City of Bloomington ILLINOIS

MINUTES
CITY COUNCIL - REGULAR SESSION
MONDAY, AUGUST 22, 2022, 6:00 P.M.

The City Council convened in regular session in the Government Center Chambers at 6:00 p.m., Monday, August 22, 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	Remote
Nick Becker	Council Member, Ward 5	Present
De Urban	Council Member, Ward 6	Present
Mollie Ward	Council Member, Ward 7	Present
Jeff Crabill	Council Member, Ward 8	Present
Tom Crumpler	Council Member, Ward 9	Present

Mayor Mwilambwe announced that Council Member Emig had requested to attend remotely due to health reasons.

Council Member Boelen made a motion, seconded by Council Member Ward, to allow Council Member Emig to attend the meeting remotely.

Mayor Mwilambwe directed the clerk to call roll:

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

Motion carried.

Council Member Emig joined the meeting at 6:03 p.m.

Public Comment

Mayor Mwilambwe read a statement of procedure for public comment. No emailed public comment was received. The following spoke in-person: (1) John Reed; (2) Scott Stimeling; (3) Surena Fish; (4) Tim Tilton; (5) Andy Shirk; and (6) Levester (L.J.) Johnson.

Recognition/Appointments

The following item was presented:

Item 6.A. Proclamation for Free and Charitable Clinic Month, as requested by the Administration Department.

Mayor Mwilambwe presented the Proclamation for Free and Charitable Clinic Month. Jamie Mathy, Community Health Care Clinic Board Member, was present to accept the Proclamation on behalf of the Community Health Care Clinic.

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 Ward to approve the Consent Agenda with the exception of 7.E.

Item 7.A. Consideration and action to approve the Minutes of the July 25, 2022 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 $8,768,967.37, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 7.C. Consideration and action to approve an Agreement with Cargill, Inc., for Rock Salt (Bid #2023-02), in the amount of $87.34 per ton, as requested by the Public Works Department. (Recommended Motion: The proposed Agreement be approved.)

Council Member Ward removed Item 7.E. from the Consent Agenda.

Item 7.E. Consideration and action to approve the First Amendment to Economic Incentive Agreement by and between the City of Bloomington, Illinois and Toastman Group II, Inc., as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Amendment be approved.)

Item 7.F. Consideration and action to approve a Contract with Wilcox Electric & Service, Inc. in the amount of $153,235 for replacing the City Hall Generator (Bid #2023-04), as requested by the Facilities Department. (Recommended Motion: The proposed Contract be approved.)

Item 7.G. Consideration and action on an Ordinance Designating as a Local Landmark, and Approving a Zoning Map Amendment to add the S- 4 (Historic Preservation District) Zoning Overlay, for the Property Located at 1001 N. Evans Street, as requested by the Economic & Community Development Department, N/A. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.H. Consideration and action on an Ordinance Approving a Legislative Site Plan to Allow a Retail Sales Use (General) with a Drive-Through in the B-1 (General Commercial) District for the Property Located at 1508-1510 N. Main Street, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried.

Items Pulled from the Consent Agenda

Item 7.D. Consideration and action to approve an Agreement with Baxter and Woodman, Inc., for professional engineering services for the FY23 Hydraulic Modeling Project, in the amount not to exceed $298,116, as requested by the Public Works Department. (Recommended Motion: The proposed Agreement be approved.)

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

Council Member Ward explained that she pulled the Item to highlight it as it was a significant first step forward to addressing the sewer issue particularly in Ward 7. She stated that the Item directly addressed the areas that were affected by the flash flooding last year.

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried.

Regular Agenda

The following item was presented:

Item 8.A. Consideration and action to approve the AFSCME Local 699 Contract, as requested by the Human Resources Department.

City Manager Tim Gleason introduced the Item and explained that the 3-year contract would retroactively be effective as of May 1, 2022. He highlighted the term changes, which included a 3.5% pay increase retroactively effective to May 1, 2022, a 3% pay increase effective May 1, 2023, and a 2.75% pay increase effective May 1, 2024. He noted a $750 signing bonus for employees that signed on to the bargaining unit and the agreement to hire 5 additional staff members. He went on to explain how the City benefited with the new contract to retain and attract employees. He then recognized multiple Local 699 representatives, Human Relations staff, Department Directors, and AFSCME representatives in attendance who participated in negotiations.

Renee Nestler, AFSCME Representative, commented to the process and thanked City staff for their cooperation.

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

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried.

The following item was presented:

Item 8.B. Consideration and action on 1) an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30,2023, to reallocate budgeted ARPA Funds, decreasing the General Fund budgeted revenue and expense by $750,000 and increasing the Capital Improvement Fund revenue and expense budget by the same $750,000, and 2) a Resolution Approving an Agreement with Crawford, Murphy, & Tilly, Inc. for a Downtown Streetscape Project and Concept Design, as requested by the Public Works Department.

Mayor Mwilambwe discussed Downtown Business Owners' and residents' overall desire to address the Downtown area over the years and that the Bring It On Bloomington Plan speaks to what should be done. He believed that the Downtown Streetscape Project and Concept Design would provide a practical plan on how to achieve the redesign. He stressed the importance of addressing the foundation and infrastructure as a top priority which would additionally benefit nearby neighborhoods. He reported on the multiple grant opportunities available for implementation of the plan and stressed that the project would not take away from ongoing infrastructure projects.

City Manager Gleason explained that the Item was the culmination of many years of work. He stated that the Item would move the City significantly closer to execution and if approved, would put City Administration in a position to begin seeking opportunities for grant funding. He reiterated that the project would not diminish current infrastructure projects.

Deputy City Manager Billy Tyus thanked several staff members for their significant contribution to the proposal. He explained that a project plan was needed in order to apply for grant funding. He noted the City of Galesburg was recently awarded a $2 million grant for a project to which Crawford, Murphy, & Tilly, Inc. ("CMT") team member significantly contributed.

Mike Sewell stated that they would not take on the project if they did not think it would be successful. He listed multiple key factors of the plan which included shared corridor space analysis, activating core open spaces, creating a uniform sense of place and identity, a connection to the entire community, and infrastructure improvements. He listed various things the team would consider in order to accomplish each key factor.

Patrick Hoban, Executive Direction of the McLean County Economic Development Council ("EDC"), stressed EDC's focus on the development of the core of Bloomington and the workforce attraction and retention in the Downtown.

Council Member Becker understood the desire to have a plan in place but was concerned about a split vote on support for the Item. He did not support the Item as presented but was interested in a smaller scaled plan that could be used to move the project forward with 20% of the requested funds. He believed it would allow the work to be completed at an expedited rate compared to the proposed plan.

Council Member Becker made a motion, seconded by Council Member Montney, to approve the Item as amended to spend 20% on a smaller plan.

Jeff Jurgens, Corporation Counsel, advised that if the motion was to approve 20% of the requested amount, that the motion should instead direct staff to renegotiate with the vendor to modify their plan. He noted that one of the attachments included a 60-page document that detailed the proposed plan and that there would be significant changes.

Council Member Becker supported the recommendation with the caveat that the Item returned to Council quickly.

Council Member Montney discussed portions of the plan that required extended periods of time to review and complete an analysis.

Council Member Boelen requested a friendly amendment to the motion to remand the Item back to staff for re-negotiations and return to Council at a date certain. Council Member Becker agreed to the friendly amendment and replaced 'to a date certain' with 'within a month'. Council Member Montney supported the amendments.

Council Member Crabill asked the panelist to respond to the comments.

Craig Shonkwiler, City Engineer, provided a history of development process, noting the actions taken to shorten the project scope in negotiations. He expressed staff's concern that a shortened timeframe does not allow for in-depth vetting and significantly increases unexpected risks, including a future cost increase. Mr. Shonkwiler reminded Council that CMT worked to put the plan together without a contract in place. He then explained how development projects were completed with Illinois Department of Transportation.

Mr. Sewell echoed the concern of the increased potential for change orders and noted that the Downtown was a large area with many factors to consider. He pointed out that the requested shortened timeframe would not allow enough time for public input.

Chris Stritzel reminded Council of their request for CMT to seek significant community input and indicated that it was impossible to engage community stakeholders in the shortened timeframe. He stated that after the preliminary design phase was complete, Bloomington would be in a better position to apply for, and receive, grant funding. He discussed the possibility to accelerate projects once the 12-month preliminary design phase was complete.

Council Member Boelen requested that CMT use the previous studies' results with public outreach that the City already completed as part of the public outreach for this step. She noted that obtaining a consensus would be difficult. She did not support the use of American Rescue Plan ("ARP") funds as Council had requested that staff prepare a proposal for developer incentives using ARP funds instead.

Scott Rathbun, Finance Director, explained that if approved, the City would classify the ARPA funds used under the lost revenue category which includes economic development.

Council Member Boelen disagreed with the last revenue determination and suggested using reserve funds to cover the cost instead.

City Manager Gleason reminded Council that he had suggested the use of reserve funds but that it was an approved use of ARP funds. He reminded Council that it was their decision to use ARP funds or reserve funds.

Council Member Crabill did not support the current motion and believed the preliminary design phase should not be piecemealed. He believed Council could select which proposed projects to move forward with an incremental design approach. He did not believe the City had enough public input for this project.

Council Member Ward reminded Council that staff and CMT had worked on the proposed plan for almost a year and did not believe a shortened plan would be of benefit. She agreed with not implementing a piecemealed approach.

Council Member Emig discussed other municipalities' decentralization of their Downtown areas due to developments of malls and the like. She expressed support in the proposed plan and noted the immense economic development opportunities for the Downtown and surrounding neighborhoods. She stressed the importance of baseline indicators to ensure success of the development, which would be established in a preliminary design phase. She echoed the comments about the benefit of an incremental design approach. She further expressed her non-support in the current motion.

Council Member Walch motioned, seconded by Council Member Montney, to extend the Council discussion time by 15 minutes.

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried.

Council Member Crumpler thanked the public and business leaders for their input. He expressed his non-support of the current motion. He went on to discuss the careful research and outreach he completed while considering the Item and then reported the many reasons for supporting the Item. He requested that the Downtown Streetscape prioritize Americans with Disabilities Act ("ADA") improvements.

Council Member Walch expressed concern with McLean County's recent announcement of a redevelopment of the Museum Square and additional concern regarding the County-owned properties in Downtown. He asked if staff have consulted with McLean County and wondered how their plans would fit with the City's. Deputy City Manager Tyus explained that staff had reached out to the County's Museum Square development team and, as part of the design plan, would work with them more closely.

Council Member Walch confirmed with Mr. Stritzel that the $750,000 commitment was for the design phase only and did not include the architectural plans.

Council Member Walch expressed concern with the potential request for an overpass or underpass to address the accessibility crossing US Business 51. Mr. Shonkwiler assured Council Member Walch that an underpass or overpass would not be considered.

Council Member Montney stated the vote was not on whether to invest in Downtown. She asked Mr. Sewell to describe the need of Task A in the proposed plan. Mr. Sewell listed the multiple steps in the permitting process. He stated that vetting any potential issues with historic buildings ahead of time would save time and money in the future.

Council Member Montney and Mr. Stritzel discussed the potential need for an historian to be used and if there was a representative locally that could be used.

Council Member Ward called the question and asked for the vote.

Leslie Yocum, City Clerk, reiterated the current motion **to direct staff to renegotiate a plan with CMT to spend 20% of the proposed $750,000 and bring the amended agreement back to Council in no more than four weeks.**

Council Member Emig asked Mr. Jurgens to speak to whether she, as the Executive Director for the McLean County Museum, should vote on the item. Mr. Jurgens explained that, after consideration, it is the determination by the Legal Department that if Council Member Emig could provide an impartial vote, there was not a statutory conflict for her as it was not a contract with her employer.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Montney, Becker

NAYES: Boelen, Emig, Urban, Ward, Crabill, Crumpler

Motion failed.

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

Council Member Boelen stated that she preferred the contract be paid from reserve funds and therefore, could not vote in favor.

Council Member Urban agreed with the use of reserve funds and suggested a vote on the current motion, and then discussed how the contract would be funded.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Emig, Urban, Ward, Crabill, Crumpler

NAYES: Walch, Boelen, Montney, Becker,

Motion carried.

Finance Director's Report

Financial Director, Scott Rathbun, presented the Fiscal Year ("FY") 2023 financial summary through July 31, 2022. He discussed major tax revenues and highlighted year-to-date variances, as well as variance causes. He covered FY23 general fund revenues and expenditures and highlighted key factors. He went on to discuss enterprise funds for FY23 and discussed how contract amounts were encumbered and revenues would be applied to the encumbered amounts.

Council Member Montney asked the status of an ordinance to collect taxes on short term rentals, such as Airbnb, and the projected revenue from said taxes. She noted the concern by the business community that short term rentals did not pay taxes. Mr. Rathbun discussed the difficulty in getting an agreement with Airbnb, but that staff continued to reach out to property owners who were unregistered in the short-term rental program.

Council Member Montney and Mr. Rathbun discussed the decrease in Motor Local Fuel tax with the increase in use of electric cars.

Council Member Walch stated that Local Motor Fuel tax directly funds streets. He asked how the City would address the tax base as electric cars became more frequent. City Manager Gleason stated that the State was monitoring the situation and that staff did not intend to request an increase, so the shortfalls would need to be addressed in other areas.

City Manager's Discussion

City Manager Gleason discussed upcoming various Downtown events.

Mayor's Discussion

Mayor Mwilambwe did not have any comments.

Council Member's Discussion

No Council Member Discussion was had.

Executive Session

No Executive Session was had.

Adjournment

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

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried (Viva Voce).

CITY OF BLOOMINGTON

Mboka Mwilambwe

Mboka Mwilambwe, Mayor

ATTEST

Amanda Stutsman

Amanda Stutsman, Deputy City Clerk