

MINUTES OF THE REGULAR MEETING OF THE NORMAL TOWN COUNCIL HELD IN THE COUNCIL CHAMBERS, NORMAL CITY HALL, FOURTH FLOOR UPTOWN STATION, 11 UPTOWN CIRCLE, NORMAL, MCLEAN COUNTY, ILLINOIS – MONDAY, MARCH 16, 2020.

1. CALL TO ORDER:

Mayor Koos called the Regular Meeting of the Normal Town Council to order at 7:05 p.m., Monday, March 16, 2020.

2. ROLL CALL:

The Clerk called the roll with the following persons physically

PRESENT: Mayor Chris Koos, Councilmembers Kevin McCarthy, Chemberly Cummings, Stan Nord, Karyn Smith, Kathleen Lorenz, and Scott Preston. Also present were City Manager Pamela Reece, Assistant City Manager Eric Hanson, Corporation Counsel Brian Day, and Town Clerk Angie Huonker.

ABSENT: None.

3. PLEDGE OF ALLEGIANCE:

Mayor Koos led the Pledge of Allegiance to the Flag.

4. PUBLIC COMMENT:

Ron Ulmer, Normal Resident, spoke in opposition to the Cost of Living Adjustment.

Doug Fansler, Normal Resident, asked that new business be halted. Mr. Fansler also spoke in support of the proposed Site Plan at 2012 W. College Ave.

Marc Tiritilli, Normal Resident, spoke about opposing the electric aggregation program's as proposed.

5. OMNIBUS VOTE AGENDA:

Mayor Koos read aloud the items to be considered by the Omnibus Vote Agenda.

A. APPROVAL OF THE MINUTES OF THE PUBLIC HEARING OF MARCH 2, 2020: APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING OF MARCH 2, 2020:

B. REPORT TO RECEIVE AND FILE TOWN OF NORMAL EXPENDITURES FOR PAYMENT AS OF MARCH 11, 2020:

C. RESOLUTION REJECTING BIDS FOR THE MAXWELL PARK OSLAD GRANT RENOVATION PROJECT: Resolution No. 5752

D. RESOLUTION AUTHORIZING STAFF TO EXECUTE A THREE-YEAR CONTRACT WITH AMERICAN PEST CONTROL, INC. OF BLOOMINGTON, IL FOR INTEGRATED PEST MANAGEMENT (IPM) SERVICES FOR AN ANNUAL COST OF \$10,572: Resolution No. 5753

- E. RESOLUTION AUTHORIZING A CONTRACT EXTENSION WITH CARDINAL INFRASTRUCTURE, L.L.C. FOR PROFESSIONAL SERVICES RELATED TO FEDERAL ADVOCACY AND FUNDING:
- F. RESOLUTION AUTHORIZING A CONTRACT WITH CULY CONTRACTING, INCORPORATED FOR THE UPTOWN NORMAL CISTERN REHABILITATION PROJECT IN THE AMOUNT OF \$154,120:
- G. RESOLUTION (REVISED) TO APPROPRIATE \$1,550,000 OF MOTOR FUEL TAX (MFT) FUNDS FOR THE RESURFACING OF VARIOUS STREETS FOR THE 2020 MFT STREET RESURFACING PROJECT AND AUTHORIZE THE TOWN ENGINEER TO SIGN THE IDOT GENERAL MAINTENANCE FORM:
- H. RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT WITH THE LOWEST RESPONSIBLE BIDDER FOR THE SUPPLY OF ELECTRICITY FOR RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO DO NOT OPT OUT OF SUCH A PROGRAM:
- I. RESOLUTION AUTHORIZING THE RENEWAL OF A JOINT AGREEMENT WITH THE CITY OF BLOOMINGTON AND THE ECOLOGY ACTION CENTER FOR AN ENERGY EFFICIENCY PROGRAM: Resolution No. 5754
- J. RESOLUTION APPROVING A SALARY SCHEDULE ADJUSTMENT FOR CLASSIFIED EMPLOYEES TO REFLECT A COST OF LIVING ADJUSTMENT:

Items E, F, G, H, and J were removed from the Omnibus Vote.

MOTION:

Councilmember McCarthy moved, seconded by Councilmember Lorenz, the Council Approval of the Omnibus Vote Agenda.

AYES: McCarthy, Cummings, Nord, Smith, Lorenz, Preston, Koos.

NAYS: None.

Motion declared carried.

Items A, B, C, D and I were approved by the Omnibus Vote.

6. ITEMS REMOVED FROM OMNIBUS VOTE AGENDA:

RESOLUTION AUTHORIZING A CONTRACT EXTENSION WITH CARDINAL INFRASTRUCTURE, L.L.C. FOR PROFESSIONAL SERVICES RELATED TO FEDERAL ADVOCACY AND FUNDING: Resolution No. 5755:

MOTION:

Councilmember Nord moved, seconded by Councilmember Smith, the Council Authorize a contract extension with Cardinal Infrastructure, LLC for professional services related to federal advocacy and funding.

AYES: Cummings, Smith, Lorenz, Preston, McCarthy, Koos.

NAYS: Nord.

Motion declared carried.

Councilmember Nord asked what specific project Cardinal Infrastructure would be seeking to assist with, and whether they will be focused on critical infrastructure.

City Manager Reece said Cardinal Infrastructure would be advising on the Underpass project as well as other capital projects based on Town needs.

Mayor Koos added that Cardinal Infrastructure often advises of Grants which are applicable to the Town and explained common practice for Federal Department of Transportation funds.

Councilmember Chemberly Cummings added that Cardinal Infrastructure provides a vital connection to emerging opportunities for the municipality. Ms. Cummings said it is in the Town's best interest to maintain the relationship and be ready and proactive.

Councilmember Kevin McCarthy mentioned that Cardinal Infrastructure provides consistent advocacy for the Town and was instrumental in gaining funds in previous instances.

Councilmember Kathleen Lorenz expressed that it would be foolish not to maintain the relationship with Cardinal Infrastructure.

RESOLUTION AUTHORIZING A CONTRACT WITH CULY CONTRACTING, INCORPORATED FOR THE UPTOWN NORMAL CISTERN REHABILITATION PROJECT IN THE AMOUNT OF \$154,120: Resolution No. 5756

MOTION:

Councilmember Nord moved, seconded by Councilmember Smith, the Council Approve a Resolution Authorizing a contract with Culy Contracting Incorporated for the Uptown Normal Cistern Rehabilitation Project in the Amount of \$154,120.

AYES: Nord, Smith, Lorenz, Preston, McCarthy, Cummings, Koos.

NAYS: None.

Motion declared carried.

Councilmember Stan Nord asked what the cost difference would be using municipal water rather than stormwater.

Mayor Koos explained that the decision to use rainwater for irrigation was not budgetary, but environmental.

City Manager Pamela Reece clarified that a cost was not sought for running municipal water at this location, as the concept of the project was to use stormwater, which is more

sustainable. She noted that the project has won awards for sustainability. And regardless of the water supply, the cistern needs repair.

Water Department Manager Wayne Aldridge explained that the cistern is supplemented with potable water in dry times as part of the design. He explained that the most efficient way to run it is with stormwater.

Council Member Nord moved to table the discussion pending an estimate to run the feature with potable water. There was no second to his motion.

Mayor Koos clarified that the intention was not budget based, but environmental sustainability.

Councilmember McCarthy asked how long the repair would last.

Water Department Manager Aldridge explained that the repair would last upwards of 50 years.

Councilmember McCarthy mentioned the benefits of diverting stormwater from Uptown with this project, which Mr. Aldridge also acknowledged.

Councilmember Karen Smith noted that the warranty is for 10 years and asked what the 50-year life span estimation was based on.

Mr. Aldridge explained that the repair would line the existing pipe with a plastic-like epoxy that will not degrade over time.

Councilmember Nord asked if the original pipe had a warranty. Mr. Aldridge noted that the original pipe was repurposed and not subject to a warranty.

RESOLUTION (REVISED) TO APPROPRIATE \$1,550,000 OF MOTOR FUEL TAX (MFT) FUNDS FOR THE RESURFACING OF VARIOUS STREETS FOR THE 2020 MFT STREET RESURFACING PROJECT AND AUTHORIZE THE TOWN ENGINEER TO SIGN THE IDOT GENERAL MAINTENANCE FORM: Resolution No. 5757:

MOTION:

Councilmember Smith moved, seconded by Councilmember Lorenz, the Council Approve a Resolution to Appropriate \$1,550,000 of Motor Fuel Tax (MFT) Funds for the Resurfacing of Various Streets for the 2020 MFT Street Resurfacing Project and Authorize the Town Engineer to Sign the IDOT General Maintenance Form.

AYES: Smith, Lorenz, Preston, McCarthy, Cummings, Nord, Koos.

NAYS: None.

Motion declared carried.

Councilmember Karyn Smith wanted to clarify that this is not an additional \$1.55 million toward the street resurfacing project, but a revision to a previously approved project at that cost.

City Manager Reece clarified that after the original resolution, limited to street resurfacing, was approved, the Engineering team found a better resolution that allows for more flexibility in how improvement funds are used that includes sidewalks and other repairs.

RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT WITH THE LOWEST RESPONSIBLE BIDDER FOR THE SUPPLY OF ELECTRICITY FOR RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO DO NOT OPT OUT OF SUCH A PROGRAM: Resolution No. 5758

MOTION:

Councilmember Smith moved, seconded by Councilmember Preston, the Council Approve a Resolution Authorizing the Execution of a Service Agreement with the Lowest Responsible Bidder for the Supply of Electricity for Residential and Small Commercial Retail Customers Who Do Not Opt Out of Such a Program.

AYES: Lorenz, Preston, McCarthy, Cummings, Nord, Smith, Koos.

NAYS: None.

Motion declared carried.

Councilmember Karyn Smith expressed concerns about the opt out clause and presented the idea of changing to an opt in.

Assistant City Manager Eric Hanson explained that the terms of the agreement including the opt out is pursuant to a State Referendum approved in November 6, 2012, and not able to be adjusted or negotiated by our public body alone. He also clarified that the approval of this Resolution would allow for the consultants working on it to work to obtain lower energy rates.

Corporation Counsel Brian Day said that the Town would have to be careful in pursuing modifications.

Councilmember Stan Nord asked what area of town would be affected.

City Manager Reece said it applies to all Ameren customers.

Assistant City Manager Hanson said that at the time the State Statute was written, in 2010, rural energy cooperatives were excluded from the aggregation agreement.

Mayor Koos said that the newer subdivisions in town are serviced by Cornbelt.

Assistant City Manager Hanson mentioned that a map is available on the Town website.

Mr. Nord asked if the Council could delay the decision.

City Manager Reece noted that the vote is time sensitive.

Assistant City Manager clarified that power is being bid for the entire consortium, some 45,000 clients. The contract is being bid before the next scheduled Council Meeting.

Councilmember Scott Preston asked how individuals would opt out.

Mr. Hanson noted that individuals can opt out at any time, but individuals would have to wait 12 months before re-entering the program.

Councilmember Kevin McCarthy offered a history electricity aggregation, and credits aggregations with lowering of rates. Mr. McCarthy also mentioned that an opt-out clause helps to minimize third party company fraud, which had happened in the community previously.

RESOLUTION APPROVING A SALARY SCHEDULE ADJUSTMENT FOR CLASSIFIED EMPLOYEES TO REFLECT A COST OF LIVING ADJUSTMENT:

Resolution No. 5759:

MOTION:

Councilmember Smith moved, seconded by Councilmember Nord, the Council Approve a Salary Schedule Adjustment for Classified Employees to Reflect a Cost of Living Adjustment.

AYES: Preston, McCarthy, Cummings, Smith, Lorenz, Koos.

NAYS: Nord.

Motion declared carried.

Councilmember Karyn Smith asked how tenured non-union employees would fare without the adjustment.

City Manager, Pamela Reece indicated that this semi-annual COLA helps the Town remain competitive for recruitment and retention. She explained that the COLA allows the salary schedule to be adjusted. The proposed adjustment is .03%.

Councilmember Nord cited an article that notes that McLean County as a whole's income is decreasing and expressed his disapproval of this item. Mr. Nord mentioned that this COLA adjustment would come at the expense of taxpayers.

Councilmember Chamberly Cummings clarified that, as this was previously budgeted, it would not result in an increase in taxes. She went on to mention that securing skilled employees is difficult because they are often offered more compensation in their respective fields. She mentioned that this is a problem many municipalities face.

Councilmember Kathleen Lorenz also clarified that, as this was previously budgeted, it would not result in an increase in taxes.

Councilmember Kevin McCarthy echoed the statement that this adjustment would not equal a tax increase for citizens.

GENERAL ORDERS:

7. RESOLUTION CONDITIONALLY APPROVING A SITE PLAN FOR 2012 W. COLLEGE: Resolution No. 5760:

Councilmember Stan Nord recused himself from the vote.

MOTION TO POSTPONE TO A DATE CERTAIN:

Councilmember Lorenz moved and seconded by Councilmember McCarthy to Postpone to a Date Certain the Resolution Conditionally Approving a Site Plan for 2012 W. College.

AYES: McCarthy, Lorenz, Koos.
NAYS: Cummings, Smith, Preston.
ABSTAIN: Nord.
Motion to Postpone Failed.

MOTION:

Councilmember Lorenz moved, seconded by Councilmember Cummings, the Council Adopt a Resolution Conditionally Approving a Site Plan for 2012 W. College.

AYES: Smith, Lorenz, Preston, McCarthy, Cummings, Koos.
NAYS: None.
ABSTAIN: Nord.
Motion declared carried.

Councilmembers discussed the history and the manner of the vote at length. Mayor Chris Koos offered a history of the property which included the approval of a previous site plan and plat on March 19, 2018. At that time the applicant accused staff of not following code. Despite the Site Plan and Plat's approval, the applicant decided not to record the final plat. Staff advised the applicant this would prevent him from further developing of the property. On April 1, 2019 an Ordinance conditionally approved a final plat at MP-Two Subdivision without a request for a final plan. On January 27, 2020 the Town notified the applicant of violation based on work being done to develop the property. The applicant made a public response that the Town was anti-business. A follow-up letter from staff detailed the violations on the property. There was no response to this correspondence.

Mayor Chris Koos gave a detailed history of the property as well as violations to Town code at the property, specifically developing the property without an approved Site Plan and recorded plat. Mayor Koos asked for a comment from the applicant, Councilmember Stan Nord, who had left Council Chambers.

Corporation Counsel Brian Day clarified that a member of Council must recuse themselves from a vote that constituted a conflict of interest, and also could not participate in discussion as a Councilperson. However, commenting as an applicant is a legal "gray area" and Mr. Day presumed that Mr. Nord refrain from commenting in order to avoid a conflict of interest.

City Manager Reece asked if the applicant's legal counsel was present. There was no legal counsel present for the applicant.

Councilmember Kathleen Lorenz asked if this discussion could be tabled until a representative could be available to answer questions.

Corporation Counsel advised there is no legal reason not to table. Councilmember Karyn Smith acknowledged the contention of the item at hand, calling it both personal and business related. She acknowledged the possible problematic perspectives of the vote but urged the Council to vote on this item to close the chapter on the issue and allow the business to proceed.

Mayor Chris Koos said the Council does have all the relevant materials to vote.

Councilmember Kathleen Lorenz clarified that she does not consider the matter personal, but a possible precedent-setting scenario. She is concerned with the applicant disregarding ordinances and is concerned that others would follow this example.

Councilmember Chemberly Cummings echoed the sentiment that this decision is potentially precedent setting. She mentioned that there is a separate standard that is expected of an elected member of the Council. She also rejected the notion of this matter being personal and is most concerned with the precedent being set as to how the Council responds to those who do not adhere to the Town Code.

Councilmember Kevin McCarthy acknowledged the uncomfortable situation the Council was in with this item. He noted that, regarding this vote, Councilmember Nord cannot simply be considered as an ordinary citizen, since he sits on the Council. He mentioned that this situation has damaged the public perception of how the Council members are treated. Mr. McCarthy expressed his hope to get answers to some questions in the form of a conversation with the applicant.

Councilmember Scott Preston asked what the typical course of consequence would be for someone who develops property outside of compliance with code.

City Manager Pamela Reece noted that this is an unusual circumstance and, in the past, applicants who are out of compliance often try to swiftly work with the Town to rectify non-compliance issues.

Inspections Manager Greg Troemel mentioned that under conventional circumstances, the applicant would be given a notice from the legal department and a timeline within which to comply. Mr. Troemel said that this is most often how non-compliance issues are resolved. Mr. Troemel said that going to legal is a last resort, and the Town often tries to work with applicants directly to gain compliance.

Councilmember Preston asked what Council action is required, and City Manager Reece noted that the site plan approval is Council's role.

Mr. Troemel also mentioned that prior to Council approval, the site plan must be approved by Public Hearing.

Mr. Preston presented the idea that the Council focus only on the Site Plan, not the circumstances that predicated the vote.

City Manager Reece noted that there will be further action required of the applicant as it is a conditional approval.

Councilmember Karyn Smith noted that this situation has attracted negative attention to the Staff and Council and would like to vote to move on from it.

Mayor Chris Koos expressed that he feels the Council and the Town are owed an explanation for the circumstances surrounding the site approval.

Councilmember Kevin McCarthy noted that he had questions concerning the site plan he's like addressed by the applicant or the applicant's legal representation before voting.

At this point, Councilmember Kathleen Lorenz Motioned to Table the discussion to be taken up at a future meeting. The motion failed.

Further discussion on whether to approve the Site Plan continued.

Councilmember Kathleen Lorenz clarified that the role of Council is to provide a more comprehensive opinion on Town development in its vote. Mrs. Lorenz asked what the consequences of a vote of "no" would mean for the applicant.

Corporation Counsel Brian Day explained that no further development would be allowed on the property, and the applicant could reapply after a year.

Mayor Koos recommended to Council approve the site plan, since it is in compliance, but further expressed his hope to have a discussion with Councilmember Nord.

Councilmember Cummings also acknowledged wanting to have more of a discussion about the property. She also asked how staff would pursue compliance based on the conditional approval.

Inspections Manager Greg Troemel noted that the site plan would allow the developer to move forward while staff would continue to monitor the site and make sure that the work is done within a reasonable amount of time.

Councilmember McCarthy asked how the specifics of the conditional approval would be evaluated.

Inspections Manager Greg Troemel said it's commonplace for the Town to require the developer to absorb the responsibility of compliance with the needed modifications.

Councilmember Kathleen Lorenz asked what happens if the applicant is able to sell the property.

Mr. Troemel mentioned that the sale of the property is how this item came before the Council for approval. He explained that the buyer of the property would be held to the site plan as well.

Mrs. Lorenz expressed concern that the applicant could sell the property and not personally ever comply with the code.

Councilmember Smith asked if the Town would be required to submit a due diligence letter to a prospective lender in the case of a prospective sale of the property, letting the lender know that the property is out of compliance.

Mr. Troemel explained that while that scenario is ideal, the Town is not always consulted by a lender in relation to code violations while a sale is in progress.

Mayor Koos clarified that the Council is voting on the site plan and encouraged Council to vote knowing that the site plan is in compliance. He mentioned that the Council would pursue a further discussion about the history of the property in the future.

8. CONCERNS:

City Manager Pamela Reece led an overview of the Town's response to COVID – 19. Ms. Reece demonstrated an area of the Town's website that links to reputable resources regarding the crisis. She noted that the Town is not creating its own content, just connecting residents to reputable resources.

Ms. Reece also notified citizens that as of March 17, town facilities would be closed to the public, but municipal services would continue. She noted that there are three municipal facilities open for voting on March 17.

Ms. Reece encouraged citizens to reduce the risk of transmitting the virus, adhere to CDC guidelines like social distancing, and do their part to "flatten the curve."

Ms. Reece addressed the municipal operations that would change in response to the virus, such as class and program cancellations. Ms. Reece reiterated that municipal services would continue without interruption. If any interruptions arise, the public will be made aware.

Ms. Reece said regarding Public Impact, the Town will delay water shut offs and has reinstated customers. Ms. Reece also recommends delaying the utility and waste fee increases until July 1, 2020.

Mayor Koos agreed with the recommendation of delaying utility fee increases.

City Manager Reece also demonstrated how citizens can access pertinent COVID – 19 information on the Town's website.

Councilmember Preston asked how the 2020 Census might be affected by COVID – 19. City Manager Reece noted that the Census Bureau is considering modifications. Assistant City Manager Hanson responded saying the census is considering extending the census into the Fall. However, nothing officially has been decided at this time.

Councilmember Karyn Smith asked if there was a monitored discussion board on the Town's website. She also noted that the library was shut down and wondered if there would be a curbside service or if mobile hot spots are available. She also wondered if any Spring Break program expenses would be repaid. She also wondered if there was an alternate location for the CAC Penguin Project to be able to resume a forthcoming activity.

Councilmember Stan Nord asked what phone number citizens should call with questions, and also wondered if the Town is leading any efforts outside of county and state guidelines. Mr. Nord also advocated for fiscal responsibility in light of sure economic hardship for the community.

Ms. Reece noted that the state is in control of utilities outside of Town provided utilities. She also mentioned that the Town will continue to monitor discretionary spending but noted the value of moving forward with capital projects if possible.

Mayor Koos said that state and federal agencies are working to supply a relief package.

Councilmember Chamberly Cummings mentioned that the Town is able to sustain the community in the event of a crisis. She called for the Town to respond in accordance with the state and federal guidelines. She asked the public to use the resources available on our website and try to prevent the spread of rumors. She mentioned that this is an opportunity to act as a community.

Councilmember Kevin McCarthy noted that there will be hard decisions ahead of the Town in the future and noted that it is good that we have reserves and an emergency fund to help. He inquired if meetings would be cancelled.

Ms. Reece mentioned that any cancellations will be posted on the Town's website.

Councilmember McCarthy also noted that while the Town can point citizens in the direction of resources, the Council Members and Town staff aren't creating the information, just relaying it. He reminded citizens to check on their neighbors and help where they can.

Councilmember Karyn Smith suggested that citizens support small business by buying gift cards.

12. ADJOURNMENT:

There being no further business to come before the Council, Mayor Koos called for a Motion to Adjourn the Regular Meeting of the Normal Town Council.

MOTION:

Councilmember McCarthy moved, seconded by Councilmember Cummings, the Council Accept a Motion to Adjourn the Regular Meeting of the Normal Town Council.

AYES: Nord, Smith, Lorenz, Preston, McCarthy, Cummings, Koos.

NAYS: None.

Motion declared carried.

Mayor Koos adjourned the Regular Meeting of the Normal Town Council at 9:30 p.m., Monday, March 16, 2020.