

**SUMMARY MINUTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, JUNE 27, 2016; 7:00 P.M.**

1. Call to Order

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, June 27, 2016. The Meeting was called to order by Mayor Renner.

2. Pledge of Allegiance to the Flag

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

3. Remain Standing for a Moment of Silent Prayer

4. Roll Call

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

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

Staff Present: David Hales, City Manager, Steve Rasmussen, Assistant City Manager, Jeffrey Jurgens, Corporation Counsel, Cherry Lawson, City Clerk and other City staff were present.

5. Recognition / Appointments

The following were presented:

A. Appointment of Amanda Weissgerber be appointed to the Citizens Beautification Committee.

6. Public Comment

Mayor Renner opened the meeting to receive Public Comment. The following individuals provided comments during the meeting.

Sandra Lindberg
Sean Pawley
Alton Franklin
Gary Lambert
Scott Steimerling

Marty Seigel

7. Consent Agenda

The following was presented:

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

Alderman Hauman requested Item Nos. 7I and 7J be pulled from the Consent Agenda.

Motion by Alderman Schmidt, seconded by Alderman Painter, that the Consent Agenda be approved with the exception of Agenda Item Nos. 7I and 7J.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 7A. Consideration of approving the Minutes of the June 17, 2016 Special Session Meeting, June 13, 2016 Work Session Meeting, the June 13, 2016 Regular City Council Meeting, and the May 16, 2016 Special Meeting Session Minutes.

The following was presented:

Item 7B. Consideration of approving Bills, Payroll, Electronic Transfers and Procurement Cards in the amount of \$ 11,962,854.68.

The following was presented:

Item 7C. Consideration of approving an Appointment to the Citizens Beautification Committee.

The following was presented:

Item 7D. Consideration of approving the purchase of Starcom Equipment for the Public Works Department in the amount of \$436,642.27.

The following was presented:

Item 7E. Consideration of a Resolution approving cost modifications associated with FY 2016 Resurfacing Contract with Rowe Construction.

RESOLUTION NO. 2016 – 21

RESOLUTION AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$25,796.97 ASSOCIATED WITH THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND ROWE CONSTRUCTION FOR FY 2016 RESURFACING

The following was presented:

Item 7F. Consideration of a Resolution waiving the bid requirements and approval of an agreement with Diamond Vogel for White and Yellow Traffic Line Paint and Beads in the amount of \$90,375.

RESOLUTION NO. 2016 – 22

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF PAINT FOR FY 2017 FROM DIAMOND VOGEL PAINT AT A PURCHASE PRICE OF \$90,375

The following was presented:

Item 7G. Consideration of adopting a Resolution approving payment for Street Lighting Electrical Energy and Rental Charges through a Motor Fuel Tax (MFT) General Maintenance program.

RESOLUTION No. 2016 – 23

FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

The following was presented:

Item 7H. Consideration of approving a Resolution Establishing Prevailing Wages to be paid to Laborers, Workers and Mechanics Engaged in Public Works with the City of Bloomington.

RESOLUTION NO. 2016 – 24

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

The following was presented:

Item 7I. Consideration of adoption of an ordinance approving a special use permit to allow for an acupuncture clinic in the R-1C, High Density Single Family Residential District for the property located at 1617 E Oakland Ave. ***Pulled from the Consent Agenda.***

ORDINANCE NO. 2016 – 54
AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN ACUPUNCTURE
CLINIC FOR PROPERTY LOCATED AT 1617 E. OAKLAND AVENUE

The following was presented:

Item 7J. Consideration of adoption of an ordinance approving the petition to rezone 2101 E Washington Street from R-3B, High Density Multifamily Residential District, to S-2, Public Lands and Institutions. David Hales, City Manager, acknowledged the corrected legal description. ***Pulled from the Consent Agenda.***

ORDINANCE NO. 2016 – 55
AN ORDINANCE REZONING 2101 E WASHINGTON FROM R-3B TO S-2

The following was presented:

Item 7K. Consideration of approving a Lake Bloomington Lease Transfer Petition for Lot 9 Block 4 of Camp Kickapoo, from Robin Minson JSM Trust to Ross Clark.

The following was presented:

Item 7L. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on July 16, 2016.

ORDINANCE NO. 2016 – 56
AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND
SECTION 26(D) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT
DAVIS LODGE ON JULY 16, 2016

The following was presented:

Item 7M. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on August 14, 2016.

ORDINANCE NO. 2016 – 57
AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND
SECTION 26(D) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT
DAVIS LODGE ON AUGUST 14, 2016

The following was presented:

Item 7N. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a High School Reunion at Davis Lodge on August 27, 2016.

ORDINANCE NO. 2016 – 58
AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND
SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR GRIDLEY HIGH SCHOOL
REUNION AT DAVIS LODGE ON AUGUST 27, 2016

The following was presented:

Item 7O. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on September 10, 2016.

ORDINANCE NO. 2016 – 59
AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND
SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT
DAVIS LODGE ON SEPTEMBER 10, 2016

The following was presented:

Item 7P. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on September 17, 2016.

ORDINANCE NO. 2016 – 60
AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND
SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT
DAVIS LODGE ON SEPTEMBER 17, 2016

Item 7I. Consideration of adoption of an ordinance approving a special use permit to allow for an acupuncture clinic in the R-1C, High Density Single Family Residential District for the property located at 1617 E Oakland Ave.

ORDINANCE NO. 2016 – 54
AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN ACUPUNCTURE
CLINIC FOR PROPERTY LOCATED AT 1617 E. OAKLAND AVENUE

Alderman Hauman questioned the Board of Zoning Appeals restricting the hours of operation and number of employees. The City was trying to encourage new business. She stated the restrictions were a burden on the property owners.

Alderman Buragas questioned whether staff had not included the restrictions requested. Tom Dabareiner, Plan/Code Enforcement Director, answered affirmatively. Alderman Buragas questioned whether the Board of Zoning Appeals was under the impression that the petitioners

were consenting to those restrictions. Mr. Dabareiner answered affirmatively. Alderman Buragas stated the petitioners would like to have the restrictions reconsidered. They had not understood there were options. Mr. Dabareiner stated that was his understanding.

Alderman Black questioned whether the restrictions on hours could be removed. Mayor Renner answered affirmatively. Alderman Black questioned the rationale for the hours from 8:00 am to 8:00 pm. Mr. Dabareiner stated the Board of Zoning Appeals members requested same. Alderman Black requested that the ordinance be revised removing the mention of limitations on hours of operation.

Alderman Fruin questioned whether the restriction on the number of employees was to be removed. Alderman Black stated the paragraph to be removed from the Ordinance would include the restriction on the number of employees as well as the hours of operation. He stated the paragraph to be removed from the ordinance was “Whereas the Bloomington Board of Zoning Appeals, recommended said special use permit be passed conditioned upon a limitation of the number of employees to two and the limitation of the hours of operation to six days a week from 8:00 am to 8:00 pm;”.

Alderman Lower questioned whether the concern was parking and traffic. Mr. Dabareiner stated the business was in a residential district and must have a Special Use permit. Same allowed the Board of Zoning Appeals members and/or Council to apply or remove conditions as deemed appropriate.

Alderman Fruin stated the property in question had several business types in the past, some generating more traffic than an acupuncture clinic would. He was in favor of removing the limitations.

Alderman Hauman questioned whether the owners knew they could object to the limitations. She stated the property had enough room in the parking area to drive in, turn around and pull out into the road instead of backing out into it. She was in favor of removing the limitations.

Alderman Painter stated the property used to be the Chatter Box Hair Salon with many patrons. No problems were noted at that time.

Motion by Alderman Black, seconded by Alderman Lower, that an ordinance approving a special use permit for an acupuncture clinic in the R-1C, High Density Single Family Residential District, for the property located at 1617 E Oakland Ave. be passed, removing the conditions of a limitation of the number of employees to two and the limitation of the hours of operation to six days a week from 8:00 am to 8:00 pm, and that the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

Item 7J. Consideration of adoption of an ordinance approving the petition to rezone 2101 E Washington Street from R-3B, High Density Multifamily Residential District, to S-2, Public Lands and Institutions.

ORDINANCE NO. 2016 – 55
AN ORDINANCE REZONING 2101 E WASHINGTON FROM R-3B TO S-2

David Hales, City Manager, stated the corrected legal description had been distributed to Council and would be included in any action.

Alderman Hauman questioned penalties for anyone proceeding with construction with no approval. Tom Dabareiner, Plan/Code Enforcement Director, stated Code Enforcement could assess penalties. If the owners were proceeding according to the plan, Code Enforcement would be reasonable working with the owners. If the construction was not according to code, removal may become necessary.

Motion by Alderman Hauman, seconded by Alderman Lower, that an ordinance be adopted approving the petition to rezone the property commonly located at 2101 E Washington Street from R-3B, High Density Multifamily Residential District, to S-2, Public Lands and Institutions and that the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

Regular Agenda

The following was presented:

Item 8A. Consideration of a Resolution approving an Agreement for Professional Services with VenuWorks for Management of the U.S. Cellular Coliseum.

RESOLUTION NO. 2016 -25
A RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH
VENUWORKS OF BLOOMINGTON, LLC

John Siehl, VenuWorks Chief Operating Officer, gave a brief overview. On April 1, 2016, the City's agreement with Central Illinois Arena Management (CIAM) for the U.S. Cellular Coliseum (USCC) management expired. A new management company was recommended by staff. VenuWorks began managing the USCC on a temporary basis until a more formal agreement could be worked out between the parties.

Since late spring, staff and VenuWorks have worked to finalize details on a more formal management agreement. The agreement draft was presented publicly on June 6, 2016, and discussed further at a Committee of the Whole meeting on June 20, 2016. Staff was now recommending agreement approval. No further modifications had been made to the agreement since its initial presentation.

The proposed contract general terms included: 1.) Five (5) year term with the ability to terminate without cause after three (3) years; 2.) Management Fee: \$9,500 per month, plus an annual Consumer Price Index (CPI) increase not to exceed three percent (3%); 3.) Concession Fee (i.e., food and beverages): five percent (5%) of gross sales less taxes and third-party concession providers. Subject to audit by the City. City was guaranteed a minimum of forty percent (40%) of concession sales. 4.) Contractual Income: five percent (5%) on advertising, sponsorships, pouring rights and naming right revenues. No commission on trades, club memberships, suite sales or rentals; 5.) Transparency: Specific reports required and would be posted online, including reports after each event. Contractual requirements to comply with the Freedom of Information Act (FOIA) and hold the City harmless; 6.) Disincentive Fee: Lower commission if budgetary goals were not met. To begin after initial start year; 7.) Capital Investments: Will provide an additional \$450,000 in a no-interest loan for necessary capital improvements and upgrades; 8.) Oversight: Subject to an annual audit with a five percent (5%) payback provision. Contractual provisions prohibit VenuWorks from booking events that carry a financial risk to the City without pre-approval. City would have access to all accounts and records. City Manager and/or a contract administrator would be involved in overseeing the operation and management of the USCC; 9.) Operational Procedures: Maintenance requirements were clearly defined in the agreement. VenuWorks was required to provide a business plan and financial manual. The agreement called for various other Memoranda of Understandings to be created on operational issues.

VenuWorks had brought a professional and experienced general manager to the USCC. Curtis Webb started in May and had implemented several operational changes. VenuWorks was in the process of developing detailed business plans to help improve the USCC's financial condition.

VenuWorks desired to be a true community partner and put transparency as a high priority. After every event, the public would be provided a significant amount of information, including the event's concession sales, ticket sales, etc.

Alderman Schmidt questioned payment for security at the USCC. David Hales, City Manager, stated VenuWorks would pay for security as part of the expenses from the event. VenuWorks hired Security Guards for inside the building. City Police Officers would be used for outside the building.

Motion by Alderman Schmidt, seconded by Alderman Hauman, that the Resolution approving the Agreement for Professional Services with VenuWorks be adopted and the Mayor and City Clerk be authorized to execute the resolution and the City Manager be authorized to execute the Agreement.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 8B. Consideration of adoption of an ordinance amending Chapter 44 of the Bloomington City Code to allow for “artisanal/craft production and retail” as a permitted use in the B-1, B-2, B-3, M-1 and M-2 Districts.

ORDINANCE NO. 2016 – 61
AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 44, SECTIONS 44.3-2 AND 44.6-30 OF THE BLOOMINGTON CITY CODE

Tom Dabareiner, Plan/Code Enforcement Director, gave a brief overview. Staff had received inquiries regarding small scale production and retail, including, but not limited to, microbreweries and other small-scale alcohol manufacturing. The City’s current Zoning Code only contemplates the extremes of production, either at-home as a home occupation or in a large-scale manufacturing district. In April 2016, a petition for a text amendment to Chapter 44 allowing for a “microbrewery” was submitted by a petitioner interested in moving his microbrewery business outside of his home and into the Bloomington market place. Staff recognized small-scale alcohol production as one element of the buy local movement, and viewed this original petition as an opportunity to extend the idea of small-scale, on-site production and retail to other types of artisanal production.

At the May 25, 2016 Planning Commission meeting staff proposed the creation of an “artisanal/craft production and retail” category and recommended that this use be permitted in the business and manufacturing districts. The proposed text amendment was approved by the Planning Commission.

The proposed text amendment would decrease barriers for local entrepreneurs and small scale developers by providing them with a first-step, or transitional opportunity for taking their home-based hobbies to the marketplace. It aligns with the City of Bloomington Comprehensive Plan 2035, Chapters 6 and 7, in particular, goals striving to promote an entrepreneurship culture, improve the City's image as a business friendly community and advancing tourism-based economic development.

Alderman Buragas questioned whether other communities had this zoning classification. Mr. Dabareiner answered affirmatively. Alderman Buragas questioned whether there were City Codes to regulate noise and other pollution types. Mr. Dabareiner stated Code Enforcement and building codes would be reviewed in each situation.

Alderman Sage questioned whether any public hearings would take place or if each determination would come from staff. Mr. Dabareiner stated staff would make the determination. Residential Districts would not be affected. Only B-1, Highway Business District, B-2, General Business Service District, B-3, Central Business District, M-1, Restricted Manufacturing District and M-2, General Manufacturing Districts would allow this use.

Alderman Lower questioned the number of other communities with this type of use. Mr. Dabareiner stated a list of neighboring municipalities was provided. Alderman Lower questioned whether the definitions list would expand. Mr. Dabareiner stated the intent of this usage was retail, but the product production was handled on site. This usage was not intended to capture all home business types, such as auto repair. Alderman Lower questioned the requirements when the Business or Manufacturing District was next to a Residential District. Mr. Dabareiner stated there were yard requirements outlined in the Code. A new liquor license category would need to be created for this use. Other options were available for a buffer between districts. The intent was to fill the small spaces Downtown and in the Business Districts.

Alderman Schmidt questioned whether there would be any Residential Districts included. Mr. Dabareiner stated there would be no Residential Districts included.

Motion by Alderman Black, seconded by Alderman Hauman that an ordinance amending Chapter 44 of the Bloomington City Code to allow for "artisanal/craft production and retail" as a permitted use in the B-1, B-2, B-3, M-1 and M-2 Districts be passed, and that the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

City Manager's Discussion

David Hales, City Manager, stated the VenuWorks contract approval was significant. The contract process was labor intensive. He recognized several staff members for their participation in the project. He stated this year would be a transition year. The base year would be the next Fiscal Year. He commended VenuWorks for their performance standards. Curtis Webb, Executive Director, US Cellular Coliseum (USCC), joined the Senior Management Staff meetings every Monday. There would be an Open House at USCC, but the date had not been finalized.

Mayor Discussion

Mayor Renner thanked Alderman Hauman for residing over the Mayor's Open House, June 24, 2016. He encouraged viewing the US Conference of Mayors website for speeches and sessions.

City Alderman's Discussion

Alderman Fruin stated three (3) Council members, Aldermen Buragas, Schmidt and himself, met with John M. Scott representatives, the Township and staff members to discuss interests and issues. Meetings with the entire Council would be scheduled.

Alderman Black thanked the Board of Zoning Appeals for their time and service to the community.

Alderman Schmidt stated the 20th Anniversary Celebration of "Not In Our Town" would be held on June 28, 2016 from 6:00 to 9:00 pm around the Museum of History on Main St. between Washington St. and Jefferson St. She commended the staff for the work to open the Flamingo exhibit at the Miller Park Zoo.

Alderman Lower stated fireworks would be displayed on July 4th at the Miller Park Zoo.

Adjournment

Motion made by Alderman Black, seconded by Alderman Hauman, to adjourn the meeting at 8:04 p.m.

Motion carried (viva voce).

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk

Mayor Renner opened the meeting to receive Public Comment. The following individuals provided comments during the meeting.

Glen Ludwig
Judy Stearns
Donna Boelen
Aaron Lehee
Hal Kapraun
Rita Mikel
Alton Franklin
Patricia Marton
Dale Naffziger

7. Consent Agenda

The following was presented:

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

Alderman Hauman requested Item No. 7C be pulled from the Consent Agenda.

Alderman Fruin requested Item No. 7F be pulled from the Consent Agenda.

Alderman Lower requested Item No. 7J be pulled from the Consent Agenda.

Motion by Alderman Black, seconded by Alderman Mwilambwe, that the Consent Agenda be approved with the exception of Agenda Item Nos. 7C, 7F and 7J.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 7A. Consideration of approving the Minutes of the June 27, 2016 Regular City Council Meeting.

The following was presented: