

**RECORD OF MOTIONS AND VOTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, DECEMBER 14, 2015; 7:00 P.M.**

1. Call to Order

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, December 14, 2015. The Meeting was called to order by Mayor Renner.

2. Pledge of Allegiance to the Flag

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

3. Remain Standing for a Moment of Silent Prayer

Mayor Renner requested those present to remain standing for a moment of silent prayer.

4. Roll Call

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

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

Staff Present: Steve Rasmussen, Assistant City Manager, Jeff Jurgens, Corporation Counsel, Cherry L. Lawson, City Clerk and other City staff were also present.

Staff Absent: David Hales, City Manager.

5. Public Comment

Mayor Renner opened the meeting to receive Public Comment. The following citizens came forward with comments.

Patricia Marton
Bob Clay
Bruce Meeks
Charles Roberts
Sid Kendrick

6. Recognition / Appointments

The following was presented:

Item 6A. Recognition of the following individuals who participated in the Fall 2015 Bloomington 101 Program.

- Olemuel Ashford
- Deborah Brown
- David Burch
- Tara Henry
- George Huonker
- Tejas Jani
- Tahnee Lee Lathrop
- Cherry Lawson
- Y. Margot Mendoza
- Kimberly Mensah
- Tim Mitchell
- Michael O'Donnell
- Marcia Maxon Schwartz
- Sara Taylor
- Robin VanDermay
- Sarah Villafuerte
- Cat Woods

The following was presented:

Item 6B. Appointment of Michael Gorman to the Regional Planning Commission (McLean County).

7. Consent Agenda

The following was presented:

Item 7A: Consideration of approving the Council Meeting Minutes of November 23, 2015.

Mayor Renner called on the Council to see whether any items needed to be pulled from the Consent Agenda for further discussion. No items were pulled from the Consent Agenda for discussion.

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

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

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

Nays: None.

Motion carried.

The following was presented:

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

The following was presented:

Item 7C. Consideration of approving an Appointment to the Regional Planning Commission (McLean County).

The following was presented:

Item 7D. Consideration of Ratification of Contract with Police Benevolent and Protective Association Unit 21 (patrol) for the period of May 1, 2014 through April 30, 2016.

The following was presented:

Item 7E. Consideration of approving a Memorandum of Understanding for Scott Oglesby.

The following was presented:

Item 7F. Consideration of waiving formal bidding process and approving an EMS Continuing Education and Quality Assurance Service Agreement as a limited source purchase in the amount of \$17,250.

The following was presented:

Item 7G. Consideration of approving a Resolution waiving the formal bid process and purchase of Personal Protective Equipment – Firefighting Turnout Gear in the amount of \$50,700.

RESOLUTION NO. 2015 - 49

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF FIREFIGHTING TURNOUT GEAR FOR THE FIRE DEPARTMENT FROM MUNICIPAL EMERGENCY SERVICES, INC. AT A PURCHASE PRICE OF \$50,700

The following was presented:

Item 7H. Consideration of approving the purchase of one (1) International Dump Truck (unit number R25) for the Solid Waste Division of the Public Works Department using the State of Illinois Joint Purchasing Contract.

The following was presented:

Item 7I. Consideration of approving the purchase for a scheduled replacement of one (1) Dump Truck (unit number W19) for the Water Transmission and Distribution Division of the Water Department.

The following was presented:

Item 7J. Consideration of approval of an ordinance for Case SP-03-15 Petition requesting approval of a Special Use Permit for a Two-Family Dwelling for the property located at 812 E. Chestnut Street.

**ORDINANCE NO. 2015-80
AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
Two-family dwelling (duplex)
FOR PROPERTY LOCATED AT: 812 E. Chestnut St., Bloomington, IL 61701**

The following was presented:

Item 7K. Consideration of approving an Ordinance for a Petition from Wittenberg Woods II, LLC, requesting approval of a Final Plat for the Wittenberg Woods at Prairie Vista Second Addition, located west of Morris Avenue and north of Lutz Road.

The following was presented:

**ORDINANCE NO. 2015-81
AN ORDINANCE APPROVING FINAL PLAT OF
WITTENBERG WOODS AT PRAIRIE VISTA SECOND ADDITION IN
THE CITY OF BLOOMINGTON, McLean COUNTY, ILLINOIS**

8. Regular Agenda

Item 8A. Public Hearing and Action on Fourth Amendment to Annexation Agreement with David Fedor, as Trustee of McLean County Land Trust CC-1 (Fox Creek).

(a) Public Hearing on Fourth Amendment to Annexation Agreement

- (i) Open Public Hearing
- (ii) Staff Overview (Presentation by Jeff Jurgens, Corporation Counsel, 5 minutes)
- (iii) Public Comment
- (iv) Close Public Hearing

Mayor Renner asked for a motion to open the Public Hearing.

Motion by Alderman Hauman, seconded by Alderman Schmidt to open the Public Hearing to receive comments on this item.

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

Nays: None.

Motion carried.

Mr. Jurgens provided a brief overview of this item stating, an annexation agreement was entered into on or around December 10, 1990, between the City of Bloomington (“City”) and David Fedor as successor in interest to Mercer Turner, as Trustee of McLean County Land Trust CC-1 dated September 1, 1993 and to both First of America Trust Company, as trustee of the land trust The Peoples Bank, as trustee of land trust 21-040000 and PBB-232, dated January 25, 1991 (“Owner”). The original annexation agreement was further amended by the parties on February 25, 1991, August 24, 1992 and February 25, 1994

For several months, the City and Owner have been working on a resolution to several outstanding issues associated with the development of the property and have developed this Fourth Amendment to the original annexation agreement to set forth the obligations of the parties. Two of the primary issues addressed involve the payment of an outstanding development fee and work regarding the Pepper Ridge Detention Basin. Section 2 of the Third Amendment required payment of a general development fee, in the amount of \$2,000,000 to be paid in the amount of \$4,000 upon the sale of each R-1B lot sold. However, as a result of the economy, there was a downturn in residential development during the term of the Third Amendment and not enough houses were sold to have the development fee paid. Under the terms of the Fourth Amendment, a payment of \$100,000 is due to the City within 10 days and the Owner must pay the City \$4,000 at the time each R-1B lot is sold by the Owner, but no less than \$5,502.30 per month until the balance of \$462,194 is paid in full.

The original Annexation Plat also set forth the construction of a detention basin known as the Pepper Ridge Detention Basin (“Basin”). The location of the Basin has moved slightly and requires certain improvements prior to acceptance by the City. The Owner has agreed to clean and re-grade the Basin and pay the City \$20,000 for re-seeding.

Public Hearing Comments:

Donna Bolden

Mayor Renner asked for a motion to close the Public Hearing.

Motion by Alderman Black, seconded by Alderman Schmidt to close the Public Hearing to receive comments on this item.

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

Nays: None.

Motion carried.

Item 8A. (b) Consideration of an Ordinance Approving the Fourth Amendment to an Annexation Agreement with David Fedor, as Trustee of McLean County Land Trust CC-1 Dated September 1, 1993. (Council discussion 10 minutes.)

ORDINANCE 2015 - 82
AN ORDINANCE APPROVING THE FOURTH AMENDMENT TO AN ANNEXATION
AGREEMENT WITH DAVID FEDOR, AS TRUSTEE OF McLean COUNTY LAND
TRUST CC-1 DATED SEPTEMBER 1, 1993

Alderman Black asked what would be the outcome if the City did not approve the amendment.

Mr. Jurgens stated, the City would continue to negotiate some type of an agreement. The City has looked at this as a global settlement and resolution in dealing with Fox Creek and the Hershey Subdivision. With the Hershey Subdivision, the City is getting out of some obligations that the City has (theoretically) that will likely save the organization millions. The Engineering Department has combed through the agreement and have tried to address the issues that exist.

Alderman Black asked whether those millions refer to legal cost and consultants. Mr. Jurgens stated that is correct.

Motion by Alderman Sage seconded by Alderman Lower that Council approve the Ordinance approving the Fourth Amendment to the Annexation Agreement with David Fedor, as Trustee of McLean County Land Trust CC-1 dated September 1, 1993, and authorize the Mayor and City Clerk to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 8B. Public Hearing and Action on First Amendment to an Annexation Agreement with Hershey Grove, LLC (Hershey Grove).

- (a) Public Hearing on First Amendment to Annexation Agreement
 - (i) Open Public Hearing
 - (ii) Staff Overview (Presentation by Jeff Jurgens, Corporation Counsel, 5 minutes.)
 - (iii) Public Comment
 - (iv) Close Public Hearing

Mayor Renner asked for a motion to open the Public Hearing.

Motion by Alderman Schmidt, seconded by Alderman Painter to open the Public Hearing to receive comments on this item.

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

Nays: None.

Motion carried.

Mr. Jurgens provided a brief overview of this item stating, an annexation agreement was entered into on or around February 11, 2002, between the City of Bloomington (“City”) and Hershey Grove, LLC (“Owner”).

For several months, the City and Owner have been working on a resolution to several outstanding issues associated with the development of the property and have developed this First Amendment to the original annexation agreement to set forth the obligations of the parties. Two of the primary issues involved the extension of Hershey Road and the pursuit of a railroad crossing from the Illinois Commerce Commission, as well as how the Owner would meet the parkland dedication requirements.

Section 14 of the Annexation Agreement required the City to extend Hershey Road to the southern perimeter of the property within 10 years of the making of the Agreement and to apply to the ICC for a crossing permit. The City filed a petition for a crossing with the ICC, but faced strong objection from the Norfolk Southern Railway. Pursuant to the First Amendment, the City will have

no further obligations regarding obtaining the railway crossing or extending the road to the southern perimeter of the property.

The Annexation Agreement also provided the Owner could satisfy the park land dedication requirements by making dedication of the area for the Constitutional Trail and from the parcel south of the railway. The Owner has already dedicated the area designated for the Constitutional Trail, but since development is not continuing south of the railway, the City has not actively sought dedication of this area and instead has worked out an agreement with the Owner to make additional trail and sidewalk improvements.

Open Public Hearing

There were no comments from the public.

Mayor Renner asked for a motion to close the Public Hearing.

Motion by Alderman Black, seconded by Alderman Lower to close the Public Hearing to receive comments on this item.

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

Nays: None.

Motion carried.

The following was presented:

Item 8B. (b) Consideration of an Ordinance Approving the First Amendment to an Annexation Agreement with Hershey Grove, LLC. (Council discussion 10 minutes.)

ORDINANCE 2015 - 83

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO AN ANNEXATION AGREEMENT WITH HERSHEY GROVE, LLC

Alderman Hauman stated, she was pleased that the residents of Hershey Grove came to request this type of park and appreciates the Snyder Company for responding to the residents' request, as well as staff having committed the time to process this request.

Alderman Lower stated, these types of projects should not be isolated. That many residents are unaware of the scheduling..., there is ongoing expense each time the City elects to add to the trail head or sidewalks. Those expense comes out of the General Fund.

Mayor Renner stated for clarification, each time the City adds to Constitution Trail there is an added expense as a consequence.

Alderman Lower referenced the park like setting, stating that it is an amenity to the community, that it is not a need for the residents. If the City continues to add to the 45 plus parks, there is an expense associated with it.

Alderman Hauman, for the residents who purchased their homes in that area, there was an expectation of having green space as many other developments.

Motion by Alderwoman Hauman, seconded by Alderman Schmidt That Council approve the ordinance approving the First Amendment to the Annexation Agreement with Hershey Grove, LLC, and authorize the Mayor and City Clerk to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 8C. Public Hearing and Action on Third Amendment to an Annexation Agreement with Charles W. Palmer.

a) Public Hearing on Third Amendment to Annexation Agreement

(i) Open Public Hearing

(ii) Staff Overview (Presentation by Jeff Jurgens, Corporation Counsel, 5 minutes.)

(iii) Public Comment

(iii) Close Public Hearing

Mayor Renner asked for a motion to open the Public Hearing.

Motion by Alderman Hauman, seconded by Alderman Schmidt to open the Public Hearing to receive comments on this item.

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

Nays: None.

Motion carried.

Mr. Jurgens provided an overview of this item stating, an annexation agreement was entered into on or around February 13, 1996, between the City of Bloomington (“City”) and

Charles W. Palmer (“Owner”). This would be the Third Amendment to the Annexation Agreement which was amended on May 29, 2001, and April 11, 2005, and serves to settle several disputes between the parties regarding the interpretation of certain language and obligations.

Specifically, the Owner filed litigation seeking to mandate the City to extend Mitsubishi Motorway further south, including over Sugar Creek, and abatement of the development fee (\$1,410,000) as required in the Annexation Agreement. The City has estimated the cost to build the bridge, along with the roadway extensions that would be required, would be substantial and a strain on City resources. Accordingly, the parties have negotiated a settlement and wish to enter into this Third Amendment to effectuate the terms of the settlement.

Under the settlement, the City will have no obligation to extend Mitsubishi Motorway and in exchange, the development fee will be reduced to \$50,000.

Open Public Hearing

There were no comments offered.

Mayor Renner asked for a motion to close the Public Hearing.

Motion by Alderman Black, seconded by Alderman Painter to close the Public Hearing to receive comments on this item.

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

Nays: None.

Motion carried.

The following was presented:

Mayor Renner left the meeting at 7:38 p.m. Alderman Schmidt became Mayor Pro Tem.

Item 8C. (b) Consideration of an Ordinance Approving the Third Amendment to An Annexation Agreement with Charles W. Palmer, dated February 13, 1996. (Council discussion 10 minutes.)

ORDINANCE 2015 - 84 AN ORDINANCE APPROVING THE THIRD AMENDMENT TO AN ANNEXATION AGREEMENT WITH CHARLES W. PALMER

Motion by Alderwoman Sage, seconded by Alderman Hauman that Council approve the ordinance approving the Third Amendment to the Annexation Agreement with Charles W. Palmer, and authorize the Mayor and City Clerk to execute the necessary documents.

Mayor Pro Tem Schmidt directed the Clerk to call the roll which resulted in the following:

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

Nays: None.

Motion carried.

The following was presented:

Item 8D. Presentation of the Empire Street Corridor Redevelopment Project Area Tax Increment Financing Redevelopment Plan and consideration of approving an ordinance to set a date for, and to approve a public notice of a public hearing for the Empire Street Corridor Redevelopment Project Area. (Austin Grammer, Economic Development Coordinator & Mike Weber, Director, PGAV, Presentation 15 minutes, Council discussion 15 minutes.)

**ORDINANCE NO. 2015-85
AN ORDINANCE OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY,
ILLINOIS, TO SET A DATE FOR, AND TO APPROVE A PUBLIC NOTICE OF
A PUBLIC HEARING FOR THE EMPIRE STREET CORRIDOR
REDEVELOPMENT PROJECT AREA**

Motion by Alderwoman Black, seconded by Alderman Hauman that the ordinance to set a date for, and to approve a public notice of a public hearing for the Empire Street Corridor Redevelopment Project Area be approved and authorize the Mayor and City Clerk to execute the necessary documents.

Mayor Pro Tem Schmidt directed the Clerk to call the roll which resulted in the following:

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

Nays: None.

Motion carried.

The following was presented:

Item 8E. Consideration of approving An Ordinance Levying Taxes for the City of Bloomington, McLean County, Illinois for the Fiscal Year Beginning May 1, 2015 and Ending April 30, 2016 for the City of Bloomington. (Council discussion 10 minutes.)

ORDINANCE 2015 - 85

AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING MAY 1, 2015 AND ENDING APRIL 30, 2016 FOR THE CITY OF BLOOMINGTON

Motion by Alderwoman Painter, seconded by Alderman Hauman the Council approve the 2015 Final Property Tax Levy Ordinance in the amount of \$24,063,066, and authorize the Mayor and City Clerk to execute the necessary documents.

Mayor Pro Tem Schmidt directed the Clerk to call the roll which resulted in the following:

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

Nays: None.

Motion carried.

The following was presented:

Item 8F. City Infrastructure 2015 Projects Status Report (Recommend that the Council receives the Presentation as information only.)

- a. Presentation by Steve Rasmussen, Assistant City Manager, 5 minutes
- b. Presentation by Kevin Kothe, City Engineer, Public Works Division, 5 minutes
- c. Presentation by Bob Yehl, Director, Water Department, 5 minutes
- d. Presentation by Jay Tetzloff, Director of Parks & Recreation, 5 minutes

Mr. Rasmussen stated there are five presentations to be received by the Council from the department heads that are responsible for those City Departments.

Russ Waller, Facilities Manager, Jay Tetzloff, Director of Parks & Recreation, Assistant Police Chief Ken Bays, Kevin Kothe, City Engineer and Bob Yehl, Director of the Water Department.

Mr. Waller provided an update on facility related projects stating, the projects are based on the Facilities Master Plan. The repairs to city facilities are more along the line of being life safety Repairs to the Abraham Lincoln Parking Garage, that approximately \$250,000 was spent on this project. He discussed the replacement of the sprinkler system in the Police garage stating that the cost of that project was \$190,000 that the project is not yet complete as there are still some minor things that needs to be done.

Mr. Tetzloff provided an update on Eagle View Park as they were able to get this project funded and completed. His predecessor, John Kennedy saw this project through to just before leaving. The total cost of this project was \$1,018,636, and \$400,000 was received from State OSLAD Grant. They were able to develop 14.5 acres of parklands.

Mr. Bays provided an update on the Police Shooting Range and the improvements that have been completed, and stated the cost to remove the mold from the shooting range was \$67,000. He thanked the Facilities Department for their assistance. With monies in this budget year, they hope to have the HVAC replaced in the amount of \$40,000.

Mr. Kothe provided an updated on the Sewer work on Market and McLean a 3 foot sewer that the City had lined which was from the 1800. City was able to line the sewer right under residents' home without causing distress. This project cost was approximately \$1.6 million and came out of the Enterprise fund. There was some street surfacing projects that were completed that were budgeted in the 2014 FY. In addition, they had approximately \$2.4 million from Local Motor Fuel Tax to do resurfacing of sidewalks and pavement preservation. He reported on the sewer project on Catherine Street that had no public sewer in that area. He stated that residents were connected to other private resident's sewer systems. This sewer project was paid for from the Community Development Block Grant funds. The other big project were the Master Plans that were approved by the Council in 2015 consisting of: Stormwater & Sanitary Sewers, Sidewalks, and Bicycles. Currently in progress is the Master Plan for the major city streets projects. He discussed some surprise projects that were not planned that dealt with flooding relating issues.

Mr. Yehl report on the progress with the Water Department projects. Lake Bloomington lake wetlands project that was accomplished through a grant with Coke Cola and in-kind donations with the City of Bloomington, Nature Conservatory obtained the grant from Coke Cola which assisted in putting the wetlands in place and watershed. The first project as Water Director was the Shore Stabilization project which was financed through the Enterprise Fund that the Friends of Ever Bloom obtained from Fish and Wildlife. He mentioned the Stream Stabilization project at Lake Evergreen to reduce the erosion; the WTP Filter Retrofit project at the Lake, as well as collaborating with Public Works on the Lake Evergreen Spillway Bridge project. He discussed some mechanical maintenance, distribution and meter services related projects as well.

Alderman Scott stated, on the County Board, the Commission would take a field trip each summer with the Clerk attending so to allow the members to see the projects that the Board had funded that year as well as view the progress. He would welcome the opportunity to do that with the City related projects as some of the employees may wish to see Council show up at some of these projects. He asked that next year a field trip be placed on the calendar for the Council to view some of the projects that were approved.

Mr. Rasmussen thanked the operations department managers and their staff for their hard work in bringing these projects forward.

City Manager's Comments

Mr. Rasmussen commented about Mr. Hales travel back to Bloomington. He reported on leaf collection which was a big issue these past few weeks. The backlog of leaf has been cleaned up and the City is back on schedule. He thanked employees in Public Works, Parks Department and Water Department for their efforts.

Mayor's Comments

Mayor Renner left early due to feeling ill. Alderman Scott stated, Mayor Renner asked him to read a note regarding the Mayor's Open House.

“Those of us listed below have been active members of the Highland Park Golf Course over the past several years. We are retired or at retirement age and really enjoy playing golf at Highland. We would like to have the City officials know how we feel about the golf course future, please keep Highland Golf Course operating in its current manner. Highland is a course that is suited for older folks. It is not too long, not too difficult and is fairly easy to walk and reasonably priced for folks on fixed incomes, and is a great place for young golfers to play and practice, and persons just learning the game. It has fewer water hazards and sand trap holes. Highland Golf Course is a place to encourage families and young people to enjoy the game. Fox Creek is great for advance golfers, and Prairie Vista is a more open course. There is currently no annual fee. Both of these courses are longer and harder to walk. Maybe by charging a higher fee for an electric golf cart, walking the course would be encouraged and revenues would be improved.”

Alderman Black stated that over twelve citizens have signed their name to the letter that was read.

Mayor Pro-tem Schultz reminded the public that the second meeting in December is scheduled for December 21, 2015 at 7 PM. Therefore Mayor Renner's Open House will be held on Friday.

Adjournment

Motion made by Alderman Sage seconded by Alderman Buragas to adjourn the meeting at 8:34 p.m.

Motion carried (viva voce).

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk