

**REGULAR CITY COUNCIL MEETING SESSION
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, OCTOBER 26, 2015; 7:00 P.M.**

1. Call to order

The Council convened in Regular Session in the Council Chambers, City Hall Building, 109 E. Olive Street; Bloomington, IL at 7:00 p.m., Monday, October 26, 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, Karen Schmidt, and Mayor Tari Renner.

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 four (4) Public Comment Cards were received.

The following individuals provided comments during Public Comment:

Lee Eutsey
Patricia Marton
Alton Franklin
Donna Boelen

6. Recognition/Appointments

Item 6A. Proclamation declaring October 26, 2015 as, “Tina Sipula Day”

Item 6B. Citizen’s Beautification Committee Award, Mike and Judy Evans

Item 6C. Citizen’s Beautification Committee Award, Bill and Lori Hahm

Item 6D. Citizen’s Beautification Committee Award, Stan Cain and Ann Higgens

Item 6E. Citizen’s Beautification Committee Award, Robert Flegel

Item 6F. Citizen’s Beautification Committee Award, Keith Thompson

Item 6G. Citizen’s Beautification Committee Award, State Farm Corporate South, David Rasmussen and Josiah Townsend

Item 6H. Citizen’s Beautification Committee Award, Culvers Restaurant, Brett and Sarah Friestedt

Item 6I. Citizen’s Beautification Committee Award, Potbelly’s Restaurant, John Bouman

Item 6J. Citizen’s Beautification Committee Award, Starbucks, Mindy Hostetler

The following was presented:

7. “Consent Agenda”

Mayor Renner asked whether Council wish to have any items pulled from the Consent Agenda for further discussion. Alderman Mwilambwe requested Item 7G be pulled from the Consent Agenda.

Motion by Alderman Schmidt, seconded by Alderman Black move to approve the items on the Consent Agenda excluding Item 7G provided by Alderman Mwilambwe.

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

Nays: None.

Motion carried.

The following items were presented:

Item 7A: Consideration of approving the Council Meeting Minutes of October 12, 2015. *(Recommend that the reading of the minutes of the previous Council Minutes of October 12, 2015, be dispensed with and the minutes approved as printed).*

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 items were presented:

Item 7C. Consideration of approving an extension of Fuel Contract with Evergreen FS for Fleet Vehicles and Equipment. *(Recommend that the Fuel Purchasing Agreement with Evergreen FS be extended for one (1) year and authorize the City Manager and City Clerk to execute the necessary documents, and the Purchasing Agent authorized to issue a Purchase Order for same.)*

The following items were presented:

Item 7D. Consideration of approving a grant bid waiver that identifies Helena Chemicals as a single source distributor, and entering into an Early Order Program for the procurement of Syngenta, BASF, Bayer, Nufarm (the manufacturers) golf course chemicals and fertilizer products utilized in the management of turf-grass maintenance. *(Recommend that Approve the Parks, Recreation and Cultural Arts Department to participate in the Syngenta, BASF, Bayer and Nufarm chemicals “early order discount program” for golf turf-grass management for the 2016 golf season, and grant a bid waiver which identifies Helena Chemical as the local distributor for these products and, further authorize the Mayor and City Clerk to execute the necessary documents.)*

The following items were presented:

Item 7E. Consideration of Waiving the Formal Bidding Process of a limited source and authorize procurement of a Contract with Decatur Industrial Electric of Decatur, Illinois for the repair of pumps and motors at the Water Treatment Plant and other pump stations. *(Recommend the Council waive the formal bidding process and authorize entering into a Contract with Decatur Industrial Electric of Decatur, Illinois for services to repair pumps and motors at the Water Treatment Plant and other pump stations for a one (1) year period, with the option for three (3) additional one (1) year renewals, and authorize the City Manager and City Clerk to execute the necessary documents)*

The following items were presented:

Item 7F. Consideration of waiving the formal bidding process, and approve a two year Contract with Mississippi Lime, Inc. for supply and delivery of granulated quicklime for water treatment purposes. *(Recommend that Council approve waiving the formal bidding process for lime, a water treatment chemical, a two year contract for the purchase of Lime with Mississippi Lime, Inc. at the quoted price of \$183.40 plus fuel surcharge per ton for the first year and \$188.95 plus fuel surcharge per ton in the second year, and the City Manager and City Clerk be authorized to execute the necessary documents.)*

The following items were presented:

Item 7G. Consideration of approving a contract with Illinois State University to install two automated stream monitoring/sampling stations, and support a recurring monitoring program for Sixmile Creek, Money Creek and the T3 Demonstration Site at Comlara Park through the Water Department for a total of \$85,856.00. *(Recommend that the Council approves the contract with Illinois State University to install two automated stream monitoring/sampling stations, and support a monitoring program for Simile Creek, Money Creek and the T3 Demonstration Site at Comlara Park through the Water Department for a total of \$85,856.00, and the City Manager and City Clerk be authorized to execute an agreement with ISU in the form attached hereto, or in a form otherwise approved by the City Manager, and all other necessary documents.)* **Item pulled from the Consent Agenda.**

The following items were presented:

Item 7H. Consideration of approving a Resolution authorizing a change order in the amount of \$7,978.97 in the contract between the City of Bloomington and Stark Excavating, Inc., FY 2015 Emergency Utility Repair Contract, for the purpose of funding Emergency Utility Repairs (Original Bid #2015-05). *(Recommend that the Resolution authorizing a change order in the amount of \$7,978.97 in the contract between the City of Bloomington and Stark Excavating, Inc., FY 2015 Emergency Utility Repair Contract, for the purpose of funding Emergency Utility Repairs be approved and authorize the Mayor and City Clerk to sign the necessary documents.)*

The following items were presented:

Item 7I. Consideration of approving an Ordinance amending the budget for FY2016 in the amount of \$16,000 for the purpose of sidewalk construction on Jumer Drive, and a related change order Resolution with J.G. Stewart (Bloomington Sidewalk Replacement and Handicap Ramp Program FY 2016, Bid #2015-63). *(Recommend that the Ordinance amending the budget for FY2016 be approved in the amount of \$16,000, the change order with J.G. Stewart Contractors Inc. (Sidewalk Replacement and Handicap Ramp Program FY 2016, Bid #2015- 63), that the corresponding Resolution for a change order be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

The following items were presented:

Item 7J. Consideration of approving an amendment to Ordinance 1965-51 extending the electric franchise agreement with Corn Belt Electric Cooperative, Inc. to allow time for the City and Corn Belt to negotiate a new franchise agreement. *(Recommend that the Ordinance amending Ordinance 1965-51 extending the electric franchise agreement with Corn Belt Electric Cooperative, Inc. to allow time for the City and Corn Belt to negotiate a new franchise agreement.)*

The following items were presented:

Item 7K. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a wedding reception at Miller Park Pavilion on March 19, 2016. *(Recommend that the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a wedding reception at Miller Park Pavilion on March 19, 2016.)*

The following items were presented:

Item 7L. Consideration of approving an Ordinance Amending Chapter 40 of the City of Bloomington Code Regulating Taxicabs and Vehicles for Hire (Downtown Shuttles). *(Recommend that the Ordinance Amending Chapter 40 of the Bloomington City Code regulating taxicabs and vehicles for hire be adopted.)*

Item 7G. Consideration of approving a contract with Illinois State University to install two automated stream monitoring/sampling stations, and support a recurring monitoring program for Sixmile Creek, Money Creek and the T3 Demonstration Site at Comlara Park through the Water Department for a total of \$85,856.00. *(Recommend that the Council approves the contract with Illinois State University to install two automated stream monitoring/sampling stations, and support a monitoring program for Simile Creek, Money Creek and the T3 Demonstration Site at Comlara Park through the Water Department for a total of \$85,856.00, and the City Manager and City Clerk be authorized to execute an agreement with ISU in the form attached hereto, or in a form otherwise approved by the City Manager, and all other necessary documents.)*

The following items were presented:

Motion by Alderman Sage, seconded by Alderwoman Lower that the Council approves the contract with Illinois State University to install two automated stream monitoring/sampling stations, and support a monitoring program for Simile Creek, Money Creek and the T3 Demonstration Site at Comlara Park through the Water Department for a total of \$85,856.00, and the City Manager and City Clerk be authorized to execute an agreement with ISU in the form attached hereto, or in a form otherwise approved by the City Manager, and all other necessary documents.

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

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

Nays: None.

Recuse: Alderman Mwilambwe

Motion: Carried.

The following items were presented:

8. “Regular Agenda”

8A. Consideration of adopting a Resolution endorsing BN Advantage: A collaborative economic development strategy for the Bloomington-Normal-McLean County Region.

Carl Olson from Central Illinois Regional Airport has been working with McLean County Economic Development and Bloomington Normal Visitor’s Bureau to put together a collaborative initiative that engages both public and private sector. Mr. Olson asked the Council for support of the initiative.

Motion by Alderman Black, seconded by Alderman Schmidt to approve the item as presented.

Mr. Olson stated that the five (5) business sectors that were researched and identified, including agribusiness, information/communication technology, transportation logistics, warehousing, entrepreneurship, and backroom business and finance insurance services. He noted that with these sectors, Bloomington has a competitive advantage. He suggested that the time is now to invest.

Mayor Renner stated that he supported this item, and that there were still a few things to work out, including the details of the East Side Highway, which he had never been in favor of. He noted that these are ideas that came out as priorities from our Regional Planning area. Mr. Olson agreed. These ideas are not ours, but ones that came about out of many interviews, focus groups, and research in the community. This is what the community advocated for.

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

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

Nays: Alderman Lower

Motion: Carried.

The following items were presented:

8B. Local Preference Policy

(Recommend that the resolution be approved adopting a Local Preference Policy for the City of Bloomington and the Mayor and Clerk be authorized to execute the resolution.)

Motion by Alderwoman Schmidt, seconded by Alderwoman Hauman to vote as presented.

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

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

Motion: Carried.

The following items were presented:

8C. Hamilton Road Extension from Bunn Street to Commerce Parkway

Mayor Renner noted that he has been in favor of this extension since before he entered office.

a. Consideration of adopting an Illinois Department of Transportation Resolution approving a Professional Engineering Services Agreement with Hanson Professional Services for Phase I Preliminary Design Services for Hamilton Road Extension from Bunn Street to Commerce Parkway, RFQ No. 2015 - 26. *(Recommend that the Resolution be adopted approving the Agreement with Hanson Professional Services for the Phase I preliminary design of Hamilton Road from Bunn Street to Commerce Parkway be approved, in the amount of \$986,084.52, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

Jim Karch, Director of Public Works presented a brief history about the Hamilton/Fox Creek Project. He noted that we have had great roads going North to South, but not much for roads going East to West. There is a bit of a time constraint as the Illinois Commerce Commission needs a timeline, but we are doing everything we can to get funding.

The extension should improve traffic safety and access, creates economic potential, and addresses multimodal needs.

Mr. Karch acknowledged the selection process according to a federal process based on the Brooks Act that they have to follow through on in order to request federal funding. For this process, you have to base not on funding, but what the experience is. As far as the Local Preference Ordinance just passed, we have to base our selection process on the Brooks Act. Corporation Council Jeff Jurgens agreed, and mentioned that this selection process for federal funds is different than the Local Preference Ordinance just passed and that we were still in compliance with this ordinance.

Mr. Karch briefly discussed other sources of funding, including a possible TIGER grant, bonding, or other federal funding. Mayor Renner mentioned that the Illinois Department of Transportation noted that obtaining a TIGER grant is very hard. We can still try.

Mr. Hales encouraged the Council to consider this a high priority project. This project would reduce the number of car accidents, which has been a safety issue. This is critical and we need to finish that donut hole and make it safe for the drivers who use that road. Mr. Hales addressed the Council and recommended their support for this project.

Mr. Hales also noted that for the TIGER grant, the project needs to be “shovel ready” and they need to know that you are ready to go. This is especially why we cannot get behind on their (Federal) timeline. Mr. Karch stated that this project could be broken up over multiple years, which could help break up the costs as well.

Motion by Alderman Lower, seconded by Alderman Sage that the Resolution be adopted approving the Agreement with Hanson Professional Services for the Phase I preliminary design of Hamilton Road from Bunn Street to Commerce Parkway be approved, in the amount of \$986,084.52, 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, Black, Buragas, Painter, Mwilambwe, and Schmidt, Alderman Lower

Motion: Carried.

The following items were presented:

b. Consideration of approving an application for the Hamilton Gap project (Bunn Street to Commerce Parkway) for the One Voice Advocacy Program. *(Recommend that Council approve an application be submitted to the Bloomington-Normal Economic Development Council on behalf of the City of Bloomington to advocate for the Hamilton Road project as part of the One Voice initiative.)*

Mr. Hales stated that he has spoken with the Economic Development Council and they are awaiting our application. He addressed the Council, saying that he recommends their approval.

Motion by Alderwoman Painter, seconded by Alderwoman Hauman to that Council approve an application be submitted to the Bloomington-Normal Economic Development Council on behalf of the City of Bloomington to advocate for the Hamilton Road project as part of the One Voice initiative.

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

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

Motion: Carried.

The following items were presented:

8D. Sick Leave Buyback. Consideration of potential action and/or Staff Direction on Sick Leave Buyback Options. *(Recommend discussion and consideration of options regarding*

payment of sick leave buyback to its grandfathered employees and provide direction or otherwise approve a Resolution directing staff to continue exploring policies that limit the City's pension liabilities and evaluate the City's overall benefit structure.)

Mr. Hales noted his appreciation for Mr. Jurgens taking the lead on this. Mr. Jurgens gave a brief presentation regarding Sick Leave Buy Back, and spoke about Illinois Municipal Retirement Fund's 125% Rule, Accelerated Payout Rule, and Sick Leave Buyback Payout. The City of Bloomington has ceased the Sick Leave Buyback for new employees and this benefit is out of all union contracts as of 2014. Currently, there are approximately 250 grandfathered employees, but he believes that this number is inflated as some may not qualify with 75 years of combined service and age, with a minimum of 15 years of continuous service.

Mr. Jurgens discussed the New 2012 Law and its' "Accelerated Payment" Requirements. He maintained that this was not a penalty. Over 450 public bodies in Illinois are making these present value payments, including fire districts, water reclamation districts—not just cities. There are over \$33,000,000 either being paid or have been paid. As far as the legislative impact, (and the breakdown of this amount) the school districts have paid close to \$4,000,000; counties have paid \$4,700,000; municipalities have paid \$13,349,000; park districts, \$1,433,000; and other districts, including library, mass transit, fire, water, townships, etc. have paid \$2,855,386. This law has had widespread impact on the State of Illinois.

He spoke about options, and the possible legal ramifications. There is a provision in the Illinois State Constitution that describes how "membership in any pension or retirement system of the State...the benefits of which shall not be diminished..." This provision has been reviewed by a few Illinois Supreme Court cases and is one that we continue to struggle with as it may or may not be considered a benefit. He briefly spoke about the arguments for and against this provision, as well continuing issues in Springfield regarding this provision.

Mr. Jurgens addressed the Council, saying that this is something the Council needs to be aware of. The employees and the unions know about these things, but we think it's a foregone conclusion that if we do something like the City of Springfield did, we will be in litigation. This is something that is likely to be litigated. We are addressing employee concerns that we will continue to pass onto the Council so you are aware.

Tonight, we are looking for direction from the Council. He spoke about Sick Leave Buy Back Options and Direction. There are a number of policy implications, no matter what we do. For now, we are going to continue the status quo, but we reserve our right to make changes. It is staff's hope that this is going to become a small percentage that we will be paying to Illinois Municipal Retirement Fund. Mr. Jurgens addressed the Council, saying that they could approve the resolution tonight or give direction.

Mr. Jurgens acknowledged that we could deal with the contracts separately with the Unions and the employees. Mr. Hales clarified that we had prevailed in working with the unions on the contracts has only affected new hires. None of the negotiations over the past seven (7) years have addressed the grandfathered employees.

Mr. Jurgens noted that any of the options for this provision are defensible, but would more than likely end up in court.

Motion by Alderwoman Painter to that recommend discussion and consideration of options regarding payment of sick leave buyback to its grandfathered employees and provide direction or otherwise approve a Resolution directing staff to continue exploring policies that limit the City's pension liabilities and evaluate the City's overall benefit structure. No seconded noted.

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

Ayes: None.

Motion: Motion failed due to lack of second.

Regarding the legal challenges, Mr. Jurgens noted that in the resolution, it is stated that the City of Bloomington reserves the right to make changes. Let's see how Springfield shakes out, as well as some other court decisions. The resolution itself is not triggering litigation, but we are not boxing ourselves in.

As far as the financial liabilities, we have worked with some very preliminary actuaries, but this is so hard to predict with so many different factors. We are trying to get those numbers in better shape. At this point, it looks manageable. One thing that we have to point out is if we go with one of these other options, we could have a rash of early retirements, which would be a huge financial liability. That is why there are all sorts of financial and policy implications.

Motion by Alderwoman Painter, seconded by Alderman Fruin to have City staff to continue to work on policy that will limit the City's pension liabilities, and to review the City's benefit structure, explore any and all options for Sick Leave Buy-back options and directions.

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

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

Motion: Carried.

The following items were presented:

8. City Manager's Discussion

Mr. Hales briefly spoke about the group efforts to look at the Compensation Plan. Tom Dabareiner, Community Development Director will not be able to be much assistance until January. One option will be to wait until January and then he can join us, or the group can

proceed and get a start by looking at the recommendations, while coordinating with City staff. Mayor Renner recommended keeping that momentum going and getting a start on the efforts.

Alderman Fruin previously had ideas on a simplified version of Robert's Rules of Order. Mr. Hales will be emailing documents regarding Council Rules of Procedure that were modified a few years ago. At one time, we were including those in the packets, but somehow they were taken out. We are going to periodically include the modified procedures in the Council packet.

On the Downtown Bloomington projects, from direction of the Council, S.B. Friedman will be doing a preliminary high-level review of those proposals, including a determination of each "fatal flaw". Part of their review will be looking to validate the financing gap—possible public financing that the developers indicated S.B. Friedman needed. As such, they will be reaching out to developers and asking for financial data. Friedman will look at hotel revenue and other projections. In November, they will come back to the Council with their recommendations.

Mr. Hales discussed that we were trying to get more information on Bothell, Washington, (about 30,000 to 40,000 people) where he went on a field trip at one of the conferences. This city revamped their downtown and took three years to do so. Over the last ten (10) years, they have spent over \$150 million, with the City putting in about \$30 to \$40 million. The City had acquired 30 to 40 different pieces of property and use developers that come to them on a one-on-one basis. It was incredible how they built that community support, the collaboration between state, local, federal entities, as well as the developers. It is not only the developers asking "how can you help me?", but also "what vision do you have?"

10. Mayor's Discussion

Mayor Renner wanted to extend condolences to former Alderman Mike Sprague.

On a separate note, Mayor Renner also spoke about a chili cook-off on Friday and encouraged attendance.

11. City Aldermen's Discussion

Alderman Fruin also wanted to extend condolences to former Alderman Mike Sprague and noted his contributions to the Council. He had given the Council a one (1) page item regarding Robert's Rules.

Alderman Sage thanked the Mayor for his efforts in syncing the Council and Liquor Commission. He briefly spoke about Lucky Seven, how there may be a few different interpretations, and how we need to make sure that there is no kind of video gambling establishment. Mayor Renner suggested that it become a Council topic and noted that other areas are also concerned about video gambling. The Liquor Commission will do what the Council says.

12. Executive Session – cite section.

13. Adjournment

Mayor Renner asked for a motion to adjourn.

Motioned by Alderman Black to adjourn the Meeting, seconded by Alderwoman Hauman.

Mayor Renner called the roll which resulted in the following:

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

Nays: None

Motion carried, (viva voce).

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk