

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Tuesday, May 27, 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: Mboka Mwilambwe, Kevin Lower, David Sage, Robert Fazzini, Joni Painter, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

Alderman Absent: Judy Stearns.

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

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

Alton Franklin, 508 Patterson Dr., addressed the Council. He cited the importance of Memorial Day. It was more than a single day. Memorial Day recognized those who gave their lives to make things better for the generations that followed. Everyone played a role. All things were cyclical. It appeared that there was the beginning of something new on the Council.

The following was presented:

SUBJECT: Council Proceedings of May 12, 2014

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of May 12, 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 May 12, 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 Schmidt that the reading of the minutes of the previous Council Proceedings of May 12, 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 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 May 22, 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 Schmidt that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Annual Assessment for the City's Participation in the State Mandated Joint Utility Locating Information for Excavators (JULIE) System

RECOMMENDATION: That the payment be approved.

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

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

BACKGROUND: The City is required to be a member of the state wide one (1) call system known as the JULIE system. The City's participation is required by state law. The JULIE system started in 1974 in Will County and was expanded to the entire State in 1980. The law required all municipalities to join (specifically eliminating the home rule exemption) in 2002. The City became a member in 2002. As part of the participation in this system, member utilities must pay into the system the pro rata share of the usage of the system. The City's share has been calculated at \$19,572.32 based upon the number of utility locates requested for the utilities (water, stormwater, sewer, street lights and traffic lights) that are the responsibility of the City. The calculation is made annually based upon the number of JULIE locates from the previous year.

The City must investigate every request for utility locations of its utilities (water, stormwater, sewer, street lights, sump pump lines and traffic lights) and of utilities that it is contracted to locate (State of Illinois owned traffic signals and Bloomington and Normal Water Reclamation District (BNWRD) facilities). Some locate requests can be "cleared" without physically traveling to the location site. However the majority of locate requests require traveling to the site and marking the City utilities within the requested work zone. The City must locate buried infrastructure to within eighteen (18) inches of the infrastructure, regardless of how deep the infrastructure is buried. In 2013, the City received approximately 40,700 JULIE requests and all of these requests are handled by the Water Department.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This expense will be paid by charging fifty percent (50%) or \$9,786.16 to the Water Transmission & Distribution - Other Professional and Technical Services (50100120 - 70220), twenty-five percent (25%) or \$4,893.08 to Sewer - Other Professional and Technical Services (51101100 - 70220) and twenty-five percent (25%) or \$4,893.08 to Storm Water - Other Professional and Technical Services (53103100 - 70220). Stakeholders can locate this in the FY 2015 Proposed Budget document titled "Other Funds & Capital Improvement Program" on pages 116, 129 and 137 respectively.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the payment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Purchase an F-250 Four-Wheel Drive Crew Cab Pickup Truck for the Fire Department's Training Officer

RECOMMENDATION/MOTION: That the purchase of a Ford F-250 Four-Wheel Drive Crew Cab Pickup Truck from Bob Ridings Inc., Taylorville, IL utilizing the State of Illinois Joint Purchasing Contract #4017340 be approved, in the amount of \$28,974, 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 provided in the most cost-effective, efficient manner.

BACKGROUND: Over the last four to five (4-5) years, the Fire Dept. has reduced the number of ancillary vehicles assigned due to reduction in staffing levels, specifically the Deputy Chief of Administration (DCA). Now that the DCA position has been filled, the Fire Dept. needs to increase its fleet. With the completion of the training tower and continued development of the training program and facility, the Training Officer needs a vehicle that has both hauling and towing capabilities. The Training Officer will be responsible for gathering materials used in training such as pallets, straw, plywood, and assorted props. There are two (2) trailers that need to be moved to and from training sites. A crew cab equipped truck is necessary for the ability to store personal protective equipment and response equipment. It also allows multiple personnel to travel to statewide meetings and training. This vehicle will be a take home unit due to the need to respond to emergency calls after hours. A vital part of emergency operations is the Incident Safety Officer. This responsibility falls to the Training Officer.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Fire Dept. has \$34,000 budgeted this fiscal year in the FY 2015 Adopted Budget under the FY 2015 Capital Lease - Capital Outlay Licensed Vehicles (40110131 - 72130). The replacement unit will cost \$28,974. Stakeholders can locate this in the FY 2015 Proposed Budget titled "Other Funds & Capital Improvement Program" on page 215.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, P.E., Director of Public Works
Reviewed by: Eric Vaughn, Deputy Chief - Fire Administration
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

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the purchase of a Ford F-250 Four-Wheel Drive Crew Cab Pickup Truck from Bob Ridings Inc., Taylorville, IL, utilizing the State of Illinois Joint Purchasing Contract #4017340 be approved, in the amount of \$28,974, 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 Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Approve Purchase of a New Side Loading Garbage Truck for the Public Works Department's Solid Waste Division

RECOMMENDATION/MOTION: That the purchase of a 2015 Crane Carrier LDT-2-26 Chassis with Labrie Expert (t) 2000 Helping Hand Body installed from Cumberland Service Center Inc., Arlington Heights, IL, a sole source provider, be approved, in the amount of \$300,067, the Procurement Manager be authorized to issue a Purchase Order, and the Resolution adopted.

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 Fiscal Year 2012, the Public Works Dept. publicly let out a competitive bid for four (4) Side Loading Automated Refuse Trucks to transition to curbside automated recycling collection. The bid was awarded to Cumberland Service Center, Arlington Heights, IL. They provided a Crane Carrier Chassis with Labrie Expert Helping-Hand bodies. The Crane Carrier Chassis allowed for low entry access so Public Works' employees could also throw material into the hopper as needed. While the units were purchased solely for an automated collection program for recycling, they were also used occasionally for refuse collection.

In May 2012, two (2) additional Crane Carrier Chassis with Labrie Expert Helping-Hand bodies units were purchased with the optional Left Side Automated Arm for the ability to pick up carts on one way streets. Once the City went to automated refuse collection, this would allow for both refuse and recycling to be collected on one way streets. In FY 2013, five (5) Crane Carrier Chassis with Labrie Expert Helping-Hand bodies were purchased to keep all of the solid waste and recycling equipment the same. There are four (4) recycling routes and seven (7) refuse routes needing collection for a total of eleven (11) trucks. Currently, the City has purchased eleven (11) automated side loading trucks. There is not a backup truck if a vehicle were to have an issue.

Staff is recommending purchasing a Crane Carrier Chassis with Labrie Expert Helping-Hand body for the following reasons:

- 1) The Public Works' Solid Waste Division and Fleet Management Division are trained in the operation and maintenance of this equipment. There will be a minimal amount of training needed for new operators.
- 2) Fleet Management already stocks parts for these units so there will not need to be an increase parts inventory.
- 3) The Public Works' employees have had success with this equipment during implementation of the automated system.

FY 2015 has \$325,000 budgeted for an additional unit to serve as a backup for the Public Works Department's Solid Waste Division FY 2015 Budget. One (1) existing rear packer garbage truck unit will be sold on public auction with an expected value of \$15,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2015 Budget has \$325,000 budgeted for an additional backup automated collection truck. The total cost to purchase the Side Loading Garbage Truck is \$300,067, which will be paid from the FY 2015 Capital Lease - Capital Outlay Licensed Vehicles (40110131 - 72130). The vehicle will be financed through a five (5) year capital lease and the principal and interest payments will be made from the Solid Waste fund. Stakeholders can locate the collection truck in the FY 2015 Proposed Budget Document titled "Other Funds & Capital Improvement Program" on page 218.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, P.E., Director of Public Works
Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager
Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Legal review by: Jeffrey R. Jurgens, Interim Corporation Counsel
Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 20

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF ONE (1) NEW SIDE LOADING REFUSE
TRUCK FOR THE PUBLIC WORKS SOLID WASTE DIVISION FROM
CUMBERLAND SERVICE CENTER INC. AT A PURCHASE PRICE OF \$300,067**

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a New Side Loading Refuse Truck for the Public Works Solid Waste Division at a Purchase Price of \$300,067.

ADOPTED this 27th day of May, 2014.

APPROVED this 28th day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the purchase of a 2015 Crane Carrier LDT-2-26 Chassis with Labrie Expert (t) 2000 Helping Hand Body installed from Cumberland Service Center Inc., Arlington Heights, IL, a sole source provider, be approved, in the amount of \$300,067, the Procurement Manager be authorized to issue a Purchase Order, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

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

RECOMMENDATION: That the contract with William Morris Endeavor Entertainment, LLC be approved, in the amount of \$50,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy; Goal 5. Great place – livable, sustainable City; and Goal 6. Prosperous Downtown Bloomington.

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

BACKGROUND: Contract expenses for the contract will be \$50,000. The contract price covers the artist fee for the performance coming to the BCPA in June 2014. For proprietary and competitive advantage reasons, act names are not mentioned in staff's back up report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often. Virtually all artists are provided with meals and non-alcoholic beverages.

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

FINANCIAL IMPACT: The FY 2015 Budget appropriated \$511,000 in line item 10014125 - 70218 - 20000. Stakeholders can find this in the Proposed FY 2015 Budget Book titled “Budget Overview and General Fund” on page 183. Note this is only a portion of the total budget. The cost of this service will be offset by revenue generated from ticket sales, grants, playbills, concessions, and corporate advertisement and sponsorships. These revenues are also targeted to offset the additional artist expenses for travel, meals and lodging.

Respectfully submitted for Council consideration.

Prepared by: Brandy Maloney, Support Staff V

Reviewed by: Tina Salamone, BCPA Performing Arts Manager
John R. Kennedy, Director of Parks, Rec. & Cultural Arts

Reviewed by: Sue McLaughlin, Interim Asst. City Manager

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

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the contract with William Morris Endeavor Entertainment, LLC be approved, in the amount of \$50,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Law Enforcement Mutual Aid Agreement (LEMAA)

RECOMMENDATION/MOTION: That the Law Enforcement Mutual Aid Agreement be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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: This LEMAA is made in recognition of the fact that natural or man-made occurrences may result in emergencies or disasters that exceed the resources, equipment and/or law enforcement personnel of a given public agency. Each agency which signs a copy of this LEMAA intends to aid and assist the other participating public agencies during an emergency or disaster by temporarily assigning some of the responding public agency's resources, equipment and/or law enforcement personnel to the requesting public agency as circumstances permit and in accordance with the terms of this agreement. The specific intent of this agreement is to safeguard the lives, persons and property of citizens of the state during an emergency or disaster by enabling other public agencies to provide additional resources, equipment and/or law enforcement personnel as needed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Marsha Ulrich, Police Office Manager

Reviewed by: Kenneth Bays, Asst. Chief of Police

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

(RESOLUTION 2014 – 21 AND AGREEMENT ON FILE IN CITY CLERK’S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the LEMAA be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from CIP, LLC requesting approval of a Final Plat for the Sixteenth Addition to Airport Park Subdivision located west of Towanda Barnes Rd. and north of Empire St.

RECOMMENDATION/MOTION: That the Final Plat be approved and the Ordinance passed subject to the Petitioner complying with the Performance Guarantee Tap-On Fee Memorandum prior to recording of the Final Plat.

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

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

BACKGROUND: This Final Plat consists of one (1) lot located on the north side of Gerig Dr. and west of Haeffele Way. The zoning along this block of Gerig Dr. is B - 1 Highway Business District. The Preliminary Plan for this subdivision, approved by Council on November 13, 2000, shows the subject area to be zoned B - 1.

Detention for the subject area will be provided onsite, in accordance with the Preliminary Plan.

No performance guarantee is required for this subdivision as public improvements are complete for this addition.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: CIP, LLC.

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

Respectfully submitted for Council consideration.

May 27, 2014

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Prepared by: Anthony Meizelis, PE, Civil Engineer

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

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

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

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes CIP, LLC, an Illinois limited liability company, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold 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 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 Airport Park Subdivision, Sixteenth Addition.

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

Respectfully submitted,

CIP, LLC, an Illinois Limited
Liability Company

By: Elizabeth B. Megli, Its Attorney

ORDINANCE NO. 2014 - 43

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
AIRPORT PARK SUBDIVISION SIXTEENTH ADDITION**

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 Airport Park Subdivision Sixteenth Addition, 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 Airport Park Subdivision Sixteenth Addition 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 27th day of May, 2014.

APPROVED this 28th day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the SE¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the northwest corner of Lot 131 in Airport Park Subdivision, according to the Plat thereof recorded as Document No. 2001 - 23503 in the McLean County Recorder of Deeds Office; thence S.01°-22'-25"W. 200.00 feet to the southwest corner of said Lot 131; thence N.88°-37'-35"W. 165.40 feet on the north line of Gerig Drive as dedicated in said Airport Park Subdivision to the southeast corner of Lot 137 in Airport Park Subdivision 14th Addition, according to the Plat thereof recorded as Document No. 2012-128 in the McLean County Recorder of Deeds Office; thence N.01°-22'-25"E. 200.00 feet on the east line of said Lot 137 to the south line of Lot 262 in Airport Park Subdivision 6th Addition, according to the Plat thereof recorded as Document No. 2003 - 42269 in the McLean County Recorder of Deeds Office; thence S.88°-37'-35"E. 165.40 feet on the south line of said Lot 262 to the Point of Beginning, containing 0.76 acres, more or less, with assumed bearings given for description purposes only.

PIN 15 – 31 – 451 - 006

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Final Plat be approved and the Ordinance passed subject to Petitioner compliance with the Performance Guarantee\Tap-On Fee Memorandum prior to recording.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Auctus, LLC, Requesting Approval of a Final Plat for the Eleventh Addition to Hawthorne Commercial Subdivision

RECOMMENDATION/MOTION: That the Final Plat be approved and the Ordinance passed subject to the Petitioner complying with the Performance Guarantee Tap-On Fee Memorandum prior to recording of the Final Plat.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong working relationship among the City, businesses and economic development organizations.

BACKGROUND: This subdivision is located near the intersection of Leslie Dr. and Pamela Dr., west of Towanda Barnes Rd., and north of the Super Pantry Convenience Store and Gas Station. The property is currently zoned B - 1, Highway Business District.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Auctus, LLC.

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

Respectfully submitted for Council consideration.

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

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 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 Auctus, LLC an Illinois Limited Liability Company hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold 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 a mortgagee or vendee in possession, assignee of rents, receiver, executor, 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: 11th Addition to the Hawthorn Commercial Subdivision
3. That your petitioner does not seek approval of any exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the 11th Addition to the Hawthorn Commercial Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Ravichandran Natarajan
Manager Auctus, LLC

ORDINANCE NO. 2014 - 44

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
11th ADDITION TO THE HAWTHORN COMMERCIAL 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 11th Addition to the Hawthorn Commercial Subdivision, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition does not request exemptions or variations from the provisions of the Bloomington City Code-1960, as amended; 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 11th Addition to the Hawthorn Commercial 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 27th day of May, 2014.

APPROVED this 28th day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Outlot 20 in Eighth Addition to Hawthorne Commercial Subdivision in the NE¼ of Section 31 and a part of the NE¼ of Section 31, all in Township 24 North, Range 3 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the northeast corner of Lot 18 in the Seventh Addition to Hawthorne Commercial Subdivision, according to the Plat thereof recorded as Document No. 2008-30218 in the McLean County Recorder of Deeds Office, on the west line of Towanda-Barnes Road as described in Condemnation Case No. 2001ED9, filed August 23, 2001 in the McLean County Circuit Clerk's Office, also being the southeast corner of Outlot 20 in Eighth Addition to Hawthorne Commercial Subdivision, according to the Plat thereof recorded as Document No. 2012-18434 in the McLean County Recorder of Deeds Office; thence N.90°-00'-00"W. 362.12 feet to the northwest corner of said Lot 18 on the east right of way line of Leslie Drive as conveyed to the City of Bloomington according to Warranty Deed of Right of Way recorded as Document No. 2007-29741 in the McLean County Recorder of Deeds Office and accepted by the City of Bloomington in Resolution No. 2007-99 recorded as Document No. 2007-29742 in the McLean County Recorder of Deeds Office; thence N.00°-00'-00"E. 120.26 feet on said east right of way line of Leslie Drive; thence S.90°-00'-00"E. 362.30 feet parallel with the north line of said Lot 18 to the said west line of Towanda-Barnes Road; thence S.00°-05'-06"W. 120.26 feet to the Point of Beginning, containing 1.00 acres, more or less, with assumed bearings given for description purposes only.

Part of PIN 15 – 31 – 279 - 005

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Final Plat be approved and the Ordinance passed subject to Petitioner compliance with the Performance Guarantee\Tap-On Fee Memorandum prior to recording.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Interchange City West, LLC Requesting Approval of a Final Plat for Interstate Business Park 11th Addition, located west of Interstate Dr. and south of Rt. 9, (Market St.)

RECOMMENDATION/MOTION: That the Final Plat be approved and the Ordinance passed subject to the Petitioner complying with the Performance Guarantee Tap-On Fee Memorandum prior to recording of the Final Plat.

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

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

BACKGROUND: On May 10, 2004, Council approved the Amended Preliminary Plan for Interstate Business Park. Staff reviewed the Final Plat and finds it in conformance with the provisions of the Preliminary Plan.

On August 22, 2011, Council approved the Final Plat for Interstate Business Park, 10th Addition.

There are tap on fees totaling \$4,952 due from this subdivision per the Annexation Agreement dated October 9, 1995.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Interchange City West, LLC.

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

Respectfully submitted for Council consideration.

Prepared by: Anthony Meizelis, PE, Civil Engineer

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

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

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

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE TOWN OF NORMAL,
McLEAN COUNTY, ILLINOIS

Now comes Interchange City West, LLC, an Illinois limited liability company, hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold 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 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 Interstate Business Park, Eleventh Addition.

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

Respectfully submitted,

Interchange City West, LLC, an Illinois
Limited Liability Company

By: Elizabeth B. Megli, Its Attorney

ORDINANCE NO. 2014 - 45

AN ORDINANCE APPROVING THE FINAL PLAT OF THE INTERSTATE BUSINESS PARK ELEVENTH ADDITION

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 Interstate Business Park Eleventh Addition, 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 Interstate Business Park Eleventh Addition 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 27th day of May, 2014.

APPROVED this 28th day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A part of the NE¼ of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southeast corner of Lot 3 in Interstate Business Park 1st Addition, according to the Plat thereof recorded as Document No. 97 - 29327 in the McLean County Recorder of Deeds Office; thence S.00°-51'-36"E. 80.19 feet on the westerly right of way line of Interstate Drive dedicated in Interstate Business Park 3rd Addition, according to the Plat thereof recorded as Document No. 2000-28061 in the McLean County Recorder of Deeds Office; thence southwesterly 237.16 feet on a tangential curve concave to the northwest having a radius of 269.00 feet, central angle of 50°-30'-54" and a chord of 229.56 feet bearing S.24°-23'-51"W. from the last described course, on said westerly right of way line of Interstate Drive; thence S.49°-39'-18"W. 238.87 feet on said westerly right of way line of Interstate Drive; thence continuing southwesterly on said right of way line of Interstate Drive 65.81 feet on a tangential curve concave to the southeast having a radius of 335.00 feet, central angle of 11°-15'-18" and a chord of 65.70 feet bearing S.44°-01'-39"W. from the last described course to the east line of Lot 7 in Interstate Business Park 4th Addition, according to the Plat thereof recorded as Document No. 2004-20220 in the McLean County Recorder of Deeds Office; thence N.01°-50'-41"W. 356.72 feet to the northeast corner of said Lot 7; thence S.89°-08'-24"W. 49.25 feet on the north line of said Lot 7 to the southeast corner of Lot 1 in Interstate Business Park, according to the Plat thereof recorded as Document No. 97 - 11154 in the McLean County Recorder of Deeds Office; thence N.00°-51'-36"W. 129.58 feet on the east line of said Lot 1 to the southwest corner of Lot 2 in said Interstate Business Park 1st Addition; thence N.89°-08'-24"E. 384.05 feet to the Point of Beginning, containing 2.73 acres, more or less, with assumed bearings given for description purposes only.

PIN 20 – 01 – 200 - 039

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Final Plat be approved and the Ordinance passed subject to Petitioner compliance with the Performance Guarantee\Tap-On Fee Memorandum prior to recording.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Review of Executive Session Minutes from 1995 - 2014

RECOMMENDATION/MOTION: That the Resolution be adopted.

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 Open Meeting Act requires a semiannual review of approved Executive Session Minutes to determine whether a need for confidentiality still exists as to the City's past Executive Session Minutes. The determination on which minutes are going to be released and which minutes still require confidential treatment must be reported on in open session. The Resolution makes this report.

The Council met previously on February 10 and 24, 2014, March 24, 2014 and May 12, 2014 in Executive Session to review the Executive Session Minutes and to make the determinations required by the Open Meetings Act. The Resolution reports on the partial release of the meeting minutes from August 12, 2013, October 28, 2013, and November 15, 2013, and the need for the continued confidential treatment of redacted portions from those and other meeting minutes listed in Schedule B.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Interim Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 22**A RESOLUTION REPORTING THE RELEASE AND RETENTION
OF EXECUTIVE SESSION MINUTES**

WHEREAS, the City Council of the City of Bloomington, Illinois has met from time to time in executive session for purposes authorized by the Illinois Open Meetings Act; and

WHEREAS, pursuant to the requirements of 5 ILCS 120/2.06(c), a review of all closed session minutes has been completed; and

WHEREAS, the City Council has determined that portions of the minutes of the meetings listed on Schedule A, attached hereto, no longer require confidential treatment and should be made available for public inspection and that the redacted portions of said meeting minutes still have a need for confidential treatment and should not be released; and

WHEREAS, the City Council has further determined that a need for confidentiality still exists as to the Executive Session Minutes from the meetings set forth on Schedule B, attached hereto and incorporated by reference; and

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

Section 1. The Executive Session Minutes from those meetings set forth on Schedule A, attached hereto and incorporated by reference, are released in part with the confidential information redacted. The preamble to this Resolution is incorporated into the body of this resolution.

Section 2. The City Clerk is hereby authorized and directed to make the un-redacted portion of the minutes from those meetings listed in Schedule A available for inspection and copying in accordance with the Open Meetings Act and standing procedures of the Clerk's Office.

Section 3. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 27th day of May, 2014.

APPROVED this 28th day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk**SCHEDULE A
TO BE RELEASED**

DATE	REASON
August 12, 2013	Section 2 (c)(11) Closed Session Minutes Section 2(c)(12) Settlement*
October 28, 2013	Section 2(c)(12) Settlement*
November 15, 2013	Section 2(c)(1) Personnel*

**Denotes release with redactions, as a need for confidentiality still exists as to part of said minutes.*

**SCHEDULE B
TO BE RETAINED**

DATE	REASON
January 23, 1995	Section 2(c)(1) Personnel
June 12, 1995	Section 2(c)(2) Collective Bargaining
February 26, 1996	Section 2(c)(1) Personnel
October 14, 1996	Section 2(c)(2) Collective Bargaining
November 12, 1996	Section 2(c)(2) Collective Bargaining
February 24, 1997	Section 2(c)(1) Personnel
March 10, 1997	Section 2(c)(2) Collective Bargaining
May 12, 1997	Section 2(c)(2) Collective Bargaining
July 14, 1997	Section 2(c)(2) Collective Bargaining
October 13, 1997	Section 2(c)(2) Collective Bargaining
January 26, 1998	Section 2(c)(1) Personnel
July 14, 1998	Section 2(c)(2) Collective Bargaining
July 27, 1998	Section 2(c)(2) Collective Bargaining
December 28, 1998	Section 2(c)(1) Personnel
May 10, 1999	Section 2(c)(2) Collective Bargaining
June 14, 1999	Section 2(c)(2) Collective Bargaining
September 13, 1999	Section 2(c)(5) Purchase or Lease of Real Estate
November 22, 1999	Section 2(c)(1) Personnel
December 13, 1999	Section 2(c)(1) Personnel
December 11, 2000	Section 2(c)(1) Personnel
November 13, 2001	Section 2(c)(1) Personnel
May 28, 2002	Section 2(c)(2) Collective Bargaining
September 23, 2002	Section 2(c)(2) Collective Bargaining

DATE	REASON
November 12, 2002	Section 2(c)(1) Personnel
March 8, 2004	Section 2(c)(1) Personnel
May 10, 2004	Section 2(c)(2) Collective Bargaining
February 28, 2005	Section 2(c)(1) Personnel
March 14, 2005	Section 2(c)(1) Personnel
March 28, 2005	Section 2(c)(6) Sale or Lease of Real Estate
May 9, 2005	Section 2(c)(2) Collective Bargaining
August 14, 2006	Section 2(c)(1) Personnel
August 28, 2006	Section 2(c)(1) Personnel
August 13, 2007	Section 2(c)(2) Collective Bargaining
November 13, 2007	Section 2(c)(2) Collective Bargaining
December 10, 2007	Section 2(c)(1) Personnel
January 7, 2008	Section 2(c)(1) Personnel
February 11, 2008	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
June 9, 2008	Section 2(c)(5) Purchase or Lease of Real Estate
August 19, 2008	Section 2(c)(1) Personnel
October 13, 2008	Section 2(c)(5) Purchase or Lease of Real Estate
November 3, 2008	Section 2(c)(1) Personnel
November 17, 2008	Section 2(c)(1) Personnel
November 18, 2008	Section 2(c)(1) Personnel
November 19, 2008	Section 2(c)(1) Personnel
March 9, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(11) Litigation
March 30, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
April 6, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
April 13, 2009	Section 2(c)(2) Collective Bargaining
April 27, 2009	Section 2(c)(2) Collective Bargaining
May 26, 2009	Section 2(c)(2) Collective Bargaining
June 8, 2009	Section 2(c)(2) Collective Bargaining
June 22, 2009	Section 2(c)(2) Collective Bargaining
June 27, 2009	Section 2(c)(2) Collective Bargaining
August 10, 2009	Section 2(c)(2) Collective Bargaining
September 28, 2009	Section 2(c)(2) Collective Bargaining Section 2(c)(5) Purchase or Lease of Real Estate Section 2(c)(6) Sale or Lease of Real Estate
December 14, 2009	Section 2(c)(2) Collective Bargaining
January 11, 2010	Section 2(c)(2) Collective Bargaining
January 25, 2010	Section 2(c)(2) Collective Bargaining Section 2(c)(5) Purchase or Lease of Real Estate
February 8, 2010	Section 2(c)(2) Collective Bargaining Section 2(c)(6) Sale or Lease of Real Estate

DATE	REASON
February 22, 2010	Section 2(c)(2) Collective Bargaining
April 5, 2010	Section 2(c)(2) Collective Bargaining
April 26, 2010	Section 2(c)(6) Sale or Lease of Real Estate Section 2(c)(2) Collective Bargaining
June 28, 2010	Section 2(c)(1) Personnel
September 27, 2010	Section 2(c)(1) Personnel
November 8, 2010	Section 2(c)(5) Purchase or Lease of Real Estate
November 22, 2010	Section 2(c)(2) Collective Bargaining
March 28, 2011	Section 2(c)(2) Collective Bargaining
May 9, 2011	Section 2(c)(2) Collective Bargaining Section 2(c)(11) Litigation
June 13, 2011	Section 2(c)(2) Collective Bargaining
July 11, 2011	Section 2(c)(1) Personnel
August 8, 2001	Section 2(c)(5) Purchase or Lease of Real Estate
December 19, 2011	Section 2(c)(5) Purchase or Lease of Real Estate
May 29, 2012	Section 2(c)(2) Collective Bargaining
August 17, 2012	Section 2(c)(1) Personnel
November 8, 2012	Section 2(c)(1) Personnel
December 10, 2012	Section 2(c)(1) Personnel
December 17, 2012	Section 2(c)(2) Collective Bargaining Section 2(c)(1) Personnel
February 25, 2013	Section 2(c)(29) Meet with External Auditors Section 2(c)(2) Collective Bargaining
July 22, 2013	Section 2(c)(5) Purchase or Lease of Real Estate
September 23, 2013	Section 2(c)(12) Settlement
November 12, 2013	Section 2(c)(1) Personnel Section 2(c)(5) Purchase or Lease of Real Estate
December 9, 2013	Section 2(c)(11) Potential Litigation Section 2(c)(1) Personnel
December 16, 2013	Section 2(c)(11) Potential Litigation Section 2(c)(1) Personnel

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Purchase a Skid Steer Compact Track Loader for the Public Works Department's Streets Division

RECOMMENDATION/MOTION: That the purchase of a Bobcat T650 Compact Track Loader from Bobcat Company, West Fargo, ND using the National Joint Powers Alliance Contract Number 060311 - CEC be approved, in the amount of \$74,657.19, 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 provided in the most cost-effective, efficient manner.

BACKGROUND: The Public Works Department's Street Division currently has a 2010 Bobcat S185 compact wheel loader with a 24" milling attachment. It is used primarily to grind and remove asphalt from severely degraded street surfaces. This has been effective in improving the road surfaces and expanding the useful life of the City's streets. The new machine is larger and can accommodate a 40" milling attachment. It also has rubber tracks in place of wheels. This is to provide consistent asphalt material removal for a smoother finished repair. The addition of this equipment will increase the efficiency of Street Division employees in this task by 166 percent. This machine is currently in stock at the local dealership and can be delivered promptly. Immediate delivery will increase the number of days the unit can be utilized this year for street repairs.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2015 Capital Lease has \$70,000 budgeted this fiscal year in line item Capital Lease - Capital Outlay Equipment Other than Office (40110131 - 72140). The replacement unit will cost \$74,657.19. The difference of \$4,657.19 will be paid from Street Maintenance - Street Repairs & Maintenance (10016120 - 72140) into the FY 2015 Capital Lease budget to cover the difference. There has been an increase of over \$3,700 in the cost of the unit due to finalization of the Tier 4 Emissions System. Stakeholders can locate the FY 2015 Capital Lease budget in the FY 2015 Proposed Budget Book titled "Other Funds and Capital Improvement Program" on page 96.

Respectfully submitted for Council consideration.

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

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. 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

Alderman Lower questioned this item. He specifically questioned if this would replace the existing one.

David Hales, City Manager, addressed the Council. He noted that if the equipment held no utility value then it was sold as surplus property.

Alderman Lower believed that this item represented an additional piece of equipment. He added that the existing unit could still be used by the City.

Jim Karch, Public Works Director, addressed the Council. Skid Steers were used for mill and fill operations. Public Works would have two (2) units. Milling jobs would be divided based upon size. The plan was to retain the existing unit until the maintenance costs became prohibitive. He noted that there were times when an older piece of equipment was simply replaced.

Motion by Alderman Schmidt, seconded by Alderman Painter that the purchase of a Bobcat T650 Compact Track Loader from Bobcat Company, West Fargo, ND, using the National Joint Powers Alliance Contract Number 060311 - CEC be approved, in the amount of \$74,657.19, 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 Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Purchase a Pursuit Package Chevrolet Tahoe for the Fire Department

RECOMMENDATION/MOTION: That the purchase a 2015 Chevrolet Tahoe from Currie Motors, Forest Park, IL, using the Northwest Suburban Purchasing Cooperative Contract Number 147 be approved, in the amount of \$34,022.64, 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 provided in the most cost-effective, efficient manner.

BACKGROUND: Staff recommends the pursuit rated vehicle because of its heavy duty design features. It has StabillTrak which is a stability control system with Proactive Roll Avoidance and Traction Control. This is needed to lessen the chance of a rollover on a four wheel drive vehicle. The unit is equipped with external engine and transmission oil coolers to extend component life. It will come pre-wired for some of the emergency equipment that will be transferred from the existing unit. It will be equipped with a 170 amp alternator to handle the electrical load of existing the emergency equipment.

Staff requests that the existing unit be declared surplus and disposed of in accordance with Chapter 16. Finance, Section 57. Disposal of Surplus Property.

The unit to be replaced is a 2007 Ford Expedition. This unit has over 60,000 miles at this time. Normal replacement of a vehicle of this type would be ten (10) years or 100,000 miles. This unit has been assigned to an ambulance classification due to its use. The normal replacement cycle for an ambulance is five (5) years. This unit is used as the backup vehicle for the first responding life support vehicle to provide emergency service to outlying communities. Total maintenance cost for the Expedition is \$16,395.51 to date. The fire equipment will be transferred from the existing unit to the replacement unit.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The replacement unit is budgeted in the City's FY 2015 Budget under Capital Lease - Capital Outlay Licensed Vehicles (40110130 - 72130). The unit is budgeted at a cost of \$35,755. The actual cost for the replacement is \$34,022.64. Stakeholders can locate this in the FY 2015 Proposed Budget document titled "Other Funds and Capital Improvement Program" on page 215.

Respectfully submitted for Council consideration.

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

Reviewed by: Eric Vaughn, Deputy Fire Chief –Administration

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

Alderman Lower questioned this item. He specifically cited the fact that this vehicle only had 60,000 miles on it. He also questioned if the City had a program to transfer vehicles from one department to another as a cost savings measure.

David Hales, City Manager, addressed the Council. He noted the City's Fleet Manager had established general practices regarding vehicle replacement.

Jim Karch, Public Works Director, addressed the Council. He noted the wear and tear that happened to emergency service vehicles. He noted this vehicles maintenance cost: over \$16,000. If there was an identified need/use then the vehicle was retained.

Motion by Alderman Schmidt, seconded by Alderman Painter that the purchase a 2015 Chevrolet Tahoe from Currie Motors, Forest Park, IL, using the Northwest Suburban Purchasing Cooperative Contract Number 147 be approved, in the amount of \$34,022.64, 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 Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine only by the glass for consumption on the premises

RECOMMENDATION/MOTION: That an LB liquor license for Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., be created, contingent upon compliance with all applicable health and safety codes.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of Illinois State University Board of Trustees for the Shakespeare Festival, located at 48 Sunset Rd., requesting a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine only by the glass for consumption on the premise. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Dick Folsie, Managing Director and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant address the Commission. Dick Folsie, Managing Director and Applicant's representative, addressed the Commission. Illinois State University Foundation's Ewing Cultural Center hosted the Shakespeare Festival in the 438 seat theater located on the grounds. Patrons are allowed to picnic on the grounds. Bottle beer and wine would be offered for sale. Annual attendance at the Festival was 9,000 – 10,000. The property was fenced and gated. The gates were manned by Festival employees/volunteers. The Festival is held from July through August. Illinois State has held a liquor license for the Festival since 2008.

Commissioner Renner questioned the Festival's experience. Mr. Folsie informed the Commission that identification was checked, notices were posted, employees were trained and Festival employees/volunteers watched the patrons as they exited.

Commissioner Renner questioned the alcohol servers. Mr. Folsie noted that they would be Festival employees who were twenty-one (21) years of age or older. The beer and wine would be sold by the bottle. Festival employees would be BASSET, (Beverage Alcohol Servers and Sellers Alcohol Training), certified.

Commissioner Renner questioned if alcohol must be purchased. Mr. Folsie noted that patrons were allowed to bring their own alcohol. There was a thirty-seven (37) year history of allowing same.

Commissioner Jordan questioned employee turnover. Mr. Folsie noted that these were seasonal employees. Generally the concession staff was new each year.

Commissioner Tompkins commended Mr. Folsie as the Festival was well operated. He questioned the parking situation. Mr. Folsie noted that the agreement between the Festival and St. John's Lutheran Church located at 1617 E. Emerson St. Festival employees assist patrons with parking and crossing Emerson St. The residents of Sunset Rd. do not want Festival patrons walking on their street.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application of Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset

Rd., requesting an LB liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week, be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the March 13, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Prepared by: Tracey Covert, City Clerk

Recommended by:

Tari Renner
Mayor

Alderman Mwilambwe left the dais. He was employed by Illinois State University.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that an LB liquor license for Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

Alderman Mwilambwe returned to the meeting.

The following was presented:

SUBJECT: Central Illinois Regional Airport (CIRA) Enterprise Zone Expansion and Amendment to the Enterprise Zone Intergovernmental Agreement to Include New Territory

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3b. Attraction of targeted businesses that are the right fit for Bloomington, and Objective 3e. Strong working relationships among the City, businesses and economic development organizations.

BACKGROUND: This ordinance submitted by the Economic Development Council of the Bloomington-Normal Area (EDC) seeks to amend the boundaries of the Bloomington/Normal/McLean County Enterprise Zone in order to cover approximately 1,299 acres of property centered around CIRA. The territory in question consists of multiple parcels of land owned by CIRA that could be utilized for new developments.

According to the EDC, the first of these developments will feature the construction of a new FedEx Express regional sorting and distribution facility. This development alone will invest approximately \$5 million and based on preliminary estimates by the EDC, the project will create at least thirty (30) new jobs in McLean County. Additional investments are being discussed with other companies, which may in turn lead to additional projects in and around CIRA in the future. All such developments align with and support the “logistics and distribution” section of the EDC’s five (5) year strategic plan.

An approval of this proposed amendment brings multiple benefits to our community and region. First and foremost, new jobs and new investment will increase the tax base and employment opportunities for residents. In addition, Enterprise Zone status will enhance CIRA’s ability to attract other new developments that can take advantage of proximity to the facility. As an added benefit, these new development opportunities will provide a revenue source to CIRA that helps to de-emphasize the reliance on property taxes. Lastly, developing projects on presently tax exempt CIRA land will bring these properties onto the tax rolls.

Two (2) administrative issues are also addressed by this ordinance and intergovernmental agreement. The included language extends the life of Bloomington/Normal/McLean County Enterprise Zone out to July 1, 2016 as per the new regulations set forth in ILPA 097-0905. July 1, 2016 will thus be the new expiration date for the zone and it cannot be further extended. The prior expiration date was December 31, 2015. Also changed is the method for calculating building materials exemption certification fees to reflect the formula allowed by ILPA 097-0905.

As with other Enterprise Zone amendments, the financial risks to local municipalities from this amendment are minimal. Some local sales taxes on building materials could be jeopardized via the building materials exemption, but as with all Enterprise Zone activity, these losses are easily offset by increases to the property tax base and the spill-over effects of job gains. With the exception of the building materials exemption, all other Enterprise Zone benefits come from the State of Illinois and not from local governments.

Lastly, the Bloomington/Normal/McLean County Enterprise Zone still has ample free territory to be deployed for expansion projects such as this. At present, the zone comprises only 7.314 square miles of the total fifteen (15) square miles allotted by state law. By adopting this

ordinance and thereby amending the zone's boundaries to include 1,299 acres, the total remaining zone territory will be 5.656 square miles.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: EDC and CIRA.

FINANCIAL IMPACT: There is no direct financial impact to the City. Some local sales taxes on building materials could be jeopardized via the building materials exemption, but as with all Enterprise Zone activity, these losses are easily offset by increases to the property tax base and the spill-over effects of job gains.

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

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

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2014 - 46**AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIAL WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL, AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE” AS AMMENDED**

WHEREAS, the City of Bloomington did, on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did, on numerous occasions after establishment of the Enterprise Zone, adopt Ordinances amending Ordinance No. 1984-131, including those lengthening the duration of the Enterprise Zone and amending the territory included within the Enterprise Zone; and

WHEREAS, the Existing Units of Government of said Enterprise Zone, determine it is in the best interests of the citizens of the Existing Units of Government that additional properties be included in the Enterprise Zone, the duration of the Enterprise Zone be extended and the Zone Administration Fee be amended; and

WHEREAS, a public hearing regarding such amendment has been held as provided by law.

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

SECTION ONE: That Ordinance No. 1984 - 131 designating the Bloomington Normal McLean County Enterprise Zone, as subsequently amended, shall be, and the same is, hereby further amended as follows:

- A. Adding the territory described in Exhibit A to the territory of the Enterprise Zone.
- B. Amending the certification fee language to read as follows:

The Enterprise Zone Administrator is hereby authorized and directed to collect a certification fee from any applicant for construction or renovation in the Enterprise Zone in order to be certified as eligible for enterprise zone benefits. Such certification fee shall be (unless other arrangements are made with the Zone Administrator) accompany enterprise zone application forms as developed by the Administrator and shall be 0.5 per cent (1/2 of 1 percent) of the cost of building materials of a project determined at the time of certification of the project by the Enterprise Zone Administrator, provided, however, no fee shall exceed \$50,000.

That the certification fee collected by the Zone Administrator shall be disbursed as follows: 100 percent to the Economic Development Council of Bloomington Normal Area.

C. Amending Section 3 extending the duration of the Enterprise Zone to read as follows:

Section 3: Duration. The duration of the Zone shall be for a period extending not later than July 1, 2016.

SECTION TWO: That the Mayor of the City of Bloomington, Illinois shall have, and is hereby given authority to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the Town of Normal, Illinois, the City of Bloomington, Illinois, the County of McLean, Illinois, the County of Ford, Illinois and the City of Gibson City, Illinois (the "Enterprise Zone Intergovernmental Agreement") attached hereto as Exhibit B, which Amendment memorializes the addition to the territory identified as this Ordinance to the territory of the Enterprise Zone.

SECTION THREE: That the provisions of Ordinance No. 1984-131 as previously amended and as hereby amended, being "An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as Enterprise Zone" shall remain in full force and effect.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION FIVE: That the City Clerk be and is hereby directed and authorized to publish this Ordinance in pamphlet form as required by law and forward a certified copy of this Ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this Ordinance with the County Clerk for McLean County.

SECTION SIX: That this Ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION SEVEN: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

PASSED this 27th day of May, 2014.

APPROVED this 28th day of May, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit A

(Description of Territory to be added to the Enterprise Zone)

Legal Description Tract I

Part of the Southwest Quarter of Section 31 in Township 24 North, Range 3 East in the Third Principal Meridian, McLean County, Illinois, being a strip of land 3.00 feet in width and lying 1.50 feet on each side of the following described line:

Beginning at the Southwest corner of said Section 31; thence South 88 Degrees 51 Minutes 13 Seconds East along the South line of said Section 31 a distance of 79.66 feet; thence North 00 Degree 45 Minutes 06 Seconds West a distance of 142.56 feet along the extension of the East right of way line of Airport Road. Said strip is bounded on the North by the East right of way line of Airport Road and on the South by the South line of said Section 31.

Legal Description Tract II

Part of the Southeast Quarter of Section 31 in Township 24 North, Range 3 East and part of Sections 5, 6, 7 and 18 in Township in Township 23 North, Range 3 East and part of Section 1 in Township 23 North, Range 2 East all in the Third Principal Meridian, McLean County, Illinois. Said part being further described as follows:

Beginning at the Northwest corner of said Section 6; thence South 88 Degrees 51 Minutes 13 Seconds East along the North line of said Section 6 a distance of 4490.15 feet to the Southwest corner of the East half of the Southeast Quarter of said Section 31; thence North 00 Degree 21 Minutes 56 Seconds West along the West line of the East half of the Southeast Quarter of said Section 31 a distance of 2638.47 feet to the Northwest corner of the said East half; thence South 89 Degrees 29 Minutes 20 Seconds East along the North line of the said East half a distance of 1491.97 feet to the Northeast corner of the said East half; thence South 00 Degree 10 Minutes 47 Seconds East along the East line of the said East half a distance of 2654.81 feet to the Northeast corner of said Section 6; thence South 00 Degree 37 Minutes 05 Seconds East along the East line of the said Section 6 a distance of 3676.23 feet; thence South 89 Degrees 23 Minutes 21 Seconds East a distance of 53.49 feet; thence South 72 Degrees 18 Minutes 04 Seconds East a distance of

1106.16 feet; thence South 18 Degrees 16 Minutes 41 Seconds West 1632.26 feet to a point on the South line of the Southwest Quarter of said Section 5; thence North 89 Degrees 02 Minutes 00 Seconds West along the said South line a distance of 578.45 feet to the Southeast corner of said Section 6; thence North 00 Degree 31 Minutes 08 Seconds West along the East line of the Southeast Quarter of said Section 6 a distance of 83.79 feet; thence North 71 Degrees 43 Minutes 41 Seconds West a distance of 1189.36 feet; thence South 00 Degree 10 Minutes 21 Seconds East a distance of 462.58 feet to a point on the South line of the Southeast quarter of said Section 6; thence South 89 Degrees 42 Minutes 03 Seconds West along the said South line a distance of 816.57 feet; thence South 18 Degrees 16 Minutes 19 Seconds West a distance of 699.56 feet; thence South 00 Degree 30 Minutes 38 Seconds East a distance of 4642.70 feet to a point on the South line of said Section 7; thence South 89 Degrees 36 Minutes 59 Seconds West along the said South line a distance of 1822.85 feet to the Northeast corner of Government Lot 2 in said Section 18; thence South 00 Degree 26 Minutes 02 Seconds East along the East line of said Government Lot 2 a distance of 1330.84 feet; thence North 89 Degrees 30 Minutes 25 Seconds East along the North line of the South half of Government Lot 1 of said Section 18 a distance of 1325.80 feet to a point on the East line of said Government Lot 1; thence South 00 Degree 26 Minutes 02 Seconds East along the said East line a distance of 1333.78 feet to the center of said Section 18; thence South 89 Degrees 38 Minutes 34 Seconds West along the South line of the Northwest Quarter of said Section 18 a distance of 1649.59 feet; thence South 00 Degree 21 Minutes 26 Seconds East a distance of 2673.60 feet to a point on the South line of the Southwest Quarter of said Section 18; thence South 89 Degrees 29 Minutes 24 Seconds West along the said South line a distance of 1640.67 feet to the Southwest corner of said Section 18; thence North 00 Degree 33 Minutes 26 Seconds West along the West line of said Section 18 a distance of 5338.58 feet to the Northwest corner of said Section 18; thence North 89 Degrees 36 Minutes 59 Seconds East along the South line of the Southwest quarter of said Section 7 a distance of 747.71 feet to a point on the extension of the East right of way line of Streid Drive; thence North 40 Degrees 17 Minutes 08 Seconds West along the said East right of way line a distance of 180.30 feet; thence North 00 Degrees 35 Minutes 25 Seconds West along the said East right of way line a Distance of 4465.78 feet to a point at the beginning of a curve to the left, said curve having a radius of 1266.23 feet and an arc length of 783.71 feet; thence on a chord bearing of North 23 Degrees 57 Minutes 22 Seconds West and a chord distance of 771.26 feet to a point on the South line of the Southwest quarter of said Section 6; thence South 89 Degrees 42 Minutes 03 Seconds West along the said South line a distance of 320.94 feet to the Southwest corner of said Section 6; thence North 00 Degree 30 Minutes 07 Seconds West along the West line of the Southwest quarter of said Section 6 a distance of 388.83 feet to the Southeast corner of said Section 1; thence North 00 Degree 31 Minutes 25 Seconds West along the East line of Colonial Meadows Addition "I" a distance of 1782.74 feet to the Northeast corner of the said Colonial Meadows Addition "I"; thence South 89 Degrees 26 Minutes 16 Seconds West along the North line of the said Colonial Meadows Addition "I" a distance of 836.92 feet to the Northwest corner of the said Colonial Meadows Addition "I"; thence South 00 Degree 12 Minutes 58 Seconds West along the West line of the said Colonial Meadows Addition "I" a distance of 667.70 feet to the Northeast corner of Waterford Estates Subdivision Second Addition; thence South 88 Degrees 14 Minutes 37 Seconds West along the North line of Waterford Estates Subdivision Second Addition and North line of Waterford Estates Subdivision Fourth Addition a distance of 1024.36 feet to a point at the Northwest corner of Waterford Estates Subdivision Fourth Addition; thence South 33 Degrees 10 Minutes 22 Seconds West along the Northwesterly line of Waterford Estates

Subdivision Fourth Addition a distance of 112.30 feet to a point on the West line of Waterford Estates Subdivision Fourth Addition; thence South 01 Degree 44 Minutes 13 Seconds East along said West line a distance of 187.91 feet to the Southwest corner of Waterford Estates Subdivision Fourth Addition said point being on the North line of Waterford Estates Subdivision First Addition; thence South 88 Degrees 15 Minutes 33 Seconds West along the said North line and the North line of Waterford Estates Subdivision Third Addition and the North line of Waterford Estates Subdivision Fifth Addition a distance of 1288.64 feet; thence South 42 Degrees 11 Minutes 11 Seconds West along the Northwesterly line of Waterford Estates Subdivision Fifth Addition a distance of 134.74 feet; thence South 00 Degree 43 Minutes 01 Second East along the West line of Waterford Estates Subdivision Fifth Addition a distance of 232.22 feet; thence South 88 Degree 12 Minutes 33 Seconds West along the North line of Waterford Estates Subdivision Fifth Addition a distance of 261.35 feet to a point on the Southeasterly line of Washington East Subdivision Tenth Addition; thence North 32 Degrees 26 Minutes 16 Seconds East along said Southeasterly line and along the Southeasterly line of Lot 1 of the Evergreen Racquet Club Final Plat a distance of 1019.71 feet; thence North 36 Degrees 47 Minutes 34 Seconds East along said Southeasterly line of Lot 1 of the Evergreen Racquet Club Final Plat a distance of 510.39 feet to a point on the West line of the Southeast quarter of Section 1; thence North 00 Degree 03 Minutes 13 Seconds East along said West line and the East line of Washington East Subdivision Fifth Addition a distance of 888.03 feet to the center of said Section 1; thence South 89 Degrees 17 Minutes 11 Seconds West along the South line of the Northwest quarter of said Section 1 and the North line of Washington East Subdivision Fifth Addition a distance of 1371.43 feet to the Southeast corner of Lot 5 of Hershey Center Final Plat; thence North 00 Degree 56 Minutes 19 Seconds East along the East line of said Lot 5 a distance of 473.51 feet to the Northeast corner of said Lot 5; thence North 71 Degrees 29 Minutes 43 Seconds West along the Northerly line of Hershey Center Final Plat a distance of 1128.64 feet to the Southeast corner of Hershey Plaza Subdivision; thence North 18 Degrees 16 Minutes 27 Seconds East along the Easterly line of Hershey Plaza Subdivision and the Easterly line of Hershey Plaza Subdivision Second Addition and the Easterly line of Hershey Plaza Subdivision Fourth Addition a distance of 1433.71 feet to the Northeast corner of Hershey Plaza Subdivision Fourth Addition; thence North 89 Degrees 44 Minutes 09 Seconds West along the North line of Hershey Plaza Subdivision Fourth Addition a distance of 252.46 feet to the Southeast corner of Burwell Subdivision; thence North 00 Degree 15 Minutes 51 Seconds East along the East line of Burwell Subdivision a distance of 522.00 Feet to a point South right of way line of Illinois Route 9 (East Empire Street); thence South 87 Degrees 45 Minutes 53 Seconds East along the South right of way line of Illinois Route 9 (East Empire Street) a distance of 223.53 to a point at the Northwest corner of Route 9 Commercial Park Subdivision First Addition; thence South 00 Degree 23 Minutes 23 Seconds West along the West line of said Route 9 Commercial Park Subdivision First Addition a distance of 237.40 feet to a point at the Southwest corner of said Route 9 Commercial Park Subdivision First Addition; thence South 89 Degrees 47 Minutes 34 Seconds East along the South line of said Route 9 Commercial Park Subdivision First Addition a distance of 126.77 feet to a point at the Southeast corner of Lot 9 of said Route 9 Commercial Park Subdivision First Addition; thence Southeasterly on the curved existing South right of way line of Airline Drive with a radius of 509.76 feet and an arc length of 202.25 feet; thence on a chord bearing of South 77 Degrees 33 Minutes 39 Seconds East a chord distance of 200.93 feet; thence South 64 Degrees 38 Minutes 32 Seconds East along the said existing South right of way line of Airline Drive and the Southerly line of said Route 9 Commercial Park Subdivision First

Addition and the extension thereof a distance of 1319.87 feet to a point at the beginning of a curve to the right, said curve having a radius of 993.00 feet and an arc length of 80.33 feet; thence on a chord bearing of South 67 Degrees 02 Minutes 46 Seconds East and a chord distance of 80.31 feet; thence North 00 Degree 06 Minutes 43 Seconds West a distance of 945.58 feet to a point on the North line of the Northwest quarter of said Section 1; thence South 89 Degrees 43 Minutes 24 Seconds East along the North line of said Section 1 a distance of 3092.18 feet to the Point of Beginning containing 1,911 acres more or less.

Excepting The Following Described Tract:

Commencing at the center of said Section 1; thence North 00 Degree 03 Minutes 13 Seconds East along the West line of the Northeast Quarter of said Section 1 a distance of 135.33 feet to a point, said point being 745.00 feet Southwesterly when measured at right angles from the existing centerline or extension thereof of Runway 11/29 at the Central Illinois Regional Airport and said point being the Point of Beginning; thence North 71 Degrees 43 Minutes 48 Seconds West parallel with the said existing centerline or extension thereof of Runway 11/29 a distance of 126.61 feet; thence North 67 Degrees 06 Minutes 22 Seconds West a distance of 802.61 feet; thence North 18 Degrees 16 Minutes 12 Seconds East a distance of 1360.59 feet; thence South 76 Degrees 21 Minutes 15 Seconds East a distance of 802.61 feet to a point, said point being 745.00 feet Northeasterly when measured at right angles from the said existing centerline or extension thereof of Runway 11/29; thence South 71 Degrees 43 Minutes 48 Seconds East parallel with the said existing centerline or extension thereof of Runway 11/29 a distance of 5141.17 feet; thence North 84 Degrees 48 Minutes 14 Seconds East a distance of 832.69 feet to a point, said point being 745.00 feet Northwesterly when measured at right angles from the existing centerline or extension thereof of Runway 2/20 at the Central Illinois Regional Airport; thence North 18 Degrees 16 Minutes 12 Seconds East parallel with the said existing centerline or extension thereof of Runway 2/20 a distance of 1923.40 feet; thence North 17 Degrees 41 Minutes 49 Seconds East a distance of 707.99 feet to the existing South right of way line of Illinois Route 9; thence South 88 Degrees 25 Minutes 01 Second East along the said South right of way line a distance of 1575.01 feet; thence South 18 Degrees 50 Minutes 34 Seconds West distance of 1160.26 feet to a point, said point being 745.00 feet Southeasterly when measured at right angles from the said existing centerline or extension thereof of Runway 2/20; thence South 18 Degrees 16 Minutes 12 Seconds West parallel with the said existing centerline or extension thereof of Runway 2/20 a distance of 2254.98 feet to a point, said point being 745.00 feet Northeasterly when measured at right angles from the said existing centerline or extension thereof of Runway 11/29; thence South 72 Degrees 30 Minutes 48 Seconds East a distance of 330.03 feet; thence South 18 Degrees 16 Minutes 12 Seconds West a distance of 1499.02 feet; thence North 70 Degrees 56 Minutes 48 Seconds West a distance of 330.03 feet to a point, said point being 745.00 feet Southwesterly when measured at right angles from the said existing centerline or extension thereof of Runway 11/29 and said point being 745.00 feet Southeasterly when measured at right angles from the said existing centerline or extension thereof of Runway 2/20; thence South 18 Degrees 16 Minutes 12 Seconds West parallel with the said existing centerline or extension thereof of runway 2/20 a distance of 4655.02 feet; thence South 17 Degrees 41 Minutes 49 Seconds West a distance of 807.57 feet; thence North 71 Degrees 09 Minutes 26 Seconds West a distance of 1506.08 feet; thence North 18 Degrees 50 Minutes 34 Seconds East a distance of 792.51 feet to a point, said point being 745.00 feet Northwesterly

when measured at right angles from the said existing centerline or extension thereof of Runway 2/20; thence North 18 Degrees 16 Minutes 12 Seconds East parallel with the said existing centerline or extension thereof of Runway 2/20 a distance of 3400.63 feet; thence North 32 Degrees 5 Minutes 15 Seconds West a distance of 1998.59 feet to a point, said point being 745.00 feet Southwesterly when measured at right angles from the said existing centerline or extension thereof of Runway 11/29; thence North 71 Degrees 43 Minutes 48 Seconds West parallel with the said existing centerline or extension thereof of Runway 11/29 a distance of 4222.48 feet to the Point of Beginning containing 612 acres more or less.

With the aggregate total area of the proposed Enterprise Extension Area being 1299 acres more or less affecting the following PIN numbers:

22-06-100-009	22-06-400-009	21-01-251-002
21-01-226-003	21-01-226-009	21-01-226-008
21-01-226-057	21-01-151-026	21-01-126-012
21-01-202-001	21-01-202-002	21-01-126-002
21-01-126-003	21-01-201-008	21-01-201-090
22-06-100-005	15-31-400-016	22-05-300-007
22-06-300-004	22-07-300-009	22-07-300-008
22-18-100-007	22-18-100-004	22-18-300-005
22-18-300-004	21-01-426-002	21-04-426-001
21-01-476-037		

EXHIBIT B

AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT TO INCLUDE NEW TERRITORY

This Amendment is entered into the ____ day of _____, 2014, by and between the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, the County of McLean, the County of Ford and the City of Gibson City, a municipal corporation, a body politic and incorporate, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

WHEREAS, the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, the County of McLean, entered into an Intergovernmental Agreement in December, 1984, for the purpose of creating and operating an Enterprise Zone within the jurisdiction of said parties pursuant to the Illinois Enterprise Zone Act (the "Act"); and

WHEREAS, the Enterprise Zone was originally certified as an enterprise zone by the Department of Commerce and Economic Opportunity of the State of Illinois effective July 1, 1985; and

WHEREAS, the Enterprise Zone now compasses approximately 7.314 square miles; and

WHEREAS, the Act allows an enterprise zone to encompass up to 15 square miles if the zone is a joint effort of four or more units of government; and

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately 2.02969 square miles would be benefited by being encompassed within the boundaries of said Enterprise Zone; and

WHEREAS, it would be in the best interests of the citizens of the City of Bloomington, Illinois, the Town of Normal, Illinois, and the County of McLean, Illinois, the City of Gibson City, Illinois and the County of Ford, Illinois that said additional territory be included in the Enterprise Zone.

NOW, THEREFORE, BE IT AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. That Section 2 "Description" of the Intergovernmental Agreement, and the property described in Exhibit "E1-a" and incorporated in said Section by reference, as subsequently amended, be and the same is hereby amended to include therein the area described in Exhibit A attached hereto (the "Amended Area"), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.
2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties set forth in the original Intergovernmental Agreement, as subsequently amended, are hereby ratified and confirmed, and are hereby applied to the Amended Area of the Enterprise Zone in their entirety.

THE UNDERSIGNED PARTIES HAVE CAUSED THIS AMENDMENT TO INTERGOVERNMENTAL AGREEMENT TO BE EXECUTED BY THEIR DULY DESIGNATED OFFICIALS, PURSUANT TO AUTHORITY CONFERRED BY THEIR RESPECTIVE GOVERNING BODIES THE DATE FIRST SHOWN ABOVE.

City of Bloomington
a Municipal Corporation

Town of Normal
a Municipal Corporation

By: Tari Renner
Mayor

By _____
Mayor

Attest:

Attest:

Tracey Covert
City Clerk

City Clerk

County of McLean
a Body Politic and Corporate

a Body Politic and Corporate

By: _____
County Board Chairman

By: _____
County Board Chairman

Attest:

Attest:

County Clerk

County Clerk

City of Gibson City
A Municipal Corporation

By: _____
Mayor

Attest:

City Clerk

APPENDIX A

ORDINANCE NO. 1984-131

AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND UNINCORPORATED McLEAN COUNTY AS AN ENTERPRISE ZONE

WHEREAS, the State of Illinois Enterprise Zone Act encourages local governmental participation in the promotion of private sector investment in economically depressed areas throughout the State; and

WHEREAS, a large number of residents in the Bloomington-Normal area have experienced pervasive poverty, unemployment and economic distress; and

WHEREAS, the Illinois Enterprise Zone Act requires units of local government to pass an Ordinance establishing an Enterprise Zone before it can apply to the Department of Commerce and Community Affairs for certification of the Zone; and

WHEREAS, a public hearing on the establishment of such a Zone was conducted by the City of Bloomington, Town of Normal and County of McLean on December 13, 1984,

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

SECTION 1.Designation.The area described and depicted in Appendix “A”, which is attached hereto and incorporated herein is hereby designated as an enterprise zone (hereafter “the Zone”) subject to the approval of the Illinois Department of Commerce and Community Affairs (hereafter “the Department”).

SECTION 2.Qualifications.The City Council finds and determines that the Zone meets the qualifications of Section 4 of the Enterprise Zone Act (III. Rev. Stat. ch. 67 1/2, 5601 et seq.) (hereafter “the Act”).

SECTION 3. Duration. The duration of the Zone shall be for a period of ten (10) years from the date of its approval by the Department.

SECTION 4.The Mayor and City Council of the City of Bloomington, in an effort to facilitate the successful development of the Enterprise Zone will make available the following incentives and target the following programs within the Enterprise Zone for the life of the Enterprise Zone and in accordance with policies and procedures to be implemented following designation of the Enterprise Zone by the Department of Commerce and Community Affairs:

Each retailer subject to the Municipal Retailer’s Occupation Tax levied by the City of Bloomington may file for a credit thereon for such portion of the tax which is applied to the sale of building and construction materials used for residential, commercial and/or industrial rehabilitation, expansion, or new development projects within the Zone, subject to the limitations imposed by Section 6 of this Ordinance.

Any land owned by the City of Bloomington in the Zone that is available for sale will be sold for commercial or industrial development at a rate below its appraised fair market value as follows:

Amount of Increase in Assessed Valuation	Percentage Discount
Under \$1,000,000	0%
\$1,000,001 - \$2,000,000	20%
\$2,000,001 - \$3,000,000	40%
\$3,000,001 - \$4,000,000	60%
\$4,000,001 - \$5,000,000	80%
Over \$5,000,000	100%

Reduction by 50% of all development and permit fees for work in and related to development of the Zone. Fees subject to the reduction include water and sewer connection charges, excavation permit fees, engineering inspection fees and building permit fees.

Issuance of private activity bonds of the City of Bloomington for development of the Zone to the full extent permitted by the Internal Revenue Code.

(e) Abatement of 50% of the real estate property tax generated within the zone by residential, commercial and industrial rehabilitation, expansion, and/or new development projects in the Zone for a ten (10) year period.

SECTION 5. Pursuant to Section 4(d) of the Act, this Ordinance does not prohibit the City from extending additional tax incentives or reimbursements for business enterprises in this Enterprise Zone or its corporate limits by separate Ordinance.

SECTION 6. No taxes upon real estate shall be abated, nor shall any credit or refund of Municipal Retailer's Occupation Tax be authorized unless the Improvement, reconstruction or rehabilitation to which the same relates is of the nature and scope for which a building permit is required by the Building Code and said required permit has been obtained.

SECTION 7. That the City Manager be, and he is hereby, authorized and directed to cause application in be made to the State of Illinois pursuant to said Act containing that which is required thereby and that which Is permitted thereby to the extent deemed by him to be conducive to the carrying out of the intent and purpose of the Act and of this Ordinance, and to cause to be promulgated such programs, directives, rules and regulations, to make such recommendations, and to furnish such information not inconsistent therewith as to secure certification of said zone and to administer the same and the programs therein after the same is so certified.

SECTION 8. The position of "Zone Administrator" is hereby created. The first Zone Administrator shall be the Executive Director of the McLean County Economic Development Council, who is an officer or employee of the City of Bloomington and successors shall be designated pursuant to an Intergovernmental Agreement by and among the City of Bloomington, Town of Normal and County of McLean pertaining to the Zone. The duties of the Zone Administrator shall I be performed in addition to the regular duties of the position of Executive Director.

It shall be the power and duty of the Zone Administrator to:

- (a) supervise the implementation of the provisions of this Ordinance and the Illinois Enterprise Zone Act;
- (b) act as a liaison between the City of Bloomington, the County of McLean, the Illinois Commerce and Community Affairs, organization(s); and other state, agencies, whether public or private;
- (c) conduct an ongoing evaluation of the enterprise zone program and submit such evaluative reports on at feast an annual basis to the Mayor or the City Council;
- (d) promote the coordination of other relevant programs, including but not limited to, housing, community and economicdevelopment,small Ibusiness, financial assistanceand employment training with in the enterprise zone;
- (e) recommend qualified designated zone organizations to the City Council; and
- (f) have other such duties as specified by either the Mayor or the City Council.

In addition, the City of Bloomington may designate one or more organizations qualified under Section 3(d) of the Act as designated zone organizations.

SECTION 9. All Ordinances or parts of Ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law and shall apply to such portion of the Zone as is or becomes a part of the City of Bloomington in the duration of the Zone.

PASSED this 26th day of December, 1984.

APPROVED this 26th day of December, 1984.

APPROVED:

DONN PIERCE Acting Mayor

ATTEST:

SANDRA CORDERO, City Clerk

Published this 28th day of December, 1984.

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. This item included an ordinance which would extend the Enterprise Zone to the Central IL Regional Airport (CIRA). This item involved a new FedEx facility. FedEx planned to invest \$5 million in the facility and employ thirty (30) people at same. He added that Ken Springer, Bloomington Normal Economic Development Council's (EDC) Vice President, was present at tonight's meeting.

Mayor Renner thanked the EDC and others for their efforts and success regarding this project.

Mr. Hales added that Carl Olson, CIRA's Executive Director, was also present at the meeting. He noted that this project had been a three (3) year effort.

Alderman Fazzini questioned if FedEx's planned facility was tied to approval of this item.

Ken Springer, EDC's Vice President, addressed the Council. He noted that this was difficult to answer. An Enterprise Zone was not a lucrative incentive. It represented a

three to five percent (3 – 5%) savings. FedEx has requested same. It was seen as being helpful. A FedEx facility at CIRA made the airport more attractive.

Alderman Fazzini restated that FedEx had requested inclusion in the Enterprise Zone and a FedEx facility would make CIRA more attractive to other companies. Mr. Springer responded affirmatively. Part of the EDC's long term strategic plan included insuring that CIRA would be an asset for the community.

Alderman Lower noted that this property could or could not be included in the Enterprise Zone. Mr. Springer noted that currently the land was vacant. The EDC hoped to see additional logistics air related businesses locate there. CIRA needed to diversify its revenue streams.

Alderman Lower was well aware of CIRA's financial situation. He questioned if a cost/benefit analysis had been completed. Mr. Springer restated that this incentive offered future business attractions. The Enterprise Zone represented a three to five percent (3 – 5%) project cost savings. Enterprise Zones were a state based incentive.

Alderman Lower believed that this item involved a transfer of FedEx's facility from Peoria to the City. Mr. Springer did not know if this item was an asset shift. FedEx has made no public comments regarding same.

Alderman Lower questioned what other entities were interested in this site. Mr. Springer noted that there were other potential developments. The EDC hoped that this land would become an air cargo cluster at CIRA.

Alderman Lower noted Rockford's airport as an example.

Mr. Springer noted that an Enterprise Zone was wide open.

Alderman Sage stated his support for this item. He added his appreciation to those involved for their efforts regarding this project. He noted past practice which applied the Enterprise Zone to a specific tract of land for a designated use. This request appeared to be creating a foot print.

Mr. Springer acknowledged the past practice of specific parcels for specific projects. He noted the recent amendment which included the Downtown. The Enterprise Zone would expire on July 1, 2016. In the past, the EDC had taken a conservative approach. At this time, the EDC was giving consideration to geographic areas in the hope of attracting development. He noted that the majority of current Enterprise Zone was part of Mitsubishi Motors.

Alderman Sage believed that this item represented a good starting point. Success often lead to success.

Alderman Mwilambwe questioned the thirty (30) jobs and the salary range. Mr. Springer stated that he did not know. FedEx had not shared this information.

Alderman Mwilambwe noted that the Enterprise Zone would expire in 2016. He questioned other tools in the EDC tool box.

Alderman Schmidt questioned the City's ability/opportunity to pursue a new Enterprise Zone. This represented a large tool. The City needed to have a plan. A new Enterprise Zone should consider poverty and commercial occupancy rates.

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Fiscal Year 2015 Service Agreement with the Downtown Bloomington Association (DBA)

RECOMMENDATION/MOTION: That the FY 2015 Service Agreement with the Downtown Bloomington Association be approved in the amount of \$90,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy, and Goal 6. Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses; Objective 3b. Attraction of new targeted businesses that are the "right" fit for Bloomington; Objective 3c. Revitalization of older commercial homes; Objective 3d. Expanded retail businesses; Objective 3e. Strong working relationships among the City, businesses, economic development organizations; Objective 6a. More beautiful, clean Downtown area; Objective 6b. Downtown Vision and Plan used to guide development, redevelopment and investments; Objective 6c. Downtown becoming a community and regional destination; Objective 6d. Appropriate leisure and recreational opportunities responding to the needs of residents; and Objective 6e. Preservation of historic buildings.

BACKGROUND: Over the last twenty years, the City has partnered with several different organizations and programs in the Downtown area. These include Bloomington Unlimited, Uniquely Bloomington and, currently, the Downtown Bloomington Association (DBA). These partnerships have involved both financial and in-kind support aimed at developing the Downtown area as a unique neighborhood within the community.

For some years prior to 2006, the City had an agreement with Uniquely Bloomington which provided for that organization to receive \$200,000 per year of Downtown TIF (Tax Increment Finance) funds. After Uniquely Bloomington dissolved, the DBA was created and the City provided \$50,000 in funding. In 2006, the City provided \$75,000. On May 14, 2007, the Council approved a five (5) year agreement with the DBA that included a performance clause with annual renewals based upon City staff's recommendation, with threshold dollar amounts remaining in place. An illustration of funding patterns for the DBA was provided to Council.

The DBA office staff consists of the Executive Director and Marketing Coordinator. The financial terms proposed within the Funding Agreement with the DBA are based on the following considerations:

1. Fixed cost, (salaries, rent and utilities);
2. Salary and benefits for the DBA's Executive Director and Marketing Coordinator;
3. Administration of the Farmers Market, including the Thanksgiving and indoor Farmer's Markets and Artist Show Case;
4. Outreach: number of activities, building renovations, public and private reinvestments statistics, design assistance projects and private partnerships that could include a formal sidewalk snow removal and refuse collection contracts;
5. Oversight of Downtown refuse/litter program through partnership with Mclean County Adult Services (probationers);
6. Further develop the existing DBA information directory;
7. Serve as a conduit for Downtown businesses and representatives for the purpose of sharing City related information and activities including, but not limited to, ordinances and fine schedules on litter, snow removal, and refuse collection for residences;
8. Create a Downtown Ambassador program;
9. Special Events would include events that would benefit all Downtown merchants;
10. Performance Measurements and Economic Development: DBA will be responsible for tracking and reporting of all Performance Measurements, including:
 1. Number of DBA members
 2. Number of reoccurring events
 3. Golden Broom Awards
 4. Number of new events
 5. Number of new businesses in the Downtown community
 6. Revitalization efforts (including building renovation and public and private reinvestments statistics)
 7. Number of private partnerships (including trash and snow removal)
 8. Vendors for the Farmers' Market

Performance measurement data will be submitted to the City Manager’s Office on a monthly basis for inclusion in the City Manager’s Monthly Performance Data Report;

- 11. Monthly Report to be submitted to the City Manager’s Office by the 15th of each month;
- 12. Monthly meetings are to be held with the DBA’s Executive Director and the City staff liaison to ensure “immediate accomplishments”;
- 13. Maintain the Illinois Main Street designation;
- 14. The agreement would be in effect, commencing on May 1, 2014 and terminating on April 30, 2015.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: DBA Executive Director, DBA Board President and Downtown Property Owners President.

FINANCIAL IMPACT: The FY 2015 Budget included \$90,000 approved by Council on April 21, 2014, under: “Economic Development - To Downtown Bloomington Association” Line Item: 10019170 – 75012. Stakeholders can locate this in the FY 2015 Proposed Budget document titled “Budget Overview and General Fund” on page 319.

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

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

Recommended by:

David A. Hales
City Manager

**FUNDING AGREEMENT BETWEEN THE CITY OF BLOOMINGTON
AND THE DOWNTOWN BLOOMINGTON ASSOCIATION**

This Agreement is made and entered into this ____day of _____, 2014 by and between the City of Bloomington, a municipal corporation organized under the laws of the State of Illinois (hereinafter referred to as “City”), and the Downtown Bloomington Association, a not-for-profit membership-based organization (hereinafter referred to as “DBA”).

Recitals

WHEREAS, the DBA is a not-for-profit membership-based organization representing business, property owners and residents, to enhance the vitality and livability of downtown Bloomington; and

WHEREAS, the DBA has served the Bloomington community in a variety of ways over the last several years, generating awareness and increased business traffic in downtown Bloomington with various events including the Farmers' Market, which has proven to be one of the largest markets in central Illinois, providing opportunities for people to come downtown for fresh fruit and vegetables, as well as for local shopping; and

WHEREAS, in March 2005, the DBA was accepted into the Illinois Main Street Program, which provides technical assistance and, in partnership with the Illinois Historic Preservation Agency, provides design assistance to downtown business and property owners; and

WHEREAS, the DBA receives financial support from private sponsors, contributing members and the City; and

WHEREAS, the City Council has approved Agreements with the DBA for financial support in the following amounts: 2007 = \$180,000; 2008 = \$190,000; 2009 = \$195,000; 2010 = \$195,000; 2011 = \$90,000 and 2012 = \$90,000; and

WHEREAS, in 2013, the City Council provided financial support to the DBA in the amount of \$90,000, which expires April 30, 2014; and

WHEREAS, the City now desires to enter into a Funding Agreement with the DBA and agrees to provide financial support in the amount of \$90,000 in Fiscal Year 2015.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the City and the DBA do hereby agree as follows:

Section 1: Funding. The City, subject to the terms and conditions of this Agreement, hereby agrees to provide the DBA the sum of no less than ninety-thousand dollars (\$90,000) for FY2015. None of these funds shall be utilized for political activities, or in any other manner that is inconsistent with the vision, goals and objectives of the City.

Monthly payments shall be made to the DBA by the first of each month and shall be in the amount of \$7,500. The last payment shall be in April 2015.

Section 2: Term. The term of said agreement shall be May 1, 2014 through April 30, 2015.

Section 3: DBA Responsibilities. During the funding period outlined in Section 1, the DBA's responsibilities shall include, but not be limited to, the following: 1) coordinate; Bloomington's downtown revitalization efforts; 2) provide design assistance to property owners; 3) manage business recruitment activities; 4) plan and oversee the Farmers' Market from May until October of each year, the Thanksgiving Farmers' Market and the indoor Farmers' Market; 5) oversee trash and litter from the sidewalks; 6) increase DBA membership; 7) continue to work towards identifying external funding sources; 8) further develop the existing DBA information directory; 9) serve as a conduit for downtown businesses and representatives for the purpose of sharing City related information and activities including, but not limited to, ordinances and fine

schedules on litter, snow removal, and trash pick-up for residences/business; and 10) create a downtown Ambassador Program. The DBA shall provide other services on an on-going and “as requested” basis as agreed upon by the City of Bloomington and the DBA Board of Directors.

Section 4: Performance Measurements. The DBA shall be responsible for the tracking and reporting of the following performance measurements: 1) number of DBA members; 2) number of reoccurring events; 3) Golden Broom Awards; 4) number of new events; 5) revitalization efforts (including building renovation and public and private reinvestments statistics); 6) number of private partnerships (including trash and snow removal); and 7) vendors for the Farmers’ Market.

Section 5: Records and Reports. The DBA shall provide the performance measurement data outlined in Section 3 to the Office of the City Manager by the 15th of each month of the funding period for inclusion in the City Manager Monthly Performance Data Report.

Section 6: Board Representation. The DBA Board of Directors shall provide balanced representation across the downtown Bloomington area. The City Manager and/or their designees shall serve as ex officio members of the DBA Board of Directors.

Section 7: Termination. This Agreement may be terminated by the City immediately and without notice for any of the following reasons: 1) violation of the terms and conditions of this Agreement by the DBA; and/or 2) if the DBA enters into an arrangement for satisfaction of its creditors, receivership, or bankruptcy under the laws of the United States or the State of Illinois, either voluntarily or involuntarily.

Section 8: Dissolution of the DBA. In the event the DBA is dissolved for any reason after payment of all debts and obligations of the DBA, the City’s funds for the then current fiscal year shall, to the extent permitted by law, be returned to the City in a pro-rated amount.

Section 9: Waiver. Waiver by any party of any breach of any term, condition, or covenant contained in this Agreement shall not be deemed a waiver of any other term, condition or covenant herein.

Section 10: Assignability. It is agreed that neither the City nor the DBA shall have the right to assign this Agreement, in whole or in part, without the written consent of the other party.

Section 11: Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the City and the DBA and their respective successors and assigns.

In Witness Thereof, the parties hereto have executed this Agreement on the date first appearing above.

**City of Bloomington, Illinois,
a Municipal Corporation**

Downtown Bloomington Association

By: Tari Renner
Mayor

By: _____
Troy Clark, President

Attest:

Attest:

Tracey Covert, City Clerk

(Name, Title)

Alderman Schmidt left the dais. She served as a Downtown Bloomington Association (DBA) board member.

Mayor Renner introduced this item.

David Hales, addressed the Council. He informed them that Justine Robinson, Economic Development Coordinator was also acting as the Downtown Liaison. He noted that Trish Stiller, DBA's Executive Director, was present at this evening's meeting. He noted the City's relationship with the DBA.

Mayor Renner cited the Downtown's role in economic development. The Downtown was the City's historic and cultural core.

Alderman Lower questioned if the Downtown was being infilled with viable businesses. He questioned revenue raised from DBA membership dues.

Trish Stiller, DBA's Executive Director, addressed the Council. She noted that there were seventy-one (71) businesses that supported the DBA at various levels. There were five (5) levels of membership: 1.) Associate: \$25; 2.) Friend: \$50; 3.) Resident: \$75; 4.) Business: \$200; and 5.) Sponsor: \$300, \$500 or \$1,000. Dues were paid annually. She believed that the DBA would collect approximately \$10,000 this year. In addition, the DBA held private fundraisers such as the sale of Christmas greenery and the recent Downtown Trivia Night. The DBA continued to seek out other revenue sources. She noted the IL Prairie Foundation and grant opportunities.

Alderman Lower recalled that when the DBA was originally established, the City planned to provide five (5) years of financial support. Ms. Stiller noted that the City's level of support had declined by fifty percent (50%). The DBA also operated with half the staff.

Mr. Hales noted that the Downtown TIF had allowed the City to provided additional resources to the DBA. The Downtown TIF had expired and the City reduced its funding to the DBA. In addition, the City established performance standards. The DBA provided marketing for the Downtown and hosted Special Events. There was contract

between the City and the DBA not simply funding provided. The DBA must demonstrate performance.

Alderman Lower noted the Farmer's Market. He questioned if the DBA was net neutral. Ms. Stiller noted that the City's stipend was paid in monthly installments and was directed towards general purpose expenditures such as office rent and employee training. The Farmer's Market was net neutral. The vendors rent their booth space.

Justine Robinson, Economic Development Coordinator, addressed the Council. She noted the DBA's First Fridays' events. She cited sales tax revenue from the Downtown.

Alderman Lower questioned investment in the DBA.

Mr. Hales cited the increase in the Downtown's EAV. He added that there were other entities in the Downtown prior to the DBA. The organizations address Downtown's vitality and hosted events. Main streets across the nation need an effort/organization like the DBA to revitalize and re-energize cities' downtowns. He restated that the City's first TIF was in the Downtown.

Alderman Lower questioned next steps. He recommended a step down goal of no taxpayer support/investment in the DBA. Mr. Hales noted the Downtown's historic structures and the maintenance cost for same.

Alderman Lower readdressed a cost benefit analysis of the DBA. He believed that these dollars could be invested elsewhere in the City. Mr. Hales noted the City's \$100,000 annual investment in the Bloomington Normal Economic Development Council.

Ms. Stiller readdressed the Council. The Downtown was a registered historic district. It also held an IL Main St. Program designation. This designation provided DBA staff with access to resources and training. The DBA would be celebrating its tenth anniversary. She expressed her appreciation to the City for its level of support.

Alderman Lower restated his belief that these dollars could be invested elsewhere in the City.

Mayor Renner cited the City's CDBG, (Community Development Block Grant), funding which directed dollars to other areas of the City.

Alderman Lower cited the City's concentrated effort on one (1) area of the City which had had no direct benefit for the entire City.

Mayor Renner noted that across the country downtowns were declining.

Alderman Lower restated his opinion that these dollars should be invested in other areas of the City. There needed to be metrics and goals.

Alderman Fazzini noted questions raised prior to the Council meeting. It appeared that the DBA had met the goals. The DBA submitted monthly reports to the City. He informed the Council that when Uniquely Bloomington existed, (a predecessor), to the DBA, he had served as this organization's Vice President. Uniquely Bloomington had received \$200,000 annually from the City. In addition, Uniquely Bloomington administered the City's façade grant program which had an annual budget of \$200,000. He recalled that financial reports for Uniquely Bloomington showed that for every public dollar investment in the Downtown eight (8) private dollars were invested. The City needed to improve the Downtown. DBA funding was down to \$90,000. He expressed his support for the monthly reports. The City needed a thriving Downtown.

Alderman Black expressed his appreciation for the DBA. He had participated in the Downtown Trivia Night. He wanted to see improvement in the Downtown. Such improvement should have a positive impact on adjacent residential home values. The City had placed resources into the Downtown because it mattered. The Farmer's Market was an economic generator. There were unique businesses in the Downtown. It was important for the City to make an investment in same.

Alderman Sage recalled that initially the City agreed to a five (5) year funding plan. It had become annual funding. Performance metrics have been added. There had been forward progress. The City needed to dedicate resources for management of the Downtown.

Alderman Painter expressed her support for the DBA. She had volunteered at the Farmer's Market. The costs were down. She looked forward to further improvements in the Downtown. She noted the improved appearance of same. She expressed her interest in the DBA's vision going forward.

Motion by Alderman Black, seconded by Alderman Painter that the FY 2015 Service Agreement with the Downtown Bloomington Association be approved, in the amount of \$90,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Mwilambwe, Painter, Fazzini, Sage, Fruin and Black.

Nays: Alderman Lower.

Motion carried.

Alderman Schmidt returned to the meeting.

The following was presented:

SUBJECT: Intergovernmental Agreement to Support Household Hazardous Waste (HHW) Collection in Bloomington, Normal and McLean County to be Overseen by the Ecology Action Center (EAC) for \$31,500 per year for three (3) years

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner, and Objective 1e. Partnering with others for the most cost-effective service delivery.

BACKGROUND: Bloomington has limited service in the area of HHW collection. These materials are contaminants that cannot be legally disposed of in the McLean County Landfill. The same is true for Normal and McLean County. Rather than each government entity creating their own programs, the municipal governments have turned to the EAC to lead this effort through periodic special collections. The Biennial HHW Collection Agreement formalizes this arrangement and provides a funding mechanism. The proposal fits squarely into the City's Strategic Plan by partnering in order to provide service and address cost efficiency.

The service is valuable and should be provided as a way to dissuade people from illegally placing the materials into their household waste. These HHWs are materials that are commonly found in households. Following are examples:

- Oil-based paints
- Paint thinners
- Used motor oil
- Herbicides
- Drain cleaners
- Old gasoline
- Antifreeze
- Cleaning products
- Mercury
- Double bagged and wetted asbestos
- Household batteries
- Insecticides
- Lawn chemicals
- Pesticides
- Solvents
- Pool chemicals
- Hobby chemicals
- Aerosol paints and pesticides
- Fluorescent lamp bulbs
- Old and outdated medicines and pharmaceuticals

Payment to the EAC will be made to a designated fund. It is to be based on a per capita ratio. The City was asked to pay \$31,500 per year, which amounts to forty-five percent (45%) of the cost. The contract lasts three (3) years and ensures biennial collections. Annual renewal is automatic unless the City formally withdraws.

Demonstrated Need: An HHW collection event in 2012 had a cost of \$143,000. The three (3) governing bodies paid half and contributions provided the other half. According to the EAC, residents used 1,951 vehicles to bring 161,640 pounds of hazardous waste to the collection point,

the McLean County Interstate Center. It was the first locally produced and funded collection event and demonstrated the need to hold more such events. The unexpectedly high turnout resulted in two (2) hour wait times during the September 2012 event, the first one held in Bloomington-Normal in five (5) years. EAC turned to local funding because of lack of available funding from the Illinois Environmental Protection Agency (IEPA).

Another event was hosted by EAC in October 2013. At this event, wait times were reduced to forty-five (45) minutes at peak times and far less at others. Collection results from EAC include the following:

- Combined total of 20,693 gallons of hazardous materials including
- 1,155 gallons of oil paints
- 4,439 gallons of pesticides
- 1,615 gallons of aerosol paints
- 5,652 gallons of combustible substances among other materials.

HHW collection is a need identified in the McLean County Integrated Solid Waste Management Plan Five (5) Year Update, which was produced in 2012. The document notes few HHW collection options in the area and warns that household hazardous waste can contaminate ground water.

EAC also provides educational components. Its Internet site promotes use of non-hazardous materials to replace common household hazardous waste.

FINANCIAL IMPACT: The \$31,500 has been appropriated in the FY 2015 Budget under Solid Waste - Other Purchased Services (54404400 - 70690). Stakeholders can locate this in the FY 2015 Proposed Budget document titled "Other Funds & Capital Improvement Program" on page 145.

Respectfully submitted for Council consideration.

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

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

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

Recommended by:

David A. Hales
City Manager

HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM AGREEMENT

This agreement is entered into by and between the City of Bloomington, Town of Normal, and County of McLean (hereinafter referred to as the “City”, “Town”, and “County”) and the Ecology Action Center (hereinafter referred to as the “Center”).

A. Purpose of This Agreement:

The purpose of this agreement is to establish a framework for the administration and implementation of the McLean County Household Hazardous Waste Program, hereafter referred to as the “Program”, to include coordination of biennial household hazardous waste (HHW) collection events for the City, Town, and County.

B. Period of Agreement:

The agreement commences July 1, 2014 and ends December 31, 2017. This agreement shall be automatically renewed on a calendar year basis unless any party otherwise indicates. Either party may terminate this agreement for any reason with a minimum of sixty (60) days written notice to the other party.

C. Services:

1. City, Town, and County

The City, Town, and County shall:

- a. provide program guidance and oversight through participation on the McLean County Solid Waste Management Program Technical Committee and
- b. provide funding for the project in accordance with item “D” of this agreement
- c. provide direct assistance with HHW event needs where appropriate including usage of traffic barricades, police for traffic control on public roadways, etc.

2. Center

The Center shall:

- a. coordinate biennial HHW collection events for the residents of the City, Town, and County in Fall 2015 and Fall 2017;
- b. provide the specific HHW coordination services to the City, Town, and County as outlined in Appendix A; and
- c. complete the following reporting requirements: 1) post-collection event reports to Bloomington, Normal, and the McLean County Board Land Use Committee; 2) reporting to the Illinois Environmental Protection Agency if required; 3) periodic reports to the McLean County Solid Waste Management Technical Committee as needed.

D. Project Costs:

1. The annual contract cost of the “Program” will be split by the City, Town, and County proportionally by population using the figures of 45% to represent the City population, 31% to represent the Town population, and 24% to represent the County population.
 2. Annual payments of \$31,500 each shall be made by the City by August 1st, pending receipt of an invoice from the Center by July 15th.
 3. Annual payments of \$21,700 each shall be made by the Town by August 1st, pending receipt of an invoice from the Center by July 15th.
 4. Annual payments of \$16,800 each shall be made by the County by August 1st, pending receipt of an invoice from the Center by July 15th.
 5. Upon receipt by the Center, all program funds shall be designated as restricted funds within the “McLean County HHW Fund” held by the Center within a separate banking account.
 - a. Any interest earned by this account will be also be considered restricted funds for HHW purposes.
 - b. The Center will accept public contributions to the “McLean County HHW Fund” to be treated and expended in the same manner.
 - c. In the event of HHW funding received from the Illinois Environmental Protection Agency, said funding will be used prior to expending program funds.
 - d. At the end of the agreement period, unused program funds will be returned to the City, Town, and County unless re-designation for related purposes is mutually agreed upon at that time by all parties.
 - e. It is understood by all parties that payment in support of this agreement is contingent upon availability of Program revenue and/or funds provided through the City, Town, and County General Revenue Funds. Furthermore, it is also understood that the Center’s ability to execute this agreement is contingent upon the continued renewal of the “Solid Waste Program Agreement”, which provides funding for staff necessary to coordinate this Household Hazardous Waste program.
- E. The Center shall save and hold the City, Town, and County, (including its officials, agents and employees) free and harmless from all liability, public or private, penalties, contractual or otherwise, losses, damages, costs, attorney’s fees, expenses, causes of action, claims and judgments, resulting from claimed injury, damage, loss or loss of use for any person, including natural persons and any other legal entity or property of any kind (including, but not limited to, choices in action) arising out of or in any way connected with the performance under this agreement, for any costs, expenses, judgments, and attorney’s fee paid or incurred or paid for on behalf of the City, Town, and/or County, and/or its agents and employees, by insurance provided by the aforementioned government bodies.

F. This agreement may be modified by mutual consent of the parties hereto and agreed to in writing and does not preclude separate agreements between the Center and individual units of government for additional services.

Tari Renner
City of Bloomington

Date: May 28, 2014

Town of Normal

Date

Matt Sorenson
County of McLean

Date: April 15, 2014

Ecology Action Center

Date

APPENDIX A
Services Provided

The Center shall:

- a. perform the following coordination services in providing for a HHW collection every second year of the contract:
 - distribute a request for proposals to potential subcontractors for the collection, transportation and disposal of hazardous and universal wastes;
 - review submitted proposals against criteria outlined in RFP;
 - select and hire qualified and insured hazardous waste service provider or providers ;
 - utilize local and/or nonprofit partners where beneficial to reduce service costs, i.e. e-waste collection;
 - identify and secure permission for usage of an appropriate event site;
 - secure permits and/or permission from the Illinois Environmental Protection Agency as required;
 - schedule biennial HHW collection event;
 - recruit and coordinate sufficient personnel to staff the non-hazardous needs of the collection event;
 - publicize biennial collection utilizing traditional and social media;
 - maintain opt-in email notification service to notify community residents of upcoming HHW collection opportunities;
 - adhere to all applicable laws and regulations;
 - design and manage collection events to minimize traffic issues or other hazards on public roadways;
 - promote other regional HHW collection events when open to local residents.

- b. provide for the financial management of the program to include:
- application for HHW collection funding from the Illinois Environmental Protection Agency or other potential funding sources that become available;
 - solicitation of donations from the general public to the “McLean County HHW Fund” to supplement program funding;
 - the combining of relevant programs as appropriate to avoid duplication and reduce costs and time;
 - accounting of HHW program funds as restricted funds designated for the “McLean County HHW Fund” held in a separate account by the Center.
- c. provide for the administration of the program to include:
- the submission of biennial reports to the City, Town, and County on the activities conducted in compliance with this agreement;
 - the submission of any required reports to the Illinois Environmental Protection Agency (IEPA);
 - the invoices for services performed in accordance with item “D” of this agreement and;
 - the reporting of program activities to the McLean County Solid Waste Technical Committee and other local government entities as requested.

APPENDIX B
Biennial Program Budget

<u>year</u>	<u>program funding</u>	<u>population percentage</u>	<u>subtotal</u>
2014	Bloomington	45.0%	\$ 31,500
2014	Normal	31.0%	\$ 21,700
	McLean County Solid Waste		
2014	Fund	24.0%	\$ 16,800
2015	Bloomington	45.0%	\$ 31,500
2015	Normal	31.0%	\$ 21,700
	McLean County Solid Waste		
2015	Fund	24.0%	\$ 16,800
2015	Voluntary gate donations		\$ 10,000
2016	Bloomington	45.0%	\$ 31,500
2016	Normal	31.0%	\$ 21,700
	McLean County Solid Waste		
2016	Fund	24.0%	\$ 16,800
2017	Bloomington	45.0%	\$ 31,500
2017	Normal	31.0%	\$ 21,700
	McLean County Solid Waste		
2017	Fund	24.0%	\$ 16,800
2017	Voluntary gate donations		\$ 10,000

TOTAL		\$	300,000
year	Expenses		subtotal
2015	HHW Disposal	\$	141,000
2015	Printing	\$	1,500
2015	Promotions	\$	6,000
2015	Event Supplies	\$	1,500
	Administration and		
2015	Coordination	\$	0 *
2017	HHW Disposal	\$	141,000
2017	Printing	\$	1,500
2017	Promotions	\$	6,000
2017	Event Supplies	\$	1,500
	Administration and		
2017	Coordination	\$	0 *
	TOTAL	\$	300,000

* Funded through the McLean County Solid Waste Program

Exhibit A - Contractor Certification For Services

Contractor on behalf of contractor, its principals, and owners with more than a seven and one half percentage interest in Contractor certifies that the following representations are true and correct and further agrees as a condition of doing business with the Town of Normal, City of Bloomington, or County of McLean to require all of Contractor’s subcontractors and sub-subcontractors to certify that the following representations are true and correct for each subcontractor and sub-subcontractor:

1. **CONFLICT.** Contractor certifies that no Town of Normal, City of Bloomington, or County of McLean officer or employee has any interest in the proceeds of this contract.
2. **BRIBERY.** Contractor certifies that same has not committed bribery or attempted bribery of an officer or employee of any governmental official whether on the federal, state or local level.
3. **DEBARMENT.** Contractor certifies that same has not been barred from conducting business with any governmental unit whether federal, state or local.
4. **SARBNES-OXLEY.** Contractor certifies that the business entity its officers, directors, partners, or other managerial agents of the business have not been convicted of a felony under the Sarbanes-Oxley Act of 2002 nor have any of the same been convicted of any felony under state or federal securities laws.

5. **BID RIGGING/BID ROTATING.** Contractor certifies that same has not been barred from contracting with any unit of state or local government as a result of a violation of 720 ILCS 5/33E-3 (bid-rigging) or 720 ILCS 5/33E-4 (bid-rotating).
6. **DELINQUENT PAYMENTS.** Contractor certifies that same is not delinquent in the payment of any debt or tax due the State or the Town of Normal, City of Bloomington, or County of McLean.
7. **RECORDS.** Contractor certifies that same shall maintain books and records relating to the performance of this contract as necessary to support amounts charged under the contract for a period of three (3) years from the later of the date of final payment under the contract or completion of the contract.
8. **HUMAN RIGHTS ACTS.** Contractor agrees to comply with applicable provisions of the Town of Normal Human Rights Ordinance, the Illinois Human Rights Act, the U.S. Civil Rights Act and the Americans with Disabilities Act.
9. **NON-DISCRIMINATION.** Contractor certifies that the same is an “Equal Opportunity Employer” as defined by Section 2000 (e) of Chapter 21, Title 42 U.S. Code Annotated and applicable Executive Orders.
10. **DBE.** Contractor certifies that same is or is not (please circle applicable designation) a Minority and Female Business Enterprise as defined by the State of Illinois (30 ILCS 575/et seq.)
11. **PATRIOT ACT.** Contractor certifies that same is in compliance with the Patriot Act and Executive Order 13224 and federal Anti-Money Laundering Control Act of 1986 as amended.
12. **AMERICAN RECOVERY AND REINVESTMENT ACT.** Contractor certifies that same is in compliance with and will continue to comply with the American Recovery and Reinvestment Act of 2009 when federal funds are used pursuant to this Act for the work undertaken by Contractor.
13. **TAXPAYER IDENTIFICATION.** Contractor certifies that its correct Federal Taxpayer Identification Number (Social Security Number or Federal Employer Identification Number) is 37 - 1157100.
14. To the extent required by Illinois law Contractor agrees to comply with the Illinois Freedom of Information Act and produce upon request public records of the Town of Normal, City of Bloomington, or County of McLean held by such contractor all within the time allowed by law and subject to applicable exemptions allowed by law.

Contractor hereby agrees to defend, indemnify and hold harmless the Town of Normal, City of Bloomington, or County of McLean its officers, employees and agents from and against any and

all claims, damages, losses, risks, liabilities, and expenses (including reasonable attorneys' fees and costs) arising from or related to any breach of the foregoing representations and warranties.

Done this _____ day of _____, 20____.

Ecology Action Center as Contractor

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. Hazardous waste services took significant resources. In the past, the community had received state funding and solicited donations from private citizens. Hazardous waste collection needed to be continued on a regular basis. Three (3) local government agencies would provide funding: Town of Normal, McLean County and the City. The agreement provided funding over a three (3) year period. In addition, grants would be applied for. The City's cost would be \$31,500 per year and would be budgeted in the Solid Waste Fund.

Alderman Fazzini cited the line and wait times for past hazardous waste collection days.

Michael Brown, Ecology Action Center's, (EAC), Executive Director, addressed the Council. In 2012, the EAC conducted a yearlong fundraiser to provide a household hazardous waste collection. This was the first one in six (6) years. The community responded to help cover the \$150,000 cost. The City provided \$25,000. He described this event as successful. Hazardous waste collection was dependent upon intervals. The EAC has been unable to sustain this type of collection as an annual event. Private donations were collected during the last event and raised \$10,000.

Alderman Fazzini expressed his belief that hazardous materials had been disposed of improperly during the six (6) year interval. Mr. Brown informed the Council that the EAC received hundreds of telephone calls each year regarding hazardous materials. There were times when individuals have not been able to wait for a hazardous waste collection, (i.e. relocation, death, etc.)

Alderman Fazzini expressed his opinion that a considerable amount of hazardous materials had been placed in landfills. The City needed to play a prevention role.

Alderman Lower questioned why the City could not provide regular hazardous waste collection. He noted the City's single stream recycling program.

Mr. Hales cited the City's efforts on the proposed intergovernmental agreement. The City was being proactive. This agreement would provide hazardous waste collection on a regular/annual basis. There were communities that had sufficient funding to offer hazardous waste collection on a daily basis. He restated the collaboration with the Town, County and EAC.

Alderman Lower questioned future plans such as offering hazardous waste collection on a monthly basis. Mr. Hales cited the cost for same. He noted that the Council could give consideration to an increase to the Solid Waste Management fee.

Mr. Brown addressed the actual cost for hazardous waste collection. The event needed to be promoted and a special waste collection firm needed to be retained. He noted that currently the County had a Solid Waste Fund. The fund provided the EAC with revenue. This fee would continue to serve as a funding source for the next two (2) years. He added that there were cost savings gained from a community wide collection.

Alderman Mwilambwe expressed his support. The City needed to be proactive. He noted that these would be limited to an annual event. He added his concern regarding the environmental cost.

Motion by Alderman Black, seconded by Alderman Fazzini that the 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 Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Acceptance of Woodbury Estates Subdivision Park and Detention Basin Land for Ownership and Maintenance

RECOMMENDATION/MOTION: That the 1.4 acre park and 0.74 acre detention basin land in Woodbury Estates Subdivision be accepted by the City for ownership and maintenance, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 4d. Improved neighborhood infrastructure, and 5b. City decisions consistent with plans and policies. This development improves the quality of life for lower income residents and develops stronger neighborhoods, through the pride of ownership, by offering affordable housing to those who may not otherwise have been able to obtain home ownership.

BACKGROUND: The Woodbury Estates Subdivision has been developed by the Tornquist Family Foundation, a not for profit charitable foundation, with the intent of providing “affordable housing” to low income families. There are fifty-five (55) buildable lots in the subdivision. The City’s Community Development Division provided a Community Development Block Grant of \$354,354 to help in this effort. In return, ten percent (10%) of the lots were conveyed to Community Development for Youth Build projects, Area Vocational Center Building Trades class projects and others; twenty percent (20%) of the homes are to be built through Habitat for Humanity and sold to families whose income is below fifty percent (50%) of the median income for the metropolitan area; with the remaining seventy percent (70%) being subsidized, built and sold by the Tornquist Family Foundation. In return for providing these affordable properties, the City agreed to waive fees for permits, annexation and park dedication.

Council approval is requested for the City to accept ownership and maintenance of the 1.4 acre park and 0.74 acre detention basin, Outlots B and A respectively as shown on Exhibit A.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Tornquist Family Foundation.

FINANCIAL IMPACT: The Parks, Recreation and Cultural Arts Department will maintain the acquired properties utilizing existing mowing and maintenance crews. The department has developed conceptual plans (Exhibit B) for the 1.4 acres of green space. This park will be developed in the future as funding allows.

Respectfully submitted for Council consideration.

Prepared by: Kevin Kothe, PE, City Engineer

Reviewed by: Jim Karch, PE, Director of Public Works
John R. Kennedy, Director of Parks, Rec. & Cultural Arts
Sue McLaughlin, ICMA-CM, Interim Asst. 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

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. He recognized the Tornquist Family Foundation which had been an affordable housing catalyst. He noted the impact of the recession on residential development. The City was prepared to accept title to the park site and detention basin. He recommended Council approval of this item.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the 1.4 acre park and 0.74 acre detention basin land in Woodbury Estates Subdivision be accepted by the City for ownership and maintenance, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Resolution Supporting the Mahomet Aquifer Sole Source Application with the US Environmental Protection Agency (USEPA)

RECOMMENDATION/MOTION: That the Resolution be adopted.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5c. Incorporation of “green sustainable” concepts into City’s development and plans.

BACKGROUND: The Mahomet Aquifer is the principal source of drinking water for over 100 communities in Central and East Central Illinois and for thousands of rural, domestic and farm wells. The Aquifer spans 4,100 square miles and extends into fourteen (14) counties in Illinois including Cass, Champaign, DeWitt, Ford, Iroquois, Logan, Macon, Mason, McLean, Menard, Piatt, Tazewell, Vermilion and Woodford. It is estimated that fifty-seven (57) million gallons of water are withdrawn every day from the Mahomet Aquifer for potable water consumption serving a population of over 800,000 people. The Aquifer also is estimated to supply nearly 300 million gallons of water per day for crop irrigation purposes during typical summer weather conditions.

While the City currently obtains its water from other sources, the Aquifer is an extremely important potential source of drinking water and one which the City will almost certainly need to draw upon in the future. The aquifer is so important to the City that it has, working with the Illinois State Geologic Survey and the Illinois State Water Survey, extensively researched the

aquifer in the area near the nexus of the borders of McLean, Tazewell and Logan Counties at a cost of over \$1.0 million. The City maintains continuous aquifer level monitoring equipment in monitoring wells in the researched area to this day. This future source of water is critical not only for the City but also the numerous customers it serves throughout McLean County. Our neighbor to the north, the Town of Normal, currently draws upon the Aquifer for approximately forty percent (40%) of its water consumption and expects to increase this amount in the future. Many communities in Central Illinois rely exclusively on the Mahomet Aquifer for all drinking water needs, including Champaign and Urbana. For those communities, and for the Town of Normal, there are no other reasonable or practical alternatives to meet the potable water needs of the community other than the Mahomet Aquifer.

The USEPA has the ability to designate an aquifer that serves a large number of people, where there are no reasonable or practical water resource alternatives, as a "Sole Source Aquifer". Such designation requires a higher level of scrutiny on any surface level activities, involving federal funding, that could adversely impact the designated aquifer. Such activities might include large construction projects such as roads and bridges, water shed improvements, landfill sitings, etc. The overall purpose of the Sole Source Aquifer designation is to create an additional layer of regulation that will help protect the aquifer from contamination that might render the aquifer unusable for drinking water.

There is currently a petition before the USEPA brought by fourteen (14) municipalities in Central Illinois to designate the Mahomet Aquifer as a Sole Source Aquifer. That application was submitted in 2012 and has undergone extensive review by the Agency since that time.

The USEPA Region Five, which has jurisdiction over this Sole Source Aquifer decision, has issued its preliminary finding that the Mahomet Aquifer appears to meet the statutory requirements for designation as a Sole Source Aquifer. Following this preliminary finding, the USEPA is required to solicit public comment on the proposed sole source aquifer designation. Public comments may be submitted to the USEPA on the Sole Source Application through June 12, 2014.

Given the importance of this issue and the importance of protecting the Mahomet Aquifer, staff has prepared the attached resolution which, if enacted, will be forwarded to the USEPA Region Five, and included as part of the official record supporting the Sole Source Aquifer designation of the Mahomet Aquifer. This resolution is virtually identical to one recently passed by the Town of Normal.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None

Respectfully submitted for Council consideration.

Prepared by: Craig Cummings, Director of Water

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

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 23

**A RESOLUTION SUPPORTING THE MAHOMET AQUIFER
SOLE SOURCE APPLICATION WITH THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

WHEREAS, the Mahomet Aquifer is an important potential source of drinking water for the City of Bloomington and those communities to which the City provides water; and

WHEREAS, the Mahomet Aquifer is the principal source of drinking water for over 100 communities in east central Illinois and for thousands of rural, domestic and farm wells; and

WHEREAS, it is estimated that 57,000,000 gallons of water are withdrawn every day from the aquifer for potable uses serving an estimated 500,000 people; and

WHEREAS, the Mahomet Aquifer supplies approximately 300,000,000 gallons of water per day for crop irrigation purposes during normal weather summer months; and

WHEREAS, the Mahomet Aquifer is vulnerable to contamination by human activity; and

WHEREAS, the United States EPA designation of the Mahomet Aquifer as a sole source water supply will provide a layer of protection from future contamination of the aquifer; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bloomington to express support for the application and designation of the Mahomet Aquifer as a sole source water supply pursuant to United States law.

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

SECTION ONE: That the Mayor and the City Council of the City of Bloomington hereby endorse and support the pending application before the United States Environmental Protection Agency to designate the Mahomet Aquifer as a sole source water supply.

SECTION TWO: That the Mayor and the City Council hereby further urge the United States Environmental Protection Agency to take prompt positive action in designating the Mahomet Aquifer as a sole source water supply pursuant to United States law.

ADOPTED this 27th day of May, 2014.

APPROVED this 28th day of May, 2014.

APPROVED

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item. He noted a meeting with Governor Quinn regarding the Mahomet Aquifer. He and other McLean County mayors requested that the Environmental Protection Agency (EPA) not proceed with the project. The request was to grant sole source water supply to the Mahomet Aquifer.

David Hales, City Manager, addressed the Council. He informed them that the EPA was currently accepting written comments regarding this item.

Alderman Sage noted that this process had been ongoing for several years. The City had joined a coalition with other Central IL communities. The City had been proactive and in front on this issue. It appeared to be coming full circle.

Motion by Alderman Schmidt, seconded by Alderman Sage that the Resolution be adopted.

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

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: None.

MAYOR'S DISCUSSION: Mayor Renner expressed his appreciation to John Kennedy, Parks, Recreation & Cultural Arts Director, and to the City Township's elected and appointed officials for the Memorial Day activities.

He informed the Council that Judy Buchanan, Bloomington Normal Public Transit System/Connect Transit Board member, would be contacting each of them. Connect

Transit was promoting a ride the bus program. She hoped that the entire Council would participate in same.

He noted an article in the Pantagraph which addressed the award of a grant for the Rt. 66 Visitors Center. The Center would be located at the McLean County History Museum. The grant's value was \$250,000 and had not been executed. There would be improved signage. The Bloomington Normal Convention & Visitors Bureau, (CVB), would be involved. The community would take advantage of Rt. 66. The Center would provide economic progress in the Downtown. The City had a Downtown and this Center would help to make it thrive.

Finally, he addressed the Mayoral Open Houses. The time had been changed to 4:30 - 5:30 p.m. He added that Mr. Kennedy would be a guest at the June 6, 2014 Mayoral Open House.

ALDERMEN'S DISCUSSION: Alderman Fazzini addressed the Rt. 66 Visitor's Center. Information regarding same would be placed on various local organizations' web sites. The airplane that was on display the History Museum would be relocated to the Central IL Regional Airport, (CIRA). The Center would attract tourist who would come to the City and spend time and money in the community. This Center had involved the State of IL, Town of Normal, McLean County, CIRA, CVB, History Museum and the City. He noted the collaboration. The Center would be located on the lower level of the Museum and consist of 1,200 square feet. A new ADA, (American with Disabilities Act), accessible entrance would be built on the south side of the Museum.

Alderman Black addressed the Mahomet Aquifer. It was important to protect the water supply. He requested a report from City staff regarding the Enbridge project.

David Hales, City Manager, addressed the Council. Enbridge would be hosting an Open House on Thursday, June 5, 2014 from 5:00 – 7:00 p.m. at the Chateau located at 1601 Jumer Dr. This event provided an opportunity for the community to hear from Enbridge's representatives. There were federal regulations. A key question would be Enbridge's contingency plans.

Alderman Black thanked Mr. Hales for the information. This was an important meeting as the project could also have an impact upon the water supply.

Mayor Renner addressed the Council. He had twice met with Enbridge's representatives. This was a regional issue and more information would be available at the June 5th meeting.

Alderman Lower addressed the rededication of the Korean/Vietnam Memorial at Miller Park. He extended his appreciation to Alderman Stearns for her efforts regarding same. He encouraged all to visit the Memorial.

He also cited the Prairie Aviation Museum which addressed the community's aviation history. It was thirty (30) years old and self-sustaining.

He also informed the Council that Cruise Downtown would be held on June 7, 2014 from 3:00 – 9:00 p.m. There would be 350 classic cars in the Downtown. A vintage Rt. 66 sign would be auction off at the event.

Alderman Fazzini informed the Council that the British Car Show would be held at the David Davis Mansion on June 1, 2014.

Motion by Alderman Schmidt, seconded by Alderman Painter, that the meeting be adjourned. Time: 8:19 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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