

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, December 9, 2013.

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

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

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

City Manager David Hales, City Clerk Tracey Covert, and Asst. Corporate Counsel Rosalee Dodson were also present.

Staff absent: Todd Greenburg, Corporation Counsel.

PUBLIC COMMENT: Mayor Renner opened the Public Comment section of the meeting. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Phil Boulds, 1 Palm Ct., addressed the Council. He was the owner/operator of Mugsy's, located at 1310 N. Main St. and served as President of the Main St. Association. He opposed the Downtown Strategy and Form Based Codes. The Downtown Strategy before the Council this evening was basically the same as the one presented in 2009/2010. The words Form Based Code had been removed. He also cited the Main St.: Call for Investment plan which also included a Form Based Code. He believed that additional time should be allowed to review the Downtown Strategy to insure a full understanding of the plan. He requested that the item be removed from the Council's meeting agenda.

Alton Franklin, 508 Patterson Dr., addressed the Council. He planned to address a few items. He expressed his admiration for Nelson Mandela but opposed the American flag being posted at half-mast. He also addressed the Downtown Strategy. The changes made to this plan were minor. He cited the Council's Questions & Answers document. He concurred with Mr. Boulds' comments. This item should be laid over and the Council needed to put more thought into this plan. Finally, he addressed the proposed change to Council representation. He did not believe that an alderman could act as a private citizen. He believed that an alderman had influence. The ward size would be increased by fifty percent (50%) and there would be three (3) at large aldermen. This proposed change had been presented as what would be in the best interest of the City. It was the Mayor's role to address the City as a whole.

Bruce Meeks, 1402 Wright St., addressed the Council. He cited the Council subcommittee experiment. He had prepared a summary report. He informed the Council that he had reported them to the McLean County State's Attorney's Office for misconduct. He reviewed his report. He took the Open Meeting Act seriously. He did not believe that the Council had followed the rules.

The following was presented:

SUBJECT: Council Proceedings of November 25, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of November 25, 2013 be dispensed with and the minutes approved as printed.

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

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

BACKGROUND: The Council Proceedings of November 25, 2013 have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Proceedings of November 25, 2013 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

RECOMMENDATION/MOTION: That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Wednesday, December 4, 2013 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointments to the Property Maintenance Review Board and the Building Board of Review and Reappointment to the Historic Preservation Commission

RECOMMENDATION/MOTION: That the Appointments and Reappointment be approved.

STRATEGIC PLAN LINK: Goal 3. Strong neighborhoods.

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

BACKGROUND: I ask your concurrence in the following reappointment:

Historic Preservation Commission:

Brad Williams of 613 E. Grove #1, Bloomington 61701. His four (4) year term will expire April 30, 2017.

I ask your concurrence in the following appointments:

Property Maintenance Review Board:

Mark Fetzer of 1713 Whitmore Ct., Bloomington 61704. His three (3) year term will expire April 30, 2016.

Building Board of Review:

Jeffrey Brown of 8743 N. 1550 East Rd., Bloomington 61705 as a Plumber member. His four (4) year term will expire April 30, 2017.

Douglas Dodson of 1003 S. Debra Ln., Pontiac 61764 as a Plumber member. His four (4) year term will expire April 30, 2017.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mayor contacted all appointments and reappointment.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Asst.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Appointments and Reappointment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Council Meeting Dates for Calendar Year 2014

RECOMMENDATION/MOTION: That the Council Meeting dates be approved with the exception that the second meeting in December be held on December 15, 2014.

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 Open Meeting Act, (OMA) requires that public notice be given of the regular schedule of meetings at the beginning of the calendar or fiscal year. The City has a history of preparing this list on the calendar year basis. City staff is currently in the process of preparing the Annual List of Meetings.

The Council's second meeting in December would fall on Monday, December 22, 2014, (the City's Christmas holidays will be Wednesday and Thursday, December 24 and 25, 2014). It is recommended that this meeting be moved to December 15, 2014. The OMA allows for a change to a single regular meeting date.

January 13 & 27, 2014
 February 10 & 24, 2014
 March 10 & 24, 2014
 April 14 & 28, 2014
 May 12 & 27 (*Tuesday*), 2014
 June 9 & 23, 2014

July 14 & 28, 2014
 August 11 & 25, 2014
 September 8 & 22, 2014
 October 13 & 27, 2014
 November 10 & 24, 2014
 December 8 & 15 (*Third Monday*), 2014

The Committee of the Whole meets on the third Monday of each. The exception would be that the Committee would not meet in December 2014.

January 21 (*Tuesday*), 2014
 February 17, 2014
 March 17, 2014
 April 21, 2014
 May 19, 2014
 October 20, 2014

July 21, 2014
 August 18, 2014
 September 15, 2014
 October 20, 2014
 November 17, 2014

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
 City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Council Meeting dates be approved with the exception that the second meeting in December be held on December 15, 2014.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ratification of Collective Bargaining Agreement (Contract) with Police Benevolent Labor Committee Telecommunicators for the Period of May 1, 2011 through April 30, 2014

RECOMMENDATION/MOTION: That the Contract be ratified.

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 and 1e. Partnering with others for the most cost-effective service delivery.

BACKGROUND: On November 16, 2012 the parties began negotiating the terms for a collective bargaining agreement to replace the contract that expired on April 30, 2011. The expired contract was located on the City's web site (www.cityblm.org). A draft of the new contract was provided to the Council. On October 25, 2013 the parties reached Tentative Agreements on the issues listed below. On November 15, 2013 the Union ratified all Tentative Agreements.

Shift Assignment

- Ability for the City to reserve a shift, not specific days off, for probationary employees in order to train them.
- Ability to bid on shift slots when a vacancy occurs. This is limited to two (2) consecutive vacancies.

Shift Trading

- Clarified that for the purpose of calculating wages and overtime payments both employees involved in a shift trade will be paid as if they worked their originally scheduled shifts.
- Employees who commit to a shift trade will be responsible for working the shift and may be disciplined for failing to work their half of the shift trade.
- Employees are not eligible to use benefit time, other than sick leave, to cover a shift trade.

Sick Leave

- Employees suspected of Sick Leave Abuse may be required as a condition of continued employment, to provide verification for all sick leave absences. If an employee is unable to provide verification of absences, discipline may be imposed.
- Updated Sick Leave Abuse language.
- Eliminate Rapid Accrual of Sick Leave for employees hired after May 1, 2012.
- Eliminate Sick Leave Buy Back for employees hired after contract ratification date.

Scheduled Leave Days

- Defined a slot as any and all hours filled through the overtime procedure defined in Section 9.3 Overtime.
- Scheduled or unscheduled sick leave will not count towards the two (2) slots available for the use of scheduled leave days.
- All scheduled leave days must be taken in no less than one (1) hour increments.
- Scheduled leave days approved cannot be revoked.
- Scheduled leave day requests will not be processed until after the vacation bid process is completed.

Tuition Reimbursement

- Requirement that classes are taken at an accredited college or university.
- Requirement that a TCM must have completed three (3) years of service in order to be eligible for Tuition Reimbursement.
- Requirement that the TCM execute a promissory note in the event they leave the department within one (1) year of reimbursement.

Subcontract Language

- Right to contract out any work the City deems necessary in the interest of efficiency, economy, improved work product or emergency.
- Ability to implement the decision prior to the conclusion of impact or effects bargaining.

Overtime

- Updated Overtime hold over/force-in language.

Wages

- May 1, 2011 wage increased by 2%.
- May 1, 2012 wage increased by 2%.
- May 1, 2013 wage increased by 2%.
- \$500 Signing Bonus for those on payroll at time of ratification.
- Increased Seasonal Pay to the base wage of a full-time (FT) TCM.
- FT employees on payroll at time of contract ratification will receive retroactive pay to May 1, 2011.
- Seasonal employees on payroll at time of contract ratification will receive retroactive pay back to May 1, 2013.

Other

- Clarified seasonal employees are not eligible for overtime after eight (8) hours in a day.
- Clarified the proper form for grievances and timeline for filing grievances.
- Cleaned up Vacation bid language.
- Updated Personal Convenience Leave in accordance with the Scheduled Leave language.
- Updated Court Days in accordance with Scheduled Leave language.
- Updated Floating Days off in accordance with the Scheduled Leave language.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Council and Telecommunicators Union.

FINANCIAL IMPACT: The financial impact of the Tentative Agreements includes:

- Increase in wage tables by 2% effective May 1, 2011 (with retro). Increase in wage tables by 2% effective May 1, 2012 (with retro). Increase in wage tables by 2% effective May 1, 2013 (with retro). Estimated cost of these increases on base pay, during the term of the contract, is \$70,000.
- Elimination of Sick Leave Buy Back for new hires at retirement.
- Elimination of ability to accrue additional sick leave benefits upon exhaustion of sick leave.
- Eliminating scheduled or unscheduled sick leave from available slots has the potential to increase overtime.
- \$500 Signing Bonus for bargaining unit employees on payroll at time of ratification. Estimated at eighteen (18) employees for a cost of \$9,000.
- Estimated increase for seasonal TCM employees being paid at the base rate of a full-time TCM is \$2.05 per hour effective on the May 1, 2013 wage table. The estimated cost of affecting these increases through retro pay back to May 1, 2013 is \$1,423.

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Human Resources Specialist

Reviewed by: Emily Bell, Director of Human Resources
Darren Wolf, Communication Center Manager
Brendan Heffner, Chief of Police

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

Legal review by: Lisa Callaway, Clark Baird Smith, LLP
George D. Boyle, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Contract be ratified.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on March 29, 2014

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Jacob Thelander and C. Sophia Petsas to allow moderate consumption of alcohol at Miller Park Pavilion for their wedding reception on March 29, 2014. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Brendan Heffner, Police Chief and Kenneth Bays, Acting Asst. Police Chief, and Renee Gooderham, Chief Deputy City Clerk; and Jacob Thelander, groom and C. Sophia Petsas, bride.

Staff absent: Tracey Covert, City Clerk.

Commissioner Renner opened the Public Comment section of the meeting. No one came forward to address the Commission.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Jacob Thelander, groom and C. Sophia Petsas, bride, addressed the Commission. The wedding was scheduled for March 29, 2014 at the Miller Park Pavilion. They planned to invite 130 guests. Redbird Catering, located at 1507 N. Main St., would be retained to provide the food and liquor service, which would be limited to beer and wine only. The reception would start at 4:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton that the request of Jacob Thelander and C. Sophia Petsas to allow moderate consumption of alcohol at the Miller Park Pavilion for their March 29, 2014 wedding be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the November 12, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: John Kennedy, Director of Parks, Recreation & Cultural Arts

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 87**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE MILLER PARK PAVILION**

WHEREAS, Jacob Thelander and C. Sophia Petsas are planning to hold their wedding reception at the Miller Park Pavilion from 3:00 p.m. to 11:00 p.m. on March 29, 2014; and

WHEREAS, Jacob Thelander and C. Sophia Petsas have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Miller Park Pavilion on March 29, 2014 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 9th day of December, 2013.

APPROVED this 10th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on November 22, 2014

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Michael Skolmoski and Karen Bunker to allow moderate consumption of alcohol at Miller Park Pavilion for their wedding reception on November 22, 2014. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Brendan Heffner, Police Chief and Kenneth Bays, Acting Asst. Police Chief, and Renee Gooderham, Chief Deputy City Clerk; and Karen Bunker, bride.

Staff absent: Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Karen Bunker, bride, addressed the Commission. The wedding was scheduled for November 22, 2014 at the Miller Park Pavilion. She planned to invite 130 guests. Lancaster's Fine Dining, located at 513 N. Main St., would be retained to

provide the food and liquor service, which would be limited to beer and wine only. The reception would start at 5:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Motion by Commissioner Jordan, seconded by Commissioner Stockton that the request of Michael Skolmoski and Karen Bunker to allow moderate consumption of alcohol at the Miller Park Pavilion for their November 22, 2014 wedding be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the November 12, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: John Kennedy, Director of Parks, Recreation & Cultural Arts

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 88

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE MILLER PARK PAVILION

WHEREAS, Michael Skolmoski and Karen Bunker are planning to hold their wedding reception at the Miller Park Pavilion from 5:00 p.m. to 10:00 p.m. on November 22, 2014; and

WHEREAS, Michael Skolmoski and Karen Bunker have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Miller Park Pavilion on November 22, 2014 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 9th day of December, 2013.

APPROVED this 10th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request for an expansion of premises by TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, said expansion to the restaurant 1840 sq. ft. into the area f/k/a the Mini Mart

RECOMMENDATION/MOTION: That the request for an expansion of premises by TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, said expansion to the restaurant 1840 sq. ft. into the area f/k/a the Mini Mart be approved.

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

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

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the request for an expansion of premises by TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, said expansion to the restaurant 1840 sq. ft. into the area f/k/a the Mini Mart. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police

Chief, and Renee Gooderham, Chief Deputy City Clerk; Eric Trujillo, applicant representative; and Hal Jennings, applicant's legal counsel.

Staff absent: Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that Mr. Trujillo was present along with Hal Jennings, legal counsel. He informed the Commissioners that a Special Use petition was approved by Council on October 14, 2013. The petition addressed the need to amend parking requirements for restaurants.

Hal Jennings, applicant's legal counsel, addressed the Commission. The location was a single building which received two (2) tax assessment bills. Mr. Trujillo opened his business approximately five (5) years ago. The west end was a small grocery store. The east was a restaurant. Mr. Trujillo could not maintain the store. The restaurant has been a success. He was wanted to expand the restaurant.

Commissioner Renner asked for anyone to step forward to speak in support of or in opposition to the application. No one came forward.

Commissioner Tompkins noted no concerns with the application. Mr. Trujillo had assisted with the area's rehabilitation.

Commissioner Stockton stated that he was in favor of granting the expansion. He believed the building should remain a neighborhood restaurant. There should be no live entertainment. He questioned if the kitchen remained open when the restaurant closed at 2:00 a.m. (on Friday and Saturday per City code).

Eric Trujillo, owner/applicant, addressed the Commission. He responded affirmatively. The restaurant was open for two (2) years prior to requesting a liquor license.

Commissioner Stockton questioned the atmosphere at the hours of 12:00 a.m. (midnight) to 1:00 a.m. Mr. Trujillo stated a few customers would be watching sports. It could be described as a sports bar atmosphere. Commissioner Stockton stated concern that establishments become taverns at those hours. Mr. Trujillo responded that food would still be served. Families were still able to order from the menu. Commissioner Stockton suggested using a wait and see approach. If the Commission discovered that the establishment was operating more as a tavern at those hours then tavern rules would be applied.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He questioned closing hours. Mr. Trujillo stated Monday through Wednesday 9:00 p.m. and Thursday through Sunday 1:00 a.m. He also stated if no one was in the establishment they usually close.

Commissioner Renner stated there was community support. The establishment needed to remain a restaurant.

Mr. Boyle noted that complaints had been received last year. He cited concern with the Thursday closing hour.

Clay Wheeler, Asst. Police Chief, addressed the Commission. The complaints referred to the establishment operating as a tavern. Police Officers found that a tavern had been operating in the area between the kitchen and former Mini Mart. The belief was the restaurant operated as tavern later in the evening.

Commissioner Stockton clarified that the liquor expansion included the west side of the building, formerly known as the Mini Mart.

Mr. Jennings stated the east side had five (5) bar stools and the west would have six (6) bar stools with a bar. Tables would be set up to assist with the expansion of food service. Commissioner Stockton believed that the establishment operated as a tavern during the late evening hours.

Mr. Boyle questioned alcoholic beverages outside. Mr. Trujillo responded negatively.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton that the request for an expansion of premises by TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, said expansion to the restaurant 1840 sq. ft. into the area f/k/a the Mini Mart be approved.

Commissioner Jordan abstained due to the professional and personal relationship with Mr. Jennings.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on November 4, 2013 in accordance with City Code. In accordance with City Code, approximately 97 courtesy copies of the Public Notice were mailed on November 4, 2013. In addition, the Agenda for the November 12, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the request for an expansion of premises by TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, said expansion to the restaurant 1,840 sq. ft. into the area f/k/a the Mini Mart be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: A Resolution Establishing Prevailing Wages to be Paid to Laborers, Workers and Mechanics Engaged in Public Works with the City of Bloomington

RECOMMENDATION: That the Resolution be adopted.

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 Prevailing Wage Act (820 ILCS 130/1 *et seq.*) requires that public bodies such as the City, which awards any construction contract for public work or doing such work by day labor, shall ascertain the general prevailing hourly rates of wages for employees engaged in such work, and shall require that all contractors of the City pay those wages to their workers.

It is now permitted for public bodies to require contractors to ascertain prevailing wages by checking with the Illinois Department of Labor and paying the most current prevailing wage, which this resolution will require if passed.

The resolution also requires contractors to submit to the City on a monthly basis all certified payroll records for prevailing wage work performed by contractor employees and subcontractors. The certified payroll records must include the following for each employee employed on the project: Name, Address, Telephone Number, Social Security Number, Job Classification, hourly wages paid in each pay period, number of hours worked each day and starting and ending time of work each day. The contractor shall submit these records with a signed statement that the records are true and accurate, that the wages paid to each worker are not less than the prevailing rate and that the contractor is aware that filing records known to be false is a Class B misdemeanor offense.

The staff believes adoption of this resolution is in the best interests of the citizens of the City and recommends its passage and approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable. The resolution is required by state law.

FINANCIAL IMPACT: Unknown at this time.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Ernestine Jackson, Human Relations

Reviewed by: Rosalee Dodson, Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2013 - 16

A RESOLUTION OF THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS ASCERTAINING THE PREVAILING RATES OF WAGES FOR LABORERS, WORKERS AND MECHANICS ENGAGED IN PUBLIC WORKS WITH THE CITY OF BLOOMINGTON

WHEREAS, the Prevailing Wage Laws, 820 ILCS 130/1 et seq., as amended, require that each public body awarding any construction contract for public work or doing such work by day labor shall ascertain the general prevailing hourly rates of wages for employees engaged on such work; and

WHEREAS, “public work”, as defined in the Prevailing Wage Law, includes commercial or industrial projects financed in whole or in part through the issuance of revenue bonds by the City of Bloomington under authority of the Industrial Project Bond Act or Home Rule Ordinance or financed in whole or in part through other public funds, without regard to what person or entity formally contracts for such work; and

WHEREAS, the statutes further provide that said rates be published, publicly posted and/or kept available for inspection by any interested party in the Office of the Secretary of State and Labor Department; and

WHEREAS, the City of Bloomington believes Prevailing Wage Law should apply to private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind; and

WHEREAS, the City of Bloomington believes that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$100,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington, County of McLean, State of Illinois that the prevailing wages as established and regularly updated by the Illinois Department of Labor are incorporated herein by reference as the prevailing rates of hourly wages in the City of Bloomington, Illinois for the laborers, workers and mechanics specified therein who are engaged in the construction of public works within the jurisdiction of this municipality; and

BE IT RESOLVED that the prevailing wages as established and regularly updated by the Illinois Department of Labor shall be paid to laborers, workers and mechanics specified therein when such persons perform work on private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind; and

BE IT RESOLVED that contractors shall submit to the City on a monthly basis all certified payroll records for prevailing wage work performed by contractor **employees and subcontractors**. The certified payroll records must include the following for each employee employed on the project: Name, Address, Telephone Number, Social Security Number, Job Classification, hourly wages paid in each pay period, number of hours worked each day and starting and ending time of work each day. The contractor shall submit these records with a signed statement that the records are true and accurate, that the wages paid to each worker are not less than the prevailing rate and that the contractor is aware that filing records known to be false is a Class B misdemeanor offense; and

BE IT RESOLVED that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$100,000; and

BE IT RESOLVED that nothing herein contained shall be construed to apply said prevailing hourly rates of wages in the locality to any work or employment other than public works or private commercial economic development projects directly supported by public funds as defined in the Act and this Resolution; and

BE IT RESOLVED that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, obtain the current prevailing wage rates from the Illinois Department of Labor and regularly check for updated prevailing wage rates during the entire duration of said contract; and

BE IT RESOLVED that the City Clerk shall mail a copy of this Resolution to any employer, any association of employers, and to any person or association of employees who have filed or do file their names and addresses with the Clerk requesting copies of any determination under said law of the particular rates and of the particular classes of persons whose wages will be affected by such rates; and

BE IT RESOLVED that the City Clerk shall promptly file a certified copy of this Resolution with the Secretary of State and the Department of Labor of the State of Illinois; and

BE IT RESOLVED that the City Clerk, as required by law, shall cause to be published in a newspaper of general circulation within the area of this municipality a notice of this Resolution and that it is the effective prevailing wage determination of this public body.

ADOPTED this 9th day of December, 2013

APPROVED this 10th day of December, 2013

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 3c. Revitalization of older commercial properties.

BACKGROUND: The former Freedom Oil Gas Station, located at 606 N. Clinton St., owned by Andy & Associates, was reported to the Illinois Environmental Protection Agency (IEPA) in September 2010 for having underground fuel tanks remaining after the business had closed.

As part of the IEPA process, specific steps must be taken to determine the extent of contamination and establish a plan for containment. In October 2010, two (2) underground gasoline storage tanks and one (1) underground diesel storage tank were removed by the owners.

Environmental Management, Inc. (EMI) was then chosen by Andy & Associates to address the contamination issue. Multiple soil borings and monitoring wells were used to fully delineate the contamination area. Once the soil and groundwater contamination plumes were fully delineated, EMI approached the City to request a groundwater ordinance be passed that prohibits the installation of potable water wells for the Andy & Associates property and the adjacent property to the south and the right of way adjacent to the east.

The property located south of the former Freedom Oil (604 N. Clinton St.) was included in the ordinance due to a slight contamination identified by a monitoring well positioned at the lot line between the two properties. If the ordinance is passed, EMI will formally notify the owner of the property at 604 N. Clinton St.

EMI provided a model groundwater ordinance that is currently being accepted by the IEPA as a valid institutional control. EMI has requested this Ordinance be passed by the City. The IEPA requests that municipalities pass location specific ordinances to further ensure public safety. This is in addition to the fact that the City prohibits potable water wells. The passage of the ordinance will also allow Andy & Associates to obtain a 'No Further Remediation' letter from the IEPA which will allow them to market their property for commercial purposes only.

The City has approved similar Groundwater Ordinances for other contaminated locations in the past. Most recently for the former Richard's Sunoco Service Station located at 1002 N. Main St. in April 2008 and the former Clark Gas Station located at 301 W. Market St. in November 2010.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 89

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER
AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR DRILLING
OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

WHEREAS, certain properties in the City of Bloomington, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Bloomington desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, Illinois;

SECTION 1: Use of groundwater as a potable water supply prohibited.

The use or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited within the area described as follows:

Beginning at the northwest corner of Parcel No. 21-04-278-026, on the south of right-of-way line of Mulberry Street, thence east to the east right-of-way line of Clinton Street (U.S. Route 150), thence south along said east right-of-way line of Clinton Street to the projected intersection of the east right-of-way line of Clinton Street and the south line of Parcel No. 21-04-278-027, thence west, along said projected south line of Parcel No. 21-04-278-027 to the southwest corner of Parcel No. 21-04-278-027, thence north, along the west lines of Parcels No. 21-04-278-027 and 21-04-278-026 to the point of beginning.

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of not less than \$50.00 or more than \$100.00 for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 3: Definitions.

Person is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

Potable water is any water for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4: Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION 5: Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

SECTION 6: Effective date.

This ordinance shall be in full force and effect from and after its passage, approved and publication as required by law.

PASSED this 9th day of December, 2013.

APPROVED this 10th day of December 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 2, Block 25 of Camp Potawatomie, from Michael T. Reuter and Monique E. Reuter, to Thomas E. Hettinger

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5b. City decisions consistent with plans and policies.

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 2, Block 25 of Camp Potawatomie, from Michael T. Reuter and Monique E. Reuter, to Thomas E. Hettinger and found the petition to be in order. The sewage disposal system inspection was completed in mid-August 2013. The septic system appeared to be functioning normally at that time. The septic system seepage field is undersized for a four (4) bedroom home with a garbage disposal. However, the system is a subsurface discharging system which means its discharge percolates through the ground rather than discharging to a ditch and then into the reservoir. A subsurface discharging system poses little threat to the reservoir should it fail. The age of the sewage disposal system is thirty-one (31) years old. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20 – 25) years. However, this can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a positive financial impact in that the current lease uses the old formula, (\$0.15 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. That will increase with the new lease to the current formula, (\$0.40 per \$100 of Equalized Assessed Value). With this lake lease transfer, the lake lease formula will generate approximately \$284.03 per year in lease income. This lake lease income will be posted to Lake Maintenance - Lease Revenue (50100140 - 57590). Stakeholders may locate this in the FY 2014 Budget Book titled “Other Funds & Capital Improvement” on page 149.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 7 and the west half of Lot 6, of Peoria Pointe from Kenneth C. Browning and Carol W. Browning, to Eric and Kelly Ekstam

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5b. City decisions consistent with plans and policies.

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 7 and the west half of Lot 6, of Peoria Pointe from Kenneth C. Browning and Carol W. Browning, to Eric and Kelly Ekstam and found the petition to be in order. The sewage disposal system inspection was completed in late October 2013. The septic appeared to be functioning normally at that time. The septic system seepage field is undersized for a four (4) bedroom home with a garbage disposal. However, the system is a subsurface discharging system which means its

discharge percolates through the ground rather than discharging to a ditch and then into the reservoir. A subsurface discharging system poses little threat to the reservoir should it fail. The age of the sewage disposal system is over forty (40+) years old. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20 – 25) years. However, this can be affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. With this lake lease transfer, the lake lease formula will generate about \$505.54 per year in lease income. This lake lease income will be posted to Lake Maintenance - Lease Revenue (50100140 - 57590). Stakeholders may locate this in the FY 2014 Budget Book titled “Other Funds & Capital Improvement” on page 149.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

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

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Adoption of the 2013 Tax Levy in the amount of \$23,219,066

RECOMMENDATION/MOTION: That the 2013 Tax Levy be approved and the Ordinance passed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1c. Engaged residents that are well informed and involved in an open governance process.

BACKGROUND: There are three components of the property tax formula that affect an increase or decrease in a homeowners property taxes. The dollar amount requested by the City or any of the other overlapping tax districts, the amount of the final Equalized Assessed Value (EAV) which is one third of the properties assessed value, and the tax rate that is generated by dividing the dollar amount by the EAV:

$$\text{Tax formula:} \quad \frac{\text{Dollar Levy}}{\text{Final EAV}} = \text{Tax Rate}$$

The City adopts its tax levy based on a *preliminary* EAV which is an estimate and subject to the appeals process. The Final EAV is completed by January 1, 2014. The tax rate generated is later applied to individual property owner's tax bills on April 1, 2014 and bills are sent out on May 1st.

2013 Tax formula Estimate (Preliminary EAV):	$\frac{\$23,219,066}{\$1,768,687,513}$	1.31279%
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This year the City's tax levy estimate is \$23,219,066, (*see Exhibit 1 for the tax levy break out by component,*) which appears to result in a lower tax rate than last year. Depending on what happens to the City's Final EAV homeowners could receive a slight decrease in property taxes levied by the City. (*See Exhibit 2 for estimated impact to individual homeowners.*)

The City's tax levy is made up of the following ten (10) components explained briefly below:

1. Bonds & Interest – this levy is used to fund costs associated with city owned debt instruments. The general obligation debt (GOB) service is approximately \$8,846,034 for FY 2014, (excluding capital leases and IEPA loans for enterprise funds). The City levied \$2,180,143 in FY 2014 or approximately 24.6% of total GOB debt. The balance is abated and paid from other revenue sources. There is no increase recommended in the 2013 levy.
2. Fire Pension – this levy is used to fund contribution for employees eligible for a fire pension. The FY 2014 minimum statutory contribution was \$2,902,472 as calculated by Tephner Consulting and was levied at 100%. This year's levy will be increased \$1,000,000 to the minimum contribution as calculated by the Illinois Department of Insurance or the first phase of the City's new pension funding methodology; both of which are equal in year one.

3. Fire Protection - this levy is used to fund costs associated with fire protection. Fire protection costs (net of departmental revenue and pension) are approximately \$10,908,079 for FY2014. The City levies roughly 10.8% of this cost and is recommended to remain flat in the 2013 levy.
4. General Corporate – this levy is used to fund the general operations of the City, this component of the levy has been increased in the past to supplement the road resurfacing program which has grown to approximately \$4 million dollars in FY 2014. This portion of the 2013 levy is recommended to be reduced by approximately \$1.6 million dollars to offset Police and Fire pension funding increases. If the \$1.6 million reduction in levy cannot be absorbed by other City revenues then the road resurfacing program may need to be reduced. Note: \$10,000,000 road resurfacing and sewer bond was issued in October 2013.
5. Illinois Municipal Retirement Fund (IMRF) – this levy is used to fund portions of the annual pension contribution for employees eligible for the Illinois Municipal Retirement Fund. The FY 2014 minimum statutory contribution is based on a percentage of payroll and was budgeted at \$3,595,407. The City levied for approximately 70% of the required minimum contribution in FY 2014 and paid the balance from other revenue sources. This portion of the 2013 levy is recommended to remain flat.
6. Police Pension – this levy is used to fund the minimum annual statutory required contribution for employees eligible for a police pension. The FY2014 minimum statutory contribution was \$3,181,581 as calculated by Tepher Consulting and was levied at 100%. This year's levy will be increased \$576,419 to the minimum contribution as calculated by the Illinois Department of Insurance or the first phase of the City's new pension funding methodology; both of which are equal in year one.
7. Police Protection – this levy is used to fund costs associated with police protection. Police protection costs (net of departmental revenue and pension) are approximately \$15,092,090 for FY2014. The City levies approximately 8.9% of this cost and is recommended to remain flat in the 2013 levy.
8. Public Parks – this levy is used to fund costs associated with public parks. Park costs which include: administration, maintenance, recreation, aquatics, Miller Park Zoo, and the Pepsi Ice Center (net of departmental revenues) are approximately \$5,795,569 for FY 2014. The City levies about 17.2% of these costs and is recommended to remain flat in the 2013 levy.
9. Social Security – this levy is used to fund costs associated with the cities portion of social security for eligible employees. The FY 2014 social security costs are estimated at \$2,069,002; The City levies roughly 70% of this cost and is recommended to remain flat in the 2013 levy.
10. Library – this levy is used to fund costs associated with the Library. The FY 2014 estimated Library costs are \$4,513,477 net of departmental revenue. The City levied for

100% of the net Library costs in FY 2014. The 2013 levy will increase by \$33,263 to a total of \$4,546,710 as requested by the Library Board.

Expenditures related to the property tax levy are primarily related to operations with the exception of the Library estimate which includes contributions to capital, and any portions of the General Corporate component contributed to the road resurfacing program.

COUNCIL COMMITTEE BACKGROUND: A preliminary discussion of the 2013 tax levy was held at the October 21, 2013 Committee of the Whole and the estimated 2013 tax levy was presented at the November 12, 2013 City Council meeting both public meetings.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Both the Police and Fire Pension Boards have actively participated pension funding discussions and have been communicated with in regards to the Police and Fire Pension contributions portions of the 2013 tax levy.

FINANCIAL IMPACT/ANALYSIS: The City Manager and Finance Director recommend the Council adopt the tax levy as estimated of \$23,219,066 which increases the overall levy by \$33,233 to fund Library's FY2014 budget request. A redistribution of the remaining components of the levy enables the city to increase its pension funding for both the Police and Fire Pensions in accordance with the new Pension Funding Ordinance without increasing the overall levy.

Finance has created three (3) exhibits: Exhibit 1 depicts the recommended levy by component; Exhibit 2 is the estimated impact to the individual homeowner; and Exhibit 3 is history of City's levies as previously adopted.

Respectfully submitted for Council consideration.

Prepared by:

Patti – Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 90**AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2013 AND ENDING APRIL 30, 2014 FOR THE CITY OF BLOOMINGTON**

Be it ordained by the City Council of the City of Bloomington, Illinois:

Section One. (a) The sum of Twenty-three Million Two Hundred Nineteen Thousand and Sixty – Six dollars (\$23,219,066) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2013 and ending April 30, 2014, for all corporate purposes and including General Corporate Purposes, Payment of Bonds and Interest on Bonds, Public Library, Fire Pension Fund, Police Pension Fund, Public Parks Fund, Fire Protection Fund, Police Protection Fund, IMRF Fund, and FICA Taxes Fund as appropriated for the fiscal year beginning May 1, 2013 and ending April 30, 2014 as passed by the City Council of said City at its regular meeting held on the 8th of April, 2013, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation “Amount to be raised by Taxation”, the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2013 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows (\$1 difference due to rounding):

I.	General Corporate Purposes	\$1,287,233
II.	Police Protection Fund	1,354,421
III.	Fire Protection Fund	1,183,228
IV.	Public Parks	1,001,415
V.	Fire Pension Fund	3,946,000
VI.	Illinois Municipal Retirement Fund	2,502,907
VI.	FICA Taxes Fund	1,459,009
VII.	Police Pension Fund	3,758,000
VIII.	General Bond and Interest	2,180,143
XI.	Public Library Fund	<u>4,546,710</u>
		\$23,219,066

Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the

appropriate tax books for the fiscal year of said City beginning May 1, 2013 and ending April 30, 2014.

Section Three: If any section, subdivision, sentence or clause of this Ordinance for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund. The rate at which a tax shall be levied for General Corporate purpose shall be that rate necessary, after rates for all other funds are established, to result in a total levy of \$23,219,066.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, signing, approval, and recording, according to law.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

PASSED by the City Council of the City of Bloomington, Illinois, this 9th day of December, 2013.

APPROVED by the Mayor of the City of Bloomington, Illinois, this 10th day of December, 2013.

Mayor Renner noted that the City faced funding difficulties. The Council had held the line on property taxes. Property tax revenue equaled fourteen percent (14%) of the City's budget and also equaled fourteen percent (14%) of property owners total property tax bill.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the 2013 Tax Levy be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Financial and Programmatic Policy Options Related to the Solid Waste Program

RECOMMENDATION/MOTION: Recommend that the Text Amendment to Sections 300.7 and 301.6 and addition of Sections 301.7 and 301.8 to Chapter 21. Refuse of the City Code be approved and the Ordinance passed.

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

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

BACKGROUND: At the November 25, 2013 Council Meeting, staff proposed ordinance amendments regulating solid waste operations which would address the Solid Waste Enterprise Fund structural deficit by eliminating the General Fund subsidy to solid waste operations by FY2018. The proposal by staff did not gain sufficient support from Council. However; a modified proposal has been drafted by the Mayor and several members of the Council intended for full Council consideration. The following table highlights current service, the previous staff proposal, and the modified proposal prepared by the Mayor and several Council members:

	Current Service	Previous Staff Proposal	Modified Proposal
Monthly fee	\$16 all carts	\$16 for 35-gallon carts, \$18 for 65-gallon carts, \$20 for 95-gallon carts in FY2015, and \$3 stickers for any additional bags; in FY2016 each cart size would experience a \$2 increase; in FY2017 there would be no fee increase; and in FY2018 each cart size would increase by \$1.	\$16 for 35-gallon carts; \$21 for 65-gallon carts; \$25 for 95-gallon carts; \$3 stickers for any additional bags
Bulk Waste	2 loads ¹ per week no additional charge, \$25 each additional	\$25 for every load	1 load every other week at no additional charge, \$25 each additional load

	Current Service	Previous Staff Proposal	Modified Proposal
	load		
Brush, yard waste ²	Unlimited pickup at no additional charge	2 loads of brush waste per week at no additional charge, \$25 each load after, leaf collection unlimited pickup at no additional charge	Unlimited pickup at no additional charge
Recycling	Every other week, no additional charge	Every other week, no additional charge	Every other week, no additional charge
Automated Refuse Cart	Original cart provided at no charge	Original cart provided at no charge	Original cart provided at no charge, \$30 fee for increased cart size change
Automated Recycle Cart	\$60 additional cart fee		No charge for additional cart ³ .
¹ Load means 1 front end loader bucket scoop with a volume capacity of 2.25 cubic yards ² Grass clippings must be delivered by residents to the City's drop off facility. All other brush and yard waste is collected curbside ³ If approved staff will work to reimburse the ~30 solid waste customers which have already purchased a second recycle cart.			

Financial Analysis

The following revenue and expense projections for the Modified Proposal account for reduced operational expenses and increased revenue in the City's Bulk Waste Program, (a program which has been found to be ten (10) times more expensive than containerized curbside collection), as well as increased revenue due to the introduction of a Pay As You Throw, (PAYT), sticker program. These projections are dependent upon assumptions developed in collaboration with Raftelis Financial Consultants in forecasting the amount of customers desiring 35-gallon, 65-gallon, and 95-gallon refuse carts:

Summary of Revenue and Expenses (in 000s)			
Revenue	FY2013 Actual¹	FY2014 Projected²	FY2015 Projected³
<i>Beginning Budgetary Fund Balance</i>	\$966	\$429	\$0
Curbside Rate Revenue	\$4,869	\$4,833	\$7,136
Bulky/Brush Revenue	20	36	30
General Fund Transfer	1,304	2,116	0
Other Revenue	202	212	213
Total Revenue	\$6,395	\$7,197	\$7,379
Expenses			
Labor and Labor-related	3,485	3,848	3,521
Materials and Supplies	2,133	2,464	2,474
Debt Service	1,074	1,074	1,142
Transfers	240	240	242

Total Expenses	6,932	7,626	7,379
Surplus/(Shortfall)	(537)	(429)	0
<i>Ending Budgetary Fund Balance:</i>	429	0	0 ⁴
Surplus/(Shortfall) as % of Revenue	-8.4%	-6.0%	0.0%
¹ FY2013 Adjusted to audited actuals ² FY2014 General Fund Transfer was adjusted to compensate for variance in fund balance as projected. ³ FY2015 Debt Service was adjusted up for FY2015 request for 1 automated truck of \$325,000 for 5 years at 2%. ⁴ FY2015 The City's fund balance policy is to maintain working cash of two months of operations or a minimum of 10% of revenues in an enterprise fund.			

As drafted by the Mayor and several members of the Council, the Modified Proposal is projected to eliminate the need for a General Fund subsidy in FY2015. These revenue forecasts are based on the following number of customers desiring specific varied cart sizes:

Carts:	FY2015
35 gallon refuse cart	2,000
65 gallon refuse cart	8,000
95 gallon refuse cart	15,000
Subtotal - # of refuse carts	25,000

Operational Analysis

The Modified Proposal represents some challenges which are important to highlight. Bi-weekly bulk waste collection is a significant challenge which staff does not believe will yield large cost savings. To collect bulk waste the City utilizes large front end loaders with a bucket scoop in the front. The loader scoops up bulk waste curbside and dumps the materials into a dump truck. Once the dump truck is full, the truck leaves for the landfill and another empty dump truck takes its place. Staff is concerned that switching to bi-weekly bulk waste service will generate two (2) times the volume of a normal bulk waste collection week. This would result in the dump trucks filling up quicker with bulk waste while the front end loader sits and waits for the next available dump truck to make it back from the landfill. This would result in slower and less efficient operations. It is also important to note that staff utilizes the same equipment for bulk waste collection as they do brush collection. With this in mind, another concern to reducing bulk waste to every other week but keeping brush collection every week is the best utilization of equipment and resources. Staff will already be servicing every home for brush collection each week but will be returning on alternating weeks for bulk waste collection. This will inherently introduce confusion amongst customers and would not represent the best use of City resources. ***Staff would recommend continuing weekly bulk waste service and incorporating the Modified Proposal's recommendation of one (1) free bucket load and \$25 for each additional bucket load.***

Future Consideration (Not intended to delay any current decision before the Council)

Staff plans to research and evaluate the feasibility of weekly recycle collection. Weekly collection has the potential to increase efficiencies, reduce confusion, enhance customer service

and further increase the City's waste diversion from the landfill. This is not something staff has available at this time but plans to fully vet the cost benefits of implementing such a program.

Unlimited brush waste collection exposes the program to potential abuse. The City does experience instances where individuals take advantage of the unlimited service and unfairly reap benefits which are afforded by the average customer. Recently, a customer had seven (7) large trees out for collection which were claimed to be cut down by the individual overnight without the assistance of a contractor. In these instances the City has collected the materials from the customer. On a regular weekly basis, the City does not collect more than a dozen stops which have over two (2) bucket loads of brush waste.

The bed of a standard sized pick-up truck will hold two (2) cubic yards of mulch, which would be level with the top. Each bucket load provided by the City is 2.25 cubic yards. Two (2) bucket loads provided by the City totals 4.50 cubic yards of waste.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Lengthy research, public discussions, citizen surveys, (almost 800 responses), interactive focus group sessions with landlords and the general public, and seven (7) presentations to Council regarding the status of the Solid Waste Program analysis has occurred over the past year regarding the full range of refuse services.

FINANCIAL IMPACT: Historically, the General Fund, (or the taxpayers), has subsidized the City's refuse operations. Initially, the subsidy was 100%. The City did not establish a fee until 2004. The subsidy for FY 2014 is projected to be twenty-nine percent, (29%). The City will continue to analyze this fund since a twenty-nine percent (29%) subsidy represents approximately \$2.1 million loss in uncovered costs. It is projected that by the end of FY 2014, the Solid Waste Fund will have a zero fund balance. ***The City's fund balance policy for Enterprise Funds requires working cash of two (2) months of annual operations or minimum of ten percent (10%) of annual revenues.***

Respectfully submitted for Council consideration.

Prepared by: Alex McElroy, Asst. to the City Manager

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

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales, City Manager

ORDINANCE 2013 - 91

**AN ORDINANCE AMENDING CHAPTER 21 OF THE BLOOMINGTON CITY CODE
RELATING TO REFUSE SERVICES
BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:**

SECTION 1. That Sections 300.7 and 301.6 of Chapter 21 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Section 300.7: Bulk Waste Collection.

Bulk waste and building waste may be collected by the City under rules established by the Director of Public Works and approved by the City Manager, but only with respect to bulk waste or building waste generated or created by the occupant or owner of residential property, with proper permits, as needed. The City will not collect bulk waste or building waste generated or created by any contractor, subcontractor or other person for hire and/or bartering. The City will not collect any sod, concrete, bricks or shingles unless the resident who participates in the bulk waste collection program requests a pickup of such sod, concrete, bricks or shingles. After such a request is made, the City will pick up such sod, concrete, or shingles and will charge the resident for the actual cost of the pickup and disposal of such material for anything beyond thirty-five pounds of material. The determination by the City of the weight of the material shall be final. ~~The volume limit on regular bulk waste items (excluding sod, concrete, bricks or shingles) will be two loader buckets per week.~~ The City will charge the resident twenty-five (\$25.00) dollars per loader bucket for anything collected over one loader bucket weekly ~~two loader buckets per week.~~

Section 301.6: Refuse Fee.

Effective May 4, 2012, there shall be a charge for refuse collection of refuse to the owner and/or occupant of every dwelling unit for which refuse service is actually provided by the City. Such fee shall be in the amount of sixteen dollars (\$16.00) per month per single family dwelling and sixteen dollars (\$16.00) per month for each unit in a two family or multi-family dwelling. Effective May 1, 2014, for a single family dwelling and for each unit in a two family or multi-family dwelling, such fee shall be based on the size of the refuse cart as follows: sixteen dollars (\$16.00) per month, per single family dwelling and for each unit in a two family or multi-family dwelling for one 35-gallon refuse cart; twenty-one dollars (\$21.00) per month, per single family dwelling and for each unit in a two family or multi-family dwelling for one 65-gallon refuse cart; and twenty-five dollars (\$25.00) per month, per single family dwelling and for each unit in a two family or multi-family dwelling for a 95-gallon refuse cart.

The refuse fee shall be payable on a monthly basis. There shall be a thirty dollar (\$30.00) fee for any additional refuse carts provided by the City that are larger than the original cart. There shall be no charge for additional refuse carts that are the same size as the original cart or smaller. Failure to pay the fee upon billing by the City may result, at the City's option, in the placement of a lien against the real estate or may result in the filing of a complaint in Circuit Court seeking a

personal judgment against the owner or persons interested in the property subject to such refuse fee, termination of refuse ~~services~~ ~~ser-vices~~, termination of water service or other remedies. The election of a particular remedy shall not constitute a waiver of any other remedy available to the City for collection of the refuse fee.

The owner of the dwelling unit, the occupant thereof and the user of the services shall be jointly and severally liable to pay such refuse fee and the services are furnished to the dwelling unit by the City only on the condition that the owner of the dwelling unit, occupant thereof and user of the refuse service are jointly and severally liable. The refuse fee for such refuse collection shall be paid in advance, for which the City of Bloomington shall provide refuse collection service ~~ser-vice~~ to the dwelling unit at least once each week.

SECTION 2. That the Bloomington City Code, as amended, be further amended by adding Sections 301.7 and 301.8 to Chapter 21 as follows:

Section 301.7: Pay As You Throw Refuse Sticker.

An owner and/or occupant of a dwelling unit for which refuse service is provided by the City may purchase a refuse sticker in the amount of three dollars (\$3.00) to pay for overflow bags of refuse set outside the automated refuse carts. These stickers shall be sold at designated locations to be determined by the City.

Section 301.8: Low-Income Refuse Fee Discount.

The City may offer a discounted rate for refuse collection based on an individual's income. The qualifying criteria for this discount shall be based on the federal poverty guidelines as provided in the *Federal Register* issued by the U.S. Department of Health and Human Services each year. Effective May 1, 2014, an owner and/or occupant of a dwelling unit for which refuse service is provided by the City, whose income level falls within the poverty guidelines, shall pay a fee in the amount of sixteen dollars (\$16.00) per month, per single family dwelling.

SECTION 3. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 4. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 5. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 6. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 9th day of December, 2013.

APPROVED this 10th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item.

Alderman Sage recalled staff's original recommendation which would have phased in the increase to the solid waste fee over a three (3) year period. The version before the Council this evening called the fee increase to take effect on May 1, 2014. He cited respect for the City's residents and easing in this fee increase. He noted the economy and the limited pay raises that citizens had received in light of same.

Mayor Renner noted the effort to redraft the proposed text amendment to something the Council would live with. The goal was to leave solid waste services intact. In addition, the goal was to have the solid waste fee cover the cost for the various services provided. The fee was not graduated in the hopes that recycling would be incentivized. Bulk services would be provided weekly with a \$25 fee for the second bucket full.

Alderman Black noted the effort to clearly link the cost to the cart size. In addition, residents could reduce their cost by participating in the City's single stream recycling program. He noted that based upon the cart size selected, there was a corresponding costs.

Alderman Schmidt expressed her concern regarding residents on fixed incomes. She understood the City's interest in the bottom line. She believed that this population would be able to select the thirty-five (35) gallon cart at a cost of \$16 per month.

Mayor Renner added that the City planned to hold this cost at \$16 per month.

Alderman Sage believed a three (3) year phased in approach would provide a line of sight.

Alderman Fazzini noted the City's investment in automated equipment. These new trucks would have a driver, (one manned truck). He expressed his opposition to the \$3 sticker portion of the proposed text amendment.

Mayor Renner noted that this had been removed from the proposed text amendment. He addressed the logic for providing this service such as holidays, family

events, etc. This would allow a pay as you throw approach when a resident might have additional solid waste. He acknowledged that this might slow solid waste collection.

Alderman Lower stated that he was troubled by the areas that were not clearly defined. There was no history of amending City ordinances. He recommended that this text amendment be reviewed after the City had six (6) months of experience, (November 2014). He supported phasing in the solid waste fee. He noted that there was no plan for solid waste collection in the Downtown and/or apartment buildings. He believed that there were businesses that wanted to participate in the City's single stream recycling program. He added his concern for the elderly and/or disabled. He questioned their ability to manage a cart. He believed that the City could achieve additional savings by requiring all toters be placed on one side of the street.

Mayor Renner noted the recycling in the Downtown remained a challenge. The City would continue to work on this issue. He added that there were other issues which also needed to be addressed. He cited apartment buildings as one of them.

Alderman Mwilambwe was pleased by the Council's conversations regarding this issue. He believed that all had learned from same. He did not believe it possible to please everyone. He expressed his concern regarding the cost for the ninety-five (95) gallon cart. He believed that the amount of solid waste was tied to family size. He supported the idea of phasing in the solid waste fee. He noted that other local governing bodies were also considering tax/fee increases. Phasing in the solid waste fee would provide the residents with the ability to plan and adjust to this fee. He also believed that the numbers presented (regarding cart size) were speculative. The actual size of the carts selected would impact revenue. He also addressed automation and the \$3 dollar sticker. He believed this option would be a burden on City staff. He recommended that the proposed text amendment be reviewed after the City had one (1) year of experience, (June 2015).

Alderman Schmidt added her support for follow up and feedback. She had carefully reviewed the proposed text amendment. She believed that Section 301.7 Pay As You Throw Refuse Sticker was unclear as it stated bags.

David Hales, City Manager, addressed the Council. He believed that the fee would be \$3 per bag. Rosalee Dodson, Asst. Corporation Counsel, affirmed same.

Alderman Schmidt also addressed Section 301.8 Low-Income Refuse Fee Discount. She understood that the fee for the thirty-five (35) gallon cart would be \$16. She believed that for residents who qualified for the discounted fee, (\$16 per month), the fee was not related to size/number of toters.

She also expressed her concern regarding Section 300.7 Bulk Waste Collection. She noted that the bulk waste producers might be a tenant and not the property owner. She also believed that providing this service on a weekly basis would be costly.

Mr. Hales readdressed the Council. He had spoken with the Public Works Department's Refuse Division staff. They did not believe that there would be significant cost savings from bi-weekly collection. They cited the volume of waste, the equipment, vehicles and manpower required to support weekly collection. He noted City staff's experience in collecting bulk waste. He recommended that before any additional changes to bulk waste collection were made additional analysis should be completed.

Alderman Schmidt expressed her opinion that bulk waste should be paid for by those who use the service.

Mr. Hales noted that only one (1) bucket full would be provided at no charge.

Mayor Renner added this item to his list of things/issues that would require additional research.

Alderman Fruin expressed his belief that solid waste was a basic service. The proposed text amendment created differences. The fee for the ninety-five (95) gallon cart represented a fifty percent (50%) fee increase. The \$3 sticker was contrary to automation. A revenue forecast was built upon cart distribution. He believed that the solid waste fee was based upon the cost of providing solid waste services and not the size of the cart. He also believed that weekly bulk pick up was costly. The Council's goal was for solid waste to be an Enterprise Fund. At this time, this program received assistance from the General Fund. Finally he noted the work involved on this item and expressed his hope that the proposed text amendment would be passed by the Council.

Alderman Black presented a phased in fee schedule:(FY 2015: 35 gallon = \$16, 65 gallon = \$18 and 95 gallon = \$20; FY 2016: 35 gallon = \$16, 65 gallon = \$20 and 95 gallon = \$23; FY 2017: 35 gallon = \$16, 65 gallon = \$21 and 95 gallon = \$25) and \$3 per bag. He believed that this would create a line of sight.

Alderman Stearns expressed her concern regarding apartment buildings in the central part of the City. There needed to be additional conversations regarding same. She questioned how duplexes would be charged.

Mayor Renner noted that at this time there would be no change to the current fee.

Alderman Black added that currently the solid waste fee was charged per unit for a two family or multi-family dwelling. There would be no change to this structure under the proposed text amendment.

Mayor Renner added that these structures were also included in the City's single stream recycling program.

Alderman Fruin expressed his support for phased in solid waste fees.

Motion by Alderman Black, seconded by Alderman Sage that the amended Text Amendment (which included a phased in fee schedule: FY 2015: 35 gallon = \$16, 65 gallon = \$18 and 95 gallon = \$20; FY 2016: 35 gallon = \$16, 65 gallon = \$20 and 95 gallon = \$23; FY 2017: 35 gallon = \$16, 65 gallon = \$21 and 95 gallon = \$25 and \$3 per bag), be approved and the Ordinance passed.

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

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

Nays: Alderman Fruin.

Motion carried.

The following was presented:

SUBJECT: Downtown Bloomington Strategy

RECOMMENDATION/MOTION: That the Downtown Bloomington Strategy be accepted and the Resolution adopted.

STRATEGIC PLAN LINK: Goal 6. Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Objective 6a. More beautiful, clean Downtown area; 6b. Downtown vision and plan used to guide development, redevelopment and investments; 6c. Downtown becoming a community and regional destination; 6d. Healthy adjacent neighborhoods linked to Downtown; and 6e. Preservation of historic buildings.

BACKGROUND: In accordance with item #15 on the FY2014 Action Plan (*Downtown Master Plan*), staff directed Farr Associates to make several revisions to the Downtown Bloomington Strategy which was originally published in 2009. The study area includes the area locally referred to as Downtown Bloomington, which is roughly bounded by Locust St. to the north, Prairie St. to the east to Douglas St., Gridley St. to the east from Douglas St. to Jackson St., Jackson St. and Water St. to the south, and Lee St. to the west. Key areas of focus within the document include retail planning, land use recommendations, parking needs and mobility concerns, among others. Ultimately, this document provides a framework to guide conversations, drive development and trigger investment within Downtown.

Numerous edits were incorporated into the master plan presented herein and reflects direction provided by community groups, citizens, business owners and members of the City Council. A few key changes include:

- Removed text in regards to reconfiguring Madison - East couplet.
- Removed references to form-based codes and Main Street Corridor Redevelopment Plan.

- Removed references to Business Improvement District.

Given the size of the document, a hard copy was given to each Council member at the November 25, 2013 Council meeting. Subsequently, a link was shared on the City's web site so that those individuals and community groups interested in reading the plan would have access as well. A full copy was placed on the City's web site

Acceptance of the Downtown Bloomington Strategy is a critical step in stimulating development and investment within the Downtown community.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Downtown Bloomington Association and Downtown Property Owners Group.

FINANCIAL IMPACT: No funding is needed to accept the Downtown Bloomington Strategy.

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Reviewed by: Mark Huber, Director of PACE

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2013 - 17

A RESOLUTION RECOMMENDING APPROVAL OF THE DOWNTOWN BLOOMINGTON STRATEGY

WHEREAS, the City of Bloomington is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, it is highly recommended by the Downtown Bloomington Association for the governing body to adopt a Strategy for the future economic development of the Downtown; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the City of Bloomington to offer a vibrant Downtown; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the City of Bloomington to receive and accept the Downtown Bloomington Strategy and that said Strategy be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION ONE: That the Downtown Bloomington Strategy sponsored by the Downtown Bloomington Association is and the same is hereby accepted and placed on file and approved; however, the City Council explicitly does not approve funding mechanisms to implement said Strategy.

ADOPTED this 9th day of December, 2013.

APPROVED this 10th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner stated that the Downtown Strategy process had started six (6) years ago. He acknowledged that no one on the Council agreed with everything in the plan. This plan had been on hold for four (4) years. It had been the subject of numerous discussions. He had spoken about it with a number of community groups. He noted that the photographs contained in the plan were the same as the 2009/2010 versions. He believed that all references in the plan to a form based code had been removed. He added that a Form Based Code had been adopted for the Gridley, Allin, & Prickett's Neighborhood which was adjacent to the Downtown.

Alderman Schmidt agreed that this plan had sat for a long time. It came to the City from the citizens and Downtown stakeholders. They have a vision for the Downtown. This plan provided the framework. The Council had recently approved a number of plans. It represented hope to the Downtown's historic buildings and those who had made an investment in same.

Alderman Lower expressed his disagreement with the plan. He had done a thorough review. There were a number of items in the plan that were identical to the 2009 version. The form based code had not been eliminated. He cited various pages in the plan

that addressed zoning. There was a zoning code overlay. He believed this code would be restrictive and expensive. There was cause to be distrustful. The plan would impact Downtown development and be bad for the City. The City needed to resist fads and trends. The plan needed to be revisited. He also believed that the plan was automobile negative. He cited government controlled mass transit. The plan also addressed streetscape design, tree placement and alternative pavement materials. He compared this plan to the Main St.: Call for Investment plan. He cited building setbacks, parking, entrances, roofs and building heights. In addition the McLean County Comprehensive Land Use Plan 2009 addressed multi modal transportation. He restated he was not in favor of this plan.

Mayor Renner restated that the plan had been developed by the citizen/stakeholders. There was public participation by those who had invested in the Downtown. The City needed to attract new investment in the Downtown.

Alderman Sage noted the make-up of the Downtown Bloomington Association, (DBA), which included businesses and property owners. He believed that the DBA had formally endorsed this plan.

He also cited sweat equity. He addressed procedures and questioned when the plan was posted to the City's web site. He believed that it was posted on Wednesday, November 27, 2013. Concerns had been raised regarding the time line, scope and magnitude of the plan.

Mayor Renner noted that this plan had been available for some time. In addition, it had been placed on the City's web site on Wednesday, November 27, 2013. He cited past reviews of the plan, the public hearings and the limited number of amendments made to the plan. He had also talked about this plan during his campaign.

Alderman Sage was unsure of his comfort level with this plan.

Alderman Stearns cited past experience. She did not support form based codes as they were too restrictive. She was not fond of nor did she find attractive en vogue trends. The plan for the Downtown was full of pretty photographs. It had been on the City's web site for approximately one (1) week. There had not been a second public review. The data was five (5) years old. She was unsure if this was the right plan for the Downtown. She supported Downtown planning.

Alderman Fruin noted that the Council had been working on this plan for a long time. It was time to move forward. He supported the Downtown. He noted the City's investment in the US Cellular Coliseum located at 101 S. Madison St. and the Bloomington Center for the Performing Arts located at 600 N. East St. The Downtown was critical to the entire community. Adopting this plan was the right thing to do. The Downtown would continue to evolve. The City needed to put something in place. The Council needed to express confidence in the Downtown and provide direction.

Alderman Black echoed Alderman Fruin's comments. He questioned the delay. The City had received feedback that developers/investors wanted direction as there was interest in economic development. The Downtown was a thriving community. He believed that it was attractive to both businesses and residents. This would be a step in the right direction. He expressed his support for the plan.

Mayor Renner cited a recent trip to Los Angeles, CA. A key question was what your community offers to millennials. The Downtown was critical part of the City. It was also critical that the City have a Downtown plan. The Downtown Strategy was still a viable plan. It was essential for the Council to move forward on this issue.

Alderman Stearns believed that there were differing opinions. There had been drastic change. Another issue was financing. Business owners were concerned.

Motion by Alderman Schmidt, seconded by Alderman McDade that the Downtown Bloomington Strategy be accepted and the Resolution adopted.

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

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

Nays: Aldermen Lower and Stearns.

Motion carried.

The following was presented:

SUBJECT: Downtown Hotel Feasibility Study

RECOMMENDATION/MOTION: That the Agreement with HVS for a hotel feasibility study in the amount of \$30,000 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 6. Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Objective 6b. Downtown vision and plan used to guide development, redevelopment and investments; and 6c. Downtown becoming a community and regional destination.

BACKGROUND: In accordance with item #24 on the FY2014 Action Plan (*Downtown Hotel Feasibility Study: Staff to complete study and present to Council*), staff issued a Request for Proposal on October 1, 2013 as a means to identify firms that could provide a hotel feasibility study as it pertains to the proposed Downtown Bloomington hotel development. Two (2) responses were received by the deadline of October 25, 2013; one from HVS and the other from PKF Consulting. The following table illustrates a comparison of the proposals:

Item Being Compared	HVS	PKF Consulting
Firm concentration	Specializes in hotel consulting and appraisal worldwide	Hospitality, tourism and real estate industries
Nature of data to be included in study	Proprietary	Industry
Actual hotel profit & loss statements available for reference	40,000	Not Specified
Similar studies completed annually	1,000	Not Specified
Include recommendations on funding models, mechanisms & revenue sources	Yes	No
Local experience	Marriott Hotel & Convention Center (Normal, IL) Holiday Inn & Convention Center (Tinley Park, IL) Renaissance Hotel & Convention Center (Schaumburg, IL)	No Illinois experience referenced
Cost	\$30,000 (all-inclusive)	\$18,000 base <i>plus</i> “travel, subsistence, courier service, data purchases, report production, data, graphics and other out-of-pocket expenses” <i>and</i> additional meetings/conference calls will be billed at hourly rates
Time to complete study	45 days	56 days

The following individuals reviewed and scored the two (2) proposals: Justine Robinson, Economic Development Coordinator, David Hales, City Manager, Elizabeth Au, NDC Financial Consultant, and Jon Johnston, Procurement Manager. After careful review of both proposals, the scoring committee is recommending the Agreement with HVS be approved. A few specific reasons for this decision include the fact that this firm specializes in hotel analysis and thus is able to utilize advanced approaches and methodology when conducting the study; the firm has access to a wealth of proprietary data and applies an exclusive scoring matrix when evaluating potential development opportunities; the firm continues to work in the Bloomington-Normal community and thus can provide insights and recommendations pertaining to the local market and its supply and demand cycles. Given the differences demonstrated in the table and the points outlined above, HVS stands out as an exceptional choice for the City’s hotel feasibility study.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Downtown Bloomington Association, National Development Council, Town of Normal; written recommendations have been requested from HVS references including Ivan Baker, Director of Economic Development for Tinley Park, Barry Schwartz, Chief Financial Officer for HCW Development and John Frew, Principal at Frew Development Group.

During a conversation with HVS reference Ivan Baker, Director of Economic Development for Tinley Park, it was noted that HVS and the team members to which the City's proposal has been assigned are the "best" in the industry. He went on to explain that they truly listen to the needs of the elected officials, staff and community leaders when initiating a hotel feasibility study. Ultimately, Mr. Baker stated that this approach has resulted in "strong projects" being developed in Tinley Park. *Tinley Park, Illinois has a population of 58,000 and is located twenty-one (21) miles from the downtown Chicago loop, thirteen (13) miles from Chicago Midway Airport and twenty-seven (27) miles south of Chicago O'Hare Airport.*

HVS reference Barry Schwartz, Chief Financial Officer of HCW Development, indicated that HCW has worked with HVS for a number of years on projects including hotel market studies to convention center analysis and appraisals. Mr. Schwartz stated that he would recommend working with Hans and the HVS team. *HCW is a development and construction management company whose projects include hotels, hotel and convention centers, retail lifestyle centers and public-private partnerships.*

Mr. Frew was out of town at the time verbal references were provided. *Frew Development Group provides a variety of services, including deal structuring, financing, design and construction management, regulatory compliance and planning for eventual facility operations. Types of projects include convention centers, entertainment venues, transportation centers, parking facilities, shopping centers, airports and more.*

FINANCIAL IMPACT: The proposed agreement reflects an all-inclusive cost of \$30,000 for Phase I of a hotel feasibility study. This offer is effective for thirty (30) days upon receipt; after that time, the proposed scope of work, schedule, and fees may be subject to change.

Funds are currently available in the Economic Development - Other Professional Services (10019170 - 70220). Stakeholders can locate this in the FY 2014 Budget book titled "Budget Overview and General Fund" on page 372.

Based on the findings of the market study, an additional analysis (Phase II) may be warranted regarding the economic impact of a specific development project within Downtown. Funding for this portion of the assessment would be outside of the scope of work and would likely occur during the subsequent fiscal year.

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item. This firm had completed a number of studies. It was essential that this plan be believable. Attracting a Downtown hotel was a serious endeavor. It would serve as an anchor for the Downtown. It would result in new job creation, etc. The first step was a market analysis.

Alderman Lower believed that the City would be setting a precedent. He questioned if the City had searched for private investment. He believed that private money should pay for this study.

Mayor Renner described this study as first level.

Alderman Lower expressed his opposition. If a developer had a plan for a Downtown hotel, then a market study should be a part of the developer's plan.

Mayor Renner stated that all locations were not equal. A key part of the study would address the value of a Downtown hotel.

Alderman Lower noted that every Council meeting had a request for additional studies and/or investments. He questioned the end point.

Alderman Fruin expressed his opinion that this study might appear to be ahead of its time. He hoped that this study might provide a spark for Downtown development. The Council needed to have a vision for the area. He believed that there was need for additional Council discussion. However, there did not seem to be interest in same.

Alderman Stearns stated that a hotel locating near the US Cellular Coliseum was a popular concept. A Downtown hotel project should involve private money. She believed that if the City started down this road that it would not work out to the taxpayers' advantage. Downtown hotels were either boom or boondoggle. She had done research regarding Downtown hotels in various cities. She did not support this item. The City should not interfere in the local economy. No public money should be spent towards a Downtown hotel.

Mayor Renner noted that the City did not have a Downtown hotel. He expressed his opinion that one would be helpful.

Alderman Stearns stated that in concept a Downtown hotel sounded great.

Alderman Fazzini encouraged the Council to look to the Town of Normal. He questioned if this study for a Downtown hotel would include a convention center.

Mayor Renner noted that the Town of Normal believed that the City also needed a Downtown hotel.

Motion by Alderman McDade, seconded by Alderman Fazzini that the Agreement with HVS for a hotel feasibility study in the amount of \$30,000 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Mwilambwe, Schmidt, McDade, Fazzini, Sage, and Black.

Nays: Aldermen Lower, Stearns and Fruin.

Motion carried.

CITY MANAGER'S DISCUSSION: None.

MAYOR'S DISCUSSION: Mayor Renner thanked Alderman Sage for participating in the Jaycees Christmas Parade with him on Saturday, December 7, 2013.

Mayor Renner noted differences in opinion on the Council. The Council had continued to move forward. He cited the Solid Waste Fee Ordinance and Downtown Strategy as examples.

He informed those present that the Council would be meeting next Monday, December 16, 2013 due to the Christmas holidays. A text amendment to the City's Alcoholic Beverage code would appear on the meeting agenda.

ALDERMEN'S DISCUSSION: Alderman Stearns questioned a City Christmas tree. She had attended tree lighting ceremonies in the past.

Mayor Renner noted that he had seen a Christmas tree at City Hall (lower level). He added that City staff would address this issue for next year's holiday season.

David Hales, City Manager, noted that a number of City departments have Christmas trees in their offices.

Alderman Lower also recalled Christmas tree lighting ceremonies. He had spoken with Jesse Smart, former Mayor. He questioned if the United States was no longer a Christian nation. He stated his belief that the City was a Christian community.

Motion by Alderman McDade, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 8:25 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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