CITY OF Bloomington ILLINOIS

MINUTES
CITY COUNCIL - REGULAR SESSION
MONDAY, NOVEMBER 28, 2022, 6:00 P.M.

The City Council convened in regular session in the Government Center Chambers at 6:00 p.m., Monday, November 28, 2022. Mayor Mboka Mwilambwe called the meeting to order and led the Pledge of Allegiance ending with a moment of silent prayer/reflection.

Roll Call

Attendee Name	Title	Status
Mboka Mwilambwe	Mayor	Present
Grant Walch	Council Member, Ward 1	Present
Donna Boelen	Council Member, Ward 2	Present
Sheila Montney	Council Member, Ward 3	Present
Julie Emig	Council Member, Ward 4	Absent
Nick Becker	Council Member, Ward 5	Present
De Urban	Council Member, Ward 6	Absent
Mollie Ward	Council Member, Ward 7	Present
Jeff Crabill	Council Member, Ward 8	Present
Tom Crumpler	Council Member, Ward 9	Present

Public Comment

Emailed public comment was received from Elizabeth Megli and Jacqueline Beyer. Jacqueline Beyer also registered to speak in person, but was not present during public comment. The following individuals provided in person public comment: (1) Ashley Pettit; (2) Robert Kelley; (3) Gary Lambert; (4) Scott Stimeling; and (5) Liz Pierce.

Recognition/Appointments

The following item was presented:

<u>Item 6.A. Recognition of the Fall 2022 Bloomington 101 Participants, as requested by the Administration Department.</u>

City Manager Tim Gleason thanked Katherine Murphy, Communications & External Affairs Manager, and Amy Overton, Administration Department Executive Assistant, for coordinating the Bloomington 101 Program. Mrs. Murphy provided a brief overview of the Program and thanked City departments for participating. She then recognized the 2022 Fall Bloomington 101 participants and expressed excitement for the 2023 Summer Program. Mayor Mwilambwe thanked staff and the participants for their efforts.

Public Hearing

The following item was presented:

<u>Item 7.A. Public Hearing on a Request for Annexation by DKS Properties, Inc., for Land Located at 2318 W. Market Street, consisting of 1.10 Acres More or Less, PIN: 20-01-200-012, as requested by the Economic & Community Development Department.</u>

Mayor Mwilambwe opened the public hearing at 6:25 p.m.

Kimberly Smith, Economic & Community Development Assistant Director, stated that the public hearing was a Request for Annexation by DKS Properties, Inc., for land located at 2318 W. Market Street. She reported that on Wednesday, November 2, 2022, the Planning Commission had unanimously voted to positively recommend approval of the Request. She listed the Items associated with the Request Council would consider on the Consent Agenda following the public hearing: the annexation agreement; a resolution approving the annexation; the ordinance that would bring the property into the City; and a preliminary plan and final plat.

David Armstrong, Attorney for the Applicant, after being sworn-in, addressed Council. He stated that in 2014, the property was initially developed, but not annexed into the City. He stated that as further development happened, not being annexed caused the property to have to follow two municipal codes, as well as mixed zoning districts. He stated that annexing the property into the City would allow a contiguous B-1 Zoning District, and then briefly commented to the related Items for approval on the Consent Agenda noting that the previous preliminary plan was out of date. He explained that the updated preliminary plan would allow the owners to sell a portion of the lot leading to further future development. He noted the potential for additional tracts to be sold in the future as well.

Mayor Mwilambwe asked if anyone would like to speak for or against the proposals. No individuals came forward to speak.

Council Member Walch asked for additional information on the tap-on fee language within the annexation agreement. Mr. Armstrong explained that the Applicant was working with staff to understand if the tap-on fees had been paid. He stated that they were actively working to resolve the matter and that the included language within the agreement had been added at the request of the City's Corporation Counsel.

Mayor Mwilambwe closed the public hearing at 6:30 p.m.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by Council from the Consent Agenda for discussion are listed and voted on separately.

Council Member Ward made a motion, seconded by Council Member Boelen to approve the Consent Agenda with the exception of 8.I., 8.K., 8.N., and 8.T.

<u>Item 8.A. Consideration and action to Approve Bills and Payroll in the Amount of $6,188,187.23, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)</u>

<u>Item 8.B. Consideration and action to Approve Appointments and a Re-appointment to Boards & Commissions, as requested by the Administration Department. (Recommended Motion: The proposed Appointments and Re-appointment be approved.)</u>

<u>Item 8.C. Consideration and action to Approve the Purchase of Shared Server Storage Arrays from Pure Storage Hardware and Three Years of Support through SHI International Corp. in the Amount of $485,138.58, utilizing the Sourcewell Joint Purchasing Contract #081419-SHI, exp. 10/30/2023, as requested by the Information Technology Department. (Recommended Motion: The proposed Purchase be approved.)</u>

<u>Item 8.D. Consideration and action to approve an Agreement with Farnsworth Group, Inc., for Design and Construction Document Preparation for Roof Top Unit Replacement and</u>

Enhancement at Grossinger Motors Arena (RFQ #2022-03), in the amount of $173,100, as requested by the Public Works Department. (Recommended Motion: The proposed Agreement be approved.)

Item 8.E. Consideration and action on an Ordinance Approving the Annexation of Land Located at 2318 W. Market Street in McLean County, Illinois, Consisting of 1.10 Acres More or Less, to the City of Bloomington, McLean County, Illinois and an Ordinance Approving a Zoning Map Amendment for Annexed Property Located at 2318 W. Market Street, Consisting of 1.10 Acres More or Less to B-1 (General Commercial) District, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinances be approved.)

Item 8.F. Consideration and action to Approve a Resolution Authorizing an Annexation Agreement with DKS Properties Inc. for Land Located at 2318 W. Market Street, consisting of 1.10 Acres More or Less, PIN: 20-01-200-012, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Resolution be approved.)

Item 8.G. Consideration and action on an Ordinance Approving the Second Amended Preliminary Plan for Interstate Business Park for the Property Generally Located Near the Intersection of W. Market Street and Avalon Way and Along Interstate Drive, consisting of 25.21 Acres More or Less, PINs: 20-01-200-010, 20-01 -200-012, 20-01-200- 050, and 20-01-200-051, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.H. Consideration and action on an Ordinance Approving the Final Plat of Interstate Business Park 12th Addition, as requested by the Public Works Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.I. was pulled from the Consent Agenda by Council Member Walch.

Item 8.J. Consideration and action on an Ordinance Authorizing an Intergovernmental Agreement for Participation in the Mutual Aid Box Alarm System (MABAS Master Agreement 2022), as requested by the Fire Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.K. was pulled from the Consent Agenda by Council Member Montney.

Item 8.L. Consideration and action to Approve an Ordinance Amending Chapter 39 of the Bloomington City Code Combining the Short-Term Rental Tax into the Hotel Tax, as requested by the Legal Department. (Recommended Motion: The proposed Ordinance to be approved.)

Item 8.M. Consideration and action on an Ordinance Approving a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District for the Property Located at 2803 Longmeadow Lane, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.N. was pulled from the Consent Agenda by Council Member Boelen.

Item 8.O. Consideration and action on an Ordinance approving a Site Plan for a Hotel Use, with a Variance, in the B-1 (General Commercial) District for Property Located at 1041 Wylie Drive, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.P. Consideration and action on an Ordinance Approving a Site Plan for an Expansion to a Grocery Store Use, with a Variance, in the B-1 (General Commercial) District for Property Located at 1403 N. Veterans Parkway, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.Q. Consideration and action on an Ordinance Approving a Zoning Map Amendment from M-2 (General Manufacturing) District to M-1 (Restricted Manufacturing) District for the Property Located at 1301 W. Washington Street, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.R. Consideration and action on an Ordinance Approving a Zoning Map Amendment from B-1 (General Commercial) District to P-2 (Public Lands and Institutions) District for the Property Located at 602 S. Main Street, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.S. Consideration and action on a Resolution Authorizing the Closure of State Highway Business 51 for the Jaycees Holiday Parade on December 3, 2022, at 10 a.m., as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Resolution be approved.)

Item 8.T. was pulled from the Consent Agenda by Council Member Walch.

Item 8.U. Consideration and action to Approve a Policy for Honorary Street Signs, as requested by the Administration Department, and the Public Works Department. (Recommended Motion: The proposed Policy be approved.)

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Becker, Ward, Crabill, Crumpler

Motion carried.

Items Pulled from the Consent Agenda

The following item was presented:

Item 8.N. Consideration and action on an Ordinance Approving a Special Use Permit for Multiple-Family Dwellings in the R-2 (Mixed Residence) District for the Property Located at the Northwest Corner of Lutz Road and S. Morris Avenue, as requested by the Economic & Community Development Department.

Council Member Boelen stated she had not had the opportunity to ask staff questions regarding the traffic study for Lutz Road and expressed interest in doing so before the vote for the item be taken. She asked Craig Shonkwiler, Public Works Assistant Director / City Engineer, his opinion of the traffic study. Mr. Shonkwiler discussed traffic numbers and thresholds stating that an arbitrary threshold of 100 vehicles within the peak hour was most often used. He reported variances in industry standards for apartment complexes and other factors (e.g., current traffic level, additional traffic from development, crash reports, and sightline visibility) that could contribute to the traffic on Lutz Rd., S. Morris Ave., and Wittenberg Rd. He shared that staff did not believe a further traffic study was needed. She then asked how the traffic compared to Fox Creek Rd. Kevin Kothe, Public Works Director, assisted Mr. Shonkwiler in obtaining the data. Mr. Shonkwiler stated the Illinois Department of Transportation ("IDOT") reported an average of 5,800 vehicles per day on Fox Creek Rd.

whereas there was an average of 2,500 at the busiest part of S. Morris Ave. Mr. Shonkwiler and Council Member Boelen then discussed traffic speed, criteria for installing four-way stops, and Fox Creek Rd. traffic data. Council Member Boelen read from the City Code and reminded Council of the established due process. She discussed the need for both single-family and multi-family homes along with planned and future road improvements and land development. She reminded her constituents that without development, it was unlikely road improvements would happen in the near future.

Council Member Boelen made a motion, seconded by Council Member Crumpler, to approve the Item as presented.

Council Member Walch asked about the traffic per day on Lutz Rd. Mr. Shonkwiler responded that IDOT did not have statistics for Lutz Rd., which typically meant traffic was 300-400 per day. They then discussed the potential for traffic to increase at the Lutz Rd. and S. Morris Ave. intersection, the sightline studies performed, as well as applicable guidelines.

Council Member Montney expressed concern with the traffic doubling at the intersection. Mr. Shonkwiler stated that the road could handle more than 800 vehicles per day. They then discussed the traffic patterns. Council Member Montney expressed interest in staff monitoring local traffic patterns in addition to the national standards.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Boelen, Becker, Ward, Crabill, Crumpler

NAYES: Walch, Montney

Motion carried.

The following item was presented:

Item 8.K. Consideration and action on an Ordinance Amending Chapter 16, Article IV of the Bloomington City Code Regarding Entertainment Facility Contracts, as requested by the Arts & Entertainment Department.

Council Member Montney expressed interest in having more detailed information regarding the figures provided to Council so that Council could better make decisions. She reported her researched found that higher priced acts generally resulted in an overall lower net return and then also commented to food and beverage tax revenue and economic development. She made suggestions for staff to use in their review of acts considered.

Council Member Ward made a motion, seconded by Council Member Crabill, to approve the Item as presented.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Becker, Ward, Crabill, Crumpler

Motion carried.

The following item was presented:

Item 8.I. Consideration and action on an Ordinance Approving a Lease Extension Agreement Between the City of Bloomington and the United States Postal Service Substation for the Postal Substation Located at 400 N. Center Street in the Market Street Parking Garage for the Term of 12/01/2022-12/31/2024, as requested by the Public Works Department.

Council Member Walch expressed concern in approving a three-year lease due to the Market Street Parking Garage being considered as a potential site for the new Connect Transit Transfer Station. He also asked for an update on construction repairs of the Garage and expressed concern with how they might impact the rental agreement. City Manager Gleason stated that all the concerns had been considered and that another focus was the important role the Downtown location of the USPS played for Downtown residents and businesses.

Russ Waller, Facilities Division Supervisor, reported construction repairs were 40% complete and were on track to complete by the end of the year. He stated that the project's structural engineer had reported that the approved repairs would extend the life of the garage two or three years matching the length of the lease. Mr. Waller stated that the tenant desired to remain at the property.

Council Member Walch made a motion, seconded by Council Member Montney, to approve the Item as presented.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Becker, Ward, Crabill, Crumpler

Motion carried.

The following item was presented:

<u>Item 8.T. Consideration and action on the Approval of a Resolution Initiating Text Amendments to the City of Bloomington Zoning Code to Create a New Definition of "Plastic, Rubber and Allied Products Processing" and to Allow Such as a Permitted Use in M-1 Districts, as requested by the Legal Department.</u>

Council Member Walch stated Council had received public comment regarding concerns with the Water Reclamation District. He requested more time to look into the matter further before a vote.

Council Member Crabill explained that the recycling facility was in an M1 Zoning District that did not permit recycling facilities. He stated that in May of 2022, the Applicant had requested to be rezoned to an M2 Zoning District that allowed Special Use Permits for recycling, but that the request was denied due to a number of the qualifications not being met. He stated that the Applicant now requests a modification of the definition and expressed concern with the zoning designation.

City Manager Gleason stated that issues with the property existed, but that staff had taken a step back to review the text amendments objectively to see if there was value in a procedural change to initialize the request. He reiterated that staff recommended denial.

Council Member Crabill made a motion, seconded by Council Member Walch, to deny Item 8.T.

An individual, who identified himself as a representative of the requester, asked if he was able to speak. Jeff Jurgens, Corporation Counsel, informed him that comments were only accepted during public comment.

Mr. Jurgens explained Council's procedural options. He further explained that, per the Zoning Code, Council was the only meeting body that could initiate a text amendment.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Mwilambwe, Walch, Boelen, Montney, Becker, Ward, Crabill, Crumpler

Motion carried.

Regular Agenda

No Regular Agenda Items were considered.

Finance Director's Report

City Manager Gleason made opening remarks and noted that the City continued to trend positively with the caveat that several items would be impacted by inflation and the lack of available contractors to complete projects.

Scott Rathbun, Finance Director, addressed Council. He discussed major tax revenues for Fiscal Year 2023 and compared year-to-date figures to variances from prior years. He went on to discuss general fund revenues and expenditures through October 31, 2022, and reported on enterprise funds and the impacts of inflation and supply chain shortages. He reminded the community where to locate his presentations on the City's website.

Council Member Montney asked what percentage of the City budget was spent in the most recent fiscal year cycle. Mr. Rathbun stated that was a hard question to answer as there had been delays in capital projects causing figures to fluctuate as projects were bumped and/or carried over. He stated that the General Fund had a significant positive variance and expenditures were under budget.

City Manager's Discussion

City Manager Gleason discussed multiple upcoming events hosted at various City properties and in the Downtown.

Mayor's Discussion

Mayor Mwilambwe stated that Mayor Pro Tem Boelen would attend the upcoming Tree Lighting Ceremony in his place.

Council Member's Discussion

Council Member Walch asked for additional information on the sculptures near the overpass just south of Downtown. City Manger Gleason stated that Tom Kirk of Henson Disposal owned some of the property in the Warehouse District and that he planned to have sculptures similar to those at the City Museum in St. Louis.

Executive Session

No Executive Session was held.

Adjournment

Council Member Boelen made a motion, seconded by Council Member Becker, to adjourn.

Motion carried (viva voce).

The meeting adjourned at 7:39 p.m.

CITY OF BLOOMINGTON	**ATTEST**
Mboka Mwilambwe	Amanda Stutsman
Mboka Mwilambwe, Mayor	Amanda Stutsman, Deputy City Clerk