

Council Questions/Comments and Staff Responses Report for November 13, 2012

as of November 13, 2012 at 9:29am

Consent Agenda

Alderman: Rob Fazzini

Item 7C: Petition from Deneen Brothers Farms, LLC requesting approval of an Expedited Final Plat for Deneen Section 17 Subdivision located east of Towanda Barnes Road and south of Ireland Grove Road

Question/Comment: Waiving the fees and the bond appears to me to be directly opposite of our stated philosophy of NOT accepting the developer burden. Why would staff recommend doing so in this case?

Staff Response: Staff is recommending waiver of bonds and fees because the use of the property (agricultural) is not being changed from its current use. Staff would also like to acknowledge that the Deneen Brothers, LLC consented to the inclusion of this property in the Annexation Agreement as an accommodation to the developers of the Grove Subdivision in order to provide contiguity of that property to the City. It is the position of the City that any change from the current use of the property (i.e. agricultural) will trigger the bonding and fee requirements, unless explicitly specified in the Annexation Agreement. The petition does not request, nor does the Ordinance grant, any waivers of fees or bonds. Therefore, staff has the ability to demand payment at any time; the City could not be in a stronger position. As always, the Council has the ability to choose to refuse to waive the bonding and fee requirements. Staff agreed to an expedited plat process. This is a procedure which is permitted by the Subdivision Code when one lot is divided into two and no utilities, easements, etc. are required. It is not a special accommodation to the owners.

Alderman: Bernie Anderson

Item 7C: Petition from Deneen Brothers Farms, LLC requesting approval of an Expedited Final Plat for Deneen Section 17 Subdivision located east of Towanda Barnes Road and south of Ireland Grove Road

Question/Comment: I question if this is an example of bad practice. The waiving of \$270K appears to set a bad precedent. How do we address the next area of development that the developer wants to postpone payment?

Staff Response: Please refer to staff's response above to Alderman Fazzini.

Alderwoman: Karen Schmidt

Item 7C: Petition from Deneen Brothers Farms, LLC requesting approval of an Expedited Final Plat for Deneen Section 17 Subdivision located east of Towanda Barnes Road and south of Ireland Grove Road

Question/Comment: Deneen Final Plat – how does this waiver fit in with our commitment to deal upfront with cost associated with development? I understand they want to farm a part of this property. What I don't understand is why there would be an expedited plan and a delayed implementation? Can we be reminded what was in the original annexation agreement and why we would agree to this now?

Staff Response: Please refer to staff's response above to Alderman Fazzini.

Alderman: Bernie Anderson

Item 7E: Analysis of Bids for the Purchase of a New Heating and Cooling System for Miller Park Pavilion

Question/Comment: Where are we at with local private utility companies and DCEO? There are grants through the State under the Energy Efficiency Program. If you are having any problems with the EEP, please let me know?

Staff Response: Staff has submitted a pre-approval application to DCEO's Public Sector Energy Efficiency Program. DCEO has notified staff that the application was found to meet all necessary requirements.

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Alderman: Rob Fazzini

Item 7G: Analysis of Bids for the Purchase of One (1) Backhoe for the Public Works' Sewer Maintenance and Operations Division

Question/Comment: There is some justification given for why we are accepting the second lowest bid, but I did not see adequate justification for why the lowest bid was not accepted. Please provide that justification.

Staff Response: The bid provided by Altorfer Inc. was the only vendor who met the entire bid specification with no exceptions. Staff is recommending the acceptance of the lowest bid that met the entire bid specification.

Alderwoman: Karen Schmidt

Item 7H: Analysis of Bids for Market Street Parking Garage Repairs, Phase II

Question/Comment: What specific life safety issues are we not addressing by not following through on the repairs right now? I also continue to be concerned that we are putting "good money into bad" if our long-range plan is to replace this garage. I would hate to have us tear it down in 10 years after we put this much money into it to extend the life for the short term.

Staff Response: Phase I of the Market Street repairs were established to resolve the severe structural and life-safety issues. Phases II and III are considered surface restoration, maintenance and waterproofing to extend the life of the building. All of these repairs will hopefully gain the City ten years of life before any major work would be needed again. Replacement of the parking deck would be in the \$8-10 million range.

Alderwoman: Karen Schmidt

Item 7N: Application of MGN Foods, Inc., d/b/a West Market Street Grocery, located at 301 W. Market Street, Unit B, for a PBA liquor license, which will allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week

Question/Comment: This meets the GAP-Olde Towne neighborhood association expectations. Thank you to the commission for their careful consideration of neighborhood concerns.

Staff Response: None.

Regular Agenda

Alderman: Rob Fazzini

Item 8B: Contract Amendment with Hanson Professional Services Inc., to the Professional Services Agreement for Travel Demand and Railroad Crossing Study

Question/Comment: If memory serves correctly, it seems that the public has expressed strong feelings about spending money for "studies". I am not sure that the information in the recommendation is sufficient to overcome the public feeling against spending money on more "studies". Is there more justification available?

Staff Response: The City has met the agreed timeline in the Hershey Grove Development Agreement by submitting a petition to the Illinois Commerce Commission (ICC) on August 28, 2012. Based on feedback during the initial meeting with the ICC and Norfolk Southern Railroad (NSRR) on October 11, 2012, an uncontested ICC petition will not be feasible without the additional study work being done which takes a more global view of the different crossings in Bloomington such as the Hamilton/Commerce crossing. This study would be beneficial in solidifying the City's long term capital plan since it would prioritize the various City railroad crossings. Completion of this additional study does not guarantee an uncontested ICC petition.

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Alderman: Rob Fazzini

Items 8C and 8E: Proposed 2012 Tax Levy and Process”- “Proposed 2012 Tax Levy (City and Library), and Adoption of Estimated Levy.

Question/Comment: Neither were in the packet, and this seems to be a trend of missing material in the packet. I personally would appreciate a reasonable amount of time to review, analyze, discuss with constituents and form opinions prior to hearing discussion at council meeting. I would appreciate getting all the material at the same time. If it is not important enough to get to us on time, then save it for the next meeting.

Staff Response: Both Council memos were sent out on Friday afternoon. Staff was waiting for pension numbers from Art Tepler.

Alderwoman: Judy Stearns

Items 8C and 8E: Proposed 2012 Tax Levy and Process” – “Proposed 2012 Tax Levy (City and Library), and Adoption of Estimated Levy.

Question/Comment: What will the opportunity for the public to comment on the proposed levy increase? Or is there no opportunity since it does not rise enough to trigger a public meeting? What opportunities for spending cuts were looked at to avoid a levy increase?

I agree with citizens contacting me to express their deep concern about raising taxes in a time of uncertainty when state and federal taxes will rise and joblessness is still at a several year high. I believe many families are faced with cutting their expenses no matter what, and I believe government can “find a way” if it so chooses.

On the library levy, I believe the recent focus group meeting resulted in citizen’s hope for holding the line on taxes. Was there a report on the meeting?

Staff Response: This evening the Council will be asked to pass, per state law, an “estimated, proposed 2012 Tax Levy.” Allowing people to speak will be a decision that the Council will have to make. City Manager Hales and the Department Heads continue to look at ways to lower budget expenditures. With department equipment being so far behind in being replaced/repared, labor and benefit costs continue to rise, it has been a challenge to continue to maintain services levels and at the same time finding additional cuts in the budgets.

Prepared by: Barbara J. Adkins, Deputy City Manager