



**CITY COUNCIL SPECIAL AND REGULAR MEETING  
MONDAY, APRIL 9, 2018; 7:00 PM**

**Council Questions and Staff Response**

*Question posed by Alderman Jamie Mathy: Special Meeting Agenda*

1. Why are we being so adamant that dock permits not transfer with the sale of the property?

*Staff Response: Bob Yehl, Water Director*

Chapter 23, Section 53 states – “All permits and licenses herein provided for that may be issued by the City shall not be transferable in any way, but all benefits which may be derived therefrom shall accrue only to the person to whom the permit was originally issued by the City. Each permit or license, whether or not issued for a consideration, shall be subject to revocation by the City unless otherwise expressly provided whenever the licensee or holder of such permit in any way violates or permits the violation of any law, ordinance, rule or regulation for the regulation, care, protection or control of the reservoir, drainage area or water supply of the City. All such permits or licenses may be consecutively numbered.”

Permits for buildings, structures, dock, wharf, boathouse, anchored or stationary raft, as outlined in Chapter 23, Section 3, are reviewed in this manner.

This provision allows the City to review installations from time to time to ensure they comply with current practice, guidelines, ordinances, and City Council direction.

*Question posed by Alderman Jamie Mathy: Special Meeting Agenda*

2. Why is dock number 5 considered to be non-permitted when we have an email from Craig Cummings that says to consider it a permit and proceed with building the proposed dock?

*Staff Response: Bob Yehl, Water Director*

The City Council, on September 29, 1950, opened non-lake-front land for lease. In doing so, the Council created several lanes that extended down to the Lake for access for the public and off-the-lake leaseholders. The wording of the Council proceeding is as follows: "All of these lots are presently surveyed and are off-the-lake lots. Hepatica Lane, Anemone Lane, Trillium Lane and Blue Bell Lane, shall be opened for accessibility to the lake front by the public and purchasers of these off-the-lake lots."

The City Council, on May 19, 1977, authorized the execution of a lease for a strip of land to an adjacent lease holder for one of the accessibility points. The City received communication on July

20, 1978, from off-the-lake lease holders indicating the Council leased the strip of land in violation of the September 29, 1950, Council action.

City Council rescinded the lease on October 23, 1978, and directed staff to refund monies that the lease holder has expended on the land after receiving the lease on May 19, 1977.

Therefore, the Department does not have the authority to permit or grant permission - either through a permit or through any form of communication - to build upon areas that the Council set aside for the public and the off-the-lake leaseholders.

The Council proceedings from 1950, as well as the actions taken to rescind the Rhoda lease do not grant any permission for construction of any structure within the area. It is to remain open for access only.

In addition, City leases state "USE OF AND ACCESS TO LAKE. Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of Lessor, which rules and regulations will apply equally to Lessees of Lake Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises."

The leases grant an access easement which does not authorize any structure to be built on any land not attached to his leased lot. Therefore, similar to May 19, 1977, City Council action, the email granting permission by the previous Water Director was in error. Staff does not have the authority to permit structures on land specifically set aside by the City Council. Only the City Council has that authority.

The November 28, 1978, Pantagraph article quotes Mayor Richard Buchannan as saying, "I think we have no option. We leased something we had no right to lease." Therefore, if the City Council does not have the authority, then the Water Director, as an employee of the City Council, does not have the authority.

*Question by Alderman Jamie Mathy: Special Meeting Agenda*

3. Dale Whitwood also has a dock design initialed by Craig Cummings. Why is this not considered a permit?

*Staff Response: Bob Yehl, Water Director*

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Further, please note that the current dock installation does not match the document that is initialed and dated May 26, 2006. In addition, there have been multiple stop work orders given to the lease holder for this location dating back to 2010. Unpermitted activities include improper grading, tree removal, retaining wall construction, electrical service installation, and dock improvement construction.

City Code, Chapter 23: Section 53 of the City Codes and Ordinances, states: "Each permit or license, whether or not issued for a consideration, shall be subject to revocation by the City unless otherwise expressly provided whenever the licensee or holder of such permit in any way violates or permits the violation of any law, ordinance, rule or regulation for the regulation, care, protection or control of the reservoir, drainage area or water supply of the City."

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4. If council chooses to grandfather in any of these docks, what is the impact to the Water Dept.?

*Staff Response: Bob Yehl, Water Director*

The Water Department utilizes the following philosophy at Lake Bloomington –

Protection of the Water Supply for the City of Bloomington

Ensuring a quality water source is available for future generations by mitigating impacts to water quality and minimizing risks to the reservoir through a managed approach to integration of recreational and residential uses.

Consistent Community Development

Ensuring consistent, efficient and effective rules and regulations are applied equally to all.

Providing Access to All

Ensuring all segments of the population are able to enjoy the reservoir and surrounding lands through focused efforts and coordination.

Therefore, grandfathering these docks would impact the City's ability to equally and consistently apply the above philosophy, as well as current practices, guidelines, ordinances, and previous City Council action.

*Question by Alderman Jamie Mathy: Regular Meeting Agenda*

Item 7K

1. Why was the new training sergeant role not included in the budget for 2019, while the memo for the job description was written in 2017?

*Staff Response: Assistant Police Chief Greg Scott*

The Training Sergeant position has been a goal of the Police Department for some time. The memo for the job description was written in 2017 as the beginning point to bring the Training Sergeant position into being. This position description has passed through HR, Legal and the police department. The involved departments have reached consensus that the position is now being brought to Council. The agreed upon position and description was not completed in time to meet the deadline for the 2019 budget proposal.

*Question by Alderman Jamie Mathy: Regular Meeting Agenda*

The letter from Assistant Chief Wheeler says that payroll difference is \$12,000, but the motion says \$42,000. Why the \$30,000 difference?

*Staff Response: Assistant Police Chief Greg Scott*

Police and Fire Commission rules dictate that a police have at least 3 years of experience before promotion to Sergeant. The department's experience is that officers who are promoted to Sergeant typically have between 5 and 10 years of experience.

5 year patrolman salary by current contract:	\$89,447.89
Entry Level Sergeant proposed salary:	<u>\$107,222.08</u>
Difference is	\$17,774.39

Probationary Patrolman salary:	\$65,327.36
Entry Level Sergeant proposed salary:	<u>\$107,222.08</u>
Difference is	\$41,894.72

\$17,774.39 is a more accurate number.