City of Bloomington Illinois

MINUTES
CITY COUNCIL - REGULAR SESSION
MONDAY, FEBRUARY 13, 2023, 6:00 P.M.

The City Council convened in regular session in the Government Center Chambers at 6:02 p.m., Monday, February 13, 2023. 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	Present
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

Public Comment

Mayor Mwilambwe read a statement on public comment procedure. Dana Burns emailed public comment. The following individuals spoke in-person: (1) Tammy Heard; (2) Grant Jones; (3) Scott Stimeling; (4) Gary Lambert; and (5) Jaqueline Beyer. Leslie Yocum, City Clerk, notified Council that Carmen Bolden Day and Dana Burns had both registered to speak in-person, but were not present. She explained that Carmen Bolden Day registered after the deadline speak remotely. Council Member Crabill and Mrs. Yocum discussed electronic public comment procedures.

Recognition/Appointments

No Recognitions or Appointments were presented.

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 Crumpler, to approve the Consent Agenda with the exception of Item 7.D.

Item 7.A. Consideration and Action to Approve Bills and Payroll in the Amount of $13,027,382.10, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 7.B. Consideration and Action to Approve the Purchase of a Vermeer BC-1800XL Woodchipper for $92,824.62 including the Trade of a Surplus Vermeer XL1500 Woodchipper for a Credit of $2,500 for a Net Purchase of $90,324.62, as requested by the Parks & Recreation Department. (Recommended Motion: The proposed Purchase be approved.)

Item 7.C. Consideration and Action to Approve the Purchase of Five (5) Ford Police Interceptor Utility Hybrid Vehicles from Sutton Ford, in the amount of $304,909.80 and, to Approve the Disposal of Surplus Police Vehicles Not Reassigned, as requested by the Public Works Department, and the Police Department. (Recommended Motion: The proposed Purchase and Disposal be approved.)

Item 7.D. was pulled from the Consent Agenda by Council Member Crabill.

Item 7.E. Consideration and Action on 1) an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2023, to allocate American Rescue Plan Act (ARPA) Funds in the amount of $2,966,293.45, and increasing the Capital Improvement (Asphalt & Concrete) Fund revenue and expense budget by $2,966,293.45, and 2) an Ordinance Authorizing a Construction Agreement between the City of Bloomington and H.J. Eppel & Company for the FY 2023 General Resurfacing - Phase 2 Project (Bid #2023-17), in the amount of $ 1,563,708.30, as requested by the Public Works Department, and the Parks and Recreation Department. (Recommended Motion: The proposed Ordinances be approved.)

Item 7.F. Consideration and Action on 1) an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2023, to Allocate ARPA (American Rescue Plan Act) Funds in the amount of $1,033,706.55, and increasing the Capital Improvement (Asphalt & Concrete) Fund Revenue and Expense Budget by $ 1,033,706.55 and, 2) an Ordinance Authorizing a Construction Agreement Between the City of Bloomington and George Gildner, Inc., for the FY 2023 Sidewalk and Curb & Gutter Replacement - Phase 2 Project (Bid #2023-16), in the amount of $813,355.27, as requested by the Public Works Department. (Recommended Motion: The proposed Ordinances be approved.)

Item 7.G. Consideration and Action to Approve 1) an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2023, to Utilize Water Fund Balance in the amount of $251,300.00, and 2) an Agreement with CDM Smith, Inc., for Water Treatment Plant Chemical Systems Improvement Construction Observation, in the amount of $251,300.00, as requested by the Public Works Department. (Recommended Motion: The proposed Ordinance and Agreement be approved.)

Item 7.H. Consideration and Action on an Ordinance Approving a Municipal Utility Easement with Nord Farms, Inc. and Authorizing the City Manager to Approve Additional Easement and License Agreements Related to the QuikTrip Annexation Agreement and Development, as requested by the Public Works Department, and the Legal Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.I. Consideration and Action on an Ordinance Approving the Preliminary Plan for The Residences at The Links Subdivision for the Property Generally Located Near the Intersection of Ballybunion Road and Tullamore Avenue, Consisting of 19.67 Acres More or Less, PINs: 22- 18-203-011, 22-18-203 -012, 22-18-203-013, 22-18- 203-014, and Part of PIN(s) 22-18-203-006 and 22-18-203 -010, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.J. 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 Part of the Property Located at 3801, 3803, 3805, and 3807 Ballybunion Road, 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 a Zoning Map Amendment from B-1 (General Commercial) District to P-2 (Public Lands and Institutions) District for the Property Located at 1710, 1802, 1810 and 1818 Tullamore Avenue, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.L. Consideration and Action on an Ordinance Amending Chapter 7 of the City Code Regarding Video Gaming License Requirements, as requested by the City Clerk Department, and the Legal Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.M. Consideration and Action to Approve an Ordinance Approving a Public Improvement Agreement Related to the Links Development, as requested by the Public Works Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.N. Consideration and Action on an Application from Empire Buds, LLC, d/b/a Crafted Commons, to be located at 1101 Airport Rd., requesting an Approval of a Change of Ownership for their Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed Change in Ownership be approved.)

Item 7.O. Consideration and Action on an Application from Hendrick's Haven, Inc., d/b/a Digger's Again!, Located at 230 E. Front St., Requesting an Approval of a Change of Ownership for the Class TAS (Tavern, All Types of Alcohol, and Sunday Sales) Liquor License , as requested by the City Clerk Department. (Recommended Motion: The proposed Change in Ownership be approved.)

Item 7.P. Consideration and Action on an Application for Approval of Arlandria, LLC, d/b/a Reality Bites for the Creation of a Class TAPS (Tavern, All Types of Alcohol, with Package and Sunday Sales) Liquor License to be held at Sport & Bait Lounge Tavern, Inc., Located at 304 N. Morris Ave., as requested by the City Clerk Department. (Recommended Motion: The proposed Change in Ownership be approved.)

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried.

Items Pulled from the Consent Agenda

The following item was presented:

Item 7.D. Consideration and Action on an Intergovernmental Cooperation Agreement between the City of Bloomington and Bloomington Public Schools, District 87 for the Creation of a School Resource Officer Program, as requested by the Police Department, and the Administration Department.

Council Member Crabill expressed his support, and in an effort to foster inclusivity, requested the Agreement be amended to replace the word “citizens” with “residents”.

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

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried.

Regular Agenda

The following item was presented:

Item 8.A. Consideration and Action on an Ordinance Amending Article III of Chapter 45 of the City Code Regarding Neighborhood Preservation & Vacant Commercial Buildings and the Schedule of Fees in Chapter 1, as requested by the Economic & Community Development Department, and the Administration Department.

City Manager Tim Gleason provided a brief overview of all the work put into improving vacant and dilapidated properties since July 2018. He believed the City's approach would become a template for other municipalities to follow and emphasized the rights of property owners being respected similar taxpayer dollars. He stressed the importance of the City recovering expended time and costs spent on properties that had fallen into disrepair.

Melissa Hon, Economic & Community Development Director, believed the proposed Ordinance would further help in the efforts of building safety, preservations, and revitalization of areas negatively impacted by derelict properties. She stated that the goal would be to provide property owners with resources to achieve preservation, occupancy, and overall success. She listed various resources available to property owners.

Jeff Jurgens, Corporation Counsel, reiterated the significant amount of research and consideration that went into the project and touched on processes of other municipalities. He pointed out no fees were associated to the program and stressed staff's desire to ensure buildings were up to Code for the safety of the community. He went on explain details of the program demonstrating how a large of undertaking it would be.

Council Member Ward expressed appreciation to staff on their collaboration and efforts. She asked that primary homeowner occupied residence fees not be increased as higher fees would be even more burdensome to those that already couldn't afford repairs. She supported increased fees for commercial properties and non-primary residences. Mr. Jurgens recommended all the fees be kept at the same rate until staff could research the legalities of charging different fees to different classes of properties. He noted the proposed increase was aimed at covering City expenses. Council Member Ward agreed.

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

Council Member Walch made a motion, seconded by Council Member Emig, to amend Council discussion time by 10 minutes.

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried.

Council Member Crumpler supported the program. He and Mrs. Hon discussed staff's planned outreach efforts.

Council Member Montney asked the number of properties anticipated to be part of the program. Mrs. Hon stated that she did not have an exact number. They then discussed current occupied commercial building inspection processes. Mrs. Hon noted unoccupied buildings were not inspected unless property maintenance became an issue. Council Member Montney expressed concern with the proposed requirements for properties for sale or lease. Mr. Jurgens explained that Dover, Delaware had a similar process, and that staff had worked with local realtors in drafting the proposed language. Council Member Montney further expressed her concerns and her desire to amend the language to exclude the '*25% over market rate requirement*' from the proposed Ordinance.

Council Member Montney made a motion to amend the motion to exclude the '*25% market rate requirement*'.

Mr. Jurgens explained parliamentary procedures regarding the order of motions.

Council Member Walch expressed interest in keeping the 25% language, but adding the caveat to allow the seller a 90-day period to list the property at their perceived value rate before they had to comply with the *25% over market rate requirement*.

Council Member Montney disagreed with a 90-day period since the average time properties were listed in Bloomington was 260 days.

Council Member Boelen deferred to local realtors as property experts and noted the proposed requirements would deter property owners from taking advantage of the program. She expressed support in Council Member Ward's motion.

Council Member Montney and Mr. Jurgens discussed the realty community's involvement. Mr. Jurgens noted the realtors had pointed staff to the Dover, Delaware ordinance, which prompted the City Manager to suggest an appraisal appeal clause to be added where the City Manager could review the requested sale price over 25% market rate.

Council Member Walch suggested 180-days instead of his earlier suggestion of 90-days. Council Member Montney stated it was an improvement, but did not agree it was long enough.

Mayor Mwilambwe stressed the program being in the works for many years, as well as the importance of the realty community being involved and supportive. He reminded everyone that the program could be adjusted in the future, if necessary. Mayor Mwilambwe and Mrs. Yocum discussed parliamentary procedures.

Council Member Walch seconded Council Member Montney's motion to amend.

Council Member Crabill and Mr. Jurgens discussed parliamentary procedures.

Mrs. Yocum restated the Council Member Montney's motion.

Council Member Urban explained that she was not supportive of the motion as she believed if the amendment was approved, some commercial properties in Ward 6 would be able to take advantage of the program listing properties much higher than market value. She supported the City Manager handling appeals as the proposed Ordinance not amended would allow. She then expressed support of Council Member Ward's motion.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Montney

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

Motion failed.

Council Member Walch expressed concerns with how much staff time and effort the program would require and asked about budget impacts. Mrs. Hon stated that without knowing the number of properties that would be involved, she couldn't make a prediction.

Mrs. Yocum restated Council Member Ward's motion to amend.

Mayor Mwilambwe directed the Clerk to call roll:

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

NAYES: Walch

Motion carried.

The following item was presented:

Item 8.B. Presentation of the FY2024 Budget Preview, as requested by the Finance Department.

City Manager Gleason provided a brief overview of the budget process and the requirement to approve the Fiscal Year ("FY") 2024 budget before May 1, 2023.

Scott Rathbun, Finance Director, explained how detailed and continuous department budget reviews remained throughout the year. He noted there would be multiple budget presentations until the budget was approved in April. He shared that staff strived for a balanced budget and explained the proposed budget would address current and deferred capital projects, as well as provide additional funding for roads. Mr. Rathbun then reported on the total proposed $290.1M (increase of 7.8% over FY 2023) Citywide budget and total proposed $129.1M (increase 5/5% over FY 2023) General Fund budget. He discussed the growth of the City's budget over the past 8 years and compared the FY 2023 budget to the proposed FY 2024 budget highlighting significant variances. He detailed major tax and general fund revenues, general fund expenses, and briefly discussed FY 2024 capital projects. He concluded by covering the steps needed to approve the proposed budget.

Council Member Ward thanked Mr. Rathbun for his presentation and explanations. She confirmed with him that 24% of the budget was going towards infrastructure improvements.

Council Member Crabill and Mr. Rathbun discussed the Illinois Department of Housing Association ("IDHA") Home Accessibility Program being replaced by IDHA's Home Repair Accessibility Program. They then discussed American Rescue Plan Act ("ARPA") funds expediting the Locust-Colton project so it would finish in FY 2023, as well as detail on monthly departmental budget reviews.

Council Member Walch thanked Finance Department staff for their continued efforts and asked how staffing levels compared to the population today and from 2016. City Manager Gleason stated that he would have staff present the information at the next Committee of the Whole meeting. Council Member Walch suggested partnering with other businesses in the community to fulfill the lifeguard shortages and lower staffing expenses.

Council Member Emig reminded the community that hydraulic modeling was included in infrastructure projects. She discussed the definition of infrastructure with Mr. Rathbun.

Council Member Boelen noted underground infrastructure included and asked if buildings were included. Mr. Rathbun stated that infrastructure included park buildings.

The following item was presented:

Item 8.C. (i) Consideration and Action to Reconsider the Denial of the Federal Lobbying Professional Services Agreement with Thorn Run Partners, as requested by the City Council. (ii) If the Motion to Reconsider is approved, Consideration and Action on the Federal Lobbying Professional Services Agreement with Thorn Run Partners, as requested by City Council.

Mayor Mwilambwe explained procedure for the Item.

City Manager Gleason elaborated further explaining that the Item would need to be considered in two-parts.

Council Member Crumpler made a motion, seconded by Council Member Urban, to Reconsider the Denial of the Federal Lobbying Processional Services Agreement with Thorn Run Partners.

Council Member Crumpler shared why he had voted against the Item previously and stated that he had the opportunity to learn more about it and engage his constituents changing his position.

Council Member Urban stated that she, too, had previously voted against the Item for similar reasons and had had time to gather the information she needed. She believed she made a mistake in voting against the Item and expressed her support knowing it would benefit the community.

Council Member Montney stressed the importance of delineating between advocacy and lobbying. She discussed the City's involvement in lobbying at upcoming Congressional events with City Manager Gleason. She requested clarification on how proposals would differ from those being brought forward at the upcoming One Voice Conference. City Manager Gleason explained that One Voice was taken as a group approach in which the City partnered with other local municipalities to push the efforts of each year's chosen project(s). He continued that this year there was not a Bloomington-specific project being advocated for at One Voice, but that Bloomington was participating in support of a Central Illinois Regional Airport's ("CIRA") project. He explained that the proposed lobbying contract would be Bloomington specific allowing for additional advocacy opportunities. Council Member Montney expressed additional concerns.

Council Member Crumpler made a motion, seconded by Council Member Walch, to extend Council discussion by 10 minutes.

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried.

Council Member Montney expressed concern investing a significant amount of funds when it was unclear how the City's projects would score compared to other municipalities.

Council Member Walch explained why he was not in favor making comparisons to the Town of Normal. City Manager Gleason acknowledged his concern and reminded all of Council that he understood his direction given in that he was not to seek funding just for the sake of getting it. He stated that while the Town and City complimented each other, they were very different entities.

Council Member Boelen expressed support of the Item and noted the continuous voice of the community in that infrastructure was a top priority. She cited procedure.

Council Member Crumpler noted a comment by Council Member Walch and stated that he believed the City needed to compete to be successful for the community.

Council Member Ward agreed with Council member Crumpler and expressed that additional stakeholders were needed to advocate for the City.

Council Member Walch stated that the City's representatives at the State and Federal level are well-equipped with staff to assist them with advocacy.

Council Member Boelen compared the City's Financial Consultant to the lobbyist group and believed that each will provide a return on investment.

Council Member Boelen called the question.

Mayor Mwilambwe acknowledged Council Member Boelen's call.

Mayor Mwilambwe directed the Clerk to call roll:

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

NAYES: Walch, Montney

Motion carried.

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

Mayor Mwilambwe directed the Clerk to call roll:

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

NAYES: Walch, Montney, Becker

Motion carried.

City Manager's Discussion

City Manager Gleason discussed upcoming events hosted at various City properties and in the Downtown. He thanked staff for their hard work and preparation in the presentations made at the meeting. He noted a technical issue that occurred with the live stream of the meeting and shared that staff would have the video posted late in the evening.

Mayor's Discussion

Mayor Mwilambwe commented to events he had recently attended including a tour of the Rivian plant he attended with the Information Technology Director, Craig McBeath, Deputy City Manager, Billy Tyus, and Town of Normal representatives.

Council Member's Discussion

Council Member Crabill echoed appreciation to staff for their thorough and quick response to questions.

Council Member Urban noted that Council Members were required to hold quarterly a meeting with their constituents and shared that she held them every Friday night at Parkview Inn called "Open Tabletop." She encouraged residents to attend.

Council Member Boelen commented to a suggestion she'd heard that the Town of Normal and the City should hold regular joint meetings on the 5th Monday of each month, when they happen. She stated that while she was not in favor of additional meetings, she did see potential benefits in additional collaboration.

Executive Session

No Executive Session was held.

Adjournment

Council Member Boelen made a motion, seconded by Council Member Urban, to adjourn the meeting.

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried (viva voce).

The meeting adjourned at 8:12 p.m.

CITY OF BLOOMINGTON

Mboka Mwilambwe

Mboka Mwilambwe, Mayor

ATTEST

Amanda Stutsman

CITY OF BLOOMINGTON ESTABLISHED 1850

Amanda Stutsman, Deputy City Clerk