

**CITY OF BLOOMINGTON  
COUNCIL MEETING AGENDA  
109 E. OLIVE  
MONDAY, MARCH 25, 2013 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 of Attendance**
- 5. Recognition/Appointments**
  - A. Oath of Office for Police Patrol Officers: Ryne Donovan, Manual Hernandez, Trenton Hovland and Paul Jones.**
- 6. "Consent Agenda"**
  - A. Council Proceedings of March 11, 2013 and Executive Session Minutes of February 25, 2013. (Recommend that the reading of the minutes of the previous Council Proceedings of March 11, 2013 and the Executive Session Minutes of February 25, 2013 be dispensed with and the minutes approved as printed.)**
  - B. Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)**
  - C. Approval of Resolution to Purchase 28,201 square feet of land from the Illinois Department of Transportation along Veterans Parkway at Hamilton Road in the amount of \$56,400. (Recommend that the Resolution be Adopted.)**
  - D. Ratification of Contract with Lodge 1000 for the period of May 1, 2012 until April 30, 2014. (Recommend that the Contract be ratified.)**
  - E. Ratification of Contract with Police Benevolent Labor Committee (Sergeants and Lieutenants) for the period of May 1, 2011 until April 30, 2014. (Recommend that the Contract be ratified.)**

- F. **Professional Services Contract for the Bloomington Center for Performing Arts. (Recommend that the contract from GFour in the amount of \$34,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
  - G. **Renewal of Towing Bid 10,000 GVW and Under to Joe's Towing & Recovery. (Recommend that the City exercises the fourth (4<sup>th</sup>) Annual Renewal Option to the Towing Bid 10,000 GVW and Under to Joe's Towing & Recovery for the period of one (1) year commencing May 1, 2013 and ending April 30, 2014.)**
  - H. **Text Amendment to Chapter 44. Zoning, for Additional Zoning Definitions and Table Modifications for "Distribution Centers" and "Transfer Stations". (Recommend that the Text Amendment to Chapter 44. Zoning, Definitions and Table Modifications, be approved and the Ordinance passed.)**
  - I. **Lake Bloomington Lease Transfer Petition for Lots 23 and 25, Block 3 of Camp Kickapoo from Arthur Kuchan to Joel and Constance Bankes. (Recommend that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
  - J. **Petition by Tara and Jeffrey Henry, requesting approval of Rezoning from R - 1A, Single-Family Residence District to R - 1A, Single-Family Residence District, with an S - 4 Historic Preservation District overlay for the property located at 1316 E. Washington St. (Recommend that the Council approve the Rezoning Petition and the Ordinance passed.)**
- 7. **"Public Hearing"**
    - A. **FY 2014 Public Hearing**
  - 8. **"Regular Agenda"**
  - 9. **City Manager's Discussion**
  - 10. **Mayor's Discussion**
  - 11. **City Aldermen's Discussion**
  - 12. **Executive Session – cite section**
  - 13. **Adjournment**
  - 14. **Notes**



FOR COUNCIL: March 25, 2013

**SUBJECT:** Council Proceedings of March 11, 2013 and Executive Session Minutes of February 25, 2013

**RECOMMENDATION/MOTION:** That the reading of the minutes of the previous Council Proceedings of March 11, 2013 and the Executive Session Minutes of February 25, 2013 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 1.d. City services delivered in the most cost-effective, efficient manner.

**BACKGROUND:** The Council Proceedings of March 11, 2013 and the Executive Session Minutes of February 25, 2013 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: Tracey Covert, City Clerk

Recommended by:

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

David A. Hales  
City Manager

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**COUNCIL PROCEEDINGS  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, March 11, 2013.

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

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

**Aldermen:** Judy Stearns, Mboka Mwilambwe, Jamie Mathy, David Sage, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

**Alderman Absent:** Jennifer McDade and Robert Fazzini.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

Mayor Stockton requested that those present remember Chris Brown, Firefighter, and his family. Mr. Brown was a fallen firefighter. His funeral was held this date.

**PUBLIC COMMENT:** Mayor Stockton opened the Public Comment section of the meeting. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Alton Franklin, 508 Patterson Dr., addressed the Council. He had learned from his youth that those who do not learn from history were doomed to repeat same. He had attended the Council's Budget Work Session. The Council talked about planning to plan. He cited the pension shortfalls. The City needed to keep its promises. It was time for action. He did not understand the Council subcommittees. There had been nothing published regarding same. The City was attempting to avoid the Open Meetings Act. The Council needed to address deficiencies and come together. The Council needed to take productive action and serve the citizens.

The following was presented:

SUBJECT: Council Proceedings of February 25, 2013

**RECOMMENDATION/MOTION:** That the reading of the minutes of the previous Council Proceedings of February 25, 2013 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 1.d. City services delivered in the most cost-effective, efficient manner.

**BACKGROUND:** The Council Proceedings of 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: Tracey Covert, City Clerk

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Mathy, seconded by Alderman Sage that the reading of the minutes of the previous Council Proceedings of February 25, 2013 be dispensed with and the minutes approved as printed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Bills and Payroll

**RECOMMENDATION/MOTION:** That the bills and payroll be allowed 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 1.d. City services delivered in the most cost-effective, efficient manner.

**BACKGROUND:** The list of bills and payrolls will be posted on the City's website on Thursday, March 7, 2013 by posting via the City's web site.

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

**FINANCIAL IMPACT:** Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Mathy, seconded by Alderman Sage that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on May 18, 2013

**RECOMMENDATION/MOTION:** That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington's Davis Lodge on May 18, 2013 be passed.

**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:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Dijais Ervin and Daniel Phillips to allow moderate consumption of alcohol at Lake Bloomington’s Davis Lodge for their wedding reception on May 18, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk; and Dijais Ervin and Daniel Phillips, bride and groom.

Commissioner Stockton opened the liquor hearing and requested that Dijais Ervin, bride, address the Commission regarding this request. Dijais Ervin and Daniel Phillips, bridge and groom, addressed the Commission. They informed them that the wedding and reception were scheduled for Saturday, May 18, 2013. There were 165 names on the guest list. They anticipated that 120 guests would attend. The Chateau was the wedding event hotel. Guests would be shuttled from the hotel to the Lodge. There would be guests attending who were from out of state. Reality Bites would act as the event caterer. Guests would be offered beer and wine. The wedding ceremony was scheduled for 3:30 p.m. A cocktail hour would be held from 4:00 - 5:00 p.m. The reception would end around 9:00 - 9:30 p.m. Quite hours at the lake commence at 10:00 p.m. The hotel shuttles would take the guests back to the Chateau.

Commissioner Stockton noted that currently only catered events were allowed at Davis Lodge.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the request of Dijais Ervin and Daniel Phillips to allow moderate consumption of alcohol at Lake Bloomington’s Davis Lodge for their wedding reception on May 18, 2013 be approved.

Motion carried, (unanimous voice vote).

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the February 12, 2013 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: Tracey Covert, City Clerk

Reviewed by: Craig Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager



Recommended by:

David A. Hales  
City Manager

**ORDINANCE NO. 2013 - 12**

**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Dijais Ervin and Daniel Phillips are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 3:00 p.m. to 10:30 p.m. on May 18, 2013; and

WHEREAS, Dijais Ervin and Daniel Phillips 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, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with 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 for the duration of the wedding reception at the Lake Bloomington Davis Lodge on May 18, 2013 under the conditions set forth in the rental agreement.

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

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 1960 Illinois Constitution.

PASSED this 11<sup>th</sup> day of March, 2013.

APPROVED this 12<sup>th</sup> day of March, 2013.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Mathy, seconded by Alderman Sage that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington's Davis Lodge on May 18, 2013 be passed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Text Amendment to Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License – Findings, to address Video Gaming Parlors

**RECOMMENDATION/MOTION:** That the Text Amendment be approved and the Ordinance passed.

**STRATEGIC PLAN LINK:** Goal 5. Great Place – Livable, Sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** Goal 5. Objective b. City decisions consistent with plans and policies.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to discuss a proposed Text Amendment regarding video gaming parlors. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He added that the Council had requested same. He questioned what a video gaming parlor was. He cited Jackpot Joe's application for a liquor license which was for the purpose of opening a video gaming parlor. He cited the state's video gaming law which required a sale by the glass liquor license, (i.e. restaurant and/or tavern). The Council wanted to send a signal that video gaming parlors would be a disqualifying factor.

He read the proposed Text Amendment. He noted that no ratios had been established. There was no exact percentage. It appeared that City staff had taken a common sense approach.

Commissioner Clapp questioned if the City had the authority to limit the number of video gaming machines. George Boyle, Asst. Corporation Counsel, addressed the Commission. He informed them that some cities have capped the number of establishments. There had not been any legal challenges as of this date.

Commissioner Gibson questioned what establishments were eligible. Commissioner Stockton noted those with an on premise liquor license. Mr. Boyle added that truck stops were also eligible. There were size restrictions and gasoline sales volume requirements.

Commissioner Gibson questioned if the City could restrict the square footage for video gaming. Mr. Boyle cautioned the Commission against this action. State law allowed up to five (5) machines per establishment.

Commissioner Stockton presented three (3) options: 1.) limit the number of machines, 2.) address square footage; and/or 3.) limit the number of establishments. He cited the City's home rule authority. He added that there had not been a legal test. He readdressed the goal of the proposed Text Amendment - address video gaming. The Council had voted to opt in to video gaming. The Council had requested specific action which would send a message that the City would not allow video gaming parlors.

Commissioner Clapp expressed her opinion that the Text Amendment should provide a guideline.

Mr. Boyle reminded the Commission that Jackpot Joe's had used the City's current criteria. The proposed Text Amendment would provide advance notice that video gaming parlors were not allowed.

Commissioner Stockton stated that the factors were good. He questioned the impact upon current liquor license holders. He requested that under (14) No license shall be created "and allowed" for an establishment . . .

Mr. Boyle questioned if the word should be allowed or "maintained".

Commissioner Tompkins expressed his opinion that the proposed Text Amendment provided an excellent foundation. He noted the state law. He did not want the City to micromanage video gaming. Such action was not desirable. He viewed video gaming as an ancillary benefit to the liquor license holders.

Commissioner Stockton stated that existing license holders could be grandfathered.

Commissioner Tompkins noted that video gaming only needed a minimal small space. The City should use existing laws. A new law was not required to address video gaming parlors.

Commissioner Stockton proposed a scenario similar to Jackpot Joe's. Commissioner Tompkins suggested that formula which addressed percentage of revenue might be applied. He added that he did not have an answer at this time.

Commissioner Stockton restated his concern regarding existing license holders.

Commissioner Gibson cited unintended consequences. A liquor license applicant might qualify for an "R", Restaurant, liquor license.

Commissioner Stockton believed that additional language was needed. The economics of video gaming was unknown.

Commissioner Gibson questioned how to monitor video gaming. He added his belief that there was a potential issue for existing license holders.

Mr. Boyle suggested that the language be changed to "created or maintained". In addition, the City could cap the number of establishments that could offer video gaming.

Clay Wheeler, Interim Police Chief, addressed the Commission. He believed the addition of "maintained" would address his concerns. The proposed Text Amendment also listed other factors to be considered.

Commissioner Tompkins believed that video gaming was a lucrative business.

Commissioner Stockton restated that the Text Amendment would inform people up front.

Commissioner Gibson believed that there was the potential and the City needed to be watchful.

Commissioner Stockton requested that the language be amended to "created or maintained".

Motion by Commissioner Gibson, seconded to Commissioner Tompkins that the amended proposed Text Amendment be presented to the Council.

Motion carried, (unanimous voice vote).

Commissioner Clapp expressed her opinion that this was the best that the Commission could do at this time. The City needed to wait and watch video gaming.

Commissioner Stockton added that the Text Amendment was a good start. The Council did not want video gaming parlors in the City.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** None.

**FINANCIAL IMPACT:** None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk  
Reviewed by: Clay Wheeler, Interim Police Chief  
Reviewed by: Mark Huber, Director of PACE  
Reviewed by: Barbara J. Adkins, Deputy City Manager  
Reviewed as to legal sufficiency: George Boyle, Asst. Corporation Counsel  
Recommended by:

David A. Hales  
City Manager

**ORDINANCE NO. 2013 - 13**

**AN ORDINANCE AMENDING BLOOMINGTON  
CITY CODE CHAPTER 6**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 6, Section 4B shall be and the same is hereby amended to read as follows: (additions are indicating by underlining; deletions are indicated by strikeouts):

**SEC. 4B CREATION OF NEW LICENSE - FINDINGS.**

(a) Standard for Creation. The City Council shall not create a new liquor license unless it has previously found that the creation of such license is necessary for the public convenience of residents of Bloomington and is in the best interest of the City of Bloomington.

(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:
  - (a) the type of license(s) requested in the application;
  - (b) the nature of the proposed establishment;
  - (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;
  - (d) the hours of operation of the proposed establishment;

- (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;
  - (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.
- (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;
  - (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.

(15) (14) The recommendation of the Liquor Commission.

(c) All licenses created hereby are subject to issuance by the Mayor in his discretion as provided in 235 ILCS 5/4-4 Ill. Rev. Stat. ch. 43, §112 and Section 37 of this Chapter.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

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

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

SECTION 5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 11<sup>th</sup> day of March, 2013.

APPROVED this 12<sup>th</sup> day of March, 2013.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Mathy, seconded by Alderman Sage that the Text Amendment be approved and the Ordinance passed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Resolution Regarding Temporary Closing of State Right of Ways Annual Community Events

**RECOMMENDATION:** That the Resolution be adopted.

**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:** The Illinois Department of Transportation (IDOT) requires that Council adopt a Resolution requesting permission to close or hinder traffic on a State Route.

Typically the City only has two (2) requests each year for parades on a State Route, (US Route 51) which involves the Labor Day and Christmas Parades. IDOT has requested that each municipality that experiences multiple parades on a State Route pass one (1) blanket Resolution at the beginning of each calendar year in order to minimize paperwork and manpower expenses.

Therefore, staff respectfully requests that Council adopt the Parade Resolution and further, that the Mayor and City Clerk be authorized to execute the necessary document. Upon adoption and execution, the Resolution will be forwarded to IDOT.

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

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk  
Reviewed by: Jim Karch, Director of Public Works  
Reviewed by: John Kennedy, Director of Parks, Rec & Cultural Arts  
Reviewed by: Barbara J. Adkins, Deputy City Manager  
Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel  
Recommended by:

David A. Hales  
City Manager

**RESOLUTION NO. 2013 - 03**

**RESOLUTION REGARDING TEMPORARY CLOSING OF  
STATE RIGHT OF WAY ANNUAL COMMUNITY EVENTS**

WHEREAS, the City of Bloomington sponsors parades, road races, festivals and other such events which constitute a public purpose; and

WHEREAS, many of these events are held on State rights of way which will require the temporary closure of said highways; and

WHEREAS, Section 4-408 of the Illinois Highway Code, 605 ILCS 5/1-101 et seq., authorizes the State of Illinois Department of Transportation (IDOT) to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

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

SECTION 1

The City of Bloomington requests an annual permit allowing the temporary closure of State highways for the purpose of conducting various parades, road races, festivals, and other such events. By receiving an annual permit, the City will be required to notify the Department in writing approximately ten (10) days in advance of all road closures so that all emergency agencies will be notified of the proposed event.

SECTION 2

(A) That traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State highway, except as provided in Subsections (B) and (C) hereof.

(B) That when a marked detour is not provided, police officers or authorized flaggers shall, at the expense of the City of Bloomington, be positioned at each end of the closed section of roadway and at other points as may be necessary to assist in directing traffic through the temporary detour.

(C) That when the roadway is closed for less than 15 minutes, police officers, at the expense of the City of Bloomington shall stop traffic for a period not to exceed fifteen (15) minutes and an occasional break shall be made in the procession so that traffic may pass through.

### SECTION 3

That the City of Bloomington assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

### SECTION 4

That all debris shall be removed by the City of Bloomington prior to reopening the State highway.

### SECTION 5

That the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices (MUTCD).

### SECTION 6

That the City of Bloomington hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above and to hold harmless the State of Illinois from all claims arising from the requested road closings.

### SECTION 7

That a copy of this resolution be forwarded to the Illinois Department of Transportation; District 5 Bureau of Operations, 13473 IL Hwy. 133, P. O. Box 610, Paris, Illinois 61944-0610 to serve as authorization for the City of Bloomington to request highway closures through December 31, 2013.

PRESENTED and ADOPTED this 11<sup>th</sup> day of March 2013.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**Motion by Alderman Mathy, seconded by Alderman Sage that the Resolution be adopted.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition by Four Seasons Association requesting approval of a Special Use Permit for an Athletic Club for the property located at 2401 Airport Road

**RECOMMENDATION/MOTION:** That the Council approve the Special Use Permit and the Ordinance passed.

**STRATEGIC PLAN LINK:** Goal 4. Grow the Local Economy.

**STRATEGIC PLAN SIGNIFICANCE:** Objective a. Retention and growth of current local businesses. Objective d. Expanded retail businesses. The approval of the special land use will allow the business to expand there by retaining the business locally.

**BACKGROUND:** This petitioner is seeking approval of a special use to allow the expansion of its athletic club on their 17 acre parcel. The expansion will accommodate areas for a training center, offices, group fitness and child care. The addition will be on the north side of the building and additional parking is planned for on the west end of the existing parking near Airport Road.

The Zoning Board of Appeals heard the request for the special use on February 20, 2013. The meeting was only attended by the petitioner and their representatives. No one else from the public spoke either in favor or against the petition.

The petitioners explained their expansion and stated the brick will match their existing building. They described how they held an open house to present their plans to the neighbors and 18 people attended.

The existing nearby residences will be buffered from the addition because of the existing mature evergreen trees located between the property line and the building. The addition will be on the north side of existing building such that much of it will not be visible to the homes to the south. The location of the addition and the existing evergreen screening is such that staff does not anticipate any negative impacts upon the neighboring properties.

**Traffic and Parking**

Airport and College Roads will only see a slight increase in traffic from the expansion. Their access will not change and will be off Airport Road at the signalized intersection. These roads are currently designed to handle the minor increase in traffic from the addition. All required parking is being provided on the site as required by code.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The notice for the special use permit was published as required by the State of Illinois and City Ordinance, followed by “notice” signs placed on the property, and approximately 193 pieces of direct mail to property owners within 500 feet of the site.

**FINANCIAL IMPACT:** Upon completion of the facility expansion, the City will receive additional property taxes as a result of the higher valuation of the property.

Respectfully submitted for Council consideration.

Prepared by:	Mark Woolard, City Planner
Reviewed by:	Mark Huber, Director of PACE
Financial & budgetary review by:	Timothy L Ervin, Budget Officer
Recommended by:	

David A. Hales  
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:  
2401 AIRPORT ROAD**

State of Illinois)

)ss.

County of McLean

)

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

Now comes Four Seasons Association hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is 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 S – 2, Public Lands and Institutions District 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 Athletic Clubs, are allowed as a special use in an S - 2 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 S - 2 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 S - 2 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 Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Four Seasons Association

Jeff Leverton



**ORDINANCE NO. 2013 - 14**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A  
PARKING LOT & BUILDING EXPANSION AT ATHLETIC CLUB  
FOR PROPERTY LOCATED AT: 2401 AIRPORT ROAD**

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 parking lot and building expansion for an Athletic Club for certain premises hereinafter described in Exhibit 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 44.6-30 of the Bloomington, City Code, 1960; 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 parking lot and building expansion for Athletic Club on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 11<sup>th</sup> day of March, 2013.

APPROVED this 12<sup>th</sup> day of March, 2013.

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

**DESCRIPTION OF PROPERTY**

PARCEL 1:

Lot 2 in Baer-Kilborn Subdivision, being a part of Lots 1 and 2 in the Subdivision of the North Half of Section 30, Township 24 North, Range 3 East of the Third Principal Meridian, according to the Plat thereof recorded November 1, 1984, Document No. 84-13680, EXCEPT the 6 (SIX) following described tracts:

TRACT No. 1 (Exception No. 1)

Ridge Crest Subdivision to the City of Bloomington, according to the Plat thereof recorded September 17, 1990 as Document No. 90-15638.

TRACT No. 2 (Exception No. 2)

First Addition to Ridge Crest Subdivision to the City of Bloomington, according to the Plat thereof recorded December 5, 1991 as Document No. 91-24812.

TRACT No. 3 (Exception No. 3)

Eagle Crest Subdivision in the City of Bloomington, according to the Plat thereof recorded December 5, 1992 as Document No. 92-34645.

TRACT No. 4 (Exception No. 4)

Eagle Crest Fourth Subdivision in the City of Bloomington according to the Plat thereof recorded March 27, 1996 as Document No. 96-7995.

TRACT No. 5 (Exception No. 5)

That part conveyed to the City of Bloomington by Warranty Deed recorded August 12, 1996 as Document No. 96-21601 (all in McLean County, Illinois).

TRACT No. 6 (Exception No. 6)

That part of Lot 48 of Eagle Crest Subdivision 1<sup>st</sup> Addition in the City of Bloomington, lying west of the East Line of Lot 2 in said Baer-Kilborn Subdivision (all in McLean County, Illinois).

PARCEL 2:

Outlot 150 in the Fourth Addition to Eagle Crest Subdivision, in the City of Bloomington, according to the plat thereof recorded March 27, 1996 as Document 96-7995, in McLean County, Illinois. \_

PIN: 15 – 30 – 152 – 017 and 15 – 30 – 152 - 018

**Alderman Fruin noted an eleventh hour comment received regarding this issue. He noted that the Council had established a procedure to not rehear items.**

**Motion by Alderman Mathy, seconded by Alderman Sage that the Special Use Permit be approved and the Ordinance passed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**CITY MANAGER'S DISCUSSION:** David Hales, City Manger, addressed the Council. He expressed his thoughts for the Brown family. Chris Brown was a full time City firefighter. Mr. Brown also volunteered with the Hudson Fire Department. He noted the traffic accident that happened on I-39. He cited the Fire Department's staff's efforts regarding the Brown family. The City's EAP, (Employee Assistance Provider), had a role to play. The City had reached out to the employees and their families. Other agencies had provided assistance to insure that the Fire Department's staff had the opportunity to attend the visitation and funeral service. He noted the attendance at these events.

Mike Kimmerling, Fire Chief, addressed the Council. He noted the long list of agencies that had provided assistance. There had been an out pouring of support. It had been a difficult time. He cited the assistance of various fire departments within McLean County. He noted that various cities around the state had volunteered to cover the City's shifts. He extended special thanks to the Normal Fire Department. These local fire departments staffed the City's Fire Stations and ran the department. They manned the shifts and ran the calls. Fire Department services were still needed. The neighboring fire protection districts also provided crews. The City's Police Department put City police officers in the fire stations. The various police and fire departments pulled together during this loss.

Mr. Hales had attended the funeral ceremony. He had been impacted by the brotherhood of firefighters. The City's greatest asset was its employees. The City had loss a member of its family. He noted the Council's support for public safety by providing vehicles and equipment for the Fire and Police Departments' staffs. He encouraged all to pray for those in public safety. He expressed his appreciation for public safety employees. Their safe return home at the end of their shift was an unknown. He was proud to be the City's City Manager. He noted the love shown to Chris Brown and his family. He added that the City had an excellent fire leadership team.

**MAYOR'S DISCUSSION:** Mayor Stockton noted that there were only three (3) meetings remaining in his tenure as Mayor. He added that an alderman was unable to attend the March 25, 2013 meeting. The Public Hearing on the FY 2014 Budget would be held at the March 25, 2013 meeting. He requested that the Council advise him of any absences. The FY Budget Ordinance would appear on the Council's April 8, 2013 meeting agenda. Managed competition was scheduled for the April 22, 2013 meeting agenda. Eagle View Park would be either the Council's April 8 or April 22, 2013 meeting agenda. He was leaning towards the April 8<sup>th</sup> meeting.

He noted that the Liquor Commission would be meeting the next day, March 12, 2013. The meeting agenda was light. He noted that there would be a discussion regarding

a BASSET training ordinance. The Commission would hold a Public Hearing regarding same.

Alderman Fruin questioned if Commission Buchanan had been replaced. Mayor Stockton informed the Council that Jim Jordan had joined the Commission. Mr. Jordan was a former Normal Police Officer and Chief Investigator with the state's Liquor Control Commission. Mr. Jordan had good knowledge of enforcement. The new mayor will have the authority to select Liquor Commissioners.

**ALDERMEN'S DISCUSSION:** Alderman Stearns recognized Chief Kimmerling's outstanding tribute to Chris Brown. She believed that everyone's thoughts/prayers were with the Fire Department and all in public service.

She was curious about Eagle View Park and its impact upon the FY 2014 Budget.

David Hales, City Manager, deferred to Mayor Stockton. He noted various aldermen's absences. There would be a vote regarding Eagle View Park at one of the next three (3) Council meetings. The park needed to be completed by the calendar year's end. It would take a majority position of the Council to accomplish same.

Mayor Stockton noted that remote participation had been considered. He noted the cost for same. The proposal was to amend the City's FY 2013 Budget through the use of excess funds. A budget amendment would have to be addressed prior to May 1, 2013.

Alderman Stearns noted the proposed use of reserve fund dollars. Mr. Hales cited the presentation at the Council's Budget Work Session. Mayor Stockton noted that there were other options and other areas of need, (i.e. streets and pensions). Alderman Stearns added sidewalks were in need of repair.

Motion by Alderman Sage, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 7:26 p.m.

Motion carried.

Tracey Covert  
City Clerk



FOR COUNCIL: March 25, 2013

**SUBJECT:** Bills and Payroll

**RECOMMENDATION/MOTION:** That the bills and payroll be allowed 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 1.d. City services delivered in the most cost-effective, efficient manner.

**BACKGROUND:** The list of bills and payrolls will be posted on the City’s website on Thursday, March 21, 2013 by posting via the City’s web site.

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

**FINANCIAL IMPACT:** Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales  
City Manager

**Attachment:** Attachment 1. Bills and Payroll on file in the Clerk’s office. Also available at [www.cityblm.org](http://www.cityblm.org)

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



FOR COUNCIL: March 25, 2013

**SUBJECT:** Approval of Resolution to Purchase 28,201 square feet of land from the Illinois Department of Transportation along Veterans Parkway at Hamilton Road in the amount of \$56,400

**RECOMMENDATION/MOTION:** That the Resolution be Passed.

**STRATEGIC PLAN LINK:** Goal 2. Upgrade City Infrastructure and Facilities and Goal 5. Great Place – Livable, Sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 2.a. Better quality roads and sidewalks, objective 5.a. Well-planned City with necessary services and infrastructure. The requested action is a continuance of commitments the City made in 2003 in order to expand and improve Hamilton Road.

**BACKGROUND:** In 2003, the City needed to acquire 16,422.12 square feet of property located at 240 Greenwood Avenue for the Hamilton Road improvement project. The property was owned by Marti Rave. As part of the transaction, Mr. Rave suggested exchanging land which the City had acquired from the Illinois Department of Transportation for the then-existing Greenwood Avenue right of way lying to the west of Mr. Rave's property. The City agreed to transfer the "Greenwood Avenue" property to Mr. Rave, subject to a public utility easement for the City of Bloomington.

Several months ago, Mr. Rave informed the City that he desired for the City to transfer the surplus Greenwood Avenue property to him. The City discovered that, under the original terms of the conveyance of the Greenwood Avenue property from the Illinois Department of Transportation to the City, the City needed to obtain the approval of IDOT in order to convey the property to a third party. At the City's request, IDOT has appraised the parcel at \$56,400.00, which the City must pay to IDOT in order to have authority to eventually deed the property to Mr. Rave.

The City staff has prepared a Resolution of intent to purchase the property from IDOT, and to pay to IDOT the amount of \$56,400.00. It is the opinion of the City's Corporation Counsel that the City is contractually obligated to take the recommended actions.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Marti Rave.

**FINANCIAL IMPACT:** The FY 2013 Motor Fuel Tax Budget did not appropriate funds to purchase 28,201 square feet of land from the Illinois Department of Transportation along Veterans Parkway at Hamilton Road in the amount of \$56,400. As indicated in the background, staff recommends the City purchase the property in the amount of \$56,400 from line item 20300300-72510. The Motor Fuel Tax Fund has sufficient funds to pay for this unbudgeted expenditure. The Finance Department will prepare and present a comprehensive budget amendment to Council at a later date to incorporate this purchase into the FY 2013 Budget. As of April 30, 2012, the fund balance within the Motor Fuel Tax Fund is \$4,525,708. Stakeholders may locate information in regards to the Motor Fuel Tax Fund in the FY 2013 Capital, Enterprise, and Other Fund Budget Document on Page #10.

Respectfully submitted for Council consideration.

Prepared by & Legal review by: J. Todd Greenburg, Corporation Counsel

Financial & Budgetary review by: Timothy L. Ervin, Budget Officer

Recommended by:



David A. Hales  
City Manager

**Attachments:** Attachment 1. Resolutions  
Attachment 2. Proceedings – September 22, 2003  
Attachment 3. IDOT Letter to COB – March 14, 2013  
Attachment 4. IDOT Plot  
Attachment 5. IDOT Invoice – March 19, 2013

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fazzini				Alderman Purcell			
Alderman Fruin				Alderman Sage			
Alderman McDade				Alderman Schmidt			
Alderman Mathy				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**RESOLUTION NO 2013-\_\_\_**

**A RESOLUTION TO PURCHASE CERTAIN  
RIGHT OF WAY FROM THE ILLINOIS DEPARTMENT  
OF TRANSPORTATION**

Whereas, the City of Bloomington has previously acquired from the State of Illinois certain property described in the body of this Resolution; and

Whereas, the City of Bloomington, on September 22, 2003, entered into an agreement to acquire property from a private party, Marti Rave, which was used to expand and improve Hamilton Road in the City of Bloomington; and

Whereas, the September 22, 2003 Agreement included a provision to request the Illinois Department of Transportation to transfer title to certain existing Greenwood Avenue right of way to the City; and

Whereas, IDOT has performed an appraisal of such property and has indicated in writing to the City that the Greenwood Avenue right of way is valued at \$56,400.00; and

Whereas, the September 22, 2003 Agreement was in the best interests of the citizens of the City of Bloomington by expanding and improving Hamilton Road in the City of Bloomington;

**BE IT RESOLVED BY THE CITY COUNCIL  
OF THE CITY OF BLOOMINGTON**

Section One: That the staff of the City of Bloomington is authorized to take all necessary steps to acquire the consent of the Illinois Department of Transportation to convey the following real estate to Marti Rave or such person or persons designated by Marti Rave:

Parcel 1:

A part of Old Route 66 situated adjacent to and northwesterly of Lot 2 in Townley and O'Neal's Subdivision of parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, as recorded in Book 12 at Page 336 in the McLean County Recorder's Office, more particularly described as follows:

Commencing at the northeast corner of said Lot 2, thence South 36 degrees 32 minutes 03 seconds West, 101.70 feet along the northwesterly line of said Lot 2 to a found iron pin, being the Point of Beginning; thence continuing South 36 degrees 32 minutes 03 seconds West, 163.45 feet along said northwesterly line to a found iron pin; thence South 41 degrees 57 minutes 53 seconds West, 178.45 feet along said northwesterly line to a found iron pin on the northerly line of Hamilton Road; thence North 64 degrees 01 minute 35 seconds West, 59.86 feet along the northwesterly extension of the northerly line of Hamilton Road to a found iron pin on the southeasterly line of a parcel of land dedicated for a portion of S.B.I. Route 4, Section 16 right of way according to the Right of Way Plat recorded August 9, 1922, in Book 352 at Page 110 in said Recorder's Office; thence North 41 degrees 02 minutes 47 seconds East, 196.99 feet along the southeasterly line of said Dedication to a found iron pin; thence North 39 degrees



01 minute 51 seconds East, 200.00 feet along said southeasterly line to a found iron pin; thence North 35 degrees 27 minutes 34 seconds East, 25.88 feet along said southeasterly line to a found iron pin; thence South 00 degrees 04 minutes 57 seconds East, 87.20 feet to the Point of Beginning, containing 22,028 square feet, more or less. No PIN Assigned

situated in the County of McLean in the State of Illinois.

Parcel 2:

A part of Old Route 66 situated adjacent to and northwesterly of Lot 2 in Townley and O'Neal's Subdivision of parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, as recorded in Book 12 at Page 336 in the McLean County Recorder's Office, more particularly described as follows: Commencing at the Northeast Corner of said Lot 2, thence south 36 degrees 32 minutes 03 seconds west, 265.15 feet along the Northwesterly Line of said Lot 2 to a found iron pin; thence south 41 degrees 57 minutes 53 seconds west, 178.45 feet along said Northwesterly Line to a found iron pin on the Northerly Line of Hamilton Road; thence north 64 degrees 01 minute 35 seconds west, 59.86 feet along the Northwesterly Extension of the Northerly Line of Hamilton Road to a found iron pin on the Southeasterly Line of a Parcel of Land dedicated for a portion of S.B.I. Route 4, Section 16 Right-of-Way according to the Right-of-Way Plat recorded August 9, 1922, in Book 352 at Page 110 in said Recorder's Office, being the Point of Beginning; thence north 41 degrees 02 minutes 47 seconds east, 196.99 feet along the Southeasterly Line of said Dedication to a found iron pin; thence north 39 degrees 01 minutes 51 seconds east, 200.00 feet along said Southeasterly Line to a found iron pin; thence north 35 degrees 21 minutes 40 seconds east, 299.68 feet along said Southeasterly Line to a found iron pin on the Northernmost Corner of said Dedication; thence south 38 degrees 51 minutes 15 seconds west, 79.75 feet along the Northwesterly Line of said Dedication to a found iron pin on the Southeasterly Right-of-Way Line of F.A. Route 5, Section 16R; thence south 35 degrees 43 minutes 09 seconds west, 80.91 feet along said Southeasterly Right-of-Way Line; thence south 39 degrees 20 minutes 09 seconds west, 526.51 feet along said Southeasterly Right-of-Way Line to a found iron pin on the Northwesterly Line of said Dedication for S.B.I. Route 4; thence south 38 degrees 51 minutes 15 seconds west, 160.89 feet along said Northwesterly Line to a found iron pin on the Southernmost Corner of said Dedication; thence north 42 degrees 39 minutes 37 seconds east, 152.28 feet along the Southeasterly Line of said Dedication to the Point of Beginning, containing 8,477 square feet, more or less; Except that portion lying southwest of the Northerly Line of Hamilton Road extended westerly to the Southeasterly Right-of-Way Line of F.A. Route 5, Sec 16R; And also except that portion lying northeast of the West Line of Greenwood Avenue extended north to the Southeasterly Right-of-Way Line of F.A. Route 5, Sec 16R, McLean County, Illinois. No PIN Assigned

situated in the County of McLean in the State of Illinois.

Section Two:

That the staff of the City of Bloomington is authorized to pay to the Treasurer, State of Illinois the amount of \$56,400.00 (fifty-six thousand, four hundred dollars) for the above described real estate.

ADOPTED this \_\_\_\_ day of March, 2013.

APPROVED this \_\_\_\_ day of March, 2013.

APPROVED: \_\_\_\_\_  
Steven F. Stockton, Mayor

ATTEST:

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



BE IT RESOLVED, by the Council of the  
City of Bloomington of Bloomington Illinois  
City, Town or Village Council or President and Board of Trustees

that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
Various Routes			

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of purchase of surplus land from IDOT to fulfill ROW purchase agreement with Marti Rave dated 9/22/2003 executed as part of the Veterans/Fox Creek/Hamilton Road intersection improvement project.

and shall be constructed  wide  
and be designated as Section 93-00295-00-PV

2. That there is hereby appropriated the (additional  Yes  No) sum of Fifty-six thousand four hundred dollars  
and zero cents  Dollars ( \$56,400.00 ) for the  
improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract ; and,  
Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

<p>Approved</p> <hr/> <p>Date</p> <hr/> <p>Department of Transportation</p> <hr/> <p>Regional Engineer</p>	<p>I, <u>Tracey Covert</u> Clerk in and for the <u>Bloomington</u> City of <u>Bloomington</u> City, Town or Village <u>McLean</u> County of <u>McLean</u> , hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the <u>City Council</u> Council or President and Board of Trustees at a meeting on <u>March 25, 2013</u> Date IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this <u></u> day of <u></u> (SEAL) <u></u> City, Town, or Village Clerk</p>
--	--

**The following was presented:**

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Acquisition of part of 240 Greenwood Avenue

The City has a need to acquire a portion of the property located at 240 Greenwood Avenue for the Hamilton Road improvement project. This property is owned by Marti Rave. The project requires 16,422.12 square feet of road right of way at the southeast corner this property.

Mr. Rave purchased this property within the last year and will sell the right of way to the City for an amount of \$9.00 per square foot, the price for which he purchased the property. The City had

previously had the property appraised and was negotiating with the previous owner when it was sold to Mr. Rave. The City's appraiser valued the land at \$7.50 per square foot. The subsequent sale has set the value at a higher price, and it would be unrealistic to expect the new owner to sell the land for less than he paid.

During negotiations for the purchase of the right of way, the owner suggested exchanging land. The property will be on the new intersection of Hamilton Road and Veteran's Parkway that Mr. Rave purchased for future development. The site contains 1.56 acres, but will be reduced to .679 acres after the take. The optimal size for development is one acre. The City owns land adjacent to the site that could be assembled with to make it more commercially viable. There will be .178 acres of surplus land from property that the City purchased from WJBC. There will also be approximately .6 acres of existing Greenwood Avenue that will be abandoned after the new road is constructed. The City has no use for the excess property from the WJBC site and it makes sense to convey it to Mr. Rave. The City has a water main in the Greenwood Avenue right of way and Illinois Power has overhead lines. There would need to be an easement retained for the utilities, but the surface of the road could be used for parking.

The City paid \$7.50 per square foot for the WJBC property and Mr. Rave has agreed to give the City a credit against the purchase price for the right of way equal to that amount for the .178 acres. The Greenwood Avenue road right of way would be vacated, subject to easements, and would be conveyed to Mr. Rave, as an adjacent owner, for no consideration. This will make the net purchase price \$89,647.40.

Mr. Rave requested a waiver of water and sewer tap on fees as additional consideration for the transfer. The value of the tap on fees is \$4,200 (water \$3,700. and sewer \$500). Staff supports this waiver given the fact that Mr. Rave is selling land to the City without profit. A Contract for Sale of Real Estate on these terms is attached.

Staff respectfully requests that Council approve the contract with Mr. Rave.

Respectfully,

Hannah Eisner  
Assistant Corporation Counsel

Tom Hamilton  
City Manager

Seller: Marti Rave

Buyer: City of Bloomington

Address: 240 Greenwood

Address: 109 E. Olive St.

City/State/Zip: Bloomington, IL 61701

City/State/Zip: Bloomington, IL 61701

Attorney/Telephone Fax:  
Street, P. O. Box:

Attorney/Telephone/Fax: Hannah Eisner  
Street, P. O. Box: 109 E. Olive St.

City/State/Zip:

City/State/Zip: Bloomington, IL 61701

**AGREEMENT FOR THE SALE AND REDEVELOPMENT OF REAL ESTATE**

This Agreement is entered into between Marti Rave, hereafter referred to as Owner, and the City of Bloomington, hereafter referred to as City.

WHEREAS, Owner recently purchased the following described real estate:

Tract 1:

A part of Lot 2 in Townley and O'Neal's Subdivision of parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, described as follows: Commencing at a point 90 feet North of the Southeast corner of Lot 2 in said Subdivision, thence North 90 feet, thence West to the West line of said Lot 2, thence Southwesterly along the West line of said Lot 2, to a point directly West of the place of beginning, thence East to the Place of Beginning, EXCEPT the East 10 feet thereof, in McLean County, Illinois.

Tract 2:

A part of Lot 2 in Townley and O'Neal's Subdivision of part of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, described as follows: Beginning at the Northeast corner of said Lot 2, thence South on the East line of said Lot 2, 328.0 feet; thence West parallel with the South line of said Lot 2, 261.75 feet more or less to the West line of said Lot 2; thence Northeasterly along the West line of said Lot 2, 413.0 feet more or less to the place of beginning, except the following part: Commencing at the Northeast corner of said Lot 2 thence South 260 feet on the East line of said Lot 2, thence West 169.5 feet to a point 265.4 feet Southwest of the Northeast corner of said Lot 2, thence Northeasterly along the West line of said Lot 2 to the Northeast corner thereof, the point of beginning of said part, EXCEPT the East 10 feet thereof, in McLean County, Illinois.

WHEREAS, City needs to acquire the following described part of Owner's property, containing .377 acres, hereafter "the take property", for the purpose of constructing public improvements as shown on plans for Proposed Federal Aid Highway City of Bloomington, Illinois City Section 93-00295-00-PV F.A.U. 6371 McLean County Fox Creek Road, Hamilton Road, Old Cabin Town Road, Springfield Road, Acorn Drive, Greenwood Avenue and Veterans Parkway on file in the Engineering Department at the City of Bloomington hereafter the Hamilton Road Project:

That part of Lot 2 in Townley and O'Neal's Subdivision of Parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, as recorded in Book 12 at Page 336 in McLean County,

Illinois described as follows, with bearings being used referring to the Illinois State Plane Coordinate System, East Zone:

Tract 1:

Commencing at the southeast corner of Lot 1 of Townley & O'Neals Subdivision of parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian; thence along the south line of said Lot 1, North  $89^{\circ}-12'-58''$  West 599.52 feet, to a point being the southwest corner of said Lot 1, said point also being the southeast corner of Lot 2 of said Townley & O'Neals Subdivision; thence along the south line of said Lot 2, North  $89^{\circ}-12'-58''$  West 426.87 feet, to the southwest corner of said Lot 2; thence along the northwesterly line of said Lot 2, North  $41^{\circ}-57'-53''$  East 209.14 feet, to the Point of Beginning; thence South  $64^{\circ}-01'-35''$  East 158.46 feet; thence North  $89^{\circ}-12'-58''$  West 202.40 feet, to a point on the northwesterly line of Lot 2 aforesaid; thence along said northwesterly line of Lot 2, North  $41^{\circ}-57'-53''$  East 89.61 feet, to the Point of Beginning, containing 0.157 of an acre, more or less.

Tract 2:

Commencing at the southeast corner of Lot I of Townley & O'Neals Subdivision of parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian; thence along the south line of said Lot 1, North  $89^{\circ}-12'-58''$  West 599.52 feet, to a point being the southwest corner of said Lot 1, said point also being the southeast corner of Lot 2 of said Townley & O'Neals Subdivision; thence along the south line of said Lot 2, North  $89^{\circ}-12'-58''$  West 10.00 feet; thence North  $01^{\circ}-06'-35''$  West 89.84 feet, to the Point of Beginning; thence North  $89^{\circ}-12'-58''$  West 65.14 feet; thence North  $13^{\circ}-36'-00''$  East 29.59 feet; thence North  $00^{\circ}-04'-57''$  West 146.39 feet; thence South  $74^{\circ}-03'-21''$  East 67.96 feet; thence South  $01^{\circ}-06'-35''$  East 160.28 feet, to the Point of Beginning, containing 0.220 of an acre, more or less.

WHEREAS, the City has entered into a contract to purchase the property depicted on the attached plat, that lies north of and adjacent Owner's property, hereafter the "north parcel", for the Hamilton Road Project; and

WHEREAS, the City will have approximately .178 acres of surplus land available from the north parcel following completion of the Hamilton Road improvements; and

WHEREAS, the plans for the Hamilton Road project include moving the existing Greenwood Avenue alignment from its current location on the west side of Owner's property and the north parcel to the east side of these properties and abandoning the existing section of Greenwood Avenue; and

WHEREAS, Owner intends to develop his property for commercial purposes and needs the surplus land from the north parcel to make a commercially viable site; and

NOW, THEREFORE, the parties hereto agree as follows:

**I. THE TAKE PROPERTY.**

**A. PRICE AND PAYMENT:** Owner agrees to convey the take property to City. City shall pay Owner \$9.00 per square foot for the property for a total purchase price of \$147,800.00. City shall receive a credit against the purchase price due for the take property in the amount of the total purchase price due for the surplus land from the north parcel as provided in paragraph II A. Payment shall be made on or before October 1, 2003.

**B. DEED AND POSSESSION:** Owner will cause fee simple title to the take property to be conveyed to City, by Warranty Deed (or Trustee's Deed or Executor's Deed, where applicable), and shall deliver possession to City upon payment being made as herein provided, on or before the 1st day of October, 2003.

**C. TAXES:** Owner shall pay all general real estate taxes assessed for 2002 and City shall pay all such taxes for 2003 and subsequent years for the take property only. This provision shall survive closing and delivery of deeds.

**II. THE NORTH PARCEL.**

**A. PRICE AND PAYMENT:** The City shall convey all surplus property from the north parcel to Owner. Owner shall pay City \$7.50 per square foot for the surplus property by giving City a credit in that amount against the purchase price due for the take parcel. Based on construction plans for the Hamilton Road Project, City estimates there will be .178 acres of surplus property for a credit of \$58,152.60. City does not warrant the exact amount of land that will be available and City and Owner agree that the amount of credit may be adjusted as necessary to reflect the actual amount of property to be transferred has been established.

**B. IMPROVEMENTS:** City shall remove all improvements from the north parcel unless Owner elects to retain them and so notifies City. City may enter the property after transfer of title to perform the demolition. City shall indemnify and hold Owner harmless from any claim of damage or injury arising from or related to the continued presence and the demolition of the improvements.

**C. TAXES:** City shall pay all general real estate taxes assessed for 2002 and Owner shall pay all such taxes for 2003 and subsequent years for the surplus land only. This provision shall survive closing and delivery of deeds.

**III. ABANDONED GREENWOOD AVENUE RIGHT OF WAY.**

**A. TITLE TO RIGHT OF WAY:** City shall request the Illinois Department of Transportation to transfer title to the existing Greenwood Avenue right of way lying to the west of Owner's property and the north parcel to the City pursuant to 605 ILCS 5/4-508(d). Owner



shall be responsible for surveying the property and providing City with a premise plat describing the property to be transferred.

**B. TRANSFER TO OWNER:** The City will convey all of the Greenwood Avenue right of way to Owner on the condition that the entire parcel shall be made subject to a public utility easement for the City of Bloomington. Owner acknowledges that there is a City water main and overhead electric lines presently located on the property to be conveyed and that those utilities shall remain in their existing locations.

**C. PRICE AND PAYMENT.** Owner shall not be required to pay City for any of the Greenwood Avenue right of way transferred.

**IV. DEVELOPMENT.**

**A. SUBSTANDARD ROAD IMPROVEMENT FEES:** Owner shall not be required to pay or post any security for payment of the cost of improving Greenwood Avenue and Hamilton Road adjacent to Owner's property or the surplus property from the north parcel being conveyed to Owner. Owner shall be allowed full access to Greenwood Avenue. Owner shall be allowed only one entrance from Hamilton Road, which shall be limited to use for traffic making right turns into and out of the property.

**B. STORM WATER DETENTION:** Owner shall be required to provide storm water detention on-site. City will consider allowing Owner to place some detention on City right of way property.

**C. WATER AND SEWER CONNECTION:** The City will provide water and sewer service to Owner's property and the north parcel being conveyed to Owner. Owner shall be allowed to make connections to the water and sewer service without payment of tap on fees.

**V. MISCELLANEOUS PROVISIONS.**

**A. APPROVAL:** This contract is contingent upon approval by the Bloomington City Council. Buyer will seek such approval by placing the contract on the agenda for the first regularly scheduled Council meeting following the date Seller executes the contract.

**B. ASSIGNMENT:**  
The covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties.

**C. DEFAULT:** In the event either party should breach this agreement, the other party may pursue any and all remedies provided by law.

**D. ENTIRE AGREEMENT:** This Contract represents the entire agreement of the parties. Any prior written or oral agreements of the parties regarding the transaction which is the subject of this Contract merge with and are superseded by this Contract.

IN WITNESS WHEREOF, the parties to these presents have executed several counterparts of this Contract, of equal effect.

SELLER

Marti Rave

Date: September 22, 2003

BUYER

City of Bloomington, a Municipal Corporation

Judy Markowitz, Mayor

Date: September 22, 2003

Attest:

Tracey Covert  
City Clerk

Date: September 22, 2003

Motion by Alderman Crawford, seconded by Alderman Whalen that the Contract for Sale of Real Estate with Mr. Rave be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the Clerk to call the roll which resulted as follows:

Ayes: Aldermen Crawford, Matejka, Finnegan, Veitengruber, Schmidt, Sprague, Whalen and Huette.

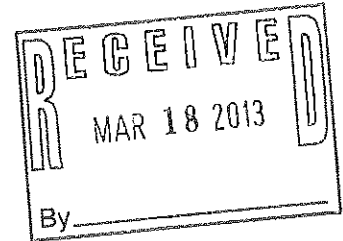
Nays: None

Motion carried.



# Illinois Department of Transportation

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



March 14, 2013

LAND ACQUISITION – Excess Land

SBI Route 4 (Old Route 66 & Greenwood Avenue)  
Section 16  
Job No. R-95-001-74  
McLean County  
Parcel 5X00401

City of Bloomington  
Attn: Mr. Todd Greenburg  
109 E. Olive St.  
Bloomington, IL 61701

Dear Mr. Greenburg:

Please find enclosed material pertaining to the release of excess right of way captioned above. Enclosed is a copy of the premise sketch with legal descriptions.

The appraised value of the 28,201 square feet of land along Veterans Parkway at Hamilton Road is \$56,400.00.

Should the City wish to proceed with this transaction please send a copy of the approved resolution to this office. The City will receive an invoice for \$56,400.00. Once payment is received the request will be submitted to our central office in Springfield for processing.

If you have questions, or need more information, please contact Mr. Dennis Martin at 217/466-7359, in the Paris office.

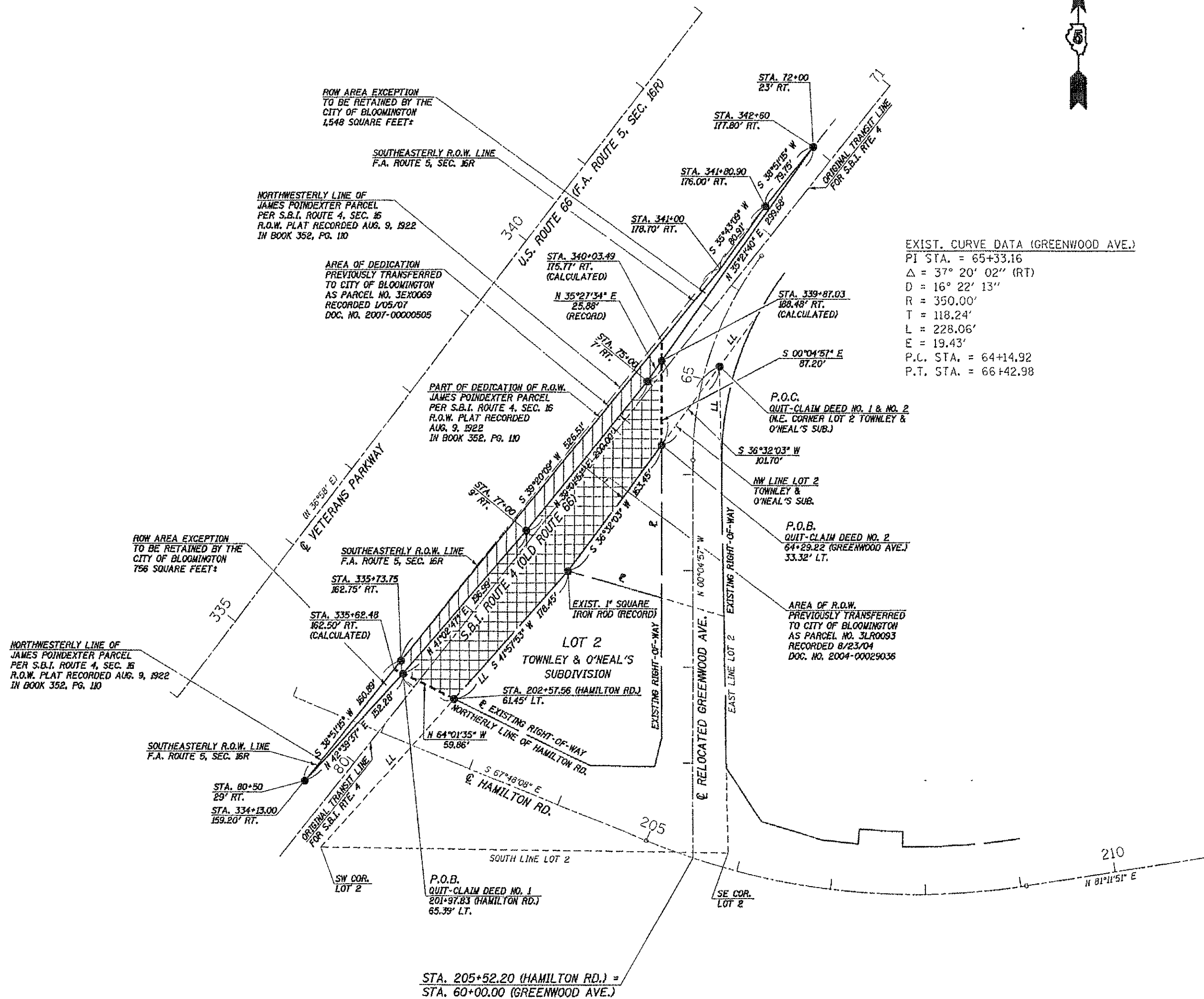
Very truly yours,

*Joseph E. Crowe* wDB

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

DCM/sp

Enclosure



EXIST. CURVE DATA (GREENWOOD AVE.)  
 PI STA. = 65+33.16  
 $\Delta = 37^\circ 20' 02''$  (RT)  
 $D = 16^\circ 22' 13''$   
 $R = 350.00'$   
 $T = 118.24'$   
 $L = 228.06'$   
 $E = 19.43'$   
 P.C. STA. = 64+14.92  
 P.T. STA. = 66+42.98

EXIST. CURVE DATA (HAMILTON RD.)  
 PI STA. = 207+07.98  
 $\Delta = 31^\circ 00' 00''$  (LT)  
 $D = 7^\circ 38' 22''$   
 $R = 750.00'$   
 $T = 207.99'$   
 $L = 405.79'$   
 $E = 28.31'$   
 P.C. STA. = 204+99.99  
 P.T. STA. = 209+05.78

**LEGEND**  
 BASIS OF BEARING IS A LOCAL ASSUMED DATUM.  
 ● IRON ROD (RECORD)  
 ——— EXISTING RIGHT-OF-WAY LINE  
 LL LOT LINE  
 P PROPERTY LINE

**DESCRIPTION OF QUIT-CLAIM DEED NO. 1 TRANSFER AREA = 6,173 SQ. FT.±**

A part of Old Route 66 situated adjacent to and northwesterly of Lot 2 in Townley and O'Neal's Subdivision of parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, as recorded in Book 12 at Page 336 in the McLean County Recorder's Office, more particularly described as follows:

Commencing at the northeast corner of said Lot 2, thence South 36 degrees 32 minutes 03 seconds West, 265.15 feet along the northwesterly line of said Lot 2 to a found iron pin; thence South 41 degrees 57 minutes 53 seconds East, 178.45 feet along said northwesterly line to a found iron pin on the northerly line of Hamilton Road; thence North 64 degrees 01 minute 35 seconds West, 59.86 feet along the northwesterly extension of the northerly line of Hamilton Road to a found iron pin on the southeasterly line of a parcel of land dedicated for a portion of S.B.I. Route 4, Section 16 right of way according to the Right of Way Plat recorded August 9, 1922, in Book 352 at Page 110 in said Recorder's Office, being the Point of Beginning; thence North 41 degrees 02 minutes 47 seconds East, 196.99 feet along the southeasterly line of said dedication to a found iron pin; thence North 39 degrees 01 minute 51 seconds East, 200.00 feet along said southeasterly line to a found iron pin; thence South 35 degrees 21 minutes 40 seconds East, 299.68 feet along said southeasterly line to a found iron pin on the northernmost corner of said dedication; thence South 38 degrees 51 minutes 15 seconds West, 79.75 feet along the northwesterly line of said dedication to a found iron pin on the southeasterly right of way line of F.A. Route 5, Section 16R; thence South 35 degrees 43 minutes 09 seconds West, 80.91 feet along said southeasterly right of way line; thence South 39 degrees 20 minutes 09 seconds West, 526.51 feet along said southeasterly right of way line to a found iron pin on the northwesterly line of said dedication for S.B.I. Route 4; thence South 38 degrees 51 minutes 15 seconds West, 160.89 feet along said northwesterly line to a found iron pin on the southernmost corner of said dedication; thence North 42 degrees 39 minutes 37 seconds East, 152.28 feet along the southeasterly line of said dedication to the Point of Beginning, containing 8,477 square feet, more or less; EXCEPT that portion lying southwest of the northerly line of Hamilton Road extended westerly to the southeasterly right of way line of F.A. Route 5, Sec 16R, containing 756 square feet, more or less; and ALSO EXCEPT that portion lying northeast of the west line of Greenwood Avenue extended north to the southeasterly right of way line of F.A. Route 5, Sec 16R, containing 1,548 square feet, more or less.

**DESCRIPTION OF QUIT-CLAIM DEED NO. 2 TRANSFER AREA = 22,028 SQ. FT.±**

A part of Old Route 66 situated adjacent to and northwesterly of Lot 2 in Townley and O'Neal's Subdivision of parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, as recorded in Book 12 at Page 336 in the McLean County Recorder's Office, more particularly described as follows:

Commencing at the northeast corner of said Lot 2, thence South 36 degrees 32 minutes 03 seconds West, 101.70 feet along the northwesterly line of said Lot 2 to a found iron pin, being the Point of Beginning; thence continuing South 36 degrees 32 minutes 03 seconds West, 163.45 feet along said northwesterly line to a found iron pin; thence South 41 degrees 57 minutes 53 seconds West, 178.45 feet along said northwesterly line to a found iron pin on the northerly line of Hamilton Road; thence North 64 degrees 01 minute 35 seconds West, 59.86 feet along the northwesterly extension of the northerly line of Hamilton Road to a found iron pin on the southeasterly line of a parcel of land dedicated for a portion of S.B.I. Route 4, Section 16 right of way according to the Right of Way Plat recorded August 9, 1922, in Book 352 at Page 110 in said Recorder's Office; thence North 41 degrees 02 minutes 47 seconds East, 196.99 feet along the southeasterly line of said Dedication to a found iron pin; thence North 39 degrees 01 minute 51 seconds East, 200.00 feet along said southeasterly line to a found iron pin; thence North 35 degrees 27 minutes 34 seconds East, 25.88 feet along said southeasterly line to a found iron pin; thence South 00 degrees 04 minutes 57 seconds East, 87.20 feet to the Point of Beginning, containing 22,028 square feet, more or less.

NOTE: THIS PREMISE SKETCH IS FOR APPRAISAL PURPOSES ONLY AND DOES NOT CONSTITUTE A PLAT OF SURVEY.

**PREMISE SKETCH**

ROUTE: S.B.I. ROUTE 4 (OLD ROUTE 66 & GREENWOOD AVE.)  
 SECTION: 16  
 COUNTY: McLEAN  
 JOB#: R93-018-84  
 SCALE: 1"= 100'  
 DATE: 11/26/2012



**Illinois Department  
of Transportation**

**Invoice**

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

Responsibility Code: 9570

Invoice Number: **32250**

Invoice Date: March 19, 2013

**Make check payable to the TREASURER,  
STATE OF ILLINOIS and mail to:**

Revenue Code: 6401

13473 IL Highway 133  
P.O. Box 610  
Paris, IL 61944-

Claim Number: \_\_\_\_\_

Audit Number: \_\_\_\_\_

Payer Number: \_\_\_\_\_

Explanation of Charge	Amount																																
Parcel 5X00401 Release of Jurisdictional Transfer for Commercial Use	\$56,400.00																																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Vendor:</td> <td>Schedule:</td> <td>Item:</td> <td>Inv. Date 03/19/2013</td> <td>Inv. No. 32250</td> </tr> <tr> <td>Fund: 999</td> <td>Agency: 49499</td> <td>A-Obj: 9999</td> <td>Seq. Type: 0000</td> <td>E-Obj: 9999</td> </tr> <tr> <td>Obligation:</td> <td>Resp: 9570</td> <td colspan="2">Total Amount: \$56400.00 CR</td> <td>Split: N</td> </tr> <tr> <td>F/P:</td> <td>P Pro:</td> <td>Cont No:</td> <td>Func: 314</td> <td>Sep/T:</td> </tr> <tr> <td>Sub-Sec:</td> <td>Dst:</td> <td>Cat:</td> <td>W-Act:</td> <td>Co: 113</td> <td>Parcel: 5X00401</td> </tr> <tr> <td>Prcls:</td> <td>Acres:</td> <td>Imp: 0</td> <td>Ft/S: 074</td> <td>Job Number R-95-001-74</td> <td>PC: 2</td> </tr> </table>		Vendor:	Schedule:	Item:	Inv. Date 03/19/2013	Inv. No. 32250	Fund: 999	Agency: 49499	A-Obj: 9999	Seq. Type: 0000	E-Obj: 9999	Obligation:	Resp: 9570	Total Amount: \$56400.00 CR		Split: N	F/P:	P Pro:	Cont No:	Func: 314	Sep/T:	Sub-Sec:	Dst:	Cat:	W-Act:	Co: 113	Parcel: 5X00401	Prcls:	Acres:	Imp: 0	Ft/S: 074	Job Number R-95-001-74	PC: 2
Vendor:	Schedule:	Item:	Inv. Date 03/19/2013	Inv. No. 32250																													
Fund: 999	Agency: 49499	A-Obj: 9999	Seq. Type: 0000	E-Obj: 9999																													
Obligation:	Resp: 9570	Total Amount: \$56400.00 CR		Split: N																													
F/P:	P Pro:	Cont No:	Func: 314	Sep/T:																													
Sub-Sec:	Dst:	Cat:	W-Act:	Co: 113	Parcel: 5X00401																												
Prcls:	Acres:	Imp: 0	Ft/S: 074	Job Number R-95-001-74	PC: 2																												
<b>Payment Due Date:</b>	<u>April 19, 2013</u>																																
<b>Invoice Total</b>	<b>\$56,400.00</b>																																

CC:



FOR COUNCIL: March 25, 2013

**SUBJECT:** Ratification of Contract with Lodge 1000 for the period of May 1, 2012 until April 30, 2014

**RECOMMENDATION/MOTION:** That the Contract be ratified.

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

**STRATEGIC PLAN SIGNIFICANCE:**

Objective:     d. City services delivered in the most cost-effective, efficient manner  
                  e. Partnering with others for the most cost-effective service delivery

**BACKGROUND:** On May 23, 2012, the parties began negotiating the terms for a collective bargaining agreement to replace the Agreement that expired on April 30, 2012. The expired Agreement and Addendum can be located at [www.cityblm.org](http://www.cityblm.org) under Human Resources in a folder titled Labor Contracts. On February 28, 2013 the parties reached Tentative Agreements on the issues listed below. On March 13, 2013 Lodge 1000 ratified the Tentative Agreements.

#### Grievance Process

- Reduced grievance process from three steps to two steps.
- Increased time frame to 10 business days.

#### Hours of Work

- Standardized hours for all Lodge 1000 employees excluding Water Plant Operators and late shift Water Meter Service employee (7:00 a.m. to 3:30 p.m.)
- Agreed to Crewleader pay if more than one person is called out and accountability of same.

#### Promotions and Job Vacancies

- Limited bids for positions during a six (6) month period.
- Deleted prohibition on probationary employees being considered for Lodge 1000 posted vacancies.
- Increased qualification period from 45 calendar days to 90 calendar days.

#### Sick Leave

- Eliminated Sick Leave Buy Back and monthly RHS contributions for employees hired after March 25, 2013.

#### Wages

- May 1, 2011 wage table will be increased by 2% on May 1, 2012 (with retro) and 2% on May 1, 2013.
- Reduced May 1, 2011 wage table by 5% for employees hired after March 25, 2013. New table to be increased by 2% on May 1, 2013.
- \$500 signing bonus paid upon ratification of the Agreement.
- Agreed to increase shift differentials for the third shift from \$.25 to \$.35 per hour and increase first shift differentials from \$.30 to \$.40 per hour.

- Eliminated employees shopping for uniforms and safety shoes on City time.

#### Licenses and Certifications

- Incorporated current agreement to pay employees in Laboratory Technician, Water Plant Operator and Water Plant Operator/Relief positions who have a Colilert certification for required positions an additional \$.20 per hour. This requirement will be included in the job description as a requirement.

#### CDL positions

- Documentation of current positions that require a CDL license.

#### Managed Competition

- Updated language in Section 1.4 Non-Bargaining Unit Employees and Section 10.3 Consolidation or Elimination of Jobs to work in conjunction with the new Managed Competition Language.
- Pre-bargained impact and effects of Managed Competition.

#### Term of Agreement

- Agreed to a two (2) year term of Agreement expiring on April 30, 2014.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Council and Lodge 1000.

**FINANCIAL IMPACT:** The financial impact of the Tentative Agreements includes:

- Gained efficiencies on hours of work and grievance procedures.
- Eliminated Sick Leave Buy Back and RHS benefits for employees hired after March 25, 2013.
- Reduction in overall wage table by 5% for employees hired after March 25, 2013.
- Increase in wage tables for existing employees by 2% effective May 1, 2012 (with retro) and 2% effective May 1, 2013.
- Increase in shift differential costs by \$584.00 dollars.
- \$500 signing bonus for bargaining unit employees.

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Human Resources Specialist

Reviewed by: Emily Bell, Human Resources Director  
Jim Karch, Public Works Director  
Craig Cummings, Water Director

Financial & Budgetary review by: Timothy Ervin, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:



David A. Hales  
City Manager

---

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fazzini				Alderman Purcell			
Alderman Fruin				Alderman Sage			
Alderman McDade				Alderman Schmidt			
Alderman Mathy				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			





FOR COUNCIL: March 25, 2013

**SUBJECT:** Ratification of Contract with Police Benevolent Labor Committee (Sergeants and Lieutenants) for the period of May 1, 2011 until April 30, 2014

**RECOMMENDATION/MOTION:** That the Contract be ratified.

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

**STRATEGIC PLAN SIGNIFICANCE:**

- Objective:
- d. City services delivered in the most cost-effective, efficient manner
  - e. Partnering with others for the most cost-effective service delivery

**BACKGROUND:** On August 14, 2012 the parties began negotiating the terms for a collective bargaining agreement to replace the Agreement that expired on April 30, 2011. The expired Agreement can be located at [www.cityblm.org](http://www.cityblm.org) under Human Resources in a folder titled Labor Contracts. On March 4, 2013 the parties reached a Tentative Agreement. On March 7, 2013 the Union ratified the Tentative Agreement.

#### Wages

May 1, 2011	2% (Longevity per contract will be applied)
November 1, 2011	1% (Longevity per contract will be applied)
May 1, 2012	1.5% (Longevity per contract will be applied)
November 1, 2012	1.5% (Longevity per contract will be applied)
May 1, 2013	1.5% (Longevity per contract will be applied)
November 1, 2013	1.5% (Longevity per contract will be applied)

Increases in pay prior to the effective date of this Agreement shall be paid retroactively for all hours worked or paid to officers employed in the bargaining unit on the effective date of this agreement or who have retired since May 1, 2011. No other sections of this Agreement shall be applied retroactively.

#### Emergency Leave

- Agreed to eliminate Emergency Leave benefit. Officers on emergency leave shall utilize accrued paid time off (except sick leave) in order to remain in a paid status during the period of such Emergency Leave.

#### Health Insurance

- Employees will be eligible for the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raises deductibles from \$250 to \$400.

#### Promotional Process

- Agreed to allow all Sergeants to take the Promotional Exam, but they must have 18 months service as a Sergeant to be eligible to be promoted.
- Agreed to changes in educational points.
- Agreed to update language on Command Preference Points. Changed the deviation the Chief may assign from two (2) to three (3).

- Agreed to increase the timeframe for Sergeants to notice the City they would like to sit for the Lieutenants exam from 140 days to 135 days from the test date.
- Agreed to allow Sergeants scheduled to work to take the exam on duty. Sergeants not on duty would not be eligible for overtime.
- Agreed to allow the Union two monitors for the exam.

#### Transfer of Firearm

- Agreed to provide service weapon and one ammunition clip on last day of actual work for Sworn Officers retiring in good standing or leaving on disability with a minimum of 20 years of uninterrupted service with the Bloomington Police Department.

#### Compensatory Time Off

- Agreed to have all Compensatory time banks converted to straight time hour banks. Every officer is limited to taking 120 fixed compensatory time hours off work per calendar year. Only 40 compensatory time hours may be placed in the officer's comp time bank per calendar year from overtime worked on hire-bank for non-City entities (i.e. Wehrenberg Theater; Wal-Mart; Bloomington High School).

#### Hire Back Work

- Agreed that the above referenced compensatory time off changes will be eliminated and prior compensatory time language reinstated, if the City raises the hire-back rate above \$70 per hour. The \$70 per hour rate can be increased by the amount of the percentage increase each May 1.

#### Managed Competition

- Agreed to the following language:

“The City agrees that it will not replace officers or allow officers other than bargaining unit members to perform traditional core police functions such as patrol and investigations as has historically been performed by bargaining unit members, except during limited training or in cases of emergency (i.e. natural or man-made disasters). The City may, however, assign the following work to other than bargaining unit members, including volunteers, where such assignment of work does not result in the layoff or replacement of any full-time bargaining unit member(s) in violation of Section 14.1 Union Security: grant writing, fleet maintenance or other activities which historically have not been performed by bargaining unit members.”

#### Term of Agreement

- Agreed to a three (3) year term of Agreement expiring on April 30, 2014.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Council and Police Benevolent Labor Committee (Sergeants and Lieutenants).

#### **FINANCIAL IMPACT:**

- Reduced the amount of paid leave time by eliminating Emergency Leave.
- Reduced the cost of the City Health Insurance costs.
- Limited the amount of Compensatory Time an Officer can use.

- Agreed to an outside employment rate that can be increased as the bargaining unit receives increases.
- Increased wage tables for employees by 2% effective May 1, 2011 (with retro), 1% effective November 1, 2011 (with retro), 1.5% effective May 1, 2012 (with retro), 1.5% effective November 1, 2012 (with retro), 1.5% effective May 1, 2013 and 1.5% effective, November 1, 2013.

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Human Resources Specialist

Reviewed by: Emily Bell, Human Resources Director  
Clay Wheeler, Interim Police Chief  
Robert Wall, Asst. Police Chief

Financial & Budgetary review by: Timothy L. Ervin, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:



David A. Hales  
City Manager

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fazzini				Alderman Purcell			
Alderman Fruin				Alderman Sage			
Alderman McDade				Alderman Schmidt			
Alderman Mathy				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



FOR COUNCIL: March 25, 2013

**SUBJECT:** Professional Services Contract for the Bloomington Center for Performing Arts

**RECOMMENDATION/MOTION:** That the contract from GFour in the amount of \$34,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 4 - Grow the Local Economy; Goal 5 - Great Place – Livable, Sustainable City; Goal 6 - Prosperous Downtown Bloomington

**STRATEGIC PLAN SIGNIFIGANCE:** Objective 4.e. - Strong working relationship among the City, businesses, economic development organizations; Objective 5.d. – Appropriate leisure and recreational opportunities responding to the needs of residents; Objective 6.c. – Downtown becoming a community and regional destination.

**BACKGROUND:** Staff respectfully requests approval of a contract to engage persons and/or groups represented by: GFour Production, Inc. to perform entertainment services in the Bloomington Center for the Performing Arts. Contract expenses for the contract will be \$34,000.00. The contract price covers the artist fees for the performance coming to the BCPA in April 2013. For proprietary and competitive advantage reasons we do not mention the acts by name in the staff back up report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The selection of these artists was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Bloomington Center for the Performing Arts.

**FINANCIAL IMPACT:** The FY 2013 Budget appropriates funds in object 21101100-70220 within the BCPA budget to offset fees incurred to perform entertainment's services in the BCPA. These fees will be offset through future revenue generated from revenue such as ticket sales, grants, playbills, concessions, adverting, and sponsorships generated as part of each performance. Additionally, these revenues will offset additional artist expenses which may arise in regards to travel, meals, and/or lodging. Stakeholders may locate this purchase in the FY 2013 Capital, Enterprise, and Other Fund Budget Document on page #49.

Respectfully submitted for Council consideration.

Prepared by: Joel Aalberts, Performing Arts Manager

Reviewed by: John R. Kennedy, Director of Parks, Rec and Cultural Arts

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & Budgetary review by: Timothy L. Ervin, Budget Officer

Legal review by:

J. Todd Greenburg, Corporation Counsel

Recommended by:



David A. Hales  
City Manager

**Attachments:** Attachment 1. Artist Contracts

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fazzini				Alderman Purcell			
Alderman Fruin				Alderman Sage			
Alderman McDade				Alderman Schmidt			
Alderman Mathy				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



FOR COUNCIL: March 25, 2013

**SUBJECT:** Renewal of Towing Bid 10,000 GVW and Under to Joe's Towing & Recovery

**RECOMMENDATION/MOTION:** That the City exercises the fourth (4<sup>th</sup>) Annual Renewal Option to the Towing Bid 10,000 GVW and Under to Joe's Towing & Recovery for the period of one (1) year commencing May 1, 2013 and ending April 30, 2014.

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

**STRATEGIC PLAN SIGNIFICANCE:** In order to be responsive to citizen needs, adequate resources must be provided to employees to fulfill the goal of providing quality basic services. This provides value to the citizen and allows services to be delivered in a cost-effective manner.

**BACKGROUND:** A bid was let on March 5, 2009 for light duty towing. Two (2) bids were received on March 19, 2009. Brown's Towing submitted a "No Bid" the other was from Joe's Towing & Recovery. The specification was for the towing, winching, and other miscellaneous services for City-owned cars trucks and light equipment 10,000 GVW and under. The specification included Police-ordered tows and/or relocation and storage of vehicles. The vendor must provide services as needed twenty-four (24) hours a day for 365 days per each awarded year. Joe's Towing was awarded the contract on April 13, 2009. The contract was for one (1) year which began on May 1, 2009 with annual renewals until April 30, 2014. This is the final renewal that can be exercised in regards to the original RFP issued in 2009.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Staff organized a meeting with tow vendors on April 9, 2009. Tow vendors expressed interest in the City setting up and maintaining two (2) rotational towing lists used by City Staff. One (1) list would cover City-owned vehicles and equipment and one (1) list would cover Police-ordered tows. The attendees suggested the annual referral fee be dropped and vehicles towed would be stored and disposed of at each individual vendor's lot. This would create increased workloads for City Staff, lost revenue, more difficult tracking of vehicles and increased confusion for owner's picking up their vehicles. City Staff recommended the tow vendors get together and put forth a proposal to meet the bid requirements. A letter was sent out November 12, 2009 to invite the following tow vendors to participate in a meeting to discuss the City's towing contract with contact information for any questions they might have; Accurate Towing, Baird Towing, Brown's Towing, Joe's Towing, Redneck Towing, S&S Towing, Ralph's Southtown Towing, Wink's Towing, Absolute Towing, Lloyd's Towing, and Walden Towing. The meeting was held on November 17, 2009. Joe's Towing and Southtown Towing were the only vendors which attended the meeting. These two attendees offered no recommended changes to the tow contract. Both meetings were attended by City Staff which consisted of Public Works, Finance, and the Police Department. No meeting was set up for this year as no one expressed any interest in a change to the tow contract at this time. City Staff will solicit proposals for Towing Services prior to the current contract expiration date.

**FINANCIAL IMPACT:** The term for the renewal is for one (1) year which begins on May 1, 2013 and ends on April 30, 2014. The contract specifications require no charge to the City for specific tow services which include:

<b>Description of Service</b>	<b>Amount</b>
Towing of City owned cars and equipment under 10,000 GVW	No Charge to the City
Towing of other cars and equipment	No Charge to the City
Tire changes	No Charge to the City
Abandoned and impounded vehicle storage charge to the City	No Charge to the City
Storage of City owned vehicles	No Charge to the City
Power Starting or Jump Starting of City owned vehicles	No Charge to the City

Additionally, the bid included specific services the vendor would provide to the City and designates set amounts the City would be charged for these services. Lists of these tow services provided by the vendor which requires City reimbursement includes:

<b>Description of Service</b>	<b>Amount</b>
Winching	\$50.00
Outside City mileage rate	\$2.00/mile
Transport/tow vehicles to and from the BPD Range per round trip	\$50.00
Vehicles for training purposes (one-time fee per vehicle)	\$0.00

As a condition of the tow contract, Joe's Towing is required to pay the City an annual referral fee for the receipt of tow referrals from the Police Department. This tow referral includes tows from accident scenes and Police Department arrests which require the vehicle to be towed. This revenue is accounted for in line item 10010010-57990 and the vendor will issue a payment to the City upon the issuance of a Purchase Order by the City.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & Budgetary review by: Timothy L. Ervin, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:



David A. Hales  
City Manager

**Attachments:** Attachment 1. Current Contract

---

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fazzini				Alderman Purcell			
Alderman Fruin				Alderman Sage			
Alderman McDade				Alderman Schmidt			
Alderman Mathy				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



# Joe's Towing & Recovery

*An Ann, Inc. Company*

2233 Springfield Rd  
Bloomington IL 61701-8339  
Phone (309) 829-2123 Fax (309) 828-6526

City of Bloomington  
109 E Olive  
Bloomington IL 61701

March 18, 2013

To Whom It May Concern,

Per your request, please let this letter serve as our continued acceptance of the original terms and specifications of our towing contract, which is scheduled for renewal on May 1, 2013.

If you need further information, please do not hesitate to contact me.

Sincerely,



Bruce Pedigo  
General Manager  
Ann, Inc. d/b/a Joe's Towing & Recovery

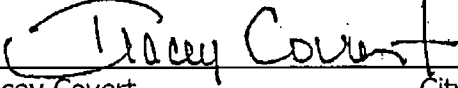
# INVITATION TO BID

## CITY OF BLOOMINGTON, ILLINOIS

Sealed bids will be received at the office of the City Clerk, City Hall, 109 East Olive Street, Bloomington, Illinois 61701, until **March 19, 2009 at 2:00 p.m.** local time for the following:

### **TOWING 10,000 GVW and Under for the FLEET MANAGEMENT DEPARTMENT**

Specifications may be obtained at the office of the City Clerk, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. local time. The City of Bloomington reserves the right to reject any and all bids and to waive technicalities. The City of Bloomington requires all contractors and vendors doing business with the City not to discriminate against anyone on the basis of race, age, color, religion, gender, sexual orientation, ancestry, national origin, and non job-related disabilities.

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

Published **March 5, 2009**  
Bloomington, Illinois

## EQUAL EMPLOYMENT OPPORTUNITY

In the event of the contractor's non-compliance with the provisions of this Equal Opportunity Clause, the Illinois Human Rights Act or the Rules and Regulations of the Illinois Department of Human Rights ("Department"), or the City of Bloomington's Contract Compliance Program, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, including the City of Bloomington, and the contract may be canceled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute, ordinance or regulation. During the performance of this contract, the contractor agrees as follows:

- (1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, gender, sexual orientation, marital status, national origin or ancestry, age, physical or mental disability unrelated to ability, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.
- (2) That, if it hires additional employees in order to perform this contractor any portion thereof, it will determine the availability (in accordance with the Department's Rules and Regulations or those of the Human Relations Commission) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
- (3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, gender, sexual orientation, marital status, national origin or ancestry, age, physical or mental disability unrelated to ability, or an unfavorable discharge from military service.
- (4) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Human Rights Act and the Department's Rules and Regulations. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules and Regulations, the contractor will promptly so notify the Department and Human Relations Commission and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
- (5) That it will submit reports as required by the Department's Rules and Regulations and Human Relations Commission, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Illinois Human Rights Act and the Department's Rules and Regulations and those of the City of Bloomington's Contract Compliance Program.
- (6) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Department's Rules and Regulations and those of the City of Bloomington's Contract Compliance Program.
- (7) That it will include verbatim or by reference the provisions of this clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by such subcontractors; and further it will promptly notify the contracting agency, the Department and the Human Relations Commission in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission or Human Relation Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations including the City of Bloomington.

## **GENERAL INSTRUCTIONS FOR BIDDERS**

### **Bid Identification:**

Bidders are required to use the enclosed label on the outside of the bid envelope, placed in the lower left-hand corner. Do **not** submit bids by fax or electronically. Bids submitted by fax or electronically cannot be accepted or considered for award. Sealed bids are required.

### **Definition:**

"City" shall mean the City of Bloomington, Illinois.

Questions regarding bid/proposal procedures shall be directed to Kim Nicholson, Purchasing Agent, during regular working hours, telephone 309/434-2333.

Questions regarding the technical nature or performance expectations of the equipment, material, or service in the bid shall be directed to:

**Dan Augstin**  
**daugstin@cityblm.org**  
**309-434-2340**

Questions will be answered in the form of written addenda and provided to all Bidders, as per State of Illinois statutes.

If you have obtained this bid from the City of Bloomington web site or from a source other than directly from the Purchasing Agent or City Clerk, you are not on record as a plan holder. The Purchasing Agent takes no responsibility to provide addenda to parties not listed by the City as plan holders. It is the bidder's responsibility to check with our office prior to submitting your bid to ensure that you have a complete, up-to-date package. The original copy maintained and on file in the City Clerk's office shall be considered the official copy. **Addenda copies shall be attached to your bid as proof of receipt.**

### **No Bid:**

Vendors who are not able to submit a bid for this service, but wish to receive bid tabulation or to be assured of remaining on the City's bid list for similar services should clearly indicate on the envelope the designation "**NO BID**". Envelopes so marked will not be considered as a formal bid, but the contents will be responded to in the appropriate manner by City of Bloomington staff. The City will issue a purchase order to the successful vendor.

### **Delivery:**

**F.O.B. Bloomington, IL FREIGHT PREPAID.**

### **Bid Price:**

Please quote your best net price including delivery and discounts to meet the approval of the City.

### **Payment Terms:**

**\*PLEASE READ NEW INFORMATION\***

If payment terms are not indicated, terms of NET 30 days shall be applied by the City. Payment terms to apply after receipt of invoice or final acceptance of the products/services, whichever is later. Payment terms offering less than 20 days for payment will not be considered. **However,** the City of Bloomington is migrating to a *Visa* Procurement Card Program. As a card-accepting vendor, some of the benefits of the program are:

- Payment received within 72-hours of receipt and acceptance of goods
- Reduced paperwork
- Issue receipts instead of generating invoices, resulting in fewer invoice problems
- Deal directly with the cardholder in most cases

Please indicate whether you are or are not capable of accepting Visa credit cards:

Yes  or No .

**Bid Evaluation:**

Products/Services will be purchased from the Vendor providing the best bid per product/service or total package, whichever is in the best interest of the City. Bids will be evaluated and awarded on the best-value to the City.

**Quality:**

Scope of work is intended to procure a quality product or service. Quality must be proven to the satisfaction of the City to meet or exceed requirements as set forth in the scope of work. The lowest quote will not be the deciding factor if a question exists as to the quality of the product or the ability to provide a service or meet the specific needs of the City.

**Investigation:**

Bidders must acquaint themselves with the policies of the City, and may do so by contacting the Purchasing Agent. All questions as to the meaning of the scope of work must be resolved prior to the bid submission deadline. It is the Bidder's responsibility to check with City Clerk prior to submitting their bid to ensure that they have received all Addenda that may be issued.

**Proof Of License, Permit, Etc.:**

Bidders must provide proof of conformance with any applicable Federal/State/Local permits, licenses, certifications, etc., or the ability to obtain any applicable Federal/State/Local permits, licenses, certifications, etc., within a reasonable time after the bid award and prior to the performance of the work. It is the bidder's responsibility to inquire about requirements of performing the job with the requesting department contact person.

**Bid Form:**

This entire package shall be returned complete and intact with all information requested and all questions answered. The amount of the bid shall be stated on the form(s) provided. Variations from the Specification shall be noted on a separate sheet of paper. If more space is required to furnish a description of the service offered or delivery/start terms, the vendor may attach a letter hereto, which will be made a part of the bid.

**Specification:**

The Specification may, in some areas, be unique to a particular brand of product or type of service. If this situation exists, equal consideration will be given to all Bidders whose items, in the opinion of the City, meets or exceeds performance in these areas.

**Brand Name, Model, Catalog Number, And Vendor's Scope Of Work:**

All Bidders shall include with their bid brand names, models, catalog numbers, and complete information about the items they are offering.

**Manufacturer's Safety Data Sheets, MSDS, are required for all chemical Bids.**

**Bid Opening: Telephone/Fax/Verbal Offers Will Not Be Accepted**

Bids shall be publicly opened and read at the time and date set. It is the responsibility of the vendor to see that the bid is in the Office of the City Clerk, by the specified time and date. The date of the postmark will not be considered. Bids received after the time and date set will be returned unopened to the Vendor. This includes Bids not received as a result of mail delays. In the event that City Hall is closed for business at the time scheduled for the bid opening, sealed bids will be accepted on the next business day of the City, up to the originally scheduled time.

**Default By Vendor:**

In the event of default by vendor, the City reserves the right to procure the services from other sources, and hold the vendor liable for any excess costs occasioned thereby. Additionally, a contract shall not be assignable by the Vendor in whole or in part without the written consent of the City of Bloomington.

**Performance Bond: N/A for this Bid**

The successful bidder will be required to provide a Performance Bond in the amount equal to 100% of the contract price, within ten (10) business days after the bid award. The Performance Bond shall be duly authorized by an insurance company licensed to do business in the State of Illinois.

**Termination Clause:**

The City of Bloomington reserves the right to cancel this contract at any time due to vendor poor performance. Cancellation shall not release the vendor from legal remedies available to the City.

**Wage Rates And Employment Standards: N/A for this Bid**

Contractor shall comply with all applicable provisions of "An Act regulating wages of laborers, mechanics, and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, 820 ILCS 130/0.01 et seq. (2002) (see website address: <http://www.state.il.us/agency/idol/> for rates) and City of Bloomington Prevailing Wage Resolution 2008-54, ("A Resolution of the City of Bloomington, McLean County, Illinois, Ascertain Prevailing Rates of Wages for Laborers, Workers and Mechanics Employed at Public Works in the City of Bloomington"), and any applicable superseding ordinance or public law. Contractor shall submit to the City on a monthly basis all certified payroll records for prevailing wage work performed by contractor **employees and subcontractors**. The certified payroll records must include the following for each employee employed on the project: Name, Address, Telephone Number, Social Security Number, Job Classification, hourly wages paid in each pay period, number of hours worked each day and starting and ending time of work each day. The contractor shall submit these records with a signed statement that the records are true and accurate, that the wages paid to each worker are not less than the prevailing rate and that the contractor is aware that filing records known to be false is a Class B misdemeanor offense.

**Substance Abuse Prevention Program - Public Act 95-0635: N/A for this Bid**

Before the Contractor and any Subcontractor commences work, the Contractor and any Subcontractor shall have in place a written Substance Abuse Prevention Program for the prevention of substance abuse among its employees which meets or exceeds the requirements in Public Act 95-0635 or shall have a collective bargaining agreement in effect dealing with the subject matter of Public Act 95-0635.

The Contractor and any Subcontractor shall file with the City: a copy of the substance abuse prevention program along with a cover letter certifying that their program meets the requirements of the Act, or a letter certifying that the Contractor or a Subcontractor has a collective bargaining agreement in effect dealing with the subject matter of this Act.

**References:**

Two (2) references are **required** with your bid. The references shall be from two different sources where you have provided the minimum equipment as required in this bid. Bidder may use the City of Bloomington as one reference if the bidder has provided this equipment to the City since January 1, 2006.

(1.) Company Name City of Bloomington

Company address 109 E Olive St Bloomington IL 61701  
City State Zip

Company Contact Name or Department Dan Augstin

Company Contact Telephone 309-434-2340 Fax 309-434-2279

Company Contact e-mail address daugstin@cityblm.org

(2.) Company Name Town of Normal

Company address 100 E Phoenix Normal IL 61761  
City State Zip

Company Contact Name or Department Asst. Chief Kirk Fjams

Company Contact Telephone 309-454-9535 Fax 309-454-9521

Company Contact e-mail address Kijams@normal.org

**\*\*\*NOTE: FAILURE TO SIGN THE FOLLOWING CONTRACTOR COMPLIANCE AND INSURANCE SECTIONS WILL DISQUALIFY YOUR BID.**

**Contractor Compliance With Public Act 85-1295:**

The vendor certifies by signing this statement that this bid is made without prior understanding, agreement or accord with any other person submitting a bid for the same product or service and that this bid is in all respects bona fide, fair and not the result of any act of fraud or collusion with another person engaged in the same line of business or commerce. Furthermore, the firm certifies that it is not barred from bidding on this contract as a result of a conviction for the violation of State laws prohibiting bid-rigging or bid-rotating. Any false statement hereunder constitutes a felony and can result in a fine and imprisonment as well as civil damages. The vendor also understands that failure to sign this statement will make the bid non-responsive and unqualified for award.

Bruce Pedigo, March 19, 2009

Print Name & Date

Bruce Pedigo

Authorized Signature

Ann, Inc. d/b/a Joe's Towing & Recovery

Company Name

**Insurance:**

Vendors providing a service or installing equipment on or about City property shall provide to the City Clerk evidence of Comprehensive, Liability, and Workman's Compensation insurance prior to commencement of work on City property. The vendor guarantees to save the City, its agents or employees, harmless from liability of any nature or kind, for use of any copyright, composition, secret process, patented or unpatented invention, articles or appliances furnished or used in the performance of the contract, or which the vendor is not the patentee, assignee, or licensee.

**AND/OR**

Furthermore, the vendor hereby agrees to save and hold harmless and indemnify the City from and against all injury, death, damage, loss, claims and liability caused by or arising out of the performance of this agreement by the Vendor, its employees, agents or sub-vendors. This agreement extends to all claims, of any nature, whether made by the Vendor's employees or third parties.

Bruce Pedigo, March 19, 2009

Print Name & Date

Bruce Pedigo

Authorized Signature

Ann, Inc d/b/a Joe's Towing & Recovery

Company Name

**Equal Opportunity Guidelines:**

The City requires all contractors and vendors doing business with the City not to discriminate against anyone on the basis of race, age, color, religion, gender, sexual orientation, ancestry, national origin, and non job-related disabilities. This program was approved by the City Council on May 27, 1974.

In accordance with this program the City shall require that the vendor or contractor be familiar and comply in every respect with the provisions of this program. Information regarding the program may be obtained by contacting the Human Relations Department 309/434-2218.



## SPECIFICATIONS

### 10,000 GVW and under Towing

The following Specification is for the towing, winching, and other miscellaneous services for the City of Bloomington owned **cars, trucks and light equipment 10,000 GVW and under** and Police Department ordered towing or relocation and storage of **cars and trucks 10,000 GVW and under**. Cars and trucks 10,000 GVW and under hereafter may be referred to as vehicles in this Specification.

Any variations from the following minimum specifications shall be noted in the space provided on the "Questionnaire Sheet" at the end of this Specification. Vendors will be required to write "**Comply**" or "**Does Not Comply**" and their reason they do not comply in the space provided. In event that your bid does not comply, you are required to write your variation in the space provided or provide a sheet of paper with your explanation of your variations.

Vendors that do not follow these instructions will automatically be disqualified from this bid. ***(This portion of the instructions will strictly be adhered to.)*** Bids containing variations will be considered.

#### **General Information:**

The City of Bloomington operates all types of cars, trucks, and light equipment up to 10,000 GVW which the successful Bidder may be asked to tow or winch at the City's discretion. The Specification will also apply to relocation of vehicles as required by the City of Bloomington and for emergency towing for the Bloomington Police Department. The Specification applies to changing automotive tires on Police and staff vehicles including pickup trucks. The City of Bloomington is an organization which operates 24 hours a day, 7 days a week, 365 days a year and may require immediate service at any time.

#### **General Requirements:**

Evidence of availability:

Each vendor will be required to furnish to the City of Bloomington satisfactory evidence that they have successfully engaged in towing operations for at least five (5) years and are competent to perform the work in accordance with the requirements set forth in the Specification.

Towing operators will be required to submit to the City of Bloomington with their bid a statement showing:

1. Towing operator's performance record.
2. Itemized list of equipment and a detailed description of the facilities. Such equipment and facilities must be available to the towing operator before the commencement of this contract.

**Length Of The Contract:**

The contract will be awarded for a one (1) year term that will begin on May 1, 2009. The contract may be renewed upon mutual agreement between the City and the successful Bidder each May 1<sup>st</sup> and in twelve (12) month increments until April 30, 2014, with satisfactory performance ratings by the departments who use this service.

**Termination Of The Contract:**

The contract with the Successful Bidder shall end at the expiration date of the contract. The towing contract may also be terminated at any time during the term of the contract for lack of performance as outlined in the Specification, or should a violation occur in any of the other areas of the Specification.

**Communication Information And Contact List:**

The successful Bidder shall be capable of communicating with the Bloomington Police Department Towing Officer by FAX. The successful Bidder shall provide the Fleet Management Department with an emergency call list consisting of employee phone numbers that are authorized to accept and dispatch equipment for the needs of the City of Bloomington. This list will be forwarded to the appropriate departments of the City of Bloomington that will be authorized to contact the towing service. The successful Bidder shall be responsible for providing an updated emergency call list as necessary to the Fleet Management Department.

**Insurance:**

The successful Bidder shall carry insurance in accordance with Public Act 89-433 effective 12/15/1995 and shall provide the City of Bloomington with a copy of their insurance in the proposal. The successful Bidder shall be responsible for any damage to City of Bloomington equipment that may occur while the vehicle is in their possession.

**Records:**

The successful Bidder shall maintain a complete records system on all abandoned and impounded vehicles which the City of Bloomington has ordered to be towed to the towing operator's lot, including all released vehicles impounded. Such records shall be consistent with the Police Department system and comply with all Police Department procedures. The records will be reviewed with the successful Bidder by an officer of the Police Department Traffic Division on a weekly basis.

**Employees:**

The successful Bidder shall employ safety-conscious, well-trained, and courteous employees. The tow vehicle drivers shall be properly licensed under the CDL act.

**Security, Employee Background Investigation:**

Due to security reasons while working with the Police Department, the successful Bidder will be required to submit all employees' full name, date of birth, complete address, and driver's license number to the Bloomington Police Department for a background investigation.

**Dedication and Priority:**

The towing contract is not intended to limit the towing operator's work in the area of private enterprise; however, the towing operator shall give priority to the City of Bloomington.

**Law:**

The towing operator shall comply with the Bloomington City Ordinance, Chapter 29, sections 220 - 236 and the Illinois Statutes 625 ILCS 5/18a-100 thru 18a-700 and all other applicable laws, rules and regulations.

**Towing Service:**

The towing operator shall provide 24 hour towing service, 7 days a week, 365 days per year. The towing operator will be the only service used by the City of Bloomington for the towing of City-owned vehicles 10,000 GVW and under. It shall be the policy of the Bloomington Police Department in situations in which they are involved and the towing of vehicles 10,000 GVW and under is required, to suggest the towing operator to other persons for all such towing, unless the person(s) at the scene of the crash or other incident specifically request another towing service.

The successful Bidder shall bill the owner or driver of the private vehicle for their required services based on their published towing and storage rates and shall hold the City of Bloomington harmless in any unpaid debt to the successful Bidder for services provided.

**Non Vehicle Hauling Service:**

The towing operator shall provide towing and hauling service for the Police Department to assist in their investigation and other work by hauling items too heavy to carry in a police vehicle. Such hauling will be considered as towing and be paid at the same rate as the towing of abandoned cars.

**Tire Change Service:**

The towing operator shall provide 24-hour, 7 days a week, 365 days per year tire changing service for Police cars and City of Bloomington staff vehicles. The available spare tire in the vehicle will be mounted on the vehicle and the flat tire put back in the vehicle in the proper storage location. The City will be responsible for repair of the flat or damaged tire.

**Vehicle Jump Starting:**

The towing operator must provide 24 hour, 7 days a week, 365 days per year jump starting or power starting services for all City of Bloomington vehicles 10,000 GVW and under.

**Relocation Service:**

The towing operator shall provide wrecker service for relocation purposes, such as snow, ice, fire, construction, etc. If such vehicle was legally parked, the Department

ordering the service will be responsible for the bill and shall be charged as a City-owned vehicle. If such vehicle was not legally parked, the owner of the vehicle will be responsible for the bill.

**Outside the City Towing Rate:**

The Outside the City Towing Rate shall be the mileage rate the City will be charged to tow vehicles back to the City as required.

**Response time:**

The response time for arriving to the scene of the required tow or winching shall be no more than thirty (30) minutes (such response time is based on normal traffic flow) from the time the towing operator's office or designee receives the phone call unless other arrangements are made at the time of the call. If the response time is not met, the City of Bloomington will, at their discretion call another towing company.

**Towing Equipment:**

The towing operator shall own a minimum of five (5) wreckers with wheel lifts and tow dollies capable of towing the equipment as outlined in the "**General Information**" & "**Towing Capabilities**" section of the Specification and within the laws of the State of Illinois and the Federal interstate system. The towing operator shall also be capable of towing the equipment to the Vehicle Maintenance Facility lot and putting the disabled vehicle into the building when required. All towing equipment shall be properly licensed, permitted, and safety inspected for operation in the State of Illinois.

**Roll Back Truck:**

The successful towing operator shall have a minimum of two (2) rollback flat bed trucks capable of hauling severely damaged vehicles which cannot be safely towed.

**Crash Scene Clean-up:**

It shall be the responsibility of the tow operators to clean up all debris and broken glass from a crash scene after the last involved vehicle has been removed from the scene. Each tow and roll back vehicle shall be equipped with a broom, shovel, and a container for the debris removed from the scene.

**Winching Capabilities:**

The towing operator shall be capable of winching a vehicle that is unable to move in the terrain in which the vehicle is located.

**Towing Capabilities:**

The towing operator shall be capable of wheel lifting or axle lifting the vehicle to tow it. Under circumstances that the engine can not be operated and the drive wheels can not be raised, the towing operator will be required to remove the drive shaft from the vehicle. The towing operator shall also have the proper lift equipment to lift and tow or haul motorcycles and snowmobiles.

**Business and Storage Lot:**

The towing operator shall operate their offices, dispatch center, and storage lot in a location zoned for this type of business. The towing operator shall maintain a storage facility for the storage of Police-ordered towing and damaged or evidentiary vehicles that may be towed under order of the Police Department. The storage facility shall be secured with a fence having a minimum height of eight (8) feet with locking gates. The storage area shall be kept clean and orderly, free of debris and weeds, and will allow for the movement of vehicles within the storage area.

The lot shall be located in an area that is easily accessible by City staff as well as the public. Access shall be granted 24 hours a day, 7 days a week, 365 days per year, and shall be maintained by the tow company so that movement inside the area is free and clear of debris and not unsightly.

This lot shall have a minimum capacity of three hundred (300) vehicles dedicated for the storage of vehicles for the City.

This lot shall be located within the city limits of Bloomington, IL. All vehicles towed for storage or impoundment under contract for the City of Bloomington will be towed to this lot unless other arrangements are agreeable between the towing contractor and a person in appropriate position of authority with the City of Bloomington.

**Inside Storage of Impounded Vehicles:**

Under orders of the Police Department, the towing operator may be required to impound vehicles that have been involved in a crime which will be required to be stored in a secured building to preserve evidence in or on the vehicle. The storage area must be secured from access by other employees and the public.

This secured building shall have an inside work area with a concrete floor, lights, heat, and a vehicle lift to accommodate crash investigation and or evidentiary searches by the Police Department.

This same building shall be used to store Police vehicles which have been in severe accidents to prevent further damage to equipment in the cars.

This building shall have a minimum capacity of three (3) vehicles dedicated for the storage of vehicles for the City.

**Security of Lot and Buildings:**

All areas used for the storage of vehicles shall be fenced and locked. All buildings used for the storage of vehicles shall be locked and secured. Please list on the questionnaire sheet the types of security measures you have in place.

**Inspection of Storage Facility:**

At the City's discretion, City staff may choose to tour the storage lot and storage building. The towing operator will be given reasonable notice of the intent to inspect the facility.

**Charges:**

The towing operator shall leave a copy of the bill with the Department that requested the service. This tow bill must include, but not be limited to, the following information:

- Unit number,
- Make and Model,
- License Plate Number,
- Date and time of tow,
- Where the unit was towed from and starting time,
- Where the unit was towed to and ending time,
- Signature of the Department representative.

The towing company shall bill the City of Bloomington at their normal billing cycle for payment of the bills. Bills shall be addressed to City of Bloomington, 109 East Olive Street, Bloomington, IL 61701.

Fees to the City of Bloomington for storage of abandoned or impounded vehicles shall **NOT** be based on any time period, but shall be one charge regardless of time the vehicle remains in the impound area. The fee will be paid by the City of Bloomington after the vehicle has been sold or disposed of by the City of Bloomington.

When an abandoned or impounded vehicle is released to the owner by the Police Department and reclaimed by its owner, the towing operator may charge the vehicle owner the towing operator's published fees for private towing and storage.

The towing operator **shall not charge** the City of Bloomington for the following operations:

- Towing of City owned cars and equipment 10,000 GVW and under
- Towing of other cars and equipment.
- Tire changes
- Abandoned and impounded vehicle storage charge to the City
- Storage of City owned vehicles
- Power Starting or Jump Starting of City owned vehicles

The tow operator **may charge at their discretion** the City for the following operations:

- Winching
- Outside City mileage rate
- Transport/tow vehicles to and from the BPD Range (one time fee each trip)

**Payment to the City of Bloomington for Referred Towing:**

As condition of this tow contract, the successful towing operator will be required to pay the City of Bloomington an annual referral fee for receiving the tow referrals from the Police Department. This will include tows from accident scenes, Police Department arrests that require the vehicle to be towed, and abandoned vehicles that the owner would retrieve.

This payment shall be made to the City of Bloomington upon issuance of the towing contract. The City of Bloomington estimates that the minimum amount of this payment annually would be twenty-three thousand seven hundred twenty-five dollars (\$23,725.00).

**Payment Made To Tow Company By Private Citizens Or Businesses:**

The tow company shall accept MasterCard/VISA credit and debit cards and cash for payment to the tow company for referred towing and storage of private or business vehicles

**Additional Information Requested By The City Of Bloomington:**

Please include the following published rates charged to the public that would be in effect at the time the contract would be awarded:

1. Towing of vehicles 10,000 GVW and under
2. Hauling with rollback truck
3. Mileage rate
4. Daily storage rate
5. Fuel Surcharge

**Vehicles For Training Purposes:**

At times throughout the year, disabled/salvaged vehicles will be used to train members of the Police and Fire Departments in extradition of trapped occupants in a vehicle. The towing operator will be required to tow disabled/salvaged vehicles to the Police Firing Range located at 14047 N. 3000 East Road, Colfax, Illinois 61728, or to the Bloomington Fire Station No. 2 located at 1911 E. Hamilton Road, Bloomington, Illinois 61704, at the City's request. The towing operator shall indicate on the Bid Form if they will charge the City for the above operations.

## QUESTIONNAIRE

In the below indicated areas, please indicate that you "**Comply**" or "**Do not Comply**" and your reason why you do not comply in the space provided.

**NOTE:** Failure to complete this form will result in disqualification in this bid.

	Comply	Does not Comply
<b>General Information:</b>	Comply	
<b>General Requirements:</b>	Comply	
<b>Length Of The Contract:</b>	Comply	
<b>Termination Of The Contract:</b>	Comply	
<b>Communication Information And Contact List:</b>	Comply	



	Comply	Does not Comply
<b>Insurance:</b>	Comply	
<b>Records:</b>	Comply	
<b>Employees:</b>	Comply	
<b>Security, Employee Background Investigation:</b>	Comply	
<b>Dedication And Priority:</b>	Comply	
<b>Law:</b>	Comply	

	Comply	Does not Comply
<b>Towing Service:</b>	Comply	
<b>Non Vehicle Hauling Service:</b>	Comply	
<b>Tire Change Service:</b>	Comply	
<b>Vehicle Jump Starting:</b>	Comply	
<b>Relocation Service:</b>	Comply	
<b>Outside The City Towing Rate:</b>	Comply	

	Comply	Does not Comply
<b>Response Time:</b>	Comply	
<b>Towing Equipment:</b>	Comply	
<b>Roll Back Truck:</b>	Comply	
<b>Crash Scene Clean Up:</b>	Comply	
<b>Winching Capabilities:</b>	Comply	
<b>Towing Capabilities:</b>	Comply	

	Comply	Does not Comply
<b>Business And Storage Lot:</b>	Comply	
<b>Inside Storage Of Impounded Vehicles:</b>	Comply	
<b>Security Of Lot And Buildings:</b> We utilize a 16-camera security system with 24 hour recording. Our lot is secured with an 8-foot solid steel fence and locking gates.	Comply	
<b>Inspection Of Storage Facility:</b>	Comply	
<b>Charges:</b>	Comply	
<b>Payment To The City Of Bloomington For Referred Towing:</b>	Comply	

	Comply	Does not Comply
<b>Payment Made To Tow Company By Private Citizens Or Businesses:</b>	Comply	
<b>Additional Information Requested By The City Of Bloomington</b>	comply	
<b>Vehicles For Training Purposes</b>	Comply	

## Towing Under 10,000 GVW

### Bid Form

We, the undersigned, agree to furnish the City of Bloomington, Illinois with towing and related services at the below price, and to supply all services as required in the Specifications and General Instructions for Bidders for a period ending April 30, 2010.

<b>Description of Service</b>	<b>Amount</b>
Towing of City owned cars and equipment under 10,000 GVW	No Charge to the City
Towing of other cars and equipment.	No Charge to the City
Tire changes	No Charge to the City
Abandoned and impounded vehicle storage charge to the City	No Charge to the City
Storage of City owned vehicles	No Charge to the City
Power Starting or Jump Starting of City owned vehicles	No Charge to the City
Winching	\$ <u>50.00</u>
Outside City mileage rate	\$ <u>2.00/mile</u>
Transport/tow vehicles to and from the BPD Range (Per round trip)	\$ <u>50.00</u>
Vehicles for training purposes (one time fee per vehicle)	\$ <u>no charge to the city</u>

**Amount to be paid to the City of Bloomington per fiscal year:**

Fiscal year 2009/2010	\$ <u>47,500.00</u>
Fiscal year 2010/2011	\$ <u>47,500.00</u>
Fiscal year 2011/2012	\$ <u>47,500.00</u>
Fiscal year 2012/2013	\$ <u>47,500.00</u>
Fiscal year 2013/2014	\$ <u>47,500.00</u>

Ann, Inc d/b/a Joe's Towing & Recovery  
Name of Firm

Bruce Redijo  
Authorized Signature

2233 Springfield Rd  
Address

Bloomington IL 61701-8339  
City State Zip

309-829-2123  
Telephone Number

309-828-6526  
Fax number

joestowingandrec@aol.com  
Email address

March 19, 2009  
Date



FOR COUNCIL: March 25, 2013

**SUBJECT:** Text Amendment to Chapter 44. Zoning, for Additional Zoning Definitions and Table Modifications for “Distribution Centers” and “Transfer Stations”

**RECOMMENDATION/MOTION:** That the Text Amendment to Chapter 44. Zoning, Definitions and Table Modifications, be approved and the Ordinance passed.

**STRATEGIC PLAN LINK:** Updating the City’s zoning ordinance provides for continuity with the 2015 Strategic Plan Goals of Grow the Local Economy and Great Place – Livable, Sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** The proposed changes will provide prospective developers better guidance to the City’s plan for business and economic growth and well as sustaining, providing, and protecting business development.

**BACKGROUND:** In the fall of 2012 the Wirtz Company approached the City with a proposal for development of a distribution center in a commercial area of west Bloomington. This development proposal reiterated a short coming in the City’s zoning code related to defining “distribution centers”. While we were confident where such an operation could and should be located and were using the term “transfer services” to justify zoning requirements, staff felt better definitions were warranted. Ultimately, the owner of the property opted to rezone the property to remove the doubt of whether the previous zoning was appropriate. However, the question of properly defining uses remained.

In November of 2012 Staff started conversation with the Planning Commission concerning proper definition of uses related to “transfer centers”, “transfer stations”, and “distribution centers”. This conversation lead to a staff initiated petition for a zoning text amendment.

The first formal proposal from staff came to the Commission on January 9, 2013. After a lengthy discussion over the vagueness of the proposed definition for “distribution center”, the Commission tabled the matter to allow commission members an opportunity to draft proposals that might better serve the City’s needs.

The Planning Commission reconvened on February 27, 2013 to reconsider the definitions. Presented were three additional definitions; two by commission members and one additional staff proposal. After thoroughly discussing the issue a definition was crafted that satisfied all of those on the Board. This is the definition presented as part of this petition.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Besides the required public notices, notification of the proposed changes to the zoning ordinance were mailed to local developers and design professionals.

**FINANCIAL IMPACT:** There is no immediate financial impact to the City. However, the potential long-term impact of this memo may impact the location of a business may choose to build and location has the potential to positively impact the City’s economic environment.

Respectfully submitted for Council consideration,

Prepared by: Mark R. Huber, Director, PACE Department

Financial & Budgetary review by: Timothy L. Ervin, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:



David A. Hales  
City Manager

- Attachments:** Attachment 1. Ordinance, Petition, Legal Description  
Attachment 2. Planning Commission Minutes – November 14, 2012  
Attachment 3. Planning Commission Minutes – January 9, 2013  
Attachment 4. Staff Report for Planning Commission – February 21, 2013  
Attachment 5. Planning Commission Minutes – February 27, 2013  
Attachment 6. Mailing List – February 28, 2013

---

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fazzini				Alderman Purcell			
Alderman Fruin				Alderman Sage			
Alderman McDade				Alderman Schmidt			
Alderman Mathy				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



ORDINANCE 2013 - \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 44 OF THE BLOOMINGTON CITY CODE

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

**SECTION 1.** That the Bloomington City Code, 1960, as amended, be further amended by adding the following definitions, alphabetically to Section 44.3-2: (additions are indicated by underlining; deletions are indicated by strikeouts):

**Distribution Centers** – A building which typically involves both warehouse and office/administration functions but not retail sales, where short and /or long-term storage takes place in connection with the distribution operations of a wholesale supply business.

**Transfer Station** - A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal.

**SECTION 2.** That the Bloomington City Code, 1960, as amended, be further amended by amending Chapter 44, Sections 44.6-30 and appendix C: (additions are indicated by underlining; deletions are indicated by strikeouts):

“Distribution Centers” is to be added to the tables and marked with a “P” in the S-5, B-1, B-2, M-1, M-2, and W-1 districts

“Transfer Stations” is to be added to the tables and marked with a “P” in the M-2 District.

“Transfer Services” shall be removed from the tables.

**SECTION 3.** Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

**SECTION 4.** The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

**SECTION 5.** This ordinance shall be effective ten (10) days after the date of its publication.

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

PASSED this \_\_\_\_\_ day of January, 2013.

APPROVED this \_\_\_\_\_ day of January, 2013.

APPROVED:

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

ATTEST:

---

Tracey Covert, City Clerk

**PETITION FOR ZONING TEXT AMENDMENT**

State of Illinois )  
 ) ss.  
County of McLean )

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

Now comes the City of Bloomington, McLean County, Illinois, a municipal corporation hereinafter referred to as you petitioner respectfully representing and requesting as follows:

1. That the text of Chapter 44, Sections 44.3-2, Definitions, and Section 44.6-30, Table of Authorized Principal Uses in Each Zoning District, of the Bloomington City Code, 1960 no longer contribute to the public welfare for the following reason:
  - a. Current terms in the zoning ordinance are obsolete, vague, or not suitable for determining use of property or assignment to a zoning classification.
  - b. The terms “distribution centers” and “transfer station” are not defined or included as permitted uses in Chapter 44.
2. That your petitioner hereby requests that said Sections be amended as hereinafter proposed in Exhibit A.
3. That the approval of said amendments will substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code, 1960; and
4. That the approval of said amendments will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by the proposed text of said Sections.

WHEREFORE, your petitioner respectfully requests that this petition to amend Chapter 44, Section 44.3-2 and 44.6-30 of the Bloomington City Code, 1960 as stated herein be approved in the public interest.

Respectfully submitted,  
By:

\_\_\_\_\_  
Mark R. Huber, Director  
Planning and Code Enforcement Department

## Exhibit A

That the Bloomington City Code, 1960, as amended, be further amended by amending Chapter 44, Sections 44.6-30 and appendix C: (additions are indicated by underlining; deletions are indicated by strikeouts):

**Distribution Center** – A building which typically involves both warehouse and office/administration functions but not retail sales, where short and /or long-term storage takes place in connection with the distribution operations of a wholesale supply business.

**Transfer Station** - A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal.

“Distribution Centers” is to be added to the tables and marked with a “P” in the S-5, B-1, B-2, M-1, M-2, and W-1 districts

“Transfer Stations” is to be added to the tables and marked with a “P” in the M-2 District.

“Transfer Services” shall be removed from the tables.

**BLOOMINGTON PLANNING COMMISSION  
REGULAR MEETING,  
WEDNESDAY, NOVEMBER 14, 2012, 4:00 P.M.  
COUNCIL CHAMBERS, CITY HALL  
109 E. OLIVE ST., BLOOMINGTON, ILLINOIS**

**MEMBERS PRESENT:** Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mrs. Julie Morton, Mr. Jim Pearson, Mr. Bill Schulz, Mr. David Stanczak, Mr. Charles Stuckey, Mr. Robert Wills

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mr. Mark Huber, Director PACE Department  
Mr. Kevin Kothe, City Engineer  
Ms. Justine Robinson, Economic Development Coordinator  
Mr. Mark Woolard, City Planner

**CALL TO ORDER:** Chairperson Cain called the meeting to order at 4:00 P.M.

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

**PUBLIC COMMENT:** None.

**Discussion of text amendments for definitions for warehousing and distribution centers and M-1 zoning for property located north of Valley View Drive, west of JC Parkway extended, and south of Enterprise Drive.**

Mr. Huber explained we have a possible development that will have an operation providing a distribution center with the need for future expansion. The code definitions are such that the use, once expanded, is not allowed in the B-1 District. He said there was discussion of rezoning the property to M-1 but that would be a spot zone so the owner suggested he could request an M-1 zone for his entire 25 acres. Mr. Huber is suggesting the code changes in his report for clarity.

Mr. Pearson said it is a good idea in writing the text changes and does not think going to M-1 is spot zoning. Mr. Stanczak asked what is it about warehousing that is more intense or objectionable than in a transfer site? Mr. Huber said he does not know but that is the way the code is set up. Mr. Stanczak said he does not see warehousing as objectionable and maybe it should just be allowed in a B-1 District. There was discussion on the definitions and how the code is outdated. Mr. Balmer stated that if the code does not work it should be rewritten and not just working on the definitions. Mr. Huber will write code changes to: define distribution centers, change transfer services to transfer station and create a definition for spot zoning. Mr. Stanczak does not endorse the alternative definition for distribution center and the spot zoning definition which may not comply with what the courts and the law recognize for spot zoning.

**MINUTES**  
**BLOOMINGTON PLANNING COMMISSION**  
**REGULAR MEETING,**  
**WEDNESDAY, JANUARY 9, 2013, 4:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**  
**109 E. OLIVE ST., BLOOMINGTON, ILLINOIS**

**MEMBERS PRESENT:** Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mrs. Julie Morton, Mr. Jim Pearson, Mr. David Stanczak, Mr. Charles Stuckey (arrived 4:04), Mr. Robert Wills

**MEMBERS ABSENT:** Mr. Bill Schulz

**OTHERS PRESENT:** Mr. Mark Huber, Director PACE Department  
Mr. Kevin Kothe, City Engineer  
Mr. Mark Woolard, City Planner

**CALL TO ORDER:** Chairperson Cain called the meeting to order at 4:00 P.M.

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

**PUBLIC COMMENT:** None

**Z-08-12.** Public hearing and review on the petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting the amendment of Chapter 44 (Zoning), of the Bloomington City Code, Section 44.3-2, Definitions and Section 44.6-30, Table of Authorized Uses Principal Uses in Each Zoning District to address distribution centers and transfer station.

Chairperson Cain introduced the petition. Mr. Huber explained this is designed to clean up the code with definitions for distribution centers and transfer stations and by modifying the table of authorized principal uses in each of the zoning districts.

Chairperson Cain opened the public hearing and asked if there were any members of the audience who wished to speak concerning the case and no one spoke regarding the petition. Chairperson Cain closed the public hearing.

Mr. Balmer stated the definition for distribution centers is vague and how it could apply to retail outlets. The Commission discussed how originally they thought it should not be vague. Mr. Balmer said he would like to see it more closely defined. Mr. Stanczak stated his biggest concern was that he was not sure how we would differentiate a distribution center from say an appliance store but if you are locating distribution centers in the same districts as what it might be confused with, then there would be no harm in the definition but he also wondered if it would be located in an area where it does not belong. Mr. Balmer will work on the language.

Mr. Stanczak moved to lay this case over. Mr. Balmer seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--yes; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--absent; Mr. Stanczak--yes; Mr. Diamond--yes.

FOR PLANNING COMMISSION: February 27, 2013  
Agenda item #6A  
Prepared February 21, 2013

To: Bloomington Planning Commission  
From: Staff

Subject: **Z-08-12.** Public hearing and review on the petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting the amendment of Chapter 44 (Zoning), of the Bloomington City Code, Section 44.3-2, Definitions and Section 44.6-30, Table of Authorized Uses Principal Uses in Each Zoning District to address distribution centers and transfer station.

At this meeting we will continue with the review of the definition for distribution centers. I have included J's definition as well that from Stan below. After a brief review of other communities, I have found that some communities do not define distribution centers but I did find one for Champaign which is also included below. Attached is Mark's memo which was provided to you at your previous meeting.

From J: Distribution Center - a facility for the temporary storage of goods for distribution to retail and other users. Goods brought in are generally delivered in smaller quantities to other firms, with some will-call pickups and little to no sales activity at the facility.

From Stan: Distribution Center – a facility where goods are received and temporarily stored for ultimate delivery or distribution to other firms, locations, users, or customers (usually in smaller quantities). A distribution center may also contain a sales office and pickup facilities, but typically does not offer retail sales.

From Champaign: *Distribution facility* shall mean a use which typically involves both warehouse and office/administration functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

Respectfully submitted,

Mark Woolard  
City Planner

**MINUTES**  
**BLOOMINGTON PLANNING COMMISSION**  
**REGULAR MEETING,**  
**WEDNESDAY, FEBRUARY 27, 2013, 4:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**  
**109 E. OLIVE ST., BLOOMINGTON, ILLINOIS**

**MEMBERS PRESENT:** Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mr. Jim Pearson, Mr. Bill Schulz, Mr. Ryan Scritchlow, Mr. David Stanczak, Mr. Charles Stuckey (arrived 4:04), Mr. Robert Wills

**MEMBERS ABSENT:** Mrs. Julie Morton

**OTHERS PRESENT:** Mr. Mark Huber, Director PACE Department  
Mr. Mark Woolard, City Planner

**CALL TO ORDER:** Chairperson Cain called the meeting to order at 4:00 P.M.

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

Chairperson Cain introduced and welcomed Mr. Scritchlow.

**PUBLIC COMMENT:** None

**Z-08-12. Public hearing and review on the petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting the amendment of Chapter 44 (Zoning), of the Bloomington City Code, Section 44.3-2, Definitions and Section 44.6-30, Table of Authorized Uses Principal Uses in Each Zoning District to address distribution centers and transfer station.**

Chairperson Cain introduced the petition. Mr. Huber reviewed the definitions presented for distribution centers. Commissioners stated they like the definition from Champaign being more concise and less vague. Mr. Stanczak stated there is some advantage to some vagueness in that the purpose is to have some sort of peg in the ordinance to hang one's hat on and with too much specificity a land use will not fit or be cumbersome for developers. Discussion ensued between the original, Mr. Balmer's and the Champaign definitions. The consensus was to use the Champaign definition but with something that excludes retail sales.

Mrs. Morton arrived at 4:42

Chairperson Cain opened the public hearing and asked if there were any members of the audience who wished to speak concerning the case either in opposition or in favor and no one spoke regarding the petition. Chairperson Cain closed the public hearing.

Mr. Stuckey moved that the Planning Commission recommend adopting case Z-08-12 with the definition of Distribution Center shall mean a use which typically involves both warehouse and office/administration functions but not retail sales, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale supply business. Mr. Balmer seconded the motion which passed by a vote of 10 to 0 with the following votes being cast on roll call:



Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--present; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

Chairperson Cain said this will be held at the March 25 meeting.

**Mailing List for Architects, Engineers and General Contractors**  
**Updated: 2-28-13**

		1702 W. College Ave., Suite E Normal, IL 61761-2793
8 Lake Trail Rd Bloomington, IL 61701	803 E. Lafayette Bloomington, IL 61701	2709 McGraw Dr Bloomington, IL 61704
117 Merle Lane Normal, IL 61761	6715 Wolfcreek Rd Riverton, IL 62561	115 W. Jefferson St Bloomington, IL 61701
505 N Main St Bloomington, IL 61701	2103 Eastland Dr Bloomington, IL 61704	211 Prospect Rd. Bloomington, IL 61704
2416 E. Washington St #C3 Bloomington, IL 61704	118 W. Washington St. Bloomington, IL 61701	Rex Switzer, AIA 9 Mary Ellen Way Bloomington, IL 61701
14 Hearthstone Ct Bloomington IL 61704	3021 Wild Horse St Normal IL 61761	16205 N 3300 East Rd Colfax, IL 61728



FOR COUNCIL: March 25, 2013

**SUBJECT:** Lake Bloomington Lease Transfer Petition for Lots 23 and 25, Block 3 of Camp Kickapoo from Arthur Kuchan to Joel and Constance Bankes

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

**STRATEGIC PLAN LINK:** Goal 1: Value for your tax dollars and fees.

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

**BACKGROUND:** Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lots 23 and 25, Block 3 of Camp Kickapoo from Arthur Kuchan to Joel and Constance Bankes. The sewage disposal system inspection was completed in late January of 2013 and the septic system was functioning properly at that time. The age of the sewage disposal system is 23 years. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately 20-25 years. However, this can be affected greatly by usage patterns of the premises (seasonal versus full time occupancy) and system maintenance.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There were no Community Groups contacted for this petition as it is a routine matter.

**FINANCIAL IMPACT:** This petition will have a positive financial impact since the current lease calculate the lease fee based upon a lower factor, (\$0.15 per \$100 of Equalized Assessed Value) in the calculation of the annual Lake Lease Fee. The new agreement will increase the factor from \$0.15 to \$0.40 within the calculation of the lake lease formula (\$0.40 per \$100 of Equalized Assessed Value). This calculation will generate approximately \$570 per year in lease income. This lease income is accounted for within the Water Fund Lake Maintenance function and is deposited into the revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Water Department Director

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & Budgetary review by: Timothy L. Ervin, Budget Officer

Recommended by:

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

David A. Hales  
City Manager

**Attachments:** Attachment 1. Lease Transfer Petition  
Attachment 2. New Lake Lease  
Attachment 3. Maps

---

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fazzini				Alderman Purcell			
Alderman Fruin				Alderman Sage			
Alderman McDade				Alderman Schmidt			
Alderman Mathy				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**LAKE BLOOMINGTON LEASE TRANSFER PETITION**

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

Lot W3, W5 Block 3 of Camp Kickapoo

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

From: ARTHUR S. KUCHAN - Dory Crawford POA (Sellers Name)

To: JOEL AND CONSTANCE BANKES (Buyers Name)

X Arthur S. Kuchan Dory Crawford POA

(Signatures

of Seller)

\*\*\*\*\*

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

Now comes JOEL AND CONSTANCE BANKES (Buyer) and re-

spectfully shows that He/She/They became the purchaser of all right, title and interest of

Arthur S. Kuchan (Seller) In and

to the Lease made on the (Date) Nov 8, 1999 upon the above property, all located in McLean County,

Illinois, together with all the improvements, buildings and appurtenances thereon situated and thereunto

belonging, and that the said (Seller)

Arthur S. Kuchan

has executed deed of transfer of their interest in said premises and an assignment of the Leases therefore your petitioner.

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

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

Respectfully submitted,

Constance R. Bankes

(Signature of Buyer(s))

\*\*\*\*\*

WRITTEN CONSENT TO TRANSFER INTEREST IN LEASES UPON LOT W3, W5  
BLOCK 3 CAMP Kickapoo, OF LAKE BLOOMINGTON.

Now comes the City of Bloomington and gives this, its written consent to the assignment on all right, title and interest of (seller) Arthur S. Kuchan in and to the premises known as Lot W3, W5 Block 3 in Camp Kickapoo, McLean County, Illinois and to the leases thereon executed by the City of Bloomington, Illinois.

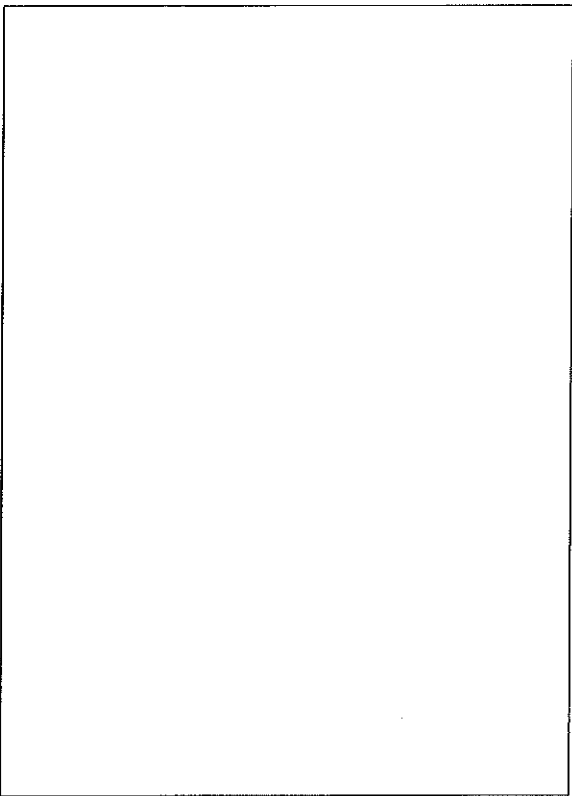
Said consent to said assignment and transfer however, is with the express understanding that the said Lessor retains all right in said leases provided, and particularly its right to the payment of any unpaid rental thereon with all legal remedies incidental thereto.

Executed this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Mayor

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called CITY and



Clotel K Banker and  
Constance B. Banker

(if more than one Lessee, cross out 2 of the following that do not apply) (as joint tenants) (as tenants in common) (as tenants by the entirety) of, Hudson, County of McLean, State of Illinois, hereinafter called "Lessee,"

WITNESSETH

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

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

Lot 23, 25 in Block 3 in Camp Kichapoo according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois.  
(NW) 08 06 353 016

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

3. RENT.

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

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

1) ~~If this Lease is executed prior to January 1, 1998, rent shall be charged at the rate of 15¢ (\$.15) per \$100 of equalized assessed value (hereafter EAV) for said property, in-~~

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

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

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

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

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

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

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

6. SEPTIC SYSTEM. Lessee agrees to comply with all sanitary laws and regulations of any governmental body having jurisdiction over the leased premises. Lessee agrees at all times to use Lessee's property in such manner and dispose of the sewage generated from said property so as not to contaminate the waters of Lake Bloomington. When a public sanitary sewer is made avail-

able to serve the leased premises, the City shall have a right to require Lessee to connect to the sewer within a reasonable time after notice is given.

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



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

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

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

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

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

City

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

Lessee Name and Mailing Address

JOEL AND CONSTANCE BANKS  
25130 ARROWHEAD LAKE  
HUDSON IL, 61748

Lessee Billing Address

SAME AS ABOVE

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

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

-Lessor-

-Lessee-

CITY OF BLOOMINGTON

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

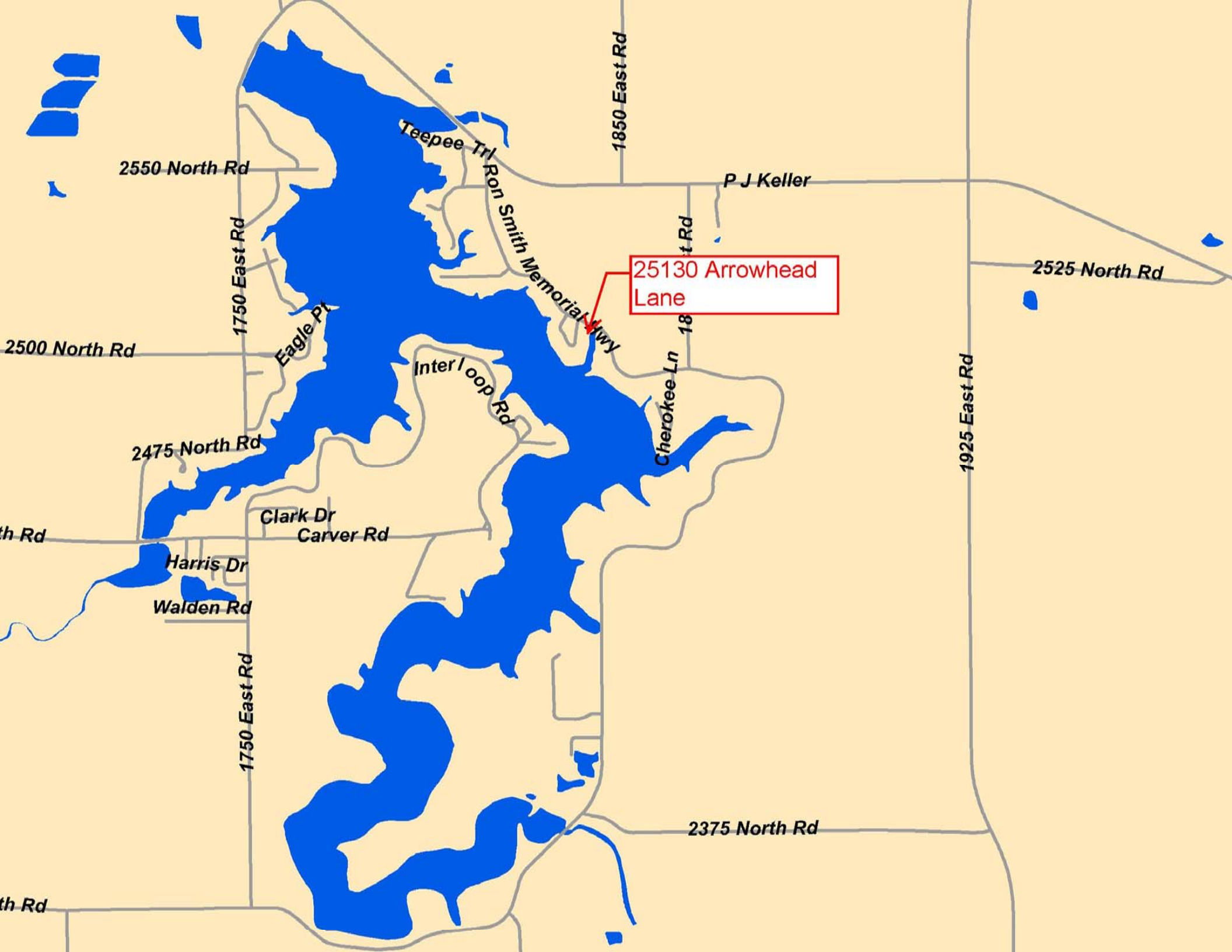
  
\_\_\_\_\_

Its Mayor

Attest:

*Constance R. Barkus*

\_\_\_\_\_  
City Clerk



25130 Arrowhead Lane

Ron Smith Memorial Hwy

25130 Arrowhead Lane  
Lots 23 and 25 of Block 3 in  
Camp Kickapoo

25130

25206

Arrowhead Ln



FOR COUNCIL: March 25, 2013

**SUBJECT:** Petition by Tara and Jeffrey Henry, requesting approval of Rezoning from R-1A, Single-Family Residence District to R-1A, Single-Family Residence District, with an S-4 Historic Preservation District overlay for the property located at 1316 E. Washington

**RECOMMENDATION/MOTION:** That the Council approve the Rezoning Petition and the Ordinance passed.

**STRATEGIC PLAN LINK:**

Goal 3. Strong Neighborhoods

Objective b. Upgraded quality of older housing stock.

Goal 4. Grow the local economy

Objective d. Retention and growth of current local businesses

Goal 5. Great place – livable, sustainable city

Objective b. City decisions consistent with plans and policies.

**STRATEGIC PLAN SIGNIFICANCE:** The approval of the rezoning will encourage the preservation and upgrading over the years of the older house as well as that of nearby houses. According to the *City of Bloomington Historic Preservation Plan, 2004 Edition*, Historic preservation work done on the older homes not only has a greater impact (than new construction) on local labor demand but on local suppliers as well. Dollar for dollar, historic preservation is one of the highest job-generating economic development options available.

**BACKGROUND:** This petitioner is seeking approval of the S-4 rezoning to preserve the cultural and historic character of the site as well as becoming eligible for partial funding of improvements through the Eugene D. Funk grants.

The Historic Preservation Commission reviewed the rezoning request on February 21, 2013. The meeting was only attended by the petitioner. No one else from the public spoke on this petition.

The Planning Commission reviewed the petition on February 27, 2013. The meeting was only attended by the petitioner. No one else from the public spoke on this petition.

The property is identified as a historically significant site in the City of Bloomington Historic Preservation Plan and is on the National Register of Historic Places. The house was built in 1900 for businessman Lyman Graham and was designed by Arthur L. Pillsbury. The house is located in an area that the City of Bloomington Historic Preservation Plan identifies as, “Potential Sites For Recognition As Historical Resources”. The plan states, “As Bloomington grew, the “better” neighborhoods moved eastward. This area developed during the early to mid-twentieth century for large estate-sized properties. Many of the homes were designed by local architects for the families of locally successful business and community leaders. The neighborhood is well maintained with a variety of architectural styles.”

Thus the site and area has early significance to Bloomington and the nation because of Adlai E. Stevenson II and other prominent citizens who lived in the area and with the architects being local, homes may have had a significant local character or flavor into its design. Adlai E.

Stevenson II was the grandson of the Vice-President of the United States and he continued the family tradition of public service. He was a popular Governor for Illinois and was the United States Ambassador to the United Nations.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The notice for the rezoning was published as required by the State of Illinois, followed by “notice” signs placed on the property, and approximately 50 pieces of direct mail to property owners within 500 feet of the site.

**FINANCIAL IMPACT:** With future improvements to the property, this rezoning has the potential to generate additional property taxes within future years as the value of the property increases with improvements financed through potential grants and out of pocket by the petitioners.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark Huber, Director of Planning and Code Enforcement

Financial & Budgetary review by: Timothy L. Ervin, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:



David A. Hales  
City Manager

- Attachments:**
- Attachment 1. Petition, Ordinance, Legal Description
  - Attachment 2. Historic Preservation Commission Minutes – February 21, 2013
  - Attachment 3. Planning Commission Staff Report – for meeting February 27, 2013
  - Attachment 4. Planning Commission Minutes – February 27, 2013
  - Attachment 5. Photos
  - Attachment 6. Excerpt from COB Historic Preservation Plan, Section 2 – Scattered Sites
  - Attachment 7. Email – Greg Koos
  - Attachment 8. Map
  - Attachment 9. Direct Mailing List

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

	Aye	Nay	Other		Aye	Nay	Other
Alderman Fazzini				Alderman Purcell			
Alderman Fruin				Alderman Sage			
Alderman McDade				Alderman Schmidt			
Alderman Mathy				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**PETITION FOR ZONING MAP AMENDMENT**

State of Illinois            )  
  ) ss.  
County of McLean        )

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

Now comes Tara and Jeffrey Henry, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of R – 1A, Single Family Residence District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R – 1A with an S – 4, Historic Preservation District overlay, zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioners by the present zoning of said premises.

WHEREFORE, your petitioners respectfully pray that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R - 1A to an R – 1A with an S – 4 overlay.

Respectfully submitted,

By: Tara and Jeffrey Henry



**ORDINANCE NO. 2013 -**

**AN ORDINANCE REZONING  
1316 E. WASHINGTON STREET  
FROM R – 1A, SINGLE FAMILY RESIDENCE DISTRICT TO R – 1A WITH AN S – 4,  
HISTORIC PRESERVATION DISTRICT OVERLAY**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit “A”; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit “A” shall be and the same are hereby rezoned from R – 1A, Single Family Residence District to an R – 1A with an S – 4, Historic Preservation District overlay.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 25<sup>th</sup> day of March, 2013.

APPROVED this \_\_\_\_ day of March, 2013.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

## **EXHIBIT A**

### Legal Description

100 feet off the east side of Outlot 2 of Jesse W. Fell's Addition to Outlots in the City of Bloomington, in McLean County, Illinois.

**MINUTES**  
**BLOOMINGTON HISTORIC PRESERVATION COMMISSION**  
**REGULAR MEETING,**  
**THURSDAY, FEBRUARY 21, 2013 5:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**  
**109 E. OLIVE ST., BLOOMINGTON, ILLINOIS**

**MEMBERS PRESENT:** Mrs. Sherry Graehling, Mr. Dan Greene, Mr. John Elterich, Mr. Jeff Kennedy, Mr. Brad Williams

**MEMBERS ABSENT:** Mr. Carson Durham

**OTHERS PRESENT:** Mark Woolard, City Planner

**CALL TO ORDER:** Vice-Chairman Williams called the meeting to order at 5:04 P.M.

**ROLL CALL:** Mr. Woolard called the roll.

**PUBLIC COMMENT:** None.

**MINUTES:** The commissioners reviewed the minutes from the January 17, 2013 meeting and had no changes to such. Mr. Elterich moved to approve the minutes as submitted. Mr. Greene seconded the motion, which passed by a vote of 5-0.

**REGULAR AGENDA:**

**Case Z-01-13 Review petition submitted by Tara and Jeffery Henry requesting an S-4 Historic Preservation Zoning District Overlay for the Adlai E. Stevenson II House, Designated site on the National Register of Historic Places, 1974, located at 1316 East Washington Street.**

Vice-Chairman Williams introduced the case. Mr. Elterich said the request makes complete sense. Ms. Tara Henry, 1316 E. Washington Street, explained there is an easement pertaining to the front and sides of the house for Landmarks Illinois and they cannot alter such without permission from their Board so there are already restrictions on the house. The easement does not restrict the back of the house but the S-4 would. Mr. Woolard stated the zoning is less restrictive for the back of the house as it is not viewable from the street. There was discussion on whether a future could have the S-4 zoning removed. The owner could request such but it requires the City Council to approve it. Vice-Chairman Williams expressed concern over removing the S-4 zoning after tax payers' dollars have been spent on grants because without the S-4 zoning there is no protection for the property. Ms. Henry stated she does not intend on changing the back as well.

The Commission agreed it is a very important property because of the history of the house, the Landmark Illinois facade easement and the importance to not the city but also to the state and the nation. It also is important because the Pillsbury architecture. There was discussion on the condition of the house. Ms. Henry stated their main concern is the front porch.

After due consideration, Mr. Kennedy moved to approve the S-4 overlay for the Stevenson House at 1316 East Washington Street in case Z-01-13. The motion was seconded by Mrs. Graehling, which passed by a vote of 5-0.

To: Bloomington Planning Commission  
From: Staff

Subject: **Z-01-13.** Public hearing and review on the petition submitted by Tara and Jeffrey Henry requesting the approval of a Rezoning from R-1A, Single-Family Residence District to from R-1A, Single-Family Residence District, with an S-4 Historic Preservation District overlay for the property commonly located at 1316 E. Washington Street.

**BACKGROUND INFORMATION:**

Adjacent Zoning

North: R-1A Single-Family Residence  
South: R-1B Single-Family Residence  
East: R-1A Single-Family Residence  
West: R-1A Single-Family Residence

Adjacent Land Uses

North: Single-Family Residential  
South: Single-Family Residential  
East: Single-Family Residential  
West: Single-Family Residential

The Comprehensive Plan calls for low/medium density residential for the site.

The petitioner is requesting a rezoning to have the S-4 Historic Preservation Zoning for the property. The underlying zoning of R-1A Single-Family Residence District is not requested to be changed and cannot be changed with this petition. The Historic Preservation Commission should be providing a report after reviewing the petition at their February 21, meeting and we will provide such at your meeting. You will in turn make a recommendation to the City Council as to whether the property should be rezoned. I have attached criteria as provided in the Zoning Ordinance.

The property is identified as a historically significant site in the City of Bloomington Historic Preservation Plan and is on the National Register of Historic Places. The house was built in 1900 for businessman Lyman Graham and was designed by Arthur L. Pillsbury. It is three stories with a hipped roof. A sharp-angled front dormer breaks the front façade and there is a hipped roof dormer on the west facade. In 1910 the clapboard exterior was covered with stucco.

The house is located in an area that the City of Bloomington Historic Preservation Plan identifies as, "Potential Sites For Recognition As Historical Resources". The plan states, "As Bloomington grew, the "better" neighborhoods moved eastward. This area developed during the early to mid-twentieth century for large estate-sized properties. Many of the homes were designed by local architects for the families of locally successful business and community leaders. The neighborhood is well maintained with a variety of architectural styles."

Thus the site and area has early significance to Bloomington and the nation because of Adlai E. Stevenson II and other prominent citizens who lived in the area and with the architects being local, homes may have had a significant local character or flavor into its design. See the attached excerpt from the City of Bloomington Historic Preservation Plan, 2004 Edition.

**STAFF RECOMMENDATION:**

Due to the special character of the site and area as identified in the City of Bloomington Historic Preservation Plan, and the fact that it is already on the Nation Register of Historic Places, staff recommends the planning commission pass a motion recommending that the City Council rezone the property in Case Z-01-13 from R-1A, Single-Family Residential, to R-1A, Single-Family Residential with an S-4 Historic Preservation Zoning District Overlay for the property located at 1316 East Washington Street.

Respectfully submitted,

Mark Woolard  
City Planner

**MINUTES**  
**BLOOMINGTON PLANNING COMMISSION**  
**REGULAR MEETING,**  
**WEDNESDAY, FEBRUARY 27, 2013, 4:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**  
**109 E. OLIVE ST., BLOOMINGTON, ILLINOIS**

**MEMBERS PRESENT:** Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mr. Jim Pearson, Mr. Bill Schulz, Mr. Ryan Scritchlow, Mr. David Stanczak, Mr. Charles Stuckey (arrived 4:04), Mr. Robert Wills

**MEMBERS ABSENT:** Mrs. Julie Morton

**OTHERS PRESENT:** Mr. Mark Huber, Director PACE Department  
Mr. Mark Woolard, City Planner

**CALL TO ORDER:** Chairperson Cain called the meeting to order at 4:00 P.M.

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

Chairperson Cain introduced and welcomed Mr. Scritchlow.

**PUBLIC COMMENT:** None

**REGULAR AGENDA:**

**Z-01-13. Public hearing and review on the petition submitted by Tara and Jeffrey Henry requesting the approval of a Rezoning from R-1A, Single-Family Residence District to from R-1A, Single-Family Residence District, with an S-4 Historic Preservation District overlay for the property commonly located at 1316 E. Washington Street.**

Chairperson Cain introduced the petition. Mr. Woolard stated the request is to add an S-4 overlay zone and the underlying zoning will not change. He explained reasons for supporting the rezoning including the property being on the National Register of Historic Places, the local and national significance of Stevenson home, the Landmarks Illinois easement already existing for the property. This was also recommended for approval by the Historic Preservation Commission for the same reasons. Staff does not look at this as spot zoning since it is an overlay and there are two other sites with the S-4 zoning already in place west of this site on Washington Street. Thus it is not out of the norm in this area to have a single site with the S-4 overlay zoning. There was discussion on the reversal of the S-4 zoning for the property on Walnut Street. Mr. Woolard explained that is possible here as well but not likely in that has only occurred one other time.

Chairperson Cain opened the public hearing and asked the petitioner to present their case. Ms. Tara Henry, of 1316 E. Washington Street explained there currently is a preservation easement for the property and it seemed to make sense to pursue this avenue as well. The zoning would also control the back of the home where the easement only controls the front and two sides and they are perfectly fine with it. The house was the home of Adlai Stevenson II. She explained she is intends to repair the front porch.

Chairperson Cain asked if there were any members of the audience who wished to speak in favor of the petition. Mr. Huber explained the S-4 zoning enables owners to take advantage of the Funk Grant.

Chairperson Cain asked if there were any members of the audience who wished to speak in opposition to the petition no one else responded.

There was a brief discussion on whether the overlay would encourage down the road a historic district for that area. Mr. Huber explained we can create a historic district however we do not have any plans to develop a historic district.

The Planning Commission discussed the importance of Stevenson to the nation and the house being designed by the architect, Arthur L. Pillsbury.

Chairperson Cain closed the public hearing.

Mr. Pearson moved that the Planning Commission recommend the City Council rezone the property in Case Z-01-13 from R-1A, Single-Family Residence District to from R-1A, Single-Family Residence District, with an S-4 Historic Preservation District overlay. Mr. Schultz seconded the motion which passed by a vote of 8 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--absent; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Scritchlow--abstain; Mr. Stanczak--yes; Mr. Diamond--yes.



Photo 1



Photo 2





1. ADLAI E. STEVENSON II HOUSE: 1316 East Washington Street. Designated *National Register* site May, 1974. Potential Museum site.

The son of the Illinois Secretary of State (from 1915—1917), and the namesake as well as grandson of the Vice-President of the United States (from 1893—1897). Born in 1900, Adlai Stevenson II was educated locally through high school. He later earned a degree from Princeton then pursued graduate

education at the Harvard Law School and Northwestern University at Chicago. He intermittently practiced law in Chicago from 1926 through 1960. He lived at the family home on 1316 East Washington Street from 1906 until leaving to further his education and embark on his political career.

Adlai II continued a family tradition of public service. He served American citizens a many levels — in 1941 he was appointed special assistant and counsel to the Secretary of the Navy, Frank Knox; in 1943 he held a leadership position with the foreign Economic Mission to Italy, responsible for the post-war rehabilitation of that country and, in 1945 as a special assistant to the Secretary of State, Stevenson represented the United States as Minister of the U.S. delegation at the Preparatory Commission of the United Nations. For his home state of Illinois he served as a popular Democratic Governor from 1948 to 1952.

Stevenson twice ran, unsuccessfully, for the Presidency in 1952 and 1956. In his last official role as United States Ambassador to the United Nations, he widened an international reputation as a gifted orator and a thoughtful man dedicated to the betterment of society. His death at the age of 65 in London was unexpected and his funeral in Bloomington was attended by President Lyndon Johnson and various other national and international political figures. Stevenson is buried in the Evergreen Cemetery.

The house was designed by local architect, Arthur L. Pillsbury and built in 1900 for businessman Lyman Graham. It was purchased by Adlai's mother, Mrs. Helen Davis Stevenson, in October 1906. It is a three story structure, with a hipped roof. A sharp-angled front-gabled dormer breaks the front façade. There is a hipped roof dormer on the west façade. The clapboard exterior was covered with stucco in 1910.

**From:** Greg Koos <GKoos@mchistory.org>  
**To:** "mwoolard@cityblm.org" <mwoolard@cityblm.org>  
**Cc:** "Robert B. Fazzini" <robert.fazzini@gmail.com>

---

**Date:** Thursday, February 21, 2013 03:15PM

**Subject:** Stevenson House S-4

---

Hi Mark,

Would you please communicate my thoughts on the Stevenson House (1316 E. Washington St.) re-zoning to the Historic Preservation Commission.

Although I am usually opposed the use of S-4 in spot zoning, this property is an important exception. First, it is an important historic landmark with international relevance. The legacy and role Adlai Stevenson II, who grew up in this house, in world history is large. Secondly, since the owners purchased the house with an historic easement owned by Landmarks Illinois, it must be maintained according to the National Register of Historic Places. For this reason, it is appropriate to zone the property to S-4 so that the owners may benefit from their willingness to preserve this important part of our history

Greg

Greg Koos

Executive Director

McLean County Museum of History

[www.McHistory.org](http://www.McHistory.org)



650 TOWANDA AVE  
BLOOMINGTON, IL 61701

605 TOWANDA AVE  
BLOOMINGTON, IL 61701

1322 E GROVE ST  
BLOOMINGTON, IL 61701

1324 E GROVE ST  
BLOOMINGTON, IL 61701

1320 E GROVE  
BLOOMINGTON, IL 61701

11 COUNTRY CLUB PL  
BLOOMINGTON, IL 61701

1310 E GROVE ST  
BLOOMINGTON, IL 61701

1308 E GROVE ST  
BLOOMINGTON, IL 61701

1404 E Washington St  
BLOOMINGTON, IL 61701

1405 E WASHINGTON  
BLOOMINGTON, IL 61701

1403 E WASHINGTON ST  
BLOOMINGTON, IL 61701

104 S VALE  
BLOOMINGTON, IL 61701

1325 E WASHINGTON ST  
BLOOMINGTON, IL 61701

205 N MAIN ST  
BLOOMINGTON, IL 61701

15 COUNTRY CLUB PL  
BLOOMINGTON, IL 61701

8 COUNTRY CLUB PLACE  
BLOOMINGTON, IL 61701

1305 E WASHINGTON ST  
BLOOMINGTON, IL 61701

1314 E Grove St  
BLOOMINGTON, IL 61701

1315 E WASHINGTON ST  
BLOOMINGTON, IL 61701

1313 E WASHINGTON  
BLOOMINGTON, IL 61701

1317 E WASHINGTON  
BLOOMINGTON, IL 61701

1307 E WASHINGTON ST  
BLOOMINGTON, IL 61701

1316 E WASHINGTON ST  
BLOOMINGTON, IL 61701

1318 E WASHINGTON STREET  
BLOOMINGTON, IL 61701

1401 E WASHINGTON  
BLOOMINGTON, IL 61701

1328 E Grove St  
BLOOMINGTON, IL 61701

102 S VALE  
BLOOMINGTON, IL 61701

106 VALE ST  
BLOOMINGTON, IL 61701

1310 E Washington St  
BLOOMINGTON, IL 61701

103 VALE ST  
BLOOMINGTON, IL 61701

1312 E WASHINGTON ST  
BLOOMINGTON, IL 61704

1326 E GROVE ST  
BLOOMINGTON, IL 61701

107 VALE ST  
BLOOMINGTON, IL 61701

105 VALE ST  
BLOOMINGTON, IL 61701

7 COUNTRY CLUB PL  
BLOOMINGTON, IL 61701

1318 E GROVE  
BLOOMINGTON, IL 61701

8 COUNTRY CLUB PLACE  
BLOOMINGTON, IL 61701

1314 E WASHINGTON ST  
BLOOMINGTON, IL 61701

101 VALE ST  
BLOOMINGTON, IL 61701

7 COUNTRY CLUB PL  
BLOOMINGTON, IL 61701

7 COUNTRY CLUB PL  
BLOOMINGTON, IL 61701

1308 E WASHINGTON ST  
BLOOMINGTON, IL 61701

1402 E WASHINGTON ST  
BLOOMINGTON, IL 61701

14 COUNTRY CLUB PL  
BLOOMINGTON, IL 61701

1320 E WASHINGTON ST  
BLOOMINGTON, IL 61701

1323 E Washington St  
BLOOMINGTON, IL 61701

10 COUNTRY CLUB PL  
BLOOMINGTON, IL 61701

1320 E Washington St  
BLOOMINGTON, IL 61701

1321 E WASHINGTON  
BLOOMINGTON, IL 61701

1309 E WASHINGTON ST  
BLOOMINGTON, IL 61701

1311 E Washington St  
BLOOMINGTON, IL 61701



FOR COUNCIL: March 25, 2013

**SUBJECT:** Public Hearing on the Fiscal Year FY 2014 Recommended Budget

**RECOMMENDATION/MOTION:** N/A

**STRATEGIC PLAN LINK:** The whole Strategic Plan is unequivocally linked to the annual City Budget.

**STRATEGIC PLAN SIGNIFICANCE:** The budget is a financial plan which stipulates the approach the City will undertake to achieve the strategic plan in accordance with the aspirations of Council.

**BACKGROUND:** The City is required by state statute to adopt an annual appropriation Ordinance by May 1, 2013. The recommended budget was distributed to Council in two (2) budget books at the Monday, February 11, 2013 Council meeting. The first notebook represents the City's General Fund, while the second book presents each Non-General Fund(s) in addition to the proposed Capital Improvement Fund.

The Council held a public forum on February 27, 2013 at the Bloomington Center for the Performing Arts (BCPA) to solicit opinion from City-wide stakeholders in regards to the proposed FY 2014 recommended budget. Additionally, the City held a Council work session on Saturday, March 3, 2013 to provide the governing board the opportunity to discuss the budget. The public hearing scheduled tonight is an occasion required by State statute and required to be conducted prior to the adoption of the FY 2014 Budget. The adoption of the proposed FY 2014 budget is set to occur on the Monday, April 8, 2013 budget meeting.

Subsequent to the public form and Council work session, Council directed staff to integrate into the Capital Improvement Fund \$60,000 for the **design work** for Lutz Road. This design will widen the road approximately 2 feet on each lane and provide a new overlay and limited improvements to the drain and ditch infrastructure. The \$60,000 will have a net zero impact on the FY 2014 Capital Improvement Fund. The net zero impact derives from an equivalent reduction in expenditures related to the Route 66 Bike Trail enhancement which are expected to occur in FY 2015 rather than FY 2014.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The public hearing has been advertised in the Pantagraph.

**FINANCIAL IMPACT:** The proposed FY 2014 Budget expenditures for thirty-five City funds are \$169.4 million, while budgeted revenue is \$163.3 million. The \$6.1 million difference will be offset by fund balance and net assets in the appropriate funds within the City's fund structure.

Respectfully submitted for Council consideration.

Prepared by, financial & budgetary review by: Timothy L Ervin, Budget Officer

Reviewed by: Barbara J. Adkins, Deputy City Manager



Recommended by:

A handwritten signature in black ink, appearing to read "David A. Hales". The signature is fluid and cursive, with a large initial "D" and "H".

David A. Hales  
City Manager