

**COUNCIL QUESTIONS/COMMENTS AND STAFF RESPONSES
RECEIVED AS OF DECEMBER 13, 2010 AT 9:37 AM
REGARDING DECEMBER 13, 2010 COUNCIL AGENDA ITEMS
UPDATED ON DECEMBER 19, 2010**

Councilperson: Bernie Anderson

Item 6E-Fire Department Training

Question/Comment: Is this reflected in the 2010-2011 budget?

Staff Response: Dollars will be budgeted in the Board of Fire and Police Commission budget for upcoming fiscal year 2011-2012.

Councilperson: Bernie Anderson

Item 6F-Fire Station #2 Roof Replacement

Question/Comment: We have a history of occupying buildings for 30 years. We also appear to have history excepting buildings/projects with structural issues. I know this is from previous years. I will again request we start tracking contractors, sub-contractors, generals, and vendors and begin rating them which will be then be part of the bid reviews.

Staff Response: Purchasing Agent will compile and keep list updated.

Councilperson: Judy Stearns

Item 6F- Fire Station #2 Roof Replacement

Question/Comment: Why cannot the roofer supply a performance bond? When was the original roof done and why has that roofer not been held responsible?

Staff Response: The contractor that has been recommended to the Council is required to submit a performance bond within ten (10) days after the bid is awarded. The existing roof was done in 1997. Changes were made, but at this time Staff does not know who authorized changes and what effect it had on the warranty.

Councilperson: Karen Schmidt

Item 6H-Purchase of Two (2) Replacement Mowers for Park Maintenance

Question/Comment: Is this the first time we have used NJPA? It looks like a great opportunity for same acquisitions.

Staff Response: The COB is a member of the National Joint Powers Alliance (NJPA) and it saves Staff time by using pre-bid contracts, saves money by leveraged volume pricing and obtains quality products from nationally acclaimed vendors.

Councilperson: Karen Schmidt

Item 6I –Market Street Garage Repairs

Question/Comment: Do we have plans for replacement of this aging structure? At what point do we cut our losses and build new?

Staff Response: Staff currently has a 1.2 million dollar plan over the next six (6) years to buy approximately 12 years of life out of the existing facility. The likely cost of replacing the Market Street Garage is in excess of 9 million dollars.

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Councilperson: Bernie Anderson

Item 6I-Market Street Garage Repairs

Questions/Comment: I agree with Alderwomen Schmidt, we need to determine the replace date of the facility. With the recent repairs, what is the extended life expectancy of this structure?

Staff Response: In order to gain an additional twelve (12) years of use out of the garage, a total of about \$1.2 million dollars will need to be spent on the structure over the next six (6) years.

Councilperson: Judy Stearns

Item 6I-Market Street Garage Repairs

Question/Comment: Why was the extra work not originally discovered? Who is responsible? I will probably not support this change order unless responsible (*question is written as submitted by Alderman Stearns*)

Staff Response: This work was not known nor was it part of the scope of the original work. It was discovered at a later date in another part of the building. Due to the immediate need and limited scope of the work, it was added to the existing contract rather than bidding for new contractor(s).

Councilperson: David Sage

Item 6J-Government Center Maintenance Budget

Question/Comment: Applaud a 7% reduction in the annual maintenance budget.

Staff Response: Staff has been working with the County to reduce costs.

Councilperson: Karen Schmidt

Item 6L-Resolution in support of the Taylorville Energy Center integrated Gasification Combined-Cycle (IGCC) Plant

Question/Comment: Just a comment that it's great to see us supporting these 4 state-wide economic development initiatives.

Staff Response: Staff will continue to look at opportunities to support projects that would benefit communities. Thank you for your support.

Councilperson: Karen Schmidt

Item 6O-Eleven License

Questions/Comment: I don't understand how we can grant a license to a corporation and not a person? Who is in charge and do we know what they are suited to managing a liquor license?

Staff Response: Most liquor licenses issued by the City are held by Corporations. Currently there are 125 outstanding renewals, 111 are held by Corporations. General Manager's name has been provided.

Councilperson: David Sage

Item 6O-Tailwinds Liquor License

Question/Comment: Same questions/concerns as others

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Staff Response: Staff will be available to answer any questions/concerns.

Councilperson: Bernie Anderson

Item 6O-Tailwinds Liquor Licenses

Question/Comment: Who is the responsible party? I received calls inquiring about the need for an additional license at the airport. I don't believe this establishment is ready to be opened and would suggest the license be held over and reviewed closer

Staff Response: The Liquor License Holder will be the responsible party. The establishment opened over this past weekend. Their goal was to open by December 15th.

Councilperson: Judy Stearns

Item 6O-Tailwind License

Question/Comment: I do not support the concept of two (2) Liquor Licenses at one close location (the airport) for many reasons—also have had many calls from my constituents on this.

Staff Response: Staff will be available to answer any additional questions.

Councilperson: Karen Schmidt

Item 6P-Eleven License

Question/Comment: After doing my homework and speaking with Wade Nichols, I do not intend to pull this off the Consent Agenda. I think he did what was asked of him by the Liquor Commission. I do expect to ask for a Task Force made up of stakeholders in the downtown area—residents, bar owners, police, etc. to come together and make sure we are all on the same page not only with the license portion, but also license management,

Staff Response: Received letter of support from the DBA (Downtown Bloomington Association). Area was labeled Entertainment District in the Farr Downtown Strategy Plan. Food sales are to be 40-45% of total sales; limited occupancy is estimated at 70-130; and closing one hour before other establishments selling alcoholic beverages.

Councilperson: Judy Stearns

Item 6P-Eleven Liquor License

Question/Comment: I have long taken a stand against more licenses downtown and have repeatedly for three (3) years asked for a plan to address the major hire back expenses, which result from the many bars. Also have heard from constituents on this.

Staff Response: Staff will carry out what the Council directs them to do.

Councilperson: Kevin Huette

Item 6R-Text Amendment to Chapter 3- "Sign Code"

Question/Comment: An improvement over where we are today, but there seems to be little to prevent anyone from being a repeat offender.

Staff Response: Staff can continue to look at ways to prevent repeat offenders.

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Councilperson: Bernie Anderson

Item 6R-Text Amendment to Chapter 3- “Sign Code”

Question/Comment: Is there any way of putting teeth into this Ordinance for repeat offenders?

Staff Response: Staff can look at it, but as a practical matter it would be impossible to enforce. We could not prove that the person owning the sign was the person who physically placed it on the right of way. There are First Amendment issues whenever signs are involved, because of this, Staff doubts that the Courts would uphold a presumption that the owner directed the sign to be placed on the right of way.

Councilperson: Karen Schmidt

Item 6S-Public Comment

Question/Comment: Are the rules set forth in our new Ordinance specifically established by the State Public Act, i.e. is this our interpretation or are we using specific recommendations in our language? Item #7 will set forth the process that no citizen may pull an item from the Consent Agenda? What are our options if we do not agree with this rendition of the public act?

Staff Response: The rules set forth in the Ordinance on public participation are not specifically set forth in the State Statute. However, some of the provisions (e.g. treating speakers the same and avoiding viewpoint discrimination) are mandated by court decisions interpreting the first Amendment to the U.S. Constitution. The provision eliminating the ability of citizens to pull a matter from the Consent Agenda for public input was suggested because citizens do not have the ability to request that matters on the Regular Agenda be opened up for public input. If an Alderman disagrees with the Staff recommendation that citizens no longer be permitted to pull items from the consent Agenda for public input, an Alderman can make a motion to amend the proposed Ordinance by removing that provision from the Ordinance

Councilperson: Kevin Huette

Item 6S-Public Comment

Question/Comment: I have some questions and issues with this, some of which Karen already mentioned.

Staff Response: Staff will be available to address all issues and concerns at Council Meeting.

Councilperson: Judy Stearns

Item 6S-Public Comment

Question/Comment: Cannot support H, which bans a same speaker for two (2) months--to me this is a violation of the 1st amendment. I cannot support the Chair randomly selecting who can speak. I do not understand 2-h and do not support disallowing debate or comment. I do not support 2i for the same reason as above.

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Staff Response: Restricting a citizen to speaking no more than once every two months is not a violation of the First Amendment-it is a reasonable time, place or manner regulation. The time available for general citizen comment (please note that this restriction does not apply to comments on specific agenda items) is a finite resource-a restriction of this type is content and viewpoint neutral and permits more citizens the opportunity to comment. Also, the proposed Ordinance does not intend (and should not be interpreted) as permitting the Mayor to use discretion in selecting speakers-in this case the word "randomly" means that the Mayor must use some type of selection by lot (i.e., drawing names from a hat, box, etc.).

Councilperson: Karen Schmidt

Items 6U and 6V-Salvation Army Garage/Building

Question/Comment: I do not intend to pull this from the Consent Agenda. Residents around the Salvation Army have been very vocal in their opposition to this garage facility being built and to the variances created. There are a number of reasons for this opposition: sheer size and appearance of building, concern over loss of parking spaces, concern over what the building will be used for among them. The Salvation Army Captain called me late Friday afternoon to talk about this and I will call him back on Monday to tell him I support the denial of this request based on the nearby residents; concerns that were shared with the Zoning Board of Appeals (ZBA) as now with me and probably others of you.

Staff Response: Applicant has requested that these two items be placed on the February 14, 2011 Council Agenda.

Councilperson: Bernie Anderson

Item 6W-The Links at Ireland Grove

Question/Comment: I received two calls and email on this variance. I am concerned that the neighboring property owners were unaware of this request until they read it in the paper. The owners walked the area and found a sign among weeds. I am concerned that the neighboring properties did not have their due-process.

Staff Response: Notification in a paper of common circulation is the minimum standard for notification of the public. Courtesy signage was placed on the site (if it was knocked down or blown over, Staff was unaware this happened) and mailings to go out to property owners within 500 feet were mailed out.

Councilperson: David Sage

Item 6W-The Links at Ireland Grove, requesting a Special Use Permit

Question/Comment: Does this proposed apartment complex contain any low-income housing? We now have schools, recreational areas, close access to commercial development and services and I believe public transportation. In an attempt to bring greater housing diversity across the entire city, it seems a small allotment for low-income units is appropriate?

Staff Response: It is unknown to Staff whether or not there is a plan for low-income or subsidized housing in this apartment complex. This was not addressed during any testimony or conversation with the applicant.

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Councilperson: Karen Schmidt

Item 6X-Council Meeting Dates for Calendar Year 2011

Question/Comment: Date correction, should be December 27 not 26 and December 20 but 19 (I hope)

Staff Response: Dates are correct-see calendar year 2011.

Councilperson: David Sage

Item 8A-State Farm Tax Agreement

Question/Comment: For awareness. Because of my State Farm employment, Corporation Counsel has advised me to abstain from voting on this.

Staff Response: Corporation Counsel has requested that both Aldermen Sage and Fruin excuse themselves from the Chamber during the discussion as well as voting on this item.

Councilperson: David Sage

Item - Proposed Bloomington Fire Department Tower

Question/Comment: It appears the total construction cost will be covered by the state. What is the estimated total annual operational cost for this? Is there a plan to cover our total operational cost by charging other non-Bloomington Fire Departments for their training activities?

Staff Response: Staff has spoken with fire department representatives from across the country that have the same Fire Facilities Training Tower as the one currently being suggested. A reoccurring theme has been the very low annual operating cost for the tower. There will be some annual preventive maintenance cost and work such as greasing the exhaust fan and bolt tightening of the fire panels as well as minimal electricity due to the lighting system and exhaust fan. Staff will be recommending a \$500 operating budget for the training tower. Staff is working on a recommendation to the City Manager on charging and/or not charging other fire departments for use of the tower.

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