



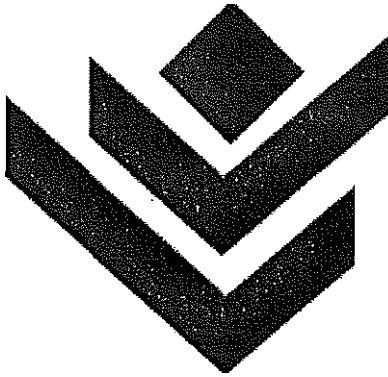
CITY OF
BLOOMINGTON
COUNCIL MEETING
AUGUST 8, 2016

CONSENT AGENDA

RECOGNITION

REGULAR AGENDA

AGENDA



City Logo Design Rationale

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

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

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

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

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

City of Bloomington – Strategic Plan

Vision 2025

Bloomington 2025 is a beautiful, family friendly city with a downtown – the heart of the community and great neighborhoods. The City has a diverse local economy and convenient connectivity. Residents enjoy quality education for a lifetime and choices for entertainment and recreation. Everyone takes pride in Bloomington.

Jewel of Midwest Cities.

Mission

The Mission of the City of Bloomington is to be financially responsible providing quality, basic municipal services at the best value. The city engages residents and partners with others for community benefit.

Core Beliefs

Enjoy Serving Others

Produce Results

Act with Integrity Take

Responsibility Be

Innovative Practice

Teamwork

Show the **SPIRIT!!**

Goals 2015

Financially Sound City Providing Quality Basic Services

Upgrade City Infrastructure and Facilities

Strong Neighborhoods

Grow the Local Economy

Great Place to Live – A Livable, Sustainable City

Prosperous Downtown Bloomington

12/11/2010



2015 Strategic Plan Goals

Goal	1. Financially Sound City Providing Quality Basic Services
Objective	a. Budget with adequate resources to support defined services and level of services b. Reserves consistent with city policies c. Engaged residents that are well informed and involved in an open governance process d. City services delivered in the most cost-effective, efficient manner e. Partnering with others for the most cost-effective service delivery
Goal	2. Upgrade City Infrastructure and Facilities
Objective	a. Better quality roads and sidewalks b. Quality water for the long term c. Functional, well maintained sewer collection system d. Well-designed, well maintained City facilities emphasizing productivity and customer service e. Investing in the City's future through a realistic, funded capital improvement program
Goal	3. Grow the Local Economy
Objective	a. Retention and growth of current local businesses b. Attraction of new targeted businesses that are the "right" fit for Bloomington c. Revitalization of older commercial homes d. Expanded retail businesses e. Strong working relationship among the City, businesses, economic development organizations
Goal	4. Strong Neighborhoods
Objective	a. Residents feeling safe in their homes and neighborhoods b. Upgraded quality of older housing stock c. Preservation of property/home valuations d. Improved neighborhood infrastructure e. Strong partnership with residents and neighborhood associations f. Residents increasingly sharing/taking responsibility for their homes and neighborhoods
Goal	5. Great Place – Livable, Sustainable City
Objective	a. Well-planned City with necessary services and infrastructure b. City decisions consistent with plans and policies c. Incorporation of "Green Sustainable" concepts into City's development and plans d. Appropriate leisure and recreational opportunities responding to the needs of residents e. More attractive city: commercial areas and neighborhoods
Goal	6. Prosperous Downtown Bloomington
Objective	a. More beautiful, clean Downtown area b. Downtown Vision and Plan used to guide development, redevelopment and investments c. Downtown becoming a community and regional destination d. Healthy adjacent neighborhoods linked to Downtown e. Preservation of historic buildings

Brief Summary of Five Council Priorities

Five Priorities

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

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

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

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

1. Economic Development

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

2. Infrastructure

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

3. Financial Planning

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

4. Reduced Emergency Response Times

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

5. Downtown Implementation Plan

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



CITY COUNCIL MEETING AGENDA

CITY COUNCIL CHAMBERS

109 E. OLIVE STREET, BLOOMINGTON, IL 61701

MONDAY, AUGUST 8, 2016 7:00 P.M.

- 1. Call to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call**
- 5. Recognition/Appointments**
 - A. American Red Cross Life Saving Award Presentation
- 6. Public Comment**
- 7. "Consent Agenda"**

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

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

- A. Consideration of approving the Minutes of the July 25, 2016 Regular City Council Meeting. *(Recommend that the reading of the minutes July 25, 2016 Regular City Council Meeting, be dispensed with and the minutes approved as printed.)*
- B. Consideration of approving Bills, Payroll, Electronic Transfers and Procurement Cards in the amount of \$4,558,786.15. *(Recommend that the bills, payroll, and electronic transfers be*

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allowed in the amount of \$4,558,786.15, and orders drawn on the Treasurer for the various amounts as funds are available.)

- C. Consideration of review and analysis of Bids and approval of a Contract with William Masters, Inc. in the amount of \$96,347.60 for Market Street Garage Lighting Improvements (Bid #2017-11). *(Recommend that the unit prices and Contract with William Masters, Inc. for Market Street Garage Lighting Improvements through Bid #2017-11 in the amount of \$96,347.60 be approved and authorize the City Manager and City Clerk to execute the necessary documents.)*
- D. Consideration of approving an Annual Regional Service Agreement and invoice for payment to McLean County Regional Planning Commission (MCRPC) for Regional Planning Services in the amount of \$54,674.00 for the fiscal year July1, 2016 through June 30, 2017. *(Recommend that Council approve the Annual Regional Service Agreement and invoice for payment to McLean County Regional Planning Commission (MCRPC) for Regional Planning Services in the amount of \$54,674.00, and authorize the Mayor and City Clerk to execute the necessary documents.)*
- E. Consideration of approving the purchase of scheduled replacement of one (1) 2017 Ford Utility Interceptor for the Fire Department. *(Recommend that the purchase of One (1) Ford Utility Interceptor from Currie Motors of Frankfort, Illinois, using the Northwest Suburban Cooperative Purchasing Contract number 152 in the amount of \$32,556.00 be approved, and authorize the City Manager to execute the necessary documents.)*
- F. Consideration of adopting an Ordinance approving a Petition from Core III, LLC, for an expedited final plat for resubdivision of lots 317-320 Tipton Trails 5th Addition Final Plat and approving a utility easement vacation, and rescinding ordinance number 2016-01, located west of Airport Road and north of General Electric Road, and adopting an ordinance. *(Recommend that the Ordinance be passed approving the expedited final plat for resubdivision of lots 317-320 Tipton Trails 5th Addition and vacating the associated utility easement, and rescinding ordinance number 2016-01, and that the Mayor and City Clerk be authorized to sign the necessary documents.)*
- G. Consideration of approving a Lake Bloomington Lease Transfer Petition for Lot 7, Block 3 of Camp Iroquois, be rescinded from Treehouse LLC back to Robert J Hitchen declaration of trust dated October 1, 1997. *(Recommend that the Rescinded Lake Lease Transfer be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)*
- H. Consideration of approving a petition for the Lake Bloomington Lease Transfer of Lot 1, Block 4 of Camp Kickapoo, from Trent S. Milliken Trust to C. Neil Finlen and Lynda Finlen. *(Recommend that the Lake Lease Transfer be approved, subject to the septic system conditions included in the Mclean County Health Department's July 15th, 2016 letter, and contingent*

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upon the transferee providing documentation of the sale of the house located on the property, and that the Mayor and City Clerk be authorized to execute the necessary documents.)

- I. Consideration of approving the application of MCTH, Inc., d/b/a Lucky Sevens located at 1804 S. Hershey Rd., Unit 9, currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, requesting expansion to 1804 S. Hershey Rd., Unit 10. *(Recommend that the request to expand to 1804 S. Hershey Rd., Unit 10 for MCTH, Inc., d/b/a Lucky Sevens., located at 1804 S. Hershey Rd., Unit 9, be approved contingent upon compliance with all health and safety codes.)*
- J. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Rehearsal Dinner on September 3, 2016 and Wedding Reception on September 4, 2016 at Davis Lodge. *(Recommend that the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Rehearsal Dinner on September 3, 2016 and Wedding Reception on September 4, 2016 at Davis Lodge be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*
- K. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on November 12, 2016. *(Recommend that the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on November 12, 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*
- L. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on December 17, 2016. *(Recommend that the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on December 17, 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*
- M. Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (beer and wine) on Public Property in a portion of Downtown Bloomington during the Front Street Music Festival on August 20, 2016. *(Recommend that an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (beer and wine) on Public Property in a portion of Downtown Bloomington during the Front Street Music Festival on August 20, 2016, be adopted, and authorize the Mayor and City Clerk to execute the necessary documents.)*

8. “Regular Agenda”

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- A. Consideration of an Ordinance and Intergovernmental Agreement amending the proposed Bloomington / Normal / Gibson City / McLean County / Ford County Enterprise Zone to support the Destihl Brewery development in the Town of Normal. *(Recommend that the Ordinance amending “An Ordinance Describing and Designating an Area as an Enterprise Zone” be approved and authorize the Mayor and City Clerk to execute the necessary documents.) (Presentation by Austin Grammer, Economic and Development Coordinator 5 minutes, Council discussion 5 minutes.)*
- B. Consideration of an approving an Ordinance Incorporating the Smoke Free Illinois Act and adding E-Cigarettes to the definition of smoking at City owned buildings. *(Recommend Council approve an Ordinance Amending the City Code to Adopt the Provisions of the Smoke Free Illinois Act and to Implement Additional Regulations in Relation to City Owned Properties.) (Presentation by Jeff Jurgens, Corporation Counsel 5 minutes, Council discussion 5 minutes.)*
- C. Consideration of approving an Ordinance approving a Petition from Foundry Square, LLC, for a Final Plat for Foundry Subdivision located South of Washington Street and west of McClun Street. *(Recommend that the Ordinance be approved for the Final Plat, and authorize the Mayor and City Clerk to execute the necessary documents.) (Presentation by Jim Karch, Director of Public Works 5 minutes, Council discussion 5 minutes.)*
- D. Consideration of approving an Ordinance Removing the Liquor Commission from the List of Enumerated Boards and Commissions of the City of Bloomington, Clarifying the Roll of Liquor Commissioner and Providing for Appointment of a Deputy Liquor Commissioner. *(Recommend that the Ordinance be adopted, and authorize the Mayor and City Clerk to execute the necessary documents.) (Presentation by George Boyle, Assistant Corporate Counsel 5 minutes, Council discussion 10 minutes.)*

9. City Manager’s Discussion

10. Mayor’s Discussion

11. City Aldermen’s Discussion

12. Executive Session – *Cite Section*

13. Adjournment

14. Notes

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Item 5

RECOGNITION / APPOINTMENTS

5. Recognition/Appointments

- A. American Red Cross Life Saving Award Presentation

 CITY OF
Bloomington **ILLINOIS**
CONSENT AGENDA ITEM: 7A

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving the Minutes of the July 25, 2016 Regular City Council Meeting.

RECOMMENDATION/MOTION: That the reading of the minutes July 25, 2016 Regular City Council Meeting, be dispensed with and the minutes approved as printed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

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

BACKGROUND: The minutes of the meetings provided have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable

Respectfully submitted for Council consideration.

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

Recommended by:



David A. Hales
City Manager

Attachments:

- July 25, 2016 Regular Session Meeting Minutes

Motion: That the reading of the minutes July 25, 2016 Regular City Council Meeting, be dispensed with and the minutes approved as printed.

**SUMMARY MINUTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, JULY 25, 2016; 7:00 P.M.**

1. Call to Order

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, July 25, 2016. The Meeting was called to order by Mayor Renner.

2. Pledge of Allegiance to the Flag

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

3. Remain Standing for a Moment of Silent Prayer

4. Roll Call

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

Aldermen: Kevin Lower, Mboka Mwilambwe, Amelia Buragas, Joni Painter, Karen Schmidt, Scott Black, Diana Hauman, Jim Fruin and Mayor Tari Renner.

Alderman Absent: David Sage.

Staff Present: Cherry Lawson, City Clerk; Jeffrey Jurgens, Corporation Counsel; Nicole Albertson, Human Resources Director; Laurie Wollrab, Payroll and Benefits Manager; Ken Bays, Assistant Police Chief; Brian Mohr, Fire Chief; Jim Karch, Public Service Director; Melissa Hon, Assistant to Assistant City Manager; Austin Grammer, Economic Development Coordinator; Tom Dabareiner, Plan/Code Enforcement Director; Bob Yehl, Water Director; and other City staff were present.

Staff Absent: David Hales, City Manager; Steve Rasmussen, Assistant City Manager.

5. Recognition / Appointments

The following were presented:

- A. Proclamation declaring July 2016 as "Parks and Recreation Month".
- B. Appointment of Brittany Mitchell to the Property Maintenance Review Board.
- C. Introduction of Melissa Hon, Assistant to the City Manager.

6. Public Comment

Mayor Renner opened the meeting to receive Public Comment. The following individuals provided comments during the meeting.

Joe Denman
Scott Stimeling
Jeff Smith
Alton Franklin
Mark Sperry
Patricia Marton

7. Consent Agenda

The following was presented:

Mayor Renner asked Council whether there were any items to be removed from the Consent Agenda for further discussion.

Mayor Renner requested Item No. 7M be pulled from the Consent Agenda and delayed to August 8, 2016 City Council meeting.

Motion by Alderman Schmidt, seconded by Alderman Hauman, that the Consent Agenda be approved with the exception of Agenda Item No. 7M.

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

Ayes: Aldermen Lower, Mwilambwe, Buragas, Painter, Schmidt, Black, Hauman and Fruin.

Nays: None.

Motion carried.

The following was presented:

Item 7A. Consideration of approving the Minutes of the July 11, 2016 Work Session Meeting Minutes and the Regular City Council Meeting.

The following was presented:

Item 7B. Consideration of approving Bills, Payroll, Electronic Transfers and Procurement Cards in the amount of \$ 6,905,638.86.

The following was presented:

Item 7C. Consideration of approving Appointment to the Property Maintenance Review Board.

The following was presented:

Item 7D. Consideration of approving City of Bloomington cost share for the submittal of an application for Phase 2 of Illinois State University/McLean County SWCD IEPA 319 project.

The following was presented:

Item 7E. Consideration of approving the scheduled replacement of one (1) Wheel Loader for the Solid Waste Division of the Public Works Department and the sale of surplus property.

The following was presented:

Item 7F. Consideration of approving an Easement Agreement between First State Bank and the City of Bloomington.

The following was presented:

Item 7G. Consideration of the application of Amaravati, Inc., d/b/a Amaravati Indian Royal Cuisine, located at 407 N. Hershey Rd., requesting a RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

The following was presented:

Item 7H. Consideration of the application of Bloomington-Normal Sunrise Rotary Club, d/b/a Bloomington-Normal Sunrise Rotary Club, requesting a Limited Alcoholic Liquor License, Class LB, which would allow the selling and serving of beer and wine only by the glass for consumption at the Annual Brats and Bags event to be held on August 5, 2016 from 3:00 to 10:00 p.m. on the 100 Block of Main St.

The following was presented:

Item 7I. Consideration of approving a Resolution waiving the formal bidding process for the purchase of eight (8) Spectrum IV Infusion Pumps from Baxter Healthcare Corporation in the amount of \$24,000.00.

RESOLUTION NO. 2016 – 27

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING
THE PURCHASE OF EIGHT (8) SPECTRUM IV INFUSION PUMPS FOR THE FIRE
DEPARTMENT FROM BAXTER HEALTHCARE CORPORATION AT A PURCHASE
PRICE OF \$24,000.00

The following was presented:

Item 7J. Consideration of approving an Ordinance Amending the City Code to clarify the Length of Banishment Notices shall be based on recommendations from the Police Chief and/or as required by state law or regulation.

ORDINANCE 2016 – 67

AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE
ON THE TERM OF BANISHMENT NOTICES

The following was presented:

Item 7K. Consideration of adopting an ordinance approving the petition to rezone 1910 S Morris Avenue from R-1C, Single Family Residential District, to B-2, General Business Service District.

ORDINANCE NO. 2016 – 68

AN ORDINANCE REZONING 1910 S MORRIS AVENUE FROM R-1C to B-2, GENERAL
BUSINESS SERVICE DISTRICT

The following was presented:

Item 7L. Consideration of approving an Ordinance approving a Petition from RHP Investments, LLC., for a Final Plat for Eagle View South Commercial Subdivision located east of Towanda Barnes Road and north of General Electric Road.

ORDINANCE NO. 2016 – 69

AN ORDINANCE APPROVING THE FINAL PLAT OF EAGLE VIEW SOUTH
COMMERCIAL SUBDIVISION

The following was presented:

Item 7M. Consideration of approving an Ordinance approving a Petition from Foundry Square, LLC, for a Final Plat for Foundry Subdivision located South of Washington Street and west of McClun Street. ***Pulled from the Consent Agenda and delayed to August 8, 2016 City Council meeting.***

ORDINANCE NO. 2016 –

AN ORDINANCE APPROVING THE FINAL PLAT OF THE FOUNDRY SUBDIVISION

The following was presented:

Item 7N. Consideration of approving an Ordinance approving a Petition from Eastlake, LLC, requesting Approval of a Final Plat for The Grove on Kickapoo Creek Subdivision, Seventh Addition, commonly located north of Ireland Grove Rd. and west of Township Rd. 2100 East.

ORDINANCE NO. 2016 – 70

AN ORDINANCE APPROVING THE FINAL PLAT OF GROVE ON THE KICKAPOO CREEK SEVENTH ADDITION

The following was presented:

Item 7O. Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol on Public Property on a portion of the 100 Block of Main St. during the Brats and Bags Fundraising Tournament on August 5, 2016.

ORDINANCE NO. 2016 – 71

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY ON A PORTION OF THE 100 BLOCK OF MAIN ST. DURING THE BRATS AND BAGS FUNDRAISING TOURNAMENT.

The following was presented:

Item 7P. Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (beer and wine) on Public Property in a portion of Downtown Bloomington during the Criterium Bike Race on August 27, 2016.

ORDINANCE NO. 2016 – 72

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY IN A PORTION OF DOWNTOWN BLOOMINGTON DURING THE BLOOMINGTON-NORMAL CRITERIUM BIKE RACE IN BLOOMINGTON.

Regular Agenda

The following was presented:

Item 8A. Consideration of approving a Resolution naming the City as a co-sponsor of the 2016 Bloomington Criterium which shall be the 2016 Illinois Criterium State Championship.

RESOLUTION NO. 2016 – 28

A RESOLUTION APPROVING THE CITY AS A CO-SPONSOR OF THE 2016 BLOOMINGTON CRITERIUM

Alderman Schmidt provided a brief overview. The Bloomington Criterium bike race had been held three (3) times in the Downtown portion of the City. The first (1st) event was in 2013. Same was held on an annual basis in 2014 and 2015. Each event drew over 200 race participants and over an estimated 1,500 spectators. Additionally, the event had grown in size and economic impact. Event goers utilized local businesses located Downtown. A number of business owners reported an increased visitor frequency during the bike races, which leads to economic stimulus of Downtown businesses.

This year's event is August 27th. Same was sanctioned by the USA Bicycling Association, recognized on a national scale. For the next two years, including the 2016 event, the Bloomington Criterium would be the host site of the Illinois Criterium State Championship (ICSC). Same would bring riders and spectators from outside Bloomington-Normal, including national and international riders. Same would help make Downtown a community and regional destination.

Over 250 race participants were expected along with approximately 1,500 spectators from around the state, nation and globe. There was a total estimated economic impact of \$121,950. Same included the room rates for local hotels along with the estimated dollars spent by attendees, based on a per-person spending, estimated by the Illinois Bureau of Tourism and the Travel Industry Association of America.

By agreeing to "co-sponsor" the 2016 ICSC, the City allowed its name and logo to be added to marketing materials for the race. The organizer would have to provide insurance, indemnify the City from loss and obtain the necessary permits. The City would provide staff to assist with streets and police patrol.

Alderman Buragas thanked Alderman Schmidt for the effort to make this event a success.

Alderman Schmidt introduced members of the ICSC Planning Committee. She stated this ordinance was a precursor to an ordinance that would formalize the specifics for City co-sponsored events.

Alderman Fruin questioned the definition of Criterium. The ICSC Planning Committee's, Kevin Beener, stated the Criterium was a bike race. The course was approximately a mile long. The number of laps raced depended on the biker's experience. Alderman Schmidt stated this was a designated state championship race. Mr. Beener noted racers could win prizes based on placement in the race.

Alderman Black questioned another event in conjunction with the race. Alderman Schmidt stated the other event was Bruegala, occurring Friday, August 26, 2016 and Saturday, August 27, 2016, at The Corn Crib, located at 1000 W Raab Rd, Normal, IL.

Alderman Fruin stated the City needed events such as the ICSC. He believed the benefits outweighed the cost to the City. Alderman Lower stated more volunteers were needed to assist with public safety at these events. Alderman Schmidt stated a Volunteer Coordinator would be working with service organizations and individuals to assist.

Motion by Alderman Schmidt, seconded by Alderman Buragas, that the Resolution be adopted naming the City as a co-sponsor of the 2016 Bloomington Criterium and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Lower, Mwilambwe, Buragas, Painter, Schmidt, Hauman, Black and Fruin.

Nays: None.

Motion carried.

The following was presented:

Item 8B. Consideration of adopting an Ordinance approving a membership in the Intergovernmental Personnel Benefit Cooperative (IPBC), and the IPBC Contract and By-laws.

ORDINANCE 2016 - 73

AN ORDINANCE AUTHORIZING THE CITY OF BLOOMINGTON'S MEMBERSHIP IN THE INTERGOVERNMENTAL PERSONNEL BENEFIT COOPERATIVE ("IPBC")

AND

AUTHORIZING ACCEPTANCE OF THE IPBC CONTRACT AND BY-LAWS
BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BLOOMINGTON, ILLINOIS

Ms. Albertson provided a brief presentation. Staff had worked with employee benefits consultant, Gallagher Benefit Services (Gallagher), to prepare this recommendation. Joining the Intergovernmental Personnel Benefit Cooperative (IPBC) was expected to reduce the City's employee health insurance costs due to the IPBC's large group purchasing power and provide improved financial predictability through the innovative risk pooling arrangement. Same was able to accommodate the cost-saving health plan design changes, which would be implemented

January 2017, as well as accommodate the City's current health plan designs should those designs still be required.

The IPBC was a cooperative entity voluntarily established by units of local government under Illinois law to jointly administer personnel benefit programs. Same was established in 1979 to provide economies of scale and risk pooling provided members financial stability than that offered by the commercial insurance market for purposes of structuring personnel benefit programs. Members retain the freedom to create and change their benefit plan designs, which was beneficial in a unionized environment. IPBC currently had 103 municipal members, 32,000 insured lives and over \$100M in reserves.

The IPBC operated with a Board of Directors and Executive Board. Each member had a seat on the Board of Directors, giving members a vote and say in how the IPBC operated. The Board of Directors determine the general policy and was responsible for approving the benefit programs offered to members, hiring staff, vendors used and member premium rates. The Board of Directors chose member representatives to serve as executive officers. The executive officers collectively acted as the Executive Board, which was generally responsible for implementing the policy directions of the Board of Directors and managing the regular activities.

The unique pooling of risks included: 1.) members pay individual claims up to \$35,000; 2.) the risk pool shares claims between \$35,000 and \$125,000; and 3.) Claims over \$125,000 were fully reinsured.

Potential benefits included: 1.) Estimated five (5) year cost savings of \$8.9 million; 2.) Minimal disruption to employees; 3.) Spreading risk; 4.) Plan design flexibility; 5.) Purchasing power; 6.) Enhanced budgeting/premiums stability year-to-year; 7.) Access to information and data; and 8.) Network of Peers.

Potential risks included: 1.) Supplemental payments/unexpected costs; 2.) Clarify Investment policy; and 3.) Possible bias by Gallagher. The option to terminate the agreement was available at year's end.

Alderman Lower questioned the time length to readminister current plans or find other coverage if IPBC did not work well for the City. Gregg Aleman, Arthur J. Gallagher & Co., stated a negative resolution ninety (90) days prior to the start of a new year would be required.

Alderman Fruin questioned whether there were any negative comments during reference checks regarding IPBC. Ms. Albertson responded affirmatively. Alderman Fruin voiced concern that IPBC had no membership affiliation south of I80. He questioned the flexibility members had to design their own plans. Ms. Albertson stated there were approximately 625 different plan designs. Alderman Fruin questioned interaction with Council on the plan design for 2017. Ms. Albertson stated there was a new plan design for health insurance. Alderman Fruin stated the plan specifics required communication to assure taxpayers awareness.

Motion by Alderman Fruin, seconded by Alderman Painter, that the Ordinance be adopted approving a membership with the Intergovernmental Personnel Benefit Cooperative (IPBC), effective January 1, 2017, the IPBC Contract and By-laws, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Lower, Mwilambwe, Buragas, Painter, Schmidt, Hauman, Black and Fruin.

Nays: None.

Motion carried.

The following was presented:

Item 8C. Consideration of approving a Professional Services Contract with Baxter & Woodman, Inc. for Professional Engineering Services related to St. Peter Aquifer Water Supply Wells, (RFQ 2016-04).

Mr. Yehl provided a brief overview. The City relied on Evergreen Lake and Lake Bloomington for the community drinking water supply. The 2010 Interim Water Supply Plan identified the need to address short-term issues related to surface-water quality deterioration and loss of storage volume through siltation (safe yield) and interim-needs for additional sources of water supply. This project would help to alleviate two areas of concern: 1.) high nitrate levels in Lake Bloomington and Evergreen Lake; and 2.) finding new sources of water to support population growth. Same would develop deep groundwater production wells adjacent to Lake Bloomington and Evergreen Lake on City owned property.

The St. Peter Sandstone Aquifer ranged in depth from approximately 1600' – 2000'. Same made it feasible for municipalities to use this water source with no impact to existing residential wells anticipated due to the extreme depth. The City would use the process to blend surface water with groundwater.

The City had entered into a Sponsored Research Agreement Amendment No. 01 on February 22, 2016, through a Procurement Memo, with the Illinois State Water Survey (ISWS) for the Collection and Review of Hydrogeological Data to Determine the Feasibility of a New Wellfield in the St. Peter Aquifer. The ISWS would conduct their study on these wells as they were drilled. An additional, concurrent geophysical study by the Illinois State Geologic Survey (ISGS) was anticipated to occur during the drilling operation.

Pre-qualified vendors for engineering, architectural and land surveying services were approved on March 14, 2016 through Resolution 2016-10. Same established seven (7) services

categories and identified qualified vendors to provide such services in each category. Staff reviewed the four (4) firms under the Utility category and determined Baxter & Woodman, Inc. to be the most qualified to do the work. Same was selected for this project based on their experience with the design and construction of water production wells for potable use.

The project schedule was to begin the design immediately upon receipt of a signed Professional Services Contract. The actual wells would be drilled and tested during the 2017 spring and summer. The testing would include flow rate and water quality results.

Baxter & Woodman would coordinate with the ISWS to produce a Summary and Recommendations Report. Same would discuss the sampled ground water quantity and quality and effects on the City's treatment system. Preliminary details and cost estimates for final design and construction of pumping equipment, controls, piping, and treatment works improvements necessary to utilize the new wells would be provided. Same would be included by the Water Department in future years.

Alderman Schmidt was in favor of moving forward with the contract.

Alderman Black questioned public opposition. Mr. Yehl stated concern was voiced that the City would be utilizing water from wells the public was utilizing. Public meetings would be held to address concerns.

Alderman Fruin questioned initiative source. Mr. Yehl stated it was the City's initiative.

Motion by Alderman Fruin, seconded by Alderman Hauman, that the Professional Services Contract with Baxter & Woodman, Inc. for Professional Engineering Services related to the design of St. Peter Aquifer Water Supply Wells in the amount of \$106,700.00 be approved and authorize the City Manager and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Lower, Mwilambwe, Buragas, Painter, Schmidt, Hauman, Black and Fruin.

Nays: None.

Motion carried.

The following was presented:

Item 8D: Consideration of adopting a Resolution affirming the City's Vision, Mission and Values Statement.

RESOLUTION NO. 2016 – 29

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

Alderman Hauman provided a brief presentation. An effort to reevaluate the City's Vision, Mission and Values was led by Alderman Hauman. A group comprised of City employees from various departments as well as a few elected officials worked on this project and drafted the following: Draft Mission: To lead, serve and uplift the City of Bloomington; Draft Vision: A Jewel of Midwest Cities; Draft Values: Service-centered, results-driven, inclusive.

Alderman Hauman initially presented this information to Council at a Work Session on June 8, 2015. The topic was revisited at the Council's Committee of the Whole meeting on June 20, 2016. The Mission, Vision and Values were now presented in a resolution for Council consideration/adoption.

She stated mission statements should be nine (9) words or less to easily remember and hold oneself and others accountable.

Alderman Black was in favor of the Resolution.

Alderman Lower questioned changing the Mission, Vision and Values statement. He stated change should be citizen driven. He was not in favor of the change. Alderman Hauman stated two (2) graduates of Bloomington 101 were part of the group.

Alderman Mwilambwe questioned next steps and whether the Strategic Plan Goals would be revised. Alderman Hauman stated the Goals and Vision, Mission and Values complemented each other.

Motion by Alderman Black, seconded by Alderman Fruin, that a Resolution the Resolution be adopted and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Mwilambwe, Painter, Schmidt, Hauman, Black, Buragas and Fruin.

Nays: Alderman Lower.

Motion carried.

Acting City Manager's Discussion

Fire Chief Mohr thanked David Hales, City Manager, for allowing him the opportunity to represent the City in the City Manager's capacity. He thanked staff members for their presentations.

Mayor Discussion

Mayor Renner thanked the Fire Department for their efforts in handling the fire on Saturday, July 23, 2016, at Bentley Motors, located at 1508 S Main St.

City Alderman's Discussion

Alderman Lower thanked the Fire Department and the Police Department for their service to the City in dealing with the fires over the weekend.

Adjournment

Motion made by Alderman Black, seconded by Alderman Schmidt, to adjourn the meeting at 8:22 p.m.

Motion carried (viva voce).

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk



CONSENT AGENDA ITEM: 7B

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving Bills, Payroll, Procurement Card Purchases, and Electronic Transfers in the amount of \$4,558,786.15.

RECOMMENDATION/MOTION: That the bills, payroll, and electronic transfers be allowed in the amount of \$4,558,786.15, and orders drawn on the Treasurer for the various amounts as funds are available.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

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

FINANCIAL IMPACT: Total disbursements to be approved \$4,558,786.15 (Payroll total \$2,409,212.26, Accounts Payable total \$1,486,520.02, and Electronic Transfers total \$663,053.87).

Respectfully submitted for Council consideration.

Prepared by: Frances Watts, Accounts Payable

Reviewed by: Jon C. Johnston, Procurement Manager

Recommended by:

A handwritten signature in black ink, appearing to read "David A. Hales".

David A. Hales, City Manager

Attachment:

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

Motion: That the bills, payroll, and electronic transfers be allowed in the amount of \$4,558,786.15, and orders drawn on the Treasurer for the various amounts as funds are available.

CITY OF BLOOMINGTON FINANCE REPORT					
Council of August 08, 2016					
PAYROLL					
Date	Gross Pay	Employer Contribution	Totals		
7/21/2016	\$ 1,361,916.16	\$ 360,513.11	\$ 1,722,429.27		
7/22/2016	\$ 264,659.90	\$ 81,471.99	\$ 346,131.89		
7/29/2016	\$ 259,262.68	\$ 80,332.96	\$ 339,595.64		
7/29/2016	\$ 799.65	\$ 255.81	\$ 1,055.46		
Off Cycle Adjustments			\$ -		
		PAYROLL GRAND TOTAL	\$ 2,409,212.26		
ACCOUNTS PAYABLE				PCARD	
Date	Bank	Total			
8/8/2016	AP General	\$ 1,401,311.00			
	AP BCPA			PCARD GRAND TOTAL	
8/8/2016	AP Comm Devel	\$ 103.66			
	AP IHDA	\$ -			
8/8/2016	AP Library	\$ 85,105.36		WIRES	
	AP MFT			Date	Total
	Off Cycle Check Runs			7/5/2016-7/31/2016	\$ 663,053.87
	AP GRAND TOTAL	\$ 1,486,520.02		WIRE GRAND TOTAL	\$ 663,053.87
		TOTAL			\$ 4,558,786.15
			Respectfully,		
				Patti-Lynn Silva	
				Director of Finance	



CONSENT AGENDA ITEM NO. 7C

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of review and analysis of Bids and approval of a Contract with William Masters, Inc. in the amount of \$96,347.60 for Market Street Garage Lighting Improvements (Bid #2017-11).

RECOMMENDATION/MOTION: That the unit prices and Contract with William Masters, Inc. for Market Street Garage Lighting Improvements through Bid #2017-11 in the amount of \$96,347.60 be approved and authorize the City Manager and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City Infrastructure & Facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service.

BACKGROUND: The Market Street Garage is a four level open air parking structure. The open construction allows a reasonable amount of daylighting, but daytime operation of the lighting on all but the top level is still required for safety and security reasons. The existing lighting consists of 150 watt high pressure sodium fixtures on the levels 1 to 3 and 400 watt high pressure sodium pole mounted fixtures on level 4. As shown on the attached chart, high pressure sodium fixtures emit a yellow light which is near the low end of the Kelvin color temperature scale. Their color temperature is 2,200K, which is only slightly higher than a candle at 1,900K. This lower color temperature light does not appear to be very bright and often receives a negative reaction from customers using the garage. There have been numerous complaints that the garage appears dark and unsafe. As shown on the chart, LED lights emit a color temperature in the range of 4000K to 7000K, which is equivalent to direct sunlight. Replacing the fixtures with LED lights should address this concern. In addition to reviewing the color temperature ratings of potential LED replacement fixtures, six different fixtures were installed in the garage for evaluation. Various City staff and members of the Downtown Business Association were asked to view the lights in both daytime and nighttime conditions and provide feedback. The Philips Gardco fixtures received the most positive feedback.

In addition to resolving the safety concerns, LED fixtures will save considerable energy and greatly reduce electric costs for the facility. In conjunction with the fixture evaluations, a local lighting vendor prepared the attached energy savings estimate. Their evaluation showed a 66% reduction in energy use if LED fixtures are installed. The potential cost savings was estimated to be \$29,657 per year. Please note that these estimated savings are not guaranteed and may vary depending on utility rates and other variables. Based on the estimated savings, replacing the existing lights with LEDs has a payback period of just over three years.

Bids for the Market Street Garage Lighting Improvements were received until 2:00 p.m. Monday, July 25, 2016, in the office of the City Clerk. Three (3) bids were received and opened in the City Council Chambers. The bids are summarized in the following table and a full bid tabulation is attached.

<u>Contractor</u>	Philips Gardco <u>(Preferred)</u>	Juno / Cimarron <u>Alternate</u>
William Masters, Inc.	\$ 96,347.60	\$ 92,888.65
Anderson Electric, Inc.	\$ 97,204.00	\$ 104,994.00
Bodine Electric	\$ 196,100.00	\$ 176,600.00

Although the Philips Gardco fixture low bid is slightly higher than the alternate fixtures, City staff recommend their installation due to the evaluation and feedback from the Downtown Business Association.

Grants for energy reduction improvements, including this project, may be available from the Illinois Department of Commerce & Economic Opportunity. Unfortunately, funding for these programs is currently not available due to the ongoing State of Illinois budget issues. Staff will continue to monitor the grant and will seek reimbursement for this project as funding and program requirements allow.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on July 11, 2016 and a pre-bid meeting was held at 10:00 a.m. on July 15, 2016 at the Market Street Garage. The Downtown Business Association was also contacted regarding the evaluation of LED replacement fixtures options.

FINANCIAL IMPACT: A total of \$250,000 is budgeted for work to Market Street Garage in FY 2017. This is included in the FY 2017 Capital Improvement-Buildings account (40100100-72520). Stakeholders can locate this in the FY 2017 Budget Book titled "Other Funds & Capital Improvement Program" on pages 87, 273, 299 and 318.

Respectfully submitted for Council consideration.

Prepared by:	Russel Waller, P.E., Facilities Manager
Reviewed by:	Steve Rasmussen, Assistant City Manager
Financial & budgetary review by:	Chris Tomerlin, Budget Analyst Carla A. Murillo, Budget Manager
Legal review by:	Jeffrey R. Jurgens, Corporation Counsel
Recommended by:	



David A. Hales
City Manager

Attachments:

- Bid Tabulation
- Contract
- Energy Savings Evaluations
- Fixture Color Temperature Chart
- Expenditure History & Planning Summary

Motion: That the unit prices and Contract with William Masters, Inc. for Market Street Garage Lighting Improvements through Bid #2017-11 in the amount of \$96,347.60 be approved and authorize the City Manager and City Clerk to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower				Alderman Buragas			
Alderman Mwilambwe							
				Mayor Renner			

City of Bloomington, Illinois
Market Street Parking Garage Lighting Improvements

Bid 2017-11

BID TABULATION

Work Item	Units	Quantity	William Masters (LOW BID)			Anderson Electric			Bodine Electric			
			Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost		
Pendant Mount Lights												
			Philips Gardco	Juno Acculite		Philips Gardco	Juno Acculite		Philips Gardco			
1	EA	175	\$ 408.20	\$ 71,435.00	\$ 407.05	\$ 71,233.75	\$ 412.00	\$ 72,100.00	\$ 900.00	\$ 157,500.00	\$ 800.00	\$ 140,000.00
2	EA	6	\$ 337.00	\$ 2,022.00	\$ 335.85	\$ 2,015.10	\$ 330.00	\$ 1,980.00	\$ 600.00	\$ 3,600.00	\$ 600.00	\$ 3,600.00
		Subtotal		\$ 73,457.00		\$ 73,248.85		\$ 74,080.00		\$ 161,100.00		\$ 143,600.00
Pole Mount Lights												
			Philips Gardco	Cimarron CL1		Philips Gardco	Cimarron CL1		Philips Gardco		Cimarron CL1	
1	EA	16	\$ 1,283.40	\$ 20,534.40	\$ 1,102.80	\$ 17,644.80	\$ 1,305.00	\$ 20,880.00	\$ 2,000.00	\$ 32,000.00	\$ 1,900.00	\$ 30,400.00
2	EA	2	\$ 1,178.10	\$ 2,356.20	\$ 997.50	\$ 1,995.00	\$ 1,122.00	\$ 2,244.00	\$ 1,500.00	\$ 3,000.00	\$ 1,300.00	\$ 2,600.00
		Subtotal		\$ 22,890.60		\$ 19,639.80		\$ 23,124.00		\$ 35,000.00		\$ 33,000.00
Grand Total				\$ 96,347.60		\$ 92,888.65		\$ 97,204.00		\$ 196,100.00		\$ 176,600.00

**CITY OF BLOOMINGTON
CONTRACT WITH
WILLIAM MASTERS, INC.
FOR**

MARKET STREET GARAGE LIGHTING IMPROVEMENTS

THIS AGREEMENT, dated this 8th day of August _____, 2016, is between the City of Bloomington (hereinafter "CITY") and WILLIAM MASTERS, INC. (hereinafter "CONTRACTOR").

NOW THEREFORE, the parties agree as follows:

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

Section 2. Incorporation of Bid/RFP/RFO & Proposal Terms / Prevailing Wage. This work was subject to the following procurement initiative by the CITY: Market Street Garage Lighting Improvements (Bid 2017-11) (hereinafter "Request")

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

Section 3. Description of Services. CONTRACTOR shall provide the services/work identified in the Procurement Documents, and specifically as follows: Replace the existing lights with LEDs and other related work.

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF BLOOMINGTON

WILLIAM MASTERS, INC.

By: _____
Its City Manager

By: _____
Its _____

ATTEST:

By: _____
City Clerk

By: _____
Its _____

Energy Usages and Costs

Annual Energy Usage

Current Usage (kWh)	Projected Usage (kWh)	Reduction (%)	Current Cost (\$) ^{1, 2}	Projected Cost (\$) ^{1, 2}	Savings (\$)	Cost Savings (%)
324,312	108,729	66	44,614	14,957	29,657	66

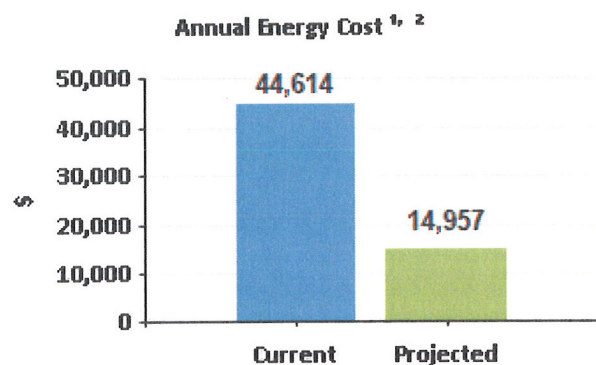
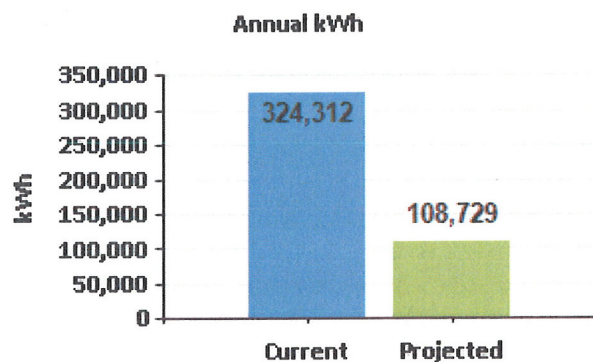
1. Energy cost (\$) = 0.1200/kWh; Annual energy cost escalation (%) = 3.00

2. Energy costs are averaged over 10 year analysis period

Annual Energy Usage Reduction

Current Usage (kWh)	Projected Usage (kWh)	Reduction (kWh)	Reduction (%)
324,312	108,729	215,583	66

Energy Comparison



1. Energy Cost (\$) = 0.1200/kWh; Annual energy cost escalation (%) = 3.00

2. Energy costs are averaged over 10 year analysis period

Watts Summary

Existing Watts ¹	Proposed Watts ¹	Reduced Watts	Reduction (%)
37,022	12,412	24,610	66

1. The watts calculations in this table take into account existing fixtures that are being replaced, upgraded, and/or have new lighting controls being proposed for them

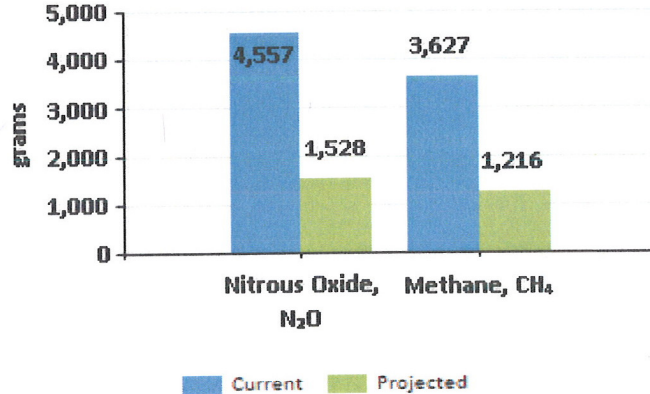
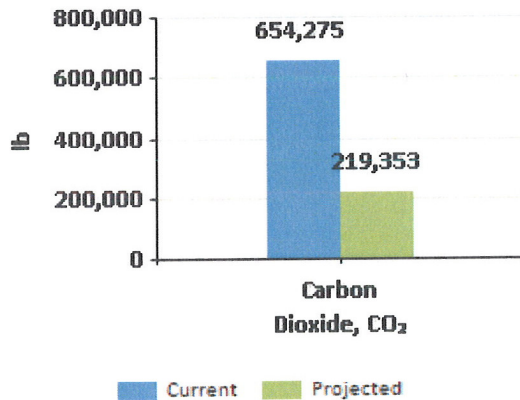
Environmental Impact

Greenhouse Gas Analysis

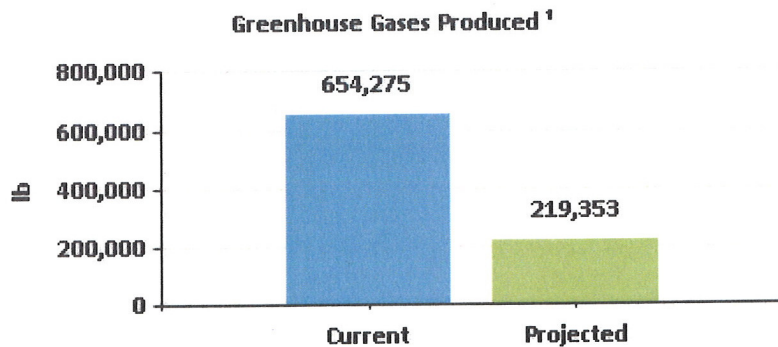
Greenhouse Gas Comparisons

Greenhouse Gas	Current ¹	Projected ¹	Avoided	Environmental Effect
Carbon Dioxide, CO ₂	654,275	219,353	434,923	Greenhouse Gas, Global Warming
Nitrous Oxide, N ₂ O	4,557	1,528	3,029	Acid Rain, Global Warming
Methane, CH ₄	3,627	1,216	2,411	Greenhouse Gas, Global Warming

1. Average emission rates per kWh are based on EPA estimates for IL



Greenhouse Gas Comparables



Comparable Metrics

Trees Saved: 16,310

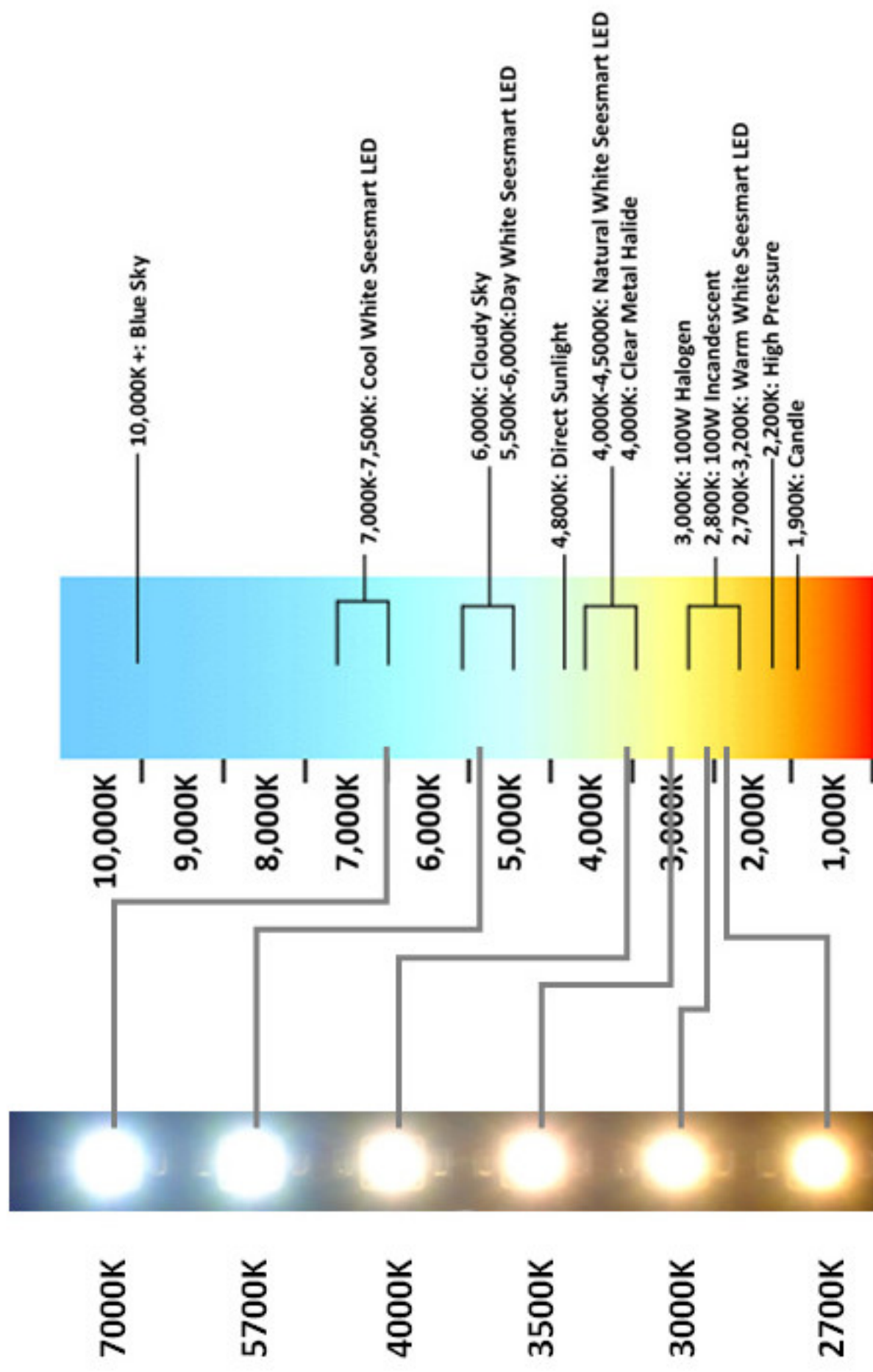
Acres of trees planted: 38

Fewer cars on the road: 54

1. Average emission rates per kWh are based on EPA estimates for IL

Basic LED Reference Example

Kelvin Color Temperature Scale Chart



MARKET STREET PARKING GARAGE

CAPITAL EXPENDITURE HISTORY and PLANNING SUMMARY

HISTORY

YEAR	PROJECT	COST
1973	Parking Garage Design & Construction Services	\$7,0821.70
1974	Earthwork & Landscaping	\$20,368.00
1974	Parking Garage Construction	\$1,247,619.40
1976	Post Office Construction	\$61,115.00
1983	Post Office Roof Replacement	\$14,979.00
1993	Lighting Improvements	\$119,250.00
2000	Structural, Waterproofing, Sealing & Drainage	\$414,857.70
2004	Parking Gate Automation Improvements	\$118,987.68
2010	Structural, Life Safety and General Repairs	\$256,997.50
2013	Waterproofing, Sealing, Drainage & Post Office Roof Replacement	\$466,466.08

PLANNING

YEAR	PROJECT	COST ESTIMATE
2016	Lighting Improvements	\$96,347.60
2016	Structural, Sealing & Drainage Improvements	\$150,000.00
2018	Gate Replacement & Structural Repairs	\$406,800.00
2020	Structural, Waterproofing, Sealing & Drainage	\$463,400.00
2021	Replacement Garage Design	\$250,000.00

 CITY OF
Bloomington **ILLINOIS**
CONSENT AGENDA ITEM NO. 7D

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving an Annual Regional Service Agreement and invoice for payment to McLean County Regional Planning Commission (MCRPC) for Regional Planning Services in the amount of \$54,674.00 for the fiscal year July1, 2016 through June 30, 2017.

RECOMMENDATION/MOTION: That the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$54,674.00 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

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

BACKGROUND: The McLean County Regional Planning Commission has been providing long term planning for the City of Bloomington, Town of Normal and McLean County for many years. Their functions include such things as long range transportation needs, comprehensive plans, public mapping services, etc. The agency's Unified Work Program for FY17 is attached. The three government entities as well as state and federal grants provide the operational funding for the commission.

Over the past few years, the City has seen its contribution to the McLean County Regional Planning Commission remain steady. For FY 2017, the McLean County Regional Planning Commission set the City's contribution at \$54,674.00. This represents less than a 1% increase in dues.

<u>Fiscal Year</u>	<u>City Contribution</u>
FY 2015	\$55,457
FY 2016	\$54,212
FY 2017	\$54,674

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable

FINANCIAL IMPACT: The FY 2017 Budget appropriated \$60,000 in the Planning-To Regional Planning (10015420-75025) of the Community Development Department. Stakeholders can locate this in FY 2017 Budget Book titled "Budget Overview & General Fund" on page 319.

Respectfully submitted for Council consideration.

Prepared by: Nancy Tague, Office Manager of Community Development

Reviewed by: Tom Dabareiner AICP, Community Development Director

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Invoice
- Agreement
- MCRPC Unified Work Program
- July 27, 2015 Agenda Item, Invoice and Agreement

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Painter			
Alderman Hauman				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Buragas			
Alderman Mwilambwe							
				Mayor Renner			

INVOICE

Please make your check payable to McLean County Regional Planning Commission, and *please include a copy of this form with payment.* Thank you for your attention to this matter.

To City of Bloomington

Invoice No. fy2017blm
Date July 1, 2016
Amount Due \$54,674.00

Description of Services FY2017 Regional Service Agreement

Terms Net
Due date Upon receipt



115 E. Washington

M103

Bloomington, IL 61701

P: 309/ 828-4331

F: 309/ 827-4773

W: www.mcplan.org

REGIONAL PLANNING SERVICE AGREEMENT

This agreement is entered into as of the 1st day of July, 2016, by and between the McLean County Regional Planning Commission (hereinafter referred to as the "Commission") and the City of Bloomington (hereinafter referred to as the "City").

The parties do mutually agree as follows:

A. Period of Agreement

This agreement shall remain in full force and effect through June 30, 2017.

B. Long Range Planning Services

The Commission shall maintain a permanent professional planning staff capable of performing, or causing to be performed, a long range planning work program, including the following activities:

1. Assist the City in the periodic updating of plans and ordinances that pertain to planning and development, including the Comprehensive plan and zoning ordinances and subdivision regulations as needed.
2. Prepare or coordinate the preparation and updating of reports that are an integral part of the McLean County Transportation Study, including the Unified Work Program (UWP), Long Range Transportation Plan (LRTP), and the Transportation Improvement Program (TIP).
3. Coordinate the development and management of the regional geographic information system (GIS) as per separate intergovernmental agreement.
4. Maintain a website to post statistical data, plans and studies, and other planning-related information to serve as a resource for local governments and the public.
5. Provide assistance in the preparation of applications for Federal or State funding as needed.
6. Attend meetings of county and municipal government and civic organizations or other groups interested in planning and development as requested and as schedules permit.
7. Provide technical assistance as needed and requested in matters of long range planning and development.

C. Staff

The Commission shall employ a Director of the Commission and other employees as necessary and authorized by the budget. It is agreed by all parties that the City short range planner will be available to assist the Commission staff to accomplish the activities specified in "B" above as applicable to the City of Bloomington.

D. Financing

The City of Bloomington will remit to the Commission the sum of FIFTY-FOUR THOUSAND SIX HUNDRED SEVENTY FOUR AND 00/100 DOLLARS (\$54,674.00) for deposit in the accounts of the Commission upon the City's receipt of an invoice for said amount.

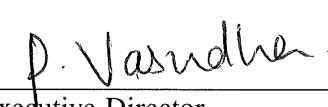
Mayor - City of Bloomington

City Clerk - City of Bloomington

Date



Chairman
McLean County Regional Planning
Commission



Executive Director
McLean County Regional Planning
Commission

5-23-16
Date



FY 2017 Unified Work Program



McLean County Regional Planning Commission

May, 2016

VISION, MISSION & VALUES

VISION: MCRPC is the leader for planning tomorrow's McLean County.

MISSION: We bring expert planning, deep local knowledge and vibrant public participation as we shape our future to promote opportunity, livability and sustainability.

VALUES:

Regionalism

We believe regionalism is the cornerstone of our existence, and our unique regional perspective provides us the vantage point to address issues that extend beyond traditional boundaries.

- We are the catalyst for building consensus from diverse viewpoints.
- We provide forums that facilitate regional dialogue.
- Our planning process promotes regional unity.

Governance

We feel policy decisions are best made by the level of government closest to the people.

- We directly involve local governments in our decision-making process.
- Our process operates through the Commission, an executive board of local government and agency representatives.
- The Commission is supported by the Executive Committee and numerous study, technical, and policy committees.

Service

We serve the planning needs of communities of McLean County individually and collectively.

- We advance the recognition that healthy communities balance diverse needs.
- We work collaboratively with local governments, area organizations, private entities and other public-private efforts to achieve that balance.

Innovation

We recognize our communities are best served by our ability to anticipate the consequences of dynamic change.

- We focus on innovative solutions to both existing and future challenges facing local governments and the region, grounded in respect for our history and culture.

Advocacy

We advocate on behalf of our regional community at all levels of government.

- We maintain an objective and impartial approach to issues.
- We adhere to strong standards of professionalism in all aspects of our work for the betterment of the Region.

Inclusion

We engage the public in an open and broadly participatory planning process.

- We seek active participation and welcome alternate views of all groups.
- We ensure that all citizens have the opportunity to observe, debate, question, and participate in the planning process.

Professionalism & Excellence

We provide high quality services through well-trained, technically proficient staff.

- We offer informed and professional technical assistance.
- We have a firm commitment to dedicated, high-quality public service.
- We hold ourselves accountable to municipalities, the public, and granting authorities.

**FY 2017 UNIFIED WORK PROGRAM
(July 1, 2016 through June 30, 2017)**

FOR

**PLANNING AND RELATED ACTIVITIES
TO BE PERFORMED BY**

**McLEAN COUNTY REGIONAL PLANNING COMMISSION
IN COOPERATION WITH FEDERAL, STATE AND
LOCAL UNITS OF GOVERNMENT**

Prepared by

McLean County Regional Planning Commission
115 E. Washington St. #M103
Bloomington, Illinois 61701

(309) 828-4331

The preparation of this report was
financed in part through a technical studies grant
from the U. S. Department of Transportation:
Federal Highway Administration
and Federal Transit Administration

This work program is intended to comply with Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-1) and Executive Order No. 12898 on environmental justice issued on February 11, 1994. Title VI of the Civil Rights Act (42 U.S.C. 2000-1) states that "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, or activity receiving Federal financial assistance." The Executive Order on environmental justice further amplifies Title VI by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." These items are addressed under work elements 304 and 308 of this Unified Work Program, wherein issues relating to policies affecting transportation, housing, employment and other planning considerations affecting minority and low-income populations are addressed.

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McLEAN COUNTY TRANSPORTATION COMMITTEES

Policy Committee

Mary Jefferson, Chairman
Chairman - McLean County Regional Planning Commission

Tari Renner
Mayor - City of Bloomington

Chris Koos
Mayor - Town of Normal

Jim Soeldner
Chairman - McLean County Board Transportation Committee

Craig Emberton
Program Development Engineer - IDOT, Region 3, District 5

Technical Committee

Vasudha Pinnamaraju, AICP, Chair
Executive Director - McLean County Regional Planning Commission

David Hales
City Manager - City of Bloomington

Mark Peterson
City Manager - Town of Normal

Bill Wasson
County Administrator - McLean County

Gene Brown
City Engineer - Town of Normal

Jim Karch
Director of Public Works - City of Bloomington

Eric Schmitt
Administrative Services Director - McLean County

Carl Olson
Director - Bloomington-Normal Airport Authority

Andrew Johnson
General Manager - Connect Transit

Robert Nelson
Planning and Services Chief - IDOT, District 5

Brian Trygg
Acting Local Roads/Land Acquisition Engineer - IDOT, District 5

Local Government Planning Staff

Katie Simpson, City Planner - City of Bloomington
Mercy Davison, AICP, Town Planner - Town of Normal
Philip Dick, AICP, Director of Building and Zoning - McLean County

McLEAN COUNTY REGIONAL PLANNING COMMISSION

Commissioners

Mary Jefferson, Chairman
Town of Normal

Michael Buragas, Vice Chairman
City of Bloomington

Michael Gorman
City of Bloomington

Vacancy
County of McLean

Mary Kramp
County of McLean

Carl Olson
Airport Authority

Linda Olson
County of McLean

Denise Schuster
Unit School District #5

Carl Teichman
Town of Normal

Tyler Wrezinski
Water Reclamation District

Mark Wylie
Charter School District #87

Executive Committee

Mary Jefferson
Chairman

Michael Buragas
Vice Chairman

Mark Peterson
City Manager, Town of Normal

David Hales
City Manager, City of Bloomington

Bill Wasson
*County Administrator,
County of McLean*

Vasudha Pinnamaraju, AICP
Executive Director

Staff

Vasudha Pinnamaraju, AICP
Executive Director

Rick Nolan
Senior Planner (Comprehensive)

Jennifer Sicks
Senior Planner (Transportation)

Melissa Dougherty-O'Hara
Planner (Comprehensive)

Jamal Smith
Assistant Planner

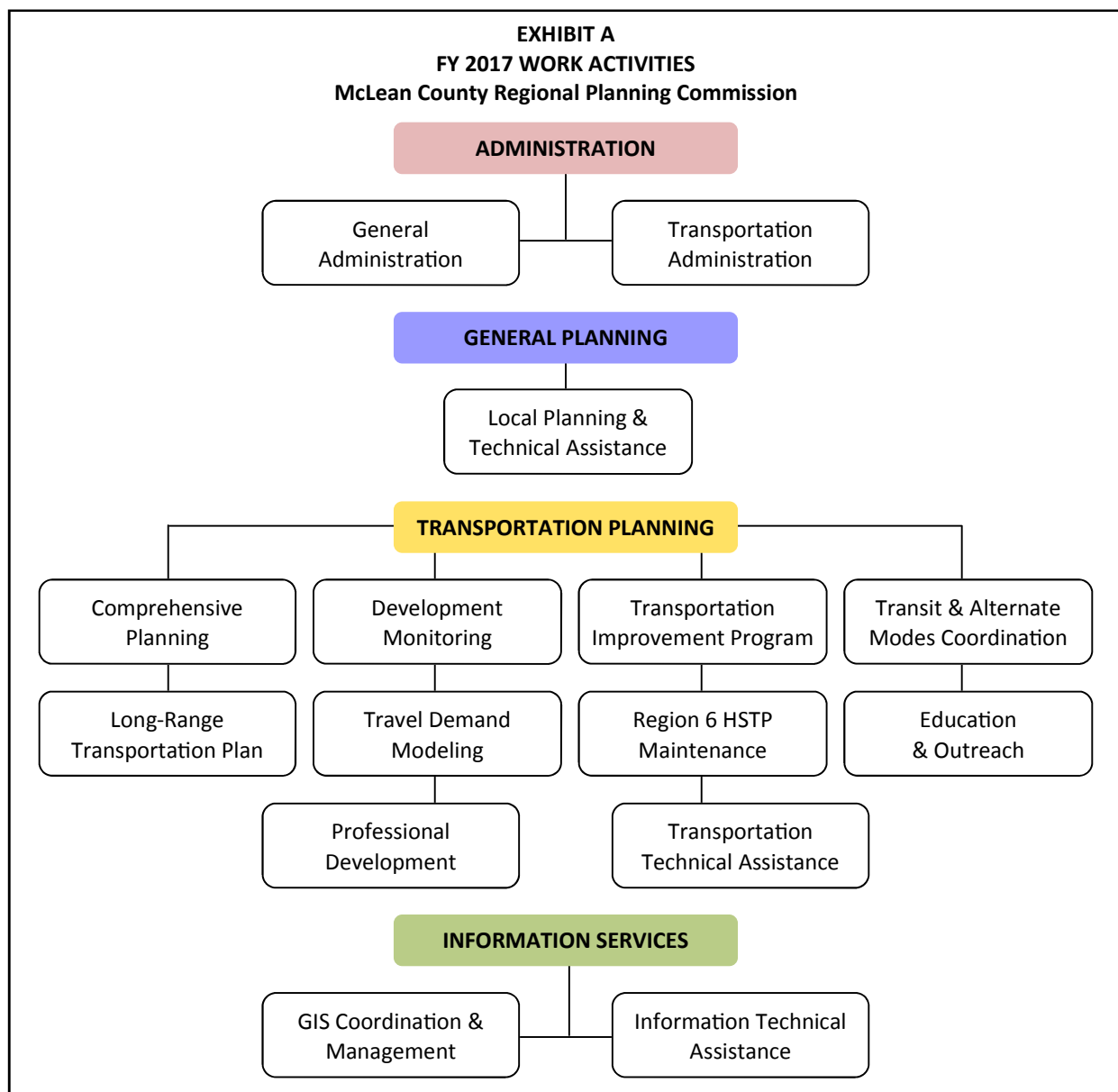
Khalid Hasan
G.I.S. Director

Teresa Casselman
Office Manager

INTRODUCTION

This Unified Work Program (UWP) identifies the work activities and budget for the McLean County Regional Planning Commission (MCRPC) for Fiscal Year 2017 (FY 2017), which covers the period July 1, 2016 through June 30, 2017. The UWP serves as a guide for the efficient use of local, state and federal funds to carry out comprehensive planning, transportation planning, and related activities in McLean County, Illinois. Pursuant to this, the Unified Work Pro-

gram identifies proposed work activities to be carried out in the coming fiscal year and includes a line item budget in support of those activities. The work activities and budget were developed within the broader framework of a projected five-year work program, which reflects both the Commission's overall mission and the objectives and requirements of the Moving Ahead for Progress in the 21st Century (MAP-21).



The UWP identifies 15 separate areas of work activity to be performed in the four program categories of Administration, General Planning, Transportation Planning, and Information Services (see Exhibit A). The process of developing this Unified Work Program involved completing a series of basic tasks as described below in that order.

- 1) Identify the broad program areas within which the MCRPC work activities are to be directed.
- 2) Identify projects and related tasks to be completed in support of those programs.
- 3) Determine staff and other resources needed to carry out the identified work activities.
- 4) Estimated cost and corresponding budget.
- 5) Determine funding sources to be used to implement the work program. The Illinois Department of Transportation (IDOT) has provided PL and FTA funding marks at \$349,478. The FY2016-FY2017 Region 6 HSTP grant is budgeted at \$74,245. Regional service agreements with Bloomington, Normal, and McLean County are to comprise the balance of funding. The amount needed from regional service agreements has been calculated to be \$164,022, or \$54,674 for each contributor. This amount reflects the total local funding support needed for expected match requirements, and to complete specified local and regional projects and activities. Most of the Regional GIS funding is to be derived from the current Recorder's fee and from the annual contributions of the local governments through an intergovernmental agreement.
- 6) Schedule work activities, expenditures and revenue receipts.
- 7) Organize the contract cost data needed to develop and administer the contract between the MCRPC and the Illinois Department of Transportation for planning services.

This UWP is organized into four sections.

Section 1: Presents the broad areas of Commission involvement programmed for the next five years and the organizational structure designed to

implement these activities.

Section 2: Summarizes the annual work program and budget, including work activities, staffing requirements, costs, funding sources, and time lines.

Section 3: Presents program and cost information to be included in the contract between the MCRPC and the Illinois Department of Transportation.

Section 4: Presents the individual budgets for each program area.

The project descriptions in the UWP establish metrics for performance of the project tasks; in some instances the nature of the project dictates additional performance standards, such as the IDOT and FHWA requirements for planning documents such as the Transportation Improvement Program or the Long Range Transportation Plan. In the course of the fiscal and program year, MCRPC produces quarterly reports to the Illinois Department of Transportation Office of Planning and Programming regarding the status of the project tasks identified in the UWP. The reports describe the progress on projects during the quarter, and include a description of the tasks and activities undertaken and the deliverables produced.

Section 1: PROJECTED FIVE-YEAR WORK PROGRAM

This section identifies MCRPC activities to be completed in support of the overall agency mission and State and Federal guidelines for transportation planning.

The MCRPC actively monitors development and encourages and is engaged in the periodic updating of plans to ensure maximum effectiveness and applicability. These philosophies are embedded in the Commission's long range planning strategy and are reflected in the Projected Five-Year Work Program as well as this and subsequent annual Unified Work Programs. Additionally, transportation related activities specifically address the provisions of MAP-21 and embody the planning guidelines set forth in the 23 CFR 450.

The five-year program will be updated and extended each year as part of the annual process of preparing the Unified Work Program. Thus, the projected five-year work program will continue to be an important component of the Unified Work Program as it serves to illuminate the vision of the work that lies ahead.

PROGRAM AREAS

The five-year work program includes four major categories of work activity, and identifies programs and projects within each category. Exhibit B identifies proposed work activities and the general time frames within which these activities are to be carried out.

- **Administration** activities are shown as continuous work elements needed to support the planning programs.
- The **General Planning** category is comprised of a program that reflect the Commission's intent to provide technical planning assistance throughout McLean County.
- The **Transportation** category includes programs that provide for the continuous refinement and updating of the long range trans-

portation plan. It also provides for the completion of special transportation projects, and the annual updating of the Transportation Improvement Program (TIP), as well as the review and monitoring of development activity for consistency with adopted plans and for use in updating the plans.

- The work program includes **information services** pertaining to the coordination and management of a geographic information system (GIS) and providing technical assistance in responding to requests for information.

SCHEDULING

General administration is expected to be a continuous activity performed in support of the overall work program. Transportation administration is also a continuous activity reflecting the monthly billings and the production of the Unified Work Program and the annual completion report. Each year's annual work program provides for general planning projects to be staggered in such a manner that no more than two or three at a time are in progress. The transportation planning program provides for generally continuous activities throughout the year on development monitoring. Work on the Transportation Improvement Program is to begin in February. GIS Coordination is a continuous activity throughout the year.

ORGANIZATIONAL STRUCTURE

The Commission's work programs are carried out through the interaction of Commission members, elected officials, governmental agencies, and staff. This interaction is graphically illustrated in Exhibit C. Commission membership is uniquely composed of eleven citizens nominated by major units of government and appointed by the McLean County Board. The current Commission membership is listed on page vi of this report.

Exhibit B
PROJECTED FIVE-YEAR WORK PROGRAM
McLean County Regional Planning Commission

Work Element By Category	Activity by Fiscal Year				
	2017	2018	2019	2020	2021
ADMINISTRATION					
General					
Transportation					
GENERAL PLANNING					
Comprehensive Plans					
Local Planning & Technical Assistance					
TRANSPORTATION PLANNING					
Long Range Plan Update					
Travel Demand Model Maintenance					
Development Monitoring					
Transportation Improvement Program					
Human Services Transportation Planning					
Alternate Modes of Transportation					
Professional Development					
Education and Outreach					
Coordination and Technical Assistance					
INFORMATION SERVICES					
G.I.S. Coordination & Management					
Information Technical Assistance					

Continuous Activities 

Intermittent Activities 

The Commission interacts with local and state officials through the Transportation Policy Committee. The Commission interacts with local elected officials through the Commission Chairman, who also serves as chairman of that committee. The Transportation Policy Committee also provides for interaction with Illinois Department of Transportation officials as well as local elected officials.

At the staff level, the Commission Chairman chairs the Executive Committee, which includes up to three Commission members, the McLean County Administrator, and the City Managers of Bloomington and Normal (see page vi).

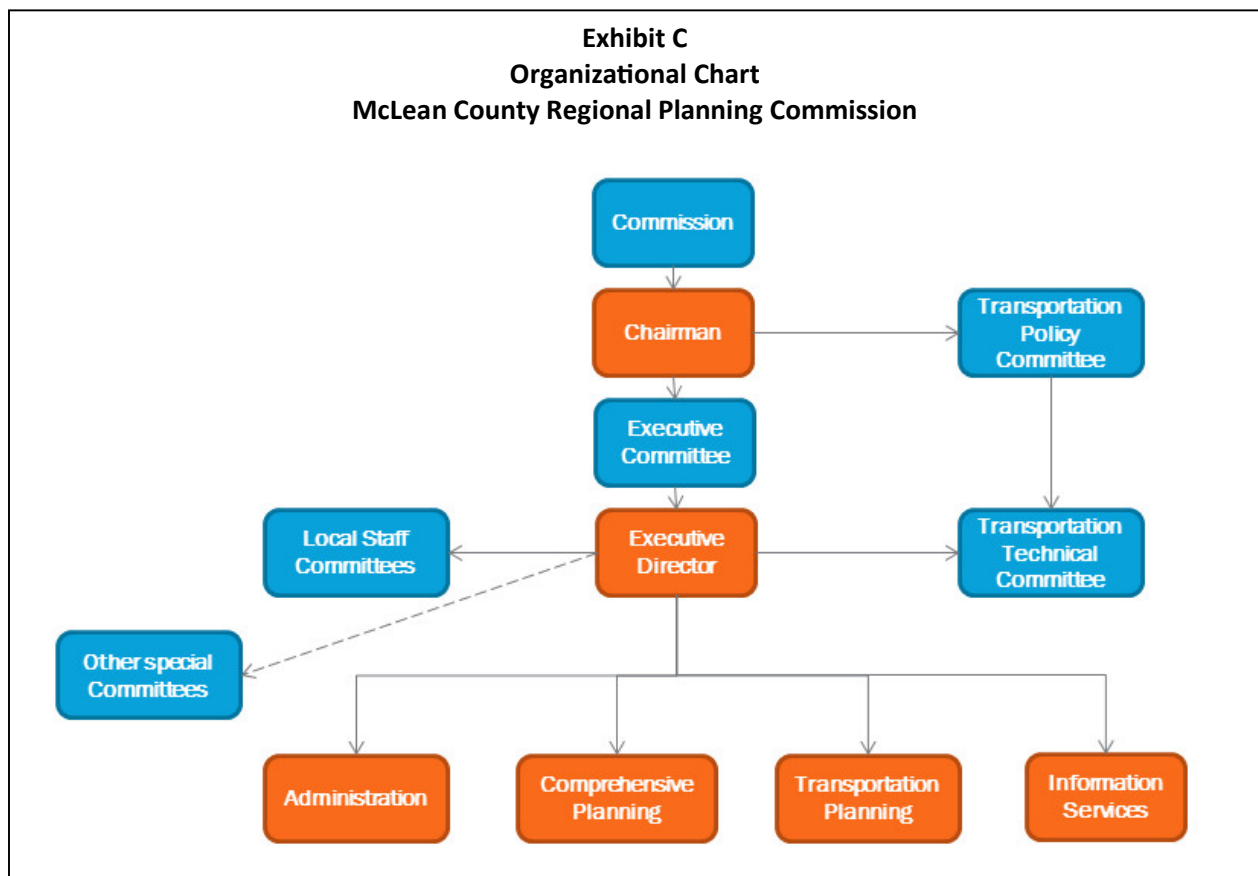
The Executive Director of the Regional Planning Commission participates with each of the above committees, plus the Transportation Technical Committee. This committee reports to the Transportation Policy Committee on transportation matters, and includes management and engineering staff from:

- Bloomington
- Normal
- McLean County
- Central Illinois Regional Airport Authority
- Connect Transit

- Illinois Department of Transportation (see Page v).

The Executive Director chairs the GIS Committee and participates on the Greenways Advisory Committee, as well as various other staff committees, including development monitoring and solid waste technical.

The Executive Director also serves to coordinate activities between the local and regional planning staffs in each of the four major program areas that comprise the work program as outlined in Exhibit C.



Section 2: PROGRAM SUMMARY AND BUDGET

This section presents an overview of the overall work program for the coming year. It presents the estimated total staffing requirements and costs to carry out the identified work activities and includes a line item budget. Also included is a summary of anticipated funding by source and project.

STAFFING REQUIREMENTS

The work program provides for eight staff members. In addition to the Executive Director, the budgeted staff positions include senior transportation planner, senior community planner, comprehensive planner, assistant planner, GIS manager, office manager, and temporary/part-time staff.

Table 2.1 lists the staff allocations to complete the programmed work activities. A portion of the Executive Director's time has been allocated to each of the four program areas. The majority of the Executive Director's time is allocated to projects other than administration. Except for the office manager, other planning staff have only their estimated leave time allocated to

administration.

COSTS

The total estimated cost to implement this work program, including the cost to maintain the Commission office and staff, is \$806,904. The anticipated line item costs are illustrated in Table 2.2, along with a break down between direct and indirect costs. Direct costs are chargeable to specific projects and include salaries and non-salary costs, such as materials, services and supplies used directly on projects. Indirect costs, which also include both salaries and non-salary costs, are not directly related to projects. Such costs include general administration, supplies, and equipment costs. To fund indirect costs, a portion of the total indirect costs is added to the direct salary costs for each project using the approved indirect cost rate (see FY2017 Indirect Cost Allocation Plan (ICAP). This rate is applied to actual salaries to determine the indirect charge for services. The indirect charge is added to direct salaries and other direct costs when computing project costs.

Table 2.1
ALLOCATION OF STAFF HOURS BY WORK ELEMENT
McLean County Regional Planning Commission

UWP Code	Project	Executive Director	Trans Planner (JS)	Comm Planner (MO)	Comm Planner (RN)	Asst. Planner (JS)	GIS Dir	Ofc Mgr	Temp/PT	Total
101	General Administration	734	245	245	245	245	245	1,044		3,003
102	Transportation Administration	100	75					203		378
201	Local Planning & Technical Assistance	268	225	225	65	248		154		1,185
301	Comprehensive Planning	461	393	453	1,250	1,000		207	513	4,277
302	Development Monitoring	50	40		150			20		260
303	Transportation Improvement Program		80	140						220
304	Transit and Alternate Modes Coordination; Title VI	25	90	140						255
305	Long Range Transportation Plan		265	100						365
306	Travel Demand Modeling	10	30	290						330
307	Region 6 HSTP Maintenance	165	350	200	68	285		50		1,118
308	Education & Outreach	30	90	100	150	150		150		670
309	Professional Development	37	37	37	22	22		22		177
310	Transportation Technical Assistance	20	20	10						50
401	GIS Coordination						1,705	100		1,805
410	Information Technical Assistance	50	10	10						70
Total		1,950	1,950	1,950	1,950	1,950	1,950	1,950	513	14,163

Table 2.2
LINE ITEM BUDGET
McLean County Regional Planning Commission

Expense Item	Total Cost	Direct Costs	Indirect Costs
Salaries	\$483,257	\$370,033	\$113,224
Social Security	\$36,900		\$36,900
IMRF	\$61,076		\$61,076
Health Insurance	\$42,126		\$42,126
Unemployment Insurance	\$645		\$645
Advertising	\$8,040	\$8,040	\$0
Dues and Subscriptions	\$7,379	\$4,379	\$3,000
Equipment	\$18,000	\$18,000	\$0
General Insurance	\$4,000		\$4,000
Miscellaneous	\$1,600		\$1,600
Parking	\$4,800	\$600	\$4,200
Postage	\$2,000	\$0	\$2,000
Professional Services	\$47,000	\$40,000	\$7,000
Reference Materials	\$1,415	\$1,215	\$200
Reproduction	\$11,665	\$8,165	\$3,500
Software and Support	\$48,705	\$44,920	\$3,785
Supplies	\$5,511	\$2,011	\$3,500
Telephone	\$2,470	\$0	\$2,470
Travel and Training	\$20,315	\$18,715	\$1,600
TOTAL	\$806,904	\$516,078	\$290,826

The budget provides for 19 different line item expenses, each divided as appropriate between direct and indirect costs. These line item expenses are discussed briefly below.

Salaries and Related Expenses

Salaries is the largest expense item in the budget, totaling \$483,257 and supporting seven full-time employees and one temporary/part-time employee. Over 76 percent of salaries is

directly chargeable to projects. Other salary related expenses (fringe benefits) include paid leave, Social Security, IMRF, health insurance and unemployment insurance. These expenses are itemized in Table 2.2.

Advertising

A total of \$8,040 is allocated for direct advertising expenses for event advertising, public hearing notices, and other advertising. Included

in that amount is \$1,000 for advertising related to comprehensive planning and \$1,500 for region-wide public notices for the Region 6 HSTP, and \$5,540 for transportation program advertising.

Dues and Subscriptions

Expenses for dues and subscriptions total \$7,379. Over 59 percent are direct expenses for planning activities. Indirect expenses total \$3,000 for professional dues and subscriptions for the agency, Commission members, and staff.

Equipment

Equipment expenses have been estimated at \$18,000, which is a direct project expense for GIS-specific equipment.

General Insurance

\$4,000 is budgeted for general insurance, which is an indirect expense.

Miscellaneous

Programmed miscellaneous expenses consist of \$1,600 for cost items that do not appropriately fall within the other designated expense categories, such as bank fees.

Parking

The budget for employee parking permits totals \$4,800.

Postage

\$2,000 is budgeted for postage, which is an indirect expense.

Professional Services

The budget for professional services is \$47,000 and includes funding for a regional housing study, GIS support, web-based platform, and auditor services.

Reference Materials

This account provides \$1,415 in total costs of which \$1,215 is direct for the acquisition of published materials in support of specific projects and the overall work program.

Reproduction

This item includes direct expenses of \$8,165 for reproduction of surveys, plans, reports and newsletters. Also included are indirect expenses of \$3,500 for general reproduction.

Software and Support

This category provides \$44,920 in direct costs including page layout and graphics software licenses, on-line forum software, alternate modes data gathering and tracking software, GIS software, maintenance, and support, and \$3,785 in indirect costs for internet access and software updates for workstations and the agency network.

Supplies

This cost item includes \$3,500 for general office supplies and \$2,011 in direct costs for specific projects.

Telephone

The budgeted amount for telephone expense is \$2,470. These indirect expenses are expected to occur more or less evenly throughout the year.

Travel and Training

The travel and education line item provides a budget for travel incurred in the conducting of routine Commission business, and for expenses to attend appropriate conferences, workshops and seminars intended to increase proficiency and understanding to aid in fulfilling the mission of the agency. The amount budgeted for this fiscal year is \$20,315. This amount includes funding for staff reimbursements for use of personal vehicles and other work related local travel expenses, and training conferences or workshops for staff in accordance to IDOT travel guidelines. Over 92 percent of the total travel budget is identified as a direct cost related to specific projects.

FUNDING

Funding for this year's work program is to come from the sources indicated in Table 2.3

and Chart 2.1. Federal transportation funds will continue to account for a significant part of the Commission budget with Federal Highway Administration (FHWA-PL) funds totaling \$281,825 and Federal Transit Administration (FTA) funds totaling \$67,653. The Region 6 HSTP funding is budgeted at \$74,245 for FY2017. Regional service agreements with Bloomington, Normal, and McLean County provide the local match requirement for the PL and Section 5305(d) transportation funds. Regional service agreement funds are also used to complete local planning, projects and activities. The total amount provided by regional service agreements is \$164,022, divided equally among Bloomington, Normal, and McLean County (\$54,674 each). Interest and miscellaneous income has been budgeted at

\$11,750. Most of the Regional GIS funding is to be derived from the annual contributions of the local governments through intergovernmental agreement and from the current recorder's fee. Data sales income is estimated at \$2,500.

Table 2.3
FY 2017 Program Funding Sources
McLean County Regional Planning Commission

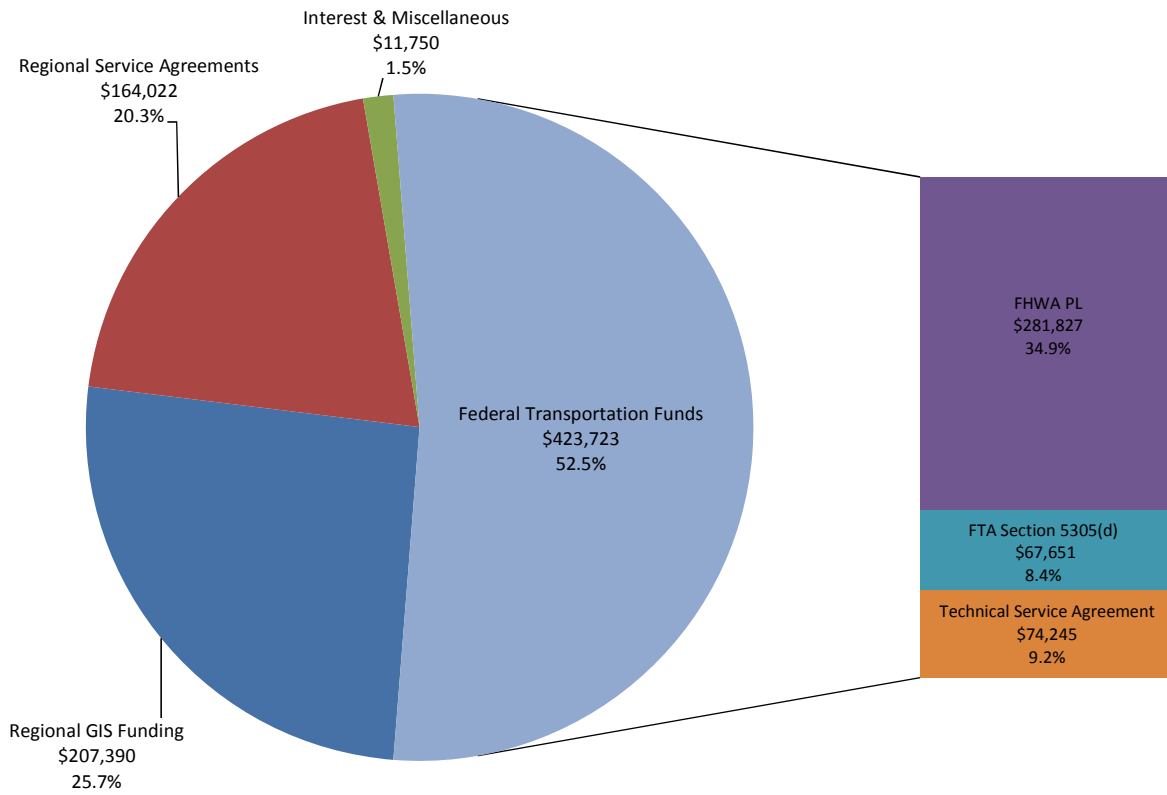
UWP	Program and Project	Budgeted Amount	Federal Transportation Funds		Match for PL/Sec. 5305(d)	Technical Service/Other
			FHWA PL	FTA Section 5305(d)		
100	ADMINISTRATION					
101	General Administration (1)					
102	Transportation Administration	\$27,019	\$17,431	\$4,184	\$5,404	
200	GENERAL PLANNING					
201	Local Planning & Technical Assistance	\$88,402				\$88,402
300	TRANSPORTATION PLANNING					
301	Comprehensive Planning	\$224,716	\$144,972	\$34,801	\$44,943	\$0
302	Development Monitoring	\$17,262	\$11,137	\$2,673	\$3,452	
303	Transportation Improvement Program	\$14,449	\$9,321	\$2,238	\$2,890	
304	Transit and Alternate Modes Coordination; Title VI	\$20,638	\$13,314	\$3,196	\$4,128	
305	Long Range Transportation Plan	\$24,721	\$15,949	\$3,828	\$4,944	
306	Travel Demand Modeling	\$19,741	\$12,736	\$3,057	\$3,948	
307	Region 6 HSTP Maintenance	\$74,245				\$74,245
308	Education & Outreach	\$48,779	\$31,469	\$7,554	\$9,756	\$0
309	Professional Development	\$12,791	\$8,252	\$1,981	\$2,558	
310	Transportation Technical Assistance	\$3,688	\$2,379	\$571	\$738	
400	INFORMATION SERVICES					
401	GIS Coordination	\$224,368	\$10,953	\$2,629	\$3,396	\$207,390 (2)
410	Information Technical Assistance	\$6,066	\$3,914	\$939	\$1,213	
	TOTAL	\$806,885	\$281,827	\$67,651	\$87,370	\$370,037

(1) The approved indirect cost rate (see FY2017 ICAP) is applied to direct salary costs identified for each project to recover costs for general administration.

(2) Includes recorder fees of \$120,000, local contributions of \$84,890, and data sales of \$2,500.

Note: Amounts may vary due to rounding.

Chart 2.1
FY 2017 Program Funding Sources



Section 3: CONTRACT COSTS

This section presents the scope of services of transportation planning activities to be included in the contract between MCRPC and the Illinois Department of Transportation (IDOT) for the Bloomington-Normal metro area. It identifies line item costs and total agency costs as well as the methodology used to allocate costs. It also summarizes the projected funding levels for transportation related planning activities. This section concludes with a presentation of itemized cost reports for PL and Section 5305(d) funding.

SCOPE OF SERVICES

The Planning Agency will provide the work described in this Unified Work Program (UWP) as approved. Those activities in which the Department will participate with federal metropolitan planning funds and FTA Section 5305(d) funds are shown in the following UWP work elements.

102	Transportation Administration
301	Comprehensive Planning
302	Development Monitoring
303	Transportation Improvement Program
304	Transit and Alternate Modes Coordination
305	Long Range Transportation Plan
306	Travel Demand Modeling
308	Education and Outreach
309	Professional Development
310	Transportation Technical Assistance
401	GIS Coordination
410	Information Technical Assistance

The above activities will result in the following end products.

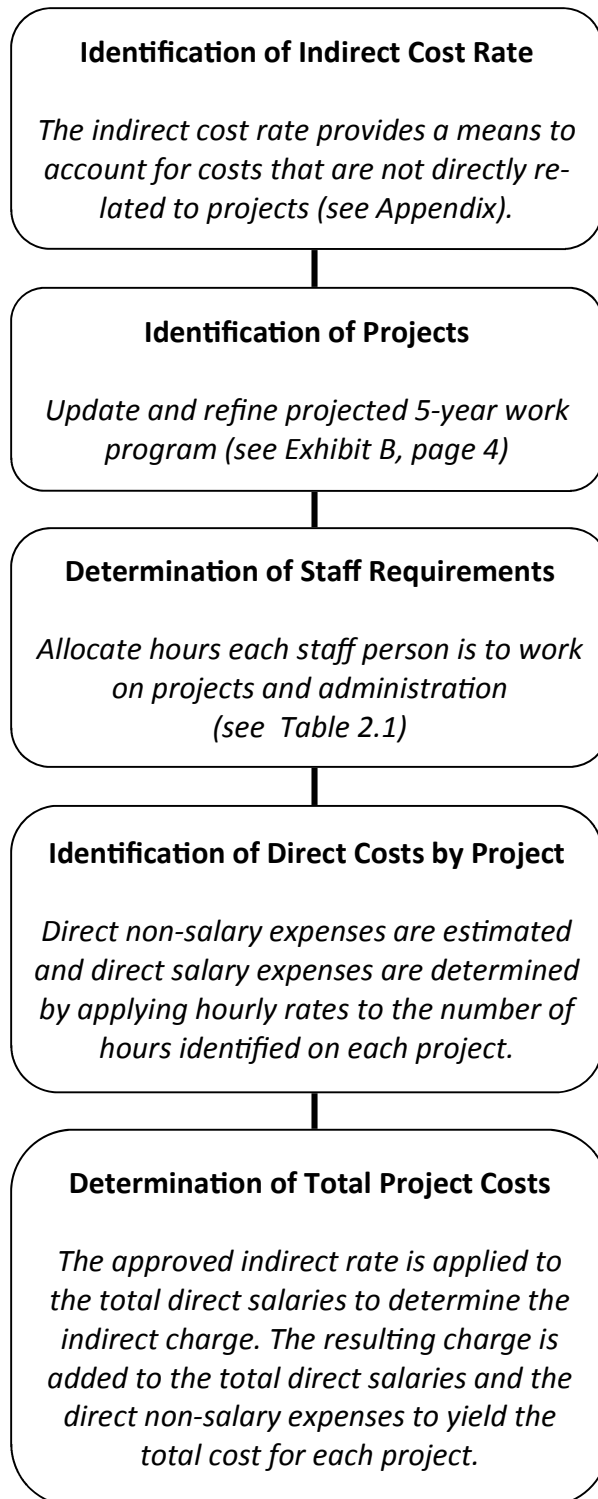
1. Unified Work Program.
2. Continuing review and monitoring of development for consistency with adopted plans.
3. Transportation Improvement Program.

4. Coordinated transit planning.
5. Technical data and assistance as requested.
6. Newsletters, social media, educational forums, press releases, and web site enhancements.
7. MPO comments on applicable grant requests to fund projects within the jurisdiction of McLean County Regional Planning Commission.
8. Assistance to local governments in traffic calming analysis.
9. Updated Census maps and address files for planning applications as requested.
10. Monthly and Quarterly Progress Reports.
11. Annual Completion Report.
12. Human Services Transportation Plan maintenance.
13. Updated travel demand model.
14. Development and expansion of planning database for enhanced integration with GIS.
15. Updated comprehensive plan for the Town of Normal.
16. Professional development of staff.

COST ALLOCATION METHODOLOGY

The cost allocation methodology was developed in accordance with federal planning guidelines for the purpose of allocating funding for Commission program areas and transportation program areas in particular. It is presented in order to document the procedures employed in developing this work program. It outlines the procedure used to allocate direct and indirect costs, including the identification of projects, staff requirements, the indirect cost rate and the application of the rate to determine project costs. The methodology is illustrated in Exhibit D. The allocation of line item budget costs are summarized in Table 3.1. The allocation of total agency costs is summarized in Table 3.2.

Exhibit D
COST ALLOCATION METHODOLOGY



PROJECTED FUNDING

Determining projected funding levels is an important part of the programming and budgeting process. The Sections 2 and 4 of this report address this subject in detail. Table 3.3 summarizes the projected funding for PL and Section 5305(d) work activities programmed for FY 2017.

ITEMIZED COST REPORTS FOR PL AND SECTION 5305(d) FUNDS

Table 3.4 presents the itemized cost report for FHWA PL and FTA Section 5305(d) funds. This report identifies the total costs for each program category or project, along with the amount (80%) to be reimbursed by IDOT and the portion of that total to be provided by PL and Section 5305(d) funds. This report provides a guide for monthly project billings and provides a means to gauge the relative progress towards completing each program area.

Table 3.1
ALLOCATION OF LINE ITEM COSTS
McLean County Regional Planning Commission

A. DIRECT LABOR		<u>\$370,033</u>	
B. DIRECT NON-LABOR			
1 Fringe Benefits*	\$0		
2 Professional Services	\$40,000		
3 Travel	\$18,715		
4 Other	\$87,330		
Subtotal		<u>\$146,045</u>	
C. TOTAL DIRECT COSTS			<u>\$516,078</u>
D. INDIRECT LABOR		<u>\$113,224</u>	
E. INDIRECT NON-LABOR			
1 Fringe Benefits	\$140,747		
2 Professional Services	\$7,000		
3 Travel	\$1,600		
4 Equipment and Supplies	\$3,500		
5 Telecommunications	\$2,470		
6 Other	\$22,285		
Subtotal		<u>\$177,602</u>	
F. TOTAL INDIRECT COSTS			<u>\$290,826</u>
G. TOTAL AGENCY COSTS			<u><u>\$806,904</u></u>

*Fringe benefits for all labor are considered as indirect costs and are included under "Indirect Non-Labor."

Table 3.2
ALLOCATION OF TOTAL AGENCY COSTS
McLean County Regional Planning Commission

DIRECT LABOR	370,033	
DIRECT NON-LABOR	146,045	
SUBTOTAL DIRECT		<u>516,078</u>
INDIRECT LABOR	113,224	
INDIRECT NON-LABOR	177,602	
SUBTOTAL INDIRECT		<u>290,826</u>
TOTAL		<u><u>\$806,904</u></u>

Table 3.3
PROJECTED FUNDING FOR TRANSPORTATION RELATED PROJECTS
McLean County Regional Planning Commission

Federal Metropolitan Planning (PL) Funds	\$281,827	80%
Planning Agency	\$70,456	20%
TOTAL FUNDS	<u>\$352,283</u>	<u>100%</u>
FTA Section 5305(d) Funds	\$67,651	80%
Planning Agency	\$16,912	20%
TOTAL FUNDS	<u>\$84,563</u>	<u>100%</u>

Table 3.4
ITEMIZED COST REPORT FOR FHWA PL AND SECTION 5305(d) FUNDS
McLean County Regional Planning Commission

<u>Program Category</u>		Total Program Category Charges	Amount To Be Reimbursed	PL Contract Limiting Amount	Section 5305(d) Contract Limiting Amount
102	Transportation Administration	27,019	21,615	17,431	4,184
301	Comprehensive Planning	224,716	179,773	144,972	34,801
302	Development Monitoring	17,262	13,810	11,137	2,673
303	Transportation Improvement Program	14,449	11,559	9,321	2,238
304	Transit and Alternate Modes Coordination; Title VI	20,638	16,510	13,314	3,196
305	Long Range Transportation Plan	24,721	19,777	15,949	3,828
306	Travel Demand Modeling	19,741	15,793	12,736	3,057
308	Education & Outreach	48,779	39,023	31,469	7,554
309	Professional Development	12,791	10,233	8,252	1,981
310	Transportation Technical Assistance	3,688	2,950	2,379	571
401	GIS Coordination	16,978	13,582	10,953	2,629
410	Information Technical Assistance	6,066	4,853	3,914	939
TOTAL		\$436,848	\$349,478	\$281,827	\$67,651

Table 3.5
McLean County Regional Planning Commission
FY2017 Budget by Cost Item

Cost Item	Federal Funding	Local Match	Total Amount
	PL/FTA		
	80%	20%	100%
Direct Cost			
Personnel Cost			
Executive Director	35,058	8,764	43,822
Transportation Planner	32,900	8,225	41,125
Community Planner 1	22,324	5,581	27,905
Community Planner 2	39,278	9,820	49,098
Comp/Trans Planner	17,676	4,419	22,095
GIS Director	13,582	3,396	16,978
Office Manager	15,474	3,868	19,342
Temporary/Part-Time	3,386	846	4,232
Total for Personnel Services	\$ 179,677	\$ 44,920	\$ 224,597
Advertising	5,232	1,308	6,540
Dues and Subscriptions	2,727	682	3,409
Equipment	0	0	0
Miscellaneous	0	0	0
Parking	0	0	0
Postage	0	0	0
Professional Services	6,000	1,500	7,500
Reference Materials	812	203	1,015
Reproduction	6,348	1,587	7,935
Software and Support	10,336	2,584	12,920
Supplies	513	128	641
Telephone	0	0	0
Travel and Training	7,300	1,825	9,125
Total Direct Expenses	\$ 39,268	\$ 9,817	\$ 49,085
Indirect Cost	\$ 130,533	\$ 32,633	\$ 163,166
Total Cost	\$ 349,478	\$ 87,370	\$ 436,848

Section 4: PROJECT BUDGETS

The annual work program identifies individual programs and projects to be initiated or completed during the fiscal period. This section provides a brief description of each project and identifies the output to be achieved. It also considers the major tasks to be completed for each project and defines the estimated staffing requirements by staff position needed to complete those tasks. Also addressed in this section are total estimated costs to complete the work scheduled for each project.

101. GENERAL ADMINISTRATION

Project Description: Within this program area are such activities as personnel management, financial management, word processing and reproduction of general correspondence, preparation of financial reports, and file system management. It also includes meeting attendance and other activities that are not directly chargeable to specific projects, including employee leave time.

End Products: Annual report; monthly financial reports, audit report, general correspondence, and permanent records.

Non-Salary Expenses:

Social Security	\$36,900	
IMRF	\$61,076	
Health Insurance	\$42,126	
Unemployment Insurance	\$645	
Advertising	\$0	
Dues and Subscriptions	\$3,000	
Equipment	\$0	
Insurance - General	\$4,000	
Miscellaneous	\$1,600	
Parking	\$4,200	
Postage	\$2,000	
Professional Services	\$7,000	
Reference Materials	\$200	
Rent	\$0	
Reproduction	\$3,500	
Software and Support	\$3,785	
Supplies	\$3,500	
Telephone	\$2,470	
Travel and Training	\$1,600	
TOTAL		\$177,602

Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	734	\$41,080	
Transportation Planner	245	\$8,916	
Planner - Comp (MO)	245	\$5,341	
Community Planner (RN)	245	\$7,652	
Assistant Planner (JS)	245	\$4,619	
GIS Director	245	\$12,073	
Office Manager	1,044	\$33,543	
Temporary/Part-Time	0	\$0	
TOTAL	3,003		\$113,224

Indirect Including Fringe (NA) \$0

Adjusted Salaries \$113,224

TOTAL PROJECT COSTS \$290,826

FUNDING SOURCES

The approved indirect cost rate is applied to direct salary costs identified for each project to recover costs for general administration.

TOTAL FUNDING \$290,826

102. TRANSPORTATION ADMINISTRATION

Project Description: Within this program area are administrative activities that are individually identifiable and directly related to transportation planning activities. This work element includes staff involvement to prepare and review transportation planning reports, requests for proposals, contracts, and agreements, quarterly progress reports and invoices, maintain membership lists, prepare meeting agendas, and record meeting minutes.

End Products: Unified Work Program; monthly reports and requisitions; quarterly completion reports; annual completion report.

Direct Non-Salary Expenses:

Advertising	\$0	
Dues and Subscriptions	\$500	
Equipment	\$0	
Miscellaneous	\$0	
Parking	\$0	
Postage	\$0	
Professional Services	\$0	
Reference Materials	\$0	
Reproduction	\$0	
Software and Support	\$0	
Supplies	\$0	
Telephone	\$0	
Travel and Training	\$0	
TOTAL		\$500

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	100	\$5,597	
Transportation Planner	75	\$2,730	
Planner - Comp (MO)	0	\$0	
Community Planner (RN)	0	\$0	
Assistant Planner (JS)	0	\$0	
GIS Director	0	\$0	
Office Manager	203	\$6,522	
TOTAL	378		\$14,849

Indirect Including Fringe \$11,670

Adjusted Salaries (Direct Salaries plus Indirect) \$26,519

TOTAL PROJECT COSTS \$27,019

FUNDING SOURCES

IDOT- PL	\$17,431
IDOT- Section 5305(d)	\$4,184
Regional Service Agreement	\$5,404

TOTAL FUNDING \$27,019

201. LOCAL PLANNING & TECHNICAL ASSISTANCE

Project Description: This project provides for preparation of neighborhood area plans, GIS data collection and analysis at micro level for neighborhood planning, and working with area agencies to effectively integrate their work into comprehensive and transportation plans. Other project activities include activities related to the BN Advantage initiative, regional solid waste activities, and coordinating the activities of the McLean County Greenways Advisory Committee toward implementing the McLean County Regional Greenways Plan. This work activity is also intended to meet needs for technical planning assistance for communities in McLean County as authorized in this work program, and that may arise during the fiscal year. Such activities include the coordination and administration of activities and may also include community plans, map making, ordinance reviews, meeting attendance or grant writing assistance. The actual scope of work activity will be based on local needs and availability of MCRPC staff.

End Products: BN Advantage indicators & metrics dashboard; direction for neighborhood groups, community organizations, non profit agencies, and grass roots organization; providing data and GIS mapping, GIS data and meeting attendance; inclusion of neighborhood level information into comprehensive plans; templates for neighborhood planning; direction for greenway development through meeting attendance; meeting agendas;

Direct Non-Salary Expenses:

Advertising	\$0	
Dues and Subscriptions	\$420	
Equipment	\$0	
Miscellaneous	\$0	
Parking	\$0	
Postage	\$0	
Professional Services	\$13,000	
Reference Materials	\$0	
Reproduction	\$0	
Software and Support	\$0	
Supplies	\$1,000	
Telephone	\$0	
Travel and Training	\$3,000	
TOTAL		\$17,420

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	268	\$14,999	
Transportation Planner	225	\$8,189	
Planner - Comp (MO)	225	\$4,905	
Community Planner (RN)	65	\$2,030	
Assistant Planner (JS)	248	\$4,675	
GIS Director	0	\$0	
Office Manager	154	\$4,948	
Temporary/Part-Time	0	\$0	
TOTAL	1185		\$39,746

Indirect Including Fringe \$31,236

Adjusted Salaries (Direct Salaries plus Indirect) \$70,982

TOTAL PROJECT COSTS **\$88,402**

FUNDING SOURCES

Regional Service Agreement \$88,402

TOTAL FUNDING **\$88,402**

301. COMPREHENSIVE PLANNING

Project Description: This project will update the transportation and land use elements and related components of the Normal comprehensive plan, including all relevant data, maps and trends, as well as development goals, objectives, strategies, and policies, including data and data analysis relevant to transportation plans and programs.

End Products: Updated comprehensive plan for the Town of Normal; data for use in transportation plans.

Direct Non-Salary Expenses:

Advertising	\$1,000	
Dues and Subscriptions	\$949	
Equipment	\$0	
Miscellaneous	\$0	
Parking	\$0	
Postage	\$0	
Professional Services	\$0	
Reference Materials	\$500	
Reproduction	\$6,575	
Software and Support	\$3,390	
Supplies	\$216	
Telephone	\$0	
Travel and Training	\$0	
TOTAL		\$12,630

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	461	\$25,801	
Transportation Planner	393	\$14,303	
Planner - Comp (MO)	453	\$9,876	
Community Planner (RN)	1,250	\$39,041	
Assistant Planner (JS)	1,000	\$18,852	
GIS Director	0	\$0	
Office Manager	207	\$6,651	
Temporary/Part-Time	513	\$4,232	
TOTAL	4277		\$118,756

Indirect Including Fringe \$93,330

Adjusted Salaries (Direct Salaries plus Indirect) \$212,086

TOTAL PROJECT COSTS \$224,716

FUNDING SOURCES

IDOT- PL	\$144,972
IDOT- Section 5305(d)	\$34,801
Regional Service Agreement	\$44,943

TOTAL FUNDING \$224,716

302. DEVELOPMENT MONITORING

Project Description: This continuing work activity involves the implementation of procedures for monitoring urban development activity with regard to consistency with existing plans and the effects on the urban transportation system. Included is the review of major development projects for consistency with the Long-Range Transportation Plan, Transportation Improvement Program and local and regional comprehensive plans.

End Products: Individual reports on project consistency reviews to government agencies on proposed projects.

Direct Non-Salary Expenses:

Advertising		\$0	
Dues and Subscriptions		\$0	
Equipment		\$0	
Miscellaneous		\$0	
Parking		\$0	
Postage		\$0	
Professional Services		\$0	
Reference Materials		\$0	
Reproduction		\$0	
Software and Support		\$0	
Supplies		\$0	
Telephone		\$0	
Travel and Training		\$150	
TOTAL			\$150

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	50	\$2,798	
Transportation Planner	40	\$1,456	
Planner - Comp (MO)	0	\$0	
Community Planner (RN)	150	\$4,685	
Assistant Planner (JS)	0	\$0	
GIS Director	0	\$0	
Office Manager	20	\$643	
TOTAL	260		\$9,582

Indirect Including Fringe \$7,530

Adjusted Salaries (Direct Salaries plus Indirect) \$17,112

TOTAL PROJECT COSTS \$17,262

FUNDING SOURCES

IDOT- PL	\$11,137
IDOT- Section 5305(d)	\$2,673
Regional Service Agreement	\$3,452
TOTAL FUNDING	\$17,262

303. TRANSPORTATION IMPROVEMENT PROGRAM

Project Description: This activity involves the preparation and development of the Transportation Improvement Program (TIP) for the implementation phases of area transportation projects over the ensuing five years. Also included is the processing of TIP amendments and administrative modifications as needed. Staff will coordinate, publicize and hold public hearings and meetings on the annual TIP project elements. Hearings and meetings inform the public regarding programmed projects, the funding process for transportation projects, and to provide a forum for public outreach and comment.

End Products: Report on the Transportation Improvement Program for the Bloomington-Normal Urban Area; includes five annual project maps, index of project funding sources and project descriptions for road, street, trail and transit

Direct Non-Salary Expenses:

Advertising		\$3,800	
Dues and Subscriptions		\$0	
Equipment		\$0	
Miscellaneous		\$0	
Parking		\$0	
Postage		\$0	
Professional Services		\$0	
Reference Materials		\$0	
Reproduction		\$0	
Software and Support		\$0	
Supplies		\$0	
Telephone		\$0	
Travel and Training		\$0	
TOTAL			\$3,800

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	0	\$0	
Transportation Planner	80	\$2,911	
Planner - Comp (MO)	140	\$3,052	
Community Planner (RN)	0	\$0	
Assistant Planner (JS)	0	\$0	
GIS Director	0	\$0	
Office Manager	0	\$0	
TOTAL	220		\$5,963

Indirect Including Fringe \$4,686

Adjusted Salaries (Direct Salaries plus Indirect) \$10,649

TOTAL PROJECT COSTS \$14,449

FUNDING SOURCES

IDOT- PL	\$9,321
IDOT- Section 5305(d)	\$2,238
Regional Service Agreement	\$2,890
TOTAL FUNDING	\$14,449

304. TRANSIT AND ALTERNATE MODES COORDINATION

Project Description: This activity includes continuing coordination with Connect Transit and other urban area transit providers, education of public; tracking of alternate modes; administration of the Transportation Advisory Committee to ensure that appropriate attention is given to transit and other alternative modes of transportation and related issues in all relevant planning areas. This activity includes the ongoing development and updating of the Human Services Transportation Plan for the urbanized area. Tasks include ongoing public involvement activities, public meetings, internet and media outreach, continuing coordination with service providers, social service agencies and riders, ongoing needs assessment and updating of the plan document. Coordination activities include interagency cooperation facilitated through the Transportation Advisory Committee. This activity also includes alternate modes coordination through the Greenways Advisory Committee.

End Product: Documentation of the proceedings of the Transportation Advisory Committee and the Greenways Advisory Committee; ongoing updates of the Human Services Transportation Plan for the Bloomington-Normal Urbanized Area; documentation and records regarding ongoing public involvement activities; alternate transportation modes data for use in travel demand modeling; dissemination of the Greenways newsletter.

Direct Non-Salary Expenses:

Advertising	\$740	
Dues and Subscriptions	\$0	
Equipment	\$0	
Miscellaneous	\$0	
Parking	\$0	
Postage	\$0	
Professional Services	\$0	
Reference Materials	\$0	
Reproduction	\$0	
Software and Support	\$6,000	
Supplies	\$0	
Telephone	\$0	
Travel and Training	\$100	
TOTAL		\$6,840

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	25	\$1,399	
Transportation Planner	90	\$3,275	
Planner - Comp (MO)	140	\$3,052	
Community Planner (RN)	0	\$0	
Assistant Planner (JS)	0	\$0	
GIS Director	0	\$0	
Office Manager	0	\$0	
TOTAL	255		\$7,726

Indirect Including Fringe \$6,072

Adjusted Salaries (Direct Salaries plus Indirect) \$13,798

TOTAL PROJECT COSTS \$20,638

FUNDING SOURCES

IDOT- PL	\$13,314
IDOT- Section 5305(d)	\$3,196
Regional Service Agreement	\$4,128
TOTAL FUNDING	\$20,638

305. LONG RANGE TRANSPORTATION PLAN

Project Description: This work activity includes data collection and analysis, public outreach and development of the plan elements to be incorporated into an update to the 2012 Long Range Transportation Plan (LRTP) for the Bloomington-Normal Metropolitan Planning Organization.

End Products: Documentation of public involvement activities including materials for and records of public outreach and comment; data collection and analysis as presented for public review; draft elements of LRTP document.

Direct Non-Salary Expenses:

Advertising	\$1,000	
Dues and Subscriptions	\$0	
Equipment	\$0	
Miscellaneous	\$0	
Parking	\$0	
Postage	\$0	
Professional Services	\$0	
Reference Materials	\$0	
Reproduction	\$730	
Software and Support	\$0	
Supplies	\$0	
Telephone	\$0	
Travel and Training	\$1,875	
TOTAL		\$3,605

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	0	\$0	
Transportation Planner	265	\$9,644	
Planner - Comp (MO)	100	\$2,180	
Community Planner (RN)	0	\$0	
Assistant Planner (JS)	0	\$0	
GIS Director	0	\$0	
Office Manager	0	\$0	
TOTAL	365		\$11,824

Indirect Including Fringe \$9,292

Adjusted Salaries (Direct Salaries plus Indirect) \$21,116

TOTAL PROJECT COSTS \$24,721

FUNDING SOURCES

IDOT- PL	\$15,949
IDOT- Section 5305(d)	\$3,828
Regional Service Agreement	\$4,944
TOTAL FUNDING	\$24,721

306. TRAVEL DEMAND MODELING

Project Description: This program element includes activities relating to the development and maintenance of a regional travel demand model for the Bloomington-Normal urbanized area. Activities include the implementation of a base model, development of model enhancements responsive to the needs of local governments, ongoing integration of the model with the McLean County GIS, integration of model data derived from licensees, and updating of the model as new data and technology become available.

End Product: Up to date travel demand model.

Direct Non-Salary Expenses:

Advertising		\$0	
Dues and Subscriptions		\$0	
Equipment		\$0	
Miscellaneous		\$0	
Parking		\$0	
Postage		\$0	
Professional Services		\$5,000	
Reference Materials		\$0	
Reproduction		\$0	
Software and Support		\$0	
Supplies		\$0	
Telephone		\$0	
Travel and Training		\$500	
TOTAL			\$5,500

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	10	\$560	
Transportation Planner	30	\$1,092	
Planner - Comp (MO)	290	\$6,322	
Community Planner (RN)	0	\$0	
Assistant Planner (JS)	0	\$0	
GIS Director	0	\$0	
Office Manager	0	\$0	
TOTAL	330		\$7,974

Indirect Including Fringe \$6,267

Adjusted Salaries (Direct Salaries plus Indirect) \$14,241

TOTAL PROJECT COSTS **\$19,741**

FUNDING SOURCES

IDOT- PL	\$12,736
IDOT- Section 5305(d)	\$3,057
Regional Service Agreement	\$3,948
TOTAL FUNDING	<u>\$19,741</u>

307. REGION 6 HUMAN SERVICES TRANSPORTATION PLAN MAINTENANCE

Project Description: This work activity includes the ongoing development and enhancement of the Region 6 Human Services Transportation Plan for Ford, Iroquois, Kankakee, Livingston, and McLean counties. Tasks include coordination with county transportation committees, ongoing public involvement activities, regional public meetings and internet and media outreach, continuing surveying of service providers and users and updating of the plan document. This project also involves ongoing coordination with the transit provider and social service agency member participants in the Region, and review and oversight of grantee agencies as directed by IDOT-DPIT.

End Products: Continuously updated Human Services Transportation plan document and documentation regarding public involvement activities and coordination with county committees; quarterly reports to IDOT-DPIT; documentation of staff training and oversight of grantee agencies.

Direct Non-Salary Expenses:

Advertising	\$1,500	
Dues and Subscriptions	\$0	
Equipment	\$0	
Miscellaneous	\$0	
Parking	\$0	
Postage	\$0	
Professional Services	\$7,500	
Reference Materials	\$0	
Reproduction	\$0	
Software and Support	\$0	
Supplies	\$20	
Telephone	\$0	
Travel and Training	\$1,940	
TOTAL		\$10,960

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	165	\$9,235	
Transportation Planner	350	\$12,738	
Planner - Comp (MO)	200	\$4,360	
Community Planner (RN)	68	\$2,124	
Assistant Planner (JS)	285	\$5,373	
Associate Planner	0	\$0	
GIS Director	0	\$0	
GIS Coordinator	0	\$0	
Office Manager	50	\$1,606	
Temporary/Part-Time	0	\$0	
TOTAL	1118		\$35,436

Indirect Including Fringe \$27,849

Adjusted Salaries (Direct Salaries plus Indirect) \$63,285

TOTAL PROJECT COSTS \$74,245

FUNDING SOURCES

Illinois Department of Transportation (Service Agreement) \$74,245

TOTAL FUNDING \$74,245

308. EDUCATION & OUTREACH

Project Description: This project includes gathering meaningful feedback from the community utilizing traditional and electronic methods, gathering and maintaining contacts for community agencies working toward betterment of the community; Providing educational opportunities to the community using website, social media, newsletters and information forums.

End Products: Public Participation Plan and its continued evaluation; newsletters; educational forums and workshops.

Direct Non-Salary Expenses:

Advertising	\$0	
Dues and Subscriptions	\$960	
Equipment	\$0	
Miscellaneous	\$0	
Parking	\$0	
Postage	\$0	
Professional Services	\$2,500	
Reference Materials	\$0	
Reproduction	\$600	
Software and Support	\$3,530	
Supplies	\$425	
Telephone	\$0	
Travel and Training	\$6,000	
TOTAL		\$14,015

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	30	\$1,679	
Transportation Planner	90	\$3,275	
Planner - Comp (MO)	100	\$2,180	
Community Planner (RN)	150	\$4,685	
Assistant Planner (JS)	150	\$2,828	
GIS Director	0	\$0	
Office Manager	150	\$4,819	
TOTAL	670		\$19,466

Indirect Including Fringe \$15,298

Adjusted Salaries (Direct Salaries plus Indirect) \$34,764

TOTAL PROJECT COSTS \$48,779

FUNDING SOURCES

IDOT- PL	\$31,469
IDOT- Section 5305(d)	\$7,554
Regional Service Agreement	\$9,756
TOTAL FUNDING	\$48,779

309. PROFESSIONAL DEVELOPMENT

Project Description: This project provides for training, classes, conferences, and other professional development of staff.

End Products: Staff equipped with latest trends and technologies in planning and GIS.

Direct Non-Salary Expenses:

Advertising	\$0	
Dues and Subscriptions	\$1,000	
Equipment	\$0	
Miscellaneous	\$0	
Parking	\$0	
Postage	\$0	
Professional Services	\$0	
Reference Materials	\$515	
Reproduction	\$0	
Software and Support	\$0	
Supplies	\$0	
Telephone	\$0	
Travel and Training	\$500	
TOTAL		\$2,015

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	37	\$2,071	
Transportation Planner	37	\$1,347	
Planner - Comp (MO)	37	\$807	
Community Planner (RN)	22	\$687	
Assistant Planner (JS)	22	\$415	
GIS Director	0	\$0	
Office Manager	22	\$707	
TOTAL	177		\$6,034

Indirect Including Fringe \$4,742

Adjusted Salaries (Direct Salaries plus Indirect) \$10,776

TOTAL PROJECT COSTS \$12,791

FUNDING SOURCES

IDOT- PL	\$8,252
IDOT- Section 5305(d)	\$1,981
Regional Service Agreement	\$2,558

TOTAL FUNDING \$12,791

310. TRANSPORTATION TECHNICAL ASSISTANCE

Project Description: This work activity is intended to meet the needs for technical planning assistance related to transportation planning as outlined in this work program, and that may arise during the fiscal year. Transportation Technical Assistance also includes additional assistance provided to the East Side Highway and other consulting teams as may be retained to aid in the completion of these projects.

End Products: To be determined.

Direct Non-Salary Expenses:

Advertising	\$0	
Dues and Subscriptions	\$0	
Equipment	\$0	
Miscellaneous	\$0	
Parking	\$0	
Postage	\$0	
Professional Services	\$0	
Reference Materials	\$0	
Reproduction	\$0	
Software and Support	\$0	
Supplies	\$0	
Telephone	\$0	
Travel and Training	\$0	
TOTAL		\$0

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	20	\$1,119	
Transportation Planner	20	\$728	
Planner - Comp (MO)	10	\$218	
Community Planner (RN)	0	\$0	
Assistant Planner (JS)	0	\$0	
GIS Director	0	\$0	
Office Manager	0	\$0	
TOTAL	50		\$2,065

Indirect Including Fringe \$1,623

Adjusted Salaries (Direct Salaries plus Indirect) \$3,688

TOTAL PROJECT COSTS \$3,688

FUNDING SOURCES

IDOT- PL	\$2,379
IDOT- Section 5305(d)	\$571
Regional Service Agreement	\$738
TOTAL FUNDING	\$3,688

401. GIS COORDINATION

Project Description: This activity will continue the process of implementing and managing a geographic information system to assist in planning and government management. GIS coordination activities also include the development of additional applications to further promote the conversion to and use of GIS throughout McLean County. These activities will continue on a regular basis throughout the fiscal year.

End Product: Regional Geographic Information System.

Direct Non-Salary Expenses:

Advertising	\$0	
Dues and Subscriptions	\$550	
Equipment	\$18,000	
Miscellaneous	\$0	
Parking	\$600	
Postage	\$0	
Professional Services	\$12,000	
Reference Materials	\$200	
Reproduction	\$230	
Software and Support	\$32,000	
Supplies	\$350	
Telephone	\$0	
Travel and Training	\$4,650	
TOTAL		\$68,580

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	0	\$0	
Transportation Planner	0	\$0	
Planner - Comp (MO)	0	\$0	
Community Planner (RN)	0	\$0	
Assistant Planner (JS)	0	\$0	
GIS Director	1,705	\$84,019	
Office Manager	100	\$3,213	
TOTAL	1805		\$87,232

Indirect Including Fringe \$68,556

Adjusted Salaries (Direct Salaries plus Indirect) \$155,788

TOTAL PROJECT COSTS **\$224,368**

FUNDING SOURCES

Recorder Fees	\$120,000
IDOT- PL	\$10,953
IDOT- Section 5305(d)	\$2,629
Regional Service Agreement	\$3,396
Data Sales and Subscriptions	\$2,500
Local Funding (MCRPC 1/, COB Twp, TON, County, ETSB, COB)	\$16,978
TOTAL FUNDING	\$224,368

Note: 1/ MCRPC contribution comprised of IDOT PL, Section 5305(d), and RSA match as listed above.

410. INFORMATION TECHNICAL ASSISTANCE

Project Description: This work activity includes responding to requests from local government and the public for planning-related information, providing other input as needed in support of GIS.

End Products: Newsletters, meeting agendas and minutes, other to be determined.

Direct Non-Salary Expenses:

Advertising		\$0	
Dues and Subscriptions		\$0	
Equipment		\$0	
Miscellaneous		\$0	
Parking		\$0	
Postage		\$0	
Professional Services		\$0	
Reference Materials		\$0	
Reproduction		\$30	
Software and Support		\$0	
Supplies		\$0	
Telephone		\$0	
Travel and Training		\$0	
TOTAL			\$30

Direct Salaries:

<u>Staff Position</u>	<u>Time (Hours)</u>	<u>Dollar Total</u>	
Executive Director	50	\$2,798	
Transportation Planner	10	\$364	
Planner - Comp (MO)	10	\$218	
Community Planner (RN)	0	\$0	
Assistant Planner (JS)	0	\$0	
GIS Director	0	\$0	
Office Manager	0	\$0	
TOTAL	70		\$3,380

Indirect Including Fringe \$2,656

Adjusted Salaries (Direct Salaries plus Indirect) \$6,036

TOTAL PROJECT COSTS \$6,066

FUNDING SOURCES

IDOT- PL	\$3,914
IDOT- Section 5305(d)	\$939
Regional Service Agreement	\$1,213
TOTAL FUNDING	\$6,066

Appendix: FY2017 Indirect Cost Allocation Plan (ICAP)

The indirect cost allocation plan (ICAP) presents the approved indirect cost rate and supporting financial information for FY2017 (July 1, 2016—June 30, 2017).



McLEAN COUNTY REGIONAL PLANNING COMMISSION

115 E. Washington St., M103 • Bloomington, IL 61701-4089
Phone: 309-828-4331 • Fax: 309-827-4773 • www.mcplan.org

MEMORANDUM

TO: Illinois Department of Transportation
FROM: McLean County Regional Planning Commission
SUBJECT: FY2017 Indirect Cost Allocation Plan (ICAP)
DATE: August 25, 2015

This indirect cost allocation plan (ICAP) presents the financial information necessary to establish and support the indirect cost rate for the McLean County Regional Planning Commission (MCRPC) for the fiscal year July 1, 2016 through June 30, 2017. Indirect costs, which include both salaries and non-salary costs, are administration costs necessary for the general operation of the agency and not directly related to projects. The indirect cost rate provides a standard way for each program to contribute its share of the general agency costs. Conversely, direct costs are costs that provide direct benefits to particular programs or projects.

The indirect cost rate presented in this ICAP is computed by dividing the total indirect cost by direct salary cost. This ICAP is based on the MCRPC FY2016 Unified Work Program As Amended and provides for seven FTE staff. Because previous budgeted and actual audited costs for MCRPC provided for eight FTE staff members, the indirect cost rate for previous audited years was determined to be inaccurate for current budgeting requirements.

Included in this ICAP is line item budget with total costs, direct costs, indirect costs, and associated descriptions. The total overall indirect cost rate was determined to be 0.7859 by dividing total indirect costs (\$280,212) by direct salaries (\$356,555). For contracts requiring rates for fringe benefits and non-salary indirect expense rate, a fringe benefit rate of 0.4102 was derived by dividing the salary-related expenses marked with an asterisk by the direct salaries. A non-salary indirect rate of 0.3757 was derived by dividing the remaining non-salary indirect costs by direct salaries.

MCRPC is the leader for planning tomorrow's McLean County

George Benjamin, Chairman • Mary Jefferson, Vice Chair • Michael Buragas • Mary Kramp • Carl Olson
Linda Olson • Denise Schuster • David Selzer • Carl Teichman • Tyler Wrezinski • Mark Wylie

MCLEAN COUNTY REGIONAL PLANNING COMMISSION

FY2017 Indirect Cost Allocation Plan (ICAP) Application

July 1, 2016—June 30, 2017

ICAP Documentation

The McLean County Regional Planning Commission submits the following documents to support its claim for indirect costs.

- | | |
|---|--|
| 1. Overhead schedule | See Exhibit 1: FY2016 Line Item Budget |
| 2. Summary table to support central services costs | Not included as no central services costs are incurred |
| 3. Copy of financial statements upon which rate is based. | See Exhibit 1: FY2016 Line Item Budget. This ICAP is based on the MCRPC FY2016 Unified Work Program as Amended and provides for seven FTE staff. Because previous budgeted and actual audited costs for MCRPC provided for eight FTE staff members, the indirect cost rate for previous audited years was determined to be inaccurate for current budgeting requirements. For reference, previous audited financial information is presented in Exhibit 2: Audited Financial Statements. |
| 4. Schedule disclosing direct labor base for all government awards | See Exhibit 3: FY2017 Overall Work Program |
| 5. Cost Allocation Plan listing and describing each intermediate cost objective | Not included as there are no Intermediate costs. |
| 6. Documentation detailing standardized treatment of costs as either a direct or indirect expense. Must include chart of accounts and descriptions. | Indirect costs, which include both salaries and non-salary costs, are administration costs necessary for the general operation of the agency and not directly related to projects. The indirect cost rate provides a standard way for each program to contribute its share of the general agency costs. Conversely, direct costs are costs that provide direct benefits to particular programs or projects. The MCRPC expense line items and descriptions are presented in Exhibit 1: FY2016 Line Item Budget. |
| 7. Organizational chart detailing the structure of the MPO | See Exhibit 4: Organizational Chart |
| 8. Completed and signed Certification of Indirect Costs Statement | See Certification of Indirect Costs Statement |
| 9. Copy of approved written agreement establishing the fringe and indirect costs rates where IDOT is not the lead state. | Not included as IDOT is the lead state agency. |

Exhibit 1
FY2016 LINE ITEM BUDGET
McLean County Regional Planning Commission

Expense Item	Total Cost	Direct Costs	Indirect Costs	Description
Salaries	\$456,551	\$356,555	\$99,996	Salaries is the largest expense item in the budget and supports 7 FTE employees. Indirect salary expenses are reflected in the indirect cost rate.
*Social Security	\$35,129	\$0	\$35,129	Salary-related expenses (fringe benefits) are reflected in the fringe benefit rate and the overall indirect cost rate.
*IMRF	\$59,651	\$0	\$59,651	Salary-related expenses (fringe benefits) are reflected in the fringe benefit rate and the overall indirect cost rate.
*Health Insurance	\$50,825	\$0	\$50,825	Salary-related expenses (fringe benefits) are reflected in the fringe benefit rate and the overall indirect cost rate.
*Unemployment Insurance	\$645	\$0	\$645	Salary-related expenses (fringe benefits) are reflected in the fringe benefit rate and the overall indirect cost rate.
Advertising	\$7,490	\$7,490	\$0	This line item provides for direct advertising expenses for events and public hearing notices.
Dues and Subscriptions	\$7,145	\$4,145	\$3,000	Expenses for dues and subscriptions include direct expenses for planning activities as well as indirect expenses for professional dues and subscriptions for the agency.
Equipment	\$22,000	\$22,000	\$0	This line item provides for direct equipment expenses.
General Insurance	\$4,000	\$0	\$4,000	General insurance is an indirect expense.
Miscellaneous	\$1,400	\$0	\$1,400	Miscellaneous expenses are budgeted expenses that do not appropriately fall into other designated expense categories.
Parking	\$4,800	\$600	\$4,200	This line item provides for staff parking permits.
Postage	\$6,189	\$5,009	\$1,180	This line item provides for direct and indirect postage costs.
Professional Services	\$207,327	\$201,327	\$6,000	The professional services line item includes funding for a regional housing study, GIS support, auditor services, interpreter services, and professional web/IT services.
Reference Materials	\$1,715	\$1,215	\$500	This account provides for the acquisition of published materials in support of specific projects and the overall work program.
Reproduction	\$13,860	\$10,660	\$3,200	This item includes direct expenses for the reproduction of plans, reports and newsletters, as well as indirect expenses for general reproduction.
Software and Support	\$53,790	\$51,505	\$2,285	This line item provides for direct costs relating to comprehensive planning and GIS, as well as indirect costs for internet access and software updates for agency workstations.
Supplies	\$6,557	\$2,857	\$3,700	The supplies line item includes indirect costs for general office supplies, as well as direct costs for specific projects.
Telephone	\$3,000	\$0	\$3,000	All telephone expenses are budgeted as indirect costs.
Travel and Training	\$20,215	\$18,715	\$1,500	The travel and education line item provides a budget for travel incurred in conducting routine Commission business, as well as travel to meetings, conferences, and other project-related travel.
TOTAL	\$962,290	\$682,078	\$280,212	

1) The total indirect cost rate was determined to be 0.7859 by dividing total indirect costs (\$280,212) by direct salaries (\$356,555).

2) For contracts requiring rates for fringe benefits and non-salary indirect expenses, a fringe benefit rate of 0.4102 was derived by dividing the salary-related expenses marked with an asterisk by the direct salaries. A non-salary indirect rate of 0.3757 was derived by dividing the remaining non-salary indirect costs by direct salaries.

Exhibit 2			
Audited Financial Statements			
McLean County Regional Planning Commission			
	FY2012	FY2013	FY2014
Indirect Costs			
Salaries	\$ 111,059	\$ 115,939	\$ 98,516
Payroll Tax	35,190	35,404	36,944
IMRF	55,629	60,684	63,860
Reference Materials	28	0	49
Professional Services	8,060	12,594	8,332
Dues	2,845	2,673	2,812
Equipment	0	0	0
General Insurance	3,822	3,314	3,213
Health Insurance	39,463	43,611	44,975
Advertising	0	460	0
Postage	1,024	1,864	1,490
Reproduction	1,323	1,755	1,918
Rent	34,600	34,600	34,600
Software & Support	0	0	3,282
Supplies	1,693	1,108	3,025
Telephone	1,571	1,587	2,098
Travel	4,802	947	7,014
Miscellaneous	5,050	4,463	9,623
Depreciation	8,665	8,425	7,971
Total Indirect Costs	\$ 314,824	\$ 329,428	\$ 329,722
Direct Costs			
Salaries	\$ 364,896	\$ 362,871	\$ 397,465
Reference Materials		20	923
Professional Services	149,225	44,865	65,914
Dues	1,170	1,135	2,185
Equipment	968	0	2,359
Advertising	2,224	3,587	6,130
Postage	305	974	796
Printing	756	510	5,612
Software & Support	0	0	31,058
Supplies	276	756	2,044
Telephone	310	370	874
Travel	9,838	11,174	8,816
Miscellaneous	0	1,800	1,200
Total Direct Costs	\$ 529,968	\$ 428,062	\$ 525,376
INDIRECT COST RATE	86.28%	90.78%	82.96%

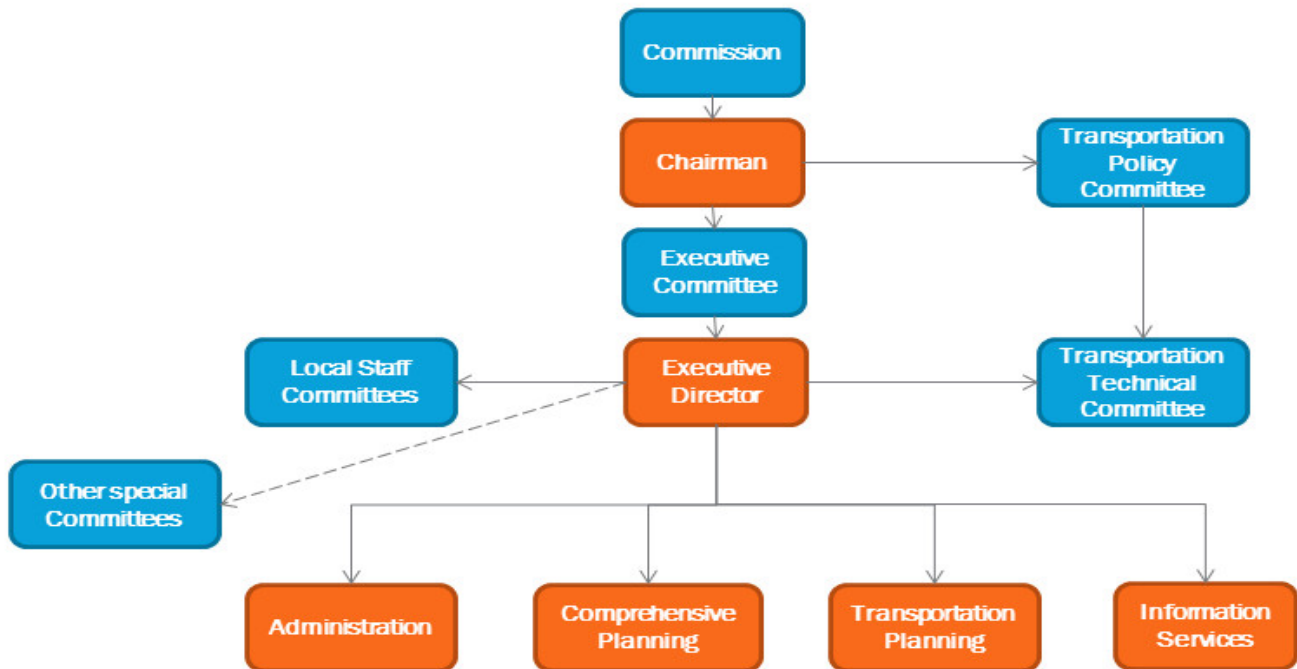
The indirect cost rate presented in this ICAP is computed by dividing the total indirect cost by direct salary cost. This ICAP is based on the MCRPC FY2016 Unified Work Program As Amended and provides for seven FTE staff. Because the previous three fiscal years' budgeted and actual audited costs for MCRPC provided for eight FTE staff members, the indirect cost rate for these audited years was determined to be inaccurate for current budgeting requirements. It is presented here for reference only.

**Exhibit 3: FY2017 Overall Work Program
By Funding Source and Cost Category
McLean County Regional Planning Commission**

Project Code	Project Name	Cost Category	Project Funding Sources				
			Transportation				Total Funds
			FHWA	FTA	IDOT	Local Funds	
102	Transportation Administration						
		Direct Labor	9,062	2,424		2,871	14,358
		Indirect Costs (includes fringe)	7,122	1,905		2,257	11,284
		Other Direct Costs	324	87		103	514
		Total	16,509	4,416		5,231	26,156
201	Local Planning & Technical Assistance						
		Direct Labor				40,594	40,594
		Indirect Costs (includes fringe)				31,902	31,902
		Other Direct Costs				9,620	9,620
		Total				82,116	82,116
301	Comprehensive Planning						
		Direct Labor	47,291	12,651	29,983	14,986	104,911
		Indirect Costs (includes fringe)	37,166	9,942	23,563	11,777	82,448
		Other Direct Costs	40,438	10,818	25,637	12,814	89,707
		Total	124,895	33,411	79,183	39,577	277,066
302	Development Monitoring						
		Direct Labor	5,459	1,461		1,730	8,650
		Indirect Costs (includes fringe)	4,290	1,148		1,360	6,798
		Other Direct Costs	95	25		30	150
		Total	9,844	2,634		3,120	15,598
303	Transportation Improvement Program						
		Direct Labor	3,774	1,009		1,196	5,979
		Indirect Costs (includes fringe)	2,966	793		940	4,699
		Other Direct Costs	600	160		190	950
		Total	7,339	1,963		2,326	11,628
304	Transit and Alternate Modes Coordination; Title VI						
		Direct Labor	6,477	1,733		2,052	10,262
		Indirect Costs (includes fringe)	5,090	1,362		1,613	8,065
		Other Direct Costs	3,686	986		1,168	5,840
		Total	15,253	4,081		4,833	24,167
305	Long Range Transportation Plan						
		Direct Labor	7,008	1,874		2,221	11,103
		Indirect Costs (includes fringe)	5,508	1,473		1,745	8,726
		Other Direct Costs	1,815	485		575	2,875
		Total	14,330	3,833		4,541	22,704
306	Travel Demand Modeling						
		Direct Labor	5,533	1,480		1,753	8,766
		Indirect Costs (includes fringe)	4,348	1,163		1,378	6,889
		Other Direct Costs	316	84		100	500
		Total	10,196	2,728		3,231	16,155
307	Region 6 HSTP Maintenance						
		Direct Labor			31,509		31,509
		Indirect Costs (includes fringe)			24,763		24,763
		Other Direct Costs			5,795		5,795
		Total			62,067		62,067
308	Education & Outreach						
		Direct Labor	14,325	3,832		6,859	25,017
		Indirect Costs (includes fringe)	11,258	3,012		5,391	19,661
		Other Direct Costs	8,386	2,244		4,015	14,645
		Total	33,970	9,088		16,265	59,323
309	Professional Development						
		Direct Labor	5,406	1,446		1,713	8,565
		Indirect Costs (includes fringe)	4,248	1,137		1,346	6,731
		Other Direct Costs	1,272	340		403	2,015
		Total	10,926	2,923		3,462	17,311
310	Transportation Technical Assistance						
		Direct Labor	1,227	328		389	1,944
		Indirect Costs (includes fringe)	965	258		305	1,528
		Other Direct Costs	0	0		0	0
		Total	2,192	586		694	3,472
401	GIS Coordination						
		Direct Labor	5,344	1,430		74,947	81,721
		Indirect Costs (includes fringe)	4,200	1,124		58,900	64,223
		Other Direct Costs	12,611	3,374		176,867	192,852
		Total	22,155	5,927		310,714	338,796
410	Information Technical Assistance						
		Direct Labor	2,005	536		635	3,176
		Indirect Costs (includes fringe)	1,575	422		499	2,496
		Other Direct Costs	38	10		12	60
		Total	3,618	968		1,146	5,732
		TOTAL*	271,227	72,558	141,250	395,140	962,291
		*Amounts may vary due to rounding					

Exhibit 4: Organizational Chart

McLean County Regional Planning Commission



The McLean County Regional Planning Commission's work programs are carried out through the interaction of Commission members, elected officials, governmental agencies, and staff as shown in Exhibit 4. The Commission interacts with local and state officials through the Transportation Technical and Policy Committees. The Executive Director of the Regional Planning Commission chairs the Transportation Technical Committee which reports to the Transportation Policy Committee, chaired by the Commission Chair, and includes management and engineering staff from the City of Bloomington, Town of Normal, McLean County, Central Illinois Regional Airport Authority, Bloomington-Normal Public Transit System, and the Illinois Department of Transportation. The Executive Director also serves to coordinate activities between the local and regional planning staffs in each of the four major program areas outlined in the organizational chart.

Commission Members:

George Benjamin, Chairman
 Mary Jefferson, Vice Chair
 Michael Buragas
 Mary Kramp
 Carl Olson
 Linda Olson
 Denise Schuster
 David Selzer
 Carl Teichman
 Tyler Wrezinski
 Mark Wylie

Transportation Policy Committee:

Chairman of MCRPC, Chairman
 Mayor, City of Bloomington
 Mayor, Town of Normal
 Chairman, McLean County Board
 Transportation Committee
 Program Development Engineer, IDOT,
 Region 3, District 5

Transportation Technical Committee:

Executive Director, MCRPC, Chairman
 City Engineer, Town of Normal
 City Manager, Town of Normal
 Public Works Director, City of Bloomington
 City Manager, City of Bloomington
 County Engineer, McLean County
 County Administrator, McLean County
 General Manager, B-N Public Transit
 System
 Director, B-N Airport Authority
 Planning & Services Chief, IDOT, Dist. 5
 Federal Aid Coordinator, IDOT Dist. 5



MCLEAN COUNTY REGIONAL PLANNING COMMISSION

115 E. Washington St., M103 • Bloomington, IL 61701-4089
Phone: 309-828-4331 • Fax: 309-827-4773 • www.mcplan.org

CERTIFICATE OF INDIRECT COSTS

This is to certify that I have reviewed the indirect cost rate proposal submitted herewith and to the best of my knowledge and belief:

1. All costs included in this proposal [date] to establish billing or final indirect cost rates for the fiscal year July 1, 2016 through June 30, 2017 are allowable in accordance with the requirements of the Federal award(s) to which they apply and the provisions of Subpart E – Cost Principles of Part 200. Unallowable costs have been adjusted for in allocating costs as indicated in the indirect cost proposal.
2. All costs included in this proposal are properly allocated to Federal Awards on the basis of a beneficial or causal relationship between the expenses incurred and the agreements to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently and the Federal government will be notified of any accounting changes that would affect the predetermined rate.

I declare that the foregoing is true and correct.

Governmental Unit: McLean County Regional Planning Commission

Signature: P. Vasudha

Name of Official: Vasudha Pinnamaraju

Title: Executive Director

Date of Execution: August 25, 2015

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George Benjamin, Chairman • Mary Jefferson, Vice Chair • Michael Buragas • Mary Kramp • Carl Olson
Linda Olson • Denise Schuster • David Selzer • Carl Teichman • Tyler Wrezinski • Mark Wylie



MCLEAN COUNTY
Regional Planning Commission

www.mcplan.org



COPY

CONSENT AGENDA ITEM NO. 7L

FOR COUNCIL: July 27, 2015

SUBJECT: Consideration of approving an Agreement for Regional Planning Services with McLean County Regional Planning Commission (MCRPC) in the amount of \$54,212.00.

RECOMMENDATION/MOTION: That the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$54,212.00 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

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

BACKGROUND: The McLean County Regional Planning Commission has been providing long term planning for the City of Bloomington, Town of Normal and McLean County for many years. Their functions include such things as long range transportation needs, comprehensive plans, public mapping services, etc. The three government entities as well as state and federal grants provide the operational funding for the commission.

Over the past several years, the City has seen its contribution to the McLean County Regional Planning Commission fluctuate, which has included two past fiscal years (2009 and 2010) where no payment was required (the Commission used some of its reserves to lessen the financial burden of the City, Town and County in the slow economy). For FY 2016, the McLean County Regional Planning Commission set the City's contribution at \$54,212.00.

<u>Fiscal Year</u>	<u>City Contribution</u>
FY 2009	\$0
FY 2010	\$0
FY 2011	\$23,023
FY 2012	\$24,244
FY 2013	\$23,239
FY 2014	\$27,868
FY 2015	\$55,457
FY 2016	\$54,212

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable

FINANCIAL IMPACT: The FY 2016 Budget appropriated \$62,000 in the Planning-To McLean County Regional Planning Account (10015420-75025) of the Community Development Department. Stakeholders can locate this in the FY 2016 Proposed Budget Book titled "Budget Overview & General Fund" on page 257. The payment is \$7,788 less than the appropriation or 12.5% below budget.

Respectfully submitted for Council consideration.

Prepared by: Nancy Tague, Office Manager of Community Development

Reviewed by: Tom Dabareiner AICP, Community Development Director

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Agreement
- Invoice

Motion: That the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$54,212.00 be approved, and authorize the Mayor and City Clerk to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Painter			
Amelia Buragas				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Diane Hauman			
Alderman Mwilambwe							
				Mayor Renner			

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INVOICE

Please make your check payable to McLean County Regional Planning Commission, and *please include a copy of this form with payment.* Thank you for your attention to this matter.

To City of Bloomington

Invoice No. fy2016blm
Date July 1, 2015
Amount Due \$54,212.00

**Description
of Services** FY2016 Regional Service Agreement

Terms Net
Due date Upon receipt



115 E. Washington

M103

Bloomington, IL 61701

P: 309/ 828-4331

F: 309/ 827-4773

W: www.mcplan.org

REGIONAL PLANNING SERVICE AGREEMENT

This agreement is entered into as of the 1st day of July, 2015, by and between the McLean County Regional Planning Commission (hereinafter referred to as the "Commission") and the City of Bloomington (hereinafter referred to as the "City").

The parties do mutually agree as follows:

A. Period of Agreement

This agreement shall remain in full force and effect through June 30, 2016.

B. Long Range Planning Services

The Commission shall maintain a permanent professional planning staff capable of performing, or causing to be performed, a long range planning work program, including the following activities:

1. Assist the City in the periodic updating of plans and ordinances that pertain to planning and development, including the Comprehensive plan and zoning ordinances and subdivision regulations as needed.
2. Prepare or coordinate the preparation and updating of reports that are an integral part of the McLean County Transportation Study, including the Unified Work Program (UWP), Long Range Transportation Plan (LRTP), and the Transportation Improvement Program (TIP).
3. Coordinate the development and management of the regional geographic information system (GIS) as per separate intergovernmental agreement.
4. Maintain a website to post statistical data, plans and studies, and other planning-related information to serve as a resource for local governments and the public.
5. Provide assistance in the preparation of applications for Federal or State funding as needed.
6. Attend meetings of county and municipal government and civic organizations or other groups interested in planning and development as requested and as schedules permit.
7. Provide technical assistance as needed and requested in matters of long range planning and development.

C. Staff

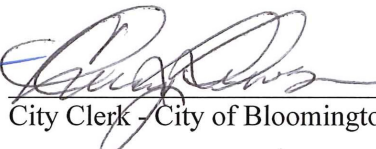
The Commission shall employ a Director of the Commission and other employees as necessary and authorized by the budget. It is agreed by all parties that the City short range planner will be available to assist the Commission staff to accomplish the activities specified in "B" above as applicable to the City of Bloomington.

D. Financing

The City of Bloomington will remit to the Commission the sum of FIFTY-FOUR THOUSAND TWO HUNDRED TWELVE AND 00/100 DOLLARS (\$54,212.00) for deposit in the accounts of the Commission upon the City's receipt of an invoice for said amount.

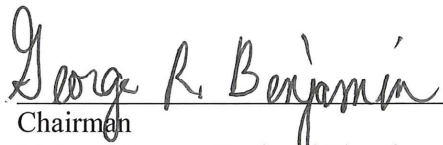


Mayor - City of Bloomington



City Clerk - City of Bloomington

7/30/15
Date



Chairman
McLean County Regional Planning
Commission



Executive Director
McLean County Regional Planning
Commission

8-5-15
Date



CONSENT AGENDA ITEM NO. 7E

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving the purchase of scheduled replacement of one (1) 2017 Ford Utility Interceptor for the Fire Department.

RECOMMENDATION/MOTION: that the purchase of One (1) Ford Utility Interceptor from Currie Motors of Frankfort, Illinois, using the Northwest Suburban Cooperative Purchasing Contract number 152 in the amount of \$32,556.00 be approved, and authorize the City Manager to execute the necessary documents.

STRATEGIC PLAN LINK: Objective 4 – City Services delivered in the most cost-effective, efficient manner

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services

BACKGROUND: Currently, the fire Department has a 2007 Ford Expedition that is due for replacement and budgeted this current year. This unit developed transmission problems last fiscal year and was taken out of service. The cost to repair the transmission exceeded the value of the unit. A replaced unit (Mitsubishi Endeavor) was retained until this fiscal year, when the funds were available to replace it. This unit has 86,263 miles. Maintenance cost to date for this unit is \$18,058.55. Normal replacement is 10 years or 100,000 miles. This unit is used as a first responding vehicle to provide emergency service. The unit has high idle time that causes more engine wear and needs to be replaced at or before the 10 year time period. Staff recommends the pursuit rated vehicle because of its heavy duty design features. It has a Safety Canopy with Roll Over Sensor and Roll Curtain Air bag, Anti-Lock brakes with Advanced Trac and Traction Control. The unit is equipped with external engine oil cooler to extend component life. The new unit will be put into service and the Mitsubishi will be moved to the Motor Pool. The 2007 Ford Expedition will be declared surplus and sold by public auction at Publicsurplus.com; it is expected to be worth \$1,200.00.

The Suburban Purchasing Cooperative is a cooperative of 150 municipalities in the six county area of Northern Illinois. Every municipality and government agency in the State of Illinois is authorized to participate in this program. Staff respectfully requests to have the replacement unit declared surplus and be sold on public auction.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable

FINANCIAL IMPACT: The new unit will cost a total of \$32,556.00. The Fire Department has budgeted \$34,711.00 for the purchase of this unit in the Capital Lease-Capital Outlay Licensed

Vehicle account (40110135-72130). Stakeholders can locate this in the FY 2017 Budget Book titled "Other Funds & Capital Improvement Program" on pages 92 and 94.

Respectfully submitted for Council consideration.

Prepared by: Rob Krones, Superintendent of Fleet Maintenance

Reviewed by: Jim Karch, PE CFM, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Currie Motors Frankfort Inc. Customer Proposal

Motion: That the purchase of One (1) Ford Utility Interceptor from Currie Motors of Frankfort, Illinois, using the Northwest Suburban Cooperative Purchasing Contract number 152 in the amount of \$32,556.00 be approved, and authorize the City Manager to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Buragas				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower							
				Mayor Renner			



Currie Motors Frankfort Inc
9423 W Lincoln Hwy, Frankfort, Illinois, 60423
Office: 708-479-1100

City Of Bloomington

Re: Vehicle Proposal

To Whom it May Concern,

Pricing is reflective of contract #152 which is good thru November 9th 2016

Sincerely,

THOMAS SULLIVAN

Prepared for: City Of Bloomington

By: THOMAS SULLIVAN Date: 07/26/2016 | Price Level: 725 Quote ID: blpd



Currie Motors Frankfort Inc
9423 W Lincoln Hwy, Frankfort, Illinois, 60423
Office: 708-479-1100

Customer Proposal

Prepared for:

City Of Bloomington

Prepared by:

THOMAS SULLIVAN
Office: 708-479-1100

Date: 07/13/2016

Vehicle: 2017 Utility Police Interceptor Base
AWD





Selected Options

Description	MSRP
Base Vehicle Price (K8A)	\$31,510.00
Order Code 500A	N/C
Engine: 3.7L V6 Ti-VCT FFV	Included
Transmission: 6-Speed Automatic	Included
3.65 Axle Ratio	Included
GVWR: 6,300 lbs	Included
Tires: P245/55R18 AS BSW	Included
Wheels: 18" x 8" 5-Spoke Painted Black Steel	Included
	<i>Includes center caps and full size spare.</i>
Unique HD Cloth Front Bucket Seats w/Vinyl Rear	Included
	<i>Includes driver 6-way power track (fore/aft up/down, tilt with manual recline, 2-way manual lumbar, passenger 2-way manual track (fore/aft with manual recline) and built-in steel intrusion plates in both front seatbacks.</i>
113" Wheelbase	STD
Monotone Paint Application	STD
Radio: MyFord AM/FM/CD/MP3 Capable	Included
	<i>Includes clock, 6 speakers and 4.2" color LCD screen center-stack Smart Display.</i>
Front Headlamp Lighting Solution	Included
	<i>Includes base LED low beam/incandescent (halogen) high beam headlamp with high beam wig-wag function and (2) white rectangular LED side warning lights. Wiring and LED lights included. Controller not included.</i> <i>Includes:</i> <i>- Grille LED Lights, Siren & Speaker Pre-Wiring</i>
Tail Lamp Lighting Solution	Included
	<i>Includes base LED lights plus (2) rear integrated hemispheric lighthouse white LED side warning lights in taillamps. LED lights only. Wiring and controller not included.</i>
Rear Lighting Solution	Included
	<i>Includes (2) backlit flashing linear high-intensity LED lights (driver's side red/passenger side blue) mounted to inside liftgate glass and (2) backlit flashing linear high-intensity LED lights (driver's side red/passenger side blue) installed on inside lip of liftgate (lights activate when liftgate is open). LED lights only. Wiring and controller not included.</i>
Ready For The Road Package	\$3,415.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Selected Options (cont'd)

Description	MSRP
	<i>Includes Whelen Cencom light controller head with dimmable back light, Whelen Cencom relay center/siren/amp with Traffic Advisor (mounted behind 2nd row seat), light controller/relay Cencom wiring (wiring harness) with additional input/output pigtails, high current pigtail, Whelen specific WECAN cable (console to cargo area) connects Cencom to control head, contours through 2nd row; channel for wiring and grille linear LED lights (red/blue).</i> <i>Includes:</i> - Front Headlamp Lighting Solution - Includes base LED low beam/incandescent (halogen) high beam headlamp with high beam wig-wag function and (2) white rectangular LED side warning lights. Wiring and LED lights included. Controller not included. - Grille LED Lights, Siren & Speaker Pre-Wiring - Tail Lamp Lighting Solution - Includes base LED lights plus (2) rear integrated hemispheric lighthouse white LED side warning lights in taillamps. LED lights only. Wiring and controller not included. - Rear Lighting Solution - Includes (2) backlit flashing linear high-intensity LED lights (driver's side red/passenger side blue) mounted to inside liftgate glass and (2) backlit flashing linear high-intensity LED lights (driver's side red/passenger side blue) installed on inside lip of liftgate (lights activate when liftgate is open). LED lights only. Wiring and controller not included. - Rear Console Plate - 100 Watt Siren/Speaker w/Bracket & Pigtail - Hidden Door-Lock Plunger/Rr-Door Handles Inoperable
Daytime Running Lamps	\$45.00
Red/White Dome Lamp in Cargo Area	\$50.00
Forward Indicator Pocket Warning LED Lights	\$640.00
Grille LED Lights, Siren & Speaker Pre-Wiring	Included
Rear Quarter Glass Side Marker LED Lights	\$575.00
Side Marker LED Sideview Mirrors	\$290.00
Driver Only LED Spot Lamp (Unity)	\$395.00
Rear View Camera	N/C
	<i>Note: This option would replace the camera that comes standard in the 4" center stack area. Camera can only be displayed in the 4" center stack (standard) OR the rear view mirror (87R).</i> <i>Includes:</i> - Electrochromic Rear View Mirror - Video is displayed in rear view mirror.
SYNC Basic (Voice-Activated Communications System)	\$295.00
	<i>Includes single USB port and single auxiliary audio input jack.</i>
Hidden Door-Lock Plunger/Rr-Door Handles Inoperable	Included
Rear Console Plate	Included
Heated Sideview Mirrors	\$60.00
Remote Keyless Entry Key Fob w/o Key Pad	\$260.00
	<i>Does not include PATS.</i>

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Selected Options (cont'd)

Description	MSRP
100 Watt Siren/Speaker w/Bracket & Pigtail	Included
Delivery	\$150.00
Rust Proofing and Sound Shield	\$395.00
Special Paint	\$873.00
SUBTOTAL	\$38,953.00
Destination Charge	\$945.00
TOTAL	\$39,898.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Pricing - Single Vehicle

MSRP

Vehicle Pricing

Vehicle Price	\$31,510.00
Options & Colors	\$6,025.00
Upfitting	\$1,418.00
Destination Charge	\$945.00

Discount Adjustments

Discount	-\$7,342.00
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Total	\$32,556.00
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Customer Signature

Acceptance Date

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Warranty - Standard Equipment & Specs

Warranty

Basic

Distance	36000 miles	Months	36 months
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Powertrain

Distance	100000 miles	Months	60 months
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Corrosion Perforation

Distance	Unlimited miles	Months	60 months
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Roadside Assistance

Distance	60000 miles	Months	60 months
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Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

CITY OF
Bloomington ILLINOIS

CONSENT AGENDA ITEM NO. 7F

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of adopting an Ordinance approving a Petition from Core III, L.L.C., for an expedited final plat for resubdivision of lots 317-320 Tipton Trails 5th Addition Final Plat and approving a utility easement vacation, and rescinding ordinance number 2016-01, located west of Airport Road and north of General Electric Road, and adopting an ordinance .

RECOMMENDATION/MOTION: That the Ordinance be passed approving the expedited final plat for resubdivision of lots 317-320 Tipton Trails 5th Addition and vacating the associated utility easement, and rescinding ordinance number 2016-01, and that the Mayor and City Clerk be authorized to sign the necessary documents.

STRATEGIC PLAN LINK: Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE: Objective 3.a. Retention and growth of current local businesses

BACKGROUND: This final plat consists of three lots located west of Airport Road and north of General Electric Road. The zoning in this area is R1-C High Density Single-Family Residence District.

A final plat conforming to the plat presently before Council was approved by Council on January 11, 2016. The plat was recorded as 2016-00002898. The previous Petition for final plat was inadvertently brought in the name of an entity that did not own the property at the time of the Petition. This has caused some title issues, which the present Petitioner, Core III, L.L.C., is seeking to clear up by obtaining a final plat through a Petition brought under the correct ownership. Core III, L.L.C.'s ownership of the property has been verified by the Engineering Division of the Public Works Department. As with the previous final plat, the instant Petition and plat conform to the expedited final plat procedure set forth in Chapter 24, Section 3.5.6 of the Bloomington City Code. This ordinance rescinds ordinance number 2016-01, which had approved the previous final plat.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Core III, L.L.C.

FINANCIAL IMPACT: None. All survey and plat costs were paid by Core III, L.L.C.

Respectfully submitted for Council consideration.

Prepared by:

Anthony J. Meizelis P.E., Civil Engineer I

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: George D. Boyle, Assistant Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Attachment 1 - Petition
- Attachment 2 - Ordinance for final plat and easement vacation
- Attachment 3 - Exhibit A: Legal Description
- Attachment 4 - School District Certificate
- Attachment 5 - County Clerk's Certificate
- Attachment 6 - Owner's Certificate
- Attachment 7 - Drainage Statement
- Attachment 8 - Final Plat Checklist
- Attachment 9 - Council Map and Final Plat
- Attachment 10 - Utility Easement Vacation Signoff Letters
- Attachment 11 - Request for Preliminary Plan Waiver Letter

Motion: That the Ordinance be passed approving the expedited final plat for resubdivision of lots 317-320 Tipton Trails 5th Addition and vacating the associated utility easement, and rescinding ordinance number 2016-01, and that the Mayor and City Clerk be authorized to sign the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Buragas				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower							
				Mayor Renner			

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Now comes Core III, L.L.C., hereinafter referred to as your petitioner, respectfully
representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of
the premises hereinafter legally described in Exhibit A which is attached
hereto and made a part hereof by this reference.
2. That your petitioner seeks approval of the Final Plat for the subdivision of
said premises to be known and described as Resubdivision of Lots 317-
320 in Tipton Trails Subdivision Fifth Addition.
3. That your petitioner also seeks vacation of the existing utility easements as
designated on the plat of Resubdivision of Lots 317-320 in Tipton Trails
Subdivision Fifth Addition.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the
Resubdivision of Lots 317-320 in Tipton Trails Subdivision Fifth Addition and said
vacation of certain utility easements as shown thereon submitted herewith be approved
with the exemptions or variations as requested herein.

Respectfully submitted,

Core III, L.L.C., Owner, by its Manager,
Hundman Management, L.L.C.,

BY: R. Michael Hill
Member

ORDINANCE NO. 2016 - _____

**AN ORDINANCE RESCINDING A PRIOR FINAL PLAT AND APPROVING THE FINAL PLAT
OF THE RESUBDIVISION OF LOTS 317-320 IN TIPTON TRAILS SUBDIVISION FIFTH
ADDITION AND VACATING AN EASEMENT**

WHEREAS, a final plat of the subject property legally described in Exhibit A, attached hereto and made a part hereof by this reference was approved by the City Council on January 11, 2016 as Ordinance Number 2016-01; and

WHEREAS, the Petition for said final plat was inadvertently brought in the name of a party that did not own or control the subject property; and

WHEREAS, in order to clarify title to the subject property a Petition for Final Plat has been filed by the actual owner of the subject property, Core III, L.L.C.; and

WHEREAS, said Petition requests no exemptions or variations from the provisions of the Bloomington City Code 1960 as amended; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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

1. That Ordinance Number 2016 - 01 approved by Council on January 11, 2016 is hereby rescinded;
2. That the Final Plat of the Resubdivision of Lots 317 - 320 in Tipton Trails Subdivision, Fifth Addition, dated July 29, 2016, is hereby approved;
3. That the strip of 10-foot (10') wide utility easement described in Note 2 of the document entitled Final Plat, dated July 29, 2016, is hereby vacated;
4. That this Ordinance shall be in full force and effective as of the date of its passage and approval.

PASSED THIS 8th DAY OF AUGUST 2016.

APPROVED THIS ___ DAY OF AUGUST 2016.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk

APPROVED AS TO FORM

Jeffrey R. Jurgens, Corporate Counsel

EXHIBIT A

DESCRIPTION OF PROPERTY

Lots 317, 318, 319 and 320 in Tipton Trails Fifth Addition according to the plat thereof recorded September 20, 2004 as Document No. 2004-32009 in the McLean County Recorder's Office, in the City of Bloomington, in McLean County, Illinois.

SCHOOL DISTRICT CERTIFICATE

This is to certify that the property herein described in the Surveyor's Certificate, which will be known as Resubdivision of Lots 317-320 in Tipton Trails Subdivision Fifth Addition, to the best of my knowledge, is located within the boundaries of Community Unit School District #5 in McLean County, Illinois.

Dated this 5th day of July, 2016.

Core III, L.L.C., Owner, by its Manager,
Hundman Management, L.L.C.,

BY: R. Michael Hundman
R. Michael Hundman, Member

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

The undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that R. Michael Hundman, personally known to be the same person whose name is subscribed to the foregoing school district certificate, appeared before me this day, in person, and acknowledged the execution of this statement as his free and voluntary act.

Given under my hand and notarial seal this 5th day of July, 2016.



Morgan Spann
Notary Public

COUNTY CLERK'S CERTIFICATE

State of Illinois)
)ss.
County of McLean)

I, KATHY MICHAEL, County Clerk of McLean County, State of Illinois, do hereby certify that on the 29 day of June, 2016, there were no delinquent general or special assessments unpaid, special assessments or delinquent special assessments unpaid against the tract of land shown on the plat attached to this certificate and described in the certificate of the Surveyor attached hereto and to said Plat.

14-25-476-017
14-25-476-018
14-25-476-019
14-25-476-020

Kathy Michael
County Clerk, McLean County, Illinois

OWNER'S CERTIFICATE

State of Illinois)
)ss.
County of McLean)

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, hereby certifies that it is the owner of all the premises embodied in the attached Plat of the Resubdivision of Lots 317-320 in Tipton Trails Subdivision Fifth Addition, to the City of Bloomington, McLean County, Illinois, and that it has caused said Plat to be made and that it is a true and correct plat of "Resubdivision of Lots 317-320 in Tipton Trails Subdivision Fifth Addition" Subdivision to the City of Bloomington, McLean County, Illinois as laid off in lots and streets by Brent Bazan, Registered Illinois Land Surveyor Number 3715; and we, the undersigned, hereby dedicate and set apart to the City of Bloomington for general utility purposes those areas shown for same on the Plat.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this
5th day of July, 2016.

Core III, L.L.C., Owner, by its Manager,
Hundman Management, L.L.C.,

BY: R. Michael Hundman
R. Michael Hundman, Member

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

The undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that R. Michael Hundman, personally known to be the same person whose name is subscribed to the foregoing owner's certificate, appeared before me this day, in person, and acknowledged the execution of this statement as his free and voluntary act.

Given under my hand and notarial seal this 5th day of July, 2016.



Morgan Spann
Notary Public

DRAINAGE STATEMENT

I, Jeffrey M. Gastel, Registered Professional Engineer, and CIP, LLC being the owner of the premises heretofore platted by Brent A. Bazan, Illinois Professional Land Surveyor No. 3715, to be and become "Resubdivision of Lots 317-320 in Tipton Trails Subdivision Fifth Addition " in the City of Bloomington, McLean County, Illinois, do hereby state that to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction of said Subdivision or any part thereof; or that if such surface waters drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas or drains which the Subdivider has a right to use and that such waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the Subdivision.

I further state that no lots are within the Special Flood Hazard Area, as identified by the Federal Emergency Management Agency.



Jeffrey M. Gastel
Registered Professional Engineer No. 51694

OWNER:

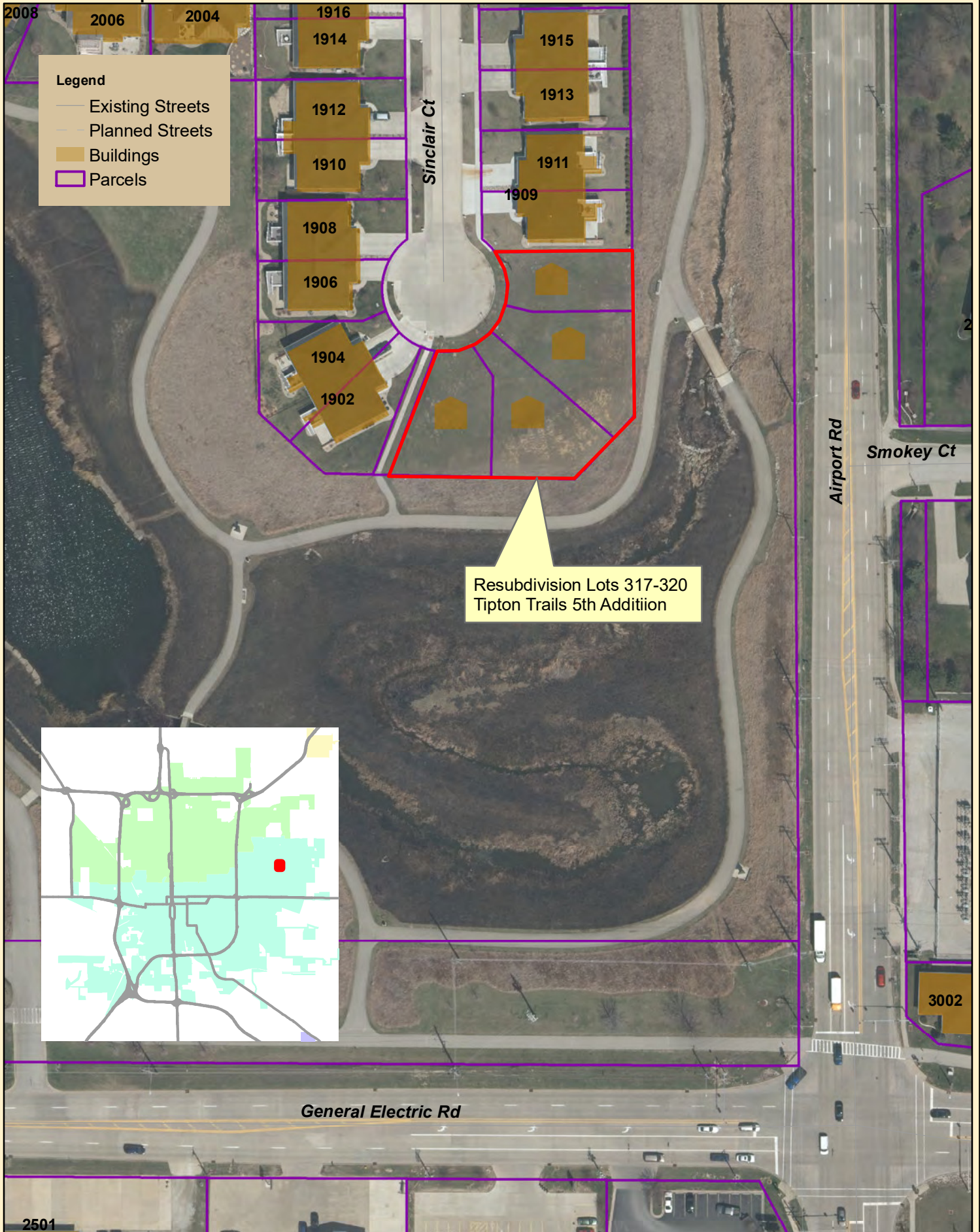
BY: [Signature]



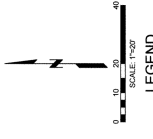
Resubdivision Lots 317-320 Tipton Trails 5th Addition Final Plat

Date Prepared: 11/23/2015

Shown on Final Plat:		Initial
	Easements shown for all public improvements	TJM
	City Engineer's Signature Block	TJM
	Clerk's Signature Block	TJM
	Areas or facilities to be dedicated to the public	N/A
	Railroad Right of Ways	N/A
	Subdivision Boundaries	TJM
	References to nearest street lines, Township, Sections lines, or monuments.	TJM
	Name of Subdivision	TJM
	Legal Description	TJM
	Existing Parcel Id Number (PIN)	TJM
	Surveyor's statement regarding any Special Flood Hazard Areas.	TJM
	Total Acreage	TJM
	Street Names	TJM
	Proposed Lot numbers (consecutively numbered)	TJM
	Front Yard Setbacks	TJM
The following shall be provided:		
	School District Certificate	TJM
	County Clerk's Certificate	TJM
	Owner's Certificate	TJM
	Drainage Statement	TJM
	Owner's Petition	TJM
	Ordinance	TJM
	Utility Company Signoffs	TJM
	Digital PDF Submittal provided to Public Works	
	Digital CAD format submittal provided to Public Works	
	2 Mylar Copies	
	12 Paper Copies	
The following requirements shall be met:		
	Final plat retains the design characteristics of a valid Preliminary Plan that has not expired	TJM
	Retains the design characteristics of approved public improvement engineering plans and specifications.	TJM
	Final Plat is signed by IL licensed surveyor	TJM
	Plans for all public improvements approved by Public Works	N/A

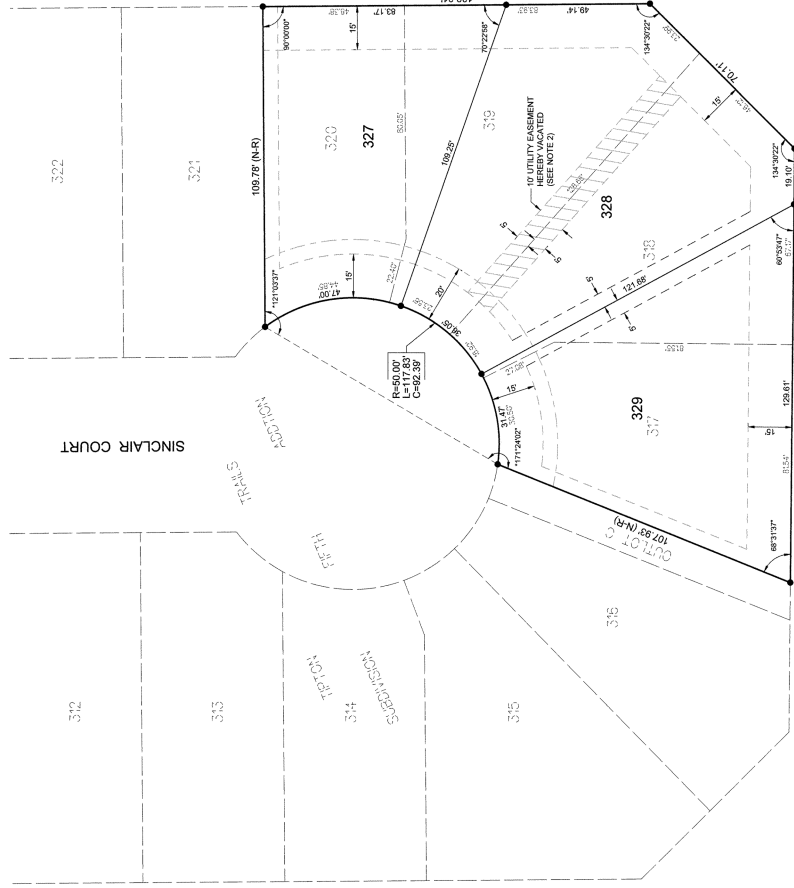


RESUBDIVISION OF LOTS 317-320 IN TIPTON TRAILS SUBDIVISION FIFTH ADDITION
PART OF S.E. 1/4 SECTION 25, TOWNSHIP 24 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS



LEGEND

- IRON ROD
- ANCHOR
- ANCHOR LENGTH
- CHORD LENGTH
- NON-RADIAL
- ANCHOR SETBACK TO CHORD
- UTILITY EASEMENT LINE
- BUILDING SETBACK LINE
- UTILITY EASEMENT HEREBY VACATED



SURVEYOR'S DECLARATION

The following described property has been surveyed and plotted under my direction:
Lots 317, 318, 319 and 320 in Tipton Trails Fifth Addition according to the plat thereof recorded September 20, 2004 as Document No. 2004-32009 in the McLean County Recorder's Office, in the City of Bloomington, McLean County, Illinois.
This property has been subdivided into 3 lots, numbered 327, 328, 329 and easements as shown. Said Subdivision is to be shown as a Resubdivision of Lots 317-320 in Tipton Trails Subdivision Fifth Addition in the City of Bloomington, McLean County, Illinois, contained in said Document No. 2004-32009.
The Subdivision line within Zone X (Where Determined to be Outside the 0.2% Annual Chance Floodplain) according to the Federal Emergency Management Agency's Flood Insurance Rate Map for McLean County, Illinois, Community No. 170460, Map No. 1713C0318E, with a revised date of July 16, 2008.

Witness my hand and seal this 26th day of July, 2016.

FAIRSWORTH GROUP, INC.
1716 RT Dum Drive, Suite 4
Bloomington, IL 61701

By: *[Signature]*
Robert A. Boman
Professional Land Surveyor No. 3715
DESIGN 19M RECOGNITION
NO. 194-00186

This professional service conforms to the current Illinois Minimum Standards for a Boundary Survey.

NOTE

- Dimensions shown along curved (d) lines are chord distances.
- The 5 foot utility easement located along the Southwest Line of Lot 319 and the 5 foot utility easement located along the Northwest Line of Lot 320 are hereby vacated and the area thereon is to be included in the final plat of Tipton Trails Subdivision Fifth Addition, Document No. 2004-32009 and recorded in the McLean County Recorder's Office.
- This subdivision encompasses Parcel Nos.:
14-25-478-317
14-25-478-318
14-25-478-319
14-25-478-320

CITY CLERK'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF McLEAN)

I, _____, Clerk of the City of Bloomington, Illinois, do hereby certify that the foregoing is a true and correct copy of the original "Resubdivision" of Lots 317-320 in Tipton Trails Subdivision Fifth Addition, Document No. 2004-32009, as approved at a regular meeting of said City Council, held on the _____ day of _____, 2016, by an affirmative vote of _____ of the members of said Council, the vote having been taken by yeas and nays and entered on the record of the proceedings of said Council.

Witness my hand and seal of said city of Bloomington, Ill., this _____ day of _____, 2016.

City Clerk

CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF McLEAN)

I, _____, City Engineer in the City of Bloomington, Illinois, hereby certify that the land measurements described in the proposed plat and the plans and specifications hereon meet the minimum requirements for said City of Bloomington, Illinois, as defined in Chapter 24 of the Bloomington City code.

Dated at Bloomington, Illinois, this _____ day of _____, 2016.

City Engineer
Bloomington, Illinois

Owner/Developer:

FAIRSWORTH GROUP, INC.
1716 RT Dum Drive, Suite 4
Bloomington, IL 61701

Farnsworth GROUP
1716 RT DUM DRIVE
BLOOMINGTON, ILLINOIS 61704
(815) 663-8435 / info@fng.com

www.fng.com
Engineers | Architects | Surveyors | Scientists
DESIGN 19M RECOGNITION
NO. 194-00186

PROJECT:
RESUBDIVISION OF LOTS
317-320 IN TIPTON TRAILS
SUBDIVISION FIFTH
ADDITION

BLOOMINGTON, ILLINOIS
Date: 11-18-15
Design/Drawn: DJM
Reviewed: -
Book No.: - Field: -
Project No.: 015-1463.00
SHEET TITLE: FINAL PLAT

SHEET NUMBER:

1

File No.: 24-9125



Public Works Department
ENGINEERING DIVISION
115 E. Washington St., PO BOX 3157
Bloomington, IL 61702-3157
Phone: 309-434-2225
Fax: 309-434-2201

November 19, 2015

C. Neil Finlen, P.E.
Farnsworth Group, Inc.
2709 McGraw Drive
Bloomington, IL 61701

Subject: Tipton Trails 5th Addition – Resubdivision
Utility Easement Vacation Signoff

Dear Mr. Finlen:

City of Bloomington Public Works and Water departments have reviewed the proposed vacation of the easement between lots 318 and 319 in Tipton Trails 5th re-subdivision in Bloomington Illinois.

The City of Bloomington does not have any facilities in this easement and has no objections to the vacation as proposed.

Should you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Anthony Meizellis'.

Anthony J. Meizellis, P.E.
Civil Engineer I

cc: Jim Karch, Director of Public Works
Kevin Kothe, City Engineer
Bob Yehl, Director of Water
Brett Lueschen, Superintendent of Water Distribution
File



Your Touchstone Energy® Cooperative

Count on Corn Belt!
Your Local Energy Resource

November 19, 2015

C. Neil Finlen, P.E.
Farnsworth Group, Inc
2709 McGraw Drive
Bloomington, Illinois 61704

RE: Easement vacation.

Mr. Finlen,

We cannot speak for other utilities in regards to easement needs in this area. Corn Belt Energy has no objection to vacation of the easement area as described in your "Resubdivision of lots 317-320 in Tipton Trails Subdivision Fifth Addition" plat in Tipton Trails Subdivision at the South end of Sinclair Court.

Respectfully,

CORN BELT ENERGY CORPORATION

A handwritten signature in cursive script that reads "Jason Cotner".

Jason Cotner
Field Engineer

Connor, Greg

From: Gangloff, Adam <adam.r.gangloff@ftr.com>
Sent: Thursday, November 19, 2015 2:12 PM
To: Connor, Greg
Cc: French, Torrey
Subject: RE: Tipton Trails 5th Resubdivision Plat
Attachments: Easement Vacation November 9th 2015.pdf

Attached is a letter saying that Frontier has no objection to the vacation of the easement. Frontier will remain in the 15' back easement of lots 318 & 319.

Adam Gangloff
Frontier -- Network Engineering
109 E. Market St.
Bloomington, IL 61701
309.557.1378

From: French, Torrey
Sent: Wednesday, November 18, 2015 3:35 PM
To: Gangloff, Adam <adam.r.gangloff@ftr.com>
Subject: FW: Tipton Trails 5th Resubdivision Plat

FYI.

Torrey R. French

Engineer-Network Senior
Frontier Communications-Central Region
109 East Market Street
Bloomington, IL 61701
309-827-1715
torrey.french@frontier.com

"can help you!"

From: Connor, Greg [<mailto:gconnor@F-W.com>]
Sent: Wednesday, November 18, 2015 3:25 PM
To: Thompson, Dean W <DThompson5@ameren.com>; Gonsalves, Josh S <JGonsalves@ameren.com>; Marty Behrens <mbehrens@ameren.com>; Matt McKinney <MMckinn@agresources.com>; Ron Hopkins <hopkins@cornbeltenergy.com>; Jason Cotner <jcotner@cornbeltenergy.com>; French, Torrey <Torrey.French@ftr.com>; Vonbrethorst, James <James_Vonbrethorst@cable.comcast.com>
Cc: Finlen, Nell <nfinlen@F-W.com>; Bazan, Brent <bbazan@F-W.com>
Subject: Tipton Trails 5th Resubdivision Plat

Good afternoon,

Please find attached the Resubdivision Plat of lots 317-320 in Tipton Trails Subdivision Fifth Addition in Bloomington. Please make notice of note #2 that the 10' existing easement is hereby vacated by this plat. Please let me know if any of you have facilities in this easement as they will have to relocate to the new easement now provided on

Connor, Greg

From: Eric Sadler <esadler@aglresources.com>
Sent: Thursday, November 19, 2015 10:01 AM
To: Connor, Greg
Subject: RE: Tipton Trails 5th Resubdivision Plat

Greg,

Good morning, I have reviewed the proposed plat of vacation. It doesn't appear that Nicor Gas has any facilities located within this area. As a result, Nicor Gas doesn't have any objections to the vacation. If you have any questions please feel free to contact me.

Regards,

Eric L. Sadler

Eric L. Sadler, CFM
Land Management Agent
Land Services Department

Nicor Gas Company
1844 W. Ferry Rd.
Naperville, IL 60563

Internal Extension: 83729
Office: 630-388-3729
Fax: 630-983-8725

esadler@aglresources.com



From: Connor, Greg [<mailto:gconnor@F-W.com>]
Sent: Wednesday, November 18, 2015 3:25 PM
To: Thompson, Dean W; Gonsalves, Josh S; Marty Behrens (mbehrens@ameren.com); Matt McKinney; Ron Hopkins; Jason Cotner (jcotner@cornbeltenergy.com); French, Torrey; Vonbrethorst, James
Cc: Finlen, Neil; Bazan, Brent
Subject: Tipton Trails 5th Resubdivision Plat

Good afternoon,

Please find attached the Resubdivision Plat of lots 317-320 in Tipton Trails Subdivision Fifth Addition in Bloomington. Please make notice of note #2 that the 10' existing easement is hereby vacated by this plat. Please let me know if any of you have facilities in this easement as they will have to relocate to the new easement now provided on



December 7, 2015

Farnsworth Group
2709 McGraw Drive
Bloomington, Illinois 61704
Attn: C. Neil Finlen, P.E.; Principal

Re: Utility Easement Vacation, Tipton Trails 5th Addition, Bloomington, IL.

To Whom It May Concern:

This letter serves as acknowledgement that Comcast Cable Communications, Inc., having no facilities located thereon and anticipating no future need thereof, hereby disclaims all right, title, and interest it may have in and to the following public utility easement:

The ten-foot wide utility easement situated along the common property line of adjacent Lots number 318 and 319 in Tipton Trails Subdivision Fifth Addition in the City of Bloomington, McLean County, Illinois.

This disclaimer is not intended to and shall not in any way affect any easements which Comcast and/or its affiliates have a right to use, except as to the premises hereinabove specifically described.

Respectfully yours,

Robert L. Schuler, Jr.
Central Division Director of Construction

By:

Frank Gautier
Sr. Right-Of-Way Engineer
(630) 600-6348



2709 McGraw Drive
Bloomington, Illinois 61704
p 309.663.8435 f 309.663.1571

www.f-w.com | www.greennavigation.com

January 6, 2016

Ms. Cherry Lawson, City Clerk
Bloomington City Hall
109 E. Olive St.
Bloomington, IL 61701

Subject: Tipton Trails Lot Resubdivision
Request for Waiver of Preliminary Plan

The Developers respectfully request a waiver of the preliminary plan, submission, review, and approval process pursuant to Chapter 24, Sec. 3.5.6(b)(1) of the Bloomington City Code. The reason is, in order to qualify for the expedited final plat. The project simply changes 4 zero lot line properties to 3 single family lots, thus decreasing the overall density.

The utility plans have been submitted and approved by the Engineering Department per code. Should you have any questions, please advise.

Very truly yours,

FARNSWORTH GROUP, INC.

A handwritten signature in dark ink, appearing to read "Neil", written over a faint horizontal line.

C. Neil Finlen, P.E.
Principal

cc: George Boyle, Asst. Corp. Council
Kevin Kothe – City Engineer
Mike Hundman – Developer
Ken Verkler – Developer
Todd Bugg - Attorney

CITY OF
Bloomington ILLINOIS
CONSENT AGENDA ITEM 7G

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving a Lake Bloomington Lease Transfer Petition for Lot 7, Block 3 of Camp Iroquois, be rescinded from Treehouse LLC. back to Robert J Hitchen declaration of trust dated October 1, 1997.

RECOMMENDATION/MOTION: That the Rescinded Lake Lease Transfer be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: On February 8, 2016 a Lake Lease Transfer was requested on behalf of the Robert J. Hitchen declaration of trust dated October 1, 1997 to be transferred to Treehouse LLC. The original lease rate was .40 cents per \$100 EAV and the transferred lease approved maintained the same lease rate. On February 29th, 2016 Treehouse LLC. executed the lease transfer.

On June 28th, 2016 we received a letter informing the City of Bloomington that the buyer, Treehouse LLC., had not purchased the house located on the property. On July 8th, 2016 we received another letter from the ReMax realtor informing the City that the property was still not closed upon, and that Mr. Hitchen requested the property be put back into his name. On August 2nd, 2016 an email was forwarded to the City by Robert Hitchen from Dawn Wall, attorney for Treehouse LLC., agreeing that the lease executed on February 29th, 2016 by Treehouse LLC. should be rescinded and placed back in the name of Robert J. Hitchen declaration of trust.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: There will be no financial impact if the City Council approves the rescinding of the transfer.

Prepared by: Connie Fralick, Office Manager

Reviewed by: Robert D. Yehl, PE, Water Director
Steve Rasmussen, Assistant City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: George Boyle, Asst. Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Original Lease Agreement
- ReMax No Sale Letter
- Robert Hitchen No Sale Letter
- Treehouse LLC Approval of Rescission

Motion: That the Rescinded Lake Lease Transfer be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Buragas				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower							
				Mayor Renner			

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the 29th day of February, 2016

between the City of Bloomington, a municipal corporation,
of McLean County, Illinois, hereinafter called CITY and
Treehouse LLC - Scott Marquez, Member

24695 /roquois Lane, Hudson, IL 61748
(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 "Les-
see,"

WITNESSETH

In consideration of the mutual covenants hereinafter con-
tained, the parties agree as follows:

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

Lot 7 in Block 3 in Camp Troquois 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. pin 08-07-151-028

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

3. RENT.

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

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

1) ~~If this Lease is executed prior to January 1, 1998, rent shall be charged at the rate
of 15¢ (\$.15) per \$100 of equalized assessed value (hereafter EAV) for said property, in-
cluding 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 assign-
ment, or (b) a Lessee who paid fair market value for the property (i.e., a purchaser) prior
to January 1, 1998 for the assignment of the prior Lease.~~

2) If this Lease is executed by a Lessee who, after December 31, 1997, paid fair
market value for an assignment of a Lease on which the rent was 15¢ (\$.15) per \$100

EAV, the rent shall be charged at the rate of 40¢ (\$.40) per \$100 EAV. This rate will remain in effect throughout the remainder of the term of this Lease regardless of subsequent assignments thereafter.

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

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

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

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

City and Lessee as follows:

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

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

City

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

Lessee Name and Mailing Address

Treehouse, LLC
Scott Marquez, Member
24695 Iroquois Ln.
Hudson, IL 61748

Lessee Billing Address

Treehouse, LLC
Scott Marquez, Member
24695 Iroquois Ln.
Hudson, IL 61748

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

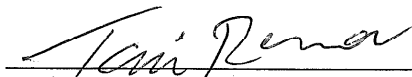
IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its Mayor and City Clerk, and the Lessee has executed this agreement as of the day and year above written.

-Lessor-

-Lessee-

CITY OF BLOOMINGTON

By:


Tari Renner, Mayor

Treehouse, LLC

Attest:


Cherry Lawson, City Clerk


Member

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the 29th day of February, 2016

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

Treehouse LLC - Scott Marquez, Member

24695 /roquois Lane, Hudson, IL 61748

(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 7 in Block 3 in Camp Troquois 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. pin 08-07-151-028

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.

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~~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.~~

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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.

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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.

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

City and Lessee as follows:

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

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

City

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

Lessee Name and Mailing Address

Treehouse, LLC
Scott Marquez, Member
24695 Iroquois Ln.
Hudson, IL 61748

Lessee Billing Address

Treehouse, LLC
Scott Marquez, Member
24695 Iroquois Ln.
Hudson, IL 61748

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:

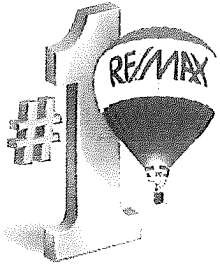
Tari Renner
Tari Renner, Mayor

Treehouse, LLC

Attest:

Cherry Lawson
Cherry Lawson, City Clerk

Scott Marquez
Member



July 8, 2016

To Whom It May Concern,

Just a note to inform you the lease transfer that went to the City on February 29, 2016, from Robert J. Hitchen declaration of Trust dated October 1, 1997 to Treehouse, LLC, did not close on March 29th as was the closing date and still has not closed as of this date. Mr. Hitchen has asked that the lease be put back in his name.

Nancy Brady, Realtor

RE/MAX Choice

2203 Eastland Drive, Ste 1
Bloomington, IL 61704
Office: (309) 664-8571
Fax: (309) 664-8599

2919 Crossing Court
Champaign, IL 61822
Office: (217) 359-3131
Fax: (217) 359-2334

OUTSTANDING AGENTS. OUTSTANDING RESULTS.™



Each Office is Independently Owned and Operated. 

June 28, 2016

Mr. Andrew Coffey
City of Bloomington
City Clerk Office
109 E. Olive
Bloomington, IL 61701

RE: Lake Bloomington Lot Lease
24695 Iroquois Lane

Dear Andrew:

Per our telephone conversation, this letter will confirm that the sale of our house (24695 Iroquois Lane) will not occur. The original closing date was March 29, 2016; five additional closing dates were missed by the buyer (Treehouse LLC / Scott Marquez). I was informed by the buyer yesterday that he will not be able to obtain the funds to purchase the house, so there will be no closing/transfer of property.

Therefore, I am requesting that the Lake Bloomington lot lease transfer to Treehouse LLC be rescinded, and my original lease be put back in place. Please note the lease is in the name of Robert J. Hitchen Declaration of Trust Dated October 1, 1997. I understand that this may be able to be done at the July 11, 2016 City Council meeting.

I have requested that Nancy Brady, RE/Max broker to also send you a letter as you requested. If you should need anything additional, please do not hesitate to contact me (309-275-8400)

Thank you for assistance.

A handwritten signature in cursive script, appearing to read "Robert J. Hitchen".

Robert Hitchen

From: Leslie Yocum/Cityblm
To: Cherry Lawson/Cityblm@Cityblm
Cc: George Boyle/Cityblm@Cityblm, Bob Yehl/Cityblm@Cityblm, Jeff Jurgens/Cityblm@Cityblm

Date: Tuesday, August 02, 2016 03:38PM

Subject: FW: Hitchen Trust Property located at 24695 Iroquois Lane

Cherry,

Below is an email from Treehouse LLC's attorney granting permission for the Treehouse LLC lease to be rescinded and the lease return to the Hitchen Trust.

Please attach this email to the memo.

I will update the email accordingly.

Thanks.
Leslie

Leslie Yocum, JD

Government Center, 3rd Floor, Room 330
(309) 434-2245 office

-----Forwarded by Leslie Yocum/Cityblm on 08/02/2016 03:30PM -----

To: "lyocum@cityblm.org" <lyocum@cityblm.org>
From: Robert Hitchen <RHitchen@inccrra.org>
Date: 08/02/2016 03:12PM
Cc: "jim@jamesbasslaw.com" <jim@jamesbasslaw.com>
Subject: FW: Hitchen Trust Property located at 24695 Iroquois Lane

Hi Leslie:

I believe this is what you were looking for.

Bob Hitchen

From: Dawn Wall [mailto:dwall@cwlawoffice.com]

Sent: Tuesday, August 02, 2016 3:10 PM
To: Robert Hitchen
Cc: jim@jamesbasslaw.com
Subject: RE: Hitchen Trust Property located at 24695 Iroquois Lane

Mr. Hitchen:

I can give you permission to place the request for transfer of the lease on the docket for the City Council meeting.

My client has agreed to proceed to take all steps necessary for the transfer of the lease back to Robert J. Hitchen Declaration of Trust so that the Trust can proceed with the sale of the home to the new buyers.

Please accept this e-mail as confirmation of the transfer from Treehouse LLC to Robert J. Hitchen Declaration of Trust.

Dawn

From: Robert Hitchen [<mailto:RHitchen@inccrra.org>]
Sent: Tuesday, August 2, 2016 2:24 PM
To: dwall@cwlawoffice.com
Cc: 'jim@jamesbasslaw.com' <jim@jamesbasslaw.com>
Subject: FW: Hitchen Trust Property located at 24695 Iroquois Lane

Hi Dawn:

My apologies if I am breaking protocol by contacting you directly, but Jim Bass is in court for the rest of the day.

Leslie Yocum, city attorney just contacedt Nancy Brady and is requesting a one sentence

statement that Treehouse LLC is authorizing the transfer of the lease back to Robert J. Hitchen Declaration of Trust Dated October 1, 1997. Your note below mentioned the transfer to the new buyer, but it has to be back to my trust. Her email is lyocum@cityblm.org.

She needs this today so it can make the docket for the Monday City Council meeting.

Thanks so much for your assistance.

Bob Hitchen



CONSENT AGENDA ITEM NO. 7H

FOR COUNCIL: August 8th, 2016

SUBJECT: Consideration of approving a petition for the Lake Bloomington Lease Transfer of Lot 1, Block 4 of Camp Kickapoo, from Trent S. Milliken Trust to C. Neil Finlen and Lynda Finlen.

RECOMMENDATION/MOTION: That the Lake Lease Transfer be approved, subject to the septic system conditions included in the McLean County Health Department's July 15th, 2016 letter, and contingent upon the transferee providing documentation of the sale of the house located on the property, and that the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: The sewage disposal system letter from the McLean County Health Department was completed in July 2016. The letter notes there is currently a "shack" on the property which has a toilet. The toilet is served by a legal sewage disposal system intended for limited use.

In addition, the July 15th, 2016 McLean County Health Department letter indicates:

- Mr. Finlen is the purchaser of the lease and has stated it is his intent to remove the existing structure and decommission the existing septic system.
- Mr. Finlen indicated he would then build a new house on the lot, and has provided soil information for the lot indicating the soil is capable for supporting a new subsurface private sewage disposal system.
- A permit to construct a private sewage system that meets current code will be required before any building permits will be approved.

If the system were to fail, that the resident would be responsible for costs associated with repair of the system and there is a possibility, based on the size of the leased lot, the resident would not have any viable repair / replacement options. Currently a City owned sanitary sewage collection system does not exist at Lake Bloomington and therefore the City is not in a position to assist the resident in the event of sewage disposal system failure.

Staff recommends approval of the lease transfer subject to the septic system conditions included in the McLean County Health Department's July 15th, 2016 letter.

The lake lease transfer, following approval by Council, will be contingent upon buyer providing proper documentation of the closing of this property sale prior to execution of the lease transfer.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This petition will have a neutral finance impact in that the current lease uses the current formula (\$0.40 per \$100 of Equalized Assessed Value), for determining the Lake Lease Fee. With this transfer, the lake lease formula will generate about \$291.67 per year in lease income. This lake lease income will be posted to Lake Maintenance- Lease Income account (50100140 – 57590). Stakeholders can locate this in the FY 2017 Budget Book titled “Other Funds & Capital Improvement Fund” on page 129.

On December 21, 2015 the City Council approved a modification to the lease language and therefore the lease packet. These changes went into effect January 1, 2016. This lease transfer was submitted to the City for consideration after January 1, 2016, and therefore the lease transfer is was subject to the modifications approved by City Council on December 21, 2015.

Respectfully submitted for Council consideration.

Prepared by: Connie Fralick, Office Manager

Reviewed by: Robert D. Yehl, PE, Water Director
Steve Rasmussen, Assistant City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: George D. Boyle, Assistant Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Original Lake Lease
 - Water Department Memo
 - Lake Lease Transfer Petition dated 07.21.2016
 - McLean County Health Department Letter 07-26-2016
 - Lake Lease Agreement
 - Location Map
 - Aerial Map
 - Affidavit Regarding Trent Milliken
 - Death Certificate
-

Motion: That the Lake Lease Transfer be approved, subject to the septic system conditions included in the Mclean County Health Department's July 15th, 2016 letter, and contingent upon the transferee providing documentation of the sale of the house located on the property, and that the Mayor and City Clerk be authorized to execute the necessary documents.

LEASE

This lease, made this 16th day of May, 1955, by and between the City of Bloomington, a municipal corporation, of McLean County, Illinois, of the first part, hereinafter called the lessor, and Trent S. Milliken of Hudson

Illinois, County of McLean, State of Illinois, of the second part, hereinafter called the lessee, (to be taken in such number and from such gender as shall be appropriate).

The lessor, for and in consideration of the rents, covenants and agreements hereinafter mentioned by said lessee to be paid, kept and performed, has granted, demised and let, and by these presents does grant, demise and let unto the lessee, his heirs, executors, administrators and assigns, all of the following lands and tenements, situated in McLean County, described as follows:

Lot 1 in Block 4, in Camp Kickapoo according to the private unrecorded plat of the ground belonging to said lessor located around Lake Bloomington, in Hudson and Money Creek Townships, in McLean County, Illinois.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, to said lessee, his heirs, executors, administrators and assigns until the first day of January, 2032, the lessee, his heirs, executors, administrators and assigns covenanting and paying therefor unto the first party its successors and assigns as follows:

1. The lessee shall pay the sum of Three Hundred Dollars (\$300.00) Dollars, cash in hand, upon the execution of this agreement, and on or before the first day of January of each year, as rent, the sum of Fifty Dollars (However until structure built rental \$20.00 not to exceed three years.) (\$50.00) Dollars.

2. It is further agreed that the lessee shall pay during the life of this lease all taxes that may be levied against said premises or improvements thereon by the Government of the United States, the State of Illinois or any subdivision of either.

3. All improvements to be made on said lot are to be located under the direction of the lessor and all plans and specifications must first be submitted to the lessor for approval, and no additions shall be made to said improvements without the lessor's consent and according to directions.

4. The lessee shall at all times hereafter keep said premises and the structures thereon in good sanitary condition and use all reasonable care to keep the same safe from danger by fire and shall without delay comply with the by-laws and sanitary regulations of the lessor and further agrees that in default in this regard the lessor, by its servants and agents, may enter thereon and remove therefrom any and all nuisances that may in the opinions of the lessor be injurious to health of the occupants of said premises and agrees to pay the lessor all expenses and costs incurred for such removal within ten days thereafter. Said lessee shall keep said premises free and clear of anything that may endanger by fire the buildings thereon or adjacent thereto. Said lessee shall also keep said premises free and clear of noxious weeds and debris and in a neat and sanitary condition and to conform to all rules and regulations that may hereafter be prescribed by the lessor or the law of the State of Illinois.

5. The lessee agrees and is to install and use on said premises such type of sanitary water closets, sinks, garbage cans and other paraphernalia for the disposal of waste as may be approved by the lessor or the State Department of Public Health of the State of Illinois, or any board set up by the State that shall have in charge sanitation and public health in the State of Illinois. The lessee further agrees that he will so use and occupy said premises to in no way contaminate the waters of Lake Bloomington. Lessee further agrees that whenever sewer connections are made available to said premises and it is ordered by the lessor that connections should be made therewith, that he will connect all water closets, cesspools, sinks and drains to said sewer.

6. Lessee further agrees to pay such reasonable water rate or tax for the use of water furnished by the lessor and such garbage and sanitation charges as shall be fixed from time to time by the lessor and according to the rules and regulations as to the time of payment as the lessor may fix.

7. The lessee and those occupying under him shall at all times be subject to such rules and regulations as may from time to time be laid down by lessor, its successors and assigns, in the occupation and use of said premises and the use of Lake Bloomington; and said lessee shall not engage in or permit others to engage in any occupation, business or practice on said premises that shall in any way conflict with or be in violation of any law or the by-laws or regulations of the lessor in effect at that time or thereafter adopted, or use said premises in violation of any laws of any government unit having jurisdiction over said territory. Such violation shall render this lease null and void.

8. Lessee shall use said premises for the purpose of a private dwelling or residence only, except upon special permit from the lessor. No more than one residence shall be built on one lot. No trees or saplings shall be felled or trimmed without the permission of the lessor.

9. The lessee shall not sell, assign or transfer this lease or sublet or allow other persons to occupy said premises without the written consent of the lessor; nothing herein contained, however, shall prevent the lessee from mortgaging said premises for the purpose of securing funds to construct a home thereon or to repair existing structures on the leasehold, but in no event, however, shall this clause be construed to mean that the lessee shall mortgage any more than his lease interest and that the fee to the lot shall remain in the lessor regardless of any foreclosure proceedings.

10. All bills due the lessor by the lessee for water, garbage disposal, etc., if not paid within thirty days after the same shall be due and payable, shall be increased ten per cent of their amount.

11. The lessee shall have the right to use Lake Bloomington for boating, swimming and fishing under such rules and regulations as now or may hereafter be prescribed by the lessor.

12. If the lessee shall fail to pay or perform any act as herein agreed, then this lease at the election of the lessor be null and void and all improvements on said premises shall be forfeited to the lessor and the lessor shall be entitled to immediate possession of said premises and improvements. And in case this lease shall be declared void lessee shall thenceforth be deemed a mere tenant holding over after the expiration of this lease and be liable to be proceeded against without notice to quit. Notice to quit and of a forfeiture are hereby waived. And the lessor upon such default shall be at liberty to sell or lease the premises to any person or persons whomsoever without being liable in law or equity to the lessee or any person claiming under him for any damages in consequence of such sale or lease. And the lessor shall have the right to recover all damages sustained by reason of the holding over of the lessee without permission. It is understood that TIME is and shall be deemed and taken as of the very essence of this agreement; that unless the same shall in all respects be complied with by the lessee at the respective times and in the manner above limited and declared, the lessee shall lose and be debarred from all rights, remedies and actions, either in law or in equity, upon or under this lease.

13. It is further agreed that in case default should be made by the lessee in any of the conditions stipulated to be performed by him and the lessor shall see fit to declare this lease void, such declaration shall be made and this lease forfeited by notice thereof addressed to the lessee at R. R. Hudson, Illinois and this shall constitute a good and sufficient notice and service thereof, or by the re-entry and taking possession without notice.

14. This agreement shall be binding upon the heirs, executors, administrators and assigns of the respective parties hereto. IN WITNESS WHEREOF the lessor has caused this instrument to be executed by its Mayor and City Clerk, and its seal attached hereto, and the lessee has hereunto set his hand and seal, all on the day and year first above written.

Attest:

By

Marguerite R. Fork
Its City Clerk.

CITY OF BLOOMINGTON, ILLINOIS

O Lloyd Welch
Its Mayor.

Trent S. Milliken (Seal)

(Seal)

(Seal)

MEMO

TO: Connie Fralick, Water Dept.
FROM: Andrew Coffey, Support Staff IV
DATE: July 21, 2016
SUBJECT: Lake Bloomington Lease Transfer

A Petition and Lake Lease Transfer request has been submitted for Lot 1 in Block 4 in Camp Kickapoo, from Trent S Milliken Trust to C. Neil Finlen and Lynda Finlen. Attached please find the Lake Lease Transfer documents.

EAV for this property is \$72,917.00. The Lake Lease is currently at a flat rate of \$50 a year. The lake lease rate will change to .40 per EAV, \$291.67. The PIN number is 08-06-376-001.

Please prepare a Council memorandum for the August 8, 2016 meeting. The deadline for this meeting is **Tuesday, July 26 at 12:00 pm.**

If you have any questions or require additional information, please contact the Clerk's Office.

Thank you for your prompt attention to this matter.

cc: Legal Dept.

LAKE BLOOMINGTON LEASE TRANSFER PETITION

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

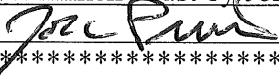
Lot 1 Block 4 of Camp Kickapoo

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

From: Trent S. Milliken Trust (Sellers Name)

To: C. Neil Finlen and Lynda Finlen (Buyers Name)

Trent S. Milliken Trust by John L. Pratt, Attorney



(Signatures of Seller)

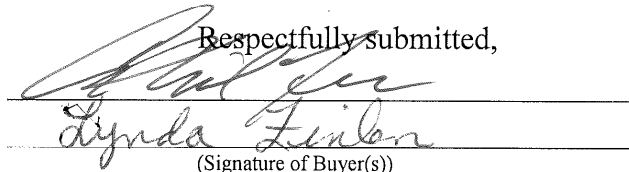
To the Honorable Mayor and City Council of the City of Bloomington, Illinois:

Now comes C. Neil Finlen and Lynda Finlen (Buyer) and respectfully shows that they became the purchasers of all right, title and interest of The Trent S. Milliken Trust (Seller) In and to the Lease made on the (Date) May 16, 1955 upon the above property, all located in McLean County, Illinois, together with all the improvements, buildings and appurtenances thereon situated and thereunto belonging, and that the said (Seller) Trent S. Milliken has executed deed of transfer of their interest in said premises and an assignment of the Leases therefore your petitioner.

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

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

Respectfully submitted,



(Signature of Buyer(s))

WRITTEN CONSENT TO TRANSFER INTEREST IN LEASES UPON LOT 1 BLOCK 4 CAMP Kickapoo, OF LAKE BLOOMINGTON.

Now comes the City of Bloomington and gives this, its written consent to the assignment on all right, title and interest of (seller) Trent S. Milliken Trust in and to the premises known as Lot 1 Block 4 in Camp Kickapoo, McLean County, Illinois and to the leases thereon executed by the City of Bloomington, Illinois.

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

Executed this _____ day of _____, 2016.

Tari Renner, Mayor



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

July 26, 2016

Mr. Robert Yehl, P.E.
Water Department
603 W. Division Street
Bloomington, IL 61701

Re: Lease Transfer
Lot 1 Block 4 of Camp Kickapoo

Dear Mr. Yehl:

The McLean County Health Department has received information from Mr. Neil Finlen, P.E. regarding the above-referenced property. Currently there is a "shack" on the property which has a toilet in it. The toilet is served by a legal sewage disposal system intended for limited use. Mr. Finlen is the purchaser of the lease and has stated it is his intent to remove the existing structure and decommission the existing septic system. Mr. Finlen indicated he would then build a new house on the lot. Mr. Finlen has provided soil information for the lot indicating the soil is capable of supporting a new subsurface private sewage disposal system for a new residence. A permit to construct a private sewage system that meets current code will be required before any building permits will be approved.

If you have any questions regarding this matter please contact Mr. John Hendershott at (309) 888-5482.

Respectfully,

Thomas J. Anderson
Director of Environmental Health

cc: Mr. Neil Finlen, Farnsworth Group

TJA:JRH:du

JRH-0601-lot14NF

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the _____ day of _____, 2016 between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called CITY and C. Neil Finlen and Lynda Finlen, husband and wife, as joint tenants with full right of survivorship of, Normal, 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 1 in Block 4 in Camp Kickapoo according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois.

Pin 08-06-376-001

2. TERM OF LEASE. The term of this Lease shall be for a term commencing on the date of this Lease and terminating on December 31, 2131, unless sooner terminated as provided in this Lease.

3. RENT.

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

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.

(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

C. Neil Finlen
Lynda Finlen
1113 Broadway
Normal, IL 61761

Lessee Billing Address

C. Neil Finlen
Lynda Finlen
1113 Broadway
Normal, IL 61761

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.

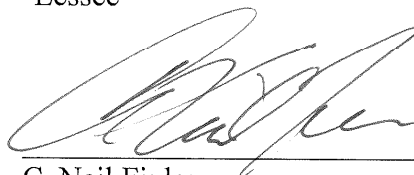
-Lessor-

-Lessee-

CITY OF BLOOMINGTON

By:

Tari Renner, Mayor



C. Neil Finlen

Attest:



Lynda Finlen

Cherry Lawson, City Clerk

**Affidavit Regarding
TRENT S. MILLIKEN**

STATE OF FLORIDA)
) SS
COUNTY OF BREVARD)

I, STEPHANIE E. LASKO, of lawful age, being first duly sworn on oath states:

1. I am an attorney duly licensed to practice law in the State of Florida and have an office address of 1980 N. Atlantic Avenue, Suite 801, Cocoa Beach, FL 32931.

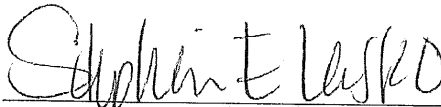
2. TRENT S. MILLIKEN died on January 31, 2016, a resident of Cocoa Beach, Brevard County, Florida.

3. At the time of his death, TRENT S. MILLIKEN had a leasehold interest in Lot 1 in Block 4 in Camp Kickapoo, according to a private unrecorded plat of the ground belonging to the City of Bloomington, in Hudson and Money Creek Townships, in McLean County, Illinois, Parcel Identification Number 08-06-376-001 (hereinafter referred to the "Leasehold Estate").

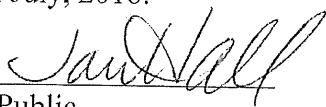
4. A Petition for the Administration of TRENT S. MILLIKEN's estate has been filed with the Circuit Court for Brevard County, Florida, as File No. 05-2016-CP-014303-XXXX-XX and is now pending.

5. That in accordance with the Last Will and Testament of TRENT S. MILLIKEN, the Leasehold Estate is the property of the TRENT S. MILLIKEN TRUST dated September 11, 1997.

The foregoing statement is made under the penalties of perjury.


STEPHANIE E. LASKO

Subscribed and sworn to before me
this 20th day of July, 2016.


Notary Public



Prepared by and Please Return To: John L. Pratt, Pratt and Pratt, P.C., 217 E.
Washington Street, Bloomington, IL 61701 (309) 828-2302

STATE OF FLORIDA

THIS DOCUMENT HAS A LIGHT BACKGROUND ON TRUE WATERMARKED PAPER. HOLD TO LIGHT TO VERIFY FLORIDA WATERMARK.

BUREAU of VITAL STATISTICS

CERTIFICATION OF DEATH

STATE FILE NUMBER: 2016015768

DATE ISSUED: February 3, 2016

DECEDENT INFORMATION

STATE FILE DATE: February 3, 2016

NAME: TRENT SIMON MILLIKEN

DATE OF DEATH: January 31, 2016

SEX: MALE

AGE: 093 YEARS

DATE OF BIRTH: September 22, 1922

SSN: 026-16-0654

BIRTHPLACE: TROY, NEW YORK, UNITED STATES

PLACE WHERE DEATH OCCURRED: HOSPICE

FACILITY NAME OR STREET ADDRESS: VITAS HOSPICE AT COURTENAY SPRINGS

LOCATION OF DEATH: MERRITT ISLAND, BREVARD COUNTY, 32952

SURVIVING SPOUSE, DECEDENT'S RESIDENCE AND HISTORY INFORMATION

MARITAL STATUS: MARRIED

SPOUSE (IF FEMALE, MAIDEN NAME): CARMEN CARRERO

RESIDENCE: 127 DELEON ROAD, COCOA BEACH, FLORIDA 32931, UNITED STATES

COUNTY: BREVARD

OCCUPATION, INDUSTRY: FARMER, FARMING

RACE: ☒ White ☐ Black or African American ☐ Asian Indian ☐ Chinese ☐ Filipino ☐ Native Hawaiian☐ American Indian or Alaskan Native--Tribe:☐ Japanese☐ Korean☐ Vietnamese☐ Guamanian or Chamorro☐ Samoan☐ Other Pacific Isl:☐ Other Asian:☐ Other:☐ Unknown

HISPANIC OR HAITIAN ORIGIN? NO, NOT OF HISPANIC/HAITIAN ORIGIN

EDUCATION: HIGH SCHOOL GRADUATE OR GED COMPLETED EVER IN U.S. ARMED FORCES? YES

PARENTS AND INFORMANT INFORMATION

FATHER: VAUGHN MILLIKEN

MOTHER: HAZEL MOON

INFORMANT: CARMEN MILLIKEN

RELATIONSHIP TO DECEDENT: WIFE

INFORMANT'S ADDRESS: 1200 SOUTH COURTENAY SPRINGS APT NO. 611, MERRITT ISLAND, FLORIDA 32952, UNITED STATES

PLACE OF DISPOSITION AND FUNERAL FACILITY INFORMATION

PLACE OF DISPOSITION: LEXINGTON CEMETERY
LEXINGTON, ILLINOIS

METHOD OF DISPOSITION: REMOVAL FROM STATE

FUNERAL DIRECTOR/LICENSE NUMBER: OLIVER FOLLWEILER, F046274

FUNERAL FACILITY: BECKMAN-WILLIAMSON FUNERAL HOME - COCOA BEACH F041887
101 NORTH BREVARD AVE, COCOA BEACH, FLORIDA 32931

CERTIFIER INFORMATION

TYPE OF CERTIFIER: CERTIFYING PHYSICIAN

MEDICAL EXAMINER CASE NUMBER: NOT APPLICABLE

TIME OF DEATH (24 hr): 1932

CERTIFIER'S NAME: NABIL WAHBA AZIZ

CERTIFIER'S LICENSE NUMBER: ME67818

NAME OF ATTENDING PHYSICIAN (If other than Certifier): NOT ENTERED



, State Registrar

REQ: 2016701126

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE.

WARNING:

THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH WATERMARKS OF THE GREAT SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARKS. THE DOCUMENT FACE CONTAINS A MULTICOLORED BACKGROUND, GOLD EMBOSSED SEAL, AND THERMOCHROMIC FL. THE BACK CONTAINS SPECIAL LINES WITH TEXT. THE DOCUMENT WILL NOT PRODUCE A COLOR COPY.



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DH FORM 1946 (03-13)

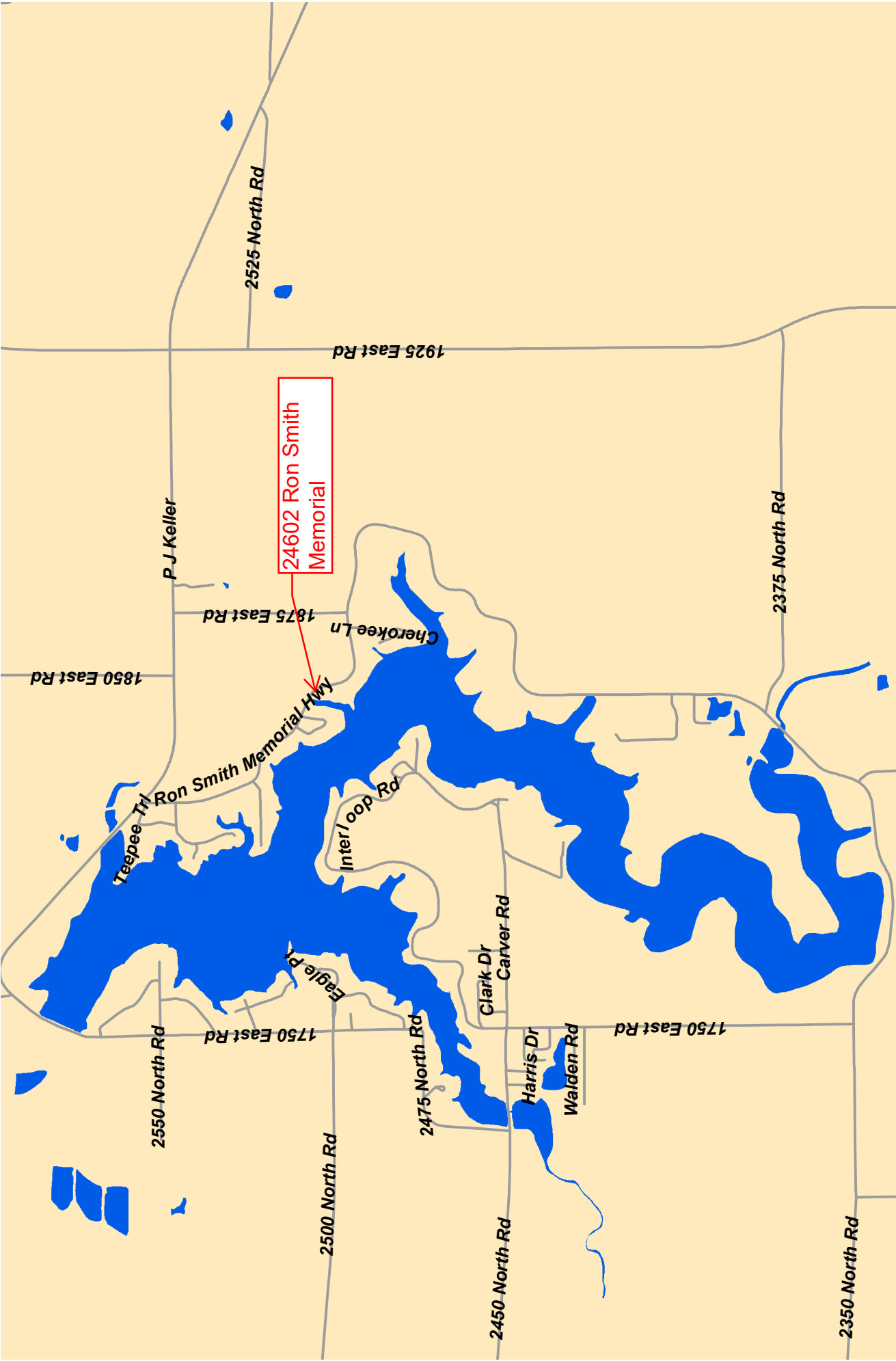
CERTIFICATION OF VITAL RECORD



VOID IF ALTERED OR ERASED

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STATE OF FLORIDA

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RACE: ☒ White ☐ Black or African American ☐ Asian Indian ☐ Chinese ☐ Filipino ☐ Native Hawaiian☐ American Indian or Alaskan Native-Tribe:☐ Japanese☐ Korean☐ Vietnamese☐ Guamanian or Chamorro☐ Samoan☐ Other Pacific Isl:☐ Other Asian:☐ Other:☐ Unknown

HISPANIC OR HAITIAN ORIGIN? NO, NOT OF HISPANIC/HAITIAN ORIGIN

EDUCATION: HIGH SCHOOL GRADUATE OR GED COMPLETED EVER IN U.S. ARMED FORCES? YES

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MOTHER: HAZEL MOON

INFORMANT: CARMEN MILLIKEN

RELATIONSHIP TO DECEDENT: WIFE

INFORMANT'S ADDRESS: 1200 SOUTH COURTENAY SPRINGS APT NO. 611, MERRITT ISLAND, FLORIDA 32952, UNITED STATES

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DH FORM 1946 (03-13)

CERTIFICATION OF VITAL RECORD



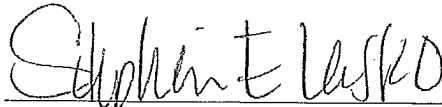
**Affidavit Regarding
TRENT S. MILLIKEN**

STATE OF FLORIDA)
) SS
COUNTY OF BREVARD)

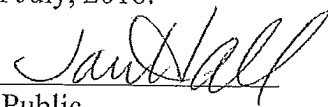
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1. I am an attorney duly licensed to practice law in the State of Florida and have an office address of 1980 N. Atlantic Avenue, Suite 801, Cocoa Beach, FL 32931.
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3. At the time of his death, TRENT S. MILLIKEN had a leasehold interest in Lot 1 in Block 4 in Camp Kickapoo, according to a private unrecorded plat of the ground belonging to the City of Bloomington, in Hudson and Money Creek Townships, in McLean County, Illinois, Parcel Identification Number 08-06-376-001 (hereinafter referred to the "Leasehold Estate").
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5. That in accordance with the Last Will and Testament of TRENT S. MILLIKEN, the Leasehold Estate is the property of the TRENT S. MILLIKEN TRUST dated September 11, 1997.

The foregoing statement is made under the penalties of perjury.


STEPHANIE E. LASKO

Subscribed and sworn to before me
this 20th day of July, 2016.


Notary Public



Prepared by and Please Return To: John L. Pratt, Pratt and Pratt, P.C., 217 E.
Washington Street, Bloomington, IL 61701 (309) 828-2302



CONSENT AGENDA ITEM: 7I

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving the application of MCTH, Inc., d/b/a Lucky Sevens located at 1804 S. Hershey Rd., Unit 9, currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, requesting expansion to 1804 S. Hershey Rd., Unit 10.

RECOMMENDATION/MOTION: That the request to expand to 1804 S. Hershey Rd., Unit 10 for MCTH, Inc., d/b/a Lucky Sevens., located at 1804 S. Hershey Rd., Unit 9, be approved contingent upon compliance with all health and safety codes.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

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

BACKGROUND: On July 12, 2016, The Bloomington Liquor Commission met in Regular Session to hear the request submitted by MCTH, Inc., d/b/a Lucky Sevens, located at 1804 S. Hershey Rd., Unit 9, currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, requesting expansion to 1804 S. Hershey Rd., Unit 10.

Tari Renner, Jim Jordan and Sue Feldkamp, Commissioners; George Boyle, Asst. Corporation Counsel; Asst. Police Chief Clay Wheeler; Bob Coombs, Building Official and Renee Gooderham, Chief Deputy Clerk.

Joe Dehn, attorney for Lucky Sevens, and Terry Harris, owner/operator, addressed the Commission. A new application had been filed requesting the liquor license extension to the unit next door. MCTH, Inc. had acquired a lease at 1804 S. Hershey Rd., Unit 10 to serve food from 6:00 a.m. to 9:00 p.m. Units 9 and 10 were connected by a double-door opening. This allowed 2500 square feet combined.

Commissioner Feldkamp questioned the gross revenue and alcohol fifty/fifty (50/50%) percentage. Mr. Harris stated initially the goal was sixty percent (60%) from the sale of alcohol. Since serving food a little over a month, the percentage was approximately fifty/fifty (50/50). Food advertising had not taken place. No issues were anticipated.

Commissioner Renner stated the license was a Tavern license; alcohol sales could be eighty percent (80%). The issue was Video Gaming (VG) receipts. Mr. Dehn stated the numbers from food and beverage should show VG was not an issue as the business continues.

Commissioner Jordan questioned why a Restaurant license was not filed. Unit 10 was previously a restaurant and the square footage was being doubled. Mr. Dehn believed the space addition was mischaracterized as adding a restaurant. They have added 1250 square feet that could be used for seating. The kitchen and food prep area were also contained in this space. Food items available were limited. Same could include breakfast items. The intent was to maintain the tavern atmosphere.

Commissioner Renner stated the Tavern license was ideal for their goals.

Commissioner Jordan stated the revenue from VG was at \$62,000 for the first five (5) months of the year. For the year, the revenue would be approximately \$120,000 for VG. Council was clear that VG could not be an establishment's primary revenue source. He questioned any increase in machines. Mr. Harris stated there would be no increase. Mr. Boyle noted there was only one (1) entity. Commissioner Renner directed the Clerk to call the roll which resulted in the following:

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan, that the application of MCTH, Inc., d/b/a Lucky Sevens located at 1804 S Hershey Rd Unit 9, currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, be expanded to include 1804 S Hershey Rd Unit 10, be approved contingent upon compliance with all health and safety codes.

Ayes: Commissioners Feldkamp, Jordan and Renner

Nays: None.

Motion carried.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on July 4, 2016 in accordance with City Code. In accordance with City Code, approximately three (3) courtesy copies of the Public Notice were mailed on June 30, 2016. In addition, the Agenda for the July 12, 2016 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: N/A.

Respectfully submitted for Council consideration.

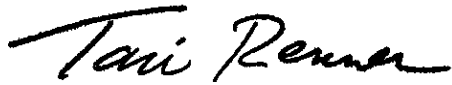
Prepared by: Renee Gooderham, Chief Deputy Clerk

Reviewed by: Cherry L. Lawson, City Clerk

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: George D. Boyle, Assistant Corporation Counsel

Recommended by:

A handwritten signature in black ink that reads "Tari Renner". The signature is fluid and cursive, with the first name "Tari" and last name "Renner" clearly distinguishable.

Tari Renner
Mayor

Attachments:

- Chapter 6: Section 4B Creation of New License - Findings
- Letter from Applicant's Attorney
- Liquor License Questionnaire
- License Application for the Sale of Alcoholic Beverages

Motion: That the request to expand to 1804 S. Hershey Rd., Unit 10 for MCTH, Inc., d/b/a Lucky Sevens., located at 1804 S. Hershey Rd., Unit 9, be approved contingent upon compliance with all health and safety codes.

Chapter 6: Section 4B: Creation of New License – Findings

(a) Standard for Creation. The City Council shall not create a new liquor license unless it has previously found that the creation of such license is necessary for the public convenience of residents of Bloomington and is in the best interest of the City of Bloomington. (Ordinance No. 1981-18)

(b) Factual Criteria. In deciding whether creation of a new license is necessary, the City Council shall consider:

- (1) The class of liquor license applied for;
- (2) Whether most of the establishment's anticipated gross revenue will be from sale of alcohol or other resources;
- (3) The character and nature of the proposed establishment;
- (4) The general design, layout and contents of the proposed establishment;
- (5) The location of the proposed establishment and the probable impact of a liquor establishment at that location upon the surrounding neighborhood or the City as a whole giving particular consideration to; (Ordinance No. 2004-2)

(a) the type of license(s) requested in the application;

(b) the nature of the proposed establishment; (Ordinance No. 2004-2)

(c) the location of the building of the proposed establishment in relation to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station with particular emphasis on its entrances/exits, windows and parking facilities; (Ordinance No. 2004-2)

(d) the hours of operation of the proposed establishment; (Ordinance No. 2004-2)

(e) the effect of live entertainment and/or amplified music in the proposed establishment upon persons in the surrounding area, particularly with respect to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station; (Ordinance No. 2004-2)

(f) signs and lights which are visible from the exterior of the proposed establishment;

(g) whether a Sunday license is being requested for the proposed establishment;

(h) the extent to which other businesses are licensed to sell alcoholic beverages at retail in the area under consideration;

(i) whether and what types of alcohol the applicant proposes to sell in single serving sizes for consumption off of the premises. (Ordinance No. 2004-2)

- (6) The probable demand for the proposed liquor establishment in the City;
- (7) The financial responsibility of the applicant;
- (8) Whether the applicant, or (if the applicant is a partnership or corporation) whether any partner, officer or director of the applicant has ever held a liquor license and his or her performance as a licensee; (Ordinance No. 1977-69)
- (9) Whether the applicant intends to furnish live entertainment in the establishment, and if so, the nature of such entertainment;
- (10) Whether the applicant intends to obtain a dancing permit pursuant to Chapter 7 of Bloomington City Code;
- (11) Whether the proposed establishment poses any problem to the Bloomington Police Department or Liquor Commissioner in the enforcement of City Ordinance or State and Federal Law;
- (12) Whether a current City of Bloomington liquor license has been issued for the premises sought to be licensed in the application;
- (13) Whether the premises complies with all pertinent health and safety codes applicable within the City of Bloomington;
- (14) No license shall be created for, or maintained by, an establishment whose primary or major focus is video gaming. In determining whether an establishment's primary or major focus is video gaming, the following factors may be considered.

(a) The layout and design of the establishment, including such factors as:

- 1. The number of video gaming machines relative to the customer seating capacity of the establishment; and
- 2. The square footage of space devoted to video gaming relative to the amount of space devoted to other activities;

(b) Whether the probable revenue derived from the establishment will be primarily from video gaming;

(c) The number of employees at the establishment and their proposed function;

(d) Other relevant factors. (Ordinance No. 2013-13)

(15) The recommendation of the Liquor Commission. (Ordinance No. 2013-13)

(c) All licenses created hereby are subject to issuance by the Mayor in his discretion as provided in 235 ILCS 5/4-4 and Section 37 of this Chapter. (Ordinance No. 2013-13)

RUSSELL E. DEPEW
JOSEPH A. DEHN

DEPEW & DEHN
ATTORNEYS AT LAW
201 WEST OLIVE STREET
BLOOMINGTON, IL 61701
309-829-7002
FAX 309-827-5043

HEYWORTH OFFICE
102 WEST MAIN STREET
309-473-3321

June 23, 2016

City of Bloomington
Legal Department
Attn: Mr. George Boyle
109 East Olive Street
Bloomington, IL 61701

RE: MCTH, Inc. d/b/a Lucky Sevens
Liquor License Application

Dear George:

Attached is a cover letter and liquor license application for MCTH, Inc., d/b/a Lucky Sevens. We have also included a copy of the lease for the additional space located at Unit 10 adjacent to their current Unit 9. The two units are each 1250 square foot and are connected by a double sized entry way connecting the two units. As we discussed, we are merely asking for the liquor license to apply to the full 2500 square foot encompassing Units 9 and 10. No new entity is being created and no different classification is requested, we have just merely doubled the square footage of the business.

I have not included any application fee, but if one is required, it will be remitted immediately.

I am hopeful this can be placed on the Agenda at the next meeting of the Liquor Commission and be moved along in an expeditious manner.

Please contact me if you have any questions or concerns.

Sincerely,



Joseph A. Dehn

JAD:clb
Enclosures

APPLICATION TO AMEND DESIGNATED BUSINESS SPACE

Current Liquor License Holder: MCTH, Inc., d/b/a Lucky Sevens
1804 South Hershey Road, Unit 9
Bloomington, IL 61704

Purpose of Application:

1. MCTH, Inc., d/b/a Lucky Sevens previously applied for, and was granted, a liquor license for the designated space of 1804 South Hershey Road, Unit 9, Bloomington, Illinois comprised of approximately 1250 square feet.

2. MCTH, Inc., has now acquired an additional 1250 square feet of retail space identified as 1804 South Hershey Road, Unit 10, Bloomington, Illinois in which contains a kitchen and additional seating space.

3. It is the desire of MCTH, Inc. to amend the designated business space authorized under the existing Liquor Licenses to include Units 9 and 10, totaling 2500 square feet in Brookridge Center, located at 1804 South Hershey Road, Bloomington, Illinois.

4. Upon approval of the expanded business space, the business operating as Lucky Sevens would consist of approximately 2500 square feet, five gaming stations, a full service bar and a full service kitchen serving meals for breakfast, lunch and dinner, with food service concluding at 9:00 p.m. Unit 9 would remain open only to those persons age 21 years or older and would contain the full service bar and all gaming stations. The space identified as Unit 10 would be accessible through the double door opening connecting the two locations and would contain a full service kitchen and additional seating. Food and liquor would be served throughout the approximate 2500 square foot space.

LIQUOR LICENSE QUESTIONNAIRE

TO THE APPLICANT:

On August 28, 1972, the Bloomington City Council enacted Ordinance No. 1972-57 revising standards for issuance of liquor licenses. The Ordinance, in addition to providing for an increase in the number of licenses, reflected a change in public attitude toward liquor licenses. Rather than lucrative privileges to be bought or sold, they are viewed as potential tools for community development, which can be an asset to the community. Consequently, licenses will be approved, not as a matter of right, but only where a need can be shown to exist and where the issuance of a license for a particular kind of establishment is supportive of and consistent with sound community planning. The following questions and the answers thereto can be of significant value in allowing the Liquor Commission to make an intelligent assessment of your application. Your cooperation in completing it as fully and in as much detail as possible is appreciated.

The questions in the Questionnaire apply equally to yourself and any partner, or any officer or director of a corporation. If more space is needed to answer any question completely, use additional paper.

1. LEGAL REQUIREMENTS:

- | | | |
|-----|--|------------|
| (a) | Have you attained the age of 21 years? | <u>Yes</u> |
| (b) | Have you been a resident of the City of Bloomington for one year? | <u>Yes</u> |
| (c) | Are you a citizen of the United States? | <u>Yes</u> |
| (d) | Are you a person of good character and reputation? | <u>Yes</u> |
| (e) | Have you ever been convicted of a felony under the laws of the United States or any state? | <u>No</u> |
| (f) | Have you ever been convicted of being the keeper, or are you now the keeper of a house of prostitution? | <u>No</u> |
| (g) | Have you ever been convicted of pandering or any other crime opposed to decency and morality? | <u>No</u> |
| (h) | Have you ever had a Bloomington liquor license revoked for any cause? | <u>No</u> |
| (i) | (If applicant is a corporation). Is a holder of over 5% of corporate stock ineligible to hold a liquor license for any reason other than citizenship or residence? | <u>No</u> |
| (j) | Is the Manager of the establishment ineligible to hold a liquor license for any reason other than citizenship or residence? | <u>No</u> |

- (k) Have you ever been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor? No
- (l) Do you own or have a valid lease to the premises for which the license is sought? Yes
- (m) Are you eligible for a state retail liquor dealer's license? Yes
- (n) Is the establishment located within 100' of any church, school, hospital, home for aged or indigent persons or war veterans, their wives or children? No

2. NATURE OF LICENSE:

- (a) What class liquor licenses are you seeking? TAS
- (b) What type of establishment do you intend to operate with this license? (e.g. Bar lounge, tavern, restaurant, wine & cheese shop). Restaurant
- (c) State the significance of a liquor license to your establishment, present or future. We are located in an area which is a significant distance from any other bar/restaurant.
- (d) How will a liquor license of the kind requested benefit the City of Bloomington and its residents? Convenient location for the many residents here.
- (e) Upon what facts do you base your answers to the previous question? Visual acuity.
- (f) Do you intend to furnish live entertainment in the establishment to be licensed? No
- (g) If you answer "YES" to the previous question, state the nature of such entertainment. _____
- (h) Will most of the establishment's gross revenue come from sources other than sale of alcohol? 50/50
Food / Beer
Alcohol

(i) If you answered "YES" to the previous question, from what sources will such revenue be derived?

(j) Do you intend to obtain and use a dance license?

No

(k) If establishment is not in operation, attach a drawing showing:

(1) General design of establishment;

(2) Where alcohol is to be distributed and/or served.

3. **IMPACT OF ESTABLISHMENT:**

(a) State the location of the establishment. Unit 9 Bar
1804 S. Hershey Unit 10 Rest
Bloomington, IL 61704

(b) What hours will the establishment be open? 6am - 9pm Restaurant

(c) What type or types of building(s) adjoin the establishment? Strip Mall
Lucky Sevens Bar next door

(d) If any adjoining buildings are office or commercial, approximately what hours are they open for business? 6am - 1am S-Th 6am - 2am F-S

(e) If adjoining buildings are predominately residential, are they single or multi-family and what other business establishments are in the area? Farrell's
Extreme Bodyshaping

(f) Describe streets immediately adjoining the establishment (e.g. Approximate width, one or two-way, parking restrictions, etc.) Corner of Hershey
Rd & Hamilton Rd - 4 lane

(g) How much additional traffic do you expect the establishment with a liquor license to generate? Very little

(h) Describe on and off street parking facilities to handle traffic anticipated. Off
Street roughly 125 cars

(i) How many establishments with liquor licenses are located within the immediate area of your establishment? 0

(j) What do you estimate to be the demand for your establishment in the area in which it is or will be located? Strong demand

(k) Upon what facts do you base your answer to the previous question? Visual acuity.

4. **RESPONSIBILITY:**

- (a) If establishment is presently in operation, attach a financial statement of the establishment's last fiscal year. N/A
- (b) If establishment is not presently in operation, attach a statement showing your assets and liabilities (or if a corporation, the assets and liabilities of the corporation). N/A
- (c) Do you now or have you ever had a Bloomington liquor licenses? Yes
- (d) If you answer to the previous question is "YES", how many times have you been found guilty by the Bloomington Liquor Commission of violating Bloomington's liquor ordinance? 0

DATED this 23rd day of June, 2016.

SIGNED:

Chase E Harris
(Name)

1309 Eastport Dr.
(Address)

Bloomington, IL 61704
(City) (State)

Darryl L Harris
(Name)

406 Brookside Glen
(Address)

Sherman IL 60684
(City) (State)

(Name)

(Address)

(City) (State)

LICENSE APPLICATION
For the Sale of Alcoholic Beverages

TO THE LOCAL LIQUOR CONTROL COMMISSIONER OF THE CITY OF BLOOMINGTON,
McLEAN COUNTY, ILLINOIS:

1. Application is herein made a CLASS _____ LICENSE to sell Malt Vinous Beverages, pursuant to Chapter 6 of the Bloomington City Code 1960.

2. The undersigned applicant is _____ an individual; _____ a partnership; X a corporation; (Check one)

A. If an individual: Name _____ Age _____
Address _____

Legal resident of City of Bloomington for more than One (1) year? Yes _____ No _____

B. If a partnership: Following are the names of all partners who are entitled to share in any profit of the business:

Name: _____ Address: _____

Legal resident of City of Bloomington for more than One (1) year? Yes _____ No _____

Name: _____ Address: _____

Legal resident of City of Bloomington for more than One (1) year? Yes _____ No _____

C. If a corporation, state whether same is organized for profit X or nonprofit _____, under laws of the State of Illinois

Date of incorporation 03/15

Objects of incorporation according to Charter of corporation. (Attach additional information by separate sheet if necessary)

Following are the names and addresses of all officers and directors of the said corporation and if the majority of stock is owned by one person, his name and address:

Name: <u>Chase E. Harris</u>	Title or position: <u>Pres / Secr.</u>
Address: <u>1309 Eastport Dr.</u>	City/State/Zip <u>Bloomington, IL 61704</u>
Name: <u>Terry L Harris</u>	Title or position: <u>VP / Treas.</u>
Address: <u>406 Brookside Glen</u>	City/State/Zip <u>Sherman, IL 62684</u>
Name: _____	Title or position: _____
Address: _____	City/State/Zip _____

Name: _____ Title or position: _____
Address: _____ City/State/Zip _____

3. This application is for renewal of license now held _____ or an original application _____ (Check one) Restaurant add-on

4. Location and description of the premises or place of business to be operated under this license
1804 S. Hershey Rd Bloomington, IL 61704
A. Trade Name Lucky Sevens Restaurant

5. Is this location within 100 feet of any church, school, hospital, home of aged, or indigent persons, or for War Veterans, their wives, or children? Yes _____ No X

6. Does the place of business have access to any other portion of the same building or structure which is used for dwelling or lodging purposes, and which is permitted to be used or kept accessible for use by the public? Yes _____ No X

7. Is it proposed to sell food in this place of business? Yes X No _____

8. Is applicant or any partner, officer, director, or majority stockholder engaged in the business of manufacturing or bottling malt vinous beverages or is the agent or any such person or corporation, or is a jobber of malt or vinous beverages? Yes _____ No X

9. Has applicant, or any partner, officer, director, or majority stockholder ever been convicted of a felony, or of the violation of any law relating to the prohibition of the sale of intoxicating liquors, or any other crime or misdemeanor, (other than minor traffic violations)? Yes _____ No X If yes, fully explain.

10. Has any other license issued to individual applicant, or to any partner, officer, director, or majority stockholder, issued for sale of alcoholic beverages, ever been revoked? Yes _____ No X If yes, give further details.

11. Has a similar application ever been refused for cause that has been made by any of the foregoing persons? Yes _____ No X

12. Is the applicant herein, the owner of the premises for which this license is sought? Yes _____ No X

13. If no, the name of the building owner: Name Brookridge Center LLC
Address #1 Brickyard Dr. Bloomington, IL 61701
Term of written lease, from (date) 06/01/16 to 08/01/2019
(Copy of Lease attached)

14. Do you know of any reason whether stated in the above questions or not, that this application does not comply with the laws of the State of Illinois, or the Bloomington City Code 1960 in connection with the proposed sale of alcoholic beverages?
Yes _____ No X

Applicants and each of them jointly and severally, including all partners, officers, directors, or majority stockholders, hereinafter named and whose signatures are affixed to this application, agree and acknowledge that they and each of them fully understand that any license issued hereunder may be revoked in accordance with the Ordinance of this City.

Dated this 23rd day of June, 2016.

A. (Individual)

Chas E. Harris
Individual's signature

B. (Partnership)

(All Partners of applicant)

Business Name

C. (Corporation) MCTH, Inc.
(Corporate Name)

Chas E. Harris
(President of Corporation)

Attest:

Terry L. Harris
(Secretary) Treasurer/V-President

And the following officers, directors, or majority stockholder:

Chase E. Harris 50%
Terry L. Harris 50%

STATE OF ILLINOIS.)

) SS

COUNTY OF McLEAN)

Terry Harris

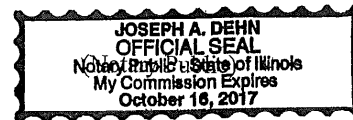
Chase Harris

being first duly sworn on their respective oaths say that they comprise all of the owners, partners, officers, directors, or majority stockholders of the above named applicant in accordance with definitions of the Bloomington City Code; that they and each of them have read and signed the foregoing application for license, know the contents thereof, and that all the statements made therein are true.

Subscribed and Sworn to before me this 23rd day of June, 2010.

Joseph A. Dehn

My commission expires on _____, _____.





CONSENT AGENDA ITEM: 7J

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Rehearsal Dinner on September 3, 2016 and Wedding Reception on September 4, 2016 at Davis Lodge.

RECOMMENDATION/MOTION: That the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Rehearsal Dinner on September 3, 2016 and Wedding Reception on September 4, 2016 at Davis Lodge be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

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

BACKGROUND: On July 12, 2016, the Bloomington Liquor Commissioner, Tari Renner, called a hearing to order to hear the request of Nicholas Birky and Gwen Robinson to allow moderate consumption of alcohol at their Rehearsal Dinner on September 3, 2016 and Wedding Reception on September 4, 2016 at Davis Lodge.

Present were: Tari Renner, Jim Jordan and Sue Feldkamp, Commissioners; George Boyle, Asst. Corporation Counsel; Asst. Police Chief Clay Wheeler; Bob Coombs, Building Official; and Renee Gooderham, Chief Deputy Clerk.

Nicholas Birky and Gwen Robinson addressed the Commission. They stated that Destihl Brewery would cater the reception. Beer and wine only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan, to recommend, at the August 8, 2016 City Council meeting, approval of the request from Nicholas Birky & Gwen Robinson to allow moderate consumption of alcohol at their Rehearsal Dinner on September 3, 2016 and Wedding Reception on September 4, 2016 at Davis Lodge.

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

Ayes: Commissioners Jordan, Feldkamp and Renner.

Nays: None.

Motion carried.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the July 12, 2016 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Renee Gooderham, Chief Deputy Clerk

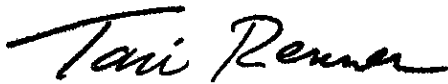
Reviewed by:

Robert D. Yehl, PE, Water Director
Cherry L. Lawson, City Clerk

Reviewed by:

George D. Boyle, Assistant Corporation Counsel

Recommended by:

A handwritten signature in black ink that reads "Tari Renner". The signature is written in a cursive, flowing style.

Tari Renner
Mayor

Attachments:

- Ordinance
- Letter of Request

ORDINANCE NO. 2016 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A REHEARSAL ON SEPTEMBER 3, 2016 AND WEDDING RECEPTION ON SEPTEMBER 4, 2016 AT DAVIS LODGE

WHEREAS, Nicholas Birky and Gwen Robinson are planning to hold their rehearsal dinner on September 3, 2016 from 6:00 p.m. to 9:00 p.m. and wedding reception from 2:00 p.m. to 10:00 p.m. on September 4, 2016 at Davis Lodge; and

WHEREAS, Nicholas Birky and Gwen Robinson have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Sections 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing of alcoholic beverages within the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Davis Lodge, for the duration of the rehearsal dinner on September 3, 2016 from 6:00 p.m. to 9:00 p.m. and wedding reception on September 4, 2016 from 2:00 pm to 10:00 pm at Davis Lodge.

Section 2: Except for the date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

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

PASSED this 8th of August, 2016.

APPROVED this ____ day of August, 2016.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, C.M.C, City Clerk

APPROVED AS TO FORM

Jeffrey R. Jurgens, Corporation Counsel

From: Andrew Coffey/Cityblm
To: Nick Birky <

Date: Friday, June 24, 2016 08:13AM
Subject: Re: Wedding Reception At Davis Lodge on 9/4/2016

Hello,

This will appear on the July 12th Liquor Commission agenda. It meets at 4pm at City Hall, 109 E Olive St. Someone must attend to speak before the Commission.

Thanks,

Andrew Coffey
Support Staff IV
City Clerk's Office
(309) 434-2240

CityBLM.org - [Facebook](#) - [Twitter](#) - [YouTube](#)

-----Nick Birky < > wrote: -----

To: Andrew Coffey <acoffey@cityblm.org>
From: Nick Birky < >
Date: 06/23/2016 06:36PM
Subject: Re: Wedding Reception At Davis Lodge on 9/4/2016

From 2-10pm is the plan on the 4th. We also plan to use the same venue to serve beer and wine on the 3rd from 6-9 for the rehearsal dinner. Thanks for the fast response!

On Jun 23, 2016, at 3:13 PM, Andrew Coffey <acoffey@cityblm.org> wrote:

Hello,

What is the time frame, example 4pm-9pm, will the beer and wine be served?

Thanks,

Andrew Coffey
Support Staff IV
City Clerk's Office
(309) 434-2240

CityBLM.org - [Facebook](#) - [Twitter](#) - [YouTube](#)

-----nick birky < > wrote: -----
To: cityclerk@cityblm.org
From: nick birky

Date: 06/23/2016 03:08PM

Subject: Wedding Reception At Davis Lodge on 9/4/2016

Hello! I am sending this email regarding permission to serve beer/wine at my wedding reception on 9/4/2016. The wedding will be for Nicholas Birky and Gwen Robinson. We expect about 130 guests. We plan to hire Destihl to serve beer and wine. It is my understanding that I will need to attend the next meeting of the Liquor Commission. Please let me know if there is any more information that you will need. Thank you for your time.

Nicholas Birky

This message has been scanned for malware by Websense. www.websense.com

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



CONSENT AGENDA ITEM: 7K

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on November 12, 2016.

RECOMMENDATION/MOTION: That the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on November 12, 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

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

BACKGROUND: On July 12, 2016, the Bloomington Liquor Commissioner, Tari Renner, called a hearing to order to hear the request of Joshua Thompson and Shasta Ledford to allow moderate consumption of alcohol at their November 12, 2016 wedding reception to be held at Miller Park Pavilion.

Present were: Tari Renner, Jim Jordan and Sue Feldkamp, Commissioners; George Boyle, Asst. Corporation Counsel; Asst. Police Chief Clay Wheeler; Bob Coombs, Building Official and Renee Gooderham, Chief Deputy Clerk.

Shasta Ledford addressed the Commission. Ms. Ledford stated that Haynes on Main would cater the reception. Beer and wine only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan to recommend at the August 8, 2016 City Council meeting, approval of the request from Joshua Thompson & Shasta Ledford to allow moderate consumption of alcohol at their November 12, 2016 wedding reception to be held at Miller Park Pavilion.

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

Ayes: Commissioners Jordan, Feldkamp and Renner.

Nays: None.

Motion carried.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the July 12, 2016 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Renee Gooderham, Chief Deputy Clerk

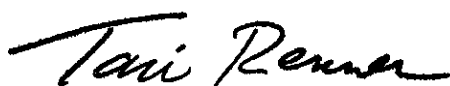
Reviewed by:

Jay Tetzloff, Director of Bloomington Parks,
Recreation and Cultural Arts/Miller Park Zoo
Cherry L. Lawson, City Clerk

Reviewed by:

George D. Boyle, Assistant Corporation Counsel

Recommended by:

A handwritten signature in black ink that reads "Tari Renner". The signature is written in a cursive, flowing style.

Tari Renner
Mayor

Attachments:

- Ordinance
- Letter of Request

ORDINANCE NO. 2016 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT MILLER PARK PAVILION ON NOVEMBER 12, 2016

WHEREAS, Joshua Thompson and Shasta Ledford are planning to hold their wedding reception at Miller Park Pavilion from 6:00 p.m. to 10:00 p.m. on November 12, 2016; and

WHEREAS, Joshua Thompson and Shasta Ledford have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Sections 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing of alcoholic beverages within the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Miller Park Pavilion, for the duration of the wedding reception at Miller Park Pavilion on November 12, 2016 from 6:00 pm to 10:00 pm.

Section 2: Except for the date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

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

PASSED this 8th of August, 2016.

APPROVED this ____ day of August, 2016.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, C.M.C, City Clerk

APPROVED AS TO FORM

Jeffrey R. Jurgens, Corporation Counsel

From: Shasta Ledford <
To: Andrew Coffey <acoffey@cityblm.org>

Date: Friday, May 27, 2016 09:58AM
Subject: Re:

History: ☞ This message has been replied to.

Bar services would be from 6pm until 10pm

-Shasta

Sent from Yahoo Mail for iPhone

On Friday, May 27, 2016, 10:25, Andrew Coffey <acoffey@cityblm.org> wrote:

Hello,

What time will the reception end or at least the bar services?

Thanks,

Andrew Coffey
Support Staff IV
City Clerk's Office
(309) 434-2240

[CityBLM.org](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

-----Shasta Ledford < wrote: -----

To: "acoffey@cityblm.org" <acoffey@cityblm.org>
From: Shasta Ledford <
Date: 05/27/2016 08:35AM
Subject: (Untitled)

To whom it may concern,

I am holding a wedding reception on November 12, 2016 at the Miller Park Pavilion in Bloomington. The date has already been reserved and the approximate time of the reception will be about 6pm. There will be around 190 guests and we have reserved Haynes on Main from Mackinaw to cater alcohol for our event. My name is Shasta Ledford and you can reach me at _____ phone number
_____, or my fiance, Joshua Thompson at _____.

Thank you,

Shasta Ledford



CONSENT AGENDA ITEM: 7L

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on December 17, 2016.

RECOMMENDATION/MOTION: That the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on December 17, 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

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

BACKGROUND: On July 12, 2016, the Bloomington Liquor Commissioner, Tari Renner, called a hearing to order to hear the request of Scott Todd and Emily Markwood to allow moderate consumption of alcohol at their December 17, 2016 wedding reception to be held at Miller Park Pavilion.

Present were Tari Renner, Jim Jordan and Sue Feldkamp, Commissioners; George Boyle, Asst. Corporation Counsel; Asst. Police Chief Clay Wheeler; Bob Coombs, Building Official and Renee Gooderham, Chief Deputy Clerk.

Alan Markwood, the bride's father, addressed the Commission. Mr. Markwood stated that HyVee would cater the reception. Beer and wine only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan to recommend at the August 8, 2016 City Council meeting, approval of the request from Scott Todd & Emily Markwood to allow moderate consumption of alcohol at their December 17, 2016 wedding reception to be held at Miller Park Pavilion.

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

Ayes: Commissioners Jordan, Feldkamp and Renner.

Nays: None.

Motion carried.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the July 12, 2016 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Renee Gooderham, Chief Deputy Clerk

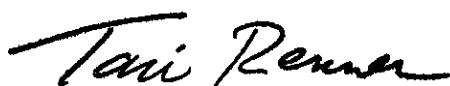
Reviewed by:

Jay Tetzloff, Director, Bloomington Parks,
Recreation and Cultural Arts/Miller Park Zoo
Cherry L. Lawson, City Clerk

Reviewed by:

George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tari Renner
Mayor

Attachments:

- Ordinance
- Letter of Request

ORDINANCE NO. 2016 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT MILLER PARK PAVILION ON DECEMBER 17, 2016

WHEREAS, Scott Todd and Emily Markwood are planning to hold their wedding reception at Miller Park Pavilion from 5:00 p.m. to 9:00 p.m. on December 17, 2016; and

WHEREAS, Scott Todd and Emily Markwood have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Sections 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing of alcoholic beverages within the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Miller Park Pavilion, for the duration of the wedding reception at Miller Park Pavilion on December 17, 2016 from 5:00 p.m. to 9:00 p.m.

Section 2: Except for the location, date and times set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

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

PASSED this 8th of August, 2016.

APPROVED this ____ day of August, 2016.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, C.M.C, City Clerk

APPROVED AS TO FORM

Jeffrey R. Jurgens, Corporation Counsel

From: Markwood <
To: Andrew Coffey <acoffey@cityblm.org>, Markwood <
Date: Wednesday, June 22, 2016 06:00PM
Subject: Re: Miller Park Pavilion rental, liquor commission approval

History: ↻ This message has been replied to.

More information has now been gathered regarding Emily Markwood and Scott Todd's December 17th 2016 wedding with reception at the Miller Park Pavilion. Their cell phone numbers are: (309)826-2549 and (309)824-7926, respectively. We are estimating to have about 175 wedding guests. The beer and wine will be served from 5-9pm on that day. Hyvee is catering the event. We hope this information will be sufficient to move forward in the process of obtaining a liquor license. If anything else is needed, please let us know.
Thanks!
Alan Markwood

On 4/29/16 10:06 AM, "Andrew Coffey" <acoffey@cityblm.org> wrote:

Hello,

To start the process to request beer and wine at the Miller Park Pavilion please provide the following information once the caterer has been selected. It generally takes two months for the process to complete, the earlier you can provide the information the better. Someone will have to attend a Liquor Commission meeting. The date and time will be provided once you provide the information.

1. Bride and Groom's names and phone numbers.
2. How many guests expected.
3. What time will the beer and wine be served, example 4pm - 10pm.
4. Who is catering the beer and wine.

Thanks,

Andrew Coffey
Support Staff IV
City Clerk's Office
(309) 434-2240

CityBLM.org <<http://www.cityblm.org/>> - Facebook
<<https://www.facebook.com/cityblm>> - Twitter
<<https://twitter.com/cityblm>> - YouTube
<<http://www.youtube.com/user/CityofBloomingtonIL>>

-----Beth Oakley/Cityblm wrote: -----

To: Markwood
From: Beth Oakley/Cityblm

Date: 04/29/2016 09:23AM

Cc: Markwood ·

Andrew Coffey/Cityblm@Cityblm

Subject: Re: Miller Park Pavilion rental, liquor commission approval

Thank you for contacting the City. By copy of this email, I am asking the Clerk's Office to follow up with you regarding your request.

Beth Oakley

Executive Assistant, CPS

City of Bloomington | Administration Office | 109 E. Olive Street, Bloomington, IL 61701

(309) 434-2210 | boakley@cityblm.org <<mailto:boakley@cityblm.org>>

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS E-MAIL

-----Markwood <

wrote: -----

To: <boakley@cityblm.org>

From: Markwood

Date: 04/29/2016 06:54AM

Cc: Markwood ·

Subject: Miller Park Pavilion rental, liquor commission approval

Dear Ms. Oakley,

Our daughter Emily Markwood has reserved the Miller Park Pavilion on December 17th of this year for the reception celebrating her wedding that day. We would like to request approval from the Liquor Commission and, if also needed, City Council for beer and champaign to be served at the reception. What actions do we need to take to pursue this request? The event will be catered and the caterer will have a liquor license, but we haven't finalized arrangements with a caterer yet. The most likely choice would be Hy-Vee.

Thank you for your assistance.

Alan & Beth Markwood

Bloomington, IL 61704

CITY OF
Bloomington ILLINOIS
CONSENT AGENDA ITEM NO. 7M

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (beer and wine) on Public Property in a portion of Downtown Bloomington during the Front Street Music Festival on August 20, 2016.

RECOMMENDATION/MOTION: That an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (beer and wine) on Public Property in a portion of Downtown Bloomington during the Front Street Music Festival on August 20, 2016, be adopted, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 5. Great Place – Livable, Sustainable City.

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

BACKGROUND: The Front Street Music Festival is a new event. The organizers would like people who attend the event to be able to purchase a drink and move about freely within the designated event area. They have requested that portions of the City Code prohibiting consumption of beer and wine in public be suspended for a specific portion of Downtown Bloomington on the day of the event. This suspension would only be applicable to persons drinking beer or wine sold by the liquor license holding establishments in the event area. The suspension would also only be effective as to persons wearing wrists bands obtained from the licensed establishments.

Staff from Police, Fire, Legal, Parks, Public Works, and Administration offices have held Special Events committee meetings at which this event was discussed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Connect-Transit; McLean County.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

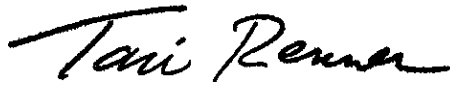
Prepared by:

T. Renee Gooderham, Records Manager and Chief
Deputy Clerk

Legal Reviewed by:

George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tari Renner
Mayor

Attachments:

- Ordinance
- Event Map
- Request for Extension of Premises

Motion: That an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (beer and wine) on Public Property in a portion of Downtown Bloomington during the Front Street Music Festival on August 20, 2016, be adopted, and authorize the Mayor and City Clerk to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Buragas				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower							
				Mayor Renner			

ORDINANCE NO. 2016 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY IN A PORTION OF DOWNTOWN BLOOMINGTON DURING THE FRONT STREET MUSIC FESTIVAL.

WHEREAS, the Front Street Music Festival will be held in downtown Bloomington on August 20, 2016, between 2:00 p.m. and 10:00 p.m.; and

WHEREAS, the organizers of the festival requested permission to allow sales and consumption of beer and wine during the event in portions of Downtown Bloomington indicated on the attached map, incorporated into this Ordinance and labeled Exhibit A; and

WHEREAS, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public streets, must be suspended.

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

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on August 20, 2016, between 2:00 p.m. and 10:00 p.m. for the areas specified in the attached Exhibit A, which is hereby incorporated into and made a part of this Ordinance. The following conditions apply to this suspension:

(a) the suspension shall be effective only as to persons inside the designated area wearing event-related wristbands;

(b) the suspension shall be effective only as to persons having in their possession beer or wine in plastic or paper cups;

(c) alcohol may be taken out of licensed premises in the designated area, provided that it is in the plastic or paper cups specified in subsection (b), above.

Section 2: Except for the date, times, location and conditions set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

Section 3: This Ordinance shall be effective on the date of its passage and approval.

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

PASSED this 8th day of August, 2016

APPROVED this ____ day of _____, 2016.

CITY OF BLOOMINGTON

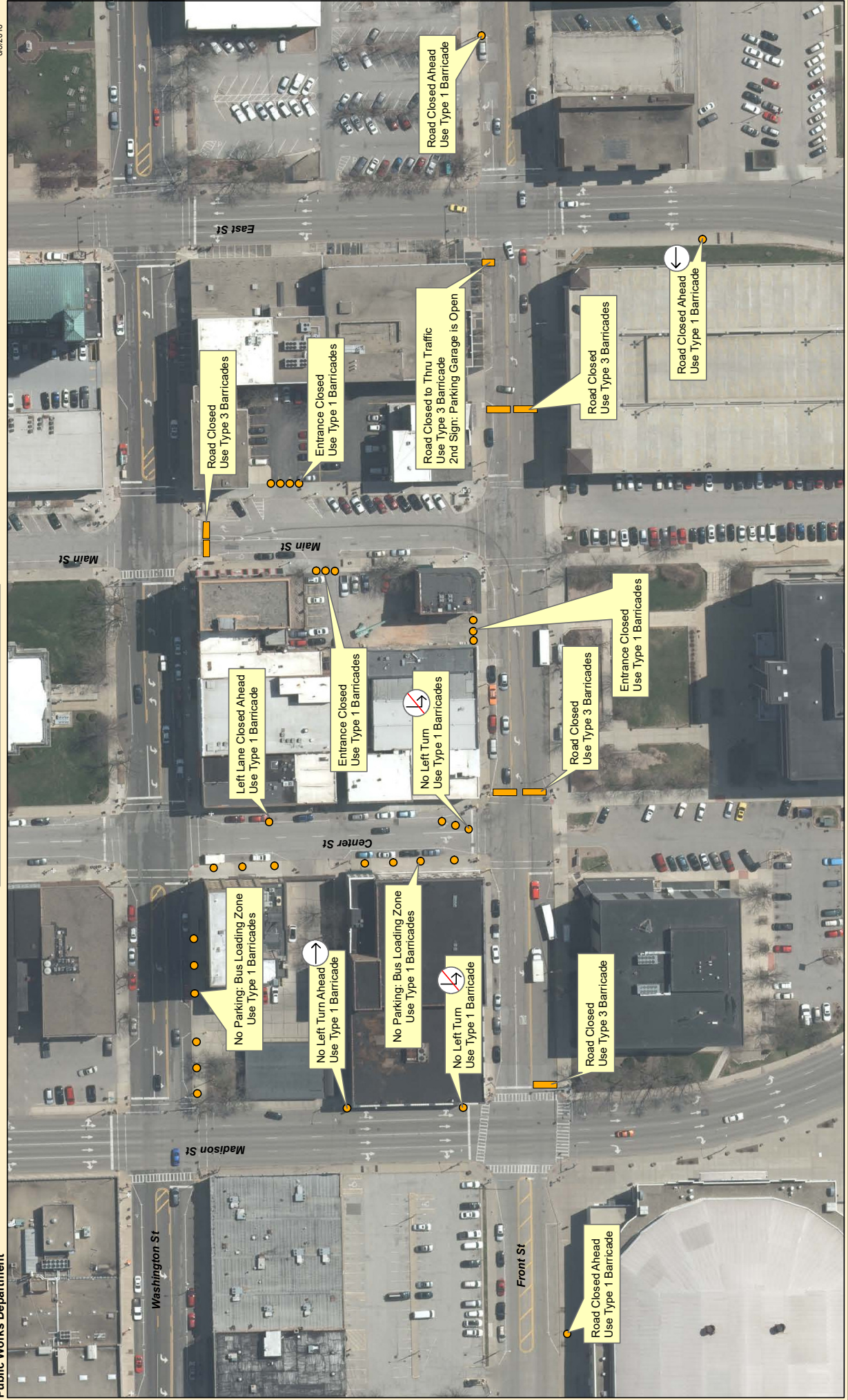
ATTEST

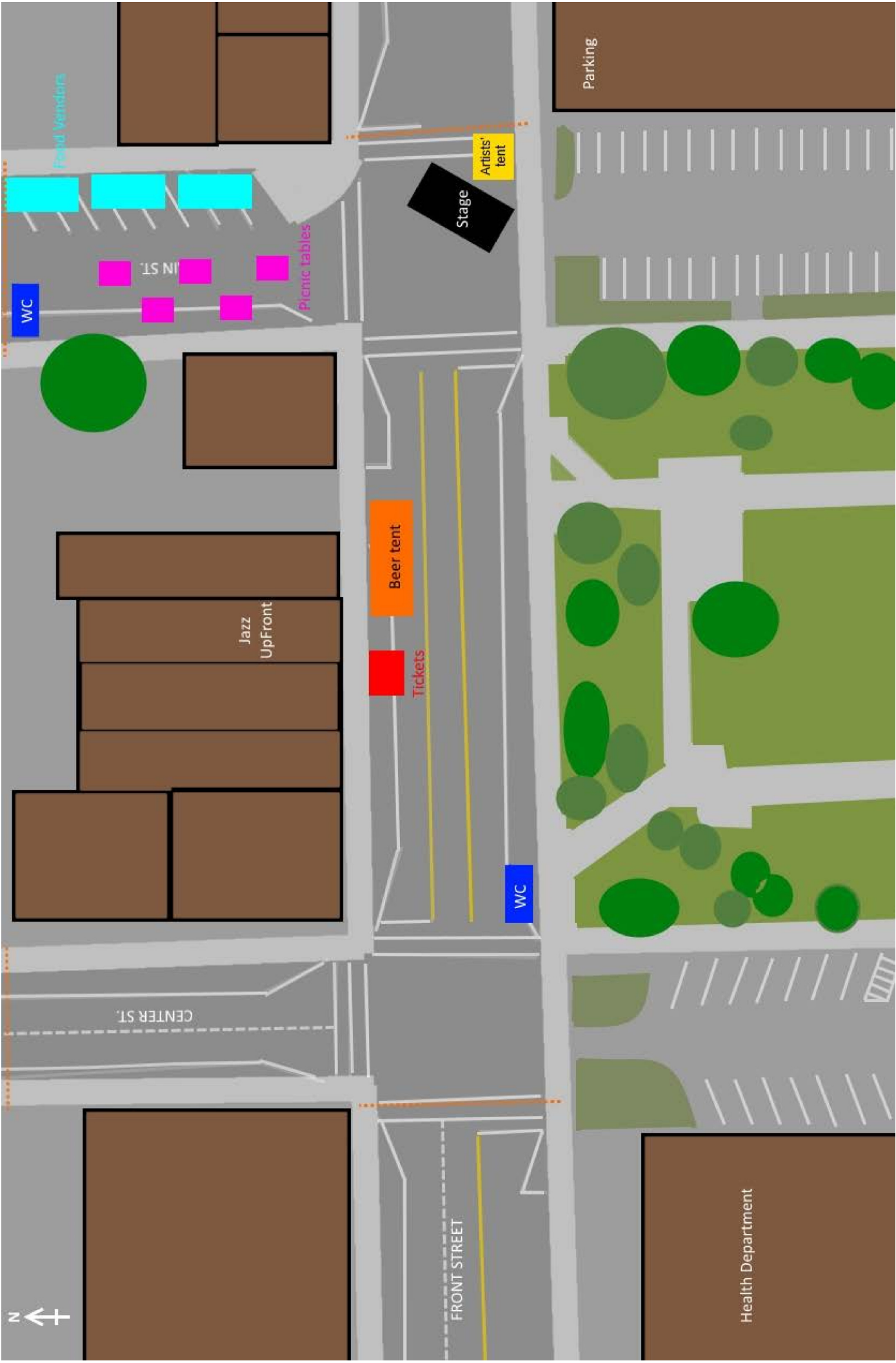
Tari Renner, Mayor

Cherry L. Lawson, C.M.C, City Clerk

APPROVED AS TO FORM

Jeffrey R. Jurgens, Corporation Counsel





Parking

Artists' tent

Stage

Beer tent

Tickets

Jazz
UpFront

WC

Food Vendors

Picnic tables

CENTER ST.

FRONT STREET

Health Department

City Of Bloomington

8/3/2016

Attention: Circuit Clerk

In Re: Permission To Extend Premises – Front Street Music Festival

To Whom It May Concern:

Setinthebar INC, DBA /Jazz Up Front is requesting an extension of premises for the Front Street Music Festival, which will be held in Downtown Bloomington August 20, 2016.

We anticipate the participation for the music festival to range from 500-1,000 people through out the day.

Security will be placed at all beverage stations, entrance and all exits. Security staff will be appropriate to cover all areas.

Beer and wine sales will be from 2:00 PM concluding at 10:00 PM.

Please refer to the premises map previously submitted with Special Event Application.

If any additional information is required, please do not hesitate to contact me at the following number: 309-242-6731

Regards,

James E. Gaston
Owner, Jazz Up Front

CITY OF
Bloomington ILLINOIS

REGULAR AGENDA ITEM NO. 8A

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of an Ordinance and Intergovernmental Agreement amending the proposed Bloomington / Normal / Gibson City / McLean County / Ford County Enterprise Zone to support the Destihl Brewery development in the Town of Normal.

RECOMMENDATION/MOTION: That the Ordinance amending “An Ordinance Describing and Designating an Area as an Enterprise Zone” be approved and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3: Grow the Local Economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong working relationship among the City, businesses, economic development organizations.

BACKGROUND & OVERVIEW: On March 28, 2016, the City Council approved an Ordinance amending the 1984 – 2016 Enterprise Zone (EZ) to add the development site for the new Destihl brewery facility in the Town of Normal to the EZ. For more information regarding the Destihl brewery development, please refer to the March 28, 2016 City Council meeting packet at the following link: <http://www.cityblm.org/index.aspx?page=17&recordid=4253>

The 1984 – 2016 EZ expired on July 1, 2016. The Bloomington-Normal Economic Development Council (BNEDC) is leading a joint effort to re-apply to the State of Illinois for a new EZ that, if awarded / certified, could potentially take effect immediately upon the date of the award or on January 1, 2017. Since the boundaries of the proposed new EZ do not include the subject property, the BNEDC has requested that the involved government entities amend the subject property to the proposed new EZ now in order to allow the Destihl brewery development to continue to qualify for EZ benefits should the new EZ be awarded.

Staff is supportive of the BNEDC’s and the Town’s request to expand the proposed EZ as a means to promote economic development in the Bloomington-Normal-McLean County region as the request is consistent with the B-N Advantage Collaborative Economic Development Strategy which was endorsed by the City Council on October 26, 2015.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Bloomington-Normal Economic Development Council, Town of Normal, Gibson City, McLean County, and Ford County. The BNEDC held a Public Hearing on this matter on July 26, 2016 at Normal Town Hall.

FINANCIAL IMPACT: The incentives available through the EZ originate from the State of Illinois and are available on an equal basis to all companies located in the EZ. The relocation of

Destihl's existing brewery operations from the City to the Town will result in increased employment in McLean County and increased craft beer related tourism which is expected to be significant and long lasting as Destihl forecasts many years of growth ahead.

Respectfully submitted for Council consideration.

Prepared by: Austin Grammer, Economic Development Coordinator

Reviewed by: Tom Dabareiner AICP, Community Development Director

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Ordinance amending "An Ordinance Describing and Designating an Area as an Enterprise Zone" – Destihl Brewery.
- Exhibit A – Legal Description of property proposed to be added to the proposed / existing Enterprise Zone – Destihl Brewery.
- Exhibit B – Amendment to the Enterprise Zone Intergovernmental Agreement to Include New Territory.
- Maps of property proposed to be added to the proposed new Enterprise Zone

Motion: That the Ordinance amending "An Ordinance Describing and Designating an Area as an Enterprise Zone" be approved and authorize the Mayor and City Clerk to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Buragas				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower							
				Mayor Renner			

ORDINANCE NO. 2016-__

AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA AS AN ENTERPRISE ZONE” - DESTIHL BREWERY

WHEREAS, the Town of Normal, the City of Bloomington, the City of Gibson City, the County of Ford and the County of McLean (“Existing Units of Government”) adopted Ordinances that describe and designate an area located partially within the Existing Units of Government as an Enterprise Zone; and

WHEREAS, the Existing Units of Government have made an application to the Illinois Department of Commerce and Economic Opportunity under the Illinois Enterprise Zone Act, which is pending approval as of the date of this Ordinance; and

WHEREAS, the Existing Units of Government desire to amend the territory included within the Enterprise Zone once that Enterprise Zone is certified under Section 5.3 of the Illinois Enterprise Zone Act; and

WHEREAS, the Existing Units of Government of the Enterprise Zone determine it is in the best interests of the citizens of the Existing Units of Government that additional properties be included in the Enterprise Zone; and

WHEREAS, a public hearing regarding such amendments has been held as provided by law.

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

SECTION ONE: That Ordinance No. 2015-74 is amended by adding the territory described in Exhibit A to the territory of the Enterprise Zone as set forth in that ordinance.

SECTION TWO: That the Mayor of the City of Bloomington, Illinois is authorized to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the Town of Normal, the City of Bloomington, the City of Gibson City, the County of McLean, and the County of Ford (the “Enterprise Zone Intergovernmental Agreement”) attached as Exhibit B.

SECTION THREE: That the provisions of Sections 1 and 2 apply if and only if the Enterprise Zone, as set forth under Ordinance 2015-74, is certified under Section 5.3 of the Illinois Enterprise Zone Act.

SECTION FOUR: That this Ordinance takes effect 10 days after the date of its publication.

SECTION FIVE: That the City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as required by law and forward a certified copy of this Ordinance to

the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this Ordinance.

SECTION SIX: That this Ordinance is adopted pursuant to the authority granted the City of Bloomington, Illinois by the Illinois Enterprise Zone Act.

SECTION SEVEN: That the Enterprise Zone Administrator is hereby authorized and directed to execute an amendment to the Enterprise Zone once the Enterprise Zone is certified under Section 5.3 of the Illinois Enterprise Zone Act.

APPROVED:

Tari Renner, Mayor
City of Bloomington, Illinois

ATTEST:

Cherry L. Lawson, City Clerk

(Seal)

The foregoing ordinance was approved by the Mayor and the Council members of the City of Bloomington on the ____ day of _____, 2016.

The foregoing ordinance was published in pamphlet form on the ____ day of _____, 2016.

Exhibit A

**LEGAL DESCRIPTION OF PROPERTY PROPOSED TO BE ADDED TO THE
EXISTING ENTERPRISE ZONE – DESTIHL BREWERY**

LOT 12 IN THE NINTH ADDTION TO NORTH-LAND COMMERCIAL SUBDIVISION AND A PORTION OF LOT 2 IN GREGORY’S SUBDIVISION OF PART OF SECTION 23, TOWNSHIP 24 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT RECORDED IN BOOK 2 OF PLATS, PAGE 558 IN THE OFFICE OF RECORDER OF DEEDS MCLEAN COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING FROM A BRASS DISK MARKING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 23;

THENCE NORTH 00 DEGREES 26 MINUTES 44 SECONDS WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 23 A DISTANCE OF 1299.65 FEET;

THENCE SOUTH 89 DEGREES 33 MINUTES 16 SECONDS WEST A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 33 MINUTES 16 SECONDS WEST A DISTANCE OF 263.69 FEET;

THENCE NORTH 85 DEGREES 10 MINUTES 14 SECONDS WEST A DISTANCE OF 917.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GREENBRIAR DRIVE;

THENCE NORTHEASTELY ALONG SAID EASTERLY RIGHT-OF-WAY ALONG A 1545.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST WHOSE CHORD BEARS NORTH 10 DEGREES 05 MINUTES 46 SECONDS EAST A DISTANCE OF 23.75 FEET;

THENCE NORTH 09 DEGREES 39 MINUTES 21 SECONDS EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 43.11 FEET;

THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE ALONG A 455.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST WHOSE CHORD BEARS NORTH 37 DEGREES 32 MINUTES 24 SECONDS EAST A DISTANCE OF 425.60 FEET;

THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE ALONG A 445.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST WHOSE CHORD BEARS NORTH 55 DEGREES 39 MINUTES 48 SECONDS EAST A DISTANCE OF 150.88 FEET;

THENCE SOUTH 85 DEGREES 10 MINUTES 14 SECONDS EAST A DISTANCE OF 564.22 FEET;

THENCE NORTH 89 DEGREES 33 MINUTES 16 SECONDS EAST 215.88 FEET;

THENCE SOUTH 00 DEGREES 26 MINUTES 44 SECONDS EAST A DISTANCE OF 517.80 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED TRACT CONTAINS 544,022.81 SQUARE FEET (12.489 ACRES) MORE OR LESS.

PIN #14-23-200-018 AND PART OF PIN #14-23-200-016 SHOWN AS LOTS 12 AND 13 ON THE ATTACHED MAP.

ALSO,

A STRIP OF LAND 3 FOOT WIDE IN THE NORTHEAST QUARTER OF SECTION 23 TOWNSHIP 24 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, AND LYING 1.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT 100.00 FEET WESTERLY AT A RIGHT ANGLE FROM THE CENTERLINE OF F.A.P 704 (VETERANS PARKWAY) AT STATION 382+00 AS SHOWN ON RIGHT-OF-WAY PLANS RECORDED AS DOCUMENT NO. 2002-02124 IN THE OFFICE OF RECORDER OF DEEDS MCLEAN COUNTY;

THENCE EAST 100.00 FEET TO SAID CENTERLINE;

THENCE SOUTH ALONG THE SAID CENTERLINE OF F.A.P. 704 (VETERANS PARKWAY) TO STATION 379+88 POINT ALSO BEING THE INTERSECTION OF THIS LINE WITH THE CENTERLINE OF SHEPARD ROAD;

THENCE SOUTH 85 DEGREES 10 MINUTES 14 SECONDS EAST ALONG SAID CENTERLINE OF SHEPARD ROAD A DISTANCE OF 655.00 FEET TO THE INTERSECTION OF THIS LINE WITH THE CENTERLINE OF GREENBRIAR DRIVE;

THENCE NORTH 04 DEGREES 49 MINUTES 46 SECONDS EAST ALONG THE SAID CENTERLINE OF GREENBRIAR DRIVE A DISTANCE OF 694.71 FEET;

THENCE NORTHEASTERLY ALONG SAID CENTERLINE ALONG A 575.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST WHOSE CHORD BEARS NORTH 17 DEGREES 26 MINUTES 40 SECONDS EAST A DISTANCE OF 251.16 FEET;

THENCE NORTH 30 DEGREES 03 MINUTES 33 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 206.92 FEET;

THENCE NORTHEASTERLY ALONG SAID CENTERLINE ALONG A 1500.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST WHOSE CHORD BEARS NORTH 20 DEGREES 16 MINUTES 12 SECONDS EAST A DISTANCE OF 510.06 FEET;

THENCE SOUTH 79 DEGREES 31 MINUTES 09 SECONDS EAST A DISTANCE OF 45.00 FEET TO THE POINT OF TERMINUS, POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID GREENBRIAR DRIVE. SIDELINES MAY LENGTHENED OR SHORTENED TO TERMINATE ON SAID RIGHT-OF-WAY LINE.

SAID DESCRIBED TRACT CONTAINS .184 ACRES MORE OR LESS.

TOTAL OF ALL ABOVE DESCRIBED TRACTS IS 12.673 ACRES OR .0198 SQUARE MILES.

Exhibit B

**AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT --
TO INCLUDE NEW TERRITORY**

This Amendment is entered into the ____ day of _____, 2016, by and among the City of Bloomington, the Town of Normal, the County of McLean, the County of Ford and the City of Gibson City, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

WHEREAS, the City of Bloomington, the Town of Normal, the County of McLean, the County of Ford and the City of Gibson City, entered into an Intergovernmental Agreement in November, 2015, for the purpose of establishing and operating an Enterprise Zone within the jurisdiction of said parties pursuant to the Illinois Enterprise Zone Act (the "Act"); and

WHEREAS, application for an Enterprise Zone has been made to the Illinois Department of Commerce and Economic Opportunity pursuant to the Act; and

WHEREAS, the application for said Enterprise Zone encompasses approximately 14.08 square miles; and

WHEREAS, the Act allows an Enterprise Zone to encompass up to 15 square miles if the Zone is a joint effort of four or more units of government; and

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately .0198 square miles would be benefited by being encompassed within the boundaries of said Enterprise Zone; and

WHEREAS, it would be in the best interests of the citizens of the City of Bloomington, the Town of Normal, the County of McLean, the City of Gibson City and the County of Ford, that said additional territory be included in the Enterprise Zone if said original Enterprise Zone is approved by the Department of Commerce and Economic Opportunity.

NOW, THEREFORE, BE IT AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. That Section 2 "Description" of the November, 2015 Intergovernmental Agreement, and the property described in Appendix "A" of that Agreement and incorporated in said Section by reference, is hereby amended to include the area described in Exhibit A attached hereto (the "Amended Area"), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.
2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties set forth in the original Intergovernmental Agreement are hereby

ratified and confirmed, and are hereby applied to the Amended Area of the Enterprise Zone in their entirety.

THE UNDERSIGNED PARTIES HAVE CAUSED THIS AMENDMENT TO INTERGOVERNMENTAL AGREEMENT TO BE EXECUTED BY THEIR DULY DESIGNATED OFFICIALS, PURSUANT TO AUTHORITY CONFERRED BY THEIR RESPECTIVE GOVERNING BODIES THE DATE FIRST SHOWN ABOVE.

City of Bloomington
a Municipal Corporation

By _____
Tari Renner, Mayor

Attest:

Cherry Lawson, City Clerk

Town of Normal
a Municipal Corporation

By _____
Chris Koos, Mayor

Attest:

Wendellyn Briggs, City Clerk

County of McLean
a Body Politic and Corporate

By: _____
County Board Chairman

Attest:

County Clerk

County of Ford
a Body Politic and Corporate

By: _____
County Board Chairman

Attest:

County Clerk

City of Gibson City
A Municipal Corporation

By: _____
Mayor

Attest:

City Clerk



Farnsworth GROUP
1000 North Main Street
Bloomington, IL 61704
(309) 244-8337 / info@farnsworth.com

Project: 1. Farnsworth 1. Farnsworth
Date: 02/11/10
Scale: 1" = 100'

**PRELIMINARY
NOT FOR CONSTRUCTION**



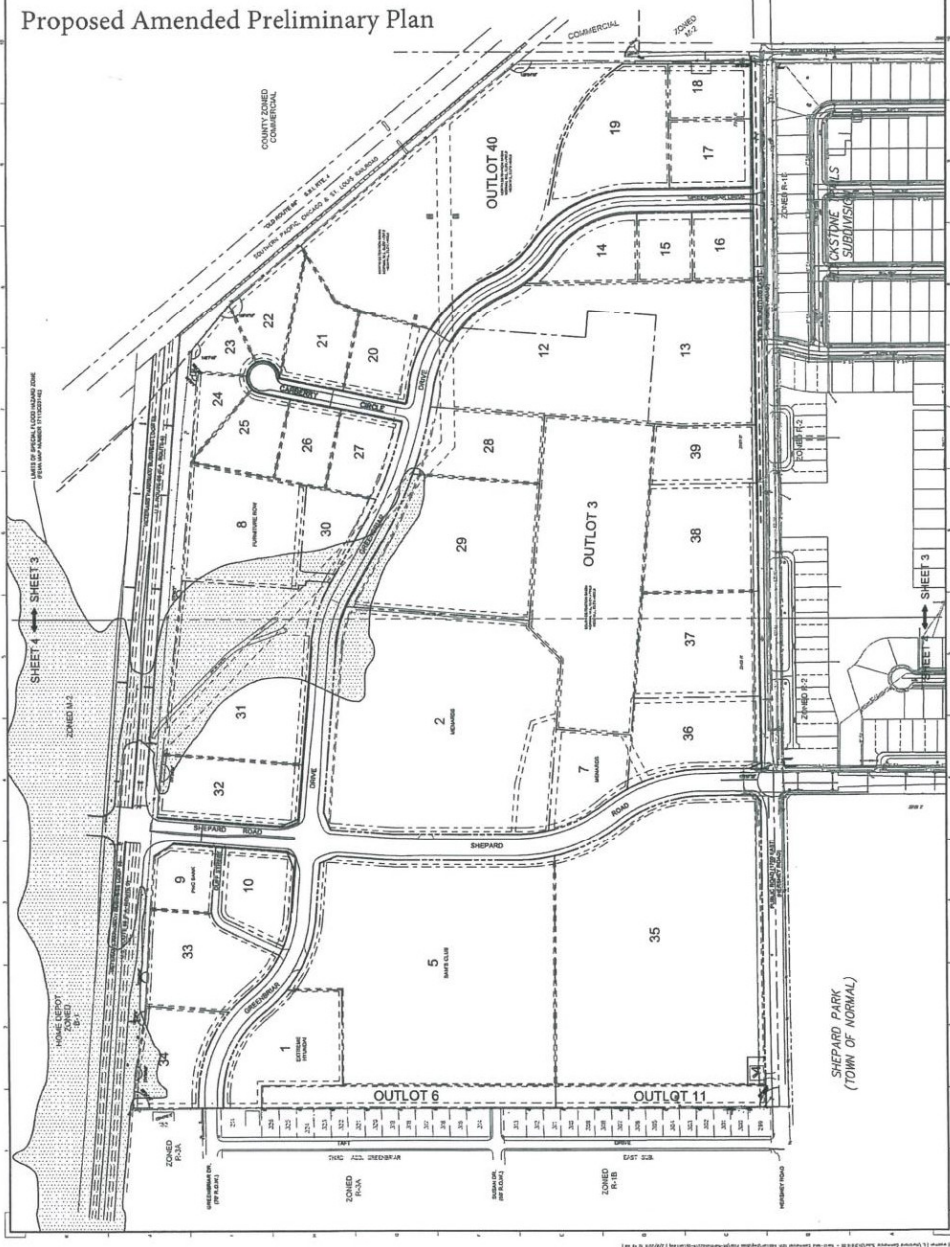
Country Acres Land Corporation

**NORTH-LAND
COMMERCIAL SUB'
REVISED
PRELIMINARY PLAN**

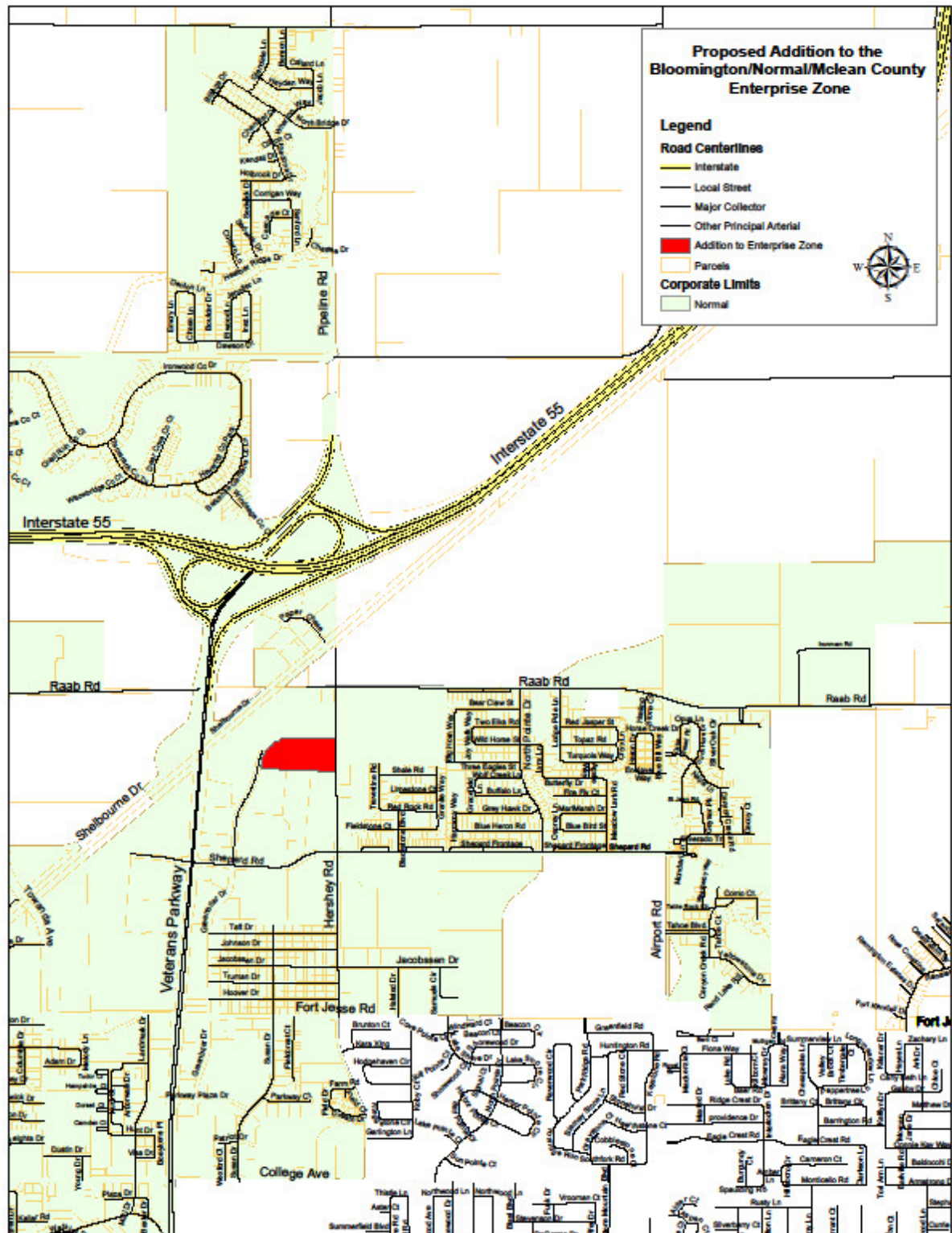
Normal, Illinois
Site: 2001
Design/Owner: 2001
Revised: 02/11/10
Book No.: 210541 Field
Project No.: 021110.00

OVERVIEW PLAN

2 of 5



1. This plan is a preliminary plan and is not for construction. It is subject to change without notice. 2. The plan is not a final plan and is not for construction. It is subject to change without notice. 3. The plan is not a final plan and is not for construction. It is subject to change without notice.





REGULAR AGENDA ITEM NO. 8B

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of an approving an Ordinance Incorporating the Smoke Free Illinois Act and adding E-Cigarettes to the definition of smoking at City owned buildings.

RECOMMENDATION/MOTION: Discussion and action approving an Ordinance Amending the City Code to Adopt the Provisions of the Smoke Free Illinois Act and to Implement Additional Regulations in Relation to City Owned Properties.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5e. More attractive City; commercial areas and neighborhoods.

BACKGROUND: Effective January 1, 2008, the Smoke Free Illinois Act (“Act”) went into effect prohibiting smoking in public buildings. This Act defines smoking as “the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.” However, smoking does not include “smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.”

E-cigarettes and similar alternative nicotine products are battery-operated and designed to deliver nicotine with flavorings and other chemicals to uses in vapor instead of smoke. These devices are not directly covered by the Smoke Free Illinois Act, however, legislation has been introduced to both define electronic cigarettes and prohibit them the same as other smoking devices. Under the legislation, an electronic cigarette would be defined, in part, as “any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation.” The FDA is also starting to regulate electronic cigarettes.

On June 20, 2016, the City Council, at a Committee of the Whole, expressed a desire to consider an ordinance banning the use of e-cigarettes from City owned facilities. The City’s previous ordinance provisions on smoking are outdated and essentially related only to public buildings and grocery stores. Accordingly, the proposed ordinance repeals the dated provisions on smoking, incorporates by reference the Smoke Free Illinois Act and adds the use of e-cigarettes to the definition of smoking at City owned buildings. The fines have also been increased to coincide with the fines set forth in the Smoke Free Illinois Act.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable

FINANCIAL IMPACT: Not Applicable

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Ordinance

Motion: Discussion and action approving an Ordinance Amending the City Code to Adopt the Provisions of the Smoke Free Illinois Act and to Implement Additional Regulations in Relation to City Owned Properties.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Painter			
Alderman Hauman				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Buragas			
Alderman Mwilambwe							
				Mayor Renner			

ORDINANCE 2016 - ____

**AN ORDINANCE AMENDING THE CITY CODE TO ADOPT THE PROVISIONS OF
THE SMOKE FREE ILLINOIS ACT AND TO IMPLEMENT ADDITIONAL
REGULATIONS IN RELATION TO CITY OWNED PROPERTIES**

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

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease and lung cancer; and

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and,

WHEREAS, children exposed to secondhand smoke have an increased risk of asthma, respiratory infections and cancer; and

WHEREAS, smoking is a potential cause of fires; and

WHEREAS, the State of Illinois adopted the Smoke Free Illinois Act, 410 ILCS 82/1, *et seq.*, effective January 1, 2008, which prohibits smoking in public places, places of employment and government vehicles; and

WHEREAS, the Smoke Free Illinois Act, 410 ILCS 82/6, permits home rule units of government to regulate smoking in public places as long as they are no less restrictive than the provisions of the Act; and

WHEREAS, e-cigarettes and similar alternative nicotine products are battery-operated and designed to deliver nicotine with flavorings and other chemicals to users in vapor instead of smoke; and

WHEREAS, as part of a continual effort to “improve public health and protect future generations from the risk of tobacco use,” the FDA is taking action to prevent further harm from nicotine inhalation through e-cigarettes; and

WHEREAS, the potential risks and health concerns of these smoking devices have led the U.S. Food Drug and Administration to expand their authority to regulate e-cigarette use along with all other tobacco products; and

WHEREAS, the Corporate Authorities of the City of Bloomington have determined it is in the best interests of the City to clearly adopt the provisions of the Smoke Free Illinois Act and implement additional regulations regarding the use of electronic cigarettes at City owned buildings.

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

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

SECTION 2. Sections 92 – 99 of Chapter 28 of the City Code shall be deleted and replaced as follows:

Section 92: Adoption of Smoke Free Illinois Act.

The Smoke Free Illinois Act, as amended from time to time, is hereby adopted by reference to be applied within the corporate limits of the City of Bloomington. All references to a state employee or official within the Act may be to a corresponding City employee or official where such reference is applicable or necessary. Any provision of the Act may be cited by placing “Section 92” before the applicable Smoke Free Illinois Act.

Section 93: Prohibition on Smoking and E-Cigarettes within City Buildings

In addition to the prohibitions within the Smoke Free Illinois Act which prohibits smoking in public buildings, smoking is prohibited in any building owned or operated by the City of Bloomington. For purposes of this section, the definitions of “smoking” and “smoke” within the Smoke Free Illinois Act shall be expanded to include inhaling or exhaling from, turning on, powering, ingesting or utilizing in any form any device intended for the atomization, charring, burning, piezoelectronic ignition of or ingestion of tobacco products or nicotine in any gaseous, smoke, aerosol, vaporous or other similar form, including but not limited to the use of any e-cigarette, personal vaporizer used with nicotine or tobacco derivatives, electronic nicotine delivery system, e-puffer, cartomizer or other similar device. This prohibition includes electronic cigarettes (e-cigs or e-cigarettes), personal vaporizers (PV) or electronic nicotine delivery systems (ENDS) or any other device that simulates tobacco smoking by producing an aerosol that resembles smoke.

Section 94: Enforcement of Smoking Bans

The Police Department and City’s Code Enforcement Officials are empowered to adopt procedures for the issuance of citations and the collection of civil penalties and costs for any violation of Section 92 and/or Section 93.

Section 95: Fines

For each violation of Section 92 and/or Section 93, the fine shall be one-hundred dollars (\$100.00) for a first offense and two-hundred and fifty dollars (\$250.00)

for each subsequent offense, plus court and/or administrative court fees if applicable.

Sections 96 – 99: Each shall be listed as [Reserved]

SECTION 3. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 4. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

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

SECTION 6. This ordinance shall be effective 10 days after the date of its passage and publication as required by law.

SECTION 7. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this ____ day of _____, 2016.

APPROVED this ____ day of _____, 2016.

APPROVED:

Tari Renner, Mayor

ATTEST:

Cherry Lawson, City Clerk

 CITY OF *Bloomington* **ILLINOIS**
REGULAR AGENDA ITEM NO. 8C

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving an Ordinance approving a Petition from Foundry Square, LLC, for a Final Plat for Foundry Subdivision located South of Washington Street and west of McClun Street.

RECOMMENDATION/MOTION: That the Ordinance be approved for the Final Plat, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 3 Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE: Objective 3.a Retention and growth of current local businesses

BACKGROUND: This final plat consists of one lot (2.002 acres) located South of Washington Street and west of McClun Street.

The subject final plat qualifies for the expedited final plat process as set forth in Chapter 24, Section 3.5.6.

The zoning in this area is M-1 restricted Manufacturing District. The subject property is being subdivided in preparation for the development that is to be known as The Foundry. Construction plans for the two building development have been received by the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Foundry Square, LLC.

FINANCIAL IMPACT: None. All survey and plat costs were paid by Foundry Square, LLC.

Respectfully submitted for Council consideration.

Prepared by: Anthony J. Meizelis P.E., Civil Engineer I

Reviewed by: Jim Karch, PE CFM, Director of Public Works

Reviewed by: Steve Rasmussen, Assistant City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: George D. Boyle, Assistant Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Attachment 1 - Petition
- Attachment 2 - Ordinance
- Attachment 3 - Exhibit A: Legal Description
- Attachment 4 - School District Certificate
- Attachment 5 - County Clerk's Certificate
- Attachment 6 - Owner's Certificate
- Attachment 7 - Drainage Statement
- Attachment 8 - Final Plat Checklist
- Attachment 9 - Council Map and Final Plat
- Attachment 10 - Tap on memo

Motion: That the Ordinance be approved for the Final Plat, and authorize the Mayor and City Clerk to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Buragas				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower							
				Mayor Renner			

PETITION FOR APPROVAL OF FINAL PLAT UTILIZING
EXPEDITED FINAL PLAT PROCESS

State of Illinois)
)ss.
County of McLean)

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Now comes FOUNDRY SQUARE LLC, hereinafter referred to as your petitioner,
respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit "A" which is attached hereto and made a part hereof by this reference;
2. That the Plat depicts one lot, and the Plat includes all contiguous property in common ownership or unified control;
3. That the proposed Subdivision shall not necessitate the construction or installation of public street improvements;
4. That no waivers of the Land Subdivision Code are requested other than waivers of bonds and fees;
5. That no public improvements are needed in connection with the approval of the Plat of Subdivision;
6. That all prerequisites for proceeding under the Expedited Final Plat Approval process are in place.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Foundry Subdivision submitted herewith be approved under the Expedited Final Plat submission procedure.

Respectfully submitted,
FOUNDRY SQUARE LLC

By 
Its Manager

ORDINANCE NO. 2016 -

AN ORDINANCE APPROVING THE FINAL PLAT OF THE FOUNDRY SUBDIVISION

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Foundry Subdivision, legally described in Exhibit A, attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests approval pursuant to the Expedited Final Plat process; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: none; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREAS, approval of the Final Plat under the Expedited Final Plat process is reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code, 1960, as amended.

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

1. That the Final Plat of the Foundry Subdivision, and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED THIS 8TH DAY OF AUGUST, 2016.
APPROVED THIS __ DAY OF AUGUST 2016.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk

APPROVED AS TO FORM

Jeffrey R. Jurgens, Corporate Counsel

EXHIBIT "A"

A part of Lot 4 in the Subdivision of the South 1/2 of Section 3 and a part of the Southwest 1/4 of Section 3, all being in Township 23 North, Range 2 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Lot 4, said corner being a point on the original East right of way line of the Illinois Central Railroad. From said Point of Beginning, thence West 104.6 feet along the Westerly Extension of the North line of said Lot 4; thence South 243.66 feet along a line which forms an angle to the right of 87 degrees 50 minutes 53 seconds with the last described course; thence East 353.00 feet along a line which forms an angle to the right of 92 degrees 10 minutes 37 seconds with the last described course to a point lying 243.65 feet South of the Northeast corner of said Lot 4; thence North 243.65 feet along a line which forms an angle to the right of 90 degrees 10 minutes 30 seconds with the last described course to said Northeast corner; thence West 258.40 feet along said North line which forms an angle to the right of 89 degrees 48 minutes 00 seconds with the last described course to the Point of Beginning; to be known as:

Lot 1 in Foundry Subdivision being a part of the Southwest 1/4 of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, according to the Plat thereof recorded _____ as Document No. _____ in McLEAN COUNTY, ILLINOIS.

Parcel Numbers: 21-03-305-013, 21-03-305-014 and 21-04-438-003

SCHOOL DISTRICT CERTIFICATE

I, Lacey Glendon, Individually and as a Manager of Foundry Square LLC, developer/owner of the property described in the Surveyor's Certificate of the tract of land platted as Foundry Subdivision, certify that to the best of my knowledge and belief that said platted land is located within the boundaries of Bloomington School District 87, in McLean County, Illinois.

Dated this 5th day of July, 2016.

FOUNDRY SQUARE LLC

By: Lacey Glendon
Its Manager

Subscribed and sworn to before me
this 5th day of July, 2016.

Julie L. Garrett
Notary Public



COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF McLEAN)

I, Kathy Michael, County Clerk of McLean County, State of Illinois, do hereby certify that on the 5th day of July, 2016, there were no delinquent general taxes unpaid, special assessments or delinquent special assessments against the tract of land shown on the plat **Foundry Subdivision** attached to this Certificate and described in the Certificate of the Surveyor attached hereto and to said plat.

Kathy Michael
County Clerk, McLean County, Illinois

(SEAL OF SAID COUNTY)

FOUNDRY SUBDIVISION

Parcel Numbers: 21-03-305-013, 21-03-305-014

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF McLEAN)

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, hereby certify that we are the owners of all the premises embodied in the attached Plat of **FOUNDRY SUBDIVISION** to the City of Bloomington, McLean County, Illinois, and that we have caused said plat to be made and that it is a true and correct plat of **FOUNDRY SUBDIVISION** to the City of Bloomington, McLean County, Illinois, as laid off into lots and streets by Brent A. Bazan, Professional Land Surveyor No. 3715; and we, the undersigned, hereby dedicate and set apart to the City of Bloomington for general, public, and utility purposes, (and further dedicate the public use areas as shown on said plat) the areas shown as dedicated thereon.

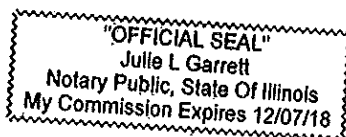
IN WITNESS WHEREOF, we have executed this Owner's Certificate this 5th day of JULY, 2016.

FOUNDRY SQUARE LLC

BY: *Heery S. Glavick*
Its Manager

Subscribed and sworn to before me
this 5th day of July, 2016.

Julie L. Garrett
Notary Public



DRAINAGE STATEMENT

I, Jeffrey M. Gastel, Registered Professional Engineer, and Foundry Square LLC, being the owner of the premises heretofore platted by Brent A. Bazan, Illinois Professional Land Surveyor No. 3715, to be and become "Foundry Subdivision", in the City of Bloomington, McLean County, Illinois, do hereby state that to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction of said Subdivision or any part thereof; or that if such surface waters drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas or drains which the Subdivider has a right to use and that such waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the Subdivision.

I further state that no lots are within the Special Flood Hazard Area, as identified by the Federal Emergency Management Agency.



Jeffrey M. Gastel
Registered Professional Engineer No. 51694

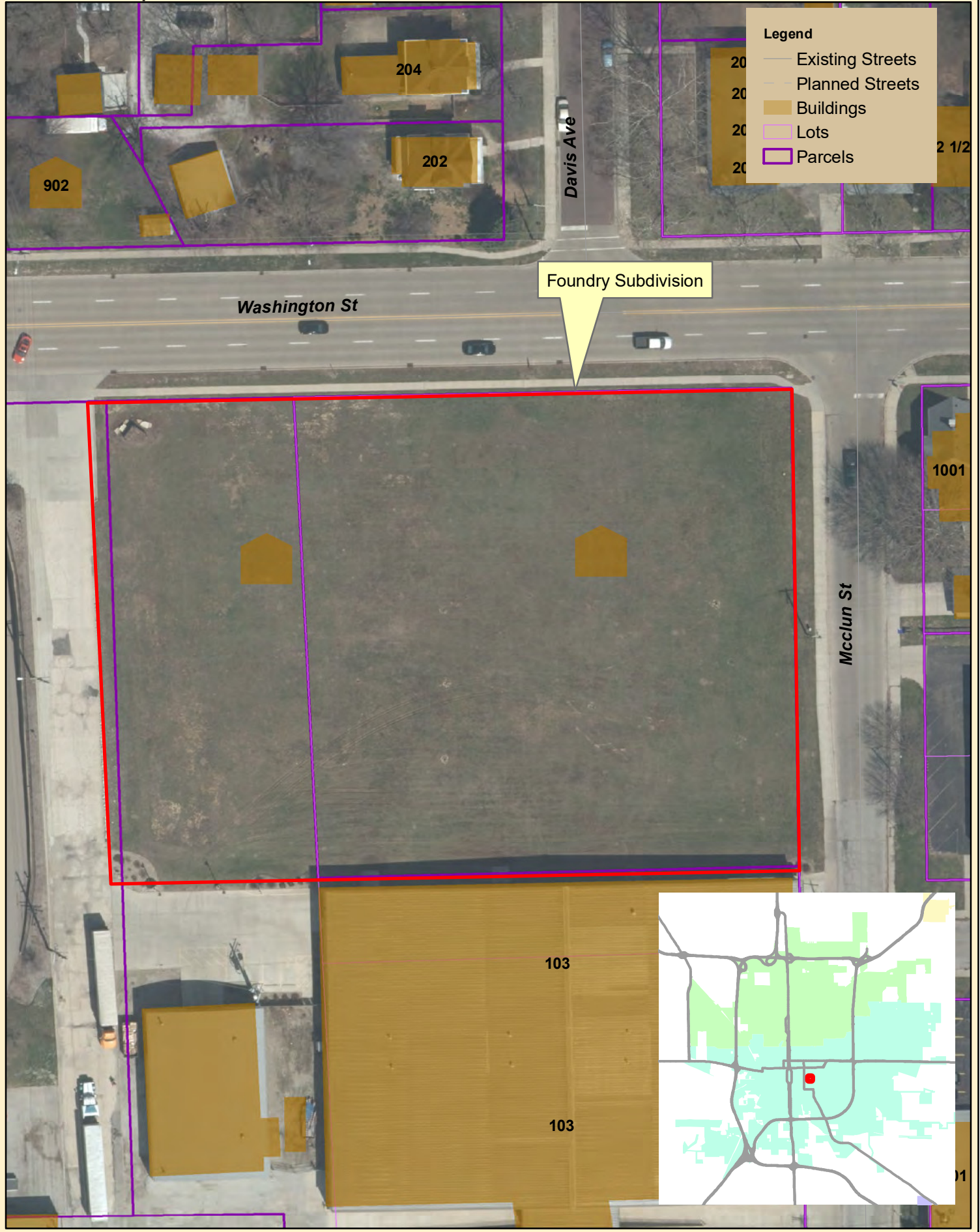
OWNER:

BY: Accey S. Gland
MEMBER



FOUNDRY SUBDIVISION - FINAL PLAT CHECKLIST

Date Prepared: 03/14/2016		Initial
Shown on Final Plat:		
Easements shown for all public improvements		N/A
City Engineer's Signature Block		TJM
Clerk's Signature Block		TJM
Areas or facilities to be dedicated to the public		N/A
Railroad Right of Ways		N/A
Subdivision Boundaries		TJM
References to nearest street lines, Township, Sections lines, or monuments.		TJM
Name of Subdivision		TJM
Legal Description		TJM
Existing Parcel Id Number (PIN)		TJM
Surveyor's statement regarding any Special Flood Hazard Areas.		TJM
Total Acreage		TJM
Street Names		TJM
Proposed Lot numbers (consecutively numbered)		TJM
Front Yard Setbacks		TJM
The following shall be provided:		
School District Certificate		TJM
County Clerk's Certificate		TJM
Owner's Certificate		TJM
Drainage Statement		TJM
Owner's Petition		TJM
Ordinance		TJM
Utility Company Signoffs		N/A
Digital PDF Submittal provided to Public Works		
Digital CAD format submittal provided to Public Works		
2 Mylar Copies		
12 Paper Copies		
The following requirements shall be met:		
Final plat retains the design characteristics of a valid Preliminary Plan that has not expired		N/A
Retains the design characteristics of approved public improvement engineering plans and specifications.		N/A
Final Plat is signed by IL licensed surveyor		TJM
Plans for all public improvements approved by Public Works		N/A



MEMORANDUM

July 11, 2016

TO: Cherry Lawson, City Clerk
FROM: Anthony Meizelis, Civil Engineer I
RE: Foundry Subdivision
Performance Guarantees and Tap-On Fees

The following are the Performance Guarantee and Tap On fees required from the developer before releasing for recording: **Foundry Subdivision** approved by City Council on July 25, 2016.

A. Performance Guarantee:

No additional public improvements are proposed for this Subdivision. Therefore, no performance guarantee is required.

B: Tap-On Fees:

The following tap on fees are due for **Foundry Subdivision**:

None.

C: Guarantee Substandard Street Improvement (10 years Bond):

This subdivision is not adjacent to a street previously improved with public funds. Therefore, a Substandard Street Improvement fee is not required.

cc: Jim Karch, Director of Public Works
Kevin Kothe, City Engineer
Patti-Lynn Silva, Finance Dept.
Jeff Jurgens, Legal Dept.
File



REGULAR AGENDA ITEM NO. 8D

FOR COUNCIL: August 8, 2016

SUBJECT: Consideration of approving an Ordinance Removing the Liquor Commission from the List of Enumerated Boards and Commissions of the City of Bloomington, Clarifying the Roll of Liquor Commissioner and Providing for Appointment of a Deputy Liquor Commissioner

RECOMMENDATION/MOTION: That the Ordinance be adopted, and authorize the Mayor and City Clerk to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 5. Great Place – Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE: Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Liquor Control Act of 1934 (“Act”), 235 ILCS 5/4-2, provides that for each municipality, the City’s Mayor shall be the local liquor control commissioner. The local liquor commissioner has the power to grant, suspend or revoke liquor licenses, and to investigate complaints of liquor license violations. In addition, Section 4-2 of the Act and local ordinance allow the Mayor to appoint other persons to assist him. The Bloomington ordinance currently provides, “the local Liquor Commissioner may appoint one or more persons to the Bloomington Liquor Commission to assist him and such person(s) shall have any and all of the authority the Commissioner has in the exercise of the powers and the performance of the duties provided for the local Liquor Control Commissioner.”

Recently, there has been confusion regarding the authority of the local Liquor Commissioner and the Liquor Commission. The proposed ordinance clarifies that the Mayor, as the local Liquor Commissioner, and the City Council have primary authority in local liquor control matters. It further provides that the Mayor has the power to appoint a Deputy Commissioner to assist him in his duties and to serve as Commissioner in times of absence, temporary disability or illness. Several other Central Illinois communities, such as Champaign and Peoria, have Deputy Liquor Commissioners.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

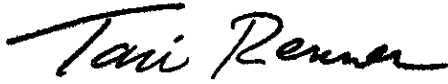
Prepared by: George D. Boyle, Assistant Corporation Counsel

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by:

Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tari Renner
Mayor

Attachments:

- Ordinance

Motion: That the Ordinance be adopted, and authorize the Mayor and City Clerk to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Buragas				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower							
				Mayor Renner			

ORDINANCE 2016-

AN ORDINANCE REMOVING THE LIQUOR COMMISSION FROM THE LIST OF ENUMERATED BOARDS AND COMMISSIONS OF THE CITY OF BLOOMINGTON, CLARIFYING THE ROLL OF LIQUOR COMMISSIONER AND PROVIDING FOR APPOINTMENT OF A DEPUTY LIQUOR COMMISSIONER

WHEREAS, the Liquor Control Act of 1934 (“Act”), 235 ILCS 5/4-2, provides that the Mayor is the local Liquor Control Commissioner of the City and is charged with the administration of the appropriate provisions of the Act and local ordinances, including the power to grant, suspend or revoke liquor licenses, to investigate complaints pertaining to liquor licenses and to conduct public hearings related to his duties as required by law; and

WHEREAS, the Act specifically provides the Mayor may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties provided within the Act to the Mayor; and

WHEREAS, historically, the City utilized a Local Liquor Control Commission, with commissioners to be appointed by the Mayor, to assist the Mayor with the performance of his duties; and

WHEREAS, notwithstanding the utilization of the Commission, the City Code does not require the Mayor appoint any other commissioners and any so appointed commissioners essentially share the same powers and duties as the Mayor; and

WHEREAS, to avoid confusion on the ability of those serving on the Liquor Commission to “assist” the Mayor in the performance of his role as Liquor Commissioner, it is in the best interests of the City to amend the Liquor Code to designate a sole “deputy commissioner” as set forth in the Act; and

WHEREAS, the extensive duties of the Liquor Commissioner are such that it is in the best interests of the citizens of the City of Bloomington that the Mayor have the ability to name a Deputy Liquor Commissioner to assist him with said duties; and

WHEREAS, in case of the temporary absence, temporary disability or illness of the Mayor both liquor license holders and the community at large would benefit from there being a person designated to act as Liquor Commissioner.

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

SECTION 1. That Bloomington City Code Chapter 2, Section 30 shall be hereby amended by deleting the phrase “Liquor Commission” from said Section, which lists the boards and commissions of the City of Bloomington.

SECTION 2. That Bloomington City Code Chapter 6, Sections 3, 4A, 4B, 4E, 4F, 14, 20, 25, 26, 29, 37 and 38A shall be hereby amended to read as follows: (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 3 NUMBER OF LICENSES LIMITED - APPLICATIONS.

Applications for creation of such licenses shall be made to the Mayor upon forms prepared and furnished by the City Clerk. Each application shall be signed and verified by the oath or affirmation of the applicant, if an individual. If the applicant is a partnership, all parties shall sign and verify the application. In case the application is a corporation or club, all officers must sign and verify the application and indicate their official position. The information recited in the application form must be verified as to each person signing the application. Such application shall be submitted and filed with the City Clerk's Office after payment to the City on an application fee of \$400.00, except that there shall be no fee for applications for ~~an~~ LA, LB, SA, SB or W licenses. Each application shall contain the following information and statements: (Ordinance No. 2013-61)

- (a) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit or club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person;
- (b) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization;
- (c) The character of business of the applicant, and in case of a corporation, the objects for which it was formed;
- (d) The length of time that said applicant has been in business of that character or in the case of a corporation, the date on which its charter was issued;
- (e) The amount of goods, wares and merchandise on hand at the time the application is made;
- (f) The location and description of the premises and place of business which is to be operated under such license; and whether or not the proposed location is within 100 feet of any church, hospital, home for aged, or indigent persons, or for war veterans, their wives or children;
- (g) A statement whether applicant has made similar application for a similar license on premises other than described in this application and the disposition of such application;

- (h) Whether food for human consumption is to be sold in such place of business if application is allowed;
- (i) Whether the applicant is the owner of the premises for which a license is sought and if he is not, the name of the landlord and the terms of the lease;
- (j) Whether or not the applicant has ever been convicted of being the owner or an inmate of a house of ill fame or pandering or any other crime or misdemeanor opposed to decency and morality;
- (k) A statement that he is not at the time of making the application connected with a ~~the~~ house of ill fame;
- (l) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State, or the Ordinances of this City, other than minor traffic violations;
- (m) Whether a previous license by any state or subdivision thereof or by federal government has been revoked and reasons therefor;
- (n) A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States or any Ordinance of the City in the conduct of his place of business;
- (o) A statement that the applicant will testify under oath to all competent, relevant, and material questions propounded to him in any hearing conducted by the local liquor commissioner, either before or after the issuance of a license to him and that his failure to so testify shall be sufficient reason for the refusal to issue any such license to him or for the suspension or revocation of any license which has been issued to him;
- (p) Responses to all questions asked of applicant on forms sent by the City to the applicant. (Ordinance No. 1998-87)

SEC. 4A NOTICE AND HEARING ON APPLICATION FOR CREATION OF LICENSE; INSPECTION OF PREMISES.

(a) Notice. Upon the filing of an application for creation of a license, the Liquor Commissioner shall fix a time and place for a hearing thereon ~~before the Liquor Commission~~. Notice of the hearing shall be given not less than seven (7) days prior to the hearing:

- (1) by publication in a newspaper published in the City, and

- (2) by delivery of a copy of the notice to the properties or by mail to occupants of the properties which abut the property for which a license is sought if a license issued pursuant to this Code has been in effect for said premises within six (6) months of the date of the scheduled hearing or if the application is for the creation of an LA or LB license regardless of whether a license has been in effect for said premises within six (6) months of the scheduled hearing, unless a 500' notice is requested or required as hereinafter provided.

At the request of ~~any~~ the Liquor Commissioner or member of the City Council or when an application is received:

- (1) for the first liquor license at a particular location, or
- (2) if a liquor establishment has been nonfunctioning at a location for more than six (6) months prior to the date of the hearing,

such notice shall be given by delivery of a copy of the notice to the properties or by mail to the occupants of the properties which are within 500' feet of the proposed premises. Defects in the giving of such notices provided for in this subsection shall not be grounds for challenge to any decision to issue or not to issue a liquor license absent a showing of substantial prejudice stemming from such defect. (Ordinance No. 1992-102)

(b) The City Clerk, upon receipt of an application for creation of a liquor license, shall send notice of such application to the Building Safety Department, Fire and Police Departments of the City, and McLean County Health Department. The Building Safety, Fire and Health Departments shall inspect the premises sought to be licensed and report their findings to the Liquor Commissioner; the Police Department shall investigate the background including criminal history information of persons interested in the application and report its findings to the Liquor Commissioner. (Ordinance No. 1992-102)

(c) Hearing and Evidence. The Liquor Commissioner shall receive any and may require such evidence as he ~~it~~ may deem necessary to make findings based upon the standard and factual criteria outlined in Section 4B of this Chapter. (Ordinance No. 1992-102)

(d) Report to Council. After conducting a hearing on an application for creation of a new license at which all interested persons have had an opportunity to speak, the Liquor Commissioner shall report his ~~its~~ findings to the City Council along with a recommendation. The report shall relate ~~its~~ findings of fact to the factual criteria listed in Section 4B of this Chapter. (Ordinance No. 1992-102)

(e) The Liquor Commissioner shall not be required to conduct a hearing on applications for catering licenses (Class W) or secondary premises licenses (Class SA and SB). The Liquor Commissioner ~~Mayor, on behalf of the Commission, or two (2) members of the Liquor Commission, in the Mayor's absence,~~ may issue an SA or SB license upon receipt of an

application therefor and proof of adequate dram shop insurance. The City Clerk may issue catering licenses as provided in Section 8 of this Code. (Ordinance No. 1992-102)

SEC. 4B CREATION OF NEW LICENSE - FINDINGS.

(a) Standard for Creation. The City Council shall not create a new liquor license unless it has previously found that the creation of such license is necessary for the public convenience of residents of Bloomington and is in the best interest of the City of Bloomington. (Ordinance No. 1981-18)

(b) Factual Criteria. In deciding whether creation of a new license is necessary, the City Council shall consider:

- (1) The class of liquor license applied for;
- (2) Whether most of the establishment's anticipated gross revenue will be from sale of alcohol or other resources;
- (3) The character and nature of the proposed establishment;
- (4) The general design, layout and contents of the proposed establishment;
- (5) The location of the proposed establishment and the probable impact of a liquor establishment at that location upon the surrounding neighborhood or the City as a whole giving particular consideration to; (Ordinance No. 2004-2)
 - (a) the type of license(s) requested in the application;
 - (b) the nature of the proposed establishment; (Ordinance No. 2004-2)
 - (c) the location of the building of the proposed establishment in relation to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station with particular emphasis on its entrances/exits, windows and parking facilities; (Ordinance No. 2004-2)
 - (d) the hours of operation of the proposed establishment; (Ordinance No. 2004-2)
 - (e) the effect of live entertainment and/or amplified music in the proposed establishment upon persons in the surrounding area, particularly with respect to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station; (Ordinance No. 2004-2)

- (f) signs and lights which are visible from the exterior of the proposed establishment;
 - (g) whether a Sunday license is being requested for the proposed establishment;
 - (h) the extent to which other businesses are licensed to sell alcoholic beverages at retail in the area under consideration;
 - (i) whether and what types of alcohol the applicant proposes to sell in single serving sizes for consumption off of the premises.
(Ordinance No. 2004-2)
- (6) The probable demand for the proposed liquor establishment in the City;
- (7) The financial responsibility of the applicant;
- (8) Whether the applicant, or (if the applicant is a partnership or corporation) whether any partner, officer or director of the applicant has ever held a liquor license and his or her performance as a licensee; (Ordinance No. 1977-69)
- (9) Whether the applicant intends to furnish live entertainment in the establishment, and if so, the nature of such entertainment;
- (10) Whether the applicant intends to obtain a dancing permit pursuant to Chapter 7 of Bloomington City Code;
- (11) Whether the proposed establishment poses any problem to the Bloomington Police Department or Liquor Commissioner in the enforcement of City Ordinance or State and Federal Law;
- (12) Whether a current City of Bloomington liquor license has been issued for the premises sought to be licensed in the application;
- (13) Whether the premises complies with all pertinent health and safety codes applicable within the City of Bloomington;
- (14) No license shall be created for, or maintained by, an establishment whose primary or major focus is video gaming. In determining whether an establishment's primary or major focus is video gaming, the following factors may be considered:
 - (a) The layout and design of the establishment, including such factors as:

1. the number of video gaming machines relative to the customer seating capacity of the establishment; and
 2. the square footage of space devoted to video gaming relative to the amount of space devoted to other activities;
- (b) Whether the probable revenue derived from the establishment will be primarily from video gaming;
- (c) The number of employees at the establishment and their proposed function;
- (d) Other relevant factors. (Ordinance No. 2013-13)
- (15) The recommendation of the Liquor Commissioner. (Ordinance No. 2013-13)

(c) All licenses created hereby are subject to issuance by the Mayor in his discretion as provided in 235 ILCS 5/4-4 and Section 37 of this Chapter. (Ordinance No. 2013-13)

SEC. ~~4D~~ 4E PERMITS FOR LICENSES.

(a) Issuance of Permits. Whenever an applicant is not ready to begin immediate operation, his application shall be considered as provided above. If the City Council approves his application it shall create a permit for license which shall entitle the holder thereof to a liquor license when the holder is ready to begin operations subject to the other requirements of this Chapter. (Ordinance No. 1981-18)

(b) Duration. Permits for license shall expire 180 days from the date of creation or when exchanged for a license. Permits may be renewed by the Liquor Commissioner for one period not to exceed 180 days for good cause shown. (Ordinance No. 1981-18)

(c) Effect of Creation of Permit. A permit created pursuant to this Section 4E shall entitle the holder thereof to a liquor license which shall be deemed created at the time the holder is ready to begin operations subject to the discretion of the Mayor as provided in 235 ILCS 5/4-4 ~~Ill. Rev. Stat. ch. 43, §112~~ and Section 37 of this Chapter. (Ordinance No. 1981-18)

SEC. ~~4E~~ 4F CHANGE OF LICENSE CLASSIFICATION.

(a) Applications. Any licensee may apply for a change in license classification by filing said application with the City Clerk. The fee due upon the filing of said application shall be the same as the fee required for filing an application for creation of a new liquor license set forth in Section 3 of this Chapter. The Mayor, upon receipt of an application, shall schedule a hearing thereon ~~before the Liquor Commission~~. Notice of the hearing shall be given not less than seven (7) days prior to the hearing.

1. By publication in a newspaper published in the City; and
2. By mailing notice to occupants of the properties which are located within 500 feet of the proposed premises. Defects in the giving of such notices provided for in this subsection shall not be grounds for challenge to any decision to issue or not to issue a change in license classification absent a showing of substantial prejudice stemming from such defects. The Clerk shall send notice of such application to the Department of Planning and Code Enforcement, Fire and Police Departments of the City and the McLean County Health Department. These departments shall inspect the premises sought to be reclassified and report their findings to the Liquor Commissioner. (Ordinance No. 2012-73)

(b) Hearing and Decision. The Liquor Commissioner shall receive any and may require such evidence as ~~he~~ it may deem necessary to make findings based upon the standard and factual criteria outlined in Section 4B of this Chapter. Based upon said criteria, the Commissioner shall decide whether to approve or disapprove the application. If the application is approved, it shall be forwarded to the City Council for consideration. (Ordinance No. 2012-73)

(c) The City Council shall not allow a change in license classification unless it finds that the change in classification is necessary for the public convenience of residents of the City of Bloomington and is in the best interests of the City of Bloomington. In deciding whether the change of license classification should be granted, the City Council shall consider the factors set forth in Section 4B of this Chapter and may impose such conditions upon the reclassification license as provided in Section 4C of this Chapter. No change of license may be allowed if, on the basis of said criteria, the Council determines that the change would be detrimental to the City. (Ordinance No. 2012-73)

SEC. 14 CHANGE OF LOCATION.

A liquor license shall permit the sale of alcoholic beverages and sales as defined in Section 11 ~~of this Chapter~~ only in the premises described in the application and license except that the Mayor, ~~on behalf of the Commission or two (2) members of the Commission when the Mayor is unavailable,~~ may issue a secondary premises license, Class SA or SB, which authorizes the licensee to operate temporarily at a location other than the premises at which said licensee is licensed to operate. Any licensee desiring a secondary premises license shall submit an application containing the name of the licensee, a description of the temporary location (which shall not include street right-of-way), the expected hours of operation ~~as may be requested by the Liquor Commission~~ and such other information relevant to the sale of alcohol at that location. No secondary premises license shall be issued for any premises which is not a proper one for the retail sale of alcoholic liquor under the laws of this state and the Code of the City. (Ordinance No. 1992-102)

SEC. 20 SERVING, ETC., TO PERSONS IN MOTOR VEHICLES.

(a) It shall be illegal for any licensee, his agent, or employee to serve, give or in any manner be concerned with placing any alcoholic liquor in or upon or about any motor vehicle or to sell, serve, deliver or give any alcoholic liquor to any occupant of a motor vehicle, whether such vehicle is moving or parked or is at a curb or in a public place or on premises or property used by a licensee or other private property, except in the original package and with the seal unbroken. (Ordinance No. 1992-102)

(b) All of the actions specified in the previous paragraph at drive-up windows are subject to each of the following conditions and failure to comply with each of them is a violation of this Code:

- (1) Before any such liquor transfer occurs, the evening lighting of the exterior of the sales area must make all persons in any vehicle in the transfer area clearly visible and all such lighting systems and any changes or alterations in such systems must be approved by the Liquor Commissioner before any such liquor transfer occurs, and rules and regulations to obtain such approval are available from the City Clerk; and
- (2) Liquor transfers in the original package with the seal unbroken may be made only to the driver of a vehicle and any such transfer to any passenger is illegal; and
- (3) The licensee must check the pictured driver's license of every driver before such a transfer is made to determine that the person has a driver's license and to determine the age of young persons, and no substitute ID such as a traffic ticket, another type of pictured ID such as the Illinois Identification Card, or other ID may be accepted; and
- (4) A permanent Section 24 sign must be posted in such a manner that it is clearly visible and it must be kept readily readable by all persons who are in a vehicle which is in the transfer area. (Ordinance No. 1992-102)

SEC. 25 BOND AND INSURANCE REQUIREMENTS; TERMINATION OF LICENSES.

Each person and corporation or other entity having a liquor license shall obtain and at all times maintain in effect a penal bond to the City of Bloomington in the sum of Two Thousand Dollars (\$2,000.00) from a solvent surety company licensed to do business in the State of Illinois and each such bond is subject to being approved by the Corporation Counsel. Each bond shall be filed with the City Clerk before liquor licenses to which the bond applies are distributed by the City Clerk and shall be conditioned upon the faithful observance by the licensee of all of the provisions of this Chapter and of any other provisions of the Bloomington City Code and of the laws of the State of Illinois and of the United States of America applying to the sale and possession of intoxicating liquor.

Each person and corporation or other entity that has a liquor license shall at all times have and maintain in effect dram shop liability insurance for not less than the maximum liability amount provided by law for each injury to the person (including death) or the property of any person and each such policy shall contain reasonable total maximum limits.

Each liquor licensee is required at all times to have on file with the City Clerk proof from the surety company, the insurance company or their authorized agents that the required bond and insurance are in effect at all times as required by this Section.

The failure of any person, corporation or other entity to at all times maintain in effect the bond and insurance required by this Section shall automatically terminate the license(s) issued pursuant to this Chapter to such person, corporation or other entity. Automatically terminated licenses may be reinstated by the Liquor Commissioner in his discretion upon a showing of evidence by the licensee that the required bond and insurance have been obtained and are in effect. The responsibility to maintain in effect the bond and insurance referred to herein shall be solely that of the licensee(s) and neither the City Clerk, the Liquor Commissioner, nor any other person associated with the Liquor Commission or with the City of Bloomington shall be responsible for notifying the licensee(s) of the expiration date of any bond or insurance policy or have any other responsibility with respect to maintaining in effect at all times such bond and insurance policy or assuring compliance with any aspect of this Section or any related provision thereof.

The failure of a licensee to comply with any aspect of this Section is a violation of this Chapter for which the licensee may be penalized pursuant to the provisions of this Chapter. (Ordinance No. 1992-102)

SEC. 26 NO SALE, GIFT OR DELIVERY TO OR BY A PERSON UNDER THE AGE OF 21 YEARS OR AN INCOMPETENT - ILLEGAL PURCHASE OR PROCUREMENT - ILLEGAL POSSESSION - PARENTS' RESPONSIBILITY.

(a) It is unlawful for any person including but not limited to any licensee or any associate, member, representative, agent, or employee of such licensee to sell, give, deliver or serve any alcoholic beverage to any person under the age of 21 years or to any intoxicated person or to any person known to be a spendthrift, insane, mentally ill, mentally deficient or a habitual drunkard. (Ordinance No. 1992-102)

(b) It shall be unlawful for any person under the age of 21 years to purchase, accept or procure or to attempt to purchase, accept or procure any alcoholic beverage from any liquor dealer or from any other person. (Ordinance No. 1992-102)

(c) It shall be unlawful for any person to order, purchase or to in any manner to obtain any alcoholic beverage for another person under the age of 21 years. It shall be illegal for any person to sell, give or deliver any alcoholic liquor to another person under the age of 21 years. It shall be illegal for any person to directly or indirectly have any alcoholic beverage sold, given or delivered to another person under 21 years of age or to permit the sale, gift or delivery of any alcoholic beverage to another person under 21 years of age. (Ordinance No. 1992-102)

(d) It shall be illegal for any person to have any alcoholic beverage in an open container in his/her possession on any street or highway or upon any other public property, except at the following locations:

- (1) possession of beer and wine by persons over the age of 21 is permitted at Prairie Vista Golf Course, The Den at Fox Creek Golf Course and Highland Golf Course pursuant to Chapter 31, Section 701, of the Bloomington City Code. (Ordinance No. 2013-95)
- (2) possession of all types of alcohol is permitted inside the Bloomington Center for Performing Arts and on the grounds of Festival Park outside of Bloomington Center for the Performing Arts under the following conditions: (Ordinance No. 2009-32)
 - (i) Alcohol shall only be procured from and served by an individual or entity with a Class EA or EB license or by an individual or entity with a W, T or R liquor license who has obtained a Class SA or SB license for that location. (Ordinance No. 2013-95) (Ordinance 2014-04)
 - (ii) Possession of open alcohol shall be allowed only at events that are either sponsored or organized by the City of Bloomington or by individuals or entities who have signed rental agreements with the City of Bloomington for use of the facilities that permit the individual or entity to serve alcohol. (Ordinance No. 2009-32)
 - (iii) Possession of open alcohol on the grounds of Festival Park shall only be permitted when there is perimeter fencing around the grounds and entrance to the park must be made through gates at two designated locations. Possession of open alcohol on the grounds of Festival Park shall be allowed inside the fenced area only. (Ordinance No. 2013-95)
 - (iv) Possession of open alcohol inside the Bloomington Center for Performing Arts shall be prohibited after twelve o'clock midnight whether or not alcohol was procured from the source enumerated in subsection (i). Possession of open alcohol on the grounds of Festival Park shall be prohibited after eleven o'clock p.m. (Ordinance No. 2013-95)
 - (v) All state and local liquor control laws must be obeyed. (Ordinance No. 2013-95)

(vi) All rules and regulations for the Bloomington Center for the Performing Arts and Festival Park must be obeyed. (Ordinance No. 2013-95)

(3) possession of open containers of all types of alcohol is permitted on a sidewalk designated in a sidewalk cafe permit adjacent to a licensed premise with an O license during the time allowed by the O license or as otherwise provided as a condition on the license or order of the Liquor Commissioner. (Ordinance No. 2006-6)

(4) possession of all types of alcohol is permitted inside the Coliseum located in the block bounded by Madison Street, W. Front Street, Lee Street and W. Olive under the following conditions: (Ordinance No. 2013-95)
(Ordinance No. 2014-02)

(i) Alcohol shall only be procured from and served by an individual or entity with a Class ST, EA, EB, W, T or R license authorizing the sale of alcohol in those premises; (Ordinance No. 2013-95)

(ii) Possession of open alcohol other than that procured from the sources enumerated in subsection (i) shall be prohibited; Ordinance No. 2013-95)

(iii) All state and local liquor control laws must be obeyed; (Ordinance No. 2013-95)

(iv) All rules and regulations for the Coliseum must be obeyed. (Ordinance No. 2013-95)

(e) It shall be unlawful for any person to whom the sale, gift, delivery or service of any alcoholic liquor is prohibited because of age to consume or to possess in any manner, including by consumption, any such alcoholic liquor, except as otherwise provided by law. The violation referred to in this Section which relates to the possession of alcohol after it has been consumed may be identified as the "Illegal Possession of Alcohol by Consumption" or by the number of the Chapter and Section of this Ordinance. This violation may be proven by evidence which indicates that the breath of the person charged with such offense had a smell associated generally or specifically with any alcoholic liquor and no additional evidence relating thereto shall be necessary to find the Defendant to be in violation of this Ordinance. It shall not be necessary to show that the person charged with an offense hereunder was at the time in question under the influence of any alcoholic liquor in any manner, but such evidence shall be admissible to prove a violation of this Ordinance.

The possession and dispensing or consumption by a person under the age of 21 years of an alcoholic beverage in the performance of a religious service or ceremony or the consumption of alcoholic liquor by a person under the age of 21 years under the direct supervision and direct approval of the parents or parent of such person in the privacy of a home

is not prohibited by this Ordinance, and this provision shall be considered only as a defense for which the burden of proving that it applies to and was reasonably relied upon in a particular case shall be on the person charged with an offense under this Chapter. (Ordinance No. 1992-102)

(f) It shall be unlawful for any parent or guardian to suffer or permit his or her child or ward under the age of 18 years to violate any provisions of this Chapter. (Ordinance No. 1992-102)

(g) It is illegal for the holder of a Class "MA" or "MB" license to sell or otherwise provide to any person any liquor or a key to a container that has liquor in it in a rented room on the premises if any person staying in the room is under 21 years of age except when such person is the spouse or a natural, adopted or foster child of the person who is renting the room who must be 21 years of age or older. These alcoholic beverages may be provided for refreshment purposes only and license holders may not provide in any room enough alcoholic beverages which could cause the persons over 21 years of age who are renting the room to become intoxicated. If there is any doubt whether a registered guest is 21 years of age or older or whether any terms of this license may be violated, the license holder must request identification which will prove that the terms of the license are not being violated. It is illegal for a person under 21 years of age to obtain or to attempt to obtain a key to a refreshment container that has alcoholic beverages in it or to use such a key to obtain any alcoholic beverage from such a container. (Ordinance No. 1992-102)

SEC. 29 ALCOHOL EDUCATION TRAINING REQUIREMENTS.

(a) It shall be unlawful to sell, offer for sale or serve alcoholic liquor unless a minimum of 1 person employed by the licensee is present on the premises who has successfully completed a Beverage Alcohol Sellers and Servers Education Training (BASSET) course approved by the State of Illinois or another alcohol education and training course approved by the Bloomington Liquor Commissioner ~~Commission~~. Copies of certificates showing successful completion of said training shall be kept on the premises at all times and shall be made immediately available upon request by any law enforcement officer or Liquor Commissioner. For secondary and catering licenses, the premises shall be construed as the area where alcohol is being sold, poured or served.

(b) All holders of any class of liquor license within the City of Bloomington shall require the general manager of the business to successfully complete a BASSET or other alcohol education and training course approved by the Bloomington Liquor Commissioner. A copy of the certificate showing successful completion of said course shall be filed with the City Clerk's office and another copy shall be kept on the licensed premises at all times and made immediately available upon request by any law enforcement officer or Liquor Commissioner. All new general managers shall be allowed 60 days from the first date of commencement of work performed to complete the required alcohol education and training course.

(c) Any class T license holder having an establishment with a fire code occupancy of over 100 persons shall be subject to the following requirements:

- (1) At times when 8 or fewer employees are working at the establishment, there shall be a minimum of 1 employee on the premises who has completed BASSET or another alcohol education and training course approved by the Bloomington Liquor Commissioner;
- (2) At times when more than 8 but fewer than 16 employees are working at the establishment, there shall be a minimum of 2 employees on the premises who have completed BASSET or another alcohol education and training course approved by the Bloomington Liquor Commissioner.
- (3) At times when more than 16 but fewer than 24 employees are working at the establishment, there shall be a minimum of 3 employees on the premises who have completed BASSET or another alcohol education and training course approved by the Bloomington Liquor Commissioner.
- (4) At times when 24 or more employees are working at the establishment, there shall be a minimum of 4 employees on the premises who have completed a BASSET or another alcohol education and training course approved by the Bloomington Liquor Commissioner.

(d) Failure to comply with the requirements of this Section shall subject the licensee to fines, suspension or revocation of license as provided in Section 37 of this Chapter.

(e) The provisions of this Section shall become effective July 1, 2013.
(Ordinance No. 2013-22)

SEC. 37 SAME - POWERS AND DUTIES GENERALLY.

The local Liquor Control Commissioner shall have the following powers and duties:

(a) Recommend the Granting, Fining, Suspending or Revoking. To recommend to the City Council the creating and granting of licenses and to fine licensees and/or to suspend or revoke for cause all licenses created under this Chapter for premises within the local Liquor Control Commissioner's jurisdiction. (Ordinance No. 1992-102)

(b) Right of Entry. To enter any time into any premises licensed hereunder to determine whether any of the provisions of the Illinois Liquor Control Act or of this Code or any other laws or of any rules and/or regulations adopted by the Commissioner or by the State Commission have been or are being followed or violated by any person. ~~This authorization provision also applies to law enforcement officers and any member of the Liquor Commission.~~

It shall be the responsibility and duty of any license holder and of any employee, agent or other representative of a license holder to enable and permit the Liquor Commissioner, and any designee of the Liquor Commissioner ~~any member of the Liquor Commission~~ and any

law enforcement officer to enter a licensed establishment at any time before or after the closing time and the failure to do so shall be a violation of this Code. (Ordinance No. 1992-102)

(c) Exercise Powers, Etc. Granted Under State Law, Etc. To exercise all the powers, functions and duties which now or hereafter may be granted to him by the Illinois Liquor Control Act regulations of the Illinois State Liquor Control Commission, or by this Chapter. (Ordinance No. 1992-102)

(d) ~~Deputy Liquor Commissioner-Liquor Commission.~~ The local Liquor Commissioner may appoint a Deputy Liquor Commissioner ~~one or more persons to the Bloomington Liquor Commission~~ to assist him in the exercise of the powers and the performance of the duties. and such person(s) shall have any and all of the authority the Commissioner has in the exercise of the powers and the performance of the duties provided for the local Liquor Control Commissioner. The Deputy Liquor Commissioner shall also have the power to act as Liquor Commissioner in the case of the Liquor Commissioner's temporary absence from the City, temporary disability or illness. No Deputy Liquor Commissioner shall have an ownership or beneficial interest in any licensed liquor establishment. Appointment as a Deputy Liquor Commissioner shall not preclude the appointee from serving on another board or commission of the City of Bloomington. No compensation shall be paid to the Deputy Liquor Commissioner. (Ordinance No. 1982-102)

(e) Fine and/or Suspension or Revocation of License. To fine any licensee and/or to suspend or revoke any license(s) issued under this Chapter for any of the following reasons:

- (1) That the licensee has violated any of the laws of the United States relating to the sale of alcoholic liquor or any of the provisions of the Illinois Liquor Control Act, of this Chapter, or any applicable rules and regulations adopted by the local Liquor Control Commissioner or by the State Commission.
- (2) The willful making of any false statement as to a material fact in the application for such license or in any change of ownership application or request or affidavit for the renewal of any license. Making a false statement shall include not making a complete statement of all relevant facts which relate to the situation.
- (3) The permitting of any violation of state law or Bloomington City Code by any person upon the licensed premises.
- (4) Failure to use and maintain the licensed premises in compliance with all codes and regulations pertaining to health and safety applicable within the City of Bloomington, including but not limited to Building, Plumbing, Electrical and Fire Codes, Zoning Ordinances, McLean County Health Ordinances, and all regulations and orders of the McLean County Health Department.

- (5) The refusal of any licensee to testify under oath to all relevant and material questions propounded to him at any hearing conducted by the local Liquor Control Commissioner.
- (6) Suspension or revocation of the license of the licensee by the State Commission.
- (7) Payment by the licensee of the special federal tax imposed under Section 4411 (Wagering) or Section 4461 (Coin Operated Gaming Devices) of the Internal Revenue Code of 1954, as amended.
- (8) Maintaining or operating a dram shop on any premises registered as a place of business where activities are carried on which make the person or persons carrying on such activities subject to the special federal tax on wagering. (Section 4411 of said Internal Revenue Code).
- (9) Having on the premises where the licensee carries on his business any coin operated gaming device subject to the special federal tax imposed under Section 4461 of said Internal Revenue Code, whether or not said tax is paid.
- (10) Permitting any gambling device or equipment to be located on the licensed premises, except for devices and equipment licensed and operated in accordance with the Video Gaming Act, 230 ILCS 440/1, et. seq. (Ordinance No. 2012-50)
- (11) Failure to adhere to any changes or requirements imposed as a condition of being issued by the City Council pursuant to Section 4C ~~or by the Liquor Commissioner pursuant to Section 4D of this Chapter.~~ (Ordinance No. 1992-102)

(f) Conditions on License. The Liquor Commissioner may require changes in the licensee's operations in addition to or in lieu of assessing a fine and/or suspending a license for any of the reasons stated in Section 37(e). Such changes may include, but are not limited to (1) restricting the hours of sale; (2) adding exterior lighting; (3) erecting fencing; (4) patrolling the premises; (5) restricting the sale of single serving sizes of all types or a particular type of alcohol for consumption off of the premises; (6) requiring employee training; (7) establishing a minimum number of employees; (8) limiting the number and/or location of signs. (Ordinance No. 2004-2)

(g) Fines. Each fine imposed hereunder may not be less than \$250.00 nor more than \$3,500.00. A separate fine may be imposed for each violation and each day that the activity of a violation occurs or continues shall be a separate violation for which a separate fine may be assessed.

Fines shall be payable in the manner indicated in any Order which results from a hearing or as the Liquor Commissioner may otherwise specify in writing and the failure to pay any part of a fine as so indicated or specified may result in the license being similarly suspended or revoked by the Liquor Commissioner. The licensee may request a hearing on such action but pending a hearing and a decision thereon by the Liquor Commissioner, the license shall remain suspended or revoked. It shall be the duty of each licensee who makes a fine payment as indicated or specified to request a hearing at the earliest possible time to explain the situation and request that license(s) not be suspended or revoked as provided for herein or for any other reason. Any fine may be collected in court. (Ordinance No. 2004-2)

(h) Examination of Applicants, Licensees and Records. To examine or cause to be examined under oath any applicant or any representative of an applicant for a local license or for a renewal thereof or any licensee (see (g)) and to hear testimony and take proof of any witness or person having information about the issues being considered and to consider any other relevant evidence and for such purposes to issue subpoenas which shall be effective in any part of the State.

Each licensee involved in a hearing for a possible violation of this Code or other law(s) shall provide to the Liquor Commissioner at his request a copy of the income statement and/or any other requested financial statement of the involved establishment for a reasonable period of the past of not less than one year and the failure to do so shall be a violation of this Code. This provision is not intended to be a limitation of the authority of the Liquor Commissioner under the Illinois Liquor Control Act, Chapter 43, Illinois Revised Statutes (See Ch. 43, Sec. 126a). (Ordinance No. 1982-90)

(i) Investigation of Complaints, Etc. To receive the complaint of any resident of the City and to investigate upon such complaint or to investigate upon his own initiative any alleged action of any law of the United States relating to the sale of alcoholic liquor or any of the provisions of the Illinois Liquor Control Act or of this Code, or any applicable rules and regulations adopted by the local Liquor Control Commissioner or by the State Commission. (Ordinance No. 1992-102)

(j) Rules and Regulations. To make, promulgate, alter, amend, repeal, and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this Chapter as may be deemed by him to be desirable. (Ordinance No. 1992-102)

(k) Ordering the License Classification of any establishment to be changed upon application as provided in Section ~~4E~~ 4F of this Chapter or upon his own initiative if he finds, after hearing evidence, that an establishment fails to qualify for the license it holds. (Ordinance No. 1992-102)

SEC. 38A RECORD OF HEARINGS - COSTS.

A certified court reporter shall at the public hearing take the complete record of all evidence, testimony and comments and, upon notification by the Commissioner, shall prepare a certified official record of the proceedings suitable for filing with the State Liquor Control

Commission and that all reviews of the proceedings ~~before the Commissioner of the Commission~~ be on the record. The cost of taking the certified official record of the proceedings shall be shared equally between the ~~City Commission~~ and the licensee, with payment of the licensee's share to be made to the City of Bloomington at or before the time the Order of the Commissioner becomes effective. (Ordinance No. 2010-29)

Each licensee who is appealing an Order which results from a hearing shall pay one-half ($\frac{1}{2}$), or an equal amount with the City and multiple appealing respondents, of any certified court or certified shorthand reporter's fee for the original transcription of the hearing record for the appeal. Each licensee shall make this payment to the City within seven (7) days after the transcribed record is sent to the appellate commission or court as part of the appeal. If any additional transcripts are requested from the reporter or obtained by the Liquor Commissioner, any party to the hearing or any other person(s), each shall pay the reporter's fee for each transcript or copy of the record which is requested or otherwise obtained.

If a City employee transcribes the record of a hearing from a tape recording of the hearing or otherwise, the fee therefor shall be computed at the same rate as the prevailing rate for the transcription of records by a certified court or certified shorthand reporter and shall be paid in the same proportionate amount and manner as indicated herein for such transcripts. The computation of the amount and the payment of these fees shall not be affected by problems associated with the recording system other than as the number of pages may be reduced as a result thereof. (Ordinance No. 1992-102)

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 she 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 immediately upon passage and approval.

PASSED this ____ day of _____, 2016.

APPROVED this ____ day of _____, 2016.

APPROVED:

TARI RENNER
Mayor

ATTEST:

CHERRY L. LAWSON
City Clerk