CITY OF Bloomington ILLINOIS

MINUTES
REGULAR SESSION CITY COUNCIL MEETING
MONDAY, SEPTEMBER 13, 2021, 6:00 P.M.

The City Council convened in regular session in-person in the Government Center Chambers at 6:02 p.m., Monday, September 13, 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	
Mollie Ward	Council Member, Ward 7	Present	
Jeff Crabill	Council Member, Ward 8	Present	
Tom Crumpler	Council Member, Ward 9	Present	
Vacant	Council Member, Ward 6		

Recognition/Appointments

A. Proclamation recognizing Welcoming Week September 10-19, 2021

Mayor Mwilambwe read the Proclamation aloud.

B. Recognition of Appointments to Various Boards & Commissions

Staff recognized the appointment of Council Member Donna Boelen to the McLean County Behavioral Health Coordinating Council and Council Member Jamie Mathy to the Bloomington Normal Area Convention and Visitors Bureau.

Public Comment

Mayor Mwilambwe read a statement of procedure for public comment and the following spoke in-person: (1) Mathew Toczko; (2) Tina Sipula; (3) Scott Stimeling; (4) Tim Foley; (5) Mary Gordon; (6) Mary Kramp; and (7) Gary Lambert. Jon Reed registered to provide public comment remotely, but despite multiple attempts his audio never connected in the meeting. Gary Donohue and Zach Carlson 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 Mathy made a motion, seconded by Council Member Emig, that the Consent Agenda, including all items listed below, be approved as presented with the exception of Items 7.F. and 7.K.

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 7.A. Consideration and action to approve the Minutes of the July 26, 2021 Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*

Item 7.B. Consideration and action to approve Bills and Payroll in the amount of $8,525,981.30, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*

Item 7.C. Consideration and action to approve a Contract with Stewart Spreading, Inc. for lime sludge removal (RFP #2022-08), from September 13, 2021, to April 30, 2023, in the amount of $73.21 per dry ton of lime sludge, with an option for three one-year renewals, as requested by the Public Works Department. *(Recommended Motion: The proposed Contract be approved.)*

Item 7.D. Consideration and action to approve a Contract with Walker Consultants for Parking Planning and Garage Concept Design, in the amount of $95,280, as requested by the Facilities Department. *(Recommended Motion: The proposed Contract be approved.)*

Item 7.E. Consideration and action on a Resolution Authorizing Waiving the Formal Bidding Process and Approving the Agreements with PFM Asset Management and Busey Wealth Management for Investment Advisory Services in the Amount not to Exceed $70,000, as requested by the Finance Department. *(Recommended Motion: The proposed Resolution and Agreements be approved.)*

Item 7.F. was removed from the Consent Agenda by Council Member Boelen.

Item 7.G. Consideration and action on 1) a Resolution to Authorize a Change Order in the Amount of $26,575 for the Contract Between the City of Bloomington and Western Waterproofing, Inc. for Repairs to the Police Parking Garage, and 2) a Resolution to Authorize a Change Order in the Amount of $2,190 for the Contract Between the City of Bloomington and Shive-Hattery, Inc. for Design of Repairs to the Police Parking Garage, as requested by the Facilities Department and the Police Department. *(Recommended Motion: The proposed Resolutions be approved.)*

Item 7.H. Consideration and action on a Resolution to Adopt Standards for Determining Affordable Rents, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Resolution be approved.)*

Item 7.I. Consideration and action on 1) a Resolution Approving Acceptance of the Illinois Housing Development Authority's (IHDA) Single Family Rehab Program funding increase in the Amount of $100,000, 2) an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2022, in the Amount of $100,000, and 3) the approval of the Program Funding Agreement and Affidavit, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Resolution, Ordinance, Funding Agreement and Affidavit be approved.)*

Item 7.J. 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 September 27, 2021.)*

Item 7.K. was removed from the Consent Agenda by Council Member Crumpler.

Item 7.L. Consideration and action on an Ordinance Approving a Special Use Permit for Food & Kindred Industries in the M-1 (Restricted Manufacturing) District for the Property Located at 2501 Beich Road, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

Item 7.M. Consideration and action on an Ordinance Amending Bloomington City Code Chapter 1 Regarding Administrative Adjudication, as requested by the Legal Department and the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

Item 7.N. Consideration and action on an Ordinance Approving the Final Plat of the Second Addition to Harvest Pointe Subdivision, as requested by the Public Works Department. *(Recommended Motion: The proposed Ordinance be approved, subject to the petitioner providing the required sureties.)*

Items Removed from the Consent Agenda

The following item was pulled from the Consent Agenda by Council Member Crumpler:

Item 7.K. Consideration and action on an Ordinance Amending Chapter 25 of the City Code Regarding Utility Penalties & Shutoffs, as requested by the Finance Department.

Council Member Crumpler whether the moratorium should be extended beyond the end of September.

Council Member Crumpler made a motion, seconded by Council Member Ward, to extend the moratorium to the end of 2021.

Jeff Jurgens, Corporation Counsel, explained that exemptions for those significantly impacted by COVID-19 were considered in the proposed Ordinance. Mr. Jurgens and Council Member Crumpler then discussed potential procedure and requirements for individuals to demonstrate significant COVID impact and the inability to pay their utility bill.

Council Member Crumpler withdrew his motion.

Council Member Crumpler made a motion, seconded by Council Member Montney, 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, Ward, Crabill, Crumpler

Motion carried.

The following item was pulled from the Consent Agenda by Council Member Boelen:

Item 7.F. Consideration and action on a Resolution to Authorize a Change Order in the Amount of $110,960 for the Contract Between the City of Bloomington and Williams Associates Architects Ltd. for the Design of the O'Neil Park & Pool Improvements, as requested by the Parks, Recreation and Cultural Arts Department.

Council Member Boelen asked for additional clarification on hard costs versus soft costs. Jay Tetzloff, Parks, Recreation, and Cultural Arts Department Director, explained that construction related fees were considered hard costs, whereas architect's fees were considered soft costs. Council Member Boelen and Mr. Tetzloff discussed the possibility of hard costs increasing, as well as contingencies built into the contracts. Council Member Boelen expressed dissatisfaction with the project's cost increase.

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

Council Member Becker strongly encouraged options be considered to reduce project costs versus increasing them. Mr. Tetzloff pointed out that portions of the project, such as the skate park or splash park, could be eliminated from Phase 1 of the project.

City Manager Gleason stated that the project continued to operate within the approved $11.7 million and assured Council that if submitted bids came back over budget additional discussion would be had to amend the project.

Council Member Montney referenced a previous meeting where staff were optimistic that the project would finish under-budget. Mr. Tetzloff responded that after a detailed review, costs came back higher than anticipated due to demand during COVID. He noted that staff had made cuts to reduce costs.

Council Member Ward did not favor eliminating the skate park or splash park as they were to be free for use and would benefit lower income level households.

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

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

NAYES: Becker

Motion carried.

Public Hearing

<u>A. Public Hearing for the 2020 Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER), as requested by the Economic & Community Development Department.</u>

Mayor Mwilambwe opened the Public Hearing at 6:47 p.m.

No individuals had registered for public comment.

Melissa Hon, Economic and Community Development Department Director, presented an overview of the Consolidated Annual Performance Evaluation Report ("CAPER") for Year 46 (May 1, 2020 - April 30, 2021). She discussed impacts of the COVID-19 pandemic and highlighted the following CAPER results: (1) 86 households received up to $5,000 in direct aid or assistance; (2) 60 local businesses received small business grants where an owner or employee qualified under low-income; (3) 105 individuals were assisted through the PATH COVID Emergency funding that provided funding or shelter to prevent homelessness; and (4) due to COVID-related delays, the goal of 3 homeowner housing units was not achieved, but they would be by 2022. She went on to discuss various infrastructure improvements including accessible playground equipment, benches, and drinking fountains at Evergreen Park. She reported on multiple public service accomplishments including 26,000 peace meals served to residents of very low income, as well as multiple activities that aided in reducing homelessness. Ms. Hon reminded the community that the CAPER could be found on the City's website or viewed at The Hub or Bloomington Public Library. She ended by explaining how public comment for the CAPER could be submitted.

Council Member Ward recognized the benefits of individuals who were awarded CAPER funds. She and Ms. Hon then discussed how the aid given to those individuals benefitted the City as a whole.

Council Member Crabill asked Ms. Hon if she anticipated staff elevating portions of the CAPER that were not addressed. Ms. Hon was confident that the City could meet their goal within the next five years.

Council Member Boelen confirmed with Ms. Hon that CAPER funds were federally funded.

Mayor Mwilambwe closed the Public Hearing at 6:55 p.m.

Regular Agenda

The following item was presented:

Item 9.A. Presentation and discussion of priorities and recommendations for associated projects related to City infrastructure and recent storm events, as requested by the Public Works Department and the Administration Department.

City Manager Tim Gleason provided an overview of staff's work on recommendations for the Locust Colton Combined Sewer Overflow ("CSO") Elimination Phases.

Kevin Kothe, Public Works Director, presented charts to address the current and accelerated phases with construction cost estimates on the Locust Colton CSO. He explained the benefits of combining Phases 4 and 5, reducing project completion from 2030 to 2027. He then discussed proposed additions of hydraulic modeling to provide relief in the core area of the City. He referenced the 2014 Master Plan's Pond 1 (East Street Basin) and mentioned a goal of October for approval of the engineering contract. He noted hydraulic modeling for Pond 2, to be located on property owned by Nicor, would be targeted for consideration in Fiscal Year ("FY") 2023. Mr. Kothe presented a map indicating flood claims made to the City's PMA Insurance Company, as well as flooding complaints submitted to the McLean County Emergency Management Agency.

City Manager Gleason reminded the community that 3 of 9 phases of the Locust Colton CSO project were complete and that there would be a tremendous cost to the City if the project was compressed to be completed by 2025. He explained that staff believed that, in addition to combining Phases 4 and 5, the addition of the East Street Basin would not only provide flooding relief but would also be the best investment of taxpayers' dollars.

Billy Tyus, Deputy City Manager, discussed a proposed Expediting Ordinance, which would allow the Mayor and City Manager to jointly approve agreements, designs, and construction documents under limited circumstances. The Expediting Ordinance would only be applicable to sewer and storm water infrastructure projects budgeted and approved by Council. Further, it required the City Manager to report approved items back to Council at the next scheduled regular meeting. He then discussed the proposed increased funding to the Overhead Sewer Program, as well as potential options to implement a resident installment payment program to make projects more affordable.

Jeff Jurgens, Corporation Counsel, discussed considerations when determining public purpose of a direct aid initiative.

Mr. Tyus reminded Council and the community of multiple relief programs available. He then discussed the Illinois Housing Development Authority ("IHDA") Single Family Housing Program, which was designed to provide rehabilitation projects to low-income residents and how it could be benefit those impacted by the flooding.

City Manager Gleason highlighted the IHDA Single Family Housing Program and stated that staff and City Lobbyists continued to research additional opportunities including funding from Department of Commerce of Economic Opportunity ("DCEO"). He then discussed proposed dates for the action items presented.

Mayor Mwilambwe expressed appreciation to staff for their work.

Council Member Crabill reiterated that the Locust Colton CSO project timeline would be reduced by 3 years with the combination of Phases 4 and 5. He and Mr. Kothe discussed the benefits a detention basin would have for homeowners in affected flooding areas.

Council Member Ward and Mr. Jurgens discussed the definition of public purpose and whether an Overhead Sewer Program classified as public purpose under infrastructure projects. Mr. Tyus and Mr. Kothe expanded on how the program benefited the City. Council Member Ward asked if public health as it related to hospital resources could be argued as a public purpose. Mr. Jurgens stated it could, and then reiterated the definition.

Council Member Crumpler highlighted the IHDA fund and asked if residents of Eastgate Subdivision would qualify. Mr. Tyus responded that only residents of low or very low income qualified.

Council Member Montney asked Mr. Kothe if the retention basin combined with the expedited completion of the Locust Colton CSO project would fix the issue for the residents of Eastgate Subdivision. Mr. Kothe explained that it would help, but that until the entire system was separated, there would continue to be potential for sewer back up.

Council Member Boelen discussed local funding for public purpose and cautioned the legalities of the City providing relief grants.

Council Member Emig asked if the installation of a water retention basin could incorporate green infrastructure. Mr. Kothe confirmed it could and explained it could also be designed as a functional amenity.

Council Member Mathy explained the basic principle of retention basins. He supported the basin as it benefited more homeowners at a faster rate than the CSO elimination.

Council Member Becker stressed that a retention basin would provide the best outcome while CSO projects continued.

Council Member Crabill confirmed with Mr. Jurgens that the public purpose doctrine was outlined in the Illinois Constitution and that it applied to State and local government agencies. City Manager Gleason clarified that any grant funds received from the DCEO must be used towards infrastructure related projects. Council Member Crabill then confirmed with Mr. Jurgens that the IHDA program previously discussed also had to adhere to the public purpose doctrine. Council Member Crabill supported awarding additional City funds using the same criteria. He and Mr. Kothe then discussed a completion date of 2026 for the water retention basin. Council Member Crabill reiterated that every CSO project helped incrementally. He Crabill and Mr. Kothe then elaborated other elements of the CSO project.

City Manager's Discussion

City Manager Tim Gleason highlighted the Welcoming Week Proclamation, various upcoming Parks and Recreation programs, and Downtown events. He recognized the anniversary of 9/11, as well as a commemorative event held at the Corn Crib.

Mayor's Discussion

Mayor Mwilambwe also recognized the 9/11 commemorative event and thanked first responders in the community, as well as those who lost their lives on 9/11. He provided an update on the selection of a Ward 6 Council Member, noting he anticipated submitting a name to Council by September 27, 2021.

Council Member's Discussion

Council Member Crumpler highlighted an upcoming event where a Harriet Tubman re-enactor would hold a presentation.

Council Member Boelen highlighted Welcoming Week, the coalition's resources showcased at the Farmer's Market, and multiple informational events to bring awareness. She closed by discussing multiple initiatives and programs available through the McLean County Behavioral Health Coordinating Council.

Council Member Emig reminded the community of an upcoming hazardous waste disposal event.

Council Member Ward reminded the community about an upcoming O'Neil Park and Pool Open House to discuss the project’s status.

Council Member Crabill discussed data on traffic stops in Bloomington released by Illinois Department of Transportation. He reminded the community of an upcoming virtual town hall being held by the National Association for the Advancement of Colored People.

Council Member Mathy mentioned a discussion he’d recently had with two 30-year line worker employees of the Ferrero plant and how excited the employees were for the new ownership. He publicly recognized his wife and celebrated their anniversary.

Executive Session - Section 2(c)(1) of 5 ILCS 120

Mayor Mwilambwe explained that Council would enter Executive Session per Section 2(c)(1) of 5 ILCS 120 to discuss a personnel matter. Leslie Yocum, City Clerk, clarified that the personnel matter was to discuss compensation and review of a specific employee.

Council entered Executive Session at 8:09 p.m.

Council Member Boelen made a motion, seconded by Council Member Ward, that Council enter into Executive Session per Section 2(c)(1) of 5 ILCS 120.

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.

Return to Open Session and Adjourn

Council Member Boelen made a motion, seconded by Council Member Ward, that Council return to open session and adjourn the meeting.

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 (viva voce).

Meeting adjourned at 9:32 p.m.

CITY OF BLOOMINGTON **ATTEST**

M[illegible] , Deputy City Clerk