

**SUMMARY MINUTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, JULY 24, 2017; 7:00 P.M.**

1. Call to Order

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, July 24, 2017.

The Meeting was called to order by Mayor Renner.

2. Pledge of Allegiance to the Flag

The Meeting was opened by Pledging Allegiance to the Flag.

3. Remain Standing for a Moment of Silent Prayer

4. Roll Call

Mayor Renner directed the City Clerk to call the roll and the following members of Council answered present:

Aldermen: Jamie Mathy, David Sage, Mboka Mwilambwe, Amelia Buragas, Scott Black, Joni Painter, Diana Hauman, Kim Bray, Karen Schmidt, and Mayor Tari Renner.

Staff Present: David Hales, City Manager, Steve Rasmussen, Assistant City Manager; Jeffrey Jurgens; Corporation Counsel, Cherry Lawson, City Clerk; Brendan Heffner, Chief of Police; Brian Mohr, Fire Chief; Scott Sprouls, IS Director, Nicole Albertson, Human Resource Director; Jim Karch, Public Works Director; and other City staff were also present.

5. Recognition / Appointments

- A. Presentation of the EMS Gold Mission Lifeline Award by Art Miller from the American Heart Association to the Bloomington Fire Department.
- B. Appointment of CoTinna Harris to the Human Relations Commission.
- C. Appointment of Victoria Harris to the Board of Zoning Appeals.
- D. Appointment of Michael O'Donnell to the John M. Scott Health Care Commission.
- E. Appointment of Dr. Drew F. Klein to the John M. Scott Health Care Commission.

F. Appointment of Lori Blankenship to the John M. Scott Health Care Commission.

6. Public Comments

Mayor Renner opened the meeting to receive Public Comment. The below individuals provided comments during the meeting.

Karla Bailey-Smith
William C. Rau
Gabe Cripe
Emily Vigneri
Robert Sutherland

Jeff Albe
Mike Matekja
Samantha Case
Marie-Susan Angille

Rachel Iversen
Abby Warfel
Julie Prandi
Stephen Brown

7. Consent Agenda

*Items listed on the Consent Agenda are approved with one motion, and is provided in **BOLD**, and items that Council pull from the Consent Agenda for discussion are listed with a notation **Pulled from the Consent Agenda**.*

Motion by Alderman Painter seconded by Alderman Black, that the Consent Agenda be approved with the exception of items 7C and 7G.

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

Ayes: Aldermen Schmidt, Sage, Mathy, Mwilambwe, Buragas, Painter, Black, Hauman and Bray.

Nays: None.

Motion carried.

The following was presented:

Item 7A: Consideration of approving the Minutes of the July 10, 2017 Regular City Council Meeting. (Recommend that the reading of the minutes be dispensed with and the minutes approved as printed.)

The following was presented:

Item 7B: Consideration of Approving Bills, Payroll, Procurement Card Purchases, and Electronic Transfers in the amount of \$ 4,676,983.52.

The following was presented:

Item 7C: Consideration of Approving Appointments and Reappointments to Various Boards and Commissions.

Motion by Alderman Schmidt seconded by Alderman Hauman, that CoTinna Harris be appointed to the Human Relations Commission, that Victoria Harris be appointed to the Board of Zoning Appeals, and the appointment of that Michael O'Donnell, Dr. Drew F. Klein and Lori Blankenship be appointed to the John M. Scott Health Care Commission be tabled.

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

Ayes: Aldermen Schmidt, Sage, Mathy, Mwilambwe, Buragas, Painter, Black, Hauman and Bray.

Nays: None.

Motion carried.

The following was presented:

Item 7D: Consideration of approving an Amendment to the previously approved Contract to purchase the four (4) parking lots owned by Frontier Communications south of the BCPA and east of East Street.

ORDINANCE 2017 – 60

AN ORDINANCE APPROVING AN AMENDMENT TO THE CONTRACT TO PURCHASE COMMERCIAL REAL ESTATE LOCATED AT 206 DOUGLAS STREET, 509 N. EAST STREET, 209 DOUGLAS STREET AND 222 E. MARKET STREET, ALL IN BLOOMINGTON, ILLINOIS

The following was presented:

Item 7E: Consideration of adopting an Ordinance approving an Amendment to the 2015 Amended and Restated Lease Agreement with the Public Building Commission and McLean County reducing the City's payment due under the lease for 2018 by \$73,983.00.

ORDINANCE 2017 – 53

AN ORDINANCE APPROVING AN AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT

The following was presented:

Item 7F: Consideration of adopting an Ordinance approving petition(s) from the Westminster Village, Inc., for a vacation of a 40' Sanitary Sewer and Public Utility Easement and

dedication of a new Sanitary Sewer and Public Utility Easement and a Drainage Easement at Westminster Village, located south of Lincoln Street and west of Veterans Parkway and east of Mercer Avenue.

ORDINANCE NO. 2017 - 54

AN ORDINANCE APPROVING THE VACATION AND DEDICATION OF SEVERAL EASEMENTS AT WESTMINSTER VILLAGE

The following was presented:

Item 7G: Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol on Public Property on a portion of the 100 Block of Main St. during the Brats and Bags Fundraising Tournament on August 4, 2017.

ORDINANCE NO. 2017 - 55

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY ON A PORTION OF THE 100 BLOCK OF MAIN ST. DURING THE BRATS AND BAGS FUNDRAISING TOURNAMENT

Motion by Alderman Hauman seconded by Alderman Schmidt that an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol on Public Property on a portion of the 100 Block of Main St., during the Brats and Bags Fundraising Tournament on August 4, 2017, be adopted, and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Schmidt Sage, Mwilambwe, Buragas, Black, Painter, and Bray.

Nays: None.

Recuse: Alderman Mathy.

Motion carried.

The following was presented:

Item 7H: Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (beer and wine) on Public Property in a portion of Downtown Bloomington during the Front Street Music Festival on August 19, 2017.

ORDINANCE NO. 2017 - 56

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY IN A PORTION OF DOWNTOWN BLOOMINGTON DURING THE FRONT STREET MUSIC FESTIVAL.

The following was presented:

8. Regular Agenda

Item 8A. Consideration of adopting an Ordinance approving the Public Safety and Community Relations Board.

Mr. Jurgens reviewed some of the changes that had been made since the last time this was brought before the Council. Changes made to the Establishment and Purpose Provisions in Sections 1 were to emphasize on improving police and community relations. The language regarding the prohibition of current and former law enforcement remains in this version as well as the prohibition on anyone convicted of a felon from serving. There were some changes providing the Council with more input and oversight of this Board including: training and education standards as well as the rules of procedures that the Board will utilize as well as the brochures and posters that will be published by the Board.

Brochures and poster provisions were revised to clarify and to highlight that they are to demonstrate the resources available to complainants. Some other changes include: failing to recuse yourself when you have a conflict of interest, would be cause for removal. The revised ordinance no longer calls on the Board to study and issue reports on community relations, and also provides that no action of the Board shall be considered evidence of wrongdoing or vindication since the Board's review is limited to whether the proper investigation process was followed. This came from a request in terms of this being able to be used in subsequent similar criminal proceedings. They just clarify the ordinance, the limitations of the review process. We also provided that instead of periodic meetings with neighborhood groups, there will be quarterly meetings. These changes came from individual discussions with various Aldermen as we tried to see where the consensus might have built on this language.

Alderman Black motioned to approve the item as presented.

Mayor Renner stated when internal investigations involve physical harm, they had procedures for somebody outside the department to handle it. This would not be an oversight board, but an advisory board. Many mayors from the Conference of Mayors had indicated to him when they set these up, 25 to 40% of them never – even if people filed and they were not happy with the internal process, because the internal process did not change. They don't render a decision. Very often, when they went through it, they were able to mediate a situation.

Alderman Hauman stated, that she had spoken with people throughout the community--those who were supporting the proposed ordinance and those who did not. She had attended numerous meetings since first becoming aware of the interest in the Citizen's Review Board and now Community Relations Board at the Chief's Bimonthly Forum in early November of 2016.

She had seven points concerning the purpose, training, composition, confidentiality and selection. She was also concerned that item previously 8B was removed from an earlier version of the proposal that to her should have been the heart of the Board's responsibility. What was removed was that the PSCRB is empowered to periodically study and issue reports to the corporate authorities about police community relations and other issues which relate to community climate.

Alderman Schmidt inquired as to how the Board might work in conjunction with agencies and organizations in the community such as Mid-Central Community Action and Boys and Girls Club.

Mayor Renner explained how the application process would be handled for this Commission. Applications would be received by August 11, with Council having an opportunity to review them before a recommendation is made.

Alderman Black addressed Alderman Schmidt's point about how the group would interact with agencies indicating several phases. Phase I would be approval, Phase II would be who is on the Board and Phase III by ordinance would be review of procedures and rules. He expressed hope that what needed to happen was that they crafted in their rules and procedures, a mechanism for organizations, non-for-profits to be able to provide feedback and just institutionally make it crystal clear. He went on to say that he was hopeful that they would see a lot of positive things come from the group and his focus right now was to make sure that folks felt that there was an institution that was going to help them be heard. He recommended making a calendar item to revisit the process in twelve to eighteen months.

Motion by Alderman Black seconded by Alderman Schmidt that the Ordinance Amending Chapter 25 of the City Code to Create a Public Safety and Community Relations Board be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Schmidt Sage, Mathy, Mwilambwe, Buragas, Black, Painter, and Bray.

Nays: Alderman Hauman.

Motion carried.

The following was presented:

Item 8B: Consideration of an Ordinance approving a bond refunding of the 2004 Variable Rate Bonds in the amount of \$7,240,000.

Ordinance Number 2017-58

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$7,240,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF SAID CITY AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX SUFFICIENT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

Ms. Silva provided a brief overview of this item. After a bidding process the City is recommending Commerce Bank who provided the lowest rates be awarded with the bid. They also had no covenants other than there's a slight change there that most people – this is a tax exempt placement.

Motion by Alderman Schmidt seconded by Alderman Painter that the Bond Ordinance refunding outstanding general obligation demand bonds, series 2004, dated October 13, 2004 in the amount of \$7,240,000 be approved and authorize Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Sage, Mathy, Schmidt, Mwilambwe, Buragas, Hauman, Black, Painter, and Bray.

Nays: None.

Motion carried.

The following was presented:

Item 8C: Consideration of Approving an Agreement with The Stone River Group for Energy Brokerage Services for an initial 3 year term with the option of extending the Agreement for additional terms as set forth in the City of Bloomington RFQ #2018-07 opened on June 16, 2017.

Mr. Rasmussen presented a PowerPoint on this item, and introduced Mr. Don Frontone, President of the Stone River Group. Mr. Rasmussen announced that this time the city would be going with a different group, the Stone River Group. Who was no stranger to them because they also use them for their larger municipal aggregations, and also they were being used in Normal.

Energy aggregation puts services together and then one broker is able to negotiate for the best possible rates which would be fixed as opposed to fluctuating with the market. We also will ask that we seek 100% renewable energy. We're required to do 10% by the State, but as the Council has asked before, we try to do 100% and as we begin our negotiation processes, we'll ask Stone River to do that as well.

He explained that there are two types of aggregation, one for large municipal buildings, and the second for residential, and that's what we call municipal aggregation. This year he mentioned that they were proposing that one broker do it all which gave them more negotiating ability, and also we're proposing using the same one that Normal uses so we'll have one community aggregator. The term of this is for three years. There is an option to extend that again for another three years. The compensation is .0005 cents per kilowatt hour which is paid by the suppliers. There are several advantages to this. One of which is that we have a number of communities here that are using the same aggregator. If we use the Stone River Group then we'll be doing the same one as Normal. In the past, what we've had is we've had some problems because some people will be right across the street from each other and they're getting different rates on their electricity. He spoke with officials with the Town of Normal, and they do not anticipate any change in their aggregator either.

He went on to answer some questions that had been asked before. How much this actually would cost? With the prior group it had cost .00075 cents per kilowatt hour or about \$114,000 for their services. With Stone River, it's .0005 which would amount to about \$75,000. He noted that it was not paid by the City or the rate payer but was it is paid by the provider. Secondly, that was asked was how much this actually saved and what it amounted to was historically \$300,000 that aggregation saved the City which ended up being about \$37.00 per rate payer.

He commented on Ameren rate which was at 5.369 per kilowatt hour, and showed fixed rate with the current aggregator was 5.66. It is less for Ameren. The first month that you see is May of 2013, and that shows you what the Ameren rate was, and then it shows you each month. Halfway down that page where you see the X's is where we started our current contract and there it was fixed with a home field at 5.669 cents per kilowatt hour. The Ameren rate fluctuates and sometimes it's been up as high as 6.7 and sometimes it goes down a lower amount, but we have a fixed rate then of 5.669 and which over a period of time, has saved considerable money for the City.

Alderman Mathy stated, his first thought is the rate was built into the price and being passed onto the citizens.

Alderman Mathy questioned why the City was not doing it themselves? He asked whether they decided that there was a reason why they had to do this, did they a minimum number of bids? Are there any guarantees that we're going to get a minimum number of bids to make sure we're looking at the widest gambit of options for everybody here?

Mr. Rasmussen stated answered stating, in this case he advocated using a broker to do it because it was so complicated and it moved so quickly, in particular, when you started talking about 100% renewable energy.

Mr. Frontone explained that Municipal aggregation as part of the contract was difficult because there were not a lot of companies that wanted to pursue it because it was individual residential customers. He said there were three that were proven and three from a rate structure that have proven time and time again to be the lowest in the market. They have a large aggregation themselves and so were able to pull their buying power. That's why there was a limited amount. They looked at the financial structure of those suppliers to make sure they were strong in the market and only had seven bids out of that group

Alderman Mathy stated, just as a reference point for his business, he had just signed a 48 month at 4.68. Did that mean that by combining them together, they we might actually be damaging themselves and the savings they could get because they had fewer bidders?

Mr. Frontone stated, on the commercial side of bidding it was an easier process. A lot more companies that participate in that space, and the municipal space, it's much more defined. Municipal aggregation from an opt out standpoint, anyone can opt out in the community that doesn't want to participate, but with an opt out structure, you can give everybody the ability to say yes or no. What you're providing is rate stability.

Mayor Renner stated that there were several additional people that wanted to speak and called for a motion to extend discussion by another ten minutes.

Alderman Schmidt motioned and Alderman Hauman seconded to extend the discussion of this item by 10 additional minutes.

Motion carried: (viva voce.)

Mr. Frontone stated, were all of the components of that price passed through so that that's the power only price? He had seen a 4% rate and it had nothing with it, and there were five other components to be included. Rates are down now because the renewable percentage is being phased over to the Ameren side where it used to be in the power price. That's now being shifted over to delivery. So prices are coming down because of that. That can be very reflective in the rate to be changing, but we won't go out for bid yet for a few weeks yet. It could be even lower, we don't know.

Alderman Sage opined that Council stated its position was to strive for 100% renewable, and not that impact the price that residents pays.

Alderman Schmidt stated, during public comment, Dr. Rao spoke on renewable energy resources as well, and about a church here in town who'd gone out on their own. He had a specific question about this contract, if they had the right under the contact to pursue some of their own renewable energy initiatives.

Mr. Rasmussen stated he would put Dr. Rao in touch with Mr. Frontone so to address his concerns.

Mr. Hales provided some background saying he remembered the wording was such that the City had the authority to do so, but it could also decline. There had been a large disparity with electric companies having much higher rates than today. There was more incentive and potential cost savings for residential homes and small businesses. Before we come back to you with any kind of recommendations on bids, a month or two ahead of time, come back and give you a report on what it is looking like. A lot of those issues will be discussed with the Council ahead of time so that you would be providing the policy guidance for what those parameters would be on any kind of bid acceptance in the future.

Alderman Schmidt stated that she would be reluctant to sign onto something that would keep them from doing some of their own exploration and using some of the great ideas they have in our community.

Alderman Black stated he just wanted to take a moment and reaffirm his commitment to Section B of the RFQ here about renewable energy. He noted that sometimes it does cost more money, but it's something that he thought was principal that he liked out of the electric aggregation, and he publicly supported that.

Motion by Alderman Black seconded by Alderman Painter that the Agreement with The Stone River Group for Energy Brokerage Services be approved and that the City Manager and City Clerk be authorized to execute the Agreement.

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

Ayes: Aldermen Sage, Mathy, Schmidt, Mwilambwe, Buragas, Hauman, Black, Painter, and Bray.

Nays: None

Motion carried.

The following was presented:

Item 8D: Consideration of approving an Annual Regional Service Agreement and invoice for payment to McLean County Regional Planning Commission (MCRPC) for Regional Planning Services in the amount of \$54,181.47 for the fiscal year July 1, 2017 through June 30, 2018.

Mr. Dabareiner explained that in 1962, Metropolitan Planning Organizations were formed and McLean County Regional Planning Commission was one of them. They developed a budget every year, \$500,000 to \$600,000. It is federal money that they operate under. Their portion of that worked out to be \$54,181.47 this year. Currently they are working on the Town of Normal Comprehensive Plan, and finishing up the Housing Study. Their emphasis is currently on transportation, and has been 75% or so of their effort every year. Staff recommended approval of the amount \$54,181.47.

Motion by Alderman Schmidt seconded by Alderman Hauman that the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$54,181.47 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Sage, Mathy, Schmidt, Mwilambwe, Buragas, Hauman, Black, Painter, and Bray.

Nays: None.

Motion carried.

The following was presented:

Item 8E: Consideration of adopting an Ordinance approving a Jurisdictional Transfer Agreement for a portion of Fox Creek Road between Oakland Avenue and Savanna Drive from Bloomington Township Road District to the City of Bloomington.

ORDINANCE 2017 - 59

AN ORDINANCE APPROVING A JURISDICTIONAL TRANSFER AGREEMENT
FOR A PORTION OF FOX CREEK ROAD BETWEEN
OAKLAND AVENUE AND SAVANNA DRIVE

Mr. Karch provided a brief update on the Fox Creek Bridge Project, 8E, which was a jurisdictional transfer. He indicated that they had spoken with the township and the county and that it was a small portion of property in the right of way that had been impacted because of the project. He indicated Danbury and the railroad, and the interstate bike road. Fox Creek to provide you some context from the Southwest part of the community. He said they had a signal going to Danbury, a cross section with two lanes in each direction complying with the other aspects of this street.

His intention was to provide an update on the conversation with the Illinois Commerce Commission and Union Pacific. Union Pacific, had protested the petition so it was taking a little bit more time than they would have liked. He indicated that the project was still on schedule to begin construction in the 2018 season but expressed concern that it would be closer to the end of the construction season but still in 2019. They have grade crossing protection funds for the project which is 60% of the eligible funding for the bridge.

Motion by Alderman Sage seconded by Alderman Painter that an Ordinance be adopted and the associated Local Agency Agreement for Jurisdictional Transfer be approved for a section of FAU 6429, also known as Fox Creek Road, from 0.33 miles east of Oakland Road to 0.05 miles west of Savanna Drive and that the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Sage, Mathy, Schmidt, Mwilambwe, Buragas, Hauman, Black, Painter, and Bray.

Nays: None.

Motion carried.

9. City Manager's Discussion

Mr. Hales: Made a point that the motion earlier in the meeting was acting on the three J.M. Scott Commission Appointees, but there were still had two other appointments, one to the Board of Zoning Approval and the other to the Human Relations Commission. In talking with corporate Council, the Council could still act on those other two appointments that evening so inclined.

Mayor Renner: Said that as he understood Alderman Schmidt's motion, she was only pulling those three.

Alderman Schmidt: Stated that she had tabled those three, but they didn't approve the other two.

Mr. Hales: Confirmed that there was no action taken on the other two.

Alderman Schmidt: Made a motion that they approve the other two appointments to the Human Relations and Zoning Board.

Mayor Renner: Motion was seconded by Alderman Hauman. The motion carried 9 to 0. There were no nays.

Mr. Hales: Announced that he would give some time to Corporate Council.

Mr. Jurgens: Briefly updated the Council after speaking with the attorney for the trust, Tom Herr. He expected to have the documents drafted for their review by the end of the month. Perhaps in August we will be coming back to the Council for you to take a look at those revised trust documents.

He said he had relooked at the bylaws and should have caught this earlier but that the bylaws actually provide for four appointments so it was potentially still a little contradictory there, but they specifically said at the time the bylaws were created, those four appointments were from the Nurse's Association, Optometric Association, Mid-Central and United Way. The bylaws went on to say that future appointments were at the discretion of the Council. They might not be as in conflict as originally thought. He noted that those were things that they could come back as a Council and review.

10. Mayor's Discussion

Mayor Renner announced that he was off for Japan. He thanked Alderman Mwilambwe and mentioned that they had been talking about the police review board, where I had come back from being away at the U.S. Conference of Mayors and the Council had said they wanted the police chief to come back and that they could have voted the same night.

So one of the things that Alderman Mwilambwe said was that you know at the time back when this had been first discussed, almost eight to nine months ago, there was some concern that their police chief did not get a chance to fully explain what was going on. He was confined to yes, no answers and there was understandably some very severe concerns over that.

11. City Aldermen's Discussion

No comments were offered by the Council.

13. Adjournment

Motion made by Alderman Schmidt, seconded by Alderman Hauman to adjourn the meeting at 8:35 p.m.

Motion carried (viva voce).

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk