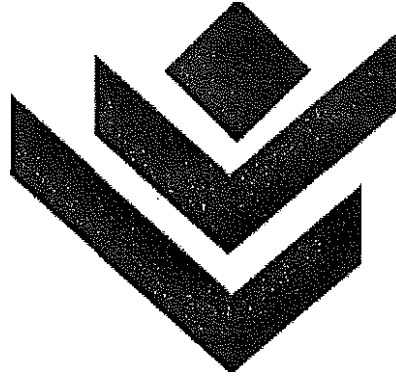




CITY OF
BLOOMINGTON
COUNCIL MEETING
SEPTEMBER 24, 2018



City Logo Design Rationale

The symbol for the City of Bloomington is multifaceted in its visual and conceptual approach. Visually the symbol and the City's identity represent a modern progressive style which is consistent with the City's government. The symbol is based on three different concepts which combine to represent the City in a contemporary and appropriate way.

First and foremost is the chevron. The City government is a respected agency dedicated to serving the public. In this way, the chevron represents service, rank and authority.

The symbol may also be seen as a three dimensional building. This represents growth and diversity in our community.

Finally, the flower or plant derived from the original name "Blooming Grove," represents a community that is friendly and safe. Progress and growth are also associated with plant life as well as regeneration and renewal.

The symbol's positive upward movement is representative of the City's commitment to excellence!

Brief Summary of Five Council Priorities

Five Priorities

At the September retreat, Council informally selected its top five priorities, and since that time staff has seen that these five areas are the dominant focus of the Council's policy deliberations. The selected priorities are:

1. Economic Development
2. Infrastructure
3. Financial Planning
4. Reduced Emergency Response Times
5. Downtown Implementation Plan

The value in naming priorities is to establish policy direction, make that direction known to stakeholders and guide policy, budget and operational decisions. As we work to develop the City's FY17 budget, staff would find value in formalizing the five priorities for the next fiscal year.

Prior to formalization, we have prepared this brief summary to begin the dialogue about what each priority means, where it stands and what it will take to advance each going forward.

1. Economic Development

- A. Economic development was overwhelmingly recognized by the Council as **essential to the financial sustainability** of the community. It is our prime means to diversify our tax base and expand our revenue streams.
- B. City of Bloomington economic development is undertaken in parallel with **regional collaboration** and economic development initiatives of the EDC, B/N Advantage and others.
- C. The time is right to review our **economic development strategic plan and incentive policy**. Tools such as TIF are invaluable for the redevelopment of areas such as Colonial Plaza, and will be key to our success.
- D. Economic development cannot stand alone and depends on sound infrastructure and quality of life to successfully ensure a financially-sound future for our community.

2. Infrastructure

- A. The City is decades behind in funding much-needed **infrastructure maintenance**, estimated to total \$400M or more. Reliable infrastructure with the capacity to handle growth is essential to economic development, quality of life and the City's financial long-term stability.
- B. Our City's recently completed **infrastructure Master Plans**, encompassing streets, sanitary sewers, storm water, facilities, sidewalks and more provide detailed inventory, condition rating and make it possible for us to assess and prioritize critical needs.
- C. The next essential step is to develop a **five year Capital Improvement Plan** to address the most urgent/timely needs, AND a funding strategy.
- D. Some projects included in the City's Master Plans are prime candidates for borrowing. Financing options are many, and Council will determine a preferred strategy, ranging from conservative to aggressive.

3. Financial Planning

- A. Since the Great Recession, we are all adapting to a new economy that requires us to have a **long-term, continuously evolving plan for financial sustainability**, including a plan for appropriate reserves. We must have a balanced budget to avoid the pitfalls and reputational damage that many other governments continue to experience.
- B. A deficit in the City's General Fund was averted in the near term through Budget Task Force recommendations and the Council's recent adoption of a 1% sales tax increase. However, the City's expenses, especially those tied to Police and Fire pensions and labor costs, will continue to increase over the years. The **potential for a General Fund structural deficit** will continue to threaten future budgets.
- C. It will take all of us, including our citizens, to develop solutions for achievement of financial sustainability. We must focus on refining our financial projections, re-forecasting when appropriate, identifying programs and services, establishing appropriate levels of service performance measures, and prioritization.
- D. A **Capital Improvement Plan and funding** is critical to the City's financial strategy now and going forward.

4. Reduced Emergency Response Times

- A. Despite the excellent efforts of our first responders, the Fire Master Plan identified that **service to the City's northeast portion is inadequate and response times are below our standards**. Long-term, the Master Plan recommends a new Fire Station facility to serve the northeast area of the City. In the short-term, we must identify creative and innovative methods to reduce EMS and fire suppression response times.
- B. Quality public safety services are essential to a community's Economic Development and, with so many financial resources devoted to public safety, **finding efficient solutions to public safety issues** contributes to the long-term financial health of the community.

5. Downtown Implementation Plan

- A. The Downtown Master Plan was adopted by the City Council in 2013 without an Implementation Plan. Increased interest in Downtown economic development, notably in the proposed addition of hotel and/or convention center space, indicates this is the time to **design the City's role** in success of the Downtown.
 - a. It will take inside and outside **resources to vet potential Downtown projects**.
 - b. We must determine the amount and type of **public engagement** that is appropriate for Downtown development proposals.
 - c. Traditionally, municipalities play a role in Downtown **streetscape improvements** and meeting its **parking needs**.
- B. We can **build upon the qualities that make our Downtown special**, such as our ties to President Lincoln and Route 66, both expertly displayed in the new Visitors Center at the McLean County Museum of History. Smart economic development in Downtown will expand on existing assets and attractions like the Museum, the BCPA and the Coliseum.



RESOLUTION NO. 2016 -29

A RESOLUTION ADOPTING A MISSION, VISION AND VALUES STATEMENT FOR THE CITY OF BLOOMINGTON

WHEREAS, the City of Bloomington ("City") is an Illinois home-rule municipality; and

WHEREAS, the City is known as the "Jewel of the Midwest;" and

WHEREAS, the City is a great place to live, work and play; and

WHEREAS, the City Council desires to adopt a statement expressing the Organizational Mission, Vision and Values of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Bloomington, McLean County, Illinois, as follows:

Section 1. The above stated recitals are incorporated herein by reference.

Section 2. The City Council of the City of Bloomington hereby formally adopt the following as the City's Organizational Mission, Vision and Values:

Mission: To lead, serve and uplift the City of Bloomington

Vision: A Jewel of Midwest Cities

Values: Service-centered, results-driven, inclusive.

Section 3. All resolutions in conflict with this Resolution, as well as any previous statements adopted on the mission, vision and values of the City are hereby repealed.

Section 4. This Resolution shall be in full force and effect immediately after its passage and approval.

APPROVED by the City Council of the City of Bloomington, McLean County, Bloomington, Illinois, July 25, 2016, by a vote of 7 to 1. (Nay: Alderman Kevin Lower) (Absent: Alderman David Sage)

CITY OF BLOOMINGTON

Tari Renner, Mayor

ATTEST

Cherry L. Lawson, City Clerk

AGENDA



**CITY COUNCIL MEETING AGENDA
CITY HALL COUNCIL CHAMBERS
109 EAST OLIVE STREET, BLOOMINGTON, IL 61701
MONDAY, SEPTEMBER 24, 2018; 6:00 P.M.**

- 1. Call to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call**
- 5. Recognition/Appointments**
 - A. Proclamation declaring October 2018 “Community Planning Month”.
 - B. Proclamation declaring October 1, 2018 “Illinois Wesleyan Day”.
 - C. Proclamation declaring October 7 – 13, 2018 “Fire Prevention Week”.
 - D. Recognition of the Parks, Recreation, and Cultural Arts Departments 50th Anniversary.

6. Public Comment

7. “Consent Agenda”

(All items under the Consent Agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, City Manager or Corporation Counsel so requests, in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda, which is Item #8.

The City’s Boards and Commissions hold Public Hearings prior to some Council items appearing on the Council’s Meeting Agenda. Persons who wish to address the Council should provide new information, which is pertinent to the issue before them.)

NOTE: Action may be taken by the City Council on the agenda’s action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

- A. Consideration of approving the Minutes of the September 10, 2018 Regular City Council Meeting. *(Recommend the reading of minutes be dispensed and approved as printed.)*
- B. Consideration of approving Bills, Payroll, Electronic Transfers, and Procurement Card Purchases in the amount of \$8,225,687.45. *(Recommend the Bills, Payroll, Electronic Transfers, and Procurement Card Purchases be allowed in the amount of \$8,225,687.45, and orders drawn on the Treasurer for the various amounts as funds are available.)*
- C. Ratification of the Collective Bargaining Agreement with AFSCME Local 699, who represent workers at the Bloomington Public Library, as requested by the Bloomington Public Library. *(Recommend the Ratification of the Collective Bargaining Agreement with AFSCME Local 699, who represent workers at the Bloomington Public Library, be approved.)*
- D. Consideration of a Professional Services Contract with Clark Dietz, Inc. for Professional Engineering Services related to Locust Colton CSO Elimination and Water Main Replacement Phase 2, not to exceed the amount of \$136,700, as requested by the Public Works Department and Water Department. *(Recommend the Professional Services Contract with Clark Dietz, Inc. for Professional Engineering Services related to Locust Colton CSO Elimination and Water Main Replacement Phase 2, not to exceed the amount of \$136,700, be approved, and the City Manager and City Clerk be authorized to execute the necessary documents.)*
- E. Consideration of a Temporary Easement Agreement with Local 197, IBEW Building Corporation, in conjunction with the Fox Creek Road Improvement Project, in the amount of \$4,424, as requested by the Public Works Department. *(Recommend the Temporary Easement Agreement with Local 197, IBEW Building Corporation, in conjunction with the Fox Creek Road Improvement Project in the amount of \$4,424 be approved, and the City Manager and City Clerk be authorized to execute the necessary documents.)*
- F. Consideration of a Temporary Easement Agreement with Connect Transit, so the company can install bus shelters and benches to temporarily relocate the Downtown Transfer Center during construction on Front Street, as requested by the Public Works Department. *(Recommend the Temporary Easement Agreement with Connect Transit so the company can install bus shelters and benches to temporarily relocate the Downtown Transfer Center during construction on Front Street be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*
- G. Consideration of a Roadway Dedication Agreement with American Legion, Louis E Davis Post #56, in conjunction with the Fox Creek Road Improvement Project, in the amount of \$379, as requested by the Public Works Department. *(Recommend the Road Dedication Agreement with American Legion, Louis E Davis Post #56, in conjunction with the Fox Creek*

NOTE: Action may be taken by the City Council on the agenda's action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

Road Improvement Project, in the amount of \$379, be approved, and the City Manager and City Clerk be authorized to execute the necessary documents.)

- H. Consideration of a Roadway Dedication Agreement with Mervin and Wilma Borkholder, in conjunction with the Fox Creek Road Improvement Project, in the amount of \$23,000, as requested by the Public Works Department. *(Recommend the Road Dedication Agreement with Mervin and Wilma Borkholder, in conjunction with the Fox Creek Road Improvement project, in the amount of \$23,000, be approved, and the City Manager and City Clerk be authorized to execute the necessary documents.)*
- I. Consideration of an MFT Resolution Appropriating FY 2019 Motor Fuel Tax (MFT) Funds to be used for the purchase of Right-Of-Way and Easements for the Fox Creek Road Project, in the amount of \$80,000, as requested by the Public Works Department. *(Recommend the MFT Resolution Appropriating FY 2019 Motor Fuel Tax (MFT) Funds to be used for the purchase of Right-Of-Way and Easements for the Fox Creek Road Project, in the amount of \$80,000, be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*
- J. Consideration of an Ordinance approving a Dedication of a Utility Easement located at Lot 19 of Medical Hills Subdivision, so the developer can install public fire hydrants, as requested by the Public Works and Water Departments. *(Recommend the Ordinance approving the Dedication of a Utility Easement located at Lot 19 of Medical Hills Subdivision be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*
- K. Consideration of an Ordinance amending the Fiscal Year 2019 Budget in the amount of \$25,548.42 to adjust the Illinois Housing Development Authority Single Family Rehabilitation (SFOOR) Fund, as requested by the Community Development Department – Office of Grants Administration. *(Recommend the Ordinance amending the Fiscal Year 2019 Budget in the amount of \$25,548.42 to adjust the Illinois Housing Development Single Family Rehabilitation (SFOOR) Fund be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*
- L. Consideration of an Ordinance approving an Economic Incentive Agreement to support the retention and expansion of Commercial Packaging in the City of Bloomington, as requested by the Community Development Department – Office of Economic Development. *(Recommend the Ordinance approving the Economic Incentive Agreement by and between the City of Bloomington and Commercial Bag Company, Inc. be approved, and authorize the Mayor and City Clerk to execute the necessary documents.)*
- M. 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 October 6, 2018, the request from Don Badgerow and Kelsie Howerton to allow moderate consumption of beer and wine, as requested by the City Clerk’s Office.

NOTE: Action may be taken by the City Council on the agenda’s action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

(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 October 6, 2018 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)

- N. Consideration of an Ordinance Suspending Portions of Chapter 6 of the Bloomington City Code prohibiting possession of open alcohol in public for Fat Jacks, Inc. d/b/a Fat Jacks Oktoberfest event on Saturday, September 29, 2018 from 12:00 p.m. to 8:00 p.m. in the 500-600 block of North Main Street in downtown Bloomington and portions contiguous with Main Street associated with the event, as requested by the City Clerk's Office *(Recommend the Ordinance Suspending Portions of Chapter 6 of the Bloomington City Code prohibiting possession of open alcohol in public for Fat Jacks, Inc. d/b/a Fat Jacks Oktoberfest event on Saturday, September 29, 2018 from 12:00 p.m. to 8:00 p.m. in the 500-600 block of North Main Street in downtown Bloomington and portions contiguous with Main Street associated with the event be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

8. "Regular Agenda"

- A. Consideration and action on an Ordinance amending the City Code provisions on Administrative Adjudication, including clarification of the requirement for payment of Court Costs and Minimum Fines, as requested by the Legal and Community Development Departments. *(Recommend the Ordinance amending the City Code Provisions on Administrative Adjudication, including clarification of the requirement for payment of Court Costs and Minimum Fines, be approved and the Mayor and City Clerk authorized to execute the Ordinance.) (Brief Overview by Tim Gleason, City Manager. Presentation by Angela Fyans Jimenez, Deputy Corporation Counsel, and Bob Mahrt, Community Development Director, 5 minutes, City Council discussion, 10 minutes.)*

9. City Manager's Discussion

- A. Finance Director's Report

10. Mayor's Discussion

11. City Aldermen's Discussion

12. Executive Session – Cite Section

13. Adjournment

14. Notes

NOTE: Action may be taken by the City Council on the agenda's action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

RECOGNITIONS

CONSENT AGENDA



CONSENT AGENDA ITEM NO: 7A

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: City Clerk's Office

SUBJECT: Consideration of approving the Minutes of the September 10, 2018 Regular City Council Meeting.

RECOMMENDATION/MOTION: The reading of minutes be dispensed and approved as printed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The minutes of the meetings provided have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Cherry L. Lawson, C.M.C., City Clerk

Recommended by:

A handwritten signature in black ink, appearing to read "Tim Gleason".

Tim Gleason
City Manager

Attachments:

- September 10, 2018 Regular City Council Meeting Minutes



CONSENT AGENDA ITEM: 7B

FOR COUNCIL: September 24, 2018

SUBJECT: Consideration of approving Bills, Payroll, Electronic Transfers, and Procurement Card Purchases in the amount of \$8,225,687.45.

RECOMMENDATION/MOTION: The Bills, Payroll, Electronic Transfers, and Procurement Card Purchases be allowed in the amount of \$8,225,687.45, and orders drawn on the Treasurer for the various amounts as funds are available.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

FINANCIAL IMPACT: Total disbursements to be approved \$8,225,687.45 (Payroll total \$2,471,712.89, Accounts Payable total \$4,480,998.75, Electronic Transfers total \$1,155,202.23, and Procurement Card Purchases total \$117,773.58).

Respectfully submitted for Council consideration.

Prepared By: Frances Watts, Accounts Payable

Reviewed By: Scott Rathbun, Finance Director

Recommended By:

A handwritten signature in black ink, appearing to read "Tim Gleason", written over a horizontal line.

Tim Gleason
City Manager

Attachment:

- Bills, Payroll, Electronic Transfers, and Procurement Card Purchases on file in the Clerk's office. Also available at www.cityblm.org.
- Summary Sheet Bills, Payroll, Electronic Transfers, and Procurement Card Purchases

CITY OF BLOOMINGTON FINANCE REPORT

Council of September 24, 2018

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
9/7/2018	\$ 227,070.85	\$ 78,461.28	\$ 305,532.13
9/13/2018	\$ 1,464,865.92	\$ 38,150.47	\$ 1,846,396.39
9/14/2018	\$ 228,581.05	\$ 79,240.95	\$ 307,822.00
9/10/2018-9/11/2018	\$ 10,042.47	\$ 1,919.90	\$ 11,962.37
Off Cycle Adjustments			
		PAYROLL GRAND TOTAL	\$ 2,471,712.89

ACCOUNTS PAYABLE (WIRES)

Date	Bank	Total
9/24/2018	AP General	\$ 4,263,753.03
	AP JM Scott	
9/24/2018	AP Comm Devel	\$ 35,794.28
9/24/2018	AP IHDA	\$ 1,700.00
9/24/2018	AP Library	\$ 73,727.82
9/24/2018	AP MFT	\$ 26,026.11
9/12/2018-9/13/2018	Out of Cycle	\$ 79,997.51
7/30/2018-8/31/2018	AP Bank Transfers	\$ 1,155,202.23
	AP GRAND TOTAL	\$ 5,636,200.98

PCARDS

Date Range	Total
8/1/2018-8/31/2018	\$ 117,773.58
PCARD GRAND TOTAL	\$ 117,773.58

TOTAL	\$ 8,225,687.45
--------------	------------------------

Respectfully,

F. Scott Rathbun
Finance Director



CONSENT AGENDA ITEM NO. 7C

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Bloomington Public Library

SUBJECT: Ratification of the Collective Bargaining Agreement with AFSCME Local 699, who represent workers at the Bloomington Public Library, as requested by the Bloomington Public Library.

RECOMMENDATION/MOTION: The Ratification of the Collective Bargaining Agreement with AFSCME Local 699, who represent workers at the Bloomington Public Library, be approved.

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

STRATEGIC PLAN SIGNIFICANCE:

Objective: d. City services delivery in the most cost-effective, efficient manner.
 e. Partnering with others for the most cost-effective service delivery.

BACKGROUND: On February 12, 2018, AFSCME Local 699, the Bloomington Public Library Board, and City of Bloomington Council ratified a collective bargaining agreement (located at www.cityblm.org under Human Resources in a folder titled Labor Contracts) to cover the period of May 1, 2017 – April 30, 2019. This collective bargaining agreement included the agreement to re-open the contract to discuss wages, effective May 1, 2018 and Article 14, Group Insurance.

On July 19, 2018, Local 699 and Library staff began negotiating the terms of the re-opener. The parties were able to reach Tentative Agreements on the issues detailed below. The Union ratified the Tentative Agreements on September 6th and the Library Board approved the Tentative Agreements on September 18th:

Wages

General wage increases with retroactive pay as follows:

5/1/18 2%

New starting base wages with retroactive pay as follows:

Custodian - \$15.50 for full-time employees, part-time employees at 85% of full-time rate

Librarian - \$25.28 for full-time employees, part-time employees at 85% of full-time rate

\$200 signing bonus

Group Insurance

The following changes were made to insurance, effective 1/1/19:

- The PPO Benefit Plan deductible will be \$600 individual/\$1200 family.
- The PPO Benefit Plan Hospital Emergency Care will be 80% after current copay (\$250), waived if admitted.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Library Board, City Council and Local 699 union and employees.

FINANCIAL IMPACT:

The financial impact of the tentative agreements includes:

- Estimated additional labor cost of the wage increase of 2% for FY19 (excluding the Custodian and Librarian classifications) is approximately \$14,905 excluding roll-up costs.
- Estimated additional labor cost of the base wage increases for the Custodian positions for FY19 is approximately \$4,004 excluding roll-up costs.
- Estimated additional labor cost of the base wage increases for the Librarian positions for FY19 is approximately \$16,085 excluding roll-up costs.
- Total cost for a one-time signing bonus is \$12,600.
- Group Health Insurance potential savings of approximately \$7,496 for FY19 premium decreases due to health insurance plan changes.

The wage increase was included in the FY2019 Budget. It is anticipated that vacancies, hiring new employees at lower wage rates, and reductions/savings in other categories will cover the other unbudgeted increases. Stakeholders can locate information on the Library in the FY2019 Adopted Budget Book titled “Other Funds & Capital Improvement”, starting on page 30.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Jeanne Hamilton, Library Director

Finance & Budgetary Review By: Scott Rathbun, Finance Director

Water/Community Dev. Review By: Bob Mahrt, Community Development Director

Legal Review By: Lisa Callaway, Engler Callaway Baasten and Sraga, LLC

Recommended by:



Tim Gleason
City Manager

Attachments:

- Appendix E to the Local 699 Library Contract, May 1, 2017 – April 30, 2019 – Reopener Negotiations
- Appendix F - Wage Table May 1, 2018 – April 30, 2019



CONSENT AGENDA ITEM NO. 7D

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Public Works, Water

SUBJECT: Consideration of a Professional Services Contract with Clark Dietz, Inc. for Professional Engineering Services related to Locust Colton CSO Elimination and Water Main Replacement Phase 2, not to exceed the amount of \$136,700, as requested by the Public Works Department and Water Department.

RECOMMENDATION/MOTION: The Professional Services Contract with Clark Dietz, Inc. for Professional Engineering Services related to Locust Colton CSO Elimination and Water Main Replacement Phase 2, not to exceed the amount of \$136,700, be approved, and the City Manager and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City Infrastructure & Facilities; Goal 4. Strong Neighborhoods; Goal 5. Great Place – Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2c. Functional, well maintained sewer collection system; Objective 4d. Improved neighborhood infrastructure; Objective 5a. Well-planned City with necessary services and infrastructure; Objective 5b. City decisions consistent with plans and policies.

BACKGROUND: The Public Works and Water Departments are recommending the approval of a Professional Services Contract with Clark Dietz, Inc. for Professional Engineering Services related to Locust Colton CSO Elimination and Water Main Replacement Phase 2, in an amount not to exceed \$136,700. This contract will allow the City to continue the project to eliminate Combined Sewer Overflow (CSO) at Locust Street and Colton Avenue by separating sanitary sewer flow from storm water flow, as required by the Illinois Environmental Protection Agency (IEPA). The City's IEPA CSO Permit requires the City to continue to make progress toward elimination of CSO.

At the City of Bloomington Council Meeting on June 10, 2013, Council approved a Professional Services Contract with Clark Dietz in the amount of \$285,355 for the Engineering Design of Phase 2 Locust Colton CSO Elimination and Water Main Replacement. Council approved an additional \$13,188.50 on October 27, 2014 to allow Clark Dietz, Inc. to expand the design work to include additional sewer and alley drainage improvements. The contractor completed the plans to ninety percent; however, the City suspended the project in late 2014 due to lack of Storm Water Construction Funds to repay proposed IEPA Construction Loan Funding.

With the recent sewer and storm water rate increases, revenues have improved, and the City is now able to continue the project to construction. Clark Dietz, Inc. will update and complete

design plans and provide assistance through the bidding process and also navigate the IEPA application process to become loan fund eligible. The payments are proposed from the following departments:

Department	Account	Phase 2 Plan IEPA Loan		Total
		Design	Application	
Water Trans & Dist - Arch & Eng. Services	50100120-70051	\$45,400	\$19,430	\$64,830
Sewer Operations - Arch & Eng. Services	51101100-70051	\$25,400	\$10,535	\$35,935
Storm Water - Arch & Eng. Services	53103100-70051	\$25,400	\$10,535	\$35,935
		\$96,200	\$40,500	\$136,700

In October of 2005, utilizing the Quality Based Selection (QBS) process, the City selected Clark Dietz, Inc. (CDI) to perform a design study evaluation to determine the most effective method for eliminating combined sewer overflows (CSO) near the intersection of Locust Street and Colton Avenue. Council approved that design study contract with CDI on December 12, 2005 and the study was completed in October of 2007. The study identified a multi-phased construction plan to work toward CSO elimination. At the Council meeting of October 22, 2007 Council approved a contract with CDI to provide professional engineering services to develop plans to bid work for Phase 1 construction of that CSO elimination project. It is now requested to continue to utilize CDI for the completion of Phase 2 construction plan engineering based on the previous QBS process, their experience with previous study, their experience with Phase 1 design and construction work, their initial work on these Phase 2 plans, and also their selection under RFQ 2016-04 as a pre-qualified Engineering firm.

After completion of Phase 2 design and then construction in 2019-2020, there will be an additional 5 phases to complete the Locust Colton CSO elimination work. The IEPA CSO Permit requires the City to complete an additional phase every two years.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A public meeting will be held as part of the IEPA loan application process.

FINANCIAL IMPACT: If approved, a budget transfer will be processed to move funds for the Sewer and Storm Water portions of the funding requested. A budget transfer from the Sanitary Sewer-Engineering Services (51101100-70050) in the amount of \$5,935 and a transfer from the Sanitary Sewer-Land account (51101100-72510) in the amount of \$10,000 will be transferred into the Sanitary Sewer-Architectural & Engineering Services for Capital account (51101100-70051). A budget transfer from the Storm Water-Engineering Services (53101100-70050) in the amount of \$5,935 and a transfer from the Storm Water-Land account (53101100-72510) in the amount of \$10,000 will be transferred into the Storm Water -Architectural & Engineering Services for Capital account (51101100-70051). For Water, \$20,000 is budgeted under Water Transmission & Distribution-Architectural & Engineering Services for Capital account (50100120-70051). The remaining portion will come from the following budgeted items: \$29,000 from 50100120-70051 that was designated for the Multi-Year Leak Detection Water Loss Prevention project. The Leak Detection project has been completed for a contract price of \$21,000. The budgeted amount for this project was \$50,000. Savings were realized due to a competitive RFP environment. In addition, \$15,830 from 50100110-70051 that is designated for the Multi-Year Outside Consultant Civil Engineering Services project will be transferred to

move this amount to the 50100120-70051 account. To date, \$332,000 of this project has been encumbered. It is not anticipated that the entire balance of the budget amount (\$594,400) for the project will be encumbered yet this fiscal year. Stakeholders can locate this project in the FY 2019 Budget Book titled "Other Funds and Capital Improvement." The page numbers follow the specific accounts listed below:

Water Transmission & Dist.- Arch & Eng. Services (50100120-70051)	pages 122, 244, 280, 291
Sewer Operations- Arch & Eng. Services (51101100-70051)	pages 141, 244, 314, 319
Storm Water Operations- Arch & Eng. Services (53103100-70051)	pages 149, 244, 324, 325

COMMUNITY DEVELOPMENT IMPACT: The Utilities chapter of the City's Comprehensive Plan 2035 (Adopted August 24, 2015) addresses Locust Colton CSO Elimination and Water Main Replacement Phase 2:

UEW-1. Provide quality public infrastructure within the City to protect public health, safety and the environment.

UEW-1.7 Reliable and efficient collections systems (sanitary sewer, combined sewer, and storm sewer systems) to protect public health, safety and the environment.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Greg Kallevig, PE, CFM, Civil Engineer II
Michael Hill, Miscellaneous Technical Assistant

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works
Bob Yehl, P.E., Director of Water

Finance & Budgetary Review By: Chris Tomerlin, Budget Analyst
Scott Rathbun, Finance Director

Water/Community Dev. Review By: Bob Mahrt, Community Development Director

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:


Tim Gleason, City Manager

Attachments:

- Contract
- Map



CONSENT AGENDA ITEM NO. 7E

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Public Works

SUBJECT: Consideration of a Temporary Easement Agreement with Local 197, IBEW Building Corporation, in conjunction with the Fox Creek Road Improvement Project, in the amount of \$4,424, as requested by the Public Works Department.

RECOMMENDATION/MOTION: The Temporary Easement Agreement with Local 197, IBEW Building Corporation, in conjunction with the Fox Creed Road Improvement Project in the amount of \$4,424 be approved, and the City Manager and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks

BACKGROUND: Public Works is recommending the approval of a Temporary Easement Agreement with Local 197, IBEW Building Corporation, in the amount of \$4,424. The agreement is needed for the construction of the Fox Creek Road Improvement project from Danbury Drive to Beich Road. The construction is scheduled for groundbreaking in 2019. In addition to the area needed for the construction of the project, additional area is included, so that the contractor will have a laydown yard for the project. This location is especially convenient, since it is vacant and near the bridge. The details of the agreement and location of the parcel in question can be found in the attached agreement and location map. Once these documents are approved, the City Clerk will record them with the McLean County Recorder's Office. In order to complete this project, staff is working on acquiring easements and/or rights-of-way for approximately 15 other parcels.

Project Need

The existing bridge at Fox Creek Road, built in 1981, is too narrow to accommodate the projected volume of vehicle traffic, and it does not safely accommodate pedestrians or bicyclists. Fox Creek Road is an important east-west collector roadway linking existing and emerging residential areas in the south and western areas of the City with the central section. It is one of only three routes that cross US-51/I-55/I-74. The Union Pacific Railroad that services both Amtrak passenger and freight cars is located underneath the bridge.

Temporary Easement Location



Project Design Schedule

The City of Bloomington began planning the reconstruction of the Fox Creek Bridge and the adjacent roads in 2014. In April 2017, the City filed a petition with the Illinois Commerce Commission (ICC), because, as of May 2016, Union Pacific (UP) has changed its design standards. The proposed 1 span bridge no longer conforms to UP standards. UP expected the City to build to their new standards, which would require the bridge to span 3 tracks and 2 access roads for their service vehicles. This petition is still outstanding, and has delayed the project. The judge has verbally ruled in the City's favor, but has yet to write the ruling. Staff expects that to be completed within a month. Construction is scheduled to begin in 2019, and is expected to be completed in 2020. The ICC ruling will require completion by December 31, 2021.

Project Cost

The total projected cost of the project is about \$6.2 million, and 60 percent of qualified bridge replacement costs are eligible for reimbursement from the ICC's Grade Crossing Protection Funds (GCPF). The City will use Motor Fuel Tax to pay for the remaining 40 percent of the cost of the bridge and for the cost of the roadway leading to the bridge. The bridge that would comply with the 2016 Union Pacific design standards is estimated to cost an additional \$800,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Local 197, IBEW Building Corporation.

FINANCIAL IMPACT: Funds will be allocated from the Motor Fuel Tax-Land account (20300300-72510) in the amount of \$4,424.00 as consideration for this agreement. Stakeholders can locate this in the FY 2019 Budget Book titled "Other Funds & Capital Improvement" on pages 8, 243, 248, 253 & 254.

COMMUNITY DEVELOPMENT IMPACT: N/A

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY
CONSTRUCTION: N/A**

Respectfully submitted for Council consideration.

Prepared By: Luke Thoele, P.E., Civil Engineer II
Michael Hill, Miscellaneous Technical Assistant

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works

Finance & Budgetary Review By: Chris Tomerlin, Budget Analyst
Scott Rathbun, Finance Director

Water/Community Dev. Review By: Bob Mahrt, Community Development Director

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Agreement
- Map



CONSENT AGENDA ITEM NO. 7F

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Public Works

SUBJECT: Consideration of a Temporary Easement Agreement with Connect Transit, so the company can install bus shelters and benches to temporarily relocate the Downtown Transfer Center during construction on Front Street, as requested by the Public Works Department.

RECOMMENDATION/MOTION: That the Temporary Easement Agreement with Connect Transit so the company can install bus shelters and benches to temporarily relocate the Downtown Transfer Center during construction on Front Street be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong working relationship among the City, businesses, economic development organizations

BACKGROUND: Public Works recommends the approval of a Temporary Easement Agreement with Connect Transit. The agreement will allow the company to utilize the Butler Lot, located at the intersection of Roosevelt Ave and Front Street, to install bus shelters and benches to relocate the Downtown Transfer Center during sidewalk, median, and road construction on Front Street, from Madison Street to East Street.

This temporary relocation will benefit both parties, because it will increase passenger safety by providing a safer waiting area, and increase construction crew safety by eliminating bus traffic during construction. In addition, the temporary relocation makes it easier for bus drivers to pick up and drop off passengers, because they won't have to navigate through a construction zone.



The details of the agreement and location of the parcel in question can be found in the attached agreement and location map. Once these documents are approved, the City Clerk will record them with the McLean County Recorder's Office.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Connect Transit

FINANCIAL IMPACT: There will be no financial impact to the City to approve this Temporary Easement Agreement. Connect Transit paid all survey and plat costs.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Michael Hill, Miscellaneous Technical Assistant

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works

Finance & Budgetary Review By: Chris Tomerlin, Budget Analyst
Scott Rathbun, Finance Director

Legal Review By: George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Agreement
- Exhibit



CONSENT AGENDA ITEM NO. 7G

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Public Works

SUBJECT: Consideration of a Roadway Dedication Agreement with American Legion, Louis E Davis Post #56, in conjunction with the Fox Creek Road Improvement Project, in the amount of \$379, as requested by the Public Works Department.

RECOMMENDATION/MOTION: The Road Dedication Agreement with American Legion, Louis E Davis Post #56, in conjunction with the Fox Creek Road Improvement Project, in the amount of \$379, be approved, and the City Manager and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City Infrastructure and Facilities

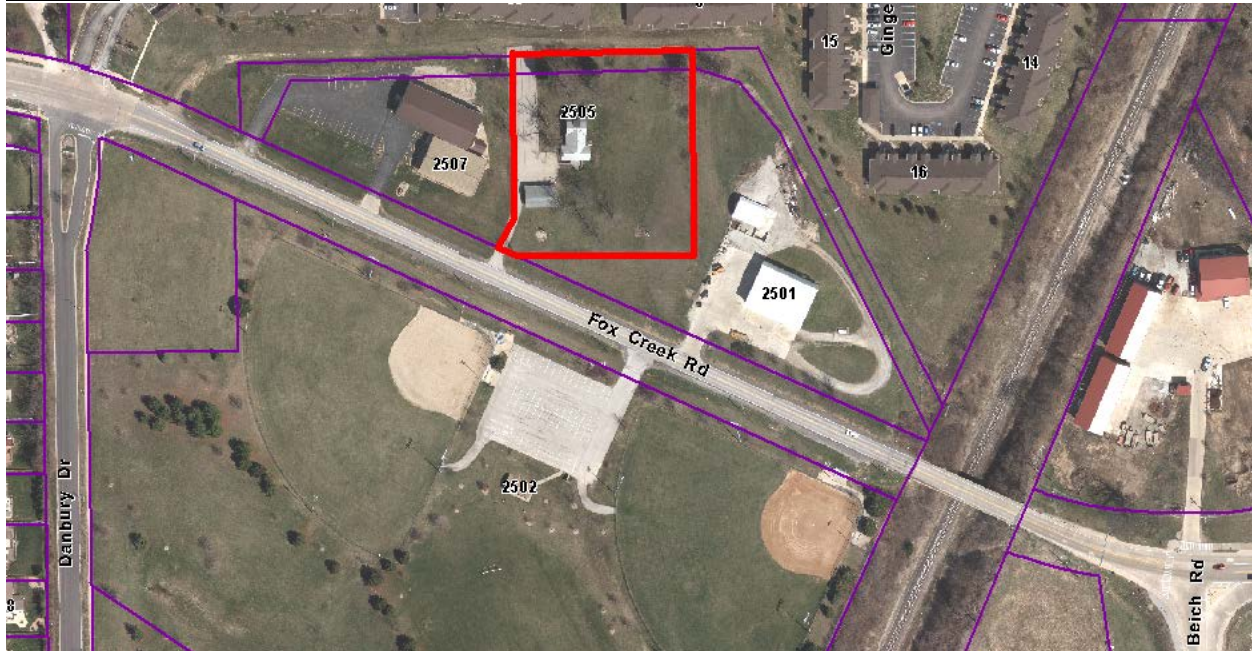
STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks

BACKGROUND: The Public Works Department is recommending the approval of a Roadway Dedication Agreement with American Legion, Louis E Davis Post #56, in the amount of \$379. The agreement includes the purchase of a small amount of Right-Of-Way and Temporary Easement which is needed for the construction of the Fox Creek Road Improvement Project from Danbury Drive to Beich Road. The construction is scheduled for groundbreaking in 2019. The details of the agreement and location of the parcel in question can be found in the attached agreement and location map. Once these documents are approved, the City Clerk will record them with the McLean County Recorder's Office. In order to complete this project, staff is working on acquiring easements and/or rights-of-way for approximately 15 other parcels.

Project Need

The existing bridge at Fox Creek Road, built in 1981, is too narrow to accommodate the projected volume of vehicle traffic, and it does not safely accommodate pedestrians or bicyclists. Fox Creek Road is an important east-west collector roadway linking existing and emerging residential areas in the south and western areas of the City with the central section. It is one of only three routes that cross US-51/I-55/I-74. The Union Pacific Railroad that services both Amtrak passenger and freight cars is located underneath the bridge.

Location



Project Design Schedule

The City of Bloomington began planning the reconstruction of the Fox Creek Bridge and the adjacent roads in 2014. In April 2017, the City filed a petition with the Illinois Commerce Commission (ICC), because, as of May 2016, Union Pacific (UP) has changed its design standards. The proposed 1 span bridge no longer conforms to UP standards. UP expected the City to build to their new standards, which would require the bridge to span 3 tracks and 2 access roads for their service vehicles. This petition is still outstanding, and has delayed the project. The judge has verbally ruled in the City's favor, but has yet to write the ruling. Staff expects that to be completed within a month. Construction is scheduled to begin in 2019, and is expected to be completed in 2020. The ICC ruling will require completion by December 31, 2021.

Project Cost

The total projected cost of the project is about \$6.2 million, and 60 percent of qualified bridge replacement costs are eligible for reimbursement from the ICC's Grade Crossing Protection Funds (GCPF). The City will use Motor Fuel Tax to pay for the remaining 40 percent of the cost of the bridge and for the cost of the roadway leading to the bridge. The bridge that would comply with the 2016 Union Pacific design standards is estimated to cost an additional \$800,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: American Legion, Louis E Davis Post #56.

FINANCIAL IMPACT: Funds will be allocated from the Motor Fuel Tax-Land account (20300300-72510) in the amount of \$379 as consideration for this agreement. Stakeholders can locate this in the FY 2019 Budget Book titled "Other Funds & Capital Improvement" on pages 8, 243, 248, 253 & 254.

COMMUNITY DEVELOPMENT IMPACT: N/A

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY
CONSTRUCTION: N/A**

Respectfully submitted for Council consideration.

Prepared By: Luke Thoele, P.E., Civil Engineer II
Michael Hill, Miscellaneous Technical Assistant

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works

Finance & Budgetary Review By: Chris Tomerlin, Budget Analyst
Scott Rathbun, Finance Director

Water/Community Dev. Review By: Bob Mahrt, Community Development Director

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Agreement
- Map



CONSENT AGENDA ITEM NO. 7H

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Public Works

SUBJECT: Consideration of a Roadway Dedication Agreement with Mervin and Wilma Borkholder, in conjunction with the Fox Creek Road Improvement Project, in the amount of \$23,000, as requested by the Public Works Department.

RECOMMENDATION/MOTION: The Road Dedication Agreement with Mervin and Wilma Borkholder, in conjunction with the Fox Creek Road Improvement project, in the amount of \$23,000, be approved, and the City Manager and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City Infrastructure and Facilities

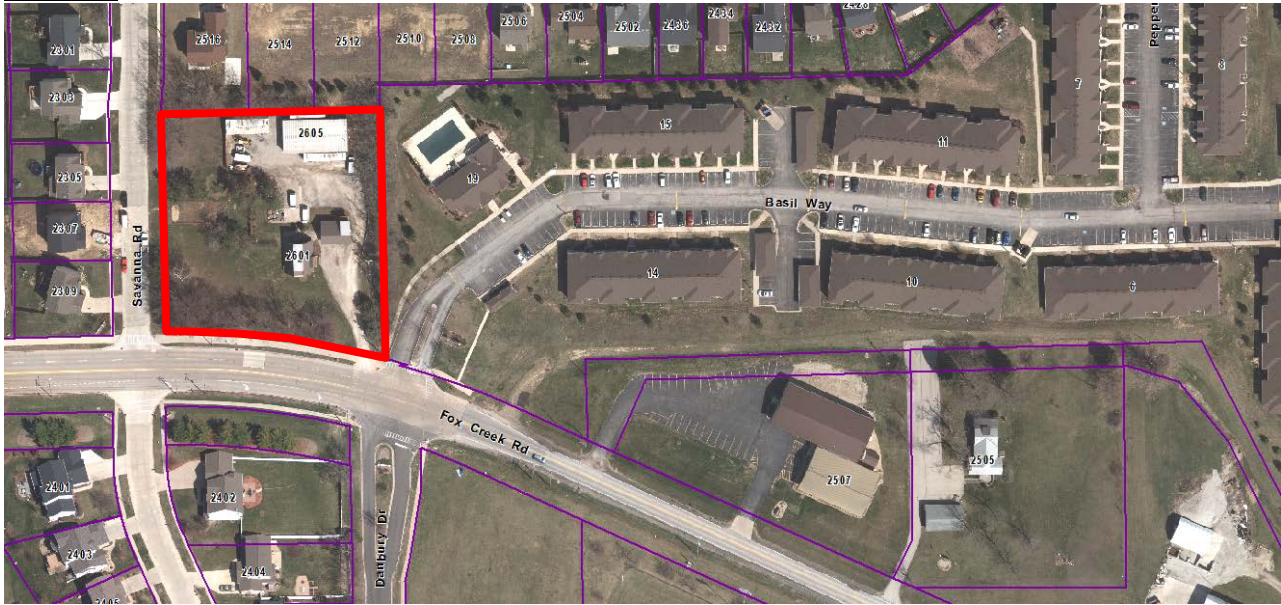
STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks

BACKGROUND: The Public Works Department is recommending the approval of a Roadway Dedication Agreement with Mervin and Wilma Borkholder, in the amount of \$23,000. The Agreement includes the purchase of Right-Of-Way and Temporary Easement as well as compensation to replace landscaping and move a driveway to Savannah Drive. These things are needed for the construction of the Fox Creek Road Improvement Project from Danbury Drive to Beich Road. The construction is scheduled for groundbreaking in 2019. The details of the agreement and location of the parcel in question can be found in the attached agreement and location map. Once these documents are approved, the City Clerk will record them with the McLean County Recorder's Office. In order to complete this project, staff is working on acquiring easements and/or rights-of-way for approximately 15 other parcels.

Project Need

The existing bridge at Fox Creek Road, built in 1981, is too narrow to accommodate the projected volume of vehicle traffic, and it does not safely accommodate pedestrians or bicyclists. Fox Creek Road is an important east-west collector roadway linking existing and emerging residential areas in the south and western areas of the City with the central section. It is one of only three routes that cross US-51/I-55/I-74. The Union Pacific Railroad that services both Amtrak passenger and freight cars is located underneath the bridge.

Location



Project Design Schedule

The City of Bloomington began planning the reconstruction of the Fox Creek Bridge and the adjacent roads in 2014. In April 2017, the City filed a petition with the Illinois Commerce Commission (ICC), because, as of May 2016, Union Pacific (UP) has changed its design standards. The proposed 1 span bridge no longer conforms to UP standards. UP expected the City to build to their new standards, which would require the bridge to span 3 tracks and 2 access roads for their service vehicles. This petition is still outstanding, and has delayed the project. The judge has verbally ruled in the City's favor, but has yet to write the ruling. Staff expects that to be completed within a month. Construction is scheduled to begin in 2019, and is expected to be completed in 2020. The ICC ruling will require completion by December 31, 2021.

Project Cost

The total projected cost of the project is about \$6.2 million, and 60 percent of qualified bridge replacement costs are eligible for reimbursement from the ICC's Grade Crossing Protection Funds (GCPF). The City will use Motor Fuel Tax to pay for the remaining 40 percent of the cost of the bridge and for the cost of the roadway leading to the bridge. The bridge that would comply with the 2016 Union Pacific design standards is estimated to cost an additional \$800,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mervin and Wilma Borkholder.

FINANCIAL IMPACT: Funds will be allocated from the Motor Fuel Tax-Land account (20300300-72510) in the amount of \$23,000.00 as consideration for this agreement. Stakeholders can locate this in the FY 2019 Budget Book titled "Other Funds & Capital Improvement" on pages 8, 243, 248, 253 & 254.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Luke Thoele, P.E., Civil Engineer II
Michael Hill, Miscellaneous Technical Assistant

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works

Finance & Budgetary Review By: Chris Tomerlin, Budget Analyst
Scott Rathbun, Finance Director

Water/Community Dev. Review By: Bob Mahrt, Community Development Director

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Agreement
- Map



CONSENT AGENDA ITEM NO. 7I

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Public Works

SUBJECT: Consideration of an MFT Resolution Appropriating FY 2019 Motor Fuel Tax (MFT) Funds to be used for the purchase of Right-Of-Way and Easements for the Fox Creek Road Project, in the amount of \$80,000, as requested by the Public Works Department.

RECOMMENDATION/MOTION: The MFT Resolution Appropriating FY 2019 Motor Fuel Tax (MFT) Funds to be used for the purchase of Right-Of-Way and Easements for the Fox Creek Road Project, in the amount of \$80,000, be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks

BACKGROUND: Public Works is recommending approval of a Resolution that appropriates \$80,000 in FY 2019 state Motor Fuel Tax (MFT) funds to purchase right-of-way and easements for the Fox Creek Road Project. Once approved by the City and the Illinois Department of Transportation, the MFT Resolution will allow the City to use the state MFT funds. In order to complete this project, staff has been working on acquiring easements and/or rights-of-way for approximately 20 properties. Four of these have already been approved by the Council, and several more are on the September 24, 2018 agenda.

Project Need

The existing bridge at Fox Creek Road, built in 1981, is too narrow to accommodate the projected volume of vehicle traffic, and it does not safely accommodate pedestrians or bicyclists. Fox Creek Road is an important east-west collector roadway linking existing and emerging residential areas in the south and western areas of the City with the central section. It is one of only three routes that cross US-51/I-55/I-74. The Union Pacific Railroad that services both Amtrak passenger and freight cars is located underneath the bridge.

Project Design Schedule

The City of Bloomington began planning the reconstruction of the Fox Creek Bridge and the adjacent roads in 2014. In April 2017, the City filed a petition with the Illinois Commerce Commission (ICC), because, as of May 2016, Union Pacific (UP) has changed its design standards. The proposed 1 span bridge no longer conforms to UP standards. UP expected the City to build to their new standards, which would require the bridge to span 3 tracks and 2 access roads for their service vehicles. This petition is still outstanding, and has delayed the project. The judge has verbally ruled in the City's favor, but has yet to write the ruling. Staff expects that to be completed

within a month. Construction is scheduled to begin in 2019, and is expected to be completed in 2020. The ICC ruling will require completion by December 31, 2021.

Project Cost

The total projected cost of the project is about \$6.2 million, and 60 percent of qualified bridge replacement costs are eligible for reimbursement from the ICC’s Grade Crossing Protection Funds (GCPF). The City will use Motor Fuel Tax to pay for the remaining 40 percent of the cost of the bridge and for the cost of the roadway leading to the bridge. The bridge that would comply with the 2016 Union Pacific design standards is estimated to cost an additional \$800,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: This Resolution appropriates \$80,000 to be spent from the City’s MFT –land account (20300300-72510) for this project. However, no funds are actually spent with this resolution. The Council will approve each easement or right-of-way expenditure separately. Stakeholders can locate this in the FY 2019 Budget Book titled “Other Funds & Capital Improvement” on pages 8, 243, 248, 253 & 254.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Luke Thoele, P.E., Civil Engineer II
Michael Hill, Miscellaneous Technical Assistant

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works

Finance & Budgetary Review By: Chris Tomerlin, Budget Analyst
Scott Rathbun, Finance Director

Water/Community Dev. Review By: Bob Mahrt, Community Development Director

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Resolution



CONSENT AGENDA ITEM NO. 7J

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Public Works and Water Department

SUBJECT: Consideration of an Ordinance approving a Dedication of a Utility Easement located at Lot 19 of Medical Hills Subdivision, so the developer can install public fire hydrants, as requested by the Public Works and Water Departments.

RECOMMENDATION/MOTION: The Ordinance approving the Dedication of a Utility Easement located at Lot 19 of Medical Hills Subdivision be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses; Objective 3e. Strong working relationship among the City, businesses, economic development organizations

BACKGROUND: The Public Works and Water Departments are recommending an ordinance that will provide for the Dedication of a Utility Easement within the Medical Hills Subdivision. The Utility Easement Dedication Plat is a result of a petition from OSF Healthcare Systems. The dedication will allow the developer to install public fire hydrants in two separate locations within the Lot 19 for a future development south of OSF St. Joseph Medical Center. These two separate Easement locations are adjacent and connect to an existing Utility Easement within Lot 19. The existing Utility Easement has been platted and previously accepted by the City. The Utility Easement Dedication complies with City Engineering Standards (Manual of Practice and Chapter 24 of City Code), and City staff has no objections to the plan.



COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: OSF Healthcare Systems

FINANCIAL IMPACT: There will be no financial impact to the City to approve this Utility Easement Agreement. OSF Healthcare Systems paid all survey and plat costs.

COMMUNITY DEVELOPMENT IMPACT:

The Economic Development, Public Safety, and Utilities chapters of the City's Comprehensive Plan 2035 (Adopted August 24, 2015) includes multiple goals and objectives related to approving this Utility Easement Dedication:

ED-1 Ensure a broad range of employment opportunities for all residents

ED-1.1 Focus on retention and expansion of existing businesses; ED-4 Enhance the image of Bloomington as a business friendly community

ED-4 Enhance the image of Bloomington as a business friendly community

ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City

PS-2 Plan and provide for fire and emergency facilities adequate to protect health, life, safety, livelihood and property for current and future citizenry and businesses in the City

UEW-1 Provide quality public infrastructure within the City to protect public health, safety and the environment

UEW-1.2 Expand City's infrastructure, as needed, while supporting the overall goal of compact growth and vibrant urban core.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Michael Hill, Miscellaneous Technical Assistant

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works
Robert Yehl, P.E., Water Director

Finance & Budgetary Review By: Chris Tomerlin, Budget Analyst
Scott Rathbun, Finance Director

Water/Community Dev. Review By: Bob Mahrt, Community Development Director

Legal Review By: George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Ordinance OSF Utility Easement
- Plat OSF Utility Easement
- Petition OSF Utility Easement
- Petition Exhibit A OSF Utility Easement
- Map OSF Utility Easement
- Supporting Document OSF Utility Easement



CONSENT AGENDA ITEM NO. 7K

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Community Development - Office of Grants Administration

SUBJECT: Consideration of an Ordinance amending the Fiscal Year 2019 Budget in the amount of \$25,548.42 to adjust the Illinois Housing Development Authority Single Family Rehabilitation (SFOOR) Fund, as requested by the Community Development Department – Office of Grants Administration.

RECOMMENDATION/MOTION: The Ordinance amending the Fiscal Year 2019 Budget in the amount of \$25,548.42 to adjust the Illinois Housing Development Single Family Rehabilitation (SFOOR) Fund be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: During Fiscal Year 2018, the City received a grant award for the Illinois Housing Development Authority's Single Family Rehabilitation (SFR) program in the amount of \$236,250. Funding through this grant allows the City to perform housing rehabilitation for income-eligible households through a five-year forgivable loan. The City is allowed to spend up to \$45,000 per property on rehabilitation and service delivery costs.

The Single Family Rehabilitation program operates on a two (2) year funding cycle. When creating the Fiscal Year 2019 program budget, staff estimated \$47,050 from Fiscal Year 2018 would remain unspent and would carry forward to Fiscal Year 2019. The actual total for Fiscal Year 2018 unspent funds was \$72,598.42. Staff is requesting the additional \$25,548.42 be added to the fiscal year 2019 budget so that it can be utilized in the final year of the Single Family Rehabilitation program. There is no additional cost to the City, as the revenue fund will be increased by \$25,548.42 as well. See Exhibit 1.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: NA

FINANCIAL IMPACT: Failure to approve the proposed budget amendment will result in the loss of \$25,548.42 in Single Family Rehabilitation program funding. It could also jeopardize future Illinois Housing Development Authority funding. The amendment increases both the expense and revenue funds by equal amounts so there is no additional cost to the City.

The revenue account (22502520-53110-55000) will increase by \$25,548.42. The following expense accounts will be increased as outlined: SFOOR Salaries (22502520-61100-55000) by \$1,500.00; SFOOR Bank Fees (22502520-70093-55000) by \$45.00; SFOOR Recording Fees (22502520-70642-55000) by \$25.00; SFOOR Other Purchased Services (22502520-70690-55000) \$1,100.00; SFOOR Loans (22502520-79020-55000) by \$22,878.42. Stakeholders can locate the IHDA SFOOR budget in the FY 2019 Budget Book titled “Other Funds and Capital Improvement” on page 29.

COMMUNITY DEVELOPMENT IMPACT: The Illinois Housing Development Authority’s Single Family Rehabilitation program funds allow the City to provide housing rehabilitation services for low and moderate income residents. These projects support the following goals outlined within the City’s Comprehensive Plan 2035 goals: H-1. Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington; H-1.2 Ensure an adequate supply of affordable housing for low and moderate income households.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: NA

Respectfully submitted for Council consideration.

Prepared By: Jennifer Toney, Grants Coordinator

Reviewed By: Bob Mahrt, Community Development Director

Finance & Budgetary Review By: Chris Tomerlin, Budget Analyst
Scott Rathbun, Finance Director

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Ordinance
- Exhibit



CONSENT AGENDA ITEM NO. 7L

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Community Development – Office of Economic Development

SUBJECT: Consideration of an Ordinance approving an Economic Incentive Agreement to support the retention and expansion of Commercial Packaging in the City of Bloomington, as requested by the Community Development Department – Office of Economic Development.

RECOMMENDATION/MOTION: The Ordinance approving the Economic Incentive Agreement by and between the City of Bloomington and Commercial Bag Company, Inc. be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3: Grow the Local Economy; Goal 4: Strong Neighborhoods; Goal 5: Great Place – Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses; 3e. Strong working relationship among the City, businesses & economic development organizations. Objective 4c: Preservation of property/home valuations; Objective 5b: City decisions consistent with plans and policies; 5c. Incorporation of “Green Sustainable” concepts into City’s development and plans; 5e: More attractive city: commercial areas and neighborhoods.

BACKGROUND: Local company Commercial Packaging (“CP”) has requested assistance from the City to support its recent acquisition and planned renovation of the former Modine Manufacturing Co. / Wildwood Industries Co. property located at 2047 Ireland Grove Road in the City of Bloomington (the “Subject Property”). Below is background on CP and details regarding the proposed economic incentive agreement:

About Commercial Packaging and the Subject Property:

CP is a family-owned and operated business that has been headquartered in McLean County since its inception. CP was founded in 1983 by Gary and Janette Egbers in their home and soon moved to an office / warehouse at 8 Westport Court in Bloomington. CP moved again in 1995 to a newly built office and warehouse building on Old Route 66 on the northeast side of the Town of Normal (adjacent to the City of Bloomington water tower next to I-55). CP’s primary product lines include multi-wall bags, woven polypropylene bags, flexible intermediate bulk containers, and flexible packaging. CP designs, procures, stores, and distributes its custom packaging products allowing its customers to use just-in-time manufacturing processes. CP’s bags are used in the pet food, livestock feed, plant seed, and consumer food products industries.

In late 2016, CP's management team determined that the company needed to expand its McLean County warehousing and office operations to keep up with increasing sales growth and to meet needs related to inventorying and warehousing ready to use bags. CP's staff contracted with a local commercial real estate broker to identify various existing logistics / distribution buildings and shovel ready sites in Central Illinois for a future new location for CP's warehouse and corporate office headquarters. This search for buildings/sites led CP to the mostly vacant 150,000 square foot Subject Property.

Although not without multiple faults, CP staff found that the Subject Property was large enough to allow CP to quickly consolidate under one roof CP's Old Route 66 warehousing operations and additional warehouse operations that were in space CP had been leasing in a building located on Industrial Park Drive on the west side of Normal. The Subject Property also offered an 11,600 square foot gutted office space that could be renovated into a new corporate headquarters office for CP. As time was of the essence in meeting its customer's demands, CP proceed to acquire the Subject Property in May of 2017 and promptly undertook limited renovations of the warehouse portion of the building which it now occupies today.

The growth and relocations of CP over the last 35 years has clearly created opportunities for other companies to grow and expand here in McLean County:

- The warehouse space CP had been leasing on the west side of Normal has already been re-released to Kongskilde Industries which downsized its McLean County operations since the 2017 sale of its Hudson facility to Brandt Agricultural Products.
- CP recently sold its Old Route 66 property to American Precision Assemblers of Hampshire, IL which is in the process of establishing a wire harness assembly operation at the site with plans to hire 50+ employees.
- Moran Transportation Corporation, an Elk Grove Village based less-than-truck-load (LTL) regional freight carrier had been leasing a portion of the warehouse at the Subject Property but has now relocated to a previously vacant cross-dock facility south of the City on Quest Drive.
- A.Y. McDonald Mfg. Co, Dubuque, IA based manufacturer and distributor of plumbing parts and fixtures, has leased space for a retail showroom and distribution center in the rear of the Subject Property for multiple years. CP's proposed improvements to the Subject Property will improve access to that part of the property for A.Y. McDonald's customers and employees.
- CP's original location at 8 Westport Court has been the home to the American Rabbit Breeders Association (ARBA) from 1996 until this year (the building was recently listed for sale as the ARBA relocated to Pennsylvania).

Proposed Economic Incentive Agreement:

In the early spring of 2017, prior to CP's acquisition of the Subject Property, CP's commercial real estate broker facilitated a meeting with City economic development staff and CP staff to discuss the various economic development tools that could assist CP with its acquisition and renovation of the Subject Property. City staff determined that the 10.8 acre Subject Property by itself could qualify for the creation of a new Tax Increment Financing District based on the blighted condition of the building (the minimum area required for a TIF District is 1.5 acres). Staff also determined

that due to certain program requirements, the expansion of the Bloomington-Normal Enterprise Zone to the property would not likely be a possibility. Other tools were considered, including limited term property tax abatement. Ultimately, CP staff and City staff concluded that the most appropriate form of municipal assistance is what is detailed in the proposed Economic Incentive Agreement:

1. Removal of the Water Tower: There presently exists on the Subject Property a derelict elevated water storage tank with the words “WILDWOOD INDUSTRIES, INC.” painted on its face. This water tower was previously used for a manufacturing process by one of the prior owners of the building but now serves no useful purpose. The water tower is not in any way connected to the City’s water distribution network. CP indicated that the water tower would not be used by CP for any business related purpose but could potentially be repainted with CP’s logo. City staff determined that the use of the water tower only as a sign would not be permitted by the City’s sign code. Since the water tower is visible from a considerable distance all around the area (see attached photos), City staff recommend that CP investigate the cost to remove the water tower. Finding that the estimated \$27,000 cost to remove the water tower exceeded CP’s initial expectations, CP has requested that the City financially assist with the removal of the water tower. City staff supports CP’s request for assistance with the extraordinary cost to remove the derelict water tower as its removal will significantly improve the viewshed of the area and eliminate a potential safety hazard which could affect adjacent properties.

2. Discount of Mercer Avenue Connection Fee: When the Subject Property was developed in 1965 by Modine Manufacturing, Mercer Avenue did not extend south of Ireland Grove Road. The Subject Property took access from Ireland Grove Road via an approximately 60 foot wide driveway located between two adjacent properties. In order to improve access to and the visibility of the Subject Property, CP desires to construct a right-in, right-out driveway connecting to Mercer Avenue. Based on the way in which this section of Mercer Avenue was constructed in 1995/1996 as part of the development of the State Farm Corporate South Campus, any property owner desiring to connect to Mercer Avenue would be required to pay the City a road connection fee (AKA “tap-on fee”) based on the length of the frontage of that property to the road. The tap-on fee for the Subject Property to connect to Mercer Avenue has been calculated by the City’s Public Works Department to be approximately \$80,000 using a formula that accounts for the cost to construct the road and factoring in over 18 years of interest using the Consumer Price Index.

CP staff has requested that the City provide some relief from this tap-on fee as CP will be bearing considerable expense to construct the proposed driveway across the Subject Property to connect with Mercer Avenue. CP will also need to invest in enlarging the private stormwater detention basin on the Subject Property to offset for the added impermeable surface created by the new driveway. City staff supports a 60% discount of the road tap-on fee. The resulting discounted tap-on fee is comparable on a per linear foot of frontage basis to the tap-on fee that was paid by an adjacent property owner who also sought access to Ireland Grove Road in the mid-1990s. Given that State Farm owns property on both the east and west sides of the section of Mercer Avenue south of the

Subject Property, it is highly unlikely that additional connections to this section of Mercer Avenue will be requested in the near future. Therefore, it is also unlikely that any other tap on fee revenue would accrue to the City from this section of street.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City staff assisted CP and its commercial real estate broker with the transaction of the Subject Property. City staff also advised Moran Transportation Corporation, an Elk Grove Village based less-than-truck-load (LTL) regional freight carrier on its relocation from the Subject Property (it was under a short-term lease of a portion of the building with the prior owner) to a previously vacant cross-dock facility south of the City on Quest Drive. City staff, along with Town of Normal staff and staff from the Bloomington-Normal Economic Development Council, advised American Precision Assemblers of buildings available in McLean County when it was searching for space for its new downstate facility and provided the referral that led to American Precision Assemblers purchase of CP's Old Route 66 facility.

FINANCIAL IMPACT: The City's assistance with the removal of the derelict water tower is proposed to be structured as a rebate of the City's portion of the newly created incremental property tax resulting from CP's acquisition and investment in the Subject Property. Similar to the way in which a TIF District functions, the City would annually rebate to CP only the new property tax increment paid to the City by the McLean County Treasurer of the City's portion of the property tax collected by the Treasurer from the Subject Property. Unlike in a TIF District, only the City's portion of the incremental new property tax will be used to fund the incentive. The City of Bloomington Public Library's and all other taxing district's (District 87, McLean County, etc.) incremental property tax would not be rebated. The City would continue to receive and retain the base amount of property tax, \$4,876.34 throughout the term of the agreement. For property tax year 2017 payable 2018, the amount of increment is \$1,870.79. In future years, the amount of increment is likely to increase substantially as a result of CP's proposed further investment in the Subject Property.

The amount of the rebate would be limited to CP's actual cost to remove the water tower or \$40,000 (whichever is less). The proposed incentive agreement limits the term of the rebate to 21 years. It is anticipated that the rebate will be fully repaid in less than 15 years based on the projected increase in the assessed value of the Subject Property resulting from CP's acquisition and improvements. In the unlikely event that in one or more future years the value of the Subject Property were to decrease below its present value, no rebate payment would be owed to CP. If CP were to vacate the Subject Property during the term of the agreement, CP would be required to repay the City a defined percentage of the payments made through that date (a "claw back" provision).

City staff would include the first property tax rebate payment in the City's FY2020 budget as the first rebate payment would not be due until May 31, 2019. The rebate payments would be allocated in the City's FY 2020 Economic Development budget which is included in the City's General Fund. The maximum liability to the City for the proposed Economic Incentive Agreement is \$40,000.00 over the twenty-one (21) year term of the agreement. The payment for the proposed rebate would be budgeted beginning in FY 2020 and paid out of the Economic Development-Rebates to Developer account (10019170-79070).

The 60% discount of the Mercer Avenue tap on fee will be granted at the time of CP's application for a construction permit for that improvement, subject to the completion of the demolition of the water tower. The 40% of the tap on fee that CP will be required to pay the City will be deposited into the Capital Improvement-Property Owner Contributions fund (40100100-57320). Fees deposited into this fund are used by the City to construct and maintain infrastructure throughout the City.

COMMUNITY DEVELOPMENT IMPACT: The proposed incentive agreement is supported by the City's Economic Development Strategic Plan and Economic Development Incentive Guidelines, both of which were approved by the City Council on October 22, 2012. In relation to the removal of the water tower and the corresponding improvement to the viewshed of the area, staff would request that the Council specifically consider Incentive Guideline #1-D:

Strategic Use of Incentives: Economic incentives considered by the City of Bloomington will additionally factor in the economic impact an incentive to a specific applicant has to revitalize a particular area of the City beyond just the applicant's property.

Staff also calls Council attention to the following Economic Development Strategic Plan Goals and Objectives:

Prosperous Community:

B. Provide normal and customary incentives to new and existing businesses that locate within the City and create jobs.

C. Carefully scrutinize requests for non-customary assistance or incentives to ensure a favorable return on any City investment and minimize risk to City taxpayers.

The proposed project and associated incentive align with the following Comprehensive Plan 2035 Goals and Objectives:

ED-1 Ensure a broad range of employment opportunities for all residents

ED-1.1 Focus on retention and expansion of existing businesses

ED-4 Enhance the image of Bloomington as a business friendly community

ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City

ED-4.4 Evaluate commercial land use needs in the context of changing economic trends

ED-4.5 Identify and reduce barriers for local growth and economic development

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By:

Austin Grammer, Economic Development Coordinator

Reviewed By: Bob Mahrt, Community Development Director
Jim Karch, Public Works Director
Kevin Kothe, City Engineer
Tony Meizelis, Civil Engineer I

Finance & Budgetary Review By: Chris Tomerlin, Budget Analyst
Scott Rathbun, Finance Director

Legal Review By: Kathleen Field Orr, Counsel for Economic Development

Recommended by:



Tim Gleason
City Manager

Attachments:

- Ordinance
- Agreement
- Pictures of the Subject Property from May 11, 2017
- Pictures of the Water Tower



CONSENT AGENDA ITEM NO. 7M

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: City Clerk's Office

SUBJECT: 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 October 6, 2018, the request from Don Badgerow and Kelsie Howerton to allow moderate consumption of beer and wine, as requested by the City Clerk's Office.

RECOMMENDATION/MOTION: 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 October 6, 2018 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: Commissioner Tari Renner called a hearing on the request to allow beer and wine at the Davis Lodge for an October 6, 2018, wedding reception.

Commissioners Tari Renner, Jim Jordan, and Lindsey Powell were present.

Kelsie Howerton, the Bride, appeared before the Commission and stated Tony Roma's would be catering the event and serving beer and wine during the reception, that no hard liquor would be served. Ms. Howerton stated the event will be held from 4 p.m. to 10 p.m.

Motion by Commissioner Powell, seconded by Commissioner Jordan, to give the request from Don Badgerow and Kelsie Howerton to allow moderate consumption of beer and wine at their October 6, 2018 wedding reception at Davis Lodge a positive recommendation to the City Council and for the City Liquor Code to be suspended accordingly.

Commissioner Renner directed the Clerk to call the roll:

Ayes: Commissioners Renner, Jordan, and Powell.

Nays: None.

Motion carried.

Commissioner Renner stated that this item would be moved forward to the City Council with a positive recommendation for its consideration.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A
FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Ashley Lara, Legislative Assistant

Reviewed By: Cherry L. Lawson, City Clerk

Legal Review By: George D. Boyle, Assistant Corporation Counsel

Recommended By:



Tim Gleason
City Manager

Attachments:

- Ordinance
- Application



CONSENT AGENDA ITEM NO. 7N

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: City Clerk's Office

SUBJECT: Consideration of an Ordinance Suspending Portions of Chapter 6 of the Bloomington City Code prohibiting possession of open alcohol in public for Fat Jacks, Inc. d/b/a Fat Jacks Oktoberfest event on Saturday, September 29, 2018 from 12:00 p.m. to 8:00 p.m. in the 500-600 block of North Main Street in downtown Bloomington and portions contiguous with Main Street associated with the event, as requested by the City Clerk's Office.

RECOMMENDATION/MOTION: The Ordinance Suspending Portions of Chapter 6 of the Bloomington City Code prohibiting possession of open alcohol in public for Fat Jacks, Inc. d/b/a Fat Jacks Oktoberfest event on Saturday, September 29, 2018 from 12:00 p.m. to 8:00 p.m. in the 500-600 block of North Main Street in downtown Bloomington and portions contiguous with Main Street associated with the event be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: Commissioner Tari Renner called a hearing to consider request of Fat Jack's to have an Oktoberfest in Downtown Bloomington that would require suspension of areas of the Liquor Code during the festival.

Commissioners Tari Renner, Jim Jordan, and Lindsey Powell were present.

Tyler Holloway, representative of Fat Jacks, appeared before the Commission and explained that several of the bar owners on Main Street came together and decided to host an Oktoberfest in the area. He said there would be wristbands used and paper or plastic cups used for any outside consumption.

Mr. Boyle asked if Mr. Holloway had any contact with the people in the area and Mr. Holloway said yes. He reached out by sending a letter and received positive feedback for the event.

Commissioner Renner asked if Asst. Police Chief Greg Scott had any concerns or comments, and Asst. Police Chief Greg Scott said they need to make sure they have all entry points covered.

Mr. Boyle said Mr. Holloway met with the Special Events Committee and Catherine Dunlap from the Downtown Development Department. Catherine Dunlap stated business owners in that

area are excited to participate, the City has received positive feedback and they are looking for more ways to partner with the event and future events in this area.

Motion by Commissioner Powell seconded by Commissioner Jordan to give the request from Fat Jacks, Inc. d/b/a Fat Jacks for Suspension of Portions of Chapter 6 of the Bloomington City Code prohibiting possession of open alcohol in public for its Oktoberfest event on Saturday, September 29, 2018 from 12:00 p.m. to 8:00 p.m. in the 500-600 block of North Main Street in downtown Bloomington and portions contiguous with Main Street associated with the event a positive recommendation to the City Council.

Commissioner Renner directed the Clerk to call the roll:

Ayes: Commissioners Renner, Jordan, and Powell.

Nays: None.

Motion carried.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Ashley Lara, Legislative Assistant

Reviewed By: Cherry L. Lawson, City Clerk

Legal Review By: George D. Boyle, Assistant Corporation Counsel

Recommended By:



Tim Gleason
City Manager

Attachments:

- Ordinance
- Secondary Premise Liquor Application
- Special Event Final Permit

- Special Event Site Plan
- Special Event Map
- Letter to Neighbors Informing of the Event

REGULAR AGENDA



REGULAR AGENDA ITEM NO. 8A

FOR COUNCIL: September 24, 2018

SPONSORING DEPARTMENT: Legal & Community Development

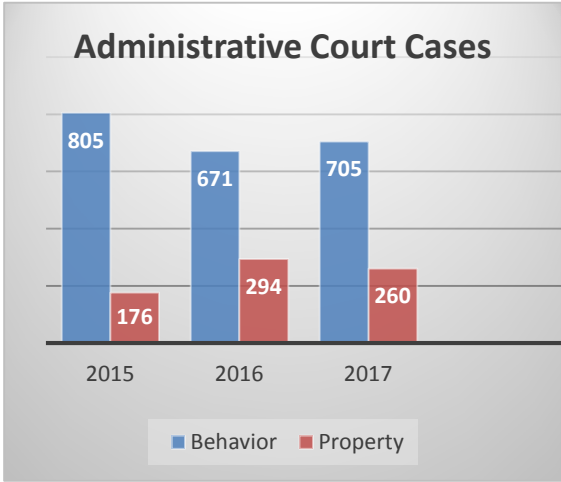
SUBJECT: Consideration and action on an Ordinance amending the City Code provisions on Administrative Adjudication, including clarification of the requirement for payment of Court Costs and Minimum Fines, as requested by the Legal and Community Development Departments.

RECOMMENDATION/MOTION: The Ordinance amending the City Code Provisions on Administrative Adjudication, including clarification of the requirement for payment of Court Costs and Minimum Fines, be approved and the Mayor and City Clerk authorized to execute the Ordinance.

STRATEGIC PLAN LINK: Goal 4: Strong Neighborhoods;

STRATEGIC PLAN SIGNIFICANCE: Objective 4.A – Residents feeling safe in their homes and neighborhoods. Objective 4.C – Preservation of property/home valuations.

BACKGROUND: In 2014, the City Council adopted an ordinance creating an administrative adjudication system for the City to have an administrative law judge hear cases involving ordinance violations. In 2015, the first cases were held, with the hearing dates every other Wednesday. Property code violations are held on the first and third Wednesday of each month and behavioral violations are held the second and fourth Wednesday of every month.



Since its inception, the number of administrative court cases have been significant (see chart). Thus far in 2018, 179 property code cases have been filed and 406 behavioral cases have been filed. The primary focus on the property code cases has been to get properties cleaned up and into compliance. As such, the City would often settle these cases for little to no cost to the property owner as long as the violation was abated. While a reasonable approach, some property owners have taken advantage of the system and there is a need to ensure those that violate the City’s laws pay at least court costs and the minimum fines.

To effectuate the change in policy, City is proposing an ordinance amending the City Code on administrative adjudication. Specifically, the proposed amendments make the following changes:

1. Mandate that if an administrative court case is filed against a property owner for a violation, he or she will have to pay court costs (\$110.00) even if the violation is abated prior to the court date. It should be noted an administrative court case is filed only after the property owner ignores compliance orders given by Community Development. These court costs help pay the costs of operating administrative court, including the attorneys and Administrative Law Judge.
2. Mandate that if a property code violation is not abated by the first court appearance, both court costs and the minimum fine must be imposed against the property owner.

In addition to the above, the amendments also establishes a new category for “chronic” properties. A “chronic property” is defined as a property location that has had more than one violation issued against the property location within 12 calendar months of the initial violation occurrence. Accordingly, when a property owner get a second property code violation within a 12-month period, it will be deemed a chronic offender and thereafter put on a re-inspection schedule at minimum intervals of 3 months, 6 months and 12 months. In addition, after the initial violation, any additional violations will be sent directly to administrative court. Cases against a chronic property owner cannot be dismissed upon payment of court costs and instead must wait a 12-month period. At the end of the 12-month period, the cases can be dismissed if there are no further violations within that time frame. Dismissal, however, is subject to payment of court costs for each case as well as the minimum fine for each case.

Passage of the ordinance will send a message to both staff and property owners that violations must be addressed upon the initial compliance order. Otherwise, at the very least, property owners will have to pay court costs and if abatement is not made prior to the first court appearance, property owners will also be required to pay fines. In addition, the ordinance establishes a “one-chance” policy that provides once a property owner has a second violation on his or her property, the matter must go straight to administrative court and the re-inspection process followed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The ordinance was reviewed by the Property Maintenance Review Board on September 5, 2018. That Board recommended approval of the ordinance. It should be noted the ordinance presented is in slightly different form as it corrects that a chronic property must pay court costs in addition to the minimum fine after 12-months. The version presented to the Board incorrectly indicated that the minimum fines against a chronic offender would be lifted after 12 months if there were no additional violations within that period.

FINANCIAL IMPACT: The added administrative court fee will help offset the costs of operating administrative court, including the attorneys and Administrative Law Judge. Stakeholders can see more information related to the City’s Legal operations in the FY2019 Adopted Budget Book titled “Budget Overview & General Fund” starting on page 162.

COMMUNITY DEVELOPMENT IMPACT: Related Comprehensive Plan Goals H-1 Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY
CONSTRUCTION: N/A**

Respectfully submitted for Council consideration.

Prepared By: Angela Fyans, Deputy Corporation Counsel

Reviewed By: Jeffrey R. Jurgens, Corporation Counsel

Finance & Budgetary Review By: Scott Rathbun, Finance Director

Water/Community Dev. Review By: Bob Mahrt, Community Development

Recommended by:



Tim Gleason
City Manager

Attachments:

- Administrative Court Ordinance