CITY OF Bloomington ILLINOIS

# CITY OF BLOOMINGTON COUNCIL MEETING OCTOBER 23, 2017

# City Logo Design Rationale

The symbol for the City of Bloomington is multifaceted in its visual and conceptual approach. Visually the symbol and the City's identity represent a modern progressive style which is consistent with the City's government. The symbol is based on three different concepts which combine to represent the City in a contemporary and appropriate way.

First and foremost is the chevron. The City government is a respected agency dedicated to serving the public. In this way, the chevron represents service, rank and authority.

The symbol may also be seen as a three dimensional building. This represents growth and diversity in our community.

Finally, the flower or plant derived from the original name "Blooming Grove," represents a community that is friendly and safe. Progress and growth are also associated with plant life as well as regeneration and renewal.

The symbol's positive upward movement is representative of the City's commitment to excellence!

# Brief Summary of Five Council Priorities

**Five Priorities**

At the September retreat, Council informally selected its top five priorities, and since that time staff has seen that these five areas are the dominant focus of the Council's policy deliberations. The selected priorities are:

1. Economic Development
2. Infrastructure
3. Financial Planning
4. Reduced Emergency Response Times
5. Downtown Implementation Plan

The value in naming priorities is to establish policy direction, make that direction known to stakeholders and guide policy, budget and operational decisions. As we work to develop the City's FY17 budget, staff would find value in formalizing the five priorities for the next fiscal year.

Prior to formalization, we have prepared this brief summary to begin the dialogue about what each priority means, where it stands and what it will take to advance each going forward.

1. Economic Development
    A. Economic development was overwhelmingly recognized by the Council as **essential to the financial sustainability** of the community. It is our prime means to diversify our tax base and expand our revenue streams.
    B. City of Bloomington economic development is undertaken in parallel with **regional collaboration** and economic development initiatives of the EDC, B/N Advantage and others.
    C. The time is right to review our **economic development strategic plan and incentive policy**. Tools such as TIF are invaluable for the redevelopment of areas such as Colonial Plaza, and will be key to our success.
    D. Economic development cannot stand alone and depends on sound infrastructure and quality of life to successfully ensure a financially-sound future for our community.

2. Infrastructure
    A. The City is decades behind in funding much-needed **infrastructure maintenance**, estimated to total $400M or more. Reliable infrastructure with the capacity to handle growth is essential to economic development, quality of life and the City's financial long-term stability.
    B. Our City's recently completed **infrastructure Master Plans**, encompassing streets, sanitary sewers, storm water, facilities, sidewalks and more provide detailed inventory, condition rating and make it possible for us to assess and prioritize critical needs.
    C. The next essential step is to develop a **five year Capital Improvement Plan** to address the most urgent/timely needs, AND a funding strategy.
    D. Some projects included in the City's Master Plans are prime candidates for borrowing. Financing options are many, and Council will determine a preferred strategy, ranging from conservative to aggressive.

DRAFT

3. Financial Planning
    A. Since the Great Recession, we are all adapting to a new economy that requires us to have a **long-term, continuously evolving plan for financial sustainability**, including a plan for appropriate reserves. We must have a balanced budget to avoid the pitfalls and reputational damage that many other governments continue to experience.
    B. A deficit in the City's General Fund was averted in the near term through Budget Task Force recommendations and the Council's recent adoption of a 1% sales tax increase. However, the City's expenses, especially those tied to Police and Fire pensions and labor costs, will continue to increase over the years. The **potential for a General Fund structural deficit** will continue to threaten future budgets.
    C. It will take all of us, including our citizens, to develop solutions for achievement of financial sustainability. We must focus on refining our financial projections, re-forecasting when appropriate, identifying programs and services, establishing appropriate levels of service performance measures, and prioritization.
    D. A **Capital Improvement Plan and funding** is critical to the City's financial strategy now and going forward.

4. Reduced Emergency Response Times
    A. Despite the excellent efforts of our first responders, the Fire Master Plan identified that **service to the City's northeast portion is inadequate and response times are below our standards**. Long-term, the Master Plan recommends a new Fire Station facility to serve the northeast area of the City. In the short-term, we must identify creative and innovative methods to reduce EMS and fire suppression response times.
    B. Quality public safety services are essential to a community's Economic Development and, with so many financial resources devoted to public safety, **finding efficient solutions to public safety issues** contributes to the long-term financial health of the community.

5. Downtown Implementation Plan
    A. The Downtown Master Plan was adopted by the City Council in 2013 without an Implementation Plan. Increased interest in Downtown economic development, notably in the proposed addition of hotel and/or convention center space, indicates this is the time to **design the City's role** in success of the Downtown.
        a. It will take inside and outside **resources to vet potential Downtown projects**.
        b. We must determine the amount and type of **public engagement** that is appropriate for Downtown development proposals.
        c. Traditionally, municipalities play a role in Downtown **streetscape improvements** and meeting its **parking needs**.
    B. We can **build upon the qualities that make our Downtown special**, such as our ties to President Lincoln and Route 66, both expertly displayed in the new Visitors Center at the McLean County Museum of History. Smart economic development in Downtown will expand on existing assets and attractions like the Museum, the BCPA and the Coliseum.

DRAFT

CITY OF Bloomington ILLINOIS

# RESOLUTION NO. 2016 -29

## *A RESOLUTION ADOPTING A MISSION, VISION AND VALUES STATEMENT FOR THE CITY OF BLOOMINGTON*

**WHEREAS**, the City of Bloomington ("City") is an Illinois home-rule municipality; and

**WHEREAS**, the City is known as the "Jewel of the Midwest;" and

**WHEREAS**, the City is a great place to live, work and play; and

**WHEREAS**, the City Council desires to adopt a statement expressing the Organizational Mission, Vision and Values of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of the City of Bloomington, McLean County, Illinois, as follows:

**Section 1.** The above stated recitals are incorporated herein by reference.

**Section 2.** The City Council of the City of Bloomington hereby formally adopt the following as the City's Organizational Mission, Vision and Values:

**Mission:** To lead, serve and uplift the City of Bloomington

**Vision:** A Jewel of Midwest Cities

**Values:** Service-centered, results-driven, inclusive.

**Section 3.** All resolutions in conflict with this Resolution, as well as any previous statements adopted on the mission, vision and values of the City are hereby repealed.

**Section 4.** This Resolution shall be in full force and effect immediately after its passage and approval.

**APPROVED** by the City Council of the City of Bloomington, McLean County, Bloomington, Illinois, July 25, 2016, by a vote of 7 to 1. (Nay: Alderman Kevin Lower) (Absent: Alderman David Sage)

CITY OF BLOOMINGTON

Tari Renner

Tari Renner, Mayor

ATTEST

Cherry L. Lawson

Cherry L. Lawson, City Clerk

# AGENDA

# CITY COUNCIL MEETING AGENDA
# CITY COUNCIL CHAMBERS
# 109 E. OLIVE STREET, BLOOMINGTON, IL 61701
# MONDAY, OCTOBER 23, 2017; 7:00 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. Recognition of Achievement to Colleen Winterland for earning a Certification from the Illinois Public Service Institute; American Public Works Association – Illinois Chapter.

B. Appointment of Mark Muehleck to the Planning Commission.

C. Appointment of the following individuals to the Public Safety and Community Relations Board William Bennett, Robert Bosquez, Surena Fish, Janet Lancaster, Sally Rudolph, Arthur Taylor, and Jeffery Woodard.

**6. Public Comment**

**7. "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 is Item #8.*

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

---

**NOTE:** Action may be taken by the City Council on the agenda's action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

A. Consideration of approving the Minutes of the October 9, 2017 Regular City Council Meeting. *(Recommend that the reading of the minutes be dispensed with and the minutes approved as printed.)*

B. Consideration of Approving Bills, Payroll, Procurement Card Purchases, and Electronic Transfers in the amount of $ 6,912,197.33. *(Recommend that the Bills, Payroll, Procurement Card Purchases, and Electronic Transfers be allowed in the amount of* $ 6,912,197.33 *and orders drawn on the Treasurer for the various amounts as funds are available.)*

C. Consideration of Approving Various Appointments to Boards and Commissions. *(Recommend Mark Muehleck be appointed to the Planning Commission and that William Bennett, Robert Bosquez, Surena Fish, Janet Lancaster, Sally Rudolph, Arthur Taylor, and Jeffery Woodard be appointed to the Public Safety and Community Relations Board.)*

D. Consideration of a Resolution approving waiving the bidding that identifies Helena Chemical as a single source distributor, and enter into an Early Order Program for procurement of Syngenta, BASF, Bayer, Nufarm (the manufacturers) golf course chemicals and fertilizer products utilized in the management of turf-grass maintenance. *(Recommend approving a Resolution waiving the bidding requirements which identifies Helena Chemical as the local distributor for these products the Parks, Recreation and Cultural Arts Department to participate in the Syngenta, BASF, Bayer and Nufarm chemicals "early order discount program" for golf turf grass management for the 2018 golf season (City Fiscal Year 2019), and, further authorize the Mayor and City Clerk to execute the necessary documents.)*

E. Consideration of approving the purchase of Axon Taser conducted energy weapons to retire out of warranty weapons as a limited source justification. *(Recommend approving the purchase of 125 Axon Taser X2's from Axon in the amount of $181,168.75 over five (5) years be approved as a limited source, and the Purchasing Agent be authorized to issue a purchase order for same.)*

F. Consideration of a Resolution approving a bid waiver to enter into an agreement with AccuMed Ambulance Billing Service. *(Recommend approving a Resolution authorizing waiving the Technical Bidding Requirements and approve the Agreement with AccuMed Billing Services for ambulance billing services, and authorize the Mayor and City Clerk to execute the necessary documents.)*

G. Consideration of review and approval of funding stabilization installation work at Lakes Evergreen and Bloomington, that includes stretches of reservoir shoreline near the Pump House at Evergreen Lake and near the Davis Lodge on Lake Bloomington, and tributary streambank in the T3 area through the City's Intergovernmental Agreement with McLean County, the Town of Normal, and the McLean County Soil and Water Conservation District. *(Recommend approving the proposal for the Evergreen Lake Pump House, T3 tributary*

---

**NOTE:** Action may be taken by the City Council on the agenda's action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

*streambank area, and Davis Lodge at Lake Bloomington stabilization project through the Watershed Conservation Intergovernmental Agreement that the project be approved in the amount of $162,029.60, and the Procurement Manager be authorized to issue a purchase order.)*

H. Consideration of an Ordinance Amending Chapter 29 of the Bloomington City Code to Codify a Taxicab/TNC Vehicle Stand and Amending Provisions of said Chapter Pertaining to On-Street Accessible Parking Locations and Streets with Truck Traffic Prohibited. *(Recommend an Ordinance be Adopted to Codify a Taxicab/TNC Vehicle Stand and Amending Provisions of said Chapter Pertaining to On-Street Accessible Parking Locations and Streets with Truck Traffic Prohibited be adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

I. Consideration of approving an Ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method in a defined area near 802 North Main Street, Bloomington, Illinois. *(Recommend the Ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method in a defined area near 802 North Main Street, Bloomington, Illinois and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

J. Consideration of an Ordinance approving a Zoning Map amendment for 1611 N. Hershey Road from C-2 Neighborhood Shopping District to B-2 General Business Service District. *(Recommend an Ordinance approving a Zoning Map amendment for 1611 N. Hershey Road from C-2 Neighborhood Shopping District to B-2 General Business Service District be adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

K. Consideration of approving Ordinances from RHP Investments, L.L.C., for the vacation of an existing Final Plat and approval of a replacement Final Plat for the Eagle View South Commercial Subdivision located east of Towanda Barnes Road and north of General Electric Road. *(Recommend that an Ordinance Approving the Vacation of the Public Streets and Easements in Eagle View South Commercial Subdivision and the subsequent Ordinance Approving the Re-subdivision of Eagle View South Commercial Subdivision both be approved and the Mayor and Clerk be authorized to sign the corresponding documents.)*

L. Consideration of Suspending the Ordinance to Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 to allow moderate consumption of alcohol at Davis Lodge for the wedding reception request of Alan Burton and Chelsea Wiser on October 28, 2017. *(Recommend the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on October 28, 2017 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

---

**NOTE:** Action may be taken by the City Council on the agenda's action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

M. Consideration of Suspending the Ordinance to Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 to allow moderate consumption of alcohol at Miller Park Pavilion for the wedding reception request of Jason Bader and Lydia Reitz on November 11, 2017. *(Recommend the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on November 11, 2017 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

N. Consideration of Suspending the Ordinance to Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 to allow moderate consumption of alcohol at Davis Lodge for the wedding reception request of Jake Carls and Molly Davis on November 11, 2017. *(Recommend the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on November 11, 2017 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

O. Consideration of Suspending the Ordinance to Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 to allow moderate consumption of alcohol at Davis Lodge for the wedding reception request of Jeremy Baker and Sara Bailey on November 18, 2017. *(Recommend the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on November 18, 2017 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

## 8. "Regular Agenda"

A. Consideration of a Motor Fuel Tax Resolution for an additional $900,000 for intersection design, plans, construction documents, right-of-way, utility relocation, and construction for intersection of Towanda Barnes Road and Ireland Grove Road. *(Recommend the Motor Fuel Tax Resolution for an additional $900,000 for intersection design, plans, construction documents, right-of-way, utility relocation, and construction for intersection of Towanda Barnes Road and Ireland Grove Road be approved and the Mayor and City Clerk be authorized to execute the necessary documents.) (Presentation by Jim Karch, Public Works Director 5 minutes, Council discussion 10 minutes.)*

B. Consideration of an Ordinance providing for the City to petition to annex certain properties located in the City of Bloomington into the Bloomington Normal Water Reclamation District. *(Recommend an Ordinance providing for the City to petition the Bloomington Normal Water Reclamation District to annex the City owned properties Ewing Park I, Ewing Park II and the adjacent City bridle path and further providing and allowing for certain other properties located in said area to join said Annexation Petition and that the Mayor and City Clerk be*

---

**NOTE:** Action may be taken by the City Council on the agenda's action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

*authorized to execute the necessary documents. Presentation George Boyle, Assistant Corporation Counsel 5 minutes, Council discussion 10 minutes.)*

C. Consideration of adopting an Ordinance Amending the City Code to rename "Planning and Code Enforcement" as the "Community Development Department" and to change the location for filing certain applications with the Community Development Department instead of the City Clerk. *(Recommend an Ordinance amending the City Code to rename "Planning and Code Enforcement" as the "Community Development Department" and to change the location for filing certain applications with the Community Development Department instead of the City Clerk be adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.) (Presentation by David Hales, City Manager 5 minutes, and Council discussion 10 minutes.)*

D. Discussion and Possible Action on an Ordinance Amending the City Code to Adopt Procedures on City Council Expenses and Reimbursements. *(Recommend an Ordinance Amending the City Code to Adopt Procedures on City Council Expenses and Reimbursements be approved and the Mayor and City Clerk be authorized to sign the ordinance.) (Council discussion 15 minutes.)*

E. Discussion and action on an Ordinance Amending the City Code to Clarify Provisions on Public Comment. *(Recommend an Ordinance Amending the City Code to Clarify Provisions on Public Comment be approved and the Mayor and City Clerk be authorized to sign the ordinance. (Presentation by Jeffrey Jurgens, Corporation Counsel 5 minutes, Council discussion 10 minutes.)*

**9. City Manager's Discussion**

**10. Mayor's Discussion**

**11. City Aldermen's Discussion**

**12. Executive Session – Personnel – Section 2(c) (1) of 5 ILCS 120/2 *(30 mins.)***

**13. Adjournment**

**14. Notes**

---

**NOTE:** Action may be taken by the City Council on the agenda's action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

# RECOGNITIONS

Council Date: October 23, 2017

# COUNCIL AGENDA ITEM NO. 5

## Recognition/Appointments

A. Recognition of Achievement to Colleen Winterland for earning a Certification from the Illinois Public Service Institute; American Public Works Association – Illinois Chapter.

B. Appointment of Mark Muehleck to the Planning Commission.

C. Appointment of the following individuals to the Public Safety and Community Relations Board William Bennett, Robert Bosquez, Surena Fish, Janet Lancaster, Sally Rudolph, Arthur Taylor, and Jeffery Woodard.

# *Recognition of Achievement Colleen Winterland*

***WHEREAS**, the City of Bloomington is proud of its employees and their accomplishments and wishes to recognize those who excel in their positions; and,*

***WHEREAS**, the Public Works Department in the City of Bloomington is dedicated to its values of stewardship, customer service, professionalism, integrity, trust, openness to change, leadership, attitude, and teamwork; and,*

***WHEREAS**, Colleen Winterland has worked for the City of Bloomington since 2006 and has been promoted to higher levels of leadership many times; and,*

***WHEREAS,** Colleen serves as the Superintendent of Streets and Sewers in the Public Works Department and is an exemplary employee; and,*

***WHEREAS**, Colleen has completed the Illinois Public Service Institute, a three-year, nationally-recognized leadership program through the American Public Works Association; and,*

***WHEREAS**, the skills Colleen has learned through the leadership program has benefited and will continue to benefit City employees and citizens alike.*

***NOW, THEREFORE,** I, Tari Renner, Mayor of the City of Bloomington do hereby present the*

## *Recognition of Achievement to Colleen Winterland*

*Tari Renner*
*Mayor*

*Cherry Lawson*
*City Clerk*

# CONSENT AGENDA

**CONSENT AGENDA ITEM NO: 7A**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of approving the Minutes of the October 9, 2017 Regular City Council Meeting.

**RECOMMENDATION/MOTION:** That the reading of minutes be dispensed and approved as printed.

**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 within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable

Respectfully submitted for Council consideration.

Prepared by: Cherry L. Lawson, C.M.C., City Clerk

Recommended by:

David A. Hales
City Manager

**Attachments:**

- October 9, 2017 Regular City Council Meeting Minutes

**SUMMARY MINUTES**
**PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL**
**OF BLOOMINGTON, ILLINOIS**
**MONDAY, October 9, 2017; 7:00 P.M.**

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, October 9, 2017.

The Meeting was called to order by Mayor Renner.

The Meeting was opened by Pledging Allegiance to the Flag followed by a moment of silent prayer.

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

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

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

## Recognition/Appointments

A. Proclamation declaring, October 8-14, 2017, as Fire Prevention Week

## Public Comment

| | | | | |
|---|---|---|---|---|
| Leon Kaeb | Judy Stearns | Clayton Matteson | Carl Woodward | Tim Tilton |
| Phil Reynolds | Shayna Watchinski | Scott Stimeling | Lee Eutsey | Angela Scott |

## "Consent Agenda"

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

**Motion by Alderman Painter and seconded by Alderman Hauman that the Consent Agenda be approved, with the exception of Item Nos. 7A and 7E.**

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

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

**Nays: None**

**Motion carried.**

The following was presented:

Item 7A. Consideration of approving the Minutes of the September 25, 2017 Regular City Council Meeting. *(Recommend that the reading of the minutes be dispensed with and the minutes approved as printed.)* **(Removed from the Consent Agenda for discussion)**

Alderman Bray had an amendment to the Minutes of the Meeting. The packet, page 7, the second paragraph from the top, includes a discussion of the sewer ordinance and, in particular, there is a comment there about Alderman Bray stated she was voting yes, sees it as a winning proposition for the community, and there were two reasons that she out as the winning proposition and then Alderman Mwilambwe responded to one of those reasons, but neither of the reasons appeared in the minutes. She requested the minutes reflect the two reasons in that it accomplishes our top priorities of public health and restoration of our infrastructure, and then Alderman Mwilambwe's comments regarding infrastructure then have context.

**Motion by Alderman Bray and seconded by Alderman Schmidt that the Minutes of the September 25, 2017 Regular City Council Meeting be approved, with amendments as noted.**

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

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

**Nays: None**

**Motion carried.**

The following was presented:

Item 7B. Consideration of Approving Bills, Payroll, Procurement Card Purchases, and Electronic Transfers in the amount of $5,891,312.07. *(Recommend that the Bills, Payroll, Procurement Card Purchases, and Electronic Transfers be allowed in the amount of* $5,891,312.07 *and orders drawn on the Treasurer for the various amounts as funds are available.)*

The following was presented:

Item 7C. Consideration of approving an Annual Maintenance Agreement for City-wide Network and VoIP Telephone Infrastructure. *(Recommend an agreement with Sentinel Technologies Inc., Springfield, IL for hardware/software maintenance, troubleshooting, configuration assistance and remote monitoring of network and VoIP (voice of internet protocol) infrastructure, in the amount of $86,891.00 for the fourth of five years, be approved and the City Manager and City Clerk be authorized to execute the necessary documents.)*

The following was presented:

Item 7D. Consideration of a Resolution Waiving the Formal Bidding Process, and approve a three (3) year extension agreement between the City of Bloomington and the Board of Trustees of the University of Illinois for the Groundwater Level Monitoring program, in the amount of $24,519.00. *(Recommend Council approve a Resolution Waiving the Formal Bidding Process for groundwater level monitoring services; approve a three (3) year extension of the Groundwater Level Monitoring agreement with the Board of Trustees of the University of Illinois through the office of Sponsored Programs and Research Administration with the scientific group known as the Illinois State Water Survey for monitoring in McLean, Tazewell and Logan Counties for $24,519.00; that the Mayor and City Clerk are authorized to execute the Resolution; and authorize the City Manager and City Clerk to execute the necessary contract documents.)*

RESOLUTION NO. 2017 – 36

A RESOLUTION AUTHORIZING WAIVING THE TECHNICAL BIDDING REQUIREMENTS AND APPROVING THE CONTRACT BETWEEN THE UNIVERSITY OF ILLINOIS BOARD OF TRUSTEES AND THE CITY OF BLOOMINGTON FOR THE GROUNDWATER LEVEL MONITORING PROGRAM

The following was presented:

Item 7E. Consideration of a Resolution Waiving the Formal Bidding Process, and approve a two (2) year contract with the Board of Trustees of Illinois State University to continue the automated stream monitoring/sampling stations and recurring monitoring program for Six Mile Creek, Money Creek, and the T3 Demonstration Site at Comlara Park in the amount of $98,504.00. *(Recommend Council approve a Resolution Waiving the Formal Bidding Process for continued monitoring of the automated stream monitoring/sampling stations and monitoring program for Six Mile Creek, Money Creek, and the T3 Demonstration Site at Comlara Park; approve a two (2) year contract for continued monitoring with the Board of Trustees of Illinois State University for $98,504.00; that the Mayor and City Clerk are authorized to execute the Resolution; and authorize the Mayor and City Clerk to execute the necessary contract documents.)* **(Removed from the Consent Agenda for discussion.)**

RESOLUTION NO. 2017 – 37

A RESOLUTION AUTHORIZING WAIVING THE TECHNICAL BIDDING REQUIREMENTS AND APPROVING THE CONTRACT BETWEEN THE BOARD OF TRUSTEES OF ILLINOIS STATE UNIVERSITY AND THE CITY OF BLOOMINGTON FOR THE UNDERSTANDING AND MONITORING LOCAL WATER QUALITY PROGRAM.

**Motion by Alderman Schmidt and seconded by Alderman Painter that Council approve a Resolution Waiving the Formal Bidding Process for continued monitoring of the automated stream monitoring/sampling stations and monitoring program for Six Mile Creek, Money Creek, and the T3 Demonstration Site at Comlara Park; approve a two (2) year contract for continued monitoring with the Board of Trustees of Illinois State University for $98,504.00; that the Mayor and City Clerk are authorized to execute the Resolution; and authorize the Mayor and City Clerk to execute the necessary contract documents**

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

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

**Recuse: Alderman Mboka Mwilambwe**

**Nays: None**

**Motion carried.**

The following was presented:

Item 7F. Consideration of a Resolution approving a change order with Rowe Construction for pavement patching in relation to the replacement of Traffic Signals at Towanda and Vernon Avenues, and approval of an IDOT Supplemental Resolution approving additional funding for the Construction of the Improvements to Vernon & Towanda intersection (MFT No. 14-00353-00-TL) in the amount of $125,000. *(Recommend (1) a Resolution Authorizing a Change Order in the Amount of $125,000 in the Contract for the Replacement of Traffic Signals at Towanda and Vernon Avenues for Pavement Patching be approved, and the Mayor and City Clerk be authorized to execute the necessary documents; and (2) the IDOT (Supplemental) Resolution for Improvement by Municipality under the Illinois Highway Code for the Improvement of the Vernon & Towanda Intersection in the amount of $125,000, be approved and the Mayor and City Clerk authorized to execute the necessary documents.)*

RESOLUTION NO. 2017 – 38

A RESOLUTION AUTHORIZING A CHANGE ORDER
IN THE AMOUNT OF $125,000 IN THE CONTRACT FOR THE REPLACEMENT OF TRAFFIC SIGNALS AT TOWANDA & VERNON AVENUES
FOR PAVEMENT PATCHING

RESOLUTION NO. 2017- 39

(SUPPLEMENTAL) RESOLUTION FOR IMPROVEMENT BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE FOR THE RECONSTRUCTION OF THE INTERSECTION OF VERNON AVENUE AND TOWANDA AVENUE

The following was presented:

Item 7G. Consideration of an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code approving the request from James Day and Karen Malek to allow moderate consumption of alcohol at their October 21, 2017, wedding reception to be held at Davis Lodge. *(Recommend an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on October 21, 2017, be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

ORDINANCE NO. 2017 - 82

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION ON OCTOBER 21, 2017, AT DAVIS LODGE

The following was presented:

Item 7H. Consideration of an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code approving the request from Jonathon Kaiser and Ashley Cawood to allow moderate consumption of alcohol at their November 5, 2017, wedding reception to be held at Miller Park Pavilion. *(Recommend an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on November 5, 2017, be approved, and that the Mayor and City Clerk be authorized.)*

ORDINANCE NO. 2017 – 83

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION ON NOVEMBER 5, 2017, AT MILLER PARK PAVILION

The following was presented:

Item 7I. Consideration of an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code the request from Andy Houin and Paige Steffen to allow moderate consumption of alcohol at their November 11, 2017, wedding reception to be held at Miller Park Pavilion. *(Recommend an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on*

*November 11, 2017, be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

ORDINANCE NO. 2017 - 84

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION ON NOVEMBER 11, 2017, AT MILLER PARK PAVILION

The following was presented:

Item 7J. Consideration of an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code approving the request from Kyle Shadid and Cori Baker to allow moderate consumption of alcohol at their March 17, 2018, wedding reception to be held at Miller Park Pavilion. *(Recommend an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion, on March 17, 2018, be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

ORDINANCE NO. 2017 - 85

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION ON MARCH 17, 2018, AT MILLER PARK PAVILION

The following was presented:

Item 7K. Consideration of the application of the Keg Grove Brewing Co., LLC, d/b/a Keg Grove Brewing Co., located at 712 E. Empire St., Ste. #2., requesting an TBPS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises and the sale of beer and wine only for consumption off the premises seven (7) days a week. *(Recommend the application of Keg Grove Brewing Co., LLC, d/b/a Keg Grove Brewing Co., located at 712 E. Empire St., Ste. #2., requesting an TBPS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises and the sale of beer and wine for consumption off the premises seven (7) days a week with the following conditions: 1.) a patio will not be allowed; 2.) no wine will be served and or sold; 3.) no other beer will be served and or sold except that which is produced on premise; 4.) no video gaming allowed; 5.) install a fence to separate the business from the residential area; 6.) place security cameras on the outside of the building facing the residential area; 7.) install outside cigarette receptacles; 8.) hours of operation will be Sunday – 12:00 pm to 8:00 pm, Wednesday through Friday – 3:00 pm to 11:00 pm and Saturday – 11:00 am to 11:00 pm; and 9.) contingent upon compliance with all health and safety codes.)*

The following was presented:

Item 7L. Consideration of the application of Grand Cafe, LLC d/b/a Grand Cafe located at 2205 E. Oakland Ave., Ste. A1 and A2 requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. *(Recommend the application of Grand Cafe, LLC d/b/a Grand Cafe located at 2205 E. Oakland Ave., Ste. A1 and A2 requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week.)*

## "Regular Agenda"

The following was presented:

Item 8A. Consideration of adopting an Ordinance approving the Annexation and Rezoning to R-1C, Single Family Residential District for the Sixth Addition to the Grove at Kickapoo Creek, approximately 12.084 acres. *(Recommend an Ordinance approving the Annexation and Rezoning to R-1C, Single Family Residential District for the Sixth Addition to the Grove at Kickapoo Creek, approximately 12.084 acres be adopted and the Mayor and City Clerk be authorized to execute the necessary documents.) (Presentation by Tom Dabareiner, Community Development Director 5 minutes, Council discussion 10 minutes.)*

Ordinance No. 2017- 86

AN ORDINANCE ANNEXING AND REZONING TO R-1C, SINGLE FAMILY RESIDENTIAL DISTRICT, 12.084 ACRES FOR THE SIXTH ADDITION TO THE GROVE ON KICKAPOO CREEK

Mayor Renner responded to a question at public comment concerning this issue and stated that this is part of an agreement that we have already signed. This is something that even if we wanted to stop, there is nothing we could do about it.

Mr. Dabareiner commented that the City of Bloomington entered into an annexation agreement for 450 acres in 2005 and that agreement expires in 2025. In that agreement, the City must adopt an ordinance annexing certain tracts of land within 30 days of receiving annexation plat and supporting documents which request annexation associated with the Grove. On September 18, 2017, the City Clerk received petition to annexation plat. The proposed zoning is also associated with that. That rezoning is consistent with the plan approved in 2011, and staff is in support of this.

Alderman Mathy asked if contracts like this that require us to annex in 30 days were common.

Mr. Dabareiner responded that 30 days is pretty common when we have already agreed on the plan up front.

Alderman Sage stated that recently we had a budget amendment that dealt with some infrastructure related to the Grove and stated that amendment is not related to the one that is in front of us. He then asked Mr. Dabareiner if he could differentiate those two items.

Mr. Dabareiner answered that this is simply the annexation.

Alderman Sage stated there is a tag line in the staff report that the City Council will have to decide if we have to oversize the infrastructure at some point in the future and wanted clarification on that.

Mr. Karch commented that Mr. Dabareiner is correct. The annexation agreement is separate from the oversizing agreement but with the understanding the area covered within the annexation agreement, when it comes, there will have to be a decision on oversizing for the sewer that has been talked about.

Alderman Sage asked if the oversizing would be related to potential annexation and development beyond this tract of land here that we are talking about tonight.

Mr. Karch replied that anytime you oversize sewer in an area like this, the intention is actually not for the piece that is being annexed. The intention of oversizing as I think you are pointing out, is for that upstream area in the future along that tributary, so yes that is the intention of oversizing.

Alderman Buragas stated she hoped that we would continue to have a conversation with Mr. Reynolds because he raises some important concerns about the imposition that this development is placing on other units of government and whether or not those were taken into account when this was put in or if any contingencies were made.

Mr. Karch stated that he had talked with Mr. Reynolds, and he is correct.

Alderman Black commented that throughout the community, people are tired of the annexation including the Grove itself and that on behalf of the 8000 citizens that participated in that process, he would be voting no on it.

**Motioned by Alderman Hauman, seconded by Alderman Mwilambwe that an Ordinance approving the Annexation and Rezoning to R-1C, Single Family Residential District for the Sixth Addition to the Grove at Kickapoo Creek, approximately 12.084 acres be adopted and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

The following was presented:

Item 8B. Presentation of a Twenty-Year Materials Recovery and Resource Management Plan for McLean County, Bloomington, and Normal, Illinois. *(Recommend for presentation and discussion*

*only.)* (Presentation by Michael Brown, Executive Director of the Ecology Action Center 15 minutes, Council discussion 20 minutes.) **No motion as this item was presented and discussed.**

Mr. Michael Brown gave an update on where we are at progressing towards a new solid waste management plan for our community. We are here tonight as we are looking at a new solid waste management plan. The Illinois Solid Waste Planning and Recycling Act mandates that every county does have a solid waste management plan.

Alderman Sage asked if the intent of this plan to find ways to encourage voluntary increases so that we get to those goals or does the plan anticipate mandates.

Mr. Brown replied that the plan essentially outlines the six priorities which are addressing these gaps in our current services. How we get there is still to be determined.

Alderman Sage stated he was not comfortable with mandates.

Mr. Brown stated that he was somewhat leery of mandates and knows that that is not necessarily going to be the most popular choice and was surprised to hear actually from some businesses that we engaged, the support for a mandate. In many cases it was because it created a level playing field.

Alderman Sage stated that he would probably vote yes, but had not totally decided.

Mr. Brown stated that we are not seeking approval of anything this evening. This is information for you to receive and for me to answer any questions.

Alderman Mwilambwe asked if this would also include incentives for maybe people who want to explore that as a business or something like that.

Mr. Brown replied that is certainly on the table, where we can build new businesses and grow existing businesses. The growth potential for this sector is huge if we nurture that and if we follow this correctly.

Alderman Mwilambwe asked what happens with the landfill once it closes. Does it ever reopen or is it done forever?

Mr. Brown responded yes and it will take approximately two years to actually complete the closure processes, covering it up and such, and then beyond that, it is kind of a brownfield site and so it is not really suitable for most kinds of development.

Alderman Mathy stated that it made him happy as a person who has a business and has always done everything he could to recycle to be looking at opportunities to make it easier because it is not easy as a business right now. He loves seeing that we have a long-term plan coming together to make sure this happens and continues going forward.

The following was presented:

Item 8C. Consideration of a Resolution authorizing the City Manager to approve energy supply contracts for City Facilities. *(Recommend Council approves a Resolution authorizing the City Manager to approve energy supply contracts for City Facilities, and authorize the Mayor and City Clerk to execute the Resolution.) (Presentation by Steve Rasmussen, Assistant City Manager 5 minutes, Council discussion 10 minutes.)*

RESOLUTION NO. 2017- 40

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE ELECTRIC AND NATURAL GAS SUPPLY CONTRACTS

Mr. Rasmussen stated we are asking for a resolution authorizing the City Manager to approve energy supplies contracts for the City facilities. We did this a couple of months ago and that was for energy aggregation for private residences. Now, we are going to go back and do a contract for our municipal facilities.

**Motioned by Alderman Schmidt, seconded by Alderman Bray approving a Resolution Authorizing the City Manager to approve energy supply contracts for City Facilities, and authorize the Mayor and City Clerk to execute the Resolution.**

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

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

**Nays: None.**

**Motion carried.**

**City Manager's Discussion:**

Mr. Hales stated that the Police Department would be looking at another vendor for body cameras. The two that they have tried apparently have not met our current needs. Our original plan to hopefully be going live with these cameras by the end of this year will more than likely be in the next year.

**Mayor's Discussion:**

Mayor Renner stated that Tom Dabareiner would be leaving the City and thanked him for all he had done for Code Enforcement and for making the City a better and safer place. He also thanked Mayor Pro Tem Karen Schmidt for performing some of the formal duties during his absence. He then spoke about the increasing trend towards acrimony in public discussion, physical accosting and intimidation of elected officials and the multiple frivolous complaints and lawsuits. He stated the City Council had stuck their neck out on the line, made responsible decisions for nearly 80,000 people in our City, hundreds of thousands of people who come through this City every year, and provided policy and administrative leadership for a 215 million dollar a year budget, and we have a City Council who has done great things.

**City Aldermen's Discussion:**

Alderman Mathy commented on the firefighter training that some attended. He stated that he was shocked to see how fast a fire will destroy a room and encouraged everyone to check their smoke detectors and change the batteries.

Alderman Mwilambwe also commented that he had participated in the fire operations and it was a very interesting experience. He stated it gave him a good sense of what firefighters have to go through and that it takes a special person to be able to do that. We should all be very thankful for their service. He also stated that he and Alderman Painter were asked to participate with the Scott Commission. A couple of things of note is the group has been very intentional about preserving the integrity of the trust document because it is all based on Judge Scott's will, so they wanted to be sure that the integrity was preserved and also preserve the role of the trustees.

Alderman Hauman thanked Alderman Mwilambwe for sharing what is being done outside of City Council concerning the Scott Commission.

Alderman Bray stated she wanted to add those sentiments. We have heard here tonight about the fire ops and Local 49 did an amazing job putting that event on, and it was certainly a day of learning. We focused on the broad range of skills and abilities that our firefighters bring and it is right and fitting that this Fire Prevention Week we all thank a firefighter.

**Adjournment:**

**Motioned by Alderman Black seconded by Alderman Hauman that the meeting be adjourned. Time: 8:33 PM.**

**Motion carried: Viva Voce**

CITY OF BLOOMINGTON ATTEST

_____ _____

Tari Renner, Mayor Cherry L. Lawson, City Clerk

**CONSENT AGENDA ITEM: 7B**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of approving Bills, Payroll, Procurement Card Purchases, and Electronic Transfers in the amount of $6,912,197.33.

**RECOMMENDATION/MOTION:** That the Bills, Payroll, Procurement Card Purchases, and Electronic Transfers be allowed in the amount of $6,912,197.33, and orders drawn on the Treasurer for the various amounts as funds are available.

**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.

**FINANCIAL IMPACT:** Total disbursements to be approved $6,912,197.33 (Payroll total $2,406,490.83, Accounts Payable total $3,502,784.04, Procurement Card Purchases total $141,533.41, and Electronic Transfers total $861,389.05).

Respectfully submitted for Council consideration.

Prepared by: Frances Watts, Accounts Payable

Reviewed by: Robert J. Nowak, Interim Chief Accountant

Recommended by:

David A. Hales, City Manager

**Attachment:**

- Bills, Payroll, Procurement Card Purchases, and Electronic Transfers on file in the Clerk's office. Also available at www.cityblm.org.
- Summary Sheet Bills, Payroll, Procurement Card Purchases, and Electronic Transfers

# CITY OF BLOOMINGTON FINANCE REPORT

## Council of October 23, 2017

**PAYROLL**

| Date | Gross Pay | Employer Contribution | Totals |
|---|---|---|---|
| 10/6/2017 | $ 230,625.40 | $ 80,100.75 | $ 310,726.15 |
| 10/12/2017 | $ 1,419,998.87 | $ 370,976.24 | $ 1,790,975.11 |
| 9/29/2017 | $ 224,828.04 | $ 79,135.25 | $ 303,963.29 |
| 10/6/2017-10/13/2017 | $ 686.10 | $ 140.18 | $ 826.28 |
| Off Cycle Adjustments | | | |
| | | **PAYROLL GRAND TOTAL** | **$ 2,406,490.83** |

**ACCOUNTS PAYABLE**

| Date | Bank | Total |
|---|---|---|
| 10/23/2017 | AP General | $ 3,197,596.98 |
| 10/23/2017 | AP Comm Devel | $ 58,247.93 |
| | AP IHDA | |
| 10/23/2017 | AP Library | $ 18,530.89 |
| 10/23/2017 | AP MFT | $ 225,408.24 |
| 10/11/2017 | Off Cycle Check Runs | $ 3,000.00 |
| | **AP GRAND TOTAL** | **$ 3,502,784.04** |

**PCARDS**

| Date Range | Total |
|---|---|
| 9/1/2017-9/30/2017 | $ 141,533.41 |
| **PCARD GRAND TOTAL** | **$ 141,533.41** |

**WIRES**

| Date Range | Total |
|---|---|
| 9/30/2017-10/10/2017 | $ 861,389.05 |
| **WIRE GRAND TOTAL** | **$ 861,389.05** |

**TOTAL** **$ 6,912,197.33**

**Respectfully,**

**Patti-Lynn Silva**
**Finance Director**

**CONSENT AGENDA ITEM NO. 7C**

**FOR COUNCIL:** October 23, 2017

**SUBJECT:** Consideration of Approving Various Appointments to Boards and Commissions.

**RECOMMENDATION/MOTION:** That Mark Muehleck be appointed to the Planning Commission and that William Bennett, Robert Bosquez, Surena Fish, Janet Lancaster, Sally Rudolph, Arthur Taylor, and Jeffery Woodard be appointed to the Public Safety and Community Relations Board.

**STRATEGIC PLAN LINK:** Goal 4. Strong Neighborhoods.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 4e. Strong partnership with residents and neighborhood associations.

**BACKGROUND:** The Mayor of the City of Bloomington has nominated and I ask your concurrence in the appointment of:

**Planning Commission.** Mark Muehleck of 1216 Chatham Lane, Bloomington, Illinois 61704 to the Planning Commission. Mark will be completing the unfulfilled term previously held by Nicole Chlebek. Mark's term will be effective upon appointment and will expire 4-30-20. Application is on file in the Administration Office.

**Public Safety and Community Relations Board.** William Bennett of 13 Ashling, Bloomington, Illinois 61704 to the Public Safety and Community Relations Board. William will be a charter member of this Board and will be serving a one-year term which will be effective 10-23-17 and will expire 4-30-18. Application is on file in the Administration Office.

Surena Fish of 909 W Wood, Bloomington, Illinois 61701 to the Public Safety and Community Relations Board. Surena will be a charter member of this Board and will be serving a one-year term which will be effective 10-23-17 and will expire 4-30-18. Application is on file in the Administration Office.

Arthur Taylor of 7 Devon Road, Bloomington, Illinois 61704 to the Public Safety and Community Relations Board. Arthur will be a charter member of this Board and will be serving a two-year term which will be effective 10-23-17 and will expire 4-30-19. Application is on file in the Administration Office.

Jeffery Woodard of 3108 Ridgecrest, Bloomington, Illinois 61704 to the Public Safety and Community Relations Board. Jeffery will be a charter member of this Board and will be serving a two-year term which will be effective 10-23-17 and will expire 4-30-19. Application is on file in the Administration Office.

Robert Bosquez of 819 W Jefferson, Bloomington, Illinois 61701 to the Public Safety and Community Relations Board. Robert will be a charter member of this Board and will be serving a three-year term which will be effective 10-23-17 and will expire 4-30-20. Application is on file in the Administration Office.

Janet Lancaster of 316 N Main, Bloomington, Illinois 61701 to the Public Safety and Community Relations Board. Janet will be a charter member of this Board and will be serving a three-year term which will be effective 10-23-17 and will expire 4-30-20. Application is on file in the Administration Office.

Sally Rudolph of 1918 Owens Drive, Bloomington, Illinois 61701 to the Public Safety and Community Relations Board. Sally will be a charter member of this Board and will be serving a three-year term which will be effective 10-23-17 and will expire 4-30-20. Application is on file in the Administration Office.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Mayor contacts all recommended appointments.

**FINANCIAL IMPACT:** Not applicable.

**COMMUNITY DEVELOPMENT IMPACT:** Not applicable.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: M. Beth Oakley, Executive Assistant

Recommended by:

David A. Hales
City Manager

**Attachments:**

- Roster
- PSCRB Applications - Redacted

# Planning Commission

| Mayor Appointed | Staff/Chair | First Name | Last Name | Expiration | Year First Appt | Appointment Date | Ward | Email | Street | City | Zip | HomePhone | WorkPhone | CellPhone | FaxNumber | Reappointment |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| x | Southeast | Eric | Penn | 04/30/18 | 2016 | 09/12/16 | 1 | epblm.laborers@frontier.com | 1016 McGregor | Bloomington | 61701 | | | | | |
| x | Vice Chair/Southeast | J. Alan | Balmer | 04/30/18 | 2011 | 04/13/15 | 3 | jbalmer@betadigm.com | 16 Fountain Lake Court | Bloomington | 61704 | | | | | |
| x | Southeast | David | Stanczak | 04/30/19 | 2012 | 03/28/16 | 8 | dlts1202@yahoo.com | 6 Buckhurst Ct | Bloomington | 61704 | | | | | |
| x | Southeast | Ryan | Scritchlow | 04/30/20 | 2013 | 05/22/17 | 1 | rscritch@hotmail.com | 107 Parkview Drive | Bloomington | 61701 | | | | | |
| x | Southeast | Megan | Schubert | 04/30/18 | 2015 | 04/13/15 | 1 | megschub@gmail.com | 3115 Rudder Lane, #208 | Bloomington | 61704 | | | | | |
| x | Northeast | Nicole | Chlebek | 04/30/20 | 2017 | 05/22/17 | 4 | nchlebek@iwu.edu | 810 N Evans Street, Apt 1 | Bloomington | 61701 | | | | | |
| x | Southwest | Justin | Boyd | 04/30/19 | 2016 | 05/09/16 | 6 | Justin.Boyd@countryfinancial.com | 705 W MacArthur | Bloomington | 61701 | | | | | |
| x | Northeast | Kevin | Suess | 04/30/20 | 2014 | 03/27/17 | 4 | kevinsuess@gmail.com | 113 Kreitzer | Bloomington | 61701 | | | | | |
| x | Northeast | John | Protzman | 04/30/20 | 2014 | 03/13/17 | 9 | protz99@msn.com | 2913 Southfork Rd | Bloomington | 61704 | | | | | |
| x | Northeast | James | Pearson | 04/30/18 | 2011 | 04/13/15 | 9 | jpear764@aol.com | 14 Hearthstone Ct | Bloomington | 61704 | | | | | |
| | Staff | Katie | Simpson | | | | | ksimpson@cityblm.org | 115 E Washington St | Bloomington | 61701 | | | | | |
| | Staff | Mary | Sellmeyer | | | | | | 110 E Olive St | Bloomington | 61701 | | | | | |

**Details:**
Term: 3 years (4 years prior to 5/1/2014)
Term Limit per City Code: 3 terms/9 years
Members: 10 members
Number of members the Mayor appoints: 10
Type: Internal
City Code:
Required by State Statute: No
Intergovernmental Agreements: None
Funding budgeted from COB for FY2014: None
Meetings: 2nd and 4th Wed of each month at 4:00pm - Council Chambers

Number of Vacancies: 2
Number of Expired Board Members (Blm Appointments only): 0
Number of Expired Board Member Eligible for Reappointment:
**Appointment/Reappointment Notes:**

# Public Safety and Community Relations Board - NEW COMMISSION - PROPOSED MEMBERSHIP!

| Mayor Appointed | Staff/Chair | First Name | Last Name | Expiration | Year First Appt | Re/Appointment Date | Ward | Email | Street | City | Zip | Home Phone | Work Phone | Cell Phone | Notes |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| x | | William | Bennett | 04/30/18 | 2017 | 10/23/17 | 3 | wabcorm@yahoo.com | 13 Ashling | Bloomington | 61704 | | | | 1 year term |
| x | | Robert | Bosquez | 04/30/20 | 2017 | 10/23/17 | 7 | bozzzoom75@yahoo.com | 819 W Jefferson | Bloomington | 61701 | | | | 3 year term |
| x | | Surena | Fish | 04/30/18 | 2017 | 10/23/17 | 6 | 8669surena@gmail.com | 909 W Wood St | Bloomington | 61701 | | | | 1 year term |
| x | | Janet | Lancaster | 04/30/20 | 2017 | 10/23/17 | 1 | bistromama@aol.com | 316 N Main | Bloomington | 61701 | | | | 3 year term |
| x | | Sally | Rudolph | 04/30/20 | 2017 | 10/23/17 | 1 | LSRUDO@comcast.net | 1918 Owens Dr | Bloomington | 61701 | | | | 3 year term |
| x | | Arthur | Taylor | 04/30/19 | 2017 | 10/23/17 | 8 | taylorAE76@yahoo.com | 7 Devon Road | Bloomington | 61704 | | | | 2 year term |
| x | | Jeffery | Woodard | 04/30/19 | 2017 | 10/23/17 | 9 | zwood1@aol.com | 3108 Ridgecrest | Bloomington | 61704 | | | | 2 year term |
| | | | | | | | | | | | | | | | |
| | Staff | Clay | Wheeler | | | | | | 109 E Olive St | Bloomington | 61701 | | | | |

**Details:**
Term: 3 years
Term Limit per City Code: 3 terms/9 years
Members: 7 members
Number of members the Mayor appoints: 7
Type: Internal
City Code: Ordinance 2017-57; Chapter 35, Article IV
Required by State Statute: No
Intergovernmental Agreements: None
Meetings: To be established, at least one meeting per month to be held at a regular time and place

Number of Vacancies: 7
Number of Expired Board Members: 0
Number of Expired Board Members Eligible for Reappointment: 0

**Appointment/Reappointment Notes:** Commission formed 7-24-17

City of Bloomington ILLINOIS

RECEIVED 8.8.17

# Application for Mayoral Appointment to a Board, Commission, or Committee

**To Those Interested in Appointment:**

The City of Bloomington has opportunities for volunteer service on numerous standing boards and commissions, as well as occasional "ad hoc" committees that are formed for a limited term to consider a specific issue or project.

Appointments to these groups are made by the Mayor, with the advice and consent of the City Council, except where provided otherwise by statute or ordinance. Terms of appointment vary, but are often for three years.

Vacancies occur sporadically and infrequently. Most standing groups have a fixed number of members, and some may have special requirements for membership, such as residence within the City or even in a particular section of the City.

The City strives to appoint members who are interested, well-qualified, and free from bias or conflict of interest. *Appointments are made without discrimination based on race, color, sex, religion, age, national origin, marital status, familial status, sexual orientation, or physical or mental disability unrelated to ability.* Additional standards of selection may include an applicant's expertise and experience in the group's subject matter (including previous service), fresh perspective, communication skills, knowledge of the diverse community, availability, ethical standards, and other relevant factors. The appointment process may include an oral interview, appearance before the City Council, and possibly a background investigation.

The City relies on these groups to provide not only experience and expertise in the subject matter, but also to provide general citizen input into the policy making process. To properly represent our citizens, members of these groups must have ample time to not only attend meetings, but also to research issues and be available and willing to discuss issues with citizens. Members are subject to removal at the Mayor's discretion.

Please print clearly and fill in all blanks. You may attach further sheets or materials as necessary for completeness.

Submit this completed document to the Administration Office of the Mayor at City Hall (tel. 309-434-2210). By fully completing and submitting this application, you are indicating your interest and qualification to serve. This document will be maintained in a pool of applications until appointment or 24 months from the date of submission, whichever is earlier. At that point, resubmission will be required.

1. Full name (first, middle, last):
William A. Bennett

2. Street address of legal residence (including any unit number):
[redacted]

3. Mailing address if different from address of legal residence:

4. Home telephone:
( )
☐ This number can be shared with media, if necessary

5. Mobile telephone:
( [redacted]

6. Reliable email address: [redacted]

**BOARDS, COMMISSIONS & COMMITTEES:**

Bloomington Housing Authority
Blm-Nml Airport Authority
Blm-Nml Area Convention & Visitors' Bureau
Blm-Nml Public Transportation System Board
Blm-Nml Sister City Committee (Japan)
Board of Fire & Police Commissioners
Board of Zoning Appeals
Building Board of Appeals
Board of Library Trustees
Citizens' Beautification Committee
Cultural District Commission
Economic Development Council (McLean County)
Evergreen Cemetery Trustees
Fire Pension Board
Historic Preservation Commission
Human Relations Commission
Liquor Commission
Property Maintenance Review Board
Planning Commission (City of Bloomington)
Police Pension Board
Public Building Commission (McLean County)
Public Safety & Community Relations Board
Regional Planning Commission (McLean County)
Transportation Commission
Other: _____

*(Including Ad Hoc Board or Special Project Committee)*

7. Are you a legal resident of the City of Bloomington (place of voting, where income taxes are paid, etc.)?
☒ Yes, I reside in Bloomington [redacted]
☐ No, I do not legally reside in the city limits, even though I may have a Bloomington postal address.

8. I have lived within the City of Bloomington for a total of 35 years, most recently for a continuous period of _____ years. I have lived within McLean County, Illinois for a total of 35 years.

9. State the board, commission, or committee that you desire to serve on:
Public Safety & Community Relations Board

10. List, with dates, government boards on which you have served or currently serve, including those in Bloomington:

11. List your education, including degrees, formal training and apprenticeship programs:
Bachelor Degree in Criminal Justice Science from Illinois State University

12. List any licenses and professional memberships/designations held:

13. List skills, interests and experiences relevant to your desired board, commission, or committee appointment:
I was a youth counselor for 13 years with Catholic Charities now Center for Youth and Family Solutions. I am currently a Pastor of City of Refuge Ministries in Bloomington for the last 10 years. I have worked with this community for all my adult life serving it and doing my best to make it better. I have great relationships with the community as well as our Chief and the BDP. I have had many meetings with police, city council representatives, and more trying to solve issues and develop community relations.

14. List your current employer(s), work address(es), and describe position(s):
City of Refuge Ministries, 401 E. Jefferson, Bloomington, IL where I serve as the Senior Pastor

15. List all previous employers and positions, with dates, within the past ten years:
Center for Youth & Family Solutions, Youth Advocate, last worked 2015

16. List all current and previous (within the past five years) community volunteer activities:
Last 5 years our church has conducted "Bless the City" where we have served 1,000 people in the community with gas, food, and

17. Are you currently, or have you ever been, employed by the City of Bloomington? ☐ Yes ☒ No
If yes, list dates and capacity:

18. Is a relative currently, or has a relative ever been, employed by the City of Bloomington? ☒ Yes ☐ No
If yes, list name(s) and capacity:

19. Do you or a spouse derive any income directly from, or indirectly through an employer of a contract, with the City of Bloomington? ☐ Yes ☒ No If yes, list contract or capacity:

20. Do you expect to have the flexibility to attend meetings and perform your duties during both days and evenings?
☒ Yes ☐ No If yes, list any limitations:

continued on page 3, next sheet

21. If you are aware of a potential conflict of interest, please describe. If in doubt, please disclose:
None that I am aware of.

22. Briefly state your reasons for seeking an appointment (use page 4 for more space):
Mike Matejka, and many others have spoken with me and personally suggested that I apply. My heart as a Pastor, and community memeber is to help people. I believe I have the skills, the heart, the wisdom, and the open mind to be able to better community and police relations through this board.

23. Briefly state why you personally believe you are qualified to seek this appointment (use page 4 for more space):
I believe that my occupation as a Pastor and working with people daily, having to solve tough issues helps greatly. I believe my good relationship with Police Officers and The Community position me to be trusted. I believe my work with the youth as a counselor, youth organizer, and more will allow me to identify with that generation. I believe my honesty and integrity will allow me to be trusted to carry out the design for this board.

24. Do you have any references/recommendations from city council, city staff, current board/commission/committee Members, employers, or any citizens of Bloomington? If so, list name(s) and contact information:

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Signature

8/4, 20 17
Date Submitted

*This full completed form, together with any supporting documents, must be sumbitted to the Administration Office at City Hall, PO Box 3157, 109 E. Olive Street, Bloomington, IL 61702, together with an original signature.*

CITY OF Bloomington ILLINOIS

**SUPPLEMENTAL QUESTIONNAIRE**
**PUBLIC SAFETY & COMMUNITY RELATIONS BOARD**

The following are the qualifications for membership on the Public Safety & Community Relations Board ("PSCRB"): (1) no city employee may be appointed to the Board, nor shall any member be a current employee of, contracted by or have any official affiliation, whether current or former, with a federal, state, or local law enforcement agency; (2) no person with a criminal felony conviction shall be eligible to serve on the PSCRB; and (3) all members of the PSCRB shall possess a reputation for fairness, integrity, impartiality, and a sense of public service. To assist in ensuring the qualifications for membership are met, this Supplemental Questionnaire must be completed as part of the PSCRB application process.

**PLEASE RETURN THIS FORM TO BOAKLEY@CITYBLM.ORG NO LATER THAN 8/16/17.**

1. Are you a current or former employee of, contractor or have of any affiliation (i.e., a member of any law enforcement organization or group) with any law enforcement agency (i.e., a local police department, State Police, state's attorney's office, Secretary of State Police, FBI, DEA, ICE, Department of Justice, etc.)?

□ Yes
■ No

2. Have you ever been convicted of a felony?

□ Yes
■ No

3. Explain how you have demonstrated a reputation for fairness, integrity, and impartiality in your life, including other specific roles where these qualities were required and demonstrated by you (attach additional pages if necessary).

As a Youth Advocate for over thirteen years I've dealt with a variety of juveniles from different family structures, disabilities, educational levels, mindsets, and circumstances. I've had to demonstrate the ability to adapt to their many different personalities and thought processes and create a structure and plan of action that will help them to be successful in many different areas. As a Pastor for ten years within this community I've had to counsel, confront, and make judgements between two or more adverse parties and bring resolution to a host of different areas. I've had to show the wisdom, knowledge, patience, and understanding to deal with family confrontations, individual problems, and multiple disputes. I believe that I've maintained the intregrity, honesty and fairness that causes community and congregants to continue to enlist my help in their lives. I've also displayed the ability to counsel, host, and assist agents of our community, such as Bloomington, Normal Police Departments, and many other community officials and organizations.

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

William A. Bennett Digitally signed by William A. Bennett Date: 2017.08.14 09:06:29 -05'00'

**Signature**

August 14. 2017

**Date Submitted**

CITY OF Bloomington ILLINOIS

RECEIVED 8.12.17

## Application for Mayoral Appointment to a Board, Commission, or Committee

**To Those Interested in Appointment:**

The City of Bloomington has opportunities for volunteer service on numerous standing boards and commissions, as well as occasional "ad hoc" committees that are formed for a limited term to consider a specific issue or project.

Appointments to these groups are made by the Mayor, with the advice and consent of the City Council, except where provided otherwise by statute or ordinance. Terms of appointment vary, but are often for three years.

Vacancies occur sporadically and infrequently. Most standing groups have a fixed number of members, and some may have special requirements for membership, such as residence within the City or even in a particular section of the City.

The City strives to appoint members who are interested, well-qualified, and free from bias or conflict of interest. *Appointments are made without discrimination based on race, color, sex, religion, age, national origin, marital status, familial status, sexual orientation, or physical or mental disability unrelated to ability.* Additional standards of selection may include an applicant's expertise and experience in the group's subject matter (including previous service), fresh perspective, communication skills, knowledge of the diverse community, availability, ethical standards, and other relevant factors. The appointment process may include an oral interview, appearance before the City Council, and possibly a background investigation.

The City relies on these groups to provide not only experience and expertise in the subject matter, but also to provide general citizen input into the policy making process. To properly represent our citizens, members of these groups must have ample time to not only attend meetings, but also to research issues and be available and willing to discuss issues with citizens. Members are subject to removal at the Mayor's discretion.

Please print clearly and fill in all blanks. You may attach further sheets or materials as necessary for completeness.

Submit this completed document to the Administration Office of the Mayor at City Hall (tel. 309-434-2210). By fully completing and submitting this application, you are indicating your interest and qualification to serve. This document will be maintained in a pool of applications until appointment or 24 months from the date of submission, whichever is earlier. At that point, resubmission will be required.

1. Full name (first, middle, last):

Robert J. Bosquez

2. Street address of legal residence (including any unit number):

[redacted]

3. Mailing address if different from address of legal residence:

4. Home telephone:

[redacted]

☐ This number can be shared with media, if necessary

5. Mobile telephone:

[redacted]

6. Reliable email address:

[redacted]

**BOARDS, COMMISSIONS & COMMITTEES:**

Bloomington Housing Authority
Blm-Nml Airport Authority
Blm-Nml Area Convention & Visitors' Bureau
Blm-Nml Public Transportation System Board
Blm-Nml Sister City Committee (Japan)
Board of Fire & Police Commissioners
Board of Zoning Appeals
Building Board of Appeals
Board of Library Trustees
Citizens' Beautification Committee
Cultural District Commission
Economic Development Council (McLean County)
Evergreen Cemetery Trustees
Fire Pension Board
Historic Preservation Commission
Human Relations Commission
Liquor Commission
Property Maintenance Review Board
Planning Commission (City of Bloomington)
Police Pension Board
Public Building Commission (McLean County)
Public Safety & Community Relations Board
Regional Planning Commission (McLean County)
Transportation Commission
Other: _____

*(Including Ad Hoc Board or Special Project Committee)*

7. Are you a legal resident of the City of Bloomington (place of voting, where income taxes are paid, etc.)?
☒ Yes, I reside in Bloomington [redacted]
☐ No, I do not legally reside in the city limits, even though I may have a Bloomington postal address.

8. I have lived within the City of Bloomington for a total of 27 years, most recently for a continuous period of _____ years. I have lived within McLean County, Illinois for a total of 27 years.

9. State the board, commission, or committee that you desire to serve on:
Public Safety & Community Relations Board

10. List, with dates, government boards on which you have served or currently serve, including those in Bloomington:
none

11. List your education, including degrees, formal training and apprenticeship programs:
High School Graduate

12. List any licenses and professional memberships/designations held:
None

13. List skills, interests and experiences relevant to your desired board, commission, or committee appointment:
Community Engagement Coordinator, Bi-langual Spanish/English, Good communicator

14. List your current employer(s), work address(es), and describe position(s):
McLean County Unit 5 6006 Ireland Grove
Head Custodian

15. List all previous employers and positions, with dates, within the past ten years:
Bloomington Normal Seating Company 2031 Warehouse Rd Normal

16. List all current and previous (within the past five years) community volunteer activities:
West Bloomington Revitalization Project (WBRP) 2016 Shoop Shift Award Winner (Leadership Connection) 2015 Extraordinary- Ordinary Man of The Year Finalist 2015 Illinois State Board of Education Those Who Excell Award of Excellence Recepient

17. Are you currently, or have you ever been, employed by the City of Bloomington? ☐ Yes ☒ No
If yes, list dates and capacity:

18. Is a relative currently, or has a relative ever been, employed by the City of Bloomington? ☐ Yes ☒ No
If yes, list name(s) and capacity:

19. Do you or a spouse derive any income directly from, or indirectly through an employer of a contract, with the City of Bloomington? ☐ Yes ☒ No If yes, list contract or capacity:

20. Do you expect to have the flexibility to attend meetings and perform your duties during both days and evenings?
☒ Yes ☐ No If yes, list any limitations: I work till 3pm Monday - Friday Available evenings

continued on page 3, next sheet

21. If you are aware of a potential conflict of interest, please describe. If in doubt, please disclose:
None at this time

22. Briefly state your reasons for seeking an appointment (use page **4** for more space):
The diverse population of Bloomington is a major reason I would like to get involved and bring a different perspective of what I see in my neighborhood and community.

23. Briefly state why you personally believe you are qualified to seek this appointment (use page **4** for more space):
I am involved in many community activites on the westside and have experience in commuity engagement relations.

24. Do you have any references/recommendations from city council, city staff, current board/commission/committee Members, employers, or any citizens of Bloomington? If so, list name(s) and contact information:
Karen Schmidt

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Robert Bryant
Signature

August 14, 2017
Date Submitted

*This full completed form, together with any supporting documents, must be sumbitted to the Administration Office at City Hall, PO Box 3157, 109 E. Olive Street, Bloomington, IL 61702, together with an original signature.*

CITY OF Bloomington ILLINOIS

**SUPPLEMENTAL QUESTIONNAIRE**
**PUBLIC SAFETY & COMMUNITY RELATIONS BOARD**

The following are the qualifications for membership on the Public Safety & Community Relations Board ("PSCRB"): (1) no city employee may be appointed to the Board, nor shall any member be a current employee of, contracted by or have any official affiliation, whether current or former, with a federal, state, or local law enforcement agency; (2) no person with a criminal felony conviction shall be eligible to serve on the PSCRB; and (3) all members of the PSCRB shall possess a reputation for fairness, integrity, impartiality, and a sense of public service. To assist in ensuring the qualifications for membership are met, this Supplemental Questionnaire must be completed as part of the PSCRB application process.

**PLEASE RETURN THIS FORM TO BOAKLEY@CITYBLM.ORG NO LATER THAN 8/16/17.**

1. Are you a current or former employee of, contractor or have of any affiliation (i.e., a member of any law enforcement organization or group) with any law enforcement agency (i.e., a local police department, State Police, state's attorney's office, Secretary of State Police, FBI, DEA, ICE, Department of Justice, etc.)?

☐ Yes
☒ No

2. Have you ever been convicted of a felony?

☐ Yes
☒ No

3. Explain how you have demonstrated a reputation for fairness, integrity, and impartiality in your life, including other specific roles where these qualities were required and demonstrated by you (attach additional pages if necessary).

I am involved in various community events. My character speaks for itself as well as my reputation.

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Robert Bogey
**Signature**

8-16-2017
**Date Submitted**

City of Bloomington ILLINOIS

RECEIVED 8-14-17

# Application for Mayoral Appointment to a Board, Commission, or Committee

**To Those Interested in Appointment:**

The City of Bloomington has opportunities for volunteer service on numerous standing boards and commissions, as well as occasional "ad hoc" committees that are formed for a limited term to consider a specific issue or project.

Appointments to these groups are made by the Mayor, with the advice and consent of the City Council, except where provided otherwise by statute or ordinance. Terms of appointment vary, but are often for three years.

Vacancies occur sporadically and infrequently. Most standing groups have a fixed number of members, and some may have special requirements for membership, such as residence within the City or even in a particular section of the City.

The City strives to appoint members who are interested, well-qualified, and free from bias or conflict of interest. *Appointments are made without discrimination based on race, color, sex, religion, age, national origin, marital status, familial status, sexual orientation, or physical or mental disability unrelated to ability.* Additional standards of selection may include an applicant's expertise and experience in the group's subject matter (including previous service), fresh perspective, communication skills, knowledge of the diverse community, availability, ethical standards, and other relevant factors. The appointment process may include an oral interview, appearance before the City Council, and possibly a background investigation.

The City relies on these groups to provide not only experience and expertise in the subject matter, but also to provide general citizen input into the policy making process. To properly represent our citizens, members of these groups must have ample time to not only attend meetings, but also to research issues and be available and willing to discuss issues with citizens. Members are subject to removal at the Mayor's discretion.

Please print clearly and fill in all blanks. You may attach further sheets or materials as necessary for completeness.

Submit this completed document to the Administration Office of the Mayor at City Hall (tel. 309-434-2210). By fully completing and submitting this application, you are indicating your interest and qualification to serve. This document will be maintained in a pool of applications until appointment or 24 months from the date of submission, whichever is earlier. At that point, resubmission will be required.

1. Full name (first, middle, last):

Surena J. Fish

2. Street address of legal residence (including any unit number):

[redacted]

3. Mailing address if different from address of legal residence:

4. Home telephone:

( [redacted]

☐ This number can be shared with media, if necessary

5. Mobile telephone:

( [redacted]

6. Reliable email address:

[redacted]

**BOARDS, COMMISSIONS & COMMITTEES:**

Bloomington Housing Authority
Blm-Nml Airport Authority
Blm-Nml Area Convention & Visitors' Bureau
Blm-Nml Public Transportation System Board
Blm-Nml Sister City Committee (Japan)
Board of Fire & Police Commissioners
Board of Zoning Appeals
Building Board of Appeals
Board of Library Trustees
Citizens' Beautification Committee
Cultural District Commission
Economic Development Council (McLean County)
Evergreen Cemetery Trustees
Fire Pension Board
Historic Preservation Commission
Human Relations Commission
Liquor Commission
Property Maintenance Review Board
Planning Commission (City of Bloomington)
Police Pension Board
Public Building Commission (McLean County)
Regional Planning Commission (McLean County)
Transportation Commission
Other:

*(Including Ad Hoc Board or Special Project Committee)*

7. Are you a legal resident of the City of Bloomington (place of voting, where income taxes are paid, etc.)?
☒ Yes, I reside in Bloomington [redacted]
☐ No, I do not legally reside in the city limits, even though I may have a Bloomington postal address.

8. I have lived within the City of Bloomington for a total of 16 years, most recently for a continuous period of 3½ years. I have lived within McLean County, Illinois for a total of 3½ years.

9. State the board, commission, or committee that you desire to serve on:
Public Safety and Community Relations Board

10. List, with dates, government boards on which you have served or currently serve, including those in Bloomington:
Bring it on Bloomington – Planning Commission – Original Set Up – 1½ years – (VASU)

11. List your education, including degrees, formal training and apprenticeship programs:
Graduate High School – Have attended some college, business school, no degrees. 40 years in textiles, antiques

12. List any licenses and professional memberships/designations held:

13. List skills, interests and experiences relevant to your desired board, commission, or committee appointment:
Worked for 20 years – LA, CA – bought + sold with just about any nationality in this world. Very aware of many cultures and procedures. I do not see color, only personality. I trained/managed up to 80 people at a time, very good at diversity. I used to represent companies at court or in employment hearings based on histories and/or infractions.

14. List your current employer(s), work address(es), and describe position(s):
Retired – Independent Contractor antiques. I do some time at Alleykats Antiques – 401 S. Center – Bloomington, IL 61701 – Manage, train, merchandising, appraisals

15. List all previous employers and positions, with dates, within the past ten years: 1991 – 2013
Michael Levine's Inc. – Operations Manager/General Manager/Buyer
920 Maple Ave
LA, CA 90015 – Owner – Larry Friedin – [redacted]

16. List all current and previous (within the past five years) community volunteer activities:
Miller Park Neighborhood Group
Bring It on Bloomington – original setup
Working on groups setup for focus – mostly with Karen Schmidt election committee's

17. Are you currently, or have you ever been, employed by the City of Bloomington? ☐ Yes ☒ No
If yes, list dates and capacity:

18. Is a relative currently, or has a relative ever been, employed by the City of Bloomington? ☐ Yes ☒ No
If yes, list name(s) and capacity:

19. Do you or a spouse derive any income directly from, or indirectly through an employer of a contract, with the City of Bloomington? ☐ Yes ☒ No If yes, list contract or capacity:

20. Do you expect to have the flexibility to attend meetings and perform your duties during both days and evenings?
☒ Yes ☐ No If yes, list any limitations:

continued on page 3, next sheet

21. If you are aware of a potential conflict of interest, please describe. If in doubt, please disclose:

22. Briefly state your reasons for seeking an appointment (use page 4 for more space):

I would like someone on this board that feels -
(1) All lives matter
(2) Laws matter
(3) Sometimes you have to step back and look at the big picture

23. Briefly state why you personally believe you are qualified to seek this appointment (use page 4 for more space):

I do feel I am not sure if I am qualified as to education but I have been exposed to all cultures, colors, wealth and more that life has to offer, I have worked with people of all races and been able to communicate and looked at with respect. I also feel that this city needs to be very carefull in the next few years with race relations and needs someone who has been there (Lt Riots), done that international contacts (NY buying) and has been all over this country as a representative and been accepted.

24. Do you have any references/recommendations from city council, city staff, current board/commission/committee Members, employers, or any citizens of Bloomington? If so, list name(s) and contact information:

ref - De Urban - owner Alley Kats Antiques - [redacted]
Karen Schmidt - council - [redacted] - ward6@cityblm.org
Diana Hauman - council - [redacted] - ward8@cityblm.org

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Signature

8/11, 2017
Date Submitted

*This full completed form, together with any supporting documents, must be* sumbitted *to the Administration Office at City Hall, PO Box 3157, 109 E. Olive Street, Bloomington, IL 61702, together with an original signature.*

RECEIVED 8.16.17

CITY OF Bloomington ILLINOIS

**SUPPLEMENTAL QUESTIONNAIRE**
**PUBLIC SAFETY & COMMUNITY RELATIONS BOARD**

The following are the qualifications for membership on the Public Safety & Community Relations Board ("PSCRB"): (1) no city employee may be appointed to the Board, nor shall any member be a current employee of, contracted by or have any official affiliation, whether current or former, with a federal, state, or local law enforcement agency; (2) no person with a criminal felony conviction shall be eligible to serve on the PSCRB; and (3) all members of the PSCRB shall possess a reputation for fairness, integrity, impartiality, and a sense of public service. To assist in ensuring the qualifications for membership are met, this Supplemental Questionnaire must be completed as part of the PSCRB application process.

**PLEASE RETURN THIS FORM TO BOAKLEY@CITYBLM.ORG NO LATER THAN 8/16/17.**

1. Are you a current or former employee of, contractor or have of any affiliation (i.e., a member of any law enforcement organization or group) with any law enforcement agency (i.e., a local police department, State Police, state's attorney's office, Secretary of State Police, FBI, DEA, ICE, Department of Justice, etc.)?

☐ Yes
☑ No

2. Have you ever been convicted of a felony?

☐ Yes
☑ No

3. Explain how you have demonstrated a reputation for fairness, integrity, and impartiality in your life, including other specific roles where these qualities were required and demonstrated by you (attach additional pages if necessary).

A.- Michael Levine's Inc - One of the jobs I had as operations manager was dealing with problems on the retail floor with customers. I was known for taking an irate customer and turning things around to where they would continue to shop with us, ask for me and be very favorable to us on review sights. Since this was in L.A. in the garment district I was working with many different races, cultures, foreign visiters and language differences.

B. - I have also worked with many Hollywood TV and Movie people and they respected me for my level of integrity on their privacy. I still retain friendships →

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Signature

8/14/17
Date Submitted

B - with some of these "stars" today and they use my knowledge of the textile industry for references and sourcing

C. - I worked on "Bring It On Bloomington" original master plan. My segment was Public Safety. I was voted in as leader of the group after a few sessions

D. - I have served on focus groups by request of council members for my insight, opinion and fairness.

E. - My personal family history is very diversified. We are a mix of many races, cultures, colors and religions.

F. - I firmly believe one person can make a difference and I am proud to be part of this community in any way I can serve.

RECEIVED 8.4.17

1. Janet M Lancaster
2. Residence: [redacted]
3. Mailing: [redacted]
4. Home Phone: [redacted], can be shared with media
5. Mobile Phone: [redacted]
6. Email: [redacted]

   Board: Citizen Review Board

7. Reside: [redacted]
8. Lived in City of Bloomington/Mc Lean Co 55 plus years
9. Desire to serve on: Citizen Review Board
10. Currently serve: Human Relations Commission/2nd term
11. Education: High School, some College
12. Memberships, etc: Past President of the Downtown Bloomington Association, current Vice-President of the Downtown Bloomington Association, President of The Central Illinois Pride Health Clinic, Past President and founder of the Downtown Bloomington Bar Association/currently a liaison between bar owners and Liquor Commission, YWCA-RSVP Program, co-founder of The Advocacy Council for Human Rights which is now known as Prairie Pride Coalition, Jean Anderson Award, Women of Distinction Award, served on numerous City Task Forces.
13. Skills: good mediator, listener, advocate, known to find solutions, approachable

14.Employement-Self-The Bistro 25 years, Past owner of Lancaster's Fine Dining 17 years.

15. Past 10 Year employers: see above

16. Community Volunteer: City of Bloomington, many election campaigns, Downtown Bloomington Association, Prairie Pride Coalition, Central Illinois Pride Health Clinic, West Side Development, Wishbone--too many more to list

17.Currently employed by City-NO

18.Relative employed by City-NO

19.Receive income by City-NO

20.Flexibility to attend meetings-YES

21.Conflicts-NONE

22.Why are you seeking appointment: to be sure all voices of our community are heard and considered including the LGBTQ community. To work with our police force to improve communications between residents, city and police.

23.Why qualified: I believe our police chief and police force is doing a good job and at first wondered if this new board was necessary. I thought perhaps some of these issues could have been handled through the Human Relations Commission BUT over the last several months I have found that this task force is necessary. Hearing from people across our city and looking into what other cities are currently doing, I feel this is the best step forward. I do believe in reviewing this task force, in a year, to see what has worked and what has not worked. I do believe people will feel comfortable coming to me, most people know if I don't know the answer I will find it out--I find solutions.

24. Recommendations: Many people across the City have suggested I apply for this commission, many organizations that first suggested this commission have also encouraged me to apply.

21. If you are aware of a potential conflict of interest, please describe. If in doubt, please disclose:

22. Briefly state your reasons for seeking an appointment (use page 4 for more space):

23. Briefly state why you personally believe you are qualified to seek this appointment (use page 4 for more space):

24. Do you have any references/recommendations from city council, city staff, current board/commission/committee Members, employers, or any citizens of Bloomington? If so, list name(s) and contact information:

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Signature

8/2, 20 17
Date Submitted

*This full completed form, together with any supporting documents, must be sumbitted to the Administration Office at City Hall, PO Box 3157, 109 E. Olive Street, Bloomington, IL 61702, together with an original signature.*

RECEIVED
8-15-17

CITY OF Bloomington ILLINOIS

**SUPPLEMENTAL QUESTIONNAIRE**
**PUBLIC SAFETY & COMMUNITY RELATIONS BOARD**

The following are the qualifications for membership on the Public Safety & Community Relations Board ("PSCRB"): (1) no city employee may be appointed to the Board, nor shall any member be a current employee of, contracted by or have any official affiliation, whether current or former, with a federal, state, or local law enforcement agency; (2) no person with a criminal felony conviction shall be eligible to serve on the PSCRB; and (3) all members of the PSCRB shall possess a reputation for fairness, integrity, impartiality, and a sense of public service. To assist in ensuring the qualifications for membership are met, this Supplemental Questionnaire must be completed as part of the PSCRB application process.

**PLEASE RETURN THIS FORM TO BOAKLEY@CITYBLM.ORG NO LATER THAN 8/16/17.**

1. Are you a current or former employee of, contractor or have of any affiliation (i.e., a member of any law enforcement organization or group) with any law enforcement agency (i.e., a local police department, State Police, state's attorney's office, Secretary of State Police, FBI, DEA, ICE, Department of Justice, etc.)?

☐ Yes
☑ No

2. Have you ever been convicted of a felony?

☐ Yes
☑ No

3. Explain how you have demonstrated a reputation for fairness, integrity, and impartiality in your life, including other specific roles where these qualities were required and demonstrated by you (attach additional pages if necessary).

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Signature

8/14/17
Date Submitted

I have been a citizen of Bloomington for over 50 years, since my teen years I have been an advocate. Equality and fairness have always been a priority. When I moved Downtown, in the 90's, and opened my business, I knew there was lots to do. Along with others I started the Advocacy Council for Human Rights that is now known as Prairie Pride Coalition; our first agenda item was to add the Human Rights Ordinance to the City of Normal and Bloomington. During this time I worked with Mayors, Alderman, City Staff, Media and more. This was adopted in 2002.

Once downtown I knew, in order to succeed, a piece of the puzzle was to be involved in our community. I was appointed, by Mayor Markowitz, to serve on the Downtown Task Force which has morphed into The Downtown Bloomington Association. I have been on the board since that time, I have served as President and currently serve as Vice President. In that capacity I have once again worked as an ambassador for Downtown, worked with the Mayor, Alderman, Media and more to continue to make our Downtown grow and become and destination. During this time I also started the Downtown Bloomington Bar Association, I served as President for 10 years and still serve as a liaison between the City and the Bar Owners. I mediate a lot of issues regarding the bars, city, patrons, police and more. Most people come to me with issues, and I do my best to solve them or get them an answer.

I currently serve on the Human Relations Commission and have mediated several claims. I also serve as President of the new Central Illinois Health Clinic which has partnered with Howard Brown, in Chicago. I work with the LGFBTQ community and feel, this board, needs to have our community represented on this board. I will continue to work for fairness, awareness, equality and more.

City of Bloomington ILLINOIS

RECEIVED 8.9.17

# Application for Mayoral Appointment to a Board, Commission, or Committee

**To Those Interested in Appointment:**

The City of Bloomington has opportunities for volunteer service on numerous standing boards and commissions, as well as occasional "ad hoc" committees that are formed for a limited term to consider a specific issue or project.

Appointments to these groups are made by the Mayor, with the advice and consent of the City Council, except where provided otherwise by statute or ordinance. Terms of appointment vary, but are often for three years.

Vacancies occur sporadically and infrequently. Most standing groups have a fixed number of members, and some may have special requirements for membership, such as residence within the City or even in a particular section of the City.

The City strives to appoint members who are interested, well-qualified, and free from bias or conflict of interest. *Appointments are made without discrimination based on race, color, sex, religion, age, national origin, marital status, familial status, sexual orientation, or physical or mental disability unrelated to ability.* Additional standards of selection may include an applicant's expertise and experience in the group's subject matter (including previous service), fresh perspective, communication skills, knowledge of the diverse community, availability, ethical standards, and other relevant factors. The appointment process may include an oral interview, appearance before the City Council, and possibly a background investigation.

The City relies on these groups to provide not only experience and expertise in the subject matter, but also to provide general citizen input into the policy making process. To properly represent our citizens, members of these groups must have ample time to not only attend meetings, but also to research issues and be available and willing to discuss issues with citizens. Members are subject to removal at the Mayor's discretion.

Please print clearly and fill in all blanks. You may attach further sheets or materials as necessary for completeness.

Submit this completed document to the Administration Office of the Mayor at City Hall (tel. 309-434-2210). By fully completing and submitting this application, you are indicating your interest and qualification to serve. This document will be maintained in a pool of applications until appointment or 24 months from the date of submission, whichever is earlier. At that point, resubmission will be required.

1. Full name (first, middle, last):

Sally L. Rudolph

2. Street address of legal residence (including any unit number): [redacted]

3. Mailing address if different from address of legal residence:

4. Home telephone: [redacted]

( )

☐ This number can be shared with media, if necessary

5. Mobile telephone: [redacted]

6. Reliable email address: [redacted]

**BOARDS, COMMISSIONS & COMMITTEES:**

Bloomington Housing Authority
Blm-Nml Airport Authority
Blm-Nml Area Convention & Visitors' Bureau
Blm-Nml Public Transportation System Board
Blm-Nml Sister City Committee (Japan)
Board of Fire & Police Commissioners
Board of Zoning Appeals
Building Board of Appeals
Board of Library Trustees
Citizens' Beautification Committee
Cultural District Commission
Economic Development Council (McLean County)
Evergreen Cemetery Trustees
Fire Pension Board
Historic Preservation Commission
Human Relations Commission
Liquor Commission
Property Maintenance Review Board
Planning Commission (City of Bloomington)
Police Pension Board
Public Building Commission (McLean County)
Public Safety & Community Relations Board
Regional Planning Commission (McLean County)
Transportation Commission
Other:

*(Including Ad Hoc Board or Special Project Committee)*

7. Are you a legal resident of the City of Bloomington (place of voting, where income taxes are paid, etc.)?
☒ Yes, I reside in Bloomington [redacted]
☐ No, I do not legally reside in the city limits, even though I may have a Bloomington postal address.

8. I have lived within the City of Bloomington for a total of 29 years, most recently for a continuous period of 29 years. I have lived within McLean County, Illinois for a total of 52 years.

9. State the board, commission, or committee that you desire to serve on:
Public Safety and Community Relations Board (PSCRB)

10. List, with dates, government boards on which you have served or currently serve, including those in Bloomington:
McLean County Board 1972-1980
McLean County Zoning Board 1992-2017
Chaired Zoning Board 1998-2017

11. List your education, including degrees, formal training and apprenticeship programs:
B.S. degree U. of Wisconsin in pharmacy

12. List any licenses and professional memberships/designations held:
I formerly held a registered pharmacist license and was a member of a number of pharmacy associations. Member of Rho Chi, national pharmacy honor fraternity.

13. List skills, interests and experiences relevant to your desired board, commission, or committee appointment:
See attached and also #23 on this form.

14. List your current employer(s), work address(es), and describe position(s):
Retired pharmacist.

15. List all previous employers and positions, with dates, within the past ten years:
Retired in 2003

16. List all current and previous (within the past five years) community volunteer activities:
Please see attached for a complete listing of my Volunteer involvements.

17. Are you currently, or have you ever been, employed by the City of Bloomington? ☐ Yes ☒ No
If yes, list dates and capacity:

18. Is a relative currently, or has a relative ever been, employed by the City of Bloomington? ☐ Yes ☒ No
If yes, list name(s) and capacity:

19. Do you or a spouse derive any income directly from, or indirectly through an employer of a contract, with the City of Bloomington? ☐ Yes ☒ No If yes, list contract or capacity:

20. Do you expect to have the flexibility to attend meetings and perform your duties during both days and evenings?
☒ Yes ☐ No If yes, list any limitations:

continued on page 3, next sheet

21. If you are aware of a potential conflict of interest, please describe. If in doubt, please disclose:

I have no potential conflict(s) of interest.

22. Briefly state your reasons for seeking an appointment (use page 4 for more space):

I have held a personal belief in "giving back" to this community for a long time as is evidenced by my previous volunteer activities. I consider membership in the PSCRB another opportunity to serve the community.

23. Briefly state why you personally believe you are qualified to seek this appointment (use page 4 for more space):

I have been told I have good people skills and have the ability to work with a wide variety of personalities. My experience, especially as chair of the McLean County Zoning Board, was good background for dealing with many very contentious situations. Examples include several wind farm projects, gravel pits, an oil drilling project and appeals of decisions of the Director of Building and Zoning.

24. Do you have any references/recommendations from city council, city staff, current board/commission/committee Members, employers, or any citizens of Bloomington? If so, list name(s) and contact information:

I am listing citizens of Bloomington I have worked directly with.

Judy Buchanan [redacted] (LWV)

Phil Dick, Director McLean County Building and Zoning (ZBA) [redacted] phillip.dick@mcleancountyil.gov

Alexis Kalish [redacted] (LWV)

Julia Turner [redacted] (ZBA)

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Sally L. Rudolph
Signature

Aug 9, 2017
Date Submitted

*This full completed form, together with any supporting documents, must be sumbitted to the Administration Office at City Hall, PO Box 3157, 109 E. Olive Street, Bloomington, IL 61702, together with an original signature.*

SALLY L. RUDOLPH

Sally grew up in Mineral Point, Wisconsin and graduated as co-valedictorian of the Mineral Point High School class of 1957. In 1961, she graduated from the U. of Wisconsin-Madison with a BS in pharmacy where she was a member of Rho Chi, national pharmacy honorary society. She was one of five women in her pharmacy school class of 60 students.

Sally worked as a pharmacist at various independent pharmacies and most recently at Osco Drug. She retired from Osco in 2003.

Sally is a nearly 50 year member of the League of Women Voters of McLean County, serving in various board capacities and two terms as president. She was named "Leaguer of the Year" by the McLean County League in 1998. In 2005, the League awarded her the Florence Fifer Bohrer award for community service. In 2013, her League mental health committee received the Special Projects Award of Distinction. She also chaired a League of Women Voter study of mental health services in McLean County in 2013 & 2014 and a study of McLean County local governments from 2015-2017.

In 2017, the LWVIL (State League) named her a recipient of the prestigious Carrie Chapman Catt award for community service. It is given to a League member whom "has demonstrated outstanding leadership and significant action toward extending League's mission." The award also states "the recipient's efforts should benefit and inspire citizens and promote great citizen awareness of public issues and wider participation in the democratic process."

She was an original member of the McLean County Board (formerly called the Board of Supervisors), where she served for 8 1/2 years. During her terms, the McLean County Law and Justice Center and Comlara Park were built and the office of county administration was begun. She served 25 years (1992-2017) on the McLean County Zoning Board of Appeals and served as its chair for 18 years. Sally worked on many local political campaigns, including Normal mayors, Normal town council, judicial campaigns and McLean County States' Attorney. She is especially proud of her involvement co-chairing a successful effort to "Zap the Caps" which defeated property tax caps in McLean County in 1996-97.

Other volunteer activities included: Pantagraph Community Editorial representative, WJBC' s Forum, Parklands Foundation Board, Planned Parenthood Board, YWCA Board, Sunset Rotary Club, Illinois State University Senior

Professionals, and Community Health Clinic volunteer pharmacist. Sally also worked with the McLean County Public Guardian assisting needy clients with visits to these individuals in nursing homes.

She is a member of "30 Fingers", a piano trio that performed on many occasions throughout the area. She was honored as a YWCA Woman of Distinction in the volunteerism category in 2006.

RECEIVED 8/15/17

CITY OF Bloomington ILLINOIS

**SUPPLEMENTAL QUESTIONNAIRE**
**PUBLIC SAFETY & COMMUNITY RELATIONS BOARD**

The following are the qualifications for membership on the Public Safety & Community Relations Board ("PSCRB"): (1) no city employee may be appointed to the Board, nor shall any member be a current employee of, contracted by or have any official affiliation, whether current or former, with a federal, state, or local law enforcement agency; (2) no person with a criminal felony conviction shall be eligible to serve on the PSCRB; and (3) all members of the PSCRB shall possess a reputation for fairness, integrity, impartiality, and a sense of public service. To assist in ensuring the qualifications for membership are met, this Supplemental Questionnaire must be completed as part of the PSCRB application process.

**PLEASE RETURN THIS FORM TO BOAKLEY@CITYBLM.ORG NO LATER THAN 8/16/17.**

1. Are you a current or former employee of, contractor or have of any affiliation (i.e., a member of any law enforcement organization or group) with any law enforcement agency (i.e., a local police department, State Police, state's attorney's office, Secretary of State Police, FBI, DEA, ICE, Department of Justice, etc.)?

☐ Yes
☒ No

2. Have you ever been convicted of a felony?

☐ Yes
☒ No

3. Explain how you have demonstrated a reputation for fairness, integrity, and impartiality in your life, including other specific roles where these qualities were required and demonstrated by you (attach additional pages if necessary).

See attached.

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Sally L. Rudolph
**Signature**

8/15/17
**Date Submitted**

I believe I have demonstrated a reputation for fairness, integrity and impartiality in this community in several of my volunteer activities. The first that comes to mind is the McLean County Zoning Board which I chaired for 18 years. I mentioned the sometimes very contentious hearings in question #23. I was known to be extremely fair and impartial and received many compliments over the years. I worked on the ZBA with two of my references, Phil Dick and Julia Turner. They would be very willing to attest to my fairness, integrity and impartiality.

Another activity where the above mentioned personal qualities were valuable was in my many leadership roles in the League of Women Voters of McLean County. When president, I had to lead various personalities in such a way that we all worked toward common goals. Later, in chairing two extensive studies (mental health and local government), I was able to pull two large committees of 20 plus into a cohesive group. This is not possible if the leader of such efforts does not exhibit fairness, integrity and impartiality.

I also served for a few years as a small claims mediator for the court in McLean County. I felt well equipped for this work and found it very rewarding when successful outcomes were reached.

In short, I feel that I have developed a reputation for fairness, integrity and impartiality in all my leadership roles in the community.

Sally Rudolph 8/15/2017

CITY OF Bloomington ILLINOIS

RECEIVED 8-10-17

# Application for Mayoral Appointment to a Board, Commission, or Committee

**To Those Interested in Appointment:**

The City of Bloomington has opportunities for volunteer service on numerous standing boards and commissions, as well as occasional "ad hoc" committees that are formed for a limited term to consider a specific issue or project.

Appointments to these groups are made by the Mayor, with the advice and consent of the City Council, except where provided otherwise by statute or ordinance. Terms of appointment vary, but are often for three years.

Vacancies occur sporadically and infrequently. Most standing groups have a fixed number of members, and some may have special requirements for membership, such as residence within the City or even in a particular section of the City.

The City strives to appoint members who are interested, well-qualified, and free from bias or conflict of interest. *Appointments are made without discrimination based on race, color, sex, religion, age, national origin, marital status, familial status, sexual orientation, or physical or mental disability unrelated to ability.* Additional standards of selection may include an applicant's expertise and experience in the group's subject matter (including previous service), fresh perspective, communication skills, knowledge of the diverse community, availability, ethical standards, and other relevant factors. The appointment process may include an oral interview, appearance before the City Council, and possibly a background investigation.

The City relies on these groups to provide not only experience and expertise in the subject matter, but also to provide general citizen input into the policy making process. To properly represent our citizens, members of these groups must have ample time to not only attend meetings, but also to research issues and be available and willing to discuss issues with citizens. Members are subject to removal at the Mayor's discretion.

Please print clearly and fill in all blanks. You may attach further sheets or materials as necessary for completeness.

Submit this completed document to the Administration Office of the Mayor at City Hall (tel. 309-434-2210). By fully completing and submitting this application, you are indicating your interest and qualification to serve. This document will be maintained in a pool of applications until appointment or 24 months from the date of submission, whichever is earlier. At that point, resubmission will be required.

1. Full name (first, middle, last):

Arthur E. Taylor

2. Street address of legal residence (including any unit number):

[redacted]

3. Mailing address if different from address of legal residence:

[redacted]

4. Home telephone:

( )

☑ This number can be shared with media, if necessary

5. Mobile telephone:

[redacted]

6. Reliable email address:

[redacted]

**BOARDS, COMMISSIONS & COMMITTEES:**

Bloomington Housing Authority
Blm-Nml Airport Authority
Blm-Nml Area Convention & Visitors' Bureau
Blm-Nml Public Transportation System Board
Blm-Nml Sister City Committee (Japan)
Board of Fire & Police Commissioners
Board of Zoning Appeals
Building Board of Appeals
Board of Library Trustees
Citizens' Beautification Committee
Cultural District Commission
Economic Development Council (McLean County)
Evergreen Cemetery Trustees
Fire Pension Board
Historic Preservation Commission
Human Relations Commission
Liquor Commission
Property Maintenance Review Board
Planning Commission (City of Bloomington)
Police Pension Board
Public Building Commission (McLean County)
Regional Planning Commission (McLean County)
Transportation Commission
Other: Public Safety And Community Relations Board

*(Including Ad Hoc Board or Special Project Committee)*

7. Are you a legal resident of the City of Bloomington (place of voting, where income taxes are paid, etc.)?
☑ Yes, I reside in Bloomington [redacted]
☐ No, I do not legally reside in the city limits, even though I may have a Bloomington postal address.

8. I have lived within the City of Bloomington for a total of 23 years, most recently for a continuous period of 23 years. I have lived within McLean County, Illinois for a total of 23 years.

9. State the board, commission, or committee that you desire to serve on:

NONE

10. List, with dates, government boards on which you have served or currently serve, including those in Bloomington:

NA

11. List your education, including degrees, formal training and apprenticeship programs:

Bachelors Degree from Lambuth College, Jackson, TN - 1976
Certified Diversity + Inclusion Trainer - 2010

12. List any licenses and professional memberships/designations held:

13. List skills, interests and experiences relevant to your desired board, commission, or committee appointment:

Open Listening Skills, Meeting Facilitator, Active Organization Skills, Analitical Skills

14. List your current employer(s), work address(es), and describe position(s):

15. List all previous employers and positions, with dates, within the past ten years:

Retired (July, 2017) State Farm Insurance Co - 18yrs / Claims Section Mgr, Diversity And Inclusion Director, Business Analyst, Claim Representative.

16. List all current and previous (within the past five years) community volunteer activities:

Bloomington Center for Performing Arts Volunteer - Not in Our Town - Volunteer

17. Are you currently, or have you ever been, employed by the City of Bloomington? ☐ Yes ☑ No
If yes, list dates and capacity:

18. Is a relative currently, or has a relative ever been, employed by the City of Bloomington? ☐ Yes ☑ No
If yes, list name(s) and capacity:

19. Do you or a spouse derive any income directly from, or indirectly through an employer of a contract, with the City of Bloomington? ☐ Yes ☑ No If yes, list contract or capacity:

20. Do you expect to have the flexibility to attend meetings and perform your duties during both days and evenings?
☑ Yes ☐ No If yes, list any limitations:

continued on page 3, next sheet

21. If you are aware of a potential conflict of interest, please describe. If in doubt, please disclose:

NA

22. Briefly state your reasons for seeking an appointment (use page 4 for more space):

I am interested in getting the PSCRB off to a successful start. I believe that creating and maintaining an open dialogue between citizens, the police and the City Council and City Authorities is the most important issue. I have been involved in startup claim operations in previous employment situations. I believe some of the same skills used in those situations could be used with this start up.

23. Briefly state why you personally believe you are qualified to seek this appointment (use page 4 for more space):

I have experience working in diverse groups from different experience and educational backgrounds. As a Diversity/Inclusion and as a Claim Manager, I brought people together to HEAR each other. By first establishing rules of engagement and respect for each other and the established process, I hope to create and maintain a fair and effective Board that would be an asset to all involved.

24. Do you have any references/recommendations from city council, city staff, current board/commission/committee Members, employers, or any citizens of Bloomington? If so, list name(s) and contact information:

Diana Hauman
Karen Schimdt
Jim Warren
Dontae Latson
Quincey Cummings
Mike Mateka

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Arthur E. Taylor
Signature

8-7, 2017
Date Submitted

*This full completed form, together with any supporting documents, must be sumbitted to the Administration Office at City Hall, PO Box 3157, 109 E. Olive Street, Bloomington, IL 61702, together with an original signature.*

Use this box for additional space to answer questions 1—24. Indicated the questions number(s) you are answering:

Attach additional sheets as necessary.

# Supplemental Questionnaire

# Public Safety & Community Relations Board

**Question 1:**

**Are you a current or former employee of, contractor or have of any affiliation (i.e., a member of any law enforcement organization or group) with any law enforcement agency (i.e., a local police department, State Police, state's attorney's office, Secretary of State Police, FBI, DEA. ICE, Department of Justice, etc)?**

NO

**Question 2:**

**Have you ever been convicted of a felony?**

NO

**Questions 3:**

**Explain how you have demonstrated a reputation for fairness, integrity, and impartiality in your life including other specific roles where these qualities were required and demonstrated by you:**

During my employment with State Farm, I served as Director of Diversity and Inclusion for Claim Services. I served in this capacity for three and one half years. I was certified as a diversity trainer in 2010. Since 2010, I conducted many diversity training classes with people who represented the many spectrums of diversity; those who were great supporters of diversity and those who were not supporters of the concept. Having facilitated many of these sessions, I am conscience of allowing space for people with different opinions and experiences, without judgement. I believe in conducting meetings based on a set of meeting norms that allow for open conversation and free exchange of ideas. I would be an advocate for open dialogue as a member of the Public Safety & Community Relations Board.

Arthur E Taylor

[redacted]

August 14, 2017

RECEIVED 8.2.17

CITY OF Bloomington ILLINOIS

# Application for Mayoral Appointment to a Board, Commission, or Committee

**To Those Interested in Appointment:**

The City of Bloomington has opportunities for volunteer service on numerous standing boards and commissions, as well as occasional "ad hoc" committees that are formed for a limited term to consider a specific issue or project.

Appointments to these groups are made by the Mayor, with the advice and consent of the City Council, except where provided otherwise by statute or ordinance. Terms of appointment vary, but are often for three years.

Vacancies occur sporadically and infrequently. Most standing groups have a fixed number of members, and some may have special requirements for membership, such as residence within the City or even in a particular section of the City.

The City strives to appoint members who are interested, well-qualified, and free from bias or conflict of interest. *Appointments are made without discrimination based on race, color, sex, religion, age, national origin, marital status, familial status, sexual orientation, or physical or mental disability unrelated to ability.* Additional standards of selection may include an applicant's expertise and experience in the group's subject matter (including previous service), fresh perspective, communication skills, knowledge of the diverse community, availability, ethical standards, and other relevant factors. The appointment process may include an oral interview, appearance before the City Council, and possibly a background investigation.

The City relies on these groups to provide not only experience and expertise in the subject matter, but also to provide general citizen input into the policy making process. To properly represent our citizens, members of these groups must have ample time to not only attend meetings, but also to research issues and be available and willing to discuss issues with citizens. Members are subject to removal at the Mayor's discretion.

Please print clearly and fill in all blanks. You may attach further sheets or materials as necessary for completeness.

Submit this completed document to the Administration Office of the Mayor at City Hall (tel. 309-434-2210). By fully completing and submitting this application, you are indicating your interest and qualification to serve. This document will be maintained in a pool of applications until appointment or 24 months from the date of submission, whichever is earlier. At that point, resubmission will be required.

1. Full name (first, middle, last):
Jeffery E. Woodard

2. Street address of legal residence (including any unit number):
[redacted]

3. Mailing address if different from address of legal residence:
N/A

4. Home telephone:
[redacted]
☐ This number can be shared with media, if necessary

5. Mobile telephone:
[redacted]

6. Reliable email address:
[redacted]

**BOARDS, COMMISSIONS & COMMITTEES:**

Bloomington Housing Authority
Blm-Nml Airport Authority
Blm-Nml Area Convention & Visitors' Bureau
Blm-Nml Public Transportation System Board
Blm-Nml Sister City Committee (Japan)
Board of Fire & Police Commissioners
Board of Zoning Appeals
Building Board of Appeals
Board of Library Trustees.
Citizens' Beautification Committee
Cultural District Commission
Economic Development Council (McLean County)
Evergreen Cemetery Trustees
Fire Pension Board
Historic Preservation Commission
Human Relations Commission
Liquor Commission
Property Maintenance Review Board
Planning Commission (City of Bloomington)
Police Pension Board
Public Building Commission (McLean County)
Regional Planning Commission (McLean County)
Transportation Commission
Other:

*(Including Ad Hoc Board or Special Project Committee)*

J. Woodard

RECEIVED 8-14-17

CITY OF Bloomington ILLINOIS

**SUPPLEMENTAL QUESTIONNAIRE**
**PUBLIC SAFETY & COMMUNITY RELATIONS BOARD**

The following are the qualifications for membership on the Public Safety & Community Relations Board ("PSCRB"): (1) no city employee may be appointed to the Board, nor shall any member be a current employee of, contracted by or have any official affiliation, whether current or former, with a federal, state, or local law enforcement agency; (2) no person with a criminal felony conviction shall be eligible to serve on the PSCRB; and (3) all members of the PSCRB shall possess a reputation for fairness, integrity, impartiality, and a sense of public service. To assist in ensuring the qualifications for membership are met, this Supplemental Questionnaire must be completed as part of the PSCRB application process.

**PLEASE RETURN THIS FORM TO BOAKLEY@CITYBLM.ORG NO LATER THAN 8/16/17.**

1. Are you a current or former employee of, contractor or have of any affiliation (i.e., a member of any law enforcement organization or group) with any law enforcement agency (i.e., a local police department, State Police, state's attorney's office, Secretary of State Police, FBI, DEA, ICE, Department of Justice, etc.)?

☐ Yes
☑ No

2. Have you ever been convicted of a felony?

☐ Yes
☑ No

3. Explain how you have demonstrated a reputation for fairness, integrity, and impartiality in your life, including other specific roles where these qualities were required and demonstrated by you (attach additional pages if necessary).

I demonstrate a reputation of fairness etc. in everyday dealings with people. It is necessary for building good relationships in the community as a leader, board member of local organizations. I also have served as a trustee for Wayman A.M.E. Church.
My work as UAW Civil Rights chairperson required me to be impartial and fair to all parties to a complaint.

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

W Woodard
**Signature**

8/14/17
**Date Submitted**

7. Are you a legal resident of the City of Bloomington (place of voting, where income taxes are paid, etc.)?
☑ Yes, I reside in Bloomington [redacted]
☐ No, I do not legally reside in the city limits, even though I may have a Bloomington postal address.

8. I have lived within the City of Bloomington for a total of 29 years, most recently for a continuous period of 29 years. I have lived within McLean County, Illinois for a total of 29 years.

9. State the board, commission, or committee that you desire to serve on:

CITIZENS REVIEW BOARD

10. List, with dates, government boards on which you have served or currently serve, including those in Bloomington:

N/A

11. List your education, including degrees, formal training and apprenticeship programs:

A.S. ELECTRICAL SERVICE ENGINEERING.
MCLP GRADUATE 2012
NATIONAL TRUST FOR HISTORIC PRESERVATION

12. List any licenses and professional memberships/designations held:

ROTARY CLUB, MCLP
(PAUL HARRIS FELLOW)

13. List skills, interests and experiences relevant to your desired board, commission, or committee appointment:

My passion is people. Strengths and skills in the area of community engagement. Served as Downstate Chair UAW Local 2488 Civil Rights Committee 4 years working in conflict Resolution.

14. List your current employer(s), work address(es), and describe position(s):

McLean County Museum of History — Director of Marketing / Community Relations
200 N. Main St
Bloomington, IL 61701

15. List all previous employers and positions, with dates, within the past ten years:

MCLEAN COUNTY MUSEUM OF HISTORY

16. List all current and previous (within the past five years) community volunteer activities:

- WACC BD
- EWING MANOR VOLUNTEER
- ROTARY BD
- FRIENDS OF FRONT STREET COMMITTEE
- WBRP VOLUNTEER
- DBA BOARD

17. Are you currently, or have you ever been, employed by the City of Bloomington? ☐ Yes ☑ No
If yes, list dates and capacity:

18. Is a relative currently, or has a relative ever been, employed by the City of Bloomington? ☐ Yes ☑ No
If yes, list name(s) and capacity:

19. Do you or a spouse derive any income directly from, or indirectly through an employer of a contract, with the City of Bloomington? ☐ Yes ☑ No If yes, list contract or capacity:

20. Do you expect to have the flexibility to attend meetings and perform your duties during both days and evenings?
☐ Yes ☑ No If yes, list any limitations: EVENINGS MOSTLY

continued on page 3, next sheet

21. If you are aware of a potential conflict of interest, please describe. If in doubt, please disclose:

NONE

22. Briefly state your reasons for seeking an appointment (use page 4 for more space):

I BELIEVE I CAN BRING EXPERIENCE TO THE COMMITTEE IN COMPLAINT RESOLUTION. I SEEK ONLY FAIRNESS FOR ALL CONCERNED. I ALSO FEEL CITIZEN INPUT IS VITAL TO DEVELOPING AND MAINTAINING A RESPECTABLE RELATIONSHIP WITH LAW ENFORCEMENT

23. Briefly state why you personally believe you are qualified to seek this appointment (use page 4 for more space):

I HAVE EXPERIENCED BOTH POSITIVE AND NEGATIVE EXPOSURE/ENCOUNTERS WITH LAW ENFORCEMENT AND CAN REMAIN IMPARTIAL IN THE ASSESSMENT AND REVIEW OF POLICIES AN PROCEDURES.

24. Do you have any references/recommendations from city council, city staff, current board/commission/committee Members, employers, or any citizens of Bloomington? If so, list name(s) and contact information:

KAREN SCHMIDT

**I hereby certify that the information I have provided on and with this form is true and complete as of the date I have affixed below. I understand that all information herein is available to the public pursuant to "freedom of information" laws. I hereby state my understanding that the City of Bloomington may conduct a background investigation, and give my consent to that process.**

Woodard
Signature

8/7, 2017
Date Submitted

*This full completed form, together with any supporting documents, must be sumbitted to the Administration Office at City Hall, PO Box 3157, 109 E. Olive Street, Bloomington, IL 61702, together with an original signature.*

**CONSENT AGENDA ITEM NO. 7D**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of a Resolution approving waiving the bidding requirements that identifies Helena Chemical as a single source distributor, and enter into an Early Order Program for procurement of Syngenta, BASF, Bayer, and Nufarm (the manufacturers) golf course chemicals and fertilizer products utilized in the management of turf-grass maintenance.

**RECOMMENDATION/MOTION:** Approve a Resolution waiving the bidding requirements which identifies Helena Chemical as the local distributor for these products the Parks, Recreation and Cultural Arts Department to participate in the Syngenta, BASF, Bayer and Nufarm chemicals "early order discount program" for golf turf grass management for the 2018 golf season (City Fiscal Year 2019), and, further authorize the Mayor and City Clerk to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal Five. Great place – Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:** Objective 5.D. Appropriate leisure and recreational opportunities responding to the needs of the residents.

**BACKGROUND:** Our golf courses are considered to be some of the finest in downstate Illinois. In the most recent Golf Digest Magazine rankings, The Den at Fox Creek received a prestigious 4 ½ star rating (out of 5) which places it alongside only six other courses in the state of Illinois in the same fee category to receive the honor. Prairie Vista received a 4 star rating while Highland Park received a 3½ star rating. Golf Digest also voted Bloomington/Normal the fifth best city to live for golf in the country. The courses regularly hosts events from throughout the state, most notably, the Illinois High School State Finals (IHSA) held at The Den at Fox Creek and Prairie Vista in October of each year. In order to maintain our courses in a manner that is consistent with the expectations of our customers, we need to continue providing quality playing surfaces. One of the primary factors in providing quality playing surfaces is to keep the turf free from disease and insects, which if left untreated, have the potential to do significant damage. Damage to the playing surface/turf would result in a significant loss of rounds and revenue, while also requiring major dollars to reseed the infected areas. Best practices in the golf industry show the most efficient manner to treat turf diseases and insects is to do so in a preventative manner. By utilizing preventative chemical applications, we stay ahead of the diseases and suppress potential outbreaks before they occur.

Each year Syngenta, BASF, Bayer and Nufarm offer an early order program that allows the opportunity to lock in next year's prices at discounted rates. Syngenta and BASF are the two primary manufacturers of chemical and fertilizer products utilized in the management of turfgrass in the golf industry. Bayer and Nufarm products are also widely used in the industry with proven success. Through best practices, the golf course maintenance staff has found the products from

these companies to provide the desired effects in order to provide a high level of playing conditions demanded by our golfing public. Helena Chemical has become a valued partner of ours over our years of operation. Helena Chemical currently provides products and services to following municipalities and golf courses: Normal, Decatur, Peoria, Springfield, Champaign and Quincy. The golf courses at Illinois State University and Crestwicke Country Club also use products through Helena Chemical. Entering into the early order program guarantees the discounted price for any additional products from these manufacturers purchased during 2018. Additionally, by participating in the early order program we are offered extended payment terms with payment not due until mid-July on all early order purchases.

Syngenta, BASF, Bayer & Nufarm engage the assistance of local recognized quality turf distributors to assure the delivery, service and billing of their products. These companies operate using an agency pricing model, meaning the price of their chemicals is exactly the same regardless of the distributor chosen. These distributors are contractually obligated to offer these products at set agency prices. For 2018, we intend to utilize Helena Chemical which is located in Warrensburg, IL. Helena Chemical will store the products on their site and deliver to us on an as needed basis saving us space in our golf maintenance facilities. Helena Chemical's local dealership manager is a former golf course superintendent who has worked diligently for us over the years to help improve our golf courses.

There is no statewide contract available for the procurement of these chemicals and fertilizers. The deadline to enter this program is before December 6, 2017. However, maximum discounts are given when products are ordered by October 31st. While other "turf" chemicals are available, our experience is the cost savings realized in the "unit price" of the purchase price are lost as a result of the additional applications that are needed to be as effective as the Syngenta, BASF, Bayer & Nufarm products have proven through field experience. These products provide the weed, fungus and insect free turf that our customers expect to have.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Purchasing Agent

**FINANCIAL IMPACT:** The golf courses annually spend approximately $200,000 on chemicals and conservatively will realize savings of approximately $24,000 by participating in this early buy program. Funds will be included in the FY 2019 Budget under Highland Park-Other Repair & Maintenance account (56406400-70590), Prairie Vista-Other Repair & Maintenance account (56406410-70590), and The Den at Fox Creek-Other Repair & Maintenance account (56406420-70590). The previous year split of the $200,000 cost is $40,000 for Highland Park and $80,000 each for Prairie Vista and The Den at Fox Creek.

**COMMUNITY DEVELOPMENT IMPACT:** Not applicable

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

Respectfully submitted for Council consideration.

Prepared by: Jason Wingate, Superintendent of Golf

Reviewed by: Jay Tetzloff, Director, Parks, Recreation and Cultural Arts

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Scott Rathbun, Sr. Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

**Attachments:**

- Syngenta Early Order Document
- Resolution

HELENA
Steve Mulvey
Isabelle Drive
Auburn, IL 62615
Cell: (217)725-4160
Fax: (217) 438-6432

Helena Chemical Company

City of Bloomington 10/10/17

To Whom It May Concern:

This letter is to confirm that Helena Chemical understands that the chemicals ordered during the 2018 Early Order Program are dependent on funds being approved in Fiscal Year 2019.

If any further information is needed, please let us know.

Thank you for your consideration.

Sincerely,

Steve Mulvey

With the broadest portfolio of branded products, GreenTrust® 365 gives you more purchasing power than other programs. Now you can capitalize more than ever on all these program benefits. **Early Order Period October 1– December 7, 2017**

### Yearlong Rebates
Spend at least $5,000 on Qualifying Products to lock in your yearlong rebate: October 1, 2017–September 30, 2018.

### GreenTrust Rewards
Every dollar spent in October earns triple points. Plus, you can earn up to an additional 40,000 GreenTrust Rewards points through the Spotlight Brand Points Bonus, the Acelepryn® Brand Points Bonus, and the Secure® Brand Points Bonus.

### SummerPay™
Keep your cash flow in check by deferring payment until July 6, 2018.

### Pallet Solutions
Apply intelligently with the right mix of products for almost any facet of your agronomic program. You can save up to 23% from a selection of Pallet Solutions, making it easy to meet your minimum order requirement on Qualifying Products.

### Product Assurances
Protect your course with confidence through expert application recommendations and performance guarantees.

### Multipaks
Save even more on complementary products delivered in convenient multipaks.

**GreenTrust365.com/Golf**

GreenTrust® 365

syngenta®

**Golf and Sports Turf**

**@SyngentaTurf**

# 2017 Fall Solutions™
# Golf

# Prepare to Save.
# Prepare to Innovate.
# Prepare to Win.

2018 Early Order Program – Turf US

BASF
We create chemistry

**RESOLUTION NO. 2017 – _____**

**A RESOLUTION AUTHORIZING WAIVING THE TECHNICAL BIDDING REQUIREMENTS AND APPROVING THE PURCHASE OF SYNGENTA, BASF, BAYER AND NUFARM CHEMICALS AND FERTILIZERS FROM HELENA CHEMICALS.**

WHEREAS, the City has found that Helena Chemicals is a single source distributor and a reliable source for the provision of golf course chemicals and fertilizers; and

WHEREAS, to ensure the reliable provision and results that keep the turf free from disease and insects which if left untreated, have the potential to do significant damage and the best manner to treat turf diseases and insects is to do so in a preventative manner; and

WHEREAS, allowing the City to enter into an Early Order Program for procurement of the chemicals and fertilizer the City will realize savings of approximately $24,000.

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

That the recitals set forth above are incorporated herein, the technical bidding requirements waived, and City Manager, or designated representatives, are authorized to enter the City into the Early Order Program for up to $200,000 with an approximate savings of $24,000 dependent on how much is needed, and are authorized to execute any necessary documents to effectuate the purchase.

PASSED this 23rd day of October 2017.

APPROVED this ____day of October 2017 .

CITY OF BLOOMINGTON ATTEST:

_____ _____

Tari Renner, Mayor Cherry L. Lawson, C.M.C., City Clerk

**CONSENT AGENDA ITEM NO. 7E**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of approving the purchase Axon Taser conducted energy weapons to retire out of warranty weapons as a Limited Source Justification.

**RECOMMENDATION/MOTION:** That the purchase of 125 Axon Taser X2's from Axon in the amount of $181,168.75 over five (5) years be approved, as a limited source, and the Purchasing Agent be authorized to issue a purchase order for same.

**STRATEGIC PLAN LINK:** Goal 4. Strong Neighborhoods

**STRATEGIC PLAN SIGNIFICANCE:** Objective 4a. Residents feeling safe in their homes and neighborhoods.

**BACKGROUND:** The department has issued Taser's to officers for 10+ years. Taser conducted energy weapons are a less than lethal force option and a vital link in the use of force continuum. Each officer is issued a Taser so that they are readily available should the need arise.

The warranty on the Department's current supply of Taser's will expire on September 30, 2017. Axon Taser will no longer guarantee the weapons will function within their specified parameters and as such, need to be replaced.

The police department has been issued and trained with Taser conducted energy weapons (CEW) for 10 + years. To switch to a different CEW, would require replacing holsters, retraining instructors and retraining all the officers who carry CEW's. The new Tasers are similar to the Tasers officers currently carry with a few updated features and capabilities. Training and implementation will be minimal. Accordingly, this purchase is deemed a limited source.

The Department is testing Axon body worn cameras. If selected as the Department's choice, the Axon body worn camera will work together with the Taser to enhance transparency when this force option is chosen.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:**

**FINANCIAL IMPACT:** Outright purchase of the Tasers would cost $197,897.06. The City is receiving a trade-in credit of $15,625.00 and a spare discount of $1,103.31. Therefore, the total cost of the purchase is $181,168.75. The cost will be spread out over 5 years with the following payment breakdown.

- Year 1: $25,168.75. Funding for FY 2018 is available from Asset forfeiture funds. Revenue totaling $207,018.64 in asset forfeiture funds has been received and recorded in the Federal Drug Enforcement-Equitable Sharing account (20900940-57070). Funds will

be expensed from the Federal Drug Enforcement-Other Supplies account (20900940-71190). Stakeholders can locate this in the FY 2018 Budget Book titled "Adopted Other Funds Budget" on page 19.

- 
- Year 2 through 5: $39,000.00/year. Funding for the remaining years will be budgeted in the Federal Drug Enforcement-Other Supplies account (20900940-71190).

**COMMUNITY DEVELOPMENT IMPACT:** Not applicable

Link to Comprehensive Plan/Downtown Plan Goals:

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: Not applicable

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Gregory A. Scott, Assistant Chief |
| Reviewed by: | Brendan O. Heffner, Chief of Police |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | Jeffrey R. Jurgens, Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

BPD 1B – Attachment Email Quote for 125 Axon Taser X2's
BPD 1C – Attachment Axon Sole Source Letter
BPD 1D – Attachment Limited Source Justification

# Axon Enterprise, Inc.

*Protect Life.*

17800 N 85th St.
Scottsdale, Arizona 85255
United States
Phone: (800) 978-2737
Fax:

**Greg Scott**
(309) 434-2570
gscott@cityblm.org

## Quotation

**Quote:** Q-112808-7
**Date:** 9/26/2017 9:09 AM
**Quote Expiration:** 10/31/2017
**Contract Start Date*:** 10/1/2017
**Contract Term:** 5 years

**AX Account Number:**
110842

**Bill To:**
Bloomington Police Dept. - IL
305 S. EAST ST.
Bloomington, IL 61701
US

**Ship To:**
Greg Scott
Bloomington Police Dept. - IL
305 S. EAST ST.
Bloomington, IL 61701
US

| SALESPERSON | PHONE | EMAIL | DELIVERY METHOD | PAYMENT METHOD |
|---|---|---|---|---|
| Tommy Richardson | 301-204-5323 | trichardson@taser.com | Fedex - Ground | Net 30 |

*Note this will vary based on the shipment date of the product.

Year 1 Due Net 30

| QTY | ITEM # | DESCRIPTION | UNIT PRICE | TOTAL BEFORE DISCOUNT | DISCOUNT ($) | NET TOTAL |
|---|---|---|---|---|---|---|
| 125 | 22002 | HANDLE, BLACK, CLASS III, X2 | USD 0.00 | USD 0.00 | USD 0.00 | USD 0.00 |
| 125 | 85176 | TASER 60 YEAR 1 PAYMENT: X2 BASIC | USD 312.00 | USD 39,000.00 | USD 15,625.00 | USD 23,375.00 |
| 125 | 70116 | PPM, SIGNAL | USD 0.00 | USD 0.00 | USD 0.00 | USD 0.00 |
| 115 | 22501 | HOLSTER, BLACKHAWK, RIGHT, X2, 44HT01BK-R-B | USD 0.00 | USD 0.00 | USD 0.00 | USD 0.00 |
| 10 | 22504 | HOLSTER, BLACKHAWK, LEFT, X2, 44HT01BK-L-B | USD 0.00 | USD 0.00 | USD 0.00 | USD 0.00 |
| 250 | 22151 | CARTRIDGE, PERFORMANCE, SMART, 25' | USD 0.00 | USD 0.00 | USD 0.00 | USD 0.00 |

| | |
|---|---|
| **Year 1 Total Before Discounts:** | USD 39,000.00 |
| **Year 1 Discount:** | USD 15,625.00 |
| **Estimated Shipping & Handling:** | USD 1,793.75 |
| **Year 1 Net Amount Due:** | USD 25,168.75 |

Spare

| QTY | ITEM # | DESCRIPTION | UNIT PRICE | TOTAL BEFORE DISCOUNT | DISCOUNT ($) | NET TOTAL |
|---|---|---|---|---|---|---|
| 1 | 22002 | HANDLE, BLACK, CLASS III, X2 | USD 1,103.31 | USD 1,103.31 | USD 1,103.31 | USD 0.00 |
| 1 | 70116 | PPM, SIGNAL | USD 0.00 | USD 0.00 | USD 0.00 | USD 0.00 |
| 1 | 85175 | TASER 60 X2 | USD 0.00 | USD 0.00 | USD 0.00 | USD 0.00 |
| | | | | | **Spare Total Before Discounts:** | USD 1,103.31 |
| | | | | | **Spare Discount:** | USD 1,103.31 |
| | | | | | **Spare Net Amount Due:** | USD 0.00 |

Year 2

| QTY | ITEM # | DESCRIPTION | UNIT PRICE | TOTAL BEFORE DISCOUNT | DISCOUNT ($) | NET TOTAL |
|---|---|---|---|---|---|---|
| 125 | 85177 | TASER 60 YEAR 2 PAYMENT: X2 BASIC | USD 312.00 | USD 39,000.00 | USD 0.00 | USD 39,000.00 |
| | | | | | **Year 2 Total Before Discounts:** | USD 39,000.00 |
| | | | | | **Year 2 Net Amount Due:** | USD 39,000.00 |

Year 3

| QTY | ITEM # | DESCRIPTION | UNIT PRICE | TOTAL BEFORE DISCOUNT | DISCOUNT ($) | NET TOTAL |
|---|---|---|---|---|---|---|
| 125 | 85178 | TASER 60 YEAR 3 PAYMENT: X2 BASIC | USD 312.00 | USD 39,000.00 | USD 0.00 | USD 39,000.00 |
| | | | | | **Year 3 Total Before Discounts:** | USD 39,000.00 |
| | | | | | **Year 3 Net Amount Due:** | USD 39,000.00 |

Year 4

| QTY | ITEM # | DESCRIPTION | UNIT PRICE | TOTAL BEFORE DISCOUNT | DISCOUNT ($) | NET TOTAL |
|---|---|---|---|---|---|---|
| 125 | 85179 | TASER 60 YEAR 4 PAYMENT: X2 BASIC | USD 312.00 | USD 39,000.00 | USD 0.00 | USD 39,000.00 |
| | | | | | **Year 4 Total Before Discounts:** | USD 39,000.00 |
| | | | | | **Year 4 Net Amount Due:** | USD 39,000.00 |

Year 5

| QTY | ITEM # | DESCRIPTION | UNIT PRICE | TOTAL BEFORE DISCOUNT | DISCOUNT ($) | NET TOTAL |
|---|---|---|---|---|---|---|
| 125 | 85180 | TASER 60 YEAR 5 PAYMENT: X2 BASIC | USD 312.00 | USD 39,000.00 | USD 0.00 | USD 39,000.00 |
| | | | | | **Year 5 Total Before Discounts:** | USD 39,000.00 |
| | | | | | **Year 5 Net Amount Due:** | USD 39,000.00 |

| | |
|---|---|
| **Subtotal:** | USD 179,375.00 |
| **Grand Total:** | USD 181,168.75 |

## Hardware Shipping Estimate

Typically, hardware shipment occurs between 4 – 6 weeks after purchase date. Product availability for new or high demand products may impact delivery time.

## TASER 60 Sales Terms and Conditions

This quote contains a purchase under the TASER 60 Plan. If your purchase only includes the TASER 60 Plan, CEWs, and CEW accessories, then this purchase is solely governed by the TASER 60 Terms and Conditions posted at: http://www.axon.com/legal, and the terms and conditions of Axon's Master Services and Purchasing Agreement do not apply to this order. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

## Axon Enterprise, Inc.'s Sales Terms and Conditions for Direct Sales to End User Purchasers

By signing this Quote, you are entering into a contract and you certify that you have read and agree to the provisions set forth in this Quote and Axon's Master Services and Purchasing Agreement posted at https://www.axon.com/legal/sales-terms-and-conditions. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

**Signature:** _____ **Date:** _____

**Name (Print):** _____ **Title:** _____

**PO# (if needed):** _____

Quote: Q-112808-7

Please sign and email to Tommy Richardson at trichardson@taser.com or fax to

THANK YOU FOR YOUR BUSINESS!

'Protect Life'© and TASER® are registered trademarks of Axon Enterprise, Inc, registered in the U.S.
© 2013 Axon Enterprise, Inc. All rights reserved.

17800 N. 85th St., Scottsdale, Arizona 85255 * 480-991-0797 * Fax 480-991-0791 * www.axon.com

April 5, 2017

**To:** ***Bloomington Police Department***

**Re: Sole Source Letter for Axon Enterprise, Inc.'s TASER Conducted Electrical Weapons, Axon brand products, and Evidence.com Data Management Solutions**

A sole source justification exists because the following goods and services required to satisfy the agency's needs are only manufactured and available for purchase from Axon Enterprise. Axon is also the sole distributor of all TASER brand products for the agency identified in this letter.

## TASER CEW Descriptions

**X2 CEW**

- Multiple-shot CEW
- High efficiency flashlight
- Static dual LASERs (used for target acquisition)
- ARC switch enables drive-stun with or without a Smart Cartridge installed
- Central Information Display (CID): Displays mission-critical data such as remaining battery energy, burst time, operating mode, and user menu to change settings and view data on a yellow-on-black display
- The Trilogy log system records information from a variety of sensors into three data logs: Event log, Pulse log, and Engineering log. Data can be downloaded using a universal serial bus (USB) data interface module connected to a personal computer (PC). Data may be transferred to Evidence.com services.
- Real-time clock with back-up battery
- Onboard self-diagnostic and system status monitoring and reporting
- Ambidextrous safety switch
- Capable of audio/video recording with optional TASER CAM HD recorder
- The trigger activates a single cycle (approximately five seconds). Holding the trigger down will continue the discharge beyond the standard cycle (except when used with an APPM or TASER CAM HD AS). The CEW cycle can be stopped by placing the safety switch in the down (SAFE) position
- Compatible with TASER Smart Cartridges only

**X26P CEW**

- High efficiency flashlight
- Red LASER (used for target acquisition)
- Central Information Display (CID): Displays data such as calculated remaining energy, burst time, and notifications
- The Trilogy log system records information from a variety of sensors into three data logs: Event log, Pulse log, and Engineering log. Data can be downloaded using a universal serial bus (USB) data interface module connected to a personal computer (PC). Data may be transferred to Evidence.com services.
- Real-time clock with back-up battery
- Onboard self-diagnostic and system status monitoring and reporting
- Ambidextrous safety switch
- Capable of audio/video recording with optional TASER CAM HD recorder
- The trigger activates a single cycle (approximately five seconds). Holding the trigger down will continue the discharge beyond the standard cycle (except when used with an APPM or TASER CAM HD AS). The CEW cycle can be stopped by placing the safety switch in the down (SAFE) position.
- Compatible with TASER standard series cartridges

**Axon Signal Performance Power Magazine (SPPM)**

- Battery pack for the X2 and X26P conducted electrical weapons
- Shifting the safety switch from the down (SAFE) to the up (ARMED) positions sends a signal from the SPPM. Upon processing the signal, an Axon system equipped with Axon Signal technology transitions from the BUFFERING to EVENT mode. Axon Signal technology only works with Axon cameras.

## TASER Brand CEW Model Numbers

1. Conducted Electrical Weapons (CEWs):
   - TASER X2 Models: 22002 and 22003
   - TASER X26P Models: 11002 and 11003

2. Optional Extended Warranties for CEWs:
   - X2 - 4-year extended warranty, item number 22014
   - X26P - 2-year extended warranty, item number 11008
   - X26P - 4-year extended warranty, item number 11004

3. TASER standard cartridges (compatible with the X26P; required for this CEW to function in the probe deployment mode):
   - 15-foot Model: 34200
   - 21-foot Model: 44200
   - 21-foot non-conductive Model: 44205
   - 25-foot Model: 44203
   - 35-foot Model: 44206

4. TASER Smart cartridges (compatible with the X2; required for this CEW to function in the probe deployment mode):
   - 15-foot Model: 22150
   - 25-foot Model: 22151
   - 25-foot inert simulation Model: 22155
   - 25-foot non-conductive Model: 22157
   - 35-foot Model: 22152

5. TASER CAM HD recorder Model: 26810 (full HD video and audio) and TASER CAM HD with AS (automatic shut-down feature) Model: 26820. The TASER CAM HD is compatible with both the X26P and X2 CEWs.
   - TASER CAM HD replacement battery Model: 26764
   - TASER CAM HD Download Kit Model: 26762
   - TASER CAM HD optional 4-year extended warranty, item number 26763

6. Power Modules (Battery Packs) for X26P and X2 CEWs:
   - Performance Power Magazine (PPM) Model: 22010
   - Tactical Performance Power Magazine (TPPM) Model: 22012
   - Automatic Shut-Down Performance Power Magazine (APPM) Model: 22011
   - eXtended Performance Power Magazine (XPPM) Model: 11010
   - eXtended Automatic Shut-Down Performance Power Magazine (XAPPM) Model: 11015
   - Axon Signal Performance Power Magazine (SPPM) Model: 70116

7. TASER Dataport Download Kits:
   - Dataport Download Kit for the X2 and X26P Model: 22013

8. TASER Blast Door Repair Kit Model 44019 and TASER Blast Door Replenishment Kit Model 44023

9. Conductive Target front Model 80000 and Conductive Target back, Model 80001

10. CEW Holsters:
    - Right-hand X2 holster by BLACKHAWK Model: 22501
    - Left-hand X2 holster by BLACKHAWK Model: 22504
    - Right-hand X26P holster by BLACKHAWK Model: 11501
    - Left-hand X26P holster by BLACKHAWK Model: 11504

11. TASER Simulation Suit II Model 44550

## Axon Digital Evidence Solution Description

**Axon Flex 2 Video Camera (DVR)**

- Video playback on mobile devices in the field via Bluetooth pairing
- Retina Low Light capability sensitive to less than 0.1 lux
- Audio tones to alert user of usage
- Low SD, high SD, low HD, and high HD resolution (customizable by the agency)
- Up to 120-second buffering period to record footage before pressing record button
- Multiple mounting options using magnetic attachment: head, collar, shoulder, helmet, ball cap, car dash, and Oakley sunglass mounts available
- 120-degree diagonal field of view camera lens. 102-degree horizontal field of view, and 55-degree vertical field of view

**Axon Flex 2 Controller**

- 12+ hours of battery operation per shift (even in recording mode)
- LED lights to show current battery level and operating mode
- Haptic notification available
- Tactical beveled button design for use in pocket
- Compatible with Axon Signal technology

**Axon Body 2 Video Camera**

- Video playback on mobile devices in the field via Bluetooth pairing
- Retina Low Light capability sensitive to less than 1 lux
- Audio tones and haptic (vibration) notification to alert user of usage
- Audio mute during event option
- Wi-Fi capability
- High, medium, and low quality recording available (customizable by the agency)
- Up to two-minute buffering period to record footage before pressing record button
- Multiple mounting options using holster attachment: shirt, vest, belt, and dash mounts available
- 12+ hours of battery operation per shift (even in recording mode)
- LED lights to show current battery level and operating mode
- 143-degree lens
- Includes Axon Signal technology

**Axon Fleet Camera**

- Fully integrated with Evidence.com services and Axon devices
- Automatic time synchronization with other Axon Fleet and Axon body cameras allows for multi-camera playback on Evidence.com.
- Immediate upload to Evidence.com of critical event videos via 4G/LTE
- Wireless alerts from the TASER CEW Signal Performance Power Magazine (SPPM).
- Automatic transition from buffering to event mode in an emergency vehicle equipped with the Axon Signal Unit

**Axon Signal Unit (ASU)**

- Communications device that can be installed in emergency vehicles.
- With emergency vehicle light bar activation, or other activation triggers, the Axon Signal Unit sends a signal. Upon processing the signal, an Axon system equipped with Axon Signal technology transitions

from the BUFFERING to EVENT mode.

**Axon Interview Solution**

- High-definition cameras and microphones for interview rooms
- Covert or overt camera installations
- Touch-screen user interface
- Motion-based activation
- Up to 7-minute pre- and post-event buffering period
- Full hardware and software integration
- Upload to Evidence.com services
- Interview room files can be managed under the same case umbrella as files from Axon on-officer cameras and Axon Fleet cameras; i.e., Axon video of an arrest and interview room video are managed as part of the same case in Evidence.com
- Dual integration of on-officer camera and interview room camera with Evidence.com digital evidence solution

**Axon Flex Camera (DVR)**

- Video playback on mobile devices in the field via Bluetooth pairing
- Retina Low Light capability sensitive to less than 1 lux
- Audio tones to alert user of usage
- High, medium, and low quality recording available (customizable by the agency)
- 30-second buffering period to record footage before pressing record button
- Multiple mounting options using magnetic attachment: head, collar, shoulder, helmet, ball cap, car dash, and Oakley sunglass mounts available

**Axon Flex Controller**

- 12+ hours of battery operation per shift (even in recording mode)
- LED lights to show current battery level and operating mode
- Tactical beveled button design for use in pocket
- Available with Axon Signal technology

**Axon Body Video Camera**

- Video playback on mobile devices in the field via Bluetooth pairing
- Retina Low Light capability sensitive to less than 1 lux
- Audio tones to alert user of usage
- High, medium, and low quality recording available (customizable by the agency)
- 30-second buffering period to record footage before pressing record button
- Multiple mounting options using holster attachment: shirt, vest, belt, and dash mounts available
- 12+ hours of battery operation per shift (even in recording mode)
- LED lights to show current battery level and operating mode
- Tactical beveled button design for use in pocket
- 130-degree lens

**Axon Signal Technology**

- Sends a broadcast of status that compatible devices recognize when certain status changes are detected.
- Only compatible with TASER and Axon products

**Axon Dock**

- Automated docking station uploads to Evidence.com services through Internet connection
- No computer necessary for secure upload to Evidence.com
- Charges and uploads simultaneously
- The Axon Dock is tested and certified by TUV Rheinland to be in compliance with UL 60950-1: 2007 R10.14 and CAN/ CSA-C22.2 N0.60950-I-07+AI:2011+A2:2014 Information Technology Equipment safety standards.

**Evidence.com Data Management System**

- Software as a Service (SaaS) delivery model that allows agencies to manage and share digital evidence without local storage infrastructure or software needed
- SaaS model reduces security and administration by local IT staff: no local installation required
- Automatic, timely security upgrades and enhancements deployed to application without the need for any local IT staff involvement
- Securely share digital evidence with other agencies or prosecutors without creating copies or requiring the data to leave your agency's domain of control
- Controlled access to evidence based on pre-defined roles and permissions and pre-defined individuals
- Password authentication includes customizable security parameters: customizable password complexity, IP-based access restrictions, and multi-factor authentication support
- Automated category-based evidence retention policies assists with efficient database management
- Ability to recover deleted evidence within seven days of deletion
- Stores and supports all major digital file types: .mpeg, .doc, .pdf, .jpeg, etc.
- Requires NO proprietary file formats
- Ability to upload files directly from the computer to Evidence.com via an Internet browser
- Data Security: Robust Transport Layer Security (TLS) implementation for data in transit and 256-bit AES encryption for data in storage
- Security Testing: Independent security firms perform in-depth security and penetration testing
- Reliability: Fault- and disaster-tolerant infrastructure in at least four redundant data centers in both the East and West regions of the United States
- Chain-of-Custody: Audit logs automatically track all system and user activity. These logs cannot be edited or deleted, even by account administrators and IT staff
- Protection: With no on-site application, critical evidence stored in Evidence.com is protected from local malware that may penetrate agency infrastructure
- Stability: Axon Enterprise is a publicly traded company with stable finances and funding, reducing concerns of loss of application support or commercial viability
- Application and data protected by a CJIS and ISO 27001 compliant information security program
- Dedicated information security department that protects Evidence.com and data with security monitoring, centralized event log analysis and correlation, advanced threat and intrusion protection, and incident response capabilities
- Redact videos easily within the system, create tags, markers and clips, search seven fields in addition to five category-based fields, create cases for multiple evidence files

**Evidence.com for Prosecutors**

- All the benefits of the standard Evidence.com services
- Ability to share information during the discovery process
- Standard licenses available for free to prosecutors working with agencies already using Evidence.com services
- Unlimited storage for data collected by Axon cameras and Axon Capture

**Axon Capture Application**

- Free app for IOS and Android mobile devices
- Allows users to capture videos, audio recordings, and photos and upload these files to their Evidence.com account from the field
- Allows adding metadata to these files, such as: Category, Title, Case ID, and GPS data

**Axon View Application**

- Free app for iOS and Android mobile devices
- Allows user to view the camera feed from a paired Axon Body, Axon Body 2, or Axon Flex, or Axon Flex 2 camera in real-time
- Allows for playback of videos stored on a paired Axon Body or Axon Flex system
- Allows adding meta-data to videos, such as: Category, Title, Case ID, and GPS data

**Axon Professional Services**

- Dedicated implementation team
- Project management and deployment best practices aid
- Training and train-the-trainer sessions
- Integration services with other systems

**Axon Customer Support**

- Online and email-based support available 24/7
- Human phone-based support available Monday–Friday 7:00 AM–5:00 PM MST; support is located in Scottsdale, AZ, USA
- Library of webinars available 24/7
- Remote-location troubleshooting

## Axon Brand Model Numbers

1. Axon Flex 2 Cameras:
   - Axon Flex 2 Camera (online) Model: 11528
   - Axon Flex 2 Camera (offline) Model: 11529

2. Axon Flex 2 Controller Model: 11532

3. Axon Flex 2 USB Sync Cable Model: 11534

4. Axon Flex 2 Coiled Cable, Straight to Right Angle, 48″ (1.2 m)

5. Axon Flex 2 Camera Mounts:
   - Oakley Flak Jacket Kit Model: 11544
   - Collar Mount Model: 11545
   - Oakley Clip Model: 11554
   - Epaulette Mount Model: 11546
   - Ballcap Mount Model: 11547
   - Ballistic Vest Mount Model: 11555
   - Universal Helmet Mount Model: 11548

6. Axon Body 2 Camera Model: 74001

7. Axon Flex 2 Controller and Axon Body 2 Camera Mounts:
   - Z-Bracket, Men's, Axon RapidLock Model: 74018
   - Z-Bracket, Women's Axon RapidLock Model: 74019
   - Magnet, Flexible, Axon RapidLock Model: 74020
   - Magnet, Outerwear, Axon RapidLock Model: 74021
   - Small Pocket, 4″ (10.1 cm), Axon RapidLock Model: 74022
   - Large Pocket, 6″ (15.2 cm), Axon RapidLock Model: 74023
   - MOLLE Mount, Single, Axon RapidLock Model: 11507
   - MOLLE Mount, Double, Axon RapidLock Model: 11508
   - Belt Clip Mount, Axon RapidLock Model: 11509

8. Axon Fleet Camera Model: 74001

9. Axon Signal Unit Model: 70112

10. Axon Dock Models:
    - Axon Dock – Individual Bay and Core for Axon Flex 2
    - Axon Dock – 6-Bay and Core for Axon Flex 2
    - Individual Bay for Axon Flex 2 Model: 11538
    - Core (compatible with all Individual Bays and 6-Bays) Model: 70027
    - Wall Mount Bracket Assembly for Axon Dock: 70033
    - Axon Dock – Individual Bay and Core for Axon Body 2 and Axon Fleet Model 74009
    - Axon Dock – 6-Bay and Core for Axon Body 2 and Axon Fleet Model 74008
    - Individual Bay for Axon Body 2 and Axon Fleet Model: 74011

## Axon Product Packages

1. Officer Safety Plan: includes a CEW, Axon camera and Dock upgrade, and Evidence.com license and

storage. See your Sales Representative for further details and Model numbers.

2. TASER Assurance Plan (TAP): Hardware extended warranty coverage, Spare Products, and Upgrade Models available for the X2 and X26P CEWs, and the TASER CAM HD recorder. (The TAP is available only through Axon Enterprise, Inc.)

3. TASER 60: Pay for X2 and X26P CEWs and Spare Products in installments over 5 years.

| SOLE AUTHORIZED DISTRIBUTOR FOR AXON BRAND CAMERAS AND TASER BRAND CEW PRODUCTS | SOLE AUTHORIZED REPAIR FACILITY FOR AXON BRAND CAMERAS AND TASER BRAND CEW PRODUCTS |
|---|---|
| **Axon Enterprise, Inc.**<br>**17800 N. 85th Street, Scottsdale, AZ 85255**<br>**Phone: 800-978-2737**<br>**Fax: 480-991-0791** | **Axon Enterprise, Inc.**<br>**17800 N. 85th Street, Scottsdale, AZ 85255**<br>**Phone: 800-978-2737**<br>**Fax: 480-991-0791** |

Please contact your local Axon sales representative or call us at 1-800-978-2737 with any questions.

Sincerely,

Josh Isner
Executive Vice President, North American Sales
Axon Enterprise, Inc.

Android is a trademark of Google, Inc, Bluetooth is a trademark of the Bluetooth SIG, Flak Jacket is a trademark of Oakley, Inc, iPod touch is a trademark of Apple Inc., IOS is a trademark of Cisco, LTE is a trademark of the European Telecommunications Standards Institute, Shoei is a trademark of Shoei Co., Ltd., VELCRO is a trademark of Velcro Industries, B.V., and Wi-Fi is a trademark of the Wi-Fi Alliance.

The ‘Delta Axon’ logo, Axon, Axon Body, Axon Body 2, Axon Dock, Axon Fleet, Axon Flex, Axon Flex 2, Axon Interview, Axon RapidLock, Axon Signal, Evidence.com, Smart Cartridge, Trilogy, TASER CAM, X2, X26P, TASER and the ‘Bolt within Circle’ logo are trademarks of Axon Enterprise, Inc., some of which are registered in the US and other countries. For more information, visit www.axon.com/legal. All rights reserved. © 2017 Axon Enterprise, Inc.

# LIMITED SOURCE JUSTIFICATION

(Requester completes Section A and B)

**SECTION A –LIMITED SOURCE PURCHASE:**
Complete if a purchase is $3,000 or over and due to reasons of previous capital investment, improved public service, long-term operational need, security, patents, copyrights, critical need for responsiveness, proximity, Federal, State or other regulations, necessary replacement parts and/or compatibility, warranty, this procurement justifies a limited source exemption.

| Vendor Name & #: | Amount:$ | Date: |
|---|---|---|
| Axon (Taser) 1514 | yr 1 = $40,825.00<br>yr 2 = $36,500.00<br>yr 3 = $36500.00<br>yr 4 = $36,500.00<br>yr 5 = $36,500.00<br>Total = $186,825.00 | September 28, 2017 |

Description of item/service:
Purchase of Axon Taser X2. Current Taser inventory warranty expires September 2017 and the weapons need to be replaced to maintain serviceability. Axon Taser may dovetail into a larger strategic plan to include BWC and video evidence storage.

Justification: Explain why this vendor is the only vendor that can perform this work:

The police department has been issued and trained with Taser conducted energy weapons (CEW) for 10 + years. To switch to a different CEW would require replacing holsters, retraining instructors and retraining the officers who carry CEW's. The new Tasers are similar to the ones officers currently carry with a few updated features and capabilities. Training and implementation will be minimal.

**SECTION B - REQUESTER CERTIFICATION:** By submitting this request, I attest that the above justification/information is accurate and complete to the best of my knowledge and that I have no personal or business interests relative to this request.

(Name and Signature of Department Head) — Date: 10/10/17

**SECTION C –TO BE COMPLETED BY PROCUREMENT OFFICE:**
Based on the information provided in Section A and attached supporting documents,
I concur ☑ / do not concur ☐ (see below) with purchase to be a Limited Source.
Do not concur for the following reason(s):

Name and Signature of Purchasing Agent or Designee — Date: 10/10/17



Revised: 12/15/16

**CONSENT AGENDA ITEM NO. 7F**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of a Resolution approving a bid waiver to enter into an agreement with AccuMed Ambulance Billing Service.

**RECOMMENDATION/MOTION:** Approve a Resolution authorizing waiving the Technical Bidding Requirements and approve the Agreement with AccuMed Billing Services for ambulance billing services, and authorize the Mayor and City Clerk to execute the necessary documents.

**STRATEGIC PLAN LINK:** 1. Financially sound city providing quality basic services

**STRATEGIC PLAN SIGNIFICANCE:** 1. e. Partnering with others for the most cost-effective service delivery

**BACKGROUND:** In 2005, the Bloomington Fire Department under direction from City Council upgraded its service level from Basic Life Support (BLS) to Intermediate Life Support (ILS). During this upgrade, a decision was made to begin charging for Emergency Medical Services. The intent was to collect on insurance and other eligible benefits available for healthcare (such as Medicare and Medicaid) and to offset some of the expense with this change in service since the existing BLS service was provided free of charge.

Within 9 months of this transition, the local Advanced Life Support (ALS) provider, Lifeline Mobile Medics, ceased operations in the community. Again, under direction of the Council, the Bloomington Fire Department trained and hired personnel and transitioned into ALS service to the community. The collection of revenue from EMS billing was designed to defer part of the cost associated with the move from BLS to ALS service.

When the decision to charge for service was made, research into the best means to bill for service was investigated. Due to the complexity of healthcare billing, including legal requirements, State and Federal guidelines for Medicare and Medicaid billing, recordkeeping and ongoing training and compliancy issues, the decision was made to outsource the billing as opposed to hiring staff, acquiring hardware, software and know how to internally provide this service. A team of City Staff that included three members of the Fire Department (Deputy Chief of Administration, Training Officer, Administrative Assistant), two members of Finance, and one member each from IS, Legal, and Purchasing was established. A total of eight (8) personnel reviewed the RFP, and then reviewed all RFP's responses received. From those, interviews were conducted with the top three vendors and one was chosen. This process involved over 160 hours of staff time.

In addition to evaluating vendor bids for qualifications and compliance with the City's RFP requirements, the Evaluation Committee scoring criteria measured the following elements unique to EMS billing operations: Compliance Record and Compliance Resources; Relative Experience;

Services Offerings (including cost free consultation services); Customer Services Approach; Recovery Success; and Fee. Based on the evaluation criteria, AccuMed Billing prevailed by a significant margin in the formal bidding process and has delivered exceptional service and results to Bloomington since.

Compliance with Medicare Law continues to be assigned the greatest priority and weighting as we monitor overall EMS billing effectiveness. This is because EMS providers like Bloomington have been targeted for State and Federal fraud and abuse audits. Compliance is the focus of Federal and State regulatory entities and strict adherence to Medicare Law is necessary to maintain licensure, avoid fraud and abuse convictions and or criminal punishment. As supported by AccuMed's internal compliance resources, including oversight of Bloomington's conformity to federal and state billing regulation, the City of Bloomington has maintained a perfect compliance record. As supported by AccuMed's cost free consultation services, Bloomington is able to adjust and remain compliant with evolving regulation.

With and through Finance, we closely monitor AccuMed's recovery performance, which continues to produce at expected levels, consistent with similar EMS Systems, with like payer mix (demographics), charge strategy, data capture methods and collection policies.

Of significant interest, two recent case studies are relevant: The Town of Normal is also an AccuMed client. In August 2017, the Town of Normal studied this same issue and renewed a contract with AccuMed for three years at the reduced rate of 6.5%, and received $7500.00 credit per year towards Image Trend an electronic Patient Care Reporting software. Also in August 2012, Leroy Ambulance Service initiated a formal bidding process and selected AccuMed. In 2014 the Leroy Ambulance Service billing rate was renewed at 7%, and includes ESO an Electronic Patient Care Report software agreement. Leroy Ambulance found AccuMed to be both the most qualified and competitive amongst the bidders. Again however, pricing is simply one variable to consider when selecting the most qualified, result engineered billing vendor. Lastly, in the course of on-going benchmarking with other communities, we have concluded that in addition to qualifications, AccuMed delivers the results (recovery); customer service; compliance and resources at a price point which would best position AccuMed to prevail in a formal bidding environment.

Therefore, it is the recommendation of Fire and Finance to execute an addendum to replace the expired Agreement with AccuMed. The recommended Term is 5 years at a rate of 6.0%, along with a credit of $833.33 monthly. The credit represents $10,000.00 annual credit which will take effect when billing information is delivered to AccuMed, through the Image Trend Billing Bridge. The purchase of Image Trend record management system was approved by Council on August 14, 2017. The projected date to go live with Image Trend- electronic Patient Care Report is March 1, 2018. The $10,000.00 annual credit was negotiated to help offset the increased cost of upgrading to a new Record Management System (Image Trend).

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:**

**FINANCIAL IMPACT:** Payments deposited from The AccuMed Group are coded to the Fire-Activity/Program account (10015210-54910). The City also has Bad Debt and Insurance Write-

Off accounts associated with ambulance services. These expenditures are charged to Fire-Bad Debt account (10015210-79150) and the Fire-Insurance Write-off account (10015210-79155). The payments to AccuMed for collections are budgeted in the Fire-Ambulance Billing & Collections account (10015210-70643). Stakeholders can locate these accounts in the FY 2018 Budget Book titled "Adopted General Fund Budget" on pages 290 and 291.

**COMMUNITY DEVELOPMENT IMPACT:** *Not applicable*

Link to Comprehensive Plan/Downtown Plan Goals: Not applicable

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: *Not applicable*

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Brian M. Mohr, Fire Chief |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | Jeffrey R. Jurgens, Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- BFD 1B EXHIBIT Bloomington BSA November 1, 2017
- BFD 1C RESOLUTION Bid Waiver

# BILLING SERVICE AGREEMENT

| | | | |
|---|---|---|---|
| **AccuMed:** | **AccuMed Billing, Inc.**<br>**a Michigan corporation**<br>**P.O. Box 2122**<br>**Riverview, MI 48192** | **Customer:**<br><br><br>**Contact:**<br>**Phone:** | City of Bloomington<br>310 N. Lee Street<br>Bloomington, Illinois 61701<br>Brian Mohr<br>309.434.2500 |
| **Phone:**<br>**Facsimile:** | **(734) 479-6300**<br>**(734) 479-6319** | **Facsimile:**<br>**Effective Date:** | 309.434.2462<br>November 1, 2017 |

THIS AGREEMENT is made by and between AccuMed and Customer.

**THE TERMS AND CONDITIONS SET FORTH HEREINAFTER ARE A PART OF THIS AGREEMENT. THE CUSTOMER ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT UNDERSTANDS IT AND AGREES TO BE BOUND BY IT. CUSTOMER AGREES THAT THIS AGREEMENT SHALL NOT BE BINDING UNTIL ACCEPTED BY ACCUMED AT ITS OFFICE IN THE STATE OF MICHIGAN.**

## TERMS AND CONDITIONS

1. SERVICES.

A. From the Effective Date to the date of the termination of this Agreement AccuMed agrees to perform those activities which are reasonably necessary to invoice on behalf of Customer the following services provided by Customer (check the applicable boxes):

☒ Emergency Medical Services ("EM Services")

☐ EM Services provided by Customer prior to the Effective Date ("Old EM Services").

☐ Fire Services. For purposes of this Agreement the term "Fire Services" shall include services provided by Customer, excluding EM Services, which AccuMed agrees to invoice on behalf of Customer, such as, but not limited to, Haz Mat, Extrication, stand-by suppression and similar services.

☒ For ePCR software the fee payable in the amount and in the manner set forth in Schedule A hereto. Customer agrees to pay (i) any ePCR fees not specified in Schedule A; and (ii) all taxes, if any, charged by the ePCR software supplier.

B. Customer acknowledges and agrees that: (i) during the term of this Agreement all relevant information relating to the selected services identified in Section 1.A. shall be delivered to AccuMed and AccuMed shall be the sole source for processing such bills; (ii) AccuMed is not responsible for the accuracy of any of the back-up documentation relating to the selected services identified in Section 1.A.; (iii) AccuMed is not responsible for validating or verifying the accuracy of such documentation or detecting or correcting errors in documentation relating to the selected services identified in Section 1.A.; and (iv) Customer shall defend, indemnify and hold AccuMed harmless from all liabilities, costs and expenses related or arising out of the services AccuMed performs relating to the selected services identified in Section 1.A, which are a result of Customers negligence.

C. AccuMed shall begin processing all invoices for services rendered by Customer within ten business days from the date AccuMed receives accurate and complete information, which will permit it to perform its services identified in Section 1.A. of this Agreement, such information shall include, but not necessarily be limited to: fully completed incident reports which satisfy all signature requirements, including the then current Medicare signature and authorization requirements, demographic, procedure, charge, diagnosis and treatment related information, Advance Beneficiary Notice, Physician's Certification Statement, copy of the Advanced Life Support incident report when receiving intercept services, all supplemental forms and reports as well as such other information and documentation as AccuMed shall reasonably request (collectively the "Billing Information"). AccuMed shall promptly notify Customer if AccuMed fails to process such invoices within thirty (30) days of AccuMed's receipt of accurate and complete Billing Information.

D. AccuMed shall, if so requested by Customer, deposit all cash receipts into a lock box or bank account established and paid for by Customer and direct all other payments to such lock box or bank account. AccuMed shall have no right to negotiate checks payable to Customer. AccuMed shall instruct all prospective payers billed for the selected services identified in Section 1.A. to make all funds payable to Customer.

2. TERM. Except as otherwise provided in this Agreement, this Agreement will commence on the Effective Date and shall continue for a period of five (5) years (the "Initial Term"). At the end of the Initial Term and except as otherwise provided in this Agreement, this Agreement shall continue until canceled by either party, by giving to the other thirty (30) day's prior written notice thereof.

3. CUSTOMER'S OBLIGATIONS AND AUTHORIZATION REQUIREMENTS.

A. Customer agrees that, during the term of this Agreement, all Billing Information relating to the selected services identified in Section 1.A. shall be delivered to AccuMed and AccuMed shall be the sole source for processing such bills for Customer.

B. Customer agrees to provide any and all information which AccuMed may, from time to time, request in order for it to perform its services hereunder, including, but not limited to, complete, accurate and prompt (i) Billing Information, including incident reports, which satisfy all signature requirements, including Medicare's then current signature and authorization

requirements (ii) notification to AccuMed of names of each person or entity who has paid an invoice billed by AccuMed on the Customer's behalf and (iii) all supplemental forms and reports required for billing such as, but not limited to, Advanced Beneficiary Notice, Physician's Certification Statement and a copy of the Advanced Life Support incident report when receiving intercept services

C. Customer hereby authorizes AccuMed to use its provider numbers and agrees to execute any and all documentation, which may be necessary in connection therewith.

D. Customer agrees that AccuMed, including but not limited to its employees, representatives, contractors and agents, shall not be required to travel to visit Customer's location(s) or for any other reason connected with Customer's business more than three (3) times during the first twelve (12) months of this agreement and no more than one (1) time in any subsequent consecutive twelve (12) month period. In the event Customer requests more than one (1) such visit within said time period, all out of pocket expenses incurred in connection therewith shall be paid by Customer upon receipt of an invoice from AccuMed.

E. Customer agrees that, during the term of this Agreement, all Billing Information relating to the selected services identified in Section 1.A. shall be delivered to AccuMed and AccuMed shall be the sole source for processing such bills for Customer. AccuMed's agreement to perform its services under this agreement at the rate or in the amount of the fees for services set forth in section 4 A. below is expressly conditioned upon Customer's agreement to deliver to AccuMed a NEMSIS compliant incident data file and named and embedded attachments to AccuMed's FTP server once each week during the term of this Agreement ("NEMSIS File Delivery Requirement"). It is agreed that Customer shall not meet this Requirement until April 1, 2018, without penalty.

4. PAYMENT AND COLLECTION.

A. In full payment for AccuMed's services provided herein, Customer agrees to pay the following amounts (check the applicable boxes):

☒ An amount equal to 6.00% of the amount collected each month for EM Services.

B. AccuMed shall invoice Customer on a monthly basis for the services provided under this Agreement. Customer agrees to pay each such invoice by the 28th day of the month in which the invoice is issued.

C. Any amounts which Customer fails to pay by the last day of the month in which the invoice is issued, shall bear interest at the rate of one and one/half (1-1/2%) percent per month or the maximum monthly rate permitted by applicable law, whichever is less, from the day on which payment was due, as specified above in 4.B. until said amount is paid in full. Further, Customer agrees to pay all costs and expenses, including actual attorney's fees, which AccuMed incurs in collecting any past due amounts from Customer.

D. Reserved

5. BUSINESS ASSOCIATE AGREEMENT.
AccuMed and Customer agree to be bound by the terms and conditions of the Business Associate Agreement attached hereto on Schedule C and as the same may from time to time be amended.

6. TERMINATION. Notwithstanding the provisions of Section 2:

A. During the Initial Term either party has the right to terminate this Agreement on thirty (30) days' written notice of termination to the other, if (i) the other party defaults on any of its material obligations under this Agreement or under AccuMed's representations to Customer contained in AccuMed's response to Requests for Proposals, said response by AccuMed dated December 3, 2004 (excluding Customer's payment obligations, which shall be controlled by Section 6.C.) and such party has not begun to cure such default (which cure must be diligently pursued in a timely manner until completed) within fifteen (15) days after written notice of such default is delivered; (ii) a court having appropriate jurisdiction enters a decree or order for relief in respect of the other party in an involuntary case under any applicable bankruptcy, insolvency or other similar law now or hereafter in effect; or (iii) the other party commences a voluntary case under any applicable bankruptcy, insolvency or other similar law now or hereafter in effect;

B. Either party may terminate this Agreement at any time with or without cause following the expiration of the Initial Term by giving to the other party thirty (30) days prior written notice thereof; and

C. AccuMed will have the right to terminate this Agreement, which may in AccuMed's sole discretion be effective on any date including immediately upon delivery of notice thereof to Customer, if Customer defaults on its payment obligations under Section 4.

7. TERMINATION PROCEDURES.

A. In the event of termination of this Agreement under the provisions of Sections 2 or 6, AccuMed shall, on the effective date of such termination (the "Termination Date"), cease to accept new Billing Information from Customer, but may, at AccuMed's sole discretion (i) continue to perform for a period ninety (90) days following the Termination Date (the "Wind Down Period") its services relating to Billing Information received prior to the Termination Date, in which case Customer shall be obligated to pay AccuMed all amounts invoiced to Customer through the end of the Wind Down Period in accordance with the provisions of Section 4 hereof, or (ii) discontinue all services effective as of the Termination Date, in which case Customer shall be obligated to pay the amounts invoiced by AccuMed for work performed through the Termination Date in accordance with the provisions of Section 4 hereof.

B. Provided Customer has made full payment of all amounts due and owing to AccuMed and AccuMed has reasonable grounds to believe that future amounts owed to it will be paid by Customer in a timely manner (together the "Transitional Pre-Conditions"), AccuMed agrees to provide to Customer reasonable assistance following the Termination Date to transition the services formerly provided by AccuMed back to Customer or to a third party selected by Customer. Customer agrees to promptly pay AccuMed's reasonable costs and expenses incurred in connection with said transitional services. AccuMed shall have no obligation to provide any transitional assistance to Customer until the Transitional Pre-Conditions shall, in AccuMed's sole discretion, have been met to its satisfaction.

8. CUSTOMER AUDITS. Customer will have the right under this Agreement to engage, at the sole expense of Customer, independent auditors (the "Auditors") (provided that such persons are not employed by or in any manner affiliated with any entity that performs services substantially similar to any services then being provided by AccuMed) for the purpose of performing audits that may be considered necessary by Customer to determine the accuracy and correctness of the accounting and internal control performed and maintained by AccuMed. AccuMed will cooperate by furnishing such Auditors with any and all information as is reasonably necessary to perform and complete all audit procedures determined to be necessary by the Auditors. However, the duplicating of reports previously provided to Customer will be subject to the fee specified in Section 4 of this Agreement, and if not specified in Section 4, then in such amount as is reasonably determined by AccuMed. Prior to performing such audits, Customer will cause the Auditors and Customer to execute an agreement to maintain the confidentiality of any information they receive about AccuMed's computer programs and software it employs, inventions, processes, trade secrets, technical information, know-how, plans, specifications, identity of customers and identity of suppliers, financial plans, patient records, its business practices, including but not limited to those relating to, its accounts payable, accounts receivable and billing systems such agreement to be in the form and substance satisfactory to AccuMed in its sole discretion. Customer agrees that any such audit will be conducted at such times and in such a manner so as to avoid undue disruption of AccuMed's operations, and shall not be performed more than once during any consecutive eighteen (18) month period. Customer agrees to promptly pay to AccuMed all out of the ordinary costs and expenses AccuMed incurs relating to the audit.

9. OPERATING DISCLAIMER. Customer acknowledges that AccuMed has incentive to perform its services hereunder in a timely and proficient manner but that the timing and amount of collections generated by its services are subject to numerous variables beyond the control of AccuMed. THEREFORE, ACCUMED DISCLAIMS ANY AND ALL WARRANTIES AND REPRESENTATIONS, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THOSE PERTAINING TO THE TIMING AND AMOUNT OF COLLECTIONS GENERATED BY ITS SERVICES. Notwithstanding the foregoing, AccuMed agrees to perform its services hereunder in accordance with industry standards and applicable laws, rules and regulations.

10. LIMITATION OF LIABILITY. AccuMed shall exercise commercially reasonable efforts to prevent the loss or destruction of Customer's records. In the event of error or omission in the performance of its services, AccuMed will re-perform the services at no additional cost to Customer. Customer acknowledges that Customer shall be responsible for the accuracy of the codes, fees, Billing Information, and all other data provided to AccuMed for use in the

provision of its services. Notwithstanding the foregoing, it is expressly understood and agreed that AccuMed's sole obligation for any breach of this Agreement or failure to meet its obligations hereunder is limited to the obligation of AccuMed to return all monies paid it by Customer relating to the bill or bills in question. THE FOREGOING OBLIGATIONS ARE IN LIEU OF ALL WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING MERCHANTABILITY AND FITNESS FOR PURPOSE. IN NO EVENT SHALL ACCUMED BE LIABLE FOR DIRECT, SPECIAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES WHETHER BASED ON CONTRACT, REPRESENTATION, WARRANTY OR TORT, ARISING OUT OF THIS AGREEMENT.

11. NOTICES. Any notice required or permitted to be delivered hereunder shall be (i) delivered in person; (ii) sent by certified mail, return receipt requested, or by national overnight delivery service to the address set forth above; or (iii) by facsimile transmission to the facsimile phone number set forth above, until written notice of change of address or facsimile number has been delivered in the manner set forth herein. Such notice shall be deemed to have been received on the day it was personally delivered or sent by facsimile transmission or the date it was received in the case of mailing or overnight delivery.

12. FORCE MAJEURE. Neither party shall be liable for any failure or delay in performing its obligations under this Agreement due to any cause beyond its reasonable control, including but not limited to fire, accident, labor dispute or unrest, flood, riot, war, rebellion, insurrection, sabotage, transportation delays, shortage of raw materials, energy or machinery, acts of God or of the civil or military authorities of a state or nation, or the inability, due to the aforementioned causes, to obtain necessary labor or facilities.

13. WAIVER. The failure of either party to enforce any term or condition of this Agreement shall not be construed as a waiver by such party of such term or condition, nor shall a waiver of any breach of a term or condition of this Agreement on any one occasion constitute a waiver of any subsequent breach of the same or similar term or condition.

14. ENTIRE AGREEMENT/MODIFICATION. This Agreement embodies the entire agreement and understanding between the parties hereto with respect to the subject matter hereof. Neither this Agreement nor any provision hereof may be changed, waived or discharged orally, but only by an instrument duly signed by the party against which enforcement of the changes, waiver of discharge is sought

15. BINDING EFFECT/ASSIGNMENT. Except as otherwise provided in this Section 15, neither party may assign this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld or delayed; provided, however, AccuMed shall have the right without obtaining Customer's consent to assign this Agreement and all rights and obligations hereunder to any successor of AccuMed due to acquisition, whether by sale of stock or assets, merger, consolidation or reorganization. This Agreement shall be binding upon and inure to the benefit of the permitted successors and assignees of the parties hereto and upon such assignment by AccuMed, AccuMed shall be released from all further obligations.

16. INDEPENDENT CONTRACTOR. The parties agree that Customer shall exercise no control over the activities or operations of AccuMed, other than to enforce the specific obligations of AccuMed under this Agreement, and further agrees that their relationship is a independent contractors.

17. SEVERABILITY. If any term or provision contained in this Agreement shall be found to be invalid, illegal or unenforceable by a court of competent jurisdiction, such term or provision shall be considered independent and severable from this Agreement and the remaining provisions of this Agreement shall remain in full force and effect. The parties agree that, to the extent allowed by law, any such term or provision found to be invalid, illegal or unenforceable shall be reinterpreted or adapted by the parties in such a way that the intended business purpose of such term or provision is achieved to the maximum extent possible.

18. GOVERNING LAW. As to all matters, including, validity, construction and effect, this Agreement shall be governed by, and construed in accordance with the laws of the State of Illinois without regard to its principles of conflicts of laws.

19. ARBITRATION.

A. Except as provided in Section 19.B., if a dispute, controversy or claim concerning this Agreement cannot be satisfactorily resolved by the parties, such dispute will be settled by arbitration to be conducted within the county of Cook in the State of Illinois in accordance with the Commercial Rules of the American Arbitration Association. One arbitrator shall be selected to preside over the arbitration. The arbitrator selected shall be knowledgeable of healthcare accounts receivable issues. The parties will share equally the fees and expenses of the arbitrator. The arbitration hearing shall be held within thirty (30) days of selection of the arbitrator. The arbitration award shall include all costs and expenses to which AccuMed is entitled under the provisions of this Agreement. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. This provision shall not prohibit the parties from seeking injunctive relief to which they are entitled under the terms of Section 9 of this Agreement together with all damages associated therewith in a court having jurisdiction thereof.

B. The provisions of Section 19.A. notwithstanding, AccuMed, if it so elects, shall have the right to commence an action in any court having jurisdiction thereof to collect amounts claimed by AccuMed to be owed by Customer under this Agreement. In the event of such court action, all defenses and counterclaims Customer may have must be pled in such action and shall not be subject to arbitration.

20. JURISDICTION. Customer consents and agrees that the following courts shall have personal jurisdiction over Customer and all lawsuits relating or arising out of this Agreement: (a) all courts included within the state court system of the State of Illinois; and (b) all courts of the United States of America sitting within the State of Illinois including, but not limited to, all of the United States District Courts sitting within the State of Illinois. Customer waives any defense of lack of personal jurisdiction in these courts.

| | |
|---|---|
| ACCEPTANCE | ACCEPTANCE: |
| ACCUMED BILLING, INC. | _____<br>(CUSTOMER NAME) |
| BY: _____<br>(AUTHORIZED SIGNATURE) | BY: _____<br>(AUTHORIZED SIGNATURE) |
| NAME: | NAME:_____<br>(PRINT OR TYPE) |
| DATE _____ | DATE:_____ |

## SCHEDULE A
## ePCR FEE, PAYMENT SCHEDULE, SUPPLIER NAME, SOFTWARE DESCRIPTION, VALUE AND ANTICIPATED ANNUAL RUN VOLUME

ePCR Requirement: Customer has selected Image Trend ePCR software. Customer agrees to deliver to AccuMed, through the Image Trend Billing Bridge, a NEMSIS compliant data file and named and embedded attachments as specified in Section 3.E herein.

Payment Method**:** When Customer fulfills the ePCR Requirement, AccuMed will provide Customer with a monthly credit of $833.33 (the "Monthly Credit") throughout the Initial Term of this Agreement, which shall reduce Customers monthly payment obligation as specified in Section 4 herein.

The Monthly Credit shall immediately cease upon the termination of this Agreement for any reason and is not applicable through the Wind Down Period.

## SCHEDULE B
## DESCRIPTION OF HARDWARE, INITIAL VALUE AND HARDWARE FEES AND PAYMENT METHOD

None Provided

# AMENDED SCHEDULE C
# HIPAA BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("Agreement") is between City of Bloomington (“COMPANY”), located at 310 N. Lee Street, Bloomington, IL 61701 and ACCUMED BILLING, INC., a Michigan corporation ("Business Associate"), located at P.O. Box 2122, Riverview, Michigan 48192, including all office locations and other business locations at which Business Associate data may be used or maintained. The purpose of this Agreement is to comply with the privacy and security regulations issued by the United States Department of Health and Human Services (“HHS”) under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the provisions of the Health Information Technology for Economic and Clinical Health Act (“HITECH”), which is a part of the American Recovery and Reinvestment Act of 2009 (“ARRA”). COMPANY and Business Associate may be referred to herein individually as "Party" or collectively as "Parties."

**RECITALS**

A. COMPANY acknowledges that it is a Covered Entity subject to the Privacy and Security Rules (45 CFR Parts 160 and 164) promulgated by the United States Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA Rules), Public Law 104-191.

B. Business Associate provides services to COMPANY pursuant to one or more Billing Services Agreements (“Service Agreements”).

C. In the course of executing the Service Agreement requests, Business Associate may come into contact with, maintain, Use or Disclose Protected Health Information ("PHI") (defined in Section 1 below). Said Service Agreements are hereby incorporated by reference and shall be taken and considered as a part of this document the same as if fully set out herein.

D. By signing Said Service Agreements, AccuMed agrees that it is a Business Associate and will comply with the terms below, in addition to other applicable Contract terms and conditions, and applicable law, relating to the safekeeping, use, and disclosure of PHI. This Amended Schedule C to the Services Agreement comprises the Business Associate Agreement.

E. In accordance with the federal privacy and security regulations set forth at 45 CFR Part 160 and Part 164, Subparts A, C, D and E, which require COMPANY to have a written memorandum with each of its Business Associates, the Parties wish to establish satisfactory assurances that Business Associate will appropriately safeguard PHI and, therefore, execute this Agreement.

1. **DEFINITIONS.**

Terms used, but not otherwise defined, in this Agreement shall have the same meaning as those terms under the HIPAA Security and Privacy Rules (45 CFR Parts 160, 162 and 164), in the HITECH Act (42 USC §§17901 *et seq*), and in any subsequent creation or modification thereof.

For purposes of this Agreement, the following terms shall have the meaning ascribed to them below:

A. “**Authorized Employee**” means any member of the Workforce of COMPANY who may receive PHI relating to Treatment, Payment, and Health Care Operations

B. “**Breach” or “Breached**” as defined in 45 CFR §164.402, is the acquisition, access, use, or disclosure of PHI that is not permitted by the HIPAA privacy rule and which compromises the security or privacy of the PHI. The acquisition, access, use or disclosure of PHI in a manner not permitted by the privacy rule is presumed to be a breach unless a risk assessment, which will include the factors in 45 CFR §164.402(2), demonstrates that there is a low probability that the PHI has been compromised.

C. “**Business Associate**” shall have the same meaning as the term is defined at 45 CFR § 164.103, and in reference to this Agreement shall mean **AccuMed Billing, Inc.**

D. “**Business Associate Agreement**” means the agreement between a Covered Entity and Business Associate or Business Associate and Subcontractor, and a Subcontractor with its Subcontractors, regardless of tier as provided in 45 CFR § 164.502(e).

E. “**Covered Entity**” shall generally have the same meaning as the term “covered entity” at 45 CFR 160.103, and in reference to the party to this agreement, shall mean [COMPANY].

F. "**Designated Record Set**" shall have the meaning set out in its definition at 45 CFR § 164.501, including the group of medical records and billing records maintained by or for COMPANY or (ii) used, in whole or in part, to make decisions about Individuals. As used in these HIPAA Policies and Procedures the term “record” means any item, collection, or grouping of information that includes PHI and is

maintained, collected, used, or disseminated by or for COMPANY.

G. "**Electronic Protected Health Information**" (e-PHI) shall have the meaning set out in its definition at 45 CFR § 160.103.

H. "**Encryption**" means the process using publicly known algorithms to convert plain text and other data into a form intended to protect the data from being able to be converted back to the original plain text by known technological means.

I. **"Individually Identifiable Health Information**" means information that is a subset of health information, including demographic information collected from an individual, and which is created or received by a health care provider, health plan, employer, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an Individual; the provision of health care to an Individual; or the past, present, or future Payment for the provision of health care to an Individual; and that identifies the Individual; or with respect to which there is reasonable basis to believe the information can be used to identify the Individual. Individually Identifiable Health Information includes part or all of the following demographic information: name or partial name, address, Social Security number, Zip code, birth date, phone number, diagnosis or mental health status, employer, relatives, billing information or any other combination of information used to identify a Individual, in additional to additional information enumerated in 45 CFR. 160.103.

J. "**Limited Data Set**" means PHI that excludes the following direct identifiers of a Individual or of relatives, employers, or household members of a Individual: (i) names; (ii) postal address information, other than town or city, State, and zip code; (iii) telephone numbers; (iv) fax numbers; (v) electronic mail addresses; (vi) Social Security numbers; (vii) medical record numbers; (viii) health COMPANY beneficiary numbers; (ix) account numbers; (x) certificate/license numbers; (xi) vehicle identifiers and serial numbers, including license plate numbers; (x) device identifiers and serial numbers; (xi) Web Universal Resource Locators (URLs); (xii) Internet Protocol (IP) address numbers; (xiii) biometric identifiers, including finger and voice prints; and (ix) full face photographic images and any comparable images.

K. "**Minimum Necessary**" means the Use and Disclosure of PHI, to the extent practicable, of the Limited Data Set, or, if needed, to the minimum PHI necessary to accomplish the intended purpose of the Use, Disclosure or request, pending further guidance from the Secretary of HHS.

L. **"Physical Safeguards"** shall mean physical measures, policies, and procedures to protect an Entity's electronic Information Systems and related buildings and equipment, from natural and environmental hazards and unauthorized intrusions.

M. "**Privacy Rule**" shall mean the Standards for Privacy of Individually Identifiable Health Information at 45 CFR Part 160 and Part 164, subparts A, and E.

N. "**Protected Health Information**" or "PHI" shall have the same meaning as the term "protected health information" in 45 CFR § 160.103, including Individually Identifiable Health Information created or received by COMPANY., in any form, electronic or paper, that relates to a Individual's past, present or future: (i) physical or mental health or condition; (ii) provision of health care; or (iii) Payment for the provision of health care.

O. **"Required By Law**" shall have the same meaning as the term "required by law" in 45 CFR § 164.103.

P. "**Security Incident**" shall mean the attempted or successful unauthorized access, Use, Disclosure, modification, or destruction of information or interference with System operations in an information System

Q. "**Security Rule**" shall mean the Security Standards for the Protection of Electronic Protected Health Information" at 45 CFR Parts 160 and 164, Subparts A and C.

R. "**Subcontractor"** shall mean a person to whom a Business Associate delegates a function, activity or service, and the subcontractor of the subcontractor regardless of tier, *i.e.*, all of the downstream entities that receive, access, maintain and/or disclose PHI, other than in the capacity of a member of the Workforce of such Business Associate or Subcontractor.

S. "**Technical Safeguards**" means the technology and the policy and procedures for its use that protect ePHI and control access to it.

T. "**Unsecured PHI**" shall mean protected health information that is not rendered unusable, unreadable, or indecipherable to unauthorized persons through the use of Encryption or a technology or methodology specified by the Secretary.

U. **"Violation"** means (i) a Breach of Unsecured PHI, (ii) a Security Incident; and/or (iii) a non-permitted Use or Disclosure of PHI.

2. **OBLIGATIONS OF BUSINESS ASSOCIATE.**

Business Associate includes its directors, officers, subcontractors, employees, affiliates, agents, and representatives.

A. **Uses and Disclosures.** Business Associate agrees not to use or disclose Protected Health Information other than as permitted or required by this Agreement, the Services Agreement or as Required By Law.

B. **Appropriate Safeguards.** Business Associate shall use appropriate administrative, physical and technical safeguards that reasonably and appropriately protect the confidentiality, integrity and availability of the Covered Entity's PHI and ePHI that it creates, receives, maintains, or transmits on behalf of the Covered Entity and to prevent

the use, disclosure or access of the PHI, other than as provided for by this Agreement or the Services Agreement. For ePHI, appropriate safeguards mean all the safeguards of the HIPAA security rule and shall include encryption or any other technologies and methodologies prescribed by the Secretary of the Department of Health and Human Services in regulations implementing the HITECH Act. Business Associate shall verify that it has implemented such safeguards and complies with all standards and implementation specifications set out in the privacy and security regulations.

C. **Reporting of Improper Use or Disclosures, Security Incidents and Breaches.**

1. **Improper Use or Disclosure.** Business Associate shall report to Privacy Officer of the Covered Entity any use or disclosure of PHI or ePHI not provided for by the Services Agreement and this Agreement within (5) days of becoming aware of such use or disclosure. A full written report will be provided to the Privacy Officer no later than ten (10) business days from the date the Business Associate becomes aware of the improper use or disclosure.

2. **Security Incident.** Business Associate shall report to Privacy Officer of the Covered Entity any successful security incident within five (5) days of becoming aware of such incident, regardless of whether the incident constitutes a Breach as defined in 45 CFR §164.202. A full written report will be provided to the Privacy officer no later than ten (10) business days from the date the Business Associate becomes aware of the incident, provided that to avoid unnecessary burden on either Party, Business Associate will only report attempted but unsuccessful Security Incidents which Business Associate becomes aware of in accordance with a schedule mutually acceptable to the Parties and provided that any reporting shall be made no more often than is reasonable based upon the relevant facts, circumstances and industry.

3. **Breaches.** In the event of a Breach of Unsecured PHI that Business Associate accesses, maintains, retains, modified, records, stores, destroys, or otherwise holds or uses on behalf of Covered Entity, Business Associate shall report such Breach to Covered Entity immediately, but in no event more than five (5) days after discovering the Breach. A Breach shall be treated as discovered at the point when any member of the Business Associate's workforce, contractors, agents or officials is aware, or would be aware by exercising reasonable diligence, of the Breach. A full written report will be provided to the Privacy Officer no later than ten (10) business days from the date the Business Associate becomes aware of the Breach.

Notice of a Breach shall be in writing and shall include, at a minimum: (a) the identification of each individual whose PHI has been, or is reasonably believed to have been, accessed, acquired, or disclosed during the breach; (b) a description of what happened, including the date of the Breach and the date of discovery of the Breach; (c) a description of the types of PHI that were involved in the Breach; (d) steps individuals should take to protect themselves from potential harm resulting from the Breach; (e) the identity of who made the non-permitted access, use or disclosure and who received the non-permitted access, use or disclosure, (f) a description of the Business Associates' investigation and response to the Breach, (g) actions taken to prevent any further non-permitted access, uses or disclosures, and (h) actions taken to mitigate any deleterious effect of the non-permitted access, use or disclosure. Business Associate will provide additional information to the Covered Entity as requested.

4. **Mitigation.** Business Associate shall, in consultation with Covered Entity, mitigate, to the extent practicable, any harmful effect to Covered Entity from an unauthorized use or disclosure of PHI or from any security incident by Business Associate in violation of the requirements of this Agreement or from a Breach of Unsecured PHI.

D. **Minimum Necessary.** Business Associate, its agents or subcontractors shall only request, use and disclose the minimum amount of PHI necessary to accomplish the purpose of the request, use or disclosure.

E. **Access to and Amendment of PHI.** If Business Associate maintains PHI in a Designated Record Set, Business Associate shall, at the request of Covered Entity and as specifically directed by the Covered Entity,, (1) make the PHI available to an Individual in compliance with 45 CFR §164.524 and section 13405(e) of the HITECH Act and any regulations promulgated thereunder; or (2) make amendment(s) to PHI in accordance with 45 CFR §164.526. If an Individual makes a request for access or for amendment of PHI directly to Business Associate, such request shall be forwarded to Covered Entity in writing within two (2) business days of the request. Covered Entity shall be responsible for responding to such requests in accordance with the regulations.

F. **Accounting and Documentation of Disclosures.** Business Associate agrees to document disclosures of PHI and information as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures in accordance with 45 CFR §164.528 and the HITECH Act, as applicable. At a minimum, such documentation shall include: (i) the date of the disclosure; (ii) the name of the entity or person who received PHI and, if known, the address of the entity or person; (iii) a brief description of the PHI disclosed; and (iv) a brief statement of the purpose of the disclosure that reasonably informs the Individual of the basis for the disclosure. This documentation will be retained for a period of six (6) years following the disclosure unless it is transferred to the Covered Entity at the termination of the Services Agreement. Upon request by Covered Entity, Business Associate shall provide such documentation to Covered Entity to respond to request by an Individual for an accounting of disclosures of PHI in accordance with 45 CFR §164.528. In the event that an Individual requests an accounting directly to Business Associate, Business

Associate shall forward such request to Covered Entity in writing within two (2) business days of receipt of such request. It shall be Covered Entity's responsibility to prepare and deliver any such accounting to the Individual.

G. **Audits, Inspection, and Enforcement**. Within ten (10) days of a written request by Covered Entity, Business Associate shall allow Covered Entity to conduct a reasonable inspection of the facilities, systems, books, records, agreements, policies and procedures relating to the use or disclosure of PHI pursuant to this Agreement for the purpose of determining whether Business Associate has complied with this Agreement. The fact that Covered Entity inspects, or fails to inspect, does not relieve Business Associate of its responsibility to comply with this agreement, nor does Covered Entity's failure to detect an unsatisfactory practice constitute acceptance of such practice or a waiver of Covered Entity's enforcement of rights under this Agreement.

H. **Governmental Access to Records**. Business Associate agrees to make internal practices, books, and records, including policies and procedures and PHI relating to the use and disclosure of PHI received from, or created or received by Business Associate on behalf of Covered Entity available to the Secretary, in a time and manner reasonably designated by Covered Entity or designated by the Secretary, for purposes of the Secretary determining Covered Entity's compliance with the Regulations.

I. **Training**. Business Associate agrees to provide adequate training to its employees and subcontractors to ensure compliance with HIPAA and the HITECH Act.

J. **Marketing**. Business Associate shall use and disclose PHI for marketing purposes only as expressly directed by the Covered Entity, and in accordance with sec. 13406(a) of the HITECH Act and the Telephone Consumer Protection Act of 1991 ("TCPA"), 47 USC § 227 and regulations issued by the Federal Communications Commission pursuant thereto set forth in 47 CFR § 64.1200.

K. **Sale of PHI and EHRs**. Business Associate is prohibited from selling EHRs and PHI in accordance with sec. 13305(d) of the HITECH Act.

L. **Business Associate's Agents**. Business Associate shall ensure that any agent, including a subcontractor, to whom it provides PHI received from, or created or received by Business Associate on behalf of Covered Entity, agrees to the same restrictions and conditions that apply through this Agreement to Business Associate with respect to such information.

M. **Privacy and Security Compliance**: Business Associate will comply with all obligations of the Covered Entity when performing duties for the Covered Entity related to compliance with the HIPAA, HITECH or any regulations promulgated thereunder.

N. **Prevention of Identity Theft**: If Business Associate is a Service Provider, as defined above, Business Associate shall perform all services and conduct all activities under the Service Agreement and this Agreement in accordance with reasonable policies and procedures which are designed to identify, prevent, and mitigate identity theft in accordance with the standards established by 16 CFR Part 681 and other applicable law. Business Associate shall provide such policies and procedures to Covered Entity upon request.

O. **Exporting PHI**: Business Associate, its agents and subcontractors will not export PHI beyond the borders of the United States without approval from Covered Entity.

3. **COMPLIANCE WITH HIPAA PRIVACY AND SECURITY RULES.**

Business Associate Acknowledges that it has a statutory duty under the HITECH Act to, among other duties, maintain, use and disclose PHI in compliance with 45 CFR §164.504(e) (the provisions of which have been incorporated into the Agreement), 45 CFR §164.308 (Security Standards), 45 CFR §164.310 (Administrative Safeguards), 45 CFR §164.312 (Technical Safeguards), and 45 CFR §164.316 (Policies and Procedures and Documentation Requirements), as amended from time to time. The Parties acknowledge that failure to comply with these or any other statutory duties may result in civil and/or criminal penalties under 42 USC §§1320d-5 and 1320d-6.

4. **OBLIGATIONS OF COVERED ENTITY**

A. Covered Entity shall notify Business Associate of any limitation(s) in the notice of privacy practices of Covered Entity under 45 CFR § 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of protected health information.

B. Covered Entity shall notify Business Associate of any changes in or revocation of, the permission by an individual to use or disclose his or her protected health information, to the extent that such changes may affect the Business Associate's use or disclosure of protected health information.

C. Covered Entity shall notify Business Associate of any restriction on the use or disclosure of protected health information that Covered Entity has agreed to or is required to abide by under 45 CFR § 164.522, to the extent that such restriction may affect Business Associate's user or disclosure of protected health information.

D. Covered Entity shall not request Business Associate to use or disclose protected health information in any manner that would not be permissible under Subpart E of 45 CFR part 164 if done by Covered Entity.

5. **TERM AND TERMINATION**

A. **Term**. This Agreement shall be effective as of the date on which it has been signed by both parties. This Agreement shall terminate upon the expiration or termination of the Services Agreement of this Agreement.

B. **Termination in General**. Termination of the Services Agreement or this Agreement shall require Business Associate to return or destroy all PHI received from, or created or received by the Business Associate on behalf of COMPANY and shall further require Business Associate to ensure that all Subcontractors it may engage on its behalf that will have access to PHI agree to the same restrictions and conditions that apply to Business Associate with respect to disposition of such PHI.

C. **Termination for Cause.** This Agreement authorizes and Business Associate acknowledges and agrees COMPANY shall have the right to immediately terminate this Agreement and Service Agreement in the event Business Associate fails to comply with, or violates a material provision of this Agreement and any provision of the Privacy and Security Rules.

Upon COMPANY's knowledge of a material breach by Business Associate, COMPANY shall either: (1) Provide notice of breach and an opportunity for Business Associate to reasonably and promptly cure the breach or end the violation, and terminate this Agreement if Business Associate does not cure the breach or end the violation within the reasonable time specified by COMPANY; or (2) Immediately terminate this Agreement if Business Associate has breached a material term of this Agreement and cure is not possible; or

D. **Effect of Termination.** Upon termination of this Agreement for any reason, except as provided below, Business Associate shall at its own expense either return and/or destroy all PHI or ePHI and other Confidential Information received from COMPANY or created or received by Business Associate on behalf of COMPANY. This provision applies to all Confidential Information regardless of form, including but not limited to electronic or paper format. This provision shall also apply to PHI and other confidential information in the possession of Subcontractors of Business Associate. The Business Associate shall consult with the COMPANY as necessary to assure an appropriate means of return and/or destruction and shall notify COMPANY in writing when such destruction is complete. If information is to be returned, the Parties shall document when all information has been received by the COMPANY.

E. **Equitable Remedies**. Business Associate acknowledges and agrees that COMPANY will suffer irreparable damage upon Business Associate's breach of this Agreement, and that such damages shall be difficult to quantify. Business Associate acknowledges and agrees that COMPANY may file an action for an injunction to enforce the terms of this Agreement against Business Associate, in addition to any other remedy COMPANY may have, including reporting violations to the Secretary of HHS. Where COMPANY has knowledge of any material breach by Business Associate, COMPANY may take proceedings against Business Associate before any court having jurisdiction to obtain an injunction or any legal proceedings to cure or stop such material breach, without more notice than is set forth in this Section of this Agreement.

6. **MISCELLANEOUS.**

A. **Indemnification**. Business Associate shall indemnify, defend and hold harmless, and shall require its Subcontractors to indemnify, defend and hold harmless COMPANY and its trustees, COMPANY administrators, directors, officers, Subcontractors, members of the Workforce, affiliates, agents, and representatives from and against any and all third party liabilities, costs, claims, suits, actions, proceedings, demands, losses and liabilities of any kind (including court costs and reasonable attorneys' fees) brought by any one or more of the following: (1) a third party, including Individuals and/or Authorized Representatives of Individuals; (2) the Secretary of HHS or any other governmental entity; (3) in accordance with the federal common law of agency, as provided in 45 CFR 164.402(c); 160.103; and/or (4) for breach of this Agreement arising solely from or relating to the acts or omissions of Business Associate or any of its directors, officers, Subcontractors, members of the Workforce, affiliates, agents, and representatives in connection with the Business Associate's or Subcontractor's performance under this Agreement, without regard to any limitation or exclusion of damages provision otherwise set forth in the Agreement. The indemnification provisions of this Section shall survive the termination of this Agreement.

B. **Identity Theft Program Compliance.** To the extent that COMPANY is required to comply with the final rule entitled "Identity Theft Red Flags and Address discrepancies under the Fair and Accurate Credit Transactions Act of 2003," as promulgated and enforced by the Federal Trade Commission (16 CFR Part 681) (the "Red Flags Rule") and that AccuMed is performing an activity in connection with one or more "covered accounts," as that term is defined in the Red Flags Rule, pursuant to the Contract, AccuMed shall establish and comply with its own reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft, which shall be consistent with and no less stringent than those required under the Red Flags Rule or the policies and procedures of COMPANY's Red Flags Program. AccuMed shall provide its services pursuant to the Contract in accordance with such policies and procedures. AccuMed shall report any detected "red flags," as that term is defined in the Red Flags Rule, to COMPANY and shall, in cooperation with COMPANY, take appropriate steps to prevent or mitigate identity theft.

C. **Insurance.** Business Associate shall obtain no later than one (1) month from effective date of this Agreement and maintain during the term of this Agreement liability insurance covering claims based on a violation of the Privacy Rule or any applicable law or regulation concerning the privacy of a patient information and claims based on its obligations pursuant to this Section in an amount not less than $1,000,000 per claim. Such insurance shall be in the form of occurrence- based coverage and shall name

COMPANY as an additional name insured. A copy of such policy or certificate evidencing the policy shall be provided to COMPANY upon written notice.

D. **Limitation of Liability**. Neither party shall be liable to the other party for any incidental, consequential, special, or punitive damages of any kind or nature, whether such liability is asserted on the basis of contract, tort (including, without limitation, negligence or strict liability) or otherwise, even if the other party has been advised of the possibility of such loss or damages. The parties acknowledge and agree that Business Associate's liability to Covered Entity in connection with any claim by a third party, including, without limitation, any liability of Business Associate for contribution, shall be limited to the amount of liability to which Business Associate would be subject in a direct action by such third party under Michigan law.

E. **Regulatory Reference.** A reference in this Agreement to a section in the Privacy and/or Security Rule means the section as in effect or as amended.

F. **Amendment.** The parties agree to take such action as necessary to amend this Agreement from time to time to comply with the requirements of the Security and Privacy Rules, the HITECH Act and HIPAA.

G. **Survival.** The respective rights and obligations of Business Associate and Subcontractors shall survive the termination of this Agreement.

H. **Interpretation.** Any ambiguity in this Agreement shall be resolved in favor of a meaning that permits COMPANY and the Business Associate and Subcontractors to comply with the HIPAA Rules.

I. **Notices and Communications.** All instructions, notices, consents, demands, or other communications required or contemplated by this Agreement shall be in writing and shall be delivered by hand, by facsimile transmission, by overnight courier service, or by first class mail, postage prepaid, addressed to the respective party at the appropriate facsimile number or address as set forth on the first page of this Agreement, or to such other party, facsimile number, or address as may be hereafter specified by written notice. (For purposes of this section, effective notice to "Respective Party" is not dependent on whether the person named below remains employed by such Party.) The Parties agree to use their best efforts to immediately notify the other Party of changes in address, telephone number, fax numbers to promptly supplement this Agreement as necessary with corrected information.

All instructions, notices, consents, demands, or other communications shall be considered effectively given as of the date of hand delivery; as of the date specified for overnight courier service delivery; as of three (3) business days after the date of mailing; or on the day the facsimile transmission is received mechanically by the facsimile machine at the receiving location and receipt is verbally confirmed by the sender.

H. **Strict Compliance.** No failure by any Party to insist upon strict compliance with any term or provision of this Agreement, to exercise any option, to enforce any right, or to seek any remedy upon any default of any other Party shall affect, or constitute a waiver of, any Party's right to insist upon such strict compliance, exercise that option, enforce that right, or seek that remedy with respect to that default or any prior, contemporaneous, or subsequent default. No custom or practice of the Parties at variance with any provision of this Agreement shall affect, or constitute a waiver of, any Party's right to demand strict compliance with all provisions of this Agreement.

I. **Severability.** With respect to any provision of this Agreement finally determined by a court of competent jurisdiction to be unenforceable, such court shall have jurisdiction to reform such provision so that it is enforceable to the maximum extent permitted by applicable law, and the Parties shall abide by such court's determination. In the event that any provision of this Agreement cannot be reformed, such provision shall be deemed to be severed from this Agreement, but every other provision of this Agreement shall remain in full force and effect.

J. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan except to the extent that Michigan law has been pre-empted by HIPAA and without giving effect to principles of conflicts of law. Jurisdiction shall be Oakland County, Michigan for purposes of any litigation resulting from disagreements of the parties for purpose of this Agreement and the Service Agreement (s).

K. **Independent Contractors**. None of the provisions of this Agreement are intended to create nor will they be deemed to create any relationship between the parties other than that of independent parties contracting with each other as independent contractors solely for the purposes effecting the provisions of this Agreement.

L. **Rights of Third Parties**. This Agreement is between the Provider and the Business Associate and shall not be construed, interpreted, or deemed to confer any rights whatsoever to any third party or parties.

M. **Validity of Execution.** Unless otherwise agreed, the parties may conduct the execution of this Business Associate Agreement transaction by electronic means. The parties may agree that an Electronic Record of the Agreement containing an electronic signature is valid as an executed Agreement.

**RESOLUTION NO. 2017 – _____**

**A RESOLUTION AUTHORIZING WAIVING THE TECHNICAL BIDDING REQUIREMENTS AND APPROVING THE AGREEMENT WITH ACCUMED BILLING SERVICES.**

WHEREAS, THE City has found through over 160 hours of staff time in reviewing RFPs for the prior agreement and contacting other entities in the region that the complex and legal requirements make AccuMed the most qualified, result engineered billing vendor; and

WHEREAS, the City has maintained a perfect compliance record; and

WHEREAS, in the near future, the Fire Department's use of their new record management system, Image Trend, the City will realize a savings of $10,000 in an annual credit.

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

That the recitals set forth above are incorporated herein, the technical bidding requirements waived, and City Manager, or designated representatives, are authorized to execute a five year agreement for the billing services from AccuMed at a billing rate of 6% less the monthly credit of $833.33 up to $10,000, and are authorized to execute any necessary documents to effectuate the purchase.

PASSED this 23rd day of October 2017.

APPROVED this ____day of October 2017.

CITY OF BLOOMINGTON ATTEST:

_____ _____

Tari Renner, Mayor Cherry L. Lawson, C.M.C., City Clerk

**CONSENT AGENDA ITEM NO. 7G**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of review and approval of funding stabilization installation work at Lakes Evergreen and Bloomington, that includes stretches of reservoir shoreline near the Pump House at Evergreen Lake and near the Davis Lodge on Lake Bloomington, and tributary streambank in the T3 area through the City's Intergovernmental Agreement with McLean County, the Town of Normal, and the McLean County Soil and Water Conservation District.

**RECOMMENDATION/MOTION:** That the City Council approve the proposal for the Evergreen Lake Pump House, T3 tributary streambank area, and Davis Lodge at Lake Bloomington stabilization project through the Watershed Conservation Intergovernmental Agreement, that the project be approved in the amount of $162,029.60, and the Procurement Manager be authorized to issue a purchase order.

**STRATEGIC PLAN LINK:** Goal 1: Financially Sound City Providing Quality Basic Services, Goal 2: Upgrade City Infrastructure and Facilities, Goal 5: Great Place to Live-Livable

**STRATEGIC PLAN SIGNIFICANCE:** Objective 1e: Partnering with others for the most cost-effective service delivery; Objective 2: Quality Water for the Long Term; Objective 5a: Well-planned City with necessary services and infrastructure.

**BACKGROUND:** Staff respectfully requests that Council authorize the funding of a shoreline erosion control project at the City's two reservoirs. This cooperative effort would entail the funding of $162,029.60 from the City of Bloomington Water Improvement Fund.

This project will utilize a proven mitigation effort (shoreline protection) that is part of the IEPA's strategy to reduce phosphorus in the City's drinking water reservoirs. Please see attached map showing previously completed shoreline stabilization projects. The project funds are budgeted for FY 2018. The project will diminish the problems of sedimentation and nutrients that have been determined to impair water quality in the reservoirs.

The shoreline stabilization in both reservoirs is a continuation of many years of work on improving the quality of the City's drinking water reservoirs. Starting in 2003, the Illinois Environmental Protection Agency conducted a Source Water Assessment and Total Maximum Daily Load ("TMDL") analysis of the Evergreen Lake reservoir. The same report was generated for Lake Bloomington in 2008. A TMDL is the greatest amount of a given contaminant that a reservoir can receive without violating water quality standards and designated uses.

The water quality of both reservoirs is impaired by phosphorus, which can stimulate the growth of algae within the reservoirs, eventually resulting in low dissolved oxygen levels and the proliferation of nuisance organisms. Phosphorus can come from many sources but one known

source is completely natural in that phosphorus can be released into the reservoir from soil that has eroded from the shoreline. To minimize the phosphorus load into the reservoir, shoreline erosion must be reduced. Shoreline stabilization is specified as a mitigation technique in our watershed management plans. In addition to lowering the amount of phosphorus entering the reservoirs, the project will also reduce the sediment load to the reservoirs. The watershed plan and TMDL report for Evergreen Lake can be found at http://mcleancountyswcd.com/lake-evergreen-plans/ and http://www.epa.state.il.us/water/tmdl/report/evergreen/approved-report.pdf. The watershed plan and TMDL report for Lake Bloomington can be found at http://mcleancountyswcd.com/lake-bloomington-plans/ and http://www.epa.state.il.us/water/tmdl/report/bloomington/lake-bloomington.pdf.

This shoreline stabilization project will include the McLean County Highway Department and McLean County Park Department as partners with the City and the McLean County SWCD for access road and staging area preparation, rock acquisition and hauling through their intergovernmental agreement with the SWCD. The contractor is responsible for clearing the shoreline and placing the large rock.

The project was competitively bid and will be administered by the McLean County Soil and Water Conservation Office utilizing the Water Conservationist. The City funds the majority of that position through our Intergovernmental Agreement with McLean County, Town of Normal and the McLean County Soil and Water Conservation Office.

The cost for each project is as follows:

- Davis Lodge at Lake Bloomington: $18,928.50
- T3 Area at Evergreen Lake: $55,710.60
- Pump House at Evergreen Lake: $87,390.50

Staff therefore respectfully request that the Council authorize the expenditure of $162,029.60 for this project.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** McLean County Soil and Water Conservation District, McLean County Highway Department, McLean County Parks Department.

**FINANCIAL IMPACT:** Funds in the amount of $200,000 are included in the FY 2018 Budget under the Water Purification-Capital Outlay Other Capital Improvement account (50100130-72620). Stakeholders can locate this in the FY 2018 Budget Book titled "Adopted Other Funds Budget" on pages 141, 293, 331, 353 and 354.

**COMMUNITY DEVELOPMENT IMPACT:** UEW-1 Provide quality public infrastructure within the City to protect public health, safety and the environment.

Link to Comprehensive Plan/Downtown Plan Goals UEW-1.5 Reliable water supply and distribution system that meets the needs of the current and future residents.

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

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Joseph M. Darter, Miscellaneous Technical Assistant<br>Richard Twait, Superintendent of Purification |
| Reviewed by: | Robert Yehl, PE. Water Director<br>Steve Rasmussen, Assistant City Manager |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | Jeffrey R. Jurgens, Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- WTR 1B Watershed Conservation Intergovernmental Agreement
- WTR 1C Shoreline Protection Projects Cost Overview
- WTR 1D Davis Lodge Shoreline Stabilization Cost Summary and Bid Packet
- WTR 1E T3 Shoreline Stabilization Cost Summary and Bid Packet
- WTR 1F Evergreen Lake Pump House Cost Summary and Bid Packet
- WTR 1G Project Maps
- WTR 1H Existing Shoreline Photographs
- WTR 1I Previous Shoreline Stabilization Projects Maps

McLean County Soil and Water Conservation District

**INTERGOVERNMENTAL AGREEMENT 2015-2018**

This Intergovermental Agreement is entered into as of this 1st day of October 2015, by and between the City of Bloomington, Town of Normal and County of McLean (hereinafter referred to as the "City", "Town" and "County") and the McLean County Soil and Water Conservation district (hereinafter referred to as the "District").

A. **Purpose of This Agreement:**

The purpose of this agreement is to establish a framework for the continuing administration and implementation of the McLean County Watersheds Management Program, hereafter referred to as the "Program" prepared by the District, and include 1) maintenance and improvement of Lake Bloomington and Evergreen Lake water quality through implementation of the watershed management plans; 2) the performance of a watershed conservation education program for the City, Town and County; 3) assistance to the City, Town and County in obtaining grant funding for watershed management projects; and 4) facilitate the review, updates and modifications of the watershed plans.

B. **Period of Agreement:**

The period of this agreement commences October 1, 2015 and ends October 1, 2018.

C. **Payment:**

The City, Town and County shall pay the District the following amounts for services:

a. The first year of the agreement (2015) payments of $70,000 shall be made by the City, $10,000 by the Town and $10,000 by the County, by the first (1st) week of October, pending the receipt of invoices from the District by the 20th day of the preceding month.

b. The second (2nd) year of the agreement (2016), payments of $70,000 shall be made by the City, $10,000 by the Town and $10,000 by the County by the first (1st) week of October, pending the receipt of invoices from the District by the 20th day of the preceding month.

c. The third (3rd) year of the agreement (2017), payments of $70,000 shall be made by the City, $10,000 by the Town and $10,000 by the County by the first (1st) week of October, pending the receipt of invoices from the District by the 20th day of the preceding month.

D. **Description of Services:**
The District shall:

- Promote agricultural practices in the Lake Bloomington and Evergreen Lake watersheds via newsletters, news releases and social media.

- Work with producers in the Lake Bloomington and Evergreen Lake watersheds to continue nutrient management and conservation practices.

- Promote Best Management Practices (BMP) such as waterways, filter strips, nutrient management, conservation tillage, grade stabilization structures, stream bank stabilization, wetlands and cover crops, through available federal and state cost share programs to producers in the Lake Bloomington and Evergreen Lake watersheds.

- Act as a liaison between conservation groups and funding agencies such as, The Nature Conservancy, Association of Illinois Soil & Water Conservation Districts, Illinois Environmental Protection Agency, Natural Resource Conservation Service, U of I Extension, Illinois Department of Natural Resources, Ecology Action Center, Parklands and Friends of EverBloom.

- Provide quarterly status reports and an annual summary of the implementation of the Watershed Plans to Bloomington, Normal and the McLean County. The annual reports are submitted in October. Information is also regulary disseminated in the biannual SWCD newsletter and periodic watershed newsletters. The McLean County SWCD website contains this information, as well http://mcleancountyswcd.com.

- Prepare five year updates to the Evergreen Lake and Lake Bloomington Watershed Plans. The Watershed Oversight Committee is currently working on updates to the Evergreen Lake plan. Information gathering to update the urban section of Lake Bloomington's plan is underway with an IEPA section 319 grant.

E. **Indemnification and Hold Harmless:**

The District shall save and hold the City, Town and County, (including its officials, agents and employees) free and harmless from all liability, public or private penalties, contractual or otherwise, losses, damages, costs, attorney's fees, expenses, causes of action, claims and judgments, resulting from claimed injury, damage, loss or loss of use to for any person, including natural persons and any other legal entity or property of any kind (including, but not limited to choices in action) arising out of or in any way connected with the performance under this agreement, for any costs, expenses, judgments, and attorney's fee paid or incurred or paid for on behalf of the City, Town and/or County, and/or its agents and employees, by insurance provided by the aforementioned government bodies.

F. **Additional Agreements:**

This agreement may be modified by mutual consent of the parties hereto and agreed to in writing and does not preclude separate agreements between the District and individual units of government for additional services.

**City of Bloomington, IL**

Karen Schmidt, Mayor Pro Tem

Karen Schmidt, Mayor Date 7/14/15

**Attest**

T. Renee Gooderham, Deputy Clerk

**Town of Normal, IL**

Chris Koos, Mayor Date 8/3/15

**Attest**

Wendellyn Briggs, Town Clerk

**McLean County, IL**

Matt Sorensen County Board Chair

8-18-2015

Date

**Attest**

Kathy Michael, County Clerk

**McLean County Soil and Water Conservation District**

Mike Kelly, Chairman Date 8/27/15

**Attest**

Clerk/Secretary

McLean County SWCD
402 N. Kays Drive Normal, IL 61763
Phone: 309-452-0830 ext. 3

## Shoreline Protection Projects Overview

| | |
|---|---|
| **Davis Lodge** @ Lake Bloomington<br>(225 ft protected) | **$18,928.50** |
| **T-3** @ Evergreen Lake<br>(700 ft protected) | **$55,710.60** |
| **Pump house** @ Evergreen Lake | **$87,390.50** |
| 325 ft protected | ($27,172.00) |
| 700 ft protected | (60,218.50) |
| **Total Cost to complete protection** | **$162,029.60** |

McLean County SWCD
402 N. Kays Drive Normal, IL 61761
Phone: 309-452-0830 ext. 3

Lake Bloomington Davis Lodge Shoreline Protection Project Cost
9/28/2017

| | |
|---|---|
| Construction Supervision<br>(Site investigation, Survey, Staking,<br>Construction oversight, etc) | **$1770.00** |
| Construction | **$17,158.50** |
| *Installation(private contractor)* | *($4,981.50)* |
| *Materials(McLean Co. SWCD & Highway Dept)* | *($12,177.00)* |
| Overall Project Management by McLean Co. SWCD<br>*Covered by the Intergovernmental Watershed Conservationist Agreement* | **$0.00** |
| **Total Project Cost** | **$18,928.50** |

## McLEAN COUNTY SOIL & WATER CONSERVATION DISTRICT
### Lake Bloomington Shoreline Protection – Davis Lodge Area

**PROJECT BID**

Project: A contractor will construct/install a minimum of 225 ft. of Stone Toe Protection with an estimated 270 tons of class A R4 rock at Davis Lodge, Lake Bloomington.

Construction plans and specifications may be picked up at the McLean County SWCD at 402 N. Kays Drive, Normal, IL between 8:00 a.m. and 4:00 p.m. Monday through Friday. Project start date is June 2018 with a completion date of July 2018. If your bid is accepted, the contractor/vendor must sign a contract, pay prevailing wage to all parties involved in the project, provide performance/payment bond for 100% of the contract price and follow the provided job and standard specifications.

| | | |
|---|---|---|
| Contact Person: | Jackie Kraft, administrative questions<br>McLean County SWCD | 309-452-3848 x3 |
| | Wayne Kinney, technical questions<br>Midwest Streams, Inc. | 618-830-6318 |

**Contractor Name:**_____

**Address:**_____

**Phone:**_____

**Total Price of Project:**_____

**Installation of R-4 rock total price:**_____

**Trucking of R-4 rock per ton:**_____

**Signature:**_____

**Date:**_____

Return completed bids by mail or in person no later than 8***:00 a.m., Wednesday, September 27, 2017*** to McLean County SWCD, 402 N. Kays Drive, Normal, IL 61761; 309-452-3848 ext 3.

*Include resume listing all pertinent projects performed within last five years.
* Must pay at or above prevailing wage to anyone involved with the project.

## NOTICE TO CONTRACTORS

- Site Showing – Thursday, September 21, 2017, 4:45 p.m. Meet at Davis Lodge, Lake Bloomington. Attendance at the site showing to meet with the project engineer is required in order to submit a sealed bid.

- Sealed bids will be received by The McLean County Soil & Water Conservation District, 402 N. Kays Drive, Normal, IL 61761 until 8:00 a.m. on September 27, 2017, and at that time, publicly opened. Include bid sheet along with resume listing all pertinent projects performed with last five years.

- Bids should be submitted for the entire job.

- Performance and payment bonds for 100% of the contract price will be required of the accepted bidder.

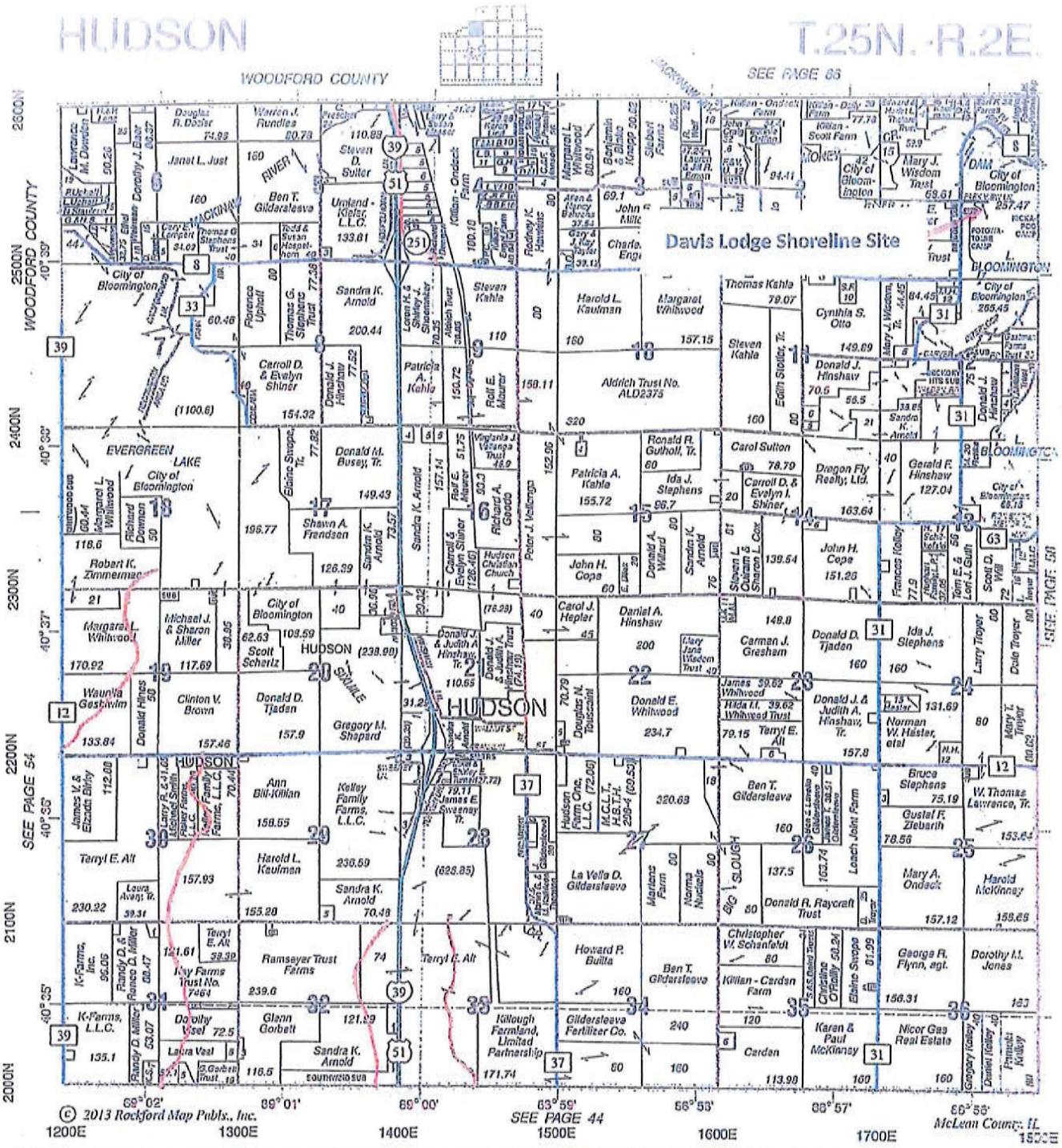
- The successful contractor shall agree to pay at or above prevailing wages established for McLean County, Illinois to all parties involved with the project. All certified payroll time sheets must be submitted to McLean County SWCD no later than 15th of each month.

- Prospective bidder shall be skilled in this type of work and shall demonstrate it through the submission of a resume listing all pertinent projects performed with last five (5) years. Include resume with bid.

- The McLean County SWCD reserves the right to reject any and all bids and to waive technicalities.

- Payment will be 6-8 weeks following the completion of job.

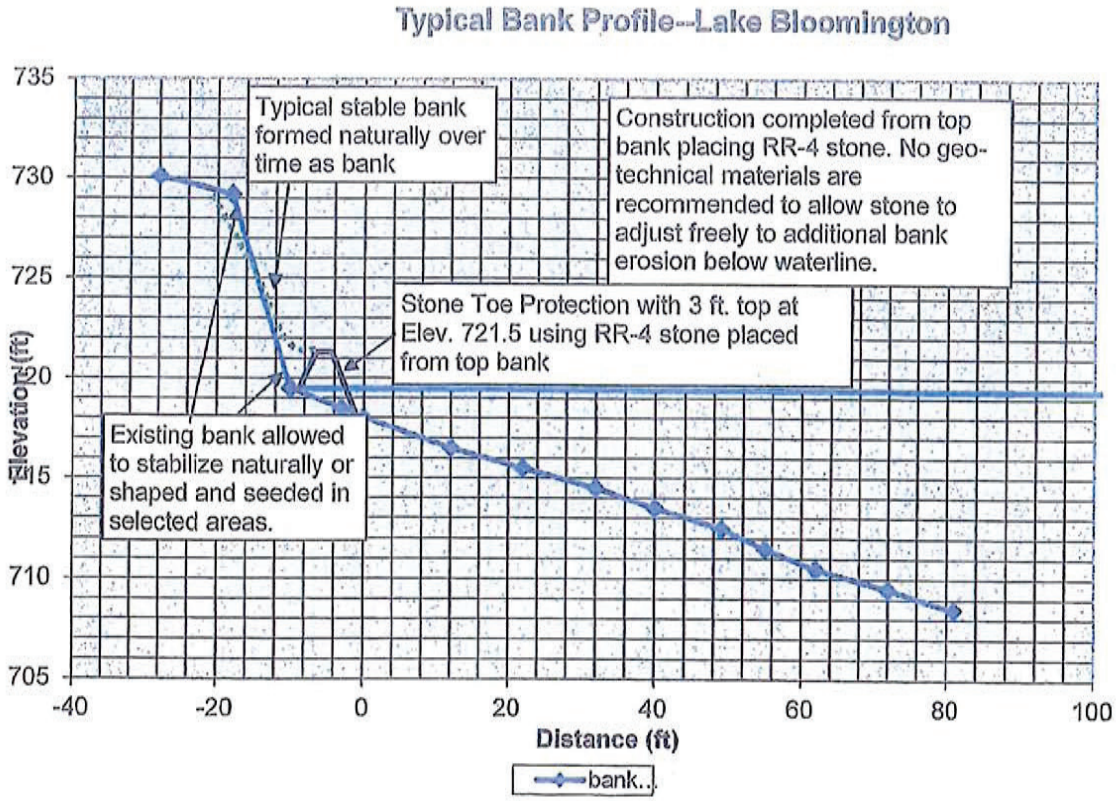
- Contractor must contact JULIE to have utilities located.





WOODLEY AERIAL SPRAY
www.woodleyaerialspray.com
Craig Woodley
Walnut, IL
WoodleyCraig@hotmail.com
Cell: 815 499-4704
Office: 815 379-9300
Fax: 815 379-9305

FERTILIZER — SEED — CHEMICALS
LIMESTONE & CUSTOM APPLICATION
SUN AG INC.
PROFESSIONAL AG SERVICE
Cullom • El Paso • Flanagan • Hudson • McNabb • Tremont
PHONE: (309) 527-6500
WATTS: (800) 527-6506 • FAX: (309) 527-6504


Typical Bank Profile--Lake Bloomington
Typical stable bank formed naturally over time as bank
Construction completed from top bank placing RR-4 stone. No geo-technical materials are recommended to allow stone to adjust freely to additional bank erosion below waterline.
Stone Toe Protection with 3 ft. top at Elev. 721.5 using RR-4 stone placed from top bank
Existing bank allowed to stabilize naturally or shaped and seeded in selected areas.
Elevation (ft)
735
730
725
720
715
710
705
-40
-20
0
20
40
60
80
100
Distance (ft)
bank...

Davis Lodge Shoreline Protection

Lake Bloomington

Sec. 1, T25N, R2E McLean Co., IL

McLean County SWCD
402 N. Kays Drive Normal, IL 61761
Phone: 309-452-0830 ext. 3

T-3 @ Evergreen Lake Protection Project Cost
9/28/2017

| | |
|---|---|
| Construction Supervision<br>(Site investigation, Survey, Staking,<br>Construction oversight, etc) | **$3000.00** |
| Construction | **$52,710.60** |
| *Installation(private contractor)* | *($15,276.60)* |
| *Materials(McLean Co. SWCD & Highway Dept)* | *($37,434.00)* |
| Overall Project Management by McLean Co. SWCD<br>*Covered by the Intergovernmental Watershed Conservationist Agreement* | **$0.00** |
| **Total Project Cost** | **$55,710.60** |

## McLEAN COUNTY SOIL & WATER CONSERVATION DISTRICT
### Evergreen Lake Shoreline Protection – T-3 Area

**PROJECT BID**

Project: A contractor will construct/install a minimum of 700 ft. of Stone Toe Protection with an estimated 828 tons of class A R4 rock at along six (6) reaches at T-3, tributary at Evergreen Lake.

Construction plans and specifications may be picked up at the McLean County SWCD at 402 N. Kays Drive, Normal, IL between 8:00 a.m. and 4:00 p.m. Monday through Friday. Project start date is June 2018 with a completion date of July 2018. If your bid is accepted, the contractor/vendor must sign a contract, pay prevailing wage to all parties involved in the project, provide performance/payment bond for 100% of the contract price and follow the provided job and standard specifications.

| | | |
|---|---|---|
| Contact Person: | Jackie Kraft, administrative questions<br>McLean County SWCD | 309-452-3848 x3 |
| | Wayne Kinney, technical questions<br>Midwest Streams, Inc. | 618-830-6318 |

**Contractor Name:**_____

**Address:**_____

**Phone:**_____

**Total Price of Project:**_____

**Installation of R-4 rock total price:**_____

**Trucking of R-4 rock per ton:**_____

**Signature:**_____

**Date:**_____

Return completed bids by mail or in person no later than 8***:00 a.m., Wednesday, September 27, 2017*** to McLean County SWCD, 402 N. Kays Drive, Normal, IL 61761; 309-452-3848 ext 3.

*Include resume listing all pertinent projects performed within last five years.
* Must pay at or above prevailing wage to anyone involved with the project.

## NOTICE TO CONTRACTORS

- Site Showing – Thursday, September 21, 2017, 3:15 p.m. Meet at T-3 parking lot. Attendance at the site showing to meet with the project engineer is required in order to submit a sealed bid.

- Sealed bids will be received by The McLean County Soil & Water Conservation District, 402 N. Kays Drive, Normal, IL 61761 until 8:00 a.m. on September 27, 2017, and at that time, publicly opened. Include bid sheet along with resume listing all pertinent projects performed with last five years.

- Bids should be submitted for the entire job.

- Performance and payment bonds for 100% of the contract price will be required of the accepted bidder.

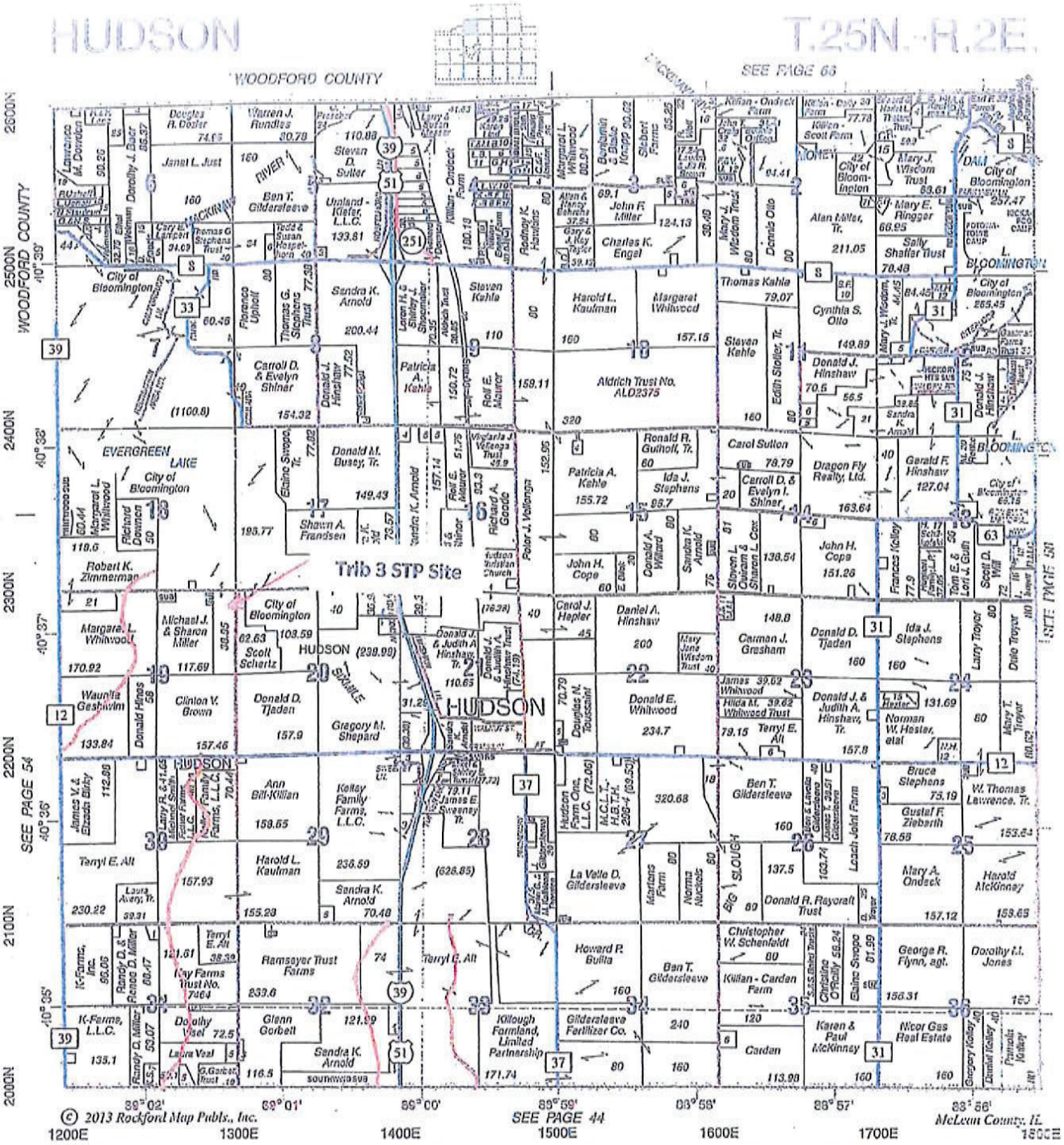
- The successful contractor shall agree to pay at or above prevailing wages established for McLean County, Illinois to all parties involved with the project. All certified payroll time sheets must be submitted to McLean County SWCD no later than 15th of each month.

- Prospective bidder shall be skilled in this type of work and shall demonstrate it through the submission of a resume listing all pertinent projects performed with last five (5) years. Include resume with bid.

- The McLean County SWCD reserves the right to reject any and all bids and to waive technicalities.

- Payment will be 6-8 weeks following the completion of job.

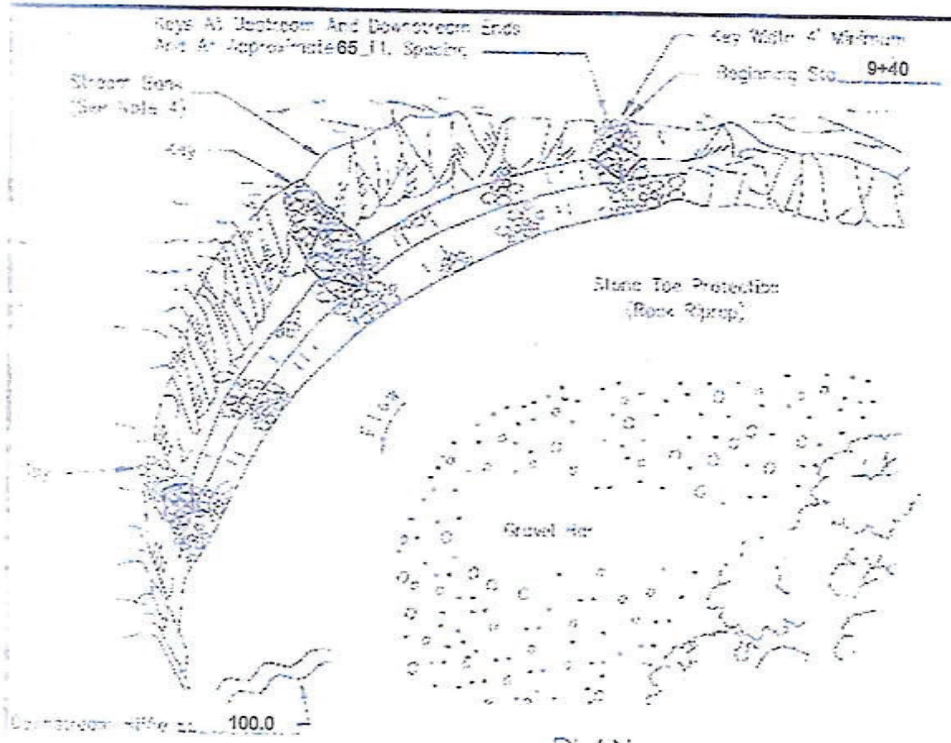
- Contractor must contact JULIE to have utilities located.





WOODLEY AERIAL SPRAY
www.woodleyaerialspray.com
Craig Woodley
Walnut, IL
WoodleyCraig@hotmail.com
Cell: 815 499-4704
Office: 815 379-9300
Fax: 815 379-9305

FERTILIZER — SEED — CHEMICALS
LIMESTONE & CUSTOM APPLICATION
SUN AG INC.
PROFESSIONAL AG SERVICE
Cullom • El Paso • Flanagan • Hudson • McNabb • Tremont
PHONE: (309) 527-6500
WATTS: (800) 527-6506 • FAX: (309) 527-6504




PLAN

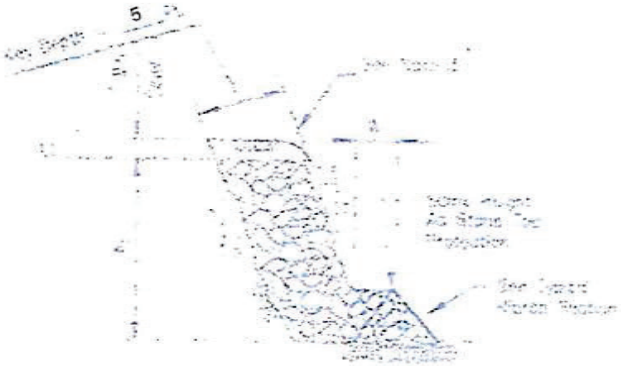
| Key | Sta. | $h_1$ | $W_1$ | Level Crest El. |
|---|---|---|---|---|
| 1 | 9+40 | 6.0 | 2.0 | 102.5 |
| 2 | 10+00 | 6.0 | 2.0 | 102.5 |
| 3 | 10+65 | 6.0 | 2.0 | 102.5 |

NOTE: Reach 6

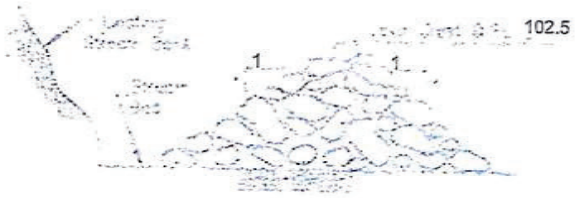
Benchmark EL. 100.00
Description
Downstream Riffle

Beginning Sta. Description
Below tail of Riffle #5

Notes:
1. Rock gradation shall meet IDOT requirements for GRAD. NO. 4 riprpap, quality designation "A", or as designated by engineer.
2. Stone Toe 125 ft. @ 0.80 Tons / Ft. average
Keys 3 @ 7 Tons Each
Total Rock Amount (Estimate): 120 Tons
3. Key shall be constructed so that the vertical section remains embedded in the existing stream bank.
4. Location Left side of streambank looking downstream.




KEY DETAIL




TYPICAL RIPRAP SECTION

NOT TO SCALE

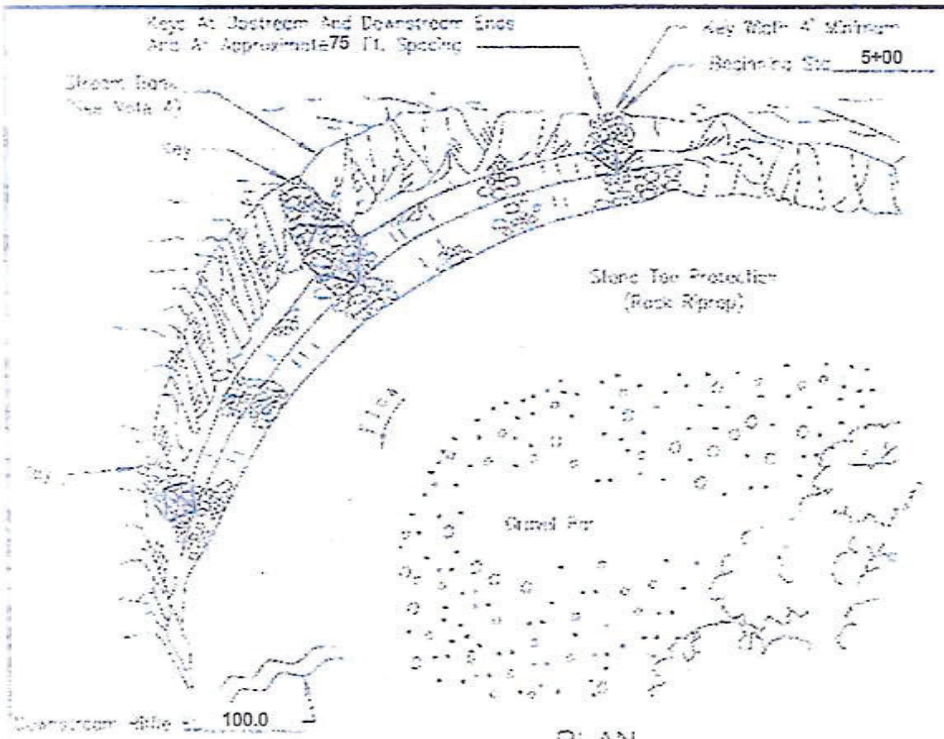
Designed Wayne Kinney
Drawn
Checked
Approved
Date 8/23/17
In cooperation with

STREAM BANK STABILIZATION
STONE TOE PROTECTION

USDA NRCS Natural Resources Conservation Service

| Landowner | City of Bloomington | Stream | Evergreen Trib. 3 | Location | Sec. 19 T25N R2E McLean County, IL |
|---|---|---|---|---|---|

File ILENG-152
Drawing No.
Sheet 1 of 1




PLAN

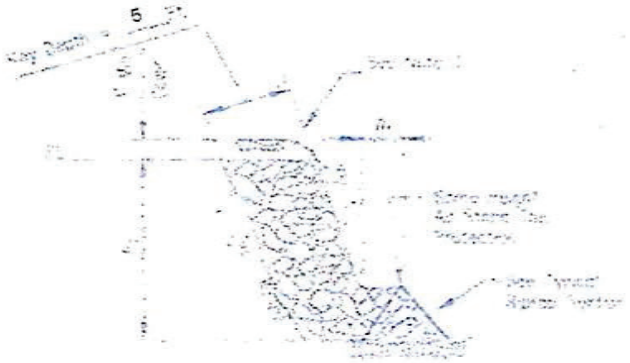
| Key | Sta. | $h_1$ | $W_1$ | Level Crest El. |
|---|---|---|---|---|
| 1 | 5+00 | 6.0 | 2.0 | 102.5 |
| 2 | 5+75 | 6.0 | 2.0 | 102.5 |
| 3 | 6+50 | 6.0 | 2.0 | 102.5 |

NOTE: Reach 4

Benchmark EL. 100.00
Description
Downstream riffle

Beginning Sta. Description
Opposite key #3 on STP Reach #3

Notes:
1. Rock gradation shall meet IDOT requirements for GRAD. NO. 4 riprpap, quality designation "A", or as designated by engineer.
2. Stone Toe 150 ft. @ 0.80 Tons / Ft. average
Keys 3 @ 10 Tons Each
Total Rock Amount (Estimate): 150 Tons
3. Key shall be constructed so that the vertical section remains embedded in the existing stream bank.
4. Location Right side of streambank looking downstream.




KEY DETAIL

TYPICAL RIPRAP SECTION

NOT TO SCALE

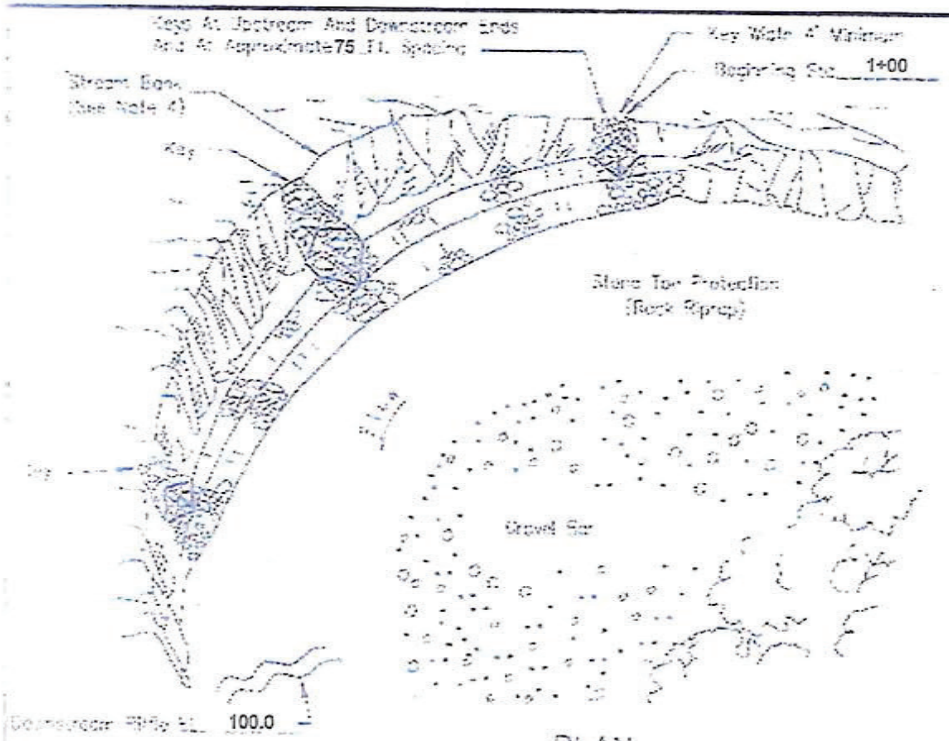
Date 8/23/17
Designed Wayne Kinney
Drawn
Checked
Approved

STREAM BANK STABILIZATION
STONE TOE PROTECTION

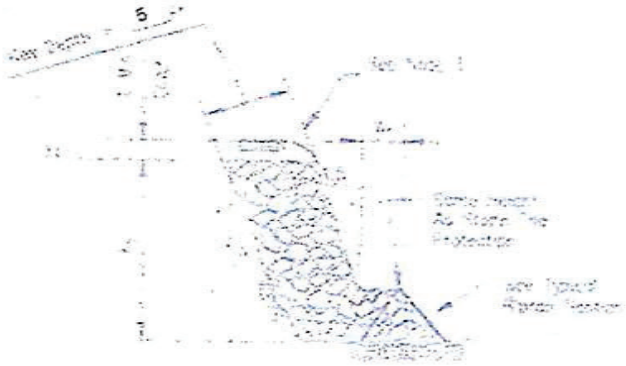
USDA NRCS Natural Resources Conservation Service

File No. ENG-152
Drawing No.
Sheet 1 of 1

| Landowner | City of Bloomington | Stream | Evergreen Trib. 3 | Location | Sec. 19 T25N R2E | McLean County, IL |
|---|---|---|---|---|---|---|




PLAN




KEY DETAIL

TYPICAL RIPRAP SECTION

NOT TO SCALE

| Key | Sta. | $h_1$ | $W_1$ | Level Crest El. |
|---|---|---|---|---|
| 1 | 1+00 | 6.0 | 2.0 | 102.5 |
| 2 | 1+50 | 6.0 | 2.0 | 102.5 |
| 3 | 2+00 | 6.0 | 2.0 | 102.5 |

NOTE: Reach 2
Pull point bar back to maintain x-sec. area

Benchmark EL. 100.00
Description
Downstream Riffle

Beginning Sta. Description
opposite "key #3 on Reach 1 STP

Notes:
1. Rock gradation shall meet IDOT requirements for GRAD. NO. 4 riprpap, quality designation "A", or as designated by engineer.
2. Stone Toe 100 ft. @ 1.00 Tons / Ft. average
Keys 3 @ 7 Tons Each
Total Rock Amount (Estimate): 120 Tons
3. Key shall be constructed so that the vertical section remains embedded in the existing stream bank.
4. Location Left side of streambank looking downstream.

Designed Wayne Kinney
Drawn TS OUNDNES
Checked
Approved
Date 8/23/17

STREAM BANK STABILIZATION
STONE TOE PROTECTION

USDA NRCS Natural Resources Conservation Service

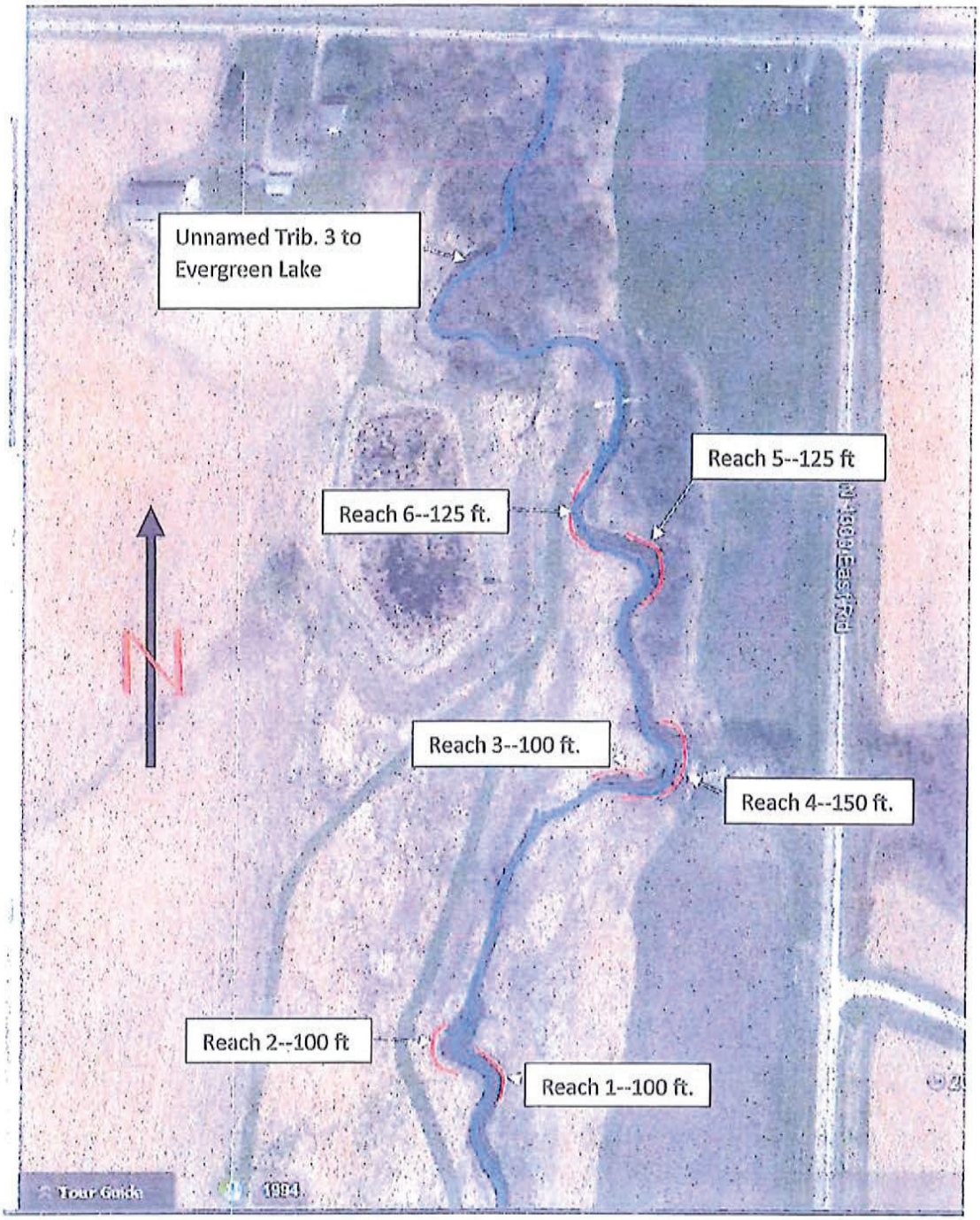
File No. ENG-152
Drawing No.
Sheet 1 of 1

| Landowner | City of Bloomington | Stream | Evergreen Trib. 3 | Location | Sec. 19 T25N R2E | McLean County, IL |
|---|---|---|---|---|---|---|

City of Bloomington, McLean Co., IL

Stone Toe Protection

NW1/4 sec. 19, T25N, R2E



McLean County SWCD
402 N. Kays Drive Normal, IL 61761
Phone: 309-452-0830 ext. 3

Evergreen Lake Shoreline Pump House Protection Project Cost
9/28/2017

| | |
|---|---|
| Construction Supervision<br>(Site investigation, Survey, Staking,<br>Construction oversight, etc) | **$6000.00** |
| Construction | **$81,390.50** |
| *Installation(private contractor)* | *($20,479.50)* |
| *Materials(McLean Co. SWCD & Highway Dept)* | *($60,911.00)* |
| Overall Project Management by McLean Co. SWCD<br>*Covered by the Intergovernmental Watershed Conservationist Agreement* | **$0.00** |
| **Total Project Cost** | **$87,390.50** |

## McLEAN COUNTY SOIL & WATER CONSERVATION DISTRICT
### Evergreen Lake Shoreline Protection – Pump House Area

**PROJECT BID**

Project: A contractor will construct/install a minimum of 325ft. of Stone Toe Protection with an estimated 360 tons of class A R4 rock at Evergreen Lake shoreline pump house area.

Construction plans and specifications may be picked up at the McLean County SWCD at 402 N. Kays Drive, Normal, IL between 8:00 a.m. and 4:00 p.m. Monday through Friday. Project start date is November 1, 2017 with a completion date of December 15, 2017. If your bid is accepted, the contractor/vendor must sign a contract, pay prevailing wage to all parties involved in the project, provide performance/payment bond for 100% of the contract price and follow the provided job and standard specifications.

| | | |
|---|---|---|
| Contact Person: | Jackie Kraft, administrative questions<br>McLean County SWCD | 309-452-3848 x3 |
| | Wayne Kinney, technical questions<br>Midwest Streams, Inc. | 618-830-6318 |

**Contractor Name:**_____

**Address:**_____

**Phone:**_____

**Total Price of Project:**_____

**Installation of R-4 rock total price:**_____

**Trucking of R-4 rock per ton:**_____

**Brush clearing price:**_____

**Signature:**_____

**Date:**_____

Return completed bids by mail or in person no later than 8***:00 a.m., Wednesday, September 27, 2017*** to McLean County SWCD, 402 N. Kays Drive, Normal, IL 61761; 309-452-3848 ext 3.

*Include resume listing all pertinent projects performed within last five years.
* Must pay at or above prevailing wage to anyone involved with the project.

## NOTICE TO CONTRACTORS

- Site Showing – Thursday, September 21, 2017, 4:00 p.m. Meet at pump house parking lot at Evergreen Lake. Attendance at the site showing to meet with the project engineer is required in order to submit a sealed bid.

- Sealed bids will be received by The McLean County Soil & Water Conservation District, 402 N. Kays Drive, Normal, IL 61761 until 8:00 a.m. on September 27, 2017, and at that time, publicly opened. Include bid sheet along with resume listing all pertinent projects performed with last five years.

- Bids should be submitted for the entire job.

- Performance and payment bonds for 100% of the contract price will be required of the accepted bidder.

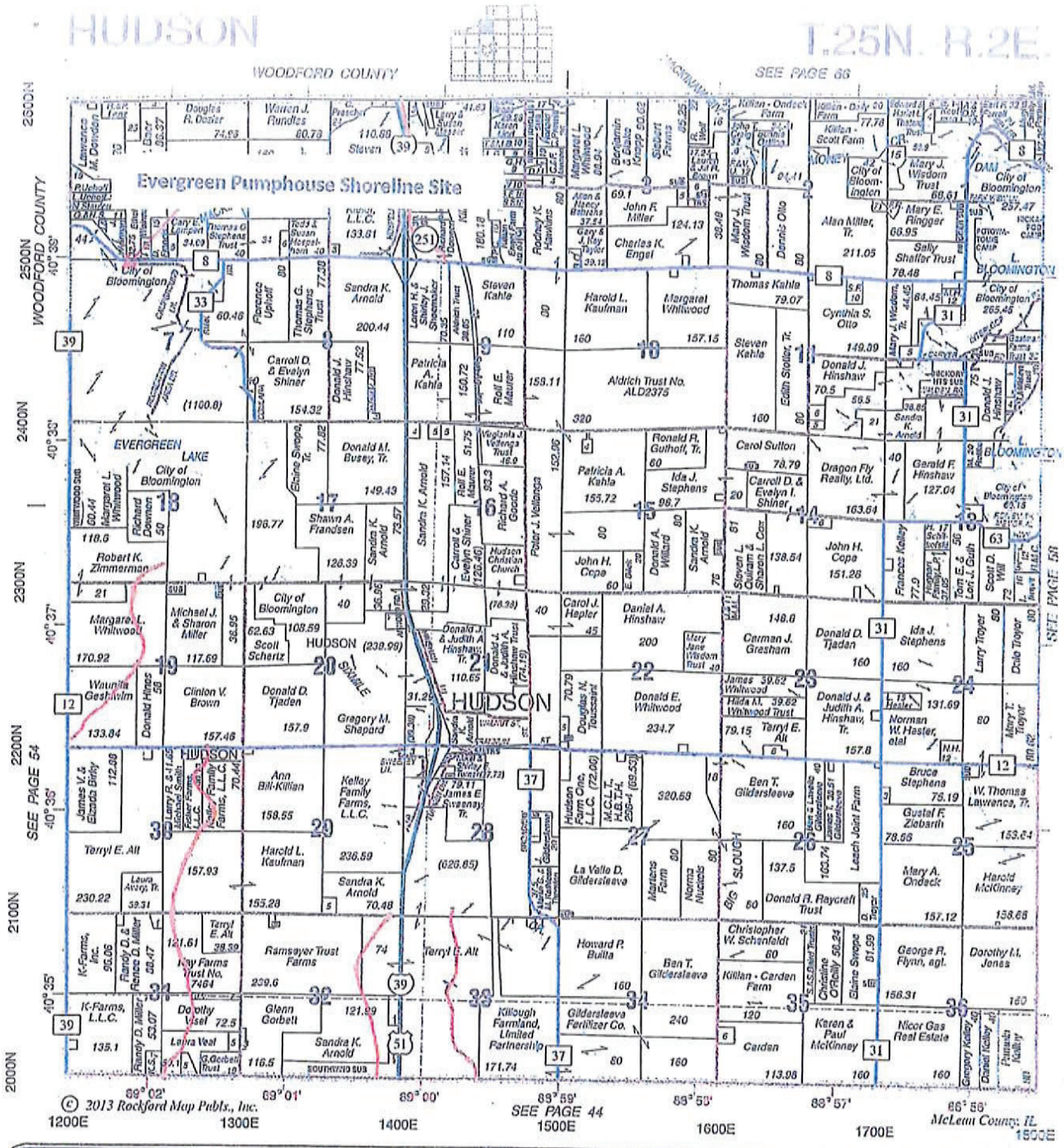
- The successful contractor shall agree to pay at or above prevailing wages established for McLean County, Illinois to all parties involved with the project. All certified payroll time sheets must be submitted to McLean County SWCD no later than 15th of each month.

- Prospective bidder shall be skilled in this type of work and shall demonstrate it through the submission of a resume listing all pertinent projects performed with last five (5) years. Include resume with bid.

- The McLean County SWCD reserves the right to reject any and all bids and to waive technicalities.

- Payment will be 6-8 weeks following the completion of job.

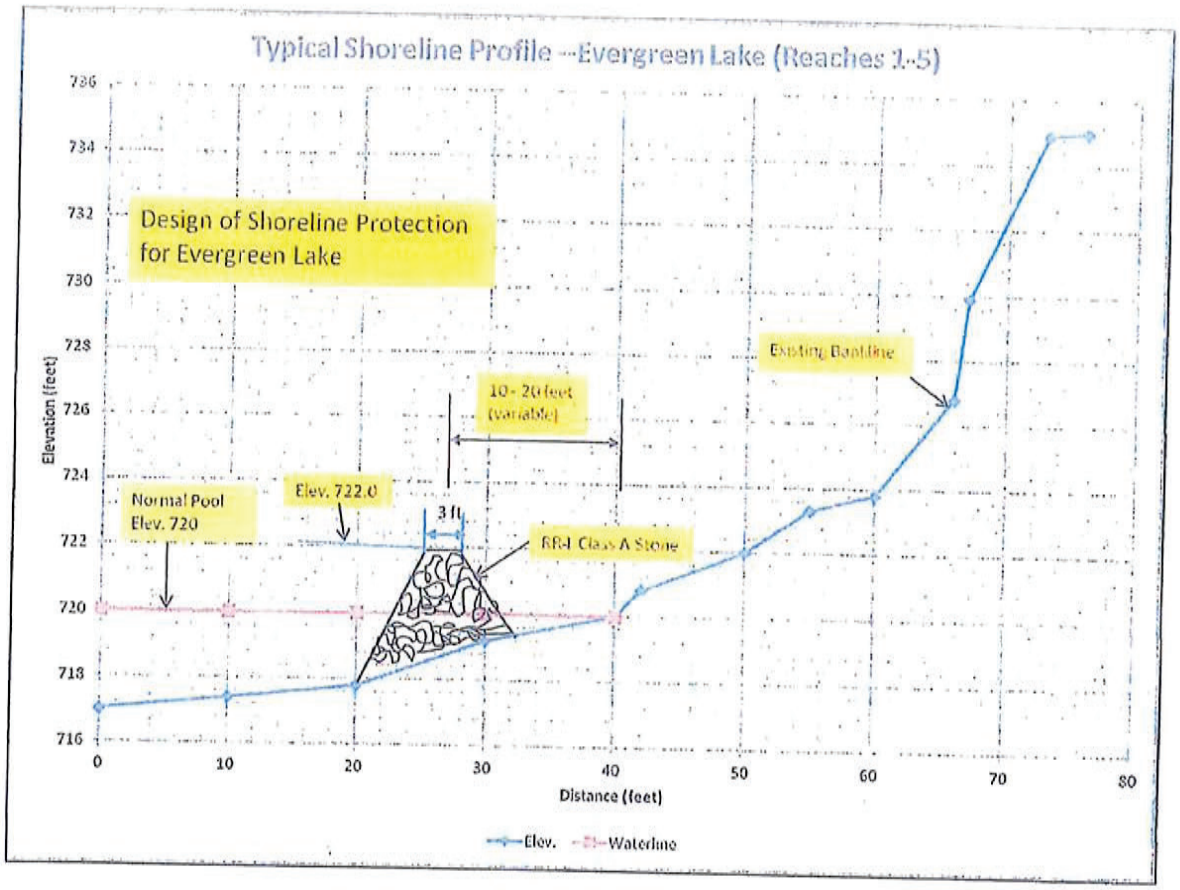
- Contractor must contact JULIE to have utilities located.





WOODLEY AERIAL SPRAY
www.woodleyaerialspray.com
Craig Woodley
Walnut, IL
WoodleyCraig@hotmail.com
Cell: 815 499-4704
Office: 815 379-9300
Fax: 815 379-9305

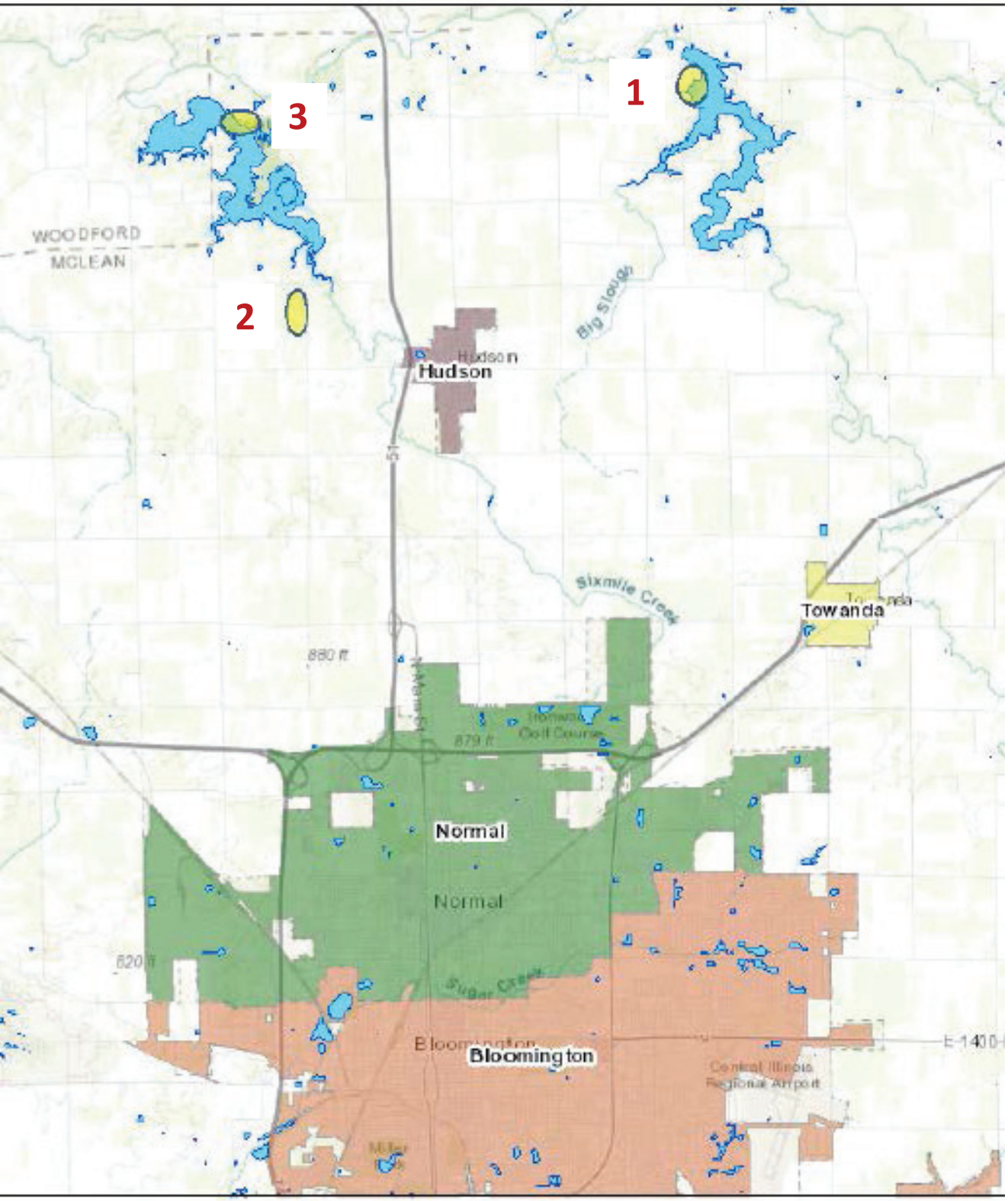
FERTILIZER — SEED — CHEMICALS
LIMESTONE & CUSTOM APPLICATION
SUN AG INC.
PROFESSIONAL AG SERVICE
Cullom • El Paso • Flanagan • Hudson • McNabb • Tremont
PHONE: (309) 527-6500
WATTS: (800) 527-6506 • FAX: (309) 527-6504


Typical Shoreline Profile --Evergreen Lake (Reaches 1-5)
Design of Shoreline Protection for Evergreen Lake
Existing Bankline
10 - 20 feet (variable)
Elev. 722.0
3 ft
Normal Pool Elev. 720
RR-4 Class A Stone
Elevation (feet)
Distance (feet)
Elev.
Waterline

**Lake Evergreen Pumphouse**

**Shoreline Protection**

**Sec. 7 T25N, R2E McLean Co., IL**



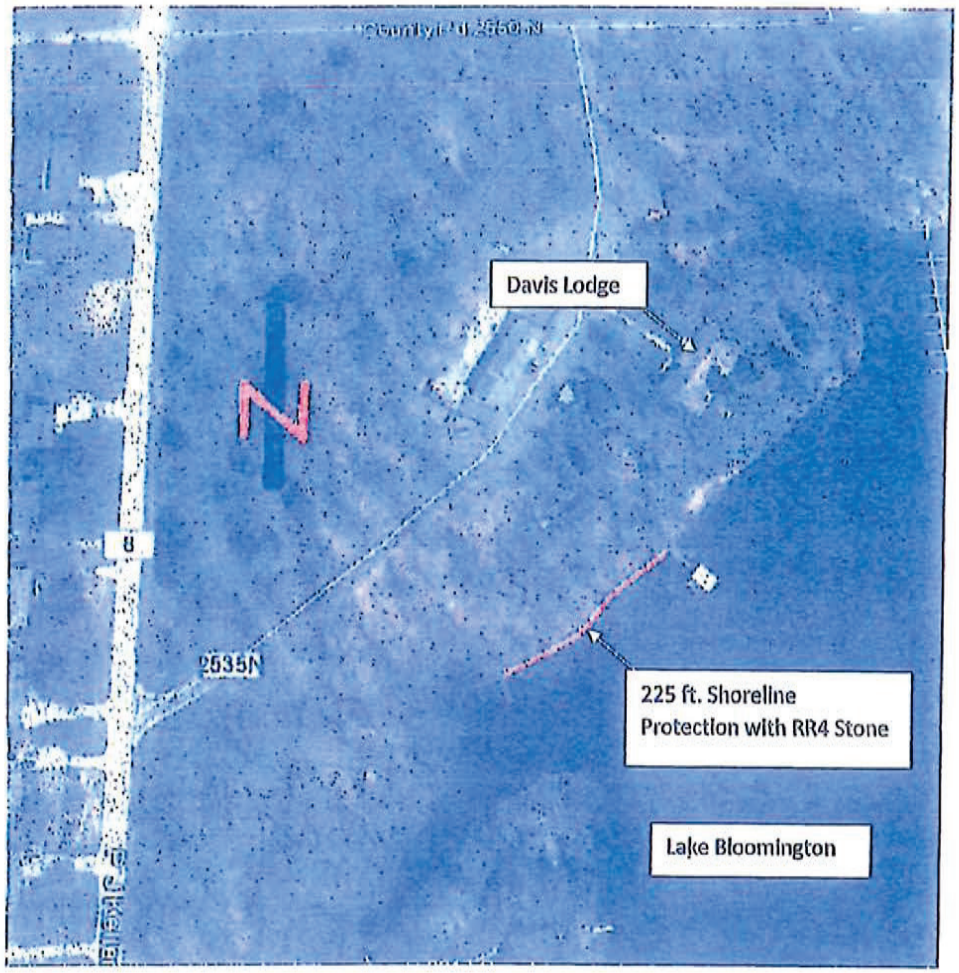

Project Location Map

1. Lake Bloomington shoreline stabilization near Davis Lodge
2. T3 Demonstration Site stream bank stabilization
3. Evergreen Lake shoreline stabilization near the pumphouse and campground area

Davis Lodge Shoreline Protection

Lake Bloomington

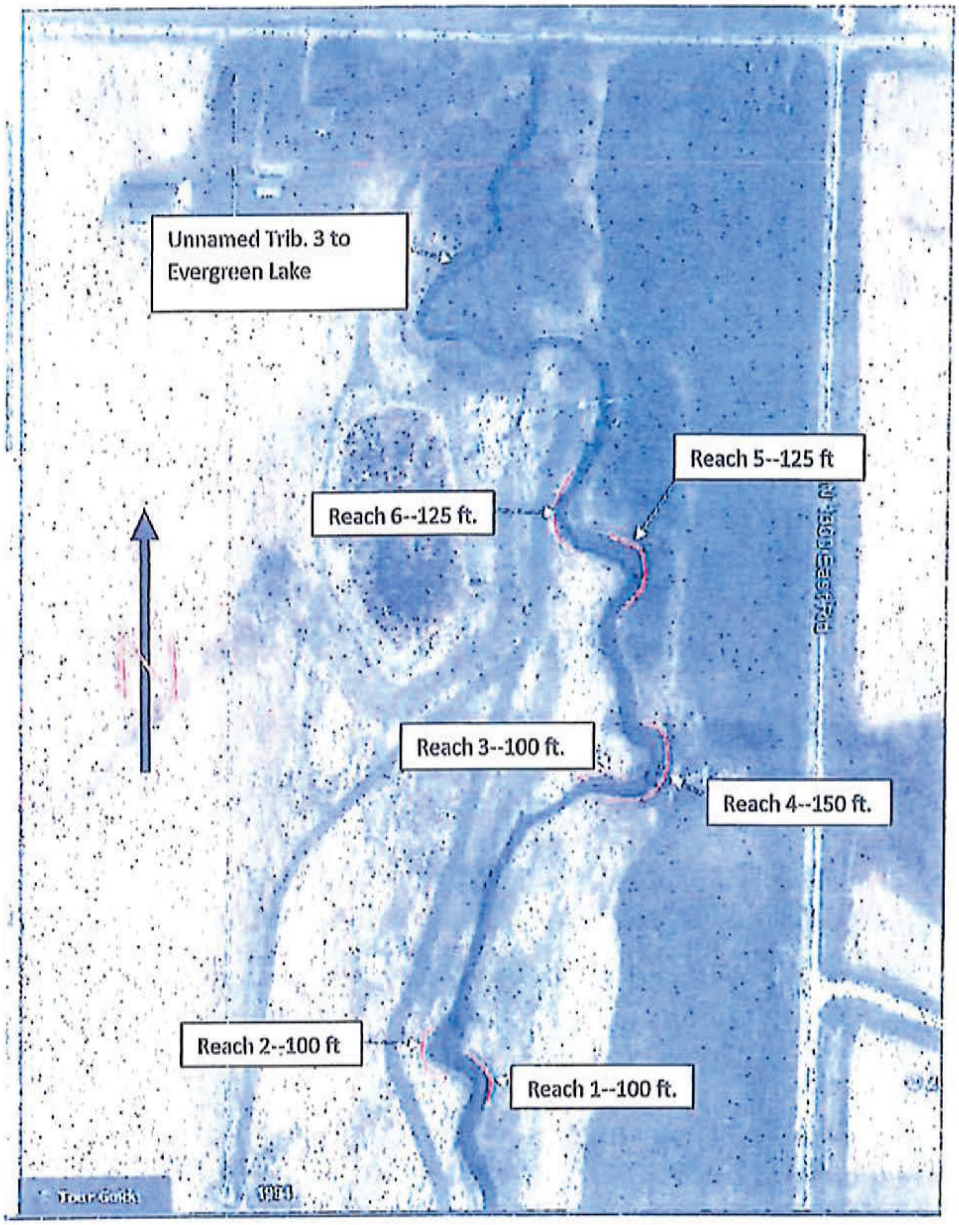
Sec. 1, T25N, R2E McLean Co., IL



City of Bloomington, McLean Co., IL

Stone Toe Protection

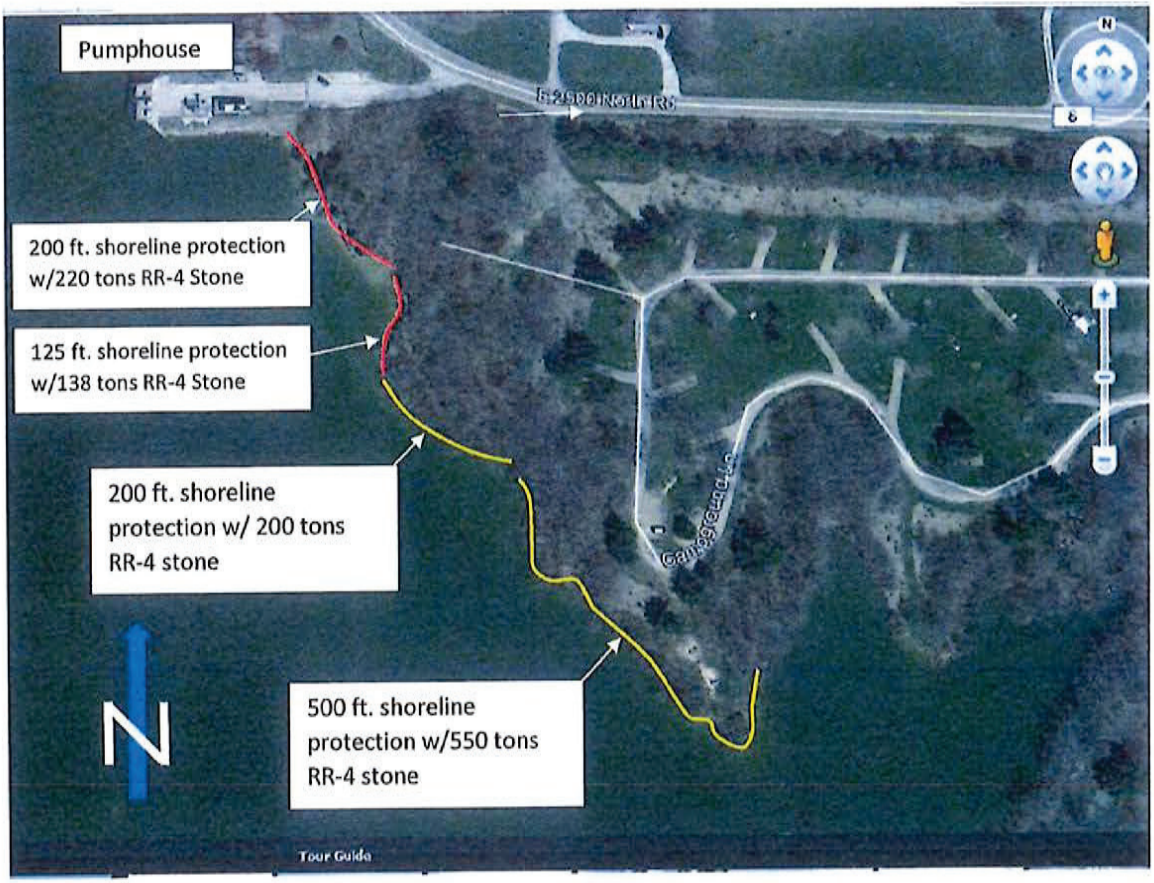
NW1/4 sec. 19, T25N, R2E



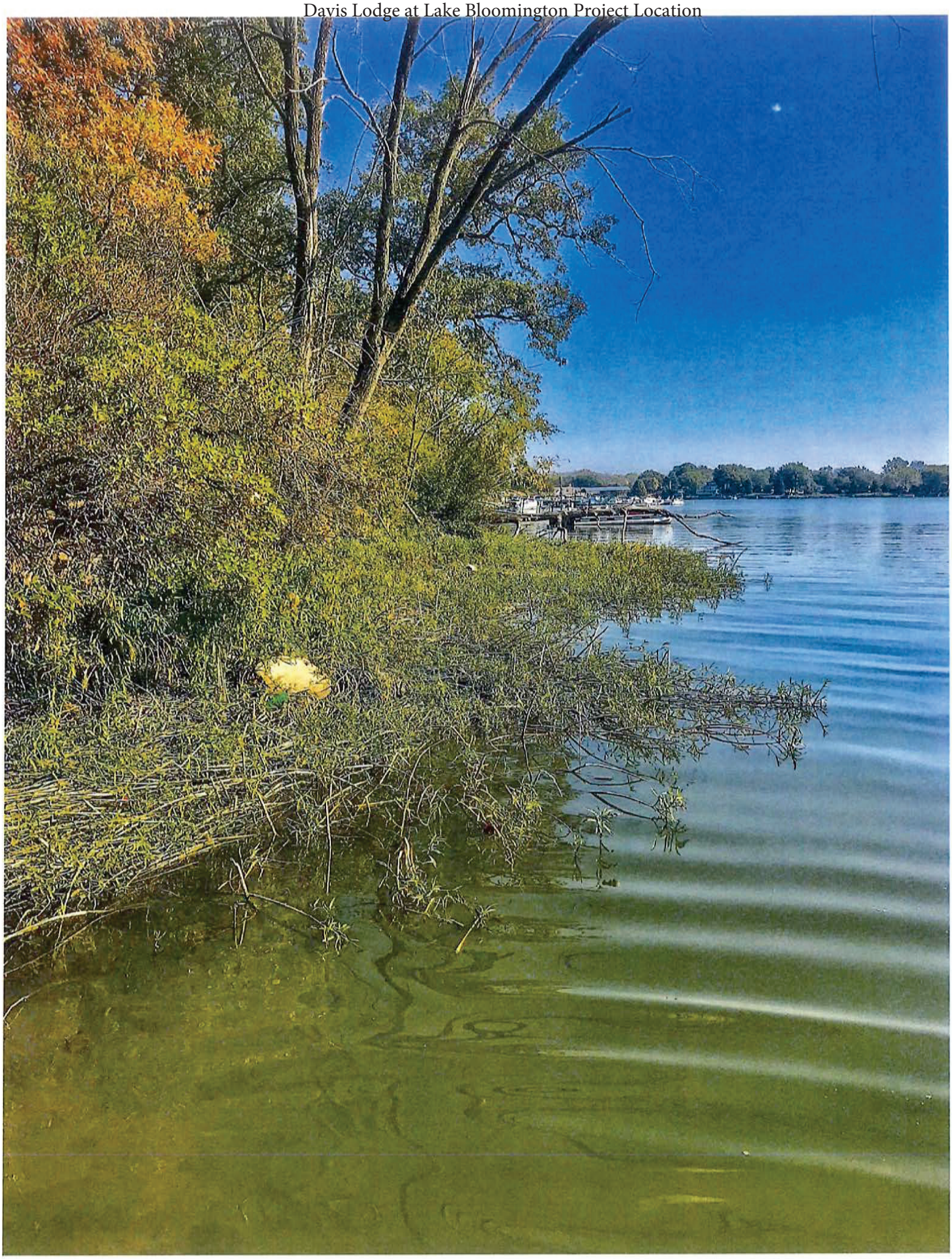
**Lake Evergreen Pumphouse**

**Shoreline Protection**

**Sec. 7 T25N, R2E McLean Co., IL**

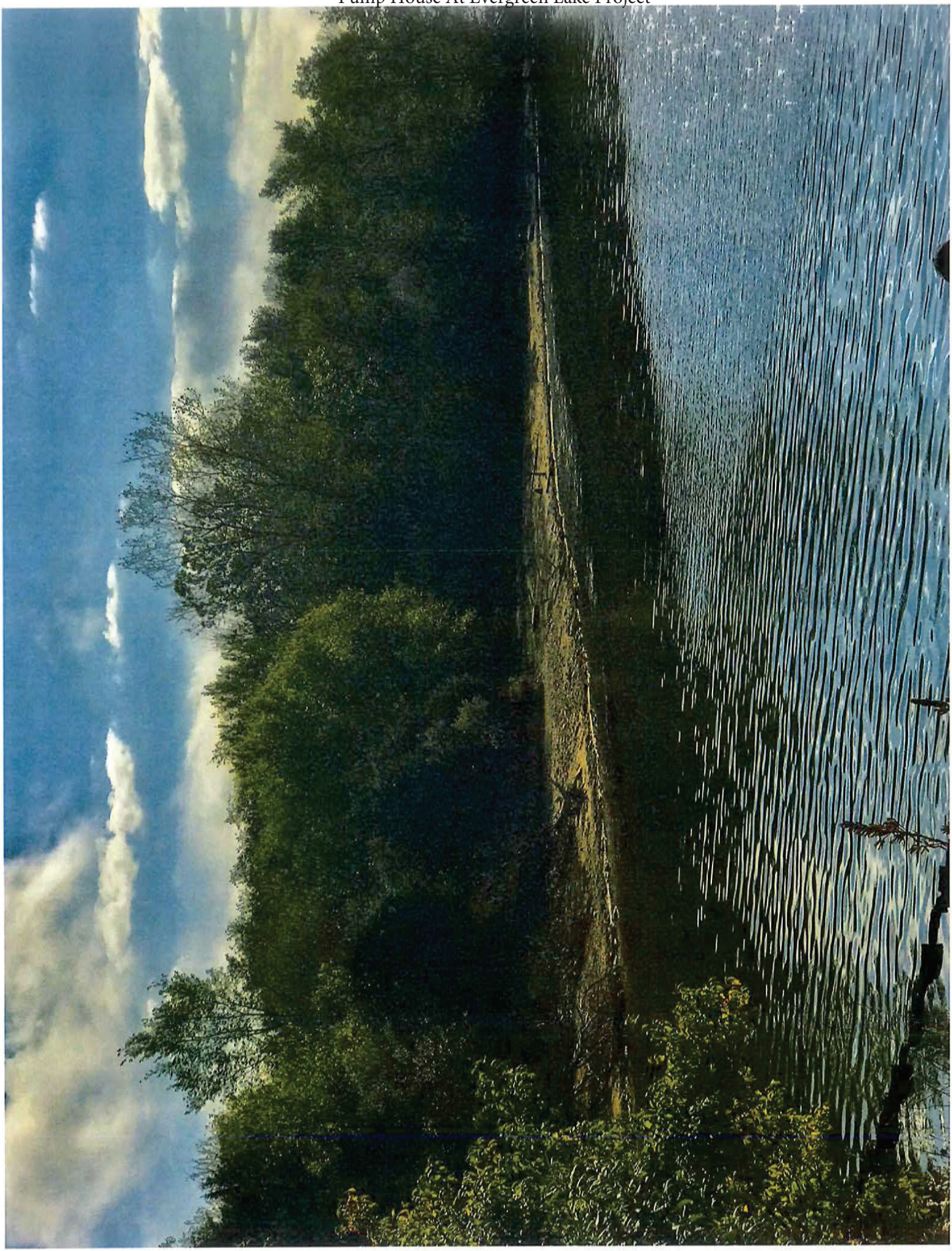


Davis Lodge at Lake Bloomington Project Location

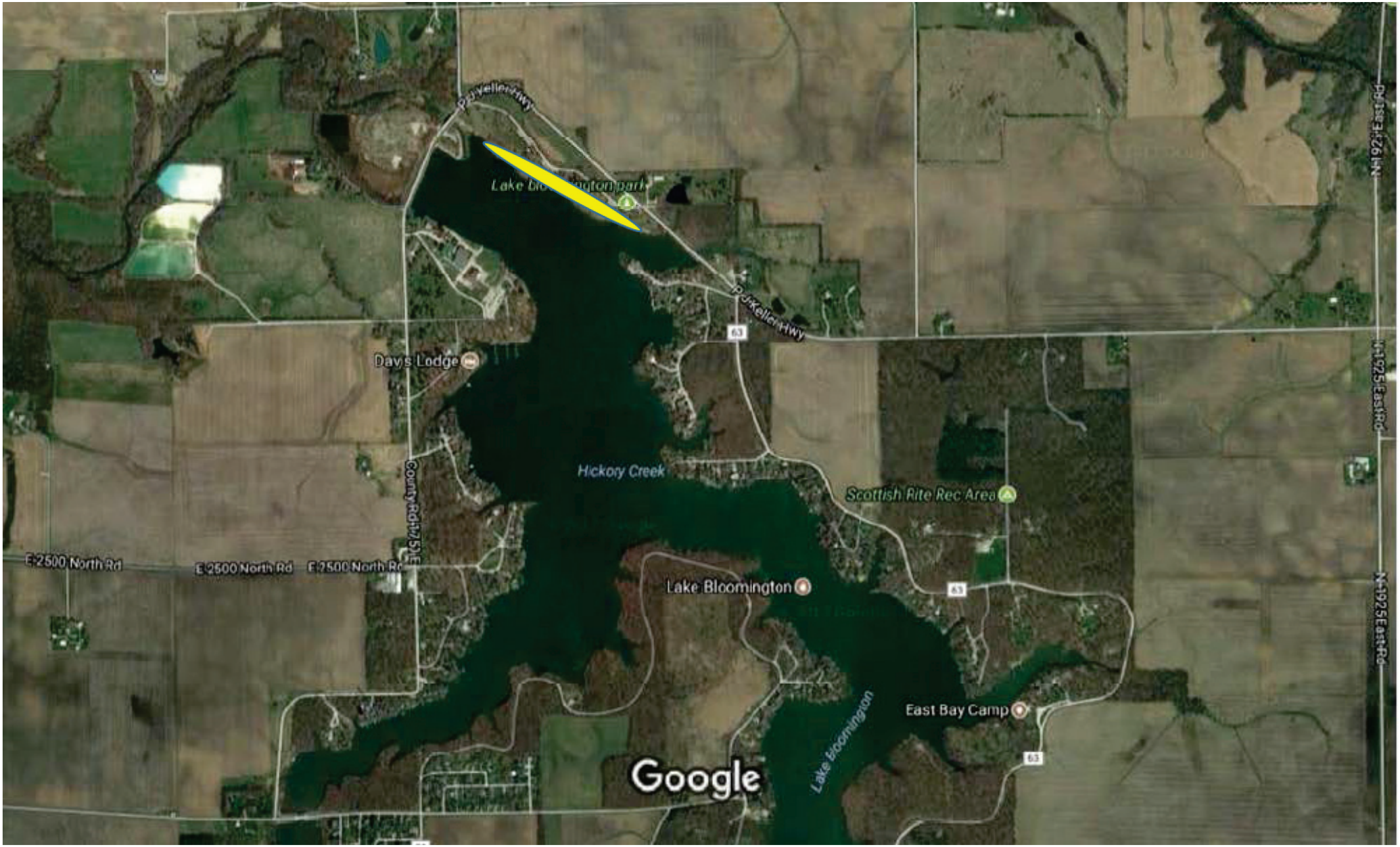


T3 Streambank Site

Pump House At Evergreen Lake Project



Approximate locations of previously installed shoreline protection:
as of Fall, 2017 Evergreen Lake




Approximate location of previously installed shoreline protection:
As of Fall, 2017 Lake Bloomington

**CONSENT AGENDA ITEM NO. 7H**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of an Ordinance Amending Chapter 29 of the Bloomington City Code to Codify a Taxicab/TNC Vehicle Stand and Amending Provisions of said Chapter Pertaining to On-Street Accessible Parking Locations and Streets with Truck Traffic Prohibited

**RECOMMENDATION/MOTION:** That an Ordinance be Adopted to Codify a Taxicab/TNC Vehicle Stand and Amending Provisions of said Chapter Pertaining to On-Street Accessible Parking Locations and Streets with Truck Traffic Prohibited be adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** 6. Prosperous Downtown Bloomington

**STRATEGIC PLAN SIGNIFICANCE:** c. Downtown becoming a community and regional destination.

**BACKGROUND:** The proposed ordinance updates the City Code to codify a taxicab and TNC vehicle stand established on North Main Street in downtown Bloomington and to codify on-street accessible parking and truck traffic regulations. Chapter 29 of the Bloomington City Code gives the Police Traffic Officer and City Traffic Engineer broad authority to "cooperate with other City officials in the development of ways and means to improve traffic conditions." Ch. 29, Sec. 7(b). These powers have been used to address public safety concerns raised by the large amount of vehicular and pedestrian traffic in downtown Bloomington on Thursday, Friday and Saturday nights. The public safety concerns were highlighted when, in 2016, a police officer was struck by a bus while directing traffic. (Fortunately, the officer sustained only minor injuries.) In order to reduce congestion and improve visibility for both pedestrians and drivers, the downtown shuttle loading zone was moved from North Main Street to Center Street and a taxicab/TNC vehicle stand was established on the 500 block of North Main Street. These changes have greatly improved the public safety situation by removing large buses from Main Street while designating a specific area where taxi and TNC vehicles can pick up and drop off passengers.

The downtown shuttle hub was moved pursuant to the authority given the Police Department in Chapter 40, Section 1023(b) of the Bloomington City Code, which provides that the Chief of Police, based upon considerations of public safety or nuisance abatement, can designate downtown shuttle hub locations in addition to, or in lieu of, the locations specified in the Bloomington ordinance. The taxicab/TNC vehicle stand was established pursuant to Chapter 29, Section 116 of the Code, which, after referring to a list of stands specified in Section 148 of Chapter 29, states that such additional stands and stops shall be created from time to time as to be deemed necessary and shall be established on the most desirable benefit and convenience to the public. The ordinance goes on to state that "every bus and shuttle bus stop, taxicab stand, or other stand shall be

designated by appropriate signs." Appropriate signs have been in place since the stand was initiated. The proposed amendments will add this stand to the list specified in the code.

These changes have achieved the desired results. Police officers report that there has been a dramatic reduction in the amount of time it takes for a crowd to clear out of the downtown area after bar closing time. In calendar year 2016, there were five vehicle accidents in and around the 500 block of North Main Street. So far this year, there has only been one.

The amendments related to Section 153(a) pertain to specific requests from residents for a marked and signed public on-street Handicap Parking Stall. For the parking stalls to be added, Staff reviewed the requested location, verified that the requestor had a valid special license plate(s), a special decal or card allowing them to park in a marked and signed Handicap Parking Stall, evaluated the site to determine the safest and most efficient location, and installed the necessary markings and signage. The installed spots are reviewed by Staff periodically after implementation and modified or removed as needed. The proposed Code modifications reflect new spots added, the modification/relocation of spots previously added, and the removal of spots no longer needed.

The amendments related to Section 201(d) pertain to a restriction of through truck traffic on Stewart St. A request was received to review trucks using Stewart Street rather than the truck route on Lincoln Street. This section of Stewart runs primarily through a residential neighborhood and has 24' wide pavement with parking allowed, which is generally not conducive to a high volume of trucks. The request was reviewed by the Staff Traffic Advisory Committee (STAC), which determined it was appropriate to post a truck restriction for this section of Stewart Street.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The proposed amendments were approved and recommended to the Council by the Transportation Commission by unanimous vote on October 17, 2017.

**FINANCIAL IMPACT:** No financial impact to the City of Bloomington.

**COMMUNITY DEVELOPMENT IMPACT:** Not applicable

Link to Comprehensive Plan/Downtown Plan Goals:

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: *Not applicable*

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | George D. Boyle, Assistant Corporation Counsel |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | Jeffrey R. Jurgens, Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- Ordinance

ORDINANCE NO. 2017-

AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 29 TO CODIFY A TAXICAB/TNC VEHICLE STAND AND AMENDING PROVISIONS OF SAID CHAPTER PERTAINING TO ON-STREET ACCESSIBLE PARKING STALL LOCATIONS AND STREETS WITH TRUCK TRAFFIC PROHIBITED

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. Bloomington City Code Chapter 29, Section 2, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

(p) Transportation Network Vehicle, TNC Vehicle: shall be a vehicle lawfully operating pursuant to Chapter 40, Article XII of this Code providing transportation network company services as defined under Section 5 of the Transportation Network Providers Act, 625 ILCS 57/1, et seq.

SECTION 2. Bloomington City Code Chapter 29, Section 116, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 116 PUBLIC CARRIER, ~~TAXICAB~~, SHUTTLE BUS STOPS, TAXICAB/TNC VEHICLE STANDS.

Public carrier, shuttle bus stops and taxicab/TNC vehicle stands are hereby authorized, established, reaffirmed, located and described by Section 148, Schedule VIII which is attached to and is made a part of this Ordinance. Such additional stands and stops shall be created from time to time as may be deemed to be necessary and shall be established on the basis of the most desirable benefit and convenience to the public; and every bus and shuttle bus stop, taxicab/TNC vehicle stand, or other stand shall be designated by appropriate signs. It shall be illegal for any person to park or stop any vehicle other than a shuttle bus in a place designated as a shuttle bus stop, or park or stop any vehicle other than a taxicab or TNC vehicle in any place designated as a taxicab/TNC vehicle stand.

SECTION 3. Bloomington City Code Chapter 29, Section 117, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 117 STOPPING, STANDING OR PARKING OF BUSES, ~~AND~~ TAXICABS AND TNC VEHICLES REGULATED.

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone or a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than 12 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab or TNC vehicle shall not stand or park such vehicle in any time limited space upon any street at any place other than in a taxicab/TNC vehicle stand so designated as provided herein. This provision shall not prevent the operator of a taxicab or TNC vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

SECTION 4. Bloomington City Code Chapter 29, Section 118, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 118 RESTRICTED USE OF BUS, ~~AND~~ TAXICAB/TNC VEHICLE STANDS.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab or TNC vehicle in a taxicab/TNC vehicle stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, ~~or~~ taxicab or TNC vehicle waiting to enter or about to enter such zone.

SECTION 5. Bloomington City Code Chapter 29, Section 148, shall be and the same is hereby amended to read as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 148 PUBLIC CARRIER STOPS, TAXICAB/TNC STANDS.

In accordance with Section 116 of this Ordinance and when properly sign posted, the following areas are hereby declared to be public carrier stops or taxicab/TNC Vehicle stands:

(a) Bus Stops from which parked vehicles may be towed under Article XXII (Sections 191-195) of this Chapter:

At All Times

Front on the south side from Center to Main
Main, on the east side, from 180' to 250' south of the south line of Empire
Washington on the north side from Main to Center

3:00 a.m. - 10:00 p.m.

Front Street on the south side Madison to Center

Weekdays
6:00 a.m. - 6:00 p.m.

Colton, on the west side, from Walnut to a point 60' south
(Ordinance No. 2004-39)

8:00 a.m. to 1:00 p.m.

Lee on the east side from 30' to 125' south of the south line of Washington

8:00 a.m. to 5:00 p.m.

Washington on the south side from 30' to 95' east of the east line of Lee

(b) Taxicab/TNC Vehicle Stand from which parked vehicles may be towed under Article XXII (Sections 191-195) of this Chapter:

Thursday, Friday, Saturday, and Sunday
10:00 p.m. - 3:00 a.m.

Main, on the east side, from Market to Mulberry

(c) Shuttle Bus Stops:

Jefferson, on the south side, from 47' to 70' west of the west line of East

SECTION 6. Bloomington City Code Chapter 29, Section 153(a), is hereby amended by adding the following:

Baker on the south side in front of 307 E Baker
Catherine on the west side in front of 504 Catherine
Chestnut on the north side in front of 412 East Chestnut
Eisenhower on the east side across the street from 209 Eisenhower
Grove on the south side in front of 534 W Grove
Jefferson on the north side in front of 514 E. Jefferson
Mason on the west side from 20' to 40' south of Wood

McLean on the east side in front of 705 North McLean
Monroe on the north side in front of 801 West Monroe
Oak on the east side from 160' to 180'north of Jefferson
Olive on the north side in front of 812 ½ E Olive
Scott on the north side in front of 1101 N Roosevelt
Tracy on the east side in front of 2004 Tracy
Walnut on the south side from 20' to 40' east of the east line of Hinshaw

SECTION 7. Bloomington City Code Chapter 29, Section 153(a), shall be and the same is hereby amended by deleting the following:

Chestnut on the south side in front of 606 West Chestnut
Chestnut on the north side in front of 607 W. Chestnut
Dawes on the south side in the first space east of Linden
Golden on the south side in front of 1909 Golden
Lee on the east side adjacent to 407 W. Market
Rowe on the south side from 85' to 105' west of IAA
Seminary on the north side from 20' to 40' west of the west line of Lee
Tracy on the west side in front of 1919 Tracy

SECTION 8. Bloomington City Code Chapter 29, Section 153(a), is hereby amended by correcting the following: (additions are indicating by underlining; deletions are indicated by strikeouts)

Market on the south side from 20' to 80' ~~60'~~ east of the east line of Center

SECTION 9. Bloomington City Code Chapter 29, Section 201(d), shall be and the same is hereby amended by adding the following

Stewart – Evans to Main

SECTION 10. Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 11. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 12. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 13. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this _____ day of _____, 2017.

APPROVED this _____ day of _____, 2017.

APPROVED:

TARI RENNER
Mayor

ATTEST:

CHERRY L. LAWSON
CITY CLERK

**CONSENT AGENDA ITEM NO. 7I**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of approving an Ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method in a defined area near 802 North Main Street, Bloomington, Illinois.

**RECOMMENDATION/MOTION:** That the Ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method in a defined area near 802 North Main Street, Bloomington, Illinois and that the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 2. Upgrade City Infrastructure and Facilities, and Goal 5. Great Place - Livable, Sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 2b. Quality water for the long term, and 5c. Incorporation of "Green Sustainable" concepts into City's development and plans.

**BACKGROUND:** As is the case hundreds of times over in the United States, the site of a former gasoline station in Bloomington, at 802 N. Main Street, has petroleum-related ground contamination. In Illinois, owners are required to mitigate this contamination and ensure a high degree of safety before the land can be redeveloped. They hire environmental engineering firms and geologists to conduct tests and, with cooperation and consent of the Illinois Environmental Protection Agency (IEPA), they enact Corrective Action Plans. When owners and their representatives take corrective steps, they qualify for reimbursement. Therefore, they have professional, civic and financial motivation to act responsibly to facilitate the restoration and redevelopment of properties that otherwise might be left vacant and eventually create blight.

Mr. Elmo Quinn, retired owner of Quinn's Shell, 802 N. Main, hired Geocon Professional Services, which opened a case with the IEPA on March 26, 2015.

Action taken

In May 2015 and August 2016, Geocon oversaw removal of four underground gasoline tanks, plus a tank that held home heating fuel, and 1,087 cubic yards of soil at contamination hotspots. The soil was legally disposed of. Additionally, because it rained during an excavation, Geocon oversaw removal of 2,805 gallons of water from an excavation site. The excavations were backfilled. Geocon also has provided analysis showing that, if reasonable precautions are taken, remaining contaminants at the site will not present a health danger through the following routes of exposure: groundwater consumption, ingestion, and inhalation.

Groundwater Protection and the City of Bloomington

In January 2017, Council passed an ordinance banning use of groundwater near the site as a potable water source. The City already prohibits drilling of new private water wells within Bloomington for potable water, but the wording of a special ordinance fulfills IEPA guidelines. It also fulfills Geocon's need to show that exposure through drinking is blocked. The IEPA moved forward with its review of the case. However, the ordinance passed by Council was rejected by the IEPA and an amended ordinance must be passed in order to continue moving forward.

Still pending after the City Council approves a groundwater ordinance

- IEPA will review the entire case to ensure that public safety needs have been met.
- If IEPA signs off, the Illinois Department of Transportation still must finalize a Highway Authority Agreement because low levels of contamination exist underneath Main Street, which is part of the State-controlled U.S. Route 51, and in the right of way.
- The State may (or may not) place restrictions on redevelopment such as prohibiting residential use.
- The State and the City will flag the site on its mapping systems and warn contractors performing excavations that the soil and groundwater have a degree of petroleum-related contamination.

Is this safe?

IEPA has controlling authority and employs experts to best evaluate this case and others. The City staff defers to those experts to ensure safety.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Public Works Department facilitated an open-house style public meeting from 4 to 6 p.m. on December 15, 2016, at the Creativity Center. In addition to following the City's procedures to comply with the Open Meetings Act, Public Works sent letters of invitation to property owners in the vicinity, using the model for planning and zoning notifications utilized by the Community Development Department. Approximately 200 invitations were mailed. Just two members of the public attended the meeting. They engaged in discussion with Geocon geologist Karl Newman. The Department also received two written comments from member of the public. None objected to moving forward with the ordinance.

**FINANCIAL IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** *(If applicable)*

Link to Comprehensive Plan/Downtown Plan Goals: Goal NE-1 Protect and conserve the community's vital natural resources; Goal NE-3 Reduce environmental pollutants; Goal NE-4 Increase cooperation and coordination among governments, nonprofits and businesses across the region to address shared environmental issues; Goal UEW-1 Provide quality public infrastructure within the City to protect public health, safety and the environment

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: *(If applicable)*

Respectfully submitted for Council consideration.

Prepared by: Stephen Arney, Engineering Technician I
Michael Hill, Public Works Administration

Reviewed by: Jim Karch, PE CFM, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Scott Rathbun, Sr. Budget Manager

Community Development review by: Katie Simpson, City Planner

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

**Attachments:**

- PW 5B ORDINANCE Quinn's Shell Ordinance Change 10232017
- PW 5C PUBLIC MEETING EXHIBITS Quinn's Shell Ordinance Change 10232017
- PW 5D PUBLIC COMMENTS Quinn's Shell Ordinance Change 10232017
- PW 5E SUPPORTING DOCUMENT Project Summary and Request for Ordinance Quinn's Shell Ordinance Change 10232017

**ORDINANCE NO. 2017-_____**

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD IN A DEFINED AREA NEAR 802 NORTH MAIN STREET, BLOOMINGTON, ILLINOIS**

WHEREAS, certain properties in the City of Bloomington, Illinois, have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Bloomington desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents; and

WHEREAS, per the requirements set forth by the Illinois Environmental Protection Agency, the ordinance passed in January 2017 to address the issue, Ordinance 2017-07, was rejected with suggested changes;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, Illinois;

SECTION 1: Use of groundwater as a potable water supply prohibited.

The use or attempt to use groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited within a polygon whose corners are described by the following latitude longitude coordinates based on the North American Datum of 1983 (NAD 83) and shown on Exhibit A, which is attached hereto and incorporated herein by reference.

| Corner | Latitude | Longitude |
|---|---|---|
| A | 40.486717ºN | 88.995820ºW |
| B | 40.485517ºN | 88.995793ºW |
| C | 40.485517ºN | 88.995884ºW |
| D | 40.484570ºN | 88.995884ºW |
| E | 40.484644ºN | 88.993100ºW |
| F | 40.485729ºN | 88.993170ºW |
| G | 40.485729ºN | 88.992408ºW |
| H | 40.485970ºN | 88.992429ºW |
| I | 40.486006ºN | 88.991861ºW |
| J | 40.486863ºN | 88.991877ºW |

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of not less than $50.00 nor more than $100.00 for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 3: Definitions.

Person is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

Potable water is any water for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4: Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Therefore, Ordinance 2017-07 is hereby repealed.

SECTION 5: Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

SECTION 6: Effective date.

This ordinance shall be in full force and effect from and after its passage.

PASSED this 23rd day of October, 2017.

APPROVED this 24th day of October, 2017.

CITY OF BLOOMINGTON

_____

Tari Renner, Mayor

ATTEST

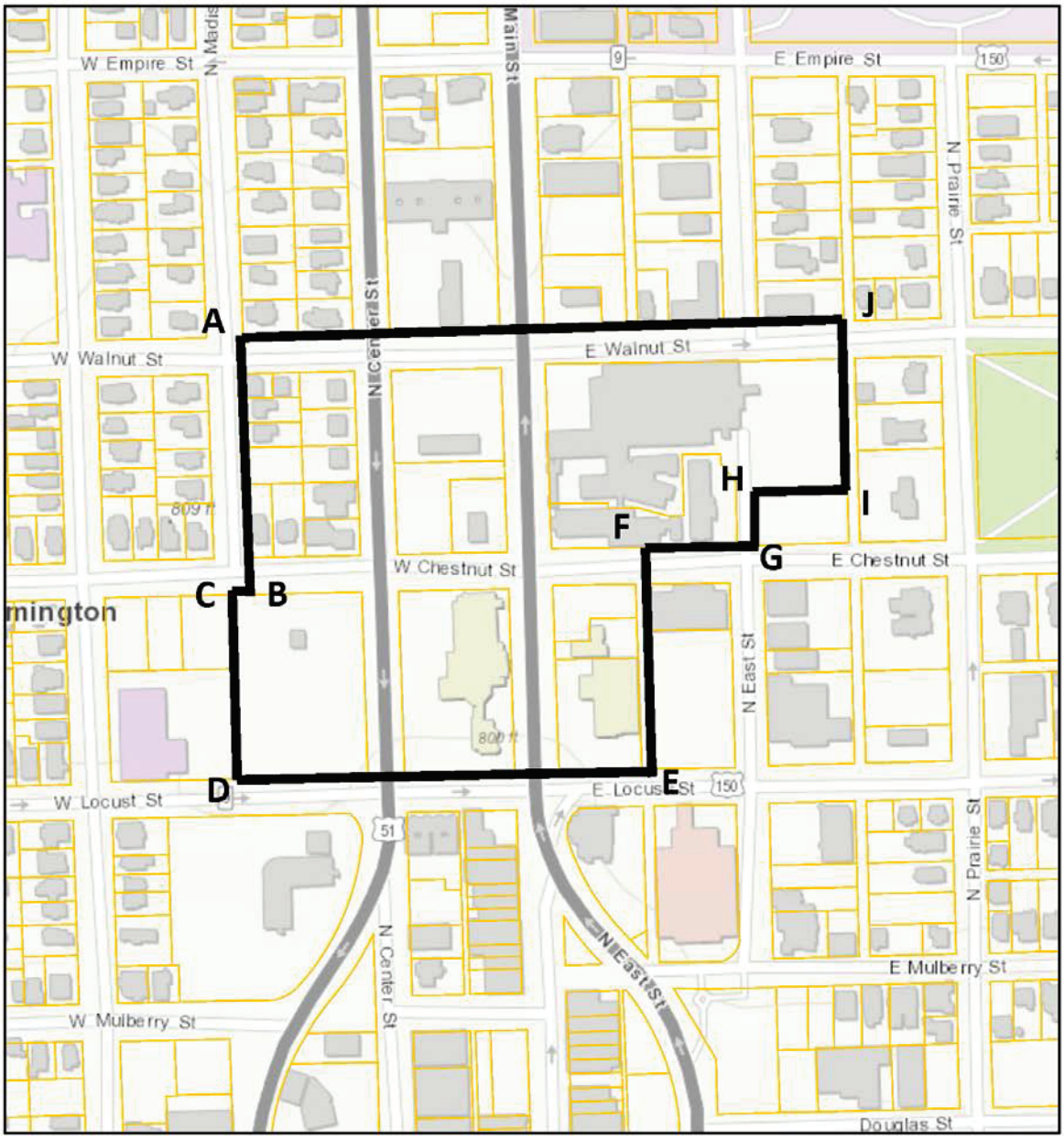
Cherry L. Lawson, C.M.C., City Clerk

APPROVED AS TO FORM

_____

Jeffrey R. Jurgens, Corporation Counsel

Exhibit A




September 12, 2017

1:4,000

0 0.0325 0.065 0.13 mi

0 0.0375 0.075 0.15 km

**Exhibit A**
**Limited Area Groundwater Restriction Ordinance Area**
Quinn's Shell
802 N. Main Street
Bloomington, McLean County, Illinois
LUST Release Incident No. 20150322

GROUNDWATER ORDINANCE AREA

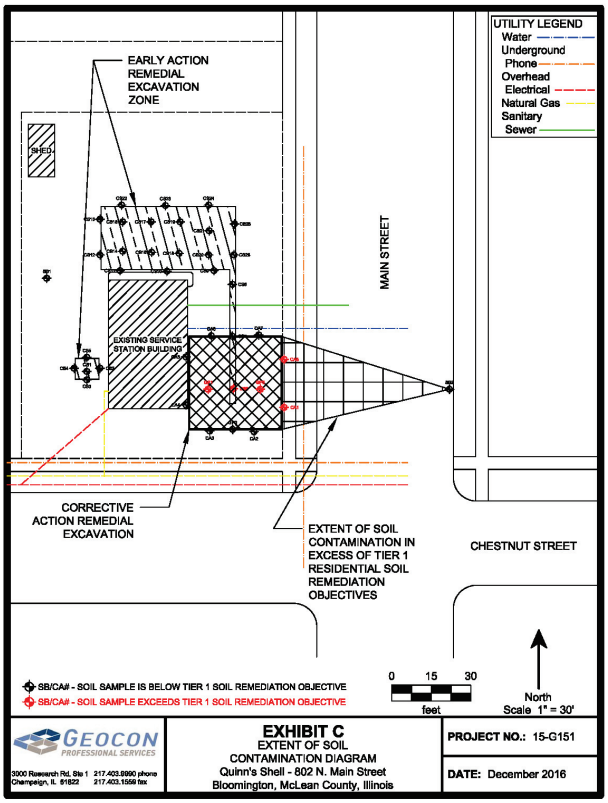
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
http://www.McGIS.org/License

McGIS-McLean County GIS, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, EPA, USDA | http://www.McGIS.org/License |

Public Meeting Exhibits

# Ground pollution at Quinn's Shell, 802 N. Main, and action taken to safely redevelop at the location

On March 26, 2015, Geocon Professional Services on behalf of owner Elmo Quinn opened a case file with the Illinois Environmental Protection Agency regarding underground storage tanks at the site of the now-closed Quinn's Shell, 802 North Main Street, Bloomington. The goal was to explore the extent of leakage from the service station tanks and oversee any corrective action needed prior to sale of the property and redevelopment. These cases are extremely common, especially at the site of gasoline stations. Geocon set up testing for soil and groundwater, in cooperation with state agencies.




## The Tiered approach

The Illinois Environmental Protection Agency (IEPA) uses a tiered approach in addressing leaking underground storage tanks. The process is designed to facilitate safe redevelopment of these sites throughout Illinois on a case by case basis.

## Action taken

In May 2015 and August 2016, Geocon oversaw removal of four underground gasoline tanks, plus a tank that held home heating fuel, and 1,087 cubic yards of soil at contamination hotspots. The soil was legally disposed of. Additionally, because it rained during an excavation, Geocon oversaw removal of 2,805 gallons of water from an excavation site. The excavations were backfilled. Geocon also has provided analysis showing that, if reasonable precautions are taken, remaining contaminants at the site will not present a health danger through the following routes of exposure: groundwater consumption, ingestion, and inhalation.

## Groundwater Protection and the City of Bloomington

The City must pass an ordinance banning use of groundwater near the site as a potable water source. The City already prohibits drilling of new private water wells within Bloomington for potable water, but the wording of a special ordinance fulfills State guidelines. It fulfills Geocon's need to show that exposure through drinking is blocked.

## Still pending after the City Council approves a groundwater ordinance

- The Illinois Environmental Protection Agency will review the entire case to ensure that public safety needs have been met.
- If the IEPA signs off, the Illinois Department of Transportation still must finalize a Highway Authority Agreement because low levels of contamination exist underneath Main Street, which is part of the State-controlled U.S. Route 51, and in the right of way.
- The State may (or may not) place restrictions on redevelopment such as prohibiting residential use.
- The State and the City will flag the site on its mapping systems and warn contractors performing excavations.

## Is this safe?

IEPA has controlling authority and employs experts to best evaluate this case and others. The City staff defers to those experts to ensure safety.

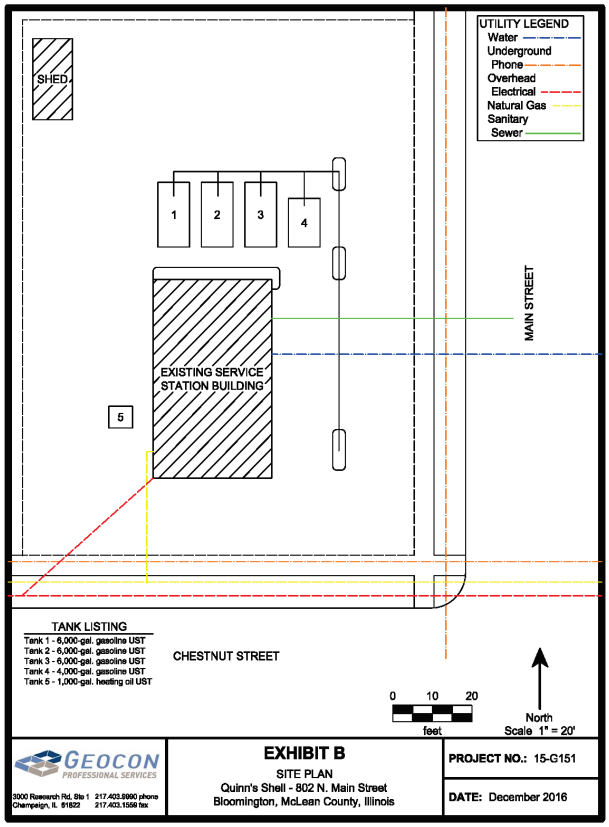


Diagram is a reproduction of a portion of a McLean County GIS web map.

0 30 60
feet

North
Scale 1" = 60'

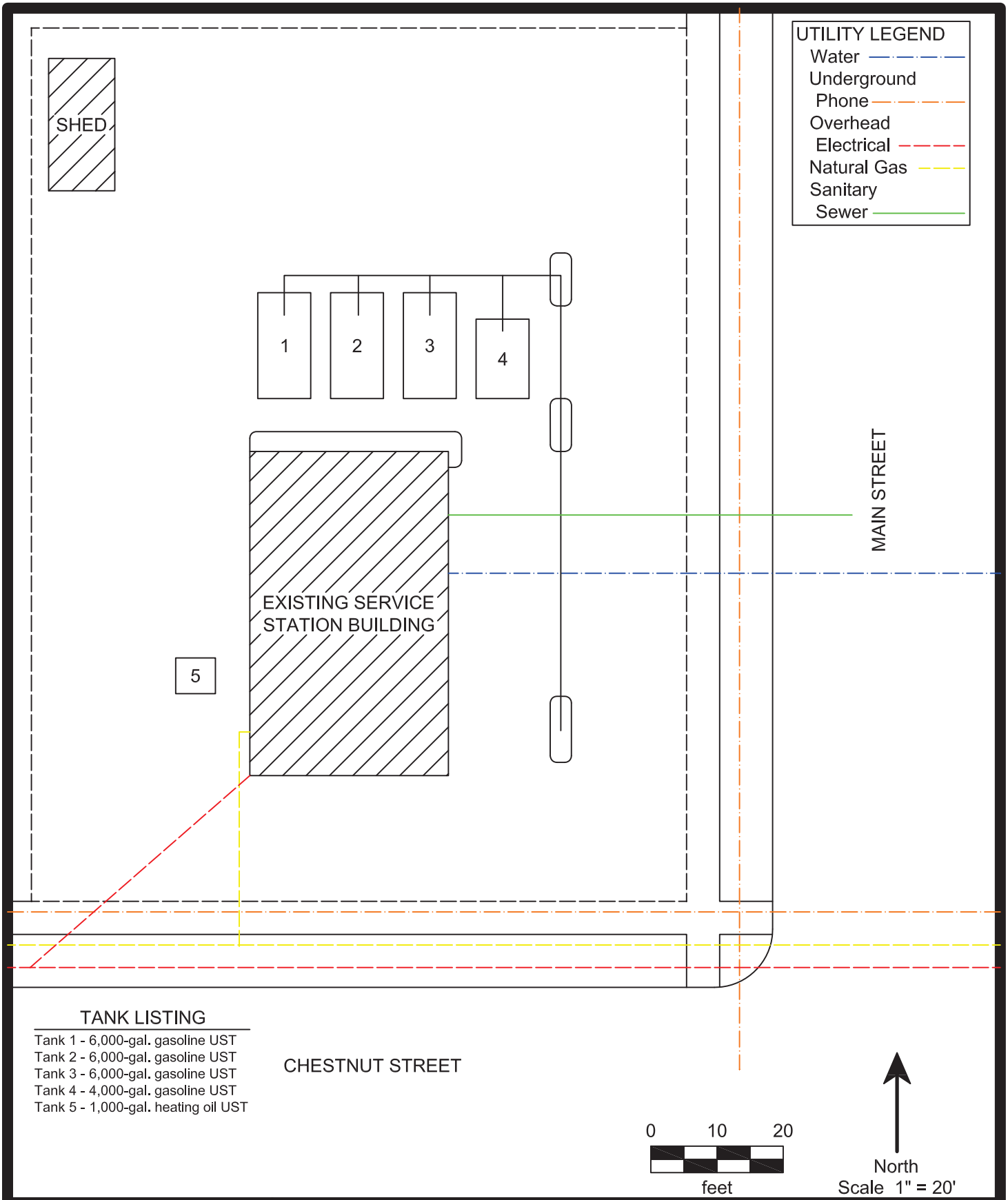
GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# EXHIBIT A

PLAT MAP
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** December 2016




TANK LISTING

Tank 1 - 6,000-gal. gasoline UST
Tank 2 - 6,000-gal. gasoline UST
Tank 3 - 6,000-gal. gasoline UST
Tank 4 - 4,000-gal. gasoline UST
Tank 5 - 1,000-gal. heating oil UST

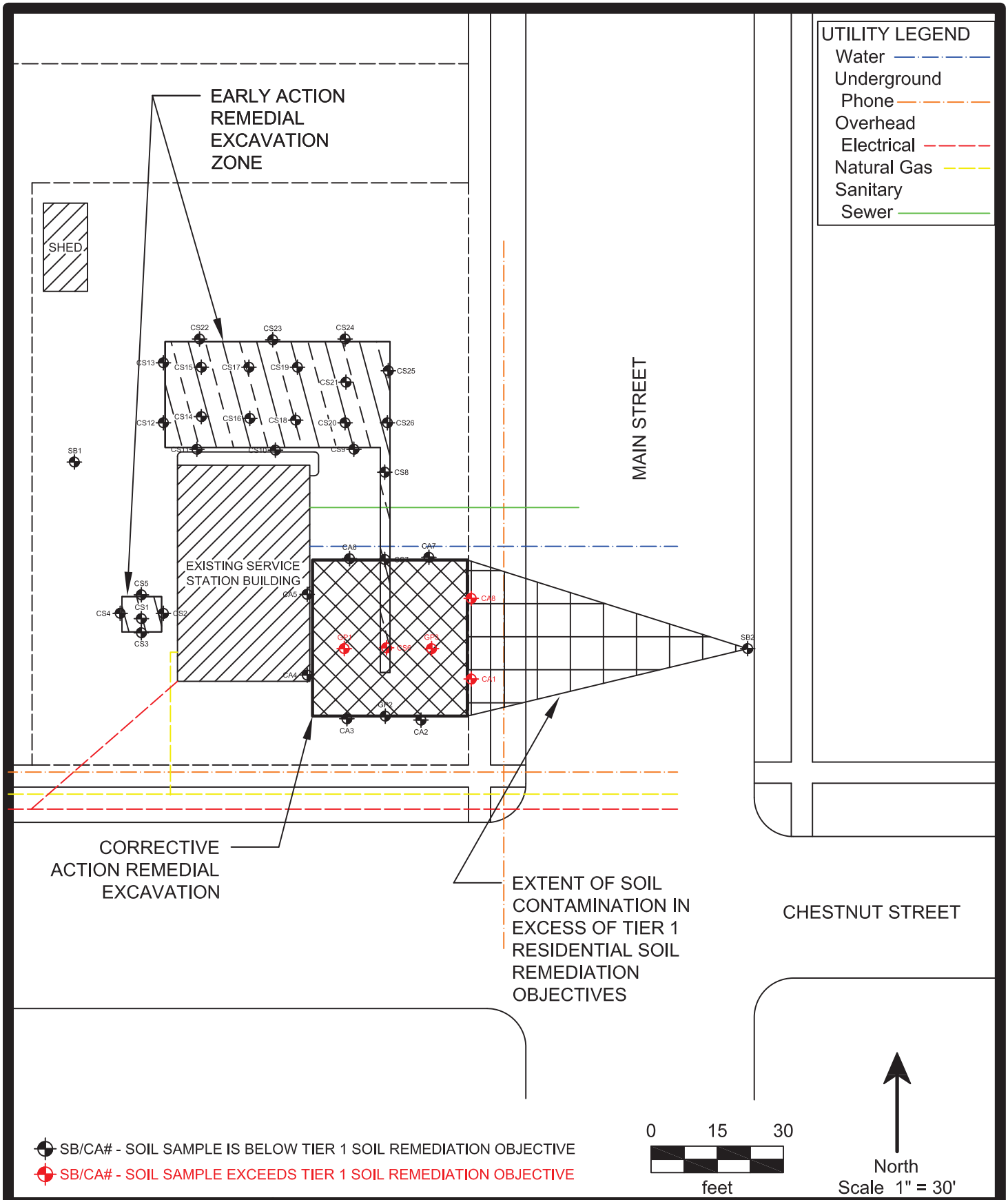
GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# EXHIBIT B

SITE PLAN
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** December 2016




GEOCON PROFESSIONAL SERVICES

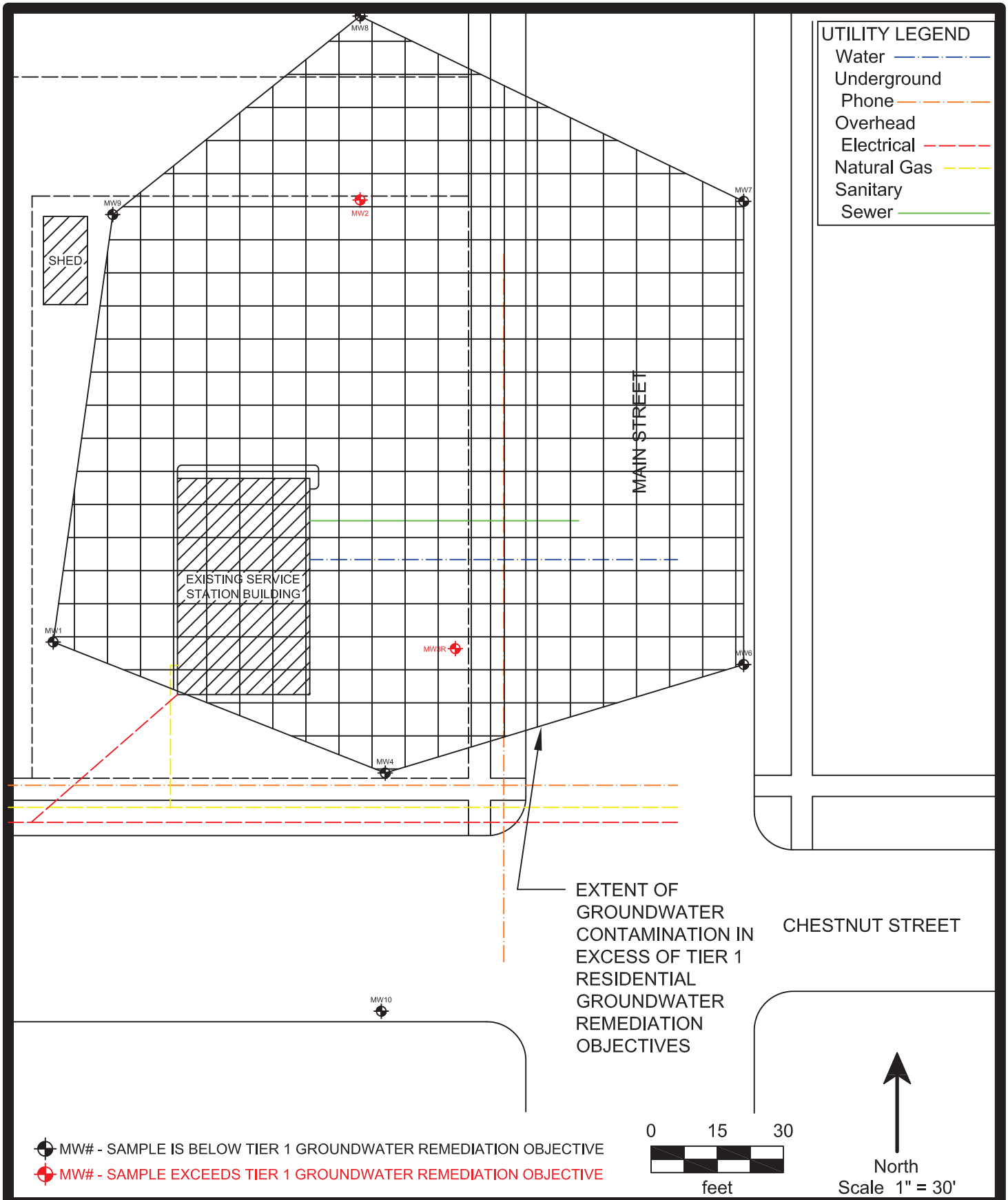
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# EXHIBIT C

EXTENT OF SOIL CONTAMINATION DIAGRAM
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** December 2016




GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

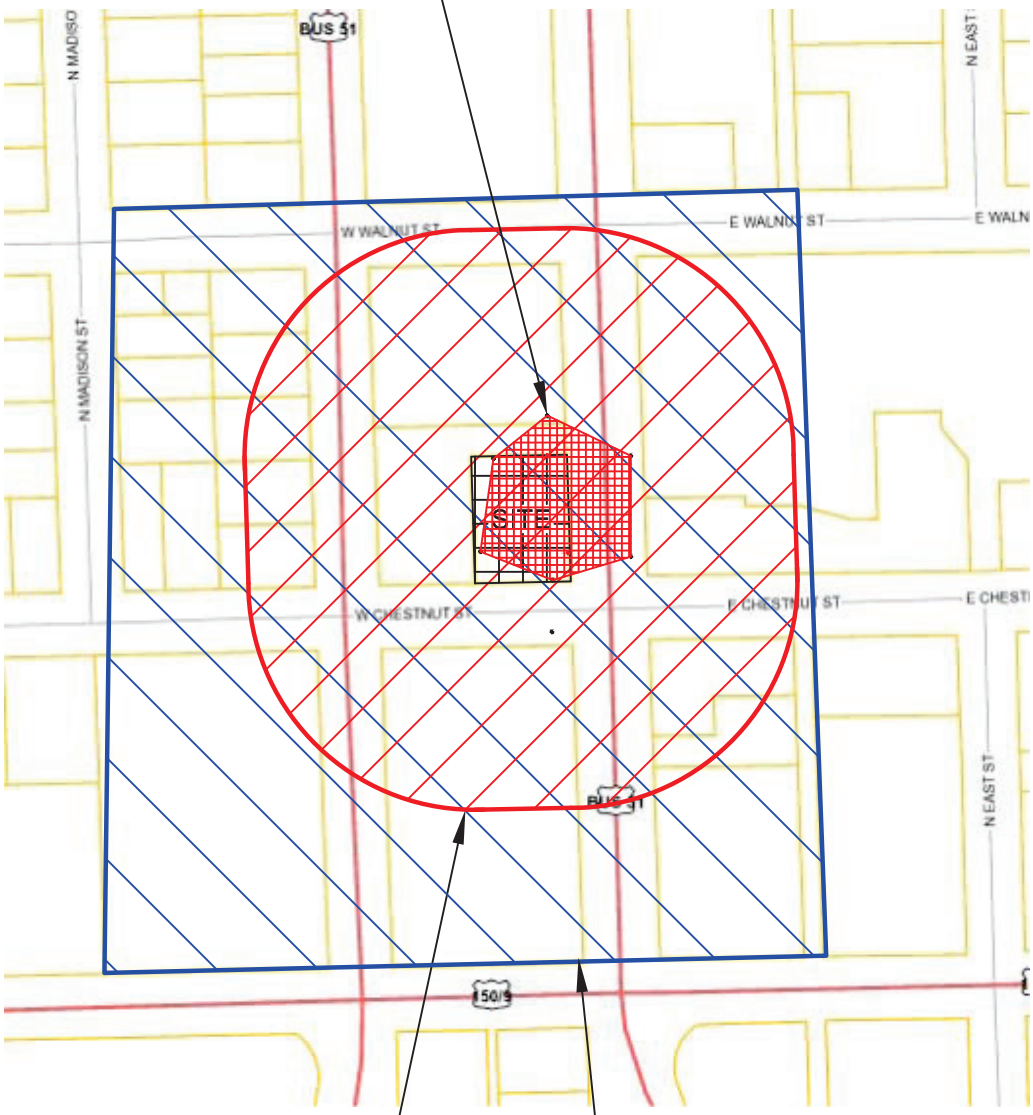
# EXHIBIT D

EXTENT OF GROUNDWATER CONTAMINATION DIAGRAM
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** December 2016

Extent of groundwater impact in excess of Tier 1 residential groundwater remediation objectives




Modeled groundwater impact radial distance of 236 feet using RBCA Equation R26 and area of environmental notice letter submittals

Area of City limited area groundwater restriction ordinance

0 100 200

feet

North

Scale 1" = 200'

Diagram is a reproduction of a portion of a McLean County GIS web map.

GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# EXHIBIT E

LIMITED AREA GROUNDWATER RESTRICTION ORDINANCE DIAGRAM

Quinn's Shell - 802 N. Main Street

Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** December 2016

To: Jim Karch <jkarch@cityblm.org>
From: Carl Teichman <cteich@iwu.edu>
Date: 12/01/2016 04:39PM
Subject: former site of Quinn's Shell, 802 N. Main St.

Jim:

The University received a letter as property owner approximate to the former Quinn's Shell Station. We do not have any issues related to the request for an ordinance to prohibit the use of and creation of water wells near the site. It seems that since the property is in the city limits and city ordinances prohibiting the drilling of wells for water, that there should be no need for further ordinances. But, so be it.

As for the future development, I hope that the City can attract development that meets the needs of the University, nearby residents, and Downtown Bloomington. With the many retail needs of this part of the city, I hope that we can keep the parcels together to maximize the development potential.

I will be unable to attend the meeting but wanted to reply on behalf of the University.

Best wishes,

Carl

--
Carl F. Teichman
Director of Government and Community Relations
Illinois Wesleyan University
(309) 556-3429 *(office)*
(309) 556-3790 *(fax)*

To: Jkarch@cityblm.org
From: Dan Dougherty <dan.rainstorm@gmail.com>
Date: 12/07/2016 03:11PM
Cc: Rusty Modesty <rusty.rainstorm@gmail.com>, Debbie Yaroch <office.rainstorm@gmail.com>
Subject: Water Well

Mr. Karch,

In response to the letter dated 11/29/2016, discussion of water wells around 802 N. Main St. My concern is that in a time of drought, if the City of Bloomington requires us to cut or cap our water line, will the proposed ordinance ban a water well to supply the carwash. I know this may seem impossible, but this scenario happened in Decatur, Il and our carwashes were forced to cut and cap our water line. We were given no assistance and left to survive on our own.

I understand that the use of a water well for, "Potable Water", would only be a last resort. I am expressing my concern of not being able to use a water well for "Non-Potable Processing Water". This would allow my business to continue operation, pay employees, pay taxes and contribute to the local economy.

--
Dan Dougherty
217 433-7664

GEOCON
PROFESSIONAL SERVICES

October 18, 2016

Mr. David Hales
City of Bloomington
109 E. Olive Street
Bloomington, Illinois 61701

SUBJECT: LPC #1130205487 – McLean County
Bloomington / Quinn's Shell (Elmo Quinn)
802 N. Main Street
LUST Release Incident No. 20150322
GEOCON Project No. 15-G151

Dear Mr. Hales:

GEOCON Professional Services, LLC. (GEOCON) is currently conducting Corrective Action work at the Quinn's Shell facility located at 802 N. Main Street in the City of Bloomington, McLean County, Illinois. GEOCON has been retained by Mr. Elmo Quinn of Quinn's Shell to assist with obtaining closure of leaking underground storage tank (LUST) release incident 20150322 under the guidance and authority of the Illinois Environmental Protection Agency (IEPA) and 35 Illinois Administrative Code (IAC) Part 734, *Petroleum Underground Storage Tanks*. This letter is intended to provide the City of Bloomington with a summary of the Corrective Action completed to date and to request adoption of a limited area groundwater restriction ordinance for use as an Institutional Control.

At the time of the 2015 LUST release incident, the site was known as the Quinn's Shell automobile fueling facility owned and operated by Mr. Quinn. A topographic map of the site is provided as **Figure 1** in **Attachment 1**. An aerial photograph of the site and surrounding properties is provided as **Figure 2** in **Attachment 1**. A site plan is provided as **Figure 3** in **Attachment 1**.

Since then, and, as required by the IEPA in accordance with the LUST regulations set forth in 35 IAC Part 734, subsurface investigation work was completed to define the horizontal and vertical extent of the soil and groundwater contamination resulting from the LUST release incident. The measured extents of soil and groundwater contamination have been defined and are illustrated on **Figures 4** and **5** in **Attachment 1**. The modeled extent of groundwater contamination was evaluated through a Tier 2 evaluation using risk-based models and is illustrated on **Figure 6** in **Attachment 1**.

As a point of reference, the measured extents of soil and groundwater contamination are based on actual testing data gathered during the previous subsurface investigations; however, the modeled extent of groundwater contamination is based on results of Tier 2 risk-based equations outlined in in 35 IAC Part 742, *Tiered Approach to Corrective Action Objectives*. The Tier 2 modeling takes into account site specific geology and other site specific conditions (ie: hydraulic gradient, hydraulic conductivity, measured data, proximity to water supply wells and surface waters). The modeling assumes that the groundwater contamination could potentially move further outward (laterally) from the existing groundwater monitoring well sampling points; however, this may not actually occur.

Based on the findings of a water supply well survey that involved contacting numerous state and local agencies, there are no community potable water supply wells within 2,500 feet of this site and no private water supply wells within 200 feet of the site. We are not aware of any active, abandoned or sealed private wells on the gas station site. We did not observe or find record of any private water wells on the adjacent properties. It is our understanding that the site and all surrounding properties are serviced by the City's municipal water supply, which is obtained from surface water impounded within Lake Bloomington and Evergreen Lake, both of which are located approximately 7 to 8 miles north of the City of Bloomington, Illinois.

A *Corrective Action Plan (CAP) and Budget*, dated February 15, 2016 and prepared by GEOCON, was approved by the IEPA in a letter to Quinn's Shell, dated March 8, 2016. The *CAP and Budget* proposed, after completion of the remedial excavation and landfill disposal of the highly contaminated soils in the southeastern portion of the site, that an evaluation of exposure routes be completed and that Institutional Controls be implemented for the site to address the remaining soil and groundwater contamination. More specifically, it was proposed to eliminate the groundwater ingestion exposure route, which requires the establishment of a groundwater restriction ordinance for the area of the modeled extent of groundwater contamination. As such, we are requesting that the City of Bloomington adopt an ordinance that expressly prohibits any person, including the City of Bloomington, from drilling a well or using the groundwater beneath a specified area surrounding the site. For discussion purposes, the approximate limits of the proposed ordinance area would be a roughly rectangular-shaped area including an approximate 236-ft. radius from the site. The 236-ft. distance is based on the Tier 2 risk-based modeling which shows that at a distance of 236 feet from the site, the concentration levels of contaminants of concern in the groundwater would be below the Tier 1 remediation objectives (ROs) for a Class I groundwater setting. The IEPA approved the Tier 2 risk-based modeling contingent on the adoption of the limited ara groundwater restriction ordinance.

The proposed area to be covered is shown on **Exhibit A** to the draft groundwater restriction ordinance provided in **Attachment 2**. The proposed limits of the ordinance area can be modified if desired by the City of Bloomington, including the entire area of the corporate limits of the City of Bloomington. The adoption of the groundwater restriction ordinance, which is a conservative measure to protect human health and safety, would prevent someone from inadvertently or unknowingly drilling through the shallow groundwater contamination, which by doing so, could create a pathway for the contamination to migrate vertically into an underlying Class I potable water supply aquifer, if present. We believe that it is in the best interest of the City of Bloomington to conservatively protect its residents and adopt the groundwater restriction ordinance.

A copy of the proposed groundwater restriction ordinance in draft format is provided in **Attachment 2**. The draft groundwater restriction ordinance was created from a model document provided by the IEPA and from a review of groundwater restriction ordinances previously adopted by the City of Bloomington.

Should you require further information regarding the LUST release incident, such as a copy of the IEPA-approved *CAP and Budget*, please do not hesitate to contact us at your convenience. In addition, the IEPA project manager assigned to this LUST incident is Mr. Dave Myers and he can be contacted at (217) 785-7491 if you would like to speak with him directly pertaining to the IEPA's approval of the *CAP and Budget*.

Please review the provided information and contact the undersigned at (217) 530-4084 to discuss the possible adoption of the proposed groundwater restriction ordinance. Additionally, I am more than happy to meet with the City of Bloomington as necessary to discuss the project in detail in order to advance adoption of the ordinance. Thanks for your time and we look forward to your response.

Sincerely,
**GEOCON Professional Services, LLC.**

Karl Newman, PG
Senior Project Manager

cc: Mr. Elmo Quinn, Quinn's Shell.

Attachments

**Attachment 1**

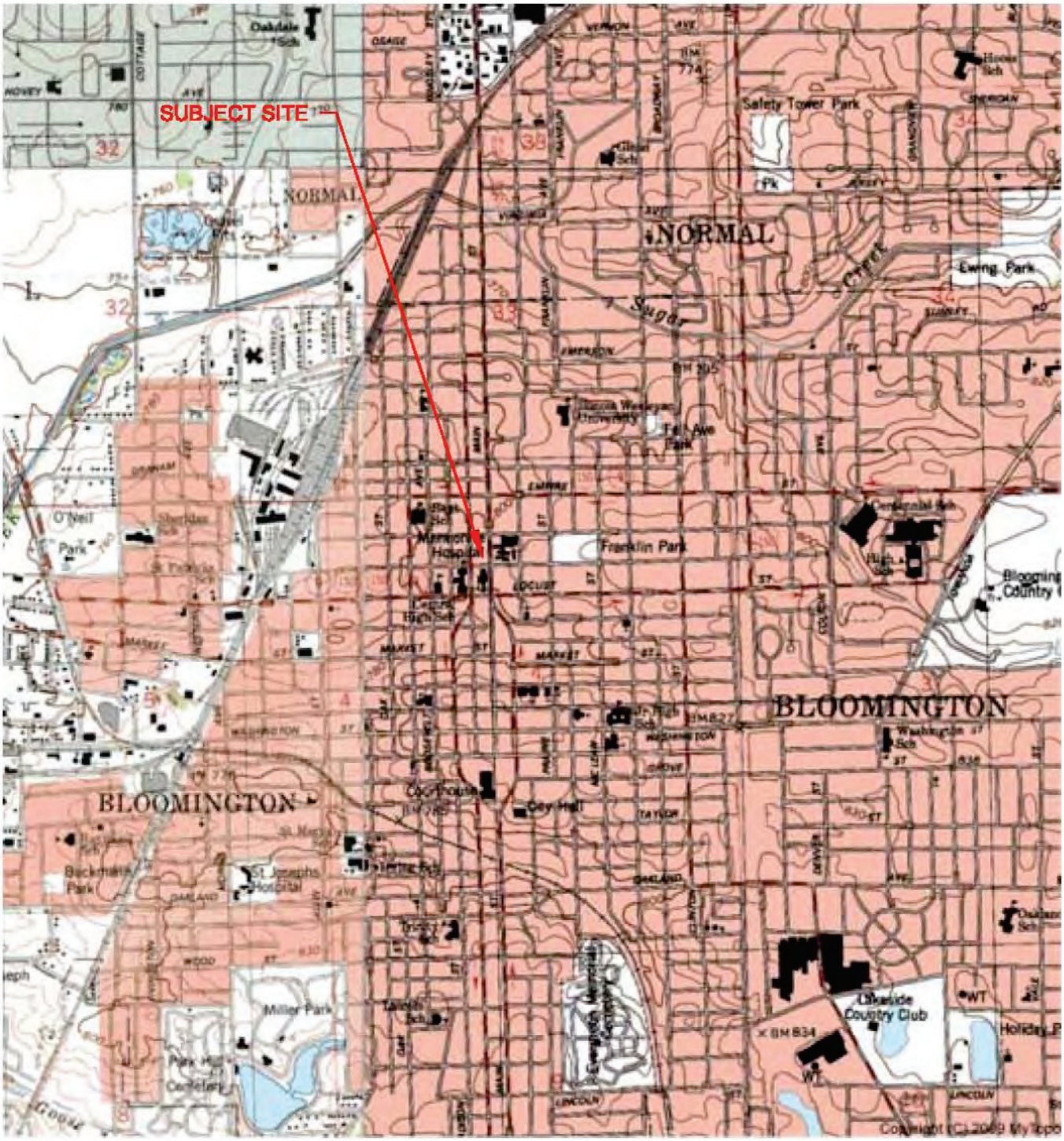



Diagram is a reproduction of a portion of the Bloomington East, Illinois and Bloomington West, Illinois 7.5 minute Quadrangle Maps.

0 1000 2000
feet

North
Scale 1" = 2000'

GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# FIGURE 1

SITE VICINITY MAP
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** October 2016

Diagram is a reproduction of a portion of a McLean County GIS web map.

0 30 60
feet

North
Scale 1" = 60'

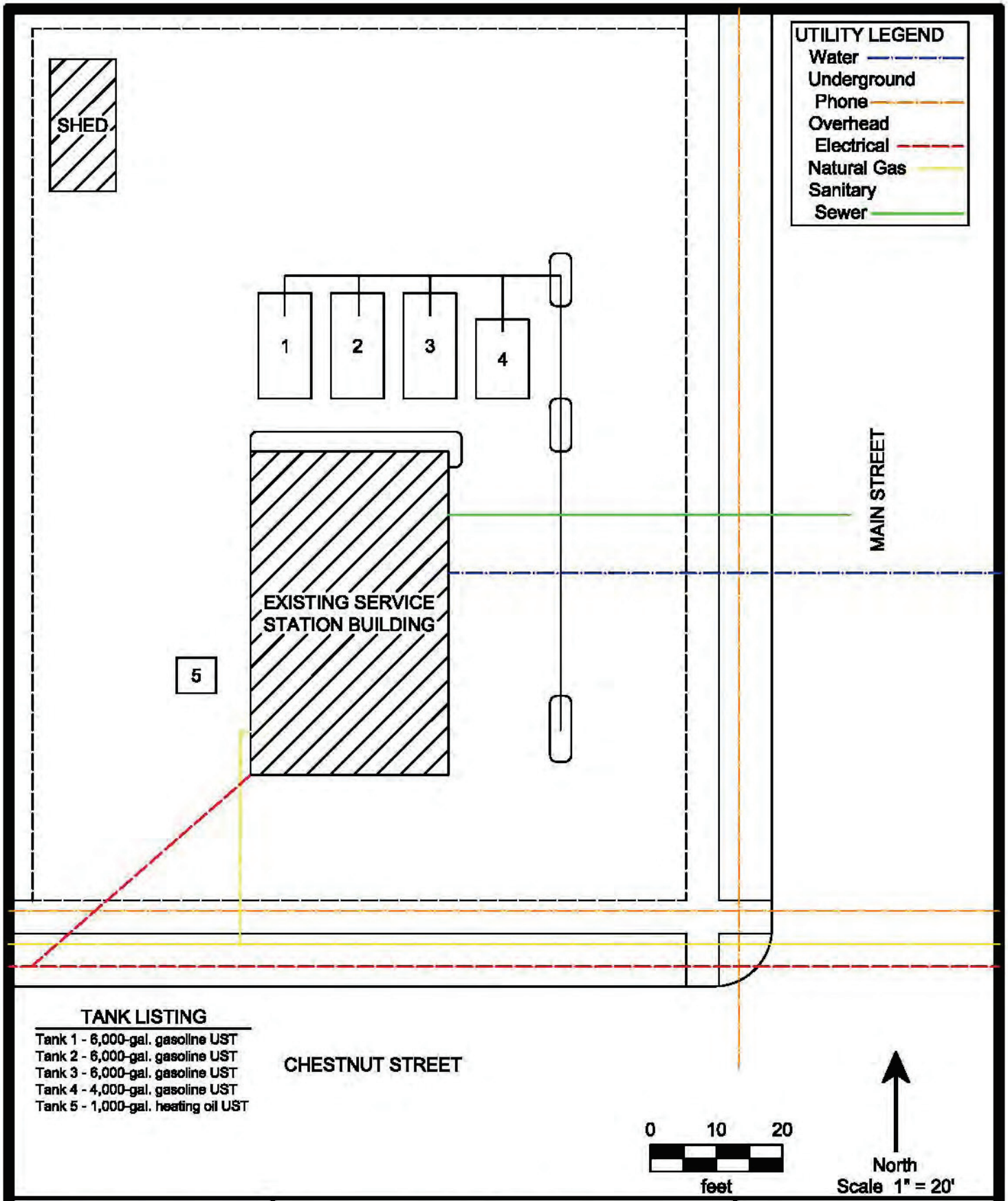
GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# FIGURE 2

PLAT MAP
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** October 2016




**TANK LISTING**

Tank 1 - 6,000-gal. gasoline UST
Tank 2 - 6,000-gal. gasoline UST
Tank 3 - 6,000-gal. gasoline UST
Tank 4 - 4,000-gal. gasoline UST
Tank 5 - 1,000-gal. heating oil UST

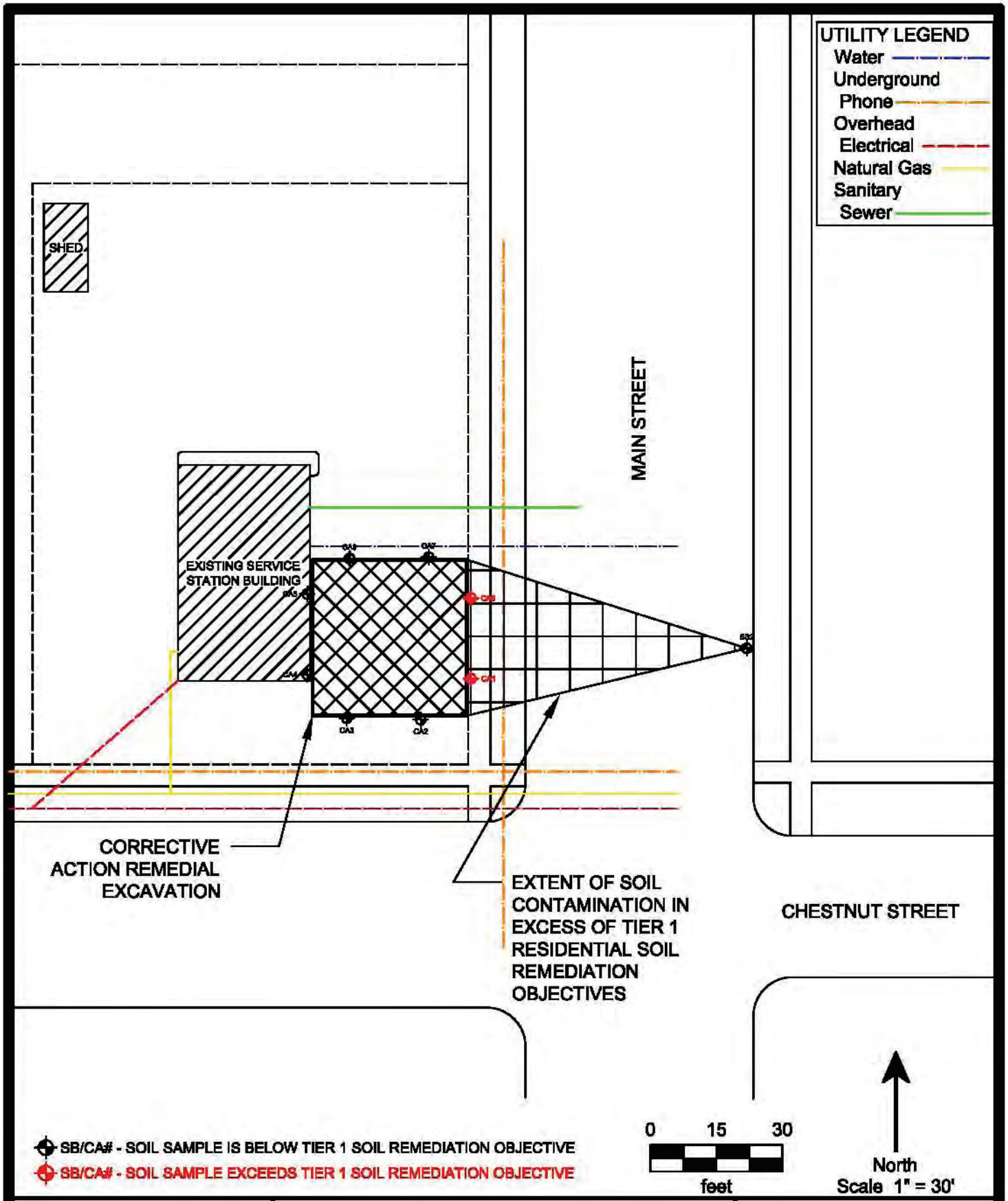
GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# FIGURE 3

SITE PLAN
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** October 2016



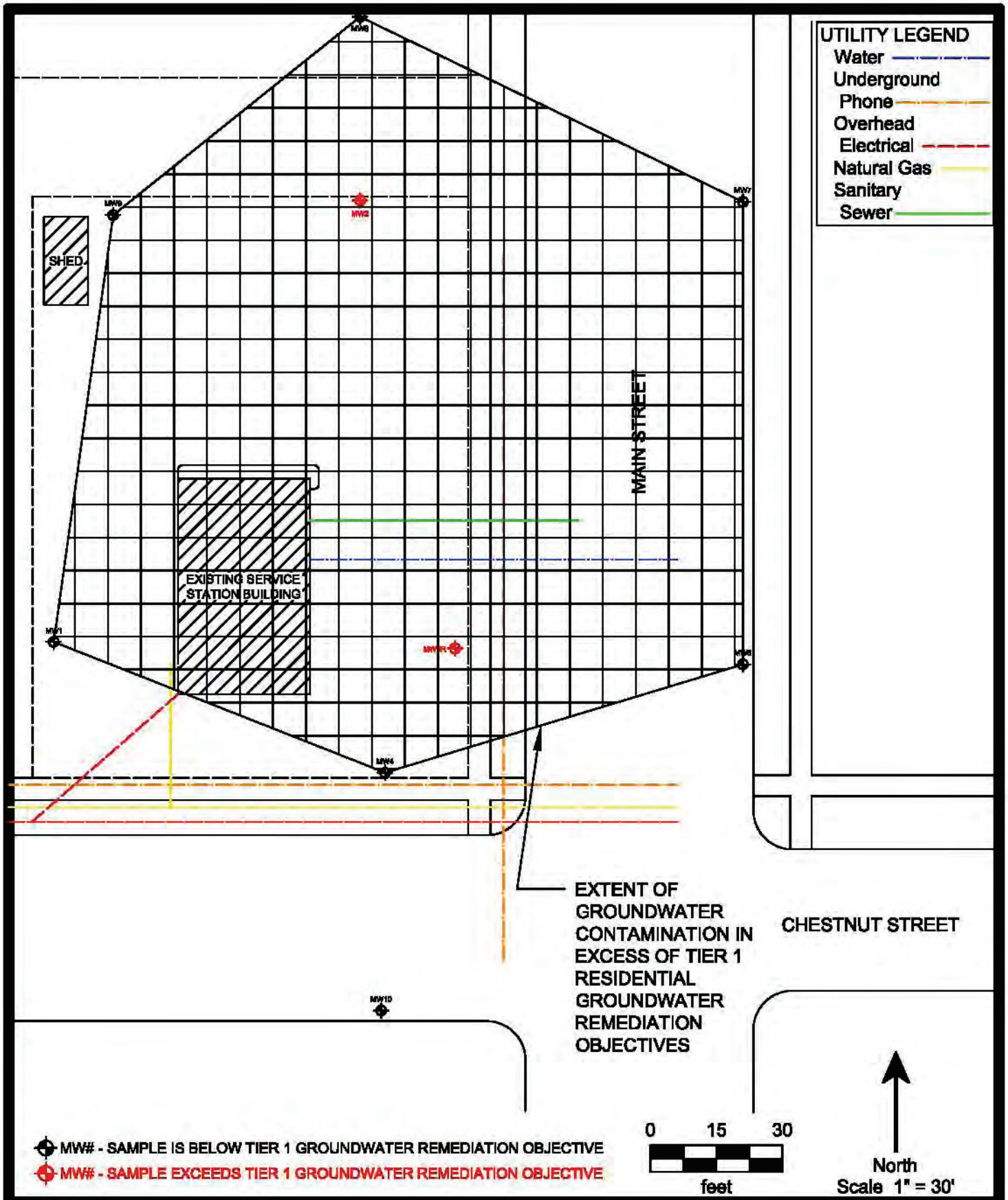

GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# FIGURE 4

EXTENT OF SOIL CONTAMINATION DIAGRAM
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** October 2016




GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# FIGURE 5

EXTENT OF GROUNDWATER CONTAMINATION DIAGRAM
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** October 2016

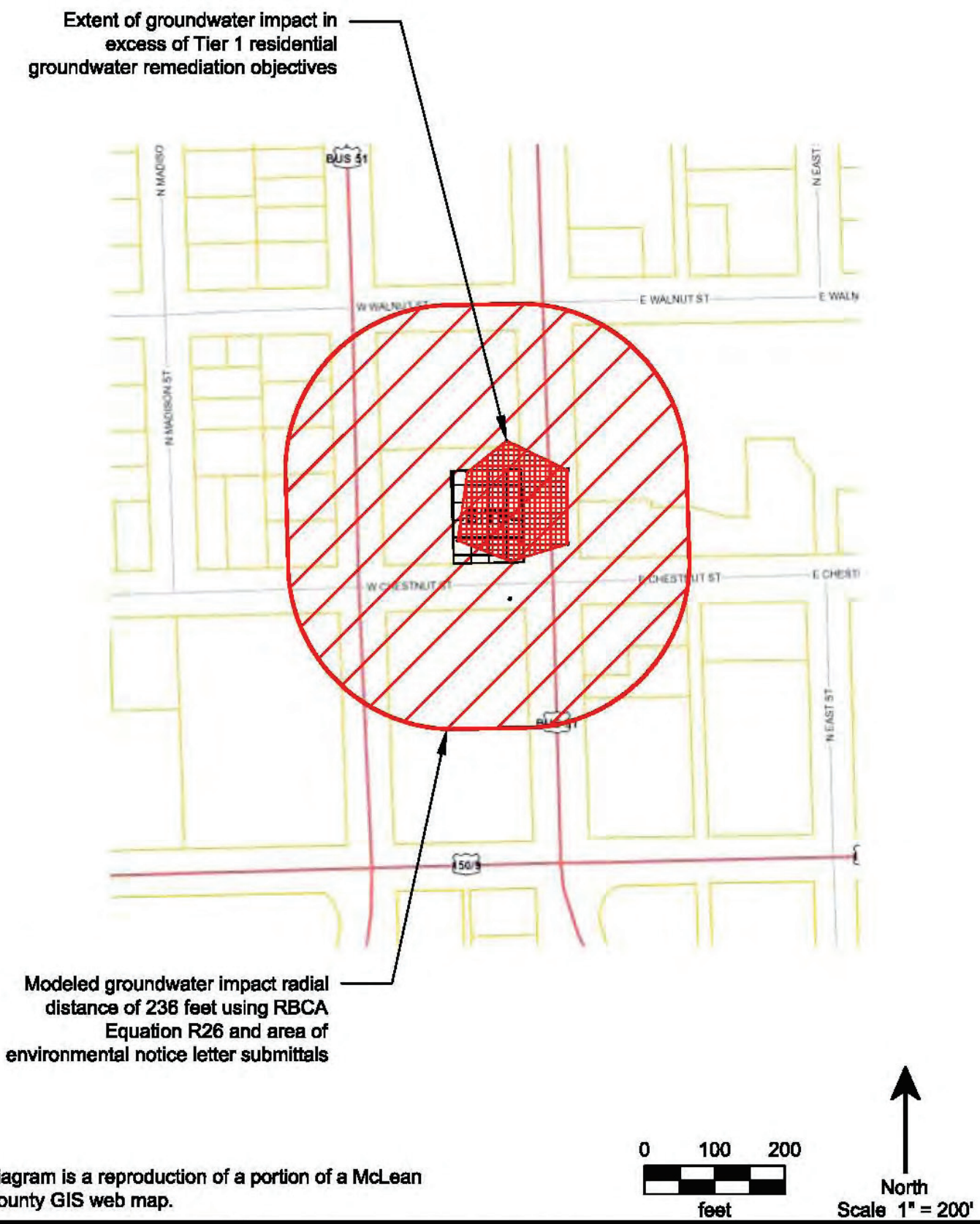



Diagram is a reproduction of a portion of a McLean County GIS web map.

GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

**FIGURE 6**
MODELED EXTENT OF GROUNDWATER CONTAMINATION DIAGRAM
Quinn's Shell - 802 N. Main Street
Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** October 2016

**Attachment 2**

ORDINANCE NO. 2016-___

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

WHEREAS, certain properties in the City of Bloomington, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Bloomington desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. Use of groundwater as a potable water supply prohibited.

The use or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited within the area described as follows:

Beginning at the southwest corner of Parcel No. 21-04-129-016, on the north right-of-way line of Walnut Street, thence south to the southwest corner of Parcel No. 21-04-136-013, on the north right-of-way line of Locust Street, thence west along the north right-of-way line of Locust Street to the southwest corner of Parcel No. 21-04-135-001, thence north to the southwest corner of Parcel No. 21-04-127-008, on the north right-of-way line of Walnut Street, thence east along the north right-of-way line of Walnut Street to the point of beginning.

SECTION 2. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of not less than $50.00 or more than $100.00 for each violation. Each

day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 3. Definitions.

Person is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any legal entity, or their legal representative, agents or assigns.

Potable water is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION 5. Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole of any portion not adjudged invalid.

SECTION 6. Effective date.

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

PASSED this ___ day of _____, 2016.

APPROVED this ___ day of _____, 2016.

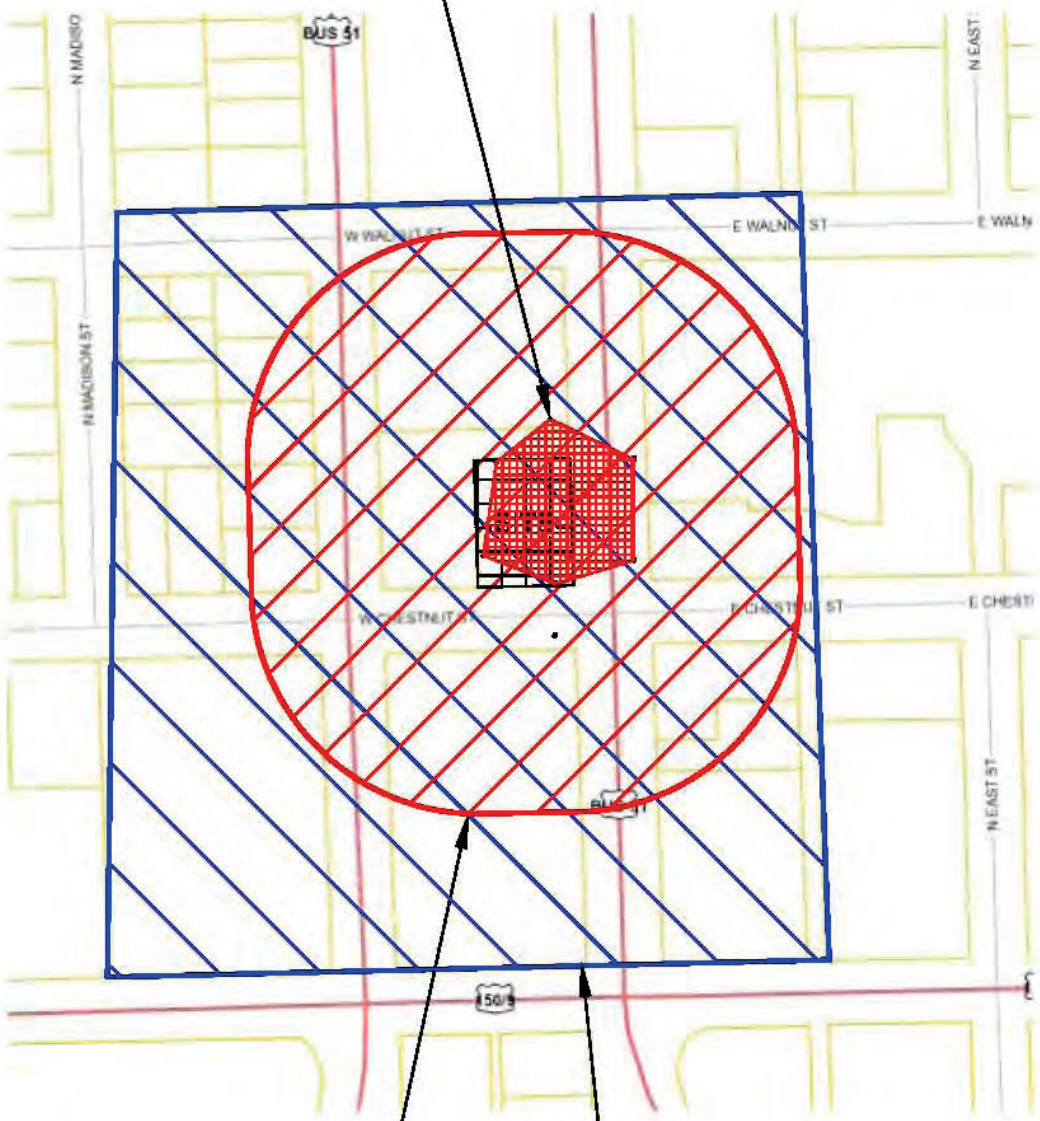
APPROVED:

Mayor

ATTEST:

City Clerk

Extent of groundwater impact in excess of Tier 1 residential groundwater remediation objectives




Modeled groundwater impact radial distance of 236 feet using RBCA Equation R26 and area of environmental notice letter submittals

Area of City limited area groundwater restriction ordinance

0 100 200

feet

North

Scale 1" = 200'

Diagram is a reproduction of a portion of a McLean County GIS web map.

GEOCON PROFESSIONAL SERVICES
3000 Research Rd, Ste 1 217.403.9990 phone
Champaign, IL 61822 217.403.1559 fax

# EXHIBIT A

LIMITED AREA GROUNDWATER RESTRICTION ORDINANCE DIAGRAM

Quinn's Shell - 802 N. Main Street

Bloomington, McLean County, Illinois

**PROJECT NO.:** 15-G151

**DATE:** October 2016

**CONSENT AGENDA ITEM NO. 7J**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of adopting an ordinance approving a zoning map amendment for 1611 N. Hershey Road from C-2 Neighborhood Shopping District to B-2 General Business Service District.

**RECOMMENDATION/MOTION:** That an ordinance approving a zoning map amendment for 1611 N. Hershey Road from C-2 Neighborhood Shopping District to B-2 General Business Service District be adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** 3. Grow the local economy

**STRATEGIC PLAN SIGNIFICANCE:** 3c. Revitalization of older commercial homes

**BACKGROUND:** The subject site is located at the southeast corner of General Electric (GE) Road and Hershey Road, two minor arterial roads with over 10,000 vehicles a day. The site is approximately 4.55 acres and has dual zoning districts, with the majority of the property zoned C-2, Neighborhood Shopping District, and a portion zoned M-1, Restricted Manufacturing District. The site is contiguous to the M-1, Restricted Manufacturing District, on the east, south and west property lines. R-1B, Medium Density Single Family Residential, R-2, Mixed Residential, and S-2, Public Lands and Institutions, zoning districts abut the property to the north. A strip of land extending parallel to and along the north side of GE Road, and consisting of Constitution Trail, a rails-to-trails project, and Sugar Creek separates the residential uses from the subject site. A large berm and dense line of trees provides screening between the residential uses, GE Road, and the subject property.

The subject property is vacant and has never been developed. The site is challenging to develop due to its topography and because portions of the site are in the 100-year and 500-year flood plains. When the railroads were active, the site, along with the rest of the area, was zoned M-1, Restricted Manufacturing. In 2001, as an effort to encourage the development of a pharmacy, the City Council amended the zoning to C-2, Neighborhood Shopping District. However, the development proposal never materialized because the extra costs associated with providing detention and accommodating the flood plain made the project unfeasible. The subject site is adjacent to a day-care facility and across the street from Country Financial Services. While these neighboring properties are zoned M-1, the uses are less intense than other M-1 uses and would be more appropriately located next to a business or commercial zoning.

The Petitioner, Mac's Convenience Shops, is requesting a zoning map amendment from C-2, Neighborhood Commercial District to B-2, General Business Service District to allow for the development of a fuel/oil service station (10 pumps) with a car wash (1,321 sqft), and a main

building (4,357 sqft) with a carryout restaurant, convenient store and video gaming room. The petitioner is responsible for accommodating on-site detention and site access is limited to one ingress/egress set back from the intersection on GE Road and on Hershey Road. Site development must comply with transitional yard setbacks, lighting, landscaping and parking standards. If the Petitioner wishes to sell alcohol at the premises, a liquor license will need to be obtained. Liquor licensing is outlined in Chapter 6 of the Bloomington City Code and requires a public hearing with the Liquor Commission. If the Petitioner's establishment qualifies as a truck stop within the meaning of the Video Gaming Act, video gaming can occur at the premises without the Petitioner having to obtain a liquor license. In order to qualify as a truck stop within the meaning of the Video Gaming Act, an establishment must (i) be at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles.

A list of permitted uses in the B-2 district is attached to this memo and is available online in Chapter 44.6-40 of the Zoning Ordinance. The intention of the B-2, General Business Service District, is to provide certain types of commercial activities, which have a functional relationship to the major street system and an economic relationship to commercial corridors. The B-2 District allows for a number of uses allowed in the C-2 District, such as a convenience store and retail, as well as uses allowed in the M-1 District, such as a fuel station, carwash, and restaurant. The B-2 District is a little more flexible than the C-2 District but more restrictive and less intense than M-1 and B-1 Districts found elsewhere along GE and Hershey Road. The Zoning Ordinance recommends locating the B-2 district on the border of residential districts. If zoning on the property is changed, and the proposed development does not materialize, the proposed zoning eliminates the dual M-1 and C-2 zoning districts and is more compatible with surrounding uses.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** On September 27, 2017, the Planning Commission held a public hearing on the Petition for the proposed map amendment. *The Pantagraph* published notice of the public hearing on September 5, 2017. Twenty-four (24) property owners within 500 feet of the subject property received courtesy notifications for the public hearing. A large, metal notification sign was also posted on the property. No one, outside of the petitioner, spoke in favor of the petition. Two (2) citizens spoke in opposition to the petition. The Planning Commission recommended in favor of the zoning amendment by a vote of 7-0-1, with one member abstaining. The recommendation is consistent with staff's recommendation.

**FINANCIAL IMPACT:** The proposed zoning district could encourage development of the site in a manner compatible with adjacent uses. Development of the subject property could result in increased motor fuel tax, property tax, and sales tax revenues for the City of Bloomington.

**COMMUNITY DEVELOPMENT IMPACT:** Link to Comprehensive Plan: Although not shown on the infill development priority, this site could be considered a Tier 1 Development Priority because it is incorporated within the city limits and adjacent to city services and utilities. No new infrastructure nor oversizing by the city is required to develop this property. The Future Land Use map identifies this area as Neighborhood/Local Shopping District. The B-2 Zoning is very similar to the C-2 Zoning District and the intent aligns with the Comprehensive Plan.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: All city infrastructure exists and has the capacity for the proposed development. No changes in operational costs are expected.

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Katie Simpson, City Planner |
| Reviewed by: | Tom Dabareiner, Community Development Director |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | George D. Boyle, Assistant Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- CD2B Ordinance and Legal Description
- CD2C Petition
- CD2D List of Permitted Uses in the B-2 District
- CD2E Aerial View of Subject Property
- CD2F Zoning Map of Subject Property
- CD2G Staff Report from Planning Commission Meeting 9.27.17
- CD2H Minutes from Planning Commission Meeting 9.27.17
- CD2I Notifications

**ORDINANCE NO. _____**

**AN ORDINANCE APPROVING THE ZONING MAP AMENDMENT FOR 1611 N. HERSHEY ROAD FROM C-2, NEIGHBORHOOD SHOPPING DISTRICT, TO B-2, GENERAL BUSINESS SERVICE DISTRICT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition rezoning certain premises described in Exhibit(s) A, which is attached hereto and made part hereof by this reference and which is commonly referred to as 1611 North Hershey Road; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of rezoning; and

WHEREAS, the City Council of said City is authorized to adopt this Ordinance and approve the petition to rezone said Premises;

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

1. That the petition to rezone the premises hereinafter described in Exhibit(s) A shall be and the same is hereby approved.
2. That the zoning map of said City shall hereby be amended to reflect the rezoning set forth in the preceding paragraph.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 20____.

APPROVED this _____ day of _____, 20____.

CITY OF BLOOMINGTON: ATTEST:

_____ _____

Tari Renner, Mayor Cherry Lawson, City Clerk

APPROVED AS TO FORM:

_____

Jeff Jurgens, Corporation Counsel

**Exhibit "A"**

Legal Description for 1611 N Hershey Rd.

Approximately 4.55 Acres

A tract of land being part of Outlot "B" in R.M. Campbell's Subdivision First Addition being a subdivision of Outlot "A" of R.M. Campbell's Subdivision in the east half of the Northwest Quarter Section 36, Township 24 North, Range 2 East of the Third Principal Meridian, according to the plat thereof recorded May 1, 1991 as Document No. 91-7791 of the McLean County Records, and being more particularly described as follows:

Beginning at the Northwest corner of a tract of land conveyed by deed to Mechanical Devices Company, recorded as Document #81-679, said point also being on the South right of way line of General Electric Road, being 80' wide; thence Southerly leaving said South right of way line and along the West line of said Mechanical Devices tract, South 00 degrees 16 minutes 38 seconds East, a distance of 452.86 feet to the Northeast corner of a tract of land conveyed by deed to Red Dot Storage 32, recorded as Document #2015-00021990; thence Westerly, leaving said West line and along the North line of said Red Dot Storage 32 tract, North 89 degrees 31 minutes 46 seconds West, a distance of 435.60 feet to a point on the East right of way line of Hershey Road, having a variable width; thence Northerly along said East right of way line, North 00 degrees 16 minutes 38 seconds West, a distance of 445.86 feet to a point; thence North 35 degrees 30 minutes 44 seconds East, a distance of 8.55 feet to a point on the South right of way line of said General Electric Road, thence Easterly along said South right of way line, South 89 degrees 31 minutes 46 seconds East, a distance of 430.60 feet to the point of beginning, containing 197, 231 square feet or 4.528 acres more or less. PIN #: 14-36-126-017

**PETITION FOR ZONING MAP AMENDMENT**

State of Illinois )
) ss.
County of McLean )

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS

Now comes_____Macs Convenience Stores_____, hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;

2. That said premises legally described in Exhibit "A" presently has a zoning classification of _____C-2, Neighborhood Shopping District_____ under the provisions of Chapter 44 of the Bloomington City Code, 1960;

3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;

4. That your petitioner(s) hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the _____B-2, General Business District_____ zoning district classification;

5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and

6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner(s) by the present zoning of said premises.
WHEREFORE, your petitioner(s) respectfully pray(s) that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from__C-2, Neighborhood Shopping District_____.

Respectfully submitted,
By:_____

## EXHIBIT A:

## LEGAL DESCRIPTION FOR 1611 N. HERSHEY ROAD, BLOOMINGTON, IL 61705

A tract of land being part of Outlot 'B' in R.M. Campbell's Subdivision First Addition, being a subdivision of Outlot 'A' of R.M. Campbell's Subdivision in the east half of the Northwest Quarter of Section 36, Township 24 North, Range 2 East of the Third Principal Meridian, according to the plat thereof recorded May 1, 1991 as Document No. 91-7791 of the McLean County Records, and being more particularly described as follows:

Beginning at the Northwest corner of a tract of land conveyed by deed to Mechanical Devices Company, recorded as Document #81-679, said point also being on the South right of way line of General Electric Road, being 80' wide; thence Southerly leaving said South right of way line and along the West line of said Mechanical Devices tract, South 00 degrees 16 minutes 38 seconds East, a distance of 452.86 feet to the Northeast corner of a tract of land conveyed by deed to Red Dot Storage 32, recorded as Document# 2015-00021990; thence Westerly, leaving said West line and along the North line of said Red Dot Storage 32 tract, North 89 degrees 31 minutes 46 seconds West, a distance of 435.60 feet to a point on the East right of way line of Hershey Road, having a variable width; thence Northerly along said East right of way line, North 00 degrees 16 minutes 38 seconds West, a distance of 445.86 feet to a point; thence North 35 degrees 30 minutes 44 seconds East, a distance of 8.55 feet to a point on the South right of way line of said General Electric Road, thence Easterly along said South right of way line, South 89 degrees 31 minutes 46 seconds East, a distance of 430.60 feet to the point of beginning, containing 197,231 square feet or 4.528 acres more or less.

PIN #: 14-36-126-017

CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE

Public Notice is hereby given that the Bloomington Planning Commission will hold a public hearing on Wednesday, September 27, 2017 at 4:00 p.m. in the City Council Chambers, City Hall, 109 E. Olive St., Bloomington, IL.

The Petition submitted by Mac's Convenience Stores, requesting approval to Rezone property located at 1611 N. Hershey Rd.,(SE Corner of GE and Hershey Rd.) from a C-2, Neighborhood Shopping District to B-2, General Business District.

Legal Description: Exhibit A

A tract of land being part of Outlot 'B' in R.M. Campbell's Subdivision First Addition, being a subdivision of Outlot 'A' of R.M. Campbell's Subdivision in the east half of the Northwest Quarter of Section 36, Township 24 North, Range 2 East of the Third Principal Meridian, according to the plat thereof recorded May 1, 1991 as Document No. 91-7791 of the McLean County Records, and being more particularly described as follows:

Beginning at the Northwest corner of a tract of land conveyed by deed to Mechanical Devices Company, recorded as Document #81-679, said point also being on the South right of way line of General Electric Road, being 80' wide; thence Southerly leaving said South right of way line and along the West line of said Mechanical Devices tract, South 00 degrees 16 minutes 38 seconds East, a distance of 452.86 feet to the Northeast corner of a tract of land conveyed by deed to Red Dot Storage 32, recorded as Document# 2015-00021990; thence Westerly, leaving said West line and along the North line of said Red Dot Storage 32 tract, North 89 degrees 31 minutes 46 seconds West, a distance of 435.60 feet to a point on the East right of way line of Hershey Road, having a variable width; thence Northerly along said East right of way line, North 00 degrees 16 minutes 38 seconds West, a distance of 445.86 feet to a point; thence North 35 degrees 30 minutes 44 seconds East, a distance of 8.55 feet to a point on the South right of way line of said General Electric Road, thence Easterly along said South right of way line, South 89 degrees 31 minutes 46 seconds East, a distance of 430.60 feet to the point of beginning, containing 197,231 square feet or 4.528 acres more or less. PIN #: 14-36-126-017

All interested persons may present their views upon such matters pertaining thereto. Said Petition and all accompanying documents are on file and available for public inspection in the Office of the City Clerk at 109 E. Olive St., Bloomington, IL.

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, preferably no later than five days before the hearing. The City Clerk may be contacted either by letter at 109 E. Olive Street, Bloomington, IL 61701, or by telephone at 309-434-2240 or via email at

cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Cherry Lawson
City Clerk

Published in the Pantagraph: September 5, 2017

## Section 44.6-30
## Permitted Uses in the B-2 District

| | | | |
|---|---|---|---|
| Accounting, Auditing, Bookkeeping | P | Legitimate Theaters | P |
| Adult Cabaret | 5 | Libraries | P |
| Adult Hotels/Motels | 5 | Linen Supply Services | P |
| Adult Lingerie Modeling Studios | 5 | Linen Supply Stores | P |
| Adult Media Stores | 5 | Linen Supply Stores | P |
| Adult Modeling Studios | 5 | Liquor Stores | P |
| Adult Motion Picture Theaters | 5 | Lodging Houses | P |
| Advertising Services | P | Lumber Yards, Building Materials | P |
| Agency Supervised Homes | P | Mail Order Houses | P |
| Agency-Operated Family Homes | P | Manufactured Home Sales | S |
| Agency-Operated Group Homes | P | Marine Craft and Accessory Sales | P |
| Agriculture | P | Massage Therapy Studio | P |
| Airports and Landing Fields | S | Media Shops | 12 |
| Ambulatory Surgical Treatment Center | P | Medical Marijuana Dispensing Organization | P |
| Amphitheaters | P | Medical, Health Services | P |
| Amusement Centers | S | Mental Health Facilities | P |
| Animal Detention Facilities, with no outdoor exercise areas | P | Merchandise Vending Machine Sales | P |
| Animal Detention Facilities, with outdoor exercise areas | S | Mini Warehouses | S |
| Animal Hospitals | P | Miscellaneous Services N.E.C. | P |
| Antique Stores | P | Mobile Food and Beverage Vendor | 13 |
| Apparel Shops | P | Mobile Home Sales | S |
| Appliance Stores | P | Monument Sales | P |
| Aquariums | P | Motels, Hotels, Motor Hotels | P |
| Arenas, Field Houses, Stadiums | P | Motion Picture Studios | P |
| Art Galleries, Museums | P | Motion Picture Theaters | P |
| Art Supplies, Craft Stores | P | Motor Vehicle Sales, Service N.E.C. | P |
| Artisanal/Craft Production and Retail | P | Motor Vehicle Storage | P |
| Athletic Clubs, YMCA, YWCA | P | Motorcycle Sales and Service | P |
| Auction Houses | P | Music Stores, Record Shops | P |
| Auditoriums, Concert Halls | P | News Syndicate Services | P |
| Automobile and Accessories Sales | P | Nursery Schools | P |
| Automobile Engine Electrical System Diagnostic Services | P | Nursing Homes | P |
| Automobile Rental Service | P | Offices | P |
| Automobile Repair Shops | P | Optical Goods, Hearing Aids Sales | P |
| Automobile Service Stations | P | Other Clubs Not Classified | P |
| Awning, Tent, Canvas Products Sales | P | Other Specialty Shops, N.E.C. | P |
| Bakery Products Sales | P | Outdoor Advertising Services | P |
| Ballrooms, Dance Halls | P | Packing and Crating Services | P |
| Banking Services | P | Paint, Glass, Wallpaper Stores | P |

| | | | |
|---|---|---|---|
| Barber Shops, Beauty Shops | P | Painting, Decorating Services | P |
| Bars, Taverns, Nightclubs | P | Parking Lot, Commercial | P |
| Bed & Breakfast Establishments | P | Parking Lot, Noncommercial | P |
| Billiard Centers, Pool Halls | P | Parks, Playgrounds, Aboretums | P |
| Birthing Center | P | Penny Arcade | P |
| Blueprinting and Photocopying | P | Pet Shops | P |
| Boarding Schools | P | Pharmacy | P |
| Boat Sales, Service, Rental | P | Photofinishing Services | P |
| Book, Stationery Stores, Newsstands | P | Photographic Services | P |
| Bowling Establishments | P | Planetariums | P |
| Building Construction Services | P | Plumbing, Heating Services | P |
| Bus Passenger Terminals | P | Police Stations, Fire Stations | P |
| Bus Sales Service | P | Postal Services | P |
| Business Management Consulting | P | Post-Surgical Recovery Care Center | P |
| Business Schools | P | Pottery, Ceramic Products Sales | P |
| Cabinet making, woodworking, furniture repair | P | Pre-Schools | P |
| Cameras, Photographic Supplies | P | Printing, Publishing, Allied Uses | P |
| Camping, Recreational Equipment Sales | P | Professional Clubs, Business Clubs | P |
| Candle Shops | P | Professional Supply Repair Services | P |
| Candy Confectionery Sales | P | Radio Broadcasting Studios | P |
| Car Wash | P | Radio, Television Repair Services | P |
| Carpentry Services | P | Radio, Television Stations-Towers | P |
| Catering Services | P | Radio,. Television Stores | P |
| Childrens Homes, Orphanages | P | Rail Passenger Terminals | P |
| China, Glassware, Metalware Stores | P | Real Estate Services | P |
| Churches, Synagogues, Temples | P | Record Shops, Music Stores | P |
| Cigar, Tobacco Products Sales | P | Refuse Disposal Services | S |
| Clinics | P | Rehabilitation Schools | P |
| Collection Services | P | Religious Education Facility | P |
| College-University Classrooms | P | Research and Testing Services | P |
| Commercial Printing Services | P | Restaurants, Cafeterias | P |
| Commodity Contract Brokers | P | Roller Skating Rinks | P |
| Community Centers | P | Rooming Houses | P |
| Computer Services | P | Rooming Houses | P |
| Convalescent Homes, Rest Homes | P | Savings and Loan Associations | P |
| Convenience Establishments | P | Security and Commodity Services | P |
| Country Clubs, Golf Clubs | P | Service Clubs, Civic Clubs | P |
| Credit Services | P | Sewage Lift Stations | P |
| Crematories | S | Sewage Treatment Plants | S |
| Cultural Activities | P | Sex Shops | 5 |
| Currency Exchanges | P | Sexually Oriented Entertainment Business | 5 |
| Dairy Products | P | Sheltered Care Homes | P |
| Dance Studios, Music Studios | P | Shoe Repair Services | P |

| | | | |
|---|---|---|---|
| Day Care Centers | P | Shoe Stores | P |
| Delicatessens | P | Sign Painting Services | P |
| Dental Services | P | Ski Mobile Sales, Service | P |
| Department Stores | P | Social Clubs, Lodges | P |
| Detective and Protective Services | P | Specialty Food Shops | P |
| Diagnostic Imaging Center | P | Specialty Schools | P |
| Diagnostic Laboratory Treatment Facility | P | Sporting Goods, Bicycle Sales | P |
| Diaper Services | P | Stenographic Services | P |
| Domestic Violence Shelter | P | Swimming Clubs | P |
| Donut Shops, Ice Cream Shops | P | Swimming Pools | P |
| Draperies, Curtains, Uphostery | P | Taxi Terminals | P |
| Dressmaking, Tailor Shops | P | Telecommunication Antenna Facilities | 10 |
| Drive-in Refreshment Stands | P | Telegraph Message Centers | P |
| Drug Stores | P | Telephone Exchange Stations | P |
| Dry Cleaning Services | P | Telephone Exchange Substations | P |
| Dry Goods, Piece Goods Stores | P | Telephone Relay Towers | P |
| Duplicating, Mailing Services | P | Television Broadcasting Studios | P |
| Dwellings, Multiple Family | 9 | Tile Abstracting Services | P |
| Dwellings, Single-Family | S | Tires, Batteries, Accessories Sales | P |
| Dwellings, Two-Family | P | Towing Services | 2 |
| Educational and Research Services | P | Townhouses | 9 |
| Electrical Repair Service | P | Trade Supply Sales-Service | P |
| Electrical Services | P | Trading Stamp Services | P |
| Electrical Supply Sales | P | Transfer Services | P |
| Electricity Regulating Substations | P | Travel Arranging Services | P |
| Electronics Assembly Plants | P | Treatment Centers for Drug Abuse | P |
| Employment Services | P | Tree Sales, Nurseries, Greenhouses | P |
| Engineering, Architectural Services | P | Truck Rental Service | P |
| Equipment Rental , Leasing Services | P | Truck Sales and Service | P |
| Exhibition/Exposition Halls | P | Truck Stops, Truck Plazas | P |
| Extended Stay Motel | P | Truck Wash | P |
| Exterminating-Pest Control Services | P | Utility Conduits, Lines, Pipelines | P |
| Farm Machinery Sales and Service | P | Variety Stores | P |
| Farm Supply Stores | P | Veterinarian Services | P |
| Financial Services | P | Video Sales and Rental Stores | P |
| Fish Hatcheries, Poultry Hatcheries | P | Vocational Schools | P |
| Flammable Liquid Pipelines | P | Water Pressure Control Stations | P |
| Floor Covering Stores | P | Water Purification Plants | P |
| Florist Shops | P | Water Storage Reservoirs | P |
| Food Pantry | P | Welding Services | P |
| Forestry | P | Well Drilling Services | P |
| Fuel Oil Service | P | Wholesale Sales Establishments | 1 |
| Funeral Parlor, Mortuary | P | Window Cleaning Services | P |
| Furniture Stores | P | | |

Revised 10/10/17

| | | | |
|---|---|---|---|
| Gas Regulatory Stations | P | | |
| General Merchandise Stores | P | | |
| Gift Shops | P | | |
| Golf Courses - Not Miniature Golf | P | | |
| Government Services | P | | |
| Greeting Card Shops | P | | |
| Grocery Stores, Supermarkets | P | | |
| Group Homes for Parolees | S | | |
| Group Homes for Parolees | S | | |
| Gun Shops | P | | |
| Gymnasiums, Recreation Centers | P | | |
| Hardware Stores | P | | |
| Health Clubs | P | | |
| Health Spas, Reducing Salons | P | | |
| Heating Plumbing Equipment Sales | P | | |
| Heliports, Heliport Terminals | S | | |
| Hobby Shops, Toy Stores | P | | |
| Home for the Aged | P | | |
| Home Improvement Center | P | | |
| Home Maintenance Services | P | | |
| Horticultural Services | P | | |
| Hospitals, Except Animal Hospitals | P | | |
| Hotels, Motels, Motor Hotels | P | | |
| Ice Rinks | P | | |
| Institution for Child Care | P | | |
| Institution for the Handicapped | P | | |
| Insurance Services | P | | |
| Irrigation Channels | P | | |
| Jewelry Stores, Watch Repair | P | | |
| Kennels, with no outdoor exercise areas | P | | |
| Kennels, with outdoor exercise areas | S | | |
| Knit Goods Shops | P | | |
| Laboratory, Dental and Medical | P | | |
| Laboratory, Psychological | P | | |
| Laundering Services | P | | |
| Leather Goods Shops | P | | |

(S) = allowed with a special use
(1) = allowed only as accessory use occupying not more than 40% floor area of any story
(2) = allowed only as accessory use occupying not more than 25% floor area of any story
(3) = this use is allowed in the at zoning district only when located within Airport Passenger Terminals
(5) = allowed provided that no lot line of the lot to be occupied by such adult use shall be located closer than 1,000 feet to the lot line of a residential, recreational, public assembly (or the like) use. Use should not be located closer than 500 feet to the lot line of a lot used for amusement center, an amusement park, a day care center, children's home, children's museum, orphanage, agency-operated family home, agency-operated group home, hobby shop or toy store, nursery school, elementary school, high school, place of worship (and the like).

Revised 10/10/17

(9) = allowed as a special use if the lot was rezoned B-1 after August 26, 1996

(12) = allowed as permitted use but subject to conditions that adult media kept in a separate room 1) that is not open to anyone under age (18) and; 2) physically and visually separated from the rest of the shop by an opaque wall and; be located so that the entrance is as far as reasonably possible from media of a particular interest to children; and 4) have access controlled by warning signs to provide assurance that persons under age 18 will not accidentally enter and; 5) provide signs stipulating that persons under age 18 are not permitted in such a room.

(13) = permitted but subject to the requirements of Section 44.4-4 G.

# Aerial View: 1611 N. Hershey Rd.

0 0.07 0.1 Miles

1: 4,514

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: http://www.McGIS.org/License

Printed: 8/28/2017 8:42:04 AM

Notes

# Zoning Map: 1611 N. Hershey Rd.

0 0.07 0.1 Miles

1: 4,514

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: http://www.McGIS.org/License

Printed: 8/28/2017 8:47:04 AM

Notes

**DRAFT**
**MINUTES**
**BLOOMINGTON PLANNING COMMISSION**
**REGULAR MEETING**
**WEDNESDAY, SEPTEMBER 27, 2017 4:00 P.M.**
**COUNCIL CHAMBERS, CITY HALL**
**109 EAST OLIVE STREET**
**BLOOMINGTON, ILLINOIS**

**MEMBERS PRESENT:** Mr. J. Balmer, Mr. David Stanczak, Mr. James Pearson, Mr. Kevin Suess, Mr. John Protzman, Ms. Megan Headean, Mr. Eric Penn, Chairman Justin Boyd

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mr. Tom Dabareiner, Director of Community Development; Mr. George Boyle, City Attorney; Ms. Katie Simpson, City Planner; Ms. Izzy Rivera, Assistant City Planner; Mr. Kevin Kothe, City Engineer, Tony Meizelis, Engineer II, Michael Hill, Miscellaneous Technician in Public Works Administration; Jim Karch, Public Works Director; Austin Grammer, Economic Development Coordinator; John Houseal, Houseal Lavign Associates

**CALL TO ORDER** Chairman Boyd called the meeting ot order at 4:00 PM.

**ROLL CALL:** Mr. Dabareiner called the roll. With seven members in attendance, a quorum was established.

**PUBLIC COMMENT:** None.

**MINUTES:** The Commission reviewed the minutes from the August 23, 2017 regular meeting. Mr. Stanczak motioned to approve the minutes. Mr. Balmer seconded the motion. The Commission approved the minutes by a voice vote, 7-0.

**REGULAR AGENDA:**
**Z-24-17 Public hearing, review, and action on a petition submitted by Freedom Services, Inc. requesting the rezoning of 1315 W. Market St from R-1C, Single Family Residential District to B-2, General Business Service District.**

**Z-25-17 Public hearing, review, and action on petitions submitted by Freedom Services, Inc. requesting the rezoning of 505 N. Hinshaw Ave from R-1C, Single Family Residential District to B-2, General Business Service District.**

Chairman Boyd announced that the petitioner for agenda items Z-24-17 and Z-25-17 requested to withdraw these petitions and to remove them from the regular agenda.

**Z-26-17 Public hearing, review, and action on petition submitted by Macs Convenience Store, requesting the rezoning of 1611 N Hershey Rd from C-2, Neighborhood Shopping District to B-2 General Business Service District.**

Chairman Boyd introduced the cases. Ms. Simpson provided the staff report and stated that city staff is recommending in favor of the petition. She provided pictures of the property, an aerial map and zoning map, and she described the surrounding uses. Ms. Simpson provided a history of the zoning for the area and explained the development challenges for the site. She stated the surrounding uses are not compatible with the uses contemplated in the M-1 zoning districts. Ms. Simpson described the purpose and intent of the B-2 District and emphasized the districts relationship to the major traffic system. She explained that the subject is located at the intersection of two minor arterial roads. She shared traffic counts for the area, identifying the different types of roads, and explained that, while the B-2 and C-2 districts are similar, B-2 is intended to be located along busier streets. Ms. Simpson described the proposed development for the site—a motor fueling station with a carwash, restaurant and video gaming machines. Ms. Simpson shared staff's analysis of the standards for a B-2 map amendment. She stated staff determined the standards were met and the proposed zoning aligned with the intent of the Comprehensive Plan. She described the less intense surrounding uses and the physical characteristics which provide a transition between the business uses contemplated in the B-2 district and the residential uses. Ms. Simpson noted the developer would be required to accommodate storm water and to design the building appropriately for the flood plain.

Mr. Balmer requested staff describe the similarities between the intersection of GE Road and Hershey Road and Hershey Road and Route 9 as it relates to the proposed zoning. Mr. Kothe described the differences between GE Road and Route 9, emphasizing that Route 9 has twice as many vehicles daily than GE Road. Mr. Kothe explained the intersection limits the ingress and egress for the subject property requiring entrances to be set back from the intersection.

Ms. Haedean arrived at 4:14 p.m. Mr. Patrick Bennet, Petitioner and Engineer with Core State's Group, 6500 Chippewa St., St. Louis Missouri, was sworn in. Mr. Bennet described the proposed development as a fuel station with ten dispensers and twenty fueling positions, convenience store, and car wash.

No one spoke in favor of the petition. Mark Sperry, Mechanical Devices Owner, spoke against the petition. He described the Mechanical Devices property located east of the subject site and provided a history of the zoning. He expressed concerns about potentially allowing adult uses, gun shops, and a medical marijuana facility by changing the zoning. Mr. Sperry requested the Commission consider allowing a special use permit rather than changing the zoning. He stated he is concerned about allowing alcohol sales near a manufacturing plant. Mr. Sperry stated he is concerned about the development's ability to manage storm water.

Ms. Betty Toland, spoke in opposition of the petition and expressed concerns about the business locating in the flood plain, and near a day care and playground. Ms. Toland also stated the city has an abundance of gas stations and video gaming.

Mr. Bennet responded to the concerns raised by citizens. He stated Circle K plans to detain water on the property and control the discharge rate. Mr. Pearson asked what the petitioner cannot accomplish under the existing zoning. Ms. Simpson explained the gas station and car wash are not permitted at all in the C-2 district and the City does not issue special use permits for uses not previously identified in Chapter 44.6-40 as requiring a special use permit in that zoning district.

Ms. Simpson explain the adult uses not permitted in the B-2 if they are located within 500 feet of a day care. Mr. Bennet described the detention area and the site plan. Mr. Suess asked for more information about development in the flood plain. Mr. Kothe explained the volume in the flood plain cannot change, the petitioner is providing detention in the higher corner of the property in addition to the detention in the flood plain. Mr. Stanczak asked Mr. Kothe if this site would improve detention from the existing condition. Mr. Kothe confirmed the site would provide detention that is not currently provided and the development would result in a benefit. Mr. Kothe explained the flood plain may be less than what is currently identified due to an increased number of basins on the east side of Bloomington. Ms. Headean asked if there is concern about a spot zone. Ms. Simpson stated the proposed district aligns with the intentions of the Comprehensive Plan and is very similar to the C-2 district. Mr. Dabareiner reinforced that the city is considering combining the B-2 and C-2 districts in the new zoning ordinance.

Mr. Sperry stated a 'gas regulatory station' is permitted in C-2. Ms. Simpson explained a 'gas regulatory station' refers to the natural 'gas' utility and not the term "motor fuel" station refers to a gas station that sells fuel. Mr. Boyle stated that the zoning ordinance differentiates between the gas utility and motor fuel. Chairman Boyd clarified the ordinance would not allow an adult use in this location due to the proximity of the day care. Mr. Balmer explained there are other parts of the ordinance that regulate the location of certain uses.

Mr. Balmer motioned to approve case Z-26-17. Mr. Stanczak seconded the motion. The motion was approved by the Planning Commission by a vote of 7-0-1, with the following votes cast: Mr. Balmer—yes, Mr. Stanczak—yes, Mr. Pearson—yes, Mr. Suess—yes, Mr. Protzman—yes, Ms. Headean—abstain, Mr. Penn—yes, Chairman Boyd—yes.

**CITY OF BLOOMINGTON**
**REPORT FOR THE PLANNING COMMISSION**
**SEPTEMBER 27, 2017**

| CASE NUMBER: | SUBJECT: | TYPE: | SUBMITTED BY: |
|---|---|---|---|
| Z-26-17 | 1611 N. Hershey Rd | Rezone | Izzy Rivera, Assistant City Planner |
| **PETITIONER'S REQUEST:** | Rezone the above referenced properties from C-2 Neighborhood Shopping District to B-2 General Business Service District | | |
| | | | |
| *Staff finds that the petition **meets** Zoning Ordinance's map amendment guidelines for the B-2, General Business Service District (44.6-21).* | | | |

**STAFF RECOMMENDATION: Approve**

N Δ

**NOTICE**
The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on September 5, 2017.

**GENERAL INFORMATION**
Owner and Applicant: Mac's Convenience Stores

**PROPERTY INFORMATION**

1611 N. Hershey Rd
Legal Description: Attached
PIN: 14-36-126-017

Existing Zoning: C-2, Neighborhood Shopping District
Existing Land Use: Vacant
Property size: 4.55 Acres

**Surrounding Zoning and Land Uses**

| Zoning | Land Use |
|---|---|
| North: R-1B, Single Family Residential | North: Single family homes |
| Northwest: R-2: Mixed Residence District | Northwest: Multifamily homes, financial |
| Northwest: S-2: Public Land and Institutions | Northwest: GE Park, trail |
| East: M-1: Restricted Manufacturing District | East: Mechanical Company |
| South: M1: Restricted Manufacturing District | South: Daycare, storage facility |
| West: M1: Restricted Manufacturing District | West: Office space, realty |

This report is based on the following documents, which are on file with the Community Development Department:

1. Petition for Zoning Map Amendment
2. Aerial photographs
3. Zoning Map
4. Site visit

**PROJECT DESCRIPTION**

*Background:* The subject property is located at the southeast corner of General Electric Rd and Hershey Rd, and is zoned C-2 Neighborhood Shopping District. The surrounding area is comprised of residential, manufacturing, mixed use retail, as well as public parks. The northwest corner is zoned S-2, Public lands, and developed with multifamily residential (R-2). B-1 and M-1 districts exist two blocks east and west of Hershey Rd. The property has many requirements for storm water management as it is located within a basin. The current zone C-2, Neighborhood Shopping District, is to provide establishments, including retail stores and personal service facilities, which serve the frequently recurring needs of surrounding residential neighborhoods. Similar to the B-2, General Service District, the goal is to create commerce for the surrounding areas.

*Project Description:*

The intent of the B-2, General Business Service District, is to provide for certain types of commercial activities that have a functional relationship to the major street system and, in some instances, an economic relationship to the B-3 Central Business District, or to commercial and regional shopping areas. Such activities include wholesale suppliers, retail businesses and service establishments. Veterans Parkway to the west is less than a mile away from the site. More shopping options can also be found less than a mile away to the North on E College Ave and to the south on E. Empire Street. The zoning ordinance contemplates this district at the corners of major intersections, on the fringes of residential districts. Considerations for B-2 map amendments highlight the importance of avoiding undue traffic congestion, promoting safe traffic flow, and protecting surrounding properties from adverse impacts. While the city is considering amending the B-2 district to become a "Neighborhood/Local Shopping District" this change has not occurred and is hypothetical at the moment.

The petitioner, Mac's Convenience Shops, owns the corner property at 1611 N. Hershey Rd. 1611 N. Hershey Rd is zoned C-2 and is currently undeveloped. The petitioner seeks to acquire the subject properties to allow for the construction of a motor fuel service center and car wash. This site is 4.55 acres. The plan proposed by the developers would be a site of 4,357 sqft, including 10 pumps, car wash, video gaming, kitchen and a small eat in area.

There are two proposed entranced for 1611 N. Hershey Rd. An entrance and exit would be located off GE Rd and another off Hershey Rd. The traffic flow would not be restricted, the ingress/egress would be full use. Hershey Rd and General Electric Rd are wide enough to accommodate this access and the setbacks from the intersection will allow for better traffic circulation without impacting the Hershey Rd and GE turn lanes. All civil plans will be reviewed by Engineering.

Additionally, the developer is required to follow sign code and lighting requirements as put forth by the City of Bloomington.

The new construction will trigger the need to provide detention for this site and manage water run-off. Increased water runoff should not flow onto neighboring properties; the developer has created a site plan that will accommodate the need for a water basin and water retention plan.

A change to B-2 would not have a significant increase in the amount of foot traffic and motor traffic for the neighborhood. There is a buffer and landscaping screen that will shield the residential community to the north of the property as well as a substantial buffer to the south. Other potential negative impacts, such as increased noise, decreased air quality or glare from lighting, are minimal concerns at this moment. The development will include landscaping as per Chapter 44 and improve the site.

*Link to Comprehensive Plan:*
Figure 11-3 identifies this area as neighborhood commercial. Future commercial business development should draw customers from their immediate surrounding area located in Neighborhood Commercial areas. Although, not shown on the Infill Priorities Map, the subject site is adjacent to city utilities and infrastructure. It could be considered a Tier 1 priority.

**FINDINGS OF FACT**
The Zoning Ordinance provides "*Zoning Map Amendment Guidelines*" and states, "*In making its legislative determination to zone or rezone property to a B-2 General Business Service District zoning classification, the Planning Commission and City Council may apply the following guidelines to the proposal under consideration(44.6-21):*

1. *The relationship of the subject property to the City's transportation systems and the impact the permitted uses would have upon these systems. Traffic congestion and safety are of primary concern although B-2 zoning near areas of high pedestrian activity further complicates these problems;* the surrounding area is manufacturing and residential. The zoning change to B-2 General Business will not significantly increase traffic flow in the area considering both General Electric and Hershey are minor arterial roads. Minor arterial roads classification serve moderate length trips at lower speeds. There is currently a steady flow of trips taking place. The proposed use is permitted under the zoning code. It is compatible and beneficial to other uses in the surrounding area, such as those working at Country Financial, and those dropping their children off at daycare.

2. *The potential impact the uses authorized in the district would have upon any existing or permitted uses in the surrounding area including the introduction of through truck and automobile traffic into a residential neighborhood;* vehicular and light truck traffic is expected. There is screening across the street, to the north, by the residential properties. These properties are located 300 feet away from the lot. There is a bike trail that wraps around GE Rd and past Hershey Rd to the West. Country Financial, directly to the west of the site, already sees an increase in traffic.

3. *The extent to which the permitted use contributes to an undesirable pattern of strip commercial development including the resultant numerous curb cuts and piecemeal development on small, residential sized lots;* a site plan is required to analyze on-site traffic flow and circulation, landscaping and ingress/egress. The site plan demonstrates an adequate circulation plan, allowing access to the Fire Department all around the

establishment, as well as traffic flow, ingress/egress. There would be a limited amount of curbs because there a medians that are close to the intersection, the final landscaping plan would be reviewed by the Community Development Department.

4. *The extent to which surrounding zoning and land usage provides a transition from the more intense business use to lower intensity uses and districts;* the subject property is surrounded by a mix of uses including but not limited to retail, manufacturing and residential. The proposed use could be beneficial to the surrounding residential areas as well as the commercial. There is a substantial buffer, which protects the residential area located north of the lot.

5. *The capacity of existing and proposed community facilities and utilities including water and sewer systems to serve the permitted uses which lawfully occur on the property so zoned;* Sewer and water utilities are available; both the water and sewer pipes are 12" making them adequately sized for the site. Connection to utilities will require a tap on fee.

6. *The impact the permitted uses would have upon the environment including noise, air, and water pollution;* storm water management would be required for this site. The site plan layout outlines the proposed areas for storm water retention. The proposed use would increase noise, but in compliance with state law and there is no air or water pollution. The lights used will be directed downward and away from any residential areas. The landscaping buffer to the north of the site provides protection for the residential area. The monument sign that will be placed, uses LED lighting, which will reduce the amount of glare. There are other permitted uses in the current zone C-2 that could be more environmentally damaging to the area such as a laundry or dry cleaning center. Such a service could produce noise, environmental and lighting impacts greater than those proposed.

7. *The impact any natural disasters, including flooding, would have upon the permitted uses;* the development of the subject site for retail or other uses in the B-2 district will result in an increase in the amount of impervious surface. Water runoff will need to be controlled. The Engineering Department has reviewed a site plan and analyzed the capacity of the storm sewer system.

8. *The conformance of the proposal to the Official Comprehensive Plan and Official Map (Ordinance No. 2006-137).* The Comprehensive Plan identifies the area as neighborhood commercial in figure 11-3. The Comprehensive Plan also identifies the area as a "stable area" defined by its age and redevelopment that has already occurred. This could be an opportunity to create even more stability by developing an undeveloped lot.

**STAFF RECOMMENDATION:**
Staff recommends the Planning Commission pass the following motion recommending:

- That City Council approve the rezoning of 1611 N. Hershey Rd from C-2 Neighborhood Shopping District to B-2 General Business Service District.

Respectfully submitted,

Izzy Rivera
Assistant City Planner

Attachments:

- Draft Ordinance
- Petitions for Zoning Map Amendment
- List of Permitted Uses in the B-2 District
- Aerial Map
- Zoning Map
- Newspaper Notice and Neighborhood Notice w/Map
- Notification Mailing List

## Public Notices

20906572
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE

Public Notice is hereby given that the Bloomington Planning Commission will hold a public hearing on Wednesday, September 27, 2017 at 4:00 p.m. in the City Council Chambers, City Hall, 109 E. Olive St., Bloomington, IL.

The Petition submitted by Mac's Convenience Stores, requesting approval to Rezone property located at 1611 N. Hershey Rd.,(SE Corner of GE and Hershey Rd.) from a C-2, Neighborhood Shopping District to B-2, General Business District.

Legal Description: Exhibit A

A tract of land being part of Outlot 'B' in R.M. Campbell's Subdivision First Addition, being a subdivision of Outlot 'A' of R.M. Campbell's Subdivision in the east half of the Northwest Quarter of Section 36, Township 24 North, Range 2 East of the Third Principal Meridian, according to the plat thereof recorded May 1, 1991 as Document No. 91-7791 of the McLean County Records, and being more particularly described as follows:

Beginning at the Northwest corner of a tract of land conveyed by deed to Mechanical Devices Company, recorded as Document #81-679, said point also being on the South right of way line of General Electric Road, being 80' wide; thence Southerly leaving said South right of way line and along the West line of said Mechanical Devices tract, South 00 degrees 16 minutes 38 seconds East, a distance of 452.86 feet to the Northeast corner of a tract of land conveyed by deed to Red Dot Storage 32, recorded as Document# 2015-00021990; thence Westerly, leaving said West line and along the North line of said Red Dot Storage 32 tract, North 89 degrees 31 minutes 46 seconds West, a distance of 435.60 feet to a point on the East right of way line of Hershey Road, having a variable width; thence Northerly along said East right of way line, North 00 degrees 16 minutes 38 seconds West, a distance of 445.86 feet to a point; thence North 35 degrees 30 minutes 44 seconds East, a distance of 8.55 feet to a point on the South right of way line of said General Electric Road, thence Easterly along said South right of way line, South 89 degrees 31 minutes 46 seconds East, a distance of 430.60 feet to the point of beginning, containing 197,231 square feet or 4.528 acres more or less. PIN #: 14-36-126-017

All interested persons may present their views upon such matters pertaining thereto. Said Petition and all accompanying documents are on file and available for public inspection in the Office of the City Clerk at 109 E. Olive St., Bloomington, IL.

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, preferably no later than five days before the hearing. The City Clerk may be contacted either by letter at 109 E. Olive Street, Bloomington, IL 61701, or by telephone at 309-434-2240 or via email at cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Cherry Lawson
City Clerk

Published in the Pantagraph: September 5, 2017

Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

August 30, 2017

Dear Property Owner or Resident:

The City of Bloomington Planning Commission will hold a public hearing on **Wednesday, September 27, 2017 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois** for a petition submitted by **Mac's Convenience Store** requesting the rezoning of **1611 N. Hershey Rd** from C-2, Neighborhood Shopping District to B-2, General Business District. The petitioner would like to place a motor fuel service center and car wash in the property. A legal description of this property is attached to this letter.

You are receiving this notification because you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested rezoning during the public hearing.

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 at (309) 434-2240, preferably no later than five days before the hearing.

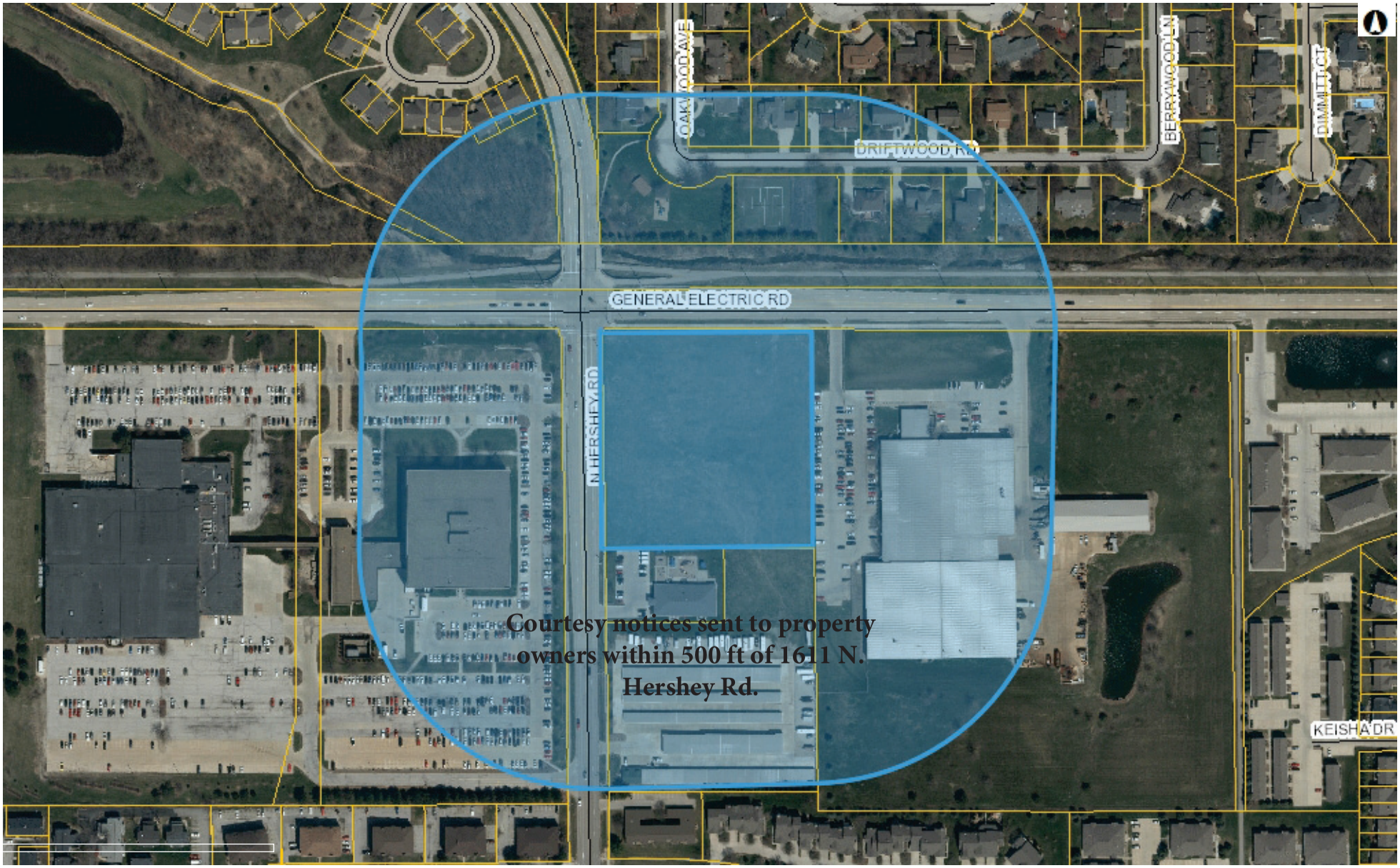
Please note that cases are sometimes continued or postponed for various reasons (i.e. lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda and supporting materials will be available at http://www.cityblm.org/government/advanced-components/documents/-folder-308. If you desire more information regarding the proposed petition or have any questions you may contact me by phone, (309) 434-2226, or email, ksimpson@cityblm.org.

Sincerely,

Katie Simpson
City Planner

Attachments:
Location Map
Legal Description

Public Hearing on September 27, 2017 for Rezoning at 1611 N. hershey Rd to B-2, General Business District




0 0.07 0.1 Miles

1: 4,514

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: http://www.McGIS.org/License

Printed: 8/28/2017 8:30:05 AM

Notes

Allez à avery.ca/gabarits
Utilisez le Gabarit Avery 5960
Étiquettes d'adresse Easy Peel®
Replier à la hachure afin de révéler le rebord Pop-up®
Pat: avery.com/patents

FRONTIER COMMUNICATIONS
401 MERRITT 7
NORWALK, CT. 6851

COUNTRY LIFE INSURANCE CO
1701 TOWANDA AVE
BLOOMINGTON, IL 61701

LOYOLA HINTZMAN
909 DOLPHIN AVE
BLOOMINGTON, IL 61701

HEDGEWOOD PARK ASSN
PO BOX 546
NORMAL, IL 61761

NICHOLAS FITZGERALD
1902 OAKWOOD AVE
BLOOMINGTON, IL 61704

NANCY JO CATER
23 SPRING RIDGE CIR
BLOOMINGTON, IL 61704

RODNEY MILES
2408 DRIFTWOOD RD
BLOOMINGTON, IL 61704

DAVID & ELIZABETH TOLAND
2501 DRIFTWOOD RD
BLOOMINGTON, IL 61704

DALE & ALICE SUTTER
19 SPRING RIDGE CIR
BLOOMINGTON, IL 61704

CHING-YUAN & MEI-CHIN HUNG
2502 DRIFTWOOD RD
BLOOMINGTON, IL 61704

JUDITH KNOBLOCH
25 SPRING RIDGE CIR
BLOOMINGTON, IL 61704

SIMON K & SUI MUI FONG
1901 OAKWOOD AVE
BLOOMINGTON, IL 61704

THOMAS GROGG
2503 DRIFTWOOD RD
BLOOMINGTON, IL 61704

JEFFREY HARRIS
2505 DRIFTWOOD RD
BLOOMINGTON, IL 61704

MYRON MINTZ
2404 Driftwood Rd
BLOOMINGTON, IL 61704

MARK MEGLES
2406 DRIFTWOOD RD
BLOOMINGTON. IL 61704

ATTN ACCOUNTS PAYABLE LA PETITE ACADEMY INC
21333 HAGGERTY ROAD SUITE 300
NOVI, MI 48375

LARRY MOHUNDRO
2407 DRIFTWOOD RD
BLOOMINGTON, IL 61704

DEVICES MECHANICAL
2005 GENERAL ELECTRIC RD
BLOOMINGTON, IL 61704

HEDGEWOOD PARK ASSN
PO BOX 546
NORMAL, IL 61761

POLICEMANS BENEVOLENT AND PROTECTIVE ASSOCIATION
PO BOX 754
BLOOMINGTON, IL 61702

JAMES O'DONNELL
27 ARBOR CT
BLOOMINGTON, IL 61704

%MATT SALAS RED DOT STORAGE
PO BOX 600
BOULDER, CO 80306

BLOOMINGTON EAST GATE ASSOC
1100 W. NORTHWEST HWY STE 216
MT PROSPECT, IL 60056

AVERY® 5960®
Easy Peel® Address Labels
Bend along line to expose Pop-up Edge®
Go to avery.com/templates
Use Avery Template 5960

**CONSENT AGENDA ITEM NO. 7K**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of approving Ordinances from RHP Investments, L.L.C., for the vacation of an existing Final Plat and approval of a replacement Final Plat for the Eagle View South Commercial Subdivision located east of Towanda Barnes Road and north of General Electric Road.

**RECOMMENDATION/MOTION:** Recommend that an Ordinance Approving the Vacation of the Public Streets and Easements in Eagle View South Commercial Subdivision and the subsequent Ordinance Approving the Re-subdivision of Eagle View South Commercial Subdivision both be approved and the Mayor and Clerk be authorized to sign the corresponding documents.

**STRATEGIC PLAN LINK:** Goal 3: Grow the Local Economy

**STRATEGIC PLAN SIGNIFICANCE:** Objective 3.a.: Retention and growth of current local businesses.

**BACKGROUND:** This final plat consists of one lot and two (2) out lots. The subdivision is a total of 15.84 acres and is located east of Towanda-Barnes Road and north of General Electric Road.

The subject plat was subject to an annexation agreement that was approved by council on December 21, 2005 and expires on December 21, 2025. The subject final plat is in conformance with the amended preliminary plan with a revision date of June 29, 2017 for Revision #2 to a portion of the Eagle View South Commercial Subdivision.

Lot 1 is planned to be used for an assisted living facility called the Villas of Holly Brook. Out lot A is to be used for storm water control facilities for the benefit of Lot 1 and out lot B. Out lot B is reserved for future subdivision platting and development. The subject final plat dedicates easements for public use.

The existing Final Plat, which will be vacated, was similar to the proposed Final Plat but included a public street to provide access for future adjacent development. This was necessary due to an agreement between the property owner, an adjacent property owner, and the City. However, this agreement has since been terminated and the public street is no longer needed. This allows the developer to construct the street without following the City standards. It also mitigates a new street that the City would have to maintain.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** None.

**FINANCIAL IMPACT:** None. All survey and plat costs were paid by RHP Investments, LLC.

**COMMUNITY DEVELOPMENT IMPACT:** This property will be the new home to a Villas of Holly Brook assisted living facility. A couple of the goals in the Comprehensive Plan are relevant with such a facility.

Link to Comprehensive Plan/Downtown Plan Goals:

H-1. Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington.

H-1.3 Create a lifelong community by fostering housing stock that meets the needs of residents of all ages and abilities.

CWB-2 Create a lifelong community that meets the needs of residents of all ages and abilities.

CWB-2.1 Promote the welfare of older adults and persons with disabilities to foster maximum independence so they can continue to be an integral part of the community.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: None.

Respectfully submitted for Council consideration.

Prepared by: Luke Thoele, PE, Civil Engineer II

Reviewed by: Jim Karch, PE CFM, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Scott Rathbun, Sr. Budget Manager

Community Development review by: Tom Dabareiner AICP, Community Development Director

Legal review by: George D. Boyle, Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

**Attachments:**

- PW 4B Attachment 1 – Vacation Petition
- PW 4C Attachment 2 – Vacation Ordinance
- PW 4D Attachment 3 – Petition
- PW 4E Attachment 4 – Ordinance

- PW 4F Attachment 5 – Certificates (Includes School District Certificate, County Clerk's Certificate, Owner's Certificate, and Drainage Statement)
- PW 4G Attachment 6 - Final Plat Checklist
- PW 4H Attachment 9 - Council Map and Final Plat

# PETITION FOR VACATION OF PUBLIC STREETS & EASEMENTS LOCATED WITHIN EAGLE VIEW SOUTH COMMERICIAL SUBDIVISION

STATE OF ILLINOIS )
) SS
COUNTY OF PEORIA )

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON MCLEAN COUNTY, ILLINOIS

Now comes the Owners who are RHP Investments, LLC, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises located in Eagle View South Commercial Subdivision, said subdivision being hereinafter described in Exhibit A attached hereto and made a part hereof by reference;

2. That your petitioner seeks approval of the vacation of the public streets and easements shown on the Final Plat for the subdivision known and described as Eagle View South Commercial Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

WHEREFORE, your petitioner prays that the Final Plat for Eagle View South Commercial Subdivision, Bloomington, Illinois, submitted herewith be vacated in its entirety, including all public roads and easements which were a part thereof.

Respectfully submitted,

RHP Investments, LLC

_____
Reginald Phillips, Member

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2016

_____
Notary Public

**ORDINANCE NO. 2017 - ___**

**AN ORDINANCE APPROVING THE VACATION OF THE PUBLIC STREETS AND EASEMENTS IN EAGLE VIEW SOUTH COMMERCIAL SUBDIVISION**

WHEREAS, the Final Plat of Eagle View South Commercial Subdivision was presented, passed, and approved at a regular meeting of the Bloomington City Council held on the 25th Day of July, 2016;

WHEREAS, said Final Plat of Eagle View South Commercial Subdivision was recorded in the McLean County Recorder's office as document number 2016-00020559; and

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the vacation of the public streets and easements shown on the Final Plat of Eagle View South Commercial Subdivision, including all of the public streets and easements contained therein, said subdivision being as legally described in the Legal Description attached hereto as Exhibit A; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made:

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

**SECTION 1**. The above recitals are incorporated herein by this reference as if specifically stated in full.

**SECTION 2.** That the Petition for Vacation of the public streets and easements in Eagle View South Commercial Subdivision is hereby approved.

**SECTION 3.** That said vacation of the public streets and easements within Eagle View South Commercial Subdivision is reasonable and proper because said rights of way and easements are not needed for public use by said City, or by utility companies that may have rights of use.

**SECTION 5.** Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

**SECTION 6.** 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 7.** The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

**SECTION 8.** This ordinance shall be effective immediately after its passage and approval and/or publication as provided by law.

**SECTION 9.** This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this ____ day of October, 2017.

APPROVED this ____ day of October, 2017.

**CITY OF BLOOMINGTON**

_____

Tari Renner, Mayor

**ATTEST**

Cherry L. Lawson, City Clerk

**APPROVED AS TO FORM**

_____

Jeffrey R. Jurgens, Corporate Counsel

# EXHIBIT A

A PART OF LOT 4 IN BARNES SUBDIVISION OF SECTION 29, TOWNSHIP 24 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, PER PLAT RECORDED IN PLAT BOOK 6, PAGE 3, MCLEAN COUNTY, ILLINOIS, AND A PART OF THE ORIGINAL TOWN OF BARNES IN THE SOUTHWEST QUARTER OF SAID SECTION 29, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE VILLAS AT EAGLE VIEW SOUTH SUBDIVISION RECORDED AS DOCUMENT NO. 2007-16613 IN THE MCLEAN COUNTY RECORDER'S OFFICE, SAID SOUTHWEST CORNER BEING A POINT ON THE WEST LINE OF SAID LOT 4 LYING 1610.05 FEET SOUTH OF THE NORTHWEST CORNER OF EAGLE VIEW SOUTH SUBDIVISION RECORDED AS DOCUMENT NO 2006-12954 IN SAID RECORDER'S OFFICE; FROM SAID POINT OF BEGINNING, THENCE EAST 390.10 FEET ALONG THE SOUTH LINES OF SAID VILLAS AT EAGLE VIEW SOUTH SUBDIVISION, BARNES LANE, AND OUTLOT 145 IN THE RESUBDIVISION OF LOTS 70-85 IN THE VILLAS AT EAGLE VIEW SOUTH SUBDIVISION RECORDED AS DOCUMENT NO. 2012-5483 IN SAID RECORDER'S OFFICE WHICH FORM AN ANGLE OF 90°-00'-00" AS MEASURED FROM NORTH TO EAST WITH SAID WEST LINE TO THE SOUTHEAST CORNER OF SAID OUTLOT 145; THENCE NORTH 73.91 FEET ALONG THE EAST LINE OF SAID OUTLOT 145 WHICH FORMS AN ANGLE TO THE LEFT OF 270°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHWEST CORNER OF OUTLOT 128 IN SAID VILLAS AT EAGLE VIEW SOUTH SUBDIVISION; THENCE EAST 416.58 FEET ALONG THE SOUTH LINE OF SAID OUTLOT 128 WHICH FORMS AN ANGLE TO THE LEFT OF 90°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHEAST CORNER OF SAID OUTLOT 128, SAID SOUTHEAST CORNER BEING A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 13 IN SAID ORIGINAL TOWN OF BARNES LYING 906.94 FEET NORTH OF THE SOUTHEAST THEREOF; THENCE SOUTH 906.94 FEET ALONG SAID NORTHERLY EXTENSION, WHICH EXTENSION IS ALSO THE EAST LINE OF THE WEST 806.68 FEET OF SAID LOT 4, AND ALONG THE EAST LINE OF SAID LOT 13, WHICH LINES FORM AN ANGLE TO THE LEFT OF 90°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHEAST CORNER OF SAID LOT 13, SAID SOUTHEAST CORNER BEING ON THE NORTH RIGHT OF WAY LINE OF MAIN STREET IN SAID ORIGINAL TOWN OF BARNES; THENCE WEST 774.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE WHICH FORMS AN ANGLE TO THE LEFT OF 88°-23'-40" WITH THE LAST DESCRIBED COURSE TO THE SOUTHWEST CORNER OF LOT 1 IN SAID ORIGINAL TOWN, SAID SOUTHWEST CORNER BEING ON THE EAST RIGHT OF WAY LINE OF WEST STREET IN SAID ORIGINAL TOWN AND ALSO ON THE EAST RIGHT OF WAY LINE OF TOWANDA BARNES ROAD (COUNTY HIGHWAY 29), LYING 33 FEET EAST OF THE WEST LINE OF SAID LOT 4; THENCE NORTH 112.00 FEET ALONG SAID EAST RIGHT OF WAY LINE, BEING THE WEST LINE OF SAID LOT 1 AND THE NORTHERLY EXTENSION THEREOF, WHICH LINES FORM AN ANGLE TO THE LEFT OF 91°-36'-20" WITH THE LAST DESCRIBED COURSE TO THE NORTH LINE OF THE 12 FOOT WIDE ALLEY RIGHT OF WAY IN SAID ORIGINAL TOWN; THENCE WEST 33.00 FEET ALONG THE WESTERLY EXTENSION OF SAID NORTH LINE WHICH FORMS AN ANGLE TOT HE LEFT OF 268°-23'-40" WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 4; THENCE NORTH 698.42 FEET ALONG SAID WEST LINE, SAID WEST LINE ALSO BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, AND SAID WEST LINE FORMS AN ANGLE TO THE LEFT OF 91°-36'-20" WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, CONTAINING 15.84 ACRES, MORE OR LESS.

# PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS )
) SS
COUNTY OF PEORIA )

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON MCLEAN COUNTY, ILLINOIS

Now comes the Owners who are RHP Investments, LLC, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;

2. That your petitioner seeks approval of the Final Plat for the subdivision known and described as the Resubdivision of Eagle View South Commercial Subdivision, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

WHEREFORE, your petitioner prays that the Final Plat for the Resubdivision of Eagle View South Commercial Subdivision, Bloomington, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

RHP Investments, LLC

_____
Reginald Phillips, Member

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2016

_____
Notary Public

**ORDINANCE NO. 2017 - _____**

**AN ORDINANCE APPROVING THE FINAL PLAT FOR THE RESUBDIVISION OF EAGLE VIEW SOUTH COMMERCIAL SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Resubdivision of Eagle View South Commercial Subdivision, legally described in Exhibit A, attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: none; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code:

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

1. That the Final Plat of the Resubdivision of Eagle View South Commercial Subdivision, and any and all requested exemptions and/or variations be, and the same is hereby approved.

2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED THIS____DAY OF_____, 2017.
APPROVED THIS_DAY OF_____, 2017.

**CITY OF BLOOMINGTON** **ATTEST**

_____

Tari Renner, Mayor Cherry L. Lawson, City Clerk

**APPROVED AS TO FORM**

_____

Jeffrey R. Jurgens, Corporate Counsel

# EXHIBIT A

A PART OF LOT 4 IN BARNES SUBDIVISION OF SECTION 29, TOWNSHIP 24 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, PER PLAT RECORDED IN PLAT BOOK 6, PAGE 3, MCLEAN COUNTY, ILLINOIS, AND A PART OF THE ORIGINAL TOWN OF BARNES IN THE SOUTHWEST QUARTER OF SAID SECTION 29, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE VILLAS AT EAGLE VIEW SOUTH SUBDIVISION RECORDED AS DOCUMENT NO. 2007-16613 IN THE MCLEAN COUNTY RECORDER'S OFFICE, SAID SOUTHWEST CORNER BEING A POINT ON THE WEST LINE OF SAID LOT 4 LYING 1610.05 FEET SOUTH OF THE NORTHWEST CORNER OF EAGLE VIEW SOUTH SUBDIVISION RECORDED AS DOCUMENT NO 2006-12954 IN SAID RECORDER'S OFFICE; FROM SAID POINT OF BEGINNING, THENCE EAST 390.10 FEET ALONG THE SOUTH LINES OF SAID VILLAS AT EAGLE VIEW SOUTH SUBDIVISION, BARNES LANE, AND OUTLOT 145 IN THE RESUBDIVISION OF LOTS 70-85 IN THE VILLAS AT EAGLE VIEW SOUTH SUBDIVISION RECORDED AS DOCUMENT NO. 2012-5483 IN SAID RECORDER'S OFFICE WHICH FORM AN ANGLE OF 90°-00'-00" AS MEASURED FROM NORTH TO EAST WITH SAID WEST LINE TO THE SOUTHEAST CORNER OF SAID OUTLOT 145; THENCE NORTH 73.91 FEET ALONG THE EAST LINE OF SAID OUTLOT 145 WHICH FORMS AN ANGLE TO THE LEFT OF 270°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHWEST CORNER OF OUTLOT 128 IN SAID VILLAS AT EAGLE VIEW SOUTH SUBDIVISION; THENCE EAST 416.58 FEET ALONG THE SOUTH LINE OF SAID OUTLOT 128 WHICH FORMS AN ANGLE TO THE LEFT OF 90°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHEAST CORNER OF SAID OUTLOT 128, SAID SOUTHEAST CORNER BEING A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 13 IN SAID ORIGINAL TOWN OF BARNES LYING 906.94 FEET NORTH OF THE SOUTHEAST THEREOF; THENCE SOUTH 906.94 FEET ALONG SAID NORTHERLY EXTENSION, WHICH EXTENSION IS ALSO THE EAST LINE OF THE WEST 806.68 FEET OF SAID LOT 4, AND ALONG THE EAST LINE OF SAID LOT 13, WHICH LINES FORM AN ANGLE TO THE LEFT OF 90°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHEAST CORNER OF SAID LOT 13, SAID SOUTHEAST CORNER BEING ON THE NORTH RIGHT OF WAY LINE OF MAIN STREET IN SAID ORIGINAL TOWN OF BARNES; THENCE WEST 774.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE WHICH FORMS AN ANGLE TO THE LEFT OF 88°-23'-40" WITH THE LAST DESCRIBED COURSE TO THE SOUTHWEST CORNER OF LOT 1 IN SAID ORIGINAL TOWN, SAID SOUTHWEST CORNER BEING ON THE EAST RIGHT OF WAY LINE OF WEST STREET IN SAID ORIGINAL TOWN AND ALSO ON THE EAST RIGHT OF WAY LINE OF TOWANDA BARNES ROAD (COUNTY HIGHWAY 29), LYING 33 FEET EAST OF THE WEST LINE OF SAID LOT 4; THENCE NORTH 112.00 FEET ALONG SAID EAST RIGHT OF WAY LINE, BEING THE WEST LINE OF SAID LOT 1 AND THE NORTHERLY EXTENSION THEREOF, WHICH LINES FORM AN ANGLE TO THE LEFT OF 91°-36'-20" WITH THE LAST DESCRIBED COURSE TO THE NORTH LINE OF THE 12 FOOT WIDE ALLEY RIGHT OF WAY IN SAID ORIGINAL TOWN; THENCE WEST 33.00 FEET ALONG THE WESTERLY EXTENSION OF SAID NORTH LINE WHICH FORMS AN ANGLE TOT HE LEFT OF 268°-23'-40" WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 4; THENCE NORTH 698.42 FEET ALONG SAID WEST LINE, SAID WEST LINE ALSO BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, AND SAID WEST LINE FORMS AN ANGLE TO THE LEFT OF 91°-36'-20" WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, CONTAINING 15.84 ACRES, MORE OR LESS.

# SCHOOL DISTRICT CERTIFICATE

This is to certify that RHP Investments, LLC, Owner/Developer of the property herein described in the Surveyor's Certificate, which will be known as the Resubdivision of Eagle View South Commercial Subdivision, to the best of my knowledge, is located within the boundaries of Community Unit School District #5 in McLean County, Illinois.

Dated this ____ day of _____, 2017.

_____
Reginald Phillips, Member
RHP Investments, LLC

State of Illinois )
) SS
County of Peoria )

I, the undersigned, a Notary Public in and for the county and State aforesaid, do hereby certify that Reginald Phillips personally known to be the same person whose name is subscribed to the foregoing owner's statement, appeared before me, this day, in person and acknowledged the execution of this statement as his free and voluntary ace.

Given under my hand and notarial seal this ____ day of _____, 2017.

_____
Notary Public

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS )
) SS
COUNTY OF MCLEAN )

I, Kathy Michael, County Clerk of McLean County, State of Illinois, do hereby certify that on the _____ day of _____, 2017, there were no delinquent taxes unpaid, special assessments or delinquent special assessments against the tract of land shown on the plat attached to this certificate and described in the Certificate of the Surveyor attached hereto and to said plat.

Parcel No: 15-29-356-001, 15-29-356-002, 15-29-356-003, 15-29-356-004, and 15-29-356-005

_____
Kathy Michael, County Clerk
McLean County, Illinois

STATE OF ILLINOIS )
) SS
COUNTY OF PEORIA )

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, that the undersigned hereby certifies that RHP Investments, LLC is the owner of all the premises embodied in the Eagle View South Commercial Subdivision, to the City of Bloomington, County of McLean, State of Illinois, which is attached hereto and that said plat is a true and correct representation of said subdivision to the best of our knowledge and belief.

The undersigned RHP Investments, LLC is the Owner of a part of Lot 4 in Barnes Subdivision of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, per plat recorded in Plat Book 6, Page 3, McLean County, Illinois, and a part of the Original Town of Barnes in the Southwest Quarter of said Section 29, McLean County, Illinois more particularly described in the attached Exhibit A and conveyed to RHP Investments by Warranty Deed File No. 201600007544, McLean County Recorder's Office. This property has been subdivided into 1 lot, numbered 1, 2 Outlots numbered A and B, inclusive, and the easements as shown. Said Subdivision is to be known as the "Resubdivision of Eagle View South Commercial Subdivision" in the City of Bloomington, McLean County, Illinois, and is laid off by Michael P. Cochran, Illinois Professional Land Surveyor Number 3879, and the undersigned hereby dedicates and sets apart for the use of the general public forever all of the streets as shown on said Final Plat; and the undersigned dedicates easements therein set forth to the City of Bloomington, for general utility purposes.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and affixed its seal this _____ day of _____, 2017.

RHP Investments, LLC

By: _____
Reginald Phillips, Member

STATE OF ILLINOIS )
) SS
COUNTY OF PEORIA )

I, the undersigned, a Notary Public in, and for said County and State aforesaid, DO HEREBY CERTIFY, that Reginald Phillips, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this _____ day of _____, 2017.

_____
Notary Public

**EXHIBIT C**

**DRAINAGE STATEMENT**

I, Devin L. Birch, Registered Professional Engineer and RHP Investments, LLC, being the owner of the premises heretofore platted by Michael P. Cochran, Illinois Professional Land Surveyor No. 3879 to be and become the "Resubdivision of Eagle View South Commercial Subdivision" to the City of Bloomington, McLean County, Illinois, do hereby certify that, to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction of said Subdivision or any part thereof; or that, if such surface water drainage will be changed, reasonable provisions have been made for collection and diversion of such surface waters into public areas or drains which the Subdivider has a right to use and that such surface waters will be planned for in accordance with generally accepted reengineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

I further certify that all of Lot 1 and Outlots A and B lie within Zone X (Areas determined to be outside the 0.2% chance floodplain) according to the Federal Emergency Management Agency's Flood Insurance Rate map for McLean County, Illinois, Map No. 17113C0320E revised July 16, 2008.

_____

Registered Professional Engineer

_____

Reginald Philips, Member/RHP Investments, LLC

# EAGLE VIEW SOUTH COMMERCIAL SUBDIVISION, SECTION II - FINAL PLAT CHECKLIST

Date Prepared: 10/5/17

| **Shown on Final Plat:** | | Initial |
|---|---|---|
| | Easements shown for all public improvements | LAT |
| | City Engineer's Signature Block | LAT |
| | Clerk's Signature Block | LAT |
| | Areas or facilities to be dedicated to the public | LAT |
| | Railroad Right of Ways | N/A |
| | Subdivision Boundaries | LAT |
| | References to nearest street lines, Township, Sections lines, or monuments. | LAT |
| | Name of Subdivision | LAT |
| | Legal Description | LAT |
| | Existing Parcel Id Number (PIN) | |
| | Surveyor's statement regarding any Special Flood Hazard Areas. | LAT |
| | Total Acreage | LAT |
| | Street Names | LAT |
| | Proposed Lot numbers (consecutively numbered) | LAT |
| | Front Yard Setbacks | LAT |
| | | |
| | | |
| **The following shall be provided:** | | |
| | School District Certificate | LAT |
| | County Clerk's Certificate | LAT |
| | Owner's Certificate | LAT |
| | Drainage Statement | LAT |
| | Owner's Petition | LAT |
| | Ordinance | LAT |
| | Utility Company Signoffs | N/A |
| | Digital PDF Submittal provided to Public Works | |
| | Digital CAD format submittal provided to Public Works | |
| | 2 Mylar Copies | |
| | 12 Paper Copies | |
| **The following requirements shall be met:** | | |
| | Final plat retains the design characteristics of a valid Preliminary Plan that has not expired | LAT |
| | Retains the design characteristics of approved public improvement engineering plans and specifications. | LAT |
| | Final Plat is signed by IL licensed surveyor | |
| | Plans for all public improvements approved by Public Works | LAT |

City of Bloomington Illinois

Public Works Department

# Eagle View South Commercial Subdivision

0 200 400 800 Feet

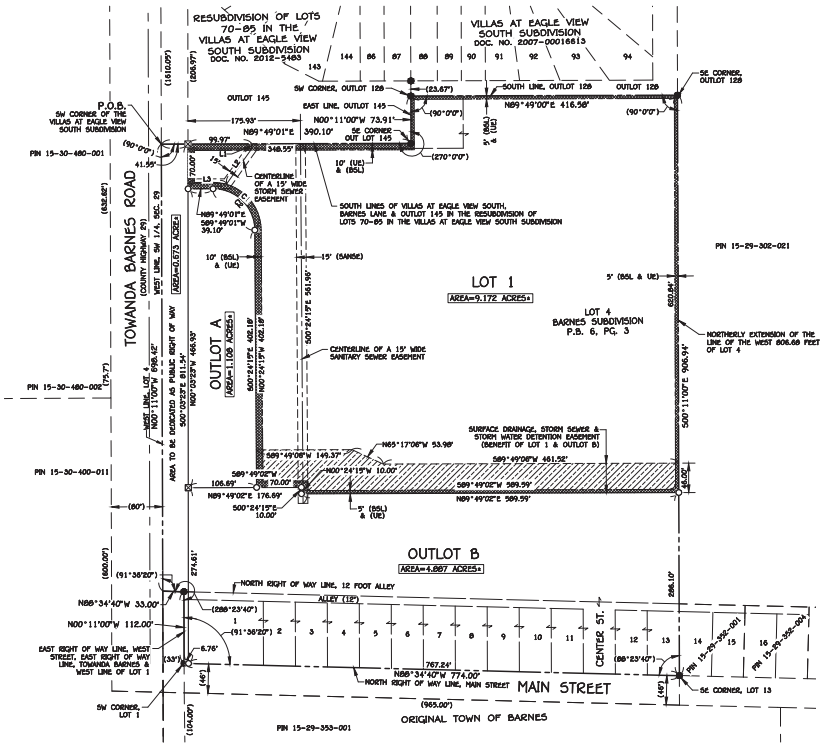
7/11/16

FINAL PLAT FOR THE

# RESUBDIVISION OF EAGLE VIEW SOUTH COMMERCIAL SUBDIVISION

A PART OF LOT 4 IN BARNES SUBDIVISION OF SECTION 29 AND A PART OF THE ORIGINAL TOWN OF BARNES, ALL BEING A PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE THREE (3) EAST OF THE THIRD PRINCIPAL MERIDIAN, MCLEAN COUNTY, ILLINOIS

AUSTIN ENGINEERING CO., INC.
PEORIA, ILLINOIS
LICENSE No. 184-001143
SCALE: 1" = 100'




## LEGEND

- SUBDIVISION BOUNDARY
- BUILDING SETBACK LINE (BSL)
- EASEMENT LINE
- 130.00' — MEASURED OR COMPUTED DIMENSION
- (50') — PLAT OR DEED DIMENSION
- SET 3/4" IRON PIPE
- SET CONCRETE MONUMENT
- FOUND IRON MONUMENT
- SANSE — SANITARY SEWER EASEMENT
- GENERAL UTILITY EASEMENT (UE)
- SURFACE DRAINAGE, STORM SEWER & STORM WATER DETENTION EASEMENT

50' 0' 50' 100' 200'
SCALE: 1" = 100'

| CURVE TABLE | | | | |
|---|---|---|---|---|
| C1 | R=65.00' | L=101.85' | CB=N45°17'37"W | CL=91.75' |
| C2 | R=65.00' | L=101.85' | CB=S45°17'37"E | CL=91.75' |

| LINE TABLE | | |
|---|---|---|
| NUMBER | LENGTH | DIRECTION |
| L1 | 7.12' | S00°00'47"E |
| L2 | 67.61' | S35°25'48"W |
| L3 | 60.73' | N89°59'28"W |

## GENERAL NOTES:

AREA OF SUBDIVISION = 15.840 ACRES±.

BEARINGS ARE BASED THE ILLINOIS STATE PLANE COORDINATED SYSTEM, EAST ZONE 1201.

STORM WATER MANAGEMENT AND STORM WATER DETENTION SHALL BE PROVIDED ON-SITE. ALL REQUIRED PUBLIC IMPROVEMENTS INCLUDING STORM SEWER, WATER MAIN, STREETS, SIDEWALKS AND SANITARY SEWER SYSTEMS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" (CURRENT EDITION), "STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS" (CURRENT EDITION), AND THE CURRENT CITY OF BLOOMINGTON ORDINANCES.

TRACT BEING SUBDIVIDED IS CURRENTLY ZONED B-1.

TRACTS BEING SUBDIVIDED ARE PIN'S 15-29-356-001 THRU -005.

OUTLOTS A IS TO BE USED FOR STORM WATER CONTROL FACILITIES FOR THE BENEFIT OF LOT 1 AND OUTLOT B AND IS SUBJECT TO A GENERAL UTILITY EASEMENT IN ITS ENTIRETY.

OUTLOT B IS RESERVED FOR FUTURE SUBDIVISION PLATTING AND DEVELOPMENT.

A SEPERATE PRIVATE AGREEMENT WILL BE PREPARED AND RECORDED THAT DETAILS THE TERMS OF THE SHARED DETENTION FACILITIES. THE BASIC TERMS OF THE AGREEMENT WILL ALLOW FOR SHARED USE BY LOT 1 AND OUTLOT B OF THE DETENTION FACILITIES LOCATED WITHIN OUTLOT A AND THE SOUTH DETENTION BASIN AREA OF LOT 1. PRESENTLY, ALL OF OUTLOT B AS SHOWN ON THIS PLAT HAS BEEN INCLUDED IN THE SIZING AND APPROVED CALCULATIONS FOR THESE DETENTION FACILITIES AS SHOWN. IF ADDITIONAL AREA IS ADDED TO OUTLOT B, EXPANSION OF EITHER BASIN AND ADDITIONAL STORM SEWER DISCHARGES WILL BE PERMITTED AND ALLOWED SUBJECT TO FINAL APPROVAL OF THE CITY OF BLOOMINGTON AND BOTH OWNERS OF LOT 1 AND OUTLOT B. PERPETUAL MAINTENANCE WILL BE OUTLINED IN THE AGREEMENT AND WILL BE SHARED BETWEEN LOT 1 AND OUTLOT B.

## LEGAL DESCRIPTION OF TRACT TO BE KNOWN AS THE "FINAL PLAT FOR THE RESUBDIVISION OF EAGLE VIEW SOUTH COMMERCIAL SUBDIVISION"

(TAKEN FROM WARRANTY DEED FILE NO. 20160007544, MCLEAN COUNTY RECORDER'S OFFICE)

A PART OF LOT 4 IN BARNES SUBDIVISION OF SECTION 29, TOWNSHIP 24 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, PER PLAT RECORDED IN PLAT BOOK 6, PAGE 3, MCLEAN COUNTY, ILLINOIS, AND A PART OF THE ORIGINAL TOWN OF BARNES IN THE SOUTHWEST QUARTER OF SAID SECTION 29, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE VILLAS AT EAGLE VIEW SOUTH SUBDIVISION RECORDED AS DOCUMENT NO. 2007-16613 IN THE MCLEAN COUNTY RECORDER'S OFFICE, SAID SOUTHWEST CORNER BEING A POINT ON THE WEST LINE OF SAID LOT 4 LYING 1610.05 FEET SOUTH OF THE NORTHWEST CORNER OF EAGLE VIEW SOUTH SUBDIVISION RECORDED AS DOCUMENT NO 2006-12954 IN SAID RECORDER'S OFFICE; FROM SAID POINT OF BEGINNING, THENCE EAST 390.10 FEET ALONG THE SOUTH LINES OF SAID VILLAS AT EAGLE VIEW SOUTH SUBDIVISION, BARNES LANE, AND OUTLOT 145 IN THE RE-SUBDIVISION OF LOTS 70-85 IN THE VILLAS AT EAGLE VIEW SOUTH SUBDIVISION RECORDED AS DOCUMENT NO. 2012-5483 IN SAID RECORDER'S OFFICE WHICH FORM AN ANGLE OF 90°-00'-00" AS MEASURED FROM NORTH TO EAST WITH SAID WEST LINE TO THE SOUTHEAST CORNER OF SAID OUTLOT 145; THENCE NORTH 73.91 FEET ALONG THE EAST LINE OF SAID OUTLOT 145 WHICH FORMS AN ANGLE TO THE LEFT OF 270°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHWEST CORNER OF OUTLOT 128 IN SAID VILLAS AT EAGLE VIEW SOUTH SUBDIVISION; THENCE EAST 416.58 FEET ALONG THE SOUTH LINE OF SAID OUTLOT 128 WHICH FORMS AN ANGLE TO THE LEFT OF 90°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHEAST CORNER OF SAID OUTLOT 128, SAID SOUTHEAST CORNER BEING A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 13 IN SAID ORIGINAL TOWN OF BARNES LYING 906.94 FEET NORTH OF THE SOUTHEAST THEREOF; THENCE SOUTH 906.94 FEET ALONG SAID NORTHERLY EXTENSION, WHICH EXTENSION IS ALSO THE EAST LINE OF THE WEST 806.66 FEET OF SAID LOT 4, AND ALONG THE EAST LINE OF SAID LOT 13, WHICH LINES FORM AN ANGLE TO THE LEFT OF 90°-00'-00" WITH THE LAST DESCRIBED COURSE TO THE SOUTHEAST CORNER OF SAID LOT 13, SAID SOUTHEAST CORNER BEING ON THE NORTH RIGHT OF WAY LINE OF MAIN STREET IN SAID ORIGINAL TOWN OF BARNES; THENCE WEST 774.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE WHICH FORMS AN ANGLE TO THE LEFT OF 88°-23'-40" WITH THE LAST DESCRIBED COURSE TO THE SOUTHWEST CORNER OF LOT 1 IN SAID ORIGINAL TOWN, SAID SOUTHWEST CORNER BEING ON THE EAST RIGHT OF WAY LINE OF WEST STREET IN SAID ORIGINAL TOWN AND ALSO ON THE EAST RIGHT OF WAY LINE OF TOWANDA BARNES ROAD (COUNTY HIGHWAY 29), LYING 33 FEET EAST OF THE WEST LINE OF SAID LOT 4; THENCE NORTH 112.00 FEET ALONG SAID EAST RIGHT OF WAY LINE, BEING THE WEST LINE OF SAID LOT 1 AND THE NORTHERLY EXTENSION THEREOF, WHICH LINES FORM AN ANGLE TO THE LEFT OF 91°-36'-20" WITH THE LAST DESCRIBED COURSE TO THE NORTH LINE OF THE 12 FOOT WIDE ALLEY RIGHT OF WAY IN SAID ORIGINAL TOWN; THENCE WEST 33.00 FEET ALONG THE WESTERLY EXTENSION OF SAID NORTH LINE WHICH FORMS AN ANGLE TOT HE LEFT OF 268°-23'-40" WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 4; THENCE NORTH 898.42 FEET ALONG SAID WEST LINE, SAID WEST LINE ALSO BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, AND SAID WEST LINE FORMS AN ANGLE TO THE LEFT OF 91°-36'-20" WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, CONTAINING 15.84 ACRES, MORE OR LESS.

## DIRECTOR OF ENGINEERING CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF MCLEAN ) SS

I,_____,DIRECTOR OF ENGINEERING FOR THE CITY OF BLOOMINGTON, ILLINOIS HEREBY CERTIFY THAT THE LAND IMPROVEMENTS DESCRIBED IN THE ANNEXED PLAT AND THE PLANS AND SPECIFICATIONS THEREFORE MEET THE MINIMUM REQUIREMENTS OF SAID CITY OUTLINED IN CHAPTER 24 OF THE BLOOMINGTON CITY CODE.

DATED THIS _____DAY OF_____, 2017.

_____
DIRECTOR OF ENGINEERING

## CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF MCLEAN ) SS

I,_____CITY CLERK OF SAID CITY, DO HEREBY CERTIFY THAT THE FORGOING IS A TRUE AND COMPLETE COPY OF AN ORIGINAL FINAL PLAT OF THE "FINAL PLAT FOR THE RESUBDIVISION OF EAGLE VIEW SOUTH COMMERCIAL SUBDIVISION". PRESENTED, PASSED AND APPROVED AT A REGULAR MEETING OF SAID CITY COUNCIL HELD ON _____DAY OF_____, 2017 BY AN AFFIRMATIVE VOTE OF THE MAJORITY OF ALL MEMBERS SELECTED TO SAID COUNCIL, THE VOTE HAVING BEEN TAKEN BY YEAS AND NAYS AND ENTERED ON THE RECORD OF THE PROCEEDINGS OF SAID COUNCIL.

WITNESS MY HAND AND SEAL OF SAID CITY OF BLOOMINGTON, THIS_____DAY_____, 2017.

_____
CITY CLERK

## OWNER'S CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF PEORIA)

WE, RHP INVESTMENTS, LLC, OWNERS AND PROPRIETORS OF THE LAND SHOWN ON THE ABOVE FINAL SUBDIVISION PLAT, DO HEREBY CERTIFY THAT WE HAVE CAUSED SAID SURVEY AND SUBDIVISION, KNOWN AS THE "FINAL PLAT FOR THE RESUBDIVISION OF EAGLE VIEW SOUTH COMMERCIAL SUBDIVISION", TO BE MADE AS SHOWN ON THE ACCOMPANYING FINAL SUBDIVISION PLAT AND ACKNOWLEDGE SAID SURVEY AND SUBDIVISION TO BE CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

EACH LOT OR PART THEREOF IN SAID SUBDIVISION SHALL BE SUBJECT TO RESTRICTIONS TO BE FILED IN THE OFFICE OF THE COUNTY RECORDER OF DEEDS FOR THE "FINAL PLAT FOR THE RESUBDIVISION OF EAGLE VIEW SOUTH COMMERCIAL SUBDIVISION", WHICH RESTRICTIONS SHALL RUN WITH THE LAND AND BE SPECIFICALLY ENFORCEABLE.

UTILITY EASEMENTS AS SHOWN ON SAID FINAL SUBDIVISION PLAT ARE HEREBY RESERVED FOR THE USE OF THE CITY OF BLOOMINGTON AND ALL PUBLIC AND PRIVATE UTILITY COMPANIES INCLUDING CABLE TELEVISION FRANCHISEES TO INSTALL, LAY, CONSTRUCT, OPERATE, MAINTAIN, RENEW AND/OR REMOVE UNDERGROUND WATER MAINS, SEWER PIPES, GAS PIPELINES, ELECTRIC AND TELEPHONE CABLES OR CONDUITS, WITH ALL NECESSARY ABOVE GROUND TRANSFORMER AND SERVICE PEDESTAL INSTALLATIONS, WITH THE FURTHER RIGHT TO INSTALL AND MAINTAIN OVERHEAD ELECTRIC AND TELEPHONE POLE AND WIRE LINE INSTALLATIONS WITH ALL NECESSARY BRACES, GUYWIRES, ANCHORS AND OTHER APPLIANCES FOR THE PURPOSE OF SERVING THE SUBDIVISION AND ADJOINING PROPERTIES WITH GAS, ELECTRIC AND TELEPHONE SERVICE, INCLUDING THE RIGHT TO USE THE STREETS WHERE NECESSARY AND TO OVERHANG OR BURY ACROSS ALL LOTS SERVICE WIRES, PIPELINES AND/OR CABLES TO SERVE ADJACENT LOTS, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES TO INSTALL, OPERATE, AND MAINTAIN SAID UTILITY FACILITIES AND TO TRIM OR REMOVE ANY TREES, SHRUBS OR SAPLINGS THAT INTERFERE OR THREATEN TO INTERFERE WITH SAID UTILITY FACILITIES.

EASEMENTS INDICATED AS "STORM SEWER EASEMENT" ARE RESERVED FOR THE CITY OF BLOOMINGTON, AND THERE IS HEREBY GRANTED TO THE SAID CITY THE PERPETUAL EASEMENT AND AUTHORITY TO ENTER UPON THE LOTS TO CONSTRUCT, MAINTAIN AND OPERATE WITHIN SAID EASEMENTS, STORM SEWERS AND NECESSARY APPURTENANCES.

EASEMENTS INDICATED AS "SANITARY SEWER EASEMENT" (SANSE) ARE RESERVED FOR THE CITY OF BLOOMINGTON TO CONSTRUCT, OPERATE AND MAINTAIN SANITARY SEWERS, MANHOLES AND NECESSARY APPURTENANCES.

EASEMENT INDICATED AS "SURFACE DRAINAGE, STORM SEWER AND STORM WATER DETENTION EASEMENT" IS RESERVED FOR THE OWNERS OF LOT 1 AND OUTLOT B AND THEIR ASSIGNS AND IS FOR OVERLAND FLOW AND STORAGE OF STORM WATER. THE HORIZONTAL OR VERTICAL ALIGNMENT OF THE GROUND SHALL NOT BE ALTERED IN ANY WAY THAT WOULD HINDER THE FLOW OR STORAGE OF STORM WATER AS DESIGNED, IT IS THE RESPONSIBILITY OF THE LOT OWNERS TO MAINTAIN SUCH DRAINAGE. NO PERMANENT BUILDING, FENCE, STRUCTURE, OR LANDSCAPE IMPROVEMENTS WHICH WOULD INHIBIT THE ABILITY FOR SURFACE DRAINAGE TO FLOW ACROSS THE PREMISES SHALL EVER BE CONSTRUCTED ON THE LAND HEREIN ABOVE DESCRIBED, PROVIDED, HOWEVER, THAT THE SURFACE OF SAID LAND MAY BE USED FOR ANY KIND OF LAWN OR LANDSCAPE TYPE OF IMPROVEMENT THAT WOULD NOT INTERFERE WITH THE INTENT OF SAID EASEMENT.

WE FURTHER CERTIFY THAT, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THIS PROPERTY IS LOCATED WITHIN THE COMMUNITY UNIT SCHOOL DISTRICT #5 IN MCLEAN COUNTY, ILLINOIS.

IN WITNESS WHEREOF, THE UNDERSIGNED OWNER AND PROPRIETOR HAVE CAUSED THIS CERTIFICATE TO BE SUBSCRIBED TO THIS 25TH DAY OF SEPTEMBER, 2017.

_____
REGINALD PHILLIPS
RHP INVESTMENTS, LLC

## OWNER'S NOTARY CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF PEORIA)

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT REGGIE PHILLIPS IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED, SEALED AND DELIVERED THE SAID INSTRUMENT AS HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES SET FORTH, AND ON HIS OATH STATED THAT HE IS DULY AUTHORIZED TO EXECUTE SAID INSTRUMENT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS_____ DAY OF_____, 2017.

_____ _____
NOTARY PUBLIC COMMISSION EXPIRES

## SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF PEORIA)

WE, THE AUSTIN ENGINEERING CO., INC., CIVIL ENGINEERS AND LAND SURVEYORS, DO HEREBY CERTIFY THAT WE HAVE SURVEYED AND SUBDIVIDED INTO LOTS, TO BE KNOWN AS THE "FINAL PLAT FOR THE RESUBDIVISION OF EAGLE VIEW SOUTH COMMERCIAL SUBDIVISION", A SUBDIVISION OF A PART OF LOT 4 IN BARNES SUBDIVISION OF SECTION TWENTY-NINE (29) AND A PART OF THE ORIGINAL TOWN OF BARNES, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE THREE (3) EAST OF THE THIRD PRINCIPAL MERIDIAN, MCLEAN COUNTY, ILLINOIS. WE FURTHER CERTIFY THAT THE ABOVE FINAL SUBDIVISION PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SUBDIVISION AS DRAWN TO A SCALE OF ONE (1) INCH EQUALS ONE HUNDRED (100) FEET.

WE FURTHER CERTIFY THAT THIS SUBDIVISION IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOODPLAIN, AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL No. 17113C0320E, WHICH BEARS AN EFFECTIVE DATE OF JULY 16, 2008.

WE FURTHER CERTIFY THAT THIS SUBDIVISION IS LOCATED WITHIN AN INCORPORATED CITY, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS NOW OR HEREAFTER AMENDED.

WE FURTHER CERTIFY THAT THIS SERVICE CONFORMS TO THE ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED AT PEORIA, ILLINOIS THIS 5TH DAY OF OCTOBER, 2017.

AUSTIN ENGINEERING COMPANY, INC.

BY: _____

MICHAEL P. COCHRAN
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3879
AUSTIN ENGINEERING COMPANY, INC. (309) 691-0224
311 SW WATER ST., SUITE 215, PEORIA, IL 61602
mcochran@austinengineeringcompany.com

LICENSE EXPIRES NOVEMBER 30, 2018

SPACE RESERVED FOR THE MCLEAN COUNTY RECORDER OF DEEDS

**CONSENT AGENDA ITEM NO. 7L**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of Suspending the Ordinance to Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 to allow moderate consumption of alcohol at Davis Lodge for the wedding reception request of Alan Burton and Chelsea Wiser on October 28, 2017.

**RECOMMENDATION/MOTION:** That the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on October 28, 2017 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 5. Great place – livable, sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

**BACKGROUND:** On October 10, 2017, the Bloomington Liquor Commissioner, Tari Renner, called a hearing to order to hear the request from Alan Burton and Chelsea Wiser to allow moderate consumption of alcohol at their October 28, 2017 wedding reception to be held at Davis Lodge.

Present were: Commissioners Tari Renner and Lindsey Powell; Staff present: George Boyle, Asst. Corporation Counsel, Asst. Police Chief Clay Wheeler, and Renee Gooderham, Chief Deputy Clerk.

Commissioner Absent: Jack Bataoel.

Alan Burton, groom and Chelsea Wiser, bride addressed the Commission. Mr. Burton stated Dr. McKay's would cater the event. Beer and wine only would be served.

Motion by Commissioner Powell, seconded by Commissioner Renner, to recommend to the October 23, 2017 City Council meeting approval of the request from Alan Burton and Chelsea Wiser to allow moderate consumption of alcohol at their October 28, 2017 wedding reception to be held at Davis Lodge.

Motion carried, (viva voce).

Approximately 100 guests were anticipated.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the October 10, 2017 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

**COMMUNITY DEVELOPMENT IMPACT:** None.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: None.

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Renee Gooderham, Chief Deputy Clerk |
| Reviewed by: | Cherry L. Lawson, City Clerk<br>Robert Yehl, PE, Water Director |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | George D. Boyle, Assistant Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- Ordinance
- Letter of Request

**ORDINANCE NO. 2017 -**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION ON OCTOBER 28, 2017 AT DAVIS LODGE**

WHEREAS, Alan Burton and Chelsea Wiser desire to allow moderate consumption of alcohol at their October 28, 2017 wedding reception to be held at Davis Lodge from 12:00 p.m. to 10:00 p.m. at Davis Lodge; and

WHEREAS, Alan Burton and Chelsea Wiser have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Sections 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing of alcoholic beverages within the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended:

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Davis Lodge, for the wedding reception on October 28, 2017 from 12:00 pm to 10:00 p.m. at Davis Lodge.

Section 2: Except for the date, location and times set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1970 Illinois Constitution.

**PASSED this 23rd** of **October, 2017.**

**APPROVED this ____day of October, 2017.**

**CITY OF BLOOMINGTON** **ATTEST**

_____ _____

Tari Renner, Mayor Cherry L. Lawson, C.M.C, City Clerk

# REQUEST FOR BEER/WINE AT A CITY OWNED PROPERTY

1. *Name of Applicant: **CHELSEA WISER** Contact number:
2. *Name of Applicant: **ALAN BURTON** Contact number:

*If the request is for a wedding please provide information on the bride and groom.

3. Email Address: Email Address:
4. Type of Event: **WEDDING**
5. Location of event: **DAVIS LODGE**
6. Dates/times of event: **SATURDAY, OCTOBER 28th (afternoon and evening concluding at 10pm)**
7. Approximately number of attendees: **100**
8. Name of Caterer: **DR. McKAY'S BAR AND GRILL (contact: DON JONES)**
9. Caterer address: **909 N HERSHEY BLM 61704** Caterer contact number: **662-6711 (McKays) 287-6828 (Don Cell)**
10. Have you reserved the location above? **YES**
11. Have you paid the deposit? **YES** (Please attach a copy of the receipt with the application.)

Applicant Signature 9/28/17 Date

**FOR OFFICE USE ONLY**

Date application received: _____ Staff Initial/Process Date: _____

Receipt confirming event location deposit attached: Yes No
If not, had staff contacted the applicant? Yes No
Date contacted: _____ By Whom (staff): _____

Water and/or Parks Department contacted? Yes No When _____

Date scheduled for a future Liquor Commission Meeting: _____

Date applicant was notified: _____ By whom: _____

Date recommended for City Council consideration: _____

**CONSENT AGENDA ITEM NO. 7M**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of Suspending the Ordinance to Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 to allow moderate consumption of alcohol at Miller Park Pavilion for the wedding reception request of Jason Bader and Lydia Reitz on November 11, 2017.

**RECOMMENDATION/MOTION:** That the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on November 11, 2017 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 5. Great place – livable, sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

**BACKGROUND:** On October 10, 2017, the Bloomington Liquor Commissioner, Tari Renner, called a hearing to order to hear the request from Jason Bader and Lydia Reitz to allow moderate consumption of alcohol at their November 11, 2017 wedding reception to be held at Miller Park Pavilion.

Present were: Commissioners Tari Renner and Lindsey Powell; Staff present: George Boyle, Asst. Corporation Counsel, Asst. Police Chief Clay Wheeler, and Renee Gooderham, Chief Deputy Clerk.

Commissioner Absent: Jack Bataoel.

Jason Bader, groom, addressed the Commission. He stated that Nelson's Catering would cater the event. Beer and wine only would be served.

Motion by Commissioner Powell, seconded by Commissioner Renner, to recommend to the October 23, 2017 City Council meeting approval of the request from Jason Bader and Lydia Reitz to allow moderate consumption of alcohol at their November 11, 2017 wedding reception to be held at Miller Park Pavilion.

Motion carried, (viva voce).

Approximately 150 guests were anticipated.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the October 10, 2017 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

**COMMUNITY DEVELOPMENT IMPACT:** None.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: None.

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Renee Gooderham, Chief Deputy Clerk |
| Reviewed by: | Jay Tetzloff, Director of Parks, Recreation and Cultural Arts |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | George D. Boyle, Assistant Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- Ordinance
- Letter of Request

**ORDINANCE NO. 2017 -**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION ON NOVEMBER 11, 2017 AT MILLER PARK PAVILION**

WHEREAS, Jason Bader and Lydia Reitz desire to allow moderate consumption of alcohol at their November 11, 2017 wedding reception to be held at Miller Park Pavilion from 3:00 p.m. to 11:00 p.m. at Miller Park Pavilion; and

WHEREAS, Jason Bader and Lydia Reitz have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Sections 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing of alcoholic beverages within the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended:

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Miller Park Pavilion, for the wedding reception on November 11, 2017 from 3:00 pm to 11:00 p.m. at Miller Park Pavilion.

Section 2: Except for the date, location and times set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1970 Illinois Constitution.

**PASSED this 23rd** of **October, 2017.**

**APPROVED this ____day of October, 2017.**

**CITY OF BLOOMINGTON** **ATTEST**

_____ _____

Tari Renner, Mayor Cherry L. Lawson, C.M.C, City Clerk

# REQUEST FOR BEER/WINE AT A CITY OWNED PROPERTY

1. *Name of Applicant: Jason Bader 2. Contact number: _____

*Name of Applicant: Lydia Reitz Contact number: _____

*If the request is for a wedding please provide information on the bride and groom.

3. Email Address: _____ Email Address: _____

4. Type of Event: Wedding

5. Location of event: Miller Park Pavilion

6. Dates/times of event: November 11, 2017 3 PM – 11 PM

7. Approximately number of attendees: 150

8. Name of Caterer: Nelson's Catering

9. Caterer address: 3005 Great Northern Road, Springfield, IL 62711 Caterer contact number: 217-787-9443

10. Have you reserved the location above? Y or N: Y

11. Have you paid the deposit? Y or N: Y (Please attach a copy of the receipt with the application.)

Applicant Signature 9-21-17 Date

**FOR OFFICE USE ONLY**

Date application received: 9/21/17 Staff Initial/Process Date: RG 9/21/17

Receipt confirming event location deposit attached: Yes No
If not, had staff contacted the applicant? Yes No
Date contacted: _____ By Whom (staff): _____

Water and/or Parks Department contacted? Yes No When _____

Date scheduled for a future Liquor Commission Meeting: 10/10/17

Date applicant was notified: 9/21/17 By whom: RG

Date recommended for City Council consideration: 10/23/17

**CONSENT AGENDA ITEM NO. 7N**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of Suspending the Ordinance to Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 to allow moderate consumption of alcohol at Davis Lodge for the wedding reception request of Jake Carls and Molly Davis on November 11, 2017.

**RECOMMENDATION/MOTION:** That the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on November 11, 2017 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 5. Great place – livable, sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

**BACKGROUND:** On October 10, 2017, the Bloomington Liquor Commissioner, Tari Renner, called a hearing to order to hear the request from Jake Carls and Molly Davis to allow moderate consumption of alcohol at their November 11, 2017 wedding reception to be held at Davis Lodge.

Present were: Commissioners Tari Renner and Lindsey Powell; Staff present: George Boyle, Asst. Corporation Counsel, Asst. Police Chief Clay Wheeler, and Renee Gooderham, Chief Deputy Clerk.

Commissioner Absent: Jack Bataoel.

Deanna Davidson, mother of the bride, addressed the Commission. She stated that Sodexo Catering in Eureka would cater the event. Beer and wine only would be served.

Motion by Commissioner Powell, seconded by Commissioner Renner, to recommend to the October 23, 2017 City Council meeting approval of the request from Jake Carls and Molly Davis to allow moderate consumption of alcohol at their November 11, 2017 wedding reception to be held at Davis Lodge.

Motion carried, (viva voce).

Approximately 80 guests were anticipated.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the October 10, 2017 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

**COMMUNITY DEVELOPMENT IMPACT:** None.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: None.

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Renee Gooderham, Chief Deputy Clerk |
| Reviewed by: | Cherry L. Lawson, City Clerk<br>Robert Yehl, PE, Water Director |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | George D. Boyle, Assistant Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- Ordinance
- Letter of Request

**ORDINANCE NO. 2017 -**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION ON NOVEMBER 11, 2017 AT DAVIS LODGE**

WHEREAS, Jake Carls and Molly Davis desire to allow moderate consumption of alcohol at their November 11, 2017 wedding reception to be held at Davis Lodge from 3:00 p.m. to 10:00 p.m.; and

WHEREAS, Jake Carols and Molly Davis have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Sections 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing of alcoholic beverages within the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended:

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Davis Lodge, for the wedding reception on November 11, 2017 from 3:00 pm to 10:00 p.m.

Section 2: Except for the date, location and times set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1970 Illinois Constitution.

**PASSED this 23rd** of **October, 2017.**

**APPROVED this ____day of October, 2017.**

**CITY OF BLOOMINGTON** **ATTEST**

_____ _____

Tari Renner, Mayor Cherry L. Lawson, C.M.C, City Clerk

CITY OF Bloomington ILLINOIS

# REQUEST FOR BEER/WINE AT A CITY OWNED PROPERTY

1. *Name of Applicant: Sodexo Catering Deanna Davidson 2. Contact number: (

*Name of Applicant: — Contact number: —

*If the request is for a wedding please provide information on the bride and groom.

3. Email Address: [illegible] Email Address: _____

4. Type of Event: wedding reception Molly Davis + Jake Carls

5. Location of event: Davis Lodge

6. Dates/times of event: Nov 11-2017 3pm - 10pm

7. Approximately number of attendees: 125 ish

8. Name of Caterer: Sodexo Catering Eureka College

9. Caterer address: 300 College Ave Eureka Il 61530 Caterer contact number 309-258-1515

10. Have you reserved the location above? Y or N: yes

11. Have you paid the deposit? Y or N: yes (Please attach a copy of the receipt with the application.)

_____ Oct 5-2017

Applicant Signature Date

**FOR OFFICE USE ONLY**

Date application received: _____ Staff Initial/Process Date: _____

Receipt confirming event location deposit attached: Yes No

If not, had staff contacted the applicant? Yes No

Date contacted: _____ By Whom (staff): _____

Water and/or Parks Department contacted? Yes No When _____

Date scheduled for a future Liquor Commission Meeting: _____

Date applicant was notified: _____ By whom: _____

Date recommended for City Council consideration: _____

**CONSENT AGENDA ITEM NO. 7O**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of Suspending the Ordinance to Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 to allow moderate consumption of alcohol at Davis Lodge for the wedding reception request of Jeremy Baker and Sara Bailey on November 18, 2017.

**RECOMMENDATION/MOTION:** That the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on November 18, 2017 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 5. Great place – livable, sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

**BACKGROUND:** On October 10, 2017, the Bloomington Liquor Commissioner, Tari Renner, called a hearing to order to hear the request from Jeremy Baker and Sara Bailey to allow moderate consumption of alcohol at their November 18, 2017 wedding reception to be held at Davis Lodge.

Present were: Commissioners Tari Renner and Lindsey Powell; Staff present: George Boyle, Asst. Corporation Counsel, Asst. Police Chief Clay Wheeler, and Renee Gooderham, Chief Deputy Clerk.

Commissioner Absent: Jack Bataoel.

Sara Bailey, bride, addressed the Commission. She stated that Famous Dave's would cater the event. Beer and wine only would be served.

Motion by Commissioner Powell, seconded by Commissioner Renner, to recommend to the October 23, 2017 City Council meeting approval of the request from Jeremy Baker and Sara Bailey to allow moderate consumption of alcohol at their November 18, 2017 wedding reception to be held at Davis Lodge.

Motion carried, (viva voce).

Approximately 80 guests were anticipated.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the October 10, 2017 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

**COMMUNITY DEVELOPMENT IMPACT:** None.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: None.

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Renee Gooderham, Chief Deputy Clerk |
| Reviewed by: | Robert Yehl, PE, Water Director |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | George D. Boyle, Assistant Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- Ordinance
- Letter of Request

**ORDINANCE NO. 2017 -**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION ON NOVEMBER 18, 2017 AT DAVIS LODGE**

WHEREAS, Jeremy Baker and Sara Bailey desire to allow moderate consumption of alcohol at their November 18, 2017 wedding reception to be held at Davis Lodge from 4:00 p.m. to 12:00 a.m. at Davis Lodge; and

WHEREAS, Jeremy Baker and Sara Bailey have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Sections 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing of alcoholic beverages within the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended:

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Davis Lodge, for the wedding reception on November 18, 2017 from 4:00 pm to 12:00 p.m. at Davis Lodge.

Section 2: Except for the date, location and times set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1970 Illinois Constitution.

**PASSED this 23rd** of **October, 2017.**

**APPROVED this ____day of October, 2017.**

**CITY OF BLOOMINGTON** **ATTEST**

_____ _____

Tari Renner, Mayor Cherry L. Lawson, C.M.C, City Clerk

# REQUEST FOR BEER/WINE AT A CITY OWNED PROPERTY

1. *Name of Applicant: **Sara Bailey** 2. Contact number:

   *Name of Applicant: **Jeremy Baker**

*If the request is for a wedding please provide information on the bride and groom.

3. Email Address:

4. Type of Event: **Wedding**

5. Location of event: **Davis Lodge at Lake Bloomington**

6. Dates/times of event: **Lodge reserved for November 17th, and 18th. Wedding at 4:00 pm Saturday November 18th.**
   4pm to 12am

7. Approximately number of attendees: **80**

8. Name of Caterer: **Famous Dave's**

9. Caterer address: **1603 Morrissey Drive, Bloomington IL 61704**
Caterer contact number: **(309) 664-0044**

10. Have you reserved the location above? **YES**

11. Have you paid the deposit? **YES**

*Sara Bailey* — Applicant Signature

*09/13/17* — Date

---

**FOR OFFICE USE ONLY**

Date application received: _____ Staff Initial/Process Date: _____

Receipt confirming event location deposit attached: Yes No
If not, had staff contacted the applicant? Yes No
Date contacted: _____ By Whom (staff): _____

Water and/or Parks Department contacted? Yes No When _____

Date scheduled for a future Liquor Commission Meeting: _____

Date applicant was notified: _____ By whom: _____

Date recommended for City Council consideration: _____

# REGULAR AGENDA

**REGULAR AGENDA ITEM NO. 8A**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of a Motor Fuel Tax Resolution for an additional $900,000 for intersection design, plans, construction documents, right-of-way, utility relocation, and construction for intersection of Towanda Barnes Road and Ireland Grove Road.

**RECOMMENDATION/MOTION:** That the Motor Fuel Tax Resolution for an additional $900,000 for intersection design, plans, construction documents, right-of-way, utility relocation, and construction for intersection of Towanda Barnes Road and Ireland Grove Road be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** 1. Financially Sound City Providing Quality Basic Services, 2. Upgrade City Infrastructure and Facilities

**STRATEGIC PLAN SIGNIFICANCE:** 1e. Partnering with others for the most cost-effective service delivery. 2a. Better quality roads and sidewalks

**BACKGROUND:** An interim design and study of Towanda-Barnes Road at Ireland Grove was completed in 2014 as a result of complaints about traffic backups, one incident involving a fatality, and one incident involving serious injury at this intersection. As the design and study of this intersection progressed, the Illinois Department of Transportation (IDOT) required greater improvements than were originally anticipated. IDOT approval is mandatory for this project, as it uses MFT funds, so the requirements set forth by IDOT were met. This additional scope has increased the design and construction costs of this project. More detailed information regarding the history of the project can be found in the attached September 26, 2016 Council Memo and the attached February 17, 2017 Memo from the County Engineer to the McLean County Board of Transportation.

On September 26, 2016 Council created a joint partnership to address the issue by entering into an Intergovernmental Agreement with McLean County for cost sharing. The cost sharing includes design and reconstruction of the intersection of Towanda Barnes Road at Ireland Grove Road. At that same time the Intergovernmental Agreement was adopted, a Resolution approving the expenditure of $64,100 of Motor Fuel Tax (MFT) funds was adopted as well.

The estimated remaining expenditures for this project add up to $900,000. This includes expenditures for monies owed to McLean County for the intersection design study, plans, and construction documents. The amount also includes future estimated costs for right-of-way, utility relocation, and construction. The City currently has $700,000 in the FY 2018 MFT budget for this project. However, the construction of this project is slated to be completed in FY 2019. Sufficient funds exist in the MFT fund balance to cover the additional $200,000.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** McLean County staff, multi-agency Transportation Technical Committee.

**FINANCIAL IMPACT:** The $900,000 projection is an estimate for 50% of the cost of the intersection design study, plans, construction documents, right-of-way, utility relocation, and construction for this project.

Approximately $70,000 of the original FY 2018 Budget of $700,000 will be committed in FY 2018 out of the Motor Fuel Tax-Street Construction account (20300300-72530). The remainder of $830,000 will be re-budgeted by the Public Works-Engineering Department and included in the FY 2019 Proposed Budget. Stakeholders can locate the $700,000 budgeted for FY 2018 in the Budget Book titled "Adopted Other Funds Budget" on pages 10, 293, 296, 301 and 302.

McLean County is the lead agency and the City will reimburse the County for the City's portion of the project.

**COMMUNITY DEVELOPMENT IMPACT:** *NA*

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: *NA*

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Luke Thoele, Civil Engineer II<br>Michael Hill, Public Works Administration |
| Reviewed by: | Jim Karch, PE CFM, Director of Public Works |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | Jeffrey R. Jurgens, Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- PW 2B RESOLUTION Towanda Barnes at Ireland Grove MFT Resolution 20170522
- PW 2C PREVIOUS COUNCIL MEMO Towanda Barnes at Ireland Grove MFT Resolution 20170522
- PW 2D MEMO FROM COUNTY Towanda Barnes at Ireland Grove MFT Resolution 20170522
- PW 2E IGA 09-26-2016 COW MC MFT

Illinois Department of Transportation

# Supplemental Resolution for Improvement by Municipality Under the Illinois Highway Code

BE IT RESOLVED, by the Council (Council or President and Board of Trustees) of the City (City, Town or Village) of Bloomington Illinois that the following described street(s) be improved under the Illinois Highway Code:

| Name of Thoroughfare | Route | From | To |
|---|---|---|---|
| Ireland Grove Road | | Towanda Barnes Road intersect | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Intersection Design Study, plans, construction documents, right-of-way, utility relocation, and construction _____ and shall be constructed _____ wide and be designated as Section 17-00362-00-PV

2. That there is hereby appropriated the (additional ☒ Yes ☐ No) sum of Nine hundred thousand and 00/100 _____ Dollars ( $900,000 ) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract per Intergovernmental Agreement with McLean County (Specify Contract or Day Labor); and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved

_____
Date

Department of Transportation

_____
Regional Engineer

I, Cherry Lawson Clerk in and for the City (City, Town or Village) of Bloomington County of McLean, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council (Council or President and Board of Trustees) at a meeting on October 23, 2017 (Date)

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____

(SEAL)

_____
City, Town, or Village Clerk

**CONSENT AGENDA ITEM NO. 7E**

FOR COUNCIL: September 26, 2016

**SUBJECT:** Consideration of adopting a Resolution approving Motor Fuel Tax for funding, and an Intergovernmental Agreement with McLean County for cost-sharing for the design, construction and maintenance of improvements to the intersection of Towanda Barnes Road and Ireland Grove Road.

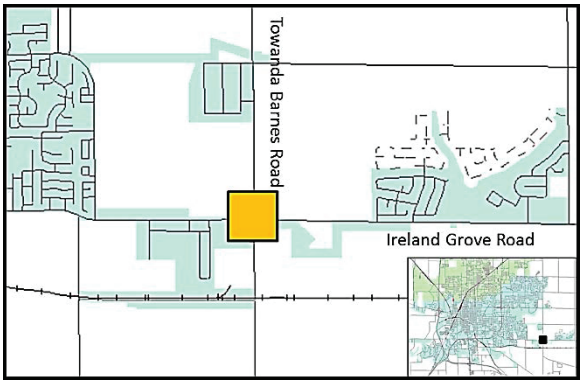
**RECOMMENDATION/MOTION:** That the Resolution be adopted approving the Motor Fuel Tax for funding, approve the Intergovernmental Agreement with McLean County for cost-sharing, and authorize the Mayor and City Clerk to execute the necessary documents.

**STRATEGIC PLAN LINK:** 1. Financially Sound City Providing Quality Basic Services.
2. Upgrade City Infrastructure and Facilities.

**STRATEGIC PLAN SIGNIFICANCE:**
1e. Partnering with others for the most cost-effective service delivery.
2a. Better quality roads and sidewalks.

**BACKGROUND:**

Towanda Barnes Road and Ireland Grove Road are vital streets on Bloomington's east side. They serve businesses, neighborhoods, and schools within city limits and outside of it. The intersection of the streets straddles city and unincorporated territory. Towanda Barnes Road is a County highway; Ireland Grove Road is a City arterial street. In this instance, and others like it, intergovernmental cooperation and shared costs are vital to implement prudent traffic measures. County government is the controlling agency for this intersection, but its staff confers with City staff over proposed changes.




The intersection becomes congested and backs up during high traffic periods such as morning and evening peak times. The usefulness of a right turn lane on for southbound traffic on Towanda Barnes Road has seemed apparent for some time, and McLean County government oversaw a preliminary engineering study which confirmed this need and justification. This improvement to the intersection is scheduled to occur in the 2017-18 fiscal year.

However, more intersection improvements may be forthcoming. Staff of the two governments note that an already challenging intersection has become still-more congested at peak morning drive time for westbound traffic on Ireland Grove Road. The likely cause of recent increased

congestion is the change to school start times initiated this year at Benjamin Elementary School and other Unit 5 schools.

The proposed Intergovernmental Agreement between the City and County does the following:

- Formalizes plans to proceed with the right-turn lane and associated traffic signal upgrade for southbound Towanda-Barnes Road and obligates the City to pay half of costs for the engineering design, construction and traffic signal maintenance.
- Enables an updated intersection design study for the intersection. This could lead to a more extensive upgrade to the intersection in FY 2017-18
- Updates a 2002 agreement for cost sharing for construction, maintenance, and energy costs at this intersection and four others (Exhibit A). All will be 50-50 cost divisions. The intersections and the cost division are identical to the existing agreement. The update is routine.

After the intersection undergoes further study, the consultant will provide the County and the City with an estimated construction budget. As the extent of work has not been fully determined, there is no cost estimate for the construction of the improvements at this time. The City intends to use state Motor Fuel Tax for its share of the cost, and has budgeted $400,000 in MFT money for the current fiscal year; $400,000 will be more than sufficient to cover the City's share of design and right-of-way costs, but will not be not enough to cover the construction. Additional MFT funds will be proposed for the FY 2017-18 budget in order to see completion of the project.

The Intergovernmental Agreement is attached along with an MFT Resolution.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** McLean County staff, multi-agency Transportation Technical Committee.

**FINANCIAL IMPACT:** The MFT resolution appropriates $64,100 for the City's share of the not to exceed $128,200 engineering study and design contract. $400,000 for this project is included in the Motor Fuel Tax-Street Construction & Improvement account (20300300-72530) for the work at this intersection. Stakeholders can locate this in the FY 2017 Budget Book titled "Other Funds & Capital Improvement Program" on pages 10, 273, 279, 294 and 295. Additional funds will need to be budgeted in FY 2018 year for construction.

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Stephen Arney, Engineering Technician |
| Reviewed by: | Jim Karch, PE CFM, Director of Public Works |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Carla A. Murillo, Budget Manager |
| Legal review by: | Jeffrey R. Jurgens, Corporation Cousnel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- MFT Resolution
- IGA
- IGA Exhibit A

---

Motion: That the Resolution be adopted approving the Motor Fuel Tax for funding, approve the Intergovernmental Agreement with McLean County for cost-sharing, and authorize the Mayor and City Clerk to execute the necessary documents.

Motion:_____ Seconded by: _____

| | Aye | Nay | Other | | Aye | Nay | Other |
|---|---|---|---|---|---|---|---|
| Alderman Black | | | | Alderman Mwilambwe | | | |
| Alderman Buragas | | | | Alderman Painter | | | |
| Alderman Fruin | | | | Alderman Sage | | | |
| Alderman Hauman | | | | Alderman Schmidt | | | |
| Alderman Lower | | | | | | | |
| | | | | Mayor Renner | | | |

**INTERGOVERNMENTAL AGREEMENT**
**BETWEEN THE CITY OF BLOOMINGTON AND THE COUNTY OF MCLEAN**
**FOR TRAFFIC SIGNAL UPGRADES AT**
**TOWANDA BARNES ROAD AND IRELAND GROVE ROAD**

**WHEREAS**, Article VII, Section 10 of the Illinois Constitution and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220\1 *et seq*., permits and encourages local governments to enter into Intergovernmental Agreements to obtain or share services or to exercise, combine, or transfer powers and functions, and;

**WHEREAS**, the City of Bloomington, hereinafter called "City", is a municipal corporation and the County of McLean, hereinafter called "County", is a body corporate and politic, and;

**WHEREAS**, it is in the best interest of the public health, safety and welfare that traffic studies are performed at intersections of high volume, and;

**WHEREAS**, the County Highway Department has performed an Engineering Study at the intersection of Towanda Barnes Road and Ireland Grove Road, and;

**WHEREAS**, a Right Turn Lane is needed and Traffic Control Signal Upgrades are warranted at the intersection of Towanda Barnes Road and Ireland Grove Road, and;

**WHEREAS**, the City and County agree that the cost of construction and maintenance for the Traffic Control Signals at the intersection of Towanda Barnes Road and Ireland Grove Road should be shared based on the number of legs of the intersection for which each has jurisdiction, and, now:

**THEREFORE**, be it hereby mutually agreed as follows:

1. The County has had the necessary preliminary engineering performed.

2. The City and County agree to proceed with the construction of the right-turn lane and traffic control signal upgrades and the associated necessary work.

3. The construction shall be budgeted for the summer of 2017, and shall be performed after May 1, 2017.

4. The County shall be the lead agency, and has entered into an Engineering Agreement for a final Intersection Design Study (IDS), the Traffic Signal Design and Intersection & Turn Lane Design.

5. The County will take bids and enter into Contract with concurrence from the City, and supervise the construction of the project.

6. The City shall reimburse the County for Fifty percent (50%) of all costs associated with the project as work progresses, including all engineering, construction and right-of-way costs as incurred.

7. It is also hereby mutually agreed to amend “Exhibit A” of the Intergovernmental Agreement for Maintenance of Traffic Control Devices of September 2002, as hereby attached.

8. The City and County agree to pay their respective proportional shares of maintenance and energy costs to operate the signals identified in Exhibit A in the amounts specified and attributable to each entity in Exhibit A.

| APPROVED: | ATTEST: |
|---|---|
| _____ | _____ |
| Mayor Tari Renner (date)<br>City of Bloomington | Cherry Lawson<br>City of Bloomington Clerk |
| _____ | _____ |
| Chairman John D. McIntyre (date)<br>McLean County Board | Kathy Michael<br>McLean County Clerk |

THE LIST OF SIGNALIZED INTERSECTIONS WITHIN THE CORPORATION

THE LEVEL OF MAINTENANCE REFERS TO THE
TRAFFIC SIGNAL MAINTENANCE PROVISIONS IN EXHIBIT B.

EXHIBIT A
MASTER AGREEMENT TABLE
BLOOMINGTON

| | | MAINTENANCE | | ENERGY | | |
|---|---|---|---|---|---|---|
| Loc No | Intersection | County% | City% | County% | City% | Level |
| 141 | Towanda Barnes Road<br>Ireland Grove Road | 50 | 50 | 50 | 50 | 1 |
| 142 | Towanda Barnes Road<br>General Electric Road | 50 | 50 | 50 | 50 | 1 |
| 143 | Towanda Barnes Road<br>Fort Jesse Road | 50 | 50 | 50 | 50 | 1 |
| 144 | Towanda Barnes Road<br>Oakland Avenue | 50 | 50 | 50 | 50 | 1 |
| 145 | White Oak Road<br>Dr Martin Luther King Jr Drive | 50 | 50 | 50 | 50 | 1 |

Approved: September, 2002

Revised: September, 2016

Illinois Department of Transportation

# Resolution for Improvement by Municipality Under the Illinois Highway Code

BE IT RESOLVED, by the Council of the
Council or President and Board of Trustees
City of Bloomington Illinois
City, Town or Village
that the following described street(s) be improved under the Illinois Highway Code:

| Name of Thoroughfare | Route | From | To |
|---|---|---|---|
| Ireland Grove Road | | Towanda Barnes Road intersect | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

BE IT FURTHER RESOLVED,
1. That the proposed improvement shall consist of Intersection design study, plans, and construction documents.

and shall be constructed _____ wide

and be designated as Section 17-00362-00-PV

2. That there is hereby appropriated the (additional ☐ Yes ☒ No) sum of Sixty-four thousand one hundred dollars Dollars ( $64,100 ) for the

improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract per Intergovernmental Agreement with McLean County ; and,
Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved

_____
Date

Department of Transportation

_____
Regional Engineer

I, Cherry Lawson Clerk in and for the
City of Bloomington
City, Town or Village
County of McLean , hereby certify the

foregoing to be a true, perfect and complete copy of a resolution adopted

by the City Council
Council or President and Board of Trustees
at a meeting on September 26, 2016
Date
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this

_____ day of _____

(SEAL)

_____
City, Town, or Village Clerk

McLean County

HIGHWAY DEPARTMENT
102 S Towanda Barnes Road
Bloomington, IL 61705
(309) 663-9445 PHONE
(309) 662-8038 FAX

DATE: February 17, 2017

TO: Chairman Caisley and Members of the McLean County Board Transportation Committee

FROM: Jerry Stokes, County Engineer

**Towanda-Barnes Road (CH 29) – Ireland Grove Intersection Improvements**
**Section 13-00168-02-FP**

Due to the development of new subdivisions along Towanda-Barnes Road over the last 15 years, there has been an increase in traffic at the intersection of Towanda-Barnes Road. The majority of the traffic is for State Farm going to Corporate South. After complaints of traffic being backed up on Towanda-Barnes Road in the morning and on Ireland Grove Road in the evening and after one fatality and one serious injury at this intersection, an interim intersection design study was completed in 2014.

Interim Intersection Design Study (2014)

- Interim Design study was for a 10 year projection
- Concluded that dual left turn lanes were needed for the eastbound traffic on Ireland Grove Road turning north on to Towanda-Barnes Road
- Study also determined a free flow right turn lane be added for the southbound leg of Towanda-Barnes Road turning right on to Ireland Grove Road
- After study was completed, City of Bloomington (with concurrence from the Highway Department) made modifications to signals, combined the right and through lanes and made two left hand turn lanes. (Southbound was not addressed)

Engineering Services Agreement (2016)

- Agreement entered with Farnsworth Group to design southbound right turn lane
- Part of scope was to look at updated traffic counts for each turning movement
- Results of updated traffic counts showed some turning movements exceeded the 10-year projected amounts in two years
- To accommodate the am/pm peak flows, which was contributed from Unit 5 changing the start time of Benjamin Elementary School, a right turn lane was needed for the westbound traffic from Ireland Grove Road to Towanda-Barnes.

- A right turn lane was also needed for the eastbound traffic from Ireland Grove to southbound Towanda-Barnes to accommodate the through traffic in the evening hours
- The addition of the turn lanes caused the 2014 Interim Intersection Design Study to be updated and approved by IDOT due to the use of Motor Fuel Tax (MFT) Funds
    - IDOT determined that a complete Intersection Design Study needed to be completed and approved which has 20 year projections

Engineering Related Factors

- Traffic has increased on Towanda-Barnes and Ireland Grove
- 33 accidents at this intersection since 2012 due to the increased traffic
- Cornerstone Christian Academy opened 2003, 417 current students with 100% drop-off
- Benjamin Elementary opened 2010, 560 current students
- Grove Subdivision
    - 66% of the subdivision still to be developed
    - Trip generation is increased for future growth based on full build out
- 2% growth on Towanda-Barnes Road, 1.5% growth on Ireland Grove
- The Design Hourly Volumes from the 1999 Intersection Design Study versus the current volume and 2037 volumes from the 2017 Intersection Design Study (See attached)
- See attached aerial maps for 2001 and 2014 for subdivision development along Towanda-Barnes Road

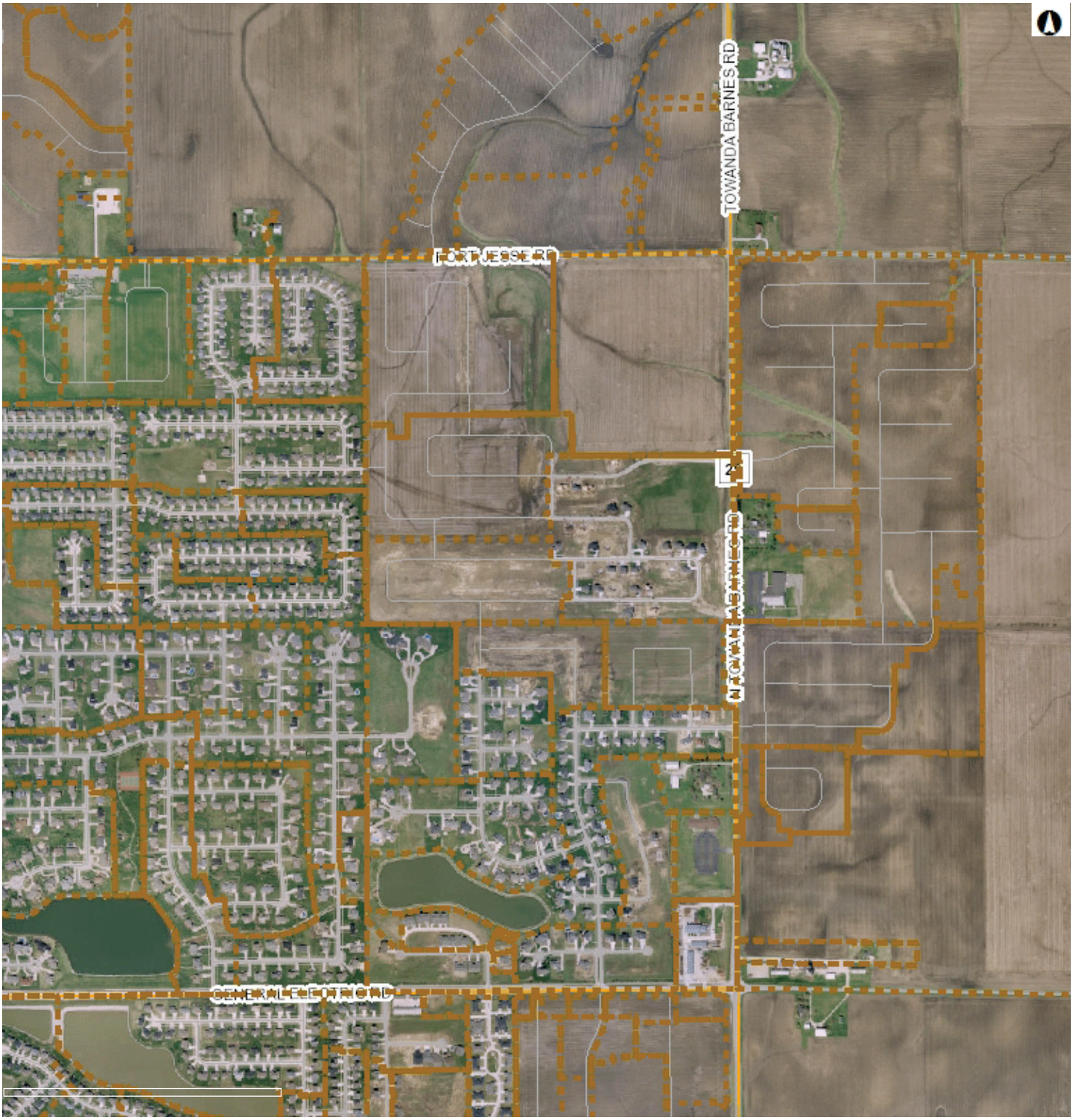
After discussions with the engineering staffs from McLean County and the City of Bloomington, it was determined to accommodate the additional traffic and plan for future traffic instead of having to come back and modify the intersection in 10 years hoping to save money.

## Towanda-Barnes Road - Ireland Grove Road Design Hourly Volumes

| | | 1999 IDS | 2017 IDS | 2017 IDS |
|---|---|---|---|---|
| | | 2019 Design Hourly Volume | Current Design Hourly Volume | 2037 Design Hourly Volume |
| Towanda-Barnes Road | Southbound right turn lane | 229 (213) | 859 (435) | 1,047 (530) |
| | Southbound thru lane | 781 (937) | 251 (525) | 306 (640) |
| | Southbound left turn lane | 31 (36) | 154 (141) | 231 (270) |
| | | | | |
| Towanda-Barnes Road | Northbound right turn lane | 60 (48) | (35) 35 | (53) 75 |
| | Northbound thru lane | 968 (798) | 538 (363) | 656 (443) |
| | Northbound left turn lane | 462 (345) | 394 (172) | 480 (209) |
| | | | | |
| Ireland Grove Road | Westbound right turn lane | 44 (30) | 158 (137) | 264 (255) |
| | Westbound thru lane | 98 (49) | 399 (132) | 689 (240) |
| | Westbound left turn lane | 36 (43) | 20 (13) | 39 (25) |
| | | | | |
| Ireland Grove Road | Eastbound left turn lane | 213 (49) | 217 (733) | 252 (850) |
| | Eastbound thru lane | 49 (109) | 179 (259) | 262 (499) |
| | Eastbound right turn lane | 347 (493) | 79 (293) | 92 (340) |

( ) = PM Numbers

# 2001 Aerial Towanda-Barnes Road Area




0 0.25 0.5 Miles

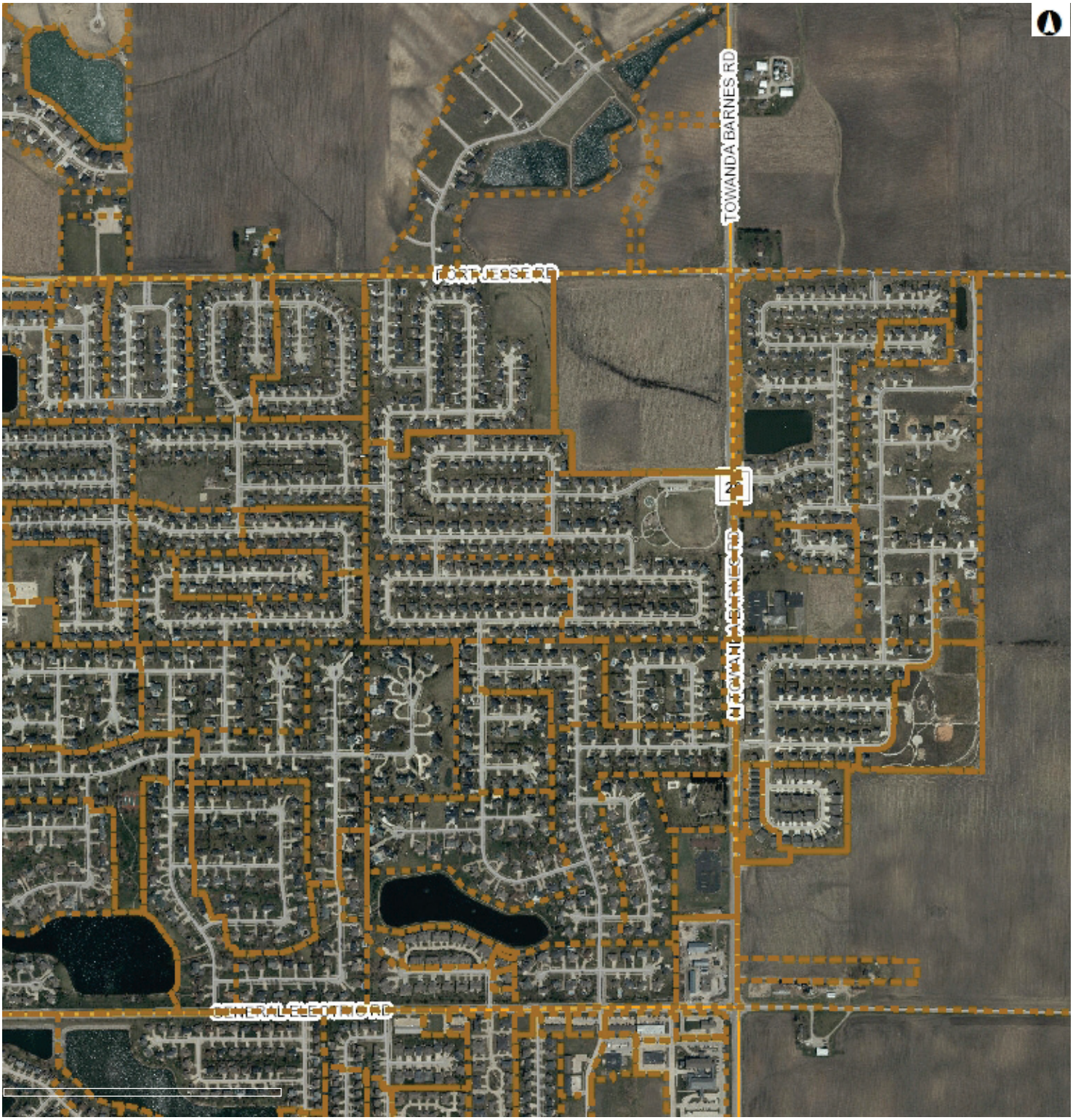
1: 15,906

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: http://www.McGIS.org/License

Printed: 2/17/2017 11:37:27 AM

Notes

# 2014 Aerial Towanda-Barnes Road Area




0 0.25 0.5 Miles

1: 15,906

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: http://www.McGIS.org/License

Printed: 2/17/2017 11:38:38 AM

Notes

COB

# INTERGOVERNMENTAL AGREEMENT
# BETWEEN THE CITY OF BLOOMINGTON AND THE COUNTY OF MCLEAN
# FOR TRAFFIC SIGNAL UPGRADES AT
# TOWANDA BARNES ROAD AND IRELAND GROVE ROAD

**WHEREAS**, Article VII, Section 10 of the Illinois Constitution and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220\1 *et seq.*, permits and encourages local governments to enter into Intergovernmental Agreements to obtain or share services or to exercise, combine, or transfer powers and functions, and;

**WHEREAS**, the City of Bloomington, hereinafter called "City", is a municipal corporation and the County of McLean, hereinafter called "County", is a body corporate and politic, and;

**WHEREAS**, it is in the best interest of the public health, safety and welfare that traffic studies are performed at intersections of high volume, and;

**WHEREAS**, the County Highway Department has performed an Engineering Study at the intersection of Towanda Barnes Road and Ireland Grove Road, and;

**WHEREAS**, a Right Turn Lane is needed and Traffic Control Signal Upgrades are warranted at the intersection of Towanda Barnes Road and Ireland Grove Road, and;

**WHEREAS**, the City and County agree that the cost of construction and maintenance for the Traffic Control Signals at the intersection of Towanda Barnes Road and Ireland Grove Road should be shared based on the number of legs of the intersection for which each has jurisdiction, and, now:

**THEREFORE**, be it hereby mutually agreed as follows:

1. The County has had the necessary preliminary engineering performed.

2. The City and County agree to proceed with the construction of the right-turn lane and traffic control signal upgrades and the associated necessary work.

3. The construction shall be budgeted for the summer of 2017, and shall be performed after May 1, 2017.

4. The County shall be the lead agency, and has entered into an Engineering Agreement for a final Intersection Design Study (IDS), the Traffic Signal Design and Intersection & Turn Lane Design.

5. The County will take bids and enter into Contract with concurrence from the City, and supervise the construction of the project.

6. The City shall reimburse the County for Fifty percent (50%) of all costs associated with the project as work progresses, including all engineering, construction and right-of-way costs as incurred.

7. It is also hereby mutually agreed to amend "Exhibit A" of the Intergovernmental Agreement for Maintenance of Traffic Control Devices of September 2002, as hereby attached.

8. The City and County agree to pay their respective proportional shares of maintenance and energy costs to operate the signals identified in Exhibit A in the amounts specified and attributable to each entity in Exhibit A.

APPROVED:

Tari Renner 9/30/16

Mayor Tari Renner (date)
City of Bloomington

John D. McIntyre 9-20-2016

Chairman John D. McIntyre (date)
McLean County Board

ATTEST:

Cherry Lawson
City of Bloomington Clerk

Kathy Michael

Kathy Michael
McLean County Clerk

THE LIST OF SIGNALIZED INTERSECTIONS WITHIN THE CORPORATION

THE LEVEL OF MAINTENANCE REFERS TO THE
TRAFFIC SIGNAL MAINTENANCE PROVISIONS IN EXHIBIT B.

EXHIBIT A
MASTER AGREEMENT TABLE
BLOOMINGTON

| | | MAINTENANCE | | ENERGY | | |
|---|---|---|---|---|---|---|
| Loc No | Intersection | County% | City% | County% | City% | Level |
| 141 | Towanda Barnes Road<br>Ireland Grove Road | 50 | 50 | 50 | 50 | 1 |
| 142 | Towanda Barnes Road<br>General Electric Road | 50 | 50 | 50 | 50 | 1 |
| 143 | Towanda Barnes Road<br>Fort Jesse Road | 50 | 50 | 50 | 50 | 1 |
| 144 | Towanda Barnes Road<br>Oakland Avenue | 50 | 50 | 50 | 50 | 1 |
| 145 | White Oak Road<br>Dr Martin Luther King Jr Drive | 50 | 50 | 50 | 50 | 1 |

Approved: September, 2002

Revised: September, 2016

**REGULAR AGENDA ITEM NO. 8B**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of an Ordinance providing for the City to petition to annex certain properties located in the City of Bloomington into the Bloomington Normal Water Reclamation District

**RECOMMENDATION/MOTION:** That the City adopt an Ordinance providing for the City to petition the Bloomington Normal Water Reclamation District to annex the City owned properties Ewing Park I, Ewing Park II and the adjacent City bridle path and further providing and allowing for certain other properties located in said area to join said Annexation Petition and that the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** 1. Financially Sound City Providing Quality Basic Services. 4. Strong Neighborhoods.

**STRATEGIC PLAN SIGNIFICANCE:** 1e. Partnering with others for the most cost-effective service delivery. 4d. Improved neighborhood/infrastructure. 4f. Residents increasingly sharing/taking responsibility for their homes and neighborhoods.

**BACKGROUND:** The Bloomington Normal Water Reclamation District (BNWRD) is a unit of local government established under the Sanitary District Act of 1917. BNWRD provides sanitary sewer services in the Bloomington Normal area. BNWRD is prohibited by law from providing services to properties not within its corporate limits. Recently, it was discovered that there is no record indicating the City properties located at Ewing Park I and Ewing Park II have been annexed into BNWRD. In order to continue to receive sanitary sewer services from BNWRD, the City has agreed to petition BNWRD to annex these properties, along with the adjacent City owned bridle path.

There are also several properties similarly situated along Sunset Road in that they are connected into a BNWRD sewer and BNWRD has no record of their having been annexed. BNWRD has agreed to allow all property owners similarly situated to join in a petition to annex into the District for a single petition filing fee of $600.00. Absent an annexation petition, BNWRD will be precluded by law from providing sanitary sewer services. Because there is a benefit to the public from the City and Sunset Road properties receiving this sanitary sewer service, staff recommends that the Motion authorizing the Ordinance allowing the City to petition to annex these properties into BNWRD be allowed. Annexation of these properties will simply conform with the legal requirements needed for continued sanitary sewer service to these properties.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The City has reached out to those persons owning properties connected to BNWRD sewers on Sunset Road and all have consented to joining in the petition.

**FINANCIAL IMPACT:** The cost totaling $600.00 to file the petition will be paid out of the Code Enforcement-Recording Fees account (10015430-70642). Stakeholders can locate this in the Budget Book titled "Adopted General Fund Budget" on page 323.

**COMMUNITY DEVELOPMENT IMPACT:** Link to Comprehensive Plan Goals:
UEW-1.3 Work cooperatively with other public and private utility service providers operating in the City to address mutual concerns and needs.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: *Not applicable*

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | George D. Boyle, Assistant Corporation Counsel |
| Reviewed by: | Jeffrey R. Jurgens, Corporation Counsel |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Community Development review by: | Katie Simpson, City Planner |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- LD 1B BNWRD Ordinance
- Map

ORDINANCE NO. 2017-

AN ORDINANCE AUTHORZING AN ANNEXATION PETITION FOR CERTAIN PROPERTIES LOCATED IN THE CITY OF BLOOMINGTON INTO THE BLOOMINGTON NORMAL WATER RECLAMATION DISTRICT

WHEREAS, the Bloomington Normal Water Reclamation District (hereinafter, "BNWRD") is a Sanitary District established and governed by the Sanitary District Act of 1917; and

WHEREAS, both the aforesaid state statute and BNWRD ordinance prohibit BNWRD from providing sanitary sewer service to properties located outside of the District; and

WHEREAS, there are no records indicating that certain properties located within the City of Bloomington connected to BNWRD sanitary sewers have been annexed into said district; and

WHEREAS, in order to lawfully receive sanitary sewer service from BNWRD, said properties must be annexed into said district.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That the Mayor and City Clerk are hereby authorized to petition for annexation of the following properties into the Bloomington Normal Water Reclamation District: Ewing Park I; Ewing Park II; Bridle Path; 20 Sunset Road; 22 Sunset Road; 24 Sunset Road; 28 Sunset Road; 32 Sunset Road; 34 Sunset Road; 36 Sunset Road; 38 Sunset Road; Ewing Manor, 48 Sunset Road.

SECTION 2. That the costs of said annexation petition shall be paid by the City's general fund;

SECTION 3. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the Illinois Constitution of 1970.

SECTION 4. This Ordinance shall take effect immediately upon passage and approval.

PASSED this _____ day of _____, 2017.

APPROVED this _____ day of _____, 2017.

APPROVED:

TARI RENNER
Mayor

ATTEST:

CHERRY L. LAWSON
City Clerk

**REGULAR AGENDA ITEM NO. 8C**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Consideration of adopting an ordinance amending the City Code to rename "Planning and Code Enforcement" as the "Community Development Department" and to change the location for filing certain applications with the Community Development Department instead of the City Clerk.

**RECOMMENDATION/MOTION:** That an ordinance amending the City Code to rename "Planning and Code Enforcement" as the "Community Development Department" and to change the location for filing certain applications with the Community Development Department instead of the City Clerk be adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** 3. Grow the Local Economy

**STRATEGIC PLAN SIGNIFICANCE:** Objective e: Strong working relationship among the City, businesses, economic development organizations

**BACKGROUND:** The proposed ordinance serves two functions—updating the name of the Planning and Code Enforcement (PACE) Department as it appears throughout the entire City Code, and consolidating the receiving of land use applications pertaining to the Zoning Ordinance (Chapter 44) into a single location. This ordinance is the next step in the implementation of the City of Bloomington's One-Stop-Shop initiative, introduced by Council in March 2016.

The Planning and Code Enforcement (PACE) Department is responsible for administering the City's Code, specifically those chapters that pertain to quality of life (Chapters 24, 43, 44 and 45), public health (Chapters 22, and 44), safety (Chapters 10, 15, 34, 43), and welfare (Chapters 45, Chapter 43, Chapter 43.5). The Department hosts a number of divisions other than the Planning Division and the Code Enforcement Division, and is home to the newly created Downtown Development Division, as well as the Building Safety and Economic Development Divisions. The proposed name, "Community Development" encompasses the myriad responsibilities of the department and is familiar nomenclature within the development industry. Finally, the new name better reflects its commitment to improving community wellbeing.

The department, located in the Government Center at 115 E Washington St., also serves as a consolidated application portal for permits, building plan reviews, and variance applications. However, property owners are required to submit requests for zoning map amendments, text amendment, preliminary plans, site plan reviews and special use petitions at the City Clerk's Office, located in City Hall at 109 E. Olive St. After receiving a petition, the City Clerk drafts a newspaper notice for the hearing, and then distributes the applications to the Community Development Department and Engineering Divisions. The ordinance for Council consideration

would consolidate the location for receiving permit and land use applications into the Community Development Department, located at the Government Center. The Community Development Department would draft the newspaper notice. The process change promotes internal efficiency by reducing the extra level of processing conducted by the Clerk.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** On September 27, 2017, the Planning Commission held a public hearing for the text amendment to Chapter 44. The Community Development Department published notice of the public hearing on September 4, 2017 in *The Pantagraph.* No one spoke in favor of the amendment, and no one spoke against the amendment. The Planning Commission unanimously passed a recommendation in favor of the amendment by a vote of 8-0.

**FINANCIAL IMPACT:** Staff anticipates no change in financial impact with regard to renaming the Department. Consolidating applications should streamline the process for developers, and improve the city's appearance as a business friendly community. Additionally, the change promotes an efficient use of staff time.

**COMMUNITY DEVELOPMENT IMPACT:** Link to Comprehensive Plan:
ED-4 Enhance the image of Bloomington as a business friendly community.
ED4.5 Identify and reduce barriers for local growth and economic development.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION**: NA

Respectfully submitted for Council consideration.

| | |
|---|---|
| Prepared by: | Katie Simpson, City Planner |
| Reviewed by: | Tom Dabareiner, Community Development Director |
| Financial & budgetary review by: | Chris Tomerlin, Budget Analyst<br>Scott Rathbun, Sr. Budget Manager |
| Legal review by: | Jeffrey R. Jurgens, Corporation Counsel |

Recommended by:

David A. Hales
City Manager

**Attachments:**

- CD1B ORDINANCE Name Change
- CD1C ATTACH Name Change PC Staff Report 9.27.17

- CD1D ATTACH Name Change PC Meeting Minutes 9.27.17
- CD1E ATTACH Name Change Newspaper Notice

**ORDINANCE 2017 - ___**

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CITY OF BLOOMINGTON ZONING CODE AND CITY CODE TO RENAME THE PLANNING AND CODE ENFORCEMENT DEPARTMENT AS THE COMMUNITY DEVELOPMENT DEPARTMENT AND TO CHANGE THE LOCATION FOR FILING CERTAIN APPLICATIONS WITH THE COMMUNITY DEVELOPMENT DEPARTMENT INSTEAD OF THE CITY CLERK**

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

**SECTION 1.** That all references to "PACE" or "Planning and Code Enforcement" within the City Code shall be amended to read "Community Development", including specifically amending those sections as set forth on Exhibit A. All references to "PACE" or "Planning and Code Enforcement" within the City Code shall be amended to read "Community Development" regardless of whether identified on Exhibit A. The City's Manual of Practice shall also be updated to reflect the name change.

**SECTION 2.** The City of Bloomington is in the process of renaming the Planning and Code Enforcement Department (hereinafter "PACE") as the Community Development Department. PACE is referenced not only in the City Code, but also within the City's Zoning Code. After proper notice was given, a public hearing on a text amendment to the Zoning Code was held on September 27, 2017, to consider changing the references within the Zoning Code from PACE to Community Development. The Plan Commission recommended the text amendment be approved by a vote of 8 to 0.

**SECTION 3.** The newly named Community Development Department is better suited to accept and process the filing of certain applications, including applications for site plans, special uses, and zoning amendments. These applications were formally filed with the City Clerk and the City of Bloomington desires to amend its Zoning Code to provide such applications be filed and processed by the Community Development Department (formally known as Planning and Code Enforcement). After proper notice was given, a hearing on a text amendment to the Zoning Code was held on September 27, 2017, to consider changing the Department where such applications are filed and processed. After the public hearing, the Plan Commission recommended the text amendment be approved by a vote of 8 to 0.

**SECTION 4.** That all references to "PACE" or "Planning and Code Enforcement" within the Zoning Code of the City of Bloomington shall be amended to read "Community Development", including specifically amending those sections as set forth on Exhibit A. All references to "PACE" or "Planning and Code Enforcement" within the Zoning Code shall be amended to read "Community Development" regardless of whether identified on Exhibit A.

**SECTION 5.** That applications for site plans, special uses, and zoning amendments shall be filed with Community Development and those sections within the City Code referencing the City Clerk's office shall be amended to read Community Development as set forth on Exhibit B.

**SECTION 6.** That Chapter 10, Article I, Section 3 of the City Code shall be deleted in its entirety and replaced as follows:

> There is hereby established the office of Director of Community Development who shall be appointed by the City Manager as provided by law. Subject to the control of the City Manager,

the Community Development Director shall have control and supervision of all employees of the Community Development Department.

The Community Development Department shall include, among other divisions as may be created, a Code Enforcement Division and a Building Safety Division. The Head of the Building Safety Division shall also be known as the City Building Official.

**SECTION 7.** Except as provided herein, the Zoning Code, as amended, shall remain in full force and effect.

**SECTION 8.** 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 9.** The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

**SECTION 10.** This ordinance shall be effective immediately after the date of its publication as required by law.

**SECTION 11.** This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this ____ day of October, 2017.

APPROVED this ____ day of October, 2017.

APPROVED:

_____
Tari Renner
Mayor

ATTEST:

_____
Cherry Lawson
City Clerk

**EXHIBIT A**

1. Chap. 2, Article III, Section 29 Departments Enumerated (cover page) — Change PACE Department to Community Development
2. Chap. 2, Section 69 Department of Planning and Code Enforcement
   a. Section 69 Title — Change PACE to Community Development
   b. Section 69 (a) — Change PACE to Community Development
      Change PACE to Community Development
   c. Section 69 (b) — Change PACE to Community Development
   d. Section 69 (c) — Change PACE to Community Development
   e. Section 69 (d) — Change PACE to Community Development
      Change PACE to Community Development
3. Chapter 3, Section 2.2 Definitions-Administrator Change PACE Director to Community Development Director
4. Chapter 10 Building Code Cover Pages
   a. Title — Change PACE to Community Development
   b. Section 3 Line — Change PACE to Community Development
   c. Section 4 Line — Change PACE to Community Development
5. Chapter 10 Building Code Article 2 Authority Cover Page
   a. Title — Change PACE to Community Development
   b. Section 38 Line — Change PACE to Community Development
6. Chapter 15-20 (d) — Change PACE to Community Development
7. Chapter 21-800.11 Nuisance Abatement — Change PACE to Community Development
8. Chapter 24 Subdivision Regulations, Division 2, Section 2-6 Definitions
   a. Director of Planning and Code Enforcement — Change PACE to Community Development
   b. Zoning Administrator — Change PACE to Community Development
9. Chapter 24, Division III Review Procedure
   a. Section 3.1 Pre-Application Conference — Change PACE to Community Development
10. Chapter 24, Section 3.2-7 Preliminary Plan Distribution — Change PACE to Community Development
11. Chapter 24, Section 3.6-4 (c) (2) — Change PACE to Community Development
12. Manual of Practice for Design of Public Improvements, Section 1.02 Definitions
    a. Director of Planning and Code Enforcement — Change PACE to Community Development(page 1-3)
    b. Zoning Administrator — Change PACE to Community Development(page 1-7)
13. Chap. 34, Plumbing, Section 42, Surveys — Change PACE to Community Development
14. Chap. 34, Section 108 Plumbing Inspector — Change PACE to Community Development
15. Chap. 37.5 Adult Businesses
    a. Section 3.1.27 Definitions — Change PACE to Community Development
    b. Section 3.1.28 Reviewing Department — Change PACE to Community Development
    c. Section 5.1 Enforcement Officer — Change PACE to Community Development
    d. Section 5.1.C — Change PACE to Community Development
    e. Section 5.1.D — Change PACE to Community Development
    f. Section 5.1.F — Change PACE to Community Development
    g. Section 6.8.B — Change PACE to Community Development
    h. Section 6.8.C — Change PACE to Community Development
    i. Section 6.8.D — Change PACE to Community Development
    j. Section 6.8.E — Change PACE to Community Development

| | | |
|---|---|---|
| k. | Section 6.9 A | Change PACE to Community Development |
| l. | Section 6.9 B | Change PACE to Community Development |
| m. | Section 6.10 A | Change PACE to Community Development |
| n. | Section 11.1 | Change PACE to Community Development |
| o. | Section 11.3 A | Change PACE to Community Development |
| p. | Section 11.3 B | Change PACE to Community Development |
| q. | Section 11.3 C | Change PACE to Community Development |
| r. | Section 11.3 D | Change PACE to Community Development |

16. Chapter 43 Manufactured Home Parks

| | | |
|---|---|---|
| a. | Section 1.4 Definitions | Change PACE to Community Development |
| b. | Section 2.1 | Change PACE to Community Development |
| c. | Section 2.2 (c) (2) | Change PACE to Community Development |
| d. | Section 2.3 (a) (3) | Change PACE to Community Development |
| e. | Section 2.3 (b) | Change PACE to Community Development |
| f. | Section 2.41 (b) | Change PACE to Community Development |
| g. | Section 2.41 (d) (2) | Change PACE to Community Development |
| h. | Section 2.41 (f) | Change PACE to Community Development |
| i. | Section 2.5 | Change PACE to Community Development |
| j. | Section 2.6 (a) | Change PACE to Community Development |
| k. | Section 2.6 (b) | Change PACE to Community Development |
| l. | Section 3.2 | Change PACE to Community Development |
| m. | Section 3.4 (a) | Change PACE to Community Development |
| n. | Section 3.4 (b) | Change PACE to Community Development |
| o. | Section 3.4 (c) | Change PACE to Community Development |
| p. | Section 3.4 (d) | Change PACE to Community Development |
| q. | Section 3.4 (e) | Change PACE to Community Development |
| r. | Section 6.2 | Change PACE to Community Development |
| s. | Section 7.7 (c) | Change PACE to Community Development |
| t. | Section 17.1 (B) | Change PACE to Community Development |
| u. | Section 17.1 (c) | Change PACE to Community Development |
| v. | Section 19.0 | Change PACE to Community Development |

17. Chapter 45: Property Maintenance Code

| | | |
|---|---|---|
| a. | Section 45.2 Conflicting Provisions | Change PACE to Community Development |
| b. | Section 45.108.7 Notice to Buyers | Change PACE to Community Development |
| c. | Section 45.900.4 Registration | Change PACE to Community Development |
| d. | Section 45-900.4 (f) (7) | Change PACE to Community Development |
| e. | Section 45-900.4 (g) | Change PACE to Community Development |
| f. | Section 45-900.13Assessment of Penalties | Change PACE to Community Development |
| | | Change PACE to Community Development |
| g. | Section 45-900.15 (a) Enforcement | Change PACE to Community Development |
| h. | Section 45-1000.1 Property Maintenance Review Board | Change PACE to Community Development |
| i. | Section 45-1000.4 Secretary | Change PACE to Community Development |
| j. | Section 45-1000.5 Notice | Change PACE to Community Development |
| k. | Section 45-1100.4 (b) Definitions | Change PACE to Community Development |
| l. | Section 45-1100.5 (a) | Change PACE to Community Development |
| m. | Section 45.1100.5 (6) | Change PACE to Community Development |
| | | Change PACE to Community Development |
| n. | Section 45.1100.0 (a) | Change PACE to Community Development |
| o. | Section 45-1100.9 (b) | Change PACE to Community Development |
| p. | Section 45-1100.9 (c) | Change PACE to Community Development |
| q. | Section 45.1100.10 (d) | Change PACE to Community Development |
| r. | Section 45-1100.11 Change of Ownership | Change PACE to Community Development |
| s. | Section 5-1100.12 Removal of Buildings | Change PACE to Community Development |

18. Chapter 10 Building Code

1. Cover Page – Page 1, Article I
    a. Title — Change PACE to Community Development
    b. Section 3 — Change PACE to Community Development
    c. Section 4 — Change PACE to Community Development

2. Cover Page – Page 2, Article III, Division 2
    a. Title — Change PACE to Community Development
    b. Section 38 — Change PACE to Community Development

3. Chapter 10, Article I, Cover Page – Page 9
    a. Title — Change PACE to Community Development
    b. Section 1 — Change PACE to Community Development
    Change PACE to Community Development
    c. Section 2 (a) — Change PACE to Community Development
    d. Section 2 (b) — Delete in its entirety
    e. Section 2 (c) — Change PACE to Community Development
    f. Section 2 (d) — Change PACE to Community Development

4. Section 3 – Title — Change PACE to Community Development

5. Article II
    a. Section 4 (a) — Change PACE to Community Development
    Change PACE to Community Development
    b. Section 4 (b) — Change PACE to Community Development
    c. Section 4 (c) — Change PACE to Community Development
    d. Section 4 (d) — Change PACE to Community Development
    e. Section 5 (a) — Change PACE to Community Development
    f. Section 12 — Change PACE to Community Development

6. Article III
    a. Section 30 (a) (2) — Change PACE to Community Development
    b. Section 30 (a) (3) (f) — Change PACE to Community Development
    c. Section 30 (a) (3) (g) — Change PACE to Community Development
    d. Section 30 (a) (3) (i) — Change PACE to Community Development
    e. Section 31 — Change PACE to Community Development
    f. Division 2 Title — Change PACE to Community Development
    g. Section 36 — Change PACE to Community Development
    h. Section 37 — Change PACE to Community Development
    i. Section 38 — Change PACE to Community Development

7. Article IV
    a. Section 103.1 — Change PACE to Community Development
    b. Section 103.1 — Delete "…and the Executive Official in charge thereof shall be known as the Code Official and/or Building Official"
    c. Section 105.8 (b) (4) — Change PACE to Community Development
    d. Section 105.9 — Change PACE to Community Development
    e. Section 105.10.3 — Change PACE to Community Development
    f. Section 105.10.4 (1) — Change PACE to Community Development
    Change PACE to Community Development
    g. Section 105.10.5 (1) — Change PACE to Community Development
    h. Section 105.10.5 (2) — Change PACE to Community Development
    i. Section 108.5 — Change PACE to Community Development
    j. Section 108.7 (c) (2) — Change PACE to Community Development

8. Article V
    a. Section R313.3 (c) — Change PACE to Community Development

b. Signature Page — Change PACE to Community Development
c. Section 112.4

9. Article VI — Previously Repealed

10. Article VII
    a. Section 109.2 — Change PACE to Community Development

11. Section VIII — No Changes
12. Section IX — No Changes
13. Section X — No Changes
14. Section XI — No Changes
15. Section XII — No Changes
    a. Section 300 — Change PACE to Community Development
16. Section XIII
    a. Section 3 — Change PACE to Community Development
    b. Section 4.2 — Change PACE to Community Development

19. Chapter 44 Zoning Ordinance

1. Section 44.3-2 — Change PACE Department to Community Development
2. Section 44.4-4(A) — Change PACE Department to Community Development
3. Section 44.4-4(E)(1) — Change PACE Department to Community Development
4. Section 44.4-4(F)(1)(d) — Change PACE Department to Community Development
5. Section 44.4-4(F)(2)(c)(3) & (13) — Change PACE Department to Community Development
6. Section 44.4-4(F)(4) — Change PACE Department to Community Development
7. Section 44.4-5(A)(3) — Change PACE Department to Community Development
8. Section 44.4-7(C)(1)(b) and (c) — Change PACE Department to Community Development
9. Section 44.4-7(C)(3)(b) — Change PACE Department to Community Development
10. Section 44.5-2 — Change PACE Department to Community Development
11. Section 44.5-2(A)(10) — Change PACE Department to Community Development
12. Section 44.6-15(D) — Change PACE Department to Community Development
13. Section 44.7-2(C)(3)(b)(2) — Change PACE Department to Community Development
14. Section 44.7-2(G)(1)(c) — Change PACE Department to Community Development
15. Section 44.7-2(G)(2)(b)(3) — Change PACE Department to Community Development
16. Section 44.7-2(G)(3)(b) — Change PACE Department to Community Development
17. Section 44.7-2(G)(4)(c) — Change PACE Department to Community Development
18. Section 44.7-2(G)(4)(d)(3) — Change PACE Department to Community Development
19. Section 44.7-2(G)(4)(g) — Change PACE Department to Community Development
20. Section 44.7-2(G)(4)(h) — Change PACE Department to Community Development
21. Section 44.8-3(B) — Change PACE Department to Community Development
22. Section 44.10-4
    a. Community Reception Establishment — Change PACE Department to Community Development
    b. Mini-Warehouse — Change PACE Department to Community Development
    c. Race Tracks, Go-Carts — Change PACE Department to Community Development
    d. Telecommunication Antenna Facilities — Change PACE Department to Community Development
23. Section 44.11-1(D) — Change PACE Department to Community Development
24. Section 44.11-3 — Change PACE Department to Community Development

25. Section 44.11(E)(13) Change PACE Department to Community Development
26. Section 44.11-2(J) Change PACE Department to Community Development
27. Section 44.11-5(A) Change PACE Department to Community Development
28. Section 44.11-5(B) Change PACE Department to Community Development
29. Section 44.12-6(B) Change PACE Department to Community Development
30. Section 44.13-1(A) Change PACE Department to Community Development
31. Section 44.13-1(B) Change PACE Department to Community Development
32. Section 44.13-1(C)(1) Change PACE Department to Community Development
33. Section 44.13-1(C)(2) Change PACE Department to Community Development
34. Section 44.13-1(C)(4) Change PACE Department to Community Development
35. Section 44.13-1(D) Change PACE Department to Community Development
36. Section 44.13-1(E)(2)(a) Change PACE Department to Community Development
37. Section 44.13-1(E)(3)(b)(2)(b) Change PACE Department to Community Development
38. Section 44.13-3(A) Change PACE Department to Community Development
39. Section 44.13-3(B) Change PACE Department to Community Development
40. Section 44.13-3(C) Change PACE Department to Community Development
41. Section 44.13-3(E) Change PACE Department to Community Development
42. Section 44.13-4(C)(1) Change PACE Department to Community Development
43. Section 44.13-4(F)(1) Change PACE Department to Community Development
44. Section 44.13-5(A) Change PACE Department to Community Development

*Note the term “PACE” as used on this Exhibit is used as the abbreviation for Planning and Code Enforcement.

**EXHIBIT B**

| | |
|---|---|
| 1. Section 44.8-2 | Change City Clerk to Community Development Department |
| 2. Section 44.10-3 | Change City Clerk to Community Development Department |
| 3. Section 44.13-2(C) | Change City Clerk to Community Development Department |
| 4. Section 44.13-1(A)(10) | Change City Clerk to Community Development Department |
| 5. Section 44.13-6 | Change City Clerk to Community Development Department |

**CITY OF BLOOMINGTON**
**REPORT FOR THE PLANNING COMMISSION**
**September 13, 2017**

| CASE NUMBER: | SUBJECT: | TYPE: | SUBMITTED BY: |
|---|---|---|---|
| Z-27-17 | Change the name of PACE Department to the Community Development Department | Text Amend | Tom Dabareiner AICP Community Development Director |
| **PETITIONER'S REQUEST:** | City requests formally changing the name of the Department of Planning and Code Enforcement (PACE) to the Department of Community Development (CD). | | |
| | | | |
| *Staff finds that the language and procedures herein described meets the requirements of Chapter 44 for a text amendment.* | | | |

| STAFF RECOMMENDATION: Approval |
|---|
| Staff recommends the Planning Commission pass text amendment as indicated in the draft attached. |

**NOTICE**
The application has been filed in conformance with applicable procedural requirements and public notice was published in *The Pantagraph* on September 4, 2017.

**GENERAL INFORMATION**
Applicant: City of Bloomington

**Analysis**
The City's Legal Department has drafted an ordinance for consideration by the Planning Commission. The draft ordinance has two functions, to change the name of the department to Community Development and move the location for several planning and zoning related applications from the City Clerk's office to Community Development.

The primary purposes for the **department name change** are to:
1. reduce confusion when outside entities visit the City and its website seeking information,
2. provide consistency with other cities nationwide, and
3. enhance transparency.

The Department of Planning and Code Enforcement includes multiple divisions, including Planning, Code Enforcement, Building Safety and Economic Development—far in excess of what the name implies. The department also includes a CDBG grants program, rental inspections, and the City's fire inspection and review services. The Downtown Bloomington Association will soon join the department as a division. Most of these functions are not represented by the department name.

The vast majority of city departments with this range of functionality are called Community Development Departments. Other names are city development departments or development services departments, when they include development engineering review services.

While some initial confusion is anticipated locally, the broader name more accurately describes for most the majority of the activities found inside the Department.

Consolidating the **application locations** into one for planning and zoning items will:

1. reduce confusion for those who assume a planning or zoning application should occur where the planners are located,
2. eliminate the multi-block "application jog" for petitioners with more complex petitions, and
3. improve elements of the one-stop-shop process.

Today, applications for special uses, site plan reviews, and text and district amendments must first be filed with the City Clerk's office. Annexations, PUDs, preliminary and expedited plats are also filed with the Clerk's office first, although these are listed outside of Chapter 44. Their sole duty is to send these applications to PACE for action. Historic preservation determinations, variations and appeals are filed with PACE. If your application includes a special use and a variation, the applicant must visit two separate locations in the City situated a couple blocks from each other plus extra floors. Even City staff needs to look this up when an applicant arrives at the door.

Also, the City has begun establishing a one-stop-shop process in an attempt to provide applicants with a single point of contact for their development project, whether large or small. There are many steps left before this is fully functional, but one key step is consolidating the application points.

The Planning Commission must consider and recommend all text amendments within Chapter 44 Zoning Code (see attachment). The City Council will consider a much fuller set of name change amendments, as the Department is referred to as PACE throughout the entire Municipal Code. However, the Planning Commission's action on this request will help set the tone for Council's action next month.

*Link to Comprehensive Plan:*
One of the Special Purposes (see next section) provided in Chapter 44 is "to promote the Comprehensive Plan adopted by the City of Bloomington, Illinois and coordinate said Plan with land use plans adopted by other governmental entities." Given the breadth of the Comprehensive Plan, the Divisions within with Department, especially the Planning Division, carry out this important task.

**FINDINGS OF FACT**
The Zoning Ordinance has Section 44.13-2: *Amendments of Regulations and Districts* and by states, *"The Planning Commission shall give notice and hold a legislative public hearing on each application for a zoning ordinance district or zoning text amendment in the manner*

*provided by Section 44.13-1 F.3. of this code."* Also, in 44.13-2 C.3., *"[i]n making its recommendation, the Planning Commission shall be guided by those purposes for which this Code was adopted and shall endeavor to accomplish those standards and objectives for which this Code was adopted and shall endeavor to accomplish those standards and objectives for which this Code is designed and shall not recommend the adoption of an amendment unless it finds that such is in the public interest and not solely for the benefit of the applicant. In making such a finding, the Commission may consider: "*

(i) The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of this Code as set forth in Division 2 herein.

The guidance provided in (a) through (h) all specifically address land use and properties and offer no guidance. Division 2 is the Purpose and Intent section of the Zoning Code with its general language provided below:

Section 44.2-1 offers: *It is the general purpose and intent of this Code to foster the use and development of land in an orderly manner by both private and public interests with consideration being given to the City's social, environmental, economic and physical development goals and objectives. It is further recognized that the City needs to regulate and manage land use in order to implement sound comprehensive planning policies, and to protect individual landowners and general neighborhoods from incompatible and detrimental land uses. Therefore, the establishment of zoning districts and the regulations pertaining thereto as provided in this Code are declared to be essential to the public interest and is expressly found to be a matter pertaining to the City's government and affairs.*

Section 44.2-3 offers a list of specific purposes, which describe the functions of the Planning Division with the PACE Department:

*A. To provide for the orderly and functional arrangement of land uses and buildings;*

*B. To establish standards for the orderly development or redevelopment of geographic areas within the City;*

*C. To facilitate the adequate and economical provision of transportation, water, sewage disposal, storm water drainage, schools, parks and other public facilities;*

*D. To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;*

*E. To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington;*

*F. To secure for the public, locations for housing, employment, shopping, education and recreation that are adequate in terms of health, safety, convenience and number;*

*G. To conserve and protect the taxable value of land and buildings;*

*H. To preserve the integrity of neighborhoods in the community;*

*I. To protect the air, water and land resources within the City from the hazards of pollution and misuse;*

*J. To protect land and structures from natural hazards including flooding and erosion;*

*K. To preserve and protect historic locations, structures and groups of structures;*

*L. To preserve and protect and encourage the development of buildings, groups of buildings and neighborhoods of distinctive architectural character and appearance; and*

*M. To promote the Comprehensive Plan adopted by the City of Bloomington, Illinois and coordinate said Plan with land use plans adopted by other governmental entities.*

Staff believes changing the department's name to Community Development is consistent with and does not contradict the Purpose and Intent section of Chapter 44 Zoning Code, as well as the Specific Purposes found in Division 2. Indeed, the name change provides a more recognizable identity and format for these planning division functions.

Finally, "Community Development" implies a broader functionality than found within planning departments alone, which is in step with the one-stop-stop efforts underway with the Department. Changing the location for filing planning and zoning related applications from the Clerk's office to Community Development supports that effort.

**STAFF RECOMMENDATION:**
Staff recommends the Planning Commission pass a motion in support of the draft ordinance approving a text amendment to the City of Bloomington Zoning Code to rename the Planning and Code Enforcement Department as the Community Development Department and to change the location for filing certain applications with the Community Development Department instead of the City Clerk.

Respectfully submitted,

Tom Dabareiner AICP
Community Development Director

Attachments:
- Draft Ordinance

**DRAFT**
**MINUTES**
**BLOOMINGTON PLANNING COMMISSION**
**REGULAR MEETING**
**WEDNESDAY, SEPTEMBER 27, 2017 4:00 P.M.**
**COUNCIL CHAMBERS, CITY HALL**
**109 EAST OLIVE STREET**
**BLOOMINGTON, ILLINOIS**

**REGULAR AGENDA:**

**Z-27-17 Text Amendment Public hearing, review, and action on petition submitted by the City of Bloomington requesting a text amendment to City of Bloomington Zoning Code, to rename the Planning and Code Enforcement Department as the Community Development Department and to change the location for filing certain applications with the Community Development Department instead of the City Clerk.**

Chairman Boyd introduced the case. Mr. Dabareiner provided the staff report. He explained the Planning, Code Enforcement, and Building Safety functions were combined into one department. The Community Development name is more common across the state for this type of division and consistent with what developers are familiar with. He explained the name change will happen throughout the entire code and the Planning Commission is being asked to review changes specific to Chapter 44, the Zoning Ordinance. He noted Council will review the changes for the 45 chapters of the City Code. Mr. Dabareiner described consolidating the land use applications into one location is an effort to provide better customer service and move the City closer to the one-stop-shop initiative.

Mr. Balmer asked if this amendment would impact the boards. Mr. Dabareiner clarified the amendment does not address combining the Zoning Board and Planning Commission. Mr. Pearson asked if the change would impact the procedures for submitting building plans to the Community Development Department. Mr. Dabareiner stated developers will not have to submit land use plans to the City Clerk. Mr. Boyle stated the advantages of consolidating the application locations will allow for easier communication between those receiving the applications and those processing them.

Mr. Protzman motioned to approve case Z-27-17. Mr. Balmer seconded the motion. The motion was approved by the Planning Commission by a vote of 8-0, with the following votes cast: Mr. Protzman—yes, Mr. Balmer—yes, Mr. Stanczak—yes, Mr. Pearson—yes, Mr. Suess—yes, Ms. Headean—yes, Mr. Penn—yes, Chairman Boyd—yes.

20906723
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
PLANNING COMMISSION
SEPTEMBER 27, 2017

Notice is hereby given that the Planning Commission of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, September 27, 2017 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois, petitions submitted by the City of Bloomington requesting a text amendment to City of Bloomington Zoning Code, Chapter 44 of the City Code, to rename the Planning and Code Enforcement Department as the Community Development Department and to change the location for filing certain applications with the Community Development Department instead of the City Clerk.

All interested persons may present their views upon such matters pertaining thereto at the meeting.

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, preferably no later than five days before the hearing.

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

Published: Monday, September 4, 2017

Find a great new job! Log on to pantagraph.com/jobs. Search jobs. Post a resume. Learn how to interview. Over 250 jobs
Pantagraph.com

20906719
CITY OF BLOOMINGTON
PUBLIC HEARING NOTICE
Planning Commission
September 27, 2017

Notice is hereby given that the Planning Commission of the City of Bloomington, Illinois, will hold a public hearing scheduled for Wednesday, September 27, 2017 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois to make recommendations pertaining to the approval of a Brick Streets Master Plan for the City of Bloomington.

All interested persons may present their views upon such matters pertaining thereto. Said Petitions and all accompanying documents are on file and available for public inspection in the Office of the City Clerk at 109 E. Olive St., Bloomington, IL.

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, preferably no later than five days before the hearing. The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, by telephone at 309-434-2240, or email cityclerk@cityblm.org The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

**REGULAR AGENDA ITEM NO. 8D**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Discussion and Possible Action on an Ordinance Amending the City Code to Adopt Procedures on City Council Expenses and Reimbursements.

**RECOMMENDATION/MOTION:** That an Ordinance Amending the City Code to Adopt Procedures on City Council Expenses and Reimbursements be approved and the Mayor and City Clerk be authorized to sign the ordinance.

**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:** Alderman David Sage submitted an Agenda Request Form to bring forward reimbursement procedures for the elected officials of the City. A sample ordinance was discussed at a work session of the City Council on October 9, 2017, at which time there was a consensus to bring the ordinance forward for formal consideration.

Since the work session, only minor changes have been made to the ordinance, including: (1) parentheticals that provided examples have been removed; (2) since the City utilizes the accountable plan method of reimbursements, the reference was removed to the IRS per diem limit on meals associated with travel outside of the community; (3) references were changed to reflect these are now procedures set forth within the City Code as opposed to a policy of the City; and (4) for any gifts given on behalf of the City, language was added to also require the approval of the City Manager.

**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: Jeffrey R. Jurgens, Corporation Counsel

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Scott Rathbun, Sr. Budget Manager

Recommended by:

David A. Hales
City Manager

**Attachments:**

- An Ordinance Amending the City Code to Adopt Procedures on City Council Expenses and Reimbursements

**ORDINANCE NO. 2017-____**

**AN ORDINANCE AMENDING THE CITY CODE TO ADOPT PROCEDURES ON CITY COUNCIL EXPENSES AND REIMBURSEMENTS**

**WHEREAS,** the City of Bloomington, McLean County, Illinois (hereinafter "City") is an Illinois home-rule municipality; and

**WHEREAS,** the City of Bloomington believes stewardship over the use of its limited public resources must be a priority and taken seriously; and

**WHEREAS,** public resources should only be used when there is a substantial benefit to the City of Bloomington; and

**WHEREAS,** the City Council desires to enact procedures for the reimbursement of expenses for the City's elected officials, to govern the use and expenditure of City resources, as well as the standards against which those expenditures will be measured; and

**WHEREAS,** generally recognized reimbursable expenditures for the City's elected officials include the opportunity to discuss the City's concerns with other local, state and federal officials, business leaders and developers; participating in local, regional, state and national organizations whose activities affect the City; and attending educational seminars designed to improve the elected officials' skills and information levels; and

**WHEREAS,** within the confines and as permissible by the procedures adopted by this Ordinance, the City Council recognizes that: (1) local, legislative and other regional, state and federal agency business is frequently conducted over meals; and (2) sharing a meal to discuss City business is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City's policy concerns; and

**WHEREAS,** within the confines and as permissible by the procedures adopted by this Ordinance, the City Council encourages the participation of its elected officials in educational conferences and meetings that can improve the governance of the City; and

**WHEREAS,** to ensure there are clear guidelines on reimbursable expenses for City elected officials, the City desires to adopt the procedures outlined in this Ordinance to give direction both to the City's elected officials and City staff and to ensure that City funds are properly safeguarded.

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

**Section 1.** The above recitals are incorporated into this Section 1 as if fully stated herein.

**Section 2.** That a new Article VI shall be added to Chapter to of the City Code as set forth in Exhibit A.

**Section 3.** In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City prior to the effective date of this ordinance.

**Section 5.** This Ordinance shall be in full force and effect immediately after its passage and approval.

ADOPTED this _____ day of October, 2017
APPROVED this _____ day of October, 2017

APPROVED

_____
Mayor

ATTEST:

_____
City Clerk

## EXHIBIT A

**Article VI: City Elected Officials Expenses and Reimbursements**
**Section 86: City Official Expense and Reimbursement Procedures**

(a) Purpose. The City Elected Official Expense and Reimbursement Procedures, as outlined in this Section 86, are hereby created to provide guidelines for the appropriate use of, and accountability for, the expenditure of City taxpayer dollars while conducting official business on behalf of the City of Bloomington. These procedures encourage effective administration and provide internal controls over reimbursements of business expenses by City Elected Officials. It is the policy of the City to reimburse City Elected Officials for reasonable and necessary expenses incurred while engaging in authorized official City business.

(b) Applicability. These procedures are applicable to the City's Elected Officials of the City of Bloomington.

(c) Oversight. The City Manager and Finance Director are responsible for enforcing the City Elected Official Expense & Reimbursement Procedures, including:

1. Requiring the establishment and maintenance of records accounting for funds reimbursed;
2. Establishing appropriate forms for expense reimbursement requests, including the Elected Official Travel Pre-Approval Form, Meal Reimbursement Request Form, and General Reimbursement Request Form;
3. Performing periodic audits of expense reimbursements; and
4. Making final determinations as to whether an expense is subject to reimbursement.

(d) Allowable Expenses Subject to City Reimbursement. An allowable expense is defined as "an activity that will serve as a benefit to the City as a body, and at the same time is directly related to the functions of government". Expenses must be for legitimate City governance purposes. Expenses that are not approved or are inadequately documented will not be reimbursed. If the expense involves airline travel and/or a hotel stay, the City's Elected Official Travel Pre-Approval Form must be completed and approved by the City Manager prior to the event and such travel is subject to the City's general Travel Policy.

As long as the other requirements of this Section 86 are met, all forms as may be prescribed are completed, any necessary pre-approvals are granted, and the City has budgeted for the expense, the following shall be allowable expenses subject to reimbursement by the City:

1. Hotel Stays. Hotel stays, when attending, in the capacity of a City elected official, a meeting, seminar or conference, at a location no closer than 90 miles from City Hall. The City Manager shall have the discretion to waive the 90 miles restriction in cases of emergency or extenuating circumstances related to the timing of the meeting and/or travel conditions.

2. Meals. The following meals may be reimbursed: (1) meals associated with City business when the business meal is with one or more representatives of another local, state or national government agency, who is meeting in their official capacity for that unit of government, to discuss a policy position of the City that involves the other local, state or national government agency; (2) meals associated with City business when the business meal is with a developer, business owner, or representative of a community organization where the primary purpose is to discuss a City initiative or proposal involving the City and the other party to the meal; and (3) meals while attending, in the official capacity of a City elected official, a conference, seminar or meeting located outside of Bloomington-Normal. Gratuities are limited to a maximum of 20% of the total bill. Unless other criteria are met, meals with other City Elected Officials to discuss City business shall not be subject to reimbursement. The meals of those dining with the elected official shall not be subject to reimbursement by the City.

3. Mileage. Mileage will be reimbursed for elected officials attending, in their capacity of a City elected official, offsite training, seminars, meetings, or other official City business as authorized at the IRS mileage reimbursement rate. However, no reimbursement shall be provided for attendance at City meetings, including City Council, Committee-of-the-Whole, Plan Commission/ZBA, and other official meetings of the City.

4. Parking. Parking will be reimbursed for elected officials attending offsite training, seminars, meetings or other official City business as authorized, provided original receipts are submitted. However, no reimbursement shall be provided for attendance at City meetings, including City Council, Committee-of-the-Whole, Plan Commission/ZBA, and other official meetings of the City that are located at City Hall.

5. General Transportation Costs. Transportation and tolls will be reimbursed for elected officials attending offsite training, seminars, meetings, or other official City business as authorized, provided receipts, cancelled tickets, ticket stubs, or other proof of the incurred expense are submitted. Transportation may include, but is not limited: public transportation, ride sharing services and taxi cabs. However, no reimbursement shall be provided for attendance at City meetings, including City Council, Committee-of-the-Whole, Plan Commission/ZBA, and other official meetings of the City.

6. Materials. Educational materials, including books and training materials, related to official capacity of the City elected official, up to $100 per year.

7. Seminar Costs. Registration fees associated with attending conferences and seminars related to the roles and functions of the elected official and/or the City.

8. Community Luncheons. Registration and/or fees associated with attending luncheons or dinners sponsored by community, business and/or economic

development groups, where the City elected official attends as a representative of the City.

The reimbursement of any expenditures of a type other than those described above require approval of the City Council.

(e) Prohibited Expenditure Reimbursements. The following shall be considered expenditures that are prohibited from being reimbursed:

1. Political contributions;
2. Personal (non-City business) meals, travel or entertainment;
3. Personal items or gifts unless given in an official capacity and as approved by the City Manager;
4. Alcoholic beverages (except for special events where that cost is included in the ticket price);
5. Home expenses, including home telephone or internet services;
6. Traffic citations, parking fines or penalties;
7. Refreshments/supplies for non-business related special events;
8. Golf outings where the registration fee is designed to raise money for a not-for-profit organization;
9. Family expenses, including partner's expenses, when accompanying the City elected official on City-related business, unless said person is likewise acting in an official capacity on behalf of the City at the request of the City and as approved by the City Manager or City Council; and
10. Unsubstantiated expenses.

(f) Expense Reimbursement Procedures. As soon as possible, but at all times, no later than forty-five (45) days following the conclusion of the event, or the incurring of the expense, the City Elected Official must submit to the Finance Director, an Expense Report form detailing the expenses incurred. The request shall be on a form prescribed by the Finance Department and must include, at a minimum, the following information:

1. Proof of payment
2. If the expense is for travel, including specifically for any hotel stay and/or airfare, an approved travel expense report must accompany the submission, along with the appropriate receipt information.
3. For meals, a full receipt (including itemized details of what was ordered), the names of those in attendance, including their title and interest, and the business purpose of the meal.
4. For all other expenses, receipts must be submitted, with a detailed description of the business purpose for the expense.
5. The City Manager and Finance Director must sign off on all Expense Reimbursement requests prior to the reimbursement being made.

(g) City Issued Credit Cards. No City Elected Official shall be given or have access to a City issued credit card (a/k/a P-Card). However, nothing herein shall prohibit an elected official from

requesting that the City Manager, or his or her designee, place a purchase on a City P-Card and such may be done so long as it an allowable expense and any necessary pre-approval forms have been completed and approved if the purchase is for a hotel or airfare.

(h) City Catered Meals. From time-to-time, the City will host a meal or provide food as part of a City meeting with community leaders, business leaders, developers or staff. Nothing herein shall prohibit a City elected official from participating in such a meal or meeting. The City shall not, however, provide food prior to or during City Council meetings without a separately related purpose or limited situations where the food is provided as part of the meeting.

(i) Procedure and Reimbursement Questions. Any question from an elected official, the City Manager or Finance Director related to the procedures outlined in this Section 86 or a reimbursement shall be submitted in writing to the Corporation Counsel. Within 7 days of submission of the question, the Corporation Counsel shall submit a written response to the question with a copy to the City Manager, Finance Director and City Council.

**REGULAR AGENDA ITEM NO. 8E**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Discussion and Possible Action on an Ordinance Amending the City Code to Clarify Provisions on Public Comment

**RECOMMENDATION/MOTION:** That an Ordinance Amending the City Code to Clarify Provisions on Public Comment be approved and the Mayor and City Clerk be authorized to sign the ordinance.

**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 City Council undertook an overhaul of its public comment procedures in 2015. Since that time, the Council has ceased using a single email address to reach all of the elected officials of the City. In addition, questions have arisen whether individuals may use City equipment (e.g., City computers and the City's projection system to show PowerPoint presentations) during their public comment.

To update and clarify the rules for public comment, City staff is recommending a few minor changes to the City Code. In addition to removing the reference to the joint City Council email address, a provision has also been recommended that prohibits someone giving public comment from utilizing City owned equipment. This ensures that no City owned equipment inadvertently gets infected with a virus or is otherwise damaged.

**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: Jeffrey R. Jurgens, Corporation Counsel

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Scott Rathbun, Sr. Budget Manager

Recommended by:

David A. Hales
City Manager

**Attachments:**

- An Ordinance Amending the City Code to Clarify Provisions on Public Comment

**ORDINANCE NO. 2017-____**

**AN ORDINANCE AMENDING THE CITY CODE TO CLARIFY PROVISIONS ON PUBLIC COMMENT**

**WHEREAS,** the City of Bloomington, McLean County, Illinois (hereinafter "City") is an Illinois home-rule municipality; and

**WHEREAS,** the City Council has adopted procedures on public comment and minor amendments are necessary to provide clarity and make necessary updates; and

**WHEREAS,** to ensure there are clear guidelines on reimbursable expenses for City elected officials, the City desires to adopt the procedures outlined in this Ordinance to give direction both to the City's elected officials and City staff and to ensure that City funds are properly safeguarded.

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

**Section 1.** The above recitals are incorporated into this Section 1 as if fully stated herein.

**Section 2.** That Chapter 2, Section 85(d) and (i) shall be amended as follows:

(d) Comments are limited to three (3) minutes per speaker. A speaker cannot give his or her allotted minutes to another speaker to increase that person's allotted time. Individuals providing public comment shall do so from the designated podium and the use of City equipment, beyond the podium and microphone, during public comment is prohibited.

(i) In addition to speaking at a meeting of the City Council, written comments may also be submitted to the City Council by filing same with the City Clerk at least 24 hours prior to the start time of the meeting. Said written comments shall be copied and distributed to each member of the City Council by the City Clerk prior to the start of the meeting and made part of the official record of the meeting. Outside of written comments directed for a specific meeting, written comments may otherwise be shared with the City Council at any time by sending ~~an~~ e-mail correspondence to the ~~entire City Council at citycouncil@cityblm.org or to~~ individual council members at the email addresses listed on the City's website. Those without e-mail capability may submit written comments to the City Clerk's office which comments will be provided to the City Council as a whole or individual council member, as directed. Any written comments provided to the City Council as a whole will be made part of the public record. The City Clerk may establish written rules to govern the written comment process and recording of same, which may include the creation of a special email address for the submission of said comments and a public disclaimer that said comments shall be part of the official record. Nothing herein shall require the City Clerk to copy documents or

records and provide them to City Council, only the written comments of an individual.

**Section 3.** In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City prior to the effective date of this ordinance.

**Section 5.** This Ordinance shall be in full force and effect immediately after its passage and approval.

ADOPTED this _____ day of October, 2017
APPROVED this _____ day of October, 2017

APPROVED

_____
Mayor

ATTEST:

_____
City Clerk

**ADDENDUM**

# CITY COUNCIL MEETING AGENDA
# CITY COUNCIL CHAMBERS
# 109 E. OLIVE STREET, BLOOMINGTON, IL 61701
# MONDAY, OCTOBER 23, 2017; 7:00 P.M.

## 8. "Regular Agenda"

*Revised Ordinance*

E. Discussion and action on an Ordinance Amending the City Code to Clarify Provisions on Public Comment. *(Recommend an Ordinance Amending the City Code to Clarify Provisions on Public Comment be approved and the Mayor and City Clerk be authorized to sign the ordinance. (Presentation by Jeffrey Jurgens, Corporation Counsel 5 minutes, Council discussion 10 minutes.)*

---

**NOTE:** Action may be taken by the City Council on the agenda's action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

**REGULAR AGENDA ITEM NO. 8E**

FOR COUNCIL: October 23, 2017

**SUBJECT:** Discussion and Possible Action on an Ordinance Amending the City Code to Clarify Provisions on Public Comment

**RECOMMENDATION/MOTION:** That an Ordinance Amending the City Code to Clarify Provisions on Public Comment be approved and the Mayor and City Clerk be authorized to sign the ordinance.

**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 City Council undertook an overhaul of its public comment procedures in 2015. Since that time, the Council has ceased using a single email address to reach all of the elected officials of the City. In addition, questions have arisen whether individuals may use City equipment (e.g., City computers and the City's projection system to show PowerPoint presentations) during their public comment.

To update and clarify the rules for public comment, City staff is recommending a few minor changes to the City Code. In addition to removing the reference to the joint City Council email address, a provision has also been recommended that prohibits someone giving public comment from utilizing City owned equipment. This ensures that no City owned equipment inadvertently gets infected with a virus or is otherwise damaged.

**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: Jeffrey R. Jurgens, Corporation Counsel

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Scott Rathbun, Sr. Budget Manager

Recommended by:

David A. Hales
City Manager

**Attachments:**

- An Ordinance Amending the City Code to Clarify Provisions on Public Comment

**REVISED**

**ORDINANCE NO. 2017-____**

**AN ORDINANCE AMENDING THE CITY CODE TO CLARIFY PROVISIONS ON PUBLIC COMMENT**

**WHEREAS,** the City of Bloomington, McLean County, Illinois (hereinafter "City") is an Illinois home-rule municipality; and

**WHEREAS,** the City Council has adopted procedures on public comment and minor amendments are necessary to provide clarity and make necessary updates; and

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

**Section 1.** The above recitals are incorporated into this Section 1 as if fully stated herein.

**Section 2.** That Chapter 2, Section 85(d) and (i) shall be amended as follows:

(d) Comments are limited to three (3) minutes per speaker. A speaker cannot give his or her allotted minutes to another speaker to increase that person's allotted time. Individuals providing public comment shall do so from the designated podium and the use of City equipment, beyond the podium and microphone, during public comment is prohibited.

(i) In addition to speaking at a meeting of the City Council, written comments may also be submitted to the City Council by filing same with the City Clerk at least 24 hours prior to the start time of the meeting. Said written comments shall be copied and distributed to each member of the City Council by the City Clerk prior to the start of the meeting and made part of the official record of the meeting. Outside of written comments directed for a specific meeting, written comments may otherwise be shared with the City Council at any time by sending ~~an~~ e-mail correspondence to the ~~entire City Council at citycouncil@cityblm.org or to~~ individual council members at the email addresses listed on the City's website. Those without e-mail capability may submit written comments to the City Clerk's office which comments will be provided to the City Council as a whole or individual council member, as directed. Any written comments provided to the City Council as a whole will be made part of the public record. The City Clerk may establish written rules to govern the written comment process and recording of same, which may include the creation of a special email address for the submission of said comments and a public disclaimer that said comments shall be part of the official record. Nothing herein shall require the City Clerk to copy documents or records and provide them to City Council, only the written comments of an individual.

**Section 3.** In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City prior to the effective date of this ordinance.

**Section 5.** This Ordinance shall be in full force and effect immediately after its passage and approval.

ADOPTED this _____ day of October, 2017
APPROVED this _____ day of October, 2017

APPROVED

_____
Mayor

ATTEST:

_____
City Clerk