CITY OF Bloomington ILLINOIS

MINUTES
REGULAR SESSION CITY COUNCIL MEETING
MONDAY, SEPTEMBER 27, 2021, 6:00 P.M.

The City Council convened in regular session in-person in the Government Center Chambers at 6:01 p.m., Monday, September 27, 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	Absent	
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	
Vacant	Council Member, Ward 6	Excused	
Mollie Ward	Council Member, Ward 7	Present	
Jeff Crabill	Council Member, Ward 8	Present	
Tom Crumpler	Council Member, Ward 9	Present	

Recognition/Appointments

No recognition or appointments were presented.

Public Comment

Mayor Mwilambwe read a statement of procedure for public comment and the following spoke in-person: (1) Greg Koos; (2) Kathryn Petty; and (3) Gary Lambert. Matthew Toczko had registered to speak remotely but was not present online. Greg Koos also emailed public comment.

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 Crabill, that the Consent Agenda, including all the items listed below, be approved as presented with the exception of Items 7.G and 7.N.

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

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

Motion carried.

Item 7.A. Consideration and action to approve the Minutes of the July 19, 2021, Committee of the Whole Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*

Item 7.B. Consideration and action to approve the Minutes of the August 23, 2021, Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*

Item 7.C. Consideration and action to approve Bills and Payroll in the amount of $6,875,855.88, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*

Item 7.D. Consideration and action to approve Appointments to various Boards & Commissions, as requested by the Administration Department. *(Recommended Motion: The proposed Appointments be approved.)*

Item 7.E. Consideration and action to approve the Purchase of 1 Toro Groundmaster 7200 w/ 72" deck kit, 1 Toro Groundmaster 7200 with 60" deck kit, 1 Toro 52" GrandStand, and 1 Toro 4000 11' cut width w/4wd package from MTI Distributing in the amount of 103,813.47, utilizing the Omnia Partners and State of Illinois joint purchasing contracts, as requested by the Parks, Recreation and Cultural Arts Department. *(Recommended Motion: The proposed Purchase be approved.)*

Item 7.F. Consideration and action on the Purchase of Environmental Database Watershed Management Software, through the Watershed Conservation Intergovernmental Agreement between the City of Bloomington, McLean County, the Town of Normal, and the McLean County Soil and Water Conservation District, in the amount of $66,000, as requested by the Public Works Department. *(Recommended Motion: The proposed Purchase be approved.)*

Item 7.G. was removed from the Consent Agenda by Council Member Montney.

Item 7.H. Consideration and action to postpone consideration of 1) an Ordinance Approving the Vacation of an Alley between Lot 8 of McDowell Subdivision and Lot 4 of J B Stevenson Subdivision, and 2) an Ordinance Amending the City Policy on Street & Alley Vacations, as requested by the Public Works Department. *(Recommended Motion: Consideration of the proposed Ordinances be postponed until a meeting no later than October 25, 2021.)*

Item 7.I. Consideration and action on 1) an Ordinance Amending the Budget Ordinance for the Fiscal Year ending April 30, 2022, to increase the Capital Improvement Fund budget by $175,527, and on 2) an Ordinance Authorizing a Construction Contract Between the City of Bloomington and J Spencer Construction, LLC for the Government Center Remodel Project (BID 2022-09), in the Amount of $175,527, as requested by the Facilities Department. *(Recommended Motion: The proposed Ordinances be approved.)*

Item 7.J. Consideration and action on an Ordinance Amending the Budget Ordinance for the Fiscal Year ending April 30, 2022, to increase the Community Development Block Grant (CDBG) budget by $685,740, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

Item 7.K. Consideration and action on an Ordinance Approving the Fourth Amendment to the Contract Between the City of Bloomington and Tim Gleason, as requested by the City Council. *(Recommended Motion: The proposed Ordinance be approved.)*

Item 7.L. Consideration and action on a Liquor License Application of Adidev Hospitality Management, LLC, d/b/a Chateau Hotel and Conference Center, located at 1621 Jumer Drive, for a Class EAS (Entertainment, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. *(Recommended Motion: The proposed License be approved.)*

Item 7.M. Consideration and action on an Application of Aldi, Inc., d/b/a Aldi, Inc. #55, to be located at 2121 Village Lane, requesting a Class PBS (Package, Beer and Wine Only, and Sunday Sales) Liquor License, as requested by the City Clerk Department. *(Recommended Motion: The proposed License be approved.)*

Item 7.N. was removed from the Consent Agenda by Council Member Emig.

Item 7.O. Consideration and action to approve a Lake Bloomington Lot Transfer and Supplemental Agreement for Lot 7 in Block 1 in Camp Kickapoo, from Andrew and Ashley Netzer to the petitioners, Robert M. and Candice J.M. Osenga and Chad and Roxanna Parker, as requested by the Public Works Department. *(Recommended Motion: The proposed Lot Transfer, Petition, and Supplemental Agreement be approved.)*

Items Removed from Consent Agenda

This following item was pulled from the Consent Agenda by Council Member Montney:

Item 7.G. 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 City Clerk Department.

Council Member Montney expressed opposition in video gaming license being used as economic development tools. She commented to other communities' experiences and believed the proposed changes disparaged establishments on the Video Gaming Waitlist.

Council Member Montney made a motion, seconded by Council Member Becker, to reject the proposed Ordinance and maintain the current ordinance "As Is".

Council Members Crabill and Montney discussed the proposed Ordinance change and how it pertained to the transfer of video gaming license.

Jeff Jurgens, Corporation Counsel, expanded on the original intent of video gaming license transfers. He went on to explain that staff sought to clean-up language to reflect Council's original intent and stop video gaming license from being sold.

Council Member Montney expressed procedural concerns. Mr. Jurgens assured her that applicants had to meet all Code qualifications prior to transfer. Council Member Montney opposed the creation of new license, but did not oppose the transfer of license language.

Council Member Crabill asked about economic development benefits that could result from video gaming license being used as a development tool. City Manager Gleason explained that the proposed Ordinance maintained the integrity and wishes of Council, including the video gaming license cap. He reminded Council of the active development agreement that would increase the number of license to 61. He assured Council they maintained final approval of development agreements.

Council Member Montney expressed opposition of the proposed Ordinance.

Council Member Becker asked for a clarification of the motion.

Council Member Montney made a motion, seconded by Council Member Becker, to amend the original motion and approve an amended Ordinance with Sections 2 and 3, which referenced development agreements, removed from the proposed Ordinance.

Council Member Boelen expressed concern with bestowing Council powers to staff and requested development agreements clearly state if a license is a condition of development. Mr. Jurgens assured Council that the proposed Ordinance did not give staff any discretionary authority. He explained that all development agreements had to be approved by Council.

Council Member Boelen and Leslie Yocum, City Clerk, discussed the timeline of LuLu's Pizza development agreement, noting that the cap on video gaming license had not been met when the agreement was approved.

Council Member Crabill and Mr. Jurgens talked about the potential to allow only one contracted license at a time.

Council Member Emig supported aiding health organizations to combat gambling.

City Manager Gleason discussed the proposed Ordinance increasing transparency.

Council Member Montney expanded on Council Member Emig's comments on social challenges as a result of video gambling.

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

AYES: Montney, Becker, Ward, Crumpler

NAYES: Boelen, Crabill, Emig

Motion failed.

Mr. Jurgens explained that ordinances required a majority vote of Council to pass.

Council Member Boelen made a motion, seconded by Council Member Emig, to table the item to the next regularly scheduled meeting.

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

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

NAYES: Montney

Motion carried.

This following item was pulled from the Consent Agenda by Council Member Emig:

Item 7.N. Consideration and action on a Request from Bloomington Normal Jaycees, who will hold a Bruegala with a Twist fundraiser in Downtown Bloomington on Friday, October 1, 2021, for a Class LB (Limited/Beer and Wine) Liquor License, as requested by the City Clerk Department.

Council Member Emig recused herself as her employer had partnered with the applicant organization. She left the meeting at 6:44 p.m.

Council Member Boelen made a motion, seconded by Council Member Crabill, that the proposed License be approved.

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

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

RECUSED: Emig

Motion carried.

Council Member Emig returned to the meeting at 6:45 p.m.

Regular Agenda

The following item was presented:

Item 8.A. Consideration and action on a Resolution in Support of the Bloomington Historic Preservation Plan, as requested by the Economic & Community Development Department.

Nicholas Kalogeresis, Representative of the Lakota Group, a preservation planning firm based in Chicago, addressed Council. He explained the benefits of historic preservation and stressed the importance of integrating historic preservation into all levels of community planning. He provided a brief overview of the planning process and touched on various historic landmarks within the City. He discussed ways to protect and preserve the landmarks for generations to come. He listed key opportunities for growth including an extensive survey to determine new local historic landmarks and to update current historic landmarks. Mr. Kalogeresis then presented goals for promoting community sustainability, livability, and vitality. He encouraged Council to retain ongoing funding for the Funk and Rust Façade Grant Programs, as well as explore new incentives for historic housing rehabilitation. He provided multiple suggestions to enhance local preservation programs and increase Bloomington's heritage narrative. He concluded with a list of goals for building local awareness and providing various avenues to bring awareness.

Council Member Ward requested an explanation of conservation versus preservation. Mr. Kalogeresis responded accordingly.

Council Member Emig and Mr. Kalogeresis discussed his top recommendations, which were completing surveys and streamlining processes for commercial property owners.

Council Member Crabill and Mr. Kalogeresis talked about community involvement and the ability to crowd source information and materials for historic and cultural preservation. They touched on the potential for historic and cultural preservation in West Bloomington. Council Member Crabill was interested in offering incentives in West Bloomington.

Kimberly Smith, Economic & Community Development Assistant Director, explained staff would lead the work plan for execution of the Historic Preservation Plan.

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

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

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

Motion carried.

The following item was presented:

Item 8.B. Consideration and action on an Ordinance Amending the Budget Ordinance for the Fiscal Year ending April 30, 2022, as it relates to the City's Overhead Sewer Program, in the amount of $210,000, as requested by the Administration Department.

City Manager Gleason reported that this was the first actionable item as a result of the storm damage. He explained that the budget amendment would allow expansion of the Overhead Sewer Program and, if approved, staff would determine a ratio for awarding funds and implementing a repayment plan.

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

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

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

Motion carried.

The following item was presented:

Item 8.C. Consideration and action on an Ordinance Authorizing the Mayor and City Manager to Approve Agreements, Contracts, Land Acquisition, and Related Documents Associated with Budgeted Water, Sewer and Stormwater Infrastructure Improvement Projects, as requested by the Legal Department and the Public Works Department.

City Manager Gleason stated that this was the second actionable item as a result of the storm damage. He explained the item would expedite the review process of budgeted infrastructure improvement projects with the caveat that the City Manager must report approvals to Council at the Council meeting immediately following the approval.

Leslie Yocum, City Clerk, reminded Council that a revised Ordinance had been provided to them before the meeting, which added the term 'water' to the definition. She then clarified that the motion on the floor would be to approve the revised amendment.

Council Member Boelen and Mr. Jurgens discussed standard procedure for contract review. She then noted a resident's concern and explained the intent to expedite process.

Council Member Crabill reiterated that any action taken by the City Manager and Mayor would be reported back to Council. Mayor Mwilambwe confirmed.

Council Member Boelen made a motion, seconded by Council Member Crabill, that the proposed revised Ordinance be approved.

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

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

Motion carried.

The following item was presented:

Item 8.D. Consideration and action on a Resolution Regarding Housing Rehabilitation for those affected by the June 2021 Flooding Event, as requested by the Legal Department.

City Manager Gleason explained that the item was the third step in the Council

Initiative process. He then read the proposed three resolution options.

Council Member Ward made a motion, seconded by Council Member Crabill, that Option A: a Resolution in Support of Utilizing the Illinois Housing Development Authority Rehabilitation Program, as well as the Creation and Funding of a Similar Local Program, to Assist Qualified Residents with the 2021 Flooding Event, and Providing Direction to City Staff on Next Steps, be approved.

Council Member Boelen opposed Option A and strongly believed that it operated outside the definition of public purpose. She believed the funds provided by the Overhead Sewer Program were adequate and expressed concerns with future expectations of residents. She held that the resolution violated her Oath of Office.

Council Member Becker agreed with Council Member Boelen and stated that some residents did not believe direct aid to residents was the City's responsibility. He agreed that the Resolution violated his Oath of Office.

Council Member Crabill disagreed and believed it was Council's duty to help residents. He and City Manager Gleason briefly discussed next steps and eligibility requirements.

Council Member Montney sympathized with impacted residents. She then consulted with Mr. Jurgens on whether he had found similar programs in other communities. He had not. She echoed comments on Council's inability to appropriate public funding with the program.

Council Member Crumpler sympathized with the impacted residents, but believed all other funds should be exhausted before City funds were used. He asked if a portion of the Community Development Block Grant ("CDBG") program could be designated to help. Melissa Hon, Economic & Community Development Director, informed Council that the funds for the CDBG program were already allocated, but that $160,000 of the funds were allotted to the Homeowner Rehabilitation Loan Program. She explained how to apply, noting the finite amount of available funds, as well as the current waitlist.

Council Member Ward asked for additional explanation on qualifications and expressed concerns regarding income levels as it related to Small Business Loans and the current program. Mrs. Hon responded that qualifications for CDBG programs were determined by Department of Housing and Urban Development and that they were available online. Deputy City Manager, Billy Tyus, reported on maximum income levels.

City Manager Gleason discussed procedure.

Council Member Ward expressed her believe that Option A moved the City forward.

Mr. Jurgens advised Council on parliamentary procedure.

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

AYES: Emig, Ward, Crabill

NAYES: Boelen, Montney, Becker, Crumpler

Motion failed.

Council Member Boelen made a motion, seconded by Council Member Becker, that Option C: a Resolution in Support of Utilizing the Illinois Housing Development Authority Rehabilitation Program to Assist Qualified Residents with the 2021 Flooding Event and

Providing Direction to City Staff on Next Steps, be approved.

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

AYES: Boelen, Montney, Becker

NAYES: Emig, Ward, Crabill, Crumpler

Motion failed.

Council Member Ward made a motion, seconded by Council Member Crumpler, that Option B: a Resolution in Support of Utilizing the Illinois Housing Development Authority Rehabilitation Program to Assist Qualified Residents with the 2021 Flooding Event, as well as Potential Future Funding of a Similar Program, and Providing Direction to City Staff on Next Steps, be approved.

Council Member Ward and Deputy City Manager Tyus discussed procedure.

Council Member Montney and Mr. Jurgens discussed potential risks if decisions made by Council did not comply with the Illinois Public Service Doctrine. Mr. Jurgens stated that he would provide additional details to Council prior to their voting on an ordinance.

Mayor Mwilambwe, Council Member Ward, and Mr. Jurgens discussed injunctive relief and lawsuit potential in more detail.

Council Member Crumpler supported Option B and believed CDBG funds and IDHA grants were resources available that required little time of staff. Council Member Becker pointed out that CDBG could be applied for separate from the relief program.

Council Member Emig and Mr. Jurgens discussed the necessity to keep the program closely aligned with the public purpose definition, as well as legal ramifications if it did not.

Council Members Montney and Crumpler discussed opportunities for those residents who had already completed repairs resulting from flood damage.

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

AYES: Emig, Ward, Crabill, Crumpler

NAYS: Boelen, Montney, Becker

Motion carried.

Finance Director's Report

City Manager Tim Gleason introduced the item and asked Scott Rathbun, Finance Director, to address Council. Mr. Rathbun discussed concerns of uncertainty resulting from COVID such as commodity prices, inflation, and labor ability nationwide. He presented the Fiscal Year 2022 (“FY22”) financial summary and discussed FY22 major tax revenues through August 31, 2021, highlighting key factors, and increases in revenue. He presented FY22 general fund revenue and expenditures by category and provided updates on significant changes. Mr. Rathbun went on to discuss general fund highlights of FY22 and how the American Rescue Plan funds would be used. He concluded his presentation by providing an overview of the enterprise funds and noted that staff continued to monitor expenditures.

Council Member Crabill recommended the presentations be posted online.

City Manager's Discussion

City Manager Tim Gleason highlighted multiple upcoming Downtown Bloomington events. He recognized Bloomington's Police Honor Guard for presenting the colors at a recent Chicago Bears football game. He informed the public that Col. Jamal Simington would be sworn in as Bloomington's new Police Chief and that a formal introduction would be held at the next meeting. He provided a COVID-19 update in that, due to the recent COVID-19 vaccination mandate, Bloomington Fire Department staff were now required to be vaccinated or be tested twice weekly. He explained challenges with obtaining costly tests and that staff continued to prepare for the mandate being expanded.

Mayor's Discussion

Mayor Mwilambwe expressed his condolences to the family of Jelani Day. He provided an update on the Ward 6 vacancy and discussed his search for a candidate that would accurately represent the Ward. He discussed multiple speaking events he had participated in and expressed excitement for the upcoming ribbon cutting at the Ferrero Plant.

Council Member's Discussion

Council Member Boelen reminded the community of Mental Health Awareness Week, as well as upcoming events and mental health resources.

Council Member Becker encouraged learning about mental health resources.

Council Member Emig provided an update on the Annual Cemetery Walk and ticketing. She reminded the community about the upcoming free Household Hazardous Waste Collection event with the McLean County Ecology Action Center and recognized a group of young leaders who had received a Why I See You (YICU) Service Award.

Executive Session

No Executive Session was held.

Adjournment

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

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

Motion carried (viva voce).

Meeting adjourned at 8:35 p.m.

CITY OF BLOOMINGTON | **ATTEST**

Mboka Mwilambwe

Mboka Mwilambwe, Mayor

Amanda Stutsman

Amanda Stutsman, Deputy City Clerk

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