

**COUNCIL PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, January 27, 2014.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silent prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Mboka Mwilambwe, Kevin Lower, David Sage, Robert Fazzini, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

Alderman absent: Jennifer McDade.

City Manager David Hales, City Clerk Tracey Covert, and Interim Corporate Counsel Jeff Jurgens were also present.

The following was presented:

Recognition of Central Illinois Arena Management (CIAM) Staff for Coordinating the Rock to the Rescue Benefit Concert that Raised \$400,000.

Mayor Renner introduced this item.

David Hales, City Manager, had met with the CIAM staff and thanked them for raising over \$400,000 for the victims of the recent tornados, especially for the City of Washington. Mr. Hales introduced John Butler, CIAM's President.

John Butler, CIAM's President, addressed the Council. He reminded the Council that on Sunday, November 17, 2013, a tornado passed through the Central Illinois communities of Pekin, East Peoria and Washington destroying hundreds of homes. By 8:00 a.m. on Monday, November 18th, Traci Andracke, Asst. General Manager/Booking & Marketing, was organizing a benefit for the victims of the storm. Styx from Chicago and REO Speedwagon from Champaign committed to perform a benefit concert. They convinced other acts to join them. It was an amazing feat with outstanding results. The event required hundreds of volunteers. Funds raised stayed local and were directed to multiple agencies including the Midwest Food Bank and the Relief Fund at the Washington Community Bank.

Mr. Butler introduced Traci Andracke, Asst. General Manager/Booking & Marketing. Ms. Andracke addressed the Council. She presented the Council with a

commemorative poster created by a local artist and printed in Normal. It was sold to raise money for the relief effort. This poster had been signed by the various band members.

Ms. Andracke announced that another benefit concert was scheduled for Wednesday, January 29, 2014 featuring the band 'Chicago'. This concert was promoted as a night out for those affected by the tornados and the first responders. Admission was free. Governor Quinn planned to attend. The American Red Cross would also attend the concert to accept donations. Country Financial would match donations up to \$25,000.

The following was presented:

Introduction of Brittany Cornell, Board of Library Trustee Appointment.

Mayor Renner introduced Brittany Cornell, Library Trustee. She would replace Patsy Bowles, Library Board Trustee, who had recently resigned. She would be the first west side resident to serve on the Library Board in some time.

The following was presented:

SUBJECT: Council Proceedings of January 13, 2014 and Retreat Minutes of November 15 and 16, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of January 13, 2014 and the Retreat Minutes of November 15 and 16, 2013 be dispensed with and the minutes 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 Council Proceedings of January 13, 2014 and Retreat Minutes of November 15 and 16, 2013 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: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Mayor Renner noted that an Addendum had been issued which amended the November 15, 2013 Retreat Minutes by incorporating the Special Session minutes for the same date.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Proceedings of January 13, 2014 and the Retreat Minutes of November 15 and 16, 2013 be dispensed with and the minutes approved as printed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

RECOMMENDATION/MOTION: That the bills and payroll be allowed 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.

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Wednesday, January 22, 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointment to Bloomington Board of Library Trustees

RECOMMENDATION/MOTION: That the Appointment be approved.

STRATEGIC PLAN LINK: Goal 3. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong partnership with residents and neighborhood associations.

BACKGROUND: I ask your concurrence in the appointment of Brittany Cornell, 2605 Binghamton Ln., Bloomington 61705 to the Bloomington Board of Library Trustees. She will be filling a vacancy and her term will expire on April 30, 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mayor contacts all recommended appointments.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Asst.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Appointment be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Resolution Regarding Temporary Closing of State Right of Way for Annual Community Events

RECOMMENDATION: That the Resolution be adopted.

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

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

BACKGROUND: The Illinois Department of Transportation (IDOT) requires that Council adopt a Resolution requesting permission to close or hinder traffic on a State Route.

Typically the City only has two (2) requests each year for parades on a State Route, (US Route 51) which involves the Labor Day and Christmas Parades. IDOT has requested that each municipality that experiences multiple parades on a State Route pass one (1) blanket Resolution at the beginning of each calendar year in order to minimize paperwork and manpower expenses.

Therefore, staff respectfully requests that Council adopt the Parade Resolution and further, that

the Mayor and City Clerk be authorized to execute the necessary document. Upon adoption and execution, the Resolution will be forwarded to IDOT.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Mike Kimmerling, Fire Chief
Jim Karch, Director of Public Works

Reviewed as to legal sufficiency: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 02

RESOLUTION REGARDING TEMPORARY CLOSING OF STATE RIGHT OF WAY ANNUAL COMMUNITY EVENTS

WHEREAS, the City of Bloomington sponsors parades, road races, festivals and other such events which constitute a public purpose; and

WHEREAS, many of these events are held on State rights of way which will require the temporary closure of said highways; and

WHEREAS, Section 4-408 of the Illinois Highway Code, 605 ILCS 5/1-101 et seq., authorizes the State of Illinois Department of Transportation (IDOT) to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION 1

The City of Bloomington requests an annual permit allowing the temporary closure of State highways for the purpose of conducting various parades, road races, festivals, and other such events. By receiving an annual permit, the City will be required to notify the Department in

writing approximately ten (10) days in advance of all road closures so that all emergency agencies will be notified of the proposed event.

SECTION 2

(A) That traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State highway, except as provided in Subsections (B) and (C) hereof.

(B) That when a marked detour is not provided, police officers or authorized flaggers shall, at the expense of the City of Bloomington, be positioned at each end of the closed section of roadway and at other points as may be necessary to assist in directing traffic through the temporary detour.

(C) That when the roadway is closed for less than 15 minutes, police officers, at the expense of the City of Bloomington shall stop traffic for a period not to exceed fifteen (15) minutes and an occasional break shall be made in the procession so that traffic may pass through.

SECTION 3

That the City of Bloomington assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

SECTION 4

That all debris shall be removed by the City of Bloomington prior to reopening the State highway.

SECTION 5

That the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices (MUTCD).

SECTION 6

That the City of Bloomington hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above and to hold harmless the State of Illinois from all claims arising from the requested road closings.

SECTION 7

That a copy of this resolution be forwarded to the Illinois Department of Transportation; District 5 Bureau of Operations, 13473 IL Hwy. 133, P. O. Box 610, Paris, Illinois 61944-0610 to serve as authorization for the City of Bloomington to request highway closures through December 31, 2013.

ADOPTED this 27th day of January, 2014.

APPROVED this 28th day of January, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Resolution be adopted.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition to Reform and Ratify Ordinance 2012 - 08 Relating to the Resubdivision of the Villas at Eagle View South

RECOMMENDATION/MOTION: Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Petition be approved and the City Clerk be authorized to record said documents.

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4e. Strong partnership with residents and neighborhood associations.

BACKGROUND: In November 2006, the City annexed, and rezoned, certain land becoming the Villas at Eagle View South. Thereafter, in May 2007, the owners, (then being ARK VI, LLC), petitioned the City for approval of a Final Plat of the Villas at Eagle View South. The Council approved the original Final Plat in May 2007.

In January 2012, Council once again considered a Petition for Approval of Final Plat ("Petition"). In this instance, the Petition sought to approve a resubdivision of Lots 70 thru 85 in the Villas at Eagle View South. At the time the Petition was filed, Land Trust V-1 owned a majority of the lots subject to resubdivision. However, three (3) impacted lots had been sold to third parties. None of the third party owners signed the Petition, or the Owners' Certificate that was filed in conjunction with the Petition. On January 23, 2012, Council considered and approved the Petition and Ordinance 2012 - 08. The Final Plat reflecting the resubdivision was subsequently recorded.

It has come to the attention of M.O.B.B., LLC, developer of the Villas at Eagle View South, that certain irregularities in the resubdivision process have resulted in concerns regarding the validity of Ordinance 2012 - 08. In the event Ordinance 2012 - 08 is invalid, every subsequent conveyance would also be invalid. This has the potential of impacting homeowners, title policies, loan policies, and mortgages.

In an effort to resolve this matter, the developer has proposed a method by which Ordinance 2012 - 08 may be reformed and ratified. A Petition to Reform and Ratify Ordinance 2012 - 08 has been submitted for consideration. If approved, each conveyance would be rendered valid, and questions as to the legitimacy of the resubdivided Final Plat would be moot.

The developer is requesting Council approve the Petition to Reform and Ratify Ordinance 2012 - 08 in the interests of justice, and to preserve the legitimacy of conveyances occurring after the effective date of Ordinance 2012 - 08. Legal counsel for the City has considered the Petition filed by developer, and recommends approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

(PETITION ON FILE IN CLERK'S OFFICE)

ORDINANCE NO. 2014- 05**AN ORDINANCE APPROVING THE PETITION TO REFORM AND RATIFY
ORDINANCE 2012 - 08**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition to Reform and Ratify Ordinance 2012 - 08 ("Petition"); and

WHEREAS, said Petition requests the City Council reform Ordinance 2012 - 08 to reflect all proper signatures, which are attached to the Petition; and

WHEREAS, said Petition requests that the City Council ratify Ordinance 2012 - 08 in conjunction with the request of all owners of record; and

WHEREAS, said Petition is sufficient to reflect all proper signators, and to confirm knowledge of all the parties to which Ordinance 2012-08 applies; and

WHEREAS, it is in the best interests of the City of Bloomington, its electors, and the owners of record, to approve said Petition.

NOW, THEREFORE, BE IT ORDNANIED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, as follows:

- 1.)That the Petition is hereby approved.
- 2.)That Ordinance 2012 - 08 be reformed to reflect the signatures of all proper owners of record.
- 3.)That Ordinance 2012 - 08 be ratified.
- 4.)That this Ordinance shall be in full force and effect as of the time of its passage this 27th day of January, 2014, hereby ratifying and reforming Ordinance 2012 - 08 as of its original effective date.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Petition be approved and the City Clerk be directed to record the documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Acquisition of Property Located at 1805 Springfield Rd.

RECOMMENDATION/MOTION: Recommend that the Agreement with the Sharon L. Fler and Richard R. Fler Trust, for the acquisition of property located at 1805 Springfield Rd. be approved, in the amount of \$14,400 and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services; and Goal 2. Upgrade City infrastructure and facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner; and Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service.

BACKGROUND: Richard R. Fler and Sharon L. Fler approached staff regarding the potential sale of their property located at 1805 Springfield Rd. In 2013, the property suffered fire damage, rendering the existing housing structure useless. Instead of redeveloping the property, the Flers thought the highest and best use would be for the City to acquire the land, given its proximity to Miller Park and current park maintenance and storage facilities. John Kennedy, Director of Parks, Recreation and Cultural Arts, confirmed the need for the property to improve access to existing wood chip storage areas and the northern half of Forrest Park from the current park maintenance facility. Improved access will offer a slight efficiency improvement by reducing travel time and associated costs to the wood chip storage area. The property, if purchased, would be turned over "as is". Title work has been completed by City legal staff and no outstanding issues exist that would deter staff from making this recommendation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost of acquiring the property, \$14,400, will be paid using funds currently allocated to the FY 2014 budget under Park Dedication. Although the "Land" object under Park Dedication has no budget for FY 2014, budgeted funds are still available under Park Construction and Improvement (24104100 - 72570). Stakeholders can locate the Park

Dedication budget in the FY 2014 Budget Book titled "Other Funds & Capital Improvement Program" on page 70. The coding for the purchase should be Park Dedication - Land (24104100 - 72510).

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator
Reviewed by: John R. Kennedy, Director of Parks, Rec & Cultural Arts

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

AGREEMENT TO PURCHASE

This Agreement between the CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, a municipal corporation organized under the laws of the State of Illinois, whose mailing address is 109 East Olive Street, P.O. Box 3157, Bloomington, Illinois 61702-3157 (the "Buyer") and the SHARON L. FLEER and RICHARD R. FLEER TRUST, whose mailing address is P. O. Box 1662, Crystal Beach, Texas 77650 (the "Seller").

Seller agrees to sell and Buyer agrees to buy, upon the terms and conditions set forth herein, all of Seller's rights, title and interest in the real estate located at 1805 Springfield Road, Bloomington, Illinois, 61701 and legally described on Exhibit A attached hereto (the "Property"), together with all easements, rights of way, privileges, appurtenances and rights to the same belonging to and inuring to the benefit of the Property.

Section 1. Price and Terms.

The purchase price shall be Fourteen Thousand, Four Hundred Dollars (\$14,400.00), due and payable from Buyer to Seller at closing.

Section 2. Method of Payment.

Buyer shall pay the purchase price in cash, cashier's check, certified funds or the equivalent on or before the _____ day of _____, 2014, and on receipt of deed.

Section 3. Closing.

This Agreement shall be closed on or before the _____ day of _____, 2013. Seller shall surrender possession of the Property to Buyer at closing. Prior to closing, Seller agrees that Buyer and Buyer's agents or representatives shall have the right to enter upon the Property during normal business hours for the purpose of inspecting the Property.

Section 4. Conveyance.

At closing Seller shall convey and transfer the Property to Buyer by warranty deed. At the same time the purchase price shall be paid and all documents relative to the transaction shall be signed and delivered.

Section 5. Performance.

This is an enforceable Agreement placing specific obligations on the Buyer and Seller. Either party is entitled to all legal remedies available under law or equity, including suit for specific performance or damages.

Section 6. Taxes.

Seller shall pay all general real estate taxes assessed for 2013.

Section 7. Risk of Loss.

This Agreement is subject to the State of Illinois Uniform Vendor and Purchaser Risk Act (765 ILCS 65/1), which provides, in general, that the Seller shall bear the risk of loss until transfer of possession or receipt of deed, whichever occurs first.

Section 8. Seller's Representations, Warranties and Covenants.

Seller hereby represents, warrants and covenants to Buyer as to the following matters, each of which is warranted to be true and correct as of the date hereof, and also to be true and correct as of the date of closing.

A. Seller is the sole owner of the Property and has full right and authority to transfer such title to Buyer.

B. Seller has the power and authority to execute this Agreement and to perform the obligations imposed on Seller hereunder.

C. There are no matters of litigation, administrative actions or arbitration pending or threatened against Seller with respect to the Property or against the Property, and Seller has no knowledge of any environmental defect or problem in or on the Property.

Section 9. Operations on the Property.

Seller agrees that, during the time between the execution of this Agreement and the date of closing, it shall not grant any leases, easements or licenses on the Property and shall not improve the Property or erect any structures or improvements thereon or in any manner change the Property without Buyer's prior written consent.

Section 10. Buyer's Representations and Warranties.

Buyer hereby represents and warrants to Seller as to the following matters, each of which is warranted to be true and correct as of the date hereof, and also to be true and correct as of the date of closing.

- A. Buyer has the legal capacity to enter into this Agreement.
- B. There are no matters of litigation, administrative actions or arbitration pending or threatened against Buyer with respect to the subject matter of this Agreement.

Section 11. Brokers.

Seller represents and warrants to Buyer that they have not utilized the service of any real estate broker, salesperson or finder in connection with this Agreement or the transaction contemplated hereby.

Section 12. General Conditions and Stipulations.

(a) Time shall be considered to be of the essence of this Agreement. This Agreement shall extend to and be obligatory upon the heirs, successors and assigns of the parties hereto. If there be more than one Seller or Buyer, the word "Seller" or "Buyer" wherever used herein shall, respectively, be construed to mean Sellers or Buyers, and the necessary grammatical plural changes shall in all cases be assumed as though in each case fully expressed.

(b) All notices and demands herein required or given hereunder shall be in writing. The mailing of any such notice or demand to Seller or to Buyer at their respective addresses hereinbefore set forth shall be considered sufficient service thereof.

(c) This Agreement contains all the terms and conditions agreed upon by parties hereto, and supersedes all oral agreements, regarding the subject matter of this Agreement and may only be amended or altered in writing signed by all parties.

(d) This Agreement may be executed on one or more counterparts by any of the parties hereto which, taken collectively, shall bind the parties as if a single document has been executed by all of them.

(e) This Agreement shall be construed and interpreted in accordance with, and governed by, the laws of the State of Illinois.

(f) This Agreement is contingent upon approval by the Bloomington City Council.

Section 13. Attorney's Fees and Expenses.

Should either Seller or Buyer be required to incur attorney's fees, costs and/or other expenses (including expenses of litigation) as a result of the other party's failure to perform any obligation pursuant to the terms of this Agreement, then the party so failing to perform shall be liable to the other party for any reasonable attorney's fees, costs, and expenses (including expenses of litigation) incurred by such other party. This provision shall survive closing and delivery of deeds.

IN WITNESS WHEREOF, Buyer and Seller have made and executed this Agreement this _____ day of _____, 2014.

BUYER:

CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

By: Tari Renner, Mayor

Attest: Tracey Covert, City Clerk

SELLER:

SHARON L. FLEER and RICHARD R. FLEER TRUST

By: _____
Sharon L. Fleer, Trustee

Attest:

**EXHIBIT A
LEGAL DESCRIPTION**

A part of Lot 10 in the Subdivision of the South East ¼ of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, as per plat recorded in Deed record 34, page 73 described as follows:

Beginning at a point 3.73 chains (246.18 feet) East of the North West corner of said Lot 10; thence South parallel with the West line of said Lot 10, 1.06 chains (70 feet); thence East parallel with the North line of said Lot 10, 4.4 chains (290.4 feet) to the East line of Lot 10; thence

Northeasterly along the East line of Lot 10, 1.28 chains (84.48 feet) to the North East corner of Lot 10; thence West along the North line of Lot 10, 5.09 chains (335.94 feet) to the place of beginning, in McLean County, Illinois.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Agreement with the Sharon L. Fler and Richard R. Fler Trust, for the acquisition of property located at 1805 Springfield Rd. be approved, in the amount of \$14,400, and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 3, Block 9 of Camp Potawatomie, from Linda Jones and Laurie Roth (deceased), to Larry and Jane Roth

RECOMMENDATION/MOTION: That the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Value for your tax dollars and fees.

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 3, Block 9 of Camp Potawatomie, from Linda Jones and Laurie Roth (deceased), to Larry and Jane Roth. The sewage disposal system inspection was completed in late December 2013. The septic system was functioning normally at that time. The septic tank and field are undersized by current McLean County Health Department (MCHD) code, probably due to the fact that the sewage disposal system is sixty-three (63) years old. The MCHD estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20 – 25) years. This property has been used seasonally as a cabin, so the septic system life would be different than that of a system that is used full time. The system is a subsurface discharging system which means the effluent from the system does not discharge directly into Lake Bloomington reservoir and thus poses little threat to the water quality in the reservoir.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value) for determining the Lake Lease Fee. With this lake lease transfer, the lake lease formula will generate about \$140 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140 - 57590.

Respectfully submitted for Council consideration.

Prepared by: Craig Cummings, Director of Water

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

State of the City Remarks by Mayor Renner.

Mayor Renner noted that State of the City remarks were something new. They were a standard practice in other cities. The purpose was to outline accomplishments, challenges and goals for the future.

Mayor Renner cited external reviews of the City. As an example, nerdwallet.com rated the City as the second fastest growing economy in the US. It had also been rated a best place for singles and working retirees. The City has the fastest growing economy in Illinois, a low crime rate and a strategic location. Community assets included stable

employment base, strong colleges and universities, a growing regional airport, rail service, low commute times, revitalized Downtown, and entertainment options.

He thanked the Council and City staff for working together to move the City forward in the past year. 2013 was a year of change, transition, progress, and openness & transparency. In 2013, there were sixteen (16) Mayoral Open Houses and three (3) Town Hall Meetings. The City had an Illinois Policy Institute (IPI) score that went from around fifty percent (50%) to around eighty percent (80%) and had earned a Sunshine Award from the IPI. The City responded to constituents' concerns in a timely manner. City Hall was surrounded by windows. Citizens can look in and see what they pay for. Areas in need of further improvement included transparency and internal communications.

Accountability had been improved by the recent consolidation of City Boards and/or Commissions and the imposition of term limits. These changes addressed accountability. There would be a balance between experienced and new members.

Culture change was needed. A proposal had been prepared to address personnel and organizational issues at City Hall. This change would address efficiency and effectiveness. This topic was presented at the Council Retreat.

There was a need for a renewed cooperative spirit when working with local government entities such as the Town of Normal and McLean County. All have agreed to act together as one community when there are similar concerns.

Citizens were concerned about infrastructure. Council had passed a \$10 million bond issue to address street and sewer repairs. Effort had been placed on infrastructure investment which was critical to economic development.

The Downtown was the historical/cultural core of the City. It made the City unique. A Downtown Plan was passed. In addition a Bicycle Plan had been approved that would link the Downtown to Constitution Trail. Downtown hoped to feature a Rt. 66 Visitor Center at the McLean County History Museum. A Downtown hotel feasibility study had been approved by the Council. A library development plan was underway that would connect the library to the community via a bike trail. Liquor laws in the Downtown were strictly enforced. He noted a recently approved Text Amendment. He hoped to focus on a clean and safe Downtown. The Council would be asked to consider power washing and increasing the number of cameras in the Downtown.

Strides had been made regarding economic development. Council had approved incentives which could be used to encourage growth. The City must be aggressive and pursue growth. Developers question two (2) things: 1.) what do you offer millennials and 2.) how quickly are decisions made regarding economic incentives and/or assistance with permit issues. The City must be proactive in order to grow.

Council took a bold step passing an aggressive pension funding policy. This action must be followed up on during the budget process. The Council needed to determine how to pay for pensions.

The Solid Waste Fund had been addressed through a General Fund subsidy. The Council took action to address the subsidy and continued work on this service.

During 2013, some accomplishments addressed avoiding crisis. He cited the efforts of RT Finney, Interim Police Chief, to address an incident involving the Police Department on the City's east side which was escalated via social media.

The City tried Council subcommittees. They did not improve the process and were dissolved.

There were challenges ahead in the upcoming year. Improved transparency should become part of the culture. More Town Hall Meetings would be held. A transparency ordinance that will allow public comment at all public meetings was needed. The City should offer web streaming of meetings and provide more documents on the City's web site.

Another challenge involved employee morale. Staff has a right to fair treatment, respect and regular evaluations. Grievances should be heard and acted on in a timely manner.

The City needed to work with community organizations regarding a range of issues including lax code enforcement, crime and at risk youth in older neighborhoods. Economic development required strong assets.

The cost of sprawl was a concern. It had cost the City \$14 million to push sewage uphill at the Grove Subdivision. The City must focus on smart growth in the future.

Budget tradeoffs would be an ongoing issue. He cited pensions, sewers, etc.

A regional water supply must be addressed. The long term plan included tapping into the Mahomet Aquifer.

Great progress had been made in the last year. He looked forward to working together with the Council in the upcoming year on a variety of challenges. He thanked everyone for all that was done to make the City great. The primary asset of a city was the people.

The following was presented:

SUBJECT: Presentation of Economic Development 2013 Annual Report

RECOMMENDATION/MOTION: That the Economic Development 2013 Annual report be considered as presented.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses; 3b. Attraction of new targeted businesses that are the “right” fit for Bloomington; 3c. Revitalization of older commercial homes; 3d. Expanded retail businesses and 3e. Strong working relationships among the City, businesses, economic development organizations.

BACKGROUND: In support of the City’s Strategic Plan, formally presented and unanimously adopted by the Council on January 25, 2010, staff has been working to bring recommendations before Council to improve the economic outlook in the City. Specific 2014 Action Plan items and related updates pertaining to economic development include:

1. Expansion of the business license program: Presented to the Administration & Finance Committee on April 1, 2013 and again on August 5, 2013. Since this time, staff has continued to work with the McLean County Chamber of Commerce to solicit feedback on potential fees associated with the program and Sikich Consultants to identify an appropriate program management and implementation process.
2. EDC Property Tax Abatement and Incentive Program: Presented item to Council on November 12, 2013 whereby a program including the Limited Discretionary Property Tax Abatement of Improvements was adopted and a corresponding Memorandum of Understanding was executed.
3. Downtown hotel feasibility study: Presented item to the Council on December 9, 2013 whereby an agreement for Phase I of such study was executed, with findings anticipated to be presented to Council in February 2014.

In addition to the three (3) aforementioned items, there are many other projects on which the Economic Development Coordinator has worked or provided assistance. A comprehensive review of accomplished tasks and associated outcomes was provided to the Council for review and consideration. Staff is respectfully seeking Council feedback regarding such activities and the future direction of the Economic Development Office.

The Economic Development Coordinator works closely with the Bloomington-Normal Economic Development Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Economic Development Council of the Bloomington-Normal Area and the National Development Council were both contacted regarding statistics and information needed for this presentation.

FINANCIAL IMPACT: An effectiveness measurement table for economic development was provided to the Council. It highlighted the estimated number of jobs attracted, created or retained with City assistance (42), estimated new commercial capital investment created with City assistance (\$3,494,825) and increase in sales tax revenue for FY 2013 versus FY2 012 (\$2,766,497).

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item.

Justine Robinson, Economic Development Coordinator, addressed the Council. Ms. Robinson noted that Council had been given a copy of the Annual Report 2013 – Office of Economic Development. This document outlined the Strategic Plan, accomplishments and goals. There were also dozens of ongoing projects that had not been included in this report.

The Economic Development office addresses the needs of businesses and individuals daily in a proactive manner. Success came from a team approach by establishing partnerships both locally and nationally. Elizabeth Au, National Development Council's Central Team Director, has served as a consultant to the City. Ms. Au provided assistance in the following areas: financial, technical, best practices, professional third party opinions and developing financial resources. Appreciation was extended to Ms. Au for all of her assistance.

On a local level, important relationships with other organizations have aided in overall successes. Those partners include: Bloomington Normal Economic Development Council (EDC), McLean County Chamber of Commerce, Downtown Bloomington Association, Bloomington-Normal Area Convention and Visitors Bureau, Westside Bloomington Revitalization Program, and Illinois Wesleyan University's Action Research Center who was providing four (4) interns this semester. Everything that these organizations have done was appreciated as she looked forward to 2014.

Alderman Fazzini congratulated Ms. Robinson on a great year. There was an opportunity to be a tourism center in Central Illinois. The opportunity involved working with eight (8) other entities on a visitor's center at the McLean County History Museum. Over 50,000 people traveled Rt. 66 every year, many from foreign countries. They stop in Pontiac and Atlanta, IL. The City needed to attract this group. The professional mural was part of developing pride in the Downtown.

Alderman Schmidt thanked Ms. Robinson for putting the City on the move. She mentioned her collaborative efforts and focus.

Alderman Mwilambwe also thanked Ms. Robinson and was encouraged by her work. He questioned what the Council could do to help in order to see additional results.

David Hales, City Manager, addressed the Council. He noted frequent discussions as Ms. Robinson was a one woman show. There was a specific role and mission for the EDC but it lacked a focus on retail economic development. Ms. Robinson's role was a supportive one to the EDC. Discussions with the new EDC Director were planned. Ms. Robinson has dozens of ongoing projects. She has networked and developed valuable connections. She was the best person for the job.

Alderman Lower noted that efforts in the Downtown had been mentioned. He questioned looking at the community at large.

Ms. Robinson responded that there were targeted areas specified in the Strategic Plan. She was working on various shopping centers. HyVee was close to breaking ground in the Lakewood Plaza. Sport Clips opened in the same plaza because of HyVee. Ashley Furniture had opened in the Colonial Plaza. Golden Corral and Slumberland were examples of efforts beyond Downtown.

Alderman Fruin stated his appreciation of Ms. Robinson's efforts. The Council should be informed before reading about developments in the newspaper. All involved must respect the situation. Improved communication would enhance Council's working relationships. He acknowledged it was a challenge.

Alderman Fazzini said that attracting new businesses was important. It was also important to retain current businesses. He believed that the EDC focused on business retention. He asked for an explanation of concept of leakage.

Ms. Robinson stated that eighty percent (80%) of growth came from existing businesses. Retail surplus and leakage reporting provided key information. The City must ensure that targeted businesses were attracted to key areas. It was important to interpret and communicate the data in this report to grow the local economy and expand the tax base. The data allowed for informed decisions to be made that affect business owners and all citizens.

Alderman Fazzini said that the goal was to keep dollars locally and discourage residents from shopping elsewhere. Leakage represented money that was leaving town and being spent elsewhere.

Alderman Black thanked Ms. Robinson for meeting with him and explaining the EDC's responsibilities. This evening's presentation was clear. He noted the Economic Excellence Facts and Figures card as an effort to sell the City. He also appreciated the use of interns.

The following was presented:

SUBJECT: Haney Plumbing & Rental Property Tax Abatement for Property Located at 407 – 409 W. Washington St.

RECOMMENDATION/MOTION: That the proposed property tax abatement be approved, the Mayor and City Clerk be authorized to execute the necessary documents and the Resolution adopted.

STRATEGIC PLAN LINK: Goal 6. Prosperous Downtown Bloomington; and Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 6a. More beautiful, clean Downtown area; 6b. Downtown Vision and Plan used to guide development, redevelopment and investments; 6c. Downtown becoming a community and regional destination; 6d. Healthy adjacent neighborhoods linked to Downtown; 6e. Preservation of historic buildings; Objective 4a. Retention and growth of current local businesses; 4b. Attraction of new targeted businesses that are the “right” fit for Bloomington; 4c. Revitalization of older commercial homes; 4d. Expanded retail businesses; and 4e. Strong working relationship among the City, businesses & economic development organizations

BACKGROUND: Haney Plumbing & Rental is a local company with nearly forty (40) years of experience in McLean County, ten (10) of which have included Downtown. The project in question would rehabilitate an existing structure located at 407 - 409 W. Washington St. which is located in Downtown.

This project would serve two (2) primary functions. First, it would serve as a six (6) unit residential apartment building for current and prospective residents of the Downtown community; a use that is currently in high demand as rental occupancy sits at 100% (Downtown Bloomington Association). Businesses are increasing the number of short-term employees working in the Downtown area. Secondly, the project site would serve to provide 1,600 square feet of enhanced commercial space.

In all, this revitalization project would invest a minimum of \$970,000 into taxable property and would serve to revitalize an existing structure in the Downtown community, an area highlighted on the Economic Development Target Area Map. In addition to the rehabilitation of an existing structure in a focus area of our community, a few elements of particular interest in regards to this project include its compatible design and occupancy, a synergy with the concepts outlined in the forthcoming Downtown Plan and a focus on environmentally sustainable outcomes.

In order to make the project financially feasible and thus complete the renovation, Haney Plumbing & Rental is requesting a freeze on real estate taxes owed on the site in question. This freeze, if approved by the taxing bodies, would allow Haney Plumbing & Rental to pay a portion of the new increment of property tax during each of the five (5) years while the company invests into the site. After the period of five (5) years is over, the company’s taxes will rise to take into

account the full value of the new investment. At that point, all taxing bodies would begin to collect the full amount of post-investment taxes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In addition to appropriate department heads and representatives from Public Works, PACE, Finance, Fire, Water and Police Departments, all having received the information and were invited to a comprehensive discussion on the application, the National Development Council, Economic Development Council for the Bloomington-Normal Area, Downtown Bloomington Association, Assessor for the Town of the City of Bloomington have been partners throughout the incentive application process. In addition to conducting informal meetings and communications with the aforementioned entities, the tax abatement agreement may also be considered by the following committee and boards:

COMMITTEE/BOARD
BLOOMINGTON CITY COUNCIL
MCLEAN COUNTY FINANCE COMMITTEE
DISTRICT 87 SCHOOL BOARD
BLOOMINGTON NORMAL AIRPORT AUTHORITY BOARD
MCLEAN COUNTY BOARD
HEARTLAND COMMUNITY COLLEGE BOARD
BLOOMINGTON PUBLIC LIBRARY BOARD
CITY OF BLOOMINGTON TOWNSHIP BOARD
BLOOMINGTON NORMAL WATER RECLAMATION DISTRICT BOARD

FINANCIAL IMPACT: According to the National Development Council, which conducted a full financial analysis of the developers and the project in question, (including a three year review of personal and business financial statements), this incentive is necessary in order to make the project financially viable. The company has leveraged existing financial resources and programs, including the Downtown Enterprise Zone, (a \$55,672 value), and the Harriet Fuller Rust Façade Grant Program, (a \$25,000 value), but a financial gap still exists. As proposed, this arrangement serves to strengthen the projects financial position and by way fill the identified financial gap.

As structured, the proposed property tax abatement agreement protects the taxing bodies by guaranteeing that they will collect the existing pre-project level of property taxes *plus* an additional increment equal to \$2,436.22 or 255.79% of the pre-project amount each year. For example, the City collected \$210.70 in 2012; therefore, in the first year of the tax abatement, the City will collect the pre-project amount of \$210.70 *plus* an additional \$328.25 of the new increment for a total of \$538.95 to be collected by the City. This will occur during each of the five (5) years during the tax abatement agreement. Upon completion of the five (5) year agreement, each taxing body will collect the full amount of taxes under the new assessment. For example, the City will go from collecting \$210.70 in the current year, to \$538.95 during each of the five (5) years under the tax abatement agreement and \$2,506.79 each year following the abatement. (An illustration of the incentive structure is included in the Financial Impact section

of this memo.) Again, this approach would allow Haney Plumbing & Rental to close its financial gap while also maintaining an adequate market return in the initial years of the project.

It is important to note that the amount of abated taxes will vary from taxing body to taxing body, based on the size of each taxing body's specific levy, (an estimate of said breakdown is provided within the Financial Impact section of this memo). As each taxing body will have their own tax abatement agreement, if one or more taxing bodies chose not to participate, this would have no effect whatsoever on taxing bodies that do choose to participate.

The tables below demonstrate the potential value of the capital investment and related property tax abatement as proposed for each of the taxing bodies affecting the parcel.

Property Assessment Estimate

Table and information provided by the Assessor for the Town of the City of Bloomington.

407-409 W WASHINGTON	2013 ASSESSMENT	NEW ASSESSMENT
	21-04-307-003	@ COMPLETION OF WORK
LAND	\$18,681	\$18,681
IMPROVEMENTS	\$981	\$217,819
TOTAL	\$19,662	\$236,500

Proposed Tax Abatement Agreement & Related Estimates

Table and information provided by the McLean County Illinois Parcel Information System.

Estimates calculated by Economic Development Coordinator.

Taxing Body	2012 Tax Rate	2012 Taxes Collected	Est. Taxes Collected During Agreement (Per Year)	Est. Abatement During Agreement (Per Year)	Est. Taxes Collected After Agreement (Per Year)
Heartland Comm College	0.482550	\$95.93	\$245.38	\$895.94	\$1,141.32
B-N Water Reclamation Dist	0.164020	\$32.61	\$83.41	\$304.56	\$387.98
McLean County	0.911650	\$181.22	\$463.54	\$1,692.51	\$2,156.06
Blm-Nrm Airport Auth	0.127450	\$25.34	\$64.82	\$236.66	\$301.48
City Of Bloomington Library	0.256200	\$50.93	\$130.27	\$475.66	\$605.94
CUSD 87 Bloomington	4.723220	\$938.93	\$2,401.69	\$8,769.18	\$11,170.88
City Of Bloomington Township	0.141450	\$28.12	\$71.93	\$262.63	\$334.56

City Of Bloomington	1.059900	\$210.70	\$538.95	\$1,967.84	\$2,506.79
Totals	7.86644	\$1,563.78	\$4,000.00	\$14,605.00	\$18,605.00
VALUE OF ABATEMENT AFTER 5 YEARS: (ASSUMES ALL TAXING BODIES PARTICPATE)			% OF PROJECT COSTS (ASSUMES ALL TAXING BODIES PARTICPATE)		
\$73,025			7.52%		

Proposed Property Tax Abatement Illustration

Taxing Body	2012 Taxes	Year 1 Taxes	Year 2 Taxes	Year 3 Taxes	Year 4 Taxes	Year 5 Taxes	Year 6 Taxes
Heartland Comm College	\$95.93	\$245.38	\$245.38	\$245.38	\$245.38	\$245.38	\$1,141.32
B-N Water Reclamation Dist	\$32.61	\$83.41	\$83.41	\$83.41	\$83.41	\$83.41	\$387.98
McLean County	\$181.22	\$463.54	\$463.54	\$463.54	\$463.54	\$463.54	\$2,156.06
Blm-Nrm Airport Auth	\$25.34	\$64.82	\$64.82	\$64.82	\$64.82	\$64.82	\$301.48
City Of Blm Library	\$50.93	\$130.27	\$130.27	\$130.27	\$130.27	\$130.27	\$605.94
CUSD 87 Blm	\$938.93	\$2,401.69	\$2,401.69	\$2,401.69	\$2,401.69	\$2,401.69	\$11,170.88
City Of Blm Township	\$28.12	\$71.93	\$71.93	\$71.93	\$71.93	\$71.93	\$334.56
City Of Blm	\$210.70	\$538.95	\$538.95	\$538.95	\$538.95	\$538.95	\$2,506.79
TOTAL	\$1,563.78	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$18,605

In addition to the \$2,436.22 or 255.79% annual increase in property taxes in each of the first five (5) years of the agreement, there are a number of other ways in which this project will be beneficial to the community outside of the capital investment figures. As these aspects are difficult to quantify, an overview of the potential positive effects of this project are outlined below. Ultimately, this project will:

- Use local workforce during construction and upon completion of the commercial section.
- Increase the property value of the affected building and have a positive impact on the surrounding area.
- Allow for the expansion of local commercial businesses.
- Renovate a Downtown property that has been in our community for over 100 years; when complete, citizens and local businesses will benefit from enhanced Downtown aesthetics.
- Stimulate positive communication between developers, City staff and economic development organizations within our community and open the door for future development opportunities.

- Enhance the perception of the Downtown among City residents.
- Be a source of pride for those actively working to improve the Downtown.

City of Bloomington Economic Development Incentive Guideline

It is also important to note that the proposed incentive embraces the goals and objectives outlined in the City of Bloomington’s Economic Development Incentive Guideline, as adopted by Council in 2012.

The goals and objectives of said criteria, along with the ways in which the Haney Plumbing & Rental development meets such principals, are summarized herein as follows:

GOAL/OBJECTIVE	CRITERIA FULFILLED
1. Provide a distinct financial return	<ul style="list-style-type: none"> • NDC confirmed financial gap • Immediate financial return exists
2. Initiated by a formal application process	<ul style="list-style-type: none"> • Completed application packet enclosed • Financial statements provided to NDC
3. Derived from new incremental revenue	<ul style="list-style-type: none"> • Only newly generated revenue will be utilized for the incentive; no existing funds will be allocated
4. Appropriate amount and length of time	<ul style="list-style-type: none"> • Eight (8) percent (%) of the project cost is proposed to be returned in the form of a property tax incentive • Project is not retail based and therefore may exceed the 50% threshold • Incentive is limited to five (5) years
5. Project Basis	<ul style="list-style-type: none"> • Incentive is based on one (1) project and is being distributed to the property owners/developers
6. Development agreement with performance based measurements & claw back provisions	<ul style="list-style-type: none"> • Development agreement with appropriate performance measurements and claw back provisions included in the application packet
7. State and federal regulations to be met	<ul style="list-style-type: none"> • To the best of Staff’s knowledge, all state and federal regulations have been met by the applicant(s) up to the point of submission of this memo
8. Incentives for future development	<ul style="list-style-type: none"> • Incentives will be applied to the development in accordance with the project pro forma and sworn statement provided; developer was encouraged to complete exterior work prior to consideration by the City Council in order to protect the property from the winter weather elements

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

TAX ABATEMENT AGREEMENT

THIS TAX ABATEMENT AGREEMENT (the "*Agreement*") is made this 28th day of January, 2013, between the City of Bloomington, McLean County, Illinois (the "*City*") and Joseph D & Ruth Haney, DBA Haney Plumbing & Rental, (the "*Developer*"), a sole proprietorship.

WHEREAS, the City of Bloomington (the "*City*") is a home rule municipality pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois with full power and authority to perform any function pertaining to its government and affairs; and,

WHEREAS, tax abatement is a tool often used as an incentive to induce business retention, business expansion and new development resulting in community revitalization; and;

WHEREAS, the promise of financial assistance can make the difference in a developer's decision regarding the location of a project or the eagerness to expand or initiate a project; and,

WHEREAS, Joseph D & Ruth A Haney, DBA Haney Plumbing & Rental, a sole proprietorship (the "*Developer*") has requested real estate tax abatements on the part of the local taxing districts in order to undertake the renovation of a building that is nearly 100 years old and located at 407-409 West Washington (the "*Building*") in the area known as "Downtown Bloomington"; and,

WHEREAS, the Developer has advised the City that without the real estate tax abatements as requested, this undertaking will not be economically viable; and,

WHEREAS, all parties believe the economic development impact of this proposed project will ultimately be advantageous to the community as a whole due to the capital investment by the Developer and the resulting job opportunity, neighborhood revitalization, and the increase in the tax base of all of the taxing districts; and,

WHEREAS, the Developer has submitted a plan for the redevelopment and rehabilitation of the Building, which has remained vacant for many years, to construct a multi-unit rental property with six (6) residential units and commercial space on the ground floor (the "*Project*"); and,

WHEREAS, the current equalized assessed value of 407-409 West Washington (the “*Subject Property*”) is described in *Exhibit A* attached hereto; and,

WHEREAS, the Subject Property is identified as tax parcel 21-04-307-003 (the “*Tax Parcel*”), which is 0.45 acres in size; and,

WHEREAS, for purposes of this Agreement, the “Base EAV” of the Subject Property will be deemed to be the 2012 assessed value of the Tax Parcel; and,

WHEREAS, Article 18 of the Illinois Revenue Code, 35 ILCS 200/18-165(a), provides that:

“Any taxing district upon a majority vote of its governing authority may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

Commercial and industrial.

The property of any commercial or industrial firm. . . . The abatement shall not exceed a period of ten (10) years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed \$4,000,000[;]”

WHEREAS, the Developer has estimated that the Project shall require \$970,632 of investment, including the cost of acquisition, to undertake and complete the Project; and,

WHEREAS, the Developer has requested that the City grant its request for a real estate tax abatement as permitted by Illinois law, provided that the Developer satisfy all of the terms and conditions as set forth in the Tax Abatement Agreement attached hereto and made a part hereof (the “*Agreement*”); and,

WHEREAS, the City is willing to grant such real estate tax abatement to the Developer in accordance with the terms and conditions set forth in the Agreement.

NOW, THEREFORE, IN CONSIDERATION of the mutual undertakings herein contained and other valuable consideration, the parties hereby agree as follows:

Section 1. The City hereby agrees to adopt a Resolution, in the form attached hereto as *Exhibit A* (the “*Resolution*”), directing the County Clerk to abate that portion of the real estate taxes levied by the City against the Subject Property over and above the sum of \$4,000.00. Said abatement shall be for a period of five (5) years, as stated in the Resolution. The City agrees to adopt and file any other documents that may be required from time to time to effectuate said abatements, including (*if necessary*) annual abatement resolutions.

Section 2. The Developer hereby agrees, on or before April 30, 2015, to redevelop and reconstruct the building located on the Subject Property to provide a multi-family rental facility

with 6 residential units and commercial space on the ground floor (the “*Project*”) for a total investment of no less than \$970,632.

Section 3. The Developer hereby covenants and agrees to submit to the City on or before July 31, 2015, the following items, to-wit: paid invoices (including statements at least monthly for development and general contractor fees), bills, contracts (including the agreement of the parties relative to acquisition of the Subject Property), lien waivers or other evidence as may be requested by the City to demonstrate an investment of no less than \$970,632 to complete the Project.

Section 4. This Agreement is subject to termination by the City after sixty (60) days written notice at any time during the term of this Agreement:

1. The Developer has failed to demonstrate that it has invested at least \$970,632 for improvements related to the Subject Property, including, without limitation, acquisition costs, site work, building construction, costs and fees, and equipment (purchased and installed).
2. The Developer has failed to complete the Project on or before April 30, 2015.

Section 5. The Developer covenants and agrees, warrants and represents that it shall comply with all applicable federal, state and local laws, rules, regulations, ordinances, charters, statutes, codes, orders, policies and procedures relating to the Subject Property.

Section 6. For so long as this Agreement shall remain in full force and effect, the Developer agrees to provide access to and authorize inspection of the Subject Property upon request of the City to ensure that the improvements are made according to the specifications and conditions of this Agreement.

Section 7. In the event this Agreement is terminated due to the Developer’s breach of any provision of this Agreement, then all taxes abated by the City pursuant to this Agreement shall be repaid to the City within thirty (30) days of City’s request therefore. Additionally, the City shall direct the County Clerk not abate any of the City’s levy of property taxes of the Subject Property.

Section 8. The City may extend the date set forth in *Section 3* a.1 of this Agreement, if the Developer reasonably demonstrates the necessity for any such extension(s).

Section 9. The Agreement constitutes the entire contract between the parties hereto, and no oral statements or promises and no understanding not embodied in this writing shall be valid or binding. Any modification of this Agreement shall be in writing and executed with the same formality as this Agreement.

Section 10. This Agreement shall be governed by the laws of the State of Illinois. It is agreed by the parties that if any party commences suit, actin or any other legal proceeding

against the other, the venue shall be the Circuit Court of McLean County, Illinois. Each prevailing party in such suit, action, or proceeding has a right to recover from any adverse party, its attorney's fees, court costs, and other costs of litigation.

Section 11. Any statutory reference contained herein shall include any and all amendments thereto and replacements thereof.

Section 12. Any notice required under this Agreement shall be given to the respective parties as follows:

To the Developer:

Haney Plumbing & Rental
Attn: Joseph D & Ruth A Haney
9030 Hardesty Run
Bloomington, Illinois 61705

To the City:

City of Bloomington
Attn: Justine Robinson
109 East Olive Street
Bloomington, Illinois 61701

with a copy to:

Kathleen Field Orr & Associates
Attn: Kathi Orr
53 West Jackson Blvd., Suite 935
Chicago, Illinois 60604

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the above date at Bloomington, Illinois.

City of Bloomington, McLean County, an Illinois municipal corporation

By: Tari Renner, Mayor

Attest:

Tracey Covert, City Clerk

Haney Plumbing & Rental, a sole proprietorship

By: Joseph Haney

RESOLUTION NO. 2014 - 03

**A RESOLUTION OF THE CITY OF BLOOMINGTON, ILLINOIS,
ABATING CITY PROPERTY TAX**

WHEREAS, the City of Bloomington (the “City”) is a home rule municipality pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois with full power and authority to perform any function pertaining to its government and affairs; and,

WHEREAS, tax abatement is a tool often used as an incentive to induce business retention, business expansion and new development resulting in community revitalization; and,

WHEREAS, the promise of financial assistance can make the difference in a developer’s decision regarding the location of a project or the eagerness to expand or initiate a project; and,

WHEREAS, Joseph D & Ruth A Haney, DBA Haney Plumbing & Rental, a sole proprietorship (the “Developer”) has requested real estate tax abatements on the part of the local taxing districts in order to undertake the renovation of a century old building located at 407-409 West Washington (the “Building”) in the area known as “Downtown Bloomington”; and,

WHEREAS, the Developer has advised the City that without the real estate tax abatements as requested, this undertaking will not be economically viable; and,

WHEREAS, all parties believe the economic development impact of this proposed project will ultimately be advantageous to the community as a whole due to the capital investment by the Developer and the resulting job opportunity, neighborhood revitalization, and the increase in the tax base of all of the taxing districts; and,

WHEREAS, the Developer has submitted a plan for the redevelopment and rehabilitation of the Building, which has remained vacant for many years, to construct a multi-unit rental property with six (6) residential units and commercial space on the ground floor (the “Project”); and,

WHEREAS, the current equalized assessed value of 407-409 West Washington (the “Subject Property”) is described in *Exhibit A* attached hereto; and,

WHEREAS, Article 18 of the Illinois Revenue Code, 35 ILCS 200/18-165(a), provides that:

“Any taxing district upon a majority vote of its governing authority may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

(1) *Commercial and industrial.*

(A) The property of any commercial or industrial firm. . . . The abatement shall not exceed a period of ten (10) years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed \$4,000,000[;]”

WHEREAS, the Developer has estimated that the Project shall require an investment of \$970,632, to undertake and complete the Project; and,

WHEREAS, the Developer has requested that the City grant its request for a real estate tax abatement as permitted by Illinois law, provided that the Developer satisfy all of the terms and conditions as set forth in the Tax Abatement Agreement attached hereto and made a part hereof (the “*Agreement*”); and,

WHEREAS, the City is willing to grant such real estate tax abatement to the Developer in accordance with the terms and conditions set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bloomington, McLean County, Illinois, as follows:

Section 1. The Tax Abatement Agreement by and between the City and Haney Plumbing & Rental, in the form attached hereto, is hereby approved and the Mayor is hereby authorized and directed to execute said Agreement on behalf of the City.

Section 2. The McLean County Clerk is hereby ordered to abate that portion of real estate taxes levied by the City against the Subject Property over and above the sum of \$4,000.00 commencing with the 2016 taxes payable in 2017; the 2017 taxes payable in 2018; the 2018 taxes payable in 2019; the 2019 taxes payable in 2020; and, the 2020 taxes payable in 2021; subject, however, to cancellation and termination upon written notice from the City Clerk of a default by the Developer under the Tax Abatement Agreement.

Section 3. The real estate tax abatement provided in Section Two shall terminate immediately upon written notice from the City Clerk that, at any time after April 30, 2015, a default has occurred on the part of the Developer which has not been cured.

Section 4. Any statutory reference contained herein shall include any and all amendments thereto and replacements thereof.

Section 5. This Resolution shall be in full force and effect upon its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Bloomington, McLean County, Illinois, this 27th day of January, 2014.

AYES: 8
NAYS: 0
ABSENT: 1

APPROVED:

Tari Renner, Mayor

Attest:

Tracey Covert, City Clerk

(EXHIBIT A. EQUALIZED ASSESSED VALUE ON FILE IN CLERK'S OFFICE)

Mayor Renner introduced this item.

Alderman Schmidt recognized the Haneys for the quality and detail of their work in the Downtown. The addition of residential rentals and commercial space in the Downtown would be an asset. She thanked the Haneys for their work. She was glad that the City provided an opportunity for public/private partnership.

Alderman Stearns believed it was nice to see encouragement for those willing to take on a historic property. This property would be an addition to the Downtown. This building helped to make the City unique. Renovation was difficult and expensive. She questioned if there were other historic properties which would be eligible for abatement. She cited adjacent neighborhoods.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the Property Tax Abatement be approved, the Mayor and City Clerk be authorized to execute the necessary documents and the Resolution adopted.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendments to Chapter 21. Refuse, Section 3001.(a) and Section 300.6.

RECOMMENDATION/MOTIONS: That the Text Amendments be approved and the Ordinance passed.

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: Staff has expressed concerns about logistics and efficiency in regard to refuse collection at multiple family residences throughout the study and analysis of the Solid Waste Program. As staff proceeded with accepting cart orders from the public, these issues rose to the forefront. This memorandum will provide general updates on the program as a whole (Attachment 3), two (2) issues come to the Council with recommended text amendments:

- Refuse fees in regard to the Downtown and Bloomington Housing Authority properties and at apartments in which owners wish to enact cart sharing among tenants, Chapter 21. Section 300.6. This text amendment also corrects language to reflect the intent of Council and staff regarding residents substituting refuse carts.
- Collection at apartments with more than six (6) units, Chapter 21. Section 300.1 (a).

Apartment cart sharing

Throughout the process of study and analysis of solid waste collection, staff has strived for efficient and effective service through implementation of automated refuse collection. In regard to multifamily residences, issues regarding logistics of collection and efficiency when collecting multiple carts at a location have been raised at various times.

The question of whether to and how to accommodate cart sharing among apartment tenants arose as staff began accepting cart orders from the public. To date, there has been no decision at the Council level regarding cart sharing. Mailers for cart orders were sent to each individual residence, including every apartment in multifamily buildings. A number of landlords contacted the City wishing to order carts for the building as a whole in order to have fewer but larger carts. Staff believes this to be a beneficial request both for efficient collection of refuse and space issues seen by property owner.

Positives: A multifamily property owner would have less storage demands and greater efficiency under tenant cart sharing. Also, some property owners take it upon themselves to set out refuse. Their work would be lessened. For the City, the savings are in time and gasoline – picking up, two (2) 95 - gallon carts instead of five (5) 35 - gallon carts as an example. The space needed along the parkway would also be reduced. This would be especially useful along streets with on-street parking, where Public Works anticipates having difficulty accessing carts. Associated benefit: Cart sharing might prompt landlords and tenants to begin or increase recycling. Staff will raise the topic of obtaining recycling carts in the course of a conversation with a landlord regarding refuse carts. An addition of a recycling cart will not increase direct cost to the landlord

or tenants. Apartments currently produce little recycling compared to single family homes. Staff is concerned given the nearby landfill space is dwindling and recycling is environmentally responsible. While recycling carts are typically assigned to a specific apartment unit, staff is willing to assign a shared recycling cart, registered under the landlord's name, to an entire apartment building.

Negatives: Garbage cart sharing will require more administrative work to arrange and keep track of each cart sharing property. Also, it creates a problem in tracking the carts themselves. Individual carts are issued by serial number to addresses, including apartment unit numbers, and are the responsibility of the homeowner or tenant. Cart sharing means carts will be collectively assigned to an address with unclear responsibility for the equipment. Cart sharing also creates an accounting issue. If staff's recommendation is followed, tenants of a five (5) unit complex would be billed a combined \$80, (\$16 times five), per month. However, the five (5) unit complex might be served by two (2) 95 - gallon carts, which among single family residences would generate \$40 per month (\$20 times two). An audit of revenue generation becomes complicated as revenue would exceed the simple mathematical equation of revenue generated per cart.

Financial impact: Cart sharing should create minor financial savings. The extent of revenue is unknown and dependent upon how many landlords select this option.

Three options: Staff formulated three (3) options regarding cart sharing, with a recommendation for Option 2.

- Option 1: Decline to allow cart sharing. Each apartment unit has its own cart. For a five (5) unit apartment, this could mean five (5) 35 - gallon carts or it could mean a combination of cart sizes. The landlord is required to make accommodations for storage based on the tenants' cart orders. Landlords also have the option of declining City service and contracting for solid waste service. *Not recommended by staff.*
- Option 2: A landlord can request cart sharing in writing, landlord determines the number of carts and sizes needed, as long as the number of larger carts, (65 - gallon and/or 95 - gallon), equals half the number of units or less. (Examples: a five (5) unit building sharing carts, the maximum number of 95 and 65 - gallon carts would be a total of two (2); a six (6) unit building would be allowed up to three (3) 95 and 65 gallon carts, etc.). The Public Works Director or his designee must agree and sign off on the cart sharing arrangement. Each unit will be charged the minimum fee under the City's new variable structure - \$16, starting May 1, 2014. *Recommended by staff.*
- Option 3: For accounting purposes, the larger carts are assigned to specific units. For example, two (2) tenants of a five (5) unit complex might be billed for a 95 gallon cart, (\$20 per month apiece), while three (3) are billed for 35 gallon carts, (\$16 apiece). The difference is a dollar per week, the unfairness seems glaring. *Not recommended by staff.*

Conclusion: Option 2 marks a departure from the Council policy of affixing a price to every ratepayer based on the size of a cart actually being used. However, cart sharing would better achieve the Council policy to continue service to multiple family residences, as expressed by the

vote on September 23, 2013. It also better aligns policy with Strategic Plan Objective 1d, which states “City services delivered in the most cost-effective, efficient manner.” Under Option 2, the departure from the new billing structure would save the City money, increase efficiency and accommodate owners and tenants of multiple family housing. While it complicates the cart tracking and billing processes, it does not do so to an unreasonable level and it simultaneously eases garbage collection.

Condominiums: Condominiums represent a collection of individually owned properties and would not qualify for cart sharing under staff’s proposal. Cart sharing requires common ownership.

Other proposed changes to Refuse Fee

Three (3) other changes are proposed in the Refuse Fee section of Chapter 21.

- Setting the monthly fee for Downtown residents at the lowest residential rate - currently set for \$16 as of May 1, 2014. Cart use will not be practical in the Downtown. Downtown residents receive no curbside service for bulk or recycling. Therefore, staff recommends that they should be charged the minimum fee for refuse service.
- Setting the monthly fee for Bloomington Housing Authority (BHA) residents at the lowest residential rate - currently set for \$16 as of May 1, 2014. Like Downtown, BHA properties will continue to receive manual collection for logistical reasons. Therefore, a refuse fee based on cart size does not apply. Noting that the Council already has a provision for discount to low-income households, staff believes it fair and right to charge BHA residents the minimum fee, which is the discounted rate - currently \$16, starting May 1.
- Upsizing carts: Staff believes the Council on December 9, 2013, intended to set a \$30 administrative fee for ordering larger carts when making a substitution from a smaller to a larger cart. The proposed ordinance amendment clarifies the meaning of the provision.

Collection of refuse at larger apartment complexes

A second proposed text amendment involves reconsideration of collection at large apartment complexes. The Council on September 23, 2013, voted against staff’s proposal to end service to apartments with *more than four (4) units*. It voted to leave apartments under City service unless the owner opts out of the program. As the cart roll-out nears, logistical concerns regarding collection at large apartment complexes persist. Informal conversations have occurred recently, and the topic has arisen. Aldermen Schmidt and Stearns recently indicated that they do not oppose ending service to apartments with *more than six (6) units*. They are familiar with property management issues, as they own rental property. Both voted to retain service to apartments on September 23, 2013. The proposed ordinance, therefore, has been revised to withdraw service to apartments with *more than six (6) units*. Staff recommends approval.

It is staff’s belief that high density apartment complexes are better served by the private sector. A high-density complex is served best logistically by concentrating collection at central points through the use of trash dumpsters and recycling dumpsters. Private haulers are equipped with trucks to unload these dumpsters. The City has no trucks equipped to handle roll-off dumpsters

and acquiring and staffing them would require substantial investment. Most property owners also see the logic in this; the owner of Eisenhower Dr. apartments withdrew from City services after considering logistical issues, including storage of tenants' garbage carts. Other owners of major complexes previously opted out of City service. The proposed ordinance would prevent them from initiating or returning to City service and would prevent new high density complexes from entering the City's collection system.

High density apartment complexes present a serious dilemma in that they lack storage facilities for mass numbers of wheeled carts. It also would be onerous to keep track of a specific cart assigned to a specific apartment unit within the complex. Because of their weight, even when empty, the carts cannot be safely carried to upstairs hallways. They must be stored at ground level, unless the apartment is equipped with an elevator. Cart collection also presented a problem: parked cars would block collection trucks from accessing the rows of carts that tenants would place along the parkway. The drivers of automated refuse collection trucks would constantly have to dismount and wheel the cart to the automated arm for pickup.

Six units or fewer: By retaining City service to apartments with up to *six (6)* units, the City will maintain services to most if not all houses that have been divided into apartment units and to small apartment buildings. This primarily affects rentals in older neighborhoods near the City's core. Keeping these house type apartment buildings under City service remedies two (2) major concerns expressed by Council members in September 2013 during discussion regarding discontinuance of service: unsightliness of large, steel roll-off bins (dumpsters) in neighborhoods, including our historic areas, and additional truck traffic in the neighborhoods necessitated by private collection. Please note that the text amendment wording specifies that the units be on the same parcel to be considered as an apartment building. Therefore, if an owner has two (2) adjacent houses divided into six (6) apartments each, the property still qualifies for City service as two (2), six (6) unit buildings, unless the two (2) houses are on a single parcel.

Scope: According to City billing records, the proposed ordinance would result in discontinuances of refuse service for fourteen (14) properties with a combined 127 apartment units. The largest is a twenty-three (23) unit complex at 307 Riley Dr. A listing was provided to the Council. The original proposal, rejected by the Council in September 2013, would have removed sixty-three (63) buildings with 643 units from City service.

Condominiums: Condominiums represent a collection of individually owned properties and, while posing logistical challenges, would remain under City service unless a condominium association opts out of service.

Bloomington Housing Authority properties: BHA and the City have made arrangements for continued manual collection of refuse. The properties are not privately owned apartments and are not part of the proposal.

FINANCIAL IMPACT: The financial impact will be limited. The 127 units which would have service discontinued currently generate \$2,032 in revenue per month. Solid Waste is an Enterprise Fund, the fund annually is made whole through a subsidy from the General Fund.

Therefore, the current refuse system and its individual parts cannot logically be seen as making money.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

ATTACHMENT 3 **Informational Updates on Automation Roll-out**

Informational Update: Collection begins March 3

Our vendor, Rehrig Pacific, expects delivery of refuse carts to begin in early February 2014 and to be completed before the end of the month. However, the City will not begin collecting from these carts until March 3, 2014. Doing otherwise would require crews to run their routes twice – once using manual collection and again using the new trucks with automated, mechanical arms. (The new trucks are not well suited for manual collection.) Doing so would be extremely inefficient and may require mass amounts of overtime. Residents will receive a flier inside their carts during delivery telling them, among other things, that they cannot use them until March 3rd.

Informational Update: Collection of Old Refuse Containers

Public Works and the City's recycler, Midwest Fiber, have cooperatively worked through ideas on recycling old refuse cans and plastic refuse containers. The City will pick them up curbside after March 3, 2014, but only if they are clearly marked as materials intended for recycling. This marking might consist of a note taped to the container stating, "Recycle me." The containers also may be dropped off at the Public Works drop-off facility at East and Jackson Str. or at Midwest Fiber's facility. Midwest's drop off location is located at 422 S. White Oak Rd., Normal, to the right of the entrance as soon as you enter off of White Oak Rd. The information will be included in the flier placed in new refuse carts.

Informational Update: Sticker Program

The Finance Department is helping Public Works navigate through logistics of starting the sticker program approved by the Council on December 6, 2013.

Informational Update: Other Text Amendments

City staff is in the process of reviewing Chapter 21 for other possible text amendments. It is anticipated that the future revisions will be brought to the Council in February 2014 to address loose ends regarding automated collection.

Informational Update: Staffing Calls and Walk-ins

The administrative staff has answered an uncounted hundreds of telephone inquiries on the program and accommodated numerous walk-in customers. They have done a remarkable job guiding people through the process and helping them signed up. The City Clerk's Office also is to be commended. It aided walk-in residents at City Hall, at times signing them up online, rather than directing them to walk to the Government Center in freezing weather.

Informational Item: FAQ on Rates

One of the common pieces of confusion regards rates. Numerous callers believed the charges based on cart sizes represented an addition to the current \$16 fee. Staff has assured them that the Council had not doubled the refuse fee.

Informational Item: Mobile Home Parks Opt Out

The owner of four (4) mobile home parks have decided to opt out of City service and contract with a private hauler. The parks are Hilltop, Grandview, Alexander and Maple Grove. They will leave City service on February 1, 2014. Six (6) mobile home parks remain under City refuse service.

Mayor Renner introduced this item.

Alderman Schmidt cited the background of this item: concerns raised by landlords regarding the number and selection of refuse carts. There were ideas presented which were not included in the proposed text amendments. These text amendments had not been vetted with the landlords. In general, she supported this item. She also addressed the Downtown issue. She noted the Downtown Property Owners Association.

Alderman Black recommended that this item be placed on a Committee of the Whole meeting agenda. He welcomed landlords' feedback.

Alderman Fazzini recommended that this item be tabled.

Alderman Stearns believed that the refuse carts were ready for delivery.

Jim Karch, Public Works Director, addressed the Council. This had been a tough process. Work on this major change started in September 2012. Delivery of refuse carts would commence on Tuesday, February 4, 2014. Each cart would have a waterproof informational sheet placed inside. City staff had received questions from landlords and/or apartment dwellers regarding cart sharing. City staff did not have the authority to take action on these requests. City staff was attempting to finalize the numbers. Cart sharing was a customer service issue. It offered operational benefits. Cart sharing would not apply to buildings with more than six (6) units. Historically, the City had not addressed solid waste services in the Downtown or at the Bloomington Housing Authority. He

acknowledged that there needed to be a dialogue. The City needed to develop a plan to start billing these two (2) areas, (Downtown and Bloomington Housing Authority).

David Hales, City Manager, addressed the Council. The two (2) proposed text amendments address the whats (Council) and the hows (staff). There were a variety of situations. He noted the outreach to landlords. There would be gains. Future recommendations were anticipated.

Alderman Schmidt believed that these text amendments had been developed quickly and for her there was a disconnect. She expressed her concern regarding the policy details.

Mr. Karch noted that City staff had been reacting to citizens' questions. He noted the current code required one (1) refuse cart per unit. City staff's goal was apartment building flexibility. The value was customer service. Cart sharing would be voluntary.

Alderman Stearns believed that citizens would be confused by cart sharing. The City should have been more careful. She added her preference that this item be laid over to a specific date.

Alderman Fruin recommended that the Council keep this simple. He cited a one size fits all approach. He noted the impact upon the strategic plan. He wanted to be supportive of this item. He hoped that the proposed text amendment had been well thought out. It addressed the size of the building and the number of units. He restated the importance of keeping this simple. The Solid Waste program was in an Enterprise Fund which meant that this service should be self-sufficient.

Mayor Renner informed the Council that it needed to take action quickly.

Mr. Hales addressed the Council. City staff needed guidance and direction from the Council. He questioned if the Council wanted a public hearing to be held during the February 17, 2014 Committee of the Whole meeting.

Alderman Sage questioned if City staff had listened to input from citizens to develop the text amendments. The language needed to be vetted.

Alderman Schmidt had heard questions and believed that there was new information.

Alderman Lower requested additional clarity. Discussion was needed regarding cart handling for senior citizens and the handicapped.

Mr. Hales stated that there had been no change to the City's current policy. The truck driver would retrieve and return the carts for those who were unable to handle same.

Alderman Stearns echoed Alderman Lower's comments. She was aware that the City offered assistance. She added that landlords and tenants should be included in the discussion. The proposed text amendments represented a first step.

Mayor Renner stated that this item would appear on the February 17, 2014 Committee of the Whole meeting agenda.

Alderman Black addressed Council direction. The Council's conversation needed to reflect that landlords should be provided with an opportunity to address these proposed text amendments.

Mr. Hales stated that City staff would reach out to the impacted properties and make the property owners aware of same and request their feedback.

Motion by Alderman Fazzini, seconded by Alderman Stearns that the item be tabled.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Mayor and Council. He requested input regarding the Comprehensive Land Use Plan. The City would not be retaining Houseal Lavigne for professional planning and visioning services. The City would work with the McLean County Regional Planning Commission, (MCRPC). The City would move forward as quickly as possible. The City was facing financial challenges. He encouraged the Council to review the current plan and provide direction regarding wanted improvements to same. The City needed to determine the scope of work. The Plan would appear before the Planning Commission.

Alderman Sage noted that the MCRPC would facilitate, enable and coordinate the Plan. The City would own the Plan. The MCRPC would incorporate all of the City's ideas for the Plan. The City would take the lead and direct same.

Mr. Hales stated that the MCRPC would be challenged to meet the City's vision. Social and economic data would be interpreted. There would be a public participation plan. The MCRPC had no track record with same.

Alderman Lower had spoken with past elected officials. The City had past plans and needed to tap into past experiences.

Alderman Mwilambwe had attended the January 22, 2014 Planning Commission meeting. The scope of work was significant. It would take a year to eighteen (18) months to complete. He questioned the MCRPC's ability to handle this project. He questioned the time line and implementation. He believed that it would be years before the City saw the results.

Mr. Hales had met with the MCRPC's Executive Committee. This would be an eighteen (18) month process. The MCRPC would dedicate fifty percent (50%) of its man hours for this project. Input would be provided by the Planning Commission and/or Council. The MCRPC anticipated receipt of additional funds from the IL Department of Transportation.

Alderman Mwilambwe addressed the artistic portion, i.e. City branding. The City performed the work. There have been accolades.

Mr. Hales did not believe that branding would be included in the MCRPC's scope of work. Branding addressed economic development. It needed to be done right and well.

MAYOR'S DISCUSSION: Mayor Renner extended his appreciation to George Boyle, Asst. Corporation Counsel, for his efforts regarding the Alcoholic Beverage code.

ALDERMEN'S DISCUSSION: Alderman Fazzini informed the Council that he had attended the McLean County Indian Association Annual Meeting on Sunday, January 26, 2014. He noted that there were 7,000 residents from India here in the community. These individuals were interested in integrating into the community.

Alderman Sage noted the Mayor's State of City remarks. He thanked the Mayor for his leadership. He noted the accomplishments. He cited the Mayor's significant partnership with the City Manager. The Council was more effective. It was looking and moving forward.

Motion by Alderman Black, seconded by Alderman Lower, that the meeting be adjourned. Time: 8:26 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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