire Department operated out of five (5) Fire Stations, (Headquarters – 310 N. Lee St.; Station 2 – 1911 Hamilton Rd.; Station 3 – 2301 E. Empire St.; Station 4 – 1705 S. Morrissey Ave.; and Station 6 – 4040 E. Oakland Ave.). There were three (3) shifts which were scheduled twenty-four (24) hours on and forty-eight (48) hours off. He restated his concerns regarding the impact of overtime and the average age of the uniformed staff, (i.e. staff may end up working forty-eight hours (48) on and twenty-four (24) hours off).

He addressed the department's front line apparatus: two (2) truck companies, four (4) engine companies, four (4) paramedic ambulances, one (1) EMS (Emergency Medical Services) Supervisor Vehicle, one (1) Shift Commander, and two (2) airport crash units. These vehicles were used by the twenty-nine (29) uniformed personnel who were scheduled to work each day of the year. The department also acted as the regional Hazardous Materials Response Team.

Calls for service had increased over the past five (5) years for both fire and EMS. Call volume for 2013 was 10,045. This resulted in 15,000 vehicle trips. He cited the number of EMS calls: 8,025. He provided a listing the top five (5) responses: 1.) breathing problems, 2.) motor vehicle accidents, 3.) sick persons, 4.) unconscious/fainting; and 5.) falls. He also addressed fire responses: total number was 2,020. There were eighty-eight (88) structural fires with an estimated dollar value loss of \$1,450,380. Call volume was presented by station. Headquarters was the busiest station with 41.93% of all calls for service. He also addressed the busiest units/vehicles: Ambulance 3N16-HQ with 2,863 calls and Engine 1-HQ with 817 calls. Both vehicles were housed at the Headquarters station.

Chief Kimmerling addressed response times. He cited NFPA, (National Fire Protection Association), Standard 1710's six (6) minute response time. Fire calls met same

73.4% of the time and EMS call met same 67.9% of the time. Another key measurement was ninetieth percentile, (90%), times: fire calls were at 8.1 minutes and EMS calls were at 9 minutes. He readdressed the City's size, the call volume and the population of the City. All of these impacted response times.

He cited monthly call volumes with August being the busiest and February the slowest. The average call volume per month was 765 and the average call volume per day was twenty-seven (27). The busiest day of the week was Sunday, while the slowest day was Monday. The busiest hour of the day was 5:00 p.m., while the slowest hour was 4:00 a.m.

The department was involved in other activities. He cited the Fire Hydrant program. The City had over 5,000 hydrants. The City had added AVL, (Automated Vehicle Location), to all fire vehicles. This allowed uniformed staff to respond to calls for service. This was an important factor. Training was critical. It kept uniformed staff and the public safe. The majority of all training was conducted while uniformed staff was on duty. The training was broken down by fire/rescue, EMS, hazardous materials, ARFF (Aircraft Rescue Fire Fighting), driver/operator, and administration. Knox box provided rapid access to businesses and homes in an emergency. There were approximately 470 installed in commercial facilities and forty (40) installed in residential homes. This program must be kept up to date.

Chief Kimmerling addressed the City's ISO rating which was currently three (3). There was a new rating schedule. He noted that less than four percent (4%) of fire departments nationwide held a rating of three (3) or less.

He cited the new Training Tower. This was a useful facility. It assisted with deployment, impacted safety and addressed efficiency. He noted Public Education programs for both children and adults. He noted that Brad McCollum, Fire Cpt./Public Education Officer, had received the Life Safety Educator of the Year Award 2012 from the Illinois Fire Safety Alliance. He cited the partnership with the Bloomington Area Career Center. This program's goal was to grow local firefighters. The department also has a User Service Survey. The response had been limited but the results were positive.

There was a Premise Alert Program. This program was for individuals with special needs. The program was electronic and a cooperative effort with the Police Department.

He addressed the department's 2014 accomplishments and the department's focus for 2015. A key concern was the agreement with the Central Illinois Regional Airport. He also had a listing of future needs. Key concerns were turnout time, which should be one (1) minute, improved travel times and improved response times. He specifically cited an additional ambulance at Headquarters station.

Alderman Fruin thanked Chief Kimmerling for the update. He questioned the reasons for overtime. Chief Kimmerling cited benefitted leave time, such as vacation and Kelley days, and job injury. He referred the Council to the IL Fire Chiefs Association's,

(IFCA), report. The department averaged three to 3.5 call ins per day. Fire department staffing was a complex system.

Alderman Mwilambwe questioned the importance of the six (6) minutes response time. He noted that Chief Kimmerling had addressed this at the Budget Work Session. Chief Kimmerling cited fire propagation, (i.e. the flash over point when a room is on fire). He added the fuel load in homes, (i.e. plastics). Rapid deployment was key. On the EMS side, brain damage can occur at six (6) minutes.

Alderman Mwilambwe questioned the highest ISO rating. Chief Kimmerling stated one (1). It would take a substantial investment to reach this rating level.

Alderman Schmidt described this presentation as sobering. The Council had a legal/moral obligation. She had toured the fire stations. She encouraged all Council members to do the same. Cpt. McCollum had presented programs at the Illinois Wesleyan University Library, (her employer). She appreciated same.

Alderman Fazzini questioned the impact of additional uniformed staff positions upon overtime cost. Chief Kimmerling referred the Council to the IFCA's report. The department needed to have certain number of staff positions filled every day. He estimated an entry level firefighter's salary and benefit cost at \$100,000 per year. He believed the dollar exchange would be one for one.

Alderman Stearns noted Chief Kimmerling's request for three (3) entry level firefighters. Chief Kimmerling stated that the goal was to break even. Alderman Stearns questioned the impact of these positions upon response times. Chief Kimmerling responded none. He noted that the IFCA's report called for nine (9) new positions/three (3) per shift. The addition of three (3) personnel provided the possibility to staff an additional ambulance. It provided the department with an opportunity. Daily staffing numbers were impacted by job injuries.

Alderman Stearns questioned forced overtime. She believed that there was a minimum staffing number. Chief Kimmerling acknowledged that there were days when the department ran short.

Alderman Stearns questioned the impact staffing had on the ISO rating. Chief Kimmerling had not seen the new rating system. Key factors had been the City's growth and the number of engine companies.

Alderman Stearns did not want public safety compromised. Her first thoughts were about public safety.

Mayor Renner restated that the requested new positions, (three/3 firefighters), would not impact response times.

Chief Kimmerling stated that his original request was for twelve (12) new firefighters. Any additional staffing would be helpful.

Alderman Painter echoed Alderman Schmidt's comments. Fire safety work was critical. The City needed to find the funding. This was a life and death business. She believed that the Council would work something out.

Chief Kimmerling believed that fire personnel were doing their best every day. Citizens often questioned the department's response time. He cited the City's sprawl. He believed that any improvement would be limited. There were a variety of issues that impacted response times.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, noted the Committee of the Whole Meeting held on March 17, 2014. Vasudha Pinnamaraju, McLean County Regional Planning Commission's Executive Director, requested that two (2) Aldermen be appointed to the Comprehensive Plan's Steering Committee. This committee will meet monthly. A decision was needed this week. There would be monthly updates. If interested, he requested that the Mayor be contacted.

He planned to send the Council an email regarding the One Voice trip and the National League of Cities Conference.

MAYOR'S DISCUSSION: Mayor Renner thanked Alderman Stearns for accompanying him on the One Voice Trip. Mental health issues were at the fore front. He also thanked Aldermen Black and Mwilambwe for accompanying him to the National League of Cities Conference. There were a number of sessions which addressed Downtown issues which were a city's sole/core.

Mayor Renner addressed the budget. This was an important issue. There had been some progress. The proposed seventeen (17) new positions had been eliminated. The Council had adopted a bold pension policy. There appeared to be interest in the Amusement Tax. A local gasoline tax was tentative as the work on same was incomplete. The structural deficit was several million dollars. An increase to the Utility Tax could be earmarked for Police and Fire Pensions. There was no way to pay for these pensions without a revenue increase. He could not sign such a budget. There needed to be realistic budget options. He understood that public safety was a priority. He encouraged the Council to be responsible, make this budget happen and find a way to pay for same. He added his interest in funding the three (3) proposed firefighter positions. The Council needed to reach a compromise.

At this time, he planned to veto the budget. The Council could override a mayoral veto with a super majority vote. He believed that an increase to the Utility Tax was the best option. The Council needed to check the rhetoric. Time was short. He had spoken to a variety of audiences. The proposed increase would match comparable cities rates. The City would not be at a disadvantage. General Fund revenues had not been increased in five (5) years. Concerns had been raised as this tax was viewed as regressive. The Council

needed to seek creative possibilities to mitigate the funding deficit. There were a number of options. The Council needed to be clear with the public. Dollars were needed for pensions. Everything should be on the table. The Council needed to be honest and face some tough decisions. The City's financial problems went beyond the coming fiscal year. The City had obligations. The Council needed to provide clear direction. The Council needed to adopt a responsible budget which demonstrated the value placed on public safety.

ALDERMEN'S DISCUSSION: Alderman Fruin expressed his appreciation for the Mayor's comments. He noted Council's interest in the proposed Amusement Tax. The Council had raised some good questions. City staff provided a review and impact of same.

Alderman Fazzini noted the Council packet addendums. He believed that addendums were being issued too often.

He also addressed the Budget Work Session which he described as frustrating. He noted that \$4 million for street resurfacing had been removed from the budget. He described this as dishonest and stated that he would not vote for the budget.

Alderman Black also addressed the Budget Work Session. He expressed his confusion. The Council did not provide clear direction to City staff. He was concerned about miscommunication.

He addressed the Fire Department's calls for service. Expectations were high. The department was performing well. He added that training took money. He took the department's requests seriously. He questioned what the City was willing to give up. The City was at the crossroads. It may be unable to deliver quality services. The Council needed to create new revenue in order to provide the services wanted. He encouraged the Council to watch the YouTube video of the Budget Work Session.

The Council needed to reach an understanding. He expressed his interest in restoring the three (3) proposed firefighter positions. The Council needed to fund the Police and Fire Pension funds. The Council needed to move forward. He expressed his interest in budget reductions.

Alderman Schmidt thanked Mayor Renner for taking a stand. She had reflected on Saturday's Budget Work Session. The Council needed to be on the same team with City staff. She had reflected on the Utility Tax. It would impact those least able to pay. She cited individuals and small businesses. She understood the choices, (i.e. public safety and Police & Fire Pensions). There were significant consequences. Community conversations regarding the budget were important.

Mayor Renner informed the Council that he would be interviewed by three (3) local radio stations tomorrow. There had been comments made to eliminate the Parks, Recreation & Cultural Arts Department. This department generated \$7 million in revenue. Its \$7 million cost would not cover the structural deficit.

Alderman Painter noted that the proposed increase to the Utility Tax would match other Central IL cities.

Mayor Renner added that a full year of Utility Taxes at the statutory maximum would generate \$4 million. This action would solve the City's pension problem.

Alderman Painter questioned other options. Mayor Renner acknowledged that there were other options. The Council had made a decision to stay away from property taxes.

Mayor Renner stated that the Town of Normal had twice the debt load and an AAA bond rating. The issue was decisive action. The bond rating agencies wanted to see a dedicated funding stream.

Alderman Stearns stated her intention to take a firm stand. Mayor Renner had stated his intention to veto the budget. She questioned where the City was going. She expressed her concern regarding the claim that this was a status quo budget. Public safety was a core service in her opinion. The Utility Tax had been presented as the only way.

Mayor Renner restated that there were other options.

Alderman Stearns stated that the Council had been told that the City had to raise taxes and/or fees. Bloomington was the most expensive city in the state outside of Chicago. The proposal would raise utility taxes to the statutory maximum. She noted the City's continued spending patterns. The General Fund continued to rise. The Council needed to ask the citizens what services they wanted. She readdressed core services which in her opinion were public safety, water and public works. She noted the intention to hire positions with the City Manager's Office. The City was headed in the wrong direction. She believed that if there was will there was a way. She had scheduled a ward meeting. The City could not tax its way out. This would not work and was not sustainable. The City had a spending problem. The Town of Normal had made a good decision.

Alderman Sage addressed the budget. He questioned Council direction to City staff: specific line items cuts and/or programmatic level reductions. He cited Parks & Recreation as an example. The Council needed to provide feedback regarding service cuts.

David Hales, City Manager, addressed the Council. He understood that public safety and streets were important. The Council should identify those programs and/or services which had the least support. City staff could not keep with the status quo. He cited fire response times as an example. He planned to work with the City's department heads to reduce the budget by \$2.5 million. He expressed his interest in points for discussion.

Alderman Sage expressed his willingness to identify specific programs.

Mr. Hales cited the Council's fall retreat. The Council was asked to identify specific programs/services. Quality of life was an integral part of the City. Economic development, business retention and attraction were dependent upon quality of life. Quality of life was important. He cited staff reductions in 2009. He also cited the impact of \$2.5 million in budget cuts upon staff morale. These were challenging times.

Alderman Sage recalled the last four (4) years. He had been willing to make decisions regarding service cuts. There had not been any opportunity to address specific cuts. He looked forward to holding a conversation in his ward. He questioned what \$2.5 - \$3.5 million in budget cuts would look like.

Mayor Renner looked forward to the Council's ideas.

Alderman Sage addressed programs and subsidy reductions. There should not be any decrease to public safety and infrastructure. He addressed the perception of quality of life.

Alderman Mwilambwe addressed the Budget Work Session. He remained hopeful. City staff needed to remain positive. The Council had a challenge. He cited solid waste services as an example. He questioned the economic impact of quality of life venues. He noted options such as reducing staff or increasing taxes. He questioned what was important. He expressed his interest in general public comments. He cited comments made that facilities such as the US Cellular Coliseum, Bloomington Center for the Performing Arts and golf courses were not needed. Other statements addressed spending cuts. There was pension funding. He had heard a variety of things during his campaign for office. Money must come from somewhere. The Council had moral obligations, (i.e. pensions).

Alderman Lower expressed his appreciation for the comments made. The City should not follow the lead of the federal and state governments. There needed to be a separate street/sewer fund. There should be \$4 million in next year's budget for same. The City was giving up its competitive advantage. The City had been sheltered. The Council needed to determine an emergency tax list. Pensions, public safety, water and solid waste services were required by law. The City provided Cadillac level services. The City needed to find opportunities for volunteer services. Bookings at the USCC and BCPA needed to be profitable. The City Manager had his finger on the pulse. There would be a negative impact upon the business community. He was concerned about citizens on fixed incomes and young couples. He would not support a local gasoline tax. He provided the Council with handouts. The Council had been informed that the sales tax projections had been lowered. He had seen this coming. The City was losing its tax base. The Council needed to spend the time to work out the budget.

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

Motion carried.

**Tracey Covert
City Clerk**