



**CITY OF
BLOOMINGTON
COUNCIL MEETING
SEPTEMBER 14, 2020**



COMPONENTS OF THE COUNCIL AGENDA

RECOGNITION AND PROCLAMATION

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

PUBLIC COMMENT

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

CONSENT AGENDA

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

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

PUBLIC HEARING

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

REGULAR AGENDA

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

MAYOR AND COUNCIL MEMBERS

Mayor, At-Large - Tari Renner

City Council Members

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

City Manager - Tim Gleason

Deputy City Manager - Billy Tyus

CITY LOGO DESIGN RATIONALE

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

MISSION, VISION, AND VALUE STATEMENT

MISSION

To Lead, Serve and Uplift the
City of Bloomington

VISION

A Jewel of the Midwest Cities

VALUES

Service-Centered,
Results-Driven,
Inclusive

STRATEGIC PLAN GOALS

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

AGENDA



REGULAR SESSION CITY COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
109 EAST OLIVE STREET, BLOOMINGTON, IL 61701
MONDAY, SEPTEMBER 14, 2020, 6:00 P.M.

THIS MEETING WILL BE HELD VIRTUALLY. LIVE STREAM AVAILABLE AT:
www.cityblm.org/live

Prior to 15 minutes before the start of the meeting, 1) those persons wishing to provide public comment or testify at the meeting must register at www.cityblm.org/register, and/or 2) those persons wishing to provide written comment must email their comments to publiccomment@cityblm.org.

Members of the public may also attend the meeting at City Hall. Attendance will be limited to the lesser of 50 persons or 50% of room capacity and will require compliance with City Hall COVID-19 protocols and social distancing.

The rules for participation and attendance may be subject to change due to changes in law or to executive orders relating to the COVID-19 pandemic occurring after the publication of this agenda. Changes will be posted at www.cityblm.org/register.

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Remain Standing for a Moment of Silent Prayer
4. Roll Call
5. COVID-19 Update by City Manager
6. Recognition/Appointments
7. Public Comment

This meeting is being held virtually via live stream. Public comment will be accepted up until 15 minutes before the start of the meeting. Written public comment must be emailed to publiccomment@cityblm.org and those wishing to speak Live must register at <https://www.cityblm.org/register>.

8. Consent Agenda

Electronic Roll Call Vote

- A. Consideration and action to approve the Minutes of the July 27, 2020 Regular City Council Meeting, as requested by the City Clerk Department.
(Recommended Motion: The proposed Minutes be approved.)

- B. Consideration and action to approve the Minutes of the August 10, 2020 Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*
- C. Consideration and action to approve Bills and Payroll in the amount of \$7,597,428.63, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*
- D. Consideration and action to approve Funding for Stabilization Installation Work for the Lake Bloomington Shoreline Stabilization Project through the Watershed Conservation Intergovernmental Agreement between the City of Bloomington, McLean County, the Town of Normal, and the McLean County Soil and Water Conservation District, in the amount of \$196,416, as requested by the Public Works Department. *(Recommended Motion: The proposed Funding be approved.)*
- E. Consideration and action to extend the Energy Brokerage Agreement with The Stone River Group and on a Resolution Authorizing the City Manager to Approve Electric and Natural Gas Supply Contracts, as requested by the Facilities Department. *(Recommended Motion: The extension of the Agreement and the Resolution be approved.)*
- F. Consideration and action 1) on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2021 in the amount of \$50,000; (2) to approve a mutual recession of the Contract with Diamond Design & Construction, Inc. in the amount of \$445,101.00 for the FY2021 De Brazza's Plaza Monkey Exhibit - Bid #2021-08 (Base bid + Alt. #3); and (3) to approve a Contract with N. Zobrist Construction in the amount of \$534,015 for the FY2021 De Brazza's Plaza Monkey Exhibit - Bid #2021-08 (Base bid + Alt. #3), as requested by the Parks, Recreation and Cultural Arts Department. *(Recommended Motion: The proposed Ordinance, recession of the Contract with Diamond Design & Construction, and the Contract with N. Zobrist Construction be approved.)*
- G. Consideration and action on an Ordinance Approving the Second Amendment to the Contract Between the City of Bloomington and Tim Gleason Regarding the Term, Salary and Benefits, as requested by Mayor Tari Renner. *(Recommended Motion: The proposed Ordinance be approved.)*
- H. Consideration and action on an Ordinance Approving a Special Use Permit for an Adult-use Cannabis Dispensary in the B-1 General Commercial District for Property Located at 118 Keaton Place, Bloomington IL 61704, as requested by the Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*
- I. Consideration and action on an Ordinance Approving a Special Use Permit for the Expansion of a Place of Worship in the R-1B Single Family Residential District, for Property Located at 1617 E Emerson Street, Bloomington IL 61701, as requested by the Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*
- J. Consideration and action on an Ordinance Approving an Encroachment Permit & Agreement with the Regional Alternative School located at 408 W. Washington

St., as requested by the Administration Department. *(Recommended Motion: The proposed Ordinance be approved.)*

- K. Consideration and action to approve a Lake Bloomington Lease Transfer of Lot 11 in Peoria Point, from Julie Biever to the petitioners, Steven and Laurie Lange, as requested by the Public Works Department. *(Recommended Motion: The proposed Lease Transfer be approved.)*
- L. Consideration and action to approve a Lake Bloomington Lease Transfer of Lot 13 in Block 1 in Camp Kickapoo, from Karen Kehl to the petitioners, J&A Sunset Properties, LLC, as requested by the Public Works Department. *(Recommended Motion: The proposed Lease Transfer be approved.)*

9. Regular Agenda

Electronic Roll Call Vote

- A. Consideration and action to accept and approve the Downtown Task Force 2020 Report Updated, as requested by the City Council. *(Recommended Motion: The proposed Report be accepted and approved.) (Presentation by Tim Gleason, City Manager; and Melissa Hon, Economic Development Director, 15 minutes; and City Council discussion, 30 minutes.)*
- B. Consideration and potential action regarding Ordinance 2020-18, An Ordinance Declaring a Local Emergency Due to the COVID-19 Virus & Enacting Various Emergency Measures, including an Ordinance Amending Ordinance 2020-18 to Add a New Section 2(T) Suspending Downtown Shuttles, as requested by the Legal Department. *(Recommended Motion: The Ordinance Amending Ordinance 2020-18 to Suspend Downtown Shuttles be approved.) (Presentation by Tim Gleason, City Manager, 5 minutes; and City Council discussion, 5 minutes.)*

10. City Manager's Discussion

11. Mayor's Discussion

12. Council Member's Discussion

13. Executive Session - Cite Section

Clerk-led Roll Call Vote

14. Adjournment

Voice Vote

CONSENT AGENDA



CONSENT AGENDA ITEM NO. 8.A

FOR COUNCIL: September 14, 2020

SPONSOR: City Clerk Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Minutes of the July 27, 2020 Regular City Council Meeting, as requested by the City Clerk Department.

RECOMMENDED MOTION:

The proposed Minutes be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Amanda Mohan, Records and Licensing Specialist

Reviewed by:


Leslie Yocum, City Clerk

9/9/2020


Tara Henry, Legislative Assistant

9/10/2020

Recommended by:

A handwritten signature in black ink, appearing to read 'T. Gleason', is positioned above a horizontal line.

Tim Gleason, City Manager

Attachments:

- CLK 1B DRAFT 07-27-2020 City Council Minutes



**MINUTES
REGULAR SESSION CITY COUNCIL MEETING
MONDAY, JULY 27, 2020, 6:00 P.M.**

This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The City Council convened in Regular Session virtually via Zoom conferencing with Deputy City Manager, Billy Tyus, and City Clerk, Leslie Yocum, in-person in City Hall's Council Chambers at 6:00 p.m., Monday, July 27, 2020. The meeting was called to order by Mayor Tari Renner.

Roll Call

Attendee Name	Title	Status	Arrived
Tari Renner	Mayor	Remote	
Jamie Mathy	Ward 1	Remote	
Donna Boelen	Ward 2	Remote	
Mboka Mwilambwe	Ward 3	Remote	
Julie Emig	Ward 4	Remote	
Joni Painter	Ward 5	Remote	
Jennifer Jazmin Carrillo	Ward 6	Remote	
Scott Black	Ward 7	Remote	
Jeff Crabill	Ward 8	Remote	
Kim Bray	Ward 9	Remote	

COVID-19 Update by City Manager

Billy Tyus, Deputy City Manager, informed Council that staff were working through submission procedures for the Community Development Block Grant (CDBG) Cares Act funds allotted for business aid and that staff had received 208 applications for residential financial aid. He explained review procedures and stated that the CDBG program was designed to be a last resort for funding assistance for the community. He reported that the number of COVID-19 cases in the community had increased and stressed that staff continued to monitor the situation. He ended by providing Council an update on Americans with Disabilities Act (ADA) compliance progress in the community.

Recognition/Appointments

A. Recognition of Re-Appointment and Appointments to various Boards & Commissions

Mayor Renner recognized the re-appointment of Ryan Whitehouse to the Connect Transit Board and the following appointments: (1) Deborah Presley, Connect Transit Board; (2) Kelsey Harms, Citizens' Beautification Committee; and (3) Nikki Williams, Zoning Board of Appeals.

Public Comment

Mayor Renner opened the meeting for public comment and the following individuals spoke virtually: (1) Willie Halbert and (2) John Walther. Leslie Yocum, City Clerk, then stated that Willie Halbert had also emailed public comment, which she provided to Council before the meeting.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by Council from the Consent Agenda for discussion are listed and voted on separately.

Council Member Bray made a motion, seconded by Council Member Black, that the Consent Agenda with the exception of Items 8.C., 8.G., and 8.K. be approved as presented.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

Item 8.A. Consideration and action to approve Bills and Payroll in the amount of \$7,284,853.09, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 8.B. Consideration and action to approve Cheryl Magnuson to Blm-Nml Area Convention & Visitors Bureau Board, as requested by the Administration Department. (Recommended Motion: The proposed Appointment be approved.)

Item 8.C. was removed from the Consent Agenda by Council Member Carrillo.

Item 8.D. Consideration and action to approve a Contract with Mid-Illinois Mechanical, Inc. (Bid #2021-03), for the Water Treatment Plant Boiler Replacement project, in the amount of \$253,000, as requested by the Public Works Department. (Recommended Motion: The Technicality be waived and the proposed Contract be approved.)

Item 8.E. Consideration and action to approve a Contract with Henson Disposal, Inc., for excavation materials disposal (Bid #2020-35), in the amount of \$31.50 per ton of excavation materials, as requested by the Public Works Department. (Recommended Motion: The proposed Contract be approved.)

Item 8.F. Consideration and action to approve a Contract with Republic Services, for street sweeping debris disposal (Bid #2020-37), in the amount of \$54.65 per ton of street sweeping debris, as requested by the Public Works Department. (Recommended Motion: The proposed Contract be approved.)

Item 8.G. was removed from the Consent Agenda by Council Member Boelen.

Item 8.H. Consideration and action to grant General Liability Settlement Authority in the amount of up to \$73,690.91 to Martin Kiesewetter, home owner of 13 Brookridge Court, as requested by the Human Resources Department. (Recommended Motion: The proposed General Liability Settlement be approved.)

Item 8.I. Consideration and action on a Resolution Approving the Water Infrastructure Master Plan, as requested by the Public Works Department. (Recommended Motion: The proposed Resolution be approved.)

Item 8.J. Consideration and action on a Resolution Authorizing Transfer of the Continuum of Care Coordinated Entry Grant to Providing Access to Help (PATH), as requested by the Community Development Department. (Recommended Motion: The proposed Resolution be approved.)

Item 8.K. was removed from the Consent Agenda by Council Member Boelen.

Items Pulled from the Consent Agenda

The following item was pulled by Council Member Boelen:

Item 8.G. Consideration and action to approve a Motor Fuel Tax (MFT) Resolution for Improvement Under the Illinois Highway Code, and a Local Public Agency General Maintenance Estimate of Maintenance Costs, to allocate State MFT funds for street lighting electrical energy and rental charges through the FY 2021 Motor Fuel Tax (MFT) General Maintenance Program, in the amount of \$500,000, for the period May 1, 2020, through April 30, 2021, as requested by the Public Works Department.

Council Member Boelen asked questions on how the State Motor Fuel Tax (MFT) funds could be used. Kevin Kothe, Public Works Director, responded and then informed Council that the City was responsible for a small portion of street lighting and the rest was provided through Ameren Illinois or Cornbelt Energy.

Council Member Boelen asked additional questions on State MFT fund use. Mr. Kothe responded accordingly. Council Member Boelen clarified that State MFT funds and Local MFT funds were earmarked for different types of infrastructure projects.

Mayor Renner reminded Council that the item was routine in nature and suggested that the City Manager address similar questions of Council prior to the meeting.

Council Member Mathy reminded Council that he continued to work with staff on the incorporation of Smart Cities technology.

Mayor Renner reiterated how Consent Agenda items should be handled.

Council Member Boelen made a motion, seconded by Council Member Bray, that the proposed MFT Resolution and Estimate be approved.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

The following item was pulled by Council Member Boelen:

Item 8.K. Consideration and action on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2021 in the amount of \$507,400, and to approve the Contract with Diamond Design & Construction, Inc. in the amount of \$445,101.00 for the FY2021 De Brazza's Plaza Monkey Exhibit - Bid #2021-08 (Base bid + Alt. #3), as requested by the Parks, Recreation and Cultural Arts Department.

Council Member Boelen thanked Mayor Renner for his clarification on the Consent Agenda process. She believed Council Members should highlight concerns/questions received by their constituents and expressed concerns about State reimbursement associated to Item 8.K.

Council Member Boelen made a motion, seconded by Council Member Bray, that the proposed Ordinance and Contract be approved.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

The following item was pulled by Council Member Carrillo:

Item 8.C. Consideration and action to approve the Purchase of a 2020 Ford F-250 with snow plow from Currie Motors of Frankfort, Illinois, using Northwest Municipal Suburban Purchasing Contract (#178) in the amount of \$37,067, as requested by the Public Works Department and the Police Department.

Council Member Carrillo motioned, seconded by Council Member Crabill, to not approve the item.

Council Member Bray asked Jeff Jurgens, Corporation Counsel, for clarification on the potential next steps. Mayor Renner explained that if the current motion passed, the purchase would not be made; however, if the motion failed, it would open the floor to an alternate motion. Mr. Jurgens confirmed.

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

AYES: Carrillo, Crabill

NAYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Black, Bray

Motion failed.

Council Member Bray made a motion, seconded by Council Member Painter, that the proposed Purchase be approved.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Black, Bray

NAYES: Carrillo, Crabill

Motion carried.

Regular Agenda

The following item was presented:

Item 9.A. Presentation of a Financial Update: FY2020 and FY2021 COVID Projections, as requested by the Finance Department.

Deputy City Manager Tyus reminded Council that revenues were better than projected and asked Scott Rathbun, Finance Director, to address Council.

Mr. Rathbun presented the preliminary FY 2020 Year End Update. He reviewed General Fund budget projections from April 2020 and the effects that reopening had had on

revenues. He provided a list of major tax revenue summaries and highlighted a few key variances from the year-to-date budget. He noted that the City had a profitable 10-month start to the fiscal year and highlighted various FY 2020 Major Tax Revenues. He pointed out that COVID-19 had made a \$1.5 million dollar impact on the City and discussed multiple General Fund revenues/expenditures, major tax revenues, and revisions to the COVID-19 revenue projections. He reviewed the General Fund COVID projection summary which included the total impact to revenue/expense reductions and the projected use of reserve balance due to COVID. He assured Council that with a projected FY 2021 Reserve balance ending with \$19.3 million dollars, the City would be over the Government Finance Officers Association's (GFOA) recommended two months minimum of expenditures (\$18 million dollars). Mr. Rathbun reminded Council the COVID-19 financial situation continued to remain fluid and welcomed comments.

Council Member Mathy applauded local restaurants who had recently proactively closed temporarily to sanitize their establishments to prevent spread and safeguard against COVID-19. He encouraged the community to shop local as much as possible and to continue to be safe.

The following item was presented:

Item 9.B. Consideration and potential action regarding Ordinance 2020-18, An Ordinance Declaring A Local Emergency Due to the COVID-19 Virus & Enacting Various Emergency Measures, as requested by the Legal Department.

Deputy City Manager Tyus stated that there were no changes being presented to Ordinance 2020-18. Mayor Renner asked if the Council had any questions for Mr. Tyus. No questions were asked.

The following item was presented:

Item 9.C. Consideration and action on Council Member Mwilambwe's Agenda Initiative Proposal to make Juneteenth a City holiday, as requested by the Administration Department.

Council Member Mwilambwe thanked Council for their support of the Initiative. He discussed the terms 'City holiday' and 'observance' and expressed his preference that Juneteenth become an observance; meaning staff would not have the day off. He discussed the importance of institutionalizing Juneteenth and charging the Human Relations Commission to lead an annual community celebration. He believed that staff should also be directed to work with community members, other local municipalities, and any possible local sponsors to further observance of the holiday and discussed potential celebration ideas.

Council Member Painter made a motion, seconded by Council Member Bray, that that staff be directed to draft and bring back an Ordinance for consideration, formally making Juneteenth a City holiday.

Mayor Renner confirmed with Council Member Mwilambwe his intentions in that City staff would not have paid leave for Juneteenth. Council Member Mwilambwe confirmed. Mayor Renner suggested staff present Council options to consider Juneteenth as a paid holiday and unpaid holiday.

Council Member Carrillo expressed her support in the adoption of Juneteenth consistent with other holidays where staff received a paid day off.

Council Member Mathy also expressed similar support.

Mayor Renner asked Deputy Tyus his opinion on the presentation of multiple options for Council consideration. Mr. Tyus requested staff have the opportunity to discuss potential options and provide an update to Council before the next meeting. Mayor Renner agreed.

Council Member Boelen echoed the Mayor's request for Juneteenth options and a discussion on how to encourage local businesses to participate.

Council Member Black expressed interest in a Human Relations Commission presentation on Juneteenth and echoed the Mayor's request for Juneteenth options.

Council Member Mwilambwe discussed potential activities for Juneteenth.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

City Manager's Discussion

Deputy City Manager Tyus noted National Farmer's Market Week and mentioned programs being held to celebrate. He also reminded the community to complete the 2020 Census and to continue to remain diligent against COVID-19.

Mayor's Discussion

Mayor Renner reiterated the importance of diligence against COVID-19 and stressed that staff continued to monitor the situation. He reminded the community that the State could return to Phase 3 of the Governor's Reopen Illinois Plan at any time.

Council Member's Discussion

Council Member Crabill reminded the community of his monthly virtual Town Hall meeting on Monday, August 3, 2020 at 6:00 p.m.

Council Member Mathy thanked the Public Works crews on their quick execution of bulk waste pick-up. He reminded the community that Census staff would begin visiting residences who did not complete the 2020 Census and encouraged citizens complete it online.

Council Member Boelen expressed concerns about COVID-19 and encouraged citizens to practice good hygiene.

Council Member Black highlighted the positive feedback of Downtown's outdoor dining and encouraged staff to create policies for long-term considerations of these spaces.

Council Member Emig applauded local businesses who practiced safety measures against COVID-19 for their guests and employees. She thanked Council Member Mwilambwe for his Juneteenth Initiative and echoed Council Member Mathy's Census 2020 comments. She concluded with praising recent Downtown Sidewalk Sales that had occurred.

Council Member Mwilambwe recommended a creative photograph of Council wearing their 2020 Census shirts while practicing social distancing.

Executive Session - Cite Section

No Executive Session was held.

Adjournment

Council Member Mathy made a motion, seconded by Council Member Bray, that the meeting be adjourned.

Motion Carried (Viva Voce).

The meeting adjourned at 7:26 p.m.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Amanda Mohan, Deputy City Clerk



CONSENT AGENDA ITEM NO. 8.B

FOR COUNCIL: September 14, 2020

SPONSOR: City Clerk Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Minutes of the August 10, 2020 Regular City Council Meeting, as requested by the City Clerk Department.

RECOMMENDED MOTION:

The proposed Minutes be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Tara Henry, Legislative Assistant

Reviewed by:

A handwritten signature in cursive script that reads "Tara Henry".

Tara Henry, Legislative Assistant

9/10/2020

Recommended by:

A handwritten signature in black ink, appearing to read 'T. Gleason', is positioned above a horizontal line.

Tim Gleason, City Manager

Attachments:

- CLK 2B DRAFT 08-10-2020 City Council Minutes



MINUTES
REGULAR SESSION CITY COUNCIL MEETING
MONDAY, AUGUST 10, 2020, 6:00 P.M.

This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The City Council convened in Regular Session virtually via Zoom conferencing with the City Manager, Tim Gleason, and City Clerk, Leslie Yocum, in-person in City Hall's Council Chambers at 6:00 p.m., Monday, August 10, 2020. The meeting was called to order by Mayor Tari Renner.

Roll Call

Attendee Name	Title	Status	Arrived
Tari Renner	Mayor	Remote	
Jamie Mathy	Ward 1	Remote	
Donna Boelen	Ward 2	Remote	
Mboka Mwilambwe	Ward 3	Remote	
Julie Emig	Ward 4	Remote	
Joni Painter	Ward 5	Remote	
Jennifer Jazmin Carrillo	Ward 6	Remote	
Scott Black	Ward 7	Remote	
Jeff Crabill	Ward 8	Remote	
Kim Bray	Ward 9	Remote	

COVID-19 Update by City Manager

City Manager Tim Gleason assured Council that staff continued to monitor COVID-19 effects on the City's budget. He then commented on Consent Agenda Item 8.F. regarding O'Neil Pool and complimented staff continuing to service the community via the box office at Grossinger Motors Arena. He informed Council that the Arena service center had spiked a new idea and that staff were working on creating a City Service Hub ("The Hub") as a long-term one-stop-shop for serving the community from one location. He briefly discussed Phase 1 implementation of "The Hub."

Recognition/Appointments

A. Recognition of Cheryl Magnuson's Appointment to B/N Convention & Visitors Bureau.

Mayor Renner recognized the appointment of Cheryl Magnuson to the Bloomington Normal Convention and Visitor's Bureau Board.

Public Comment

Mayor Renner opened the meeting for public comment and the following individuals spoke virtually: (1) David Fedor; (2) Brad Bell; (3) Jacqueline Beyer; (4) Andrew Traeger; and (5) Catherine Pratt. Leslie Yocum, City Clerk, then read a list of individuals who had emailed

public comment prior to the meeting: (1) Jeff Gastel; (2) Misty Metroz; (3) Jacqueline Beyer; and (4) Laurie Bergner.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by Council from the Consent Agenda for discussion are listed and voted on separately.

Council Member Boelen made a motion, seconded by Council Member Mathy, that the Consent Agenda, including all items listed below, be approved as presented.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

Item 8.A. Consideration and action to approve the Minutes of the June 24, 2020 Regular City Council Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 8.B. Consideration and action to approve Bills and Payroll in the amount of \$5,094,575.09, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 8.C. Consideration and action to approve Appointments to various Boards and Commissions, as requested by the Administration Department. (Recommended Motion: The proposed Appointments be approved.)

Item 8.D. Consideration and action to approve a Contract with CDM Smith Inc. for the development of a Risk and Resilience Assessment and a corresponding Emergency Response Plan (RFQ #2021-01), in the amount not to exceed \$99,400, as requested by the Public Works Department. (Recommended Motion: The proposed Contract be approved.)

Item 8.E. Consideration and action to approve a Contract with Bradford Systems, Corp for Scanning, Microfilming, Storing, and Shredding of City Documents, as requested by the City Clerk Department. (Recommended Motion: The proposed Contract be approved.)

Item 8.F. Consideration and action to approve a Contract with Stark Excavating, Inc in the amount of \$139,526.20 for the O'Neil Pool Site Demolition - Bid #2021-11 (Base bid + Alt. #2), as requested by the Parks, Recreation and Cultural Arts Department. (Recommended Motion: The proposed Contract be approved.)

Item 8.G. Consideration to approve a Contract with Customized Environmental Solutions, Inc., d/b/a Telum, for lime sludge removal (RFP #2021-10), in the amount of \$30.88 per dry ton of lime sludge, as requested by the Public Works Department. (Recommended Motion: The proposed Contract be approved.)

Item 8.H. Consideration and action to approve a Contract with RJN Group, for Sanitary Sewer Engineering Evaluations, in the amount of \$229,990, as requested by the Public Works Department. (Recommended Motion: The proposed Contract be approved.)

Item 8.I. Consideration and action to approve an Easement Agreement with Gary and Brenda Thompson for work being performed as part of the Lutz Road Improvement Project, as requested by the Public Works Department. (Recommended Motion: The proposed Agreement be approved.)

Item 8.J. Consideration and action to approve an Agreement with Corrective Asphalt Materials, LLC, as a limited source, for the FY 21 Pavement Preservation program, in the amount of \$482,513.23, as requested by the Public Works Department. (Recommended Motion: The proposed Agreement be approved.)

Item 8.K. Consideration and action on an Ordinance Approving an Application Submitted by Country Financial Prohibiting Potable Groundwater Use for the Property at 810 IAA Drive and Adjacent Properties, as requested by the Public Works Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.L. Consideration and action on an Ordinance Approving the Final Plat of Traeger Subdivision, as requested by the Public Works Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.M. Consideration and action on an Ordinance Rescinding Ordinance 2020-20 and Approving the Final Plat of Bloomington Commons Subdivision, as requested by the Public Works Department. (Recommended Motion: The proposed Ordinance be approved, subject to the petitioner providing the required sureties or constructing the public infrastructure.)

Item 8.N. Consideration and action on a Change of Ownership Application of d/b/a Flingers Pizza Pub, located at 1503 E. Vernon Ave., from Big Cheese, Inc. to Craft Pizza, Inc., requesting a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed License be approved contingent upon compliance with all building, health, and safety codes.)

Item 8.O. Consideration and action on the Application of Empire Buds, LLC, d/b/a Crafted, to be located 1101 Airport Road, requesting a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed License be approved contingent upon compliance with all building, health and safety codes.)

Item 8.P. Consideration and action to approve a Lake Bloomington Lease Transfer of Lot 1 in Block 10 in Camp Potawatomie, from John and Elizabeth Binning to the petitioners, Schuyler and Mary Ellen Schupbach, as requested by the Public Works Department. (Recommended Motion: The proposed Lease Transfer be approved.)

Regular Agenda

The following item was presented:

Item 9.A. Consideration and action on an Ordinance Reinstating a Preliminary Development Plan for a Planned Unit Development Titled "Fox Creek Village Planned Unit Development Amended Preliminary Development Plan, Bloomington, Illinois" and dated June 4, 2020, for 26.25 Acres Located South of Fox Creek Golf Course, as requested by the Community Development Department.

Katie Simpson, City Planner, provided a brief history of the planned unit development (PUD). She explained that the PUD would be a continuation to a previously developed area which would provide 15 new single-family homes. She went on to explain that for the developer to progress, the PUD plans needed to be reinstated which would then validate the plans for three years. She explained that on July 22, 2020, the Planning Commission

approved to send the item to Council for consideration with a positive recommendation on the condition that the developer installed sidewalk for the remaining portions of the development phases.

Council Member Mathy asked for clarification between private streets/sidewalks verses public. Mrs. Simpson responded that the street/sidewalk installation and maintenance were the responsibility of the Homeowners Association (HOA), whereas, public ones were maintained by the City. She provided examples of varying regulations between the two. Council Member Mathy asked if streets within the development could become future City streets if they did not meet public street standards. Ms. Simpson responded that the HOA could be required to make the streets/sidewalks compliant with City standards for each. Council Member Mathy asked if it had been done previously. Bob Yehl, Assistant Public Works Director, responded that the City had not recently taken over private streets. Council Member Mathy encouraged development creativity but expressed concern about the potential acquisition of substandard streets/sidewalks.

Council Member Boelen made a motion, seconded by Council Member Painter, that the proposed alternative draft Ordinance to reinstate the preliminary development plan with the condition that sidewalk is added to the Winding Way cul-de-sac be approved.

Mayor Renner asked for proof that residents were concerned about sidewalk placement. Ms. Simpson responded that the Planning Commission had received public comment about the development, but not in relation to sidewalks.

Mayor Renner asked for clarification on the motion. Mr. Jurgens responded he believed that Council Member Boelen intended to make the staff recommended motion which approved the development with one sidewalk. Ms. Simpson clarified that the proposed motion was slightly different and explained each. She stated that the motion on the floor would adopt the proposed alternate recommended motion in addition to including sidewalks in the cul-de-sac on Winding Way heading north. Council Member Boelen confirmed.

Council Member Bray supported the motion.

Council Member Crabill asked about potential operational expenses the City could incur to maintain the streets/sidewalks. Ms. Simpson responded. He expressed concern that the target market for the PUD were the elderly and the disabled and that Connect Transit did not service the area.

Council Member Emig asked for clarification on why the sidewalk had been recommended. Ms. Simpson stated that a Commissioner had proposed the motion to be consistent with sidewalks throughout the City. She noted that the sidewalks being discussed do not connect to anything.

Mayor Renner asked if the sidewalks could connect to something in the future. Ms. Simpson responded that they would not. Mayor Renner asked additional sidewalk questions and Ms. Simpson responded.

Council Member Carrillo asked for clarification on the motion. Ms. Simpson clarified.

Mr. Jurgens clarified the motion with Council Member Boelen who confirmed and stated the HOA would need to provide any additional sidewalks to Pepper Ridge.

Mayor Renner asked for a motion to extend the time.

Council Member Mathy motioned, seconded by Council Member Bray to extend the time by 10 minutes.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Crabill, Bray

NAYES: Black

Motion carried.

Mayor Renner called the question.

Council Member Boelen made a motion, seconded by Council Member Painter, that the proposed alternative draft Ordinance to reinstate the preliminary development plan with the condition that sidewalk is added to the Winding Way cul-de-sac be approved.

Council Member Mathy expressed interest to change the City policy on PUDs to require inclusion of sidewalks.

Council Member Carrillo agreed and asked Council Member Boelen the reasoning behind her motion. Council Member Boelen responded that the front yards in the development were narrow and would be further reduced with the addition of sidewalks on both sides.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

The following item was presented:

Item 9.B. Consideration and action on an Ordinance Approving the Final Plat of the Fifth Addition to Fox Creek Village Subdivision, as requested by the Public Works Department.

Ms. Simpson stated the item would approve the subdivision for 15 lots.

Mr. Jurgens informed Council that since 9.A. was approved with modifications, that Item 9.B. would also need to be approved with the same modifications.

Council Member Boelen made a motion, seconded by Council Member Black, that the proposed Ordinance be approved, subject to the petitioner providing the required sureties and on condition that sidewalk is added to the Winding Way cul-de-sac be approved.

Council Member Boelen expressed concern with persons providing false testimony under oath at the Planning Commission.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

The following item was presented:

Item 9.C. Consideration and action on an Ordinance Amending the City Code to Create the Department of Economic & Community Development Within the City, as requested by the Legal Department.

Mr. Gleason stated that this item would have appeared before Council in the spring of 2020, but COVID-19 occurred. He explained that current Community Development Director Bob Mahrt's resignation would be effective September 30, 2020 and that it created an opportunity to merge the two departments, Community Development and Economic Development, into one department as they overlap quite a bit. He also stressed that this combined department, Economic and Community Development would further continue the City's efforts to service the community in a one-stop-shop manner. He stated that if approved, Melissa Hon, current Economic Development Director, would become the Director of the Economic and Community Development Department effective September 1, 2020. He explained that no significant change in cost to the City and staffing would occur and that ultimately the biggest change would be cross training staff to better assist the community.

Mayor Renner thanked Mr. Gleason and Ms. Hon for their continued focus on the one-stop-shop.

Council Member Black made a motion, seconded by Council Member Bray, that the proposed Ordinance be approved.

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

The following item was presented:

Item 9.D. Consideration and potential action regarding Ordinance 2020-18, An Ordinance Declaring a Local Emergency Due to the COVID-19 Virus & Enacting Various Emergency Measures, as requested by the Legal Department.

Mr. Gleason explained that this item was a standing item on the Regular Agenda during COVID-19, and that there were no recommended updates to discuss.

City Manager's Discussion

City Manager Gleason stressed the importance of participating in the 2020 Census. He reminded the community of the upcoming Downtown Farmer's Market and explained that staff continued to clean-up from the recent windstorm damage. He went on to highlight and congratulate four staff members: (1) Jack McQueen of the Police Department Intelligence Unit had been recently presented with the prestigious Chief's Award by Chief Donath; (2) Billy Tyus, Deputy City Manager, had recently completed his Credentialed Manager designation through the International City Manager's Association (ICMA); (3) Melissa Hon who following Regular Agenda Item 9.C was officially named the upcoming Director of the Economic and Community Development Department; and (4) Greg Scott as Interim Police Chief following Chief Dan Donath's retirement. He then explained what he envisioned for the recruitment of filling the Police Chief position and discussed attributes he sought in the new Chief.

Mayor's Discussion

Mayor Renner reminded the community to stay vigilant against COVID-19. He congratulated Mrs. Hon and Mr. Tyus on their accomplishments and wished Chief Donath the best of luck.

Council Member's Discussion

Council Member Mathy thanked Public Works crews for their assistance with the removal of a 150-foot tree that fell on his neighbor's house. He reminded the community to not handle wires on the ground and to assume that they were all deadly.

Council Member Boelen thanked Mr. and Mrs. Thompson for donating a portion of their land so that the Lutz Road construction project could proceed which saved the City money.

Council Member Crabill thanked Chief Donath and Officer John Fermon for their attendance at his Town Hall meeting. He also thanked Chief Donath for his 26 years of service and congratulated Mrs. Hon and Mr. Tyus on their accomplishments.

Council Member Boelen mentioned the progress of the affordable housing development on Four Seasons Road.

Council Member Emig echoed congratulations to Mrs. Hon and appreciation to Chief Donath. She believed that Council made the best decision on the Fox Creek Development and expressed interest in a uniform approach to all planned unit developments. She stated that local schools decided to pursue e-learning in response to COVID-19 and encouraged the community to continue to wear masks in public.

Council Member Bray echoed congratulations to Mrs. Hon and Mr. Tyus and appreciation to Chief Donath for his dedicated service to the community. She thanked City staff for the implementation of a stop light on Keaton Road and G.E. Road as she believed it was a needed preventative safety measure.

Council Member Mwilambwe echoed congratulations to Mrs. Hon, Mr. Tyus, and Officer McQueen for their accomplishments. He echoed appreciation to Chief Donath for his service and dedication to the community and expressed support in the decision to wait until 2021 for Police Chief recruitment.

Executive Session - Cite Section

Mr. Jurgens stated for the record that the personnel item was to discuss an employee's performance.

Council Member Carrillo asked procedural questions on how Council would hold a virtual executive session. Mrs. Yocum responded.

Council Member Mwilambwe made a motion, seconded by Council Member Crabill, to enter Executive Session to review Executive Session Minutes (Section 2 of (c)(21) of 5 ILCS 120) and personnel review (Section 2 of (c)(1) of 5 ILCS 120).

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

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

Return to Open Session and Adjourn

Council Member Mathy made a motion, seconded by Council Member Carrillo, to return to open session and adjourn the meeting.

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried (viva voce).

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Amanda Mohan, Deputy City Clerk

DRAFT



CONSENT AGENDA ITEM NO. 8.C

FOR COUNCIL: September 14, 2020

SPONSOR: Finance Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve Bills and Payroll in the amount of \$7,597,428.63, as requested by the Finance Department.

RECOMMENDED MOTION:

The proposed Bills and Payroll be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Total disbursements to be approved \$7,597,428.63 (Payroll total \$2,567,218.66, Accounts Payable total \$4,926,240.62, and Bank Transfers total \$103,969.35).

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Frances Watts, Support Staff V

Reviewed by:

A handwritten signature in black ink, appearing to read "F. Scott Rathbun".

F. Scott Rathbun, Finance Director

9/9/2020

A handwritten signature in black ink, appearing to read "Tara Henry".

Tara Henry, Legislative Assistant

9/10/2020

Recommended by:

A handwritten signature in black ink, appearing to read 'T. Gleason', is positioned above a horizontal line.

Tim Gleason, City Manager

Attachments:

- FIN 1B Council Finance Summary Report

CITY OF BLOOMINGTON FINANCE REPORT

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
8/28/2020	\$ 2,015,987.78	\$ 544,071.18	\$ 2,560,058.96
8/19/2020	\$ 5,969.48	\$ 1,190.22	\$ 7,159.70
Off Cycle Adjustments			

	PAYROLL GRAND TOTAL	\$ 2,567,218.66
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ACCOUNTS PAYABLE (WIRES)

Date	Bank	Total	PCARDS Date Range	Total
9/14/2020	AP General	\$ 4,609,810.08		
	AP JM Scott			
9/14/2020	AP Comm Devel	\$ 1,100.00		
	AP IHDA			
9/14/2020	AP Library	\$ 47,793.09		
9/14/2020	AP MFT	\$ 129,063.05		
8/28/2020-9/3/2020	Out of Cycle	\$ 138,474.40		
5/4/2020-8/24/2020	AP Bank Transfers	\$ 103,969.35		
	AP GRAND TOTAL	\$ 5,030,209.97		
			PCARD GRAND TOTAL	

TOTAL	\$ 7,597,428.63
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Respectfully,

F. Scott Rathbun
Director of Finance



CONSENT AGENDA ITEM NO. 8.D

FOR COUNCIL: September 14, 2020

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve Funding for Stabilization Installation Work for the Lake Bloomington Shoreline Stabilization Project through the Watershed Conservation Intergovernmental Agreement between the City of Bloomington, McLean County, the Town of Normal, and the McLean County Soil and Water Conservation District, in the amount of \$196,416, as requested by the Public Works Department.

RECOMMENDED MOTION:

The proposed Funding be approved.

STRATEGIC PLAN LINK:

- Goal 2. Upgrade City Infrastructure and Facilities
- Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

- Objective 2b. Quality water for the long term
- Objective 1e. Partnering with others for the most cost-effective service delivery

BACKGROUND: Public Works is recommending the approval of a \$196,416 purchase of materials, construction, installation, site prep, and project management services from McLean County Soil and Water Conservation for the Lake Bloomington shoreline stabilization project. This project is part of an intergovernmental agreement between the City of Bloomington, Town of Normal, County of McLean, and McLean County SWCD, approved by Council on July 23, 2018.

The proposed project will stabilize approximately 2,150 feet of shoreline near the former Girl Scout Camp at Lake Bloomington. The project was competitively bid and will be administered by the McLean County SWCD 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 SWCD Office.





This project will utilize a proven mitigation effort (shoreline protection) that is part of the Illinois Environmental Protection Agency's strategy to reduce phosphorus in drinking water reservoirs. The project will diminish the problems of sedimentation and nutrients that have been determined to impair water quality in the reservoir. This project is a continuation of several years of shoreline stabilization projects that the City has successfully completed.

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.

For previous shoreline stabilization projects, the City operated under the Nationwide 13 permit from the Army Corps of Engineers. The Nationwide 13 permits allow for a specific number of linear feet to be stabilized before having to apply for an Individual Permit through the Army Corps of Engineers. The City has stabilized the maximum number of feet allowable through the Nationwide 13 permit and successfully applied for and received an Individual Permit on May 12, 2020. The Individual Permit application process required the City to hire an archaeologist to perform a cultural resource assessment of the shoreline surrounding Lake Bloomington, a water quality impact analysis by the Illinois Environmental Protection Agency (IEPA), a detailed listing of ten-years' worth of actionable shoreline stabilization projects and a public comment period. The City of Bloomington is currently working through the Individual Permit application process for Evergreen Lake and expects to receive the permit by the end of August 2020.

The watershed plan and TMDL report for Evergreen Lake can be found at:

<http://mcleancountyswcd.com/lake-evergreen-plans/>

<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/>
<http://www.epa.state.il.us/water/tmdl/report/bloomington/lake-bloomington.pdf>

City staff is aware of heightened concerns regarding the current COVID-19 pandemic. However, this project is a priority of the City, and staff is recommending it be approved. The project is a priority because the project will benefit water quality in Lake Bloomington and continues the efforts of previous projects.

The Water Fund is an Enterprise Fund that generates fees for funding its operations. Water Fund fees are intended/dedicated solely for the support of water services to the City, including infrastructure expenditures, such as the water treatment plant, water mains, and water meters.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: McLean County Soil and Water Conservation District

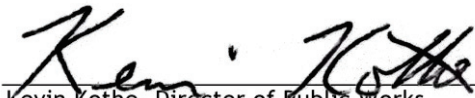
FINANCIAL IMPACT: The project funds totaling \$200,000 are included in the FY 2021 Budget. If approved, the project totaling \$196,416 will be paid out the Lake Maintenance-Other Capital Improvement account (50100140-72620). Stakeholders can locate this in the FY 2021 Budget Book titled "Other Funds & Capital Improvement" on pages 128, 249, 200, 321 and 322.

COMMUNITY DEVELOPMENT IMPACT: Goal UEW-1. Provide quality public infrastructure within the City to protect public health, safety and the environment, Objective UEW-1.5. Reliable water supply and distribution system that meets the needs of the current and future residents.

Respectfully submitted for Council consideration.

Prepared by: Joe Darter, Property Manager

Reviewed by:


Kevin Kothe, Director of Public Works

8/31/2020


Carla Murillo, Procurement Manager

9/2/2020


Chris Tomerlin, Budget Manager

9/3/2020


Jeffrey R. Jurgens, Corporation Counsel

9/9/2020


Tara Henry, Legislative Assistant

9/9/2020

Recommended by:


Tim Gleason, City Manager

Attachments:

- PW 1B Quote_Lake Bloomington Shoreline Stabilization 09142020
- PW 1C Project Design_Lake Bloomington Shoreline Stabilization 09142020
- PW 1D Project Map_Lake Bloomington Shoreline Stabilization 09142020
- PW 1E Previous Projects_Lake Bloomington Shoreline Stabilization 09142020
- PW 1F Intergovernmental Agreement_Lake Bloomington Shoreline Stabilization 09142020



McLean County SWCD

402 N. Kays Drive Normal, IL 61761

Phone: 309-452-3848 ext. 3

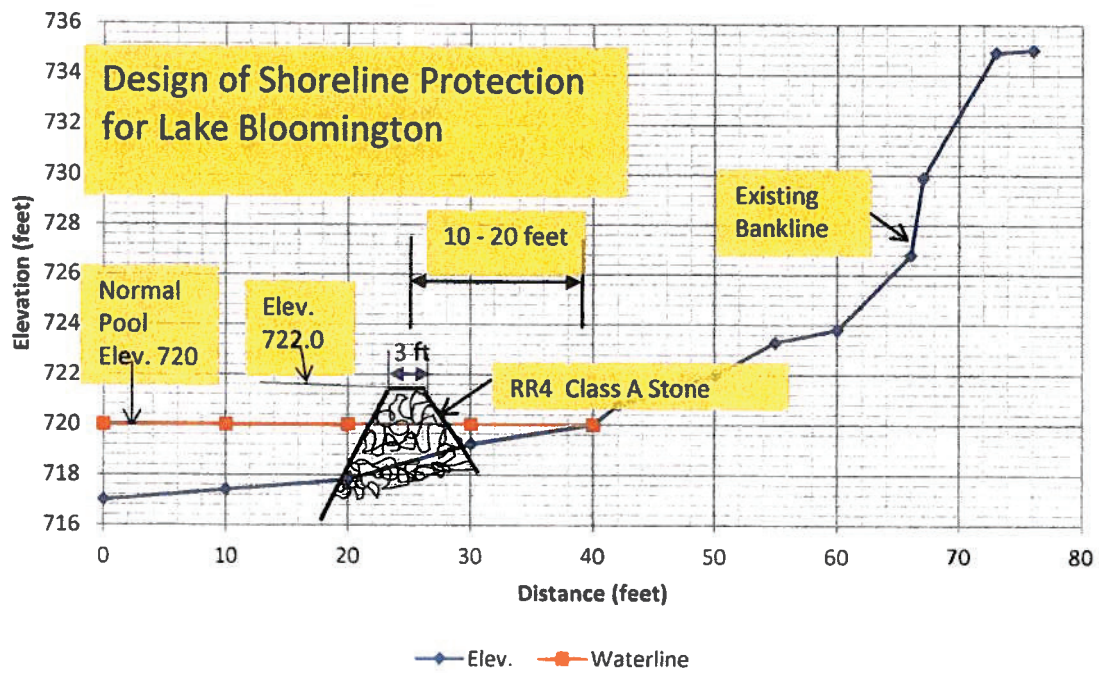
Lake Bloomington Shoreline Stabilization Girl Scout Camp 8/20/2020

<i>Construction Supervision</i> (Site investigation, Survey, Staking, Construction Oversight, etc.)	\$12,000.00
<i>Construction</i>	
Installation (private contractor)	\$56,006.00
Materials (McLean Co SWCD & Highway Dept.)	\$89,410.00
Mobilization	\$3,000.00
<i>Overall Project Management by McLean Co. SWCD</i>	\$0.00
<i>Total Project Cost</i>	<i>\$160,416.00</i>
Additional 450' of shoreline stabilized	\$36,000.00
Total	\$196,416.00

Approval by Tim Gleason, City Manager

Date Signed

Typical Shoreline Profile - Lake Bloomington



Lake Bloomington Shoreline Stabilization



McGIS, McLean County Museum of History



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.

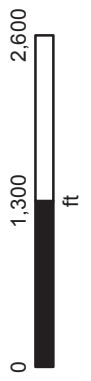


Completed Evergreen Lake Shoreline Stabilization Projects

8/25/2020



McGIS, McLean County Museum of History



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McGIS, Mclean County Museum of History

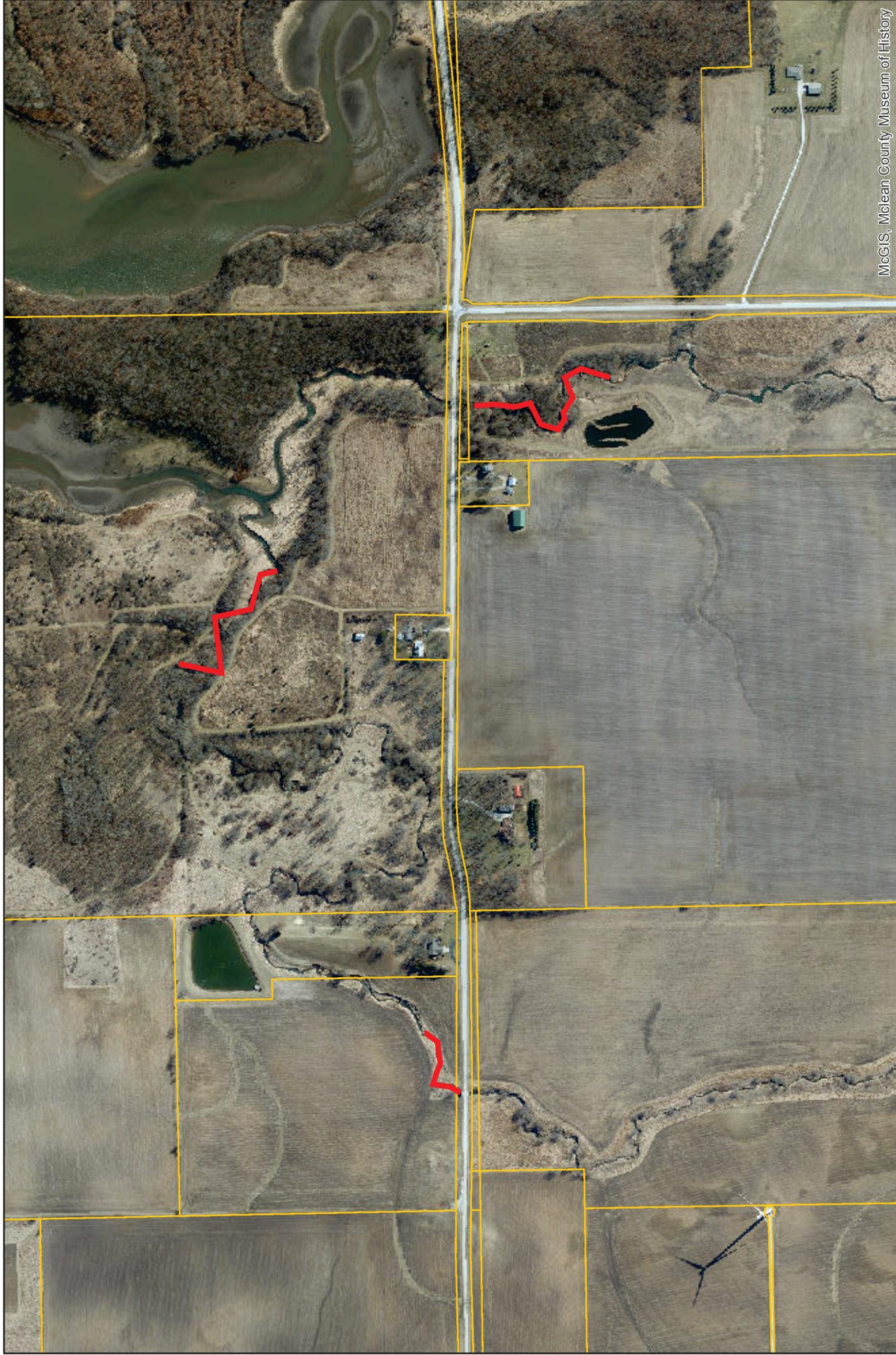


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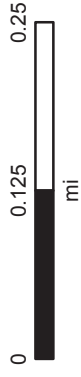


Completed Evergreen Lake Streambank Stabilization Projects

8/26/2020



McGIS, McLean County Museum of History



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INTERGOVERNMENTAL AGREEMENT 2018-2021

This agreement is entered into as of this 1st day of October 2018, 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) assistance to the City, Town and County in obtaining grant funding for watershed management projects; and 3) facilitate the review, updates and modifications of the watershed plans.

B. Period of Agreement:

The period of this agreement commences October 1, 2018 and ends October 1, 2021.

C. Payment:

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

- a. The first year of the agreement (2018) 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 (2019), 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 (2020), 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 and conservation practices in the Lake Bloomington and Evergreen Lake watersheds via newsletters, news releases, social media, field days and demonstration sites.
- Work closely 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, 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, Illinois Department of Natural Resources, Ecology Action Center, Parklands, McLean County Farm Bureau and Friends of EverBloom.
- Provide annual status reports of the implementation of the Watershed Plans to Bloomington, Normal and the McLean County.
- Prepare an update for both the Evergreen Lake and Lake Bloomington Watershed Plans.
- Work with Illinois State University to continue the valuable partnership between students, researchers, faculty to continue to improve water quality.
- Serve as liaison between all parties with lake shoreline and streambank stabilization projects. Work closely with consultant, contractors and Army Corp of Engineers to ensure successful implementation of projects and grants.

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

Date

Town of Normal

Date

County of McLean

Date

McLean County Soil and Water Conservation District

Date

Illinois Department of Natural Resources, Ecology Action Center, Parklands, McLean County Farm Bureau, and Friends of EverBloom.

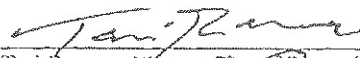
- Provide annual status reports of the implementation of the Watershed Plans to Bloomington, Normal, and the McLean County.
- Prepare an update for both the Evergreen Lake and Lake Bloomington Watershed Plans.
- Work with Illinois State University to continue the valuable partnership between students, researchers, faculty to continue to improve water quality.
- Serve as liaison between all parties with lake shoreline and streambank stabilization projects. Work closely with consultant, contractors, and Army Corp of Engineers to ensure successful implementation of projects and grants.

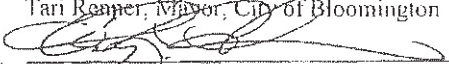
E. **Indemnification and Hold Harmless:**

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.



Tari Renner, Mayor, City of Bloomington


Attest Signature

July 24, 2018
Date

Town of Normal

Date

County of McLean

Date

McLean County Soil and Water Conservation District

Date



CONSENT AGENDA ITEM NO. 8.E

FOR COUNCIL: September 14, 2020

SPONSOR: Facilities Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to extend the Energy Brokerage Agreement with The Stone River Group and on a Resolution Authorizing the City Manager to Approve Electric and Natural Gas Supply Contracts, as requested by the Facilities Department.

RECOMMENDED MOTION:

The extension of the Agreement and the Resolution be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: At the July 24, 2017 meeting, Council approved an agreement with The Stone River Group to provide energy brokerage services for the City of Bloomington for a three-year period. Language which allowed extension of the agreement for additional three-year periods at the City's sole discretion was included in the original solicitation. During the preceding three years, The Stone River Group provided energy brokerage services to the City of Bloomington for all City facilities and the community at large via the Municipal Aggregation program. These services enabled the City to procure energy supply at rates considerably lower than standard market rates, which has resulted in an approximate annual energy supply savings of \$60,000.

If the extension is approved, The Stone River Group will obtain bids for electric supply to City facilities using more than 15,000 kilo-watt hours per year. There are currently forty (40) facilities in this category including City Hall, the Center for Performing Arts, Grossinger Motors Arena, Golf Irrigation Pumps, the Library, the Police Department, Public Works, the Water Treatment Plant, the Zoo, and several water and sewage pump stations. The current electric supply contract for these facilities expires in December and a new electric supply contract needs to be executed quickly to take advantage of the current low rates. As shown on the attached sample electric supply quote, executing a contract at the current rates would save the City nearly \$70,000. In order to pursue an electric supply contract for these City facilities, the attached Resolution authorizing the City Manager or Deputy City Manager to execute energy supply contracts needs to be adopted.

City staff is aware of heightened concerns regarding the current COVID-19 pandemic; however, this agenda item is operational in nature and expected to actually reduce the impact to City resources and finances.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Stone River Group

FINANCIAL IMPACT: Execution of energy supply contracts provides lower energy costs than remaining on the open market and is in the best interest of the City. Energy costs are included in the current FY City budget. There is no direct cost to the City for the brokerage service. Stone River Group is paid by the energy supplier.

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Russel Waller, Director of Facility Management

Reviewed by:



Russel Waller, Director of Facility Management

9/2/2020



Carla Murillo, Procurement Manager

9/2/2020



Chris Tomerlin, Budget Manager

9/3/2020



Jeffrey R. Jurgens, Corporation Counsel

9/9/2020



Tara Henry, Legislative Assistant

9/9/2020

Recommended by:



Tim Gleason, City Manager

Attachments:

- FAC 1B 1st Amendment Energy Brokerage Agreement with Stone River Group_Signed
- FAC 1C Resolution_City Facility Energy Contracts
- FAC 1D Sample Electric Rates_Aug 2020

**FIRST AMENDMENT TO AGREEMENT
FOR THE ENERGY BROKERAGE AGREEMENT
WITH THE STONE RIVER GROUP
REGARDING THE OPTION TO EXTEND FOR THREE (3) ADDITIONAL TERMS**

This First Amendment, made and entered into this 24th day of July 2020, by and between THE CITY OF BLOOMINGTON, ILLINOIS, (hereinafter "CITY"), and THE STONE RIVER GROUP (hereinafter "STONE RIVER"), WITNESSETH that:

WHEREAS, on July 24, 2017, an Agreement to provide energy brokerage services ("Agreement") was made between the CITY and STONE RIVER for the performance of the scope of work proposed in response to RFQ #2017-08;

WHEREAS, the parties acknowledge that the original RFQ scope of services included duration of brokerage agreement language allowing for the agreement to be extended for an additional three-year term at the city's sole discretion;

WHEREAS, the City agrees it is in the City best interest to extend the agreement and the three additional terms will be from July 24, 2020 through July 23, 2023;

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants set forth herein, the parties hereto, intending legally to be bound, agree to incorporate the above recitals as if fully restated herein and further agree as follows:

1. Recitals. The recitals set forth above shall be incorporated into the terms and conditions of this First Amendment as if fully set forth herein.

2. In all other respects the Agreement for the creation of a Community Historic Preservation Plan shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Agreement for Inspection and Support in duplicate this day and year first above written.

CITY OF BLOOMINGTON

By: _____
Its City Manager

ATTEST:

By: _____
Its City Clerk

THE STONE RIVER GROUP

By: _____
Its Representative

ATTEST:

By: _____
Its Secretary

RESOLUTION NO. 2020 - ____

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

WHEREAS, the City of Bloomington has entered into an Agreement with The Stone River Group; and

WHEREAS, The Stone River Group will serve as the City's Consultant to obtain electricity and natural gas pricing for a three-year period; and

WHEREAS, The Stone River is not authorized to sign on the City's behalf any agreement and/or contract; and

WHEREAS, it is in the best interest of the taxpayer that the City Manager or Deputy City Manager of the City of Bloomington be authorized to sign the lowest vendor bid service agreement for Electric and Natural Gas Contracts.

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

SECTION ONE: The City Manager or Deputy City Manager of the City of Bloomington, Illinois, is hereby authorized to execute and deliver and the City Clerk of the City of Bloomington, Illinois, is hereby authorized to attest to said execution of contracts with the lowest responsible bidders for the supply of electricity and natural gas, said execution and attestation to take place within the applicable time constraints required by the bidder.

SECTION TWO: This Resolution shall be effective immediately and shall remain in effect during the term of the Agreement with The Stone River Group.

PASSED this 14th day of September 2020.

APPROVED this ____ day of September 2020.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Smith-Yocum, City Clerk

- Electric Supply Quote -



CONSENT AGENDA ITEM NO. 8.F

FOR COUNCIL: September 14, 2020

SPONSOR: Parks, Recreation and Cultural Arts Department

WARD IMPACTED: Ward 2

SUBJECT: Consideration and action 1) on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2021 in the amount of \$50,000; (2) to approve a mutual recession of the Contract with Diamond Design & Construction, Inc. in the amount of \$445,101.00 for the FY2021 De Brazza's Plaza Monkey Exhibit - Bid #2021-08 (Base bid + Alt. #3); and (3) to approve a Contract with N. Zobrist Construction in the amount of \$534,015 for the FY2021 De Brazza's Plaza Monkey Exhibit - Bid #2021-08 (Base bid + Alt. #3), as requested by the Parks, Recreation and Cultural Arts Department.

RECOMMENDED MOTION:

The proposed Ordinance, recession of the Contract with Diamond Design & Construction, and the Contract with N. Zobrist Construction be approved.

STRATEGIC PLAN LINK:

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

STRATEGIC PLAN SIGNIFICANCE:

- Objective 5e. More attractive city: commercial areas and neighborhoods
- Objective 5a. Well-planned City with necessary services and infrastructure
- Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service

BACKGROUND: The Miller Park Zoo, located at 1020 S Morris Avenue, has a long history with the community. The Zoo has grown steadily since its humble beginnings around 1900. In addition to the display of numerous viewing opportunities of various animal species, the Zoo offers many educational opportunities. In keeping with the City of Bloomington's master plan for the Zoo, a single exhibit, featuring a breeding pair of De Brazza's monkeys and a duiker antelope, will be constructed just north of the existing Flamingo exhibit. The exhibit will have a holding building with separate rooms for both species, and a netted enclosure for a common outdoor living space for the two species. Zoo patrons will be able to view the animals in the exhibit through a glass window from a shaded observation area, as well as have the opportunity to see the animals from multiple angles, at a distance, through the netting of the large enclosure.

Shive-Hattery, Inc. prepared the FY 2020 De Brazza's Plaza Monkey Exhibit proposal package. Parks, Recreation & Cultural Arts Department (PRCA) advertised the project for competitive bids. Bids for the contract were received until 11:00 am, Friday, July 10th, 2020, in the office of the City Clerk. Five (5) bid proposals were received and opened. PRCA staff evaluated all the bid proposals and determined with the available funds and in the best

interest of the City, to accept the base bid for the construction of the exhibit (main building and viewing area) and alternate #3 for hydronic in-floor heating.

The City met with Diamond Design & Construction at a pre-construction meeting and requested the needed documentation for participation in apprenticeship programs for projects in excess of \$100,000. Diamond requested two days to respond to this request. City Staff and Diamond spoke by phone and stated they considered the cost of obtaining the certificates to be too high based on their bid and profit consideration. Both parties have therefore agreed to mutually rescind the contract and go back to their original positions.

The next lowest bidder for this option was N. Zobrist Construction at \$513,865 for the base bid and \$20,150 for alternate #3 for a total cost of \$534,015. The City considered this firm to be a responsible and responsive bidder and all apprenticeship certificates were obtained as well as all other City required documents.

City staff is aware of heightened concerns regarding the current COVID-19 pandemic. However, this project is a priority of the City, and staff is recommending it be approved. The City was awarded an Illinois Department of Natural Resources Public Museum Capital Grant in the amount of \$700,000 for the zoo concession/parking lot project and the design and construction of the De Brazza Monkey Exhibit. The Finance Department is monitoring the financial impact of the pandemic. It has reviewed the costs associated with the project and believes adequate funding is available.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Funds totaling \$700,000.00 were awarded with a State Grant, with \$600,000 to fund this project and \$100,000 for the Zoo Concession/Parking Lot project. Of the \$600,000, \$92,600 was previously awarded to Shive-Hattery, Inc. Architecture & Engineering to design the project. This leaves \$507,400 in the future State Grant proceeds.

If approved, the base bid and alternate #3 will be awarded for \$534,015. This amount exceeds the remaining \$507,400 in future State Grant proceeds by \$26,615. An interest free loan of \$50,000 from the Park Dedication fund will be used to cover this shortfall, and to complete components of the project performed by in-house staff. This loan will be paid back by the Zoo operating budget to Park Dedication over 13 years (to coincide with the terms of an existing Zoo-Park Dedication loan for the Concession Building/Parking Lot Expansion) beginning in FY 2022 at \$3,846.15 annually. Please see the attached exhibit for specifics on the budget amendment for \$50,000.

The construction cost of \$534,015 will be paid from the Capital Improvement-Building account (40100100-72520) while the components of the project completed by in-house staff estimated at \$23,385 will be paid from the Miller Park Zoo-Other Supplies account (10014136-71190). This project was originally included in the FY 2020 Budget and due to COVID-19 and awaiting grant confirmation from the State of Illinois was not included in the FY 2021 Budget. The \$507,400 was already amended in the budget by City Council on July 27, 2020 as part of Item 8K.

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Jeff Kohl, Parks Project Manager

Reviewed by:



Jay Tetzloff, Director of Parks, Recreation and Cultural Arts

9/1/2020



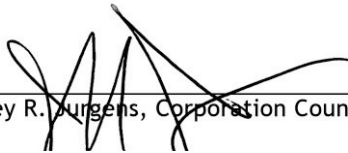
Carla Murillo, Procurement Manager

9/2/2020



Chris Tomerlin, Budget Manager

9/2/2020



Jeffrey R. Jurgens, Corporation Counsel

9/9/2020



Tara Henry, Legislative Assistant

9/9/2020

Recommended by:



Tim Gleason, City Manager

Attachments:

- PRCA 1B Bid Tab Debrazza with Local Pref
- PRCA 1C Bid #2021-08 Debrazza Monkey Exhibit Contract
- PRCA 1D Zobrist Bid Form DeBrazza Monkey Exhibit
- PRCA 1E Ordinance Debrazza Monkey Exhibit
- PRCA 1F Exhibit Debrazza Monkey Exhibit

**FY 2020 Debrazza Monkey Exhibit
Miller Park Zoo**

Bid No. #2021-08

Bid Tabulation

Bidder's Name	City, State	BASE BID	Alt #1	Alt #2
DIAMOND DESIGN & CONSTRUCTION, INC	Bloomington, IL	\$ 427,510.00	\$ 83,295.00	\$ 8,477.00
PJ HOERR, INC	Peoria, IL	\$ 560,900.00	\$ 41,000.00	\$ 15,000.00
ZOBRIST CONSTRUCTION	Morton, IL	\$ 513,865.00	\$ 92,300.00	\$ 14,775.00
CAD CONSTRUCTION, INC	Tremont, IL	\$ 674,750.00	\$ 45,000.00	\$ 8,550.00
FELMLEY-DICKERSON CO.	Bloomington, IL	\$ 544,800.00	\$ 42,000.00	\$ 8,400.00

Bidder's Name	City, State	Alt #3	Alt #4 (Removed from contract in addendum #1)	Alt #5
DIAMOND DESIGN & CONSTRUCTION, INC	Bloomington, IL	\$ 17,591.00	N/A	\$ 31,113.00
PJ HOERR, INC	Peoria, IL	\$ 18,000.00	N/A	\$ 29,000.00
ZOBRIST CONSTRUCTION	Morton, IL	\$ 20,150.00	N/A	\$ 29,500.00
CAD CONSTRUCTION, INC	Tremont, IL	\$ 15,900.00	N/A	\$ 14,825.00
FELMLEY-DICKERSON CO.	Bloomington, IL	\$ 17,700.00	N/A	\$ 18,000.00

Apparent Next Lowest Bidder:

N. Zobrist Construction

Base Bid	\$	513,865.00
Alternate #3	\$	20,150.00
Total	\$	534,015.00

CITY OF BLOOMINGTON
CONTRACT WITH
Zobrist Construction
FOR
Debrazza Monkey Exhibit - MPZ

THIS AGREEMENT, dated this 14th day of September _____, 2020, is between the City of Bloomington (hereinafter "CITY") and Zobrist Construction (hereinafter "CONTRACTOR").

NOW THEREFORE, the parties agree as follows:

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

Section 2. Incorporation of Bid/RFP/RFO & Proposal Terms / Prevailing Wage. This work was subject to the following procurement initiative by the CITY:
Bid #2021-08 Debrazza Monkey Exhibit - MPZ (hereinafter "Request")

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

Section 3. Description of Services. CONTRACTOR shall provide the services/work identified in the Procurement Documents, and specifically as follows: Construction of the Debrazza Monkey Exhibit per bid specifications on file in Procurement Division.

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

- ☐ A flat fee of \$ _____ as set forth in the Procurement Documents.
- ☒ Fees as set forth in the Procurement Documents.

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

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

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

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

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

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

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

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

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

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

CITY OF BLOOMINGTON

By: _____
Its City Manager

ATTEST:

By: _____
City Clerk

Zobrist Construction

By: _____
Its Estimator

9/1/2020 | 1:31 PM MST

By: _____
Its _____

BID FORM

BID #2021-08

DEBRAZZA MONKEY EXHIBIT – MILLER PARK ZOO

We, the undersigned, agree to the terms and conditions used by the City of Bloomington, Illinois, at the bid price submitted, and to supply all services and/or commodities as required in the requirements and Instructions to Bidders. We further agree to deliver the commodity and/or services as outlined with in this document, FOB Bloomington, Illinois, freight prepaid.

The bidder certifies by signature below that it has not been barred from contracting with a unit of State or Local government in the State of Illinois as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961, as amended.

We further agree to complete all of the above work in a complete, neat, and workmanlike manner.

Contractors shall not pay less than the prevailing rates of wages to all laborers, workmen, and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Prevailing Wage Act (820 ILCS 130/1-12) including Public Act 100-1177 effective June 1, 2019.

DESCRIPTION	AMOUNT
Construction of the Debrazza Monkey Exhibit	\$ 513,865. ⁰⁰
ALTERNATE # 1: <u>ADD</u> / (DEDUCT)	\$ 92,300. ⁰⁰
ALTERNATE # 2: <u>ADD</u> / (DEDUCT)	\$ 14,775. ⁰⁰
ALTERNATE # 3: <u>ADD</u> / (DEDUCT)	\$ 20,150. ⁰⁰
ALTERNATE # 4: ADD / (DEDUCT)	\$ N/A
ALTERNATE # 5: <u>ADD</u> / (DEDUCT)	\$ 29,500. ⁰⁰

The undersigned understands that any condition above, clarification made to the above, or information submitted on or with this form other than requested may render this bid unresponsive.

Zobrist Construction
Firm
95 Commerce Drive
Address
309-263-1230
Phone Number
Email Address: ryan@zobristconstruction.com

 See Trees
Authorized Signature
Morton IL 61550
City State Zip
7/10/2020
Date

ORDINANCE NO. 2020 - ____

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2021**

WHEREAS, on April 22, 2020 by Ordinance Number 2020-22, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Beginning May 1, 2020 and Ending April 30, 2021, City of Bloomington, which Ordinance was approved by Mayor Tari Renner on April 23, 2020; and

WHEREAS, a Budget Amendment is needed as detailed below;

Consideration and action on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2021 in the amount of \$50,000; (2) approve a mutual recession of the Contract with Diamond Design & Construction, Inc. in the amount of \$445,101.00 for the FY2021 De Brazza's Plaza Monkey Exhibit - Bid #2021-08 (Base bid + Alt. #3); and (3) approve a Contract with N. Zobrist Construction in the amount of \$534,015 for the FY2021 De Brazza's Plaza Monkey Exhibit - Bid #2021-08 (Base bid + Alt. #3).

Section One: Ordinance Number 2020-22 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2021) is further hereby amended by inserting the following line items and amount presented in the Exhibit and in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2020-22 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2020-22.

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

PASSED this 14th day of September 2020.

APPROVED this ____ day of September 2020.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Smith-Yocum, City Clerk

FY 2021 Budget Amendment-Exhibit

Account #	Fund	Account Description	Amount	Comments
24104100-89410	Park Dedication	To Capital Improvement	\$ 26,615.00	
40100100-85101	Capital Improvement	From Park Dedication	\$ (26,615.00)	
40100100-72520	Capital Improvement	Buildings	\$ 26,615.00	
24104100-89100	Park Dedication	To General Fund	\$ 23,385.00	
10019180-85101	General Fund-Transfers	From Park Dedication	\$ (23,385.00)	
10014136-71190	General Fund-Zoo	Other Supplies	\$ 23,385.00	
Net Transaction:			\$ 50,000.00	



CONSENT AGENDA ITEM NO. 8.G

FOR COUNCIL: September 14, 2020

SPONSOR: City Council

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on an Ordinance Approving the Second Amendment to the Contract Between the City of Bloomington and Tim Gleason Regarding the Term, Salary and Benefits, as requested by the City Council.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: On June 25, 2018, the Council approved the initial employment agreement with Tim Gleason, City Manager. The performance review for the City Manager's second year of service exceeded expectations, the highest ranking, and as a result an ordinance is presented to provide the City Manager with a 3% raise, retroactive to July 23, 2020, and to extend his employment agreement by two years, until July 23, 2024. The Second Amendment also provides that unused sick leave will be paid into the City Manager's existing ICMA-RC "RHS" account at separation, although in a manner not to impact the City Manager's IMRF pension and at the July 23, 2020, rate of pay.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: The financial terms are set forth in the attached ordinance. The City Manager's salary is budgeted and paid out of the Administration-Salaries Full-Time account (10011110-61100). Stakeholders can locate this in the FY 2021 Budget Book titled "Budget Overview & General Fund" on page 131.

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Jeffrey Jurgens, Corporation Counsel

Attachments:

- CC 1B 2020 Ordinance Amending City Manager Contract

ORDINANCE NO. 2020 - ____

**AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE CONTRACT
BETWEEN THE CITY OF BLOOMINGTON AND TIM GLEASON
REGARDING THE TERM, SALARY AND BENEFITS**

WHEREAS, the City of Bloomington, McLean County, Illinois (hereinafter “City”) is an Illinois home-rule municipality; and

WHEREAS, on June 25, 2018, the Council approved the initial employment agreement with Tim Gleason, City Manager, which had certain requirements regarding performance evaluations and salary considerations; and

WHEREAS, the performance of the City Manager in 2019-2020 is deemed to exceed expectations, the highest performance ranking, and as a result thereof the City Council desires to provide an increase of 3% in the City Manager’s base salary effective July 23, 2020, to extend his contract July 23, 2024, and provide for the payment of the City Manager’s unused sick leave into his RHS account; and

WHEREAS, the City Council desires to approve a Second Amendment to the employment agreement to reflect the new salary and term extension.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Bloomington, McLean County, Illinois, as follows:

SECTION 1. The above recitals are incorporated herein by this reference as if specifically stated in full.

SECTION 2. The base salary of the City Manager is established to be \$197,219, retroactive to July 23, 2020.

SECTION 3. The City Council hereby approves the Second Amendment to the Contract Between the City of Bloomington and Tim Gleason as set forth on Exhibit A. The City Mayor and City Clerk are hereby authorized to execute said Second Amendment.

SECTION 4. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 5. 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 6. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 7. This ordinance shall be effective immediately after the date of its publication as required by law.

SECTION 8. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 14th day of September 2020.

APPROVED this ____ day of September 2020.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Smith-Yocum, City Clerk

SECOND AMENDMENT TO CONTRACT
BETWEEN THE CITY OF BLOOMINGTON AND TIMOTHY A. GLEASON

This Second Amendment to the Contract between the City of Bloomington and Timothy A. Gleason is made on this 15th day of September, 2020, as set forth herein, between the CITY OF BLOOMINGTON, a municipal corporation in the County of McLean and State of Illinois (“City”), and TIM GLEASON (“Gleason”).

RECITALS

A. On June 25, 2018, the City entered into a contract with Tim Gleason for him to serve as the City Manager for the City of Bloomington.

B. On August 19, 2019, the City approved the First Amendment to the contract setting a new salary for the City Manager based on the previous year’s performance review.

C. The parties desire to further amend the contract to adjust the salary based on the contract’s performance criteria, extend the term of the contract by two years and provide for the payment of unused sick leave to the Manager’s RHS account.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants set forth herein, the parties hereto, intending legally to be bound, agree to incorporate the above recitals as if fully restated herein and further agree as follows:

1. The recitals set forth above shall be incorporated into the terms and conditions of this Second Amendment as if fully set forth herein.

2. Section 2(A) shall be amended as follows:

- A. This Agreement shall commence on the date it is signed by the last party to sign the Agreement. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of the Manager at any time, subject only to the provisions set forth in Section Four of this Agreement. This Agreement shall terminate on July 23, ~~2024~~ 2022. The City Manager shall commence his duties no later than July 23, 2018.

3. Section 6(A) shall be amended, in pertinent part, as follows:

- A. City agrees to pay Manager for services rendered pursuant hereto an annual base salary of One Hundred Ninety-Seven Thousand and Two-Hundred and Nineteen Dollars (\$197,219.00) effective July 23, 2020, ~~One Hundred Ninety-One Thousand and Four Hundred and Seventy-Five Dollars (\$191,475.00) effective July 23, 2019,~~ payable in installments at the same time as other Employees of the City are paid.

4. Section 11(A) shall be amended as follows:

- A. All provisions of the City Code, and regulations and rules of the City relating to sick leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall apply to the Manager as they would to other non-bargaining unit managers of the City, in addition to said benefits enumerated specifically for the benefit of the manager except as herein provided, except that any sick leave accrued and not used, upon separation from employment with the City, shall be paid into the Manager's existing ICMA-RC "RHS" account at separation of employment at the rate of pay at July 23, 2020. The payment of this sick leave into the RHS account shall be done in a manner not to inflate or otherwise impact the Manager's IMRF pension.

5. In all other respects the Contract Between the City of Bloomington and Tim Gleason shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to Contract Between the City of Bloomington and Timothy A. Gleason in duplicate this day and year first above written.

CITY OF BLOOMINGTON

TIM GLEASON

By: _____
Its City Mayor

By: _____
Tim Gleason

ATTEST:

By: _____
Its City Clerk



CONSENT AGENDA ITEM NO. 8.H

FOR COUNCIL: September 14, 2020

SPONSOR: Community Development Department

WARD IMPACTED: Ward 5

SUBJECT: Consideration and action on an Ordinance Approving a Special Use Permit for an Adult-use Cannabis Dispensary in the B-1 General Commercial District for Property Located at 118 Keaton Place, Bloomington IL 61704, as requested by the Community Development Department.

RECOMMENDED MOTION:

The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

-Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE:

-Objective 3c. Revitalization of older commercial homes

BACKGROUND: While the State of Illinois has permitted, with limitation, the production, sale and use of Medical Marijuana since 2013, on June 6, 2019, the Illinois General Assembly passed the "Cannabis Regulation and Tax Act" (the Act) which legalized, with limits, the sale, possession and use of cannabis sativa and its derivatives and subspecies for recreational purposes/private use by adults over the age of 21. The Act established licensing requirements for cannabis related businesses and designates the Illinois Department of Financial and Professional Regulation (IDFPR) as the department responsible for licensing adult-use cannabis establishments statewide. Prior to receiving a license and opening, the IDFPR's Cannabis Control Section will complete a final inspection of all facilities. This inspection is contingent upon local zoning approval.

The Act, which became effective on January 1, 2020, authorizes local municipalities to regulate adult-use cannabis business establishments through zoning and taxation. On December 16, 2019, the Bloomington City Council adopted a text amendment to Chapter 44 of the City Code that allows up to 2 adult-use cannabis dispensing organizations in the City's business and manufacturing districts with a special use permit. As a condition of the special use permit, the establishment must be a minimum of 250-feet from a residential zoning district and 500-feet from a protected use like a church, school, or day care center. The city's zoning requirements also prohibit drive-through facilities, establish a minimum floor area, and prohibit on-site consumption. Additionally, both the City and the State adopted a 1500-foot separation requirement between permitted adult-use cannabis businesses.

The subject property, 118 Keaton Place, was improved with a 3040 square foot fast-food restaurant in 2017. The property became vacant in 2020 when the restaurant closed. The subject property is located along Veterans Parkway, a state route and major commercial arterial road with over 43,000 vehicular trips daily. General Electric (GE) Road, a locally

owned minor arterial street and the cross-street, receives roughly 12,600 daily trips. The corridor is a highly visible, important commercial corridor for the region. Several businesses ranging from Applebee's to Walgreen's are located along this thoroughfare. Unfortunately, there have recently been multiple vacant buildings and lots along Veteran's Parkway including the former Lone Star building at 903 IAA Drive and the vacant property at 1509 E. Vernon Ave. The subject property at 118 Keaton Place adds to this commercial vacancy.

On June 16, 2020 the City of Bloomington received an application submitted by Beyond/Hello IL LLC to operate an adult-use cannabis dispensary at 118 Keaton Place. The applicant currently operates a medical/recreational cannabis facility located in Normal and another facility in Sauget, IL. Since the applicant previously held a medical marijuana dispensing license, they were awarded the opportunity to open a second, recreation-only, dispensing facility in Illinois, pending zoning approvals and final inspection from the Cannabis Control Section of the IDFPR and Bloomington Building Official. As part of their special use permit application, the applicant submitted the following to the City: a business plan, site plan, schematic drawings and floor plan, map of surrounding area, sign plan, security plan, sign plan, impact statement, and a notarized affidavit affirming compliance with state and local requirements including the operational standards in Chapter 44, Division 10-39H1. These documents have been posted on the City's website since June 2020 for public review. They are available at www.cityblm.org/zoning.

118 Keaton Place is zoned B-1 and is adjacent to other B-1 uses. The B-1 District contemplates commercial, office and retail uses. It includes provisions for sensitive adult-uses as well. The property is separated more than 250-feet from a residential zoning district and 500 feet from a protected use such as a school or church. The Zoning Board held a public hearing on the special use permit. The Board established that the application meets the standards for a special use defined in Chapter 44 17-7 as well as the use standards for an adult-use cannabis dispensing organization described in 44.10-39. The Board recommended approval of the request, 6-1. The meeting materials, including a copy of the application, supporting documentation and notices, are available online at <https://www.cityblm.org/Home/ShowDocument?id=25032>. A recording of the meeting is online at the City of Bloomington YouTube page <https://www.youtube.com/user/CityofBloomingtonIL>. Draft meeting minutes are attached to this report.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Bloomington Zoning Board of Appeals held a public hearing on Wednesday, August 19, 2020. The hearing was held live at www.cityblm.org/live and City Hall was open to the public for attendance. Notice of the hearing was published in *The Pantagraph* on Monday, July 27, 2020 in accordance with state and local statutes. Notices were also mailed to 16 property owners within 500 feet of the subject property. A copy of the notice and list of notified property owners is included in the meeting packet available online at <https://www.cityblm.org/Home/ShowDocument?id=25032>. Additionally, two large notification signs were placed on the property, and a third sign was placed at the corner of General Electric Road (GE Road) and Keaton Place. The application was also posted online. One person spoke against the petition. Staff also received four emails with questions and concerns prior to the meeting. These emails were shared with the petitioner, the Board and incorporated into the record. The emails are attached to the minutes attached to this memo. The email senders were not present at the meeting. The applicant was able to provide a rebuttal and answer questions posed in the emails at the hearing. No one, outside

of the applicant and their team, spoke in favor of the petition. The Zoning Board of Appeals unanimously found the application to meet the standards for a special use permit (44.17-7) and the use provisions for an adult-use cannabis dispensing organization (44.10-39), 7-0. The Board voted in favor of the petition 6-1.

FINANCIAL IMPACT: On December 16, 2019, the City Council approved a 3% Municipal Cannabis Retailers' Occupation Tax on the sales of non-medical recreational adult-use cannabis sold from a licensed adult-use dispensing organization within the city of Bloomington (Ordinance 2019-90). This Occupation Tax is in addition to other State and Home Rule sale tax revenues. Given the uncertainty of when a dispensing organization may have opened in the City and sales might begin in the City, no revenue from this tax was included in the FY 2021 Adopted budget. As per the December 16, 2019 Memo, if a proposed adult-use cannabis retail facility becomes operational, revenues generated by the 3% Cannabis Retailers' Occupation Tax will not be spent until the City Council gives direction on any restrictions the Council would like to implement on those new revenues. Home Rule and State Sales taxes generated will be processed per existing financial policies including portions restricted for McLean County Health and Asphalt and Concrete funding.

COMMUNITY DEVELOPMENT IMPACT: The subject property is a Tier 1-Infill Redevelopment Priority. The special use permit furthers reinvestment in vacant or underutilized property. Further, the application meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: Goal ED-4 Enhance the image of Bloomington as a business-friendly community. Objective ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City. Objective ED-4.4 Evaluate commercial land use needs in the context of changing economic trends.

Respectfully submitted for Council consideration.

Prepared by: Katie Simpson, City Planner

Reviewed by:



Katie Simpson, City Planner

9/8/2020



Chris Tomerlin, Budget Manager

9/9/2020

George Boyle

George Boyle, Assistant Corporation Counsel

9/10/2020



Tara Henry, Legislative Assistant

9/10/2020

Recommended by:

A handwritten signature in black ink, appearing to read 'T. Gleason', is positioned above a horizontal line.

Tim Gleason, City Manager

Attachments:

- CD 2B 118 Keaton Special Use Permit Ordinance
- CD 2C Draft Minutes with Business Information and Redacted Public Comment

ORDINANCE NO. 2020 - _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN ADULT-USE CANNABIS DISPENSARY IN THE B-1 GENERAL COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 118 KEATON PLACE

WHEREAS, there was heretofore filed with the Community Development Department of the City of Bloomington, McLean County, Illinois, a petition and site plan requesting a Special Use Permit for an adult-use cannabis dispensing organization in the B-1 General Commercial District for certain premises commonly referred to as 118 Keaton Place Bloomington IL 61704 and hereinafter described in Exhibit(s) A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, following said public hearing, made findings of fact that such Special Use complied with the use provisions of Chapter 44.10-39 for an adult-use cannabis dispensing organization and with the standards and conditions for granting a special use set forth in (44.17-7), specifically:

- 1.) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property;
- 2.) Proposed structure in which the facility will be located, including co-tenancy (in in a multi-tenant building), total square footage, security installations/security plan and building code compliance;
- 3.) *Hours of operation and anticipated number of customers/ employees;*
- 4.) *Anticipated parking demand, proximity to public transit, and available private parking supply;*
- 5.) *Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways;*
- 6.) *Site design, including access points and internal site circulation;*
- 7.) *Proposed sign plan;*
- 8.) *Compliance with all requirements provided in Section H [1] (Adult -Use Cannabis Dispensing Organization); as applicable;*
- 9.) *The number of Adult -Use Cannabis business establishments already in operation, which shall not exceed two;*
- 10.) That the establishment, maintenance, or operation of That the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- 11.) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

- 12.) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
- 13.) That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
- 14.) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- 15.) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

WHEREAS, the Bloomington Board of Zoning Appeals, voted to recommend that the City Council pass this ordinance; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. That the Special Use Permit for an adult-use cannabis dispensing organization in the B-1 General Commercial District for certain premises commonly referred to at 118 Keaton Place Bloomington IL 61704 and hereinafter described in Exhibit(s) A shall be, and the same is hereby approved.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 14th day of September 2020.

APPROVED this ____ day of September 2020.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Smith-Yocum, City Clerk

Exhibit A
“Legal Description”
118 Keaton Place
PIN: 14-35-203-008

**LOT 7 IN THE O’BRIEN SUBDIVISION SECOND
ADDITION**



DRAFT
MINUTES

**PUBLISHED BY THE AUTHORITY OF
THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, AUGUST 19, 2020, 4:00 P.M.
WWW.CITYBLM.ORG/LIVE**

This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The Zoning Board of Appeals convened in Regular Session virtually via zoom conferencing with the City Planner, Katie Simpson, and Board Member Michael McFarland in-person in City Hall's Council Chambers at 4:09 p.m., Wednesday, August 19, 2020. The meeting was live streamed to the public at www.cityblm.org/live. The Meeting was called to order by Chairperson Victoria Harris.

Roll Call

Attendee Name	Title	Status
Ms. Victoria Harris	Chairperson	Present
Mr. Terry Ballantini	Commissioner	Present
Mr. Michael McFarland	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Mr. Michael Rivera Jr	Commissioner	Present at 4:15 p.m.
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Mr. Craig McBeath	Interim Information Systems Director	Present
Mr. Bob Mahrt	Community Development Director	Present
Ms. Katie Simpson	City Planner	Present

Regular Agenda:

SP-03-20 Public hearing, review and action on a petition for a special use permit submitted by Beyond Hello IL LLC (parent company Jushi Holdings LLC) to allow an adult-use cannabis dispensary in the B-1 General Commercial District at 118 Keaton Place, Bloomington IL 61704 (Ward 5).

Chairperson Harris introduced case SP-03-20 and asked for the staff report.

Ms. Simpson, City Planner, stated the petitioner is seeking a special use permit to allow an Adult Use Cannabis Dispensing Organization at 118 Keaton Place. Staff finds that the petition

DRAFT
MEETING MINUTES

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, AUGUST 19, 2020**

has met the Zoning Ordinance's standards required to allow for a special use permit. Staff recommends approval of the requested special use for Adult-Use Cannabis Dispensing Organization in the B-1 District. The building at this location was previously a fast food restaurant.

Ms. Simpson shared that on December 16, 2019, the Bloomington City Council passed Ordinance 2019-89, a text amendment to Chapter 44 of the City Code, to allow, by special use, up to two (2) adult-use cannabis dispensing organizations within business and manufacturing districts in the corporate limits. Special use permits allow for extra oversight and review on a case by case basis.

Ms. Simpson provided location background, aerial view and zoning. This area is zoned B-1 General Commercial District which is intended to be a commercial corridor. Ms. Simpson pointed out occupied and unoccupied businesses in the area. Regarding the former GE plant to the East, she shared with the commission a previously voiced concern that this facility was to be converted to a cannabis processing plant and assured the commission that this could not occur due to regulations. Further, she advised staff consider this an opportunity to backfill a currently vacant building that would generate additional traffic to the area which could act as a catalyst for surrounding businesses

The proposed business requires specific buffer zone consideration from residential and special/sensitive use facilities which limits locations for the petitioner. This location meets the setback/buffer requirements.

Ms. Simpson provided an overview of the code requirements for this business. These requirements will be met according to the site plan details. Building plans and floor diagrams were shared, showing public access, limited access and restricted access. A security plan was submitted and the City of Bloomington Police Chief reviewed and signed off on the plan with his comments, there were no areas of concern. A sign plan was required and submitted. Limitations are placed on the sign content by State statute. Because this property is vacant it qualifies as a Tier 1 Infill Redevelopment Priority according to the guidelines set forth in the Comprehensive Plan to spur growth and reinvestment in the City while evaluating future commercial land use needs in the context of changing economic trends.

Ms. Simpson noted the expanded standards and explained these were created by the City Council who determined they were necessary to review for cannabis related Special Use permitting. Ms. Simpson informed the Commission that staff had determined that all standards have been met.

This is one piece of the Special Use permitting process for the petitioner. Prior to being licensed by the State, the facility will need to have a final inspection to verify compliance. If approved this site will be the applicant's second location in McLean County.

Chairperson Harris asked for any questions for staff. Mr. Ballantini referenced the City's limit of two (2) cannabis dispensaries and asked if it was limited to two (2) per business or two (2) total and asked if any other business has applied? Ms. Simpson confirmed the limit is

two (2) regardless of whether it's the same business or two (2) businesses. There has not been any other special use permit applications submitted for a cannabis dispensary.

Chairperson Harris swore in Nathan Wang, New Markets Manager of Beyond Hello IL, LLC (Jushi Holdings Inc. parent company) to provide a presentation to the Board. A copy of this presentation is attached as Appendix A to these minutes.

Mr. Wang provided the Commission with a presentation of Beyond Hello IL, LLC that include: Who we are; What we do; Positive community impact; and Consumer profile. Mr. Wang stated Beyond Hello IL, LLC has established community partnership at other locations and is recognized as #4 Best Cannabis Company. Beyond Hello IL, LLC is supported by the parent company Jushi Holdings Inc. Mr. Wang thanked City staff and the Zoning Board of Appeals for review and consideration of their special use permit application.

Chairperson Harris asked for questions to the petitioner. There was discussion as to the age of use and sales. Mr. Wang confirmed adult use is considered 21 years and older and they adhere to this standard very strictly.

Chairperson Harris swore in Sarah Payne, Attorney for Beyond Hello IL, LLC (Jushi Holdings Inc. parent company) and asked how the quality of the product is ensured so that the consumer is protected. Ms. Payne confirmed that the product is thoroughly tested in an accredited lab for a great number of things including, contaminants, microbials, pesticides and consistency. Further the lab must certify that the analysis was completed and products were safe. Ms. Payne advised that, since this is an agricultural product the availability of variations is subject to change.

There was discussion as to the variety of standard & supplemental ratios of the product as it pertained to consumer awareness. Mr. Wang advised that any consumer at their store would be educated to ensure they received the correct product for their needs and that the consumer understood it's use. Mr. Wang additionally explained that Beyond Hello IL, LLC also conducts community education events and meets with various organizations to explain the benefits and uses of the product.

Additional discussion ensued about the vetting process of employees. Mr. Wang informed the commission that in addition to detailed training and onboarding within the company, their employees have retail experience or in areas such as pharmacies. Their employees are therefore able to provide the correct product based on customer needs.

Chairperson Harris asked whether food products will be distributed on-site. Mr. Wang indicated that portion of what they sell is edible.

Mr. Ballantini inquired about local staffing and further detail about ownership of existing dispensary in Normal, IL.

Chairperson Harris swore in Andrew Cordese, IL and Inventory Manager for Beyond Hello IL, LLC (Jushi Holdings Inc. parent company). Mr. Cordese stated that all employees live in McLean County to his knowledge. Jushi Holdings Inc. had acquired the Green Solution dispensary.

Mr. Ballantini had visited the Normal store and noticed specific customer guidelines and procedures were in place due to COVID. He inquired as to the plans for the Bloomington store. Mr. Cordese indicated the Bloomington store would likely have a similar plan in place but they would eventually like to have walk-in traffic, but this would be dependent on the status of the Pandemic at the time the store was first opened.

Mr. Wang was excited to have more parking spaces at the Bloomington location and glad to have two (2) stores in the area to better serve the customers.

Mr. Ballantini asked the amount of other stores and common complaints. Mr. Wang advised there stores in PA, VA, CA, and IL. The most common complaints from the consumers was about lack of inventory and wait times: the biggest concern of towns considering business was, what kind of customer would the business attract? Mr. Wang added that they have proven to be able to answer all concerns once the business was up and running.

Mr. Ballantini asked when they hoped to open. Mr. Wang said their goal was to open by the end of the year.

There was discussion about local hiring, employee benefits and opportunities for advancement that exceeded what would be available through a smaller company.

Mr. Straza inquired as the hiring age and requirements. Mr. Cordese reiterated that they look for those with retail experience and they have extension training requirements.

Mr. Straza presented public concerns related to odors and loitering potential at the proposed location. Mr. Wang advised all packages are sealed, do not allow odors and customers are not allowed to open them on premise, so there should be no loitering. Mr. Wang advised that security would be onsite to prevent that as well.

There was continued discussion as to expiration dates on products, use by dates. Along with facility layout and customer experience. As indicated on the floor plan, there are various access points for the customer.

Chairperson Harris asked if there were any witnesses registered to speak for or opposed to the petition.

Mr. David Shaw explained that he was the local land use counsel for the petitioner, available to answer questions as needed.

Chairperson Harris swore in Serena Fish to speak in opposition of the petition. Ms. Fish spoke in opposition of the petition stating concerns with location close to two (2) dental offices, Public Hearing sign placement and legibility, and notification of those within the 500 ft buffer of proposed property.

Mr. Ballantini asked Ms. Simpson to address the notification procedures. Ms. Simpson stated that property owners within the 500 ft buffer were notified and referenced the addresses in

the meeting packet. Ms. Simpson indicated the sign placement is a courtesy and there were actually three signs placed for the hearing when usual practice is to have just one.

Ms. Simpson provided additional email communication received for public comment, they were added to the record, and attached to these minutes, as Exhibits 1,2,3 and 4. These were also provided to the petitioner.

Chairperson Harris asked if any member would like to comment on the exhibits. Mr. Noonan stated it appears that placement of one of the signs placed in front of a warehouse may have caused some confusion. Which led to the question about whether the plant was going to be used to process cannabis. Mr. Wang addressed the spoken and written concerns in a manner consistent with his prior testimony given in response to Mr. Ballantini's question about most frequent concerns.

Chairperson Harris asked if there were any other witnesses. There were none. Chairman Harris closed the Hearing at 5:31 p.m. and asked the Board to consider the matter. Chairperson Harris asked for a vote on the Findings of Fact as outlined in the Staff Report.

Mr. Noonan made a motion to accept the Findings of Fact as a whole. Mr. Ballantini seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams - Yes, Mr. Rivera Jr. - Yes, and Chairperson Harris - Yes (7-0-0).

Mr. Ballantini made a motion to approve the special use petition and recommend to City Council for approval. Mr. Noonan seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - No, Ms. Harris - Yes, Mr. Rivera Jr - Yes and Chairperson Harris - Yes (6-1-0).

Ms. Simpson informed the Board the case will go before City Council on September 14, 2020

Appendix A--
Applicant's present

Beyond / HELLO

Beyond Hello IL, LLC

City of Bloomington SUP Application for

118 Keaton Place

agenda

- WHO WE ARE
- WHAT WE DO
- POSITIVE COMMUNITY IMPACT
- CONSUMER PROFILE

ND / HELLO



/ HELLO is more than just a name. It is an entirely new way of doing business by helping, serving, being intentional, and fully focused on the customer and community.

**BEYOND
HELLO**

Who We Are



#4 on Cannabis Business Times' Best Companies to Work For 2020



People & Community First Approach



Consumer Education



Operational Excellence



Strong Organizational Backbone

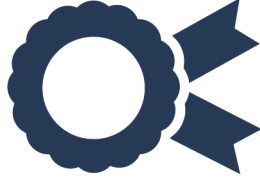
What We Do



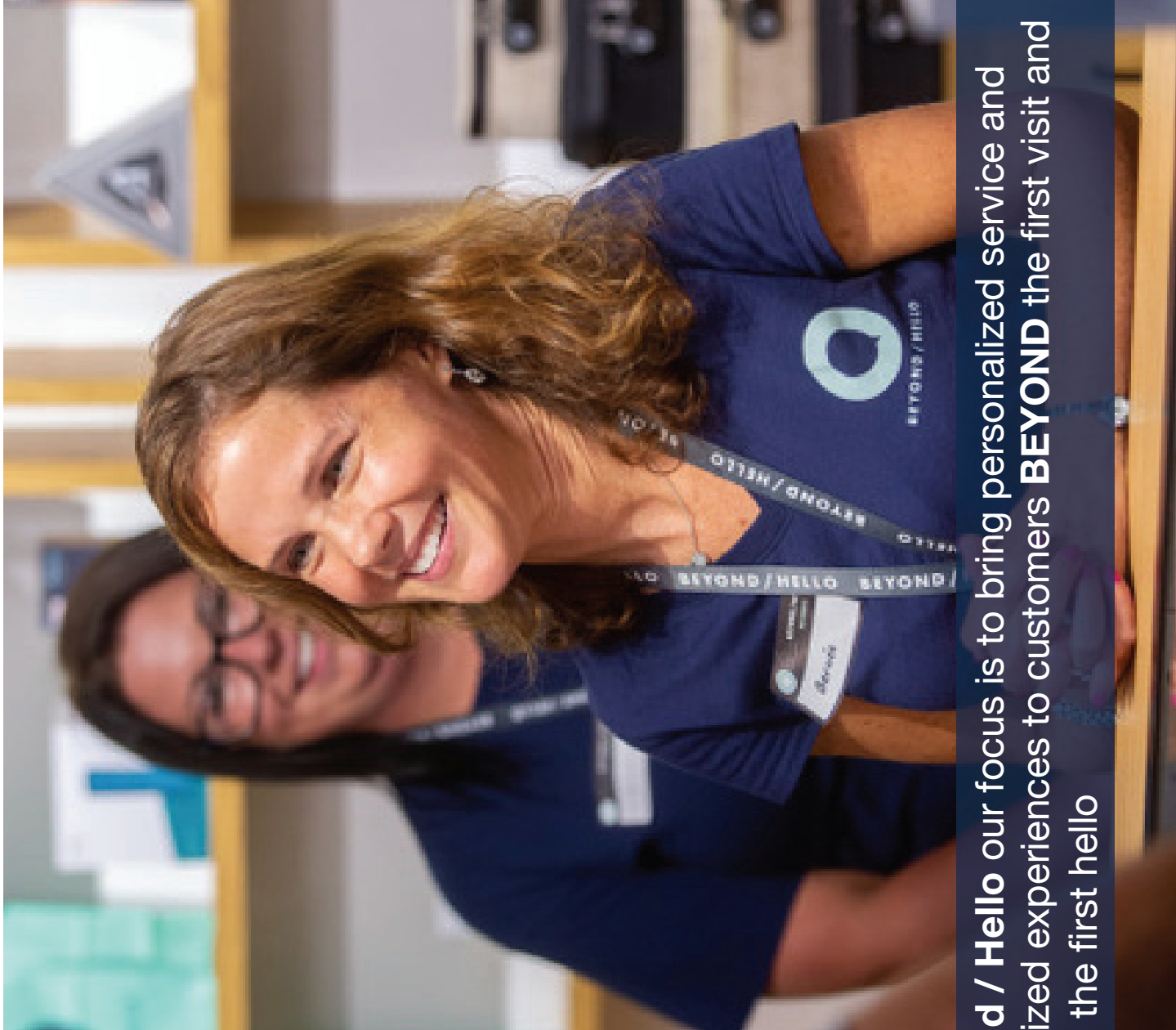
Deliver a world class customer experience



Best-in-class security systems and procedures



Provide the highest quality products at affordable prices



d / Hello our focus is to bring personalized service and personalized experiences to customers **BEYOND** the first visit and the first hello

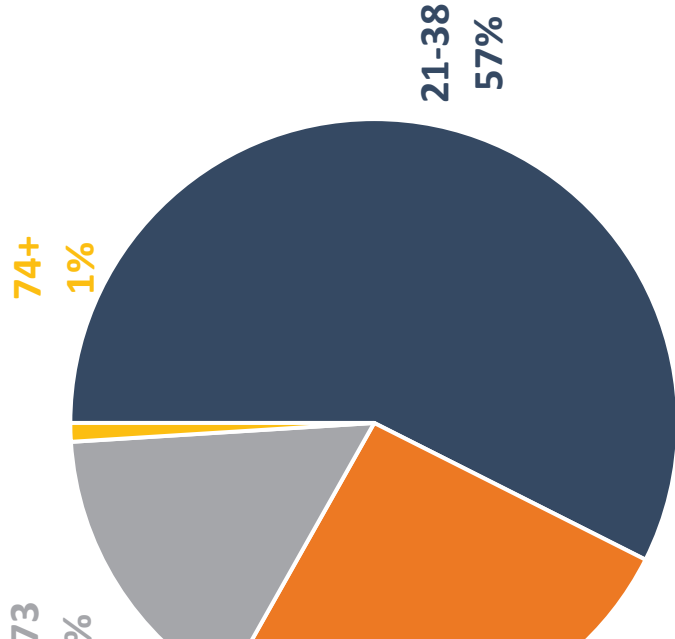
We will become a **leading positive force in the community**. We pride in supporting **community organizations, events, and other local businesses** in the area we operate

- Satisfied all City Special Use Permit Criteria
- Will create up to 40 high quality jobs with best-in-class benefits
- Generate tax revenue for the community
- Promote other local businesses
- Support local causes and organizations
- Special discounts for veterans, senior and medical patients



Typical Consumer Profile

Typical Consumer Age Groups



Fastest Growing Demographics



Women



55-73 Year-olds

Consumer of the Future



Aged 35 and under



Consumers who spend less than \$100 a month



Bachelor's or Masters degree holders

BEYOND / HELLO

Thank You!

Exhibit 1

Fw: Public Hearing - 7-15-20 - Beyond Hello IL LLC

Katie Simpson <ksimpson@cityblm.org>

on behalf of

Public Comment <publiccomment@cityblm.org>

Wed 7/15/2020 9:08 AM

To: Katie Simpson <ksimpson@cityblm.org>; Joni Gerard <jgerard@cityblm.org>

Joni,

Please add this to the record for SP-05-20.

Thank you,

Katie

From: Brio Cove [REDACTED]

Sent: Wednesday, July 15, 2020 8:54 AM

To: Public Comment <publiccomment@cityblm.org>

Subject: Public Hearing - 7-15-20 - Beyond Hello IL LLC

To whom it may concern,

We own Brio Cove Salon & Spa. We are strongly opposed to having an adult-use cannabis dispensary in the vicinity of our business. We believe it will detract from the current businesses surrounding the area. We also believe that it will decrease property & business values for us & other companies like us.

Overall, it will decrease our sales, which would in turn decrease the amount of sales tax generated by our business. You are making a mistake by placing it in this already busy commercial corridor.

Please take our opinion into consideration.

Thanks,
Amy Hammond,
Brio Cove Inc.

Websense: Click [here](#) to report this email as spam.

Exhibit 2

Fw: Stop the Weed Dispensary Today

Katie Simpson <ksimpson@cityblm.org>

Wed 7/15/2020 4:06 PM

To: Joni Gerard <jgerard@cityblm.org>

Joni,

Can you also print this email and add it to the record for SP-05-20.

Thank you,

Katie

From: Katie Simpson <ksimpson@cityblm.org> on behalf of Public Comment <publiccomment@cityblm.org>

Sent: Wednesday, July 15, 2020 4:04 PM

To: Crystal Blakeman [REDACTED]

Subject: Re: Stop the Weed Dispensary Today

Thank you Crystal,

The ZBA meeting tonight was rescheduled to August 19, 2020. I am adding your comments to the record for case SP-05-20 and encourage you to attend the meeting on August 19, 2020.

Thank you,

Katie Simpson
City Planner

From: Crystal Blakeman [REDACTED]

Sent: Wednesday, July 15, 2020 9:48 AM

To: Public Comment <publiccomment@cityblm.org>

Subject: Stop the Weed Dispensary Today

Hello,

The property that we own is close to the proposed site of the weed dispensary. We're worried that this will attract a bad crowd around our property. We are afraid that people will smoke pot around our business. This is unacceptable. If you do not turn this down, we will find a way to protest your decision. Don't make a mistake by putting this dispensary in our thriving business area.

We don't need it on North Veterans. Put it somewhere where it will create jobs for the neglected side of our town. Thank you for your consideration in this matter.

Sincerely,
Crystal

Cannabis dispensary- old GE plant

Exhibit 3

trevor krawcyk [REDACTED]

Sun 8/16/2020 5:55 PM

To: Public Comment <publiccomment@cityblm.org>

As a citizen of the east side of Bloomington, I have serious concerns about the proposed cannabis dispensary. I was not aware that in the past, there was a push for a cannabis processing facility which would not be ideal in the middle of our residential area. This is across the street from the trail and too close to our residential area. I understand that now there is a request for a dispensary to be in a manufacturing facility (which seems questionable). Neither one of these options are good for our area and my property taxes are way too high for this type of business. Recently, a Dollar General is being put into a building at the corner of GE and Airport which is already going to bring more traffic from all over to this location- again, near a heavily traveled trail.

Details need to be shared via mail with ALL residents outlining the pros and cons and allowing the residents to be educated and provide push back.

Gail Krawcyk

Websense: Click [here](#) to report this email as spam.

Cannabis dispensary

Exhibit 4

David Jones [REDACTED]

Sun 8/16/2020 4:09 PM

To: Public Comment <publiccomment@cityblm.org>

As a citizen of the east side of Bloomington, I have concerns regarding the proposed cannabis dispensary. In the past, it appeared that the push was for a cannabis processing facility, which are known to have an extremely foul odor emanating from the processing of marijuana. My concern is this....it appears that this dispensary is in the same location, in a large, vacant manufacturing facility vacated by General Electric. Why would a dispensary need an area this large? Unless they had an option to process after they are in the facility. I would appreciate if the committee would clarify the short and long term intent of this business venture for the record.

Lisa Jones
[REDACTED]

Websense: Click [here](#) to report this email as spam.



CONSENT AGENDA ITEM NO. 8.I

FOR COUNCIL: September 14, 2020

SPONSOR: Community Development Department

WARD IMPACTED: Ward 4

SUBJECT: Consideration and action on an Ordinance Approving a Special Use Permit for the Expansion of a Place of Worship in the R-1B Single Family Residential District, for Property Located at 1617 E Emerson Street, Bloomington IL 61701, as requested by the Community Development Department.

RECOMMENDED MOTION:

The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

-Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE:

-Objective 3a. Retention and growth of current local businesses

BACKGROUND: The subject property, 1617 E. Emerson Street, is located at the southwest corner of E. Emerson Street and Towanda Avenue. E. Emerson Street and Towanda Ave are major collector roads. E. Emerson Street has an average of 8400 vehicle trips daily while Towanda Ave has 9550 trips. The subject property is approximately 9.54 acres and is improved with a place of worship originally constructed in 1959. The subject property is zoned R-1B, Single Family Residential District. The District is primarily residential, so a "Place of Worship", and other tax exempt or government uses, requires a special use permit. Further, since such a use may be in the heart of a neighborhood, the height of this establishment is limited to 45-feet, which ensures a mass and height consistent with the homes in the district. The corner of E. Emerson Street and Towanda Avenue is south of the Towanda Plaza Shopping Center, a regional shopping destination. The site is adjacent to other places of worship and directly south of the Ewing Cultural Center and provides parking during special events.

The current facility is approximately 64,569 square feet with 323 parking spaces. The existing sanctuary is 45 feet tall. The applicant, St. John's Evangelical Lutheran Church, is proposing to add a 10,184 square-foot sanctuary. The expansion triggers the need for a new special use permit, pursuant to Chapter 44 Division 17-7 of the City Code.

The project includes the demolition of the entrance facing E. Emerson Street and construction of a new drop-off area, a new 500 seat sanctuary and renovated offices. No changes to circulation are expected. The drop-off facilitates one-way traffic going east through the parking lot and exiting onto E. Emerson Street. A pedestrian connect is proposed to the sidewalk as well as an internal pedestrian path from the parking lot to the front door to facilitate safe pedestrian circulation. The proposed sanctuary is roughly 60 feet tall and will exceed the height of the existing sanctuary, and the City's maximum height

requirement, by approximately 15 feet. The applicant is requesting the variance to enhance acoustics and to house the existing pipe organ. The new sanctuary will also include an LED display wall. Places of worship will often expand amenities to attract and retain members and provide additional community resources and services.

The Zoning Board held a public hearing on the special use permit and the variance requested. The Board recommended unanimous approval of both requests. The meeting materials are available online at <https://www.cityblm.org/Home/ShowDocument?id=25032>. A recording of the meeting is online at the City of Bloomington YouTube page <https://www.youtube.com/user/CityofBloomingtonIL>.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Zoning Board of Appeals held a public hearing on Wednesday, August 19, 2020. Notice of the hearing was published in *The Pantagraph* on Monday July 27, 2020. A large metal notification sign was placed on the property. Notices were also mailed to 79 property owners within 500 feet of the subject property on July 29, 2020. A copy of the notices is included in the meeting materials published online at <https://www.cityblm.org/Home/ShowDocument?id=25032>. The meeting was held virtually at www.cityblm.org/live, however City Hall was open for attendance by the public. No one outside of the applicant spoke in favor of the petition. No one spoke against the petition. In addition to the special use, the applicant requested a variance to allow a fifteen-foot increase in the height of the sanctuary from 45-feet to 60-feet. The Board unanimously recommended approval of the special use and approval of the variance.

FINANCIAL IMPACT: No financial impact is expected. The subject property is tax exempt. The subject property is located at the gateway of a commercial corridor and the investment could spark further investment along Towanda Ave.

COMMUNITY DEVELOPMENT IMPACT: ED-4.2 Prioritize Infill and redevelopment to spur growth and reinvestment in the City. ACH-4.1c. Protect and maintain publically-owned cultural resources. Such resources may include the buildings, monuments, streets and trees.

Respectfully submitted for Council consideration.

Prepared by: Katie Simpson, City Planner

Reviewed by:


Katie Simpson, City Planner

9/8/2020


Chris Tomertin, Budget Manager

9/8/2020

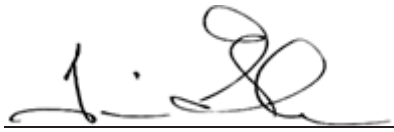
George Boyle
George Boyle, Assistant Corporation Counsel

9/10/2020


Tara Henry, Legislative Assistant

9/10/2020

Recommended by:

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

Tim Gleason, City Manager

Attachments:

- CD 1B Ordinance_1617 E Emerson_Place of Worship
- CD 1C 8-19-20 Exhibit B_DRAFT Minutes SP 1617 E Emerson

ORDINANCE NO. 2020 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE EXPANSION OF A
PLACE OF WORSHIP IN THE R-1B SINGLE FAMILY RESIDENTIAL DISTRICT, FOR
PROPERTY LOCATED AT 1617 E EMERSON STREET**

WHEREAS, there was heretofore filed with the Community Development Department of the City of Bloomington, McLean County, Illinois, a petition and site plan requesting a Special Use Permit for the expansion of a place of worship in the R-1B Single Family Residential District for certain premises hereinafter described in Exhibit(s) A and an application for a variance requesting a 14'5" increase in permitted height; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Zoning Board of Appeals, made findings of fact that such Special Use as illustrated in the Site and Landscape Plans hereinafter described in Exhibit(s) B, complied with the standards for granting such special use, specifically:

- 1.) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- 2.) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- 3.) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;
- 4.) That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;
- 5.) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- 6.) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

WHEREAS, the Bloomington Board of Zoning Appeals, also voted to approve the requested variance also denoted on Exhibit B.

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit with the recommended conditions.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. That the Special Use Permit for the expansion of a place of worship for the property at 1617 E Emerson street legally described in Exhibit A and depicted in Exhibit(s) B, is hereby approved.
3. That the city approved a variance for a 14' 5" increase in height of the sanctuary.
4. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 14th day of September 2020.

APPROVED this _____ day of September 2020.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Smith-Yocum, City Clerk

Exhibit A
“Legal Description”

BOSWORTH’S SUB OF LOT 1 OF SUB OF SW& SE SEC 34-24-2E. LOT 17 (EX. 70,103 SQFT
RD AS IN 01/11492)



DRAFT
MINUTES

**PUBLISHED BY THE AUTHORITY OF
THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, AUGUST 19, 2020, 4:00 P.M.
WWW.CITYBLM.ORG/LIVE**

This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The Zoning Board of Appeals convened in Regular Session virtually via zoom conferencing at 4:09 p.m., Wednesday, August 19, 2020. The meeting was live streamed to the public at www.cityblm.org/live. The Meeting was called to order by Chairperson Victoria Harris.

Roll Call

Attendee Name	Title	Status
Ms. Victoria Harris	Chairperson	Present
Mr. Terry Ballantini	Commissioner	Present
Mr. Michael McFarland	Commissioner	Present
Mr. Michael Straza	Commissioner	Present
Mr. Tyler Noonan	Commissioner	Present
Mr. Michael Rivera Jr	Commissioner	Present at 4:15 p.m.
Ms. Nikki Williams	Commissioner	Present
Mr. George Boyle	Assistant Corporate Counsel	Present
Mr. Craig McBeath	Interim Information Systems Director	Present
Mr. Bob Mahrt	Community Development Director	Present
Ms. Katie Simpson	City Planner	Present

COVID-19

Mr. George Boyle, Assistant Corporation Counsel explained that this meeting was being held virtually via live stream pursuant to the gubernatorial executive order 2020-07, Section 6. Public comment was accepted until 15 minutes before the start of the meeting. Written public comment must have been emailed to publiccomment@cityblm.org and those wishing to speak live must have registered at <https://www.cityblm.org/register> at least 15 minutes prior to the meeting.

SP-06-20 Public hearing, review and action on a petition for a special use permit submitted by St. John's Evangelical Lutheran Church to allow for the expansion of a

DRAFT
MEETING MINUTES

**PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS
WEDNESDAY, AUGUST 19, 2020
Page | 1**

religious place of worship in the R-1B Single-Family Residence District for the subject property located at 1617 E. Emerson Street Bloomington, IL 61701 (Ward 4).

Z-11-20 Public hearing, review and action on a petition for a variance submitted by St. John's Evangelical Lutheran Church to allow a 60' tall worship area, 14'5" increase in the maximum allowed building height for the subject property located at 1617 E. Emerson Street Bloomington, IL 61701 (Ward 4).

Chairperson Harris introduced case SP-06-20 and Z-11-20 asked for the staff report.

Ms. Simpson, City Planner, gave a staff report informing the Board that the staff report contained both cases. The subject property is located at 1617 E Emerson Street, on the corner of E. Emerson St. and Towanda Ave. The corner of Towanda Ave and E. Emerson St. is improved with a mix of single-family homes and tax-exempt uses such as Ewing Cultural Center and Shakespeare Theater, Ewing Park, the Moses Montefiore Temple, and the Unitarian Universalist Church of Bloomington Normal.

Ms. Simpson provided background information stating the church was originally constructed in 1959. The last addition was added in 2009. A special use permit is required for each new addition. Review of surrounding zoning of subject property was provided.

The project includes demolition of the northern part of building to build a new sanctuary to allow for 500 parishioners.

Ms. Simpson stated that the parking spaces expected is compliant with the ordinance. There are additional pedestrian enhancements projected. It was noted that Ewing Cultural District uses the parking spaces as well and the pedestrian enhancements will be favorable for usage.

Ms. Simpson reviewed that staff feels the standards are met for special use permit. Chairperson Harris inquired as to the location of the proposed LED display wall. Ms. Simpson confirmed that would be located inside the building.

Ms. Simpson is recommending the Zoning Board of Appeals provide Council with a positive recommendation to approve the petition for a special use permit to allow a place of worship in the R-1B District and height variance at 1617 E Emerson Street, St. John's Lutheran Church.

Chairperson Harris swore in for the record Greg Butler, Architect for the project. Available to answer any questions. No questions were brought forward from the Commission.

Chairperson Harris swore in for the record David Glesne, Senior Pastor St. John's Lutheran Church. Mr. Glesne is available for any questions.

Mr. Ballantini inquired as to the current number of parishioners. Mr. Butler & Mr. Glesne confirmed 375.

Chairperson Harris asked if there were any other witnesses. There were none. Chairman Harris closed the Hearing at 5:54 p.m. and asked the Board to consider the matter. She asked for a vote on the Findings of Fact as outlined in the Staff Report.

SP-06-20 Mr. Balalantini made a motion to accept the Findings of Fact as presented by staff on the special use application. Mr. Rivera Jr seconded the motion. Mr. Mahrt took a roll call

vote. Mr. Straza -Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams - Yes, Mr. Rivera Jr - Yes and Chairperson Harris - Yes (7-0-0)

Mr. Straza made a motion to recommend the approval of the special use permit petition to City Council. Mr. Rivera Jr seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams - Yes, Mr. Rivera Jr - Yes and Chairperson Harris - Yes (7-0-0).

Mr. Boyle pointed out that the variance staff report is included with the special use permit staff report. Ms. Simpson reviewed the Findings of Facts with Commission and staff feels the Standards are met.

Chairperson Harris asked if there were any other witnesses. There were none. Chairman Harris offered opportunity for additional testimony from petitioner. There were no additional comments. Chairperson Harris closed the Hearing at 6:03 p.m. and asked the Board to consider the matter. She asked for a vote on the Findings of Fact as outlined in the Staff Report.

Z-11-20 Mr. Rivera Jr made a motion to accept the Findings of Fact as presented by staff Mr. Ballantini seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams - Yes, Mr. Rivera Jr - Yes, and Chairperson Harris - Yes (7-0-0)

Mr. Straza made a motion to approve the variance application submitted. Mr. Rivera Jr. seconded the motion. Mr. Mahrt took a roll call vote. Mr. Straza - Yes, Mr. Noonan - Yes, Mr. Ballantini - Yes, Mr. McFarland - Yes, Ms. Williams - Yes, Mr. Rivera Jr - Yes, and Chairperson Harris - Yes (7-0-0)



CONSENT AGENDA ITEM NO. 8.J

FOR COUNCIL: September 14, 2020

SPONSOR: Administration Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on an Ordinance Approving an Encroachment Permit & Agreement with the Regional Alternative School located at 408 W. Washington St., as requested by the Administration Department.

RECOMMENDED MOTION:

The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

- Goal 6. Prosperous Downtown Bloomington
- Goal 5. Great Place - Livable, Sustainable City
- Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:

- Objective 1e. Partnering with others for the most cost-effective service delivery
- Objective 1c. Engaged residents that are well informed and involved in an open governance process

BACKGROUND: Since early 2019 the City has partnered with the Regional Alternative School located at 408 W. Washington St. for an exciting program designed to teach students about City government operations and potential careers. The experience gave students an up-close experience through staff classroom presentations but also gave the students a hands-on experience designing and installing sidewalks and other area infrastructure.

Much of the work was centered around the Shel Silverstein book "Where the Sidewalk Ends" as selected by the students. Photos of parts of the sculpture are attached.

The capstone for the program is a steel and glass sculpture commissioned by the school that would be installed on the sidewalk that students helped to build immediately adjacent to the building. This item if approved would permit installation of the sculpture, which would be maintained by the school. RAS would also hold the City harmless and execute a Waiver of Rights Pursuant to the Visual Artists Rights Act allowing the sculpture to be removed if needed at any point.

A description of the project by RAS Principal Bryan Kendall is as follows:

The roughly 5 ft. high-9 ft. long metal sculpture piece has 9 inlays for 12" x 12" blown glass block inserts which will be cast by ISU professor/artist John Miller with images from Shel Silverstein's book *Where the Sidewalk Ends*. The Shel Silverstein estate has granted RAS permission to use these images for public display. The metal sculpture itself will feature a "patina" look with various colors chemically sealed into the material to

withstand the weathering that will occur over time. The sculpture itself will be set into the concrete poured by the City of Bloomington, but will also be removable. The glass blocks will also be removable from the overall art piece.

Responses from both the students and school has been overwhelmingly positive and this represents the final stage of this most recent program. It is different than the public art program that you will soon consider in that the City is a partner.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Regional Alternative School

FINANCIAL IMPACT: City to install pad for sculpture.

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Billy Tyus, Deputy City Manager

Reviewed by:


Billy Tyus, Deputy City Manager

9/10/2020


Jeffrey R. Jurgens, Corporation Counsel

9/10/2020


Tara Henry, Legislative Assistant

9/10/2020

Recommended by:


Tim Gleason, City Manager

Attachments:

- ADM 1B Ordinance Approving Regional Alternative School Encroachment Permit & Agreement Final
- ADM 1C Exhibit A - RAS Encroachment Permit & Agreement
- ADM 1D Sculpture Frame
- ADM 1E Sculpture Inlets

ORDINANCE NO. 2020 - ____

**AN ORDINANCE APPROVING AN ENCROACHMENT PERMIT & AGREEMENT WITH THE
REGIONAL ALTERNATIVE SCHOOL**

WHEREAS, the City of Bloomington (“City”) is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the Regional Alternative School (“RAS”) leases property located at 408 W. Washington Street in Bloomington, Illinois; and

WHEREAS, the City owns a right-of-way located at the northwest corner of Washington Street and Lee Street; and

WHEREAS, RAS wishes to install a steel and glass sculpture into the concrete, which encroaches within the City’s right-of-way; and

WHEREAS, the City Council desires to allow the encroachment upon the terms and conditions set forth in the Encroachment Permit & Agreement.

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

Section 1. Recitals. The above recitals are incorporated into this Section 1 as if fully stated herein.

Section 2. Encroachment Permit & Agreement. The City Council hereby approves the Encroachment Permit & Agreement, in the same form as set forth in Exhibit A, and authorizes the Mayor to execute said Encroachment Permit & Agreement. As it relates to the sculpture to be placed by RAS at 408 W. Washington Street, any conflicting provisions or requirements of the City Code shall be superseded by this Ordinance and the Encroachment Permit & Agreement.

Section 3. Effective Date. This Ordinance shall be in full force and effect after its passage, publication and approval as required by law.

PASSED this 14th day of September 2020.

APPROVED this ____ day of September 2020.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

EXHIBIT A

ENCROACHMENT PERMIT & AGREEMENT 408 W. WASHINGTON STREET BLOOMINGTON, ILLINOIS

WHEREAS, Regional Alternative School, hereinafter called "RAS", is the lessee of property located at 408 W. Washington Street, Bloomington, Illinois described in Exhibit A attached hereto; and

WHEREAS, the City of Bloomington is a home rule municipality under Article 7, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City of Bloomington, a municipal corporation, hereinafter called the "City", owns a right-of-way located at the northwest corner of Washington Street and Lee Street; and

WHEREAS, RAS wishes to install a steel and glass sculpture described in Exhibit B attached hereto into the concrete, which encroaches within the City's right-of-way.

NOW THEREFORE, the City does hereby grant and convey to RAS the right to encroach upon its right-of-way according to the following terms and conditions:

1. The City hereby gives, on the conditions set forth herein, its permission to RAS to construct, use, operate and maintain said encroachment. Such permission is given on the express understanding and condition, and RAS hereby acknowledges, that said construction, use, operation, and maintenance of the encroachment is a permissive use which is revocable by the City on the terms and conditions set forth herein.
2. RAS shall construct, use, operate, and maintain said encroachment in a safe and proper manner at all times and hereby acknowledges that the use, operation, and maintenance of said encroachment shall never become the basis of a prescriptive right, easement or title to any portion of the easement or any interest in the easement and shall never be or deemed to be a reduction, termination, or modification of any kind of the easement or any portion thereof or any interest or right therein. RAS further acknowledges that the construction, use, operation, and maintenance of the encroachment located on City's easement shall be enjoyed as a permissive right only.
3. RAS agrees to remove, at RAS's sole expense, said encroachment in any of the following events: (a) the City determines, in its sole discretion, that said encroachment interferes with or endangers the proper operation and maintenance of the utility located in said easement; or (b) the City finds it necessary, in its sole discretion, to excavate in said easement in order to maintain the utility located therein; (c) the City finds it necessary, in its sole discretion, to install, operate, and maintain an additional utility within said easement; (d) the City determines, in its sole discretion, that said encroachment interferes with or endangers the proper operation and maintenance of the right-of-way; or (e) the lease of the property by RAS at 408 W. Washington Street expires and/or is terminated for any reason.

EXHIBIT A

4. In the event RAS fails to remove said encroachment from the right-of-way if requested to do so by the City in the event any of the eventualities of the foregoing paragraph occur, the City may effect such removal without the City incurring any liability whatsoever to RAS; and in such event, RAS shall be liable to City for any and all reasonable costs incurred by the City in connection with the removal and restoration and shall reimburse the City for such costs upon demand of City.
5. Upon removal of the encroachment, RAS hereby agrees to repair the right-of-way and shall be responsible for the cost of such repair.
6. RAS will execute a Waiver of Rights Pursuant to the Visual Artists Rights Act attached as Exhibit C.
7. In the event RAS fails to repair the right-of-way, the City may effect such repair; and in such event, RAS shall be liable to City for any and all reasonable costs incurred by the City in connection with the repair and shall reimburse the City for such costs upon demand of City.
8. RAS shall not do or permit to be done any of the following acts on said right-of-way or any portion thereof: (a) expand or add to said encroachment or (b) construct or erect any other encroachments or other structures on said easement.
9. RAS hereby indemnifies the City and agrees to hold City harmless from all liability, loss, cost, damage, and expenses (including, but not being limited to, attorney's fees, court costs, and expenses or litigation) arising out of or in any manner connected with the installation, use, operation, maintenance or removal of any portion of said encroachment which may be located upon the right-of-way. Without limiting the generality of the foregoing indemnification provisions, RAS further agrees that if any third party asserts a claim or files an action against City in connection with any event or circumstance relating to the relocation of any portion of said encroachment, the City may defend itself against such claim or action; and in such event, RAS shall reimburse the City for any sums paid to any third party in damages, judgements, or settlement of such claim or action and for any reasonable cost and expenses (including, but not being limited to, attorney's fees, court costs, and expenses of litigation) incurred by the City in defending itself against such claim or action. This agreement and the covenants and conditions contained herein shall be binding upon and inure to the benefit of each of the parties hereto and their respective heirs, assigns, employees, servants, representatives, and successors in title. The covenants and conditions contained herein shall run with the land, and this agreement shall be recorded in the Office of the County Clerk of McLean County, Illinois.
10. Enforcement of the covenants and conditions contained herein shall be by any proceeding at law or in equity. The remedies given to the City herein are distinct, cumulative remedies; and the exercise of any one remedy shall not bar the City from exercising of any or all of its other remedies hereunder or under the aforesaid easement or any other right or remedy which the City has either at law or in equity.

EXHIBIT A

11. This agreement and the exhibits attached hereto constitute the full and complete agreement among City and RAS with respect to all matters contained herein; and evidence of any prior or contemporaneous oral agreement or understanding shall be inadmissible to take from, add to, or alter the terms of this agreement. There is no consideration for this agreement other than the consideration herein expressed.
12. This agreement may not be modified, rescinded, terminated, or amended, in whole or in part, except by written and recorded consent of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, or where the context so requires, caused same to be executed by its proper officers and its corporate seal affixed, on the date set opposite the execution of each.

Signed and executed by the parties as set forth below:

CITY OF BLOOMINGTON

REGIONAL ALTERNATIVE SCHOOL

Tari Renner, Mayor

ATTEST

ATTEST

Leslie Yocum-Smith, City Clerk

Date

Date

EXHIBIT A

**EXHIBIT A
PROPERTY DESCRIPTION**

EXHIBIT A

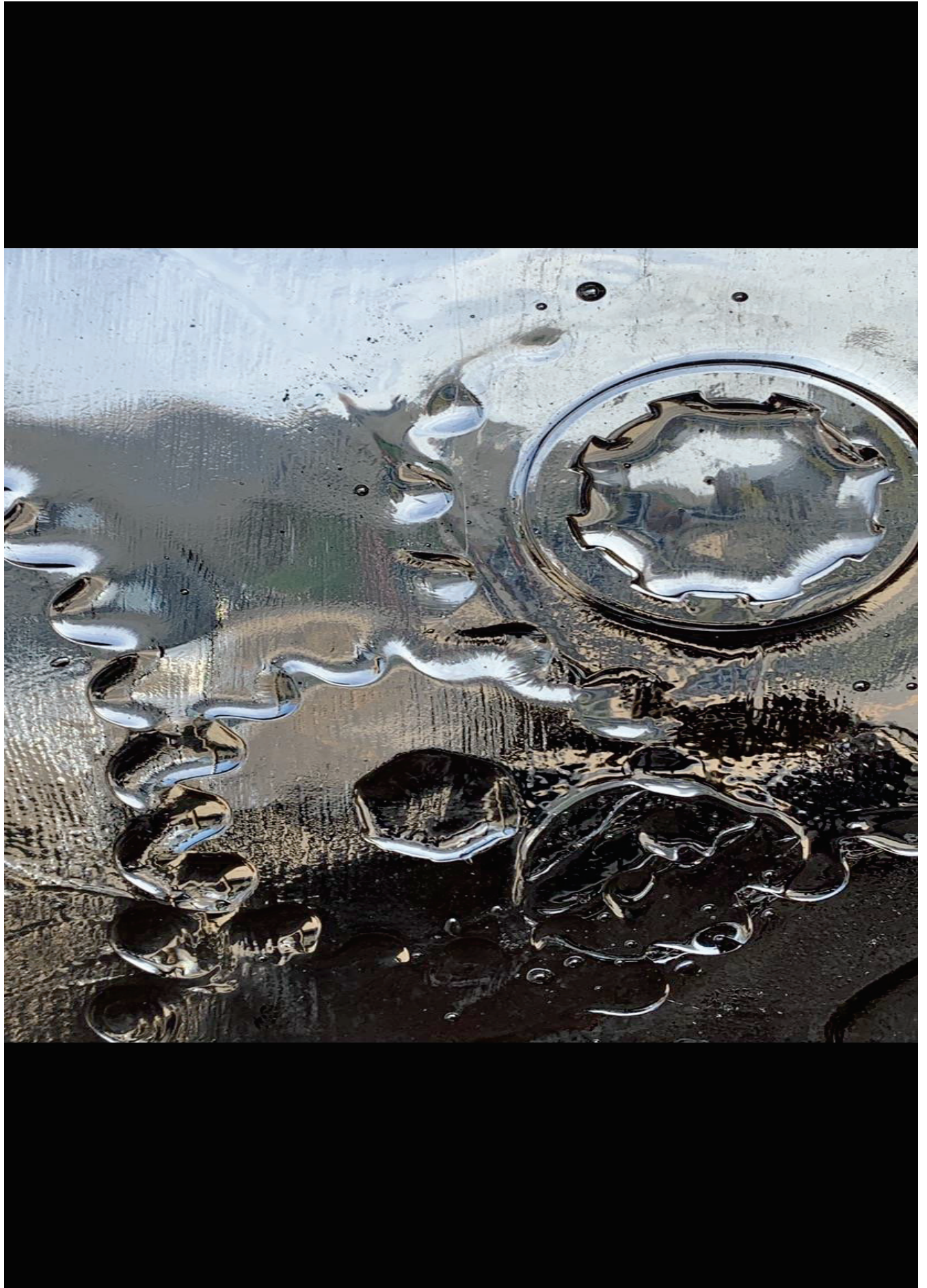
**EXHIBIT B
SCULPTURE**

EXHIBIT A

EXHIBIT C

WAIVER OF RIGHTS PURSUANT TO THE VISUAL ARTISTS RIGHTS ACT







CONSENT AGENDA ITEM NO. 8.K

FOR COUNCIL: September 14, 2020

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve a Lake Bloomington Lease Transfer of Lot 11 in Peoria Point, from Julie Bieber to the petitioners, Steven and Laurie Lange, as requested by the Public Works Department.

RECOMMENDED MOTION:

The proposed Lease Transfer be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: Public Works is recommending the approval of a Petition and Supplemental Agreement for the Lake Bloomington Lease Transfer of Lot 11 in Peoria Point, from Julie Bieber, to the petitioners, Steven and Laurie Lange. Lot 11 has a residence, a septic system and one boat dock.

A licensed inspector, Rob Williamson, inspected the septic system on August 2, 2020, and found the system to be in the following condition, as noted in the August 5, 2020, letter from the McLean County Health Department:

- ✦ There are solids on the inlet and outlet baffles in the second septic tank. This could be an indication the tank has not been properly maintained or the system has backed up at some point in time.
- ✦ The seepage field is a minimum of 210 square feet too small. This may remain as is until the septic system is repaired or replaced.

The lessees have entered into a supplemental agreement with the City of Bloomington to have septic tank pumped at lease once every three years and to have the septic system evaluated once every three years. The lessees will submit proof to the City of Bloomington by September 14, 2023, and once every three years following.

There is currently a boat dock on the subject lot. Pursuant to Ordinance 2018-87, passed by the City Council on October 8, 2018, boat docks are allowed on leased lots with a residence and a valid lease with the City of Bloomington, so long as the lessee obtains a permit.

City staff is aware of the heightened concerns regarding the current COVID-19 pandemic. However, this agenda item is operational in nature and expected to have little to no impact

on City resources or finances.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

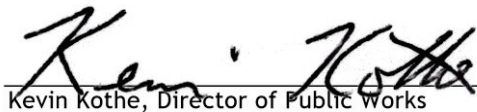
FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula of \$0.40 per \$100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of \$0.40 per \$100.00 Equalized Assessed Value, this lease will generate approximately \$642.23 per year in lease income and \$128.28 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance-Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance-Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY 2021 Budget Book titled "Other Funds & Capital Improvements" on page 127.

COMMUNITY DEVELOPMENT IMPACT: Goal UEW-1. Provide quality public infrastructure within the City to protect public health, safety and the environment, Objective UEW-1.5. Reliable water supply and distribution system that meets the needs of current and future residents.

Respectfully submitted for Council consideration.

Prepared by: Joe Darter, Property Manager

Reviewed by:


Kevin Kothe, Director of Public Works

8/31/2020


Chris Tomertin, Budget Manager

9/3/2020

George Boyle
George Boyle, Assistant Corporation Counsel

9/10/2020


Tara Henry, Legislative Assistant

9/10/2020

Recommended by:


Tim Gleason, City Manager

Attachments:

- PW 2B Current Lease_Biever to Lange Lake Lease Transfer 09142020
- PW 2C Property Manager Memo_Biever to Lange Lake Lease Transfer 09142020
- PW 2D Petition_Biever to Lange Lake Lease Transfer 09142020
- PW 2E Septic Information_Biever to Lange Lake Lease Transfer 09142020
- PW 2F Agreement_Biever to Lange Lake Lease Transfer 09142020

- PW 2G Supplemental Agreement_Biever to Lange Lake Lease Transfer 09142020
- PW 2H Location Map_Biever to Lange Lake Lease Transfer 09142020
- PW 2I Unrecorded Plat Map_Biever to Lange Lake Lease Transfer 09142020
- PW 2J Structure Map_Biever to Lange Lake Lease Transfer 09142020
- PW 2K Photographs_Biever to Lange Lake Lease Transfer 09142020

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the 14th day of October, 2014

between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called CITY and (Buyers Name)

Douglas J. Biever and Julia A. Baller-Biever

(if more than one Lessee, cross out 2 of the following that do not apply) (~~as joint tenants~~) (~~as tenants in common~~) (**as tenants by the entirety**) of Hudson, County of McLean, State of Illinois, hereinafter called "Lessee,"

WITNESSETH

In consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. PREMISES. The City leases to Lessee the following described real estate owned by the City in the vicinity of Lake Bloomington, Illinois as follows:

Lot 11 in Peoria Point Subdivision according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois.

P.I.N. # 08-06-152-003

2. TERM OF LEASE. The term of this Lease shall be for a term commencing (**cross out the one that does not apply**) (on the date of this Lease) (~~on January 1 following the date of this Lease~~) and terminating on December 31, 2131, unless sooner terminated as provided in this Lease.

3. RENT.

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

- A. Lessee shall pay as rent yearly, in advance, on or before the first day of January of each year, the amount designated hereafter:

1) ~~If this Lease is executed prior to January 1, 1998, rent shall be charged at the rate of 15¢ (\$.15) per \$100 of equalized assessed value (hereafter EAV) for said property, including land and improvements, as determined by the Supervisor of Assessments of McLean County, Illinois. Said rate will remain in effect upon assignment of this Lease to (a) Lessee's spouse or to a corporation, trust or other entity created by Lessee or Lessee's spouse if Lessee or Lessee's spouse occupies the property immediately after said assignment, or (b) a Lessee who paid fair market value for the property (i.e., a purchaser) prior to January 1, 1998 for the assignment of the prior Lease.~~

2) If this Lease is executed by a Lessee who, after December 31, 1997, paid fair market value for an assignment of a Lease on which the rent was 15¢ (\$.15) per \$100 EAV, the rent shall be charged at the rate of 40¢ (\$.40) per \$100 EAV. This rate will remain in effect throughout the remainder of the term of this Lease regardless of subsequent assignments thereafter.

3) ~~If the Lessee is not eligible for the 15¢ (\$.15) or 40¢ (\$.40) per \$100 EAV rental rate, the rent shall be charged at the rate of _____¢ (\$._____) per \$100 EAV.~~

SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.

B. In the event the system of real estate taxation is changed from its present basis of assessment at no more than one-third of market value, the assessed value as then determined by the Supervisor of Assessments of McLean County will be adjusted so that it will reflect no more than one-third of the market value of the premises. If assessed value is no longer used as the basis of taxation, then the annual changes in the Consumer Price Index, or successor index, for all items for the Chicago region, published by the United States Department of Labor will be the basis for determining changes in the property value for purpose of calculating the annual rent with the following condition. Either City or Lessee may review the value of the property as adjusted by the Consumer Price Index every five years to compare it to the actual fair market value of the property. If the property value determined by the formula set forth in this lease is five percent (5%) or more greater or less than the actual fair market value of the property, the rent for that year shall be recalculated using one third of the actual fair market value and rent adjustments for all subsequent years shall be based on the actual fair market value as adjusted for changes in the Consumer Price Index. If the Consumer Price Index or its successor index is no longer published by the United States Department of Labor or is no longer used, an appropriate economic indicator will be used to determine the annual change in rent, if any.

4. REAL ESTATE TAXES. Lessee shall pay all real estate taxes levied during the term of this Lease against said premises and improvements thereon by the State of Illinois or any subdivision thereof.
5. IMPROVEMENTS. Lessee shall be permitted to make improvements upon the premises that are in compliance with the laws of the State of Illinois and the ordinances of the City and the County of McLean. The ordinances of the City shall be in full force and effect and in the same manner as if the above-described premises were located within the boundaries of the City of Bloomington. Prior to commencement of construction of any improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises.
6. SEPTIC SYSTEM. Lessee agrees to comply with all sanitary laws and regulations of any governmental body having jurisdiction over the leased premises. Lessee agrees at all times to use Lessee's property in such manner and dispose of the sewage generated from said property so as not to contaminate the waters of Lake Bloomington. When a public sanitary sewer is made available to serve the leased premises, the City shall have a right to require Lessee to connect to the sewer within a reasonable time after notice is given.
7. WATER. Lessee shall be permitted to purchase water from the City through water mains provided by the City, and Lessee will pay the rates in effect from time to time for water sold to Lake Bloomington customers. Lessee agrees not to pump water directly from Lake Bloomington

except for the purpose of watering and maintaining lawns and other landscape materials on the leased premises, and such pumping shall cease at any time there are and for as long as there are restrictions in effect for the City of Bloomington that restrict the watering of lawns.

8. GARBAGE. City will provide weekly garbage service at a fee to be set by the. City from time to time, which shall be in addition to the annual rent paid by Lessee. However, so long as no residence is located on the leased premises, no fee for garbage collection will be paid by Lessee.
9. ASSIGNMENT. Lessee shall not have the right to sell, assign, or transfer this Lease or to rent, sublet or to allow other persons to occupy the premises without the written consent of the City. However, the City shall not withhold its consent to a sale, assignment or transfer of this Lease if Lessee is not in default as defined in paragraph 13 and the sale, assignment or transfer is made in accordance with all applicable City ordinances and such rules and regulations as adopted by the City from time to time pursuant to paragraph 10. City will promptly issue a new Lease to the new Lessee containing the same terms as this lease. Thereupon, this Lease will automatically terminate and the parties will be freed of any obligations thereunder. Lessee shall have the right to mortgage Lessee's interest in said premises, but Lessee shall not have the right to mortgage the interest of City in the premises.
10. RULES & REGULATIONS. Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee.
11. USE OF AND ACCESS TO LAKE. Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of Lessor, which rules and regulations will apply equally to Lessees of Lake Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises.
12. TREE CUTTING. No trees on the leased premises shall be removed without the permission of the City except that Lessee can trim trees for safety, plant health, or aesthetic reasons, and Lessee may remove dead trees from the leased premises.
13. DEFAULT. If Lessee defaults in the payment of rent or defaults in the performance of any of the covenants or conditions hereof, City may give to Lessee notice of such default and, if Lessee does not cure any rent default within thirty (30) days, or other default within sixty (60) days after the giving of such notice or, if such other default is of such nature that it cannot be completely cured within such sixty (60) days, if Lessee does not commence such curing within such sixty (60) days and thereafter proceed with reasonable diligence and in good faith to cure such default, then Lessor may terminate this Lease on not less than thirty (30) days notice to Lessee and, on the date specified in said notice, the term of this Lease shall terminate and Lessee shall then quit and surrender the premises to City. If this Lease shall have been so terminated by City, City may, at any time thereafter, resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. Remedies of City hereunder are in addition to any other remedy allowed by law.
14. TERMINATION BY LESSEE. Lessee shall have the right to terminate this Lease upon sixty (60) days written notice to the City of Bloomington and, in that event, Lessee may remove any improvements from the property and shall restore the ground to the condition it was in when first leased to the City. Any improvements remaining on the property after the Lease terminates shall be deemed abandoned by the Lessee and shall become the property of the City.

15. EMINENT DOMAIN. If the leased premises or any part thereof is taken or damaged by eminent domain or the threat thereof, the just compensation received in payment shall be divided between City and Lessee as follows:

That portion of the award for the taking and/or damaging the City's remainder interest in the land following the expiration of this Lease shall be paid to City. That portion of the award for the taking or damaging the leasehold interest of Lessee in the leased premises or the improvements located thereon shall be paid to Lessee.

16. PRIOR LEASE TERMINATED. If there is in effect upon the execution of this Lease a prior Lease between the City and Lessee covering the same premises as this Lease, then said Lease is terminated as of the commencement of the term on this Lease as set forth in Paragraph 2.
17. NOTICE. Any notice by either party to the other shall be in writing and shall be deemed to be duly given if delivered personally or mailed postpaid by regular mail, except that a notice given under Paragraph 12 must be delivered personally or mailed by registered or certified mail in a postpaid envelope, addressed as follows:

CITY
City of Bloomington
City Hall
109 E. Olive Street
Bloomington, IL 61701

Lessee Name and Mailing Address (at Lake)

Douglas & Julia Biever

Lessee Billing Address (primary mailing address)

Douglas & Julia Biever

18. BINDING EFFECT. This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its Mayor and City Clerk, and the Lessee has executed this agreement as of the day and year above written.

-Lessor-
CITY OF BLOOMINGTON

-Lessee-

By: Tami Reimer
Its Mayor

Attest:

Dianna LO
City Clerk

MEMORANDUM

August 28, 2020

To: Kevin Kothe, PE, Director of Public Works

From: Joseph M. Darter, Property Manager

Subject: Lot 11 in Camp Peoria Pointe Lake Lease Transfer

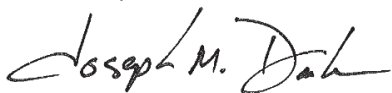
A Petition and Lake Lease Transfer request has been submitted for Lot 11, in Camp Peoria Point, from Julie Biever to the petitioners, Steven and Laurie Lange.

EAV for this property is \$160,557. The Lake Lease uses the current lake lease rate of \$0.40 per \$100.00 of EAV.

This petition will have a neutral financial impact in that the current lease uses the current formula of \$0.40 per \$100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of \$0.40 per \$100.00 Equalized Assessed Value, this lease will generate approximately \$642.23 per year in lease income and \$128.28 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance – Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY2020 Budget Book titled "Other Funds & Capital Improvements" on page 88.

Please feel free to contact me directly should you have any questions.

Sincerely,



Joseph M. Darter
City of Bloomington | Property Manager
Public Works Department | Water Division
25515 Waterside Way | Hudson, IL 61748
Office: (309) 434-2431 | Cell: (309) 275-8087
Fax: (309) 434-2159 | Email: jdarter@cityblm.org

Lake Bloomington Lease Transfer Petition

That the purchase price and rentals having been paid to the City of Bloomington for:

LOT: 11 BLOCK _____ of Camp PEORIA POINT

I respectfully petition the City Council of the City of Bloomington, Illinois to approve the transfer the Lease on the above property;

From: (please print) DOUGLAS J. BIEVER AND JULIA A. BALLER-BIEVER (Seller Name)

To: (please print) STEVEN LANGE AND LAURIE LANGE (Buyer Name)

Signatures of Sellers

Signatures of Sellers

To the Honorable Mayor and City Council of the City of Bloomington, Illinois:

Now comes (please print) STEVEN LANGE AND LAURIE LANGE (Buyer) and

respectfully shows that He/She/They became the purchaser of all right, title, and interests of

DOUGLAS J. BIEVER AND JULIA A. BALLER-BIEVER (Seller) In and to the Lease made on the

(Date) 10/14/14 upon the above property, all located in McLean County, Illinois, together with all the

improvements, buildings and appurtenances thereon situated and thereunto belonging, and that the said

(Seller) DOUGLAS J. BIEVER AND JULIA A. BALLER-BIEVER has executed deed of transfer of their interest in

said premises and an assignment of the Leases therefore your petitioner.

Petitioner further shows that in and by the terms of said Leases it was provided that the Lessee shall not sell, assign, or transfer said premises without the written consent of the Lessor.

Petitioner therefor prays that the written consent to said transfer may be forthwith provided by the said Lessor, the City of Bloomington, Illinois and your petitioner has submitted herewith a form of said written consent.

Respectfully submitted

Signature of Buyer

Signature of Buyer



WRITTEN CONSENT TO TRANSFER INTEREST IN LEASES UPON:

LOT 11 BLOCK _____ CAMP PEORIA POINT
OF LAKE BLOOMINGTON.

Now comes the City of Bloomington and gives this, its written consent to the assignment on all right, title, and interest of (Seller) DOUGLAS BIEVER AND JULIA A. BALLER-BIEVER, in and to the premises known as LOT 11 BLOCK _____ in Camp PEORIA POINT, in McLean County, Illinois and to the leases thereon executed by the City of Bloomington, Illinois.

Said consent to said assignment and transfer however, is with the express understanding that the said Lessor retains all right in said leases provided, and particularly its right to the payment of any unpaid rental thereon with all legal remedies incidental thereto.

Executed this _____ day of _____, _____.

, Mayor

109 E. Olive
PO Box 3157
Bloomington, Illinois 61702-3157

Phone: (309) 434-2210
Fax: (309) 434-2802
TTY (309) 829-5115

"Jewel of Midwest Cities."

August 5, 2020

Ms. Julie Beaver


Re: Septic Permit #71-7383
Parcel #08-06-152-003
Lot 11, Lake Bloomington – Peoria Point Subdivision

Dear Ms. Beaver:

On August 4, 2020, this department received a septic system evaluation report from Mr. Rob Williamson, a McLean County licensed private sewage system installer, regarding the above-referenced property. The septic system evaluation was performed on August 3, 2020 and the following deficiencies were noted:

- There are solids on the inlet and outlet baffles in the second septic tank. This could be an indication the tank has not been properly maintained or the system has backed up at some point in time.
- The seepage field is a minimum of 210 square feet too small. This may remain as is until the septic system is repaired or replaced.

In summary, the septic system was installed in 1971 and is now approximately 49 years old. This office considers the average life expectancy of a septic system to be 20 to 25 years.

For information on routine operation and maintenance of your septic system, please visit our website at <https://health.mcleancountyil.gov>.

If you have any questions, please contact Ms. Samantha Odenthal of this department at (309) 888-5482.

Respectfully,



Thomas J. Anderson
Director of Environmental Health

cc: Mr. Rob Williamson, Williamson Excavating, LLC
Mr. Joe Darter, Water Department Property Manager
Mr. & Mrs. Steven Lange

TJA:AC:du

AC-0601-20-168

**EVALUATION REPORT FOR A MCLEAN COUNTY
PRIVATE SEWAGE DISPOSAL SYSTEM**

For Office Use Only

Log #: _____

Date Received: _____

This form is to be used for all inspections or evaluations of existing septic systems in McLean County. It is essential that the inspection be as complete as possible to determine the condition of the entire system. This includes interviewing the person who resides at or uses the building the septic system serves. Please complete all sections of the form that apply to the septic system you are evaluating. The tank must be uncovered with the baffles, liquid and sludge depths checked. At a minimum, the field must be probed to determine if there is water standing in the trenches. Upon probing, if it is determined there is water standing in the trenches, the Health Department highly recommends a minimum of two locations in the trenches be exposed to determine the condition of the rock and pipe. Any sign the system is failing or has not functioned properly, must be thoroughly documented on this report. Place all comments in the comment section on the last page.

This evaluation is NOT FINAL until the McLean County Health Department has reviewed the information in this evaluation and issued a letter regarding the information to the parties listed in the evaluation.

1. Current Owner Information:

Name: Julie Beaver

Address: _____

Phone #: Day _____ Home _____

2. Requestor Information:

Name: Laurie & Steven Lange

Address: _____

Phone #: Day _____ Home _____

3. Property Information:

Parcel Number (Tax ID): () 08-06-152-003

Date Evaluation Performed: 08-03-20

Address of property evaluated: _____ Sub. & Lot: _____

Permit available from Health Dept.: Yes ☒ No ☐ Permit #: 71-7383

4. Interview Information:

Person interviewed: Julie Beaver

Original owner: Yes ☐ No ☒

Age of home (years): 49

Intended for seasonal use: Yes ☐ No ☒

Date last occupied: currently

Number of occupants: 1

Has tank ever been pumped: Yes ☒ No ☐

If yes, how often: 2016

5. Interior Evaluation:

Number of bedrooms: 3

Garbage disposal: Yes ☒ No ☐

Toilet tanks and other fixtures have evidence of leakage or overflow: Yes ☐ No ☒

Water softener discharges to: n/a

Clothes washer discharges to: septic

Dishwasher discharges to: septic

Hot tub discharges to: n/a

Basement plumbing fixtures:

Discharge locations:

a. all

a. septic

b. _____

b. _____

c. _____

c. _____

d. _____

d. _____

Basement floor drains discharge to: septic

Garage floor drains discharge to: n/a

Sump pit/pump discharges to: n/a

Downspouts discharge to: ground surface

6. Exterior Evaluation Points:

A. SEPTIC TANK(s) -- This Section N/A ☐

All tanks must not be pumped before the inspection, but should be pumped after the inspection, if needed.

Tank One: N/A ☐	Yes	No	Tank Two: N/A ☐	Yes	No
Depth of soil to top of tank: 12 inches			Depth of soil to top of tank: 22 inches		
Tank has access within 12" of ground surface	☒	☐	Tank has access within 12" of ground surface	☒	☐
Size: 750 gallons Type:			Size: 750 gallons Type:		
Meets current code:	☒	☐	Meets current code:	☒	☐
Tank lids in good condition:	☒	☐	Tank lids in good condition:	☒	☐
Inlet baffle in good condition:	☒	☐	Inlet baffle in good condition:	☒	☐
Evidence of solids on inlet baffle:	☐	☒	Evidence of solids on inlet baffle:	☒	☐
Outlet baffle in good condition:	☒	☐	Outlet baffle in good condition:	☒	☐
Evidence of solids on outlet baffle:	☐	☒	Evidence of solids on outlet baffle:	☒	☐
Water standing in outlet:	☐	☒	Water standing in outlet:	☐	☒
Water level below outlet:	☐	☒	Water level below outlet:	☐	☒
Tank needs to be pumped:	☐	☒	Tank needs to be pumped:	☐	☒
Outlet device/filter on tank:	☐	☒	Outlet device/filter on tank:	☐	☒
Type:			Type:		
Back flow into tank from system after pumping:			Back flow into tank from system after pumping:		
Yes ☐ No ☐ N/A ☐			Yes ☐ No ☐ N/A ☐		

B. SEEPAGE FIELD -- This Section N/A ☐

Depth to top of field: 15 inches to 24 inches

Square feet of field: 390 square feet

Meets current code sizing requirements:

Seepage standing on ground surface:

Lush vegetation or saturated soil on or near seepage field area:

Evidence that water has ponded over seepage field or the soil is saturated:

Solids or "carry over" material present in the rock or bedding material:

Depth of water in trench : 0 inches

Yes	No
☐	☒
☐	☒
☐	☒
☐	☒
☐	☒

C. SERIAL DISTRIBUTION/STEP-DOWN -- This Section N/A ☒

Are the serial distribution relief or "step-down" pipes in compliance with Section 905.60 (d) of the code?

Yes	No
☐	☐

D. SEEPAGE BED -- This Section N/A ☒

Depth to top of bed: inches to inches

Square feet of bed: square feet

Meets current code sizing requirements:

Seepage standing on ground surface:

Lush vegetation or saturated soil on or near seepage bed area:

Evidence water has ponded over seepage bed or is soil saturated:

Solids or "carry over" material present in the rock or bedding material:

Depth of water in bed : inches

Yes	No
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐

E. SAND FILTER -- This Section N/A ☒

Minimum soil cover depth to top of sand filter: _____ inches

Square feet of sand filter: _____ square feet

Is water standing in the distribution pipes or in the rock that surrounds the pipe:

Meets current code sizing requirements:

Seepage standing on ground surface over filter:

Lush vegetation on or near sand filter:

Evidence if water has ponded over sand filter:

Sand filter vented as required:

Vent in good repair:

Chlorinator with screw on cap present:

Chlorinator tube with corrosion resistant handle present:

Evidence of chlorination:

Evidence of restricted flow in chlorinator:

Sample port with screw on cap present:

Where does the contact tank discharge to: *(Be specific, examples would be: farm tile, ground surface on or off property, IDPH common collector, IEPA common collector, etc.):* _____

Yes	No
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐

F. PUMP OR LIFT STATION -- This Section N/A ☐

Pump chamber an approved design:

Chamber volume 1.5 times the daily flow:

Is there a dual pump:

Alarm present:

Alarm location: outside wall

Alarm properly working with audio and visual functions:

Yes	No
☒	☐
☒	☐
☐	☒
☒	☐
☒	☐

G. AEROBIC UNIT -- This Section N/A ☒

Manufacturer: _____ Model number: _____

Size of unit: _____ gallons

Pump running at time of inspection:

Current maintenance contract in place:

Who is maintenance contract with: _____

Alarm present:

Alarm location: _____

Alarm properly working with audio and visual functions:

Unit discharges to: Seepage field ☐ Seepage bed ☐ Sand filter ☐ Other: _____

If other, what method of chlorination is used: _____

Chlorinator with screw on cap present:

Chlorinator tube with corrosion resistant handle present:

Evidence of chlorination:

Where does the contact tank discharge to: *(Be specific, examples would be: farm tile, ground surface on or off property, IDPH common collector, IEPA common collector, etc.):* _____

Yes	No
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐

Include all distances as described below.

NOTE: Be sure to attach drawing to this report.

The following distances must be verified to ensure all the information is correct and available in the future.

*Well or cistern to: N/A ☐	*Geothermal unit to: N/A ☐	*Building to:
Septic tank: _____ feet	Septic tank: _____ feet	Septic tank: _____ feet
Seepage system: _____ feet	Seepage system: _____ feet	Seepage system: _____ feet
Sand filter: _____ feet	Sand filter: _____ feet	Sand filter: _____ feet
Effluent tile: _____ feet	Effluent tile: _____ feet	Effluent tile: _____ feet
Effluent discharge: _____ feet	Effluent discharge: _____ feet	Effluent discharge: _____ feet
Geothermal unit: _____ feet	Geothermal unit: _____ feet	Geothermal unit: _____ feet
Aerobic unit: _____ feet	Aerobic unit: _____ feet	Aerobic unit: _____ feet
*Water line to:	*Body of water to: N/A ☐	
Septic tank: _____ feet	Septic tank: _____ feet	
Seepage system: _____ feet	Seepage system: _____ feet	
Sand filter: _____ feet	Sand filter: _____ feet	
Effluent tile: _____ feet	Effluent tile: _____ feet	
Effluent discharge: _____ feet	Effluent discharge: _____ feet	
Aerobic unit: _____ feet	Aerobic unit: _____ feet	

Comments:

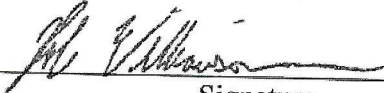
This section is to include any maintenance (pumping) repairs or problems in the history of the septic system. Write any observations and/or conclusions made by probing or excavating the seepage field or sand filter. A serial distribution system must include the condition of each level of field or trench.

The septic tanks do not need to be pumped at this time but they should be checked regularly and pumped as needed in the future. There are solids on top of the baffles in the second tank. This is an indication that the water level in the tank has been higher than normal or the tank has been backed-up at some time in the past. The seepage field is undersized for this house. The average life of a septic system is about 25 years. This septic system is 49 years old.

This is the condition I found the septic system on this day. This evaluation is not and should not be considered a guarantee nor does it imply warranty of how the sewage disposal system may function at any time in the future.

Rob Williamson

Inspector's Name (print)



Signature

08-04-20

Date

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the _____ day of _____, 2020

between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called CITY and STEVEN LANGE AND LAURIE LANGE

(if more than one Lessee, cross out 2 of the following that do not apply) (~~as joint tenants~~) (~~as tenants in common~~) (as tenants by the entirety) of , HUDSON County of McLean, State of Illinois, hereinafter called "Lessee,"

WITNESSETH

In consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. PREMISES. The City leases to Lessee the following described real estate owned by the City in the vicinity of Lake Bloomington, Illinois as follows:

Lot 11 in Block _____ in Camp PEORIA POINT according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois.

2. TERM OF LEASE. The term of this Lease shall be for a term commencing (cross out the one that does not apply) (on the date of this Lease) (~~on January 1 following the date of this Lease~~) and terminating on December 31, 2131, unless sooner terminated as provided in this Lease.

3. RENT.

LESSEE'S NOTICE: This lease form, including the rental rate, is currently under review by the City of Bloomington City Council (see City Code: Chapter 23, Section 58). Once City staff has completed the updates to the lease form, it will be provided to you and will thereafter be subject to City Council approval. Note for leases with an end date, prior to this transfer, of January 1, 2032 or earlier, the updated lease form is likely to include a change in the rental rate of this transfer and therefore, the rate change will also be applied to this lease effective January 1, 2032 to December 31, 2131.

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

- A. Lessee shall pay as rent yearly, in advance, on or before the first day of January of each year, the amount designated hereafter:

~~1) If this Lease is executed prior to January 1, 1998, rent shall be charged at the rate of 15¢ (\$.15) per \$100 of equalized assessed value (hereafter EAV) for said property, including land and improvements, as determined by the Supervisor of Assessments of~~

~~McLean County, Illinois. Said rate will remain in effect upon assignment of this Lease to (a) Lessee's spouse or to a corporation, trust or other entity created by Lessee or Lessee's spouse if Lessee or Lessee's spouse occupies the property immediately after said assignment, or (b) a Lessee who paid fair market value for the property (i.e., a purchaser) prior to January 1, 1998 for the assignment of the prior Lease.~~

2) If this Lease is executed by a Lessee who, after December 31, 1997, paid fair market value for an assignment of a Lease on which the rent was 15¢ (\$.15) per \$100 EAV, the rent shall be charged at the rate of 40¢ (\$.40) per \$100 EAV. This rate will remain in effect throughout the remainder of the term of this Lease regardless of subsequent assignments thereafter.

~~3) If the Lessee is not eligible for the 15¢ (\$.15) or 40¢ (\$.40) per \$100 EAV rental rate, the rent shall be charged at the rate of _____¢ (\$._____) per \$100 EAV.~~

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

- B. In the event the system of real estate taxation is changed from its present basis of assessment at no more than one-third of market value, the assessed value as then determined by the Supervisor of Assessments of McLean County will be adjusted so that it will reflect no more than one-third of the market value of the premises. If assessed value is no longer used as the basis of taxation, then the annual changes in the Consumer Price Index, or successor index, for all items for the Chicago region, published by the United States Department of Labor will be the basis for determining changes in the property value for purpose of calculating the annual rent with the following condition. Either City or Lessee may review the value of the property as adjusted by the Consumer Price Index every five years to compare it to the actual fair market value of the property. If the property value determined by the formula set forth in this lease is five percent (5%) or more greater or less than the actual fair market value of the property, the rent for that year shall be recalculated using one third of the actual fair market value and rent adjustments for all subsequent years shall be based on the actual fair market value as adjusted for changes in the Consumer Price Index. If the Consumer Price Index or its successor index is no longer published by the United States Department of Labor or is no longer used, an appropriate economic indicator will be used to determine the annual change in rent, if any.
4. REAL ESTATE TAXES. Lessee shall pay all real estate taxes levied during the term of this Lease against said premises and improvements thereon by the State of Illinois or any subdivision thereof.
5. IMPROVEMENTS. Lessee shall be permitted to make improvements upon the premises that are in compliance with the laws of the State of Illinois and the ordinances of the City and the County of McLean. The ordinances of the City shall be in full force and effect and in the same manner as if the above-described premises were located within the boundaries of the City of Bloomington. Prior to commencement of construction of any improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises.
6. SEPTIC SYSTEM. Lessee agrees to comply with all sanitary laws and regulations of any governmental body having jurisdiction over the leased premises. Lessee agrees at all times to use Lessee's property in such manner and dispose of the sewage generated from said property so as not to contaminate the waters of Lake Bloomington. When a public sanitary sewer is made available to serve the leased premises, the City shall have a right to require Lessee to connect to the sewer within a reasonable time after notice is given.

7. **WATER.** Lessee shall be permitted to purchase water from the City through water mains provided by the City, and Lessee will pay the rates in effect from time to time for water sold to Lake Bloomington customers. Lessee agrees not to pump water directly from Lake Bloomington except for the purpose of watering and maintaining lawns and other landscape materials on the leased premises, and such pumping shall cease at any time there are and for as long as there are restrictions in effect for the City of Bloomington that restrict the watering of lawns.
8. **GARBAGE.** City will provide weekly garbage service at a fee to be set by the City from time to time, which shall be in addition to the annual rent paid by Lessee. However, so long as no residence is located on the leased premises, no fee for garbage collection will be paid by Lessee.
9. **ASSIGNMENT.** Lessee shall not have the right to sell, assign, or transfer this Lease or to rent, sublet or to allow other persons to occupy the premises without the written consent of the City. However, the City shall not withhold its consent to a sale, assignment or transfer of this Lease if Lessee is not in default as defined in paragraph 13 and the sale, assignment or transfer is made in accordance with all applicable City ordinances and such rules and regulations as adopted by the City from time to time pursuant to paragraph 10. City will promptly issue a new Lease to the new Lessee containing the same terms as this lease. Thereupon, this Lease will automatically terminate and the parties will be freed of any obligations thereunder. Lessee shall have the right to mortgage Lessee's interest in said premises, but Lessee shall not have the right to mortgage the interest of City in the premises.
10. **RULES & REGULATIONS.** Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee.
11. **USE OF AND ACCESS TO LAKE.** Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of Lessor, which rules and regulations will apply equally to Lessees of Lake Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises.
12. **TREE CUTTING.** No trees on the leased premises shall be removed without the permission of the City except that Lessee can trim trees for safety, plant health, or aesthetic reasons, and Lessee may remove dead trees from the leased premises.
13. **DEFAULT.** If Lessee defaults in the payment of rent or defaults in the performance of any of the covenants or conditions hereof, City may give to Lessee notice of such default and, if Lessee does not cure any rent default within thirty (30) days, or other default within sixty (60) days after the giving of such notice or, if such other default is of such nature that it cannot be completely cured within such sixty (60) days, if Lessee does not commence such curing within such sixty (60) days and thereafter proceed with reasonable diligence and in good faith to cure such default, then Lessor may terminate this Lease on not less than thirty (30) days notice to Lessee and, on the date specified in said notice, the term of this Lease shall terminate and Lessee shall then quit and surrender the premises to City. If this Lease shall have been so terminated by City, City may, at any time thereafter, resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. Remedies of City hereunder are in addition to any other remedy allowed by law.
14. **TERMINATION BY LESSEE.** Lessee shall have the right to terminate this Lease upon sixty (60) days written notice to the City of Bloomington and, in that event, Lessee may remove any

improvements from the property and shall restore the ground to the condition it was in when first leased to the City. Any improvements remaining on the property after the Lease terminates shall be deemed abandoned by the Lessee and shall become the property of the City.

15. EMINENT DOMAIN. If the leased premises or any part thereof is taken or damaged by eminent domain or the threat thereof, the just compensation received in payment shall be divided between City and Lessee as follows:

That portion of the award for the taking and/or damaging the City's remainder interest in the land following the expiration of this Lease shall be paid to City. That portion of the award for the taking or damaging the leasehold interest of Lessee in the leased premises or the improvements located thereon shall be paid to Lessee.

16. PRIOR LEASE TERMINATED. If there is in effect upon the execution of this Lease a prior Lease between the City and Lessee covering the same premises as this Lease, then said Lease is terminated as of the commencement of the term on this Lease as set forth in Paragraph 2.

17. NOTICE. Any notice by either party to the other shall be in writing and shall be deemed to be duly given if delivered personally or mailed postpaid by regular mail, except that a notice given under Paragraph 12 must be delivered personally or mailed by registered or certified mail in a postpaid envelope, addressed as follows:

City

City of Bloomington
City Hall
109 E. Olive Street
Bloomington, IL 61701

Lessee Name and Mailing Address

STEVEN LANGE AND LAURIE LANGE



Lessee Billing Address

STEVEN LANGE AND LAURIE LANGE



18. BINDING EFFECT. This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its Mayor and City Clerk, and the Lessee has executed this agreement as of the day and year above written.

-Lessor-

-Lessee-

CITY OF BLOOMINGTON

By:

Its Mayor

Attest:

City Clerk



SUPPLEMENTAL ATTACHMENT TO LAKE BLOOMINGTON LOT LEASE

This Agreement is entered into by and between the City of Bloomington, McLean County, Illinois, a Municipal Corporation, (hereinafter, "Lessor") and Steven and Laurie Lange, (hereinafter, "Lessees") and is intended by the parties to be incorporated into and made a part of the lake lot lease between the parties for Lot 11 in Camp Peoria Point and enforceable under the terms of said lease.

1. Septic tanks are to be pumped no later than September 14, 2023, and once every three years following. Proof of evaluation shall be submitted to the City of Bloomington.
2. Septic System shall be evaluated by a McLean County Health Department approved septic evaluator no later than September 14, 2023, and once every three years following. Proof of evaluation shall be submitted to the City of Bloomington.
3. This supplement lease agreement shall be enforceable under the terms of the lease it supplements in the same manner and to the same extent as the terms of the lease.

LESSOR:

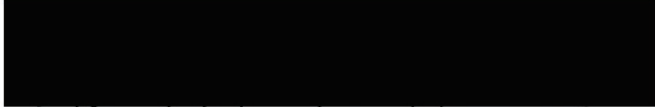
City of Bloomington,
a Municipal Corporation

By: _____
Tari Renner, Mayor

ATTEST: _____
Leslie Smith-Yocum, City Clerk

LESSEES:

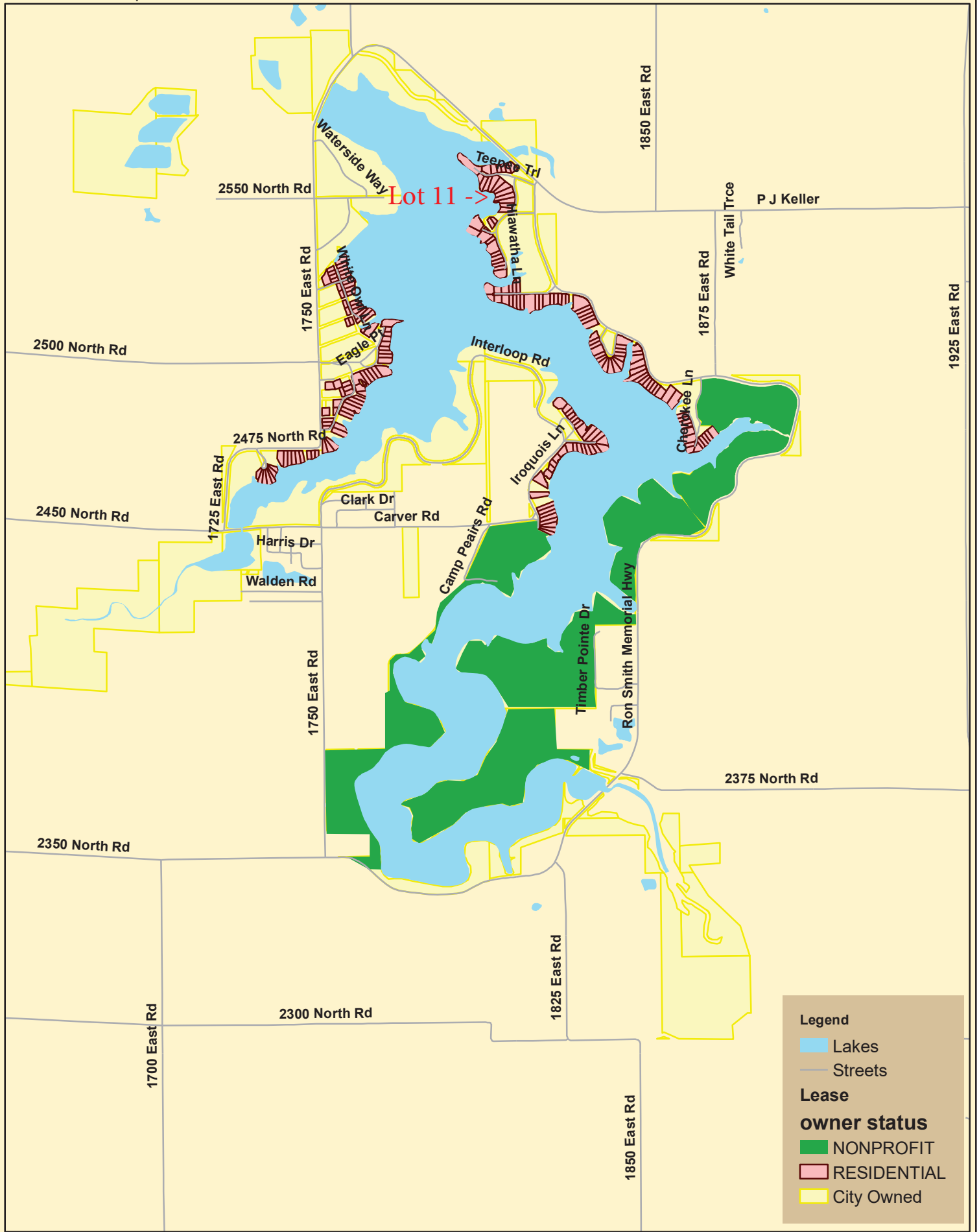

Steven Lange


Laurie Lange

Lake Bloomington Lease Map



0 1,000 2,000 Feet



PEORIA POINT SUBDIV at Lake Bloomington	
CITY OF BLOOMINGTON, ILLINOIS OFFICE OF CITY ENGINEER	
DATE: 1-2-50	REVISION: 1-2-50
FILE: 144464	PROJECT: 18-11
DRAWN BY: J.L.A.	



<- Lot 11

LAKE BLOOMINGTON
Peoria Point
Sub
3-27-64
KIT-MALLING ADDRESS 1/186

Scale 1"=50'

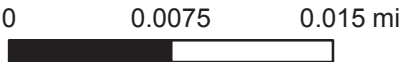
Lot 11 Camp Peoria Point Structure Map

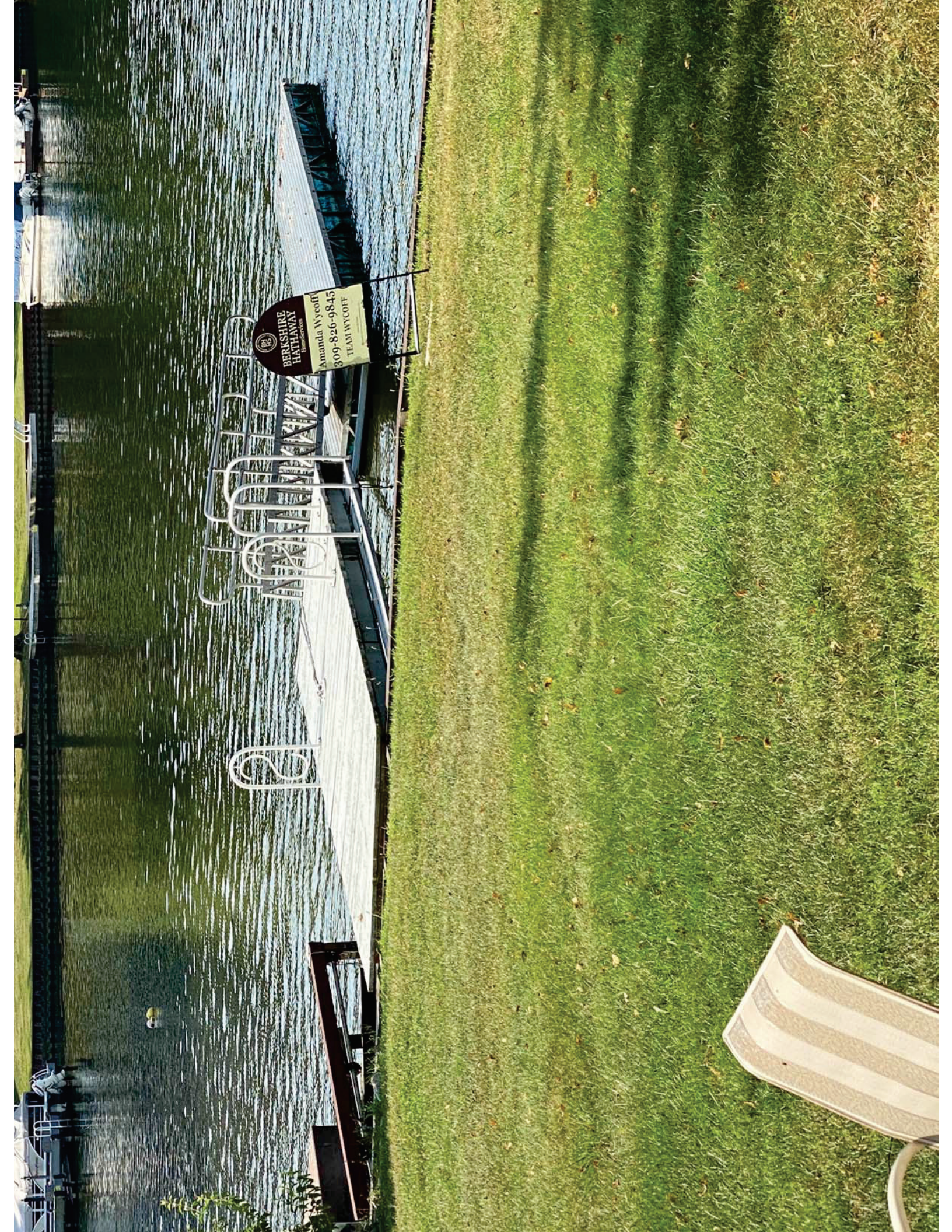


McGIS, Mclean County Museum of History



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.





 **BERKSHIRE
HATHAWAY**
HOMESERVICES
Amanda Wycott
309-826-9845
TEAM WYCOFF

2nd HOLE



CONSENT AGENDA ITEM NO. 8.L

FOR COUNCIL: September 14, 2020

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve a Lake Bloomington Lease Transfer of Lot 13 in Block 1 in Camp Kickapoo, from Karen Kehl to the petitioners, J&A Sunset Properties, LLC, as requested by the Public Works Department.

RECOMMENDED MOTION:

The proposed Lease Transfer be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: Public Works is recommending the approval of a Petition and Supplemental Agreement for the Lake Bloomington Lease Transfer of Lot 13 in Block 1 in Camp Kickapoo, from Karen Kehl, to the petitioners, J&A Sunset Properties, LLC. Lot 13 has a residence, a septic system, and one boat dock.

A licensed inspector, Rob Williamson, inspected the septic system on August 8, 2020, and found the system to be in the following condition, as noted in an August 17, 2020, letter from the McLean County Health Department:

- ✦ The septic tank does not need to be pumped at this time. This department recommends the septic tank be pumped every three to five years. The septic tank was pumped on August 10, 2020.
- ✦ The sand filter is a minimum of 168 square feet too small. This may remain as is until the septic system is repaired or replaced.

The lessees have entered into a supplemental agreement with the City of Bloomington to have the septic tank pumped at least once every three years and to have the septic system evaluated once every three years. The lessees will submit proof to the City of Bloomington by September 14, 2023, and once every three years following.

There is currently a boat dock on the subject lot. Pursuant to Ordinance 2018-87, passed by the City Council on October 8, 2018, boat docks are allowed on leased lots with a residence and a valid lease with the City of Bloomington, so long as the lessee obtains a permit.

City staff is aware of the heightened concerns regarding the current COVID-19 pandemic. However, this agenda item is operational in nature and expected to have little to no impact

on City resources or finances.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

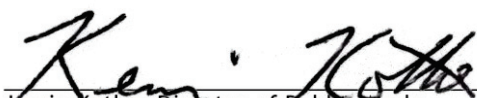
FINANCIAL IMPACT: This petition will have an increased financial impact in that the current lease uses the current formula of \$0.15 per \$100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of \$0.40 per \$100.00 Equalized Assessed Value, this lease will generate approximately \$880.19 per year in lease income and \$128.28 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance - Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY 2021 Budget Book titled "Other Funds & Capital Improvements" on page 127.

COMMUNITY DEVELOPMENT IMPACT: Goal UEW-1. Provide quality public infrastructure within the City to protect public health, safety and the environment, Objective UEW-1.5. Reliable water supply and distribution system that meets the needs of current and future residents.

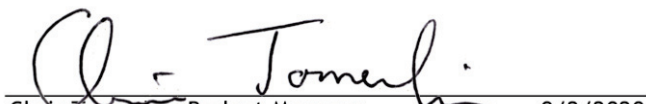
Respectfully submitted for Council consideration.

Prepared by: Joe Darter, Property Manager

Reviewed by:


Kevin Kothe, Director of Public Works

8/31/2020


Chris Tomerlin, Budget Manager

9/2/2020

George Boyle
George Boyle, Assistant Corporation Counsel

9/10/2020


Tara Henry, Legislative Assistant

9/10/2020

Recommended by:



Tim Gleason, City Manager

Attachments:

- PW 2B Current Lease_Kehl to J&A Sunset Properties LLC Lake Lease Transfer 09142020
- PW 2C Property Manager Memo_Kehl to J&A Sunset Properties LLC Lake Lease Transfer 09142020
- PW 2D Petition_Kehl to J&A Sunset Properties LLC Lake Lease Transfer 09142020

- PW 2E Septic Information_Kehl to J&A Sunset Properties LLC Lake Lease Transfer 09142020
- PW 2F Agreement_Kehl to J&A Sunset Properties LLC Lake Lease Transfer 09142020
- PW 2G Supplemental Agreement_Kehl to J&A Sunset Properties, LLC Lake Lease Transfer 09142020
- PW 2H Location Map_Kehl to J&A Sunset Properties LLC Lake Lease Transfer 09142020
- PW 2I Unrecorded Plat Map_Kehl to J&A Sunset Properties LLC Lake Lease Transfer 09142020
- PW 2J Structure Map_Kehl to J&A Sunset Properties LLC Lake Lease Transfer 09142020
- PW 2K Photographs_Kehl to J&A Sunset Properties LLC Lake Lease Transfer 09142020

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the 17 day of December, 1997 between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called "City," and DARRELL AND KAREN KEHL (if more than one Lessee, cross out 2 of the following that do not apply) (as joint tenants) (as tenants in common) (as tenants by the entirety) of HUDSON IL., County of McLean, State of Illinois, hereinafter called "Lessee,"

WITNESSETH

In consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. PREMISES. The City leases to Lessee the following described real estate owned by the City in the vicinity of Lake Bloomington, Illinois as follows:

Lot 13 in Block 01 in Camp KICKAPOO, according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois.

2. TERM OF LEASE. The term of this Lease shall be for a term commencing (cross out the one that does not apply) (on the date of this Lease) (on January 1 following the date of this Lease) and terminating on December 31, 2131, unless sooner terminated as provided in this Lease.

3. RENT.

A. Lessee shall pay as rent yearly, in advance, on or before the first day of January of each year, the amount designated hereafter:

1) If this Lease is executed prior to January 1, 1998, rent shall be charged at the rate of 15¢ (\$.15) per \$100 of equalized assessed value (hereafter EAV) for said property, including land and improvements, as determined by the Supervisor of Assessments of McLean County, Illinois. Said rate will remain in effect upon assignment of this Lease to (a) Lessee's spouse or to a corporation, trust or other entity created by Lessee or Lessee's spouse if Lessee or Lessee's spouse occupies the property immediately after said assignment, or (b) a Lessee

who paid fair market value for the property (i.e., a purchaser) prior to January 1, 1998 for the assignment of the prior Lease.

2) If this Lease is executed by a Lessee who, after December 31, 1997, paid fair market value for an assignment of a Lease on which the rent was 15¢ (\$.15) per \$100 EAV, the rent shall be charged at the rate of 40¢ (\$.40) per \$100 EAV. This rate will remain in effect throughout the remainder of the term of this Lease regardless of subsequent assignments thereafter.

3) If the Lessee is not eligible for the 15¢ (\$.15) or 40¢ (\$.40) per \$100 EAV rental rate, the rent shall be charged at the rate of _____¢ (\$._____) per \$100 EAV.

SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.

B. In the event the system of real estate taxation is changed from its present basis of assessment at no more than one-third of market value, the assessed value as then determined by the Supervisor of Assessments of McLean County will be adjusted so that it will reflect no more than one-third of the market value of the premises. If assessed value is no longer used as the basis of taxation, then the annual changes in the Consumer Price Index, or successor index, for all items for the Chicago region, published by the United States Department of Labor will be the basis for determining changes in the property value for purpose of calculating the annual rent with the following condition. Either City or Lessee may review the value of the property as adjusted by the Consumer Price Index every five years to compare it to the actual fair market value of the property. If the property value determined by the formula set forth in this lease is five percent (5%) or more greater or less than the actual fair market value of the property, the rent for that year shall be recalculated using one third of the actual fair market value and rent adjustments for all subsequent years shall be based on the actual fair market value as adjusted for changes in the Consumer Price Index. If the Consumer Price Index or its successor index is no longer published by the United States Department of Labor or is no longer used, an appropriate economic indicator will be used to determine the annual change in rent, if any.

4. REAL ESTATE TAXES. Lessee shall pay all real estate taxes levied during the term of this Lease against said premises and improvements thereon by the State of Illinois or any subdivision thereof.

5. IMPROVEMENTS. Lessee shall be permitted to make improvements upon the premises that are in compliance with the laws of the State of Illinois and the ordinances of the City and the County of McLean. The ordinances of the City shall be in full force and effect and in the same manner as if the above-described premises were located within the boundaries of the City of Bloomington. Prior to commencement of construction of any improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises.

6. SEPTIC SYSTEM. Lessee agrees to comply with all sanitary laws and regulations of any governmental body having jurisdiction over the leased premises. Lessee agrees at all times to use Lessee's property in such manner and dispose of the sewage generated from said property so as not to contaminate the waters of Lake Bloomington. When a public sanitary sewer is made available to serve the leased premises, the City shall have a right to require Lessee to connect to the sewer within a reasonable time after notice is given.

7. WATER. Lessee shall be permitted to purchase water from the City through water mains provided by the City, and Lessee will pay the rates in effect from time to time for water sold to Lake Bloomington customers. Lessee agrees not to pump water directly from Lake Bloomington except for the purpose of watering and maintaining lawns and other landscape materials on the leased premises, and such pumping shall cease at any time there are and for as long as there are restrictions in effect for the City of Bloomington that restrict the watering of lawns.

8. GARBAGE. City will provide weekly garbage service at a fee to be set by the City from time to time, which shall be in addition to the annual rent paid by Lessee. However, so long as no residence is located on the leased premises, no fee for garbage collection will be paid by Lessee.

9. ASSIGNMENT. Lessee shall not have the right to sell, assign, or transfer this Lease or to rent, sublet or to allow other persons to occupy the premises without the written consent of the City. However, the City shall not withhold its consent to a sale, assignment or transfer of this Lease if Lessee is not in default as defined in paragraph 13 and the sale, assignment or transfer is made in accordance with all applicable City ordinances and such rules and regulations as adopted by the City from time to time pursuant to paragraph 10. City will promptly issue a new Lease to the new Lessee containing the same terms as this lease. Thereupon, this Lease will automatically terminate and the parties will be freed of any obligations thereunder. Lessee shall have the right to mortgage Lessee's interest in said premises, but Lessee shall not have the right to mortgage the interest of City in the premises.

10. RULES & REGULATIONS. Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee.

11. USE OF AND ACCESS TO LAKE. Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of Lessor, which rules and regulations will apply equally to Lessees of Lake Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises.

12. TREE CUTTING. No trees on the leased premises shall be removed without the permission of the City except that Lessee can trim trees for safety, plant health, or aesthetic reasons, and Lessee may remove dead trees from the leased premises.

13. DEFAULT. If Lessee defaults in the payment of rent or defaults in the performance of any of the covenants or conditions hereof, City may give to Lessee notice of such default and, if Lessee does not cure any rent default within thirty (30) days, or other default within sixty (60) days after the giving of such notice or, if such other default is of such nature that it cannot be completely be cured within such sixty (60) days, if Lessee does not commence such curing within such sixty (60) days and thereafter proceed with reasonable diligence and in good faith to cure such default, then Lessor may terminate this Lease on not less than thirty (30) days notice to Lessee and, on the date specified in said notice, the term of this Lease shall terminate and Lessee shall then quit and surrender the premises to City. If this Lease shall have been so terminated by City, City may, at any time thereafter, resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. Remedies of City hereunder are in addition to any other remedy allowed by law.

14. TERMINATION BY LESSEE. Lessee shall have the right to terminate this Lease upon sixty (60) days written notice to the City of Bloomington and, in that event, Lessee may remove any improvements from the property and shall restore the ground to the condition it was in when first leased to the City. Any improvements remaining on the property after the Lease terminates shall be deemed abandoned by the Lessee and shall become the property of the City.

15. EMINENT DOMAIN. If the leased premises or any part thereof is taken or damaged by eminent domain or the threat thereof, the just compensation received in payment shall be divided between City and Lessee as follows:

That portion of the award for the taking and/or damaging the City's remainder interest in the land following the expiration of this Lease shall be paid to City. That portion of the award for the taking or damaging the leasehold interest of Lessee in the leased premises or the improvements located thereon shall be paid to Lessee.

16. PRIOR LEASE TERMINATED. If there is in effect upon the execution of this Lease a prior Lease between the City and Lessee covering the same premises as this Lease, then said Lease is terminated as of the commencement of the term on this Lease as set forth in Paragraph 2.

17. NOTICE. Any notice by either party to the other shall be in writing and shall be deemed to be duly given if delivered personally or mailed postpaid by regular mail, except that a notice given under Paragraph 12 must be delivered personally or mailed by registered or certified mail in a postpaid envelope, addressed as follows:

City

Lessee Name and Mailing Address

City of Bloomington
City Hall
109 E. Olive Street
Bloomington, IL 61701

DARRELL AND KAREN KEHL

[REDACTED]

18. BINDING EFFECT. This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its Mayor and City Clerk, and the Lessee has executed this agreement as of the day and year above written.

-Lessor-

-Lessee-

CITY OF BLOOMINGTON

By: [Signature]
Its Mayor

Attest:

[Signature]

[REDACTED]

[REDACTED]

[REDACTED]

MEMORANDUM

August 28, 2020

To: Kevin Kothe, PE, Director of Public Works

From: Joseph M. Darter, Property Manager

Subject: Lot 13 in Block 1 in Camp Peoria Kickapoo Lake Lease Transfer

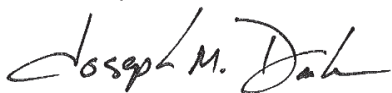
A Petition and Lake Lease Transfer request has been submitted for Lot 13, in Block 1 Camp Kickapoo, from Karen Kehl to the petitioners, J&A Sunset Properties, LLC.

EAV for this property is \$220,048. The Lake Lease uses the current lake lease rate of \$0.15 per \$100.00 of EAV.

This petition will have an increased financial impact in that the current lease uses the current formula of \$0.15 per \$100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of \$0.40 per \$100.00 Equalized Assessed Value, this lease will generate approximately \$880.19 per year in lease income and \$128.28 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance – Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY2020 Budget Book titled "Other Funds & Capital Improvements" on page 88.

Please feel free to contact me directly should you have any questions.

Sincerely,



Joseph M. Darter
City of Bloomington | Property Manager
Public Works Department | Water Division
25515 Waterside Way | Hudson, IL 61748
Office: (309) 434-2431 | Cell: (309) 275-8087
Fax: (309) 434-2159 | Email: jdarter@cityblm.org



Lake Bloomington Lease Transfer Petition

That the purchase price and rentals having been paid to the City of Bloomington for:

LOT: 13 BLOCK 1 of Camp Kickapoo

I respectfully petition the City Council of the City of Bloomington, Illinois to approve the transfer the Lease on the above property;

From: (please print) Karen Kehl (Seller Name)

To: (please print) J&A Sunset Properties, LLC (Buyer Name)

Signatures of Sellers

[Redacted Signature]

Signatures of Sellers _____

To the Honorable Mayor and City Council of the City of Bloomington, Illinois:

Now comes (please print) J&A Sunset Properties, LLC (Buyer) and

respectfully shows that He/She/They became the purchaser of all right, title, and interests of

Karen Kehl (Seller) In and to the Lease made on the (Date) 09/02/2020 upon the above property, all located in McLean County, Illinois, together with all the improvements, buildings and appurtenances thereon situated and thereunto belonging, and that the said (Seller) Karen Kehl has executed deed of transfer of their interest in said premises and an assignment of the Leases therefore your petitioner.

Petitioner further shows that in and by the terms of said Leases it was provided that the Lessee shall not sell, assign, or transfer said premises without the written consent of the Lessor.

Petitioner therefor prays that the written consent to said transfer may be forthwith provided by the said Lessor, the City of Bloomington, Illinois and your petitioner has submitted herewith a form of said written consent.

Respectfully submitted

Signature of Buyer

[Redacted Signature]

Signature of Buyer

[Redacted Signature]



WRITTEN CONSENT TO TRANSFER INTEREST IN LEASES UPON:

LOT 13 BLOCK 1 CAMP Kickapoo,
OF LAKE BLOOMINGTON.

Now comes the City of Bloomington and gives this, its written consent to the assignment on all right, title, and interest of (Seller) Karen Kehl, in and to the premises known as LOT 13 BLOCK 1 in Camp Kickapoo, in McLean County, Illinois and to the leases thereon executed by the City of Bloomington, Illinois.

Said consent to said assignment and transfer however, is with the express understanding that the said Lessor retains all right in said leases provided, and particularly its right to the payment of any unpaid rental thereon with all legal remedies incidental thereto.

Executed this _____ day of _____, _____.

, Mayor



OFFICE
COPY

McLean County Health Department
200 West Front Street, Room 304
Bloomington, IL 61701

August 17, 2020

Ms. Karen Kehl

Re: Septic Permit #94-9007
Parcel #08-06-302-006
Lot 113, Lake Bloomington - Kickapoo Subdivision

Dear Ms. Kehl:

On August 13, 2020, this department received a septic system evaluation report from Mr. Rob Williamson, a McLean County licensed private sewage system installer, regarding the above-referenced property. The septic system evaluation was performed on August 8, 2020 and the following deficiencies were noted:

- The septic tank does need to be pumped at this time. This department recommends the septic tank be pumped every three to five years. If the tank is not properly pumped to remove accumulated solids, the solids will start to bypass the baffles in the tank and cause rapid failure of the septic system.
- The sand filter is a minimum of 168 square feet too small. This may remain as is until the septic system is repaired or replaced.

As the current owner of a surface discharging septic system (sand filter, aerobic treatment unit, etc.), this office is informing you of State-wide changes in regulations regarding the operation and ownership of such discharging septic systems. They include the following:

1. As of February 10, 2014, any proposed new or replacement surface discharging system must have coverage under a National Pollutant Discharge Elimination System (NPDES) permit prior to installation. For more information, please visit our website at <https://health.mcleancountyil.gov/>
2. Routine sampling of the effluent discharged from the system and the reporting of the laboratory results to a regulatory agency or agencies.
3. The cost of effluent sampling and any additional treatment components needed to keep the system compliant with permit requirements will be the responsibility of the owner of the system.
4. The Illinois Department of Public Health (IDPH) now requires additional operation and maintenance for on-site wastewater treatment systems repaired or installed after January 1, 2014.

Ms. Karen Kehl
August 17, 2020
Page 2

5. Future regulations may be implemented by the Illinois Environmental Protection Agency (IEPA) and/or the IDPH for systems constructed prior to February 10, 2014.

Chlorine tablets made for use in the chlorinator are available through the following companies:

Bradford Supply
2000 South Bunn Street
Bloomington, IL 61704
Phone: (309) 828-8313

Tolan's Excavating
2903 Gill Street
Bloomington, IL 61704
Phone: (309) 663-0191

Shoemaker Farm Drainage
202 W. Pine Street
LeRoy, IL 61752
Phone: (309) 962-3108

Zeschke Septic Cleaning
2408 Greyhound Road
Bloomington, IL 61704
Phone: (309) 808-2776

In summary, the septic system was installed in 1994 and is now approximately 26 years old. This office considers the average life expectancy of a septic system to be 20 to 25 years. The property has been vacant and may evaluate differently under normal use conditions.

For information on routine operation and maintenance of your septic system, please visit our website at <https://health.mcleancountyil.gov>.

If you have any questions, please contact Ms. Samantha Odenthal of this department at (309) 888-5482.

Respectfully,



Thomas J. Anderson
Director of Environmental Health

cc: Mr. Rob Williamson, Williamson Excavating, LLC
Mr. Joe Darter, Water Department Property Manager
Mr. & Mrs. Allan Hart

TJA:AC:du

EVALUATION REPORT FOR A MCLEAN COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM

For Office Use Only

Log #: _____

Date Received: _____

This form is to be used for all inspections or evaluations of existing septic systems in McLean County. It is essential that the inspection be as complete as possible to determine the condition of the entire system. This includes interviewing the person who resides at or uses the building the septic system serves. Please complete all sections of the form that apply to the septic system you are evaluating. The tank must be uncovered with the baffles, liquid and sludge depths checked. At a minimum, the field must be probed to determine if there is water standing in the trenches. Upon probing, if it is determined there is water standing in the trenches, the Health Department highly recommends a minimum of two locations in the trenches be exposed to determine the condition of the rock and pipe. Any sign the system is failing or has not functioned properly, must be thoroughly documented on this report. Place all comments in the comment section on the last page.

*This evaluation is **NOT FINAL** until the McLean County Health Department has reviewed the information in this evaluation and issued a letter regarding the information to the parties listed in the evaluation.*

1. Current Owner Information:

Name: Karen Kehl

Address: _____

Phone #: Day _____ Home _____

2. Requestor Information:

Name: Allan & Kim Hart

Address: _____

Phone #: Day _____ Home _____

3. Property Information:

Parcel Number (Tax ID): () 08-06-302-006

Date Evaluation Performed: 08-08-20

Address of property evaluated: _____

Sub. & Lot: _____

Permit available from Health Dept.: Yes ☒ No ☐ Permit #: 94-9007

4. Interview Information:

Person interviewed: Nancy Brady

Original owner: Yes ☒ No ☐

Age of home (years): 26

Intended for seasonal use: Yes ☐ No ☒

Date last occupied: vacant

Number of occupants: _____

Has tank ever been pumped: Yes ☐ No ☐

If yes, how often: _____

5. Interior Evaluation:

Number of bedrooms: 3

Garbage disposal: Yes ☒ No ☐

Toilet tanks and other fixtures have evidence of leakage or overflow: Yes ☐ No ☒

Water softener discharges to: n/a

Clothes washer discharges to: septic

Dishwasher discharges to: septic

Hot tub discharges to: n/a

Basement plumbing fixtures:

Discharge locations:

a. all

a. septic

b. _____

b. _____

c. _____

c. _____

d. _____

d. _____

Basement floor drains discharge to: septic

Garage floor drains discharge to: n/a

Sump pit/pump discharges to: ground surface

Downspouts discharge to: tile/surface

6. Exterior Evaluation Points:

A. SEPTIC TANK(s) -- This Section N/A ☐

All tanks must not be pumped before the inspection, but should be pumped after the inspection, if needed.

Tank One: N/A ☐	Yes	No	Tank Two: N/A ☒	Yes	No
Depth of soil to top of tank: 9 inches			Depth of soil to top of tank: inches		
Tank has access within 12" of ground surface	☒	☐	Tank has access within 12" of ground surface	☐	☐
Size: 1500 gallons Type:			Size: gallons Type:		
Meets current code:	☒	☐	Meets current code:	☐	☐
Tank lids in good condition:	☒	☐	Tank lids in good condition:	☐	☐
Inlet baffle in good condition:	☒	☐	Inlet baffle in good condition:	☐	☐
Evidence of solids on inlet baffle:	☐	☒	Evidence of solids on inlet baffle:	☐	☐
Outlet baffle in good condition:	☒	☐	Outlet baffle in good condition:	☐	☐
Evidence of solids on outlet baffle:	☐	☒	Evidence of solids on outlet baffle:	☐	☐
Water standing in outlet:	☐	☒	Water standing in outlet:	☐	☐
Water level below outlet:	☐	☒	Water level below outlet:	☐	☐
Tank needs to be pumped:	☒	☐	Tank needs to be pumped:	☐	☐
Outlet device/filter on tank:	☐	☒	Outlet device/filter on tank:	☐	☐
Type:			Type:		
Back flow into tank from system after pumping:			Back flow into tank from system after pumping:		
Yes ☐ No ☐ N/A ☐			Yes ☐ No ☐ N/A ☐		

B. SEEPAGE FIELD -- This Section N/A ☒

Depth to top of field: inches to inches

Square feet of field: square feet

Meets current code sizing requirements:

Seepage standing on ground surface:

Lush vegetation or saturated soil on or near seepage field area:

Evidence that water has ponded over seepage field or the soil is saturated:

Solids or "carry over" material present in the rock or bedding material:

Depth of water in trench : inches

Yes	No
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐

C. SERIAL DISTRIBUTION/STEP-DOWN -- This Section N/A ☒

Are the serial distribution relief or "step-down" pipes in compliance with Section 905.60 (d) of the code?

Yes	No
☐	☐

D. SEEPAGE BED -- This Section N/A ☒

Depth to top of bed: inches to inches

Square feet of bed: square feet

Meets current code sizing requirements:

Seepage standing on ground surface:

Lush vegetation or saturated soil on or near seepage bed area:

Evidence water has ponded over seepage bed or is soil saturated:

Solids or "carry over" material present in the rock or bedding material:

Depth of water in bed : inches

Yes	No
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐

E. SAND FILTER -- This Section N/A ☐

Minimum soil cover depth to top of sand filter: 17 inches

Square feet of sand filter: 432 square feet

	Yes	No
Is water standing in the distribution pipes or in the rock that surrounds the pipe:	☐	☒
Meets current code sizing requirements:	☐	☒
Seepage standing on ground surface over filter:	☐	☒
Lush vegetation on or near sand filter:	☐	☒
Evidence if water has ponded over sand filter:	☐	☒
Sand filter vented as required:	☒	☐
Vent in good repair:	☒	☐
Chlorinator with screw on cap present:	☒	☐
Chlorinator tube with corrosion resistant handle present:	☒	☐
Evidence of chlorination:	☒	☐
Evidence of restricted flow in chlorinator:	☐	☒
Sample port with screw on cap present:	☒	☐

Where does the contact tank discharge to: *(Be specific, examples would be: farm tile, ground surface on or off property, IDPH common collector, IEPA common collector, etc.):* rock trench

F. PUMP OR LIFT STATION -- This Section N/A ☒

	Yes	No
Pump chamber an approved design:	☐	☐
Chamber volume 1.5 times the daily flow:	☐	☐
Is there a dual pump:	☐	☐
Alarm present:	☐	☐
Alarm location: _____		
Alarm properly working with audio and visual functions:	☐	☐

G. AEROBIC UNIT -- This Section N/A ☒

Manufacturer: _____ Model number: _____

Size of unit: gallons

	Yes	No
Pump running at time of inspection:	☐	☐
Current maintenance contract in place:	☐	☐
Who is maintenance contract with: _____		
Alarm present:	☐	☐
Alarm location: _____		
Alarm properly working with audio and visual functions:	☐	☐
Unit discharges to: Seepage field ☐ Seepage bed ☐ Sand filter ☐ Other: _____		
If other, what method of chlorination is used: _____		
Chlorinator with screw on cap present:	☐	☐
Chlorinator tube with corrosion resistant handle present:	☐	☐
Evidence of chlorination:	☐	☐

Where does the contact tank discharge to: *(Be specific, examples would be: farm tile, ground surface on or off property, IDPH common collector, IEPA common collector, etc.):* _____

Include all distances as described below.

NOTE: Be sure to attach drawing to this report.

The following distances must be verified to ensure all the information is correct and available in the future.

*Well or cistern to: N/A ☐	*Geothermal unit to: N/A ☐	*Building to:
Septic tank: _____ feet	Septic tank: _____ feet	Septic tank: _____ feet
Seepage system: _____ feet	Seepage system: _____ feet	Seepage system: _____ feet
Sand filter: _____ feet	Sand filter: _____ feet	Sand filter: _____ feet
Effluent tile: _____ feet	Effluent tile: _____ feet	Effluent tile: _____ feet
Effluent discharge: _____ feet	Effluent discharge: _____ feet	Effluent discharge: _____ feet
Geothermal unit: _____ feet	Aerobic unit: _____ feet	Geothermal unit: _____ feet
Aerobic unit: _____ feet		Aerobic unit: _____ feet
*Water line to:	*Body of water to: N/A ☐	
Septic tank: _____ feet	Septic tank: _____ feet	
Seepage system: _____ feet	Seepage system: _____ feet	
Sand filter: _____ feet	Sand filter: _____ feet	
Effluent tile: _____ feet	Effluent tile: _____ feet	
Effluent discharge: _____ feet	Effluent discharge: _____ feet	
Aerobic unit: _____ feet	Aerobic unit: _____ feet	

Comments:

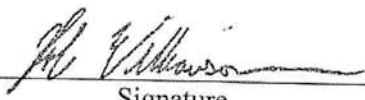
This section is to include any maintenance (pumping) repairs or problems in the history of the septic system. Write any observations and/or conclusions made by probing or excavating the seepage field or sand filter. A serial distribution system must include the condition of each level of field or trench.

The septic tank should be pumped now and regularly as needed in the future. The sand filter is undersized for this house. This septic system appears to be functioning at this time. The house is vacant so the septic system could evaluate differently under normal water usage. The average life of a septic system is about 25 years. This septic system is 26 years old.

This is the condition I found the septic system on this day. This evaluation is not and should not be considered a guarantee nor does it imply warranty of how the sewage disposal system may function at any time in the future.

Rob Williamson

Inspector's Name (print)



Signature

08-10-20

Date

McBRAYER SANITARY SERVICE, LLC

Septic tank pumping and Grease trap
29362 East 1300 North Rd. Ellsworth, IL 61737
(309) 724-8417 | (309) 261-6076 | (309) 533-9812
www.mcbrayersanitaryservice.com
Licensed by State & County

Invoice For KAREN KELL

Issue Date AUG. 10, 2020

Description	Amount
SEPTIC TANK PUMPED @ 25264 HIAWATHA, LK BLM ON AUG. 10, 2020	225-

Subtotal 225-
Amount Due 225-

Notes

EMAILED TO NANCY BRADY @ REMAX.NET

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the _____ day of _____, 2020

between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called CITY and J & A Sunset Properties, LLC

(if more than one Lessee, cross out 2 of the following that do not apply) ~~(as joint tenants)~~ (as tenants in common) (as tenants by the entirety) of , Marion, County of ~~McLean~~, State of Illinois, hereinafter called "Lessee," Tazwell

WITNESSETH

In consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. PREMISES. The City leases to Lessee the following described real estate owned by the City in the vicinity of Lake Bloomington, Illinois as follows:

Lot 13 in Block 1 in Camp Kickapoo according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois.

2. TERM OF LEASE. The term of this Lease shall be for a term commencing (**cross out the one that does not apply**) (on the date of this Lease) (on January 1 following the date of this Lease) and terminating on December 31, 2131, unless sooner terminated as provided in this Lease.
3. RENT.

LESSEE'S NOTICE: This lease form, including the rental rate, is currently under review by the City of Bloomington City Council (see City Code: Chapter 23, Section 58). Once City staff has completed the updates to the lease form, it will be provided to you and will thereafter be subject to City Council approval. Note for leases with an end date, prior to this transfer, of January 1, 2032 or earlier, the updated lease form is likely to include a change in the rental rate of this transfer and therefore, the rate change will also be applied to this lease effective January 1, 2032 to December 31, 2131.

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

- A. Lessee shall pay as rent yearly, in advance, on or before the first day of January of each year, the amount designated hereafter:

- 1) If this Lease is executed prior to January 1, 1998, rent shall be charged at the rate of 15¢ (\$.15) per \$100 of equalized assessed value (hereafter EAV) for said property, including land and improvements, as determined by the Supervisor of Assessments of

McLean County, Illinois. Said rate will remain in effect upon assignment of this Lease to (a) Lessee's spouse or to a corporation, trust or other entity created by Lessee or Lessee's spouse if Lessee or Lessee's spouse occupies the property immediately after said assignment, or (b) a Lessee who paid fair market value for the property (i.e., a purchaser) prior to January 1, 1998 for the assignment of the prior Lease.

2) If this Lease is executed by a Lessee who, after December 31, 1997, paid fair market value for an assignment of a Lease on which the rent was 15¢ (\$.15) per \$100 EAV, the rent shall be charged at the rate of 40¢ (\$.40) per \$100 EAV. This rate will remain in effect throughout the remainder of the term of this Lease regardless of subsequent assignments thereafter.

3) If the Lessee is not eligible for the 15¢ (\$.15) or 40¢ (\$.40) per \$100 EAV rental rate, the rent shall be charged at the rate of _____¢ (\$._____) per \$100 EAV.

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

B. In the event the system of real estate taxation is changed from its present basis of assessment at no more than one-third of market value, the assessed value as then determined by the Supervisor of Assessments of McLean County will be adjusted so that it will reflect no more than one-third of the market value of the premises. If assessed value is no longer used as the basis of taxation, then the annual changes in the Consumer Price Index, or successor index, for all items for the Chicago region, published by the United States Department of Labor will be the basis for determining changes in the property value for purpose of calculating the annual rent with the following condition. Either City or Lessee may review the value of the property as adjusted by the Consumer Price Index every five years to compare it to the actual fair market value of the property. If the property value determined by the formula set forth in this lease is five percent (5%) or more greater or less than the actual fair market value of the property, the rent for that year shall be recalculated using one third of the actual fair market value and rent adjustments for all subsequent years shall be based on the actual fair market value as adjusted for changes in the Consumer Price Index. If the Consumer Price Index or its successor index is no longer published by the United States Department of Labor or is no longer used, an appropriate economic indicator will be used to determine the annual change in rent, if any.

4. REAL ESTATE TAXES. Lessee shall pay all real estate taxes levied during the term of this Lease against said premises and improvements thereon by the State of Illinois or any subdivision thereof.
5. IMPROVEMENTS. Lessee shall be permitted to make improvements upon the premises that are in compliance with the laws of the State of Illinois and the ordinances of the City and the County of McLean. The ordinances of the City shall be in full force and effect and in the same manner as if the above-described premises were located within the boundaries of the City of Bloomington. Prior to commencement of construction of any improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises.
6. SEPTIC SYSTEM. Lessee agrees to comply with all sanitary laws and regulations of any governmental body having jurisdiction over the leased premises. Lessee agrees at all times to use Lessee's property in such manner and dispose of the sewage generated from said property so as not to contaminate the waters of Lake Bloomington. When a public sanitary sewer is made available to serve the leased premises, the City shall have a right to require Lessee to connect to the sewer within a reasonable time after notice is given.

7. WATER. Lessee shall be permitted to purchase water from the City through water mains provided by the City, and Lessee will pay the rates in effect from time to time for water sold to Lake Bloomington customers. Lessee agrees not to pump water directly from Lake Bloomington except for the purpose of watering and maintaining lawns and other landscape materials on the leased premises, and such pumping shall cease at any time there are and for as long as there are restrictions in effect for the City of Bloomington that restrict the watering of lawns.
8. GARBAGE. City will provide weekly garbage service at a fee to be set by the City from time to time, which shall be in addition to the annual rent paid by Lessee. However, so long as no residence is located on the leased premises, no fee for garbage collection will be paid by Lessee.
9. ASSIGNMENT. Lessee shall not have the right to sell, assign, or transfer this Lease or to rent, sublet or to allow other persons to occupy the premises without the written consent of the City. However, the City shall not withhold its consent to a sale, assignment or transfer of this Lease if Lessee is not in default as defined in paragraph 13 and the sale, assignment or transfer is made in accordance with all applicable City ordinances and such rules and regulations as adopted by the City from time to time pursuant to paragraph 10. City will promptly issue a new Lease to the new Lessee containing the same terms as this lease. Thereupon, this Lease will automatically terminate and the parties will be freed of any obligations thereunder. Lessee shall have the right to mortgage Lessee's interest in said premises, but Lessee shall not have the right to mortgage the interest of City in the premises.
10. RULES & REGULATIONS. Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee.
11. USE OF AND ACCESS TO LAKE. Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of Lessor, which rules and regulations will apply equally to Lessees of Lake Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises.
12. TREE CUTTING. No trees on the leased premises shall be removed without the permission of the City except that Lessee can trim trees for safety, plant health, or aesthetic reasons, and Lessee may remove dead trees from the leased premises.
13. DEFAULT. If Lessee defaults in the payment of rent or defaults in the performance of any of the covenants or conditions hereof, City may give to Lessee notice of such default and, if Lessee does not cure any rent default within thirty (30) days, or other default within sixty (60) days after the giving of such notice or, if such other default is of such nature that it cannot be completely cured within such sixty (60) days, if Lessee does not commence such curing within such sixty (60) days and thereafter proceed with reasonable diligence and in good faith to cure such default, then Lessor may terminate this Lease on not less than thirty (30) days notice to Lessee and, on the date specified in said notice, the term of this Lease shall terminate and Lessee shall then quit and surrender the premises to City. If this Lease shall have been so terminated by City, City may, at any time thereafter, resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. Remedies of City hereunder are in addition to any other remedy allowed by law.
14. TERMINATION BY LESSEE. Lessee shall have the right to terminate this Lease upon sixty (60) days written notice to the City of Bloomington and, in that event, Lessee may remove any

improvements from the property and shall restore the ground to the condition it was in when first leased to the City. Any improvements remaining on the property after the Lease terminates shall be deemed abandoned by the Lessee and shall become the property of the City.

15. EMINENT DOMAIN. If the leased premises or any part thereof is taken or damaged by eminent domain or the threat thereof, the just compensation received in payment shall be divided between City and Lessee as follows:

That portion of the award for the taking and/or damaging the City's remainder interest in the land following the expiration of this Lease shall be paid to City. That portion of the award for the taking or damaging the leasehold interest of Lessee in the leased premises or the improvements located thereon shall be paid to Lessee.

16. PRIOR LEASE TERMINATED. If there is in effect upon the execution of this Lease a prior Lease between the City and Lessee covering the same premises as this Lease, then said Lease is terminated as of the commencement of the term on this Lease as set forth in Paragraph 2.

17. NOTICE. Any notice by either party to the other shall be in writing and shall be deemed to be duly given if delivered personally or mailed postpaid by regular mail, except that a notice given under Paragraph 12 must be delivered personally or mailed by registered or certified mail in a postpaid envelope, addressed as follows:

City

City of Bloomington
City Hall
109 E. Olive Street
Bloomington, IL 61701

Lessee Name and Mailing Address

J & A Sunset Properties, LLC

Allan B. Hart, Manager

Lessee Billing Address

J & A Sunset Properties, LLC

18. BINDING EFFECT. This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its Mayor and City Clerk, and the Lessee has executed this agreement as of the day and year above written.

-Lessor-

CITY OF BLOOMINGTON

By: _____

Its Mayor

Attest: _____

City Clerk

-Lessee-

J & A Sunset Properties, LLC

Manager

Manager

SUPPLEMENTAL ATTACHMENT TO LAKE BLOOMINGTON LOT LEASE

This Agreement is entered into by and between the City of Bloomington, McLean County, Illinois, a Municipal Corporation, (hereinafter, "Lessor") and J&A Sunset Properties, LLC, (hereinafter, "Lessees") and is intended by the parties to be incorporated into and made a part of the lake lot lease between the parties for Lot 13 in Block 1 in Camp Kickapoo and enforceable under the terms of said lease.

1. Septic tank(s) are to be pumped no later than September 14, 2023, and once every three years following. Proof of pumping shall be submitted to the City of Bloomington.
2. Septic System shall be evaluated by a McLean County Health Department approved septic evaluator no later than September 14, 2023, and once every three years following. Proof of evaluation shall be submitted to the City of Bloomington.
3. This supplement lease agreement shall be enforceable under the terms of the lease it supplements in the same manner and to the same extent as the terms of the lease.

LESSOR:

City of Bloomington,
a Municipal Corporation

By: _____
Tari Renner, Mayor

ATTEST: _____
Leslie Smith-Yocum, City Clerk

LESSEES:

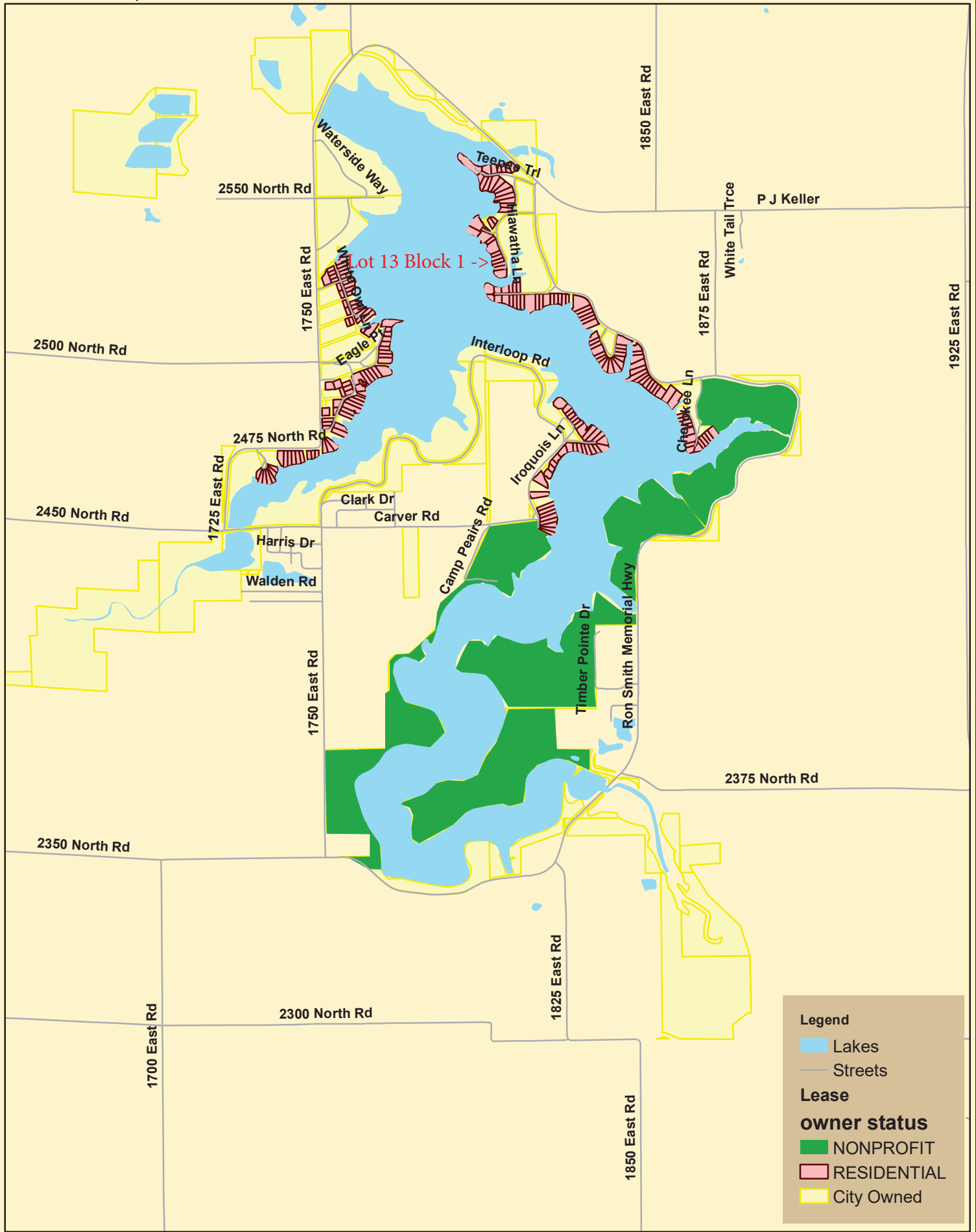
[Redacted Signature]
Allan B. Hart, Manager

[Redacted Signature]
Kimberly S. Hart, Manager

Lake Bloomington Lease Map

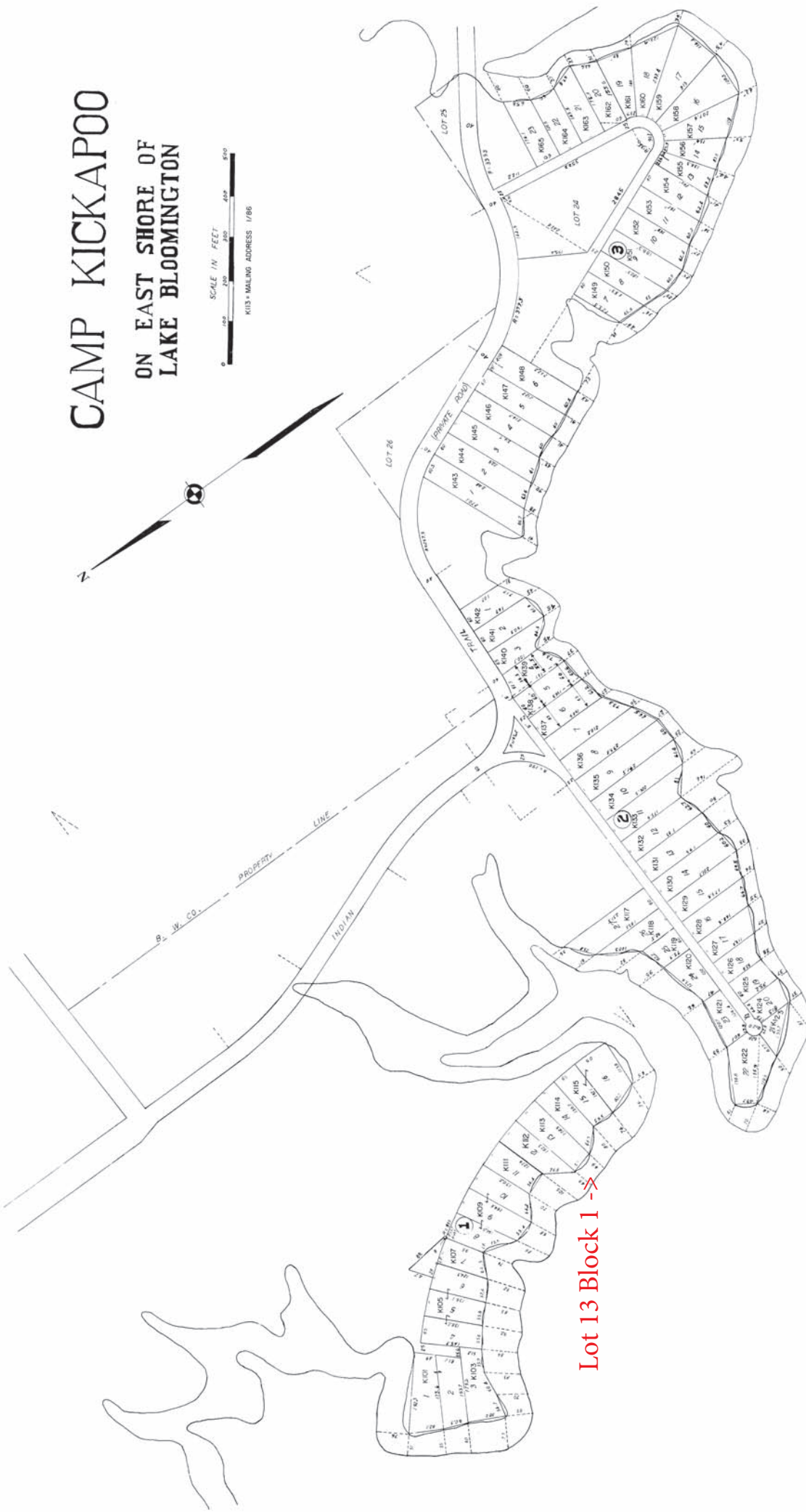


0 1,000 2,000 Feet



CAMP KICKAPOO

ON EAST SHORE OF
LAKE BLOOMINGTON



Lot 13 Block 1 ->

CAMP KICKAPOO LAKE BLOOMINGTON			
CITY OF BLOOMINGTON, ILLINOIS 6701			
OFFICE OF THE CITY ENGINEER			
RECY. SCALE	DATE	FILE NO.	
RECY. SCALE	7/23/73	18-1	
RECY. SCALE	7/23/73	18-1	
RECY. SCALE	7/23/73	18-1	

RETRACED ON JULY 23, 1973 FROM A PRINT OF A TRACING MADE AUGUST 20, 1967 OF THE ORIGINAL PLAT.
NO DATE AVAILABLE FOR THE ORIGINAL PLAT.

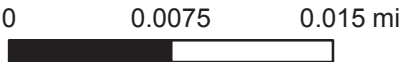
Lot 13 Block 1 Camp Kickapoo Structure Map



McGIS, Mclean County Museum of History



McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.





REGULAR AGENDA



REGULAR AGENDA ITEM NO. 9.A

FOR COUNCIL: September 14, 2020

SPONSOR: City Council

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to accept and approve the Downtown Task Force 2020 Report Updated, as requested by the City Council.

RECOMMENDED MOTION:

The proposed Report be accepted and approved.

STRATEGIC PLAN LINK:

-Goal 6. Prosperous Downtown Bloomington

STRATEGIC PLAN SIGNIFICANCE:

-Objective 6b. Downtown Vision and Plan used to guide development, redevelopment and investments

BACKGROUND: This item, if approved, would formally accept and approve the Downtown Task Force Report as updated with additional information on what are a large number of projects and initiatives that have been completed in recent years. The document would serve as a road map for continued downtown development, giving staff and Council the parameters for how future work will be completed in Downtown Bloomington based on council project priorities that are now being compiled.

If approved, the attached list will be incorporated into the original attached report.

This item comes about as a result of a May 18, 2020 Council initiative by Council Member Jamie Mathy regarding formal consideration of the original 2017 Downtown Task Force report. At the June 15, 2020 Committee of the Whole meeting, staff provided additional information regarding the report and Council decided to move the item to a regular City Council agenda for additional discussion and formal consideration.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: To be determined depending on final operating decisions.

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Leslie Yocum, City Clerk

Reviewed by:


Jeffrey R. Durgens, Corporation Counsel

9/10/2020


Tara Henry, Legislative Assistant

9/10/2020

Recommended by:


Tim Gleason, City Manager

Attachments:

- ADM 2B Agenda Initiative Proposal_Mathy_Downtown Task Force
- ADM 2C Downtown Task Force - Final Report
- ADM 2D Downtown Task Force Addition - Updated list of Accomplishments



MAYOR & ALDERMANIC
AGENDA INITIATIVE PROPOSAL FORM

SPONSOR: Jamie Mathy

PROPOSED INITIATIVE:

Bring Downtown Task Force Report back to City Council for acceptance. This report had a lot of good information in it, but was derailed over controversy surrounding the catalyst project.

At this time we have collectively already decided the library will expand in place, so that is no longer a concern.

That means we should be able to accept the concepts & ideas that are in the rest of the report. Staff will have guidance on how to move forward with downtown.

ESTIMATED CITY STAFF TIME TO RESEARCH & PREPARE FULL COUNCIL MEMO ON PROPOSED INITIATIVE INCLUDING BACKGROUND AND ANY NECESSARY RESEARCH:

☐
☒
☐

Nominal (less than 5 hours)

Moderate (5 to 10 hours)

Significant (more than 10 hours)

ESTIMATED COST OF PROPOSED INITIATIVE: Staff review of DTF plan.

WILL THE PROPOSED INITIATIVE REQUIRE A BUDGET AMENDMENT:

☐
☒

Yes

No

WHAT CITY PROGRAMS OR STAFF ACTIVITIES ARE PROPOSED TO BE CUT OR REDUCED IN LIEU OF THE PROPOSED INITIATIVE, IF ANY:

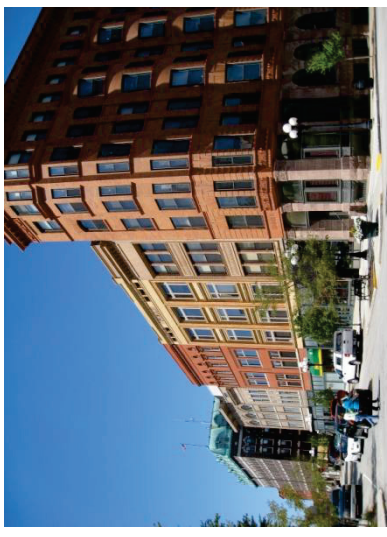
N/A

DATE SUBMITTED: 2/10/2020


SIGNATURE

10/24/2017

DOWNTOWN BLOOMINGTON TASK FORCE FINAL REPORT



OVERVIEW

The Downtown Bloomington Task Force was formed on May 8, 2017 in order to establish top priorities for Downtown Bloomington revitalization and development for the next three to five years. City Council requested that the Task Force focus on merging the contents of the city's various approved planning documents and to provide source notations in order to provide a "line of sight" between the Task Force recommendations and the comprehensive plans, which represent extensive public input. The Task Force also held a public listening session and actively encouraged public participation in its discussions. The Task Force submitted an interim report to City Council on August 31, 2017. The final report originally was anticipated to be completed by December 31, 2017. The Task Force is submitting its final report ahead of schedule in order to allow City Council time to incorporate these proposals into the FY2019 budget, if desired.

MEMBERS

Kim Bray, Bloomington City Council, Ward 9
Jamie Mathy, Bloomington City Council, Ward 1
Amelia Buragas, Bloomington City Council, Ward 4 (chair)
Carlo Robustelli, McLean County Board
Tricia Stiller, Director, Downtown Bloomington Association
Justin Boyd, Chair, Bloomington Planning Commission
Mike Manna, Downtown Business Owner
Bobby Varicella, Downtown Business Owner
Joe Haney, Downtown Business Owner

REFERENCE DOCUMENTS

Bring It On Bloomington! 2035 Comprehensive Plan (2015)
Downtown Strategy Plan (Farr Plan) (2013)
Main Street Transportation Feasibility Study (2012)
Downtown Streetscape Lighting Master Plan (2015)

PRESENTATIONS

- Steve Rasmussen, Assistant City Manager, "Downtown Update."
- Tom Dabareiner, Director, Community Development Department, "Comprehensive Plan Overview," "Results of 2016 Downtown Stakeholder Meeting," and "Catalyst Project Overview."
- Greg Koos, Director Emeritus, McLean County History Museum and Lea Cline, Vice Chair, HPC, "Historic Preservation."
- Jim Karch, Director, Public Works, "Downtown Infrastructure."
- Vasu Pinnamaraju, Executive Director, McLean County Regional Planning Commission, "Public Places."
- Jay Tetzloff, Robert Moews and David Lamb, Parks and Recreation Department, "Downtown Beautification."
- Ken Bays, Assistant Chief of Police, "Downtown Crime Statistics."

SUMMARY OF RECOMMENDATIONS

Downtown revitalization efforts can be divided into three general categories: Placemaking, Catalyst, and Supportive. The majority of the Task Force recommendations fall under placemaking and have been divided into the following two subcategories: Beautification/Public Art and Public Places/Walkability.

The Task Force recommendations focus on placemaking because this category offers simple, easy-to-achieve and comparatively inexpensive opportunities to improve and enhance the Downtown area with a high potential return on investment. The Task Force also makes recommendations in the supportive category related to improving availability of public parking. Finally, the Task Force notes that the Downtown Strategy recommends a catalyst project that will “attract visitors and increase retail, restaurant, and service business.” Catalyst projects are larger in nature and reflect a much more significant public investment. The Task Force recommendations for catalysts are based on the projects that are most likely to be successful based on current opportunities. They also reflect existing needs in the Downtown area. The Task Force recognizes that any catalyst projects will require significant public support in order to be feasible.

Please note that the Task Force has limited its recommendations to the Downtown “core,” or that area of Downtown roughly defined by Madison Street, East Street, Market Street, and Front Street. This approach is consistent with the Downtown Strategy Plan. The Task Force did not consider recommendations outside of this area, but notes that significant opportunities for development and revitalization exist in the expanded Downtown area, which includes the Warehouse District and surrounding transitional and residential areas.



SECTION 1: BEAUTIFICATION / PUBLIC ART

Residents take great pride in the efforts made in recent years to increase the visual appeal of Downtown Bloomington. Residents report a strong desire to add additional trees for shade as well as to increase the amount of green space. There also is a desire to continue to support the work of local artists and to foster a unique identity through the integration of public art into Downtown spaces.

PLANNING DOCUMENT REFERENCES

“Public art is a great way to beautify and add character to a Downtown.” *Downtown Strategy*, pg. 60.

“Street trees are indispensable to the attractiveness and safety of the Downtown core. Street trees make the street appear narrower to drivers and typically result in a decrease in traffic speed, making the environment more conducive to walking.” *Downtown Strategy*, pg. 59.

“A proper amount of street trees is vital to complement the proposed street lights and existing architecture of Downtown.” *Streetscape Master Plan*, pg. 27.

“A sophisticated public art program could complement tourism and branding efforts.” *Streetscape Master Plan*, pg. 28.

“[P]ublic art can transform the city’s gateways, corridors, and neighborhoods alike.” *Comprehensive Plan*, pg. 112.

N-2.3d Establish a program for public art. BCPA, short. *Comprehensive Plan*, pg. 57.

ACH-1.1e Increase visual arts in the public sphere Downtown. BCPA, ongoing. *Comprehensive Plan*, Pg. 114.

ACH-5. Encourage the use of public art to enhance neighborhoods and public spaces and foster engagement throughout the community. *Comprehensive Plan*, pg. 122.

CF-2.2b Emphasize use of native plants and trees on public grounds. City of Bloomington, ongoing. *Comprehensive Plan*, pg. 219.

RECOMMENDATIONS

1. DESIGNATE THE DOWNTOWN CORE AS A “PUBLIC PARK” OR “GREEN SPACE” TO EMPOWER THE PARKS & RECREATION DEPARTMENT TO ACTIVELY MAINTAIN AND PROGRAM IN PUBLIC SPACES IN A WAY THAT MAXIMIZES AESTHETIC APPEAL AND ADDS ARTS AND CULTURAL PROGRAMMING. FOCUS ON ADDITIONAL SHADE TREES AS WELL AS PERENNIAL, DROUGHT-TOLERANT, NATIVE PLANTINGS, AND RAIN GARDENS.

SECTION 1: BEAUTIFICATION / PUBLIC ART (CONTINUED)

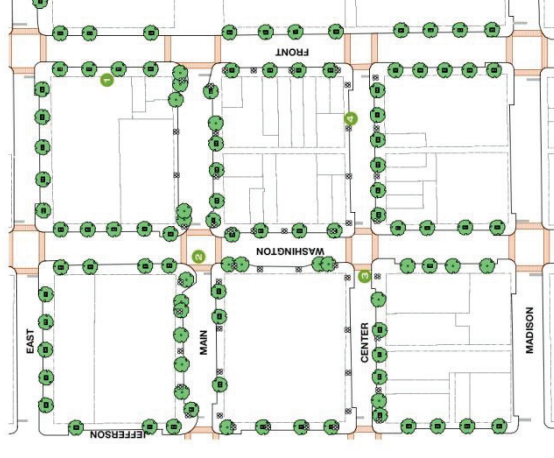
RECOMMENDATIONS: BEAUTIFICATION / PUBLIC ART (CONTINUED)

2. SELECT AND MAKE AVAILABLE TO BUSINESS OWNERS SELF-WATERING PLANTERS THAT ARE UNIFORM IN APPEARANCE TO BE PURCHASED BY, PLACED IN FRONT OF, AND MAINTAINED BY DOWNTOWN BUSINESSES. USE PRIVATE SPONSORSHIPS TO INCREASE NUMBER OF PLANTINGS IN THE DOWNTOWN AREA AND/OR FUND PLANTING OF LARGER TREES.
3. ENGAGE IN ADDITIONAL PUBLIC ART PROJECTS, SUCH AS DECORATIVE PAINTED CROSSWALKS OR SIDEWALK ART. EXPLORE THE USE OF TACTIAL URBANISM TO INCREASE ART IN THE PUBLIC SPACE.
4. INSTALL ADDITIONAL DECORATIVE LIGHTING DOWNTOWN (EX. CANOPY LIGHTING ACROSS THE STREET OR BETWEEN FAÇADE AND TREES/LIGHT POLES). INSTALL ADDITIONAL ELECTRICAL CONDUITS AS OPPORTUNITIES ARISE.

EXAMPLES: BEAUTIFICATION / PUBLIC ART



EX. 1A: CURRENT STREETScape



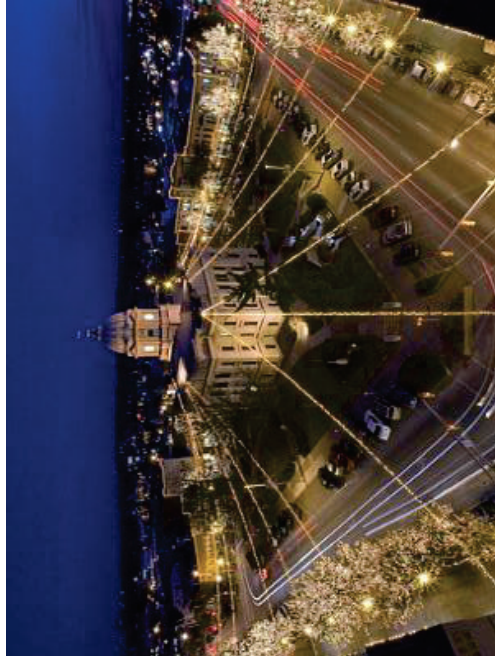
EX. 1B: ENHANCED STREETScape



EX. 2: DECORATIVE PAINTED CROSSWALK



EX. 4: STREET ART



EX. 3: DECORATIVE LIGHTING



EX. 5: DECORATIVE LIGHTING

SECTION 2: PUBLIC SPACES / WALKABILITY

Many residents view Downtown as a central hub for our community and express a strong desire for additional public spaces in Downtown Bloomington. These spaces also are ideal for use in programming and special events to bring people into the Downtown area. Walkability is a key feature of downtowns and an area that poses tremendous opportunity to adopt innovative practices when it comes to utilization of the public right-of-way and integration of multi-modal transportation.

PLANNING DOCUMENT REFERENCES

“Currently, parking lots and vacant parcels within Downtown create gaps in the built environment. Utilizing these spaces as patios, plazas, small parks, or other public spaces will help make the street more active and lively place.” *Downtown Strategy*, pg. 38.

“To improve the safety of pedestrians walking around Downtown, it is recommended that special paving treatment, such as cobblestones or brick, be installed at a width of at least eight feet at key intersections as shown on Figure V-24.” *Downtown Strategy*, pg. 59.

“Challenges within Downtown include restoring high levels of walkability that existed in Bloomington prior to World War II. In the last 50 years, modern traffic engineering and development patterns have emphasized automobile transportation over walkability. The resulting street grid is harsh and uninviting to pedestrians.” *Downtown Strategy*, pg. 54.

D-5.2 Enhance the walkability and bikeability within and to Downtown and facilitate access to car-sharing and bike-sharing in the Downtown district. *Comprehensive Plan*, pg. 108.

RECOMMENDATIONS: PUBLIC PLACES / WALKABILITY

1. PARTNER WITH MCLEAN COUNTY TO ENHANCE THE PUBLIC SPACES CURRENTLY LOCATED IN FRONT OF THE LAW & JUSTICE CENTER AND AROUND THE MCLEAN COUNTY MUSEUM OF HISTORY. PRIORITIZE MAINTENANCE, CLEANLINESS, AND INSTALLATION OF DROUGHT-RESISTANT, NATIVE PLANTINGS. MAKE THESE SPACES AVAILABLE FOR CITY PROGRAMMING (EX. LAWN GAMES DURING FARMER’S MARKET, PUBLIC SEATING, LIVE MUSIC DURING FIRST FRIDAYS, ETC.)
2. TRANSITION FROM A STREETS/SIDEWALKS MODEL TO A “SHARED SPACE” MODEL IN THE DOWNTOWN CORE. THIS ALLOWS FULL USE OF THE PUBLIC RIGHT-OF-WAY BY ALL USERS, CREATES A UNIQUE ENVIRONMENT, AND HONORS OUR HISTORIC PAST. EXPLORE OPPORTUNITIES CREATED BY PROPOSED RESURFACING OF JEFFERSON STREET AND FRONT STREET IN 2018.

SECTION 2: PUBLIC SPACES / WALKABILITY (CONTINUED)

RECOMMENDATIONS (CONTINUED)

3. INSTALL BRICK OR STAMPED CONCRETE CROSSWALKS. ALTERNATIVE: DECORATIVE PAINTED CROSSWALKS.
4. REEXAMINE PERMITTING REQUIREMENTS FOR OUTSIDE SEATING AND SIDEWALK RETAIL TO ENCOURAGE GREATER USE OF THE PUBLIC RIGHT-OF-WAY BY DOWNTOWN BUSINESSES WITHOUT BLOCKING PEDESTRIAN MOVEMENT.

EXAMPLES: PUBLIC SPACES / WALKABILITY



EX. 1: SHARED ROAD MODEL



EX. 2: PUBLIC PLAZA

SECTION 3: PUBLIC PARKING

Residents continue to report the perception that Downtown lacks sufficient, convenient parking. In the short term, the Task Force recommends changes to increase the amount of on-street parking for visitors to Downtown. This will alleviate current frustrations as the city works to improve parking facilities and toward a long-term culture shift in parking expectations.

PLANNING DOCUMENT REFERENCES

“Local parking consultants estimate that the distance people are willing to walk between parking and their downtown Bloomington destination ranges from between 500 feet for visitors and one-quarter mile for employees. Where willingness-to-walk range is this limited—vibrant downtowns can count on walking ranges that begin at ¼ mile—it is difficult for downtown destinations to rely on public parking supplies for their access needs. It is also a sign that parkers find the downtown environment less-stimulating than it should be.” *Downtown Strategy*, pg. 121-22.

“Relieve pressure for surface parking lots by offering convenient spaces within public parking decks.” *Downtown Strategy*, pg. 50.

“Require employees to park off-street in public parking decks or lots.” *Downtown Strategy*, pg. 52

“One of the key recommendations includes the installation of parking meters in specified locations in Downtown. Currently on-street parking is free in all of Downtown, leading to congestion in several areas. Pricing on-street parking according to demand will help greatly in managing those spaces and also provide a revenue source.” *Downtown Strategy*, pg. 6.

D-5. Continue to develop multi-modal transportation network in Downtown. *Comprehensive Plan*, pg. 107.

D-5.1. Improve parking conditions and access and encourage shared public and private parking supplies. *Comprehensive Plan*, pg. 107.

RECOMMENDATIONS: PUBLIC PARKING

1. MOVE ALL CITY AND COUNTY OWNED VEHICLES INTO COVERED PARKING GARAGES TO MAKE SURFACE LOT SPACES AVAILABLE FOR DOWNTOWN VISITORS. EXPLORE OPPORTUNITIES FOR SHARED USE OF PRIVATE SURFACE PARKING LOTS TO MAXIMIZE USAGE.

SECTION 3: PUBLIC PARKING

RECOMMENDATIONS: PUBLIC PARKING

2. REMOVE ONE LANE OF TRAFFIC ON BOTH MAIN AND CENTER STREETS WITHIN THE CORE OF DOWNTOWN BLOOMINGTON. CHANGE PARALLEL PARKING SPOTS ALONG MAIN AND CENTER TO DIAGONAL PARKING SPOTS TO INCREASE THE NUMBER OF ON-STREET SPOTS. INSTALL LOADING ZONES TO PREVENT VEHICLE CONGESTION. INCLUDE ONE "SHORT TERM" PARKING SPOT ON EACH BLOCK OF MAIN STREET AND CENTER STREET (EX. 15 MINUTE PARKING). LENGTHEN ENFORCEMENT OF ON-STREET PARKING TIME LIMITS.
3. MOVE FORWARD WITH PARKING NEEDS STUDY, INCLUDE ANALYSIS OF FUTURE INSTALLATION OF PARKING METERS.

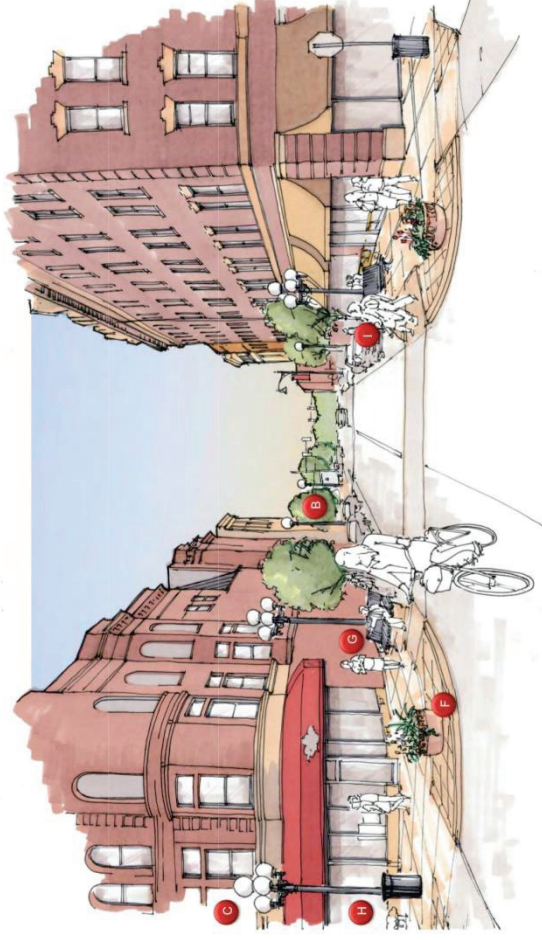


Figure 3.2c – Conceptual view looking west on Jefferson Street at Center Street. Letters correspond to amenities highlighted on Page 13.

Downtown Streetscape Lighting Master Plan

SECTION 4: CATALYST PROJECT

There are 29 acres of developable land within the expanded Downtown area, which includes vacant and under-utilized properties. Examples of under-utilized properties include single-use parking garages and surface parking lots. This creates enormous potential for private and public sector investment in the Downtown area.

PLANNING DOCUMENT REFERENCES

“Develop a catalyst project that can serve as an additional Downtown “anchor.” *Downtown Strategy*, pg. 64.

“*Attract and grow new anchors for Downtown Bloomington*. It will be a number of years before a single large retail anchor exists or is viable. In the interim, other non-retail anchors can help to fill in the gaps in the Downtown streetscape and also draw more foot traffic and residents to the area. Such opportunities include a library, YMCA, or community college.” *Downtown Strategy*, pg. 22.

“There are many surface parking lots within Downtown, many of which are not being utilized to their full potential. As Downtown’s market for housing and retail improves, demand to develop these parking lots will increase, particularly within the Madison-East couplet. Such redevelopment should be encouraged whenever possible.” *Downtown Strategy*, pg. 38.

“Place a high priority on the development of a hotel in Downtown.” *Downtown Strategy*, pg. 22.

“There is potential for a hotel to develop on [Butler/Elks Lot] due to its proximity to the U.S. Cellular Coliseum and other Downtown attractions.” *Downtown Strategy*, pg. 50.

D-1 Continue to build a healthy Downtown that offers a range of employment, retail, housing, cultural, and entertainment opportunities for all. *Comprehensive Plan*, pg. 101.

D-1.1g Prioritize mixed-use development/redevelopment projects for the Downtown area. City of Bloomington, ongoing. *Comprehensive Plan*, pg. 101.

D-1.2 Pursue catalyst projects that can serve as additional Downtown anchors. *Comprehensive Plan*, pg. 102.

D-1.4 Develop a wide variety of Downtown housing options. *Comprehensive Plan*, pg. 102.

SECTION 4: CATALYST PROJECT (CONTINUED)

ADDITIONAL INFORMATION

MARKET STREET GARAGE. The Market Street Parking Garage is owned by the City of Bloomington. It was built in 1974 and has 550 total parking spaces (492 are available for rent and 70 percent of those spaces currently are rented). In 2009, the structural condition of the garage was rated as “poor.” The city determined that structural repairs were necessary in order to extend the garage life span. Phase One of repairs was completed in 2010 at a cost of \$250,000. Phases Two and Three were completed in 2013 at a combined cost of \$750,000. Since 2013, only minor maintenance has been performed at the garage and additional structural repairs are needed. Staff reports that funds for an additional structural evaluation of the garage will be included in the draft FY2019 budget. The facilities department reports that additional structural repairs will keep the facility operational in the near term; however, “the rate of return exponentially decreases with the age of the structure.” City staff estimates that additional structural repairs may extend the life span of the garage up to an additional 10 years, at which time a replacement plan must be in place. The cost for these repairs likely will exceed \$1 million.

BLOOMINGTON PUBLIC LIBRARY. The Bloomington Public Library currently has 1,000 visitors per day and is in the feasibility phase of a major expansion proposal. The Library has provided conceptual sketches as well as preliminary cost estimates for expansion at its current location. (Appendix A). The Library’s cost estimates do not include the expense of moving all or part of the current Public Works facility, which would be necessary in order to accommodate expansion. The estimate also does not include a parking structure or any additional development that is shown in the conceptual drawings. The Community Development Department has not reviewed the Library’s plans for expansion at its current site for consistency with the Comprehensive Plan or Downtown Strategy.

RESIDENTIAL DEVELOPMENT. There is significant capacity for growth in residential housing in the Downtown area. The Community Development Department calculates that a fully revitalized Downtown area could accommodate an additional 950 units, which is nearly double the current number of units. New units should be phased-in over time to avoid having a negative impact on current occupancy rates.

CONNECT TRANSIT. The Front Street transfer station accommodates 1,300 Connect Transit riders per day, making it the second busiest transfer station in the community. Connect Transit reports that the current on-street location is inadequate and has expressed a strong desire to partner with the City to make a transfer station part of any catalyst project (they are not interested in partnering on any project outside the core of Downtown). Connect Transit notes that their involvement makes any project potentially eligible for state and federal grants and/or low interest loans. Public Works also reports that city streets are not built to accommodate the wear and tear of an on-street transfer site and that the current location is causing accelerated deterioration of Front Street. Connect Transit is conducting a site analysis of the Market Street garage location and will share the results with City Council.

SECTION 4: CATALYST PROJECT (CONTINUED)

RECOMMENDATIONS: CATALYST PROJECT

The Task Force is recommending three areas for potential exploration of catalyst projects. These recommendations are ranked into tiers based on current opportunities, level of risk, availability of partnerships, and overall community need.

TIER 1

DEVELOP THE MARKET STREET GARAGE INTO A MIXED USE FACILITY INCLUDING PARKING, TRANSFER STATION, & PUBLIC LIBRARY.

This proposal is listed as a Tier 1 project because of the imminent need to address the Market Street garage, the relatively few barriers to development of this parcel, the size of the parcel available for development, and the ability to bring together multiple community needs into a single project, which could realize significant financial savings. A successful project at the Market Street block could transform an underperforming quadrant of the Downtown core into a vibrant area that brings new visitors Downtown. Partnering with Connect Transit creates alternative funding options as it would make the project eligible for federal low interest loans and grants. This also represents a “low risk” investment as there already is significant need both for expanded library facilities as well as a new transfer station. If inclusion of the library in this project is not feasible or desirable, the City could alternatively consider a mixed use facility including housing or office space.



SECTION 4: CATALYST PROJECT (CONTINUED)

RECOMMENDATIONS: CATALYST PROJECT (CONTINUED)

ADDITIONAL PLANNING DOCUMENT REFERENCES RELATED TO THE TIER 1 RECOMMENDATION

“Attract and grow new anchors for Downtown Bloomington. It will be a number of years before a single large retail anchor exists or is viable. In the interim, other non-retail anchors can help to fill the gaps in the Downtown streetscape and also draw more foot traffic and residents to the area. Such opportunities could include a library, YMCA, or community college.” Downtown Strategy Plan, page 22.

“The Market Street parking garage is a major public parking facility in Downtown Bloomington. The facility will either need substantive repairs or to be torn down in the near future.” Downtown Strategy, pg. 12.

“The Market Street Parking Garage is in a state of disrepair and is slated for redevelopment by the City of Bloomington. This site represents one of the largest redevelopment parcels available in Downtown and is a great opportunity to kick start development in Downtown.” Downtown Strategy, pg. 24.

“[Market Street] is one of the most promising sites for redevelopment: the existing parking garage has exceeded its design life span and is falling into disrepair, the site is well-positioned to build on the existing strength of nearby Main Street businesses, and the city already owns the site. The City must view development of the parking garage as an opportunity to support Downtown rather than simply replace an aging structure.” Downtown Strategy, pg. 64.

“The evaluation of community facilities includes appropriate locations for diverse types of facilities. Those which serve the entire community, such as the Bloomington Public Library, should be located in the City core, preferably in the Downtown district. This area of Bloomington is accessible, and the concentrations of facilities intended for all community members increases their ease of use.” Comprehensive Plan, pg. 212.

“Concentrating community facilities serving the entire City, such as the library and City offices, in the Downtown serves the community well. This concentration is fiscally sustainable, helps keep the Downtown vibrant, and is accessible by public transit.” Comprehensive Plan, pg. 17.

“D-1.2b—Consider other Downtown needs during the expansion of community facilities currently located in Downtown, such as the BCPA/Creativity Center and the Bloomington Public Library. City of Bloomington, short.” Comprehensive Plan, pg. 102.

“D-5.3a—Upgrade Front Street transfer location. Connect Transit, short.” Comprehensive Plan, pg. 108.

CATALYST PROJECT (CONTINUED)

RECOMMENDATIONS: CATALYST PROJECT (CONTINUED)

TIER 2

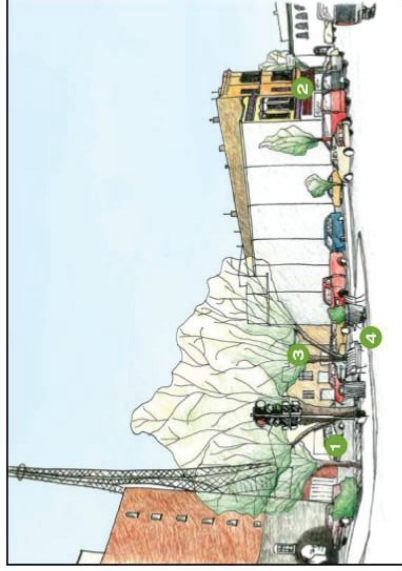
EXPLORE MORE AGGRESSIVE OPTIONS FOR ACQUISITION AND/OR DEVELOPMENT OF VACANT PROPERTIES IN THE DOWNTOWN AREA SUCH AS FRONT & CENTER AND CII EAST. CONTINUE TO PURSUE A HOTEL AND CONFERENCE CENTER DEVELOPMENT NEAR THE ARENA.

This is listed as a Tier 2 priority because of the barriers to acquisition, the unknowns of adaptive re-use, unknown market conditions, and the lack of currently viable proposals for development of these sites.

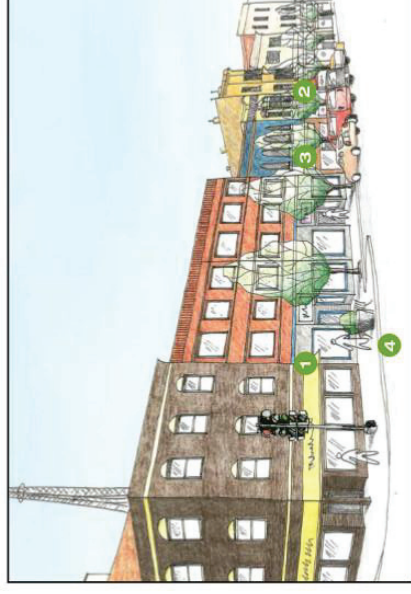
TIER 3

INCENTIVIZE RE-DEVELOPMENT OF SURFACING PARKING LOTS INTO MIXED-USE PROJECTS, WITH AN EMPHASIS ON GROUND FLOOR RETAIL AND UPPER LEVEL RESIDENTIAL.

This is listed as a Tier 3 priority because it will be more successful as revitalization of Downtown matures. This will result in a need to offer fewer financial incentives because the private sector will be able to obtain a reasonable return on its investment without public assistance.



EX. 1: MARKET & MAIN (CURRENT)



EX. 2: MARKET & MAIN (REDEVELOPED)

ADDITIONAL AREAS OF OPPORTUNITY

The following items have been identified as additional areas of opportunity. The Task Force recommends that the City Council continue to work with community partners to explore opportunities in these areas for potential short or mid-term improvement.

1. Partner with Town of Normal, Illinois Department of Transportation, and McLean County Economic Development Council to pursue state and federal funding for the Main Street Corridor Plan.
2. Install public restrooms.
3. Install permanent public recycling bins.
4. Support private efforts to address homelessness in the Downtown area. (*Ex. Change to Make a Change*).
5. Empower Historic Preservation Commission to evaluate buildings in Downtown for an S-4 designation.
6. Adopt zoning changes that support development consistent with a Downtown district.
7. Continue efforts to improve wayfinding in Downtown through additional signage.
8. Place a high priority on modernizing infrastructure in the Downtown area.

CONCLUSION

The Task Force thanks the Bloomington City Council for the opportunity to serve and hopes that this report will serve as a useful roadmap to accomplish some of the goals contained in the City's various planning documents over the next several years. The Task Force firmly believes that the opportunity exists for the City of Bloomington to build on prior revitalization efforts and to make meaningful improvements in Downtown in the short term. The Task Force notes that many of the identified areas of opportunity have relatively low barriers to moving forward and a high potential return on investment. However, there also remains a need to explore larger, catalytic projects in order to truly capture the untapped potential of Downtown.

Bloomington Public Library Expansion Costs

	Conceptual Site Plan #1	Conceptual Site Plan #4
Renovation of existing building (incl. mid-range furnishings)	\$9,975,000.00	\$0.00
New Construction (incl. mid-range furnishings)	\$12,600,000.00	\$29,700,000.00
Site Work and Other Construction (incl. a parking lot)	\$2,750,000.00	\$3,000,000.00
Contingency (7.5%)	\$1,899,375.00	\$2,452,500.00
Miscellaneous Costs (A/E fees, legal fees, etc. - 11.8%)	\$3,212,476.25	\$4,147,995.00
TOTAL:	\$30,436,851.25	\$39,300,495.00
BPL Contribution:	17.58%	13.62%

***Note these are rough numbers based on 2017 Construction Season and not based on any schematic designs

"Band-aid approach" (i.e. minimum building maintenance needed) is at least \$2,000,000

Regarding the cost of a new parking deck: The Uptown Normal parking (which Farnsworth designed) was built in 2008/2009, at a cost of \$12.6M (construction cost only). It has 659 stalls, and a total square foot area of 275,852 (on 4 levels plus a "basement"). Farnsworth said they would assume that this cost would have to be adjusted upward by approximately 3% per year (compounded).

<u>BPL Contribution</u>	
Capital Fund Balance As of 6/5/17	\$2,420,569.85
Approximate Monthly Interest	\$1,500.00
Fixed Asset Fund Balance As of 6/5/17	\$928,888.68
Estimated Capacity for Donations, Grants, Additional Reserves	\$2,000,000.00
Total:	\$5,350,958.53

	Square Footage	Percentage of the building
Renovation	57,000	57.58%
Addition	42,000	42.42%
Full New	99,000	100.00%

Bloomington Public Library
Books are just the beginning



To: Amelia Buragas, Downtown Task Force Chair
From: Tom Dabareiner AICP, Community Development Director
Date: October 20, 2017
Subject: Review of DTF Recommendations

A number of people have asked for my opinion regarding the draft proposals under consideration by the Downtown Task Force (DTF). Also, I have had a chance to review the draft final report from the DTF.

At an earlier meeting of the DTF, I presented three categories of improvements. I will use those categories to organize my review. It is worth stating that the vast majority of DTF recommendations can find clear support in the City's Comprehensive Plan—exactly how the Plan should be used—and my professional role therefore leans heavily towards support, coupled with 35 years of experience.

Catalyst Projects

A catalyst project should be substantial enough to generate a respectable number of new users in the downtown. All three projects identified in the DTF draft Final Report as Catalyst Projects fit easily within the Catalyst Projects category and within the City of Bloomington Comprehensive Plan 2035.

The redevelopment of the *Market Street Parking Deck* as some kind of multi-use facility could become a significant catalyst. As a library / community center, it could generate more than 1,000 users per day. The City's financial participation in downtown redevelopment projects is likely expected *and* is also needed for the library—why not achieve both in a downtown library location? Importantly, the concept has specific support in the Comprehensive Plan. I also participated in the planning of a downtown many years ago which included adding a public library as an anchor, so am aware of and endorse the benefits of downtown libraries. Expansion of the library on its existing site does little, if anything, to boost the downtown and in some redevelopment scenarios could compete against the downtown. The distance and obstacles (e.g., crossing East Street, and walking passed a jail, parking deck, a parking lot and abandoned building, and bland government center) will deter pedestrians from visiting the library and the downtown.

A new office headquarters or apartment/condo unit complex in and adjacent to the downtown both fit the catalyst typology. With regard to new housing, eventual growth generating about 2,000 new residents (not all at once, which would have a negative market impact) was one example given. One could argue that any set of activities that daily contribute 2,000 potential downtown users should become a target for the DTF. This is not to say all 2,000 would visit businesses in the downtown on a daily basis, but instead would provide an adequate base from which to draw frequent visitors (in addition to others already visiting the downtown).

Both a new hotel / convention center at the Front and Center location and the proposal to establish multi-use development in and around the downtown are classic catalyst examples. It is important to acknowledge that a hotel / convention center needs regular use and consistently high occupancies to

contribute as a true catalyst. New residential, once occupied, provides a consistent base and should be encouraged. Both concepts are rooted in the Comprehensive Plan.

Placemaking

Façade improvements, streetscapes, public art and special events fall into this broad category. Much work in the past has been focused here and is also proposed by the DTF. These are largely design-oriented and make a location an attractive and more interesting place to visit. While some may attract more people to the downtown, the numbers are lower and less consistent than brought about with a catalyst project.

Shade trees, natural plantings, self-watering planters, painted/brick/stamped crosswalks, art and decorative lighting are part of the DTF draft proposal. S-4 zoning designation for historical structures can add to the list of attractions in a downtown. Keeping the downtown clean and installing decorative lighting also join the list, as well as events like First Fridays and the farmers market. Creating “shared space” by making street ROWs available for pedestrian and bicycle usage also fits this category, although if done right it can become an attraction generating new visitors for the downtown.

Some have mentioned the catalyst potential of the BCPA and the Arena, but they are more akin to *special events* based on event infrequency. Thus, they belong in the Placemaking category in my view.

Supportive

I would place sidewalks, parking and other infrastructure in the Supportive category. Well-managed systems are certainly essential to a successful downtown; however, they are necessary only because they serve the users of the downtown.

Ordinances to support first-floor retail may be unnecessary, as the marketplace would prefer this location too. However, when combined with true building design requirements or incentives, this may functionally move the topic into the Placemaking category.

Pc: Melissa Hon
 Steve Rasmussen

To: Alderman Amelia Burgess, Downtown Task Force Committee Chair
From: Katie Simpson, City Planner
Date: Wednesday, October 18, 2017
Subject: Commentary on the Draft Final Recommendations Report

On Tuesday, October 17, 2017 the Downtown Task Force met to discuss a draft of the final report. The Task Force solicited additional commentary on the draft document. Below are my recommended edits/points of clarification.

Section 1: Beautification/Public Art

- Under the "Planning Document References" section, supporting material could be added from The Streetscape Master Plan. While never officially adopted by Council, the document also recognizes the need for Murals, Public Art and Street Trees (pg. 27-28) see section 6.2 "Opportunities" for supporting documentation .
- Under the "Recommendations" Section:
 - a). Expand the first recommendation to incorporate additional opportunities for incorporating rain gardens, biosoils, and other natural storm water treatment landscaping into the Downtown Streetscape. The Streetscape Plan calls for improving bump outs; bump outs may require additional storm inlets, but may also be an additional opportunity to improve the landscaping by adding rain gardens. Public Works, Parks, and Planning should coordinate on this if incorporated into the recommendations.
 - b). Expanding on Recommendation 4, the Streetscape Plan guides the installation of conduit and new service feeds. As the plan is implemented, the city should look for additional opportunities to add electrical outlets to tree wells and other areas that may lend themselves to future lighting installations. Additionally, this poses an opportunity to identify new locations for tree wells.
 - c). Consider adding an additional recommendation that encourages improved landscaping on private parking lots. The Comprehensive Plan identifies the need to screen and landscape parking lots in the Downtown. Perhaps there is an opportunity for the city to partner to improve landscaping and screening of existing surface lots, and to encourage owners to make small improvements by adding temporary planters or public art installations.

Section 2: Public Spaces/Walkability

Under "Recommendations" the Task Force may wish to consider adding an additional recommendation that the city look for pop-up opportunities before moving forward with the phased implementation of the Streetscape Plan. Resurfacing and implementing the Streetscape Plan, provides the city with an opportunity to carryout "pop-ups" and "pilot" programs, such as changes to parking orientation, temporary bump-outs, or parklet designations before making the actual improvements. Public Works, Parks, Planning, and the Downtown Development Division (DDD) should coordinate to capitalize on these opportunities.

Section 3: Public Parking

- Consider adding the following references to the “Planning Documents References” Section:
 - Goal D-5 Continue to develop a multi-modal transportation network in Downtown
 - D-51 Improve parking conditions, access, and encourage shared public and private parking spaces.
- Under the “Recommendations” section, the Task Force may wish to encourage shared parking of private lots with other businesses and residents, especially for businesses that have staggered hours. Some businesses are already renting lots to food trucks or shuttles, but there may be other opportunities.

Section 4: Catalyst Projects

Under “Additional Information” for the Market Street Garage, the Task Force may want to add that, although improvements, such as lighting and new gates, were installed or are proposed, these improvements can be reused in a new structure if/when the garage is torn down.

Under “Additional Information” for the Library, the Task Force may want to add that Planning Division never reviewed the proposal for expanding the Library in its existing location, which went to council earlier this year. Planning offers the following comments and identifies the following challenges associated with the Library Expansion proposal:

1). The Library site is difficult to access by car or walking. It is landlocked on the east side by US-51 and access is limited to the South by Oakland Ave and the Railroad Tracks. Business Highway 51/East Street creates a physical and visual barrier separating the Library (at its current location) from Downtown. Expanding at the existing location may be less effective for achieving downtown revitalization as well as improving walkability and access to public resources.

2). Option 1 shows the expansion of a library and the construction of a massive surface parking lot that stretches south to connect to the Constitution Trail and Railroad Tracks. Realizing Option 1 would require vacating E. Jackson Street between S. Prairie St. and East St. This disrupts the grid pattern and reduces connectivity in the area. Furthermore, it decreases access for the Public Works site west of the library, possibly limiting its future redevelopment potential.

2a). The Comprehensive Plan identifies Crime Prevention Through Environmental Design (CPTED) as a tool for improving the physical environment to enhance public safety. A large surface parking lot landlocked by a railroad track and Constitution Trail encourages a large volume of space with a low level of activity and contradicts the CPTED principals. Parking at this location should incorporate safe design and to encourage a more effective use of land. Nonetheless, the added surface parking would most likely increase the need for parking lot lighting and could negatively affect the surrounding property owners. The site development process should address these considerations/concerns.

3). Options 2 and 3 proposed to council also require vacating E. Jackson Street and create the same concerns as listed above. Additionally Options 2 and 3 incorporate retail into the redevelopment of the existing location. New retail at this library site competes with existing downtown businesses and revitalization efforts. The current zoning, S-2 Public Lands and Institutions, does not allow retail and would need to be amended. Staff is also concerned about the negative impacts new retail in the existing library location could have on the adjacent residential district.

4). The proposals should receive a more thorough review by the Public Works Department, Water Department, Fire Department, Parks Department, and Community Development Department for consistency with city codes and ordinances, comprehensive plans, circulation, and to ensure sewer and water are adequately sized at this location to accommodate the new development.

Downtown Accomplishments March 2019 to Current

Increased Beautification & Walkability

- Spring 2019, Parks Department completed landscaping improvements at the Law & Justice Center and along Front Street
- Spring 2019, Public Works Department completed the Front Street streetscape improvements from Madison to East creating a more pedestrian friendly space
 - Improvements included the installation of electric conduit in the planter beds
- Spring 2019, Public Works Department completed many sidewalk improvements throughout the Downtown, including tripping hazards and ADA ramps.
- Summer 2019, resurfaced Main Street from Front to Mulberry and Monroe Street from Madison to East
- Fall 2019, Economic Development and Public Works Staff worked together to get a high visibility crosswalk and pedestrian signage installed at the intersection of Center & Monroe Streets
- November 2019, expanded holiday decorations were installed throughout 15 blocks
- Purchased and installed 94 new self-watering planters throughout the 29 blocks
 - Spring 2020, partnered with the Master Gardeners and the Parks Department to create consistent designs for the Downtown plantings
- Spring 2020, designed and purchased new banners & banner arms, for the entire Downtown district
- Continue to power-wash the sidewalks throughout the district every spring
- Expanded the partnership with Marcfirst for litter clean-up and leaf collection throughout the Downtown

Programming In Public Spaces

- **56** Events held in 2019 & **57** Events scheduled in 2020
 - Programming includes music, art, Farmers' Market, holiday and many family friendly events
- Downtown Bloomington Farmers' Market outdoor season from May – October is held around the square and provides a wonderful opportunity for the “shared space” model with an average attendance of 3,000 people per market.
 - Spring 2020, partnered with Public Works to install electrical outlets at the base of the decorative street lighting around the square to allow better accessibility for Farmers' Market vendors and other events on the square.
- Downtown Bloomington Farmers' Market indoor season is help from November – April in the Grossinger Motors Arena.
 - As a result of COVID-19, Staff used the opportunity to develop an online Farmers' Market Store with curbside pick-up. The April Indoor Market and four Markets in May were moved to online ordering with curbside pick-up, resulting in a total of 646 orders and more than \$73,000 in sales for the five markets.

- Fall 2019, the Economic Development Staff applied for a Bloomberg Asphalt Art grant to fund a Route 66 Parklet in Downtown Bloomington. The announcement of the Grant Award has been delayed due to COVID-19.
- In 2019, 18 businesses held sidewalk sales on May 10-11
- In 2019, Economic Development Staff worked with Downtown businesses to utilize parklets for special events, such as the Crossroads 40th Anniversary, Tony's Taco's Cinco de Mayo event, and Wilson's 50th Anniversary sale.

Outreach & Advertising

- Increased awareness of Downtown Businesses and Events
 - Improved presence on Downtown social media channels adding over 1,000 new followers
 - 2,137 Average Downtown Bloomington Website sessions per month
- Updated marketing materials
 - Designed new Kiosk Inserts and Downtown Wayfinding Map
 - Designed new Downtown Visitors Guide – <https://cdn.flipsnack.com/widget/v2/widget.html?hash=fc3yzssi1>
- Sponsored advertising through billboards, geofencing, and social media

Public Parking

- City vehicles that were previously parked in the Government Center lot have been moved to the Lincoln garage to create additional space for public parking and special event use.
 - The new available space in the Government Center parking lot has provided opportunities for the Economic Development Staff to coordinate with the Castle on outdoor concerts, such as the Black Dirt Music Festival and the upcoming Castle Anniversary show.
- COVID-19 brought about an interesting opportunity for the downtown business to have designated 10-Minute Curbside Pick-Up spaces directly in front of their businesses. 16 businesses participated in this new program with 39 spaces being utilized.

More To Come

- New & Improved Downtown Website
 - Budgeted in FY 21', Economic Development staff will work directly with the IS department to create a new website for Downtown. This site will be more intuitive and user friendly for community member and visitors.
- Downtown Parklet Program
 - Worked with Downtown restaurants and bars to create attractive, consistent outdoor dining areas within City parking spots. We hope to expand the program to other Downtown businesses next year.

- Staff in Economic Development, Public Works and Parks have begun to coordinate efforts, when projects and funding allow, to install new electrical conduits and streetscape amenities such as trees, lighting, benches, bike racks, kiosk signs.
- The new Wayfinding signage is scheduled to be installed in the Summer of 2020.
- Economic Development Staff is working on a plan to include the tree wells as funding allows.
- Economic Development Staff have begun working with the Public Works Department to select potential designs and colors, following the MUTCD guideline, for the crosswalks in Downtown.
 - Once the restrictions have been lifted and events can resume, the sample designs and colors will be placed in crosswalks throughout the Downtown. Business owners and resident will vote for their favorite design and color.
- If the restrictions are lifted, the Economic Development Staff will work with Downtown Business owners to hold a “Park”ing Day event in the fall to encourage businesses to develop parks in parking spaces in front of their businesses.
- COVID 19 has provided a new opportunity for business owners to venture into outdoor dining options and we look forward to possibly making some of them permanent. Economic Development Department Staff are currently working on a parklet guide/program for the Downtown Business Owners, and plan to implement the program summer of 2021.
- The Facilities Department has been conducting a parking study throughout downtown for part of 2019 and into 2020. This study is to provide more insightful information regarding the utilization of the on- street parking spaces in downtown. This information will include; number of spaces being used during peak times, number of occupied and open spaces during specific hours, and number of parking infractions.
- Economic Development Staff worked with Public Works staff to develop and distribute surveys about Downtown Parking. In February a survey was sent to Downtown Bloomington Business and Property Owners with 65 people responding. Another survey was distributed through Downtown and City social media sites to solicit feedback from McLean County Citizens. 1,004 people responded.
- Public restrooms are provided by the Museum during the Farmers’ Market and Downtown Event organizers provide public porta-potties during large events.
- Permanent recycling bins have been installed Downtown
 - The trash and recycle bins will be replaced with newer models as funding allows.
- In 2019, Economic Development Staff designed and printed a map of the district with a directory of the businesses that is housed within the 3 Wayfinding Kiosks.
- The Economic Development Department began posting a monthly commercial real estate report highlighting properties in Downtown Bloomington: <https://www.cityblm.org/home/showdocument?id=21658>
- Staff continues to work with Urban Equity Properties on the redevelopment of the State Farm building

- Staff continues to work with Iceberg Development Group on the redevelopment of the former high school at 510 E. Washington
- Staff continues to reach out to developers and market other available vacant properties in Downtown
- Staff has increased efforts to market City owned properties on the edge of Downtown:
<https://www.cityblm.org/doing-business/economic-development/city-owned-property>
- Continued coordination with the DBA Design Committee to install new public art
- Downtown Building owners were not interested in connecting canopy lighting to the exterior of their buildings, so the Economic Development staff are currently pricing new decorative lighting that would be installed throughout the Downtown outside of the holiday season.



REGULAR AGENDA ITEM NO. 9.B

FOR COUNCIL: September 14, 2020

SPONSOR: Legal Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and potential action regarding Ordinance 2020-18, An Ordinance Declaring a Local Emergency Due to the COVID-19 Virus & Enacting Various Emergency Measures, including an Ordinance Amending Ordinance 2020-18 to Add a New Section 2(T) Suspending Downtown Shuttles, as requested by the Legal Department.

RECOMMENDED MOTION:

The Ordinance Amending Ordinance 2020-18 to Suspend Downtown Shuttles be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

- Objective 1e. Partnering with others for the most cost-effective service delivery
- Objective 1d. City services delivered in the most cost-effective, efficient manner
- Objective 1c. Engaged residents that are well informed and involved in an open governance process

BACKGROUND: On March 26, 2020, the City Council approved Ordinance 2020-18, An Ordinance Declaring a Local Emergency Due to the COVID-19 Virus & Enacting Various Emergency Measures. This Ordinance is effective for 28-day periods unless amended or repealed sooner by the City Council. Absent such repeal or amendment, the Ordinance continues in effect for additional 28-day periods.

As part of the passage of the Ordinance and due to its importance, the City Manager committed to placing Ordinance 2020-18 on every regular agenda. This allows the Council to repeal it as soon as the pandemic subsides, and thus end the use of the City's emergency powers.

On August 21, 2020, Governor Pritzker issued a new 30-day disaster proclamation related to the pandemic. As the community, including the City's businesses and residents, continue to address the impacts of the COVID-19 pandemic, City staff is not currently recommending the repeal of the Ordinance at this time. Rather, City staff has prepared an amendment to Ordinance 2020-18 that would add the temporary suspension of downtown shuttle operations during the pandemic.

McLean County is currently on the warning level for the new cases per 100,000. The City is currently enforcing the IDPH Emergency Rules on face coverings and has performed numerous compliance checks with downtown bars. In addition, the City Manager, with the consent of the Mayor and Mayor Pro Tem, issued an Executive Order on September 2, 2020, to suspend the operation of downtown shuttles used to carry patrons to and from bars in

vehicles where social distancing is not possible. The City Manager Executive Order is effective through September 15, 2020, and due to the public health and safety risk during this time of rising cases, the proposed Amendment will add the suspension of downtown shuttles to the original emergency ordinance and make the suspension effective until revoked by the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

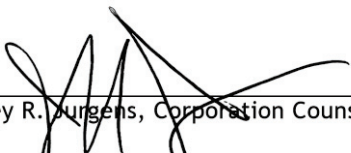
FINANCIAL IMPACT: There is no new financial impact associated with continuing Ordinance 2020-18 in effect.

COMMUNITY DEVELOPMENT IMPACT: The continuation of Ordinance 2020-18 allows several key functions of the Community Development Department to continue that do not include statutorily mandated public hearings, as well as the expansion of certain business operations for outdoor dining.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey Jurgens, Corporation Counsel

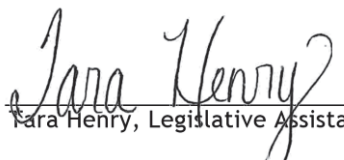
Reviewed by:


Jeffrey R. Jurgens, Corporation Counsel

9/9/2020


Chris Tomerlin, Budget Manager

9/9/2020


Tara Henry, Legislative Assistant

9/9/2020

Recommended by:


Tim Gleason, City Manager

Attachments:

- LGL 1B Local Emergency Declaration Ordinance 2020-18
- LGL 1C Ord. No. 2020 - 21
- LGL 1D Ord. No. 2020 - 25
- LGL 1E Ord. No. 2020 - 30
- LGL 1F Ord. No. 2020 - 38
- LGL 1G Ord. No. 2020 - 45
- LGL 1H Downtown Shuttle Amendment to Local Emergency Declaration Ordinance

ORDINANCE NO. 2020 - 18

AN ORDINANCE DECLARING A LOCAL EMERGENCY DUE TO THE COVID-19 VIRUS & ENACTING VARIOUS EMERGENCY MEASURES

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared it a worldwide pandemic; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, the Governor of the State of Illinois issued a disaster proclamation on March 9, 2020, due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

WHEREAS, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency concerning the COVID-19 outbreak; and

WHEREAS, the City Manager and staff have been meeting for weeks to begin preparing for the potential impact of the pandemic and has coordinated its response with McLean County and the Town of Normal; and

WHEREAS, the City Council has considered the existence of a public health emergency in acting upon this ordinance and actions required to promote the health, safety and welfare of its citizens; and

WHEREAS, 20 ILCS 3305/10J, of the Emergency Management Agency Act and 65 ILCS 5/8-10-5 of the Illinois Municipal Code and Chapter 12 of the Bloomington City Code provides political subdivisions with certain emergency authority; and

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

SECTION 1. Recitals. The above recitals are incorporated herein by this reference as if specifically stated in full.

SECTION 2. Emergency Authority. In accordance with the authority provided to the City by the Emergency Management Agency Act, the City Code and its home-rule authority, the following actions are authorized by the City Council:

- (A) Cancellation of Meetings. The Mayor may cancel meetings of any board or commission to which he appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice. In lieu of the Mayor

cancelling said meetings, the Chairperson of any board or commission may cancel said meetings and are encouraged to do so absent a priority need.

- (B) Ability to Conduct Electronic Meetings. Any Council Member or board member of any board or commission, in accordance with Governor Pritzker's COVID-19 Executive Order No. 5 may attend any regular or special meeting via electronic means, including audio or video conferences. A physical quorum of the Trustees is not required before the remote participation is allowed.
- (C) Ability to Address Contract, Permitting and Licensure Issues. The City Manager shall have the authority, upon approval of both the Mayor and Mayor Pro Tem, to address any contract, permitting and/or licensing issues, including the suspension of any permits or licenses, as the City Manager may deem to be in the best interest of the City. The suspension of any license or permit may be overturned by a majority of the City Council at a subsequent City Council meeting.
- (D) Emergency Purchases. For any emergency purchases that are necessary, the City Manager shall follow the provisions of Chapter 16 of the Bloomington City Code.
- (E) Personnel Policies & Union Contracts. The City Manager's authority is hereby reaffirmed that he may adjust any personnel policies related to leave time, other benefits or terms and conditions of employment as are reasonably related to providing sufficient staffing during the term of the emergency. In addition, he is authorized to enter into such temporary agreements, including memoranda of understanding with the City's bargaining units in order to promote the provision of City services and the health and safety of the public and employees during the emergency.
- (F) Facility Closures. The authority of the City Manager is hereby reaffirmed to close City facilities as is reasonably required to protect the health of the public and employees of the City.
- (G) Administrative Court. The Corporation Counsel is authorized to extend any timeframe for responses related to City ordinance violations in recognition of the emergency and to suspend the City's Administrative Court and/or continue said cases.
- (H) Moratorium on Interest, Fines and Penalties. No interest, fines and/or penalties shall accrue or be assessed on amounts owed to the City as of March 1, 2020, for City utility payments, food and beverage taxes (although timely tax return filings are still required), parking tickets and/or ordinance violations, so long as said obligations to the City are paid within 30 days after the conclusion Governor Pritzker's Gubernatorial Disaster Proclamation, including any and all renewals thereof, or until this provision is amended or repealed by the City Council. The City Manager is similarly authorized, by Executive Order, to extend the deadlines for payments related to any other amounts due and owing the City.

- (I) Payment of City Bills. The City Manager may authorize the issuance of payments to City vendors, contractors and utilities if the City Council is unable to meet on a regularly scheduled meeting date. Any such payments must be reported to the City Council in writing at a future public meeting.
- (J) Water Shut Offs. All City utility shut offs for nonpayment shall be suspended while this ordinance is in effect.
- (K) Acceptance of Applications. The City is authorized to accept applications for all City licenses and permits electronically, and may accept all other documentation required related to said applications electronically.
- (L) Written Public Comment. The City Manager shall implement procedures encouraging the electronic submission of written comments for public meetings beyond those set forth in Chapter 2, Section 85(I). These procedures shall remain in effect so long as Governor Pritzker's Gubernatorial Disaster Proclamation remains in effect, including any and all renewals thereof.
- (M) Community Development Approvals. The City Manager and Director of Community Development, or City Planner in the absence of the Director of Community Development, shall have the authority to approve grant applications, the awarding of historic preservation grants, cite plans not involving special uses, certificates of appropriateness, and to postpone any meetings regarding the Planning Commission and Zoning Board of Appeals. Any applications requiring a public hearing may also be postponed by the City Manager.
- (N) Liquor Commissioner Authority to Allow Deliveries. The Liquor Commissioner shall be granted the authority to allow all restaurant liquor license holders (Class RA and Class RB), as well as all taverns (Class TA and Class TB) to provide the delivery, carryout and curbside pickup of alcoholic liquor, so long as the license holder complies with the requirements of Chapter 6, Section 32(C) for curbside pickup and Chapter 6, 32(D) for deliveries, as well as any other requirements that may be imposed by Executive Order of the Mayor. No packaged liquor license component shall be required. This authority of the Liquor Commissioner shall remain in effect so long as Governor Pritzker's Gubernatorial Disaster Proclamation remains in effect, including any and all renewals thereof, or until this authority is repealed by the City Council.
- (O) Intergovernmental Agreements. The City Manager is authorized to execute intergovernmental agreements that address the response and needs associated with this local disaster declaration that he deems to be in the best interests of the City.

SECTION 3. Other Emergency Powers Disallowed. The Emergency Powers in Chapter 12, Section 11 are not necessary to address the COVID-19 crisis. Accordingly, no such powers may be exercised by the Mayor, City Manager or their successors.

SECTION 4. Succession Planning. In the absence or incapacity of the Mayor, the Mayor Pro Tem shall serve as the Mayor of the City of Bloomington and shall have all authority and power of the Mayor, including the emergency powers set forth in this Ordinance. If the Mayor Pro Tem is incapacity or otherwise serving as Mayor, the City Council shall appoint a new Mayor Pro Tem. In the absence or incapacity of the City Manager, the Deputy City Manager shall serve as the City Manager of the City of Bloomington and shall have all authority and power of the City Manager, including the emergency powers set forth in this Ordinance. In the absence or incapacity of both the City Manager and the Deputy City Manager, the Corporation Counsel shall serve as the City Manager of the City of Bloomington and shall have all authority and power of the City Manager, including the emergency powers set forth in this Ordinance.

SECTION 5. Declaration of a Local Disaster. This Ordinance shall be construed as a declaration of a local disaster as provided for under Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11.

SECTION 6. Amendment of City Code. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 7. Severability. 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 8. Publication. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

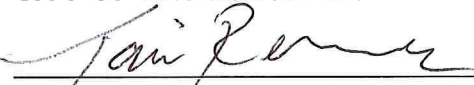
SECTION 9. Home Rule Authority. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 10. Effectiveness & Duration. This ordinance takes effect immediately upon its passage due to the urgency of implementing appropriate responses to the COVID-19 virus, which is causing or anticipated to cause widespread impacts on the health of members of this community. The recitals are incorporated into this Section. This ordinance shall be effective for 28 days from the date of passage unless repealed or amended sooner by the City Council. The ordinance shall continue for 28-day periods thereafter unless repealed or amended by the City Council.

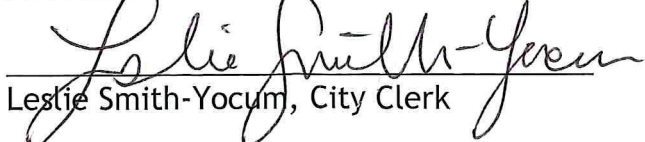
PASSED this 26th day of March 2020.

APPROVED this 27th day of March 2020.

CITY OF BLOOMINGTON


Tara Renner, Mayor

ATTEST


Leslie Smith-Yocum, City Clerk

ORDINANCE NO. 2020 - 21

**AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO ADD CLUB LIQUOR LICENSES TO SECTION 2(N)**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by amending Section 2(N) to read as follows (added; deleted):

(N) Liquor Commissioner Authority to Allow Deliveries. The Liquor Commissioner shall be granted the authority to allow all restaurant liquor license holders (Class RA and Class RB), club liquor license holders (Class CA and Class CB), as well as all taverns (Class TA and Class TB) to provide the delivery, carryout and curbside pickup of alcoholic liquor, so long as the license holder complies with the requirements of Chapter 6, Section 32(C) for curbside pickup and Chapter 6, 32(D) for deliveries, as well as any other requirements that may be imposed by Executive Order of the Mayor. No packaged liquor license component shall be required. This authority of the Liquor Commissioner shall remain in effect so long as Governor Pritzker's Gubernatorial Disaster Proclamation remains in effect, including any and all renewals thereof, or until this authority is repealed by the City Council.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. 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 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 13th day of April 2020.

APPROVED this 15th day of April 2020.

CITY OF BLOOMINGTON

Tari R. Pendergast, Mayor

ATTEST

Leslie G. Gamm, City Clerk



ORDINANCE NO. 2020 - 25

AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE, ORDINANCE 2020-18, TO ADD A NEW SECTION 2(P) TO ALLOW THE PRORATION OF THE CITY'S VIDEO GAMING LICENSE FEES

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by adding a new Section 2(P) as follows:

(P) Video Gaming License Fee Proration; Other License Fee Prorations. To account for the mandated closure of video gaming establishments, the City shall prorate the City's video gaming license fee as follows: (1) for the license year May 1, 2019, through April 30, 2020, the City shall reimburse license holders 12% of the license fee paid within 15 days of adoption of this Ordinance; and (2) for the license year May 1, 2020, through April 30, 2021, the City shall issue a refund of the license fee based on the prorated amount of time the establishment was not authorized to operate within said year by the Illinois Gaming Board due to the COVID-19 pandemic or may otherwise offset said amount when the license fee is paid. Any such refund shall be paid by the City within 15 days after video gaming establishments are lawfully authorized to resume operations by the Illinois Gaming Board. The City Manager is similarly authorized, by Executive Order, with the written concurrence of both the Mayor and Mayor Pro Tem, to prorate other annual City license fees for license holders that are not permitted to operate by state or federal mandate due to the COVID-19 pandemic.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. 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 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 27th day of April 2020.

APPROVED this 28th day of April 2020.

CITY OF BLOOMINGTON

Tari Penner
Tari Penner, Mayor

ATTEST

Leah L. Young
Leah L. Young, City Clerk



ORDINANCE NO. 2020 - 30

**AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO ADD A NEW SECTION 2(Q) REGARDING LIQUOR LICENSE FEES
AND A NEW SECTION 2(R) REGARDING COVID-19 GRANTS**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by adding a new Section 2(Q) as follows:

(Q) Liquor License Fee Proration. Establishments with a City liquor license that are not operating due to the pandemic, may apply to have their license fees prorated for the license year based on the amount of time the business was closed due to Executive Order of the Governor of the State of Illinois. To qualify for a proration in the license fee, the establishment must have been closed and may not have been providing curbside pickup and/or delivery. This shall be a one-time proration and only for establishments that were closed continually for at least 30 days. Establishments must apply for the proration refund to the City Clerk and shall be required to provide proof of closure by affidavit and/or other documentation as deemed appropriate by the City Clerk. Applications must be received by the City Clerk at least 30 days after establishments are allowed to have customers/patrons “dine-in” regardless of capacity restrictions.

SECTION 2. That Ordinance 2020-18 is hereby amended by adding a new Section 2(R) as follows:

(R) COVID-19 GRANT AGREEMENTS. The City Manager, or designee, is authorized to enter into grant agreements on behalf of the City related to the COVID-19 pandemic and to submit grant applications related to same.

SECTION 3. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. 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 6. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 11th day of May 2020.

APPROVED this 12th day of May 2020.

CITY OF BLOOMINGTON

Tari Renner, Mayor

ATTEST

Leticia Young, City Clerk



ORDINANCE NO. 2020 - 38

**AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO ADD A NEW SECTION 2(S) REGARDING
TEMPORARY OUTDOOR BUSINESS OPERATIONS AND STREET CLOSURES**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by adding a new Section 2(S) as follows:

(S) Temporary Outdoor Business Operations & Street Closures. The City Manager shall have the authority, through Executive Order, to temporarily close streets, or portions thereof, for outside use by businesses when said closure can be performed in a safe manner. The City Manager is also authorized to allow for the outdoor temporary expansion of premises for businesses, including but not limited to on closed public streets and/or other right-of-way areas of the City, including parking lots, parking spaces and alleys. The City Manager shall provide for the closure of any streets and the process for expansion of premises by Executive Order. No fee shall be required for any expansion, but appropriate insurance, waivers, barriers, plans, and other safety measures may be required. The City Manager may likewise waive any other requirements related to the expansion of a business premises for off-premises use and/or the placement of tents for outdoor use and may implement other Executive Orders to allow for and expedite the allowance of outdoor business operations.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. 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 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 26th day of May 2020.

APPROVED this 27th day of May 2020.

CITY OF BLOOMINGTON

Tari Renner
Tari Renner, City Clerk

ATTEST

Leslie Simon Recum
Leslie Simon Recum, City Clerk



ORDINANCE NO. 2020 - 45

AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO MODIFY SECTION 2(H) REGARDING THE MORATORIUM ON
INTEREST, FINES AND PENALTIES

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by modifying Section 2(H) as follows:

- (S) Moratorium on Interest, Fines and Penalties. No interest, fines and/or penalties shall accrue or be assessed on amounts owed to the City as of March 1, 2020 and thereafter until our region begins Phase 4 of the Restore Illinois Plan, for City utility payments, food and beverage taxes (although timely tax return filings are still required), parking tickets and/or ordinance violations, so long as said obligations to the City are paid within ninety (90) days after our region hits Phase 4 of the Restore Illinois Plan, expected to be June 26, 2020, ~~30 days after the conclusion of Governor Pritzker's Gubernatorial Disaster Proclamation, including any and all renewals thereof,~~ or until this provision is amended or repealed by the City Council. The City Manager is similarly authorized, by Executive Order, to extend the deadlines for payments related to any other amounts due and owing the City.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. 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 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 24th day of June 2020.

APPROVED this 25th day of June 2020.

CITY OF BLOOMINGTON

Tari Renner _____
or

ATTEST

Les



ORDINANCE NO. 2020 - ____

AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO ADD A NEW SECTION 2(T) SUSPENDING
DOWNTOWN SHUTTLES

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. The City Council finds that: (1) as McLean County is currently on the warning level for the new cases per 100,000, additional emergency measures are necessary to restrict the spread of COVID-19; and (2) the operation of the downtown shuttles, used to carry patrons to and from bars in vehicles where social distancing is not possible, creates a public health and safety risk during this time of rising cases; and (3) that the suspension of downtown shuttles is necessary for the public health and safety of the community.

SECTION 2. That Ordinance 2020-18 is hereby amended by adding a new Section 2(T) as follows:

(T) Suspension of Downtown Shuttles. All licenses and certificates of public convenience for downtown shuttles issued under Chapter 40, Article X of the City Code are hereby suspended and no downtown shuttle shall operate until the repeal and/or termination of this Ordinance or provision. No additional and/or new licenses or certificates shall be issued until the repeal or termination of this Ordinance or provision.

SECTION 3. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. 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 6. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 14th day of September 2020.

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APPROVED this ____ day of September 2020.

CITY OF BLOOMINGTON

Tari Renner, Mayor

ATTEST

Leslie Smith-Yocum, City Clerk