MINUTES
REGULAR SESSION CITY COUNCIL MEETING
MONDAY, OCTOBER 25, 2021, 6:00 P.M.

The City Council convened in regular session in-person in the Government Center Chambers at 6:00 p.m., Monday, October 25, 2021. The meeting was called to order by Mayor Mboka Mwilambwe.

Roll Call

Attendee Name	Title	Status	Arrived
Mboka Mwilambwe	Mayor	Present	
Jamie Mathy	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	Present	
Nick Becker	Council Member, Ward 5	Present	
De Urban	Council Member, Ward 6	Present	6:10 PM
Mollie Ward	Council Member, Ward 7	Present	
Jeff Crabill	Council Member, Ward 8	Present	
Tom Crumpler	Council Member, Ward 9	Present	

Recognition/Appointments

A. Presentation of the City of Bloomington Police Department Police Officer's Commission Certificate to Officers McCall and Followell, upon their completion of an eighteen-month probation

Police Chief Jamal Simington presented Officers Bryan McCall and Cody Followell to Council, recognizing their recent graduation from field training. Chief then provided background on each officer and Mayor Mwilambwe thanked them for their service.

Public Comment

Mayor Mwilambwe read a statement of procedure for public comment and the following spoke in-person: (1) Grant Jones; (2) David Long; (3) Jenee Clark; (4) Matthew Toczko; (5) Asrar Kazmi; and (6) Kelly Theisen. The following individuals provided virtual public comment: (1) Jennifer Carrillo; (2) Tate Skinner; (3) Alora Swick; (4) Leah Pinson; and (5) Louisa Gomez. Winnie Gent, Kurt Hudson, and Stacy Durako emailed public comment.

Ward 6 Appointment

A. Consideration and action to approve the Appointment of De Urban to serve as the Council Member for Ward 6, as requested by the Administration Department.

Mayor Mwilambwe nominated De Urban to fill the Ward 6 Council vacancy. He discussed the selection process, community input received, and explained his reasoning to support the nomination. He noted she would only serve the remainder of the existing term.

Council Member Boelen made a motion, seconded by Council Member Crumpler, that the proposed Appointment be approved.

Council Member Mathy expressed his respect for Ms. Urban, but stated he would not support the appointment as he believed she was not what Ward 6 desired.

Council Member Ward did not support the appointment. She expressed disapproval of the selection process.

Council Member Crabill thanked Ms. Urban for her involvement in the community. He did not believe she was the best fit for Ward 6 at that time and that due to public input opposing her appointment, he was not supportive of the appointment.

Council Member Emig echoed appreciation for Ms. Urban's community involvement. She too was not supportive of the appointment based on the public's preference for alternative representation. She also expressed disapproval of the selection process.

Council Member Boelen believed some of the public input shared about the appointment process to be untrue and expressed frustration with the dishonesty.

De Urban stressed her intention to be the voice of all Ward 6 constituents. She promised to set her personal views aside when contrary to the majority and stated that she would try very hard to fill the shoes of former Ward 6 representative, Jennifer Carrillo.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Boelen, Montney, Becker, Crumpler

NAYS: Mathy, Emig, Ward, Crabill

Leslie Yocum, City Clerk, announced the tie. She reminded Mayor Mwilambwe that he would have to vote. Mayor Mwilambwe voted in favor of the appointment.

Motion carried.

B. Oath of Office - Ward 6 Appointee

Leslie Yocum, City Clerk, performed the Oath of Office for De Urban.

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 Boelen made a motion, seconded by Council Member Mathy, that the Consent Agenda, including all items listed below, be approved as presented.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Ward, Crabill, Crumpler

Motion carried.

Item 8.A. Consideration and action to approve the Minutes of the August 16, 2021 Committee of the Whole Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*

Item 8.B. Consideration and action to approve the Minutes of the September 27, 2021, Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*

Item 8.C. Consideration and action to approve Bills and Payroll in the amount of $7,388,683.55, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*

Item 8.D. Consideration and action to approve the Purchase of ammunition for police duty weapons in the amount of $59,969, utilizing the IL State Joint Contract (20-426DOC-CENTO-P-12144, exp. 6/30/22), as requested by the Police Department. *(Recommended Motion: The proposed Purchase be approved.)*

Item 8.E. Consideration and action to approve an Agreement with Corrective Asphalt Materials, LLC, as a limited source for the FY22 Pavement Preservation Program, in the amount of $258,717.40, as requested by the Public Works Department. *(Recommended Motion: The proposed Agreement be approved.)*

Item 8.F. Consideration and action to grant Workers' Compensation Settlement Authority in the amount of $108,713 to City of Bloomington Police Officer Michael Luedtke, claim #W002773013, as requested by the Human Resources Department. *(Recommended Motion: The proposed Workers' Compensation Settlement be approved.)*

Item 8.G. Consideration and action to approve a Contract Extension with Evergreen FS for fuel from November 1, 2021, through October 31, 2022, for the City's vehicles and equipment, as requested by the Public Works Department. *(Recommended Motion: The proposed Contract Extension be approved.)*

Item 8.H. Consideration and action to approve a Professional Services Contract with Hutchison Engineering, LLC., in the amount not to exceed $95,555, for preliminary engineering services for the extension of the Constitution Trail from Lafayette Street to Hamilton Road utilizing RFQ #2019-34, as requested by the Public Works Department. *(Recommended Motion: The proposed Contract be approved.)*

Item 8.I. Consideration and action to approve a Contract with RJN Group, for the Miller Park Flow Monitoring Program, in the amount of $112,800, as requested by the Public Works Department. *(Recommended Motion: The proposed Contract be approved.)*

Item 8.J. Consideration and action on a Resolution Authorizing Waiving the Technical Bidding Requirements and Approving the Purchase of Syngenta, BASF, Bayer and Nufarm Chemicals and Fertilizers from Marubeni America Corporation DBA Helena Agri Enterprises LLC, as requested by the Parks, Recreation and Cultural Arts Department. *(Recommended Motion: The proposed Resolution and Purchase be approved.)*

Item 8.K. Consideration and action on an Ordinance Approving a Site Plan and Special Use Permit for Vehicle Repair and Service in the B-1 (General Commercial) District, for Property Located at 1106 S. Veterans Parkway (Rear), as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

Item 8.L. Consideration and action on an Ordinance Approving a Text Amendment to the Bloomington City Code, Chapter 44, Relating to Auto Repair and Service, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

Item 8.M. Consideration and action on an Ordinance Authorizing a Construction Contract Between the City of Bloomington and Hoerr Construction, Inc., for the FY2022 Sewer Rehabilitation Program (BID 2022-11), in the Amount of $1,643,876.40, as requested by the Public Works Department. *(Recommended Motion: The proposed Ordinance be approved.)*

Regular Agenda

The following item was presented:

Item 9.A. Administrative Review of a Zoning Board of Appeals Decision to Deny a Petition for a Variance to Allow a 2 1/2 Foot Reduction in the Required Rear Yard Setback for the Property Located at 3202 Cave Creek Road, Case Z-18-21, as Filed and Requested by the Petitioner and action on an Ordinance either approving or denying the variance, as requested by the Economic & Community Development Department.

Kimberly Smith, Assistant Director of Economic & Community Development, addressed Council. She provided an overview of the variance request and procedure taken by the Zoning Board of Appeals (“ZBA”). She reported that the ZBA had determined that required standards had not been met and that because of that had unanimously voted to deny the request. She explained that process allowed the requester to appeal the ZBA decision to Council noting, however, that the appeal must be centered around the same information and evidence presented to the ZBA.

Mayor Mwilambwe reiterated that Council could only consider the information contained in the Council packet.

Council Member Montney expressed her belief that similar variances had been granted regularly. Mrs. Smith explained variance request procedure and noted that the required standards must be met in order to grant a variance.

Council Member Crabill made a motion, seconded by Council Member Mathy, that the decision of the Zoning Board of Appeals passed on August 18, 2021, be upheld and an Ordinance Denying a Petition for a Variance from Chapter 44, Division 4-3, Request for 2½ Foot Reduction in the Required Rear Yard for the Property Located at 3202 Cave Creek Road, be approved.

Council Member Crabill and Mrs. Smith discussed procedure and expectations.

Jeff Jurgens, Corporation Counsel, further explained procedure and emphasized that Council was to only decide if the ZBA followed appropriate procedure.

Council Member Crabill supported the decision of the ZBA.

Council Member Montney and Mrs. Smith discussed the variance’s impact on neighbors, as well as various different encroachment allowances.

Council Member Crumpler shared Council Member Crabill’s position and confirmed with Mrs. Smith that the variance requirements were available and clear prior to the build.

Council Member Emig reiterated ZBA process being the focus.

Council Member Boelen confirmed the motion with Mr. Jurgens.

Council Member Montney stated that a similar variance had been approved recently.

Council Member Becker expressed his opposition of the process and the ZBA’s decision. Mr. Jurgens reiterated the process and expectations of Council.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Emig, Urban, Ward, Crabill, Crumpler

NAYS: Boelen, Montney, Becker

Motion carried.

The following item was presented:

<u>Item 9.B. Consideration and action on an Ordinance Amending City Policy on Street & Alley Vacations, as requested by the Legal Department and the Public Works Department.</u>

City Manager Tim Gleason noted that based on Council's previous discussions, staff had worked diligently on drafting the amended Ordinance presented.

Jeff Jurgens, Corporation Counsel, addressed Council and explained each amendment, as well as the effects the changes would have on Council decisions.

Council Member Mathy made a motion, seconded by Council Member Becker, that the proposed Ordinance be approved.

Council Member Boelen recommended that undeveloped properties being assessed for Equalized Assessed Value ("EAV") be assessed against other non-developed City property; rather than assessed against surrounding developed property. Mr. Jurgens explained that the requester could opt to provide a private appraisal. Council Member Boelen believed fees should only be waived if the vacation was in the best interest of the public. She further referenced the recent vacation approved for additional parking for a church development, and that it was done in support of a public interest. She was not supportive of a vacation for a private driveway as she saw no public interest involved.

Council Member Mathy stated that churches were private organizations.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

The following item was presented:

<u>Item 9.C. Consideration and action on an Ordinance Approving the Vacation of an Alley Between Lot 8 of McDowell Subdivision and Lot 4 of J B Stevensons Subdivision, which will Vacate an Alley between 508 and 514 E. Jackson Street, as requested by the Public Works Department.</u>

City Manager Gleason provided a brief overview of the item and noted that the Petitioner had requested that the vacation fee be waived. He explained that the City had valued the property at approximately $9,000, but that the Petitioner's private appraisal came back with an approximate value of $4,000.

Kevin Kothe, Public Works Director, addressed Council. He confirmed City Manager Gleason's statements, provided a background on the request, and stated that staff believed the counteroffer to be reasonable.

Council Member Mathy made a motion, seconded by Council Member Emig, that the proposed Ordinance be approved.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

The following item was presented:

Item 9.D. Consideration and action on an Ordinance Amending Chapter 7 of the City Code Regarding Video Gaming Licensure Requirements Within the City, as requested by the Legal Department and the City Clerk Department.

City Manager Gleason provided a brief overview of the item and explained the changes to the previously proposed Ordinance.

Jeff Jurgens, Corporation Counsel, addressed Council and explained that one objective of the proposed Ordinance was to prevent the sale of video gaming license trying to eliminate a “black market” where license are sold at high premiums. He discussed the types of transfers allowed by City Code for video gaming license. He explained that another objective of the proposed Ordinance was to allow contracted video gaming license separate from the current 60 video gaming license cap.

Council Member Mathy made a motion, seconded by Council Member Crumpler, that the proposed Ordinance be approved.

Council Member Montney strongly opposed the current motion as she believed the addition of contracted video gaming license essentially removed the cap and created a work around for the Video Gaming Wait List.

Council Member Mathy reminded Council that he was on Council when the license cap for video gaming license was approved. He regretted approving the cap as he believed it created haves and have-nots, which created undue hardships. He did not believe that the cap fixed the gambling problem and, in turn, believed it created problems. He expressed his intent to submit a Council Initiative to remove the video gaming cap.

Council Member Ward expressed her opposition of video gaming, but supported that the item expressed her intent to submit a Council Initiative to earmark video gaming revenues for designated projects that benefited the community.

Council Member Crabill believed the objective of contracted licenses fostered the belief that the City aided big business over small business. He supported the item and expressed interest in both Council Members Ward and Mathy’s Initiatives.

Council Member Becker expressed his opposition in the current motion. He stated that he did support the language preventing video gaming transfers.

Council Member Emig supported video gaming revenue going to programs to aid the community and looked forward to Council Member Ward’s Initiative.

Council Member Montney reminded Council that health programs were available through the State Video Gaming Board. She did not believe the funds received by the City for video gaming were adequate to address the issues created by gambling. She noted that

Bloomington was a top municipality in Illinois for video gaming revenue. She strongly opposed the expansion of video gaming in Bloomington.

Council Member Boelen stated that as part of Council that discussed video gaming at length, she was not interested in replicating those extensive discussions.

Council Member Crumpler supported allocating funds to health programs.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Boelen, Emig, Urban, Ward, Crabill, Crumpler

NAYS: Montney, Becker

Motion carried.

The following item was presented:

Item 9.E. Consideration and action on 1) an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2022, to Increase the Water Fund Budget by $378,000; Sanitary Sewer Fund Budget by $186,000; Storm Water Fund Budget by $186,000, and 2) approval of a Professional Services Agreement with Clark Dietz, Inc., in the amount not to exceed $750,000, for professional engineering services related to Locust Colton CSO Elimination and Water Main Replacement, Phase 5, as requested by the Public Works Department.

City Manager Gleason stated that the item was part of a continued discussion. He explained that the item compressed Phases 4 and 5 of the Locust-Colton Combined Sewer Overflow project, which would reduce the total timeline by two years. He hoped to combine other stages in the future to further expedite the project.

Mayor Mwilambwe thanked staff for their continued efforts and thanked the public for their patience.

Council Member Montney made a motion, seconded by Council Member Crabill, that the proposed Ordinance and Agreement be approved.

Council Member Mathy supported the item and noted that Phase 5 would be funded by the American Rescue Plan Act ("ARP"). He looked forward to further discussion on how the remainder of ARP funds could be spent on non-sewer projects.

Council Member Boelen and Mr. Kothe discussed Phases 8 and 9 being funded by a Illinois Environmental Protection Agency loan per the original development plan.

Council Member Ward noted that other parts of the City also needed attention.

Council Member Crumpler expressed his support in the item and echoed preference to discuss how the remainder of ARP funds could be spent.

Council Member Crabill expressed his appreciation of staff time and confirmed the timeline for the phases with Mr. Kothe. Council Member Crabill and Mr. Kothe then briefly discussed potential design concepts.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

The following item was presented:

Item 9.F. Consideration and action on 1) an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2022, to Increase the Sanitary Sewer Fund Budget by $580,117 and the Storm Water Fund Budget by $580,118, and 2) approval of a Contract with Baxter and Woodman, Inc., for professional engineering services for the hydraulic modeling and design of the East Street Basin and associated sewer system, in the amount not to exceed $1,160,235, as requested by the Public Works Department.

City Manager Gleason explained hydraulic modeling and the benefits. He stated that the current Public Works campus was the ideal place for a retention basin and that it would provide dramatic relief to the neighboring areas. He discussed opportunities to make the retention basin a City amenity.

Council Member Emig made a motion, seconded by Council Member Ward, that the proposed Ordinance and Contract be approved.

Council Member Emig applauded the idea of the basin being an amenity. She supported conversations on American Rescue Plan Act (“ARP”) funds and expressed interest in an initiative on creating a team to focus on green development. Council Member Emig and Mr. Kothe discussed how the Citizen Convenience Center would be impacted.

City Manager Gleason confirmed the Citizen Convenience Center would be relocated.

Council Member Ward supported the item and stressed the need for flood relief in Ward 7. Mr. Kothe stated staff anticipated to propose hydraulic modeling for Ward 7 as well.

Council Member Crabill echoed the need for flood relief on the westside of Bloomington. Council Member Crabill and Mr. Kothe discussed the need to assess flood routing to ensure the hydraulic modeling worked efficiently.

Council Member Montney stressed the need to focus on the core issue of flooding versus the addition amenities. Mr. Kothe confirmed that the core function would be to hold flood water and noted that the design aesthetic was a minimal cost.

Council Member Boelen cautioned that the more bells and whistles installed, the more maintenance that would be required. Council Member Boelen and Mr. Kothe then discussed various costs associated to the project.

Council Member Mathy expressed concern with the proposed hydraulic modeling not reaching all the areas affected by the flood. He supported hydraulic modeling for Ward 7 and requested additional modeling for Ward 1.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

Finance Director's Report

City Manager Gleason introduced the item and asked Scott Rathbun, Finance Director, to address Council.

Mr. Rathbun discussed concerns of uncertainty resulting from COVID, such as product supply chain, inflation, and labor ability nationwide. He presented the Fiscal Year 2022 ("FY22") financial summary and discussed FY22 major tax revenues through September 30, 2021, highlighting key factors and increases in revenue compared to prior to COVID-19. He presented FY22 general fund revenue and expenditures by category and provided updates on significant changes. He concluded his presentation by providing an overview of the enterprise funds and noted that staff continued to monitor expenditures.

Council Member Montney noted that it would be helpful to understand the tax revenue implications on road repair and motor fuel cost trends. She asked staff to create a standard formula to understand progress over time.

Council Member Crabill and Mr. Rathbun addressed American Rescue Plan Act funds within the fiscal year and how it reflects in the report.

Council Member Boelen commented to the deficit of the solid waste program. City Manager Gleason confirmed that a future conversation would be had at an upcoming meeting.

Council Member Mathy commented on the Utility Tax deficit and the inadequacy of it paying off pension debt. He encouraged a conversation to discuss transferring to a separate tax revenue stream. Mr. Rathbun acknowledged the deficit and noted that staff were working on a potential solution. Council Member Mathy requested a report of the City's pension obligations.

City Manager's Discussion

City Manager Gleason highlighted multiple upcoming Downtown Bloomington events. He recognized new staff hires and discussed items for the upcoming Committee of the Whole meeting.

Leslie Yocum, City Clerk, noted that the September 27, 2021 Council meeting minutes in Item 8.B. addressed early in the meeting included amended minutes. She explained the changes and apologized for not having stated her comments when the item was considered.

Mayor's Discussion

Mayor Mwilambwe noted that he had removed Robert Garcia from the Property Maintenance Review Board due to absenteeism. He then discussed multiple events he had attended over the past week and highlighted upcoming events. He thanked Karen Schmidt for her willingness to step in as Council Member Ward 6. He welcomed De Urban to Council.

Council Member's Discussion

Council Member Boelen discussed the Immigration Project Luncheon that she recently attended. She recognized a speech provided by Ana Manriquez, American Hero Award recipient, and encouraged the community to continue to reach out and help.

Council Member Mathy mentioned a meeting that he recently attended and noted that there were a significant number of developments in the works in the area. He then recognized Connect Transit for donating two buses to The Boys and Girls Club.

Council Member Ward requested an update on the use of Illinois Housing Development Authority funds, as well as an update on the Government Center Chambers.

Executive Session

No Executive Session was held.

Adjournment

Council Member Boelen made a motion, seconded by Council Member Becker, that the meeting be adjourned.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried (viva voce).

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

CITY OF BLOOMINGTON ESTABLISHED 1850