

Council Questions/Comments & Staff Responses September 13, 2010

Councilperson: Bernie Anderson

Items: 6C #4, 5, 7, and 18

Question/Comment: Help me to understand what constitutes the reimbursables?

Staff Response: Reimbursables are stated in our Service Contracts. They allow for the service contractor to be reimbursed for travel expenses (mileage, air fare, meals, lodging), printing, postage, etc. Accounts Payable in the Finance Department does require that receipts be filed before reimbursement is made.

Councilperson: Judy Stearns

Item: 6H

Question/Comment: What is the total dollar amount we have available for CDBG Grants in the City? What is the definition of emergency assistance? What kinds of situations usually apply here? When did the Grant Application Process open? What is the average amount of a Grant? How much will Ms. Huber likely be seeking? When was the property purchased? When there are gray areas about which application is the most deserving or questions when several arrive at the same time, who makes the final decision on which application is the most deserving or questions when several arrive at the same time, who makes the final decision on which application is approved? I will be pulling this item. While I understand that COB Corporate Counsel considers this application of the immediate family member of a Department to be legal, does it meet the ethical standard the citizens of Bloomington would like to see? Department Heads have a fiduciary responsibility and I do not believe their family members should benefit in any way from their position-exactly the same position we as City Council are in. I do not think this is keeping with the spirit of the law and cannot support this unless there are some very unusual circumstances, I have constituents who have raised this concern and I will support their position and vote "no" on this unless some other information comes to light.

Staff Response: \$361,062.00 in CDBG funds were budgeted for the Housing Rehabilitation Program. Emergencies are classified as health and safety issues, such as: actively leaking roofs, water service leaks, and sewers that are backing up into the home. Applications are processed on an ongoing basis. When funds run out for the fiscal year, the new fiscal year starts with those applicants that were left over from the previous year. The average grant assistance is approximately \$11,000 per household. Without a complete inspection of the property, we are estimating the assistance to be under \$10,000. The property was purchased on June 23, 2010. Applications are processed on a first come/first serve basis or on an emergency basis. Applications are date and time stamped upon receipt by Code Enforcement Staff. The approval process is a collaborative effort between support staff, the rehabilitation inspector, and the Division Manager. This applicant does meet all of our program requirements. Staff is recommending further review and determination of eligibility by HUD, pending Council's approval. Staff did contact Jerry L.P. Deese, our Community Planning and Development Specialist, from CDBG.

Councilpersons: Karen Schmidt, Bernie Anderson and Kevin Huette

Item: 6Q

Question/Comment: The PUD will pay a premium water bill to cover this extension? I don't completely understand the "outside city" water rates that will provide the revenue for the future maintenance of the PUD water system. Is this more or less than "inside city" rates? How does the revenue flow work on this? I really appreciate the city administration stance on this redevelopment agreement, very good to see!

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Staff Response: The businesses within the PUD will be paying the outside city limits water rates which are approximately double the inside city limits rates. This higher rate recognizes that the water infrastructure in the PUD is to serve that development alone and as such does not improve the overall water distribution system for the other citizens of the City. The Water Department would have served the PUD as a single customer and the developer would have owned and operated the infrastructure into the future. The developer was not interested in owning and operating the water system over time, thus the system will be owned by the City. The maintenance and eventual replacement of this infrastructure will be borne by the City of Bloomington Water Department, but will be revenue supported through the higher rates. The revenue generated by the higher rates will be collected from each customer according to their individual usage and will then be used to support any necessary repairs and/or replacement.

Councilperson: Bernie Anderson

Item: 6S

Question/Comment: I am glad to see this cost will be paid by the Developer?

Councilpersons: Karen Schmidt, Kevin Huette, and Judy Stearns

Item 6T: Liquor License

Comments: When we get a placeholder like this, can we also get a topic assigned to it (as is done in this packet with 6B)? I do not like to receive council items the night of our meeting. It does not allow proper time to review. If it is not ready by the time the packets are assembled, I would like to see it included in the following meeting agenda.

Staff Response: Suspend Liquor Ordinance at Davis Lodge at Lake Bloomington. Staff became aware when a Secondary License Application was filed. Cash bars are not allowed at Davis Lodge. Wedding reception is on Saturday, September 18th. Liquor Hearing was on Wednesday, September 8th at 5:15 pm to accommodate bride's work schedule. This item was listed on the Council Agenda for September 13, 2010.

Councilpersons: David Sage and Judy Stearns

Item: 8A

Questions/Comment: How will the contents of cups be monitored in a dark theater? How will employees know if in fact they're selling patrons who are attending a G-rated movie? Were Liquor Commission Member visits to the Theater appropriate? What is Normal's position on alcohol at a Theater? Who will monitor the day to day compliance with liquor among theater patrons? I have the same concerns about liquor at the Theater that I had last time?

Staff Response: The alcohol will be sold at a specific place in the general common refreshment area of the theater in cups that are different from those that do not contain alcohol. Only one drink at a time will be served to each person. The movie that the "purchaser" is going to see may be checked by requesting the ticket stub of the patron at the time of the alcohol purchase and the ushers can also prevent persons who are carrying alcohol cups from entering the G and PG movies. Once the patron enters the theater where the movie is being shown, compliance will be monitored by the ushers, who perform theater checks two or three times during each show and will be looking at the kind of cups being used. The usher will ask those patrons violating the alcohol rules to leave. It is appropriate for the Liquor Commission to visit the premises to learn about the physical setting, but direct communications with the applicant prior to the hearing would be discouraged. Wendy Briggs, Normal City Clerk, stated to our staff, "Normal Ordinance does not prohibit the Starplex from requesting a Liquor License. Starplex has

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not applied for a Liquor License. The Town does allow liquor service at the Normal Theater during special events.”

Councilpersons: David Sage, Karen Schmidt, Kevin Huette, Bernie Anderson and Judy Stearns

Item: 8B-Radio System

Questions/Comments: Exactly how old is the current radio system? Why was the system inoperable during the recent State Farm situation? What is the Non-Departmental Fund, where is 200K coming from? Was the radio system replacement previously requested in a budget, and pulled for financial reasons? It is mentioned to move funding from other areas of PD’s budget and 110K from contingency. I would like to see if there are possible further budget reductions? Exactly which line items in Police and Non-Departmental will be chosen to pay for the radios? How would this money have been spent if not reallocated? Would any of this have gone for Police Salaries-new Police Officers? How will the Starcom radios change the day to day operation of the Department? What other extra expenses would there be with the new system?

Staff Response: The current radio system is at least thirty-two years old. During the State Farm incident, the radio system operated without flaws. However, we were unable to communicate inter-agency. The Non-Departmental Fund is a division within the General Fund where the receipt and expenditure funds that cannot be attributed to one specific division within the General Fund. The Council Memo recommends \$200,000 from the Other Benefit Line Items be reallocated for the purchase of the Starcom equipment. The Other Benefit Line Item accounts for the payout of retired employee sick leave and vacation. In the FY11 budget, the City allocated \$515,000 for all eligible employees expected to retire and the reallocation would shift the budget amount to \$315.00. To date, approximately \$110,000 has been expended from this fund. Staff has consulted with Human Resources and believes the reduced budget will be sufficient to cover expenditures. Police and Finance Staff have reviewed the real time police budget. Although further reductions may be possible as staff identifies those areas within the budget as savings. Staff will continue to review the budget and take advantage of all potential savings within all department budgets. Line Items: “Police Budget Full Time Salaries-\$250,000 (1001-15110-611--), Non-Departmental Funds Other Benefits-\$201,873.30 (1001-10010-62990), and Contingency Fund-\$100,000 (1001-191-79990). The Starcom System was not added to the FY11 budget, it was discussed in great detail back when Normal and McLean County purchased their system. The problem at that time was we had a system that was relatively new and served our purposes very well. Previous Police Administration chose to not take advantage of the grant opportunities at that time because we were in a very good place with police communications. Dollars budgeted in the line items that we are requesting Council to use to purchase the new radio system are being saved because we are not at full staffing. The money saved can be transferred to other needs (radios) as new Officers coming on in the next months will only be paid for a partial fiscal year. The move to Starcom will allow our Officers to communicate directly with other Officers in our neighboring police agencies for daily operations. Other than \$30.00 monthly fee for each radio operated there are no additional expenses. Following the expiration of the Manufacturers Warrant (1 year) we will need to enter into a service program for the portable radios themselves. A copy of the City of Bloomington Police Radio Communications Report is attached for your review.

Councilperson: Kevin Huette

Item: 8D

Question/Comment: I agree we need to increase the amount of the reimbursement; however, I would like to see the homeowner reimbursed up to a set dollar amount based upon receipts provided. Do we

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track who and how many mailboxes are being destroyed? Is there any accountability? Why do we have to replace them with City Workers?

Staff Response: Reimbursement to the homeowner is up to a set dollar amount of \$150.00. The efforts of the department to address non-compliant mailboxes by sending written notice to our citizens is a proactive effort to reduce liability. Our employees are held accountable and discipline is administered for safety infractions, vehicle accidents, etc. However, if a mailbox is destroyed in the normal safe operation of their duties, no discipline is administered. Our employees do the work due to a long standing practice. Staff consulted with the Legal Department because of past practice and was advised to continue the practice to reduce labor issues at this time. Lastly, it is difficult, if not impossible, to track which driver destroys a mailbox during a snow/ice storm. It is typical that mailboxes damaged are not reported until after the completion of the storm.

Councilperson: Jim Fruin

Item: 8D

Question/Comment: I will be asking Council consideration of sending this Agenda Item back for further staff revision based on input tonight. We have time before the first snowfall. My issues of concern include (1) filing deadlines imposed on winter travelers, (2) a need for better responsiveness of the city in correcting the damage (people don't like their mail delayed), (3) the implementation of new government rules in which there has been no regulation or monitoring for 20+years, (4) many existing neighborhoods have mailbox covenant language, (5) lack of mailbox choice for new homeowners, (6) the root issue of negligence of what was previously reported as 200 mailboxes damaged every snow season, (7) the "hundreds" (my perception) of non-compliant mailboxes in existence today, (8) if the COB damages a mailbox on two occasions, we only pay one time, (9) my prior recommendation of a sliding scale of reimbursement, (10) homeowners will not be changing out mailboxes in anticipation of it being damaged,.....I'll stop here, but obviously have several concerns with the new Ordinance as written.

Councilperson: Bernie Anderson

Item: 8E

Question/Comment: Please be prepared to go into depth on the unexpected costs?

Respectfully,

Barbara J. Adkins
Deputy City Manager