

**SUMMARY MINUTES OF THE  
WORK SESSION CITY COUNCIL MEETING  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS  
MONDAY, FEBRUARY 11, 2013; 5:32 PM**

The Council convened in regular Session in the Police Department – Osborn Room, 305 South East Street, at 5:32 p.m., Monday, February 11, 2013.

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Aldermen: Mboka Mwilambwe, Judy Stearns, Steven Purcell, Karen Schmidt, Robert Fazzini, Jim Fruin, David Sage, Jennifer McDade, Jamison Mathy, and Mayor Stockton

Staff: David Hales, City Manager, Tracey Covert, City Clerk, Todd Greenberg, Corporation Counsel, and Jim Karch, Public Works Director

Legislators: Senator Jason Barickman, Jill, Legislative Aide, Abby Welsh-Bill Brady; Representative Keith Sommer, Representative Dan Brady

**3. WORKING SESSION WITH STATE LEGISLATORS**

Mayor Stockton noted that this meeting was an annual tradition. The key strategy/goal was to encourage intergovernmental cooperation. Introductions were held between Mayor, Council, and Legislators.

Senator Jason Barickman addressed the Council. He noted that he served 53<sup>rd</sup> Senate District and taught at Illinois State University. There were 30 municipalities in the District. He also introduced his legislative aide, Jill.

Representative Dan Brady arrived at 5:40 p.m.

Mr. Brady thanked Council for the invite. He noted there were financial challenges, but the City and Legislators could partner on joint ventures, such as road projects. David Hales, City Manager noted Dan Brady's effort on the Dedication Fire Training Tower from 2012 as an example of inter-governmental cooperation and collaboration. Mr. Hales thanked Alex McElroy, Assistant to the City Manager for his efforts in preparing the City of Bloomington Resource Guide for Illinois State Legislators.

### *1. Direct Deposit of Local Government Distributive Fund (LGDF) Revenue*

Recommendation: Support House Bill 4011 (Representative DeLuca) and Senate Bill 3363 (Senator Hutchison) which request efficient collection and disbursement process of Local Government Distributive Funds.

### *2. Pension Sustainability*

Recommendation:

1) The General Assembly and Governor immediately begin discussions on the impending financial liabilities and sustainability of the benefit structure for existing employees that participate in the municipal police and firefighter pension funds.

2) The General Assembly and Governor encourage all interested parties to find common resolve to address the pension crisis and to realize that the municipal police and firefighter pension funds throughout Illinois need more too appropriately balance the interests of municipal taxpayers and public employees.

### *3. Public Employee Benefits Act (PSEBA) Reform*

Recommendation: The high cost of the Public Employee Benefits Act necessitates that a reasonable, clear, and equitable standard be adopted to ensure that the lifetime health insurance benefit is only being paid to those whose injuries are truly “catastrophic” in nature.

### *4. Fiscal Reality in Arbitration Decisions*

Recommendation: The City urges the governor, the members of the Illinois General Assembly, the Department of Labor, and the Illinois Public Relations Board to reexamine the role that arbitrators play in the formulation of local obligations and to ensure that arbitrators consider the actual affordability and broader fiscal implications of their decisions and adjust those decisions accordingly.

Todd Greenberg, Corporation Counsel addressed the Council. He noted that outside arbitrators, as well as fiscal reality determine arbitration decisions. The municipalities’ ability to pay was based upon the City’s taxing ability. Those decisions also affected tax payers. Mr. Greenberg requested that the legislators strengthen the law on this aspect and address the ability to pay beyond taxing power.

### *5. Bolster Illinois’ Economic Development Climate*

Recommendation: Support legislation that promotes online businesses to charge sales tax and remit the tax dollars back to the consumer’s state to improve economic conditions in the state of Illinois.

Mr. Hales addressed the Council. He believed that this session was a time for the City's reflection. He noted a loss of state revenue, which was a significant part of the City's budget. The state revenue that had been distributed to the City was \$43,500,000. There were serious consequences to the City for the loss of state revenue money. For example, the income tax was raised \$100 for a \$150,000 home.

He maintained that the City's challenge was priorities: how do we pay for our services while minimizing the impact on the taxpayer? Mr. Hales discussed the need for evaluation of City facilities while balancing competing needs with an open and transparent government. He suggested that Council adopt a long term plan that addressed the contributory policy.

Mr. Hales noted that despite these challenges, the City's financial status had improved. For example, the City was continuing to invest in Capital Projects. The Locust/Colton project had a low cost loan with 25% principal. The bond rating on that project was AA+.

#### *6. Workers' Compensation Reform*

Recommendation: On behalf of municipal taxpayers, as well as the financial well-being of the State as a whole, the City asks that substantive and major reforms are supported by legislators in a serious approach toward amending the Workers' Compensation Act so that businesses and industries will have an incentive to move to Illinois.

#### *7. Mental Health Services in Illinois*

Recommendation: Support legislation which empowers family and caregivers of mentally ill individuals and pools resources to better address the mental health needs in Illinois.

Due to the state budget crisis, budget cuts for mental health facilities have put a burden on law enforcement, who had been taking more calls relating to mental health. Freedom of Information Act (FOIA) requests had also increased, which could be time consuming. There is a need for funding, as well as legislative changes to address the mental health issues.

#### *8. Private Fiber Optic Installation in City Right of Ways*

Recommendation: The city feels that the state should exert more power to regulate fiber optic companies because the state is granting the right to these companies to perform construction work in other units of government right-of-way jurisdictions. While Section 21 of the Illinois Public Utility Act explains the authority role of local units of government, Bloomington feels it does not have enough authority to correct problems caused by the fiber optic companies because they do not have a legal binding agreement with these companies. There are no incentives for these private companies to comply if they do not need another permit.

One course of action would be to take these companies to court to remedy the problem. Since safety issues need to be addressed immediately, the city would do the repairs itself and file a lawsuit against the fiber optic company for reimbursement. The problem is court battles could take a long time to resolve, which could make it difficult if the funds used to correct the mistake are needed for other pressing issues.

In addition, the City feels that private fiber optic companies' construction work zones are unacceptable to Americans with Disabilities Act (ADA) construction standards and are endangering pedestrians. The City urges state officials to pass legislation to increase safety standards and the ability to enforce acceptable pedestrian barricade standards to ensure the safety of all pedestrians.

Mr. Karch referred to the construction pictures in the City of Bloomington Resource Guide for Illinois State Legislators booklet. He noted that the fiber optic company approved by the State did improper work, resulting in injuries and damage to infrastructure. For example, the company left an unfilled excavation hole in front of Bloomington Central Catholic High School, impeding the sidewalk. This carelessness could leave the City open to possible lawsuits. He noted that the City is responsible for maintaining safety, and as such, the City needed to contest the current right-of-ways.

#### **4. CITY MANAGER AND MAYOR COMMENTS**

Mr. Hales stated that the City is working on large projects, including a railroad crossing and a project on Hamilton/Bunn to Commerce. He noted traffic heavy volume on Rhodes Lane. Another project is replacing the bridge at Fox Creek Road and Union Pacific. He noted that the City was working with railroad and state agencies for funding.

Mayor Stockton stated that the number one (1) concern for the City should be revenue. He noted that the City depended upon sales tax money, but property taxes impacted home ownership as well. Mayor Stockton stated that the City's goal was to have strong neighborhoods. He believed that these concerns were non-partisan issues as strong cities were the building blocks of the state.

#### **5. LEGISLATOR'S UPDATE**

Representative Keith Sommer thanked the City for their continued partnership. He appreciated the information, comments presented, and felt honored to represent the City of Bloomington. He noted that while railroad projects were in his new district, he did not support using local tax money for these projects. Abby Welsh from Senator Bill Brady's office encouraged Council to pass on information to local government, transportation, and committees regarding these projects.

Regarding the minimum wage, Representative Sommer noted that Governor Quinn was hesitant to address any changes due to concern of a negative impact on small business.

Representative Dan Brady believed the Senate would raise the federal minimum wage, and agreed that it would negatively impact small business.

Representative Brady hoped that the City would continue to represent itself to the best of its' ability. The City needed to keep informed and work together through the financial and fiscal issues. He recommended a focus on improving and maintaining emergency services. Representative Brady also believed that the City's Workers' Compensation program must be business friendly.

Representative Brady noted that the Speaker and Governor had partnered together to address constitutional issues regarding the pension system. He believed that pensions needed to be implemented fairly across the board and stated that the five (5) pension systems must include all legislation. Representative Sommer agreed with Representative Brady's concerns.

Mayor Stockton believed there was strength in having two (2) senators and two (2) state representatives living in Bloomington. The City of Bloomington was noted in a number of national rankings, and was recognized as a shining star. Mayor Stockton hoped to continue the progress and the relationship with the legislators.

#### **4. ADJOURNMENT**

No motion noted. Meeting adjourned at 6:40 p.m.

CITY OF BLOOMINGTON

ATTEST

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Tari Renner, Mayor  
for Stephen Stockton, former Mayor

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Cherry L. Lawson, City Clerk  
for Tracey Covert, former City Clerk