

**SUMMARY MINUTES  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS  
MONDAY, JANUARY 25, 2016; 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, January 25, 2016. 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 followed by a moment of silent prayer.

**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: Kevin Lower, David Sage, Amelia Buragas, Scott Black, Mboka Mwilambwe, Jim Fruin, Karen Schmidt, Diana Hauman, Joni Painter and Mayor Tari Renner.

Absent: None.

Staff Present: David Hales, City Manager, Steve Rasmussen, Assistant City Manager, Jeffery Jurgens, Corporation Counsel, Cherry L. Lawson, City Clerk and other City staff were also present.

**5. Public Comment**

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

Dan Metz  
Mark Johnson  
Gary Lambert  
Alton Franklin  
Judy Stearns  
Patricia Marton

**6. Recognition / Appointments**

The following was presented:

**Item 6A. Presentation of Commission Certificate to Officer Jeffery Widmer in recognition of completing his probationary period.**

The following was presented:

**Item 6B. Proclamation declaring February 6, 2016 as WGLT Public Radio Day.**

The following was presented:

## **7. Consent Agenda**

Mayor Renner asked Council whether there were any items they wished to have removed from the Consent Agenda for further discussion.

Alderman Fruin requested Item No. 7C be pulled from the Consent Agenda.

Motion by Alderman Schmidt, seconded by Alderman Hauman that the Consent Agenda items are approved with the exception of Item No. 7C.

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

Ayes: Aldermen Lower, Buragas, Mwilambwe, Fruin, Sage, Black, Painter, Hauman and Schmidt.

Nays: None.

Motion carried.

The following was presented:

**Item 7A: Consideration of approving the January 11, 2016 Regular City Council Meeting Minutes, the Work Session Meeting Minutes from January 11, 2016, and the Council Retreat Meeting Minutes of November 19, 2015.**

The following was presented:

**Item 7B. Consideration of approving Bills, Payroll and Electronic Transfers in the amount of \$6,145,279.44.**

The following was presented:

**Item 7C. Consideration of approving the purchase of two (2) Police Patrol Vehicles for Street Crimes Unit of the Police Department. *Pulled From Consent Agenda***

The following was presented:

**Item 7D. Consideration of review and analysis of Bids and approval of Contract for the Ryan Drive Water Main Replacement with George Gildner, City Bid No. 2016-26.**

The following was presented:

**Item 7E. Consideration of approving the purchase for one (1) Sewer Television System and Chassis for the Sanitary Sewer Division of the Public Works Department.**

The following was presented:

**Item 7F. Consideration of approving an Intergovernmental Agreement for Storm Water Education Program Services with the Town of Normal, McLean County, and the Bloomington-Normal Water Reclamation District for services to be provided by the Ecology Action Center.**

The following was presented:

**Item 7G. Consideration of approving the purchase of Starcom21 Subscriber Equipment for the Water Department, and approve Motorola Solutions, a State Sanctioned Limited Source Provider, for this purchase.**

The following was presented:

**Item 7H. Consideration of approving a Lake Bloomington Lease Transfer Petition for Lot 4 and part of Lot 5, Block 3 of Camp Iroquois, from Michael Winters to the Michael Winters Trust dated May 23, 2013.**

The following was presented:

**Item 7C. Consideration of approving the purchase of two (2) Police Patrol Vehicles for Street Crimes Unit of the Police Department.**

Motion by Alderman Fruin, seconded by Alderman Schmidt, to approve staff recommendation to replace two (2) cars with two (2) utility vehicles in the police department.

Alderman Fruin commented on concerns with public perception of replacing cars with utility vehicles as these can cost more for gas, etc.

Brendan Heffner, Police Chief, stated the majority of the Police fleet will be sport utility vehicles as response time is better in inclement weather, more capacity for equipment, more suitable for accommodating officers and gas mileage is not much different than the cars.

Alderman Lower stated the utility vehicles replacing the cars are more fuel efficient and durable.

The following was presented:

**8. Regular Agenda:**

**Item 8A. Consideration of approving an Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply and approving of a Highway Authority Agreement / Leave-in-Place Agreement at 1331 N. Linden Street (Ward 4).**

**ORDINANCE 2016 - 05**

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

Jim Karch, Director of Public Works, provided a brief overview of this item stating, the action items regard response to ground contamination in and around Freedom Oil, 1313 N. Linden St. They were presented to the City Council on December 21, 2015, and the agenda item was held over amid questions. Staff completed further review of the situation. This included review of various materials, including the Corrective Action Plan filed by the environmental firm which investigated the case on behalf of Freedom Oil. It also included conversations with the Illinois Environmental Protection Agency (IEPA) project manager and the geologist for the investigating firm, Midwest Environmental Consulting & Remediation Services Inc.

The testing for contaminants began after Freedom detected gasoline odor in its building in 1988. According to Midwest Environmental, the cause of the odor was spillage during overfilling of fuel tanks by tanker truck operators. Nonetheless, Freedom replaced its fuel storage tanks and installed modern leak prevention and detection. Midwest Environmental developed a plume model through use of groundwater and soil testing. See the accompanying graphic. Tests showed only low levels of COCs (chemicals of concern).

The latest testing occurred in 2011, more than 20 years after the case was opened. Results prove the plume stabilized and is not growing, according to Midwest Environmental. Given the circumstances of this case, Midwest Environmental and the IEPA assert that a “leave in place” status poses no threat to the public’s health. Neither believes it necessary to take more extreme action, such as soil removal.

There is no further economically feasible action that can be taken to clean up the groundwater. It is at a depth that poses minimal risk of exposure through excavation. However, there is still the possibility of coming into contact with the water through shallow domestic wells.

The proposed ordinance prohibits use of groundwater as potable water from various parcels, including 1313 N. Linden itself and some of its neighbors. No water wells are in use or contemplated to staff’s knowledge.

The proposed Highway Authority Agreement places the water use restriction on the City right of way along with a stipulation that the City must act to protect worker health and safety during construction work.

The proposed ordinance and the Highway Authority Agreement are required to close out the case under Tier 1 of IEPA's Tiered Approach to Corrective Action Objectives (TACO).

The City has approved similar Groundwater Ordinances and Highway Authority Agreements for other contaminated locations in the past. The City does not allow private wells in this area. This Ordinance simply codifies that fact. Further, highway authority documents are in the substantive form required by Illinois law (see attached Administrative Code Section 742.1020).

Alderman Fruin asked if it is possible to reuse old gas station lots.

Mr. Karch stated cost is a major factor with remediation, including testing. Possible funding would need to be reviewed. Another issue is liability.

Alderman Buragas asked for clarification on the two maps, Figure three (3) and Figure seven (7), found in the packet and how the conclusion is made that the plume is now stable based on these maps.

Mr. Karch invited Peggy Silzer to address this question. She stated Figure three (3) is the plume in the soil and Figure seven (7) is the groundwater model. The IEPA requires that the map show the plume from clean boring to clean boring, in Figure three (3). Figure seven (7) shows the model in the shaded area of the groundwater plume and the model with the hashed area is how the model would have to be drawn as the IEPA requires. Showing the model does not go outside of the required area, thus the contamination has stabilized.

Alderman Buragas asked for clarification in determining that the area has stabilized.

Ms. Silzer stated samples were originally taken in 2004 and then again in 2011 and determined the plume had not gone farther out.

Alderman Buragas asked if it could be determined how long the contaminants would be in the soil.

Ms. Silzer stated there was no way to determine such.

Alderman Lower asked if it could be quantified, in measurements, the severity of the area and what the IEPA would require for remediation.

Ms. Silzer explained the calculations for Tier one (1) and Tier two (2) criteria of IEPA's Tiered Approach to Corrective Action Objectives (TACO) for cleanup objectives. At the sight in question, the highest concentration in the groundwater is less than the level specified by TACO.

Alderman Black asked for clarification if the plume has receded since 2004.

Ms. Silzer stated the plume is not advancing but unsure if it has receded. It had stabilized.

Alderman Black asked if there would be any immediate public health threat.

Ms. Silzer stated TACO requires the elimination of exposure pathways and there are none in this area. No one is drinking the groundwater, there are no wells that anyone is pulling groundwater out of, and pavement eliminates exposure pathways.

Mr. Karch asked Ms. Silzer to discuss new requirements from the IEPA that will have to be tested and documented. Ms. Silzer stated IEPA added an Indoor Vapor Inhalation requirement that will need to be tested at the site in question. The results would need to be determined according to the TACO requirements. If the test does not pass, there would need to be vapor mitigation for the building.

Alderman Buragas asked if the process discussed is another step in the process and that the IEPA will come back to review the site to determine compliance.

Mr. Karch stated that is accurate.

Motion by Alderman Buragas, seconded by Alderman Painter that Council approve the ordinance as presented.

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

Ayes: Aldermen Buragas, Mwilambwe, Fruin, Sage, Black, Lower, Painter, Haumann and Schmidt.

Nays: None.

Motion carried.

### **City Manager's Discussion**

Mr. Hales stated that he had no report to offer.

### **Mayor Discussion**

Mayor Renner thanked Alderman Black for handling the Open House.

Mayor Renner thanked Joni Gerard for assisting in arrangements for return from Washington, D.C.

**City Alderman’s Discussion**

Alderman Fruin handed out a subsidy form for different programs i.e. Bloomington Center for the Performing Arts (BCPA), Golf, etc. to set up a Council position/philosophy on subsidy levels for all of these programs. He stated this could be used for the public as well as Council to determine year by year the percentage subsidized for each program. He hoped this could reduce some of the questions that reoccur every year or more as new Council members are elected.

David Hales, City Manager, stated, on February 8, 2016, Mr. Bruce Callan, from Fiscal Choice, will make a brief presentation to the Council about subsidies and his analysis of the fees for the City.

Alderman Lower mentioned Fish and Feathers would be at the Interstate Center during the coming weekend as a cultural diversity for folks.

**Adjournment**

Motion made by Alderman Hauman seconded by Alderman Schmidt to adjourn the meeting at 8:02 p.m.

Motion carried (viva voce).

**City of Bloomington**

**Attest**

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Tari Renner, Mayor

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Cherry L. Lawson, City Clerk