



CITY OF  
BLOOMINGTON  
COUNCIL MEETING  
SEPTEMBER 12, 2016

# CONSENT AGENDA

# RECOGNITION

# REGULAR AGENDA

# AGENDA



## **City Logo Design Rationale**

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

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

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

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

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

# **City of Bloomington – Strategic Plan**

## **Vision 2025**

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

Jewel of Midwest Cities.

## **Mission**

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

## **Core Beliefs**

Enjoy Serving Others

Produce Results

Act with Integrity Take

Responsibility Be

Innovative Practice

Teamwork

Show the **SPIRIT!!**

## **Goals 2015**

Financially Sound City Providing Quality Basic Services

Upgrade City Infrastructure and Facilities

Strong Neighborhoods

Grow the Local Economy

Great Place to Live – A Livable, Sustainable City

Prosperous Downtown Bloomington

12/11/2010



## 2015 Strategic Plan Goals

<b>Goal</b>	<b>1. Financially Sound City Providing Quality Basic Services</b>
Objective	<ol style="list-style-type: none"><li>Budget with adequate resources to support defined services and level of services</li><li>Reserves consistent with city policies</li><li>Engaged residents that are well informed and involved in an open governance process</li><li>City services delivered in the most cost-effective, efficient manner</li><li>Partnering with others for the most cost-effective service delivery</li></ol>
<b>Goal</b>	<b>2. Upgrade City Infrastructure and Facilities</b>
Objective	<ol style="list-style-type: none"><li>Better quality roads and sidewalks</li><li>Quality water for the long term</li><li>Functional, well maintained sewer collection system</li><li>Well-designed, well maintained City facilities emphasizing productivity and customer service</li><li>Investing in the City's future through a realistic, funded capital improvement program</li></ol>
<b>Goal</b>	<b>3. Grow the Local Economy</b>
Objective	<ol style="list-style-type: none"><li>Retention and growth of current local businesses</li><li>Attraction of new targeted businesses that are the "right" fit for Bloomington</li><li>Revitalization of older commercial homes</li><li>Expanded retail businesses</li><li>Strong working relationship among the City, businesses, economic development organizations</li></ol>
<b>Goal</b>	<b>4. Strong Neighborhoods</b>
Objective	<ol style="list-style-type: none"><li>Residents feeling safe in their homes and neighborhoods</li><li>Upgraded quality of older housing stock</li><li>Preservation of property/home valuations</li><li>Improved neighborhood infrastructure</li><li>Strong partnership with residents and neighborhood associations</li><li>Residents increasingly sharing/taking responsibility for their homes and neighborhoods</li></ol>
<b>Goal</b>	<b>5. Great Place – Livable, Sustainable City</b>
Objective	<ol style="list-style-type: none"><li>Well-planned City with necessary services and infrastructure</li><li>City decisions consistent with plans and policies</li><li>Incorporation of "Green Sustainable" concepts into City's development and plans</li><li>Appropriate leisure and recreational opportunities responding to the needs of residents</li><li>More attractive city: commercial areas and neighborhoods</li></ol>
<b>Goal</b>	<b>6. Prosperous Downtown Bloomington</b>
Objective	<ol style="list-style-type: none"><li>More beautiful, clean Downtown area</li><li>Downtown Vision and Plan used to guide development, redevelopment and investments</li><li>Downtown becoming a community and regional destination</li><li>Healthy adjacent neighborhoods linked to Downtown</li><li>Preservation of historic buildings</li></ol>



## Brief Summary of Five Council Priorities

### Five Priorities

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

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

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

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

#### 1. Economic Development

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

#### 2. Infrastructure

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

3. Financial Planning

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

4. Reduced Emergency Response Times

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

5. Downtown Implementation Plan

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

**RESOLUTION NO. 2016 -29**

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

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**WHEREAS**, the City of Bloomington ("City") is an Illinois home-rule municipality; and

**WHEREAS**, the City is known as the "Jewel of the Midwest;" and

**WHEREAS**, the City is a great place to live, work and play; and

**WHEREAS**, the City Council desires to adopt a statement expressing the Organizational Mission, Vision and Values of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE** City Council of the City of Bloomington, McLean County, Illinois, as follows:

**Section 1.** The above stated recitals are incorporated herein by reference.

**Section 2.** The City Council of the City of Bloomington hereby formally adopt the following as the City's Organizational Mission, Vision and Values:

Mission: To lead, serve and uplift the City of Bloomington

Vision: A Jewel of Midwest Cities

Values: Service-centered, results-driven, inclusive.

**Section 3.** All resolutions in conflict with this Resolution, as well as any previous statements adopted on the mission, vision and values of the City are hereby repealed.

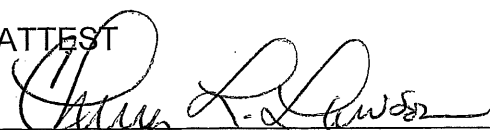
**Section 4.** This Resolution shall be in full force and effect immediately after its passage and approval.

APPROVED by the City Council of the City of Bloomington, McLean County, Bloomington, Illinois, July 25, 2016, by a vote of 7 to 2. (Nay: Alderman Kevin Lower) (Absent: Alderman David Sage)

CITY OF BLOOMINGTON

  
\_\_\_\_\_  
Tari Renner, Mayor

ATTEST

  
\_\_\_\_\_  
Cherry L. Lawson, City Clerk



**CITY COUNCIL MEETING AGENDA**

**CITY COUNCIL CHAMBERS**

**109 E. OLIVE STREET, BLOOMINGTON, IL 61701**

**MONDAY, SEPTEMBER 12, 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. Proclamation, Recognizing Avani Rai for her Leadership Skills through 4-H.
  - B. Proclamation declaring September 16, 2016 as, "Bloomington Center for the Performing Arts 10<sup>th</sup> Anniversary Day."
  - C. Appointment of Eric Penn to the Planning Commission.
- 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.)*

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**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 August 22, 2016 Regular City Council Meeting. *(Recommend that the reading of the minutes August 22, 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 \$12,028,061.69. *(Recommend that the bills, payroll, electronic transfers, and procurement cards be allowed in the amount of \$12,028,061.69, and orders drawn on the Treasurer for the various amounts as funds are available.)*
- C. Consideration of Approving an Appointments to the Planning Commission. *(Recommend that Eric Penn be appointed to the Bloomington Planning Commission.)*
- D. Consideration of Bids, and approval of Contracts with Vendors for Supply and Delivery of various Water Treatment Chemicals (Bid No. 2017-14). *(Recommend that the unit prices from the following bidders for the noted water treatment chemicals at the indicated unit prices be accepted; the contracts with vendors: Mosaic Global Sales (for a three-year term) and Tanner Industries (for a one-year term) be approved, and the City Manager & City Clerk be authorized to execute the necessary documents.)*
- E. Consideration of Approving an Easement Agreement between Gary L. Thompson and Brenda K. Thompson and the City of Bloomington. *(Recommend that Council approves the Easement Agreement with Gary L. Thompson and Brenda K. Thompson, and authorize the Mayor and City Clerk to execute the necessary documents.)*
- F. Consideration of Approving an Easement Agreement between Mark C. Thompson and Mary A. Thompson and the City of Bloomington. *(Recommend that Council approves the Easement Agreement with Mark C. and Mary A. Thompson, and authorize the Mayor and City Clerk to execute the necessary documents.)*
- G. Consideration of adoption of an ordinance for Case SP-05-16, a petition requesting approval of a Special Use Permit for a single family home in the B-1, Highway Business District for the property located at 1101 Morrissey Drive. *(Recommend that an ordinance approving for Case SP-05-16, a petition requesting approval of a Special Use Permit for a single family home in the B-1, Highway Business District for the property located at 1101 Morrissey Drive be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*
- H. Consideration of the application of 6 Points LLC, d/b/a Fast Stop, located at 1001 Six Points Rd., requesting a PAS liquor license which would allow the sale of all types packaged alcohol for consumption off the premises seven (7) days a week. *(Recommend that the application of 6 Points LLC, d/b/a Fast Stop, located at 1001 Six Points Rd., requesting a PAS liquor license which would allow the sale of all types packaged alcohol for consumption off the premises*

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*seven (7) days a week, be approved contingent upon: 1.) submittal of a valid lease within fourteen (14) day, validated by Corporation Counsel; 2.) verification that Mr. Contractor is authorized to be the agent for Mr. Patel and 3.) compliance with all health and safety codes.)*

- I. 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 October 2, 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 October 2, 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*
- J. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on October 8, 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 October 8, 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*
- K. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Davis Lodge on October 9, 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 October 9, 2016 be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.)*

## **8. “Regular Agenda”**

- A. Presentation of the Five-Year Capital Improvement Plan and the Capital Financing and Debt Policy. *(Presentation by David Hales, City Manager and Patti-Lynn Silva, Finance Director 20 minutes, Council discussion 20 minutes.)*

## **9. City Manager’s Discussion**

## **10. Mayor’s Discussion**

## **11. City Aldermen’s Discussion**

## **12. Executive Session – Cite Section**

## **13. Adjournment**

## **14. Notes**

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## Item 5

### **RECOGNITION / APPOINTMENTS**

5. Recognition/Appointments
  - A. Proclamation, Recognizing Avani Rai for her Leadership Skills through 4-H.
  - B. Proclamation declaring September 16, 2016 as, "Bloomington Center for the Performing Arts 10<sup>th</sup> Anniversary Day."
  - C. Appointment of Eric Penn to the Planning Commission.

# *Proclamation*

## *Recognition of Avani Rai*

**WHEREAS**, we are here to celebrate the achievements of Avani Rai, a student at Evans Junior High School; and

**WHEREAS**, Avani recently competed in the Illinois State Fair earning the Superior 4-H Exhibitor award of excellence for her project "Leadership Skills – 1"; and,

**WHEREAS**, 4-H aims to develop members into positive, competent leaders. 4-H Leadership experiences help members achieve group building skills, self-confidence, communication skills and teamwork skills; and,

**WHEREAS**, Avani has also been recognized for her academic leadership qualities being awarded the Dr. Ben Carson Scholarship Award, the Outstanding Achievement Award and Illinois State Young Authors' award; and,


**WHEREAS**, Avani is a youth volunteer for a non-profit organization that helps areas of India receive education, health care and information about personal hygiene along with volunteering at local food and blood drives; and,

**WHEREAS**, I, Tari Renner, Mayor of the City of Bloomington, do hereby deem it an honor and pleasure to extend this Certificate of Recognition to Avani Rai, with sincere congratulations.

**THEREFORE, IN WITNESS WHEREOF**, I do hereby set my hand, and cause the seal of The City of Bloomington be affixed, this 12<sup>th</sup> day of September 2016.



Tari Renner  
Mayor



Cherry Lawson  
City Clerk



# **PROCLAMATION**

## ***Bloomington Center for the Performing Arts 10th Anniversary September 16, 2016***

**WHEREAS**, *The Bloomington Center for the Performing Arts opened on September 16, 2006 and will celebrate its 10<sup>th</sup> anniversary this fall; and,*

**WHEREAS**, *the Center was born from the belief that a performing arts center is fundamental to the cultural pursuits of our community and vital to a better quality of life for all; and,*

**WHEREAS**, *over 859,000 people have experienced the joy of attending events at The Center, with over 85,000 people now attending events every year; and,*


**WHEREAS**, *the City of Bloomington, has made a visible and long-term commitment to the existence of a first rate performing arts facility in downtown Bloomington; and,*

**WHEREAS**, *as Mayor of the City of Bloomington, I am proud to congratulate The Bloomington Center for the Performing Arts on such a truly special occasion.*

**NOW, THEREFORE**, *I, Tari Renner, on behalf of the City of Bloomington and the Citizens of Bloomington extend our sincere congratulations on the 10<sup>th</sup> Anniversary of The Bloomington Center for the Performing Arts and our best wishes for many years of success in the years ahead.*



Tari Renner  
Mayor



Cheryl Lawson  
City Clerk



**CONSENT AGENDA ITEM: 7A**

FOR COUNCIL: September 12, 2016

**SUBJECT:** Consideration of approving the Minutes of the August 22, 2016 Regular City Council Meeting.

**RECOMMENDATION/MOTION:** That the reading of the minutes August 22, 2016 Regular City Council Meeting, be dispensed with and the minutes approved as printed.

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

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

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

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

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

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable

Respectfully submitted for Council consideration.

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

Recommended by:

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

David A. Hales  
City Manager

**Attachments:**

- August 22, 2016 Regular Session Meeting Minutes

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Motion: That the reading of the minutes August 22, 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, AUGUST 22, 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, August 22, 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.

Alderman absent: None

Staff Present: David Hales, City Manager; Steve Rasmussen, Assistant City Manager; Jeffery Jurgens, Corporation Counsel; Cherry Lawson, City Clerk; Tom Dabareiner, Community Development Director; Nicole Albertson, Human Resources Director; Jim Karch, Public Works Director; Austin Grammer, Economic Development Coordinator; and other City staff were present.

**5. Recognition / Appointments**

The following were presented:

- A. Presentation by McLean County Health Department, Community Health Needs Assessment Results
- B. Presentation by Sally Heffernan, BN Advantage Steering Committee
- C. Appointment of Alicia Whitworth to the Bloomington Board of Library Trustees
- D. Appointment of Levi Sturgeon to the Board of Fire & Police Commissioners
- E. Appointment of Michael Butts to the Board of Zoning Appeals

**6. Public Comment**

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

Bruce Meeks  
Donna Boelen  
R.J. Whitworth  
Gary Lambert  
Patricia Marton

## **7. Consent Agenda**

The following was presented:

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

**Motion by Alderman Hauman, seconded by Alderman Schmidt, that the Consent Agenda be approved with the exception of Agenda Item No. 7D, 7F, and 7H.**

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 August 8, 2016 Regular City Council Meeting.

The following was presented:

Item 7B. Consideration of approving Bills, Payroll, Procurement Card Purchases, and Electronic Transfers in the amount of \$5,469,688.06.

The following was presented:

Item 7C. Consideration of Approving Appointments to Various Boards and Commissions.

The following was presented:

Item 7D. Consideration of ratifying a contract with the International Association of Machinists and Aerospace Workers, Lodge 1000. ***This item was pulled from the Consent Agenda for Council discussion.***

The following was presented:

Item 7E. Consideration of approving the renewal of the 2004 Variable Bond Repurchase Agreement.

The following was presented:

Item 7F. Consideration of an Ordinance amending the City Code Provisions of Bulk Waste and Brush Collection in Relation to National Historic Landmarks within the City. ***This item was pulled from the Consent Agenda for Council discussion.***

ORDINANCE 2016 - 82

AN ORDINANCE AMENDING THE CITY CODE PROVISIONS  
ON BULK WASTE & BRUSH COLLECTION IN RELATION TO  
NATIONAL HISTORIC LANDMARKS WITHIN THE CITY

The following was presented:

Item 7G. Consideration of an ordinance approving a Special Use Permit allowing a duplex in the R-1C, High Density Single Family Residential District for the property located at 910 Summit Street.

ORDINANCE NO. 2016-83

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A  
DUPLEX in the R-1C DISTRICT  
FOR PROPERTY LOCATED AT: 910 SUMMIT STREET

The following was presented:

Item 7H. Consideration of adopting an Ordinance approving a Petition from Core III, LLC, for an expedited final plat for Airport Park 17<sup>th</sup> Addition Final Plat and approving a utility easement vacation, located East of Ekstam Drive and south of Cornelius Drive. ***This item was pulled from the Consent Agenda for Council discussion.***

ORDINANCE NO. 2016 - 84

AN ORDINANCE APPROVING THE FINAL PLAT OF AIRPORT PARK SUBDIVISION  
SEVENTEENTH ADDITION AND VACATING EASEMENT

The following was presented:

Item 7I. Consideration of approving a Lake Bloomington Lease Transfer Petition for Lot 7, Block 3 of Camp Iroquois, from Robert J Hitchen declaration of trust dated October 1, 1997 to Jeffery and Kimberly Schade.

The following was presented:

Item 7J. Consideration of approving a Lake Bloomington Lease Transfer Petition for Lot 7, Block 3 of Camp Iroquois, from Cynthia J. Esch to The Carol A. Scholl Living Trust.

The following was presented:

Item 7K. 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 on September 11, 2016.

#### ORDINANCE NO. 2016 - 85

#### 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 ON SEPTEMBER 11, 2016 AT DAVIS LODGE

The following was presented:

Item 7F. Consideration of an Ordinance amending the City Code Provisions of Bulk Waste and Brush Collection in Relation to National Historic Landmarks within the City. ***This item was pulled from the Consent Agenda for Council discussion.***

Alderman Sage wanted clarification on how this topic of discussion was placed on the agenda for this meeting.

Mayor Renner stated according to the Ordinance, there are multiple ways an item can be placed on the agenda. He stated that the City Manager and himself, agreed to put this item on the agenda. Renner provided background information relating to Alderman Buragas request to provide Mr. Hales with this item. Mayor Renner reminded Council that as policy makers, they are allowed to suggest topics to be brought forward and put on the agenda as they gain more public interest.

Alderman Sage expressed concern that Council had changed its usual procedures for putting items on an agenda. He stated Council needed to continue to discuss topics prior to them being placed on an agenda. Alderman Sage stated there is a procedure in place for Alderman to put an item on an agenda. It is very important to stick to this procedure, when requesting an item to be placed on an agenda that involves a policy or ordinance change.

Mayor Renner discussed the different ways Council can present an item to be put on an agenda. He reminded Council that every item does not have to go through the same process.

Alderman Buragas provided background information on this agenda item and the manner in which it was brought to Mayor Renner. The process was staff driven and proposed by executive staff to be placed on the agenda after researching and creating a plan for Bulk Waste.

Alderman Lower stated if an item involves a policy change or ordinance change, it should be discussed with Council prior to it being placed on an agenda. This procedure ensures that no violations of the Open Meeting Act occur.

Alderman Fruin stated there are multiple landmarks just as important as the David Davis Mansion, in the community, that we do not place on an agenda without prior Council discussion. If we start putting items on the Agenda without prior Council discussion, then all historical landmarks in the community will be asking for our assistance.

#### ORDINANCE 2016 - 82

#### AN ORDINANCE AMENDING THE CITY CODE PROVISIONS ON BULK WASTE & BRUSH COLLECTION IN RELATION TO NATIONAL HISTORIC LANDMARKS WITHIN THE CITY

**Motion by Alderman Schmidt, seconded by Alderman Buragas, that the Text Amendment to Chapter 21, Section 300.7 of Article III of the Bloomington City Code, be approved and the Ordinance passed, and to authorize the Mayor and City Clerk to execute the necessary documents.**

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

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

**Nays: None.**

**Recused: Alderman Joni Painter**

**[7:38 PM Minutes:] Alderman Painter left the dais.**

**[7:50 PM Minutes:] Alderman Painter returned to the Meeting.**

**Motion carried.**

The following was presented:

Item 7H. Consideration of adopting an Ordinance approving a Petition from Core III, LLC, for an expedited final plat for Airport Park 17<sup>th</sup> Addition Final Plat and approving a utility



easement vacation, located East of Ekstam Drive and south of Cornelius Drive. *This item was pulled from the Consent Agenda for Council discussion.*

Alderman Mwilambwe reminded Council about the amount of traffic this would generate in this particular area. Past research found the timing of the study was done at a time that did not allow realistic data to be collected. There also is not an appropriate outlet for people and traffic out of this neighborhood. Cornelius is the next best street option to use, but has been undeveloped for the past 20 years. If Cornelius was fully developed at this time there would be more support for this Ordinance. For these reasons he will be voting “No.”

Alderman Fruin commented progress has been made with various developments in that area, and that Cornelius will hopefully follow through and help this neighborhood out.

Alderman Lower stated this is a great area that is not Downtown, for Council to consider making a TIF district so that this neighborhood can be developed fully.

ORDINANCE NO. 2016 - 84

AN ORDINANCE APPROVING THE FINAL PLAT OF AIRPORT PARK SUBDIVISION SEVENTEENTH ADDITION AND VACATING EASEMENT

**Motion by Alderman Schmidt, seconded by Alderman Hauman that the Ordinance be passed approving the expedited final plat for Airport Park 17th Addition and vacating the associated utility easement and that the Mayor and City Clerk be authorized to sign the necessary documents.**

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

**Ayes: Aldermen Schmidt, Black, Hauman, Fruin and Renner.**

**Nays: Alderman Lower, Sage, Mwilambwe, and Painter.**

**Mayor Renner voted Aye to break the tie vote.**

**Recused: Alderman Amelia Buragas**

**[7:50 PM Minutes:] Alderman Buragas left the dais.**

**[8:00 PM Minutes:] Alderman Buragas returned to the Meeting.**

**Motion carried.**

The following was presented:

7D. Consideration of ratifying a contract with the International Association of Machinists and Aerospace Workers, Lodge 1000. *This item was pulled from the Consent Agenda for Council discussion.*

Alderman Fruin reminded Council of the City of Bloomington generous benefit program where by staff recommends benefit levels for themselves and for employees of the City. He is not in approval of this type of benefit program. He stated that the City of Bloomington has one of the richest benefit packages of any employer in McLean County. Deductible levels, spousal coverage, reimbursement levels, and out of pocket exposure were of concern to him. A large amount of individual's tax dollars are funding the City's employee's benefits package. We need to restructure and change our benefits package to be more consistent with other employers in the community.

Alderman Hauman asked Mr. Hales where the City was in regards to the benefit study. Mr. Hales stated it would be brought to Council next month to discuss the Employee Benefit Compensation Philosophy. This discussion is to have Council help give their opinions to policy adjustment and restructure of benefits.

Alderman Black asked if this proposal did not pass, what would the outcome be. Mr. Jurgens and Ms. Albertson said that if this proposal was not ratified, it would have to go back to the bargaining table to discuss further.

Alderman Buragas explained that this proposal is moving in the right direction and shows the small reduction in benefits that was already voted on prior. Council needs to move forward and not hold this contract up any longer.

Alderman Mwilambwe felt a proper comparison needs to be made between private and public sectors with jobs that are similar. He did not feel matching the private sector and public sector in general gives fair data. Each job entails different hours required of staff than others.

**Motion by Alderman Hauman, seconded by Alderman Painter, that the Contract be ratified, and authorize the bargaining unit team to execute the agreement.**

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. Consideration of approving a professional services agreement with Houseal Lavigne & Associates (as per RFP 2017-06) for a comprehensive amendment of the City of Bloomington Zoning Ordinance (Chapter 44 of the Municipal Code).

Mr. Dabareiner stated, the existing Zoning Ordinance has a number of problems and needs to be updated to reflect current goals and objectives. Council needs correct out of date land uses, consider current development, legal decisions that have occurred, and make sure our ordinances reflect Council's decisions. The Ordinance also contains a number of conflicting provisions. Current time provides for a great opportunity to do all these changes.

A team was put together that consisted of Katie Simpson; City Planner, Tom Dabareiner; Community Development director, and George Boyle, the City Attorney. This team interviewed two local firms, both of whom were within the budget. A third firm was not within budget and lacked proper legal representation so they were not interviewed. City staff interviewed these two firms and recommend Houseal Lavigne & Associates to become the land use attorney with this proposal project. This firm believes they can meet the demands of what was admittedly an aggressive time frame for doing so. The team is recommending the City approve Houseal Lavigne & Associates for 125,000 dollars.

Alderman Lower stated if we start changing zoning rules it will create instability in the market. This is not the time to create more instability. He does not know enough about Houseal Lavigne to know exactly how they will help the City.

Mr. Dabareiner stated that the zoning ordinance needs to be reviewed and updated. By updating the Ordinance it would also change some regulations the City has. Letting this opportunity go would not be a wise choice.

Alderman Hauman stated she appreciated the background given by Mr. Dabareiner on how they selected Houseal Lavigne & Associates. This may help the Council achieve the downtown redevelopment they are seeking.

Alderman Buragas asked what the eight month process would look like if the agreement was approved and if it accommodated for public input and feedback. Mr. Dabareiner said all changes would have to go through the Planning Commission to be discussed. All feedback or input would be considered through these discussions. Since there is a ton of information to cover, it would be brought to the Planning Commission at least once a month.

**Motion by Alderman Hauman, seconded by Alderman Buragas, that Council approve a professional services agreement in the amount of \$125,000.00 with Houseal Lavigne & Associates to conduct a comprehensive amendment to the City of Bloomington Zoning Ordinance, 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 Sage, Mwilambwe, Buragas, Painter, Schmidt, Black, Hauman, and Fruin.**

**Nays: Alderman Lower.**

**Motion carried.**

The following was presented:

Item 8B. Presentation of the Downtown-Southwest Redevelopment Project Area Tax Increment Financing Redevelopment Plan, and consideration of an Ordinance to set a date for, and to approve a public notice of a public hearing for the Downtown-Southwest Redevelopment Project Area.

Mr. Grammer presented the Downtown- Southwest Redevelopment Plan and showed how far the City has come with this project. He presented to Council, the Ordinance to set a time and place for the required Public Hearing and establish a date for meeting of the Joint Review Board. This ordinance, if passed, starts the process to create the proposed TIF. The Ordinance proposes the JRB meeting would be September 8, 2016, The Public Hearing would be October 10, 2016, at City Hall. Due to delays in the TIF, the City has to wait until late October or early November to adopt the three Ordinances that would create the TIF.

This redevelopment plan is strongly rooted in the City's Comprehensive Plan. In the Comprehensive plan the Downtown area seemed to be the core attraction for employment, specialty retail shops, innovated mixed uses, blacksmithing, and cultural and entertainment. The prioritization of mixed use development and redevelopment projects are highlighted in the TIF Redevelopment Plan. The encouragement of Residential units and mixed use development, as well as improved parking, encouraging commercial and corporate uses along the corridor, and coordinating parking are also topics highlighted in the TIF Redevelopment Plan.

This Tax Increment Financing Redevelopment Plan can be found on the City's website at [www.cityblm.org/TIF](http://www.cityblm.org/TIF). This TIF district has a 3 block radius of Washington, and Center streets and parking lots near Front and Lee Streets.

As part of the TIF Act the consultant is challenged to find at least five, or more, qualifying factors for eligibility in order to determine that the area is Blighted. The approximate total building square footage for this TIF area is 160,000. Of this 160,000 square footage, 85% is vacant. There is 135,000 square footage of vacant building, which shows the amount of vacancy in buildings and high amounts of building deterioration and buildings below building code standards is extremely high.

The consultant found that the utilities in the TIF area had problems. Some of the oldest sewer and water lines exist in the TIF area and these will eventually need to be updated with the Redevelopment project.

Once it was determined that the Downtown Bloomington area qualified for the TIF, the other part of this Ordinance is to create the Redevelopment Plan. The goals of the plan are to reduce or eliminate the blighting conditions in the district, to prevent more blight from happening in properties that are not currently blighted, and to enhance the tax base for the benefit of the City and other taxing districts. The goals should encourage private investment in the area.

The budget presented is taking into factor all these things and how much it would cost to fully redevelop this TIF district with mixed use development. To create full EVA, the proposed budget is 27, 900,000. This budget figure does not show the City is the sole income for funding. This number is an estimate of potential private sector investment that could be occurring.

Alderman Schmidt asked how much input the Council has in making decisions that could arise in creating the TIF district. Mr. Grammer stated, through the TIF Agreement, the Council would be in control of the TIF fund and budget should there be development in this area. If the City Council is working with a private developer, it ultimately is up to what Council and the contract with the Developer states. Council will be allowed to have ongoing discussions and flexibility to determine these matters.

Alderman Sage referred to a particular slide that showed various projects and costs associated with them. Sage wanted to further clarify that the proposed budget was not all coming from the City of Bloomington funding. Mr. Grammer confirmed this was correct.

Alderman Lower asked Mr. Grammer if this TIF proposal was not to succeed, what costs would the City incur. Mr. Grammer stated the expense for staff time needed to set this up and the consulting Legal fees would be the only fees incurred. Lower stated people outside of this TIF district are not going to want their tax dollars going to such a project. He does not feel there are other TIF districts in the area that are doing exceptionally well.

ORDINANCE NO. 2016-86

AN ORDINANCE OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS,  
TO SET A DATE FOR, AND TO APPROVE A PUBLIC NOTICE OF  
A PUBLIC HEARING FOR THE DOWNTOWN-SOUTHWEST  
REDEVELOPMENT PROJECT AREA

**Motion by Alderman Schmidt, seconded by Alderman Painter, that the Ordinance to set a date for, and to approve a public notice of a public hearing for the Downtown-**

**Southwest Redevelopment Project Area 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, Buragas, Painter, Schmidt, Black, Hauman, and Fruin.**

**Nays: Alderman Lower.**

**Motion carried.**

The following was presented:

Item 8C. Consideration of approving a contract with KMA Design (RFQ# 2017-10) for Professional Services for Downtown Branding and Wayfinding.

Mr. Rasmussen provided an overview on the Signage Committee. The Committee has met 29 times since it was put into place. \$75,000 dollars was allocated in the budget for Wayfinding Architech to research and locate a firm to work with the City to provide signage and branding. Wayfinding selected KMA Design to work with the City. Mr. Rasmussen introduced Tricia Stiller, the Co-Chair of the KMA Signage Committee and Russel Francois, who was also a co-chair for the KMA Signage Committee.

Barbara Martin; who telephoned in, is the CEO of KMA Design. She provided an overview of KMA Design and how KMA has helped thousands of universities, theme parks, casinos, hospitals and businesses to create their branding and signage to attract attention.

Ms. Stiller explained the manner in which KMA Design plans to enhance Bloomington through Wayfinding. Through Wayfinding, KMA will identify key locations, especially to the heart of our City. Ms. Stiller supported a contract with KMA Design, which would allow this signage process to officially begin.

Alderman Mwilambwe asked whether this contract would provide suggestions of how the City can improve its gateways. This was discussed 3-4 years ago. Mr. Rasmussen stated KMA has located six of our main gateways for communities that the city would like to start with. Mwilambwe stated while the signage looked good, it didn't make much sense to have if the surrounding area and landscaping was not just as good. He suggested that KMA should also help with the landscaping to the area.

Mr. Rasmussen stated the \$67,000 budget funding was only for KMA to do proper research to provide all the needed suggestions. Staff would return to Council at a later time to request additional funding for implementation.

Mr. Hales asked KMA how much of their focus was on the Gateways coming into the City, as opposed to the the actual downtown area.

Ms. Martin stated KMA will not focus its attention solely on the downtown area, because the City will lose the opportunity to draw people to that downtown area. KMA looks at everything from macro to micro. Macros are areas where there are transitions from one community into this community. Micros are the key areas in the community we need to prioritize and direct to.

**Motion by Alderman Black, seconded by Alderman Schmidt, that Council approves the contract in the amount of \$62,190 with KMA Design, 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 Sage, Mwilambwe, Buragas, Painter, Schmidt, Black, Hauman, and Fruin.**

**Nays: Alderman Lower.**

**Motion carried.**

The following was presented:

Item 8D: Consideration of a Complete Streets Ordinance for the City of Bloomington.

Mr. Karch stated Complete Streets is an integrated comprehensive transportation network. Council previously passed a Bike Master Plan, a Sidewalk Master Plan, and increased funding toward infrastructure from what it was in the past. Council is in current discussions to increase it even further. This plan presented is different from what was brought forward on June 20, 2016. Originally it was presented with no additional costs. However, after structure was considered and talked about with council members as well as members of the community, staff looked at what the Town of Normal passed, and a different approach is now being taken on the Complete Streets structure.

In the past, ideas and proposals filtered through the master plan. However, the new recommendation is that every new street, street that is being resurfaced, and private development should be filtered through the Complete Streets Philosophy. This will have a different impact and will push us forward faster to being a multi-modal community.

Mr. Hales asked what staff has learned, through research from other cities that have gone to this particular approach. When the City begins to evaluate each street what is the impact on staff requirement. Mr. Karch noted that additional staff and resources would be needed and that

is just the reality of creating such a plan. In order to grow and be the type of Community that Council wants Bloomington to be, writing the Complete Streets Ordinance is what needs to occur.

Alderman Black related the Ordinance to the Health Assessment Presentation earlier in the evening. He reminded Council that Bloomington rated very high for obesity levels and these two things can work hand in hand to resolve one another. The Ordinance is a wise investment for the future of the City of Bloomington.

Alderman Lower mentioned visiting a number of communities that have implemented this type of structure. He did not see many members of the community taking advantage of this structure. He expressed Bloomington is a high density community; and therefore does not believe this type of Ordinance and structure will succeed. He noted certain parts of the Ordinance are good, but to fulfill it entirely takes too much of the City budget away from current problems in the City that already need funding but are not getting it. Council needs to get better control of the City's budget before spending more.

Alderman Buragas requested clarification from Mr. Karch in regards to additional resources that would require staff for such a structure to be implemented. Initially to implement the Ordinance it would take additional resources, but once it was implemented there should not be any additional resources or staff needed. She referenced the Town of Normal's implantation process for this type of structure and how they needed very little extra resources or staff hours to carry it out. The Complete Street structure was a recommendation from the Bloomington Comprehensive Plan. It is a very important public safety step that the City can take.

Alderman Fruin commented that consistency is very important; we should be mirroring what Normal has done so that we are consistent and flow accordingly from one to the other.

Alderman Sage stated, if the City wants federal funding and grant money, it was a federal mandate that the City has to adopt a Complete Street Ordinance, otherwise funding and grants would be withheld. If we are already doing everything as a city that is required through the Master Plans Council already adopted. This Ordinance is redundant, however, in order to receive federal funding and grant money it has to be adopted.

Alderman Schmidt spoke in consensus with Alderman Burgas to remove from the Ordinance section 181.2. She felt no street should be exempt and that all streets would be considered to be Complete Streets, which further mirrors to what Normal is doing.

Alderman Painter stated by adopting this multi-modal plan, it would be very attractive to people who want to relocate to this area for themselves or for business reasons.

Alderman Lower does not feel our community and streets are not designed or big enough for this type of infrastructure.



ORDINANCE NO. 2016 - 87

AN ORDINANCE OF THE CITY OF BLOOMINGTON ADDING ARTICLE XII TO CHAPTER 38 OF THE BLOOMINGTON CITY CODE, MAKING COMPLETE STREET PRACTICES A ROUTINE CONSIDERATION FOR TRANSPORTATION PROJECTS AS AN OPPORTUNITY TO IMPROVE PUBLIC STREETS FOR PEDESTRIANS, BICYCLISTS, AND TRANSIT USERS REGARDLESS OF AGE OR ABILITY.

**Motion by Alderman Buragas, seconded by Alderman Schmidt, that the Ordinance Amending Chapter 38 of the City Code to enact provisions on complete streets be approved with the exception of section 181.2, and authorize and that 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, Painter, Schmidt, Black, Hauman, and Fruin.**

**Nays: Aldermen Lower and Sage.**

**Motion carried.**

The following was presented:

8E. Consideration of approving a Resolution to Reject the Assistance Request from Riverside Lodging Bloomington LLC / Bloomington Downtown Redevelopment Partners LLC based on the Recommendation of SB Friedman Development Advisors' Final Evaluation of Riverside's Proposal for a Downtown Hotel and Conference Center.

Mr. Hales and Mr. Jurgens confirmed that this is just putting into writing the recommendations from S.B. Freidman's group and the discussion that occurred last week. This vote is just to codify this Agenda item.

Alderman Sage asked Mr. Hales if it was still the intentions of the City to work with S.B. Freidman and Ms. Field-Orr to create an organized systematic approach to vetting and evaluating economic development projects that they mentioned in their recommendations. Mr. Hales stated this was still the intentions of both groups moving forward and that as early as September 12<sup>th</sup>, 2016 meeting there would be a plan to present to Council that shows what the action plan for the City is.

RESOLUTION NO. 2016-30

A RESOLUTION REJECTING A REQUEST FOR MUNICIPAL FINANCIAL ASSISTANCE  
FOR A PROPOSED REDEVELOPMENT PROJECT FROM  
RIVERSIDE LODGING BLOOMINGTON LLC /  
BLOOMINGTON DOWNTOWN REDEVELOPMENT PARTNERS, LLC  
AND AUTHORIZING NEXT STEPS

**Motion by Alderman Hauman, seconded by Alderman Painter, that the Resolution rejecting the assistance request from Riverside Lodging Bloomington LLC / Bloomington Downtown Redevelopment Partners LLC 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 Lower, Sage, Mwilambwe, Buragas, Painter, Schmidt, Black, Hauman, and Fruin.**

**Nays: None.**

**Motion carried.**

The following was presented:

8F. Presentation of the unaudited Fiscal 2016 Year End.

Mr. Hales presented Patti-Lynn Silva, who gave the presentation on the fiscal year end budget for 2016. These were not audited year end numbers. Staff needs to finalize the financial statements for 2016 and there is a bit of a time constraint to close out all budget amendments quickly, so these numbers were put together to show Council in order for Council to make decisions moving forward

Ms. Silva stated the City, overall, had almost a \$5 million dollar surplus. (\$4,978,060). She explained the General Fund had four months of revenue coming in that was not use to having in Budget, as the sales taxes increased. \$1.5 million of the \$4.2 Million in the General Fund was just from the Sales Taxes. Salary benefits and overtime pay are down \$2.2 Million. There were a few vacancies accounting for this savings. Utilities are down and there is a positive return in vehicle repairs.

Solid Waste Fund Balance was the biggest positive to review. One million dollars' worth of savings is substantial and shows what can happen when staff and the City work together to use ideas and implement accordingly.

The following was presented:

8G. Consideration of adopting an Ordinance approving the Fiscal Year 2016 Budget Amendment.

Alderman Sage stated this is the second year in a row where the City has had to transfer six figure budgets into the Golf Operations Account/ Fund to cover their expenses. The council really needs to tackle expense reductions or over time the City will be faced with expenses exceeding revenues.

Ms. Silva clarified the City over contributed to the Gold Operations Fund to get them up to a 15% fund balance so they have reserve money. There was a deficit, but The City over contributed to then get them up to the standard.

ORDINANCE NO. 2016 –88

AN ORDINANCE AMENDING THE BUDGET ORDINANCE  
FOR THE FISCAL YEAR ENDING APRIL 30, 2016

**Motion by Alderman Schmidt, seconded by Alderman Hauman, that the Ordinance Amendment is 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 Lower, Sage, Mwilambwe, Buragas, Painter, Schmidt, Black, Hauman, and Fruin.**

**Nays: None.**

**Motion carried.**

**City Manager's Discussion**

The directors, Mr. Hales, and Mr. Rasmussen had a great department retreat last week to meet and follow up on high level goals that the Council has provided for the city moving forward. There were good ideas that came out of this meeting to be presented at the upcoming council retreat.

Mr. Hales thanked all of City Staff for preparing for the Jazz Music Festival over the prior weekend which included power washing the down town area streets and cleaning up the garbage more often leading up to event and moving forward. This was a great example to show with little extra expenditure what the City can accomplish.

**Mayor Discussion**

The American's Veterans Traveling Tribute Memorial is on August 24<sup>th</sup>- August 28<sup>th</sup>. August 26<sup>th</sup> will be the opening ceremonies, which he encouraged everyone to attend and enjoy.

He thanked the Council and James Gaston for taking the lead on a wonderfully successful event the prior weekend with the Downtown Jazz Music Festival. He noted these events help draw people to the downtown area.

He thanked Mr. Hales and Ms. Silva for putting together the budget numbers to present to the Council taking deficits into account.

**Adjournment**

**Motion made by Alderman Schmidt, seconded by Alderman Black, to adjourn the meeting at 9:50 p.m.**

**Motion carried (viva voce).**

**CITY OF BLOOMINGTON**

**ATTEST**

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Tari Renner, Mayor

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Cherry L. Lawson, City Clerk



**CONSENT AGENDA ITEM: 7B**

FOR COUNCIL: September 12, 2016

**SUBJECT:** Consideration of approving Bills, Payroll, and Electronic Transfers in the amount of \$12,028,061.69.

**RECOMMENDATION/MOTION:** That the bills, payroll, and electronic transfers be allowed in the amount of \$12,028,061.69, 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 \$12,028,061.69 (Payroll total \$4,357,540.05, Accounts Payable total \$7,400,038.67, and Electronic Transfers total \$270,482.97).

Respectfully submitted for Council consideration.

Prepared by: Frances Watts, Accounts Payable

Reviewed by: Jon C. Johnston, Procurement Manager

Recommended by:

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

David A. Hales, City Manager

**Attachment:**

- Bills, Payroll, and Electronic Transfers on file in the Clerk's office. Also available at [www.cityblm.org](http://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 \$12,028,061.69, and orders drawn on the Treasurer for the various amounts as funds are available.

**CITY OF BLOOMINGTON FINANCE REPORT**

**Council of September 12, 2016**

**PAYROLL**

<b>Date</b>	<b>Gross Pay</b>	<b>Employer Contribution</b>	<b>Totals</b>
8/18/2016	\$ 1,352,313.15	\$ 365,846.08	\$ 1,718,159.23
8/19/2016	\$ 240,296.81	\$ 79,636.52	\$ 319,933.33
8/26/2016	\$ 229,380.34	\$ 78,141.00	\$ 307,521.34
9/1/2016	\$ 1,334,315.72	\$ 362,024.43	\$ 1,696,340.15
9/2/2016	\$ 225,914.90	\$ 77,751.35	\$ 303,666.25
8/25/2016-9/1/2016 Off Cycle Adjustments	\$ 9,584.53	\$ 2,335.22	\$ 11,919.75
		<b>PAYROLL GRAND TOTAL</b>	<b>\$ 4,357,540.05</b>

**ACCOUNTS PAYABLE**

<b>Date</b>	<b>Bank</b>	<b>Total</b>
9/12/2016	AP General	\$ 3,962,751.55
	AP BCPA	
9/12/2016	AP Comm Devel	\$ 77,514.47
	AP IHDA	\$ -
9/12/2016	AP Library	\$ 36,484.33
9/12/2016	AP MFT	\$ 128,773.15
8/23/2016-9/02/2016	Off Cycle Check Runs	\$ 3,194,515.17
<b>AP GRAND TOTAL</b>		<b>\$ 7,400,038.67</b>

**PCARD**

**PCARD GRAND TOTAL**

**WIRES**

<b>Date</b>	<b>Total</b>
8/24/2016-8/31/2016	\$ 270,482.97
<b>WIRE GRAND TOTAL</b>	<b>\$ 270,482.97</b>

**TOTAL** **\$ 12,028,061.69**

Respectfully,

**Patti-Lynn Silva**  
**Finance Director**

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

**FOR COUNCIL:** September 12, 2016

**SUBJECT:** Consideration of Approving an Appointment to the Planning Commission.

**RECOMMENDATION/MOTION:** That Eric Penn be appointed to the Bloomington Planning Commission.

**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 appointment of:

Eric Penn of 1016 McGregor, Bloomington, Illinois 61701, to the Bloomington Planning Commission. He will be completing the unfulfilled term previously held by Josh Barnett who resigned from the position 8-16-16 and whose term will expire 4-30-18. Application is on file in the Administration Office.

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

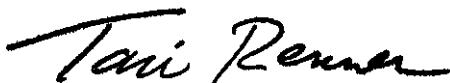
**FINANCIAL IMPACT:** None.

Respectfully submitted for Council consideration for approval.

Prepared by:

M. Beth Oakley, Executive Assistant

Recommended by:



Tari Renner  
Mayor

**Attachments:**

- Roster
-

Motion: That Eric Penn be appointed to the Bloomington Planning Commission.

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			



## Planning Commission

Mayor Appointed	Staff/Chair	First Name	Last Name	Expiration	Appointment Date	Year First Appt	Ward	Email	Street	City	Zip	HomePhone	WorkPhone	CellPhone	FaxNumber	Reappointment
x	Southeast	Josh	Barnett	04/30/18	02/09/15	2015	8	<a href="mailto:josh_barnett@cityofblm.org">josh_barnett@cityofblm.org</a>	55 Brookshire Green	Bloomington	61704					
x	Vice Chair/Southeast	J. Alan	Balmer	04/30/18	04/13/15	2011	3	<a href="mailto:jbalmr@betadigm.com">jbalmr@betadigm.com</a>	16 Fountain Lake Court	Bloomington	61704					
x	Southeast	David	Stanczak	04/30/19	03/28/16	2012	8	<a href="mailto:dlts1202@yahoo.com">dlts1202@yahoo.com</a>	6 Buckhurst Ct	Bloomington	61704					
x	Southeast	Ryan	Scritchlow	04/30/17	01/14/13	2013	1	<a href="mailto:rsctich@hotmail.com">rsctich@hotmail.com</a>	1005 S. Maple	Bloomington	61701					
x	Southeast	Megan	Schubert	04/30/18	04/13/15	2015	1	<a href="mailto:megschub@gmail.com">megschub@gmail.com</a>	3115 Rudder Lane, #208	Bloomington	61704					
x	Southwest	Christopher	Cornell	04/30/17	10/14/13	2013	2	<a href="mailto:christophercornell@gmail.com">christophercornell@gmail.com</a>	2605 Binghamton Ln	Bloomington	61705					
x	Southwest	Justin	Boyd	04/30/19	05/09/16	2016	6	<a href="mailto:Justin.Boyd@countryfinancial.com">Justin.Boyd@countryfinancial.com</a>	705 W MacArthur	Bloomington	61701					
x	Northeast	Kevin	Suess	04/30/17	04/14/14	2014	4	<a href="mailto:kevinsuess@gmail.com">kevinsuess@gmail.com</a>	113 Kreitzer	Bloomington	61701					
x	Northeast	John	Protzman	04/30/17	08/25/14	2014	9	<a href="mailto:protz99@msn.com">protz99@msn.com</a>	2913 Southfork Rd	Bloomington	61704					
x	Northeast	James	Pearson	04/30/18	04/13/15	2011	9	<a href="mailto:jpear764@aol.com">jpear764@aol.com</a>	14 Hearthstone Ct	Bloomington	61704					
	Staff	Katie	Simpson					<a href="mailto:ksimpson@cityblm.org">ksimpson@cityblm.org</a>	115 E Washington St	Bloomington	61701					
	Staff	Mary	Sellmeyer		Penn				110 E Olive St	Bloomington	61701					

### Details:

Term: 4 years (3 years as of 5/1/14)

Term Limit per City Code: 3 terms/9 years

Members: 10 members

Number of members the Mayor appoints: 10

Type: Internal

City Code:

Required by State Statute: No

Intergovernmental Agreements: None

Funding budgeted from COB for FY2014: None

Meetings: 2nd and 4th Wed of each month at 4:00pm - Council Chambers

Number of Vacancies: 2

Number of Expired Board Members (Blm Appointments only): 0

Number of Expired Board Member Eligible for Reappointment:

### Appointment/Reappointment Notes:



**CONSENT AGENDA ITEM NO. 7D**

FOR COUNCIL: September 12, 2016

**SUBJECT:** Consideration of Bids, and approval of Contracts with Vendors for Supply and Delivery of various Water Treatment Chemicals (Bid No. 2017-14).

**RECOMMENDATION/MOTION:** That the unit prices from the following bidders for the noted water treatment chemicals at the indicated unit prices be accepted; the contracts with vendors: Mosaic Global Sales (for a three-year term) and Tanner Industries (for a one-year term) be approved, and the City Manager & 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 1.e. Partnering with others for the most cost-effective service delivery.

**BACKGROUND:** On August 25, 2016, bids were opened for the City of Bloomington's water treatment chemical (Hydrofluosilicic acid, Anhydrous Ammonia) needs. Other chemicals utilized in the water treatment process are under multi-year agreements or will be presented separately in the future as needs arise.

The Hydrofluosilicic acid bid unit price dropped around 30 percent, from \$522.00 per ton last year down to \$354.00 per ton. The other Hydrofluosilicic acid bids received were \$447.50/ton and \$469.88/ton.

The single bid received for anhydrous ammonia dropped about 3.5 percent from last year, from \$1,700.00/ton down to this year's bid amount of \$1,640.00/ton.

Staff is requesting that the three year agreement from Mosaic Global Sales, LLC for Hydrofluosilicic acid and the one year agreement from Tanner Industries for Anhydrous Ammonia be approved. Staff estimates the yearly cost of Hydrofluosilicic acid to be \$40,000, while the yearly cost of Anhydrous Ammonia is estimated to be \$40,000.

Based on historical pricing and availability, staff recommends entering into a three year agreement with Mosaic Global Sales, LLC for Hydrofluosilicic acid. The other two bids received for this chemical were approximately 27% higher than the low bid amount. Market fluctuation and availability impact the bid prices received. The three year contract locks in at a price lower than seen in the recent past and ensures the chemical is available when City needs to purchase additional quantity.

The use of these individual chemicals in the water treatment process is as follows:

Hydrofluosilic acid – A compound added to provide the necessary, mandated, concentration of fluoride in the water to prevent dental caries. We are required to maintain a concentration of 0.7 mg/l fluoride concentration to achieve that public health goal.

Anhydrous Ammonia – Ammonia is added to the water already containing chlorine to form a class of compounds known as chloramines. Chloramines act as disinfectants, just like chlorine, but are stable in the water delivered to customers for a longer period of time than just chlorine alone.

The bid submitted by Mosaic Global Sales, LLC for Hydrofluosilic acid did not include a signature on the EEOC Policies and Practices section. The EEOC form, along with the rest of the bid forms and signatures, were completely filled out, and they subsequently sent a scanned document with a signature on the form. Staff recommends waiving the technicality associated with Mosaic not signing the EEOC form, since their written programs were attached and are substantially meeting the City’s objectives in requiring those forms. Mosaic Global Sales, LLC is currently the provider of Hydrofluosilic acid and satisfactorily follows the City’s terms and conditions.

The other two Hydrofluosilic acid bids received also included deficiencies. These two bidders did not include bid bonds with their submissions.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The invitation to bid was advertised in The Pantagraph on August 8, 2016.

**FINANCIAL IMPACT:** Payment for the purchase of water treatment chemicals for the year will be made from the Water Purification-Water Chemicals account (50100130-71720). Stakeholders can locate this in the FY 2017 Budget Book titled “Other Funds & Capital Improvement Program” on page 125.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION:** Not applicable

Respectfully submitted for Council consideration.

Prepared by: Rick Twait, Superintendent of Purification

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

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



David A. Hales  
City Manager

**Attachments:**

- Bid Tabulation
- Mosaic Agreement – Hydrofluosilicic Acid
- Tanner Industries – Anhydrous Ammonia

---

**Motion:**

That the unit prices from the following bidders for the noted water treatment chemicals at the indicated unit prices be accepted; the contracts with vendors: Mosaic Global Sales (for a three-year term) and Tanner Industries (for a one-year term) be approved, and the City Manager & 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			



**CITY OF BLOOMINGTON  
CONTRACT WITH**

**FOR**

**THIS AGREEMENT**, dated this \_\_\_\_ day of \_\_\_\_\_, 2016, is between the City of Bloomington (hereinafter “CITY”) and (hereinafter “CONTRACTOR”).

**NOW THEREFORE**, the parties agree as follows:

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

**Section 2. Incorporation of Bid/RFP/RFO & Proposal Terms.** This work was subject to the following procurement initiative by the CITY:

\_\_\_\_\_ (hereinafter “Request”)

Accordingly, the provisions of the Request and the proposal submitted by CONTRACTOR (hereinafter collectively referred to as “Procurement Documents” and attached as Exhibit A), shall be incorporated into this Contract and made a part thereof and shall be considered additional contractual requirements that must be met by CONTRACTOR. In the event of a direct conflict between the provisions of this contract and the incorporated documents, the provisions of this contract shall apply.

**Section 3. Description of Services.** CONTRACTOR shall provide the services/work identified in the Procurement Documents, and specifically as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_ A flat fee of \$\_\_\_\_\_ as set forth in the Procurement Documents.

\_\_\_ Fees as set forth in the Procurement Documents.

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

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

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

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

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

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

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

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

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

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

CITY OF BLOOMINGTON

By: \_\_\_\_\_  
Its City Manager

By: \_\_\_\_\_  
Its \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Its \_\_\_\_\_

**CITY OF BLOOMINGTON  
CONTRACT WITH**

**FOR**

**THIS AGREEMENT**, dated this \_\_\_\_ day of \_\_\_\_\_, 2016, is between the City of Bloomington (hereinafter “CITY”) and (hereinafter “CONTRACTOR”).

**NOW THEREFORE**, the parties agree as follows:

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

**Section 2. Incorporation of Bid/RFP/RFO & Proposal Terms.** This work was subject to the following procurement initiative by the CITY:

\_\_\_\_\_ (hereinafter “Request”)

Accordingly, the provisions of the Request and the proposal submitted by CONTRACTOR (hereinafter collectively referred to as “Procurement Documents” and attached as Exhibit A), shall be incorporated into this Contract and made a part thereof and shall be considered additional contractual requirements that must be met by CONTRACTOR. In the event of a direct conflict between the provisions of this contract and the incorporated documents, the provisions of this contract shall apply.

**Section 3. Description of Services.** CONTRACTOR shall provide the services/work identified in the Procurement Documents, and specifically as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_ A flat fee of \$\_\_\_\_\_ as set forth in the Procurement Documents.

\_\_\_ Fees as set forth in the Procurement Documents.

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



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

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

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

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

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

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

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

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

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

CITY OF BLOOMINGTON

By: \_\_\_\_\_  
Its City Manager

By: \_\_\_\_\_  
Its \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Its \_\_\_\_\_



**CONSENT AGENDA ITEM NO. 7E**

FOR COUNCIL: September 12, 2016

**SUBJECT:** Consideration of Approving an Easement Agreement between Gary L. Thompson and Brenda K. Thompson and the City of Bloomington.

**RECOMMENDATION/MOTION:** That Council approves the Easement Agreement with Gary L. Thompson and Brenda K. Thompson, and authorize the Mayor and City Clerk to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 2. Upgrade City infrastructure and facilities and Goal 3. Grow the Local Economy.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 2c, Functional, well maintained sewer collection system. Objective 3a, Retention and growth of current local businesses. Objective 3e, Strong working relationship among the City, businesses, economic development organizations.

**BACKGROUND:**

The Hojo and Wittenberg Sewer Improvements project are awarded and construction will begin within the next few weeks. This project includes the elimination of the Hojo pump station and the Wittenberg pump station by utilizing a new gravity sewer. The Wittenberg portion of this project was originally going to be built under Lutz Road according to the construction plans. However, there is an opportunity to move the sewer outside of the roadway by acquiring easement south of Lutz Road. Moving the sewer outside of the roadway will cost less, require a shorter duration of road closures, and allow for future repairs without tearing up Lutz Road. This is one of two permanent easements necessary to construct the sewer south of Lutz Road.

The permanent easement is 15' wide and extends across the north portion of the property along Lutz Road (468'). The area of the permanent easement is 7,027 sq. ft. (0.161 acres). Also included in this agreement is an additional 40' temporary easement that is along the north extents of the property along and including Lutz Road (468'). The temporary easement is from the centerline of the road to the permanent easement and is property that would be acquired as right-of-way for Lutz Road in the future. It is anticipated that this would be acquired by the City as part of a future Annexation Agreement. This temporary easement is necessary for the construction equipment to access the permanent easement. The area of the temporary easement is approximately 18,739 sq. ft. (0.430) acres). The location of both of these proposed easements are according to the City of Bloomington Manual of Practice. Therefore, the location of the proposed sewer main will not adversely impact future development to the south.

In exchange for these easements, the City will waive the future sanitary sewer tap on fee for this sewer for up to 56,000 gallons per day and pay estimated crop damages. About 95% of the property is at an elevation too low for its sewage to gravity flow to the sewer main. The owner

has been made aware of this situation and the fact that any potential developer would be responsible for transporting the sewage to the sewer main. The total available capacity of the sewer main was estimated and offered to the two properties from which the City needed easements. The capacity was split between the two based on the length of frontage to Lutz Road.

The City Legal Department has prepared the Easement Agreement and it has been sent to Gary and Brenda Thompson for their signatures.

On July 25, 2016 Council approved a similar Easement Agreement for this project which was acquired from First State Bank and was critical for the completion of the Wittenberg portion of this project. Another Easement Agreement is presented for Council consideration at this time which is adjacent to the subject property and is from Mark and Mary Thompson.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Gary and Brenda Thompson; Mark and Mary Thompson

**FINANCIAL IMPACT:** All survey, platting, and construction costs are being paid as a part of the Hojo and Wittenberg Sewer Improvements project. The potential to collect a sanitary sewer tap on fee for up to 56,000 gallons per day for this parcel, in the event of development in the future, will be forfeited with this agreement. The estimated value of this tap on fee is \$30,000 to \$40,000. The estimated savings from moving the sanitary sewer from Lutz Road to the two proposed easements is \$125,000. An appraisal was not conducted because of the low value of the easements. The estimated crop damages are \$460 which will be paid from the Sanitary Sewer-Land Acquisition account (51101100-72510). Stakeholders can locate this in the FY 2017 Budget Book titled “Other Funds & Capital Improvement Plan” on page 142.

	Construction cost saved by obtaining easements	Value of sewer tap on fee that will be waived
Mark and Mary Thompson Property	\$ 83,000	\$ 50,000
Gary and Brenda Thompson Property	\$ 42,000	\$ 30,000
Total	\$ 125,000	\$ 80,000

Respectfully submitted for Council consideration.

Prepared by: Luke Thoele, Civil Engineer II

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

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Jeffrey Jurgens, Corporation Counsel

Recommended by:



David A. Hales  
City Manager

**Attachments:**

- Easement Agreement
- Letter to Gary and Brenda Thompson dated August 17, 2016

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Motion: That Council approves the Easement Agreement with Gary L. Thompson and Brenda K. Thompson, and authorize the Mayor and City Clerk to execute the necessary documents.

Motion: \_\_\_\_\_ Seconded by:

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

Prepared by / Return to:

Sorling Northrup  
Jeffrey R. Jurgens and  
Aaron D. Evans, of Counsel  
1 North Old State Capitol Plaza  
Suite 200  
P.O. Box 5131  
Springfield, IL 62705  
Telephone: 217-544-1144  
Fax: 217-522-3173

## EASEMENT AGREEMENT

This Easement Agreement is made as of \_\_\_\_\_, 2016, by and between **Gary L. Thompson** and **Brenda K. Thompson**, husband and wife, of Bloomington, Illinois (collectively, the “Grantor”), and the **City of Bloomington**, Illinois, a Municipal Corporation (the “City”) for certain easements over and through the property legally described on **Appendix A** attached hereto (the “Property”). For and in consideration of TEN AND No/100 Dollars (\$10.00), the waiver of tap on fees as set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, sells, conveys and dedicates unto the City the following:

- (i) an exclusive fifteen foot (15’) wide, unencumbered and unobstructed permanent easement in, on, over, under, through and across that portion of the Property legally described on **Appendix B** attached hereto and depicted on **Appendix C** attached hereto (the “Permanent Easement Premises”) for the uses and purposes described herein.
- (ii) an exclusive forty foot (40’) wide, unencumbered and unobstructed temporary easement in, on, over, through, across, under, and along that portion of the Property legally described on **Appendix D** attached hereto (the “Temporary Easement Premises”) for the uses and purposes described herein.

The Permanent Easement Premises and the Temporary Easement Premises are collectively referred to herein as the “Easement Premises.”

The grant of the Easement Premises is subject to the following terms and conditions:

**1. Scope of Permanent Easement.** The City and the City’s agents, employees, designees, contractors, guests, invitees, successors and assigns, and all those acting by or on behalf of the City shall have a right of entry and access in, on, over, under, through and across the Permanent Easement Premises at all times convenient and necessary for purposes of locating, constructing, reconstructing, operating, maintaining, inspecting, accessing, laying, installing, replacing,

improving, altering, protecting and repairing a sanitary sewer, storm sewer, main line, water facilities or pipeline for the transportation of sewage, water and any liquids or substances which can be transported through a pipeline, together with all customary below-ground appurtenant fixtures, facilities and improvements that are necessary or desirable for the operation of the same (collectively, the "Sewer").

**2. Scope of Temporary Easement.** The City and the City's agents, employees, designees, contractors, guests, invitees, successors and assigns, and all those acting by or on behalf of the City shall have a right of entry and access in, on, over, under, through and across the Temporary Easement Premises at all times convenient and necessary for purposes of surveying, staging, performing and otherwise facilitating the initial installation of the Sewer, as well as to complete any and all restoration of the Property. The City's rights in and to the Temporary Easement Premises shall expire upon completion of the construction and installation of the Sewer and restoration of the Property. In any event, the term of the grant of the Temporary Easement Premises shall not exceed a period of five (5) years from the date of this Easement Agreement.

**3. Removal of Obstructions.** The City has the right to trim and/or cut down or eliminate trees, shrubbery, undergrowth, brush or other landscaping, as well as to remove other obstructions or possible hazards, on the Easement Premises to the extent, in the sole judgment of the City, necessary to prevent possible damage to or interference with the efficient, safe or convenient operation of the Sewer, and the right to remove or prevent the construction of any and all buildings, structures, reservoirs or other obstructions on the Easement Premises which may endanger or interfere with the City's efficient, safe or convenient operation of the Sewer.

**4. Crop Damage.** The City shall pay to the Grantor a single damage payment for estimated crop damage, calculated as follows: \$11.00 x 175% x 60 bushels per acre x the acres subject to such damage. Said payment shall be in lieu of all actual crop damages, current or future, caused by the initial construction of the Sewer.

**5. Restoration of Property.** The City shall repair any damage to the Property that would adversely affect farming operations which is caused by the City's use of the Easement Premises.

**(a) Top Soil.** The City will remove and replace any topsoil from the Property only as provided in this subparagraph. The actual depth of the topsoil will first be stripped from the area to be excavated and stored in a windrow parallel to the trench in such a manner that it will not become intermixed with subsoil material. All subsoil material removed from the trench will be placed in a second windrow parallel to the trench that is separate from the topsoil windrow. In backfilling the trench, the stockpiled subsoil material will be placed back into the trench before replacing the topsoil.

**(b) Compaction.** After the topsoil has been replaced, the City will chisel all areas that were traversed by construction equipment to a minimum depth of 12 inches.

**(c) Field Tile.** If underground drainage tile is damaged by the construction of the Sewer, the City will repair the tile as near as practicable to its original condition.

**6. Grantor's Use of Property.** The Grantor may use for the Grantor's own benefit the Easement Premises for any and all purposes not inconsistent with the City's permitted use of the Easement Premises set forth in this Easement Agreement. Notwithstanding anything contained herein to the contrary, Grantor may not use any part of the Easement Premises in a manner that may damage, destroy, injure, and/or interfere with the City's use of the Easement Premises for the City's permitted uses as specified herein. By way of example and not limitation, Grantor shall not conduct any of the following activities on the Easement Premises without the prior written permission of the City: (1) construct any temporary or permanent building or other structure; (2) drill or operate any well; (3) excavate or remove soil or change the grade or slope; (4) impound surface water; or (5) plant trees or other landscaping. Grantor further agrees that no above or below ground obstruction that may damage, destroy, injure, and/or interfere with the Sewer may be placed, erected, installed or permitted upon the Easement Premises without the prior written permission of the City. If Grantor permits any improvement or other obstruction, whether above or below ground, to be placed in or on the Easement Premises after the date of this Easement Agreement in violation of the terms herein, the City may, without prior notice to Grantor, remove such improvement or other obstruction at any time at the sole expense of Grantor and without the City being liable therefor, and Grantor shall promptly reimburse the City for any and all expenses incurred by the City related thereto. It is expressly acknowledged and understood by each of the parties to this Easement Agreement that remedies at law are or may be inadequate for purposes of enforcement of the provisions of this Easement Agreement and that appropriate action shall include, without in any way limiting other available remedies, the right to equitable relief.

**7. Consideration.** In additional consideration for this Agreement, the City hereby agrees to waive its sanitary sewer tap on fees, provided that the actual or anticipated sewage discharge generated from the Property does not exceed 56,000 gallons per day, as determined by the City Engineer and in the event Grantor annexes the Property into the City in the future. Nothing herein shall be construed as a waiver of any fees beyond those controlled solely by the City and/or other City tap on fees beyond its sanitary sewer tap on fees. Accordingly, any and all other connection fees will apply, including those by BNWRD. Grantor shall be and remain responsible for the construction, installation, operation and maintenance of any and all pipes, pumping stations and the like as may be necessary to the point where the same connects to the Sewer.

**8. Authority and Warranty of Title.** Each party executing this Easement Agreement as or on behalf of the Grantor represents and warrants that he/she/they are authorized to execute this Easement Agreement. The Grantor warrants that the Grantor is the owner of the Property and has the right, title and capacity to convey the Easement Premises to the City.

**9. Indemnity.** The City shall indemnify and hold the Grantor harmless from any liability, claims, suits, demands, actions, loss, damage, and expense for injury to persons or damage to property caused by the City, or the City's agents, employees, representatives, designees, contractors, guests, invitees, successors and assigns, and all others acting by or on behalf of the City, in the exercise of the rights granted under this Easement Agreement, except to the extent resulting from Grantor's negligence or intentional misconduct.

**10. Cooperation.** The Grantor and the City agree to cooperate and execute all future documents, including, but not limited to, any instrument if so requested by either party to confirm this Easement Agreement, re-grant this Easement Agreement, or as may be necessary or desired for recording purposes.

**11. Binding Effect.** This Easement Agreement shall inure to the benefit of, and shall be binding upon the Grantor, the Grantor's heirs, successors and assigns, and upon the City and its successors in interest, and shall run with the title to the Property.

**12. Counsel Approval.** This Easement Agreement is expressly contingent upon being or having been duly approved by the City Council and will not become binding upon the City absent such approval.

**13. Governing Law.** This Easement Agreement shall be governed by and interpreted in accordance with the laws of the State of Illinois.

**14. Effect of Invalidity.** In the event that any court of competent jurisdiction determines that any covenant, term or condition of this Easement Agreement as applied to any particular facts or circumstances is wholly or partially invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect such covenant, term or condition as the same applies to other facts or circumstances (unless the effect of such determination precludes the application of such covenant, term or condition to other facts or circumstances), nor shall it affect the validity, legality or enforceability of the other covenants, terms and conditions of this Easement Agreement.

**15. Entire Agreement.** This Easement Agreement represents the entire agreement between the Grantor and the City and supersedes any prior agreements relating to the subject matter of this Easement Agreement. This Easement Agreement may be modified or amended only by a written instrument duly authorized and executed by the parties.

[SIGNATURE PAGE FOLLOWS]



IN WITNESS WHEREOF, the parties have duly executed this Easement Agreement as of the date first above written.

**GRANTOR:**

\_\_\_\_\_  
Gary L. Thompson

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Brenda K. Thompson

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

**CITY OF BLOOMINGTON,  
a Municipal Corporation**

By: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

**APPENDIX A**

P.I.N. 21-20-100-005  
City of Bloomington  
McLean Co., Illinois  
Gary L. Thompson  
& Brenda K. Thompson

**Legal Description of Property**

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, MCLEAN COUNTY, ILLINOIS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE MARKING THE NORTH QUARTER CORNER OF SAID SECTION 20; THENCE NORTH 89 DEGREES 50 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, 468.48 FEET TO A MAGNETIC NAIL; THENCE SOUTH 02 DEGREES 02 MINUTES 54 SECONDS EAST 2637.96 FEET TO AN IRON ROD ON THE NORTHEASTERLY RIGHT-OF-WAY OF INTERSTATE 74; THENCE ALONG SAID RIGHT-OF-WAY ON A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2804.79 FEET, AN ARC LENGTH OF 77.00 FEET AND A CHORD OF 77.88 FEET BEARING SOUTH 71 DEGREES 08 MINUTES 04 SECONDS EAST TO AN IRON ROD ON THE SOUTH LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 40 MINUTES 46 SECONDS EAST ALONG SAID SOUTH LINE, 395.73 FEET TO AN IRON ROD MARKING THE CENTER OF SAID SECTION 20; THENCE NORTH 02 DEGREES 02 MINUTES 54 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, 2684.01 FEET TO THE POINT OF BEGINNING, CONTAINING 28.60 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS-OF-WAY. BEARINGS ARE ASSUMED FOR THE PURPOSE OF DESCRIPTION ONLY.

SHOWN AS TRACT T-2 ON THE SURVEY RECORDED IN THE OFFICE OF THE MCLEAN COUNTY RECORDER OF DEEDS ON OCTOBER 15, 2014 AS DOCUMENT NO. 2014-00018190.

PIN: 21-20-100-005

## **APPENDIX B**

P.I.N. 21-20-100-005  
City of Bloomington  
McLean Co., Illinois  
Gary L. Thompson  
& Brenda K. Thompson

### **Legal Description of Permanent Easement**

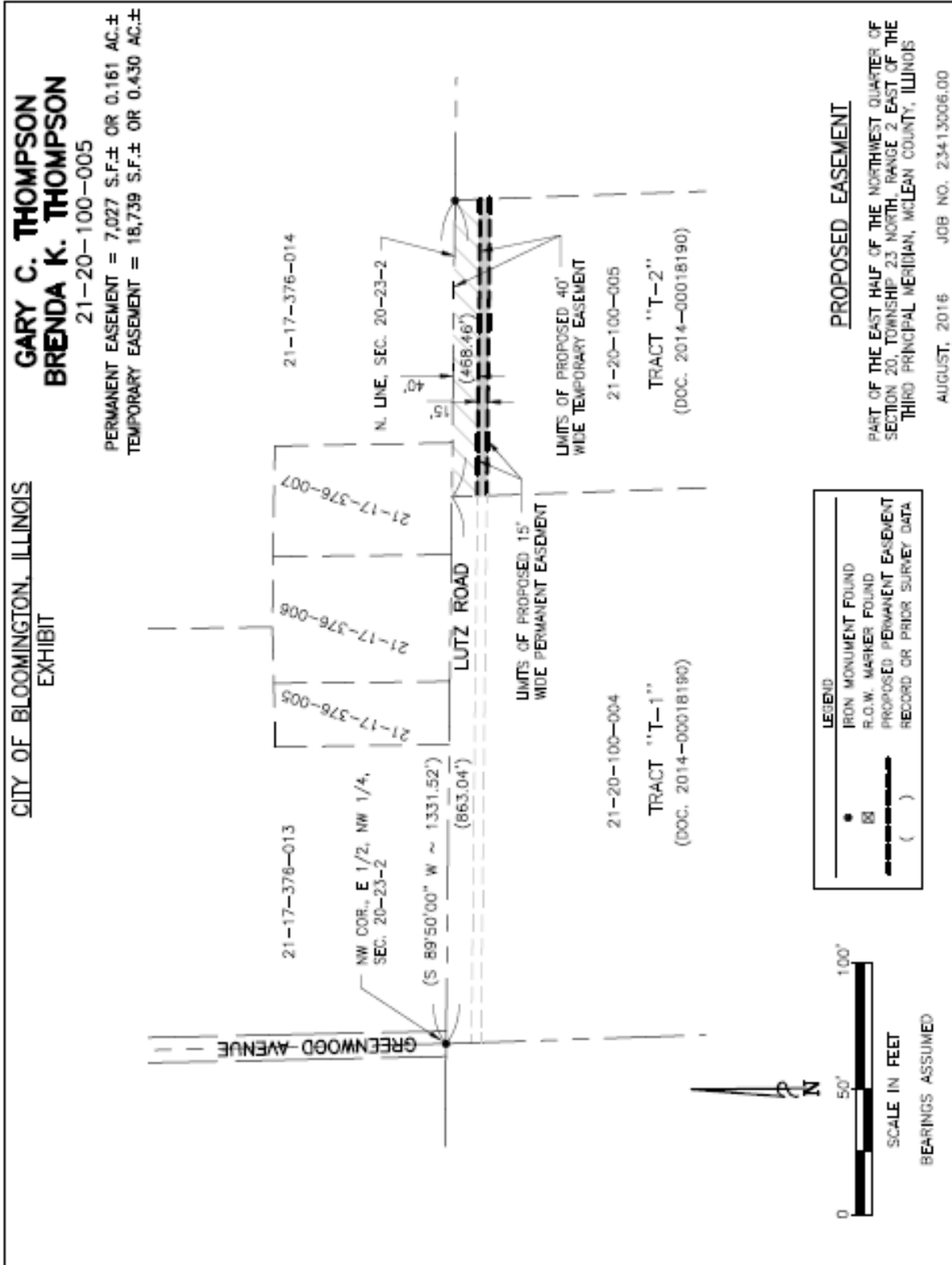
Part of the East Half of the Northwest Quarter of Section 20, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, further described as follows:

The south 15 feet of the north 55 feet of Tract "T-2" as shown on a survey plat recorded Oct. 15, 2014 as Doc. No. 2014-00018190.

The above described permanent easement contains 7,027 square feet, more or less, or 0.161 acres, more or less.

# APPENDIX C

## Depiction of Permanent Easement



## **APPENDIX D**

P.I.N. 21-20-100-005  
City of Bloomington  
McLean Co., Illinois  
Gary L. Thompson  
& Brenda K. Thompson

### **Legal Description of Temporary Easement**

Part of the East Half of the Northwest Quarter of Section 20, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, further described as follows:

The north 40 feet of Tract "T-2" as shown on a survey plat recorded Oct. 15, 2014 as Doc. No. 2014-00018190.

The above described temporary easement contains 18,739 square feet, more or less, or 0.430 acres, more or less.



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

August 17, 2016

Gary and Brenda Thompson  
8393 E 1300 North Road  
Bloomington, IL 61705

Subject: Permanent Easement and Temporary Easement Request

Dear Mr. and Mrs. Thompson,

We have attached the documents for the City of Bloomington's request for a Permanent Easement and a Temporary Easement for the HoJo & Wittenberg Woods Sewer Improvements. These improvements include a new sanitary sewer main connecting the Wittenberg Woods area to the West side of I-74/55. The City's construction documents show the proposed sewer within the Lutz Road pavement. We believe there is an opportunity to move the sewer to a Permanent Easement on your property to get it out of the roadway. In addition, a Temporary Easement is requested to access the Permanent Easement.

The City understands the value of bringing sanitary sewer to a property and hopes that you would see the added value of having access to the sewer as a trade for the Permanent Easement and Temporary Easement. The topography of your parcel slopes to the south and there will be practical challenges to getting sewage to the mainline that we are now installing. However, we are offering you the tap-on-fee for 56,000 gallons of sewage per day with the understanding that a developer will be responsible for transporting the sewage to the mainline.

Please review the documents and, if acceptable, sign and return them. We will then present the documents to the City Council for final acceptance and formal approval. My cell phone number is (309) 310-3747. Thank you for your time in considering the City's request.

Sincerely,

Luke Thoele, P.E.  
Project Engineer

cc: Kevin Kothe, City Engineer  
Ryan Otto, Assistant City Engineer  
Jeff Jurgens, Corporation Council



**CONSENT AGENDA ITEM NO. 7F**

FOR COUNCIL: September 12, 2016

**SUBJECT:** Consideration of Approving an Easement Agreement between Mark C. Thompson and Mary A. Thompson and the City of Bloomington.

**RECOMMENDATION/MOTION:** That Council approves the Easement Agreement with Mark C. and Mary A. Thompson, and authorize the Mayor and City Clerk to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 2. Upgrade City infrastructure and facilities and Goal 3. Grow the Local Economy.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 2c, Functional, well maintained sewer collection system. Objective 3a, Retention and growth of current local businesses. Objective 3e, Strong working relationship among the City, businesses, economic development organizations.

**BACKGROUND:**

The Hojo and Wittenberg Sewer Improvements project are awarded and construction will begin within the next few weeks. This project includes the elimination of the Hojo pump station and the Wittenberg pump station by utilizing a new gravity sewer. The Wittenberg portion of this project was originally going to be built under Lutz Road according to the construction plans. However, there is an opportunity to move the sewer outside of the roadway by acquiring an easement south of Lutz Road. Moving the sewer outside of the roadway will cost less, require a shorter duration of road closures, and allow for future repairs without tearing up Lutz Road. This is one of two permanent easements necessary to construct the sewer south of Lutz Road.

The permanent easement is 15' wide and extends across the north portion of the property along Lutz Road (863'). The area of the permanent easement is 12,947 sq. ft. (0.297 acres). Also included in this agreement is an additional 40' temporary easement that is along the north extents of the property along and including Lutz Road (863'). The temporary easement is from the centerline of the road to the permanent easement and is property that would be acquired as right-of-way for Lutz Road in the future. It is anticipated that this would be acquired by the City as part of a future Annexation Agreement. This temporary easement is necessary for the construction equipment to access the permanent easement. The area of the temporary easement is approximately 34,523 sq. ft. (0.793 acres). The location of both of these proposed easements are according to the City of Bloomington Manual of Practice. Therefore, the location of the proposed sewer main will not adversely impact future development to the south.

In exchange for these easements, the City will waive the future sanitary sewer tap on fee for this sewer for up to 104,000 gallons per day and pay estimated crop damages. About 95% of the property is at an elevation too low for its sewage to gravity flow to the sewer main. The owner

has been made aware of this situation and the fact that any potential developer would be responsible for transporting the sewage to the sewer main. The total available capacity of the sewer main was estimated and offered to the two properties from which the City needed easements. The capacity was split between the two based on the length of frontage to Lutz Road.

The City Legal Department has prepared the Easement Agreement and it has been sent to Mark and Mary Thompson for their signatures.

On July 25, 2016 Council approved a similar Easement Agreement for this project which was acquired from First State Bank and was critical for the completion of the Wittenberg portion of this project. Another Easement Agreement is presented for Council consideration at this time which is adjacent to the subject property and is from Gary and Brenda Thompson.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Mark and Mary Thompson; Gary and Brenda Thompson

**FINANCIAL IMPACT:** All survey, platting, and construction costs are being paid as a part of the Hojo and Wittenberg Sewer Improvements project. The potential to collect a sanitary sewer tap on fee for up to 104,000 gallons per day for this parcel, in the event of development in the future, will be forfeited with this agreement. The estimated value of this tap on fee is \$50,000 to \$60,000. The estimated savings from moving the sanitary sewer from Lutz Road to the two proposed easements is \$125,000. An appraisal was not conducted because of the low value of the easements. The estimated crop damages are \$840 which will be paid from the Sanitary Sewer-Land Acquisition account (51101100-72510). Stakeholders can locate this in the FY 2017 Budget Book titled “Other Funds & Capital Improvement Plan” on page 142.

	Construction cost saved by obtaining easements	Value of sewer tap on fee that will be waived
Mark and Mary Thompson Property	\$ 83,000	\$ 50,000
Gary and Brenda Thompson Property	\$ 42,000	\$ 30,000
Total	\$ 125,000	\$ 80,000

Respectfully submitted for Council consideration.

Prepared by: Luke Thoele, Civil Engineer II

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

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst



Legal review by:

Jeffrey Jurgens, Corporation Counsel

Recommended by:



David A. Hales  
City Manager

**Attachments:**

- Easement Agreement
- Letter to Mark and Mary Thompson dated August 17, 2016

---

Motion: That Council approves the Easement Agreement with Mark C. and Mary A. Thompson, and authorize the Mayor and City Clerk to execute the necessary documents.

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

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

Prepared by / Return to:

Sorling Northrup  
Jeffrey R. Jurgens and  
Aaron D. Evans, of Counsel  
1 North Old State Capitol Plaza  
Suite 200  
P.O. Box 5131  
Springfield, IL 62705  
Telephone: 217-544-1144  
Fax: 217-522-3173

## EASEMENT AGREEMENT

This Easement Agreement is made as of \_\_\_\_\_, 2016, by and between **Mark C. Thompson** and **Mary A. Thompson**, husband and wife, of Bloomington, Illinois (collectively, the “Grantor”), and the **City of Bloomington**, Illinois, a Municipal Corporation (the “City”) for certain easements over and through the property legally described on **Appendix A** attached hereto (the “Property”). For and in consideration of TEN AND No/100 Dollars (\$10.00), the waiver of tap on fees as set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, sells, conveys and dedicates unto the City the following:

- (i) an exclusive fifteen foot (15’) wide, unencumbered and unobstructed permanent easement in, on, over, under, through and across that portion of the Property legally described on **Appendix B** attached hereto and depicted on **Appendix C** attached hereto (the “Permanent Easement Premises”) for the uses and purposes described herein.
- (ii) an exclusive forty foot (40’) wide, unencumbered and unobstructed temporary easement in, on, over, through, across, under, and along that portion of the Property legally described on **Appendix D** attached hereto (the “Temporary Easement Premises”) for the uses and purposes described herein.

The Permanent Easement Premises and the Temporary Easement Premises are collectively referred to herein as the “Easement Premises.”

The grant of the Easement Premises is subject to the following terms and conditions:

**1. Scope of Permanent Easement.** The City and the City’s agents, employees, designees, contractors, guests, invitees, successors and assigns, and all those acting by or on behalf of the City shall have a right of entry and access in, on, over, under, through and across the Permanent Easement Premises at all times convenient and necessary for purposes of locating, constructing, reconstructing, operating, maintaining, inspecting, accessing, laying, installing, replacing,

improving, altering, protecting and repairing a sanitary sewer, storm sewer, main line, water facilities or pipeline for the transportation of sewage, water and any liquids or substances which can be transported through a pipeline, together with all customary below-ground appurtenant fixtures, facilities and improvements that are necessary or desirable for the operation of the same (collectively, the "Sewer").

**2. Scope of Temporary Easement.** The City and the City's agents, employees, designees, contractors, guests, invitees, successors and assigns, and all those acting by or on behalf of the City shall have a right of entry and access in, on, over, under, through and across the Temporary Easement Premises at all times convenient and necessary for purposes of surveying, staging, performing and otherwise facilitating the initial installation of the Sewer, as well as to complete any and all restoration of the Property. The City's rights in and to the Temporary Easement Premises shall expire upon completion of the construction and installation of the Sewer and restoration of the Property. In any event, the term of the grant of the Temporary Easement Premises shall not exceed a period of five (5) years from the date of this Easement Agreement.

**3. Removal of Obstructions.** The City has the right to trim and/or cut down or eliminate trees, shrubbery, undergrowth, brush or other landscaping, as well as to remove other obstructions or possible hazards, on the Easement Premises to the extent, in the sole judgment of the City, necessary to prevent possible damage to or interference with the efficient, safe or convenient operation of the Sewer, and the right to remove or prevent the construction of any and all buildings, structures, reservoirs or other obstructions on the Easement Premises which may endanger or interfere with the City's efficient, safe or convenient operation of the Sewer.

**4. Crop Damage.** The City shall pay to the Grantor a single damage payment for estimated crop damage, calculated as follows: \$11.00 x 175% x 60 bushels per acre x the acres subject to such damage. Said payment shall be in lieu of all actual crop damages, current or future, caused by the initial construction of the Sewer.

**5. Restoration of Property.** The City shall repair any damage to the Property that would adversely affect farming operations which is caused by the City's use of the Easement Premises.

**(a) Top Soil.** The City will remove and replace any topsoil from the Property only as provided in this subparagraph. The actual depth of the topsoil will first be stripped from the area to be excavated and stored in a windrow parallel to the trench in such a manner that it will not become intermixed with subsoil material. All subsoil material removed from the trench will be placed in a second windrow parallel to the trench that is separate from the topsoil windrow. In backfilling the trench, the stockpiled subsoil material will be placed back into the trench before replacing the topsoil.

**(b) Compaction.** After the topsoil has been replaced, the City will chisel all areas that were traversed by construction equipment to a minimum depth of 12 inches.

**(c) Field Tile.** If underground drainage tile is damaged by the construction of the Sewer, the City will repair the tile as near as practicable to its original condition.

**6. Grantor's Use of Property.** The Grantor may use for the Grantor's own benefit the Easement Premises for any and all purposes not inconsistent with the City's permitted use of the Easement Premises set forth in this Easement Agreement. Notwithstanding anything contained herein to the contrary, Grantor may not use any part of the Easement Premises in a manner that may damage, destroy, injure, and/or interfere with the City's use of the Easement Premises for the City's permitted uses as specified herein. By way of example and not limitation, Grantor shall not conduct any of the following activities on the Easement Premises without the prior written permission of the City: (1) construct any temporary or permanent building or other structure; (2) drill or operate any well; (3) excavate or remove soil or change the grade or slope; (4) impound surface water; or (5) plant trees or other landscaping. Grantor further agrees that no above or below ground obstruction that may damage, destroy, injure, and/or interfere with the Sewer may be placed, erected, installed or permitted upon the Easement Premises without the prior written permission of the City. If Grantor permits any improvement or other obstruction, whether above or below ground, to be placed in or on the Easement Premises after the date of this Easement Agreement in violation of the terms herein, the City may, without prior notice to Grantor, remove such improvement or other obstruction at any time at the sole expense of Grantor and without the City being liable therefor, and Grantor shall promptly reimburse the City for any and all expenses incurred by the City related thereto. It is expressly acknowledged and understood by each of the parties to this Easement Agreement that remedies at law are or may be inadequate for purposes of enforcement of the provisions of this Easement Agreement and that appropriate action shall include, without in any way limiting other available remedies, the right to equitable relief.

**7. Consideration.** In additional consideration for this Agreement, the City hereby agrees to waive its sanitary sewer tap on fees, provided that the actual or anticipated sewage discharge generated from the Property does not exceed 104,000 gallons per day, as determined by the City Engineer and in the event Grantor annexes the Property into the City in the future. Nothing herein shall be construed as a waiver of any fees beyond those controlled solely by the City and/or other City tap on fees beyond its sanitary sewer tap on fees. Accordingly, any and all other connection fees will apply, including those by BNWRD. Grantor shall be and remain responsible for the construction, installation, operation and maintenance of any and all pipes, pumping stations and the like as may be necessary to the point where the same connects to the Sewer.

**8. Authority and Warranty of Title.** Each party executing this Easement Agreement as or on behalf of the Grantor represents and warrants that he/she/they are authorized to execute this Easement Agreement. The Grantor warrants that the Grantor is the owner of the Property and has the right, title and capacity to convey the Easement Premises to the City.

**9. Indemnity.** The City shall indemnify and hold the Grantor harmless from any liability, claims, suits, demands, actions, loss, damage, and expense for injury to persons or damage to property caused by the City, or the City's agents, employees, representatives, designees, contractors, guests, invitees, successors and assigns, and all others acting by or on behalf of the City, in the exercise of the rights granted under this Easement Agreement, except to the extent resulting from Grantor's negligence or intentional misconduct.

**10. Cooperation.** The Grantor and the City agree to cooperate and execute all future documents, including, but not limited to, any instrument if so requested by either party to confirm this Easement Agreement, re-grant this Easement Agreement, or as may be necessary or desired for recording purposes.

**11. Binding Effect.** This Easement Agreement shall inure to the benefit of, and shall be binding upon the Grantor, the Grantor's heirs, successors and assigns, and upon the City and its successors in interest, and shall run with the title to the Property.

**12. Counsel Approval.** This Easement Agreement is expressly contingent upon being or having been duly approved by the City Council and will not become binding upon the City absent such approval.

**13. Governing Law.** This Easement Agreement shall be governed by and interpreted in accordance with the laws of the State of Illinois.

**14. Effect of Invalidity.** In the event that any court of competent jurisdiction determines that any covenant, term or condition of this Easement Agreement as applied to any particular facts or circumstances is wholly or partially invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect such covenant, term or condition as the same applies to other facts or circumstances (unless the effect of such determination precludes the application of such covenant, term or condition to other facts or circumstances), nor shall it affect the validity, legality or enforceability of the other covenants, terms and conditions of this Easement Agreement.

**15. Entire Agreement.** This Easement Agreement represents the entire agreement between the Grantor and the City and supersedes any prior agreements relating to the subject matter of this Easement Agreement. This Easement Agreement may be modified or amended only by a written instrument duly authorized and executed by the parties.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have duly executed this Easement Agreement as of the date first above written.

**GRANTOR:**

\_\_\_\_\_  
Mark C. Thompson

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Mary A. Thompson

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

**CITY OF BLOOMINGTON,  
a Municipal Corporation**

By: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

**APPENDIX A**

P.I.N. 21-20-100-004  
City of Bloomington  
McLean Co., Illinois  
Mark C. Thompson &  
Mary A. Thompson

**Legal Description of Property**

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, MCLEAN COUNTY, ILLINOIS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIPE MARKING THE NORTH QUARTER CORNER OF SAID SECTION 20, THENCE NORTH 89 DEGREES 50 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, 468.48 FEET TO A MAGNETIC NAIL BEING THE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 02 MINUTES 54 SECONDS EAST 2637.96 FEET TO AN IRON ROD ON THE NORTHEASTERLY RIGHT-OF-WAY OF INTERSTATE 74; THENCE ALONG SAID RIGHT-OF-WAY ON A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2804.79 FEET AN ARC LENGTH OF 1029.61 FEET AND A CHORD OF 1023.84 FEET BEARING NORTH 59 DEGREES 49 MINUTES 22 SECONDS WEST TO A CONCRETE RIGHT-OF-WAY MARKER ON THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 01 DEGREE 56 MINUTES 52 SECONDS WEST, ALONG SAID WEST LINE, 2125.36 FEET TO AN IRON ROD MARKING THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 50 MINUTES 00 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, 863.04 FEET TO THE POINT OF BEGINNING, CONTAINING 48.00 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS-OF-WAY. BEARINGS ARE ASSUMED FOR THE PURPOSE OF DESCRIPTION ONLY.

SHOWN AT TRACT T-1 ON THE SURVEY RECORDED IN THE OFFICE OF MCLEAN COUNTY RECORDER OF DEEDS ON OCTOBER 15, 2014 AS DOCUMENT NO. 2014-00018190.

PIN: 21-20-100-004

## **APPENDIX B**

P.I.N. 21-20-100-004  
City of Bloomington  
McLean Co., Illinois  
Mark C. Thompson &  
Mary A. Thompson

### **Legal Description of Permanent Easement**

Part of the East Half of the Northwest Quarter of Section 20, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, further described as follows:

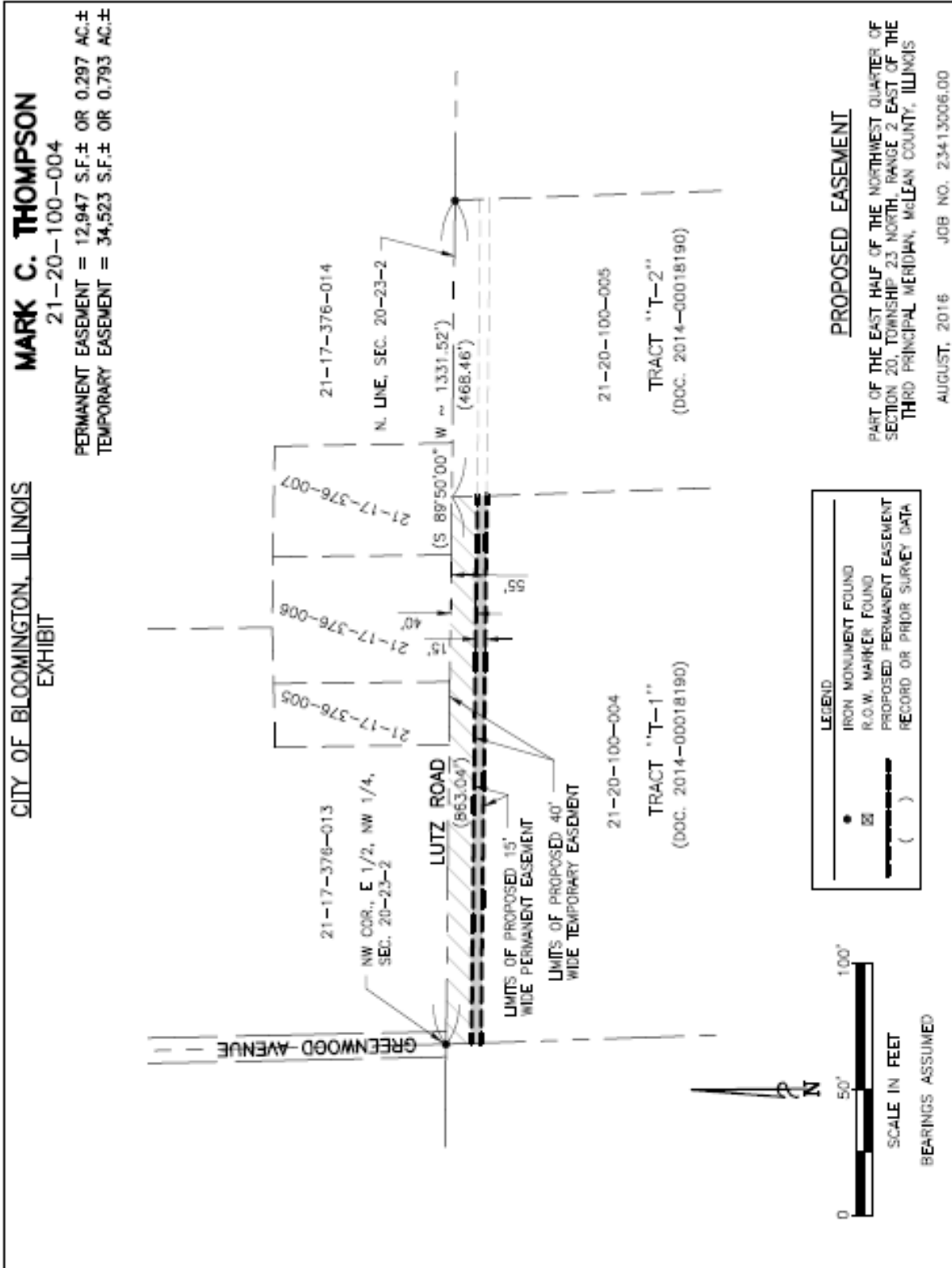
The south 15 feet of the north 55 feet of Tract "T-1" as shown on a survey plat recorded Oct. 15, 2014 as Doc. No. 2014-00018190.

The above described permanent easement contains 12,947 square feet, more or less, or 0.297 acres, more or less.



# APPENDIX C

## Depiction of Permanent Easement



## **APPENDIX D**

P.I.N. 21-20-100-004  
City of Bloomington  
McLean Co., Illinois  
Mark C. Thompson &  
Mary A. Thompson

### **Legal Description of Temporary Easement**

Part of the East Half of the Northwest Quarter of Section 20, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, further described as follows:

The north 40 feet of Tract "T-1" as shown on a survey plat recorded Oct. 15, 2014 as Doc. No. 2014-00018190.

The above described temporary easement contains 34,523 square feet, more or less, or 0.793 acres, more or less.



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

August 17, 2016

Mark and Mary Thompson  
13157 N 900 East Road  
Bloomington, IL 61701

Subject: Permanent Easement and Temporary Easement Request

Dear Mr. and Mrs. Thompson,

We have attached the documents for the City of Bloomington's request for a Permanent Easement and a Temporary Easement for the HoJo & Wittenberg Woods Sewer Improvements. These improvements include a new sanitary sewer main connecting the Wittenberg Woods area to the West side of I-74/55. The City's construction documents show the proposed sewer within the Lutz Road pavement. We believe there is an opportunity to move the sewer to a Permanent Easement on your property to get it out of the roadway. In addition, a Temporary Easement is requested to access the Permanent Easement.

The City understands the value of bringing sanitary sewer to a property and hopes that you would see the added value of having access to the sewer as a trade for the Permanent Easement and Temporary Easement. The topography of your parcel slopes to the south and there will be practical challenges to getting sewage to the mainline that we are now installing. However, we are offering you the tap-on-fee for 104,000 gallons of sewage per day with the understanding that a developer will be responsible for transporting the sewage to the mainline.

Please review the documents and, if acceptable, sign and return them. We will then present the documents to the City Council for final acceptance and formal approval. My cell phone number is (309) 310-3747. Thank you for your time in considering the City's request.

Sincerely,

A handwritten signature in blue ink that reads "Luke Thoele".

Luke Thoele, P.E.  
Project Engineer

cc: Kevin Kothe, City Engineer  
Ryan Otto, Assistant City Engineer  
Jeff Jurgens, Corporation Council



**CONSENT AGENDA ITEM NO. 7G**

FOR COUNCIL: September 12, 2016

**SUBJECT:** Consideration of adoption of an ordinance for Case SP-05-16, a petition requesting approval of a Special Use Permit for a single family home in the B-1, Highway Business District for the property located at 1101 Morrissey Drive.

**RECOMMENDATION/MOTION:** That an ordinance approving for Case SP-05-16, a petition requesting approval of a Special Use Permit for a single family home in the B-1, Highway Business District for the property located at 1101 Morrissey Drive be approved, and that the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** The Special Use Permit is linked to **Goal 4. Strong Neighborhoods**

**STRATEGIC PLAN SIGNIFICANCE:** The Special Use Permit for a single family home eliminates a nonconforming use in B-1 District, supporting the homeowner to make improvements and upgrade the quality of older housing stock (objective b), and promoting resident responsibility for their home and neighborhood (objective f).

**BACKGROUND:**

The subject site is commonly known as 1101 Morrissey Drive. It is located at the corner of Morrissey Drive and Redwood Avenue. The site has existed as a single family home for many years. The property is zoned B-1, Highway Business District; a single family home requires a special use permit in this district, otherwise the use is considered nonconforming. The petitioner is requesting a special use permit to bring the property into compliance with the code and eliminate the single family home as a legal, nonconforming use. Addressing the special use permit is a technicality in this case. However, the petitioner is selling the property and interested in removing the nonconforming status of the property so the property can qualify for lending resources.

The subject property is currently zoned B-1, but other homes are found nearby. The property is adjacent to the R-2 and R-1C districts on the east and west borders, respectively. The existing lot is 10,248 square feet. The property complies with ingress and egress, and is currently serviced by public utilities. The property meets the requirements of Chapter 44.10-4 to allow a single family home in a B-1 District.

**ZONING BOARD OF APPEALS**

This case was before the Zoning Board of Appeals for a public hearing and review on August 17, 2016. No citizens, outside of the applicant, spoke in favor of the petition. No citizens spoke against the petition. The Board recommended approval by unanimous vote. This recommendation is consistent with staff's position.

**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 126 property owners within 500 feet.

**FINANCIAL IMPACT:** No change in financial impact is expected.

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

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

Recommended by:



David A. Hales  
City Manager

- Ordinance for Special Use Permit with Exhibit A “Legal Description”
- Site Plan for 1101 Morrissey Drive
- Special Use Petition
- Aerial Map of Subject Property
- Zoning Map of Subject Property
- Mailing Sample
- Mailing List
- Zoning Board of Appeals Report for 8-17-16
- Zoning Board of Appeals DRAFT Minutes for 8-17-16

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Motion: That an ordinance approving for Case SP-05-16, a petition requesting approval of a Special Use Permit for a single family home in the B-1, Highway Business District for the property located at 1101 Morrissey Drive 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. \_\_\_\_\_**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A SINGLE FAMILY HOME IN THE B-1, HIGHWAY BUSINESS DISTRICT FOR PROPERTY LOCATED AT 1101 MORRISSEY DRIVE**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a single family home in the B-1 Highway Business District for certain premises hereinafter described in Exhibit(s) A; and

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

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.10-3C of the Bloomington, City Code 1960, as amended; and

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

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

1. That the Special Use Permit for a duplex on the premises hereinafter described in Exhibit(s) A shall be and the same is hereby approved;
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Tari Renner, Mayor

ATTEST:

\_\_\_\_\_  
Cherry Lawson, City Clerk

\_\_\_\_\_  
Jeff Jurgens, Corporate Counsel

**Exhibit A**

“Legal Description for 1101 Morrissey Drive”

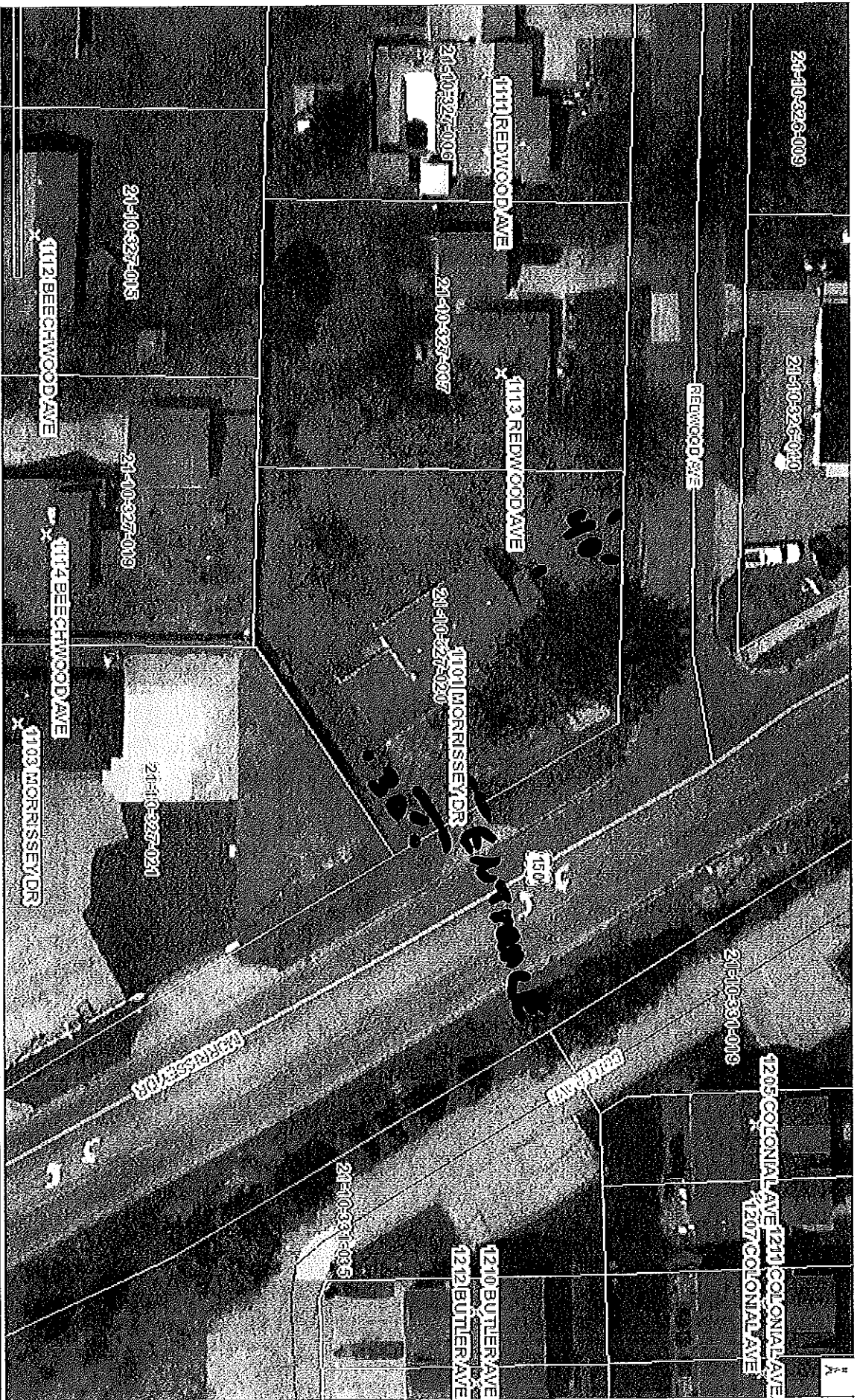
Sakemiller’s Subdivision point Lot 34 County Clerk’s Subdivision SW 10-23-2E Lot 1  
Block 1 (Except the SE corner of Lot 1, W99.2”, N1’, NE 84.93’, SE 34’, SE 24.50” to  
POB)  
PIN:21-10-327-020



Site Plan.



# 1101 Morrissey Dr



Notes

0 0.01 0.0 Miles

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PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:

1101-MORRISSEY DR. BLOOMINGTON, IL 61701

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) Daniel E. MAXEDON  
Linda K. MAXEDON

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 (are) 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, lease, or any 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 has a zoning classification of B-1 under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code Single family home, are allowed as a special use in a B-1 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the B-1 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the

immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;

9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and

10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the B-1 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Zoning Board of Appeals.

WHEREFORE, your petitioner(s) respectfully pray(s) that said special use for said premises be approved.

Respectfully submitted,

David E. Mader

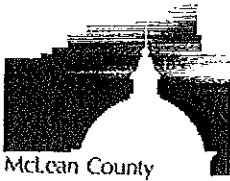
Linda K. Mader

Exhibit A

Sakemiller's Subdivision point Lot 34 County Clerk's Subdivision SW 10-23-2E Lot 1 Block 1  
(Except the SE corner of Lot 1, W99.2", N1', NE 84.93', SE 34', SE 24.50" to POB).  
PIN: 21-10-327-020.

# Exhibit A "Legal Description"

McLEAN COUNTY TREASURER/COLLECTOR



**REBECCA C. McNEIL**  
**McLEAN COUNTY TREASURER/COLLECTOR**  
 115 E. WASHINGTON, Rm 1101  
 BLOOMINGTON, ILLINOIS 61702-2400  
 Ph (309) 888-5180 Fax (309) 888-5176  
 Office Hours: 8AM - 4:30PM, Mon. - Fri.  
[www.mcleancountyil.gov](http://www.mcleancountyil.gov)

21-10-327-020  
 019571-55101  
**MAXEDON, DANIEL & LINDA**  
 11 CALADONIA CT  
 BLOOMINGTON, IL 61704-

**Township: CITY OF BLOOMINGTON**

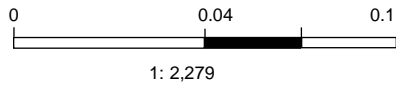
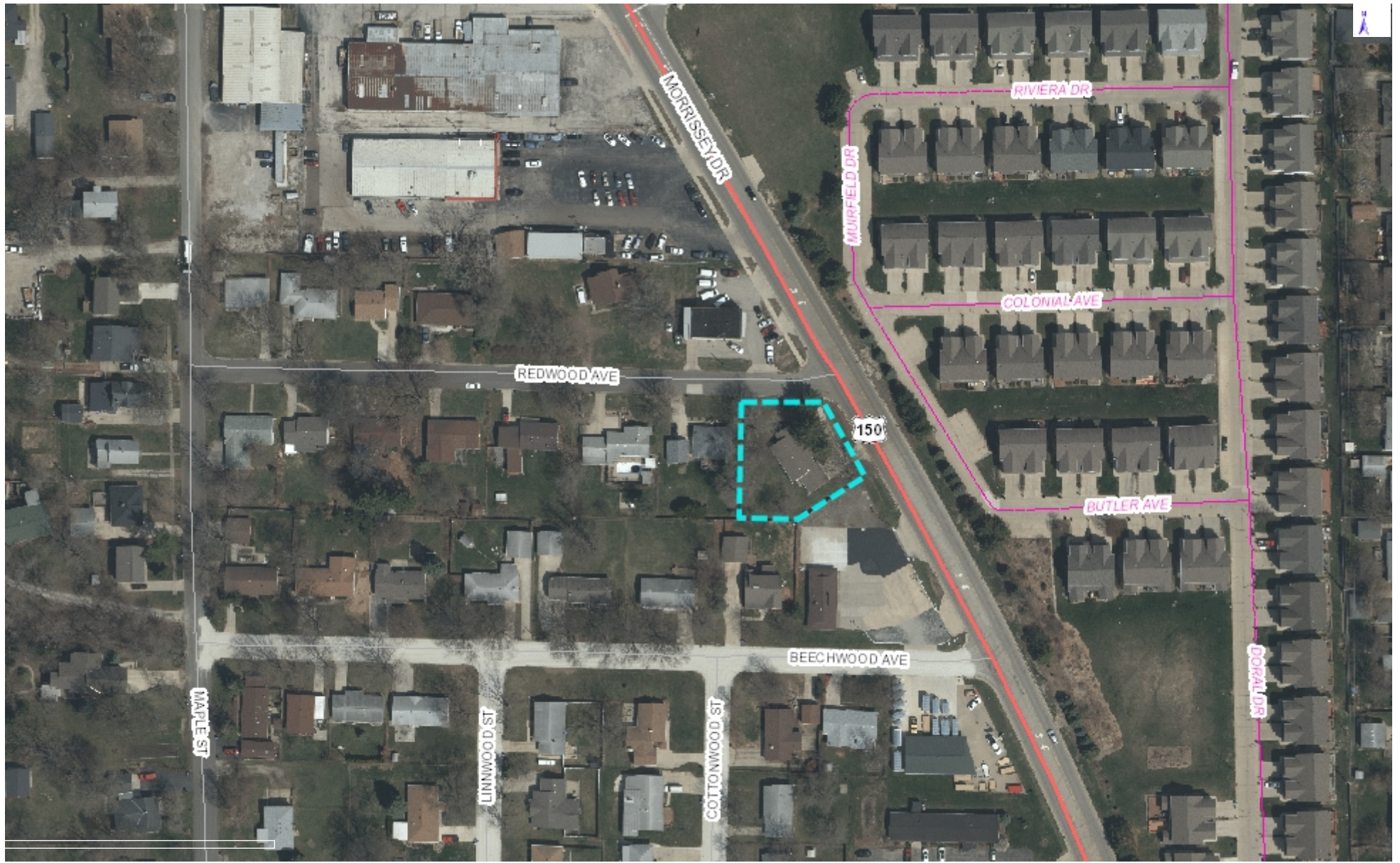
**Prop Use Code: 0040**

Legal Description  
 Sakemiller's Sub pt Lot 34 Co Clerk's Subn  
 SW 10-23-2E Lot 1 Blk 1 (Ex Beg SE cor Lot  
 1, W99.2', N1', NE84.93', SE34', SE24.50' to  
 POB)

TIF BASE	0
SR FREEZE BASE	0
FAIR CASH VALUE	91,480
TOTAL ACRES	0.00
LAND VALUE	10,369
+ BUILDING VALUE	20,120
HOME IMPROVEMENT	0
= ASSESSED VALUE	30,489
x STATE MULTIPLIER	1.0000
= EQUALIZED VALUE	30,489
HOMESTEAD EXMPT	

Pay by credit card or Visa debit card  
 at [www.mcleancountyil.gov/tax](http://www.mcleancountyil.gov/tax)

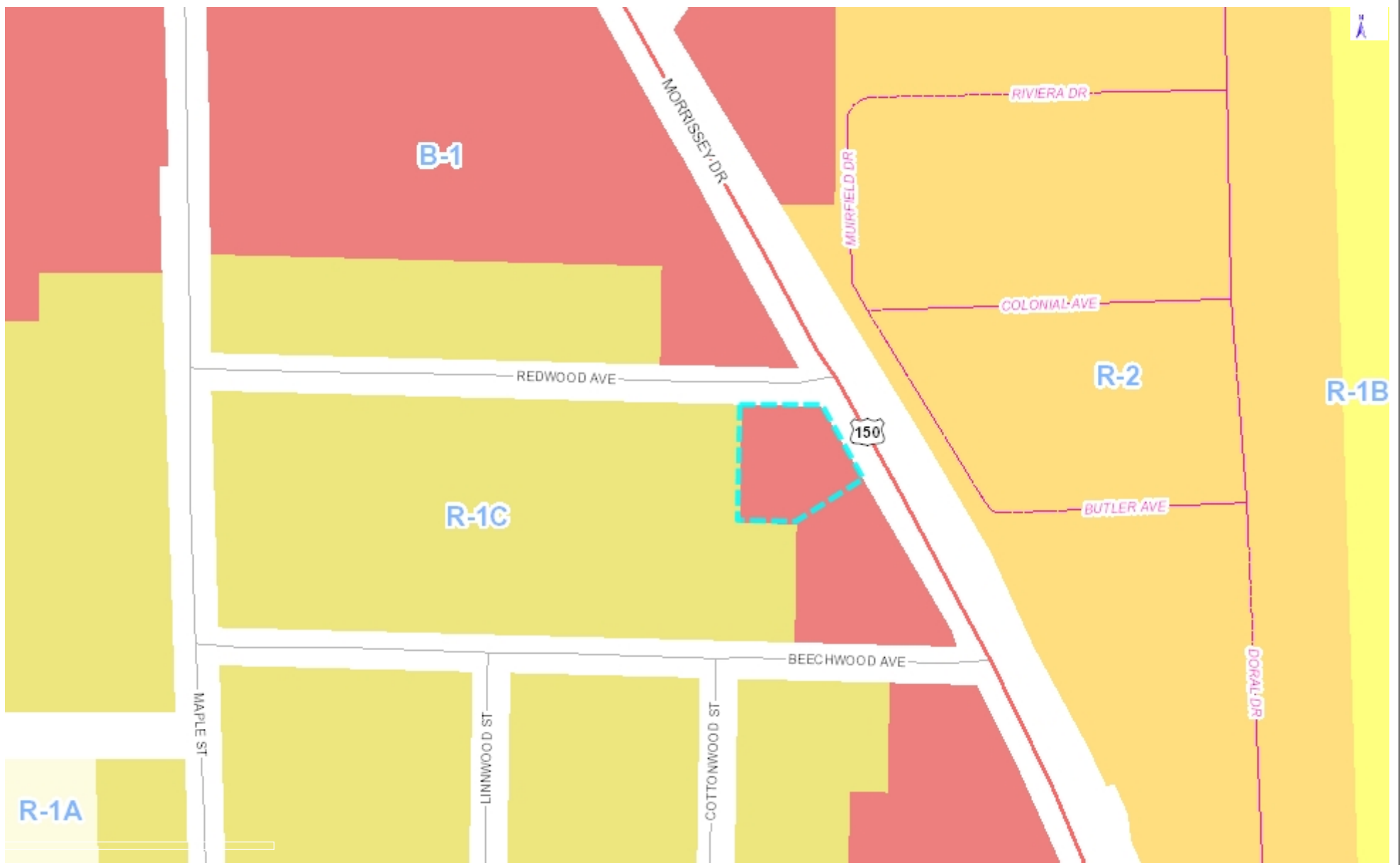




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Notes



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Notes



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

July 27, 2016

Dear Property Owner or Resident:

The City of Bloomington Zoning Board of Appeals will hold a public hearing on **Wednesday, August 17, 2016 at 4:00 p.m. in the City Council Chambers, City Hall, 109 E. Olive Street, Bloomington, Illinois** for a petition submitted by Daniel and Linda Maxedon for the approval a Special Use Permit for property located at *1101 Morrissey Dr.* to allow for a single family home in the B-1, Highway Business District. The petitioner or his/her Counsel/Agent must attend the meeting and the subject property is described as follows:

Legal Description:

Sakemiller's Sub pt Lot 34 Co Clerk's Subn SW 10-23-2E Lot 1 Blk 1 (Ex Beg SE cor Lot 1, W99.2', N1', NE84.93', SE34', SE 24.50' to POB)

You are receiving this courtesy 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 variance 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](http://www.cityblm.org). If you desire more information regarding the proposed petition or have any questions you may call me at (309) 434-2226 or email me at [ksimpson@cityblm.org](mailto:ksimpson@cityblm.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Simpson", written in a cursive style.

Katie Simpson  
City Planner

Attachment

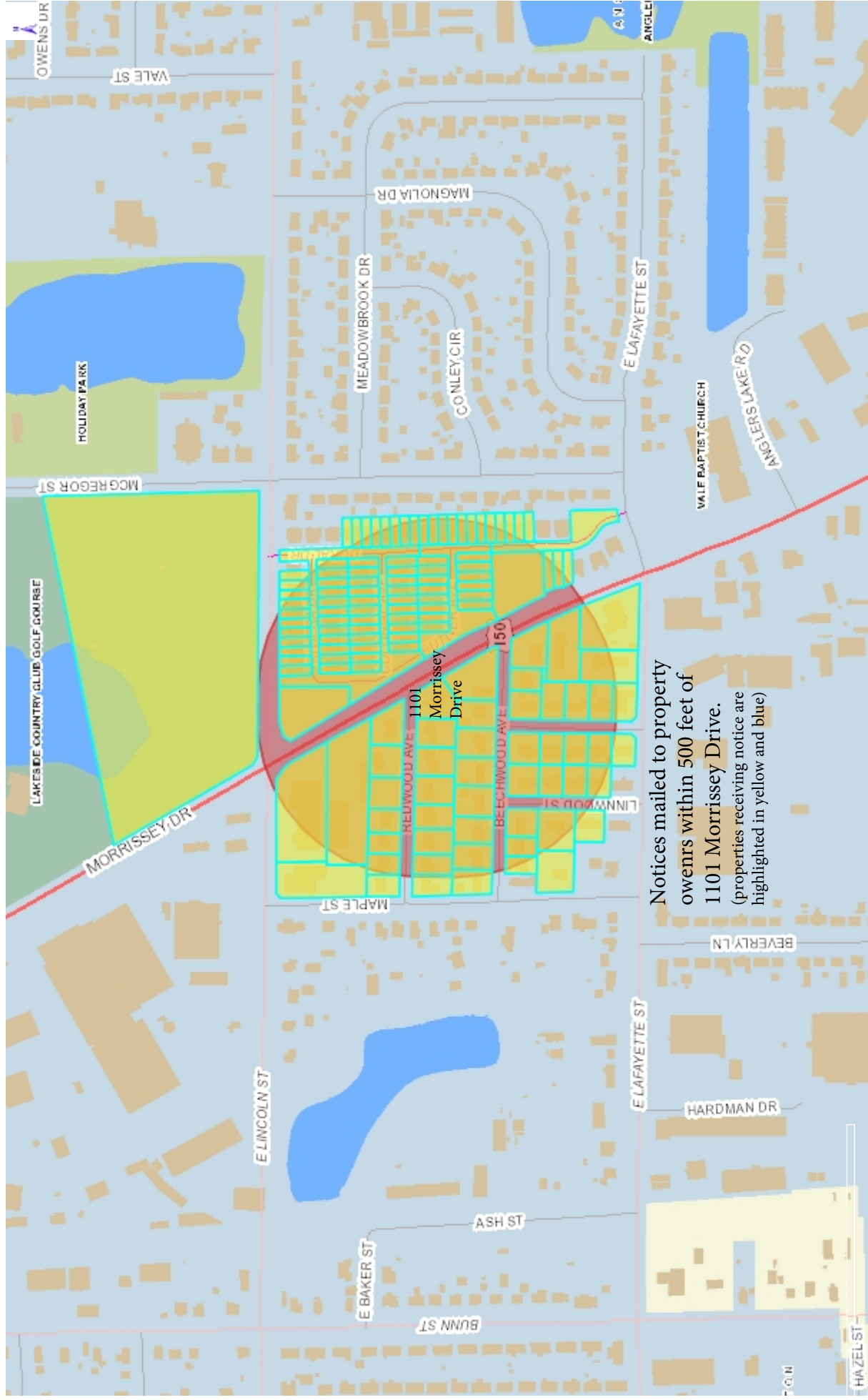
Location Map with 500 foot notification buffer for 1101 Morrissey Dr.





Courtesy notices for a public hearing at 1101 Morrissey Drive for a Special Use Permit to allow a single family home in the B-1 District

Courtesy notices for a public hearing at 1101 Morrissey Drive for a Special Use Permit to allow a single family home in the B-1 District



Notices mailed to property owners within 500 feet of 1101 Morrissey Drive. (properties receiving notice are highlighted in yellow and blue)

0 0.11 0.2 Miles

1: 6,824

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Notes

Zoning Board of Appeals  
8.17.16; 4:00 pm  
109 E Olive Street

ALBERTA MAE VANHOOK  
5 COTTONWOOD  
BLOOMINGTON IL 61701

AMANDA FINCH  
1224 COLONIAL AVE  
BLOOMINGTON IL 617017300

ANGELA M SIMPSON  
1220 COLONIAL AVE  
BLOOMINGTON IL 617017300

ANN DAHM  
1030 DORAL DR  
BLOOMINGTON IL 617017304

BEN J FUNK  
2281 Heather Ridge Dr  
Normal IL 617615498

BERNARD DOTSON  
3108 CUMBRIA DR  
BLOOMINGTON IL 617041212

BETHANY K LENSCHOW  
1217 COLONIAL AVE  
BLOOMINGTON IL 617017301

BHACKIA LLC  
1201 BIG HORN WAY  
NORMAL IL 617619646

BRYAN & LISA HEINE  
1222 BUTLER  
BLOOMINGTON IL 61701

BRYAN MORRIS  
1016 DORAL DR  
BLOOMINGTON IL 617017304

CARISSA CARLSON  
1105 E BEECHWOOD  
BLOOMINGTON IL 61701

CARRA SIMMONS  
3 DERBY WAY  
BLOOMINGTON IL 617042821

CHARLES E SHADIX  
1215 RIVIERA DR  
BLOOMINGTON IL 617017309

CHARLES WILLIAMS  
1325 E EMPIRE ST  
BLOOMINGTON IL 617013421

CHERYL K VANDIVIER  
1221 RIVIERA DR  
BLOOMINGTON IL 617017309

CHINTAMANI KADADEVARMATH  
1207 RIVIERA DR  
BLOOMINGTON IL 617017309

CHRISTOPHER BUETTNER  
1212 BUTLER AVE  
BLOOMINGTON IL 617017302

CORY REED  
1204 Colonial Ave  
Bloomington IL 617017300

CYNTHIA MOORE  
2217 KNOLLBROOK WAY  
BLOOMINGTON IL 61704

DANA ROBERT CHILDRESS  
1223 RIVIERA DRIVE  
BLOOMINGTON IL 61701

DANIEL & LINDA MAXEDON  
11 CALADONIA CT  
BLOOMINGTON IL 61704

DARYL RAYMOND FAIRCHILD, JR.  
REVOCABLE TRUST  
3607 CONNIE KAY WAY  
BLOOMINGTON IL 617048659

DAVID C GORE  
1212 RIVERIA DR  
BLOOMINGTON IL 61701

DAVID R HELM  
1202 Riviera Dr  
Bloomington IL 617017308

DEBORAH & CINDY MOORE WOOD  
2217 KNOLLBROOK WAY  
BLOOMINGTON IL 617056303

DEBRA L RILEY  
1105 REDWOOD  
BLOOMINGTON IL 61701

DEE MCCLURE  
1113 BEECHWOOD AVE  
BLOOMINGTON IL 617016945

DENNIS ADAM & JESSICA LEE SINKS  
1114 BEECHWOOD AVE  
BLOOMINGTON IL 617016930

DEVENDIRAN MADURAIVEERAN  
1201 BIG HORN WAY  
NORMAL IL 617619646

DEVON M MARTIN  
8 Cottonwood St  
Bloomington IL 617016933

DJS APARTMENTS LLC  
PO BOX 594  
NORMAL IL 617610594

DONNA BANKS  
1213 BUTLER AVE  
BLOOMINGTON IL 617017303

DOUG LELM  
1223 COLONIAL AVE  
BLOOMINGTON IL 617017301

E & R CAPITAL LLC  
2804 ALANA WAY  
BLOOMINGTON IL 617047002

E MICHAEL WALSH  
2 LINNWOOD ST  
BLOOMINGTON IL 617016947

EMA JEAN STREITMATTER  
1202 COLONIAL AVE  
BLOOMINGTON IL 617017300

EMILY J COFFEY  
1221 COLONIAL AVE  
BLOOMINGTON IL 617017301

ERIC K COLLINS  
1104 BEECHWOOD AVE  
BLOOMINGTON IL 61701

GARRY & BRENDA GARRISON  
806 E BUCHANAN ST  
BLOOMINGTON IL 617016807

GARRY D EVANS  
1022 DORAL DR  
BLOOMINGTON IL 617017304

GARY & SUSAN JASPER  
5 LINNWOOD ST  
BLOOMINGTON IL 617016946

GARY K & SUZANNE K HAWBECKER  
1108 DORAL DR  
BLOOMINGTON IL 61701

GIRISH S SHIRSALKER  
1116 DORAL DR  
BLOOMINGTON IL 61701

GLENDEL W THOMAS JR  
1221 BUTLER  
BLOOMINGTON IL 61701

HOUSHANG NASSERI  
8875 MILL CREEK RD  
BLOOMINGTON IL 61704

JACK G GUESS  
3164 STEAMBOAT RIDGE RD  
PORT ORANGE FL 32128

JACQUELINE PEARCE  
1123 DORAL DR  
BLOOMINGTON IL 617017307

JAMES & FRANKIE THORNTON  
5 Gloucester Cir  
Bloomington IL 617047605

JANET HILL GETZ  
1114 DORAL DR  
BLOOMINGTON IL 617017306

JANINE H STELLMAR  
9 COTTONWOOD ST  
BLOOMINGTON IL 617016932

JEAN A & MARVIN E NEWMISTER  
1108 REDWOOD AVE  
BLOOMINGTON IL 617016954

JEFFREY D MCGRAW  
12 Ridgewood Ter  
Bloomington IL 617011765

JEFFREY D PENN  
7 COTTONWOOD  
BLOOMINGTON IL 61701

JEFFREY L MUELLER  
1217 RIVERA DR  
BLOOMINGTON IL 61704

JESSE DONNELLY  
1032 DORAL DR  
BLOOMINGTON IL 617017304

JILL C WRENCH  
1212 COLONIAL  
BLOOMINGTON IL 61701

JILL EICHHOLZ  
1014 DORAL DR  
BLOOMINGTON IL 617017304

JOHN M POKARNEY  
1102 Redwood Ave  
Bloomington IL 617016954

JOHN POAG II  
1210 RIVIERA DR  
BLOOMINGTON IL 617017308

JOHN S BOEH  
1028 DORAL DR  
BLOOMINGTON IL 61701

JOSEPH & CINDY WISE  
1121 DORAL DR  
BLOOMINGTON IL 61701

JOSEPH A SHILGALIS  
107 DOUD CT  
NORMAL IL 61761

JOSH G ROBINSON  
1215 COLONIAL  
BLOOMINGTON IL 61701

JULIE ANN ROOT  
1211 Riviera Dr  
Bloomington IL 617017309

JULIUS ALEXANDER  
9155 N 1600 EAST RD  
BLOOMINGTON IL 61704

JUSTIN E PRATT  
PO BOX 1955  
PEORIA IL 61656

KATHERINE DOYLE  
1218 RIVIERA DR  
BLOOMINGTON IL 617017308

KATHRYN L KOERTGE  
1108 BEECHWOOD AVE  
BLOOMINGTON IL 617016930

KATHRYN R MCSHANE  
3 COTTONWOOD ST  
BLOOMINGTON IL 617016932

KEELY BULLINGTON  
1219 Butler Ave  
Bloomington IL 617017303

KEITH & CINDY RANNEY  
25049 WOOD THRUSH CIRCLE P141  
LAKE BLOOMINGTON  
HUDSON IL 61748

KELSEY OWENS  
8 LINNWOOD ST  
BLOOMINGTON IL 617016947

KENNETH A & LURELLA H BARTON  
3 LINNWOOD ST  
BLOOMINGTON IL 617016946

KIMBERLY M WATSON  
1223 BUTLER  
BLOOMINGTON IL 61701

LAKESIDE COUNTRY CLUB  
1201 CROXTON AVE  
BLOOMINGTON IL 617016901

LARRY DOSS  
1103 SIDNEY ST  
BLOOMINGTON IL 617017121

LAUREN M MEIER  
1216 BUTLER AVE  
BLOOMINGTON IL 617017302

LEONARD & NAN FASSETT  
9 KENYON CT  
BLOOMINGTON IL 617013320

LINDA S KAGEL  
1103 REDWOOD AVE  
BLOOMINGTON IL 617016953

LINDA SAGE  
1024 DORAL DR  
BLOOMINGTON IL 617017304

LINKS LANDING  
2712 MCGRAW DR  
BLOOMINGTON IL 61701

LORETTA J PITZER  
1104 Redwood Ave  
Bloomington IL 617016954

LOUIS J FIRMAND  
1102 BEECHWOOD AVE  
BLOOMINGTON IL 617016930

LUKE & LEE STRITZEL SCAGLIONE  
1109 REDWOOD AVE  
BLOOMINGTON IL 617016953

LYNNE M IMHOFF  
1210 COLONIAL  
BLOOMINGTON IL 61701

MAHANTESH PATIL  
1219 RIVERIA  
BLOOMINGTON IL 61701

MAHENDKUMAR RAJAMANNAR  
1106 DORAL DR  
BLOOMINGTON IL 61701

MARGARET MARY KILLIAN  
4 Linnwood St  
Bloomington IL 617016947

MARK & TARA FLYNN  
601 WOODRIG  
BLOOMINGTON IL 61704

MARY L DUNCAN  
1101 BEECHWOOD AVE  
BLOOMINGTON IL 617016929

MATTHEW O DIXON  
6 COTTONWOOD ST  
BLOOMINGTON IL 617016933

MELISSA D THOMAS  
1102 DORAL DR  
BLOOMINGTON IL 61701

MICHAEL ASHENBREMER  
11764 N 2400 EAST RD  
DOWNS IL 617369657

MICHAEL D HILLARD  
106 STALEY CT  
LE ROY IL 617521180

NADYNE DONALDSON  
4 COTTONWOOD ST  
BLOOMINGTON IL 617016933

NATOSHA K RANEY  
1113 REDWOOD AVE  
BLOOMINGTON IL 617016953

PATRICIA %REDBIRD PROP MGT INC  
KAISNER-COLONIAL  
200 N LINDEN ST  
NORMAL IL 617613882

PATRICIA A ELLESON  
1215 BUTLER AVENUE  
BLOOMINGTON IL 61701

PATRICK S PENN  
511 S CLAYTON ST  
BLOOMINGTON IL 617015446

RALPH M/M KREITLER TRUSTEES  
6 LINNWOOD ST  
BLOOMINGTON IL 617016947

REAL ESTATE PARTNERS LLC  
9646 WALNUT WAY  
BLOOMINGTON IL 617055345

RICHARDO RAMIREZ  
9335 OLD PEORIA RD  
BLOOMINGTON IL 617055011

ROBERT & JEANINE STANDARD  
15 PENDLETON WAY  
BLOOMINGTON IL 617046243

ROBERT A DOBSKI  
14 WORTHINGTON CT  
BLOOMINGTON IL 617042794

RONALD MICETIC  
1112 DORAL DR  
BLOOMINGTON IL 617017306

ROZANNE C & RICKARDO A RAMIREZ  
PO BOX 3334  
BLOOMINGTON IL 617023334

SANDRA MASSETTI  
1224 BUTLER AVE  
BLOOMINGTON IL 617017302

SANDRA RANNEY  
1 COTTONWOOD ST  
BLOOMINGTON IL 617016932

SEAN SWARTZ  
1203 RIVIERA DR  
BLOOMINGTON IL 617017309

SHELLY PEDEN  
1018 DORAL  
BLOOMINGTON IL 61701

SHERRY YODER  
1207 COLONIAL AVE  
BLOOMINGTON IL 61701

SIDNEY NOLAND  
1125 DORAL DR  
BLOOMINGTON IL 617017307

SIMONI LUKOSE  
1213 COLONIAL AVE  
BLOOMINGTON IL 617017301

STEPHEN GRONOWSKI  
1026 DORAL DR  
BLOOMINGTON IL 61701

STEVE S LEGNER  
1214 COLONIAL AVE  
BLOOMINGTON IL 617017300

STEVEN J WALL  
1101 REDWOOD AVE  
BLOOMINGTON IL 61701

STEVEN L OWENS  
1204 MAPLE ST  
BLOOMINGTON IL 617016960

SURESH & ANITHA JAYARAM PALANI  
1216 COLONIAL AVE  
BLOOMINGTON IL 61701

SUSAN K WINGETT  
2 COTTONWOOD  
BLOOMINGTON IL 61701

SUSAN SAUNDERS  
1222 RIVIERA  
BLOOMINGTON IL 61701

TARA DAVIS  
1205 Riviera Dr  
Bloomington IL 617017309

THOMAS & DEBRA SUTTER  
306 E SHERWIN CIR  
URBANA IL 618027137

TRISHA J GOODMAN  
1111 REDWOOD AVE  
BLOOMINGTON IL 617016953

URSULA D CROOKS  
1206 COLONIAL DR  
BLOOMINGTON IL 61704

VIKRAM S & RITIKA VERMA SANANI  
1222 COLONIAL AVE  
BLOOMINGTON IL 617017300

WILLIAM J DONNELLY II  
1201 RIVIERA DR  
BLOOMINGTON IL 617017309

**CITY OF BLOOMINGTON  
REPORT FOR THE BOARD OF ZONING APPEALS  
August 17, 2016**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
SP-05-16 1101 Morrissey Drive	Special use to allow a single-family dwelling in the B-1, Highway Business District	Katie Simpson, City Planner

**REQUEST**

The petitioner is seeking a special use to allow a single-family dwelling in the B-1 Highway Business District. Single family dwellings are allowed in this district with a special use.

**NOTICE**

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

**GENERAL INFORMATION**

Owner and Applicant: Daniel and Linda Maxedon

**LEGAL DESCRIPTION:**

Sakemiller's Subdivision point Lot 34 County Clerk's Subdivision SW 10-23-2E Lot 1 Block 1 (Except the SE corner of Lot 1, W99.2", N1', NE 84.93', SE 34', SE 24.50" to POB).  
PIN: 21-10-327-020

**PROPERTY INFORMATION**

Existing Zoning: B-1, Highway Business District  
Existing Land Use: Single family residential  
Property Size: approximately 10,248 square feet  
PIN: 21-10-327-020

**Surrounding Zoning and Land Uses**

Zoning

North: B-1, Highway Business District  
South: B-1, Highway Business District  
East: R-2, Mixed Residential  
West: R-1C, Single Family Residential District

Land Uses

North: Auto and Boat Retail  
South: Automobile Retail  
East: Two family homes  
West: Single family homes

**Analysis**

Submittals

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

1. Application for a special use
2. Site Plan

3. Aerial photographs
4. Site visit

### **PROJECT DESCRIPTION**

The subject site is commonly known as 1101 Morrissey Drive and is located on the corner of Redwood Avenue and Morrissey Drive. The site exists within the B-1, Highway Business District. The district allows for single family dwellings but requires a special use. Single family residents are found nearby and the property has existed as a single family residence. The property has existed as a single family residence for many years. The property complies with the additional special use standards outlined in 44.10-4 for a single family residence. The property is approximately 10, 248 square feet and currently meets the setbacks for front, rear yards and side yards.

### **Action by the Board of Zoning Appeals.**

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

- 1. that the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare;** the property is currently built as and used as a single family residence. The special use permit will bring the property into compliance with the Code. There are no proposed changes to the property. The standard is met.
- 2. that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;** the property has existed as a single family resident. Residential abuts the property on the west and southwest. Staff does not expect a change in property values due to this special use permit. The standard is met.
- 3. that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district;** the B-1 zoning district allows for a single family house with a special use permit. The property has existed as a single family home for years. No impact on development is expected. The standard is met.
- 4. that adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided;** the property exists as a single family house and has adequate facilities, utilities and access. The standard is met.
- 5. that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;** all ingress and egress is existing; no new access is proposed. The standard is met.



6. **that the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by the Council pursuant to the recommendations of the Board of Zoning Appeals. (Ordinance No. 2006-137)** The property meets the requirements of the bulk B-1 District and the additional requirements for the special use permit as described in 44.10-4. The standard is met.

**STAFF RECOMMENDATION:**

Staff finds that the petition has met the Zoning Ordinance's standards required to allow a special use. Staff recommends **approval** of the requested **special use** for a single family dwelling at 1101 Morrissey Drive in Case SP-05-16.

Respectfully submitted,

Katie Simpson, City Planner

Attachments:

- Draft Ordinance
- Exhibit A-Legal Description
- Petition
- Site Plan
- Aerial Photos
- Zoning Map
- Neighborhood Notice Map and List of Addresses Notified

**DRAFT MINUTES**  
**ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**Wednesday, August 17, 2016, 4:00 P.M.**  
**Council Chambers, City Hall**  
**109 East Olive Street, Bloomington, Illinois**

Members present: Chairman Briggs, Mr. Brown, Mr. Bullington, Ms. Meek, Mr. Kearney

Members absent: Mr. Simeone

Also present: Mr. Tom Dabareiner, Community Development Director  
Mr. George Boyle, Assistant Corporation Counsel  
Ms. Katie Simpson, City Planner

Mr. Dabareiner opened the meeting at 4:02 p.m. and called the roll. With five members in attendance, a quorum was present.

PUBLIC COMMENT: None

The Board reviewed the minutes from July 20, 2016. Ms. Meek offered two corrections. A motion to approve the minutes with corrections was made by Ms. Meek; seconded by Mr. Bullington, and was **approved** by a 5-0 vote as follows: Mr. Bullington—yes; Mr. Ireland—yes; Mr. Kearney—yes; Ms. Meek—yes; Chairman Briggs—yes.

Chairman Briggs confirmed today's case had been published and explained the meeting procedures. City staff introduced themselves. Mr. Dabareiner stated all items were properly published.

**REGULAR AGENDA:**

**SP-05-16 Consideration, review and approval of the petition submitted by Daniel and Linda Maxedon for a Special Use Permit to allow a single family dwelling in the B-1, Highway Business District for the property located at 1101 Morrissey Drive.**

Chairman Briggs introduced the case. Daniel Mazedon, petitioner, was sworn in. He explained that they wish to sell the home but prior to the buyer's ability to obtain financing the special use is needed to assure the residence could be rebuilt. He added that his mother-in-law lived there. He asked the Board for their approval.

Ms. Simpson presented the staff report and recommended in favor of the Special Use. She stated the current residence is a nonconforming use, which is what most people think of as being "grandfathered" but to bring it into conformity, which is what the financing entity requires, a Special Use is required. She described the lot noted that all lot requirements and building setbacks are met. She described the neighboring uses and presented photos of the property and the surrounding area. Ms. Simpson reviewed the standards and found that the request meets each, which she described briefly.

Chairman Briggs asked why the Special Use was needed; Ms. Simpson noted that the building is legal nonconforming but, without the Special Use, it could not be rebuilt if it were destroyed by fire or other reason. Chairman Briggs asked whether an addition would need to come before the ZBA; Ms. Simpson confirmed that expansion of a nonconforming structure is prohibited but with the Special Use awarded the property can build a legal addition without coming before the ZBA. She added that maintenance is allowed, but the use and structure could not change.

Chairman Briggs requested a roll call vote on Case SP-05-16, which was **approved** by a 5-0 vote as follows: Mr. Bullington—yes; Mr. Brown—yes; Mr. Kearney—yes; Ms. Meek—yes; Chairman Briggs—yes.

OLD BUSINESS:

None

NEW BUSINESS:

None

ADJOURNMENT: 4:14PM

Respectfully,

Tom Dabareiner AICP



**CONSENT AGENDA ITEM: 7H**

FOR COUNCIL: September 12, 2016

**SUBJECT:** Consideration of the application of 6 Points LLC, d/b/a Fast Stop, located at 1001 Six Points Rd., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week.

**RECOMMENDATION/MOTION:** That the application of 6 Points LLC, d/b/a Fast Stop, located at 1001 Six Points Rd., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved, contingent upon: 1.) submittal of a valid lease for the subject premises within fourteen (14) days, validated by Corporation Counsel; 2.) verification that Mr. Contractor is authorized to be the agent for Mr. Patel and 3.) compliance with all health and safety codes.

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

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

**BACKGROUND:** On August 9, 2016, the Bloomington Liquor Commission met in regular session to hear the application submitted by 6 Points LLC, d/b/a Fast Stop, located at 1001 Six Points Rd., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week.

Present were: Tari Renner, Jim Jordan and Sue Feldkamp, Commissioners; George Boyle, Asst. Corporation Counsel; Asst. Police Chief Clay Wheeler; and Cherry Lawson, City Clerk.

Ketan Contractor, manager/applicant representative addressed the Commission. George Boyle, Assistant Corporation Counsel, questioned if Mr. Contractor would be the Fast Stop's local manager. Mr. Contractor responded affirmatively. Mr. Boyle questioned if Sachin Patel, owner, was in attendance. Mr. Contractor responded negatively.

Commissioner Renner questioned whether Mr. Patel was purchasing the business. Mr. Contractor responded affirmatively. Mr. Boyle corrected that the property was sub-leased. Mr. Contractor responded affirmatively. Mr. Boyle noted that the sub-lease, submitted at the time of application, has Mr. Patel signing as the lessor who is leasing to someone else. He stated that the other individual, who signed as the lessee, was the person who obtained the lease. Mr. Boyle questioned other leases signed. Mr. Contractor responded negatively. Commissioner Renner believed there were signatures in incorrect places. Mr. Boyle acknowledged same noting that the sub-lease did not appear to be valid. Commissioner Renner informed Mr. Contractor that a valid lease would be required for a liquor license to be issued. Mr. Contractor acknowledged same. Mr. Boyle stated that as this was a sub-lease, all leases associated with it would be required to assess its validity. He further explained that this would include the original lease and any/all

sub-leases. Mr. Boyle noted that in order to obtain a liquor license, the applicant for the license had to either own the premises for which the license was sought or have a valid lease for the premises.

Commissioner Renner questioned BASSETT (BASSET (Beverage Alcohol Sellers and Servers Education) certification. Mr. Contractor stated that he and Mr. Patel had BASSETT training.

Commissioner Renner questioned liquor violations. Mr. Contractor responded negatively.

Mr. Boyle questioned when Mr. Contractor was employed by Mr. Patel. Mr. Contractor stated that he was recently hired. Mr. Boyle questioned if Mr. Contractor had worked in Decatur, IL. Mr. Contractor responded affirmatively. The business name was Casey, LLC.

Commissioner Jordan questioned Mr. Patel listed as member of 6 Points, LLC.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan that the application 6 Points LLC, d/b/a Fast Stop, located at 1001 Six Points Rd., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved contingent upon: 1.) submittal of a valid lease within fourteen (14) day, validated by Corporation Counsel; 2.) verification that Mr. Contractor is authorized to be the agent for Mr. Patel and 3.) compliance with all health and safety codes.

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

Ayes: Commissioners Jordan, Feldkamp and Renner.

Nays: None.

Motion carried.

A letter dated August 17, 2016 was received, by the City Clerk's Office, stating that Ketan Contractor was the authorized representative; his official title is General Manager.

A lease for the subject premises was received by the City Clerk's office on August 18, 2016 and sent to Corporation Counsel for review.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph on July 26, 2016 in accordance with City Code. In accordance with City Code, approximately two (2) courtesy copies of the Public Notice were mailed on July 26, 2016. In addition, the Agenda for the August 9, 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:** Not applicable, as the license that will be created is of the same class as a license of the previous owner. Current annual license fee is \$1,410.

Respectfully submitted for Council consideration.

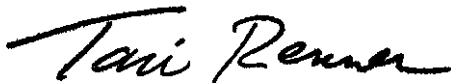
Prepared by: Renee Gooderham, Chief Deputy Clerk

Reviewed by: Cherry Lawson, City Clerk

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

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

Recommended by:



Tari Renner  
Mayor

**Attachments:**

- Chapter 6: Section 4B Creation of New License - Findings
- Liquor License Questionnaire
- License Application for the Sale of Alcoholic Beverages
- License Application for Sunday Sales of Alcoholic Beverages
- Authorized Representative Letter
- Aerial Map

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Motion: That the application of 6 Points LLC, d/b/a Fast Stop, located at 1001 Six Points Rd., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved, contingent upon: 1.) submittal of a valid lease for the subject premises within fourteen (14) days, validated by Corporation Counsel; 2.) verification that Mr. Contractor is authorized to be the agent for Mr. Patel and 3.) compliance with all health and safety codes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

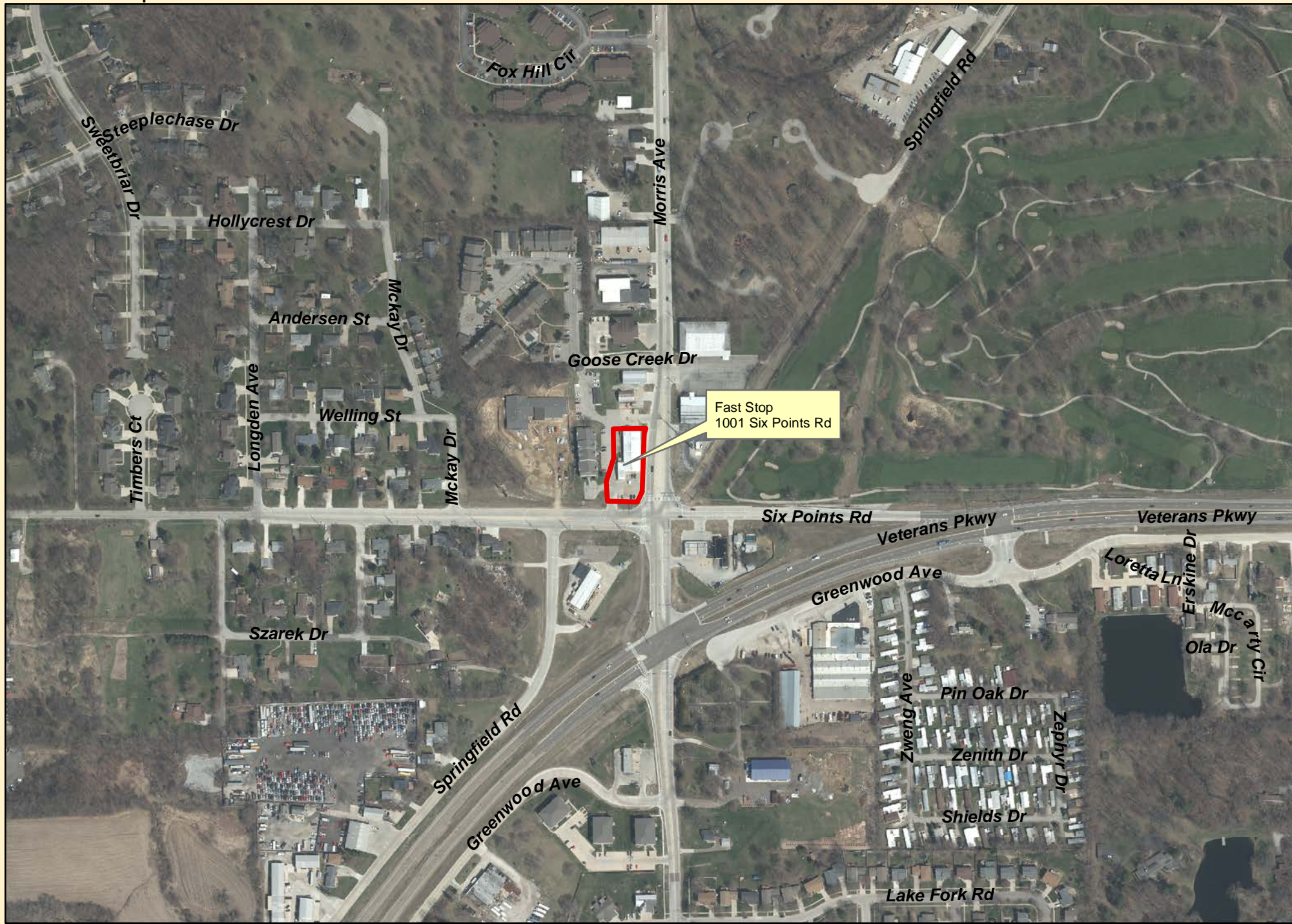
(d) Other relevant factors. (Ordinance No. 2013-13)

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

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



# Fast Stop



## LIQUOR LICENSE QUESTIONNAIRE

TO THE APPLICANT:

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

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

### 1. LEGAL REQUIREMENTS:

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

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

2. NATURE OF LICENSE:

- (a) What class liquor licenses are you seeking? PAS
- (b) What type of establishment do you intend to operate with this license? (e.g. Convenience lounge, tavern, restaurant, wine & cheese shop). Store
- (c) State the significance of a liquor license to your establishment, present or future. The store has a liquor license currently, it provides approx 30% of current sales revenue.
- (d) How will a liquor license of the kind requested benefit the City of Bloomington and its residents? It provides local sales tax income for the city.
- (e) Upon what facts do you base your answers to the previous question? Based on city liquor tax
- (f) Do you intend to furnish live entertainment in the establishment to be licensed? NO
- (g) If you answer "YES" to the previous question, state the nature of such entertainment. N/A
- (h) Will most of the establishment's gross revenue come from sources other than sale of alcohol? Yes

- (i) If you answered "YES" to the previous question, from what sources will such revenue be derived? Grocery, Tobacco
- (j) Do you intend to obtain and use a dance license? NO
- (k) If establishment is not in operation, attach a drawing showing:  
 (1) General design of establishment;  
 (2) Where alcohol is to be distributed and/or served.

3. **IMPACT OF ESTABLISHMENT:**

- (a) State the location of the establishment. 1001 6 Points Rd, Bloomington, IL 61701
- (b) What hours will the establishment be open? Sun - 7am - 12am Fri - Sat 6am - 2am  
Mon - Thurs - 6am - 1am
- (c) What type or types of building(s) adjoin the establishment? ~~Beauty Salon~~  
Beauty Salon
- (d) If any adjoining buildings are office or commercial, approximately what hours are they open for business? N/A
- (e) If adjoining buildings are predominately residential, are they single or multi-family and what other business establishments are in the area? Gas station,
- (f) Describe streets immediately adjoining the establishment (e.g. Approximate width, one or two-way, parking restrictions, etc.) 6 point RD 4 lanes  
No parking restrictions
- (g) How much additional traffic do you expect the establishment with a liquor license to generate? Already existing liquor license at establishment
- (h) Describe on and off street parking facilities to handle traffic anticipated. Business has a parking lot.
- (i) How many establishments with liquor licenses are located within the immediate area of your establishment? None
- (j) What do you estimate to be the demand for your establishment in the area in which it is or will be located? Same as it currently is. (Liquor license already in place.)

(k) Upon what facts do you base your answer to the previous question? Already has a liquor license in place.

4. **RESPONSIBILITY:**

- (a) If establishment is presently in operation, attach a financial statement of the establishment's last fiscal year.
- (b) If establishment is not presently in operation, attach a statement showing your assets and liabilities (or if a corporation, the assets and liabilities of the corporation).
- (c) Do you now or have you ever had a Bloomington liquor licenses? NO
- (d) If you answer to the previous question is "YES", how many times have you been found guilty by the Bloomington Liquor Commission of violating Bloomington's liquor ordinance?

DATED this 7 day of 22, 2016.

SIGNED: S P

Sachin Patel  
(Name)  
3 Smoketree Ct Apt 33  
(Address)  
Bloomington, IL 61704 IL  
(City) (State)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City) (State)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City) (State)

**LICENSE APPLICATION**  
**For the Sale of Alcoholic Beverages**

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

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

2. The undersigned applicant is \_\_\_ an individual; \_\_\_ a partnership;  a LLC corporation; (Check one)

A. If an individual: Name 6 Points LLC Sachin Patel Age [Redacted]

Address [Redacted]

Legal resident of City of Bloomington for more than One (1) year? Yes  No \_\_\_

B. If a partnership: Following are the names of all partners who are entitled to share in any profit of the business:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Legal resident of City of Bloomington for more than One (1) year? Yes \_\_\_ No \_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Legal resident of City of Bloomington for more than One (1) year? Yes \_\_\_ No \_\_\_

C. If a corporation, state whether same is organized for profit  or nonprofit \_\_\_, under laws of the State of IL

Date of incorporation 7/7/2016

Objects of incorporation according to Charter of corporation. (Attach additional information by separate sheet if necessary)

Following are the names and addresses of all officers and directors of the said corporation and if the majority of stock is owned by one person, his name and address:

Name: Sachin Patel Title or position: Member

Address: [Redacted] City/State/Zip Bloomington, IL 61704

Name: \_\_\_\_\_ Title or position: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Name: \_\_\_\_\_ Title or position: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Name: \_\_\_\_\_ Title or position: \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/Zip \_\_\_\_\_

- 3. This application is for renewal of license now held \_\_\_\_\_ or an original application  (Check one)
4. Location and description of the premises or place of business to be operated under this license  
1001 G Points Rd, Bloomington, IL 61701  
A. Trade Name Fest Stop
5. Is this location within 100 feet of any church, school, hospital, home of aged, or indigent persons, or for War Veterans, their wives, or children? Yes \_\_\_\_\_ No
6. Does the place of business have access to any other portion of the same building or structure which is used for dwelling or lodging purposes, and which is permitted to be used or kept accessible for use by the public? Yes \_\_\_\_\_ No
7. Is it proposed to sell food in this place of business? Yes \_\_\_\_\_ No
8. Is applicant or any partner, officer, director, or majority stockholder engaged in the business of manufacturing or bottling malt vinous beverages or is the agent or any such person or corporation, or is a jobber of malt or vinous beverages? Yes \_\_\_\_\_ No
9. Has applicant, or any partner, officer, director, or majority stockholder ever been convicted of a felony, or of the violation of any law relating to the prohibition of the sale of intoxicating liquors, or any other crime or misdemeanor, (other than minor traffic violations)? Yes \_\_\_\_\_ No  If yes, fully explain.
10. Has any other license issued to individual applicant, or to any partner, officer, director, or majority stockholder, issued for sale of alcoholic beverages, ever been revoked? Yes \_\_\_\_\_ No  If yes, give further details.
11. Has a similar application ever been refused for cause that has been made by any of the foregoing persons? Yes \_\_\_\_\_ No
12. Is the applicant herein, the owner of the premises for which this license is sought? Yes \_\_\_\_\_ No
13. If no, the name of the building owner: Name Tucci Byron  
Address 1001 G Points Rd Bloomington, IL 61701  
Term of written lease, from (date) 2016 to 2035  
(Copy of Lease attached)
14. Do you know of any reason whether stated in the above questions or not, that this application does not comply with the laws of the State of Illinois, or the Bloomington City Code 1960 in connection with the proposed sale of alcoholic beverages?  
Yes \_\_\_\_\_ No

Applicants and each of them jointly and severally, including all partners, officers, directors, or majority stockholders, hereinafter named and whose signatures are affixed to this application, agree and acknowledge that they and each of them fully understand that any license issued hereunder may be revoked in accordance with the Ordinance of this City.

Dated this 22 day of July, 2016.

A. (Individual)

\_\_\_\_\_  
Individual's signature

B. (Partnership)

(All Partners of applicant)

\_\_\_\_\_  
Business Name  
\_\_\_\_\_  
\_\_\_\_\_

C. (Corporation)

G Points LLC  
(Corporate Name)

Sachin Patel SM  
(President of Corporation)

Attest: \_\_\_\_\_  
(Secretary)

And the following officers, directors, or majority stockholder:

Sachin Patel Member *[Signature]*

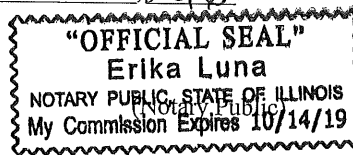
STATE OF ILLINOIS )  
COUNTY OF COOK ) SS

Sachin Patel

being first duly sworn on their respective oaths say that they comprise all of the owners, partners, officers, directors, or majority stockholders of the above named applicant in accordance with definitions of the Bloomington City Code; that they and each of them have read and signed the foregoing application for license, know the contents thereof, and that all the statements made therein are true.

Subscribed and Sworn to before me this 22 day of July, 2016.

*Erika Luna*



My commission expires on Oct. 14, 2019.



LICENSE APPLICATION  
FOR SUNDAY SALE OF ALCOHOLIC BEVERAGES

TO: The Liquor Control Commissioner of the City of Bloomington, McLean County, Illinois

NAME OF APPLICANT G Points LLC  
Hereinafter referred to as the "Applicant" represents to the Bloomington Liquor Commission the following:

1. A CLASS PAS LIQUOR LICENSE is currently held by or is being applied for by the Applicant and it authorizes or will authorize the liquor sales on Monday-Saturday.
2. The Applicant herein requests a CLASS S LICENSE to authorize the operation of the Applicant's liquor establishment on Sundays in the same manner as is or will be authorized by and during the valid period of the license referred to in Paragraph 1 hereof.
3. The Applicant and each and every partner, officer, director, majority stockholder or agent thereof, agree and acknowledge the following:
  - (a) Any license issued hereunder may be revoked in accordance with the Ordinances of the City of Bloomington;
  - (b) All persons who are employed by or who have an ownership interest in the Applicant will testify under oath to all competent, relevant, and material questions propounded to any of them in any hearing conducted by the local Liquor Commissioner;
  - (c) Failure of any person to testify according to the provisions of subsection (b) above shall be sufficient reason for suspension or revocation of any license which may be issued pursuant to this Application; and
  - (d) The Applicant will furnish, upon request from the Liquor Commissioner, any books and/or records of its business operations which are relevant to the question of whether such Applicant qualifies or has qualified at any time for the basic license or for the license which may be issued pursuant to this Application.

Dated this 22 day of July, 2016.

A. (Individual)

\_\_\_\_\_  
(Name)

B. (Partnership)

\_\_\_\_\_  
(Business Name)

All partners of applicant: \_\_\_\_\_

6 Points LLC

C. (Corporation)

(Corporate Name)

By: Sachin Patel  
(Name of Officer: President)

Attest:

\_\_\_\_\_  
Secretary

And the following officers, directors, or majority stockholders:

Sachin Patel Member

[Signature]

STATE OF ILLINOIS, )

County of Cook ) ss.  
McLean )

Sachin Patel \_\_\_\_\_,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

being first sworn on their respective oaths say that they comprise all of the owners, partners, officers, directors, or majority stockholders of the above named applicant in accordance with definitions of the Bloomington City Code 1960; that they and each of them have read and signed the foregoing application for license, know the contents thereof, and that all the statements made therein are true.

Subscribed and sworn to before me this 22 day of July, 2016

Erika Luna  
Notary Public



6 Points LLC  
1001 6 Points Rd,  
Bloomington, IL 61701

August 17, 2016

To whom it may concern:

Ketan Contractor was authorized to represent, and answer any questions on behalf of 6 Points LLC at the City of Bloomington Liquor Commission meeting held on August 9, 2016. His official standing with 6 Points LLC is that of general manager.

Sincerely

A handwritten signature in black ink, appearing to read 'Sachin Patel', with a horizontal line underneath.

Sachin Patel

Member

6 Points LLC



**CONSENT AGENDA ITEM: 7I**

FOR COUNCIL: September 12, 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 October 2, 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 October 2, 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 August 9, 2016, the Liquor Commission Member James Jordan, called a hearing to order to hear the request of Kaleb Fornero and Christy Moore to allow moderate consumption of alcohol at their October 2, 2016 wedding reception to be held at Davis Lodge.

Present were: Jim Jordan and Sue Feldkamp, Commissioners; George Boyle, Asst. Corporation Counsel; Asst. Police Chief, Clay Wheeler; and Cherry Lawson, City Clerk.

Christy Moore, prospective bride, addressed the Commission. Ms. Moore stated that Times Past Inn would cater the reception. Beer and wine only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan, to recommend at the September 12, 2016 City Council meeting approval of the request from Kaleb Fornero and Christy Moore to allow moderate consumption of alcohol at their October 2, 2016 wedding reception to be held at Davis Lodge.

Commissioner Jordan directed the Clerk to call the roll which resulted in the following:

Ayes: Commissioners Jordan and Feldkamp.

Nays: None.

Motion carried.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the August 9, 2016 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

Respectfully submitted for Council consideration.

Prepared by: Renee Gooderham, Chief Deputy Clerk

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

Reviewed by: George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tari Renner  
Mayor

**Attachments:**

- Ordinance
- Letter of Request

**ORDINANCE NO. 2016 -**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT DAVIS LODGE ON OCTOBER 2, 2016**

WHEREAS, Kaleb Fornero and Christy Moore are planning to hold their wedding reception at Davis Lodge from 4:00 p.m. to 10:00 p.m. on October 2, 2016; and

WHEREAS, Kaleb Fornero and Christy Moore have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Davis Lodge, for the duration of the wedding reception at the Davis Lodge on October 2, 2016 from 4:00 pm to 10:00 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 12<sup>th</sup> of September, 2016.**

**APPROVED this \_\_\_\_ day of September, 2016.**

**CITY OF BLOOMINGTON**

**ATTEST**

\_\_\_\_\_  
Tari Renner, Mayor

\_\_\_\_\_  
Cherry L. Lawson, C.M.C, City Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_

Jeffrey R. Jurgens, Corporation Counsel

**From:** Andrew Coffey/Cityblm  
**To:** Christy Moore < >  
**Date:** Friday, July 22, 2016 08:07AM  
**Subject:** Re: Beer and Wine Permission Request for Fornero Wedding at Davis Lodge

---

Hello,

This will appear on the August 9th Liquor Commission agenda. It meets at 4pm here at City Hall, 109 E Olive St. Someone must attend to address the Commission.

Thanks,

Andrew Coffey  
Support Staff IV  
City Clerk's Office  
(309) 434-2240

[CityBLM.org](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

-----Christy Moore < > wrote: -----  
To: Andrew Coffey <acoffey@cityblm.org>  
From: Christy Moore < >  
Date: 07/21/2016 05:22PM  
Subject: Re: Beer and Wine Permission Request for Fornero Wedding at Davis Lodge

The reception will begin at 4pm and will end at 10pm.  
Thank you,  
Christy Moore and Kaleb Fornero

On Jul 21, 2016 3:33 PM, "Andrew Coffey" <acoffey@cityblm.org> wrote:

Hello,

What time will the reception start and end?

Thanks,

Andrew Coffey  
Support Staff IV  
City Clerk's Office  
(309) 434-2240

[CityBLM.org](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

-----Christy Moore < > wrote: -----  
To: [acoffey@cityblm.org](mailto:acoffey@cityblm.org)  
From: Christy Moore < >



Date: 07/21/2016 12:19PM

Subject: Beer and Wine Permission Request for Fornero Wedding at Davis Lodge

To whom it may concern,

My fiancée, Kaleb Fornero, and I, Christy Moore, would like to formally request permission to serve beer and wine at our wedding reception at Davis Lodge on October 2, 2016. We would be expecting approximately 100-120 guests to be in attendance, and our caterer is Mr. Art Donaldson with the Times Past Inn. Please do not hesitate to contact me if any additional information is required. Thank you for your time.

Sincerely,

Christy Moore \_\_\_\_\_ and Kaleb Fornero .

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

This message has been scanned for malware by Websense. [www.websense.com](http://www.websense.com)



**CONSENT AGENDA ITEM: 7J**

FOR COUNCIL: September 12, 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 October 8, 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 October 8, 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 August 9, 2016, the Liquor Commission Member James Jordan called a hearing to order to hear the request of Neil Whitlock and Jaclyn Bennett to allow moderate consumption of alcohol at their October 8, 2016 wedding reception to be held at Davis Lodge.

Present were: Jim Jordan and Sue Feldkamp, Commissioners; George Boyle, Asst. Corporation Counsel; Asst. Police Chief, Clay Wheeler; and Cherry Lawson, City Clerk.

John Bennett, the bride's father, addressed the Commission. Mr. Bennett stated that HyVee would cater the reception. Beer and wine only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan to recommend at the September 12, 2016 City Council meeting approval of the request from Neil Whitlock and Jaclyn Bennett to allow moderate consumption of alcohol at their October 8, 2016 wedding reception to be held at the Davis Lodge.

Commissioner Jordan directed the Clerk to call the roll which resulted in the following:

Ayes: Commissioners Jordan and Feldkamp.

Nays: None.

Motion carried.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the August 9, 2016 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

Respectfully submitted for Council consideration.

Prepared by: Renee Gooderham, Chief Deputy Clerk

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

Reviewed by: George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tari Renner  
Mayor

**Attachments:**

- Ordinance
- Letter of Request

**ORDINANCE NO. 2016 -**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT DAVIS LODGE ON OCTOBER 8, 2016**

WHEREAS, Neil Whitlock and Jaclyn Bennett are planning to hold their wedding reception at the Davis Lodge from 5:00 p.m. to 10:00 p.m. on October 8, 2016; and

WHEREAS, Neil Whitlock and Jaclyn Bennett have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Davis Lodge, for the duration of the wedding reception at the Davis Lodge on October 8, 2016 from 5:00 pm to 10:00 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 12<sup>th</sup> of September, 2016.**

**APPROVED this \_\_\_\_ day of September, 2016.**

**CITY OF BLOOMINGTON**

**ATTEST**

\_\_\_\_\_  
Tari Renner, Mayor

\_\_\_\_\_  
Cherry L. Lawson, C.M.C, City Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_

Jeffrey R. Jurgens, Corporation Counsel

**From:** Andrew Coffey/Cityblm  
**To:** John Bennett < >

**Date:** Wednesday, August 03, 2016 11:57AM  
**Subject:** Re: Request to allow beer/wine at Davis Lodge

---

Hello,

This will appear on the August 9th Liquor Commission agenda. It will meet at City Hall, 109 E Olive St, at 4pm. Someone must attend to address the commission.

Thanks,

Andrew Coffey  
Support Staff IV  
City Clerk's Office  
(309) 434-2240

[CityBLM.org](#) - [Facebook](#) - [Twitter](#) - [YouTube](#)

-----John Bennett < > wrote: -----

To: "acoffey@cityblm.org" <acoffey@cityblm.org>  
From: John Bennett < >  
Date: 08/03/2016 10:08AM  
Subject: Request to allow beer/wine at Davis Lodge

To whom it may concern:

I would like to submit a request to the Bloomington City Clerk's office to allow beer/wine to be served at my daughter's wedding reception at Davis Lodge on October 8, 2016.

**Date and time of event:**

- October 8, 2016
- 5-10 P.M.

**Location of event:**

- Davis Lodge

**If the event has been reserved:**

- Yes

**Bride and Groom names, and phone numbers:**

- Bride: Jaclyn Bennett
- Phone: (309) :
  
- Groom: Neil Whitlock
- Phone: (309)

**Contact Information for any other individual representing the organizers:**

- Father of the Bride: John Bennett
- Phone: (309)

**Number of guests expected:**

- 100-125

**Name of catering business that has been selected:**

- Hy-Vee
- Bloomington, Illinois

Please reply confirming the date and time I will need to attend the Liquor Commission meeting.

Thank you,

*John Bennett*

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



**CONSENT AGENDA ITEM: 7K**

FOR COUNCIL: September 12, 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 October 9, 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 October 9, 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 August 9, 2016, the Liquor Commission Member James Jordan, called a hearing to order to hear the request of James McCallum and Megan Lindenfelser to allow moderate consumption of alcohol at their October 9, 2016 wedding reception to be held at Davis Lodge.

Present were: Jim Jordan and Sue Feldkamp, Commissioners; George Boyle, Asst. Corporation Counsel; Asst. Police Chief, Clay Wheeler; and Cherry Lawson, City Clerk.

Megan Lindenfelser, prospective bride, addressed the Commission. Ms. Lindenfelser stated that Lake Road Inn would cater the reception. Beer and wine only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan, to recommend at the September 12, 2016 City Council meeting, approval of the request from James McCallum and Megan Lindenfelser to allow moderate consumption of alcohol at their October 9, 2016 wedding reception to be held at the Davis Lodge.

Commissioner Jordan directed the Clerk to call the roll which resulted in the following:

Ayes: Commissioners Jordan and Feldkamp.

Nays: None.

Motion carried.



**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the August 9, 2016 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None.

Respectfully submitted for Council consideration.

Prepared by: Renee Gooderham, Chief Deputy Clerk

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

Reviewed by: George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tari Renner  
Mayor

**Attachments:**

- Ordinance
- Letter of Request

**ORDINANCE NO. 2016 -**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT DAVIS LODGE ON OCTOBER 9, 2016**

WHEREAS, James McCallum and Megan Lindenfelser are planning to hold their wedding reception at the Davis Loedge from 3:00 p.m. to 9:00 p.m. on October 9, 2016; and

WHEREAS, James McCallum and Megan Lindenfelser 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;

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Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended as those ordinances pertain to the Davis Lodge, for the duration of the wedding reception at the Davis Lodge on October 9, 2016 from 3:00 pm to 9:00 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 12<sup>th</sup> of September, 2016.**

**APPROVED this \_\_\_\_ day of September, 2016.**

**CITY OF BLOOMINGTON**

**ATTEST**

\_\_\_\_\_  
Tari Renner, Mayor

\_\_\_\_\_  
Cherry L. Lawson, C.M.C, City Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_

Jeffrey R. Jurgens, Corporation Counsel

**From:** Andrew Coffey/Cityblm  
**To:** Megan Linden >

**Date:** Wednesday, August 03, 2016 02:32PM  
**Subject:** Re: SECOND ATTEMPT Formal Request / Davis Lodge Rental for October 9th, 2016

---

Hello,

This will appear on the August 9 Liquor Commission agenda. It meets at 4pm at City Hall, 109 E Olive St. Someone must attend to address the commission.

Thanks,

Andrew Coffey  
Support Staff IV  
City Clerk's Office  
(309) 434-2240

[CityBLM.org](http://CityBLM.org) - [Facebook](#) - [Twitter](#) - [YouTube](#)

-----Megan Linden wrote: -----

To: Andrew Coffey <[acoffey@cityblm.org](mailto:acoffey@cityblm.org)>  
From: Megan Linden  
Date: 08/03/2016 02:28PM  
Subject: Re: SECOND ATTEMPT Formal Request / Davis Lodge Rental for October 9th, 2016

Approx around 9:00pm

On Aug 3, 2016 2:27 PM, "Andrew Coffey" <[acoffey@cityblm.org](mailto:acoffey@cityblm.org)> wrote:

Hello,

What time will the reception end?

Thanks,

Andrew Coffey  
Support Staff IV  
City Clerk's Office  
(309) 434-2240

[CityBLM.org](http://CityBLM.org) - [Facebook](#) - [Twitter](#) - [YouTube](#)

-----Megan Linden wrote: -----

To: [ACOFFEY@cityblm.org](mailto:ACOFFEY@cityblm.org)  
From: Megan Linden  
Date: 08/03/2016 02:15PM

Subject: SECOND ATTEMPT Formal Request / Davis Lodge Rental for October 9th, 2016

This is a formal written request to allow a modest amount of alcohol to be served at the Davis Lodge for a wedding reception on October 9th, 2016.

-Date & Time of the Event: Sunday October 9th, 2016 - ceremony to start at 3:00PM with reception to follow.

-Location of the Event: The Davis Lodge on Lake Bloomington  
25449 Davis Lodge Rd  
Hudson, IL 61748

-The Event Location has been secured.

-Name of Bride: Megan Lindenfelser

Contact Information: Phone:

E-mail address:

-Name of Groom: James McCallum

Contact Information: Phone:

E-mail Address:

Mother of the Bride: Susan Lindenfelser

Contact Information: Phone:

E-mail Address:

Father of the Bride: Dale Lindenfelser

Contact Information: Phone:

E-mail Address:

Number of Guests Expected: 68

Name of Catering Business: Lake Road Inn

25106 N 1750 East Rd

Hudson, IL 61748

(309) 747-2558

We will be present at the next City Council meeting to represent our wedding party.

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

This message has been scanned for malware by Websense. [www.websense.com](http://www.websense.com)

 **CITY OF**  
*Bloomington* **ILLINOIS**  
**REGULAR AGENDA ITEM NO. 8A**

FOR COUNCIL: September 12, 2016

**SUBJECT:** Presentation of the Five-Year Capital Improvement Plan and the Capital Financing and Debt Policy.

**RECOMMENDATION/MOTION:** Presentation and discussion of Bloomington's options for capital financing to include overview of capital and debt financing, current state of bonded indebtedness and possible options.

**STRATEGIC PLAN LINK:** Goal – Financially Sound City providing quality basic services;

**STRATEGIC PLAN SIGNIFICANCE:** Objective 1.A – Budget with adequate resources to support defined services and level of services; Objective 1.B – Reserves consistent with City Policies

**BACKGROUND:** The City is recently presented a draft Capital Improvement Plan (CIP). As part of the next step in the CIP process, Finance will present an overview of capital and debt financing, current state of bonded indebtedness, and possible options for the City.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:**

**FINANCIAL IMPACT:** None at this time. For presentation purposes only.

Respectfully submitted for Council consideration.

Prepared by: Carla A. Murillo, Budget Manager

Financial & budgetary review by: Patti-Lynn Silva, Finance Director

Recommended by:



David A. Hales  
City Manager

**Attachments:**

- Capital Finance Presentation
- Debt Service Policy

---

Motion:

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			

# Financing for Capital

*An overview of financing for capital improvements*



September 12, 2016  
Patti-Lynn Silva, Finance Director



# Best Practices

- Periodic inventory & measurement of the physical condition of *all* existing capital assets
- Evaluation to determine if assets still provide the most appropriate method to deliver services
- Fund allocation in both the multi-year capital plan & annual operating budget for:
  - Condition assessment
  - Preventative maintenance
  - Repair & replacement

*2010 GFOA Best Practice on Asset Maintenance and Replacement*

# Current Practices

- 2003: City undertook its **first ever** inventory of all capital assets\*
- Operating budgets have not included appropriate capital funding levels, accumulating large amounts of deferred capital
- Various master plans completed assessing the condition of key capital asset areas
  - These assessments form the basis of the CIP

*\*As required by Government Accounting Standards Board in Statement #34*

# Capital Improvement Planning

- A CIP should include a planning policy that sustains City infrastructure by:
  - Incorporating funding for periodic inventory & assessment of assets into operating budgets
  - Accumulating funds for reserves
  - Linking funding strategies to useful lives of assets
  - Understanding financing options
  - Providing options for dedicated funding streams
  - Understanding fiscal capacity
  - Providing for monitoring and oversight

# Determining Fiscal Capacity

- City has no legal debt limit
- Credit rating agencies rely heavily on benchmarking against peers
- Basis for many benchmarks:
  - Ability to pay debt obligations with stable revenue streams without reducing critical operations

## G. O. Bond Debt Per Capita

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015*
Bloomington	\$954	\$1,032	\$982	\$1,030	\$952
Champaign	\$955	\$923	\$870	\$820	\$773
Decatur	\$1,118	\$1,075	\$1,041	\$1,265	\$1,456
Normal	\$1,646	\$1,614	\$1,590	\$1,574	\$1,744
Peoria	\$1,804	\$1,767	\$2,080	\$1,641	\$1,315
Springfield	\$275	\$220	\$186	\$362	\$585

\* Data compiled from FY2015 Comprehensive Annual Financial Statements

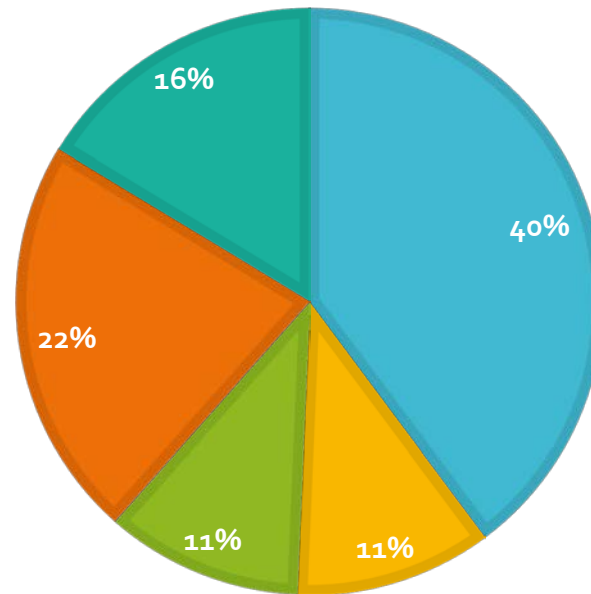
# Financing Options

- Options, which may be combined:
  - Accumulating reserves
  - Pay-as-you-go (cash)
  - Debt financing
  - Savings in debt service

# Current Financing for Capital

## FY 2017 CAPITAL PROJECTS FUNDING \$22.1 M

- Water, Sewer, Storm Accum. Fund Balance \$8.8 M
- 1/4% Sales Tax for Street Resurfacing \$2.4M
- Local Motor Fuel Tax for Street Resurfacing \$2.4M
- State Motor Fuel Tax and Accum. fund balance \$4.9 M
- General Fund \$3.6 M



## Accumulating Reserves

- Depreciation or inflation method
- Incrementally set funds aside by reserving the annual depreciation for the asset or at as much as the inflation rate
- Protects against large fluctuations in budgets & financing needs



# Pay-As-You-Go (Cash)

- Paying for capital assets as they occur or are completed
- Con: Unlikely that enough cash can be generated to pay for all capital assets
- Intergenerational Inequity
- Pros: reduced interest expense & flexibility during economic downturns

# Debt Financing

- Financing a capital project, often by issuing municipal bonds
- Pros:
  - Immediate or rapid construction
  - Intergeneration equity
  - Repayment possibly completed in cheaper dollars
  - Less in operating costs as older assets are more quickly replaced
  - A predictable budget
- Cons:
  - Paying interest
  - Potential encumbrance of future revenues

# Savings in Debt Service

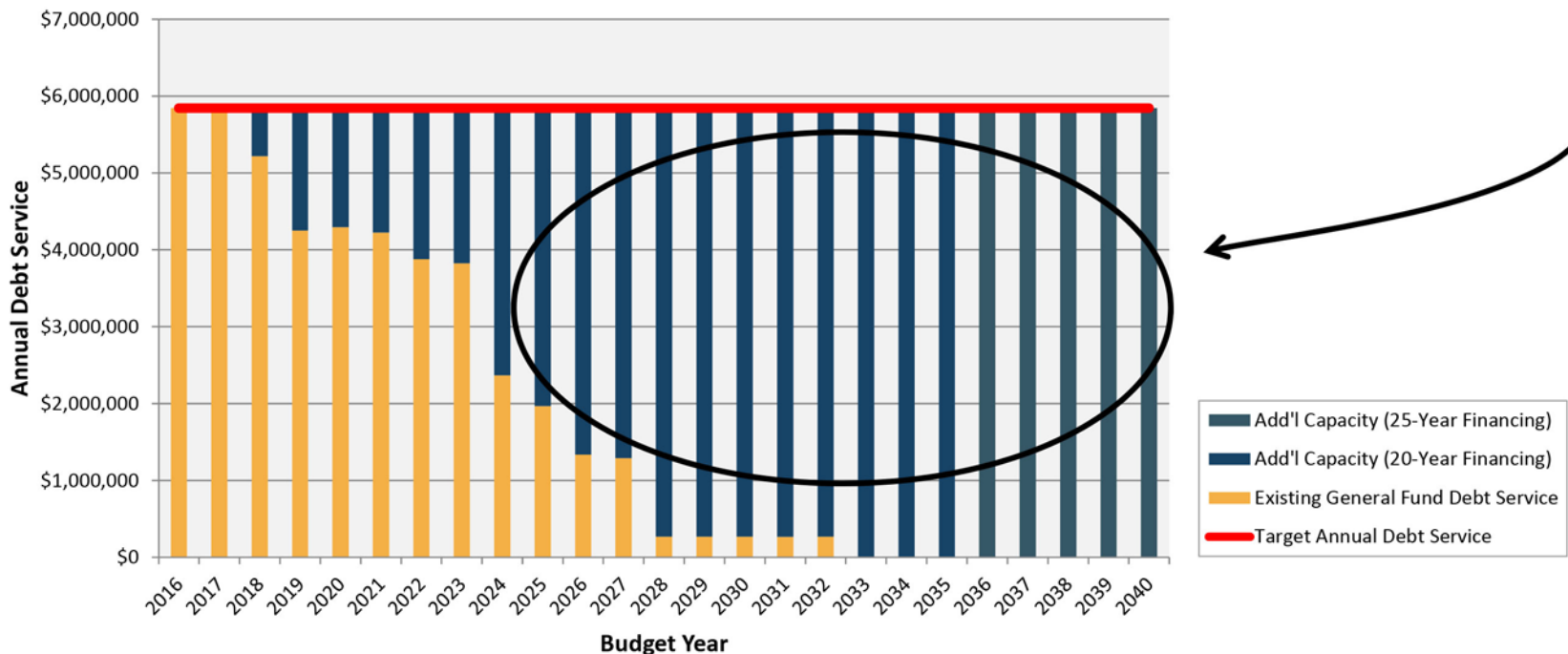
- As the City's outstanding debt is paid down, new debt can be issued to keep to the debt service level
  - Pros:
    - Budget already adjusted to current debt service level
    - May help benchmarking against peers
    - No wide fluctuations in budgeting
  - Con: Incurring more debt

# Current Bond Indebtedness

- \$75.4 M in General Obligation Bonds (GOB)
- More than 50% of outstanding GOBs will be paid off within 10 years
- By utilizing savings in bond payoffs, the City could issue between \$40 M-\$50 M without increasing its annual debt service
- The City's deferred capital is estimated at \$388M without new expansion.

# Bloomington Can Generate \$39 to \$50 Million of Bond Proceeds if the City Maintained General Fund Debt Service at Budget Year 2016 Levels

- Bloomington’s existing debt service profile is “downward sloping”, meaning the City can borrow for capital needs and still see relatively little budgetary impact as existing debt is paid down and “rolls off”.
- If the City kept its debt service at 2016 Budget Year levels, it could generate up to **\$39.6 million** with a 20-year financing; or **\$50.2 million** with a 25-year financing.
- This bonding ability is calculated by discounting the available future capacity under the targeted debt service level by the expected borrowing rate – in this scenario we use an estimated of 4.5% based on current market conditions.
- The City’s borrowing capacity under the 20-year scenario increases by approximately \$2.5 million for each 0.5% decrease in the estimated borrowing yield (e.g. 4.0% versus 4.5%). See the following page for full numerical analysis.



Note: Results are preliminary and subject to change based on market conditions and other factors.

# Questions



## CITY OF BLOOMINGTON DEBT SERVICE POLICY

This policy establishes guidelines for the use of debt financing that will allow the City to minimize financing cost and retain and improve its 'Aa2' stable bond rating from Moody's Investors Service (or an equivalent rating from a similar firm). It is the ultimate goal of the City to achieve and retain an 'A' rating which is the highest rating a City can achieve with Moody's (or an equivalent rating from a similar firm).

### 1. GENERAL PRINCIPALS

- a. Financing Options. The City will use the following criteria to determine which type of financing to use (pay-as-you-go financing or debt financing):
  - (i) Pay-as-you-go financing – pays for capital projects and acquisitions from sources other than debt such as current taxes and revenue funds from capital reserves, special assessments, impact fees, etc. Factors favoring pay-as-you-go financing include: current revenues and/or adequate fund balances are available to finance the project; phasing in portions of the project would allow the City to finance the project over time without debt; additional debt would adversely affect the City's credit rating; and market conditions are unstable or the project presents marketing difficulties.
  - (ii) Debt financing – money obtained by incurring debt. Factors favoring debt financing include: revenues available for debt service are sufficient and reliable; issuance of debt will not jeopardize the City's credit rating being lowered; market conditions present favorable interest rates and good demand for municipal financing; a project is mandated by State or Federal requirements and current revenues and fund balances are insufficient to pay project cost; a project is immediately required to meet or relieve infrastructure capital needs and current revenues and fund balances are not sufficient to finance the project; and the life of the project or asset financed is longer than the debt service payments.
- b. Use of Debt Financing. The City may consider the use of debt financing for: (i) one-time capital improvement projects and unusual equipment purchases; (ii) when the project's useful life, or the projected life of the equipment, will exceed the term of financing; and (iii) when the City has identified revenues sufficient to service the debt, either from revenues which exist or increased taxes or fees restricted to service the debt.
- c. Debt Financing Not Used. The City will not use debt for any recurring purpose such as current operating and infrastructure maintenance expenditures, nor will the City use short-term debt, except under exigent circumstances.

## 2. DEBT ISSUANCE GUIDELINES

- a. General Obligation versus Revenue Bonds. When the City has the option to use General Obligation (GO) Bonds, secured by its full faith, credit and taxing powers, or Revenue Bonds, secured by the revenues of the project being financed, the City will consider the benefits of reduced debt expense and flexibility achieved through GO debt versus reserving the City's GO debt capacity by issuing revenue debt.
- b. General Obligation Bonds. The City may use GO bonds in lieu of revenue bonds if debt expense can be significantly reduced (as compared to financing with revenue debt) and if special or enterprise fund revenue is sufficient and reliable to fund debt service cost. In such cases, the City Council will adopt ordinances to abate the debt tax levies and direct staff to pay debt service with alternative revenues.
- c. Competitive versus Negotiated Debt Issuances. The City will generally conduct financing on a competitive basis; however, negotiated financing may be used where market volatility or the use of an unusual or complex financing or security structure causes a concern with regards to marketability.
- d. Credit Enhancements. The City will seek credit enhancements such as letters of credit or bond insurance when necessary for marketing purposes or to make debt financing more cost-effective.
- e. Professional Services. To provide assistance in debt issuances, the City will select a financial advisor and/or investment banker and bond counsel. These advisors will be retained for several years to provide continuity and allow these professionals to develop an understanding of the City's needs.
- f. Inter-Fund Loans. The City may use inter-fund loans, in lieu of borrowing from private parties, to minimize the expense and administrative effort associated with external borrowing. Inter-fund loans are typically made for relatively short periods of time (under five years) and relatively low amounts (under three million). Inter-fund loans will be considered to finance high priority needs on a case-by-case basis, only when other planned expenditures in the funds making the loan would not be affected. Inter-fund loans are generally made by the City's pooled cash account located at the Illinois Funds and shall be limited to 10% of the total cash balance. Inter-fund loans from the pooled cash account shall be repaid with an interest rate equivalent to the average rate of interest earned by the pooled cash account. All multi-year inter-fund loans will be documented with a resolution that outlines the terms of the loan.

## 3. DEBT MATURITY STRUCTURE GUIDELINES

In general, for debt issued after 2009, the City will strive to maintain debt structure under which 50% of the outstanding principal will be repaid within ten years, but acknowledges in some cases this may be impractical. The term of financing (final bond maturity) will not exceed the expected useful life of the project or equipment financed by the debt. If the City plans to pay



debt service expenses from a specific revenue source, the City will use conservative assumptions or models in its revenue projections.

#### 4. DEBT ADMINISTRATION

- a. Financial Disclosure. The City will follow a policy of full disclosure on every financial report and bond prospectus (Official Statement), using as a guide the disclosure guidelines provided by the Governmental Finance Officers Association.
- b. Monitor Outstanding Debt. The City will monitor all forms of debt annually and include an analysis in the City's Financial Plan. Concerns and recommended remedies will be reported to the City Council as necessary. The City will monitor bond covenants and Federal regulations concerning debt, and adhere to those covenants and regulations at all times. The City will invest bond proceeds in accordance with the City's adopted investment policy and Federal arbitrage regulations.
- c. Monitor Overlapping Debt. The City will monitor levels of overlapping debt and communicate debt plans with public entities that may issue overlapping debt. The City will take into account overlapping debt in considering both the amount of debt the City will issue, and the timing of City bond proceeds.
- d. Maintenance of Specific Credit Ratings. The City will seek to maintain or improve its current 'Aa2' bond rating and will specifically discuss with the City Council any proposal which might cause that rating to be lowered. An analysis will be prepared by City staff for each proposed financing. Such analysis will assess the impact of debt issuance on current and future operating and capital budgets and address the reliability of revenues to support debt service payments.

#### 5. DEBT CAPACITY GUIDELINES FOR GENERAL OBLIGATION DEBT

- a. Debt Limits. To maintain a sound fiscal condition and improve the 'Aa2' Moody's debt rating, the City will limit the amount of debt it will issue and its annual debt service expenses in accordance with the guidelines stated below.
- b. Debt Limit Guidelines. The guidelines are ranges for measure of debt capacity. Debt within the lower limits of the measures would be considered a low debt level given the City's fiscal, demographic, and economic characteristics, while debt in the higher limits of the measures would be considered a moderate debt level. Generally, the City will maintain its debt below the seventy-five percentile of the ranges (stated below). These guidelines will be published within the monthly City Manager's report.
- c. Guidelines for Direct Debt.
  - (i) Outstanding Debt as a Percent of the Actual Taxable Value of Taxable Property
    - i. Guideline: 1 to 2.5%

- ii. 75% of Guideline 1.875%
        - 1. Maximum -  $\$5,397,493,677 * .01875 = \$101,203,006$
        - 2. Current -  $\$71,590,000$
    - (ii) Debt Service Expenditures per Capita
      - i. Guideline: \$500 to \$1,500, will increase at the rate of inflation of the Consumer Price Index for the Midwest beginning in calendar year 2012.
      - ii. 75% of Guideline: \$1,125
        - 1. Maximum -  $\$86,186,250 / 76,610 = \$1,125$
        - 2. Current -  $\$71,590,000 / 76,610 = \$934$
    - (iii) Annual Debt Service Expenditures as a Percent of General Fund Expenditures (including net transfers).
      - i. Guideline: 5 to 15%
      - ii. 75% of Guideline 11.25%
        - 1. Maximum -  $\$74,689,258 * 11.25\% = \$8,402,541$
        - 2. Current -  $\$1,465,000$
- d. Higher Level Debt Limits. The City may issue debt at higher levels of the ranges under certain circumstances such as the following:

- (i) The outstanding debt is GO debt, but the City is not using property taxes to pay debt service cost.
- (ii) The City's debt is at the lower end of the limits for two of the measures, but above the 75% for the third.
- (iii) The City anticipates that while the amount of debt and/or debt service expenditures might be above the 75% level for a few years, debt will fall below that level after that.
- (iv) Current and anticipated overlapping debt levels are relatively low.
- (v) The City is extinguishing one liability for a lower cost liability in terms of a differential in the interest rate or amortization period.

## 6. REVIEW OF THE DEBT SERVICE POLICY

The City Manager or his or her designee shall review this policy at least annually, examining its effectiveness and determining whether any modifications are warranted. This will ensure the policy remains current with general accounting and sound business practices as well as any regulatory and standard changes that may emerge over time.

It is recommended that as a manner of policy, any changes, deletions, and additions to this policy be reviewed and approved by the City Council. The City Council shall review this policy and recommend any proposed changes every three years.

## 7. OBJECTIVES

The primary objectives of investment activities shall be Safety, Liquidity, and Total Return:

### A. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

1. **Credit Risk**

The City will minimize credit risk which is defined as the risk of loss due to the failure of the security issuer or backer by:

- \* Limit investments to the safest types of securities
- \* Pre-qualify financial institutions, brokers, intermediaries and advisers with which the City will do business,
- \* Diversify the investment portfolio so potential losses on individual securities will be minimized.

2. **Interest Rate Risk**

The City will minimize the risk that the market value of the securities in the portfolio will fall due to changes in general interest rates by:

- \* Structure the investment portfolio so securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity,
- \* Invest operating funds primarily in shorter-term securities or in investment pools.

**B. Liquidity**

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so securities mature concurrent with cash needs to meet anticipated demands. A portion of the portfolio may be placed in local government investment pools which offer same-day liquidity for short-term funds.

**C. Total Return**

The investment portfolio shall be designed with the objective to attain a market rate of return throughout budgetary and economic cycles, by taking into account the investment risk constraints and liquidity needs of the City. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

**8. PRUDENCE**

The standard of prudence to be used by investment officials shall be the "prudent person," which states, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived" and shall be applied in the context of the management of the entire portfolio.

Investment officers who act in accordance with written procedures and exercises due diligence shall be relieved of personal responsibility for a security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

(Sections 7 and 8 are found in the City's Investment Policy, see items III. Objectives and IV. Prudence)

**RESOLUTION NO. 2012 - \_\_\_\_\_**

**A RESOLUTION ADOPTING A DEBT SERVICE POLICY**

WHEREAS, a capital financing strategy is essential for any local government to effectively plan for major projects and expenditures; and

WHEREAS, the use of debt is one tool within an overall capital financing strategy that should reflect a balance program of pay-as-you-go, debt financing and other revenue sources; and

WHEREAS, the Government Finance Officers Association (GFOA) encourages municipalities to establish a formal, comprehensive written debt policy; and

WHEREAS, this policy should establish guidelines for the use of debt, specifying: 1.) the maximum amount of debt that can be used, 2.) purposes for which debt can be issued, 3.) types of debt that can be issued, and 4.) the debt maturity structure; and

WHEREAS, the City of Bloomington has determined that the attached policy is in the best interest of the municipality and its citizens.

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

The City of Bloomington Debt Service Policy, attached, is hereby adopted and approved; and be it further

RESOLVED, that the City Clerk of Bloomington shall attest the same after signature of the Mayor.

ADOPTED this 27<sup>th</sup> day of February, 2012.

APPROVED this \_\_\_\_\_ day of February, 2012.

APPROVED:

\_\_\_\_\_  
Stephen F. Stockton, Mayor

ATTEST:

\_\_\_\_\_  
Tracey Covert, City Clerk

FOR COUNCIL: February 27, 2012

SUBJECT: General Obligation Debt Policy

**RECOMMENDATION:** That the General Obligation Debt Policy be approved and the Resolution adopted.

**BACKGROUND:** To establish the City in an optimal position to establish a long-term financial plan, Council and staff have begun to establish clear, concise financial policies. In March 2010, the Council approved a revised, updated Investment Policy. In November 2010, the Council approved a Reserve Policy. A key trait of a financially stable organization is the establishment and maintenance of an appropriate General Obligation Debt Policy. The adoption by Council of a strong Debt Policy can send a clear message of fiscal sustainability to all City stakeholders. While the City has unofficially addressed the Debt Policy through conservative issuance of General Obligation Debt, the City does not have a clear delineated policy to govern decision making and fiscal actions by its officials. This is essential, especially as the City strives to strengthen its financial position and restore trust among all City stakeholders.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Mesirow Financial, financial advisors, and Chapman & Cutler, bond counsel.

**FINANCIAL IMPACT:** For the period of April 30, 2011, the City has approximately \$73,215,000 in fixed and variable long-term general obligation debt. The Government Finance Officers Association, (GFOA), recommends local governments adopt comprehensive written debt management policies. These policies should be reviewed annually and revised as necessary. The credit rating agencies review of financial policies includes the City's debt policies such as debt guidelines and revision frequency, which are included within this policy.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy L. Ervin  
Performance Auditor/Budget Mngr.  
Budget Officer

Rich Hentschel  
Interim Director of Finance

David A. Hales  
City Manager

Attachments: Attachment 1. Debt Policy  
Attachment 2. Resolution

Motion: That the General Obligation Debt Policy be approved and the Resolution adopted.

Motion: \_\_\_\_\_ Seconded by: \_\_\_\_\_

	Aye	Nay	Other		Aye	Nay	Other
Alderman Stearns				Alderman McDade			
Alderman Huette				Alderman Anderson			
Alderman Hanson				Alderman Schmidt			
Alderman Sage				Alderman Fruin			
Alderman Purcell							
				Mayor Stockton			