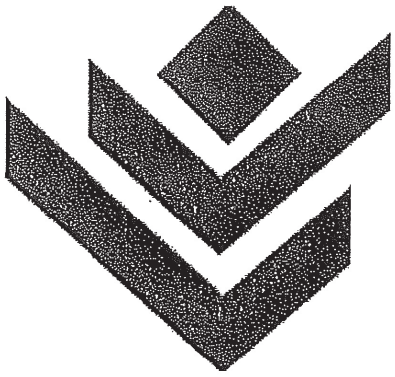
CITY OF Bloomington ILLINOIS

CITY OF BLOOMINGTON COUNCIL MEETING JUNE 13, 2016



City Logo Design Rationale

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

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

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

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

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

City of Bloomington – Strategic Plan

Vision 2025

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

Mission

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

Core Beliefs

Enjoy **S**erving Others
Produce Results
Act with **I**ntegrity Take
Responsibility Be
Innovative Practice
Teamwork
Show the **SPIRIT!!**

Goals 2015

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

12/11/2010

CITY OF BLOOMINGTON

2015 Strategic Plan Goals

Goal 1. Financially Sound City Providing Quality Basic Services

Objective
a. Budget with adequate resources to support defined services and level of services
b. Reserves consistent with city policies
c. Engaged residents that are well informed and involved in an open governance process
d. City services delivered in the most cost-effective, efficient manner
e. Partnering with others for the most cost-effective service delivery

Goal 2. Upgrade City Infrastructure and Facilities

Objective
a. Better quality roads and sidewalks
b. Quality water for the long term
c. Functional, well maintained sewer collection system
d. Well-designed, well maintained City facilities emphasizing productivity and customer service
e. Investing in the City's future through a realistic, funded capital improvement program

Goal 3. Grow the Local Economy

Objective
a. Retention and growth of current local businesses
b. Attraction of new targeted businesses that are the "right" fit for Bloomington
c. Revitalization of older commercial homes
d. Expanded retail businesses
e. Strong working relationship among the City, businesses, economic development organizations

Goal 4. Strong Neighborhoods

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

Goal 5. Great Place – Livable, Sustainable City

Objective
a. Well-planned City with necessary services and infrastructure
b. City decisions consistent with plans and policies
c. Incorporation of "Green Sustainable" concepts into City's development and plans
d. Appropriate leisure and recreational opportunities responding to the needs of residents
e. More attractive city: commercial areas and neighborhoods

Goal 6. Prosperous Downtown Bloomington

Objective
a. More beautiful, clean Downtown area
b. Downtown Vision and Plan used to guide development, redevelopment and investments
c. Downtown becoming a community and regional destination
d. Healthy adjacent neighborhoods linked to Downtown
e. Preservation of historic buildings

AGENDA

CITY OF Bloomington ILLINOIS

CITY COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
109 E. OLIVE STREET, BLOOMINGTON, IL 61701
MONDAY, JUNE 13, 2016 7:00 P.M.

1. **Call to order**
2. **Pledge of Allegiance to the Flag**
3. **Remain Standing for a Moment of Silent Prayer**
4. **Roll Call**
5. **Recognition/Appointments**
   - A. Introduction of Jeanne Hamilton, Library Director, Bloomington Public Library
   - B. Presentation by Art Miller from Mission Lifeline, of the American Heart Association to the Bloomington Fire Department the EMS Gold Award
   - C. Reappointment of Valerie Dumser to the Citizens Beautification Committee
   - D. Reappointment of Jeff Brown to the Board of Zoning Appeals
   - E. Reappointment of Ryan Whitehouse to the Connect Transit Board
6. **Public Comment**
7. **"Consent Agenda"**

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

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

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

A. Consideration of approving the Minutes of the May 23, 2016 Regular City Council Meeting. *(Recommend that the reading of the minutes May 23, 2016 Regular City Council Meeting, be dispensed with and the minutes approved as printed.)*

B. Consideration of approving Bills, Payroll, Electronic Transfers and Procurement Cards in the amount of $ 7,338,054.90. *(Recommend that the bills, payroll, electronic transfers, and procurement cards be allowed in the amount of* $ 7,338,054.90*, and orders drawn on the Treasurer for the various amounts as funds are available.)*

C. Consideration of Approving Reappointment to the Various Boards and Commissions. *(Recommend that be Valerie Dumser be reappointed to the Citizens Beautification Committee, that Jeff Brown be reappointed to the Board of Zoning Appeals and that Ryan Whitehouse be reappointed to the Connect Transit Board.)*

D. Consideration of approving the Government Center: Operation & Maintenance Costs / Attachment No. 14. *(Recommend that Attachment No. 14 to the Amendment to the Lease and Operation and Maintenance Agreement for the City and County Office Building be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)*

E. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on Junc 26, 2016. *(Recommend that the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on June 26, 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

8. Public Hearing

A. Petition submitted by Brian and Jessica Szarek, Requesting approval of an Annexation Agreement for the property commonly located west of Szarek Drive and south of Six Points Road (approximately 2.12 acres).

9. "Regular Agenda"

A. Consideration of adoption of an ordinance approving the Annexation Agreement for the property commonly located west of Szarek Drive and south of Six Points Road (approximately 2.12 acres). *(Recommend that an ordinance be adopted approving the Annexation Agreement for the property commonly located west of Szarek Drive and south of Six Points Road (approximately 2.12 acres), and that the Mayor and City Clerk be authorized*

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

to execute the necessary documents.) (Presentation by Tom Dabareiner, Community Development Director 5 minutes, Council discussion 10 minutes).

B. Consideration of adoption of an ordinance approving the petition submitted by Brian and Jessica Szarek, requesting annexation and rezoning to R-1A, single family residential district, for the property commonly located west of Szarek Drive and south of Six Points Road (approximately 2.12 acres). *(Recommend that an ordinance be adopted approving the annexation and rezoning to R-1A, Single family residential district, of 2.12 acres located west of Szarek Drive and south of Six Points Road, and that the Mayor and City Clerk be authorized to execute the necessary documents.) (Presentation by Tom Dabareiner, Community Development Director 5 minutes, Council discussion 10 minutes).*

C. Consideration of an Ordinance Amending Chapter 6 of the Bloomington City Code to Provide for Video Gaming Licensing. *(Recommend that the Ordinance amending Chapter 6 of the Bloomington City Code to provide for video gaming licensing be adopted, and authorize the Mayor and City Clerk to execute the necessary documents.) (Presentation by Mayor Renner 10 minutes, Council discussion 20 minutes)*

10. City Manager's Discussion

11. Mayor's Discussion

12. City Aldermen's Discussion

13. Executive Session – *Cite Section*

14. Adjournment

15. Notes

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

RECOGNITION

Item 5

RECOGNITION / APPOINTMENTS

5. Recognition/Appointments

A. Introduction of Jeanne Hamilton, Library Director, Bloomington Public Library

B. Presentation by Art Miller from Mission Lifeline, of the American Heart Association to the Bloomington Fire Department the EMS Gold Award.

C. Reappointment of Valerie Dumser to the Citizens Beautification Committee

D. Reappointment of Jeff Brown to the Board of Zoning Appeals

E. Reappointment of Ryan Whitehouse to the Connect Transit Board

Bloomington Public Library
Books are just the beginning.
Find Use See & Do Participate

FOR IMMEDIATE RELEASE

Contact: Carol Koos
309.830.9382
carolkoos12@gmail.com

Bloomington Public Library names new director

BLOOMINGTON – Jeanne Hamilton (pronounced Jeanie), director of Charleston Carnegie Public Library in Charleston, IL, has been hired as the director of Bloomington Public Library.

The Bloomington Public Library Board of Trustees hired Hamilton during a special board meeting Monday night. "The board was unanimous in its support of Jeanne Hamilton as our next director," said Carol Koos, board president.

Hamilton has been director of the Charleston Carnegie Public Library for five years and served as director of the Helen Matthes Library in Effingham, IL, prior to her move to Charleston. She will begin her work in Bloomington on June 1. Terry Lindberg, retired McLean County Administrator, will continue to serve as interim director of the library until May 31.

During Hamilton's eight years working in library administration, she focused on improving library services through the implementation of fiscally sound new ideas and the development of strong staff teams. Under her leadership, the Charleston library expanded its open hours and witnessed a 63 percent increase in circulation to 94,000 items annually. The Charleston library serves a population of approximately 22,000.

Hamilton received both of her degrees – Master of Library Science and Bachelor of Science in Actuarial Science and Finance – from the University of Illinois. She also worked three semesters in an adjunct faculty role for the University of Illinois Graduate School of Library and Information Science.

Of a possible building or expansion project at Bloomington Public Library in the future, Hamilton said, "In my experience at the Charleston Carnegie Public Library and the Helen Matthes Library, I have had the opportunity to learn how to maintain buildings and manage building projects. Additionally, I have experience working with architects to develop building design plans."

Hamilton grew up outside of Springfield, IL, and looks forward to moving to the Twin Cities where her parents have resided since 2003. She will be relocating with her husband and their infant son.

"With strong staff, board, and community supporters, it is clear that the Bloomington Public Library has an exciting outlook and I am thrilled to be a part of that future." Hamilton said.

According to Board of Trustees President Carol Koos, Hamilton was one of four candidates the board seriously considered to fill the vacancy left when former library director Georgia Bouda retired in December. "She brings a lot of good, relevant experience to the position," Koos added.

Hamilton is active in the Illinois Library Association where she served on the executive board and several committees. She also served on the Illinois Heartland Library System Nomination Committee, and she is currently President of the Rotary Club of Charleston.

BECAUSE TIME MATTERS.

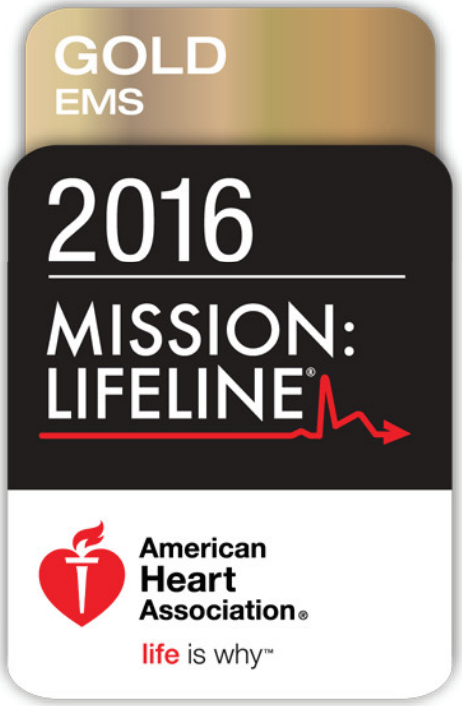
American Heart Association. life is why™

MISSION: LIFELINE®

2016 Mission: Lifeline® EMS Recognition

The American Heart Association proudly recognizes

Bloomington Fire Department
Bloomington, IL



Mission: Lifeline® EMS – GOLD
Achievement Award - EMS Agency

The American Heart Association recognizes this EMS provider organization for demonstrating continued success in using the Mission: Lifeline EMS program. Thank you for applying the most up-to-date evidence-based treatment guidelines to improve patient care and outcomes in the community you serve.*

Nancy Brown
Chief Executive Officer, American Heart Association

James G. Jollis, MD, FACC
Chair, Mission: Lifeline Advisory Working Group

Mark Creager, MD
2015-2016 American Heart Association President

*For more information, please visit Heart.org/MLQualityAwards.

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CONSENT AGENDA

CONSENT AGENDA ITEM: 7A

FOR COUNCIL: June 13, 2016

SUBJECT: Consideration of approving the Minutes of the May 23, 2016, Regular City Council Meeting.

RECOMMENDATION/MOTION: That the reading of the minutes May 23, 2016 Regular City Council Meeting, be dispensed with and the minutes approved as printed.

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

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

BACKGROUND: The Regular City Council Meeting Minutes have been reviewed and certified as correct and complete by the City Clerk.

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable

Respectfully submitted for Council consideration.

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

Recommended by:

David A. Hales
City Manager

Attachments:

- May 23, 2016 Regular Meeting Session

Motion: That the reading of the minutes May 23, 2016 Regular City Council Meeting, be dispensed with and the minutes approved as printed.

SUMMARY MINUTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, MAY 23, 2016; 7:00 P.M.

1. Call to Order

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, May 23, 2016. The Meeting was called to order by Mayor Renner.

2. Pledge of Allegiance to the Flag

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

3. Remain Standing for a Moment of Silent Prayer

4. Roll Call

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

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

Staff Present: Steve Rasmussen, Assistant City Manager, Jeffrey Jurgens, Corporation Counsel, Cherry Lawson, City Clerk and other City staff were present.

Staff Absent: David Hales, City Manager

5. Recognition / Appointments

The following were presented:

A. Reappointment of Memuna Lee to the Housing Authority.
B. Introduction of Curtis Webb, Executive Director, U.S. Cellular Coliseum

6. Public Comment

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

Patricia Marton
Alton Franklin

7. Consent Agenda

The following was presented:

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

Alderman Hauman requested Item No. 7I be pulled from the Consent Agenda.

Alderman Fruin requested Item No. 7N be pulled from the Consent Agenda.

Alderman Mwilambwe requested Item No. 7O be pulled from the Consent Agenda.

Alderman Lower requested Item No. 7Q be pulled from the Consent Agenda.

Motion by Alderman Painter, seconded by Alderman Schmidt, that the Consent Agenda be approved with exception of Items 7I, 7N, 7O and 7Q.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 7A: Consideration of approving the Minutes of the May 9, 2016 Regular City Council Meeting.

The following was presented:

Item 7B. Consideration of approving Bills, Payroll and Electronic Transfers in the amount of $ 7,742,181.85.

The following was presented:

Item 7C. Consideration of approving Reappointments to the Housing Commission.

The following was presented:

Item 7D. Consideration of review and analysis of Bids and Approval of a Contract with George Gildner, Inc. in the amount of $568,000 for Utility Maintenance FY 2017 (Bid #2017-01).

The following was presented:

Item 7E. Consideration of review and analysis of Bids and Approval of a Contract with George Gildner, Inc. in the amount of $350,000 for Emergency Utility Repair FY 2017 (Bid #2017-02).

The following was presented:

Item 7F. Consideration of review and analysis of Bids and Approval of a Contract with Bodine Electric of Decatur in the amount of $120,000 for Traffic Signal Maintenance & Emergency Traffic Signal Repair FY 2017 (Bid #2017-03).

The following was presented:

Item 7G. Consideration of review and analysis of Bids and Approval of a Contract with George Gildner, Inc. in the amount of $128,750.00 for Grading & Seeding FY 2017 (Bid #2017-04).

The following was presented:

Item 7H. Consideration of review and analysis of Bids and Approval of a Contract with Stark Excavating, Inc. in the amount of $200,000.00 for Street, Alley & Sidewalk Maintenance FY 2017 (Bid #2017-05).

The following was presented:

Item 7I. Consideration of adopting a Resolution approving a Formal Bid Waiver for the purchase of limited source craft beers for the 2016 Bloomington Beer Fest. ***Pulled from the Consent Agenda.***

RESOLUTION NO. 2016 – 19
A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF SPECIFIC CRAFT BEERS FOR THE 2016 BLOOMINGTON BEER FEST FROM MARKETPLACE SELECTIONS AT A PURCHASE PRICE OF $27,018.86 AND WOLF DISTRIBUTING AT A PURCHASE PRICE OF $11,445.15

The following was presented:

Item 7J. Consideration of adoption of a Resolution to amend Figure 11.3 “Future Land Use”, Figure 11.4 “Development Priorities” and Figure 6.3 “Opportunities for Infill Development and Redevelopment” of the City of Bloomington Comprehensive Plan 2035.

RESOLUTION NO. 2016 – 20
A RESOLUTION TO AMEND THE BLOOMINGTON COMPREHENSIVE PLAN 2035

The following was presented:

Item 7K. Consideration of adoption of an ordinance approving the petition submitted by Ark VI, L.L.C. for an amended preliminary plan for a portion of the Eagle View South Subdivision located north of GE Road and east of Towanda Barnes Road.

ORDINANCE NO. 2016 – 46
AN ORDINANCE APPROVING THE AMENDED PRELIMINARY PLAN FOR A PORTION OF EAGLE VIEW SOUTH WEST SUBDIVISION

The following was presented:

Item 7L. Consideration of approving an Ordinance approving a Petition from Brookridge Apartments, LLC, for a Final Plat for Eighth Addition to Brookridge Apartments Subdivision located north of Hamilton Road and east of Hershey Road.

ORDINANCE NO. 2016 – 47
AN ORDINANCE APPROVING THE FINAL PLAT OF THE EIGHTH ADDITION TO BROOKRIDGE APARTMENTS SUBDIVISION

The following was presented:

Item 7M. Consideration of approving an Ordinance approving a Petition from David Long, authorized representative of Long Custom Building & Remodeling, Inc., for a Vacation of Easements located between Lots 29 and 30, Stonebridge Court Subdivision, First Addition, located north of Ireland Grove Road and East of Hershey Road.

ORDINANCE NO. 2016 – 48
AN ORDINANCE PROVIDING FOR THE VACATION OF EASEMENTS

The following was presented:

Item 7N. Consideration of the application from Hurley Entertainment Group, Inc., d/b/a Spotted Dog Tavern, located at 1504 Morrissey Dr., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. ***Pulled from the Consent Agenda.***

The following was presented:

Item 7O. Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol on Public Property during the WGLT Outdoor Concert in the Downtown on June 11, 2016. ***Pulled from the Consent Agenda.***

ORDINANCE NO. 2016 – 49
AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY IN A PORTION OF DOWNTOWN BLOOMINGTON DURING THE WGLT OUTDOOR CONCERT IN DOWNTOWN BLOOMINGTON

The following was presented:

Item 7P. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on May 28, 2016.

ORDINANCE NO. 2016 – 50
AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT DAVIS LODGE ON MAY 28, 2016

The following was presented:

Item 7Q. Consideration of the draft Transportation Improvement Plan. ***Pulled from the Consent Agenda.***

The following was presented:

Item 7I. Consideration of adopting a Resolution approving a Formal Bid Waiver for the purchase of limited source craft beers for the 2016 Bloomington Beer Fest.

RESOLUTION NO. 2016 – 19
A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF SPECIFIC CRAFT BEERS FOR THE 2016 BLOOMINGTON BEER FEST FROM MARKETPLACE SELECTIONS AT A PURCHASE PRICE OF $27,018.86 AND WOLF DISTRIBUTING AT A PURCHASE PRICE OF $11,445.15

Alderman Hauman believed this should have required taking bids. She had knowledge of other entities becoming involved in the craft beer business. Alderman Lower believed local businesses did not have the opportunity to offer services. He stated General Funds should not be used to fund the event.

Steve Rasmussen, Acting City Manager, stated the revenue earned by the Bloomington Center for the Performing Arts (BCPA) event was used to pay for the Festival, including the beer. Local brewery and distributors were represented by the companies providing the craft beer. The recommendation to receive bids for the event would be taken into account.

Alderman Lower questioned the financial accounts receiving the revenue. Tina Salamone, Performing Arts Manager, stated any revenue generated by the BCPA was deposited to the BCPA account for Concession Revenue.

Alderman Lower questioned having the State of Illinois catering license to cover the event. Eric Veal, Parks & Recreation's Assistant Director, stated the proper alcohol licenses were acquired. Food trucks would be available. The BCPA was not catering.

Alderman Black stated food trucks obtained licenses through the McLean County Health Department. Last year, after the alcohol expenses, the net profit divided among the not-for-profit (NFP) volunteer pour teams totaled $10,600. The fifty (50) pouring stations received $212 each. Mr. Veal stated this year, the same ten (10) teams plus the addition of the Cultural Festival, Inc. would share in the profits. These were local community organizations benefitting from their participation.

Alderman Hauman questioned the process for leftover beer. Mr. Veal stated a credit would be provided for any unopened package returned to the provider.

Motion by Alderman Hauman, seconded by Alderman Black, that a Resolution approving a limited source, to waive the formal bidding process in order to purchase specific craft beers from Marketplace Solutions in the amount of $27,018.86 and Wolf Distributors in the amount of $11,445.15 for the 2016 Bloomington Beer Fest.

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

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

Nays: Alderman Lower.

Motion carried.

The following was presented:

Item 7N. Consideration of the application from Hurley Entertainment Group, Inc., d/b/a Spotted Dog Tavern, located at 1504 Morrissey Dr., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Alderman Fruin commended the applicant for the way business was handled downtown and believed the same would be seen at the new location.

Alderman Lower believed they would prosper although the atmosphere would be different than downtown.

Motion by Alderman Fruin, seconded by Alderman Lower, that a TAS liquor license for Hurley Entertainment Group, Inc., d/b/a Spotted Dog Tavern, located at 1504 Morrissey Dr., be approved and created contingent upon compliance with all health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 7O. Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol on Public Property during the WGLT Outdoor Concert in the Downtown on June 11, 2016.

ORDINANCE NO. 2016 – 49
AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY IN A PORTION OF DOWNTOWN BLOOMINGTON DURING THE WGLT OUTDOOR CONCERT IN DOWNTOWN BLOOMINGTON

Motion by Alderman Sage, seconded by Alderman Hauman, that the Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol on Public Property during the WGLT Outdoor Concert in the Downtown on June 11, 2016 be adopted.

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

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

Recused: Alderman Mboka Mwilambwe.
[7:26 PM Minutes:] Alderman Mwilambwe left the dais.
[7:27 PM Minutes:] Alderman Mwilambwe returned to the Meeting.

Nays: None.

Motion carried.

The following was presented:

Item 7Q. Consideration of the draft Transportation Improvement Plan.

Alderman Lower questioned approving the Transportation Improvement Plan (TIP) without further discussion. Mayor Renner stated the item's consideration was for Council to receive the draft TIP for further review.

Motion made by Alderman Lower, seconded by Alderman Mwilambwe, that Council receive and review the draft Transportation Improvement Plan.

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

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

Nays: None.

Motion carried.

Regular Agenda

The following was presented:

Item 8A. Presentation of the 2015 Annual Fire Department Statistics.

Brian Mohr, Fire Chief, stated that reviewing historical data was an important part of performing a community risk assessment. Same was used to develop a cover standard or resource deployment model. Performance benchmarks such as response times referenced in the National Fire Protection Association (NFPA) 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments would be used to guide the planning process. The goal was to continually improve service delivery to citizens in an effective and cost efficient manner.

The Department staff was approved for 117; 113 were sworn firefighters and four (4) were civilians. Six (6) positions were currently open with one (1) retirement occurring in June 2016. There were five (5) retirements in 2015. Four (4) new hires occurred along with several promotions.

Call volume had increased four percent (4%) in the last two (2) years. In 2015, 10,872 calls were responded to. This was an increase of 410 calls from 2014. Total Emergency Medical Service (EMS) calls in 2015 were 8,247, an increase of 310 from the previous year.

The NFPA 1710 standard was a six (6) minute response time ninety percent (90%) of the time. The Department's response time met this standard 66.7% of the time. The ninetieth (90^{th}) percentile average response time was 8.55 minutes.

Fire responses increased by one hundred (100) calls per year with a total of 2,625 for 2015. Total structure fires were up from seventy-nine (79) in 2014 to 110 in 2015. Response time for all Fire Hot calls was 72.8% of the benchmarked ninety percent (90%) with the time improving to 7.45 minutes from 8.10 minutes the prior year. Structure fires were tracked at 84.2% with 6.40 minutes as the response time.

The busiest Fire units were Medic 1 and Engine 6 from the Headquarters station, located at 310 N. Lee St. Medic 1 responded to 3,433 calls averaging 31.6% of all the calls for the year. Outlying station ambulances were utilized when Medic 1 was unavailable increasing response times. Mutual aid given to neighboring departments the past year showed seventy-three (73) calls for Fire and 362 calls for EMS.

Fire Response Districts were increased to enable better tracking. Three (3) significant structure fires occurred last fall. Same were located on the City's Northeast side. The NFPA 1710 standard for having an Effective Response force to the scene was ten (10) minutes. Each occurrence was above the standard response time.

Public Education included programs for children at schools and special events, fire safety programs and fire drills. Programs for Adults included Fire safety, Fire extinguisher, Cardiopulmonary Resuscitation (CPR) training and EMT preceptor classes. The department partnered with the Bloomington Area Career Center to offer Fire Science and EMT Basic programs at Bloomington High School. Hands-on training was conducted at the Fire stations.

A Premise Alert program was available on the website to provide responding units with information that could assist when responding to a call for service. Examples of special needs that qualify for the program included: 1.) Autism; 2.) Alzheimer's; 3.) Deaf/Hard of hearing; 4.) Mental Illness; 5.) Visually Impaired; 6.) Physical Disability; 7.) Developmental Disability; and 8.) Other Special Needs.

2015 Accomplishments included: 1.) Collaboration with Bloomington Dispatch Center to implement Fire Priority Dispatch system; 2.) Updated response districts map from four (4) districts to ten (10) districts; 3.) Updated all run cards in Dispatch Center to match current Standard Operating Procedures (SOP); 4.) Improved the City's Public Protection Classification number to a two (2); and 5.) Received one (1) of two (2) Municipal Fire Departments of Illinois American Heart Association's EMS GOLD Award.

2016 goals included: 1.) Finalize the Interagency agreement with Central Illinois Regional Airport for service delivery; 2.) Upgrade training rooms to enable video conferencing; 3.) Upgrade Station Alerting systems to improve turnout times and information to responders; and 4.) Begin addressing the list of priorities in the Fire Department Facilities Master Plan.

Future needs included: 1.) Place a second Medic Unit in service at Headquarters, located at 310 N. Lee St.; 2.) Traffic signal preemption system; 3.) Reinstatement of Engine Company at Station #3; 4.) Locate and build a new fire station in the Northeast to address response times in districts 3A and 6A; 5.) Add three (3) additional staff; 6.) Upgrade Engine Companies capabilities to Advanced Life Support; 7.) Continue to collaborate with the Town of Normal (Town) Fire Department on shared Automatic Vehicle Location (AVL); and 8.) Major station renovation needs.

Alderman Fruin questioned decreasing call volume and circumstances when two (2) vehicles were dispatched with unnecessary transports. He believed renovation/relocation was required for some of the stations. Chief Mohr stated a Community Risk Reduction Model was required.

Alderman Painter questioned collaboration with the Town of Normal on the Northeast section of the City. Chief Mohr stated discussions were ongoing. Current software was not compatible between the City and the Town. Station locations were driven by each community's call volume. He believed AVL was a good opportunity to continue to pursue collaboration.

Alderman Lower commended the Fire Department. He believed a Spiller Pays Ordinance would assist with improvements. Chief Mohr stated same would be brought to Council soon.

The following was presented:

Item 8B. Consideration of approval of upgrades in traffic signal controls to facilitate improvements in emergency response and general traffic flow.

Brian Mohr, Fire Chief, and Jim Karch, Public Works Director, introduced this item. The City's traffic signalization was antiquated. The Fire Department and Public Works Department were jointly investigating improvements that would reduce emergency response times, improve movement of major equipment such as snow plows and improve routine traffic flow.

Two (2) general traffic engineering concepts were involved: 1.) Preemption. The use of equipment to give priority to a government vehicle, such as an ambulance. The ambulance would receive a green light and cross traffic would be stopped by a red light; and 2.) Adaptive Traffic Control. The use of advanced systems to regulate traffic signal timing. Traffic signals would respond to traffic needs in real time by reading, for example, the uptick in traffic after a Downtown event ends.

The Preemption system currently used began with the Fire Department's request to have the Dispatch center initiate green lights along a fire line and red lights for crossing traffic. Limitations included: Dispatchers could be occupied with calls and not activate the fire lanes.

Electronics on the Emergency vehicle would send a signal to the traffic control device. Limitations included: Other traffic, fog and heavy rain blocking the signal. Vehicles ahead of the Emergency vehicle would require time to move out of the way.

Advanced preemption components were required to clear traffic in advance of the Fire vehicle's arrival.

An Adaptive Traffic Control system would read traffic and make adjustments in real time. It would adjust for seasonal changes, such as Christmas shopping traffic; brief periods of heavy traffic, such as the Fair bandstand show traffic; and would be sensitive to mixed traffic and variations in cross-street traffic.

Next steps included: 1.) Council interest in pursuing further; 2.) Strategic plan development. Funds to hire a consultant had been budgeted; 3.) Generate cost estimates; 4.) Test through a Pilot project; and 5.) Phase in through the budget process.

Alderman Fruin expressed his support. He questioned whether a campaign for traffic safety awareness would be worthwhile. Chief Mohr responded affirmatively. Aldermen Painter and Lower expressed their support.

City Manager's Discussion

Steve Rasmussen, Acting City Manager, had no report.

Mayor Discussion

Mayor Renner stated Huffington Post listed eleven (11) amazing cities, the City was among them. The American Institute for Economic Research listed destinations for employment after college, the City was number three (3) out of the top ten (10).

City Alderman's Discussion

Alderman Lower mentioned Memorial Day, May 30, 2016, to honor our soldiers who died while serving in the United States of America's armed forces.

Adjournment

Motion made by Alderman Black, seconded by Alderman Lower, to adjourn the meeting at 8:18 p.m.

Motion carried (viva voce).

CITY OF BLOOMINGTON **ATTEST**

Tari Renner, Mayor

Cherry L. Lawson, City Clerk

CONSENT AGENDA ITEM: 7B

FOR COUNCIL: June 13, 2016

SUBJECT: Consideration of approving Bills, Payroll, and Electronic Transfers in the amount of $7,338,054.90.

RECOMMENDATION/MOTION: That the bills, payroll, and electronic transfers be allowed in the amount of $7,338,054.90, and orders drawn on the Treasurer for the various amounts as funds are available.

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

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

FINANCIAL IMPACT: Total disbursements to be approved $7,338,054.90 (Payroll total $2,621,914.65, Accounts Payable total $4,242,226.02, Electronic Transfers total $473,914.23).

Respectfully submitted for Council consideration.

Prepared by: Frances Watts, Accounts Payable

Reviewed by: Jon C. Johnston, Procurement Manager

Recommended by:

David A. Hales, City Manager

Attachment:

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

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Motion: That the bills, payroll, and electronic transfers be allowed in the amount of $7,338,054.90, and orders drawn on the Treasurer for the various amounts as funds are available.

CITY OF BLOOMINGTON FINANCE REPORT

Council of June 13, 2016

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
5/20/2016	$ 225,432.82	$ 78,309.43	$ 303,742.25
5/26/2016	$ 1,317,914.52	$ 354,868.18	$ 1,672,782.70
5/27/2016	$ 230,490.14	$ 78,228.21	$ 308,718.35
6/3/2016	$ 242,194.65	$ 79,361.72	$ 321,556.37
5/13/2016-5/26/2016	$ 12,977.51	$ 2,137.47	$ 15,114.98
Off Cycle Adjustments			$ -
		PAYROLL GRAND TOTAL	**$ 2,621,914.65**

ACCOUNTS PAYABLE

Date	Bank	Total
6/13/2016	AP General	$ 3,994,290.78
	AP BCPA	$ -
6/13/2016	AP Comm Devel	$ 15,524.66
	AP IHDA	$ -
6/13/2016	AP Library	$ 62,674.27
6/13/2016	AP MFT	$ 18,643.17
5/24/2016-6/1/2016	Off Cycle Check Runs	$ 151,093.14
	AP GRAND TOTAL	**$ 4,242,226.02**

PCARD

PCARD GRAND TOTAL

WIRES

Date	Total
5/5/2016-5/30/2016	$ 473,914.23
WIRE GRAND TOTAL	**$ 473,914.23**

TOTAL **$ 7,338,054.90**

Respectfully,

Patti-Lynn Silva
Director of Finance

CONSENT AGENDA ITEM NO. 7C

FOR COUNCIL: June 13, 2016

SUBJECT: Consideration of Approving Reappointments to Various Boards and Commissions

RECOMMENDATION/MOTION: That Valerie Dumser be reappointed to the Citizens Beautification Committee, that Jeff Brown be reappointed to the Board of Zoning Appeals and that Ryan Whitehouse be reappointed to the Connect Transit Board

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

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

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

Board of Zoning Appeals: Jeff Brown of 408 Leland, Bloomington, Illinois 61701 to the Board of Zoning Appeals. He will be reappointed to a three (3) year term to expire 4/30/19. Application is on file in the Administration Office.

Citizens Beautification Committee: Valerie Dumser of 809 W Washington, Bloomington, Illinois 61701 to the Citizens Beautification Committee. She will be reappointed to a three (3) year term to expire 4/30/19. Application is on file in the Administration Office.

Connect Transit Board: Ryan Whitehouse of 1806 Cottage Avenue, Bloomington, Illinois 61701 to the Connect Transit Board. He will be reappointed to a four (4) year term to expire 6/30/20. Application is on file in the Administration Office.

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration for approval.

Prepared by: M. Beth Oakley, Executive Assistant

Recommended by:

Tari Renner
Mayor

Attachments:

- Roster

Motion: That Valerie Dumser be reappointed to the Citizens Beautification Committee, that Jeff Brown be reappointed to the Board of Zoning Appeals and that Ryan Whitehouse be reappointed to the Connect Transit Board

Motion: _____ Seconded by: _____

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

Board of Zoning Appeals

Mayor Appointed	Staff/Chair	First Name	Last Name	Expiration	Re/Appointment Date	Year First Appt	Ward	Email	Street	City	Zip					
x		Mike	Ireland	04/30/18	01/13/14	2003	1	mwireland@frontier.com	816 S. Mercer	Bloomington	61701					
x		Barbara	Meek	04/30/17	03/24/14	2010	9	Barbara.meek@bldd.com	1914 Hackberry Rd.	Bloomington	61704					
x	reapplied	Jeff	Brown	04/30/16	09/14/15	2015	4	jbrown@attorneyjeffbrown.com	408 Leland	Bloomington	61701					
x	Chair	Richard	Briggs	04/30/17	05/13/13	2003	3	DDBriggs3SOC@msn.com	3 Sable Oaks Ct.	Bloomington	61704					
x		Robert	Kearney	04/30/17	05/13/13	2006	4	ND8894@yahoo.com	514 S. Moore	Bloomington	61701					
x		Tristan	Bullington	04/30/17	09/14/15	2015	1	tristan@allisonmosby-scott.com	1310 Beverly Lane	Bloomington	61701					
x		James	Simeone	04/30/17	05/13/13	2013	4	jsimeone@iwu.edu	1923 E Taylor	Bloomington	61701					
	Staff	Katie	Simpson					ksimpson@cityblm.org	115 E Washington	Bloomington	61701					
	Staff	Mary	Sellmeyer						110 E Olive St	Bloomington	61701					

Details:
Term: 4 years (3 years as of 5/1/2014)
Term Limit per City Code: 3 terms/9 years
Members: 7 members
Number of members the Mayor appoints: 7
Type: Internal
City Code:
Required by State Statute: No
Intergovernmental Agreements: None
Funding budgeted from COB for FY2014: None
Meetings: 3rd Wednesday of each month at 3:00pm in the Council Chambers

Number of Vacancies: 1
Number of Expired Board Members (Blm Appointments only): 1
Number of Expired Board Members Eligible for Reappointment: 1

Appointment/Reappointment Notes:

Connect Transit Board

Mayor Appointed	Staff/Chair	First Name	Last Name	Expiration	Re/Appointment Date	Year First Appt	Ward	Email	Street	City	Zip					
x	Blm	Bill	Wilson	06/30/18	05/12/14	2011	9	bwilson10s@yahoo.com	9 Gulf Pointe Ct	Bloomington	61704					
x	Blm	John	Bowman	06/30/19	05/26/15	2005	3	john.bowman.bbh2@statefarm.com	3611 Pamela Dr	Bloomington	61704					
x	Blm - reapplied	Ryan	Whitehouse	06/30/16	04/23/12	2012	7	whitehouse1114@gmail.com	1806 Cottage Ave	Bloomington	61701					
x	Chair/Blm	Judy	Buchanan	06/30/17	05/13/13	2011	4	judyblm1@gmail.com	1206 E Jefferson	Bloomington	61701					
	Nml	John	Thomas	06/30/19	06/01/15					Normal						
	Nml	Felicia	Shaw	06/30/14	07/01/14					Normal						
	Nml	Mike	McCurdy	06/30/17	04/16/12	2012				Normal	61761					
	Staff/Contact	Julie	Phillips					jphillips@connect-transit.com	351 Wylie Dr	Normal	61761					

Details:
Term: 4 years, exp date is June 30th
Term Limit per City Code: not applicable
Members: 7 members
Number of members the Mayor appoints: 4
Type: Multi-Jurisdictional
City Code:
Required by State Statute: No
Intergovernmental Agreements: Yes
Funding budgeted from COB for FY2014:
Meetings: 4th Tues of each month at 4:30pm - BNPTS 351 Wylie Dr, Normal

Number of Vacancies: 1
Number of Expired Board Members (Blm Appointments only): 1

Appointment/Reappointment Notes:
Normal has not reappointed the above highlighted in red as of 7/30/15.

Citizens Beautification Committee

Mayor Appointed	Staff/Chair	First Name	Last Name	Expiration	Re/Appointment Date	Year First Appt	Ward	Email	Street	City	Zip					
x		Laurel	Schumacher	04/30/18	05/11/15	2015	9	augieschu@gmail.com	2004 Ebo Lane	Bloomington	61704					
x	Chair	Robin	VanDermay	04/30/17	05/12/14	2014	3	vankir3011@yahoo.com	3011 Carlene Dr	Bloomington	61704					
x		Patricia	Marton	04/30/17	05/12/14	2014	4	pmarton61701@yahoo.com	1114 E Grove St	Bloomington	61701					
x	Vice Chair	Martha	Burk	04/30/16	03/24/14	2010		mjburk@ilstu.edu	904 S Clinton	Bloomington	61701					
x		Sue	Floyd	04/30/16	03/24/14	2010	6	suelyn9536@aol.com	608 N Lee	Bloomington	61701					
x		Patricia	Morin	04/30/18	04/13/15	2011	4	patricia.morin@comcast.net	1405 N Clinton Blvd	Bloomington	61701					
x		Marlene	Gregor	04/30/18	04/13/15	2011	6	marlenegregor@aol.com	107 W Market St	Bloomington	61701					
x		Josh	Barnett	04/30/15	08/22/11	2011		barnett.josh.w@gmail.com	55 Brookshire Green	Bloomington	61704					
x	reapplied-last term	Valerie	Dumser	04/30/16	09/24/12	2012	7	grandmavalerie@gmail.com	809 W Washington	Bloomington	61701					
x		Amy	Davis	04/30/16	10/22/12	2012	1	amy.davis1@frontier.com	501 S Clayton St	Bloomington	61701					
x		Erica	Larkin	04/30/17	05/28/13	2013	1		909 Snyder Dr	Bloomington	61701					
x		Mark	Larsen	04/30/18	05/11/15	2015	5	mlars543@yahoo.com	1424 Ridgeport Ave.	Bloomington	61704					
	Ex-Officio	Jan	Lauderman						4 Oxford Ct	Bloomington	61704					
	Ex-Officio	Stan	Cain													
	Staff	Robert	Moews						Parks & Rec							
	Staff	David	Lamb						Parks & Rec							

Details:
Term: 4 years (3 years as of 5/1/2014)
Term Limit per City Code: 3 terms/9 years
Members: 12 members, 1 ex-officio member
Number of members the Mayor appoints: 12
Type: Internal
City Code:
Required by State Statute: No
Intergovernmental Agreements:
Funding budgeted from COB for FY2014:
Meetings: 4th Thursday of each month at 7:00pm - BPD Osborn Room

Number of Vacancies: 6
Number of Expired Board Members (Blm Appointments only): 5
Number of Expired Board Members Eligible for Reappointment: 4

Appointment/Reappointment Notes:

CONSENT AGENDA ITEM NO. 7D

FOR COUNCIL: June 13, 2016

SUBJECT: Consideration of approving the Government Center: Operation & Maintenance Costs / Attachment No. 14.

RECOMMENDATION/MOTION: Recommend that Attachment No. 14 to the Amendment to the Lease and Operation and Maintenance Agreement for the City and County Office Building be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1c.

BACKGROUND: On November 20, 2001, the Public Building Commission ("Commission"), McLean County ("County") and the City of Bloomington ("City") entered into a lease for the Government Center that included a maintenance and operation agreement. Pursuant to the agreement, every year the costs of maintenance of the Government Center are proposed and then split equally between the County and the City. For the period between January 1, 2016, and ending December 31, 2016, the total cost is $671,790. Again, this is split equally, so the City's share of the expenses is $335,895. The amount is paid to the Commission on a semi-annual basis, specifically by June 30th and September 30th each year. A copy of the Budget Worksheet Report provided by the County outlining the detailed expenses is attached. The historic costs are as follows:

YEAR	TOTAL COSTS
2012	$767,271
2013	$748,864
2014	$748,418
2015	$765,314
2016	$671,790

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: This expense is included in the City's FY 2017 Adopted Budget under Government Center-Repair/Maintenance Building (10015485-70510). Stakeholders can locate this in the FY 2017 Adopted Budget Book titled "Overview & General Fund" on page 341

Respectfully submitted for Council consideration.

Prepared by: Chris Tomerlin, Budget Analyst

Financial & Budgetary review by: Carla Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments:

- Attachment No. 14 to the Amendment to the Lease and Operation and Maintenance Agreement for the City and County Office Building
- Attachment 2. Budget Worksheet Report

Motion: That Attachment No. 14 to the Amendment to the Lease and Operation and Maintenance Agreement for the City and County Office Building be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

Motion: _____ Seconded by: _____

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

ATTACHMENT NUMBER 14 TO THE AMENDMENT TO THE LEASE AND OPERATION AND MAINTENANCE AGREEMENT FOR THE CITY AND COUNTY OFFICE BUILDING

Pursuant to the provisions of that certain AMENDMENT TO THE LEASE AND OPERATION AND MAINTENANCE AGREEMENT for the City and County Office Building, commonly known as the "Government Center," located at 115 East Washington Street, Bloomington, Illinois, dated November 20, 2001, between the undersigned parties, the City of Bloomington and the County of McLean agree to pay the Public Building Commission of McLean County for the period beginning January 1, 2016 and ending December 31, 2016, the sum of $671,790.00.

The Public Building Commission of McLean County agrees to perform the operation, maintenance, upkeep, and safekeeping functions for the City and County Office Building for the one-year period beginning January 1, 2016, said functions being all pursuant to the provisions of Section III of the Lease, dated November 20, 2001.

The City of Bloomington and County of McLean agree to cause the necessary tax levies to be made to provide for the collection of the funds needed to pay the amount hereinabove set forth.

ATTEST:	APPROVED:
County Clerk, Board of McLean County, Illinois	Chairman, Board of McLean County, Illinois Executed: _____
ATTEST:	Approved:
Secretary, Public Building Commission of McLean County, Illinois	Chairman, Public Building Commission of McLean County, Illinois Executed: _____
ATTEST:	Approved:
Clerk, City of Bloomington, Illinois	Mayor, City of Bloomington, Illinois Executed: _____

County of McLean

Budget Worksheet Report

Account Number	Description	2014 Adopted Budget	2014 Actual Amount	2015 Adopted Budget	2015 Amended Budget	2015 Actual Amount	2016 Department Head	2016 County Administrator	% of CHG
Fund	**0001 GENERAL FUND**								
Revenue									
Department	**0041 FACILITIES MANAGEMENT**								
Sub-Department	**0115 GOVERNMENT CENTER**								
Charges For Services									
0450.0027	Reimb-Custodial/Utilities	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0450.0035	Nat City Rent	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Total: Charges For Services		$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	+++
Transfer From Other Funds									
0450.0011	Transfer From Other Funds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Total: Transfer From Other Funds		$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	+++
Transfer From PBC									
0450.0009	PBC Reimbursements	$748,418.00	$748,418.04	$765,314.00	$765,314.00	$510,209.36	$671,790.00	$671,790.00	-12%
Total: Transfer From PBC		$748,418.00	$748,418.04	$765,314.00	$765,314.00	$510,209.36	$671,790.00	$671,790.00	-12%
Miscellaneous									
0400.0000	Unapprop Fund Balance	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0410.0035	Unclassified Revenue	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Total: Miscellaneous		$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	+++
Sub-Department Total: GOVERNMENT CENTER		**$748,418.00**	**$748,418.04**	**$765,314.00**	**$765,314.00**	**$510,209.36**	**$671,790.00**	**$671,790.00**	**-12%**
Department Total: FACILITIES MANAGEMENT		**$748,418.00**	**$748,418.04**	**$765,314.00**	**$765,314.00**	**$510,209.36**	**$671,790.00**	**$671,790.00**	**#Error**
Revenue Totals		$748,418.00	$748,418.04	$765,314.00	$765,314.00	$510,209.36	$671,790.00	$671,790.00	-12%
Expenses									
Department	**0041 FACILITIES MANAGEMENT**								
Sub-Department	**0115 GOVERNMENT CENTER**								
Salaries									

County of McLean

Budget Worksheet Report

Account Number	Description	2014 Adopted Budget	2014 Actual Amount	2015 Adopted Budget	2015 Amended Budget	2015 Actual Amount	2016 Department Head	2016 County Administrator	% of CHG
Fund	**0001 GENERAL FUND**								
Department	**0041 FACILITIES MANAGEMENT**								
Sub-Department	**0115 GOVERNMENT CENTER**								
0503.0001	FULL-TIME EMPLOYEES SAL.	$269,024.00	$291,026.83	$263,169.00	$263,169.00	$185,846.05	$197,028.00	$197,028.00	-25%
0515.0001	PART-TIME EMPLOYEES SAL.	$13,316.00	$0.00	$13,981.00	$13,981.00	$0.00	$0.00	$0.00	-100%
0516.0001	OCCASIONAL/SEASONAL EMP.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0526.0001	OVERTIME PAY	$18,750.00	$12,632.79	$18,750.00	$18,750.00	$9,124.33	$18,750.00	$18,750.00	0%
Total: Salaries		$301,090.00	$303,659.62	$295,900.00	$295,900.00	$194,970.38	$215,778.00	$215,778.00	-27%
Fringe Benefits									
0599.0002	EMPLOYEE MEDICAL/LIFE INS	$43,928.00	$43,928.00	$47,880.00	$47,880.00	$35,910.00	$52,184.00	$52,184.00	9%
Total: Fringe Benefits		$43,928.00	$43,928.00	$47,880.00	$47,880.00	$35,910.00	$52,184.00	$52,184.00	9%
Supplies									
0601.0001	CLOTHING/EMPLOYEES	$470.00	$431.00	$461.00	$461.00	$138.00	$452.00	$452.00	-2%
0608.0001	GASOLINE/OIL/DIESEL FUEL	$1,506.00	$1,753.48	$1,476.00	$1,476.00	$365.35	$1,446.00	$1,446.00	-2%
0612.0001	BOOKS/VIDEOS/PUBLICATIONS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0620.0001	OPERATING/OFFICE SUPPLIES	$1,883.00	$2,027.93	$1,845.00	$1,845.00	$1,344.76	$1,808.00	$1,808.00	-2%
0621.0001	NON-MAJOR EQUIPMENT	$3,842.00	$985.41	$3,765.00	$3,765.00	$1,361.19	$3,690.00	$3,690.00	-2%
0623.0001	PAPER SUPPLIES	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0624.0001	CLEANING SUPPLIES	$22,569.00	$28,292.38	$25,000.00	$25,000.00	$21,711.93	$24,500.00	$24,500.00	-2%
0624.0002	PERSONAL HYGIENE SUPPLIES	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0625.0001	BLDG/GROUNDS/EQUIP.SUPPLY	$13,926.00	$21,594.96	$17,000.00	$17,000.00	$16,026.95	$16,660.00	$16,660.00	-2%
0627.0001	PHOTO SUPPLIES/FILM PROC.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0628.0001	COPYING EXPENSES	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0629.0001	LETTERHEAD/PRINTED FORMS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0630.0001	POSTAGE	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	

County of McLean

Budget Worksheet Report

Account Number	Description	2014 Adopted Budget	2014 Actual Amount	2015 Adopted Budget	2015 Amended Budget	2015 Actual Amount	2016 Department Head	2016 County Administrator	% of CHG
Fund	**0001**	**GENERAL FUND**							
Department	**0041**	**FACILITIES MANAGEMENT**							
Sub-Department	**0115**	**GOVERNMENT CENTER**							
Total: Supplies		$44,196.00	$55,085.16	$49,547.00	$49,547.00	$40,948.18	$48,556.00	$48,556.00	-2%
Services									
0701.0001	ADVERTISING/LEGAL NOTICES	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0706.0001	CONTRACT SERVICES	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0708.0001	PEST CONTROL SERVICES	$753.00	$880.21	$1,000.00	$1,000.00	$641.73	$980.00	$980.00	-2%
0709.0001	GARBAGE DISPOSAL SERVICE	$2,900.00	$2,594.98	$2,842.00	$2,842.00	$1,653.44	$2,785.00	$2,785.00	-2%
0715.0001	DUES AND MEMBERSHIPS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0718.0001	SCHOOLING & CONFERENCES	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0719.0004	PROPERTY INSURANCE	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0719.0006	INLAND MARINE INSURANCE	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0741.0001	OFFICE EQUIP/FURN. MAINT.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0742.0001	VEHICLE MAINT. REPAIR	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0743.0001	RADIO/COMMUN.EQUIP.MAINT.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0744.0001	MAINT.BLDGS/GROUNDS/EQUIP	$53,795.00	$55,978.20	$46,000.00	$46,000.00	$41,885.63	$100,950.00	$100,950.00	119%
0750.0001	EQUIPMENT MAINT. CONTRACT	$19,471.00	$13,096.00	$19,129.00	$19,129.00	$12,404.55	$13,479.00	$13,479.00	-30%
0757.0002	EMPLOYEES MEDICAL EXPENSE	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0764.0001	LAUNDRY AND CLEANING	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0765.0001	MOVING EXPENSE	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0767.0001	PROPERTY TAXES	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0768.0001	PBC REIMBURSEMENT	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0790.0001	COMPUTER RENTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0790.0003	OFFICE RENTAL	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0790.0004	EQUIPMENT RENTAL	$230.00	$0.00	$225.00	$225.00	$0.00	$4,721.00	$4,721.00	1,998%
0793.0001	TRAVEL EXPENSE	$185.00	$186.55	$250.00	$250.00	$53.47	$245.00	$245.00	-2%

County of McLean

Budget Worksheet Report

Account Number	Description	2014 Adopted Budget	2014 Actual Amount	2015 Adopted Budget	2015 Amended Budget	2015 Actual Amount	2016 Department Head	2016 County Administrator	% of CHG
Fund	**0001**	**GENERAL FUND**							
Department	**0041**	**FACILITIES MANAGEMENT**							
Sub-Department	**0115**	**GOVERNMENT CENTER**							
0795.0001	ELECTRIC SERVICE	$200,000.00	$184,122.56	$185,000.00	$185,000.00	$128,678.12	$165,000.00	$165,000.00	-11%
0795.0002	GAS SERVICE	$75,000.00	$88,800.25	$73,500.00	$73,500.00	$30,858.14	$60,000.00	$60,000.00	-18%
0795.0003	TELEPHONE SERVICE	$1,470.00	$447.84	$1,441.00	$1,441.00	$1,359.33	$1,412.00	$1,412.00	-2%
0795.0004	WATER SERVICE	$5,400.00	$5,481.19	$5,600.00	$5,600.00	$3,874.36	$5,700.00	$5,700.00	2%
Total: Services		$359,204.00	$351,587.78	$334,987.00	$334,987.00	$221,408.77	$355,272.00	$355,272.00	6%
Capital Assets									
0801.0001	CAPITAL IMPROVEMENTS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0801.0002	L/P IMPROVEMENTS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0832.0001	PUR.FURNISHINGS/OFF.EQUIP	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0833.0002	PURCHASE/COMPUTER EQUIP.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0835.0001	PURCH. KITCH/LNDRY EQUIP.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0838.0001	PURCH. MACHINERY & EQUIP.	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0839.0001	PURCHASE/RADIO EQUIPMENT	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
0840.0001	PURCHASE OF VEHICLES	$0.00	$0.00	$37,000.00	$37,000.00	$35,063.00	$0.00	$0.00	-100%
0850.0001	CAPITALIZED ASSETS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
Total: Capital Assets		$0.00	$0.00	$37,000.00	$37,000.00	$35,063.00	$0.00	$0.00	-100%
Sub-Department Total: GOVERNMENT CENTER		**$748,418.00**	**$754,260.56**	**$765,314.00**	**$765,314.00**	**$528,300.33**	**$671,790.00**	**$671,790.00**	**-12%**
Department Total: FACILITIES MANAGEMENT		**$748,418.00**	**$754,260.56**	**$765,314.00**	**$765,314.00**	**$528,300.33**	**$671,790.00**	**$671,790.00**	**#Error**
Revenue Totals:		$748,418.00	$748,418.04	$765,314.00	$765,314.00	$510,209.36	$671,790.00	$671,790.00	-12%
Expense Totals		$748,418.00	$754,260.56	$765,314.00	$765,314.00	$528,300.33	$671,790.00	$671,790.00	-12%
Fund Total: GENERAL FUND		**$0.00**	**($5,842.52)**	**$0.00**	**$0.00**	**($18,090.97)**	**$0.00**	**$0.00**	**+++**
Revenue Grand Totals:		$748,418.00	$748,418.04	$765,314.00	$765,314.00	$510,209.36	$671,790.00	$671,790.00	-12%
Expense Grand Totals:		$748,418.00	$754,260.56	$765,314.00	$765,314.00	$528,300.33	$671,790.00	$671,790.00	-12%
Net Grand Totals:		$0.00	($5,842.52)	$0.00	$0.00	($18,090.97)	$0.00	$0.00	+++

CONSENT AGENDA ITEM: 7E

FOR COUNCIL: June 13, 2016

SUBJECT: Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on June 26, 2016.

RECOMMENDATION/MOTION: That the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on June 26, 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: On May 24, 2016, the Bloomington Liquor Commissioner, Tari Renner, called the Liquor Hearing to order to hear the request of Dinesh Priyal and Dilini Ralalage to allow moderate consumption of alcohol at their June 26, 2016 wedding reception to be held at Davis Lodge. Present were Commissioner Tari Renner; and staff George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk.

Dilini Ralalage stated that Signature India would cater the reception. Beer and wine only would be served. Approximately eighty (80) guests were anticipated.

Commissioner Renner stated that the request to suspend the ordinance would be scheduled for the June 13, 2016 City Council meeting and stated that Ms. Ralalage could attend if she wished.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the May 23, 2016 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Renee Gooderham, Chief Deputy Clerk

Reviewed by: Cherry L. Lawson, City Clerk
Robert D. Yehl, PE, Water Director

Reviewed by: George D. Boyle, Assistant Corporation Counsel

Recommended by:

Tari Renner
Mayor

Attachments:

- Ordinance
- Letter of Request

Motion: That the Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on June 26 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

ORDINANCE NO. 2016 -

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT DAVIS LODGE ON JUNE 26, 2016

WHEREAS, Dinesh Priyal and Dilini Ralalage are planning to hold their wedding reception at Davis Lodge from 11:00 a.m. to 6:00 p.m. on June 26, 2016; and

WHEREAS, Dinesh Priyal and Dilini Ralalage have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Sections 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing of alcoholic beverages within the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Davis Lodge on June 26, 2016 from 11:00 am to 6:00 pm.

Section 2: Except for the date and times set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

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

PASSED this 13th of June, 2016

APPROVED this __day of June, 2016.

CITY OF BLOOMINGTON **ATTEST**

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

APPROVED AS TO FORM

Jeffrey R. Jurgens, Corporation Counsel

Dilini Ralalage,

Bloomington,
IL 61701

May 16, 2016

City Clerk's office
109 E Olive st,
Bloomington,
IL61701

Dear Sir/Madam,

Request permission to serve alcohol at Davis Lodge

I, Dilini Ralalage and my husband Dinesh Priyal are planning our wedding ceremony at Lake Bloomington- Davis lodge, Hudson, IL on June 26th 2016 from 11.00am to 6.00pm. We are going to cater the event through Signature India restaurant and we expect around 80 guests for the function.

As Davis Lodge is one of the Bloomington city facility, we are kindly asking your permission to grant serving beer and wine at the wedding. Our contact details and our event organizer details are as follows.

Thanking You.

Sincerely,

Dilini Ralalage (Bride)

e.mail:

Phone:

Dinesh Priyal (Groom)

e.mail:

Phone:

Karthik (Owner-Signature India restaurant – catering business)

Phone: 781-534-8435

PUBLIC HEARING

REGULAR AGENDA ITEM NO. 8A

FOR COUNCIL: June 13, 2016

SUBJECT: Public Hearing on an Annexation Agreement for the property commonly located west of Szarek Drive and south of Six Points Road (approximately 2.12 acres).

RECOMMENDATION/MOTION: N/A

STRATEGIC PLAN LINK: Goal 4, Strong Neighborhoods and Goal 6, Great Place-Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE: Goal 4—objective d, improved neighborhood infrastructure, and Goal 6—objective a, well planned City with necessary services and infrastructure

BACKGROUND: Pursuant to the Illinois Municipal Code and the City Code, prior to adoption of any annexation agreement, a public hearing must be held in front of the City Council. Notice of this public hearing was given by publication in the Pantagraph on May 30, 2016. A public hearing was also previously held by the Planning Commission on April 27, 2016. Notice for the aforementioned public hearing was published on April 7, 2016.

The land subject to the Annexation Agreement is located east of Szarek Drive and south of Six Points Road. The property is approximately 2.12 acres. The petitioners are requesting an agreement to be annexed into the City so they can build a single family residence on the property and connect to the City's sewer and water. Land annexed into the City is given a default zoning designation of Agriculture, therefore the petitioners are also requesting to rezone their property to R-1A, Single Family Residential. The proposed zoning is compatible with the proposed development density as well as neighboring uses and zoning. If the proposed Agreement is approved, the actual rezoning will take place after formal annexation of the premises by the City. Both the actual annexation and rezoning will be done by separate action, after due notice, at the City Council meeting on June 13, 2016.

The annexation agreement outlines developer obligations, including sanitary sewer connection, water connection, annexation fee, and fee in lieu of parkland dedication. It also establishes a dormant special services area over the property, to provide for on-site public improvements to the property as well as expenses related to those improvements. There is approximately 80 feet of roadway along the property. The roadway is substandard as defined in the City of Bloomington Code in that it is not 30 feet wide and does not have gutters. Under Chapter 24 of the City's Code, the Petitioners could be required to provide a substandard roadway improvement fee. The Petitioners have asked that the substandard road fee be waived in view of the fact that no public improvements are planned for the roadway. Also, they maintain that an additional fee would hinder their ability to annex to the City. City staff does not anticipate

improvements being made on the adjacent roadway within the timeframe of the agreement and waiver of the fee has therefore been included in the proposed Annexation Agreement. To the extent roadway improvements are necessary in the future, it is recommended the special service area be utilized to reimburse the City for those costs.

PLANNING COMMISSION: This case was before the Planning Commission for a public hearing and review on April 27, 2016. No citizens, outside of the applicant, spoke in favor of the petition; no one spoke in opposition. Staff recommended in favor of the agreement for the annexation and rezoning. The Commission recommended approval by unanimous vote with one abstention.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code.

FINANCIAL IMPACT: Development of the property should result in increased property tax revenue for the City. As per the annexation agreement, the petitioner is required to pay the following fees: Sewer, Water, Parkland Fee in Lieu, and Annexation Fee. Additionally, the agreement designates said property as a dormant special services area in the event that improvements are needed in the future.

Respectfully submitted for Council consideration.

Prepared by:	Katie Simpson, City Planner
Reviewed by:	Tom Dabareiner AICP, Community Development Director
Financial & Budgetary review by:	Chris Tomerlin, Budget Analyst Carla A. Murillo, Budget Manager
Legal review by:	George D. Boyle, Assistant Corporation Council

Recommended by:

David A. Hales
City Manager

Attachments

- Annexation Agreement
- Aerial Map of Subject Property
- Certification of Publication – Pantagraph Newspaper
- Plat of Survey
- Planning Commission Report
- Planning Commission Minutes
- Mailing Sample

- Mailing List

ANNEXATION AGREEMENT

Pursuant to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961 as amended, (65 ILCS 5/11-15.1-1 et seq.) and for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as "City" and Brian and Jessica Szarek, hereinafter referred to as "Owner" enter into this Annexation Agreement ("Agreement") for the annexation of property into the City.

WHEREAS, Owner is the owner of record of the premises hereinafter described on Exhibit A, which is attached hereto and made a part hereof by this reference; and

WHEREAS, the Owner is desirous of having said premises annexed to the City and the City is desirous of annexing said premises; and

WHEREAS, said premises is not within the corporate limits of any municipality, but is contiguous to the City; and

WHEREAS, the Owner is desirous of having said premises zoned **R-1A** upon annexation to the City; and

WHEREAS, the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1).

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the City and Owner agree as follows:

1. ANNEXATION PETITION.

Owner, subject to the terms and conditions set forth in this Agreement, has petitioned the City of Bloomington, requesting annexation of the property described on Exhibit "A" to the City's corporate limits. The City published and gave such notices and conducted such public hearings as are required to annex the premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

2. ANNEXATION.

The City agrees to adopt an ordinance annexing the property described on Exhibit "A" to the City of Bloomington.

3. ZONING.

City agrees to rezone the property to **R-1A** subsequent to any public hearings required by the City Code.

4. DEVELOPMENT OBLIGATIONS.

With regard to the annexation, and development of the premises, the installation of public improvements within and serving the premises; and the use and development of the premises during the life of this agreement, the following shall apply:

A. Sanitary Sewer. The premises shall be required to connect to the City's sanitary sewer within 6 months of execution of this Annexation Agreement and Owner shall be responsible for any and all tap on fees for connection to the sanitary sewer.

B. Water. The premises shall be required to connect to the City's water mains within 6 months of execution of this Annexation Agreement and Owner shall be responsible for any and all tap on fees for connection to the water mains.

C. Stormwater Detention. Owner shall provide onsite detention or pay a fee-in-lieu for storm water detention pursuant to the City Code in place at the time of annexation.

D. Parkland fee. Owner shall dedicate parkland or pay a fee-in-lieu for parkland dedication pursuant to the City Code in place at the time of annexation.

E. Annexation Fee. Owner shall pay an annexation fee pursuant Chapter 8.5 Section 205 of the City Code in place at the time of annexation.

F. City agrees to waive any substandard road fee pursuant to Chapter 8.5, Section 401(4) of the Bloomington City Code.

5. OBLIGATION TO DEVELOP PER CODE.

In the construction and use of improvements on the subject property the Owner shall comply with all zoning subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time.

6. ANNEXATION TO OTHER TAXING DISTRICTS.

That owner, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue the necessary petition to annex the property to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District.

7. COVENANTS AND AGREEMENTS

The covenants and agreements contained in this Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto.

8. TERM

The term of this Agreement shall be for twenty (20) years from and after the effective date of the annexation of the Subject Property.

9. NOTICES

Any and all notices required or desired to be given hereunder shall be in writing and shall be delivered personally or sent via certified or registered mail, postage pre-paid and addressed as follows:

City of Bloomington
Attn: City Manager
109 East Olive Street
Bloomington, IL 61701

Brian and Jessica Szarek
1418 Six Points Rd
Bloomington IL 61701

or to such other person or address as a party may designate in a like manner.

10. ADOPTION OF ORDINANCES

The City agrees to adopt such ordinances as may be required to give legal effect to the matters contained in this Agreement.

11. DORMANT SPECIAL SERVICE AREA

1. A dormant special service area will be established over the Property, with the cooperation and participation of the Owner, to provide for the on-site public improvements for the Property, as well as to pay for the costs and expenses directly or indirectly related in any way to the on-site public improvements, including, without limitation:

    a. construction, installation, repair, or maintenance of the on-site public improvements in the event that the Owner is for any reason unable to do so and there is inadequate or unavailable security to construct and install the on-site public improvements;

b. legal, engineering, and construction management expenses related to the construction, installation, repair, or maintenance of the on-site public improvements;

c. direct and indirect administrative expenses;

d. payment of public liability insurance premiums; or

e. reimbursement to the City for funds it expended or incurred to construct, install, repair, or maintain the on-site public improvements.

The Owner will pay for all costs incurred by the City in establishing the dormant special service area including, without limitation, the payment of all attorneys' fees incurred by the City in establishing the special service area as well as reimbursement to the City for any and all costs and expenses incurred by the City.

2. The City will have the automatic right to activate the dormant special service area and extend the taxes in association with the special service area upon the occurrence of any of the following events:

   a. failure of the Owner for any reason to complete such public improvements;

   b. inadequacy of the performance security established by the Owner as required by this Annexation Agreement; or

   c. failure or refusal by the bank to fulfill or otherwise honor the performance security established by the Owner as required by this Annexation Agreement.

3. By purchasing a lot in the Property, each purchaser of a lot, for himself or herself and his or her respective successors in title, forever waives any right to challenge the assessment or collection of a tax or assessment imposed by the City against the lot pursuant to a special service area established in accordance with this §11, provided such special service area is not amended in any way that requires a new public hearing.

4. The Declaration of Covenants for all lots in the Property will include similar language regarding the establishment of the special service areas.

5. Nothing in this section will prevent the Owner or any individual lot Owner from exercising his or her statutory right to object to the establishment or amendment of the Dormant Special Service Area.

6. Upon the City's formal acceptance of the on-site public improvements for the Property and the expiration of any maintenance guarantee period, as provided in §11 of this Annexation Agreement, the City will take all reasonable actions to have the Dormant Special Service Area dissolved. In no event will the City seek

the extension of the special service area tax after it has formally accepted the on-site public improvements for the Property and the expiration of any maintenance guarantee period.

12. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

A. Time of the Essence. Time is of the essence in the performance of this Agreement.

B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.

D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.

E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois.

F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.

G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.

J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.

K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.

L. Authority to Execute. The City hereby warrants and represents to the Owner that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owner hereby warrants and represents to the City (i) that they are the record and beneficial owners of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owner will (a) result in a breach or default under any agreement to which the Owner is a party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owner or the Property is subject.

M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owners agree that they will not seek, and do not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.

N. No Third Party Beneficiaries. No claim as a third party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owner.

O. Recording. After the Owner has paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.

EXECUTED and ADOPTED this ____ day of _____, 2016, at Bloomington, Illinois.

CITY OF BLOOMINGTON

By: _____
Tari Renner, Mayor

Attest:

By: :
City Clerk

OWNER: _____

_____

Exhibit "A"

Legal Description/PIN

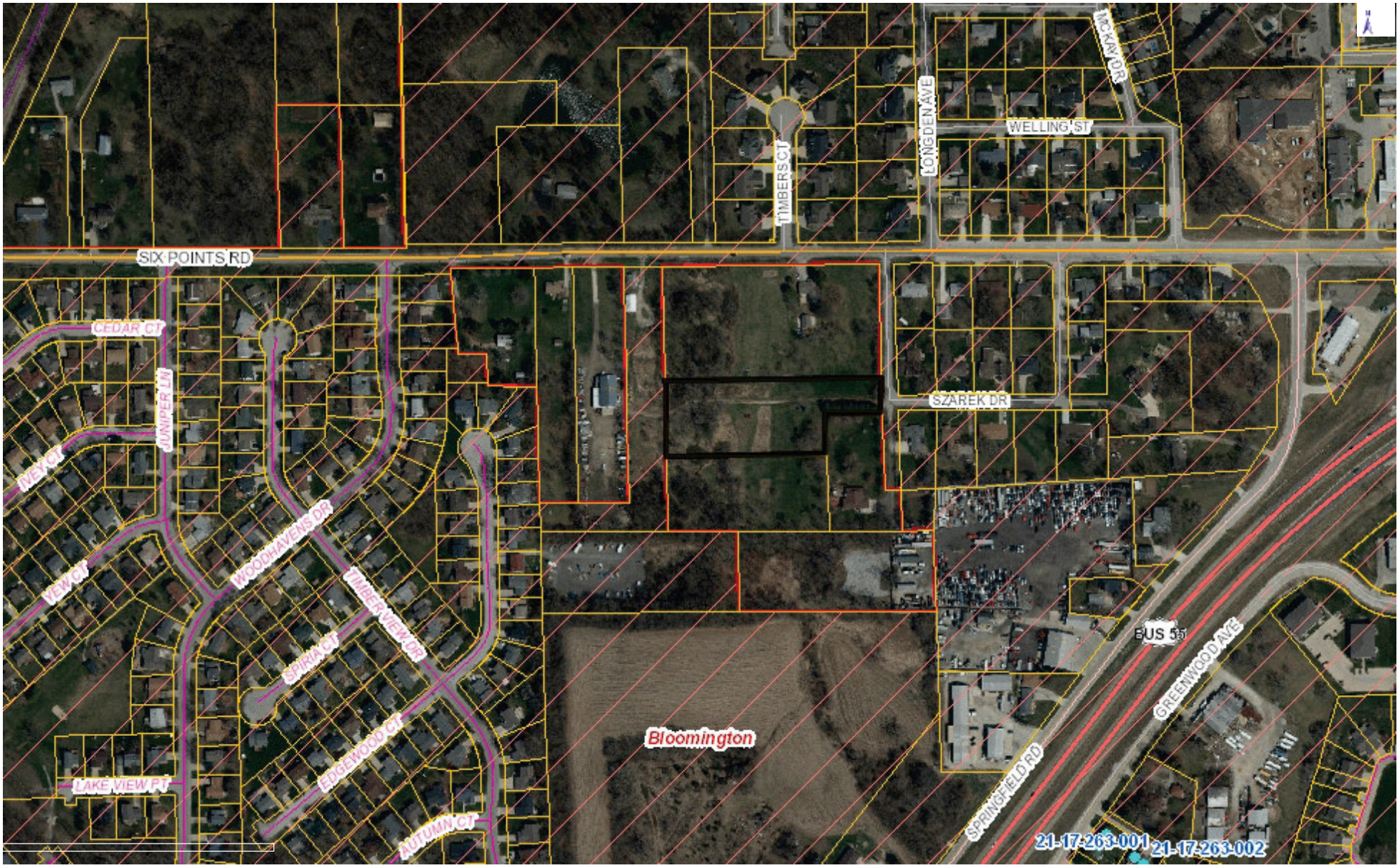
The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410.91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in McLean County, Illinois.

Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

Aerial View-2.12 Acres Szarek Road. Annexation and Rezoning



0 0.09 0.2 Miles

1: 5,616

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Notes

Property outlined in Black. Unicorporated outlined in Red. Incorporated covered in red hash marks

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Certificate of Publication

City of Bloomington
PO Box 3157
Bloomington, IL 617023157

ACCOUNT #	60072323
AD ORDER #	20803023
INVOICE DATE	4/7/2016
AMOUNT	518.44

DATES APPEARED

4/7/2016

Paste Tear Sheet Here

STATE OF ILLINOIS,
COUNTY OF MCLEAN } **SS:**
CITY OF BLOOMINGTON

The Pantagraph Publishing Co. hereby certifies that it is now and has been for more than one year continuously, d/b/a **The Pantagraph**, a daily secular newspaper of general circulation in said County, published in the City, County and State aforesaid, and further certifies that said newspaper has been continuously published at regular intervals of more than once each week with more than a minimum of fifty issues per year for more than one year prior to the first publication of the notice, and further certifies that **The Pantagraph** is a newspaper as defined by the Statutes of the State of Illinois in such cases made and provided, and further hereby certifies that a notice of which the anr copy, has been regularly published in said paper.

By Jonette C

Date 4-7-20,

RECEIVED
APR 09 2016
FINANCE DEPT.

20803023
City of Bloomington
Public Hearing Notice

The Public is hereby notified that a Petition filed by Brian and Jessica Szarek requesting approval of an Annexation Agreement, a Petition for Annexation and Rezoning to R - 1B Single Family Residence District for property consisting of approximately 2.12 acres.

Legal Description: Exhibit A

The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, Mclean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, Mclean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410. 91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in Mclean County, Illinois. Tax ID #: 12-17-126-036, and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois.

Notice is hereby given that a Public Hearing will be held upon said Agreement, Petition for Annexation and Rezoning before the Planning Commission on Wednesday, April 27, 2016 at 4:00 p.m., in the **City Council Chambers, City Hall, 109 E. Olive St., Bloomington, Illinois** at which time all interested persons may present their views upon such matters pertaining thereto.

Notice is also hereby given that a Public Hearing will be held upon said same Annexation Agreement, Petition for Annexation and Rezoning before the Bloomington City Council on Monday, May 23, 2016 at 7:00 p.m. in the City Council Chambers, City Hall, 109 E. Olive Street, Bloomington, Illinois, at which time all interested persons may present their views upon such matters pertaining thereto.

The Petition and all accompanying documents are on file and available for public inspection in the Office of the City Clerk.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, or by telephone at 309-434-2240 or via email at cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Cherry Lawson
City Clerk

Published in the Pantagraph: April 7, 2016

Order Number	:	20814931	**Ad Number**	:	11840410
PO Number	:		**Ad Key**	:	
Customer	:	60072323 City of Bloomington	**Salesperson**	:	L88 - LEGALS
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Address2	:		**Sub Section**	:	Legals
City St Zip	:	Bloomington IL 617023157	**Category**	:	0995 Public Notices
Phone	:	(309) 434-2240	**Dates Run**	:	05/30/2016-05/30/2016
Fax	:	(309) 434-2802	**Days**	:	1
	:		**Size**	:	1 x 16.22, 156 lines
Printed By	:	Miller, Kassandra	**Words**	:	692
Entered By	:	Miller, Kassandra	**Ad Rate**	:	Legal Inside
			Ad Price	:	498.96
			Amount Paid	:	0.00
			Amount Due	:	498.96
Keywords	:	20814931 City of Bloomington Public Hearing Notice			
Notes	:				
Zones	:				

20814931
City of Bloomington
Public Hearing Notice

The Public is hereby notified that an Annexation Agreement filed by Brian and Jessica Szarek requesting approval of an Annexation Agreement, for property commonly located west of Szarek Dr. and south of Six Points Rd., consisting of approximately 2.12 acres.

Notice is also hereby given that a Public Hearing will be held upon said same Annexation Agreement, before the Bloomington City Council on Monday, June 13, 2016 at 7:00 p.m. in the City Council Chambers, City Hall, 109 E. Olive Street, Bloomington, Illinois, at which time all interested persons may present their views upon such matters pertaining thereto.

Legal Description: Exhibit A

The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North

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				Ad Key	:
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Address2	:			**Dates Run**	: 05/30/2016-05/30/2016
City St Zip	:	Bloomington IL 617023157		**Days**	: 1
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Fax	:	(309) 434-2802		**Words**	: 692
	:			**Ad Rate**	: Legal Inside
Printed By	:	Miller, Kassandra		**Ad Price**	: 498.96
Entered By	:	Miller, Kassandra		**Amount Paid**	: 0.00
				Amount Due	: 498.96
Keywords	:	20814931 City of Bloomington Public Hearing Notice			
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Zones	:				

side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, Mclean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pi n; thence easterly, 410. 91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pi n; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pi n on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described

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			Amount Due	:	498.96
Keywords	:	20814931 City of Bloomington Public Hearing Notice			
Notes	:				
Zones	:				

course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in Mclean County, Illinois.

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois.

PIN: 12-17-126-036

The Annexation Agreement and all accompanying documents are on file and available for public inspection in the Office of the City Clerk.

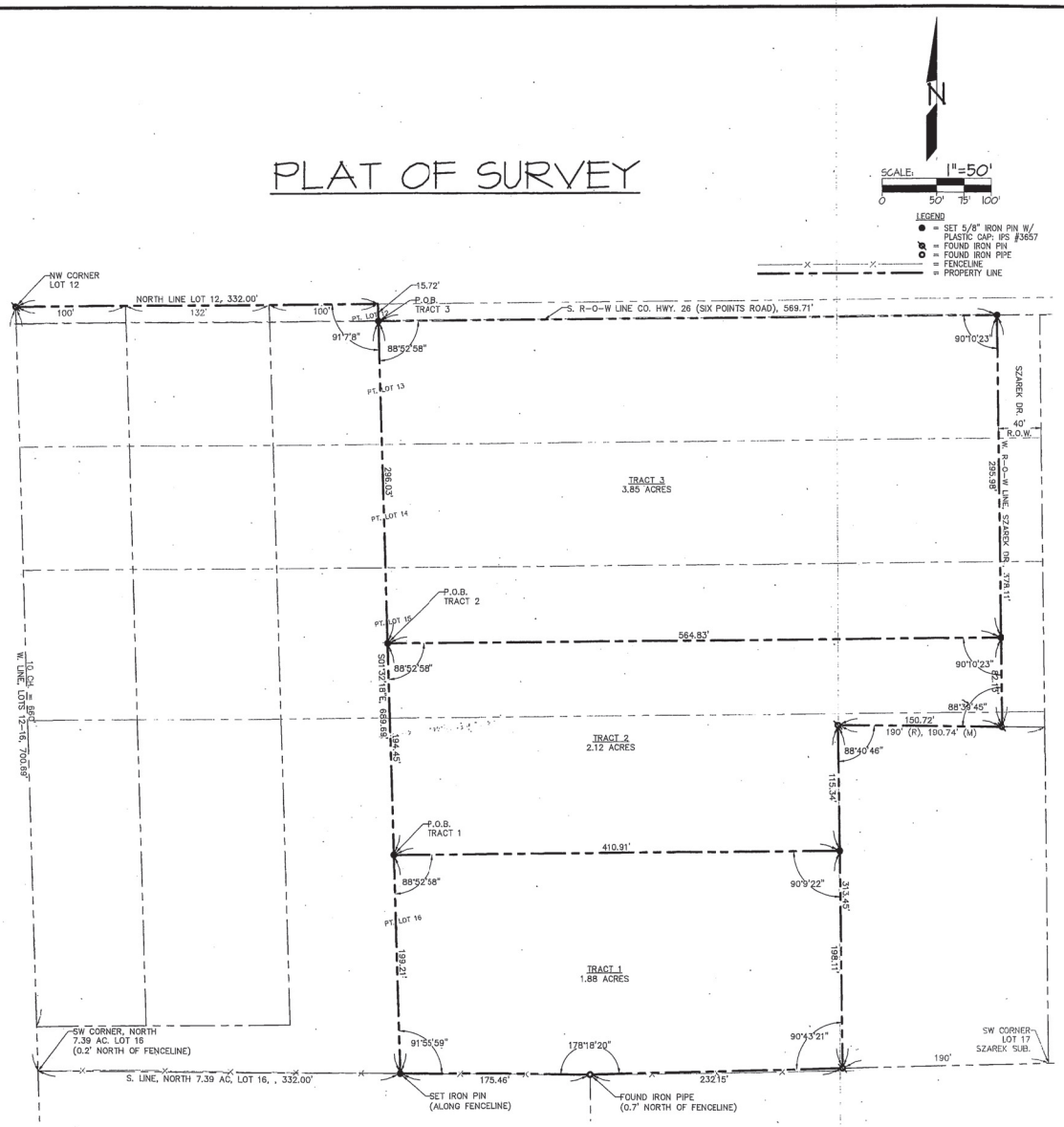
In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk, preferably no later than five days before the hearing.

The City Clerk may be contacted either by letter at 109 E. Olive St., Bloomington, IL 61701, or by telephone at 309-434-2240 or via email at cityclerk@cityblm.org. The City Hall is equipped with a text telephone (TTY) that may also be reached by dialing 309-829-5115.

Cherry Lawson
City Clerk

Published in the Pantagraph: May 30, 2016

PLAT OF SURVEY



Legal Descriptions:

TRACT 1:
The South 1.88 acres of the following described tract: A Part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (¼) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155. ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a Part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin at the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence, southerly, 15.72 feet along a line forming an angle to the right of 268°-52'-52" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 490.48 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 199.21 feet to an iron pin located 332 feet easterly of the Southwest corner of the North 7.39 acres of said Lot 16; thence, easterly 175.46 feet along a line forming an angle to the right of 91°-55'-59" with the last described course to an iron pinch pipe; thence, easterly 232.15 feet along a line forming an angle to the right of 178°-18'-20" with the last described course to an iron pin; thence, northerly, 198.11 feet along a line forming an angle to the right of 90°-43'-21" with the last described course to an iron pin; thence, westerly, 410.91 feet along a line forming an angle to the right of 90°-09'-22" with the last described course to the Point of Beginning, containing 1.88 acres more or less.

TRACT 2:
The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A Part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (¼) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155. ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a Part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin at the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence, southerly, 15.72 feet along a line forming an angle to the right of 268°-52'-52" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence, easterly, 410.91 feet along a line forming an angle to the right of 91°-07'-02" with the last described course to an iron pin; thence, northerly 115.34 feet along a line forming an angle to the right of 89°-50'-38" with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271°-19'-14" with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88°-39'-45" with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90°-10'-23" with the last described course to the Point of Beginning, containing 2.12 acres more or less.

TRACT 3:
EXCEPT for the South 4.00 acres therefrom of the following described tract: A Part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (¼) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a Part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin at the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence, southerly, 15.72 feet along a line forming an angle to the right of 268°-52'-52" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road, the Point of Beginning; thence, continuing southerly along the last described course, 296.03 feet to an iron pin; thence, easterly, 564.83 feet along a line forming an angle to the right of 91°-07'-02" with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly 295.98 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 89°-49'-37" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26; thence, westerly, 569.71 feet along the South Right-of-Way Line of County Highway 26, said line forming an angle to the right of 90°-10'-23" with the last described course, to the Point of Beginning, containing 3.85 acres more or less.

I do hereby certify that in the month of December, 2006, a survey of the above described property was made under my direction, this professional service conforms to the current Illinois minimum standards for a boundary survey, and the plat hereon drawn is a correct representation of said survey.

02/22/07
Dated

Illinois Professional Land Surveyor No. 3657

STAMP

NO.	DATE	APPR.	REVISIONS DESCRIPTION

SCALE: 1" = 50'
DRAWN BY: JCS
DATE: 01/30/07
CHECKED BY: MAS
DATE: 01/30/07

PROJECT
BOUNDARY SURVEY
FOR ED SZAREK
PT. LOTS 12-16, SUB. NW1/4 SEC. 17, T.23N.-R.2E., 3RD P.M., McLEAN CO., IL

SHIVE-HATTERY ENGINEERS, Inc.
CONSULTING ENGINEERS & LAND SURVEYORS
2800 N. MATTIS AVENUE, SUITE 201, P.O. BOX 4811
CHAMPAIGN, ILLINOIS 61824-4811 (217) 351-4811
PROFESSIONAL DESIGN FIRM #184-001101 EXPIRES 04/30/2007

PROJECT NO.
610278

DATE STAMP

SHEET NUMBER
1

2007-00006792

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CITY OF BLOOMINGTON
REPORT FOR THE PLANNING COMMISSION
APRIL 27, 2016

SUBJECT:	TYPE:	SUBMITTED BY:
Z-11-16 Annexation and Rezoning for approximately 2.12 acres west of Szarek Drive and south of Six Points Road.	Annexation and Rezoning to R-1A for approximately 2.12 acres west of Szarek Drive and south of Six Points Road.	Katie Simpson City Planner

REQUEST
The petitioner is seeking approval of an Annexation Agreement and Rezoning of approximately 2.12 acres located west of Szarek Drive and south of Six Points Road.

NOTICE
The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION
Owner and Applicant: Brian and Jessica Szarek

PROPERTY INFORMATION
Existing Zoning: R-1 (unincorporated)
Existing Land Use: Vacant

Surrounding Zoning and Land Uses

Zoning	Land Uses
North: R-1, Single Family Residential (unicorporated)	North: Single-family residence
South: R-1, Single Family Residential (unicorporated)	South: Single-family residence
East: R-1B, Medium Density Single Family Residential	East: Single-family residences
West: R-1A, Low Density Single Family Residential	West: Single-family houses

PROJECT DESCRIPTION
The subject property is approximately 2.12 acres of unincorporated land. The petitioner is proposing to improve the property with a Single-Family Residence. The petitioner will need water and sewer provided by the City of Bloomington, and, therefore, is seeking annexation into the City. Traditionally annexed land is zoned A-Agriculture, therefore the petitioner is also seeking a rezoning to R-1A, Low Density Single Family Residential. The proposed zoning is compatible with neighboring uses and zonings.

ANALYSIS
Submittals
This report is based on the following documents, which are on file with the Community Development Department:

1. Annexation Agreement
2. Petition for a Zoning Map Amendment
3. Plat for property being rezoned
4. Aerial photographs

Compliance with the Comprehensive Plan
The Comprehensive Plan 2035 envisions the subject property as New Neighborhood and encourages the City to "ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington (pg. 61).

Findings of Fact: Pursuant to Chapter 8.5 Section 203(d) of the City's Code "The Planning Commission shall consider the amendment to the Official Zoning Map for the City of Bloomington, McLean County and shall recommend the adoption of such amendment unless the Commission finds that such amendment is not in the public or is solely for the benefit of the person requesting such amendment". In making such a finding the Planning Commission may consider:

1. *The suitability of the subject property for uses authorized by the existing zoning;* the property is currently zoned R-1 (unincorporated), the petitioner is proposing to construct a single family house. The zoning is suitable, the standard is met.

2. *The length of time the property has remained vacant as zoned considered in the context of land development in the area;* the property has never been developed. Neighboring development is of single-family houses, this is the trend of development in the area. The standard is met.

3. *The suitability of the subject property for uses authorized in the proposed zoning;* the R-1A District contemplates large lot single family houses. The R-1A district allows for approximately 2 dwelling units per acre. The standard is met.

4. *The existing land uses of nearby property;* the proposed rezoning and proposed development are compatible with neighboring uses and zoning districts. The standard is met.

5. *Existing zoning of nearby property, relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;* the property owner wishes to develop the property. Recently, the City has taken the position that it will allow access to water and sewer for unincorporated properties on the condition that said properties are annexed into the City. The rezoning should have little impact on neighboring properties. The standard is met.

6. *The extent to which adequate streets connected to the arterial street system are available or can be reasonably supplied to serve the uses permitted in the proposed zoning district;* the R-1A zoning district is one of the lesser intense zoning classifications in our Code.

Streets provide adequate connectivity to accommodate the proposed zoning. The standard is met.

7. *The extent to which the proposed amendment is consistent with the need to minimize flood damage and whether the development of the subject property for uses permitted in the proposed zoning classification would have a substantial detrimental effect on the drainage patterns in the area;* the petitioner is addressing detention and drainage in their development; the development is of low intensity. The standard is met.

8. *The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be supplied to serve the uses permitted in the proposed zoning classification; and*

9. *The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of Chapter 44, Article 2.00 of the Bloomington City Code-1960, including the following specific purposes:*

    a. *To conserve and protect the taxable value of land and structures;*
    b. *To protect the air, water, and land resources within the City from the hazards of pollution and misuse;*
    c. *To protect land and structures from natural hazards; including flooding and erosion;*
    d. *To preserve and protect historic locations, structures and groups*
    e. *To preserve and protect and encourage the development of structures, groups of structures, and neighborhoods of distinctive architectural character and appearance;*
    f. *To provide for the orderly and functional arrangement of land uses and structures;*
    g. *To establish standards for the orderly development or redevelopment of geographic areas within the City;*
    h. *To secure for the public locations for housing, employment, shopping, education, and recreation that are adequate in terms of health, safety, convenience and number;*
    i. *To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public facilities;*
    j. *To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;*
    k. *To permit public involvement in the planning of private land uses which have the potential for significant impact on the use of enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington; and*
    l. *To promote the Official Comprehensive Plan adopted by the City of Bloomington.*

The above standard and sub-clauses are met. Recently the City has taken the position that it will require unincorporated properties that desire to tap-on to City utilities and water, to be annexed into the City. The proposed annexation is in agreement with Standards 8 and 9 as outlined in Chapter 8.5 Section 203 (d).

The following impact fees should be included in the Annexation Agreement under the section titled "Development Obligations" prior to Council's review:

D. Parkland fee. Owner shall pay a fee-in-lieu for parkland dedication pursuant to the City Code in place at the time of annexation.

E. Annexation Fee. Owner shall pay an annexation fee pursuant Chapter 8.5 Section 205 of the City Code in place at the time of annexation.

F. Substandard Road Fee. Owner agrees to reimburse City, at the time of construction for one-half the construction cost of the improvement of all public streets that are adjacent to said premises from their present condition to a 30 foot wide improved street with curb and gutter for the full extent that such streets are adjacent to said premises. For purposes of definition of this agreement, streets shall be considered adjacent to said premises if:

a. any portion of said streets are contiguous to any portion of said premises; or
b. said streets are either necessary or the most convenient route for ingress to and egress from said premises.
c. the length of the street(s) which the owner is responsible under paragraph (b) above shall not be limited to that portion which is contiguous to said premises; it shall extend to that portion of the street (s) for which the cost is fairly apportionable to said premises, using frontage, area, or other reasonable methods of determination.

STAFF RECOMMENDATION:
Staff recommends the Planning Commission pass a motion recommending that the City Council **approve** Case Z-11-16 a petition for the Annexation and Rezoning of 2.12 acres located west of Szarek Drive and south of Six Points Road.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

1. Annexation Agreement
2. Annexation Petition
3. Rezoning Petition
4. Legal Description "Exhibit A"
5. Owners Certificate
6. Natural Resources Review
7. Notice Affidavit
8. Plat
9. Aerial View
10. Zoning Map
11. Neighborhood Notification and Notification List

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 27, 2016, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. Balmer, Mr. Barnett, Mr. Pearson, Mr. Protzman, Ms. Schubert, Mr. Scritchlow, Chairman Stanczak

MEMBERS ABSENT: Mr. Suess

OTHERS PRESENT: Mr. Tom Dabareiner, Community Development Director; Ms. Katie Simpson, City Planner; Mr. George Boyle, City Attorney

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:00 P.M.

ROLL CALL: Mr. Dabareiner called the roll. A quorum was present.

PUBLIC COMMENT: There being no public comments the Commission moved on to approval of the minutes.

MINUTES: The Commission reviewed the April 13, 2016 minutes. Mr. Protzman moved to approve the April 13, 2016 minutes; Mr. Scritchlow seconded the motion, which passed unanimously by a voice vote of 7-0.

REGULAR AGENDA:

Z-11-16. Public hearing, review and action on the petition submitted by Brian and Jessica Szarek requesting the annexation and rezoning of property commonly located west of Szarek Drive and south of Six Points Road, approximately 2.12 acres.

Chairman Stanczak introduced the case. Ms. Simpson presented City Staff's report and recommended in favor of the proposal. Ms. Simpson reviewed the request for annexation and rezoning, the surrounding uses and explained why rezoning the R-1A Low Density Single Family Residence District was appropriate for the rezoning from the automatic Agricultural zoning upon annexation. She reviewed the standards for rezoning the property and concluded that the standards were met by this proposal.

The petitioner, Brian Szarek, 1418 Six Points Road, was sworn in. He briefly describe his proposal for annexation and rezoning. No others spoke in favor or against.

Mr. Scritchlow asked about the need for a substandard road fee and clarification on the purpose of the dormant special services area. Ms. Simpson indicated staff was working the City's engineers to resolve this question. Mr. Dabareiner provided an explanation about the special

services area. Chairman Stanzcak confirmed with staff that these fees and provisions were more common for larger developments.

Chairman Stanzcak closed the public hearing. Mr. Scritchlow indicated he would be abstaining from voting. Mr. Pearson motioned to approve the annexation and rezoning requests; seconded by Mr. Barnett. The motion to recommend passed by a vote of 6-0-1 with the following votes being cast on roll call: Mr. Pearson-yes; Mr. Barnett -yes; Mr. Balmer-yes; Mr. Protzman-yes; Ms. Schubert-yes; Mr. Scritchlow-abstain; Chairman Stanczak-yes.

Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

April 13, 2016

Dear Property Owner or Resident:

The City of Bloomington Planning Commission will hold a public hearing on **Wednesday, April 27, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois** for a petition submitted by **Brian and Jessica Szarek** requesting 1) the annexation of property commonly located on Szarek Drive; and 2) the rezoning of the annexed property from R-1 (County) to R-1A, Low Density Single Family Residential. A legal description of the property is attached to this letter.

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested rezoning during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

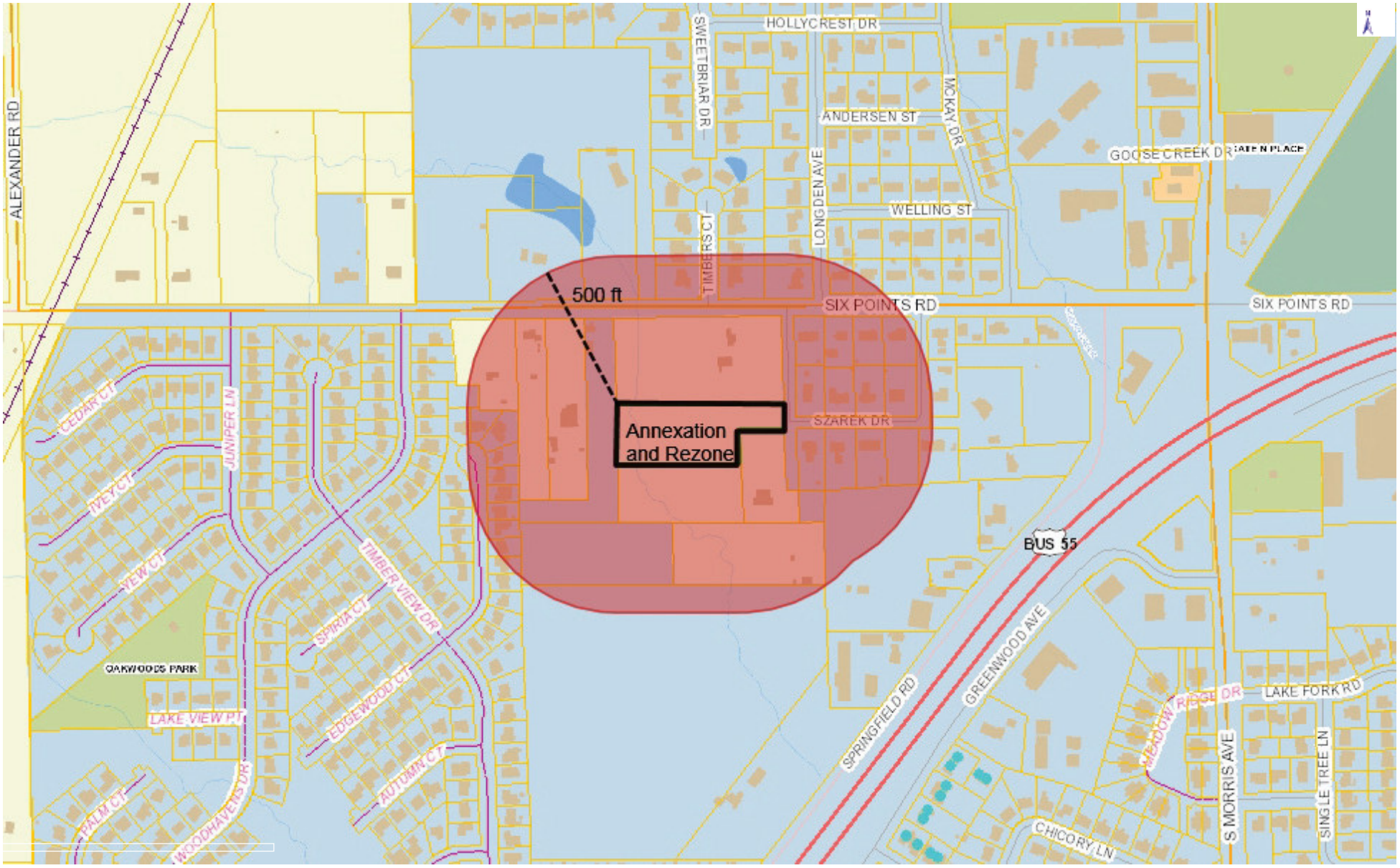
Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may contact me by phone, (309) 434-2226, or email, ksimpson@cityblm.org.

Sincerely,

Katie Simpson
City Planner

Attachments:
Location Map
Legal Description of property

Location Map and 500 ft buffer for 24 Szarek Dr



0 0.11 0.2 Miles

1: 7,274

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: http://www.McGIS.org/License

Printed: 4/13/2016 9:37:45 AM

Notes

Petition to Annex and Rezone property outlined in Black. Notifications sent to property owners w/in 500 ft.

Exhibit "A"

Legal Description/PIN

The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410.91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in McLean County, Illinois.

Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

PIN	LINE1	LINE2	LINE3
2108376041	% DOUGLAS R & VALERIE S MUDD LAUHER TRUST % FORREST DEANE & JEANNE MARIE LAUHER	4333 MCPHERSON	SAINT LOUIS MO 63108
2108376039	BRUCE COTRUSTEE	1421 SIX POINTS RD	BLOOMINGTON IL 617019523
2108376037	% LARRY BIELFELDT D MCLT LDB-52 MCLT LDB25	3004 GE RD, STE 1	BLOOMINGTON IL 61704
2117126012	BRADLEY S GILMORE	1 EDGEWOOD CT	BLOOMINGTON IL 617017835
2117126008	CARLA HANING	27215 BOYNTON RD	DELAVAN IL 617341553
2117201027	CHARLES F & PAMELA R WOMACK	4 SZAREK DR	BLOOMINGTON IL 61701
2117126028	DANIEL & AUDRA STOLZOFF	18 EDGEWOOD CT	BLOOMINGTON IL 61704
2117126026	DAVID L BOYLAN	14 Edgewood Ct	Bloomington IL 617017833
2117126037	DOUGLAS A & MIKELEEN M MEANS	1406 Six Points Rd	Bloomington IL 617019522
2108376038	DOUGLAS R MUDD	1413 SIX POINTS RD	BLOOMINGTON IL 617019523
2117202002	ERIC R & JANET C KIBLER	2208 BERRYWOOD LN	BLOOMINGTON IL 617042448
2117126014	ERIK MEYER	11 EDGEWOOD CT	BLOOMINGTON IL 61701
2117127002	GERALD & MARY DETLOFF	16 SZAREK	BLOOMINGTON IL 61701
2117201016	HAROLD D OTTO	11 SZAREK DR.	BLOOMINGTON IL 617018323
2117201015	HAROLD OTTO	11 SZAREK DR	BLOOMINGTON IL 617018323
2117126023	HERMINIO & MARIA BONILLA	8 EDGEWOOD CT	BLOOMINGTON IL 617017833
2108376036	JEFFREY & ANDREA FLAIRTY	9 TIMBERS CT	BLOOMINGTON IL 61704
2117126027	JODI BLOOMINGTON	1716 R T DUNN DR STE 4	BLOOMINGTON IL 617018730
2117128003	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126003	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126002	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126036	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 617018323
2117126035	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126010	JOSEPH M & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 617018323
2108378020	JOSEPH MARTIN	1803 LONGDEN AVE	BLOOMINGTON IL 61701
2117202004	KENNETH & ANGELA DETLOFF	13 SZAREK DR	BLOOMINGTON IL 617018323
2117202005	KEVIN AUSKINGS	10 SZAREK DR	BLOOMINGTON IL 617018323
2117202003	KEVIN G & CYNTHIA J ADKINS	1306 SIX POINTS RD	BLOOMINGTON IL 61701
2117128001	KIM PEREIRA	17 Szarek Dr	Bloomington IL 617018323
2117126022	KRISTI A LANARI	6 EDGEWOOD CT	BLOOMINGTON IL 617017833
2117201014	LINDA KERZ	12 SZAREK DR	BLOOMINGTON IL 617018323
2117202006	LOUISE M DEVARY	7 SZAREK DR	BLOOMINGTON IL 617018323
2117201011	MARGIE CASEY	3 SZAREK DR	BLOOMINGTON IL 617018323

2108376035	MATTHEW & MARY ANDERSON	7 Timbers Ct	Bloomington IL 617019024
2117126001	Michael & Catherine Fulton	3317 Fox Creek Rd	Bloomington IL 617055285
2117201029	NEIL A GAUGER TRUSTEE	2233 SPRINGFIELD RD	BLOOMINGTON IL 617018339
2117126006	NEIL A GAUGER TRUSTEE	2233 SPRINGFIELD RD	BLOOMINGTON IL 617018339
2117126005	OAKWOODS HOMEOWNERS ASSN	PO BOX 344	BLOOMINGTON IL 61702
2117152038	OAKWOODS HOMEOWNERS ASSN OF BLOOMINGTON INC	PO BOX 344	BLOOMINGTON IL 61702
2117126011	OAKWOODS HOMEOWNERS ASSOCIATION	PO BOX 344	BLOOMINGTON IL 61702
2117202001	PAUL D & NORMA MILLER	1310 SIX POINTS RD	BLOOMINGTON IL 61701
2117126013	PETER D BOWMAN	9 EDGEWOOD CT	BLOOMINGTON IL 61701
2117126020	PHILLIP D & GLORIA ZEHR	2 EDGEWOOD CT	BLOOMINGTON IL 617017833
2117126007	PINEHURST DEVELOPMENT	2203 EASTLAND DR STE 1	BLOOMINGTON IL 617047924
2117201017	RICHARD A & KIMBERLY A FILTER	5 SZAREK DR	BLOOMINGTON IL 617018323
2108455009	ROBERT E GASS	1307 SIX POINTS RD	BLOOMINGTON IL 617018360
2108455008	ROBIN GORHAM	1309 SIX POINTS RD	BLOOMINGTON IL 617018360
2108455007	RONALD E FOGGY	1311 SIX POINTS RD	BLOOMINGTON IL 617018361
2108378021	RONALD EUGENE & LOU ANN TRUST SWEATMAN	1805 LONGDEN AVE	BLOOMINGTON IL 617018308
2117127001	ROY DAVID & JO ANN FARRELL	1312 SIX POINTS RD	BLOOMINGTON IL 617018322
2117126024	RUSSELL & KELLEY KARIS	10 EDGEWOOD CT	BLOOMINGTON IL 61701
2108378015	Scott A. & Sarah Highfill	8 Timbers Ct	Bloomington IL 617019024
2117126029	TOM JONES JR	20 Edgewood Ct	Bloomington IL 617017833
2108378016	VIRGIL LEE THOMAS TRUSTEE	10 TIMBERS CT	BLOOMINGTON IL 617019024
2117126025	WENDY J SHORT	12 EDGEWOOD CT	BLOOMINGTON IL 617017833
2117126021	WILLIAM A & CRYSTAL A DITHEN	4 EDGEWOOD CT	BLOOMINGTON IL 61704

REGULAR AGENDA

REGULAR AGENDA ITEM NO. 9A

FOR COUNCIL: June 13, 2016

SUBJECT: Consideration of adoption of an ordinance approving an Annexation Agreement for the property commonly located west of Szarek Drive and south of Six Points Road (approximately 2.12 acres).

RECOMMENDATION/MOTION: That the ordinance approving the Annexation Agreement for the property commonly located west of Szarek Drive and south of Six Points Road (approximately 2.12 acres), be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 4, Strong Neighborhoods and Goal 6, Great Place-Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE: Goal 4—objective d, improved neighborhood infrastructure, and Goal 6—objective a, well planned City with necessary services and infrastructure

BACKGROUND: The land subject to the Annexation Agreement is located east of Szarek Drive and south of Six Points Road. The property is approximately 2.12 acres. The petitioners are requesting an agreement to be annexed into the City so they can build a single family residence on the property and connect to the City's sewer and water. Land annexed into the City is given a default zoning designation of Agriculture, therefore the petitioners are also requesting to rezone their property to R-1A, Single Family Residential. The proposed zoning is compatible with the proposed development density as well as neighboring uses and zoning. If the proposed Agreement is approved, the actual rezoning will take place after formal annexation of the premises by the City. Both the actual annexation and rezoning will be done by separate action, after due notice, at the next City Council meeting on June 13, 2016.

The annexation agreement outlines developer obligations, including sanitary sewer connection, water connection, annexation fee, and fee in lieu of parkland dedication. It also establishes a dormant special services area over the property, to provide for on-site public improvements to the property as well as expenses related to those improvements. There is approximately 80 feet of roadway along the property. The roadway is substandard as defined in the City of Bloomington Code in that it is not 30 feet wide and does not have gutters. Under Chapter 24 of the City's Code, the Petitioners could be required to provide a substandard roadway improvement fee. The Petitioners have asked that the substandard road fee be waived in view of the fact that no public improvements are planned for the roadway. Also, they maintain that an additional fee would hinder their ability to annex to the City. City staff does not anticipate improvements being made on the adjacent roadway within the timeframe of the agreement and waiver of the fee has therefore been included in the proposed Annexation Agreement. To the

extent roadway improvements are necessary in the future, it is recommended the special service area be utilized to reimburse the City for those costs.

PLANNING COMMISSION: This case was before the Planning Commission for a public hearing and review on April 27, 2016. No citizens, outside of the applicant, spoke in favor of the petition; no one spoke in opposition. Staff recommended in favor of the agreement for the annexation and rezoning. The Commission recommended approval by unanimous vote with one abstention.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code (Ordinance No. 2006-137) courtesy copies of the Public Notice were mailed to approximately 56 property owners within 500 feet. In addition, a public notice/identification sign was posted on the property. The petitioner submitted an affidavit attesting that the following entities were notified prior to the Planning Commission hearing: Bloomington Township, Bloomington Airport Authority, McLean County Unit District #5, Bloomington Township Fire District, and Bloomington-Normal Water Reclamation District.

FINANCIAL IMPACT: Development of the property should result in increased property tax revenue for the City. As per the annexation agreement, the petitioner is required to pay the following fees: Sewer, Water, Parkland Fee in Lieu, and Annexation Fee. Additionally, the agreement designates said property as a dormant special services area in the event that improvements are needed in the future.

Respectfully submitted for Council consideration.

Prepared by:	Katie Simpson, City Planner
Reviewed by:	Tom Dabareiner AICP, Community Development Director
Financial & Budgetary review by:	Chris Tomerlin, Budget Analyst Carla A. Murillo, Budget Manager
Legal review by:	George D. Boyle, Assistant Corporation Council

Recommended by:

David A. Hales
City Manager

Attachments

- Ordinance Approving an Annexation Agreement for the property commonly located west of Szarek Drive and south of Six Points Road
- Annexation Agreement

- See other attachments to Agenda Item 8A

Motion:
That the ordinance approving the Annexation Agreement for the property commonly located west of Szarek Drive and south of Six Points Road (approximately 2.12 acres), be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Motion: _____ Seconded by: _____

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

Ordinance No. 2016-____

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT FOR THE PROPERTY EAST OF SZAREK ROAD AND SOUTH OF SIX POINTS ROAD (APPROXIMATELY 2.12 ACRES) TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

WHEREAS, there has heretofore been proposed a certain Annexation Agreement between the City of Bloomington and Brian and Jessica Szarek, which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; and

WHEREAS, the Planning Commission of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement for the premises described in Exhibits B and C (hereinafter, "the premises"); and

WHEREAS, following said public hearing, the Planning Commission determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois and recommended approval of said Annexation Agreement by the City Council; and

WHEREAS, the Planning Commission has determined that the rezoning of the premises as provided in said Agreement follows the comprehensive plan and is appropriate; and

WHEREAS, the City Council, after notice was published on April 4, 2016, in the Pantagraph, conducted a public hearing on the Annexation Agreement; and

WHEREAS, the City Council believes the adoption and execution of the Annexation Agreement is in the best interests of the City.

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

1. That the City Council of the City of Bloomington, Illinois, determines that the territory of the premises is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington;

2. That the Annexation Agreement, hereinabove referred to and hereto attached is incorporated into this Ordinance and is hereby approved, ratified and affirmed and shall be executed by the Mayor and attested to by the City Clerk;

3. That this Ordinance shall be in full force from the date of its passage.

PASSED this 13th day of June, 2016.

APPROVED this _____ day of June, 2016.

CITY OF BLOOMINGTON:

_____
Tari Renner, Mayor

ATTEST:

_____
Cherry Lawson, City Clerk

APPROVED AS TO FORM:

_____
Jeffrey Jurgens, Corporation Counsel

ANNEXATION AGREEMENT

Pursuant to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961 as amended, (65 ILCS 5/11-15.1-1 et seq.) and for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as "City" and Brian and Jessica Szarek, hereinafter referred to as "Owner" enter into this Annexation Agreement ("Agreement") for the annexation of property into the City.

WHEREAS, Owner is the owner of record of the premises hereinafter described on Exhibit A, which is attached hereto and made a part hereof by this reference; and

WHEREAS, the Owner is desirous of having said premises annexed to the City and the City is desirous of annexing said premises; and

WHEREAS, said premises is not within the corporate limits of any municipality, but is contiguous to the City; and

WHEREAS, the Owner is desirous of having said premises zoned **R-1A** upon annexation to the City; and

WHEREAS, the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1).

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the City and Owner agree as follows:

1. ANNEXATION PETITION.

Owner, subject to the terms and conditions set forth in this Agreement, has petitioned the City of Bloomington, requesting annexation of the property described on Exhibit "A" to the City's corporate limits. The City published and gave such notices and conducted such public hearings as are required to annex the premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

2. ANNEXATION.

The City agrees to adopt an ordinance annexing the property described on Exhibit "A" to the City of Bloomington.

3. ZONING.

City agrees to rezone the property to **R-1A** subsequent to any public hearings required by the City Code.

4. DEVELOPMENT OBLIGATIONS.

With regard to the annexation, and development of the premises, the installation of public improvements within and serving the premises; and the use and development of the premises during the life of this agreement, the following shall apply:

A. Sanitary Sewer. The premises shall be required to connect to the City's sanitary sewer within 6 months of execution of this Annexation Agreement and Owner shall be responsible for any and all tap on fees for connection to the sanitary sewer.

B. Water. The premises shall be required to connect to the City's water mains within 6 months of execution of this Annexation Agreement and Owner shall be responsible for any and all tap on fees for connection to the water mains.

C. Stormwater Detention. Owner shall provide onsite detention or pay a fee-in-lieu for storm water detention pursuant to the City Code in place at the time of annexation.

D. Parkland fee. Owner shall dedicate parkland or pay a fee-in-lieu for parkland dedication pursuant to the City Code in place at the time of annexation.

E. Annexation Fee. Owner shall pay an annexation fee pursuant Chapter 8.5 Section 205 of the City Code in place at the time of annexation.

F. City agrees to waive any substandard road fee pursuant to Chapter 8.5, Section 401(4) of the Bloomington City Code.

5. OBLIGATION TO DEVELOP PER CODE.

In the construction and use of improvements on the subject property the Owner shall comply with all zoning subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time.

6. ANNEXATION TO OTHER TAXING DISTRICTS.

That owner, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue the necessary petition to annex the property to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District.

7. COVENANTS AND AGREEMENTS

The covenants and agreements contained in this Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto.

8. TERM

The term of this Agreement shall be for twenty (20) years from and after the effective date of the annexation of the Subject Property.

9. NOTICES

Any and all notices required or desired to be given hereunder shall be in writing and shall be delivered personally or sent via certified or registered mail, postage pre-paid and addressed as follows:

City of Bloomington
Attn: City Manager
109 East Olive Street
Bloomington, IL 61701

Brian and Jessica Szarek
1418 Six Points Rd
Bloomington IL 61701

or to such other person or address as a party may designate in a like manner.

10. ADOPTION OF ORDINANCES

The City agrees to adopt such ordinances as may be required to give legal effect to the matters contained in this Agreement.

11. DORMANT SPECIAL SERVICE AREA

1. A dormant special service area will be established over the Property, with the cooperation and participation of the Owner, to provide for the on-site public improvements for the Property, as well as to pay for the costs and expenses directly or indirectly related in any way to the on-site public improvements, including, without limitation:

    a. construction, installation, repair, or maintenance of the on-site public improvements in the event that the Owner is for any reason unable to do so and there is inadequate or unavailable security to construct and install the on-site public improvements;

b. legal, engineering, and construction management expenses related to the construction, installation, repair, or maintenance of the on-site public improvements;

c. direct and indirect administrative expenses;

d. payment of public liability insurance premiums; or

e. reimbursement to the City for funds it expended or incurred to construct, install, repair, or maintain the on-site public improvements.

The Owner will pay for all costs incurred by the City in establishing the dormant special service area including, without limitation, the payment of all attorneys' fees incurred by the City in establishing the special service area as well as reimbursement to the City for any and all costs and expenses incurred by the City.

2. The City will have the automatic right to activate the dormant special service area and extend the taxes in association with the special service area upon the occurrence of any of the following events:

   a. failure of the Owner for any reason to complete such public improvements;

   b. inadequacy of the performance security established by the Owner as required by this Annexation Agreement; or

   c. failure or refusal by the bank to fulfill or otherwise honor the performance security established by the Owner as required by this Annexation Agreement.

3. By purchasing a lot in the Property, each purchaser of a lot, for himself or herself and his or her respective successors in title, forever waives any right to challenge the assessment or collection of a tax or assessment imposed by the City against the lot pursuant to a special service area established in accordance with this §11, provided such special service area is not amended in any way that requires a new public hearing.

4. The Declaration of Covenants for all lots in the Property will include similar language regarding the establishment of the special service areas.

5. Nothing in this section will prevent the Owner or any individual lot Owner from exercising his or her statutory right to object to the establishment or amendment of the Dormant Special Service Area.

6. Upon the City's formal acceptance of the on-site public improvements for the Property and the expiration of any maintenance guarantee period, as provided in §11 of this Annexation Agreement, the City will take all reasonable actions to have the Dormant Special Service Area dissolved. In no event will the City seek

the extension of the special service area tax after it has formally accepted the on-site public improvements for the Property and the expiration of any maintenance guarantee period.

12. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

A. Time of the Essence. Time is of the essence in the performance of this Agreement.

B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.

D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.

E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois.

F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.

G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.

J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.

K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.

L. Authority to Execute. The City hereby warrants and represents to the Owner that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owner hereby warrants and represents to the City (i) that they are the record and beneficial owners of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owner will (a) result in a breach or default under any agreement to which the Owner is a party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owner or the Property is subject.

M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owners agree that they will not seek, and do not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.

N. No Third Party Beneficiaries. No claim as a third party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owner.

O. Recording. After the Owner has paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.

EXECUTED and ADOPTED this ____ day of _____, 2016, at Bloomington, Illinois.

CITY OF BLOOMINGTON

By: _____
Tari Renner, Mayor

Attest:

By: :
City Clerk

OWNER: _____

_____

Exhibit "A"

Legal Description/PIN

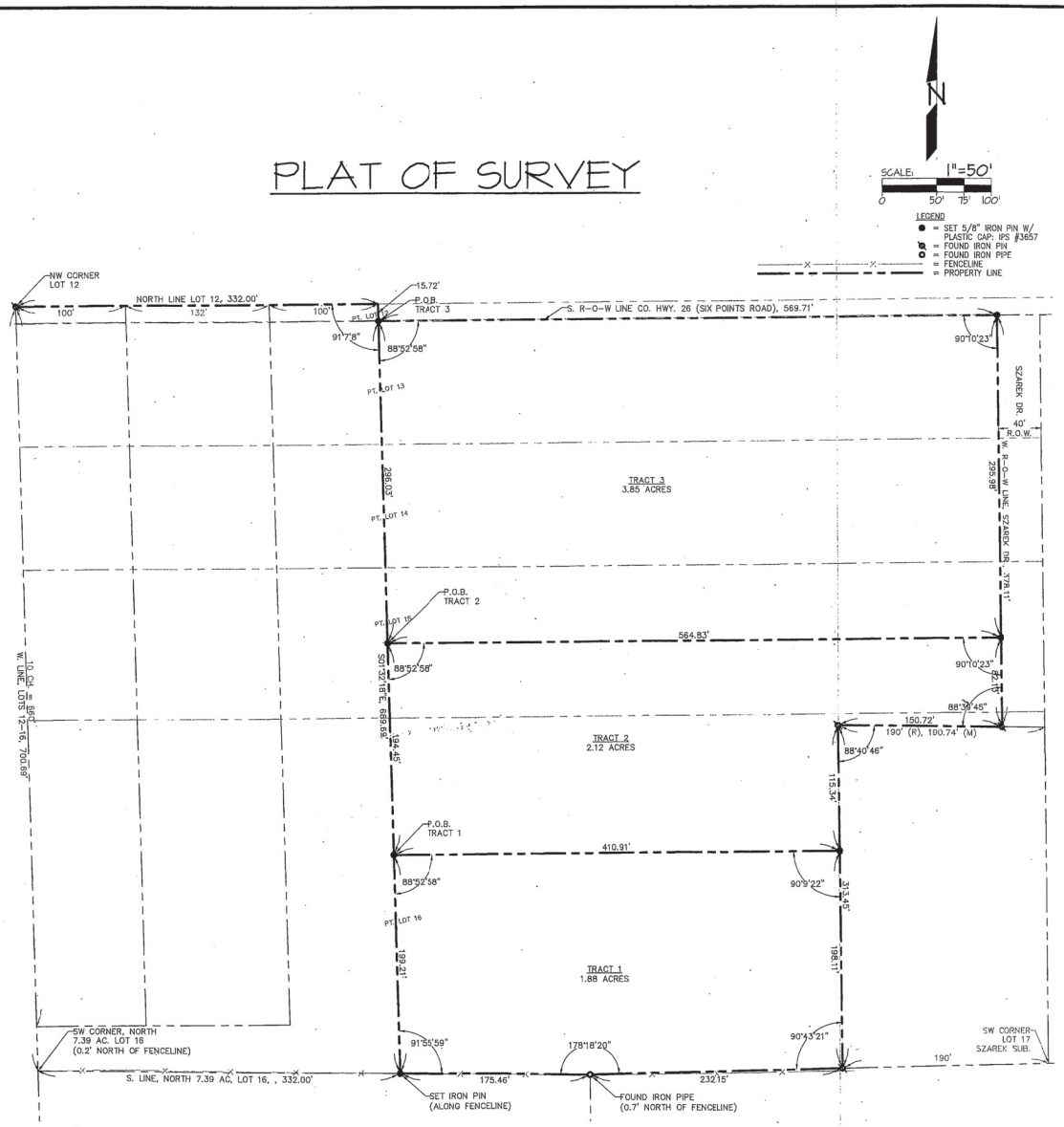
The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410.91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in McLean County, Illinois.

Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

PLAT OF SURVEY



Legal Descriptions:

TRACT 1:
The South 1.88 acres of the following described tract: A Part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (¼) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155. ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a Part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin at the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence, southerly, 15.72 feet along a line forming an angle to the right of 268°-52'-52" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 490.48 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 199.21 feet to an iron pin located 332 feet easterly of the Southwest corner of the North 7.39 acres of said Lot 16; thence, easterly 175.46 feet along a line forming an angle to the right of 91°-55'-59" with the last described course to an iron pinch pipe; thence, easterly 232.15 feet along a line forming an angle to the right of 178°-18'-20" with the last described course to an iron pin; thence, northerly, 198.11 feet along a line forming an angle to the right of 90°-43'-21" with the last described course to an iron pin; thence, westerly, 410.91 feet along a line forming an angle to the right of 90°-09'-22" with the last described course to the Point of Beginning, containing 1.88 acres more or less.

TRACT 2:
The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A Part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (¼) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155. ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a Part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin at the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence, southerly, 15.72 feet along a line forming an angle to the right of 268°-52'-52" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence, easterly, 410.91 feet along a line forming an angle to the right of 91°-07'-02" with the last described course to an iron pin; thence, northerly 115.34 feet along a line forming an angle to the right of 89°-50'-38" with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271°-19'-14" with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88°-39'-45" with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90°-10'-23" with the last described course to the Point of Beginning, containing 2.12 acres more or less.

TRACT 3:
EXCEPT for the South 4.00 acres therefrom of the following described tract: A Part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (¼) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a Part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin at the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence, southerly, 15.72 feet along a line forming an angle to the right of 268°-52'-52" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road, the Point of Beginning; thence, continuing southerly along the last described course, 296.03 feet to an iron pin; thence, easterly, 564.83 feet along a line forming an angle to the right of 91°-07'-02" with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly 295.98 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 89°-49'-37" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26; thence, westerly, 569.71 feet along the South Right-of-Way Line of County Highway 26, said line forming an angle to the right of 90°-10'-23" with the last described course, to the Point of Beginning, containing 3.85 acres more or less.

I do hereby certify that in the month of December, 2006, a survey of the above described property was made under my direction, this professional service conforms to the current Illinois minimum standards for a boundary survey, and the plat hereon drawn is a correct representation of said survey.

02/22/07
Dated

Illinois Professional Land Surveyor No. 3657

STAMP

NO.	DATE	APPR.	REVISIONS DESCRIPTION

SCALE: 1" = 50'
DRAWN BY: JCS
DATE: 01/30/07
CHECKED BY: MAS
DATE: 01/30/07

PROJECT
BOUNDARY SURVEY
FOR ED SZAREK
PT. LOTS 12-16, SUB. NW1/4 SEC. 17, T.23N.-R.2E., 3RD P.M., McLEAN CO., IL

SHIVE-HATTERY ENGINEERS, Inc.
CONSULTING ENGINEERS & LAND SURVEYORS
2800 N. MATTIS AVENUE, SUITE 201, P.O. BOX 4811
CHAMPAIGN, ILLINOIS 61824-4811 (217) 351-4811
PROFESSIONAL DESIGN FIRM #184-001101 EXPIRES 04/30/2007

PROJECT NO.
610278

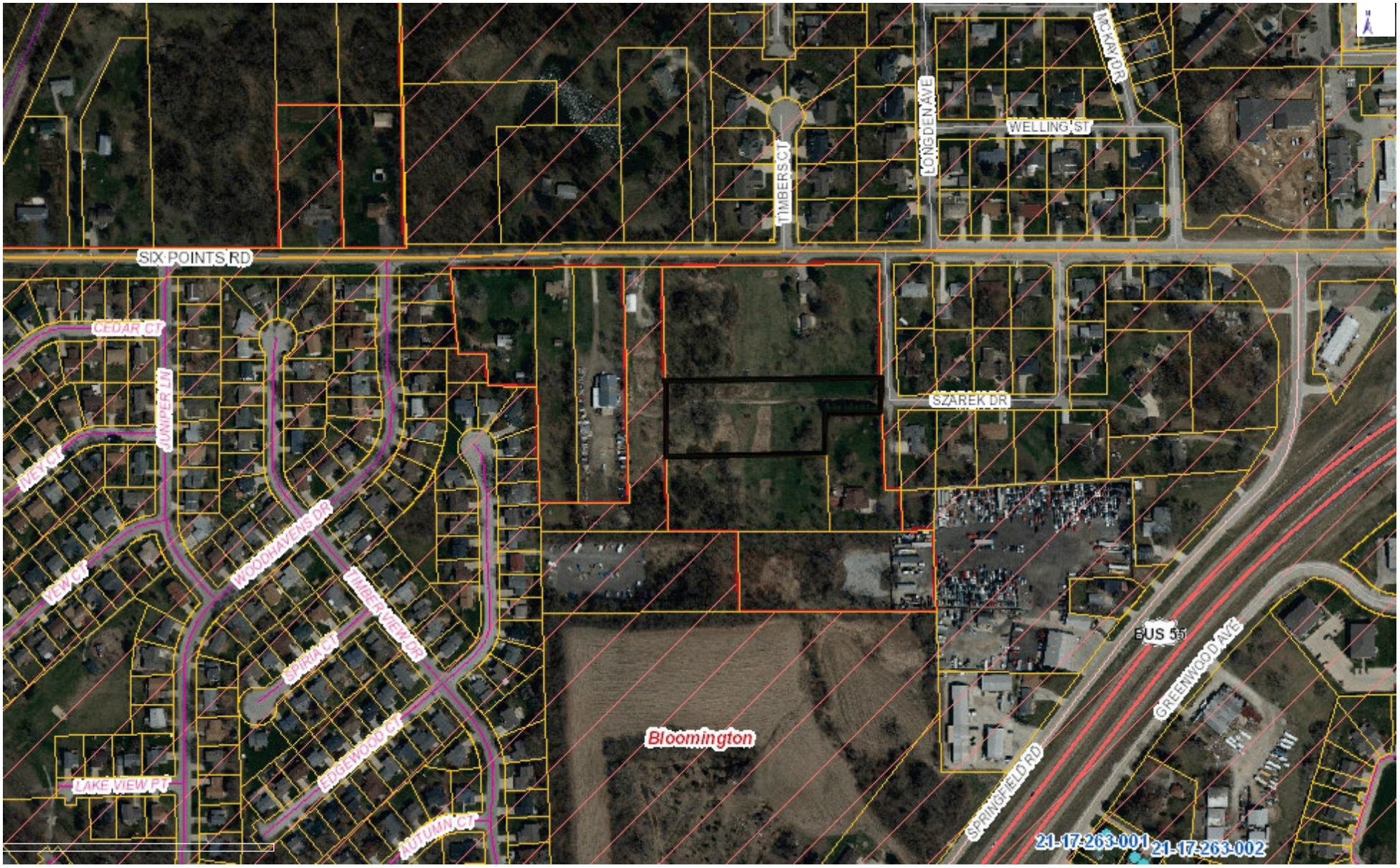
DATE STAMP

SHEET NUMBER
1

2007-00006792

L:\E-Projects\2006\2006052\dwg\2006052.dwg 2/1/2007 1:24:12 PM CST

Aerial View-2.12 Acres Szarek Road. Annexation and Rezoning



0 0.09 0.2 Miles

1: 5,616

By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: http://www.McGIS.org/License

Printed: 4/20/2016 11:20:44 AM

Notes

Property outlined in Black. Unicorporated outlined in Red. Incorporated covered in red hash marks

CITY OF BLOOMINGTON
REPORT FOR THE PLANNING COMMISSION
APRIL 27, 2016

SUBJECT:	TYPE:	SUBMITTED BY:
Z-11-16 Annexation and Rezoning for approximately 2.12 acres west of Szarek Drive and south of Six Points Road.	Annexation and Rezoning to R-1A for approximately 2.12 acres west of Szarek Drive and south of Six Points Road.	Katie Simpson City Planner

REQUEST
The petitioner is seeking approval of an Annexation Agreement and Rezoning of approximately 2.12 acres located west of Szarek Drive and south of Six Points Road.

NOTICE
The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION
Owner and Applicant: Brian and Jessica Szarek

PROPERTY INFORMATION
Existing Zoning: R-1 (unincorporated)
Existing Land Use: Vacant

Surrounding Zoning and Land Uses

Zoning	Land Uses
North: R-1, Single Family Residential (unicorporated)	North: Single-family residence
South: R-1, Single Family Residential (unicorporated)	South: Single-family residence
East: R-1B, Medium Density Single Family Residential	East: Single-family residences
West: R-1A, Low Density Single Family Residential	West: Single-family houses

PROJECT DESCRIPTION
The subject property is approximately 2.12 acres of unincorporated land. The petitioner is proposing to improve the property with a Single-Family Residence. The petitioner will need water and sewer provided by the City of Bloomington, and, therefore, is seeking annexation into the City. Traditionally annexed land is zoned A-Agriculture, therefore the petitioner is also seeking a rezoning to R-1A, Low Density Single Family Residential. The proposed zoning is compatible with neighboring uses and zonings.

ANALYSIS
Submittals
This report is based on the following documents, which are on file with the Community Development Department:

1. Annexation Agreement
2. Petition for a Zoning Map Amendment
3. Plat for property being rezoned
4. Aerial photographs

Compliance with the Comprehensive Plan
The Comprehensive Plan 2035 envisions the subject property as New Neighborhood and encourages the City to "ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington (pg. 61).

Findings of Fact: Pursuant to Chapter 8.5 Section 203(d) of the City's Code "The Planning Commission shall consider the amendment to the Official Zoning Map for the City of Bloomington, McLean County and shall recommend the adoption of such amendment unless the Commission finds that such amendment is not in the public or is solely for the benefit of the person requesting such amendment". In making such a finding the Planning Commission may consider:

1. *The suitability of the subject property for uses authorized by the existing zoning;* the property is currently zoned R-1 (unincorporated), the petitioner is proposing to construct a single family house. The zoning is suitable, the standard is met.

2. *The length of time the property has remained vacant as zoned considered in the context of land development in the area;* the property has never been developed. Neighboring development is of single-family houses, this is the trend of development in the area. The standard is met.

3. *The suitability of the subject property for uses authorized in the proposed zoning;* the R-1A District contemplates large lot single family houses. The R-1A district allows for approximately 2 dwelling units per acre. The standard is met.

4. *The existing land uses of nearby property;* the proposed rezoning and proposed development are compatible with neighboring uses and zoning districts. The standard is met.

5. *Existing zoning of nearby property, relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;* the property owner wishes to develop the property. Recently, the City has taken the position that it will allow access to water and sewer for unincorporated properties on the condition that said properties are annexed into the City. The rezoning should have little impact on neighboring properties. The standard is met.

6. *The extent to which adequate streets connected to the arterial street system are available or can be reasonably supplied to serve the uses permitted in the proposed zoning district;* the R-1A zoning district is one of the lesser intense zoning classifications in our Code.

Streets provide adequate connectivity to accommodate the proposed zoning. The standard is met.

7. *The extent to which the proposed amendment is consistent with the need to minimize flood damage and whether the development of the subject property for uses permitted in the proposed zoning classification would have a substantial detrimental effect on the drainage patterns in the area;* the petitioner is addressing detention and drainage in their development; the development is of low intensity. The standard is met.

8. *The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be supplied to serve the uses permitted in the proposed zoning classification; and*

9. *The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of Chapter 44, Article 2.00 of the Bloomington City Code-1960, including the following specific purposes:*

    a. *To conserve and protect the taxable value of land and structures;*
    b. *To protect the air, water, and land resources within the City from the hazards of pollution and misuse;*
    c. *To protect land and structures from natural hazards; including flooding and erosion;*
    d. *To preserve and protect historic locations, structures and groups*
    e. *To preserve and protect and encourage the development of structures, groups of structures, and neighborhoods of distinctive architectural character and appearance;*
    f. *To provide for the orderly and functional arrangement of land uses and structures;*
    g. *To establish standards for the orderly development or redevelopment of geographic areas within the City;*
    h. *To secure for the public locations for housing, employment, shopping, education, and recreation that are adequate in terms of health, safety, convenience and number;*
    i. *To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public facilities;*
    j. *To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;*
    k. *To permit public involvement in the planning of private land uses which have the potential for significant impact on the use of enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington; and*
    l. *To promote the Official Comprehensive Plan adopted by the City of Bloomington.*

The above standard and sub-clauses are met. Recently the City has taken the position that it will require unincorporated properties that desire to tap-on to City utilities and water, to be annexed into the City. The proposed annexation is in agreement with Standards 8 and 9 as outlined in Chapter 8.5 Section 203 (d).

The following impact fees should be included in the Annexation Agreement under the section titled "Development Obligations" prior to Council's review:

D. Parkland fee. Owner shall pay a fee-in-lieu for parkland dedication pursuant to the City Code in place at the time of annexation.

E. Annexation Fee. Owner shall pay an annexation fee pursuant Chapter 8.5 Section 205 of the City Code in place at the time of annexation.

F. Substandard Road Fee. Owner agrees to reimburse City, at the time of construction for one-half the construction cost of the improvement of all public streets that are adjacent to said premises from their present condition to a 30 foot wide improved street with curb and gutter for the full extent that such streets are adjacent to said premises. For purposes of definition of this agreement, streets shall be considered adjacent to said premises if:

a. any portion of said streets are contiguous to any portion of said premises; or
b. said streets are either necessary or the most convenient route for ingress to and egress from said premises.
c. the length of the street(s) which the owner is responsible under paragraph (b) above shall not be limited to that portion which is contiguous to said premises; it shall extend to that portion of the street (s) for which the cost is fairly apportionable to said premises, using frontage, area, or other reasonable methods of determination.

STAFF RECOMMENDATION:
Staff recommends the Planning Commission pass a motion recommending that the City Council **approve** Case Z-11-16 a petition for the Annexation and Rezoning of 2.12 acres located west of Szarek Drive and south of Six Points Road.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

1. Annexation Agreement
2. Annexation Petition
3. Rezoning Petition
4. Legal Description "Exhibit A"
5. Owners Certificate
6. Natural Resources Review
7. Notice Affidavit
8. Plat
9. Aerial View
10. Zoning Map
11. Neighborhood Notification and Notification List

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 27, 2016, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. Balmer, Mr. Barnett, Mr. Pearson, Mr. Protzman, Ms. Schubert, Mr. Scritchlow, Chairman Stanczak

MEMBERS ABSENT: Mr. Suess

OTHERS PRESENT: Mr. Tom Dabareiner, Community Development Director; Ms. Katie Simpson, City Planner; Mr. George Boyle, City Attorney

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:00 P.M.

ROLL CALL: Mr. Dabareiner called the roll. A quorum was present.

PUBLIC COMMENT: There being no public comments the Commission moved on to approval of the minutes.

MINUTES: The Commission reviewed the April 13, 2016 minutes. Mr. Protzman moved to approve the April 13, 2016 minutes; Mr. Scritchlow seconded the motion, which passed unanimously by a voice vote of 7-0.

REGULAR AGENDA:

Z-11-16. Public hearing, review and action on the petition submitted by Brian and Jessica Szarek requesting the annexation and rezoning of property commonly located west of Szarek Drive and south of Six Points Road, approximately 2.12 acres.

Chairman Stanczak introduced the case. Ms. Simpson presented City Staff's report and recommended in favor of the proposal. Ms. Simpson reviewed the request for annexation and rezoning, the surrounding uses and explained why rezoning the R-1A Low Density Single Family Residence District was appropriate for the rezoning from the automatic Agricultural zoning upon annexation. She reviewed the standards for rezoning the property and concluded that the standards were met by this proposal.

The petitioner, Brian Szarek, 1418 Six Points Road, was sworn in. He briefly describe his proposal for annexation and rezoning. No others spoke in favor or against.

Mr. Scritchlow asked about the need for a substandard road fee and clarification on the purpose of the dormant special services area. Ms. Simpson indicated staff was working the City's engineers to resolve this question. Mr. Dabareiner provided an explanation about the special

services area. Chairman Stanzcak confirmed with staff that these fees and provisions were more common for larger developments.

Chairman Stanzcak closed the public hearing. Mr. Scritchlow indicated he would be abstaining from voting. Mr. Pearson motioned to approve the annexation and rezoning requests; seconded by Mr. Barnett. The motion to recommend passed by a vote of 6-0-1 with the following votes being cast on roll call: Mr. Pearson-yes; Mr. Barnett -yes; Mr. Balmer-yes; Mr. Protzman-yes; Ms. Schubert-yes; Mr. Scritchlow-abstain; Chairman Stanczak-yes.

Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

April 13, 2016

Dear Property Owner or Resident:

The City of Bloomington Planning Commission will hold a public hearing on **Wednesday, April 27, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois** for a petition submitted by **Brian and Jessica Szarek** requesting 1) the annexation of property commonly located on Szarek Drive; and 2) the rezoning of the annexed property from R-1 (County) to R-1A, Low Density Single Family Residential. A legal description of the property is attached to this letter.

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested rezoning during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

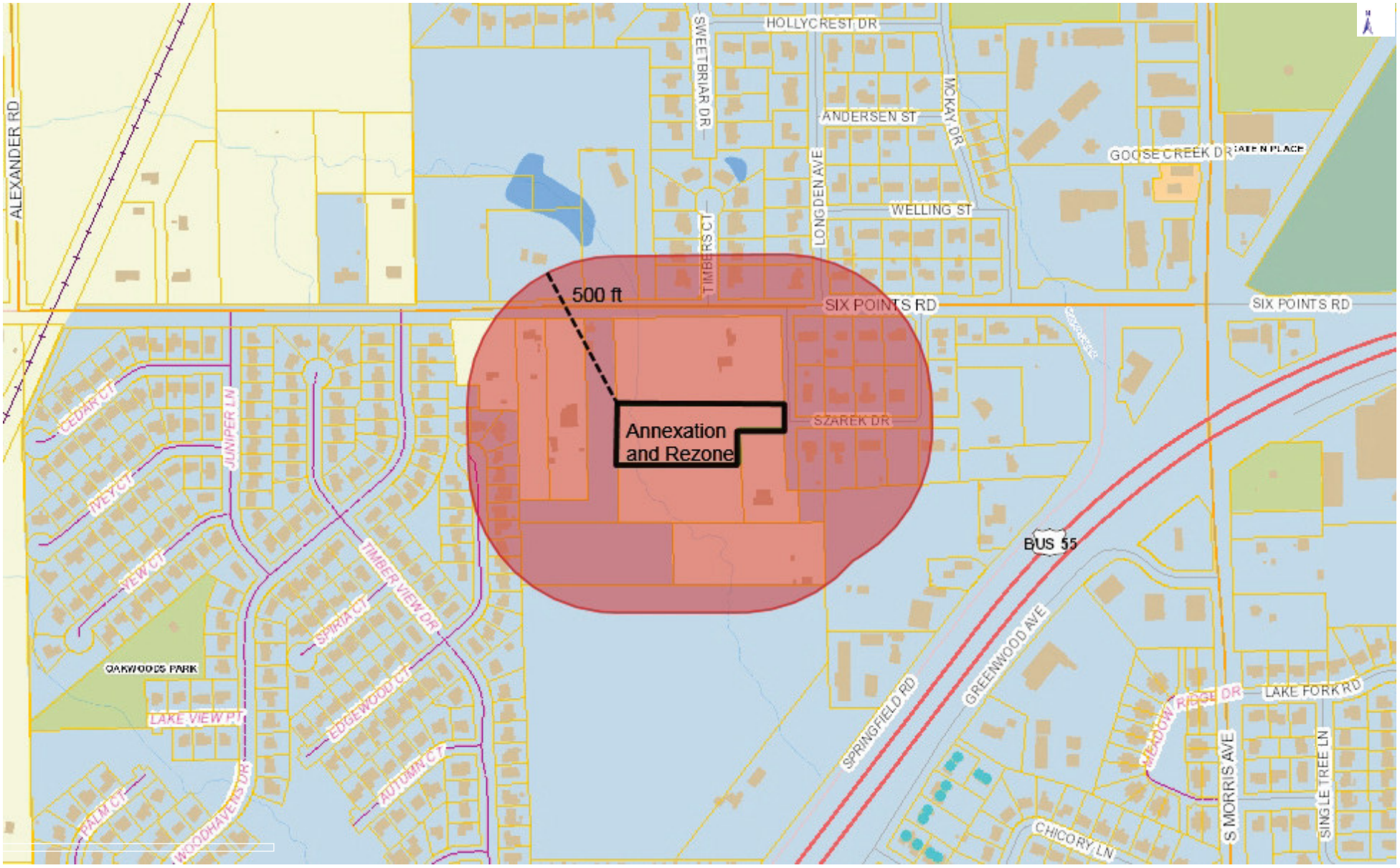
Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may contact me by phone, (309) 434-2226, or email, ksimpson@cityblm.org.

Sincerely,

Katie Simpson
City Planner

Attachments:
Location Map
Legal Description of property

Location Map and 500 ft buffer for 24 Szarek Dr



0 0.11 0.2 Miles

1: 7,274

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Printed: 4/13/2016 9:37:45 AM

Notes

Petition to Annex and Rezone property outlined in Black. Notifications sent to property owners w/in 500 ft.

Exhibit "A"

Legal Description/PIN

The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410.91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in McLean County, Illinois.

Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

PIN	LINE1	LINE2	LINE3
2108376041	% DOUGLAS R & VALERIE S MUDD LAUHER TRUST % FORREST DEANE & JEANNE MARIE LAUHER	4333 MCPHERSON	SAINT LOUIS MO 63108
2108376039	BRUCE COTRUSTEE	1421 SIX POINTS RD	BLOOMINGTON IL 617019523
2108376037	% LARRY BIELFELDT D MCLT LDB-52 MCLT LDB25	3004 GE RD, STE 1	BLOOMINGTON IL 61704
2117126012	BRADLEY S GILMORE	1 EDGEWOOD CT	BLOOMINGTON IL 617017835
2117126008	CARLA HANING	27215 BOYNTON RD	DELAVAN IL 617341553
2117201027	CHARLES F & PAMELA R WOMACK	4 SZAREK DR	BLOOMINGTON IL 61701
2117126028	DANIEL & AUDRA STOLZOFF	18 EDGEWOOD CT	BLOOMINGTON IL 61704
2117126026	DAVID L BOYLAN	14 Edgewood Ct	Bloomington IL 617017833
2117126037	DOUGLAS A & MIKELEEN M MEANS	1406 Six Points Rd	Bloomington IL 617019522
2108376038	DOUGLAS R MUDD	1413 SIX POINTS RD	BLOOMINGTON IL 617019523
2117202002	ERIC R & JANET C KIBLER	2208 BERRYWOOD LN	BLOOMINGTON IL 617042448
2117126014	ERIK MEYER	11 EDGEWOOD CT	BLOOMINGTON IL 61701
2117127002	GERALD & MARY DETLOFF	16 SZAREK	BLOOMINGTON IL 61701
2117201016	HAROLD D OTTO	11 SZAREK DR.	BLOOMINGTON IL 617018323
2117201015	HAROLD OTTO	11 SZAREK DR	BLOOMINGTON IL 617018323
2117126023	HERMINIO & MARIA BONILLA	8 EDGEWOOD CT	BLOOMINGTON IL 617017833
2108376036	JEFFREY & ANDREA FLAIRTY	9 TIMBERS CT	BLOOMINGTON IL 61704
2117126027	JODI BLOOMINGTON	1716 R T DUNN DR STE 4	BLOOMINGTON IL 617018730
2117128003	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126003	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126002	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126036	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 617018323
2117126035	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126010	JOSEPH M & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 617018323
2108378020	JOSEPH MARTIN	1803 LONGDEN AVE	BLOOMINGTON IL 61701
2117202004	KENNETH & ANGELA DETLOFF	13 SZAREK DR	BLOOMINGTON IL 617018323
2117202005	KEVIN AUSKINGS	10 SZAREK DR	BLOOMINGTON IL 617018323
2117202003	KEVIN G & CYNTHIA J ADKINS	1306 SIX POINTS RD	BLOOMINGTON IL 61701
2117128001	KIM PEREIRA	17 Szarek Dr	Bloomington IL 617018323
2117126022	KRISTI A LANARI	6 EDGEWOOD CT	BLOOMINGTON IL 617017833
2117201014	LINDA KERZ	12 SZAREK DR	BLOOMINGTON IL 617018323
2117202006	LOUISE M DEVARY	7 SZAREK DR	BLOOMINGTON IL 617018323
2117201011	MARGIE CASEY	3 SZAREK DR	BLOOMINGTON IL 617018323

2108376035	MATTHEW & MARY ANDERSON	7 Timbers Ct	Bloomington IL 617019024
2117126001	Michael & Catherine Fulton	3317 Fox Creek Rd	Bloomington IL 617055285
2117201029	NEIL A GAUGER TRUSTEE	2233 SPRINGFIELD RD	BLOOMINGTON IL 617018339
2117126006	NEIL A GAUGER TRUSTEE	2233 SPRINGFIELD RD	BLOOMINGTON IL 617018339
2117126005	OAKWOODS HOMEOWNERS ASSN	PO BOX 344	BLOOMINGTON IL 61702
2117152038	OAKWOODS HOMEOWNERS ASSN OF BLOOMINGTON INC	PO BOX 344	BLOOMINGTON IL 61702
2117126011	OAKWOODS HOMEOWNERS ASSOCIATION	PO BOX 344	BLOOMINGTON IL 61702
2117202001	PAUL D & NORMA MILLER	1310 SIX POINTS RD	BLOOMINGTON IL 61701
2117126013	PETER D BOWMAN	9 EDGEWOOD CT	BLOOMINGTON IL 61701
2117126020	PHILLIP D & GLORIA ZEHR	2 EDGEWOOD CT	BLOOMINGTON IL 617017833
2117126007	PINEHURST DEVELOPMENT	2203 EASTLAND DR STE 1	BLOOMINGTON IL 617047924
2117201017	RICHARD A & KIMBERLY A FILTER	5 SZAREK DR	BLOOMINGTON IL 617018323
2108455009	ROBERT E GASS	1307 SIX POINTS RD	BLOOMINGTON IL 617018360
2108455008	ROBIN GORHAM	1309 SIX POINTS RD	BLOOMINGTON IL 617018360
2108455007	RONALD E FOGGY	1311 SIX POINTS RD	BLOOMINGTON IL 617018361
2108378021	RONALD EUGENE & LOU ANN TRUST SWEATMAN	1805 LONGDEN AVE	BLOOMINGTON IL 617018308
2117127001	ROY DAVID & JO ANN FARRELL	1312 SIX POINTS RD	BLOOMINGTON IL 617018322
2117126024	RUSSELL & KELLEY KARIS	10 EDGEWOOD CT	BLOOMINGTON IL 61701
2108378015	Scott A. & Sarah Highfill	8 Timbers Ct	Bloomington IL 617019024
2117126029	TOM JONES JR	20 Edgewood Ct	Bloomington IL 617017833
2108378016	VIRGIL LEE THOMAS TRUSTEE	10 TIMBERS CT	BLOOMINGTON IL 617019024
2117126025	WENDY J SHORT	12 EDGEWOOD CT	BLOOMINGTON IL 617017833
2117126021	WILLIAM A & CRYSTAL A DITHEN	4 EDGEWOOD CT	BLOOMINGTON IL 61704

REGULAR AGENDA ITEM NO. 9B

FOR COUNCIL: June 13, 2016

SUBJECT: Consideration of adoption of an ordinance approving the petition submitted by Brian and Jessica Szarek, requesting annexation and rezoning to R-1A, single family residential district, for the property commonly located west of Szarek Drive and south of Six Points Road (approximately 2.12 acres)

RECOMMENDATION/MOTION: That an ordinance be adopted approving the annexation and rezoning to R-1A, Single family residential district, of 2.12 acres located west of Szarek Drive and south of Six Points Road, and that the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 4, Strong Neighborhoods and Goal 6, Great Place-Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE: Goal 4—objective d, improved neighborhood infrastructure, and Goal 6—objective a, well planned City with necessary services and infrastructure

BACKGROUND:
The subject site is located east of Szarek Drive and south of Six Points Road. The property is approximately 2.12 acres. The petitioners are proposing to build a single family residence on the property. They are requesting to be connected to the City's sewer and water, and therefore are required to be annexed into the City. Land annexed into the City is given a default zoning designation of Agriculture, therefore the petitioners are also requesting to rezone their property to R-1A, Single Family Residential. The proposed zoning is compatible with the proposed development density as well as neighboring uses and zoning.

The agreement establishes a dormant special services area over the property, to provide for on-site public improvements to the property as well as expenses related to those improvements. There is approximately 80 feet of roadway along the property. The roadway is substandard as defined in the City of Bloomington Code in that it is not 30 feet wide and does not have gutters. Under Chapter 24 of the City's Code, the petitioners could be required to provide a substandard roadway improvement fee. However, City Staff do not anticipate improvements being made on the adjacent roadway within the timeframe of the agreement. The petitioners have asked that the substandard road fee be waived in view of the fact that no public improvements are planned for the roadway. Also, they maintain an additional fee would hinder their ability to annex to the City.

PLANNING COMMISSION

This case was before the Planning Commission for a public hearing and review on April 27, 2016. No citizens, outside of the applicant, spoke in favor of the petition; no one spoke in opposition. Staff recommended in favor of the annexation and rezoning. The Commission recommended approval by unanimous vote.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

Public notice for the Planning Commission public hearing and City Council public hearing were published in the Pantagraph in accordance with City Code. In accordance with the Zoning Code (Ordinance No. 2006-137) courtesy copies of the Public Notice were mailed to approximately 56 property owners within 500 feet of the subject property prior to the Planning Commission meeting. In addition, a public notice/identification sign was posted on the property. The petitioner submitted an affidavit attesting that the following entities were notified prior to both public hearings: Bloomington Township, Bloomington Airport Authority, McLean County Unit District #5, Bloomington Township Fire District, and Bloomington-Normal Water Reclamation District.

FINANCIAL IMPACT: Development of the property should result in increased property tax revenue for the City. As per the annexation agreement, the petitioner is required to pay the following fees: Sewer, Water, Parkland Fee in Lieu, and Annexation Fee. Additionally, the agreement designates said property as a dormant special services area in the event that improvements are needed in the future.

Respectfully submitted for Council consideration.

Prepared by:	Katie Simpson, City Planner
Reviewed by:	Tom Dabareiner AICP, Community Development Director
Financial & Budgetary review by:	Chris Tomerlin, Budget Analyst Carla A. Murillo, Budget Manager
Legal review by:	Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments

- Ordinance for the Annexation and Rezoning to R-1A
- Exhibit A “Annexation Agreement”
- Exhibit B “Legal Description”
- Exhibit C “Survey Plat”

- Annexation Petition
- Rezoning Petition
- List of permitted uses in the R-1A District
- Aerial Map of Subject Property
- Planning Commission Report for 4-27-16
- Planning Commission Minutes for 4-27-16
- Mailing Sample
- Mailing List
- Certification of Publication – Pantagraph Newspaper

Motion: That an ordinance be adopted approving the annexation and rezoning to R-1A, Single family residential district, of 2.12 acres located west of Szarek Drive and south of Six Points Road, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Motion: _____ Seconded by: _____

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

Ordinance No. 2016-____

AN ORDINANCE ANNEXING AND REZONING TO R-1A 2.12 ACRES EAST OF SZAREK ROAD AND SOUTH OF SIX POINTS ROAD TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

WHEREAS, there has heretofore been entered into a certain Annexation Agreement between the City of Bloomington and Brian and Jessica Szarek, which Agreement is attached hereto and made a part hereof by this reference as Exhibit A; and

WHEREAS, the Planning Commission of the City of Bloomington, after proper notices were given, conducted a Public Hearing on said Annexation Agreement and rezoning for the premises described in Exhibits B and C; and

WHEREAS, the Planning Commission of the City of Bloomington has determined that said premises are contiguous to the corporate limits of the City of Bloomington and are not within the confines of any other municipality of the State of Illinois, and that the Owner has given all notices required to be given by 65 ILCS 5/7-1-1; and

WHEREAS, following said public hearing, the Planning Commission considered the question of annexation and rezoning and has determined that said Annexation Agreement is proper and in due form according to the statutes of the State of Illinois as in such case made and provided, and said proposed rezoning follows the general comprehensive plan. The Planning Commission further has recommended approval of said Annexation Agreement and rezoning; and

WHEREAS, the City Council of said City is authorized to adopt this Ordinance and to annex and rezone said Premises described in Exhibits A, B and C.

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

1. That the City Council of the City of Bloomington, Illinois, determines that the territory described in the attached Exhibits B and C is not within the confines of any municipality of the State of Illinois, but is however, contiguous to the City of Bloomington.

2. That the Annexation Agreement, hereinabove referred to and hereto attached be and that same hereby is ratified, affirmed, and incorporated into this Ordinance.

3. That the property hereinabove described is by this Ordinance hereby annexed to and does by said Ordinance become part of the incorporated City of Bloomington, McLean County, Illinois and that the boundary of said City is hereby changed to include the property hereinabove described.

4. That the premises described in Exhibits B and C be hereby zoned as follows under Chapter 44 of the Bloomington City Code, to-wit: R-1A, Single Family Residential.

5. That this Ordinance shall be in full force from the date of its passage.

PASSED this 13th day of June 2016.
APPROVED this _____ day of June, 2016.

CITY OF BLOOMINGTON:

_____
Tari Renner, Mayor

ATTEST:

_____
Cherry L. Lawson, City Clerk

APPROVED AS TO FORM:

_____
Jeffrey Jurgens, Corporation Counsel

ANNEXATION AGREEMENT

Pursuant to legislative authorization found in Article 11 Division 15.1 of the Illinois Municipal Code of 1961 as amended, (65 ILCS 5/11-15.1-1 et seq.) and for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as "City" and Brian and Jessica Szarek, hereinafter referred to as "Owner" enter into this Annexation Agreement ("Agreement") for the annexation of property into the City.

WHEREAS, Owner is the owner of record of the premises hereinafter described on Exhibit A, which is attached hereto and made a part hereof by this reference; and

WHEREAS, the Owner is desirous of having said premises annexed to the City and the City is desirous of annexing said premises; and

WHEREAS, said premises is not within the corporate limits of any municipality, but is contiguous to the City; and

WHEREAS, the Owner is desirous of having said premises zoned **R-1A** upon annexation to the City; and

WHEREAS, the Owner has given all notices required to be given by Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1).

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the receipt and sufficiency of which are hereby acknowledged, the City and Owner agree as follows:

1. ANNEXATION PETITION.

Owner, subject to the terms and conditions set forth in this Agreement, has petitioned the City of Bloomington, requesting annexation of the property described on Exhibit "A" to the City's corporate limits. The City published and gave such notices and conducted such public hearings as are required to annex the premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

2. ANNEXATION.

The City agrees to adopt an ordinance annexing the property described on Exhibit "A" to the City of Bloomington.

3. ZONING.

City agrees to rezone the property to **R-1A** subsequent to any public hearings required by the City Code.

4. DEVELOPMENT OBLIGATIONS.

With regard to the annexation, and development of the premises, the installation of public improvements within and serving the premises; and the use and development of the premises during the life of this agreement, the following shall apply:

A. Sanitary Sewer. The premises shall be required to connect to the City's sanitary sewer within 6 months of execution of this Annexation Agreement and Owner shall be responsible for any and all tap on fees for connection to the sanitary sewer.

B. Water. The premises shall be required to connect to the City's water mains within 6 months of execution of this Annexation Agreement and Owner shall be responsible for any and all tap on fees for connection to the water mains.

C. Stormwater Detention. Owner shall provide onsite detention or pay a fee-in-lieu for storm water detention pursuant to the City Code in place at the time of annexation.

D. Parkland fee. Owner shall dedicate parkland or pay a fee-in-lieu for parkland dedication pursuant to the City Code in place at the time of annexation.

E. Annexation Fee. Owner shall pay an annexation fee pursuant Chapter 8.5 Section 205 of the City Code in place at the time of annexation.

F. City agrees to waive any substandard road fee pursuant to Chapter 8.5, Section 401(4) of the Bloomington City Code.

5. OBLIGATION TO DEVELOP PER CODE.

In the construction and use of improvements on the subject property the Owner shall comply with all zoning subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time.

6. ANNEXATION TO OTHER TAXING DISTRICTS.

That owner, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue the necessary petition to annex the property to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District.

7. COVENANTS AND AGREEMENTS

The covenants and agreements contained in this Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto.

8. TERM

The term of this Agreement shall be for twenty (20) years from and after the effective date of the annexation of the Subject Property.

9. NOTICES

Any and all notices required or desired to be given hereunder shall be in writing and shall be delivered personally or sent via certified or registered mail, postage pre-paid and addressed as follows:

City of Bloomington
Attn: City Manager
109 East Olive Street
Bloomington, IL 61701

Brian and Jessica Szarek
1418 Six Points Rd
Bloomington IL 61701

or to such other person or address as a party may designate in a like manner.

10. ADOPTION OF ORDINANCES

The City agrees to adopt such ordinances as may be required to give legal effect to the matters contained in this Agreement.

11. DORMANT SPECIAL SERVICE AREA

1. A dormant special service area will be established over the Property, with the cooperation and participation of the Owner, to provide for the on-site public improvements for the Property, as well as to pay for the costs and expenses directly or indirectly related in any way to the on-site public improvements, including, without limitation:

    a. construction, installation, repair, or maintenance of the on-site public improvements in the event that the Owner is for any reason unable to do so and there is inadequate or unavailable security to construct and install the on-site public improvements;

b. legal, engineering, and construction management expenses related to the construction, installation, repair, or maintenance of the on-site public improvements;

c. direct and indirect administrative expenses;

d. payment of public liability insurance premiums; or

e. reimbursement to the City for funds it expended or incurred to construct, install, repair, or maintain the on-site public improvements.

The Owner will pay for all costs incurred by the City in establishing the dormant special service area including, without limitation, the payment of all attorneys' fees incurred by the City in establishing the special service area as well as reimbursement to the City for any and all costs and expenses incurred by the City.

2. The City will have the automatic right to activate the dormant special service area and extend the taxes in association with the special service area upon the occurrence of any of the following events:

   a. failure of the Owner for any reason to complete such public improvements;

   b. inadequacy of the performance security established by the Owner as required by this Annexation Agreement; or

   c. failure or refusal by the bank to fulfill or otherwise honor the performance security established by the Owner as required by this Annexation Agreement.

3. By purchasing a lot in the Property, each purchaser of a lot, for himself or herself and his or her respective successors in title, forever waives any right to challenge the assessment or collection of a tax or assessment imposed by the City against the lot pursuant to a special service area established in accordance with this §11, provided such special service area is not amended in any way that requires a new public hearing.

4. The Declaration of Covenants for all lots in the Property will include similar language regarding the establishment of the special service areas.

5. Nothing in this section will prevent the Owner or any individual lot Owner from exercising his or her statutory right to object to the establishment or amendment of the Dormant Special Service Area.

6. Upon the City's formal acceptance of the on-site public improvements for the Property and the expiration of any maintenance guarantee period, as provided in §11 of this Annexation Agreement, the City will take all reasonable actions to have the Dormant Special Service Area dissolved. In no event will the City seek

the extension of the special service area tax after it has formally accepted the on-site public improvements for the Property and the expiration of any maintenance guarantee period.

12. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

A. Time of the Essence. Time is of the essence in the performance of this Agreement.

B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.

D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.

E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois.

F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.

G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.

J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.

K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.

L. Authority to Execute. The City hereby warrants and represents to the Owner that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owner hereby warrants and represents to the City (i) that they are the record and beneficial owners of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owner will (a) result in a breach or default under any agreement to which the Owner is a party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owner or the Property is subject.

M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owners agree that they will not seek, and do not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.

N. No Third Party Beneficiaries. No claim as a third party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owner.

O. Recording. After the Owner has paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.

EXECUTED and ADOPTED this ____ day of _____, 2016, at Bloomington, Illinois.

CITY OF BLOOMINGTON

By: _____
Tari Renner, Mayor

Attest:

By: :
City Clerk

OWNER: _____

_____

Exhibit "A"

Legal Description/PIN

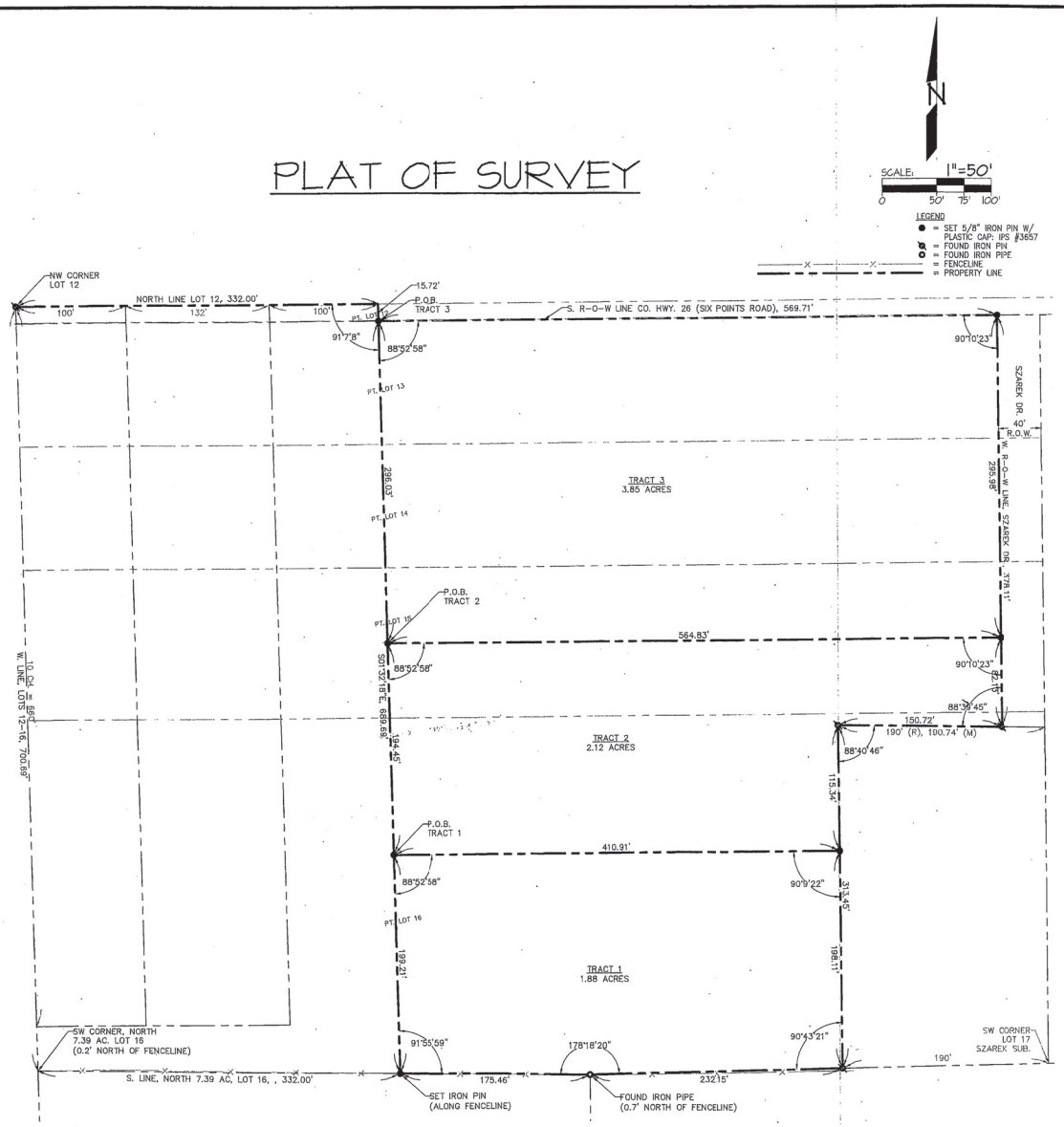
The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410.91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in McLean County, Illinois.

Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

PLAT OF SURVEY



Legal Descriptions:

TRACT 1:
The South 1.88 acres of the following described tract: A Part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (¼) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155. ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a Part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin at the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence, southerly, 15.72 feet along a line forming an angle to the right of 268°-52'-52" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 490.48 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 199.21 feet to an iron pin located 332 feet easterly of the Southwest corner of the North 7.39 acres of said Lot 16; thence, easterly 175.46 feet along a line forming an angle to the right of 91°-55'-59" with the last described course to an iron pinch pipe; thence, easterly 232.15 feet along a line forming an angle to the right of 178°-18'-20" with the last described course to an iron pin; thence, northerly, 198.11 feet along a line forming an angle to the right of 90°-43'-21" with the last described course to an iron pin; thence, westerly, 410.91 feet along a line forming an angle to the right of 90°-09'-22" with the last described course to the Point of Beginning, containing 1.88 acres more or less.

TRACT 2:
The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A Part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (¼) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155. ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a Part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin at the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence, southerly, 15.72 feet along a line forming an angle to the right of 268°-52'-52" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence, easterly, 410.91 feet along a line forming an angle to the right of 91°-07'-02" with the last described course to an iron pin; thence, northerly 115.34 feet along a line forming an angle to the right of 89°-50'-38" with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271°-19'-14" with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88°-39'-45" with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90°-10'-23" with the last described course to the Point of Beginning, containing 2.12 acres more or less.

TRACT 3:
EXCEPT for the South 4.00 acres therefrom of the following described tract: A Part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (¼) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a Part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin at the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence, southerly, 15.72 feet along a line forming an angle to the right of 268°-52'-52" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road, the Point of Beginning; thence, continuing southerly along the last described course, 296.03 feet to an iron pin; thence, easterly, 564.83 feet along a line forming an angle to the right of 91°-07'-02" with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly 295.98 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 89°-49'-37" with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26; thence, westerly, 569.71 feet along the South Right-of-Way Line of County Highway 26, said line forming an angle to the right of 90°-10'-23" with the last described course, to the Point of Beginning, containing 3.85 acres more or less.

I do hereby certify that in the month of December, 2006, a survey of the above described property was made under my direction, this professional service conforms to the current Illinois minimum standards for a boundary survey, and the plat hereon drawn is a correct representation of said survey.

02/22/07
Dated

Illinois Professional Land Surveyor No. 3657

STAMP

NO.	DATE	APPR.	REVISIONS DESCRIPTION

SCALE: 1" = 50'
DRAWN BY: JCS
DATE: 01/30/07
CHECKED BY: MAS
DATE: 01/30/07

PROJECT
BOUNDARY SURVEY
FOR ED SZAREK
PT. LOTS 12-16, SUB. NW1/4 SEC. 17, T.23N.-R.2E., 3RD P.M., McLEAN CO., IL

SHIVE-HATTERY ENGINEERS, Inc.
CONSULTING ENGINEERS & LAND SURVEYORS
2800 N. MATTIS AVENUE, SUITE 201, P.O. BOX 4811
CHAMPAIGN, ILLINOIS 61824-4811 (217) 351-4811
PROFESSIONAL DESIGN FIRM #184-001101 EXPIRES 04/30/2007

PROJECT NO.
610278

DATE STAMP

SHEET NUMBER
1

2007-00006792

L:\E-Projects\2006\2006052\dwg\2006052.dwg 2/1/2007 1:24:12 PM CST

PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS AND FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

State of Illinois)
) ss.
County of McLean)

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

Now come(s) Brian & Jessica Starek

hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit(s) A which is attached hereto made and a part hereof by this reference, and is (are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;

2. That said premises presently have a zoning classification of R-1 under the provisions of the McLean County Zoning Ordinance;

3. That there is attached hereto and made a part hereof a proposed Annexation Agreement between said City and your petitioner(s) which provides for the annexation of the premises described in Exhibit A to said City;

4. That said Annexation Agreement provides that, upon annexation of said premises to said City, said premises would be zoned as follows under the provisions of Chapter 44 of the Bloomington City Code-1960, as amended: R-1A;

5. That your petitioner(s) hereby requests that they Honorable Mayor and City Council of the City of Bloomington, McLean County, Illinois approve said Annexation Agreement, annex said premises to said City and amend the Official Zoning Map of said City to reclassify said premises into the zoning district classification;

6. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the zoning of said premises to the A-Agriculture District; and

7. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner(s) by the zoning of said premises to the A-Agriculture District.

WHEREFORE, your petitioner(s) respectfully pray(s) that said Annexation Agreement be approved, that said premises be annexed to the City of Bloomington, McLean County, Illinois, and that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above described premises to_____

Respectfully submitted,

By Brian & Jessica Szarek

_____

_____

Exhibit "A"

Legal Description/PIN

The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410.91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in McLean County, Illinois.

Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

OWNER'S CERTIFICATE

State of Illinois)
)ss.
County of McLean)

KNOW ALL MEN BY THESE PRESENTS, That we Brian + Jessica Szarek, hereby certifies that it is the owner of the premises described in Exhibit A attached hereto and incorporated herein, which is the subject of a certain Petition for Annexation to the City of Bloomington, McLean County, Illinois, and for Amendment of the Official Zoning Map of the City of Bloomington, McLean County, Illinois, which is depicted by the Annexation Plat prepared by Land Engineers, LLC on 3/16/2007.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this 4 day of April, 2016.

Name: B. Szarek, Jessica Szarek
By: _____
(Seal)

NOTARY CERTIFICATE

State of Illinois)
)ss.
County of McLean)

I, Dorothea L Stockle, a Notary Public in and for the county and State aforesaid, do hereby certify that Brian & Jessica Szarek personally known to be the same person whose name is subscribed to the foregoing owner's statement, appeared before me, this day, in person and acknowledged the execution of this statement as his free and voluntary act.

Given under my hand and notarial seal this 4th day of April, 2016.

Dorothea L Stockle
Notary Public

My commission expires 11 April 2020.

Official Seal
Dorothea L Stockle
Notary Public State of Illinois
My Commission Expires 04/11/2020

EcoCAT
Ecological Compliance Assessment Tool

ILLINOIS DEPARTMENT OF NATURAL RESOURCES

Applicant: Brian Szarek
Contact: Jessica Szarek
Address: 1418 Six Points Road
Bloomington, IL 61701

Project: Homestead
Address: 24 Szarek Drive, Bloomington

IDNR Project Number: 1609219
Date: 04/04/2016

Description: New Residential Home on a 2.12 acres lot.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

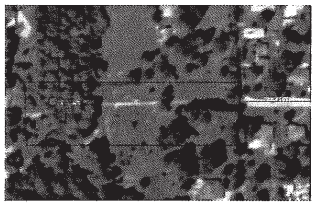
Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: McLean

Township, Range, Section:
23N, 2E, 17



IL Department of Natural Resources Contact
Natalia Jones
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
City of Bloomington
Renee Gooderman
109 Olive Street
Bloomington, Illinois 61701

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

Affidavit

Brian M. Szarek, being first duly sworn on oath, deposes and states as follows:

1. That he served copies of said Notice of Annexation Petition upon the following persons:

Tom Willan, Chief, Bloomington Township Fire Protection District, 14880 Old Colonial Rd, Bloomington IL 61705;
Rodney Boester, Commissioner, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Lynna Bonnel, Trustee, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Donald Kratz, Trustee, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Michael O'Shea, Sr., Trustee, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Christopher Witte, Trustee, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Randall Stein, Executive Director, Bloomington-Normal Water reclamation District, PO box 3307, Bloomington, IL 61702-3307;
Carl Olson, Executive Director, Bloomington-Normal Airport Authority, 3201 CIRa Dr, Bloomington IL 61704;
Mark Daniel, Superintendent, McLean County Unit District #5, 1809 W Hovey, Normal IL 61761

by placing a true and correct copy of said notice in an envelope addressed as shown above, addressed certified mail, return receipt requested, sealing said envelopes and placing sufficient US postage on each and depositing said envelopes so sealed and stamped in the United States Mail at Bloomington, Illinois on the 2nd day of April 2016.

Brian M.. Szarek, Petitioner

Subscribed and **Sworn** to before me this 2nd. day of March, 2016.

Official Seal
J Michael Grosso
Notary Public State of Illinois
My Commission Expires 11/15/2019

Notary Public

NOTICE OF PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON,
MCLEAN COUNTY, ILLINOIS

AND FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF BLOOMINGTON,
MCLEAN COUNTY, ILLINOIS

State of Illinois)
) ss.
County of McLean)

TO:

Bloomington Township Fire Protection District
Tom Willan, Chief
14880 Old Colonial Rd
Bloomington IL 61705

Bloomington-Normal Airport Authority
Carl Olson, Executive Director
3201 CIRA Dr
Bloomington IL 61704

Bloomington Township
Rodney Boester, Commissioner
Lynna Bonnell, Trustee
Donald Kratz, Trustee
Michael O'Shea, Sr., Trustee
Christopher Witte, Trustee
Bloomington Township Building
2501 Fox Creek Rd'
Bloomington IL 61705

McLean County Unit District #5
Mark Daniel, Superintendent
1809 W. Hovey
Normal IL 61761

Bloomington-Normal Water Reclamation District
Randall Stein, Executive Director
PO Box 3307
Bloomington IL 61702-3307

Now come **Brian M. Szarek** and **Jessica L. Szarek**, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioner are the owners of the freehold or lesser estate therein of the premises hereinafter legally described as:

> The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:
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described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410.91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in McLean County, Illinois.

Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

and are petitioning for annexation to the City of Bloomington;

2. That said premises presently have a zoning classification of R-1, which your petitioners are requesting be changed to a zoning classification of R-1A;

3. That the proposed changes are scheduled to be discussed at a meeting held by the Planning Commission of the City of Bloomington on 27 April 2016.

Brian M. Szarek, Petitioner

Jessica L. Szarek, Petitioner

Subscribed and **Sworn** to before me this 2nd. day of March, 2016.

Official Seal
J Michael Grosso
Notary Public State of Illinois
My Commission Expires 11/15/2019

Notary Public

NOTICE OF PETITION FOR ANNEXATION TO THE CITY OF BLOOMINGTON,
MCLEAN COUNTY, ILLINOIS

AND FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF BLOOMINGTON,
MCLEAN COUNTY, ILLINOIS

State of Illinois)
) ss.
County of McLean)

TO:

Bloomington Township Fire Protection District
Tom Willan, Chief
14880 Old Colonial Rd
Bloomington IL 61705

Bloomington-Normal Airport Authority
Carl Olson, Executive Director
3201 CIRA Dr
Bloomington IL 61704

Bloomington Township
Deborah L. Skillrud, Township Supervisor
Kathy Michael, Township Clerk
Rodney Boester, Commissioner
Lynna Bonnell, Trustee
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Michael O'Shea, Sr., Trustee
Christopher Witte, Trustee
Bloomington Township Building
2501 Fox Creek Rd
Bloomington IL 61705

McLean County Unit District #5
Mark Daniel, Superintendent
1809 W. Hovey
Normal IL 61761

Bloomington Public Library
Georgie Bouda, Director
205 E Olive St
Bloomington IL 61701

Bloomington-Normal Water Reclamation District
Randall Stein, Executive Director
PO Box 3307
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Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

and are petitioning for annexation to the City of Bloomington;

2. That said premises presently have a zoning classification of R-1, which your petitioners are requesting be changed to a zoning classification of R-1A;

3. That the proposed changes are scheduled to be discussed at a meeting held by the Planning Commission of the City of Bloomington on 27 April 2016.

4. That the proposed changes are scheduled to be discussed at a meeting held by the City Council of the City of Bloomington on 13 June 2016

Brian M. Szarek, Petitioner

Jessica L. Szarek, Petitioner

Subscribed and Sworn to before me this 20th day of May, 2016.

Official Seal
Dorothea L Stockie
Notary Public State of Illinois
My Commission Expires 04/11/2020

Notary Public

Affidavit

Brian M. Szarek, being first duly sworn on oath, deposes and states as follows:

1. That he served copies of said Notice of Annexation Petition upon the following persons:

Tom Willan, Chief, Bloomington Township Fire Protection District, 14880 Old Colonial Rd, Bloomington IL 61705;
Deborah I. Skillrud, Supervisor, Bloomington Township, 2501 Fox Creek Rd, Bloomington IL 61705;
Kathy Michael, Clerk, Bloomington Township, 2501 Fox Creek Rd, Bloomington IL 61705
Rodney Boester, Commissioner, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Lynna Bonnel, Trustee, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Donald Kratz, Trustee, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Michael O'Shea, Sr., Trustee, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Christopher Witte, Trustee, Bloomington Township, 2501 Fox Creek Rd, Bloomington, IL 61705;
Randall Stein, Executive Director, Bloomington-Normal Water reclamation District, PO box 3307, Bloomington, IL 61702-3307;
Carl Olson, Executive Director, Bloomington-Normal Airport Authority, 3201 CIRA Dr, Bloomington IL 61704;
Mark Daniel, Superintendent, McLean County Unit District #5, 1809 W Hovey, Normal IL 61761;
Georgie Bouda, Library Director, Bloomington Public Library, 205 E Olive St, Bloomington IL 61701.

by placing a true and correct copy of said notice in an envelope addressed as shown above, addressed certified mail, return receipt requested, sealing said envelopes and placing sufficient US postage on each and depositing said envelopes so sealed and stamped in the United States Mail at Bloomington, Illinois on the 21st day of May 2016.

Brian M.. Szarek, Petitioner

Subscribed and Sworn to before me this 20th day of May, 2016.

Official Seal
Dorothea L Stockle
Notary Public State of Illinois
My Commission Expires 04/1 1/2020

Notary Public

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes Brian & Jessica Szarek, hereinafter referred to as your petitioner(s), respectfully representing and requesting as follows:

1. That your petitioner(s) is (are) the owner(s) of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;

2. That said premises legally described in Exhibit "A" presently has a zoning classification of R-1 under the provisions of Chapter 44 of the Bloomington City Code, 1960;

3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;

4. That your petitioner(s) hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the City of Bloomington zoning district classification;

5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and

6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioner(s) by the present zoning of said premises.

WHEREFORE, your petitioner(s) respectfully pray(s) that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from Brian + Jessica Szarek.

Respectfully submitted,

By: Brian & Jessica Szarek

Exhibit "A"

Legal Description/PIN

The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410.91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in McLean County, Illinois.

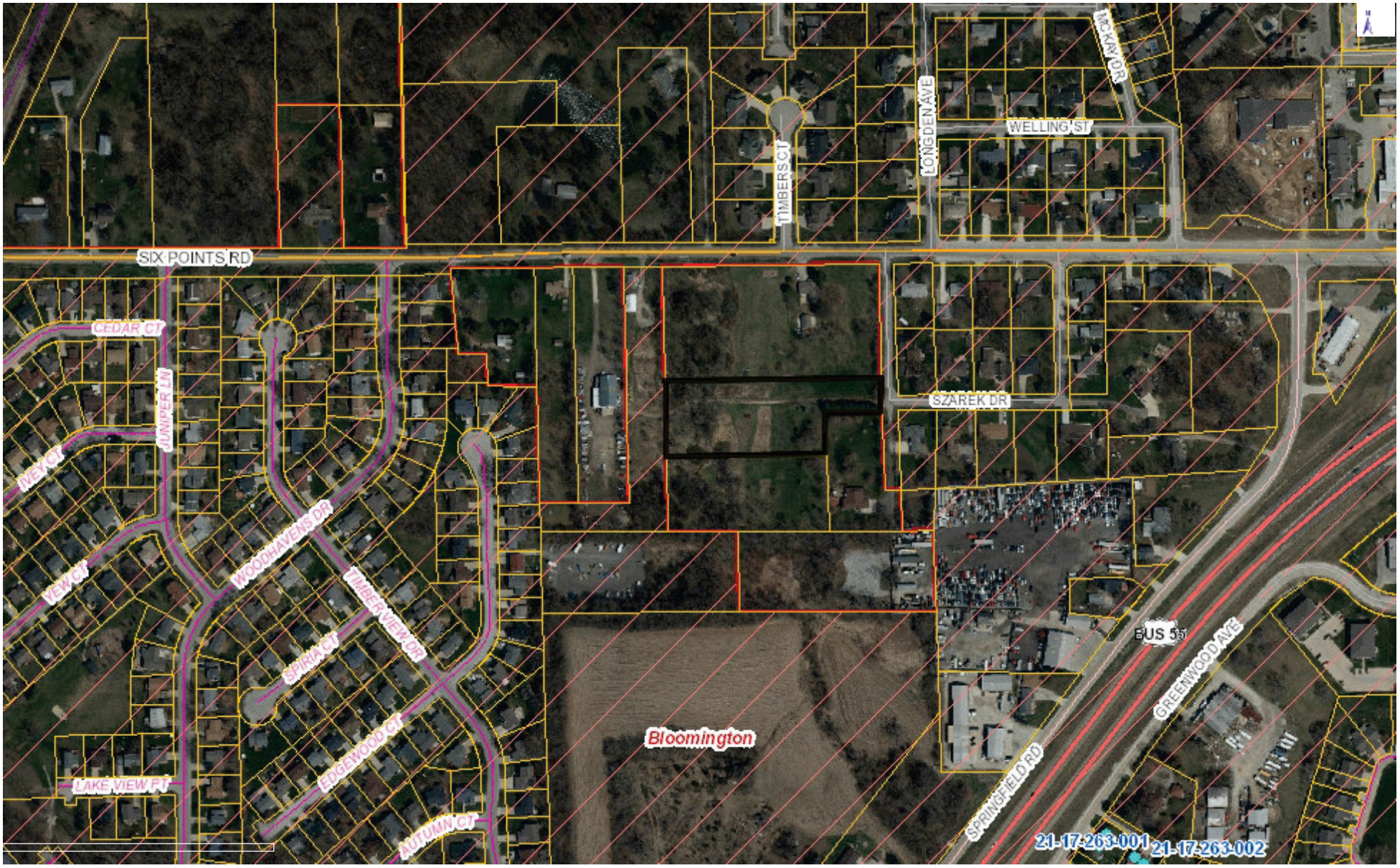
Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

Section 44.6-30
Permitted Uses in the R-1A District

Agency-Operated Family Homes	P
Agriculture	P
Cemeteries	S
Churches, Synagogues, Temples	S
Columbarium	S
Country Clubs, Golf Clubs	S
Day Care Centers	S
Dwellings, Single-Family	P
Electricity Regulating Substations	P
Flammable Liquid Pipelines	P
Forestry	P
Gas Regulatory Stations	P
Golf Courses - Not Miniature Golf	S
Group Homes for Parolees	S
Group Homes for Parolees	S
Irrigation Channels	P
Nursery Schools	S
Parking Lot, Noncommercial	S
Parks, Playgrounds, Aboretums	P
Police Stations, Fire Stations	P
Postal Services	P
Pre-Schools	S
Religious Education Facility	S
Sewage Lift Stations	P
Swimming Pools	S
Telecommunication Antenna Facilities	S
Telephone Exchange Substations	S
Utility Conduits, Lines, Pipelines	P
Water Pressure Control Stations	P
Water Purification Plants	P
Water Storage Reservoirs	P

Aerial View-2.12 Acres Szarek Road. Annexation and Rezoning



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1: 5,616

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Printed: 4/20/2016 11:20:44 AM

Notes

Property outlined in Black. Unicorporated outlined in Red. Incorporated covered in red hash marks

CITY OF BLOOMINGTON
REPORT FOR THE PLANNING COMMISSION
APRIL 27, 2016

SUBJECT:	TYPE:	SUBMITTED BY:
Z-11-16 Annexation and Rezoning for approximately 2.12 acres west of Szarek Drive and south of Six Points Road.	Annexation and Rezoning to R-1A for approximately 2.12 acres west of Szarek Drive and south of Six Points Road.	Katie Simpson City Planner

REQUEST
The petitioner is seeking approval of an Annexation Agreement and Rezoning of approximately 2.12 acres located west of Szarek Drive and south of Six Points Road.

NOTICE
The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION
Owner and Applicant: Brian and Jessica Szarek

PROPERTY INFORMATION
Existing Zoning: R-1 (unincorporated)
Existing Land Use: Vacant

Surrounding Zoning and Land Uses

Zoning	Land Uses
North: R-1, Single Family Residential (unicorporated)	North: Single-family residence
South: R-1, Single Family Residential (unicorporated)	South: Single-family residence
East: R-1B, Medium Density Single Family Residential	East: Single-family residences
West: R-1A, Low Density Single Family Residential	West: Single-family houses

PROJECT DESCRIPTION
The subject property is approximately 2.12 acres of unincorporated land. The petitioner is proposing to improve the property with a Single-Family Residence. The petitioner will need water and sewer provided by the City of Bloomington, and, therefore, is seeking annexation into the City. Traditionally annexed land is zoned A-Agriculture, therefore the petitioner is also seeking a rezoning to R-1A, Low Density Single Family Residential. The proposed zoning is compatible with neighboring uses and zonings.

ANALYSIS
Submittals
This report is based on the following documents, which are on file with the Community Development Department:

1. Annexation Agreement
2. Petition for a Zoning Map Amendment
3. Plat for property being rezoned
4. Aerial photographs

Compliance with the Comprehensive Plan
The Comprehensive Plan 2035 envisions the subject property as New Neighborhood and encourages the City to "ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington (pg. 61).

Findings of Fact: Pursuant to Chapter 8.5 Section 203(d) of the City's Code "The Planning Commission shall consider the amendment to the Official Zoning Map for the City of Bloomington, McLean County and shall recommend the adoption of such amendment unless the Commission finds that such amendment is not in the public or is solely for the benefit of the person requesting such amendment". In making such a finding the Planning Commission may consider:

1. *The suitability of the subject property for uses authorized by the existing zoning;* the property is currently zoned R-1 (unincorporated), the petitioner is proposing to construct a single family house. The zoning is suitable, the standard is met.

2. *The length of time the property has remained vacant as zoned considered in the context of land development in the area;* the property has never been developed. Neighboring development is of single-family houses, this is the trend of development in the area. The standard is met.

3. *The suitability of the subject property for uses authorized in the proposed zoning;* the R-1A District contemplates large lot single family houses. The R-1A district allows for approximately 2 dwelling units per acre. The standard is met.

4. *The existing land uses of nearby property;* the proposed rezoning and proposed development are compatible with neighboring uses and zoning districts. The standard is met.

5. *Existing zoning of nearby property, relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application;* the property owner wishes to develop the property. Recently, the City has taken the position that it will allow access to water and sewer for unincorporated properties on the condition that said properties are annexed into the City. The rezoning should have little impact on neighboring properties. The standard is met.

6. *The extent to which adequate streets connected to the arterial street system are available or can be reasonably supplied to serve the uses permitted in the proposed zoning district;* the R-1A zoning district is one of the lesser intense zoning classifications in our Code.

Streets provide adequate connectivity to accommodate the proposed zoning. The standard is met.

7. *The extent to which the proposed amendment is consistent with the need to minimize flood damage and whether the development of the subject property for uses permitted in the proposed zoning classification would have a substantial detrimental effect on the drainage patterns in the area;* the petitioner is addressing detention and drainage in their development; the development is of low intensity. The standard is met.

8. *The extent to which adequate services (including but not limited to fire and police protection, schools, water supply, and sewage disposal facilities) are available or can be supplied to serve the uses permitted in the proposed zoning classification; and*

9. *The extent to which the proposed amendment is consistent with the public interest, giving due consideration for the purpose and intent of Chapter 44, Article 2.00 of the Bloomington City Code-1960, including the following specific purposes:*

    a. *To conserve and protect the taxable value of land and structures;*
    b. *To protect the air, water, and land resources within the City from the hazards of pollution and misuse;*
    c. *To protect land and structures from natural hazards; including flooding and erosion;*
    d. *To preserve and protect historic locations, structures and groups*
    e. *To preserve and protect and encourage the development of structures, groups of structures, and neighborhoods of distinctive architectural character and appearance;*
    f. *To provide for the orderly and functional arrangement of land uses and structures;*
    g. *To establish standards for the orderly development or redevelopment of geographic areas within the City;*
    h. *To secure for the public locations for housing, employment, shopping, education, and recreation that are adequate in terms of health, safety, convenience and number;*
    i. *To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public facilities;*
    j. *To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;*
    k. *To permit public involvement in the planning of private land uses which have the potential for significant impact on the use of enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington; and*
    l. *To promote the Official Comprehensive Plan adopted by the City of Bloomington.*

The above standard and sub-clauses are met. Recently the City has taken the position that it will require unincorporated properties that desire to tap-on to City utilities and water, to be annexed into the City. The proposed annexation is in agreement with Standards 8 and 9 as outlined in Chapter 8.5 Section 203 (d).

The following impact fees should be included in the Annexation Agreement under the section titled "Development Obligations" prior to Council's review:

D. Parkland fee. Owner shall pay a fee-in-lieu for parkland dedication pursuant to the City Code in place at the time of annexation.

E. Annexation Fee. Owner shall pay an annexation fee pursuant Chapter 8.5 Section 205 of the City Code in place at the time of annexation.

F. Substandard Road Fee. Owner agrees to reimburse City, at the time of construction for one-half the construction cost of the improvement of all public streets that are adjacent to said premises from their present condition to a 30 foot wide improved street with curb and gutter for the full extent that such streets are adjacent to said premises. For purposes of definition of this agreement, streets shall be considered adjacent to said premises if:

a. any portion of said streets are contiguous to any portion of said premises; or
b. said streets are either necessary or the most convenient route for ingress to and egress from said premises.
c. the length of the street(s) which the owner is responsible under paragraph (b) above shall not be limited to that portion which is contiguous to said premises; it shall extend to that portion of the street (s) for which the cost is fairly apportionable to said premises, using frontage, area, or other reasonable methods of determination.

STAFF RECOMMENDATION:
Staff recommends the Planning Commission pass a motion recommending that the City Council **approve** Case Z-11-16 a petition for the Annexation and Rezoning of 2.12 acres located west of Szarek Drive and south of Six Points Road.

Respectfully submitted,

Katie Simpson
City Planner

Attachments:

1. Annexation Agreement
2. Annexation Petition
3. Rezoning Petition
4. Legal Description "Exhibit A"
5. Owners Certificate
6. Natural Resources Review
7. Notice Affidavit
8. Plat
9. Aerial View
10. Zoning Map
11. Neighborhood Notification and Notification List

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 27, 2016, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. Balmer, Mr. Barnett, Mr. Pearson, Mr. Protzman, Ms. Schubert, Mr. Scritchlow, Chairman Stanczak

MEMBERS ABSENT: Mr. Suess

OTHERS PRESENT: Mr. Tom Dabareiner, Community Development Director; Ms. Katie Simpson, City Planner; Mr. George Boyle, City Attorney

CALL TO ORDER: Chairman Stanczak called the meeting to order at 4:00 P.M.

ROLL CALL: Mr. Dabareiner called the roll. A quorum was present.

PUBLIC COMMENT: There being no public comments the Commission moved on to approval of the minutes.

MINUTES: The Commission reviewed the April 13, 2016 minutes. Mr. Protzman moved to approve the April 13, 2016 minutes; Mr. Scritchlow seconded the motion, which passed unanimously by a voice vote of 7-0.

REGULAR AGENDA:

Z-11-16. Public hearing, review and action on the petition submitted by Brian and Jessica Szarek requesting the annexation and rezoning of property commonly located west of Szarek Drive and south of Six Points Road, approximately 2.12 acres.

Chairman Stanczak introduced the case. Ms. Simpson presented City Staff's report and recommended in favor of the proposal. Ms. Simpson reviewed the request for annexation and rezoning, the surrounding uses and explained why rezoning the R-1A Low Density Single Family Residence District was appropriate for the rezoning from the automatic Agricultural zoning upon annexation. She reviewed the standards for rezoning the property and concluded that the standards were met by this proposal.

The petitioner, Brian Szarek, 1418 Six Points Road, was sworn in. He briefly describe his proposal for annexation and rezoning. No others spoke in favor or against.

Mr. Scritchlow asked about the need for a substandard road fee and clarification on the purpose of the dormant special services area. Ms. Simpson indicated staff was working the City's engineers to resolve this question. Mr. Dabareiner provided an explanation about the special

services area. Chairman Stanzcak confirmed with staff that these fees and provisions were more common for larger developments.

Chairman Stanzcak closed the public hearing. Mr. Scritchlow indicated he would be abstaining from voting. Mr. Pearson motioned to approve the annexation and rezoning requests; seconded by Mr. Barnett. The motion to recommend passed by a vote of 6-0-1 with the following votes being cast on roll call: Mr. Pearson-yes; Mr. Barnett -yes; Mr. Balmer-yes; Mr. Protzman-yes; Ms. Schubert-yes; Mr. Scritchlow-abstain; Chairman Stanczak-yes.

Department of Community Development
115 E Washington St, Ste 201
Bloomington IL 61701

April 13, 2016

Dear Property Owner or Resident:

The City of Bloomington Planning Commission will hold a public hearing on **Wednesday, April 27, 2016 at 4:00 p.m. in the Council Chambers of City Hall Building, 109 E. Olive St., Bloomington, Illinois** for a petition submitted by **Brian and Jessica Szarek** requesting 1) the annexation of property commonly located on Szarek Drive; and 2) the rezoning of the annexed property from R-1 (County) to R-1A, Low Density Single Family Residential. A legal description of the property is attached to this letter.

You are receiving this notification since you own property within a 500 foot radius of the land described above (refer to map on back). All interested persons may present their views upon matters pertaining to the requested rezoning during the public hearing.

In compliance with the Americans with Disabilities Act and other applicable federal and state laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact the City Clerk at (309) 434-2240, preferably no later than five days before the hearing.

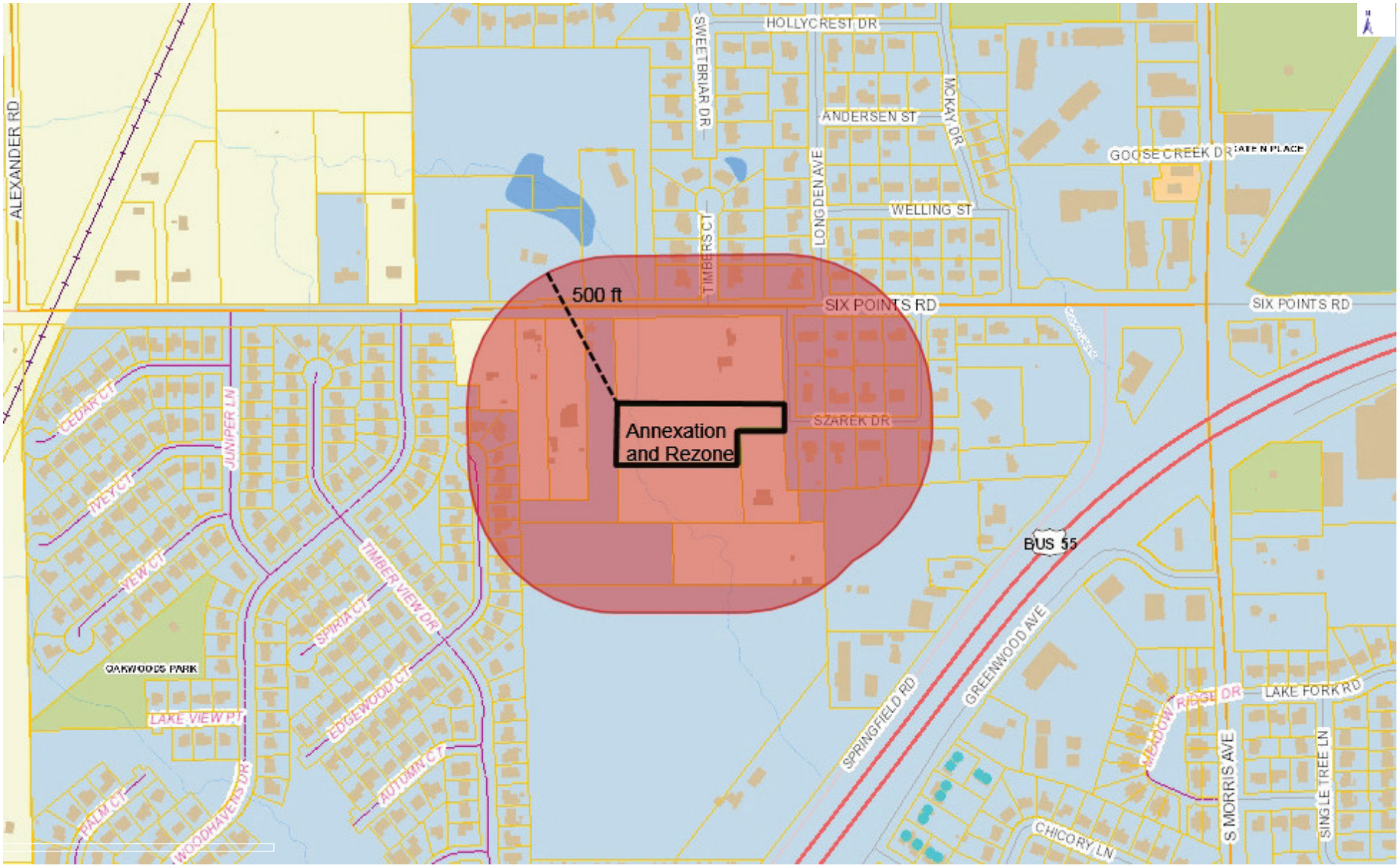
Please note that cases are sometimes continued or postponed for various reasons (i.e lack of quorum, additional time needed, etc.). The date and circumstance of the continued or postponed hearing will be announced at the regularly scheduled meeting. The hearing's agenda will be available at www.cityblm.org. If you desire more information regarding the proposed petition or have any questions you may contact me by phone, (309) 434-2226, or email, ksimpson@cityblm.org.

Sincerely,

Katie Simpson
City Planner

Attachments:
Location Map
Legal Description of property

Location Map and 500 ft buffer for 24 Szarek Dr



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1: 7,274

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Notes

Petition to Annex and Rezone property outlined in Black. Notifications sent to property owners w/in 500 ft.

Exhibit "A"

Legal Description/PIN

The South 4.00 acres EXCEPT for the South 1.88 acres therefrom of the following described tract: A part of Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 in the Subdivision of the Northwest Quarter (1/4) of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, according to the plat thereof recorded in Book 37 of Deeds, page 93, EXCEPTING therefrom the West 332 feet of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 according to Warranty Deed 21827 recorded in Book 573 of Deeds, page 155, ALSO EXCEPTING therefrom that part of said Lots 12, 13, 14 and 15 and 7.39 acres off the North side of Lot 16 recorded as part of Szarek's Subdivision of a part of the Northeast and Northwest Quarters of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows:

Commencing at an iron pin a the Northwest Corner of said Lot 12; thence, easterly along the North Line of said Lot 12, 332 feet; thence southerly, 15.72 feet along a line forming an angle to the right of 268 degrees, 52 minutes, 52 seconds with the last described course to an iron pin on the South Right-of-Way Line of County Highway 26, commonly known as Six Points Road; thence, continuing southerly along the last described course, 296.03 feet to an iron pin at the Point of Beginning; thence, continuing southerly along the last described course, 194.45 feet to an iron pin; thence easterly, 410.91 feet along a line forming an angle to the right of 91 degrees, 07 minutes, 02 seconds with the last described course to an iron pin; thence, northerly 115.35 feet along a line forming an angle to the right of 89 degrees, 50 minutes, 38 seconds with the last described course to an iron pin; thence, easterly, 150.72 feet along a line forming an angle to the right of 271 degrees, 19 minutes, 14 seconds with the last described course to an iron pin on the West Right-of-Way Line of Szarek Drive; thence, northerly, 82.13 feet along the West Right-of-Way Line of Szarek Drive, said line forming an angle to the right of 88 degrees, 39 minutes, 45 seconds with the last described course, to an iron pin; thence, westerly, 564.83 feet along a line forming an angle to the right of 90 degrees, 10 minutes, 23 seconds with the last described course to the Point of Beginning, containing 2.12 acres more or less, in McLean County, Illinois.

Tax ID #: 12-17-126-036,

and commonly known as: Vacant Land on Six Points Road, Bloomington, Illinois

PIN	LINE1	LINE2	LINE3
2108376041	% DOUGLAS R & VALERIE S MUDD LAUHER TRUST % FORREST DEANE & JEANNE MARIE LAUHER	4333 MCPHERSON	SAINT LOUIS MO 63108
2108376039	BRUCE COTRUSTEE	1421 SIX POINTS RD	BLOOMINGTON IL 617019523
2108376037	% LARRY BIELFELDT D MCLT LDB-52 MCLT LDB25	3004 GE RD, STE 1	BLOOMINGTON IL 61704
2117126012	BRADLEY S GILMORE	1 EDGEWOOD CT	BLOOMINGTON IL 617017835
2117126008	CARLA HANING	27215 BOYNTON RD	DELAVAN IL 617341553
2117201027	CHARLES F & PAMELA R WOMACK	4 SZAREK DR	BLOOMINGTON IL 61701
2117126028	DANIEL & AUDRA STOLZOFF	18 EDGEWOOD CT	BLOOMINGTON IL 61704
2117126026	DAVID L BOYLAN	14 Edgewood Ct	Bloomington IL 617017833
2117126037	DOUGLAS A & MIKELEEN M MEANS	1406 Six Points Rd	Bloomington IL 617019522
2108376038	DOUGLAS R MUDD	1413 SIX POINTS RD	BLOOMINGTON IL 617019523
2117202002	ERIC R & JANET C KIBLER	2208 BERRYWOOD LN	BLOOMINGTON IL 617042448
2117126014	ERIK MEYER	11 EDGEWOOD CT	BLOOMINGTON IL 61701
2117127002	GERALD & MARY DETLOFF	16 SZAREK	BLOOMINGTON IL 61701
2117201016	HAROLD D OTTO	11 SZAREK DR.	BLOOMINGTON IL 617018323
2117201015	HAROLD OTTO	11 SZAREK DR	BLOOMINGTON IL 617018323
2117126023	HERMINIO & MARIA BONILLA	8 EDGEWOOD CT	BLOOMINGTON IL 617017833
2108376036	JEFFREY & ANDREA FLAIRTY	9 TIMBERS CT	BLOOMINGTON IL 61704
2117126027	JODI BLOOMINGTON	1716 R T DUNN DR STE 4	BLOOMINGTON IL 617018730
2117128003	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126003	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126002	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126036	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 617018323
2117126035	JOSEPH & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 61701
2117126010	JOSEPH M & CINDY SZAREK	18 SZAREK DR	BLOOMINGTON IL 617018323
2108378020	JOSEPH MARTIN	1803 LONGDEN AVE	BLOOMINGTON IL 61701
2117202004	KENNETH & ANGELA DETLOFF	13 SZAREK DR	BLOOMINGTON IL 617018323
2117202005	KEVIN AUSKINGS	10 SZAREK DR	BLOOMINGTON IL 617018323
2117202003	KEVIN G & CYNTHIA J ADKINS	1306 SIX POINTS RD	BLOOMINGTON IL 61701
2117128001	KIM PEREIRA	17 Szarek Dr	Bloomington IL 617018323
2117126022	KRISTI A LANARI	6 EDGEWOOD CT	BLOOMINGTON IL 617017833
2117201014	LINDA KERZ	12 SZAREK DR	BLOOMINGTON IL 617018323
2117202006	LOUISE M DEVARY	7 SZAREK DR	BLOOMINGTON IL 617018323
2117201011	MARGIE CASEY	3 SZAREK DR	BLOOMINGTON IL 617018323

2108376035	MATTHEW & MARY ANDERSON	7 Timbers Ct	Bloomington IL 617019024
2117126001	Michael & Catherine Fulton	3317 Fox Creek Rd	Bloomington IL 617055285
2117201029	NEIL A GAUGER TRUSTEE	2233 SPRINGFIELD RD	BLOOMINGTON IL 617018339
2117126006	NEIL A GAUGER TRUSTEE	2233 SPRINGFIELD RD	BLOOMINGTON IL 617018339
2117126005	OAKWOODS HOMEOWNERS ASSN	PO BOX 344	BLOOMINGTON IL 61702
2117152038	OAKWOODS HOMEOWNERS ASSN OF BLOOMINGTON INC	PO BOX 344	BLOOMINGTON IL 61702
2117126011	OAKWOODS HOMEOWNERS ASSOCIATION	PO BOX 344	BLOOMINGTON IL 61702
2117202001	PAUL D & NORMA MILLER	1310 SIX POINTS RD	BLOOMINGTON IL 61701
2117126013	PETER D BOWMAN	9 EDGEWOOD CT	BLOOMINGTON IL 61701
2117126020	PHILLIP D & GLORIA ZEHR	2 EDGEWOOD CT	BLOOMINGTON IL 617017833
2117126007	PINEHURST DEVELOPMENT	2203 EASTLAND DR STE 1	BLOOMINGTON IL 617047924
2117201017	RICHARD A & KIMBERLY A FILTER	5 SZAREK DR	BLOOMINGTON IL 617018323
2108455009	ROBERT E GASS	1307 SIX POINTS RD	BLOOMINGTON IL 617018360
2108455008	ROBIN GORHAM	1309 SIX POINTS RD	BLOOMINGTON IL 617018360
2108455007	RONALD E FOGGY	1311 SIX POINTS RD	BLOOMINGTON IL 617018361
2108378021	RONALD EUGENE & LOU ANN TRUST SWEATMAN	1805 LONGDEN AVE	BLOOMINGTON IL 617018308
2117127001	ROY DAVID & JO ANN FARRELL	1312 SIX POINTS RD	BLOOMINGTON IL 617018322
2117126024	RUSSELL & KELLEY KARIS	10 EDGEWOOD CT	BLOOMINGTON IL 61701
2108378015	Scott A. & Sarah Highfill	8 Timbers Ct	Bloomington IL 617019024
2117126029	TOM JONES JR	20 Edgewood Ct	Bloomington IL 617017833
2108378016	VIRGIL LEE THOMAS TRUSTEE	10 TIMBERS CT	BLOOMINGTON IL 617019024
2117126025	WENDY J SHORT	12 EDGEWOOD CT	BLOOMINGTON IL 617017833
2117126021	WILLIAM A & CRYSTAL A DITHEN	4 EDGEWOOD CT	BLOOMINGTON IL 61704

REGULAR AGENDA ITEM NO. 9C

FOR COUNCIL: June 13, 2016

SUBJECT: Consideration of an Ordinance Amending Chapter 6 of the Bloomington City Code to Provide for Video Gaming Licensing.

RECOMMENDATION/MOTION: That the Ordinance amending Chapter 6 of the Bloomington City Code to provide for video gaming licensing be adopted, and that the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially Sound City Providing Quality Basic Services.

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

BACKGROUND: In July, 2009, the State legislature adopted the Video Gaming Act, which permitted video gaming within the State of Illinois. In July, 2012, the City amended its code to allow video gaming in Bloomington. The proposed ordinance requires the licensing of gaming establishments and provides for a $500.00 fee per video gaming terminal. This fee would equal about 2.5% of the average annual profit of approximately $19,500 per terminal. Funds from the terminal fees are to be directed toward payment of police and firefighter pensions. Alternatively, the Council could direct the fees to be deposited directly into the General Fund. Licensed veteran's establishments (e.g., VFW and American Legion) are exempted from the fee provision of the Ordinance.

As of December, 2015, there were 59 establishments with video gaming in the City of Bloomington, with a total of 253 video gaming terminals. As shown on the attached summary based on the Illinois Gaming Board website, total profits paid to licensed establishments in Bloomington exceeded $4,900,000, the average establishment profit from video gaming was approximately $83,800. With an average of 4.29 terminals per establishment, the average per terminal income for calendar year 2015 was approximately $19,500 per terminal.

In December, 2015, the First District Appellate Court upheld a similar home-rule ordinance regulating video gaming and charging a $1,000 per terminal licensing fee. *See* Accel Entertainment Gaming, LLC v. Village of Elmwood Park, 2015 IL (1st) 143822. The Court found that the Ordinance was a valid use of the municipality's home-rule powers in that it promoted the health, safety and general welfare of residents.

As an alternative to the $500 fee proposed in the ordinance, Council may choose to adopt a $200 per terminal fee. This would be equivalent to the per terminal fee charged by the Town of Normal.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There have been several Liquor Commission meetings at which video gaming licensing and terminal fees were discussed. A public hearing was held on February 9, 2016, at the regular monthly meeting of the Liquor Commission. At the March 8, 2016, Liquor Commission meeting, public comment was taken regarding video gaming and terminal fees. The fees were also discussed at

the April 12, 2016, Liquor Commission meeting and at the April 25, 2016, meeting.

FINANCIAL IMPACT: Based on 253 machines at an annual fee of $500, it is estimated that $126,500 would be collected annually. If the Council chose a per terminal fee of $200, the estimated amount of terminal fees would be $50,600.

Respectfully submitted for Council consideration.

Prepared by: George D. Boyle, Assistant Corporation

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

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales City
Manager

Attachments:

- Ordinance
- Video Fees Survey of Neighboring Communities
- 2015 Video Gaming State Report
- Approved Minutes from February 9; March 8; and April 12, 2016 Liquor Commission
- Draft Minutes from April 25, 2016 Liquor Commission

Motion: That the Ordinance amending Chapter 6 of the Bloomington City Code to provide for video gaming licensing be adopted, and that the Mayor and City Clerk be authorized to execute the necessary documents.

Motion:_____ Seconded by: _____

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

ORDINANCE 2016-
AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 6, ARTICLE II: VIDEO GAMING LICENSE

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 6 is hereby amended by adding Article II to read as follows:

ARTICLE II

VIDEO GAMING LICENSE

SEC. 47 DEFINITIONS.

For the purpose of this Article, the following words or phrases shall be defined as set forth herein:

(a) "Video Gaming Terminal" shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5.

(b) "Establishment" shall mean any business licensed by the State of Illinois to have or operate a video gaming device in Bloomington and shall include any "licensed establishment," "licensed fraternal establishment," "licensed veterans establishment," and "licensed truck stop establishment" as those terms are defined in the State of Illinois Video Gaming Act, 230 ILCS 40/5.

(c) "Distributor" shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5.

(d) "Terminal Operator" shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5.

(e) "Licensed veterans establishment" shall mean the location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

(f) "City Manager" shall mean the City Manager of the City of Bloomington or his or her designee.

SEC. 48 LICENSE REQUIRED.

After January 1, 2017, no establishment shall have on its premises any video gaming terminal without first obtaining a video gaming license from the City of Bloomington and paying the appropriate fee.

SEC. 49 LICENSE APPLICATION REQUIREMENTS.

The license applicant shall provide the following information to the City of Bloomington on a form provided by the City:

(a) The legal name of the establishment;

(b) The business name of the establishment;

(c) The address of the establishment where the video gaming terminals are to be located;

(d) The business office address of the establishment if different from the address of the establishment;

(e) A telephone number for the establishment;

(f) An e-mail address for the establishment, if any;

(g) The name and address of every person owning more than a five percent (5%) share of the establishment;

(h) The name, address, phone number and e-mail address (if any) of any terminal operator or distributor owning, servicing or maintaining a video gaming terminal;

(i) A copy of the establishment's State of Illinois Video Gaming License;

(j) A statement as to the number of video gaming terminals which the establishment will have on its premises;

(k) A statement that the establishment is not delinquent in any tax, fee, judgment or bill owed to the City of Bloomington or State of Illinois;

(l) A statement that the establishment agrees to abide by all State and Federal laws and any local ordinance.

SEC. 50 VIDEO GAMING LICENSE FEES.

The fee for a Video Gaming License in the City of Bloomington shall be $500 per video gaming terminal per year or portion thereof. Licensed Veterans Establishments, as defined by Section 47, are exempt from the fees required in the preceding sentence. Licensed veterans establishments shall in all other respects conform to the requirements of this Article. Video Gaming Licenses shall be issued by the Clerk and shall expire at the end of the calendar year issued. Thereafter, licenses shall be issued for a 12 month period, commencing on January 1 of each year. There shall be no pro-ration of any fee.

SEC. 51 NUMBER OF VIDEO GAMING TERMINALS.

No establishment shall have on its premises more video gaming terminals than are permitted by the establishment's City of Bloomington Video Gaming License.

SEC. 52 UNLAWFUL ACTIVITY.

No establishment shall permit the use of a video gaming terminal in any manner not authorized by State law including, but not limited to, improper location of terminals, lack of required oversight, payouts in excess of those provided for by law, side bets, underage use, and other illegal gambling activities.

SEC. 53 EMPLOYER RESPONSIBILITY.

Any action by an employee of an establishment in violation of the provisions of this Ordinance shall be considered a violation committed by the establishment.

SEC. 54 LICENSE DENIAL.

A Video Gaming License may be denied if any of the information required on an application is omitted or false. Applications may also be denied for any of the reasons for which licenses may be revoked set forth in Section 55 of this Article. If an application for a license is denied, the City Manager shall issue a written notice of denial, together with findings in support of the denial, to the applicant. The applicant may, within 10 days of the mailing of the notice of denial, make a written request for a hearing to appeal the denial. Failure to timely make such a request will waive the right to appeal. The request must be submitted to the office of the City of Bloomington Corporation Counsel located at 109 East Olive Street, Bloomington, Illinois 61701. Upon receipt of a timely written request for a hearing, the Corporation Counsel's office shall schedule a hearing on the appeal in the City of Bloomington Administrative Court and shall mail notice of the date and time of a hearing to the applicant. Said hearing shall be set for a date within 30 days of the Corporation Counsel's receipt of the request for an appeal. If, at the appeal hearing, the applicant establishes by a preponderance of the evidence that the denial was based upon incorrect findings, the City Manager shall issue a license. If, at such hearing, the denial is found to have been based upon correct findings, or if the applicant fails to prove by a preponderance of the evidence that the findings forming the basis for the denial were incorrect, the denial shall become final. An applicant for a video gaming license whose application is denied shall not be eligible to reapply for a permit for a period of 1 year from the date of the denial, or from the date of any decision upholding the denial.

SEC. 55 LICENSE REVOCATION.

Any Video Gaming License may be revoked for any of the following reasons:

(a) Failure to pay the Video Gaming License fee;

(b) Violation of any law occurring on the establishment's premises committed by the establishment or an employee of the establishment;

(c) Violation of any law or State regulation regarding video gaming or video gaming terminals;

(d) Violation of any law occurring on the establishment's premises which the establishment did not take adequate means to prevent, or did not respond to in an appropriate manner after it became aware of such violation;

(e) Failure to pay any tax, fee, judgment or bill due to the City of Bloomington; or

(f) Failure to provide current information regarding the ownership or location of the business.

If the City Manager finds cause for a license to be revoked, the City Manager shall issue a written notice of revocation, together with findings in support of the revocation, to the applicant. The applicant may, within 10 days of the mailing of the notice of revocation, make a written request for a hearing to appeal the revocation. Failure to timely make such a request will waive the right to appeal. The request must be submitted to the office of the City of Bloomington Corporation Counsel located at 109 East Olive Street, Bloomington, Illinois 61701. Upon receipt of a timely written request for a hearing, the Corporation Counsel's office shall schedule a hearing on the appeal in the City of Bloomington Administrative Court and shall mail notice of the date and time of a hearing to the applicant. Said hearing shall be set for a date within 30 days of the Corporation Counsel's receipt of the request for an appeal. If, at the appeal hearing, the applicant establishes by a preponderance of the evidence that the revocation was based upon incorrect findings, the City Manager shall issue a license. If, at such hearing, the revocation is found to have been based upon correct findings, or if the applicant fails to prove by a preponderance of the evidence that the findings forming the basis for the revocation were incorrect, the revocation shall become final. An applicant for a video gaming license whose application is revoked shall not be eligible to reapply for a permit for a period of 1 year from the date of the revocation, or from the date of any decision upholding the revocation.

SEC. 56 RIGHT OF ENTRY.

Any licensee must permit the entry into the establishment of any police officer or agent of the City charged with investigating crime or compliance with this Code at any time when persons are present in the establishment for the purpose of investigating compliance with this Code or State Statute regarding video gaming. The City of Bloomington is authorized to obtain a warrant from a court should entry to the establishment be denied.

SEC. 57 PENALTY.

Any person, including any establishment, found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this Article, except when otherwise specifically provided, upon conviction thereof shall be fined not less than Fifty dollars ($50.00) nor more than Five Hundred dollars ($500.00) for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation or permit any such violation to exist.

SEC. 58 FEES TO PAY POLICE AND FIRE PERSONNEL PENSIONS.

All licensing fees paid pursuant to this Article shall be directed toward paying the pensions of Police and Fire Department personnel as provided in Chapter 16, Section 46, et seq., of this Code.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she 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 take effect ten (10) days after approval and publication.

PASSED this 13th day of June, 2016.

APPROVED this_____day of June, 2016.

APPROVED:

TARI RENNER
Mayor

ATTEST:

CHERRY L. LAWSON
City Clerk

A survey of Illinois municipalities' current video gaming fees:

Peoria:

The applicant for a license under this article shall pay the city treasurer, prior to filing the application, a fee of $300.00 for each video gaming terminal per license year, beginning January 1, 2016. The applicant for a license under this article shall pay the city treasurer, prior to filing a fee of $500.00 for each video gaming terminal per license year, beginning January 1, 2017. If the license is denied, the license fee shall be refunded to the applicant.

Springfield:

License and registration fees. The fees for video gaming terminal operator's license, a video gaming terminal establishment license or a video gaming terminal supplier's license shall be $500 annually. The video gaming terminal registration fee shall be $250 per terminal annually. The number of video gaming terminal establishment licenses shall be limited by the city council to the number of licenses approved for consumption on the premises.

Urbana:
$1,000 per terminal.

Village of Elmwood Park:
$1,000 per terminal.

**In addition to per terminal license fees, some cities, such as Urbana and Decatur, have separate licensing for video gaming itself.

ILLINOIS GAMING BOARD
VIDEO GAMING REPORT

Bloomington

January 2015 - December 2015

4/14/2016
12:29 pm

				VGT Wagering Activity			VGT Income			VGT Tax Distribution		
Municipality	Establishment	License Number	VGT Count	Amount Played	Amount Won	Net Wagering Activity	Funds In	Funds Out	NTI	NTI Tax Rate (30%)	State Share	Municipality Share
Bloomington	602604 LLC	150700582	3	$262,431.69	$244,903.29	$17,528.40	$76,999.00	$59,470.40	$17,528.60	$5,258.63	$4,382.20	$876.43
Bloomington	American Hungarian Family Society	150700683	5	$368,133.87	$331,313.48	$36,820.39	$116,819.00	$79,998.61	$36,820.39	$11,046.25	$9,205.20	$1,841.05
Bloomington	American Legion, Louis E. Davis Post #56, Inc.	150902962	3	$390.06	$371.32	$18.74	$176.00	$157.26	$18.74	$5.62	$4.69	$0.93
Bloomington	AMF Bowling Centers, Inc.	120707429	5	$58,349.62	$52,250.47	$6,099.15	$20,719.00	$14,619.85	$6,099.15	$1,829.79	$1,524.83	$304.96
Bloomington	Around the Corner, Inc.	140704223	5	$4,259,505.18	$3,902,608.45	$356,896.73	$1,268,294.00	$911,397.26	$356,896.74	$107,069.31	$89,224.45	$17,844.86
Bloomington	Auctus LLC	130702568	5	$262,510.68	$236,361.27	$26,149.41	$87,321.00	$61,166.73	$26,154.27	$7,846.47	$6,538.73	$1,307.74
Bloomington	BAYMT, Inc	120702074	5	$3,621,219.39	$3,332,198.93	$289,020.46	$1,126,381.00	$837,364.54	$289,016.46	$86,705.42	$72,254.54	$14,450.88
Bloomington	Betty Ruth Roley	140703279	5	$4,236,400.17	$3,887,882.70	$348,517.47	$1,194,744.00	$846,226.53	$348,517.47	$104,555.60	$87,129.70	$17,425.90
Bloomington	BillHill, Inc.	120706741	5	$2,480,741.67	$2,284,000.91	$196,740.76	$731,888.00	$535,147.24	$196,740.76	$59,022.94	$49,185.78	$9,837.16
Bloomington	Bloomington F.O.E. #527	120807649	4	$1,193,774.94	$1,115,009.94	$78,765.00	$317,863.00	$239,098.00	$78,765.00	$23,630.04	$19,691.73	$3,938.31
Bloomington	BLOOMINGTON LODGE #281, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA INC.	130803008	2	$15,635.41	$14,870.08	$765.33	$5,872.00	$5,106.67	$765.33	$229.65	$191.38	$38.27
Bloomington	Bloomington Lodge No. 745 Loyal Order of Moose	120807123	5	$3,135,371.89	$2,924,137.62	$211,234.27	$887,708.00	$676,473.73	$211,234.27	$63,371.10	$52,809.25	$10,561.85
Bloomington	Blue Note Enterprises, LLC	140704334	2	$75,793.10	$69,860.54	$5,932.56	$32,419.00	$26,486.44	$5,932.56	$1,779.90	$1,483.25	$296.65
Bloomington	C & K HOTEL GROUP LLC	120708012	5	$3,126,955.61	$2,841,396.25	$285,559.36	$1,037,184.00	$751,608.65	$285,575.35	$85,673.35	$71,394.50	$14,278.85
Bloomington	C II EAST INC.	120700374	4	$704,990.67	$645,339.79	$59,650.88	$183,903.00	$124,252.12	$59,650.88	$17,895.36	$14,912.81	$2,982.55
Bloomington	Chronister Oil Company	121007648	5	$15,477,652.60	$14,285,899.81	$1,191,752.79	$4,558,692.00	$3,366,926.03	$1,191,765.97	$357,530.51	$297,942.09	$59,588.42
Bloomington	CJ's Catering, Inc.	140703722	4	$150,145.29	$139,948.89	$10,196.40	$48,563.00	$38,366.52	$10,196.48	$3,059.17	$2,549.30	$509.87
Bloomington	COPPER TOP, INC.	120701411	5	$4,057,724.86	$3,737,397.14	$320,327.72	$1,257,864.00	$937,467.50	$320,396.50	$96,119.47	$80,099.56	$16,019.91
Bloomington	David G Dearth	120701356	5	$4,656,732.75	$4,317,074.24	$339,658.51	$1,393,034.00	$1,053,375.49	$339,658.51	$101,897.93	$84,914.98	$16,982.95
Bloomington	Dublin Bay, Inc.	140700137	2	$513,365.66	$470,974.32	$42,391.34	$186,388.00	$143,996.66	$42,391.34	$12,717.56	$10,597.96	$2,119.60
Bloomington	El Toro Margarita Island, Incorporated	140700204	3	$414,576.93	$382,318.01	$32,258.92	$154,827.00	$122,568.00	$32,259.00	$9,678.09	$8,065.10	$1,612.99
Bloomington	Fat Jack's, Inc.	120700474	3	$1,138,695.87	$1,029,191.74	$109,504.13	$371,703.00	$262,198.87	$109,504.13	$32,851.60	$27,376.36	$5,475.24
Bloomington	Freedom Oil Company	131005730	5	$3,580,701.22	$3,279,374.35	$301,326.87	$1,097,213.00	$795,886.13	$301,326.87	$90,398.60	$75,332.19	$15,066.41
Bloomington	G Cubed, Inc.	120700777	3	$2,491,190.27	$2,298,915.86	$192,274.41	$735,199.00	$542,925.22	$192,273.78	$57,682.47	$48,068.76	$9,613.71
Bloomington	Gill Street Group, LLC	120707425	5	$2,359,727.38	$2,164,387.44	$195,339.94	$773,580.00	$578,039.00	$195,541.00	$58,662.82	$48,885.69	$9,777.13
Bloomington	GS Partners, Inc.	120709987	5	$4,786,935.32	$4,451,306.14	$335,629.18	$1,548,615.00	$1,212,985.82	$335,629.18	$100,688.98	$83,907.51	$16,781.47
Bloomington	Hurley Consolidated Enterprises, LLC	140701470	3	$1,806,335.43	$1,687,427.06	$118,908.37	$545,799.00	$426,890.63	$118,908.37	$35,672.61	$29,727.19	$5,945.42
Bloomington	JAYST, INC.	120702077	4	$2,088,982.83	$1,937,087.33	$151,895.50	$659,254.00	$507,341.70	$151,912.30	$45,574.09	$37,978.42	$7,595.67
Bloomington	John H. Kraus Post No. 454 Veterans of Foreign Wars of the United States	120902173	5	$5,042,169.82	$4,667,435.04	$374,734.78	$1,493,718.00	$1,118,983.22	$374,734.78	$112,421.00	$93,684.21	$18,736.79
Bloomington	Junction West, Inc.	120702079	5	$3,800,780.76	$3,480,034.89	$320,745.87	$1,091,891.00	$771,145.13	$320,745.87	$96,224.27	$80,186.91	$16,037.36
Bloomington	Keldon, Inc.	120700458	5	$4,397,653.08	$4,050,193.43	$347,459.65	$1,163,726.00	$816,266.35	$347,459.65	$104,238.45	$86,865.40	$17,373.05
Bloomington	KOBE HIBACHI STEAKHOUSE INC.	120712220	4	$1,058,098.55	$972,660.86	$85,437.69	$355,252.00	$269,814.31	$85,437.69	$25,631.63	$21,359.72	$4,271.91
Bloomington	Koeppen Corp.	120712723	5	$4,022,398.29	$3,656,349.42	$366,048.87	$1,359,562.00	$993,513.13	$366,048.87	$109,815.26	$91,512.75	$18,302.51
Bloomington	LAKESIDE COUNTRY CLUB, INC.	120710244	4	$1,708,449.89	$1,589,468.55	$118,981.34	$550,721.00	$431,740.07	$118,980.93	$35,694.59	$29,745.53	$5,949.06
Bloomington	LKH, Inc.	120700463	5	$6,448,297.12	$5,999,278.71	$449,018.41	$1,725,492.00	$1,276,473.59	$449,018.41	$134,706.00	$112,255.05	$22,450.95

January 2015 - December 2015

				VGT Wagering Activity			VGT Income			VGT Tax Distribution		
Municipality	Establishment	License Number	VGT Count	Amount Played	Amount Won	Net Wagering Activity	Funds In	Funds Out	NTI	NTI Tax Rate (30%)	State Share	Municipality Share
Bloomington	Marplayaa Inc.	150702443	3	$36,933.46	$32,609.47	$4,323.99	$13,594.00	$9,270.01	$4,323.99	$1,297.26	$1,081.05	$216.21
Bloomington	Martin & Bayley, Inc.	131003834	5	$10,736,267.53	$9,875,832.44	$860,435.09	$3,169,483.00	$2,308,992.35	$860,490.65	$258,148.22	$215,123.54	$43,024.68
Bloomington	MCO QSR, Incorporated	120700786	5	$3,962,434.12	$3,629,159.55	$333,274.57	$1,344,156.00	$1,010,881.43	$333,274.57	$99,983.08	$83,319.27	$16,663.81
Bloomington	MCTH, Inc.	150701735	5	$1,642,870.82	$1,503,598.14	$139,272.68	$536,011.00	$396,738.32	$139,272.68	$41,782.05	$34,818.37	$6,963.68
Bloomington	MUG SHOTS BAR & GRILL, L.L.C.	120706988	2	$63,724.30	$60,127.68	$3,596.62	$20,590.00	$16,993.38	$3,596.62	$1,079.00	$899.16	$179.84
Bloomington	Mugsy's Pub, Inc.	120700451	5	$5,689,854.81	$5,214,386.59	$475,468.22	$1,668,605.00	$1,193,136.78	$475,468.22	$142,641.12	$118,867.62	$23,773.50
Bloomington	Old English INN LTD	120707746	5	$7,626,745.09	$7,078,871.58	$547,873.51	$2,637,615.00	$2,089,741.49	$547,873.51	$164,362.68	$136,968.93	$27,393.75
Bloomington	Peggy Bateman	120710158	3	$1,841,124.83	$1,708,891.96	$132,232.87	$541,556.00	$409,323.13	$132,232.87	$39,670.24	$33,058.55	$6,611.69
Bloomington	Pheasant Lanes Family Fun Center, LLC	120710898	5	$6,681,930.15	$6,185,498.59	$496,431.56	$1,961,375.00	$1,464,943.44	$496,431.56	$148,929.70	$124,108.10	$24,821.60
Bloomington	Pilot Travel Centers LLC	121009209	5	$12,494,879.30	$11,479,070.36	$1,015,808.94	$3,616,308.00	$2,600,447.34	$1,015,860.66	$304,758.63	$253,965.55	$50,793.08
Bloomington	Ralben, Inc.	130705917	5	$3,581,632.16	$3,303,546.08	$278,086.08	$1,136,242.00	$858,156.15	$278,085.85	$83,426.01	$69,521.68	$13,904.33
Bloomington	Richard's Services Inc.	120708637	5	$3,618,519.29	$3,328,504.70	$290,014.59	$1,201,397.00	$911,382.32	$290,014.68	$87,005.10	$72,504.26	$14,500.84
Bloomington	ROKOS, INC.	120710849	3	$340,576.25	$311,373.22	$29,203.03	$95,572.00	$66,368.97	$29,203.03	$8,761.08	$7,300.91	$1,460.17
Bloomington	SETINTHEBAR, Inc.	150701851	5	$80,925.54	$71,761.15	$9,164.39	$30,032.00	$20,867.46	$9,164.54	$2,749.54	$2,291.29	$458.25
Bloomington	Sport & Bait Lounge Tavern, Inc.	120706737	5	$2,631,096.12	$2,426,156.01	$204,940.11	$858,555.00	$653,614.89	$204,940.11	$61,482.72	$51,235.62	$10,247.10
Bloomington	T V E O Corporation	120707001	5	$871,207.41	$791,965.79	$79,241.62	$322,384.00	$243,142.28	$79,241.72	$23,773.14	$19,810.97	$3,962.17
Bloomington	TA Operating LLC	121010652	5	$7,583,412.54	$6,998,552.14	$584,860.40	$1,995,438.00	$1,410,533.65	$584,904.35	$175,471.80	$146,226.49	$29,245.31
Bloomington	TEDJ, LLC	130705788	5	$3,162,873.94	$2,929,348.64	$233,525.30	$970,266.00	$736,740.50	$233,525.50	$70,058.00	$58,381.69	$11,676.31
Bloomington	Tjolo's Corporation	120700234	4	$547,959.21	$502,243.18	$45,716.03	$162,088.00	$116,371.97	$45,716.03	$13,715.06	$11,429.23	$2,285.83
Bloomington	TREEHOUSE LOUNGE OF BLOOMINGTON, INC.	120700551	5	$4,597,387.79	$4,255,650.27	$341,737.52	$1,392,286.00	$1,050,548.48	$341,737.52	$102,521.96	$85,434.97	$17,086.99
Bloomington	Two K's Diner Inc.	150702326	1	$505.87	$394.95	$110.92	$187.00	$76.04	$110.96	$33.30	$27.75	$5.55
Bloomington	Twostep, Inc.	130705638	4	$1,579,028.74	$1,455,797.34	$123,231.40	$538,013.00	$414,781.64	$123,231.36	$36,969.82	$30,808.21	$6,161.61
Bloomington	West Side Liquors, Inc.	120707519	5	$2,626,535.41	$2,426,984.50	$199,550.91	$897,853.00	$698,301.47	$199,551.53	$59,865.85	$49,888.22	$9,977.63
Bloomington	Winners Of Bloomington, Inc.	120700441	5	$4,701,656.25	$4,328,458.01	$373,198.24	$1,335,165.00	$961,966.58	$373,198.42	$111,960.07	$93,300.07	$18,660.00
REPORT TOTAL:		**59 Establishments**	**253**	**$180,502,898.80**	**$166,378,010.61**	**$14,124,888.19**	**$54,604,154.00**	**$40,478,797.47**	**$14,125,356.53**	**$4,237,629.96**	**$3,531,359.22**	**$706,270.74**

Video Gaming Statistics – 2015

Summary of Information from Figures Provided

by the Illinois Gaming Board.

http://www.igb.illinois.gov/VideoReports.aspx.

Total number of businesses with terminals: 59

Total amount of terminals: 253

Average number of terminals: 4.29

Per (230 ILCS 40/25) (c) Terminal operator.

~ Of the after-tax profits from a video gaming terminal, 50% shall be paid to the terminal operator and 50% shall be paid to the licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veteran's establishment, notwithstanding any agreement to the contrary.

- Total profits paid to licensed establishments: $4,943,863.29
- Average profits per establishment: $83,794.29
- Per average profits per establishment, the $500 fee equals approximately .6%.
- If the proposed ordinance is approved, total additional revenue to the City would total $126,000 in fees.

Establishment Share for Calendar Year 2015

**This sheet ties back to the Illinois Gaming Board Report and also includes each establishment's business name and their share.*

Establishment	NTI	NTI Tax Rate (30%)	Establishment Share	City's Share	Club
602604 LLC - Pub America	$17,528.60	$5,258.63	$6,134.99	$876.43	
American Hungarian Family Society	$36,820.39	$11,046.25	$12,887.07	$1,841.05	X
American Legion	$18.74	$5.62	$6.56	$0.93	
AMF Bowling Centers, Inc. - Circle Lanes - Closed	$6,099.15	$1,829.79	$2,134.68	$304.96	
Around the Corner - Dr. McKay's Bar & Grill	$356,896.74	$107,069.31	$124,913.72	$17,844.86	
Auctus LLC - Park Regency Hotel	$26,154.27	$7,846.47	$9,153.90	$1,307.74	
Baymt, Inc. - Western Tap	$289,016.46	$86,705.42	$101,155.52	$14,450.88	
Betty R. Roley - A&P Tap	$348,517.47	$104,555.60	$121,980.94	$17,425.90	
BillHill Inc. - Maguires	$196,740.76	$59,022.94	$68,858.91	$9,837.16	
Blm Frat of Eagles	$78,765.00	$23,630.04	$27,567.48	$3,938.31	X
Elks Club	$765.33	$229.65	$267.84	$38.27	X
Moose Lodge	$211,234.27	$63,371.10	$73,931.59	$10,561.85	X
Blue Note Enterprises - Six Strings	$5,932.56	$1,779.90	$2,076.33	$296.65	
C & K Hotel Group - Hawthorne Suites	$285,575.35	$85,673.35	$99,951.00	$14,278.85	
CII East - Closed	$59,650.88	$17,895.36	$20,877.76	$2,982.55	
Chronister Oil - Qik N Ez	$1,191,765.97	$357,530.51	$417,117.73	$59,588.42	
CJ's Catering	$10,196.48	$3,059.17	$3,568.66	$509.87	
Copper Top	$320,396.50	$96,119.47	$112,138.52	$16,019.91	
David Dearth - Twin City Lanes	$339,658.51	$101,897.93	$118,880.29	$16,982.95	
Dublin Bay - Killarneys	$42,391.34	$12,717.56	$14,836.89	$2,119.60	
El Toro Margarita	$32,259.00	$9,678.09	$11,290.46	$1,612.99	
Fat Jacks	$109,504.13	$32,851.60	$38,326.27	$5,475.24	
Freedom Oil	$301,326.87	$90,398.60	$105,464.14	$15,066.41	
G Cubed - Schooners	$192,273.78	$57,682.47	$67,295.66	$9,613.71	
Gill Street Bar & Grill	$195,541.00	$58,662.82	$68,439.09	$9,777.13	
GS Partners - Ride the Nine	$335,629.18	$100,688.98	$117,470.10	$16,781.47	
Hurley Cons. - Drifters	$118,908.37	$35,672.61	$41,617.88	$5,945.42	
JAYST - Mulligans	$151,912.30	$45,574.09	$53,169.11	$7,595.67	
VFW	$374,734.78	$112,421.00	$131,156.89	$18,736.79	X
Junction West - Nooners	$320,745.87	$96,224.27	$112,260.80	$16,037.36	

Keldon Inc. - Times Past Inn	$347,459.65	$104,238.45	$121,610.60	$17,373.05	
Kobe Hibachi Steakhouse	$85,437.69	$25,631.63	$29,903.03	$4,271.91	
Koeppen Corp - Kep's Country Kitchen	$366,048.87	$109,815.26	$128,116.81	$18,302.51	
Lakeside Country Club	$118,980.93	$35,694.59	$41,643.17	$5,949.06	X
LKH, Inc. - Cheeks Bar & Grill	$449,018.41	$134,706.00	$157,156.21	$22,450.95	
Marplayaa Inc. - Windy City Wieners	$4,323.99	$1,297.26	$1,513.37	$216.21	
Martin & Bayley - Hucks	$860,490.65	$258,148.22	$301,171.22	$43,024.68	
MCO QSR, Inc. - Legends	$333,274.57	$99,983.08	$116,645.75	$16,663.81	
MCTH, Inc. - Lucky Sevens	$139,272.68	$41,782.05	$48,745.32	$6,963.68	
Mug Shots Bar & Grill	$3,596.62	$1,079.00	$1,258.81	$179.84	
Mugsy Pub	$475,468.22	$142,641.12	$166,413.55	$23,773.50	
Old English Inn - Windjammer	$547,873.51	$164,362.68	$191,755.42	$27,393.75	
Peggy Bateman - Diggers Again!	$132,232.87	$39,670.24	$46,281.32	$6,611.69	
Pheasant Lanes	$496,431.56	$148,929.70	$173,750.93	$24,821.60	
Pilot Travel Centers	$1,015,860.66	$304,758.63	$355,551.02	$50,793.08	
Raiben, Inc. - Bonkers	$278,085.85	$83,426.01	$97,329.92	$13,904.33	
Richard's Service Inc. - Parkview Inn	$290,014.68	$87,005.10	$101,504.79	$14,500.84	
ROKOS, Inc. - Pub I	$29,203.03	$8,761.08	$10,220.98	$1,460.17	
SETTHEBAR, Inc. - Jazz Upfront	$9,164.54	$2,749.54	$3,207.50	$458.25	
Sport & Bait Lounge	$204,940.11	$61,482.72	$71,728.70	$10,247.10	
TVEO Corp. - Eric's Restaurant	$79,241.72	$23,773.14	$27,734.29	$3,962.17	
TA Operating LLC - TA Truck Stop	$584,904.35	$175,471.80	$204,716.28	$29,245.31	
TEDJ, LLC - Joe's Pub	$233,525.50	$70,058.00	$81,733.75	$11,676.31	
Tjolo's Corp. - Main Street Grill	$45,716.03	$13,715.06	$16,000.49	$2,285.83	
Treehouse Lounge	$341,737.52	$102,521.96	$119,607.78	$17,086.99	
Two K's Diner - Closed	$110.96	$33.30	$38.83	$5.55	
Twostep, Inc. - Elroys	$123,231.36	$36,969.82	$43,130.77	$6,161.61	
West Side Liquors	$199,551.53	$59,865.85	$69,842.84	$9,977.63	
Winners of Bloomington	$373,198.42	$111,960.07	$130,619.18	$18,660.00	
TOTALS	**$14,125,356.53**	**$4,237,629.96**	**$4,943,863.29**	**$706,270.74**	

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION
February 9, 2016

1. **Call to order**

   The regular meeting of the Liquor Commission was called to order by Commissioner Renner at 4:02 p.m. on February 9, 2016.

2. **Roll Call**

   Tari Renner, and Jim Jordan, Geoffrey Tompkins Commissioners, George Boyle, Asst. Corporation Counsel, Asst. Chief Clay Wheeler, and Renee Gooderham, Chief Deputy Clerk.

3. **Public Comment**

   No one came forward to address the Commission.

   The following was presented:

4. **Consideration of approving the Commission minutes of January 12, 2016.**

   Motion by Commissioner Jordan, seconded by Commissioner Tompkins to approve the Regular Meeting minutes of January 12, 2016.

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

   Ayes: Commissioners Jordan, Tompkins and Renner.

   Nays: None.

   Motion carried.

   The following was presented:

5. **Consideration of the request from Dan Riddle and Rachel Daugherty to allow moderate consumption of alcohol at their May 7, 2016 wedding reception to be held at Davis Lodge.**

   Dan Riddle, groom and Rachel Daugherty, bride addressed the Commission. Mr. Riddle stated that Lake Rd. Inn in Hudson would cater the reception. Beer and wine only would be served. Approximately 100 guests were anticipated.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend at the March 14, 2016 City Council meeting approval of the request from Dan Riddle and Rachel Daugherty to allow moderate consumption of alcohol at their May 7, 2016 wedding reception to be held at Davis Lodge.

Motion carried, (viva voce).

Commissioner Renner encouraged Mr. Riddle and Ms. Daugherty to attend the City Council meeting on March 14, 2016.

The following was presented:

6. **Consideration of the request from Keith Monkman and Stefanie Loafman to allow moderate consumption of alcohol at their May 20, 2016 wedding reception to be held at Davis Lodge.**

Stefanie Loafman, bride addressed the Commission. She stated that Times Past Inn would cater the reception. Beer and wine only would be served. Approximately 130 guests were anticipated.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend at the March 14, 2016 City Council meeting approval of the request from Keith Monkman and Stefanie Loafman to allow moderate consumption of alcohol at their May 20, 2016 wedding reception to be held at Davis Lodge.

Motion carried, (viva voce).

Commissioner Renner encouraged Ms. Loafman to attend the City Council meeting on March 14, 2016.

The following was presented:

7. **Consideration of the request from Jeremy Hardman and Melissa Day to allow moderate consumption of alcohol at their June 4, 2016 wedding reception to be held at Davis Lodge.**

Jeremy Hardman, groom and Melissa Day, bride addressed the Commission. HyVee would cater the reception. Beer and wine only would be served. Approximately seventy (70) guests were anticipated.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend at the March 14, 2016 City Council meeting approval of the request from Jeremy Hardman and Melissa Day to allow moderate consumption of alcohol at their June 4, 2016 wedding reception to be held at Davis Lodge.

Motion carried, (viva voce).

Commissioner Renner encouraged Mr. Hardman and Ms. Day to attend the City Council meeting on March 14, 2016.

The following was presented:

8. **Consideration of the request from James Bowers and Jennifer McDade to allow moderate consumption of alcohol at their May 29, 2016 wedding reception to be held at Davis Lodge.**

James Bowers, groom addressed the Commission. He stated that HyVee would cater the reception. Beer and wine only would be served. Approximately 120 guests were anticipated.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend at the March 14 2016 City Council meeting approval of the request from James Bowers and Jennifer McDade to allow moderate consumption of alcohol at their May 29, 2016 wedding reception to be held at Davis Lodge.

Motion carried, (viva voce).

Commissioner Renner encouraged Mr. Bowers to attend the City Council meeting on March 14, 2016.

The following was presented:

9. **Consideration of a resignation of an Officer position from HOA Restaurant Holder, LLC, d/b/a Hooters of Bloomington, located at 409 N Hershey Rd, currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Changes are: Matthew Wickesberg resigned.**

Commissioner Renner questioned the requirement for a motion. George Boyle, Asst. Corporation Counsel, stated none was required.

Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

10. **Notification of Violation Payment from Ralben, Inc., d/b/a Bonkers Place, located at 1507 S Main St, currently holding a TAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types packaged alcohol for consumption off the premises seven (7) days a week.**

George Boyle, Asst. Corporation Counsel addressed the Commission. He stated that the violation occurred during the Police Departments' monthly compliance check. This was a first (1st) offense for the establishment. Settlement was agreed upon in the amount of $600.

11. Notification of Violation Payment from Freedom Oil Company, d/b/a Freedom Oil #21, located at 1801 S Veterans Parkway, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week.

George Boyle, Asst. Corporation Counsel addressed the Commission. He stated that the violation occurred during the Police Departments' monthly compliance check. This was a first (1st) offense for the establishment. Settlement was agreed upon in the amount of $600.

12. Public Hearing to discuss Liquor License Increases and Video Gaming Fees.

The Public Hearing to discuss liquor license increases and video gaming fees was called to order at 4:10 p.m.

Commissioner Renner requested ideas, suggestions and recommendations. The meeting was to hear from those present. The Liquor Commission would consider proposals/options from the tonight's public hearing. Recommendations from tonight along with those from the upcoming March 8, 2016 Liquor Commission meeting would be presented to the City Council.

Commissioner Renner noted that the hearing was pursuant to the Budget Task Force (BTF) recommendations. Costs were increasing approximately two percent (2%) per year and revenue was flat. The majority of the City's budget consists of public safety; Police, Fire and Public Works. The remainder was Parks Recreations and Cultural Arts and user fees examination.

Liquor fees were last increase in 1982. Liquor enforcement had increased. The suggestion was cost recovery with incremental increases over a few years. He noted that most metro city's charged for video gaming.

Phil Boulds, owner/operator, Mugsy's Pub, located at 1310 N. Main St., addressed the Commission. Mr. Boulds cited the Citizens Summit held on January 20, 2015. He did not remember citizen recommendation for increased liquor fees or establishing video gaming fees. He believed the City received five percent (5%) from video gaming. He questioned other companies/industry receiving same. He cited the food and beverage tax, the local motor fuel tax (MFT), the entertainment and the new one percent (1%) sales tax. He suggested the one percent (1%) tax cover liquor enforcement. He questioned the need for more taxes and fee increases.

Commissioner Renner stated that in Fiscal Year 2015 MFT and entertainment combine was two percent (2%) of the budget which was equaled budget increases. He noted that one quarter (¼) each of the new one percent (1%) tax increase was designated to McLean County and to Public Works for street repairs. Fifty percent (50%) of same was designated for the General Fund.

No one else came forward to address the Commission. Commissioner Renner closed the Public Hearing.

Commissioner Renner welcomed ideas, suggestions and/or recommendations at any Mayoral Open House. He noted that the City Council had the authority to increase fees.

Commissioner Jordan stated he would favor a justified liquor fee increase. He recommended that same was prorated over a few years. He referred to the Illinois Gaming Board report. He believed gaming fees were should remain competitive. There should be a compromise as to the fair and equitable fee.

Commissioner Renner stated that the City Council had concerns with the number of establishments offering video gaming. He noted that the amount played was $180 million.

Commissioner Jordan stated that the vendor and licensee split 34.7% of the $180 million. He believed there were only so many gambling dollars available. Establishments had little overhead costs involved with video gaming.

Bill Flessner, Gaming Operator, Midwest Electronics, addressed the Commission. He clarified that the $180 million includes the house dollars. A customer out of pocket was $54 million. He cited the following example: a customer places a $20 wager and wins $20 (house dollars), then lets that ride; losing same only has $20 out of pocket. Commissioner Jordan stated that what mattered was the end of the day/end of the month/end of the year how much money is in the economy.

Commissioner Jordan stated that approximately $14 million was divided between the vendor, licensee, state and City, or $1 million per month. Mr. Flessner responded affirmatively.

Commissioner Renner stated that the BTF recommended Downtown license holders pay for the Police hire back program ($130,000). He believed same was not realistic. The hire back program benefitted the entire City. Council was examining ways for cost recovery. He did not favor a video gaming ceiling. He cited Chapter 6, Alcoholic Beverages; Section 4B Creation of New License – Findings; Item 14 "No license shall be created for, maintained by, an establishment whose primary or major focus is video gaming". Another suggestion was to raise liquor fees for those establishments who were open until 2:00 a.m. He believed same had merit. There could be a ten percent (10%) liquor license fee for year one (1) and two (2) and a video gaming fee. Discussions would continue. Any fee increases/additions would be pursuant to the BTF recommendations. He believed same would be a compromise.

Commissioner Tompkins encouraged all to review the Illinois Gaming Board website at www.igb.illinois.gov/.

13. Adjournment

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to adjourn. Time: 4:34 p.m.

Motion carried, (viva voce).

Respectfully submitted,

Renee Gooderham
Chief Deputy Clerk

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION
March 8, 2016

1. Call to order

The regular meeting of the Liquor Commission was called to order by Commissioner Renner at 4:02 p.m. on March 8, 2016.

2. Roll Call

Tari Renner, Jim Jordan and Geoffrey Tompkins Commissioners, George Boyle, Asst. Corporation Counsel, Asst. Chief Clay Wheeler, Greg Moredock, Attorney, Sorling Northrup and Renee Gooderham, Chief Deputy Clerk.

3. Public Comment

Commissioner Renner opened the meeting to receive Public Comment. The following individual provided comments during the meeting.

Surena Fish

Commissioner Renner questioned TVEO Corporation, d/b/a Eric's Min Mart & Restaurant, 903 W. Wood St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, business hours. He believed same should not be open after 10:00 p.m. George Boyle, Asst. Corporation Counsel, believed the same. Commissioner Renner believed the reduced hours of operation were a stipulation to maintain a liquor license. He stated the matter would be reviewed.

The following was presented:

4. Consideration of approving the Commission minutes of February 9 & 23, 2016.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to approve the Regular Meeting minutes of February 9, 2016 and the Special Meeting minutes of February 23, 2016.

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

Ayes: Commissioners Jordan, Tompkins and Renner.

Nays: None.

Motion carried.

The following was presented:

5. **Consideration of the request from Jordan Steidinger and Rachel Hettinger to allow moderate consumption of alcohol at their October 1, 2016 wedding reception to be held at Miller Park Pavilion.**

   Rachel Hettinger, bride, addressed the Commission. Ms. Hettinger stated that Famous Dave's in Bloomington would cater the reception. Beer and wine only would be served. Approximately 150-200 guests were anticipated.

   Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend at the April 11, 2016 City Council meeting approval of the request from Jordan Steidinger and Rachel Hettinger to allow moderate consumption of alcohol at their October 1, 2016 wedding reception to be held at Miller Park Pavilion.

   Motion carried, (viva voce).

   The following was presented:

6. **Consideration of a change of Officer positions from Wal-Mart Stores, Inc., d/b/a Wal-Mart Supercenter #3459, located at 2225 W Market St, currently holding a PAS liquor license which allows the sale of all types packaged alcohol for consumption off the premises seven (7) days a week. Changes are: Cynthia P. Moehring replaced Phyllis Harris as Vice President; Steven Zielske replaced Jeff Davis as Treasurer.**

   Commissioner Renner questioned the requirement for a motion. George Boyle, Asst. Corporation Counsel, stated none was required.

   Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

   The following was presented:

7. **Consideration of a change of Officer positions from Lakeside Country Club, Inc., d/b/a Lakeside Country Club, located at 1201 Croxton Ave, currently holding a CA liquor license which allows the sale of all types of alcohol by the glass for the consumption on the premises seven (7) days a week. Changes are: Jeff Holtz replaced Brett Krause as Vice President.**

   Commissioner Renner questioned the requirement for a motion. George Boyle, Asst. Corporation Counsel, stated none was required.

   Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

8. **Notification of Violation Complaint & Settlement for Dublin Bay, Inc., d/b/a Killarney's, located at 523 N. Main St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.**

   George Boyle, Asst. Corporation Counsel addressed the Commission. He stated the City filed a complaint against Dublin Bay, Inc., d/b/a Killarney's for violation of Chapter 6, Section 27B: No Underage or Intoxicated Person in Licensed Premises - Exceptions and Burden of Proof; which stated any licensee holding a Class T (Tavern) liquor license, or the licensee's officer, partner, associate, representative, agent or employee to allow or permit any person under the age of twenty-one (21) years to be or remain on the licensed premises.

   He stated the complaint occurred on January 26, 2016 on or about 11:45 p.m. The licensee allowed eleven (11) individuals under the age of twenty-one (21) to enter the licensed premises. Eleven (11) citations were issued.

   This was a first (1st) offense for the establishment since 1998. Settlement was agreed was a fine of $3,500 and camera system installation by April 5, 2016.

   Commissioner Tompkins questioned the licensee not complying with the stipulation. Mr. Boyle stated the issue would be brought back to the Liquor Commission.

   The following was presented:

9. **Notification of Violation Complaint for MCTH, Inc., d/b/a Lucky Sevens, located at 1804 S. Hershey Rd., Unit 9, currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.**

   George Boyle, Asst. Corporation Counsel addressed the Commission. The licensee had two (2) counts in the Violation Complaint. Count one (1) was in violation of Chapter 6, Section 4B: Creation of New License – Findings, b. (14); which states no license shall be created for, or maintained by, an establishment whose primary or major focus is video gaming. The Complaint believed the establishment's primary focus was on video gaming.

   Count two (2) alleged the licensee was not in good standing with the office of the Secretary of State. Same had been rectified.

   The licensee requested additional time for review of count one (1). Mr. Boyle noted that four (4) days is the statutory minimum for service of a complaint.

   Joe Dehn, owner DePew and Dehn, and applicant representative, addressed count two (2). He stated action was taken and same was reinstated. He questioned count one (1). He

believed Chapter 6, Alcoholic Beverages did not provided a gaming parlor definition. Commissioner Renner stated the majority of receipts should not come from gaming.
Mr. Dehn stated the percent from food and beverage exceeded fifty percent (50%) with the soft opening, September 15, 2015 and Grand Opening, October 15, 2015. January and February 2016 same increased five to six percent (5 - 6%). The belief was growth would continue increasing. He noted that there was vacant space next door. Mr. Harris, owner/operator anticipated expanding to offer more seating and more food selections.

Commissioner Renner stated the Liquor Commission and City Council were concerned with gaming parlors. Complaints had been received. A business plan was required that consistently sustains over fifty percent (50%) in non-gaming receipts. He believed more than two (2) months were essential to see a trend.

Mr. Dehn believed that food sales were increasing. He requested more time. Commissioner Renner questioned the time amount needed. Mr. Dehn stated he could not predict time required to show trend. He requested sixty (60) days to bring a business plan resolution to the Commission.

Terry Harris, owner/operator, Lucky Sevens stated city inspectors said air conditioning was inadequate in dining/kitchen area. He believed same contributed to the lack of food sales. He noted that air conditioning was increased in the vacant unit. He stated the business plan for the restaurant had not changed.

Commissioner Jordan questioned income from gaming obtained from the Illinois Gaming Board. He believed January 2016 income had increased from December 2015. He believed same showed the establishment was primarily a gaming parlor.

Mr. Dehn questioned the percent received by the licensee from the gaming income. Commissioner Jordan stated 34.7% of the gaming income was the amount the licensee would receive. Invoices from vendors support how much the licensee purchased for food and beverage. Mr. Dehn stated the plan was to monitor the situation.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to allow an extension to May 10, 2016 for the licensee to provide the Liquor Commission with a business plan that consistently sustains over fifty percent (50%) in non-gaming receipts.

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

Ayes: Commissioners Jordan, Tompkins and Renner.

Nays: None.

Motion carried.

The following was presented:

10. Discussion on Liquor License Increases and Video Gaming Fees.

Commissioner Renner provided a brief overview of the February 9, 2016 Public Hearing. He noted liquor license fees had not increased since 1983. At that time the increases were considered excessive. Researched held the reason for same was cost recovery for enforcement and associated costs. He noted that associated costs included inflationary increases to Police Officer salaries, pensions, legal fees and court reporters and equipment such as cameras. The Budget Task Force (BTF) reviewed services and activities for cost recovery opportunities. Downtown Police patrols costs were $130,000 which benefits the establishments and community. To pay same entirely with liquor license fees was not reasonable and not recommended.

The recommendation for was to obtain same from liquor license fees and video gaming fees. The proposal for liquor fees was a ten percent (10%) increase for two (2) years. Per machine fees for Video gaming was recommended. Another liquor fee option was for a separate fee for establishments open till 2:00 a.m.

Commissioner Tompkins believed thirty-four (34) years with no liquor increases was imbalanced. He believed costs for services were paid for by all citizens. The Federal Reserve website indicated inflation had doubled. A modest increase would assist in paying for services were favorable.

Commissioner Jordan compared Champaign/Urbana to Bloomington/Normal, he believed both were College Communities. He recommended a competitive liquor fee comparison with the surrounding communities including Champaign/Urbana, Springfield and Decatur. He suggested a reasonable increase over a two (2) to four (4) year period. He cautioned against additional costs passed to consumers. That care should be given to liquor fee increase implementation. He believed Video gaming fees were a separate issue.

Commissioner Renner stated the Town of Normal (Town) does not have Tavern licenses. Tavern licenses could not be compared to Restaurant licenses in the Town. Commissioner Jordan believed a surrounding community gage would assist with the question of a reasonable increase. He believed it was unfair to blame the licensee for the current situation. Commissioner Renner agreed.

Commissioner Tompkins requested accountability for services provided by the Police Department. A modest increase was not unreasonable. Commissioner Jordan agreed. He stated the Police Department's presence was needed, especially in the Downtown.

Commissioner Renner noted Council debated service level options including eliminating the Downtown Hireback. Same was rejected; the belief was police officer presence was important. The establishing a video gaming fee was discussed by Council. As of December 2015 the City had more video gaming machines than Peoria. Council recommended exceptions for non-profit organizations or a dollar threshold determining the fee amount.

Commissioner Jordan assessing a video gaming fee structure was difficult when based solely on numbers. There was no way to determine if same would sustain. He had spoken with the Illinois Gaming Board in Springfield. Illinois video gaming market was successful. The City received five percent (5%) of the thirty percent (30%) the State charges. He believed establishments had marginal investment to add gaming machines. Vendors had the greatest investment with the ATM's and video gaming machines. The Vendor and licensee split 34.7% equally on what was left over. He believed the licensee received a profit. The fee could be used for Police and Fire Rescue services. The Town charged $200 per machine.

Commissioner Renner questioned if he was in favor of a video gaming permission fee. Commissioner Jordan agreed but requested fee research charges in surrounding communities.

Commissioner Tompkins stated he was in favor of the ten percent (10%) increase of liquor license fees or approximately $25 per month. He recommended charging $1,000 per video gaming machine per year. The Illinois Gaming Board website: www.igb.illinois.gov provided the net terminal income (NTI) per establishment. He believed having too many gaming machines change the community. He noted that the City of Carbondale capped the number of machines licensees.

Commissioner Renner opened the Public Comment.

Peter Pontiac, owner/operator B & B Amusements, addressed the Commission. He stated that he worked with the Town, specifically Mark Petersen, City Manager prior to gaming fees being established. Prior to establishing same the Town believed costs had to be justified.

Phil Boulds, owner/operator, Mugsy's Pub, located at 1310 N. Main St., addressed the Commission. He believed all establishments had investments, he cited building space as an example. He stated that when costs rise owners do not usually make a profit. Businesses had to remain competitive. Commissioner Renner stated that the City wanted to encourage business. Mr. Boulds believed that alcohol was the most taxed industry than any other.

Charles Jurgus, addressed the Commission. He questioned why alcohol had a tax. He believed taverns did not produce a product. Liquor and video gaming machines was the perfect storm. He cited concern with all establishments having video poker. He believed same should be controlled.

Terry Moore, operator, Loyal Order of Moose BLM #745, d/b/a Bloomington Moose #745, located at 614 IAA Dr., addressed the Commission. He requested non for profits be exempt from a video gaming fee. The Moose had five (5) machines; profits from same went to charities.

Commissioner Renner questioned policy changes for exempting non-profit organizations. Mr. Boyle stated research would be required.

Bill Flessner, Gaming Operator, Midwest Electronics, addressed the Commission. He noted that Bloomington was a unique area, citing the three (3) interstates. He believed the City could set the standard in not having a video gaming fee. Commissioner Renner noted that it was required to have alcohol in order to have video gaming machines. There were associated cost increases with alcohol.

Jan Lancaster, owner/operator, The Momma, Inc., d/b/a The Bistro, located at 316 N. Main St., addressed the Commission. There was a misconception that tavern owners were making huge profits. She had been in business for twenty-five (25) years. Business was declining. She cited the smoking ban and DUI as examples for same. Most individuals who went out on weekends did so between the hours of 12:00 a.m. (Midnight) to 2:00 a.m.

James Gastin, owner/operator, Setinthebar, Inc., d/b/a Jazz Up Front, located at 107 W. Front St., addressed the Commission. He stated that his establishment had entertainment four (4) nights a week. He brought in video poker machines because his customers requested same. He believed this was not the time to increase/establish fees.

Commissioner Renner stated increasing liquor fees had been discussed for several years. He suggested liquor fees increase ten percent (10%) for two (2) years and the video gaming fee of $500 fee per machine per year, with an exemption for non-profit organizations. He noted that recommendations would be presented to Council for approval.

Commissioner Jordan recommended licensees contact their Aldermen with recommendations. He suggested a percentage basis to increase liquor license fees. He believed video gaming was a separate issue as the revenue was larger. Costs to the City and the revenue from video gaming needed to be balanced.

Commissioner Tompkins agreed with the need for more input and discussion. He stated having video gaming machines was voluntary.

Commissioner Renner questioned Commission consensus with his recommendation. Commissioner Tompkins agreed with both. Commissioner Jordan suggested charging different fees per level of income from the video gaming. He agreed with the liquor license fee increase.

Commissioner Renner suggested a sliding scale for video gaming machines, depending on level of profit, with an exemption for non-profit organizations. The Commission had no specific dollar amount recommendation. Commissioner Jordan recommended the minimum for each machine be $500.

Mr. Boyle suggested an Ordinance to address legal and administrative issues.

Commissioner Jordan agreed to amend his recommendation to a minimum of $500 per video gaming machine per year. An establishment had the option to reduce machines if same became an issue.

Commissioner Renner requested Mr. Boyle prepare an Ordinance for consideration at the next Liquor Commission meeting to be held on April 12, 2016.

13. Adjournment

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to adjourn. Time: 6:03 p.m.

Motion carried, (viva voce).

Respectfully submitted,

Renee Gooderham
Chief Deputy Clerk

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION
April 12, 2016

1. **Call to order**

The regular meeting of the Liquor Commission was called to order by Commissioner Renner at 4:00 p.m. on April 12, 2016.

2. **Roll Call**

Tari Renner, Jim Jordan and Sue Feldkamp Commissioners, George Boyle, Asst. Corporation Counsel, Asst. Chief Clay Wheeler and Renee Gooderham, Chief Deputy Clerk.

3. **Public Comment**

Commissioner Renner opened the meeting to receive Public Comment. The following individual provided comments during the meeting.

Bruce Meeks
Tony Wargo
Joe Dehn
Phil Boulds
Peter Poutius

The following was presented:

4. **Consideration of approving the Commission minutes of March 8, 2016.**

Motion by Commissioner Jordan, seconded by Commissioner Renner to approve the Regular Meeting minutes of March 8, 2016.

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

Ayes: Commissioners Jordan and Renner.

Abstain: Commissioner Feldkamp.

Nays: None.

Motion carried.

The following was presented:

5. **Consideration of the request from Eric Lott and Summer Baughman to allow moderate consumption of alcohol at their June 10, 2016 wedding reception to be held at Davis Lodge.**

Eric Lott, groom, addressed the Commission. Mr. Lott stated that Biaggi's Restorante Italiano would cater the reception. Beer and wine only would be served. Approximately 75 - 100 guests were anticipated.

Motion by Commissioner Feldkamp, seconded by Commissioner Renner to recommend at the May 9, 2016 City Council meeting approval of the request from Eric Lott and Summer Baughman to allow moderate consumption of alcohol at their June 10, 2016 wedding reception to be held at Davis Lodge.

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

Ayes: Commissioners Feldkamp and Renner.

Abstain: Commissioner Jordan.

Nays: None.

Motion carried.

The following was presented:

6. **Consideration of the application from Hurley Entertainment Group, Inc., d/b/a Spotted Dog Tavern, located at 1504 Morrissey Dr., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.**

Robert Lenz, attorney, applicant representative addressed the Commission. He noted that the he was assisting Rich Marvel, attorney with the application. He explained that the building had been vacant for many years. Nick and Jennifer Hurley, owners/operators would operate a pub type tavern. He noted that same owned Drifters, located at 612 N. Main St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Drifters had not had a violation in three (3) years. George Boyle, Corporation Counsel, confirmed same.

Commissioner Renner questioned video poker. Jennifer Hurley addressed the Commission. She stated that they would be applying for machines. They wanted the business to remain competitive. She anticipated having five (5) machines.

Commissioner Jordan questioned familiarity with Chapter 6, Alcoholic Beverages. Nick Hurley responded affirmatively. Commissioner Jordan reminded Mr. and Mrs. Hurley that revenue from video poker could not exceed other business operations. Mr. Hurley acknowledged that establishment's revenue would not be from video gaming.

Commissioner Jordan noted a letter dated April 4, 2016 written anonymously that had concerns with water pumped from the basement which looked like contained an oily substance. Mr. Hurley stated that he had spoken with the Illinois Environmental Protection Agency (IEPA). The IEPA did not indicate concerns. Mr. Boyle stated that City Inspectors had inspected same. There were no concerns.

Commissioner Jordan questioned food sales. Mrs. Hurley stated that lunch and dinner would be served. Breakfast would be a possibility if there was a demand. Employees who served alcohol would be BASSET (Beverage Alcohol Sellers and Servers Education) certified. They anticipated ten to fifteen (10 – 15) employees.

Motion by Commissioner Jordan, seconded by Commissioner Feldkamp that the application of Hurley Entertainment Group, Inc., d/b/a Spotted Dog Tavern, located at 1504 Morrissey Dr., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved contingent upon compliance with all health and safety codes.

Motion carried, (viva voce).

The following was presented:

7. **Consideration of the application from VenuWorks of Bloomington, LLC, d/b/a US Cellular Coliseum (USCC), located at 101 S. Madison St., requesting an EAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.**

Commissioner Renner noted that the applicant's representative was currently on their way. He provided a brief history. The City Council had approved a transitional 90-day management agreement with VenuWorks on March 28, 2016 to operate the USCC. Central Illinois Arena Management (CIAM) had chosen not to renew their contract for same.

Timothy Berry, Interim Executive Officer, VenuWorks arrived at 4:30 p.m.

Commissioner Jordan questioned familiarity with the pending liquor fee increases and Chapter 6, Alcoholic Beverages. Mr. Berry responded affirmatively. He stated that staff would have BASSET (Beverage Alcohol Sellers and Servers Education) certification and there would be no video gaming.
Motion by Commissioner Jordan, seconded by Commissioner Feldkamp that the application of VenuWorks of Bloomington, LLC, d/b/a US Cellular Coliseum (USCC), located at 101 S. Madison St., requesting an EAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved contingent upon compliance with all health and safety codes.

Motion carried, (viva voce).

The following was presented:

8. Consideration of proposed ordinance increasing liquor license fees.

Commissioner Renner provided a brief history. He noted that liquor license fees had not increased since 1983. Costs associated with same have risen. The Town of Normal (Town) licenses were $1,300 higher. He believed the proposed increases were modest. The increases were ten percent (10%) below the Town.

Commissioner Jordan believed that the fee increases should balance with the surrounding communities and the Town. Incremental steps were better for the business owner. He noted that at the end of 2019 the City's restaurant license would be $300 less than the Town's. The cost to the City requires review. Compromises were required from the business owner and the City. The Liquor Commission makes recommendations, Council had final approval.

Commissioner Feldkamp believed fees should be increased incrementally. She believed that that the citizens should not shoulder the total Police/Fire Pension cost.

Motion by Commissioner Jordan, seconded by Commissioner Feldkamp that the liquor license fee ordinance be approved as presented and recommend to the City Council for final approval at their April 25, 2016 Regular City Council meeting.

Ayes: Commissioners Jordan, Feldkamp and Renner.

Nays: None.

Motion carried.

The following was presented:

9. Consideration of proposed ordinance establishing video gaming licenses and fees.

Commissioner Renner stated that fees collected could be earmarked for Police/Fire Pensions. He believed that the City was the only metro city to not charge fees for video gaming. There was concern with the City having more video poker machines then Peoria. He had spoken with the Mayor in Des Moines, IA, they had place a ceiling on same. He did not prefer that method. He noted that Decatur had a ceiling on liquor licenses.

Commissioner Jordan believed video gaming and liquor license fees were two (2) separate issues. He noted that each business' profit was posted on the Illinois Gaming Board website (www.igb.illinois.gov). He believed vendors had the biggest risk. The licensee pays initial application costs and eventually taxes on profit to the state. He was not aware of a municipality that did not charge gaming fees. He questioned the total dollar amounts dollars wagered versus the amounts paid out. He believed that what was left over was divided up, 34.7%, between the vendor and the licensee. The state collected thirty percent (30%) with five percent (5%) given back to the City. Less than one percent (1%) went to the administration costs. He believed that earmarking the revenues would be received favorably.

Commissioner Feldkamp echoed Commissioner Jordan's comments.

Commissioner Renner noted that a previous suggestion was to have a tiered license fee. Staff had cited concern with administration of same.

Commissioner Jordan acknowledged a letter received from an establishment in opposition to the fees. Tavern owners had held a meeting on March 22, 2016. He was provided a list of concerns and had reviewed same. He understood the request to have a tiered licensing program but believed that the City would have to review the administrative costs. Prorating or averaging would be required. He stated that with a set fee amount if the business owner finds that the machines do not justify the cost they could remove same. The machines were not mandatory.

George Boyle, Corporation Counsel, noted that the proration section was exactly the same as the Town's with the exception of the fee. Prorating was not allowed. He noted that with prorating, figuring or monitoring there were administrative costs associated.

Commissioner Renner questioned the effective date. Mr. Boyle responded that same could begin January 1, 2017.

The Commissioners agreed that the January 1, 2017 begin date was better. Commissioner Jordan questioned non for profit fees. Mr. Boyle responded that same were not excluded. Commissioner Renner noted that the ordinance replicated the Town. Mr. Boyle responded affirmatively.

Commissioner Renner questioned the impact of a $500 fee for all establishments. He requested Chief Deputy Clerk Renee Gooderham speak to administrative concerns.

Ms. Gooderham stated that when a new business has video gaming machines staff would have to estimate earnings. This could result in the business over paying or not paying enough. The Finance Department had indicated that refunding money would take considerable staff time and resources.

Commissioner Feldkemp believed all establishments should pay the same amount. If a business was unable to justify the fee then the machines could be removed.

Commissioner Jordan echoed Commissioner Feldkemp's comments. He believed fewer machines could equal more revenue for other establishments.

Commissioner Renner stated that he was unable to locate a municipality that had a tiered system. He requested that Peter Pontiac, owner/operator B & B Amusements address the tiered system.

Mr. Pontiac stated that a tier structure allows a municipality to charge an income tax, which is illegal.

Commissioner Feldkemp questioned the $500 fee. Commissioner Renner stated that the fee ranges across the stated varied. Commissioner Jordan noted that the Town fees were $200. IIe believed there was discussion from same to increase video gaming fees.

Commissioner Feldkemp questioned nonprofit organization exemptions. Mr. Boyle stated the draft ordinance could be amended. Commissioner Jordan believed there was no justification to have exemptions. Commissioner Feldkemp agreed.

Motion by Commissioner Jordan, seconded by Commissioner Feldkemp to amend the draft ordinance to reflect that proceeds from the video gaming licensing be earmarked for Police and Fire Pension and recommend to the City Council for final approval at their April 25, 2016 Regular City Council meeting.

Ayes: Commissioners Jordan, Feldkamp and Renner.

Nays: None.

Motion carried.

Motion by Commissioner Jordan, seconded by Renner to approve the recommended $500 video gaming fee currently in the draft ordinance and recommend to the City Council for final approval at their April 25, 2016 Regular City Council meeting.

Ayes: Commissioners Jordan, and Renner.

Present: Commissioner Feldkemp.

Nays: None.

Motion carried.

Commissioner Renner questioned nonprofits exemptions. Mr. Boyle questioned defining same. He noted that Terry Moore, operator, Loyal Order of Moose BLM #745, d/b/a Bloomington Moose #745, located at 614 IAA Dr., had spoken at the March 8, 2016 Liquor Commission meeting stating that proceeds from their machines went to charity. He questioned other nonprofits proceeds distribution. Staff could research nonprofit qualifications and present to Council.

Commissioner Jordan stated that he viewed Veteran associations differently than fraternal organizations. He recommended that the ordinance remain the same with the exception of Veteran's associations. Commissioner Feldkemp agreed.

Motion by Commissioner Jordan, seconded by Commissioner Feldkemp to amend the draft ordinance to reflect a January 1, 2017 effective date and exempt Veteran associations be approved and recommend to the City Council for final approval at their April 25, 2016 Regular City Council meeting.

Ayes: Commissioners Jordan, Feldkamp and Renner.

Nays: None.

Motion carried.

10. Adjournment

Motion by Commissioner Jordan, seconded by Commissioner Feldkamp to adjourn. Time: 5:20 p.m.

Motion carried, (viva voce).

Respectfully submitted,

Renee Gooderham
Chief Deputy Clerk

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

1. Call to Order

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

2. Pledge of Allegiance to the Flag

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

3. Remain Standing for a Moment of Silent Prayer

4. Roll Call

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

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

Staff Present: David Hales, City Manager, Steve Rasmussen, Assistant City Manager, Jeffrey Jurgens, Corporation Counsel, Cherry Lawson, City Clerk and other City staff were also present.

5. Recognition / Appointments

The following were presented:

A. Proclamation declaring April 25 – 30, 2016 as, "International Understanding and World Peace Week".
B. Proclamation declaring May 2016 as, "Building Safety Month".
C. Proclamation declaring May 1 – 7, 2016 as, "Municipal Clerk's Week".
D. Reappointment of Michael Kerber to the Cultural District Commission.
E. Reappointment of Van Miller to the Library Board of Trustees.
F. Appointment of Kyle Silver to the Sister City (Japan) Committee.
G. Appointment of Alicia Henry to the Library Board of Trustees.
H. Presentation on Tree USA *(Jay Tetzloff, Director of Parks & Recreation, 5 minutes).*

6. Public Comment

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

Patricia Marton
Rich Buchanan
Chris Hubbard
Jeremy Studebaker
Alton Franklin
Pete Pontius
Mickey Fabrizio
Gary Lambert
Cheris Larson
Ryan Heeren
Joe Wargo

7. Consent Agenda

The following was presented:

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

Alderman Fruin requested Item No. 7G be pulled from the Consent Agenda.

Alderman Buragas requested Item No. 7H be pulled from the Consent Agenda.

Motion by Alderman Painter, seconded by Alderman Schmidt, that the Consent Agenda be approved with exception of Items 7G and 7H.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 7A: Consideration of approving the Minutes of the April 18, 2016 Special Session Meeting and the April 11, 2016 Regular City Council Meeting.

The following was presented:

Item 7B. Consideration of approving Bills, Payroll and Electronic Transfers in the amount of $ 5,575,091.27.

The following was presented:

Item 7C. Consideration of approving Appointments and Reappointments to Various Boards and Commissions.

The following was presented:

Item 7D. Consideration of approving a three-year Agreement with Nugent Consulting Group (NCG) for Insurance and Consulting Services from May 1, 2016 through April 30, 2018.

The following was presented:

Item 7E. Consideration of approving a Contract with Arthur J. Gallagher for Insurance Coverage and Broker Service, and authorize Payment for Property, Liability, Excess Liability, and Excess Worker's Compensation Insurance Broker Service.

The following was presented:

Item 7F. Consideration of approving a Contract with Alternative Services Concepts (ASC) for the Fiscal Year May 1, 2016 through April 30, 2018 for providing Third Party Administrator Claims Adjustment Service.

The following was presented:

Item 7G. Consideration of approving a Professional Services Contract with Shive Hattery, Inc. for Professional Architectural, Environmental and Land Surveying Services for Police Training Facility Improvements, (RFQ 2016-04). ***Pulled from the Consent Agenda.***

The following was presented:

Item 7H. Consideration of approving a Professional Services Contract with the Farnsworth Group for Professional Engineering and Land Surveying Services for Demolition of the City Hall Annex, (RFQ 2016-04). ***Pulled from the Consent Agenda.***

The following was presented:

Item 7I. Consideration of Review and Analysis of RFQ # 2016-36 - Lift Station and Force Main Evaluation.

The following was presented:

Item 7J. Consideration of an approving an Intergovernmental Agreement between the City of Bloomington and Hudson Township Road District for equipment rental and maintenance.

The following was presented:

Item 7K. Consideration of approving the submittal of an application for Monarch Butterfly Conservation Fund Grant 2016.

The following was presented:

Item 7L. Consideration of approving a two-year agreement with the Ecology Action Center for a Bloomington-Normal Community Energy Strategic Plan.

The following was presented:

Item 7M. Consideration of approving a Resolution waiving the bidding requirements and approve a Contract with POS Partners, Inc. to Purchase a Replacement Point of Sale System for Use within the US Cellular Coliseum.

RESOLUTION NO. 2016 – 18
A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING A CONTRACT WITH POS PARTNERS, INC.

The following was presented:

Item 7N. Consideration of approving an Ordinance to Cede the City of Bloomington's Allocation of the Private Activity Bonding Cap to the Easter Illinois Economic Development Authority.

ORDINANCE NO. 2016 – 30
A SPECIAL ORDINANCE AUTHORIZING THE CEDING OF PRIVATE ACTIVITY BONDING AUTHORITY

The following was presented:

Item 7O. Consideration of Approving an Ordinance approving a Petition for Dedication of Public Utility Easement.

ORDINANCE NO. 2016 – 31
AN ORDINANCE APPROVING THE DEDICATION OF UTILITY EASEMENT

The following was presented:

Item 7P. Consideration of adoption of an ordinance approving a Special Use Permit for a Duplex in an R-1C, High Density Single Family Residential District for the property located at 1015 ½ E. Front St.

ORDINANCE NO. 2016 – 32
AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A DUPLEX in the R-1C DISTRICT FOR PROPERTY LOCATED AT: 1015 ½ E. Front Street

The following was presented:

Item 7Q. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on October 1, 2016.

ORDINANCE NO. 2016 – 33
AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT MILLER PARK PAVILON ON OCTOBER 1, 2016

The following was presented:

Item 7R. Consideration of approving the Second Amendment to the Contract for Professional Services with VenuWorks for Temporary Management at the U.S. Cellular Coliseum.

The following was presented:

Item 7G. Consideration of approving a Professional Services Contract with Shive Hattery, Inc. for Professional Architectural, Environmental and Land Surveying Services for Police Training Facility Improvements, (RFQ 2016-04).

Alderman Fruin questioned hiring Consultants for surveying work. He stated an improved Intergovernmental Agreement (IGA) for financial responsibility would be beneficial for this effort as the facility was used by the Town of Normal's (Town) Police Department and McLean County (County) Sheriff's Department.

David Hales, City Manager, stated the Consultants' purpose was to determine the cost and the work required for the facility to resume indoor training.

Motion by Alderman Mwilambwe that the Council approve a Professional Services Contract with Shive Hattery, Inc. for Professional Architectural, Environmental and Land Surveying Services for Police Training Facility Improvements, (RFQ 2016-04).

Motion failed due to lack of second.

The following was presented:

Item 7H. Consideration of approving a Professional Services Contract with the Farnsworth Group for Professional Engineering and Land Surveying Services for Demolition of the City Hall Annex, (RFQ 2016-04).

Alderman Fruin questioned staff completing the project versus hiring Consultants. David Hales, City Manager, stated current staff did not have the expertise required for the design work. The building demolition was necessary and involved the following major issues: 1.) relocation of the City's fiber optic cable that runs through the building; 2.) demolition of the building; 3.) installation of a retaining wall along the north side of the building; and 4.) grading, site drainage and surface improvements to allow use for Fleet Maintenance storage and parking.

Motion by Alderman Black, seconded by Alderman Hauman, that the Council approve a Professional Services Contract with the Farnsworth Group for Professional Engineering and Land Surveying Services for Demolition of the City Hall Annex, (RFQ 2016-04).

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

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

Recused: Alderman Amelia Buragas.
[7:32 PM Minutes:] Alderman Buragas left the dais.
[7:36 PM Minutes:] Alderman Buragas returned to the Meeting.

Nays: Alderman Fruin.

Motion carried.

8. Public Hearing

The following was presented:

Item 8A. Public Hearing for Cable Television Franchise with CMN-RUS, INC. (Metronet).

(a) Open Public Hearing
  (i) Staff Overview
  (ii) John Campbell, Corporate Counsel, Metronet
  (iii) Public Comment
  (iv) Close Public Hearing

David Hales, City Manager, stated Metronet would install a 100% fiber optic network throughout the City. Same would connect directly to customers' homes or places of business. Council should consider the following: 1.) The public need for an additional cable television franchise; 2.) The capacity of the right of ways to accommodate equipment and infrastructure required by the additional franchise; 3.) The potential disruption to existing users of public right

of ways due to the construction for or services provision pursuant to the additional franchise; 4.) The long term economic impact of the additional franchise; and 5.) Any other factors deemed appropriate.

Austin Grammer, Economic Development Coordinator, stated negotiations were conducted with Metronet representatives to achieve a fair and beneficial agreement that was compliant with the law. The proposed agreement was based on the City's existing franchise agreements and provided for franchise fee revenues as allowed under law. Minor modifications were requested by Metronet in an effort to promote increased competition which would ultimately lead to more choices for consumers, faster Internet speeds in residential areas and lower prices for consumers.

Residents had expressed a desire for the local deployment of Fiber-To-The-Home (FTTH) / Gigabit digital video and Internet service. The City's Comprehensive Plan 2035 "encouraged increased accessibility to state-of-the-art telecommunication and broadband networks" by "encouraging competition for telecommunications broadband services by prohibiting exclusionary contracts".

John Campbell, Metronet's Corporate Council, provided a brief presentation. CMN-RUS, INC. (Metronet) of Evansville, IN, had requested a Cable Television Franchise with the City to offer FTTH broadband Internet, voice, and video services. The company's customer focused motto was "Passion to Serve".

Metronet offered services to businesses, including hosted PBX, Fiber Internet, Fiber WAN (on-net and off-net), IPTV services, Firewall/Security services, etc. Benefits included World Class Broadband Networks, Gigabit City designation, an economic development tool for future growth and future proof – virtually limitless bandwidth. Metronet was privately funded. This competition should lower prices and offer better customer service.

Mayor Renner opened and closed the Public Hearing. The following members of the public provided comment:

Alton Franklin
Ryan Fiella
Gary Lambert

Alderman Hauman questioned Metronet's choosing the City. Mr. Campbell stated the quality of life, education and Universities, among others attracted the company to the community.

Alderman Black questioned the process involved with street/sidewalk repair. Mr. Campbell stated engagement with City engineers would be required along with permits. Plans would be formed with the City. Mr. Hales stated inspections would be completed to ensure the

installation quality. Proper notifications would be given to impacted citizens. Some cables would be placed on utility poles.

Alderman Mwilambwe questioned the time frame for residential service. Mr. Campbell stated work on the core infrastructure would start immediately. Once completed, service to residents would be provided.

Alderman Sage questioned right of ways used to bring service to residents' homes. Mr. Campbell stated the same easements would be used as Comcast unless obstacles were now blocking same.

Alderman Buragas questioned the cost to do business. Mr. Campbell stated there was none. Alderman Buragas questioned the franchise fee and provisions to schools and governments who request services. Mr. Campbell stated the franchise fee would mirror the incumbent's franchise fee. Metronet would provide service to any school building or governmental facility requesting same.

Alderman Lower questioned the network source along I55 as a secondary provider or if Metronet would provide their own. Mr. Campbell stated a third party with network facilities would be utilized for the back haul to the Indiana facilities.

9. Regular Agenda:

The following was presented:

Item 9A. Consideration of approving an Ordinance Ratifying a Cable Television Franchise Agreement with CMN-RUS, INC.

ORDINANCE NO. 2016 – 34
AN ORDINANCE APPROVING AND AUTHORIZING ENTERING INTO AND EXECUTING A CABLE TELEVISION FRANCHISE BETWEEN THE CITY OF BLOOMINGTON, ILLINOIS AND CMN-RUS, INC.
(Metronet)

Austin Grammer, Economic Development Coordinator, stated under the Illinois Municipal Code, (65 ILCS 5/11-42-11), Metronet's request to obtain a cable television franchise required holding a Public Hearing to determine whether granting an additional franchise would be appropriate. He noted that Comcast of Illinois/Indiana/Ohio, LLC, and i-TV3 Inc. have a Cable Television Franchise within the City.

Metronet was privately funded. He believed same was a great opportunity to acquire a fiber optics network.

Motion by Alderman Painter, seconded by Alderman Hauman, that the Ordinance approving and authorizing entering into and executing a Cable Television Franchise

Agreement with CMN-RUS, INC. be approved and authorize the Mayor and City Clerk to execute the necessary documents.

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

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

Nays: None

Motion carried.

The following was presented:

Item 9B. Presentation regarding Connect Transit Comprehensive Operational Analysis and Route Restructure Plan.

The following was presented:

Andrew Johnson, Connect Transit (Connect) General Manager, provided a brief presentation. Connect's goal was to strike a balance with efficiency and coverage through a Route Restructure. He believed not everyone would be satisfied with the changes. The current system did not provide good balance. A review was undertaken to improve and expand service. The community had provided feedback.

Isaac Thorn, Chief Operating Officer, stated Connect contracted with Nelson\Nygaard Consulting Associates to assist with identifying the current system's strengths and weaknesses. The Comprehensive Operational Analysis Goals included: 1.) Support and meeting the transit riders needs; 2.) Provide an attractive mobility option for as many residents and visitors as possible; 3.) Build upon recent capital investments, such as buses and amenity enhancements, including a bus tracking application; and 4.) Operate in a cost effective and efficient manner. Bus stop shelters and benches would be installed.

Guiding principles used for transit planning included: 1.) Service should be simple; 2.) Service should operate at regular intervals; 3.) Routes should operate along a direct path; 4.) Routes should be symmetrical; 5.) Routes should serve well defined markets; and 6.) Service should be well coordinated.

Input from the community included: 1.) More frequent service; 2.) Increase service hours; and 3.) More weekend service. Nelson\Nygaard used the feedback when proposing changes to the network. The proposed network would be simplified and easy to understand. Service would be bi-directional. The grid-system would have multiple transfer points. A new hub was proposed with three (3) routes to serve the City's west-side Walmart. A high-frequency route between Uptown Station and the City's Downtown would be made. Routes would be interlined to reduce directional confusion. A one-seat ride between the airport and Uptown Station/ISU would be introduced.

The proposed plan would provide a thirty (30) minute service during peak hours on most routes. The frequency on Saturday's would be scaled back. Sunday service would be provided contingent on available funding from local sales tax funds from 7:00 am to 7:00 pm.

Nelson\Nygaard concluded that fifty-seven percent (57%) of residents would have increased weekday service. There would be no disparate impact on low income or minority residents. Some outlying areas would have service eliminated. Partnership with Uber and local taxi companies to provide a "First mile/Last mile" solution was being considered. Service being eliminated included: 1.) Danbury Apartments; 2.) Hilltop Mobile Home Park; and 3.) Ironwood Gardens Apartments. "First mile/Last mile" service involved an Uber/taxi driver picking up the resident and taking them to a designated stop to connect with a bus.

Future Service Expansion included monitoring ridership on the new routes for the first (1st) year and would be based on service standards approved by the Board of Trustees. Employees would increase by thirty (30) including a trainer and supervisors for the additional day of service.

Next steps included: 1.) A Public Hearing on May 2, 2016 at 4:30 pm at the Uptown Station, fourth (4th) Floor Multipurpose Room; 2.) The route restructure final vote by the Connect Transit Board of Trustees on May 3, 2016, 4:30 pm, at the same place; 3.) If approved, the changes would take effect August 2016; and 4.) Sunday service would commence at that time. A marketing and awareness campaign was being developed for the new routes and service.

Alderman Lower questioned the ride expense to the designated stop. Mr. Johnson stated a $2 fee was charged when using Connect Mobility. Many residents utilize Connect Transit cost free using a State program.

Alderman Mwilambwe questioned the planned service cost with Uber/taxi drivers. Mr. Johnson stated the pilot program would be subsidized partly by Connect Transit with the rider paying the remainder.

Alderman Fruin commended Connect Transit for removing reference to any particular Ward but bringing attention to the community as a whole.

Alderman Schmidt cited concern with residents west of Main St. losing service such as Project OZ, Community Action and West Bloomington Revitalization Project. She questioned the accuracy of statements made in the presentation: 1.) Residents of neighborhoods with the greatest increase in service have lower household income than the McLean County average; and 2.) No disparate impact on low income or minority residents. Petitions would be brought forth at the May 2, 2016 Public Hearing. Alderman Black cited the same concerns.

Alderman Sage questioned Connect Transit receiving funds from the local sales tax and reducing service to a large area of the City. He requested specific details on the "First Mile/Last Mile" pilot process. Mr. Johnson stated there was no contract for this as talks were ongoing. The proposed plan was: 1.) A resident would contact Uber/taxi company for a ride to the bus stop; 2.)

Uber would have a code to directly bill Connect for the fee portion; 3.) The resident would pay the balance. Connect Mobility was available for qualified residents.

Alderman Sage questioned whether the "First Mile/Last Mile" concept was due to community outreach. Mr. Johnson responded that the proposal had been brought to the foreground within the last two (2) months. Connect was close to the contract phase with Uber. He expected that the cost subsidy would be half (1/2), in accordance with the transit model. Program evaluation would occur around six (6) months. Alderman Sage cited concern as there was a subsidized housing area in the Southwest section. Same would lose access to Connect's service. He cited the same concerns as Aldermen Schmidt and Black.

Alderman Black questioned Uber's surge pricing with the planned pilot. Mr. Johnson stated it would not be Connect's intent to subject anyone to surge pricing.

Item 9C. Consideration of approving an Ordinance Increasing Liquor License Fees.

ORDINANCE NO. 2016 – 35
AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 6

Mayor Renner stated the Ordinance for increasing Liquor License fees was a cost recovery mechanism. The Police Officer Downtown Hireback cost was $130,000. Other costs incurred included: Police Officer salaries, pensions, health care, equipment such as breathalyzers, cameras, legal administrative costs, legal fees, court reporters and legal settlement costs. Taxpayers, through the General Fund, had absorbed these costs for thirty-four (34) years.

The license fee increases were designed to raise revenue to offset the cost of liquor license regulation and law enforcement activities. Alcohol use was linked to domestic violence, fights, Driving Under the Influence (DUI), and traffic accidents, among other criminal or socially undesirable behaviors. The costs associated with same were less quantifiable compared to administration and regulation. These costs have increased significantly since 1982.

Mayor Renner introduced Jim Jordan, Liquor Commissioner. He noted that Mr. Jordan had worked as a Supervisor for twenty-two (22) of twenty-five (25) years with the Normal Police Department and was a Special Agent and Investigations Supervisor for the Illinois State Liquor Board for ten (10) years.

Mr. Jordan noted that the last time liquor license fees were raised was in 1982. The proposed Ordinance would increase liquor license fees over a three (3) year period beginning January 1, 2017. The licenses with the highest fees (CA [Clubs - All Types of Alcoholic Liquor], EA [Entertainment/Recreational Sports Venue – All Types of Alcoholic Liquor], RA [Restaurant - All Types of Alcoholic Liquor], ST [Stadium] and TA [Tavern - All Types of Alcoholic Liquor] Class Licenses) would increase from $1,760 to $2,100 in 2017, $2,400 in 2018, and $2,700 in 2019.

He believed License fees should be related to the costs incurred by a Municipality in administration and regulation of licensees. As stated by the Illinois Supreme Court, "the

rule…does not apply where the license charged was imposed on those occupations which, while they were tolerated, were recognized as being hurtful to public morals, productive of disorder, or injurious to the public, such as the liquor traffic." Sager v. City of Silvis, 402 Ill. 262 (1947).

The fee increases would be similar to those charged by the Town of Normal (Town). The cost of the restaurant or tavern license serving all kinds of alcohol in the City was $1,760, or about fifty-nine percent (59%) less than the Town, which charged $3,000. He explained the additional $450 charge for Sunday sales. The fees would increase approximately ninety percent (90%) in 2019 placing same in line with the Town. The Town's liquor licenses were available in the Town's Municipal Code, Chapter 4: Liquor, Section 4.10: Classification and Fees; www.normal.org.

Alderman Sage questioned packaged liquor fees. Mr. Jordan stated that all liquor license holders would have a fee increase.

Alderman Lower questioned legal costs. Mayor Renner stated the maximum fine was $3,400. Same doesn't cover the legal costs. Alderman Lower believed the fee increase was high. He was not in favor of same.

Motion by Alderman Black, seconded by Alderman Sage, that discussion be extended for an additional fifteen (15) minutes.

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

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

Nays: None.

Motion carried.

Alderman Black questioned a monthly fee implementation along with the quarterly payment.

Alderman Mwilambwe recommended spreading the fee increase out more than three (3) years. He questioned the process after the current fee increase. Mr. Jordan believed a review after three (3) to five (5) years would be required.

Alderman Buragas stated the process had been well vetted with plenty of opportunity for comments and suggestions. She believed the proposal was well-informed and fair.

Alderman Painter believed thirty-four (34) years without a liquor license fee increase was too long. She supported spreading out the increases.

Mr. Jordan stated new liquor licenses and video gaming machines have caused a change in how many people want to get involved with same. He believed the video gaming business was profitable. He believed the City should have charged a fee for the machines from the beginning. There were establishments that were in violation of the Video Gaming Ordinance if the Video

Gaming exceed proceeds from food and beverage. Approximately $1 million a month was being taken out of the City's economy and going to these establishments.

Alderman Sage questioned the handling of those establishments that were in violation of City codes. Mr. Jordan stated an audit would be necessary.

Alderman Painter questioned the award received by the City for having many Video Gaming Terminals (VGT).

Motion by Alderman Mwilambwe, seconded by Alderman Buragas, that the Ordinance Increasing Liquor License Fees, every other year, over a period of five (5) years, be adopted, and authorize the Mayor and City Clerk to execute the necessary documents.

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

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

Nays: Aldermen Lower, Sage, Schmidt and Fruin.

Motion carried.

The following was presented:

Item 9D. Consideration of approving an Ordinance, Amending Chapter 6 of the Bloomington City Code to provide for Video Gaming Licensing.

ORDINANCE NO. 2016 –
AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 6, ARTICLE II: VIDEO GAMING LICENSE

Motion by Alderman Black, seconded by Alderman Hauman, that the Council table this item for further discussion at a Committee of the Whole within sixty (60) days.

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

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

Motion carried.

The following was presented:

Item 9E. Consideration of Approving a:

(a) Contract with Rowe Construction for the FY 2017 General Resurfacing program, (RFQ 2016-39).

(b) Contract with Rowe Construction for the FY 2017 Street and Alley Repair program, (RFQ 2016-40).

(c) Contract with J. G. Stewart Contractors, Inc. for FY 2017 Sidewalk Replacement and Handicap Ramp Program, (RFQ 2016-38).

David Hales, City Manager, stated Council could make one motion to approve the three (3) contracts as they were interrelated.

Jim Karch, Public Works Director, stated the General Resurfacing program included larger volume street resurfacing and the Linden Street widening from Locust to Empire. Motor Fuel Tax (MFT) and the quarter (1/4) cent sales tax funds would be used.

Motion by Alderman Buragas, seconded by Alderman Hauman, that the unit prices from Rowe Construction, for the FY 2017 General Resurfacing Program in the amount of $2,395,990.71 be accepted; that the unit prices from Rowe Construction, for the FY 2017 Street and Alley Repair program in the amount of $1,300,343.29 be accepted; that the unit prices from J. G. Stewart Contractors, Inc., for the FY 2017 Sidewalk Replacement and Handicap Ramp Program in the amount of $900,000 be accepted, and the contracts for each contractor be approved and authorize the City Manager and City Clerk to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 9F. Consideration of Review and Analysis of Bids, and approval of the HoJo and Wittenberg Sewer Improvements Contract, City Bid No. 2016-44.

David Hales, City Manager, noted the high cost of the project, $1.450 million.

Jim Karch, Public Works Director, stated this was the first (1st) step in a multi-year project to improve the City's sanitary and storm sewer lift stations. Same was in compliance with the Sewer Master Plan.

The HoJo Pump Station's failing condition was identified as a major priority for an upgrade due to employee safety concerns for lift station functionality, reduced operation, maintenance costs and potentially eliminate a station that required extraordinary monitoring.

The HoJo Pump Station was originally constructed in 1977 and included a concrete wet well and steel dry well. The steel dry well was about twenty (20) feet below ground and housed the pumps, valves and controls for the station. The pump station was at the end of its design life. Since the existing dry well and all controls were below grade, inspection and maintenance were difficult and required monitoring. Work on this station was considered confined space entry and made this station a safety hazard for employees who were responsible for maintenance. The project included converting and rehabilitating an existing force main connected to the HoJo lift station to a gravity sewer. Wittenberg Woods lift station would be eliminated with the installation of a new gravity sewer.

Motion by Alderman Black, seconded by Alderman Painter, that the unit prices from Stark Excavating, Inc. be accepted, and a contract awarded in the amount of $1,450,000.00, and the City Manager and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

Item 9G. Consideration of adoption of an ordinance amending Chapter 24 of the City Code regarding street and alley vacation and adopting a policy on same.

ORDINANCE NO. 2016 – 36
AN ORDINANCE AMENDING THE CITY CODE AND
ADOPTING A POLICY ON STREET & ALLEY VACATIONS

David Hales, City Manager, recommended formal Policy approval to set guidelines ensuring all street and alley vacation requests were handled in a uniform manner.

The streets and alleys vacation requests were governed by the Illinois Municipal Code. Section 11-91-1, allowed corporate authorities to vacate any street or alley when it was deemed to be in the public interest. Same must be completed by ordinance and passed by an affirmative three-fourths (3/4) Council vote. The ordinance was not effective until adjoining property owner paid the fair market value of the property acquired or of the benefits which would accrue to them by reason of the vacation.

Those seeking such vacations would be required to file petitions, at a $150 cost. The City Manager, in consultation with the Public Works Department, would review the request and make a recommendation to Council. Council would hold a public hearing to determine whether the vacation would be granted. Prior to the public hearing, a fifteen (15) day notice would be published in the newspaper and notices mailed to adjoining property owners.

Compensation would be determined by utilizing a formula of three (3) times the estimated assessed land valuation (per square foot) of the adjoining property times the square feet of the area to be vacated (3 x Adjoining Land EAV x Sq. Ft. within the property to be vacated). Petitioners could have the property appraised separately. The Policy allowed for no compensation to be required where the City had requested the vacation.

Motion by Alderman Schmidt, seconded by Alderman Painter, approving an ordinance Amending the City Code, Chapter 24 and Adopting a Policy on Street & Alley Vacations, and authorize the Mayor and City Clerk to execute the necessary documents

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

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

Nays: None.

Motion carried.

City Manager's Discussion

David Hales, City Manager, had no report.

Mayor Discussion

Mayor Renner stated the one (1) year anniversary of the opening of the Route 66 Visitor Center, located at 200 N. Main St., was April 25, 2016.

City Alderman's Discussion

Alderman Fruin thanked the Public Works Department for listing the work on the last three (3) items. Same allowed Council to approve quickly.

Alderman Mwilambwe thanked Jim Karch, Public Works Director, and Bob Yehl, Water Director, for providing a resident assistance and excellent customer service with an underground water issue.

Alderman Lower requested to have item 7G. "Consideration of approving a Professional Services Contract with Shive Hattery, Inc. for Professional Architectural, Environmental and

Land Surveying Services for Police Training Facility Improvements, (RFQ 2016-04)" brought to a Committee of the Whole meeting for further discussion.

Adjournment

Motion made by Alderman Black, seconded by Alderman Schmidt, to adjourn the meeting at 10:07 p.m.

Motion carried (viva voce).

CITY OF BLOOMINGTON **ATTEST**

Tari Renner, Mayor Cherry L. Lawson, City Clerk