



**CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA ADDENDUM I
109 E. OLIVE STREET, BLOOMINGTON, IL 61701
MONDAY, August 10, 2015 7:00 P.M.**

CONSENT AGENDA ITEM NO. 7A

FOR COUNCIL: August 10, 2015

SUBJECT: Consideration of approving the Council Proceedings of July 27, 2015. (Minutes are attached)

**REGULAR CITY COUNCIL MEETING SESSION
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, JULY 27, 2015; 7:00 P.M.**

1. Call to order

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, July 27, 2015. The meeting was called to order by Mayor Renner.

2. Pledge of Allegiance to the Flag

The meeting was opened by Pledging Allegiance to the flag followed by a moment of silent prayer.

3. Remain Standing for a Moment of Silent Prayer

Mayor Renner requested those present to remain standing for a moment of silent prayer.

4. Roll Call

Mayor Renner directed the City Clerk to call the roll and the following members of Council answered present:

Aldermen: Kevin Lower, David Sage, Diana Hauman, Amelia Buragas, Scott Black, Joni Painter, Mboka Mwilambwe, Jim Fruin and Mayor Pro Tem Karen Schmidt.

David Hales, City Manager; Cherry Lawson, City Clerk; and Jeffery Jurgens, Corporate Counsel; Steve Rasmussen, Asst. City Manager; and other city staff were also present.

5. Public Comment

Mayor Renner opened the meeting to receive Public Comment. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Mayor Renner noted that eleven (11) Comment Cards were received.

The following individuals provided comments during Public Comment:

Patricia Martin
Gary Lambert
Cleo Miksell
Justin Miller
Mack Arnold
Bob Rewerts
John Pratt

Donna Bolen
David Gronemeier
Alton Franklin
Dwayne Turner

6. Recognition/Appointments

The following was presented:

Item 6A. Proclamation declaring August 8, 2015 as, “Heartland Head Start Recognition Day.”

The following was presented:

Item 6B. Appointment of Kiasha Henry to the Cultural District Commission

The following was presented:

Item 6C. Award of Certificate – Tyler J. Elston, Police Officer

The following was presented:

Item 6D. Award of Certificate – Joseph M. Rizzi, Police Officer

The following was presented:

Item 6E. Award of Certificate – Joshua M. Jacobs, Police Officer

The following was presented:

Item 6F. Alejandro O. Vasquez, Jr., Police Officer

7. “Consent Agenda”

Alderman Schmidt requested Item 7D, Consideration of clarifying designated terms of appointment for the Library Trustees Appointed in April 2014 be pulled from the Consent Agenda for discussion.

Alderman Fruin requested Item 7G, Consideration of review and analysis of Bids and Approval of a Contract with Bodine Electric of Decatur in the amount of \$50,000 for Emergency Traffic Signal Repair FY 2016 (Bid #2016-11) be pulled from the Consent Agenda for discussion.

Alderman Fruin requested Item 7H, Consideration of review and analysis of Bids and Approval of a Contract with Bodine Electric of Decatur in the amount of \$150,000 for Traffic Signal Maintenance FY 2016 (Bid #2016-10) be pulled from the Consent Agenda for discussion.

Alderman Lower requested Item 7L, Consideration of approving an Agreement for Regional Planning Services with McLean County Regional Planning Commission (MCRPC) in the amount of \$54,212.00 be pulled from the Consent Agenda for discussion.

Mayor Renner requested a motion on the Consent Agenda with the exception of items 7D, 7G, 7H, and 7L.

Motion by Alderman Painter, seconded by Alderman Hauman to approve the Consent Agenda as presented with the exception of Items 7D, 7G, 7H, and 7L.

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Painter and Mwilambwe.

Nays: None.

Motion carried.

Item 7A: Consideration of approving the Council Proceedings of July 13, 2015, Special Session of May 4, 2015 and Work Session Meeting of May 11, and April 27, 2015.

Motion by Alderman Painter, seconded by Alderman Hauman that the reading of the minutes of the previous Council Proceedings of July 13, 2015 be dispensed with and the minutes approved as printed.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Painter, and Mwilambwe.

Nays: None

Motion carried.

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of July 13, 2015, Special Session of May 4, 2015 and Work Session Meeting of May 11, and April 27, 2015 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 July 13, 2015, Special Session of May 4, 2015 and Work Session Meeting of May 11, and April 27, 2015 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 for approval.

Prepared by: Cherry Lawson, City Clerk

Recommended by:

David Hales,
City Manager

The following was presented:

Item 7B: Consideration of approving Bills and Payroll.

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

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

Ayes: Aldermen: Sage, Lower, Hauman, Black, Fruin, Buragas, Mwilambwe and Painter.

Nays: None.

Motion carried.

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.

FINANCIAL IMPACT: Total disbursements to be approved \$5,327,220.50. (Payroll total \$2,304,383.71 and Accounts Payable total \$ 2,882,531.69).

Respectfully submitted for Council consideration.

Prepared by: Patti-Lynn Silva, Director of Finance

Recommended by:

David Hales
City Manager

The following was presented:

Item 7C: Consideration of approving an Appointment to the Cultural District Commission.

Motion by Alderman Painter, seconded by Alderman Hauman that Kiasha Henry be appointed to the Cultural District Commission.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas Painter, and Mwilambwe.

Nays: None.

Motion carried.

RECOMMENDATION/MOTION: That Kiasha Henry be appointed to the Cultural District Commission.

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

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

BACKGROUND: ask your concurrence in the appointment of:

Kiasha Henry of 702 W Mill Street, Bloomington, IL 61701 to the Cultural District Commission. Her three (3) year term will be 5/1/15 – 4/30/18. Application is on file in the Administration Office.

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration,

Prepared by: M. Beth Oakley, Executive Asst.

Recommended by:

Tari Renner
Mayor

The following was presented:

Item 7D: Consideration of clarifying designed of terms of appointment for the Library Trustees Appointed in April 2014. PULLED FROM THE CONSENT AGENDA

RECOMMENDATION/MOTION: That the following designated terms of the Library Trustees appointed in April 2014 be approved and the records of the City be corrected to reflect said terms: (1) Brittany Cornell (5/1/14 – 4/30/17); (2) Monica Brigham (subsequently replaced by Van Miller) (4/14/14 – 4/30/16); (3) Susan O’Rourke (5/1/14 – 4/30/17); and (4) Whitney Thomas (4/14/14 – 4/30/17).

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

BACKGROUND:

In the spring of 2014, there were four positions in need of appointment on the Library Board. On April 14, 2014, Brittany Cornell was re-appointed to a three-year term. At that same meeting, the Council Memo showed Whitney Thomas and Monica Brigham being appointed to three-year terms. A fourth name was submitted for a three-year term, but that name was withdrawn. Accordingly, on April 28, 2014, the fourth appointment was made, namely Susan O’Rourke. The Council Memo for this appointment also shows a three-year appointment.

Notwithstanding that all four appointments made in April 2014 were shown on the Council Memos as three-year appointments, one of the appointments was only to fill the remainder of Joni Painter’s term and should have shown an expiration of April 30, 2016. Accordingly, one of the individuals appointed in April 2014 must be given a term ending April 30, 2016.

To clarify the terms of appointment, the Mayor desires to designate the terms as follows:

TRUSTEE	TERM EXPIRATION
Brittany Cornell	4/30/17

Monica Brigham (subsequently replaced by Van Miller)	4/30/16
Susan O'Rourke	4/30/17
Whitney Thomas	4/30/17

FINANCIAL IMPACT: None

Respectfully submitted for Council consideration.

Prepared by: M. Beth Oakley, Executive Assistant

Recommended by:

Tari Renner, Mayor

The following was presented:

Item 7E: Consideration of approving the renewal of the 2004 Variable Bond Repurchase Agreement.

Motion by Alderman Painter, seconded by Alderman Hauman the renewal agreement for the 2004 Bond Repurchase be approved and authorize the Mayor and City Clerk to execute all necessary documents.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Painter, and Mwilambwe.

Nays: None.

Motion carried.

RECOMMENDATION/MOTION: That the renewal agreement for the 2004 Bond Repurchase be approved and authorize the Mayor and City Clerk to execute all necessary documents.

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

BACKGROUND: This stand by repurchase agreement with JP Morgan is a guarantee for the remarketing of our 2004 variable rate bonds. Variable rate bonds can be redeemed by an investor anytime and need to be re-sold or re-marketed to achieve a long term investment. JP Morgan buys back bonds that cannot be re-marketed guarantying the investment. The City investment in the variable rate instrument has provided approximately \$3.0 million in interest rate savings while interest rates are at a historical low. The current agreement expires in October of this year. Without a standby repurchase agreement in place, the City runs the risk of paying for redeemed bonds which could be up to the outstanding principal estimated at \$8,977,875.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: JP Morgan Bank is paid 65 basis points on the outstanding principal balance quarterly estimated at \$58,000 for FY2016 and are budgeted in the 2004 Multi-Project Bond Redemption-Other Purchased Services account (30620620-70690). Stakeholders can locate this in the FY 2016 Proposed Budget Book titled “Other Funds & Capital Improvement Program” on page 67. JP Morgan fees were \$55,131.41 in FY2015.

Respectfully submitted for Council consideration.

Prepared by: Patti-Lynn Silva, Finance Director

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David Hales
City Manager

The following was presented:

Item 7F: Consideration of review and analysis of Bids and Approval of a Contract with George Gildner, Inc. in the amount of \$350,000 for Emergency Utility Repair FY 2016 (Bid #2016-09).

Motion by Alderman Painter, seconded by Alderman Hauman that the unit prices and Contract with George Gildner, Inc. for Emergency Utility Repair FY 2016 through Bid #2016-09 in the amount of \$350,000 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Painter, and Mwilambwe.

Nays: None.

Motion carried.

RECOMMENDATION: That the unit prices and Contract with George Gildner, Inc. for Emergency Utility Repair FY 2016 through Bid #2016-09 in the amount of \$350,000 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities; Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2c. Functional, well maintained sewer collection system and 5a. Well planned City with necessary services and infrastructure.

BACKGROUND: This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are emergencies. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. The budget for the Emergency Utility Repair FY 2016 contract is \$350,000. A list of projects completed and in progress under the previous fiscal year contract is attached.

Bids for the Emergency Utility Repair FY 2016 contract were received until 1:30 p.m. Monday, July 13, 2015, in the office of the City Clerk. Two (2) bids were received and opened in the City Council Chambers. A bid tabulation is attached. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

George Gildner, Inc.	\$ 274,500.00	Low Bid
Stark Excavating, Inc.	\$ 278,625.00	

Budget

Storm Water	\$ 100,000.00
Sanitary Sewer	\$ 200,000.00
Water	<u>\$ 50,000.00</u>
Total Budget	\$ 350,000.00

The number of bidders for this project increased from one (1) in FY 2015 to two (2) in FY 2016. The table below outlines differences in the hourly rates received in FY 2016 and FY 2015. As shown, several of the low bidder hourly rates were reduced, thereby providing an economic benefit to the City.

<u>Labor / Item</u>	<u>FY 2016 Hourly Rate *</u>	<u>FY 2015 Hourly Rate *</u>	<u>Difference (FY16 - FY 15)</u>
Cement Mason	\$67.00	\$65.00	\$2.00
Laborer	\$71.00	\$73.25	-\$2.25
Operating Engineer	\$81.00	\$90.00	-\$9.00
Plumber	\$80.00	\$75.00	\$5.00
Truck Driver	\$58.00	\$72.00	-\$14.00

* Hourly Rates are those of the Low Bidder.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 29 and July 6, 2015, and a pre-bid meeting was held at 10:00 a.m. on July 6, 2015, in the Public Works Department Conference Room.

FINANCIAL IMPACT: The City has \$350,000 included in the FY 2016 Budget for Emergency Utility Repair. \$50,000 is included in the Water Transmission & Distribution-Repair/Maintenance Infrastructure Account (50100120-70550), \$200,000 in the Sanitary Sewer-Emergency Sanitary Sewer Account (51101100-70551) and \$100,000 in the Storm Water-Emergency Storm Sewer Account (53101100-70552). Stakeholders can locate these in the FY 2016 Proposed Budget Book titled “Other Funds & Capital Improvement Plan” on pages 100, 112 and 119 respectively.

Respectfully submitted for Council consideration.

Prepared by: Robert D. Yehl, P.E., Assistant City Engineer

Reviewed by: Jim Karch, P.E., CFM, Director of Public Works
Steve Rasmussen, ICMA-CM, Assistant City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David Hales
City Manager

The following was presented:

Item 7G: Consideration of review and analysis of Bids and Approval of a Contract with Bodine Electric of Decatur in the amount of \$50,000 for Emergency Traffic Signal Repair FY 2016 (Bid #2016-11). PULLED FROM THE CONSENT AGENDA.

RECOMMENDATION/MOTION: That the unit prices and Contract with Bodine Electric of Decatur for Emergency Traffic Signal Repair FY 2016 through Bid #2016-11 in the amount of \$50,000 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities; Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks and 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes traffic signal mast arm, controller and other signal equipment repairs or replacements that are emergencies, and other related emergency work on City electric and traffic signal facilities. Emergencies primarily include signal equipment

damage or knockdowns from accidents or storms. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. The budget for the Emergency Traffic Signal Repair FY 2016 contract is \$50,000. A list of projects completed and in progress under the previous fiscal year contract is attached.

Bids for the Emergency Traffic Signal Repair FY 2016 contract were received until 1:30 p.m. Monday, July 13, 2015, in the office of the City Clerk. Two (2) bids were received and opened in the City Council Chambers. A bid tabulation is attached. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

The addenda issued for this project indicates the requirement for prospective bidders to sign and return acknowledgment of receipt of the addenda to the City prior to submission of their proposal and to include a signed complete copy of the addendum in their proposal submission. The addenda further indicates that failure to perform either of these may be grounds for rejection of the prospective bidder's proposal.

The proposal submitted by Bodine Electric of Decatur did not include a complete copy of the addenda as required and outlined in the project instruction to bidders and within the addenda itself. Bodine Electric of Decatur submitted their addendum acknowledgement via email to City staff prior to the proposal submittal date. Given that Bodine Electric of Decatur submitted acknowledgement of the addenda prior to the proposal submittal date and that the addenda only provided general information, Staff recommends waiving the technicality associated with Bodine of Decatur not submitting complete copies of the addendum in their proposal booklets.

Bodine Electric of Decatur	\$ 23,001.75	Low Bid
Champaign Signal and Lighting	\$ 25,175.00	
Budget	\$ 50,000.00	

The number of bidders for this project increased from one (1) in FY 2015 to two (2) in FY 2016, including a company that had not previously submitted a bid for a City project. The table below outlines differences in the hourly rates received in FY 2016 and FY 2015. As shown, one of the low bidder hourly rates was reduced, thereby providing an economic benefit to the City.

<u>Labor / Item</u>	<u>FY 2016 Hourly Rate *</u>	<u>FY 2015 Hourly Rate *</u>	<u>Difference (FY16 - FY 15)</u>
Electrician	\$115.00	\$160.00	-\$45.00
Laborer	\$0.01	\$0.01	\$0.00
Operating Engineer	\$0.01	\$0.01	\$0.00
Truck Driver	\$0.01	\$0.01	\$0.00

* Hourly Rates are those of the Low Bidder.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 29 and July 6, 2015, and a pre-bid meeting was held at 10:00 a.m. on July 6, 2015, in the Public Works Department Conference Room.

FINANCIAL IMPACT: The City has \$50,000 included in the FY 2016 Budget for Emergency Traffic Signal Repair in the Engineering-Contracted Traffic Signal Account (10016210-70662). Stakeholders can locate this in the FY 2016 Proposed budget Book titled “Budget Overview & General Fund” on page 304.

Respectfully submitted for Council consideration.

Prepared by: Robert D. Yehl, Assistant City Engineer

Reviewed by: Jim Karch, P.E., CFM, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David Hales
City Manager

The following was presented:

Item 7H: Consideration of review and analysis of Bids and Approval of a Contract with Bodine Electric of Decatur in the amount of \$150,000 for Traffic Signal Maintenance FY 2016 (Bid #2016-10). PULLED FROM THE CONSENT AGENDA

RECOMMENDATION/MOTION: That the unit prices and Contract with Bodine Electric of Decatur for Traffic Signal Maintenance FY 2016 through Bid #2016-10 in the amount of \$150,000 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities; Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 2a. Better quality roads and sidewalks and 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes traffic signal mast arm, controller and other signal equipment repairs or replacements that are not emergencies and other work on City electric and traffic signal facilities. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. The budget for the Traffic Signal Maintenance FY 2016 contract is \$150,000. A list of projects completed and in progress under the previous fiscal year contract is attached.

Bids for the Traffic Signal Maintenance FY 2016 contract were received until 1:30 p.m. Monday, July 13, 2015, in the Office of the City Clerk. Two (2) bids were received and opened in the City Council Chambers. A bid tabulation is attached. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

The addenda issued for this project indicates the requirement for prospective bidders to sign and return acknowledgment of receipt of the addenda to the City prior to submission of their proposal and to include a signed complete copy of the addendum in their proposal submission. The addenda further indicates that failure to perform either of these may be grounds for rejection of the prospective bidder's proposal.

The proposal submitted by Bodine Electric of Decatur did not include a complete copy of the addenda as required and outlined in the project instruction to bidders and within the addenda itself. Bodine Electric of Decatur submitted their addendum acknowledgement via email to City staff prior to the proposal submittal date. Given that Bodine Electric of Decatur submitted acknowledgement of the addenda prior to the proposal submittal date and that the addenda only provided general information, Staff recommends waiving the technicality associated with Bodine of Decatur not submitting complete copies of the addendum in their proposal booklets.

Bodine Electric of Decatur	\$ 60,005.00	Low Bid
Champaign Signal and Lighting	\$ 69,500.50	
 Budget	 \$ 150,000.00	

The number of bidders for this project increased from one (1) in FY 2015 to two (2) in FY 2016, including a company that had not previously submitted a bid for a City project. The table below outlines differences in the hourly rates received in FY 2016 and FY 2015. As shown, one of the low bidder hourly rates was reduced, thereby providing an economic benefit to the City.

<u>Labor / Item</u>	<u>FY 2016 Hourly Rate *</u>	<u>FY 2015 Hourly Rate *</u>	<u>Difference (FY16 - FY 15)</u>
Electrician	\$100.00	\$145.00	-\$45.00
Laborer	\$0.01	\$0.01	\$0.00
Operating Engineer	\$0.01	\$0.01	\$0.00
Truck Driver	\$0.01	\$0.01	\$0.00

* Hourly Rates are those of the Low Bidder.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 29 and July 6, 2015, and a pre-bid meeting was held at 10:00 a.m. on July 6, 2015, in the Public Works Department Conference Room.

FINANCIAL IMPACT: The City has \$150,000 included in the FY 2016 Budget for Traffic Signal Maintenance in the Engineering-Contracted Traffic Signal Account (10016210-70662).

Stakeholders can locate this in the FY 2016 Proposed budget Book titled “Budget Overview & General Fund” on page 304.

Respectfully submitted for Council consideration.

Prepared by: Robert D. Yehl, P.E., Assistant City Engineer

Reviewed by: Jim Karch, P.E., CFM, Director of Public Works

Reviewed by: Steve Rasmussen, ICMA-CM, Assistant City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:
David Hales
City Manager

The following was presented:

Item 7I: Consideration of review and analysis of Bids and Approval of a Contract with George Gildner, Inc. in the amount of \$400,000 for Utility Maintenance FY 2016 (Bid #2016-08).

Motion by Alderman Painter, seconded by Alderman Hauman that the unit prices and Contract with George Gildner, Inc. for Utility Maintenance FY 2016 through Bid #2016-08 in the amount of \$400,000 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Mwilambwe and Painter.

Nays: None.

Motion carried.

RECOMMENDATION/MOTION: That the unit prices and Contract with George Gildner, Inc. for Utility Maintenance FY 2016 through Bid #2016-08 in the amount of \$400,000 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities; Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 2c. Functional, well maintained sewer collection system and 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are not emergencies. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. The budget for the Utility Maintenance FY 2016 contract is \$400,000. A list of projects completed and in progress under the previous fiscal year contract is attached.

Bids for the Utility Maintenance FY 2016 contract were received until 1:30 p.m. Monday, July 13, 2015, in the office of the City Clerk. Three (3) bids were received and opened in the City Council Chambers. A bid tabulation is attached. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

George Gildner, Inc.	\$ 325,800.00	Low Bid
Stark Excavating, Inc.	\$ 326,965.50	
Hoerr Construction, Inc.	\$ 349,654.50	

Budget	
Storm Water	\$ 100,000.00
Sanitary Sewer	\$ 200,000.00
Water	<u>\$ 100,000.00</u>
Total Budget	\$ 400,000.00

The number of bidders for this project increased from two (2) in FY 2015 to three (3) in FY 2016. The table below outlines differences in the hourly rates received in FY 2016 and FY 2015. As shown, several of the low bidder hourly rates were reduced, thereby providing an economic benefit to the City.

<u>Labor / Item</u>	<u>FY 2016 Hourly Rate *</u>	<u>FY 2015 Hourly Rate *</u>	<u>Difference (FY16 - FY 15)</u>
Cement Mason	\$67.00	\$70.00	-\$3.00
Laborer	\$70.00	\$70.00	\$0.00
Operating Engineer	\$80.00	\$81.00	-\$1.00
Plumber	\$80.00	\$82.00	-\$2.00
Truck Driver	\$57.00	\$60.00	-\$3.00

* Hourly Rates are those of the Low Bidder.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 29 and July 6, 2015, and a pre-bid meeting was held at 10:00 a.m. on July 6, 2015, in the Public Works Department Conference Room.

FINANCIAL IMPACT: The City has \$400,000 included in the FY 2016 Budget for Utility Maintenance. \$100,000 is included in the Water Transmission & Distribution-Repair

/Maintenance Infrastructure Account (50100120-70550), \$200,000 in the Sanitary Sewer-Repair/Maintenance Infrastructure Account (51101100-70550) and \$100,000 in the Storm Water-Repair/Maintenance Infrastructure Account (53101100-70550). Stakeholders can locate these in the FY 2016 Proposed Budget Book titled “Other Funds & Capital Improvement Plan” on pages 100, 112 and 119 respectively.

Respectfully submitted for Council consideration.

Prepared by: Robert D. Yehl, P.E., Assistant City Engineer
Reviewed by: Jim Karch, P.E., CFM, Director of Public Works
Reviewed by: Steve Rasmussen, ICMA-CM, Assistant City Manager
Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager
Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David Hales
City Manager

The following was presented:

Item 7J: Consideration of review and analysis of Bids and Approval of a Contract with George Gildner, Inc. in the amount of \$125,000 for Grading & Seeding FY 2016 (Bid #2016-12).

Motion by Alderman Painter, seconded by Alderman Hauman that the unit prices and Contract with George Gildner, Inc. for Grading & Seeding FY 2016 through Bid #2016-12 in the amount of \$125,000 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Mwilambwe and Painter.

Nays: None.

Motion carried.

RECOMMENDATION/MOTION: That the unit prices and Contract with George Gildner, Inc. for Grading & Seeding FY 2016 through Bid #2016-12 in the amount of \$125,000 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities; Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service and 5e. More attractive City: commercial areas and neighborhoods.

BACKGROUND: This contract includes grading, shaping, seeding, fertilizer application, erosion control installation and other related work on City owned properties. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. The budget for the Grading & Seeding FY 2016 contract is \$125,000. A list of projects completed and in progress under the previous fiscal year contract is attached.

Bids for the Grading & Seeding FY 2016 contract were received until 1:30 p.m. Monday, July 13, 2015, in the office of the City Clerk. Three (3) bids were received and opened in the City Council Chambers. A bid tabulation is attached. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

George Gildner, Inc.	\$ 98,400.00	Low Bid
Stark Excavating, Inc.	\$ 99,386.50	
Rowe Construction	\$ 121,500.00	

Budget	
Storm Water	\$ 25,000.00
Sanitary Sewer	<u>\$ 100,000.00</u>
Total Budget	\$ 125,000.00

The number of bidders for this project remained at three (3) for both FY 2015 and FY 2016. The table below outlines differences in the hourly rates received in FY 2016 and FY 2015. As shown, one of the low bidder hourly rates was reduced, thereby providing an economic benefit to the City.

<u>Labor / Item</u>	<u>FY 2016 Hourly Rate *</u>	<u>FY 2015 Hourly Rate *</u>	<u>Difference (FY16 - FY 15)</u>
Laborer	\$70.00	\$70.00	\$0.00
Operating Engineer	\$81.00	\$81.00	\$0.00
Truck Driver	\$57.00	\$60.00	-\$3.00

* Hourly Rates are those of the Low Bidder

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 29 and July 6, 2015, and a pre-bid meeting was held at 10:00 a.m. on July 6, 2015, in the Public Works Department Conference Room.

FINANCIAL IMPACT: The City has \$125,000 included in the FY 2016 Budget for grading and seeding. \$100,000 is included in the Sanitary Sewer-Grading and Seeding Account (51101100-70580) and \$25,000 is included in the Storm Water-Grading and Seeding Account (53103100-70580). Stakeholders can locate these in the FY 2016 Proposed Budget Book titled “Other Funds & Capital Improvement Plan” on pages 112 and 119 respectively.

Respectfully submitted for Council consideration.

Prepared by: Robert D. Yehl, P.E., Assistant City Engineer
Reviewed by: Jim Karch, P.E., CFM, Director of Public Works

Reviewed by: Steve Rasmussen, ICMA-CM, Assistant City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel
Recommended by:

David Hales
City Manager

The following was presented:

Item 7K: Consideration of approving Quad County Fire Equipment to broker the disposal of the City’s surplus 1991 Pierce Fire Truck.

Motion by Alderman Painter, seconded by Alderman Hauman that the City allow Quad County Fire Equipment to list the surplus 1991 Pierce Fire Truck on their website and sell it at the highest price possible.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Mwilambwe and Painter.

Nays: None.

Motion carried.

RECOMMENDATION/MOTION: That the City allow Quad County Fire Equipment to list the surplus 1991 Pierce Fire Truck on their website and sell it at the highest price possible.

STRATEGIC PLAN LINK: Financially Sound City providing Quality Basic Services.

STRATEGIC PLAN SIGNIFICANCE: City Services delivered in the most cost-efficient manner.

BACKGROUND: A new Fire Truck was purchased and put into service in June of 2015. With the purchase of this truck unit F22 was designated as surplus. The Fire Department had Dennis Moore from Quad County Fire Equipment give the Department and estimated value of the truck. The value, \$9,000-\$12,000, is due to the condition of the vehicle. There is extensive rust on the frame of the vehicle and the aerial device needs around \$6,500 in repairs.

In accordance with City Code (Chapter 16, Section 57, Part G, Subparts 1-3) the “Purchasing Agent” may dispose of surplus City property whose value is between \$1,000.01 & \$19,999.99 without submitting a report to the City Council when one of three pre-approved methods are used. Those means of disposal are public auction, solicitation of sealed bids and the transfer to another “agency”. Alternatively, the purchasing agent may request the City Council’s authorization to dispose of the surplus property in another manner.

Because fire trucks are specialized vehicles, and in the opinion of the staff, that every effort should be made to get the most money for a used vehicle. Quad County has been able to sell the last two trucks we have placed on the surplus list with a satisfactory price and in a reasonable amount of time. Staff believes that this is the most prudent route to dispose of the vehicle.

It is Staff recommendation that the City “listed” the apparatus with Quad County for a period of 60 days and if at the end of that time the truck has not been sold, the Procurement Manager is authorized to undertake any needed actions to dispose of the apparatus in a reasonable manner. A report of activities undertaken in that regard will be provided to the City Manager.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Additional revenue for the General Fund in the amount of \$9,000-\$12,000 is possible.

Respectfully submitted for Council consideration.

Prepared by: Les Siron, Deputy Chief of Operations

Reviewed by: Rob Krones, Superintendent of Fleet Maintenance
Jim Karch, PE CFM, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

The following was presented:

Item 7L: Consideration of approving an Agreement for Regional Planning Services with McLean County Regional Planning Commission (MCRPC) in the amount of \$54,212.00. PULLED FROM THE CONSENT AGENDA.

RECOMMENDATION/MOTION: That the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$54,212.00 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1e. Partnering with others for the most cost-effective service delivery.

BACKGROUND: The McLean County Regional Planning Commission has been providing long term planning for the City of Bloomington, Town of Normal and McLean County for many years. Their functions include such things as long range transportation needs, comprehensive plans, public mapping services, etc. The three government entities as well as state and federal grants provide the operational funding for the commission.

Over the past several years, the City has seen its contribution to the McLean County Regional Planning Commission fluctuate, which has included two past fiscal years (2009 and 2010) where no payment was required (the Commission used some of its reserves to lessen the financial burden of the City, Town and County in the slow economy). For FY 2016, the McLean County Regional Planning Commission set the City's contribution at \$54,212.00.

<u>Fiscal Year</u>	<u>City Contribution</u>
FY 2009	\$0
FY 2010	\$0
FY 2011	\$23,023
FY 2012	\$24,244
FY 2013	\$23,239
FY 2014	\$27,868
FY 2015	\$55,457
FY 2016	\$54,212

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable

FINANCIAL IMPACT: The FY 2016 Budget appropriated \$62,000 in the Planning-To McLean County Regional Planning Account (10015420-75025) of the Community Development Department. Stakeholders can locate this in the FY 2016 Proposed Budget Book titled “Budget Overview & General Fund” on page 257. The payment is \$7,788 less than the appropriation or 12.5% below budget.

Respectfully submitted for Council consideration.

Prepared by: Nancy Tague, Office Manager of Community Development

Reviewed by: Tom Dabareiner AICP, Community Development Director

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

The following was presented:

Item 7M: Consideration of approving an Agreement for Animal Control Warden Services with McLean County Board of Health in the amount of \$103,440.

Motion by Alderman Painter, seconded by Alderman Hauman that the agreement with McLean County Board of Health in the amount of \$103,440; payable at \$8,620 per month for animal warden services be approved and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Mwilambwe and Painter.

Nays: None.

Motion carried.

RECOMMENDATION/MOTION: That the agreement with McLean County Board of Health in the amount of \$103,440; payable at \$8,620 per month for animal warden services be approved and authorize the Mayor and City Clerk to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: A partnership with Animal Control will provide cost effective service delivery to the citizens.

BACKGROUND: For the past several years, an intergovernmental agreement has been in effect between the City of Bloomington and McLean County Board of Health whereby the Board of Health assumes all responsibilities for the duties of animal control on a 24-hour a day basis within the corporate limits of the City of Bloomington and will enforce all Illinois animal control laws and City Ordinances relating to animals. The Town of Normal has a similar agreement for these services. Specific services and conditions are outlined in the attached intergovernmental agreement. The agreement reflects a 2% increase. The total for the year is \$103,440, payable at \$8,620 a month.

This intergovernmental agreement is renewable on a year to year basis and will be in effect from May 1, 2015 through April 30, 2016, and renewable on May 1st of each additional year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Stakeholders can locate this in the FY 2016 Proposed Budget Book titled "Budget Overview & General Fund" on page 211 under the Police Administration-Other Purchased Services Account (10015110-70690).

Respectfully submitted for Council consideration.

Prepared by: Marsha Ulrich, Office Manager, Police Department

Reviewed by: Kenneth Bays, Assistant Chief of Police

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Angela Fyans-Jimenez, Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

Item 7N: Consideration of approving an Agreement with McLean County Board of Health for Animal Shelter in the amount of \$36,255.

Motion by Alderman Painter, seconded by Alderman Hauman that the Agreement with McLean County Board of Health for use of the McLean County Animal Shelter in the

amount of \$36,255, payable monthly in the amount of \$3,021 and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Sage, Mwilambwe, Hauman, Black, Fruin, Buragas, Lower, and Painter.

Nays: None.

Motion carried.

RECOMMENDATION/MOTION: That the Agreement with McLean County Board of Health for use of the McLean County Animal Shelter in the amount of \$36,255, payable monthly in the amount of \$3,021 and authorize the Mayor and City Clerk to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: A partnership with McLean County Animal Shelter will provide cost effective service delivery to the citizens.

BACKGROUND: For the past several years the city of Bloomington and the McLean County Health Department have had an agreement wherein the County Board of Health provides shelter for stray animals. The Town of Normal has a similar agreement. The present contract expired April 30, 2015.

For the period May 1, 2015 through April 30, 2016, the proposed contract by the McLean County Board of Health is \$36,255, a 2% increase payable monthly at \$3,021.

This agreement is renewable on a year to year basis and will be in effect from May 1, 2015 through April 30, 2016, and renewable on May 1st of each additional year.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: Stakeholders can locate this in the FY 2016 Proposed Budget Book titled "Budget Overview & General Fund" on page 211 under the Police Administration-Other Purchased Services Account (10015110-70690).

Respectfully submitted for Council consideration.

Prepared by: Marsha Ulrich, Office Manager, Police Department
Reviewed by: Kenneth Bays, Assistant Chief of Police

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Angela Fyans-Jimenez, Deputy Corporation Counsel

Recommended by:

David A. Hales
City Manager

The following was presented:

Item 70: Consideration of approving the purchase of one (1) Emergency Response Vehicle for the Fire Department using the Suburban Purchasing Cooperative Contract Number 122 from Currie Motors, Frankfort, IL in the amount of \$34,352.00.

Motion by Alderman Painter, seconded by Alderman Hauman that the City purchase one (1) 2016 Ford Utility Police Interceptor using the Suburban Purchasing Cooperative Contract Number 122 from Currie Motors, Frankfort, IL in the amount of \$34,352.00 for the Fire Department be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Mwilambwe and Painter.

Nays: None.

Motion carried.

RECOMMENDATION/MOTION: That the City purchase one (1) 2016 Ford Utility Police Interceptor using the Suburban Purchasing Cooperative Contract Number 122 from Currie Motors, Frankfort, IL in the amount of \$34,352.00 for the Fire Department be approved 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.

STRATEGIC PLAN SIGNIFICANCE: Objective 4 – City Services delivered in the most cost-effective, efficient manner.

BACKGROUND: Currently there is a 2005 Mitsubishi Endeavor to be replaced in this Fiscal Year Budget. This unit has 57,255 miles on it at this time. Normal replacement is 10 years or 100,000 miles. This unit is used as a first responding vehicle to provide emergency service. The unit has high idle time that causes more engine wear and needs to be replaced at the 10 year time period. Staff recommends the pursuit rated vehicle because of its heavy duty design features. It has a Safety Canopy with Roll Over Sensor and Roll Curtain Air bag, Anti-Lock brakes with Advanced Trac and Traction Control. The unit is equipped with external engine oil cooler to extend component life. Total maintenance cost for the Endeavor is \$9,911.64 to date. Staff will

move the Endeavor in to the Motor Pool to be used for travel and training to replace a 2000 Ford Crown Vitoria. Staff respectfully requests to have the replaced unit declared surplus and be sold on public auction at Publicsurplus.com it is expected to be worth \$1,200.00.

The Suburban Purchasing Cooperative is a joint purchasing program sponsored by the Northwest Municipal Conference (NWMC), DuPage Mayors & Managers Conference (DMMC) South Suburban Mayors and Managers Association (SSMMA), and Will County Governmental League (WCGL). Together the SPC represents 156 municipalities and townships in northeastern Illinois. The following entities are eligible to participate in the SPC joint purchasing programs: Municipalities, Townships, Counties, Fire Protection Districts, Park Districts, Libraries, School Districts and Non-Profit Organizations. The SPC exemplifies the benefits of intergovernmental cooperation on a regional basis.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This is budgeted in the FY 2016 Capital Lease – Licensed Vehicles account (40110133-72130). Stakeholders can locate this in the FY 2016 Proposed Budget Book titled “Other Funds & Capital Improvement Program” on pages 79 & 81.

Respectfully submitted for Council consideration.

Prepared by: Rob Krones, Superintendent of Fleet Maintenance
Eric Vaughn, Deputy Chief of Administration

Reviewed by: Brian Mohr, Fire Chief
Jim Karch, PE CFM, Public Works Director

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David Hales
City Manager

The following was presented:

Item 7P: Consideration of approving an Ordinance Amendment to Chapter 29, Article XXI, Section 180 of the City Code Pertaining to the Major Butler Lot, and the related Lease Agreement.

Motion by Alderman Painter seconded by Alderman Hauman that the Ordinance Amendments to Chapter 29 of the City Code be adopted, the Lot Use and Lease Agreements be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Mwilambwe and Painter.

Nays: None.

Motion carried.

RECOMMENDATION/MOTION: That the Ordinance Amendments to Chapter 29 of the City Code be adopted, the Lot Use and Lease Agreements be approved 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.

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

BACKGROUND: The existing City Code provisions provide for limited free parking within the Major Butler Parking Lot. A few nearby property and business owners have inquired about leasing spaces in the lot. To gauge the interest in leasing spaces in the lot, the Downtown Business Association assisted City Staff with an informal survey. Thirty letters were sent to adjacent and downtown property and business owners. Of the fourteen responses provided; two preferred converting the lot to monthly lease, eight indicated changing the lot from 2 to 4 hours of free parking, two indicated retain current conditions and two indicated no interest. The complete survey and results are attached. Staff also performed a lot utilization evaluation for a two week time period in April. The number of vehicles parked in the lot at 10:00 am and 2:00 pm were recorded. Results of the evaluation are attached and indicate that the lot is under-utilized. Based on the survey and utilization results, staff is recommending that spaces at the north end of the lot be made available for lease and the time limit for free parking in the remainder of the lot be increased to 4 hours. A map of the downtown public parking facilities is attached and additional downtown parking information is provided in the Parking Policy Framework, Section IV, of the Downtown Bloomington Strategy located at <http://www.cityblm.org/modules/showdocument.aspx?documentid=6034>

The lot is also used for events held at the U.S. Cellular Coliseum in accordance with various contracts and practices of Central Illinois Arena Management. Parking fees are charged for many of these events which also generates revenue for the City. To avoid conflicts and document coordination responsibilities, the attached Use Agreement and Lease Agreement have been created. Execution of the Use Agreement, approval of the Lease Agreement and adoption of the City Code Amendment are necessary to proceed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Central Illinois Arena Management, Downtown Business Association and Adjacent Downtown Business and Property Owners.

FINANCIAL IMPACT: Lease of the spaces at the north end of the lot will generate revenue for the City. Currently, the lease of five spaces have been requested which will generate \$3,000

annually. The lease of all eighteen spaces at the north end of the lot would provide an annual revenue of \$10,800. Revenue from the lease of the spaces will be recorded in the Parking-Monthly Parking Fees Account (10015490-54520). Stakeholders can locate this account in the FY 2016 Proposed Budget Book titled “Budget Overview & General Fund” on page 279.

Respectfully submitted for Council consideration.

Recommended by:

Prepared by: Russell Waller, P.E., Facilities Manger

Reviewed by: Stephen Rasmussen, Assistant City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

David Hales
City Manager

Item 7P: Consideration of approving an Ordinance Amendment to Chapter 29, Article XXI, Section 180 of the City Code Pertaining to the Major Butler Lot, and the related Lease Agreement.

Motion by Alderman Painter, seconded by Alderman that t he Ordinance Amendments to Chapter 29 of the City Code be adopted, the Lot Use and Lease Agreements be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Mwilambwe and Painter.

Nays: None.

Motion carried.

The following was presented.

RECOMMENDATION/MOTION: That the Ordinance Amendments to Chapter 29 of the City Code be adopted, the Lot Use and Lease Agreements be approved 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.

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

BACKGROUND: The existing City Code provisions provide for limited free parking within the Major Butler Parking Lot. A few nearby property and business owners have inquired about leasing spaces in the lot. To gauge the interest in leasing spaces in the lot, the Downtown Business Association assisted City Staff with an informal survey. Thirty letters were sent to adjacent and downtown property and business owners. Of the fourteen responses provided; two preferred converting the lot to monthly lease, eight indicated changing the lot from 2 to 4 hours of free parking, two indicated retain current conditions and two indicated no interest. The complete survey and results are attached. Staff also performed a lot utilization evaluation for a two week time period in April. The number of vehicles parked in the lot at 10:00 am and 2:00 pm were recorded. Results of the evaluation are attached and indicate that the lot is under-utilized. Based on the survey and utilization results, staff is recommending that spaces at the north end of the lot be made available for lease and the time limit for free parking in the remainder of the lot be increased to 4 hours. A map of the downtown public parking facilities is attached and additional downtown parking information is provided in the Parking Policy Framework, Section IV, of the Downtown Bloomington Strategy located at <http://www.cityblm.org/modules/showdocument.aspx?documentid=6034>

The lot is also used for events held at the U.S. Cellular Coliseum in accordance with various contracts and practices of Central Illinois Arena Management. Parking fees are charged for many of these events which also generates revenue for the City. To avoid conflicts and document coordination responsibilities, the attached Use Agreement and Lease Agreement have been created. Execution of the Use Agreement, approval of the Lease Agreement and adoption of the City Code Amendment are necessary to proceed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Central Illinois Arena Management, Downtown Business Association and Adjacent Downtown Business and Property Owners.

FINANCIAL IMPACT: Lease of the spaces at the north end of the lot will generate revenue for the City. Currently, the lease of five spaces have been requested which will generate \$3,000 annually. The lease of all eighteen spaces at the north end of the lot would provide an annual revenue of \$10,800. Revenue from the lease of the spaces will be recorded in the Parking-Monthly Parking Fees Account (10015490-54520). Stakeholders can locate this account in the FY 2016 Proposed Budget Book titled “Budget Overview & General Fund” on page 279.

Respectfully submitted for Council consideration.

Prepared by: Russell Waller, P.E., Facilities Manger

Reviewed by: Stephen Rasmussen, Assistant City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Item 7Q: Consideration of adoption of an ordinance for Case No. V-01-15 petition requesting the approval of a vacation of a public alley and to retain a public utility easement which is located at west of Linden Street, north of Empire Street residential properties.

Motion by Alderman Painter, seconded by Alderman Hauman that an ordinance for Case V-01-15 for the vacation of a public alley and to retain a public utility easement for land located west of Linden Street, north of Empire Street residential properties.

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

Ayes: Aldermen Mwilambwe, Lower, Hauman, Black, Fruin, Buragas, Sage and Painter.

Nays: None.

Motion carried.

The following was presented.

RECOMMENDATION/MOTION: Adopt an ordinance for Case V-01-15 for the vacation of a public alley and to retain a public utility easement for land located west of Linden Street, north of Empire Street residential properties.

STRATEGIC PLAN LINK: The alley vacation is linked to Goal 1, Financially Sound City Providing Quality Basic Services, Objective D, and City services delivered in a most cost-effective, efficient manner.

STRATEGIC PLAN SIGNIFICANCE: The vacation will facilitate the objective of providing cost-effective and efficient city services by not having to administer ownership and control of the alley when the alley is not used for public access to the adjacent properties.

BACKGROUND:

The City of Bloomington desires to vacate a north-south alley and retain an easement in the same location for utilities. The alley has residential homes to the east and north across Emerson Street. West of the alley the land is heavily wooded and adjacent to the Constitutional Trail. The ownership of the alley will be transferred just to the residential land owners to the east. No land will be transferred to the land owner to the west since it is right of way for the Constitutional Trail. This alley continues to the south where it is not part of this petition but is part of another alley vacation petition. This separate petition is also being requested at this same meeting.

The alley is not used for access to a public street. The homes east of the alley have driveway access to Linden Street. The alley is only used for private utilities and there is a request to retain a utility easement. The easement being retained will allow the utility companies to continue the operation and maintenance of their utilities. Thus the utility companies were not contacted in this case.

The vacation of streets and alleys is governed by the Illinois Municipal Code. Specifically, Section 11-91-1 of the Illinois Municipal Code allows the corporate authorities to vacate any street or alley when it is deemed to be in the public interest. This must be done by ordinance and passed by an affirmative vote of three-fourths of the alderman then holding office. Accordingly, a vote of 7 is required for passage of the ordinance to vacate the property. In addition, Section 11-91-1 provides the ordinance vacating may provide it shall not become effective until the abutting property owner pays compensation in an amount, as determined by the corporate authorities, to be the fair market value of the property acquired or of the benefits which will accrue to them by reason of the vacation.

In this case, the City is the petitioner seeking to vacate the alley. In such situations, the City does not seek compensation for the vacation. Regardless, the property being vacated is situated in such a manner that it would little benefit to the adjoining property owners.

PLANNING COMMISSION

This case was before the Planning Commission for a public hearing and review on May 27, 2015. Staff explained how the alley is not used for access and the assessor's office has indicated there will not be an increase in property values when the land is added to the residential properties. Two citizens inquired about as to property values and restrictions to the alley. Staff explained no permanent structures would be allowed but a fence, patio, or garden would be allowed. No one else from the public spoke regarding the petition. The Planning Commission voted to recommend approval of the vacation by a vote of 9-0. This recommendation is consistent with staff's position.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, courtesy copies of the Public Notice were mailed to approximately 17 adjacent property owners. In addition a public notice/identification sign was posted on the property.

FINANCIAL IMPACT:

If the alley vacation is approved, there should be no change in city revenues but a slight decrease in the cost of providing services.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Tom Dabareiner, Director of Community Development

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst

Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

The following was presented.

Item 7R: Consideration of adoption of an ordinance for Case No. V-02-15 petition requesting the approval of a vacation of a public alley located west of Linden Street and North of Empire Street commercial properties.

Motion by Alderman Painter, seconded by Alderman Hauman, that Council adopt an ordinance for Case V-02-15 for the vacation of a public alley for land located west of Linden Street, north of Empire Street commercial properties.

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

Ayes: Aldermen Mwilambwe, Sage, Lower, Hauman, Black, Fruin, Buragas, and Painter.

Nays: Alderman Schmidt

Motion carried.

RECOMMENDATION/MOTION: Adopt an ordinance for Case V-02-15 for the vacation of a public alley for land located west of Linden Street, north of Empire Street commercial properties.

STRATEGIC PLAN LINK: The alley vacation is linked to Goal 1, Financially Sound City Providing Quality Basic Services, Objective D, and City services delivered in a most cost-effective, efficient manner. The vacation is also linked to Goal 3, Grow the Local Economy and Objective D, Expanded Retail Businesses.

STRATEGIC PLAN SIGNIFICANCE: The vacation will facilitate the objective of providing cost-effective and efficient city services by not having to administer to ownership and control of the alley when the alley is not used for public access to the adjacent property. The vacation will facilitate the objective of expanded retail businesses by allowing a business to more fully use the property without the awkward location of the public alley.

BACKGROUND: Lextel, Inc. desires to vacate an alley that runs north-south and east-west. The alley to be vacated is nearly surrounded by the petitioner's own property. The vacation of the alley only impacts the petitioner who does not need the alley for access as there is direct access to Linden Street to the east and Empire Street to the south. This alley continues to the

north where it is not part of this petition but is part of another alley vacation petition requested by the City of Bloomington. This separate petition is also being requested at this same meeting.

There are no public utilities in the alley. The utility companies have responded to a request for comments. Frontier North Inc., Comcast, Nicor, Corn Belt Energy, all have no objections to the vacation. Ameren stated they do not have any objections to the vacation but they do have facilities in the alley. They stated the facilities are currently not serving anyone and they can remove such but at the petitioner's expense.

The vacation of streets and alleys is governed by the Illinois Municipal Code. Specifically, Section 11-91-1 of the Illinois Municipal Code allows the corporate authorities to vacate any street or alley when it is deemed to be in the public interest. This must be done by ordinance and passed by an affirmative vote of three-fourths of the alderman then holding office. Accordingly, a vote of 7 is required for passage of the ordinance to vacate the property. In addition, Section 11-91-1 provides the ordinance vacating may provide it shall not become effective until the abutting property owner pays compensation in an amount, as determined by the corporate authorities, to be the fair market value of the property acquired or of the benefits which will accrue to them by reason of the vacation.

Current staff policy is to determine the fair market value of property to be vacated by utilizing a formula of 3 times the estimated assessed land valuation (per square foot) of the adjoining property times the square feet of the area to be vacated (3 x Land EAV x Sq. Ft.). City staff brought an initial draft of a Street & Alley Vacation Policy to the City Council in July 2014. This policy has since been updated to reflect comments previously made by the Council and is recommended for adoption at a future meeting.

In this case, the parcel contains 1.781 acres and the land EAV is \$17,698 (or \$53,094 when multiplied by 3). This creates a square foot price of \$.68. Staff estimates the portion to be vacated at 6,090 square feet. The compensation under the formula would therefore be \$4,167 and staff recommends same as the fair market value of the property being vacated.

PLANNING COMMISSION: This case was before the Planning Commission for a public hearing and review on May 27, 2015. Staff explained how the alley is not used for access to a public street and the petitioner owns the adjacent land. The petitioner's attorney spoke and explained how the alley is useless and any utilities in there are not being used. No one else from the public spoke regarding the petition. The Planning Commission voted to recommend approval of the vacation by a vote of 9-0. This recommendation is consistent with staff's position subject to payment of compensation in the amount of \$4,167.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In addition a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: If the alley vacation is approved, there could be any increase in property taxes and a slight decrease in the cost of providing services. The City will also receive compensation for the property being vacated.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Tom Dabareiner, Director of Community Development

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales,
City Manager

The following was presented.

Item 7D: Consideration of clarifying designed of terms of appointment for the Library Trustees Appointed in April 2014.

Alderman Schmidt stated that she requested this item be pulled as the information that was provided within the council memo was in error and required clarification. She stated that the terms of office for the Trustees are as follows: (1) Brittany Cornell (5/1/14 – 4/30/17); (2) Monica Brigham (subsequently replaced by Van Miller) (4/14/14 – 4/30/16); (3) Susan O'Rourke (5/1/14 – 4/30/17); and (4) Whitney Thomas (5/1/14 – 4/30/17).

Motion by Alderman Schmidt to approve this item as amended, seconded by Alderman Painter that the terms of office for the Trustees are as follows: (1) Brittany Cornell (5/1/14 – 4/30/17); (2) Monica Brigham (subsequently replaced by Van Miller) (4/14/14 – 4/30/16); (3) Susan O'Rourke (5/1/14 – 4/30/17); and (4) Whitney Thomas (5/1/14 – 4/30/17).

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Painter, and Mwilambwe.

Nays: None.

Motion carried.

Item 7G: Consideration of review and analysis of Bids and Approval of a Contract with Bodine Electric of Decatur in the amount of \$50,000 for Emergency Traffic Signal Repair FY 2016 (Bid #2016-11).

Item 7H: Consideration of review and analysis of Bids and Approval of a Contract with Bodine Electric of Decatur in the amount of \$150,000 for Traffic Signal Maintenance FY 2016 (Bid #2016-10).

Alderman Fruin requested to make the motion for Items 7G and 7H together as the items involves the same company.

Motion by Alderman Fruin that Items 7G and 7H be approved as presented by staff and bids awarded to Bodine Electric in Decatur for Emergency Traffic Signal Repair FY 2016 through Bid #2016-11 in the amount of \$50,000 and Traffic Signal Maintenance FY 2016 through Bid #2016-10 in the amount of \$150,000 be approved, Alderman Black seconded the motion.

Alderman Fruin stated that it is hard for the Council to understand why the City does not receive more participation from local bidders for these contracts. He referenced the two bidders who submitted a bid from Decatur and from Champaign. Alderman Fruin stated that it is his belief that there are qualified electrical contractors in the Bloomington/Normal community, McLean County that can perform this type of work. He asked whether the City's Procurement Department are doing everything that can be done to attract local bidders. He answered that the normal response is that staff is doing what they can do to attract all bidders, that companies have to be willing to submit a bid for a project to be considered. Alderman Fruin stated that we need to do more to attract local bidders to do business in Bloomington/Normal.

Mr. Hales stated that he does not know all of the specifics for electrical contractors. He understands that the community has recently lost a contractor Last Electric which was one of the bidders. Mr. Hales stated that staff do work to get the information out to the public whenever there is a City related project.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Painter, and Mwilambwe.

Nays: None.

Motion carried.

Item 7L: Consideration of approving an Agreement for Regional Planning Services with McLean County Regional Planning Commission (MCRPC) in the amount of \$54,212.00.

Alderman Lower stated, a number of citizens have asked him what will those funds be used for, and how much are directed to the Comprehensive Plan. He asked for clarification of the McLean County Regional Planning Commission and whether it is a federally mandated agency.

Mayor Renner replied, stating that the City has to have some agency in order to seek grants and other opportunities from. Mayor Renner provided historical facts relating to the agency and its operations.

Alderman Lower stated that like most federal agencies, there are conditions attached. He asked whether there are any conditions with this agency that the City needs to be aware of.

Mayor Renner stated that when a person or governmental entity receives grant funding, there are reporting standards that has to be adhered to.

Alderman Lower asked who was receiving these funds, how are the funds being paid out and what is it funding?

Mr. Hales commented about the question that Alderman Schmidt submitted for clarification. He stated that the City staff did provide to the Council a copy of the FY 2016 Unified Work Program for McLean County Regional Planning Commission. In essence the report highlights those projects that the County will work on during this next fiscal year. He directed the Council to review pages 6 and 7. The key issue for its operations is, the majority of the funding comes from the State of Illinois Department of Transportation. They have very significant grant and looks at specific programming that will benefit the community. Mr. Hales stated that the County is carrying the majority of the funding for this program. That, the remainder of the funds comes from each of the following: McLean County, Town of Normal and the City of Bloomington.

Mr. Hales stated that the City has been a major beneficiary of the program in the past year, because they were able to assist in paying for the Comprehensive Plan without additional funding from the City; with the exception of annual allocation of funding. This year one of the upcoming significant projects will be in the Town of Normal, as they will update their Comprehensive Plan.

Motion by Alderman Black, seconded by Alderman Schmidt that the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$54,212.00 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Sage, Lower, Hauman, Black, Fruin, Buragas, Mwilambwe and Painter.

Nays: None.

Motion carried.

8. “Regular Agenda”

Item 8A: Consideration of denial of an ordinance for Case No. Z-04-15 requesting the approval of a Rezoning form R-1C, Single-Family Residence District to R-2, Mixed Residence District for the property at 1314 Fell Avenue.

Motion by Alderman Buragas, seconded by Alderman Hauman that the City Council *affirm* the recommendation of the Planning Commission to deny the request to rezone the property at 1314 Fell Avenue from R-1C to R-2.

Tom Dabareiner, Director of Community Development provided a PowerPoint Presentation related to the Denial of a Rezoning of 1314 Fell Avenue from R-1C Single-Family Residence to R-2 Mixed Use Residence. (*PowerPoint Presentation is on-file in the Clerk’s Office.*)

Alderman Buragas inquired should the Council moves forward with rezoning, would it be consistent with the recommendations that were made within the Draft Comprehensive Plan for this area.

Mr. Dabareiner stated that the Draft Comprehensive Plan keeps this area as single-family.

Alderman Schmidt stated that she appreciates an older neighborhood that has come a long way to revitalize the area. Ten years ago, she was inside of the property. She stated that this property has been vacant for over a decade. At that time, it had already started showing signs of mold, and other signs of wear. She expressed that it is often difficult to have a neighborhood when there are vacant homes on the block. The Council has an opportunity in front of them that changes the zoning; she understands the rejection of the community to deny the rezoning. She discussed the Pillsbury architecture of the area; that rezoning efforts are being proposed by someone who has a very good track record of restoration and rehabilitation of rental properties. She expressed her concern that this rezoning effort may be a missed opportunity to continue growth in this neighborhood.

Alderman Schmidt stated that she is challenging the neighbors within this community to come together to look at other options for this property.

Alderman Painter stated that she agrees totally with Alderman Schmidt comments. However, the neighbors seem to come out of nowhere to have this property to be have this property to become a multi-family unit. She echoed Alderman Schmidt’s comments that the neighbors do need to come together to look at other options for this home, and/or meet with the developers for this property.

Alderman Fruin stated that he agrees with everything that has been already stated thus far. He stated that the petitioner, Mr. Barasella has done great things for this community. It is unfortunate that the Council does not have a solution for this issue. However, if no restoration is done on this building, it will continue to decay and become an eye-sore for that neighborhood.

Mayor Renner echoed the comments of Alderman Fruin, stating that he, too, has seen some of the work performed by Mr. Barasella that his work is absolutely stunning.

Alderman Buragas stated that she is familiar with this area of the community, as all of the homes within this area were designed as single-family dwellings. That had always been the plan and the intention of this neighborhood. She stated that unfortunately this area went through a period whereby there was a policy change and the residents believed that the best way to save our older neighborhoods was to allow for the properties to be subdivided and turned into multiple dwelling apartments. She stated that with the benefit of reflection, it is not a good way save our older neighborhoods, but to hasten their demise.

Alderman Buragas stated that the neighbors in this neighborhood worked very hard to maintain their home as well as the preservation of that area by changing those policies, and to rezone it back to R-1C single-family residential community. She stated that other residents are working very hard to restore these properties back to a single-family dwelling such as the Gronemeier's and others.

Alderman Buragas stated that some of the higher unit homes have reduced in an effort to offer a higher quality product. Residents are concern with preserving the older neighborhoods, that some of the surrounding areas are on the National Registry. She stated that she has two reasons for supporting the denial of the rezoning for the following: 1) The community would be going backwards as the neighborhood has worked very hard to restore homes to single-family dwellings. If this property is permitted to rezone, it would set a precedence for others to seek the same in the future, as there is a profit to be made from rezoning these properties and making them multi-family units. 2) This is a small test for the Council with regard to the Bloomington Comprehensive Plan, as Council will be faced with these tough decisions in the future—where there will be some short term gain for the long-term good of the area.

Alderman Buragas stated that this is what the Council is seeing with this draft Bloomington Comprehensive Plan that this is the best option for this neighborhood. As provided in the draft Comprehensive Plan, the plan is to maintain the integrity of this community as a single family. She stated that the Council, as a small test, need to stick with the recommendation of the Comprehensive Plan. To put this into perspective, not everyone lives in an older neighborhood and understand how these rezoning efforts undermine the continuity and quality of life of neighborhoods; we are looking at the 'unplanned density' of multi-family housing. It is not about rental versus non-rental housing. The City has many beautiful rental unit housing opportunities within our neighborhoods that are well maintained; that is not the issue.

Alderman Buragas posed this question, for those residents that live in the suburbs. If a developer decided to place a multi-family unit dwelling in your neighborhood, how would that

make you feel when it is done in an unplanned manner. From a planning perspective, we need to plan for and integrate density and not try to retrofit it.

Alderman Lower stated that he supports the comments of other Aldermen, that this particular property would require a great deal of restoration, and does not appear to be a viable single-family unit of housing. He stated that he has had many conversations with local builders in the area including the Gronemeier's, it is unfortunate that it has sat for this length of time decaying. It is, however, the City responsibility to look at zoning concerns that the citizens bring forward.

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

Ayes: Aldermen Mwilambwe, Sage, Lower, Hauman, Black, Fruin, Buragas, and Painter.

Nays: Alderman Schmidt

Motion carried.

RECOMMENDATION/MOTION: That the City Council *affirm* the recommendation of the Planning Commission to deny the request to rezone the property at 1314 Fell Avenue from R-1C to R-2.

STRATEGIC PLAN LINK: The denial of the rezoning is linked to Goal 4, Strong Neighborhoods and Objective A, Residents feel safe in their homes and neighborhoods, and Objective C. Preservation of property/home valuations.

STRATEGIC PLAN SIGNIFICANCE: The denial of the rezoning will facilitate the above objective A. by not increasing nuisance complaints, vandalism, congestion and traffic associated with multi-family housing. The property values of a predominately single-family neighborhood will be maintained by denying rezoning.

BACKGROUND:

At the July 13, 2015 City Council Meeting, the council voted to delay this item until the July 27, 2015 Regular City Council Meeting. At its June 22, 2015 meeting, the council voted 8-0 to delay consideration of this while staff met with the petitioner to consider the range of options for the property.

RJV Properties, LLC desires the rezoning to enable the conversion of a long-vacant house to multi-family housing. The existing building is currently vacant, but more than 15 years ago it was a legal non-conforming rooming house. Legal nonconforming uses are discouraged in the Zoning Code from continuing to operate and once gone, are not permitted to return under the current code.

The property is designated low/medium density residential in the Comprehensive Plan and is inconsistent with the proposed rezoning. The existing zoning for the subject property is R-1C, as well as what is to the north, south and west. Across Fell Avenue the zoning is the less dense R-1B Single Family District. R-1B is very compatible with R-1C since both districts allow single-family and do not allow multi-family. The neighborhood use is predominately single-family. The neighborhood has eight two-family and 58 single-family residences. The neighborhood contains a single 4-unit building. Thus the requested R-2 zoning district is inconsistent with the adjacent and nearby zoning and land uses.

If approved the R-2, Mixed Residence District will be a one parcel zoning district and considered a "spot zone." Generally a zoning district should contain multiple parcels. This is to assure more compatible land uses and cohesive neighborhoods.

There would be a negative impact to nearby uses from a potential multi-family use on the subject property. It would alter the character of the neighborhood as a predominately single-family and secondarily two-family neighborhood. The change would result in an increase in neighborhood density and could create more noise, traffic and other nuisances in the neighborhood that neighbors have properly believed would instead remain stable.

PLANNING COMMISSION

This case was before the Planning Commission for a public hearing and review on May 27, 2015. Staff explained how the rezoning is incompatible with the nearby land uses and zoning as well as create a spot zone. The petitioner explained the property's recent history and his intention of having apartments for young professionals. Two citizens spoke in favor of the rezoning stating the previous use did not create neighborhood trouble. Six citizens spoke in opposition to and eight letters opposing the rezoning were submitted. Their comments pertained to the following: other apartment buildings have been converted to single-family and we should not go backward, the subject site was built as a single-family, and apartments are not in the interest of the neighborhood and there are other profitable options. Other opposing comments were the neighborhood is predominately single-family and if rezoned then one can do anything that is allowed in the R-2 District. They said it would be a spot zone, and it is not the fault of the neighborhood that the owner did not do his due diligence. Neighbors in opposition also stated the rezoning would diminish property values; harm the neighborhood history, beauty and cohesion; add traffic; and, create conflicts where renters are not attached to the neighborhood. The Planning Commission voted to recommend denial of the rezoning by a vote of 6-2. This recommendation is consistent with staff's position.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to approximately 83 property owners within 500 feet. In addition, public notice/identification signs were posted on the property.

FINANCIAL IMPACT:

If the rezoning is denied there should be no change to city revenues.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Tom Dabareiner, Director of Community Development

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

The following was presented.

Item 8B: Consideration of adopting an ordinance for Case No. MPH-01-15 Petition requesting approval of a Site Plan for PMO Properties Manufactured Home Park, for the property located east of Greyhound Road approximately 220' south of E. Hamilton Road, and approximately 7.98 acres.

Motion by Alderman Sage, seconded by Alderman Hauman As recommended by City staff, deny the recommendation of the Plan Commission and request an ordinance be brought back before the City Council approving the Site Plan for PMO Properties Manufactured Home Park conditioned upon a written signed agreement be executed between the two mobile home park owners which will allow conveyance of storm water from the developing park into the already developed park as well as for maintenance for this private storm water system.

Tom Dabareiner, Director of Community Development provided a PowerPoint Presentation on this item (*PowerPoint Presentation is on file in the Clerk's Office*). He stated that this matter started out as a code enforcement matter over an unlicensed mobile home park, known as PMO Properties. Three of the four conditions were not met that were related to the license for approval of the site plan. The fourth deals with a unique circumstance. One condition was not met/three continuances were granted, the Planning Commission ultimately voted approval in a split vote despite the continuances.

He stated that the two options before the Council is: Option 1: Option 1: As recommended by the Plan Commission, adopt an ordinance for Case MPH-01-15 for a Site Plan for PMO Properties Manufactured Home Park, for the property described in Exhibit A.

Option 2: As recommended by City staff, deny the recommendation of the Plan Commission and request an ordinance be brought back before the City Council approving the Site Plan for PMO Properties Manufactured Home Park conditioned upon a written signed

agreement be executed between the two mobile home park owners which will allow conveyance of storm water from the developing park into the already developed park as well as for maintenance for this private storm water system.

Mr. Dabareiner stated that there were four conditions that the applicant would have to meet; three of which were immediately addressed in the first meeting. The final condition would address the maintenance of the drainage system that flows from the PMO Properties into retention that is located on the Cardinal Ridge property. That drainage system is private, not a public system. He explained that when a system is under one ownership, it is very clear and easy that whenever there is a problem, you would go to the one owner. A piece of the drainage system became available (uncertain as to why) and is under a new ownership; however, it relies on the exact same storm system and use of the retention area. Staff Recommendation is that the fourth condition be attached, that Council send it back to the Planning Commission with that condition to be resolved.

Mayor Renner asked Mr. Dabareiner for his recommendation on this case. Mr. Dabareiner stated that Staff's Recommendation is that Council rejects the recommendation of the Planning Commission, which was a mixed vote, and send it back to resolve the issues that remains regarding the drainage system.

Alderman Sage stated that he had a conversation with City Engineer Kevin Kothe and discussed the drainage issue. He stated that we need to have a line of sight back to both owners of the system so that the City can work with the owners.

Alderman Black stated if Council were to approve this item as the motion is presented, what would be the repercussion for the residents that live in that area.

Mr. Dabareiner stated achieving an agreement on shared maintenance concern is generally a normal process. The difficulty is when two parties do not agree. We have an existing park that does experience problems, and the engineering study confirms—the question is it working today. The City's ultimate goal is to protect the current and future residents. The City would like to see the PMO Properties developed as a mobile home park. We need to ensure that all systems are operating properly and accountability when there are concerns.

Alderman Black stated that should there be no agreement between both parties, what happens next?

Mr. Dabareiner stated that the City will then proceed with the code enforcement case that it has against the PMO Properties that formed a mobile park without having a license, nor meeting the requirements to obtain a license.

Alderman Buragas stated this is a slightly unusual situation, because the City had a comprehensive look at this due to the nature of the parcels which were once unified. Now, we have a situation whereby a smaller parcel where the infrastructure was developed thinking it was a part of the other...The typical development path, if it were a separate parcel, the storm water retention would be dealt with separately. They would be required to tap on or build a facility. She stated that the City does not have this scenario before them, and the residents are caught in

the middle of this unfortunate situation, and are at the mercy of a direct competitor of getting storm water relief. She agrees that we have an obligation to ensure that these properties are well maintained, and do not have drainage issues. However, it is troubling that the smaller development is at the mercy of the larger one that has no interest in cooperating. She asked whether the City has any regulatory power to bring both parties to the table to resolve the issue.

Mr. Dabareiner stated that the City will enforce its code as problems arise with the development. As of now, it is all in timing and protecting the current residents. PMO properties do have options but may not be financially feasible, like providing their own retention on site.

Alderman Lower inquired as to the cost to build a retention system in the mobile park. He ask whether the City would be able to assist PMO in coming to an agreement where it is financially viable for them to pursue.

Mr. Dabareiner stated an agreement would need to be reached regarding the maintenance. At that time, the case would likely be closed. However, not convinced that a conversation has taken place regarding the issue. The City has continued to work with both parties in this process rather than take the extreme measure of taking PMO to court.

Alderman Hauman stated that she had attended several Planning Commission Meetings and she does not want to see the City get into a situation where the residents of either of the mobile home parks blaming the City for water related issues.

Alderman Schmidt referenced some of the residents who spoke during public comment that they would likely be forced out of their homes. She asked whether that could occur with the current residents.

Mr. Dabareiner stated that is an entirely different process. PMO Properties is not a legal mobile home park. It does not mean that it is absent of all residential in the future. As a stand-alone mobile park it would not work under the current regulations.

Alderman Schmidt stated at some point, residents will need to leave the area that they have called home.

Mr. Dabareiner stated that there are other options and acquisitions to address the drainage issue.

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

Ayes: Aldermen Sage, Hauman, Fruin, Lower, Black, Buragas, Mwilambwe and Painter.

Nays: None

Motion carried.

RECOMMENDATION/MOTION:

Option 1: As recommended by the Plan Commission, adopt an ordinance for Case MPH-01-15 for a Site Plan for PMO Properties Manufactured Home Park, for the property described in Exhibit A.

Option 2: As recommended by City staff, deny the recommendation of the Plan Commission and request an ordinance be brought back before the City Council approving the Site Plan for PMO Properties Manufactured Home Park conditioned upon a written signed agreement be executed between the two mobile home park owners which will allow conveyance of storm water from the developing park into the already developed park as well as for maintenance for this private storm water system.

STRATEGIC PLAN LINK: The amended preliminary plan is linked to Goal 3, Grow the Local Economy and Objective A, Retention and growth of current local businesses.

STRATEGIC PLAN SIGNIFICANCE: The reinstated and amended preliminary plan will facilitate the objective of retention of local businesses. This includes the developer as well as the building trades that will be associated with locating new homes in the manufactured home park.

BACKGROUND:

The subject site is identified as the PMO Properties Manufactured Home Park. It is located east of Greyhound Road approximately 220' south of East Hamilton Road. It has four existing manufactured homes however the vast majority of the manufactured home park is undeveloped. The four homes were allowed to be placed there by the owner prior to obtaining a license to operate the mobile home park.

The proposed manufactured home park is a result of being separated from the larger mobile home park to the south and the east. The street layout and the general development of the park as proposed is acceptable however one concern that staff has pertains to maintenance of the private drainage system. When the park was under one ownership storm water was the responsibility of just one owner. With the separation of the park into two parcels with separate ownership there needs to be an agreement between the two owners regarding the conveyance of storm water to from the developing park into the already developed park as well as for maintenance thereof. The owners of the two parks have not settled on any agreement.

PLANNING COMMISSION

This case was before the Planning Commission for a public hearing and review on February 25, March 25, April 22, and June 24, 2015. Staff explained issues to be addressed which were a drainage agreement, setback variances, removal of street barriers and the need for an on-site office. The City Engineer explained that staff's concern is if there is a problem with conveyance or drainage the city would have limited actions to take where the new mobile home park residents are impacted. The only issue remaining at the June 24, meeting pertained to drainage; all of the other conditions were successfully addressed.

The petitioner's attorney claims that a drainage agreement is not necessary for the approval of the site plan. The developer's engineer indicated the storm water system for the development was correctly designed and constructed to adequately handle the storm water at the time the original park approval. He also believes that any problems pertaining to storm water are on the developed mobile home park's property.

One citizen spoke in favor of the project stating more development will prevent dumping. Two audience members spoke in opposition. A representative for the owner stated the storm water may become a problem because many more homes will increase the impervious surface and indicated they cannot sign an agreement without seeing detailed engineering plans. One citizen stated there is already flooding and something needs to be done at least on that edge of the PMO property where the water is standing.

Staff recommended to the Planning Commission approval condition upon complying with the following:

1. There be a written signed agreement between the two mobile home park owners which will allow conveyance of storm water from the developing park into the already developed park as well as for maintenance for this private storm water system. *This agreement has not been provided.*
2. The removal of barriers which prevent traffic from moving between the two mobile home parks. *The developer has removed the barriers.*
3. Approval of the requested variances. *The variances have been approved.*
4. Revise the site plan and provide an on-site office for the mobile home park. *The developer has agreed to provide the office.*

Therefore the above items 2, 3, and 4 have all been resolved. Staff recommends to the City Council approval condition upon complying with the following:

1. There be a written signed agreement between the two mobile home park owners which will allow conveyance of storm water from the developing park into the already developed park as well as for maintenance for this private storm water system.

The Planning Commission recommended approval without any further conditions by a vote of 5-3. This recommendation is inconsistent with staff's position and inconsistent with the Planning Commission acting twice to continue the hearing while waiting for an agreement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code (Ordinance No. 2006-137), courtesy copies of the Public Notice were mailed to approximately 55 property owners or residents within 500 feet. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT:

If the reinstated and amended preliminary plan is approved, there should be an increase in property taxes for the city as the site is developed.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Tom Dabareiner, Director of Community Development

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

The following was presented.

Item 8C: Consideration of approving a Recapture Agreement with Tucci for the Construction of Improvements Beneficial to the Public in the Ewing & Evans Subdivision.

Corporate Counsel Jeff Jurgens provided a brief overview of this item, stating that Illinois Law requires any residential property within 300 feet of a public sanitary sewer connect to that sanitary sewer for new systems, or when an existing system has failed. That is the premise that the City is operating under. Historically the City, when there has been areas within the City that have developed, and the need to construct a sanitary sewer, the City has been in the business of assuming the cost for the construction; the City would recoup some of the money from the adjacent land owners. Due to the City's current financial situation, the City is no longer in the business of doing that. Approximately two years ago, there was a situation where Pamela Tucci wanted to construct a house at 1504 East Emerson it was within 300 feet of an existing sanitary sewer. Therefore, the law would have required her to connect to that system. Ms. Tucci had her contractor to contact the City staff—one of the items that was discussed, was the potential of a Recapture Agreement. A Recapture Agreement provides where one person installs an infrastructure to which others may benefit, the person then ask the other neighboring person to pay a portion of that shared infrastructure.

Mr. Jurgens stated that City staff advised the contractor that it is something that could be considered; however, the City Council has the ultimate decision-making authority to approve such an agreement. As of this date, the sanitary sewer has already been constructed as well as the house. Tonight, we would like to have the opportunity to hear from the representatives from the homeowner that is requesting a Recapture Agreement, as well as the two neighboring property owners and their representatives to address the Council, and to answer any questions that you may have.

Elizabeth Migley representative for the homeowner, Pamela Tucci stated that the synopsis that Mr. Jurgens provided was accurate, explained that in 2013, Ms. Tucci was interested in constructing a residence and was told that she would need to extend the sanitary sewer across Emerson to her property. Based upon the amount of extension that was constructed, it would have potentially serve her property as well as three other parcels, two of which are owned by one owner. At the time of considering the cost, Ms. Tucci and her contractor were in discussion, and understood that a Recapture Agreement would be available and in part made her decision based upon her understanding that the Recapture Agreement would be available to recapture a portion of the cost. That unfortunately when there are not enough parcels to participate in system, the cost per parcel increases. Ms. Tucci and the City continued discussion over several months to come to some agreement that both parties could accept. The agreement was finally reached; however, Ms. Tucci learned that concerns were expressed by the other owners of the neighboring parcels.

Ms. Migley stated that they had contacted the landowners in excess of eight times to discuss the concerns that they had expressed, and to try and resolve the issues that were of concern. In some instances, she and Ms. Tucci were provided with information with clarification of those concerns. They had attempted to respond to some of the concerns expressed, ex: lien language (removed), interest rate that would have been applied as of the date the agreement was signed until payment (also removed) however, interest payment would be due when there was a delay in payment after the triggering obligation occurred, and the City removed a fee that was included. The agreement was submitted back to the City and have not received a response, other than an ongoing representation of an objection to the agreement. The triggering events that Ms. Tucci has no control over includes health department and the Illinois Environmental Protection Agency which requires a connection to the sanitary sewer in the event it is within 300 feet. The City requires the extension of the sewer per the requirements of the health department. The extension was constructed and is currently in use. The concern is that there is an impact on private development in the event the City turns course...in this situation, a Recapture Agreement is not acceptable. At this point, Ms. Tucci finds that it is appropriate, in light of the policy that were in place; as there were no policies relating to Recapture Agreements—the ongoing negotiations with the City, as well as the efforts in to resolve the concerns of the neighboring land owners, the Recapture Agreement that was prepared for Ms. Tucci is appropriate. To suggest that the adjoining landowners do not have to pay a cost to have the benefit of that sewer is inappropriate and unfair.

Ms. Migley stated that she understands that the City Council may choose to object the Recapture Agreement. If that occurs, Ms. Tucci is prepared to retain the sewer extension as a private sewer. Should that occur, she believes there would be two options for Ms. Tucci to pursue. Option 1: In order for the City to retain that sewer, eminent domain or a purchase would have to occur. Option 2: Ms. Tucci would retain it as a private sewer, and should the adjoining landowners experience any problems with their current septic system that requires them to connect, they would come to Ms. Tucci or a subsequent owner to seek approval to connect to her sewer. At which point, the connection fee would be determined. The most beneficial process would be to have a Recapture Agreement whereby everyone understands the rules and the expense involved.

Jay Reese, representing Kevin and Jennifer Kingston, and Katy Craft, representing Patricia Manahan. Mr. Reese stated that the Recapture Agreement as provided this evening is correct as drafted and recommended by City staff to not approve this document. There are many reasons why this document so not be approved by Council, some of those reasons were stated within the Council memos, and some of the reasons were not. The issues that are of concern to Kevin and Jennifer Kingston: This not a usual Recapture Agreement, it is an Annexation Agreement, whereby undeveloped land is sought to be annexed into the City. This is an agreement that will benefit one party, Pamela Tucci. She wanted to build a home on a vacant lot, and the only way that she could do this was to extend sewer across the Kevin and Jennifer Kingston property. There were no easements granted by the Kingston's or Ms. Manahan to allow Ms. Tucci to cross over into their property with the sewer extension. Only one person actually benefitted from this extension, and that is Pamela Tucci. The Kingston's and Ms. Manahan get the benefit of paying to Ms. Tucci a rather large sum of over \$37,000 per lot for the development for something that they do not require nor need. The Recapture Agreement was never agreed to by anyone. It was discussed, and there was language that was changed between Ms. Tucci and City Staff; however, nothing was ever presented and agreed upon. Ms. Tucci and her representative have brought this matter forward to the Council for a rendering of a decision that is being forced upon the neighboring landowners. The cost of the extension was something that Ms. Tucci fully understood that she would have to bear the full cost if she wanted to build a house on that lot. The cost that have been presented to the Council are estimated cost, not actual.

Ms. Craft stated that she concurs with the statement by Mr. Reese that Ms. Manahan was presented with a letter by Ms. Tucci outlining the cost associated with the extended sewer and was shock when she received the agreement with the proposed amount, which was the first notice that Ms. Manahan had received from Ms. Tucci that she may have any financial responsibility for this sewer. That not having prior notice, meaning you are not a part of the process; not having access to the bids or any other materials, it is thrust upon you.

Alderman Painter stated she has seen this issue come forward since January. The City should not be involved in this dispute between Pamela Tucci and BJ Armstrong. The City of Bloomington has been paid for the infrastructure that has been provided—it is over as far as the City is concerned. The taxpayers should not be responsible for this, and neither should Ms. Tucci's neighbors. The contractors should have finalized the details before he proceeded with this very expensive project. The process worked entirely backwards in this situation. First, they should have notified Ms. Manahan and the Kingston's that a house was being built that requires a sewer to be installed, and would impact their future options of replacing their current septic tank. The buyers and the neighbors should have worked out the terms of the Recapture Agreement. Next, the sewer should have been installed. Lastly, you would build the house. Instead, the house was built first, the sewer was install after the house was built; and then the neighbors were notified that they would have to pay three-fourths of their neighbors' sewage system which cost approximately \$148,000. The original agreement stipulated, at any time Pat or Kevin septic systems failed within the next 20 years, (the septic systems are old and are on borrowed time); they would be required to tap into any sanitary sewer systems within 300 feet as provided by the Plumbing Code. The agreement also stated that a lien would be placed on Pat and Kevin's property until their septic system failed, and had to tap into the sewer. The contract

further stated that a rate of four percent per annum would be charged to Pat and Kevin beginning two years after the completion and acceptance of the City of Bloomington said improvements. The agreement also stated that Ms. Tucci could charge an additional two percent of the recapturable amount payable to the City of Bloomington for the administrative cost associated with the Recapture Agreement.

Alderman Painted stated in addition there were attorney fees payable to Liz Migley, Attorney “responsible for trying to recapture” the benefit for the beneficiary that the beneficiaries find neither beneficial nor necessary. The City’s Corporate Counsel has reworked the contract, but it is still not acceptable. Pat and Kevin Kingston were taken by surprise with this totally surprisingly situation, all of the attorney fees and sleepless nights, they are still expected to pay for the lion’s share of their neighbors’ sewer system, plus the tap on fees. There is nothing right about this and it needs to end! This is an unfair and predatory contract!

Motion by Alderman Painter, seconded by Alderman Lower that the agreement authorizing reimbursement for the Construction of Improvements Beneficial to the Public in the Ewing & Evans Subdivision not be approved.

Alderman Black stated he concur with the remarks of Alderman Painter stated that this situation has taken away a great amount of City staff time. He asked whether the City would be in a position to ‘recapture’ from the amount of time that the City of Bloomington has been involved with this dispute.

Mr. Jurgens stated that he has been in communication with Public Works and there is likely to be other situations known that have had sanitary sewers built. The City is working on bringing forth a policy that provides some guidelines for handling similar situations in the future. From staff perspective, the City wants to encourage developers to perform this type of work, as oppose the City of Bloomington handling this. However, the City will need some clear parameters to work within. When the City was in the business of installing sanitary sewer systems, the City did not recoup one hundred percent (100%) of the cost that was paid. The highest amount that the City did charge was approximately \$15,000, as a tap on fee to the system.

Alderman Fruin stated that there was some miscommunication in this process, and ask whether the neighbors could go through arbitration to resolve this issue.

Mr. Jurgens stated that this issue is between the landowners, not the City. It is the City’s position that it would not be proper to maintain this as a private system.

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

Ayes: Aldermen Sage, Hauman, Fruin, Lower, Black, Buragas, Mwilambwe and Painter.

Nays: None

Motion carried.

RECOMMENDATION/MOTION: That the agreement authorizing reimbursement for the Construction of Improvements Beneficial to the Public in the Ewing & Evans Subdivision not be approved.

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

STRATEGIC PLAN SIGNIFICANCE:
Objective 1c.

BACKGROUND: In September 2013 the developer's engineer for the residential home construction at 1504 E. Emerson Street approached the City regarding availability of public sanitary sewer adjacent the property. Illinois State law, and therefore the City of Bloomington, requires that any residential property within 300 feet of a public sanitary sewer be connected to the public sanitary sewer. Public sanitary sewer was available within 300 feet of the residential lot but did not extend to the lot itself. Historically, the City has extended the public sewers utilizing public monies and recaptured the expenditure in the future through tap-on fees. City fund balances did not allow this historic process to occur for this location. It was proposed that City staff and the property owner would negotiate a recapture agreement benefiting the property owner if the property owner agreed to install the public sanitary sewer required for this development.

The home at 1504 E. Emerson Street was constructed for Pamela Tucci. The sanitary sewer extension has now been completed at a total cost of \$148,478.82. In addition to benefiting Ms. Tucci's property, however, the extension also has the potential to benefit other properties along E. Emerson Street, including Lots 7, 8, and 9 (hereinafter "Benefitting Properties"). Accordingly, Ms. Tucci is seeking a recapture agreement with the City wherein the other Benefitting Properties will be required to pay a percentage share of the cost as a condition of any final plat of subdivision or before any building permits related to repair and/or installation of a septic system are issued to the Benefitting Properties. The Recapture Agreement does not create a liability on the part of the City to make payments to Ms. Tucci unless payments are actually received from a Benefitted Property. In addition, Ms. Tucci bears all costs of enforcing and defending the implementation of the Recapture Agreement and holds the City harmless and must pay any damages assessed as a result of the enforcement of the Recapture Agreement. The City is further not required to bring suit to collect money from the Benefitted Properties. Under the proposed agreement, however, a lien, will be filed to show the recapture amount due.

The Recapture Agreement is valid until the recapture amount has been paid or for 20 years, whichever occurs first. Recapture of a percentage share of public infrastructure that is fronted by one developer, but that benefits other property owners, is a common practice among both home rule and non-home rule municipalities.

Since initially bringing this matter forward several months ago, there has been substantial discussion on the recapture with legal counsel for Ms. Tucci, as well as the "benefited" property owners who oppose the agreement. Based on the proposed recapture agreement, the benefited

property owners would be required to pay \$37,119.71 per property as their “recapture” portion of the project in the event that a currently working septic system on the property fails or is in need of repair. When the City was in a position to finance these improvements, staff believes the most expensive reimbursement it ever charged was approximately \$15,000. Staff also reports that often the costs charged were discounted, meaning that the City absorbed a portion of the sanitary sewer construction costs.

Notwithstanding the high costs, City staff is also concerned in this situation that the house was built prior to construction of the sanitary sewer and both were constructed prior to entering into a baseline agreement for recapture with the City. Initial estimates of the construction were also approximately 25% lower than the actual construction costs. Finally, there were apparent communication issues between the petitioner and the neighboring property owners that resulted in at least a claim of lack of notification. These concerns factor into the City staff’s recommendation to not approve the recapture agreement as presented.

As the City’s current financial situation will unlikely permit the City to resume construction of such necessary improvements in the foreseeable future, staff believes it is important to encourage such private development along with reasonable recapture possibilities from benefited properties. While a policy is currently being drafted and will be brought before the Council in the future for action, staff will ultimately recommend any such recapture agreements: (1) be limited to 10 years in duration; (2) the recapture amount be based per acre up to a maximum of \$15,000 per parcel; and (3) interest be charged at 4% or CPI, whichever is less. The policy may also include a mechanism for developers to petition the City Council to share in a portion of construction costs not covered. However, the City’s level of participation, if any, would remain in its sole discretion.

Accordingly, if the City Council desires to enter into a recapture agreement in this situation, City staff recommends utilizing the above criteria and limitations (i.e., lower the total recoverable payment per property to \$15,000, a 10 year recoverable period, etc.). If the City Council desires to consider such an agreement, City staff will work on revisions to the terms and bring back a new agreement for consideration and approval. That said, in discussions with legal counsel for Ms. Tucci, they believe it is important to recover the total project costs and accordingly are requesting the Council to consider the attached agreement. It should be noted that the “per property costs” in this project are much higher because only one side of the street benefited (the other side of the street already had a sewer connection). Accordingly, there were only four properties to split the costs.

Finally, an additional consideration for the Council in future situations where a sanitary sewer must be constructed in an already developed area would be to utilize a Special Service Area (“SSA”). Under the concept of utilizing an SSA, the City would perform and pay for the construction, but then recoup the expenses by placing an additional property tax on the parcels within the benefited area. Notice and a public hearing are required prior to establishment of an SSA. Further, a formal objection process exists wherein 51% of the electors and 51% may object and stop the formation of the SSA.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The property owners impacted by the sewer expansion and recapture agreement have been notified and provided a copy of the proposed agreement.

FINANCIAL IMPACT: Not applicable

Respectfully submitted for Council consideration.

Prepared by: Jeffery R. Jurgens, Corporation Counsel

Review by: Jim Karch, Director, Public Works Department

Recommended by:

David A. Hales
City Manager

The following was presented.

Item 8D: Consideration of adopting an Ordinance approving an Amended and Restated Lease Agreement with Public Building Commission and McLean County regarding the Government Center and the Abraham Lincoln Parking Garage and Levy of Required Rent Payments.

Mr. Jurgens provided a brief overview of this item stating, in November 1988 a lease was entered into with the Public Building Commission and the County whereby the City jointly leased the Government Center and the Abraham Lincoln Parking Garage. The City has participated in the agreement since 1988. As the Council memo provides the County is looking to amend the lease with the Public Building Commission, so that they can address some of the other facilities, and ensure that the funding source is in place to fund the improvements on the Abraham Lincoln Garage as well as the Government Center. As part of the overall lease, the City is not a party to that; so the City has brought forward an Amended and Restated Lease Agreement for the Council's consideration.

Motion by Alderman Fruin, seconded by Mwilambwe that an ordinance approving an Amended and Restated Lease Agreement to be entered into between Public Building Commission of McLean County, McLean County, Illinois, as lessor, and The County of McLean, Illinois, and the City of Bloomington, McLean County, Illinois, as lessees, and providing for the levy and collection of a direct annual tax sufficient to pay the rent payable by the City under such Amended and Restated Lease Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Sage, Hauman, Fruin, Lower, Black, Buragas, Mwilambwe and Painter.

Nays: None

Motion carried.

RECOMMENDATION/MOTION: That an ordinance approving an Amended and Restated Lease Agreement to be entered into between Public Building Commission of McLean County, McLean County, Illinois, as lessor, and The County of McLean, Illinois, and the City of Bloomington, McLean County, Illinois, as lessees, and providing for the levy and collection of a direct annual tax sufficient to pay the rent payable by the City under such Amended and Restated Lease Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service.

BACKGROUND: The City and McLean County currently jointly lease the Government Center facility and Abraham Lincoln Parking Garage from the Public Building Commission (PBC). The County recently undertook an effort to restructure this lease arrangement with the PBC to expand its scope to additional properties, including the potential jail expansion, as well as to take into account long term maintenance responsibilities for the facilities. As a result, all parties must renew its lease obligations and accordingly an Amended and Restated Lease Agreement is being presented for approval.

This lease will not materially change expense for the City. However, the current lease is set to expire in 2021 with an ownership reversion back to the City and County at that time. Under the new lease, the term goes to 2033 and levies an operation and maintenance amount only starting in 2022 as the capital portion will be completed in 2021. Currently, the City and County enter into an amendment every year to account for the operation and maintenance expenses (which is added onto the base rental payment). For the purposes of the revised lease, the parties have calculated operation and maintenance based on past experience and increased it by CPI over the course of the lease.

The renewal of the lease will also give the City the opportunity to work out new operation and maintenance agreements for both the Government Center and the Abraham Lincoln Parking Garage. Talks had previously been underway on new arrangements for the operation of these joint facilities, including the potential establishment of oversight/management committees and better sharing of information. Several revisions to the operation and maintenance agreement had also previously been deemed necessary to account for expenses associated with the garage. Accordingly, staff believes the Amended and Restated Lease Agreement provides a great opportunity to finalize the new operation and maintenance agreements and ensure costs are appropriately shared.

The Public Building Commission Act requires, as part of any lease involving a public building commission, that the public body set a tax levy to establish a dedicated source to pay the rental payments under the lease. Although the City has previously enacted such an ordinance (and abates the property tax each year), a new tax levy is required and provided as part of the ordinance. This levy constitutes an increase (see chart below), but only because the operation and maintenance numbers are now included in this base lease, as opposed to adding a separate amount by amendment each year. Accordingly, the City should see no net increase in its payment for rent or operation and maintenance of the jointly owned facilities. Note that these are the amounts that must officially be levied to reflect the total debt service, but not what the City's expense is estimated to be. The previous tax levies under this lease were historically abated and the expenses paid utilizing other City funds.

<u>LEVY YEAR</u>	<u>TAX PER ORIGINAL LEASE</u>	<u>ADJUSTMENT IN TAX DUE TO AMENDED AND RESTATED LEASE</u>	<u>TAX PER AMENDED AND RESTATED LEASE</u>
2015	\$1,148,685	\$ 831,550	\$1,980,235
2016	1,147,401	843,273	1,990,674
2017	1,148,685	855,172	2,003,857
2018	1,148,685	867,250	2,015,935
2019	1,139,392	879,509	2,018,901
2020	286,157	891,951	1,178,108
2021	24,600	904,581	929,181
2022		917,399	917,399
2023		930,410	930,410
2024		943,616	943,616
2025		957,021	957,021
2026		970,626	970,626
2027		984,435	984,435
2028		998,452	998,452
2029		1,012,679	1,012,679
2030		1,027,119	1,027,119
2031		1,041,776	1,041,776
2032		1,056,652	1,056,652
2033		1,071,752	1,071,752

Pursuant to various bond requirements associated with the original lease, it should be noted that the City and County share joint and several liability for the rental payments owed to the PBC for the joint facilities. Accordingly, in the event of one parties inability to pay, such issues will have to be worked out directly by the parties and this may be addressed in a subsequent operation and maintenance agreement.

In sum, the County is pursuing the Amended and Restated Lease Agreement to ensure new facilities that it will individually own and operate, can be financed under the Act, as well as to modify the process handing operation and maintenance associated with the jointly owned facilities. The City should not see any net increases in its expenses toward the jointly owned facilities, however this does provide the opportunity for improved operation and maintenance agreements.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A.

FINANCIAL IMPACT: This amended and restated agreement will be applicable to the City in fiscal year 2017 budget, 2016 calendar year for the 2015 levy year. It is the City's intent to abate lease payments in the property tax levy. The lease maintenance & operation payments will continue to be budgeted in the Government Center & Abraham Lincoln City Budgets.

Respectfully submitted for Council consideration.

Prepared by: Jeffery R. Jurgens, Corporation Counsel

Financial Review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Recommended by:

David A. Hales
City Manager

9. City Manager's Discussion

Mr. Hales stated that City staff attended a Senior Official's Workshop where the topic was Emergency Preparedness at nearly no cost to the City, the Federal Government pays for the entire training program. One of the initiatives that we do have is to continue to move forward in positioning the City of Bloomington for an Operation Plan update, but engage in some worthwhile and needed training, tabletop. This will position the City to be fully prepared in all aspects for any natural or man-made hazards in the future. He acknowledged Assistant City Manager Steve Rasmussen and Fire Chief Brian Moore both worked together to prepare this training for the Senior Officials to participate.

10. Mayor's Discussion

Mayor Renner stated he and Mayor Koos were surprised to learn about the closing of the Mitsubishi plant. On Friday, a joint news conference was held, and following a mayor's and city manager meeting as the goal was to follow-up with our state representatives to clarify all of the details surrounding the closure of the plant. With concerns of the economy across the country and abroad, the City was not aware of this surprise news. Conversations were had with Detroit automakers to determine whether there was any interest in coming into Bloomington/Normal communities to take over the facility. It is possible; however, not certain.

Mayor Renner stated the President of Heartland Community College has offered to assist with some form of a retraining program to assist the workers in transitioning into other fields of opportunity.

11. City Aldermen's Discussion

Alderman Fruin stated that he and Alderman Hauman were acquainted with each other. He commented on how society places labels on things and community, suggesting that the community take time to learn about one another rather than placing a label on that person or situation. He commented about the block where Commerce Bank sits that this subject has not been discussed in a couple of months. Council has discussed the City's facilities in the past and some of our buildings are in need of repair. He is supportive of having a hotel in the downtown area on the block where Commerce Bank currently sits. There is no connection between the Library and the Museum at their present location. There has been some discussion about moving the Library to the block where Commerce Bank is situated. A meeting of the Council should be held to discuss the future of the Library, as well as the City's golf courses and the management of them.

Alderman Buragas discussed unfunded mandates as they are imposed on us by the federal government or state level government. A specific program that the City of Bloomington has implemented, but has been an issue for our residents on a weekly basis is the Rental Inspection Property Program. This is a program that was implemented in 2003 and was intended to pay for itself; it never has. The City of Bloomington has not been in a position to fully fund it from the General Fund or other sources. This program has been implemented, but we [City] has never given it an opportunity to succeed. It has created a great deal of frustration from residents who are aware of this program and expect it to perform, and are frustrated when it does not. This has in terms created a great deal of frustration for City staff as they cannot perform the duties under this program without resources. In seeing the frustration from both sides, it is time for the City Council to step in and take some action. We need to make some decisions on whether we are going to fully fund this program or under fund it. That is not an acceptable outcome as we the City will offer service at a certain level responsibility, we need to ensure that we can achieve those service levels.

Alderman Schmidt stated the original intent of the Rental Inspection Program was to deal with issues on a complaint basis. She concurs with Alderman Buragas' comments that the City does need to fully fund and staff this program, or discontinue the program. She suggested having a conversation with McLean County Landlord Association about their experiences with the program that they have in place.

12. Executive Session – Pursuant to Section 2(c) (12) of 5 ILCS 120

Adjournment:

[9:01 PM]

Motion by Alderman Hauman, seconded by Alderman Schmidt to adjourn the meeting.

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

Ayes: Aldermen Sage, Hauman, Fruin, Lower, Black, Buragas, Mwilambwe and Painter.

Nays: None

Motion carried, (viva voce).

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk