as of June 10, 2013 at 10:39am

COMMENTS:

Alderwoman: Judy Stearns

Comment: In order to shorten time spent at tonight's Council meeting, I would really appreciate very specific written answers. I sent several questions in for last council meeting that still are awaiting answers. May I expect some answers to my recent questions from the last Council meeting? If so, when? Thanks again, Judy Stearns

Staff Response: Some of the questions you raised on the May 28th City Council Agenda pertained to the Westside Youth Program, many of which were questions that Staff did not have the answers to. Staff's report reflected that several of your questions, as well as Alderman Lower's questions, would need to be addressed by Mayor Renner, Alderwoman Schmidt, Alderman Black, Pastor McSwain, Pastor Rayford or Nick Sanchez at the Council Meeting.

CONSENT AGENDA:

Alderman: Rob Fazzini

Item 7G: Advertisements for the Bloomington Center for the Performing Arts (BCPA) in The Pantagraph in the amount of\$38,000

Question The amount is \$38,000 in the Recommendation Section and the Agreement, but it is \$38,492.48 in the Background Section. Which is correct?

Staff Response: Correct amount is \$38,492.48.

Alderwoman: Judy Stearns

Item 7G: Advertisements for the Bloomington Center for the Performing Arts (BCPA) in The Pantagraph in the amount of \$38,000

Questions/Comment:

- 1. What was spent for Pantagraph advertising in 2012 for the BCPA and Parks and Recreation?
 - a. **Staff Response:** \$47,690.75.
- 2. What does being a "media sponsor" for the BCPA?
 - a. **Staff Response:** The media organization receives extra recognition (mentions during the curtain speech, noted in the playbill, logo in the season brochure) in exchange for better rates/other opportunities provided by that media outlet to the BCPA.
- 3. What other companies are sponsoring events at the BCPA?
 - a. Staff Response: Radio Bloomington is another media sponsor and the Double Tree Hotel is the lodging sponsor for this upcoming season. Many firms/individuals are sponsors for some of the individual shows, such as The Garlic Press, Rhonda Glenn Law Firm, Brian and Ann Boyden, Illinois State University, Rick and Sherry Galbreath, GCG, Specs Around Town, Jerry and Carole Ringer, Lucca Grill, Karen Schmidt and John Elterich, and Tim and Vicki Tilton.
- 4. What is the value of the "additional promotion" of sponsored events?
 - a. **Staff Response**: In the case of The Pantagraph, the value of the additional promotion they are providing is \$8,508.34.
- 5. What was the total the City of Bloomington spent at the Pantagraph in the last fiscal year?
 - a. **Staff Response:** In FY 2013, the City paid The Pantagraph \$86,105.01. Note: This amount is spread across all city departments.

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6. What is the total dollar amount of other advertising done by the BCPA?

a. **Staff Response**: The FY2014 approved budget for advertising is \$72,000.

Alderman: Rob Fazzini

Item 7I: Ratification of a cable television franchise agreement with iTV-3

Questions: What is the annual dollar amount to be paid to the City of Bloomington by iTV-3? If after five years the City of Bloomington decides not to renew, does that mean the Illinois Commerce Commission has the right to force the City of Bloomington to renew at the same terms? Would the fee then be paid to the City of Bloomington or the Illinois Commerce Commission?

Staff Response: At this time the revenue that the City would receive is unknown because it is dependent on the number of consumers who decide to obtain cable service from iTV-3. Officials from iTV-3 have stated they intend to extend fiber optic lines in such a manner as to add 300 houses at a time to its network, and will start its network on the east side near the Airport. It may also add a second network which will be on the north boundary of the city. Near the center of the northern Bloomington boundary, they may begin to service Normal. Regarding iTV-3's options at the end of five years, iTV-3 could either enter into a new agreement with the City or it could obtain permission from the ICC to use the City's right-of-way. However, the 5% of gross revenues would still go to the City.

Alderwoman: Karen Schmidt

Item 7I: Ratification of a cable television franchise agreement with iTV-3

Question: I don't see a dollar amount for compensation. It says in 4.5.1 that there will be service to just one school "outlet" within 125 feet of the distribution cable. Does that mean just one school in either District 87 or Unit 5 will have this available? If so, don't we want to advocate for more opportunities for our schools? I appreciate the opportunity to provide City programming in this way and hope we make full use of it.

Staff Response: At this time the revenue that the City would receive is unknown because it is dependent on the number of consumers who decide to obtain cable services from iTV-3. Levi Dinkla, Vice President of iTV-3 Inc., will be present tonight to answer questions regarding the franchise agreement. The provisions of Section 4.5.1 (regarding service to public schools) are identical to the provisions of Comcast's franchise agreement. Requesting a new franchisee to provide greater service than an existing franchisee could raise difficult questions regarding discrimination against new competition.

Alderwoman: Judy Stearns

Item 7I: Ratification of a cable television franchise agreement with iTV-3

Question/Comment: Please update me on whether the City Council meetings now being streamed on the web could be shown on any of the local cable channels? Will this provide citizens with an alternative to Comcast?

Staff Response: In addition to the live web stream, the meeting is also recorded and given to Comcast for broadcast on the Public Access Channel (10). The City of Bloomington's Council Meetings has a three-hour window to broadcast. On the rare occasion when a meeting would run longer than the time slot allowed, programming will be adjusted to allow for the longer telecast. The current schedule has 14 telecasts of the meeting for a one week period, 28 telecasts between each meeting. Comcast has provided

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a variety of time slots to reach as many citizens as possible. The current Comcast schedule for broadcasting Bloomington Council Meetings is as follows:

Sunday – 5:00 am and 9:00 pm

Monday -2:00 am and 1:00 pm

Tuesday – 6:00 am and 8:00 pm (first telecast for new meetings)

Wednesday – 2:00 am

Thursday -6:00 am and 8:00 pm

Friday – 2:00 am, 1:00 pm and 9:00 pm

Saturday -6:00 am and 2:30 pm

(The first telecast began May 7, 2013)

The requirements of the proposed franchise agreement that iTV-3 provides public, educational, and governmental access is identical to those in the existing Comcast franchise agreement. iTV-3 would be required to show Council Meetings free of charge, provided the video is supplied to them by the City. iTV-3 is not required to produce such videos itself.

Alderman: Judy Stearns

Item 7J: Analysis of Request for Proposal for Street Sign Inventory and Work Order/Asset Management System

Questions:

- 1. What method was used in the past by the City of Bloomington to meet this Manual on Uniform Traffic Control Devices (MUTCD) requirement?
 - a. Staff Response: The MUTCD is updated periodically. The 2009 MUTCD requires agencies to establish a management or assessment method. Previous sign replacements have been done using the sign inventory, citizen complaints and field observations as staff resources allowed.
- 2. How frequently do we need to do this?
 - a. **Staff Response**: The goal of this project is to more efficiently update the sign inventory and develop an easy to use system in the field to update the sign inventory on a continuous basis. This project includes a component to barcode signs for easy identification with a handheld device. The old method of updating the sign inventory involved filling out paper field sheets and then someone entering them into the computer database in the office at a later time which has resulted in an out of date sign inventory.
- 3. Please provide a cost analysis for other ways to meet this requirement? (I do not mean the bids analyzed, but rather other methods entirely).
 - a. **Staff Response:** The electronic method of sign inventory is a more cost efficient and effective management practice (monitoring, tracking, reporting capabilities). It is also the preferred method by many agencies because of budgeting and cost controls. By keeping track of all the signs in the system and their age, it can be predicted which signs will need to be replaced each year and the appropriate funds can then be recommended in the budget. This method maximizes the sign life and provides the best cost controls. This management method also helps in the identification of stolen and missing signs.
- 4. Please explain what the MUNIS work order system does and where we are using it now?

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- a. Staff Response: The MUNIS Work Order System is an enterprise-wide system designed to address the management of various fixed assets and inventory in the city as well as human resources. The information sources for this system would include preventative maintenance schedules, maintenance inspections, departmental service requests as well as citizen service requests. This module is part of Stage 4 of the MUNIS implementation schedule. We are currently in Phase 3 with Fixed Assets and Inventory Module which is a prerequisite of the Work Order module.
- 5. I probably will pull this depending on the answers to the above questions.

Alderman: Rob Fazzini

Item 7J: Analysis of Request for Proposal for Street Sign Inventory and Work Order/Asset Management System

Question: The Recommendation Section and the Financial Impact Section both indicate \$100,000, while the bid is \$109,840. Which is correct? What deficiencies in the bid of \$93,956 from Data Transfer Solutions, LLC caused staff to not choose this as the lowest bid?

Staff Response: The \$109,840 project total in the selected proposal includes nine individual line items. The company will bill the City according to the unit prices for the nine line items listed in their proposal. Staff will limit work within these nine line items to stay within the original \$100,000 budget. The services described in the response to the request for proposal make this company a better fit for the City than the apparent lowest proposal. Specifically the integration, conversion and training work to make the sign inventory functional in the MUNIS Enterprise System.

Alderman: Kevin Lower

Item 7J: Analysis of Request for Proposal for Street Sign Inventory and Work Order/Asset Management System

Question: What would be the ramifications were if we delay the program to defer cost to a later year so we may address our more immediate pavement repair needs? Must this program include all city street signs or would a more limited implementation such as only signs related to Federal and State Highways be sufficient to meet the requirements?

Staff Response: Not being in compliance with the MUTCD jeopardizes Federal and State infrastructure funding and could result in lawsuits. The immediate requirement is to provide a management method for regulatory and warning signs. This includes all yellow warning signs, red signs (such as STOP and YIELD, and most white signs (such as ONE WAY, SPEED LIMIT, etc.)). The retro-reflectivity requirement does not apply to street name signs.

Alderwoman: Karen Schmidt

Item 7K: Petition submitted by Illinois Wesleyan University, requesting Vacation of Beecher St. right of way between Franklin St. and East St. and the alley right of way accessed by Beecher St. on the south and Horenberger Dr. on the east

Question/Comment: I will pull this from the Consent Agenda to recuse myself from this vote.

Staff Response: None.

Alderwoman: Judy Stearns

Item 7K: Petition submitted by Illinois Wesleyan University, requesting Vacation of Beecher St. right of way between Franklin St. and East St. and the alley right of way accessed by Beecher St. on the south and Horenberger Dr. On the east

as of June 10, 2013 at 10:39am

Questions:

- 1. Please explain why there was no discussion of possibly selling this land to IWU?
 - a. **Staff Response:** In the past, the City has not had the practice of selling vacated land to the entity that is requesting that it be vacated. Legal staff is working on a Memo that would address issues relating to requiring compensation for vacating a street and current practices by other municipalities, etc.
- 2. The block of street to be closed has actually been out of service for how long? Were residents of the area specifically contacted by mail at any time? If so, what was mailed out, to whom, and when please?
 - a. **Staff Response:** Beecher Street has been closed by permit since June of 2011. The Planning Commission heard the street closing petition on May 22, 2013. All notification requirements were met for that meeting. Notices were sent to properties within 500 feet of the street (see notice diagram and mailing list in supporting documents with the Council Packet).

Alderman: Jim Fruin

Item 7L: Variance from Chapter 38, Section 123 (a) of City Code to Allow a Driveway Approach 23 feet Wide at 203 Hampton Drive

Comment: The map of 203 Hampton contains an incorrect stamp reference to Prairie Vista Golf Course. **Staff Response:** This is an incorrect reference that staff missed when the map exhibit was prepared. The label should not be there.

REGULAR AGENDA:

Note: For all questions/comments for Item 8A see attached Corporation Counsel Greenburg's Memo regarding Special Uses, the email from Neil Finlen (including reasons to support the Special Use and a Map)

Alderman: Rob Fazzini

Item 8A: Petition submitted by HL Bloomington LLC and Hundman Management LLC., requesting a Special Use Permit for multiple family dwellings for the property located at 1021, 1025, 1031, 1037 and 1041 Ekstam Drive

Questions: What were the specific objections of the one NO vote?

Staff Response: The ZBA member who voted "no" did not specifically express why he voted the way he did.

Alderwoman: Karen Schmidt

Item 8A: Petition submitted by HL Bloomington LLC and Hundman Management LLC., requesting a Special Use Permit for multiple family dwellings for the property located at 1021, 1025, 1031, 1037 and 1041 Ekstam Drive

Question/Comment: I have a number of concerns based on the ZBA minutes and testimony of nearby residents. I will be interested in hearing from the Alderman representing this Ward. I do not understand the city recommendation to approve this change in the development, given the reported experiences and concerns from current residents. I also ask again: Why does ZBA meet at 3:00 p.m. when many people are not able to attend? The Council has discussed this several times in the past and has urged our Boards & Commissions to meet when people can attend.

Staff Response: The Zoning board of Appeal does meet at 3:00pm as dictated by City Ordinance. During some discussions a couple of years ago with various board members, the members preferred to keep the meeting at the current 3:00 pm starting time. It is City Council's prerogative to change prescribed meeting times should they wish.

as of June 10, 2013 at 10:39am

Alderman: Jim Fruin

Item 8A: Petition submitted by HL Bloomington LLC and Hundman Management LLC., requesting a Special Use Permit for multiple family dwellings for the property located at 1021, 1025, 1031, 1037 and 1041 Ekstam Drive

Questions: When will the east/west street of Cornelius be constructed to provide much needed east/west traffic flow? That completion of Cornelius seems to be a key solution to relieve the traffic congestion. Once existing building construction is completed, that contributing vehicle congestion will be eliminated. **Staff Response**: There is no definitive time frame for the completion of Cornelius. It is based on development. The Developer is obligated to construct the Street before the adjacent land can be built upon.

Alderman: Mboka Mwilambwe

Item 8A: Petition submitted by HL Bloomington LLC and Hundman Management LLC., requesting a Special Use Permit for multiple family dwellings for the property located at 1021, 1025, 1031, 1037 and 1041 Ekstam Drive

Questions: "What is required for Park Dedication fees for the Special Use Permit? I did not see a discussion about noise contours in the ZBA packet. Can we get an explanation of noise contours, the process to determine those and how do we factor that should our airport continue to grow?"

Staff Response: The cash contribution in lieu of park and recreation land dedication shall be held in trust by the City or other public body designated by the City, solely for the acquisition and development of park and recreation land as, which may be available to serve the immediate or future needs of the residents of that Neighborhood Planning Areas as defined in the Parks and Recreation Comprehensive Plan or for the improvement of other existing local park and recreational land which already serves such areas. Improvements may include, but not limited to, construction of walking/biking trails, playground equipment, park development and/or land acquisition to be developed for park and recreational purposes. The property is in the Airport Noise Impact district related to residential construction. This district imposes noise mitigation construction in the buildings. These standards are far exceeded by today's normal construction requirements. These standards were put in place at the request of the airport in an effort to address this type of construction approaching the boundaries of the FAA identified noise areas.

Alderman: Kevin Lower

Item 8A: Petition submitted by HL Bloomington LLC and Hundman Management LLC., requesting a Special Use Permit for multiple family dwellings for the property located at 1021, 2015, 1031, 1037 and 1041 Ekstam Dr.

Questions:

- 1. "Several items that we used in other construction developments in Bloomington in decades past. Would a temporary easement/construction only entrance and gravel road from Empire help to alleviate the additional traffic due to construction?
 - a. **Staff Response:** This would require access through the Airports property. Given the many restrictions in the flight path areas, this is an unlikely solution.
- 2. Has the City suggested a buffer zone with a large elevated area with landscaping and plantings to separate the new complex from the existing neighborhood?
 - a. **Staff Response:** The proposed development does not abut the single family district. The Developers did consent to and did provide extra plantings along Cornelius Drive, across the street from the single family residential area.
- 3. Have we looked at placement of parking areas for the new complex on the side opposite to the current neighborhood?

as of June 10, 2013 at 10:39am

- a. **Staff Response:** Parking is being provided in compliance with the Zoning Code. The current parking configuration (between the buildings) places the buildings somewhat between the parking areas and the single family district.
- 4. Are there any additional connecting streets that could help to ease traffic away from Empire Street?
 - a. **Staff Response:** When Cornelius is completed there will be an additional connection between this neighborhood and Airport Drive to the west.
- 5. Have we looked at a better sequencing of traffic signal timing?
 - a. **Staff Response:** There are no traffic signals impacting this development.

Alderman: Kevin Lower

Item 8B: Economic Development Incentive Application submitted by Green Building, LLC for the property at 115 E. Monroe St.

Question: What has been done to verify the structural integrity of the building with new changes? **Staff Response:** The PACE Department is unaware of any formal structural analysis completed by a design professional at this time. However, due to the extent of the rehabilitation, staff will be scrutinizing the building and ask for such analysis if warranted (response provided by Mark Huber). A license architect from Bonnelle Architects conducted a thorough walk-thru of the project site and provided a comprehensive assessment of the development. Those recommendations are incorporated into the development plan (response provided by Robert Vericella).

Prepared by: Barbara J. Adkins, Deputy City Manager

Memo to: Mayor and City Council

From: Todd Greenburg, Corporation Counsel

Re: Suggested Procedures for Creation of Special Use Permit by

City Council

Date: June 10, 2013

I have been requested to suggest procedures to be used for cases in which the City Council is considering the creation of a Special Use Permit.

As I have stated in the past on the related but separate issue of administrative appeals, I suggest that the Council do not receive additional evidence. The City Council should restrict itself to consideration of the evidence which was received in front of the board or commission. If the City Council does not believe the record gives it enough facts to decide the appeal it should send the matter back to the Board or Commission for additional hearings. If the City Council chooses to permit any persons to address the Council, those persons should be told that their comments should be restricted to why the evidence submitted to the Zoning Board justifies a reversal or affirmation of the Zoning Board's actions.

The reason for this policy is twofold: it sends a clear message to all parties that the proper place to submit evidence is in front of the board or commission which has been designated by the City to receive the evidence and which has expertise in that particular area. In addition, the boards and commissions of the City are designed for the purpose of both fact-finding and applying the facts in accordance with City ordinances. It is a burden on the City Council to ask it to perform fact-finding in the context of a City Council meeting. Finally, receiving additional evidence requires suspension of the rules. It is possible that a person in the audience who could rebut the "new" evidence might not be permitted to speak, which would deprive the Council of the ability to have all of the relevant facts prior to making a decision.

I am including at the conclusion of this memo a section from the City Code, which, I believe, show that the above paragraph sets forth City policy.

Section 44.10-3 C of the Zoning Code provides that the Zoning Board shall make findings of fact after hearings on whether to recommend a special use. In the event the City Council believes that findings of fact are not substantiated by the record, it has the ability to send the petition back to the ZBA.:

C. <u>Action by the Board of Zoning Appeals</u>. For each special use application the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed

necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless such Board shall find:

- 1. that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- 2. that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- 3. that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
- 4. that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
- 5. that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- 6. that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

As mentioned above, if the City Council decides that it does not have sufficient facts to make a decision, it should send the matter back to the Zoning Board for the purpose of additional findings of fact. However, this should not be used for the purpose of avoiding the making of a decision- it should be restricted to situations in which it appears that there really is some fact which is missing in the record which should have been included and which is not simply the result of carelessness on the part of the petitioner or his or her opponents.

Chapter 2 : Section 26 : Final Action of Matters After Public Hearing - Limitation of Rehearing.

(a) Except as otherwise provided by law or ordinance, the City Council shall not rehear matters which matters which have been referred to any body, agency, or person for public hearing.

- (b) The provisions of subsection (a) notwithstanding, the City Council may, upon passage of a proper motion to suspend the rules, permit one spokesman for each side a limited period of time not to exceed five (5) minutes to summarize his or her side's position to the City Council.)
- (c) When, in the judgment of the City Council, unique circumstances require, the Council may upon a proper motion to do so suspend the operation of this Section.
- (d) This provision is directory, and the failure of the City Council to follow its provisions in any matter before it shall not be grounds for invalidation of any action taken on such matter.

From: Mark Huber/Cityblm

To: David Hales/Cityblm@Cityblm, Barb Adkins/Cityblm@Cityblm, Todd

Greenburg/Cityblm@Cityblm

Date: Monday, June 10, 2013 09:27AM

Subject: Fw: Ekstam Apts.

History: 今This mess

This message has been replied to and forwarded.

David, Per you your request. Mark R. Huber, Director Planning and Code Enforcement

P. O. Box 3157, 115 E. Washington Street, Bloomington, IL 61702-3157 (309) 434-2226 mhuber@cityblm.org

-----Forwarded by Mark Huber/Cityblm on 06/10/2013 09:26AM -----

To: "mtmwila@gmail.com" <mtmwila@gmail.com>, "mhuber@cityblm.org" <mhuber@cityblm.org>

From: "Finlen, Neil" <nfinlen@F-W.com>

Date: 06/07/2013 05:10PM

Cc: "don@frankeconstruction.com" <don@frankeconstruction.com>, "hoef100@aol.com"

<hoef100@aol.com>, "mhundman@gmail.com"<mhundman@gmail.com>

Subject: Ekstam Apts.

(See attached file: 20130607164721103.pdf)

Gentlemen- having heard from the adjacent property owners and in listening to their concerns one modification has been incorporated into the project that will be of tremendous benefit.

We have deleted four apartment units and incorporated a playground into the project.

This concession, combined with the agreement to stage construction activities entirely on the site rather than on Ekstam Drive and the willingness to fully cooperate and communicate any roadway closures should resolve the various concerns expressed.

Please communicate these concessions as you see fit in order to prepare for Monday night's Council meeting.

Thanks to both of you for your assistance.

All the best. Neil

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*** eSafe scanned this email for malicious content ***

*** IMPORTANT: Do not open attachments from unrecognized senders ***
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Attachments:

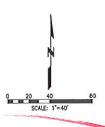
20130607164721103.pdf

EKSTAM Apts. 6-10-2013 City Council Approval

Reasons for Support of Project

- Compromise with providing a playground in center of proposed facility (See attached sketch)
- Agreement to provide construction staging & parking area off street to eliminate congestion on Ekstam.
- Commitment to communicate any street closures or congestion well in advance of const. activates.
- Park fee generated (even though providing playground) \$62,000 ±
- Local developers with fine reputations to maintain.
- ZBA hearing extensive and found in support of project.
- Staff evaluation of site and land use indicates it is appropriate.
- Street capacity is adequate even with proposed project & current streets.
- Traffic calming being installed on thoroughfare to the North to control traffic speed.
- Parking ban on West side of Ekstam beneficial and East side ban being considered to increase safety.
- Police/Fire response times unaffected.
- Estimated property tax base \$1,500/unit/yr X 88 units = \$132,000/yr.





SITE/PARKING STATISTICS

AREA OF PROJECT SITE RESIDENTIAL UNITS LAND/FLOOR RATIO DENSITY IMPERVIOUS AREA PERVIOUS AREA

STANDARD PARKING SPACES ACCESSIBLE PARKING SPACES TOTAL PARKING SPACES

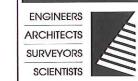
149,600± S.F. 22 Apartments 58.0% Floor Area

26.8 Units/Acre 121,674 SF (81%) 27,926 SF (19%)

194 (105% of Req'd)



LOCATION MAP



Farnsworth GROUP

2709 McGRAW DRIVE BLOOMINGTON, ILLINOIS 61704 (309) 663-8435 / (309) 663-1571 Fax www.f-w.com

Data Description

Wingover East LLC

EKSTAM EAST APARTMENTS

Bloomington, Illinois

| 1664 |
|------------|
| 04-15-13 |
| RLW/RLW |
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| |
| 0120354.00 |
| |

EXHIBIT A

SHEET NUMBER:

SHEET