

**SUMMARY MINUTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, JANUARY 11, 2016; 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, January 11, 2016. 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

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, Amelia Buragas, Scott Black, Mboka Mwilambwe, Jim Fruin, Karen Schmidt and Mayor Tari Renner.

Absent: Aldermen Diana Hauman, Joni Painter.

Staff Present: David Hales, City Manager, Steve Rasmussen, Assistant City Manager, Jeffery Jurgens, Corporation 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. The following individuals provided comments during the meeting.

Joe Haney
Lee Eutsey
Judy Stearns
Christian Graham
Josh Schmidgal

6. Recognition / Appointments

The following was presented:

Item 6A. State of the City Message (*Presentation by Mayor Tari Renner, 10 minutes*)

The following was presented:

Item 6B. Appointment of Jim Fruin to the Board of Directors for the Bloomington – Normal Area Economic Development Council.

The following was presented:

Item 6C. The 2015 McLean County Household Hazardous Waste Collection – Post Event Report. (*Presentation by Michael Brown, Ecology Action Center Executive Director, 5 minutes*)

7. Consent Agenda

Mayor Renner asked Council whether there were any items they wished to have removed from the Consent Agenda for further discussion.

Motion by Alderman Black, seconded by Alderman Schmidt that the Consent Agenda items are approved.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 7A: Consideration of approving the Council Work Session Meeting Minutes of December 21, 2015, the Regular City Council Minutes of December 21, 2015 and the Regular City Council Minutes of December 14, 2015.

The following was presented:

Item 7B. Consideration of approving Bills, Payroll and Electronic Transfers.

The following was presented:

Item 7C. Consideration of approving an Appointment to the Bloomington-Normal Area Economic Development Council (EDC).

The following was presented:

Item 7D. Consideration of approving an Intergovernmental Agreement with McLean County for Booking Fees.

The following was presented:

Item 7E. Consideration of approving an Intergovernmental Agreement with the Town of Normal Regulating Use of the Police Range Facility.

The following was presented:

Item 7F. Consideration of approving an Intergovernmental Agreement with the County of McLean Regulating Use of the Police Range Facility.

The following was presented:

Item 7G. Consideration of designating a 2003 Wheel Coach Ambulance as surplus, and approving vehicle to be listed as surplus on Quad County Fire Equipment website.

The following was presented:

Item 7H. Consideration of approving an agreement with the University of Illinois Veterinary College for Miller Park Zoo for veterinary services.

The following was presented:

Item 7I. Consideration of approving the 2015-2016 rock salt contract (PSD4018144) with the Illinois Department of Central Management Services.

The following was presented:

Item 7J. Consideration and review of Proposals and approval of a Contract with Technical Solutions and Services, Inc. for US Cellular Coliseum Building Automation System Improvements (RFP#20106-15).

The following was presented:

Item 7K. Consideration of waiving the formal bid process and approve an amendment with Formmaker Software, Inc. d/b/a KUBRA Data Transfer Ltd extending the current term for twelve months, commencing on January 26, 2016 and ending on January 31, 2017, with an option for two additional twelve month extensions.

The following was presented:

Item 7L. Consideration of:

- A. Adopting an Ordinance approving a Petition from MCLT TT – 1000 (Tipton Trails Partnership), for an expedited final plat for resubdivision of lots 317-320 Tipton Trails 5th Addition Final Plat.**
- B. Adopting an Ordinance approving a utility easement vacation, located west of Airport Road and north of General Electric Road.**

ORDINANCE NO. 2016-01

AN ORDINANCE APPROVING THE FINAL PLAT OF THE RESUBDIVISION OF LOTS 317-320 IN TIPTON TRAILS SUBDIVISION FIFTH ADDITION AND VACATING AN EASEMENT

The following was presented:

Item 7M. Consideration of the application of Yumz Asian Cuisine, Inc., d/b/a Yumz Asian Cuisine, located at 120 Krispy Kreme Dr., Ste. 2 requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week.

8. Regular Agenda:

Item 8A. Consideration of adoption of an Ordinance Amending Bloomington City Code Chapter 45 Section 900.13 Rental Inspection Program Registration Fees.

**ORDINANCE 2016 - 02
AN ORDINANCE AMENDING THE CITY CODE PROVISIONS
ON FEES FOR RENTAL INSPECTIONS**

Tom Dabareiner, Director of Community Development, provided a brief overview of this item stating, the current fees are sufficient to cover costs for one rental inspector. The City has inspection responsibility for about 3,100 buildings (parcels), which average four rental units (premises) each and totaling more than 12,000 units. Having just one inspector means rental buildings and units, which per the ordinance should receive an annual inspection, are inspected once every three or more years (about 900 buildings per year). Given that lag, significant deterioration may occur during the gap, sometimes enough to create cumulative life-safety concerns for these residents.

Of the buildings remaining in the current inspection queue, more than 85% have been failing due to at least one life-safety concern or several maintenance concerns. More routine inspections are valuable because problems need to be resolved to prevent further deterioration. Also, some tenants are afraid to make complaints to Community Development regarding the condition of their apartments for fear of retribution by their landlords. Others are unaware of the process for making property maintenance complaints to the City. Neighboring properties feel the

impact of a deteriorating rental building next door, affecting property values and livability—sometimes becoming victim to the infestations and garbage debris issues which start next door.

The current fees distinguish between those buildings requiring inspection and those that do not. A \$30.00 annual registration fee is charged properties not needing an inspection because they are either new or performed well in a prior inspection which exempts them from further inspections. A \$130.00 fee is charged buildings subject to the inspection because of recent or current inspection failures, whether or not the building is inspected that year. Apartment buildings with three or more units receive an additional \$25.00 per unit registration fee. Under the proposed fee structure all buildings are charged \$65.00 and apartment buildings see an additional \$5.00 per unit registration fee. This is a simpler formula for everyone participating and provides an easier, accurate projection of revenue.

The increase in the number of inspectors will bring the program to slightly more than one inspection every 1.5 years, which is a marked improvement.

Alderman Buragas asked for clarification on what was determined to be a failing grade versus a passing grade during inspections.

Mr. Dabareiner stated that a single life-safety issue would be a failing grade such as a rusting furnace, mold, lead paint, bad electrical wiring, etc.

Alderman Buragas asked how the proposed fee increase compared with other communities in our area. She asked if calculations were made on the impact that will be passed on to renters.

Mr. Dabareiner stated the fee was not out of line with what other communities are charging. He stated that the amount passed on to renters would be minimal.

Alderman Schmidt asked when this change in fees would start.

Mr. Dabareiner stated that it would take effect ten (10) days after this Ordinance passed.

Alderman Sage asked why the Property Maintenance Review Board had not been included in this process.

Mr. Dabareiner stated they are not required to be involved in fee changes.

Alderman Sage stated, according to Section 1000.1(3), the Property Maintenance Review Board is to make a recommendation on all amendments to the Property Maintenance Code, Chapter 45.

Motion by Alderwoman Buragas, seconded by Alderwoman Schmidt that Council approve the ordinance as presented.

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

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

Nays: Alderman Lower.

Motion carried.

The following was presented:

Item 8B. Consideration of adopting an Ordinance approving the PMO Mobile Home Park site plan.

ORDINANCE NO. 2016 - 03

**AN ORDINANCE APPROVING THE SITE PLAN OF THE
PMO PROPERTIES MANUFACTURED HOME PARK**

Tom Dabareiner, Director of Community Development, provided a brief overview of this item stating on July 27, 2015, the City Council considered a similar ordinance approving the site plan for the same property. The Council agreed with staff's recommendation that a storm water agreement was needed between the petitioner and the neighboring mobile home park as to how storm water management issues will be handled. Lacking that documentation, the Council voted against approving the mobile home park site plan.

Since the July 27 meeting, agreement has been reached between the two mobile home parks on the storm water question. Legal, Public Works and Community Development staff have reviewed the agreement and determined that it addresses the concerns staff had originally over the issue of storm water management. A signed, executed copy is attached. With this agreement, all conditions are met to approve a site plan and qualify the property to apply for a license as a mobile home park in the City of Bloomington.

Motion by Alderman Sage, seconded by Alderwoman Buragas that Council approve the ordinance as presented.

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

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

Nays: None.

Absent: Alderman Fruin.

Motion carried.

The following was presented:

Item 8C. Consideration of:

A. Adopting an Ordinance approving a Budget Amendment

B. Review of Bids and approval of a Contract with Stark Excavating, Inc. for demolition of the Sugar Creek Packing Plant and Havco Building, (Bid#2016-29).

ORDINANCE NO. 2016-04

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR ENDING APRIL 30, 2016

Steve Rasmussen, Assistant City Manager, provided a brief overview stating at the March 9, 2015 meeting, City Council approved the purchase of the Sugar Creek Packing Plant with the intent of demolishing the building. Demolition of the adjacent Havco Building has been planned for several years and is included in the approved FY2016 budget. Given the buildings close proximity, a contract for demolition of both buildings was pursued. A summary of the received bids follows.

BIDDER	TOTAL BID	LOCAL PREFERENCE REDUCTION	ADJUSTED BID (Local Preference Evaluation Only)
Demolition Excavating Group	\$205,600.00 ¹	\$0.00	\$205,600.00
Stark Excavating, Inc.	\$244,722.50	\$9,788.90	\$234,933.60
American Demolition	\$429,200.00	\$0.00	\$429,200.00

Note 1: Read as \$187,600.00 during the bid opening due to a tabulation error.

The project bid documents included the recently adopted Local Preference Purchasing Policy. Stark Excavating, Inc. was the only bidder that met the bid requirements. The corresponding bid reduction is for bid evaluation purposes only and is reflected in the preceding table. Despite Stark Excavating's Local Preference bid reduction, Demolition Excavating Group remained the low bidder financially. However, as set forth below, Demolition Excavating Group failed to provide evidence of all of the criteria and accordingly is not the lowest responsible bidder.

None of the bidder's submittals were entirely complete. Apprenticeship and Training program registrations and Subcontractor lists were missing. As noted above, there was also an error in Demolition Excavating Group's bid tabulation. Since the project includes asbestos abatement and other specialty services, subcontractor lists were important for bid evaluation. The two low bidders were asked to submit bid clarifications in order to address the issues. Both bidders complied with the request on subcontractors and bid clarification documents are attached.

As to proof of apprenticeship and training programs, Stark Excavating's clarification included copies of their apprenticeship and training program certificates. Demolition Excavating Group's clarification, however, indicated only that apprenticeship and training program certification has been applied for and that it would have the certification prior to the award of the contract. Several weeks have now passed and the certification was never provided. Note the applicable Prevailing Wage Ordinance adopted by the City Council provides contractors must provide proof of participation in apprenticeship and training programs as a prerequisite to contracts in excess of \$100,000. This is further a requirement that was detailed in the bid packet.

Subcontractors provided in the clarification documents were also evaluated for their ability to perform the requested services. Demolition Excavating Group indicated Rich Sewer & Drain would perform the sewer televising inspection required by the specifications. Rich Sewer & Drain's website includes a list of equipment they own, which includes Ridgid SeeSnake 200 ft. Sewer Camera. The Operators Manual for the SeeSnake indicates the equipment is ideal for inspecting 2" to 12" pipes. The sewer which requires inspection for this project is a 60" diameter sewer. Stark Excavating's subcontractor for performing sewer inspections is Harbaugh Construction Services. This contractor has performed sewer inspection services for the City in the past and has the equipment needed to inspect a 60" sewer. Accordingly, the subcontractor to be utilized by Stark has the necessary equipment to perform the work.

If Demolition Excavating Group had submitted the required apprenticeship certification, staff would have further verified whether its listed subcontractor had the desired and necessary equipment to do the work. Accordingly, although staff's independent review raised concerns with their ability to do the work, this would have been verified. Additional due diligence and review of the company would have also been performed prior to a bid recommendation.

Evaluation of the original submittals and subsequent clarification documents indicate that Stark Excavating, Inc. is the apparent lowest responsible and responsive bidder for the project. The references provided in Stark Excavating's submittal were contacted as part of the evaluation process. Contacted references provided positive reviews of Stark Excavating's project performance, quality and adherence to schedule.

Alderman Lower asked if the contract with Stark can be opened for unexpected additional expenses.

David Hales, City Manager, stated this was unlikely, but there is never a guarantee. Extensive investigation for Asbestos or other contaminants was done to identify any additional costs for the demolition of the building.

Mr. Rasmussen stated that a thorough review of any change orders would be done before additional funds would be allocated.

Motion by Alderwoman Schmidt, seconded by Alderman Mwilambwe that Council approve the ordinance as presented.

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

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

Nays: None.

Motion carried.

City Manager's Discussion

Mr. Hales stated that the next Meeting of the Whole would be on Tuesday night, due to the holiday. He discussed the main topic on the Agenda for that meeting will be All Things Related to the Budget Task Force. He mentioned topics that he wanted the Council to have further discussion on: Downtown Hire Back Cost Recovery, BCPA recommendations and Solid Waste bulk waste fees.

Mayor Discussion

Mayor Renner thanked the City workers, Public Works and Parks and Recreation for the handling of the downed trees all over town.

City Alderman's Discussion

Alderman Buragas asked about building in time for Public Comments in the Regular City Council meetings.

Mayor Renner stated this was an excellent point and he would discuss with Mr. Hales and include in next meetings.

Alderman Lower asked if it was possible to get some assistance for new speakers or those who hadn't spoken in a while to maneuver through our system.

Mayor Renner stated he would try to see if assistance can be given before meetings.

Alderman Black stated we had Wesleyan interns to assist with Comp plans.

Adjournment

Motion made by Alderman Black seconded by Alderman Schmidt to adjourn the meeting at 8:36 p.m.

Motion carried (viva voce).

City of Bloomington

Attest

Tari Renner, Mayor

Cherry L. Lawson, City Clerk