

**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 7:34 p.m., Monday, January 24, 2011.

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, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

Alderman Fruin read the same statement that appeared on the August 23, 2010 Council meeting prior to voting.

The following was presented:

SUBJECT: Proclamation

RECOMMENDATION: That the proclamation be made a matter of record.

BACKGROUND: The proclamation will be presented:

1. Declaring January 29, 2011 as Surya Namaskar Yoga Day.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Mayor Stockton read and presented the Surya Namaskar Yoga Day Proclamation to Poolsingh Bhookya. Mr. Bhookya thanked the Mayor and Council for the recognition. There would be a twenty-four (24) hour yoga marathon. He noted yoga's benefits, (mind, body, improved circulation). Surya Namaskar would be celebrated across the nation for two (2) weeks. Mayor Stockton noted yoga's benefits for all citizens.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Proclamation be placed on file.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Council Proceedings of December 13, 2010 and January 10, 2011

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of December 13, 2010 and January 10, 2011 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of December 13, 2010 and January 10, 2011 have been reviewed and certified as correct and complete by the City Clerk.

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 Anderson, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Meetings of December 13, 2010 and January 10, 2011 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

FINANCIAL IMPACT: Total disbursements to be approved \$2,798,058.28, (Payroll total \$1,580,415.27, and Accounts Payable total \$1,217,643.01).

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Anderson, seconded by Alderman Schmidt that the bills and payroll be allowed and 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bid for a Chipper Box Body and the Purchase of one (1) Truck for the Parks and Recreation Department and one (1) Truck with Snow Plow for the Water Department by using the State of Illinois Joint Purchasing Contract

RECOMMENDATION: That an Arbortech Chipper Body be purchased from Koenig Body & Equipment in the amount of \$22,430; a Ford F550 be purchased from Badger Truck Center in the amount of \$30,878; a Ford F350 be purchased from Morrows Brother Ford in the amount of \$29,100 through the State of Illinois Joint Purchasing Contract, the Purchasing Agent be authorized to issue Purchase Orders for same, and the Resolution adopted.

BACKGROUND: The Parks Maintenance Division needs to replace their wood chipper, and a 1997 one (1) ton dump truck that had been modified with a steel and plywood bed enclosure to accommodate the chipper. This unit is a crucial piece of equipment to the Parks Maintenance program and has increased work efficiencies. The new unit will provide for increased cargo and payload capacity along with safe storage for saws, pole trimmers, gasoline, and safety equipment. The cost to purchase the pickup truck chassis shall not exceed \$30,878.

Sealed bids for an Arbortech Chipper Body were received in the office of the City Clerk until December 28, 2010 at 11:00 AM. At that time the sealed bids were opened and publicly read. The results of the sealed bids are:

Vendor	Chipper Body Net Price
Koenig Body & Equipment **	\$22,430
Drake Scruggs *	\$20,350
Quality Truck & Equipment	\$23,426

* Lowest bid

** Recommended bid

The bid from Koenig Body and Equipment is the second lowest and is recommended because the lowest bid was not able to provide the required cargo capacity. Staff respectfully recommends accepting the bid from Koenig Body & Equipment in the amount of \$22,430 for an Arbortech Chip Box.

The Water Department needs to replace a truck with a snowplow as the current snowplow truck's repairs exceed the value of the vehicle. The Water Department had budgeted to replace a different snowplow truck but will retain that vehicle in order to replace the vehicle that is past its useful life. The total to purchase the pickup truck and snowplow shall not exceed \$29,100.

Staff also respectfully requests that Council authorize the purchase of one (1) Ford F550 truck from Badger Truck Center and one (1) Ford F350 from Morrows Brothers Ford Dealership through the State of Illinois Joint Purchasing Contract.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the bid was placed in the Pantagraph. Five (5) bids were provided to appropriate vendors. An Addendum was issued. Three (3) vendors submitted a bid.

FINANCIAL IMPACT:

Parks & Recreation Department:

The purchase of the Chipper Truck and Chipper Box will be made as follows:

G14110 - 72130	\$52,000
G14110 - 70520	\$ 1,308

Water Department:

In FY 2011, \$31,000 has been budgeted in the Water Fund X50110-72130 for the purchase of the pickup truck and snowplow.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch, PE CFM
Director of Public Works

Tim Ervin
Director of Finance

John Kennedy
Parks, Rec. & Cultural Arts
Director

Reviewed by:

Recommended by:

Craig Cummings
Director of Water

David A. Hales
City Manager

RESOLUTION NO. 2011 - 04

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF A FORD F550 FOR THE PARKS, RECREATION & CULTURAL ARTS DEPARTMENT FROM BADGER TRUCK CENTER IN THE AMOUNT OF \$30,878; AND A FORD F350 FOR THE WATER DEPARTMENT FROM MORROWS BROTHER FORD IN THE AMOUNT OF \$29,100 THROUGH THE STATE OF ILLINOIS JOINT PURCHASING CONTRACT

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Ford F550 for the Parks, Recreation & Cultural Arts Department from Badger Truck Center in the amount of \$30,878; and a Ford F350 for the Water Department from

Morrows Brother Ford in the amount of \$29,100 through the State of Illinois Joint Purchasing Contract.

ADOPTED this 24th day of January, 2011.

APPROVED this 25th day of January, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Purcell questioned the City's plans for the truck in light of managed competition. John Kennedy, Director – Parks, Recreation & Cultural Arts, addressed the Council. The Request for Proposal included an option which addressed managed competition. There was the potential to sell the truck. This equipment could handle any tree. He cited the Emerald Ash Borer and its impact on the City's ash trees. The capacity was eight (8) cubic yards. The chipper's capacity was a twelve inch (12") log.

Alderman Purcell questioned when ash trees could be harvested. Ash trees can be cut at any time.

Motion by Alderman Anderson, seconded by Alderman Schmidt that an Arbortech Chipper Body be purchased from Koenig Body & Equipment in the amount of \$22,430; a Ford F550 be purchased from Badger Truck Center in the amount of \$30,878; a Ford F350 be purchased from Morrows Brother Ford in the amount of \$29,100 through the State of Illinois Joint Purchasing Contract, the Purchasing Agent be authorized to issue Purchase Orders for same, and the Resolution adopted.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Replacement of Desktop and Laptop Computers

RECOMMENDATION: That ten (10) Hewlett Packard desktop computers and seven (7) Hewlett Packard laptop computers be purchased through the Hewlett Packard Western States Contracting Alliance (WSCA) contract for a total of \$12,473, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: Staff respectfully requests Council approval to replace desktop and laptop computers used throughout various City departments. These computers are all approximately six seven (6 - 7) years old. Typical replacement cycles for these types of computers have historically been four to five (4 - 5) years. These machines are underperforming, affecting staff efficiency, and in need of replacement.

On May 24, 2010, Council granted permission to forgo the formal bidding process and authorized purchasing from this pre-existing, competitively bid contract. Staff has further compared pricing for comparative equipment from other sources and found the WSCA pricing to be very competitive. The price breakdown for the equipment is:

Qty	Description	Price	Extended
10	HP 6000 Pro Desktop Computer	\$583	\$5,830
7	HP Probook 6550 Laptop Computer	\$949	\$6,643
		Total	\$12,473

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds for the replacement of these computers have been budgeted within the Information Services (G11610-71010) Office and Computer Supplies account for FY 2011.

Respectfully submitted for Council consideration.

Prepared by:

Scott A. Sprouls
Director of Information Services

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Financial reviewed by:

Tim Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Schmidt that ten (10) Hewlett Packard desktop computers and seven (7) Hewlett Packard laptop computers be purchased from the Hewlett Packard Western States Contracting Alliance (WSCA) contract in an amount not to exceed \$12,473, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Professional Services Contract for the Bloomington Center for Performing Arts

RECOMMENDATION: That the contract from United Talent Agency be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Staff respectfully requests approval of contract to engage persons and/or groups represented by: United Talent Agency to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Contract expenses for the contract will be \$15,000. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The selection of these artists was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Bloomington Center for the Performing Arts.

FINANCIAL IMPACT: Funding for these contracts will come from account X21100-70220 of the BCPA's FY 2010 - 2011 budget, to be offset by future revenues from ticket sales, grants, playbills, concessions, advertising, and sponsorships. These revenues are also targeted to offset the additional artist expenses for travel, meals and lodging.

Respectfully submitted for Council consideration.

Prepared by:

John R. Kennedy, Director
Parks, Recreation & Cultural Arts

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Anderson, seconded by Alderman Schmidt that the contract from United Talent Agency 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for the south 23.35 feet of even width Lot 8, Block 5 of Camp Kickapoo from D. Kent Doud, Suzanne Wingate, and William C. Doud to the Estate of David L. Doud, deceased

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for the south 23.35 feet of even width Lot 8, Block 5 of Camp Kickapoo from D. Kent Doud, Suzanne Wingate, and William C. Doud to the Estate of David L. Doud, deceased. This petition is in order and staff recommends that the transfer be approved. The sewage disposal system inspection was conducted at the end of November 2010 and was satisfactory.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None as this is a routine matter.

FINANCIAL IMPACT: This petition will have a neutral financial impact as only a portion of Lot 8, Block 5 will be transferred.

The current lease rate is \$161. The real estate closing is scheduled for the end of January 2011. This lake lease income will be posted to Lake Lease revenue account 5010-50100-50110-57590.

Respectfully submitted for Council consideration.

Prepared by:

Craig M. Cummings
Director of Water

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Financial review:

Tim Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Anderson, 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lots 7 and 8, Block 5, Camp Kickapoo, accepting therefrom the Northerly ten (10) feet of even width of said Lot 7 and excepting the South 23.35 feet of even width of Lot 8 from D. Kent Doud, Suzanne Wingate and William C. Doud to Kevin and Toni Huette.

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lots 7 and 8, Block 5, Camp Kickapoo, excepting therefrom the northerly ten (10) feet of even width of

said Lot 7 and excepting the south 23.35 feet of even width of Lot 8 from D. Kent Doud, Suzanne Wingate, and William C. Doud to Kevin and Toni Huette. This petition is in order and staff recommends that this transfer be approved. The sewage disposal system inspection was conducted at the end of November 2010 and was satisfactory.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None as this is a routine matter.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the lease will remain at the formula of \$0.40 per \$100 of Equalized Assessed Value for determining the Lake Lease Fee. The current lease rate is \$363. The real estate closing is scheduled for the end of January 2011. This lake lease income will be posted to Lake Lease revenue account 5010-50100-50110-57590.

Respectfully submitted for Council consideration.

Prepared by:

Craig M. Cummings
Director of Water

Reviewed as to legal sufficiency:

J. Todd Greenburg
Corporation Counsel

Financial review:

Tim Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Anderson, 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, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Variance from Chapter 38, Section 123(a) of City Code to Allow a Driveway Approach 30 Feet Wide at 3711 Helen Dr., Lot 53 in Sapphire Lake Subdivision First Addition (Ward 9)

RECOMMENDATION: That the Variance be approved.

BACKGROUND: A request has been received from Ted L. Day, owner of 3711 Helen Dr., to grant a variance to Chapter 38, Section 123(a) of City Code to allow a thirty foot (30') wide driveway. This is a new single family residence with a three (3) car garage on a lot that has ninety feet (90') of frontage. The owner plans to taper the driveway from thirty-six feet (36') by the garage to thirty feet (30') at the property line. City code allows residential double wide driveways to be up to twenty feet (20') wide at the property line. Driveway variances are recommended on a case by case basis after evaluation of criteria such as sight distance, width of adjacent roadway and amount of property frontage. Staff respectfully recommends that Council approve a variance to Chapter 38, Section 123(a) of City Code to allow a thirty foot (30') wide driveway at 3711 Helen Dr., Lot 53 in Sapphire Lake Subdivision First Addition.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Owner Ted L. Day.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed as to legal sufficiency:	Recommended by:
Jim Karch Director of Public Works	J. Todd Greenburg Corporation Counsel	David A. Hales City Manager

Alderman Purcell questioned this item. Jim Karch, Director – Public Works, addressed the Council. He noted that anyone can request a driveway variance. The property in question has a three (3) car garage. The variance requested would match the garage's width. A driveway width over twenty feet (20') required a variance. Staff was researching this issue. At this time, current practice required that the Council approve the driveway variance. Prior to staff drafting a recommendation, the following issues were considered width of property, sight distance and location in relation to the intersection. If approved, the property owner would be able to obtain a curb cut permit.

Motion by Alderman Anderson, seconded by Alderman Schmidt that the Variance be approved.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: An Ordinance creating a Property Maintenance Review Board for the purpose of reviewing, hearing appeals, interpreting, and making recommendations concerning Chapter 45, Property Maintenance Code, including the Rental Housing Inspection Program

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND: In October, 2010, staff presented a report to the Council outlining the rental housing inspection program. Included was a brief history of the program and recommendations for possible changes. Also proposed was the concept and first draft of a rental board of review that would have the ability to act on code interpretation and enforcement issues. Additionally, this panel would act as a public hearing body for proposed changes to the City's property maintenance and inspections codes.

After review of the proposals by the Council, staff was directed to finalize an Ordinance creating a board of review with the intent that proposed modifications to the rental inspection program could be heard and discussed, with a recommendation being forwarded to the Council. Since that time, staff has been working on the final draft and created the "Property Maintenance Review Board".

The original charge of this group, which was to provide reviews, interpretation and recommendations of the rental inspection program, has not changed. However, the overall scope and jurisdiction of the board was modified (broadened) to cover the entirety of Chapter 45, Property Maintenance Code. This was done in recognition of the similarities between the rental inspection program and code enforcement activities as a whole.

The proposed board would consist of seven (7) members appointed by the Mayor and ratified by Council. These members are to be qualified by experience and/or training and shall include: two (2) contractors, two (2) landlords, two (2) tenants, and one (1) citizen at large. The purpose of the board is to: interpret the Property Maintenance Code, Chapter 45 and any referenced codes; determine the validity of appeals; and conduct public hearings to provide recommendations for code changes related to Chapter 45 to the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This action has been taken by recommendation of staff and direction of Council.

FINANCIAL IMPACT: Financial impact to the City is limited to the clerical expenses associated with operation of such a board.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Mark R. Huber
Director of PACE

Barbara J. Adkins
Deputy City Manager

George Boyle
Assistant Corporation Council

Recommended by:

David A. Hales
City Manager

PROPOSED ORDINANCE

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 45

WHEREAS the City of Bloomington has enacted a Property Maintenance Code in order to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises located throughout the City; and

WHEREAS the City has also enacted a Rental Property Inspection ordinance intended to maintain the City's rental housing stock by enforcement of property maintenance, life, safety and health codes through periodic building inspections and annual registration; and

WHEREAS the City of Bloomington has adopted a Strategic Plan providing for goals and objectives aimed at making Bloomington a beautiful, family-friendly city of great neighborhoods; and

WHEREAS Goal Three of that Strategic Plan provides for the strengthening of neighborhoods through improving the safety of homes and neighborhoods, upgrading the quality of older housing stock and preservation of property/home values; and

WHEREAS implementation, interpretation and appeal of these codes is best accomplished through the participation of representatives of a cross-section of the community as members of a Property Maintenance Review Board:

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

SECTION 1. That the Bloomington City Code is hereby amended by deleting Chapter 45, Article II, Section 111.0 and by adding Chapter 45, Article II, Section 1000.0 to read as follows:

SEC. 1000.0 PROPERTY MAINTENANCE REVIEW BOARD.

SEC. 1000.1 PURPOSE.

The Property Maintenance Review Board is hereby established:

1. To conduct public hearings and decide duly initiated appeals from any order, requirement, decision, or determination made by the Director of Planning and Code Enforcement or code enforcement officials in the enforcement of Chapter 45 of the Bloomington City Code. Appeals should be based on the grounds that:
 - (a) the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted;
 - (b) the provisions of this Chapter 45 do not fully apply; or
 - (c) the requirements of this code are fully satisfied by other means.
2. Interpretation of the Property Maintenance Code, Chapter 45 of the City Code and related amendments.
3. The making of recommendations to the City Council concerning amendments to the Property Maintenance Code, Chapter 45.

SEC. 1000.2 MEANS OF APPEAL.

1. Any person directly affected by a decision of the code official or a notice or order issued under Chapter 45 of the City Code shall have the right to appeal, provided that a written application for the appeal is filed within 15 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are fully satisfied by other means.
2. Applications for an appeal shall be accompanied by a filing fee of \$100.00.

SEC. 1000.3 MEMBERSHIP OF BOARD.

1. The Property Maintenance Review Board shall consist of seven members who are qualified by experience, education and/or training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the Mayor and ratified by the City Council for three year terms and shall serve staggered and overlapping terms.
2. All board members must be residents of the City of Bloomington. Board membership shall be as follows:

- (a) Two (2) contractors in good standing experienced in general construction, remodeling, and/or property maintenance. No person named to the board as a contractor shall, during the term of his or her membership, also have an ownership, management, or tenant interest in rental property.
- (b) Two (2) landlords in good standing with the following responsibility:
 - (i) Small – owning/managing not more than 12 units;
 - (ii) Large – owning/managing more than 12 units.
- (c) Two (2) tenants, leasing and residing in dwelling units located within the corporate limits of the City of Bloomington.
- (d) One (1) at-large citizen of the City of Bloomington.
- (e) Disqualification of member - A member shall not hear an appeal in which that member has a personal, professional, or financial interest. A member shall resign, or shall be removed from the board by the Mayor, if that member no longer resides within the City of Bloomington or otherwise fails to meet the prescribed standards and requirements of this Section.
- (f) Chairman – The board shall annually select one of its members to serve as Chairman.
- (g) Alternate members – The Mayor shall appoint four (4) alternate members who, following ratification of their appointment by the City Council shall be called by the board Chairman to hear appeals during the absence or disqualification of a member. All alternate members shall possess the qualifications required for board membership. One (1) alternate board member shall be named for each category of membership described in paragraphs (a) through (d) of this Section.

SEC. 1000.4 SECRETARY. The Director of Planning and Code Enforcement shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the City Clerk.

SEC. 1000.5 NOTICE OF MEETINGS.

1. The board shall meet quarterly, upon notice from the Chairman, or within twenty days of the filing of an appeal.
2. Legal notice of an administrative public hearing shall be given not less than three (3) days before the hearing.

3. Courtesy notices may be given by posting the property affected with a sign indicating that a property maintenance action is pending affecting the property and that additional information may be obtained from the Department of Planning and Code Enforcement. Courtesy notices may also be given by mailing notice to the residents or tenants of any building or complex directly affected by the appeal, or by mailing notice to owners of properties adjoining or adjacent to the property subject to the appeal.

SEC. 1000.6 PROCEDURE.

1. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.
2. The Secretary of the board may, at the request of the code official, the appellant, or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing. Persons who fail to appear at a hearing after having been served with a subpoena shall be fined by the board in an amount not to exceed \$500.00. If such person fails to pay such fine within thirty (30) days of being served notice thereof, and/or continues to fail to appear at a hearing which has been continued, the board shall have the authority to obtain injunctive relief from the courts to compel the payment of the fine and the attendance of such witness.
3. The board shall adopt and make available to the public procedures under which hearings will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
4. If, on the date set for hearing, the appellant or his attorney fails to appear, the board may find the appellant in default and shall proceed with the hearing and accept evidence relevant to the appeal.

SEC. 1000.7 TRANSCRIPTS, RECORDS, AND COPIES.

1. In the event that any party desires a verbatim transcript of the administrative public hearing, a written request shall be filed with the Chairman of the Property Maintenance Review Board not less than three (3) weeks before the hearing date. Costs of taking such a transcript shall be shared equally between the requesting party and the City. Any party desiring a transcript of the proceedings shall pay any transcription or copying costs.
2. The board shall make a sound recording of all public hearings and shall retain such recording for not less than six (6) months following the closing of the hearing.

SEC. 1000.8 BOARD DECISIONS.

1. The board shall modify or reverse the decision of the code official only upon a concurring vote of a majority of the total number of appointed regular board members. The vote of an alternate board member shall be counted only in the event that member attends a hearing at the request of the Chairman and shall be counted in lieu of the vote of the regular member in whose place he has attended.
2. Records and Copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official. The Property Maintenance Review Board shall retain in the office of the City Clerk a copy of every rule, decision, or determination made by the board.

SEC. 1000.9 NOTIFICATION OF DECISION. Copies of findings and decisions of the Board shall be served by mailing a copy thereof to all parties.

SEC. 1000.10 COURT REVIEW. All decisions of the Property Maintenance Review Board on appeals initiated hereunder shall be appealable to the courts in the manner provided by law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the City Clerk.

SEC. 1000.11 STAYS OF ENFORCEMENT. Appeals of notices and orders (other than Imminent Danger and condemnation notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 2. That Bloomington City Code Chapter 45, Section 2 shall be and the same is hereby amended to read as follows: (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 2. CONFLICTING PROVISIONS.

In the event of any conflict:

- (1) between or among any Codes adopted in this Article; or
- (2) between any Code adopted in this Article and any other provision of Bloomington City Code; or
- (3) between any Code adopted in this Article and any provision of any Code adopted by any other provision of Bloomington City Code; or
- (4) between any Code adopted in this Article and any provision of State law, the provision setting the highest standard for health and safety shall prevail.

Decisions of representatives of the Department of Planning and Code Enforcement under this Section shall be reviewable by the ~~Construction Board of Appeals~~ Property Maintenance Review Board as provided in this Chapter.

SECTION 3. That Bloomington City Code Chapter 45, Section 900.14 shall be and the same is hereby amended to read as follows: (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 900.14 APPEAL PROCESS.

An owner or other person aggrieved by any action taken by the City pursuant to this section may appeal the decision before the ~~Construction Board of Appeals~~ Property Maintenance Review Board as provided in Chapter 45, Section 1000.0 ~~111.0 Means of Appeal~~.

SECTION 4. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 5. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 6. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 7. This Ordinance shall take effect immediately upon passage and approval.

PASSED this ____ day of January, 2011.

APPROVED this ____ day of January, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE NO. 2011 - 06

**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 45**

WHEREAS the City of Bloomington has enacted a Property Maintenance Code in order to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises located throughout the City; and

WHEREAS the City has also enacted a Rental Property Inspection ordinance intended to maintain the City's rental housing stock by enforcement of property maintenance, life, safety and health codes through periodic building inspections and annual registration; and

WHEREAS the City of Bloomington has adopted a Strategic Plan providing for goals and objectives aimed at making Bloomington a beautiful, family-friendly city of great neighborhoods; and

WHEREAS Goal Three of that Strategic Plan provides for the strengthening of neighborhoods through improving the safety of homes and neighborhoods, upgrading the quality of older housing stock and preservation of property/home values; and

WHEREAS implementation, interpretation and appeal of these codes is best accomplished through the participation of representatives of a cross-section of the community as members of a Property Maintenance Review Board:

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

SECTION 1. That the Bloomington City Code is hereby amended by deleting Chapter 45, Article II, Section 111.0 and by adding Chapter 45, Article II, Section 1000.0 to read as follows:

SEC. 1000.0 PROPERTY MAINTENANCE REVIEW BOARD.

SEC. 1000.1 PURPOSE.

The Property Maintenance Review Board is hereby established:

1. To conduct public hearings and decide duly initiated appeals from any order, requirement, decision or determination made by the Director of Planning and Code Enforcement or code enforcement officials in the enforcement of Chapter 45 of the Bloomington City Code. Appeals should be based on the grounds that:
 - (a) the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted;

- (b) the provisions of this Chapter 45 do not fully apply; or
 - (c) the requirements of this code are fully satisfied by other means.
2. Interpretation of the Property Maintenance Code, Chapter 45 of the City Code and related amendments.
 3. The making of recommendations to the City Council concerning amendments to the Property Maintenance Code, Chapter 45.

SEC. 1000.2 MEANS OF APPEAL.

1. Any person directly affected by a decision of the code official or a notice or order issued under Chapter 45 of the City Code shall have the right to appeal, provided that a written application for the appeal is filed within 15 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are fully satisfied by other means.
2. Applications for an appeal shall be accompanied by a filing fee of \$100.00.

SEC. 1000.3 MEMBERSHIP OF BOARD.

1. The Property Maintenance Review Board shall consist of seven members who are qualified by experience, education and/or training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the Mayor and ratified by the City Council for three year terms and shall serve staggered and overlapping terms.
2. Except as provided in subsection (b), all board members must be residents of the City of Bloomington. Board membership shall be as follows:
 - (a) Two (2) contractors in good standing experienced in general construction, remodeling and/or property maintenance. No person named to the board as a contractor shall, during the term of his or her membership, also have an ownership, management, or tenant interest in rental property.
 - (b) Two (2) landlords in good standing owning rental property within the City of Bloomington, of which one may reside outside the corporate limits of the City. One landlord member shall be named from each of the following categories:
 - (i) Small – owning not more than 12 units;

- (ii) Large – owning more than 12 units.
- (c) Two (2) tenants, leasing and residing in dwelling units located within the corporate limits of the City of Bloomington.
- (d) One (1) at-large citizen of the City of Bloomington.
- (e) Disqualification of member - A member shall not hear an appeal in which that member has a personal, professional or financial interest. A member shall resign, or shall be removed from the board by the Mayor, if that member no longer meets the prescribed standards and requirements of this Section.
- (f) Chairman – The board shall annually select one of its members to serve as Chairman.
- (g) Alternate members – The Mayor shall appoint four (4) alternate members who, following ratification of their appointment by the City Council, shall be called by the board Chairman to hear appeals during the absence or disqualification of a member. All alternate members shall possess the qualifications required for board membership. One (1) alternate board member shall be named for each category of membership described in paragraphs (a) through (d) of this Section.

SEC. 1000.4 SECRETARY. The Director of Planning and Code Enforcement shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the City Clerk.

SEC. 1000.5 NOTICE OF MEETINGS.

1. The board shall meet quarterly, upon notice from the Chairman, or within twenty days of the filing of an appeal.
2. Legal notice of an administrative public hearing shall be given not less than three (3) days before the hearing.
3. Courtesy notices may be given by posting the property affected with a sign indicating that a property maintenance action is pending affecting the property and that additional information may be obtained from the Department of Planning and Code Enforcement. Courtesy notices may also be given by mailing notice to the residents or tenants of any building or complex directly affected by the appeal, or by mailing notice to owners of properties adjoining or adjacent to the property subject to the appeal.

SEC. 1000.6 PROCEDURE.

1. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.
2. The Secretary of the board may, at the request of the code official, the appellant or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing. Persons who fail to appear at a hearing after having been served with a subpoena shall be fined by the board in an amount not to exceed \$500.00. If such person fails to pay such fine within thirty (30) days of being served notice thereof, and/or continues to fail to appear at a hearing which has been continued, the board shall have the authority to obtain injunctive relief from the courts to compel the payment of the fine and the attendance of such witness.
3. The board shall adopt and make available to the public procedures under which hearings will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
4. If, on the date set for hearing, the appellant or his attorney fails to appear, the board may find the appellant in default and shall proceed with the hearing and accept evidence relevant to the appeal.

SEC. 1000.7 TRANSCRIPTS, RECORDS AND COPIES.

1. In the event that any party desires a verbatim transcript of the administrative public hearing, a written request shall be filed with the Chairman of the Property Maintenance Review Board not less than three (3) weeks before the hearing date. Costs of taking such a transcript shall be shared equally between the requesting party and the City. Any party desiring a transcript of the proceedings shall pay any transcription or copying costs.
2. The board shall make a sound recording of all public hearings and shall retain such recording for not less than six (6) months following the closing of the hearing.

SEC. 1000.8 BOARD DECISIONS.

1. The board shall modify or reverse the decision of the code official only upon a concurring vote of a majority of the total number of appointed regular board members. The vote of an alternate board member shall be counted only in the event that member attends a hearing at the request of the Chairman and shall be counted in lieu of the vote of the regular member in whose place he has attended.
2. Records and Copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official. The Property Maintenance

Review Board shall retain in the office of the City Clerk a copy of every rule, decision or determination made by the board.

SEC. 1000.9 NOTIFICATION OF DECISION. Copies of findings and decisions of the Board shall be served by mailing a copy thereof to all parties.

SEC. 1000.10 COURT REVIEW. All decisions of the Property Maintenance Review Board on appeals initiated hereunder shall be appealable to the courts in the manner provided by law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the City Clerk.

SEC. 1000.11 STAYS OF ENFORCEMENT. Appeals of notices and orders (other than Imminent Danger and condemnation notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 2. That Bloomington City Code Chapter 45, Section 2 shall be and the same is hereby amended to read as follows: (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 2. CONFLICTING PROVISIONS.

In the event of any conflict:

- (1) between or among any Codes adopted in this Article; or
- (2) between any Code adopted in this Article and any other provision of Bloomington City Code; or
- (3) between any Code adopted in this Article and any provision of any Code adopted by any other provision of Bloomington City Code; or
- (4) between any Code adopted in this Article and any provision of State law, the provision setting the highest standard for health and safety shall prevail.

Decisions of representatives of the Department of Planning and Code Enforcement under this Section shall be reviewable by the ~~Construction Board of Appeals~~ Property Maintenance Review Board as provided in this Chapter.

SECTION 3. That Bloomington City Code Chapter 45, Section 900.14 shall be and the same is hereby amended to read as follows: (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 900.14 APPEAL PROCESS.

An owner or other person aggrieved by any action taken by the City pursuant to this section may appeal the decision before the ~~Construction Board of Appeals~~ Property Maintenance Review Board as provided in Chapter 45, Section ~~1000.0~~ 111.0 ~~Means of Appeal~~.

SECTION 4. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 5. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 6. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 7. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 24th day of January, 2011.

APPROVED this 25th day of January, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item. David Hales, City Manager, addressed the Council. He recognized Mark Huber, Director – PACE and George Boyle, Asst. Corporation Counsel, efforts on this item. The proposed ordinance would create a standing committee whose role would be to address issues under Chapter 45. Property Maintenance.

Mr. Huber addressed the Council. He cited a report which had been prepared in the fall 2010. He reviewed the duties of the Property Maintenance Review Board. It would hear appeals, address code interpretation, and propose future text amendments. He cited the criteria for an appeal: 1.) incorrect interpretation of the code; 2.) application of the code; or 3.) code requirements have been met. The Board would consist of seven (7) members: two (2) contractors; two (2) landlords, (one large, the other small); two (2) tenants; and a citizen at large. In addition, there would be four (4) alternate members. The Board will establish rules after its establishment.

Mr. Hales added that this Board would review complaints. He expressed his belief that this Board would be of benefit to the City. He noted that Board's broad make up. The Board would conduct public dialogues and be of assistance to staff.

Alderman Hanson questioned if this ordinance would also be applied to commercial property. Mr. Huber noted that it would be applicable to all buildings within the City. Its focus would be property maintenance. He added that staff continued its efforts on the Neighborhood Preservation Ordinance. Alderman Hanson expressed his belief that the majority of this Board's efforts would be directed towards residential rental property. Mr. Huber responded affirmatively.

Alderman Anderson questioned the Board's make up being limited to City residents, (see Section 1000.3 2). He recommended that individuals from outside of the City be allowed to participate. Mr. Huber cited past practice. Generally, City residents were given first opportunity to serve on the City's boards and commissions. He acknowledged that there were times when the City needed expertise in an area and looked for someone who was not a City resident.

Alderman Anderson requested that the proposed ordinance be amended in an attempt to become business friendly.

Alderman Sage noted the Board's make up. He questioned length of service and limitations upon same. Mr. Hales noted that the proposed ordinance did not impose term limits. He believed that this issue should be made a separate discussion item. He noted that there were some board and commission members who have served the City for decades. Alderman Sage expressed his on going concern. He added his belief that there should be turn over in the make up of the City's various boards and commissions. He believed that there were individuals who were interested in participating on same. There needed to be a systematic approach to appointments.

Mayor Stockton noted that the Council would be included in any discussion regarding term limits. Alderman Sage expressed his opinion that appointments to the various boards and commissions were different. The Council needed to engage the citizens and increase their involvement in City activities through outreach.

Alderman Stearns expressed her opinion that members of the various boards and commissions should be limited to residents of the City. In addition, the property owners who are appointed must be owners and not property managers. The make up of the Board could be expanded to include a property manager, who served as an employee/contact person. She cited a local rental property group were the majority of the membership consisted on of property managers.

Mayor Stockton noted that the make up of the Property Maintenance Review Board would include two (2) property owners. He suggested that one of them could be a resident and the other would not have to be one.

George Boyle, Asst. Corporation Counsel, addressed the Council. He presented staff's rationale for limiting appointments to City residents. He noted the Council's interest in strong neighborhoods. All residents must live with the Property Maintenance Code and its implementation. The Board would be governed by the City Code. Generally, there were not appointments for business owners.

Alderman Fruin expressed his support for Alderman Anderson's suggestion regarding the Board's make up. He compared this new Board to the City's Ad Hoc Committee on bulk waste. He noted that the Text Amendment could be adopted and implemented now as is. It would be amendable in the future.

Alderman Schmidt expressed her appreciation to staff for addressing her concerns. She acknowledged that limiting appointments to City residents might narrow the Board's perspective. She questioned why Alderman Anderson wanted to appoint non-City residents. Alderman Anderson had been contacted by two (2) reputable property owners. Each had made a large investment in the City. He believed that they should have a say in this Board as land owners. He believed that the Mayor and Council should be able to decide who the right person is. He acknowledged that there were absentee landlords. He requested that the City change its current practices.

Mr. Hales recommended that this issue remain open. The Mayor would nominate individuals for Council appointment. He added that the Council should not mandate that Board must consist of an individual who was not a City resident.

Alderman Anderson restated that the Board could only have one (1) member who was not a resident.

Mayor Stockton proposed an amendment to the proposed Ordinance. Alderman Anderson added that it must specify that the nonCity resident must be a landlord.

Mr. Boyle requested a point of clarification. He noted that landlords must be property owners.

Alderman Sage expressed his concern with language such as either/or. He noted that there were individuals who perform both roles, landowner and manager.

Alderman Stearns expressed her preference that the individual be a landowner.

Mayor Stockton noted that this would be new Board. The City would begin the process of identifying interested individuals.

Motion by Alderman Anderson, seconded by Alderman Hanson that the Amended Text Amendment be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Locust Colton CSO Elimination Phase 1 Project

RECOMMENDATION: That the Funding Level of the Project to Eliminate CSO Discharge at Locust Street and Colton Avenue be determined, and staff authorized to submit an application to the Illinois Environmental Protection Agency (IEPA) for Loan Funds for construction.

BACKGROUND: Part of the City sewer system is classified as Combination Sewer. The sanitary flow and storm water flow are combined in the same sewer pipe which flows to the Bloomington Normal Water Reclamation District (BNWRD) interceptor sewers that go to the waste water treatment plant (WWTP). During larger rain events, this City's combined sewer system does not have enough capacity to carry all the flow to the interceptor sewers, causing a Combined Sewer Overflow (CSO) to occur. A CSO location is a point where a combination sewer can overflow a weir, or some other flow diverter, and flow into a storm sewer which outlets directly to a receiving body of water.

The IEPA required the City to obtain a permit to discharge CSO to the storm sewer system. The City pays \$20,000 annually to the IEPA to renew this permit. A condition of receiving the original permit required the City to develop a Long Term Control Plan (LTCP) which included defining projects to abate CSO discharges through improvements to the sewer system. Each renewal of the permit requires the City to document progress in implementing the LTCP to abate CSO. If the City's CSO abatement progress is not satisfactory, the IEPA may modify the permit to include a schedule for LTCP implementation.

Over the last ten (10) years the City has abated four (4) of the seven (7) originally permitted CSO locations. To continue making progress and avoid an IEPA mandated schedule for implementing the LTCP, the City performed a study of the sewers in the area of Bloomington High School (BHS) and Bloomington Country Club (BCC) in order to refine the plan to abate the CSO locations at Locust and Colton Streets, near BHS. This study resulted in a ten (10) Phase plan to abate two (2) of the remaining three (3) CSO locations. The City is currently seventy-five percent (75%) complete with the design of Phase 1 Construction Plans for Locust Colton CSO Elimination. In order to obtain funding to construct Phase 1, the City has applied to the IEPA for a Low Interest Loan.

IEPA has responded to the City's loan application, requesting additional information to complete the application process. City staff is gathering the information and will provide the requested

data to the IEPA. The City is in the IEPA's queue to be approved for construction loan funds in early 2011.

In the request for additional loan application information, the IEPA notified the City that it is eligible for loan terms that include twenty-five percent (25%) principle forgiveness and a loan rate of 1.25% for a twenty (20) year term. Previously, no principle forgiveness was included in the loan terms. Due to these favorable terms, the IEPA has requested the City to consider increasing the scope of the current Phase 1 project to include additional phases of the ten (10) phase plan. Since the study is complete and additional phases are already identified, the current project could be amended to include additional design and construction, in time for early 2011 IEPA loan approval.

Staff seeks guidance from Council as to the funding level for the project:

- Option 1. Due to a lack of funding, stop design on Phase 1 of the project at seventy-five percent (75%) complete. Remove application from IEPA for loan funds. Lose opportunity to receive twenty-five percent (25%) principle forgiveness and 1.25% interest rate (normally 2.60%). Face possibility of IEPA mandated schedule to complete project with City funds.
- Option 2. Keep the current project funding and scope at \$7,500,000. The loan repayment will be less than originally estimated now that twenty-five percent (25%) principle forgiveness included.
- Option 3. Increase the project funding and scope to \$10,000,000. This keeps the loan payment at the amount originally estimated, prior to an offer of twenty-five percent (25%) principle forgiveness. It is estimated that sewer and water main work could be added to the current project shown as Phases 2 & 3 in the CSO Elimination Study.
- Option 4. Increase the project funding and scope beyond option 3 to \$14,000,000. This leverages even more twenty-five percent (25%) principle forgiveness. It is estimated that sewer and water main work could be added to the current project shown as Phases 2, 3, 4 & 5 in the CSO Elimination Study.

Following is an accounting of the current project cost estimate and possible loan repayment option amounts.

Current Phase 1 estimated project cost:

Phase 1	
\$3,100,000.00	Sewer construction
\$1,900,000.00	Water main construction
\$2,500,000.00	Contingency, design engineering, legal, etc.
\$7,500,000.00	Total loan amount

Original IEPA Loan offer - 20 yr. annual loan repayment, \$7,500,000.00 project cost (no loan forgiveness, 1.25% interest)

\$250,000.00 (sewer)

\$180,000.00 (water)

Option 2. - Current IEPA Loan offer - 20 year annual loan repayment, \$7,500,000.00 project cost, (25% principle forgiveness, 1.25% interest)

\$185,000.00 (sewer)

\$125,000.00 (water)

Option 3. – 20 year annual loan repayment, increasing scope and project cost to \$10,000,000.00 (25% principle forgiveness and 1.25% interest).

If Phase 2 & 3 included, total repayment for all work as follows:

\$250,000.00 (sewer)

\$180,000.00 (water)

Option 4. – 20 year annual loan repayment, increasing scope and project cost to \$14,000,000.00 (25% principle forgiveness and 1.25% interest).

If Phase 4 & 5 included, total repayment for all work as follows:

\$350,000 (sewer)

\$250,000 (water)

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Bloomington High School, Bloomington Country Club, residents south of Bloomington Country Club and north of Washington Street.

FINANCIAL IMPACT:

- Option 1. Possible IEPA mandated schedule to complete CSO elimination project with City funds, the cost of which is unknown.
- Option 2. \$310,000/yr for 20 years, begin FY 2012 - 2013, 25% principle forgiveness included.
- Option 3. \$430,000/yr for 20 years, begin FY 2012 -2013, 25% principle forgiveness included.
- Option 4. \$600,000/yr for 20 years, begin FY 2012 - 2013, 25% principle forgiveness included.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM
Director of Public Works

Craig Cummings
Director of Water

Tim Ervin
Director of Finance

Recommended by:

David A. Hales
City Manager

Mayor Stockton introduced this item. David Hales, City Manager, addressed the Council. He noted the Locust Colton CSO (Combined Sewer Overflow) was not a new issue. He cited the potential liability for noncompliance. Jim Karch, Director – Public Works, and Tim Ervin, Finance Director, had prepared PowerPoint presentations. The Council had been presented with four (4) options. He emphasized that a decision was not needed this evening. This project would require the expenditure of a significant amount of money. The Council must find its comfort level. The Council must balance the costs versus the benefits.

Jim Karch, Director – Public Works, addressed the Council. He presented background information regarding this project. He hoped to answer the Council's concerns. He defined combined sewers and CSO. Sewer separation began in the 1960's. The City was not alone. There were over 100 communities in Illinois with CSO. CSO were a national issue. In 1972, the federal government passed the Water Protection Control Act. CSO were regulated by the EPA, (Environmental Protection Agency). The EPA had a zero tolerance policy. The cost for the annual permit was \$20,000. He cited the City of Peoria's experience and costs.

The City has made progress. It has a Long Term Control Plan. The City started with seven (7) CSO. It has already eliminated four (4) of them. This proposal would address the Colton St. and the Locust St. CSO. The plan was to close the Colton St. CSO. He addressed the scope of the Colton St. CSO. He cited various statistics. This was the most significant CSO. Locust/Colton CSO drained into Sugar Creek. The Council was provided with a boundary map. There would still be another CSO remaining. Valley CSO, (Maizefield Ave.) which drained into Goose Creek.

All CSO drain into the Bloomington Normal Water Reclamation District's original waste water treatment plant. The newer Randolph plant only served separated sewers.

He addressed the current status. He acknowledged that the Sewer Fund was in the red. Indebtedness was estimated at \$9 million. The City had qualified for twenty-five percent (25%) principal forgiveness. This was a unique opportunity. The goal was to enter into an agreement and have the project under contract by September 30, 2011. There was still plenty of work to be done, (survey and design). Phase 1 would also address water and sewer main work. The Storm Water Management Fund would also be involved. He did not have a break down by fund at this time. In addition, Phase 1 would also include a down stream portion of the project. Timing was important as there was some work which could be done during the winter months. Construction would continue through the 2012 – 2013. Payments would commence six (6) months after the completion date.

Phases 2 and 3 involved construction plans based upon flow. The funding level remained the same as previously projected. He cited other opportunities. Phases 4 and 5 were more challenging. There were basements which experienced sewer back ups. These phases would bring immediate relief from same.

Tim Ervin, Finance Director, addressed the Council. His presentation had five (5) purposes. He planned to address the following: 1.) Sewer Fund (SF) brief history; 2.) SF current operations; 3.) current debt within SF; 4.) background SF project analysis; and 5.) limited information FY 2011 – 2012 budget. Sewer rate history: there had been numerous years with no rate increase. He addressed the current sewer rate. He added that there would be four (4) consecutive years with an annual rate increase, (25% for 2009, 2010 and 2011, and 20% for 2012). He addressed the SF's net assets. Currently, this fund was in the red. Operations: this fund addressed maintenance and repairs to the sewer system infrastructure and daily operations which included a staff level of fourteen (14) FTE. Current debt: Series 2001 Refunding Bonds had been paid off. The 2007 General Obligation Bonds were for the sewer construction on the City's southeast side in the Grove on Kickapoo Creek basin. Final payment would be made in FY 2031 – 2032. He addressed the Illinois EPA's loan for twenty (20) years with twenty-five percent (25%) principal forgiveness at an interest rate of 1.25%. The analysis involved a five (5) year historical and a five (5) year projection. The SF analysis had been based upon current conditions. He reviewed the elements, validations and limitations. The data had been gleaned from this analysis. As Finance Director, he incorporated Option 3. There were two (2) items included in the proposed Fiscal Year 2011 – 2012 budget: 1.) Master Plan for SF and 2.) Sewer Rate Study. There must be revenue to meet expenditures.

Mr. Hales believed that there was light at the end of the tunnel. Financially, things were improving for the City. The Council would need to make a decision. He questioned what information the Council believed was missing. He acknowledged that currently there was not a Master Plan. This plan would include a comprehensive needs assessment. There were miles of old sewers in the City. The City would know the financial costs for its future needs. In addition, the City needed a Capital Improvement Plan. He was interested in best practices which would go beyond funding the status quo. The City needed to know the cost of maintenance in order to see the benefit of this asset. There would be future discussions. The City needed to take care of this asset in order to see maximum longevity. The Sewer Fund was an Enterprise Fund.

The City also needed to develop a Long Term Financial Plan. This plan would address priorities. This plan would be instrumental in the development of Fiscal Impact Analysis which would be used to establish fees.

The Council would need to address the impact of sewer capacity. Significant studies were needed to determine who pays for O & M (Operations and Maintenance) and capital. The City had some good information. The EPA wanted to see progress and proactive efforts. He cited the \$10 million cost. He noted that there would be other costs, (O & M, etc.). The City could move this fund to a positive balance. A lot of data had been presented this evening. He restated that there would be a decision in the near future.

Mayor Stockton stated that staff had presented the need and addressed affordability. Council direction was needed.

Mr. Hales restated that the Council has the financial analysis. The project was doable with a cost range from \$7 – 10 million. The City needed to retain its bonding capacity. Options had been presented. This item would appear on the Council's February 14, 2011 Meeting Agenda.

Alderman Sage questioned the conservative nature of the assumptions and if the figures presented were legitimate and creditable. Mr. Hales responded affirmatively. Alderman Sage questioned if the fund would be in the black by Fiscal Year 2013 – 2014. Mr. Hales credited the Council with the Ordinance passed in 2008 which called for a four (4) year annual rate increase. Alderman Sage believed that he voted against this ordinance. He questioned borrowing \$7 – 10 million and being in the black by FY 2013 – 2014.

Alderman Fruin noted that this project involved a lot of money. The City would utilize its competitive bid process. He believed that there would be interest in this project. Mr. Karch expressed his belief that there would be competitive bids for the underground work. Mr. Hales added that there was a state requirement to issue competitive bids.

Alderman Schmidt noted that the Council would vote on this issue at their February 14, 2011 meeting. She expressed her interest in community feedback. She was also interested in information regarding breakage, failure and current costs.

Mr. Karch stated that currently the City was not doing enough. Staff's goal was to rate all of the City's sewers. The City needed to set realistic expectations. The goal was to start this project to determine what resources were needed. Staff would prepare short and long term plans.

Alderman Schmidt addressed FY 2013 – 2014. She questioned if the figures presented included maintenance costs. She questioned if dollars would be available for additional needs. She cited aging sewers as an example. She questioned the issue of balance.

Mayor Stockton noted the eventually the City would have to address all CSO. This was an opportunity to obtain a low interest loan with principal forgiveness.

Mr. Karch noted that there were various facets to a sewer system. He cited I & I (Inflow and Infiltration), old sewers and the need for a Comprehensive Plan, as examples.

Alderman Hanson addressed the Locust Colton CSO. This item had been discussed for over ten (10) years. Neighborhood meetings had been held. A major concern has been a funding mechanism for this project. This item will not address decaying sewers. The City has the ability to issue bonds. The key was timing. The City has deferred a variety of capital costs, (curb, gutter and streets). This was a large project which must be done. It was an opportunity for the taxpayers.

Mr. Karch described this item as back to the basics. He added that the City would also build a new adjacent storm sewer. The costs presented did not include street resurfacing. The City will have to pay for a six foot (6') trench. He wanted to leave a finished project. He cited the need for a five (5) year Capital Improvement Plan.

Mayor Stockton restated that the Locust Colton CSO was a decades old issue.

Alderman Purcell stated that this was a big decision. He believed that the work would be done well. The SF would be in the black by FY 2013 – 2014. He believed that the \$10 million option was the best alternative.

Mayor Stockton noted concerns raised regarding the spreadsheet. Questions were also raised about unforeseen issues. The Council was interested in alternatives and information about the benefits.

Mr. Karch addressed limitations. (*The fund analysis includes minimal to no capital projects and capital equipment from FY 2011 to FY 2015.*) The City needed to assess its sewers. Mr. Hales addressed outstanding issues, such as I & I. The costs were unknown. Mr. Karch added that I & I needed to be addressed in the next fiscal year. The budget would include funds for flow monitoring. The City would continue to study this issue. Costs had not been identified at this time.

Alderman Sage stated that the cause was unknown. Mr. Karch informed the Council that some work has been done on I & I.

Mr. Hales restated that this item should be laid over until the Council's February 14, 2011 meeting. The Council should send their questions to staff.

Motion by Alderman Purcell, seconded by Alderman Stearns that the item be laid over until the Council's February 14, 2011 meeting.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell, (viva voce).

Nays: None.

Motion carried.

Alderman Fruin had found the conversation refreshing. He believed that this was the number one issue before the Council. He acknowledged that there were other capital issues. The Council needed to find the balance.

Mr. Hales acknowledged Greg Kallevig, Civil Engineer, efforts on this issue.

Mayor Stockton extended his appreciation to staff.

MAYOR'S DISCUSSION: Mayor Stockton presented the Council with an agenda for the January 31, 2011 Work Session which would be held to interview Candidates for Ward 3. Each candidate would be allotted fifteen (15) minutes. He reminded the Council that this would be a public meeting.

Alderman Schmidt inquired about the candidate questions who would ask each and how they would be generated. Mayor Stockton welcomed input from the Council. They would be pattern interviews.

He also reminded the Council that the Citizen Summit would be held on Tuesday, January 25, 2011 at 6:00 p.m. at the Bloomington Center for the Performing Arts, 600 N. East St.

Finally, he informed the Council that the Bloomington Normal Airport Authority (BNAA) had passed a Resolution requesting cooperation with the City regarding a liquor license for Tailwind located at the Central Illinois Regional Airport. The BNAA's Resolution informed the Council of the BNAA's intentions. He believed that Tailwind would submit a new application for a liquor license.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. An open house regarding Lafayette St. will be held on Thursday, January 27, 2011 from 4:00 – 6:00 p.m.

Mr. Hales recognized the City Clerk's Office's progress on Council Proceedings during the past year. Due to an amendment to the Open Meetings Act, there was a mandated short turn around for same commencing on January 1, 2011.

Mayor Stockton added that the City Clerk's Office will continue to produce a Record of Motions and Votes. He cited the length of each Council Proceeding. The Council approved sixty-one (61) sets of Council Proceedings during the past year.

Mr. Hales presented the Council with a copy of the Illinois Municipal League's (IML) legislative agenda. The February 14, 2011 Work Session would be a meeting with area state legislators. He planned to provide information to the Council and the state legislators in advance of the Work Session.

Finally, a new Statement of Interest for service on City Boards and Commissions would be posted on the City's web site in the near future.

ALDERMEN'S DISCUSSION: Alderman McDade reminded those present that the next Citizens Voice meeting was scheduled for February 7, 2011 at 6:00 p.m. at the Central Catholic High School Auditorium located at 1201 Airport Rd. The meeting was scheduled for ninety (90) minutes. This would be the fourth Citizens Voice meeting of the fiscal year. She encouraged all to visit the City's web site.

Alderman Fruin noted that as an avid WJBC radio listener he had heard individuals who were challenging the implementation of a noise ordinance. He noted the effort made by the Council and staff to draft a noise ordinance.

He was thankful that there was not a Work Session scheduled for this evening.

Alderman Schmidt requested that the Council send her their comments regarding formation of a Downtown ad hoc committee. Items to be addressed included the group's make up, goals and time line. This group would address the Downtown's night life.

Alderman Stearns reminded the Council of her email regarding incentive development for vacant structures. She expressed her interest in receiving feedback from the Council. She suggested that the City develop "block boosters" an awards programs for turned around properties. Property tax paying structures were a neighborhood asset. She questioned what the Council wanted to encourage and recognize.

Motion by Alderman Anderson, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:47 p.m.

Motion carried.

**Tracey Covert
City Clerk**