

**REGULAR CITY COUNCIL MEETING SESSION  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS  
MONDAY, NOVEMBER 23, 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, November 23, 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 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, Joni Painter, Scott Black, Mboka Mwilambwe, Jim Fruin, Karen Schmidt and Mayor Tari Renner.

Staff Present: David A. Hales, City Manager, George Boyle, Assistant Corporate Counsel, Cherry L. Lawson, City Clerk 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.

Donna Bolen

**6. Recognition/Appointments**

The following was presented:

**Item 6A. Recognition Georgia Bouda, Director of Library Services on her retirement with nine (9) years with the Bloomington Library District.**

The following was presented:

**Item 6B. Recognition of Les Siron, Deputy Fire Chief on his retirement with 26 years with the Bloomington Fire Department.**

The following was presented:

**Item 6C. Recognition of Eric West on his promotion to Deputy Chief of Operations position with the Bloomington Fire Department.**

The following was presented:

**Item 6D. Recognition of Michael Hartwig on his promotion to Battalion Chief with the Bloomington Fire Department.**

The following was presented:

**Item 6E. Recognition of Mark Visinitine on his promotion to Captain Position with the Bloomington Fire Department.**

The following was presented:

**Item 6F. Recognition of Adam Ladendorf on his promotion to Engineer with the Bloomington Fire Department.**

The following was presented:

## **7. Consent Agenda**

Mayor Renner called on the Council to see whether any items needed to be pulled from the Consent Agenda for further discussion. Alderman Black requested Item 7C be pulled for discussion.

**Motion by Alderman Painter, seconded by Alderman Schmidt to approve the items on the Consent Agenda excluding Item No. 7C.**

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

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

**Nays: None.**

**Motion carried.**

The following was presented:

**Item 7A: Consideration of approving the Council Meeting Minutes of November 9, 2015 Regular City Council Meeting and the September 10, 2012 Work Session Meeting Minutes.** *(Recommend that the reading of the minutes of the previous Council Proceedings of November 9, 2015 and September 10, 2012, be dispensed with and the minutes approved as printed.)*

The following was presented:

**Item 7B. Consideration of approving Bills, Payroll and Electronic Transfers.** *(Recommend that the bills, payroll and electronic transfers be allowed and orders drawn on the Treasurer for the various amounts as funds are available.)*

The following was presented:

**Item 7C. Consideration of approving a schedule for Council Meetings and related Boards and Commission Meeting dates for the 2016 Calendar Year.** *(Recommend that Council approves the 2016 Calendar of Meeting dates for the City Council and Council related Boards and Commissions.)* **PULLED FROM THE CONSENT AGENDA.**

The following was presented:

**Item 7D. Consideration of a Resolution authorizing a Change Order in the amount of \$70,000.00 in the contract between the City of Bloomington and Maurer Stutz, FY 2014 HoJo Pump Station Gravity Sewer Feasibility Study Contract, for the purpose of funding the expansion of scope to include the design of a new gravity sewer to Wittenberg Woods which will eliminate an additional lift station.** *(Recommend that the Resolution authorizing a change order in the amount of \$70,000 and the contract between the City of Bloomington and Maurer-Stutz, FY2014 HoJo Pump Station Gravity Sewer Feasibility Study be approved and authorize the Mayor and City Clerk to sign the necessary documents.)*

#### **RESOLUTION NO. 2015-46**

**A RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$60,000 ASSOCIATED WITH THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND MAURER-STUTZ, INC. (P.O. 20140319).**

The following was presented:

**Item 7E. Consideration of Review and Analysis of Proposal and Approval of the FY 2016 CCTV Sewer Inspection Contract, City Bid No. 2016-28 in the amount of \$150,000.** *(Recommend that the prices from G.A. Rich & Sons, Inc. for the base bid and additive alternates be accepted, the minor omission technicality be waived, the contract be awarded in the amount of \$150,000.00 contingent upon receipt of satisfactory reference and software documentation per the specifications within 5 business days, and the Manager and City Clerk be authorized to execute the necessary documents.)*

The following was presented:

**Item 7F. Consideration of review and approval of funding a stream stabilization and fish habitat installation of a segment of T2, a tributary stream to Evergreen Lake at**

**Comlara Park, through the City’s Intergovernmental Agreement with McLean County, The Town of Normal and the McLean County Soil Water Conservation District.** *(Recommend that the expenditure of \$51,201 be approved for stabilizing the lower 3,500 feet of Evergreen Lake tributary T2 through the Watershed Conservation intergovernmental agreement and the Procurement Manager be authorized to issue a purchase order.)*

The following was presented:

**Item 7G. Consideration of approving administrative services contract with Healthcare Service Corporation/Blue Cross Blue Shield of Illinois and the Catamaran/Optum and the 2016 premium rates for Health Alliance.** *(Recommend that the administrative services contract with Healthcare Services Corporation/Blue Cross Blue Shield of Illinois and the Catamaran/Optum be approved, the 2016 premium rates for Health Alliance be accepted and the Mayor and City Clerk execute the necessary documents.)*

The following was presented:

**Item 7H. Consideration of approving the FY2015 Comprehensive Financial Annual Report as audited.** *(Recommend that Council accept and approve the Comprehensive Annual Financial as presented.)*

The following was presented:

**Item 7I. Consideration of approving a Sewer Extension Agreement with Nord Enterprises for Lot 1 and 2 of the Cunningham Subdivision.** *(Recommend that the agreement with Nord Enterprises for a Sewer Main Extension be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)*

The following was presented:

**Item 7J. Consideration of an Ordinance authorizing the establishment of Tax Incremental Financing “Interested Parties” registries and adopting registration rules for such registries.** *(Recommend that the Ordinance authorizing the establishment of a Tax Increment Financing “Interested Parties” registries and adopting registration rules for such registries be approved and authorize the Mayor and City Clerk to execute the necessary documents.)*

**Ordinance No. 2015-77**

**AN ORDINANCE OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS,  
AUTHORIZING THE ESTABLISHMENT OF TAX INCREMENT FINANCING “INTERESTED  
PARTIES” REGISTRIES AND ADOPTING REGISTRATION RULES FOR SUCH  
REGISTRIES**

The following was presented:

**Item 7K. Consideration of approving an Ordinance approving a Petition from Reshma Shah and Property Investments LLC, for an Expedited Final Plat for the Nature's Trail Subdivision, located west of Morris Avenue and south of Butchers Lane. (Recommend that the Ordinance be approved for the Expedited Final Plat subject to the Petitioner paying the required tap-on fees prior to recording of the final plat.)**

**ORDINANCE NO. 2015 - 78**  
**AN ORDINANCE APPROVING THE FINAL PLAT OF NATURES TRAIL**  
**SUBDIVISION**

The following was presented:

**Item 7L. Consideration of approving an Ordinance for a Petition from Cedar Ridge of Bloomington, LLC requesting approval of a Final Plat for the Second Addition to Cedar Ridge Subdivision, located east of Main Street and South of Woodrig Road. (Recommend that the Final Plat be approved and the Ordinance passed subject to the Petitioner providing necessary surety and paying the required tap-on fees prior to recording the final plat.)**

**ORDINANCE NO. 2015 -79**  
**AN ORDINANCE APPROVING THE FINAL PLAT OF THE SECOND**  
**ADDITION OT CEDAR RIDGE SUBDIVISION**

The following was presented:

**Item 7C. Consideration of approving a schedule for Council Meetings and related Boards and Commission Meeting dates for the 2016 Calendar Year. (Recommend that Council approves the 2016 Calendar of Meeting dates for the City Council and Council related Boards and Commissions.)**

Alderman Black stated that he would like to see intergovernmental dates on the calendar as it would be beneficial to Council to know when the other jurisdictions are meeting as the City have many intergovernmental challenges facing the City. I would like to see those dates and times added to the calendar. The Council could sit down with the County say the fifth Monday of the month to meet and discuss issues with the different units.

**Motion by Alderman Black, seconded by Alderman Schmidt that Council approves the 2016 Calendar of Meeting dates for the City Council and Council related Boards and Commissions as presented.**

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

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

**Nays: None.**

**Motion carried.**

The following was presented:

## **8. Regular Agenda Items**

**Item 8A. Consideration of approving a Resolution adopting the City of Bloomington Facilities Master Plan.** (*Russel Waller, Facilities Manager, Presentation 10 minutes, Council Discussion 15 minutes.*)

Mr. Rasmussen provided a brief overview of this item and introduced Russel Waller, Facilities Manager who would be providing a brief PowerPoint Presentation on this item.

Mr. Waller, at the April 22, 2013 meeting, City Council approved a contract with Faithful & Gould, Inc. to perform a Property Condition Assessment of 40 city facilities and prepare condition assessment reports for each. The facilities were evaluated and twenty-three Condition Assessment Reports which contain more than 1,500 pages of narrative, illustration, charts and data were prepared and are referred to as the Facilities Master Plan. The maintenance and repair projects identified in the plan are based on demonstrated need and backed by professional engineering and analysis.

Many of the maintenance and repair projects, such as routine equipment replacements, have already been incorporated into City budgets and implemented by City staff, but at funding levels lower than recommended. Although the plan consists of twenty-three individual Condition Assessment Reports, the following key issues were included in all.

### Key Components of the Facilities Master Plan

- 1. Address Life Safety and Code Compliance Issues**
- 2. Replace Outdated Fire Alarm and Security Systems**
- 3. Improve Emergency Operation Systems**
- 4. Perform Regular Routine Maintenance to Increase Facility Life**

Facility Condition Index (FCI) provides a relative measure for comparing one building (or group of buildings) to another. This index is a calculation, derived by dividing the total accumulated project cost for the 10 year window covered by this report by the total Component Replacement Value (CRV) of the building. The index is intended to show the current and future conditions of the building if no capital investment is made.

Mr. Waller stated staff does have a large amount of repairs to perform some are more critical than others. Some of the repairs are life safety and code compliance issues, but with a limited budget, those are the repairs that staff has focused their attention upon. Staff is reviewing appropriate budgeting to determine whether the funds exist to perform the repairs. The goal of the department is to have all of the facilities to achieve fair to good conditions for all of the City's facilities.

Alderman Schmidt asked whether Mr. Waller has considered rolling in as part of the \$33 million dollar proposed building repair those buildings that are beyond repair and have economically exhausted its useful lifespan.

Mr. Hales stated no further repairs would take place; part of this reason is staff will be adding some additional information to this report regarding the construction of a future city operations center that would take the place of Water/Sewer, Fleet Building. Right now, the City have maintenance facilities in three different locations. The City believes, as with other cities, in the cost efficiency and effectiveness in looking at building for the future a center where all services can be brought under one location. However, this was not addressed in this report scope of work as the City was reviewing existing facilities and what is needed. He explained the Public Works Facility has outlived its useful life, that economically, it is not appropriate to salvage this building. The current size and structure will not serve the City's needs.

Mr. Waller stated that within the Public Works budget funds were budget for repair, but not replacement.

Alderman Schmidt asked whether the City was looking for opportunities to collaborate with entities as some of the buildings listed on the report are not too expensive to repair.

Mr. Hales stated that the City is exploring other opportunities and provided the Public Works Building as an example. That, the City will work with our partners to determine opportunities to collaborate.

Alderman Hauman asked about the date of the report, January 2014. She asked why the report was delayed in coming to Council for consideration.

Mr. Hales stated that the City has seen some turnover in staff citing a turnover in Facility Managers. This year the City is trying to create a five (5) year Capital Improvement Program, that the City would like for Council to review and adopt each of the Master Plans as a guide. In January, the City will bring to Council a plan to finance each of these Master Plans.

Alderman Black commented about the report stating the public perception is that the City studies too much, too many consultants and reports. This is a very methodical approach in looking at all of our facilities and determine a cost for repairs or replacement over a 30 year period of time. It is time the City begin pursuing collaborative opportunities with other entities as each share in the same or similar concerns.

Alderman Mwilambwe asked about some type of re-payer or maintenance fund and whether the City currently has one. He suggested the City implement a maintenance type fund for buildings so that the City has some guidance as to how those repairs will be handled.

Mr. Hales, stated that Mr. Waller is the person who will be leading the charge for the repairs or construction. Mr. Waller has been given a directive to setup a very modern and very professional facilities management program going forward as the City has never had a facilities management program. Going forward the City will ensure there is a methodical approach to handling costs and repairs in a timely fashion. That if the finances are not there for repairs, a recommendation will be included within this program. A report will be brought to Council with this information along with consequences if the repairs are not made. Additionally, capital expenditures are critical; the City brings in the experts who can assist staff with these efforts.

Alderman Lower stated, the staff that is performing the job needs the tools in order to perform the job.

**RESOLUTION NO. 2015 -48**  
**A RESOLUTION APPROVING THE CITY OF BLOOMINGTON**  
**FACILITIES MASTER PLAN**

**Motion by Alderman Schmidt, seconded by Alderman Painter that the Resolution approving the City of Bloomington Facilities Master Plan be adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 8B. Consideration of adopting an Ordinance for Case SP-02-15 Petition requesting approval of a Special Use Permit for Multiple-Family Dwellings for the property located at 1021, 1025, 1031, 1037, and 1041 Drive. (Tom Dabareiner, Director of Community Development, Presentation 5 minutes, Council discussion 10 minutes.)**

Mr. Dabareiner provided an overview of this item stating, the subject site is located on the east side of Ekstam Drive. It is approximately a quarter mile northeast of Empire Street and Haeffele Way. It is currently zoned B-1, Highway Business District. Multi-family is allowed in this zoning district only with a special use permit. The proposal is for 68 apartments.



There are apartments across Ekstam Drive to the west and adjacent to the site to the north. To the east it is open farm land. Development to the east is unlikely because of the airport runway approach. There are businesses to the south. Single-family homes are beyond the apartments to the northwest.

Given that there are apartments adjacent to the site or directly across the street and businesses to the south, the proposed multi-family dwellings will be compatible with the adjacent neighboring uses. The single-family area to the northwest is buffered from the new apartments by the existing townhomes and apartments and there should be little impact from the new apartments.

### **Parking and Traffic**

The developer is complying with the required amount of parking. No parking is allowed on the west side of Ekstam. This is a result of neighborhood complaints in recent years about traffic congestion. Sidewalks will be provided along the east side of Ekstam to protect the pedestrians from the vehicle traffic. Vehicle access to the new apartments will be off Ekstam Drive. The developer prepared a traffic study demonstrating Ekstam Drive, the intersections of Haeffele and Gerig, and Haeffele and Empire all have the capacity to accommodate the increased traffic generated by the new apartments.

### **ZONING BOARD OF APPEALS**

This case was before the Zoning Board of Appeals for public hearings and review on June 17, and July 15, 2015. Planning staff explained how the adjacent uses are compatible with the proposed multi-family residences. Staff recommended approval conditioned upon a traffic study being provided that demonstrated adequate capacity on Ekstam and the nearby intersections. The study was performed between the two meetings and the findings were presented at the July 15, meeting which showed the capacity was adequate.

The petitioner explained the development will have a reduction in the number of dwelling units from a previous proposal, they will provide a playground, and will meet the code requirements. They will communicate street closures, welcome the removal of on street parking and stage construction to minimize congestion. They explained the traffic study shows adequate capacity for Ekstam Drive and the nearby intersections and how the study had been based upon assumptions of a worst case scenario. In response to Zoning Board of Appeals members' questions, they emphasized that it is not their job to show there will be no plane crashes or to change school districting policies, and these are not standards related to approval of their project.

No citizens spoke in favor of the petition. Ten citizens spoke in opposition to the petition. Their comments pertained to the following: insufficient access to off-site parks, no market need for the new apartments, noise, crime, apartments being an eyesore, school districting policies, overpopulation, light pollution and property values. Other opposing comments regarding the increased traffic pertained to bus congestion, the bottleneck at Gerig and Empire, an alternative subdivision exit, insufficient parking, mailboxes, children's safety, speeding cars, and emergency vehicles.

The Board voted in favor of recommending Ekstam by a vote of 3-2; this did not provide the four vote minimum required to constitute a formal recommendation. A recommendation in favor is consistent with staff's position.

Alderman Schmidt stated, it appears as though the applicants have met the requirements as per the City Code. That should Council not approve the Special Use Permit is there an opportunity for the developers to pursue legal recourse. She asked, what is the City's obligation in this situation?

Mr. Dabareiner stated, he could not provide a legal answer for that question. However, Council could review the standards to see whether it agree or disagree with the testimony that was given. From the City of Bloomington perspective, the developers have been very thorough in preparing their plans, reacting to staff questions and concerns; we think the developers have been very responsive.

Alderman Black commented about the Rental Inspection Program stating with the additional units, it may be difficult for staff to keep up with the demand. That sometimes the concerns expressed from area residents could be more related to safety as a component of the Rental Inspection Program.

Alderman Hauman commented about the Zoning Meeting and the number of persons who spoke at the meeting. She asked how the developers would use the land if not for this project.

Mr. Dabareiner stated, there are multiple uses in B-1 which includes multiple family use.

Alderman Fruin asked for clarification on the originally submitted project, a reduction from 92 units to 58 units. He asked whether the airport authority has endorsed this project.

Mr. Dabareiner stated that it is not an endorsement by the airport authority, rather acceptance of the project.

Alderman Buragas asked whether the proposal is consistent with the Comprehensive Plan that was adopted.

Mr. Dabareiner stated, yes. At the time the City did not have an adopted Comprehensive Plan, that after some verification, this area is earmarked for high density development opportunities.

Alderman Buragas asked whether there is a reason why the City requires approval for special use on residential properties.

Mr. Dabareiner, typically it is a compatibility issue. Whenever you mixed residential with a high-end business district, you want to ensure that the two are compatible—traffic and parking are very legitimate concerns. Certain aspects of the proposal the City wants to ensure that those concerns are addressed like play areas, and there is no cutting corners on the development.

Alderman Painter asked how would the traffic and congestion be addressed and was discussed by area neighbors in that community. She also asked whether there are plans for green space.

Mr. Dabareiner stated, the City of Bloomington asked for a Traffic Study and the developers did provide one. He explained that traffic is frequently discussed in this type of development. City will review the traffic study to address any concerns noted. The developer is providing an onsite private park area for its residents.

Alderman Lower commented on the economic conditions of the community. Although the climate may not be perfect we have a developer who is trying to capitalize on his investment, and he has been paying property taxes on this property for many years. The developer lives in this community and is reinvesting within our community.

Alderman Mwilambwe stated, he has spent a great deal of time reviewing this information as well as driving through the area. He recognized the developers for addressing the concerns of the area residents. He wanted to address some of the anger and concerns expressed by the residents in that area relating to this project. He stated, nothing has changed for the residents to come and go in the neighborhood. In their opinion, adding more apartments will increase the level of difficulty of navigating through traffic and will likely make matters worse. The residents have cited a higher vacancy rate that is typical of rental apartments in neighborhoods. Given the recent changes in the employment force in this community, I can understand those thoughts. Considering the worst case scenario, when at full capacity, traffic may worsen. The residents also expressed concerned that developers conducted the traffic study themselves and poses a conflict of interest. Rather, it would have been preferred if the study was done by a third party rather than the developers. The residents have expressed some concern that the traffic study was completed around the July 4<sup>th</sup> holiday. School is not in session, and many residents are likely to be away during this time frame. In the end he cannot argue with the residents and will not support the project. He stated that as the City moves forward with the new ordinances based on the Comprehensive Plan, it is his desire that some thought is given to minimize this type of friction.

Mr. Dabareiner stated, it is true that the developers conducted the traffic study.

**ORDINANCE NO. 2015 –79**  
**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR MULTIPLE-FAMILY DWELLINGS FOR PROPERTY LOCATED AT:  
1021, 1025, 1031, 1037 AND 1041 EKSTAM DRIVE**

Mayor Renner asked for a motion on this item.

**Motion by Alderman Mwilambwe, seconded by Alderman Sage that Council deny adopting an ordinance for Case SP-02-15 for the Special Use Permit for Multiple-Family Dwellings, for the property located at 1021, 1025, 1031, 1037 and 1041Ekstam Drive.**

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

**Ayes: Aldermen Sage, Painter, Mwilambwe, and Schmidt**

**Nays: Aldermen Hauman, Fruin, Black, Buragas, and Lower**

**Motion Failed.**

**Motion by Alderwoman Black, seconded by Alderman Hauman that Council adopt an ordinance for Case SP-02-15 for the Special Use Permit for Multiple-Family Dwellings, for the property located at 1021, 1025, 1031, 1037 and 1041Ekstam Drive.**

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

**Ayes: Aldermen Hauman, Fruin, Black, Buragas, and Lower**

**Nays: Aldermen Hauman, Fruin, Black, Buragas, and Lower**

**Motion carried.**

**9. City Manager's Discussion**

Mr. Hales wished all a great Thanksgiving Day holiday weekend.

**10. Mayor's Discussion**

Mayor Renner thanked everyone wished all a Happy Thanksgiving Day. He thanked Georgia Bouda and Les Siron for their many years of service with the City. The community will have the Christmas Parade before for the next scheduled meeting. He invited Council to come out to participate.

**11. City Aldermen's Discussion**

Alderman Fruin stated, Alderman Black served as the youngest member of Council and he is on the senior most member of Council in the State in terms of years on Council. He mentioned the Turkey Trot is a popular event in so many communities across the state. He invited the community to come out to participate in the event.

Alderman Hauman commented on the Council Retreat Meeting that was scheduled on Thursday evening that it was a good discussion of the Council and she appreciates the openness and willingness of Council to come together to discuss each other perspective on issues.

Alderman Buragas provided an update on the Rental Inspection Program and the work that she and Alderman Schmidt had been involved in. In August, there was discussion among Council as to how underperforming the Rental Inspection Program is in meeting its goals, as well as the detriment to our community. The City is working on bringing a final proposal to the Council—she provided a historical perspective of the program.

Alderman Lower stated, Thanksgiving Day holiday is the highest most travel seen in the Bloomington Airport as well as across the nation. Statistically, it is the safest mode of transportation as sited by professional aviators who try to make it as safe of a trip as possible.

12. **Executive Session – Cite Session**

13. **Adjournment**

**Motion made by Alderman Hauman seconded by Alderman Schmidt to adjourn the meeting at 8:15 p.m.**

Motion carried (viva voce).

**CITY OF BLOOMINGTON**

**ATTEST**

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Tari Renner, Mayor

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Cherry L. Lawson, City Clerk