

**SUMMARY MINUTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS MONDAY, APRIL 23, 2018; 7:00 P.M.**

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, April 23, 2018.

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

Aldermen: Jamie Mathy, David Sage, Mboka Mwilambwe, Amelia Buragas, Scott Black, Joni Painter, Diana Hauman, Kim Bray, Karen Schmidt, and Mayor Tari Renner.

Staff Present: Steve Rasmussen, Interim City Manager; Jeffrey Jurgens, Corporation Counsel, Cherry Lawson, City Clerk; Scott Rathbun, Budget Manager; Brian Mohr, Fire Chief, Scott Sprouls, IS Director; Nicole Albertson, Human Resource Director; Jim Karch, Public Works Director; and other City staff were also present.

Recognition/Appointments

- A. Recognition of Achievement to Eric Veal, Assistant Director of Parks, Recreation and Cultural Arts for attaining the professional designation of Certified Parks & Recreation Executive (CPRE).
- B. Proclamation declaring April 27, 2018 “Arbor Day.”
- C. Proclamation declaring April 21, 2018 “Comcast Cares Day.”
- D. Proclamation declaring May 6, 2018 – May 12, 2018 “Municipal Clerks Week.”
- E. Reappointment of John Hanson to the Airport Authority Board.
- F. Reappointment of Robert Bradley and William Gudeman to the Citizens’ Beautification Committee.
- G. Reappointment of Scott Koets and Jesse Smart to the Cultural District Commission.
- H. Reappointment of Ann Bailen to the Historic Preservation Commission.
- I. Reappointment of Anthony Jones to the Human Relations Board.
- J. Reappointment of Noha Shawki and Catrina Murphy to the Bloomington-Normal Sister City Committee (Japan).
- K. Reappointment of Dianne Hollister, Matt Watchinski, and Susan Mohr to the Library Board of Trustees.
- L. Reappointment of Eric Penn and Megan Headean to the Planning Commission.

M. Reappointment of William Bennett and Surena Fish to the Public Safety and Community Relations Board.

N. Reappointment of Angie Ballantini and Reenie Bradley to the Transportation Commission.

Presentation

A. Presentation and discussion on the McLean County Health Expenditure. (Presentation by Bill Wasson, McLean County Administrator, 20 minutes, City Council discussion, 10 minutes.)

Mr. Wasson provided a PowerPoint Presentation of the activities of the Behavioral Health Coordinating Council for the past year, and give you some information on projects that are underway that we anticipate within the next 12 months.

The Department of Justice Mental Health Criminal Justice Collaboration Grant was the first program that the BHCC was successful in obtaining a grant application in the summer of 2016 and funding was available in 2017. Through that program, we have over the last year in 2017 more than 100 public safety and health care staff have been trained in Critical Incident Training. Those sessions are conducted locally to allow police officers, firefighters, EMS personnel, individuals from behavioral health providers or hospital personnel to participate in that training.

A joint team from the Center for Human Services in the county that was for CIT implementation training in 2017, those provisions were matched for the grant purposes by county staff hours that are included in the grant provision. We also were successful in obtaining an Assisted Outpatient Treatment Training program for a team that included individuals...including Judge Foley from the circuit court, individuals from Advocate Bromen and Chestnut Health Systems that went for Assisted Outpatient Treatment.

The County expanded a data sharing agreement with the University of Chicago Center for Data Science and Public Policy to provide for the development of predictive analytic capacities. There are two things as we talk about data analysis, data sharing that are our parallel goals for the program. Number one, our goal is to be able to share data so that, first responders in the field can make the best decisions possible about where to direct an individual. The second item is a much more long-term goal but it is a goal that we are committed to working with jurisdictions from across the country on and that is preventive prevention through predictive analytics.

The County continues to work with the Illinois State University Stevenson Center under a contract, and they have provided criminal justice information and analysis of our case management system data, we have also introduced work on the behavioral illness side as part of their work.

They have worked with Path over the last year. They County has been able to provide some assistance relative to information systems and hardware. They have worked with a national software provider that provides a vast majority of the HMIS data for local entities across the country on setting up software provisions for this data sharing. He believes this will be a benefit to communities across the country for that program, and they have provided a readiness incubator for a frequent users program for 10 nonprofits here in the community as part of this program.

The project is on time, on budget, there will be a renovation of the correctional facility, medical facility, and the pods...the new pods. The treatment areas that are provided on-site adjacent to those pods, will be available to us. They will revamp the old section, significantly expanding the medical treatment facilities as part of the program and that will take probably another nine months in 2019.

The BHCC also endorsed initiating in January 2019, a Super or Frequent User...Frequent Utilizer Systems approach, that is an extension of the program with CSH and the Laura and John Arnold Foundation.

Alderman Painter thanked Mr. Wasson for his informative presentation and his approach in carefully laying the groundwork for a sustainable outcome.

Alderwoman Schmidt stated the County has become better at identifying mental illness. She has this idea that state and federal funding in support of the safety net for mental illness is also dwindled at the same time. Mr. Wasson stated Alderman Schmidt is correct in her statement.

Alderman Black asked is there going to be a plan that we bring these types of conversations and update to this Council and Normal on a more ongoing basis. Mr. Wasson stated they have offered annually to provide this information. They made a presentation to the Town of Normal last year and they are making a presentation to Bloomington Council this year. Alderman Black echoed the concerns that Mr. Wasson has shared about the federal and state level funding going away and those deep concerns.

Alderman Mwilambwe thanked Mr. Wasson for his passion for this project. If I remember correctly, so the agreement for sales tax is about 20 years, right. Mr. Wasson stated that is correct. Alderman Mwilambwe asked what the outlook beyond those 20 years in terms of sustainability.

Mr. Wasson stated they would learn as they build the program, as it is their intention to put together a program that can be sustained beyond the 20 years when local funding is dedicated to it. In an effort to do that, they have to be smart and effective.

Public Comment

Mayor Renner opened the meeting to receive public comment, and the following individuals provided comments to the Council.

John Binning	Jeff Lindsay	Scott Stimerling
Terry Kirby	Mark Sperry	Carol Ringer
John Brandt	Ryan Esposito	Gary Lambert
Tom Miller (<i>Did not Speak</i>)	Betty Toland	Jim Grossman (<i>Did not Speak</i>)
Dale Whitwod	Sue Feldcamp (<i>Pulled</i>)	

“Consent Agenda”

*Items listed on the Consent Agenda are approved with one motion, and is provided in **BOLD**, and items*

that Council pull from the Consent Agenda for discussion are listed with a notation **Pulled from the Consent Agenda**.

Motion by Alderman Schmidt and seconded by Alderman Painter that the Consent Agenda be approved with the exception of Item 8H.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

The following was presented:

Item 8A. Consideration of approving the Minutes of the April 9, 2018 Regular City Council Meeting. *(Recommend that the reading of the minutes be dispensed with and the minutes approved as printed.)*

The following was presented:

Item 8B. Consideration of approving Bills, Payroll, Procurement Card Purchases, and Electronic Transfers in the amount of \$6,710,752.60. *(Recommend the Bills, Payroll, Procurement Card Purchases, and Electronic Transfers be allowed in the amount of \$6,710,752.60, and orders drawn on the Treasurer for the various amounts, as funds are available.)*

The following was presented:

Item 8C. Consideration of Approving Reappointments to Various Boards and Commissions. *(Recommend John Hanson be reappointed to the Airport Authority Board; Robert Bradley and William Gudeman be reappointed to the Citizens' Beautification Committee; Scott Koets and Jesse Smart be reappointed to the Cultural District Commission; Ann Bailen be reappointed to the Historic Preservation Commission; Anthony Jones be reappointed to the Human Relations Board; Noha Shawki and Catrina Murphy be reappointed to the Bloomington-Normal Sister City Committee (Japan); Dianne Hollister, Matt Watchinski, and Susan Mohr be reappointed to the Library Board of Trustees; Eric Penn and Megan Headean be reappointed to the Planning Commission; William Bennett and Surena Fish be reappointed to the Public Safety and Community Relations Board; and Angie Ballantini and Reenie Bradley be reappointed to the Transportation Commission.)*

The following was presented:

Item 8D. Consideration of a Contract and Unit Prices with George Gildner, Inc. in an amount up to \$153,000.00 for the FY 2019 Grading and Seeding Contract (Bid #2018-43), as requested by the Public Works Department. *(Recommend a Contract and Unit Prices with George Gildner, Inc. for the FY 2019*

Grading and Seeding Bid (#2018-43) in an amount up to \$153,000.00 be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)

The following was presented:

Item 8E. Consideration of a Contract, effective on May 1, 2018, with Midwest Fiber, Inc. for Single Stream Recycling Services (RFP #2018-49) as requested by the Public Works Department. *(Recommend a Contract with Midwest Fiber, Inc. for Single Stream Recycling Services (RFP #2018-49) be approved, effective on May 1, 2018, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)*

The following was presented:

Item 8F. Consideration of a four (4) year Contract with M.E. Simpson Co., Inc., in the amount of \$84,000.00, for the Water Department's Leak Detection Program Services (RFP #2018-47), as requested by the Water Department. *(Recommend a four (4) year Contract with M.E. Simpson Co., Inc., in the amount of \$21,000.00 per year (total of \$84,000 for four years), for Leak Detection Program Services be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)*

The following was presented:

Item 8G. Consideration of a Resolution Waiving the Formal Bidding Process and approving the purchase of a Police Priority Dispatch System from Priority Dispatch in the amount of \$55,623, as requested by the Police Department. *(Recommend a Resolution Waiving the Formal Bidding Process and approving the purchase of a Police Priority Dispatch System from Priority Dispatch in the amount of \$55,623 be approved, the Purchasing Agent be authorized to issue a Purchase Order, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

RESOLUTION NO. 2018 – 25

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS FOR THE PURCHASE OF A POLICE PRIORITY DISPATCH SYSTEM FROM PRIORITY DISPATCH IN THE AMOUNT OF \$55,623, AS REQUESTED BY THE POLICE DEPARTMENT

The following was presented:

Item 8H. Consideration of a Resolution Waiving the Formal Bidding Process and authorizing City Staff to continue disposing Leaf and Grass Material (Bid #2018-46) on the property of Chris Witte at a rate of \$3.50 per cubic yard, as requested by the Public Works Department. *(Recommend a Resolution Waiving the Formal Bidding Process be approved, and authorize the disposal of Leaves and Grass Material (Bid #2018-46) on Chris Witte's property at a rate of \$3.50 per cubic yard, and the Mayor and City Clerk be authorized to execute the necessary documents.)* ***Pulled from the Consent Agenda.***

Alderman Painter stated she has questioned this item for the third year in a row. Why is the City paying to haul this compostable material to a local farmer, and then we pay him about \$35,000 to lay this enrichment

on his soil? The City has farmland, why not used in the City. It was mentioned that you could take it out behind the firing range and burn it.

Mr. Karch stated they like it when people want to compost. For the City, they have not found a cheaper alternative than \$35,000. When they looked at the adding brush to the firing range, they found it to be problematic with the IEPA. They had hoped that it would not be an issue; however, they have some challenges to deal with and will need additional time to review it. The plan is to develop a long-term solution to the problem.

RESOLUTION NO. 2018 – 26

A RESOLUTION AUTHORIZING WAIVING THE TECHNICAL BIDDING REQUIREMENTS AND APPROVING THE CONTRACT FOR DISPOSAL OF LEAVES AND GRASS (BID#2018-46)

Motion by Alderman Schmidt and seconded by Alderman Painter that Item 8H be approved.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

The following was presented:

Item 8I. Consideration of:

(a) An Ordinance approving a budget amendment to reallocate the remaining FY18 Harriet Fuller Rust Grant funds to the Capital Improvement Fund and.

(b) A Resolution authorizing a Change Order for \$64,000.00 to the FY18 Street, Alley, and Sidewalk Maintenance Contract awarded to George Gildner, Inc. to facilitate brick repair of temporary gravel utility patches and other restoration work as requested by the Community Development Department's Planning Division and the Public Works Department.

(Recommend

(a) An Ordinance approving a Budget Amendment to reallocate the remaining FY18 Harriet Fuller Rust Grants funds (#10015420-79985) to the Capital Improvement Fund be approved, and the Mayor and City Clerk be authorized to execute the necessary documents; and

(b) A Resolution authorizing a Change Order in the amount, not to exceed \$64,000.00, to the FY18 Street, Alley and Sidewalk Maintenance Contract awarded to George Gildner, Inc. (Bid 2018-06, PO # 20180056) to facilitate brick repair of temporary gravel utility patches and other restoration work, as needed, to various brick streets in the City of Bloomington; and the Mayor and City Clerk be authorized to execute the necessary documents.

ORDINANCE NO. 2018 – 25

AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2018

RESOLUTION NO. 2018 – 27

A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$64,000.00 TO THE FY18 STREET, ALLEY AND SIDEWALK MAINTENANCE CONTRACT AWARDED TO GEORGE GILDNER, INC.

The following was presented:

Item 8J. Consideration of an Ordinance approving a petition from Lemman Investments LLC., for the Approval and Ratification of an Easement Vacation Plat and a Plat of Easement for Lot 3 of Morrissey Crossing Subdivision (located south of Veterans Parkway, west of Morrissey Drive), as requested by the Public Works Department. *(Recommend an Ordinance approving a petition from Lemman Investments LLC., for the Approval and Ratification of an Easement Vacation Plat and a Plat of Easement for Lot 3 of Morrissey Crossing Subdivision (located south of Veterans Parkway, west of Morrissey Drive) be approved, and the Mayor and City Clerk authorized to execute the necessary documents.)*

ORDINANCE NO. 2018 – 26

AN ORDINANCE APPROVING THE VACATION AND DEDICATION OF SEVERAL EASEMENTS LOCATED AT LOT 3 OF MORRISSEY CROSSING SUBDIVISION, BLOOMINGTON ILLINOIS

The following was presented:

Item 8K. Consideration of an Ordinance approving a petition from Krishna Balakrishnan for an Expedited Final Plat of the Thirteenth Addition to Hawthorne Commercial Subdivision (located east of Woodbine Road and south of General Electric Road), subject to the petitioner paying the required tap-on fees, as requested by the Public Works department. *(Recommend an Ordinance approving a petition from Krishna Balakrishnan for an Expedited Final Plat of the Thirteenth Addition to Hawthorne Commercial Subdivision (located east of Woodbine Road and south of General Electric Road) be approved, subject to the petitioner paying the required tap-on fees, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

ORDINANCE NO. 2018 – 27

AN ORDINANCE APPROVING THE FINAL PLAT OF THE THIRTEENTH ADDITION TO

HAWTHORNE COMMERCIAL SUBDIVISION

The following was presented:

Item 8L. Consideration of an Ordinance approving a Special Use Permit for 1410 Woodbine Rd. to allow residential condominiums/townhomes in the B-1, Highway Business District with a density of twelve (12) units per acre, as requested by the Community Development Department – Planning Division. *(Recommend an Ordinance approving a Special Use permit for 1410 Woodbine Rd. to allow residential condominiums/townhomes in the B-1, Highway Business District with a density of twelve (12) units per acre be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

ORDINANCE NO. 2018 – 28

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR 1410 WOODBINE RDD. TO ALLOW RESIDENTIAL CONDOMINIUMS/TOWNHOMES IN THE B-1, HIGHWAY BUSINESS DISTRICT WITH A DENSITY OF UP TO TWELVE (12) DWELLING UNITS PER ACRE

The following was presented:

Item 8M. Consideration of an Ordinance amending Bloomington City Code Chapter 29 to incorporate various routine changes to the in-place Traffic Control Devices and/or Regulations as requested by the Public Works Department. *(Recommend an Ordinance amending Bloomington City Code Chapter 29 to incorporate various routine changes to the in-place Traffic Control Devices and/or Regulations be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

ORDINANCE NO. 2018 – 29

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 29 TO INCORPORATE VARIOUS ROUTINE CHANGES TO THE IN-PLACE TRAFFIC CONTROL DEVICES AND/OR REGULATIONS

The following was presented:

Item 8N. Consideration of an Ordinance amending Bloomington City Code Chapter 39, Taxation, as requested by the Finance Department. *(Recommend an Ordinance amending Bloomington City Code Chapter 39, Taxation, be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)*

ORDINANCE NO. 2018 – 30

AN ORDINANCE AMENDING CHAPTER 39 OF THE CITY CODE ON LOCAL TAXES

The following was presented:

Item 8O. Consideration of a petition for the Lake Bloomington Lease Transfer of Lot 4 in the Eagle Pointe Subdivision from Richard and Constance Claydon to Bradley and Catherine Wallace, as requested

by the Water Department. *(Recommend the Lake Lease Transfer be approved, subject to the following contingencies: (1) the septic system conditions included in the McLean County Health Department's April 6, 2018 letter; (2) the new lease holder apply for permits for existing non-leased marginal land and reservoir improvements that are determined compliant with the City rules and regulations within six (6) months of transfer, (3) the new lease holder apply for an electrical permit and inspection through the Community Development Department, (4) the lease and refuse fees invoiced are not past due, and (5) the transferee providing documentation of the sale of the house located on the property, and the Mayor and City Clerk be authorized to execute the necessary documents)*

The following was presented:

Item 8P. Consideration of the application from the Bloomington-Normal Jaycees located at 311 Clover Court, Bloomington, 61704 who will host Brews at the Zoo event at Miller Park Zoo located at 1020 S. Morris Street; Bloomington, IL requesting an LB (Limited Beer and Wine Only) on May 18, 2018, which would authorize the retail sale of beer and wine of alcoholic beverages by the glass for consumption on the premises. *(Recommend the application from the Bloomington-Normal Jaycees located at 311 Clover Court, Bloomington, 61704 who will host Brews at the Zoo event at Miller Park Zoo located at 1020 S. Morris Street; Bloomington, IL requesting an LB (Limited Beer and Wine Only) on May 18, 2018, which would authorize the retail sale of beer and wine of alcoholic beverages by the glass for consumption on the premises.*

“Regular Agenda”

The following was presented:

Item 9A. Consideration of the purchase of One Hundred (100) complete sets (jacket and pants) of Globe Custom GXtreme 3.0 Firefighter Turnout Gear, in the amount of \$282,203.00, utilizing the National Purchasing Partners – Government (NPPGov) program from Municipal Emergency Services, Inc. (MES), as requested by the Fire Department. *(Recommend the purchase of One Hundred (100) complete sets (jacket and pants) of Globe Custom GXtreme 3.0 Firefighter Turnout Gear by purchased utilizing the National Purchasing Partners – Government (NPPGov) program from Municipal Emergency Services, Inc. (MES), Deerfield, IL be approved, in the amount of \$282,203.00, and the Procurement Manager be authorized to issue a Purchase Order and/or authorize the Interim City Manager execute the necessary documentation.) (Presentation by Brian Mohr, Fire Chief, 5 minutes, City Council discussion, 5 minutes.)*

Fire Chief Mohr provided a brief overview of this item speaking of the dangers of the profession as a firefighter. Over the last 10 years, there has been an increased focus on the relationship between firefighting and cancer. NIOSH, National Institute of Occupational Safety and Health reports that firefighters have a 14% greater chance of dying from cancer than the general... than the general public and twice as likely to get skin cancer, testicular cancer, mesothelioma.

Research suggests that an increased exposure to known carcinogens and smoke contributes to these statistics. Chemicals from smoke permeate our PPE, chemicals from the smoke...the gear is designed to protect us from fire becomes contaminated with these contaminants and then are absorbed into our skin or are off-gassed and inhaled. We can reduce the risk by decreasing, or limiting exposure to these chemicals. There are policies in place to limit exposure by using decon wipes to remove soot from face, neck, and

hands during rehab at fire scenes; replacing contaminated hoods with clean hoods during the recycle and rehab operation; removing gross contaminations from gear on scene before returning to the station; keeping contaminated gear away from living quarters and apparatus; good laundering procedures for PPE and uniforms. Finally, showering as soon as possible following an exposure.

Contaminated PPE needs laundering after every exposure to a working fire or live training exercise. These 100 sets of turnout gear will provide every line firefighter a second set of turnout gear, allowing for immediate replacement of our PPE following to manage and reduce the exposure to contaminations

Alderman Mathy stated, he would prefer that this type of purchase is made on an annual rotation rather than buying 100 sets at one time. If these have a life cycle of seven (7) years or ten (10) years just so there is not such a big purchase at one time.

Chief Mohr stated, in the past, we were at a five (5) year replacement program. Turnout gear can be used up to 10 years as long as it passes the field test that we perform on a monthly basis, but extended that to a seven (7) year replacement a few years ago. If we were to continue with that, we would not be able to get enough life cycle out of that gear.

Motion by Alderman Schmidt second by Alderman Hauman Council approves the purchase of One Hundred (100) complete sets (jacket and pants) of Globe Custom GXtreme 3.0 Firefighter Turnout Gear by purchased utilizing the National Purchasing Partners – Government (NPPGov) program from Municipal Emergency Services, Inc. (MES), Deerfield, IL be approved, in the amount of \$282,203.00, and the Procurement Manager be authorized to issue a Purchase Order and/or authorize the Interim City Manager execute the necessary documentation.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

The following was presented:

Item 9B. Consideration of an Ordinance authorizing the issuance and sale of tax exempt General Obligation Notes, for the purpose of reimbursing the City for the costs of purchasing of the Frontier properties, in the amount of \$970,000, to Clayton Holdings, LLC., as requested by the Finance Department. *(Recommend an Ordinance authorizing the issuance and sale of General Obligation Notes, in the amount of \$970,000, to Clayton Holdings, LLC to reimburse the City for the costs of purchasing certain commercial real estate in the City and the Mayor and City Clerk be authorized to execute the necessary documents.) (Presentation by Scott Rathbun, Sr. Budget Manager, 5 minutes, City Council discussion, 5 minutes.)*

Mr. Rathbun stated, the purchase of the Frontier lots was originally targeted with the goal of providing additional parking for the BCPA in downtown was approved by council April 24, 2017, for \$961,000. At

that time, the Financial Impact Section of the memo said, "Financing would be reviewed by the department," the purchase was closed in February of this year and the City paid cash from the General Fund. There was some discussion when we brought forward the request to seek financing. After some discussion with Ms. Silva and some others, the conversation related to that was revolving around the sewer and the stormwater, cash for capital, designated revenue related to capital projects.

As this is a large purchase that came out of the General Fund account the Finance staff recommends that the City move to finance it. It provides a mechanism to manage our reserve balances for the General Fund at the 15% with Clayton Holdings, LLC that is a Commerce Bank. There are no redemption issues there, we can pay it off at any time, they had the best rate, rates are still good, and the blended rate is under 3% for this. The City issued an RFP that was sent to local banks, and we received five back. We are recommending proceeding with Clayton Holdings Commerce Bank. They have been very good to work with in the past. I think this gives us the flexibility to manage our reserves, put that \$1 million back into the General Fund, and pay it back. This is a 10-year payback at a very good rate.

Alderman Schmidt asked whether the City could pay for this at any time given the availability of resources. Mr. Rathbun stated the City could pay it back at any time.

Alderman Schmidt asked how much more the City have to pay to extend the loan to the full 10 years term. Mr. Rathbun stated, it is approximately about \$100,000 in interest costs over the life of the Note.

Alderman Hauman stated she is disappointed that financing alternatives would be used as this information was not provided initially to Council when it was discussed previously.

ORDINANCE NO. 2018 – 31

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$970,000 GENERAL OBLIGATION NOTES, SERIES 2018, OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, FOR THE PURPOSE OF PAYING THE COSTS OF PURCHASING CERTAIN COMMERCIAL REAL ESTATE IN SAID CITY AND AUTHORIZING THE SALE OF SAID NOTES TO CLAYTON HOLDINGS, LLC.

Motion by Alderman Schmidt second by Alderman Painter Council approves an Ordinance authorizing the issuance and sale of General Obligation Notes, in the amount of \$970,000, to Clayton Holdings, LLC to reimburse the City for the costs of purchasing certain commercial real estate in the City and the Mayor and City Clerk be authorized to execute the necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

The following was presented:

Item 9C. Consideration of a Resolution Waiving the Formal Bidding Process to approve a Contract with Mid-Illinois Mechanical Inc., up to the amount of \$290,875.00, for replacement of Warm Brine Piping at the Grossinger Motors Arena as requested by the Administration – Facilities Department. *(Recommend a Resolution Waiving the Formal Bidding Requirements and approving a Contract with Mid-Illinois Mechanical Inc. for replacement of Warm Brine Piping at the Grossinger Motors Arena up to the amount of \$290,875.00 be approved, and the Mayor and City Clerk be authorized to execute the Resolution and the Interim City Manager and City Clerk be authorized to execute any other necessary documents.) (Presentation by Russel Waller, Facilities Manager, 5 minutes, City Council discussion, 5 minutes.)*

Mr. Waller provided a brief overview of the replacement of the brine piping system or some of the brine piping systems at Pepsi Ice Center and Grossinger Motors Arena. This project was properly bid; however, no bids were received. They decided to negotiate with one of its vendors. He stated that timing was poor as they had many projects in the cue, and he suspects that is one of the reasons why no bids was received.

They are focusing is the piping below the concrete it is actually embedded in the sand below the floor, and is the warm brine piping system. The piping feeds the warm brine system below the floor. The cold floor system that actually makes the ice is embedded in the concrete floor. They do not have problems with that it is the warm brine piping.

The warm brine piping system keeps the soil below the floor from freezing. Whenever ice is placed on the floor, the floor begins to freeze. Over time if you do not warm the soil and keep the soil below the floor from freezing, you will have this, which is frost heave. Soil will eventually freeze and get deeper and deeper. Eventually, the entire floor can be destroyed as a result.

Some consequences of not moving forward this project is the heaving of the floor. Some of the costs that occurred from those other projects are about \$2.5 million to replace the entire floor; that is, per floor. Also the potential loss of ice revenue, essentially about \$500,000 annually is what the Pepsi Ice Center makes on an annual basis for putting down the rounds.

RESOLUTION NO. 2018 – 28

A RESOLUTION AUTHORIZING WAIVING THE FORMAL BIDDING REQUIREMENTS AND APPROVING A CONTRACT WITH MID-ILLINOIS MECHANICAL, INC. FOR WARM BRINE PIPING REPLACEMENT AT GROSSINGER MOTORS ARENA

Motion by Alderman Hauman second by Alderman Schmidt Council approves a Resolution Waiving the Formal Bidding Requirements and approving a Contract with Mid-Illinois Mechanical Inc. for replacement of Warm Brine Piping at the Grossinger Motors Arena up to the amount of \$290,875.00 be approved, and the Mayor and City Clerk be authorized to execute the Resolution and the Interim City Manager and City Clerk be authorized to execute any other necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

The following was presented:

Item 9D. Consideration of the purchase of new Golf Maintenance Equipment (BID #2018-39) from ERB Turf Equipment, in the total amount of \$254,429.97, as requested by the Parks, Recreation & Cultural Arts Department. *(Recommend the purchase of new Golf Maintenance Equipment at the City Golf Courses (BID #2018-39) from ERB Turf Equipment, in the total amount of \$254,429.97, be approved, and the Procurement Manager be authorized to execute the purchase order.) (Presentation by Jay Tetzloff, Director of Parks, Recreation & Cultural Arts, 5 minutes, City Council discussion, 5 minutes.)*

Mr. Tetzloff provided a brief PowerPoint overview of this item stating, this expenditure was budgeted in this year's Golf Enterprise Fund. The department has combined purchases together so that they could maximize efficiency of purchase on the majority of this equipment. They have repurposed one of the mowers, at Highland.

Motion by Alderman Bray second by Alderman Schmidt Council approves the purchase of new Golf Maintenance Equipment at the City Golf Courses (BID #2018-39) from ERB Turf Equipment, in the total amount of \$254,429.97, be approved, and the Procurement Manager be authorized to execute the purchase order.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

The following was presented:

Item 9E. Consideration of various Public Works and/or Water Department items, including a recommendation to approve each of the items presented in one motion. *(Recommend each of the following items be approved as provided in the indicated.) (Presentation by Jim Karch, Public Works Director, 20 minutes, City Council discussion, 15 minutes.)*

Mr. Karch provided a brief overview of each of the items resurfacing, sidewalks, and the maintenance contracts. His department experiences challenges in having a comprehensive plan, as they want to be proactive in handling various maintenance needs. They are looking at a couple of different projects like Jefferson Street, Fairway Drive, Empire, that's one I want to give you the heads-up that we are still having to work with...that it is in the program. They are acting on it, and want to have that done.

The Sidewalk Program is an award-winning program. We won the Management Innovation Awards statewide for the Sidewalk Master Plan that the Council approved, of which we are in Year 4 of 10. Staff is seeking Council's approval on Year 4 of 10, as it has fully funded the Sidewalk Master Program. With six (6) years left remaining, staff will have all sidewalks to where they are serviceable and in good

condition.

He explained that they are adhering to a block-by-block approach; however, some streets may necessitate a review of the entire block. Though they address complaints, we try to take more of a holistic approach, and have seen positive improvement and support from residents. If the sidewalk panels are in good condition, one of the things that we had on our Sidewalk Master Plan is to expand this grinding concept is more cost-effective, and is half the cost to replace. This year we intend on completing all of the work, at least that we can do with the grinding in the downtown, so that is a very positive step.

Maintenance Contracts the mechanism that staff uses to address items that comes up throughout the year, those that are not planned. As a community, things happen, and we cannot plan for them. Our maintenance contracts allow us to deal with traffic signals, even seeding and grass, streets, sidewalks, sewer work, or other related concerns across the community. Every year maintenance contracts are fully utilize, and we currently have projects waiting.

Alderman Mathy asked whether the City has a mechanism for tracking complaints year-to-year for those contractors (bids) who has submitted work order changes or increasing bids. He asked whether there is an evaluation process of awarding future bids based upon having a complaint tracking system in place.

Mr. Karch stated his department does track some complaints specifically for contractors. There are sustained or unsustain because in reality, there are complaints that we were not able to find factually that we wanted to hold that against that contract accountable. That is part of the contractual process for dealing with contractors. In some instances, we have utilized that process where we have precluded a contractor from being able to bid we call it the apparent low responsible bidder. The department does keep track of the complaints and if they reach that level, we would be able to...we utilize that in conjunction with our legal staff.

Alderman Mwilambwe asked about the quality of materials that are used, or is the quality of the contractor.

Mr. Karch stated potholes are just a symptom of poor pavement. If the pavement is in a healthy condition, we would not see potholes. That is one reason why we apply a rating of 4 and less, that's where you start seeing potholes and it doesn't guarantee...you can have a street that is a 3. When you have a point failure like that, the gravel or the dirt underneath was mush and it just cannot sustain the heavy truck traffic.

A healthy pavement system that we have are maintaining it and keeping our streets rated well and the City is being proactive with pavement preservation. Staff is aware of that, we do try to provide objective criteria, you will also notice this year we are expanding our pavement preservation program, that's key.

Alderman Black stated, the City should take a look at or think seriously about whether that program is what we want to do moving forward. Some members of the community has suggested that perhaps the City do 50/50 split the cost whereby the homeowners' pay 50% and the City cover the other 50%. Another option is the homeowner's 50% portion is written as a loan, either a low or no interest from the city that they pay extra on their water bill towards to help encourage folks to participate in the program that may not be able to financially otherwise.

In some of our older historic neighborhoods, there are many areas that need that sidewalk work that may

not quite have that rating but could use some attention. With an incentive from the City, perhaps more homeowners would be encouraged to participate in that program if that comes in the form of a loan or low to no interest type of loan. You know, there's other cities that do these sorts of type...these programs, perhaps this council will be interested in looking at that to help encourage more participation in that program.

Mayor Renner stated, in conversations with the previous city management that was one of the things that was discussed, and he said he did not think that there would be a serious problem of administering that through water bills.

Alderman Black, he would like to see the cost implications for the City to move in that direction and what the potential new homeowners that will be participate in this program to help stretch our sidewalk fund even further, and then make our older neighborhoods look more restored. There has been some concerns expressed to him about how we use Community Development Block Grant money towards some resurfacing and some of these infrastructure projects and why we use that money instead of our normal budgeted items.

Alderman Sage commented on one of the slides that showed approximately \$5.5 million in contract work going out on one end of that continuum, we have the pavement preservation, and have a robust permanent patching program that we do in-house. He asked how much have been allocated to the budget for the in-house permanent patching program, as it fills in nicely there in our pavement management program. We have approximately \$5.5 million of contract work that is not the sum total of everything that we spend as a City on pavement repair.

Mr. Karch stated \$3.6 million dollars is what the Council approves on an annual basis towards street maintenance that includes more than just permanent pothole program that does incorporate concrete panel work it is not just our permanent pothole-patching program. We have concrete panel work that we also do extensively we even do some sidewalk work other types of curb work.

Mayor Renner, that is like \$9.1 million just on those two, not counting, the pothole patching, etc. You are making it clear that that is a very high priority and continues to be a high priority of the city and the council.

Alderwoman Schmidt, one of our residents ask us about Jefferson Street and in the last meeting when we talked about the downtown plan, there was conversation specifically about the hundred block of Jefferson Street. I'm wondering if as we think about how we stage this that we allow Ms. Stiller and her group to begin to lead those conversations so that we are not getting ahead of what she could be doing with the Downtown Division.

Mr. Karch stated staff is taking Council's direction from last week that said we are to resurface Jefferson.

Alderwoman Schmidt asked Mr. Karch to stage and organize work that allows for some of that conversation to go forward so that we might have productive conversation.

Mr. Rasmussen stated he could assist with that request. We are talking about conversations that puts Jefferson Street at the end of the summer instead of at the beginning and see if we have some of that

discussion and find out maybe there is something else we might want to do.

- a. An Agreement with Rowe Construction, a Division of United Contractors Midwest, Inc., in the amount of \$4,010,000, for the FY 2019 General Resurfacing Program (Bid #2018-29), as requested by the Public Works and Water Departments. *(Recommend (a) the Agreement with Rowe Construction, a Division of United Contractors Midwest, Inc. in the amount of \$4,010,000 be approved, effective on or after May 1, 2018, (b) the bid unit prices from Rowe Construction, a Division of United Contractors Midwest, Inc. for the FY 2019 General Resurfacing Program be accepted, and (c) the Interim City Manager and City Clerk be authorized to execute the necessary documents.)*

Motion by Alderman Schmidt second by Alderman Bray Council approves (a) the Agreement with Rowe Construction, a Division of United Contractors Midwest, Inc. in the amount of \$4,010,000 be approved, effective on or after May 1, 2018, (b) the bid unit prices from Rowe Construction, a Division of United Contractors Midwest, Inc. for the FY 2019 General Resurfacing Program be accepted, and (c) the Interim City Manager and City Clerk be authorized to execute the necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

- b. A Contract, analysis of bids, and unit prices with George Gildner, Inc. for the FY 2019 Utility Maintenance Contract (Bid # 2018-40), as requested by the Public Works and Water Departments. *(Recommend a Contract, analysis of bids, and unit prices with George Gildner, Inc. for the FY 2019 Utility Maintenance (Bid #2018-40), in the amount of \$870,000.00, be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)*

Motion by Alderman Schmidt second by Alderman Bray Council approves a Contract, analysis of bids, and unit prices with George Gildner, Inc. for the FY 2019 Utility Maintenance (Bid #2018-40), in the amount of \$870,000.00, be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

- c. A Contract, analysis of bids, and unit prices for the FY2019 Emergency Utility Repair (Bid #2018-41) in the amount of \$450,000.00, as requested by the Public Works and Water Departments. *(Recommend a Contract, analysis of bids, and unit prices with George Gildner, Inc. for the FY2019 Emergency Utility Repair, Bid #2018-41 in the amount of \$450,000.00 be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)*

Motion by Alderman Schmidt second by Alderman Bray Council approves a Contract, analysis of bids, and unit prices with George Gildner, Inc. for the FY2019 Emergency Utility Repair, Bid #2018-41 in the amount of \$450,000.00 be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

- d. A Contract, analysis of bids, and unit prices with Bodine Electric of Decatur for the FY 2019 Traffic Signal Maintenance & Emergency Traffic Signal Repair (Bid #2018-42), in the amount of \$130,000.00, as requested by the Public Works Department. *(Recommend a Contract, analysis of bids, and unit prices with Bodine Electric of Decatur for the FY 2019 Traffic Signal Maintenance & Emergency Traffic Signal Repair (Bid #2018-42), in the amount of \$130,000.00, be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)*

Motion by Alderman Schmidt second by Alderman Bray Council approves a Contract, analysis of bids, and unit prices with Bodine Electric of Decatur for the FY 2019 Traffic Signal Maintenance & Emergency Traffic Signal Repair (Bid #2018-42), in the amount of \$130,000.00, be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

- e. A Contract, analysis of bids, and unit prices with McLean County Asphalt Co., Inc. for the FY 2019 Street, Alley, & Sidewalk Maintenance (Bid #2018-44), in the amount of \$200,000.00, as requested by the Public Works Department. *(Recommend a Contract, analysis of bids, and unit prices with McLean County Asphalt Co., Inc. for the FY 2019 Street, Alley, & Sidewalk Maintenance (Bid #2018-44) in the amount of \$200,000.00 be approved,*

and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)

Motion by Alderman Schmidt second by Alderman Bray Council approves a Contract, analysis of bids, and unit prices with McLean County Asphalt Co., Inc. for the FY 2019 Street, Alley, & Sidewalk Maintenance (Bid #2018-44) in the amount of \$200,000.00 be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

- f. A Contract with George Gildner, Inc., in the amount of \$50,000, for the FY2019 Sidewalk Vertical Displacement Repair Program, as requested by the Public Works Department. *(Recommend a Contract with a total amount not to exceed \$50,000, with George Gildner Inc. for the FY 2019 Sidewalk Replacement and Handicap Ramp Program be approved, the unit prices of \$37 per inch-foot be accepted, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

Motion by Alderman Schmidt second by Alderman Bray Council approves a Contract with a total amount not to exceed \$50,000, with George Gildner Inc. for the FY 2019 Sidewalk Replacement and Handicap Ramp Program be approved, the unit prices of \$37 per inch-foot be accepted, and the Mayor and City Clerk be authorized to execute the necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

- g. A Contract and unit prices with Stark Excavating, Inc., in the amount of \$960,000, for the FY 2019 Sidewalk Replacement and Handicapped Ramp Program as requested by the Public Works Department. *(Recommend a Contract and unit prices with Stark Excavating, Inc., in the amount of \$960,000, for the FY 2019 Sidewalk Replacement and Handicap Ramp Program be approved, the unit prices from Stark Excavating Inc. be accepted, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

Motion by Alderman Schmidt second by Alderman Bray Council approves a Contract and unit prices with Stark Excavating, Inc., in the amount of \$960,000, for the FY 2019 Sidewalk Replacement and Handicap Ramp Program be approved, the unit prices from Stark Excavating Inc. be accepted,

and the Mayor and City Clerk be authorized to execute the necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays:

Motion carried.

The following was presented:

Item 9F. Consideration of an Ordinance amending Chapter 6, Section 5 of the Bloomington City Code to clarify and add certain proximity restrictions on taverns and packaged liquor license holders from being within 100 feet of schools, daycare centers, preschools, hospitals, homes for the aged, indigent, or veterans, military stations, or funeral homes, as requested by a City Council initiative. *(Recommend an Ordinance amending Chapter 6, Section 5 of the Bloomington Code clarifying and adding certain proximity restrictions be approved and the Mayor and City Clerk be authorized to execute the necessary documents.) (Presentation by George Boyle, Assistant Corporation Counsel, 5 minutes, City Council discussion, 5 minutes.)*

Mayor Renner stated this item was approved unanimously by the Liquor Commission during its regular meeting, and deferred to Mr. Boyle for a brief overview of the item.

Mr. Boyle stated Section 5 of the City of Bloomington Liquor Code currently provides that no license shall be issued for the retail sale of alcohol at a tavern, packaged liquor store, or other business at which the sale of liquor is the primary business if it is within 100 feet of a church, school, hospital, home for the aged, and other businesses.

The proposed ordinance would do three things: it adds preschools and daycare centers to the places subject to the license location restrictions, it expands the categories of liquor licenses where the location restrictions apply to include convenience stores and packaged liquor sales regardless of whether the sale of liquor is the principal business, and third, it clarifies that for purposes of applying location restrictions, the distance measurements are from property line to property line.

There is a similar state statute and, there is one exception for the property line measurement. If the property is near to a church, from the property line of the proposed establishment to the part of the church that is used for education or worship services. With respect to the daycare provision, it is similar to ordinances in the Town of Normal which also has a location restriction not exactly the same but similar to Peoria and Springfield and other places.

Mayor Renner provided clarification from the Liquor Commission stating, even if there were restrictions like single sales and prohibited single sales to this hypothetical liquor license that the City has yet to receive or on any site. There was some concern about the design in perhaps the traffic.

Alderman Hauman proposed referring this to the Planning Commission as it should be reviewed by the

Commission versus the Liquor Commission.

**Motion by Alderman Painter and seconded by Alderman Sage to approve the item as presented.
Alderman Sage: Second.**

Alderman Painter expressed her concerns over purposed business that is considering the site stating, there are some highly motivated sellers that have insinuated we are targeting Circle K on this issue. That notion untrue. Council recently approved the video gaming moratorium that had been in discussion for a couple of years. Regarding the sale of liquor next to daycares, we had incorrectly thought that the state had a provision that prohibited that but that is not the case. The City looked at our neighbors to review the Town of Normal ordinance as well as other communities regarding this issue, and modeled the Bloomington after those.

She addressed concerns that was posed to other Aldermen. Increased economic impact into the community: There are many gas stations and car washes in the area it would just be taking from one business and adding to another, and may likely decrease the property value of homes that are in this residential area so we would be losing tax money from that aspect. Other types of businesses on the lot: City Code does address many of the suggested business that can move into that area such as tattoo parlors and adult related businesses.

Alderman Painter addressed concerns related to the offensiveness of a business that sales liquor being in close proximity to a daycare center. This issue had been previously considered by the Planning Commission, and voted. She suggested other locations within the City that may be more appropriate for a Circle K type businesses. The City does not want to discourage Circle K; this particular location is not in the best interest of the neighborhood, community as a whole, or for Circle K, there are better alternatives to be found.

Alderman Buragas inquired of the liquor licenses or the process for granting new liquor licenses. The Liquor Commission and ultimately City Council take into account the nature of the neighborhood and the surrounding community when determining whether to give a liquor license to a new establishment. Mr. Boyle stated those are the factors that are currently in our ordinance that can be considered.

Alderman Buragas stated she is aware that this project was considered before the Planning Commission on a zoning question; however, the particular ordinance that is being considered has not gone to the Planning Commission. Mr. Boyle affirmed and added, the Planning Commission handles items that are in Chapter 44, Article 13 of the Bloomington City Code, and are enumerated there. Although there may be a general catchall that would apply here, he could confirm for sure that this type of ordinance would do that.

Alderman Buragas expressed concern over the impact on land use, and would be interested in the Planning Commission input as it would be a very broad change to the ordinance, as it currently exists. Based on previous conversation with Mr. Boyle it would include things as grocery stores that have liquor licenses for packaged sale and packaged alcohol. It is broader and Council already take into account the nature of the neighborhood and existing businesses when considering a liquor license. She expressed concern over not having any specific data that Council could make a decision, that the item is being considered based on two people who provided testimony at the Liquor Commission. She is not for or against the ordinance; however, feels there should be a review by the Planning Commission.

Alderman Sage stated he appreciated the Liquor Commission bringing this item forward and for taking public testimony. He does not see any broad sweeping change as the City Code speaks to schools and does not see much difference between a daycare center and a school.

Alderman Mathy stated he supports the ordinance, and expressed shared concerns of Alderman Buragas.

Alderman Bray followed up on Alderman Mathy question in regards to whether or not the proposed ordinance would preclude the kind of project that he has outlined from happening in the future. There a process for variance and granting variances that could either is already in place that would apply or that could be written. Mr. Boyle explained any ordinance can be amended as long as there are some rational relation or legitimate government interest for that. The state statute has numerous exceptions built into it, that he is not sure whether he would advise that way of going about it. The variance way would not work because that pertains to zoning types of determinations, not liquor.

Mr. Jurgens stated, he does not think this would prohibit...if there is an existing liquor store, a grocery store could still come to that, you know, that adjoining lot and the way that the ordinance is written, the liquor license is grandfathered as of a certain date. Mr. Boyle is that accurate that this would not preclude a business coming in next to a liquor store, it's more precluding the liquor store coming into an existing grocery store...

Alderman Bray stated that there are other communities that have a very similar ordinance and that, you know, it talks about schools, daycare centers. Mr. Boyle stated churches are already in the ordinance.

Mayor Renner stated one thing that the Liquor Commission has done in the past is under certain circumstances did not permit single serves. If you are in a residential neighborhood, if you are in a certain area, no single serves

Alderman Mwilambwe, it seems to as though we are adding a category. He does not understand what the issue is.

Alderman Buragas stated the proposed amendment does two things: 1) the existing ordinance address two classifications of liquor licenses which are the tavern liquor licenses or those facilities that serve alcohol on-site for consumption on-site. If all we were doing were amending the current ordinance to add daycares, she would support. The ordinance does a second thing, it adds four additional classifications of liquor licenses that include things like convenience stores and grocery stores and other facilities that sell alcohol for sale or for consumption off-site and that's where my concern is in terms of it's really broadening this.

Alderman Painter commented on reported crime in the area for the period of April 7th, 2017 to April 6th, 2018 in Rainbow Avenue which is around the corner from this daycare, there have been 17 thefts from vehicles, another theft... nine thefts, six disorderly conducts, five residential burglaries, and one very recent shooting.

Mayor Renner: Okay. All right, do we have a motion to extend...I think we have two comments but we have gone so far over what we said we were going to do. Can I have a motion to extend this for five more minutes?

Motion by Alderman Black and seconded by Alderman Schmidt to extend the conversation on the item for an additional five (5) minutes.

Motion carried. Viva Voce

Alderman Black recalled attending a neighborhood meeting a couple of years ago regarding some license holder changes, some grandfathering, and it was a very impassioned meeting about what the neighbors wanted their community to look like.

Mayor Renner called the question on the motion on the floor.

ORDINANCE NO. 2018 – 32

AN ORDINANCE AMENDING CHAPTER 6, SECTION 5 OF THE BLOOMINGTON CITY CODE PERTAINING TO LOCATION RESTRICTIONS

Motion by Alderman Hauman to send this item to the Planning Commission for its review.

Motion failed for lack of a second.

Motion by Alderman Painter second by Alderman Sage that Council approves an Ordinance Amending Chapter 6, Section 5 of the Bloomington Code Clarifying and Adding Certain Proximity Restrictions be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Sage, Mwilambwe, Painter, Bray, and Schmidt.

Nays: Alderman Mathy, Buragas, Black, and Hauman.

Motion carried.

The following was presented:

Item 9G. Consideration of a Resolution directing Water Department staff to issue Non-Compliant Violation Notices to existing boat docks not conforming to the Ordinances, Regulations, Policies and Standards of the City of Bloomington as requested by Administration and the Water Department. *(Recommend a Resolution directing staff to issue Non-Compliant Violation Notices to existing boat docks at Lake Bloomington not conforming to the Ordinances, Regulations, Policies and Standards of the City of Bloomington be approved and the Mayor and City Clerk be authorized to execute the necessary documents.) (Presentation by Jeffrey Jurgens, Corporation Counsel, 5 minutes, City Council discussion, 5 minutes.)*

Mr. Jurgens stated, at the meeting on April 9 we had a special meeting to discuss the docks at Lake Bloomington. At that meeting, a motion was offered and was supported regarding Option 1 in the Council Memo presentation that night of the three options which was essentially to begin the review process in

issuing the violation notices or the compliance notices. That night staff had given notice to many of the residents that were not going to take final action until this meeting on the 23rd. We thought we would use this as an opportunity to put in writing exactly the process that we would follow and to provide a formal resolution to the Council to consider on that so this essentially follows the action that you took at the meeting on April 9, 2018.

Assuming that the resolution is approved, the Legal Department and Water Department will conduct a final review of any non-compliant docks and begin preparing the necessary notices. We would first send compliance notices, compliance orders to the docks that are non-conforming; again, these are docks that do not have a permit at Lake Bloomington. They will then have 30 days to remove the docks, if they do not, the City will then issue the summons and the violation notice that is what would start the clock on the Administrative Court.

We are looking at having this as a Special Administrative Court Hearing on August 29, 2018 so to avoid rescheduling our typical housing cases or our behavioral cases. As was discussed at the last meeting, compliance would be our ultimate goal here, so as long as anybody that is not conforming removes their dock, we would waive any of the daily penalties that accrue on that.

Mayor Renner stated this would be a review on a case-by-case basis so it is not a one size fits all. Mr. Jurgens affirmed.

Alderman Black asked why the City is automatically filing the complaints and notices for removal, and not a resident-drive type of complaint.

Mr. Jurgens stated it is his understanding that the City did receive complaints on these non-compliant docks that is part of this. He deferred to Mr. Yehl, Water Director for additional information on the process.

Mr. Yehl stated based on some complaints and discussion with the Interim City Manager at the time and other Water Department staff, we continue to receive some complaints throughout the process. Throughout the process, others have said, "Well, why are you focus on mine? Go look over there." The City looked comprehensively and created a much thorough list based on several conversations and complaints that started the process.

Mr. Rasmussen stated, sometimes we are complaint-driven but when the city staff is aware that there is a violation, then whether there is been a complaint or not, the city staff is obligated to follow through to take the action necessary to enforce the ordinance.

Alderman Schmidt asked for clarification about the process. There are obviously individuals who feel that they have the correct documentation that would back their claims for their docks. This is their opportunity one by one to make their case and to be heard by a third party not by city staff but by a hearing officer who is actually. Mr. Jurgens stated he is not sure who the hearing officer will be as they are not affiliated with the City.

Alderman Schmidt stated some have expressed concerns about the amount of the fine. Alderman Mathy stated, \$110/day from the time they were determined non-compliance.

Mr. Jurgens stated, the actual citation would be against Section 3 of this Chapter of our City Code and the penalties for violating this article of the City Code, but the minimum fine I think is \$100, the maximum might be \$1,000, and then each day that the violation continues is a separate offense. Mayor Renner asked whether that could be waived. Mr. Jurgens stated, we are suggesting is the fines would not even start to accrue until you get that summons and that violation notice that is after the 30-day compliance order is sent.

Alderman Mathy expressed concern over people who feel like that they have a permit to the dock on the lake but they could have 60 to 90 days' worth of fines accruing before they even get their chance to go to Administrative Court to present their case. Mr. Jurgens stated, if they prevail in the Administrative Court, there is not going to be any of those fines awarded. The other thing I would say is that the city would not be looking to collect \$6,000 to \$9,000. The City has the ability to lower the fines to a more reasonable amount.

Alderman Mathy offered an amendment to the motion stating that said the fine started the day the Administrative Court may be turned down the validity of their fine. If their dock was determined to be not valid and it needed to come out, could the fine start that day as opposed to having the accrual start beforehand.

Mr. Jurgens stated the City has the ability to waive the fine, even if the ordinance states otherwise. Alderman Sage asked what the unintended consequences might be of that change. Mr. Jurgens stated the only implication that he could foresee is I do not suspect anybody is going to remove their dock until the first person is ordered to remove their dock.

RESOLUTION NO. 2018 – 29

A RESOLUTION DIRECTING STAFF TO ISSUE NON-COMPLIANT VIOLATION NOTICES TO EXISTING BOAT DOCKS NOT CONFORMING TO THE ORDINANCES, REGULATIONS, POLICIES AND STANDARDS OF THE CITY OF BLOOMINGTON

Motion by Alderman Mathy second by Alderman Black that Council approves a Resolution, as amended, directing staff to issue Non-Compliant Violation Notices to existing boat docks at Lake Bloomington not conforming to the Ordinances, Regulations, Policies and Standards of the City of Bloomington be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

Mayor Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Aldermen Mathy, Sage, Mwilambwe, Buragas, Black, Painter, Hauman, Bray, and Schmidt.

Nays: None.

Motion carried.

City Manager's Discussion

Mr. Rasmussen reported on the list of activities upcoming in the downtown area. He will bring forward a current update of activities at each of the following meetings. He has asked Mr. Karch to provide an update on the Bulk Waste Collection system.

Mr. Karch provided a brief overview of the City's effort as a communication strategy to update citizens on collection efforts with Bulk Waste.

Mayor's Discussion

Mayor Renner thanked Mr. Rasmussen for his help in making our transition back to the more traditional Mayor's Open House format.

City Aldermen's Discussion

Alderman Hauman thanked and acknowledged the Rotarians that planted trees and helping the gateway to make out City more attractive from the west side of town.


Alderman Bray thanked everyone for the opportunity to represent the City of Bloomington on the Rivian trip on Monday, April 16. It was a part of a delegation from our community and visited the Rivian Business Center there in Plymouth, Michigan, and outside of Detroit. They represented the community well, and had very strong interactions with the Rivian group, they had a well-executed program for those in attendance that day, were very prepared to share a lot of information with us. She was impressed with its operation and people associated with Rivian. She looks forward to sharing some more specific and detailed information with the City in some closed sessions that would comport with the non-disclosure agreement that was signed.

Adjournment

Motion by Alderman Hauman seconded by Alderman Schmidt adjourning the meeting. Meeting adjourned at 9:58 p.m.


Motion carried. (Viva Voce)

CITY OF BLOOMINGTON



Tari Renner, Mayor

ATTEST



Cherry L. Lawson, City Clerk