

Council Questions/Comments and Staff Responses Report for December 17, 2012

as of December 17, 2012 at 12:11am

Consent Agenda:

Alderman: Rob Fazzini

Comment: No comment or questions

Alderman: Mboka Mwilambwe

Item: 6D – Purchase of replacement parts for Video Technology Systems for the US Cellular Coliseum

Question/Comment: What is the plan to replace this equipment down the line, when we run out of parts?

Staff Response: Central Illinois Arena Management (CIAM) staff in consultation with City staff will be working towards an RFQ/RFP to have this technology replaced in FY 2015, pending City Council approval.

PUBLIC HEARING:

Alderman: Rob Fazzini

Item: 7A – Public Hearing regarding the petition by Interchange City West, LLC requesting the approval of a Reinstatement of a Preliminary Plan for the Third Amended Interchange City West Subdivision, for the property commonly located north of Valley View Dr., west of Wylie Dr., and south of Enterprise Dr., consisting of approximately 25 acres

Question/Comment: What advantages are there to the City of Bloomington to reinstate the Preliminary Plan?

Staff Response: This item was removed from the Council Agenda via Addendum I that was distributed on December 14, 2012. This will allow staff to continue discussions with the developer and potential buyer on issues related to the need for a cul-de-sac at the end of Valley View Drive (see attached map). Additional information is anticipated to be provided in the staff backup report that will be presented on January 14, 2013.

REGULAR AGENDA:

Alderwoman: Jennifer McDade

Item: 8B: Presentation and Discussion: Wirtz Beverage Illinois Warehouse

Question/Comment: I believe there was a Zoning Hearing on this project recently? Do we have the minutes of that meeting for review or can staff summarize any issues related to this project for our awareness?

Staff Response: On Friday, staff sent out Addendum I that included the unapproved minutes from the Zoning Hearing regarding a Petition submitted by Interchange City West, LLC, and Bloom Heartland, LLC requesting the approval of a Rezoning from B-1, Highway Business District to M-1, Restricted Manufacturing District, for the property commonly located north of Valley View Drive, west of Wylie Drive, and south of Enterprise Drive, consisting of approximately 25 acres. This hearing coincides with this Regular Agenda Item. See attached maps.

Alderman: Rob Fazzini

Item: 8C: Agreement and Resolution regarding Property Tax Abatement for Wirtz Beverage Illinois Warehouse and Distribution Center

Question/Comment: Please confirm that this proposal does not violate any of the Economic Development Incentive Policy that was approved recently?

Staff Response: The Wirtz Beverage project meets all applicable criteria as outlined in the Economic Development Incentive Guidelines adopted by the City Council on October 22, 2012. Given that the project is not retail-based, a request was submitted to and evaluated by the Economic Development Council of Bloomington/Normal; the EDC conducted the necessary analysis and negotiated with Wirtz Beverage in accordance with the aforementioned guidelines. As such, the proposed abatement represents

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approximately 13% of the total project cost and the incentive will be provided from the new incremental revenue sources. Additionally, performance measurements and claw back provisions are included in the Agreement as a means to ensure the project is completed as proposed.

Alderman: Rob Fazzini

Item: 8D: Ordinance providing for the Submission to the Electors of the City of Bloomington whether the City of Bloomington should have the authority under Public Act 096-0176 to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program

Question/Comment: Why are we using a different company to do the Electricity Aggregation than the Town of Normal?

Staff Response: The Town of Normal and the City of Bloomington both use Good Energy as their Consultants for Electricity Aggregation. The Town of Normal electors voted in April of 2012 to allow for bidding and purchasing from an electrical supplier and the successful bidder was Homefield Energy.

Alderwoman: Jennifer McDade

Item: 8D: Ordinance providing for the Submission to the Electors of the City of Bloomington whether the City of Bloomington should have the authority under Public Act 096-0176 to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program

Question/Comment: I know I was contacted by many residents to encourage us to put this on the spring ballot. I believe we accepted comments via the website and/or City Manager's Office. Do we have a summary of the public input on this item?

Staff Response: See attached comment reports.

Alderman: Bernie Anderson

Item: 8D – Ordinance providing for the Submission to the Electors of the City of Bloomington whether the City of Bloomington should have the authority under Public Act 096-0176 to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program

Question/Comment: Because of the many inquiries, I support letting the voters decide on this option again. Since the original introduction, I believe the consumer is more understanding of their options!

Staff Response: Staff agrees.

Alderman: Rob Fazzini

Item: 8E: Intergovernmental Agreements between the City, County of McLean County and the Town of Normal, regulating use of the Police Range Facility

Question/Comment: What is the cost estimate to make the Police Range Facility up to standard, so we could consider charging a higher fee for others to use? Is there a plan?

Staff Response: Staff is in the final steps of completing an extensive range study that will be presented to the City Manager for review. This is an extensive study that includes options to replace the range and to rebuild and/or update the facility. The range is in bad condition and rather than spend dollars to make major repairs, staff wanted to be sure repairing and updating the current facility is the best long term recommendation. Because of the condition of the property, staff cannot in good conscious raise the rates to charge other agencies to use the facility until it is properly brought up to a fully useable condition and a routine maintenance program is in place.

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Alderwoman: Jennifer McDade

Item: 8E – Intergovernmental Agreements between the City, County of McLean and the Town of Normal, regulating use of the Police Range Facility

Question/Comment: Can you provide an overview of the future plans for the firing range? Will there be any changes to the property or its use going forward that you can share?

Staff Response: See response to 8E above for Alderman Fazzini.

Alderman: Jim Fruin

Item: 8E – Intergovernmental Agreements between the City, County of McLean and the Town of Normal, regulating use of the Police Range Facility

Question/Comment: I understand we have one or more individual(s) interested in purchasing the Police Range (with the option for Police agencies to continue usage)

Staff Response: Staff is looking at all options as it pertains to the Police Range Facility. Staff will be submitting a detailed report to the City Manager for review. At this time staff is unaware of any particular names, we have simply heard rumors. It would be premature to entertain any purchases until the Range Facility study is completed and has been submitted to the City Manager and submitted to City Council for review.

Alderman: Bernie Anderson

Item: 8E – Intergovernmental Agreements between the City, County of McLean and the Town of Normal, regulating use of the Police Range Facility

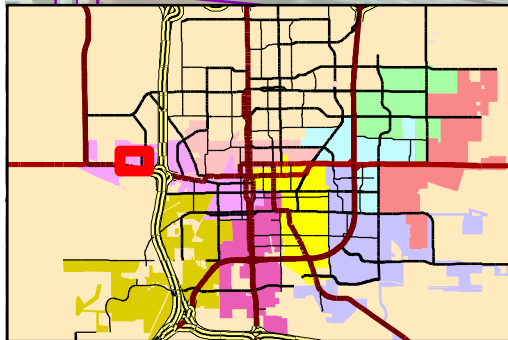
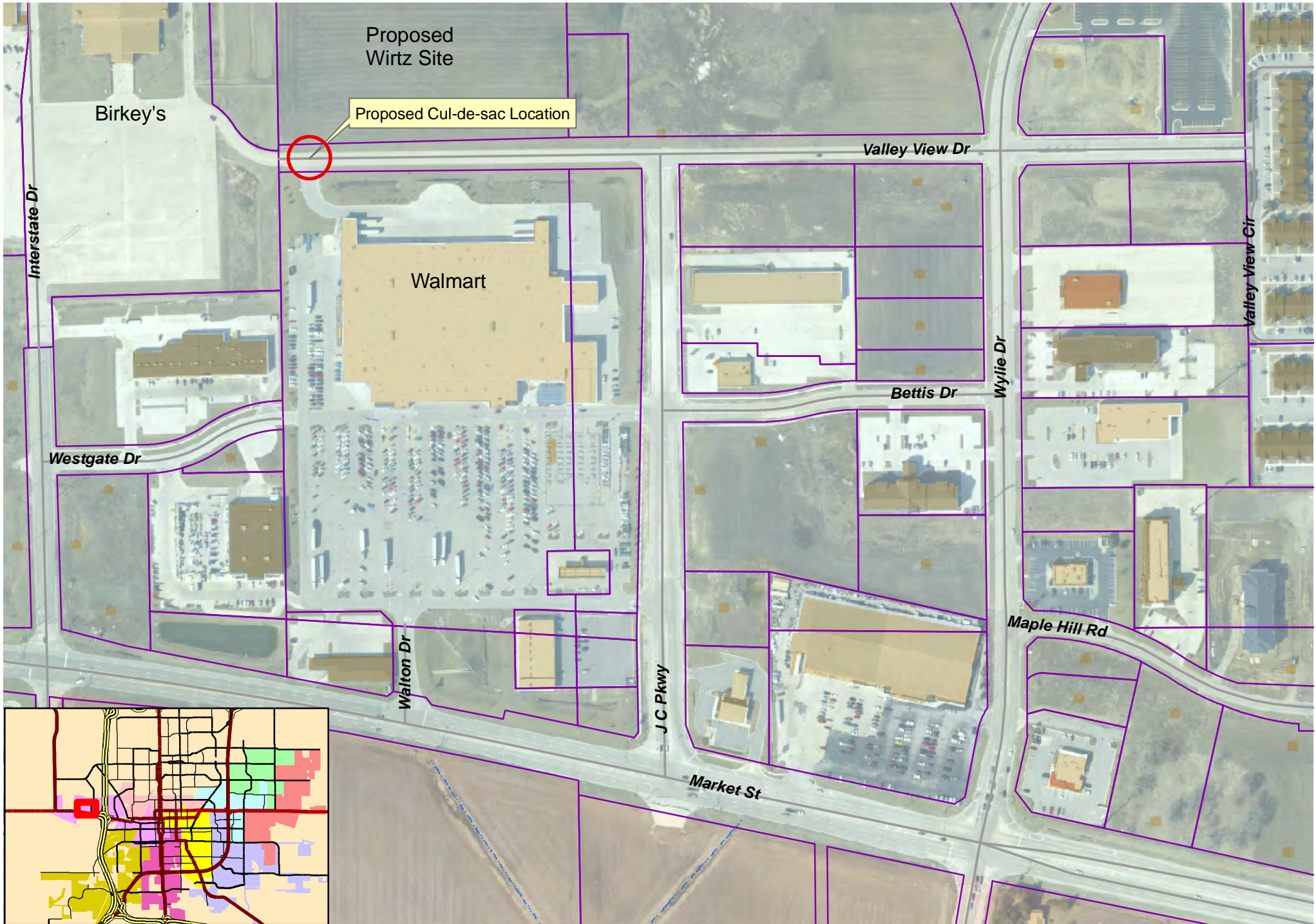
Question/Comment: Are there any costs that will offset the project revenue? Appears none from the surface!

Staff Response: There are no costs that would offset the project revenue.

Prepared by, Barbara J. Adkins, Deputy City Manager

Proposed Cul-de-sac Location Map

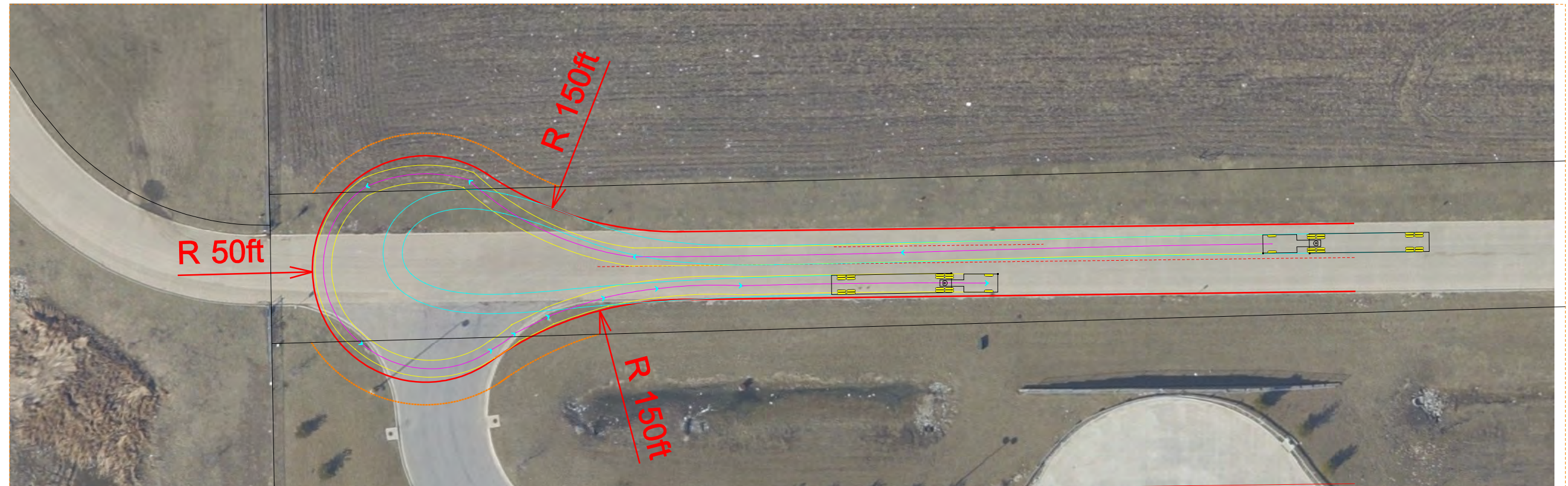
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Valley View Drive Cul De Sac Proposed

Birkey's



Wal-Mart

Electrical Aggregation Comments sent to Mayor & Council
August 8, 2012 – August 14, 2012

Once the Town of Normal was looking at taking this issue back to their Town Council

1. “I was very disappointed to see in this morning’s paper that the City Council will not place the above issue up for a referendum. The last time we voted on this there was not enough information available and lots of incorrect rumors flew around. I would like for all of us citizens to have another change at voting on this, and I hope, with better information available. Surely there is enough time between now and August 20 to develop a referendum. I hope you and the Council will reconsider.” Willemina Esenwein
2. “I would like to voice my support for revisiting the issue of energy aggregation through a referendum on the ballot this November. Residents of other communities such as Peoria will be saving money in energy costs as a result of energy aggregation. In addition, energy aggregation will allow communities to purchase 100% renewable energy which will provide reliable revenue for wind generators in our region and move away from non-renewable energy sources. Please consider putting this issue on the ballot as a referendum this November.” Rachel Shively
3. “How about a chance to vote for cheaper electric rates at an election with a larger voter turn out. I’d bet on a non-tea party dominated result with more votes cast.” Stan Winterroth
4. “I realize that some of you may be reluctant to put the electric issue on the ballot again but there are several reasons that are most important that action be taken at Monday’s meeting. One reason to do it again is that presidential elections bring out more voters so you would learn what even more folks think. However the BIG reason to check again the voters idea about the electric issue is that Bloomington will be at a disadvantage to cities like Peoria (and possibly Normal) that have lower electric rates when a company is thinking of coming to this area particularly if electricity is import to their business or manufacturing. Of course there are other reasons too-the apparent lack of correct information about the process and potential outcome of a YES vote. I consider myself a voter who studies issues before voting but I could not say with certainty how I voted on this one because there was almost no information out about the potential results of a NO or YES vote. I think that I voted YES but only in the past few weeks have I really learned much about this electric issue. There are several of us here at Westminster Village who are ready to help the 250 people here get good information about the potential results of a YES or No vote as well as the cost of choosing to remain with Ameren (no cost) or the cost of leaving the aggregation after having tried it. I know that decisions as a public official are not always easy (having been there albeit a long time ago) but sitting here in my apartment it seems like an easy one. Please think about this today and many of us would appreciate having you vote to have the referendum tomorrow when you meet at a council.” Carol A. Reitan
5. “Elections are supposed to mean something. Evidently in Bloomington-Normal democracy has died. Now we have UNELECTED city managers ignoring the will of the people and advocating multiple elections until they get the desired outcome and than they stop the election process. This is something one would expect to see in the former Soviet Union, not in the Heartland of America. Anyone can go to the site Plug In Illinois and choose between Nine different energy suppliers at a substantial savings. The City supposedly wants to educate the community yet has never told the citizens they can pick from nine other energy suppliers.” Jeff Strange
6. “In the wake of the newly-enacted ordinance that serves to restrict public input and participation at our council meetings and the unfortunate circumstances that prohibited my rare public comment at Monday’s City Council Meeting, I would like to take this opportunity to share that silence comment with you. Council, I am usually thankful for the opportunity to publicly address this Council with issues that impact and affect the best interest of our community. However,

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tonight, I feel more burdened than thankful due to the fact I feel I am forced to address an issue already decidedly rejected. In March, citizens of both our local communities rejected the proposal for municipal electric aggregation. Now, certain groups and individuals not satisfied or happy with that outcome are pressing to have that issue revisited and once again placed on the November ballot for referendum. Have we come so far, or should I say digressed to such a point that if one group fails to prevail or is not satisfied with the outcome of votes or elections, that we continue to have elections or votes until the desired outcome is achieved, even if it's not in the best interest of the citizens, and even if it's against the decided will of the citizens? Currently, the common rhetoric seems to revolve around excuses why another vote should take place on electric aggregation. Two things seem to be setting the tone for argument in favor of a second referendum:

- a. Low voter turn-out/not enough citizens participated
- b. Citizens were not well educated on the electric aggregation issue.
- c. Other citizens voted to approve electric aggregation.

These are factually untrue or not applicable. For example, in the recent aggregation referendum, over 9,000 citizens voted. Of those nine thousand that voted, 5,378 voted no –nearly fiftyOne percent. In stark contrast, in the last Mayoral election, the Bloomington Mayor's race generated a little over 8,000 votes in a presidential cycle election. Of those 8,000 votes, in a three-candidate race, Mayor Stockton garnered only 3569 votes – only about 44% of the vote. More citizens voted no for electric aggregation than they did for our current Mayor. Could we say that there was low voter turn-out? That not enough citizens participated? That Mayor Stockton's victory was not justified? And if that's the case, those not satisfied with the outcome would be reasonable in demanding another vote? And it would not matter, then, that over three-thousand votes would be disenfranchised? And, how many current Council members' elections could that apply to? The point is, that there wasn't a low voter/citizen turn-out – that more people participated in and voted against aggregation than voted for and elected a Mayor for the City. And it wasn't due to lack of education. Citizens were educated and informed regarding aggregation, its origin, its purpose, the options and availability of independent suppliers. The right to choose, and government intervention. Citizens voted no because they were informed and educated, unlike the citizens of surrounding communities that had no advocate acting in their behalf. And, citizens voted no because they knew they did not want government being involved in an area unnecessary for government to be involved in. What other cities do is not a reasonable motive nor an acceptable justification for what we should do in Bloomington. We are Bloomington – not Normal, not Peoria, not Urbana, and not even Iowa City. It is not your role as representatives of the citizens to make these choices. In fact, research preliminarily indicates that municipal involvement in this area of consumer choice may be outside the purview of Home rule authority. It sets bad and dangerous precedent, irregardless of whatever reasons City officials and professional consultants profess. The bottom line is the citizens decided once – we shouldn't have to be forced to decide again because a few are not happy with the voice of the many. That's not how democracy is intended to serve our best interests. Council, it's your role to defend our rights and our best interests. I'd like to remain confident that you will fullful that role. Donny Herrin

**Electrical Aggregation Comments sent to Mayor & Council
December 16, 2012 & December 17, 2012**

1. “Council, on Monday, you will – *once again* – be presented the matter of electrical aggregation at our municipal level. May I remind you that this is a decided issue. *Once before*, in fact just a few short months ago, the votary of our City exercised their will – their voice – and without contest, without dispute and without question, resoundingly rejected this proposed policy. Moreover, just a matter of a few months ago City Manager Hales polled this Council on the issue. After the people’s vote, to determine the interest in pursuing it again after its initial defeat. Publicly, this Council expressed no interest based on the fact it had been once decided. As well, I have had the opportunity to speak with some of this Council regarding this issue. And, again, it was agreed upon that the citizens had spoken, and there was no reason to pursue it in opposition to the will of the community. In the interim, nothing has changed regarding the fundamentals, the purpose, or the benefits (or lack thereof) of electric aggregation, notwithstanding that the Town of Normal disregarded the voice and will of their citizens to pursue the issue after its initial rejection. And, may I emphasize that it was the town of Normal who pursued the issue and not a matter driven by a demand or will of Normal citizens. It appears similar dynamics are at work in our community. Has it come to the point that erroneous public policy, formulated by those not representative of citizens, for purposes not consistent with the best interests of citizens and not driven by citizen will or need, continue to ignore citizen will and continue to be pursued until desired outcomes are achieved to meet their own objectives? While some citizens have expressed interest in a perceived attractiveness to the aggregation concept, such minority express is not what our democratic government model is founded upon. The majority will of the people has once been recorded. And, based upon the oath this Council swore to, that becomes the law of the land you resigned yourselves to honor and represent. Within that is embodied that the people’s will, their right to choose and their best interest. As you represented once before regarding this matter, I respectfully suggest you uphold your earlier positions and uphold the citizens will and voice once exercised and reject the matter of electrical aggregation.” Donny Herrin

2. “Bloomington City Council. On November 6, 2012 Normal voters went to the polls for a second time to vote on the energy aggregation referendum after it failed handedly in March of 2012. Despite “herculean efforts” by the Ecology Action Center, Transition Town, City Manager Peterson, Pantagraph, WGLT, and WJBC area voters nearly voted Energy Aggregation down once again with 9834 voters supporting it and 8331 voting against it. Is it possible that over 8331 Normal Voters voted against energy aggregation because they know instinctively that something doesn’t seem right? And are they correct? According to a post by the Ecology Action Center on their Facebook Page celebrating the passage of energy aggregation “...You can almost smell the cleaner air from the soon-t-be renewable sourced energy.” The Sierra Club has led the charge for Energy Aggregation. According to a Human Events story on September 18, 2012 titled “The War on Coal” : The Sierra Club brags that its action have forced the “retirement” of 124 coal burning power plants already and it has targeted nearly 400 more for closure. “As old coal plants retire, we’re working to make sure that clean energy like wind and solar will step in to replace them, providing many new jobs for American workers,” the Sierra Club said.” Is it possible that Normal residents will enjoy lower rates for the next two maybe even four years and then have their energy bill skyrocket because of the Town of Normal, Sierra club and President Obama’s war on coal and pushing of highly subsidized renewable energy? According to the Heritage Foundation: “What environmentalists and the administration don’t talk about, is that solar power alone would triple household ELECTRICAL BILLS from \$200 a month to \$700 a month, according to a Heritage Foundation study.” \$700 a month energy Bills? If that happens any Citizen Manager that called for multiple elections until he obtained the result he wanted should look for another job. Lastly, maybe we don’t have to guess let us simply take President Obama at his word in this video when he states “UNDER MY ENERGY PLAN ENERGY PRICES WILL NECESSARILY SKYROCKET.” www.youtube.com/watch?v=CNSZ62D4M. Although

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forbidden from taking a position on energy aggregation did Normal do just that by signing an agreement with the Sierra Club before the November election? The new Citywatch blog also deals with Bloomington's energy aggregation issue. Citywatch1.blogspot.com/2012/12when-do-citizens-matter.html#comment-form." Jeff Strange

3. As the voters have spoken. I vote no before. This is a property rights and a contract issue. We are talking about the difference between liberty vs. tyranny. I want liberty! This is a representative republic as guaranteed by the Illinois and us constitutions. I am aware of the Dephie method and the consensus building techniques are used by some consultants and by David Hales. These methods stands against both constitutions. As our representatives, sometimes you need to debate or say no to both David Hales and the mayor. David Hales reports you and to the city and to me. I don't like how David Hales gives you a lack of review time to determine major changes to city ordinances and then james them in at the last minute as with the tax levees. If you have a question, tell him to wait or better yet you run the agenda. Or demand at least one or two weeks for major issues to allow time t6o hear from your voters. As we talk aver waste to jet fuel, we all need time to process and determine what serves our citizens best interests. @Please respect the voters and drop electric aggregation. The fact of the matter is energy costs will be going down. Don't get locked into a bad deal. Instead, focus o on outstanding bonds or pension obligations, and roads. The pension levels still need more contributions. We need either more business at the collseum or to sell it, at least to retire the debt obligations. Regarding beatified the city, please vote no for expensive projects. Ask businesses to volunteer time and resources for such expenses. Regarding turning waste into fuel, what is the true cost benefit to the city? Where will this waste to jet plant be located? Who owns the landfill? I heard the McLean county planning commission has a plan to9 have an exit at westOakland and i74/i55. In further reading their plans, it seems a though a city will be expanding east, southeast, and southwest. While that sounds good on the surface, should we not first maintain the current roads before accepting responsibility for maintain even more roads? I would like a discussion of expansion added to the next agenda if possible and how we will afford this added cost. Also, I understand that some one replaced the un flag. Please give it to the history museum near stevenson's library section. Again, don't forget the elections are in April. Thanks for reading." Jeff Smith
4. "To Bloomington City Council Members: The people—the voters of Bloomington—voted on and rejected electrical aggregation for the City of Bloomington. We do NOT need to revisit and vote on this issue again. Putting the same referendum on the ballot, brainwashing a few more voters and keep voting until some bureaucrat gets the outcome he desires is NOT democracy. It's socialism. Residents of Bloomington who are Ameren-IP customers already have the option of choosing a different electrical supplier. There is NO need for a city bureaucrat to make that decision, just like city bureaucrats don't get to decide which gasoline station or which grocery store or which movie theater residents must patronize. Although the "aggregation" electric rate is lower than what residents are paying today, what happens to that rate if/when government no longer subsidizes wind- generated electricity? Also, the lower rate is a ruse anyway. Fewer dollars coming out of our left pocket to pay for electricity doesn't mean anything when more dollars are taken out of our right pocket to pay for wind subsidizes. Things the City should focus on include fixing the streets, replacing antiquated water mains, and taking measures to ensure residents will have water when they open a facet, but not choosing our electricit6y supplier. Please vote "NO" to putting electrical aggregation on the ballot." Jerry Fund