

**CITY OF
BLOOMINGTON
COUNCIL MEETING
DECEMBER 9, 2019**



COMPONENTS OF THE COUNCIL AGENDA

RECOGNITION AND PROCLAMATION

This portion of the meeting recognizes individuals, groups, or institutions publically, as well as those receiving a proclamation, or declaring a day or event.

PUBLIC COMMENT

Each regular City Council meeting shall have a public comment period not to exceed 30 minutes. Every speaker is entitled to speak for up to 3 minutes. To be considered for public comment, please complete a public comment card at least 5 minutes prior to the start of the meeting. The Mayor will randomly draw from the cards submitted. Public comment is a time to give comment. It is not a question and answer period and the City Council does not respond to public comments. Speakers who engage in threatening or disorderly behavior will have their time ceased.

CONSENT AGENDA

All items under the Consent Agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, City Manager or Corporation Counsel so requests; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda, which typically begins with Item No. 8.

The City's Boards and Commissions hold Public Hearings prior to some Council agenda items appearing on the Council's Meeting Agenda. Persons who wish to address the Council should provide new information that is pertinent to the issue before them.

PUBLIC HEARING

Items that require receiving public testimony will be placed on the agenda and noticed as a Public Hearing. Individuals have an opportunity to provide public testimony on those items that impact the community and/or residence.

REGULAR AGENDA

All items that provide the Council an opportunity to receive a presentation, ask questions of City Staff, seek additional information, or deliberate prior to making a decision will be placed on the Regular Agenda.

MAYOR AND COUNCIL MEMBERS

Mayor, At-Large - Tari Renner

City Council Members

Ward 1 - Jamie Mathy
Ward 2 - Donna Boelen
Ward 3 - Mboka Mwilambwe
Ward 4 - Julie Emig
Ward 5 - Joni Painter
Ward 6 - Jenn Carrillo
Ward 7 - Scott Black
Ward 8 - Jeff Crabill
Ward 9 - Kim Bray

City Manager - Tim Gleason

Deputy City Manager - Billy Tyus

CITY LOGO DESIGN RATIONALE

The **CHEVRON** Represents:
Service, Rank, and Authority
Growth and Diversity
A Friendly and Safe Community
A Positive, Upward Movement and
Commitment to Excellence!

MISSION, VISION, AND VALUE STATEMENT

MISSION

To Lead, Serve and Uplift the
City of Bloomington

VISION

A Jewel of the Midwest Cities

VALUES

Service-Centered,
Results-Driven,
Inclusive

STRATEGIC PLAN GOALS

- ❖ Financially Sound City Providing Quality Basic Services
- ❖ Upgrade City Infrastructure and Facilities Grow the Local Economy
- ❖ Strong Neighborhoods
- ❖ Great Place - Livable, Sustainable City
- ❖ Prosperous Downtown Bloomington

AGENDA



REGULAR SESSION MEETING AGENDA
CITY COUNCIL CHAMBERS
109 EAST OLIVE STREET, BLOOMINGTON, IL 61701
MONDAY, DECEMBER 9, 2019, 6:00 P.M.

1. Call to Order
 2. Pledge of Allegiance to the Flag
 3. Remain Standing for a Moment of Silent Prayer
 4. Roll Call
 5. Recognition/Appointments
 - A. Presentation of Bloomington Firefighters who have completed a one-year probation:
 - i. Benjamin Stalets
 - ii. Mathew Roux
 - iii. Michael Maines
 6. Public Comment
 7. Consent Agenda
- Electronic Roll Call Vote
- A. Consideration and action to approve the Minutes of the November 12, 2019 Regular City Council Meeting, as requested by the City Clerk Department. (*Recommended Motion:* The proposed Minutes be approved.)
 - B. Consideration and action to approve Bills and Payroll in the amount of \$8,894,342.02, as requested by the Finance Department. (*Recommended Motion:* The proposed Bills and Payroll be approved.)
 - C. Consideration and action to reject the Bid for the Bloomington Center for Performing Arts Third Floor Insulation Project (Bid #2020-04) due to the Bid being above the project budget, as requested by the Procurement Department and the Parks, Recreation and Cultural Arts Department. (*Recommended Motion:* The proposed rejection of Bid #2020-04 be approved.)
 - D. Consideration and action on a Contract with Henson Robinson Company in the amount of \$506,078.00 for the FY2020 Creativity Center Roof Replacement & HVAC Upgrades, Bid #2020-19, as requested by the Parks, Recreation and Cultural Arts Department. (*Recommended Motion:* The minor technicality be waived and proposed Contract be approved.)

- E. Consideration and action to approve an Intergovernmental Agreement between the City of Bloomington and Bloomington Public Schools, District 87, for the provision of rock salt during winter 2019-2020, in the amount of \$106.67 per ton, not to exceed a total of \$26,667.50 (250 tons), as requested by the Public Works Department. (*Recommended Motion:* The proposed Intergovernmental Agreement be approved.)
- F. Consideration and action to approve an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2020, in the amount of \$385,000, and a Joint Purchasing Requisition with the Illinois Department of Central Management Services for the purchase of rock salt, for a total purchase amount of up to \$782,838, as requested by the Public Works Department. (*Recommended Motion:* The proposed Ordinance and Joint Purchasing Requisition be approved.)
- G. Consideration and action to grant Workers Compensation Settlement Authority in the amount of \$158,128 to City of Bloomington Police Officer Shawn Albert, case #W002772902, as requested by the Human Resources Department. (*Recommended Motion:* The proposed Workers Compensation Settlement be approved.)
- H. Consideration of a Resolution Authorizing a Change Order for \$16,425 to the Kronos Workforce TeleStaff & Timekeeper Project for Additional Solution Consultation Hours, as requested by the Human Resources Department. (*Recommended Motion:* The proposed Resolution be approved.)
- I. Consideration and action on an Ordinance Approving Farm Lease Extensions on Two City of Bloomington Farms Commonly Known As Parker Bottom and Farm #8425, as requested by the City Clerk Department. (*Recommended Motion:* The proposed Ordinance be approved.)
- J. Consideration and action on the Requests from Ralben, Inc. d/b/a Cadillac Jack's, located at 1507 S. Main Street, requesting a redefinition of the licensed premises and an Outdoor Service and Consumption area, as requested by the City Clerk Department. (*Recommended Motion:* The proposed Requests be approved, contingent upon the compliance with all building, health and safety codes.)
- K. Consideration and action on an Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a Permanent Extension of Premise Allowing for an Outdoor Service and Consumption Area, as requested by the City Clerk Department. (*Recommended Motion:* The proposed Application be approved, with conditions placed on the liquor license that the Outdoor Service and Consumption Area close at 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday with service of alcohol concluding one hour before said closing and the use of amplified sound being prohibited outdoors.)

8. Regular Agenda

Electronic Roll Call Vote

- A. Consideration and action on 1) an Ordinance Levying Taxes for the City of Bloomington, McLean County, Illinois for the Fiscal Year Beginning May 1, 2019 and Ending April 30, 2020 for the City of Bloomington, and 2) an Ordinance Levying Taxes for the City of Bloomington - Library, McLean County, Illinois for the Fiscal Year Beginning May 1, 2019 and Ending April 30, 2020 for the City of Bloomington, to approve the 2019 Tax Levy of \$20,511,384 for the City of Bloomington and \$4,935,359 for the Bloomington Public Library, as requested by the Finance Department. (*Recommended Motion:* The proposed Ordinances be approved.) (Presentation by Scott Rathbun, Director of Finance, 5 minutes; and City Council discussion, 5 minutes.)
- B. Consideration and action on approving 1) a Resolution Abating All or a Portion of the Taxes Heretofore Levied to Pay Debt Service on Certain Obligation Bonds of the City of Bloomington, McLean County, Illinois, and 2) a Resolution Abating Tax Levy for Rent Payable Under Lease Agreement Between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the Expansion of the Parking Garage (two Resolutions for the abatement of property taxes totaling \$6,017,775.00), as requested by the Finance Department. (*Recommended Motion:* The proposed Resolutions be approved.) (Presentation by Scott Rathbun, 5 minutes; and City Council discussion, 5 minutes.)

9. City Manager's Discussion

10. Mayor's Discussion

11. Council Member's Discussion

12. Executive Session - Cite Section

Clerk-led Roll Call Vote

A. Review of Minutes - Section 2(c)(21) of 5 ILCS 120 (15 minutes)

13. Return to Open Session and Adjourn

Clerk-led Roll Call Vote

CONSENT AGENDA



CONSENT AGENDA ITEM NO. 7.A

FOR COUNCIL: December 9, 2019

SPONSOR: City Clerk Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Minutes of the November 12, 2019 Regular City Council Meeting, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed Minutes be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: The minutes of the meetings provided have been reviewed and certified as correct and complete by the City Clerk. In compliance with the Open Meetings Act, Council Proceedings must be approved thirty (30) days after the meeting or at the second subsequent regular meeting whichever is later. In accordance with the Open Meetings Act, Council Proceedings are available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Tara Henry, Legislative Assistant

Reviewed by:


Leslie Yocum, City Clerk

12/5/2019


Tara Henry, Legislative Assistant

12/5/2019

Recommended by:

A handwritten signature in black ink, appearing to read 'Tim Gleason', is positioned above a horizontal line.

Tim Gleason, City Manager

Attachments:

- CLK 1B 11122019 Regular Session Minutes DRAFT



MINUTES

**PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL OF BLOOMINGTON, ILLINOIS
MONDAY, NOVEMBER 12, 2019, 6:00 P.M.**

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 6:01 p.m., Monday, November 12, 2019.

Council Member Mwilambwe directed the City Clerk to call the roll and the following members of Council answered present:

Council Members: Jamie Mathy, Donna Boelen, Mboka Mwilambwe, Julie Emig, Joni Painter, Jenn Carrillo, Scott Black, Jeff Crabill, Kim Bray, and Mayor Tari Renner (arrived late at 6:03 p.m.).

Staff Present: Tim Gleason, City Manager; Billy Tyus, Deputy City Manager; Jeffrey Jurgens, Corporation Counsel; Jim Karch, Public Works Director; Scott Sprouls, Information Services Director; Nicole Albertson, Human Resources Director; Melissa Hon, Economic Development Director; and other City staff were present.

Recognition/Appointments

A. Proclamations recognizing Merlin Kennedy

No one was present to accept the proclamation. Mayor Renner spoke fondly of Mr. Kennedy recognizing his great contributions to the City of Bloomington and the rest of the country.

B. Proclamation recognizing Pastor William A. Bennett and his Wife, First Lady Charlatta Bennett.

William Bennett came forward to accept the proclamation.

C. Proclamation recognizing the United Way of McLean County's WOMEN UNITED Day.

No one came forward to accept the proclamation.

D. Appointment approved by City Council at the October 28, 2019 meeting.

i. Appointment of Bernie Wrezinski to the John M. Scott Health Care Commission.

Public Comment

Mayor Renner opened the meeting to receive public comment, and the following individuals provided comments to the Council:

Grace Golick	Barbara Ulbrich
Jake Van Wolvelear	Todd Miller
Cecelia Long	Roy Laws
Zachary Gittrich	Radiance Campbell
Allan Axelrod	Scott Stimeling

MEETING MINUTES

**PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL OF BLOOMINGTON, ILLINOIS
MONDAY, NOVEMBER 12, 2019, 6:00 P.M.**

Council Member Bray made a motion, seconded by Council Member Boelen, to extend Public Comment by 20 minutes.

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

Ayes: Council Members Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, and Bray.

Nays: None.

Motion carried.

Bill Rau	Trevor Rickerd
Wayne Montey	Lisa Abbott
Stefanie Smith	Joel Studebaker
Joe Kennedy	Surena Fish

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 separately.

Council Member Mwilambwe made a motion, seconded by Council Member Black, that the Consent Agenda, including all the items listed below, be approved as presented with the exception of Items 7A and 7C.

Item 7A was pulled from the Consent Agenda by Council Member Black.

Item 7B. Consideration and action to approve Bills, Payroll, Electronic Transfers, and Procurement Card Purchases in the amount of \$8,059,085.16, as requested by the Finance Department.

Item 7C was pulled from the Consent Agenda by Council Member Mwilambwe.

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

Ayes: Council Members Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, and Bray.

Nays: None.

Motion carried.

The following item was pulled from the Consent Agenda by Council Member Black.

Item 7A. Consideration and action on a Resolution Approving the FY20 John M. Scott Health Care Grant Awards and Programmatic Agreements, in the amount of \$454,550, as requested by the Community Development Department.

Council Members Black, Painter, and Mathy recused themselves from Item 7A as they are affiliated with organizations that are proposed recipients of 2019 John M. Scott Grants.

Council Member Boelen made a motion, seconded by Council Member Emig, that the Consent Agenda Item 7A be approved as presented.

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

Ayes: Council Members Boelen, Mwilambwe, Emig, Carrillo, Crabill, and Bray.

Nays: None.

Recuse: Council Members Black, Painter, and Mathy.

Motion carried.

The following item was pulled from the Consent Agenda by Council Member Mwilambwe.

Item 7C. Consideration and action to approve the First Amendment to the current contract with the Board of Trustees of Illinois State University (ISU), as requested by the Public Works Department.

Council Member Mwilambwe recused himself as he is affiliated with Illinois State University.

Council Member Mathy made a motion, seconded by Council Member Boelen, that the Consent Agenda Item 7C be approved as presented.

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

Ayes: Council Members Mathy, Boelen, Emig, Painter, Carrillo, Black, Crabill, and Bray.

Nays: None.

Recuse: Council Member Mwilambwe

Motion carried.

Regular Agenda

The following was presented:

Item 8A. FY2019 Audit Presentation, as requested by the Finance Department.

City Manager Gleason introduced the item and discussed how he felt the audit resulted as a win for the City. He introduced Finance Director Scott Rathbun, who introduced the item and welcomed Jason Coyle, Auditor of Baker Tilly Virchow Krause, the City's auditing company.

Mr. Coyle discussed the coffer, the large audit report put out each year, and complimented the City for doing a large-scale coffer that offers a level of transparency to Bloomington citizens that is not often provided by most municipalities. He walked through the coffer on a high-level and offered comments on a variety of areas. He then turned his attention to the Management Letter his firm had put out from the audit.

Council Member Boelen asked Mr. Coyle to define a few terms used in the coffer. Mr. Coyle responded accordingly.

Council Member Black asked how the audit report fit into the City's bond rating. Mr. Gleason stated that it fits appropriately and will be part of upcoming discussions he planned to have with Council. Mr. Rathbun also added comments on reserves and how they tie to bond ratings. Council Member Black mentioned that he would rather see money used, than sitting untapped. He wished to learn more about AAA Bond Ratings in the future.

Mayor Renner also commented on AAA Ratings. A discussion pursued regarding the pros and cons of AAA Bond Ratings.

Mr. Gleason emphasized the health of the City and the community as a whole.

The following was presented:

Item 8B. Property Tax Levy - Estimate, as requested by the Finance Department. City Manager Gleason introduced the item and discussed the purpose of the item.

Mr. Gleason discussed the item and stated that he and staff were following Council direction in bringing the item forward.

Mayor Renner added that the strength of property values in the City has been strong over the last few years and has been impactful to City decisions.

Mr. Gleason reminded Council that the City's portion of the Library's levy is only 15% but pointed out that it will make a substantial difference.

Mr. Rathbun came forward to address Council regarding the Levy. He walked through a presentation, making comparisons from 2015 to 2019, and providing visuals.

Council Member Boelen asked a question regarding IMRF pensions. Mr. Rathbun responded accordingly.

Council Member Mwilambwe made a motion, seconded by Council Member Boelen, that the proposed Property Tax Levy Estimate be approved.

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

Ayes: Council Members Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, and Bray.

Nays: None.

Motion carried.

City Manager's Discussion

Mr. Gleason introduced the calendar of events and discussed the recent Director's Retreat.

Mayor's Discussion

Mayor Renner thanked Council Member Mwilambwe for his recent help with one of his Wesleyan classes and went on to recognize the recent funeral of Mr. Merlin Kennedy.

Council Member's Discussion

Council Member Bray thanked City Manager Tim Gleason for leading staff in being servant leaders and recognized him as a servant leader. She requested that staff, the Police specifically, and other specific members of the community present to Council at the upcoming Committee of the Whole meeting.

Council Member Black echoed Council Member Bray's comments regarding the need for warming and cooling centers offered in the community. He recommended the possibility of a joint meeting. He discussed cannabis and requested a clear timeline for final votes for cannabis.

Council Member Carrillo also requested a clear timeline for final votes on cannabis. She recommended that the community visit Merlin Kennedy's exhibit at the McLean County

History Museum. She also complimented City firefighters for their response to the recent Diesel Dick's fire.

Council Member Mwilambwe expressed interest in having an additional discussion at the Committee of the Whole as suggested by Council Member Bray. He went on to discuss a recent Veteran's Day Ceremony he attended, as well as a proclamation he recently presented on behalf of the Mayor to the Stanford Labor School.

Council Member Boelen spoke about the new Veterans Clinic that opened last week.

Council Member Mathy spoke fondly of the Veterans Day Ceremony. He thanked Chief Donath for speaking to his Rotary and talked about an idea to use the Arena as a warming/cooling center.

Council Member Emig gave a shout out to the Community in Conflict Exhibition, thanked all involved with the Diesel Dick's fire, complimented the Fire Department on the work they do in the community to promote fire safety, and praised the kids that came out to speak at public comment during the meeting about warming/cooling centers.

Executive Session

A. Review of Minutes - Section 2 (c)(21) of 5 ILCS 120

At the request of the City Clerk, the item was delayed until December 9, 2019.

Adjournment

Mayor Renner asked for a motion to adjourn the meeting.

Council Member Boelen made a motion, seconded by Council Member Carrillo, that the meeting be adjourned.

Motion carried unanimously (viva voce).

The meeting adjourned at 7:46 p.m.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Yocum, City Clerk



CONSENT AGENDA ITEM NO. 7.B

FOR COUNCIL: December 9, 2019

SPONSOR: Finance Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve Bills and Payroll in the amount of \$8,894,342.02, as requested by the Finance Department.

RECOMMENDED MOTION: The proposed Bills and Payroll be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: Bills and Payroll are filed in the City Clerk's Department. The full Bills and Payroll Report is now housed under Finance documents on the City website available at <https://www.cityblm.org/bills>.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Total disbursements to be approved \$8,894,342.02 (Payroll total \$2,735,609.14 and Accounts Payable total \$6,158,732.88).

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Frances Watts, Support Staff V

Reviewed by:

Handwritten signature of F. Scott Rathbun in black ink.

F. Scott Rathbun, Finance Director

12/4/2019

Handwritten signature of Tara Henry in black ink.

Tara Henry, Legislative Assistant

12/5/2019

Recommended by:

A handwritten signature in black ink, appearing to read 'Tim Gleason', is positioned above a horizontal line.

Tim Gleason, City Manager

Attachments:

- FIN 1B Council Finance Summary Report

CITY OF BLOOMINGTON FINANCE REPORT

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
11/22/2019	\$ 2,052,270.17	\$ 509,648.37	\$ 2,561,918.54

11/22/2019-11/27/2019	\$ 165,773.62	\$ 7,916.98	\$ 173,690.60
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Off Cycle Adjustments

PAYROLL GRAND TOTAL	\$ 2,735,609.14
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ACCOUNTS PAYABLE (WIRES)

Date	Bank	Total
12/9/2019	AP General	\$ 5,602,775.08
12/9/2019	AP JM Scott	\$ 454,550.00
12/9/2019	AP Comm Devel	\$ 49,758.04
12/9/2019	AP IHDA	\$ 2,802.00
12/9/2019	AP Library	\$ 37,785.50
	AP MFT	
11/21/2019-11/26/2019	Out of Cycle	\$ 11,062.26
	AP Bank Transfers	
	AP GRAND TOTAL	\$ 6,158,732.88

PCARDS

Date Range	Total
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PCARD GRAND TOTAL

TOTAL	\$ 8,894,342.02
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Respectfully,

F. Scott Rathbun
Director of Finance



CONSENT AGENDA ITEM NO. 7.C

FOR COUNCIL: December 9, 2019

SPONSOR: Procurement Department and Parks, Recreation and Cultural Arts Department

WARD IMPACTED: Ward 4

SUBJECT: Consideration and action to reject the Bid for the Bloomington Center for Performing Arts Third Floor Insulation Project (Bid #2020-04) due to the Bid being above the project budget, as requested by the Procurement Department and the Parks, Recreation and Cultural Arts Department.

RECOMMENDED MOTION: The proposed rejection of Bid #2020-04 be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1a. Budget with adequate resources to support defined services and level of services

BACKGROUND:

Bid #2020-04 for the BCPA (Bloomington Center for the Performing Arts) Third-Floor Insulation was published on June 12, 2019 with the following scope of work:

The City is seeking to insulate the ceiling and exterior wall areas on the third (3rd) floor of the BCPA top floor to protect the existing water lines from rupturing due to freezing winter temperatures. Areas included in this project are the workshop ceiling on the west side, all adjoining rooms on the west side, and one corner room on the southside.

- Ceiling area is approximately 3,450 to 4,500 square feet
- Exterior wall area is approximately 200 to 265 linear feet

Requirements:

1. Required three (3) inches of closed cell foam to be used in all areas.
2. All work areas must be covered including floors, windows, doors, and appliances before any work can commence.

Note that the areas to be sprayed only have a clearance of approximately 18 to 30 inches in height.

The bid closed on June 28, 2019 and only one bid was received from Energy Home Insulation. The original budget in FY20 was approximately \$35,000 for this project. The bid received from Energy Home Insulation was in the amount of \$76,330 which was well above the budgeted amount.

After discussion, Parks, Recreation and Cultural Arts made the decision to delay this project and use the budgeted funds to help pay for the masonry project (Bid #2020-14). Other more cost-effective options will be evaluated and discussed during the FY21 budget preparation. In the interim, air flow vents have been added to the ceiling below water lines to increase the flow of heated air to affected areas. Additionally, thermometers have been placed along

water lines and are checked regularly. If the temperature drops to freezing levels, portable heaters will be placed in the room.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

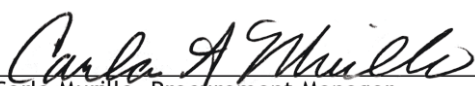
COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

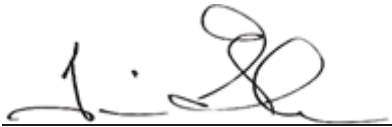
Prepared by: Carla Murillo, Procurement Manager

Reviewed by:

	
Carla Murillo, Procurement Manager	Chris Tomertin, Budget Manager
12/2/2019	12/3/2019

	
Jeffery R. Jurgens, Corporation Counsel	Tara Henry, Legislative Assistant
12/4/2019	12/5/2019

Recommended by:


Tim Gleason, City Manager

Attachments:

- PRO 1B Bid #2020-04 BCPA 3rd Floor Insulation Bid Submission



CITY CLERK
109 EAST OLIVE STREET
BLOOMINGTON, IL 61702-3157
309.434.2240 tel
309.434.2802 fax

RECORD OF BID OPENING FOR:

BID # 2020-04

Bloomington Center for the Performing Arts – 3rd Floor Insulation

DATE: June 28, 2019

TIME: 10:00 a.m.

Bidder's Name	City, State	Mandatory City Documents	Bid Signed	Bid Bond	TOTAL BID AMOUNT
6/28/19 @ 9:30am Energy Home Insulation	East Peoria IL	✓	✓	✓	\$ 76,330.00

WITNESSES:

[Redacted Signature]

*Disclaimer: This is a Bid tabulation for record of the Bid opening. Bids have not been reviewed and have not been presented to council. This does not represent any Award. Prices or options/alternates will not be included on the tabulation.



CONSENT AGENDA ITEM NO. 7.D

FOR COUNCIL: December 9, 2019

SPONSOR: Parks, Recreation and Cultural Arts Department

WARD IMPACTED: Ward 4

SUBJECT: Consideration and action on a Contract with Henson Robinson Company in the amount of \$506,078.00 for the FY2020 Creativity Center Roof Replacement & HVAC Upgrades, Bid #2020-19, as requested by the Parks, Recreation and Cultural Arts Department.

RECOMMENDED MOTION: The minor technicality be waived and proposed Contract be approved.

STRATEGIC PLAN LINK:

- Goal 5. Great Place - Livable, Sustainable City
- Goal 2. Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE:

- Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents
- Objective 5a. Well-planned City with necessary services and infrastructure
- Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service

BACKGROUND: The Creativity Center, located at 107 E Chestnut St., houses an arts education facility allowing residents to explore the creative process through the performance and visual arts. The Center is part of the City's master plan for a robust cultural district. The roof and the heating, ventilation, and air conditioning (HVAC) units are being replaced on the Creativity Center as the first step in upgrading the facility before major renovations to the interior of the building can take place. The roof is many years past its prime and the air-conditioning units are no longer functional.

All bidders had minor technicalities in their bid contract documents. The apparent low bidder (Henson Robinson Company) failed to note the brand and model number of the air conditioning units to be supplied. They were asked to clarify this issue and a document is attached from Henson Robinson Company stating the requested information. This is considered a technical error subject to waiver since the unit offered was the same unit recommended in the bid.

Farnsworth Group prepared the FY2020 Creativity Center Roof Replacement & HVAC Upgrades proposal package and the Parks, Recreation & Cultural Arts Department advertised the project for competitive bids. Bids for this contract were received until 2:00 p.m., Tuesday, November 5th, 2019, in the office of the City Clerk. Four (4) bids were received and opened. The apparent low bidder was Henson Robinson Company for the Base Bid, and for the Alternate Bid. The Base and the Alternate bids were for two different types of roofing.

The base bid of \$506,078.00 was chosen by Parks, Recreation & Cultural Arts to be considered for approval.

FY 2020 CREATIVITY CENTER ROOF REPLACEMENT & HVAC UPGRADES
PROJECT NO.
Bid No. 2020-19

Bid Tabulation

PREPARED BY : J. KOHL
 DATE : 11/22/2019

#	BIDDER'S NAME	CITY, STATE	CC ROOF & HVAC BID	CONTIN- GENCY (10% OF BID)	TOTAL BASE BID	ALT #1 - CC ROOF & HVAC BID	CONTIN- GENCY (10% OF ALT #1 BID)	TOTAL ALTERNATE BID	
1	HENSON ROBINSON COMPANY	SPRINGFIELD, IL	\$460,071.00	\$46,007.00	\$506,078.00	\$578,185.00	\$57,818.00	\$636,003.00	
2	THE PIPECO COMPANIES LTD.	PEORIA, IL	\$527,900.00	\$52,790.00	\$527,900.00	\$647,900.00	\$64,790.00	\$647,900.00	AS READ
	THE PIPECO COMPANIES LTD.	PEORIA, IL	\$527,900.00	\$52,790.00	\$580,690.00	\$647,900.00	\$64,790.00	\$712,690.00	AS CORRECTED
3	CONRAD SHEET METAL CO.	BLOOMINGTON, IL	\$541,000.00	\$54,100.00	\$595,100.00	\$665,800.00	\$66,580.00	\$732,380.00	
4	A & R MECHANICAL CONTRACTORS	URBANA, IL	\$602,000.00	\$60,200.00	\$662,200.00	\$134,100.00	\$13,410.00	\$147,510.00	AS READ
	A & R MECHANICAL CONTRACTORS	URBANA, IL	\$602,000.00	\$60,200.00	\$662,200.00	\$736,100.00	\$73,610.00	\$809,710.00	AS CORRECTED

The completion date for this project is October 2nd, 2020, as stated in addendum # 2.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Fund totaling \$775,000 were included in the FY 2020 Budget under the BCPA Capital Campaign-Buildings account (10014130-72520-20100). Stakeholders can locate this project in the FY 2020 Budget Book titled "Budget Overview & General Fund" on page 196 and the FY 2020 Budget Book titled "Other Funds & Capital Improvement" on pages 241, and 258-260.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Jeff Kohl, Parks Project Manager

Reviewed by:



Jay Tetzloff, Director of Parks, Recreation and Cultural Arts

11/22/2019



Carla Murillo, Procurement Manager

11/25/2019



Chris Tomerlin, Budget Manager

11/25/2019



Jeffery R. Jurgens, Corporation Counsel

12/4/2019



Tara Henry, Legislative Assistant

12/5/2019

Recommended by:



Tim Gleason, City Manager

Attachments:

- PRCA 1B Henson-Robinson_Bid Clarification_redacted
- PRCA 1C Creativity Center Roof Replacement & HVAC Upgrades Contract
- PRCA 1D Bid #2020-19 CC Roof Replace & HVAC Bid Tab Corrected_redacted

HENSON ROBINSON COMPANY

3550 GREAT NORTHERN AVE, 62711

P.O. BOX 13137

SPRINGFIELD, IL 62791

SINCE 1861



TELEPHONE: 217-544-8451

FAX: 217-544-0829

E-MAIL: kris@henson-robinson.com

November 11, 2019

Attn: Jeff Kohl

Re: Creativity Center Roof Replacement and HVAC Upgrades
107 E. Chestnut St.
Bloomington, IL
Bid 2020-19

Mr. Kohl,
Henson Robinson Company proposes to furnish the following packaged rooftop units for the project referenced above:

Manufacturer: **Trane Voyager II**
Model number: **YCD300G3RVB**

Thank you,


Kris Prather
Project Manager

CITY OF BLOOMINGTON
CONTRACT WITH
Henson Robinson Company
FOR

Creativity Center Roof Replacement & HVAC Repairs

THIS AGREEMENT, dated this 9th day of December, 2019, is between the City of Bloomington (hereinafter "CITY") and Henson Robinson Company (hereinafter "CONTRACTOR").

NOW THEREFORE, the parties agree as follows:

Section 1. Recitals. The recitals set forth above are incorporated into this Section 1 as if specifically stated herein.

Section 2. Incorporation of Bid/RFP/RFO & Proposal Terms / Prevailing Wage. This work was subject to the following procurement initiative by the CITY:
Bid #2020-19 Creativity Center Roof Replacement & HVAC Upgrades (hereinafter "Request")

Accordingly, the provisions of the Request and the proposal submitted by CONTRACTOR (hereinafter collectively referred to as "Procurement Documents" and attached as Exhibit A), shall be incorporated into this Contract and made a part thereof and shall be considered additional contractual requirements that must be met by CONTRACTOR. In the event of a direct conflict between the provisions of this contract and the incorporated documents, the provisions of this contract shall apply. This contract calls for the construction of a "public work," within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/01 et seq. ("the Act"). The Act requires contractors and subcontractors to pay laborers, workers and mechanics performing services on public works projects no less than the current "prevailing rate of wages" (hourly cash wages plus amount for fringe benefits) in the county where the work is performed. The Department publishes the prevailing wage rates on its website. The Department revises the prevailing wage rates and the contractor/subcontractor has an obligation to check the Department's web site for revisions to prevailing wage rates. For information regarding current prevailing wage rates, please refer to the Illinois Department of Labor's website. All contractors and subcontractors rendering services under this contract must comply with all requirements of the Act, including but not limited to, all wage requirements and notice and record keeping duties. This includes Public Act 100-1177 which became effective on June 1, 2019.

Section 3. Description of Services. CONTRACTOR shall provide the services/work identified in the Procurement Documents, and specifically as follows: Replace the roof and
and upgrade the HVAC system at the Creativity Center per bid specs (on file in Procurement).

Section 4. Payment. For the work performed by CONTRACTOR under this Contract, the CITY shall pay CONTRACTOR one of the following:



A flat fee of \$ 506,078.00 as set forth in the Procurement Documents.



Fees as set forth in the Procurement Documents.

Section 5. Default and Termination. Either party shall be in default if it fails to perform all or any part of this Contract. If either party is in default, the other party may terminate this Contract upon giving written notice of such termination to the party in default. Such notice shall be in writing and provided thirty (30) days prior to termination. The non-defaulting party shall be entitled to all remedies, whether in law or equity, upon the default or a violation of this Contract. In addition, the prevailing party shall be entitled to reimbursement of attorney's fees and court costs.

Section 6. Representations of Vendor. CONTRACTOR hereby represents it is legally able to perform the work that is subject to this Contract.

Section 7. Assignment. Neither party may assign this Contract, or the proceeds thereof, without written consent of the other party.

Section 8. Compliance with Laws. CONTRACTOR agrees that any and all work by CONTRACTOR shall at all times comply with all laws, ordinances, statutes and governmental rules, regulations and codes.

Section 9. Compliance with FOIA Requirements. CONTRACTOR further explicitly agrees to furnish all records related to this Contract and any documentation related to CITY required under an Illinois Freedom of Information Act (ILCS 140/1 et. seq.) ("FOIA") request within five (5) business days after CITY issues notice of such request to CONTRACTOR. CONTRACTOR agrees to not apply any costs or charge any fees to the CITY regarding the procurement of records required pursuant to a FOIA request. CONTRACTOR shall be responsible for any damages/penalties assessed to CITY for CONTRACTOR'S failure to furnish all documentation in CONTRACTOR'S possession responsive and related to a request within five (5) days after CITY issues a notice of a request.

Section 10. Governing Law. This Agreement shall be governed by and interpreted pursuant to the laws of the State of Illinois.

Section 11. Joint Drafting. The parties expressly agree that this agreement was jointly drafted, and that both had opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing it terms prior to execution. Therefore, this agreement shall be construed neither against nor in favor of either party, but shall construed in a neutral manner.

Section 12. Attorney Fees. In the event that any action is filed in relation to this agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees.

Section 13. Paragraph Headings. The titles to the paragraphs of this agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this agreement.

Section 14. Counterparts. This agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute the same instrument.

CITY OF BLOOMINGTON

Henson Robinson Company

By: _____
Its City Manager

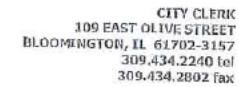
By: _____
Its _____

ATTEST:

By: _____
City Clerk

By: _____
Its _____

CAMMILLO



BID # 2020-19
Creativity Center Roof Replacement & HVAC Upgrades

TIME: 2:00 p.m. CT

[illegible]

*Disclaimer: This is a Bid tabulation for record of the Bid opening. Bids have not been reviewed and have not been presented to council. This does not represent any Award. Prices or options/alternates will not be included on the tabulation.



CONSENT AGENDA ITEM NO. 7.E

FOR COUNCIL: December 9, 2019

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve an Intergovernmental Agreement between the City of Bloomington and Bloomington Public Schools, District 87, for the provision of rock salt during winter 2019-2020, in the amount of \$106.67 per ton, not to exceed a total of \$26,667.50 (250 tons), as requested by the Public Works Department.

RECOMMENDED MOTION: The proposed Intergovernmental Agreement be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1e. Partnering with others for the most cost-effective service delivery

BACKGROUND: Public Works is recommending the approval of an Intergovernmental Agreement with District 87, so that they can purchase rock salt from the City of Bloomington. The City will charge the District \$106.67 per ton, which includes the raw material cost of \$101.67 and a storage, handling, and loading fee of \$5 per ton. The District will not be able to purchase more than 250 tons, for a total not to exceed \$26,667.50.

The City of Bloomington purchases bulk rock salt every year for its snow operations through the Illinois Department of Central Management Services (ICMS). In the past, the City has sold a small amount of that salt to District 87 to supplement their snow operations. In an effort to assist with our local school district, staff has negotiated an agreement this year to assist District 87 with a relatively small amount of salt. The amount of salt covered under the agreement should not affect snow operations for the City.

In winter 2017-2018, District 87 purchased 127.5 tons of rock salt for a total cost of \$6,686.10. In winter 2018-2019, the District paid \$11,589.24 for 221 tons of salt.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Bloomington Public Schools, District 87

FINANCIAL IMPACT: The City will charge District 87 \$106.67 per ton, which is comprised of the raw material cost of \$101.67 per ton and overhead costs (storage, hauling, and loading) of \$5.00 per ton. District 87 will be able to purchase up to 250 tons, which would be up to \$26,667.50. Proceeds will be applied to Snow & Ice Removal-Rock Salt account (10016124-71085). Stakeholders can locate the Snow & Ice Removal Budget in the FY 2020 Budget Book titled "Budget Overview & General Fund" on page 289.

COMMUNITY DEVELOPMENT IMPACT: Goal EDU-1. Increased coordination between the City and the school districts to maintain high quality educational opportunities equitably for all students within the City, Objective EDU-1.2. The City will partner with District 87 to revitalize the established neighborhoods in the core of the City.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Michael Hill, Management Analyst

Reviewed by:


Jim Karch, Director of Public Works

11/20/2019


Carla Murillo, Procurement Manager

11/21/2019


Chris Tomerlin, Budget Manager

11/21/2019


Jeffery R. Jurgens, Corporation Counsel

12/3/2019


Tara Henry, Legislative Assistant

12/3/2019

Recommended by:



Tim Gleason, City Manager

Attachments:

- PW 2B Agreement 2019-2020 Rock Salt IGA

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON AND
BLOOMINGTON PUBLIC SCHOOLS, DISTRICT 87**

In order to better conserve taxpayer dollars, the City of Bloomington (hereafter "City") and Bloomington Public Schools, District 87 (hereafter "District 87") hereby enter into the following agreement regarding road salt from the date of its execution through April 30, 2020.

SECTION 1. The City stores and loads the salt from its 502 South East Street salt storage facility. District 87 will provide the transportation from this salt storage facility.

SECTION 2. The City of Bloomington would prefer, but does not require, that the total salt distribution be taken by District 87 at one time. Loading of the salt will need to be arranged by District 87 with the City a minimum of 48 hours prior to the date of request. The City reserves the right to deny the timeline of pickup given based upon daily operations of the City.

SECTION 3. The salt will be paid for by District 87 at a cost of \$106.67 per ton (this cost includes the raw material cost of \$101.67 per ton plus a storage, handling and loading fee of \$5 per ton).

SECTION 4. The amount of salt provided to District 87 shall not exceed 250 tons prior to April 30, 2020.

SECTION 5. This agreement shall be effective as of the date it is passed by the final party to do so.

PASSED this 9th day of December 2019.

APPROVED this _____ day of December 2019.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Yocum, City Clerk

BLOOMINGTON PUBLIC SCHOOL, DISTRICT 87

Brigitte Beasley, Board President

Dated



CONSENT AGENDA ITEM NO. 7.F

FOR COUNCIL: December 9, 2019

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2020, in the amount of \$385,000, and a Joint Purchasing Requisition with the Illinois Department of Central Management Services for the purchase of rock salt, for a total purchase amount of up to \$782,838, as requested by the Public Works Department.

RECOMMENDED MOTION: The proposed Ordinance and Joint Purchasing Requisition be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

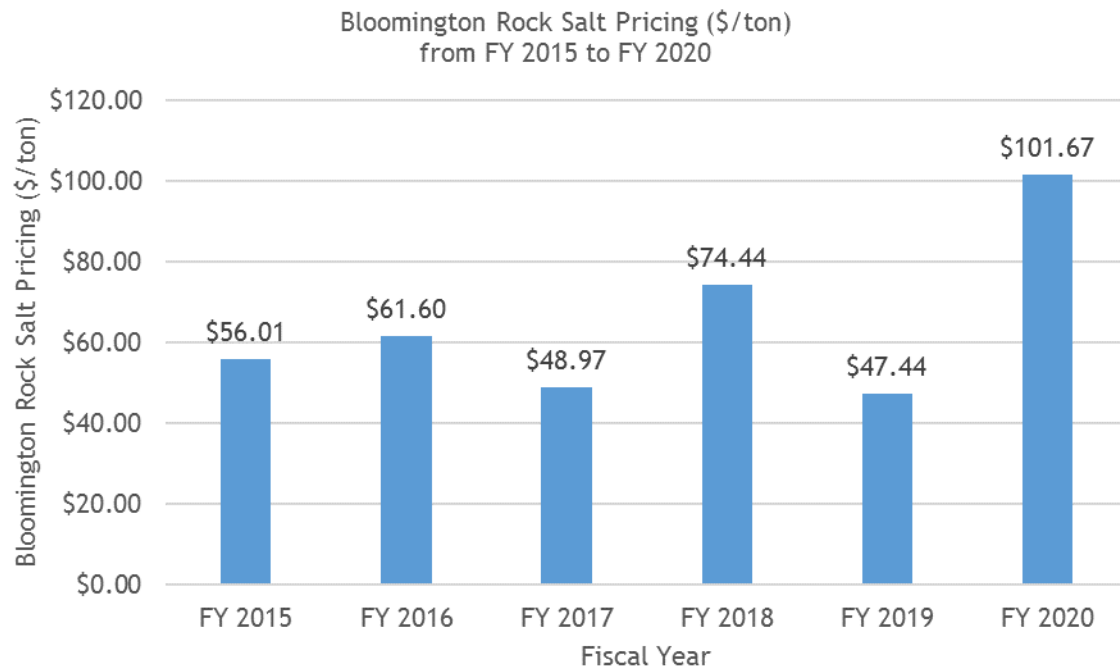
- Objective 1e. Partnering with others for the most cost-effective service delivery
- Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: Public Works is recommending the approval of an Ordinance to amend the budget, and a Joint Purchasing Requisition with the Illinois Department of Central Management Services (ICMS) for the purchase of rock salt bulk at a cost of \$101.67 per ton. Due to an unforeseen increase in price, Public Works is recommending a budget amendment, in the amount of \$385,000, in addition to the budgeted amount of \$397,838, for a total line item budget amount of \$782,838. The City requested 7,000 tons of salt through the ICMS contract in spring 2019.

Each year, the City enters into a contract with ICMS, typically in March or April, which allows the City to partner with the state to receive cost-effective, bulk pricing for rock salt for winter street treatment. The City benefits by locking in the price under the State contract and by loading the salt dome with periodic, small orders. Purchasing salt on an as-needed basis, outside the contract, is typically more expensive, because this occurs during peak demand and, at times, when barge traffic is hindered by ice and a rise in transportation costs results. The tonnage needed can vary significantly, depending upon the severity of the winter season, which is why it benefits the City to purchase rock salt in this way.

With this agreement, the City is obligated to purchase 80 percent (5,600 tons) of the contracted salt amount and may purchase up to 120 percent (8,400 tons) of the contract salt amount. The proposed budget amendment would allow Public Works to purchase up to 110 percent (7,700 tons) of the requested quantity without additional Council approval.

Salt costs have fluctuated from year to year. However, the pricing for winter 2019-2020 (FY 2020) increased dramatically when compared to winter 2018-2019 (FY 2019). This year's price per ton, \$101.67, is the highest it has been in recent years (see below).



Salt prices are impacted by multiple factors, which make it difficult to determine the cause of price changes, but the below factors contributed to this year's increase:

- Other cities and states bid first and received lower bids based on available domestic supply. Illinois bid last, meaning that some of the salt will have to be imported, which led to a higher bid.
- Some major salt vendors did not bid on as many state contracts or did not bid at all.
- Spring flooding on the Mississippi River temporarily closed waterway underpasses, locks, and dams, which caused issues with barge movement.
- Flooding in Texas and the hurricane in the Bahamas closed salt facilities, increasing demand from other salt facilities.

Staff reviewed various unit prices for local agencies in Illinois that use the same state purchasing requisition. Prices generally held similar or above Bloomington's in central Illinois and east of Bloomington. Prices generally declined toward the north, south, and west of Bloomington. The pricing fluctuation could also be attributed to the number of tons requested in the bid.

City	Price/Ton	City	Price/Ton
Bloomington	\$101.67	Clinton	\$105.06
Bloomington Township	\$116.67	Dewitt County	\$89.06
CIRA	\$116.67	Rantoul	\$112.10
Colfax	\$104.36	U of I Champaign	\$114.36
Heyworth	\$105.97	Urbana	\$102.36
Illinois State University	\$107.72	Danville	\$114.36
Kansas Township	\$99.00	Macomb	\$73.26
LeRoy	\$116.67	Galesburg	\$72.48
Lexington	\$112.10	Roanoke	\$86.78

McLean County	\$116.67	Peoria	\$95.54
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COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: If approved, the Use of General Fund Balance in the amount of \$385,000 will be processed-see Exhibit for account details. Stakeholders can locate the budget in the FY 2020 Budget Book titled “Budget Overview & General Fund” on page 289 under Snow & Ice Removal-Rock Salt account (10016124-71085). The amount originally budgeted for FY 2020 was \$397,838. If approved the new total would be \$782,838.

COMMUNITY DEVELOPMENT IMPACT: Goal N-1. Ensure the compact development of the City through denser, mixed-use developments and reinvestment in the established older neighborhoods, Objective N-1.1. Enhance the livability of all Bloomington Neighborhoods. Goal D-4. A clean and safe Downtown, Objective D-4.1 Improve and promote Downtown as a clean and safe place. Goal TAQ-1. A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode. Objective TAQ-1.1 Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

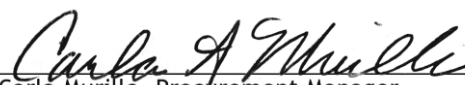
Respectfully submitted for Council consideration.

Prepared by: Michael Hill, Management Analyst

Reviewed by:


Jim Karch, Director of Public Works

11/20/2019


Carla Murillo, Procurement Manager

11/21/2019


Chris Tomertin, Budget Manager

11/21/2019


Jeffery R. Jurgens, Corporation Counsel

12/4/2019


Tara Henry, Legislative Assistant

12/4/2019

Recommended by:



Tim Gleason, City Manager

Attachments:

- PW 1B Budget Amendment Ordinance 2019 - 82 Rock Salt
- PW 1C Exhibit - Rock Salt
- PW 1D Joint Purchasing Requisition 2018-2019 Rock Salt Purchase_redacted

ORDINANCE NO. 2019 - 82

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2020**

WHEREAS, on April 8, 2019 by Ordinance Number 2019-23, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2020, which Ordinance was approved by Mayor Tari Renner on April 9, 2019; and

WHEREAS, a Budget Amendment is needed as detailed below;

Consideration and action to approve an ordinance amending the Fiscal Year 2020 Budget, in the amount of \$385,000, to pay for rock salt.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS:

Section One: Ordinance Number 2019- 23 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2020) is further hereby amended by inserting the following line item and amount presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2019-23 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2019-23.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval and publication as required by law.

PASSED this 9th day of December 2019.

APPROVED this ____ day of December 2019.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Yocum, City Clerk

FY 2020 Budget Amendment-Exhibit

Account #	Fund	Account Description	Amount	Comments
10010010-40000	General Fund	Non-Departmental-Use of Fund Balance	\$ (385,000.00)	
10016124-71085	General Fund	Snow & Ice Removal-Rock Salt	\$ 385,000.00	
Net Transaction:			\$ -	



ILLINOIS

JOINT PURCHASING REQUISITION CY'19-'20 New Purchase Commitment

PLEASE RETURN TO:
Illinois Department of
Central Management Services
IEPA North Building
1000 E. Converse Street
Springfield, IL 62702

Email Address for submission:
CMS.BOSS.EC@illinois.gov

No Thank You,
But keep on mailing list.

Opt-Out-> Our unit does not want to participate in the CY' 2019-2020 Contract Procurement.
Notice:-> Please complete and return the Contact information below to remain on the mailing list.

Joint Purchasing #: L0460-0460

Date: 03/22 / 2019

Government Unit: City of Bloomington, Illinois

Mailing Address: 109 E Olive Street

City / State / Zip: Bloomington, IL 61701

County: McLean County

Contact Person: Jim Karch

Telephone Number: 309-434-2385

Fax Number: 309-434-2201

Contact Email: jkarch@cityblm.org

Delivery Point
(Provide Delivery Details To Contract) (Vendor At Time Of Order Placement) 401 South East Street Bloomington, IL 61701
<- Please provide Email Address <- Please ensure Address is Legible

***** Participant, Complete Only One - Either "Table-A" or "Table-B" Below *****

Table A: Complete this table to have the State "SOLICIT BIDS" for your governmental entity		
ITEM DESCRIPTION	BID QUANTITY	UNIT MEASURE
AASHTO M143 Road Salt or Equivalent	(Total Tonnage)	(22 - 25 Ton / Truck)
Rock Salt, Bulk	7000	Tons
Please note your Purchase Commitment Percentage for Total Tonnage Quantity as stated above (choose one): OPTION 1 ☒ 80%. minimum purchase requirement/120% maximum purchase requirement OPTION 2 ☐ 100% minimum purchase requirement/120% maximum purchase requirement		

***** Participant, Complete Only One - Either "Table-A" Above or "Table-B" Below *****

Table B: Complete this table to have the State "RENEW" Requirements for your governmental entity		
ITEM DESCRIPTION	QUANTITY	UNIT MEASURE
AASHTO M143 Road Salt or Equivalent	(Total Tonnage)	(22 - 25 Ton / Truck)
Rock Salt, Bulk		Tons
Note: Renewal is available ONLY under CMS BidBuy Contract # 18-416CMS-BOSS4-P-4129 for prior CY' 2018-2019. Your quantity may not exceed more than a 20% increase of last season's quantity, and price cannot increase more than 10% of last season's price. Other Terms & Conditions of Contract will remain the same as last year. Please Check Contract # Below:		

I certify that funds are available for the purchase of the items on this Requisition and that such items are for the sole use of this governmental unit, and not for personal use of any official or individual or re-sale.

In addition, I agree to the procedure established by the Department of Central Management Services.

SIGNATURE OF AUTHORIZED OFFICIAL OR AGENT

Printed on Recycled Paper

TITLE



ILLINOIS

JB Pritzker, Governor

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Janel L. Forde, Acting Director

October 1, 2019

Dear Joint Purchasing Participant:

Subject: 2019 - 2020 Rock Salt, Bulk Contract Information

In completing the 2019 – 2020 Rock Salt season contract re-procurement the State of Illinois did encounter supply-related issues experienced in previous seasons, which resulted in significantly higher pricing. We have made every effort to secure Road Salt at the best available price for participants in our contract solicitation and gladly report the State was able to obtain an offer for your location requirements through the State's procurement efforts.

We again recommend that participating agencies examine their application rates and roadway priorities in order to minimize next season's maintenance program cost while also ensuring the safety of the public.

Enclosed is a copy of the requisition you submitted to us for the purchase of rock salt. The information from the requisition, including purchase commitment, can be used to submit your requirements to this year's contract vendor:

BidBuy PO# 20-416CMS-BOSS4-P-12695

Compass Minerals America Inc.

9900 West 109-th. Street

Overland Park, KS 66210

Phone (800) 323-1641 or (913) 344-9330

Term: 09/27/2019 – 09/26/2020

FEIN Number: XXXXXXXXXX

Contact Name: Sean Lierz

Your unit is **Contract Line No: _ 355 _ / Price per ton F.O.B. destination, is \$ 101.67**

Emergency pickup of salt from vendor's warehouse is not made available in this contract.

The additional price per ton to have rock salt delivered in trucks equipped with coal/grain chute openings in the tailgate to permit controlled off-loading of rock salt onto conveyors was not provided for by this vendor in this season's procurement process.

You are responsible for issuing your own purchase order document to the vendor. Orders may be placed with the vendor via telephone, with a written or fax confirmation to follow immediately. ***You are strongly encouraged to order and store as much salt as possible in order to help prevent potential salt shortages this winter.*** Also, you must place orders in full truckload (typically 22-25 tons) delivery quantities or multiples of such.

Your governmental unit is responsible for ensuring that the 80 or 100 percent minimum guaranteed purchase commitment (as noted on your Requisition) is met before the end of the winter season, June 30, 2020. The vendor is required to furnish not less than 120-percent (if needed) of the contract quantity by March 1, 2020. Your governmental unit is responsible for processing vendor invoices in a timely manner.

Delivery shall be made as soon as possible after vendor receipt of order by phone or mail. The maximum time from receipt of order to the actual delivery for orders placed between December 1, 2019 through April 1, 2020 shall not exceed seven working days, unless as modified in the Order Guidelines herein.

For orders placed between December 1, 2019 and April 1, 2020, if a vendor is unable to make delivery within the order timeline, local governmental units shall have the right to retain as liquidated damages, not as a penalty, 5.% per working-day on the undelivered portion of the order, but not to exceed 50.%. For orders placed prior to 9:00 a.m. on a given day, that day to be considered as the first calendar day of the seven-day delivery period. For an order placed after 9:00 a.m. on a given day, the following day shall be considered as the first calendar day of the seven-day delivery period.

CMS reserves the right to mitigate application of liquidated damages imposed against a vendor, in the event of orders exceeding the maximum percentages outlined below:

An agency may order up to 20.% of their awarded contract tonnage in any given week and vendor shall deliver within 7 working-days after receipt of order. Quantity ordered above the 20.% threshold shall have an extended deliver time of one-working-day for each one-percentage-point above the 20.% guideline. For example, if an agency orders 25.% of their awarded total 100 ton, delivery of the first 20 ton (20.%) shall be within 7 working-days after receipt of order, the remaining 5 ton should be delivered within 12 working-days after receipt of order.

If after seven working-days of liquidated damages assessment, the vendor has still failed to deliver, local governmental unit shall have the right to terminate an order and purchase road salt or abrasives from another source, or take action consistent with public safety as needed to continue daily business. Any and all additional costs incurred may be collected from the original vendor, in addition to liquidated damages, by participant's legal action.

All deliveries shall be covered with approved weatherproof materials. The vendor shall ensure that delivery person inspects the inside of the trailer and that all salt is removed from the trailer before leaving a delivery point. The vendor will ensure all weights and measures shown on delivery tickets are correct. Local governmental units reserve the right to require that delivery trucks occasionally be directed to a scale in the vicinity of the delivery point as a check on delivered truckloads.

Deliveries of rock salt containing any foreign material such as mud, rocks, grader teeth, wood, tarpaulins, etc., may be rejected at the delivery site. In the event that any foreign material is discovered in dumped deliveries, the salt and foreign matter may be reloaded onto the cartage hauler's truck by the local governmental unit and returned for credit, or the vendor shall immediately ship a specification compliant load of replacement salt, or issue a refund to the governmental unit consistent with the contract price.

In December 2019, the contract vendor shall have in place stockpile(s) located in or near Illinois covering the tonnage awarded for the northern regions of the State, and in January of 2020 the contract vendor shall have in place stockpile(s) in or near to Illinois covering the total tonnage awarded for all regions of the State. At our discretion, we will inspect the stockpiles to ensure that these stockpiles are in sufficient quantities, and that vendor commitments to the stockpiles are with the users of this contract.

Enhanced Rock Salt 2019 - 2020 season availability:

The Department of Central Management Services has surveyed vendors for availability of an enhanced rock salt option in the invitation for bid, and availability was not provided for by this vendor in this season's procurement process.

It is hoped that this information will be beneficial to you in the utilization of this contract. If you have any further questions concerning the rock salt contract, please feel free to contact me at (217) 782-8091.

Sincerely,

Wayne Ilsley, CPPB, Buyer
Bureau of Strategic Sourcing

Joint Purchasing Participant.

BidBuy is the new procurement system implemented by the State Of Illinois, in which this Master Blanket Purchase Order (Master Contract) was re-established.

As a municipality, you do not need to register in BidBuy. To access master contracts you only need to follow the steps outlined in the following document.

Locating State Wide Master Contracts (without registration in BidBuy)

(To begin you just click on the 'Contract & Bid Search' as shown below.)

Screen	Task
To BidBuy Homepage	 https://www.bidbuy.illinois.gov/bso/
BidBuy Homepage	 Click Contract & Bid Search at bottom of screen
Advanced Search	 Select radio dial next to Contracts/Blankets
Advanced Search	 Enter Search Criteria or enter nothing to receive all contracts  Click Find It
Advanced Search	 Click on Contract/Blanket# (underlined) to show contract information
Master Blanket Purchase Order Under Header Information	Verify Field " Master Contract? " = Yes  Click on Copy of contract (underlined) next to Agency Attachment field to download contract document
To Exit	In BidBuy  Click Exit at bottom of screen
Advanced Search	 Click Exit at bottom of screen to return to BidBuy homepage



CONSENT AGENDA ITEM NO. 7.G

FOR COUNCIL: December 9, 2019

SPONSOR: Human Resources Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to grant Workers Compensation Settlement Authority in the amount of \$158,128 to City of Bloomington Police Officer Shawn Albert, case #W002772902, as requested by the Human Resources Department.

RECOMMENDED MOTION: The proposed Workers Compensation Settlement be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: This is an accepted Illinois claim for bilateral knees when 43-year old patrol officer fell while struggling with a suspect on 1-1-18. Dr. Gleason's Independent Medical Evaluation report from May 2018 indicated that Mr. Albert required additional care. A Functional Capacity Evaluation report from October 2018 indicated that Mr. Albert was not capable of returning as a police officer. Mr. Albert applied for a duty disability pension, which was approved in September 2019. Loss of occupation in central Illinois is valued at approximately 40% person-as-a-whole, which amounts to \$158,128.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: If approved, the \$158,128 settlement will be paid by our third-party Workers' Compensation administrator from the City's escrow account, which is allocated to the Casualty Insurance-Workers Compensation Claim account (60150150-70702). Stakeholders can locate this in the FY 2020 Budget Book titled "Other Funds & Capital Improvement" on page 184.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Alex Rosas, Safety & Risk Manager

Reviewed by:

Nicole Albertson

Nicole Albertson, Director of Human Resources

11/4/2019



F. Scott Rathbun, Finance Director

11/7/2019



Jeffery R. Jurgens, Corporation Counsel

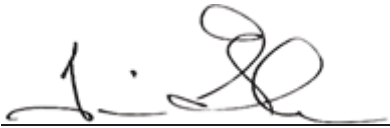
11/7/2019



Tara Henry, Legislative Assistant

11/8/2019

Recommended by:



Tim Gleason, City Manager



CONSENT AGENDA ITEM NO. 7.H

FOR COUNCIL: December 9, 2019

SPONSOR: Human Resources Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration of a Resolution Authorizing a Change Order for \$16,425 to the Kronos Workforce TeleStaff & Timekeeper Project for Additional Solution Consultation Hours, as requested by the Human Resources Department.

RECOMMENDED MOTION: The proposed Resolution be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1a. Budget with adequate resources to support defined services and level of services

BACKGROUND: On November 28, 2016, Council approved the City to enter into a five-year agreement with Kronos for the City's Time and Attendance and Advanced Scheduling needs. In support of the project implementation, Kronos provides monthly services that vary according to the City's needs but includes resources from their application consultant, training on-line meetings, and many other support functions.

The project has been moving forward successfully due to many dedicated hours of Human Resources staff and many other employees throughout the City. Currently, designated Departments are using Kronos Workforce TeleStaff. Staff is working through final implementation issues with Timekeeper and the integration files between TeleStaff and Munis (payroll systems).

Human Resources and Information Services are requesting a change order in the amount of \$16,425 for additional consultant hours and consulting that were needed this fiscal year to address solutions for software functionality so the City can move completely away from the antiquated timekeeping and scheduling solution. There is sufficient budget in the Capital Lease - Capital Outlay Office & Equipment account (40110141-72120) to cover this change order.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: The additional funding in the amount of \$16,425 for this change order will be paid from the Capital Lease - Capital Outlay Office & Equipment account (40110140-72120). Stakeholders can locate this in the FY 2020 Budget Book titled "Other Funds & Capital Improvement" on page 87.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Assistant Human Resources Manager

Reviewed by:

Nicole Albertson

Nicole Albertson, Director of Human Resources

11/26/2019



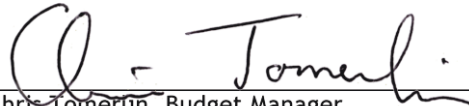
Scott Sprouls, Information Services Director

12/4/2019



Carla Murillo, Procurement Manager

12/4/2019



Chris Tomerlin, Budget Manager

12/4/2019



Jeffery R. Jurgens, Corporation Counsel

12/5/2019



Tara Henry, Legislative Assistant

12/5/2019

Recommended by:



Tim Gleason, City Manager

Attachments:

- HR 1B Kronos Timekeeping Change Order Resolution 2019 - 34
- HR 1C Kronos Change Order Form 1466
- HR 1D Kronos Consulting Invoices 1466

RESOLUTION NO. 2019 - 34

**A RESOLUTION AUTHORIZING A CHANGE ORDER FOR \$16,425 TO THE KRONOS
WORKFORCE TELESTAFF AND TIMEKEEPER PROJECT FOR ADDITIONAL SOLUTION
CONSULTATION HOURS**

WHEREAS, the City of Bloomington approved the contract with Kronos Incorporated for a 5-year agreement for the City's Time and Attendance and Advanced Scheduling needs;

WHEREAS, the project is moving forward successfully, but additional consultant hours are needed. Also, the payment of other consulting hours used this fiscal year to address software and user needs to bring the system fully on-line are required; and

WHEREAS, this work can be completed using the existing contract with Kronos Incorporated at a cost of \$16,425; and,

WHEREAS, the City has funds available in the Capital Lease - Capital Outlay Office & Equipment account (40110140-72120) to cover this change order; and,

WHEREAS, the City Council finds that the decision to approve the change order is in the best interests of the City of Bloomington and is germane to the original contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington, McLean County, Illinois:

That the recitals set forth above are incorporated herein and the City Manager, or designated representative, is authorized to execute any necessary documents to effectuate the change order with Kronos Incorporated.

PASSED this 9th day of December 2019.

APPROVED this ____ day of December 2019.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Yocum, City Clerk

PROJECT CHANGE ORDER FORM

Customer Name	CITY OF BLOOMINGTON	Solution ID	6138607
Bill-to	6138607 CITY OF BLOOMINGTON 109 E OLIVE ST BLOOMINGTON IL 61701 US	Ship-to	6138607 CITY OF BLOOMINGTON 109 E OLIVE ST BLOOMINGTON IL 61701 US
Customer Contact	Angie Brown	Phone	[REDACTED]
		Email	[REDACTED]
Payment Terms	Net 30 Days	Customer Purchase Order	NA
Kronos Practice	Public Sector 20127	Sales Person	DeWitt, Jessica
Project #	29360	Operating Unit / Currency	KRONOS US OU / USD
New Task Required	No	New Order Required	No

Project Budget Impact

Billing Role	Item	UOM	Contract Type	Previous Order #	Qty Minus Decreases	Rate	Ext Amount
Solution Consultant	9990057-PRO	HR	Estimate		72	180.00	12,960.00
Totals					72.00		12,960.00

Amounts exclude tax

Authorization Signature

(I authorize the change to the Kronos Project Budget, as described above, and I authorize Kronos to invoice for the amount applicable.)

Customer Project Manager	Signature	Date
---------------------------------	-----------	------

Comments

This change order is to support the City of Bloomington's roll-out with Workforce TeleStaff and Workforce Timekeeper through the end of January 2020.

Order Management Internal Use Only

If Change Order processed please check box	☐	Date
--	--------------------------	------



REMIT CHECKS TO:
PO BOX 743208
ATLANTA, GA 30374-3208

ELECTRONIC TRANSFERS TO:



INVOICE

Invoice Number: 11518484
Page: 1 of 3

Invoice Date: 23-OCT-19
Due Date: 22-NOV-19

TAX ID [REDACTED]

Please forward your remittance advice to [REDACTED]

Bill To: [REDACTED]
Attn: Accounts Payable
CITY OF BLOOMINGTON
109 E OLIVE ST
BLOOMINGTON, IL 61701

SENT TO 15
OCT 23 2019

FROM ACCOUNTS PAYABLE

Ship To: [REDACTED]
CITY OF BLOOMINGTON
109 E OLIVE ST
BLOOMINGTON, IL 61701

Solution ID: 6138607

Contact: [REDACTED]
Email: [REDACTED]
Telephone Number: [REDACTED]
Default Email: [REDACTED]

Sales Order Number:
Contract Number:
PSA Number: [REDACTED]
Project Number:
Case Number:
Purchase Order Number:

Payment Terms: Net 30 Days
Currency: USD
Sales Person: [REDACTED]
Shipping Reference:
Ship Via:
Ship Date:

Invoice Notes:
PROJECT #37212 - City of Bloomington,
Kronos Project Manager: Erin Krenzien n/a
Customer Project Manager: Nicole Albertson [REDACTED]
Prof Service Invoice

Service

Role/Resource	Date	Description	Taxable	Quantity	UOM	Price
Integration Consultant						
David Steiner	27-SEP-19	- Fire department Q&A and weekly status call.	NO	1.50	Hour	270.00
	14-OCT-19	- Weekly status call.	NO	0.50	Hour	90.00
	15-OCT-19	- Vacation codes rework after KGS resolution was found.	NO	1.00	Hour	180.00
	18-OCT-19	- Status call.	NO	0.50	Hour	90.00
	21-OCT-19	- Weekly status call.	NO	0.50	Hour	90.00
Resource Subtotal				4.00	180.00	720.00
Matthew Fabian	27-SEP-19	- Accrual TS interface testing	NO	0.50	Hour	90.00
	02-OCT-19	- working session and work after	NO	1.50	Hour	270.00
	11-OCT-19	- 2 working sessions on the pay roll process and	NO	4.00	Hour	720.00



Invoice Number: 11518484
Page: 2 of 3
Invoice Date: 23-OCT-19
Due Date: 22-NOV-19

Role/Resource	Date	Description	Taxable	Quantity	UOM	Price
Integration Consultant						
		smartsheet issues.				
	14-OCT-19	- weekly status call, rework mobile app	NO	2.50	Hour	450.00
	15-OCT-19	- Working session for pay roll process	NO	1.00	Hour	180.00
	16-OCT-19	- Working session smartsheet issues	NO	1.00	Hour	180.00
	17-OCT-19	- create separate pay roll interfaces for Fire	NO	2.00	Hour	360.00
	18-OCT-19	- internal meeting	NO	0.50	Hour	90.00
	21-OCT-19	- Pay roll interface adjustments	NO	1.25	Hour	225.00
Resource Subtotal				14.25	180.00	2,565.00
Steven Pickett	14-OCT-19	- TC Audit	NO	1.00	Hour	180.00
Resource Subtotal				1.00	180.00	180.00
Subtotal				19.25	180.00	3,465.00



Invoice Number: 11518484
Page: 3 of 3
Invoice Date: 23-OCT-19
Due Date: 22-NOV-19

INVOICE SUMMARY

Description	Total Price
Subtotal:	3,465.00
Less Payment:	0.00
Shipping and Handling:	0.00
Tax:	0.00
Grand Total	3,465.00

Dear Valued Kronos Customer,

Kronos is changing to e-mail invoicing in support of Green initiatives. In doing so, you will receive your billing documents quicker, saving valuable time and resources. To accomplish this, we do need the address of your general AP e-mail box for billing purposes added to our system. This can be accomplished simply by you sending an e-mail to

requesting to change your billing preference to e-mail only. This message should also include: your company name, general AP e-mail address for billing purposes, and the Bill to customer number on your invoice. You may also include all Kronos account numbers for which you would like your billings sent electronically. Your support is anticipated and very much appreciated.

Go-Green! Go Paperless!



CONSENT AGENDA ITEM NO. 7.I

FOR COUNCIL: December 9, 2019

SPONSOR: City Clerk Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on an Ordinance Approving Farm Lease Extensions on Two City of Bloomington Farms Commonly Known As Parker Bottom and Farm #8425, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1e. Partnering with others for the most cost-effective service delivery

BACKGROUND: The City of Bloomington owns three properties that are eligible to be leased for farming purposes. Two of the properties are located in McLean County with the third property located in Woodford County.

At the February 8, 2016, Council Meeting, the Council voted to convert all City farm leases to Cash Rent Leases. Two of the three farms' leases are set to expire on February 28, 2020. Action related to the third property is not required at this time as it is still under contract as a prairie life preserve under a federal grant with a 50-year term.

Each crop season runs from March 1st to February 28th. The lease terms proposed are for one season. Under the model approved by Council in 2016, each year the City considers current market, per acre rates in negotiating annual crop season leases. The City also reserves the right to put the properties out to bid annually should it decide.

For the 2020 crop season, staff recommends that the proposed Cash Rent leases be executed under existing terms for one additional year. Rental rates are based off averages provided by the National Agricultural Statistical Service, USDA, and consider each property's specific crop yield. 2019 farm statistics resulted in a small decrease in crop production from 2018. With that in mind, it is in the best interest of the City to move forward under existing terms.

The proposed one-year extensions, if approved, would be the fourth extension granted for Farm #8827 and the first extension for Farm #8425. Both tenant farmers have already agreed to continue under existing terms and, if approved, these lease extensions would allow the farms to be farmed for the 2020 crop season only.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: The Parks portion of this revenue of \$18,503.60 is receipted under the Park Dedication-Property Owner Contributions account (24104100-57320). The Water portion of \$4,828.11 is receipted under Water Administration-Other Miscellaneous Revenue account (50100110-57990). Stakeholders can locate this in the FY 2020 Budget Book titled "Other Funds & Capital Improvement" on pages 39 for Park Dedication and 112 for Water Administration.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Josh Austin, Contract Administrator

Reviewed by:


Leslie Yocum, City Clerk

11/27/2019


Chris Tomertin, Budget Manager

11/27/2019


Jeffery R. Jurgens, Corporation Counsel

12/4/2019


Tara Henry, Legislative Assistant

12/5/2019

Recommended by:



Tim Gleason, City Manager

Attachments:

- CLK 3B Farm Lease Ordinance 2019 - 83
- CLK 3C Lease - Exhibit A - Farm #8827_Redacted
- CLK 3D Lease - Exhibit B - Farm #8425_Redacted

ORDINANCE 2019 - 83

**AN ORDINANCE APPROVING FARM LEASE EXTENSIONS ON TWO CITY OF BLOOMINGTON
FARMS COMMONLY KNOWN AS PARKER BOTTOM AND FARM #8425**

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:**

SECTION 1. That the Illinois Fixed Cash Farm Lease (Short Form One Year) between the City of Bloomington and Paul and Karen Kieser for the farm commonly known as the Parker Bottom farm and attached hereto as Exhibit A; and the Illinois Fixed Cash Farm Lease (Short Form One Year) between the City of Bloomington and Dan and Brian Kelly for the farm commonly known as Farm #8425 and attached hereto as Exhibit B, are hereby approved and the City Manager and City Clerk are authorized to execute said Farm Lease Extensions.

SECTION 2. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 3. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 4. This ordinance shall be effective immediately after the date of its publication as required by law.

SECTION 5. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 9th day of December 2019.

APPROVED this ____ day of December 2019.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Yocum, City Clerk

Illinois Fixed Cash Farm Lease (Short Form for One Year)

To use this lease form: Complete two identical copies – one for the Lessor (Landowner) and one for the Lessee (Tenant). Cross out or delete any provisions that are not to become a part of the contract and add any additional provisions that are desired. This lease form is available on the farmdoc website at www.farmdoc.illinois.edu/legal/CashLeaseShortFormDLU14-1201.pdf and www.farmdoc.illinois.edu/legal/CashLeaseShortFormDLU14-1201.doc. A discussion of this form can be found On-Line at <http://farmdocdaily.illinois.edu/2014/11/discussion-of-fixed-cash-lease.html>. Additional leasing information can be found in the Management Section of the farmdoc Website (<http://www.farmdoc.illinois.edu/manage/>). Note: A lease creates and alters legal rights; thus, Landowners and Tenants should strongly consider discussing lease provisions with their respective legal advisors.

Date and names of parties. This lease, bearing the date of October 8, 2015, is between:

Lessor(s) (Insert Landowner's exact name): City of Bloomington,

whose mailing address is 109 East Olive Street, Bloomington, Illinois 61701,

and

Lessee(s) (Insert Tenant's exact name): Paul and Karen Kieser,

whose mailing address is [REDACTED],

and whose Social Security Number or Employer Identification Number (if Tenant is an entity other than an individual) is _____.

The parties to this lease agree to the following lease for the land and length of tenure described in Section 1.

SECTION 1. DESCRIPTION OF RENTED LAND AND LENGTH OF TENURE

A. Description of Land. The Landowner (Lessor) rents and leases to the Tenant (Lessee), to occupy and to use for agricultural purposes only, the

following real estate located in the County of McLean and the State of Illinois, and described as follows: _____

Dale Twp. Sections 13, 14, 23, and 24

commonly known as the Parker Bottom farm and consisting of approximately 66.8 acres, together with all

buildings and improvements thereon belonging to the Lessor, except _____.

B. Length of tenure. The term of this lease shall be for the 2016 Crop Year, specifically from March 1, 2016, to February 28, 2017. Lessee shall surrender possession at the end of this term or of any extension.* Extensions must be in writing and attached to, and refer to, this lease.

SECTION 2. FIXED CASH RENT

Fixed Cash Rent. Tenant agrees to pay Landowner an annual fixed cash rent in the following amount: \$ 18,503.60 (\$277 per acre)

Cash Rent Installments. The cash rent shall be paid each year in the following amounts on the following dates (identify whether the amount is in Dollars (\$) or a percent (%) of the total):

\$9251.80 on 3-1-16; \$9251.80 on 11-1-16; _____ on _____;

SECTION 3. INVESTMENT AND EXPENSES OF LESSOR-OWNER AND LESSEE-TENANT

A. The Lessor-Owner agrees to pay

(1) Real Estate Taxes on the land and improvements and

(2) Reasonable costs of soil tests used to monitor the fertility and pH levels of the farmland.

B. The Lessee-Tenant agrees to furnish (1) All the machinery, equipment, labor, fuel, and power necessary to farm the premises, and

(2) All other annual inputs to the farming operation, including seed, pest and disease treatments, and fertilizers and limestone.

Farmdoc Form: CL-LF 14-1201. Form edited by D. L. Uchtmann, Prof. Emeritus of Agricultural Law, and Gary Schnitkey, Prof. of Farm Management. The editors express appreciation to other colleagues at the University of Illinois and members of the Agricultural Law Section Council of the Illinois State Bar Association for their assistance with this form.

SECTION 4. LESSEE-TENANT'S DUTIES IN OPERATING FARM

A. The Lessee-Tenant agrees:

1. To cultivate the farm in a timely, thorough, and businesslike manner, including (a) Preventing, so far as reasonably possible, noxious weeds (defined by Illinois) and other weeds from going to seed and (b) Preventing unnecessary waste, loss, or damage.
2. To maintain the soil pH at 6.0 or higher (not to exceed a pH of 6.8) and to maintain soil fertility levels. Lessee-Tenant will apply limestone as appropriate to maintain this minimum pH level and will apply N, P, and K fertilizers at rates that, at a minimum, will replace the net N, P, and K expected to be used by the crops to be grown. (See Section 5, Clause A, for provisions regarding reimbursement of Lessee-Tenant for limestone.)
3. To implement soil erosion control practices and other conservation measures as may be necessary to comply with any soil loss standards mandated by the local, state and federal agencies and other conservation compliance requirements of federal farm programs.
4. Insurance: For the term of the lease, Lessee-Tenant shall maintain insurance with a carrier acceptable to the Lessor-Owner, insuring Lessee-Tenant while performing on the premises hereunder for the following types and in stated minimum amounts:

Liability Insurance: \$ 1,000,000 per person/\$ 1,000,000 per occurrence

Property Damage: \$ 1,000,000 per occurrence

Workers Compensation: Full Statutory Limits, if applicable

5. To fulfill all other requirements necessary to qualify current and future farm operators to participate in federal farm programs.

B. The Lessee-Tenant further agrees, unless written consent of the Lessor-Owner is obtained:

1. Not to Assign this lease to any person or sublet any part of the premises herein leased nor to Permit, encourage, or invite other persons to use any part or all of this property for any purpose or activity not directly related to its use for agricultural production, and
2. Not to burn or bury any materials on the farm nor store or dispose of chemicals or empty chemical containers on the property nor enter into any contract, or other business arrangement that alters rights in the Lessor-Owner's security interest, right of entry, default or possession.

C. Other Duties: _____

SECTION 5. MANAGEMENT AND BUSINESS PROCEDURES

- A. **Owner Reimbursement to Tenant for Limestone.** At the end of this lease term, if the Lessee-Tenant does not remain in possession of the farmland under a new lease or extension, Owner agrees to reimburse the Lessee-Tenant for Lessee-Tenant's "remaining cost" for each application of limestone within the past 4 lease years, this year included. The Lessee-Tenant's "remaining cost" for each application shall be calculated by depreciating the Lessee-Tenant's net cost of each application at the rate of 25 % for each growing season that followed the application. After 4 growing seasons, there is no "remaining cost" to be reimbursed.
- B. **Failure to Make Lease Payment.** Failure to make a lease payment by a due date described in Appendix A, or failure to make a payment required by a previous lease between the parties, is a "substantial breach" of this lease (See Section 6.A – Termination and Default).
- C. **Data.** Lessee-Tenant shall provide to Lessor-Owner annually (1) All crop production data from this farm, including records substantiating this production, and (2) The product name, amount, date of application and location of application of all pesticides and fertilizers used on the farm. Invoices/Receipts must be specific to the farm unit identified in this lease.
- D. **Hunting.** Lessor retains/ the hunting rights to the leased premises (Strike Out if Tennant is to have the hunting rights).
- E. **Other Management Provisions:** _____

SECTION 6. DEFAULT, POSSESSION, ATTORNEY FEES, OTHER MATTERS

- A. **Termination upon default.** If either party fails to carry out substantially the terms of this lease, the lease may be terminated by the other party by serving a written notice citing the instance(s) of default and specifying a termination date of 3 days from the date of such notice. Settlement shall then be made in accordance with the provisions of Clause B of this section, the reimbursement agreements of Section 5, and any amendments to this lease.
- B. **Yielding possession.** The Lessee-Tenant agrees at the expiration or termination of this lease to yield possession of the premises to the Lessor-Owner without further demand or notice, in as good order and condition as when they were entered upon by the Lessee-Tenant, loss by fire, flood, or tornado, and ordinary wear excepted. If the Lessee-Tenant fails to yield possession, the Lessee-Tenant shall pay to the Lessor-Owner a penalty of \$ 100.00 per day for each day he/she remains in possession thereafter, in addition to any damages caused by the Lessee-Tenant to the Lessor-Owner's land or improvements. These payments shall not entitle the Lessee-Tenant to any interest of any kind in or on the premises.
- C. **Attorney Fees.** All costs and attorney fees of the Lessor-Owner in enforcing collection or performance shall be added to the obligations payable by the Lessee-Tenant.
- D. **Lessor-Owner's right of entry.** The Lessor-Owner reserves the right personally or by agents, employees, or assigns to enter upon the premises at any reasonable time to view them, work or make repairs or improvements thereon, hunt or shoot firearms, take soil tests, develop mineral resources, and, if the lease term has not been extended and following severance of crops, to conduct fall tillage, make seedings, glean corn, apply fertilizers, and perform any other operation necessary to good farming by the succeeding Lessee-Tenant.
- E. **Lessor-Owner liability.** The Lessee-Tenant acknowledges the hazards of operating a farm, and assumes all risk of accidents personally as well as for family, employees, or agents in pursuance of farming operations, or in performing repairs on improvements.

SECTION 7. ADDITIONAL LEASE PROVISIONS

Signatures of parties to lease:

Landowner
City of Houston

Landowner
By _____
Agent

Tenant

Tenant

Attest

Theresa Brown
City Clerk

Date
2/11/16
10-22-15

Date
10-8-15

Date
10-8-15

Date

Amendments and Extensions to the Lease

(To be completed manually/cannot be completed on-line)

Amendments, alterations, and extensions to this lease may be made in writing in the space below at any time by mutual agreement. The written amendments should be noted on both the Landlord's and Tenant's copies of the lease (complete and sign two identical copies). If the parties fail to agree on a proposed alteration, the existing provisions of the lease shall control operations.

A. Improvements made by the Tenant at the Tenant's own expense. When the Lessor and Tenant agree that the Tenant may make all or part of an improvement (such as buildings, additions to buildings, major repairs, fences, tiling, grain storage, bathrooms, etc.) to the farm at the Tenant's own expense and that the Tenant is to be reimbursed for any costs remaining at the end of the lease or any extensions of the lease, the necessary information shall be recorded in one of the following blanks and, after being duly signed by both parties, it shall become a part of the lease above, and any extensions of the lease, and obligate the Lessor and his or her heirs and assigns to make such reimbursement. Such improvements become the Lessor's property upon completion of the form below. The Lessor thereby assumes the responsibility for property taxes, insurance coverage, and risk of loss. Note: Permanent improvements made by a tenant with an understanding that the owner will reimburse the Tenant if the Tenant leaves the property before the improvement has been fully depreciated is a complicating feature in a lease; both parties should strongly consider discussing such an arrangement with his or her respective attorney before agreeing to such an arrangement.

Description & location of improvement	Tenant's net cost	Annual rate of depreciation (%)	Date depreciation begins	Signatures and Date Signed
1.				Lessor: _____ Tenant: _____
2.				Lessor: _____ Tenant: _____
3.				Lessor: _____ Tenant: _____

B. Other amendments: To be dated, signed and attached to both Landowner's and Tenant's copies of lease (legal counsel may be helpful).

C. Lease Extensions (you can affirm the original Cash Rent, or modify the Cash Rent, in each 1 Year Extension)

Lease Extension # 1 This lease, originally dated <u>Oct. 20, 2015</u>, shall be extended ... From <u>March 1, 2017</u> To <u>February 28, 2018</u> At an annual cash rent of \$ <u>18503.60</u> Signed (insert date): <u>3-1, 2017</u> _____ Lessor _____ Tenant	Lease Extension # 2 This lease, originally dated <u>Oct. 20, 2015</u>, shall be extended ... From <u>March 1, 2018</u> To <u>February 28, 2019</u> At an annual cash rent of \$ <u>18,503.60</u> Signed (insert date): <u>Mar 9, 2018</u> _____ Lessor _____ Tenant	Lease Extension # 3 This lease, originally dated <u>Oct 20, 2015</u>, shall be extended ... From <u>March 1, 2019</u> To <u>February 28, 2020</u> At an annual cash rent of \$ <u>18,503.60</u> Signed: _____, 20____ _____ Lessor _____ Tenant
Lease Extension # 4 This lease, originally dated <u>Oct 20, 2015</u>, shall be extended ... From <u>March 1, 2020</u> To <u>February 28, 2021</u> At an annual cash rent of \$ <u>18,503.60</u> Signed (insert date): <u>11/22, 2019</u> _____ Lessor _____ Tenant	Lease Extension # 5 This lease, originally dated _____, 20____, shall be extended ... From _____, 20____ To _____, 20____ At an annual cash rent of \$ _____ Signed (insert date): _____, 20____ _____ Lessor _____ Tenant	Lease Extension # 6 This lease, originally dated _____, 20____, shall be extended ... From _____, 20____ To _____, 20____ At an annual cash rent of \$ _____ Signed: _____, 20____ _____ Lessor _____ Tenant

Illinois Fixed Cash Farm Lease (Short Form for One Year)

To use this lease form: Complete two identical copies – one for the Lessor (Landowner) and one for the Lessee (Tenant). Cross out or delete any provisions that are not to become a part of the contract and add any additional provisions that are desired. This lease form is available on the farmdoc website at www.farmdoc.illinois.edu/legal/CashLeaseShortFormDLU14-1201.pdf and www.farmdoc.illinois.edu/legal/CashLeaseShortFormDLU14-1201.doc. A discussion of this form can be found On-Line at <http://farmdocdaily.illinois.edu/2014/11/discussion-of-fixed-cash-lease.html>. Additional leasing information can be found in the Management Section of the farmdoc Website (<http://www.farmdoc.illinois.edu/manage/>). Note: A lease creates and alters legal rights; thus, Landowners and Tenants should strongly consider discussing lease provisions with their respective legal advisors.

Date and names of parties. This lease, bearing the date of March 25, 2019, is between:

Lessor(s) (Insert Landowner's exact name): City of Bloomington,

whose mailing address is 109 East Olive Street, Bloomington, Illinois 61701,

and

Lessee(s) (Insert Tenant's exact name): Dan and Brian Kelley,

whose mailing address is [REDACTED],

and whose Social Security Number or Employer Identification Number (if Tenant is an entity other than an individual) is _____.

The parties to this lease agree to the following lease for the land and length of tenure described in Section 1.

SECTION 1. DESCRIPTION OF RENTED LAND AND LENGTH OF TENURE

A. Description of Land. The Landowner (Lessor) rents and leases to the Tenant (Lessee), to occupy and to use for agricultural purposes only, the

following real estate located in the County of McLean and the State of Illinois, and described as follows: _____

PT SW - BEG 923.31' N SW COR, NE2729.37' NW66.86', SW183.50', SW2107.1' S851.56', TO POB

or Farm #8425,

commonly known as the _____ farm and consisting of approximately 17.43 acres, together with all

buildings and improvements thereon belonging to the Lessor, except _____.

B. Length of tenure. The term of this lease shall be for the 2019 Crop Year, specifically from March 26, 2019, to February 28, 2020. Lessee shall surrender possession at the end of this term or of any extension. Extensions must be in writing and attached to, and refer to, this lease.

SECTION 2. FIXED CASH RENT

Fixed Cash Rent. Tenant agrees to pay Landowner an annual fixed cash rent in the following amount: \$ 4828.11 (\$277 per acre)

Cash Rent Installments. The cash rent shall be paid each year in the following amounts on the following dates (identify whether the amount is in Dollars (\$) or a percent (%) of the total):

\$2414.05 on 4/1/2019; \$2414.06 on 11/1/2019; _____ on _____;

SECTION 3. INVESTMENT AND EXPENSES OF LESSOR-OWNER AND LESSEE-TENANT

A. The Lessor-Owner agrees to pay

(1) Real Estate Taxes on the land and improvements and

(2) Reasonable costs of soil tests used to monitor the fertility and pH levels of the farmland.

B. The Lessee-Tenant agrees to furnish (1) All the machinery, equipment, labor, fuel, and power necessary to farm the premises, and

(2) All other annual inputs to the farming operation, including seed, pest and disease treatments, and fertilizers and limestone.

Farmdoc Form: CL-LF 14-1201. Form edited by D. L. Uchtman, Prof. Emeritus of Agricultural Law, and Gary Schmitkey, Prof. of Farm Management. The editors express appreciation to other colleagues at the University of Illinois and members of the Agricultural Law Section Council of the Illinois State Bar Association for their assistance with this form.

SECTION 4. LESSEE-TENANT'S DUTIES IN OPERATING FARM

A. The Lessee-Tenant agrees:

1. To cultivate the farm in a timely, thorough, and businesslike manner, including (a) Preventing, so far as reasonably possible, noxious weeds (defined by Illinois) and other weeds from going to seed and (b) Preventing unnecessary waste, loss, or damage.
2. To maintain the soil pH at 6.0 or higher (not to exceed a pH of 6.8) and to maintain soil fertility levels. Lessee-Tenant will apply limestone as appropriate to maintain this minimum pH level and will apply N, P, and K fertilizers at rates that, at a minimum, will replace the net N, P, and K expected to be used by the crops to be grown. (See Section 5, Clause A, for provisions regarding reimbursement of Lessee-Tenant for limestone.)
3. To implement soil erosion control practices and other conservation measures as may be necessary to comply with any soil loss standards mandated by the local, state and federal agencies and other conservation compliance requirements of federal farm programs.
4. Insurance: For the term of the lease, Lessee-Tenant shall maintain insurance with a carrier acceptable to the Lessor-Owner, insuring Lessee-Tenant while performing on the premises hereunder for the following types and in stated minimum amounts:

Liability Insurance: \$ 1,000,000 per person/\$ 1,000,000 per occurrence

Property Damage: \$ 1,000,000 per occurrence

Workers Compensation: Full Statutory Limits, if applicable

5. To fulfill all other requirements necessary to qualify current and future farm operators to participate in federal farm programs.

B. The Lessee-Tenant further agrees, unless written consent of the Lessor-Owner is obtained:

1. Not to Assign this lease to any person or sublet any part of the premises herein leased nor to Permit, encourage, or invite other persons to use any part or all of this property for any purpose or activity not directly related to its use for agricultural production, and
2. Not to burn or bury any materials on the farm nor store or dispose of chemicals or empty chemical containers on the property nor enter into any contract, or other business arrangement that alters rights in the Lessor-Owner's security interest, right of entry, default or possession.

C. Other Duties: _____

SECTION 5. MANAGEMENT AND BUSINESS PROCEDURES

A. **Owner Reimbursement to Tenant for Limestone.** At the end of this lease term, if the Lessee-Tenant does not remain in possession of the farmland under a new lease or extension, Owner agrees to reimburse the Lessee-Tenant for Lessee-Tenant's "remaining cost" for each application of limestone within the past _____ lease years, this year included. The Lessee-Tenant's "remaining cost" for each application shall be calculated by depreciating the Lessee-Tenant's net cost of each application at the rate of ____ % for each growing season that followed the application. After _____ growing seasons, there is no "remaining cost" to be reimbursed.

B. **Failure to Make Lease Payment.** Failure to make a lease payment by a due date described in Appendix A, or failure to make a payment required by a previous lease between the parties, is a "substantial breach" of this lease (See Section 6.A – Termination and Default).

C. **Data.** Lessee-Tenant shall provide to Lessor-Owner annually (1) All crop production data from this farm, including records substantiating this production, and (2) The product name, amount, date of application and location of application of all pesticides and fertilizers used on the farm. Invoices/Receipts must be specific to the farm unit identified in this lease.

D. **Hunting.** Lessor retains/ the hunting rights to the leased premises (Strike Out if Tennant is to have the hunting rights).

E. **Other Management Provisions:** _____

SECTION 6. DEFAULT, POSSESSION, ATTORNEY FEES, OTHER MATTERS

- A. **Termination upon default.** If either party fails to carry out substantially the terms of this lease, the lease may be terminated by the other party by serving a written notice citing the instance(s) of default and specifying a termination date of 3 days from the date of such notice. Settlement shall then be made in accordance with the provisions of Clause B of this section, the reimbursement agreements of Section 5, and any amendments to this lease.
- B. **Yielding possession.** The Lessee-Tenant agrees at the expiration or termination of this lease to yield possession of the premises to the Lessor-Owner without further demand or notice, in as good order and condition as when they were entered upon by the Lessee-Tenant, loss by fire, flood, or tornado, and ordinary wear excepted. If the Lessee-Tenant fails to yield possession, the Lessee-Tenant shall pay to the Lessor-Owner a penalty of \$_____ per day for each day he/she remains in possession thereafter, in addition to any damages caused by the Lessee-Tenant to the Lessor-Owner's land or improvements. These payments shall not entitle the Lessee-Tenant to any interest of any kind in or on the premises.
- C. **Attorney Fees.** All costs and attorney fees of the Lessor-Owner in enforcing collection or performance shall be added to the obligations payable by the Lessee-Tenant.
- D. **Lessor-Owner's right of entry.** The Lessor-Owner reserves the right personally or by agents, employees, or assigns to enter upon the premises at any reasonable time to view them, work or make repairs or improvements thereon, hunt or shoot firearms, take soil tests, develop mineral resources, and, if the lease term has not been extended and following severance of crops, to conduct fall tillage, make seedings, glean corn, apply fertilizers, and perform any other operation necessary to good farming by the succeeding Lessee-Tenant.
- E. **Lessor-Owner liability.** The Lessee-Tenant acknowledges the hazards of operating a farm, and assumes all risk of accidents personally as well as for family, employees, or agents in pursuance of farming operations, or in performing repairs on improvements.

SECTION 7. ADDITIONAL LEASE PROVISIONS

Signatures of parti

Landowner

$$V_{11}/10$$

Date _____

Landowner

Date _____

By _____

Agent

Date _____

Tenant

4/15/19

Date _____

Tenant

4/15/19

Date _____

Amendments and Extensions to the Lease

(To be completed manually/cannot be completed on-line)

Amendments, alterations, and extensions to this lease may be made in writing in the space below at any time by mutual agreement. The written amendments should be noted on both the Landlord's and Tenant's copies of the lease (complete and sign two identical copies). If the parties fail to agree on a proposed alteration, the existing provisions of the lease shall control operations.

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Note: Permanent improvements made by a tenant with an understanding that the owner will reimburse the Tenant if the Tenant leaves the property before the improvement has been fully depreciated is a complicating feature in a lease; both parties should strongly consider discussing such an arrangement with his or her respective attorney before agreeing to such an arrangement.

Description & location of improvement	Tenant's net cost	Annual rate of depreciation (%)	Date depreciation begins	Signatures and Date Signed
1.				Lessor:
				Tenant:
2.				Lessor:
				Tenant:
3.				Lessor:
				Tenant:

B. Other amendments: To be dated, signed and attached to both Landowner's and Tenant's copies of lease (legal counsel may be helpful).

C. Lease Extensions (you can affirm the original Cash Rent, or modify the Cash Rent, in each 1 Year Extension)

Lease Extension # 1 This lease, originally dated <u>March 25, 2019</u>, shall be extended ... From <u>March 1, 2020</u>, To <u>February 28, 2021</u>. At an annual cash rent of \$ <u>4,828.11</u> Signed (insert date): <u>11/20, 2019</u> _____ Lessor _____ Tenant	Lease Extension # 2 This lease, originally dated _____, 20____, shall be extended ... From _____, 20____, To _____, 20____. At an annual cash rent of \$ _____ Signed (insert date): _____, 20____ _____ Lessor _____ Tenant	Lease Extension # 3 This lease, originally dated _____, 20____, shall be extended ... From _____, 20____, To _____, 20____. At an annual cash rent of \$ _____ Signed: _____, 20____ _____ Lessor _____ Tenant
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CONSENT AGENDA ITEM NO. 7.J

FOR COUNCIL: December 9, 2019

SPONSOR: City Clerk Department

WARD IMPACTED: Ward 1

SUBJECT: Consideration and action on the Requests from Ralben, Inc. d/b/a Cadillac Jack's, located at 1507 S. Main Street, requesting a redefinition of the licensed premises and an Outdoor Service and Consumption area, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed Requests be approved, contingent upon the compliance with all building, health and safety codes.

STRATEGIC PLAN LINK:

- Goal 5. Great Place - Livable, Sustainable City
- Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE:

- Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents
- Objective 3a. Retention and growth of current local businesses

BACKGROUND: Ralben, Inc. d/b/a Cadillac Jack's, located at 1507 S. Main Street, recently expanded their building and is requesting that the licensed premise be redefined to include the expansion; therefore, allowing the establishment to sell alcohol in the new addition. The applicant is also requesting a permanent extension of their premise allowing for an Outdoor Service or Consumption Area which would include an outdoor patio seating and service/consumption area.

On November 12, 2019, the Liquor Commission unanimously voted to approve the above stated requests and forwarded the application to the City Council for consideration (minutes attached).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In accordance with City Code, on November 2, 2019, a public notice was published in the Pantagraph. Ten courtesy copies of the Public Notice were mailed to adjacent neighboring properties. This application appeared on the November 12, 2019 Liquor Commission Agenda.

FINANCIAL IMPACT: The applicant currently pays an annual license fee of \$2,950 for their Class TAPS liquor license, which is recorded in the Non-Departmental Liquor Licenses account (10010010-51010). Stakeholders can locate this in the FY 2020 Budget Book titled "Budget Overview & General Fund" on page 120. It is also the establishment's responsibility to collect and pay all applicable taxes including State Sales Tax, Home Rule Tax, and Food and Beverage Tax.

COMMUNITY DEVELOPMENT IMPACT: ED 1.1 Focus on retention and expansion of existing businesses.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Amanda Mohan, Records and Licensing Specialist

Reviewed by:



Leslie Yocum, City Clerk

12/3/2019



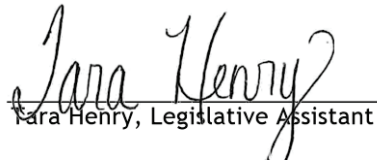
F. Scott Rathbun, Finance Director

12/4/2019

George Boyle

George Boyle, Assistant Corporation Counsel

12/4/2019



Tara Henry, Legislative Assistant

12/5/2019

Recommended by:



Tim Gleason, City Manager

Attachments:

- 4B Cadillac Jack's Redefinition of Space Request Letter
- 4C Cadillac Jack's App Outdoor Consumption Area_Redacted
- 4D Cadillac Jack's Maps_Redacted
- 4E Public Notice - Cadillac Jack's Outdoor Consumption Area
- 4F Liq Com Draft Minutes 11-12-2019_Cadillac Jack's
- 4G Exhibit A - Cadillac Jack's 11-12-2019_Redacted

Bill bentley president of Ralben Inc. DBA Cadillac jacks located at 1507 S. Main St., Bloomington and requesting a redefinition of licensed service area. I would Like to encompass cold beer garden located on the north wall. The approximate size is 13' wide x 30' long As to be an indoor serving area.

Thank you
Bill bentley



Request to add an Outdoor Service or Consumption Area to a Current Class "R" or "T" Liquor

1. Name of Applicant/Liquor License Holder: RALBEN INC.

2. The undersigned applicant is (Check One):

☐ an Individual

☐ a Partnership

☒ a Corporation/LLC

A. If an Individual:

Name: _____ Age: _____

Address: _____ City/State/Zip Code: _____

B. If a Partnership:

Following are the names of all partners who are entitled to share in any profit of the business (please attach an additional page if more space is needed):

Name: 1. [redacted] Age: 22

Address: [redacted] City/State/Zip Code: [redacted]

Name: _____ Age: _____

Address: _____ City/State/Zip Code: _____

C. If a Corporation/LLC:

Date of Incorporation: 1983

(Attach objects of Incorporation according to the Charter of Corporation.)

The following are the names and addresses of all officers and directors of the said corporation and if the majority of stock is owned by one person, name and address (please attach an additional page if more space is needed):

Name: William E Bentley Title/Position: President

Address: [redacted] City/State/Zip Code: [redacted]

Name: _____ Title/Position: _____

Address: _____ City/State/Zip Code: _____

Name: _____ Title/Position: _____

Address: _____ City/State/Zip Code: _____



3. What days and hours will the proposed area be open?

DAY	HOURS OF OPERATION	DAY	HOURS OF OPERATION
Monday	From <u>10 AM</u> to <u>1 AM</u>	Friday	From <u>10 AM</u> to <u>2 AM</u>
Tuesday	From <u>10 AM</u> to <u>1 AM</u>	Saturday	From <u>10 AM</u> to <u>2 AM</u>
Wednesday	From <u>10 AM</u> to <u>1 AM</u>	Sunday	From <u>10 AM</u> to <u>1 AM</u>
Thursday	From <u>10 AM</u> to <u>1 AM</u>		

4. Describe the intended use and function of the proposed area and how it relates to your establishment's business plan: OUTSIDE SEATING AND FOR SMOKING

5. Will the proposed area be open year-round or operate for specific months of the year? Please explain: AS TEMP. PERMITS, AND WEATHER AS IN STORMS ETC.

6. Will live music be performed in the Proposed area (please circle)? Y / N

7. Will there be amplified music played over speakers in the Proposed area (please circle)? Y / N

The following shall be provided at the time of application submission:

- ❖ Proof of Dram Shop Insurance Policy showing coverage with proposed area specifically listed in the description field. *The City of Bloomington must be listed as the Certificate Holder.*
- ❖ A Floor plan showing the complete location and layout of the proposed Outdoor Service or Consumption Area. *Floor plan of the proposed area must be clear and accurate, as it exists in relation to the establishment.*
- ❖ Emergency Call-In Sheet

The undersigned, upon oath or affirmation, states as follows:

1. I am an authorized representative of the applicant.
2. All statements made on this application are true and correct to the best of my information, knowledge, and belief.
3. I understand that any inaccuracies, misstatements, or misrepresentations made on this application may result in its denial and/or in sanctions being imposed upon the licensee or applicant.
4. The applicant hereby agrees to reimburse the City for the cost of publishing in the Pantagraph a public notice of the date and time of the Liquor Commission hearing at which this application for an Outdoor Service or Consumption Area will be considered and the cost incurred by the City for mailing notice of the hearing to the occupants of properties within 500 feet of the applicant's licensed establishment. Reimbursement will be made within **fourteen days** after the City mails to the licensed establishment an invoice for the costs incurred for said publication.



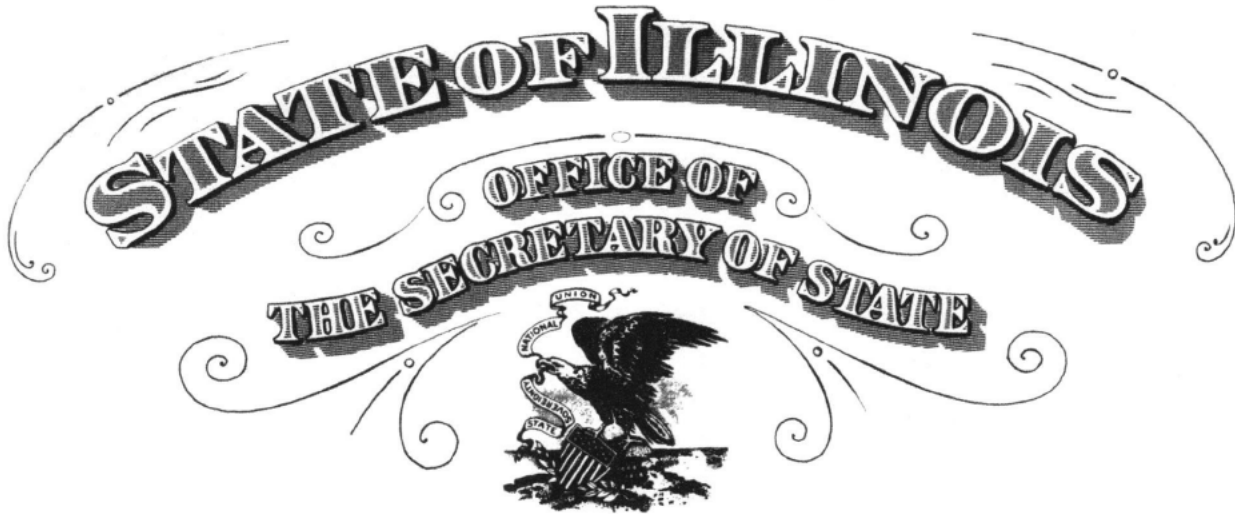
5. The applicant understands and agrees that payment of the costs as set forth in the preceding paragraph is a condition precedent to the issuance of the license for the Outdoor Service or Consumption Area requested in this application and that failure to make said payment will prevent the issuance of the license.

William E Bentley
Printed Name of Representative
[REDACTED]
Signature of Representative

President
Title or Position of Representative
10-17-19
Date

OFFICE USE ONLY	
<u>10/17/19</u> Date Received	☒ DRAM Received
<u>dm</u> Staff Initials	☒ Floor Plan Received
Comm. Dev. Approved	☒ Call-In Sheet Receive
<u>11/12/19</u> Potential Hearing Date	☐ Questionnaire in Liquor Packet

File Number



To all to whom these Presents Shall Come, Greeting:

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that I am the keeper of the records of the Department of Business Services. I certify that

RALBEN, INC., A DOMESTIC CORPORATION, INCORPORATED UNDER THE LAWS OF THIS STATE ON JANUARY 26, 1990, APPEARS TO HAVE COMPLIED WITH ALL THE PROVISIONS OF THE BUSINESS CORPORATION ACT OF THIS STATE RELATING TO THE PAYMENT OF FRANCHISE TAXES, AND AS OF THIS DATE, IS IN GOOD STANDING AS A DOMESTIC CORPORATION IN THE STATE OF ILLINOIS.



In Testimony Whereof, I hereto set
my hand and cause to be affixed the Great Seal of
the State of Illinois, this 16TH
day of OCTOBER A.D. 2019 .

Jesse White

SECRETARY OF STATE

Authentication #: [REDACTED] verifiable until 10/16/2020

Authenticate at: <http://www.cyberdriveillinois.com>

RALBEN Inc. dba Cadillac Jacks 1507 s main st Bloomington il 61701

Emergency call in sheet

Main line [REDACTED]

Bill Bentley [REDACTED]

Dawn Fleming, manager [REDACTED]

Ethel Bentley [REDACTED]



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/03/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CC Services 1705 Towanda Ave PO Box 2020 Bloomington IL 61702-2020		CONTACT NAME: CC Services Inc PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS:																					
INSURED Ralben Inc, DBA: Cadillac Jacks 1507 S Main St Bloomington IL 61701		<table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>Mount Vernon Fire Insurance Company</td><td></td></tr><tr><td>INSURER B:</td><td>Underwriters at Lloyd's, London</td><td></td></tr><tr><td>INSURER C:</td><td>United States Liability Insurance Group</td><td></td></tr><tr><td>INSURER D:</td><td>Donald Gaddis Co., Inc.</td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Mount Vernon Fire Insurance Company		INSURER B:	Underwriters at Lloyd's, London		INSURER C:	United States Liability Insurance Group		INSURER D:	Donald Gaddis Co., Inc.		INSURER E:			INSURER F:		
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INSURER F:																							

COVERAGES

CERTIFICATE NUMBER: 19-20

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR			[REDACTED]	02/21/2019	02/21/2020	EACH OCCURRENCE \$ 1,000,000
			DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
			MED EXP (Any one person) \$ 5,000				
			PERSONAL & ADV INJURY \$ 1,000,000				
	GEN'L AGGREGATE LIMIT APPL ES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:						GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE						EACH OCCURRENCE \$
							AGGREGATE \$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE ☐ OTH-ER ☐
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability			[REDACTED]	02/21/2019	02/21/2020	Combined Single Limit \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Outside covered beer garden size 28 x 28 enclosed outdoor seating area 28 x 20' and outside area has a 5 foot high metal fence surrounding it.

CERTIFICATE HOLDER

CANCELLATION

City of Bloomington and Illinois Department of Transportation 109 E. Olive St. Bloomington IL 61701	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Angela [Signature]</i>
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Additional Named Insureds

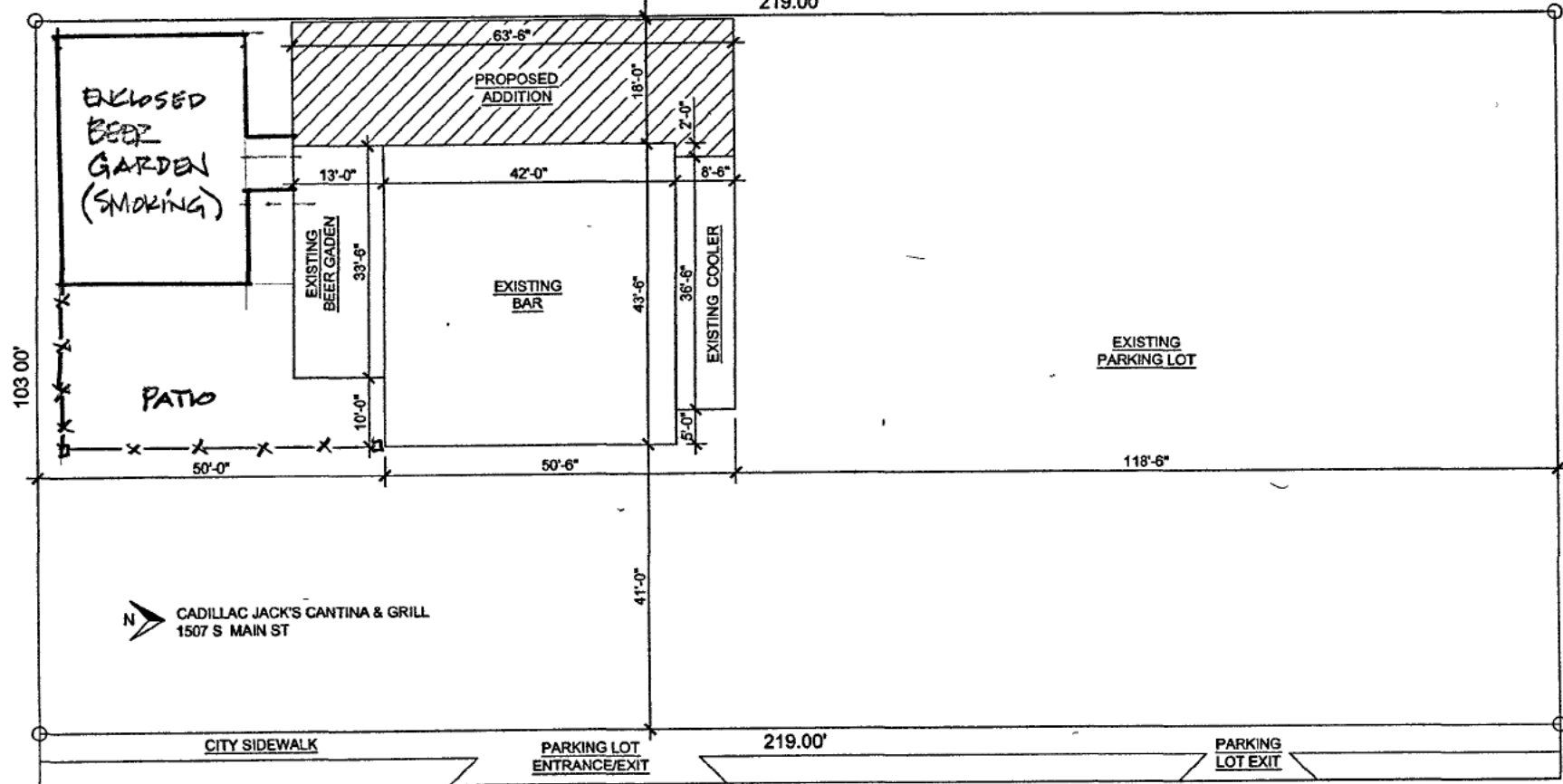
Other Named Insureds

BONKERS INC

Doing Business As

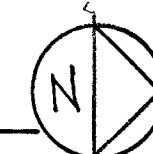
Jacks Cantina and Grill

Doing Business As



SHEET 2	SCALE: 3/32"=1'-0"	REV: 0/14/18
	PLAN # 18-070	0/15/18

#



EADILLAC JAC
SANTINA AND GRILL

CADILLAC JACK'S 1507 S. MAIN STREET, BLOOMINGTON, IL 61701	
SCALE: 1/4" = 1'-0"	APPROVED BY:
DATE: 6 SEP 19	DRAWN BY: JFP
BEER GARDEN ENCLOSURE	
FLOOR PLAN	DRAWING NUMBER A4

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE

On Tuesday, November 12, 2019 at 4:00 PM, in the City Hall Council Chambers, located at 109 E. Olive St., the Bloomington Liquor Commission will conduct a Public Hearing on the Application of Ralben, Inc. d/b/a Cadillac Jack's, located at 1507 S Main Street, currently holding a Class TAPS (Tavern, All Types of Alcoholic Liquor, Package and Sunday Sales) liquor license, which allows the sale of alcoholic liquor by the glass for consumption on the premises, and the retail sale of packaged liquor for consumption off premises, seven (7) days a week for a permanent extension of premise allowing for an Outdoor Service or Consumption Area.

All persons interested in said application may attend and be heard on the application.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferable no later than five days before the hearing.

The City Clerk may be contacted by mail at 109 E. Olive St., Bloomington, IL 61701, by telephone at (309) 434-2240, or by email at cityclerk@cityblm.org. City Hall is equipped with a text telephone (TTY) that may also be reached by dialing (309) 829-5115.

Leslie Yocum, City Clerk

Publication Date: November 2, 2019, Pantagraph Newspaper

Item 6. Public Hearing on the Request from Ralben, Inc. d/b/a Cadillac Jack's, located at 1507 S. Main Street, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area, as well as, a redefinition of their licensed premise, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:52 p.m.

William Bentley, owner of Ralben, Inc. d/b/a Cadillac Jack's, after being sworn in, addressed the Commission. Mr. Bentley explained he requested a redefinition of the interior space and approval of outdoor consumption area for an interior and exterior beer garden. He described proposed area that would be included in the redefinition of the interior space, as well as the outdoor and enclosed beer garden.

Commissioner Renner confirmed with the applicant that if the Liquor Commission and City Council approved the request, the approval would be conditional until the Community Development Department approved the areas.

Commissioner Jordan inquired about the access to the outdoor beer garden. Mr. Bentley explained patrons would need to enter through the bar in order to gain access. He also noted a modification to the current patio exits are required to ensure the exit bar cannot be opened from the outside. Commissioner Jordan questioned the difference between the covered beer garden and the enclosed beer garden. Mr. Bentley stated the outside, covered beer garden would have a cover and walls and the enclosed beer garden was enclosed with a fence.

Commissioner Renner explained the Commission was provided a color-coded map to reiterate the different areas of the establishment (Exhibit A).

Commissioner Jordan asked if food would be served. Mr. Bentley responded affirmatively and noted he was working closely with Chris McAllister, the Building Official in the Community Development Department, to ensure he obtained the proper permitting.

Commissioner Jordan asked for the hours of operation. Mr. Bentley stated the hours of operation are 10:30 a.m. to 1:00 p.m. weekdays and 10:30 am to 2:00 p.m. weekends and the hours of operation will coincide with the hours of the beer garden.

Commissioner Jordan expressed concern of amplified sound. Mr. Bentley stated he was open to not have amplified sound in the outdoor area.

Commissioner Jordan inquired if the properties across Center Street were notified. Amanda Mohan, Deputy City Clerk, responded stating notices were mailed the ten properties adjacent to the establishment. George Boyle, Asst. Corporation Counsel, requested confirmation that of those ten properties, some were located on Center Street. Ms. Mohan responded affirmatively.

Commissioner Renner asked if anyone would like to speak for or against the application but, none came forward.

Commissioner Renner then asked Chris McAllister, Community Development Building Official, to address the Commission. Mr. McAllister stated that Mr. Bentley was accurate in his statements and stated that Mr. Bentley did get a little ahead of himself but has applied for the proper permits for the expansion.

Mr. Boyle reminded the Commission that typically they approve applicants contingent upon health and safety.

Commissioner Renner closed the Public Hearing at 5:01 p.m.

Commissioner Jordan made a motion, seconded by Commissioner Powell, to recommend approval of the proposed Request for a permanent extension of premise allowing for an Outdoor Service or Consumption Area, as well as, a redefinition of their licensed premise, contingent upon the compliance with all health and safety codes.

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

Ayes: Commissioners Jordan, Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 7. Public Hearing on the Application of Sarahbest, Inc. d/b/a Bloomington Rosati's Pizza, requesting an RBS (Restaurant, Beer and Wine Only, and Sunday Sales) liquor license, located at 602 N. Main Street, which would allow the sale of beer and wine by the glass for consumption on the premises seven days a week, as requested by the City Clerk Department.

Mr. Boyle pulled this item due to a scrivener's error and explained the address on the agenda was incorrect but, that the Public Notices were sent with the correct address. This item will appear on the December Liquor Commission Agenda.

The following was presented:

Item 8. Consideration and action on the first appearance of BillHill, Inc. d/b/a Maguire's, located at 220 N. Center St, regarding a Complaint and Citation violating Chapter 6, Section 37(e)(12) of the Bloomington City Code for failure to pay City of Bloomington Food and Beverage taxes from May to August of 2019, as requested by the Legal Department.

Commissioner Renner asked George Boyle, Assistant Corporation Counsel, for an update on this matter. Mr. Boyle stated the item was for notification purposes only and the complaint was settled.

Old Business

No old business was brought forward.

New Business

No new business was brought forward.

Adjournment

Commissioner Jordan made a motion, seconded by Commissioner Powell, to adjourn.

Motion carried unanimously (viva voce).

The meeting adjourned at 5:02 p.m.

Respectfully submitted,

Amanda Mohan, Deputy City Clerk

Exhibit A

Printed and color-coded Site Plan in reference to the Request from Ralben, Inc.
d/b/a Cadillac Jack's, located at 1507 S. Main Street, requesting a permanent
extension of premise allowing for an Outdoor Service or Consumption Area, as well
as, a redefinition of their licensed premise that appeared on the November 12,
2019 Liquor Commission.

Ralben, Inc.
dba: Cadillac Jack's
1507 S. Main Street

BEER GARDEN
 26'-0" x 29'-0"
 HIGH WALL - AWNING - WIDENING
 COVERED & ENCLOSED BEER GARDEN
 9'-0" CEILING
 EXHAUST FAN 400 CFM
 (SMOKING AREA) (UNHEATED, NO AIR CONDITIONING)
 3/8" OPG
 17'-7 1/2"
 3'-0"
 3'-4"
 3'-0"
 7'-1"
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SITE PLAN		SOUTH MAIN ST.	
		CADILLAC JACK'S 1507 S. MAIN STREET, BLOOMINGTON, IL 61701	
SCALE: 1/8" = 1'-0"	APPROVED BY:	DRAWN BY: JTP	
DATE: 17 OCT 19		REVISED	
PEARSON DESIGN GROUP LLC			
FLOOR PLAN - REAR GARDEN		DRAWING NUMBER A-5	

SEE NOTE ON SHEET 1 OF 2 FOR DIMENSIONS AND NOTES.
ALL EXTERIOR WALLS AND INTERIOR DIVIDERS ARE TO THE FACE OF THE WALL.
ALL EXTERIOR WALLS ARE CONCRETE AT 4" MIN.
ALL INTERIOR WALLS ARE CONCRETE AT 4" MIN.
REINFORCED WALLS INDICATED WITH #4 OR #5 BAR FRAMES WALLS.



CONSENT AGENDA ITEM NO. 7.K

FOR COUNCIL: December 9, 2019

SPONSOR: City Clerk Department

WARD IMPACTED: Ward 7

SUBJECT: Consideration and action on an Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a Permanent Extension of Premise Allowing for an Outdoor Service and Consumption Area, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed Application be approved, with conditions placed on the liquor license that the Outdoor Service and Consumption Area close at 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday with service of alcohol concluding one hour before said closing and the use of amplified sound being prohibited outdoors.

STRATEGIC PLAN LINK:

- Goal 5. Great Place - Livable, Sustainable City
- Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE:

- Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents
- Objective 3a. Retention and growth of current local businesses

BACKGROUND: The Bloomington Liquor Commission met on July 9, 2019, August 13, 2019, and September 10, 2019, to consider an application for the addition of an outdoor consumption area from T-V-E-O Corporation d/b/a Eric's Too, located at 921 Maple Hill Road. On September 10, 2019, the Commission unanimously voted to approve the application with the condition that the outside consumption area close at 10:00 p.m. on weekdays and 11:00 p.m. on weekends, and forwarded the application to City Council for consideration. The condition on the license was placed by the Commission in consideration of concerns expressed by neighbors regarding noise from the establishment in the evenings, behavior of inebriated patrons, and amplified music being played outside (minutes of the Public Hearings are attached).

On October 14, 2019, the City Council considered the Liquor Commission's recommendation for approval of the Outdoor Consumption area and the recommended condition. After discussion of the item, Council decided to remand the item back to the Liquor Commission for additional consideration.

On November 12, 2019, the Liquor Commission held another Public Hearing for consideration of the application. The Commission unanimously voted to approve the application, adding and amending the conditions on the license, and forwarded the application back to City Council for consideration. The conditions placed on the application by the Commission and presented for consideration by Council require the outside consumption area to close at

10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday, with service of alcohol concluding one hour before said closing and the use of amplified sound being prohibited outdoors. The conditions added to the license were recommended following additional testimony being made by the neighbors of the establishment (draft minutes of the Public Hearing are attached).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In accordance with City Code, on June 28, 2019 and November 2, 2019, public notices were published in the Pantagraph for the July 9, 2019 and November 12, 2019 Liquor Commission Meetings. Four (4) courtesy copies of the Public Notice were also mailed for each meeting to neighboring properties within 500-feet of T-V-E-O Corporation d/b/a Eric's Too. The continuances of the other meetings were stated at each prior meeting and then also appeared on each separate Liquor Commission agendas.

FINANCIAL IMPACT: The current annual license fee for a Class RAS liquor license is \$2,950, which is recorded in the Non-Departmental Liquor Licenses account (10010010-51010). Stakeholders can locate this in the FY 2020 Budget Book titled "Budget Overview & General Fund" on page 120. It is also the establishment's responsibility to collect and pay all applicable taxes including State Sales Tax, Home Rule Tax, and Food and Beverage Tax.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Amanda Mohan, Records and Licensing Specialist

Reviewed by:



Leslie Yocum, City Clerk

12/3/2019



Chris Tomertin, Budget Manager

12/3/2019

George Boyle

George Boyle, Assistant Corporation Counsel

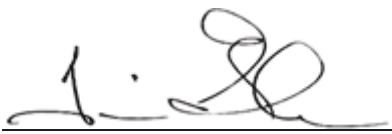
12/4/2019



Tara Henry, Legislative Assistant

12/5/2019

Recommended by:



Tim Gleason, City Manager

Attachments:

- CLK 5B Application Eric's Too Outdoor Consumption_Redacted
- CLK 5C Liq Com Draft Minutes 11-12-2019_Eric's Too
- CLK 5D Objector's Exhibit A - Eric's Too 11-12-2019
- CLK 5E Objector's Exhibit B - Eric's Too 11-12-2019
- CLK 5F Objector's Exhibit C - Eric's Too 11-12-2019
- CLK 5G Objector's Exhibit D - Eric's Too 11-12-2019
- CLK 5H Objector's Exhibit E - Eric's Too 11-12-2019
- CLK 5I Objector's Exhibit F - Eric's Too 11-12-2019
- CLK 5J Objector's Exhibit G - Eric's Too 11-12-2019
- CLK 5K Liq. Com. Minutes 9-10-19 - Eric's Too
- CLK 5L Liq. Com. Minutes 08-13-19 - Eric's Too
- CLK 5M Liq. Com. Minutes 07-09-19 - Eric's Too
- CLK 5N Objector's Exhibit A - Eric's Too 07-09-2019
- CLK 5O Public Notice Eric's Too Outdoor Consumption 07-09-2019
- CLK 5P Public Notice Eric's Too Outdoor Consumption 11-12-2019



7am - 2pm
All week

Request to add an Outdoor Service or Consumption Area to a Current Class "R" or "T" Liquor

1. Name of Applicant/Liquor License Holder: TVEO Corporation
2. The undersigned applicant is (Check One): DOB: Eric's Too
- ☐ an Individual ☐ a Partnership ☒ a Corporation/LLC

A. If an Individual:

Name: _____ Age: _____

Address: _____ City/State/Zip Code: _____

B. If a Partnership:

Following are the names of all partners who are entitled to share in any profit of the business (please attach an additional page if more space is needed):

Name: _____ Age: _____

Address: _____ City/State/Zip Code: _____

Name: _____ Age: _____

Address: _____ City/State/Zip Code: _____

C. If a Corporation/LLC:

Date of Incorporation: 4/1/2002

(Attach objects of Incorporation according to the Charter of Corporation.)

The following are the names and addresses of all officers and directors of the said corporation and if the majority of stock is owned by one person, name and address (please attach an additional page if more space is needed):

Name: Hamilton E Trujillo Title/Position: President / 100% owner

Address: [REDACTED] City/State/Zip Code: Bloomington IL 61701

Name: _____ Title/Position: _____

Address: _____ City/State/Zip Code: _____

Name: _____ Title/Position: _____

Address: _____ City/State/Zip Code: _____



3. What days and hours will the proposed area be open?

DAY	HOURS OF OPERATION	DAY	HOURS OF OPERATION
Monday	From <u>7am</u> to <u>2pm</u>	Friday	From <u>7am</u> to <u>2pm</u>
Tuesday	From <u>7am</u> to <u>2pm</u>	Saturday	From <u>7am</u> to <u>2pm</u>
Wednesday	From <u>7am</u> to <u>2pm</u>	Sunday	From <u>7am</u> to <u>2pm</u>
Thursday	From <u>7am</u> to <u>2pm</u>		

4. Describe the intended use and function of the proposed area and how it relates to your establishment's business plan: This area will provide outdoor seating for guests.
5. Will the proposed area be open year-round or operate for specific months of the year? Please explain: Available year around but mainly in Spring, Summer, Fall.
6. Will live music be performed in the Proposed area (please circle)? (Y) N
7. Will there be amplified music played over speakers in the Proposed area (please circle)? (Y) N

The following shall be provided at the time of application submission:

- ❖ Proof of Dram Shop Insurance Policy showing coverage with proposed area specifically listed in the description field. *The City of Bloomington must be listed as the Certificate Holder.*
- ❖ A Floor plan showing the complete location and layout of the proposed Outdoor Service or Consumption Area. *Floor plan of the proposed area must be clear and accurate, as it exists in relation to the establishment.*
- ❖ Emergency Call-In Sheet

The undersigned, upon oath or affirmation, states as follows:

1. I am an authorized representative of the applicant.
2. All statements made on this application are true and correct to the best of my information, knowledge, and belief.
3. I understand that any inaccuracies, misstatements, or misrepresentations made on this application may result in its denial and/or in sanctions being imposed upon the licensee or applicant.
4. The applicant hereby agrees to reimburse the City for the cost of publishing in the Pantagraph a public notice of the date and time of the Liquor Commission hearing at which this application for an Outdoor Service or Consumption Area will be considered and the cost incurred by the City for mailing notice of the hearing to the occupants of properties within 500 feet of the applicant's licensed establishment. Reimbursement will be made within fourteen days after the City mails to the licensed establishment an invoice for the costs incurred for said publication.



5. The applicant understands and agrees that payment of the costs as set forth in the preceding paragraph is a condition precedent to the issuance of the license for the Outdoor Service or Consumption Area requested in this application and that failure to make said payment will prevent the issuance of the license.

Hamilton Strujillo

Printed Name of Representative

President

Title or Position of Representative

X

Signature of Representative

6-5-19

Date

OFFICE USE ONLY	
<u>6/6/19</u>	Date Received <u>updated 6/26/19</u>
<u>dm</u>	Staff Initials <u>dm</u>
	Comm. Dev. Approved
<u>2/9/2019</u>	Potential Hearing Date
	DRAM Received
<u>6/26/19</u>	Floor Plan Received
<u>✓</u>	Call-In Sheet Receive
<u>6/26/19</u>	Questionnaire in Liquor Packet

OFFICE USE ONLY

Submittal Date: 6/26/19

Renewal Type (A, SA, Q): -

Staff Initials: du



Emergency Call-In Listing

PLEASE FILL IN YOUR BUSINESS INFORMATION COMPLETELY.

Individual/Partnership/Corporation/LLC: T V E O CORP
Doing Business As (D/B/A): ERICS TOO
Business Address: 921 MAPLE HILL ROAD
City/State: BLOOMINGTON IL
Zip Code: 61705
Business Phone Number: [REDACTED]
Business Email Address: [REDACTED]

Please list those responsible for License Renewals and Building Security for the above establishment. Also, list the Building Owner information. If anyone else applies, please list them under the other section and describe their title. At least one person must live within McLean County.

License Renewals

Name: ERIC TRUJILLO Phone Number: [REDACTED]

Address: [REDACTED] City: BLOOMINGTON Zip Code: 61701

Name: _____ Phone Number: _____

Address: _____ City: _____ Zip Code: _____

Building Security

Name: ERIC TRINILLO Phone Number: [REDACTED]
Address: [REDACTED] City: BLOOMINGTON Zip Code: 601701

Other (Title): _____

Name: _____ Phone Number: _____

Address: _____ City: _____ Zip Code: _____

Building Owner Name: LMSM LLC. - MIKE TEMPLE Phone Number: [REDACTED]
Address: [REDACTED] City: BLOOMINGTON Zip Code: 61704



TVEOCOR-01

ZABRINA1KIA

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/26/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Kaufmann Insurance Agency LLC 2327 4th Street Peru, IL 61354	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
INSURED Tveo Corp. Eric's Too 921 Maple Hill Rd Bloomington, IL 61705	INSURER(S) AFFORDING COVERAGE INSURER A: Badger Mutual Insurance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
	NAIC #	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:				1/8/2019	1/8/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability				1/8/2019	1/8/2020	Liquor Limit \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Outside patio with roof cover. Alcohol and live music will be demonstrated in this area.

CERTIFICATE HOLDER

CANCELLATION

City of Bloomington
109 E Olive Street
Bloomington, IL 61701

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

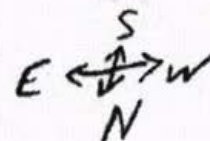
Steve Kaufmann

Site Plan

I-74/55

- see
detail
drawings

Route 9



Proposed
Area



Eric's Too
Buildings

13 Park-
ing spaces

17 Park-
ing spaces
17 Park-
ing spaces

17
Park-
ing
spaces

Empty
Commercial
Lot

27 Park-
ing spaces

Empty
Lots

Courtesy
Inn +
Suites

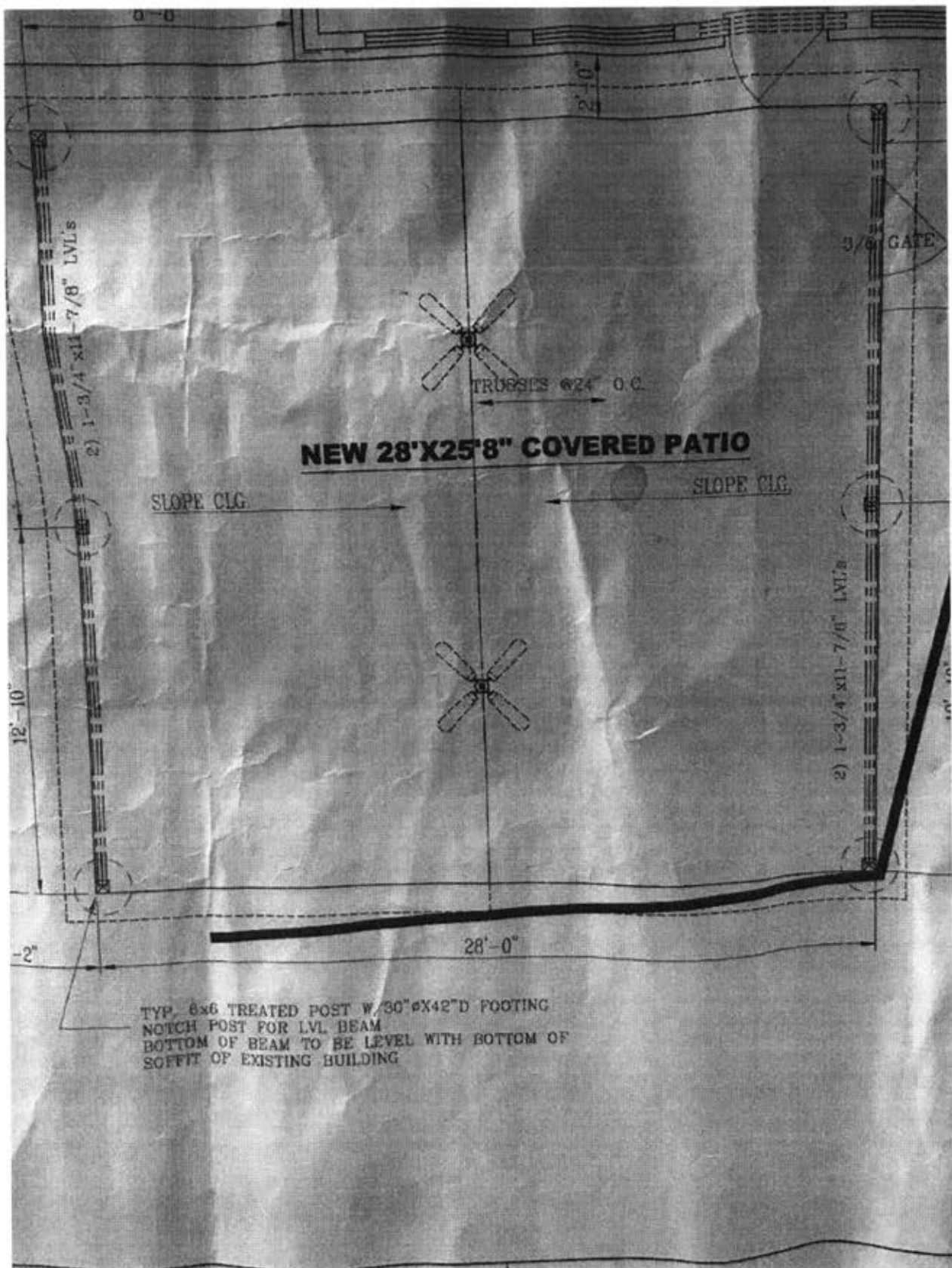
Ramada
Inn

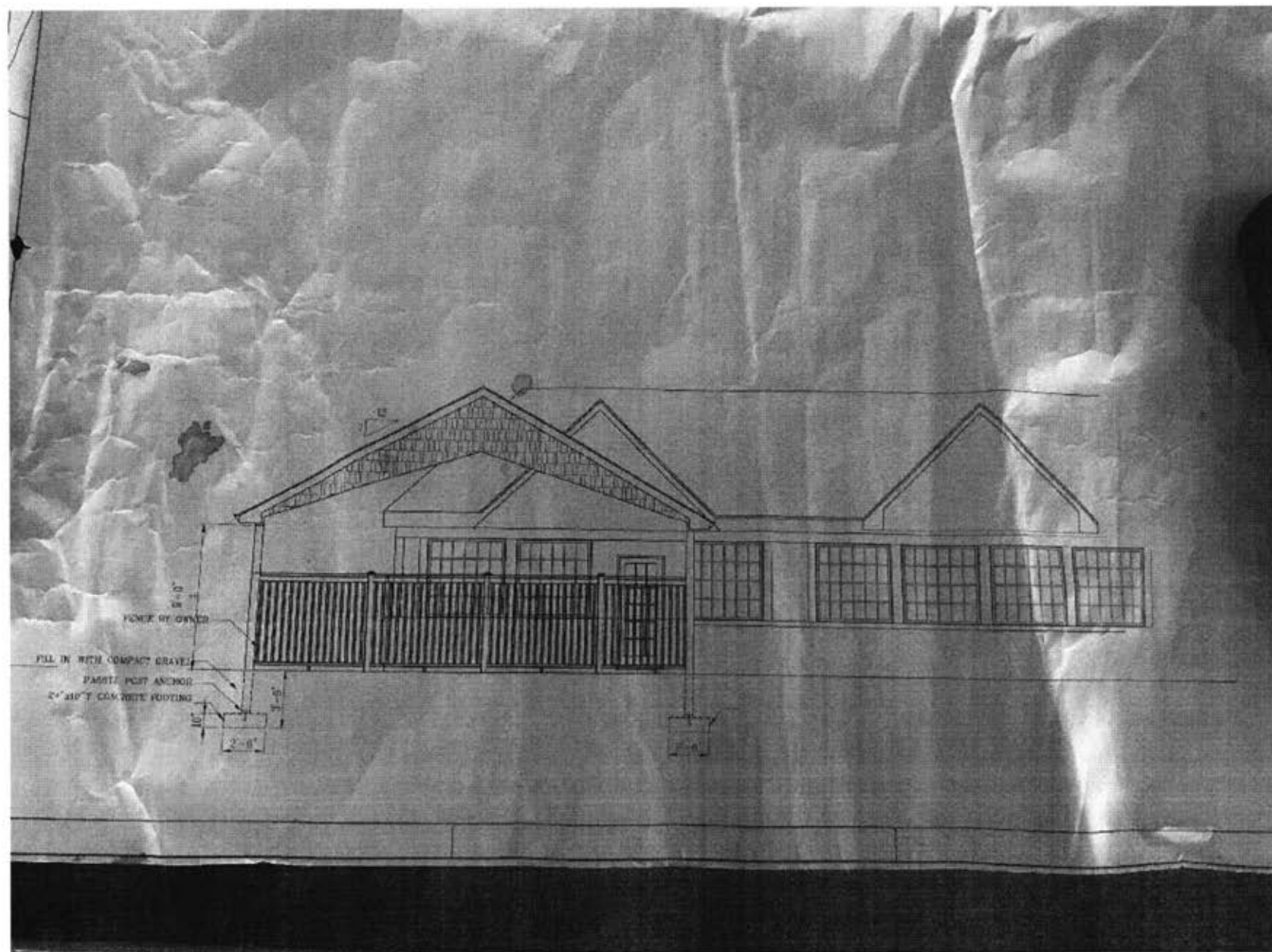
Access Road
2 Lane 2 Way, N 100 Yards

Maple Hill Road 2 way / 2 Lane

Single Family

Single Family





File Number

6211-509-2



To all to whom these Presents Shall Come, Greeting:

I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that I am the keeper of the records of the Department of Business Services. I certify that

ATTACHED HERETO IS A TRUE AND CORRECT COPY, CONSISTING OF 2 PAGE(S), AS TAKEN FROM THE ORIGINAL ON FILE IN THIS OFFICE FOR T V E O CORPORATION.



**In Testimony Whereof, I hereto set
my hand and cause to be affixed the Great Seal of
the State of Illinois, this 30TH
day of APRIL A.D. 2018 .**

Jesse White

SECRETARY OF STATE

Authentication #: [REDACTED] verifiable until 04/30/2019.
Authenticate at: <http://www.cyberdriveillinois.com>



DRAFT MINUTES
PUBLISHED BY THE AUTHORITY OF
THE LIQUOR COMMISSION OF THE CITY OF BLOOMINGTON, ILLINOIS
TUESDAY, NOVEMBER 12, 2019, 4:00 P.M.

The Liquor Commission convened in Regular Session in the Council Chambers, City Hall Building at 4:03 p.m., Tuesday, November 12, 2019.

Commissioner Renner directed the City Clerk to call the roll and the following answered present:

Commissioners: Tari Renner, Lindsey Powell, and Jim Jordan.

Staff present: George Boyle, Asst. Corporation Counsel; Greg Scott, Asst. Police Chief; and Amanda Mohan, Deputy City Clerk.

Public Comment

Commissioner Renner opened the meeting to receive public comment. No public comments were received.

The following was presented:

Item 4. Consideration and action to approve the Bloomington Liquor Commission 2020 Meeting Schedule, as requested by the City Clerk Department.

Commissioner Jordan made a motion, seconded by Commissioner Powell, to recommend approval of the item as presented.

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

Ayes: Commissioners Jordan, Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 5. Public Hearing on an Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area, as requested by the City Clerk Department.

Commissioner Renner asked if there was a representative present, but none came forward. Commissioner Renner expressed concern of continuing the Public Hearing without a representative present. George Boyle, Assistant Corporation Counsel, confirmed the Public hearing could continue.

Commissioner Renner opened the Public Hearing at 4:05 p.m.

Commissioner Renner asked if there was anyone who would like to speak for or against the application.

Surena Fish, after being sworn in, addressed the Commission. She explained she saw many similarities between Eric's Too and the numerous issues at the original Eric's on Wood

Street. She continued, stating the incidents typically happened after 10:00 p.m. or 11:00 p.m. on the weekends. Ms. Fish explained that in her experiences with the owner, he does not follow the rules unless the business is threatened to be shut down and she believed the neighbors of Eric's Too have a right to ask for peace in the neighborhood.

Commissioner Renner called a brief recess at 4:09 p.m. to allow the Legal Counsel to consult with the Clerk and resumed the meeting at 4:10 p.m.

Cristo Ortiz Palafox, General Manager of Country Inn and Suites, after being sworn in, addressed the Commission. He explained that he attended previous meetings to address his concerns. Mr. Palafox quoted portions of Liquor Commission Meeting minutes from previous Public Hearings referencing a meeting between the hotel managers and Mr. Trujillo the Liquor Commission suggested. Mr. Palafox stated Mr. Trujillo failed to meet with the hotel managers of the Ramada Inn and Suites and the Country Inn and Suites as of the time the application was approved for consideration by the City Council.

Commissioner Renner asked Mr. Palafox to confirm the distance between the hotel he managed and Eric's Too. Mr. Palafox confirmed the hotel is less than 100 feet away, and that the Ramada is about 150 feet from Eric's Too.

Mr. Palafox stated on September 13, 2019, there was an event held at Eric's Too where he called the authorities due to loud music. Mr. Palafox discussed a flyer from social media promoting the event. Commissioner Renner asked if Mr. Palafox wanted to submit the flyer into evidence. Mr. Palafox declined at that time.

Mr. Palafox stated on Friday, November 8, 2019, he met with the owner of Eric's Too, however, he believed it to be unproductive. He expressed an additional concern that the restaurant operates more like a nightclub.

Mr. Palafox continued, stating it was not his intent to attack the business. He clarified his concern with the late-night events, the advertisements for a beer garden, and how he found it offensive that Mr. Trujillo placed flyer advertisements at the front desk of the Country Inn and Suites. Commissioner Renner asked Mr. Palafox why he was offended by the advertisements. Mr. Palafox responded that Mr. Trujillo was aware the hotels have been against his application, that he did not give permission for the advertisements to be placed in the hotel, and that the establishment was not permitted for a beer garden. He believed the owner should wait until he received a permit before posting advertisements.

Mr. Palafox explained he would like the licensee to operate as a restaurant with no outdoor music, especially when Mr. Trujillo makes contradictory comments about the live music events.

Commissioner Jordan inquired if all advertisements placed at the front desk must be approved by the General Manager. Mr. Palafox responded affirmatively.

Joshua Smith, the General Manager of Ramada Inn and Suites, after being sworn in, addressed the Commission. Commissioner Renner asked for confirmation of the distance between the Ramada and Eric's Too is about 150 feet. Mr. Smith confirmed.

Mr. Smith stated the establishment received a violation for selling to a minor in August 2019. He then asked why the Commission considered to approve expanding the premise and how the outdoor area will be regulated to ensure alcohol is not served to underage persons. Mr. Smith echoed the concerns of advertising for a beer garden without a permit, as well as his concern with the current hours of operation of 10:00 a.m. until 2:00 a.m. He continued, stating he was unaware of other restaurants that sell alcohol with similar hours. Mr. Smith

echoed the concerns in reference to the contradicting comments from Mr. Trujillo regarding outdoor music from the meeting on Friday, November 8, 2019.

Commissioner Renner asked for confirmation of the attendees for the meeting on Friday. Mr. Smith responded, stating in addition to himself, Mr. Trujillo, Mr. Palafox, and Jamey, the director of operations for Landmark Hospitality, attended the meeting. Commissioner Renner inquired about the topics of the meeting. Mr. Smith stated their discussions focused on outdoor music and how the hotel representatives believed it should not be allowed past 9:00 p.m. on the weekdays and 11:00 p.m. on the weekends.

Commissioner Renner asked if Mr. Smith if he would be open to allow the establishment to sell liquor outside, but without outdoor music. Mr. Smith responded affirmatively.

Commissioner Renner noted that Mr. Trujillo was in attendance and asked him to come forward to address the Commission.

Mr. Trujillo, Owner of Eric's Too, after being sworn in, addressed the Commission. He confirmed he had a meeting with the hotel representatives. He stated he is in a Commercial District and the location is not too close to the hotels. Mr. Trujillo stated he would like to get along with the hotels and he does not complain about their noise.

Commissioner Renner asked if Mr. Trujillo advertised for events. Mr. Trujillo responded affirmatively. Commissioner Renner stated the real issue is outdoor music and asked if outdoor music was essential to the establishment. Mr. Trujillo stated he does not have outdoor music.

Commissioner Renner confirmed with George Boyle, Assistant Corporation Counsel, the potential for the Commission to positively approve the application to the City Council without outdoor music. Mr. Boyle responded affirmatively.

Commissioner Renner asked Mr. Trujillo if he would be open to allow outdoor service without outdoor music. Mr. Trujillo responded that he has small outdoor speakers that would be utilized during food service, but that could not be heard from a distance.

The Commission discussed the potential to limit outdoor music.

Mr. Boyle reiterated the proposed conditions on the license previously suggested to the City Council. He noted the Commission can recommend additional license restriction options including hours allowed for live or amplified music and the type of music allowed.

Commissioner Jordan asked for confirmation that the only way to access the patio is through the restaurant. Mr. Trujillo responded affirmatively. Commissioner Jordan stated he believed there should be a restriction on hours where amplified sound is allowed.

Commissioner Renner asked Mr. Boyle if the Commission needed to define the terminology for amplified sound. Mr. Boyle provided options the Commission could consider.

Commissioner Renner discussed options for hours of operations allowed for the Outdoor Patio.

Commissioner Jordan asked the Commission if no service or consumption would be allowed after the designated hours. Commissioner Powell reminded the Commission that the original intent of the patio was to allow the patrons who smoke the option to bring their beverage outside with them.

Mr. Boyle discussed enforceability and the use of the patio after hours of service where patrons could go outside to smoke, but all beverages would need to stay inside the building.

Commissioner Renner asked Asst. Police Chief Scott to address enforceability. Asst. Chief Scott stated the cleanest form of enforceability would be for no service or consumption on the patio after a designated hour. Commissioner Jordan agreed.

Mr. Trujillo asked to address the Commission. Mr. Trujillo expressed concern that the Commission previously addressed the music concerns and now the Commission is restricting the hours of operation and availability to serve. He stated restrictions will hurt his business and he does not wish to tell his customers they cannot drink outside.

Commissioner Renner explained limits must be put in place to accommodate concerns.

Christo Ortiz Palafox returned to podium to address the Commission. He stated he was not in opposition of the liquor license, but he was concerned with the terminology being used on promotional advertisements for afterhours events. Mr. Palafox read various promotional advertisements. Commissioner Renner asked if Mr. Palafox had concerns with the patio service hours. Mr. Palafox stated he had no concerns with the patio hours but, he was concerned with the current issues inside the restaurant.

Commissioner Renner asked Mr. Boyle if the Commission ever addressed complaints of internal noise. Mr. Boyle asked Mr. Palafox if he would like to submit the printed promotional advertisements into evidence. Mr. Palafox responded affirmatively and submitted them to the Deputy City Clerk (Objector's Exhibits A, B, C, D, E, F, and G). Mr. Boyle stated there have been complaints regarding internal noise from various establishments.

Commissioner Jordan asked questions regarding the noise inside and if a DJ was present. Mr. Palafox responded affirmatively and mentioned his staff have reported loud music from Eric's Too and he instructed them to call the authorities at the time of the event.

Mr. Trujillo returned to address the Commission. He stated he built the beer garden to attract guests and allow them to smoke and drink outside.

Mr. Boyle asked Asst. Chief Scott for input for calls to service. Asst. Chief Scott stated officers have been sent for calls and the Police Department has completed a few follow up visits but, there have not been any incidents warranting tickets. He continued, stating it is at the officer's discretion to write tickets for noise complaints and typically, the first offense is a warning and the second offense is a written violation.

Commissioner Renner closed the Public Hearing at 4:45 p.m.

The Commission discussed the motion and options of conditions.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve the application positively to the City Council with conditions placed on the liquor license that the Outdoor Service and Consumption Area close at 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday nights with service of alcohol concluding one hour before closing and no amplified sound is permitted.

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

Ayes: Commissioners Jordan, Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Objector's Exhibit A

Printed hotel review dated September 2, 2019 in reference to the Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area that appeared on the November 12, 2019 Liquor Commission.

T-V-E-O Corporation
dba: Eric's Too
921 Maple Hill Road

Richard Mardino

en 04 Se CX US IL BLOOMI



Passive 8 / 10

Exhibit A

Room Rate Local: 84
Radisson Rewards ID: -
Radisson Rewards L... -
Room Nights: 2

Room Number: 301
Arrival Date: 31 Aug 2019
Departure Date: 02 Sep 2019
CRS Res Number: [REDACTED]

Additional Info

Guest Last Name: Mardino
Guest Country: US
Check-in by: *CURTISC2*
SOB Code: BK
Guest Phone: [REDACTED]
Guest Preferred Lang: en
Room Rate USD: 168
Property Code: BI.II
Check-out by: *CURTISC2*
Rate Code: Y-BKPPA*
Booking Channel: INTERNET BOOKING BY
Rate Name: -
SOB Description: DERBYSOFT BOOKING.COM
Currency Code: USD

Guest Email: @***
Guestroom Type: STD
Guest State/Province: -
Radisson Rewards M: -
Travel Agent #: [REDACTED]
of Adults: 3
Reservation ID: [REDACTED]
Brand: CHIBSE
of Children: 0
Guest First Name: Richard
Guest City: North Collins
Rate Group Name: SELLING RATES
Responded on: Mobile

Recommend?

8 / 10

Comment: 8

The hotel is great ,the bar next door made saturday night terrible . Our room was on the the same side as the bar (Eric's to). The base from the music made it impossible to get to sleep from 11:30 to 3:00 am . It was topped off with 2 woman from the bar screaming at each other in the parking lot around 12pm. Having my wife and 2 grandsons with me made it worse .

Overall

8 / 10

Welcome

10 / 10

Room

9 / 10

Bathroom

10 / 10

Farewell

10 / 10

Value

10 / 10

Breakfast

10 / 10

Internet

10 / 10

Fitness Center

9 / 10

Pool

9 / 10

Radisson Rewards - Invited to join?

Yes - but I declined

Staff

10 / 10

Exceptional Service: Comments

Always friendly and service was great

Problem?

Yes

Problem reported?

No

Improvements comments

I didn't report it because the noise issue with the bar probly wasn't anything your staff could gave changed

Visit's Reason

Leisure - Family stay

Gender

Male

Age

45 - 54

 Management Response



Response on 04 Sep 2019
Cristo Ortiz-Palafox

Useful

Objector's Exhibit B

Printed email dated September 6, 2019 with four photos of video dated September 1, 2019 in reference to the Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area that appeared on the November 12, 2019 Liquor Commission.

T-V-E-O Corporation
dba: Eric's Too
921 Maple Hill Road

Eric's Cam

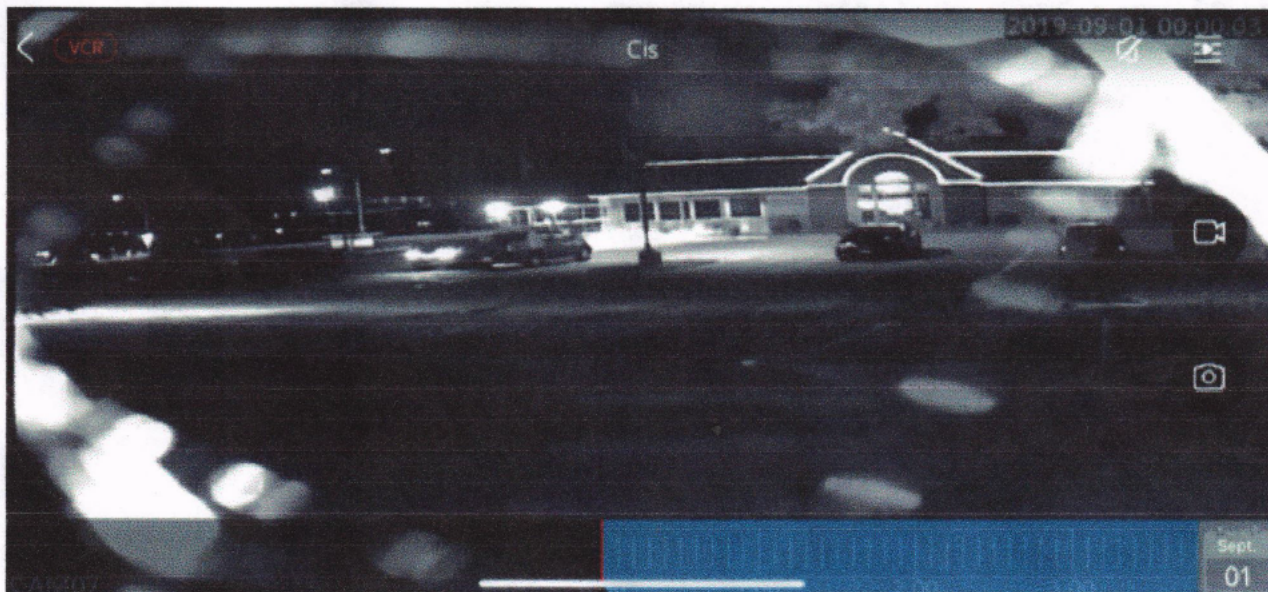
Devang Patel <[REDACTED]>

Fri 9/6/2019 10:14 AM

To: CX-Bloomington, IL - Normal West (Cristo Ortiz-Palafox - General Manager) <[REDACTED]>

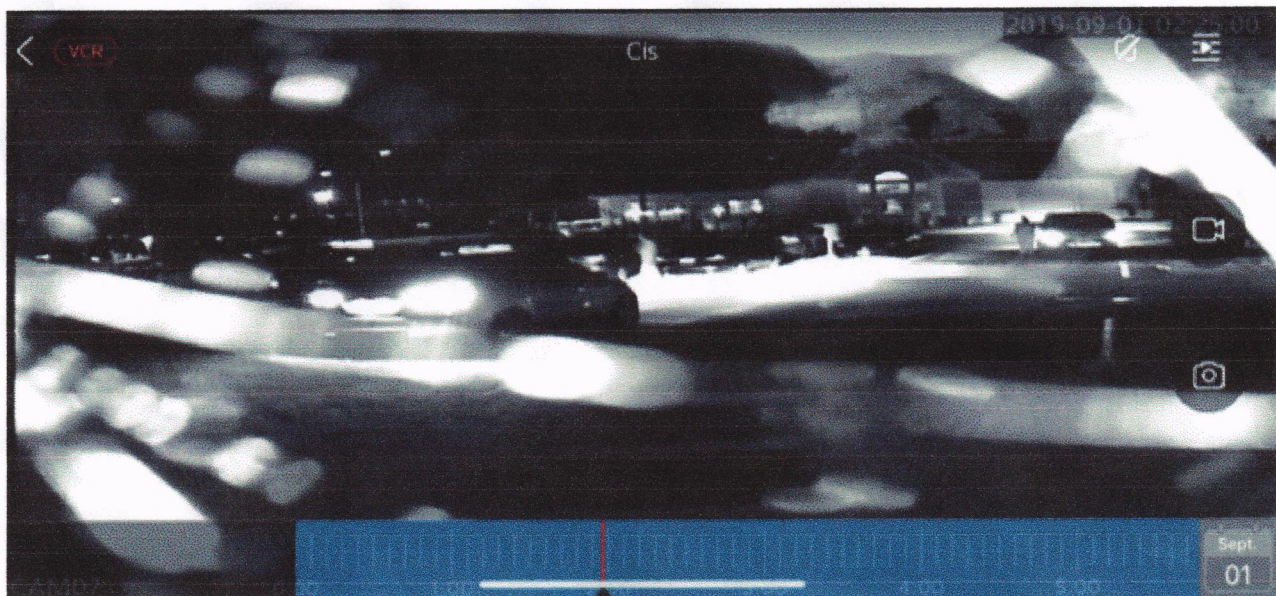
CAUTION: This email originated from outside the organization. Do not click on a link or open an attachment unless you recognize the sender and know the content is safe.

At midnight and after until 2:30am September 1 2019.





2:13am



@Vizsam

Thanks!

Jamey

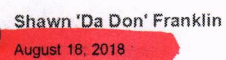
JamzAnde Enterprises
Landmark Hospitality Group, LLC
Sent from my iPhone

Objector's Exhibit C

Printed advertisement for event on August 18, 2018 in reference to the Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area that appeared on the November 12, 2019 Liquor Commission.

T-V-E-O Corporation
dba: Eric's Too
921 Maple Hill Road

921 Maple Hill Rd Bloomington
Right next to turnberry



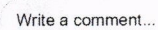
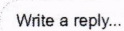
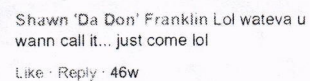
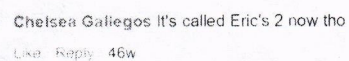
5

3 Comments 1 Share

Like

Comment

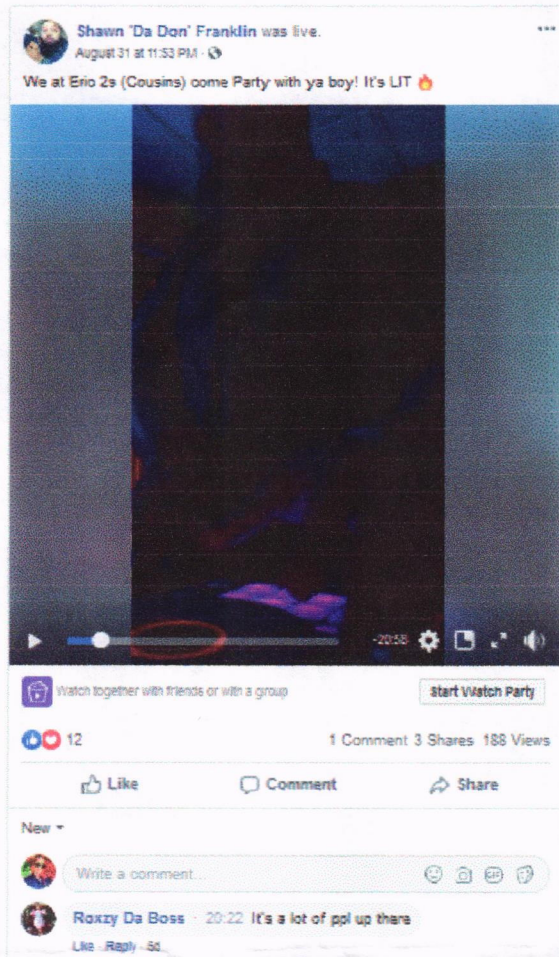
Share



Objector's Exhibit D

Printed advertisement for event on August 31st that was printed on September 6, 2019 in reference to the Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area that appeared on the November 12, 2019 Liquor Commission.

T-V-E-O Corporation
dba: Eric's Too
921 Maple Hill Road



Landmark Hospitality Group, LLC
919 Maple Hill Rd
Bloomington, Illinois 61705
Mobile Phone: 309-287-6173

Objector's Exhibit E

Printed advertisement dated August 16th that was printed on September 6, 2019 in reference to the Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area that appeared on the November 12, 2019 Liquor Commission.

T-V-E-O Corporation
dba: Eric's Too
921 Maple Hill Road



Eric's Too Family Restaurant and Lounge

...

August 16 at 10:07 PM · 🌐

Eric's Too is the place for a little dance music we are open for you come over and have a good time.



👍 4



Like



Comment



Share



Write a comment...



Objector's Exhibit F

Printed advertisement (not dated) that was printed on September 6, 2019 in reference to the Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area that appeared on the November 12, 2019 Liquor Commission.

T-V-E-O Corporation
dba: Eric's Too
921 Maple Hill Road

Like Follow Share ...

Let's come out and have a good time on a Friday and Saturday night at Eric's all starts at 9 p.m. till 2 a.m. share with all your friends and let's have a good time. Dance music all night long.



2

1 Share

Like

Comment

Share



Write a comment...



Objector's Exhibit G

Printed advertisement for event on Saturday, December 15, 2018 in reference to the Application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area that appeared on the November 12, 2019 Liquor Commission.

T-V-E-O Corporation
dba: Eric's Too
921 Maple Hill Road

2



Frank Nitty

December 14, 2018



Nate Caldwell

December 11, 2018

Pop Out To Bro Nem Bday Party Saturday At Cousin Lounge(ERIC'S 2)....If You Don't Know Location Google It...T Dis B [REDACTED] Up



MINUTES
PUBLISHED BY THE AUTHORITY OF
THE LIQUOR COMMISSION OF THE CITY OF BLOOMINGTON, ILLINOIS
TUESDAY, SEPTEMBER 10, 2019, 4:00 P.M.

The Liquor Commission convened in Regular Session in the Council Chambers, City Hall Building at 4:04 p.m., Tuesday, September 10, 2019.

Commissioner Renner directed the City Clerk to call the roll and the following answered present:

Present: Commissioners Tari Renner, Lindsey Powell and Jim Jordan.

Staff present: George Boyle, Assistant Corporation Counsel; Greg Scott, Assistant Police Chief; and Amanda Mohan, Deputy City Clerk.

Public Comment

Commissioner Renner opened the meeting to receive public comment. No public comments were received.

The following was presented:

Item 4. Consideration and action on Revised Minutes from the August 13, 2019 Regular Liquor Commission Meeting, as requested by the City Clerk Department.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve the minutes as presented.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 5. Continuation on the Public Hearing on an application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area, as requested by the Liquor Commission.

Commissioner Renner opened the Public Hearing at 4:05 p.m. He stated that he had listened to the recording of the hearing from the July Liquor Commission where this item was presented and stated that parties who had testified at that meeting need not present the same evidence unless they have something new to add.

Hal Jennings, friend of and lawyer to Eric Trujillo, after being sworn in, addressed the Commission by having Eric Trujillo, Owner of Eric's Too, confirm facts and statements about himself, the business at hand, and the proposed outdoor consumption area being discussed. Mr. Trujillo was also sworn in. Mr. Jennings asked confirmation of his name, that he is the owner, the address of the establishment, and of how patrons can gain access into the patio. Mr. Trujillo responded stating there is a five-foot cast-iron fence around the patio area that

patrons can only access by entering through the restaurant. There is also an emergency exit push bar gate outside.

Commissioner Jordan confirmed that in order for patrons to gain access to the patio, they would need to go through the restaurant. In order to address concerns of the neighbors that had previously come forward against the application, he also inquired whether amplified sound is necessary for the establishment. Mr. Trujillo stated that he would like to have the option to have a band on the patio. Mr. Trujillo also stated he will be posting signage for patrons to only gain access to patio through the restaurant, not through the emergency exit, and additional signage in the parking lot that it was only for *'Eric's Too Parking Only.'*

Commissioner Renner asked if there was anyone who would like to speak for or against the application, and no one came forward.

Commissioner Renner closed the Public Hearing at 4:13 p.m.

Commissioner Renner proposed a motion to recommend the application positively to the City Council with the condition that the closing hours of the outdoor patio would be 10:00 p.m. on weekdays and 11:00 p.m. on weekends. He stated that at some time in the future the establishment could request that the hours for outdoor service or consumption be expanded.

Commissioner Jordan agreed.

Commissioner Powell agreed it was reasonable.

George Boyle, Asst. Corporation Counsel, asked for clarification on how the conditions addressed the amplified sound concern.

Commissioner Renner stated the conditions lined up with the City's Noise Ordinance to allow the establishment to have amplified music up until the conditional hours.

Mr. Boyle and Commissioner Jordan discussed beer garden ordinances, conditions applicable, and types of music allowed.

Commissioner Jordan made a motion, seconded by Commissioner Powell, to approve the application positively to the City Council with the condition that the closing hours of the outdoor patio would be 10:00 p.m. on weekdays and 11:00 p.m. on weekends with the option to return to the Liquor Commission in the spring to request the condition be lifted.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 6. Public Hearing on the Application of LKH II, Inc., d/b/a 1107 West Lounge, located at 1107 West Locust Street, for a Class TAPS (Tavern, All Types of Alcoholic Liquor, Package Sales for Consumption Off Premises, and Sunday Sales) liquor license, which allows the sale of alcoholic liquor by the glass for consumption on the premises, and the retail sale of packaged liquor for consumption off premises seven (7) days a week, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:18 p.m.

Nays: None.

Motion carried.

The following was presented:

Item 9. Continuation on the Public Hearing on an application for T-V-E-O Corporation, d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area, as requested by the Liquor Commission.

Commissioner Renner informed the Commission that this item would be continued until the next Liquor Commission meeting in order to have both the usual City's Assistant Corporation Counsel and himself present to discuss this item.

The following was presented:

Item 10. Public Hearing on the Application of SmokQue Inc., d/b/a Brass Pig Smoke and Ale House, requesting an RAS (Restaurant, All Types of Alcohol, and Sunday Sales) liquor license, located at 602 N. Main Street, which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:11 p.m.

Tyler Holloway, Owner of Brass Pig Smoke and Ale House, was sworn in and then addressed the Commission. He gave the Commission a brief overview of the business model and the plans for the business. The restaurant will be a smokehouse with smoked meats and vegetables and they plan to have a catering menu. The hours of operation will be 11:00 a.m. to 1:00 a.m. during the week and open until 2:00 a.m. on weekends with most receipts to come from food.

Commissioner Renner stated Mr. Holloway is the owner of Fat Jack's in Downtown Bloomington and a restaurant in Uptown Normal.

Commissioner Jordan expressed concerns about the seating capacity and how the business will card individuals. Mr. Holloway responded stating there will be a capacity for 100 patrons with 40 in bar and 60 in dining area. The BASSET trained staff will card patrons, there will be a host for dinner, and security for late night.

Commissioner Renner asked if there were any citizens who would like to speak in favor of this business.

Jan Lancaster, President of the Downtown Business Association, stated the Association discussed this business at their last meeting and everyone is thrilled and excited for it. She believes it will be a great addition to the Downtown area.

Commissioner Jordan expressed concerns about video gaming in the establishment. Mr. Holloway responded stating they do intend to apply for video gaming but for the mean time, they are using the area for bar seating.

Commissioner Renner asked if there were any citizens who would like to speak against this application. None came forward.

Commissioner Renner closed the Public Hearing at 4:17 p.m.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 11. Public Hearing on the Application of Breatheblm, LLC, d/b/a Breathe, located at 1804 S. Hershey Rd., Unit 10, requesting a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:18 p.m.

Kelly Thoennes, Owner of Breathe, was sworn in and then addressed the Commission. She gave the Commission a brief overview of the business model and the plans for the business. She would like to bring a fine dining restaurant to the southeast side of Bloomington. There will be a seating capacity of 45 to 60 seats with 8 seats around bar. Tuesdays through Saturday from 4:00 p.m. to 9:00 p.m. and Fridays through Saturdays from 4:00 p.m. to 10:00 p.m.

Commissioner Jordan confirmed that the location was next to Lucky Sevens and expressed concerns about obtaining a video gaming license. Ms. Thoennes confirmed the location and stated she had no interest in video gaming.

Commissioner Renner asked if there were any citizens who would like to speak for or against this application. None came forward.

Commissioner Renner opened the Public Hearing at 4:20 p.m.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 12. Public Hearing on the Application of Around the Corner II, Inc., d/b/a JP's Wheel & Ale House, located at 409 Hershey Rd., requesting a Class TAS (Tavern, All Types of Alcohol, and Sunday Sales) liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:20 p.m.

Gary Biddle, owner of JP's Wheel & Ale House, was sworn in and then addressed the Commission. He gave the Commission a brief overview of the business model and the plans for the business. He stated he owns DR McKay's and mentioned it as a reference point. They are planning to do a more upscale version of DR McKay's food with a focus on pizza and chicken

Item 13. Public Hearing on an application for T-V-E-O Corporation d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area.

Commissioner Jordan noted for the record that Hal Jennings, Attorney representing Eric's Too, is also his personal attorney.

Mr. Jennings stated he was present as Eric's Too's Attorney and friend.

Eric Trujillo addressed the commission and explained why he decided to build a beer garden at his establishment.

Commissioner Jordan asked if the patio area was accessible only through the building. Mr. Trujillo responded stating there are two entrances into the area: 1) one entrance from the sidewalk and 2) one from inside the building.

Commissioner Jordan asked if the business would offer full service bar and food outside. Mr. Trujillo responded affirmatively.

George Boyle, Asst. Corporation Counsel, inquired about the potential hours of operation for the patio. Mr. Trujillo responded, stating he proposed to have the patio available for the same hours as the establishment which is from 7:00 a.m. to 2:00 a.m.

Commissioner Jordan inquired whether the patio would be enclosed. Mr. Trujillo stated that it will be an open-air patio.

Commissioner Powell confirmed the hours of operation to be open until 2:00 a.m. as the application said 2:00 p.m.

Commissioner Jordan asked if Interim Police Chief Dan Donath had issues with the location. Chief Donath had no issues, but pointed out that there are three hotels, a personal residence, and Turnberry Village, an apartment complex, all within walking distance of the establishment.

Mr. Boyle asked if an outdoor consumption area was approved, would the Police Department anticipate any issues. Chief Donath stated they did not.

Commissioner Jordan asked if there were any citizens who would like to speak in favor of the business.

Mr. Jennings, Attorney and friend of the applicant, stated that the owner has re-done the outside and inside of the establishment in a first-class manner, including the food. He believes Eric's Too will be a success because of the proximity to neighboring hotels.

Commissioner Jordan asked if there were any citizens who would like to speak in opposition of the business.

Rodney Brown, after being sworn in, addressed the Commission. He stated he was concerned about the noise. He stated he has been a resident at 920 Maple Hill Road since 1977. The previous business located on Wiley Drive, who did not have an outdoor patio, had very loud amplified music.

Commissioner Jordan asked if the business didn't have music outside, would he still be opposed. Mr. Brown responded that wouldn't be a problem.

George Boyle asked if earlier closing hours for the patio would also fix the problem. Mr. Brown responded affirmatively.

Commissioner Jordan asked if only dining was approved, and no music allowed outside, would eliminate his concern. Mr. Brown responded stated that would not be an issue.

Cristo Ortiz Palafox, after being sworn in, addressed the Commission. Mr. Palafox stated he has been the General Manager of Country Inn and Suites for 14 years and that the hotel had had a good working relationship with the previous occupant, Cousin's Restaurant. Mr. Palafox stated that the hotel has had nothing but issues since Eric's Too took over. They often deal with trash, cans, and broken bottles from the restaurant in their parking lots, especially after the weekend. He stated that hotel guests also often voice concerns for their safety and has been told that patrons of Eric's Too approach hotel guests to ask for money. He mentioned that patrons leave the restaurant playing loud music and hang out in the parking lot doing the same. The hotel has not called the police about issues as they are usually notified after the fact from guests. He also mentioned hotel employees having reported fights between restaurant patrons. He expressed concerns with Eric's Too hosting teen nights and stated that guests reported minors leaving intoxicated. In his opinion, he believed it would not be a good decision to allow alcohol to be served outside. He stressed that he believes Mr. Trujillo is irresponsible with his current liquor license. Mr. Palafox also commented on the entrances to the patio. He stated one entrance is very accessible from the parking lot and that he is concerned staff are not present, which could allow anyone to come in and out. He also stated that a hotel guest reported that there is a DJ Booth in the restaurant which raises concerns for him that the restaurant is being operated as a bar or club.

Commissioner Jordan asked if he had discussed these concerns with Mr. Trujillo. Mr. Palafox stated he had not because in the past, living near Eric's other business, Mr. Trujillo had ignored his concerns.

Joshua Smith, after being sworn in, addressed the Commission. Mr. Smith has been the manager of the neighboring Ramada for the past two months. Mr. Smith presented a photo, taken by a Ramada employee, to the Commission which was entered into records as Objector's Exhibit A. The photo was of a gentleman that was passed out between the Ramada and Eric's Too. He stated that before the patron passed out, he was loud, belligerent, and attempted to enter the Ramada. He was denied entrance and the doors were locked for guest's safety. The police were also called after the patron passed out, but the Police instructed hotel staff to leave the patron alone. He believed that allowing Eric's Too an outdoor permit would be detrimental to the area as the hotels are already dealing with intoxicated individuals from Eric's.

George Boyle asked if Mr. Smith was on-site when this happened event occurred. Mr. Smith responded stated that he was not as he typically works in the daytime.

Mr. Boyle asked how Mr. Smith knew the patron was from Eric's. Mr. Smith responded stating multiple guests reported the patron walked from the restaurant and through their parking lot.

Mr. Boyle asked if there was a compromise that could be done. Mr. Smith believed that liquor should stay inside as they already have enough issues.

Commissioner Jordan asked Interim Chief Donath to discuss the issues that the hotels are reporting. Chief Donath stated the testimony from the hotels that managers find out after the event has already occurred explains why the violations go unreported. He continued stating that if the Police are not called at the time of the violation, they cannot do anything after the violation is already over. He also stated that he had no information on the call to

service for the citizen passed out as it was made by the Ramada and his research was only performed for Eric's Restaurant.

Christopher Palafox returned to the podium. He stated that among the five properties, two hotels and three residences, in the area three of the five had testified against Eric's Too receiving an outdoor consumption area.

Commissioner Jordan asked Mr. Trujillo if he had heard previously heard concerns from the hotels. Eric Trujillo failed to respond to the question.

Mr. Boyle reminded Mr. Trujillo that the Liquor Commission was to discuss the outdoor consumption area. He stated Mr. Trujillo mentioned there is no late-night business and if Mr. Trujillo would consider amending the hours of operation for the outdoor consumption area. Mr. Trujillo responded that he would not.

Commissioner Jordan asked if amplified sound is currently being used. Mr. Trujillo confirmed that he does not currently use amplified sound. Commissioner Jordan asked if he intended to have amplified sound. Mr. Trujillo stated that he does have interest in having live music on the patio.

Mr. Trujillo's legal counsel recommended Mr. Trujillo have a discussion with the hotel managers to try and come to a compromise.

Commissioner Powell stated it is the responsibility of the business owner to work with the neighbors and that she felt it was wise to table the item to a future Liquor Commission date to allow the business owner and the neighbors time to discuss a compromise.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to continue the item to the August 13, 2019 Liquor Commission.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Jordan and Powell.

Nays: None.

Motion carried.

Old Business

New Business

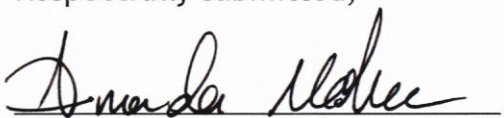
Adjournment

Commissioner Powell made a motion, seconded by Commissioner Jordan, to adjourn.

Motion carried unanimously (viva voce).

The meeting adjourned at 5:33 p.m.

Respectfully submitted,


Amanda Mohan, Deputy City Clerk

Objector's Exhibit A

Photo of an intoxicated person in field in reference to Eric's Too, located at 921 Maple Hill Road.

T-V-E-O Corporation
dba: Eric's Too
921 Maple Hill Road



Eric's Too

Objector's Exhibit

CL

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE

On Tuesday, July 9, 2019 at 4:00 PM, in the City Hall Council Chambers, located at 109 E. Olive St., the Bloomington Liquor Commission will conduct a Public Hearing on the Application of T-V-E-O Corporation d/b/a Eric's Too, located at 921 Maple Hill Road, currently holding a Class RAS liquor license (Restaurant, All Types of Alcoholic Liquor, and Sunday Sales) which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week for a permanent extension of premise allowing for an Outdoor Service or Consumption Area.

All persons interested in said application may attend and be heard on the application.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferable no later than five days before the hearing.

The City Clerk may be contacted by mail at 109 E. Olive St., Bloomington, IL 61701, by telephone at (309) 434-2240, or by email at cityclerk@cityblm.org. City Hall is equipped with a text telephone (TTY) that may also be reached by dialing (309) 829-5115.

Leslie Yocum, City Clerk

Publication Date: June 28, 2019, Pantagraph Newspaper

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE

On Tuesday, November 12, 2019 at 4:00 PM, in the City Hall Council Chambers, located at 109 E. Olive St., the Bloomington Liquor Commission will conduct a second Public Hearing on the Application of T-V-E-O Corporation d/b/a Eric's Too, located at 921 Maple Hill Road, currently holding a Class RAS liquor license (Restaurant, All Types of Alcoholic Liquor, and Sunday Sales) which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week for a permanent extension of premise allowing for an Outdoor Service or Consumption Area.

All persons interested in said application may attend and be heard on the application.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferable no later than five days before the hearing.

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Leslie Yocum, City Clerk

Publication Date: November 2, 2019, Pantagraph Newspaper

REGULAR AGENDA



REGULAR AGENDA ITEM NO. 8.A

FOR COUNCIL: December 9, 2019

SPONSOR: Finance Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on 1) an Ordinance Levying Taxes for the City of Bloomington, McLean County, Illinois for the Fiscal Year Beginning May 1, 2019 and Ending April 30, 2020 for the City of Bloomington, and 2) an Ordinance Levying Taxes for the City of Bloomington - Library, McLean County, Illinois for the Fiscal Year Beginning May 1, 2019 and Ending April 30, 2020 for the City of Bloomington, to approve the 2019 Tax Levy of \$20,511,384 for the City of Bloomington and \$4,935,359 for the Bloomington Public Library, as requested by the Finance Department.

RECOMMENDED MOTION: The proposed Ordinances be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1a. Budget with adequate resources to support defined services and level of services

BACKGROUND: The calculation of the rate is produced by taking the numerator of the tax levy, a fixed amount, and dividing that into the EAV (equalized assessed value). The Final EAV will not be produced until January 1st, 2020, therefore the City must adopt its levy based on preliminary estimates.

The City and Library use the preliminary EAV provided by the Bloomington Township for the upcoming tax year. This year the preliminary EAV is \$1,892,392,242.

Tax formula:	$\frac{\text{Amount Requested/Levied}}{\text{Preliminary EAV}} = \text{Tax Rate}$
City of Bloomington	
2019 Proposed Tax Levy	$\frac{\$ 20,511,384}{\$ 1,892,392,242} = 1.0839\% - \text{prior year } 1.0860\%$
Bloomington Public Library	
2019 Proposed Tax Levy	$\frac{\$ 4,935,359}{\$ 1,892,392,242} = .2608\% - \text{prior year } .2608\%$

Combined

$$\begin{array}{rcl} & \$ & 25,446,743 \\ 2019 \text{ Proposed Tax Levy} & \frac{}{\$ 1,892,392,242} & = 1.345\% - \text{prior year } 1.347\% \end{array}$$

City Levy Request of \$20,511,384 has not changed from the Estimate adopted on November 12, 2019:

The City proposes no increase in rate for this year's Levy. The City's estimated Preliminary effective tax rate will actually decrease from 1.0860% to 1.0839%. See Exhibit 1.

Library Levy Request of \$4,935,359 has not changed from the Estimate adopted on November 12, 2019:

The Library proposes no increase in rate for this year's Levy. The Library's estimated Preliminary effective tax rate will actually decrease from .26081% to .26080%. See Exhibit 1.

Tax Levy Procedure:

According to the Illinois Property Tax Code Division 2 Truth in Taxation (35ILCS 200/18-60), the City must formally adopt an *estimated* tax levy not less than 20 days prior to the adoption of the final tax levy. 35ILCS 200/18-85 requires said estimate be compared to the prior year aggregate levy (excluding amounts for bond debt service) and if a 5% increase exists, then a public hearing in addition to a public notice must occur. Neither the City nor the Library Levies increased by more than 5%.

The final tax levy ordinance must be passed by a vote of the Council and a certified copy, thereof, filed with the County Clerk on or before the last working Tuesday in December, which is December 31st. The City can abate debt service payments needed to keep the bond and interest portion of the levy flat, which has been done historically. By bond covenant any debt service payments abated are guaranteed from other revenue sources.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Finance recommends the Council adopt the tax levy of:

- \$20,511,384 for the City of Bloomington
- \$4,935,359 for the Bloomington Public Library

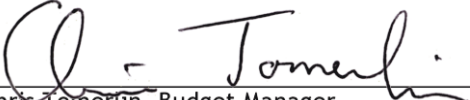
COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: F. Scott Rathbun, Finance Director

Reviewed by:


Chris Tomerlin, Budget Manager

12/3/2019


F. Scott Rathbun, Finance Director

12/3/2019

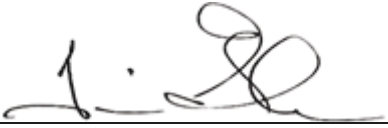

Jeffery R. Jurgens, Corporation Counsel

12/4/2019


Tara Henry, Legislative Assistant

12/4/2019

Recommended by:


Tim Gleason, City Manager

Attachments:

- FIN 3B 2019 Tax Levy Exhibit 1
- FIN 3C 2019 Tax Levy Final COB Ordinance 2019 - 84
- FIN 3D 2019 Tax Levy Final Library Ordinance 2019 - 85

City - Exhibit 1: 2019 Proposed & Historical Tax Levy

City of Bloomington

<i>Levy Type</i>	<i>2019 Proposed Tax Levy</i>	<i>2018 Tax Levy</i>	<i>2017 Tax Levy</i>	<i>2016 Levy</i>	<i>2015 Levy</i>
BONDS & INTEREST	\$ 2,180,143	\$ 2,180,143	\$ 2,180,143	\$ 2,180,143	\$ 2,180,143
FIRE PENSION	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000
FIRE PROTECTION	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228	\$ 1,355,228
GENERAL CORPORATE	\$ 2,562,450	\$ 2,337,450	\$ 2,112,450	\$ 2,112,450	\$ 1,287,233
IMRF	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626	\$ 2,502,907
POLICE PENSION	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000
POLICE PROTECTION	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473	\$ 1,526,421
PUBLIC PARKS	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454	\$ 1,001,415
SOCIAL SECURITY	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010	\$ 1,459,009
TOTALS	\$ 20,511,384	\$ 20,286,384	\$ 20,061,384	\$ 20,061,384	\$ 19,516,356
Dollar Increase/(Decrease)	\$ 225,000	\$ 225,000	\$ -	\$ 545,028	\$ 344,000
Percent Increase/(Decrease)	1.11%	1.12%	0.00%	2.79%	1.79%
EAV	1,892,392,242	1,867,939,698	1,858,132,129	1,851,302,063	1,811,618,358
Estimated Tax Rate	1.0839%	1.0860%	1.0797%	1.0836%	1.0773%

Bloomington Public Library

<i>Levy Type</i>	<i>2019 Proposed Tax Levy</i>	<i>2018 Tax Levy</i>	<i>2017 Tax Levy</i>	<i>2016 Tax Levy</i>	<i>2015 Tax Levy</i>
TOTAL	\$ 4,935,359	\$ 4,871,840	\$ 4,823,604	\$ 4,683,111	\$ 4,546,710
Dollar Increase/(Decrease)	\$ 63,519	\$ 48,236	\$ 140,493	\$ 136,401	\$ -
Percent Increase/(Decrease)	1.30%	1.00%	3.00%	3.00%	0.00%
EAV	1,892,392,242	1,867,939,698	1,858,132,129	1,851,302,063	1,811,618,358
Estimated Tax Rate	0.26080%	0.26081%	0.2596%	0.2530%	0.2510%

Combined - City of Bloomington and Library

<i>Levy Type</i>	<i>2019 Proposed Tax Levy</i>	<i>2018 Tax Levy</i>	<i>2017 Tax Levy</i>	<i>2016 Levy</i>	<i>2015 Levy</i>
BONDS & INTEREST	\$ 2,180,143	\$ 2,180,143	\$ 2,180,143	\$ 2,180,143	\$ 2,180,143
FIRE PENSION	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000
FIRE PROTECTION	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228	\$ 1,355,228
GENERAL CORPORATE	\$ 2,562,450	\$ 2,337,450	\$ 2,112,450	\$ 2,112,450	\$ 1,287,233
IMRF	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626	\$ 2,502,907
POLICE PENSION	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000
POLICE PROTECTION	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473	\$ 1,526,421
PUBLIC PARKS	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454	\$ 1,001,415
SOCIAL SECURITY	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010	\$ 1,459,009
LIBRARY	\$ 4,935,359	\$ 4,871,840	\$ 4,823,604	\$ 4,683,111	\$ 4,546,710
TOTALS	\$ 25,446,743	\$ 25,158,224	\$ 24,884,988	\$ 24,744,495	\$ 24,063,066
Dollar Increase/(Decrease)	\$ 288,519	\$ 273,236	\$ 140,493	\$ 681,429	\$ 343,932
Percent Increase/(Decrease)	1.15%	1.10%	0.57%	2.83%	1.45%
EAV	1,892,392,242	1,867,939,698	1,858,132,129	1,851,302,063	1,811,618,358
Estimated Tax Rate	1.3447%	1.3468%	1.3392%	1.3366%	1.3283%

ORDINANCE 2019 - 84

AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING MAY 1, 2019 AND ENDING APRIL 30, 2020 FOR THE CITY OF BLOOMINGTON

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

Section One. (a) The sum of Twenty Million, Five Hundred Eleven Thousand and Three Hundred Eighty Four dollars (\$20,511,384) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2019 and ending April 30, 2020, for all corporate purposes and including General Corporate Purposes, Payment of Bonds and Interest on Bonds, Public Library, Fire Pension Fund, Police Pension Fund, Public Parks Fund, Fire Protection Fund, Police Protection Fund, IMRF Fund, and FICA Taxes Fund as appropriated for the fiscal year beginning May 1, 2019 and ending April 30, 2020 as passed by the City Council of said City at its regular meeting held on the 8th of April, 2019, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation "Amount to be raised by Taxation", the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

CITY OF BLOOMINGTON, MCLEAN COUNTY ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2019 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows:

I.	General Corporate Purposes	\$2,562,450
II.	Police Protection Fund	\$1,526,473
III.	Fire Protection Fund	\$1,900,228
IV.	Public Parks	\$1,001,454
V.	Fire Pension Fund	\$4,196,000
VI.	Police Pension Fund	\$4,008,000
VII.	Illinois Municipal Retirement Fund	\$1,855,626
VIII.	FICA Taxes Fund	\$1,281,010
IX.	General Bond and Interest	<u>\$2,180,143</u>
		\$20,511,384

Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the appropriate tax books for the fiscal year of said City beginning May 1, 2019 and ending April 30, 2020.

Section Three: If any section, subdivision, sentence or clause of this Ordinance for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund. The rate at which a tax shall be levied for General Corporate purpose shall be that rate necessary, after rates for all other funds are established, to result in a total levy of \$20,511,384.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as required by law.

PASSED this 9th day of December 2019.

APPROVED this ____ day of December 2019.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Yocum, City Clerk

TRUTH IN TAXATION CERTIFICATE OF COMPLIANCE
ALL COUNTIES EXCEPT COOK

I, the undersigned, hereby certify that I am the presiding officer of _____

_____, (Legal Name of Taxing District), and as such presiding officer
I certify that the levy ordinance, a copy of which is attached, was adopted pursuant to, and
in all respects in compliance with the provisions of Section 18-60 through 18-85 of the
"Truth in Taxation" law.

Check one of the choices below:

- ☐ 1) The taxing district published a notice in the newspaper and conducted a hearing meeting the requirements of the Truth in Taxation Law.
- ☒ 2) The taxing district's aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a notice and a hearing were not necessary.
- ☐ 3) The proposed aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a hearing was not held. The adopted aggregate tax levy exceeded 5% of the prior year's extension and a notice was published within 15 days of its adoption in accordance with the Truth in Taxation Law.
- ☐ 4) The adopted levy exceeded the amount stated in the published notice. A second notice was published within 15 days of the adoption in accordance with the Truth in Taxation Law.

Date: _____

Presiding Officer: _____

State of Illinois)
) SS
COUNTY OF MCLEAN)

FILING CERTIFICATE

I, the undersigned do hereby certify that I am the duly qualified and acting County Clerk of The City of Bloomington, Illinois, and as such official, I do further certify that on the _____day of December 2019, there was filed in my office a duly certified copy of an Ordinance No. 2019 - _____ and entitled:

AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING MAY 1, 2019 AND ENDING APRIL 30, 2020 FOR THE CITY OF BLOOMINGTON

(The “Ordinance”) duly adopted by the City Council of the City of Bloomington, McLean County, Illinois (the “City”), of the 9th day of December 2019, and the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the payment of the City The sum of Twenty Million, Five Hundred Eleven Thousand and Three Hundred Eighty Four dollars (\$20,511,384) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2019 and ending April 30, 2020, for all corporate purposes and including General Corporate Purposes, Payment of Bonds and Interest on Bonds, Public Library, Fire Pension Fund, Police Pension Fund, Public Parks Fund, Fire Protection Fund, Police Protection Fund, IMRF Fund, FICA Taxes Fund and Emergency Services Fund as appropriated for the fiscal year beginning May 1, 2019 and ending April 30, 2020 as passed by the City Council of said City at its regular meeting held on the 8th of April, 2019, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation

“Amount to be raised by Taxation”, the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, as provided in the attached Ordinance 2019-_____.

IN WITNESS WHEREOF I hereto affix my official signature and the seal of said County, this __ day of _____ 2019.

County Clerk

Date

[Seal]

ORDINANCE 2019 - 85

AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON - LIBRARY, MCLEAN COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING MAY 1, 2019 AND ENDING APRIL 30, 2020 FOR THE CITY OF BLOOMINGTON

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

Section One. (a) The sum of Four Million, Nine Hundred Thirty Five Thousand and Three Hundred and Fifty Nine dollars (\$4,935,359) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2019 and ending April 30, 2020, for the Public Library as appropriated for the fiscal year beginning May 1, 2019 and ending April 30, 2020 as passed by the City Council of said City at its regular meeting held on the 8th of April, 2019, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation "Amount to be raised by Taxation", the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

CITY OF BLOOMINGTON - LIBRARY, MCLEAN COUNTY ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2019 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows:

Public Library Fund	\$4,935,359
---------------------	-------------

Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the appropriate tax books for the fiscal year of said City beginning May 1, 2019 and ending April 30, 2020.

Section Three: If any section, subdivision, sentence or clause of this Ordinance for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970

Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as required by law.

PASSED this 9th day of December 2019.

APPROVED this _____ day of December 2019.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Yocum, City Clerk

TRUTH IN TAXATION CERTIFICATE OF COMPLIANCE
ALL COUNTIES EXCEPT COOK

I, the undersigned, hereby certify that I am the presiding officer of _____

_____, (Legal Name of Taxing District), and as such presiding officer
I certify that the levy ordinance, a copy of which is attached, was adopted pursuant to, and
in all respects in compliance with the provisions of Section 18-60 through 18-85 of the
"Truth in Taxation" law.

Check one of the choices below:

- ☐ 1) The taxing district published a notice in the newspaper and conducted a hearing meeting the requirements of the Truth in Taxation Law.
- ☒ 2) The taxing district's aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a notice and a hearing were not necessary.
- ☐ 3) The proposed aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a hearing was not held. The adopted aggregate tax levy exceeded 5% of the prior year's extension and a notice was published within 15 days of its adoption in accordance with the Truth in Taxation Law.
- ☐ 4) The adopted levy exceeded the amount stated in the published notice. A second notice was published within 15 days of the adoption in accordance with the Truth in Taxation Law.

Date: _____

Presiding Officer: _____

State of Illinois)
) SS
COUNTY OF MCLEAN)

FILING CERTIFICATE

I, the undersigned do hereby certify that I am the duly qualified and acting County Clerk of The City of Bloomington, Illinois, and as such official, I do further certify that on the _____day of December 2019, there was filed in my office a duly certified copy of a Ordinance No. 2019 - ____ and entitled:

AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON - LIBRARY, MCLEAN COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING MAY 1, 2019 AND ENDING APRIL 30, 2020 FOR THE CITY OF BLOOMINGTON

(The “Ordinance”) duly adopted by the City Council of the City of Bloomington, McLean County, Illinois (the “City”), of the 9th day of December 2019, and the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the payment of the City the sum of Four Million, Nine Hundred Thirty Five Thousand and Three Hundred and Fifty Nine dollars (\$4,935,359) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2019 and ending April 30, 2020, for the Public Library as appropriated for the fiscal year beginning May 1, 2019 and ending April 30, 2020 as passed by the City Council of said City at its regular meeting held on the 8th of April, 2019, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation “Amount to be raised by Taxation”, the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, as provided in the attached Ordinance 2019-_____.

IN WITNESS WHEREOF I hereto affix my official signature and the seal of said County,
this __ day of December 2019.

County Clerk

Date

[Seal]



REGULAR AGENDA ITEM NO. 8.B

FOR COUNCIL: December 9, 2019

SPONSOR: Finance Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on approving 1) a Resolution Abating All or a Portion of the Taxes Heretofore Levied to Pay Debt Service on Certain Obligation Bonds of the City of Bloomington, McLean County, Illinois, and 2) a Resolution Abating Tax Levy for Rent Payable Under Lease Agreement Between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the Expansion of the Parking Garage (two Resolutions for the abatement of property taxes totaling \$6,017,775.00), as requested by the Finance Department.

RECOMMENDED MOTION: The proposed Resolutions be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1c. Engaged residents that are well informed and involved in an open governance process

BACKGROUND: The adoption of the proposed resolutions are required to abate property tax for debt service and rental payments the City intends to pay from funding sources other than property tax revenue. The City's bond ordinances secure issued debt with property tax revenue, unless sufficient funds are available elsewhere to secure the debt. This covenant, which guarantees payment to investors, increases the marketability of City bonds and reaps potentially lower interest rates on debt service payments. A Council action is required to abate the Bond & Interest portion of the tax levy, which must be filed with the County Clerk's office. We recommend abating \$6,017,775.00 of the 2019 tax levy for annual debt service and rental payments whereas the City has funds set aside to cover this balance.

	2019 Levy Amount as per County Clerk	Abated these Resolutions	Balance to be Levied for 2019
PBC Lease	\$ 2,018,901.00	\$ 2,018,901.00	\$ -
2009 GO Bond	\$ 118,400.00	\$ -	\$ 118,400.00
2013A Refunding Bond	\$ 761,550.00	\$ -	\$ 761,550.00
2013C GO Bonds	\$ 1,160,425.00	\$ -	\$ 1,160,425.00
2014A & 2014B Bonds	\$ 1,620,092.50	\$ 1,480,324.50	\$ 139,768.00
2017 GO Refunding Bond	\$ 1,083,230.00	\$ 1,083,230.00	\$ -
2018 GO Refunding Bond	\$ 1,435,319.50	\$ 1,435,319.50	\$ -
Total	\$ 8,197,918.00	\$ 6,017,775.00	\$ 2,180,143.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: The City will abate \$6,017,775.00 in annual debt service and rent and levy only \$2,180,143 in the 2019 property tax levy or approximately 27% of total annual debt service. The City has historically levied \$2,180,143 for debt service since levy year 2008 or for the last 11 years.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: F. Scott Rathbun, Finance Director

Reviewed by:


F. Scott Rathbun, Finance Director

12/3/2019


F. Scott Rathbun, Finance Director

12/3/2019


Jeffery R. Jurgens, Corporation Counsel

12/4/2019


Tara Henry, Legislative Assistant

12/4/2019

Recommended by:



Tim Gleason, City Manager

Attachments:

- FIN 2B 2019 Tax Levy Abatement Resolution 2019 - 35
- FIN 2C 2019 Tax Levy Abatement PBC Resolution 2019 - 36

RESOLUTION NO. 2019 - 35

A RESOLUTION ABATING ALL OR A PORTION OF THE TAXES
HERETOFORE LEVIED TO PAY DEBT SERVICE ON CERTAIN
GENERAL OBLIGATION BONDS OF THE CITY OF BLOOMINGTON,
MCLEAN COUNTY, ILLINOIS.

WHEREAS, the City Council (the "*City Council*") of the City of Bloomington, McLean County, Illinois (the "*City*"), by ordinances of the City Council adopted on the 26th of November, 2018, 24TH of July, 2017, 14th day of July, 2014, 14th day of October, 2013, 9th day of November, 2009, (as supplemented, the "*Bond Ordinances*"), has heretofore issued and has outstanding its general obligation bonds, as further described on Exhibit A attached hereto (collectively, the "*Bonds*"); and

WHEREAS, duly certified copies of the Bond Ordinances were filed in the office of the County Clerk of The County of McLean, Illinois (the "*County Clerk*"); and

WHEREAS, the City Council has determined and does hereby determine that the City has funds on hand and lawfully available (the "*Available Funds*") to pay all or a portion of the principal of and interest on the Bonds due on December 1, 2020, and on June 1, 2021 (collectively, the "*Debt Service Payments*"); and

WHEREAS, the City Council has further determined and does hereby further determine that it is necessary and in the best interests of the City to apply the Available Funds to the Debt Service Payments and abate all or a portion of the taxes heretofore levied in the Bond Ordinances for the year 2019 for the Debt Service Payments; and

WHEREAS, the Available Funds have been deposited to the credit of the bond and interest funds of the City established pursuant to the Bond Ordinances for the purpose of paying principal of and interest on the Bonds:

NOW, THEREFORE, Be It and It Is Hereby Resolved by the City Council of the City of Bloomington, McLean County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. Incorporation of Preambles. The City Council hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

Section 2. Abatement of Tax. The taxes heretofore levied in the Bond Ordinances for the year 2019 shall be abated by the amount of the Available Funds, as more particularly described in Exhibit B attached hereto.

Section 3. Filing of Resolution. Forthwith upon the adoption of this Resolution, the City Clerk shall file a certified copy hereof with the County Clerk, and it shall be the duty of the County Clerk to abate the taxes heretofore levied in the Bond Ordinances for the year 2019 in accordance with the provisions hereof.

Section 4. Effective Date. This Resolution shall be in full force and effect forthwith upon its passage by the City Council and signing and approval by the Mayor.

ADOPTED this 9th day of December 2019.

APPROVED this ____ day of December 2019.

CITY OF BLOOMINGTON

Tari Renner, Mayor

ATTEST

Leslie Yocum, City Clerk

EXHIBIT A

THE BONDS, DESCRIBED AS FOLLOWS:

TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014A AND GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014B

Original principal amount: \$14,920,000 - Series 2013A
\$9,700,000 - Series 2014B

Dated: September 4, 2014

Originally issued: September 4, 2014

Amount outstanding: \$21,375,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

\$13,820,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014A

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2020	635,000	3.00
2021	735,000	3.00
2022	845,000	3.00
2023	935,000	3.00
2024	900,000	3.15
2025	675,000	3.75
2026	695,000	3.75
2027	725,000	3.75
2028	755,000	3.75
2029	785,000	3.75
2030	815,000	4.15
2031	850,000	4.15
2032	890,000	4.15
2033	925,000	4.15
2034	965,000	4.15

\$9,245,000 GENERAL OBLIGATION REFUNDING BODS, SERIES 2014B

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2020	160,000	3.00
2021	160,000	3.00
2022	160,000	3.00
2023	150,000	3.00
2024	320,000	3.00
2025	700,000	3.00
2026	820,000	3.00
2027	930,000	3.00
2028	1,050,000	3.00
2029	535,000	3.25
2030	630,000	3.50
2031	720,000	3.75
2032	830,000	3.75
2033	930,000	3.75
2034	1,050,000	3.75

GENERAL OBLIGATION BOND, SERIES 2013C

Original principal amount: \$9,225,000 - Series 2013C
Dated: November 12, 2013
Originally issued: November 12, 2013
Amount outstanding: \$4,370,000

Maturing on December 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2020	1,045,000	3.00
2021	1,075,000	3.00
2022	1,110,000	3.00
2023	1,140,000	3.00

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

Original principal amount: \$7,800,000
Dated: October 29, 2013
Originally issued: October 29, 2013
Amount outstanding: \$2,110,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2020	725,000	3.00
2021	720,000	3.00
2022	335,000	3.00
2023	330,000	3.00

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

Original principal amount: \$2,840,000
Dated: November 30, 2009
Originally issued: November 30, 2009
Amount outstanding: \$2,840,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2025	\$840,000	4.125
2026	1,000,000	4.125
2027	1,000,000	4.250

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017

Original principal amount: \$7,240,000
Dated: July 28, 2017
Originally issued: July 28, 2017
Amount outstanding: \$5,400,000

Maturing (or subject to redemption) on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2020	1,000,000	1.57
2021	1,000,000	1.68
2022	1,100,000	1.81
2023	1,100,000	1.96
2024	1,200,000	2.08

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018 A

Original principal amount: \$11,845,000
Dated: December 13, 2018
Originally issued: December 13, 2018
Amount outstanding: \$10,915,000

Maturing (or subject to redemption) on December 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2020	1,120,000	2.63
2021	1,155,000	2.72
2022	1,185,000	2.81
2023	1,220,000	2.90
2024	1,255,000	3.01
2025	1,295,000	3.11
2026	1,335,000	3.22
2027	1,380,000	3.34
2028	970,000	3.44

EXHIBIT B

TAXES LEVIED AND TO BE ABATED:

TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014A

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014B

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX HERETOFORE ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2019	3,200,000.00	1,579,907.50	1,480,324.50	139,768.00
2020	3,200,000.00	1,496,757.50	0.00	1,703,242.50
2021	3,200,000.00	1,446,907.00	0.00	1,753,093.00
2022	3,200,000.00	1,344,457.50	0.00	1,855,542.50
2023	3,200,000.00	1,227,407.50	0.00	1,972,592.50
2024	3,200,000.00	1,133,720.00	0.00	2,066,280.00
2025	3,200,000.00	1,044,382.50	0.00	2,155,617.50
2026	3,200,000.00	949,470.00	0.00	2,250,530.00
2027	3,200,000.00	1,494,282.50	0.00	1,705,717.50
2028	3,200,000.00	1,416,107.50	0.00	1,783,892.50
2029	3,200,000.00	1,346,980.00	0.00	1,853,020.00
2030	3,200,000.00	1,259,255.00	0.00	1,940,745.00
2031	3,200,000.00	1,192,315.00	0.00	2,007,685.00
2032	3,200,000.00	1,105,577.50	0.00	2,094,422.50

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013C

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX HERETOFORE ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2019	1,700,000.00	539,575.00	0.00	1,160,425.00
2020	1,700,000.00	541,375.00	0.00	1,158,625.00
2021	1,700,000.00	539,150.00	0.00	1,160,850.00
2022	1,700,000.00	542,900.00	0.00	1,157,100.00
2023	1,700,000.00	1,700,000.00	0.00	0.00
2024	1,700,000.00	1,700,000.00	0.00	0.00
2025	1,700,000.00	1,700,000.00	0.00	0.00
2026	1,700,000.00	1,700,000.00	0.00	0.00
2027	1,700,000.00	1,700,000.00	0.00	0.00

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX HERETOFORE ABATED (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2019	1,600,000.00	838,450.00	0.00	761,550.00
2020	1,600,000.00	1,245,050.00	0.00	354,950.00
2021	1,600,000.00	1,260,100.00	0.00	339,900.00

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2019	118,400.00	0.00	118,400.00
2020	118,400.00	0.00	118,400.00
2021	118,400.00	0.00	118,400.00
2022	118,400.00	0.00	118,400.00
2023	958,400.00	0.00	958,400.00
2024	1,083,750.00	0.00	1,083,750.00
2025	1,042,500.00	0.00	1,042,500.00

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2019	1,083,230.00	1,083,230.00	0.00
2020	1,166,430.00	0.00	1,166,430.00
2021	1,146,520.00	0.00	1,146,520.00
2022	1,224,960.00	0.00	1,224,960.00

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018 A

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2019	1,435,319.50	1,435,319.50	0.00
2020	1,439,883.50	0.00	1,439,883.50
2021	1,437,526.25	0.00	1,437,526.25
2022	1,438,187.00	0.00	1,438,187.00
2023	1,436,609.25	0.00	1,436,609.25
2024	1,437,584.25	0.00	1,437,584.25
2025	1,435,953.50	0.00	1,435,953.50
2026	1,436,414.00	0.00	1,436,414.00
2027	986,684.00	0.00	986,684.00

State of Illinois)
) SS
COUNTY OF MCLEAN)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of McLean, Illinois, and as such official I do further certify that on the ____ day of _____, 2019, there was filed in my office a duly certified copy of a resolution, numbered 2019-_____, and entitled:

A RESOLUTION abating all or a portion of the taxes heretofore levied to pay debt service on certain general obligation bonds of the City of Bloomington, McLean County, Illinois.

(the “*Resolution*”) duly adopted by the City Council of the City of Bloomington, McLean County, Illinois (the “*City*”), on the _____ day of December 2019, and that the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the payment of the City’s outstanding general obligation bonds, as described in the Resolution, will be abated as provided in the Resolution.

IN WITNESS WHEREOF I hereunto affix my official signature and the seal of said County this ____ day of _____ 2019.

County Clerk

[SEAL]

RESOLUTION NO. 2019 - 36

**A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE AGREEMENT
BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY AND THE CITY OF
BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND
THE EXPANSION OF THE PARKING GARAGE**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2001 - 121, Ordinance No. 2003 - 125, and Ordinance No. 2015 - 50 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement the "Lease" with the Public Building Commission to lease a portion of the old Champion Building and to expand the parking garage, passed November 13, 2001, December 22, 2003, and July 27, 2015; and

WHEREAS, pursuant to the authority of said home rule ordinances and provisions of all ordinances relating thereto, the City levied taxes to be extended against all the taxable property within the City of Bloomington for the year 2019, payable in year 2020 to make rental payments due under the Lease; and

WHEREAS, although the City levied \$2,018,901.00 for the year 2019 to make payments due under the Lease in 2020, the amount of the City's rental payment due under the Lease in 2020 is \$1,153,442; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay such rental payment.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2019, payable in 2020 of \$2,018,901 on account of the Lease is hereby abated in its entirety, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2019.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 9th day of December 2019.

APPROVED this _____ day of December 2019.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Yocum, City Clerk

State of Illinois)
) SS
COUNTY OF MCLEAN)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of McLean, Illinois, and as such official I do further certify that on the ____ day of _____ 2019, there was filed in my office a duly certified copy of a resolution, numbered 2019-_____, and entitled:

A RESOLUTION abating all or a portion of the taxes heretofore levied to pay the rent payable under the Lease Agreement between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the expansion of the Parking Garage.

(the “*Resolution*”) duly adopted by the City Council of the City of Bloomington, McLean County, Illinois (the “*City*”), on the _____ day of December, 2019, and that the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the payment of the City’s outstanding general obligation bonds, as described in the Resolution, will be abated as provided in the Resolution.

IN WITNESS WHEREOF I hereunto affix my official signature and the seal of said County this ____ day of December 2019.

County Clerk

[SEAL]