

SPECIAL SESSION CITY COUNCIL MEETING
City Hall Conference Room
109 E. Olive Street, Bloomington, IL 61701
Monday, March 12, 2018; 5:00 PM

Call to Order

The Council convened in Special Session in the Council Chambers, City Hall Building at 5:00 p.m., Monday, March 12, 2018. The meeting was called to order by Mayor Renner.

Roll Call

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

Aldermen Dave Sage, Mboka Mwilambwe, Karen Schmidt, Jamie Mathy (by phone), Scott Black, Kim Bray, Amelia Buragas, Diana Hauman and Mayor Tari Renner.

Mayor Renner asked for a motion to approve Alderman Mathy attending the meeting by phone as he is away on business.

Motioned by Alderman Hauman, seconded by Alderman Painter to approve Alderman Mathy attending the Council Meeting by electronic means.

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

Nays: None

Recuse: Alderman Jamie Mathy

Motion carried.

Staff Present: Steve Rasmussen, Interim City Manager; Jeffrey Jurgens, Corporation Counsel; Cherry Lawson, City Clerk; Jim Karch, Public Works Director; Eric West, Assistant Fire Chief; Nicole Albertson, Human Resource Director; Jay Tetzloff, Parks, Recreation, Cultural Arts and MPZ Director; Bob Mahrt, Interim Director of Community Development; Melissa Hon, Assistant to the City Manager and other City staff were present.

Public Comment

Mayor Renner opened the meeting to receive Public Comment. The following citizens offered comments.

Vicki Tilton	Tim Tilton	John Capodice	John Blakeney	Glen Ludwig
Donna Bolen	Gary Lambert	John Brandt	Jim Waldorf	

4. Consideration of approving the minutes of the Special Meeting of February 26, 2018.
(Recommend the reading of the minutes be dispensed and approved as printed.)

Motioned by Alderman Schmidt, seconded by Alderman Painter to approve the Special Meeting of February 26, 2018.

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

Nays: None

Motion carried.

Closed Session

Motioned by Alderman Hauman second by Alderman Schmidt to enter into a Closed Session Meeting for the purpose of Review of Minutes – per Section 2 (c) (21) of 5 ILCS 120.

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

Nays: None

Motion Carried.

- A. Review of Minutes – Section 2(c) (21) of 5 ILCS 120/2 (10 minutes)

Adjourn Closed Session

Motioned by Alderman Schmidt, second by Alderman Bray to Adjourn the Close Session Meeting.

Motion carried: Viva Voce.

Return to Open Session

Motioned by Alderman Schmidt, second by Alderman Black to Return to the Open Session Meeting.

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

Nays:

Motion Carried.

Presentation and Discussion on a Memorandum of Understanding with the Friends of the Bloomington Center for Performing Arts to establish, define, and coordinate a mutually beneficial relationship as requested by the Bloomington Center for the Performing Arts. (Recommend discussion and direction by Council.) (Presentation by Jay Tetzloff, Director of Parks, Recreation & Cultural Arts, and Vicki Tilton, Friends of the BCPA President, 10 minutes, City Council discussion, 20 minutes.)

Mr. Tetzloff introduced newly hired Jim Marks, BCPA Performing Arts Manager, and deferred to Vicki Tilton, President of the Friends of the BCPA to provide additional information on the Memorandum of Understanding.

Ms. Tilton her personal involvement goes back to over 10 years ago. I am only one of many people that had a vision and a passion for what can be, what should be, and what must be done to provide culturally diverse opportunities for our citizens to experience the arts, and more importantly, to participate in the arts. That could be dancing, singing, playing an instrument or becoming a budding thespian. It could also be something in the visual arts.

The whole point is to give our citizens' young and old the opportunity to express themselves and learn to create. Everyone's mind is on budgets right now. I understand that, but it's not just the city of Bloomington, it's everyone. Everyone's cutting back or increasing fees and charges. The Friends of the BCPA have been working tirelessly with the City staff, not for days, not months but years, to try to develop a program designed after proven models like our local Miller Park Zoo.

These partnerships have proven to be very successful throughout the U.S. This arrangement will save the City money while taking care of a property that has sat dormant for years. The City has a responsibility to take care of this property and we are willing to help. We, the Friends, are a group of private citizens volunteering our time and talents to support a city-owned facility that desperately needs our attention. None of us serving on the Friends group have any personal agendas. This does not benefit us directly in any way. Our interest is in supporting the arts in our community to make it a better place for all.

Mr. Tetzloff stated, we're asking for you tonight is to formalize the public-private partnership with the Friends of the BCPA. He spoke of the budgeted position stating, there's no new tax dollars coming with this agreement. The Friends of the BCPA is a group who wants to support the BCPA as a division. The City is asking you to approve the partnership so that the Friends group can recruit, fundraise, support what's going on at the Creativity Center and the BCPA the building.

The position was budgeted in 2014, it was filled for about four months, but that person followed his wife to a job on the coast and we lost that position.

The Friends initiated a conversation, and at that time it really started to grow and get stronger. The issue is we want to formalize a public-private partnership between the Friends and the city, much like the Miller Park Zoo and the Zoo Society have built over the years. This position will report to the Performing Arts Manager. He will establish the goals of this person as well as myself in their field, to make sure that they have high goals to reach.

Mayor Renner stated, you had mentioned the point that it's already a budgeted position. It was held for several months by someone. Its main purpose is development and to raise feature money. Mr. Tetzloff stated that is correct.

Alderman Painter stated, she is supportive of this, and understand that this has been a long time coming. She does agree with the increase of the salary for whoever gets hired for this position. Her concern is the City's structural deficit is pensions and benefits. She would recommend an amendment to the MOU that after they hit the \$100,000 threshold that they also become responsible for their own pension and benefit payments as well.

Mr. Tetzloff stated, once we get to that \$100,000 mark and say the Development Manager should leave, we will have this conversation maybe at that point they could be hired as a nonprofit employec of the Friends of the BCPA. Right now, they don't have the revenue coming in to pay for a person. Alderman Painter reaffirmed her concern.

Mayor Renner asked whether Alderman Painter was making a motion to amend the proposal to the MOU to after \$100,000. Alderman Painter affirmed, and indicated they start building in their pension and benefit payments.

Alderwoman Schmidt stated to follow-up on Alderman Painter's comments, on the bottom of page three of the MOU, it says, "The Friends agree to pay the City the following amount as a contribution for the salary and benefits paid to the Development Manager." She asked for clarification of the MOU.

Mr. Tetzloff stated, it is not a salary. It's a request for operational support, so it's \$20,000 in 2020. By the time we get to 2024, the amount would be \$100,000 depending on the employee's salary. Their total compensation and benefits package may be less than that. One hundred thousand would be owed to the City. The total package pension, benefits, could still be under \$100,000.

Alderman Bray asked for clarification on how the fund with a million dollars would be used, and why some of those funds could not be used to fund the Development Manager position. Mr. Tetzloff stated those funds are earmarked for construction in the Creativity Center.

Mr. Rasmussen stated that that money was not City money. Those were funds that were raised and they were donated money, which is why we have not used it for anything except what they were raised for.

Alderman Bray asked whether some of those funds could be diverted to pay salary and benefits for the Development Manager. Mr. Tetzloff stated there is some restrictions on the use of those funds.

Alderman Bray discussed the term of the agreement that being a five-year term versus a three-year term. If we wait five years, there's a potential that we'll have a complete turnover on our Council, which could potentially be a turnover of philosophy or ideas. If the MOU is reduced to three years we will only have one election and there will be some members remaining. She would prefer to have a shorter term rather than the five years proposed.

Alderman Hauman discussed the current budget challenges of the City and stated she cannot support another additional employee and potentially additional capital funds to be invested at this time.

Alderman Buragas asked whether the position was a revenue neutral position as the City is not adding any new positions that don't already exist. Mr. Tetzloff affirm. Alderman Buragas asked what the Parks and Recreation Department overall cost recovery percent is. Mr. Tetzloff stated 60 %; and the national average for cost recovery is 29%.

Alderman Buragas commended Mr. Tetzloff for is department's efforts, but expressed concern over under-funding community assets as it does not improve the overall community. While she is supportive of further development of the Creativity Center, she is not supportive of spending any public money on it.

Alderman Black inquired about the status of the Parks & Recreation Master Plan. Mr. Tetzloff stated that he has a meeting scheduled with one of the consultants and will likely bring back recommendations to the Council in April. Alderman Black asked whether this was included in the plan. Mr. Tetzloff stated it would be; however, the focus is more towards the recreation in parks and Miller Park Zoo. Alderman Black expressed his support for this item.

Mayor Renner clarified a comment by Alderwoman Schmidt stating, Council should consider the agreement on an annual basis, not be automatic renewing. Alderwoman Schmidt stated, there should be a regular reporting and not to have it renewed every year. Mayor Renner stated, it has been his experience that any time Council asked the Cultural District or anybody from the BCPA for information or to come to the Council Meeting, we've never had any issues with them appearing before Council.

Alderman Mwilambwe commented on the amount the Friends of the BCPA will have to repay annually. After five years, it is a total of about \$200,000. Mr. Tetzloff stated the amount would be \$100,000.

Alderman Mathy commented about the use and condition of the building to ensure that those who wish to use it can without structural building issues.

Alderwoman Bray asked about Roman numeral 10, Termination and the Intention there about terminations. Referring to the provision about any funds raised for BCPA facilities shall be turned over to City Parks, Recreation and Cultural Arts Department. If the intention of this provision that the accounts will all be turned over, or will there be a parsing of amounts that things that were

simply for facilities are turned over and some other amounts retained? Mr. Tetzloff stated, the funds raised would revert to the PRCA should the Friends of the BCPA disband.

Aldерwoman Bray asked about the intentions of financial records and will be kept separately from any other, i.e. 501 C records. Mr. Tetzloff stated, they are their own organization.

Mayor Renner stated in terms of priority-based budgeting of our priorities, clearly, 911 service, public safety, police, our streets, infrastructure, economic development are important, and as a subset of economic development. This is a public-private partnership, and the amount of money that we allocate as Alderman Buragas had revealed, if the average part a department receives is 29%, and the City gets 60% back, we're doing a darn good job.

Council continued discussion regarding the intent of the language as it relates to the building, donations, allocation of funds received, and jeopardizing the organization's 501c status by placing encumbrances on them.

Presentation and discussion regarding the Community Development Department Rental Inspection Program. (Bob Mahrt, Interim Director, Community Development Department, 10 minutes, Council discussion 20 minutes.)

Mr. Rasmussen introduced John Capodice, board member of the Property Maintenance Review Board, then deferred to Bob Mahrt for an overview of this item.

Mr. Mahrt spoke of the recent apartment fire and highlighted the need for city staff to bring forward a discussion on a Rental Property Inspection Program. The Rental Property Inspection Program is outlined within our Chapter 45 of the Municipal Code, and within the purpose of the Rental Property Inspection Program is to maintain the city's rental housing stock by enforcement of property maintenance, life safety, and health codes, applicable codes through periodic building inspections and annual registration. From a staff standpoint, we see that as our working definition is to ensure a clean, safe, and decent rental housing for all residents within the community.

The Rental Inspection Program was adopted in 2003. It applies to non-owner occupied rental apartments, duplexes, condominiums, and single-family dwellings. There are approximately 12,000 residential rental units within the program. There was some discussion as to the standards that the city applies or city staff applies towards that. We do follow the 2012 International Code Council Property Maintenance Code. It's recognized throughout the United States and internationally. The Development Community is well aware of these Codes, as are the judges that you might have to take in enforcement effort up to as well.

The program currently includes two rental inspectors assigned to the program. The intent is to achieve a three-year cycle for onsite inspections, and we're pretty close to that intent. Registration fees are \$65 for one and two-family dwellings, and \$5 for each additional unit, and missed inspection fee is \$100. The rental property owner does have to participate in the annual registration within the program. The City would conduct a periodic inspection of the property. When the rental property comes up in the queue for inspection, the inspector needs to notify the property owner that

the inspection is pending, and the property owner then has to have tenant releases and the property owner releases. There is a slight delay between the notification and inspection if necessary, and the time that an inspection is actually scheduled.

Mr. Mahrt explained the inspection process that the City takes, along with any follow-up activity of City Inspectors. The majority of the time, these property owners are working towards compliance. They are like to go right to the pass mode, then we're into the certificate of inspection and they're on their way again. For whatever the reason, if they cannot get out of that by completing the task, then they are stuck in the Administrative Court.

Mr. Jurgens stated, at the beginning of this year, the City started implementing more court cost. It used to be, well, it still is, before you get to Administrative Court, you've had a couple of different times through the inspectors to resolve issues. If a landlord has had ample opportunity to correct problems areas and did not, then the inspectors are going to refer over to Administrative Court. We implemented a process whereby once staff prepares a file, and pay a hearing officer as no corrections/repairs were made, the City will charge you court costs. That is \$110 per each case.

The City have begun to look at different options, possibly amending our Code on chronic offenders. If there is somebody that has more than one violation within a 12-month period at a property, we will not waive all of those fees, maybe there needs to be a little bit more discretion. However, if there are many violations and, and too much time has lapsed we may not charge you \$15,000, but we may likely charge you \$1,000. He asked Council's tolerance level for the discussed changes that will focus mostly on compliance.

Alderman Buragas stated, the City should increase fines for chronic offenders. Alderman Schmidt concurred with Alderman Buragas remarks. Council continued to discuss the PowerPoint slide that was shown as well as challenges and possible solutions to the Rental Inspection Program.

Discussion and direction facilitated by GovHR USA, LLC regarding next steps for the recruitment of the permanent City Manager. (Recommend the Mayor and City Council engage in discussion and provide direction regarding the next steps in the recruitment process for the permanent City Manager to include the following topics: Recruitment Schedule, Recruitment Profile, Job Announcement, and Recruitment Brochure.) (Presentation by Nicole Albertson Director of Human Resources 5 minutes, City Council discussion, 20 minutes.)

Ms. Albertson introduced Joellen Earl who provided an overview of the recruiting process for the vacant City Manager position, and responded to Council's questions.

Adjourn (Approximately 6:55p.m.)

Motioned by Alderman Hauman, seconded by Alderman Bray to adjourn the meeting. The meeting adjourned at 6:25 PM.

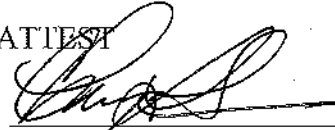
Motion carried.

CITY OF BLOOMINGTON



Tari Renner, Mayor

ATTEST



Cherry L. Lawson, City Clerk