

CITY OF
BLOOMINGTON
CITY COUNCIL -
REGULAR SESSION
MEETING
SEPTEMBER 12, 2022



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 - Mboka Mwilambwe

City Council Members

Ward 1 - Grant Walch
Ward 2 - Donna Boelen
Ward 3 - Sheila Montney
Ward 4 - Julie Emig
Ward 5 - Nick Becker
Ward 6 - De Urban
Ward 7 - Mollie Ward
Ward 8 - Jeff Crabill
Ward 9 - Tom Crumpler

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



**CITY COUNCIL - REGULAR SESSION MEETING AGENDA
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
MONDAY, SEPTEMBER 12, 2022, 6:00 PM**

- 1. Call to Order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer and/or Reflection**
- 4. Roll Call**
- 5. Public Comment**

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person or remotely may register at www.cityblm.org/register at least 5 minutes before the start of the meeting for in-person public comment and at least 15 minutes before the start of the meeting for remote public comment.

6. Recognition/Appointments

- A. Proclamation for Pitt Hopkins Syndrome Awareness Day, as requested by the Administration Department. *(Recommended Motion: None; recognition only.)*
- B. Recognition of a Boards & Commissions Re-Appointment, as requested by the Administration Department. *(Recommended Motion: None; recognition only.)*
- C. Recognition of Bloomington as a Gigabit City, as requested by the Administration Department. *(Recommended Motion: None; recognition only.)*

7. 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.

- A. Consideration and action to approve the Minutes of the August 8, 2022 Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*
- B. Consideration and action to approve Bills and Payroll in the amount of \$9,987,570.94, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*
- C. Consideration and action to approve an Appointment to Boards & Commissions, as requested by the Administration Department. *(Recommended Motion: The proposed Appointment be approved.)*

- D. Consideration and action to approve 1) the Purchase of two John Deere tractors: one 4-series tractor with snow blower and one 5-series tractor, for \$171,100, using John Deere Sourcewell Joint Purchasing Contract 110719-JDC; and one Tiger Mowers rear-arm flail mowing unit that mounts to the 5 series tractor, for \$28,130, using the Sourcewell Contract 070821-TGR, for a total Purchase of \$199,230, and 2) Authorization to trade in the surplus units, PR60 and 761, for a total credit of \$19,500, for a net purchase of \$179,730, as requested by the Parks and Recreation Department. *(Recommended Motion: The proposed Purchase and Trade-in be approved.)*
- E. Consideration and action to approve 1) an Intergovernmental Agreement with the Illinois Department of Transportation for intersection lighting construction work at the intersection of IL Route 9 (Market Street) and US Route 150 (Rivian Motorway) and 2) a State Motor Fuel Tax Funding (MFT) Resolution, in the amount of \$21,562.50, as requested by the Public Works Department. *(Recommended Motion: The proposed Agreement and MFT Resolution be approved.)*
- F. Consideration and action on an Ordinance Amending Bloomington City Code Chapter 23 Authorizing the Mayor to Approve Lake Leases and Approving the City's Lake Lease Form, as requested by the Legal Department and the Public Works Department. *(Recommended Motion: The proposed Ordinance be approved.)*
- G. Consideration and action on an Ordinance Approving a Special Use Permit for Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District for the Property Located at 604 W. Division Street, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*
- H. Consideration and action on an Ordinance Approving a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District, for the Property Located at 1319 Veterans Parkway, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*
- I. Consideration and action on an Ordinance Approving a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District, for the Property Located at 802 S. Eldorado Road and Granting an Exception for the Operation of Liquor Licensed Establishments to Operate Within 100 Feet Pursuant to the Illinois Liquor Control Act, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*
- J. Consideration and action on an Ordinance Amending Chapter 6, Section 6-110(a) of the Bloomington City Code Authorizing the Liquor Commissioner to Grant Exemptions to the Location Restriction in that Subsection and a Similar Restriction in Section 6-11(a) of the Liquor Control Act of 1934, as requested by the Legal Department. *(Recommended Motion: The proposed Ordinance be Approved.)*

8. Regular Agenda

9. City Manager's Discussion

10. Mayor's Discussion

11. Council Member's Discussion

12. Executive Session

- A. Claim Settlement - Section 2(c)(12) of 5 ILCS 120 (15 min)
- B. Semi-Annual Review of Minutes - Section 2(c)(21) of 5 ILCS 120 (15 min)
- C. Personnel - Section 2(c)(1) of 5 ILCS 120 (30 min)

13. Return to Open Session and Adjourn



RECOGNITION/APPOINTMENTS ITEM NO. 6.A

FOR COUNCIL: September 12, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Proclamation for Pitt Hopkins Syndrome Awareness Day, as requested by the Administration Department.

RECOMMENDED MOTION: None; recognition only.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The included Proclamation is a public statement that brings attention to factors that affect our community.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amy Overton, Executive Assistant

ATTACHMENTS:

[ADM 1C Proclamation_Pitt Hopkins Awareness Day](#)



Mayoral Proclamation
Pitt Hopkins Syndrome Awareness Day

WHEREAS, Pitt Hopkins Syndrome is a rare and severe neurological disorder caused by a spontaneous mutation on the 18th chromosome; and

WHEREAS, Pitt Hopkins Syndrome is characterized by developmental delays, moderate to severe intellectual disability, breathing problems, epilepsy or recurrent seizures, gastrointestinal issues, and distinctive facial features; and

WHEREAS, approximately 1,500 people worldwide have been diagnosed with Pitt Hopkins Syndrome, however, given the fact that the discovery of the gene happened just a few years ago, there are likely many others out there that remain undiagnosed; and

WHEREAS, given its rarity, online support groups play a pivotal role for individuals, families, and their loved ones to connect and increase awareness; and

WHEREAS, The Pitt Hopkins Research Foundation celebrates on September 18, 2022, as the ninth annual International Pitt Hopkins Syndrome Awareness Day to raise awareness and funding for Pitt Hopkins research and this date was chosen to bring attention to the fact that it is a disorder caused by a spontaneous mutation on the 18th chromosome; and

WHEREAS, The Pitt Hopkins Research Foundation is an all-volunteer organization of families and professionals dedicated to finding a cure for Pitt Hopkins Syndrome through the funding of research, education and advocacy and its Board of Directors is currently comprised of parents of children and adults with Pitt Hopkins Syndrome; and

NOW, THEREFORE, I, Mboka Mwilambwe, Mayor of the City of Bloomington do hereby proclaim **September 18, 2022 as Pitt Hopkins Syndrome Awareness Day** in Bloomington, Illinois and commend its observance to all residents of our community.

Mboka Mwilambwe

Mboka Mwilambwe
Mayor



Leslie Yocum
Leslie Yocum
City Clerk



RECOGNITION/APPOINTMENTS ITEM NO. 6.F

UOR COLNCIW September 12, 2022

D ARB IMPACTEB: City-Wide Impact

SLFJECT: Recognition of a Boards & Commissions Re-Appointment, as requested by the Administration Department.

RECOMMENBEB MOTION: None; recognition only.

STRATEGIC PWAN WNK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PWAN SIGNIUICANCE:

Objective 5b. City decisions consistent with plans and policies

PACKGROLNB: The included re-appointment is representative of City Council's approval from the August 22, 2022 meeting.

COMMLNITY GROL PS/INTERESTEB PERSONS CONTACTEB: N/A

UINANCIAWIMPACT: N/A

AMERICAN RESCLE PWAN ULNBING IMPACT: N/A

COMMLNITY BEVEWOPMENT IMPACT: This request meets the following goals and objectives of the Floomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amy Overton, Executive Assistant

ATTACHMENTS:

[ADM 1B Recognition of Mayoral Re-appointment](#)

Re-appointment

Edward Breitweiser: Transportation Commission



RECOGNITION/APPOINTMENTS ITEM NO. 6.C

FOR COUNCIL: September 12, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Recognition of Bloomington as a Gigabit City, as requested by the Administration Department.

RECOMMENDED MOTION: None; recognition only.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: Metronet will recognize Bloomington as a Certified Gigabit City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amy Overton, Executive Assistant



CONSENT AGENDA ITEM NO. 7.A

FOR COUNCIL: September 12, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Minutes of the August 8, 2022 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

AMERICAN RESCUE PLAN FUNDING IMPACT:

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amanda Stutsman, Deputy City Clerk

ATTACHMENTS:

[CLK 1B DRAFT 08-08-2022 City Council Minutes](#)



MINUTES
CITY COUNCIL - REGULAR SESSION
MONDAY, AUGUST 8, 2022, 6:00 P.M.

The City Council convened in regular session in the Government Center Chambers at 6:00 p.m., Monday, August 8, 2022. Mayor Mboka Mwilambwe called the meeting to order and led the Pledge of Allegiance ending with a moment of silent prayer/reflection.

Roll Call

Attendee Name	Title	Status
Mboka Mwilambwe	Mayor	Present
Grant Walch	Council Member, Ward 1	Present
Donna Boelen	Council Member, Ward 2	Present
Sheila Montney	Council Member, Ward 3	Present
Nick Becker	Council Member, Ward 4	Present
Julie Emig	Council Member, Ward 5	Present
De Urban	Council Member, Ward 6	Present
Mollie Ward	Council Member, Ward 7	Present
Jeff Crabill	Council Member, Ward 8	Present
Tom Crumpler	Council Member, Ward 9	Present

Public Comment

Mayor Mwilambwe read a statement of procedure for public comment. Elizabeth Pierce, Scott Stimeling, and Gary Lambert spoke in person. No emailed public comment was received.

Recognition/Appointments

No recognitions or appointments were made.

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 Crabill, to approve the Consent Agenda as presented.

Item 7.A. Consideration and action to approve the Minutes of the June 27, 2022, Regular City Council Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 7.B. Consideration and action to approve Bills and Payroll in the amount of \$4,426,542.62, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 7.C. Consideration and action to approve 1) the Purchase of three (3) Labrie Expert (T) 2000 Helping Hand Single Arm Automated Side Loader bodies from Key Equipment, in the amount of \$472,440, using the Sourcewell Contract (#091219-LEG, exp. 11/15/23), 2) the Purchase of three (3) 2023 Crane Carrier Model LDT2-30 chassis from Cumberland Servicer, Inc.

in the amount of \$578,541, using the Sourcewell Contract (#060920-CRN, exp. 8/1/24), and 3) Authorization to trade in the surplus units, three (3) 2012 Crane Carrier LGT2-26 Automated Collection Trucks (R15, R40, R44), for a total credit of \$84,000, for a total purchase of \$1,050,981 for three (3) automated collection trucks, as requested by the Public Works Department. (Recommended Motion: The proposed Purchase and Surplus Trade-in be approved.)

Item 7.D. Consideration and action to approve the 2022 Supportive Housing and Continuum of Care Grant Agreement (IL0288L5T122114) in the amount of \$26,433.00 with the United States Department of Housing and Urban Development, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Agreement be approved.)

Item 7.E. Consideration and action on a Resolution Waiving the Formal Bidding Requirements and Approving the Necessary Agreements with Decision Optimization Technology - United States to Provide Decision Optimization Technology Transportation Module and Bridge Module Software and Associated Services, in the amount of \$23,300, with future annual subscription services, in the amount of \$23,300 (renewable annually for an additional two (2) years), as requested by the Public Works Department. (Recommended Motion: The proposed Resolution be approved.)

Item 7.F. Consideration and action 1) on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2023, to Utilize Fund Balance and Increase the General Fund budget by \$12,000, and 2) to approve a \$12,000 Contingency to cover Ford OEM Chassis for two (2) Horton Ambulances purchased through the Suburban Purchasing Cooperative (NWMC) #174 (exp. 12/31/22), as requested by the Fire Department. (Recommended Motion: The proposed Ordinance and Contingency be approved.)

Item 7.G. Consideration and action 1) on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2023 in the amount of \$95,899.34, and 2) to approve a Design Agreement with Farnsworth (A&E RFQ #2022-25) for a Ewing Park II Shelter-Restroom Facility in the amount of \$38,800.00, as requested by the Parks and Recreation Department. (Recommended Motion: The proposed Ordinance and Agreement be approved.)

Item 7.H. Consideration and action on an Ordinance Approving a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the Property Located at 19 Aberdeen Way, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.I. Consideration and action on an Ordinance Approving a Special Use Permit for Chicken-Keeping in the R-1B (Single-Family Residence) District, for the Property Located at 217 Magnolia Drive, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.J. Consideration and action on an Ordinance Approving a Special Use Permit for Chicken-Keeping in the R-2 (Mixed Residence) District, with a Variance, for the Property Located at 601 S. Livingston Street, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.K. Consideration and action on an Ordinance Approving a Special Use Permit for Chicken-Keeping in the R-1C (Single-Family Residence) District, for the Property Located at 2813 Chesapeake Lane, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.L. Consideration and action on an Ordinance Approving a Special Use Permit for a Rooming House, with Variance, in the R-2 (Mixed Residence) District, for the Property Located at 709 Douglas Street, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.M. Consideration and action on an Ordinance Approving a Special Use Permit for Personal Care Services in the R-D (Downtown Neighborhood Residence) District, for the Property Located at 701 E. Washington Street, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.N. Consideration and action on an Ordinance Approving a Special Use Permit for a Dwelling Unit, Two-Family, in the B-2 (Local Commercial) District, for the Property Located at 802 E. Grove Street, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.O. Consideration and action to approve an Application from Around the Corner II, Inc., d/b/a JP's Wheel & Alehouse, located at 409 N. Hershey Rd., requesting a change of ownership for their Class TAS (Tavern, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed License and Change of Ownership be approved.)

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

Regular Agenda

The following was presented:

Item 8.A. Consideration and action to approve an Agreement with Rowe Construction - A Division of United Contractors Midwest, for the FY 2023 General Resurfacing Program, in the amount of \$5,220,438.92, as requested by the Public Works Department.

City Manager, Tim Gleason, introduced the Item. Council had pledged \$7 million to asphalt and concrete projects. The Item represented \$5.2 million of the \$7 million pledged, not including \$2 million in American Rescue Plan Act ("ARPA") funds pledged. He reminded the community of Council's commitment to maximize taxpayer dollars in that Council had adopted a 3-year plan to repair streets within close proximities to one another.

Kevin Kothe, Director of Public Works, presented Fiscal Year 2023 ("FY23") Asphalt and Concrete projects. He presented a color-coded map listing streets to be completed.

Council Member Montney and Craig Shonkwiler, City Engineer, discussed per mile paved costs. She requested that staff annually track cost per miles paved and cost per miles of sidewalks completed. She believed that Council could best assess progress through accurate metrics. Mr. Shonkwiler committed to providing metrics and explained various metric skewing factors such as costs. They then discussed patching processes ("pavement preservation"), as well as steps taken to determine when a street needs to be replaced versus repaired.

Council Member Crumpler made a motion, seconded by Council Member Crabill, to amend Council discussion time by 15 minutes.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

Council Member Boelen confirmed with Mr. Kothe that concrete patching was a separate contract from resurfacing asphalt projects.

Council Member Ward and Mr. Kothe discussed funding details on portions of streets to be completed in FY23. Council Member Ward and Mr. Shonkwiler talked about how pavement color, and how color is not relative to pavement strength. She requested a color-coded sidewalk map showing current and future projects.

Council Member Walch asked Mr. Kothe if staff intended to request bids from any new vendors in an effort to increase the number of available contractors. Mr. Kothe explained obstacles the City had faced in the past and noted staff's intent to cast a wider net during the upcoming bidding process. Council Member Walch proposed entering longer-term contracts to empower vendors to hire more full-time staff. Mr. Shonkwiler stated that vendors were well-informed of future projects. He explained the larger issue being the major swing of the supply and demand chain and that it made it difficult to lock-in prices in contracts. Council Member Walch asked if Council could do anything to aid City crews to complete more paved miles per year. Mr. Shonkwiler stated that increased funding and additional staff to manage projects would be most helpful. He also discussed requiring developers to install quality infrastructure that would keep issues from falling on the City to repair.

Council Member Emig and Mr. Shonkwiler discussed the brick street program and how it fit into street repair. Mr. Kothe noted that brick streets requiring infrastructure repairs were costly and required brick replacement. Council Member Emig encouraged staff to share project timelines and suggested multiple grant opportunities that could offset costs. Mr. Shonkwiler commented to how grants factored into projects.

Council Member Crabill and Mr. Kothe celebrated the funds allocated and that it was the most spent on roads in recent years. They then discussed City Leadership's direction to make street and sidewalk repairs a top priority for all staff. Council Member Crabill asked if staff would have time to finish construction projects before winter. Mr. Kothe reported that FY22's resurfacing projects were wrapping up and, with the approval of the proposed contract, FY23's projects would begin immediately.

Council Member Becker requested an updated color-coded map showing FY24 projects including the additional funds allocated. He believed it would help keep momentum going.

Council Member Montney made a motion, seconded by Council Member Boelen, to approve the Item as presented.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

The following was presented:

Item 8.B. Consideration and action to approve a City of Bloomington Resolution of Adoption of the McLean County Multi-Jurisdictional All Hazards Mitigation Plan, as requested by the Public Works Department.

City Manager Gleason explained that the Item would make Bloomington part of the McLean County Multi-Jurisdictional All Hazards Mitigation Plan ("Mitigation Plan"), which spanned multiple jurisdictions and had a FEMA component.

Mr. Kothe discussed hazard mitigation planning and compared hazardous events over the past 10 years. He presented a list of organizations that would be part of the Mitigation Plan, including but not limited to school districts, fire departments, and other municipalities. He went on to discuss the benefits of a Mitigation Plan and highlighted that organizations that became part of a Mitigation Plan were eligible for federal hazard mitigation grants. Mr. Kothe then presented a list of projects named in the Mitigation Plan for Bloomington, some of which the City had already begun. He noted that the Mitigation Plan required updates every 5 years.

Council Member Crabill asked for clarification on the timeline for the Locust Colton project listed in the Mitigation Plan. Mr. Kothe explained that to expedite the Locust Colton project timeline, the projects listed in the report had been submitted prior to Council's vote. They discussed specific actions that Bloomington had taken to aid special needs residents during hazardous events. Council Member Crabill and Fire Chief, Eric West, discussed the need for continued work on Bloomington's Emergency Management Plan.

Council Member Walch asked about the possibility to combine Metcom and Bloomington's 911 Dispatch into one consolidated service for all of McLean County. Chief West stated that a consolidation had not been discussed for the Plan.

Council Member Crumpler and Mr. Kothe discussed potential grant and funding opportunities for City projects.

Council Member Boelen made a motion, seconded by Council Member Ward, to approve the Resolution as presented.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

City Manager's Discussion

City Manager Gleason discussed upcoming Downtown events and concerts.

Mayor's Discussion

Mayor Mwilambwe discussed his recent trip to Canada, including Canada's significant housing challenges and interesting public transportation system. He commented to a recent local community event that he attended and complimented the comradery of the residents.

Council Member's Discussion

Council Member Crabill discussed his experience at the recent Cultural Fest at Miller Park, as well as East Gate's Block Party. He commended City Police and Fire.

Executive Session

Council Member Boelen made a motion, seconded by Council Member Urban, to enter into Executive Session per Section 2(c)(11) of 5 ILCS for pending litigation.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

Council entered into Executive Session at 7:06 P.M.

Council returned from Executive Session at 8:00 P.M.

Return to Open Session and Adjourn

Council Member Crumpler made a motion, seconded by Council Member Ward, to return to open session and adjourn.

Mayor Mwilambwe directed the Clerk to call the roll:

Motion carried (viva voce).

The meeting adjourned at 8:03 p.m.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Amanda Stutsman, Deputy City Clerk



CONSENT AGENDA ITEM NO. 7.F

ROUTING September 12, 2022

PUBLIC IMPACT: City-Wide Impact

SUBJECT: Consideration and action to approve Bills and Payroll in the amount of \$9,987,570.94, as requested by the Finance Department.

RECOMMENDED MOTION: The proposed Bills and Payroll be approved.

STRATEGIC PLAN:

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 PARTIES CONTACTED: N/A

FINANCIAL IMPACT: Total disbursements to be approved \$9,987,570.94 (Payroll total \$2,862,555.97, Accounts Payable total \$6,754,753.24, Bank Transfers total \$245,472.73 and Procurement Card Purchases total \$124,789.00).

AMERICAN RESCLE PLAN FINDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Joshua Moreland, Support Staff V

ATTACHMENTS:

[FIN 1B Council Finance Summary Report](#)

CITY OF BLOOMINGTON FINANCE REPORT

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
8/26/2022	\$ 2,233,058.28	\$ 562,197.38	\$ 2,795,255.66

8/16/22 - 9/2/22	\$ 58,512.05	\$ 8,788.26	\$ 67,300.31
Off Cycle Adjustments			

PAYROLL TOTAL	\$ 2,862,555.97
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ACCOUNTS PAYABLE (WIRES)

Date	Bank	Total
9/12/2022	AP General	\$ 5,730,601.68
	AP JMScott	
9/12/2022	AP Comm Devel	\$ 46,334.21
9/12/2022	AP IHDA	\$ 43,239.00
9/12/2022	AP Library	\$ 829,709.90
	AP MFT	
8/18/22 - 9/2/22	Out of Cycle	\$ 104,868.45
7/5/22 - 8/28/22	AP Bank Transfers	\$ 245,472.73
	AP TOTAL	\$ 7,000,225.97

PCARDS

Date Range	
7/2/22 - 8/1/22	\$124,789.00

PCARD TOTAL	\$ 124,789.00
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GRAND TOTAL	\$ 9,987,570.94
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Respectfully,

F Scott Rathbun
Director of Finance



CONSENT AGENDA ITEM NO. 7.C

FOR COUNCIL: September 12, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve an Appointment to Boards & Commissions, as requested by the Administration Department.

RECOMMENDED MOTION: The proposed Appointment be approved.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Mayor of the City of Bloomington asks your concurrence in the appointment of:

John M. Scott Health Care Commission: Carla Pohl to the John M. Scott Healthcare Commission. Carla's appointment is effective immediately, with an expiration date of 4-30-25. Application is on file in the Administration Office.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: John M. Scott Health Care Commission contacts all recommended appointments.

FINANCIAL IMPACT: N/A

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amy Overton, Executive Assistant

ATTACHMENTS:

[ADM 1B John M Scott Roster.pdf](#)

John M. Scott Health Care Commission

Council Approved	Staff/Chair	Title	First Name	Last Name	Expiration	Appointment Date
X	Underserved Populations	Treasurer	Karen	Schmidt	04/30/24	06/14/21
X	Finance		Brad	Secord	04/30/24	11/13/18
X	Underserved Pop/Behavioral Hlth		Angie	Chasensky	04/30/23	06/24/20
X	Behavioral Health Care	Dr.	Feli	Sebastian	04/30/23	06/24/20
X	2nd Pres/Primary Health	Dr.	Adam	Houghton	04/30/24	11/13/18
X	Health Care - Dental	Dr.	Colton	Sylvester	04/30/22	08/12/19
X	Grant Administration		Judy	Neubrandner	04/30/23	06/24/20
X	Health Care-Optometry	Dr.	Catharine	Crockett	04/30/25	10/28/19
X	Primary Health Care	Secretary	Elaine	Hardy	04/30/25	05/13/19
X	Health Care - Underserved	Chair	Karen	Stipp	04/30/23	6/24/2020
X	Health Care - Underserved	Vice-chair	Kyana	Wilkinson	04/30/24	09/28/20
	Staff Administrator		William	Bessler		



CONSENT AGENDA ITEM NO. 7.D

FOR COUNCIL: September 12, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve 1) the Purchase of two John Deere tractors: one 4-series tractor with snow blower and one 5-series tractor, for \$171,100, using John Deere Sourcewell Joint Purchasing Contract 110719-JDC; and one Tiger Mowers rear-arm flail mowing unit that mounts to the 5 series tractor, for \$28,130, using the Sourcewell Contract 070821-TGR, for a total Purchase of \$199,230, and 2) Authorization to trade in the surplus units, PR60 and 761, for a total credit of \$19,500, for a net purchase of \$179,730, as requested by the Parks and Recreation Department.

RECOMMENDED MOTION: The proposed Purchase and Trade-in 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: In 2008, the mowing responsibilities of all detention basins, ditches, creeks and right of ways in the City were transferred from the Public Works department to the Parks and Recreation Department, along with mowing Unit PR60. The mowing route currently consists of one hundred and forty four (144) individual areas. Many of the areas are steep embankments, hills, ditches and waterways that can only be properly maintained with special equipment (such as arm mower attachments) that are designed for this type of work.

It has become evident through the mowing and maintenance of these areas that to keep equipment costs down, improve efficiency, provide quality service and maximize operator safety, the current PR60 mower should be upgraded to a 4-wheel drive, rear mount arm mower and enclosed cab tractor. Also proposed to be replaced is current Unit 761, a multi-use tractor used for aerating, seeding, mowing and snow removal. It has reached its useful life and had catastrophic engine failure in June of this year.

Year to date maintenance on Unit PR60 is \$99,323.18. Year to date maintenance on Unit 761 is \$41,751.12. The attached quotes reflect an \$18,000 trade-in for PR60 and \$1,500 trade-in for 761.

Staff is proposing to use the John Deere/Sourcewell Joint Purchasing Contract 110719 JDC in the amount of \$151,600.00 for the purchase of the two John Deere tractors and snow blower, and Tiger Mowers/Sourcewell Contract 070821-TGR in the amount of \$28,130.00 for the purchase of the rear-arm flail mower. All cooperative purchasing agreements offered through Sourcewell have been awarded through a competitive solicitation by a government entity following all public solicitation policies. The City has successfully utilized this

contract with other maintenance equipment and has benefited from favorable prices due to multiple purchasing agencies.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: If approved, the purchase totaling \$179,730 will be made from the Park Maintenance Capital Equipment Other than Office account (10014110-72140). PR60 would be replaced (as PR62 was replaced last fiscal year). \$155,284 is budgeted for PR60 and \$42,848 for 761, for a total of \$198,132. The proposed purchase of \$179,730 is \$42,848 under the approved amount. Stakeholders can locate this in the Budget Book titled "Budget Overview & General Fund" on page 181 and the Budget Book titled "Other Funds & Capital Improvement" on page 96.

It is being requested that two purchase orders be issued.

1. \$151,600 (\$171,100 less trade-in of \$19,500) to Martin Tractor, Inc. 902 Orange Street, Lexington, IL 61753.
2. \$28,130 to Rahn Equipment, 2400 Georgetown Road, Danville, IL 61832.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Dave Lamb, Assistant Superintendent of Parks Maintenance

ATTACHMENTS:

[PR 1B Quote_John Deere Tractor_Martin](#)
[PR 1C Quote_Tiger \(Updated\)](#)
[PR 1D Literature_John Deere 4 Series Tractor](#)
[PR 1E Literature_Frontier Snowblower](#)
[PR 1F Literature_John Deere 5 Series Tractor](#)
[PR 1G Literature_Rear Arm Flail Mowing Unit](#)

Quote Id: 27100764

Prepared For:
CITY OF BLOOMINGTON PARKS AND RECREATION DEPARTMENT

Prepared By: **Jay Stadel**

Martin Tractor, Inc.
902 N Orange
Lexington, IL 61753

Tel: 309-365-2031
Fax: 309-365-5451
Email: jstadel@martintractorinc.com

Date: 20 July 2022

Offer Expires: 30 September 2022

Quote Summary

Prepared For:

CITY OF BLOOMINGTON PARKS AND RECREATION
DEPARTMENT
109 E OLIVE ST
BLOOMINGTON, IL 61701
Business: 309-823-4260

Prepared By:

Jay Stadel
Martin Tractor, Inc.
902 N Orange
Lexington, IL 61753
Phone: 309-365-2031
jstadel@martintractorinc.com

John Deere / Sourcewell State Contract 110719-JDC

Quote Id: 27100764

Created On: 20 July 2022

Last Modified On: 22 August 2022

Expiration Date: 30 September 2022

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 4052R Compact Utility Tractor (40 PTO hp)	\$ 60,715.62	\$ 53,000.00 X	1 =	\$ 53,000.00
ZUIDBERG Front Hitch and PTO	\$ 15,296.00	\$ 14,000.00 X	1 =	\$ 14,000.00
Frontier SB1174 - 74 In. 3-Point Medium Snowblower - U.S.	\$ 6,575.00	\$ 6,000.00 X	1 =	\$ 6,000.00
JOHN DEERE 5095M PowrQuad	\$ 103,477.00	\$ 83,000.00 X	1 =	\$ 83,000.00
JOHN DEERE 540M Loader	\$ 17,964.79	\$ 15,100.00 X	1 =	\$ 15,100.00
Equipment Total				\$ 171,100.00

Trade In Summary	Qty	Each	Extended
1997 JOHN DEERE 6400 - L06400P193130	1	\$ 18,000.00	\$ 18,000.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 18,000.00
2004 KUBOTA L4330 - 36368	1	\$ 1,500.00	\$ 1,500.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 1,500.00
Trade In Total			\$ 19,500.00

Quote Summary

Equipment Total	\$ 171,100.00
Trade In	\$ (19,500.00)
SubTotal	\$ 151,600.00
Est. Service Agreement Tax	\$ 0.00
Total	\$ 151,600.00
Balance Due	\$ 151,600.00

Salesperson : X

Accepted By : X

**JOHN DEERE**

Selling Equipment

MARTIN

Quote Id: 27100764

Customer: CITY OF BLOOMINGTON PARKS AND RECREATION
DEPARTMENT**JOHN DEERE 4052R Compact Utility Tractor (40 PTO hp)**

Hours:

Suggested List

Stock Number:

\$ 60,715.62

Selling Price

\$ 53,000.00

Description	Qty	Unit	Extended
4052R Compact Utility Tractor (40 PTO hp)	1	\$ 42,597.00	\$ 42,597.00

Standard Options - Per Unit

United States	1	\$ 0.00	\$ 0.00
English Operator's Manual and Decal Kit	1	\$ 0.00	\$ 0.00
eHydro™	1	\$ 0.00	\$ 0.00
Less Loader	1	\$ 0.00	\$ 0.00
Snow Cab with Air Ride Seat	1	\$ 13,674.00	\$ 13,674.00
Factory Installed Stereo	1	\$ 592.00	\$ 592.00
Less iMatch™ Quick Hitch Category 1	1	\$ 0.00	\$ 0.00
Less Wheel Spacer	1	\$ 0.00	\$ 0.00
Nokian TRI 2 360/80R28 Rear Snow Tires	1	\$ 784.00	\$ 784.00
Nokian 250/75R16 TRI2 Steel Front Snow Tires	1	\$ 731.00	\$ 731.00
Standard Options Total			\$ 15,781.00

Dealer Attachments

Aux. Hydraulic Coupler Kit 1	1	\$ 281.62	\$ 281.62
Dealer Attachments Total			\$ 281.62

Value Added Services Total			\$ 0.00
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Other Charges

Freight	1	\$ 1,056.00	\$ 1,056.00
Setup	1	\$ 1,000.00	\$ 1,000.00
Other Charges Total			\$ 2,056.00

Suggested Price			\$ 60,715.62
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Customer Discounts

Customer Discounts Total		\$ -7,715.62	\$ -7,715.62
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Total Selling Price			\$ 53,000.00
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ZUIDBERG Front Hitch and PTO

**JOHN DEERE**

Selling Equipment

MARTIN

Quote Id: 27100764

Customer: CITY OF BLOOMINGTON PARKS AND RECREATION
DEPARTMENT

Hours: 0			Suggested List
Stock Number:			\$ 15,296.00
			Selling Price
			\$ 14,000.00
Description	Qty	Unit	Extended
Front Hitch and PTO	1	\$ 10,796.00	\$ 10,796.00
Other Charges			
Freight	1	\$ 500.00	\$ 500.00
Setup	1	\$ 4,000.00	\$ 4,000.00
Other Charges Total			\$ 4,500.00
Suggested Price			\$ 15,296.00
Customer Discounts			
Customer Discounts Total		\$ -1,296.00	\$ -1,296.00
Total Selling Price			\$ 14,000.00

Frontier SB1174 - 74 In. 3-Point Medium Snowblower - U.S.

Hours:			Suggested List
Stock Number:			\$ 6,575.00
			Selling Price
			\$ 6,000.00
Description	Qty	Unit	Extended
SB1174 - 74 In. 3-Point Medium Snowblower - U.S.	1	\$ 5,558.00	\$ 5,558.00
Standard Options - Per Unit			
Hydraulic Cylinder Kit for Chute Rotation	1	\$ 552.00	\$ 552.00
Standard Options Total			\$ 552.00
Other Charges			
Freight	1	\$ 165.00	\$ 165.00
Setup	1	\$ 300.00	\$ 300.00
Other Charges Total			\$ 465.00
Suggested Price			\$ 6,575.00
Customer Discounts			
Customer Discounts Total		\$ -575.00	\$ -575.00
Total Selling Price			\$ 6,000.00

**JOHN DEERE**

Selling Equipment

MARTIN

Quote Id: 27100764

Customer: CITY OF BLOOMINGTON PARKS AND RECREATION
DEPARTMENT

JOHN DEERE 5095M PowrQuad

Hours: 0

Stock Number: 97241

Suggested List

\$ 103,477.00

Selling Price

\$ 83,000.00

Description	Qty	Unit	Extended
JOHN DEERE 5095M NA	1	\$ 96,924.00	\$ 96,924.00

Standard Options - Per Unit

N/ISOBUS N/AUTOTRAC	1	\$ 0.00	\$ 0.00
JDLINK CAPABLE	1	\$ 0.00	\$ 0.00
UNITED STATES	1	\$ 0.00	\$ 0.00
5M ENGLISH OM	1	\$ 0.00	\$ 0.00
POWRQUAD PLUS 16F/16R TRANS	1	\$ 0.00	\$ 0.00
LOADER PREP PACKAGE	1	\$ 2,110.00	\$ 2,110.00
LESS APPLICATION	1	\$ 0.00	\$ 0.00
STANDARD CAB NA	1	\$ 0.00	\$ 0.00
AIR SUSPENSION SEAT	1	\$ 1,037.00	\$ 1,037.00
INSTRUCTIONAL SEAT	1	\$ 684.00	\$ 684.00
TELESCOPIC LH AND RH MIRRORS	1	\$ 373.00	\$ 373.00
CORNER POST EXHAUST, CAB	1	\$ 0.00	\$ 0.00
TRPL MECH DLX STCBL REAR SCV	1	\$ 1,083.00	\$ 1,083.00
DUAL MID SCV W/MCH JOYST	1	\$ 0.00	\$ 0.00
REAR PTO 2 SPEED	1	\$ 0.00	\$ 0.00
ELECTRICAL HITCH	1	\$ 0.00	\$ 0.00
TELE DRFT LNKS W/BALL ENDS	1	\$ 0.00	\$ 0.00
LH ONLY ADJUSTABLE LIFT LINK	1	\$ 0.00	\$ 0.00
CENTER LINK BALL END	1	\$ 0.00	\$ 0.00
LH AND RH STABILIZER BAR	1	\$ 0.00	\$ 0.00
FLANGE AXLE	1	\$ 0.00	\$ 0.00
STEEL WHEEL	1	\$ 0.00	\$ 0.00
18.4R30 460/85R30 R1 RADIAL	1	\$ 0.00	\$ 0.00
NO REAR TIRE BRND PREFERENCE	1	\$ 0.00	\$ 0.00
FRONT AXLE MFWD	1	\$ 0.00	\$ 0.00
W/T 12.4R24 (320/85R24)	1	\$ 0.00	\$ 0.00
5M COLD WEATHER PKG	1	\$ 109.00	\$ 109.00
PTO REMOTE CONTRL, FENDERS	1	\$ 75.00	\$ 75.00
LED BEACON LIGHT	1	\$ 332.00	\$ 332.00
Standard Options Total			\$ 5,803.00

Technology Options

LESS RECEIVER	1	\$ 0.00	\$ 0.00
LESS DISPLAY	1	\$ 0.00	\$ 0.00
Technology Options Total			\$ 0.00



Selling Equipment

MARTIN

Quote Id: 27100764

Customer: CITY OF BLOOMINGTON PARKS AND RECREATION
DEPARTMENT

Value Added Services Total			\$ 0.00
Other Charges			
Setup	1	\$ 750.00	\$ 750.00
Other Charges Total			\$ 750.00
Suggested Price			
Customer Discounts			\$ 103,477.00
Customer Discounts Total		\$ -20,477.00	\$ -20,477.00
Total Selling Price			\$ 83,000.00

JOHN DEERE 540M Loader

Hours:

Stock Number:

Suggested List

\$ 17,964.79

Selling Price

\$ 15,100.00

Description	Qty	Unit	Extended
540M Loader	1	\$ 10,670.00	\$ 10,670.00
Standard Options - Per Unit			
United States	1	\$ 0.00	\$ 0.00
English	1	\$ 0.00	\$ 0.00
Less package	1	\$ 0.00	\$ 0.00
Less mounting frame	1	\$ -1,594.00	\$ -1,594.00
540M Mechanical self-leveling (MSL) farm loader - Three-function	1	\$ 1,656.00	\$ 1,656.00
Three-function hoses and parts	1	\$ 253.00	\$ 253.00
Three-function Single Point Hydraulic Connector	1	\$ 1,469.00	\$ 1,469.00
Less hood guard	1	\$ -462.00	\$ -462.00
Less ballast box	1	\$ 0.00	\$ 0.00
Global carrier	1	\$ 0.00	\$ 0.00
2150-mm (85-in.) global heavy-duty bucket with grapple brackets	1	\$ 525.00	\$ 525.00
Standard Options Total			\$ 1,847.00
Dealer Attachments			
Five tine round bale and silage grapple with grille	1	\$ 4,237.79	\$ 4,237.79
Dealer Attachments Total			\$ 4,237.79
Other Charges			
Freight	1	\$ 210.00	\$ 210.00
Setup	1	\$ 1,000.00	\$ 1,000.00
Other Charges Total			\$ 1,210.00



JOHN DEERE

Selling Equipment

MARTIN

Quote Id: 27100764

Customer: CITY OF BLOOMINGTON PARKS AND RECREATION
DEPARTMENT

Suggested Price		\$ 17,964.79
Customer Discounts		
Customer Discounts Total	\$ -2,864.79	\$ -2,864.79
Total Selling Price		\$ 15,100.00

Trade In

Quote Id: 27100764

Customer: CITY OF BLOOMINGTON PARKS AND RECREATION
DEPARTMENT

1997 JOHN DEERE 6400 SN# L06400P193130	
Machine Details	
Description 1997 JOHN DEERE 6400 SN# L06400P193130 Your Trade In Description	Net Trade Value \$ 18,000.00
Additional Options	
Hour Meter Reading	2950
Total	
\$ 18,000.00	

2004 KUBOTA L4330 SN# 36368	
Machine Details	
Description 2004 KUBOTA L4330 SN# 36368 Stock Number : Your Trade In Description	Net Trade Value \$ 1,500.00
Additional Options	
Hour Meter Reading	4232
PayOff	\$ 0.00
Total	
\$ 1,500.00	

Bill To:	City of Bloomington 115 East Washington St. Bloomington, Illinois 61702		
Ship to:	Rahn Equipment 2400 Georgetown Rd. Danville, Illinois 61832		
End User	David Lamb		
End User Contact	309-434-2281	PO#	
Quote#	8/29/22 AF	Order Date:	
Dealer Contact	Chris Rahn	Quote Date:	08/29/22
DLR Phone / Fax	217-260-3495	Requested ship date:	Next Available
Dealer Email	rahequipment@gmail.com	Tiger Sourcewell #	070821-TGR
		Sourcewell Member #	25014
	Quote valid for 30 days		



Please direct questions to:

Ph: 800-843-6849 EXT 3
email all quotes in excel format
to: orders@tiger-mowers.com

REAR SIDE SHIFT FLAIL

HOW TO ORDER: You must select one item from Section 1 for a complete Rear Offset Flail Mower.

Qty	Order Code	Description	Approx. lbs	List Price	Disc	Sourcewell Price
<u>Add tractor on next line when required</u>						
SECTION 1 - Choose a Base Unit						18% \$ -
	RBF-2C-63	63" Rear Flail, Hydraulic Powered Side Shift - (60 PTOhp/4500 lbs)	1895	\$ 23,611	18% \$	-
	RBF-2C-80	80" Rear Flail, Hydraulic Powered Side Shift - (60 PTOhp/4500 lbs)	2006	\$ 28,180	18% \$	-
INCLUDES: Flail Head w/Universal knives, Category II 3 Point Hitch and Hose Kit to tractor remotes, 540 RPM PTO Drive System, Travel Safety Lock, Front & Rear Guards						
NOTE: Tractor requires 2 Dual Rear Remote Outlets						
Additional front & left rear ballast may be required for desired tractor stability. Ballast Not included.						
SECTION 2 - Dealer Installation						
Mounting	Installation of complete mower system			\$ 712	18% \$	-
SECTION 3 - Options						
	06744061	Knife Kit for RBF63 (knives, clevis, spacers, bolts, nuts, washers)	35	\$ 2,265	18% \$	-
	06744062	Knife Kit for RBF80 (knives, clevis, spacers, bolts, nuts, washers)	42	\$ 2,300	18% \$	-

REAR BOOM FLAIL MOWERS

HOW TO ORDER: You must select one item from Section 1 & 2 for a complete Rear Boom Flail Mower.

Qty	Order Code	Description	Approx. (lbs)	List Price	Disc	Sourcewell Price
SECTION 1 - Choose a Base Unit						
1	RBF-130BASE	Rear Boom unit with 13' 9" Reach w/ 37" (40 PTOhp/4000 lbs)	1338	\$ 18,712	18%	\$ -
	RBF-150BASE	Rear Boom unit with 15' 5" Reach w/37" (50 PTOhp/4400 lbs)	1405	\$ 22,192	18%	\$ 18,197.44
	INCLUDES: Rear Boom mower, Category II 3 Point Hitch, 540 PTO Independent Hydraulic Pump system, Travel Safety Lock, Multi-valve Cable Control, Mower Guards, Noncab Tractors will include Operator Safety Screen. Oil Included.					
Additional front & left rear ballast may be required for desired tractor stability. Ballast Not included.						
	RBF-190BASE	Rear Boom unit with 18' 8" Reach (70 PTOhp/7000 lbs)	2590	\$ 27,002	18%	\$ -
	INCLUDES: Rear Boom mower, Hydraulic Swing System, Category II 3 Point Hitch, Lift Float Kit, 540 PTO Independent Hydraulic Pump system, Travel Safety Lock, Multi-valve Cable Control, Mower Guards, Rear lights. Non Cab Tractors will include an Operator Safety Screen. Oil Included.					
Additional front & left rear ballast may be required for desired tractor stability. Ballast Not included.						
SECTION 2 - Choose a Cutter Head						
1	RBF-37HG	37" Flail Cutter Head with Grass Knives	285	\$ 7,008	18%	\$ -
	RBF-37HB	37" Flail Cutter Head with Brush Knives	285	\$ 7,128	18%	\$ -
	RBF-50HG	50" Flail Cutter Head with Grass Knives	400	\$ 8,063	18%	\$ 6,611.66
SECTION 3 - Dealer Installation						
1	Mounting	Installation of complete mower system		\$ 1,745	18%	\$ 1,430.90
SECTION 4 - Options						
	06744063	Knife Kit for 37" GRASS (knives, collar, spacers, bolts, nuts, washers)	32	\$ 1,529	18%	\$ -
	06744064	Knife Kit for 37" BRUSH (knives, collar, bolts, nuts, washers)	38	\$ 956	18%	\$ -
	06744065	Knife Kit for 50" GRASS (knives, collar, spacers, bolts, nuts, washers)	42	\$ 1,974	18%	\$ -
ADDITIONAL OPTIONS FROM PRICE LIST						
9	Dealer PDI (prep, delivery, installation) Hourly Rate		Net Per Hour	\$ 210		\$ 1,890.00
						\$ -
PLEASE PROVIDE TRACTOR INFORMATION						\$ -
						\$ -
						\$ -
						\$ -
						\$ -

Totals

\$ 28,130.00

TRACTOR INFORMATION REQUIRED:

Make/Model: JD 5095

Tire size

Front

Rear

Transmission

*Cab Type

2WD or MFWD

All prices are FOB Destination.

Quote Good for 30 Days

Rear Boom Flail

4 Series | 44 HP – 66 HP Compact Utility Tractors



STRENGTH AND VERSATILITY. TO THE POWER OF 4.

New 4M Heavy Duty Tractors. [See page 5.](#)



JOHN DEERE



44052M Tractor with a canopy, front loader and wheel weights. [See page 4.](#)



4044R Tractor with cab, heat and A/C and pallet fork. [See page 8.](#)



Table of Contents:

Introduction.....	2-3
4M Tractors.....	4-5
New 4M HD Tractors.....	6-7
4R Tractors.....	8-9
Implements and Attachments.....	10-13
Warranty and Specifications.....	14-15

4066M Heavy Duty with Catagory 2 Implement Versatility. [See page 6.](#)

THE POWER OF 4. UNLEASHED.

Warning: the power you will find inside these pages may well be the jolt you need to take a drive to your John Deere dealer and sit down in the seat of a 4 Series Compact Utility Tractor. Yes, the new lineup is that powerful. There are 8 models to choose from:

- **The 43.1 HP (31.7 kW) 4044M, 51.5 HP (37.9 kW) 4052M and 65.9 HP (48.5 kW) 4066M Tractors** have power and simplicity. To the power of 4. These open station models feature a standard PowrReverser™ Transmission designed to help make short work of loader work, with an easy forward/reverse lever mounted to the left of the steering column. The standard 4-Wheel Drive and tough Yanmar® diesel engines are essential. Learn all about it on [page 4](#).
- **The new 51.5 HP (37.9 kW) 4052M Heavy Duty and new 65.9 HP (48.5 kW) 4066M Heavy Duty Tractors** are all strength and versatility. To the power of 4. The standard eHydro™ Transmission, four work lights and low Roll Over Protection Structure (ROPS) hinge point on these open station models allow for efficient work in dim, tight spaces while the standard Category 1, 2 Three-point Hitch can fit a wide array of attachments without any costly aftermarket enhancements to switch between the two. Perfect for poultry houses, landscapers, and cow calf operations. Check it out on [page 6](#).
- **The 43.1 HP (31.7 kW) 4044R, 51.5 HP (37.9 kW) 4052R and 65.9 HP (48.5 kW) 4066R Tractors** are top of the line. To the power of 4. You'll get the eHydro Transmission with TwinTouch™ pedals, eThrottle™, SpeedMatch™, LoadMatch™, and Cruise Control for efficiency. The works. All standard. The options are powerful. Starting with the optional Cab with Heat and AC. Check it out on [page 8](#).

Our powerful dealer network is here too.

Got a question? Can't decide which tractor is right for you? Talk to your local John Deere dealer. Your dealer is knowledgeable about landscaping, husbandry, property care and 4 Series Tractors. Together, you two will find what you need.

Until then, page after page, check out the innovations and exceptional engineering to tackle any task quickly and easily. Or visit us at JohnDeere.com/4Series or JohnDeere.ca/4Series. Talk to your local dealer today.

THE 4M TRACTOR

Strength and Simplicity. To the Power of 4.

4M Tractors deliver dependable, economical power for work on landscape jobs, farms, horse operations, recreational properties and in municipal fleets.

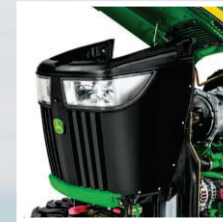
Choose from three open station models. The 43.1 HP (31.7 kW) 4044M, 51.5 HP (37.9 kW) 4052M and 65.9 HP (48.5 kW) 4066M all feature 4-wheel drive and a tough, 4-cylinder Yanmar® diesel engine with an ample torque reserve.

And that's just for starters.



The optional 400E Front Loader transports mulch, soil or gravel. Pave the way.

What's standard is powerful



Servicability is strong.
A 200-hour oil change interval. A sliding front grill to service the battery and radiator. Convenient spots to check engine and hydraulic oil levels. Power up.



Planetary final drives are the same as the design used on our high-horsepower John Deere tractors, offering exceptional reliability by spreading the load over three gears.

The options are strong.

The PowrReverser™ transmission.

This 12F/12R gear drive transmission features a reverser lever located by the left side of the steering wheel for direction changes with a foot throttle to free hands for loader work, steering and direction changes.

Multiple canopy options to keep cool and dry.

Folding ROPS (RollOver Protective Structure). Keep it up and keep safe.

Great rear hitch capacity.

The big, 15.9 gal/min (60.2 ltr/min) hydraulic pump offers power for fast loader cycles, responsive power steering, heavy 3-point-hitch lifts, and great backhoe performance.



The optional e-Hydro transmission.

With TwinTouch™ pedals, LoadMatch™, to help prevent stalls if the torque load increases on the engine, MotionMatch™, to control how quickly you accelerate or decelerate and a Cruise Control option. Just like in a car.



iMatch™ Quick Hitch

Hooking up a rear implement? With iMatch™ Quick Hitch simply back in, lift up, lock down, and drive away.

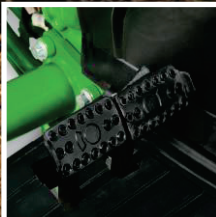


Canopies

Beat the sun and inclement weather. Canopy is installed to the ROPS. Available in metal and ABS plastic.

Differential Lock for exceptional traction gets you out of slick spots. Simply step on the foot pedal to send power equally to both rear wheels, which helps if one wheel starts spinning.

John Deere wet disk brakes are oil-cooled, so they virtually never wear out. And they almost never need adjusting. Work them hard, they can take it.



THE 4M HEAVY DUTY TRACTOR

Strength and Versatility. To the Power of 4.

We looked in dark, small spaces. We searched through muck and mud. And we found a new strength and versatility. Introducing John Deere 4M Heavy Duty Compact Utility Tractors. Choose from two open station, diesel, 4-wheel drive models. The 51.5 HP (37.9 kW) 4052M Heavy Duty and 65.9 HP (48.5 kW) 4066M Heavy Duty Tractor.

The fit in Poultry Houses is a breath of fresh air.
The utility in cow pastures is powerful.



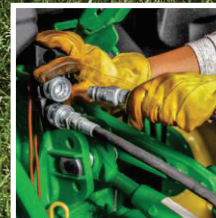
What's standard is strong and remarkably versatile

Independent PTO with modulated engagement. A modulated, wet disk clutch engages the PTO. Simply pull up on the yellow knob and the PTO gently engages.

The four work lights. To illuminate any low light environment. Like a poultry house. For example.

The big tires with the deep tread. Designed for work in muck and mud. The lug capacity is strong. For when slipping and sliding is not an option.

The Category 1, 2 Three-Point Hitch. Simplifies implement management. Switch out Category 1 Implements and Category 2 Implements quickly and easily without hard-to-manage add-ons.



The Factory Installed Hydraulics. Toward the rear and right side for exceptional all-around tractor and implement performance.



The Roll-over Protection System (ROPS) with a low hinge point. Lower to clean areas in poultry houses or other low-clearance areas. Raise for your safety.

The e-Hydro™ Transmission. With TwinTouch™ forward/reverse pedals, LoadMatch™ to prevent stalls while lifting, SpeedMatch™ to slow max speeds for precision tasks, MotionMatch™ to protect turf from stops and starts, eThrottle™ for fuel efficiency and noise and Cruise Control. Just like a car.



Rugged, rust and dent-resistant composite hood. Leave the dents and rust that expose your engine to the elements to metal hoods.

The Brush Guard and Front Weight Support. For protection and to be ready for when you need weight up front to counterbalance heavy implements in the back if your front loader is off.



The 4066M Heavy Duty features 51.9 PTO HP (38.7 kW) and the 4052M Heavy Duty has 40.8 PTO HP (30.5 kW). To power Category 1 or 2 implements.



Optional 440R Quik-Park Loader. Easy to attach/detach. The lift capacity at full height measured at the pivot is 2,539 lbs (1,154 kg). That's heavy lifting. Mechanical Self Leveling option available.



Telescoping draft links. The lower links can extend, making it easier to line up mounting holes on the tractor and implement.



Optional John Deere Quik-Knect™. Click PTO driven implements (115 PTO HP or less) into the back of your tractor quickly and easily. Avoid scraped knuckles.



Optional Front and Rear Hay Spear. Two big, round bales. Two feed spots. No problem.

4M Heavy Duty Tractors only

THE 4R TRACTOR

The Pinnacle. To the Power of 4.

The tough, 4-cylinder Yanmar® diesel engine powered, 43.1 HP (31.7 kW) 4044R, 51.5 HP (37.9 kW) 4052R and 65.9 HP (48.5 kW) 4066R Tractors have the best of just about everything. The overall benefits of these four-wheel drive tractors reach new heights of engineering excellence.



The standard features are powerful



Servicability is strong. A 200-hour oil change interval. A sliding front grill to service the battery and radiator. Convenient spots to check engine and hydraulic oil levels. Power up.

Rugged, rust and dent-resistant composite hood. Leave the dents and rust that expose your engine to the elements to metal hoods.



The e-Hydro™ Transmission. With TwinTouch™ forward/reverse pedals, LoadMatch™ to prevent stalls during heavy load applications, SpeedMatch™ to slow max speeds for precision tasks, MotionMatch™ to protect turf from stops and starts, eThrottle™ for fuel efficiency and noise and Cruise Control. Just like a car.



The options are strong.

Independent PTO with modulated engagement.

The wet disk clutch engages the PTO. Simply pull up on the yellow knob and the PTO gently engages.

Folding ROPS (RollOver Protective Structure).

Keep it up and keep safe.

The open operator station with swivel seat.

Controls are in easy reach. The seat swivels 15 degrees either way, making it easy to check on rear implements.

HitchAssist™ 3-Point control.

Align an implement from the back of your tractor with controls that creep the tractor backwards or forwards and adjust link positions to connect easily.

Planetary final drives are the same as the design used on our high-horsepower John Deere tractors, offering exceptional reliability by spreading the load over three gears.

John Deere wet disk brakes are oil-cooled, so they virtually never wear out. And they almost never need adjusting. Work them hard, they can take it.



The optional ComfortGuard™ Cab with heat and A/C. Great visibility, low noise, and you control the temperature. The air-ride seat is standard on the 4066R Tractor with a cab. Optional on others.



The PowrReverser™ Transmission option. This 12F/12R gear drive transmission features a reverser lever located by the left side of the steering wheel for direction changes with a foot throttle to free hands for loader work, steering and direction changes.



John Deere Hydraulic Downforce Kit. Add downward pressure in hard soil conditions.

IMPLEMENTS AND ATTACHMENTS.

Versatility. To the Power of 4.

More than 50 implements and hundreds of attachments are ready and waiting. From front loaders, backhoes and wheel rakes to canopies, work lights and batteries, John Deere and Frontier commercial-grade implements along with quality attachments do it all. Hookup is fast and easy, high performance is a given.



Cab with heat and A/C. 4R only. Rear Snow Blower. Front Loader with Snow Push



Telescoping Draft Links



Front and Rear Hay Spear. 4M HD Tractor only.



485A Backhoe with lighting guards and wheel weights.



■ Posthole Diggers



■ Rear Blades



■ Rear Box Blades



■ Landscape Rakes



■ 440R Quik-Park™ Loader



■ Tillers



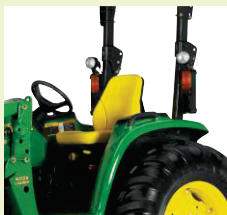
■ Rotary Cutters



Category 1 implements or Category 2 Implements? Many landscapers, cow/calf operations and poultry houses use both category 1 and category 2 implements. We offer both. In fact, the category 1, 2 Three Point Hitch on 4M Heavy Duty Tractors make switching between the two categories easy and simplifies inventory management.

400E, 440R or the 440R MSL Front Loaders get it done with an easy-to-attach/detach Quik-Park™ loader or Mechanical Self Leveling (MSL) loader (4Rs only). Heavy-duty buckets, 4-in-1 buckets, pallet forks and snow pushes available. Joystick loader controls are standard on all models.

The 485A Backhoe has a full 180-degree bucket rotation, fast cycle times and a bucket digging force of more than 3,700 pounds (1678 kg) with a dig depth of up to 8 ft. 6 in. (2438mm). Buckets range from 12- to 24-inches (305-610mm) wide. The Quik-Tatch™ technology installs or detaches *without removing the 3-point hitch*. A real time-saver.



Forward Lighting Kit, Rear Work Light and 360° LED Lighting

Enjoy increased visibility when working in low-light conditions. Lights mount to brush guards located on the ROPS.



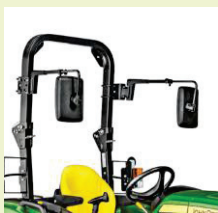
Lighting Brush Guard Kits (Two Guards)

Available for both the warning lights and LED lighting options.



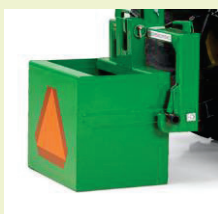
Engine Coolant and Transmission Oil Heaters

For cold weather operation, be ready with these kits to warm your machine.



Mirror Kits

For greater visibility of what's behind you while focusing on what's ahead.



Ballast Box

Enhance loader performance in all conditions with correct ballasting with this heavy-duty box.

Optional ballast box extension available for category 1 boxes.



Wheel Spacers (140 mm)

Widens the wheelbase for stability and a smooth ride when working on uneven ground and hillsides.



Quik-Tatch Weights, 42 lb (19.1 kg) and 70 lb (32.7 kg)

Add some extra weight to the front of the machine easily and securely with Quik-Tatch weights.



Rear Wheel Weights

Weight for ballast to improve performance and safety.



Top And Tilt Kit

Allows hydraulic positioning, left/right and forward/backward, from the operators seat using the loader joystick. Ideal for use in box blade or rear blade applications.



Additional Selective Control Valves and Power Beyond Kits*

Add rear implements with hydraulic functions like blades, snow blowers and a backhoe with a third, fourth or fifth SCV and Power Beyond Kit.

*For backhoes and wood chippers.



Front Fenders And Rear Fender Extensions

Keep it clean by protecting yourself, the tractor and the implements from debris flying off the tractor tires.

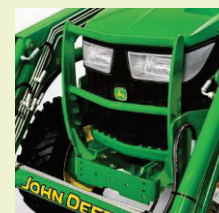
For Front Fenders and Rear Fender Extensions. 4R Only



Front Hitch

Add a category 1 front hitch to easily connect and disconnect a front non-PTO driven implement.

4M and 4R only



Hood Guard

Add extra protection to the front of your tractor.

HELP YOURSELF

Our full list of implements and attachments would rival the longest to-do list. Let **TipsNotebook.com** show you how to use them.



Maintenance Parts



Filter Pak

The key to do it yourself maintenance when it comes to changing your tractor filters.



Plus-50™ II Oil

The only engine oil you really ever need on the farm, in the field, or on the highway.



Batteries

John Deere StrongBox™ Batteries and high performance batteries are a versatile, reliable solution. Economy options available.



Hy-Gard Hydraulic/ Transmission Oil™

Provides the best performance and wear protection for John Deere hydraulic and transmission systems. Formulated with friction modifiers that provide smooth clutch engagement and high braking capacity with minimum chatter.



POWERGARD™ PROTECTION PLANS*

Protect your 4 Series Tractor with a PowerGard Protection Plan. It provides parts and labor coverage up to five years beyond your manufacturer's warranty. And if you sell your machine before the coverage term ends, the remaining coverage is fully transferable to the next owner—adding value to your resale or trade-in. Talk to your dealer for details. Or visit us online.

* Certain limitations and exclusions may apply. For complete terms and conditions, please refer to www.johndeere.com/pppr or www.johndeere.ca/pppr.

John Deere Financing

In the world of loader work, digging trenches, clearing ground, leveling driveways, putting in fences, sweeping sidewalks and caring for livestock and crops, you can count on John Deere Financial. Just like John Deere Tractors, our roots run deep in some of the healthiest, high producing fields and farms in the world and we're proud of the long-standing relationships we have with small farmers and large farming operations alike.

The lay of the land of commercial landscapers, sports turf complexes, golf courses, municipalities and federal governments are no strangers to us either. Let's dig in. Put the strength and flexibility of John Deere Financing behind your purchase. We know the landscape you work in and we're committed to helping you get what you need. You can bank on it.

US: JohnDeere.com/4Series

CA: JohnDeere.ca/4Series

SPECIFICATIONS

	4044M	4052M	4066M	4052M HEAVY DUTY	4066M HEAVY DUTY
ENGINE	Yanmar® 4TNV88C-MJT	Yanmar® 4TNV86CT-MJT	Yanmar® 4TNV86CHT-MJT	Yanmar® 4TNV86CT-MJT	Yanmar® 4TNV86CHT-MJT
Type	Naturally-aspirated 4-cylinder Diesel	Turbocharged 4-cylinder Diesel	Turbocharged 4-cylinder Diesel	Turbocharged 4-cylinder Diesel	Turbocharged 4-cylinder Diesel
HP (Kw)*	43.1 (31.7)	51.5 (37.9)	65.9 (48.5)	51.5 (37.9)	65.9 (48.5)
PTO HP Gear Transmission – hp(Kw)	34.6 (25.8)	42.2 (31.4)	58 (53.2)	—	—
PTO HP Hydro Transmission – hp(Kw)	33.6 (25.0)	41.2 (30.7)	57 (42.5)	4052 PTO HP - 30.5 kW (40.8 hp)	4066 PTO HP - 38.7 kW (51.9 hp)
Engine Displacement cu in. (L)	133.5 (2.189)	127.6 (2.091)	127.6 (2.091)	127.6 (2.091)	127.6 (2.091)
ELECTRICAL					
Battery Power	770 CCA	770 CCA	770 CCA	770 CCA	770 CCA
Alternator	75 A	75 A	75 A	75 A	75 A
HYDRAULICS					
Type	Open Center	Open Center	Open Center	Open Center	Open Center
Pump Type	Dual Independent	Dual Independent	Dual Independent	Dual Independent	Dual Independent
Remote Control Valves	3/4/5 optional	3/4/5 optional	3/4/5 optional	Power Beyond optional	Power Beyond optional
Total Capacity gpm (l/min)	15.9 (60.2)	15.9 (60.2)	15.9 (60.2)	15.9 (60.2)	15.9 (60.2)
TRANSMISSION					
Standard Transmission	12F/12R PowrReverser™	12F/12R PowrReverser™	12F/12R PowrReverser™	3F/3R Electronic Hydrostatic	3F/3R Electronic Hydrostatic
Electronic Hydrostatic Optional for 4M and 4R	3F/3R Hydrostatic	3F/3R Hydrostatic	3F/3R Hydrostatic	—	—
Final Drive	Planetary	Planetary	Planetary	Planetary	Planetary
Brakes	Wet Disk	Wet Disk	Wet Disk	Wet Disk	Wet Disk
Steering	Power	Power	Power	Power	Power
Clutch	Wet disk, PowrReverser	Wet disk, PowrReverser	Wet disk, PowrReverser	—	—
4WD	Standard MFWD	Standard MFWD	Standard MFWD	Standard MFWD	Standard MFWD
PTO					
PTO Type	Independent 540	Independent 540	Independent 540	Independent 540	Independent 540
PTO Locations	Rear	Rear	Rear	Rear	Rear
Economy PTO	No	No	No	No	No
REAR HITCH					
Type	Category 1	Category 1	Category 1	Category 1/2	Category 1/2
Lift Capacity (24 in. behind link arms)	2,500 lb. (1,135 kg)	2,500 lb. (1,135 kg)	2,500 lb. (1,135 kg)	2,500 lb. (1,135 kg)	2,500 lb. (1,135 kg)
Lift Capacity (At link ends)	3,130 lb. (1,420 kg)	3,130 lb. (1,420 kg)	3,130 lb. (1,420 kg)	3,130 lb. (1,420 kg)	3,130 lb. (1,420 kg)
OPERATING WEIGHT					
OOS (Open Operator Station)	3,770 lb. (1,710 kg)	3,770 lb. (1,710 kg)	3,770 lb. (1,710 kg)	4,255 lb (1,934 kg)	4,255 lb (1,934 kg)
Cab	—	—	—	—	—
STANDARD TIRES**					
Front	8-16 (6PR, R1 Bar, 2 Position)	8-16 (6PR, R1 Bar, 2 Position)	8-16 (6PR, R1 Bar, 2 Position)	31.5x13-16.5 (10PR, R4 Industrial, 2 Position)	31.5x13-16.5 (10PR, R4 Industrial, 2 Position)
Rear	13.6x28 R1	13.6x28 R1	13.6x28 R1	16.9-24 R4	16.9-24 R4
Roll Over Protective Structure	Folding	Folding	Folding	Folding	Folding
ComfortGard™ Cab	No	No	No	No	No
Air Ride Seat	No	No	No	No	No
Wheelbase	73 in. (1,855 mm)	73 in. (1,855 mm)	73 in. (1,855 mm)	73 in. (1,855 mm)	73 in. (1,855 mm)

4044R	4052R	4066R
Yanmar® 4TNV88C-MJT	Yanmar® 4TNV86CT-MJT	Yanmar® 4TNV86CHT-MJT
Naturally-aspirated 4-cylinder Diesel	Turbocharged 4-cylinder Diesel	Turbocharged 4-cylinder Diesel
43.1 (32.1)	51.5 (37.9)	65.9 (48.5)
34.6 (25.8)	42.2 (31.4)	58 (53.2)
33.6 (25.0)	41.2 (30.7)	57 (42.5)
133.5 (2.189)	127.6 (2.091)	127.6 (2.091)
770 CCA	770 CCA	770 CCA
75 A	75 A	75 A
Open Center	Open Center	Open Center
Dual Independent	Dual Independent	Dual Independent
3/4/5 optional	3/4/5 optional	3/4/5 optional
15.9 (60.2)	15.9 (60.2)	15.9 (60.2)
3F/3R Hydrostatic	3F/3R Hydrostatic	3F/3R Hydrostatic
12F/12R PowrReverser™	12F/12R PowrReverser™	12F/12R PowrReverser™
Planetary	Planetary	Planetary
Wet Disk	Wet Disk	Wet Disk
Power	Power	Power
Wet disk, PowrReverser	Wet disk, PowrReverser	Wet disk, PowrReverser
Standard MFWD	Standard MFWD	Standard MFWD
Independent 540	Independent 540	Independent 540
Rear	Rear	Rear
Optional	Optional	Optional
Category 1	Category 1	Category 1
2,500 lb. (1,135 kg)	2,500 lb. (1,135 kg)	2,500 lb. (1,135 kg)
3,130 lb. (1,420 kg)	3,130 lb. (1,420 kg)	3,130 lb. (1,420 kg)
3,770 lb. (1,710 kg)	3,770 lb. (1,710 kg)	3,770 lb. (1,710 kg)
4,675 lb. (2,120 kg)	4,675 lb. (2,120 kg)	4,675 lb. (2,120 kg)
8-16 (6PR, R1 Bar, 2 Position)	8-16 (6PR, R1 Bar, 2 Position)	8-16 (6PR, R1 Bar, 2 Position)
13.6x28 R1	13.6x28 R1	13.6x28 R1
Folding	Folding	Folding
Optional	Optional	Optional
Optional with cab	Optional with cab	Optional / Standard on cab
73 in. (1,855 mm)	73 in. (1,855 mm)	73 in. (1,855 mm)

*Manufacturer's estimate of engine power 97/68/EC rated power (gross), hp (kW) **Additional tire options available. See dealer for details.

The Augusta Georgia Factory

All 4 Series Tractors are **designed, assembled, tested and distributed** out of our Augusta Georgia Factory.

Learn more about how we run at
JohnDeere.com/4Series or JohnDeere.ca/4Series.



6-YEAR / 2,000 HOUR LIMITED POWERTRAIN WARRANTY

We're backing these tractors with a reliable 6-Year Powertrain Warranty.¹ It's standard, comes at no cost, and covers both residential AND commercial use. It's just one more reason why—Nothing Runs Like a Deere.™

¹All Compact Utility Tractors purchased new from an authorized John Deere Dealer come standard with a 6 year/2000 hour (whichever comes first) Powertrain Warranty. See the Limited Warranty for New John Deere Turf & Utility Equipment at dealer for details.



NOTHING RUNS LIKE A DEERE.™ | RUN WITH US.

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CA: [JohnDeere.ca/4Series](https://www.johndeere.ca/4Series)

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DSAA76630US Litho in U.S.A. (20-02)

3-Point Mounted Snowblowers



SB11 • SB12 • SB13 Series

Dig out this winter with powerful, rugged Frontier 3-Point Snowblowers

When winter arrives, will you be ready?

The Frontier 3-Point Snowblowers – powerful, dependable, and built to tackle the toughest winter conditions. With three affordable series to choose from, these rear-mounted Snowblowers offer an effective solution to meet the demands of your job, and your budget.

There's the economical SB11 Series Snowblowers. They feature 48- to 94-inch (121.9 to 238.8 cm) working widths, and are ideal for farmstead and large-property owners. Match one up with your compact or small utility tractor up to 90 PTO horsepower, and you've got one commanding, yet cost-effective winter cleanup package.

Commercial property and municipalities? We've got that covered too! Try the commercial-grade SB12 Series Snowblowers. This is the tool designed to handle the rugged demands of contractors. Available in 74- and 80-inch (188.0 to 203.2 cm) working widths, the SB12 Series has all the muscle to move heavy, wet snow from multiple locations.

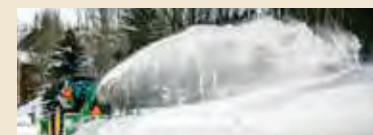
For larger snow removal chores, check out the heavy-duty SB13 Series Snowblowers. Big snow banks are no match for the wide 88- to 102-inch (223.5 to 259.1 cm) working widths. They're perfect for rural customers who need to clear long driveways and large areas. Hook up one of these winter warriors to your utility or row-crop tractor up to 150 PTO horsepower for fast, efficient snow removal.

The Frontier Snowblowers are sold and supported by John Deere, the most trusted name in farm, ranch and lawn equipment. To help you choose the right Frontier Snowblower, talk to your local John Deere dealer, your exclusive source of Frontier Equipment.

U.S.A. www.BuyFrontier.com

Canada www.BuyFrontier.ca

Tough winter chores call for high-performance Snowblowers



Frontier is proud to present our line of 3-Point Snowblowers. Sold and supported by John Deere dealers, our rugged and reliable lineup of SB11, SB12, and SB13 Series Snowblowers offer fast, efficient snow removal. Moving snow from your landscape is less demanding and much more manageable with these cost-efficient snow attachments. Parking lots, yards, driveways, roadways, or sidewalks – a Frontier Snowblower can handle the job.



SB12 Series come standard with a hydraulic chute deflector. You can make simple adjustments to this chute deflector to improve discharge accuracy. Or move up to an electric chute deflector as a dealer-installed option to pair with your cab tractors. (Not available on the SB12 Series and SB13 Series.)

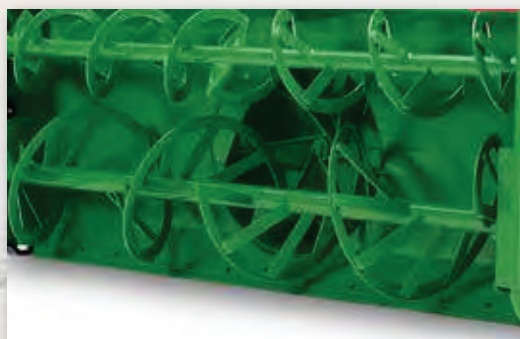


Upgrade to a hydraulic chute deflector for quicker and easier control, plus better accuracy. It's a great feature for tougher jobs, such as snow-packed city streets. Or when working around buildings or other confined areas.

The SB12 and SB13 Series Snowblowers are equipped with a standard hydraulic chute rotation (optional on SB11). Easy to use, the hydraulic chute rotation allows you to make effortless changes to chute rotation from the seat of your tractor.



Optional dual augers are available on certain Frontier 3-Point Snowblower models (SB13 Series). The dual auger provides capacity to move larger volumes of snow. Dual augers are most productive in heavy drift conditions.



The SB11 Series Snowblowers come standard with the manual chute rotation. Position the chute from the comfort of your tractor using the convenient adjustment lever. (Hydraulic chute rotation is optional.)



Hydraulic drum rotation is an option on select SB13 Series Snowblowers. This convenient feature allows you to discharge snow – from the comfort and safety of your tractor seat – at a greater distance using lower horsepower. That's less wear and tear on both tractor and snowblower.



Frontier 3-Point Snowblowers are equipped with adjustable skid shoes prevent gouging on uneven surfaces. Also, the skid shoes allow you to better manage your operation with more control of the cutting edge height on your snowblower, increasing the overall performance. And best of all, these sturdy steel skid shoes provide added durability for long-lasting service.

Tough winter chores call for high-performance Snowblowers

iMatch™* and Quick Hitch System

Frontier 3-Point Snowblowers are iMatch Quick Hitch and Category 1, 2 or 3 Quick Hitch compatible. This innovative and affordable device converts the 3-Point hitch to fixed hooks and attaching points, which allows for an easy connection.

The iMatch™ and Quick Hitch systems are a welcome alternative to the sometimes challenging and awkward task of lining up 3-Point hitch implements.



*Please note: The iMatch Quick Hitch does not work with all tractor series or with all implements. See your John Deere dealer to determine which tractors and implements are compatible with the iMatch.

Specifications

Model	SB1148	SB1154	SB1164	SB1174	SB1184	SB1194
Hitch compatibility	Cat. 1 iMatch™	Cat. 1 iMatch™	Cat. 1 iMatch™	Cat. 1 and Cat. 2 (not Quick Hitch) iMatch™	Cat. 1 and Cat. 2 iMatch™ and Quick Hitch	Cat. 2 Quick Hitch
Steel skid shoes	Adjustable and replaceable	Adjustable and replaceable	Adjustable and replaceable	Adjustable and replaceable	Adjustable and replaceable	Adjustable and replaceable
Cutting edge	Welded	Welded	Welded	Welded	Welded	Welded
Park Stand	Standard	Standard	Standard	Standard	Standard	Standard
Chute type	Two part	Two part	Two part	Two part	Two part	Two part
Chute deflector	Manual standard	Manual standard	Manual standard	Manual standard	Manual standard	Manual standard
Optional deflector adjustment¹	3000 psi. (14,647 kPa) Hydraulic cylinder (or electric on cab only)	3000 psi. (14,647 kPa) Hydraulic cylinder (or electric on cab only)	3000 psi. (14,647 kPa) Hydraulic cylinder (or electric on cab only)	3000 psi. (14,647 kPa) Hydraulic cylinder (or electric on cab only)	3000 psi. (14,647 kPa) Hydraulic cylinder (or electric on cab only)	3000 psi. (14,647 kPa) Hydraulic cylinder (or electric on cab only)
Chute rotation	Manual or hydraulic 245 degrees	Manual or hydraulic 245 degrees	Manual or hydraulic 245 degrees	Manual or hydraulic 265 degrees	225 degrees manual 205 degrees hydraulic	225 degrees manual 205 degrees hydraulic
Drum rotation	—	—	—	—	—	—
Working height	24.625 in. (62.5 cm)	26 in. (66.0 cm)	26 in. (66.0 cm)	26 in. (66.0 cm)	35 in. (88.9 cm)	35 in. (88.9 cm)
Transport width	48 in. (121.9 cm)	54 in. (137.2 cm)	64 in. (162.6 cm)	74 in. (188.0 cm)	86 in. (218.4 cm)	96 in. (243.8 cm)
Working width	48 in. (121.9 cm)	54 in. (137.2 cm)	64 in. (162.6 cm)	74 in. (188.0 cm)	84 in. (213.4 cm)	94 in. (238.8 cm)
Length	39 in. (99.1 cm)	41 in. (104.1 cm)	41 in. (104.1 cm)	47.75 in. (121.3 cm)	55.4 in. (140.6 cm)	55.4 in. (140.6 cm)
Roller chain	#50	#60	#60	#60	#60H	#60H
Chain idler adjustment	Manual	Manual	Manual	Manual	Manual	Manual
Chute diameter	8 in. (20.3 cm)	8 in. (20.3 cm)	8 in. (20.3 cm)	12 in. (30.5 cm)	12 in. (30.5 cm)	12 in. (30.5 cm)
Auger diameter	15 in. (38.1 cm)	15 in. (38.1 cm)	15 in. (38.1 cm)	15 in. (38.1 cm)	20 in. (50.8 cm)	20 in. (50.8 cm)
Optional secondary auger diameter	—	—	—	—	—	—
Auger speed	170 RPM	170 RPM	170 RPM	200 RPM	200 RPM	200 RPM
Impeller speed	540 RPM	540 RPM	540 RPM	540 RPM	540 RPM	540 RPM
Impeller blades	4	4	4	4	4	4
Impeller diameter	20 in. (50.8 cm)	24 in. (61.0 cm)	24 in. (61.0 cm)	24 in. (61.0 cm)	28 in. (71.1 cm)	28 in. (71.1 cm)
Tractor PTO speed	540 RPM	540 RPM	540 RPM	540 RPM	540 RPM	540 RPM
Minimum tractor HP	16 PTO HP	20 PTO HP	20 PTO HP	35 PTO HP	40 PTO HP	40 PTO HP
Maximum tractor HP	35 PTO HP	40 PTO HP	50 PTO HP	50 PTO HP	80 PTO HP	80 PTO HP
Auger overload protection	Shearbolt	Shearbolt	Shearbolt	Shearbolt	Shearbolt	Shearbolt
PTO overload protection	Shearbolt	Shearbolt	Shearbolt	Shearbolt	Shearbolt	Shearbolt
Operating weight³	420 lb. (190.5 kg)	512 lb. (232.2 kg)	531 lb. (240.9 kg)	664 lb. (301.2 kg)	1190 lb. (539.8 kg)	1231 lb. (558.4 kg)
Shipping weight	422 lb. (191.4 kg)	514 lb. (233.1 kg)	533 lb. (241.8 kg)	666 lb. (302.1 kg)	1132 lb. (513.5 kg)	1173 lb. (532.1 kg)
Set-up time	45 min.	45 min.	45 min.	45 min.	45 min.	45 min.
Warranty⁴	1-year machine 2-year gearbox	1-year machine 2-year gearbox	1-year machine 2-year gearbox	1-year machine 2-year gearbox	1-year machine 2-year gearbox	1-year machine 2-year gearbox



¹Optional Electric Deflector available for cab tractors only - SB11 Series *Optional hydraulic Drum Rotation †With Manual Rotation ‡Hour and/or usage limitations may apply. See Warranty for new John Deere Agricultural Equipment or contact your local dealer for details. §This literature has been compiled for worldwide circulation. While general information, pictures and descriptions are provided, some illustrations and text may include finance, credit, insurance, and product options/accessories available at an additional cost that may not be available in all regions. CONTACT YOUR LOCAL JOHN DEERE DEALER FOR DETAILS. Frontier Equipment reserves the right to change specifications and design of products described in this literature without notice. John Deere, the leaping deer symbol, and John Deere's green and yellow trade dress are the trademarks of Deere & Company. Copyright 2019, Frontier Equipment.

SB1274	SB1280	SB1388	SB1392	SB1308	SB1309
Cat. 1 and Cat. 2 iMatch™ and Quick Hitch	Cat. 1 and Cat. 2 iMatch™ and Quick Hitch	Cat. 2 Quick Hitch (optional)	Cat. 2 and Cat. 3 Quick Hitch (optional)	Cat. 2 and Cat. 3 Quick Hitch (optional)	Cat. 2 and Cat. 3 Quick Hitch (optional)
Adjustable and replaceable	Adjustable and replaceable	Adjustable and replaceable	Adjustable and replaceable	Adjustable and replaceable	Adjustable and replaceable
Bolt on/reversible	Bolt on/reversible	Bolt on/reversible	Bolt on/reversible	Bolt on/reversible	Bolt on/reversible
Standard	Standard	Standard	Standard	Standard	Standard
Three part	Three part	2 part or 3 part	2 part or 3 part	2 part or 3 part	2 part or 3 part
Hydraulic standard	Hydraulic standard	Manual or hydraulic	Manual or hydraulic	Manual or hydraulic	Manual or hydraulic
—	—	3000 psi. (14,647 kPa) Hydraulic cylinder	3000 psi. (14,647 kPa) Hydraulic cylinder	3000 psi. (14,647 kPa) Hydraulic cylinder	3000 psi. (14,647 kPa) Hydraulic cylinder
Hydraulic 260 degrees	Hydraulic 260 degrees	Hydraulic 275 degrees	Hydraulic 275 degrees	Hydraulic 275 degrees	Hydraulic 275 degrees
—	—	Optional	Optional	Optional	Standard
31 in. (78.7 cm)	31 in. (78.7 cm)	41 in. (104.1 cm)	41 in. (104.1 cm)	41 in. (104.1 cm)	44 in. (111.8 cm)
74.5 in. (189.2 cm)	80.5 in. (204.5 cm)	88.5 in. (224.8 cm)	92.5 in. (235.0 cm)	98.5 in. (250.2 cm)	102.5 in. (260.4 cm)
74.5 in. (189.2 cm)	80.5 in. (204.5 cm)	88.5 in. (224.8 cm)	92.5 in. (235.0 cm)	98.5 in. (250.2 cm)	102.5 in. (260.4 cm)
49 in. (124.5 cm)	49 in. (124.5 cm)	59 in. (61 in.) [149.9 cm (154.9 cm*)]	61 in. (63 in.) [154.9 cm (160.0 cm*)]	61 in. (63 in.) [154.9 cm (160.0 cm*)]	63 in. (160.0 cm)
#60H	#60H	#80	#80	#80	#80
Automatic	Automatic	Automatic	Automatic	Automatic	Automatic
10.5 in. (26.7 cm)	10.5 in. (26.7 cm)	13 in. (33.0 cm)	13 in. (33.0 cm)	13 in. (33.0 cm)	13 in. (33.0 cm)
20 in. (50.8 cm)	20 in. (50.8 cm)	23 in. (58.4 cm)	23 in. (58.4 cm)	23 in. (58.4 cm)	23 in. (58.4 cm)
—	—	14 in. (35.6 cm)	14 in. (35.6 cm)	14 in. (35.6 cm)	14 in. (35.6 cm)
200 RPM	200 RPM	185 RPM	205 RPM	205 RPM	205 RPM
540 RPM	540 RPM	540 RPM	540 RPM	540 RPM	540 RPM
4	4	4	5	5	5
26 in. (66 cm)	26 in. (66 cm)	28 in. (71.1 cm)	30 in. (76.2 cm)	30 in. (76.2 cm)	30 in. (76.2 cm)
540 RPM	540 RPM	540 RPM	540 RPM	540 RPM	540 RPM
35 PTO HP	35 PTO HP	55 PTO HP	75 PTO HP	100 PTO HP	100 PTO HP
80 PTO HP	80 PTO HP	85 PTO HP	125 PTO HP	150 PTO HP	150 PTO HP
Shearbolt	Shearbolt	Shearbolt	Shearbolt	Shearbolt	Shearbolt
Shearbolt	Shearbolt	Shearbolt	Shearbolt	Shearbolt	Shearbolt
1050 lb. (476.3 kg)	1090 lb. (494.4 kg)	1607 lb. (1754 lb.*) [728.9 kg (795.6 kg*)]	2131 lb. (2206 lb.*) [966.6 kg (1000.6 kg*)]	2169 lb. (2249 lb.*) [983.8 kg (1020.1 kg*)]	2282 lb. (1035.1 kg)
987 lb. (447.7 kg)	1027 lb. (465.8 kg)a	1531 lb. (1669 lb.*) [694.4 kg (757.0 kg*)]	2045 lb. (2120 lb.*) [927.6 kg (961.6 kg*)]	2083 lb. (2158 lb.*) [944.8 kg (978.9 kg*)]	2196 lb. (996.1 kg)
75 min.	75 min.	90 min.	90 min.	90 min.	90 min.
1-year machine 2-year gearbox	1-year machine 2-year gearbox	1-year machine 2-year gearbox	1-year machine 2-year gearbox	1-year machine 2-year gearbox	1-year machine 2-year gearbox

5M Tractors

Mid-Sized Tractor, Massive Versatility and Value



JOHN DEERE



MID-SIZED TRACTOR, MASSIVE VERSATILITY AND VALUE

The 5M tractors provide massive versatility to meet the needs of your operation. Choose from multiple transmission options, premium or standard cab or open operator station (OOS) options. With two-wheel drive or Mechanical Front-Wheel Drive (MFWD) options, you'll find the choice that's right for you.

Whatever model you choose, you'll find options for the premium features you want and need, or more standard options if that better fits your operation. Either way, you're sure to find a mid-sized tractor that matches your jobs with the 5M.

PREMIUM FEATURES

Now you can shift gears easier with less foot clutching with PowrQuad™ PLUS and Powr8™ transmission options on the 5M Tractors. These transmission options let you select what works best for you. You can also pull heavier implements with higher horsepower (hp) options, up to 128 hp on the 5130M. Do it all while reducing overlaps, saving on inputs, and staying on track with AutoTrac™ technology available using a Precision Ag Display on the redefined 5M.

RIGHT-SIZED TRACTOR

You'll get the premium features in a maneuverable tractor that best meets the needs of your operation. The 5M continues to have great maneuverability, whether you are cleaning alley ways or moving materials into narrow spaces. The visibility remains great, too. Whether you're hauling bales or doing loader work, you'll enjoy the great loader visibility and the Panorama roof available on the premium cab models. Whether you need a climate-controlled cab or OOS, low- to high-clearance and a wide variety of tire sizes, the 5M tractors provide you the variety of offerings you demand. With these features, it's easy to see how the 5M fits in any operation.



5075M



5095M



5105M



5120M



5130M

5M UTILITY TRACTORS

73 - 128 hp

Whether it's mowing hay, moving snow or roadside mowing, the 5M Utility Tractors get the job done. Choose from five horsepower options.

5075M 73 engine HP

Featuring a John Deere PowerTech™ Diesel 3-cylinder engine and requiring no diesel exhaust fluid (DEF), the 5075M is available with a PowrReverser™ transmission and open operator station (OOS) or climate-controlled cab, 2WD and MFWD options and a flange axle. All these features make the 5075M perfect for chores on a livestock or dairy farm.

5095M 93 engine HP

Handle heavier chores with the 5095M, which features a John Deere PowerTech Diesel 4-cylinder engine, cab or OOS and multiple transmission options. Choose from a PowrReverser, PowrQuad™ PLUS or Powr8™ transmission options. 5095M models are available in 2WD or MFWD options and with bar or flange axles.

5105M 103 engine HP

Loaders, moving bales and pulling implements are no problem for the 5105M. PowrReverser, PowrQuad PLUS and Powr8 transmission options are available on the 5105M with a 4-cylinder John Deere PowerTech Diesel Engine, 2WD or MFWD options and climate-controlled cab or OOS choices.

5120M 118 engine HP

Mow, bale and more with the 5120M featuring the John Deere PowerTech Diesel 4-cylinder engine and PowrReverser, PowrQuad PLUS or Powr8 transmission options. The 5120M is available in MFWD, climate-controlled cab or OOS options, and with bar or flange axles.

5130M 128 engine HP

Pull heavier implements with the powerful 5130M with a John Deere PowerTech Diesel 4-cylinder engine, with PowrQuad PLUS or Powr8 transmission options available in MFWD and cab options only. The 5130M is available with bar or flange axles.

5 SERIES UTILITY TRACTORS. WHICH IS RIGHT FOR YOU?

5E 50 - 100 HP: If you need a simple, reliable tractor to handle chores around the farm, property, or roadside, the 5E Tractors may be right for you. Available in 3- or 4-cylinder models.

5M PowrReverser™ 73 - 118 HP: The two-lever shift strategy of the PowrReverser transmission works well for jobs without frequent shifting, for example, loader work, mowing or spraying. The PowrReverser comes standard with 16 forward and 16 reverse speeds (16F/16R) with an optional Hi-Lo splitting each forward gear for a 32F/16R. Baling and headland turns get easier with a 20-percent increase or decrease in speed in each forward gear with the Hi-Lo push-button shifting.

5M PowrQuad™ PLUS 93 - 128 HP: The PowrQuad PLUS is ideal for baling, loader work, tillage, and frequent transport. A single range shift lever is all you need to get the job done in 16F/16R speeds with the PowrQuad PLUS transmission. Easily change gears with a push of the upshift/downshift buttons and change ranges without foot clutching using the hand de-clutch button on the same lever. Tune your speed to your work's range with the 20-percent change in speed of each of the four speed shifts in each range. Make connections to ISOBUS implements and GreenStar™ Displays simpler with ISOBUS/ GreenStar Ready option or upgrade to an integrated AutoTrac™ experience with available AutoTrac Ready.

Powr8™: Baling, tillage, loader work and frequent transport are a breeze with the Powr8 transmission. Transport at up to 24 mph (40 km/h) at reduced engine speed saving you fuel costs, while delivering the power to get the job done with ECO shift. Get 32 forward and 16 reverse (32F/16R) speeds with a single shift lever with the Powr8 transmission. Easily change gears with a push of the upshift/downshift buttons and change ranges without foot clutching using the hand de-clutch button on the same lever. Enjoy a finer adjustment of speed to tune your work's range with the speed shift, giving you a 10-percent change in speed. Feeding cattle or working in high-value crops are easier with the optional creeper, giving you two additional slow working ranges. Make connections to ISO-BUS implements and GreenStar™ Displays simpler with ISOBUS/ GreenStar Ready option or upgrade to an integrated AutoTrac™ experience with available AutoTrac Ready.



CONNECT WITH WHAT COUNTS

Your land, your herd, your fleet and your crop are important to you. You chose this work and this lifestyle because you care about it. John Deere 5 Series Tractors and its technology help you connect with the things you care about more deeply.

JDLink™ puts you in control of being more connected to your tractor. Being connected gives property owners more time to play or work with their tractor, the convenience of having all the information they need to run their tractor when they want, and the confidence that if a problem arises, they'll know what to do or have remote support available from their dealer if they need more help. Dairy and livestock producers gain more time to work on their farm and with their animals and make data-driven decisions by being connected. For high-value crop growers, or other businesses managing a fleet of tractors, being connected provides visibility to their whole fleet in one place, so they can tell where it is and what it needs, as well as information about equipment location and performance to enable training and improved efficiency. No matter your needs, JDLink helps you manage your land, your fleet, your crop, or your herd.

STAY ON TRACK WITH AUTOTRAC™

Save fuel, reduce overlaps and inputs with AutoTrac™ technology options. Stay on track in straight-line mowing jobs, or more efficiently spray pastures thanks to AutoTrac.

* Some additional accessories and/or components may be required. JDLink requires a cellular data connection to transfer information from machine to John Deere Operations Center™ website. See your John Deere Dealer for coverage availability.

FEATURES THAT REDEFINE THE 5M

MORE TRANSMISSION OPTIONS

Effortlessly switch directions without manually clutching or braking thanks to the electrohydraulic Left-Hand Reverser available on all 5M Tractors. Shift on-the-go and under load with the fully synchronized ranges and gears available on all 5Ms. Transport faster at up to 18 mph (30 km/h) on 2WDs with PowrReverser™ transmissions and 24 mph (40 km/h) on all MFWD models.

PowrReverser™

The two-lever shift strategy of the PowrReverser transmission works well for jobs without frequent shifting, for example, loader work, mowing or spraying. The PowrReverser comes standard with 16F/16R speeds with an optional Hi-Lo splitting each forward gear for a 32F/16R. Baling and headland turns get easier with a 20-percent increase or decrease in speed in each forward gear with the Hi-Lo push-button shifting.

Available on 5075M, 5095M, 5105M, 5120M

PowrQuad™ PLUS

The PowrQuad™ PLUS is ideal for baling, loader work, tillage, and frequent transport. A single range shift lever is all you need to get the job done in 16 forward and 16 reverse speeds (16F/16R) with the PowrQuad PLUS transmission. Easily change gears with a push of the upshift/downshift buttons and change ranges without foot clutching using the hand de-clutch button on the same lever. Tune your speed to your work's range with the 20-percent change in speed of each of the four speed shifts in each range. **Available on** 5095M, 5105M, 5120M and 5130M

Powr8™

Baling, tillage, loader work and frequent transport are a breeze with the Powr8 transmission. Transport at up to 24 mph (40 km/h) at reduced engine speed saving you fuel costs, while delivering the power to get the job done with ECO shift. Get 32 forward and 16 reverse (32F/16R) speeds with a single shift lever with the Powr8 transmission. Easily

change gears with a push of the upshift/downshift buttons and change ranges without foot clutching using the hand de-clutch button on the same lever. Enjoy a finer adjustment of speed to tune your work's range with the speed shift, giving you a 10-percent change in speed. Feeding cattle or working in high-value crops are easier with the optional creeper, giving you two additional slow working ranges, providing you eight speeds in each forward and four in each reverse gear, so you can choose the speed you need.

Available on 5095M, 5105M, 5120M and 5130M

BAR AXLES & CAST WHEELS

Get flexible wheel spacing to better align with row widths and dual rear wheel capabilities thanks to the bar axles and cast wheels available on the 5M Utility Tractors. Cast wheels provide additional ballasting and rear weight options. You can also choose steel wheels and flange axles, providing massive flexibility on the 5Ms. **Available on** 5095M, 5105M, 5120M and 5130M

MORE HORSEPOWER

John Deere 5M tractors now boast an additional five horsepower, allowing you to pull heavier implements at up to 128 hp with the redefined 5130M. The 5M 4-Cylinder models feature the same proven engine as the 6M in the same maneuverable tractor with great visibility you've come to expect from the 5Ms. **Available on** 5095M, 5105M, 5120M, 5130M



MORE HORSEPOWER

PowrQuad™ PLUS



BAR AXLES AND CAST WHEELS



COMFORT AND CONVENIENCE

CAB WITH A VIEW

Enjoy a panoramic view that offers clear sightlines and easier operation when lifting bales or doing loader work above the cab with the Panorama roof on the premium cab.

1. IMPROVED DASHBOARD DISPLAY

5M Tractors feature a three-screen digital display, available on models with PowrQuad™ PLUS or Powr8™ transmissions. The three-screen dashboard features the vital information you need, plus one fully customizable LCD that can show functions, such as reverser modulation speed available on the PowrQuad™ PLUS or Powr8™ models.

2. COMFORT & CONTROLS AT YOUR FINGERTIP

Operate in comfort and with ease, with color-coded controls at your fingertips. Cabs provide ultimate comfort with top-of-the line air-conditioning/heating included and optional seat upgrades. Bluetooth radio is available in the premium cab, while the standard cab is radio ready.

3. LIGHT THE NIGHT WITH LED LIGHTING

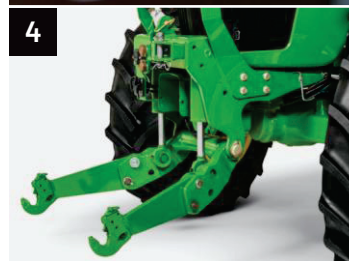
Available full LED lighting package on both headlights and work lights provide better visibility and productivity in low light conditions. Get maximum visibility, productivity and energy efficiency with optional LED lighting or choose economical halogen lights, if you prefer.

4. FRONT HITCH & PTO

Operate snow blowers, mowers and more with the front hitch and PTO. The factory-installed option adds even more versatility to the 5M models featuring PowrQuad PLUS and Powr8 transmissions.

5. READY FOR TECHNOLOGY

Whether it's added on or available from the factory, an abundance of technology options are available on 5M Utility Tractors. From AutoTrac™ to JDLink™ to GreenStar™/ISOBUS ready, your John Deere Dealer can help you decide what technology options are available to bring more efficiency to your operation.



PROVEN 5M FEATURES

MAXIMUM MANEUVERABILITY

The 5M can maneuver into tight spaces, like barns, alley ways, through gates or mowing around obstacles. With a maximum steering angle of 50 degrees and a shorter turning radius of 12.6 ft. (3.85 m), the 5M is designed for tight areas. The brake valve on the 5M reduces the stopping distance when the brakes are applied, helping you maneuver and stop with greater precision and ease.

RELIABILITY YOU CAN COUNT ON

Built for long hard days in the field, the heavy-duty axles withstand tough fields conditions, delivering dependable performance, the 5Ms give you reliability you can count on.

POWERFUL ENGINE

John Deere PowerTech™ turbocharged diesel engines are designed to meet stringent Final Tier 4 (FT4) emissions requirements while still delivering powerful low-end torque. The responsive power and outstanding torque reserve of the 5Ms let you pull heavy loads and handle challenging field conditions.

PROVEN PERFORMANCE

Perform multiple functions when you need hydraulic power the most, thanks to the 5M open-center hydraulic system. The dual-pump provides dedicated flow for steering and brakes simultaneously to the implement and loader hydraulics. You'll get excellent performance in tough conditions, thanks to the radial tire options. Great traction and increased payload of the redefined 5M means you'll make fewer trips and get more done in less time.

EXCLUSIVE MID-FRAME DESIGN

Enjoy the additional heft when hauling heavy bales or transporting heavy 3-point implements, thanks to the rugged cast iron design of the 5M. The design provides extra strength and rigidity and a heavier tractor, giving you more stability for loader work, putting more power to the ground and improving traction in tough field conditions.

RIDE IN COMFORT IN CAB OR OPEN OPERATOR STATION

Whether you choose a cab or open operator station (OOS), the 5Ms are designed with fingertip controls, and all-day comfort and convenience. The OOS gives you a smooth ride with great visibility and extended entrance ladders from both the left- and right-hand sides of the tractor. The cab provides a quiet ride with an optional premium high-backed, heated seat with low frequency suspension, so you'll feel like you're riding on air.



BUILT TO LOAD

Tractor and cast iron loader frames work together to lift and distribute heavy loads. When you combine a 5M with one of six loader options you'll get positive, aggressive filling and fast, complete emptying. For applications where a level bucket is ideal, like pallet fork work, a mechanical self-leveling (MSL) loader fits the bill. For applications requiring more lift capacity at max height, select from our non-self-leveling (NSL) options. Carry loads over hay fields and other uneven ground with ease, thanks to the optional loader suspension system available either when you order your loader or later as a kit. You'll enjoy the easy-to-use joystick, optional 3rd function controls, and hydraulic hookups with multi-coupler or single-point hydraulic connections.

TRACTOR/LOADER COMPATIBILITY

	NON SELF-LEVELING (NSL)	MECHANICAL SELF-LEVELING (MSL)
540M	2WD / MFWD	2WD / MFWD
540R	MFWD	MFWD
H310	MFWD	NOT COMPATIBLE



FIND THE RIGHT IMPLEMENT TO DO THE JOB

The 5Ms are right in nearly any application, but to do the job right, you need the right implement. That's where John Deere and Frontier™ Equipment can help. Contact your John Deere Dealer to learn more.

1. ROUND BALERS

Find the right round baler to meet your operation and livestock needs with John Deere offerings. Maintain uniform bale density with the vertical forming chamber available on all John Deere round balers.

2. MOWER-CONDITIONERS

Whether you need a side-pull or center-pivot Mower-Conditioner, with cutting widths from 8 ft. 2 in. (2.5 m) to 16 ft. 4 in. (5 m) and up to four conditioning options, John Deere has a machine for you.

3. BALE SPEARS

Frontier offers a full line of loader-mounted and 3-point bale spears to move round and large square bales. The loader-mounted bale spears will fit your loader carrier type with no tools required to install or remove the bale spear from John Deere loaders.

4. PALLET FORKS

Move pallets, fence posts, or other bulky material easily with Frontier pallet forks with a strong steel frame. Add even more versatility to your pallet forks with a grapple attachment to complete even more jobs, such as hauling logs.

5. LAND PLANE

Level land with Frontier Land Planes that are iMatch™ quick-hitch compatible, ensuring a super-quick connection. Frontier land planes are a great tool for maintaining a gravel drive, smoothing a horse arena, leveling a garden and more.

6. BOX BLADES

Level uneven ground and simplify grading tasks with Frontier Box blades. Hook up the blade and lock and unlock the hitch from the seat in many tractors with the easy attachability and optional quick hitch compatibility.

7. ROTARY CUTTERS

Meet the needs of your job with the full line of John Deere rotary cutters. You'll find fast, reliable mowing and trimming at a friendly price with the standard duty rigid Frontier cutters. If you need added strength or to tackle tough weeds Frontier medium and heavy-duty cutters fit the bill.

8. DISC MOWERS

Easily hook up John Deere and Frontier disc mowers to the three-point hitch. You can hook them up from the tractor with the quick hitch compatibility.

9. RAKING EQUIPMENT

Meet your hay raking needs with two different types of rakes from Frontier. Reduce crop plugging for increased productivity in the field with the high-clearance frame with maximum distance between the transport and raking wheels that allows a high-volume of crop to flow through the Frontier wheel rakes. Increase hay quality, reduce hay dry down time, and enhance baler productivity with the Frontier rotary rake.

10. GRAPPLES

Move debris, brush, rocks, trees and more with Frontier grapple options. Easily install and remove the Frontier grapples and increase the versatility to complete more tasks with your tractor and loader.

11. DISK HARROWS

Break up the ground and distribute the soil with adjustable gangs that allow you to match the aggressiveness of the disk harrow blades to meet your application. Whether preparing a seedbed or a food plot, Frontier disk harrows are a great tool for your property or small farm.

12. ROTARY TILLERS

Prepare your seedbed with Frontier rotary tillers offered in forward or reverse tine configurations. Set the tilling depth to meet your needs with adjustable skid shoes and the rear tailgate provides a smooth finish. All Frontier rotary tillers are gear driven for better efficiency and reliability.

13. 3-POINT SNOW BLOWER

Snow removal from long driveways, barn yards, and parking lots is made easy with a Frontier three-point mounted snow blower.



SUPPORT AND SERVICE

JOHN DEERE CONNECTED SUPPORT™

John Deere equipment features technology that can help you resolve maintenance challenges quickly. John Deere Connected Support™ senses potential issues and can alert you promptly – anywhere you are. Your dealer can also receive alerts and, with your permission, connect to your equipment remotely for further diagnostics.

With John Deere Connected Support

You Can:

- Monitor alerts from your machine remotely
- Monitor engine hours and utilization
- View machine location and get driving directions to the site
- Monitor fuel level and idle time.

Your Dealer Can:

- Monitor alerts coming from your machine
- Remotely connect to your machine for real-time diagnosis
- Leverage Expert Alerts from John Deere to address potential future downtime
- Perform software updates from the dealership.

THE JOHN DEERE DIFFERENCE

Your 5M Tractor and other John Deere equipment are long-term investments. John Deere understands that and provides more parts and an unrivaled dealer network to support you. We're committed to what we call the John Deere Difference and consists of providing you with:

- The Right Part for Any Budget
- Highly Trained Expert Technicians
- 12 Months Parts & Labor Warranty
- Short & Long Term Financing Options.

PROTECT YOUR INVESTMENT

John Deere provides one of the best warranties in the business. With PowerGard™ Protection Plan, you can purchase additional protection beyond the normal factory warranty term. **Visit [Deere.com/PowerGard](https://www.deere.com/PowerGard) to learn more.**



JOHN DEERE FINANCIAL

John Deere Financial offers value no other lender can – a deep understanding of your industry, unmatched equipment expertise, and personalized financial solutions that can be quickly arranged through your dealer at the time of your purchase. **Visit JohnDeereFinancial.com to learn more.**

John Deere Financial has many solutions to your business or personal needs.

EQUIPMENT LOANS

Own John Deere equipment with competitive rates, and flexible terms. You can bundle equipment, parts, service, attachments and more on the same note.

EQUIPMENT LEASES

Preserve your capital, adapt to seasonal workloads, and run more efficiently with the latest John Deere technology.

MULTI-USE ACCOUNT

Use this account to handle all of your day-to-day purchases including equipment parts, service, attachments, and more. Talk to your dealer about flexible finance offers and payment options designed to meet your seasonal cash flow needs.

DIGITAL FINANCING

John Deere Financial offers exclusive digital financing tools and services that make it easy to manage your John Deere Financial account anytime, anywhere. Through MyJohnDeere.com or through the MyFinancial app you can access a whole suite of interactive tools including AutoPay, eStatements, and personal finance calculators.



		PowrReverser™ 16F/16R or 32F/16R Hi-Lo			
		5075M	5095M	5105M	5120M
Operator Station		Open Operator Station (OOS) or Cab			
Rated Engine HP @ 2200 rpm		73.9 hp (55.0 kW)	93.9 hp (70.0 kW)	103.8 hp (77.4 kW)	118.7 hp (88.5 kW)
Rated Power Take-Off (PTO) HP @ 2100 rpm		57.7 hp (43 kW)	80 hp (58.8 kW)	90 hp (66.2 kW)	105 hp (77.2 kW)
PowerTech™ Engine Type		3-cylinder (2.9 L) EWX	4-cylinder - 4045 (4.5 L) EWL		
Aftertreatment		DOC/DPF	DOC/SCR		
Rear Power Take-off (PTO)		Standard: 540 at 2100 rpm/540E at 1645 rpm Optional: 540 at 2100 rpm/540E at 1645 rpm/1000 at 2100 rpm with reversible stub shaft			
Remote selective control valves (SCVs)		Rear: 2/up to 3 total with Mechanical Lever control Mid: 2/up to 3 total with Mechanical Joystick control			
Total pump rated output		24.7 gpm (94 L/min)			
Hitch draft control type		Mechanical or Electrohydraulic			
Rear Hitch Category 2 (convertible to 1)	Lift capacity*	Standard: 5,150 lbs. (2336 kg) Optional: 5,950 lbs. (2699 kg)			
Optional Front Hitch & PTO	Lift capacity*	Not Available	4,257 lb (1931 kg)** Category 2		
	Front PTO	Not Applicable			
2WD or MFWD		2WD or MFWD			MFWD only
2WD Turning radius	w/brakes	12.04 ft. (3.67 m)			Not Applicable
	w/o brakes	12.6 ft. (3.85 m)			
MFWD turning radius	w/brakes	12.6 ft. (3.85 m)			
	w/o brakes	13.1 ft. (4.0 m)			
Rear Axle		Flange	Standard: Flange Optional: Rack-and-pinion (Bar)		
Wheelbase		92.5 in. (2350 mm)			
Fuel tank capacity	OOS	32.9 gal. (148.4 L) Opt** 47.1 gal (178.3 L)	37.7 gal. (142.7 L)		
	Cab	43.7 gal (164.4 L) Opt. ** 52 gal. (196.8 L)	43.7 gal. (165.4 L)		
Diesel exhaust fluid (DEF) tank capacity		Not Applicable	31.7 gal. (12.0 L)		

*Hitch lift capacity measured at 24 in behind lift point using Electrohydraulic (EH) hitch.

**Field Install Kit only

	PowrQuad™ PLUS/Powr8™ PLUS 16F/16R or Powr8™ 32F/16R			
	5095M	5105M	5120M	5130M
	Cab only			
	93.9 hp (70.0 kW)	103.8 hp (77.4 kW)	118.7 hp (88.5 kW)	128.5 hp (95.8 kW)
	80 hp (58.8 kW)	90 hp (66.2 kW)	105 hp (77.2 kW)	115 hp (84.5 kW)
	25.6 gpm (97 L/min)			
	Electrohydraulic			
	Standard: 6,975 lb (3164 kg) Optional: 7,868 lb (3569 kg)			
	4,257 lb (1931 kg) Category 2			
	1000 rpm @ 2200 rpm			
	Not Applicable			

*DISCOVER THE REDEFINED 5M TRACTOR AT
[JOHNDEERE.COM/5M](https://www.johndeere.com/5m)*



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JOHN DEERE



™

ROTARY AND FLAIL

Rear Boom Mowers



DURABILITY INNOVATION

COMMITMENT



ADVANTAGES

Compare the advantages of the quick-detachable TIGER REAR BOOM MOWER and you'll quickly discover why TIGER MOWERS have satisfied thousands of owners year after year. The quality and value are second to none. Ease of operation and versatility are engineered in every TIGER mower. TIGER Mowers will make your mowing jobs go fast, efficient and be more economical.

Specifications

	RBF 2C - 63	RBF 2C - 80
Cut Width	63"	80"
Reach Out from Center	10' 7"	12'
Head Rotation	140° (+90° to -50°)	140° (+90° to -50°)
Break Away	Mechanical	Mechanical
Hitch	Category II	Category II
PTO	540 / 1000	540 / 1000
Hyd. Outlets	2	2
* Minimum tractor power	60 Hp	60 Hp
* Minimum tractor weight	4500 lbs	4500 lbs
Machine weight	1895 lbs	2005 lbs
Flail Type	Boot type - Forged	Boot type - Forged
Number of knives	44	68
* Additional front & left rear ballast may be required for desired tractor stability. Ballast Not included.		

Designed with a 90° transport position, the RBF 2C series also features a 50° below horizontal working position allowing you the ability to mow a wide range of ditch slopes while maneuvering around signs and delineator posts. The RBF 2C series mower features a mechanical breakout protection should the cutter head impact an obstruction in the ditch.

Hydraulic side shift of 2' 6" allows a cutter head reach of up to 12 feet from the center line of the tractor with the TIGER RBF 2C series mower. Powered by the tractors' 540/1000 PTO, the RBF 2C series attaches to any Category II hitch system. The required dual SCV's allows the operator to easily position the mower for transport or to side shift the cutter head into the mowing position.



UNIVERSAL KNIVES

Designed with Boot type dropped forged flail knives. This dual purpose knife is designed for cutting grass and light brush up to 2".



RBF 130/150



Chain type 3 pt. stabilizers
standard on the
RBF 130/150 models.

RBF 190



Swing system and a tubular
3 pt. linkage kit standard.

ECONOMICAL

Simplicity and durability is what you can expect from the Tiger RBF series of Boom Mowers. Designed for tractors 40 HP and up with a category II hitch system, the RBF Boom Mowers feature an independent tandem pump system powered by the tractors' 540 rpm PTO. Direct drive cutter heads ensure years of reliable service while cutting in all types of vegetation.

Specifications

	RBF 130 w/37" Head	RBF 150 w/37" Head	RBF 190 w/ 50" Head
Reach Out	13' 9"	15' 5"	18' 8"
Reach Up	14' 2"	15' 9"	23' 4"
Reach Down @ 45°	8' 9"	10' 5"	12' 8"
* Minimum tractor power	40 Hp	50 Hp	70 Hp
* Minimum tractor weight	4,000 lbs	4,400 lbs	7,000 lbs
Machine weight with Oil	1,338 lbs	1,405 lbs	2,590 lbs
Oil tank capacity	35 US Gals	35 US Gals	42 US Gals
Hydraulic system	Twin pump independent	Twin pump independent	Twin pump independent
Hydraulic flow rate (motor)	18.6 gpm @ 2600 psi	18.6 gpm @ 2600 psi	18.6 gpm @ 2600 psi
Hydraulic flow rate (lift)	3 gpm @ 3000 psi	3 gpm @ 3000 psi	4 gpm @ 3000 psi
Head rotation - degrees	240°	240°	240°
Breakout system	Gravity mechanical	Gravity mechanical	Hydraulic mechanical
Chain Stabilizer	Standard	Standard	Standard
Swing System	Not Available	Not Available	Standard
Cable control	Standard	Standard	Standard
Rotor control	Cable reversible	Cable reversible	Cable reversible
* Additional front & left rear ballast may be required for desired tractor stability. Ballast Not included.			

Cutter Heads

Flail Type	Grass - 37"	Brush - 37"	Grass - 50"(*)
Weight	286 lbs	296 lbs	400 lbs
Cutting width	37"	37"	50"
Number of knives	28	16	36
Flail choice	Boot type - forged	Hedge - forged	Boot type - forged
* Suggested Min. tractor PTO Hp for 50" grass head is 60 Hp.			



BRUSH KNIVES

Designed with heavy-duty forged flail knives that rotate 360°. The hedge type knives can cut materials up to 4".



UNIVERSAL KNIVES

Designed with Boot type dropped forged flail knives. This dual purpose knife is designed for cutting grass and light brush up to 2".



RBM 16



Five lever cable controls



RBM 20

INDEPENDENT POWER

The Tiger RBM 16 & 20 rear mounted boom mowers feature a totally independent PTO powered hydraulic drive system capable of delivering 54 HP of cutting performance. Designed for tractors with Cat II 3 point hitch systems and 540 rpm PTO, the RBM series mowers feature a five lever cable control system for maximum operator cutterhead control and performance. The RBM series mowers has a swing system that adds an extra level of maneuverability when cutting with a 60" rotary cutter or a 47" flail cutter.

Specifications

	RBM 16	RBM 20
* Reach Out	16' 3"	20' 3"
* Reach Up	20' 3"	23' 3"
* Reach Down @ 45°	7' 3"	8' 9"
* Tractor PTO Hp (min)	70 Hp	75 Hp
* Tractor Weight (min)	7,500 lbs	8,800 lbs
Machine Weight w/ Oil less Cutter Head	2,135 lbs	2,500 lbs
Oil tank capacity	53 US Gals	53 US Gals
Hydraulic flow rate	26 gpm @ 2755 psi	26 gpm @ 2755 psi
Hydraulic system	Twin pump independent	Twin pump independent
Hydraulic power	54 Hp Total	54 Hp Total
Head rotation - degrees	240°	240°
Breakout system	Hydraulic	Hydraulic
Mechanical Stabilizer	Standard	Standard
Swing System	Standard	Standard
Cable control	Standard	Standard
Rotor control	Cable reversible	Cable reversible
* Additional front & left rear ballast may be required for desired tractor stability. Ballast Not included.		

* Reach based on FL 47" Flail head

Cutter Heads

Flail Type	Grass	Grass & Brush	Brush Only
Weight	740 lbs	770 lbs	740 lbs
Cutting width	47"	47"	47"
Number flails	28	16	16
Flail choice	Flail type - forged	Boot type - forged	Hedge - forged
Rotary Type	Grass & Brush		
Weight	870 lbs		
Cutting width	60"		
Number Knives	2 - reversible		

KNIFE OPTIONS



GRASS

Grass & Light Brush
(Up to 1 1/2" diameter)



UNIVERSAL

Grass & Medium Brush
(Up to 2 1/2" diameter)



BRUSH

Brush Only
(Up to 4" diameter)



ROTARY

5/8" Thick, Double
Edged
(Up to 4" diameter)



BOOM MOWER

Boom lengths available from 18' to 30'. Rotary or Flail cutter heads.



WILDCAT

Mow around and over Guard Rail systems with the Side Shifting WILDKAT side mower. Arch design allows for multiple applications.



WHEEL LOADER

Maximize your wheel loader with a Bengal series Boom Mower. Generate 85 HP of cutting performance with the auxiliary engine.



TREE SHEAR

Cut tree limbs up to 12" in diameter. Mounts to any Tiger boom.

Genuine Tiger OEM Parts



Since 1968, Tiger has engineered and manufactured Tiger products that meet current ASTM safety guidelines. Contact your dealer and ask about purchasing a Tiger mower and or Tiger OEM parts. Our parts last longer, are more durable and fit the Tiger mowers.

Tiger Corporation reminds everyone that the use of genuine Tiger replacement parts will keep your Tiger equipment productive with the least amount of downtime. Tiger authorized dealers are the only locations to purchase genuine Tiger parts. Standard warranty is one year unless an extended warranty is purchased prior to delivery, the warranty requires the use of genuine Tiger parts or the warranty may be void.

Dealer Info:



Tiger Corporation
3301 N. Louise Ave.
Sioux Falls, SD 57107
800.843.6849
www.tigermowers.com

An Alamo Group® Company



MADE WITH PRIDE IN THE USA

Specifications are subject to change without notice. Meets all applicable ANSI/SAE J1001 Test Standards. Optional equipment may be shown. One Year Warranty on all products.

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CONSENT AGENDA ITEM NO. 7.E

FOR COUNCIL: September 12, 2022

WARD IMPACTED: Ward 7

SUBJECT: Consideration and action to approve 1) an Intergovernmental Agreement with the Illinois Department of Transportation for intersection lighting construction work at the intersection of IL Route 9 (Market Street) and US Route 150 (Rivian Motorway) and 2) a State Motor Fuel Tax Funding (MFT) Resolution, in the amount of \$21,562.50, as requested by the Public Works Department.

RECOMMENDED MOTION: The proposed Agreement and MFT Resolution be approved.

STRATEGIC PLAN LINK:

Goal 1. Financially Sound City Providing Quality Basic Services

Goal 2. Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE:

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

Objective 2a. Better quality roads and sidewalks

BACKGROUND: Public Works is recommending the approval of 1) an [Intergovernmental Agreement](#) with the Illinois Department of Transportation (IDOT) for intersection lighting construction work at the intersection of IL Route 9 (Market Street) and US Route 150 (Rivian Motorway) and 2) a [State Motor Fuel Tax \(MFT\) Funding Resolution](#) in the amount of \$21,562.50.

IDOT has a \$5.8 million project to resurface 7.1 miles of [IL Route 9, from IL Route 122 to Walton Drive](#). The project is out for bid and includes the modernization of traffic signals and intersection lighting at the subject intersection. All traffic signal equipment, including mast arms, signal controller cabinet, underground conduits, and wiring, will be removed and replaced with equipment that meets current standards. The intersection lighting system is at or near the end of its service life. The existing intersection light poles will be removed and replaced with high-efficiency LED luminaires that will significantly reduce the power consumption of the lighting at the intersection.

While this is an intersection of two State highways, the City has previously agreed to be responsible for the intersection lighting through a letter of understanding with IDOT. They have estimated the cost of the lighting portion of the project to be \$15,000 for lighting removal and replacement, and \$2,250 for preliminary, design, and construction engineering, totaling \$17,250. While the agreement is based on estimated costs, the actual amount due to IDOT from the City will be based on the actual final construction costs.

The proposed MFT Resolution covers 125 percent of the estimated costs, which is \$21,526.50. IDOT estimates that this amount will be enough to cover bids that may be slightly over their construction estimate and to account for variations between the

estimated contract quantity and the final, as-constructed quantity of the lighting work.

IDOT will open bids on September 23, 2022, with the contract likely being awarded one to two months later. Once the contract is awarded, the City will pay 80 percent of the amount obligated under the proposed agreement to IDOT. The project is anticipated to be completed in summer 2023. Upon completion of the work, the City will pay IDOT the remaining balance due based on the final actual cost of construction.

On May 12, 2008, Council approved a [Letter of Understanding](#) with IDOT amending the Traffic Signal Maintenance Master Agreement approved in 2001, that was in effect at that time. Among other amendments, the Letter of Understanding adds the intersection of Market Street (IL Route 9) and Rivian Motorway (US Route 150, Mitsubishi Motorway at that time) to the Master Agreement following the recent annexation of the intersection and surrounding area into the City. Under this amendment, the maintenance and energy for the existing traffic signals was designated at 100 percent State cost, while the intersection lighting was designated 100 percent City cost. Per the Letter of Understanding, "the City agrees to assume responsibility for the administration, control, *reconstruction*, and maintenance of the intersection lighting in its entirety." The Traffic Signal Maintenance Master Agreement approved by the City on June 28, 2021, is currently in effect and includes a clause indicating that "all presently existing agreements or letters of understanding between [IDOT] and [the City] shall remain in full force and effect".

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: If approved, \$21,562.50 will be allocated from the State Motor Fuel Tax (MFT)-Street Construction & Improvement account (20300300-72530).

Although not budgeted in FY 2023, Public Works suggests using a portion of MFT funds currently budgeted for other projects this fiscal year. Staff will monitor and adjust/request a budget amendment later in the fiscal year if needed once more cost information for other MFT funded projects are known.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: Goal PS-4. Intergovernmental Cooperation, Objective PS-4.1. Enhance existing intergovernmental cooperation across all public services; Goal UEW-2. Promote and facilitate energy conservation and alternate energy generation and resources, Objective UEW-2.1. Reduce municipal and community energy use by at least 20% by 2035 by adopting building codes, feasibly diversifying energy sources and encouraging alternate technologies; and Goal TAQ-1. A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode, Objective TAQ-1.1. Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system.

Respectfully submitted for consideration.

Prepared by: Phil Allyn, Traffic Engineer

ATTACHMENTS:

PW 1B Agreement_Market & Rivian Lighting IGA 09122022

PW 1C MFT Resolution_Market & Rivian Lighting IGA 09122022

PW 1D Letter of Understanding_Market & Rivian Lighting IGA 09122022

PW 1E Location Map_Market & Rivian Lighting IGA 09122022



Illinois Department of Transportation

Office of Highways Project Implementation / Region 3 / District 5
13473 IL Highway 133 / P.O. Box 610 / Paris, Illinois 61944

June 30, 2022

PROGRAM DEVELOPMENT
FAP Route 693 (ILL 9)
Section 128RS-2 & 129RS-4
McLean County
Contract No. 70943
Job No. C-95-045-12
Agreement No. JN-52023501

Kevin Kothe
Director of Public Works
109 E. Olive Street
P.O. Box 3157
Bloomington, IL 61702

Dear Mr. Kothe:

Enclosed is a copy of the subject Agreement covering the proposed signal improvement at the intersection of ILL 9 (FAP 693) and US 150 (FAP 676). This agreement will cover the removal and installation of lighting equipment requested by the City of Bloomington. This project is scheduled for the September 2022 Letting and prompt attention and timely responses are critical to meet project deadlines.

Please review this Agreement and, if satisfactory, ensure the execution of the Agreement by the CITY. Return the necessary documents to this office for final execution by the State of Illinois.

The enclosed Final Plans and Special Provisions are for your inspection. If the Plans and Special Provisions meet with your approval, please sign the attached plan approval document and return it to this office for our files.

Should you have any questions, please contact Brian J. Hogan, Project Support Engineer, at (217) 466-7302 or Brian.Hogan@illinois.gov.

Sincerely,

A black rectangular box redacting the signature of Kensil A. Garnett.

Kensil A. Garnett, P.E.
Region Three Engineer

BJH
Encl

FAP Route 693 (ILL 9)
Section 128RS-2 & 129RS-4
City of Bloomington
Job No. C-95-045-12
Agreement No. JN-52023501
Contract No. 70943

AGREEMENT

This agreement entered into this _____ day of September, A.D., 2022, by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION hereinafter called the STATE, and the CITY of BLOOMINGTON, of the State of Illinois, hereinafter called the CITY.

WITNESSETH:

WHEREAS, the STATE in order to facilitate the free flow of traffic and insure safety to the motoring public, is desirous of modernizing traffic signals at the FAP Route 693 (ILL 9) intersection with FAP Route 676 (US 150), and performing all other work necessary to complete the improvement in accordance with the approved plans and specifications; and

WHEREAS, the CITY is desirous of said improvement in that same will be of immediate benefit to the CITY residents and permanent in nature;

WHEREAS, the CITY has existing lighting equipment installed along and at the intersection of FAP Route 693 (ILL 9) and FAP Route 676 (US 150);

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The STATE agrees to make the surveys, obtain all necessary rights-of-way, prepare plans and specifications, receive bids and award the contract, furnish engineering inspection during construction and cause the improvement to be built in accordance with the plans, specifications and contract.
2. The STATE agrees to pay for all right-of-way, construction and engineering costs, subject to reimbursement by the CITY as hereinafter stipulated.
3. It is mutually agreed by and between the parties hereto that the estimated cost and cost proration for this improvement is as follows:

Reimbursable Items	FEDERAL (STP, NHPP, & HSIP)		ESTIMATED CITY COST		STATE MATCH		TOTAL COST
All Construction *	\$4,661,000	80-90 %	N/A	N/A	\$1,094,000	10-20 %	\$5,755,000
Lighting Removal and Replacement	N/A	N/A	\$15,000	100%	N/A	N/A	\$15,000
Sub Total	\$4,661,000		\$15,000		\$1,094,000		\$5,770,000
Engineering Cost (15% of total participation items)			\$2,250				\$2,250
Total Estimated Cost	\$4,661,000		\$17,250		\$1,094,000		\$5,772,250

*Excluding other items listed

Participation and reimbursement shall be predicated by the percentages shown above for the specified work. Cost shall be determined by multiplying the final quantities times contract unit prices plus 15% for construction and preliminary engineering. Participation toward the LED luminaire and associated cable in conduit shall not exceed \$21,562.50 which represents 125% of their estimated construction and engineering cost.

4. The CITY has passed a resolution appropriating sufficient funds to pay for its share of the cost of this improvement, a copy of which is attached hereto as "Exhibit A" and made a part hereof.
5. The CITY further agrees that upon award of the contract for this improvement, the CITY will pay to the DEPARTMENT OF TRANSPORTATION of the STATE OF ILLINOIS in a lump sum from any funds allotted to the CITY, an amount equal to 80% of its obligation incurred under this AGREEMENT, and will pay to the said DEPARTMENT the remainder of the obligation (including any non-participating costs on FA Projects) in a lump sum, upon completion of the project based upon final costs.
6. The CITY further agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated in "Exhibit A" proves to be insufficient, to cover said cost.
7. The CITY shall exercise its franchise rights to cause private utilities to be relocated, if required, at no expense to the STATE.
8. The CITY agrees to cause its utilities installed on right-of-way after said right-of-way was acquired by the STATE or installed within the limits of a roadway after the said roadway's jurisdiction was assumed by the STATE, to be relocated and/or adjusted, if required, at no expense to the STATE.

9. Upon acceptance by the STATE of the traffic signal work included herein the responsibility for maintenance and energy shall continue to be as outlined in the Master Agreement executed by the STATE and the CITY on August 19th, 2021.
10. The STATE agrees to make arrangements with the local power company to furnish the electrical energy for the operation of the traffic signals. The STATE agrees to pay their proportionate share of this cost as billed by the local power company.
11. The CITY agrees to provide written approval of that portion of the plans and specifications relative to the CITY financial and maintenance obligations described herein, prior to the STATE's advertising for the aforescribed proposed improvement.
12. UNDER PENALTIES OF PERJURY, the CITY certifies that 37-6001563 is their correct **Federal Taxpayer Identification Number** and they are doing business as a governmental entity.
13. Obligations of the STATE and CITY will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.
14. This AGREEMENT and the covenants contained herein shall be null and void in the event the contract covering the construction work contemplated herein is not awarded within the three years subsequent to execution of the agreement.

This agreement shall be binding upon and to the benefit of the parties hereto, their successors and assigns.

FAP Route 693
Section 128RS-2 & 129RS-4
CITY of BLOOMINGTON
Job No. C-95-045-12
Agreement No. JN-52023501
Contract No. 70943

CITY of BLOOMINGTON

Signature: _____

Printed: Tim Gleason

Title: City Manager

Date: _____

Attest:

Clerk

(SEAL)

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: _____

Kensil A. Garnett, P.E.
Region Three Engineer

Date: _____



Resolution for Improvement Under the Illinois Highway Code

Is this project a bondable capital improvement?

☒ Yes ☐ No

Resolution Type

Original

Resolution Number

Section Number

22-00365-00-RS

BE IT RESOLVED, by the Council of the City

Governing Body Type

Local Public Agency Type

of Bloomington Illinois that the following described street(s)/road(s)/structure be improved under
Name of Local Public Agency

the Illinois Highway Code. Work shall be done by Contract.
Contract or Day Labor

For Roadway/Street Improvements:

Name of Street(s)/Road(s)	Length (miles)	Route	From	To
ILL 9 / US 150 (Market St.)	7.136	FAP 693	ILL 122	Walton Dr.

For Structures:

Name of Street(s)/Road(s)	Existing Structure No.	Route	Location	Feature Crossed

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of

3P Resurfacing - Standard Overlay, Milled Rumble Strip, New Shoulder, Traffic Signal and Lighting Modernization. Local Share of IDOT Contract 70943, Section 128RS-2 & 129RS-4, Project Number C-95-045-12/

2. That there is hereby appropriated the sum of twenty one thousand, five hundred and sixty two and 50/100

Dollars (\$21,562.50) for the improvement of

said section from the Local Public Agency's allotment of Motor Fuel Tax funds.

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, Leslie Smith-Yocum

City

Clerk in and for said City

Name of Clerk

Local Public Agency Type

Local Public Agency Type

of Bloomington in the State aforesaid, and keeper of the records and files thereof, as provided by
Name of Local Public Agency

statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by

Council of Bloomington at a meeting held on September 12, 2022.
Governing Body Type Name of Local Public Agency Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this September, 2022.
Day Month, Year

(SEAL)

Clerk Signature & Date

--

Approved

Regional Engineer Signature & Date
Department of Transportation

--

FOR COUNCIL: May 12, 2008

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Letter of Understanding between the State of Illinois acting through its Department of Transportation and the City of Bloomington amending the Traffic Signal Master Agreement.

The Traffic Signal Master Agreement was approved by Council on May 29, 2001. The agreement provides for the City to maintain traffic signals on State routes and to bill the State for a share of the maintenance cost. The agreement also provides for the City to bill the Illinois Department of Transportation (IDOT) for a portion of the electricity costs to run the traffic signals. This Letter of Understanding amends the Master Agreement in several very important areas:

1. It changes the State's share of maintenance responsibility at 8 intersections on Veterans Parkway (Bus Rt. 55) from 50% or 67% to 100%. This is due to average daily traffic (ADT) on Veterans Parkway being in excess of 35,000 vehicles per day.
2. Adds the maintenance and electricity of the recently annexed intersection of W. Market Street (IL Rt. 9/ US Rt. 150) with Mitsubishi Motorway to the agreement at 100% State cost. The roadway lighting at this intersection will become the City's cost for maintenance and electricity.
3. Clarifies the maintenance responsibility for the fiber optic cables which interconnect three different traffic signal networks within the city.

These changes to the agreement are in the best interests of the City and should reduce our traffic signal maintenance expenses in future years. Staff respectfully requests that Council approve the Letter of Understanding and authorize the Mayor to sign same.

Respectfully,

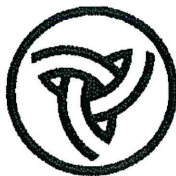
Douglas G. Grovesteen
Director of Engineering

Tom Hamilton
City Manager

Motion:

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Stearns				Alderman Finnegan			
Alderman Huette				Alderman Gibson			
Alderman Hanson				Alderman Schmidt			
Alderman Sage				Alderman Fruin			
Alderman Purcell							
				Mayor Stockton			



Illinois Department of Transportation

Division of Highways / Region 3 / District 5
 13473 IL Highway 133 / P.O. Box 610 / Paris, Illinois / 61944
 Telephone 217/465-4181

Operations
 Business FAI Route 55
 Traffic Signal Maintenance 2008-1
 McLean County
 Agreement No. LU-508018

April 23, 2008

Mr. Doug Grovesteen
 Director of Engineering
 City of Bloomington
 P. O. Box 3157
 Bloomington, Illinois 61702-3157

Dear Mr. Grovesteen:

Enclosed are four (4) copies of the subject Letter of Understanding to address changes in traffic signal maintenance on Business FAI Route 55 through Bloomington.

Please review this Letter of Understanding and, if satisfactory, handle for execution by the City. Return three (3) copies for final execution by the State.

Should you have questions, please contact Mr. Brian Trygg, Operations Plans and Design Engineer, at 217-466-7233 or Mr. David Burkybile, Traffic Signal Systems Engineer, at 217-466-7383.

Very truly yours,

A black rectangular box redacting the signature of Joseph E. Crowe.

Joseph E. Crowe, P. E.
 Deputy Director of Highways,
 Region Three Engineer

BKT:jv

Encl.

cc: D. H. Burkybile

City of Bloomington
 Business FAI Route 55 and FAP Route 693
 Traffic Signal Maintenance 2008-1
 McLean County
 Agreement No. LU-508018

Letter of Understanding

This Letter of Understanding entered into this _____ day of _____, A.D., 20____, by and between the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as the STATE, and the City of Bloomington of the State of Illinois, hereinafter referred to as the CITY.

Witnesseth

Whereas, the CITY and STATE share traffic signal maintenance responsibilities on Business FAI Route 55 (Veterans Parkway) at Oakland Avenue, Jackson Street, Washington Street, Eastland Drive, Clearwater Avenue, General Electric Road; Jumer Drive/Von Maur Drive and College Avenue and

Whereas, the Illinois Administrative Code entitled, "Financing Of Traffic Control Signal Installation, Modernization, Maintenance, And Operation On Streets And Highways Under State Jurisdiction" defines the maintenance of these traffic signals, and

Whereas, Section 544.60, Subsection (b)(1)(B)(ii), provides for the department to assume 100 percent of the maintenance costs on intersections with State highways with AADT values exceeding 35,000, and

Whereas, Veterans Parkway has an AADT exceeding 37,500 from Oakland Avenue in the City of Bloomington north to College Avenue in the Town of Normal, and

Whereas, the traffic signals located at the intersection of U.S. Route 150 and Illinois Route 9 (Mitsubishi Motorway and Market Street) is located within the urban limits of Bloomington, and

Whereas, the CITY has expressed desire to maintain these signal to improve service to the community; and

Whereas, highway intersection lighting was installed by the STATE because commercial development exists in the vicinity which causes high nighttime traffic peaks, and

Whereas, the highway lighting of the intersection is local concern better addressed by the CITY, and

Whereas, the CITY and STATE are desirous of said exchange of maintenance obligations in that same will be of immediate benefit to the CITY residents and in nature, and

Whereas, the traffic signal interconnect system maintenance and energy use are not addressed in the Intergovernmental Agreement.

Now, therefore, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The CITY shall exercise its franchise rights to cause private utilities to be relocated, if required, at no expense to the STATE.
2. Upon execution of this Letter of Understanding the financial responsibility for maintenance and electrical energy for the operation of the traffic signals and interconnection systems shall be proportioned as follows:

<u>Intersection</u>		<u>Maintenance</u>	<u>Elect. Energy</u>
FAI Business Route 55 at Oakland Avenue	STATE Share	100%	50%
	CITY Share	0%	50%
FAI Business Route 55 at Jackson Street	STATE Share	100%	67%
	CITY Share	0%	33%
FAI Business Route 55 at Washington Street	STATE Share	100%	50%
	CITY Share	0%	50%
FAI Business Route 55 at Eastland Drive	STATE Share	100%	50%
	CITY Share	0%	50%
FAI Business Route 55 at Clearwater Avenue	STATE Share	100%	67%
	CITY Share	0%	33%
FAI Business Route 55 at General Electric Road	STATE Share	100%	50%
	CITY Share	0%	50%
FAI Business Route 55 at Jumer Drive/Von Maur Drive	STATE Share	100%	50%
	CITY Share	0%	25%
	Other Share*	0%	25%
FAI Business Route 55 at College Avenue	STATE Share	100%	50%
	CITY Share	0%	25%
	Other Share*	0%	25%
U.S. Route 150 (Mitsubishi Motorway) at US 150/IL 9 (Market Street)	STATE Share	100%	100%
	CITY Share	0%	0%
East Side Fiber Interconnect System**	STATE Share	60%	NA
	CITY Share	40%	NA
Main Street Fiber Interconnect System***	STATE Share	60%	NA
	CITY Share	40%	NA
West Market Street Fiber Interconnect System****	STATE Share	55%	NA
	CITY Share	45%	NA

- * Other share will be addressed in a separate Letter of Understanding with the Town of Normal
- ** The east side fiber interconnect system includes interconnection of Veterans Parkway intersections at Commerce Parkway, U.S. Route 150 (Morrissey Drive), Brickyard, Mercer Avenue, Ireland Grove Road, Lincoln Street, Oakland Avenue, Jackson Street, Washington Street, Eastland Drive, Empire Street (South), Empire Street (Center), Empire Street (North), Empire Street (East), Empire Street (West), Clearwater Avenue, and General Electric Road; Illinois Route 9 intersections at Towanda Avenue, Fairway Drive, Service Drive, Prospect Road/Mt Vernon Drive, Williamsburg Drive, Hershey Road, Fire Station entrance, Eastport Drive, Carnahan Drive, Airport Road, CIRA Drive West, CIRA Drive East, and Towanda-Barnes Road; And U.S. Route 150 at Lafayette Street and Hamilton Road.
- *** The Main Street fiber interconnect system includes interconnection of Northbound Business U.S. Route 51 at Wood Street, MacArthur Avenue, Oakland Avenue, Olive Street, Front Street, Washington Street, Jefferson Street, Monroe Street, Market Street, Locust Street, Empire Street, Emerson Street; Southbound Business U.S. Route 51 at Emerson Street, Empire Street, Chestnut Street, Locust Street, Market Street, Jefferson Street, Washington Street, Front Street, Olive Street, Oakland Avenue, MacArthur Avenue, and Wood Street.
- **** The West Market Street fiber interconnect system includes interconnection of Illinois Route 9 intersections at Interstate Drive, Walton Drive, JC Parkway, Wylie Drive, FAI-55 West Ramps, FAI-55 East Ramps, Brock Drive, MLK Drive, Caroline Street, Brown Street, and Hinshaw Street

It is mutually agreed that the actual traffic signal maintenance will be performed by the CITY, either with its own forces or through an ongoing contractual agreement. Electrical energy will be paid by the CITY, subject to reimbursement by the STATE.

Upon execution of this Letter of Understanding, the responsibility for maintenance and energy outlined above shall become a part of the Intergovernmental Agreement executed by the STATE and the CITY on July 13, 2001.

3. Upon execution of this Letter of Understanding, the CITY agrees to assume responsibility for the administration, control, reconstruction, and maintenance of the U.S. Route 150/Illinois Route 9 intersection lighting in its entirety.
4. Obligations of the STATE and CITY will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.

This Letter of Understanding shall be binding upon and to the benefit of the parties hereto, their successors and assigns.

City of Bloomington

By: Stylized Signature

Title: Mayor

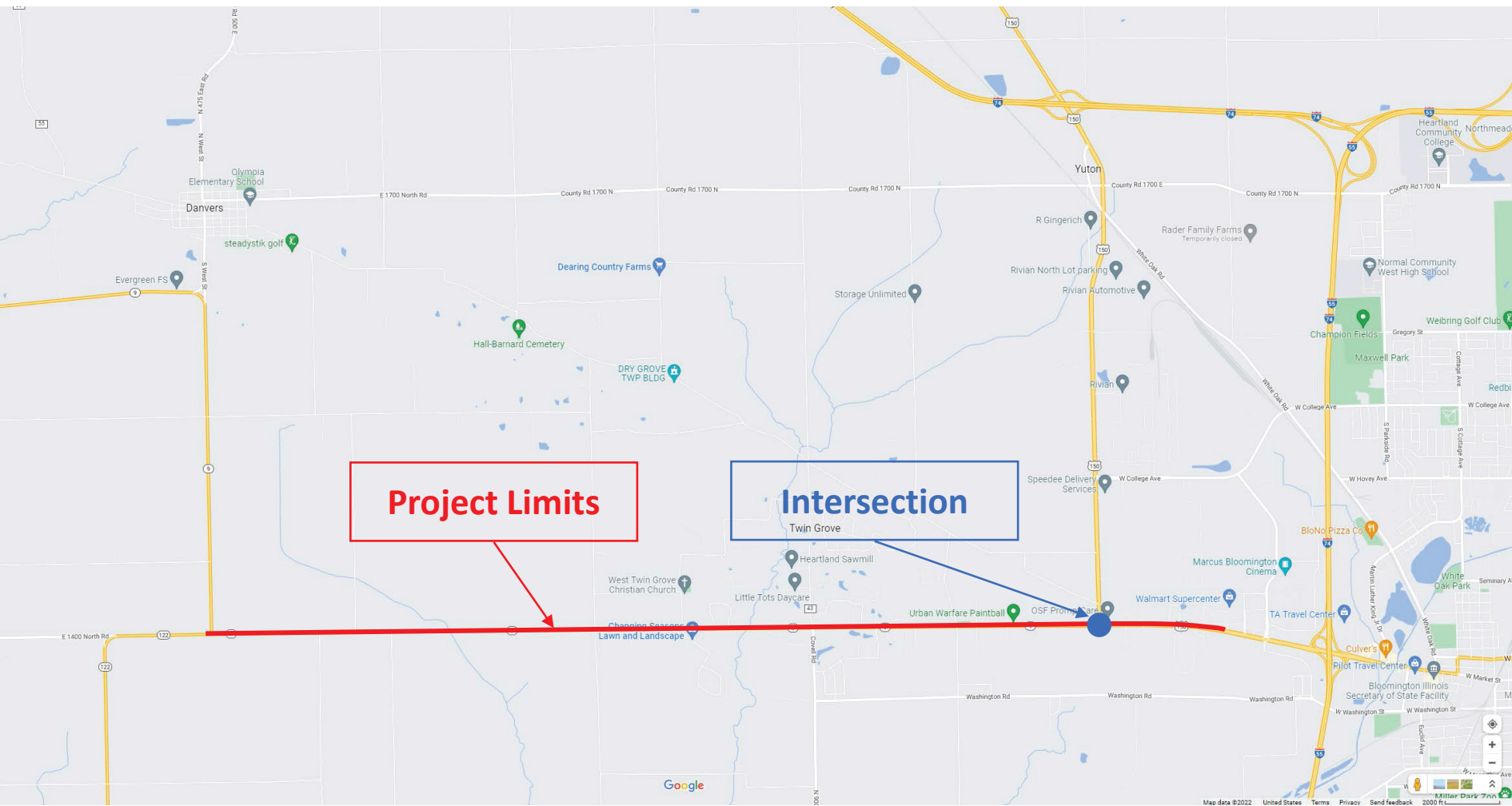
Date: May 13, 2008

**State of Illinois
Department of Transportation**

By: _____
Joseph E. Crowe, P. E.
Deputy Director of Highways,
Region Three Engineer

Date: _____, 2008

IL Route 9 from IL Route 122 to Walton Drive Project Map





CONSENT AGENDA ITEM NO. 7.F

FOR COUNCIL: September 12, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on an Ordinance Amending Bloomington City Code Chapter 23 Authorizing the Mayor to Approve Lake Leases and Approving the City's Lake Lease Form, as requested by the Legal Department and the Public Works Department.

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: For many years, the City has leased the marginal land at Lake Bloomington for residential use. Historically, the approval of these leases have come before the City Council for approval as a routine matter. At a recent City Council meeting, some members of the Council spoke in favor of making approval of the leases a more administrative function to create efficiencies to the process.

As a result, City staff drafted the proposed ordinance which would allow the Mayor to approve and execute Lake leases after an internal review and recommendation process. The Mayor's authority would only extend to residential leases and for properties at the Lake previously covered by a lease. The proposed ordinance places a timeframe upon which the City must process Lake lease petitions/applications and provides a process for appeals to the City Council if a petition/application is denied by the Mayor and/or not processed in a timely manner.

To ensure consistency, the proposed Ordinance also approves the forms of the Lake lease. Although several current lessees are operating under an older form of the lease, the City is transitioning as many lessees as possible to its new lease form. Both forms of the lease are attached as exhibits to the Ordinance.

If approved, City staff will immediately begin processing all requests for residential Lake leases, including transfers, internally with recommendations for approval/disapproval going directly to the Mayor instead of the City Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: No material financial impact is expected as a result of this process change.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Jeff Jurgens, Corporation Counsel

ATTACHMENTS:

[LGL 1B Lake Lease Approval Ordinance with Exhibits](#)

ORDINANCE NO. 2022 - _____

**AN ORDINANCE AMENDING BLOOMINGTON CITY CODE
CHAPTER 23 AUTHORIZING THE MAYOR TO APPROVE LAKE LEASES AND APPROVING THE
CITY'S LAKE LEASE FORM**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois (additions are indicated by underlining; deletions are indicated by strikeouts):

SECTION 1. That Bloomington City Code Chapter 23, shall be amended as set forth on Exhibit A.

SECTION 2. The City Council hereby approves of the form of new lake leases for the City of Bloomington attached hereto as Exhibit B.

SECTION 2. The City Council hereby approves of the form for existing lake leases for the City of Bloomington attached hereto as Exhibit C.

SECTION 3. Except as provided herein, the Bloomington City Code, 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 take effect after its approval and publication as required by law.

PASSED this 12th day of September 2022.

APPROVED this _____ day of September 2022.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

CHAPTER 23, ARTICLE II - Marginal Lands

§ 23-201 [Ch. 23, Sec. 56] Authority of City to lease generally; term of lease, etc.

Portions of the marginal land around Lake Bloomington not required, reserved or used exclusively for other public purposes may be leased from time to time, jointly or severally to custodians of good reputation and character, for periods not extending beyond January 1, 2131, for such rentals and on such other terms and conditions, in a form approved from time-to-time by the City Council, and conferring and imposing on such custodians such powers and duties as the City may deem best to protect the impounding reservoir or artificial lake from pollution or other injury and to better provide for the care, maintenance, improvement and beautification of such artificial lake and of the surrounding zone of land and subject to such regulations as may be from time to time determined by the Council of the City.

§ 23-202 [Ch. 23, Sec. 57] Approval and Execution of leases; enforcement of division.

The City Mayor is hereby authorized and empowered to approve and execute all non-commercial leases covered by this Division and the City Manager is authorized and empowered to do or cause to be done all other things necessary or proper to carry this Division and the provisions of all such leases into effect. The Mayor's authority to approve and execute leases shall only extended to the marginal land at Lake Bloomington that is covered by an existing residential City lease or formerly leased land for residential purposes. The Mayor shall execute proposed leases, including lease transfers, based on the recommendation of the City Manager that said lease meets the requirements of the City Code, the form approved by the City Council and other applicable laws and regulations. All petitions/applications for a new lake lease and/or transfer of a lake lease, shall be filed at a location to be designated by the City Manager and on forms approved by the City Manager. The City shall have up to forty-five (45) days to review each petition/application and to make a recommendation to the Mayor. If the Mayor does not approve and execute the lease, the Mayor shall notify the proposed lessee, in writing, no less than sixty (60) days from the date of the petition/application of the decision. The failure of the Mayor to approve and execute a lease, or the timely processing of a lake lease petition/application, may be appealed to the City Council. Any such appeal must be made in writing to the City Manager within ten (10) days of the Mayor's written decision not to approve and execute the lease or, in the case of the failure to process an application/petition, no less than seventy (70) days from the date of the petition/application. On appeal, the City Council may either vote to approve the proposed lake lease or deny the petition/application. All approvals shall be contingent upon the passage of required inspections and repairs, including for septic systems, if not completed before approval. In addition to the leases, the Mayor may approve and execute supplemental agreements that address septic systems or other items related to the preservation of water quality.

EXHIBIT B
NEW LAKE LEASE FORM

LAKE BLOOMINGTON LEASE AGREEMENT

THIS LEASE is entered into on the ____ day of _____, ____ between the City of Bloomington, a municipal corporation of McLean County, Illinois, hereinafter called "City" or "Lessor" and _____ (as joint tenants) (as tenants in common) (as tenants by the entirety), of _____ County in the State of _____, hereinafter called "Lessee,"

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

1. DESCRIPTION OF LEASED PREMISES. The City hereby leases to the Lessee that part of the City's marginal land described as: Lot ____ in Block ____ in Camp _____, 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 with PIN _____ and commonly known as _____ ("Leased Premises") as shown by a copy of the plat attached hereto as **Exhibit A**; together which means of access thereto over other land of the City, along such route as the City may from time to time provide. The City reserves the right to renumber and redesignate said Leased Premises including said tract and included lot, and the Lessee will, upon request of the City, produce and exhibit this Lease and permit endorsing or stamping of such new number and designation hereon.

2. TERM. The term of this Lease is **99 YEARS**, unless sooner terminated as hereinafter provided.

3. RENT. Lessee agrees to pay rent for the Leased Premises to the City of Bloomington which shall be paid to the City per the terms outlined in the annual Lake Lot Lease Invoice. Rent shall be paid annually or in installments approved in writing by City. Rent shall be calculated under the following rent formula: **2% of THE LAND ONLY TAV (TOTAL ASSESSED VALUE)** as determined by the Assessor of the Township where the Leased Premises is located. Said rent shall be subject to recalculation every 10 years, based on the then-existing formula used to calculate the rent of new leases at that time. City is further permitted to reopen or renegotiate the base annual rent at the end of this Lease term. Failure to pay rent within 30 days of the bill due date listed on the Lake Lot Lease Invoice shall be considered a default as defined in Section 22.

4. LESSEE'S DWELLING. Lessee may construct, maintain, use, and occupy a single-family home and its appurtenances on the Leased Premises. No more than one home shall be on the Leased Premises at any one time. Prior to commencement of construction or modification of any improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises. Lessee shall submit all applicable applications and plans for said construction and/or modification including details of all appurtenances, plumbing, sewage disposal, electrical and mechanical systems, and any other requirements set forth by City and/or governmental bodies having jurisdiction, prior to the start of any construction or modification project and shall not begin said project(s) until full approval in writing with all required permits have been received. Any improvements built or modified without such written approval and/or permit(s) shall be removed or altered upon the written requests of the City, and at the expense of the Lessee. Upon Lessee's failure to comply, the City may cause the same to be removed or altered, and the amount of the expense incurred shall be paid by Lessee to City on demand. Such home and appurtenances shall be and remain property of the Lessee, with the right to remove the same. After performance of any other obligations herein on this part, Lessee shall leave the ground in as good condition as the same was prior to such construction or modification. The ordinances

of the City shall be in full force and effect in the same manner as if the Leased Premises were located within the boundaries of the City of Bloomington. City shall not unreasonably restrict Lessee from making 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.

5. UTILITIES. The Lessee is exclusively responsible for payment of water, electricity, garbage removal, and any other services availed of by the Lessee. For purposes of this Section the following shall apply:

A. 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 the Leased Premises 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 the right to require Lessee to connect (i.e., install a properly permitted private sewer service line) to said public sanitary sewer, including all sewage systems, water closets, sinks, drains, etc. Said connections shall be done in a manner approved by the City within the specified allotted time after notice is given including properly abandoning all septic systems at Lessee's sole cost. In addition, Lessee shall pay to the City the Lessee's proportional cost of the sanitary sewer improvements.

Permitted septic systems associated to the Leased Premises, but located off the Leased Premises at the time of the execution of this Lease, may remain off the Leased Premises until the septic system is repaired or replaced at which time the septic system shall be installed entirely upon the Leased Premises.

Further, Lessee shall: **(1)** Have all septic tank(s) associated with the Leased Premises pumped once every three years with the record of pumping being submitted to the City of Bloomington Public Works Department; **and (2)** Have all septic systems inspected by a McLean County Health Department approved septic evaluator once every three years with such records submitted to the City of Bloomington Public Works Department. Within six months of the inspection Lessee shall be required to correct any and all deficiencies found at the time of the evaluation to ensure said systems meet the standards of all sanitary laws and regulations of any governmental body having jurisdiction over the Leased Premises.

B. WATER. Lessee shall be permitted to purchase water from the City through water mains provided by the City at 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 any time there are restrictions in effect for the City of Bloomington that restrict watering of lawns.

C. REFUSE. 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 and paid by Lessee. However, so long as no residence is located on the Leased Premises and no garbage is collected, no fee for garbage collection shall be owed. Lessee shall maintain sole responsibility of requesting to start or stop garbage collection services. Failure to pay the garbage fee within 30 days of the bill due date listed on the Lake Lot Lease Invoice shall be considered a default as defined in Section 22.

6. LAND AND LAKE USE, ACCESS, AND MAINTENANCE.

A. RIGHT OF ENTRY. City shall have the right to go upon the Leased Premises at any and all times for the purpose of inspecting the same, to gain access to other land, to plant and care for trees and other vegetation, to improve and protect the shoreline, and/or for any other reasonably necessary work as

determined exclusively by City. City shall have the right to construct or cause to be constructed and to maintain and operate sewer, water and gas pipes, electric and telephone lines and/or pipes and lines for other services and their appurtenances on the Leased Premises. City retains all rights and ownership of the Marginal Land and Reservoir, upon which structures may be located. In the event the City requires access to perform maintenance of City owned property, removal of structures located on said property may be required and shall be done at City's sole discretion and at no cost to the City. Removal cost shall be paid by the Lessee. City shall not be responsible for replacing and/or reimbursing costs of any required removals.

B. GENERAL PUBLIC. Lessee may exclude the general public from the Leased Premises.

C. LAKE. Lessee and those persons lawfully occupying the Leased Premises shall have the right to use Lake Bloomington for boating, fishing, and other recreational uses, but shall be subject to the ordinances, rules, and regulations of the City. City grants Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the nearest boundary of the Leased Premises.

D. GENERAL MAINTENANCE. Lessee shall keep and maintain the Leased Premises, including the lot, improvements, structures, and personal items in good repair and a sanitary and neat condition, free from noxious weeds and debris. Any improvement, structure, or personal item remaining on non-leased City owned property shall be removed at Lessee's expense no later than 30 days from the execution of this Lease. If said removals do not timely occur, City may remove said structures and/or personal items at an expense to be reimbursed by Lessee to City. City shall not be responsible for replacing and/or reimbursing costs of any required removals. Failure to abide by the above stated shall be a default as defined in Section 22.

E. SANITARY CONDITIONS. Lessee shall install, use, and maintain in sanitary condition such septic systems, toilet(s), sewage, garbage, ash, and refuse facilities for the storage, treatment, or disposal of solid or liquid waste as required by the City, the State Department of Public Health, or other public authority having in its charge sanitation and public health.

F. TREE CUTTING. No trees on the Leased Premises shall be removed without prior written permission of the City except that Lessee may remove dead limbs and trim trees for safety, plant health, or aesthetic reasons. All tree removal requests shall be made to the City on the form made available by the City. City shall have the exclusive right to determine whether a tree is dead, whether removal is necessary, and what value is placed on each tree should removal of a live tree be desired by Lessee. City shall be reasonable and timely in its evaluation and assessment. Lessee shall be responsible for payment of the assessed value and all costs associated with any and all tree removals on the Leased Premises no later than 30 days after written notification by City. If the Lessee does not adhere to the above stated policy, Lessee shall be in default as defined in Section 22 and shall also pay the City's determined appraised value in full.

G. VEGETATION. Lessee shall care for and protect from damage all shade and ornamental trees, shrubbery, plants, and sod, and shall not remove, trim, or permit the removal or trimming of any tree except for in accordance with the above stated Section 6F, nor shall Lessee permit any of the Leased Premises to be denuded of vegetation or be cultivated in such manner as to cause or permit soil erosion.

7. WATER DAMAGE. The City shall not be liable for damage caused to any improvement or other property of the Lessee as a result of flooding.

8. PREFERENCE IN NEW LEASE. At the expiration of this Lease, the Lessee, if not in default, shall be preferred over all others for a new lease of the Leased Premises subject to then-existing ordinances and regulations.

9. 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 from the City. Any improvements remaining on the property after this Lease terminates shall be deemed abandoned by the Lessee and shall become the property of the City.

10. LIENS. The Lessee shall not subject the City's interest in the Leased Premises to a lien of any kind, including but not limited to mechanics' or materialmen's liens. If such lien is claimed or filed, the Lessee shall cause the Leased Premises to be released from the claim within 30 days of receiving notice thereof.

11. TAXES AND ASSESSMENTS. The Lessee is responsible for all taxes and assessments levied on any part of the Leased Premises and any improvements thereon. The Lessee shall pay all taxes and assessments before they become delinquent.

12. SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS. Whenever the Leased Premises will be specially benefited by the construction of any local improvement or improvements and the Lessees of the majority of lots to be specially benefited thereby petition therefore or consent thereto in writing, the City may cause the improvement to be made. The Lessee will pay to the City the Lessee's proportional cost of the improvements.

13. SUBLETTING. Lessee may sublet the Leased Premises for not less than one week and not more than one year at a time after first obtaining the written consent of the City. During the period of subletting, Lessee is fully and exclusively responsible for all obligations under this Lease. City will not restrict a sublease provided that Lessee is not in default and the sublease will be conducted in accordance with all applicable City ordinances, rules, and regulations. Lessee understands that City has a Rental Registration Program and that the Program may become applicable to the Leased Premises should Lessee decide to sublet, at which point Lessee agrees to enroll and fully comply with said Program.

14. ASSIGNMENT. Other than as set forth in Section 13, Lessee shall not have the right to sell, assign, mortgage, or transfer this Lease without the written consent of the City. However, City shall not withhold its consent to a sale, assignment, mortgage, or transfer if Lessee is not in default as defined in Section 22 and the sale, assignment, mortgage, or transfer is made in accordance with City ordinances, rules, and regulations.

If the improvements upon the Leased Premises are permissibly sold, assigned, or transferred, City will promptly begin evaluation of the Leased Premises for compliance with all applicable laws, ordinances, rules, and regulations in an effort to issue a new lease. Upon verification City will enter into a new lease. Thereupon, this Lease will automatically terminate, and the Lessee will be freed of any obligations hereunder.

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. INDEMNIFICATION. To the fullest extent permitted by law, Lessee shall indemnify and hold harmless the City, its officers, officials, agents, and employees from claims, demands, causes of action, and liabilities of every kind and nature whatsoever arising out of or in connection with this Lease, except for loss, damage, or expense arising from the sole gross negligence or willful misconduct of the City or the City's agents, servants, or independent contractors who are directly responsible to the City. This indemnification shall extend to all claims occurring after this Lease is terminated as well as while it is in force. The indemnity shall apply regardless of any concurrent negligence, whether active or passive, of the City or the City's officers, officials, agents, employees, or any other persons or entities. The indemnity set forth in this Section shall not be limited by insurance requirements or by any other provision of this Lease.

17. POWER TO MORTGAGE. For the purpose of enabling Lessee to secure financing in the form of a mortgage on the improvements of the Leased Premises, City and Lessee agree, so long (but only so long) as Mortgagee, its successors, and assigns shall have an interest in said improvements, City shall notify Mortgagee per Section 18 of any default by Lessee. After Mortgagee has been provided notice, Mortgagee shall have the same time period as Lessee to cure any default under this Lease. City shall accept such performance by Mortgagee as if it had been done by Lessee.

18. NOTICE. All notices referred to herein shall be sufficient if delivered by: **(1)** personal delivery; **(2)** email with confirmation; **or (3)** certified mail, return receipt requested to the respective parties at the addresses set forth herein, or such other addresses as they shall from time to time furnish to each other by written notice.

If to Lessee:

(Email Required)_____

If to Mortgagee:

(Email Required)_____

If to City:

City of Bloomington
Attn: City Manager
115 E. Washington St.
Bloomington, IL 61701
cityclerk@cityblm.org

If to City, copy to:

City of Bloomington
Attn: Corporation Counsel
115 E. Washington St.
Bloomington, IL 61701
legal@cityblm.org

19. LEGAL COMPLIANCE. Lessee shall comply with all rules, regulations, ordinances, and laws relating to the Leased Premises, the lake, and surrounding lands, and will not permit any violation thereof by any family members, guests, or any other persons permitted access the Leased Premises.

20. RULES & REGULATIONS. Lessee and those occupying the Leased Premises are subject to such reasonable rules and regulations as may be adopted by City from time to time after reasonable notice of the proposed rules and regulations to Lessee.

21. GOVERNING LAW. This Lease is governed by and will be interpreted under the laws of the State of Illinois. Any disputes shall be heard in the courts of McLean County, State of Illinois.

22. DEFAULT. In the event Lessee fails to timely pay rent or other fees and charges, or otherwise violates any of the terms and conditions of this Lease, and such failure or violation is not cured or remedied within 30 days following service by the City upon the Lessee of written notice specifying such failure or violation, Lessee shall be in default of this Lease.

In the event of default, City shall be entitled to one or more of the following remedies: **(1)** to terminate this Lease and seek an order from a court of competent jurisdiction allowing it to retake possession of the Leased Premises; **(2)** to seek a judgement for any sums due City for rent, fees, late charges, or penalties; **(3)** to seek a judgement for the reasonable cost of any repairs to remedy damage to the Leased Premises; **(4)** to sue for injunctive relief directing Lessee to perform as required under this Lease; **or (5)** to seek a judgement for City's reasonable costs incurred to obtain remedies.

If Lessee defaults in the payment of rent or other monetary charges due hereunder, and fails to remedy such default within 30 days, Lessee shall be responsible for paying late fees as defined on the Lake Lot Lease Invoice in compliance with all applicable laws.

At the sole discretion of the City, Lessee may be given, by written extension, additional time to cure a default, and such extension shall not be deemed a waiver of the City's right to terminate this Lease based upon such default and seek remedies as provided herein.

23. INSURANCE. Lessee shall maintain and carry insurance in Lessee's own name on any improvements on or placed by him on the Leased Premises. Lessee shall cause such insurance to be written in favor of himself and the City jointly. In such case that the insurance shall be used for its purpose, the Lessee may receive all recoverable insurance moneys subject only to the prior right of the City to receive payment of any sums then due and owing to it from the Lessee. All certificates of insurance shall be provided to the City and City shall be named as additional insured under the policy(ies). City shall be immediately notified in the event any changes to the policy(ies) are made. If the Lessee maintain and carry such insurance and/or abide by the above state policy, Lessee shall be in default as defined in Section 22 and shall also pay the City's any monies owed under what would have been determined to be an insurance claim had Lessee been appropriately covered.

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

25. 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 Section 2.

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

LESSEE

CITY OF BLOOMINGTON

(Lessee Name Typed)

Its Mayor

Attested by:

(If second signer, Lessee Name Typed)

Its City Clerk

EXHIBIT C
EXISTING LAKE LEASE FORM
LAKE BLOOMINGTON LEASE

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

between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called CITY and _____

(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 _____, 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 _____ in Block _____ in Camp _____ 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

Lessee Name and Mailing Address

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

Lessee Billing Address

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



CONSENT AGENDA ITEM NO. 7.G

FOR COUNCIL: September 12, 2022

WARD IMPACTED: Ward 7

SUBJECT: Consideration and action on an Ordinance Approving a Special Use Permit for Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District for the Property Located at 604 W. Division Street, as requested by the Economic & 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 Petitioner, All About Auto, is requesting approval of a Special Use Permit for Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District for the property located at 604 W. Division Street.

Summary of Request:

- Reconfigure existing Special Use to move primary activities and outdoor storage further from residential uses and toward the interior of an enlarged parcel, allowing increased business presence while meeting the requirements of the current Zoning Code.
- Increase fencing and screening for outdoor storage and refuse areas.
- Increase compliance related to parking, landscaping, fencing/screening, and use provisions.

On Wednesday, August 17, 2022, the Zoning Board of Appeals held a public hearing, found the request met the standards for approval of a Special Use Permit, and voted 4-0 to recommend approval of the Special Use Permit to the City Council, with conditions related to screening, parking, and landscaping.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The City published notice of the hearing in *The Pantagraph* on Wednesday, August 3, 2022 and courtesy notices were mailed to 85 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: The Special Use contributes to Goal ED-1.1 (Focus on retention and expansion of existing businesses) of the 2035

Comprehensive Plan.

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, Assistant City Planner

ATTACHMENTS:

[E&CD 1B Ordinance_SP-12-22](#)

[E&CD 1C Staff Report SP-12-22](#)

[E&CD 1D ZBA DRAFT 2022-08-17 Minutes SP-12-22](#)

ORDINANCE NO. 2022 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR VEHICLE REPAIR AND SERVICE IN
THE M-1 (RESTRICTED MANUFACTURING) DISTRICT,
FOR THE PROPERTY LOCATED AT 604 W. DIVISION STREET**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for Vehicle Repair and Service, for the property located at 604 W. Division Street, legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

WHEREAS, said petition included a site plan, illustrated in Exhibit “B” and hereinafter referred to as “Plan;” and

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

WHEREAS, the Bloomington Zoning Board of Appeals, following said public hearing, made findings of fact that such Special Use meets the standards for granting a Special Use set forth in Bloomington City Code § 44-1707; and

WHEREAS, the Bloomington Zoning Board of 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 adopt this Ordinance and allow this Special Use.

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

Section 1. That the above recitals are incorporated into and made a part of this Ordinance as though fully set forth herein;

Section 2. That the Special Use Permit for Vehicle Repair and Service, for the property at 604 W. Division Street, legally described in Exhibit “A”, is hereby approved with the following conditions:

1. On or before the effective date, and for the duration of this permit:
 - a. Inoperable vehicles shall not be stored in parking areas designated to meet the off-street parking requirements of the Zoning Code, nor may operable vehicles be stored there for more than 24 hours;
 - b. No outdoor storage shall be allowed in any area not indicated on the approved site plan or approved by the Zoning Enforcement Officer;

- c. All refuse disposal receptacles shall be located and screened in accordance with § 44-1308E;
- 2. Within 60 days of the effective date of this Permit:
 - a. A 6-foot opaque fence shall be added along the western side of the parking area adjacent to 1321 Mason, as indicated on the Site Plan;
 - b. An additional site plan shall be submitted for the required off-street parking areas that demonstrates compliance with § 44-1206;
- 3. As part of the construction of the expanded use:
 - a. Landscaping plans shall be provided and approved, as per § 44-1303 and in conformance with § 44-1304 through § 44-1307;
 - b. Prior to operation of the “Future Outdoor Storage Area,” a 6-foot fence shall completely screen the area, per § 44-1308B(1), as indicated on the Site Plan; and
 - c. Prior to operation of the “Future Parking Area,” a 6-foot fence shall completely screen the area, per § 44-1308B(1), as indicated on the Site Plan;

Section 3. This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution;

Section 4. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law;

Section 5. This Ordinance shall take effect upon its approval and publication as required by law.

PASSED this 12th day of September 2022.

APPROVED this _____ day of September 2022.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

Legal Description

604 W. Division Street

Lot 3 in the LeGrand Subdivision according to the Plat recorded October 16, 2018 as Document No. 2018-17082, in McLean County Illinois.

PIN: 14-33-302-016

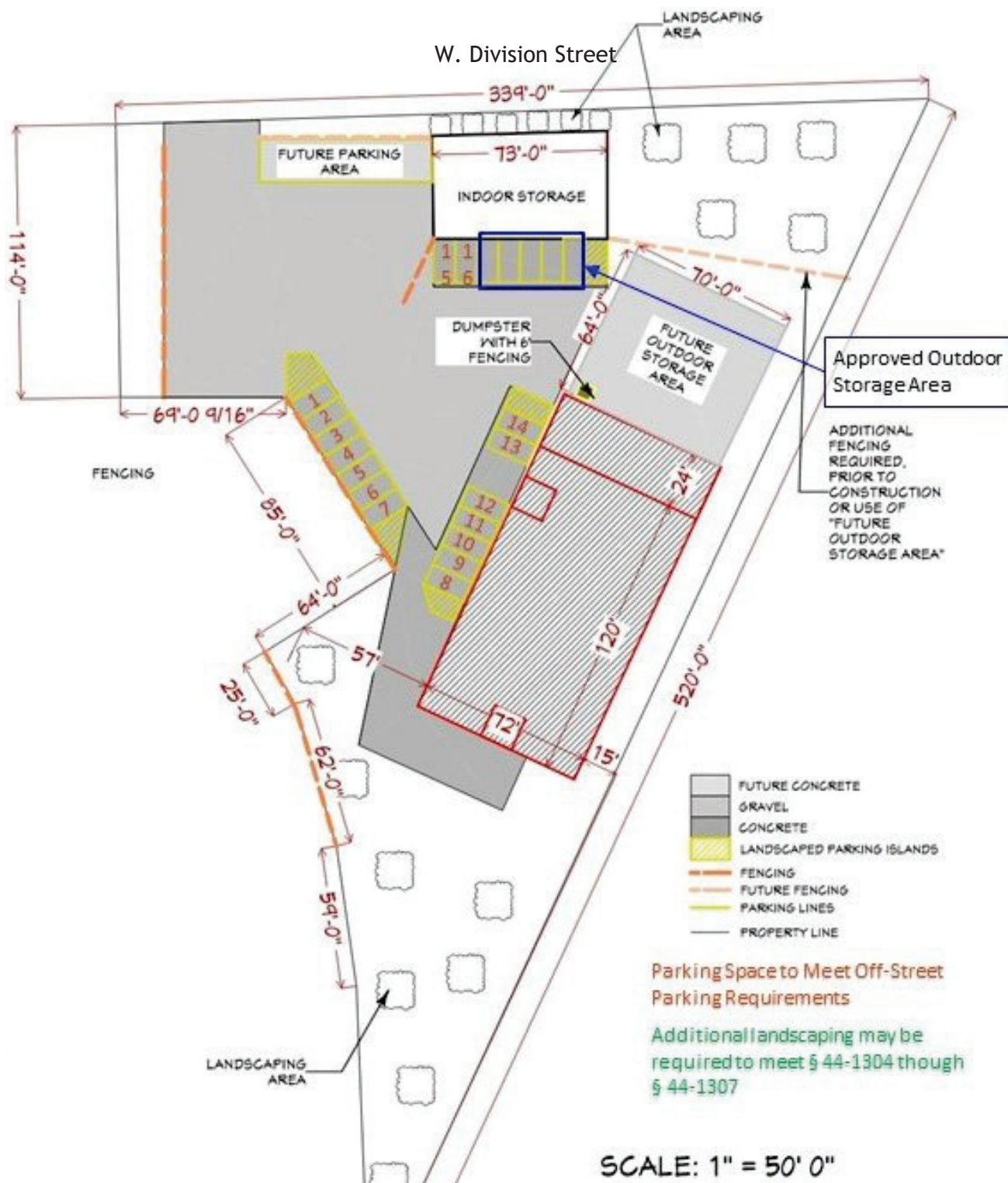
West Division Street

All that part of Waite & Parr's Subdivision of Block 1 of Hawkeye Addition lying West of the west right of way line of the Union Pacific Railroad as described in the Quit-Claim Deed conveyed to CJTR, LLC, recorded as Document No. 97-13342 in the McLean County Recorder of Deeds Office and lying East of LeGrand Subdivision, as shown on the Plat thereof recorded as Document No. 2018-17082 in said Recorder's Office, all in the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 33, Township 24 North, Range 2 East of the Third Principal Meridian. City of Bloomington, McLean County, Illinois.

PIN: 14-33-302-013

EXHIBIT B

Site Plan





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: August 17, 2022

CASE NO: SP-12-22, Special Use Permit for Vehicle Repair and Service in M-1

REQUEST: Public hearing, review, and action on a petition submitted by All About Auto for a Special Use Permit for Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District for the property located at 604 W. Division Street. PINs: 14-33-302-016 and 14-33-302-013.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow the expansion of a Vehicle Repair and Service facility. Per § 44-602B, these uses require Special Use Permits in the M-1 (Restricted Manufacturing) District, when the use adjoins a Residential District boundary line.

The Petitioner desires to lawfully continue to operate the business on the subject property, which has been expanded to the southeast, away from the residential boundary, and move all operations from 1321 N. Mason Street onto the 604 W. Division Street property.

The Petitioner has been conducting similar activities on the subject property since prior to December 2020, when Ordinance Number 2020-83 approved the original Special Use Permit for Vehicle Repair and Service at 604 W. Division Street, and provided:

- An 80' decrease in the setback from residential district,
- A 30' decrease in front yard setback and,
- A 20' decrease in rear yard setback.

These Variances continue to be enforceable as part of any future Special Use Permit or project.

Additional conditions were specified as part of this original Permit (2020-83):

- An opaque fence and/or landscape screen is added to the west boundary of the property. The fence should obstruct headlights from the residential neighbors and in accordance with Division 13 and Division 12 of City Code;
- All inoperable vehicles shall be stored on-site and must be fully screened from the residential boundary and public-rights-of-way on Division Street and Mason Street, and

- All exterior lighting should have a cut-off fixture and be directed down and away from the adjunct residential properties.

Ordinance Number 2021-48 approved an additional Special Use Permit for Vehicles Sales at 1321 N. Mason Street, a contiguous parcel that is used as the office space for the Petitioner's business, but the Petitioner for the current Special Use Permit was not the applicant for that Permit, and he does not intend to conduct vehicle sales as part of the new/expanded Use.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Wednesday, August 3, 2022. Courtesy notices were mailed to 85 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 604 W. Division Street consists of approximately 1.5 acres of land located at the southwest corner of the intersection of Division Street and the Union Pacific Railroad, consisting of two parcels (14-33-302-016 and 14-33-302-013) that have been recently submitted to the McLean County Supervisor of Assessments for combination. The property was improved in 1971 with an approximately 3,240 square foot commercial building that has been used by the Petitioner as a 5-bay Vehicle Repair and Service facility. The Petitioner has approval from the property owner (Graciela Contreras) to seek the requested Special Use Permit.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	P-2 (Public Lands and Institutions)	Government Facility (Public Works)
South	R-1C (Single-Family Residence)	Warehouse/Distribution
East	B-1 (General Commercial)	Union Pacific RR
West	Right of Way, then R-1C	Single-Family Dwellings

Description of Current Zoning District:

The M-1 (Restricted Manufacturing) District is to provide for industrial, warehouse, storage and transfer service uses with an absence of objectionable external effects in areas that are suitable for this type of development by reason of topography, relative location, and adequate utility and transportation systems. Compatibility with surrounding districts is further assured by limiting development to low industrial densities. (§ 44-601A).

Key Subject Code Requirements:

- § 44-602B (Table of Permitted and Special Uses) indicates that "Vehicle Repair and Service" uses require Special Use Permits in the M-1 (Restricted Manufacturing) District.
- § 44-605B (Outdoor storage) Requires areas to be screened and paved with a hard surface.

- § 44-1034 (Vehicle repair and service) requires screening of inoperable vehicles, work to be conducted inside the principal building, and sets site/bulk standards for the use.
- § 44-1206 (Parking design standards) Designates the design, size, and surfacing required for off-street parking areas.
- § 44-1208E (Table of Off-Street Parking Requirements) lists “Vehicle repair and service” as requiring 3 spaces per service bay.
- § 44-1307 (Parking lot landscape requirements) designates the location, dimension, design, and materials required for landscaping and screening of parking areas.
- § 44-1308 (Additional screening requirements) requires that all refuse disposal areas shall be screenings on all sides and provides additional criteria.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit to allow Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District

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.**

The presence of M-1 zoning and designation of this area on the City’s Future Land Use Map as “Neighborhood Commercial/Employment Center” indicate that the establishment, maintenance, and operation of uses that are occasionally intensive during daytime-hours are appropriate for this area and will not be detrimental to the public comfort or general welfare. Screening will be added to the western side of the property to decrease the impact of associated light. The nature of the use is not one that creates noxious or hazardous externalities so is not expected to endanger public health or safety. The site is accessible via private drive off Division and does not require movement through residential properties for ingress or egress. ***Standard is met.***

2. **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.**

The existing use has created documented issues for residents in the area; the expanded use and new Special Use Permit are associated with reworking of the site and operation to reduce impacts to the neighborhood, while supporting the retention and expansion of the existing business. The primary activities of the business will be moved further away from the residential properties across Mason Street, on-site parking will be

provided, additional screening for parking area and outdoor storage will be required, and additional indoor storage will be provided to accommodate the increased business and need. Screening and site design standards beyond those currently on the site—including those provided to meet the purpose and intent of Conditions of the original Special Use Permit (2020-83)—will be required as Conditions of this Special Use Permit, and are enforceable as such. ***Standard is met.***

3. **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.**

Through this expansion of the use, the primary activities of the business will be moved further away from the residential properties across Mason Street. Parking and access requirements have been met. The expansion of the current use, and issuance of this new Special Use Permit should not impede the normal and orderly development and improvement of the surrounding properties. As the development associated with this proposed Special Use Permit disturbs more than 1,400 square feet, stormwater detention will be required in accordance with the Manual of Practice. ***Standard is met.***

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

The property is served by city utilities and roads; no change to facilities is necessary as part of this Special Use Permit. ***Standard is met.***

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress are provided by existing conditions; no change to this condition is expected as the result of the Special Use Permit. Off-street parking requirements have been adequately addressed. ***Standard is met.***

Service Bays	Tenant	Use	Required Off-Street Parking Spaces
6	All About Auto	Vehicle repair and service	18
Off-Street Parking Spaces Required by Use			18
Transit Access Discount (10%)			Applied (Gold Line)
Pedestrian Access Discount (10%)			NOT Applied
Public Parking Lots Discount (10%)			NOT Applied
On-Street Parking Discount			NOT Applied
Total Required Off-Street Parking Spaces			16
Total Available Off-Street Parking Spaces			16
Balance			0

6. The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

According to the Petitioner, the existing building will be used for storage of equipment and inoperable vehicles and will no longer contain service bays. The six additional parking spaces to the south of the existing building will be used for temporary storage of vehicles for repair, or outdoor storage of inoperable vehicles, not to fulfill the off-street parking requirements. This “parking” area is not visible from any right-of-way, as it is screened by either the existing building or existing/planned fencing or landscaping, and it will be paved with a hard surface consistent with § 44-1206F.

Off-street parking areas required by the expansion of the use will be required to be brought into conformance with the current Code, including sizing, siting, landscaping and screening, and surfacing. Outdoor storage and refuse disposal areas are required to be sited, screened, and surfaced as per the current provisions of § 44-605 and § 44-1308. Timelines for compliance have been included in the Conditions related to any items that remain unfilled from the original Special Use Permit, or as a result of enforcement issues.

Further, Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. In addition, as construction and alteration that require building permits are part of the subject plans, the premises should be reviewed for compliance and condition multiple times prior to occupancy and operation of the Special Use. ***Standard is met.***

ADDITIONAL CONSIDERATIONS

Per, § 44-1707I, “Prior to the granting of any special use application, the Board of Zoning Appeals may recommend, and the Council may require, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein.”

Since the issuance of the existing Special Use Permits, multiple enforcement cases have been initiated and repeat complaints have been made regarding non-compliance with the conditions attached to the existing permits. The initial Special Use Permit for this property (2020-83) lacked a certain amount of clarity regarding the expectations for site improvement associated with the approval of the Permit, and the location of items discussed in the conditions. The Conditions proposed for this Special Use Permit serve to both require items that bring the project into conformance with the Code, protect the purpose and intent of the original Special Use Permit, as well as provide clarity about the expectations of site improvements and associated timelines.

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend:

Approval of the petition submitted by All About Auto for Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District for the property located at 604 W. Division Street, **with the following conditions:**

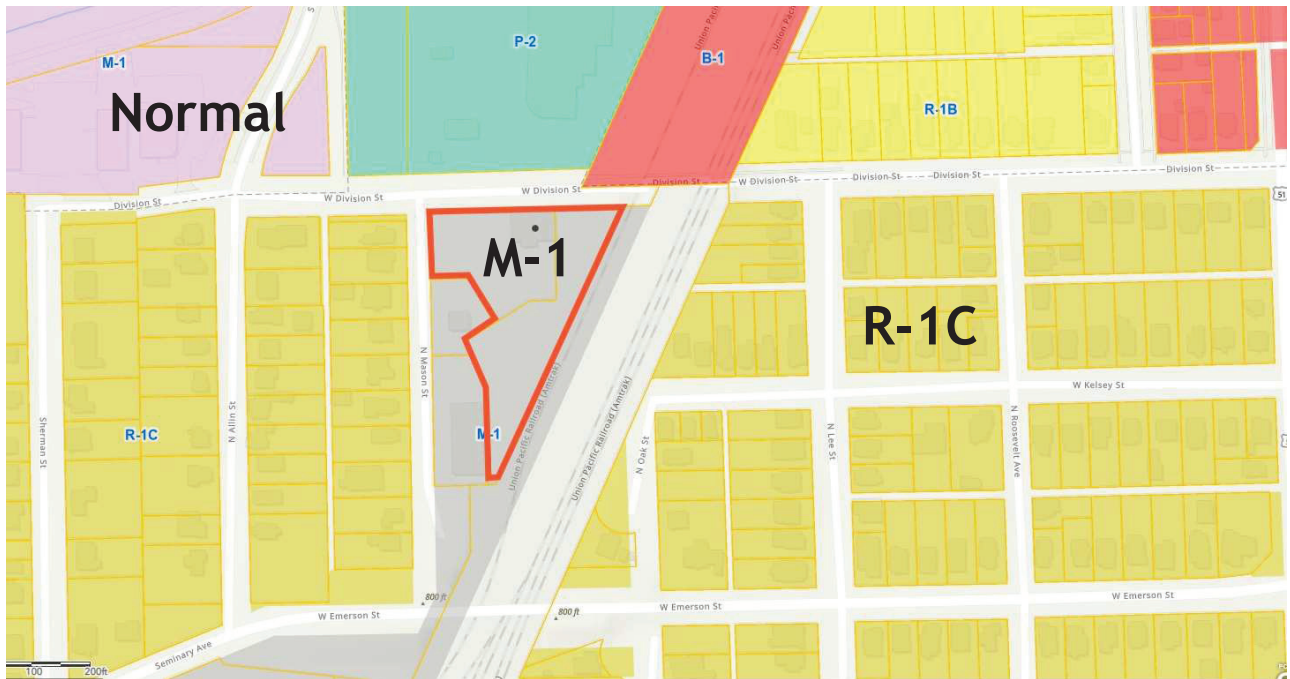
- On or before the effective date, and for the duration of this permit:
 - Inoperable vehicles shall not be stored in parking areas designated to meet the off-street parking requirements of the Zoning Code, nor may operable vehicles be stored there for more than 24 hours.
 - No outdoor storage shall be allowed in any area not indicated on the approved site plan or approved by the Zoning Enforcement Officer.
 - All refuse disposal receptacles shall be located and screened in accordance with § 44-1308E.
- Within 60 days of the effective date of this Permit:
 - A 6-foot opaque fence shall be added along the western side of the parking area adjacent to 1321 Mason Street—in order to meet the purpose and intent of Ordinance 2020-83—as indicated the Conditional Site Plan.
 - An additional site plan for the required off-street parking spaces that indicates compliance with § 44-1206, including stall size, location of curbing and vehicle stops, and proof of independent maneuverability.
- As part of the construction of the expanded use and site plan:
 - An additional landscaped parking island shall be added to the site plan to terminate the row of parking adjacent to the new building, as indicated in the Conditional Site Plan.
 - Additional fencing shall be added to screen the outdoor storage area from view from the northwest, as indicated in the Conditional Site Plan.
 - Landscaping plans prepared and stamped by a professional landscape architect or designer, be provided as per § 44-1303, and in conformance with § 44-1304 though § 44-1307.
 - Prior to operation of the “Future Outdoor Storage Area,” a 6’ fence shall be erected to completely screen the subject area, per § 44-1308B(1), as indicated the Conditional Site Plan.
 - Prior to operation of the “Future Parking Area,” a 6’ fence shall be erected to completely screen the subject area, per § 44-1308B(1), as indicated the Conditional Site Plan.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Petitioner-Submission - Description of Project
5. Petitioner-Submission - Site and Building Plans
6. Conditional Site Plan (to be attached to Ordinance as “Exhibit C”)
7. Neighborhood notice map

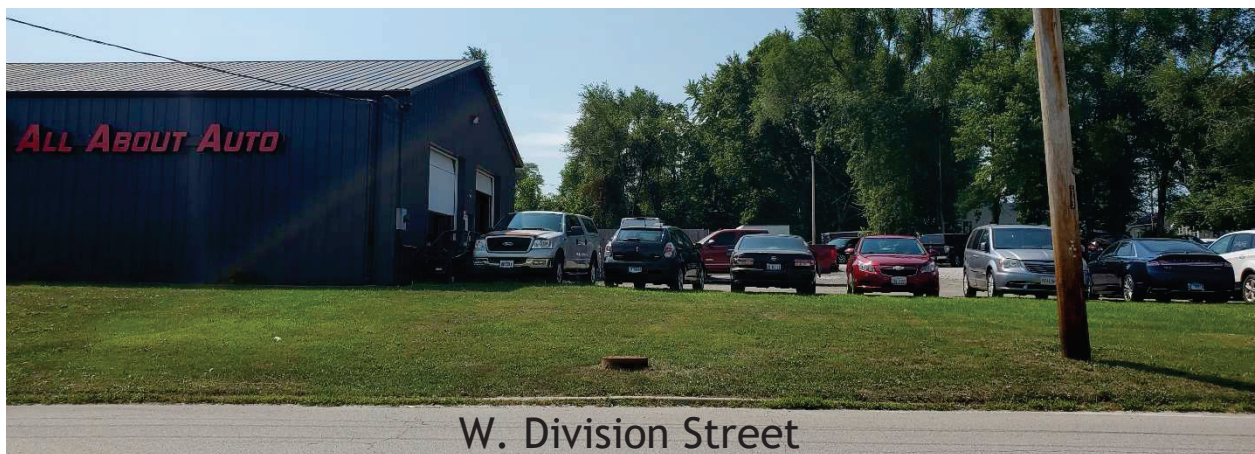
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)







Attachment 4 - Petitioner-Submission - Description of Project

Applicant is a member of All About Auto LLC, the lessee of the subject property, where he operates a vehicle repair and service business in accordance with a Special Use Permit granted by City Ordinance No 2020-83. Applicant now seeks another Special Use Permit to expand his same business with an additional building and parking area to be constructed on property recently added to the site.

PROPERTY CHARACTERISTICS

The subject property of this Application is occupied by the All About Auto LLC automobile repair and service business at 604 W, Division Street and an adjacent vacant and unimproved tract of land recently acquired by the property owner/lessor with an address that has only been described as West Division Street, and was formerly owned by the estate of the now defunct Chicago, Missouri & Western Railway Company. The Parcel ID Numbers for the properties are: 604 W. Division Street (14-33-302-016) and West Division Street (14-33-302-013)

On July 5, 2022, the properties owner submitted to the office of the McLean County Supervisor of Assessments, a Real Estate Combination Request to join the properties into a single parcel with one Parcel ID Number, to be assigned. A copy of the combination request is attached for reference as Exhibit to Property Characteristics.

The Applicant is requesting the Special Use Permit for the expansion of his business that will include the construction of a new building for a business office, additional vehicle repair service space and storage areas for repair vehicles, parts and supplies, and to allow additional outside areas for repair vehicles and employee parking. The business expansion is for increased service volume only and specifically not for additional categories of vehicles such as larger commercial vehicles.

The subject property is in the M-1 Restricted Manufacturing District with a portion of its western boundary along Mason Street, a dividing line between the M-1 Restricted Manufacturing District and a residential zoned district. The remaining greater part of its western boundary borders other properties in the M-1 Restricted Manufacturing District. The partial boundary of the subject property along the residential zoned district requires this Application for Special Use for the expansion of the business with a new building. The layout of the new building does not require any variance in setbacks.

Special Note: The business office of All About Auto LLC that will be located in the new building to be constructed is currently situated at 1321 N. Mason Street (PIN: 14-33-302-017), property leased by this Applicant from a third party. On June 29, 2021, City Ordinance No. 2021-48 approved a Special Use Permit for vehicle sales for that property. Although this Applicant occupies that property for its office, he was not a party to, nor was he aware of the application for that special use permit and does not intend by this Special Use Application to include vehicle sales in its purpose for this Application.

Access to the subject property is by a driveway entrance on Division Street to 604 W. Division Street and also by a driveway entrance on Mason Street to 1321 N. Mason Street to the current business office and on through that property into the southwest corner of 604 W. Division Street.

When the office moves to the new building and the lease of 1321 N. Mason Street terminates, that access to the subject property will be closed. There is no driveway entrance to the West Division Street tract and, with the combining of the tracts, will not be necessary.

WRITTEN STATEMENT OF “FINDINGS OF FACT”

Finding of fact: The establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Discussion: This proposed special use is a replacement of the current special use allowed for the subject property for the Applicant’s ongoing business of automobile service and repair with an expansion of the property area and an additional building for the business. That business operation will not change and has not been and, therefore, will continue to not be detrimental to or endanger the public health, safety, comfort or general welfare

Finding of fact: The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and Applicant’s continuing good practices ensure the special use does not substantially diminish and impair property values within the neighborhood.

Discussion: This proposed special use is required because the M-1 zoning district of the subject property is adjacent to a residential zoned district and, therefore, the primary concern is the effect of the permitted commercial use of the subject property on the adjacent and differently zoned district residential use properties and whether the effect is injurious to that residential use and enjoyment. Again, this proposed special use is a replacement of the current special use allowed for the subject property for the Applicant’s ongoing business of automobile service and repair with an expansion of the property area and an additional building for the business. That business operation will not change and has not been and, therefore, will continue to not be injurious to the residential use of those adjacent properties. The expansion area recently acquired was vacant and unimproved and overgrown and filled with brush, trees and rock that Applicant has had cleared and is leveling for his use, which is greatly improving the appearance of the property. Further, the expansion area of the subject property is in the direction away from the residential zone district properties and the additional new building will be built on that expanded site area, away from the residential zone district properties. The site expansion and additional new building will enhance the appearance of the subject property and enclose more of the customer service and repair vehicles and make more remote the Applicant’s business operations from the residential zone district properties. Applicant consistently maintains his subject property in a clean and orderly condition and has a screen fence along Mason Street, the division line between the differently zoned districts, and another screen fence in the interior of the property to conceal vehicles parked at the property and the business refuse container. Applicant does not allow customer service and repair vehicles and employees’ vehicles to be parked on the streets bordering the subject property. For his own convenience, Applicant does occasionally park his own personal car on Mason Street in front of the business office, which is not the subject property of this special use, but a separate property he rents. These usual and continuing business practices ensure that the special use does not substantially diminish and impair property values within the property.

Finding of fact: 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.

Discussion: The properties surrounding the subject property are already developed in accordance with the respective zoning districts they occupy and Applicant's special use will not impede any future improvement or replacement development of those properties. The trigger for this special use application is the situation of the subject property in an M-1 zoning district and being adjacent to a residential zoning district, therefore the main concern is whether the special use will impede normal and orderly development and improvement of the adjacent residential district properties. Applicant's business operations will remain the same with the expansion of the property size allowing a new building for less crowded service and repair areas and indoor parking of customer vehicles and storage of parts and supplies, which will improve the appearance of the site and operations.

Finding of fact: Adequate utilities, access roads, drainage and necessary facilities have been and will be provided.

Discussion: Adequate utility services and an access driveway already exist for Applicant's business operations that will be extended to the new building to be constructed as an additional facility to house Applicant's business office, more spacious service and repair areas and parts and supply storage. Storm water drainage and detention will be included in the site improvements as necessary to comply with permits for the site development.

Finding of fact: Adequate measures have been and will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.

Discussion: There currently exist two street entrances to the subject property, one on Division Street and another on Mason Street through a property adjacent to the subject property that Applicant leases as the business office. The business office will move to the new building to be built on the subject property and upon the termination of the lease of the current business office, the Mason Street entrance to the subject property will be closed. While neither Division Street nor Mason Street have traffic congestion, the closing of the Mason Street entrance will reduce, if not eliminate, traffic along the residential zone district boundary of Mason Street.

Finding of fact: The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

Discussion: The subject property of the special use lies within the M-1 zoning district and Applicant's automobile service and repair business and operations, and the expansion of the property site and construction of a new building are appropriate for and conform to the M-1 zoning regulations. The construction of the new building and further development of the property with parking, screening and landscaping will also conform to City requirements.

Attachment 5 - Petitioner-Submission - Site and Building Plans

SITE PLAN -

All About Auto LLC

604 W Division Street

Bloomington, IL 61701

Parcel ID No.1: 14-33-302-016

Lot area No.1: 0.7 Acres

Parcel ID No.2: 1433302013

Lot Area No.2: 0.9 Acres

Plot Size: 11"x17"

Date:8/8/2022



Created by:
GETASITEPLAN.COM
WITH BEST QUALITY IN SHORT TIME

SITE PLAN -

All About Auto LLC

604 W Division Street

Bloomington, IL 61701

Parcel ID No.1: 14-33-302-016

Lot area No.1: 0.7 Acres

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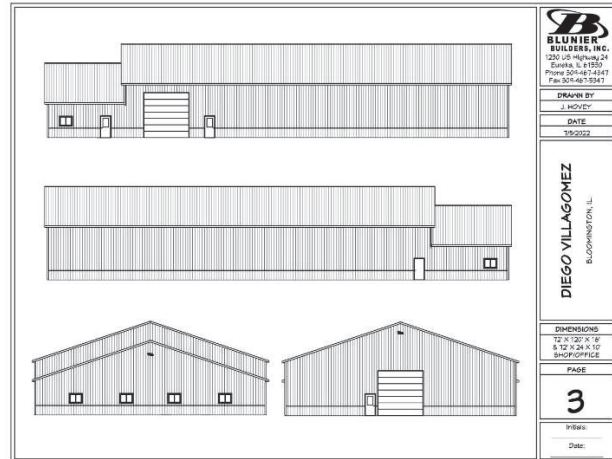
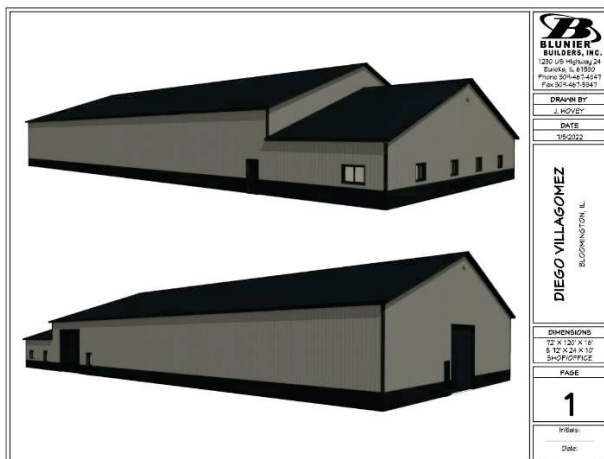
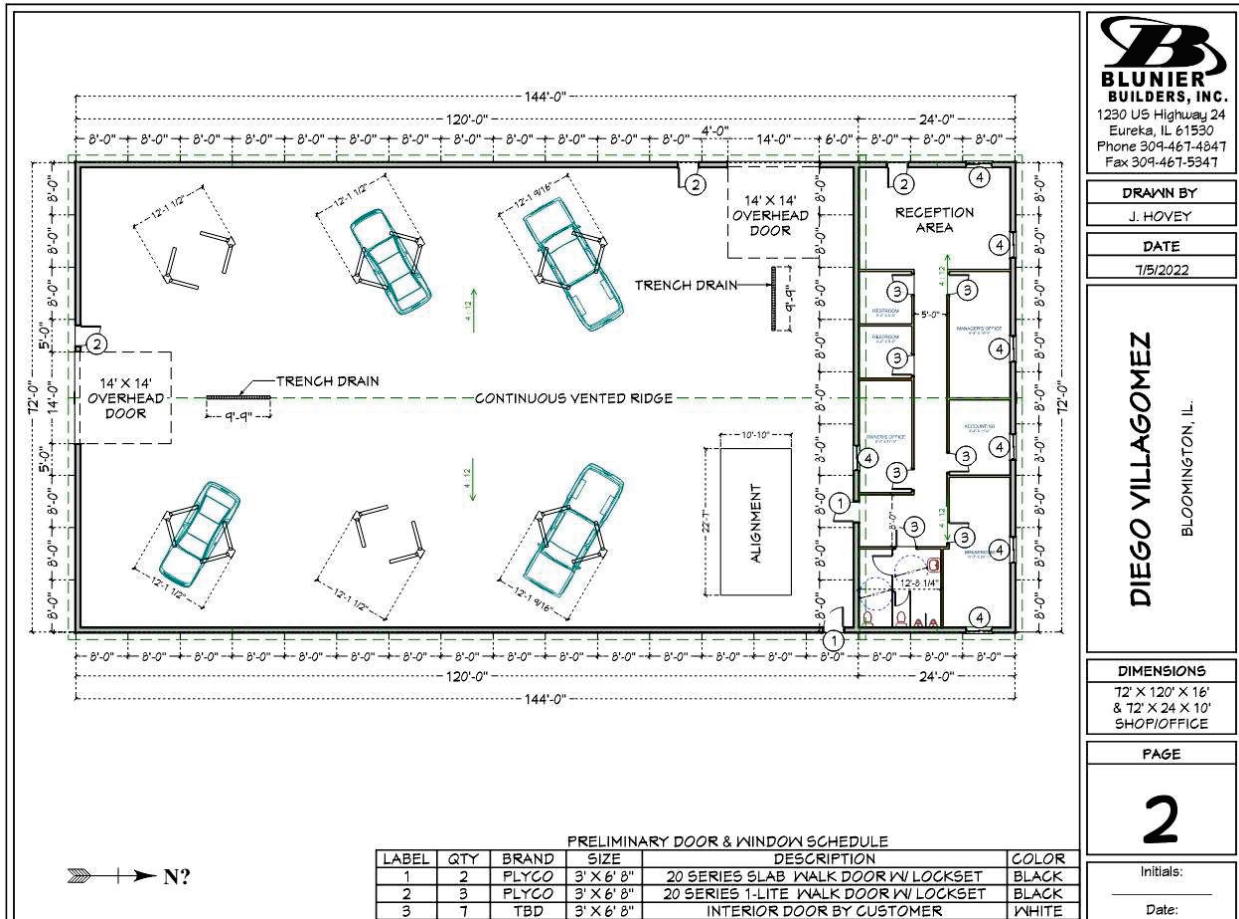
Lot Area No.2: 0.9 Acres

Plot Size: 11"x17"

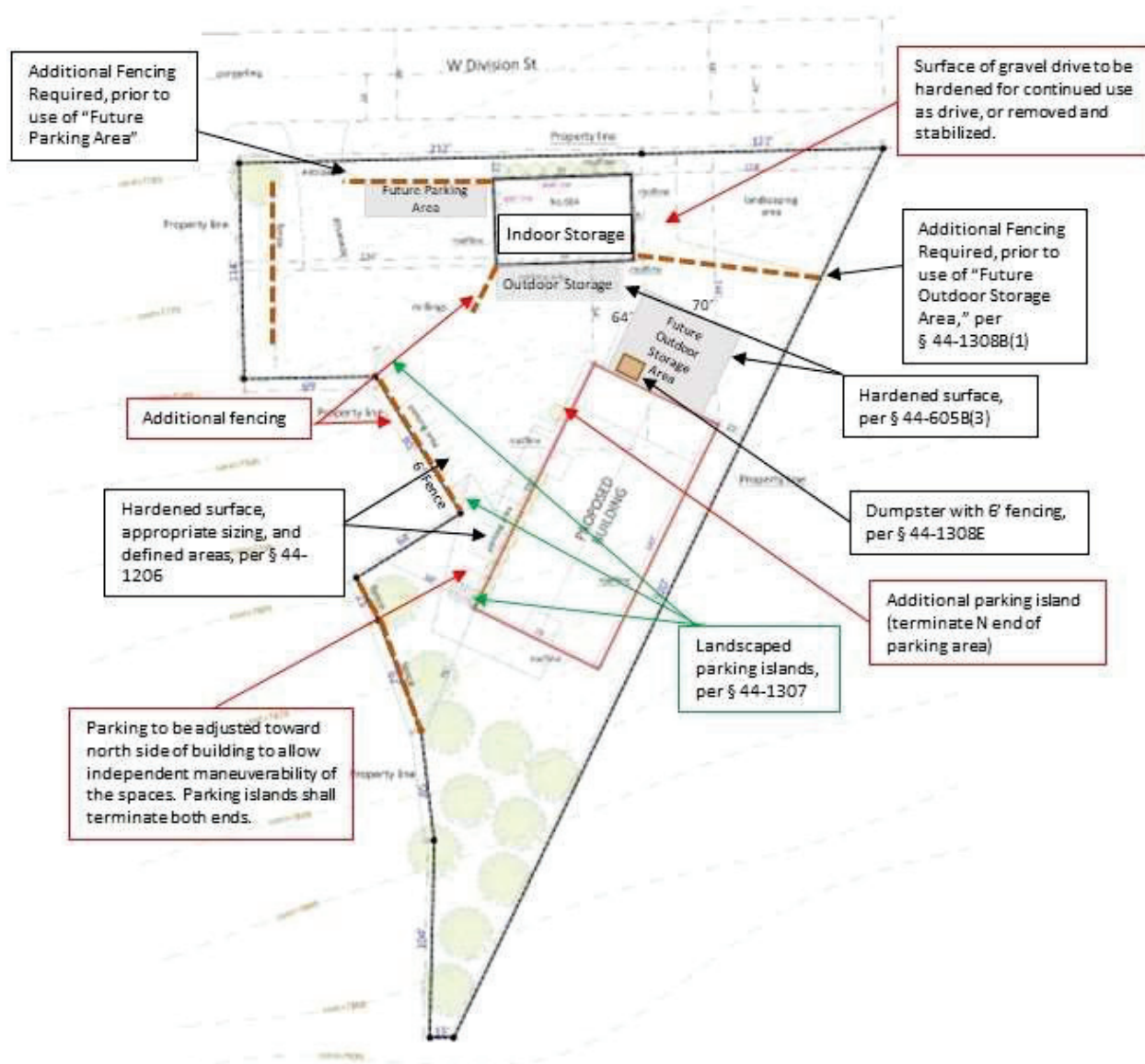
Date:8/8/2022



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GETASITEPLAN.COM
WITH BEST QUALITY IN SHORT TIME

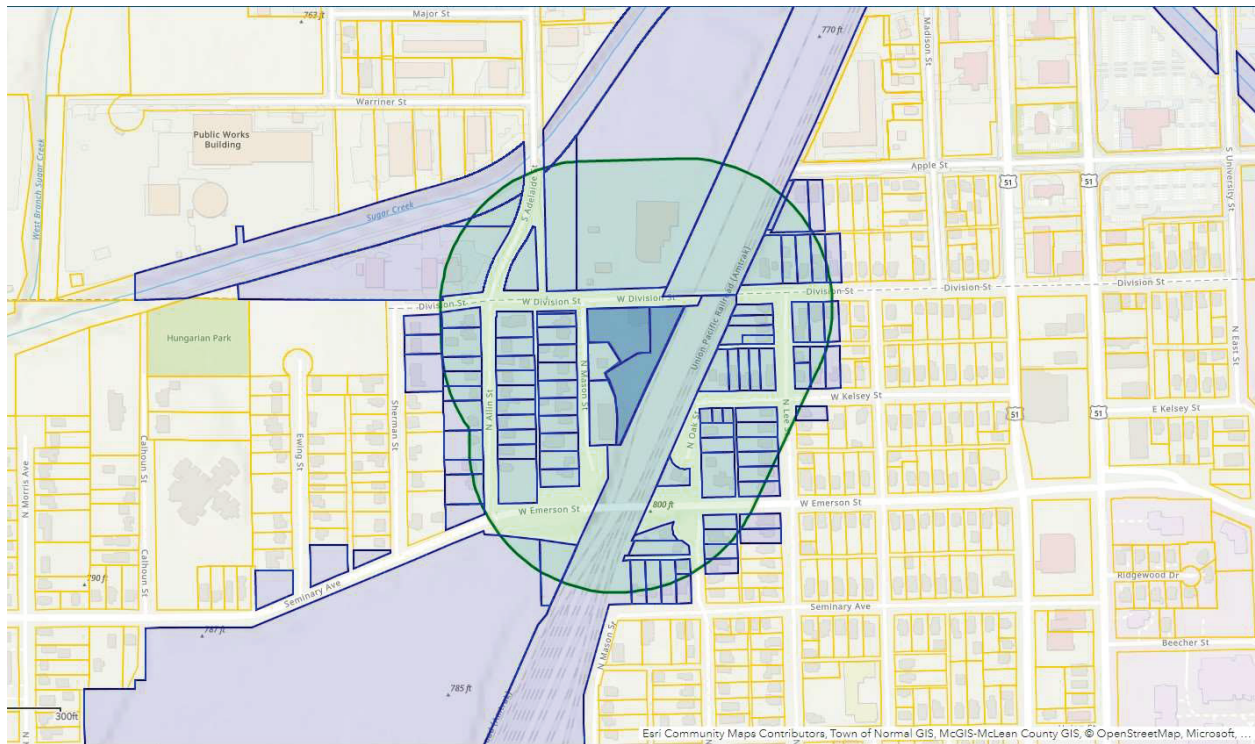


Attachment 6 - Conditional Site Plan (to be attached to Ordinance as "Exhibit C")



NOTE: Subsequent to review of the plan and discussions with the Petitioner, changes to the original site plan have been made—as indicated above—and additional Conditions have been marked to provide clarity on the location of those items. Should the Petitioner provide an updated site plan that includes these changes, prior to adoption of any related Ordinance, the updated plan may be substituted for the base layer of this "Conditional Site Plan."

Attachment 7 - Neighborhood notice map



Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Mr. Ballantini - Yes. (4-0). Motion was approved.

Staff noted this will go to City Council on September 12, 2022.

SP-12-22 Public hearing, review, and action on a petition submitted by All About Auto for Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District for the property located at 604 W. Division Street. PINs: 14-33-302-016 and 14-33-302-013. (Ward 7).

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Staff explained the history associated with this property and case, including the existence of two Special Use Permits associated with Vehicle Sales and Service (1321 Mason) and Vehicle Repair and Service (604 W. Division Street). She clarified that some of the conditions present in the recommended motion are to provide clarity on the construction and operational standards for the proposed use, in addition to those that will help ensure construction and use occurs in an appropriate order throughout the phases of the expansion project. Staff noted that the Petitioner has submitted an updated site plan since the staff report was issued and that it includes many of the items of concern, so the number of conditions recommended for action have been reduced since the writing of the staff report.

Commissioner Straza inquired about updated items. Ms. Pemberton stated that the recommended motion in the presentation has been adjusted to reflect the updated site plan.

Commissioner Ballantini asked where the main entrance will be. Ms. Pemberton explained the main entrance will remain off Division Street; the offices will be moved into the new building with working bays. He asked about fencing the area along Division Street on the east side of the existing building. Staff stated the area does not have to be fenced in at this time but will once it is used as outdoor storage. The existing gravel drive will need to be paved for continued use or could be closed and landscaped.

Chair Straza opened the public hearing.

Gary Shultz, Attorney for the Petitioner (5633 N 1750 East Rd, Heyworth, IL), provided further background on the reason for the petition. Nothing additional to add after review of the Staff Report and presentation.

No additional testimony was provided.

No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Ballantini seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Mr. Ballantini - Yes. (4-0). Motion was approved.

Commissioner Harris made a Motion to recommend approval of the petition submitted by All About Auto for a Special Use Permit for Vehicle Repair and Service for the property located at 604 W. Division Street, with the following conditions:

- On or before the effective date, and for the duration of this permit:
 - Inoperable vehicles shall not be stored in parking areas designated to meet the off-street parking requirements of the Zoning Code, nor may operable vehicles be stored there for more than 24 hours.
 - No outdoor storage shall be allowed in any area not indicated on the approved site plan or approved by the Zoning Enforcement Officer.
 - All refuse disposal receptacles shall be located and screened in accordance with § 44-1308E.
- Within 60 days of the effective date of this Permit:
 - A 6-foot opaque fence shall be added along the western side of the parking area adjacent to 1321 Mason Street—in order to meet the purpose and intent of Ordinance 2020-83—as indicated on the Site Plan.
 - An additional site plan for the required off-street parking spaces that indicates compliance with § 44-1206, including stall size, location of curbing and vehicle stops, and proof of independent maneuverability.
- As part of the construction of the expanded use:
 - Landscaping plans prepared and stamped by a professional landscape architect or designer, shall be provided for approval, as per § 44-1303 and in conformance with § 44-1304 through § 44-1307.
 - Prior to operation of the “Future Outdoor Storage Area,” a 6-foot fence shall be erected to completely screen the subject area, per § 44-1308B(1), as indicated on the Site Plan.
 - Prior to operation of the “Future Parking Area,” a 6-foot fence shall be erected to completely screen the subject area, per § 44-1308B(1), as indicated on the Site Plan.

Commissioner Williams seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Mr. Ballantini - Yes. (4-0). Motion was approved.

Staff noted this will go to City Council on September 12, 2022.

OLD BUSINESS

Elections for Chair and Vice-Chair

Commissioner Harris expressed her preference to have everyone there to vote and made a motion to table the item to the next meeting. Seconded by Straza. A voice vote was held. All were in favor (4-0).



CONSENT AGENDA ITEM NO. 7.F

ROUTING: September 12, 2022

PUBLIC IMPACT: Ward 5

SUBJECT: Consideration and action on an Ordinance Approving a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District, for the Property Located at 1319 Veterans Parkway, as requested by the Economic & Community Development Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents

BACKGROUND: The Petitioner, Faizan e Madinah Islamic Center, is requesting approval of a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 1319 Veterans Parkway.

Summary of Request:

- Convert existing commercial building space to Place of Worship, within Suite 2A.
- No external changes to the building are planned related to the proposed use.
- Parking and access requirements have been met.

On Wednesday, August 17, 2022, the Zoning Board of Appeals held a public hearing, found the request met the standards for approval of a Special Use Permit, and voted 4-0 to recommend approval of the Special Use Permit to the City Council, with conditions.

For more detailed information, please see the attached Staff Memorandum to the Zoning Board of Appeals and draft meeting minutes.

COMMITTEE/ CONSULTANTS CONTACTED: The City published notice of the hearing in *The Pantagraph* on Wednesday, August 3, 2022 and courtesy notices were mailed to 48 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

AMERICAN URBAN PLANNING IMPACT: N/A

COMMITTEE/ DEVELOPMENT IMPACT: The Special Use contributes to Go a l ED-4.4a (Evaluate the existing commercial areas and sites for adaptive reuse, particularly in the context of changing demands).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, Assistant City Planner

ATTACHMENTS:

[E&CD 2B Ordinance SP-11-22](#)

[E&CD 2C Staff Report SP-11-22](#)

[E&CD 2D ZBA DRAFT 2022-08-17 Minutes SP-11-22](#)

ORDINANCE NO. 2022 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PLACE OF WORSHIP
IN THE B-1 (GENERAL COMMERCIAL) DISTRICT,
FOR THE PROPERTY LOCATED AT 1319 VETERANS PARKWAY**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Place of Worship, for the property located at 1319 Veterans Parkway, legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

WHEREAS, said petition included a site plan, illustrated in Exhibit “B” and hereinafter referred to as “Plan;” and

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

WHEREAS, the Bloomington Zoning Board of Appeals, following said public hearing, made findings of fact that such Special Use meets the standards for granting a Special Use set forth in Bloomington City Code § 44-1707; and

WHEREAS, the Bloomington Zoning Board of 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 adopt this Ordinance and allow this Special Use.

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

Section 1. That the above recitals are incorporated into and made a part of this Ordinance as though fully set forth herein;

Section 2. That the Special Use Permit for a Place of Worship, for the property at 1319 Veterans Parkway, legally described in Exhibit “A”, is hereby approved with the following conditions:

That all existing violations of City of Bloomington Code be abated within 30 days of the effective date of this Special Use Permit, or without further action by the Council, the special use or authorization thereof shall be null and void; and

That the property owner and/or manager review the parking requirements of

potential lessees for vacant suites and contact the Planning Division to identify a way forward if a proposed use would result in the property's inability to meet the off-street parking requirements of the Zoning Code;

Section 3. This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution;

Section 4. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law;

Section 5. This Ordinance shall take effect upon its approval and publication as required by law.

PASSED this 12th day of September 2022.

APPROVED this _____ day of September 2022.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

Legal Description

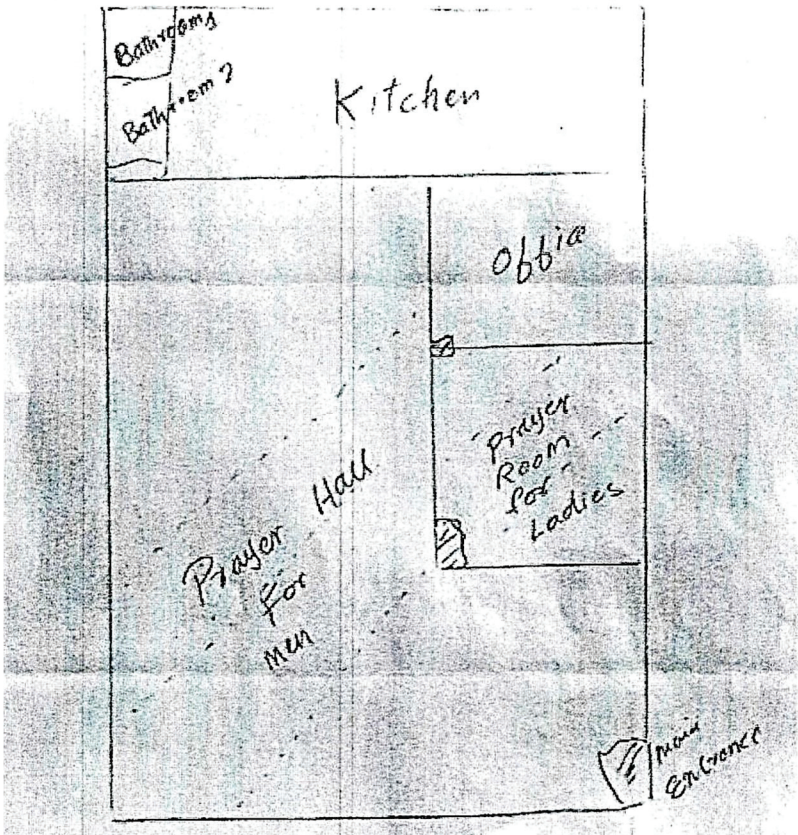
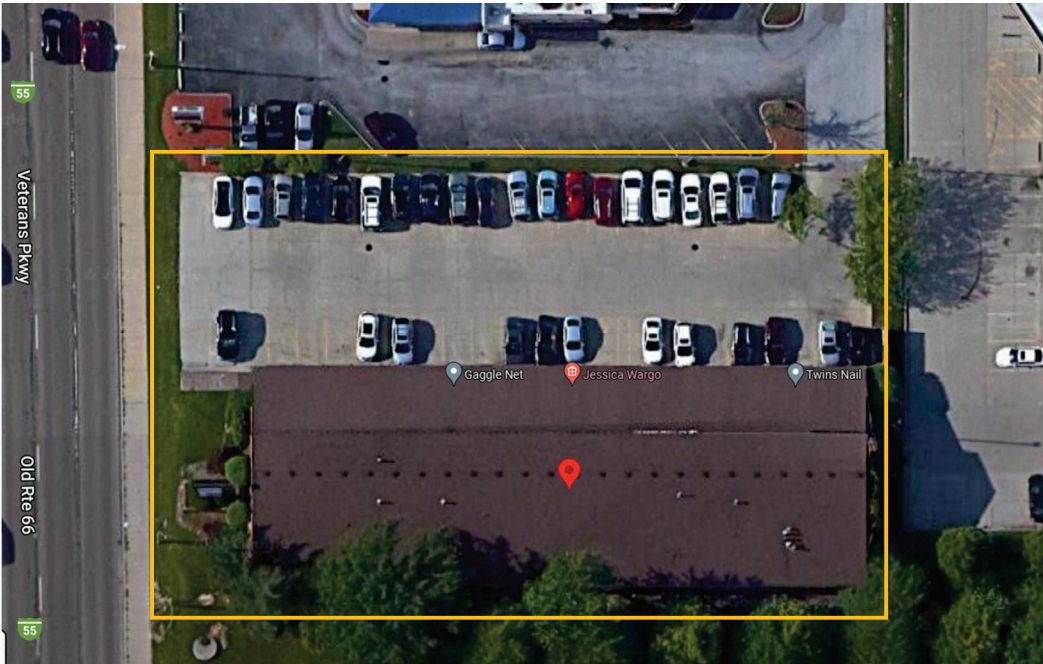
Suite 2A within Lot 340 in the Fourth Addition to Lakewood Estates Subdivision, according to the plat thereof recorded February 9, 1987 as document no. 87-2099 in McLean County and

Beginning at the north west corner of Outlot A, thence East 75 feet, south 30 feet, west 75 feet, north 30 feet to the place of beginning, all in the 4th addition to Lakewood Estates Subdivision, according to the plat thereof recorded February 9, 1987 as document no. 87-2099 in McLean County.

PIN: 14-35-252-022

EXHIBIT B

Site Plan





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: August 17, 2022

CASE NO: SP-11-22, Special Use Permit for Place of Worship in B-1

REQUEST: Public hearing, review, and action on a petition submitted by Faizan e Madinah Islamic Center for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 1319 Veterans Parkway, Suite 2A. PIN: 14-35-252-022.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow the establishment of a Place of Worship facility, per § 44-502A, which indicates Place of Worship uses require Special Use Permits in the B-1 (General Commercial) District. No variations to the code are requested.

The Petitioner desires to lawfully continue the use of the property in the manner which it has operated for the last six months. Daily activities include prayer preparation and assembly, for multiple short durations, with seating for 30 in the main assembly area. Interior alterations to the building have been made, exterior changes to the building are not planned.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Wednesday, August 3, 2022. Courtesy notices were mailed to 48 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 1319 Veterans Parkway consists of approximately 0.78 acres of land located southeast of Clearwater Avenue and Veterans Parkway, with access gained from Clearwater. The property was improved in 1989 with an approximately 10,750 square foot commercial building that is split into multiple suites, and 42 surface parking spaces. The proposed Special Use Permit is for Suite 2A which consists of 1,975 square feet. The property is owned by a

commercial real estate company; the Petitioner has approval from the property owner to seek the requested Special Use Permit.

Surrounding Zoning and Land Uses:

Zoning		Land Uses
North	B-1 (General Commercial)	Restaurant
South	R-1C (Single-Family Residence)	Single-Family Dwelling Units
East	B-1 (General Commercial)	Retail Sales, General
West	Right of Way, then C-1/R-3B	Transportation Corridor

Description of Current Zoning District:

The B-1 (General Commercial) District is intended to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types. (§ 44-501A).

Subject Code Requirements:

- § 44-502A indicates that “Place of Worship” uses require Special Use Permits in the B-1 (General Commercial) District.
- § 44-1208E (Table of Off-Street Parking Requirements) lists “Place of Worship” as requiring the greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area.
- No Zoning Use Provisions are identified for Place of Worship.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit to allow Place of Worship in the B-1 (General Commercial) District

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.

The presence of B-1 zoning and indication of this area on the City’s Future Land Use Map as “Regional Commercial” indicate that the establishment, maintenance, and operation of periodically intensive uses are appropriate for this area and will not be detrimental

to the public comfort or general welfare. The nature of the use is not one that creates noxious or hazardous externalities so is not expected to endanger public health or safety. The site is accessible via shared private drive off Clearwater and does not require movement through the nearby residential properties for ingress or egress. ***Standard is met.***

2. **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.**

The property, and the adjacent properties, have been in operation as commercial properties for many decades and the expectation of general commercial uses continuing is reasonable. Since proposed structural modifications are to the interior of the building only, the use will not significantly change the characteristics of the site or create negative impacts to property values. ***Standard is met.***

3. **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.**

No significant external changes to the building are planned related to the proposed use. Parking and access requirements have been met. Additionally, the backfill of vacant commercial properties is important for the maintenance and property values of the subject and surrounding properties. ***Standard is met.***

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

The property is served by city utilities and roads; no change to facilities is necessary as part of this Special Use Permit. ***Standard is met.***

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress are provided by existing conditions; no change to this condition is expected as the result of the Special Use Permit.

The applicable parking minimum from § 44-1208E is “The greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area,” for a requirement of 10 spaces. Normal operating hours of the proposed use overlap those of the other existing occupants of the building.

The site provides 42 off-street parking spaces, with uses and requirements listed in the table below. With two vacant suites in the building, a best estimate of the total number of parking spaces required and the impact of the subject Special Use request can be

acquired. Many of the uses appropriate for this location have off-street parking requirements of 1 space per 200-250 GFA which would require six or seven additional off-street parking spaces once the vacant spaces are filled; eight spaces remain available for allocation upon approval of this Special Use. The property owner will be made aware of this restriction on future uses and provided with a copy of the off-street parking requirements table in order to help guide future tenant selection.

Standard is met.

Suite	Square Footage	Tenant	Use	Required Off-Street Parking Spaces
1A-1B	2,676	Twins Nail	Personal care	11
2A	1,975	Islamic Center	Place of Worship	10
2B	1,260	Vacant	Undetermined	Undetermined
3B, 101	276	Shreeji Brow Salon	Personal care	1
3B, 102	198	Vacant	Undetermined	Undetermined
3B, 103	180	Millbrooke HomeCare	General Office	1
3A	3,580	Planned Parenthood	Medical Clinic	14
Required Off-Street Parking Spaces, Based on Use				37
Transit Access Discount (10%)			Applied	-3
Pedestrian Access Discount (10%)			NOT Applied	0
Public Parking Lots Discount (10%)			NOT Applied	0
On-Street Parking Discount			NOT Applied	0
Total Required Off-Street Parking Spaces				34
Total Available Off-Street Parking Spaces				42
Balance				8

- The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. In addition, as a rental property with plans for alterations that require building permits, the premises should be reviewed for compliance and condition multiple times prior to, and during occupancy and operation of the Special Use. ***Standard is met.***

ADDITIONAL CONSIDERATIONS

Per, § 44-1707I, "Prior to the granting of any special use application, the Board of Zoning Appeals may recommend, and the Council may require, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as

deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein.”

While the Zoning Code speaks only the requirement for a Special Use Permit for this use, and the Petitioner is pursuing abatement of that existing violation through this application process, the property in questions is also the subject of multiple Code Enforcement issues related to construction and operation requirements outside of the Zoning Code. Consideration may be warranted regarding the impact of those violations on public health and safety, and a condition(s) related to requiring abatement of those violations may be warranted, associated with any recommendation for approval.

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

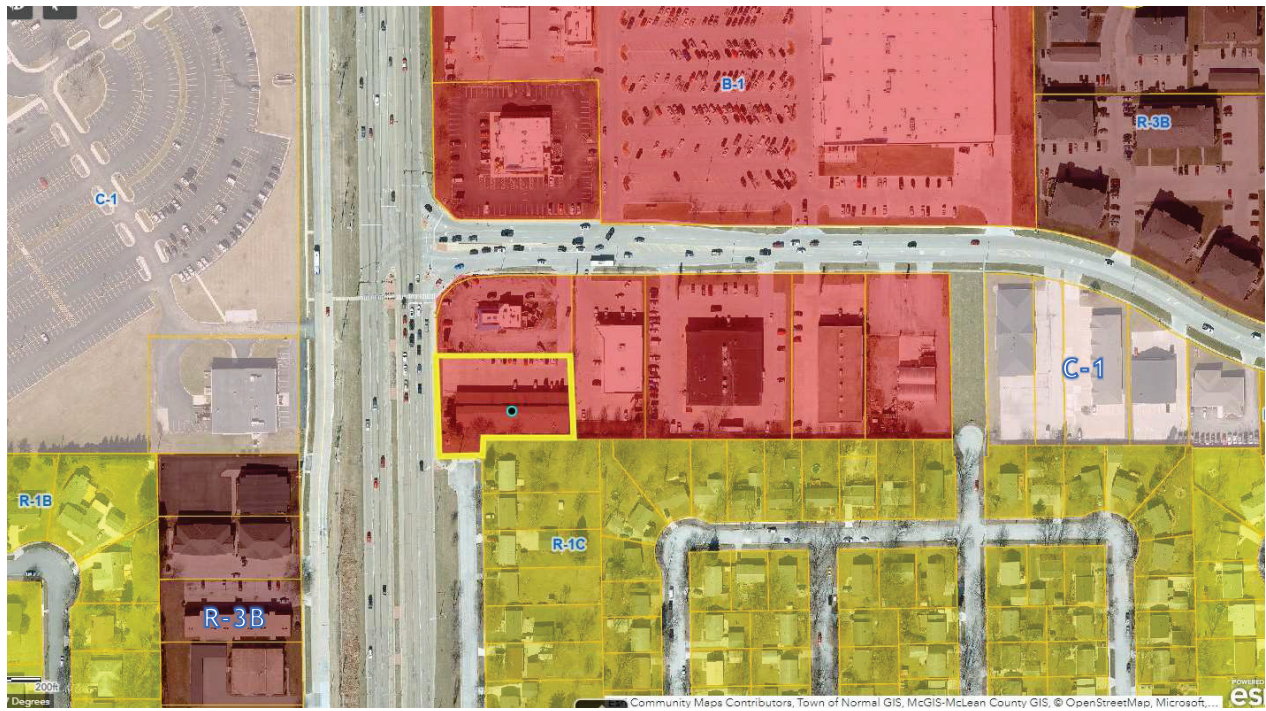
1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend:
 - a. Approval of the petition submitted by Faizan e Madinah Islamic Center for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 1319 Veterans Parkway, Suite 2A,
 - b. With the conditions
 - i. That all existing violations of City of Bloomington Code be abated within 30 days of the effective date of this Special Use Permit, or without further action by the Council, the special use or authorization thereof shall be null and void; and
 - ii. That the property owner and/or manager review the parking requirements of potential lessees for vacant suites and contact the Planning Division to identify a way forward if a proposed use would result in the property’s inability to meet the off-street parking requirements of the Zoning Code.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Petitioner-Submission - Description of Project
5. Petitioner-Submission - Site Plan
6. Neighborhood notice map

Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)



Attachment 4 - Petitioner-Submission - Description of Project

Required Documents and Submittals

Short Project Description: This is a commercial space that is intended to be used as an Islamic Center used for worship and other religious purposes.

Property Characteristics, including Parcel ID Number (PIN) and current zoning: This is an existing commercial structure consisting of multiple units. Currently zoned B-1 for which a place of worship is a special use. PIN 14-35-252-022

Legal Description of the Property: Lot 340 in the Fourth Addition to Lakewood Estates Subdivision, according to the plat thereof recorded February 9, 1987 as document no. 87-2099 in McLean County and

Beginning at the north west corner of Outlot A, thence East 75 feet, south 30 feet, west 75 feet, north 30 feet to the place of beginning, all in the 4th addition to Lakewood Estates Subdivision, according to the plat thereof recorded February 9, 1987 as document no. 87-2099 in McLean County.

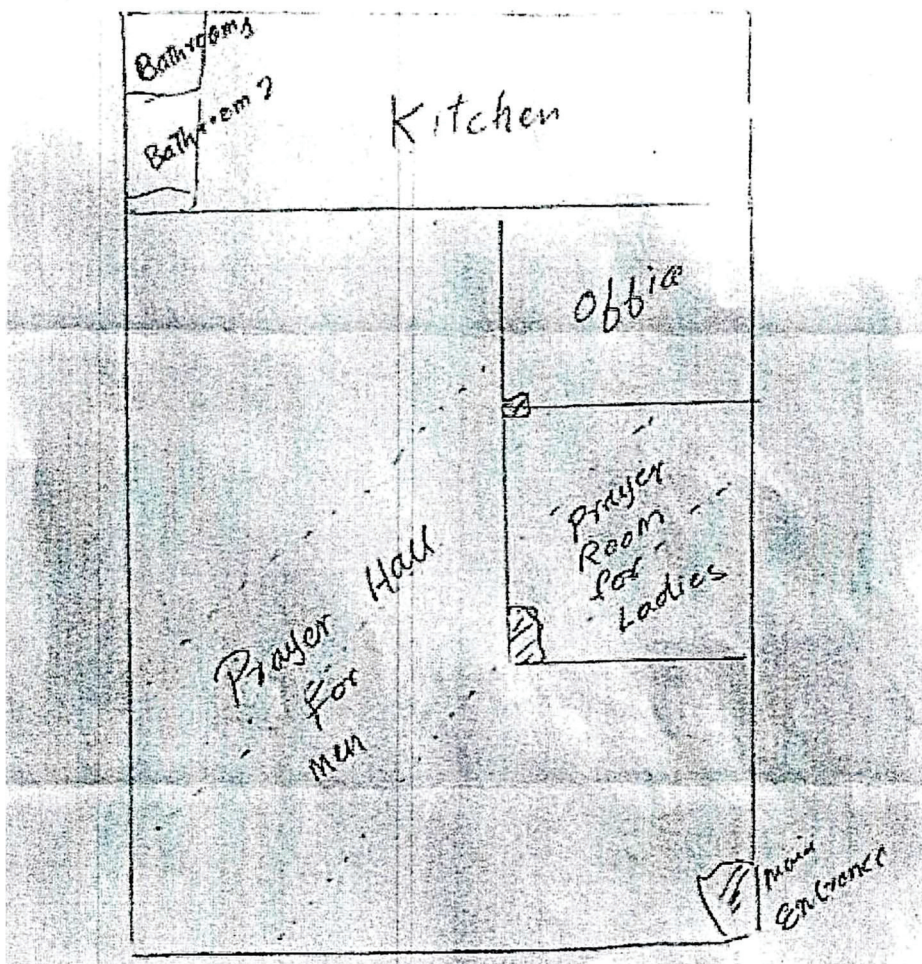
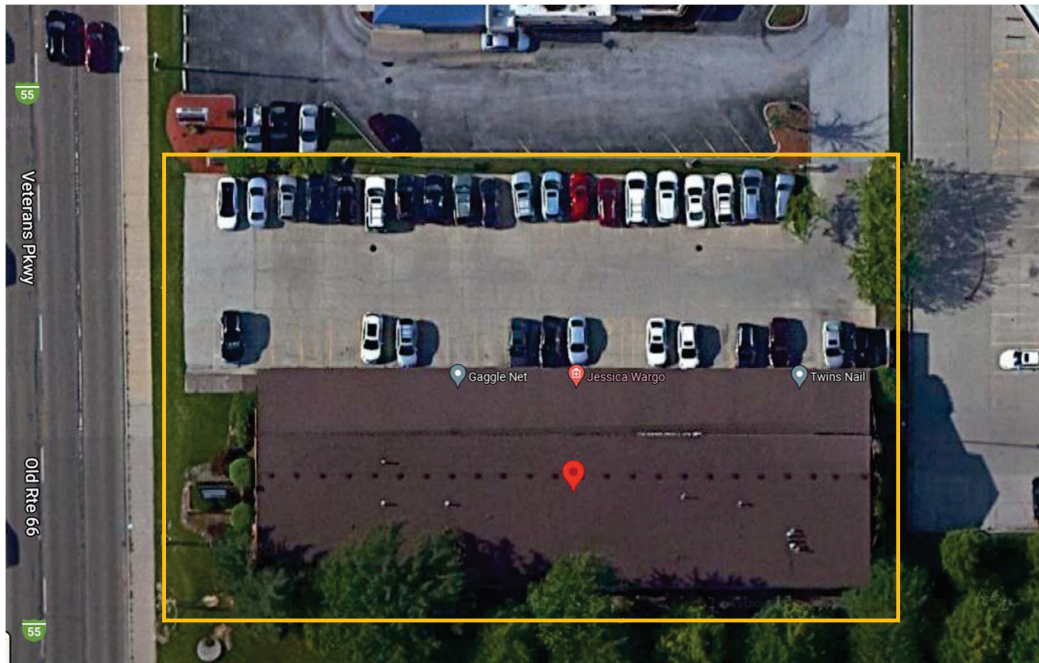
Written Consent from property owner: See copy of lease and email from property manager regarding consent to use and parking arrangement.

Legible Site Plan: See attached

Written Statement Addressing each of the Findings of Fact Listed below:

1. Granting of the special use would not be detrimental or endanger public health or safety as this is a place of worship where people will gather to pray at limited times each day.
2. All activity is inside the property and done by members of this religion.
3. The use as a place of worship will have no impact upon further development or improvement to the surrounding property
4. Adequate utilities, roads, drainage and other facilities exist. No improvements will be needed to accommodate this use
5. Traffic will be concentrated to certain times of the day and night, but sufficient areas for ingress and egress exist
6. This particular property will be used for prayer. Because all activity is taking place inside it will have no negative impact to local commercial or residential areas. It will conform with all other regulations in the area.

Attachment 5 - Petitioner-Submission - Site Plan



Ms. Pemberton presented the staff report with a recommendation to approve the Variance. She noted that many of the other homes in the area share similar construction, even without the unique site conditions of the Petitioner's property.

The Board did not have any questions for staff.

Chair Straza opened the public hearing.

Petitioner, Chris Tamm (3614 Baldocchi Drive) stated he as spoke with neighbors and they have all been in favor. Five neighbors provided him letters stating that he may speak as their duly authorized agent.

No additional testimony was provided.

Mr. Straza closed the public hearing.

No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that carrying out the strict letter of the Code does create a practical difficulty or particular hardship for the petitioner. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Mr. Ballantini - Yes. (5-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Chris Tamm for a Variance from § 44-908D of the Zoning Code to allow a 4-foot reduction in distance between a principal and accessory structure, in the R-1B (Single-Family Residence) District for the property located at 3614 Baldocchi Drive. Commissioner Ballantini seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Mr. Ballantini - Yes. (5-0). Motion was approved.

Commissioner Zwaga left the meeting at 5:04pm.

SP-11-22 Public hearing, review, and action on a petition submitted by Faizan e Madinah Islamic Center for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 1319 Veterans Parkway, Suite 2A. PIN: 14-35-252-022. (Ward 5).

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Staff noted that there may no longer be unabated compliance issues related to the property so the inclusion of a condition that those be corrected within a reasonable time in order address protect public health and safety impact of the proposed use may no longer be needed. The

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MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS

WEDNESDAY, AUGUST 17, 2022

additional condition for consideration is to help ensure parking compliance is continued as the building fills to capacity with additional tenants.

Commissioner Ballantini inquired as to how parking is calculated and how to ensure that there are not issues with parking if people start to complain.

Staff responded that off-street parking requirements in the Zoning Code are reviewed when evaluating a Special Use, if the uses meet the minimum requirements then the standard has been met, but there are also options for additional shared parking arrangements if the requirements of the zoning code are insufficient for the needs of the tenants in reality.

The Commissioner asked how many attendees are expected at one time for this proposed use. Staff explained that the parking requirements for Places of worship are based on either square footage or capacity; this use provides the same require by either evaluation and the stated capacity is 30 attendees.

Chair Straza opened the public hearing.

Attorney for the Petitioner, Joseph Dehn (201 W. Olive Street) stated that he had nothing additional to add after review of the Staff Report and presentation. He noted his belief that the standards for a Special Use are met and that, while the capacity for the facility is 30 people, the reality is that number will be spread out over the course of day with a typical maximum concurrent attendance of 12-15 being the norm.

Commissioner Straza inquired whether the facility was previously at a different location. Mr. Dehn did not know. Ms. Pemberton noted the prior location near the intersection of Hershey and Empire.

No Board discussion was held.

Commissioner Harris made a motion to recommend approval of the petition submitted by Faizan e Madinah Islamic Center for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 1319 Veterans Parkway, Suite 2A, with the conditions 1) that all existing violations of City of Bloomington Code be abated within 30 days of the effective date of this Special Use Permit, or without further action by the Council, the special use or authorization thereof shall be null and void; and 2) That the property owner and/or manager review the parking requirements of potential lessees for vacant suites and contact the Planning Division to identify a way forward if a proposed use would result in the property's inability to meet the off-street parking requirements of the Zoning Code. Commissioner Williams seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Mr. Ballantini - Yes. (4-0). Motion was approved.

Commissioner Ballantini made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Harris seconded.

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MEETING MINUTES

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Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, and Mr. Ballantini - Yes. (4-0). Motion was approved.

Staff noted this will go to City Council on September 12, 2022.

SP-12-22 Public hearing, review, and action on a petition submitted by All About Auto for Vehicle Repair and Service in the M-1 (Restricted Manufacturing) District for the property located at 604 W. Division Street. PINs: 14-33-302-016 and 14-33-302-013. (Ward 7).

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Staff explained the history associated with this property and case, including the existence of two Special Use Permits associated with Vehicle Sales and Service (1321 Mason) and Vehicle Repair and Service (604 W. Division Street), and that a certain lack of clarity in the prior Special Use Permits has led to misunderstandings between the Petitioner and City Staff on the expectations and fulfillment of the current use and site conditions. She clarified that some of the conditions present in the recommended motion are to provide clarity on the construction and operational standards for the proposed use, in addition to those that will help ensure construction and use occurs in an appropriate order throughout the phases of the expansion project. Staff noted that the Petitioner has submitted an updated site plan since the staff report was issued and that it includes many of the items of concern, so the number of conditions recommended for action have been reduced since the writing of the staff report.

Commissioner Straza inquired about updated items. Ms. Pemberton stated that the recommended motion in the presentation has been adjusted to reflect the updated site plan.

Commissioner Ballantini asked where the main entrance will be. Ms. Pemberton explained the main entrance will remain off Division Street; the offices will be moved into the new building with working bays. He asked about fencing the area along Division Street on the east side of the existing building. Staff stated the area does not have to be fenced in at this time but will once it is used as outdoor storage. The existing gravel drive will need to be paved for continued use or could be closed and landscaped.

Chair Straza opened the public hearing.

Gary Shultz, Attorney for the Petitioner (5633 N 1750 East Rd, Heyworth, IL), provided further background on the reason for the petition. Nothing additional to add after review of the Staff Report and presentation.

No additional testimony was provided.

No Board discussion was held.



CONSENT AGENDA ITEM NO. 7.I

FOR COUNCIL: September 12, 2022

WARD IMPACTED: Ward 8

SUBJECT: Consideration and action on an Ordinance Approving a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District, for the Property Located at 802 S. Eldorado Road and Granting an Exception for the Operation of Liquor Licensed Establishments to Operate Within 100 Feet Pursuant to the Illinois Liquor Control Act, as requested by the Economic & Community Development Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents

BACKGROUND: The Petitioner, Nexus Church, is requesting approval of a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road.

Summary of Request:

- Convert existing commercial building space to Place of Worship.
- No external changes to the building are planned related to the proposed use.
- Parking and access requirements have been met.

On Wednesday, July 20, 2022, the Zoning Board of Appeals held a public hearing, found the request met the standards for approval of a Special Use Permit, and voted 6-0 to table the case until the August 17, 2022, regular meeting in order to gather additional information. On Wednesday, August 17, 2022, the Zoning Board of Appeals held a public hearing, found the request met the standards for approval of a Special Use Permit, and voted 5-0 to recommend approval of the Special Use Permit to the City Council, contingent upon certain action, and with one condition.

The Illinois Liquor Control Act has a general prohibition against the issuance of a retail liquor license within 100 feet of a church, but this prohibition does not apply to existing liquor licenses when the church moves within 100 feet of the existing liquor licensee. In this instance, the applicant church is moving into the immediate vicinity of Buddy's Liquor, which has held a retail liquor license for multiple years. During the public hearings before the Zoning Board of Appeals, concern was expressed about the effect the Special Use Permit allowing the church could potentially have on a future sale of the licensed liquor store. This concern was reflected in the recommendation of the Board, which made its positive recommendation for issuance of the Special Use Permit contingent upon the adoption of an

Ordinance authorizing the local liquor commissioner to grant exemptions to Section 6-11 of the Illinois Liquor Control Act, and Chapter 6, Section 5 of the Bloomington City Code, prohibiting the location of liquor licenses within 100 feet of any church. State law has a provision that addresses this concern, 235 ILCS 5/6-11(f) provides that where a church is moving within 100 feet of a property where there is a preexisting liquor license, the local zoning authority (in this case, the City Council) may adopt an ordinance at the same time as the granting of the Special Use Permit providing that the restriction shall not apply to the church and future liquor license holders. **The proposed Ordinance includes an exemption for liquor license location from the 100-foot restriction, as related to the proposed Special Use.**

For more detailed information, please see the attached Staff Memorandum to the Zoning Board of Appeals and draft meeting minutes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The City published notice of the hearing in *The Pantagraph* on Friday, July 1, 2022 and courtesy notices were mailed to 31 property owners within 500 feet of the subject property.

FINANCIAL IMPACT: N/A

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: The Special Use contributes to Goal ED-4.4a (Evaluate the existing commercial areas and sites for adaptive reuse, particularly in the context of changing demands).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, Assistant City Planner

ATTACHMENTS:

[E&CD 3B Ordinance SP-08-22](#)

[E&CD 3C Staff Report SP-08-22](#)

[E&CD 3D ZBA 2022-07-20 Minutes SP-10-22](#)

[E&CD 3E ZBA DRAFT 2022-08-17 Minutes SP-10-22](#)

ORDINANCE NO. 2022 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PLACE OF WORSHIP IN THE B-1
(GENERAL COMMERCIAL) DISTRICT, FOR THE PROPERTY LOCATED AT 802 S. ELDORADO
ROAD AND GRANTING AN EXCEPTION FOR THE OPERATION OF LIQUOR LICENSED
ESTABLISHMENTS TO OPERATE WITHIN 100 FEET PURSUANT TO THE
ILLINOIS LIQUOR CONTROL ACT**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Place of Worship, for the property located at 802 S. Eldorado Road, legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

WHEREAS, said petition included a site plan, illustrated in Exhibit “B” and hereinafter referred to as “Plan;” and

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

WHEREAS, the Bloomington Zoning Board of Appeals, following said public hearing, made findings of fact that such Special Use meets the standards for granting a Special Use set forth in Bloomington City Code § 44-1707; and

WHEREAS, the Bloomington Zoning Board of Appeals voted to recommend that the City Council pass this Ordinance, contingent upon the adoption of an Ordinance authorizing the local liquor commissioner to grant exemptions to Section 6-11 of the Illinois Liquor Control Act, and Chapter 6, Section 5 of the Bloomington City Code, prohibiting the location of liquor licenses within 100 feet of any church; and

WHEREAS, Section 6-11(f) of the Illinois Liquor Control Act grants the local zoning authority of home rule municipalities the power to adopt an ordinance, simultaneously with the granting of a Special Use Permit for a church, providing that the 100-foot restriction mandated in said Section shall not apply to the church and future retail liquor licenses; and

WHEREAS, the City Council of the City of Bloomington has the power to adopt this Ordinance and allow this Special Use and, as the zoning authority for the City, has the power to grant the exemption pertaining to the church and future liquor licenses referenced in the previous clause.

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

Section 1. That the above recitals are incorporated into and made a part of this Ordinance as though fully set forth herein;

Section 2. That the Special Use Permit for a Place of Worship, for the property at 802 S. Eldorado Road, legally described in Exhibit “A”, is hereby approved with the condition that screening is added for the shared refuse collection area, per § 44-1308A;

Section 3. That the 100-foot location restriction in Section 6-11 of the Illinois Liquor Control Act of 1934 and in Chapter 6, Section 5 of the Bloomington City Code shall not apply to the church that is the subject of this Special Use Permit and to existing and/or future retail liquor licenses.

Section 4. This Ordinance is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

Section 5. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

Section 6. This Ordinance shall take effect upon its approval and publication as required by law.

PASSED this 12th day of September 2022.

APPROVED this _____ day of September 2022.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

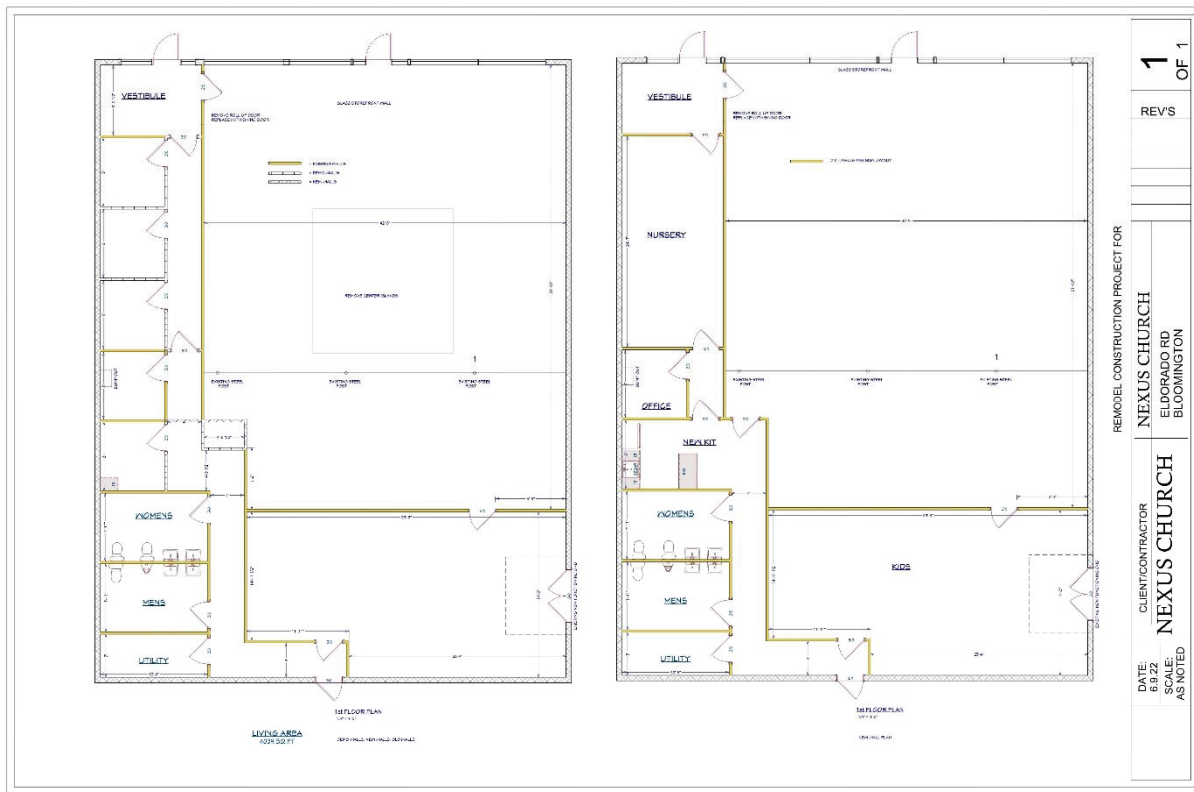
Legal Description

5TH ADD BROADMOOR SUB LOT 216 & 217

PIN: 21-11-251-020

EXHIBIT B

Site Plan





ZONING BOARD OF APPEALS

TO: ZONING BOARD OF APPEALS

FROM: Economic & Community Development Department

DATE: July 20, 2022 **UPDATED August 17, 2022**

CASE NO: SP-08-22, Special Use Permit for Place of Worship in B-1

REQUEST: Public hearing, review, and action on a petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road. PIN: 21-11-251-020.

BACKGROUND

Petitioners' request:

The Petitioner seeks a Special Use Permit to allow the establishment of a Place of Worship facility, per § 44-502A, which indicates Place of Worship uses require Special Use Permits in the B-1 (General Commercial) District. No variations to the code are requested.

The Petitioner desires to relocate the existing congregation and facility of Nexus Church from the current location at 716 E. Empire Street to the eastern-most suite (B) within an existing, partially-vacant commercial building at 802 S. Eldorado Road. Activities will include Sunday morning assemblies and small gatherings for events and activities throughout the week, with seating for 75 in the main assembly area. Exterior changes to the building are not planned, other than the addition of exterior signage, as approvable by the Advertising Sign Code.

Notice:

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Friday, July 1, 2022. Courtesy notices were mailed to 31 property owners within 500 feet of the subject property.

ANALYSIS

Property Characteristics:

The property at 802 S. Eldorado Road consists of approximately one acre of land located southeast of E. Oakland Avenue and Veterans Parkway, on a frontage road that is accessible from the north off Oakland and the south off E. Lincoln Street. The property was improved in 1972 with an approximately 15,000 square foot commercial building and 54 parking spaces; two

of the four Suites present in the building are currently vacant. The property is owned by a commercial real estate company; the Petitioner has approval from the property owner to seek the requested Special Use Permit.

Surrounding Zoning and Land Uses:

	Zoning	Land Uses
North	B-1 (General Commercial)	Restaurant
South	B-1 (General Commercial)	Liquor Store
East	R-3B (Mixed Residence)	Multi-Family Dwelling Units
West	Right of Way, then B-1/R-3B	Transportation Corridor

Description of Current Zoning District:

The B-1 (General Commercial) District is intended to facilitate the development of community and regional commercial areas. Customers in this district will generally use a motor vehicle to reach a desired establishment. The development contemplated in this district has such distinguishing characteristics as unified site planning and development that promotes a safe and conducive atmosphere for large volumes of shoppers; site accessibility such that the high volumes of traffic generated create minimal congestion and adverse impact upon surrounding land use; and unified architectural treatment of buildings rather than an assemblage of separate, conflicting store and structural types. (§ 44-501A).

Key Subject Code Requirements:

- § 44-502A indicates that “Place of Worship” uses require Special Use Permits in the B-1 (General Commercial) District.
- § 44-1208E (Table of Off-Street Parking Requirements) lists “Place of Worship” as requiring the greater of 1 space per 200 GFA or 1 space per 3 seats in the main assembly area.
- No Zoning Use Provisions are identified for Place of Worship.
- § 44-1308A Areas of low visual interest or visually intrusive site elements, such as trash collection, mechanical equipment, open storage, service areas, loading docks and blank walls, shall be screened from off-site view.

STANDARDS FOR REVIEW

The Board of Zoning Appeals (ZBA) shall hold at least one administrative public hearing on any proposed Special Use and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Special Use meets all of the Standards of Approval listed in § 44-1707H and discussed below.

Special Use Permit to allow Place of Worship in the B-1 (General Commercial) District

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.**

The presence of B-1 zoning and indication of this area on the City's Future Land Use Map as "Employment Center/Regional Commercial" indicate that the establishment, maintenance, and operation of periodically intensive uses are appropriate for this area and will not be detrimental to the public comfort or general welfare. The nature of the use is not one that creates noxious or hazardous externalities so is not expected to endanger public health or safety. The site is immediately accessible from two public roads and does not require movement through the nearby residential properties for ingress or egress. *Standard is met.*

2. **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.**

The property, and the adjacent properties, have been in operation as commercial properties for many decades and the expectation of general commercial uses continuing is reasonable. Since proposed structural modifications are to the interior of the building only, the use will not significantly change the characteristics of the site or create negative impacts to property values. *Standard is met.*

3. **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.**

No significant external changes to the building are planned related to the proposed use. Parking and access requirements have been met. Additionally, the backfill of vacant commercial properties is important for the maintenance and property values of the subject and surrounding properties. *Standard is met.*

4. **Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.**

The property is served by city utilities and roads; no change to facilities is necessary as part of this Special Use Permit. *Standard is met.*

5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Ingress and egress are provided by existing conditions; no change to this condition is expected as the result of the Special Use Permit.

The applicable parking minimum from § 44-1208E is the requirement of 1 space per 3 seats in the main assembly area, for a requirement of 25 spaces. The site provides 54

off-street parking spaces, with uses of the other units requiring 25 spaces (4,000 SF instructional studio), 9 spaces (2,300 SF retail), and an undetermined number of spaces (vacant). Currently, Fusion Martial Arts operates Monday through Thursday in the evenings and Normal Gadgets operates Monday through Saturday during normal business hours. The target days and times for the operation of Nexus Church are compatible with the other businesses in the facility and will allow the maximum extent of the parking lot to be available for use during those hours. Additionally, Nexus Church has permission from the property owner at 808 S. Eldorado Road to use the parking area on that site as overflow, if necessary. *Standard is met.*

6. The Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals.

Special Use Permits are enforceable and revokable, should such use become a nuisance, be destroyed, or cease operations for a specific period. In addition, as a rental property with plans for alterations that require building permits, the premises will be reviewed for compliance and condition multiple times prior to, and during occupancy and operation of the Special Use. *Standard is met.*

ADDITIONAL CONSIDERATIONS - UPDATED

The adjacent property (806 S. Eldorado Road) is currently owned and occupied by “Buddy’s Liquors” which holds an active liquor license (License Number: 1A-0074146) and is within 100 feet of the property proposed for the Special Use Permit.

City of Bloomington Code § 6-110A states that “No license shall be issued for the sale at retail of any alcoholic liquor at a tavern (Class TA, TB), package licensed store (Class GPA, GPB, PA, PB) or any business at which the sale of alcoholic liquor is the principal business if it is within 100 feet of any church, school [...] This prohibition shall not apply to the renewal of the license for the sale at retail of alcoholic liquor on premises within 100 feet of any church, day-care, or school where the church, day-care, or school has been established within such 100 feet since the issuance of the original license. This prohibition does not affect licensed establishments having liquor licenses issued by the City of Bloomington prior to April 25, 2018” [emphasis added]. Buddy’s Liquor application is from 2012 and their status is “Renewal,” which exempts them from the locational prohibition, on two fronts, per the City of Bloomington Code.

In addition, 235 ILCS 5/6-11 states “Sale near churches, schools, and hospitals. (a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school [...] this prohibition shall not apply to hotels offering [...]; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license” [emphasis added]. Nexus Church will have been “been established within such 100

feet since the issuance of the original license” for Buddy’s Liquor which exempts them from the locational prohibition of 235 ILCS 5/6-11.

Establishment of Nexus Church at 802 S. Eldorado Road does not place the liquor license for “Buddy’s Liquor” at 806 S. Eldorado Road at risk, based on location and proximity. However, Staff recognizes the concerns of the license holder, as related to the potential future sale of the business to a different corporate entity, and the resulting requirement to have a new license issued for the location. Illinois state law provides the ability of the local liquor control commission to grant exemptions from the distance prohibition, if local rule or ordinance allows, which would address the resident concerns expressed at the public hearing on July 20, 2022.

STAFF RECOMMENDATION

Staff finds that the application meets all the standards for a Special Use Permit and recommends that the Zoning Board of Appeals take the following actions:

1. Motion to establish findings of fact that all standards for approval of a Special Use Permit are met.
2. Motion to recommend:

Approval of the petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road,

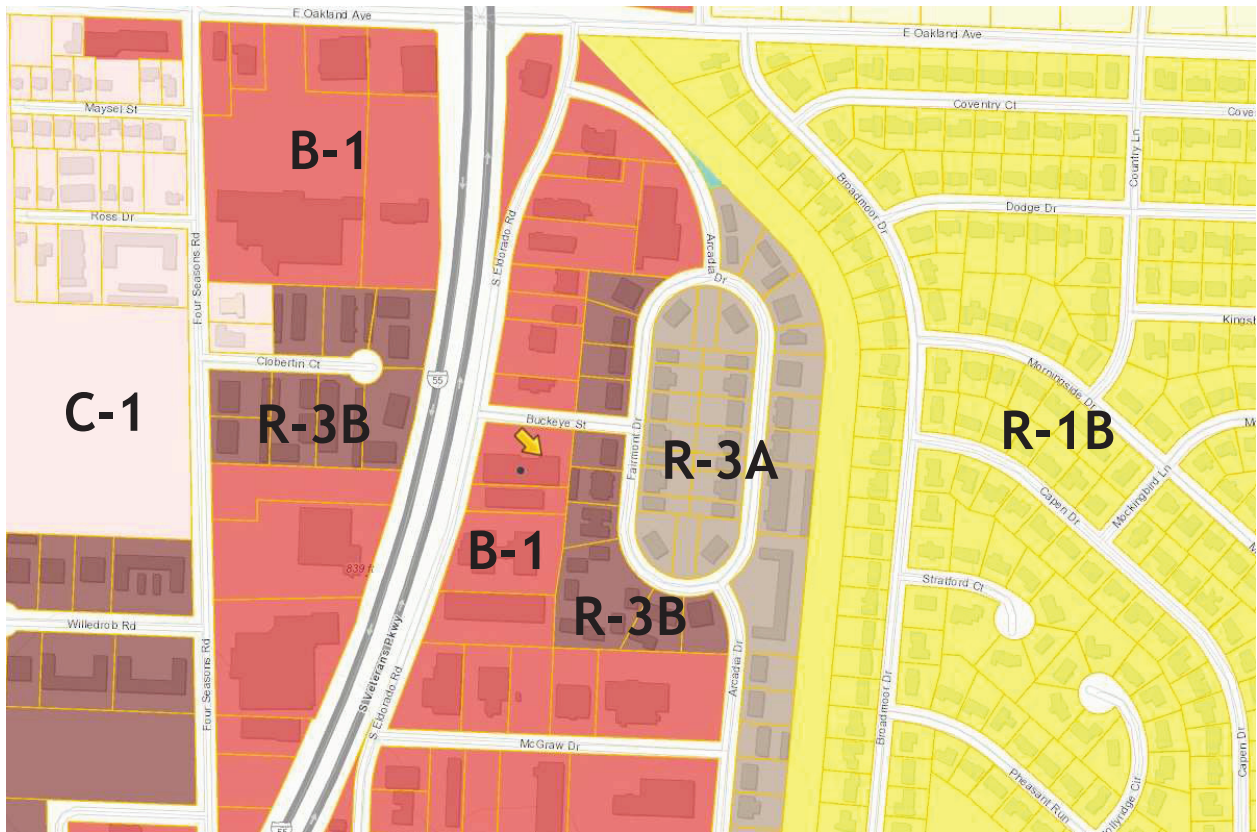
with the condition that screening is added for the shared refuse collection area, per § 44-1308A.

Respectfully submitted,
Alissa Pemberton
Assistant City Planner

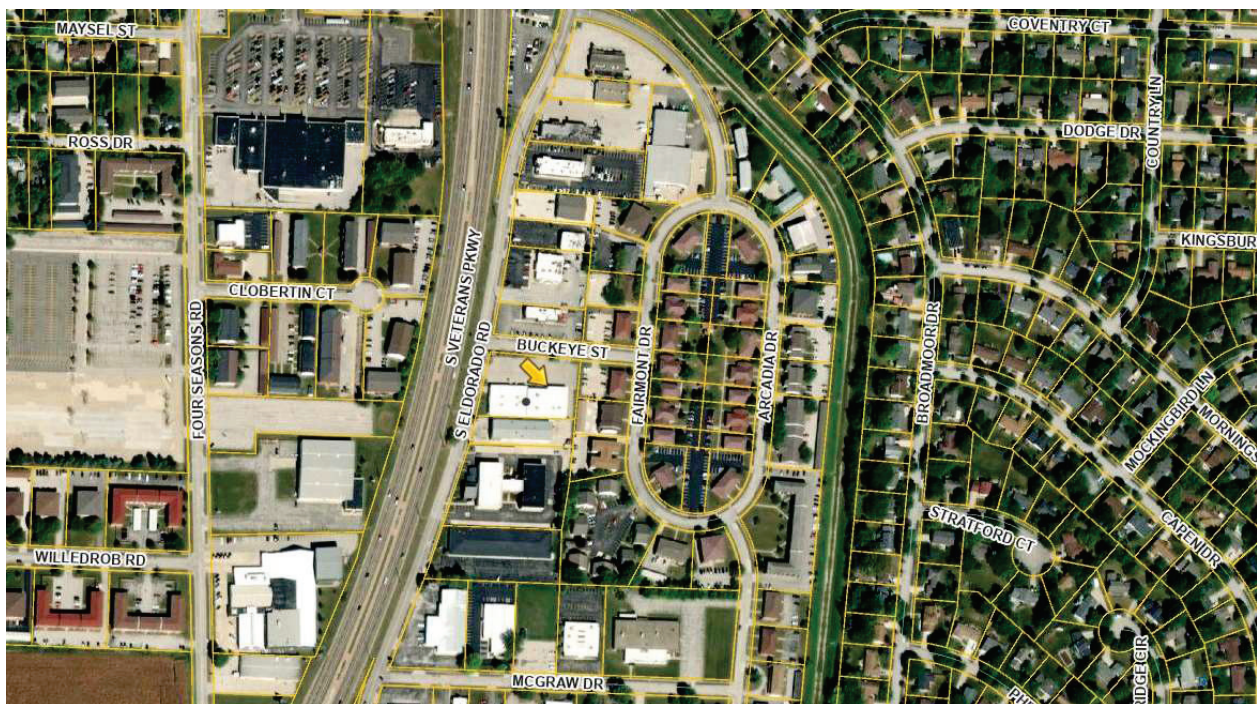
Attachments:

1. Zoning Map
2. Aerial Image
3. Ground-Level View
4. Petitioner-Submission - Description of Project
5. Petitioner-Submission - Site Plan
6. Neighborhood notice map

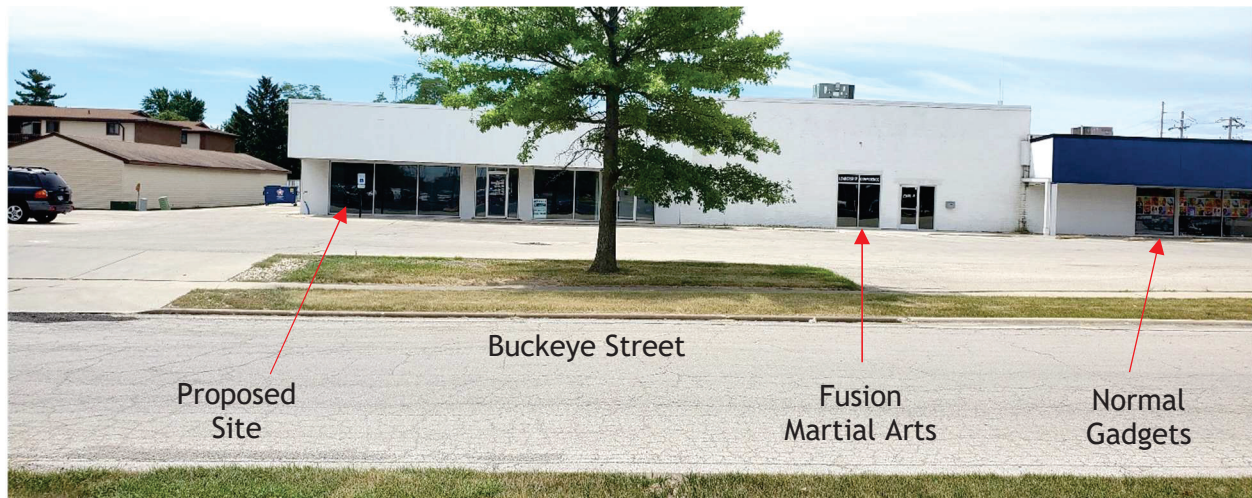
Attachment 1 - Zoning Map



Attachment 2 - Aerial Image



Attachment 3- Ground-Level View(s)





Attachment 4 - Petitioner-Submission - Description of Project

Nexus Church is seeking to re-zone this space from retail to an assembly. We plan to make minor interior changes to the property: 1. Adding a kitchenette next to the existing bathrooms with one sink and a refrigerator. 2. We will remove a few walls to make larger office areas. We will repair the flooring, ceilings and doorways once the walls are removed. 3. We will be removing the existing Point of Sale countertop in the middle of the main showroom and repairing all flooring under the countertop. An exterior sign will be installed by a sign company. We will have Sunday morning assemblies and small gatherings for events and activities throughout the week.

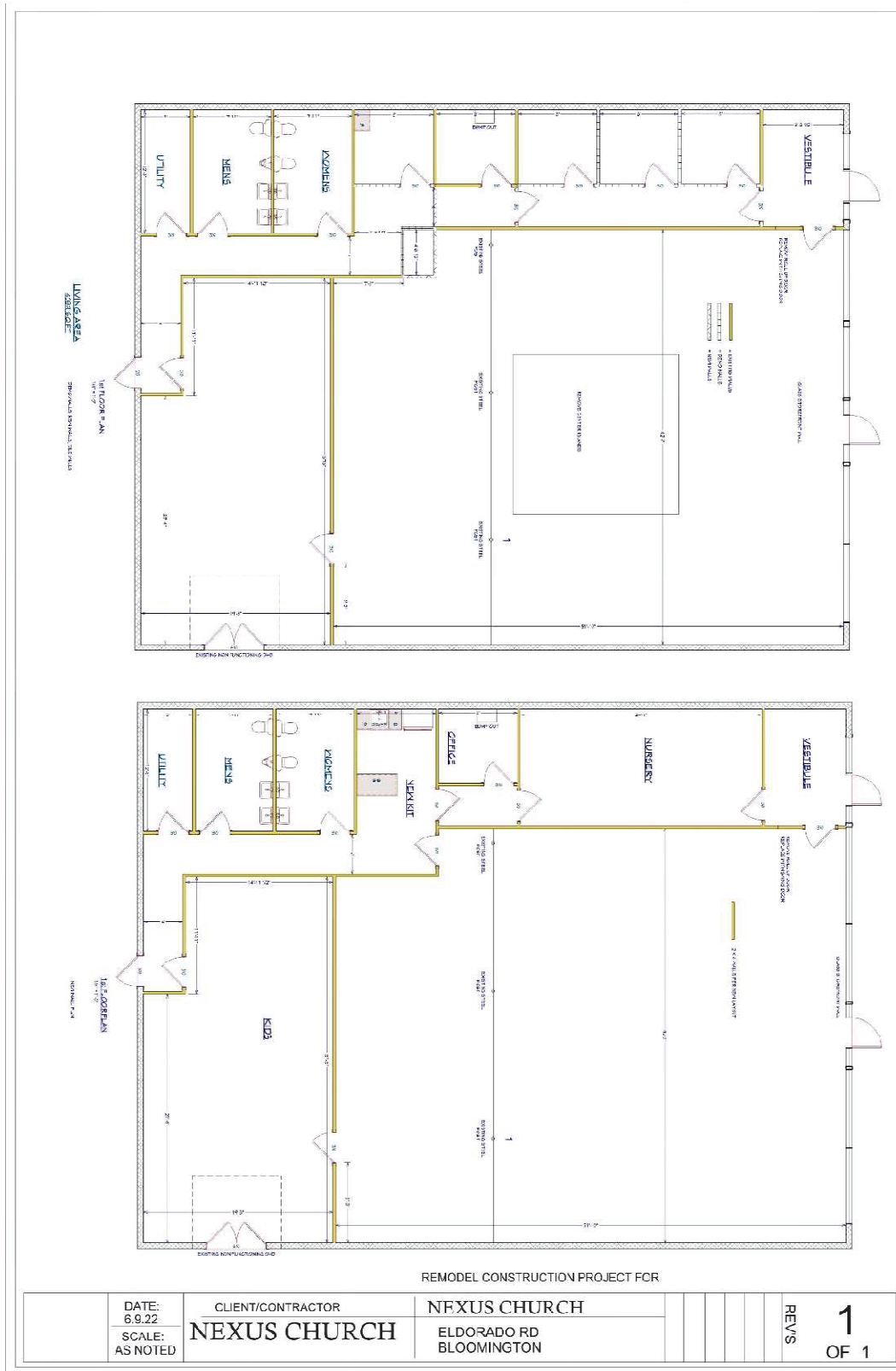
We've considered purchasing our current space. We have considered purchasing another space that the owner tore down to build apartment buildings. We have considered other lease options, but this one seems the best as far as location, size and price.

Nexus Church is committed to serving it's communities needs. We make it our mission to improve public health, safety, comfort and the general welfare of our neighbors and surrounding community.

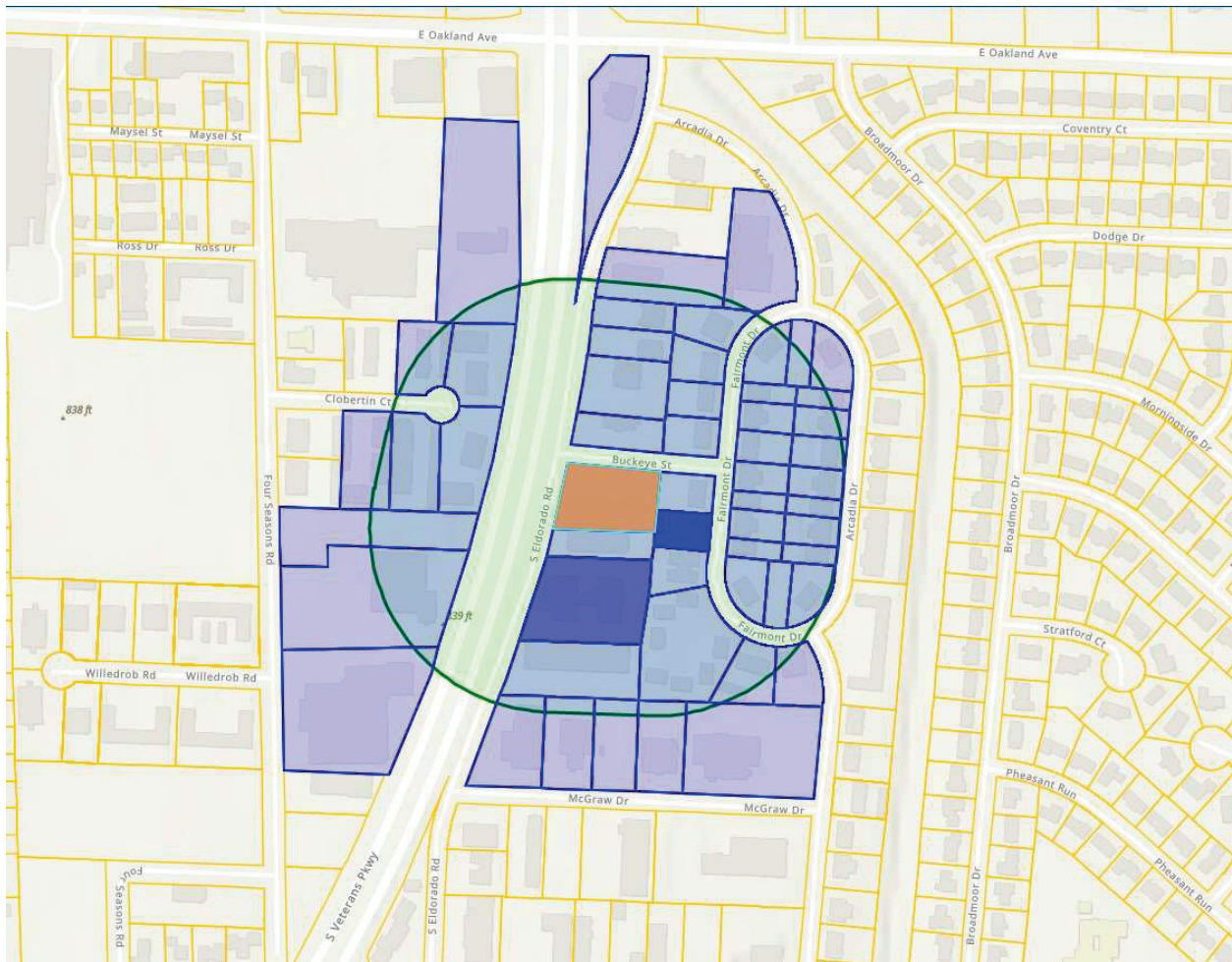
We believe that we will do nothing to decrease the value of the properties in the neighborhood. We seek only to provide a positive partnership to the tenants nearby. We have already spoken to the martial arts studio next door. They are excited to have us and want to partner with us in ministry. I imagine that our members will eat at Monical's Pizza next store and increase their revenue. We will do interior improvements to the building, put up a nice exterior sign and we will bring more life and activity to a space that has been sitting vacant or quite some time.

We foresee no impediments to the development or improvement of the surrounding property. The existing utilities, access roads, drainage and necessary facilities are adequate. The existing ingress and egress are sufficient.

Attachment 5 - Petitioner-Submission - Site Plan



Attachment 6 - Neighborhood notice map



with the heating and cooling and fire safety has been addressed. The salon operates usually one client at a time, by appointment only. He states his insurance and permits are all up to date.

Chair Ballantini asked how long the Petitioner had been conducting business in this location. Mr. Aguas replied that it has been about 2.5 months; he was previously at 2401 E. Oakland.

Chair Ballantini asked the Petitioner if he owned the building. Mr. Aguas replied in the affirmative.

Chair Ballantini asked how many residences were in the building. Mr. Aguas stated there are five beside the nail salon. The Chair asked for clarification that they all enter the building from the back. Mr. Aguas clarified that one entrance is on the east side of the building, the other two enter from the rear.

The Chair inquired what was in the space before the nail salon. Mr. Aguas explained that there was previously a 1-bedroom apartment in the space.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Jose Aguas for a Special Use Permit for Personal Care Services (Nail Care) in the R-D (Downtown Neighborhood Residence) District for the property located at 701 E. Washington Street. Commissioner Zwaga seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Chair Ballantini asked for clarification on the process for addressing the existing signage. Staff noted that if Special Use is approved, the Petitioner will need to work with staff on getting approved and permitted signage. Staff noted that if Special Use not approved then existing signage will need to be removed.

Staff noted this will go to City Council on August 8, 2022.

SP-08-22 Public hearing, review, and action on a petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road. PIN: 21-11-251-020. (Ward 8).

Chair Ballantini explained that he needs to recuse himself for this case and asked for a volunteer for a temporary chair. Commissioner Straza stated he would volunteer.

Commissioner Zwaga made a motion to approve Commissioner Straza as temporary chair. Commissioner Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes, and Chair Ballantini - Yes. (6-0). Motion was approved.

Ms. Pemberton presented the staff report with a recommendation to approve the Special Use Permit. Want to relocate to the most eastern portion of the building. Seating for 75 will be provided. Sufficient parking and access are existing based upon staff analysis. The other uses in the building have alternative hours so there is little overlap in customer and parishioner parking. The church moving into this location does not put the renewal of "Buddy's Liquors" license into jeopardy, as the prohibition for licenses within 100 feet of a church does not apply to renewals.

The Board did not have any questions for staff.

Temporary Chair Straza opened the public hearing.

Phil Bussmann (1 Swarthmore Drive) - Mr. Bussmann stated that he and his family attend Nexus Church. He explained that the current location is too large for the church's needs; the proposed location is a better fit for the church. Mr. Bussmann is aware of the issue with the liquor store's proximity and stated that the church has no intention of negatively impacting them. He explained that the church operates Sunday mornings and has a Wednesday evening youth group, but most of the time during the day it will just be the Pastors' vehicles and occasionally an event.

Chair Straza inquired about the hours of operation on Sundays. Mr. Bussmann explained that they have one service Sunday morning at 10:30 a.m., which usually runs to about 12:30 p.m.

Chair Straza asked if they have any concerns about noise level since they will be adjacent to residential uses. Mr. Bussmann stated he does not have any concerns in that regard.

Nita Patel (806 S. Eldorado Road) Nita, Buddies Liquor - Ms. Patel stated that she is from Buddy's Liquors. They own the building and have operated there for about 16 years, and they contribute to local taxes and support the City. She expressed concern that if the church is there, they will have a problem with their renewal license. She also has concerns about whether new owners would be able to acquire a liquor license if they ever sell the business. Ms. Patel stated she is also concerned about the potential impact on parking.

Dilip Patel (806 S. Eldorado Road) - Mr. Patel stated that he is the owner of Buddy's Liquor. He stated that running his business is very hard, but it is going well and they do not have issues with the police. Mr. Patel stated he is concerned that, when he sells the business, a new owner will not be able to acquire a liquor license because of the church being there. They purchased the building because they were able to get the license there; it was for sale for 4-5 years prior to that.

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS

WEDNESDAY, JULY 20, 2022

Keyur Patel (908 S. Eldorado Road) - Mr. Patel stated that he owns neighboring properties and used to have liquor licenses at a few of them. He is concerned that the church will impact his ability to sell properties since potential buyers may need liquor license and he does have a property within 500 feet. Mr. Patel understands that the City may not have an issue with the location and a liquor license, but State has requirements too. He stated that he is not against the church, he is just concerned from a liquor license perspective.

Johnny Payton (706 Fairmont) - Mr. Payton stated that he is concerned that Buddy's Liquors is going to be forced out if the church is allowed to move in nearby.

Simhadriraju Chekuri (2523 Gill Street) - Mr. Chekuri stated that he does not mind the church coming in, but if it will negatively impact Buddy's Liquors he is not in favor of it.

Mr. George Boyle spoke to clarify the requirements of the City's liquor licensing requirements. He explained that the current regulation was passed in 2018, and the prohibition on licensing within 100 feet of certain uses, including churches, does not affect establishments with licenses from before that date.

He explained that the prohibition is meant to affect the establishment of new liquor licenses, not existing licenses, or the renewal thereof. He warned that we can not predict how that may be interpreted in the future, but the plain language is that it is not to affect the existing establishments. If the establishment is sold there is a possibility that it could be interpreted to affect a sale. He further explained that there are numerous exceptions to the similar prohibition in the Illinois Liquor Control Act.

Mr. Boyle clarified that if the Board feels that the testimony related to the liquor licensing pertains to one of the factors of granting a Special Use, it can apply to the Board's decision; all of the factors have to be met for a Special Use to be recommended to City Council. He noted that the Board may also feel that this does not apply to one of the standards for a Special Use Permit. Mr. Boyle also stated that the case could be postponed to provide time to review the State ordinance and potential impact.

Commissioner Harris asked for clarification on how an establishment is grandfathered. Mr. Boyle stated that there are a number of ways to be interpreted, but that the intent of the Council at the passage of this ordinance was to allow churches to locate near existing liquor establishments, but to prevent liquor establishments from locating near existing churches.

Commissioner Harris commented that this is a significant issue that should be deliberated and expressed concern that granting the Special Use to the church could put Buddy's Liquors out of business. Mr. Boyle clarified that it would not put them out of business or affect the current establishment; the concern seems to be how it would affect a future sale of the business.

Ms. Pemberton noted that it may be possible to include a Condition for the approval of the Special Use that would cause the permit to expire upon the condition of sale of the adjacent property, or something to that effect.

Commissioner Straza asked what language would look like that would achieve that goal. Staff provided an example of the language that could be created. Staff also noted that code could change in the future and allow both to stay, and then the Condition could become void at that time. Mr. Boyle commented that a Condition could be drafted, such that the request would be reevaluated at the request of the neighboring business a sale is anticipated, or something similar. Staff noted the applicant would be supportive of that sort of language, and that there is one additional Condition for consideration with approval of the Special Use. Ms. Pemberton explained there is an unscreened dumpster on-site that needs to be screened, per Code, and the Petitioner is amenable to adding a Condition requiring such if the Board wants to include it in their recommendation.

The Petitioner's representative, Mr. Bussmann, spoke again and noted the intent is not to impact existing businesses, but they would like to proceed at this time, and move into this location.

Commissioner Noonan asked staff how to proceed and stated his concern that they do want to make sure the other property owner's interests are protected. Ms. Pemberton explained that all of the findings of fact have to be met for a Special Use to be approved, and if the Board believe that is done, with the addition of a Condition the Board may proceed with approval.

Staff discussed the potential wording for an appropriate Condition. After discussion, Ms. Pemberton clarified that the motion would be: to recommend Approval of the Petition, with the Condition that in the event that the neighboring property owner of 806 S. Eldorado anticipates sale of the property, the Special Use Permit be revisited, and the Condition that the screening is added for the shared trash collection area, as required by § 44-1308A.

Mr. Boyle clarified that the enactment of that Condition would be in the form of the Petitioner submitting a request for reevaluation to the ZBA, or cooperation in the submission of that.

Commissioner Harris asked for clarification of the issue when City permitting would likely not present an issue upon the sale. Ms. Pemberton pointed out the location of the two properties under discussion and clarified that Mr. Patel is concerned about how the State would view the issue upon sale of the business, due to the proximity of the church.

Commissioner Straza asked whether tabling the case in order to find out more about how the State would interpret this issue. Staff discussed options and recommended that a determination on the findings of fact be evaluated first, and then a few of what a motion to approve would be.

The Board asked those that spoke how they feel about the conditions. Nita Patel stated that she is not against the church, but she still has concerns about the State rules saying there cannot be a liquor store near a church. She also has concerns about the impact on the other establishments in the area that have liquor licenses.

Commissioner Noonan made a motion to table discussion to gather more information on the potential impact to the liquor licenses of surrounding businesses. Commissioner Harris seconded.

Mr. Noonan made a motion to table the case SP-08-22 to allow staff investigate the ramifications of the requested Special Use Permit on the potential sale of Buddy's Liquors in the future, and the transfer potential for that license to the new owner. Ms. Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Noonan - Yes. (5-0). Motion was approved.

SP-09-22 Public hearing, review, and action on a petition submitted by IHG Property LLC for a Special Use Permit for a Dwelling Unit, Two-Family, in the B-2 (Local Commercial) District for the property located at 802 E. Grove Street. PIN: 21-04-437-009. (Ward 1).

Mr. Branham presented the staff report with a recommendation to approve the Special Use Permit. He stated it was likely built as single-family residential building but was converted to commercial and residential some time ago. The Petitioner is looking to renovate the building and convert the ground floor commercial use to an additional residential unit. Access and parking requirements are met.

The Board did not have any questions for staff.

Chair Ballantini opened the public hearing.

Gregory Hall, on behalf of the Petitioner IHG Property LLC, (1607 Myra Lane) stated the first floor was previously commercial use and the second floor is already residential. The Petitioner states the first floor already lends itself to residential and he would like to return the property to entirely residential use. Mr. Hall stated that there is sufficient parking for all of the units within the building.

Chair Ballantini asked the Petitioner how long he has owned the building. Mr. Hall replied he has owned the building for about a month.

The Chair asked what will happen with the current tenants. Mr. Hall explained that the upper floor is already residential rental and will remain as such; the ground floor that was commercial was already vacant at the time he purchased the property.

Chair Ballantini asked if Mr. Hall is the sole owner of IHG Property LLC; Mr. Hall confirmed. Chair Ballantini asked for clarification that none of the subject property belong to Schooners; Mr. Hall confirmed and stated he does not believe they have any issues with the petition but has not spoken with them directly in the affirmative or negative.

No additional testimony was provided. No Board discussion was held.

Commissioner Harris made motion to allow Commissioner Ballantini to attend and participate remotely. Seconded by Commissioner Straza. Roll call vote was taken, Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes. (4-0). Motion was approved.

Ms. Pemberton noted that it is preferable to have the meeting run by a Commissioner who is attending in person and that Commissioner Straza has volunteered to serve as Temporary Chair for this meeting.

Commissioner Harris made a motion to allow Commissioner Straza to serve as Chair for the duration of this meeting. Seconded by Commissioner Ballantini. Roll call vote was taken, Ms. Harris - Yes, Mr. Straza - Present, Ms. Williams - Yes, Mr. Zwaga - Yes, Mr. Ballantini - Yes. (4-0). Motion was approved.

PUBLIC COMMENT

Chair Straza opened the floor for public comment, reminding attendees that public comment is typically reserved for items not on the agenda.

There was no public comment.

MINUTES

Commissioner Zwaga motioned to approve the minutes from July 20, 2022, regular Zoning Board of Appeals meeting, as amended for spelling correction on page four. Commissioner Harris seconded.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Mr. Ballantini - Yes. (5-0). Motion was approved.

REGULAR AGENDA

SP-08-22 Public hearing, review, and action on a petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road. PIN: 21-11-251-020. (Ward 8). *Tabled from the July 20, 2022, Regular Meeting, for further information and consideration.*

City Attorney Boyle provided an update on item as related to liquor licensing within 100 feet of a church. State law does allow for a local liquor control commissioner (the Mayor) to grant exemptions to the state law's prohibition in 235 ILCS 5/6-11, the Board could consider a motion for approval upon contingency of that exemption.

Commissioner Harris inquired on options for the Board to act upon the proposal. Ms. Pemberton explained that the Board has a number of options for how to proceed in this case:

- 1) The Board may decide that the issue of whether the location of Nexus Church causes a prohibition of new liquor licenses for the surrounding properties (within 100 feet) is not related to any of the factors that must be true in order to recommend approval of a Special Use Permit, and may make a recommendation on the merits of the case, as-is;

DRAFT

MEETING MINUTES

PUBLISHED BY THE AUTHORITY OF THE ZONING BOARD OF APPEALS OF BLOOMINGTON, ILLINOIS

WEDNESDAY, AUGUST 17, 2022

- 2) The Board may decide that the issue of whether the location of Nexus Church a prohibition of new liquor licenses for the surrounding properties (within 100 feet) is related to one or more of the factors that must be true in order to recommend approval of a Special Use Permit, and may make a recommendation on the merits of the case and the consideration of that issue, by doing one of the following:
- a. Recommend denial of the Special Use; or
 - b. Recommend approval of the Special Use, without conditions related to the issue of liquor licensing, and permit City Council to further vet the issue through public opinion; or
 - c. Recommend approval of the Special Use, contingent upon an exemption to the prohibition in 235 ILCS 5/6-11.

Ms. Pemberton noted that this case is likely only the first of the kind that will come before the Board due to the nature of use and the amenities provided by vacant commercial properties.

Commissioner Ballantini inquired whether tabling the case again was an option. Ms. Pemberton explained that further postponing the case is not recommended. Mr. Boyle noted that the process for adopting the Ordinance required to allow the subject exemptions will be brought to Council by the Legal Staff.

Temporary Chair Straza opened the public hearing. Mr. Boyle asked that the public limit their comments to new information only.

Karl Bauchmoyer, Attorney for Nexus Church (14 Lavender Lane) - Stated there is no animosity toward the neighboring property; the church is simply seeking to occupy the subject space. Timeline is a concern for the Petitioner due to leasing and finance issues. He discussed the State statute language and noted that it includes the exemption language, but also includes language that prohibits preventing the church from locating as such. He stated that the argument at issue for Buddy's Liquors should not impact the subject Special Use since all of the standards have been met.

Commissioner Straza asked for further clarification from Staff on whether the standards have been met and how those interact with the concerns at issue. Ms. Pemberton reviewed Standard 2 for Special Uses as it relates to the case and clarified that Staff recommends approval of the Special Use Permit.

Mr. Bauchmoyer clarified that granting the Special Use does not impact Buddy's Liquors in any way, currently; the concerns expressed are regarding a future, hypothetical situation and are overly burdensome for consideration during current review.

Mr. Boyle confirmed that Staff intends to pursue passing the exemption Ordinance, regardless of whether it is part of a contingent motion.

Dilip Patel (806 S. Eldorado Road) - Mr. Patel stated he had obtained signatures of people against the request for the Special Use Permit.

Ms. Pemberton stated that testimony at Administrative Hearings must be provided in person or by duly authorized agent or attorney, so petition signatures are not typically admissible. Mr. Boyle noted that weight would also need to be given to the fact that the people are not present and unable to be cross examined and asked whether the Applicants object to submission of the signed petition. Mr. Bauchmoyer objected to the submission of the petition. Commission Straza clarified that the petition is not admissible evidence, for all of the reasons previously stated.

Mr. Patel stated his further objections to the proposal, including concerns over sufficient parking and the traffic at Oakland and Eldorado.

Nita Patel (806 S. Eldorado Road) - Ms. Patel stated her concerns with the proposal and that she needs proof that the City and State will renew their liquor license. Mr. Boyle stated the Ordinance that should result from the process Staff will be bringing to Council will provide proof.

Mr. Straza closed the public hearing.

Commissioner Harris made a motion to establish findings of fact that all standards of approval for a Special Use Permit are met. Commissioner Zwaga seconded.

Ms. Harris inquired about the protocol for adding contingency. Staff explained that would be related to the second motion for approval of the Special Use; this motion is related to whether the necessary standards for approval have been met. No further Board discussion.

Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Recused. (4-0-1). Motion was approved.

Commissioner Harris made a motion to recommend approval of the petition submitted by Nexus Church for a Special Use Permit for a Place of Worship in the B-1 (General Commercial) District for the property located at 802 S. Eldorado Road, contingent upon the adoption of an Ordinance authorizing the local liquor commissioner to grant exemptions to the prohibition in 235 ILCS 5/6-11 subsection (a) as related to the location of liquor licenses within 100 feet of any church, and with the condition that screening is added for the shared refuse collection area, per § 44-1308A. Commissioner Zwaga seconded.

Roll call vote: Roll call vote: Ms. Harris - Yes, Mr. Straza - Yes, Ms. Williams - Yes, Mr. Zwaga - Yes, and Chair Ballantini - Recused. (4-0-1). Motion was approved.

Staff noted this will go to City Council on September 12, 2022.

V-06-22 Public hearing, review, and action on a petition submitted by Chris Tamm for a Variance from § 44-908D of the Zoning Code to allow reduced distance between a principal and accessory structure, in the R-1B (Single-Family Residence) District for the property located at 3614 Baldocchi Drive. PIN: 15-30-252-007. (Ward 9).



CONSENT AGENDA ITEM NO. 7.F

ROU COLNCIW September 12, 2022

P AUD IMBACTED: City-Wide Impact

SLJFECT: Consideration and action on an Ordinance Amending Chapter 6, Section 6-110(a) of the Bloomington City Code Authorizing the Liquor Commissioner to Grant Exemptions to the Location Restriction in that Subsection and a Similar Restriction in Section 6-11(a) of the Liquor Control Act of 1934, as requested by the Legal Department.

UECOMMENDED MOTION: The proposed Ordinance be Approved.

STUATEGIC BWAN WNK:

Goal 1. Financially Sound City Providing Quality Basic Services

STUATEGIC BWAN SIGNIRICANCE:

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

JACKGUOLND: The Illinois Liquor Code, 235 ILCS 5/6-11, generally prohibits the issuance of liquor licenses within 100 feet of any church, school, or hospital. However, there are several specific exceptions to the general prohibition in the Liquor Code. One subsection of the Liquor Code provides that a local liquor control commissioner (i.e., the Mayor) may grant an exemption to the prohibition if a local ordinance authorizes the commissioner to grant such exemptions. The City's liquor ordinance, in Chapter 6, Section 6-110, has a similar prohibition on the issuance of liquor licenses within 100 feet of any church, school or hospital. The proposed ordinance would amend the City's liquor ordinance to authorize the liquor commissioner to grant exemptions to the 100 foot prohibition.

Although both the state law and City ordinance provide that the prohibition shall not prevent renewal of liquor licenses where the church, school or hospital move to within 100 feet of an existing liquor license holder, the prohibition could at times prevent sale of the licensed business, even if both the church and business have no objection to the sale. The proposed ordinance would allow the liquor commissioner to review and approve an exemption from the prohibition.

COMMLNITY GUOLBS/INTEUESTED BEUSONS CONTACTED: N/A

RINANCIAWIMBACT: No material financial impact is anticipated if the ordinance is adopted.

AMEUICAN UESCLE BWAN RLNDING IMBACT: N/A

COMMLNITY DEVEVOBMENT IMBACT: This request meets the following goals and objectives of the Jloomington Comprehensive Blan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Kierra Brown, Paralegal

ATTACHMENTS:

[LGL 1B Ordinance_Liquor Amendment](#)

ORDINANCE NO. 2022 - _____

AN ORDINANCE AMENDING CHAPTER 6, SECTION 6-110(a) OF THE BLOOMINGTON CITY CODE AUTHORIZING THE LIQUOR COMMISSIONER TO GRANT EXEMPTIONS TO THE LOCATION RESTRICTION IN THAT SUBSECTION AND A SIMILAR RESTRICTION IN SECTION 6-11(a) OF THE LIQUOR CONTROL ACT OF 1934

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Chapter 6, Section 6-110(a) of the Bloomington City Code, 1960, as amended, shall be amended as follows (Additions are indicated by underlining):

No license shall be issued for the sale at retail of any alcoholic liquor at a tavern (Class TA, TB), package licensed store (Class GPA, GPB, PA, PB) or any business at which the sale of alcoholic liquor is the principal business if it is within 100 feet of any church, school, (including preschools, but excluding institutions of higher learning), hospital, home for aged or indigent persons or for veterans, their spouses or children, any military or naval station, or any day-care center licensed by the Illinois Department of Children and Family Services, undertaking establishment or mortuary. In the case of a church, the distance of 100 feet shall be measured from the property line of the licensed premises to the nearest part of any building used for worship services or educational programs. In all other instances, the measurement shall be made from the property line of the licensed premises to the property line of the school, hospital, home for aged or indigent persons, home for veterans, their spouses, or children, any military or naval station or any day-care center licensed by the Illinois Department of Children and Family Services undertaking establishment or mortuary. This prohibition shall not apply to the renewal of the license for the sale at retail of alcoholic liquor on premises within 100 feet of any church, day-care, or school where the church, day-care, or school has been established within such 100 feet since the issuance of the original license. This prohibition does not affect licensed establishments having liquor licenses issued by the City of Bloomington prior to April 25, 2018. The Liquor Commissioner is authorized to grant exemptions to the prohibition in this subsection (a), and to a similar prohibition in Section 6-11(a) of the Liquor Control Act of 1934.

SECTION 2. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 3. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 4. This Ordinance shall take effect after its approval and publication as required by law.

PASSED this 12th day of September 2022.

APPROVED this _____ day of September 2022.

CITY OF BLOOMINGTON

Mboka Mwilambwe, Mayor

ATTEST

Leslie Smith-Yocum, City Clerk