

**REGULAR CITY COUNCIL MEETING SESSION
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, JUNE 8, 2015; 7:00 P.M.**

1. Call to Order

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, June 8, 2015, with Mayor Renner calling the meeting to order.

2. Pledge of Allegiance to the Flag

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

3. Moment of Silence Prayer

4. Roll Call

Mayor Renner directed the City Clerk to call the roll and the following members of Council answered present:

Aldermen: Kevin Lower, David Sage, Diana Hauman, Amelia Buragas, Scott Black, Joni Painter, Mboka Mwilambwe, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

City Staff in Attendance:

City Manager David Hales, City Clerk Cherry L. Lawson and Corporate Counsel Jeffery Jurgens were also present.

5. Public Comments

The following citizens offered comments to the Council.

Kelby Cumpston
Patricia Martin
Judy Stearns
Alton Franklin
Donna Boelen

6. Recognition/Appointments

The following was presented:

Item 6A. Presentation of Awarding Certificates of Completion to Spring 2015 Bloomington 101 Participants.

Alderman Black asked Mr. Hales or Nora Dukowitz, Communication Manager to provide an overview of the Bloomington 101 program to the public.

Mr. Hales provided a brief overview of the concept of the Bloomington 101 program and stated that the City is currently accepting applications for the fall session.

Ms. Dukowitz stated that due to the popularity of the program, the fall session applications have been posted on the City's website for persons interested in learning more about the Bloomington community. She stated that the program accepts up to 20 participants.

The following was presented:

Item 6B. Appointment Jessielee Hinshaw to the Cultural District Commission

Mayor Renner asked whether there were any items that Alderman wished to have pulled from the agenda. Alderman Mwilambwe request to have Item 7I as he had a conflict with the deliberating on the item. Alderman Fruin requested Item 7F be pulled from the Consent Agenda.

7. **Consent Agenda**

Item 7A: Consideration of approving the Council Proceedings of May 26, 2015 and Work Session of May 26, 2015.

Motion by Alderman Schmidt, seconded by Alderman Painter that the reading of the minutes of the previous Council Proceedings of May 26, 2015 and the Work Session of May 26, 2015 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 Schmidt, Lower, Hauman, Sage, Black, Fruin, Buragas, Painter.

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

The following was presented:

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of May 26, 2015 and Work Session of May 26, 2015 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 26, 2015 and Work Session of May 26, 2015 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: Renee Gooderham, Chief Deputy Clerk

Reviewed by: Cherry Lawson, City Clerk

Recommended by: David A. Hales, City Manager

Item 7B. Consideration of approving payment for Bills and Payroll.

Motion by Alderman Schmidt, seconded by Alderman Painter that the bills and payroll be allowed and 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 Schmidt, Lower, Hauman, Sage, Black, Fruin, Buragas and Painter.

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

The following was presented:

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.

FINANCIAL IMPACT: Total disbursements to be approved \$6,043,015.26, (Payroll total \$2,255,724.69, and Accounts Payable total \$3,787,290.57).

Respectfully submitted for Council consideration.

Prepared by: Patti-Lynn Silva, Director of Finance

Recommended by: David A. Hales, City Manager

The following was presented:

Item 7C. Consideration of approving an Appointment to the Cultural District Commission.

Motion by Alderman Schmidt, seconded by Alderman Painter that the Appointment be approved.

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

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

Nays: None.

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: That Jessielee Hinshaw be appointed to the Cultural District Commission.

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4e. Strong partnership with residents and neighborhood associations.

BACKGROUND: I ask your concurrence in the appointment of:

Jessielee Hinshaw of 1410 Fell Avenue, Bloomington, IL 61701 to the Cultural District Commission. Her three (3) year term will be 5/1/15 – 4/30/18. Application is on file in the Administration Office.

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration for approval.

Prepared by: M. Beth Oakley, Executive Asst.

Recommended by: Tari Renner, Mayor

The following was presented:

Item 7D. Consideration of review, analysis and rejection of Bid Number (2015-58) scheduled replacement of Grapple Boom for Parks Division of the Parks, Recreation and Cultural Arts Department.

Motion by Alderman Schmidt, seconded by Alderman Painter that all bids be rejected related to Bid No. 2015-58 scheduled replacement of Grapple Boom for Parks Division of the Parks, Recreation and Cultural Arts Department.

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

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

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: Staff recommends that all bids be rejected related to Bid No. 2015-58 scheduled replacement of Grapple Boom for Parks Division of the Parks, Recreation and Cultural Arts Department.

STRATEGIC PLAN LINK: Goal 1: Financially Sound City Providing Quality Basic Services.

STRATEGIC PLAN SIGNIFICANCE: In order to be responsive to citizen needs, adequate resources must be provided to employees to fulfill the goal of providing quality basic services.

BACKGROUND: Bids were opened on April 10th at 2:00 PM. A total of 5 submissions were received of which 1 was a no Bid. The results are as follow:

Vendor	Knuckle Boom Loader, Dump Body & Chassis
Rush Truck Centers	\$174,800
Central Illinois Trucks	\$186,155
Truck Center Inc.	\$189,788
EJ Equipment	\$135,996
Drake-Scruggs	No Bid

The Parks Department currently has a grapple boom, and though it is aged, the Department was asked by Administration to delay this \$174 K purchase as an effort to economize as we move into planning for the FY 17 budget. The aged grapple boom can be made to service for another year and the debt service can be used toward funding other much needed infrastructure repair. If not purchased this year staff will certainly look at purchasing next year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT: The Parks Maintenance Division of the Parks, Recreation and Cultural Arts Department had \$160,130.00 budgeted last fiscal year in the FY 2014 Capital Lease-Capital Outlay Licensed Vehicle Account (40110130-72130) which will not be spent lowering the City's debt obligation.

Respectfully submitted for Council consideration.

Prepared by: Rob Krones, Superintendent of Fleet Maintenance

Reviewed by: Stephen Rasmussen, ACM

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

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by: David A. Hales, City Manager

The following was presented:

Item 7E. Consideration of Approving Payment for Street Lighting electrical energy and fixture rental charges through a Motor Fuel Tax (MFT) General Maintenance program.

Motion by Alderman Schmidt, seconded by Alderman Painter that the MFT Resolution and associated estimate of costs for a MFT General Maintenance Street Lighting FY2016 program (16-00000-00-GM) for Street Lighting System electrical energy and fixture rental charges 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 Schmidt, Lower, Hauman, Sage, Black, Fruin, Buragas and Painter.

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: That the MFT Resolution and associated estimate of costs for a MFT General Maintenance Street Lighting FY2016 program (16-00000-00-GM) for Street Lighting System electrical energy and fixture rental charges be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: 1. Financially Sound City Providing Quality Basic Services

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

BACKGROUND: The City of Bloomington historically uses the General Fund to pay for street lighting energy and fixture rental charges throughout Bloomington. Costs are incurred to Ameren and Corn Belt Energy for these charges. State Motor Fuel Tax historically is designated for street and bridge repair, street extensions and intersection improvements including installation of traffic signals.

However, staff looked at other options to pay for street lighting for FY16 because of the City's overall budget situation this fiscal year. One option is use of state Motor Fuel Tax money. MFT money is eligible for this use when the following two conditions are met:

1. It is used only for street lighting along improved streets – that is, streets within the City that conform to basic, uniform standards, and are in satisfactory condition. This covers most lighting costs.
2. The City passes a resolution and the Illinois Department of Transportation approves the program. This chain of events occurs with all state MFT expenditures (but not with the local Motor Fuel Tax).

An official from the Illinois Department of Transportation (IDOT) provided preliminary approval of draft material for the street lighting MFT general maintenance program. Now, IDOT needs a final document and approval of a City Council resolution. Staff would like the program to be in place by August 1, 2015. A review of past Ameren and CornBelt Street Lighting System invoices indicates the City pays approximately \$79,000 per month for these charges. Staff therefore anticipates that passage of the resolution now will provide enough time for IDOT to approve the general maintenance program so that the City can use \$500,000 in MFT money for eligible street lighting charges this fiscal year, as budgeted by the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

Benjamin Setzer and Tim Roark, Illinois Department of Transportation.

FINANCIAL IMPACT:

The FY 2016 Bloomington budget projects \$1,881,354 in revenue from the state Motor Fuel Tax. The City Council budgeted for \$500,000 of that to be used for street lighting and maintenance in Motor Fuel Tax-Electricity (20300300-71320). Stakeholders can locate this in the FY 2016 Proposed Budget Book titled "Other Funds & Capital Improvement Program" on page 10.

Respectfully submitted for Council consideration.

Prepared by: Stephen Arney, Public Works Administration

Reviewed by: Kevin Kothe, City Engineer

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

Legal review by: Jeffery R. Jurgens, Corporate Counsel

Recommended by: David A. Hales, City Manager

The following was presented:

Item 7F. Consideration of approving a Fourth Tolling Agreement with McLean County Land Trust CC-1 to extend the period until December 15, 2015, and to waive any defense by way of any statute of limitations which would otherwise arise during such period. (PULLED FROM CONSENT AGENDA.)

The following was presented:

Item 7G. Consideration of approving an Intergovernmental Agreement between the City of Bloomington and Town of Normal Providing for the City of Bloomington to

Regulate Taxicabs, Vehicles for Hire/Downtown Shuttles and Transportation Network Services in both Bloomington and Normal.

Motion by Alderman Schmidt, seconded by Alderman Painter that the Intergovernmental Agreement be approved between the City of Bloomington and Town of Normal Providing for the City of Bloomington to Regulate Taxicabs, Vehicles for Hire/ Downtown Shuttles and Transportation Network Services in both Bloomington and Normal, and authorize the Mayor and City Clerk to execute the necessary paperwork.

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

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

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

The following was presented:

RECOMMENDATION/MOTION: That the Intergovernmental Agreement be approved between the City of Bloomington and Town of Normal Providing for the City of Bloomington to Regulate Taxicabs, Vehicles for Hire/Downtown Shuttles and Transportation Network Services in both Bloomington and Normal, and authorize the Mayor and City Clerk to execute the necessary paperwork.

STRATEGIC PLAN LINK: Goal 5. Great Place – Livable, Sustainable City.

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

BACKGROUND: In June, 1978, the City of Bloomington and the Town of Normal entered into an Intergovernmental Agreement providing that the City of Bloomington would regulate taxicab service throughout the Bloomington-Normal area. The proposed Intergovernmental Agreement updates the language and provides specifically for the City to regulate taxicabs, transportation network companies and vehicles for hire/downtown shuttles throughout Bloomington-Normal.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Intergovernmental Agreement was drafted in collaboration with Town of Normal staff. The same agreement is to be presented to the Normal Town Council.

FINANCIAL IMPACT: None

Respectfully submitted for Council consideration.

Prepared by: George D. Boyle, Assistant Corporation Counsel

Reviewed by: Jeffrey R. Jurgens, Corporation Counsel

Financial & Budgetary review by: Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by: David A. Hales, City Manager

The following was presented:

Item 7H. Consideration of approving the Application of Catch 22, LLC, d/b/a Catch 22, located at 517 N. Main St., requesting a RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Motion by Alderman Schmidt, seconded by Alderman Painter that an RAS liquor license for Catch 22, LLC, d/b/a Catch 22, located at 517 N. Main St., be approved contingent upon a fully executed lease agreement and 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, Lower, Hauman, Sage, Black, Fruin, Buragas, and Painter.

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: That an RAS liquor license for Catch 22, LLC, d/b/a Catch 22, located at 517 N. Main St., be approved contingent upon a fully executed lease agreement and compliance with all applicable health and safety codes.

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

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

BACKGROUND: The Bloomington Liquor Commissioner, Tari Renner, called the hearing to order to hear the request of Catch 22, LLC, d/b/a Catch 22, located at 517 N. Main St.,

requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan, George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk, Julia Davis, registered agent/attorney for the applicant and Brandon Fried, owner/operator.

Julia Davis and Brandon Fried addressed the Commission. Mr. Fried noted that he was the owner/operator of the Fireside Inn, located in Lexington, IL.

Commissioner Renner questioned the difference between the new proposal and the former Main St. Grill, which had been located at the same premises. Mr. Fried stated that Catch 22 would be a full service restaurant. The beach volleyball court would be removed to offer more outdoor seating. He would market to the lunch time crowd and late night dinners.

Commissioner Renner questioned video gaming. Mr. Fried stated that two (2) machines would be removed.

Mr. Fried noted that he was BASSETT (Beverage Alcohol Sellers and Servers Education) certified. The four (4) bartenders would also receive certification.

Commissioner Jordan questioned the number of employees. Mr. Fried stated 8-10.

Commissioner Tomkins noted that the manager should be a Bloomington resident. Mr. Fried stated that he resides in Bloomington.

Commissioner Jordan questioned when food would be available. Mr. Fried stated the hours would be 11:00 a.m. to 11:00 p.m. He noted that there will be a late night menu.

Motion by Commissioner Tomkins, seconded by Commissioner Jordan that the application of Catch 22, LLC, d/b/a Catch 22, located at 517 N. Main St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, be approved contingent upon a fully executed lease agreement and compliance with all applicable health and safety codes.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's June 8, 2015 Consent Agenda. He encouraged Mr. Fried to attend.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on May 4, 2015 in accordance with City Code. In accordance with City Code, approximately 173 courtesy copies of the Public Notice were mailed on May 4, 2015. In addition, the Agenda for the May 12, 2015 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: The annual fee for an RAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Prepared by: Renee Gooderham, Chief Deputy Clerk

Reviewed by: George D. Boyle, Assistant Corporation Counsel

Recommended by: Tari Renner, Mayor

The following was presented:

Item 7I. Consideration of approving an Application of the Board of Trustees of Illinois State University, d/b/a Shakespeare Festival, located at 48 Sunset Rd., requesting a Limited Liquor license (LB) which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. (**PULLED FROM CONSENT AGENDA**)

The following was presented:

Item 7J. Consideration of approving an Application of Two K's Diner, d/b/a Two K's Diner, located at 1804 S Hershey Rd., requesting an RBS 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.

Motion by Alderman Schmidt, seconded by Alderman Painter that the an RBS liquor license for Two K's Diner, d/b/a Two K's Diner, located at 1804 S Hershey 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, Lower, Hauman, Sage, Black, Fruin, Buragas, and Painter.

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: That an RBS liquor license for Two K's Diner, d/b/a Two K's Diner, located at 1804 S Hershey Rd., be created, contingent upon compliance with all applicable health and safety codes.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Two K's Diner, d/b/a Two K's Diner, located at 1804 S Hershey Rd., requesting an RBS 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.

Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan, George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk and Denny Firkins, owner/operator.

Mr. Firkins addressed the Commission. He stated that beer and wine would be served Monday through Sunday. Ninety percent (90%) of sales would be generated from food.

Commissioner Tomkins questioned familiarity with Chapter 6, Alcoholic Beverages. Mr. Firkins responded negatively. He was BASSETT (Beverage Alcohol Sellers and Servers Education) certified.

Commissioner Jordan questioned the number of employees. Mr. Firkins responded two (2) cooks and four (4) servers.

Motion by Commissioner Tomkins, seconded by Commissioner Jordan, that the application of Two K's Diner, d/b/a Two K's Diner, located at 1804 S Hershey Rd, requesting an RBS 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 contingent upon compliance with all applicable health and safety codes.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's June 8, 2015 Consent Agenda. He encouraged Mr. Firkins to attend same.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on April 6, 2015 in accordance with City Code. In accordance with City Code, approximately twenty – two (22) courtesy copies of the Public Notice were mailed on April 6, 2015. In addition, the Agenda for the May 12, 2015 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: Annual fee for an RBS liquor license is \$1,110.

Respectfully submitted for Council consideration.

Prepared by: Renee Gooderham, Chief Deputy Clerk

Reviewed by: George D. Boyle, Assistant Corporation Counsel

David A. Hales, City Manager

Recommended by: Tari Renner, Mayor

The following was presented:

Item 7K. Consideration of Adopting an Ordinance Suspending Portion of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for an August 14, 2015 rehearsal dinner and an August 15, 2015 wedding reception at Davis Lodge.

Motion by Alderman Schmidt, seconded by Alderman Painter the that the Ordinance suspending portion of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for an August 14, 2015 rehearsal dinner and an August 15, 2015 wedding reception at Davis Lodge be adopted.

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

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

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: That the Ordinance suspending portion of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for an August 14, 2015 rehearsal dinner and an August 15, 2015 wedding reception at Davis Lodge be adopted.

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

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

BACKGROUND: The Bloomington Liquor Commissioner, Tari Renner, called the Liquor Hearing to order to hear the request of Robert Ameday and Ariel Amante to allow moderate consumption of alcohol at their August 14, 2015 rehearsal dinner and at their August 15, 2015 wedding reception to be held at Davis Lodge.

Present were Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan, Commissioners; George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk and Robert and Ameday and Ariel Amante groom and bride.

Robert Ameday and Ariel Amante, groom and bride, addressed the Commission. They stated that Biaggi's would be catering the event. Beer and wine only would be served.

Motion by Commissioner Jordan, seconded by Commissioner Tomkins that the request of Robert Ameday and Ariel Amante to allow moderate consumption of alcohol at their August 14, 2015 rehearsal dinner and at their August 15, 2015 wedding reception to be held at Davis Lodge be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's June 8, 2015 Consent Agenda. He encouraged them to attend same.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the May 12, 2015 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.

Respectfully submitted for Council consideration.

Prepared by:	Renee Gooderham, Chief Deputy Clerk
Reviewed by:	Brett Lueschen, Interim Water Director George D. Boyle, Assistant Corporation Counsel David A. Hales, City Manager
Recommended by:	Tari Renner, Mayor

The following was presented:

Item 7L. Consideration of approving a Lake Bloomington Lease Transfer Petition for Lot 2, Block 10 of Camp Potowatomie, from Dustin & Dagan Brucker to Mark & Carol Csanda.

Motion by Alderman Schmidt seconded by Alderman Painter the Lake Lease Transfer Lake Bloomington Lease Transfer Petition for Lot 2, Block 10 of Camp Potowatomie, from Dustin & Dagan Brucker to Mark & Carol Csanda be approved and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Schmidt, Lower, Hauman, Sage, Black, Fruin, Buragas, Mwilambwe, Painter.

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: That the Lake Lease Transfer Lake Bloomington Lease Transfer Petition for Lot 2, Block 10 of Camp Potowatomie, from Dustin & Dagan Brucker to Mark & Carol Csanda be approved and authorize the Mayor and City Clerk to execute the necessary documents.

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

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

BACKGROUND: The sewage disposal system inspection was completed in May, 2015. The septic system appears to be functioning normally. The septic tank does not need to be pumped but should be checked regularly. A chlorine tablet should be placed in the chlorinator tube regularly as needed. The age of the sewage disposal system is over twenty-five (25) years. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20-25) years. However, this can be affected greatly by usage patterns of the premises (seasonal versus full time occupancy) and system maintenance.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. With this transfer, the lake lease formula will generate about \$486.79 per year in lease income. This lake lease income will be posted to Lake Maintenance- Lease Income Account (50100140-57590). Stakeholders can locate this in the FY 2016 Proposed Budget Book titled "Other Funds & Capital Improvement Program" on page 104.

Respectfully submitted for Council consideration.

Prepared by: Connie Fralick, Office Manager

Reviewed by: Brett Lueschen, Interim Water Director

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

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by: David A. Hales, City Manager

The following was presented:

Item 7M: Consideration of Adopting an Ordinance amending the Preliminary Plan for the Parkway Village PUD Phase 4 for land located at the southeast corner of Mercer Avenue and Veterans Parkway, Case No. PS-01-15.

Motion by Alderman Schmidt seconded by Alderman Painter that Council adopt an Ordinance amending the Preliminary Plan for the Parkway Village PUD Phase 4 for land located at the southeast corner of Mercer Avenue and Veterans Parkway, Case No. PS-01-15 as described in Exhibit A, conditioned upon making updates to the plan including adding sidewalks, bike paths, and the extension of Hotel Drive, along with and the rerouting of the sewers to the larger detention basin.

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

Ayes: Aldermen Schmidt, Lower, Hauman, Sage, Black, Fruin, Buragas, Painter.

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: That the City Council adopt an Ordinance amending the Preliminary Plan for the Parkway Village PUD Phase 4 for land located at the southeast corner of Mercer Avenue and Veterans Parkway, Case No. PS-01-15 as described in Exhibit A, conditioned upon making updates to the plan including adding sidewalks, bike paths, and the extension of Hotel Drive, along with and the rerouting of the sewers to the larger detention basin.

STRATEGIC PLAN LINK: The amended preliminary plan is linked to Goal 3, Grow the Local Economy and Objective D, Expanded Retail Businesses.

STRATEGIC PLAN SIGNIFICANCE: The amended preliminary plan will facilitate the objective of expanded retail businesses by allowing new commercial businesses on vacant land in the Parkway Village development. This will include a financial institution and a retail strip center with up to six tenants.

BACKGROUND:

The Parkway Village Planned Unit Development (PUD) currently has three businesses in place, namely a pharmacy, a restaurant and a hotel. If the amended preliminary plan is approved the construction of a financial institution and a retail strip center will begin this summer. The development has direct access to Mercer Avenue, Ireland Grove Road and Loop Road.

Most of the development will remain as previously approved. On the eastern portion of Parkway Village, lot 303 is being split into two lots, namely lots 402 and 403. A retail strip center is proposed for lot 402 with a similar design as to what was planned for lot 301 to the northeast. Lot 403 has no proposed development. In the north, lots 301 and 302 are proposed to be combined into one lot, namely lot 401. The financial institution intends to build on lot 401. The streets will remain private and no new access points are proposed to City streets and Veteran's Parkway. There are also some changes to the easements required due to the lot reconfigurations, which staff agrees with.

PLANNING COMMISSION

This case was before the Planning Commission for a public hearing and review on May 13, 2015. Staff explained the proposed changes to the PUD and why Hotel Drive needs to be fully extended. The extension will prevent a long dead end street which will help circulation and emergency vehicles. The new streets need to include bike lanes and sidewalks, as provided now in other parts of the development. Staff recommended approval condition upon complying with these items.

The engineer for the developer explained the detention basin south of the retail strip center is being filled in and deleted. He said it is addressed in the construction plans. He said the final plan will be revised and the basin to the northeast will be sufficient to handle the storm water. He also explained they were not planning to extend Hotel Drive in this phase because they were waiting for the parcel to the west of the strip center to be developed. He requested that there be a waiver until that time and not incur that cost for this small strip center. No one else from the public spoke regarding the petition.

The Planning Commission felt the road extension should be included because otherwise it would be a long distance for anyone wanting to get to the new development. The Planning Commission recommended approval by a vote of 9-0 conditioned on updating the plan to include sidewalks, bike paths, the extension of Hotel Drive, and the rerouting of the sewers to the larger detention basin. This recommendation is consistent with staff's position.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to approximately 29 property owners within 500 feet. In addition, public notice/identification signs were posted on the property.

FINANCIAL IMPACT:

If the amended preliminary plan is approved, there should be an increase in property and sales taxes for the city as the site is developed.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Tom Dabareiner, Director of Community Development

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by: David A. Hales, City Manager

The following was presented:

Item 7N: Consideration of Adopting an Ordinance Approving Final Plat for the Parkway Village Phase 4 Subdivision, commonly located east of Mercer Ave., north of Ireland Grove Rd., and south of Veterans Pkwy with conditions listed therein.

Motion by Alderman Schmidt seconded by Alderman Painter that the Council adopt the Ordinance Final Plat for the Parkway Village Phase 4 Subdivision, commonly located east of Mercer Ave., north of Ireland Grove Rd., and south of Veterans Pkwy., and the final plat approved subject to the Petitioner paying the required tap-on fees and bonding for the public improvements prior to recording of the final plat.

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

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

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: Adopt the Ordinance approving Final Plat for the Parkway Village Phase 4 Subdivision, commonly located east of Mercer Ave., north of Ireland Grove Rd., and south of Veterans Pkwy., and the final plat approved subject to the Petitioner paying the required tap-on fees and bonding for the public improvements prior to recording of the final plat.

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

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

BACKGROUND: This Planned Unit Development (PUD) commercial subdivision is located south of Veterans Pkwy, and east of Mercer Ave. The Final Plat is in conformance with the amended Preliminary PUD Plan to be approved by Council tonight. This Final Plat re-plats part of Phase 3 in preparation for a proposed financial institution along Veterans Pkwy, and a proposed retail strip mall north of the existing Residence Inn Hotel.

As provided with the Bloomington City Code, Chapter. 24: Section 3.5.5: Recording that within seven (7) days from the date of adoption of an Ordinance approving the final plat, or within seven (7) days from the date on which the last event referred to this Code or characterized in the Ordinance as a prerequisite to recording of the final plat occurs, whichever is later, the City Clerk shall record a copy of the final plat, a certified copy of the Ordinance approving the Final Plat, and any supporting certificates necessary to accomplish the recording in the Office of the Recorder of Deeds of McLean County. If such final plat is not recorded within ninety (90) days of City Council approval such plan shall become null and void.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Parkway Partners-One, Inc., Landmark Engineering Group.

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

Respectfully submitted for Council consideration.

Prepared by: Anthony J. Meizelis PE, Civil Engineer I.
 Reviewed by: Tom Dabareiner, Director, Planning and Code Enforcement
 Financial & budgetary review by: Chris Tomerlin, Budget Analyst
 Carla A. Murillo, Budget Manager
 Legal review by: Jeffery R. Jurgens, Corporation Counsel
 Recommended by: David A. Hales, City Manager

The following was presented:

Item 70: Consideration of cost modifications associated with the Stark Excavating, Inc. Contract for Relocation of the two (2) 24" Transmission Mains in the Town of Normal at the Main Street Bridge.

Motion by Alderman Schmidt, seconded by Alderman Painter that the City Manager be authorized to enter into a change order with Stark Excavating, Inc. on its Contract for Relocation of the two (2) 24" Transmission Mains in the Town of Normal at the Main Street Bridge to account for changes in costs due to delays in construction of the project, and approve a resolution authorizing same, and to authorize the City Manager to any and all other actions, including execution of documents, necessary to authorize the work with the modified costs.

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

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

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: Recommend that the City Manager be authorized to enter into a change order with Stark Excavating, Inc. on its Contract for Relocation of the two (2) 24” Transmission Mains in the Town of Normal at the Main Street Bridge to account for changes in costs due to delays in construction of the project, and approve a resolution authorizing same, and to authorize the City Manager to any and all other actions, including execution of documents, necessary to authorize the work with the modified costs.

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

STRATEGIC PLAN SIGNIFICANCE: Objectives 2c. Well-designed, well-maintained City facilities emphasizing productivity and customer service.

BACKGROUND: The IDOT is replacing the Main St. Bridge that crosses Sugar Creek in the Town of Normal. The City has two (2) 24” transmission mains located under the bridge. With the bridge replacement the City has to relocate these two (2) mains. The mains will need to be relocated before IDOT can start the bridge work in the spring of 2015. The transmission mains provide water from the Fort Jesse pump station to the underground storage reservoirs at the Division St. Pump Station.

Requests for bids for the above-mentioned project were advertised and fourteen (14) plan sets were picked up by interested contractors. On February 9, 2015, the City Council awarded the contract to the low bidder, Stark Excavating. However, the contract approval was contingent upon the City completing acquisition of necessary easements which were acquired on May 29, 2015. Per the bid documents, the bid prices were to remain accepted for 60 days following the bid opening. Due to the delay in acquiring the easements, over 130 days have passed since the bid opening and construction has been delayed. As a result, there have been increases in both labor and supply costs necessitating a change order or contract alteration to cover the additional expenses. The final amounts of the increase will be updated on Monday, June 8, 2015.

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

FINANCIAL IMPACT: Payment for the Relocation of the Transmission Mains was budgeted in the Water Transmission & Distribution-Water Main Construction & Improvements (50100120-72540) account. The funds for \$326,640 were encumbered on Purchase Order 20150240 from FY 2015 to FY 2016. The additional change order amount of \$28,820 will be paid from the same account where funds are available. Stakeholders can locate this in the FY 2016 Proposed Budget Book titled “Other Funds and Capital Improvement Program” on page 101.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Corporation Counsel
On behalf of Brett Lueschen, Interim Water Director

Recommended by: David A. Hales, City Manager

The following was presented:

Item 7F. Consideration of approving a Fourth Tolling Agreement with McLean County Land Trust CC-1 to extend the period until December 15, 2015, and to waive any defense by way of any statute of limitations which would otherwise arise during such period. **PULLED FROM CONSENT AGENDA.**

Alderman Fruin stated that he does not have any financial benefits within this agenda item. He recommends that Item No. 7F be approved as presented by City Staff. This item appears to be a continuation of staff's efforts in working with the developer to resolve pay issues while seeking a resolution. He stated that this appears to be the right thing to do. It is important to know that one of the principal partners in Dave Fedder who was recently appointed to the Budget Task Force Committee. Mr. Fedder has a great reputation in the community especially with his financial abilities—this is important to know.

Mr. Hales stated that the last efforts to come to a resolution; this area was to be a potential park area. Currently, the contract allowed the developer to deed to the City land that is south of the Norfolk Southern Railroad, which would have little value or benefit, or utility for the development. He stated, basically, the City is asking the developer to reconsider a modified to really change what they were initially allowed to do under the original agreement. The City would, in is discussion, and would not be used to convert the value of a land dedication that wouldn't be used to the potential of the dedication land in the development for use by all of the residents. For the City, it would be a tremendous win. So far, the developer has been participating in discussions.

Mr. Hales stated that in a couple of weeks, a meeting will be held in that area to discuss with the residents the potential of using some of that land for parks.

Motion by Alderman Schmidt, seconded by Alderman Painter that the Fourth Tolling Agreement with McLean County Land Trust CC-1 be approved to extend the period until December 15, 2015, to waive any defense by way of any statute of limitations which would otherwise arise during such period, and authorize the Mayor and City Clerk to execute the necessary documents.

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

Nays: None

Absent: None

Recuse: Mwilambwe

Motion carried.

RECOMMENDATION/MOTION: That the Fourth Tolling Agreement with McLean County Land Trust CC-1 be approved to extend the period until December 15, 2015, to waive any defense by way of any statute of limitations which would otherwise arise during such period, and authorize the Mayor and City Clerk to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks, and Objective 5b. City decisions consistent with plans and policies.

BACKGROUND: The City and McLean County Land Trust CC-1 are parties to several annexation agreements from the 1990s related to the development of the Fox Creek Subdivision area. The Third Amendment is the final amendment to the Fox Creek Annexation Agreement, and effectively replaced the original annexation agreement and the first two amendments, and became the parties' agreement. The City contends that pursuant to the parties' agreements, the owner owes the City development fees and additional work on a detention basin and on sidewalks in the 12th addition of the Fox Creek Subdivision. Paragraph 18 of the Third amendment provided that: "This Agreement shall be enforceable for a period of 20 years from the date of passage of the annexation ordinance contemplated by this agreement." Ordinance No. 1994-41, which ratified the Third Amendment, was passed on April 25, 1994 and approved on April 26, 1994. The effective term of the parties' annexation agreement arguably ends on April 24, 2014. Section 11-15.1-4 of the Illinois Municipal Code provides that a "lawsuit to enforce and compel performance of the [annexation] agreement must be filed within the effective term of the agreement or within 5 years from the date the cause of action accrued, whichever is later".

On April 14, 2014, the City approved a tolling agreement to waive a right to claim that litigation should be dismissed due to the expiration of a statute of limitations. This agreement gave the parties an additional six-month period during which the parties were able to work together in good faith to resolve their differences and reach resolution. During the tolling period, the parties also waive any defense by way of any statute of limitations which would otherwise arise during such period. The term of that tolling agreement expired on April 14, 2014. A Second Tolling Agreement was entered into at that time which is set to expire on January 13, 2015, and a Third Tolling Agreement was approved on January 12, 2015, set to expire on June 13, 2015.

Although the parties have resolved nearly all of the outstanding issues, additional time is needed to draft the necessary amendments to the annexation agreements and to finalize certain details. Accordingly, the parties desire to enter into a third tolling agreement to extend the period until December 15, 2015, to waive any defense by way of any statute of limitations which would otherwise arise during such period.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Snyder Development, A. Clay Cox.

FINANCIAL IMPACT: It is estimated McLean County Land Trust CC-1 currently owes the City \$562,194.78 in development fees. There are other “punch list” items that are covered by this agreement that have not yet been estimated.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by: David A. Hales, City Manager

The following was presented:

Item 7I. Consideration of approving an Application of the Board of Trustees of Illinois State University, d/b/a Shakespeare Festival, located at 48 Sunset Rd., requesting a Limited Liquor license (LB) which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. **PULLED FROM CONSENT AGENDA**

Alderman Mwilambwe recuse himself from deliberating on the item indicating that he works for Illinois State University.

Motion by Alderman Schmidt, seconded by Alderman Painter that Recommend that an LB liquor license for the Board of Trustees of Illinois State University, d/b/a Shakespeare Festival, located at 48 Sunset Rd., be approved

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

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

Nays: None

Absent: None

Recuse: Mwilambwe

Motion Carried.

Item 8A. Presentation of the Downtown Bloomington Association Annual Report, by Tricia Stiller.

Tricia Stiller provided an overview of the activities of the Downtown Bloomington Association as well as providing a PowerPoint Presentation to the Council.

Item 8A1. Consideration of approving an Agreement with the Downtown Bloomington Association (DBA) for Fiscal Year 2016.

Alderman Lower expressed concern with the agreement of providing the DBA with a \$90,000 subsidy to continue its operations. He commented on other area businesses that are struggling each day to continue its operations. He stated that he is not diminishing the fact that the DBA is good for the community; however, does not agree to continue to financially support the DBA with taxpayer dollars. Lower stated that perhaps it is time for the DBA to look at ways of becoming self-sustaining so as to decrease dependency on the City.

Alderman Black thanked Ms. Stiller for her presentation and complimented her on being one of the unsung heroes in working to bring viability back to the downtown area, that he strongly supports this item.

Mayor Renner commented on having a thriving downtown community benefits the community as well as the employment sector, and has a far reaching impact on tourism and visitors to the area.

Alderman Buragas commented on the use of the tax-payers dollars being used for not only the downtown area; however, the entire community benefits for having a thriving downtown community.

Motion by Alderman Black, seconded by Alderman Painter that the Council accept the Downtown Bloomington Association Annual Report, and approve the FY 2016 Service Agreement with the Downtown Bloomington Association in the amount of \$90,000, and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Hauman, Sage, Black, Fruin, Buragas, Mwilambwe, and Painter.

Nays: Lower

Absent: None

Recuse: Schmidt

Motion carried.

The following was presented:

9. City Manager's Discussion

Mr. Hales stated that he did not have a report.

10. Mayor's Discussion

Mayor Renner commented on the newly restored Loft Apartments in the downtown area.

11. City Aldermen's Discussion

No report/discussion provided by the Aldermen.

12. Executive Session - cite section**13. Adjournment**

Motion by Alderman Black, seconded by Alderman Painter that the meeting be adjourned. Time: 7:56 p.m. Motion carried.

Tari Renner, Mayor

Cherry L. Lawson, City Clerk