

**SUMMARY MEETING MINUTES  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS MONDAY, JULY 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, July 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 (Absent), Kim Bray, Karen Schmidt, and Mayor Tari Renner.

Staff Present: Tim Gleason, City Manager; Steve Rasmussen, Deputy City Manager; Jeffrey Jurgens, Corporation Counsel; Cherry Lawson, City Clerk; Scott Rathbun, Interim Finance Director; Nicole Albertson, Human Resource Director; Jim Karch, Public Works Director; Bob Yehl, Water Director; Russ Waller, Facilities Manager; George Boyle, Assistant Corporation Counsel; and other City staff were also present.

**Recognition/Appointments**

- A. Loyalty Oath of Office, Timothy Gleason, newly appointed Bloomington City Manager.
- B. Recognition of Jim Karch, Public Works Director on being recognized by the Illinois Society of Professional Engineers with the 2018 Illinois Government Engineer of the Year Award.
- C. Proclamation declaring the Recognition of 25th Anniversary of the Bistro and Bloomington’s 1<sup>st</sup> Downtown Pride Festival.

**Public Comment**

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

Donna Boelen	Scott Stimeling	Tim Tilton
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**“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 7J.**

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

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

**Nays: None.**

**Motion carried.**

The following was presented:

Item 7A Consideration of approving the Minutes of the July 9, 2018 and the June 25, 2018 Regular City Council Meetings. (Recommend the reading of minutes be dispensed and approved as printed.)

The following was presented:

Item 7B. Consideration of approving Bills, Payroll, and Procurement Card Purchases in the amount of \$5,320,869.44. *(Recommend the Bills, Payroll, and Procurement Card Purchases be allowed in the amount of \$5,320,869.44, and orders drawn on the Treasurer for the various amounts, as funds are available.)*

The following was presented:

Item 7C. Consideration of a three (3) year Intergovernmental Agreement between the Town of Normal, the County of McLean, the McLean County Soil and Water Conservation District, and the City of Bloomington regarding the Funding of a Soil Conservationist through the McLean County Soil and Water Conservation District, in the amount of \$70,000 per year, as requested by the Water Department. *(Recommend the three (3) year Intergovernmental Agreement between the Town of Normal, the County of McLean, the McLean County Soil and Water Conservation District, and the City of Bloomington be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

The following was presented:

Item 7D. Consideration of the Purchase of one (1) Truck from Landmark Ford of Springfield, IL, using the State of Illinois Joint Purchase Contract, in the amount of \$50,002, as requested by the Water Department. *(Recommend the Purchase of one (1) Ford F550 Truck from Landmark Ford of Springfield, IL, using the State of Illinois Joint Purchase Contract #4018300 (expires 10/04/18), in the amount of \$50,002, be approved, and the Procurement Manager be authorized to issue a Purchase Order.)*

The following was presented:

Item 7E. Consideration of approving the City of Bloomington cost share commitment, in the amount of \$71,250, associated with the submittal of an Illinois Environmental Protection Agency (IEPA) 319 grant application prepared by the McLean County Soil and Water Conservation District for Watershed Plan Updates, as requested by the Water Department. *(Recommend Council approves the City of Bloomington cost share commitment, in the amount of \$71,250, associated with the submittal of an IEPA 319 grant*



*application prepared by the McLean County Soil and Water Conservation District for Watershed Plan Updates in the amount of \$71,250, and if the grant is received, the Procurement Manager be authorized to execute a Purchase Order.)*

The following was presented:

Item 7F. Consideration of an Ordinance amending Chapter 22.2, the City's Human Relations Ordinance, based on updates to various laws, as requested by the Human Resources Department. *(Recommend the Ordinance amending Chapter 22.2 - Human Relations be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

#### ORDINANCE 2018 - 57

##### AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 22.2 HUMAN RELATIONS

The following was presented:

Item 7G. Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (Beer and Wine) on the 300 Block of North Main Street on Saturday, July 28, 2018 from 2:00 p.m. to 10:00 p.m. for The Bistro 25th Anniversary and Pride Fest, as requested by the City Clerk's Office. *(Recommend the Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol on the 300 Block of North Main Street on Saturday, July 28, 2018 from 2:00 p.m. to 10:00 p.m. for The Bistro 25th Anniversary and Pride Fest be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

#### ORDINANCE 2018 - 58

##### AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(D) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL IN PUBLIC ON THE 300 BLOCK OF NORTH MAIN STREET FOR THE BISTRO 25TH ANNIVERSARY AND PRIDE FEST

The following was presented:

Item 7H. Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (Beer and Wine) on Public Property in a portion of Downtown Bloomington during the Front Street Music Festival from 2:00 p.m. to 10:30 p.m. on Saturday, August 18, 2018, as requested by the City Clerk's Office. *(Recommend the Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (Beer and Wine) on Public Property in a portion of Downtown Bloomington during the Front Street Music Festival from 2:00 p.m. to 10:30 p.m. on Saturday, August 18, 2018 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

#### ORDINANCE 2018 - 59

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY IN A PORTION OF DOWNTOWN BLOOMINGTON DURING THE FRONT STREET MUSIC FESTIVAL

The following was presented:

Item 7I. Consideration of an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge at Lake Bloomington on August 10, 2018, the request from Bob Hogan and Molly Spence-Hawk to allow moderate consumption of alcohol, as requested by the City Clerk's Office. *(Recommend the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge at Lake Bloomington on August 10, 2018 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

ORDINANCE 2018 - 60

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION ON AUGUST 10, 2018 AT DAVIS LODGE AT LAKE BLOOMINGTON

The following was presented:

Item 7J. Consideration of an Ordinance amending Chapter 14 of the Bloomington City Code by adding Article II providing for the Regulation of Small Wireless Facilities, as requested by the Legal Department. *(Recommend the Ordinance amending Chapter 14 of the Bloomington City Code by adding Article II providing for the Regulation of Small Wireless Facilities, and the Mayor and City Clerk be authorized to execute the necessary documents.)* ***Pulled from the Consent Agenda.***

Mr. Jurgens provided a brief overview of this item stating it deals with the small cell facilities wireless ordinance. This passed a few months ago as the deadline to have something approved so that the fees could be charged is August 1. The presented ordinance is modeled after the Illinois Municipal League ordinance, as well as having worked with the Town of Normal to develop some mere provisions and complimentary provisions between the two communities on this ordinance. One of the provisions of the requirements was whether a community could have wood poles. The City has many wood poles that Ameren utilizes the Engineering staff does not have an issue with the wood poles. The reason staff requested this item be pulled from the Consent Agenda is to approve it as amended, amending Section 14 C to allow wood poles.

Alderman Painter asked why the utility lines could not be buried rather than installing wood poles. Mr. Jurgens deferred to George Boyle, Deputy Corporation Counsel to respond as he has been working close on this item, and Jim Karch, Public Works Director.

Mr. Karch stated the reason why cabling is buried is from a cost perspective from the utility companies. If they do not have bury cables, they are not required to do so as they attempt to keep their cost low. In regards to small cell, the utility companies want to be able to provide the best possible reception as possible as well as reach the broadest group. Mr. Boyle stated the wood poles are mainly for the hanging of the cables.



ORDINANCE 2018 - 61

AN ORDINANCE AMENDING CHAPTER 14 OF THE BLOOMINGTON CITY CODE BY ADDING ARTICLE II PROVIDING FOR THE REGULATION OF SMALL WIRELESS FACILITIES

**Motion by Alderman Painter and seconded by Alderman Bray that Item 7J be approved as amended to allow wooden poles as stated in Section 14-C.**

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

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

**Nays: None.**

**Motion carried.**

**“Regular Agenda”**

The following was presented:

Item 8A. Consideration of a Resolution Waiving the Formal Bidding Process to enter into a Venue Agreement with LiveBarn, Inc. for the addition, installation and operation of an Automated Sports Broadcasting System at the Pepsi Ice Center, at no cost to the City, as requested by the Parks, Recreation & Cultural Arts Department. *(Recommend the Resolution Waiving the Formal Bidding Process and approving a Venue Agreement with LiveBarn, Inc., for the installation and operation of an Automated Sports Broadcasting System at the Pepsi Ice Center be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.) (Presentation by Jay Tetzloff, Parks, Recreation, and Cultural Arts Director, 5 minutes, City Council discussion, 5 minutes.)*

Mr. Tetzloff introduced Michael Hernbrott, Pepsi Ice Center Manager, as he is responsible for bringing this item forward. It is a win-win situation for the City and the customers at the Pepsi Ice Center.

Mr. Hernbrott stated with LiveBarn it was a customer need driven response over the last three years requesting to videotape in the building. For safety reasons, the Center could not permit it. He looked into some form of software that would meet the needs of our customers. LiveBarn is a propriety service whereby the cameras and software is installed at their cost, not the City. He explained the nature of the software stating it is subscription based and customers may buy into it and can watch their kids, if they are not able to attend the games at the arena. This software is installed in over 40 different ice arenas in Illinois already. It is in over 500 around the country. When customers purchase the subscription, they get to watch the games in Pepsi Ice Center, any time our youth hockey programs are in the Chicago area or St. Louis. If they have that LiveBarn in there, they get to see those games without having to travel outside. People that want to watch the games and cannot be here in Bloomington to watch the games, that's the youth hockey travel, all those types of things and ISU hockey that plays in the arena, they can buy into and watch those games there. It is also promotion for the Pepsi Ice Center as well as the City of Bloomington.

In speaking to other arenas that are the same size as ours, the City would get a certain percentage back, if they subscribe to the code that LiveBarn provides. We can generate some revenue from that. In speaking to other rink managers of the same size as us, they have indicated that they have an extra bonus added security system. Those cameras are on all the time. If there is any issues that we need to look back to see if there is any issues in the facility, we can look back and see those things, as well.

Alderman Mwilambwe asked how much anticipated revenue is expected.

Mr. Hernbrott stated it would not be a significant amount just based on location of the community-based rink. It is mostly the in-house travel programs that go from Chicago to St. Louis. There may be some revenue built from ISU's hockey program. We have schools come from all around the country to come and play against them. It is the parents, the grandparents, the aunts and uncles that don't live in Bloomington that want to watch their nieces, nephews, grandkids come and watch. The larger rinks, they have larger tournaments, showcase tournaments and those kind of things. There is a facility in Blaine, Minnesota that has eight rinks. They have told me they generate anywhere between \$2,000 to \$3,000 every quarter on their facility, but it's really based on what we have here.

RESOLUTION NO. 2018 - 44

A RESOLUTION AUTHORIZING WAIVING THE TECHNICAL BIDDING REQUIREMENT AND APPROVING THE VENUE AGREEMENT WITH LIVEBARN INC.

**Motion by Alderman Black and seconded by Alderman Schmidt that the Resolution Waiving the Formal Bidding Process and approving a Venue Agreement with LiveBarn, Inc., for the installation and operation of an Automated Sports Broadcasting System at the Pepsi Ice Center 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, Mwilambwe, Sage, Buragas, Black, Painter, Bray, and Schmidt.**

**Nays: None.**

**Motion carried.**

The following was presented:

Item 8B. Consideration of a Contract with Felmley-Dickerson Company for construction of an elevator, in the amount of \$610,500, to comply with the Americans with Disabilities Act (ADA) at the Grossinger Motors Arena, formerly known as the US Cellular Coliseum (Re-Bid 2019-05), as requested by the Administration – Facilities Department. *(Recommend the Contract with Felmley-Dickerson Company for construction of an elevator, in the amount of \$610,500, to comply with the Americans with Disabilities Act (ADA) at the Grossinger Motors Arena, formerly known as the US Cellular Coliseum, be approved, and*



*the Interim City Manager and City Clerk be authorized to execute the necessary documents.) (Presentation by Russel Waller, Facilities Manager 10 minutes, Council discussion 10 minutes.)*

Mr. Gleason provided an overview of this item stating there might be value in understanding the history of how we arrived at this today. The Attorney General's office identified several concerns a couple of years ago. The elevator is the last of all those concerns that city staff and Council's taken action on and has addressed. In 2016, the engineer's estimate for all of the corrections or concerns that the AG's office had was approximately \$850,000. Through work, Mr. Waller and his staff saved the City roughly \$175,000 over the course of the last two (2) years. This is the last item to address and it is a smaller project. It was bid once with no bids. It was bid a second time with only one bid, which we think is part of the reason for the higher bid total. Even with this higher bid total, all the work completed, it is going to put us at about \$950,000, which is about \$100,000 over the original estimate by engineering; a 10% increase collectively.

Mr. Waller stated as the city manager indicated, this is the last issue, the ADA issue with the Arena, formerly the Coliseum. When we started this project, it was formerly known as a Coliseum. That is why you will see it intermingled with all the documentation. It essentially was bid as the Coliseum.

Essentially, the ADA code requires at least one accessible route to connect each story of a multi-story building. There are existing elevators. Unfortunately, based on the operation and the way the facility is used, those existing elevators cannot be accessed during some events to provide this accessibility issue.

At present whenever there is a floor event, like a concert, anyone with an accessibility issue has to be routed to travel to a restricted area to get to an elevator. During an event, most of the booked talent require the hallway to be restricted in access as this is where all the dressing rooms are located. There are no other dressing rooms in the facility. Due to their contractual obligation, every single act that comes into the Arena requires that there is restricted access. Otherwise, they will not sign a contract unless it is stipulated in the contract.

The Attorney General has stated that is not allowable. Essentially, what they have said is that you cannot require or mandate that someone with a handicap do anything different from an able-bodied person.

With the proposed addition, it would be constructed on the outside of the building, but the entrance and the access to the elevator will still come from the inside. We are not requiring anyone to go outside the building. They will essentially come down the ADA hallway, make a turn to another hallway that will be built inside an existing room, and then access the elevator, go up to the concourse level. One thing is that we are not doing a three-stop elevator to get to the third floor to save some money. We did get kind of an agreement with the Attorney General's Office that if someone from the floor could come to this elevator, walk down the hallway to the other elevator to get up to the third floor, that is compliant. There is no requirement that this has to go to the top. That is a substantial savings because if you had to take this clear to the roof, the City would have had to do some roof replacement.

In early 2016 after being made aware of the ADA issues, we initially put some cost estimates together on what this was going to cost to bring all the issues that the Attorney General brought to our attention and into compliance. Our estimate was roughly \$156,000. We did provide a rough estimate on the elevator at a preliminary amount of \$300,000. To date, staff has spent nearly \$350,000 that includes all of the interior issues. Shower modifications was completed that had to be done. A lot of this was all through the sidewalk



project that is now complete, which the cost here does not include the safety bollards. That was a separate issue, but we bid it together. This includes just the sidewalk removal and replacement that was not compliant around the exterior of the arena. When you add the elevator of the \$610,000, you get to the grand total of about \$957,000. The elevator is more expensive than was anticipated. The estimate we got from the Zion consultant after they finished the design and had all the details was really close to our original estimate of \$300,000. It was \$350,000.

Alderman Schmidt stated that she had sent in a number of questions after having reviewed the packet. She took the opportunity to go over on Saturday, and walk through. The Edge Football and their competing team were in the dressing room. She has a sense of how narrow those hallways. However expressed concern over having the opportunity to create some sort of a thoroughfare on what would be the south side of that restricted hallway. She asked whether there are any other alternatives from the Attorney General perspective.

Mr. Waller stated the Attorney General did not dictate that we put an elevator in. They are just dictating the requirement to provide that access between the floors. The City determines how to make that access possible. We have discussed the issue with them, and there is not a lot of any negotiation that can occur. We are under their order to bring this into compliance. They are in agreement that this is probably the most viable option. The AG cannot be held accountable for dictating compliance of the building. That essentially was based off staff and the consultants and evaluation of the facility looking at the various options. The elevator is essentially a little expensive, the most economical option to solve this problem.

Alderman Schmidt asked whether there is any financial and/or legal recourse as the building was supposed to be built to ADA standards. After 12 or more years of operating, she asked is there any legal remedies that the City can utilize.

Mr. Waller stated that is certainly something that staff can look at, but we are talking about a very old, you know, facility. We have not gone back and evaluated exactly what happened when this was commissioned in 2006. With this specific issue though, he thinks Alderman Schmidt may be referencing a design flaw as opposed to a construction issue. There was not an elevator or an access path designed from this floor level to this second level. He stated honestly, even after staff review the past documents it may not result in a fruitful effort.

Alderman Schmidt stated her recollection is that this was a design-build package. She ask where is the funding going to come from to fund this project. Mr. Waller stated \$400,000 was in his budget for this the project, and an additional \$200,000 in a program for the Arc Flash project that is not going forward this year. Therefore, those funds will be used towards the elevator, and there is no need to bring forward a budget amendment for those funds.

Alderman Bray stated in our materials it indicates that we have until December the 31, 2018 to be in compliance with the elevator. She asked when you look at the construction timeline, how much more time do we have to work this problem.

Mr. Waller stated there is not much time as they have concerns that we will not meet that deadline just in speaking to the contractor. Some of the materials that have to be ordered, and there could be some delays in getting the materials. There could be some shipping delays or even material production delays. When the Facilities Department became involved with the Attorney General, there was some issues associated with



the prior management company and they were not responding to them. There was some concerns expressed by the Attorney General. We did our best to rectify those and bring the issues into compliance. The AG's Office want to see the issues resolved and have acknowledged the city's willingness to cooperate, and have more receptive to cooperating and giving us additional time. I do believe they would give us another six months in the next year to complete the work.

Alderman Bray stated it is my understanding this is a premium price due to current market conditions and commercial construction. She asked whether there are other opportunities to bring down the cost of this project. Mr. Waller stated not really. Essentially, the way we go through our procurement process is we have to design a project, get plans prepared, and then bid that, and then potentially award it.

Alderman Mathy asked whether the City could construct down that hallway over to the accessibility platform and just build a new ramp down to the floor on that corner. Mr. Waller stated there is no way to make that ADA compliant with the setups that are used at the facility.

Alderman Mathy asked whether the equipment can be left in the rest of the area as we have 40 inches wide that we have to leave through here. Mr. Waller stated that is a discussion to be had with VenuWorks, as he does not believe that they will be agreeable to providing that access. Most of your talent will not want that.

Pat Ahlers, Finance Director from Grossinger Arena, stated the area that is being discussed is behind the stage. When it comes to concerts, the talent does not want any patrons and public behind the stage. It is not feasible. They are in a restricted show area, which on a given day, the only people that either are back behind there the security team, or police officers roaming the floor. It might be staff because we have a purpose of being back there.

Alderman Black stated he does not think any Council want to spend \$600,000 on the Arena now or in the near future. We talking about percentages of our budget. This is a conversation that has been discussed over the past few years and this timeframe has been equally discussed. It sounds as though we are under some sort of time crunch. He is not enthusiastically supporting this project, but this is one of those situations that we do not have a choice. He asked whether the City could tack on like a quarter, like one quarter, 50 cents per ticket sold at the arena until we pay this off, as like a fee, an ADA fee.

Mr. Jurgens stated that is something we can certainly look at. You know, we do have various fees associated with tickets, with parking, with other things that we do there. Over the last couple of years, this Council had to invest a very large amount of money into the arena. Now, you are looking at it over a 10-year old building and a lot of maintenance that is needed. That is certainly something as staff we could go back and look at and see if maybe there needs to be some sort of a fee associated with the tickets there on this.

Alderman Black stated if it costs him an extra \$1 for the purchase of the ticket, that is not going to change his mind in attending an event or not, but that would make a huge impact on our budget, at least trying to pay for and address some of these capital improvement needs.

Alderman Mwilambwe stated this is a very expensive project. He asked how many shows do we have that require this restricted access. How many individuals do we have with ADA issues that might need this?

Ms. Ahlers stated each of the concerts, family shows over the past two years requires restricted access to the

back stage area of the Arena. In the past year, we have had between 10 to 12 shows where this would come into play. In discussing ADA requirements with a ticketed show, we have to set aside a certain percentage of tickets in each price point and in each location for ADA accessibility to be purchased. If somebody wants to have seats on the floor, we have to have ADA seats allotted for them to be able to purchase. Once an area is sold out of what we had allotted, we have still met our requirement for the ADA as far as allowing seats to be in certain areas. Nevertheless, as part of the requirements, if a show has four different price points, we have to have 3% to 5% of the seats in that area in that price point allotted for ADA purchase.

Alderman Mwilambwe asked with the number of shows scheduled there instead of using an elevator, could we have somebody there to make sure that staff are watching that access as people come through. Ms. Ahlers stated that becomes an issue with the promoters of the event.

Mr. Rasmussen stated Lynn Cannon, Arena Director is out of town at this time. There are a number of issues that may require more work on the staff's part. He asked whether Council would like to table this until the first meeting in August. We could come back with some more full answers here, and Ms. Cannon would have return back to the office. I think three weeks probably would not delay the project that much, if we could come back with some better answers for you.

Mayor Renner stated for clarification even if we had three people per event, we still are under ADA guidelines with the Attorney General's Office. Mr. Waller stated even if there were, patrons who were required accessibility assistance, the City would still be required to have it. At any point, an inspector from the Attorney General could walk into the building. If you are not compliant, they will fine you. Therefore, every single event has to be set-up to make it ADA compliant.

**Motion by Alderman Mathy and seconded by Alderman Black that the Contract with Felmley-Dickerson Company for construction of an elevator, in the amount of \$610,500, to comply with the Americans with Disabilities Act (ADA) at the Grossinger Motors Arena, formerly known as the US Cellular Coliseum, 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, Buragas, Black, Painter, and Bray.**

**Nays: Alderman Mwilambwe, Sage, and Schmidt.**

**Motion carried.**

The following was presented:

Item 8C. Consideration of the following Water Department items:

- a) Consideration of a Contract with CAD Construction, Inc. for replacement of the Lake Bloomington Water Treatment Plant Roof (Bid #2019-04), in the amount of \$323,139.65, as requested by the Water Department. *(Recommend the Contract with CAD Construction, Inc.*



*(Bid# 2019-04) for replacement of the Lake Bloomington Water Treatment Plant New Annex Roof, in the amount of \$323,139.65 (Base Bid plus Alternate 1), be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)*

- b) Consideration of a Contract with George Gildner, Inc., in the amount of \$385,075, for the Water Main Replacement on Cloud Street (City Bid No. 2019-06), as requested by the Water Department. *(Recommend the Contract with George Gildner, Inc. for the Water Main Replacement on Cloud Drive, in the amount of \$385,075, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)*
  
- c) Consideration of a Professional Services Contract with the Farnsworth Group, Inc. for Construction Observation related to the Water Main Replacement on Cloud Street (RFQ 2016-04, Resolution 16-10), not to exceed the amount of \$30,876.50, as requested by the Water Department. *(Recommend the Professional Services Agreement with the Farnsworth Group, Inc. for Professional Engineering Services related to the Construction Observation for the Water Main Replacement on Cloud Street, not to exceed the amount of \$30,876.50, be approved, and the Interim City Manager and City Clerk be authorized to execute the necessary documents.)*

Mr. Yehl provided a brief overview of the items stating we have two projects to present. They are all budgeted in the FY '19 budget.

The first about is the Lake Bloomington main process treatment plant roof replacement which is estimated to cost \$323,000. We received one bid for this replacement. It is 32 years old, which is the age of the building itself. It is a single layer of asphalt shingles. We have repaired it a number of times over the past couple of years just fixed points to make sure we get through to where we can budget, properly design, and get the project bid.

The next project is Cloud Street, from McGregor to Vail. It is two contracts, one for the construction and one for the observation. The Water Department analyzes a multitude of different issues with our water mains. This one has many breaks, the age, cast iron, and smaller in size. Cast iron tends to break. Some of the mains are four-inch. Ryan Drive, which is north south, was replaced in 2016. The next project after that was to follow on and do Cloud Street. The City received multiple bids. Gildner was our low-responsive bidder.

The next portion of this project is construction inspection. I presented to you before, most recently, on Zurich Drive Water Main Replacement and some others. The Water Department does not have the staff to provide on-site phase three or construction-inspection services full-time. They have contracted those out recently with some of our local engineering firms. In this case, Farnsworth Group is being proposed and awarded the bid as they recently completed Zurich Drive, which we are cleaning up and finalizing.

**Motion by Alderman Bray and seconded by Alderman Schmidt that Council approve the Water Department items A, B, and C as set on the agenda.**

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

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

**Nays: None.**

**Recuse: Alderman Buragas (8:01 p.m.)**

**Return: Alderman Buragas (8:04 p.m.)**

**Motion carried.**

The following was presented:

Item 8D. Discussion regarding the Local Government Wage Increase Transparency Act on disclosable payments to Robert Coombs, as requested by the Human Resources Department. *(Informational only, as required pursuant to the Local Government Wage Increase Transparency Act, 50 ILCS 155/1.) (Presentation Nicole Albertson, Human Resources Director 5 minutes, City Council discussion 5 minutes.)*

Mayor Renner provided a brief introduction to this item and deferred to Nicole Albertson, Human Resource Director who introduced Josh Hansen to provide the overview to Council.

Mr. Hansen stated, as this is our third employee who is considered to be classified nonunion who has a sick leave bank. He has grandfathered and as a result, three months prior to his retirement, which will be October 5, 2018. In the months of July, August, and September, we will take his sick leave, based on what is his current rate of pay per hour and provide that to him. When he leaves, he would have a supplemental amount of vacation time that he has banked, as well. Everything is included in the packet, but specific to the amounts per the Transparency Act, he will receive \$36,772.32 worth of benefit. That would be applied as pensionable wages.

Mayor Renner stated for clarification, Mr. Coombs not getting a check for \$36,000. Mr. Hansen stated that is correct. Each group is a little different across the city specific to the union Collective Bargaining Agreements or CBAs. For the nonunion employees, that money is converted into a retirement Health Savings Account, which is administered through ICMA-RC, similar to our 457 plans. Those funds are available to our retirees when they are no longer with the City. At the time of retirement, he will have \$7,666.90 of accrued vacation time. Mr. Coombs will receive that payment as well. Of course, all of these balances, if they were to change over the next three months, would be adjusted during that final period that he is with the City. The net increase of this in two of his pension per month is anticipated to be \$313.87. IMRF will finalize that information once they have his termination data from the city. The accelerated payment or AP payment that will come across to the city approximately 4 to 6 weeks after he does retire is estimated to be just above \$49,000.

Alderman Mathy asked Mr. Hansen to explain what grandfathered means in relationship to this employee.

Mr. Hansen stated a change was made as of May 1, 2012 specific to the classified non-bargaining employee population where those who were actively employed at the time are able to not only accrue sick leave, but when they do retire from the city... We have several rules in place. It is called the rule of 75, which means whenever they do retire, if you take a person's age, plus their years of service, that they would then be eligible for the benefit.



Alderman Black recalled multiple discussions on sick leave buy back and stated the City was going to wait for Springfield to do some legal maneuvering. He asked what the legal ramifications be, if we were end the grandfathering for that prior to 2012 timeframe, and what the cost to the city be.

Mr. Jurgens stated we would have to get those numbers. We were waiting kind of seeing what happened in Springfield. As you heard, you know, and we have talked about before, the City of Springfield was successful in the Circuit Court and then the Appellate Court litigation. We just got the decision back or we got a copy of their unfair labor practice decision this morning. That came back earlier this month. The City was successful in that, as well, although it is very fact-specific and was related to what communications and what negotiations they had with their unions.

When you talk about the impact this is something that HR is working on and can provide to Council, but we have to look at what are the costs of any retirements that would happen, any vacancy savings. We would also have to look at issues related to other court case out there. We do have previous threats from certain unions saying that they would fight any changes to this. The City would be fighting in court over some of these changes, but we do think there could be a path. What we would have to do is get all of those numbers put together and bring back some of those options to the Council.

Alderman Black stated he would be interested in hearing what that looks like. Perhaps at a future Committee of the Whole Meeting the Springfield case could be presented to Council for some discussion. He believes Council is at a point where we can make some decisions about what that looks like. If we were not unanimous, we were pretty close to unanimous and wanting to do what we could do to end the practice of sick leave buy-back.

Mr. Hansen followed up on Alderman Black comment stating, we do have a number of employees who are at or near retirement. He asked when you say in the practice of sick leave buy-back, just to make sure we are on the same page, are you referring to the way in which the sick leave buy-back is paid out over the three months prior just so that all of those earnings are deemed to be pensionable. Alderman Black stated that is correct.

### **City Manager's Discussion**

Mr. Gleason stated reviewed the upcoming community events in the City. Since May 1, Solid Waste Program changes went into effect. City staff have been tagging bulk waste up at the curb and placing door hangers to provide notice of charges before collection. This grace period was intended to give citizens a chance to get familiar with the new practice of accepting materials at the Citizen Convenience Center.

Starting on August 1, city crews will collect bulk waste material placed at the curb for a cost of \$25 per bucket without waiting two weeks for the sticker and door hanger process. The intention of the change is to keep our community clean, since material previously could be in the parkway for up to four weeks before collection. We intend to put the information out in a press release on Friday, as well as adding the information to our city website and Facebook.

PSA number two. He received word from Rowe Construction that they will be starting roadwork on Veterans

Parkway the night of July 30. Lane closures will begin at 9:00 p.m., and everything will reopen the next morning at 7:00 a.m. Finally, thank you for this opportunity to serve as your City Manager.

### **Mayor's Discussion**

Mayor Renner stated we appreciate that very much, and we are very glad to have you. He invited everyone to the 25th Anniversary of Bistro and our First Pride event this coming Saturday evening.

### **City Aldermen's Discussion**

Alderman Bray complimented the Water Department Director and his staff Joe Darter. Those two were a great dynamic duo in doing a lake tour and a facilities treatment tour for myself and for Alderman Hauman earlier this month. I do not know a better term other than just say the TLC, just the extraordinary care that they give to this important piece, which is water quality for all of our citizens, is just commendable. Their efforts for shoreline preservation, soil containment, and just, again, going through the treatment center. You all are top notch. So thank you for the time you spent with me. I learned an awful lot and sure do, again, appreciate the great water quality that we have here in Bloomington.


Alderman Mathy announced Bloomington 101 applications are still open and available. I thought that was a wonderful opportunity.

### **Adjournment**


**Motion by Alderman Black seconded by Alderman Schmidt adjourning the meeting. Meeting adjourned at 8:16 p.m.**

**Motion carried. (Viva Voce)**

CITY OF BLOOMINGTON

  
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Tafi Renner, Mayor

ATTEST

  
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Cherry L. Lawson, C.M.C., City Clerk