



**CITY OF
BLOOMINGTON
COUNCIL MEETING
JUNE 28, 2021**



COMPONENTS OF THE COUNCIL AGENDA

RECOGNITION AND PROCLAMATION

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

PUBLIC COMMENT

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

CONSENT AGENDA

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

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

PUBLIC HEARING

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

REGULAR AGENDA

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

MAYOR AND COUNCIL MEMBERS

Mayor - Mboka Mwilambwe

City Council Members

Ward 1 - Jamie Mathy
Ward 2 - Donna Boelen
Ward 3 - Sheila Montney
Ward 4 - Julie Emig
Ward 5 - Nick Becker
Ward 6 - Jenn Carrillo
Ward 7 - Mollie Ward
Ward 8 - Jeff Crabill
Ward 9 - Tom Crumpler

City Manager - Tim Gleason

Deputy City Manager - Billy Tyus

CITY LOGO DESIGN RATIONALE

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

MISSION, VISION, AND VALUE STATEMENT

MISSION

To Lead, Serve and Uplift the
City of Bloomington

VISION

A Jewel of the Midwest Cities

VALUES

Service-Centered,
Results-Driven,
Inclusive

STRATEGIC PLAN GOALS

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

AGENDA



REGULAR SESSION CITY COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
109 EAST OLIVE STREET, BLOOMINGTON, IL 61701
MONDAY, JUNE 28, 2021, 6:00 P.M.

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

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

Members of the public may also attend the meeting at City Hall. Attendance will be limited to 10 people including staff and Board/Commission Members and will require compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees are encouraged to attend remotely.

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

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Remain Standing for a Moment of Silent Prayer
4. Roll Call
5. COVID-19 Update by City Manager
6. Recognition/Appointments
 - A. Recognition of Appointments to Various Boards & Commissions, as requested by the Administration Department. (*Recommended Motion: None; recognition only.*)
7. Public Comment

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

Clerk-led Roll Call Vote

- A. Consideration and action to approve the Minutes of the May 24, 2021 Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*
- B. Consideration and action to approve Bills and Payroll in the amount of \$10,762,344.71, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*
- C. Consideration and action to approve an Appointment to Boards & Commissions, as requested by the Administration Department. *(Recommended Motion: The proposed Appointment be approved.)*
- D. Consideration and action to approve the Purchase of one (1) Komatsu WA200-8 Wheel Loader from Roland Machinery of Peoria, Illinois, using the Sourcewell Contract (# 032119-KOM, exp 5/13/23), in the amount of \$176,707, and Trade-in a 2007 Komatsu WA200PT-5, as requested by the Public Works Department. *(Recommended Motion: The proposed Purchase and Trade-in be approved.)*
- E. Consideration and action to approve an Intergovernmental Master Agreement with the Illinois Department of Transportation for the period beginning July 1, 2021, and ending June 30, 2031, for Maintenance of Traffic Control Devices, as requested by the Public Works Department. *(Recommended Motion: The proposed Agreement be approved.)*
- F. Consideration and action on a Resolution to Commit to Financial Support and Administration of Funds to Construct the Hamilton Road East-West Connection Project with a 2021 RAISE Transportation Discretionary Grant, as requested by the Public Works Department. *(Recommended Motion: The proposed Resolution be approved.)*
- G. Consideration and action on a Resolution Authorizing the Filing of the 2021 Annual Action Plan Program Application to the US Department of Housing and Urban Development (MAY 1, 2021 - APRIL 30, 2022), as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Resolution be approved.)*
- H. Consideration and action on an Ordinance Approving a Special Use Permit for Chicken-keeping in the R-1B (Single Family Residence) District, for the Property Located at 810 Snyder Drive, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*
- I. Consideration and action on an Ordinance Approving a Special Use Permit for Vehicle Sales in the M-1 (Restricted Manufacturing) District, for the Property Located at 1321 N. Mason Street, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*
- J. Consideration and action on an Ordinance Approving a Special Use Permit for Vehicle Repair in the B-1 (General Commercial) District, for the Property Located at 1025 Wylie Drive, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

- K. Consideration and action on an Ordinance Amending the Liquor Code to Provide for and Regulate Service and Consumption of Alcohol at Special Events on Streets, Sidewalks, or Upon Any Other Public Property, as requested by the City Clerk Department. *(Recommended Motion: The proposed Ordinance be approved.)*
- L. Consideration and action to approve a Lake Bloomington Lot Transfer and Supplemental Agreement for Lot 7 in Block 29 in Camp Potawatomie, from the Benedict Estate, to the petitioner, Anne Bliss, as requested by the Public Works Department. *(Recommended Motion: The proposed Lot Transfer and Supplemental Agreement be approved.)*

9. Regular Agenda

Clerk-led Roll Call Vote

- A. Consideration and action on: (1) an Ordinance Repealing Ordinance 2020-18, an Ordinance Declaring a Local Emergency Due to the COVID-19 Virus & Enacting Various Emergency Measures; and (2) an Ordinance Amending Various Chapters of the City Code Regarding Administration, Remote Meetings, Solicitation, Outdoor Dining, Utility Shut Offs and Liquor, as requested by the Legal Department. *(Recommended Motion: That: (1) the Ordinance repealing Ordinance 2020-18 be approved; and (2) the Ordinance amending various chapters of the City Code be approved.) (Presentation by Tim Gleason, City Manager; Jeff Jurgens, Corporation Counsel, 10 minutes; and City Council discussion, 20 minutes.)*

10. Finance Director's Report

<https://www.cityblm.org/government/advanced-components/documents/-folder-145>

11. City Manager's Discussion

12. Mayor's Discussion

13. Council Member's Discussion

14. Executive Session - Cite Section

Clerk-led Roll Call Vote

- A. Claim Settlement - Section 2 (c)(12) of 5 ILCS 120 (15 minutes)

15. Return to Open Session and Adjourn

Clerk-led Roll Call Vote

RECOGNITIONS



RECOGNITION/APPOINTMENTS ITEM NO. 6.A

FOR COUNCIL: June 28, 2021

SPONSOR: Administration Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Recognition of Appointments to Various Boards & Commissions, as requested by the Administration Department.

RECOMMENDED MOTION:

None; recognition only.

STRATEGIC PLAN LINK:

-Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

-Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The included Appointments are representative of City Council's approval from the May 24, 2021 and June 14, 2021 meetings.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Amy Overton, Executive Assistant

Reviewed by:

A handwritten signature in black ink, appearing to read 'B. Myers'.

Billy Myers, Deputy City Manager

6/24/2021

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

Tara Henry, Legislative Assistant

6/24/2021

Recommended by:

A handwritten signature in black ink, appearing to read 'Tim Gleason'.

Tim Gleason, City Manager

Attachments:

- ADM 2B Recognition of Various Appointments from 0524 and 0614 Council



Appointments

John M. Scott Health Care Commission:

Catherine Crockett

Elaine Hardy

Adam Houghton

Karen Schmidt

Brad Secord

Kyana Wilkinson



Appointment

Joni Painter: Citizens' Beautification Committee



Re-Appointment

Jennifer Brown: Technology Commission

Robert Davis: Technology Commission



Re-Appointment

Rickielee Benecke: Transportation Commission

CONSENT AGENDA



CONSENT AGENDA ITEM NO. 8.A

FOR COUNCIL: June 28, 2021

SPONSOR: City Clerk Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Minutes of the May 24, 2021 Regular City Council Meeting, as requested by the City Clerk Department.

RECOMMENDED MOTION:

The proposed Minutes be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

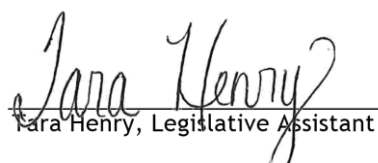
Respectfully submitted for Council consideration.

Prepared by: Amanda Mohan, Deputy Clerk

Reviewed by:


Leslie Yocum, City Clerk

6/24/2021


Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- CLK 1B DRAFT City Council Regular Meeting Minutes 05-24-2021



MINUTES
REGULAR SESSION CITY COUNCIL MEETING
MONDAY, MAY 24, 2021, 6:00 P.M.

This meeting was conducted under Governor Pritzker's Executive Order 2020-07 §6, which was reissued and extended by Executive Order 2021-05. The Order, implemented in response to COVID-19, suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The City Council convened in regular session virtually via Zoom conferencing with the City Manager, Tim Gleason, and City Clerk, Leslie Yocum, in-person in City Hall's Council Chambers at 6:00 p.m., Monday, May 24, 2021. The meeting was called to order by Mayor Mboka Mwilambwe.

Roll Call

Attendee Name	Title	Status	Arrived
Mboka Mwilambwe	Mayor	Remote	
Jamie Mathy	Council Member, Ward 1	Remote	
Donna Boelen	Council Member, Ward 2	Remote	
Sheila Montney	Council Member, Ward 3	Remote	
Julie Emig	Council Member, Ward 4	Remote	
Nick Becker	Council Member, Ward 5	Remote	
Jennifer Jazmin Carrillo	Council Member, Ward 6	Absent	
Mollie Ward	Council Member, Ward 7	Remote	
Jeff Crabill	Council Member, Ward 8	Remote	
Tom Crumpler	Council Member, Ward 9	Remote	

COVID-19 Update by City Manager

City Manager Gleason updated Council on City operational changes made in response to recent rulings by the CDC (Center for Disease Control) highlighting that vaccinated residents or staff were no longer required to wear face masks in City buildings with the exception that masks were still required inside buildings at the Miller Park Zoo. He also discussed that City departments would move to 60% capacity limits for non-vaccinated staff working in-office and noted that the vaccination clinic located at Grossinger Motors Arena remained open.

Recognition/Appointments

No recognitions or appointments were made.

Public Comment

No public comment was received.

Consent Agenda

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

Council Member Mathy made a motion, seconded by Council Member Becker, that the Consent Agenda, including all items listed below, be approved as presented with the exception of Item 8.M.

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

AYES: Mathy, Boelen, Montney, Emig, Becker, Ward, Crabill, Crumpler

AWAY: Carrillo

Motion carried.

Item 8.A. Consideration and action to approve the Minutes of the April 19, 2021 Special City Council Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 8.B. Consideration and action to approve the Minutes of the April 26, 2021 Regular City Council Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 8.C. Consideration and action to approve Bills and Payroll in the amount of \$10,435,839.35, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 8.D. Consideration and action to approve Appointments and Reappointment to the John M. Scott Commission, as requested by the Administration Department. (Recommended Motion: The proposed Appointments and Reappointment be approved.)

Item 8.E. Consideration and action to approve Updates to the John M. Scott Health Care Commission's By-Laws, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Bylaw Revisions and Updates be approved.)

Item 8.F. Consideration and action to approve the Purchase of Neptune Water Meters and related accessories from Ferguson Enterprises, as a limited source, for the FY 2022 Water Meter Installation Program, in the amount not to exceed \$1,000,000, as requested by the Public Works Department. (Recommended Motion: The proposed Purchase be approved.)

Item 8.G. Consideration and action to approve the Annual Maintenance and Support Payment in the amount of \$134,621.56 with Tyler Technologies, as a limited source, for the computer-aided dispatch solution used by the Police and Fire Departments, as requested by the Information Technology Department and the Police Department. (Recommended Motion: The proposed Payment be approved.)

Item 8.H. Consideration and action to approve the 2021 Supportive Housing Program/Continuum of Care Grant Agreements (IL0283L5T122012, IL0289L5T122013, IL0288L5T122013), in the amount of \$260,963 with the US Department of Housing and Urban Development, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Agreements be approved.)

Item 8.I. Consideration and action to approve a three-year Agreement for the Annual Maintenance and Support Payment in the amount of \$69,237.50 with Active Network, for the Recreation, Registration and Payment Management Solution used by the Parks and Recreation Department, as requested by the Information Technology Department and the

Parks, Recreation and Cultural Arts Department. (Recommended Motion: The proposed Agreement be approved.)

Item 8.J. Consideration and action to approve a three (3) year Intergovernmental Agreement between the Town of Normal, the County of McLean, the McLean County Soil and Water Conservation District, and the City of Bloomington regarding the Funding of a Soil Conservationist through the McLean County Soil and Water Conservation District, in the amount of \$70,000 for year one (1) of the agreement and \$90,000 for years two (2) and three (3) of the agreement, as requested by the Public Works Department. (Recommended Motion: The proposed Intergovernmental Agreement be approved.)

Item 8.K. Consideration and action on a Resolution to Approve Additional Expenditures for Veterinary Services and Amend the Agreement Between the City of Bloomington and The Board of Trustees of the University of Illinois for Veterinary Services, as requested by the Parks, Recreation and Cultural Arts Department. (Recommended Motion: The proposed Resolution and Amendment be approved.)

Item 8.L. Consideration and action on an Ordinance Approving a First Amendment to the Memorandum of Understanding II Between the City of Bloomington and Illinois Wesleyan University to Support the Marketing and Redevelopment of the Properties in the 800 Block of North Main Street and Authorizing Execution of the Related Listing Agreement Extension, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.M. was pulled from the Consent Agenda by Council Member Mathy.

Item 8.N. Consideration and action on an Ordinance Approving a Zoning Map Amendment from B-2, Local Commercial District, to M-2, General Manufacturing District, for the Property Located at 1300 W. Washington Street, 1.23 Acres More or Less, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.O. Consideration and action on an Ordinance Approving a Special Use Permit for Chicken-keeping in the R-1C Single-Family Residence District, for the Property Located at 1612 W. Locust Street, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.P. Consideration and action on an Ordinance Approving a Zoning Map Amendment from B-1, General Commercial District, to M-1, Restricted Manufacturing District, for the Property Located at 2441 S. Main Street, 6.00 Acres More or Less, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.Q. Consideration and action on an Ordinance Amending Chapter 16 of the City Code to Add Provisions on the City's Entertainment Facility Contracts and Agreements, as requested by the Legal Department and the Parks, Recreation and Cultural Arts Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 8.R. Consideration and action on the Request from Miller Park Zoological Society, whose event will be held at the Miller Park Zoo, located at 1020 S. Morris Avenue, on June 11 and 12, 2021, for a Class LB (Limited/Beer and Wine) Liquor License, and further requesting an Ordinance Suspending Provisions of the City Code Prohibiting the Sale or

Possession of Alcohol in Parks at the Zoo During the Event, as requested by the City Clerk Department. (Recommended Motion: The proposed License and Ordinance be approved.)

Item 8.S. Consideration and action to approve a Lake Bloomington Lot Transfer and Supplemental Agreement for Lots 23 & 25 in Block 3 in Camp Kickapoo, from Joel K. and Constance R. Bankes, to the petitioner, Jeffrey J. and Susan E. Roloff, as requested by the Public Works Department. (Recommended Motion: The proposed Lot Transfer and Supplemental Agreement be approved.)

Items Pulled from the Consent Agenda

Item 8.M. Consideration and action on an Ordinance Approving a Lease Extension Agreement between the City of Bloomington and the United States Postal Service for the Postal Substation located at 400 N. Center Street in the Market Street Parking Garage, as requested by the Facilities Department.

City Manager Gleason noted that the item addressed a long-standing lease agreement with the USPS (United States Postal Service). He explained that the lease extension term was originally for 36 months, but that after the agenda had been posted staff recommended the lease term be shortened to 18 months. He reported that USPS was agreeable to the change and requested that Council approve the item with the amendment to the term length.

Council Member Emig made a motion, seconded by Council Member Mathy, that the amended 18-month term agreement and the amended Ordinance be approved.

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

AYES: Mathy, Boelen, Montney, Emig, Becker, Ward, Crabill, Crumpler

AWAY: Carrillo

Motion carried.

Public Hearing

Public Hearing for the 2021 Annual Action Plan, as requested by the Economic & Community Development Department.

Mayor Mwilambwe opened the public hearing at 6:10 p.m. and then opened the floor for public comment. Leslie Yocum, City Clerk, confirmed that no individuals had registered to speak, nor had any emailed public comment been received.

Jennifer Toney, Grants Coordinator, presented the City's 2021 Annual Action Plan, as required by the City's 2020-2024 Consolidated Plan. She explained that the plan included a 30-day time period to allow for public input. She then went over the Consolidated Plan goals and noted that the CDBG (Community Development Block Grant) would focus on homeless services, housing discrimination services, renter assistance, and senior services in 2021. She discussed high priority areas of focus for 2021 under the Public Facilities, Infrastructure Improvements, and Housing Improvements sections as accessibility improvements, affordable housing preservation, business support, demolition of blighted structures, homeowner housing rehabilitation, and sidewalk improvements. Mrs. Toney moved on to the grant selection process and a performance timeline for 2021. She broke down the program's revenues and their total funding amounts, highlighting various aspects of each segment.

Council Member Crabill asked for additional details on funding to serve homelessness. Mrs. Toney responded that the Recycling Furniture for Families program provided furniture and housewares for homes. Council Member Crabill questioned the housing discrimination program and involvement of Prairie State Legal Services. He asked for additional details on the number of houses to be rehabilitated and Mrs. Toney responded accordingly.

Council Member Ward asked for further details on demolitions and how they compared to previous years. Mrs. Toney reported the number of demolitions was comparable. She noted that additional funding sources could be used for approximately 6 to 7 demolitions annually. Council Member Ward asked where the demolitions were located. Mrs. Toney responded that she would provide additional details to Council.

Council Member Emig asked for additional detail on the process of awarding CDBG funds. Mrs. Toney responded that staff used grant management software that allowed them the ability to track applications from submission to grant issuance. She noted that other City departments were encouraged to apply for grant funding as well.

Mayor Mwilambwe closed the public hearing at 6:31 p.m.

Regular Agenda

The following item was presented:

Item 10.A. Consideration and action to approve an Agreement with Rowe Construction - A Division of United Contractors Midwest, for the FY 2022 General Resurfacing Program, in the amount of \$5,129,185.05, as requested by the Public Works Department.

City Manager Gleason explained that the item typically appeared on the Consent Agenda but, with so much community interest in road conditions, staff felt it was beneficial to provide a brief presentation on the Resurfacing Plan. He expressed appreciation for the funds that Council had dedicated to upgrading roads and then asked Kevin Kothe, Public Works Director, to provide additional detail on progress.

Mr. Kothe presented a map of the Fiscal Year 2022 ("FY 22") Resurfacing Plan. He mentioned the map was available on bloomingtonstreets.com. He explained that last year, the City had focused on arterial roads, whereas this year they would focus on residential roads. He continued his presentation and noted that staff would continue to present regular updates of progress throughout the year.

Council Member Montney asked the total number of City streets that were rated at a 4 or below by street rating software. Mr. Kothe responded that he would collect that information and provide it to Council. Council Member Montney and Mr. Kothe discussed data regarding repairs needed. Council Member Montney asked additional questions on street traffic and Mr. Kothe responded accordingly.

Council Member Crabill, on behalf of his Ward 8 residents, thanked staff for their work on Hershey Road.

Council Member Mathy made a motion, seconded by Council Member Ward, to extend the discussion by 10 minutes.

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

AYES: Mathy, Boelen, Montney, Emig, Becker, Carrillo, Ward, Crabill, Crumpler

Motion carried.

Council Member Mathy stressed the importance of staff taking into consideration future plans when preparing for currently planned projects. He asked if staff could provide Council with a list of underground infrastructure that required future repair to better aid residents in understanding street repair selection processes. Mr. Kothe responded that staff would provide that information and make it available at bloomingtonstreets.com.

Council Member Ward asked the total amount of funds designated to the 50/50 sidewalk replacement program. Mr. Kothe responded that it typically ranged from \$50,000 to \$60,000 for private participation with roughly \$100,000 in total work completed. She stated that the vast majority of the funding was dedicated to commercial contracts and asked if a map of such work was available online. Mr. Kothe stated that staff did have a map online, but that it was not updated as frequently as the published street repair map. He explained that when streets were repaired, the City was required to also bring sidewalks up to Code at the same time. Council Member Ward expressed interest in a sidewalk repair map.

Council Member Becker discussed his opinion of the budgeted \$7.2 million for City roads being insufficient. He asked Mr. Kothe for additional clarification on limiting factors such as time or resources. Mr. Kothe stated that time, resources, and funding are all contributing factors in addition to competing interests, such as the Town of Normal, etc. for local contractors. He noted a potential to increase the amount of street repairs. Council Member Becker expressed interest in additional data and background on street projects that required cutting into streets including reasoning for said projects.

Council Member Montney asked if Public Works tracked sidewalk injury reports. Mr. Kothe stated that injuries were not always reported but, when they were, staff used the reported area as a focus for repairs. Council Member Montney and Mr. Kothe then discussed opportunities for improvement.

Council Member Boelen made a motion, seconded by Council Member Ward, that the technical bidding requirements be waived, and the proposed Agreement be approved.

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

AYES: Mathy, Boelen, Montney, Emig, Becker, Carrillo, Ward, Crabill, Crumpler

Motion carried.

The following item was presented:

Item 10.B. Consideration and action on an Ordinance Authorizing a Lease Agreement Between the City of Bloomington and the Bloomington-Normal Area Convention & Visitors Bureau for the Lease Space at the Arena, as requested by the Administration Department.

City Manager Gleason provided a brief history on the item and explained that the Bloomington Normal Area Convention and Visitors Bureau ("BN-CVB") was located at the Central Illinois Regional Airport. He believed that the BN-CVB would benefit greatly from relocating to the Grossinger Motors Arena and explained that the potential lease space had been previously occupied by the VenuWorks. He welcomed questions from Council.

Council Member Boelen asked for confirmation on the proposed lease space. Billy Tyus, Deputy City Manager, stated that the conference room would be shared. She then asked for additional details on the BN-CVB's availability to use suites. Mr. Tyus responded that the BN-CVB would have the ability to use unsold suites as a selling point. Mr. Tyus also confirmed that the BN-CVB lease would include retail space near the Arena's main entry.

Council Member Montney asked how the lease agreement would affect the future availability and marketability of the Arena. City Manager Gleason responded that both parties considered the long-term viability and explained that if the City chose to contract a managing company to operate the arena, there was additional space that could be converted into offices if needed.

Council Member Mathy expressed support for the item and believed it would be beneficial to the area.

Council Member Montney made a motion, seconded by Council Member Becker, that the proposed Ordinance be approved.

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

AYES: Mathy, Boelen, Montney, Emig, Becker, Ward, Crabill, Crumpler

AWAY: Carrillo

Motion carried.

The following item was presented:

Item 10.C. Consideration and potential action regarding Ordinance 2020-18, An Ordinance Declaring a Local Emergency Due to the COVID-19 Virus & Enacting Various Emergency Measures, as requested by the Legal Department.

No modifications were recommended.

City Manager Gleason referenced recent guidance issued by the CDC and State of Illinois. He discussed the Illinois' Bridge Phase of the Reopen Illinois Plan and mentioned that as a result, the City's Local Emergency Ordinance ("EO") would need to be repealed in the future. He explained that the EO was used to streamline processes and that staff were working on ways to maintain these processes, specifically for businesses post-COVID. He then discussed hybrid-style public meetings.

Finance Director's Report

City Manager Gleason provided a brief overview for the newly seated Council Members. He noted that while the City was negatively impacted by COVID-19, it continued to trend positively compared to other communities.

Scott Rathbun, Finance Director, addressed Council and reported that the City had received the first installment of the American Rescue Plan. He stated the Fiscal Year ("FY") 2022 Adopted Budget would be available online by May 31, 2021. He presented the FY21 financial summary and explained that it included preliminary numbers as some tax revenues were delayed from the State of Illinois. He discussed the FY21 major tax revenues through April 30, 2021, highlighting key factors as well as the month to date variance compared to the FY21 budget. He then presented FY21 general fund revenue and expenditures by

category and provided an update on the projected variance He concluded with an overview of FY21 enterprise funds by category.

City Manager's Discussion

City Manager Gleason discussed upcoming Downtown events and informed Council that the City had just completed Public Works Appreciation Week.

Mayor's Discussion

Mayor Mwilambwe thanked City Manager Gleason and staff for their quick work navigating recent changes by the CDC and encouraged residents to become vaccinated. He noted that the City would not have a parade to celebrate Memorial Day but asked everyone to take time out of their weekend to honor those who died for our freedom.

Council Member's Discussion

Council Member Mathy reported that Council Member Carrillo had emailed staff and Council that she was experiencing internet and connectivity issues. She would be unable to remain in the meeting. He thanked Finance and Administration staff for their work during COVID-19 to provide Council with accurate data. He expressed interest in the ability to continue to use Zoom to attend meetings when traveling once Council returned to in-person meetings.

Council Member Crumpler asked what the process would be to return to in-person meetings. City Manager Gleason responded that Council was able to return to in-person meetings already, but that the decision to remain remote was Council's preference. He explained various ways staff could accommodate Council Members if they chose to attend in-person.

Council Member Crabill reminded the community of his upcoming virtual Town Hall and recognized the upcoming 1-year memorial of the death of George Floyd. He also recognized the recent on-duty death of a Champaign Police Officer and encouraged the community to work together. He concluded his statements with an overview of the events for Juneteenth.

Executive Session

No Executive Session was had.

Adjournment

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

Motion carried (viva voce).

The meeting adjourned at 7:28 p.m.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Amanda Mohan, Deputy City Clerk



CONSENT AGENDA ITEM NO. 8.B

FOR COUNCIL: June 28, 2021

SPONSOR: Finance Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve Bills and Payroll in the amount of \$10,762,344.71, as requested by the Finance Department.

RECOMMENDED MOTION:

The proposed Bills and Payroll be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Total disbursements to be approved \$10,762,344.71 (Payroll total \$2,875,440.78 Accounts Payable total \$7,278,503.04, Bank Transfers total \$508,208.09 and Purchase Cards total \$100,192.80).

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Sheryl McDaniel, Accountant

Reviewed by:

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

F. Scott Rathbun, Finance Director

6/23/2021

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

Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- FIN 1B Council Finance Summary Report

CITY OF BLOOMINGTON FINANCE REPORT

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
6/18/2021	\$ 2,160,497.76	\$ 572,692.99	\$ 2,733,190.75

4/09/2021-6/21/2021	\$ 144,194.09	\$ (1,944.06)	\$ 142,250.03
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Off Cycle Adjustments

	PAYROLL TOTAL	\$ 2,875,440.78
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ACCOUNTS PAYABLE (WIRES)

Date	Bank	Total
6/28/2021	AP General	\$ 6,850,845.12
	AP JMScott	
6/28/2021	AP Comm Devel	\$ 21,532.09
6/28/2021	AP IHDA	\$ 250.00
6/28/2021	AP Library	\$ 125,504.28
6/28/2021	AP MFT	\$ 77,400.00
6/11/2021-6/16/2021	Out of Cycle	\$ 202,971.55
5/03/2021-6/03/2021	AP Bank Transfers	\$ 508,208.09
	AP TOTAL	\$ 7,786,711.13

PCARDS

Date Range

4/1/2021-4/30/2021	\$	100,192.80
PCARD TOTAL	\$	100,192.80

GRAND TOTAL	\$	10,762,344.71
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Respectfully,

F. Scott Rathbun
Director of Finance



CONSENT AGENDA ITEM NO. 8.C

FOR COUNCIL: June 28, 2021

SPONSOR: Administration Department

WARD IMPACTED: City-Wide Impact

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

RECOMMENDED MOTION:

The proposed Appointment be approved.

STRATEGIC PLAN LINK:

-Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

-Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The Mayor of the City of Bloomington has nominated, and asks your concurrence in the appointment of:

Connect Transit Board: Judy Buchanan to the Connect Transit Board. Judy's re-appointment is effective 7-1-21 with an expiration date of 6-30-25. Application is on file in the Administration Office.

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

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Amy Overton, Executive Assistant

Reviewed by:

A handwritten signature in black ink, appearing to read "B. Lyus".

Billy Lyus, Deputy City Manager

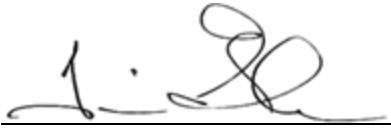
6/24/2021

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

Tara Henry, Legislative Assistant

6/24/2021

Recommended by:

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

Tim Gleason, City Manager

Attachments:

- ADM 1B Connect Transit Roster

Connect Transit Board

Mayor Appointed	Staff/Chair	First Name	Last Name	Expiration	Re/Appointment Date	Year First Appt
x	Blm	Ryan	Whitehouse	06/30/24	07/13/20	2012
x	Blm	Judy	Buchanan	06/30/21	07/10/17	2009
x	Blm	Linda	Foster	06/30/23	04/13/20	2020
x	Blm	Deborah	Presley	06/30/22	07/13/20	2020
	Nml	John	Thomas	06/30/19	06/30/15	2009
	Nml	Julie	Hile	06/30/18	07/31/22	2018
	Nml	Mike	McCurdy	06/30/21	03/16/12	2012



CONSENT AGENDA ITEM NO. 8.D

FOR COUNCIL: June 28, 2021

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Purchase of one (1) Komatsu WA200-8 Wheel Loader from Roland Machinery of Peoria, Illinois, using the Sourcwell Contract (# 032119-KOM, exp 5/13/23), in the amount of \$176,707, and Trade-in a 2007 Komatsu WA200PT-5, as requested by the Public Works Department.

RECOMMENDED MOTION:

The proposed Purchase and Trade-in be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: Public Works is recommending the approval of the purchase of one Komatsu WA200-8 Wheel Loader from Roland Machinery of Peoria, Illinois, using the Sourcwell Contract (032119-KOM, exp. 5/13/23), in the amount of \$176,707.

The Solid Waste Section has a 2007 Komatsu WA200PT-5 that is 14 years old that has 86,968 miles and 15,963 hours of use. The maintenance cost to date is \$298,379.44. Recent issues with this unit have included hydraulic hoses and steel lines, fittings, O rings, HVAC, hydraulic cylinder, lights, alternator, batteries, cab glass, ride control, and shift solenoids.



The current unit, R54, is used daily for the collection of bulk waste, brush, and leaves in the Citizen Convenience Center and from residents' homes when one of the newer wheel loaders requires maintenance. Wheel loaders are used to remove these materials from residents' yards into dump trucks located on the routes. During snow and ice events, this unit can be used to plow snow, run a snow blower, or load salt into dump trucks. Notwithstanding these issues, this unit is in better shape than another vehicle in the Water Division, unit W41, and will be used instead. The Water Division's demands on an end loader are much less than for the Solid Waste Section. The Water Division will be able to use the unit until a replacement can be purchased without having to make additional repairs.

To offset the purchase of the new unit, staff requests to trade in another 2007 Komatsu WA200PT-5, unit S53, for a \$5,000 credit. S53 has hydraulic pump issues with a repair cost

estimate of between \$7,500 and \$23,800 along with other issues. These issues would have to be repaired before the unit can be used, and staff feels this unit is past its useful life.

The new unit will be equipped with a 3-yard grapple bucket to grab brush for the burn box for brush disposal. This purchase includes Extended Komatsu Care 5-year/6,000-hour Factory Scheduled Maintenance, 5-year/6,000-hour Warranty and two complimentary KDPF exchange units for the first 5 years/9,000 hours. This provides for a Komatsu factory-trained technician to perform fluid analysis sampling to monitor for excessive wear or contamination, visual inspections, and all fluid changes required by the manufacturer. The City uses these plans on heavy equipment to provide the maximum uptime of the equipment for the first six years. This has been a standard purchase on heavy equipment.

Seeking to maintain consistency, focus on efficiency, and leverage operational experience of staff, Public Works is recommending the purchase of Komatsu brand wheel loader. The City owns Komatsu brand equipment in several departments, staff is familiar with their operation, existing City-owned attachments are interchangeable with the proposed model, and Fleet stocks replacement and repair parts.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

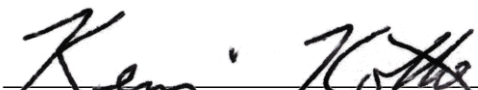
FINANCIAL IMPACT: The Public Works Department has budgeted \$182,310.00 for the purchase of the unit for the Solid Waste Division. The new unit will cost \$176,707.00. It will be paid for using the Capital Lease-Capital Outlay Equipment Other Than Office account (40110145-72140). Stakeholders can locate this in the FY 2022 Budget Book titled “Other Funds & Capital Improvement” on pages 89 and 94.

COMMUNITY DEVELOPMENT IMPACT: Goal NE-5. Provide more efficient and sustainable municipal solid waste management, Objective NE-5.1. Reduce the amount of waste and toxicity going to the landfill.

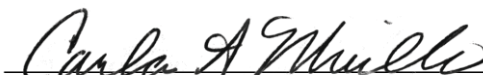
Respectfully submitted for Council consideration.

Prepared by: Rob Krones, Superintendent of Fleet Management

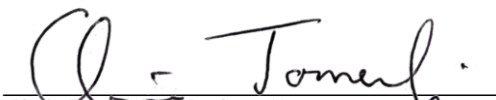
Reviewed by:


Kevin Kothe, Director of Public Works

6/14/2021


Carla Murillo, Procurement Manager

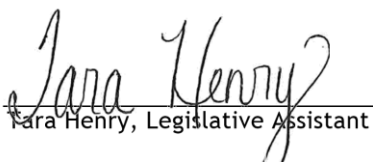
6/17/2021


Chris Tomerlin, Budget Manager

6/21/2021


Jeffrey R. Jurgens, Corporation Counsel

6/23/2021


Tara Henry, Legislative Assistant

6/24/2021

Recommended by:


Tim Gleason, City Manager

Attachments:

- PW 2B Solid Waste Komatsu S53 Asset 473
- PW 2B Proposal_R54 Wheel Loader Replacement 06282021



06/17/2021 09:12
cmurillo

CITY OF BLOOMINGTON, IL
FIXED ASSET WORKSHEET

P 3
famstmnt

ASSET # 473		MASTER ASSET		DESCRIPTION	2007 KOMATSU END LOADER-UNIT S53	
CLASS	50	MACHINERY & EQU	FUND SOURCE			
SUBCL	282	MACHINERY & EQU	ACQUIS METH	MAINT CONT	N	INSURED N
COMMODITY				VENDOR DESC	Vendor Name Mi	CARRIER
DEPT	54400	SOLID WASTE OPE	ACQUIS DATE	TYPE	P	INSURED VAL 0.00
LOC CODE	0201	PUBLIC SERVICE	ACQUIS COST	EXPIRE DATE		EXPIRE DATE
LOC MEMO			ACRES	ANNUAL COST	0.00	POLICY CST 0.00
ROOM			QTY	MEMO		MEMO
STORAGE LOC			UNIT PRICE			
			PURCH MEMO			
STATUS	A	ACTIVE				
CONDITION			SOY BOOK	DEPRECIATE	Y	
CUSTODIAN	DEPARTMENT HEAD		CURRENT BOOK	DEPREC PRIN	79,915.99	
TITLEHOLDER			EST SALVAGE	FIRST YR/PR	2007/05	LAST YR/PR 2015/04
			REPL COST	EST LIFE	8	
TAG # 6444			LAST INVENT	PERIODS TAKEN	96	
SERIAL # 68278			IMPROVE MEMO	ACCUM DEPREC	79,915.99	
MANUFACTURER						
MODEL	WA200PT		RETIRE DATE			
MODEL YEAR			DISP CODE			
LICENSE #			DISP PRICE			
			SALE PRICE			
VEND #	PO #	DOCUMENT #	INVOICE #	INV DATE	INV AMT	
					79,915.99	

G/L Accounts

TYPE	DESC	ORG	OBJ	PROJ	PERCENT
1	ASSET	5440	16050		100.00
2	CONTRA	54404400	72999		100.00
5	DEPRECIATION EXPENSE	54404400	79060		100.00
6	ACCUMULATED DEPRECIATION	5440	16500		100.00

PO Accounts

ORG	OBJ	PROJ	AMOUNT
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06/03/2021

Quote #: pwalters-1134

CITY OF BLOOMINGTON

Rob Krones

P O BOX 3157

BLOOMINGTON IL 61702-3157

SOURCEWELL CONTRACT - **032119-KOM**

SOURCEWELL CONTRACT EXPIRATION DATE – 05/13/2023

Dear Rob,

Thank you for the opportunity to assist with your equipment requirements. Roland Machinery is pleased to make the following offer for your consideration:



2021 KOMATSU WA200-8 Serial #: Hours: 0

- WA200-8 KOMATSU WHEEL LOADER
- BOOM - STANDARD
- JRB 416 COUPLER - W/O HYD KIT
- JRB HYD KIT KO WA200-8 CPLR INSTALL
- REAR FULL FENDERS
- PRECLEANER TURBO II (WA270)
- 3-S VLV+ATT EPC+ONE PIPING ON BOOM
- 200/250-5L & PT RIM FOR 20.5-25 TUBELESS
- HANDLING CHRGR TO SHIP RIMS ONLY

On behalf of Roland Machinery, thank you for your consideration of this equipment. We look forward to earning your business. Please contact me with any questions you may have.

Sincerely,

Paul Walters

217-789-7711 office

217-638-3961 mobile



2021 KOMATSU WA200-8

Standard Equipment for Base Machine

Engine and related items:

Air cleaner, dry-type, two stage, radial sealed

Engine shut-off system, electric with key

Engine, KOMATSU SAA4D107E-3, 4 cylinder turbocharged, air to air after cooled, cooled EGR, direct injection Tier 4 Final interim emissions certified, diesel.

Gross HP: 128HP (95.2kW) / 2000 RPM

Net HP: 126HP (94kW) / 2000 RPM (SAEJ1349) ISO / 9249

Net HP: 122HP (91.1kW) / at max speed of hydraulic cooling fan

Exhaust pipe, curved

Fan, auto-reverse, hydraulic driven

KDOC After-Treatment Assembly

Komatsu Auto Idle Shutdown

SCR - Selective Catalytic Reduction aftertreatment with DEF tank and heated lines

Starting aid, intake air preheater type

Electrical system:

Alternator, 90 ampere, 24 volt

Back-up alarm

Batteries, 2 x 12 volt, (92 Ah), (680 CCA)

Battery disconnect switch

Horn, electric

Lights

- Back-up light, rear
- Sealed DT electrical connectors
 - Starting motor, 5.5kW direct electric, 24V
- Stop and tail light
- Turn signal, (2 front, 2 rear) with hazard switch
- Working lights, halogen (2 front, high low beam with indicator, fender mount, 2 rear grill mount)
- Working lights, halogen (2 front) outside of cab mount

Power Train and Controls:

Differentials, torque proportioning, inboard planetary

Parking brake, wet disc type

Service brakes, hydraulic, wet multiple disc type, axle by axle (inboard)

Transmission, hydrostatic, 1 pump, 2 motors, full auto shift with speed range control

Transmission control

- F/R: steering column / loader control lever selectable
- Max speed control: electric, 4 speed F/R
- Traction control: electric, 3 mode

Operator environment:

Cab, (ROPS/FOPS) (installed), includes; adjustable arm rests, cigarette lighter/ashtray,

dome light, electrically heated rear window, air conditioner / heater / defroster / pressurizer, floor mat, front (intermittent) and rear wiper/washer, rearview mirrors '(2 outside, 2 inside), right hand and left hand door access with steps and sunvisor

Hydraulic control, 2 spool (boom/bucket), multi-function mono lever control, with integrated transmission F/R switch and includes integrated third spool proportional switch (3 spool is optional)

Monitor, 7 inch, LCD, color

Radio, AM/FM with speakers and auxiliary jack

Rear view monitor

Seat, heated air suspension type, reclining with armrests (fabric)

Equipment Management Monitoring System (EMMS)

Monitor: Multi-function, 7 inch, LCD, color high-resolution

Warning Message System with Descriptions

Gauges

- Engine water temperature
- Ecology
- Fuel level
- HST oil temperature
- Speedometer / Tachometer

Pilot Lights

- Auxiliary steering (opt)
- Brake oil pressure
- Central warning
- Cooling fan reverse
- DEF Level
- Directional indicator
- ECSS
- Engine pre heater
- Head lamp high beam
- HST Emergency pump drive
- Komtrax message
- Parking brake warning
- Quick coupler lock release (opt)
- Remote Boom Positioner
- Seat belt caution
- Steering oil pressure
- Traction level
- Transmission speed range
- Turn signal
- Work equipment lock warning

Special arrangements:

Ambient Temperature Range, -20°C (-4°F) through +45°C (+113°F) at maximum standard elevation of 2,300 meters (7,546 ft.)

Other Standard Equipment:

Boom kick-out, automatic

Bucket and lift cylinders

Centralized grease banks

Counterweight, standard and additional

Electronically Controlled Suspension System (ECSS)

Fenders, front & partial rear

Hand rails, front, LH & RH

KOMTRAX, Level 5

Lifting eyes

Parallel loader linkage and standard lift boom

Provision for Quick Coupler (mount points for piping, harness for cab switch)

Rims for 20.5-25 tires (4 each)

Vandalism Protection:

- Caplock & cover for fuel tank & hydraulic tank
- Padlocks
- Battery boxes
- Engine hood side panels & rear grill, lockable
- Radiator cap cover (bolted)
- Transfer case oil filler cover

Voltage converter (12 volt, 5 amp x 2)



Seat belt, 3" width, retractable
Steering wheel, tiltable, telescopic

Configuration

WA200-8 KOMATSU WHEEL LOADER
BOOM - STANDARD
JRB 416 COUPLER - W/O HYD KIT
JRB HYD KIT KO WA200-8 CPLR INSTALL
REAR FULL FENDERS
PRECLEANER TURBO II (WA270)
3-S VLV+ATT EPC+ONE PIPING ON BOOM
200/250-5L & PT RIM FOR 20.5-25 TUBELESS
HANDLNG CHRГ TO SHIP RIMS ONLY

Machine Year: 2021
Serial #:
Hours: 0

Attachment

3YD GRAPPLE BUCKET RAKE
LUBE KIT
17.5 ONE PC RIM KIT

Warranty

60MO/6,000HR PREMIER
KOMATSU CARE PLUS 1 SERVICES

Total Selling Price

Sell Price	\$181,707.00
Sales Tax	\$ 0.00
Sub Total	\$181,707.00
Less Rentals Paid	\$ 0.00
Trade In	\$ 0.00
Doc Fee	\$ 0.00
Other Charges	\$ 0.00
Total Amount Due	\$181,707.00
Less Trade-in Value	(\$5,000)
Net Payout	\$176,707

CONSTRUCTION FORKS – 96 X 60 - add \$5,500.00 (City is not purchasing the forks.)

TRADE VALUE WA200PT-5 68278 – deduct \$5,000.00



KomatsuCare

- Tier 4i & Tier 4 final Construction Equipment comes standard at *no additional cost* with complimentary factory scheduled maintenance for the first 3 years or 2,000 hours, whichever occurs first.
- Tier 4i & Tier 4 final construction equipment comes standard with two (2) complimentary KDPF exchange units for the first 5 years/9000 hours.
- If the machine's service location is more than one hour travel time or 75 miles one-way from the nearest authorized Komatsu Distributor branch, an addition charge by the Komatsu Distributor to the customer of ____ per hour and ____ per mile will apply on both segments of the trip, to and from the service location.



Komtrax

- KOMTRAX is both a wireless equipment monitoring system and a secure, web-based, application used for reviewing the data KOMTRAX collects and sends. KOMTRAX not only gives you the power of knowledge, but also the convenience of managing your fleet on the Web, wherever you are. KOMTRAX data is packaged specifically for easy and intuitive analysis in maps, lists, graphs and charts that are ready for viewing at your convenience. KOMTRAX is standard on all Komatsu models and is *absolutely free* for the first 5 years. *That's a \$5,000 value, at no cost to you.*



Terms and Conditions

06/03/2021

*All orders are subject to acceptance by the Seller upon receipt of order at the office of Seller. In the event applicable taxes are not indicated in the quotation, the material quoted will be subject to any applicable taxes at the date of shipment.

*All quotations are subject to change without notice.

*Prices quoted are subject to change to comply with any manufacturer's price change or any changes in taxes imposed by federal, state or local governments between the date of the quotation and date of delivery of items quoted.

*The property herein quoted is guaranteed by manufacturer's warranty only and no warranty, express or implied, is made by the Seller.

*Terms of sales are subject to credit approval.

*Subject to approval, may require down payment.

*Delivery of the material quoted herein is contingent upon strikes, fires, prior sales, government action and other causes unavoidable or beyond control.

This Quotation is valid for 30 days from the date of origination.

Approved by City Manager, Tim Gleason

Date



CONSENT AGENDA ITEM NO. 8.E

FOR COUNCIL: June 28, 2021

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve an Intergovernmental Master Agreement with the Illinois Department of Transportation for the period beginning July 1, 2021, and ending June 30, 2031, for Maintenance of Traffic Control Devices, as requested by the Public Works Department.

RECOMMENDED MOTION:

The proposed Agreement be approved.

STRATEGIC PLAN LINK:

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

STRATEGIC PLAN SIGNIFICANCE:

- Objective 2a. Better quality roads and sidewalks
- Objective 1e. Partnering with others for the most cost-effective service delivery
- Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: Public Works is recommending approval of an Intergovernmental Master Agreement with the Illinois Department of Transportation for the period beginning July 1, 2021, and ending June 30, 2031, for Maintenance of Traffic Control Devices. This Intergovernmental Agreement with the Illinois Department of Transportation (IDOT) details equipment maintenance and energy cost responsibility for traffic signals that are on state and federal routes. This arrangement has existed for more than 30 years and is common in other municipalities across the state. The current master agreement was approved in 2011 and expires on June 30, 2021.

Under this agreement, City staff maintains traffic signals on state or federal highways. Actual time and material costs for energy and maintenance labor and equipment are billed quarterly to IDOT for their share of the cost. Exhibit A of the agreement specifies the percentages used for division of costs and is updated annually to add or delete intersections as necessary. Percentages are typically based upon the number of legs of the intersection under jurisdiction of each agency. For example, the work at the Empire and Hershey intersection is billed 50% to IDOT since Empire (IL Route 9) is two of the four intersection legs. Empire and Airport is billed 67% to IDOT since Empire is two of three legs. One exception to this formula includes signals for private use such as Market Street and Walton Drive, which are 100% City Maintenance responsibility. Another exception is intersections with traffic volumes exceeding a set threshold such as Veterans and GE Road, which are 100% IDOT responsibility. There are 91 signalized intersections included in this agreement.

Work typically completed under this agreement includes inspection of equipment at regular

intervals and associated minor repairs; repair of equipment damaged due to traffic crashes, weather, or other factors; and responding to and resolving reports of malfunctions. This agreement allows a much quicker response time than IDOT would be able to provide, leading to reduced travel delays and safer operations. City staff members are typically able to respond to a crash site or malfunction within an hour of being notified. This agreement does not cover larger traffic signal modernization or replacement projects, which will continue to be completed directly by IDOT.

This agreement may be terminated by either party by giving 30 calendar days' written notice.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: If approved, all costs will be paid up front by the City: energy costs from the Engineering-Electricity account (10016210-71320), replacement equipment and contractor costs from the Engineering-Electrical Maintenance/Repair Supplies account (10016210-71078), and staff labor from the specific worker's labor account. The City will then bill IDOT for reimbursement of their portion of the Traffic Signal maintenance and energy as defined in the agreement with funds being recorded in the Engineering-Traffic Control Maintenance account (10016210-54030).

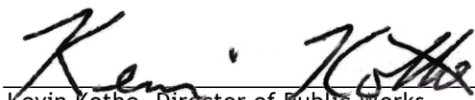
Stakeholders can locate this in the FY 2022 Budget Book titled "Budget Overview & General Fund" on pages 311 and 312.

COMMUNITY DEVELOPMENT IMPACT: Goal PS-4. Intergovernmental Cooperation, Objective PS-4.1. Enhance existing intergovernmental cooperation across all public services; Goal UEW-1. Provide quality public infrastructure within the City to protect public health, safety, and the environment, Objective UEW-1.1. Maintain the existing City operated infrastructure in good condition by prioritizing maintenance over building new and implementing fees to cover costs; Objective UEW-1.3. Work cooperatively with other public and private utility service providers operating in the City to address mutual concerns and needs. Goal TAQ-1. A safe and efficient network of streets, bicycle- pedestrian facilities and other infrastructure to serve users in any surface transportation mode, Objective TAQ-1.1. Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods, and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system. TAQ-1.5. Plan for appropriate and safe access to major surface transportation facilities, including arterial and collector streets. TAQ-1.6. A transportation network that facilitates prompt emergency response and management.

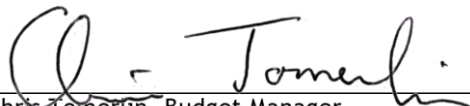
Respectfully submitted for Council consideration.

Prepared by: Phil Allyn, Traffic Engineer

Reviewed by:


Kevin Kothe, Director of Public Works

6/14/2021


Chris Tomerlin, Budget Manager

6/21/2021


Jeffrey R. Jurgens, Corporation Counsel

6/23/2021


Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- PW 3B Agreement_2021 IDOT Traffic Signal Master Agreement 06282021



Illinois Department of Transportation

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

Traffic Signal Maintenance & Energy Reimbursement
Intergovernmental Agreement

April 13, 2021

Honorable Tari Renner
Mayor, City of Bloomington
109 E. Olive Street
Bloomington, Illinois 61701

Dear Mayor Renner:

Enclosed are three (3) copies of the Intergovernmental Agreement for Governmental Body Maintenance of Traffic Control Devices. The term of this Agreement shall be from July 1, 2021 to June 30, 2031. This Agreement supersedes previous Master Agreement formally executed August 2, 2011.

Complete information in top portion of Pages 2, 3, and Part 4 M. Tax Identification Number (page 8) of this agreement. Please execute on behalf of the local governmental body and return all copies to:

Illinois Department of Transportation
Bureau of Operations
13473 IL Hwy. 133
P. O. Box 610
Paris, Illinois 61944-0610

Do not revise any provisions of the standard agreement or exhibits. A fully executed copy of the agreement will be returned to you.

If you have any questions, please contact our Traffic Signal Systems Engineer, Mr. David H. Burkybile, at phone number 217-466-7383.

Very truly yours,


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

DHB:jt
Encl.



Governmental Body Name

City of Bloomington

Address

109 East Olive

City

Bloomington

State

IL

Zip Code

61701

Remittance Address (if different from above)

City

State

Zip Code

Phone

Fax

FEIN/TIN

DUNS

Brief Description of Service (full description specified in Part 5)

This is the Master Agreement for Governmental Body maintenance and apportionment of energy costs for traffic control devices located on State highways within or near the Governmental Body as shown on the attached Exhibit A.

Compensation Method (full details specified in Part 6)

Actual Cost

Total Compensation Amount

\$1,000,000.00

Advance Pay

☐ Yes ☒ No

Start Date

07/01/21

Agreement Term

Expiration Date

06/30/31

REQUIRED SIGNATURES

By signing below, the GOVERNMENTAL BODY and the DEPARTMENT agree to comply with and abide by all provisions set forth in Parts 1-8 herein and any Appendices thereto.

FOR THE GOVERNMENTAL BODY:

Signature

--

Date

--

Name

--

Title

--

☐ Check if under \$250,000. If under \$250,000 the Secretary's signature may be delegated.

FOR THE DEPARTMENT:

Signature

--

Date

--

Omer Osman, Acting Secretary of Transportation

Date

--

--

Delegate Name

--

Printed Name

--

Printed Title

--

Signature

--

Date

--

Joanne Woodworth, Acting Chief Fiscal Officer

Date

--

--

Philip C. Kaufmann, Chief Counsel

Date

--

--

(Approved as to form)

**INTERGOVERNMENTAL AGREEMENT
FOR
GOVERNMENTAL BODY MAINTENANCE OF TRAFFIC CONTROL DEVICES**

This Agreement is by and between

Please type or print legibly the GOVERNMENTAL BODY'S legal name and address

City of Bloomington
109 East Olive
Bloomington, Illinois 61701

Attention

Email

referred to as the GOVERNMENTAL BODY, and the State of Illinois, acting by and through its Department of Transportation, referred to as the DEPARTMENT individually referred to as a PARTY, and collectively referred to as the PARTIES.

Part 1	Scope/Compensation/Term
Part 2	General Provisions
Part 3	Federally Funded Agreements
Part 4	Specific Provisions
Part 5	Scope of Services/Responsibilities
Part 6	Compensation for Services
Part 7	Certification Regarding Lobbying
Part 8	Agreement Award Notification

Part 1

SCOPE / COMPENSATION / TERM

- A. **Scope of Services and Responsibilities** The DEPARTMENT and the GOVERNMENTAL BODY agree as specified in Part 5.
- B. **Compensation** Compensation (if any) shall be as specified in Part 6.
- C. **Term of Agreement** This Agreement will start 07/01/21 and will expire 06/30/31
- D. **Amendments** All changes to this Agreement must be mutually agreed upon by the DEPARTMENT and the GOVERNMENTAL BODY and be incorporated by written amendment, signed by the parties.
- ☒ E. **Renewal** This Agreement may not be renewed.

Part 2

GENERAL PROVISIONS

- A. Changes** If any circumstances or condition in this Agreement changes, the GOVERNMENTAL BODY must notify the DEPARTMENT in writing within seven (7) days.
- B. Compliance/Governing Law** The terms of this Agreement shall be construed in accordance with the laws of the State of Illinois. Any obligations and services performed under this Agreement shall be performed in compliance with all applicable state and federal laws. The Parties hereby enter into this Intergovernmental Agreement pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq.
- C. Availability of Appropriation** This Agreement is contingent upon and subject to the availability of funds. The DEPARTMENT, at its sole option, may terminate or suspend this Agreement, in whole or in part, without penalty or further payment being required, if (1) the Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay such obligation, or if funds needed are insufficient for any reason (2) the Governor decreases the DEPARTMENT's funding by reserving some or all of the DEPARTMENT's appropriation(s) pursuant to power delegated to the Governor by the Illinois General Assembly; or (3) the DEPARTMENT determines, in its sole discretion or as directed by the Office of the Governor, that a reduction is necessary or advisable based upon actual or projected budgetary considerations. GOVERNMENTAL BODY will be notified in writing of the failure of appropriation or of a reduction or decrease.
- D. Records Inspection** The DEPARTMENT or a designated representative shall have access to the GOVERNMENTAL BODY's work and applicable records whenever it is in preparation or progress, and the GOVERNMENTAL BODY shall provide for such access and inspection.
- E. Records Preservation** The GOVERNMENTAL BODY, shall maintain for a minimum of **three (3) years** after the completion of the Agreement, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the Agreement.
- F. Cost Category Transfer Request** For all transfers between or among appropriated and allocated cost categories, DEPARTMENT approval is required. To secure approval, the GOVERNMENTAL BODY must submit a written request to the DEPARTMENT detailing the amount of transfer, the cost categories from and to which the transfer is to be made, and rationale of the transfer.
- G. Subcontracting/Procurement Procedures/Employment of DEPARTMENT Personnel**
1. Subcontracting-Subcontracting, assignment or transfer of all or part of the interests of the GOVERNMENTAL BODY concerning any of the obligations covered by this Agreement is prohibited without prior written consent of the DEPARTMENT.
 2. Procurement of Goods or Services - Federal Funds For purchases of products or services with any Federal funds that cost more than \$3,000.00 but less than the simplified acquisition threshold fixed at 41 U.S.C. 134, (currently set at \$100,000.00) the GOVERNMENTAL BODY shall obtain price or rate quotations from an adequate number (at least three) of qualified sources. Procurement of products or services with any Federal funds for \$100,000 or more will require the GOVERNMENTAL BODY to use the Invitation for Bid process or the Request for Proposal process. In the absence of formal codified procedures of the GOVERNMENTAL BODY, the procedures of the DEPARTMENT will be used, provided that the procurement procedures conform to the provisions in Part 3(K) below. The GOVERNMENTAL BODY may only procure products or services from one source with any Federal funds if: (1) the products or services are available only from a single source; or (2) the DEPARTMENT authorizes such a procedure; or, (3) the DEPARTMENT determines competition is inadequate after solicitation from a number of sources.
 3. Procurement of Goods or Services - State Funds For purchases of products or services with any State of Illinois funds that cost more than \$20,000.00, (\$10,000.00 for professional and artistic services) but less than the small purchase amount set by the Illinois Procurement Code Rules, currently set at \$80,000.00; and \$20,000.00 for professional and artistic services, (See 30 ILCS 500/20-20(a) and 44 Ill. Admin Code 6.100) the GOVERNMENTAL BODY shall obtain price or rate quotations from an adequate number (at least three) of qualified sources. Procurement of products or services with any State of Illinois funds for \$80,000.00 or more for goods and services and \$20,000.00 or more for professional and artistic services will require the GOVERNMENTAL BODY to use the Invitation for Bid process or the Request for Proposal process. In the absence of formal codified procedures of the GOVERNMENTAL BODY, the procedures of the DEPARTMENT will be used. The GOVERNMENTAL BODY may only procure products or services from one source with any State of Illinois funds if: (1) the products or services are available only from a single source; or (2) the DEPARTMENT authorizes such a procedure; or, (3) the DEPARTMENT determines competition is inadequate after solicitation from a number of sources.

The GOVERNMENTAL BODY shall include a requirement in all contracts with third parties that the contractor or consultant will comply with the requirements of this Agreement in performing such contract, and that the contract is subject to the terms and conditions of this Agreement.
 4. EMPLOYMENT OF DEPARTMENT PERSONNEL The GOVERNMENTAL BODY will not employ any person or persons currently employed by the DEPARTMENT for any work required by the terms of this Agreement.

Part 3

☒ **FEDERALLY FUNDED AGREEMENTS**

[Not applicable to this Agreement]

PART 4 SPECIFIC PROVISIONS

- A. Invoices** Invoices submitted by the GOVERNMENTAL BODY will be for costs that have been incurred to complete the Part 5, Scope of Services. If the GOVERNMENTAL BODY's invoices are deemed by the DEPARTMENT or auditors to not be sufficiently documented for work completed, the DEPARTMENT may require further records and supporting documents to verify the amounts, recipients and users of all funds invoiced pursuant to this Agreement. Furthermore, if any of the deliverables in Part 5 are not satisfactorily completed, GOVERNMENTAL BODY will refund payments made under this agreement to the extent that such payments were made for any such incomplete or unsatisfactory deliverable.

Any invoices/bills issued by the GOVERNMENTAL BODY to the DEPARTMENT pursuant to this Agreement shall be sent to the following address:

Illinois Department of Transportation

Attention

Bureau of Operations

Address

13473 Illinois Highway 133, P.O. Box 610

City

Paris

State

IL

Zip Code

61944

All invoices shall be signed by an authorized representative of the GOVERNMENTAL BODY.

- B. Billing and Payment** All invoices for services performed and costs incurred by the GOVERNMENTAL BODY prior to July 1st of each year must be presented to the DEPARTMENT no later than **July 31st** of that same year for payment under this Agreement. Notwithstanding any other provision of this Agreement, the DEPARTMENT shall not be obligated to make payment to the GOVERNMENTAL BODY on invoices presented after said date. Failure by the GOVERNMENTAL BODY to present such invoices prior to said date may require the GOVERNMENTAL BODY to seek payment of such invoices through the Illinois Court of Claims and the Illinois General Assembly. No payments will be made for services performed prior to the effective date of this Agreement. The DEPARTMENT will direct all payments to the GOVERNMENTAL BODY's remittance address listed in this Agreement.
- C. Termination** This Agreement may be terminated by either party by giving thirty (30) calendar days written notice. If the DEPARTMENT is dissatisfied with the GOVERNMENTAL BODY's performance or believes that there has been a substantial decrease in the GOVERNMENTAL BODY's performance, the DEPARTMENT may give written notice that remedial action shall be taken by the GOVERNMENTAL BODY within seven (7) calendar days. If such action is not taken within the time afforded, the DEPARTMENT may terminate the Agreement by giving seven (7) calendar days written notice to the GOVERNMENTAL BODY. In either instance, the GOVERNMENTAL BODY shall be paid for the value of all authorized and acceptable work performed prior to the date of termination, including non-cancelable obligations made prior to receipt of notice of termination and for which work will be completed within thirty (30) days of receipt of notice of termination, based upon the payment terms set forth in the Agreement.
- D. Location of Service** Service to be performed by the GOVERNMENTAL BODY shall be performed as described in Part 5.
- E. Ownership of Documents/Title to Work** All documents, data and records produced by the GOVERNMENTAL BODY in carrying out the GOVERNMENTAL BODY's obligations and services hereunder, without limitation and whether preliminary or final, shall become and remain the property of the DEPARTMENT. The DEPARTMENT shall have the right to use all such documents, data and records without restriction or limitation and without additional compensation to the GOVERNMENTAL BODY. All documents, data and records utilized in performing research shall be available for examination by the DEPARTMENT upon request. Upon completion of the services hereunder or at the termination of this Agreement, all such documents, data and records shall, at the option of the DEPARTMENT, be appropriately arranged, indexed and delivered to the DEPARTMENT by the GOVERNMENTAL BODY.
- F. Software** All software and related computer programs produced and developed by the GOVERNMENTAL BODY (or authorized contractor or subcontractor thereof) in carrying out the GOVERNMENTAL BODY's obligation hereunder, without limitation and whether preliminary or final, shall become and remain the property of both the DEPARTMENT and the GOVERNMENTAL BODY. The DEPARTMENT shall be free to sell, give, offer or otherwise provide said software and related computer programs to any other agency, department, commission, or board of the State of Illinois, as well as any other agency, department, commission, board, or other governmental entity of any country, state, county, municipality, or any other unit of local government, or to any entity consisting of representatives of any unit of government, for official use by said entity. Additionally, the DEPARTMENT shall be free to offer or otherwise provide said software and related computer programs to any current or future contractor.

The DEPARTMENT agrees that any entity to whom the software and related computer programs will be given, sold or otherwise offered shall be granted only a use license, limited to use for official or authorized purposes, and said entity shall otherwise be prohibited from selling, giving or otherwise offering said software and related computer programs without the written consent of both the DEPARTMENT and the GOVERNMENTAL BODY.

- G. Confidentiality Clause** Any documents, data, records, or other information given to or prepared by the GOVERNMENTAL BODY pursuant to this Agreement shall not be made available to any individual or organization without prior written approval by the DEPARTMENT. All information secured by the GOVERNMENTAL BODY from the DEPARTMENT in connection with the performance of services pursuant to this Agreement shall be kept confidential unless disclosure of such information is approved in writing by the DEPARTMENT.
- H. Compliance with Freedom of Information Act.** Upon request, GOVERNMENTAL BODY shall make available to DEPARTMENT all documents in its possession that DEPARTMENT deems necessary to comply with requests made under the Freedom of Information Act. (5 ILCS 140/7(2)).
- I. Reporting/Consultation** The GOVERNMENTAL BODY shall consult with and keep the DEPARTMENT fully informed as to the progress of all matters covered by this Agreement.
- J. Travel Expenses** Expenses for travel, lodging, or per diem is NOT allowed pursuant to this Agreement.
- K. Indemnification** Unless prohibited by State law, the GOVERNMENTAL BODY agrees to hold harmless and indemnify the DEPARTMENT, and its officials, employees, and agents, from any and all losses, expenses, damages (including loss of use), suits, demands and claims, and shall defend any suit or action, whether at law or in equity, based on a alleged injury or damage of any type arising from the actions or inactions of the GOVERNMENTAL BODY and/or the GOVERNMENTAL BODY's employees, officials, agents, contractors and subcontractors, and shall pay all damages, judgments, costs, expenses, and fees, including attorney's fees, incurred by the DEPARTMENT and its officials, employees and agents in connection therewith.
- GOVERNMENTAL BODY shall defend, indemnify and hold the DEPARTMENT harmless against a third-party action, suit or proceeding ("Claim") against the DEPARTMENT to the extent such Claim is based upon an allegation that a Product, as of its delivery date under this Agreement, infringes a valid United States patent or copyright or misappropriates a third party's trade secret.
- L. Equal Employment Practice** The GOVERNMENTAL BODY must comply with the "Equal Employment Opportunity Clause" required by the Illinois Department of Human Rights. The GOVERNMENTAL BODY must include a requirement in all contracts with third parties (contractor or consultant) to comply with the requirements of this clause. The Equal Employment Opportunity Clause reads as follows:
- In the event that the GOVERNMENTAL BODY, its contractor or consultant fails to comply with any provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act Rules and Regulations of the Illinois Department of Human Rights ("IDHR"), the GOVERNMENTAL BODY, its contractor or consultant may be declared ineligible for future contracts or subcontracts with the state of Illinois or any of its political subdivisions or municipal corporations, and the contract may be canceled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the GOVERNMENTAL BODY agrees as follows:
1. That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization;
 2. That, if it hires additional employees in order to perform this contract or any portion thereof, it will determine the availability (in accordance with IDHR's Rules and Regulations) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
 3. That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, national origin or ancestry, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service;
 4. That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organizations or representative of the contractor's obligations under the Illinois Human Rights Act and IDHR's Rules and Regulations. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules and Regulations, the contractor will promptly notify IDHR and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder;
 5. That it will submit reports as required by IDHR's Rules and Regulations, furnish all relevant information as may from time to time be requested by IDHR or the contracting agency, and in all respects comply with the Illinois Human Rights Act and IDHR's Rules and Regulations;

6. That it will permit access to all relevant books, records, accounts, and work sites by personnel of the contracting agency and IDHR for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and IDHR's Rules and Regulations;
7. That it will include verbatim or by reference the provisions of this Clause in every contract and subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. In the same manner as with other provisions of this Agreement, the GOVERNMENTAL BODY, its contractor or consultant will be liable for compliance with applicable provisions of this clause; and further it will promptly notify the contracting agency and the Department in the event any of its contractor or subcontractor fails or refuses to comply therewith. In addition, the GOVERNMENTAL BODY will not utilize any contractor or subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the state of Illinois or any of its political subdivisions or municipal corporations;
8. The GOVERNMENTAL BODY must have written sexual harassment policies that include, at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment, under State law; (iii) a description of sexual harassment, utilizing examples; (iv) the Grantee's internal complaint process including penalties; (v) the legal recourse, investigative, and complaint process available through the Department of Human Rights and the Human Rights Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act. A copy of the policies must be provided to the DEPARTMENT upon request; and

In addition, the GOVERNMENTAL BODY is subject to the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq., which prohibits discrimination in connection with the availability of public accommodations.

M. Tax Identification Number GOVERNMENTAL BODY certifies that:

1. The number shown on this form is a correct taxpayer identification number (or it is waiting for a number to be issued), **and**
2. It is not subject to backup withholding because: (a) it is exempt from backup withholding, or (b) has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the GOVERNMENTAL BODY that it is no longer subject to backup withholding, **and**
3. It is a U.S. entity (including a U.S. resident alien).

NAME OF GOVERNMENTAL BODY: _____

Taxpayer Identification Number: _____

Legal Status (check one):

☐ Tax-exempt ☐ Government ☐ Other _____

N. International Boycott The GOVERNMENTAL BODY certifies that neither GOVERNMENTAL BODY nor any substantially owned affiliate is participating or shall participate in an international boycott in violation of the U.S. Export Administration Act of 1979 or the applicable regulations of the U.S. Department of Commerce. This applies to contracts that exceed \$10,000 (30 ILCS 582).

O. Forced Labor The GOVERNMENTAL BODY certifies it complies with the State Prohibition of Goods from Forced Labor Act, and certifies that no foreign-made equipment, materials, or supplies furnished to the DEPARTMENT under this Agreement have been or will be produced in whole or in part by forced labor, or indentured labor under penal sanction (30 ILCS 583).

P. Equipment The DEPARTMENT and the GOVERNMENTAL BODY agree to the following:

1. The GOVERNMENTAL BODY must obtain the DEPARTMENT's written approval prior to purchasing any equipment with funds acquired under this Agreement;
2. The GOVERNMENTAL BODY acknowledges that the DEPARTMENT is under no obligation to approve, and the DEPARTMENT may, if it approves, subject that approval to additional terms and conditions as the DEPARTMENT may require;
3. The GOVERNMENTAL BODY acknowledges that any equipment purchased under this Agreement must remain the property of the DEPARTMENT;
4. The GOVERNMENTAL BODY must use the equipment for the authorized purpose under Part 5 (Scope of Service/ Responsibilities) and Part 6 (Compensation) during the period of performance or the equipment's entire useful life;
5. The GOVERNMENTAL BODY must not sell, transfer, encumber, or otherwise dispose of any equipment that is acquired under this Agreement without prior DEPARTMENT's written approval;
6. In cases where the GOVERNMENTAL BODY fails to dispose of any equipment properly, as determined by the DEPARTMENT, the GOVERNMENTAL BODY may be required to reimburse the DEPARTMENT for the cost of the equipment; and
7. For purposes of this provision, "equipment" includes any tangible or intangible product, having a useful life of two years or more, an acquisition cost of at least \$100, and used solely in GOVERNMENTAL BODY's performance under this Agreement.

PART 5
SCOPE OF SERVICE/RESPONSIBILITIES

- A. **Cost.** The DEPARTMENT and the GOVERNMENTAL BODY agree to the maintenance responsibility and to the division of energy costs, for the traffic signals, and other traffic control devices listed on the attached Exhibit A, which is hereby made part of this Agreement and shaded or highlighted.
- B. **Maintenance.** Modernization of traffic control devices is not covered under this Agreement. It is agreed that the actual maintenance will be performed by the GOVERNMENTAL BODY indicated on Exhibit A, either with its own forces or through contractual agreements.
- C. **Maintenance Level.** It is agreed that the signals and devices shall be maintained to at least the level of maintenance specified in the attached Exhibit B, which is hereby made part of this Agreement. It is understood this will meet the minimum requirements of the Illinois Manual on Uniform Traffic Control Devices for Streets and Highways. Additional provisions regarding maintenance may be incorporated in this document as agreed upon by both parties.
- D. **Interconnect & Timing.** "Railroad interconnect" shall mean an electrical connection between a traffic signal controller and a rai1side railroad control system. A "signal interconnect" shall mean an electrical connection between two on-street traffic signal controllers or between a master controller and a central signal system. The GOVERNMENTAL BODY agrees to maintain all signal equipment and connection of railroad crossing warning devices with signal controller. The DEPARTMENT, in cooperation with the GOVERNMENTAL BODY, shall determine the signal timing to coordinate and regulate the flow of traffic. No signal timing shall be changed at any state system intersection without prior DEPARTMENT approval. The DEPARTMENT may elect to allow the GOVERNMENTAL BODY to determine the signal timing to coordinate and regulate the flow of traffic at any location. The GOVERNMENTAL BODY shall inform the DEPARTMENT of any changes made in signal timings. The DEPARTMENT reserves the right to withdraw the privilege of timing signals from the GOVERNMENTAL BODY at any time. A railroad interconnect shall not be modified without prior notification to and approval by the Illinois Commerce Commission and the DEPARTMENT. If a railroad interconnect needs repairs, such repairs shall not be performed without prior notification and approval, if required, by the Illinois Commerce Commission and the Department.
- E. **Interconnections: Installation and Damage.** The DEPARTMENT will not be responsible for the cost of installing or maintaining traffic signals and signal system interconnects not on but interconnected to traffic signals on U.S. or State routes. Any damage done to State traffic signals in the attempt to connect local traffic signals shall be repaired to the DEPARTMENT's satisfaction and shall be the responsibility of the GOVERNMENTAL BODY.
- F. **Master Monitoring Costs.** Master controllers installed on State intersections for the coordination of traffic signals are primarily used for the traffic signals located on U.S. or State routes. The GOVERNMENTAL BODY may connect traffic signals to a State owned master controller for the coordination or operation of non-State owned traffic signals, for the purpose of synchronizing time or gaining remote access. If the GOVERNMENTAL BODY desires a communications link to its office for monitoring purposes, the GOVERNMENTAL BODY shall pay the entire cost of installing and maintaining such monitoring system.
- G. **Payment for Energy Costs.** The DEPARTMENT will reimburse the GOVERNMENTAL BODY for the DEPARTMENT's proportionate share of energy charges.
- H. **Costs for Pavement Markings.** Inspect pavement markings and replace as necessary to insure proper motorist, pedestrian, and bicyclist guidance – including green pavement markings for bicyclists. Insure that stop bars, symbols and crosswalks are in good condition.

In District 1, all work is the responsibility of the GOVERNMENTAL BODY. Whereas, in District 2 through District 9, the cost of pavement markings is shared between the DEPARTMENT and the GOVERNMENTAL BODY according to Exhibit A.

I. Maintenance Contractors. Maintenance contracts shall be subject to DEPARTMENT approval prior to award. The DEPARTMENT, after consultation with the GOVERNMENTAL BODY, reserves the right to reject any electrical/maintenance contractor assigned work by the GOVERNMENTAL BODY that, in the judgment of the DEPARTMENT, has proposed or bid rates or charges in excess of usual and customary rates for the type of work being performed.

J. Emergency Vehicle Preemption Devices. The costs of installation, timing, phasing, and maintenance of emergency vehicle preemption systems shall be the sole responsibility of the GOVERNMENTAL BODY. Any GOVERNMENTAL BODY must notify the DEPARTMENT of any change in the emergency vehicle preemption system. However, the DEPARTMENT reserves the right to approve or reject, at any time, the placement of such systems on its traffic signal equipment.

K. Existing Agreements or Letters of Understanding. All parking ordinances and provisions bearing on items other than traffic signal and traffic control device maintenance and energy charges contained in presently existing agreements or letters of understanding between the DEPARTMENT and the GOVERNMENTAL BODY shall remain in full force and effect.

L. Modification. Exhibit A can be modified to add or delete signals or devices, but only by written revision signed by the DEPARTMENT'S Regional Engineer and its Engineer of Operations, and the authorized representative for the GOVERNMENTAL BODY. The modification shall be effective when fully executed and filed with the DEPARTMENT and the Clerk or Secretary of the GOVERNMENTAL BODY. This provision applies only to modifications of Exhibit A. This Agreement can be modified according to Part 1.D, by completing the Intergovernmental Agreement Amendment.

M. Plan Review. All traffic signal plans prepared by others for installation on State highways within municipal corporate limits, which are to be added to this Agreement, must be reviewed and approved by the DEPARTMENT and the GOVERNMENTAL BODY.

PART 6 COMPENSATION FOR SERVICES

Funding

Not Applicable		
Subtotal		
Local Match Provided Through the GOVERNMENTAL BODY		
GRAND TOTAL		

Funding Breakdown

The DEPARTMENT and GOVERNMENTAL BODY agree to the following funding requirements:

- A. **Cost Sharing.** As indicated in Exhibit A, the cost of energy and maintenance of traffic signals, and/or other traffic control devices generally are shared in proportion to the number of approaches maintained by each unit of government however, other DEPARTMENT policies and practices requires cost sharing of energy and maintenance to be based on other criteria besides the number of approaches maintained. The maintenance cost of the interconnect and interconnect related equipment, as listed in Exhibit A, as well as engineering costs for any approved coordination and timing studies, shall be shared in proportion to the approaches maintained by each unit of government at all intersections within the interconnected system, unless otherwise agreed to in a permit or by other agreement. The share of the signal maintenance cost at an intersection will be borne one hundred percent by the DEPARTMENT where the ADT for the route is more than or equal to 35,000. The one hundred percent share will not apply to signal modernization, energy charges, new signal, and signal timing.
- i. The GOVERNMENTAL BODY will be responsible for the maintenance costs of all traffic signals and/or other traffic control devices related to a roadway or roadways that has or have been jurisdictionally transferred by the DEPARTMENT to the GOVERNMENTAL BODY in a prior agreement(s).
- B. **Billing.** Bills shall be submitted to the DEPARTMENT on a quarterly basis. The amount billed shall be the costs incurred less any proceeds from third-party damage claims received during the billing period for repair of signals or devices that are the responsibility of the GOVERNMENTAL BODY.
- ii. Any proposed single expenditure in excess of \$10,000.00 for repair or damage to an installation must be approved by the DEPARTMENT before the expenditure is made.
- iii. The hours, or parts thereof, billed for each maintenance item will be at the actual time directly related to the work task. The DEPARTMENT reserves the right to examine the records of the GOVERNMENTAL BODY to determine that costs billed are fully documented.
- iv. The GOVERNMENTAL BODY costs are composed of labor, equipment, materials, and the quantity of each. The cost for labor will be determined by the actual hourly rate for the employee plus a multiplier calculated by the GOVERNMENTAL BODY to include direct and indirect labor related costs, retirement, Social Security, health, hospitalization and life insurance, holidays, vacation, sick leave and worker's compensation. Equipment costs will be as listed in the Schedule of Average Annual Equipment Ownership Expense. Materials will be at cost.
- v. The cost for contracted work will be the actual cost for the contractor.
- a. Maintenance of the traffic signals shall be performed by the GOVERNMENTAL BODY through the DEPARTMENT's approved electrical contractor. If, at any time, the contractor fails to perform any work deemed necessary by the DEPARTMENT's Regional Engineer to keep the traffic signals in proper operating condition, or if the Engineer finds it impossible to contact the designated persons to perform any work, the DEPARTMENT reserves the right to have other electrical contractors perform the needed work. The cost of such work will be invoiced to the GOVERNMENTAL BODY directly from the appointed contractor providing the service.
- C. **Notices.** Notices under this Agreement shall be directed to the following addresses by regular mail or

email to the address shown below:

For the DEPARTMENT:

For the GOVERNMENTAL BODY:

Budget

Not Applicable

PART 7

CERTIFICATION REGARDING LOBBYING

(49 CFR PART 20)

☒ **[NOT APPLICABLE TO THIS AGREEMENT]**

PART 8
AGREEMENT AWARD NOTIFICATION

REQUIRED FOR ALL PROJECTS

Does this project receive Federal funds? ☐ Yes ☒ No

Amount of Federal funds

Name of Project

Federal Project Number

CFDA Number*, Federal Agency, Program Title

*For CFDA (Catalog of Federal Domestic Assistance) Number, refer to original Federal Award/Grant Agreement.

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ANNUAL CERTIFICATION FOR SINGLE AUDIT COMPLIANCE

NOTICE

- The certification applies ONLY to governmental agencies, local units of government and non-profit agencies expending federal funds for this project. It does not apply to for-profit public or private entities.
- If 2 CFR Part 200, Subpart F, Section 200.501, Audit Requirements applies to your organization, submit the certification or a copy of your single audit to the DEPARTMENT at the end of your fiscal year for any fiscal year in which you expended any federal funds related to this contract.

NOTE: ANNUAL COMPLIANCE WITH THIS REQUIREMENT IS MANDATORY FOR EVERY YEAR IN WHICH FEDERAL FUNDS ARE EXPENDED FOR THIS PROJECT BY ANY STATES, LOCAL GOVERNMENTS OR NONPROFIT ORGANIZATIONS. FAILURE TO COMPLY WITH THE ANNUAL CERTIFICATION TO THE DEPARTMENT WILL RESULT IN SUSPENSION OF PAYMENTS TO REIMBURSE PROJECT COSTS.

In accordance with 2 CFR Part 200, Subpart F, Section 200.501, Audit Requirements, non-federal entities that expend \$750,000 or more in Federal awards in a year are required to have a single audit. The DEPARTMENT is required by federal law to obtain and review the single audit of all entities that had any federally participating funds pass through it, irrespective of the amount provided by the DEPARTMENT. It is the responsibility of the agencies expending Federal funds to comply with the requirements and determine whether they are required to have a single audit performed.

In order to comply with the requirements, your agency must provide the following information to the DEPARTMENT on an annual basis for every year in which you expended funds for costs associated with this project:

1. If your agency expended \$750,000 or more in Federal awards from all sources, including other agencies, in a year, you are required to have a single audit performed, and submit a copy of the report to the DEPARTMENT within the earlier of 30 days after completion of the single audit or no more than nine months after the end of your fiscal year end.
2. If your agency expended less than \$750,000 in Federal awards from all sources, including other agencies, in any fiscal year for which you expended funds for project costs, and were not required to conduct a single audit, you must complete and return the certification statement.
3. If your agency receives multiple awards from the DEPARTMENT, only one annual submittal of this information is required.

Please submit a copy of your single audit or the Single Audit Not Required Certification to:

Illinois Department of Transportation
Audit Coordination Section, Rm. 303
2300 South Dirksen Parkway
Springfield, IL 62764

The single audit must be comprised of four parts. You have the option of including the four parts in one report or a combination of reports. The four parts are commonly known as:

1. Comprehensive Annual Financial Report (Financial Statements).
2. Schedule of Expenditures of Federal Awards and Independent Auditor's Report thereon.
3. Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and other matters based on an Audit of Financial Statements performed in accordance with Government Auditing Standards.
4. Independent Auditor's Report on Compliance with Requirements Applicable to each Major Program and on Internal Control over Compliance in accordance with 2 CFR Part 200.

Additional information which should be submitted:

1. Corrective Action Plan(s), if applicable,
2. Management Letter, if applicable, and
3. Status of Prior Year Findings, if applicable.

For your convenience, you may also submit the information via email to DOT.AuditReview@illinois.gov or via fax at 217/782-5634. If you have any questions, please contact the Audit Coordination Section at 217/782-6041.

NOTICE

Do not submit this certification to the DEPARTMENT with your signed contract.

- The certification applies ONLY to governmental agencies, local units of government and non-profit agencies expending Federal funds for this project. It does not apply to for-profit public or private entities.
- If 2 CFR Part 200, Subpart F, Section 200.501, Audit Requirements applies to your organization, submit the certification or a copy of your single audit to the DEPARTMENT at the end of your fiscal year for any fiscal year in which you expended any Federal funds related to this contract.

Single Audit Not Required Certification

I certify that _____ expended less than \$750,000 in Federal awards in our fiscal year _____, and was not required to have a single audit conducted.

Signature

Date

Title

Subrecipient Contact Information

Subrecipient

Contact Person

Title

Address

City

State

Zip Code

Phone

Fax

Fiscal Year End

E-mail

EXHIBIT A**Bloomington**

File	LOCATION	% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGE RESPONSIBILITY			AGENCY TO DO MAINT.	AGENCY TO PAY ENERGY
		STATE	CORP.	OTHER	STATE	CORP.	OTHER		
1	IL 9/US 150 (Market St.) & Brock Dr./Truckers Lane	50	50		50	50		Corp.	Corp
2	US 51 SB (Center St.) & IL 9/US 150 EB (Locust St.)	100			100			Corp.	Corp
3	US 51 SB (Center St.) & IL 9/US 150 WB (Empire St.)	100			100			Corp.	Corp
4	US 51 NB (Main St.) & IL 9/US 150 EB (Locust St.)	100			100			Corp.	Corp
5	US 51 NB (Main St.) & IL 9/US 150 WB (Empire St.)	100			100			Corp.	Corp
6	IL 9/US 150 EB (Locust St.) & US 150 (Clinton St.)	100			100			Corp.	Corp
7	IL 9/US 150 WB (Empire St.) & US 150 (Clinton St.)	75	25		75	25		Corp.	Corp
8	IL 9 (Empire St.) & Towanda Ave.	75	25		75	25		Corp.	Corp
9	IL 9 (Empire St.) & Fairway Dr.	50	50		50	50		Corp.	Corp
10	IL 9 (Empire St.) & Service Dr. (K-Mart Ent)	50	50		50	50		Corp.	Corp
11	IL 9 (Empire St.) & I-55 Bus (Veteran's Pkwy) WEST	100			100			Corp.	Corp
12	IL 9 (Empire St.) & I-55 Bus (Veteran's Pkwy) NORTH	100			100			Corp.	Corp
13	IL 9 (Empire St.) & I-55 Bus (Veteran's Pkwy) SOUTH	100			100			Corp.	Corp
14	IL 9 (Empire St.) & I-55 Bus (Veteran's Pkwy) CENTER	100			100			Corp.	Corp
15	IL 9 (Empire St.) & I-55 Bus (Veteran's Pkwy) EAST	100			100			Corp.	Corp

EXHIBIT A**Bloomington**

File	LOCATION	% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGE RESPONSIBILITY			AGENCY TO DO MAINT.	AGENCY TO PAY ENERGY
		STATE	CORP.	OTHER	STATE	CORP.	OTHER		
16	IL 9 (Empire St.) & Prospect Rd./Mt. Vernon Dr.	50	50		50	50		Corp.	Corp
17	IL 9 (Empire St.) & Hershey Rd.	50	50		50	50		Corp.	Corp
18	IL 9 (Empire St.) & Eastport Dr./Commercial Park	50	50		50	50		Corp.	Corp
19	US 51 (Main St.) & Veteran's Parkway South Ramp	100			100			Corp.	Corp
20	US 51 (Main St.) & Rt. Dunn Dr.	67	33		67	33		Corp.	Corp
20	US 51 (Main St.) & Veteran's Parkway North Ramp	100			100			Corp.	Corp
21	US 51 NB (Main St.) & Wood St.	50	50		50	50		Corp.	Corp
22	US 51 SB (Center St.) & Wood St.	50	50		50	50		Corp.	Corp
23	US 51 NB (Main St.) & Oakland Ave.	50	50		50	50		Corp.	Corp
24	US 51 SB (Center St.) & Oakland Ave.	50	50		50	50		Corp.	Corp
25	US 51 NB (Main St.) & Olive St.	50	50		50	50		Corp.	Corp
26	US 51 SB (Center St.) & Olive St.	50	50		50	50		Corp.	Corp
27	US 51 NB (East St.) & Front St.	50	50		50	50		Corp.	Corp
28	US 51 SB (Madison St.) & Front St.	50	50		50	50		Corp.	Corp
29	US 51 NB (East St.) & Washington St.	50	50		50	50		Corp.	Corp

EXHIBIT A**Bloomington**

File	LOCATION	% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGE RESPONSIBILITY			AGENCY TO DO MAINT.	AGENCY TO PAY ENERGY
		STATE	CORP.	OTHER	STATE	CORP.	OTHER		
30	US 51 SB (Madison St.) & Washington St.	50	50		50	50		Corp.	Corp
31	US 51 NB (East St.) & Jefferson St.	50	50		50	50		Corp.	Corp
32	US 51 NB (East St.) & Monroe St.	67	33		67	33		Corp.	Corp
33	US 51 NB (East St.) & Market St.	67	33		67	33		Corp.	Corp
34	US 51 SB (Madison St.) & Market St.	50	50		50	50		Corp.	Corp
35	US 51 (Main St.) & Emerson St.	50	50		50	50		Corp.	Corp
36	US 51 SB (Center St.) & Emerson St.	50	50		50	50		Corp.	Corp
37	I-55 Bus (Veteran's Pkwy.) & Morris Ave.	50	50		50	50		Corp.	Corp
38	I-55 Bus (Veteran's Pkwy.) & US 150 (Morissey Dr.)	100			100			Corp.	Corp
39	I-55 Bus (Veteran's Pkwy.) & Lincoln St.	50	50		50	50		Corp.	Corp
40	I-55 Bus (Veteran's Pkwy.) & Oakland Ave.	100			50	50		Corp.	Corp
41	I-55 Bus (Veteran's Pkwy.) & Jackson St.	100			67	33		Corp.	Corp
42	I-55 Bus (Veteran's Pkwy.) & Washington St.	100			50	50		Corp.	Corp
43	I-55 Bus (Veteran's Pkwy.) & Eastland Dr.	100			50	50		Corp.	Corp
44	I-55 Bus (Veteran's Pkwy.) & Clearwater Dr.	100			67	33		Corp.	Corp

EXHIBIT A**Bloomington**

File	LOCATION	% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGE RESPONSIBILITY			AGENCY TO DO MAINT.	AGENCY TO PAY ENERGY
		STATE	CORP.	OTHER	STATE	CORP.	OTHER		
45	I-55 Bus (Veteran's Pkwy.) & GE Rd./Vernon Ave.	100			50	50		Corp.	Corp
46	I-55 Bus (Veteran's Pkwy.) & Jumer Dr./Von Maur Dr.	100			50	25	25	Corp.	Corp.
47	US 150 (Oakland Ave.) & US 150 (Hannah St.)	67	33		67	33		Corp.	Corp
48	US 150 (Clinton St) & US 150 (Oakland St.)	67	33		67	33		Corp.	Corp
49	US 150 (Clinton St) & Grove St.	50	50		50	50		Corp.	Corp
50	US 150 (Clinton St) & Washington St.	50	50		50	50		Corp.	Corp
51	IL 9 (Empire St.) & Fire Station Ent.		100			100		Corp.	Corp
52	IL 9/US 150 (Market St.) & Martin Luther King Dr.	50	50		50	50		Corp.	Corp
53	IL 9/US 150 (Market St.) & Caroline St.	50	50		50	50		Corp.	Corp
54	IL 9/US 150 (Market St.) & Brown St.	67	33		67	33		Corp.	Corp
55	I-55 Bus (Veteran's Pkwy. & College Ave.	100					100	Corp.	Normal
56	I-55 Bus (Veteran's Pkwy.) & Commerce Pkwy.	50	50		50	50		Corp.	Corp
57	IL 9 EB (Locust St.) & Colton Ave.	50	50		50	50		Corp.	Corp
58	I-55 Bus (Veteran's Pkwy.) & Ireland Grove Rd.	67	33		67	33		Corp.	Corp
59	I-55 Bus (Veteran's Pkwy.) & Brickyard Dr.	50	50		50	50		Corp.	Corp

EXHIBIT A**Bloomington**

File	LOCATION	% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGE RESPONSIBILITY			AGENCY TO DO MAINT.	AGENCY TO PAY ENERGY
		STATE	CORP.	OTHER	STATE	CORP.	OTHER		
60	IL 9/US 150 (Market St.) & Wylie Dr.	50	50		50	50		Corp.	Corp
61	US 150 (Morrisey Dr.) & Hamilton Rd.	50	50		50	50		Corp.	Corp
62	US 51 (Main St.) & Oak Creek Plaza	50	50		50	50		Corp.	Corp.
64	IL 9/US 150 (Market St.) & Hinshaw Ave.	50	50		50	50		Corp.	Corp
65	US 51 (Main St.) & Hamilton Rd.	50	50		50	50		Corp.	Corp
66	IL 9 (Empire St.) & Carnahan Dr.	67	33		67	33		Corp.	Corp
67	IL 9 (Empire St.) & Airport Rd.	67	33		67	33		Corp.	Corp
68	IL 9 EB (Locust St.) & Victory Drive (Bloomington HS)		100			100		Corp.	Corp
69	US 51 SB (Center St.) & Chestnut St.	50	50		50	50		Corp.	Corp
70	US 150 (Oakland Ave.) & Bunn St.	67	33		67	33		Corp.	Corp
71	I-55 Bus (Veteran's Pkwy.) & Mercer Ave.	50	50		50	50		Corp.	Corp
72	IL 9 & Towanda/Barnes Rd.	50	50		50	50		Corp.	Corp
73	US 51 SB (Madison St.) & Jefferson St.	50	50		50	50		Corp.	Corp
74	IL 9 (Empire St.) & CIRA Dr. West	50	50		50	50		Corp.	Corp
75	IL 9 (Empire St.) & CIRA Dr. East	50	50		50	50		Corp.	Corp

EXHIBIT A**Bloomington**

File	LOCATION	% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGE RESPONSIBILITY			AGENCY TO DO MAINT.	AGENCY TO PAY ENERGY
		STATE	CORP.	OTHER	STATE	CORP.	OTHER		
76	US 150 (Morrisey Dr.) & Lafayette St.	50	50		50	50		Corp.	Corp
77	IL 9/US 150 (Market St.) & JC Parkway	50	50		50	50		Corp.	Corp
78	IL 9/US 150 (Market St.) & Walton Dr.		100			100		Corp.	Corp
79	IL 9 (Empire St.) & Williamsburg Dr.	50	50		50	50		Corp.	Corp
80	IL 9/US 150 (Market St.) & Interstate Dr.	50	50		50	50		Corp.	Corp
81	I-55 Bus (Veteran's Pkwy) & Greenwood Ave.	67	33		67	33		Corp.	Corp.
82	IL 9/US 150 (Market St.) & I-55/I74 West Ramps	100			100			Corp.	Corp
83	IL 9/US 150 (Market St.) & I-55/I74 East Ramps	100			100			Corp.	Corp
84	I-55 Bus (Veteran's Pkwy.) & Hamilton St./Fox Creek Rd.	50	50		50	50		Corp.	Corp
85	US 51 NB (Main St.) & MacArthur Ave.	50	50		50	50		Corp.	Corp.
86	US 51 SB (Center St.) & MacArthur Ave.	50	50		50	50		Corp.	Corp.
87	US 150 & IL 9	100			100			Corp.	Corp.
88	US 150 (Morrisey Ave.) & Lincoln Ave.	50	50		50	50		Corp.	Corp.
89	US 150 & Unit 5 Middle School Ent.	0	100		0	100		Corp.	Corp.
91	US 150 & Mitsubishi Motors South Ent.	67		33			100	Corp.	Normal

EXHIBIT A**Bloomington**

File	LOCATION	% OF MAINTENANCE RESPONSIBILITY			% OF ENERGY CHARGE RESPONSIBILITY			AGENCY TO DO MAINT.	AGENCY TO PAY ENERGY
		STATE	CORP.	OTHER	STATE	CORP.	OTHER		
92	US 150 & Mitsubishi Motors North Ent.	67		33			100	Corp.	Normal
501	Bloomington System Maintenance	58	42					Corp.	
502	Veteran's Parkway & IL 9 Sign Lighting	100				100		Corp.	Corp.

EXHIBIT B
LONG FORM
TRAFFIC SIGNAL MAINTENANCE PROVISIONS

A. GENERAL PROVISIONS

1. DOCUMENTATION

The GOVERNMENTAL BODY shall provide the supporting documents for the items being billed. The approval of an invoice is contingent upon the supporting documentation. If the GOVERNMENTAL BODY'S invoices are deemed by the DEPARTMENT or auditors to not be sufficiently documented for work completed, the DEPARTMENT may require further records and supporting documents to verify the amounts, recipients and uses of all funds invoiced pursuant to this Agreement. Furthermore, if any of the deliverables in Part 5 are not satisfactorily completed, GOVERNMENTAL BODY will refund payments made under this agreement to the extent that such payments were made for any such incomplete or unsatisfactory deliverable.

2. REFERENCES

All governing specification texts and manuals (ex: the Standard Specifications for Road and Bridge Construction, the Manual on Uniform Traffic Control Devices ((MUTCD))) cited and referred to herein shall be latest editions of those specification texts and manuals.

3. CABINET PACK

Wiring diagrams, phase diagrams, and manuals are required to be in each traffic signal controller cabinet at the time of construction completion shall remain in the cabinet. Written documentation of all traffic signal timing changes, repairs and maintenance activities shall be provided in the cabinet. All entries shall be written in a clear and concise manner. The agent of the maintaining agency making any entries shall provide his/her signature and date of entry. These shall be kept in the cabinet to assist the DEPARTMENT on emergency call outs.

4. HARDWARE SPECIFICATIONS

All equipment and material used shall comply with the requirement of the DEPARTMENT's latest edition of Standard Specifications for Road and Bridge Construction and the district special provisions. Maintain logs of equipment installation dates for warranty and for end of service life determination purposes. Catalog cuts shall be submitted to the DEPARTMENT for compliance with the district special provisions.

5. ROADWAY LIGHTING

Maintenance of roadway lighting on combination pole assemblies, including but not limited to lighting mast arm(s), luminaire(s), cable, fusing, and control shall be the responsibility of the GOVERNMENTAL BODY. Agreements regarding other roadway lighting equipment shall remain unchanged by this IGA.

The highway lighting system components of each combination mast arm assembly and pole shall be tested for proper operation and physical condition during the intersection cabinet inspection. All cost of inspecting and maintaining the combination pole lighting system equipment is the responsibility of the GOVERNMENTAL BODY. In addition to regular inspection and maintenance, replacing damaged or missing combination pole lighting system equipment is the responsibility of the GOVERNMENTAL BODY.

6. EMERGENCY VEHICLE PREEMPTION SYSTEM

Test Emergency Vehicle Preemption System (EVPS) equipment for proper operation and physical condition during the intersection cabinet inspection. All program settings and each sequence of operation must be verified to be correct during each inspection. All cost of inspection and maintaining the EVPS equipment, including the light detectors, light detector amplifiers, radio transmitters and receivers, antennas, confirmation lights, and cables and related components, is the responsibility of the GOVERNMENTAL BODY. In addition to

regular inspection and maintenance, all cost of repairing or replacing damaged or missing EVPS equipment is the responsibility of the GOVERNMENTAL BODY.

7. TRAFFIC SIGNALS INTERCONNECTED TO RAILROAD WARNING DEVICES

At all locations with railroad/traffic signal interconnects, respond to any failure or damage and all emergency and all red flash alarms within one (1) hour and notify the DEPARTMENT and the Illinois Commerce Commission of any malfunction with railroad preemption equipment.

Traffic signal railroad preempt parameters including but not limited to the phase timings, phase sequences and pedestrian and vehicular clearance intervals shall not be modified without prior approval from the DEPARTMENT and the Illinois Commerce Commission.

Maintain unique spare controller data modules or sets of data chips containing the final railroad preemption parameters for each location.

Cooperate in any inspection as deemed necessary by the DEPARTMENT or the Illinois Commerce Commission. The interconnect controller cabinet shall display the location, the minimum preemption time and the railroad and the Department twenty-four-seven contact phone numbers. The display stickers one for the signal cabinet and another for the railroad bungalow will be furnished by the DEPARTMENT.

8. DAMAGE REPAIRS

Repair or replace any or all equipment damaged by any cause whatsoever within the time shown in the Response Table. Replaced equipment shall be new.

Response Table

ITEM	RESPONSE TIME	SERVICE RESTORATION	PERMANENT REPAIR (calendar days)
Cabinet	1 hour	24 hours	21 days
Controllers and Peripheral Equipment	1 hour	4 hours	21 days
System Detector Loop	1 hour	NA	7 days
All Other Detectors	1 hour	NA	21 days
Signal Head and Lenses	1 hour	4 hours	7 days
Aviation Red Beacon	1 hour	4 hours	7 days
Mast Arm Assembly and Pole	1 hour	4 hours	7 days
Traffic Signal Post	1 hour	4 hours	7 days
Cable and Conduit	1 hour	4 hours	7 days
Interconnect and Telemetry	1 hour	4 hours	7 days
Graffiti Removal	NA	NA	7 days
Misalignment of Signal Heads	1 hour	4 hours	4 hours
Closed Loop Monitoring System	1 hour	24 hours	14 days
Post and Poles Plumb Vertically	NA	NA	21 days
Controller, Post & Pole Foundations	NA	NA	21 days
Complaints, Calls, Controller or System Alarms, Timing, Phasing, Programming	1 hour	4 hours	NA
Patrol Truck Deficiencies	NA	24 hours	24 hours
Signal Heads Visibility	1 day	2 days	14 days

9. ACCIDENT DAMAGE

Be responsible to make recovery for damage to any part of the installation or system from the party causing the damage. Document damage to facilities and notify the Department of the

damage to determine the required repair or replacement.

Whenever third-party claims cannot be recovered, the GOVERNMENTAL BODY shall share in the loss in accordance with the percentages shown in Exhibit A.

10. TEMPORARY TRAFFIC CONTROL.

Provide temporary traffic control during a period of equipment failure or for when the controller must be disconnected. This may be accomplished through the installation of a spare controller, placing the intersection on flash, manually operating the controller, or manually directing traffic through the use of proper authorities.

When work is within the traveled way, provide protection for workers and for traveling public by providing adequate traffic control. The traffic control shall conform to the latest edition of Manual on Uniform Traffic Control Devices.

11. EMERGENCY PERSONNEL

Provide skilled maintenance personnel who will be available to respond within one (1) hour to emergency calls. This may be provided by agency forces, contract, or maintenance agreement. Controller failure, lights out, knockdowns, or two (2) red lights out at intersection are considered emergencies.

B. AS REPORTED OR OBSERVED

1. SIGNAL ALIGNMENT

Keep signal heads properly adjusted, including plumb, and tightly mounted. All controller cabinets, signal posts and controller pedestals should be tight on their foundations and in alignment.

2. CONTROLLER PROBLEMS

Check the controllers, relays, and detectors after receiving complaints or calls to ascertain that they are functioning properly and make all necessary repairs and replacement.

3. LED SIGNAL HEAD AND LED MODULE REPLACEMENT

An LED module shall be considered failed and shall be replaced if at least one-fourth of the signal indication is dark or if the module fails to meet ITE specification on minimum maintained luminous intensity.

Replace failed modules for all red signal indications within twenty-four (24) hours of notification of failure or on the next business day following the notification. However, if two or more red indications for an approach are failed, these modules must be replaced as soon as possible, and under no circumstances longer than twenty-four (24) hours after notification. Replace all other failed modules within forty-eight (48) hours or next business day of notification of failure.

Provide replacement LED modules and LED signal heads that fully comply to the latest applicable Institute of Transportation Engineers (I.T.E.) specifications.

4. PAINTING

Painted signal components shall be repainted as necessary per the paint system's manufacturer's requirements.

C. WEEKLY

1. MASTER CONTROLLER SYSTEMS

At locations that are a part of a closed loop signal system maintained by the GOVERNMENTAL BODY, repair any and all malfunctions in a timely manner so that the signals remain under the

control of the master at all times.

As needed assist in the implementation of the signal system timing plans.

Maintain the central and closed loop signal system management software (Aries, Tactics, Centrac, etc.) on a PC or a server so that the signal system is monitored weekly. Check weekly by phone or location visit for any malfunction. Verify software accuracy to central office software.

Ensure that communications to master controllers and central signal systems (telephone lines, radio broadband connections, etc.) are functioning and report issues to service providers for repair. Where applicable the GOVERNMENTAL BODY shall utilize JULIE for locate services.

D. BI-MONTHLY (Every 2 months)

1. CABINET INSPECTION

Check the controllers, relays, and detectors to ascertain that they are functioning properly and make all necessary repairs and replacement.

Keep interior of controller cabinet in a clean and neat condition at all times. Replace filters per manufacturer's recommendations.

2. OBSERVE SIGNALS

Observe the signals at the time of the bi-monthly cabinet inspection. This involves stopping and watching for correct detection and timing operation.

3. DETECTION TESTING

Test and inspect vehicle detection inductance loops, loop detectors, and pedestrian detection during cabinet visit bi-monthly.

4. VIDEO DETECTION TESTING

Inspect, maintain, and clean all video detection and surveillance systems bi-monthly or as needed, to achieve clean lenses, and adjust for proper alignment and proper focus. This shall include system camera, lenses, camera housings and hood/shield, pan tilt, and zoom mechanisms and motors, mounting brackets and hardware, poles, microprocessors, controller, cables and communication equipment, and other related components. Maintenance shall include modifications to programmable detection zones.

5. CONTROLLER CHECK

When controllers malfunction, they shall be removed, repaired, and bench checked. The controllers shall not be removed for annual maintenance inspections.

This bi-monthly check should verify software with central office software and reprint cabinet pack timings sheet. Controller check shall occur during the bi-monthly cabinet inspection.

6. FUSE AND BREAKER CHECKS

Fuse and breaker checks should occur during the bi-monthly cabinet inspection. Replace burned out fuses or deteriorated breakers as needed.

E. ANNUALLY

1. SIGNAL HEADS VISIBILITY

Remove any obstruction blocking the line of sight of the traffic signal face to the motorist, including snow and ice. The maintaining agency shall trim trees, bushes or any other form of vegetation blocking said lines of sight. The maintaining agency shall remove, or order the

removal of, any man-made obstructions such as signs or banner blocking said line of sight. Visibility for line of sight shall meet the standards established and contained in the Manual on Uniform Traffic Control Devices (MUTCD). All trimmed vegetation shall be legally disposed of by the maintaining agency off the right of way.

2. ANNUAL HARDWARE INSPECTION

Inspect all mast arm assemblies, mast arm poles, brackets (or other types of hardware) supporting traffic heads or pedestrian signal heads on an annual basis. The inspection shall focus on the structural elements of the mast arm assembly and must include a close-up arm's length investigation of the mast arm, pole, mast to pole connection, base plate, and anchor bolts.

The arm of the assembly shall be visually inspected at all signal head connections for any defects, such as cracks or buckles. Inspect the mast arm to pole connection for significant loss of section, cracks in welds or base metal, and deterioration of the connection plates. The bolts of the arm to pole connection shall be inspected for tightness and condition. Check the pole for external corrosion, impact damage, rust through perforation, deflection, distortion, or cracking. Closely inspect pole for corrosion near the base plate, especially if mounted on a grout bed. Check welds of the pole to base plate connection for cracks. Inspect base plate for section loss or deformation. Inspect mast arm anchor bolts for any corrosion or bending, and for loose or missing nuts.

Upon discover of any buckles or significant structural defects (loose or missing nuts, severe corrosion or dents, cracks in welds, plate or structure, etc.), take corrective action in a timely manner.

3. ANNUAL CONFLICT MONITOR AND MMU TEST

Test all conflict monitors and MMUs once every two years in accordance with manufacturer recommendations. Failed conflict monitors or MMUs shall be replaced with new units.

The GOVERNMENTAL BODY, upon request, shall submit copies of the CMU/MMU test reports to the DEPARTMENT. These reports shall be maintained pursuant to Part 2, Paragraph E., "Records Preservation" of the AGREEMENT.

4. PAVEMENT MARKINGS

Inspect pavement markings and replace as necessary to insure proper motorist, pedestrian, and bicyclist guidance – including green pavement markings for bicyclists. Insure that stop bars, symbols and crosswalks are in good condition.

In District 1, all work is the responsibility of the GOVERNMENTAL BODY. Whereas, in District 2 through District 9, the cost of pavement markings is shared between the DEPARTMENT and the GOVERNMENTAL BODY according to Exhibit A.



CONSENT AGENDA ITEM NO. 8.F

FOR COUNCIL: June 28, 2021

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on a Resolution to Commit to Financial Support and Administration of Funds to Construct the Hamilton Road East-West Connection Project with a 2021 RAISE Transportation Discretionary Grant, as requested by the Public Works Department.

RECOMMENDED MOTION:

The proposed Resolution be approved.

STRATEGIC PLAN LINK:

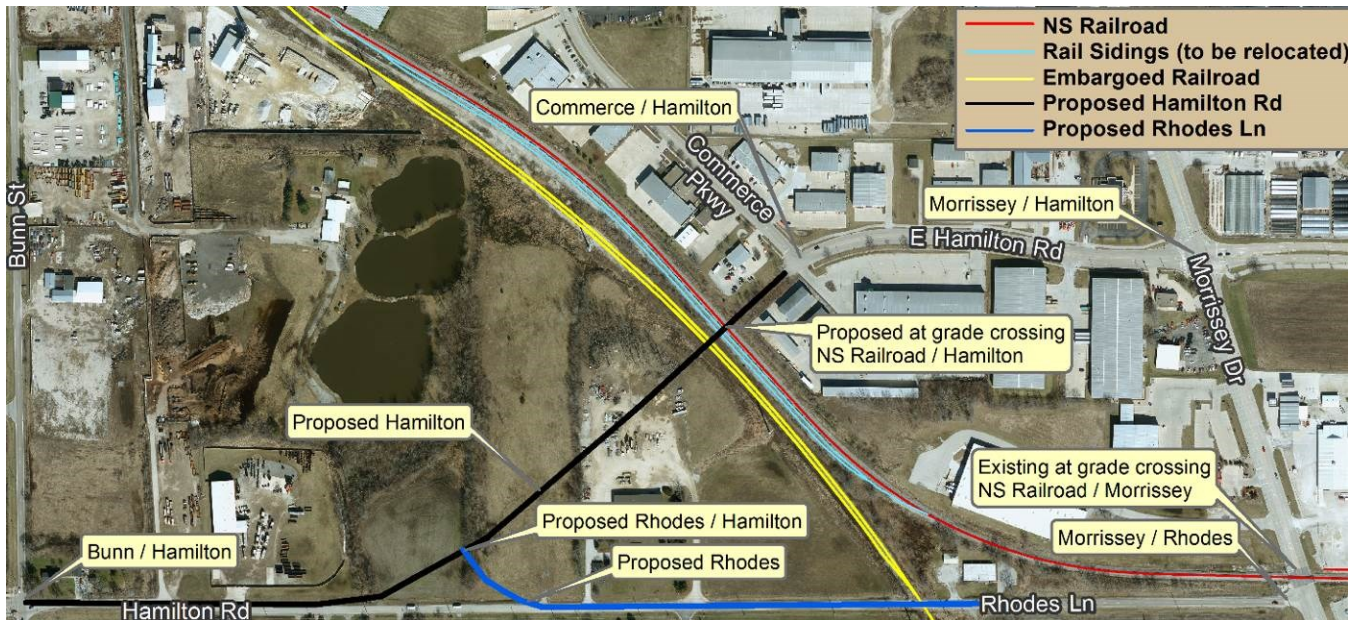
- Goal 5. Great Place - Livable, Sustainable City
- Goal 4. Strong Neighborhoods
- Goal 2. Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE:

- Objective 5e. More attractive city: commercial areas and neighborhoods
- Objective 5b. City decisions consistent with plans and policies
- Objective 5a. Well-planned City with necessary services and infrastructure
- Objective 4d. Improved neighborhood infrastructure
- Objective 2a. Better quality roads and sidewalks

BACKGROUND: Public Works is recommending the approval of a Resolution to Commit to Financial Support and Administration of Funds to Construct the Hamilton Road East-West Connection Project with a 2021 RAISE Transportation Discretionary Grant. The resolution establishes Council support for the grant application as well as committing to financially and administratively support the project and the use of the grant.

The Hamilton Connection project shown below represents the final connection of a 7.2-mile east-west transportation corridor improvement along the south portion of Bloomington on Hamilton Road and Fox Creek Road. This final Hamilton Connection comprises 3,000 linear feet of new roadway, from Bunn Street to Commerce Parkway, plus widening of Hamilton from Commerce to Morrissey Drive along approximately 1,000 linear feet east of the new street section.



The project will provide safer, easier roadway travel, especially at the Morrissey Drive, Rhodes Lane, and Norfolk Southern Railway confluence, with reduced traffic load on the Interstate 55 Business (Veterans Parkway). In addition, the project will facilitate multimodal travel by completing a Constitution Trail shared-use path along the corridor and creating the potential for more safe and efficient mass transit connections. Finally, the project will boost economic development opportunities in the project area, enhancing access to existing employers and sparking new development along the completed Hamilton Road corridor.

Timeline

August 28, 2017 - Council adopted Resolution 2017-30 to commit the City to fund 20 percent of the project once an Illinois Commerce Commission (ICC) Order (which would approve the railroad plan) is passed. This Resolution was critical to show Norfolk Southern that the City is serious about this project. Discussions with Norfolk Southern have progressed since Council adopted the Resolution. The completion of Phase I design and commencement of Phase II should help these negotiations as well.

January 14, 2019 - Council approved a Professional Services Agreement with Hanson Professional Services for Phase II design of the corridor, in the amount of \$557,292.60.

April 13, 2020 - Council approved a support Resolution as part of the U.S. Department of Transportation's Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grants program. Staff submitted the grant on May 18, 2020.

June 24, 2020 - Council approved a Resolution for Improvement Under the Illinois Highway Code and a Local Public Agency Agreement for Federal Participation for the land acquisition portion of Hamilton Road, Bunn to Morrissey, in the amount of \$500,000. Federal Surface Transportation - Urban funds will be used to reimburse the City for 80% (\$400,000) of the cost of this land acquisition.

February 22, 2021 - Council approved an Agreement for Preliminary Engineering Services No. 2 with Norfolk Southern Railway Company and an Illinois Department of Transportation Motor Fuel Tax Resolution, in the amount of \$290,000, for the proposed Hamilton Road at-grade crossing near Commerce Parkway.

March 8, 2021 - Council approved an Ordinance authorizing the City Manager to approve right-of-way, easements, and related agreements for the Hamilton Road Improvement Project and Fox Creek Bridge & Road Improvement Project. The purpose of the Ordinance is to allow City Manager approval so that individual action is not requested of the City Council for the numerous land acquisition activities involved with each project.

This project is currently funded with Surface Transportation - Urban funds, which are distributed through the Metropolitan Planning Organization (MPO). The MPO is comprised of McLean County, Normal, and Bloomington. If the RAISE grant were awarded to the City, the amount awarded would go back to the MPO to be utilized for different projects in the community. More information about the project can be found at www.buildingbloomington.com.

What is the RAISE Transportation Grant Program?

The Consolidated Appropriations Act, 2021 appropriated \$1 billion, available for obligation through September 30, 2024, for National Infrastructure Investments. As with previous rounds, funds for FY 2021 RAISE grants are to be awarded on a competitive basis for projects that will have a significant local or regional impact.

Funding provided under National Infrastructure Investments have supported capital and planning projects such as repairing or improving infrastructure to a state of good repair; projects that implement safety improvements to reduce fatalities and serious injuries, including improving grade crossings or providing shorter or more direct access to critical health services; projects that connect communities and people to jobs, services, and education; and, projects that anchor economic revitalization and job growth in communities.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

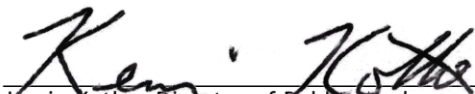
FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: Goal UEW-1. Provide quality public infrastructure within the City to protect public health, safety and the environment, Objective UEW-1.1. Maintain the existing City operated infrastructure in good condition by prioritizing maintenance over building new and implementing fees to cover costs; Goal TAQ-1. A safe and efficient network of streets, bicycle- pedestrian facilities and other infrastructure to serve users in any surface transportation mode, Objective TAQ-1.1. Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system, Objective TAQ-1.2. Data-driven transportation infrastructure policy and management; Objective TAQ-1.4. Pedestrian safety for users of all transportation facilities with a Sidewalk Master Plan, and sidewalk system that provides safe access throughout the transportation network.

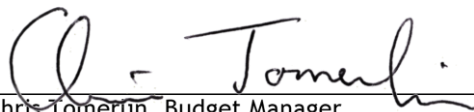
Respectfully submitted for Council consideration.

Prepared by: Michael Hill, Management Analyst

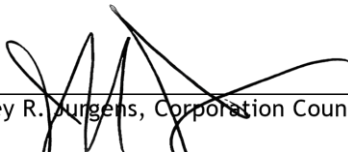
Reviewed by:


Kevin Kothe, Director of Public Works

6/14/2021


Chris Tomertlin, Budget Manager

6/15/2021

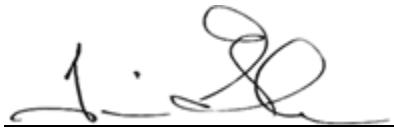

Jeffrey R. Jurgens, Corporation Counsel

6/23/2021


Tara Henry, Legislative Assistant

6/24/2021

Recommended by:


Tim Gleason, City Manager

Attachments:

- PW 1B Resolution_RAISE 2021 Grant Support Resolution 06282021

RESOLUTION NO. 2021 - ____

A RESOLUTION TO COMMIT TO FINANCIAL SUPPORT AND ADMINISTRATION OF FUNDS TO CONSTRUCT THE HAMILTON ROAD EAST-WEST CONNECTION PROJECT WITH A 2021 RAISE TRANSPORTATION DISCRETIONARY GRANT

WHEREAS, the Rebuilding American Infrastructure with Sustainability and Equity, or RAISE Transportation Discretionary Grant program, provides a unique opportunity for the United States Department of Transportation (DOT) to invest in road, rail, transit and port projects that promise to achieve national objectives; and

WHEREAS, the Bloomington City Council is supportive of applying to the 2021 RAISE Transportation Discretionary Grant Program to construct the Hamilton Road East-West Connection Project, for a total cost of \$12,610,000, with a grant request of \$9,460,000 and a local match of \$3,150,000; and

WHEREAS, the City of Bloomington is dedicated to responsible project administration, including timely bid letting and oversight of design and construction; and

WHEREAS, it is the finding of the Bloomington City Council that the decision to approve this Resolution is in the best interest of the City of Bloomington and in furtherance of its Strategic Plan and Comprehensive Plan;

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

SECTION 1. That the Bloomington City Council is committed to appropriating \$9,460,000 in funds with a \$3,150,000 local match to construct the Hamilton Road East-West Connection Project with a 2021 RAISE Transportation Discretionary Grant.

SECTION 2. That the City of Bloomington is committed to administering the project, should the aforementioned grant be awarded, including ensuring bid letting is timely, and overseeing design and construction.

PASSED this 28th day of June 2021.

APPROVED this ____ day of June 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk



CONSENT AGENDA ITEM NO. 8.G

FOR COUNCIL: June 28, 2021

SPONSOR: Economic & Community Development Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on a Resolution Authorizing the Filing of the 2021 Annual Action Plan Program Application to the US Department of Housing and Urban Development (MAY 1, 2021 - APRIL 30, 2022), as requested by the Economic & Community Development Department.

RECOMMENDED MOTION:

The proposed Resolution be approved.

STRATEGIC PLAN LINK:

-Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:

- Objective 4f. Residents increasingly sharing/taking responsibility for their homes and neighborhoods
- Objective 4e. Strong partnership with residents and neighborhood associations
- Objective 4d. Improved neighborhood infrastructure
- Objective 4c. Preservation of property/home valuations
- Objective 4b. Upgraded quality of older housing stock

BACKGROUND: On May 1st, the City of Bloomington began its 47th year of administering the Community Development Block Grant (CDBG) program, funded by the US Department of Housing and Urban Development (HUD). CDBG is managed by the Economic and Community Development Department staff. In 2020, the City adopted the 2020-2024 Consolidated Plan, the five-year strategic plan that creates goals and funding priorities for the City's CDBG program. Each year, an Annual Action Plan (AAP) is developed that outlines activities to be performed throughout the program year. Activities are selected based on the five-year goals and funding priorities. Program Year 2021 is the 2nd year of the 2020-2024 Consolidated Plan, which runs from May 1, 2021 - April 30, 2022.

A Request for Proposals (RFP) for 2021 CDBG programs was released on March 1, 2021 with applications due 11:59 pm March 31st. Applications were submitted using Neighborly software, an online grants management tool used for several Economic and Community Development grant programs. Applications were accepted in two categories: Public Services and Public Facilities/Infrastructure Improvements. In total, seven (7) Public Service and four (4) Public Facility and Infrastructure Improvement grant applications were submitted for consideration.

CDBG is funded solely with HUD-allocated grant funds and program income generated from the housing rehabilitation program. Program Year 2021 revenues will include \$547,296 from the annual allocation and estimated program income and carry-forward funding totaling

\$155,000. The City's budgeting process and HUD's timeline for developing the Annual Action Plan do not align. As a result, the approved FY22 budget was developed based off estimates per the information available at that time (October 2020). Once the closeout of 2020 CDBG activities has been completed, the actual carry-forward balance can be determined. In June, staff will request a budget amendment to align the approved budget with the actual available revenues.

The 2021 AAP was made available for public view starting May 21, 2021. Draft plans were also available 24/7 at www.cityblm.org, and during business hours at The HUB (115 E. Washington, 1st floor, Suite 103) and the Bloomington Public Library. A public hearing was conducted during the May 24, 2021 City Council meeting. Written comments were accepted outside of the public hearing until June 24, 2021.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Throughout development of the 2020-2024 Consolidated Plan, City staff, in partnership with the Town of Normal and McLean County Regional Planning Commission (MCRPC), completed a robust outreach campaign. Data was collected using a variety of methods including a Citizen Survey, Stakeholder Survey, key informant interviews, focus groups, and public meetings. Once the outreach process concluded, MCRPC performed an in-depth analysis of the data collected from which the City created funding priority areas for the 2020-2024 Consolidated Plan. The full analysis document can be viewed at <https://mcplan.org/cdbg>.

The 2021 draft Annual Action Plan was developed with the goals and funding priorities of the 2020-2024 Consolidated Plan in mind. A public notice was published in *The Pantagraph* on May 10, 2021, providing formal notice of the public hearing and availability of the 2021 Annual Action Plan for review starting May 21, 2021. The notice was also published in the PATH-O-Gram and the City's website and social media. Written comments were accepted outside of the public hearing until June 24, 2021.

FINANCIAL IMPACT: Delay or lack of approval will result in the loss of \$547,296 in federal grant funding used for programs benefitting low and moderate income households within the City for Program Year 2021.

COMMUNITY DEVELOPMENT IMPACT: Goal N-1.2: Prioritize, with urgency, the revitalization of the neighborhoods in the Regeneration Area, Objective a: City should continue to use CDBG grants to support partner organizations such as the West Bloomington Revitalization Project to have a collective impact on revitalization; Goal H-1.2: Ensure an adequate supply of affordable housing for low to moderate income households, Objective H-1.2b: Work with community partners like Habitat for Humanity, MCCA and Bloomington Housing Authority to have a collective impact on affordable housing issues; Goal H-1.3: Create a life-long community by fostering housing stock that meets the needs of residents of all ages and abilities, Objective H-1.3e: Ensure neighborhoods are walkable and have access to alternative modes of transportation and other amenities to make them attractive to aging populations; Goal H-2.3: Rehabilitate housing in the designated Regeneration Area, Objective H-2.3b: Develop and maintain programs that identify substandard housing and provide a wide spectrum of options to correct housing code violations/Objective H-2.3h: Carefully evaluate the rehabilitation potential of vacant/abandoned homes before demolition; Goal HL-1.2 Protect, enhance and maintain parks and green space equitably throughout the City, Objective HL-1.2b: Update older equipment in various City parks as identified in the City's Parks Plan; Goal CWB-1: End chronic homelessness and reduce the

severity of situational homelessness, Objective a: The City of Bloomington should actively partner with groups such as McLean County Continuum of Care and Human Service Council to address factors contributing to homelessness; Goal TAQ-1.4: Pedestrian safety for users of all transportation facilities, Objective TAQ-1.4b: Provide a sidewalk system that provides safe routes to schools/Objective TAQ-1.4c: Provide pedestrians with safe access throughout the transportation network, facilitating access to facilities such as transit, businesses, parks and neighborhood centers.

Respectfully submitted for Council consideration.

Prepared by: Melissa Hon, Economic and Community Development Director

Reviewed by:



Melissa Hon, Economic and Community Development Director

6/17/2021



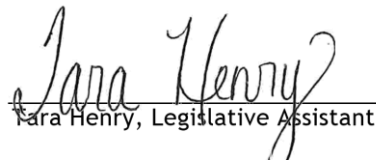
Chris Tomertin, Budget Manager

6/18/2021



Jeffrey R. Jurgens, Corporation Counsel

6/23/2021



Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- E&CD 1B 2021 CDBG Annual Action Plan Resolution

RESOLUTION NO. 2021 - _____

**RESOLUTION AUTHORIZING THE FILING OF THE 2021
ANNUAL ACTION PLAN PROGRAM APPLICATION
(MAY 1, 2021 - APRIL 30, 2022)**

WHEREAS, it is necessary and in the public interest that the City of Bloomington, otherwise known as the Local Public Agency, avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1987, to continue a Community Development Program; and

WHEREAS, it is necessary for the Local Public Agency to certify that it will carry out the provisions of the Housing and Community Development Act of 1974, regulations.

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

That an application on behalf of the City of Bloomington for a grant under said Title I in the amount of \$547,296 as the full amount available for undertaking and financing the forty-seventh (47th) increment of such program is hereby approved: and

1. The City Manager and Mayor are hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development; to act as the certifying officer and assure the status of a responsible Federal Official under the National Environmental Protection Act of 1969; to act as the assuring officer for the City of Bloomington that the Local Point Agency shall comply with those items listed on HUD application forms.

2. The Counsel for the Economic & Community Development Department is hereby authorized and directed to file legal certification.

3. The Director of the Economic & Community Development Department is hereby authorized and directed to provide such additional information and to furnish such documents as may be required on behalf of the Department of Housing and Urban Development, and to act as the authorized correspondent of the City of Bloomington.

4. The City Clerk is hereby authorized and directed to certify such documents as needed by the Department of Housing and Urban Development on behalf of the City of Bloomington.

PASSED this 28th day of June 2021.

APPROVED this _____ day of June 2021.

CITY OF BLOOMINGTON

Mboka Mwilambwe, Mayor

ATTEST

Leslie Smith-Yocum, City Clerk



CONSENT AGENDA ITEM NO. 8.H

FOR COUNCIL: June 28, 2021

SPONSOR: Economic & Community Development Department

WARD IMPACTED: Ward 1

SUBJECT: Consideration and action on an Ordinance Approving a Special Use Permit for Chicken-keeping in the R-1B (Single Family Residence) District, for the Property Located at 810 Snyder Drive, as requested by the Economic & Community Development Department.

RECOMMENDED MOTION:

The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

- Goal 4. Strong Neighborhoods
- Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

- Objective 4e. Strong partnership with residents and neighborhood associations
- Objective 4c. Preservation of property/home valuations
- Objective 4a. Residents feeling safe in their homes and neighborhoods
- Objective 1c. Engaged residents that are well informed and involved in an open governance process

BACKGROUND: The Petitioner, Dominique Medley, is requesting to obtain a Special Use Permit for Chicken-Keeping in the R-1B (Single Family Residence) District, for the property located at 810 Snyder Drive.

Summary of Request:

1. No more than four chickens will be located on the subject property, which is a single-family lot less than one acre in size.
2. Meets requirements of City Code Chapter 44, 10-11 (Chicken-Keeping), and will adhere to Chapter 8 (Animals and Fowl) and 22 (Health and Sanitation).
3. No roosters nor chickens for slaughter.
4. Chickens will be kept within a fenced enclosure at all times.
5. Fenced enclosure will be located in the rear yard and setback at least 10 feet from all property lines.
6. All feed and associated items that may attract or be affected by pests will be protected and stored.

On Wednesday, May 19, 2021, the Zoning Board of Appeals held an administrative public hearing, found the request met the Standards for a Special Use, and voted 6-0-0 to recommend approval of the Special Use to the City Council.

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

for review online at www.cityblm.org/live.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The City published notice of the hearing in *The Pantagraph* on Monday, May 3, 2021, courtesy notices were mailed to 87 property owners within 500 feet of the subject property, and a notification sign was placed on the property.

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: The Comprehensive Plan suggests creating opportunities to encourage local food production. The proposed special use is relevant to the following Comprehensive Plan goals: Goal HL-5. Provide access to healthy foods and promote food security to build community, Objective HL-5.2. Facilitate local food processing and distribution, and Action HL-5.2g. Gather and distribute data on local food efforts in the community.

Goal HL-5. Provide access to healthy foods and promote food security to build community, and Objective HL-5.3. Facilitate consumption of healthy, affordable, locally produced food for all residents.

Respectfully submitted for Council consideration.

Prepared by: Kimberly Smith, Asst Economic & Community Development Director

Reviewed by:


Melissa Hall, Economic and Community Development Director

6/21/2021


Chris Tomerlin, Budget Manager

6/22/2021

George Boyle
George Boyle, Assistant Corporation Counsel

6/23/2021


Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- E&CD 1B SP-03-21 Packet
- E&CD 1C DRAFT Minutes 5.19.21
- E&CD 1D Ordinance v1_SP-03-21

- E&CD 1E Exhibit B Site Plan



ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals
FROM: Economic & Community Development Department
DATE: May 19, 2021
CASE NO: SP-03-21, Special Use Permit
REQUEST: Public hearing, review, and action on a petition submitted by Dominique Medley for a special use permit for the keeping of chickens in the R-1B Single Family Residence District, for the property located at 810 Snyder Drive, Bloomington, IL 61701, PIN: 21-11-153-007 (Ward 1).



Above: The subject property, outlined in black.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, May 3, 2021. Courtesy notices were mailed to 87 property owners within 500 feet of the subject property.

PROPERTY INFORMATION

Subject Property: 810 Snyder Drive
Applicants: Dominique Medley
Existing Zoning: R-1B Single-Family Residence District
Existing Land Use: Single-family home
Property Size: 95' x 134' (12,730 square feet)
PIN: 21-11-153-007

SURROUNDING ZONING AND LAND USES

	Zoning	Land Uses
North	R-1B, B-2 Local Commercial	Single-family homes, retail center
South	R-1B, R-3B Multiple-Family Residence	Single-family homes, retirement community
East	R-3B, C-1 Office	Apartments, offices
West	R-1B, R-1A Single-Family Residence	Single-family homes

PROJECT DESCRIPTION

Background:

On March 11, 2019, Bloomington City Council approved a comprehensive update to the Zoning Ordinance, to allow chicken-keeping as a special use in all residential districts, subject to the standards of Chapter 44, 10-11 and Chapter 44, 17-7. These standards also require adherence to Chapter 8 (Animals and Fowl) and Chapter 22 (Health and Sanitation) of the City Code once the permit has been approved. Since the adoption of the update, one special use permit has been granted. A special use offers the opportunity for neighborhood input and provides the City a mechanism to require conditions to help ensure compliance with required standards.

810 Snyder Drive is located toward the east side of Bloomington, close to the intersection of E Oakland Avenue and S Mercer Avenue. The surrounding neighborhood is primarily residential in character, featuring several lots measuring roughly a quarter of an acre in size, and single-family homes which span the width of the parcel. The subject property is 95 feet in width and 134 feet in length, and is improved with a residence and accessory structures. A portion of the rear yard is enclosed by a fence and landscaping, leaving at its widest approximately 25 feet of open space between the fence and the adjacent parcel to the east.

Petitioners' request:

The petitioner is seeking a special use permit for the keeping of chickens at the subject property. She proposes to keep the coop in the southeast corner of the fenced-in portion of her rear yard, approximately 26 feet from the rear property line, 50 feet from the northern property line, and 38 feet from the southern property line (see attached site plan). As the subject property is less than an acre in size, the petitioner may keep up to four chickens on their property, per Chapter 44, 10-11.

Division 10-11 further outlines use provisions relevant to chicken-keeping. An analysis of whether the proposal meets the provisions of Division 10-11 is provided under Standards for Review.

STANDARDS FOR REVIEW

The requested special use is subject to the standards for granting a special use (Chapter 44, 17-7), as well as to the use provisions pertaining to chicken-keeping specifically (Chapter 44, 10-11). The Board will establish findings of facts for both sets of standards.

Ch. 44, 17-7 Special uses.

For each special use application, the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless all of the following factors are found:

1. *That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare.* Chickens shall be kept in a coop located within a fenced portion of the rear yard, roughly 50 feet from the northern property line, 38 feet from the southern property line, and 26 feet from the rear property line to the east. In this way, the chickens will be located at least 25 feet away from all neighboring properties. **The standard is met.**
 2. *That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.* The portion of the property where the coop will be kept is fenced and partially screened by both the fencing and landscaping. The special use, if approved, contributes to local food production, a goal of the Comprehensive Plan. **The standard is met.**
 3. *That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.* The proposed location of the coop exceeds the minimum setback requirements of 10' from the side and rear property lines. Additionally, chicken-keeping shall be an accessory use to an otherwise residential property, subject to the use provisions of Ch. 44, 10-11. The special use should not impair normal development of the surrounding property should the use provisions relating to chicken-keeping be adhered to. **The standard is met.**
 4. *That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.* The property is served by city utilities and roads. No change to facilities is necessary as part of this special use permit. **The standard is met.**
 5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.* Ingress and egress are provided; no change is expected as a result of the special use permit. **The standard is met.**
 6. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137).* The proposed special use is subject to and conforms with both the use provisions for chicken-keeping as stated in Chapter 44, 10-11 and the regulations of the R-1B district. **The standard is met.**
- Ch. 44, 10-11 Chicken-keeping.
- A. *On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.* Because the petitioner's property is less than an acre in size, they are permitted to keep no more than four chickens. **The standard is met.**
 - B. *On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8*

and Chapter 22 of the Bloomington Code, 1960, as amended. The standard is not applicable.

- C. *Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted.* The applicant shall only keep hens; no roosters are permitted. The applicant shall not keep poultry for slaughter. **The standard is met.**
- D. *Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.* The applicant proposes to keep the chickens in a covered enclosure, in a fenced portion of the rear yard. **The standard is met.**
- E. *Enclosures are not permitted in any front or side yard and shall be set back a minimum distance of 10 feet from all property lines.* The coop shall be located in the rear yard, at least 25 feet away from all property lines. **The standard is met.**
- F. *All feed and other items associated with the keeping of chickens that are likely to attract or to become affected by pests shall be protected and stored.* The applicant intends to store feed in plastic, food-grade bins, which are difficult for mice and other pests to access. **The standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets the use provisions required of chicken-keeping as well as all the standards for a special use, and recommends approval of the special use. Staff recommends that the Zoning Board of Appeals take the following actions:

Motion to establish findings of fact that the subject property meets the special use criteria in Chapter 44, 17-7 and use provisions for chicken-keeping in Chapter 44, 10-11 of the City Code.

Motion to recommend City Council approve the petition submitted by Dominique Medley for a special use permit for the keeping of chickens in the R-1B Single Family Residence District, for the property located at 810 Snyder Drive, Bloomington, IL 61701, PIN: 21-11-153-007 (Ward 1).

Respectfully submitted,
Caitlin Kelly
Assistant City Planner

Attachments:

- Draft ordinance
- Special use petition, available online at <https://www.cityblm.org/home/showpublisheddocument/26259/637547656377330000>
- Aerial map
- Zoning map
- Neighborhood notice and map

ORDINANCE NO. 2021 - _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR CHICKEN-KEEPING IN THE R-1B, SINGLE-FAMILY RESIDENCE DISTRICT, FOR THE PROPERTY LOCATED AT 810 SNYDER DRIVE

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for the keeping of chickens, for the property located at 810 Snyder Drive (PIN: 21-11-153-007), legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

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

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

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

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

WHEREAS, the Bloomington Zoning Board of Appeals, made findings of fact that such Special Use as illustrated in the Plans hereinafter described in Exhibit B, complied with the use provisions for chicken-keeping, and specifically:

- 1.) On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.
- 2.) On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half

acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.

- 3.) Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted.
- 4.) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- 5.) Enclosures are not permitted in any front or side yard and shall be set back a minimum distance of 10 feet from all property lines.
- 6.) All feed and other items associated with the keeping of chickens that are likely to attract or to become affected by pests shall be protected and stored.

WHEREAS, the City Council is authorized to adopt this Ordinance and grant this special use permit.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. The Council hereby adopt the findings of fact made by the Zoning Board of Appeals.
3. The Special Use Permit for chicken-keeping, for the property at 810 Snyder Drive, legally described in Exhibit "A" and illustrated in Exhibit "B" which is attached hereto and made part hereof by this reference, is hereby approved.
4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this ___ day of May 2021.

APPROVED this _____ day of May 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

Legal Description

NOTTOLI SUBDIVISION

LOT 6

DRAFT

EXHIBIT B

810 Snyder Dr,
Bloomington, IL 61701

50'-3/4"

26'-3"

38'-1/4"

Google

Map data ©2021, Map data ©2021

United States

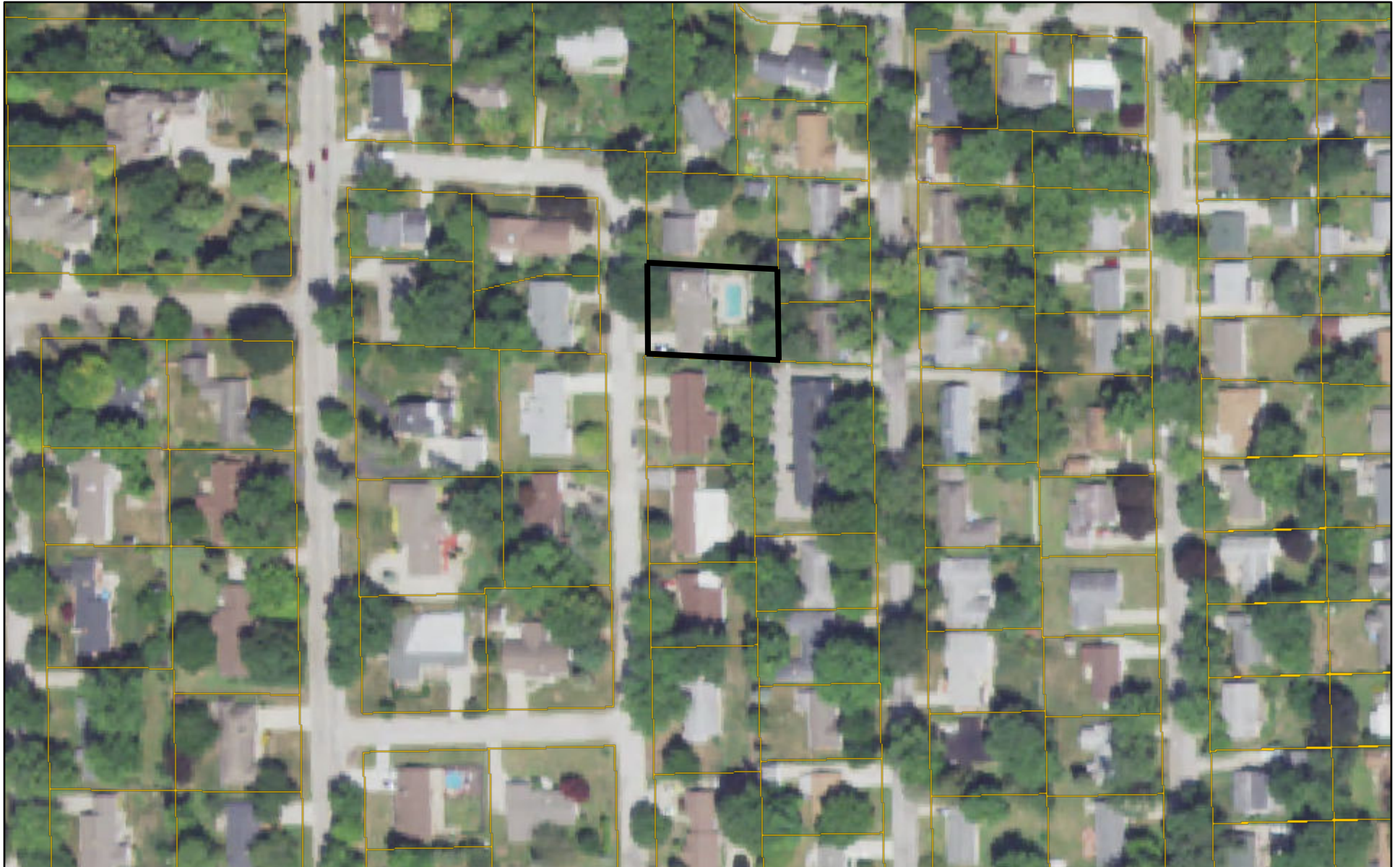
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Privacy

Send feedback

20 ft

SP-03-21 Aerial Map



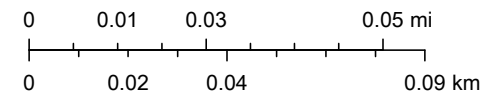
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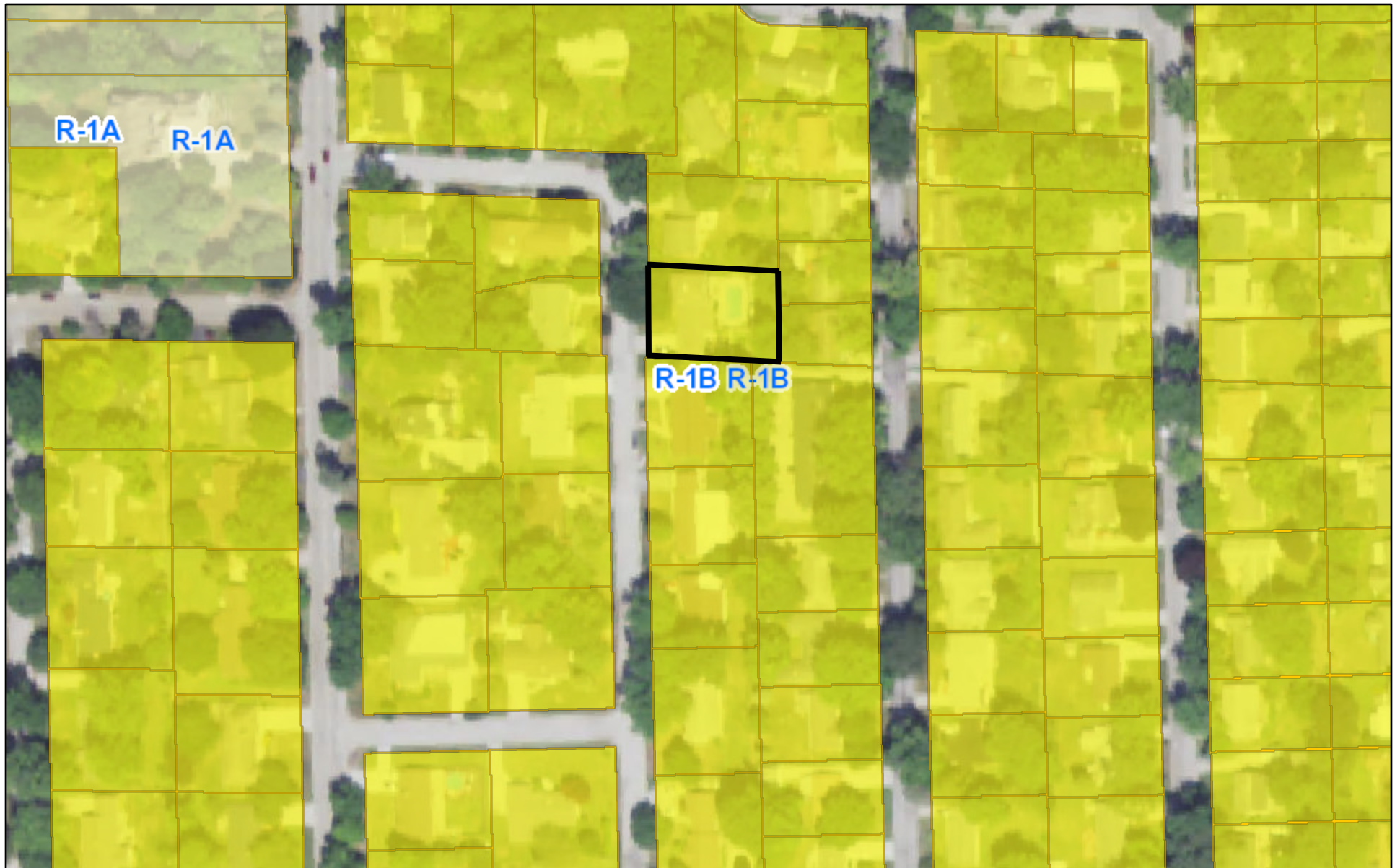


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Web AppBuilder for ArcGIS

McGIS-McLean County GIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | <http://www.McGIS.org/License> | McLean County Museum of History | McGIS | FEMA, McGIS | City of Bloomington |

SP-03-21 Zoning Map



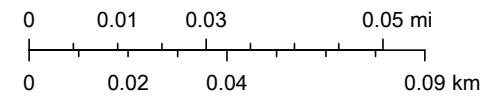
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Economic & Community Development
Department
115 E Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

April 30, 2021

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, May 19, 2021 at 4:00 PM at www.cityblm.org/live on an application submitted by Dominique Medley.

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petition, or ask questions related to the petitioner's request at the scheduled public hearing.

The applicant is requesting approval of a special use permit at 810 Snyder Drive, Bloomington, IL 61701, PIN: 21-11-153-007 for the keeping of chickens in the R-1B Single Family Residence District.

The application is online at www.cityblm.org/zoning. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org/zoning. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org.

Members of the public may attend the meeting at City Hall. Attendance will be limited to 10 people including staff and Board/Commission Members and will require compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees are encouraged to attend remotely.

The rules for physical attendance may be subject to change due to changes in law or to executive orders related to the COVID-19 pandemic occurring after delivery of this notice. Changes will be posted at www.cityblm.org/register.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

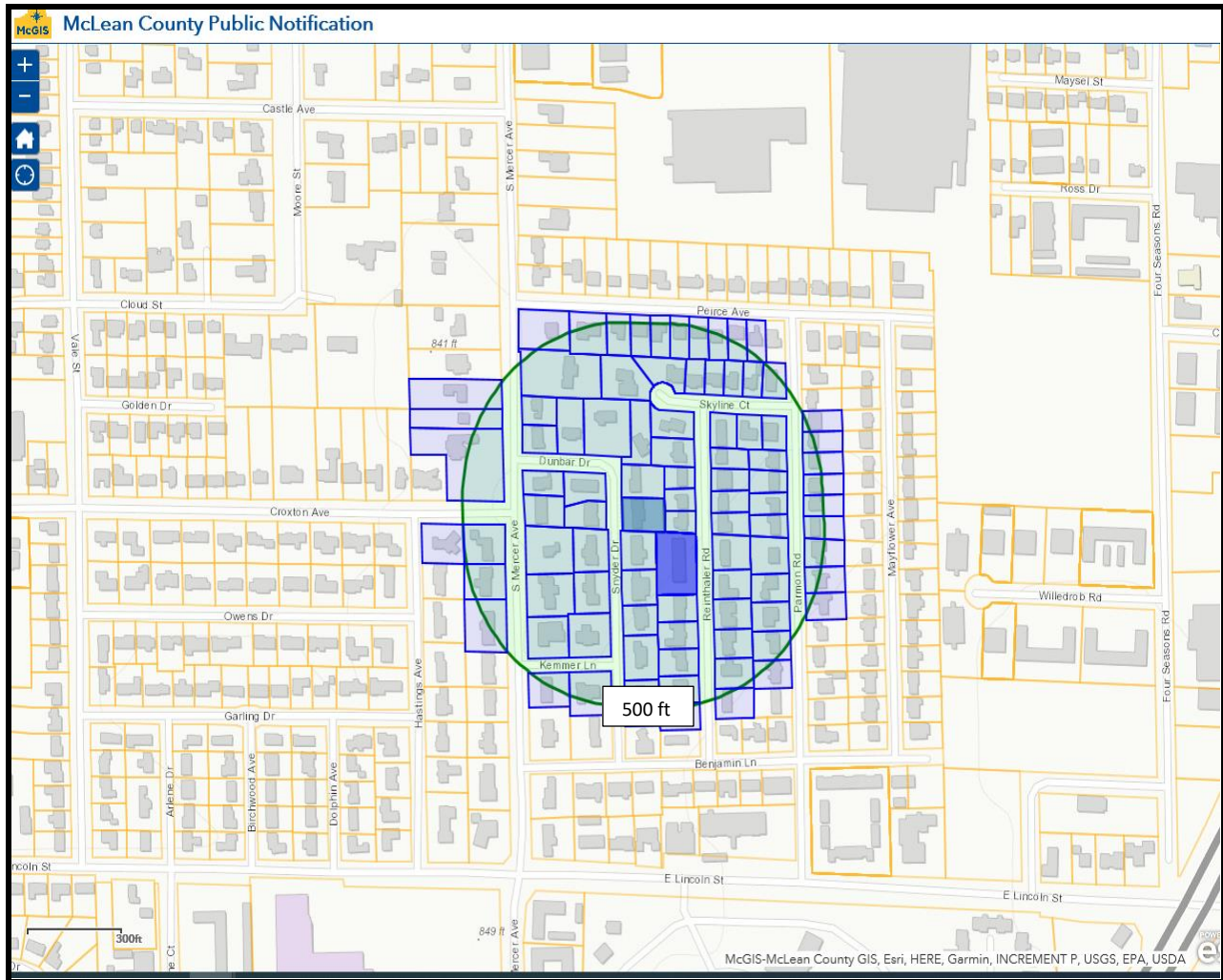
If you desire more information regarding the proposed petition or have any questions, you may email planning@cityblm.org or call (309)434-2226.

Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property



- A. SP-03-21 Public hearing, review, and action on a petition submitted by Dominique Medley for a special use permit for the keeping of chickens in the R-1B Single Family Residence District, for the property located at 810 Snyder Drive, Bloomington, IL 61701, PIN: 21-11-153-007 (Ward 1).

Ms. Kelly provided the staff report and presentation. She explained staff is recommending in favor of the special use permit. Ms. Kelly provided photos of the site, an aerial map, and zoning map. She described the surrounding uses and provided the staff analysis of the standards for a special use permit.

Dominique Medley, the applicant, was sworn in for testimony. She described her proposed project. She confirmed she intends to keep four chickens and provided her experience with chicken keeping. Chairperson Harris asked about food storage. Ms. Medley confirmed food would be stored within the garage.

Ms. Simpson read two emailed comment in opposition to the project into the record. Ms. Simpson addressed the questions in the email. Ms. Medley also addressed the questions and concerns in the email.

Mr. Ballantini motioned to accept the findings of fact, as presented in the staff report, in whole. Mr. McFarland seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

Mr. Ballantini motioned to recommend approval of the special use. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

ORDINANCE NO. 2021 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR CHICKEN-KEEPING IN THE
R-1B (SINGLE-FAMILY RESIDENCE) DISTRICT, FOR THE PROPERTY LOCATED AT
810 SNYDER DRIVE**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for the keeping of chickens, for the property located at 810 Snyder Drive (PIN: 21-11-153-007), legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

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

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

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

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

WHEREAS, the Bloomington Zoning Board of Appeals, made findings of fact that such Special Use as illustrated in the Plans hereinafter described in Exhibit B, complied with the use provisions for chicken-keeping, and specifically:

- 1.) On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.

- 2.) On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to four chickens plus one additional chicken per half acre in excess of one acre may be permitted as an accessory use and shall comply with Chapter 8 and Chapter 22 of the Bloomington Code, 1960, as amended.
- 3.) Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted.
- 4.) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- 5.) Enclosures are not permitted in any front or side yard and shall be set back a minimum distance of 10 feet from all property lines.
- 6.) All feed and other items associated with the keeping of chickens that are likely to attract or to become affected by pests shall be protected and stored.

WHEREAS, the City Council is authorized to adopt this Ordinance and grant this special use permit.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. The Council hereby adopts the findings of fact made by the Zoning Board of Appeals.
3. The Special Use Permit for chicken-keeping, for the property at 810 Snyder Drive, legally described in Exhibit "A" and illustrated in Exhibit "B" which is attached hereto and made part hereof by this reference, is hereby approved.
4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 28th day of June 2021.

APPROVED this _____ day of June 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

Legal Description

NOTTOLI SUBDIVISION

LOT 6

810 Snyder Dr,
Bloomington, IL 61701

50'-3/4"

26'-3"

38'-1/4"

Google



CONSENT AGENDA ITEM NO. 8.I

FOR COUNCIL: June 28, 2021

SPONSOR: Economic & Community Development Department

WARD IMPACTED: Ward 7

SUBJECT: Consideration and action on an Ordinance Approving a Special Use Permit for Vehicle Sales in the M-1 (Restricted Manufacturing) District, for the Property Located at 1321 N. Mason Street, as requested by the Economic & Community Development Department.

RECOMMENDED MOTION:

The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

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

STRATEGIC PLAN SIGNIFICANCE:

- Objective 5e. More attractive city: commercial areas and neighborhoods
- Objective 3e. Strong working relationship among the City, businesses, economic development organizations

BACKGROUND: The Petitioner, Gene LeGrand, is requesting to obtain a Special Use Permit for Vehicle Sales in the M-1 (Restricted Manufacturing) District, for the property located at 1321 N. Mason Street.

Summary of Request

1. Vehicles sales for up to six cars on site at the subject property.
2. Most sales will be conducted online or through auctions.

On Wednesday, May 19, 2021, the Zoning Board of Appeals held an administrative public hearing, found the request met the Standards for a Special Use, and voted 6-0-0 to recommend approval of the Special Use to the City Council, with the following condition:

That a fence along the parking area be extended to the opening of the driveway.

For more detailed information, please see the attached Staff Memorandum to the Zoning Board of Appeals and draft meeting minutes. A recording of the public meeting is available for review online at www.cityblm.org/live.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The City published notice of the hearing in *The Pantagraph* on Monday, May 3, 2021, courtesy notices were mailed to 86 property owners within 500 feet of the subject property, and a notification sign was placed on the property.

FINANCIAL IMPACT: If approved, this may generate additional State Sales Tax and Vehicle Use Tax for the City.

COMMUNITY DEVELOPMENT IMPACT: N-1.1b Ensure sensitive transitions from residential to nonresidential. ED-1.1 Focus on retention and expansion of existing businesses. ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City

Respectfully submitted for Council consideration.

Prepared by: Kimberly Smith, Asst Economic & Community Development Director

Reviewed by:



Melissa Hill, Economic and Community Development Director

6/21/2021



Chris Tomerlin, Budget Manager

6/22/2021

George Boyle

George Boyle, Assistant Corporation Counsel

6/23/2021



Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- E&CD 3B SP-02-21 Packet
- E&CD 3C DRAFT Minutes 5.19.21
- E&CD 3D Ordinance v1_SP-02-21
- E&CD 3E Exhibit B SP-02-21 Site Plan

ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals
FROM: Economic & Community Development Department
DATE: May 19, 2021
CASE NO: SP-02-21, Special Use Permit
REQUEST: Public hearing, review, and action on a petition submitted by Gene LeGrand for a special use permit for vehicle sales in the M-1 Restricted Manufacturing District, for the property located at 1321 N Mason Street, Bloomington, IL 61701, PIN: 14-33-302-017 (Ward 7).



Above: 1321 N Mason, outlined in black.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, May 3, 2021. Courtesy notices were mailed to 86 property owners within 500 feet of the subject property.

PROPERTY INFORMATION

Subject Property: 1321 N Mason Street
Applicants: Gene LeGrand
Existing Zoning: M-1 Restricted Manufacturing District
Existing Land Use: Office
Property Size: 0.25 acres
PIN: 14-33-302-017

SURROUNDING ZONING AND LAND USES

	Zoning	Land Uses
North	M-1, P-2 Public Lands and Institutions	Vehicle repair, utilities
South	M-1, R-1C Single-Family Residence District	Office, single-family homes
East	M-1, R-1C	Railroad, single-family homes
West	R-1C	Single-family homes

PROJECT DESCRIPTION

Background:

1321 N Mason Street is located near the Union-Pacific Railroad's intersection with W Division Street, on the north side of the City's municipal limits. The subject property and the properties abutting it to the north and south, 604 W Division and 1315 N Mason, originally made up one parcel under the ownership of PEMCO Mutual Insurance Company. The subject property is improved with an office building; constructed in the late 1970s, this building was originally the PEMCO office.

The subject property is adjacent to predominantly residential and industrial uses. Residences lie directly across Mason Street to the west, and other residential neighborhoods are separated from the subject parcel by the Union-Pacific Railroad to the east. To the north is the Bloomington Water Department. The site lies within the M-1 District, allowing for a multitude of commercial, agricultural, and light industrial uses by right. Most automotive uses in this District require a special use permit if located adjacent to residential zoning, as the subject property is. Recently, 604 W Division was granted a special use permit for vehicle repair and service.

Petitioners' request:

The applicant is seeking a special use permit to facilitate limited vehicle sales at the subject property. The applicant plans to keep up to six cars onsite at any given time, conducting most sales either online or through auctions.

Compliance with the Comprehensive Plan:

- N-1.1b Ensure sensitive transitions from residential to nonresidential.
- ED-1.1 Focus on retention and expansion of existing businesses.
- ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City

STANDARDS FOR REVIEW

Ch. 44, 17-7 Special uses.

For each special use application, the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless all of the following factors are found:

1. *That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare.* Due to the relatively small scale of the proposed use, it is unlikely that activity at this site will reach a level disruptive to surrounding properties. In previous cases, neighbors have expressed concern about the amount of parking on Mason Street occupied for commercial purposes; per Chapter 29, Section 108 of the Municipal Code, vehicles for sale cannot be

displayed on the roadway. Any vehicles sold at this property would therefore have to be parked onsite. **The standard is met.**

2. *That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.* The proposed use is consistent with the special use granted at 604 W Division. The subject property itself is screened from neighboring parcels to the east by several trees and distanced from them by the railroad. A vinyl fence has recently been constructed at 604 W Division. Staff recommends extending this fence in order to screen the parking lot of the subject property, which will be used to store cars for sale. With this condition, **the standard is met.**
3. *That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.* The proposed use is anticipated to have a minimal impact on surrounding properties. The added condition regarding parking lot screening will further lessen this impact. **The standard is met.**
4. *That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.* The property is served by a 30" storm sewer which cuts across the western portion of the property. Ingress and egress are provided by an existing access drive; no changes are proposed. The parking lot onsite is paved with concrete. **The standard is met.**
5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.* The Municipal Code stipulates that vehicles displayed for sale may not be parked in the roadway, ensuring that the proposed use will not occupy on-street parking spaces. Because most of the sales are to occur off-site, minimal trip generation is anticipated. **The standard is met.**
6. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137).* The subject property is regulated by all applicable regulations of the Zoning Ordinance. Were the building or parking lot to be expanded, they may need to be brought into conformance with landscaping standards. **The standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets the standards for a special use and recommends approval of the special use with the recommended condition. Staff recommends that the Board take the following actions:

Motion to establish findings of fact that the subject property meets the special use criteria in Chapter 44, 17-7 of the City Code.

Motion to recommend that City Council approve the special use permit for vehicle sales in the M-1 Restricted Manufacturing District, for the property located at 1321 N Mason Street, Bloomington, IL 61701, PIN: 14-33-302-017 (Ward 7), with the following condition:

Condition:

1. That the parking lot is screened from view of the street.

Respectfully submitted,
Caitlin Kelly
Assistant City Planner

Attachments:

- Draft ordinance
- Special use petition, available online at <https://www.cityblm.org/home/showpublisheddocument/26257/637547654539130000>
- Aerial map
- Zoning map
- Neighborhood notice and map

ORDINANCE NO. 2021 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR VEHICLE SALES IN THE M-1,
LIMITED MANUFACTURING DISTRICT, FOR THE PROPERTY LOCATED AT 1321 N
MASON STREET**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for vehicle sales for the property located at 1321 N Mason Street (PIN: 14-33-302-017), legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

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

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

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

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

WHEREAS, the City Council is authorized to adopt this Ordinance and grant this special use permit.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. The Council hereby adopt the findings of fact made by the Zoning Board of Appeals.

3. The Special Use Permit for vehicle sales, for the property at 1321 N Mason Street, legally described in Exhibit "A" and illustrated in Exhibit "B" which is attached hereto and made part hereof by this reference, is hereby approved with the following condition:
 - a. That the parking lot is to be screened from view of the street.
4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this ___ day of May 2021.

APPROVED this _____ day of May 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

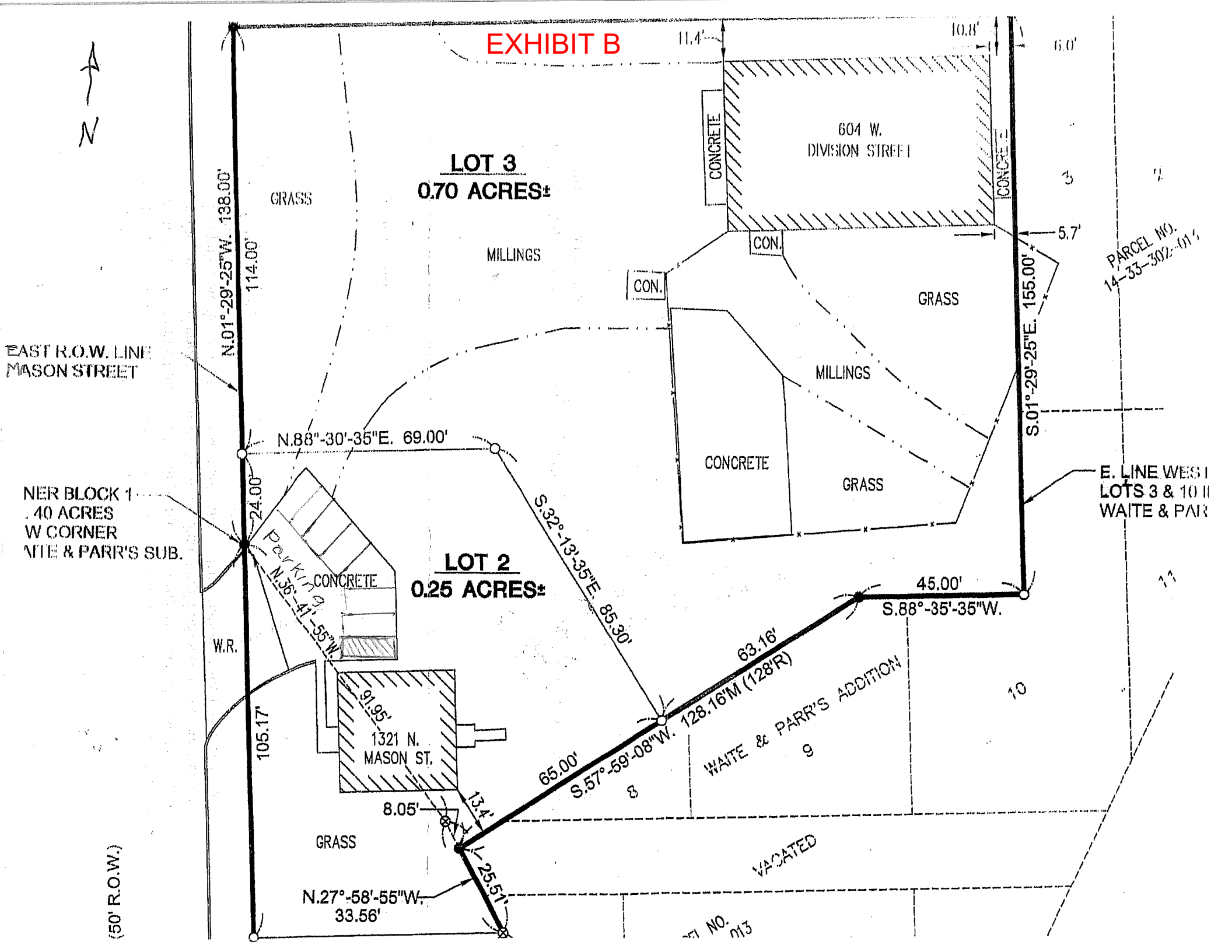
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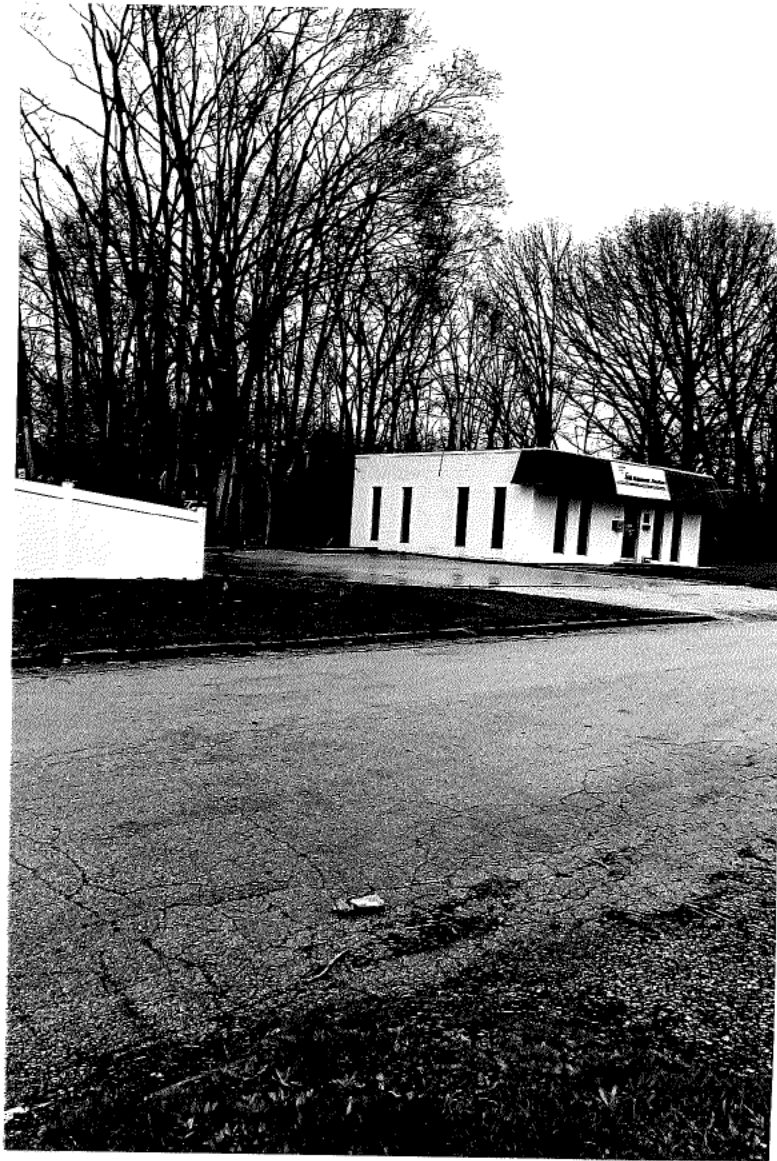
LEGRAND SUBDIVISION

LOT 2

DRAFT

EXHIBIT B





LeGRAND Sub Lot 2

Tax Code 4001

Property Use Code 0060

1321 N Mason ST.

I would like to sell some CARS on the lot. Most of my sales will be done online & at the Auctions. I should only have very few CARS on site at one time, 5 or 6.

There is a new fence put up to block the view of the Repair Shop, and a row of trees behind the lot to block the view of the CARS behind my business.

It is a small business and I should not have any trash to worry about.

Thank you.

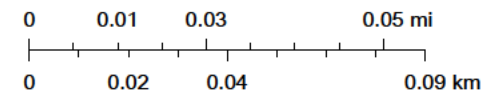


SP-02-21 Aerial Map



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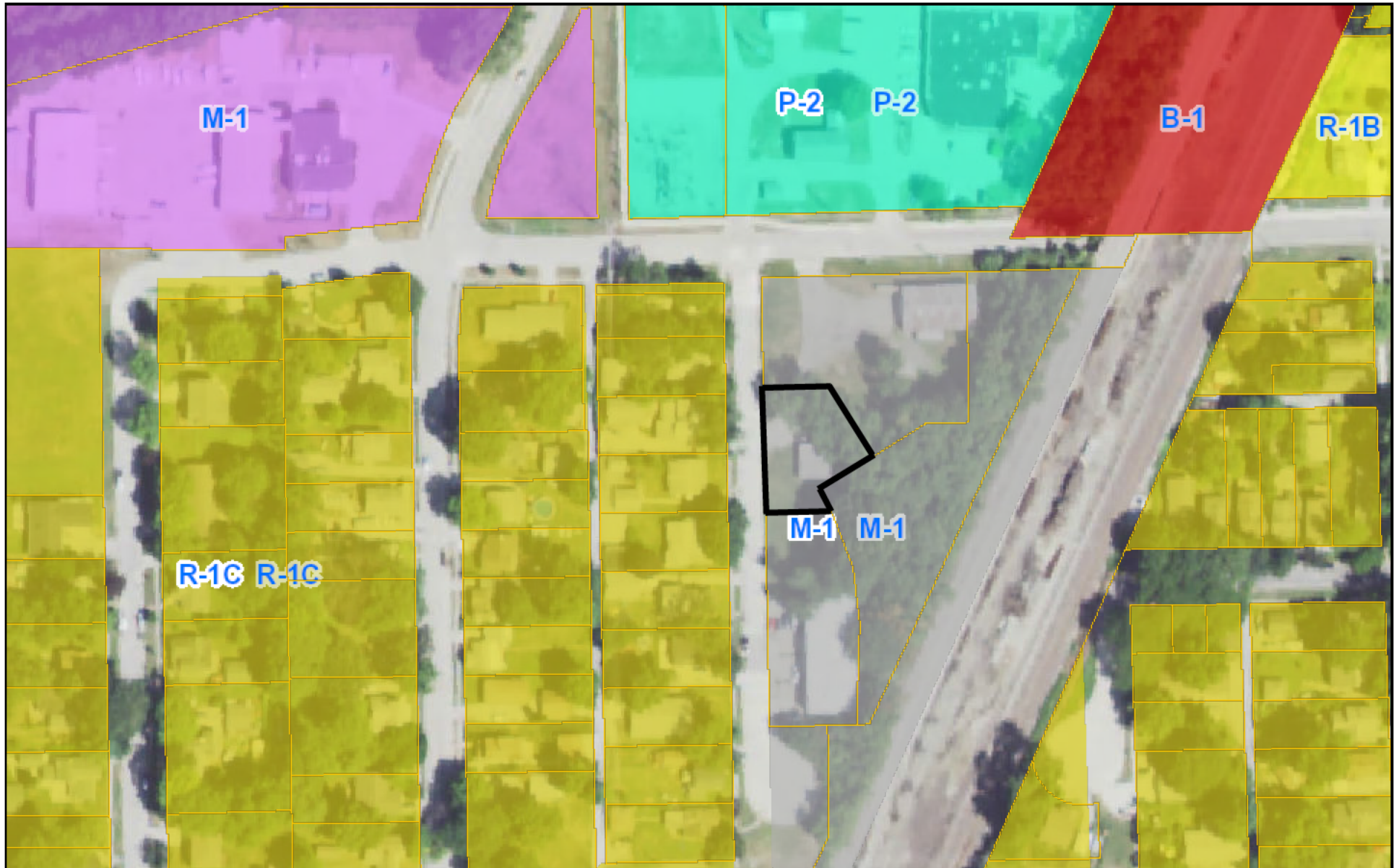


Town of Normal GIS, McGIS-McLean County GIS, Esri, HERE, Garmin,

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SP-02-21 Zoning Map

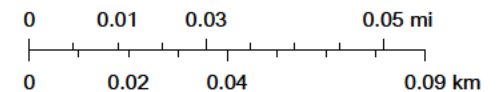


5/4/2021, 8:00:30 AM

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Economic & Community Development
Department
115 E Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

April 30, 2021

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, May 19, 2021 at 4:00 PM at www.cityblm.org/live on an application submitted by Gene LeGrand.

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petition, or ask questions related to the petitioner's request at the scheduled public hearing.

The applicant is requesting approval of a special use permit at 1321 N Mason Street, Bloomington, IL 61701 (PIN: 14-33-302-017) to allow vehicle sales in the M-1 Restricted Manufacturing District.

The application is online at www.cityblm.org/zoning. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org/zoning. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org.

Members of the public may attend the meeting at City Hall. Attendance will be limited to 10 people including staff and Board/Commission Members and will require compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees are encouraged to attend remotely.

The rules for physical attendance may be subject to change due to changes in law or to executive orders related to the COVID-19 pandemic occurring after delivery of this notice. Changes will be posted at www.cityblm.org/register.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

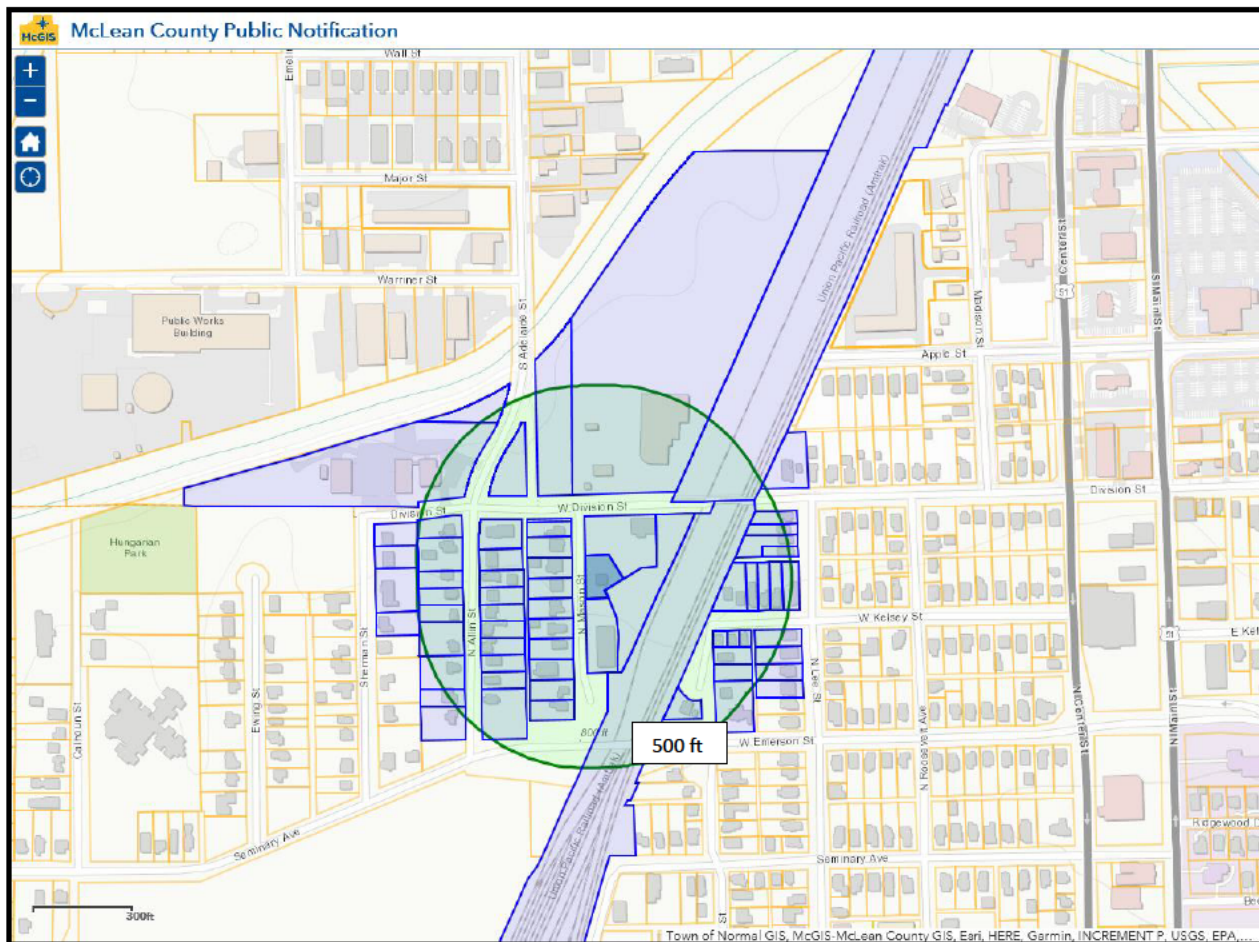
If you desire more information regarding the proposed petition or have any questions, you may email planning@cityblm.org or call (309)434-2226.

Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property



- A. SP-02-21 Public hearing, review, and action on a petition submitted by Gene LeGrand for a special use permit for vehicle sales in the M-1 Restricted Manufacturing District, for the property located at 1321 N Mason Street, Bloomington, IL 61701, PIN: 14-33-302-017 (Ward 7).

Ms. Kelly provided the staff report and presentation. She explained staff is recommending in favor of the special use permit with the condition that the fence at 604 W Division Street is extended to provide screening from the adjacent residential uses. Ms. Kelly provided photos of the site, an aerial map, and zoning map. She described the surrounding uses and provided the staff analysis of the standards for a special use permit.

Gene LeGrand, the applicant, was sworn in for testimony. He described his proposed project.

Mr. Ballantini asked whether six cars would be the maximum amount stored on the lot. Mr. LeGrand confirmed that would be the case. Mr. Ballantini asked if he would be amenable to extending the fence to screen the parking lot. Mr. LeGrand indicated that he would be willing to screen the parking lot up to the access drive.

Cheryl Dawdy was sworn in for testimony. She spoke to the efficiency of 604 W Division in meeting the provisions of the special use permit they were granted and raised concerns about the impact of a dealership on the neighborhood. Ms. Dawdy was supportive of the suggested condition that the fence be extended to screen the parking lot.

Mr. Ballantini asked whether extending the fence to the driveway would be feasible. Mr. LeGrand affirmed that it would be.

Mr. Ballantini motioned to vote on the Findings of Fact separately. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion was approved (6-0-0).

Standards 1). That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Standard 2). That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. Regarding the second finding, Mr. Ballantini motioned to accept the condition as recommended by staff and find the standard is met. Mr. Noonan seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met with the condition (6-0-0).

Standard 3). That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Standard 4). That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Standard 5). That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Standard 6). That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137). Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The standard was found to be met (6-0-0).

Mr. Noonan motioned to recommend approval of the special use with the condition that the fence be extended to the opening of the driveway. Mr. Ballantini seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

DRAFT

ORDINANCE NO. 2021 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR VEHICLE SALES IN THE M-1
(RESTRICTED MANUFACTURING) DISTRICT, FOR THE PROPERTY LOCATED AT
1321 N. MASON STREET**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for vehicle sales for the property located at 1321 N Mason Street (PIN: 14-33-302-017), legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

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

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

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

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

WHEREAS, the City Council is authorized to adopt this Ordinance and grant this special use permit.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. The Council hereby adopts the findings of fact made by the Zoning Board of Appeals.

3. The Special Use Permit for vehicle sales, for the property at 1321 N Mason Street, legally described in Exhibit "A" and illustrated in Exhibit "B" which is attached hereto and made part hereof by this reference, is hereby approved with the following condition:

That the parking lot is to be screened from view of the street.

4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 28th day of June 2021.

APPROVED this _____ day of June 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

Legal Description

LEGRAND SUBDIVISION

LOT 2

N.

FENCE

N.88°-30'-35"E. 69.00'

24.00'

CONCRETE

LOT 2
0.25 ACRES±

W.R.

W.R.

105.17'

1321 N.
MASON ST.

8.05'

GRASS

N.27°-58'-55"W.
33.56'

N.88°-30'-35"E. 67.98'

ST 1 BLOCK 1
RES SUB.

S.32°-13'-35"E. 85.30'

65.00'

S.57°-59'-08"W. 128.16'M (128.16')

CONCRETE

WAITE &

PARCEL NO.
14-33-302-013

S.21°-23'-E

25.51'

13.4'

14



CONSENT AGENDA ITEM NO. 8.J

FOR COUNCIL: June 28, 2021

SPONSOR: Economic & Community Development Department

WARD IMPACTED: Ward 7

SUBJECT: Consideration and action on an Ordinance Approving a Special Use Permit for Vehicle Repair in the B-1 (General Commercial) District, for the Property Located at 1025 Wylie Drive, as requested by the Economic & Community Development Department.

RECOMMENDED MOTION:

The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

-Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:

-Objective 4e. Strong partnership with residents and neighborhood associations

BACKGROUND: The Petitioner, David Bailey, is requesting to obtain a Special Use Permit, with Variance, for Vehicle Repair in the B-1 (General Commercial) District, for the property located at 1025 Wylie Drive.

Summary of Request

1. Special use to allow redevelopment of vacant building into a vehicle repair shop.
2. Side yard setback variance for parking.

On Wednesday, May 19, 2021, the Zoning Board of Appeals held an administrative public hearing, found the request met the Standards for a Special Use, and voted 6-0-0 to recommend approval of the Special Use to the City Council.

For more detailed information, please see the attached Staff Memorandum to the Zoning Board of Appeals and draft meeting minutes. A recording of the public meeting is available for review online at www.cityblm.org/live.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The City published notice of the hearing in *The Pantagraph* on Monday, May 3, 2021, courtesy notices were mailed to 86 property owners within 500 feet of the subject property, and a notification sign was placed on the property.

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: Goal ED-1. Ensure a broad range of employment opportunities for all residents. Objective ED-1.2 Leverage community assets in attracting businesses. Goal ED-4 Enhance the image of Bloomington as a business-friendly community.

Objective ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City.

Respectfully submitted for Council consideration.

Prepared by: Kimberly Smith, Asst Economic & Community Development Director

Reviewed by:



Melissa Hoy, Economic and Community Development Director

6/21/2021



Chris Tomertin, Budget Manager

6/22/2021

George Boyle

George Boyle, Assistant Corporation Counsel

6/23/2021



Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- E&CD 2B SP-04-21 Final Packet
- E&CD 2C DRAFT Minutes 5.19.21
- E&CD 2D Ordinance v1_SP-04-21
- E&CD 2E Exhibit B Wylie Site Plan



ZONING BOARD OF APPEALS

TO: Zoning Board of Appeals
FROM: Economic & Community Development Department
DATE: May 19, 2021
CASE NO: SP-04-21, Special Use Permit
REQUEST: Public hearing, review, and action on a petition submitted by David Bailey on behalf of Oldacre McDonald, LLC for a special use permit with variance(s) for vehicle repair and service in the B-1 General Commercial District, for the property located at 1025 Wylie Drive, Bloomington, IL 61705, PIN: 14-31-353-006 (Ward 7).



Above:1025 Wylie Drive, outlined in black.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, May 3, 2021. Courtesy notices were mailed to 86 property owners within 500 feet of the subject property.

PROPERTY INFORMATION

Subject Property: 1025 Wylie Drive
Owner: Aldi Inc.
Applicants: David Bailey, on behalf of Oldacre McDonald, LLC
Existing Zoning: B-1 General Commercial District
Existing Land Use: Vacant/Former Grocery Store
Property Size: Approximately 2.7 acres (220 feet X 550 feet)
PIN: 14-31-353-006

SURROUNDING ZONING AND LAND USES

	Zoning	Land Uses
North	B-1 General Commercial District	Theater/Hotel
South	B-1 General Commercial District	Retail/Restaurants
East	B-1 General Commercial District	Apartments
West	B-1 General Commercial District	Vacant/Retail

PROJECT DESCRIPTION

Background:

1025 Wylie Drive is located south of W Market Street and west of Wylie Drive. The property is improved with a commercial building that previously operated as an Aldi grocery store. The property has been vacant since Aldi relocated to the corner of W Market Street and Maple Hill Road in 2019. The subject property is zoned B-1 General Commercial District and surrounded by other B-1 zoned properties, including an apartment complex located east of the site.

Petitioners' request:

The applicant is seeking a special use permit to facilitate redevelopment of the vacant building as a vehicle repair shop, Caliber Collision. No changes are proposed to the existing building footprint or design. Included in the application is a detailed description of services and operations for the business. Vehicle Repair is regulated by Division 10-34 of the City Code. This section outlines additional bulk, height, and use provisions for the repair facility. According to the application, all repair services are to be conducted inside the building, and larger engine/transmission repairs are contracted to other local businesses¹. The average storage time for a vehicle is seven days². In addition to the special use permit, the applicant seeks a variance from the setback requirement.

The existing building is approximately 15,000 square feet. The applicant is proposing converting the building into 2,000 square feet of office/business space and 12,000 square feet of repair space. A bay door will be added to the south and west elevations. No changes are proposed to the existing 19-foot parapet. The property has adequate parking with 109 spaces.

Compliance with the Comprehensive Plan:

The subject property is identified as a Tier 1-Infill Redevelopment Priority. The Future Land Use map shows the site as Regional Commercial, consistent with the property's B-1 Zoning Classification. Approval of the special use permit and requested variance(s) aligns with the following goals of the Comprehensive Plan:

- Goal ED-1. Ensure a broad range of employment opportunities for all residents.
- Objective ED-1.2 Leverage community assets in attracting businesses.
- Goal ED-4 Enhance the image of Bloomington as a business-friendly community.
- Objective ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City.

¹ Petitioner's Exhibit 1.

² Petitioner's Exhibit 1.

STANDARDS FOR REVIEW

The requested special use is subject to the standards for granting a special use (Chapter 44, 17-7), as well as to the use provisions pertaining to vehicle repair and service specifically (Chapter 44, 10-34). The Board will establish findings of facts for both sets of standards.

Ch. 44, 17-7 Special uses.

For each special use application, the Board of Zoning Appeals shall report to the Council its findings of fact and recommendations, including the stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest or to meet the standards as specified herein. No special use application shall be recommended by the Board of Zoning Appeals for approval unless all of the following factors are found:

1. *That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare.* The proposed use is a professional service consistent and compatible with the surrounding retail uses. According to the application, the operations are conducted completely indoors, which decreases or potentially eliminates negative externalities associated with an auto repair facility. All repair vehicles will be stored in a fenced area in the rear of the property. **The standard is met.**
2. *That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.* The proposed use is compatible in scale with the adjacent retail and restaurant uses. The building is over 120 feet from a residential boundary line or residential property, consistent with the requirements of Division 10-34. **The standard is met.**
3. *That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.* The proposed use will generate less traffic than the previous use, having less of an impact on adjacent development. According to the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, an "auto care center" can generate approximately 3.11 trips per 1000 square feet of gross floor area at evening peak hours. The proposed facility could generate as many as 45 vehicles (coming and going) at one time in the evening peak hours. This number is calculated as a combination of employees leaving, people picking up vehicles, and people dropping off vehicles. This number is also significantly less than the PM traffic that could be generated by a retail facility less than 100,000 square feet in area, which generates a daily average of 6.4 trips per 1000 square feet of gross floor area.³ The proposed use has hours of operation similar to the surrounding uses and generates a similar amount of traffic. **The standard is met.**
4. *That adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.* The property is served by Wylie Drive, a collector road. The street system is adequate for the proposed use. Since the project is a redevelopment of an existing building, all utilities and facilities serving the property exist and are adequate for commercial use. **The standard is met.**

³ NCHRP Report 365. *Travel Estimation Techniques for Urban Planning*. 1998. Page 21.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.* No changes are proposed to the site's ingress and egress. The applicant is proposing a fence to separate customer vehicles from repair vehicles. **The standard is met.**
6. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137).* The proposed special use complies with the purpose and intention of the B-1 District and is compatible with the surrounding uses. The applicant is requesting a variance in the side yard setback. Once the variance is approved, **the standard will be met.**

Chapter 44, 10-34 Vehicle repair and service

- A. *Location. Not more than two automobile service stations shall be permitted on the quadrants of an intersection and shall not be located closer than 120 feet of a Residential District boundary.* The proposed building exceeds the minimum 120-foot setback from a residential boundary line. **The standard is met.**
- B. *Site standards.*
 - a. *No curb cuts shall be permitted within 10 feet of a side lot line or 20 feet of a street intersection.* **The standard is met.**
 - b. *Any area where inoperative vehicles are intended to be stored for a period of more than 10 days shall be fully screened in accordance with Article XIII of this Code to prevent such vehicles from being viewed from a public street or area.* Inoperable vehicles will be stored the rear of the parking lot, fenced from public view and secured. According to the applicant's application, vehicles will be stored for an average of seven days. **The standard is met.**
 - c. *All service equipment (lubrication equipment, hydraulic lifts, etc.) and repair and maintenance work shall be inside the principal building.* **The standard is met.**
 - d. *The following activities are expressly prohibited in conjunction with, or accessory to, an automobile service station: aviation sales, automobile sales, boat sales, farm implement sales, house-car trailer sales, mobile home sales, recreation vehicle sales or auto body work, straightening of auto body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than otherwise typical of automobile service stations.* **The standard is met.**
- C. *Outdoor lighting. In addition to the standards of § [44-911](#), all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandle.* **The standard is met.**
- D. *Building height. The maximum permitted building height shall be 20 feet or one story, whichever is lower.* **The standard is met.**

- E. *The following minimum site and bulk standards shall be required for the siting and development of any automobile service station.*

Table 1034: Automobile service station site and bulk standards

Standard	Required	Provided	Comments
Min. Lot Area (feet)	10,000	2.75 acres	Compliant
Min. Lot Width (feet)	70	220	Compliant
Min. Lot Depth (feet)	N/A	N/A	N/A
Front Yard (feet)	40	170	Compliant
Side Yard (feet)	15	9.5	Variance Requested
Rear Yard (feet)	20	160	Compliant

Chapter 44, 17-8 Variances

The applicant is requesting a variance to allow for a five-foot six-inch reduction from the 15-foot required side yard setback. Staff recommends approval of the variance and finds the following:

1. *That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult.* The building and property were developed in conformance with the setbacks of the B-1 District. The building is existing and shifting the building to the south by five feet would unduly burden the applicant. The building will be modified and improved to comply with fire separation and fire rating requirements. **The standard is met.**
2. *That the variance would be the minimum action necessary to afford relief to the applicant;* Alternatives such as relocating the building or removing a wall are impractical and burdensome. **The standard is met.**
3. *That the special conditions and circumstances were not created by any action of the applicant;* and The property involves reusing an existing building. The building was established in compliance with the requirements of the B-1 District, which has a minimum five-foot side yard setback. While the building exceeds the five-foot minimum, it was not constructed as a repair shop and does not meet the additional setback requirements of code. The variance is necessary to facilitate redevelopment of a vacant and underutilized building. **The standard is met.**
4. *That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code.* The proposed variance is related to the existing building. Additional upgrades for compliance with fire separation may be required to meet building code, however, the side yard setback will not give the applicant special privilege, as it is related to the existing conditions of the lot and will allow for redevelopment of a vacant building. **The standard is met.**
5. *That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties.* The property abuts a parking lot on the north side. The setback variance will allow for continued use of a vacant building and will not impair the use of the adjacent property. **The standard is met.**

STAFF RECOMMENDATION

Staff finds that the application meets the standards for special use permit and the requested variance and recommends approval of the special use with the requested variance. Staff recommends the Board take the following actions:

Motion to establish findings of fact that the subject property meets the special use criteria in Chapter 44.17-7, the Use Provisions for Vehicle Repair and Service in Division 10-34, and the variance criteria in Chapter 44.17-8 of the City Code.

Motion to recommend City Council approve the special use permit, with the following variances:

Variances:

1. A five-foot, six-inch reduction in the required 15-foot side yard setback for a vehicle repair and service station (44.10-34F).

Respectfully submitted,
Katie Simpson
City Planner

Attachments:

- Draft ordinance
- Special use petition, available online at <https://www.cityblm.org/home/showpublisheddocument/26261/637547678224430000>
- Aerial map
- Zoning map
- Neighborhood notice and map

DRAFT

ORDINANCE NO. 2021 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR VEHICLE REPAIR IN THE B-1,
GENERAL COMMERCIAL DISTRICT, FOR THE PROPERTY LOCATED AT 1025 WYLIE
DRIVE.**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for vehicle repair for the property located at 1025 Wylie Drive (PIN: 14-31-353-006) and requesting a variance from the required side yard setback, legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

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

WHEREAS, the Bloomington Zoning Board of Appeals, after proper notice was given, conducted a public hearing on said petition for the special use and variance at the Property; and

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

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

WHEREAS, the Board, found that such Special Use also complied with the standards for a Vehicle Repair and Service Station (Chapter 44 Division 10-34), specifically:

1. Location. Not more than two automobile service stations shall be permitted on the quadrants of an intersection and shall not be located closer than 120 feet of a Residential District boundary;

2. No curb cuts shall be permitted within 10 feet of a side lot line or 20 feet of a street intersection;
3. Any area where inoperative vehicles are intended to be stored for a period of more than 10 days shall be fully screened in accordance with Article [XIII](#) of this Code to prevent such vehicles from being viewed from a public street or area;
4. All service equipment (lubrication equipment, hydraulic lifts, etc.) and repair and maintenance work shall be inside the principal building;
5. The following activities are expressly prohibited in conjunction with, or accessory to, an automobile service station: aviation sales, automobile sales, boat sales, farm implement sales, house-car trailer sales, mobile home sales, recreation vehicle sales or auto body work, straightening of auto body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than otherwise typical of automobile service stations;
6. Outdoor lighting. In addition to the standards of § [44-911](#), all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandle;
7. Building height. The maximum permitted building height shall be 20 feet or one story, whichever is lower;
8. The minimum site and bulk standards shown in Table 1034 shall be required for the siting and development of any automobile service station; and,

WHEREAS, the Board, found that the requested variance for a reduction in the required side yard also complied with the standards for a Variance (Chapter 44 Division 17-8), specifically:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult;
2. That the variance would be the minimum action necessary to afford relief to the applicant;
3. That the special conditions and circumstances were not created by any action of the applicant; and The property involves reusing an existing building;
4. That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code;
5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties; and

WHEREAS, the City Council is authorized to adopt this Ordinance and grant this special use permit and requested variance.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.

2. The Council hereby adopt the findings of fact made by the Zoning Board of Appeals.
3. The Special Use Permit for vehicle sales, for the property at 1025 Wylie Drive, legally described in Exhibit "A" and illustrated in Exhibit "B" which is attached hereto and made part hereof by this reference, is hereby approved with the following variance:
 - a. A five-foot six-inch reduction from the required fifteen-foot side yard setback on the north side of the property.
4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this ___ day of May 2021.

APPROVED this _____ day of May 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

Legal Description

1025 Wylie Drive

(14-31-353-006)

Interchange City West Subdivision 8th Addition

Lot 20-B

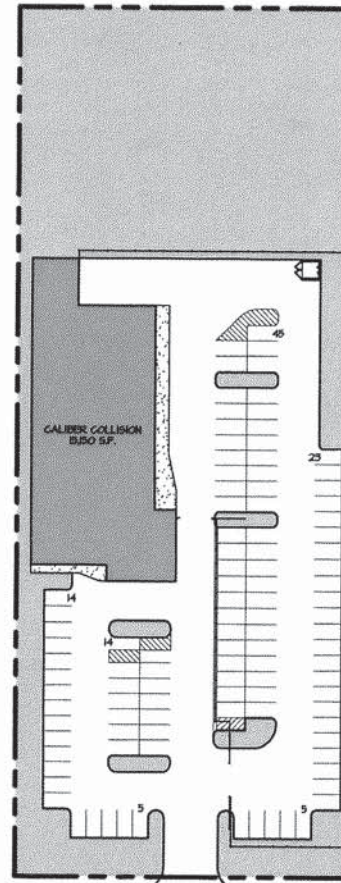
DRAFT

SITE PLAN

EXHIBIT

3

PENGAD 800-631-6989



SITE DATA

LAND AREA: 2.754 ACRES
BUILDING AREA: 13,500 S.F.
PARKING DATA:
PROVIDED 106 CARS 7.0 : 1.1 KSF

SITE PLAN

DRAWING
1025 Wylie Drive_02

DATE
08-26-20

DRAWN BY
S. Beckett

SCALE
NTS



1025 WYLIE DRIVE
BLOOMINGTON, ILLINOIS

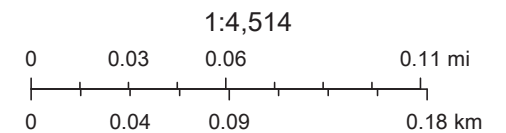
oldacre
mcdonald

3841 OREN HILLS VILLAGE DRIVE
HARDYVILLE, TENNESSEE 37216
PHONE (615) 288-5444 FAX (615) 283-6968

Zoning Map



5/5/2021, 12:37:40 PM



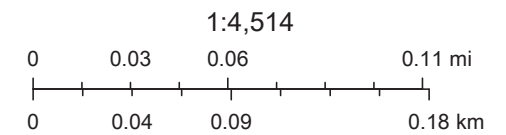
McGIS, <http://www.McGIS.org/License>, Mclean County Museum of History

Web AppBuilder for ArcGIS
<http://www.McGIS.org/License> | Mclean County Museum of History | McGIS | FEMA, McGIS | City of Bloomington |

Aerial Map



5/5/2021, 12:39:31 PM



McGIS, <http://www.McGIS.org/License>, Mclean County Museum of History

Web AppBuilder for ArcGIS
<http://www.McGIS.org/License> | Mclean County Museum of History | McGIS | FEMA, McGIS | City of Bloomington |



Economic & Community Development
Department
115 E Washington St, Ste 201
Bloomington IL 61701
(309)434-2226
planning@cityblm.org

April 30, 2021

Dear Property Owner or Occupant:

The Zoning Board of Appeals of the City of Bloomington, Illinois, will hold a virtual public hearing on Wednesday, May 19, 2021 at 4:00 PM at www.cityblm.org/live on an application submitted by David Bailey on behalf of Oldacre McDonald, LLC (3841 Green Hills Village Dr. Suite 400 Nashville, TN 37215).

You are receiving this notice because you own or occupy property within a 500-foot radius of the subject property (refer to attached map). All interested persons may present evidence or testimony regarding said petition, or ask questions related to the petitioner's request at the scheduled public hearing.

The applicant is requesting approval of a special use permit with variance (s) for vehicle repair and service in the B-1 General Commercial District, for property located at 1025 Wylie Drive, Bloomington, IL 61705, PIN: 14-31-353-006.

The application is online at www.cityblm.org/zoning. The agenda and packet for the hearing will be available prior to the hearing on the City of Bloomington website at www.cityblm.org/zoning. To provide testimony on this item please register at least 15 minutes in advance of the start of the meeting at <https://www.cityblm.org/government/boards-commissions/register-for-public-comment>. Public comments can also be emailed at least 15 minutes prior to the start of the meeting to publiccomment@cityblm.org.

Members of the public may attend the meeting at City Hall. Attendance will be limited to 10 people including staff and Board/Commission Members and will require compliance with City Hall COVID-19 protocols and social distancing. Participants and attendees are encouraged to attend remotely.

The rules for physical attendance may be subject to change due to changes in law or to executive orders related to the COVID-19 pandemic occurring after delivery of this notice. Changes will be posted at www.cityblm.org/register.

This hearing will be accessible to individuals with disabilities in compliance with the ADA and other applicable laws. For special needs or accessible questions please contact the City Clerk at 109 E. Olive St., Bloomington, (309) 434-2240, cityclerk@cityblm.org or TTY at (309) 829-5115, preferably no later than five days before the hearing.

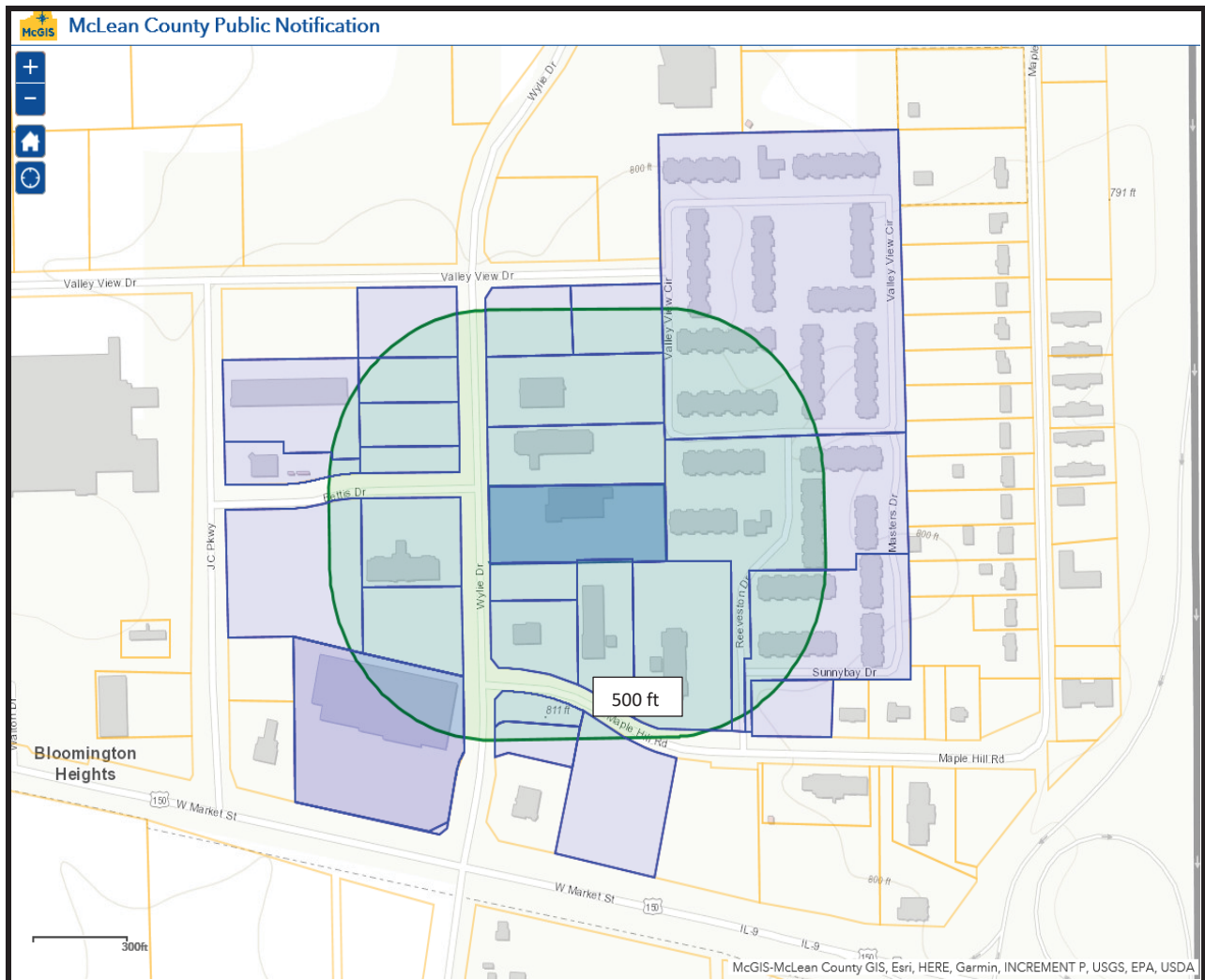
If you desire more information regarding the proposed petition or have any questions, you may email planning@cityblm.org or call (309)434-2226.

Please note this meeting could be subject to change based on a lack of quorum or other reasons. Notice of a change will also be posted online at www.cityblm.org.

Sincerely,

Planning Division staff

Map of notified properties within 500 ft of subject property



- A. SP-04-21 Public hearing, review, and action on a petition submitted by David Bailey on behalf of Oldacre McDonald, LLC for a special use permit with variance(s) for vehicle repair and service in the B-1 General Commercial District, for the property located at 1025 Wylie Drive, Bloomington, IL 61705, PIN: 14-31-353-006 (Ward 7).

Ms. Simpson presented staff's recommendation in favor of granting the special use permit and variance requested. She explained the physical location and context of the site.

Chairperson Harris mentioned that the lack of noise generated by the proposed activity should be a consideration in granting setback variances.

Tristan Bullington, the petitioner's attorney, was sworn in for testimony. David Bailey, representative of the petitioner, was sworn in for testimony. Mr. Bullington spoke to the suitability of the proposed use for the subject property, suggesting that the building might otherwise remain vacant.

Mr. Bailey, representative of the petitioner, spoke to the business' low impact on neighboring properties at sites where franchises have been installed, due in part to the fact that the shop does not take on totaled cars. He also mentioned the relatively high rate of pay employees of the chain receive.

Chairperson Harris asked how many people are typically employed at a given site. Mr. Bailey replied that there are generally 12 employees upon opening the store.

Mr. Straza motioned to accept the findings of fact as presented by staff. Mr. Ballantini seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

Mr. Ballantini motioned to recommend the special use permit and requested variance to City Council. Mr. Straza seconded. Roll call vote: Mr. Ballantini - Yes, Mr. McFarland - Yes, Mr. Straza - Yes, Mr. Noonan - Yes, Ms. Williams - Yes, Chairperson Harris - Yes. The motion carried (6-0-0).

ORDINANCE NO. 2021 - _____

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR VEHICLE REPAIR IN THE
B-1 (GENERAL COMMERCIAL) DISTRICT, FOR THE PROPERTY LOCATED
AT 1025 WYLIE DRIVE**

WHEREAS, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a petition requesting a special use permit for vehicle repair and requesting a variance from the required side yard setback for the property located at 1025 Wylie Drive (PIN: 14-31-353-006), legally described in Exhibit “A” and hereinafter referred to as “Property”, which is attached hereto and made part hereof by this reference; and

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

WHEREAS, the Bloomington Zoning Board of Appeals, after proper notice was given, conducted a public hearing on said petition for the special use and variance at the Property; and

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

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

WHEREAS, the Board, found that such Special Use also complied with the standards for a Vehicle Repair and Service Station (Chapter 44 Division 10-34), specifically:

1. Location. Not more than two automobile service stations shall be permitted on the quadrants of an intersection and shall not be located closer than 120 feet of a Residential District boundary;
2. No curb cuts shall be permitted within 10 feet of a side lot line or 20 feet of a street intersection;
3. Any area where inoperative vehicles are intended to be stored for a period of more than 10 days shall be fully screened in accordance with Article XIII of this Code to prevent such vehicles from being viewed from a public street or area;
4. All service equipment (lubrication equipment, hydraulic lifts, etc.) and repair and maintenance work shall be inside the principal building;
5. The following activities are expressly prohibited in conjunction with, or accessory to, an automobile service station: aviation sales, automobile sales, boat sales, farm implement sales, house-car trailer sales, mobile home sales, recreation vehicle sales or auto body work, straightening of auto body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than otherwise typical of automobile service stations;
6. Outdoor lighting. In addition to the standards of § 44-911, all exterior lighting fixtures shall be directed away from a Residential District and shall not increase the intensity of light within 10 feet of a Residential District boundary line by more than 1/2 footcandle;
7. Building height. The maximum permitted building height shall be 20 feet or one story, whichever is lower;
8. The minimum site and bulk standards shown in Table 1034 shall be required for the siting and development of any automobile service station; and,

WHEREAS, the Board, found that the requested variance for a reduction in the required side yard also complied with the standards for a Variance (Chapter 44 Division 17-8), specifically:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult;
2. That the variance would be the minimum action necessary to afford relief to the applicant;

3. That the special conditions and circumstances were not created by any action of the applicant; and The property involves reusing an existing building;
4. That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code;
5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties; and

WHEREAS, the City Council is authorized to adopt this Ordinance and grant this special use permit and requested variance.

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

1. The above recitals are incorporated into and made a part of this ordinance as though fully set forth herein.
2. The Council hereby adopts the findings of fact made by the Zoning Board of Appeals.
3. The Special Use Permit for vehicle sales for the property at 1025 Wylie Drive, legally described in Exhibit "A" and illustrated in Exhibit "B" attached hereto and made part hereof by this reference, is hereby approved with the following variance:

A five-foot six-inch reduction from the required fifteen-foot side yard setback on the north side of the property.

4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 28th day of June 2021.

APPROVED this _____ day of June 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

EXHIBIT A

Legal Description

1025 Wylie Drive

(14-31-353-006)

Interchange City West Subdivision 8th Addition

Lot 20-B

GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY EXISTING SITE CONDITIONS.
2. REFER TO SHEET SP1.1 AND SP1.2 FOR FENCE, GATE AND TRASH ENCLOSURE DETAILS.
3. PATCH AND REPAIR EXISTING PAVING AS REQUIRED, TBD AT PRE-BID WALK.



3710 Sutton Blvd.
St. Louis, MO 63143
www.adg-stl.com
P: 314.644.1234
F: 314.644.4373

BLOOMINGTON WYLLIE
DRIVE, LLC

341 GREEN HILLS VILLAGE DRIVE, SUITE 400
NASHVILLE, TENNESSEE 37215
PHONE: 615-364-4444

CALIBER COLLISION

1005 WYLLIE DRIVE
BLOOMINGTON, IL 61705

JOB NUMBER: 2021.0271.00

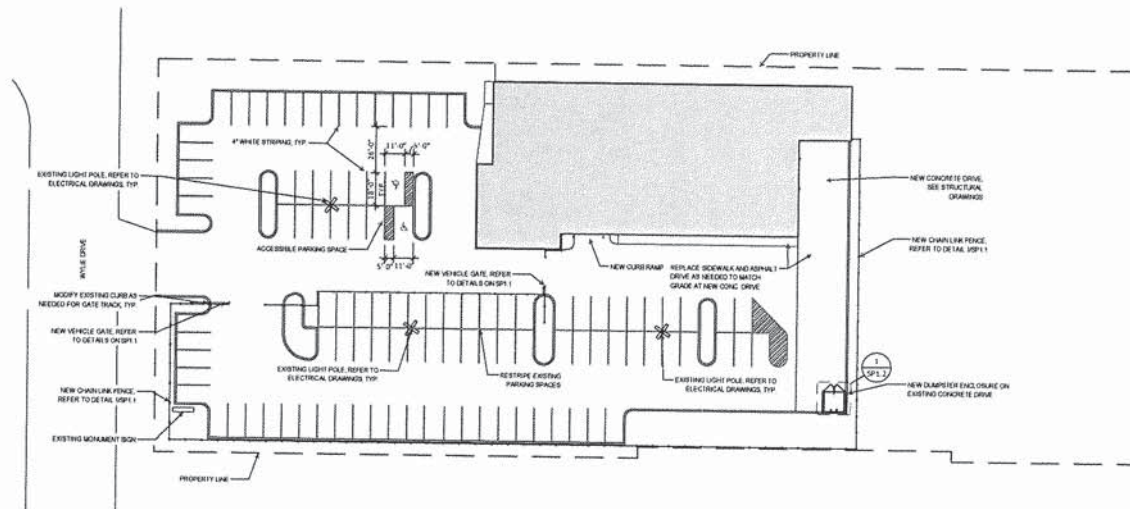
NO.	DATE	ISSUE
1	09/28/2021	ISSUED FOR BIDDING



SITE PLAN

Drawn: J.E.S. Checked: J.E.S.
Sheet No.

SP1.0



1 SITE PLAN
SCALE: 1/32" = 1'-0"

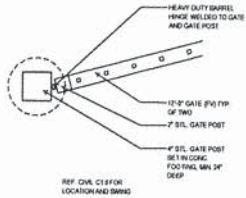


NO.	DATE	ISSUE:
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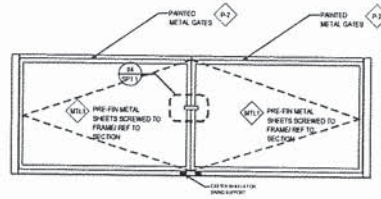
SITE DETAILS	
Drawn: J.M.	Checked: J.S.
Sheet No.	

SP1.1



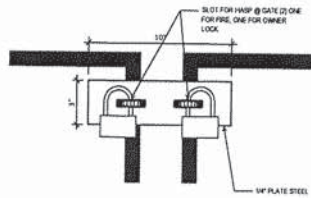
POST AT GATE

SCALE: 1 1/2\"/>



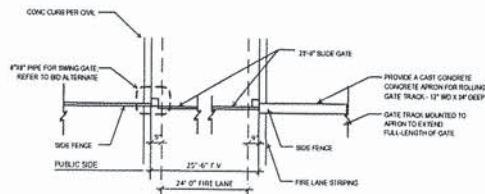
ALTERNATE VEHICLE GATE ELEVATION

SCALE: 1/4\"/>



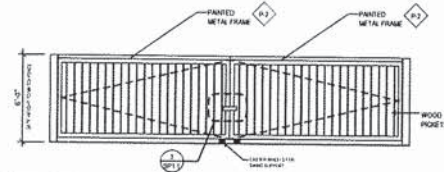
GATE CLASP

SCALE: 3\"/>



VEHICLE GATE PLAN DETAIL

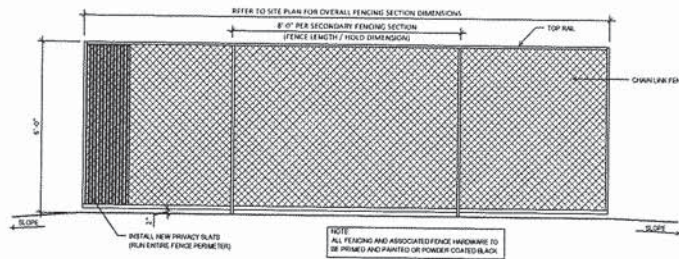
SCALE: 1/4\"/>



NOTE:
ALL FENCING AND ASSOCIATED FENCE HARDWARE TO BE
PRIMED AND PAINTED OR POWDER COATED BLACK

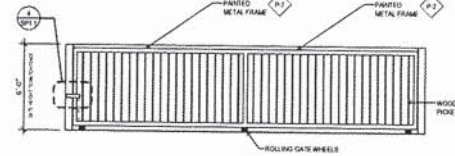
ALTERNATE VEHICLE GATE ELEVATION DETAILS

SCALE: 1/4\"/>



PERIMETER FENCE DETAILS

SCALE: 1/2\"/>

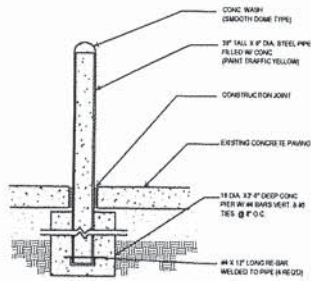


NOTE:
ALL FENCING AND ASSOCIATED FENCE HARDWARE TO BE
PRIMED AND PAINTED OR POWDER COATED BLACK

VEHICLE GATE ELEVATION DETAILS

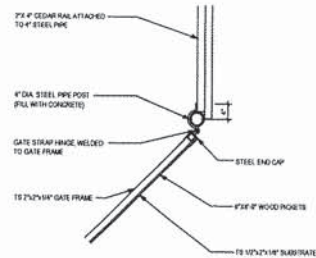
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NO.	DATE	ISSUE:
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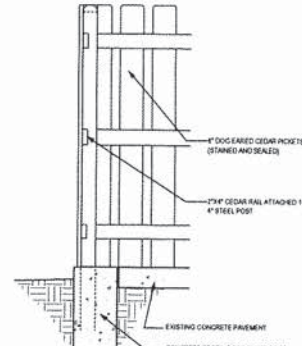
BOLLARD DETAIL

4 SCALE: 3/4" = 1'-0"



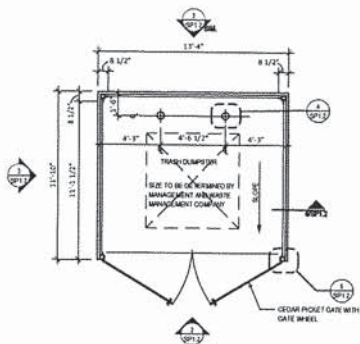
GATE DETAIL

5 SCALE: 3/4" = 1'-0"



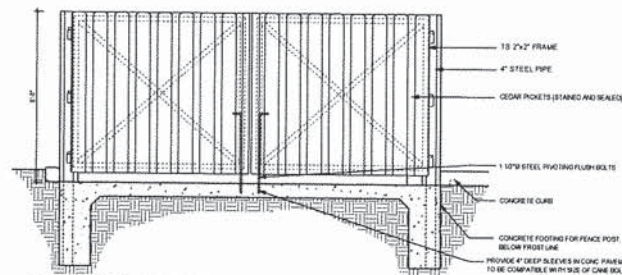
WALL SECTION

6 SCALE: 3/4" = 1'-0"



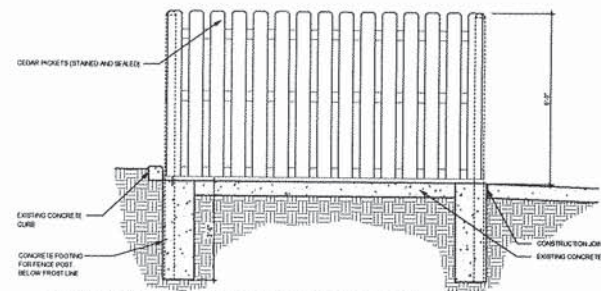
DUMPSTER ENCLOSURE PLAN

1 SCALE: 1/2" = 1'-0"



DUMPSTER ENCLOSURE FRONT ELEVATION

2 SCALE: 1/2" = 1'-0"



DUMPSTER ENCLOSURE SIDE ELEVATION

3 SCALE: 1/2" = 1'-0"



CONSENT AGENDA ITEM NO. 8.K

FOR COUNCIL: June 28, 2021

SPONSOR: City Clerk Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on an Ordinance Amending the Liquor Code to Provide for and Regulate Service and Consumption of Alcohol at Special Events on Streets, Sidewalks, or Upon Any Other Public Property, as requested by the City Clerk Department.

RECOMMENDED MOTION:

The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

- Goal 3. Grow the Local Economy
- Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

- Objective 3e. Strong working relationship among the City, businesses, economic development organizations
- Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: The City permits Special Events through the Economic and Community Development Department ("ECD") where the City Clerk Department issues liquor licenses. A portion of the special event organizers request to have alcohol at their event. The current process for adding alcohol to an event requires organizers to request to have the ordinance prohibiting public consumption of alcohol suspended for the event area during the time of the event, apply for any necessary liquor licenses, and appear before the Liquor Commission for consideration of the request and license application at a public hearing. The request and application are then submitted to the City Council for final approval. The current process can take approximately 60-90 days.

The suggested Code changes would remove the requirement of Council approval and empower the Liquor Commission to approve or deny requests and to impose conditions as deemed necessary for the health and safety of the public or to be in the best interest of the City of Bloomington. This amendment would cut the processing time in half. Additionally, the amendments would allow the Liquor Commissioner to approve the necessary liquor license for recurring special events that fit specific criteria to further reduce the processing time. Staff recommend the amendments to continue to streamline processes and to attract more events to Bloomington.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: The proposed process changes would reduce the amount of staff time and resources.

COMMUNITY DEVELOPMENT IMPACT: Goal: ED-4 Enhance the image of Bloomington as a business friendly community. Objective: ED-4.5 Identify and reduce barriers for local growth and economic development.

Respectfully submitted for Council consideration.

Prepared by: Amanda Mohan, Deputy Clerk

Reviewed by:



Leslie Yocum, City Clerk

6/23/2021



Chris Tomerlin, Budget Manager

6/24/2021

George Boyle

George Boyle, Assistant Corporation Counsel

6/24/2021



Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- CLK 2B Ordinance - Service and Consumption of Alcohol at Special Events

ORDINANCE NO. 2021 - ____

**AN ORDINANCE AMENDING THE LIQUOR CODE TO PROVIDE FOR AND
REGULATE SERVICE AND CONSUMPTION OF ALCOHOL AT SPECIAL EVENTS
ON STREETS, SIDEWALKS, OR UPON ANY OTHER PUBLIC PROPERTY**

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

WHEREAS, under both its home-rule powers and the authority granted under the Liquor Control Act of 1934, the City has broad authority to enact local regulations and procedures for the conduct of sale and consumption of alcoholic liquor for the general welfare of this community; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of Bloomington to amend the City Liquor Code to regulate the service and consumption of alcohol at special events on streets, sidewalks, or upon any other public property.

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

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

SECTION 2. Chapter 6, Section 133D, of the Municipal Code of the City of Bloomington, Illinois 1960, as amended, is hereby amended by adding subsection (6) to read as follows:

- (6) Possession of open alcohol is permitted for a special event on any street, sidewalk, or upon any other public property under the following conditions:
 - (a) The special event has received a Special Event Permit from the Economic and Community Development Department.
 - (b) Other than for recurring special events as defined in this subsection, the Liquor Commission must consider and approve the request at a public hearing and may impose such conditions as it deems appropriate to protect the health and safety of the public or to be in the best interest of the City of Bloomington. For recurring special events, as defined in this subsection, the Liquor Commissioner may consider and approve the request without the necessity for a public hearing and may impose such conditions as deemed necessary to protect the health and safety of the public or to be in the best interest of the City of Bloomington. As used in this subsection, a recurring special event is an event which:

- (i) has occurred in two or more consecutive years and is held by the same event organizers;
 - (ii) requests no substantial changes from previous years;
 - (iii) has obtained a Special Event Permit; and
 - (iv) has had no previous violation, enforcement or public safety issues or concerns.
- (c) The event organizer is responsible for notifying residents, property owners, and businesses about the event at least thirty days prior to the event. Notice shall be given to all residents, property owners, and businesses within the event area and within 250 feet of the perimeter of event area. The notice shall include any dates and times the event organizer will appear before the Liquor Commission for consideration of the event.
- (d) Alcohol shall only be procured from and served by a licensed individual or entity in the event area with a Class TA, TB, RA, RB, EA, or EB liquor license or who has obtained a Class SA, SB, LA or LB liquor license for the specific event.
- (e) Possession of open alcohol shall only be permitted within the area designated by the Special Event Permit.
- (f) The event organizer must have and maintain in effect dram shop liability insurance for not less than the minimum 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 for the specific dates, times, and location of the event as set forth in the Special Event Permit. The City of Bloomington shall be named as an additional insured on each such policy.
- (g) Possession of open alcohol for a special event on any street, sidewalk, or any other public property shall be prohibited after 11:00 p.m. unless otherwise provided by a license or outdoor dining permit.
- (h) Alcohol consumed on any street, sidewalk, or public property within the event area shall not be in glass containers.
- (i) All persons consuming alcohol at the event must be 21 years of age or older and must have a wristband from the event organizer.
- (j) All State and local liquor control laws must be obeyed.

SECTION 3. The City Clerk is authorized and directed to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance shall take effect 10 days after passage, approval and publication.

SECTION 5. This Ordinance is adopted under Home Rule Authority granted the City of Bloomington by Article VII, Section 6, of the Illinois Constitution, 1970.

PASSED this 28th day of June 2021.

APPROVED this ____ day of June 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk



CONSENT AGENDA ITEM NO. 8.L

FOR COUNCIL: June 28, 2021

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve a Lake Bloomington Lot Transfer and Supplemental Agreement for Lot 7 in Block 29 in Camp Potawatomie, from the Benedict Estate, to the petitioner, Anne Bliss, as requested by the Public Works Department.

RECOMMENDED MOTION:

The proposed Lot Transfer and Supplemental Agreement be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: Public Works is recommending the approval of a Petition and Supplemental Agreement for the Lake Bloomington Lot Transfer of Lot 7 in Block 29 in Camp Potawatomie, from the Benedict Estate, to the petitioner, Anne Bliss. Lot 7 has a residence, a septic system, and one boat dock.

A licensed inspector, Rob Williamson, inspected the septic system on May 26, 2021, and found the system to be in the following condition, as noted in a June 1, 2021, letter from the McLean County Health Department:

- ❖ The septic tank is a minimum of 200 gallons too small. This may remain as is until the septic system is repaired or replaced.
- ❖ The seepage field has been installed up to 8" deeper than allowed by current code. This may remain as is until the septic system is repaired or replaced.
- ❖ A driveway has been installed over a portion of the seepage field. This may result in premature failure of the seepage field.

The lessee has entered into a supplemental agreement with the City of Bloomington to have the septic tank pumped and evaluated at least once every three years, with the first pumping and evaluation taking place no later than June 28, 2024; to remove the portion of the driveway installed over the seepage field; and to install topsoil and seed the seepage field prior to residential occupancy. Lessee shall provide proof to the City of Bloomington.

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

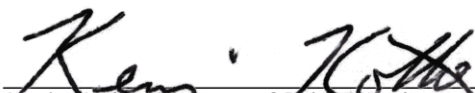
FINANCIAL IMPACT: This petition will have an increased financial impact in that the current lease uses the current formula of \$0.15 per \$100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of \$0.40 per \$100.00 Equalized Assessed Value, this lease will generate approximately \$280.51 per year in lease income and \$150.00 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance-Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance-Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY 2022 Budget Book titled "Other Funds & Capital Improvements" on page 126.

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

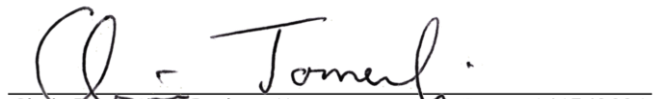
Respectfully submitted for Council consideration.

Prepared by: Joe Darter, Property Manager

Reviewed by:


Kevin Kothe, Director of Public Works

6/14/2021


Chris Tomertin, Budget Manager

6/15/2021

George Boyle
George Boyle, Assistant Corporation Counsel

6/23/2021


Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- PW 4B Current Lease_Benedict to Bliss Lake Lot Transfer 06282021
- PW 4C Property Manager Memo_Benedict to Bliss Lake Lot Transfer 06282021
- PW 4D Petition_Benedict to Bliss Lake Lot Transfer 06282021
- PW 4E Septic Information_Benedict to Bliss Lake Lot Transfer 06282021
- PW 4F Agreement_Benedict to Bliss Lake Lot Transfer 06282021
- PW 4G Supplemental Agreement_Benedict to Bliss Lake Lot Transfer 06282021
- PW 4H Location Map_Benedict to Bliss Lake Lot Transfer 06282021

- PW 4I Unrecorded Plat Map_Benedict to Bliss Lake Lot Transfer 06282021
- PW 4J Structure Map_Benedict to Bliss Lake Lot Transfer 06282021
- PW 4K Photograph_Benedict to Bliss Lake Lot Transfer 06282021

LAKE BLOOMINGTON LEASE

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the 2 day of
December, 1997 between the City
of Bloomington, a municipal corporation, of McLean County
Illinois, hereinafter called "City," and
Harold K & Mary Pauline Benedict
(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)
El Paso, Woodford, 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 07 in Block 29 in Camp Potawatomie, according to
the private unrecorded plat of the ground belonging to the City located around
Lake Bloomington in Hudson and Money Creek Townships in McLean County,
Illinois.

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

3. RENT.

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

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

12-02-97

Lease

P101

Lake Bloomington

Benedict



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City

Lessee Name and Mailing Address

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

Harold K. & Mary Pauline Benedict



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

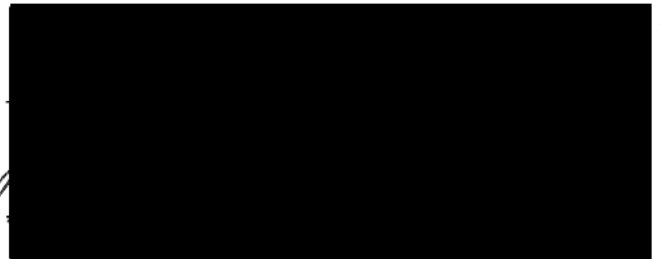
By:

A handwritten signature in cursive script, likely of the Mayor of Bloomington, written over a horizontal line.

Its Mayor

Attest:

A handwritten signature in cursive script, likely of the City Clerk of Bloomington, written over a horizontal line.



MEMORANDUM

June 10, 2021

To: Kevin Kothe, PE, Director of Public Works

From: Joseph M. Darter, Property Manager

Subject: Lot 7, Block 29 in Camp Potawatomie Lake Lease Transfer

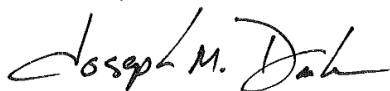
A Petition and Lake Lease Transfer request has been submitted for Lot 7, Block 29 in Camp Potawatomie, from Benedict Estate to the petitioner, Anne Bliss.

EAV for this property is \$70,127. The Lake Lease uses the current lake lease rate of \$0.15 per \$100.00 of EAV.

This petition will have an increased financial impact in that the current lease uses the current formula of \$0.15 per \$100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of \$0.40 per \$100.00 Equalized Assessed Value, this lease will generate approximately \$280.51 per year in lease income and \$150.00 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance – Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY2022 Proposed Budget Book titled "Other Funds & Capital Improvements" on page 88.

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

Sincerely,



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

Lake Bloomington Lease Transfer Petition

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

LOT: 17 BLOCK 29 of Camp Potawatomie

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

From: (please print) BENEDICT ESTATE DAN BENEDICT EXECUTORS (Seller Name)
DONALD BENEDICT

To: (please print) Anne Bliss (Buyer Name)

Signatures of Sellers

Signatures of Sellers

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

Now comes (please print) Anne Bliss (Buyer) and

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

Benedict Estate (Seller) In and to the Lease made on the

(Date) _____ 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) Benedict Estate has executed deed of transfer of their interest in

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

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

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

Respectfully submitted

Signature of Buyer X

Signature of Buyer _____

WRITTEN CONSENT TO TRANSFER INTEREST IN LEASES UPON:

LOT 7 BLOCK 29 CAMP Potawatowic,
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) BENEDICT ESTATE DAN + DON in and to the premises known as LOT 7 BLOCK 29 in Camp Potawatowic, in McLean County, Illinois and to the leases thereon executed by the City of Bloomington, Illinois.

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

Executed this _____ day of _____, _____.

, Mayor

June 1, 2021

Pauline Benedict Estate
[REDACTED]

Re: Septic Permit #61-7299
Parcel #07-12-176-001
Lot 101, Lake Bloomington – Potowatomie Subdivision

To Whom It May Concern:

On May 26, 2021, this department received a septic system evaluation report from Mr. Rob Williamson, a McLean County licensed private sewage system installer, regarding the above-referenced property. The septic system evaluation was performed on May 26, 2021 and the following deficiencies were noted:

- The septic tank is a minimum of 200 gallons too small. This may remain as is until the septic system is repaired or replaced.
- The seepage field has been installed up to 8" deeper than allowed by current code. This may remain as is until the septic system is repaired or replaced.
- A driveway has been installed over a portion of the seepage field. This may result in premature failure of the seepage field.

In summary, the septic system was installed in 1961 and is now approximately 60 years old. This office considers the average life expectancy of a septic system to be 20 to 25 years. The property has been vacant and has been used seasonally and may evaluate differently under normal use conditions.

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

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

Respectfully,



Thomas J. Anderson
Director of Environmental Health

cc: Mr. Rob Williamson, Williamson Excavating, LLC
Mr. Joe Darter, Water Department Property Manager
Ms. Ann Bliss

TJA:AC:hm

AC-0601-21-104

EVALUATION REPORT FOR A MCLEAN COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM

Log #: _____
Date Received: _____

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

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

1. Current Owner Information:

Name: Pauline Benedict Estate

Address: [REDACTED]

[REDACTED]

Phone #: Day [REDACTED] Home - -

2. Requestor Information:

Name: Ann Bliss

Address: [REDACTED]

[REDACTED]

Phone #: Day - - Home - -

3. Property Information:

Parcel Number (Tax ID): () 07-12-176-001 Date Evaluation Performed: 05-26-21

Address of property evaluated: [REDACTED] Sub. & Lot: _____

Permit available from Health Dept.: Yes ☒ No ☐ Permit #: 61-7299

4. Interview Information:

Person interviewed: Nancy Brady Original owner: Yes ☐ No ☒

Age of home (years): 60 Intended for seasonal use: Yes ☒ No ☐

Date last occupied: vacant Number of occupants: _____

Has tank ever been pumped: Yes ☒ No ☐ If yes, how often: last year

5. Interior Evaluation:

Number of bedrooms: 2 Garbage disposal: Yes ☐ No ☒

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

Water softener discharges to: n/a Clothes washer discharges to: n/a

Dishwasher discharges to: n/a Hot tub discharges to: n/a

Basement plumbing fixtures: Discharge locations:

a. all a. septic

b. _____ b. _____

c. _____ c. _____

d. _____ d. _____

Basement floor drains discharge to: septic Garage floor drains discharge to: n/a

Sump pit/pump discharges to: ground surface Downspouts discharge to: ground surface

6. Exterior Evaluation Points:**A. SEPTIC TANK(s) -- This Section N/A ☐**

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

Tank One: N/A ☐	Yes	No	Tank Two: N/A ☒	Yes	No
Depth of soil to top of tank: 11 inches			Depth of soil to top of tank: inches		
Tank has access within 12" of ground surface	☒	☐	Tank has access within 12" of ground surface	☐	☐
Size: 550 gallons Type:			Size: gallons Type:		
Meets current code:	☐	☒	Meets current code:	☐	☐
Tank lids in good condition:	☒	☐	Tank lids in good condition:	☐	☐
Inlet baffle in good condition:	☒	☐	Inlet baffle in good condition:	☐	☐
Evidence of solids on inlet baffle:	☐	☒	Evidence of solids on inlet baffle:	☐	☐
Outlet baffle in good condition:	☒	☐	Outlet baffle in good condition:	☐	☐
Evidence of solids on outlet baffle:	☐	☒	Evidence of solids on outlet baffle:	☐	☐
Water standing in outlet:	☐	☒	Water standing in outlet:	☐	☐
Water level below outlet:	☐	☒	Water level below outlet:	☐	☐
Tank needs to be pumped:	☐	☒	Tank needs to be pumped:	☐	☐
Outlet device/filter on tank:	☐	☒	Outlet device/filter on tank:	☐	☐
Type:			Type:		
Back flow into tank from system after pumping:			Back flow into tank from system after pumping:		
Yes ☐ No ☐ N/A ☐			Yes ☐ No ☐ N/A ☐		

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

Depth to top of field: 16 inches to 32 inches

Square feet of field: 420 square feet

Meets current code sizing requirements:

Seepage standing on ground surface:

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

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

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

Depth of water in trench : 0 inches

Yes	No
☒	☐
☐	☒
☐	☒
☐	☒
☐	☒

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

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

Yes	No
☐	☐

D. SEEPAGE BED -- This Section N/A ☒

Depth to top of bed: inches to inches

Square feet of bed: square feet

Meets current code sizing requirements:

Seepage standing on ground surface:

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

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

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

Depth of water in bed : inches

Yes	No
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐

E. SAND FILTER -- This Section N/A ☒

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

Square feet of sand filter: _____ square feet

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

Meets current code sizing requirements:

Seepage standing on ground surface over filter:

Lush vegetation on or near sand filter:

Evidence if water has ponded over sand filter:

Sand filter vented as required:

Vent in good repair:

Chlorinator with screw on cap present:

Chlorinator tube with corrosion resistant handle present:

Evidence of chlorination:

Evidence of restricted flow in chlorinator:

Sample port with screw on cap present:

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

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

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

Pump chamber an approved design:

Chamber volume 1.5 times the daily flow:

Is there a dual pump:

Alarm present:

Alarm location: _____

Alarm properly working with audio and visual functions:

Yes	No
☐	☐
☐	☐
☐	☐
☐	☐
☐	☐

G. AEROBIC UNIT -- This Section N/A ☒

Manufacturer: _____ Model number: _____

Size of unit: _____ gallons

Pump running at time of inspection:

Current maintenance contract in place:

Who is maintenance contract with: _____

Alarm present:

Alarm location: _____

Alarm properly working with audio and visual functions:

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

If other, what method of chlorination is used: _____

Chlorinator with screw on cap present:

Chlorinator tube with corrosion resistant handle present:

Evidence of chlorination:

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

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

Include all distances as described below.

NOTE: Be sure to attach drawing to this report.

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

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

Comments:

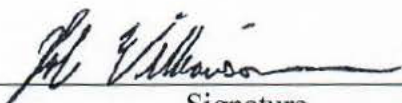
This section is to include any maintenance (pumping) repairs or problems in the history of the septic system. Write any observations and/or conclusions made by probing or excavating the seepage field or sand filter. A serial distribution system must include the condition of each level of field or trench.

The septic tank does not need to be pumped at this time but it should be checked regularly and pumped as needed in the future. The septic tank is undersized for this house. A portion of the seepage field is under the driveway. Part of the seepage field is deeper than what is allowed by code. This septic system does appear to be functioning at this time. The average life of a septic system is about 25 years. This septic system is 60 years old. The house is vacant and used seasonally so the septic system could evaluate differently under normal water usage.

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

Rob Williamson

Inspector's Name (print)



Signature

05-26-21

Date

LAKE BLOOMINGTON LEASE

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

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

ANNE BLISS

(if more than one Lessee, cross out 2 of the following that do not apply) (as joint tenants) (as tenants in common)

(as tenants by the entirety) of , HUDSON, County of McLean, State of Illinois, hereinafter called "Lessee,"

WITNESSETH

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

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

Lot 7 in Block 29 in Camp Potawatamie according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

City

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

Lessee Name and Mailing Address

Aune Bliss

Lessee Billing Address

same

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

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

-Lessor-

-Lessee-

CITY OF BLOOMINGTON

By:

Its Mayor

Attest:

City Clerk

SUPPLEMENTAL ATTACHMENT TO LAKE BLOOMINGTON LOT LEASE

This Agreement is entered into by and between the City of Bloomington, McLean County, Illinois, a Municipal Corporation, (hereinafter, "Lessor") and Anne Bliss, (hereinafter, "Lessees") and is intended by the parties to be incorporated into and made a part of the lake lot lease between the parties for Lot 7 in Block 29 in Camp Potawatomie and enforceable under the terms of said lease.

1. Septic tank(s) are to be pumped no later than June 28, 2024, and once every three years following. Proof of pumping shall be submitted to the City of Bloomington.
2. Septic System shall be evaluated by a McLean County Health Department approved septic evaluator no later than June 28, 2024, and once every three years following. Proof of evaluation shall be submitted to the City of Bloomington.
3. The portion of the driveway currently on top of a portion of the seepage field must be removed and replaced with topsoil and seeded prior to residential occupancy with proof submitted to the City of Bloomington.
4. This supplement lease agreement shall be enforceable under the terms of the lease it supplements in the same manner and to the same extent as the terms of the lease.

LESSOR:

City of Bloomington,
a Municipal Corporation

By: _____
Mboka Mwilambwe, Mayor

ATTEST: _____
Leslie Smith-Yocum, City Clerk

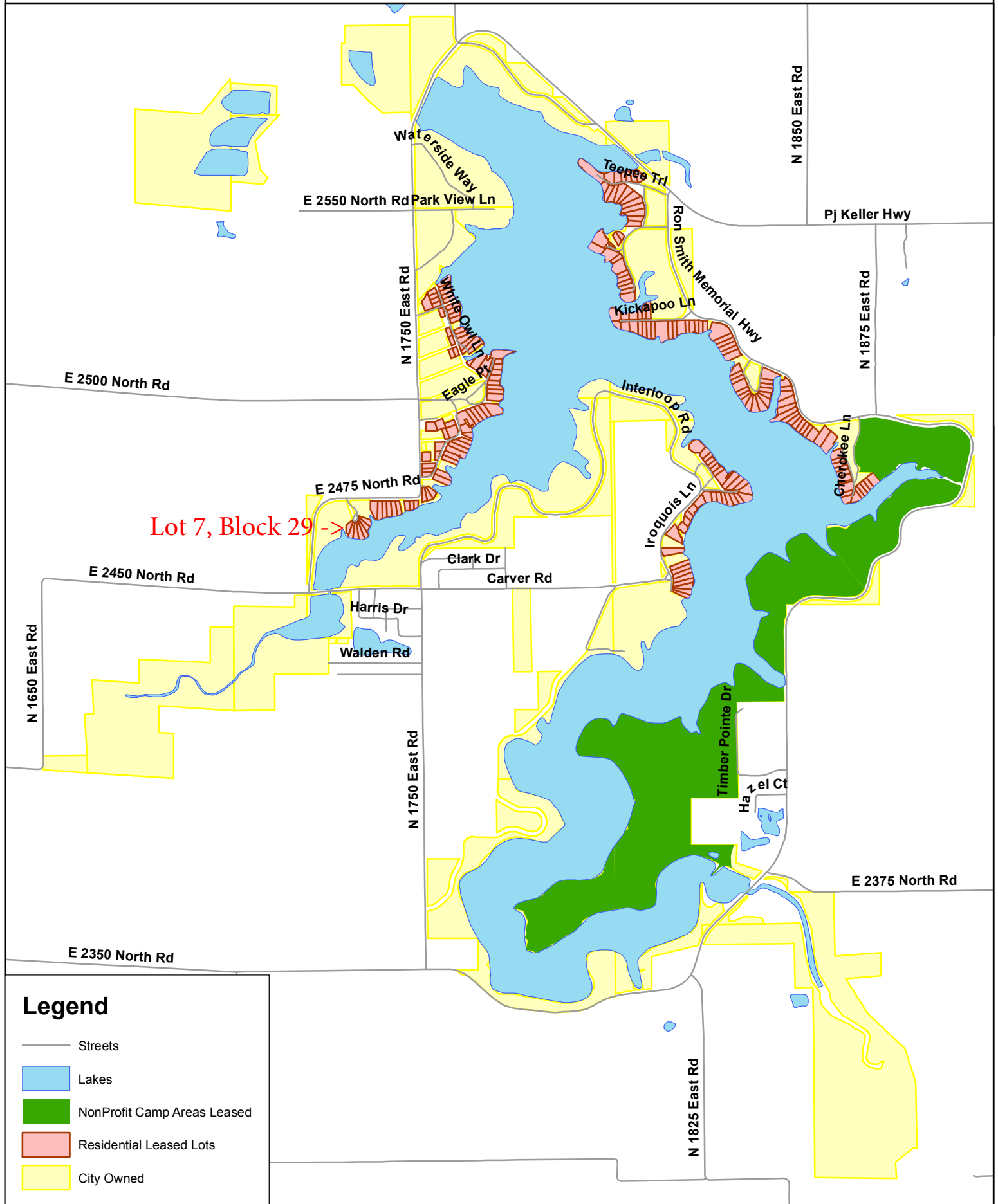
LESSEES:

Anne Bliss, Lessee

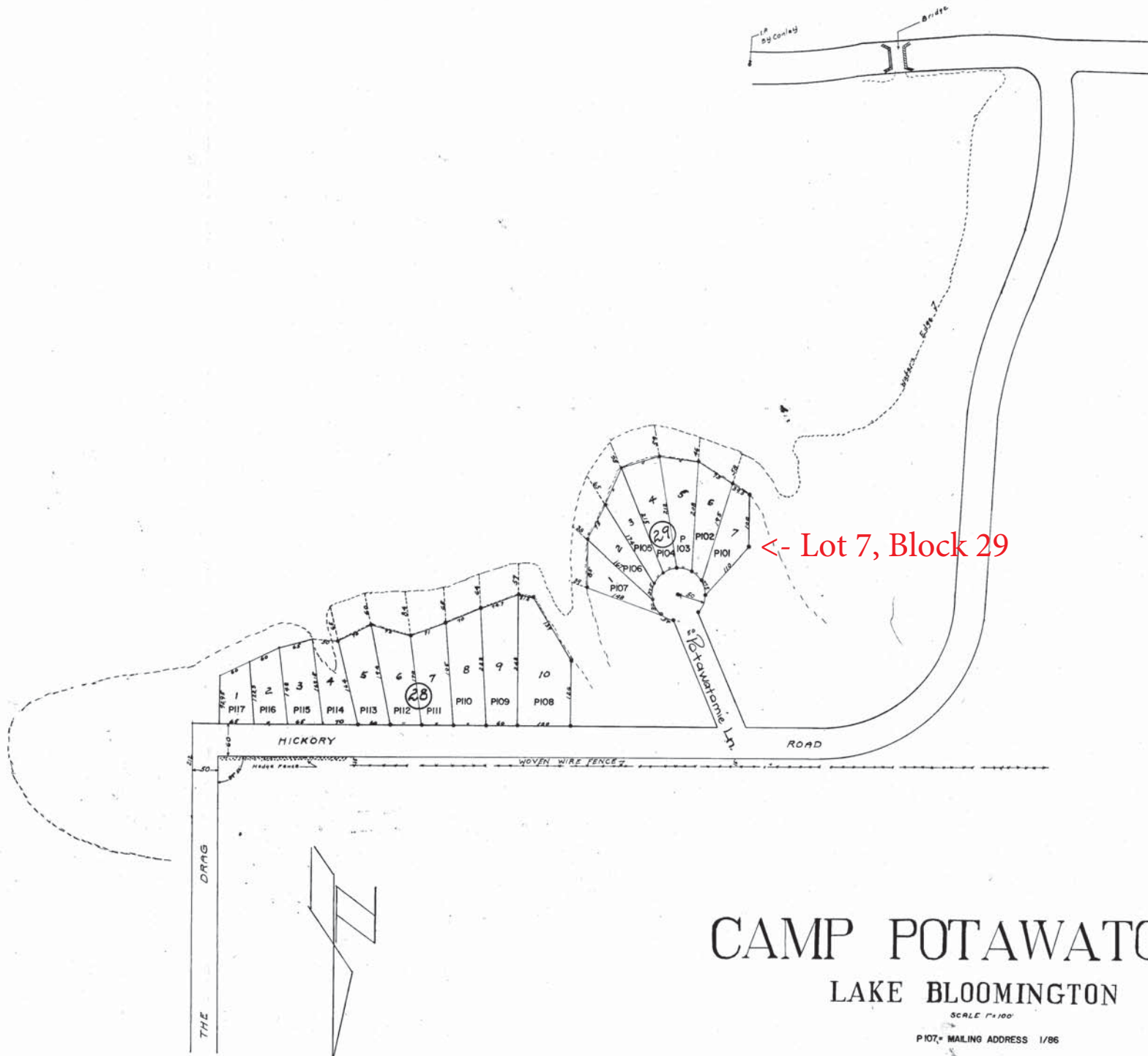
Lake Bloomington Lease Map



0 1,000 2,000
Feet
Date: 4/23/2021



Copy of original map of 1908



CAMP POTAWATOMIE

LAKE BLOOMINGTON

SCALE 1"=100'

P107, MAILING ADDRESS 1/86

LB-12

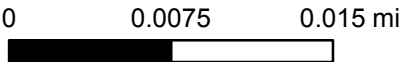
Lot 7, Block 29 Structure Map



<http://www.McGIS.org/License>



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REGULAR AGENDA



REGULAR AGENDA ITEM NO. 9.A

FOR COUNCIL: June 28, 2021

SPONSOR: Legal Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on: (1) an Ordinance Repealing Ordinance 2020-18, an Ordinance Declaring a Local Emergency Due to the COVID-19 Virus & Enacting Various Emergency Measures; and (2) an Ordinance Amending Various Chapters of the City Code Regarding Administration, Remote Meetings, Solicitation, Outdoor Dining, Utility Shut Offs and Liquor, as requested by the Legal Department.

RECOMMENDED MOTION:

That: (1) the Ordinance repealing Ordinance 2020-18 be approved; and (2) the Ordinance amending various chapters of the City Code be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

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

BACKGROUND: On March 26, 2020, the City Council approved Ordinance 2020-18, An Ordinance Declaring a Local Emergency Due to the COVID-19 Virus & Enacting Various Emergency Measures. The City's Emergency Ordinance was used primarily to assist local businesses (e.g., permit and licensing extensions, outdoor dining, etc.) and to ensure the continuity of operations at the City. With the State of Illinois entering Phase 5 of the Restore Illinois Plan on June 11, 2021, along with the declining number of COVID-19 cases and hospitalizations, City staff is now recommending repeal of the ordinance.

Although staff no longer believes the City's "emergency" powers are necessary, a separate ordinance is being proposed that helps streamline various City functions and codifies new operational procedures that derived during the pandemic. This includes:

- reaffirming that the City Manager has the authority to make orders regarding the use and operation of City facilities and that the City administrative office is now located in the Government Center;
- authorizing the City Manager to approve and execute grant applications and agreements;
- clarifying that in the absence of the City Manager, the Deputy City Manager shall act as City Manager unless the City Council appoints a different Manager pro tempore;
- authorizing the City Manager to issue executive orders related to the internal

operations of the City to address health and safety concerns (e.g., that employees have to follow CDC guidelines on face coverings, etc.);

- adding a provision to clarify that the electronic meetings held as a result of a State disaster proclamation are not subject to the general remote attendance rules;
- updating the City Code provisions on solicitation permits to remove an outdated fingerprinting requirement and to provide the City Clerk is authorized to issue and revoke solicitation certificates;

In addition, the ordinance enacts provisions that allow the City Manager to continue outdoor dining as streamlined under the COVID emergency ordinance. Likewise, the ordinance authorizes the Mayor to continue, through December 31, 2021, the allowance of curbside pickup and off-premise delivery of alcohol by executive order. A more formal amendment on this will be forthcoming.

Finally, the ordinance keeps in place the City's moratorium on utility shut offs and penalties through July 31, 2021. While the Council may decide to pursue other options regarding the City's utilities, this extension gives the Council the month of July should it desire to further review and modify the moratorium. As written, the Code update also authorizes the City Manager to adopt special repayment terms and provides that customers with repayment plans that are current on same shall not be subject to penalties or shut offs.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: There is no new financial impact associated with repealing Ordinance 2020-18 and the approval of the companion ordinance is anticipated to have no financial impact.

COMMUNITY DEVELOPMENT IMPACT: The adoption of the companion ordinance will allow the City to continue to streamline approvals, including for outdoor dining.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey Jurgens, Corporation Counsel

Reviewed by:


Chris Tomerlin, Budget Manager

6/23/2021


Jeffrey R. Jurgens, Corporation Counsel

6/23/2021


Tara Henry, Legislative Assistant

6/24/2021

Recommended by:



Tim Gleason, City Manager

Attachments:

- LGL 1B Local Emergency Declaration Ordinance 2020-18
- LGL 1C Ord. No. 2020 - 21
- LGL 1D Ord. No. 2020 - 25
- LGL 1E Ord. No. 2020 - 30
- LGL 1F Ord. No. 2020 - 38
- LGL 1G Ord. No. 2020 - 45
- LGL 1H Ord. No. 2020 - 61
- LGL 1I Ord. No. 2021 - 2
- LGL 1J Ord. No. 2021 - 33
- LGL 1A1 Ordinance Repealing Emergency Ordinance
- LGL 1A2 2021 COVID Ordinance Updates

ORDINANCE NO. 2020 - 18

AN ORDINANCE DECLARING A LOCAL EMERGENCY
DUE TO THE COVID-19 VIRUS & ENACTING VARIOUS EMERGENCY MEASURES

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared it a worldwide pandemic; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, the Governor of the State of Illinois issued a disaster proclamation on March 9, 2020, due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

WHEREAS, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency concerning the COVID-19 outbreak; and

WHEREAS, the City Manager and staff have been meeting for weeks to begin preparing for the potential impact of the pandemic and has coordinated its response with McLean County and the Town of Normal; and

WHEREAS, the City Council has considered the existence of a public health emergency in acting upon this ordinance and actions required to promote the health, safety and welfare of its citizens; and

WHEREAS, 20 ILCS 3305/10J, of the Emergency Management Agency Act and 65 ILCS 5/8-10-5 of the Illinois Municipal Code and Chapter 12 of the Bloomington City Code provides political subdivisions with certain emergency authority; and

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

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

SECTION 2. Emergency Authority. In accordance with the authority provided to the City by the Emergency Management Agency Act, the City Code and its home-rule authority, the following actions are authorized by the City Council:

- (A) Cancellation of Meetings. The Mayor may cancel meetings of any board or commission to which he appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice. In lieu of the Mayor

cancelling said meetings, the Chairperson of any board or commission may cancel said meetings and are encouraged to do so absent a priority need.

- (B) Ability to Conduct Electronic Meetings. Any Council Member or board member of any board or commission, in accordance with Governor Pritzker's COVID-19 Executive Order No. 5 may attend any regular or special meeting via electronic means, including audio or video conferences. A physical quorum of the Trustees is not required before the remote participation is allowed.
- (C) Ability to Address Contract, Permitting and Licensure Issues. The City Manager shall have the authority, upon approval of both the Mayor and Mayor Pro Tem, to address any contract, permitting and/or licensing issues, including the suspension of any permits or licenses, as the City Manager may deem to be in the best interest of the City. The suspension of any license or permit may be overturned by a majority of the City Council at a subsequent City Council meeting.
- (D) Emergency Purchases. For any emergency purchases that are necessary, the City Manager shall follow the provisions of Chapter 16 of the Bloomington City Code.
- (E) Personnel Policies & Union Contracts. The City Manager's authority is hereby reaffirmed that he may adjust any personnel policies related to leave time, other benefits or terms and conditions of employment as are reasonably related to providing sufficient staffing during the term of the emergency. In addition, he is authorized to enter into such temporary agreements, including memoranda of understanding with the City's bargaining units in order to promote the provision of City services and the health and safety of the public and employees during the emergency.
- (F) Facility Closures. The authority of the City Manager is hereby reaffirmed to close City facilities as is reasonably required to protect the health of the public and employees of the City.
- (G) Administrative Court. The Corporation Counsel is authorized to extend any timeframe for responses related to City ordinance violations in recognition of the emergency and to suspend the City's Administrative Court and/or continue said cases.
- (H) Moratorium on Interest, Fines and Penalties. No interest, fines and/or penalties shall accrue or be assessed on amounts owed to the City as of March 1, 2020, for City utility payments, food and beverage taxes (although timely tax return filings are still required), parking tickets and/or ordinance violations, so long as said obligations to the City are paid within 30 days after the conclusion Governor Pritzker's Gubernatorial Disaster Proclamation, including any and all renewals thereof, or until this provision is amended or repealed by the City Council. The City Manager is similarly authorized, by Executive Order, to extend the deadlines for payments related to any other amounts due and owing the City.

- (I) Payment of City Bills. The City Manager may authorize the issuance of payments to City vendors, contractors and utilities if the City Council is unable to meet on a regularly scheduled meeting date. Any such payments must be reported to the City Council in writing at a future public meeting.
- (J) Water Shut Offs. All City utility shut offs for nonpayment shall be suspended while this ordinance is in effect.
- (K) Acceptance of Applications. The City is authorized to accept applications for all City licenses and permits electronically, and may accept all other documentation required related to said applications electronically.
- (L) Written Public Comment. The City Manager shall implement procedures encouraging the electronic submission of written comments for public meetings beyond those set forth in Chapter 2, Section 85(I). These procedures shall remain in effect so long as Governor Pritzker's Gubernatorial Disaster Proclamation remains in effect, including any and all renewals thereof.
- (M) Community Development Approvals. The City Manager and Director of Community Development, or City Planner in the absence of the Director of Community Development, shall have the authority to approve grant applications, the awarding of historic preservation grants, cite plans not involving special uses, certificates of appropriateness, and to postpone any meetings regarding the Planning Commission and Zoning Board of Appeals. Any applications requiring a public hearing may also be postponed by the City Manager.
- (N) Liquor Commissioner Authority to Allow Deliveries. The Liquor Commissioner shall be granted the authority to allow all restaurant liquor license holders (Class RA and Class RB), as well as all taverns (Class TA and Class TB) to provide the delivery, carryout and curbside pickup of alcoholic liquor, so long as the license holder complies with the requirements of Chapter 6, Section 32(C) for curbside pickup and Chapter 6, 32(D) for deliveries, as well as any other requirements that may be imposed by Executive Order of the Mayor. No packaged liquor license component shall be required. This authority of the Liquor Commissioner shall remain in effect so long as Governor Pritzker's Gubernatorial Disaster Proclamation remains in effect, including any and all renewals thereof, or until this authority is repealed by the City Council.
- (O) Intergovernmental Agreements. The City Manager is authorized to execute intergovernmental agreements that address the response and needs associated with this local disaster declaration that he deems to be in the best interests of the City.

SECTION 3. Other Emergency Powers Disallowed. The Emergency Powers in Chapter 12, Section 11 are not necessary to address the COVID-19 crisis. Accordingly, no such powers may be exercised by the Mayor, City Manager or their successors.

SECTION 4. Succession Planning. In the absence or incapacity of the Mayor, the Mayor Pro Tem shall serve as the Mayor of the City of Bloomington and shall have all authority and power of the Mayor, including the emergency powers set forth in this Ordinance. If the Mayor Pro Tem is incapacity or otherwise serving as Mayor, the City Council shall appoint a new Mayor Pro Tem. In the absence or incapacity of the City Manager, the Deputy City Manager shall serve as the City Manager of the City of Bloomington and shall have all authority and power of the City Manager, including the emergency powers set forth in this Ordinance. In the absence or incapacity of both the City Manager and the Deputy City Manager, the Corporation Counsel shall serve as the City Manager of the City of Bloomington and shall have all authority and power of the City Manager, including the emergency powers set forth in this Ordinance.

SECTION 5. Declaration of a Local Disaster. This Ordinance shall be construed as a declaration of a local disaster as provided for under Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11.

SECTION 6. Amendment of City Code. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 7. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 8. Publication. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

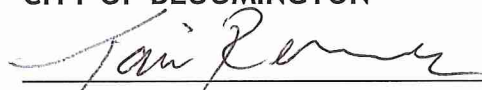
SECTION 9. Home Rule Authority. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 10. Effectiveness & Duration. This ordinance takes effect immediately upon its passage due to the urgency of implementing appropriate responses to the COVID-19 virus, which is causing or anticipated to cause widespread impacts on the health of members of this community. The recitals are incorporated into this Section. This ordinance shall be effective for 28 days from the date of passage unless repealed or amended sooner by the City Council. The ordinance shall continue for 28-day periods thereafter unless repealed or amended by the City Council.

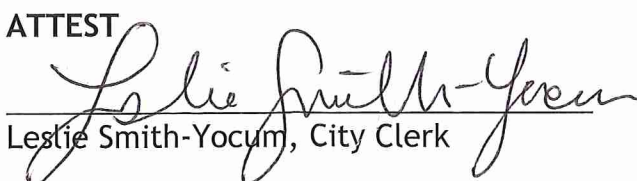
PASSED this 26th day of March 2020.

APPROVED this 27th day of March 2020.

CITY OF BLOOMINGTON


Tara Renner, Mayor

ATTEST


Leslie Smith-Yocum, City Clerk

ORDINANCE NO. 2020 - 21

**AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO ADD CLUB LIQUOR LICENSES TO SECTION 2(N)**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by amending Section 2(N) to read as follows (added; deleted):

(N) Liquor Commissioner Authority to Allow Deliveries. The Liquor Commissioner shall be granted the authority to allow all restaurant liquor license holders (Class RA and Class RB), club liquor license holders (Class CA and Class CB), as well as all taverns (Class TA and Class TB) to provide the delivery, carryout and curbside pickup of alcoholic liquor, so long as the license holder complies with the requirements of Chapter 6, Section 32(C) for curbside pickup and Chapter 6, 32(D) for deliveries, as well as any other requirements that may be imposed by Executive Order of the Mayor. No packaged liquor license component shall be required. This authority of the Liquor Commissioner shall remain in effect so long as Governor Pritzker's Gubernatorial Disaster Proclamation remains in effect, including any and all renewals thereof, or until this authority is repealed by the City Council.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

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

SECTION 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 13th day of April 2020.

APPROVED this 15th day of April 2020.

CITY OF BLOOMINGTON


Tari Renner, Mayor

ATTEST


Leslie Smith-Yocum, City Clerk



ORDINANCE NO. 2020 - 25

AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE, ORDINANCE 2020-18, TO ADD A NEW SECTION 2(P) TO ALLOW THE PRORATION OF THE CITY'S VIDEO GAMING LICENSE FEES

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by adding a new Section 2(P) as follows:

(P) Video Gaming License Fee Proration; Other License Fee Prorations. To account for the mandated closure of video gaming establishments, the City shall prorate the City's video gaming license fee as follows: (1) for the license year May 1, 2019, through April 30, 2020, the City shall reimburse license holders 12% of the license fee paid within 15 days of adoption of this Ordinance; and (2) for the license year May 1, 2020, through April 30, 2021, the City shall issue a refund of the license fee based on the prorated amount of time the establishment was not authorized to operate within said year by the Illinois Gaming Board due to the COVID-19 pandemic or may otherwise offset said amount when the license fee is paid. Any such refund shall be paid by the City within 15 days after video gaming establishments are lawfully authorized to resume operations by the Illinois Gaming Board. The City Manager is similarly authorized, by Executive Order, with the written concurrence of both the Mayor and Mayor Pro Tem, to prorate other annual City license fees for license holders that are not permitted to operate by state or federal mandate due to the COVID-19 pandemic.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

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

SECTION 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 27th day of April 2020.

APPROVED this 28th day of April 2020.

CITY OF BLOOMINGTON



Tari Renner, Mayor

ATTEST



Leslie Smith-Yocum, City Clerk



ORDINANCE NO. 2020 - 30

**AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO ADD A NEW SECTION 2(Q) REGARDING LIQUOR LICENSE FEES
AND A NEW SECTION 2(R) REGARDING COVID-19 GRANTS**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by adding a new Section 2(Q) as follows:

(Q) Liquor License Fee Proration. Establishments with a City liquor license that are not operating due to the pandemic, may apply to have their license fees prorated for the license year based on the amount of time the business was closed due to Executive Order of the Governor of the State of Illinois. To qualify for a proration in the license fee, the establishment must have been closed and may not have been providing curbside pickup and/or delivery. This shall be a one-time proration and only for establishments that were closed continually for at least 30 days. Establishments must apply for the proration refund to the City Clerk and shall be required to provide proof of closure by affidavit and/or other documentation as deemed appropriate by the City Clerk. Applications must be received by the City Clerk at least 30 days after establishments are allowed to have customers/patrons “dine-in” regardless of capacity restrictions.

SECTION 2. That Ordinance 2020-18 is hereby amended by adding a new Section 2(R) as follows:

(R) COVID-19 GRANT AGREEMENTS. The City Manager, or designee, is authorized to enter into grant agreements on behalf of the City related to the COVID-19 pandemic and to submit grant applications related to same.

SECTION 3. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 11th day of May 2020.

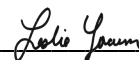
APPROVED this 12th day of May 2020.

CITY OF BLOOMINGTON



Tari Renner, Mayor

ATTEST



Leslie Smith-Yocum, City Clerk



ORDINANCE NO. 2020 - 38

**AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO ADD A NEW SECTION 2(S) REGARDING
TEMPORARY OUTDOOR BUSINESS OPERATIONS AND STREET CLOSURES**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by adding a new Section 2(S) as follows:

(S) Temporary Outdoor Business Operations & Street Closures. The City Manager shall have the authority, through Executive Order, to temporarily close streets, or portions thereof, for outside use by businesses when said closure can be performed in a safe manner. The City Manager is also authorized to allow for the outdoor temporary expansion of premises for businesses, including but not limited to on closed public streets and/or other right-of-way areas of the City, including parking lots, parking spaces and alleys. The City Manager shall provide for the closure of any streets and the process for expansion of premises by Executive Order. No fee shall be required for any expansion, but appropriate insurance, waivers, barriers, plans, and other safety measures may be required. The City Manager may likewise waive any other requirements related to the expansion of a business premises for off-premises use and/or the placement of tents for outdoor use and may implement other Executive Orders to allow for and expedite the allowance of outdoor business operations.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

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

SECTION 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 26th day of May 2020.

APPROVED this 27th day of May 2020.

CITY OF BLOOMINGTON



Tari Renner, Mayor

ATTEST



Leslie Smith-Yocum, City Clerk



ORDINANCE NO. 2020 - 45

**AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO MODIFY SECTION 2(H) REGARDING THE MORATORIUM ON
INTEREST, FINES AND PENALTIES**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18 is hereby amended by modifying Section 2(H) as follows:

- (S) Moratorium on Interest, Fines and Penalties. No interest, fines and/or penalties shall accrue or be assessed on amounts owed to the City as of March 1, 2020 and thereafter until our region begins Phase 4 of the Restore Illinois Plan, for City utility payments, food and beverage taxes (although timely tax return filings are still required), parking tickets and/or ordinance violations, so long as said obligations to the City are paid within ninety (90) days after our region hits Phase 4 of the Restore Illinois Plan, expected to be June 26, 2020, ~~30 days after the conclusion of Governor Pritzker's Gubernatorial Disaster Proclamation, including any and all renewals thereof,~~ or until this provision is amended or repealed by the City Council. The City Manager is similarly authorized, by Executive Order, to extend the deadlines for payments related to any other amounts due and owing the City.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

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

SECTION 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 24th day of June 2020.

APPROVED this 25th day of June 2020.

CITY OF BLOOMINGTON


Tari Renner, Mayor

ATTEST


Leslie Smith-Yocum, City Clerk



ORDINANCE NO. 2020 - 61

**AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO ADD A NEW SECTION 2(T) SUSPENDING
DOWNTOWN SHUTTLES**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. The City Council finds that: (1) as McLean County is currently on the warning level for the new cases per 100,000, additional emergency measures are necessary to restrict the spread of COVID-19; and (2) the operation of the downtown shuttles, used to carry patrons to and from bars in vehicles where social distancing is not possible, creates a public health and safety risk during this time of rising cases; and (3) that the suspension of downtown shuttles is necessary for the public health and safety of the community.

SECTION 2. That Ordinance 2020-18 is hereby amended by adding a new Section 2(T) as follows:

(T) Suspension of Downtown Shuttles. All licenses and certificates of public convenience for downtown shuttles issued under Chapter 40, Article X of the City Code are hereby suspended and no downtown shuttle shall operate until the repeal and/or termination of this Ordinance or provision. No additional and/or new licenses or certificates shall be issued until the repeal or termination of this Ordinance or provision.

SECTION 3. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 14th day of September 2020.

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APPROVED this 16th day of September 2020.

CITY OF BLOOMINGTON



Tari Renner, Mayor

ATTEST



Leslie Smith-Yocum, City Clerk



ORDINANCE NO. 2021 - 2

AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE, ORDINANCE 2020-18, TO MODIFY SECTION 2(Q) TO ALLOW THE CONTINUED PRORATION OF THE CITY'S LIQUOR LICENSE FEES

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18, Section 2(Q) is amended as follows:

(Q) Liquor License Fee Proration. Establishments with a City liquor license that are not operating due to the pandemic, may apply to have their license fees prorated for the license year based on the amount of time the business was closed due to Executive Order of the Governor of the State of Illinois. To qualify for a proration in the license fee, the establishment must have been closed and may not have been providing curbside pickup and/or delivery. ~~This shall be a one-time proration and only for establishments that were closed continually for at least 30 days.~~ Establishments must apply for the proration refund to the City Clerk and shall be required to provide proof of closure by affidavit and/or other documentation as deemed appropriate by the City Clerk. Applications must specify the dates the Establishment was closed as a result of orders by the State of Illinois. A new application must be filed each time the establishment is closed as a result of the orders by the State of Illinois. New applications for fee refund prorations that occurred for closings in the 2020 calendar year must be filed by March 1, 2021. Applications for any fee refunds prorations that occur as the result of closings in the 2021 calendar year must be filed by January 31, 2022. Applications must be received by the City Clerk at least 30 days after establishments are allowed by executive order of the Governor or other change in the law, to have customers/patrons "dine-in" regardless of capacity restrictions.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

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

SECTION 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 11th day of January 2021.

APPROVED this 13th day of January 2021.

CITY OF BLOOMINGTON



Tari Renner, Mayor

ATTEST



Leslie Smith-Yocum, City Clerk



ORDINANCE NO. 2021 - 33

**AN ORDINANCE AMENDING THE LOCAL EMERGENCY DECLARATION ORDINANCE,
ORDINANCE 2020-18, TO MODIFY SECTION 2(S) REGARDING
CITY UTILITY PENALTIES**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Ordinance 2020-18, Section 2(S) is amended as follows:

- (S) Moratorium on Water Utility Penalties. ~~No interest, fines and/or penalties shall accrue or be assessed on City owned utility accounts amounts owed to the City as of after March 12, 2021, March 1, 2020 and thereafter until our region begins Phase 4 of the Restore Illinois Plan, for City utility payments, food and beverage taxes (although timely tax return filings are still required), parking tickets and/or ordinance violations, so long as said obligations to the City are paid within thirty (30) days after the conclusion of Governor Pritzker's Gubernatorial Disaster Proclamation, including any and all renewals thereof, ninety (90) days after our region hits Phase 4 of the Restore Illinois Plan, expected to be June 26, 2020, or until this provision is amended or repealed by the City Council. Any existing penalties that currently exist on accounts shall remain due and payable but shall not continue to accrue or grow during the moratorium.~~ The City Manager is similarly authorized, by Executive Order, to extend the deadlines for payments related to any other amounts due and owing the City.

SECTION 2. Except as provided herein, Ordinance 2020-18, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

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

SECTION 5. This ordinance shall be effective immediately after its execution and publication as required by law.

PASSED this 10th day of May 2021.

APPROVED this 12th day of May 2021.

CITY OF BLOOMINGTON

Mboka Mwilambwe
Mboka Mwilambwe, Mayor

ATTEST

Leslie Smith-Yocum
Leslie Smith-Yocum, City Clerk



ORDINANCE NO. 2021 - _____

**AN ORDINANCE REPEALING ORDINANCE 2020-18, AN ORDINANCE DECLARING
A LOCAL EMERGENCY DUE TO THE COVID-19 VIRUS & ENACTING
VARIOUS EMERGENCY MEASURES**

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

WHEREAS, on March 26, 2020, the City Council approved Ordinance 2020-18 to declare a local emergency due to the COVID-19 and to enact various emergency measures to address the impacts of the pandemic; and

WHEREAS, as the State of Illinois entered Phase 5 of the Restore Illinois Plan on June 11, 2021, which lifted all capacity restrictions; and

WHEREAS, with the spread of COVID-19 decreasing, the State of Illinois has fully re-opened and the need for the City’s Emergency Ordinance has come to an end.

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

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

SECTION 2. Emergency Ordinance Repeal. Ordinance 2020-18, and each and every amendment thereto, is hereby repealed effective July 1, 2021.

SECTION 3. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 4. Publication. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

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

SECTION 6. Effectiveness & Duration. This Ordinance shall be in full force and effect after its passage, approval, and publication as required by law.

PASSED this 28th day of June 2021.

APPROVED this _____ day of June 2021.

CITY OF BLOOMINGTON

Mboka Mwilambwe, Mayor

ATTEST

Leslie Smith-Yocum, City Clerk

ORDINANCE NO. 2021 - ____

AN ORDINANCE AMENDING VARIOUS CHAPTERS OF THE CITY CODE REGARDING
ADMINISTRATION, REMOTE MEETINGS, SOLICITATION, OUTDOOR DINING,
UTILITY SHUT OFFS & LIQUOR

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

WHEREAS, on March 22, 2020, the City approved an Ordinance Declaring an Emergency; and

WHEREAS, as the State of Illinois enters Phase 5 of the Restore Illinois Plan, with no capacity restrictions or limitations, the City is poised to revoke the Emergency Ordinance; and

WHEREAS, the Emergency Ordinance was used primarily to cut bureaucratic red tape and ensure the operation of City government; and

WHEREAS, through the Emergency Ordinance, certain efficiencies and other best practices were realized that the City Council desires to make permanent.

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

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

SECTION 2. Amendment to Chapter 2. Chapter 2, Section 40 [2-312], Subsections N and S, of the City Code shall be amended as follows:

- N. The Manager shall keep a current inventory showing all real and personal property of the City and its location and shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other City property, which is not by law assigned to some other officer or body for care and control. This includes the authority to make orders regarding the use and operation of City facilities.
- S. The Manager shall maintain an office in the ~~City Hall~~ Government Center and shall spend such time in the performance of his duties as may be required by Council

SECTION 3. Amendment to Chapter 2. Chapter 2, Section 40 [2-312] of the City Code shall be amended by adding a new Subsection V as follows:

- V. The Manager may approve and execute all grant applications and agreements involving the City and may further designate an individual to execute grant applications.

SECTION 4. Amendment to Chapter 2. Chapter 2, Section 40 [2-312] of the City Code shall be amended as follows:

In case of a vacancy in the office of the City Manager, or in case of the City Manager's absence from the City, temporary disability to act as City Manager, discharge by the Council, or resignation, the Mayor shall act as Manager during such absence or incapacity, unless he or she designates, in writing, that the Deputy City Manager shall act as Manager or the Council shall appoints, by resolution, a Manager pro tempore. In such cases, the individual acting as Manager, is the who shall possess the powers and duties of the City Manager. No individual acting as Manager, however, may appoint or remove a department director or any other employee that reports directly to the City Manager ~~pro tempore~~ prior to informing and seeking the advice of the City Council in a closed session as authorized by law and he or she shall provide advance written notice to the City Council prior to any other employee terminations. Any The resolution appointing the Manager pro tempore shall provide what, if any, compensation shall be provided and shall set forth the length of the appointment and/or the conditions upon which the appointment shall be nullified.

SECTION 5. Amendment to Chapter 2. Chapter 2, Section 41 [2-313] of the City Code shall be amended as follows:

Same - executive orders and administrative regulations. The City Manager may issue executive orders, not inconsistent with laws or ordinance, outlining the general administrative procedures and internal operations of the City, which orders shall be binding upon all departments, officials, and employees subject to his authority; he may provide for a system of administrative regulations to be issued by department heads and for the manner of issuing, approving, numbering, indexing and filing such orders and regulations. The City Manager may also issue executive orders related to the internal operations of the City to address health and safety concerns.

SECTION 6. Amendment to Chapter 2. Chapter 2, Section 84 [2-402] of the City Code shall be amended by adding a new subsection I as follows:

- I. Disaster Declarations. Nothing in this section shall limit the ability of the City Council or other Covered Group to meet electronically, as permitted by 5 ILCS 120/7, of the Illinois Open Meetings Act when the proper disaster declarations and determinations have been made related to public health concerns.

SECTION 7. Amendment to Chapter 6. Chapter 6, Section 32 [6-138.1] of the City Code shall be amended by adding new subsections I and J as follows:

- I. Through December 31, 2021, the Mayor is authorized to approve extension of premise requests, including allowing consumption of alcoholic liquor on City right-of-way or property, related to the City's outdoor dining regulations and/or orders where such are not inconsistent with State law.
- J. Through December 31, 2021, separate and apart from the provisions of this section, the Mayor may allow curbside pickup and off-premises delivery of alcoholic liquor, including "to go" mixed drinks/cocktails and single servings of wine, by executive order as authorized by State law. The executive order issued by the Mayor may be inconsistent with the provisions of this section.

SECTION 8. Amendment to Chapter 25. Chapter 25, Article V of the City Code shall be amended by adding a new section 27-512 [Ch. 27, Sec. 38] as follows:

27-512 [Ch. 27, Sec. 38] COVID-19 Pandemic Moratorium.

- A. All City utility shut offs for nonpayment shall be suspended from March 26, 2020, through July 31, 2021.
- B. Effective July 31, 2021, penalties, suspended from time-to-time as part of the City's Pandemic Moratorium, shall once again begin to accrue and be assessed on City owned utility accounts that are not paid within 30 days of the due date as provided in accordance with § 27-507 of the City Code.
- C. The City Manager shall and is authorized to issue an Executive Order establishing a special re-payment terms, settlements, and/or plans for those with past-due water utility bills to take into account the impact of the COVID-19 pandemic. Residents or customers that have a re-payment plan in good standing with the City to cover balances due between March 26, 2020 and July 31, 2021, shall not

have their City utilities shut off or penalties assessed.

SECTION 9. Amendment to Chapter 33. Chapter 33, Article I of the City Code shall be amended by amending subsection C of Section 33-103 [Ch. 33, Sec.3] as follows:

- C. Intentionally left blank. ~~Every applicant shall submit to fingerprinting by the Police Department of this municipality in connection with the application for Certificate.~~

SECTION 10. Amendment to Chapter 33. Chapter 33, Article I, Section 4 of the City Code shall be amended as follows:

§ 33-104 [Ch. 33, Sec. 4] Issuance and revocation of certificate

- A. The City Clerk ~~Manager~~ or his or her designee, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this article. Endorsement shall be made by the City Clerk ~~Manager~~ or his or her designee upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.
- B. Any Certificate of Registration issued hereunder shall be revoked by the City Clerk ~~Manager~~ if the holder of the Certificate is convicted of a violation of any of the provisions of this article or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this article. Immediately upon such revocation written notice thereof shall be given by the City Clerk ~~Manager~~ to the holder of the Certificate in person or by certified U.S. mail addressed to his or her residence address set forth in the application.
- C. Immediately upon the giving of such notice the Certificate of Registration shall become null and void.
- D. All Certificates of Registration shall expire six consecutive months from the date of approval. Upon receipt of a Certificate, each individual applicant shall pay a fee as set forth in the Schedule of Fees.
- E. The denial of an application under subsection A and the revocation of a

certificate under subsection B may be appealed to the City Manager as set forth in this subsection. Any appeal must be made in writing and addressed to the City Manager within 10 days of the notice from the City Clerk of either the denial or revocation. The City Manager shall then hold a hearing to decide whether the denial or revocation complied with the City Code. The City Manager may also designate a hearing officer to hold such a hearing. After the hearing, the City Manager, or hearing officer if so designated, shall render a final and binding decision in writing within 10 days of the hearing.

SECTION 11. Amendment to Chapter 38. Chapter 38 of the City Code shall be amended by adding a new subsection C to Section 78 [38-303] and a new Section 951 [167.11] as follows:

- C. The City Manager is authorized to establish, by written Executive Order, guidelines and provisions that allow outdoor dining, which may waive any applicable fees and may be inconsistent with the other provisions of this Article III.

38-951 [Ch. 38, Section 167.11 Executive Orders

The City Manager is authorized to establish, by written Executive Order, guidelines and provisions that allow outdoor dining, which may waive or lower any applicable fees and may be inconsistent with the other provisions of this Division.

SECTION 12. Amendment of City Code. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 13. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 14. Publication. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 15. Home Rule Authority. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 16. Effectiveness & Duration. This Ordinance shall be in full force and effect after its passage, approval, and publication as required by law.

PASSED this 28th day of June 2021.

APPROVED this _____ day of June 2021.

CITY OF BLOOMINGTON

Mboka Mwilambwe, Mayor

ATTEST

Leslie Smith-Yocum, City Clerk