



**CITY OF  
BLOOMINGTON  
CITY COUNCIL -  
REGULAR SESSION**

**MEETING**

**MAY 28, 2024**



## COMPONENTS OF THE COUNCIL AGENDA

### RECOGNITION AND PROCLAMATION

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

### PUBLIC HEARING

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

### PUBLIC COMMENT

Each City Council meeting shall have a public comment period not to exceed 30 minutes. Every speaker is allotted up to 3 minutes to speak. Individuals wishing to email public comment or speak remotely must email comments and/or register online at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person must register up to 5 minutes before the start of the meeting. Speakers will be selected at random. Public comment is a time to provide feedback. City Council does not respond to public comment. Speakers who engage in threatening or disorderly behavior will have their time ceased.

### CONSENT AGENDA

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

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

### REGULAR AGENDA

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

### **MAYOR AND COUNCIL MEMBERS**

**Mayor** - Mboka Mwilambwe

#### **City Council Members**

Ward 1 - Jenna Kearns  
Ward 2 - Donna Boelen  
Ward 3 - Sheila Montney  
Ward 4 - John Danenberger  
Ward 5 - Nick Becker  
Ward 6 - Cody Hendricks  
Ward 7 - Mollie Ward  
Ward 8 - Kent Lee  
Ward 9 - Tom Crumpler

**City Manager** - Jeff Jurgens

**Deputy City Manager** - Billy Tyus

**Deputy City Manager** - Vacant

### **CITY LOGO DESIGN RATIONALE**

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

### **MISSION, VISION, AND VALUE STATEMENT**

#### **MISSION**

To Lead, Serve and Uplift the City of Bloomington

#### **VISION**

A Jewel of the Midwest Cities

#### **VALUES**

Service-Centered, Results-Driven, Inclusive

### **STRATEGIC PLAN GOALS**

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



**CITY COUNCIL - REGULAR SESSION MEETING AGENDA**  
**GOVERNMENT CENTER BOARDROOM, 4TH FLOOR, ROOM #400**  
**115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701**  
**TUESDAY, MAY 28, 2024, 6:00 PM**

- 1. Call to Order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer and/or Reflection**
- 4. Roll Call**
- 5. Recognition/Appointments**
  - A. Recognition of Lifesaving Award Recipients from the Bloomington Fire and Police Departments, as requested by the Police Department and the Fire Department. (Recommended Motion: None; Presentation only.)**
  - B. Recognition of Board & Commission Appointments and Reappointments, as requested by the Administration Department. (Recommended Motion: None; Recognition only.)**
- 6. Public Comment**

*Individuals wishing to provide emailed public comment must email comments to [publiccomment@cityblm.org](mailto:publiccomment@cityblm.org) at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person or remotely may register at [www.cityblm.org/register](http://www.cityblm.org/register) at least 5 minutes before the start of the meeting for in-person public comment and at least 15 minutes before the start of the meeting for remote public comment.*
- 7. Public Hearings**
  - A. Public Hearing on an Annexation Agreement with David Hruska, for the Property Commonly Known as 2440 W. Washington Street, PIN: 20-01-300-004, as requested by the Economic & Community Development Department. (Recommended Motion: None; Presentation and Public Hearing only.) (Presentation by Kelly Pfeifer, Assistant Economic & Community Development Director, 5 minutes; and City Council Discussion, N/A.)**
  - B. Public Hearing on an Annexation Agreement with Joseph and Carri Scharf, for Property Generally Located South of the Terminus of Carri Drive, Between the Constitution Trail and W. Washington Street, PIN: 20-01-100-031, and the Property Commonly Known as 1803 W. Washington Street, PIN: 21-05-306-002, as requested by the Economic & Community Development Department. (Recommended Motion: None; Presentation and Public Hearing only.) (Presentation by Kelly Pfeifer, Assistant Economic & Community Development Director, 5 minutes;**

*and City Council Discussion, N/A.)*

## **8. Consent Agenda**

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

- A. Consideration and Action to Approve the Minutes of the April 22, 2024, Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*
- B. Consideration and Action on Approving Bills and Payroll in the Amount of \$15,156,835.18, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*
- C. Consideration and Action to Approve the Purchase of Police Uniform Shirts and Pants from Ray O'Herron, Inc., in the Amount Not to Exceed \$114,000, as requested by the Police Department. *(Recommended Motion: The proposed Purchase be approved.)*
- D. Consideration and Action on the Purchase of New Firefighting Protective Gear from AirOne Equipment, Inc., in the Amount of \$92,920, as requested by the Fire Department. *(Recommended Motion: The proposed Purchase be approved.)*
- E. Consideration and Action to Approve a Contract for Unit 21 Police Patrol Collective Bargaining Agreement, as requested by the Human Resources Department and the Police Department. *(Recommended Motion: The proposed Contract be approved.)*
- F. Consideration and Action to Approve a Contract for IATSE Local 193 Collective Bargaining Agreement, as requested by the Human Resources Department and the Arts & Entertainment Department. *(Recommended Motion: The proposed Contract be approved.)*
- G. Consideration and Action to Approve 1) a Motor Fuel Tax (MFT) Resolution for Improvement Under the Illinois Highway Code, and 2) a Local Public Agency General Maintenance Estimate of Maintenance Costs to Allocate State MFT funds for Street Lighting Electrical Energy and Rental Charges through the Fiscal Year 2025 MFT General Maintenance Program, for the Period of May 1, 2024, to April 30, 2025, in the Amount of \$500,000, as requested by the Department of Operations & Engineering Services. *(Recommended Motion: The proposed Resolution and Estimate be approved.)*
- H. Consideration and Action on a Resolution Authorizing the Filing of the 2024 Community Development Block Grant (CDBG) Annual Action Plan Program Application (May 1, 2024 - April 30, 2025), as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Resolution be approved.)*
- I. Consideration and Action on a Resolution Approving Fiscal Year 2025 John M. Scott Health Care Trust Category III Grant Awards and Programmatic Agreements, in the Amount of \$15,641, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Resolution be approved.)*
- J. Consideration and Action on a Resolution Approving a Variance to Chapter 38,

Section 123, of the Bloomington City Code to Allow a Permit to be Issued for the Reconstruction of a Driveway at 1902 Wakefield Lane, Bloomington, Illinois, 61704, as requested by the Department of Operations & Engineering Services.  
*(Recommended Motion: The proposed Resolution be approved.)*

- K. Consideration and Action on a Resolution Approving a Variance to Chapter 38, Section 123, of the Bloomington City Code to Allow a Permit to be Issued for the Reconstruction of a Driveway at 205 S. Lumber Street, Bloomington, Illinois, 61701, as requested by the Department of Operations & Engineering Services.  
*(Recommended Motion: The proposed Resolution be approved.)*
- L. Consideration and Action on a Resolution Authorizing a Change Order for Additional Funds to the Original Purchase Order (PO20240117) with the University of Illinois College of Veterinary Medicine for Veterinary Care for the Animal Collection at Miller Park Zoo, in the Amount of \$7,570.61, as requested by the Parks & Recreation Department.  
*(Recommended Motion: The proposed Resolution be approved.)*
- M. Consideration and Action on an Ordinance Approving an Amended Preliminary Plan for Wittenberg Woods at Prairie Vista Phase 5, for Property Generally Located at the Northwest Corner of Lutz Road and S. Morris Avenue, Consisting of Approximately 8.587 Acres (Part of Pin: 21-17-451-005), as requested by the Economic & Community Development Department.  
*(Recommended Motion: The proposed Ordinance be approved.)*
- N. Consideration and Action on an Ordinance Approving the Final Plat of Wittenberg Woods at Prairie Vista Third Addition, as requested by the Department of Operations & Engineering Services.  
*(Recommended Motion: The proposed Ordinance be approved.)*

## 9. Regular Agenda

- A. Consideration and Action on a Resolution Authorizing an Annexation Agreement with David Hruska for the Property Commonly Known as 2440 W. Washington Street, PIN: 20-01-300-004, as requested by the Economic & Community Development Department.  
*(Recommended Motion: The proposed Resolution be approved.) (Presentation by Kelly Pfeifer, Assistant Economic & Community Development Director, 5 minutes; and City Council Discussion, 10 minutes.)*
- B. Consideration and Action on a Resolution Authorizing an Annexation Agreement with Joseph and Carri Scharf, for Property Generally Located South of the Terminus of Carri Drive, Between the Constitution Trail and W. Washington Street, PIN: 20-01-100-031, and the Property Commonly Known as 1803 W. Washington Street, PIN: 21-05-306-002, as requested by the Economic & Community Development Department.  
*(Recommended Motion: The proposed Resolution be approved.) (Presentation by Kelly Pfeifer, Assistant Economic & Community Development Director, 5 minutes; and City Council Discussion, 10 minutes.)*
- C. (1) Presentation and Discussion of Fiscal Year (FY) 2025 General Resurfacing and Pavement Preservation Programs and the State of the Street and Sidewalk Network; and (2) Consideration and Action on a Resolution Authorizing Waiving the Technical Bidding Requirements and Authorizing City Staff to Negotiate an Agreement with Rowe Construction, A Division of United Contractors Midwest, for the FY 2025

General Street Resurfacing Program, as requested by the Department of Operations & Engineering Services. (*Recommended Motion: The proposed Resolution be approved.*) (*Presentation by Kevin Kothe, P.E., Director of Operations and Engineering Services / City Engineer, 20 minutes; and City Council Discussion, 15 minutes.*)

**10. Finance Director's Report**

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

**11. City Manager's Discussion**

**12. Mayor's Discussion**

**13. Council Member's Discussion**

**14. Executive Session**

A. Section 2(c)(21) of 5 ILCS 120 Review of Closed Session Minutes (30 Minutes)

**15. Adjournment**

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 [mhurt@cityblm.org](mailto:mhurt@cityblm.org).



## RECOGNITION/APPOINTMENTS ITEM NO. 5.A.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Recognition of Lifesaving Award Recipients from the Bloomington Fire and Police Departments, as requested by the Police Department and the Fire Department.

**RECOMMENDED MOTION:** None; Presentation only.

**STRATEGIC PLAN LINK:**

Goal 4. Strong Neighborhoods

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 4a. Residents feeling safe in their homes and neighborhoods

**BACKGROUND:** The Bloomington Fire and Police Departments would like to recognize the personnel who received Lifesaving Awards from May 1, 2023, to April 30, 2024. The Lifesaving award is given for a direct action in saving a human life, when the situation was potentially life-threatening to the person rescued, involved exceptional courage, performance, or prolonged lifesaving efforts, when the rescuer used proper judgment, discretion, professionalism, and did not precipitate the necessity for the rescue act or the act was beyond standard or routine training protocols.

The individuals the Police Department would like to recognize are:

- Sergeant Kiel Nowers
- Officer Samantha Berry
- Officer William Shelton
- Officer Brent Smallwood
- Officer Hunter Clark
- Officer Tyler Elson
- Kevin Busfield, Public Safety Dispatcher
- Rebecca Hall, Public Safety Dispatcher
- Sarah Wolf, Public Safety Dispatcher
- Nick Newcomb, Public Safety Dispatcher
- Jayce Brame, Public Safety Dispatcher

The individuals the Fire Department would like to recognize are:

- Captain Mike Chaon
- Captain Chuck Casagrande
- Captain Eric Owens
- Bill Farnum, Engineer
- Tom Koranek, Engineer
- Tony Salvator, EMS Supervisor
- Matt Marriam, Firefighter
- Trevor Wilson, Firefighter

- Tyler Zimmerman, Firefighter
- JR Fulcher, Firefighter
- Brad Meier, Firefighter
- Vern Dickey, Firefighter
- Kyle Walder, Firefighter
- Eric Davison, Firefighter
- Jay Capodice, Firefighter

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** N/A

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amber Bishler, Office Manager



## RECOGNITION/APPOINTMENTS ITEM NO. 5.B.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Recognition of Board & Commission Appointments and Reappointments , as requested by the Administration Department.

**RECOMMENDED MOTION:** None; Recognition only.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** The included appointments and reappointments are representative of City Council's approval from the May 13, 2024 Council meeting.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** N/A

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Cecilia Reichert, Administrative Assistant

**ATTACHMENTS:**

[ADM 1B Recognition of Appointments and Reappointments from 051324 Council](#)



# Appointments

Special Commission for Safe Communities:

- **Ryan Bertrand**
- **Christopher Cashen**



# Appointments

John M. Scott Health Care Commission:

- **Lora Passetti**
- **Catherine Porter**
- **Dr. William Ray**



# Reappointments

## Citizens' Beautification Committee:

- **Joni Painter**
- **Gina Lavazza**

## Cultural Commission:

- **Faisal Rashid**



# Reappointments

Historic Preservation Commission:

- **Dawn Peters**

Japanese Sister City:

- **Dawn McBride**
- **Steven Campbell**



## Reappointments

Zoning Board of Appeals:

- **Terry Ballantini**

John M. Scott Health Care Commission:

- **Karen Schmidt**
- **Bradley Secord**



## PUBLIC HEARINGS ITEM NO. 7.A.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** Ward 7 and Ward 2

**SUBJECT:** Public Hearing on an Annexation Agreement with David Hruska, for the Property Commonly Known as 2440 W. Washington Street, PIN: 20-01-300-004, as requested by the Economic & Community Development Department.

**RECOMMENDED MOTION:** None; Presentation and Public Hearing only.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5a. Well-planned City with necessary services and infrastructure

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** David Hruska, with the assistance of Christopher B. Burke Engineering and in partnership with New Leaf Energy (Developer), have submitted a request for approval of an Annexation Agreement for an approximately 132-acre property, commonly known as 2440 W. Washington Street. The Applicant seeks to incorporate the property and construct a Community-Scale Solar Energy Conversion Facility on a portion (approximately 1/4) of the premises; the balance of the property is planned for continued agricultural operation.

Chapter 8.5, § 203 of the City Code and 65 ILCS 5/11-15.1.1 require that the City Council hold a public hearing prior to adopting any Annexation Agreement. City Code also requires that Council approve or reject the Annexation Agreement on the basis of (1) the facts presented at the public hearing; (2) the recommendations of the Planning Commission; and (3) the recommendations of City Staff.

**Summary of the Request:**

- County A (Agricultural) District to City A (Agriculture) District
- The Agreement secures right-of-way dedication commitments from the Property Owner for the City's Planned/Proposed future transportation network.
- The right to tap (access) public water and sewer are provided to the Owner, upon the availability of such and the payment of applicable fees.
- No waivers or incentives are provided as part of this Agreement.
- The proposed Site Plan for the Solar Energy Conversion Facility meets or exceeds the setback requirements for development the use in either the City or the County.
- The Developer has agreed to restrict the proposed project to a 10-foot height, which is 50% of the legally-allowable height for the Use in the County or City.
- The Developer has agreed to provide vegetative screening above and beyond the requirement present in Code.
- Contiguity, and therefore the ability to enact the annexation, is contingent upon annexation of PIN 20-01-100-031, which is the subject of case Z-06-24.

On May 1, 2024, the Planning Commission held a public hearing and voted 6-0-0 to recommend approval of the Annexation Agreement and Zoning Map Amendment. Concerns regarding the potential height, setbacks, and screening of the Solar Energy Conversion Facility proposed for a portion of the premises were the primary subjects of public testimony and the hearing; the Agreement has since been modified to reflect changes that address those concerns.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice of the Planning Commission hearing was published in *The Pantagraph* on Monday, April 8, 2024. Courtesy notices were mailed to 19 property owners within 500 feet of the subject property, as well as to Dale Township, McLean County, and Unit 5 School District.

The Applicant provided notice of this public hearing before the City Council, by Certified Mail, to the following parties on May 7, 2024: Dale Township Fire Protection District, McLean County Unit 5 School District, Golden Prairie Public Library District, Dale Township, Dale Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water Reclamation District.

Additionally, the notice for this public hearing at City Council was published in *The Pantagraph* on Friday, May 10, 2024.

**FINANCIAL IMPACT:** The proposed Annexation and Zoning Map Amendment will add to the City's tax base. The Agreement secures vital infrastructure pathways for the future development throughout the area of "emerging" west Bloomington. The Applicant will be responsible for the construction and cost of any infrastructure for development on the subject property, with tap-on fees contributing to the cost of existing water and sewer infrastructure upon further subdivision or development.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035:** Goal UEW-2 (Promote and facilitate energy conservation and alternate energy generation and resources), Objective UEW-2.2 (Ensure at least 25% of energy use comes from renewable energy sources); Goal TAQ-1 (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objectives TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system), and TAQ-1.5 (Plan for appropriate and safe access to major surface transportation facilities, including arterial and collector streets); Goal NE-3 (Reduce environmental pollutants), Objective NE-3.1 (Identify and reduce air pollutants), Policy NE-3.1a (Work to attract and provide incentives for wind, solar, geothermal, biofuel, and other types of renewable energy development); and Goal CF-1 (Continue to provide quality public facilities and services), Objectives CF-1.1 (Provide adequate City services for current and new annexations) and CF-1.4 (Focus resources on maintaining and developing facilities that support the goal of contiguous and compact growth).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, City Planner

**ATTACHMENTS:**

E&CD 1B Signed Annexation Agreement with PC Changes Included

E&CD 1C Proof of Legal Notice in The Pantagraph

E&CD 1D Affidavit and Proof of Service of Mailing

## ANNEXATION AGREEMENT

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

**WHEREAS**, Owner is the owner of approximately 131.90 acres, less public right-of-way, with frontage on West Washington Street and hereinafter described on Exhibit "A," which is attached hereto and made a part hereof by this reference (hereinafter "Premises" or "Property"); and

**WHEREAS**, Owner has submitted a Concept Plan for Washington Street Solar Subdivision, attached hereto as Exhibit "B" (hereinafter "Concept Plan"), of how they propose to develop the Property; and

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

**WHEREAS**, said Premises is not within the corporate limits of any municipality, and will become contiguous to the City with the Annexation of PIN 20-01-100-031 which is being considered for Annexation concurrently, as case Z-06-24 ; and

**WHEREAS**, the Owner is desirous of having said premises zoned A (Agricultural) District upon annexation to the City (all Lots referenced shall include any subdivisions thereof); and

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

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

### **1. ANNEXATION PETITIONS.**

Owner, subject to the terms and conditions set forth in this Agreement, will petition the City of Bloomington, requesting annexation of the property, or portions thereof, identified on Exhibit "A" to the City's corporate limits, after approval and execution of this Annexation Agreement. The City shall publicize and give such notices and conduct such public hearings as are required to annex the Premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

### **2. ANNEXATION.**

Upon Owner's Petition, the City agrees to adopt an Ordinance(s) annexing the property, or portions thereof, described on Exhibit "A."

### **3. ZONING.**

City agrees to zone the Premises legally described on Exhibit "A", upon annexation, to the A (Agricultural) District, subsequent to approval after any public hearings required by the City Code.

### **4. DEVELOPMENT OBLIGATIONS.**

Unless explicitly written as otherwise, it is the intent of this section of the Agreement to allow the Owner to continue the active Agricultural operation inside City limits, without triggering obligations and fees related to development, until such time as development is proposed or pursued, indicated by Final Platting or the connection to new City services.

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

**Note: Bonds shall be provided for all public improvements as set forth in the City Code. All public improvements shall be constructed within dedicated public right-of-way or dedicated easements.**

A. The Owner shall have the following obligations regarding streets as reflected on the Concept Plan attached as Exhibit "B":

(1) W. Washington Street

- i. At the Time of Annexation: The Owner shall dedicate right-of-way along the entire northern border of the Property, extending 45-feet from the middle-line of W. Washington Street.
- ii. At the completion of the road being modified to City Minor Street standards, or at Final Platting, whichever occurs last, the Owner shall pay the Adjacent Substandard Roadway fee. The fee shall reflect the cost, per foot of frontage, of one half the per foot cost of a 30' wide local street section. Said fee is currently \$175 per foot (1/2 of \$350 per foot). Beginning from the date of this Agreement, this fee shall be increased at a rate of 6% simple interest or based on the Consumer Price Index (CPI), whichever is lower at the time of payment. At Owner's option, the fee may be paid at any time in advance of it becoming due.

(2) Future Charolais Lane Extension

- i. At the Time of Final Platting, or before this Agreement expires: The Owner shall dedicate a 90-foot right-of-way, running from the eastern border of the property to the western border of the property, in line with the existing latitude of Charolais Lane, as shown in the Concept Plan on Exhibit "B", or alternate alignment as approved by the City at time of Platting.

(3) Future North-South Collector Road

- i. At the Time of Final Platting, or before this Agreement expires: The Owner shall dedicate a 90-foot right-of-way, running from the northern border of the property to the southern border of the property, at a distance of approximately 1,300 feet east from the western border of the property, as shown in the Concept Plan on Exhibit "B", or alternate alignment as approved by the City at time of Platting.

B. Public Water Improvements: The Owner shall have the following obligations regarding water improvements.

- (1) Right-of-Way. All public water mains shall be built within dedicated public right-of-way or dedicated easements, including but not limited to those depicted in the Concept Plan (Exhibit "B").
- (2) Improvement Obligations.
  - i. Upon the extension of a public water main to an area adjacent to the Premises, the Owner may tap such main.
  - ii. The Owner shall be responsible for payment of tap-on fees prior to the connection to public water, based upon the requirements of the City Code at the time connection is sought.

C. Public Sanitary Sewer Improvements: The Owner shall have the following obligations regarding sanitary sewer improvements.

- (1) Right-of-Way. All public sanitary sewers shall be built within dedicated public right-of-way or dedicated easements, including but not limited to those depicted in the Concept Plan (Exhibit "B").
- (2) Improvement Obligations.
  - i. Upon the extension of a public sanitary sewer to an area adjacent to the Premises, the Owner may tap such sewer.
  - ii. The Owner shall be responsible for payment of tap-on fees prior to the connection to public sanitary sewer, based upon the requirements of the City Code at the time connection is sought.

D. Lot 2 of the Concept Plan - Commercial Solar Energy Conversion Facility Use

(1) The following modifications of the Use Provisions associated with Solar Energy Conversion Facilities (§ 44-1031 of the City Code) shall apply:

- i. Decommissioning - The provisions for Decommissioning set forth in an executed Agricultural Impact Mitigation Agreement between the State of Illinois Department of Agriculture and the owner of any Commercial Solar

Energy Conversion Facility project constructed on the Premises, shall override § 44-1031D of the City Code in timeline and process, provided construction begins within 5 years of the effective date of this Agreement.

- ii. Landscaping and screening - Developer agrees to provide a vegetative buffer, consisting of Arbor Vite or other evergreen trees and materials approvable per § 44-1305 of the City Code, along the northern border of the Solar Energy Conversion Facility, for the visual benefit of the exiting residence at 2406 W. Washington Street. The remaining portion of the site may be fenced subject to the provisions of City Code § 44-1031F(3)(a) and § 44-910 (Fence regulations).
- iii. Maximum height - Developer agrees to a maximum height restriction of ten (10) feet, at full tilt, for installed solar arrays.

E. Future subdivision and development of the Premises shall be by applicable governing Codes at that time.

## **5. OBLIGATION TO DEVELOP PER CODE.**

In the construction and use of improvements on the subject Premises the Owner shall comply with all zoning subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time. Bonds shall be provided for all public improvements as set forth in the City Code.

## **6. ANNEXATION TO OTHER TAXING DISTRICTS.**

The Owner, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue any necessary petitions to annex the Premises to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District.

## **7. COVENANTS AND AGREEMENTS**

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

## **8. TERM**

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

## **9. NOTICES**

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

To the City of Bloomington, Illinois (“City”):

City of Bloomington  
Attn: City Manager  
115 E. Washington Street  
Bloomington, IL 61701

To David Hruska (“Owner”):

2507 W. College Avenue  
Normal, IL 61761

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

## **10. ADOPTION OF ORDINANCES**

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

## **11. GENERAL PROVISIONS**

The following general provisions shall apply to this Agreement:

- A. Time of the Essence. Time is of the essence in the performance of this Agreement.
- B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.
- C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.
- D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.
- E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois.

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

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

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

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

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

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

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

party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owner or the Property is subject.

- M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owner agrees that they will not seek, and does not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.
- N. No Third Party Beneficiaries. No claim as a third-party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owner.
- O. Recording. After the Owner has paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.
- P. Occupancy Permits. In addition to any other remedies permitted by this Agreement, the failure of Owner to meet any obligation set forth within this Agreement shall be cause for the City to deny and/or revoke any occupancy permit issued on the Premises.

EXECUTED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, at Bloomington, Illinois.

CITY OF BLOOMINGTON

---

Mboka Mwilambwe, Mayor

ATTEST

---

Leslie Smith-Yocum, City Clerk

OWNER:

David Hruska

By:

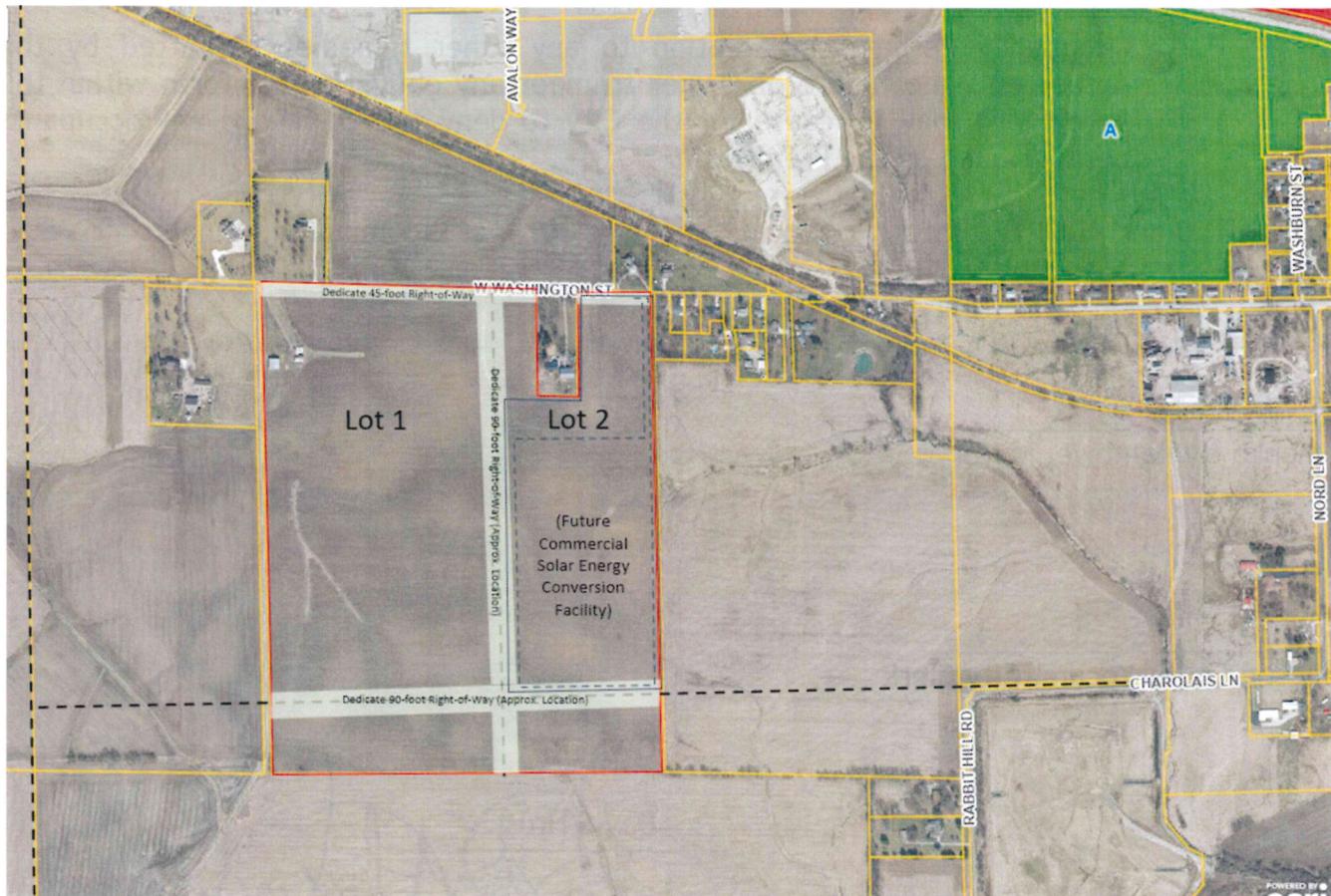
Property Owner

**Exhibit A  
LEGAL DESCRIPTION**

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

**PIN: 20-01-300-004  
ADDRESS: 2440 W WASHINGTON ST**

**Exhibit B  
CONCEPT PLAN  
Washington Street Solar Subdivision**



# The Pantagraph

## AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Tatiana Dorval, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Pantagraph, a newspaper printed and published in the City of Bloomington, County of McLean, State of Illinois, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

### **PUBLICATION DATES:**

May. 10, 2024

**NOTICE ID:** wTuspnkOQZevfiooLx9R

**PUBLISHER ID:** COL-8000503

**NOTICE NAME:** Z-05-24

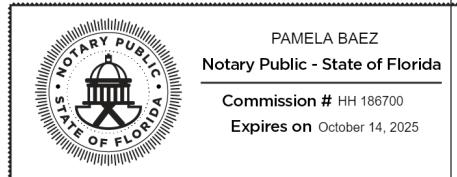
**Publication Fee:** 245.11

Under penalties as provided by Illinois law, the undersigned certifies that the statements set forth in this instrument are true and correct.

(Signed) Tatiana Dorval

### **VERIFICATION**

State of Florida  
County of Orange



Subscribed in my presence and sworn to before me on this: 05/13/2024

A handwritten signature of Pamela Baez, the Notary Public.

Notary Public  
Notarized remotely online using communication technology via Proof.

## **BLOOMINGTON CITY COUNCIL CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING**

CASE NO. Z-05-24

Notice is hereby given that the Bloomington City Council will hold a public hearing on Tuesday, May 28, 2024, at 6:00 p.m., on a request submitted by David Hruska, for approval of an Annexation Agreement and Zoning Map Amendment for the subject property, from County A (Agriculture) District to City A (Agriculture) District, pertaining to property commonly known as 2440 W. Washington Street (PIN: 20-01-300-004), consisting of approximately 131.9 acres, described as follows: the West 53.90 acres of the South East 1/4 of Section 1; and the East 1/2 of the South West 1/4 of Section 1, EXCEPT 2 acres off of the West side thereof; all in Township 23 North, Range 1 East of the Third Principal Meridian, in McLean County, Illinois, ALSO EXCEPT Lot 1 of Pine Tree Subdivision in the South East 1/4 of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian, according to plat recorded May 19, 1971, as Document No. 71-3896, as conveyed by Warranty Deed recorded July 26, 1971 as Document No. 1971-00006273, Public Records of McLean County, State of Illinois. This meeting will be held in-person in the Government Center Chambers, 115 E. Washington Street, 4th Floor, Room #400. The meeting packet will be available prior to the hearing on the City's website [www.bloomingtonil.gov](http://www.bloomingtonil.gov). Questions may be directed to (309) 434-2226 ext. 5 or 115 E. Washington St., Ste 201. Those persons wishing to provide testimony on any of the agenda items designated as a public hearing must appear in-person. Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or [mhurt@city-blm.org](mailto:mhurt@city-blm.org).

5/10 COL-8000503

ANNEXATION AGREEMENT  
2440 Washington St \_\_\_\_\_  
AFFIDAVIT AND PROOF OF SERVICE OF MAILING  
CERTIFIED MAILING

STATE OF ILLINOIS      )  
                            )ss  
COUNTY OF MCLEAN    )

I, the undersigned, being first duly sworn on oath, certify that I served Notices of proposed Annexation Agreement on the Dale Township Fire Protection District, McLean County Unit 5 School District, Golden Prairie Public Library District, Dale Township, Dale Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water Reclamation District, by placing the Notices in an envelope addressed and with postage fully prepaid; depositing the Notices in envelopes in the United States Post Office at Clifton Park, New York at or about 2:50 on May 9th, 2024, and the Notices were sent certified mail, return receipt requested.

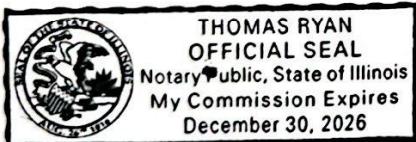
True and correct copies of the Notices are attached hereto and incorporated as Exhibit "A". The notices were sent to the mailing list attached hereto and incorporated as Exhibit "B".

Tony Puljic  
Tony Puljic

Subscribed and sworn to before me this

9 of MAY 2024.

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



# AFFIDAVIT AND PROOF OF SERVICE OF MAILING

## EXHIBIT A

### NOTICE

**TO:** Chief of Dale Township Fire Protection District  
President of Dale Township Fire Protection District  
Trustees of Dale Township Fire Protection District

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

**PIN:** 20-01-300-004

**ADDRESS:** 2440 W WASHINGTON ST

This property is or may be in the Dale Township Fire Protection District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28<sup>th</sup>, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated May 7, 2024

David Hruska, Owner

By: *Tony Puljic*  
Tony Puljic, Applicant / Senior Civil Engineer

Prepared by and  
Responses and Inquiries to:  
Tony Puljic, Senior Civil Engineer  
New Leaf Energy, Inc.  
55 Technology Dr Suite #102,  
Lowell, MA 01851  
(773)406-9565

## NOTICE

**TO:** Superintendent of McLean County Unit 5 School District

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

**PIN:** 20-01-300-004

**ADDRESS:** 2440 W WASHINGTON ST

This property is or may be in the McLean County Unit 5 School District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated May 7, 2024

David Hruska, Owner

By: Tony Puljic

Tony Puljic, Applicant / Senior Civil Engineer

Prepared by and

Responses and Inquiries to:

Tony Puljic, Senior Civil Engineer

New Leaf Energy, Inc.

55 Technology Dr Suite #102,

Lowell, MA 01851

(773)406-9565

## NOTICE

**TO:** President of Golden Prairie Public Library District  
Vice President of Golden Prairie Public Library District  
Secretary/Treasurer of Golden Prairie Public Library District  
Trustees of Golden Prairie Public Library District

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

**PIN:** 20-01-300-004

**ADDRESS:** 2440 W WASHINGTON ST

This property is or may be in the Golden Prairie Public Library District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated May 7, 2024

David Hruska, Owner

By: Tony Puljic

Tony Puljic, Applicant / Senior Civil Engineer

Prepared by and  
Responses and Inquiries to:  
Tony Puljic, Senior Civil Engineer  
New Leaf Energy, Inc.  
55 Technology Dr Suite #102,  
Lowell, MA 01851  
(773)406-9565

## NOTICE

**TO:** Trustees of Dale Township  
Supervisor of Dale Township  
Clerk of Dale Township

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

**PIN:** 20-01-300-004

**ADDRESS:** 2440 W WASHINGTON ST

This property is or may be in the Dale Township.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated May 7, 2024

David Hruska, Owner

By: *Tony Puljic*

Tony Puljic, Applicant / Senior Civil Engineer

Prepared by and  
Responses and Inquiries to:  
Tony Puljic, Senior Civil Engineer  
New Leaf Energy, Inc.  
55 Technology Dr Suite #102,  
Lowell, MA 01851  
(773)406-9565

## NOTICE

**TO:** Commissioner of Dale Township Highway Commission

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

**PIN:** 20-01-300-004

**ADDRESS:** 2440 W WASHINGTON ST

This property is or may be in the Dale Township Highway Commission.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated May 7, 2024

David Hruska, Owner

By: *Tony Puljic*

Tony Puljic, Applicant / Senior Civil Engineer

Prepared by and

Responses and Inquiries to:

Tony Puljic, Senior Civil Engineer

New Leaf Energy, Inc.

55 Technology Dr Suite #102,

Lowell, MA 01851

(773)406-9565

## NOTICE

**TO:** Executive Director of Bloomington-Normal Airport Authority

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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**PIN:** 20-01-300-004

**ADDRESS:** 2440 W WASHINGTON ST

This property is or may be in the Bloomington-Normal Airport Authority.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated May 7, 2024

David Hruska, Owner

By: Tony Puljic

Tony Puljic, Applicant / Senior Civil Engineer

Prepared by and

Responses and Inquiries to:

Tony Puljic, Senior Civil Engineer

New Leaf Energy, Inc.

55 Technology Dr Suite #102,

Lowell, MA 01851

(773)406-9565

## NOTICE

**TO:** Executive Director of Bloomington-Normal Water Reclamation District

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

**PIN:** 20-01-300-004

**ADDRESS:** 2440 W WASHINGTON ST

This property is or may be in the Bloomington-Normal Water Reclamation District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated May 7, 2024

David Hruska, Owner

By: Tony Puljic

Tony Puljic, Applicant / Senior Civil Engineer

Prepared by and

Responses and Inquiries to:

Tony Puljic, Senior Civil Engineer

New Leaf Energy, Inc.

55 Technology Dr Suite #102,

Lowell, MA 01851

(773)406-9565

**AFFIDAVIT AND PROOF OF SERVICE OF MAILING**  
**EXHIBIT B**  
**MAILING LIST**

**Dale Township Fire Protection District**

Fire Chief  
Ryan Gibson  
8051 E 1100 North Rd  
Bloomington, IL 61705

President  
Stanley Thompson  
8051 E 1100 North Rd  
Bloomington, IL 61705

Secretary  
Connie Becker  
8051 E 1100 North Rd  
Bloomington, IL 61705

Treasurer  
Tim Burkhart  
8051 E 1100 North Rd  
Bloomington, IL 61705

Commissioner  
Ed Books  
8051 E 1100 North Rd  
Bloomington, IL 61705

**Golden Prairie Public Library District**

Trustee, President  
Ary Anderson  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Secretary/Treasurer  
Kathy Vroman  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Vice President  
Jim Russell  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Trustee  
Patti Salch  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Trustee  
Ruth Novosad  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Trustee  
Stephanie Walden  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Trustee  
Stephen Peterson  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

#### **McLean County Unit 5 School District**

Superintendent  
Dr. Weikle  
McLean County School District, Unit No. 5  
1809 W. Hovey  
Normal, IL 61761

#### **Dale Township**

Supervisor  
Mary Thompson  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Clerk  
John Burkhart  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Trustee  
Shelly Gottsacker  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Trustee  
Robert Grampp  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Trustee  
John W. Maitland III  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Trustee  
Mark Thompson  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

#### **Dale Township Highway Commissioner**

To Whom It May Concern (Vacant, appointed until 2025)  
Highway Commissioner  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

#### **Bloomington-Normal Airport Authority**

Carl Olson, Executive Director  
Bloomington-Normal Airport Authority  
3201 CIRA Drive, Suite 200  
Bloomington, IL 61704

#### **Bloomington-Normal Water Reclamation District**

Tim Ervin, Executive Director  
Bloomington-Normal Water Reclamation District  
2015 W. Oakland Avenue  
Bloomington, IL 61701



## PUBLIC HEARINGS ITEM NO. 7.B.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** Ward 7 and Ward 2

**SUBJECT:** Public Hearing on an Annexation Agreement with Joseph and Carri Scharf, for Property Generally Located South of the Terminus of Carri Drive, Between the Constitution Trail and W. Washington Street, PIN: 20-01-100-031, and the Property Commonly Known as 1803 W. Washington Street, PIN: 21-05-306-002, as requested by the Economic & Community Development Department.

**RECOMMENDED MOTION:** None; Presentation and Public Hearing only.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5a. Well-planned City with necessary services and infrastructure

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** Joseph and Carri Scharf, with the assistance of Christopher B. Burke Engineering, have submitted a request for approval of an Annexation Agreement for "Tract A", an approximately 30.8-acre property south of the terminus of Carri Dr., between the Constitution Trail and W. Washington Street, and "Tract B", commonly known as 1803 W. Washington Street, consisting of approximately 3.3 acres. The Applicant seeks to incorporate the properties, gain access to water and sewer when needed, and to continue current operations at this time.

Chapter 8.5, § 203 of the City Code and 65 ILCS 5/11-15.1.1 require that the City Council hold a public hearing prior to adopting any Annexation Agreement. City Code also requires that Council approve or reject the Annexation Agreement on the basis of (1) the facts presented at the public hearing; (2) the recommendations of the Planning Commission; and (3) the recommendations of City Staff.

**Summary of the Request:**

- Tract A: County A (Agricultural) District to City A (Agriculture) District
- Tract B: County M-2 (General Manufacturing) District to City M-2 (General Manufacturing) District
- The Agreement secures right-of-way dedication commitments from the Property Owner for the City's Planned/Proposed future transportation and recreational network.
- The right to tap (access) public water and sewer are provided to the Owner, upon the availability of such and the payment of applicable fees.
- The Agreement waives the subdivision requirements *only* for the existing developed parcel (1803 W. Washington), which was created outside of the provisions of our Subdivision Code but is an existing buildable parcel for all other intents and purposes.
- Fees as a Condition of Annexation (§ 8.5-205) are required for "Tract B" which would be

annexed as a commercial zoning classification.

- Annexation of “Tract A” is required to gain contiguity for the annexation of the property at 2440 W. Washington Street that is the subject of case Z-05-24.

On May 1, 2024, the Planning Commission held a public hearing and voted 6-0-0 to recommend approval of the Annexation Agreement and Zoning Map Amendment.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice of the Planning Commission hearing was published in *The Pantagraph* on Monday, April 8, 2024. Courtesy notices were mailed to 19 property owners within 500 feet of the subject property, as well as to Dale and Bloomington Townships, McLean County, and Unit 5 School District.

The Applicant provided notice of this public hearing before the City Council, by Certified Mail, to the following parties on May 10, 2024: Bloomington Township Fire Protection District, Dale Township Fire Protection District, McLean County Unit 5 School District, Golden Prairie Public Library District, Bloomington Township, Dale Township, Bloomington Township Highway Commission, Dale Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water Reclamation District.

Additionally, the notice for this public hearing at City Council was published in *The Pantagraph* on Friday, May 10, 2024.

**FINANCIAL IMPACT:** The proposed Annexation and Zoning Map Amendment will add to the City’s tax base. The Agreement secures vital infrastructure pathways for the future development throughout the area of “emerging” west Bloomington. The Applicant will be responsible for the construction and cost of any infrastructure for development on the subject property, with tap-on fees contributing to the cost of existing water and sewer infrastructure upon further subdivision or development.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035:** Goal UEW-1 (Provide quality public infrastructure within the City to protect public health, safety and the environment), Objectives UEW-1.2 (Expand City’s infrastructure, as needed, while supporting the overall goal of compact growth and vibrant urban core) and UEW-1.5 (Reliable water supply and distribution system that meets the needs of the current and future residents); Goal TAQ-1 (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objectives TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system), and TAQ-1.5 (Plan for appropriate and safe access to major surface transportation facilities, including arterial and collector streets); Goal HL-1 (Create a park and green space system that provides for a variety of active and passive recreational and wellness activities for current and future residents), Objective HL-1.3 (Enhance the walking, jogging and biking trails system); and Goal CF-1 (Continue to provide quality public facilities and services), Objectives CF-1.1 (Provide adequate City services for current and new annexations) and CF-1.4 (Focus resources on maintaining and developing facilities that support the goal of contiguous and compact growth).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, City Planner

**ATTACHMENTS:**

E&CD 6B Z-06-24 Scharf Annexation Agreement  
E&CD 6C Proof of Legal Notice in The Pantagraph  
E&CD 6D Affidavit and Proof of Service of Mailing

## **ANNEXATION AGREEMENT**

Pursuant to legislative authorization found in Article 11, Division 15.1 of the Illinois Municipal Code, (65 ILCS 5/11-15.1-1 et seq.) for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as "City" and Joseph A. & Carri G. Sharf, hereinafter referred to as "Owners" enter into this Annexation Agreement ("Agreement") for the annexation of property into the City. Owners shall refer to Joseph A. & Carri G. Sharf, their successors or assigns.

**WHEREAS**, Owners are the owner of two Tracts of land totaling approximately 33.87 acres, less public right-of-way, with frontage on West Washington Street and hereinafter described on Exhibit "A," which is attached hereto and made a part hereof by this reference (hereinafter "Premises" or "Property"); and

**WHEREAS**, the Owners are desirous of having the Premises annexed to the City and the City is desirous of annexing said premises; and

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

**WHEREAS**, the Owners are desirous of having Tract A of the Premises zoned A (Agricultural) District upon annexation to the City (all Lots referenced shall include any subdivisions thereof); and

**WHEREAS**, the Owners are desirous of having said Tract B of the Premises zoned M-2 (General Manufacturing) District upon annexation to the City (all Lots referenced shall include any subdivisions thereof); and

**WHEREAS**, the Owners are desirous of having Subdivision requirements of Chapter 24 waived for said Tract B upon annexation to the City, until further subdivision or modifications to the subject parcel occur; and

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

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

### **1. ANNEXATION PETITIONS.**

Owners, subject to the terms and conditions set forth in this Agreement, will petition the City of Bloomington, requesting annexation of the property, identified on Exhibit "A" to the City's corporate limits, no later than 120 days after approval and execution of this Annexation Agreement. The City shall publicize and give such notices and conduct such public hearings as are required to annex the Premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

## **2. ANNEXATION.**

Upon Owners' Petition, the City agrees to adopt an Ordinance annexing the property, described on Exhibit "A."

## **3. ZONING.**

City agrees to zone Tract A of the Premises legally described on Exhibit "A", upon annexation, to the A (Agricultural) District, and Tract B of the Premises legally described on Exhibit "A", upon annexation, to the M-2 (General Manufacturing) District, subsequent to any public hearings required by the City Code.

## **4. DEVELOPMENT OBLIGATIONS.**

Unless explicitly written as otherwise, it is the intent of this section of the Agreement to allow the Owner to continue the active Agricultural operation inside City limits, without triggering obligations and fees related to development, until such time as development is proposed or pursued, indicated by Final Platting or the connection to new City services.

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

**Note: Bonds shall be provided for all public improvements as set forth in the City Code. All public improvements shall be constructed within dedicated public right-of-way or dedicated easements.**

A. The Owners shall have the following obligations related to Tract A (PIN: 20-01-100-031):

(1) Transportation - W. Washington Street

(a) At the Time of Annexation: The Owners shall dedicate right-of-way along the entire southern border of the Property that fronts W. Washington Street, extending 45-feet from the middle-line, for the future street widening and improvement of such.

(b) At the completion of the road being modified to City Minor street standards, or at Final Platting, whichever occurs last, the Owners shall pay the Adjacent Substandard Roadway fee. The fee shall reflect the cost, per foot of frontage, of one half the per foot cost of a 30' wide local street section. Said fee is currently \$175 per foot (1/2 of \$350 per foot). Beginning from the date of this agreement, this fee shall be increased at a rate of 6% simple interest or based on the Consumer Price Index (CPI), whichever is lower at the time of payment. At Owners' option, the fee may be paid at any time in advance of it becoming due, subject to the provisions and limitations of § 24-406B(1).

(2) Transportation and Utilities - Constitution Trail Extension

- (a) Upon Subdivision of the Premises, or at the request of the City: The Owners shall dedicate a north-south 50-foot-wide right-of-way easement, extending from the existing Constitution Trail at the northern boundary of the Premises to W. Washington Street at the southern boundary of the Premises. Said right-of-way easement shall also serve as an easement for City Utilities; specifically, water and sewer and no others without written permission of the City and the owner.

(3) Water

- (a) Upon extension of a public water main to an area adjacent to the Premises, the Owners may tap such main.
- (b) The Owners shall be responsible for payment of tap-on fees prior to connection to public water, based upon the requirements of the City Code at the time connection is sought.

(4) Sanitary Sewer

- (a) Owners may tap and use the sanitary sewer main running adjacent to the north boundary of the Premises.
- (b) The Owners shall be responsible for payment of tap-on fees prior to connection to the public sanitary sewer main, based upon the requirements of the City Code at the time connection is sought.

(5) Fees

- (a) Annexation Fees shall be applied at the time of final platting, if the Premises is developed with residential or commercial uses during the enforceable duration of this Agreement.
- (b) No Parkland Dedication fees shall be required unless the property is developed with residential uses during the enforceable duration of this Agreement; then they shall be charged as per the applicable governing Code(s) at that time.
- (c) The Owner shall not be required to install water mains or sewer mains except as needed for development on the parcels described in this Annexation Agreement. Any oversizing of engineering specifications, as required by the City, shall be paid by the City.

B. The Owners shall have the following obligations related to Tract B (PIN: 21-05-306-002):

- (1) Subdivision -The City shall waive subdivision requirements of Chapter 24 for the existing parcel and recognize the existing parcel as buildable.

(2) Water

- (a) The property is not currently served by City water service, but public service is available immediately adjacent to the property. The Owners may continue use of the existing, legally permitted on-site well to serve the existing structure and use, so long as such continues to be legally permitted and in compliance with any related requirements.
- (b) The Owners may, at their election or upon required termination of the existing on-site well, tap the public water main running along the southern border of the Property to install water service to facilitate development on the subject Property. The Owners shall be responsible for payment of tap-on fees of \$8,738.82 prior to connection.

(3) Sanitary Sewer

- (a) The property is not currently served by sanitary sewer. The Owners may continue use of the existing, legally permitted on-site septic system to serve the existing structure and use, so long as such continues to be legally permitted and in compliance with any related requirements.
- (b) Upon extension of a public sanitary sewer to an area adjacent to the Premises, the Owners may tap such sewer. The Owners shall be responsible for payment of tap-on fees prior to connection to public sanitary sewer, based upon the requirements of the City Code at the time connection is sought.

(4) Fees

- (a) Annexation Fees of \$9,330.55 shall be applied at the time of annexation, payable prior to recording of the Annexation Plat.
- (b) The Owner shall not be required to install water mains or sewer mains except as needed for development on the parcels described in this Annexation Agreement. Any oversizing of engineering specifications, as required by the City, shall be paid by the City.

D. Future subdivision and development of the Premises shall be by applicable governing Codes at that time.

**5. OBLIGATION TO DEVELOP PER CODE.**

In the construction and use of improvements on the subject Premises the Owners shall comply with all zoning, subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time. Bonds shall be provided for all public improvements as set forth in the City Code.

## **6. ANNEXATION TO OTHER TAXING DISTRICTS.**

The Owners, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue the necessary petition to annex the Premises to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District, if not already annexed to such.

## **7. COVENANTS AND AGREEMENTS**

The covenants and agreements contained in the Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto and all of the respective successor legal or beneficial owners of all or any portion of the Property. The City agrees that after a successor becomes bound to the personal obligation created in the manner provided in this Agreement and provides the financial assurances required, the personal liability of the Owner shall be released to the extent of the transferee's assumption of liability.

## **8. TERM**

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

## **9. NOTICES**

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

To the City of Bloomington, Illinois ("City"):

City of Bloomington  
Attn: City Manager  
115 E. Washington Street  
Bloomington, IL 61701

To Joseph A. and Carri G. Scharf ("Owners"):

7 Carri Drive  
Bloomington, IL 61704

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

## **10. ADOPTION OF ORDINANCES**

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

## 11. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

- A. Time of the Essence. Time is of the essence in the performance of this Agreement.
- B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.
- C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.
- D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.
- E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois. This agreement shall be governed by the laws and ordinances in effect on the date adopted. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to the Requirements of Law, that may occur in the future that are less restrictive or more permissive.
- F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.
- G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.
- H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result

of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

- I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.
- J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.
- K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.
- L. Authority to Execute. The City hereby warrants and represents to the Owners that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owners hereby warrant and represent to the City (i) that they are the record and beneficial owners of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owners will (a) result in a breach or default under any agreement to which the Owners are a party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owners or the Property is subject.
- M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owners agree that they will not seek, and do not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.
- N. No Third Party Beneficiaries. No claim as a third-party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owners.
- O. Recording. After the Owners have paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-

1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.

P. Occupancy Permits. In addition to any other remedies permitted by this Agreement, the failure of Owners to meet any obligation set forth within this Agreement shall be cause for the City to deny and/or revoke any occupancy permit issued on the Premises.

EXECUTED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, at Bloomington, Illinois.

CITY OF BLOOMINGTON

\_\_\_\_\_  
Mboka Mwilambwe, Mayor

ATTEST

\_\_\_\_\_  
Leslie Smith-Yocum, City Clerk

OWNER:  
By:   
Joseph A. Scharf

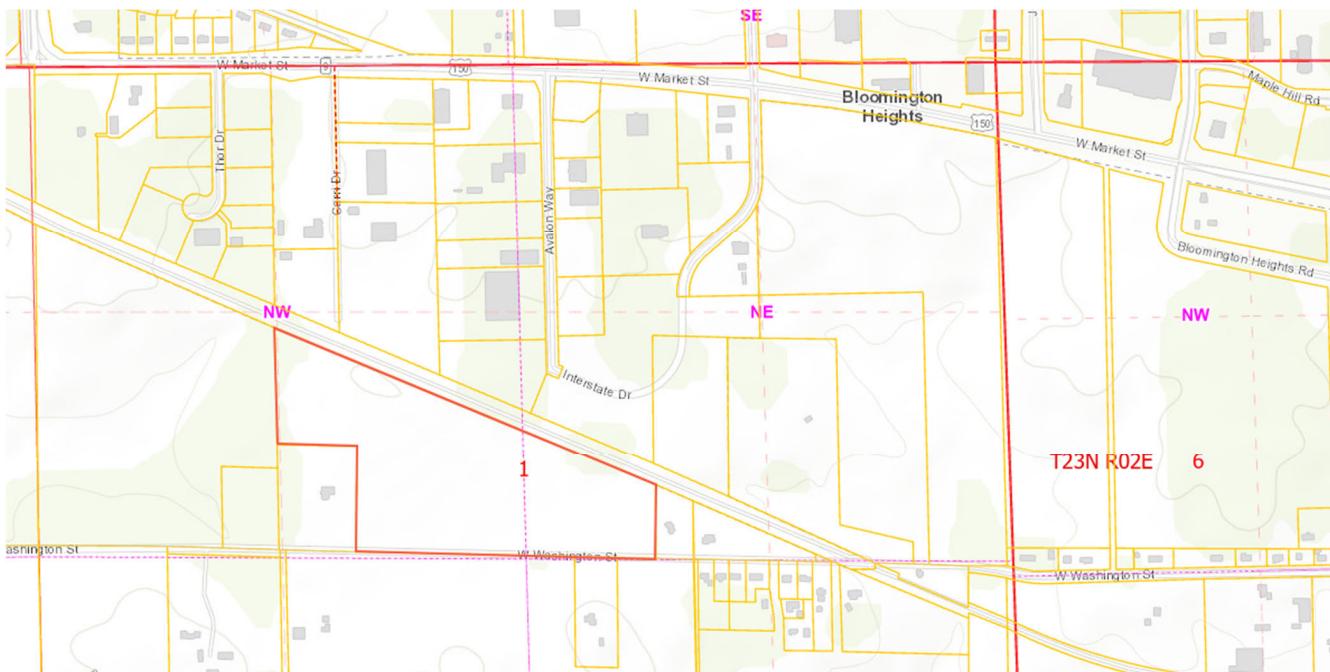
By:   
Carri G. Scharf

**Exhibit A  
LEGAL DESCRIPTION**

**TRACT A**

ALL THAT PORTION OF THE SOUTH HALF OF THE WEST 51 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION I, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY; ALSO, ALL THAT PORTION OF LOT 4 LYING SOUTH OF THE I.B. & W. RAILROAD IN TIRE NORTHWEST QUARTER OF SECTION 1, AND ALL THAT PORTION OF LOTS 5 AND 6 LYING SOUTH OF THE LB. & W. RAILROAD IN THE NORTHWEST QUARTER OF SECTION 1, ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING THE PLAT RECORDED IN CHANCERY RECORD 15, PAGE 562 IN MCLEAN COUNTY CIRCUIT COURT, EXCEPT THAT PORTION CONVEYED BY WARRANTY DEED 2013-00027010 MORE PARTICULARLY DESCRIBED AS FOLLOWS; A PART OF THE SOUTH HALF OF TIRE WEST 51 ACRES OF THE EAST HALF OF TIRE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT-OF-WAY OF THE C.C.C. AND ST. LOUIS RAILWAY COMPANY, ALSO BEING A PART OF LOT 3 IN THE SUBDIVISION FOR THE ESTATE OF JACOB MOTTER, DECEASED, IN CHANCERY RECORD 15, PAGE 563, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, ALSO BEING THE SOUTHWEST CORNER OF SAID SOUTH HALF, THENCE EAST 409.10 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 564.99 FEET ALONG LINE WHICH FORMS AN ANGLE TO THE RIGHT OF  $89^{\circ} 24' 45''$  WITH THE SAID SOUTH LINE; THENCE WEST 425.95 FEET ALONG A LINE WHICH FORMS AN ANGLE TO THE RIGHT OF  $90^{\circ} 37' 42''$  WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 3, ALSO BEING THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 565.72 FEET ALONG SAID WEST LINE WHICH FORMS AN ANGLE TO THE RIGHT OF  $87^{\circ} 39' 54''$  WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, SITUATED IN THE COUNTY OF MCLEAN, IN THE STATE OF ILLINOIS.

**PIN: 20-01-100-031  
ADDRESS: NOT ADDRESSED**

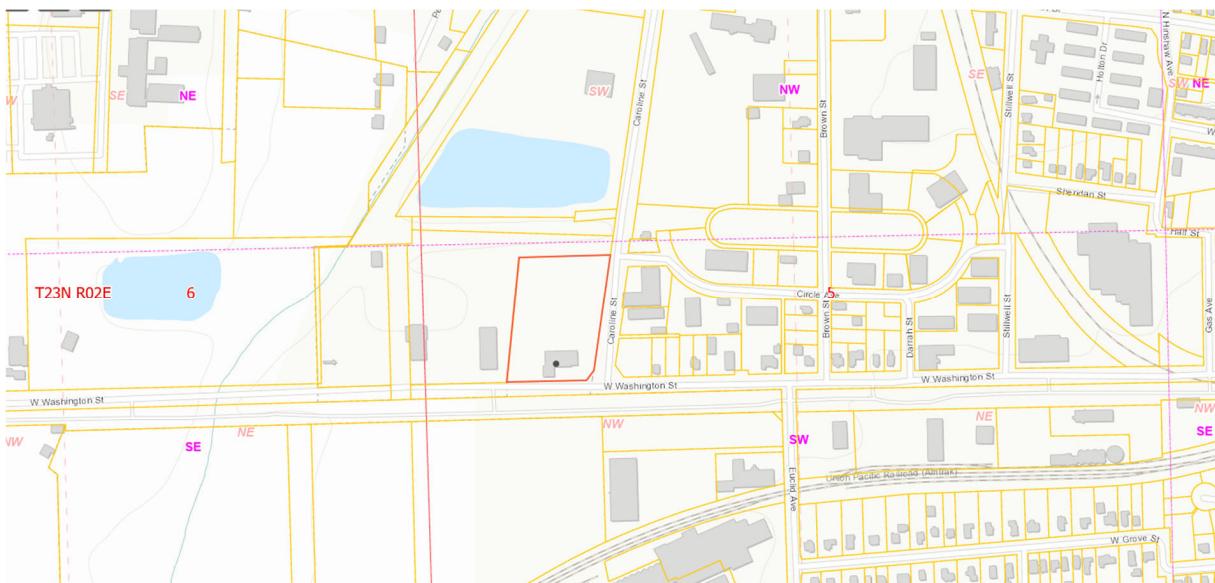


## TRACT B

BEGINNING AT A POINT 382.7 FEET EAST OF A POINT WHERE THE NORTH LINE OF WASHINGTON STREET  
INTERSECTS THE SECTION LINE BETWEEN SECTIONS 5 AND 6, TOWNSHIP 23 NORTH, RANGE 2 EAST OF  
THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE EASTERLY ON THE NORTH LINE OF WASHINGTON  
STREET A DISTANCE OF 328 FEET TO THE WEST BOUNDARY OF THE COUNTY ROAD, AND THENCE  
RUNNING NORTHEASTERLY ALONG THE WEST BOUNDARY OF SAID COUNTY ROAD, A DISTANCE OF 421.5  
FEET, AND RUNNING THENCE WESTERLY A DISTANCE OF 329.6 FEET, AND RUNNING THENCE  
SOUTHWESTERLY A DISTANCE OF 432 FEET TO THE PLACE OF BEGINNING AS SHOWN BY THE PLAT OF  
ELMER FOLSOM, CIVIL ENGINEER AND SURVEYOR DATED NOVEMBER 19, 1906, RECORDED IN BOOK  
435 OF DEEDS, PAGE 423, IN MCLEAN COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PORTION  
CONVEYED TO THE CITY OF BLOOMINGTON IN WARRANTY DEEDS 89-10187 AND 96-451.

**PIN: 21-05-306-002**

**ADDRESS:** 1803 W. WASHINGTON STREET



# The Pantagraph

## AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Tatiana Dorval, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Pantagraph, a newspaper printed and published in the City of Bloomington, County of McLean, State of Illinois, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

### **PUBLICATION DATES:**

May. 10, 2024

**NOTICE ID:** WNHYtvk5VrArTvjkIkw5

**PUBLISHER ID:** COL-8000504

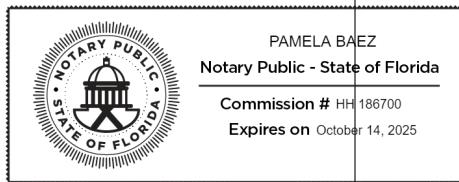
**NOTICE NAME:** Z-06-24

**Publication Fee:** 535.83

Under penalties as provided by Illinois law, the undersigned certifies that the statements set forth in this instrument are true and correct.

(Signed)

*Tatiana Dorval*



### **VERIFICATION**

State of Florida  
County of Orange

Subscribed in my presence and sworn to before me on this: 05/13/2024

*Pamela Baez*

Notary Public  
Notarized remotely online using communication technology via Proof.

## **BLOOMINGTON CITY COUNCIL CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING**

CASE NO. Z-06-24

Notice is hereby given that the Bloomington City Council will hold a public hearing on Tuesday, May 28, 2024, at 6:00 p.m., on a request submitted by Joseph and Carri Scharf, for approval of an Annexation Agreement and Zoning Map Amendments, as follow:

1) FROM COUNTY A (Agriculture) District TO CITY A (Agriculture) District, pertaining to property generally located south of the terminus of Carri Dr., between the Constitution Trail and W. Washington Street (PIN: 20-01-100-031), consisting of approximately 30.8 acres, and described as follows: All that portion of the South half of the West 51 acres of the East half of the Northwest Quarter of Section I, Township 23 North, Range 1 East of the Third Principal Meridian, lying South of the right of way of the C.C.C. & St. L. Railway Company; Also, all that portion of Lot 4 lying South of the I.B. & W. Railroad in the Northwest Quarter of Section 1, and all that portion of Lots 5 and 6 lying South of the I.B. & W. Railroad in the Northwest Quarter of Section 1, all in Township 23 North, Range 1 East of the Third Principal Meridian, according the Plat recorded in Chancery Record 15, Page 562 in McLean County Circuit Court, Except that portion conveyed by Warranty Deed 2013-00027010 more particularly described as follows: A part of the South Half of the West 51 acres of the East Half of the Northwest Quarter of Section 1, Township 23 North, Range 1 East of the Third Principal Meridian, lying South of the Right-of-Way of the C.C.C. and St. Louis Railway Company, also being a part of Lot 3 in the subdivision for the Estate of Jacob Motter, deceased, in Chancery Record 15, page 563, McLean County, Illinois, more particularly described as follows: Beginning at the Southwest Corner of said Lot 3, also being the Southwest Corner of said South Half, thence East 409.10 feet along the South Line of said Northwest Quarter; thence North 564.99 feet along line which forms an angle to the right of 89° 24' 45" with the said South Line; thence West 425.95 feet along a line which forms an angle to the right of 90° 37' 42" with the last described course to the West Line of said Lot 3; also being the West Line of said East Half; thence South 565.72 feet along said West Line which forms an angle to the right of 87° 39' 54" with the last described course to the Point of Beginning, situated in the County of McLean, in the State of Illinois; AND

2) FROM COUNTY M-2 (General Manufacturing) District TO CITY M-2 (General Manufacturing) District, pertaining to property commonly known as 1803 W Washington Street, (PIN: 21-05-

05-306-002), consisting of approximately 3.3 acres, and described as follows: Beginning at a point 382.7 feet East of a point where the North line of Washington Street intersects the Section line between Sections 5 and 6, Township 23 North, Range 2 East of the Third Principal Meridian, running thence Easterly on the North line of Washington Street a distance of 328 feet to the West boundary of the County Road, and thence running Northeasterly along the West boundary of said County Road, a distance of 421.5 feet, and running thence Westerly a distance of 329.6 feet, and running thence Southwesterly a distance of 432 feet to the place of beginning as shown by the Plat of Elmer Folsom, Civil Engineer and Surveyor dated November 19, 1906, recorded in Book 435 of Deeds, Page 423, in McLean County, Illinois. EXCEPTING therefrom that portion conveyed to the City of Bloomington in Warranty Deeds 89-10187 and 96-451.

This meeting will be held in-person in the Government Center Chambers, 115 E. Washington Street, 4th Floor, Room #400. The meeting packet will be available prior to the hearing on the City's website [www.bloomingtonil.gov](http://www.bloomingtonil.gov). Questions may be directed to (309) 434-2226 ext. 5 or 115 E. Washington St., Ste 201. Those persons wishing to provide testimony on any of the agenda items designated as a public hearing must appear in-person. Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or [mhurt@cityblm.org](mailto:mhurt@cityblm.org).  
5/10 COL-8000504

ANNEXATION AGREEMENT  
AFFIDAVIT AND PROOF OF SERVICE OF MAILING  
CERTIFIED MAILING

STATE OF ILLINOIS      )  
                            )SS  
COUNTY OF MCLEAN    )

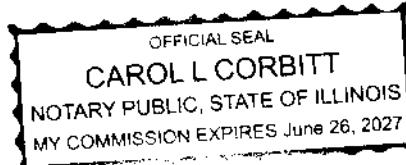
I, the undersigned, being first duly sworn on oath, certify that I served Notices of proposed Annexation Agreement on the Dale Township Fire Protection District, Bloomington Township Fire Protection District, McLean County Unit 5 School District, Golden Prairie Public Library District, Dale Township, Bloomington Township, Dale Township Highway Commission, Bloomington Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water Reclamation District, by placing the Notices in an envelope addressed and with postage fully prepaid; depositing the Notices in envelopes in the United States Post Office at Bloomington, Illinois, at or about 7 am on 16 May, 2024, and the Notices were sent certified mail, return receipt requested.

True and correct copies of the Notices are attached hereto and incorporated as Exhibit "A". The notices were sent to the mailing list attached hereto and incorporated as Exhibit "B".

  
R. Brian Hug

Subscribed and sworn to before me this  
10<sup>th</sup> of May 2024.

  
Carol L. Corbitt  
Notary Public



**AFFIDAVIT AND PROOF OF SERVICE OF MAILING**  
**EXHIBIT A**  
**NOTICE**

**TO:** Chief of Dale Township Fire Protection District  
President of Dale Township Fire Protection District  
Trustees of Dale Township Fire Protection District

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

**SEE ATTACHED "ANNEXATION DESCRIPTION" EXHIBIT FOR COMPLETE LEGAL DESCRIPTION.**

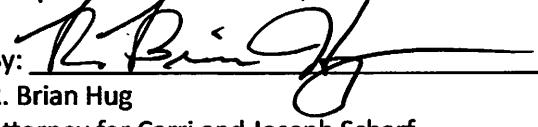
This property is or may be in the Dale Township Fire Protection District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28<sup>th</sup>, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated 5/8/2024

Joseph A. & Carri G. Scharf, Owners

By: 

R. Brian Hug

Attorney for Carri and Joseph Scharf

Prepared by and  
Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
Email: brian.hug@comcast.net

## NOTICE

**TO:** Chief of Bloomington Township Fire Protection District  
President of Bloomington Township Fire Protection District  
Trustees of Bloomington Township Fire Protection District

**RE:** Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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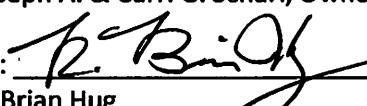
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Dated 5/8/2024

Joseph A. & Carri G. Scharf, Owners

By:   
R. Brian Hug  
Attorney for Carri and Joseph Scharf

Prepared by and  
Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
Email: brian.hug@comcast.net

## NOTICE

**TO:** President of Golden Prairie Public Library District  
Vice President of Golden Prairie Public Library District  
Secretary/Treasurer of Golden Prairie Public Library District  
Trustees of Golden Prairie Public Library District

**RE:** Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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Dated 5/8/2024

Joseph A. & Carri G. Scharf, Owners

By: R. Brian Hug

R. Brian Hug

Attorney for Carri and Joseph Scharf

Prepared by and  
Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
Email: brian.hug@comcast.net

## NOTICE

**TO:** Superintendent of McLean County Unit 5 School District

**RE:** Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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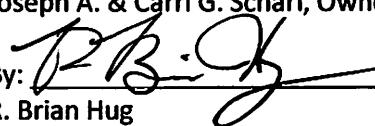
This property is or may be in the McLean County Unit 5 School District.

This written Notice is being served upon you, pursuant to City Code and/or State statute (65 ILCS 5/7-1-1), more than ten (10) days before any action is taken on an Agreement or Petition for Annexation.

There will be a hearing on the Annexation Agreement before the Bloomington City Council on May 28th, 2024, at 6:00 pm in the Government Center Chambers, Government Center, 4th Floor, Room #400, 115 E. Washington Street, Bloomington, Illinois 61701.

Dated 5/8/2024

Joseph A. & Carri G. Scharf, Owners

By:   
R. Brian Hug

Attorney for Carri and Joseph Scharf

Prepared by and  
Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
Email: brian.hug@comcast.net

## NOTICE

**TO:** Trustees of Dale Township  
Supervisor of Dale Township  
Clerk of Dale Township

**RE:** Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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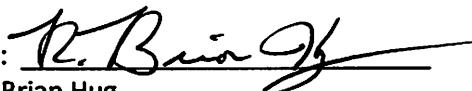
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Dated 5/8/2024

Joseph A. & Carri G. Scharf, Owners

By:   
R. Brian Hug  
Attorney for Carri and Joseph Scharf

Prepared by and  
Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
Email: brian.hug@comcast.net

## NOTICE

**TO:** Commissioner of Dale Township Highway Commission

**RE:** Proposed Annexation

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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Dated 5/8/2024

Joseph A. & Carri G. Scharf, Owners

By:   
R. Brian Hug  
Attorney for Carri and Joseph Scharf

Prepared by and  
Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
Email: brian.hug@comcast.net

## NOTICE

TO: Commissioner of Bloomington Township Highway Commission

RE: Proposed Annexation

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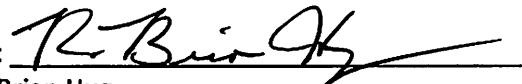
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By:   
R. Brian Hug  
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Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
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## NOTICE

**TO:** Trustees of Bloomington Township  
Supervisor of Bloomington Township  
Clerk of Bloomington Township

**RE:** **Proposed Annexation**

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By: 

R. Brian Hug

Attorney for Carri and Joseph Scharf

Prepared by and  
Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
Email: brian.hug@comcast.net

## NOTICE

**TO:** Executive Director of Bloomington-Normal Airport Authority

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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This property is or may be in the Bloomington-Normal Airport Authority.

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Dated 5/8/2024

Joseph A. & Carri G. Scharf, Owners

By: R. Brian Hug  
R. Brian Hug  
Attorney for Carri and Joseph Scharf

Prepared by and  
Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
Email: brian.hug@comcast.net

## NOTICE

**TO:** Executive Director of Bloomington-Normal Water Reclamation District

**RE:** **Proposed Annexation**

PLEASE TAKE NOTICE that a request for Annexation requesting the approval of an annexation agreement of the following described parcel of land has been filed with the City Clerk of the City of Bloomington, Illinois, a municipality:

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Dated 5/8/2024

Joseph A. & Carri G. Scharf, Owners

By:   
R. Brian Hug  
Attorney for Carri and Joseph Scharf

Prepared by and  
Responses and Inquiries to:  
R. Brian Hug, Attorney at Law  
11 Bailey Court  
Bloomington, IL 61704  
Telephone: 309-242-6726  
Email: brian.hug@comcast.net

**AFFIDAVIT AND PROOF OF SERVICE OF MAILING**  
**EXHIBIT B**  
**MAILING LIST**

**Dale Township Fire Protection District**

Fire Chief  
Ryan Gibson  
8051 E 1100 North Rd  
Bloomington, IL 61705

President  
Stanley Thompson  
8051 E 1100 North Rd  
Bloomington, IL 61705

Secretary  
Connie Becker  
8051 E 1100 North Rd  
Bloomington, IL 61705

Treasurer  
Tim Burkhart  
8051 E 1100 North Rd  
Bloomington, IL 61705

Commissioner  
Ed Books  
8051 E 1100 North Rd  
Bloomington, IL 61705

\* \* \* \* \*

**Bloomington Township Fire Protection District**

Fire Chief  
Tom Willan  
14880 Old Colonial Road  
Bloomington, IL 61705

President  
David Owens  
14880 Old Colonial Road  
Bloomington, IL 61705

Secretary  
Dale Herring  
14880 Old Colonial Road  
Bloomington, IL 61705

Treasurer  
Tim Cassidy  
14880 Old Colonial Road  
Bloomington, IL 61705

\* \* \* \* \*

**Golden Prairie Public Library District**

Trustee, President  
Ary Anderson  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Secretary/Treasurer  
Kathy Vroman  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Vice President  
Jim Russell  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Trustee  
Patti Salch  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Trustee  
Ruth Novosad  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Trustee  
Stephanie Walden  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

Trustee  
Stephen Peterson  
Golden Prairie Public Library District  
205 E. Olive St.  
Bloomington, IL 61701

\* \* \* \* \*

### **McLean County Unit 5 School District**

Superintendent  
Dr. Weikle  
McLean County School District, Unit No. 5  
1809 W. Hovey  
Normal, IL 61761

\* \* \* \* \*

### **Dale Township**

Supervisor  
Mary Thompson  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Clerk  
John Burkhart  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Trustee  
Shelly Gottsacker  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Trustee  
Robert Grampp  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Trustee  
John W. Maitland III  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

Trustee  
Mark Thompson  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

\* \* \* \* \*

**Dale Township Highway Commissioner**

To Whom It May Concern (Vacant, appointed until 2025)  
Highway Commissioner  
Dale Township Building  
8017 E 1100 North Rd  
Bloomington, IL 61705

\* \* \* \* \*

**Bloomington Township Highway Commissioner**

Rodney Boester  
Highway Commissioner  
Bloomington Township Building  
2501 Fox Creek Rd  
Bloomington, IL 61705

\* \* \* \* \*

**Bloomington Township**

Supervisor  
Jennifer Capodice  
Bloomington Township Building  
2501 Fox Creek Rd  
Bloomington, IL 61705

Clerk  
Jennifer Vericella  
Bloomington Township Building  
2501 Fox Creek Rd  
Bloomington, IL 61705

Trustee  
David Mier  
Bloomington Township Building  
2501 Fox Creek Rd  
Bloomington, IL 61705

Trustee  
Gary Pearl  
Bloomington Township Building  
2501 Fox Creek Rd  
Bloomington, IL 61705

Trustee  
Mark Yontz  
Bloomington Township Building  
2501 Fox Creek Rd  
Bloomington, IL 61705

Trustee  
Christopher Witte  
Bloomington Township Building  
2501 Fox Creek Rd  
Bloomington, IL 61705

\* \* \* \* \*

**Bloomington-Normal Airport Authority**

Carl Olson, Executive Director  
Bloomington-Normal Airport Authority  
3201 CIRA Drive, Suite 200  
Bloomington, IL 61704

\* \* \* \* \*

**Bloomington-Normal Water Reclamation District**

Tim Ervin, Executive Director  
Bloomington-Normal Water Reclamation District  
2015 W. Oakland Avenue  
Bloomington, IL 61701



## CONSENT AGENDA ITEM NO. 8.A.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action to Approve the Minutes of the April 22, 2024, Regular City Council Meeting, as requested by the City Clerk Department.

**RECOMMENDED MOTION:** The proposed Minutes be approved.

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

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

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

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** N/A

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amanda Stutsman, Deputy City Clerk

**ATTACHMENTS:**

[CLK 1B Minutes](#)



MINUTES  
CITY COUNCIL - REGULAR SESSION  
MONDAY, APRIL 22, 2024, 6:00 P.M.

The City Council convened in regular session in the Government Center Boardroom at 6:00 P.M. Mayor Mboka Mwilambwe called the meeting to order and led the Pledge of Allegiance ending with a moment of silent prayer/reflection.

Roll Call

Attendee Name	Title	Status
Mboka Mwilambwe	Mayor	Present
Jenna Kearns	Council Member, Ward 1	Present
Donna Boelen	Council Member, Ward 2	Present
Sheila Montney	Council Member, Ward 3	Present
John Danenberger	Council Member, Ward 4	Present
Nick Becker	Council Member, Ward 5	Present
Cody Hendricks	Council Member, Ward 6	Present
Mollie Ward	Council Member, Ward 7	Present
Kent Lee	Council Member, Ward 8	Present
Tom Crumpler	Council Member, Ward 9	Present

Recognition/Appointments

Item 5.A. Proclamation for National 911 Education Month and National Public Safety Telecommunicators Week, as requested by the Police Department and the Fire Department.

Mayor Mwilambwe presented the Proclamation. Darren Wolf, Communications Manager, accepted the Proclamation and then recognized his staff for their hard work.

Item 5.B. Proclamation for Fair Housing Month 2024, as requested by the Administration Department and the Economic & Community Development Department.

Mayor Mwilambwe presented the Proclamation. Emily Petri with Prairie State Legal Services accepted the Proclamation and spoke to the work Prairie State does to serve.

Item 5.C. Proclamation for Arbor Day 2024, as requested by the Parks & Recreation Department.

Mayor Mwilambwe presented the Proclamation. Jeff Hindman, Parks Superintendent, accepted the Proclamation. He provided Arbor Day event details and celebrated that the City had received its 38<sup>th</sup> Tree City designation.

Item 5.D. Recognition of Board & Commission Appointments and Reappointments, as requested by the Administration Department.

The Mayor recognized the following Boards and Commission appointments and reappointments: Katherine Browne and Peter Pointus, Cultural Commission; Dianne Hollister and Matthew Watchinski, Library Board.

## Public Comment

Mayor Mwilambwe read a public comment statement of procedure. No emailed public comment was received. Carla Baily-Smith, Surena Fish, and Joe Palma spoke in person.

## Consent Agenda

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

Leslie Yocum, City Clerk, noted that attachments to Item 7.M. received some updating after the packet was published, but that no material changes resulted.

Council Member Boelen made a motion, seconded by Council Member Crumpler, to approve the Consent Agenda with the exception of 7.E. and 7.L.

Item 7.A. Consideration and Action to Approve the Minutes of the March 25, 2023, Regular City Council Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 7.B. Consideration and Action on Approving Bills and Payroll in the Amount of \$10,146,274.07, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 7.C. Consideration and Action on Approving Appointments & Reappointments to Boards & Commissions, as requested by the Administration Department. (Recommended Motion: The proposed Appointments & Reappointments be approved.)

Item 7.D. Consideration and Action on Approving the Purchase of Panasonic Toughbooks and Mounting Hardware through CDS Office Technologies, in the Amount of \$192,032, as requested by the Information Technology Department and the Police Department. (Recommended Motion: The proposed Purchase be approved.)

Item 7.E. was pulled from the Consent Agenda by Council Member Hendricks.

Item 7.F. Consideration and Action to Approve an Agreement with Diamond Vogel Paint for Traffic Line Paint and Beads, in the Amount Not to Exceed \$120,000, as requested by the Public Works Department. (Recommended Motion: The proposed Agreement be approved.)

Item 7.G. Consideration and Action on an Agreement with Prairie View Landscaping for the Division Street Fencing & Forestry Mulching Project (Bid #2024-48), in the Amount of \$64,600, as requested by the Water Department. (Recommended Motion: The proposed Agreement be approved.)

Item 7.H. Consideration and Action on a Resolution Waiving the Formal Bidding Requirements and Approving an Agreement with Republic Services for Receipt of Non-Special Waste Materials, in an Amount Not to Exceed \$75,000, as requested by the Public Works Department. (Recommended Motion: The proposed Resolution be approved.)

## RESOLUTION NO. 2024 - 019

### A RESOLUTION WAIVING THE FORMAL BIDDING REQUIREMENTS AND APPROVING AN AGREEMENT WITH REPUBLIC SERVICES FOR RECEIPT OF NON-SPECIAL WASTE MATERIALS, IN AN AMOUNT NOT TO EXCEED \$75,000

Item 7.I. Consideration and Action on a Resolution Approving the Fiscal Year 2025 John M. Scott Health Care Trust Category I Grant Awards and Programmatic Agreements, in the

Amount of \$250,000, as requested by the Economic & Community Development Department.  
(Recommended Motion: The proposed Resolution be approved.)

RESOLUTION NO. 2024 - 018

A RESOLUTION APPROVING THE FISCAL YEAR 2025 JOHN M. SCOTT HEALTH CARE TRUST  
CATEGORY I GRANT AWARDS AND PROGRAMMATIC AGREEMENTS, IN THE AMOUNT OF  
\$250,000

Item 7.J. Consideration and Action on an Ordinance Authorizing a Construction  
Observation Agreement with Farnsworth Group, Inc. for the Meadowbrook Subdivision  
Improvement Project in the Amount of \$213,100, as requested by the Water Department and  
the Department of Operations & Engineering Services. (Recommended Motion: The proposed  
Ordinance be approved.)

ORDINANCE NO. 2024 - 032

AN ORDINANCE AUTHORIZING A CONSTRUCTION OBSERVATION AGREEMENT WITH  
FARNSWORTH GROUP, INC. FOR THE MEADOWBROOK SUBDIVISION IMPROVEMENT  
PROJECT IN THE AMOUNT OF \$213,100

Item 7.K. Consideration and Action on (1) An Ordinance Amending the Budget Ordinance  
for the Fiscal Year Ending April 30, 2024; and (2) An Ordinance Authorizing a Construction  
Agreement with George Gildner, Inc., for the Meadowbrook Subdivision Improvement Project  
(Re-Bid #2024-49), in the Amount of \$8,054,047.10, as requested by the Water Department  
and the Department of Operations & Engineering Services. (Recommended Motion: The  
proposed Ordinance be approved.)

ORDINANCE NO. 2024 - 027

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR ENDING APRIL  
30, 2024

ORDINANCE NO. 2024 - 028

AN ORDINANCE AUTHORIZING A CONSTRUCTION AGREEMENT WITH GEORGE GILDNER,  
INC., FOR THE MEADOWBROOK SUBDIVISION IMPROVEMENT PROJECT (RE-BID #2024-49),  
IN THE AMOUNT OF \$8,054,047.10

Item 7.L. was pulled from the Consent Agenda by Council Member Ward.

Item 7.M. Consideration and Action on (1) An Ordinance Amending the Budget  
Ordinance for the Fiscal Year Ending April 30, 2025; and (2) An Ordinance Authorizing a  
Construction Agreement with Rowe Construction, Inc., for the Route 9 Emergency Watermain  
and Lead Service Line Replacement, in the Amount of \$805,629.11, as requested by the Water  
Department. (Recommended Motion: The proposed Ordinance be approved.)

ORDINANCE NO. 2024 - 030

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR ENDING APRIL  
30, 2025

ORDINANCE NO. 2024 - 031

AN ORDINANCE AUTHORIZING A CONSTRUCTION AGREEMENT WITH ROWE CONSTRUCTION,  
INC., FOR THE ROUTE 9 EMERGENCY WATERMAIN AND LEAD SERVICE LINE REPLACEMENT,  
IN THE AMOUNT OF \$805,629.11

Item 7.N. Consideration and Action to Approve the Proposal of Insurance, Brokered by Arthur J. Gallagher, from May 1, 2024, to April 30, 2025, in the Amount of \$1,585,624, as requested by the Human Resources Department. (Recommended Motion: The Proposal of Insurance be approved.)

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Kearns, Boelen, Montney, Danenberger, Becker, Hendricks, Ward, Lee, Crumpler  
Motion carried.

Items Pulled from Consent Agenda

The following item was presented:

Item 7.E. Consideration and Action on Approving a Purchase Order with Scientel Solutions, for the Equipment and Services to Provide the Infrastructure, Cameras, and Video Management for the Bloomington Ice Arena and Lincoln Parking Facilities, in the Amount of for \$269,325.81, as requested by the Information Technology Department and the Information Technology Department.

Council Member Hendricks noted that he pulled the Item for separate consideration to allow staff the opportunity to provide additional information to address public concerns.

Craig McBeath, Information Technology Director, described the project as routine in nature explaining that the cameras would expand the current system to aid as a deterrent and assist in solving crime. He noted no new features like facial recognition, artificial intelligence, or audio recording would be added.

Council Member Hendricks and Mr. McBeath then discussed how if additional features were to be added in the future, they would come back before Council.

Council Member Hendricks made a motion, seconded by Council Member Boelen, to approve the Item as presented.

Council Member Crumpler and Police Chief, Jamal Simington, discussed numerous concerns the Police Department had regarding crime in City facilities and how additional cameras would assist.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Kearns, Boelen, Montney, Danenberger, Becker, Hendricks, Ward, Lee, Crumpler  
Motion carried.

The following item was presented:

Item 7.L. Consideration and Action on an Ordinance Approving a Community Change Grant Partnership Agreement between the City of Bloomington and Home Sweet Home Ministries, as requested by the Administration Department.

Council Member Ward shared that she pulled the Item to highlight the public-private partnership. She and Deputy City Manager, Jeff Jurgens, discussed the grant requirement to have a non-profit partner and that the City would not qualify for the grant without it. They then discussed how the site selection for the non-congregate shelter would need to meet City zoning requirements.

MINUTES

CITY COUNCIL - REGULAR SESSION  
MONDAY, APRIL 22, 2024, 6:00 P.M.

Page 4 of 6

Council Member Ward made a motion, seconded by Council Member Hendricks, to approve the Item as presented.

Council Member Boelen echoed appreciation of the public-private partnership and reminded the community of multiple volunteer opportunities available with local non-profits to help the homeless.

Council Member Hendricks and Deputy City Manager Jurgens discussed how Home Sweet Home Ministries would be held accountable to meet grant terms and conditions.

Council Member Ward asked about the grant's timing. Deputy City Manager Jurgens explained that grant funds had to be allocated within three years.

Council Member Hendricks and Deputy City Manager Jurgens how City staff regularly meet with local organizations to find solutions for the homeless encampment.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Kearns, Boelen, Montney, Danenberger, Becker, Hendricks, Ward, Lee, Crumpler  
Motion carried.

ORDINANCE NO. 2024 - 029

AN ORDINANCE APPROVING COMMUNITY CHANGE GRANT PARTNERSHIP AGREEMENT  
BETWEEN THE CITY OF BLOOMINGTON AND HOME SWEET HOME MINISTRIES

Regular Agenda

Item 8.A. Consideration and Action on a Resolution Appointing Jeffrey R. Jurgens as City Manager and Approving the City Manager Employment Contract, as requested by the Human Resources Department.

Mayor Mwilambwe spoke in support of approving a Resolution to appoint Jeff Jurgens as City Manager noting he believed the contract to be fair. He thanked Council, and the staff that had negotiated the agreement to ensure a fair contract and smooth transition.

Council Member Ward made a motion, seconded by Council Member Boelen, to approve the Item as presented.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Kearns, Boelen, Montney, Danenberger, Becker, Hendricks, Ward, Lee, Crumpler  
Motion carried.

RESOLUTION NO. 2024 - 020

A RESOLUTION APPOINTING JEFFREY R. JURGENS AS CITY MANAGER AND APPROVING THE CITY MANAGER EMPLOYMENT CONTRACT

Finance Director's Report

Scott Rathbun, Finance Director, addressed Council and reminded them that the numbers presented were about two months behind based on reporting. He discussed various tasks staff had taken to close out the budget year smoothly. He noted inflation as a burden on residents and presented the Fiscal Year ("FY") Financial Summary as of March 2024. He highlighted various revenues, compared them to last year's figures, and then discussed year-to-date figures and encumbrances. He briefly discussed FY 2024 major tax revenues, General Fund Revenues and Expenditures, and Enterprise Funds highlighting the sewer revenue fund

MINUTES

CITY COUNCIL - REGULAR SESSION  
MONDAY, APRIL 22, 2024, 6:00 P.M.

Page 5 of 6

and how it impacted the residents and City. He concluded his presentation by noting where the community could locate the City's budget materials.

Council Member Montney and Mr. Rathbun discussed the significant increase in short-term rental tax over budgeted figures coinciding with Rivian's staffing. Council Member Montney recommended reviewing City policies to ensure rentals didn't negatively impact the low housing stock.

#### City Manager's Discussion

City Manager, Tim Gleason, discussed multiple upcoming Downtown events. He then congratulated incoming City Manager Jurgens and thanked Council, the public, and staff for all their support. He took time to personally thank both Deputy City Managers, as well.

#### Mayor's Discussion

Mayor Mwilambwe thanked City Manager Gleason for his years of service. He recognized all the accomplishments and improvements Mr. Gleason implemented. He shared how under the leadership of Mr. Gleason the City had been able to navigate the COVID-19 pandemic successfully and emerge better off than most municipalities. He expressed gratitude for how Mr. Gleason had set up the City for continued success and concluded by presenting Mr. Gleason with a trophy of recognition as a thank you for his service.

#### Council Member's Discussion

Council Member Ward echoed her appreciation for City Manager Gleason's years of service and dedication and for projects and concerns addressed in Ward 7 during his tenure.

Council Member Crumpler thanked City Manager Gleason for his guidance.

Council Member Montney echoed appreciation and believed a measure of leadership was in the line of succession.

Council Member Hendricks echoed his appreciation and complimented how City Manager Gleason had set the City up for success with the leadership team.

#### Executive Session

No Executive Session was held.

#### Adjournment

Council Member Boelen made a motion, seconded by Council Member Hendricks, to adjourn the meeting.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Kearns, Boelen, Montney, Danenberger, Becker, Hendricks, Ward, Lee, Crumpler  
Motion carried (viva voce).

The meeting adjourned at 7:11 P.M.

CITY OF BLOOMINGTON

ATTEST

---

Mboka Mwilambwe, Mayor

Amanda Stutsman, Deputy City Clerk

MINUTES  
CITY COUNCIL - REGULAR SESSION  
MONDAY, APRIL 22, 2024, 6:00 P.M.  
Page 6 of 6



## CONSENT AGENDA ITEM NO. 8.B.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on Approving Bills and Payroll in the Amount of \$15,156,835.18, as requested by the Finance Department.

**RECOMMENDED MOTION:** The proposed Bills and Payroll be approved.

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

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

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

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** Total disbursements to be approved \$15,156,835.18 (Payroll total \$3,317,758.50, Accounts Payable total \$11,590,022.18, Bank Transfers total \$56,618.12, and Procurement Card Purchases total \$192,436.38).

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Stacey Moews,

**ATTACHMENTS:**

[FIN 1B Council Finance Summary Report](#)

## CITY OF BLOOMINGTON FINANCE REPORT

### PAYROLL

Date	Gross Pay	Employer Contribution	Totals
5/17/2024	\$ 2,692,433.88	\$ 615,175.53	\$ 3,307,609.41
		\$	-
Off Cycle Adjustments	\$ 7,780.63	\$ 2,368.46	\$ 10,149.09
		<b>PAYROLL TOTAL</b>	<b>\$ 3,317,758.50</b>

### ACCOUNTS PAYABLE (WIRES)

Date	Bank	Total
5/28/2024	AP General	\$ 8,641,722.92
5/28/2024	AP JMSCott	\$ 715,888.91
5/28/2024	AP Comm Devel	\$ 17,857.44
5/28/2024	AP IHDA	\$ 1,800.00
5/28/2024	AP Library	\$ 1,582,750.36
5/28/2024	AP MFT	\$ 16,203.02
05/09/2024-5/20/2024	Out of Cycle AP	\$ 613,799.53
04/29/2024-5/15/2024	AP Bank Transfers	\$ 56,618.12
	<b>AP TOTAL</b>	<b>\$ 11,646,640.30</b>

### PCARDS

Date Range	
3/02/2024-4/01/2024	<b>\$192,436.38</b>

### PCARD TOTAL

**\$192,436.38**

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<b>GRAND TOTAL</b>	<b>\$ 15,156,835.18</b>
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Respectfully,

**F Scott Rathbun**  
Director of Finance



## CONSENT AGENDA ITEM NO. 8.C.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action to Approve the Purchase of Police Uniform Shirts and Pants from Ray O'Herron, Inc., in the Amount Not to Exceed \$114,000, as requested by the Police Department.

**RECOMMENDED MOTION:** The proposed Purchase be approved.

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 1e. Partnering with others for the most cost-effective service delivery

**BACKGROUND:** Police uniform pants and shirts need to be able to withstand weather, hard usage, comfort, ability to easily perform physical duties, and still look professional. With these considerations, the Police Staff did market research and tested and selected the Blauer brand uniform pants and shirts several years ago. This brand was selected due to its functionality, durability, and professional appearance. Ray O'Herron is located in Danville, Illinois, and it is the nearest Blauer dealer. This proximity provides the needed responsiveness for this critical wear and the ability for Ray O'Herron to come to the Police Department to fit the officer's uniforms when necessary. Ray O'Herron maintains an inventory that allows for this equipment to be available in a reasonable amount of time, provide a high level of customer service, and offers a discount for police orders that results in savings for the City. Staff are requesting this purchase be approved utilizing a limited source justification based upon the previous market research and years of prior use.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** If approved, the City will purchase Police Uniform Shirts and Pants from Ray O'Herron, Inc., in the amount not to exceed \$114,000. This purchase will be made from the Police-Uniforms account (10015110-62190). Stakeholders can locate this in the FY 2025 Proposed Budget Book titled "Budget Overview & General Fund" on page 198. Budgeted funds totaling \$120,000 are included in this account.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amber Bishler, Office Manager

**ATTACHMENTS:**

PD 1B Limited Source Justification  
PD 2C Ray O'Herron Letter

## LIMITED SOURCE JUSTIFICATION

(Requester completes Section A & B (D only if necessary).

### **SECTION A –LIMITED SOURCE PURCHASE:**

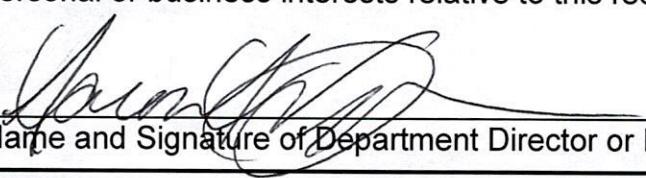
Complete if a purchase is \$3,000 or over and due to reasons of previous capital investment, improved public service, long-term operational need, security, patents, copyrights, critical need for responsiveness, proximity, Federal, State or other regulations, necessary replacement parts and/or compatibility, warranty, this procurement justifies a limited source exemption.

Vendor Name & #: Ray O'Herron Co Inc #81	Amount: \$114,000.00	Date: 5/6/2024
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Description of item/services: Purchase of Police uniform pants and shirts.

Justification: The department researched and selected the Blauer brand uniform pants and shirts several years ago due to its functionality, durability, and professional appearance. Today, Ray O'Herron located in Danville, Illinois, is the nearest Blauer dealer. This proximity provides the needed responsiveness for this critical wear and the ability for O'Herron to physically come to the department to fit the officers' uniforms whenever needed. Ray O'Herron maintains an inventory that allows for this equipment to be available in a reasonable amount of time and has provided a high level of customer service.

**SECTION B - REQUESTER CERTIFICATION:** By submitting this request, I attest that the above justification/information is accurate and complete to the best of my knowledge and that I have no personal or business interests relative to this request.

  
(Name and Signature of Department Director or Designee)

5/6/24  
Date

### **SECTION C –TO BE COMPLETED BY PROCUREMENT OFFICE:**

Based on the information provided in Section A and attached supporting documents, I concur  / do not concur  (see below) with purchase to be a Limited Source.  
Do not concur for the following reason(s):

Carla A Murillo

Digitally signed by Carla A Murillo  
DN: C=US, OU=Legal Department, O=City of Bloomington,  
CN=Carla A Murillo, E=c murillo@cityblm.org  
Reason: I am the author of this document  
Location:  
P Date: 2024.05.16 13:30:06-05'00'  
Foxit PDF Editor Version: 12.1.3

5/16/2024

Name and Signature of Purchasing Agent or Designee

Date



05/07/2024

**Dear Bloomington Police Department,**

Ray O'Herron Company is the state of Illinois' largest distributor for Blauer uniforms and manufacturing. We stock a large inventory of the Blauer product mix.

We also hold the largest portion of Armor Express business through agency contacts.

Our professional sales team and two store locations in Illinois will provide the best customer service experience, second to none.

We appreciate the opportunity to continue to supply your agency with your public service equipment.

**Thank you,**

A handwritten signature in black ink, appearing to read "Michael O'Herron".

**Michael O'Herron**

**President**

**Oherron.com**

3549 N. Vermilion | Danville, IL 61832

1600 75th Street | Downers Grove, IL 60516

1-800-223-2097



## CONSENT AGENDA ITEM NO. 8.D.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on the Purchase of New Firefighting Protective Gear from AirOne Equipment, Inc., in the Amount of \$92,920, as requested by the Fire Department.

**RECOMMENDED MOTION:** The proposed Purchase be approved.

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

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

**BACKGROUND:** The Fire Department is asking to purchase 23 complete sets (coats and pants) of Firefighting Turnout Gear from AirOne Equipment. This gear will be purchased through the Houston-Galveston Area Council (HGAC) buying group utilizing the cooperative contract #EE08-19, exp. 7/31/2024. The gear is manufactured by Globe. Each Bloomington Firefighter is issued two sets of structural firefighting protective gear. The second set of gear was approved in a 2018 purchase. Two sets are issued so that emergency personnel have a clean serviceable set at all times. This allows for proper cleaning and drying following training classes and use on emergency scenes where gear becomes wet and contaminated. The second set is also used when gear is sent in for repairs. The National Fire Protection Association (NFPA) 1851 standard establishes requirements that structural firefighting protective clothing be retired when it reaches 10 years past the manufacture date. The purchase of this gear will replace gear that is nearing its life expectancy and outfit newly hired employees.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** If approved, the Fire Department will purchase 23 sets of turnout gear through AirOne Equipment for the amount of \$92,920. This purchase will be paid out of the Protective Wear account (10015210-62191). Stakeholders can locate information on this account in the FY 2025 Proposed Budget Book titled "Budget Overview & General Fund" on page 206.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Mike Hartwig, Battalion Chief

**ATTACHMENTS:**

FIRE 1B Quote

FIRE 1C HGAC Contract



360 Production Drive  
South Elgin, IL 60177  
Phone: 847-289-9000  
Fax: 847-289-9001  
Email: airone@aoe.net

**QUOTATION**  
VALID FOR 30 DAYS.

Date	Quote #
5/3/2024	██████████

Sold To	Ship To
BLOOMINGTON FIRE DEPT 310 NORTH LEE BLOOMINGTON, IL 61701	BLOOMINGTON FIRE DEPT 310 NORTH LEE BLOOMINGTON, IL 61701

PLEASE DO NOT PAY OFF OF THIS QUOTE. A FINAL INVOICE WILL BE SENT ONCE ORDER IS COMPLETE.	Quoted By	P.O. No.	Terms		Salesman
			Net 30		BG
Item	Description		Qty	Cost	Amount
BLOOMINGTON GX3 COAT	GLOBE: BLOOMINGTON SPEC G-XTREME 3.0 BUNKER COAT		23	2,185.00	50,255.00
BLOOMINGTON GPS PANTS	GLOBE: BLOOMINGTON SPEC GLOBE PANTS SYSTEM		23	1,855.00	42,665.00
	*** NO SHIPPING COSTS ON THIS ORDER ***				

**Shipping charges are added when invoiced unless otherwise noted. At present, all quoted shipping/lead times are non-binding estimates only.**

3% PROCESSING FEE FOR CREDIT CARD PAYMENTS OVER \$500

Effective Jan 1, 2021, all returns after 30 days of delivery will incur a 20% restocking fee. Items ordered in connection with natural disasters, pandemic or like situations cannot be returned and orders for such items cannot be cancelled after 10 days of Seller's receipt.

**Subtotal** \$92,920.00

Sales Tax (0.0%) \$0.00

**DO NOT PAY- INVOICE TO FOLLOW**

**Total** \$92,920.00

**AMENDMENT No. 3 to CONTRACT No. EE08-19**  
**For**  
**Emergency Medical & Rescue Equipment**  
**Between**  
**HOUSTON-GALVESTON AREA COUNCIL**  
**And**  
**Air One Equipment, Inc.**

THIS AMENDMENT modifies the above referenced Contract as follows:

This contract is extended through July 31, 2024 Midnight CT.

Unless otherwise noted, this amendment goes into effect on the date signed by **H-GAC**. All other terms and conditions of this Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized representatives.

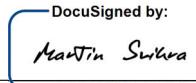
Signed for **Houston-Galveston Area Council**,  
Houston, Texas

DocuSigned by:  
  
02EC270B5D61429...  
Chuck Wemple, Executive Director

7/13/2023

Date: \_\_\_\_\_

Signed for: **Air One Equipment, Inc.**

DocuSigned by:  
  
465F00576A644D5...  
Martin Svhra      Operations Manager

7/5/2023

Date: \_\_\_\_\_

Printed Name & Title:



## CONSENT AGENDA ITEM NO. 8.E.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action to Approve a Contract for Unit 21 Police Patrol Collective Bargaining Agreement, as requested by the Human Resources Department and the Police Department.

**RECOMMENDED MOTION:** The proposed Contract be approved.

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

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

**BACKGROUND:** On May 30, 2023, City Staff and Unit 21, representing Patrol Officers, began negotiating the terms of a collective bargaining agreement to replace the agreement that expired on April 30, 2023. The expiring agreement can be located on the City website under Human Resources in a folder titled Labor Contracts. The parties agreed to terms for a new contract and a Tentative Agreement was signed on May 14, 2024. Highlights from the Tentative Agreement include:

**Wages/Term:**

- The parties agreed to a four-year contract term with a wage reopeners in the fourth year of the contract. Employees will receive an across-the-board increase each year of the contract in the amounts of 5.25% (FY 2024), 3.5% for the second year (FY 2025), and 3.5% for the third year (FY 2026). The parties agreed to a wage reopeners in the 4th year of the contract with a guarantee of a minimum of a 2% increase.
- The parties agreed to add a 25-year longevity step that will be 15% over the Base pay rate.
- The parties agreed to a \$1,500 lump sum bonus for those employees on payroll at ratification.
- The parties agreed to increase the clothing allowance for plain clothed Officers to \$1,100 in 2025 and \$1,200 in 2026.
- A new section on pay and vacation for Lateral Hiring of Certified Patrol Officers was added. Qualifying candidates will be paid based on their years of experience up to Base and will be hired with 3 weeks vacation.

**Leave:**

- The parties agreed to add 10 paid working days of Parental Leave for the birth or adoption of a child.
- The parties agreed to modify the Vacation accrual effective May 1, 2024, for Patrol Officers as follows:
  - Date of Hire (DOH) 2-weeks

- 1-4 years 3 weeks
- 5-15 years of service 4 weeks
- 16 years of service 4 weeks, plus one day
- 17 years of service 4 weeks, plus two days
- 18 years of service 4 weeks, plus three days
- 19 years of service 4 weeks, plus four days
- 20+ years of service 5 weeks
- Modified the Sick Leave language to allow Patrol Officers to use half of their annual accrual of sick leave for their domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.
- Modified the Personal Convenience Days language to allow Patrol Officers to take PC in one (1) hour increments.
- Added ability for a Patrol Officer to earn a Wellness Day if they meet the standards outlined for Wellness Days and pass an annual physical fitness (POWER test).

**General Provisions:**

- Modified the Overtime language consistent with past practice.
- Add a new Section to allow pregnant Patrol Officers to work restricted duty on a temporary basis.
- Modified language on selecting arbitrators.
- Modified bi-lingual pay section to require the City to pay for the first qualifying exam. If the employee fails the exam, the City will reimburse the employee for a subsequent test upon passing the test.
- Increase in Physical Fitness Incentive for annual dues to \$150.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** If approved, the financial impact of the across-the-board increase is estimated to be \$497,617 in FY 2024 and \$846,778 in FY 2025. The signing bonus is estimated at \$53,000.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Angie Brown, Assistant Human Resources Manager



## CONSENT AGENDA ITEM NO. 8.F.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action to Approve a Contract for IATSE Local 193 Collective Bargaining Agreement, as requested by the Human Resources Department and the Arts & Entertainment Department.

**RECOMMENDED MOTION:** The proposed Contract be approved.

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

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

**BACKGROUND:** On February 19, 2023, City Staff and IATSE Local 193, began negotiating the terms of a collective agreement to replace the agreement that expired on April 30, 2024. The expiring agreement can be located on the City website under Human Resources in a folder titled Labor Contracts.

The parties agreed to the terms for a new contract and a Tentative Agreement was signed. The Tentative Agreement combined contract language from the original Bloomington Center for Performing Arts ("BCPA") contract and a Memorandum of Understanding ("MOU") on the Arena that had previously been negotiated. Major highlights from the Tentative Agreement include:

**Wages/Term**

- The parties agreed to a three-year contract term. Employees will receive an across-the-board increase each year of the contract in the amount of 3% (FY25), 3% (FY26) and 3% (FY27).
- The parties agreed to increase the hourly rates at the BCPA for the Down Rigger and Sound and Light Board Operator by the across-the-board increases plus \$1.00 per hour.
- The parties agreed to modify the hourly rate for the Lead Rigger by the across-the-board increase, plus \$2.50 per hour.
- The parties clarified leave time is based on hours worked and payment at the Stagehand hourly rate of pay.
- The parties reduced the rate for payment for Live Recordings and clarified payment for the show call.

**Other**

- The parties modify the requirement for IATSE workers during the Holiday Spectacular, Jehovah's Witness Conference, or Scottish Rite Temple events or for pyrotechnics.
- The parties modified the requirements when a steward is scheduled.
- The parties modified the Non-Discrimination language.

- The parties modified the call time minimums for unloading trucks, multiple performances in a single day, and other events and show cancellations.
- The parties added requirements for the scheduling of riggers.
- The parties updated the contract language on staffing events.
- The parties removed the Side Letter from the contract with the Union for the Scottish Rite and American Passion Play.
- The parties updated the job descriptions.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** IATSE staff only work for shows/events preparation and performances, training, or scheduled maintenance. Staff expenditures are therefore partially offset by show revenues. Based on last year's staffing expenditures, it is estimated that the across-the-board annual increase will be approximately \$12,200.

Stakeholders can locate information on the BCPA in the FY 2025 Proposed Budget Book titled "Budget Overview & General Fund" on pages 173 through 178. Stakeholders can locate information on the Arena in the FY 2025 Proposed Budget Book titled "Other Funds & Capital Improvement" on pages 128 through 133.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Angie Brown, Assistant Human Resources Manager



## CONSENT AGENDA ITEM NO. 8.G.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action to Approve 1) a Motor Fuel Tax (MFT) Resolution for Improvement Under the Illinois Highway Code, and 2) a Local Public Agency General Maintenance Estimate of Maintenance Costs to Allocate State MFT funds for Street Lighting Electrical Energy and Rental Charges through the Fiscal Year 2025 MFT General Maintenance Program, for the Period of May 1, 2024, to April 30, 2025, in the Amount of \$500,000, as requested by the Department of Operations & Engineering Services.

**RECOMMENDED MOTION:** The proposed Resolution and Estimate be approved.

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

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

**BACKGROUND:** If approved, the City will submit the applicable documents to the Illinois Department of Transportation ("IDOT") to use Motor Fuel Tax ("MFT") dollars allocated to the City to pay for street lighting costs. The remaining \$625,000 budgeted in Fiscal Year ("FY") 2025 will come from the Engineering Administration - Electricity account in the General Fund. All of these charges are paid to Ameren, Corn Belt Energy, and Direct Energy.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** If approved, the City will have the authority to spend \$500,000 from the State Motor Fuel Tax funds for street lighting electrical energy and rental charges in FY 2025. Currently, \$500,000 is included in the budget to be paid out of the Motor Fuel Tax-Electricity account (20300300-71320). Additional funds in the amount of \$625,000 will be used for street lighting electrical energy and rental charges from the Engineering Administration-Electricity account (10016210-71320). Stakeholders can locate the State Motor Fuel Tax portion in the FY 2025 Proposed Budget Book titled "Other Funds & Capital Improvement" on page 8. The Engineering Administration budgeted amount can be found in the FY 2025 Proposed Budget Book titled "Budget Overview & General Fund" on page 253.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: Goal TAQ-1 (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objective TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods, and services between existing and proposed residential areas

and major activity centers, maximizes walkability, and provides multimodal linkages).

Respectfully submitted for consideration.

Prepared by: Bob Yehl, Assistant City Engineer

**ATTACHMENTS:**

[DOES 4B MFT Resolution](#)

[DOES 4C MFT Estimate](#)



District	County	Resolution Number	Resolution Type	Section Number
5	McLean		Original	24-00000-00-GM

BE IT RESOLVED, by the Council of the City of  
Governing Body Type Local Public Agency Type  
Bloomington Illinois that there is hereby appropriated the sum of \_\_\_\_\_  
Name of Local Public Agency

Five hundred thousand and 00/100 Dollars ( \$500,000.00 )

of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of Illinois Highway Code from

05/01/24 to 04/30/25.  
Beginning Date Ending Date

BE IT FURTHER RESOLVED, that only those operations as listed and described on the approved Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that City of Bloomington  
Local Public Agency Type Name of Local Public Agency  
shall submit within three months after the end of the maintenance period as stated above, to the Department of Transportation, on forms available from the Department, a certified statement showing expenditures and the balances remaining in the funds authorized for expenditure by the Department under this appropriation, and

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, Leslie Smith-Yocum, Clerk in and for said City  
Name of Clerk Local Public Agency Type Local Public Agency Type  
of Bloomington in the State of Illinois, and keeper of the records and files thereof, as  
Name of Local Public Agency

provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the

Council of Bloomington at a meeting held on 05/28/24.  
Governing Body Type Name of Local Public Agency Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.  
Day Month, Year

(SEAL, if required by the LPA)

Clerk Signature & Date

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**APPROVED**

Regional Engineer Signature & Date  
Department of Transportation

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**Estimate of Maintenance Costs**Submittal Type **Original**

Local Public Agency	County	Section	Maintenance Period
City of Bloomington	McLean	24-00000-00-GM	05/01/24
Received Location	Received Date	Additional Location?	Beginning
		<input type="checkbox"/>	04/30/25

**IDOT Department Use Only**

Received Location Received Date Additional Location?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WMFT Entry By Entry Date

<input type="checkbox"/>	<input type="checkbox"/>
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## CONSENT AGENDA ITEM NO. 8.H.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on a Resolution Authorizing the Filing of the 2024 Community Development Block Grant (CDBG) Annual Action Plan Program Application (May 1, 2024 - April 30, 2025), as requested by the Economic & Community Development Department.

**RECOMMENDED MOTION:** The proposed Resolution be approved.

**STRATEGIC PLAN LINK:**

Goal 4. Strong Neighborhoods

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 4b. Upgraded quality of older housing stock  
Objective 4c. Preservation of property/home valuations  
Objective 4d. Improved neighborhood infrastructure

**BACKGROUND:** On May 1, 2024, the City of Bloomington began the 50th year of administering the Community Development Block Grant ("CDBG") program that is funded by the U.S. Department of Housing and Urban Development ("HUD"). Established through the Housing and Community Development Act of 1974, the CDBG program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low-to-moderate income persons. CDBG funding must meet one of three national objectives: benefiting low-to-moderate income persons, preventing or eliminating slums or blight, and meeting urgent community needs.

Expected revenues for this program year come from three sources: the annual CDBG allocation from HUD, program income from housing rehabilitation loans, and carry-over funds from previous program years. The Annual Action Plan ("AAP") was published for public comment before the annual CDBG allocation was announced by HUD, therefore the AAP was edited to reflect the annual allocation that was provided by HUD on May 7, 2024. Revenue sources in the AAP for Program Year 2024 are listed below.

- CDBG Entitlement Allocation: \$584,488
- Program Income: \$49,320
- Prior Year Resources: \$166,488
- Total Revenue: \$800,296

This AAP features community investments in housing rehabilitation, demolition of structures that cannot be rehabilitated, public services, public infrastructure, public facilities, and community planning activities. Spending per annual goal and details of spending per annual goal are listed below.

- Goal: Preservation of Existing Affordable Housing Stock (\$398,000)
  - Homeowner Housing Assistance = \$392,000
  - Housing Rehabilitation Service Delivery = \$6,000
- Goal: Elimination of Slum and Blight Conditions (\$34,000)
  - Residential Housing Demolition = \$34,000
- Goal: Support the Provision of Public Service Activities (\$83,000)
  - Home Sweet Home Ministries-Street Outreach Program = \$34,000
  - Partners for Community-Recycling Furniture for Families Program = \$5,000
  - KTB Financial Services, Inc.-Financial Services = \$26,000
  - West Bloomington Revitalization Project-Community Operations=\$18,000
- Goal: Provide Quality Services and Facilities (\$196,796)
  - Home Sweet Home Ministries-Homeless Shelter Improvements = \$13,796
  - City of Bloomington Public Works Department-South Central Sidewalk Improvement = \$98,000
  - Lifelong Access-Housing Rehabilitation for Supportive Housing = \$30,000
  - Housing Authority of the City of Bloomington-Holton Home Modernizations = \$55,000
- Goal: Administer CDBG Effectively and Proficiently (\$88,500)
  - General Program Administration = \$27,500
  - Prairie State Legal Services-Fair Housing Program = \$16,000
  - Housing Authority of the City of Bloomington-Section 3 Training = \$9,000
  - Mclean County Regional Planning Commission-Housing and Community Planning = \$36,000

The draft AAP was made available for public comment and review from January 24, 2024, to February 25, 2024. A public hearing was held on February 12, 2024, during the regularly scheduled City Council meeting. Once the AAP is submitted, HUD will begin their review process. The full AAP is available for review via the [E&CD 1C Program Year 2024 CDBG AAP Draft](#) attachment.

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

The draft CDBG Program Year 2024 Annual Action Plan was developed based on the goals and funding priorities held within the 2020-2024 Consolidated Plan. A public notice was published in *The Pantagraph* on January 4, 2024, providing formal notice of this public hearing and the availability of the plan for review starting on January 24, 2024. The notice was also published in the *PATH-O-GRAM* and the City's website and social media. Additionally, the notice was provided to community stakeholder groups and email lists. Written comments were accepted outside of the public hearing until February 25, 2024.

**FINANCIAL IMPACT:** Delay or lack of approval of the Program Year 2024 CDBG Annual Action Plan will result in the loss of \$584,488 in federal grant funding used for programs benefitting low-to-moderate income households within the City. The CDBG program is entirely grant-funded. A Fiscal Year ("FY") 2025 budget amendment will be submitted to Council for

review after the Annual Action Plan has been approved by the U.S. Department of Housing and Urban Development. Stakeholders can locate the CDBG Budget in the FY 2025 Proposed Budget Book titled "Other Funds & Capital Improvement" beginning on page 16.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: Goal N-1 (Ensure the compact development of the City through denser, mixed-use developments and reinvestment in the established older neighborhoods), Objective N-1.2 (Prioritize, with urgency, the revitalization of the neighborhoods in the Regeneration Area); Goal H-1 (Ensure the availability of safe, attractive, and high quality housing stock to meet the needs of all current and future residents of Bloomington), Objective H-1.2 (Ensure an adequate supply of affordable housing for low to moderate income households), Objective H-1.3 (Create a life-long community by fostering housing stock that meets the needs of residents of all ages and abilities); Goal H-2 (Ensure reinvestment in the established older neighborhoods and compact development of the City), Objective H-2.3 (Rehabilitate housing in the designated Regeneration Area); Goal CWB-1 (End chronic homelessness and reduce the severity of situational homelessness.), Objective CWB-1.1 (Reduce homelessness through programs for prevention); Goal CWB-2 (Create a lifelong community that meets the needs of residents of all ages and abilities), Objective CW-2.1 (Promote the welfare of older adults and persons with disabilities to foster maximum independence so they can continue to be an integral part of the community); and Goal TAQ-1 (A safe and efficient network of street, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objective TAQ-1.4 (Pedestrian safety for users of all transportation facilities)

Respectfully submitted for consideration.

Prepared by: William Bessler, Grant Coordinator

**ATTACHMENTS:**

[E&CD 7B Resolution](#)

[E&CD 7C Program Year 2024 CDBG AAP Draft](#)

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE FILING OF THE 2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN PROGRAM APPLICATION (MAY 1, 2024 - APRIL 30, 2025)**

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

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

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

**Section 1.** That an application on behalf of the City of Bloomington for a grant under said Title I in the full amount available for undertaking and financing the fiftieth (50th) increment of such program is hereby approved.

**Section 2.** The City Manager and Mayor are hereby authorized and directed to execute and to file such application with the Department of Housing and Urban Development; to act as the certifying officer and assure the status of a responsible Federal Official under the National Environmental Protection Act of 1969; to act as the assuring officer for the City of Bloomington that the Local Point Agency shall comply with those items listed on HUD application forms.

**Section 3.** The Counsel for the Economic & Community Development Department is hereby authorized and directed to file legal certification.

**Section 4.** The Director of the Economic & Community Development Department is hereby authorized and directed to provide such additional information and to furnish such documents as may be required on behalf of the Department of Housing and Urban Development, and to act as the authorized correspondent of the City of Bloomington.

**Section 5.** The City Clerk is hereby authorized and directed to certify such documents as needed by the Department of Housing and Urban Development on behalf of the City of Bloomington.

**Section 6.** Should any section, clause, or provision of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of the Resolution as a whole, or parts thereof, other than the part so declared to be invalid.

**Section 7.** This Resolution shall be in full force and effect immediately after its passage and approval.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

**ATTEST**

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Mboka Mwilambwe, Mayor

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Leslie Smith-Yocum, City Clerk

## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

The City of Bloomington is the entity responsible for implementing the 2020-2024 Consolidated Plan, adopted by the Bloomington City Council on June 8, 2020. The Economic and Community Development department is responsible for managing the City's housing and community development efforts supported with Community Development Block Grant (CDBG) funds. Program Year 2024 will run from May 1, 2024-April 30, 2025, and be the 50th year the City has implemented the CDBG program.

Geographically, the City of Bloomington encompasses 27.22 square miles of land area within McLean County, the largest county in Illinois. Data from the 2020 Decennial Census places Bloomington's population at 78,680 or 46.02% of the total population of McLean County. According to the 2022 American Community Survey 1-Year Estimate information, Bloomington has a poverty rate of 12.5%, which is .6% higher than the state poverty rate. It is served by 3 interstates, 2 major freight railroads, Amtrak, and the Central Illinois Regional Airport. The majority of the County's social services are located in Bloomington, primarily in or near the downtown area. Bloomington is divided into three zip codes (61701, 61704, and 61705). The 2022 Community Health Needs Assessment (CHNA) has identified 61701 as the zip code in McLean County with the greatest socioeconomic needs. The CHNA scored zip codes in McLean County on a five point scale based on six factors: poverty, education, unemployment, occupation, income, and language. While zip code 61701 scored the highest, zip codes 61704 and 61705 were among the lowest in the county on this metric. Additional analysis within the CHNA showed that zip code 61701 showed high health equity needs with several housing problems cited (i.e., overcrowding, high housing costs, lack of appropriate facilities).

The City's Comprehensive Plan divides the City into four broad areas: Regeneration Area, Preservation Area, Stable Area, and Emerging Area. The programs outlined in this Annual Action Plan will occur primarily in the Regeneration and Preservation Areas, both of which are identified as priority target areas in the 2020-2024 Consolidated Plan. The Comprehensive Plan classifies the Regeneration Areas as an area in need of immediate resources. This area is home to the City's oldest housing stock and has a higher percentage of rental units than owner-occupied housing. Improving the infrastructure in this area is a priority for the City and our community. Although the Preservation Area is considered slightly more stable than the Regeneration Area, additional resources are necessary to maintain its stability. Both areas are located within the 61701 zip code area.

#### 2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Please refer to Section AP-20 Annual Action Plan Goals and Objectives for an overview of the goals and objectives to be met during the 2024 Program Year.

### 3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City selects projects and activities based on needs identified in the current Consolidated Plan. Previous program years in the 2020-2024 Consolidated Plan have been negatively impacted by the COVID-19 Pandemic, supply chain issues, and inflation experienced in Program Year 2022. While these issues have made program operations more challenging, the City has adjusted operations to ensure the projects outlined in the 2020-2024 Consolidated Plan were still pursued.

CDBG funds are made available to homeowners to perform critical home repairs and home modifications for accessibility improvements. In addition to CDBG, the City leveraged Illinois Housing Development Authority (IHDA) housing rehabilitation funds through the Home Repair and Accessibility Program (HRAP). For Program Year 2024, the City will continue to use IHDA HRAP funds to complete housing rehabilitation projects within the City. Another housing rehabilitation program funded through the City's American Rescue Plan Act (ARPA) funds is also available for qualifying Bloomington community members living in qualified census tracts. These programs address the community's need to preserve the affordable housing stock.

Demolition and clearance of vacant/abandoned housing units is another way the City addresses affordable housing. Once a buildable lot is cleared, the City attempts to donate the property to Habitat for Humanity for construction of new affordable housing. If the property has never been connected to City water and sewer services, those connections are made prior to donating the property. When a property is not deemed buildable due to size or location, the City maintains the property until it can be donated or sold.

In the past, public infrastructure improvements have included streets, sidewalks, sewers, and parks. During the outreach process for the 2020-2024 Consolidated Plan, the community strongly emphasized that sidewalks and parks should be the primary focus areas for CDBG. In recent years, CDBG funding has been utilized to build a new park in the Woodbury subdivision and make significant improvements to Evergreen Park. Sidewalk improvements have been made in the Dimmitt's Grove neighborhood and in West Bloomington along the W. Market corridor. Moving forward, the partnership with the City's Public

Works Department will continue and public infrastructure projects that enhance multi-modal transportation options with sidewalk, park, and street improvements will be a focus.

The City of Bloomington is committed to affirmatively furthering fair housing. Through the CDBG funding provided to Prairie State Legal Services (PSLS) for their fair housing program, the City is actively funding efforts to eliminate and deter unfair housing practices. The program through PSLS provides critical legal services for community members that believe they have experienced housing discrimination. Additionally, PSLS staff provide fair housing education and outreach services on the matter. An analysis of fair housing impediments, which was conducted in 2020, was included in the 2020-2024 Consolidated Plan public outreach and planning process through the work of program partner Prairie State Legal Services. Additionally, fair housing information and research was included in the BN Home-Regional Housing Study published in October 2017. Fair housing information is also provided to CDBG housing rehabilitation program participants.

CDBG regulations require public service activities be capped at 15% of the annual allocation. The City typically funds 4-6 public services project a year at the maximum allowed funding level.

#### 4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The public comment period for this Annual Action Plan occurred from 01/24/2024-02/25/2024. During the public comment period, the draft Annual Action Plan was made available at the Bloomington Public Library, the City's HUB location (115 East Washington Street), the Economic and Community Development Department office (115 East Washington Street, Suite 201), and on the City's website. A public hearing was held on 02/12/2024 during the regularly scheduled City Council meeting. Community members had an opportunity to provide public comment during that hearing. Notice of the public hearing and public comment period was published in the Pantagraph newspaper, which has a daily circulation, on 01/04/2024. Additionally, the public hearing and public comment period notice was announced in the PATH-O-GRAM subscription and sent to various community organizations to solicit public comment. The City also published the public comment period and public hearing notice on applicable City social media channels.

#### 5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

The public comment period for this Annual Action Plan occurred from 01/24/2024-02/25/2024. A public hearing was held on 02/12/2024 during the regularly scheduled City Council meeting.

#### 6. Summary of comments or views not accepted and the reasons for not accepting them

The public comment period for this Annual Action Plan will occur from 01/24/2024-02/25/2024. A public hearing will be held on 02/12/2024 during the regularly scheduled City Council meeting.

## 7. Summary

The public comment period for this Annual Action Plan occurred from 01/24/2024-02/25/2024. A public hearing was held on 02/12/2024 during the regularly scheduled City Council meeting. A summary of public comments received, and the City's response is included in the supplemental information attached with the submission.

## PR-05 Lead & Responsible Agencies – 91.200(b)

### 1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	BLOOMINGTON	Economic and Community Development Department

Table 1 – Responsible Agencies

### Narrative (optional)

The City of Bloomington's Economic and Community Development Department is the lead entity responsible for implementing the 2020-2024 Consolidated Plan. Staff from this department that work on CDBG activities include the Grants Manager, two Grant Specialists, and Rehabilitation Specialist.

In an effort to look at housing and community development issues on a more regional level, the City partnered with the Town of Normal (Town) and McLean County Regional Planning Commission (MCRPC) in the development of the 2020-2024 Consolidated Plan. MCRPC served as the lead agency for the consolidated plan process, providing a wealth of knowledge during the community engagement and data analysis processes. The projects and activities supported through this Annual Action Plan were selected based on the goals and priority areas established during the consolidated planning process.

### Consolidated Plan Public Contact Information

#### Primary Contact

William Bessler, M.B.A.

Grants Manager

Annual Action Plan  
2024-DRAFT

5

Economic and Community Development Department

wbessler@cityblm.org

(309) 434-2343

Secondary Contact

Joni Gerard

Grant Specialist

Economic and Community Development Department

jgerard@cityblm.org

(309) 434-2450

## AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

### 1. Introduction

The Regional Housing Staff Advisory Committee served as the advisory body for the 2020-2024 Consolidated Plan. Members of this committee represent the City of Bloomington, Town of Normal, McLean County Regional Planning Commission, PATH (Continuum of Care), the Housing Authority of the City of Bloomington, and the McLean County Behavioral Health Coordinating Council. This joint planning effort resulted in a robust outreach campaign that included citizens and stakeholders. Citizens were asked to participate by submitting a survey and attending a public meeting. Stakeholders were consulted via a written survey and several focus groups. Key informant interviews were also conducted. Consolidated Plan goals and priority needs were identified based on the results of the consultation efforts. The projects and activities identified in this 2024 Annual Action Plan were selected based on these goals and priority areas.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

Staff from the Economic and Community Development Department participate in a variety of committees related to housing and other social services. CDBG funding from the City of Bloomington and the Town of Normal support community planning activities with the McLean County Regional Planning Commission.

As part of its COVID-19 Pandemic response efforts, the City actively participates in the McLean County Housing Assistance Coalition. The coalition brought together housing and service providers, local government staff, and other organizations to coordinate rent/mortgage and utility assistance for those affected by the pandemic. To date, service providers of the coalition have provided millions in assistance since the start of the COVID-19 Pandemic. This coalition has continued since the COVID-19 Pandemic recovery began and is providing valuable support and information on housing to the community. With the Central Illinois Continuum of Care (CICoC) not operating nominally, the Housing Assistance Coalition has kept the information sharing and support functions of a CoC lead agency.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Central Illinois Continuum of Care (CICoC) coordinates services for homeless community members in the CICoC, which includes Bloomington. The CICoC covers eleven (11) counties in Illinois. The CICoC's lead agency is PATH, Inc. (PATH) based in Bloomington. As the HMIS lead, PATH has the ability to provide data regarding the nature of unhoused community members in McLean County. Organizations

providing homeless services work together to ensure that needed services are provided to unhoused community with, or without, support of the CICoC lead agency.

The first place most people go after leaving street living is emergency shelter. Shelters offer food, showers, clothing, and case management. The Salvation Army-Safe Harbor provides shelter for adult women and men. Home Sweet Home Ministries is the only family shelter in the county and will take individual men, women, and families with dependent children. The Crisis Nursery, a Children's Home and Aid program, provides emergency shelter to children from birth through six years of age. Project Oz specializes in assisting youth experiencing homelessness and provides immediate shelter to youth ages 10-22.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Central Illinois Continuum of Care (CICoC) coordinates services for homeless community members in the CICoC, which includes Bloomington. The CICoC covers eleven (11) counties in Illinois. The CICoC's lead agency is PATH, Inc. (PATH) based in Bloomington. During the 2020-2024 Consolidated Plan process, PATH provided consultation and assistance with developing the plan. PATH provided consultation with previous program years within the 2020-2024 Consolidated Plan.

The City has continued to attempt a partnership with PATH to meet the needs of homeless community members, but PATH has faced a series of organizational changes and challenges that have impacted performance in a negative manner. Issues with PATH intensified in Program Year 2023 and PATH has not been able to function as the CICoC lead agency. During Program Year 2023, City staff provided technical assistance to multiple new employees related to the agency's homeless services division. However, persistent staff changes continued through the program year. The City communicated concerns and issues to HUD regarding PATH and the CICoC given the importance of the CICoC and the services provided to homeless community members in Bloomington. The City has also worked with local non-profit organizations serving unhoused community members to help distribute critical information and provide technical assistance when possible.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	HOME SWEET HOME MINISTRIES, INC.
	Agency/Group/Organization Type	Services-homeless Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	PATH provided extensive consultation on needs of the homeless population during the 2020-2024 Consolidated Plan. The City has continued to attempt the partnership with PATH to meet the needs of homeless community members, but PATH has faced a series of organizational changes and challenges that have impacted performance in a negative manner. With these changes and challenges, PATH was not able to provide consultation during the creation of this annual action plan. With this absence, the City consulted with Home Sweet Home Ministries (HSHM), an organization that provides homeless services in McLean County. HSHM provided information on the current state of the CICoC and unhoused community members. The City will continue to maintain a strong relationship with HSHM to ensure the needs of homeless community members receive what assistance is currently possible and investigate strategies for obtaining additional resources to fully address homelessness.
2	Agency/Group/Organization	BLOOMINGTON HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing PHA Services - Housing Other government - Local

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City and the Housing Authority of the City of Bloomington participate in the McLean County Regional Housing Advisory Committee and other regional housing efforts. One of the primary focus areas of the McLean County Regional Housing Advisory Committee is to preserve the current affordable housing stock--including publicly supported housing.
3	Agency/Group/Organization	McLean County Regional Planning Commission
	Agency/Group/Organization Type	Other government - County Planning organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Non-Homeless Special Needs Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The McLean County Regional Planning Commission (MCRPC) was the lead organizer for the City's award-winning 2015-2035 Comprehensive Plan. MCRPC also served as the lead organization for the 2017 Regional Housing Study and development the 2020-2024 Consolidated Plan. All sources were utilized during development of this Annual Action Plan.
4	Agency/Group/Organization	City of Bloomington - Parks and Public Works Departments
	Agency/Group/Organization Type	Other government - Local Grantee Department
	What section of the Plan was addressed by Consultation?	Public Infrastructure

Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Economic and Community Development Department staff, particularly Grant Management Division staff, worked with the Parks and Recreation Department and the Public Works Department to discuss improvements to our infrastructure. This consultation work has continued throughout the Consolidated Plan period and was done during the development of this Annual Action Plan as well.
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#### Identify any Agency Types not consulted and provide rationale for not consulting

No agency types were purposefully removed from the consultation process during development of this plan. Additionally, City staff within the Economic and Community Development Department have discussed theoretical ways CDBG funding can improve the community's resiliency to threats like Climate Change and public health emergencies. Additionally, the Grant Management Division has initially discussed with the City's Parks and Recreation and Public Works Departments future environmental justice planning and goals related to CDBG funding. Robust conversations on these issues will continue and be a significant part of the 2025-2029 Consolidated Plan process.

Broadband internet access has also been discussed internally within the City. How CDBG funds could help expand broadband access for low-to-moderate income residents is an issue still being evaluated.

#### Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	PATH, Inc.	The Continuum of Care works to support homeless individuals achieve self-sufficiency. These goals align with the 2020-2024 Consolidated Plan.
BN Home Regional Housing Study	McLean County Regional Planning Commission	The BN Home Regional Housing Study addresses the preservation and development of affordable housing, a priority need identified in the 2020-2024 Consolidated Plan.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
City of Bloomington Comprehensive Plan	City of Bloomington	The Comprehensive Plan focuses on housing, economic development, land use, transportation, health, community facilities, services, and other related topics. The Comprehensive Plan goals align closely with the 2020-2024 Consolidated Plan.
Five Year PHA Plan	Housing Authority of the City of Bloomington	The 5-Year PHA Plan outlines the needs and priorities of the Housing Authority of the City of Bloomington. Addressing affordable housing is a priority goal of the 2020-2024 Consolidated Plan.
Regional Housing Market Analysis	Bloomington-Normal Economic Development Council	The Bloomington-Normal Economic Development Council released a report in April 2022 on the overall status of the Bloomington-Normal housing market. While this analysis was not specifically for affordable housing, the study did highlight an overall shortage of approximately 4,300 housing units with population growth estimates. This study provides some updated information on the aggregate housing market, but it does not analyze specific fair housing impediments.

Table 3 – Other local / regional / federal planning efforts

#### Narrative (optional)

The consultation process undertaken during creation of the 2020-2024 Consolidated Plan was robust and provided residents and stakeholders opportunities to participate in multiple ways. Undertaking consultation through a regional approach offered many more opportunities to engage the community than the City staff could have managed internally. The consultation resulted in the goals and priority areas used to select activities supported through this Annual Action Plan.

## AP-12 Participation – 91.105, 91.200(c)

### 1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

The City of Bloomington adopted a new Citizen Participation Plan (CPP) in November 2018 and that plan was amended in 2020. A new CPP is in development and will be available for Program Year 2024 once it is approved by the Normal Town Council, the Bloomington City Council, and HUD. A new CPP was developed in preparation for the 2025-2029 Consolidated Plan.

A public hearing provides an opportunity for a diverse set of community members to participate and make public comment. Public hearings are held during the regularly scheduled City Council meetings, which can make accommodations for community members with different abilities or are not English speaking. Information and notice on the public comment period (and public hearing) were emailed to various non-profit organizations serving minorities and non-English speaking community members as well.

## Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	A public hearing was completed on February 12, 2024, during the regularly scheduled Bloomington City Council meeting.	A public hearing was completed on February 12, 2024, during the regularly scheduled Bloomington City Council meeting.	A public hearing was completed on February 12, 2024, during the regularly scheduled Bloomington City Council meeting.	
2	Newspaper Ad	Non-targeted/broad community	Notice of the public comment period and public hearing was published in the Pantagraph on January 4, 2024.	Notice of the public comment period and public hearing was published in the Pantagraph on January 4, 2024.	Notice of the public comment period and public hearing was published in the Pantagraph on January 4, 2024.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Internet Outreach	Minorities  Non-English Speaking - Specify other language: Spanish  Social Service Organizations	An email with information on the public hearing, public comment period, and Program Year 2024 Annual Action Plan was sent to social service agencies serving Bloomington.	An email with information on the public hearing, public comment period, and Program Year 2024 Annual Action Plan was sent to social service agencies serving Bloomington.	An email with information on the public hearing, public comment period, and Program Year 2024 Annual Action Plan was sent to social service agencies serving Bloomington.	
4	Internet Outreach	Non-targeted/broad community	A notice with information about the public hearing, public comment period, and Program Year 2024 Annual Action Plan was published in the PATH-O-GRAM during the public comment period.	A notice with information about the public hearing, public comment period, and Program Year 2024 Annual Action Plan was published in the PATH-O-GRAM during the public comment period.	A notice with information about the public hearing, public comment period, and Program Year 2024 Annual Action Plan was published in the PATH-O-GRAM during the public comment period.	

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources – 91.220(c)(1,2)

#### Introduction

The City will use Program Year 2024 CDBG entitlement funding, program income from previous housing rehabilitation activities, and un-used prior program year CDBG entitlement resources from Program Year 2021, Program Year 2022, and Program Year 2023.

#### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	584,488	49,320	166,488	800,296	0	Program income from housing rehabilitation loans is estimated using data from previous program years. Prior year resources will come from unexpended CDBG entitlement funds from previous program years.
Other	public - federal	Economic Development Public Services	0	0	0	0	0	

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City will continue to leverage CDBG funding for housing rehabilitation to expand our footprint using Illinois Housing Development Authority (IHDA) funds. The source of that funding is IHDA's Home Repair and Accessibility Program (HRAP), which provides up to \$45,000 per unit for housing rehabilitation work (hard and soft costs). We anticipate completing 2-4 rehabilitation projects through this program in Program Year 2024. Additionally, the City uses funds from the American Rescue Plan Act (ARPA) to complete housing rehabilitation activities as well. The ARPA housing rehabilitation program provides up to \$45,000 in grant funding to qualified community members.

Some CDBG housing rehabilitation funds will be used as match for some of the City's Lead-Based Paint Hazard Reduction and Healthy Homes Program (funded by HUD) projects as well.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Typically, the City owns several properties slated for demolition. If cleared with CDBG funds and the parcel is buildable, the property is donated to Habitat for Humanity McLean County, or another non-profit organization, for in-fill development of affordable housing. When these properties do not meet the criteria for demolition, the property is donated to a local not-for-profit organization such as YouthBuild or Dreams Are Possible for rehabilitation and resale to an income-qualified household. The non-profit also has the option of renting to an income-qualified household.

#### Discussion

As with most communities, needs are always greater than available funding. The City will continue to collaborate with other local agencies to leverage funding in an attempt to address some of the most critical needs of the community. We will focus on programs and services that enhance the quality of life for low-to-moderate income residents. We will also continue to seek non-CDBG funding to meet priority needs, as capacity allows.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Preservation of existing affordable housing stock.	2020	2024	Affordable Housing Public Housing	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP	Accessibility Improvements Affordable Housing Preservation	CDBG: \$398,000	Homeowner Housing Rehabilitated: 12 Household Housing Unit
2	Elimination of slum and blight conditions.	2020	2024	Affordable Housing Non-Housing Community Development	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP	Affordable Housing Preservation	CDBG: \$34,000	Buildings Demolished: 1 Buildings

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Support the provision of public service activities	2020	2024	Homeless Non-Homeless Special Needs Non-Housing Community Development	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP	Homeless Services Senior Services Youth Services	CDBG: \$83,000	Public service activities other than Low/Moderate Income Housing Benefit: 770 Persons Assisted
4	Provide quality services and facilities.	2020	2024	Non-Homeless Special Needs Non-Housing Community Development	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP	Homeless Services Sidewalk Improvements	CDBG: \$196,796	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3800 Persons Assisted Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 474 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Administer CDBG effectively and proficiently.	2020	2024	Affordable Housing Public Housing Non-Housing Community Development	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP	Homeless Services Housing Discrimination Services Senior Services Youth Services Accessibility Improvements Affordable Housing Preservation Parks and Community/Recreation Centers Sidewalk Improvements Water and Sewer Improvements	CDBG: \$88,500	Other: 26 Other

Table 6 – Goals Summary

## Goal Descriptions

1	Goal Name	Preservation of existing affordable housing stock.
	Goal Description	The City will undertake several programs designed to preserve the existing affordable housing stock throughout the 2024 Program Year. Typically, traditional housing rehabilitation work will be financed through 0% interest, deferred payment loans. Loans are usually capped at \$30,000 and include hard costs only. Lead-based paint hazard mitigation or abatement and other soft costs will be covered by a grant to the community member served. CDBG funds will also help complete rehabilitation work on some properties that are a part of the City's Lead-Based Paint Hazard Reduction and Healthy Homes program funded by HUD. This will be financed through grants to the unit owner. The City will also continue its partnership with Cornbelt AMBUCS to build accessibility ramps during the 2024 Program Year. Water and sewer service costs will also be covered for lots that Habitat for Humanity owns and is building affordable housing units for low-to-moderate income households. Most of the work will likely take place in West Bloomington, but all eligible City residents can participate in these activities.
2	Goal Name	Elimination of slum and blight conditions.
	Goal Description	Demolition and clearance activities will be limited to residential properties. Rehabilitation is always considered before demolition, but most of the properties the City encounters are beyond the point where they can be rehabilitated. The City attempts to use vacant lots from demolition activities to create opportunities for affordable housing construction through Habitat for Humanity. Properties that do not meet Habitat's criteria may be offered to adjacent property owners or donated to local not-for-profits for use consistent with CDBG national objectives. CDBG funds will be leveraged with other state resources from the Illinois Housing Development Authority for abandoned properties.
3	Goal Name	Support the provision of public service activities
	Goal Description	The City will support local non-profit organizations dedicated to providing services to low-to-moderate income residents and other special populations through the 2024 Program Year. Program partners for Program Year 2024 include Home Sweet Home Ministries, the West Bloomington Revitalization Project, KTB Financial Services, Inc., and Partners for Community.

4	Goal Name	Provide quality services and facilities.
	Goal Description	CDBG funds will support public infrastructure and facility improvement activities for the City of Bloomington Public Works Department (sidewalk improvements), Home Sweet Home Ministries (public facility rehabilitation), Lifelong Access (facility rehabilitation), and Housing Authority of the City of Bloomington (public housing modernization).
5	Goal Name	Administer CDBG effectively and proficiently.
	Goal Description	The City strives to improve the implementation and effectiveness of CDBG funded activities throughout the 2024 Program Year. Through the Administration and Planning goal, the City will support fair housing initiatives, Section 3 opportunities, regional community planning efforts, and general administration of the CDBG program.

## Projects

### AP-35 Projects – 91.220(d)

#### Introduction

Activities were selected based on the relationship to the high priority funding areas identified in the 2020-2024 Consolidated Plan.

#### Projects

#	Project Name
1	Housing Rehabilitation Assistance
2	Housing Rehabilitation Delivery
3	Residential Housing Demolition
4	Public Services
5	Sidewalk Improvements
6	CDBG General Administration
7	CDBG Administrative Programs
8	CDBG Community Planning
9	Non-Profit Building Improvements
10	Public Housing Improvements

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City selected these projects based on the needs and goals identified during the 2020-2024 Consolidated Plan process. These projects will support the needs of low-to-moderate income residents of the City and provide funding to address residents with unserved needs. The COVID-19 Pandemic, supply-chain related challenges, and inflation hampered progress towards addressing underserved needs in the community in previous program years, but the City worked to overcome these challenges as much as possible. Thankfully, these issues have largely dissipated and should not be a major factor in Program Year 2024 operations.

Currently, McLean County has a considerable shortage of housing units, which includes a shortage of affordable housing units. This housing shortage has caused an increase in rental rates and home prices, which has placed a financial burden on many low-to-moderate income community members. The City's CDBG housing rehabilitation program does help keep affordable housing units safe and available for low-to-moderate income community members--an important service in this housing market. Without the housing rehabilitation program offered by the City's CDBG program, many homeowners would not

be able to afford repairs to address serious health, life, safety, and code compliance issues in their homes.

An additional challenge has developed into a serious situation during Program Year 2023. The Central Illinois Continuum of Care (CICoC) lead agency, PATH, Inc., has undergone significant staff and organizational changes and has not been able to adequately perform duties of the CoC lead agency. This has caused service delays, missed communication, and inaccurate information for the CICoC agencies and the people served by the CICoC. The City is working with the Town of Normal, non-profit organizations serving homeless community members, and HUD to find a solution to the problems faced by the CICoC.

AP-38 Project Summary  
Project Summary Information

Annual Action Plan  
2024-DRAFT

26

1	Project Name	Housing Rehabilitation Assistance
	Target Area	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP
	Goals Supported	Preservation of existing affordable housing stock.
	Needs Addressed	Accessibility Improvements Affordable Housing Preservation
	Funding	CDBG: \$392,000
	Description	Activities completed under this project will include moderate rehabilitation to address health, life, safety, accessibility, and code compliance issues in owner-occupied housing units. Owners will meet income and other program qualifications to receive assistance through CDBG funds. CDBG funds can cover renter-occupied units if the funds are used to support the Lead-Based Paint Hazard Reduction and Healthy Homes Program.
	Target Date	4/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	Housing rehabilitation activities will be performed at housing units owned and/or occupied by income-qualified residents. The City anticipates completing 12 housing rehabilitation activities during the program year with CDBG funds.
	Location Description	The homeowner rehabilitation program is open to all income-qualified residents in the City. Homeowner applications are accepted on a rolling cycle. There is a waiting list at this time. All locations are to be determined.
	Planned Activities	Housing rehabilitation requests vary depending on the specific needs. Work performed under this project can include roof, siding, door and window replacement; new soffit, fascia and gutters; new HVAC plumbing and electrical; and emergency water and sewer line replacement. Grants typically finance assistance for Lead Hazard Control grant match housing rehabilitation and AMBUCS rehabilitation activities. General rehabilitation assistance activities are financed through zero percent interest, deferred payment loans or grants depending on the needs of the project.
	Project Name	Housing Rehabilitation Delivery

2	Target Area	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP
	Goals Supported	Preservation of existing affordable housing stock.
	Needs Addressed	Accessibility Improvements Affordable Housing Preservation
	Funding	CDBG: \$6,000
	Description	This project will cover expenses related to the delivery of all rehabilitation programs performed under this Annual Action Plan. Expenses may include but not be limited to: staff expenses, professional development for rehabilitation staff, fees associated with software for rehabilitation project management and procurement.
	Target Date	4/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	This project supports other projects/activities under the Preservation of Affordable Housing goal. Numbers will be reported on associated activities.
	Location Description	Locations identified under other projects.
	Planned Activities	No activities outside of Rehabilitation Service Delivery will occur under this project.
3	Project Name	Residential Housing Demolition
	Target Area	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP
	Goals Supported	Elimination of slum and blight conditions.
	Needs Addressed	Affordable Housing Preservation
	Funding	CDBG: \$34,000

	Description	The City will address the elimination of slum and blight conditions throughout this Annual Action Plan. Demolition and clearance activities will be limited to residential properties. Rehabilitation is always considered before demolition, but most of the properties the City encounters are beyond the point where they can be rehabilitated. The City attempts to use vacant lots from demolition activities to create opportunities for affordable housing construction through Habitat for Humanity of McLean County. Properties that do not meet Habitat's criteria may be offered to adjacent property owners or donated to local not-for-profits for green space.
	Target Date	4/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	The estimated demolition activities will result in new housing construction through the City's partnership with Habitat for Humanity. Habitat's homeowner program is limited to households at or below 50% Area Median Income. The City anticipates demolition activities under this project allow Habitat for Humanity to replace one (1) new unit of affordable housing.
	Location Description	To be determined.
	Planned Activities	Demolition and clearance activities at one (1) vacant/abandoned property. Each property will be connected to City water and sewer services as necessary with housing rehabilitation assistance project funds.
4	Project Name	Public Services
	Target Area	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP
	Goals Supported	Support the provision of public service activities
	Needs Addressed	Homeless Services Senior Services Youth Services
	Funding	CDBG: \$83,000
	Description	The City will support local non-profit organizations dedicated to providing services to low-to-moderate income residents and other special populations through the 2024 Program Year.
	Target Date	4/30/2025

	<p>Estimate the number and type of families that will benefit from the proposed activities</p>	Approximately 770 households will benefit from the services provided through this project.
	<p>Location Description</p>	<p>Most of the services will occur at the individual agencies. However, some services, such as homeless outreach services, are provided at various locations within the corporate limits of the City of Bloomington. Agency locations are listed below.</p> <ol style="list-style-type: none"> <li>1. 303 East Oakland Avenue, Bloomington, IL 61701 (Home Sweet Home Ministries)</li> <li>2. 515 North Center Street, Bloomington, IL 61701 (Partners for Community)</li> <li>3. 724 West Washington Street, Bloomington, IL 61701 (West Bloomington Revitalization Project)</li> <li>4. 1301 West Washington Street, Bloomington, IL 61701 (KTB Financial Services, Inc.)</li> </ol>
	<p>Planned Activities</p>	<p>Home Sweet Home Ministries will provide homeless street outreach services to engage and provide services to some of the most vulnerable community members. Partners for Community will provide housing services with the CDBG public service funding.</p> <p>WBRP provides a wide variety of services for West Bloomington residents, including The Tool Library, Bike Co-op, Veggie Oasis, community workshops and community gardens. KTB Financial assists low-to-moderate income households with services geared towards financial security and self-sufficiency, which also helps prevent homelessness.</p>
5	<p>Project Name</p>	Sidewalk Improvements
	<p>Target Area</p>	LMA Regeneration Area - Outside WBRP
	<p>Goals Supported</p>	Provide quality services and facilities.
	<p>Needs Addressed</p>	Sidewalk Improvements
	<p>Funding</p>	CDBG: \$98,000
	<p>Description</p>	<p>This project will support sidewalk improvements, including ADA improvements, in South-Central Bloomington. The area served by the project will make public infrastructure improvements near Wood Hill Towers, which is a public housing complex in Bloomington.</p>

	Target Date	4/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	The sidewalks in this area connect area residents to jobs and services throughout the Bloomington-Normal community. Many public transportation routes stop along this area. Approximately 3,800 community members in Bloomington.
	Location Description	The South Sidewalks Project will produce continuous, good pedestrian access along U.S. Route 51 along a corridor stretching three-quarters of a mile, from Oakland Avenue to Lafayette Street. Work will consist of construction of public sidewalks, sidewalk ramps, and bus stops along South Main Street, South Center Street and the following cross streets connecting the two: Oakland, MacArthur, Elm, Wood, Miller, Buchanan, Bissell, Lincoln, Baker, Stewart, and Lafayette. The project will serve block group one, two, and four of census tract fifty-nine (59).
	Planned Activities	The project will support sidewalk improvements in South-Central Bloomington.
6	Project Name	CDBG General Administration
	Target Area	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP
	Goals Supported	Administer CDBG effectively and proficiently.
	Needs Addressed	Housing Discrimination Services Senior Services Youth Services Accessibility Improvements Parks and Community/Recreation Centers Sidewalk Improvements Water and Sewer Improvements
	Funding	CDBG: \$27,500
	Description	This project will support general administration of the CDBG program throughout this Annual Action Plan. Expenses may include but not be limited to: staff expenses, training, postage, office supplies, grants management software, advertising and postage.
	Target Date	4/30/2025

	Estimate the number and type of families that will benefit from the proposed activities	Program beneficiaries will be reported under other projects.
	Location Description	Administrative activities will occur within the Economic and Community Development Department, located at 115 E. Washington St., Bloomington, IL 61701.
	Planned Activities	CDBG grant administration will be the only activity under this project.
7	Project Name	CDBG Administrative Programs
	Target Area	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP
	Goals Supported	Administer CDBG effectively and proficiently.
	Needs Addressed	Job Training and Workforce Development Housing Discrimination Services
	Funding	CDBG: \$25,000
	Description	This project will support programs addressing administrative requirements of the CDBG program such as fair housing and Section 3 training.
	Target Date	4/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	Approximately, 26 community members will be served with fair housing and Section 3 activities in this project.
	Location Description	Fair housing services will be offered through Prairie State Legal Services' Bloomington office at 201 West Olive Street, Bloomington, IL 61701. Section 3 training opportunities for public housing residents will be provided at locations that will be determined at a future date.
	Planned Activities	The City will partner with the Bloomington Housing Authority to offer a series of job- and life-skills training opportunities and a job fair for public housing and Housing Choice Voucher Program participants. Prairie State Legal Services will be the lead agency on a fair housing program, which will include a housing discrimination testing program.
	Project Name	CDBG Community Planning

8	Target Area	LMA Preservation Area WBRP Service Area LMA Regeneration Area - Outside WBRP
	Goals Supported	Administer CDBG effectively and proficiently.
	Needs Addressed	Affordable Housing Preservation
	Funding	CDBG: \$36,000
	Description	This project will support planning for regional housing initiatives and other projects supported through this Annual Action Plan.
	Target Date	4/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	McLean County Regional Planning Commission, 115 E. Washington St., Bloomington, IL 61701.
	Planned Activities	McLean County Regional Planning Commission (MCRPC) will serve as the lead agency for the Regional Housing Staff Advisory Committee. MCRPC will coordinate the Affordable and Supportive Housing Committee; serve as the hub for regional housing data through the Housing Dashboard; educate policymakers, stakeholders and the general public on affordable housing issues through a series of whitepapers; assist with Consolidated Plan implementation; and support City staff with housing initiatives, as request.
9	Project Name	Non-Profit Building Improvements
	Target Area	
	Goals Supported	Provide quality services and facilities.
	Needs Addressed	Homeless Services
	Funding	CDBG: \$43,796
	Description	This project will support improvements to the Home Sweet Home Ministries homeless shelter (insulation) and Lifelong Access' Fox Creek housing units for community members with intellectual and developmental disabilities (rehabilitation work).
	Target Date	4/30/2025

	Estimate the number and type of families that will benefit from the proposed activities	The Home Sweet Home Ministries project will assist 300 community members and the Lifelong Access project will assist 8 community members.
	Location Description	The Home Sweet Home Ministries' shelter is located at 303 East Oakland Avenue, Bloomington, IL 61701.  Lifelong Access' facilities are located at 2607 and 2609 Fox Creek Road, Bloomington, IL 61705.
	Planned Activities	The Lifelong Access project will complete rehabilitation on bathrooms to help community members living there gain better, and more accessible, bathroom facilities. The Home Sweet Home Ministries project will install insulation to better the living environment within the homeless shelter.
10	Project Name	Public Housing Improvements
	Target Area	LMA Regeneration Area - Outside WBRP
	Goals Supported	Preservation of existing affordable housing stock.
	Needs Addressed	Affordable Housing Preservation
	Funding	CDBG: \$55,000
	Description	This project will make playground improvements at Holton Homes, which is a public housing site managed by the Housing Authority of the City of Bloomington.
	Target Date	4/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	Sixty-four households live in the Holton Homes and many of the household have young children that would benefit from this improvement.
	Location Description	Holton Homes are located on West Monroe Street, West Market Street, and Holton Drive in Bloomington.
	Planned Activities	The project will consist of demolition of existing play equipment, excavation of topsoil in tot lot area, installation of concrete or other solid barrier, installation of new wood chips or other soft surface, and installation of new play equipment designed primarily for young children (ages 6 and under).

## AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

West Bloomington has a higher concentration of low-income and minority households than many other areas within the City. Infrastructure is aging and in need of replacement and improvements.

### Geographic Distribution

Target Area	Percentage of Funds
LMA Preservation Area	30
WBRP Service Area	60
LMA Regeneration Area - Outside WBRP	10

Table 8 - Geographic Distribution

### Rationale for the priorities for allocating investments geographically

During the outreach process conducted for the development of the 2020-2024 Consolidated Plan, West Bloomington was identified as the area most in need of revitalization. The WBRP Service Area encompasses a smaller target area formerly identified as the City's designated slum/blight area.

### Discussion

The distribution of funds between the WBRP Service Area and LMA Regeneration Area - Outside WBRP may vary depending on the locations of housing rehabilitation projects. A small portion of funding will likely be spent in the Preservation Areas as the needs are not as significant. Only one public facility project will occur outside of the WBRP Service Area or LMA Regeneration Area-Outside WBRP area.

## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

Although CDBG funds cannot generally be used for new construction, the City will support affordable housing preservation through several of the projects identified in this Annual Action Plan. Additionally, abandoned and vacant properties meeting the criteria for demolition will be donated to Habitat for Humanity of McLean County for the construction of new affordable housing units if the parcel is buildable.

The CDBG housing rehabilitation program also keeps affordable housing units available.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	13
Special-Needs	0
Total	13

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	1
Rehab of Existing Units	12
Acquisition of Existing Units	0
Total	13

Table 10 - One Year Goals for Affordable Housing by Support Type

#### Discussion

The total number of households supported through this Annual Action Plan are based on the estimated numbers served through the following projects.

New Habitat for Humanity Single-Family Homes: 1 Unit

Housing Rehabilitation Assistance (Single-Family Housing Rehabilitation): 12 Units

## AP-60 Public Housing – **91.220(h)**

### Introduction

The Housing Authority of the City of Bloomington (BHA) is committed to providing quality housing and services to its public housing and Housing Choice Voucher Program residents.

#### Actions planned during the next year to address the needs to public housing

CDBG funding will be provided in Program Year 2024 for Section 3 activities for public housing residents and community members with a housing choice voucher. Funding will also be provided for playground improvements to the Holton Homes public housing site during the program year. Current equipment is past the period of useful life.

#### Actions to encourage public housing residents to become more involved in management and participate in homeownership

The housing authority provides several ongoing opportunities for resident involvement and has a resident services department. Resident engagement is a significant part of this department's responsibilities.

The resident services department facilitates BHA-sponsored events such as a Health and Resource Fair, on-site employment and job-readiness training, and after-school tutoring in two different computer labs at public housing sites. In addition to offering specific "in-house" resources, the Housing Authority collaborates with local partners on multiple events. These activities are opportunities for engagement in the Bloomington-Normal community, building ties among neighbors, and promoting self-advocacy. With a full-time elderly service coordinator staffed at Wood Hill Towers, elderly, disabled, and near-elderly residents have even more opportunities for resident involvement in social and community-oriented activities.

The Housing Authority is required to convene a Resident Advisory Board each year as part of the process in adopting its annual PHA plan. A public hearing is also conducted as part of this process, and it is well attended by residents, who offer their feedback and suggestions on Housing Authority goals, objectives, and programming for the coming years.

The City provides funding for Section 3 activities that support basic financial and employment education. This reflects the City's commitment to supporting the fundamental building blocks of homeownership for public housing residents. Without a stable financial and employment foundation, homeownership is less likely to be a successful endeavor. Our hope is that this fundamental approach that helps stabilize income and financial matters will enable successful homeownership for public housing residents.

If the PHA is designated as troubled, describe the manner in which financial assistance will be

provided or other assistance

The Housing Authority of the City of Bloomington is not designated as "troubled."

### Discussion

The City has a long-standing partnership with the Housing Authority of the City of Bloomington. Both organizations are members of the Regional Housing Advisory Staff Committee. The City has utilized CDBG for many years to fund job and life-skills training for public housing and Housing Choice Voucher residents and to support improvements to public housing buildings. These activities will continue during this Annual Action Plan.

## AP-65 Homeless and Other Special Needs Activities – 91.220(i)

### Introduction

The Central Illinois Continuum of Care (CICoC) coordinates services for homeless community members in the CICoC, which includes Bloomington. The CICoC covers eleven (11) counties in Illinois. The CICoC's lead agency is PATH, Inc. (PATH) based in Bloomington.

The City has continued to attempt a partnership with PATH to meet the needs of homeless community members, but PATH has faced a series of organizational changes and challenges that have impacted performance in a negative manner. Issues with PATH intensified in Program Year 2023 and PATH has not been able to function as the CICoC lead agency during Program Year 2023. During Program Year 2023, City staff provided technical assistance to multiple new employees related to the agency's homeless services division. However, persistent staff changes continued through the program year. The City communicated concerns and issues to HUD regarding the CICoC given the importance of the CICoC and the services provided to homeless community members in Bloomington. The City has also worked with local non-profit organizations serving unhoused community members to help distribute critical information and provide technical assistance when possible. Moving forward, the City is committed to working with local partners and HUD to ensure unhoused community members do not lose critical resources.

PATH did not seek City CDBG funds for this program year and the City has decided to award subrecipient public service funds to Home Sweet Home Ministries (HSHM). HSHM provides a variety of homeless services and is a local leader in the field. Funds provided to HSHM will support their street outreach program for unhoused community members.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Through the homeless services funding to HSHM's Street Outreach program, services will be provided to unhoused community members. Specifically those who are experiencing unsheltered homelessness. Services will focus on identifying and engaging community members who are not connected to homeless services and moving them toward shelter and housing. CDBG funding will support the personnel costs associated with a homeless outreach staff member with HSHM. The funding will also support the provision of tangible assistance to homeless community members through bus passes and other eligible materials to help serve homeless community members. HSHM provides significant case management for homeless community members within the organization's shelter and outreach services. While these efforts will not end homelessness in Bloomington, they are important to ensuring more

community members are safely housed.

Addressing the emergency shelter and transitional housing needs of homeless persons

HSHM provides a rapid rehousing program and an emergency shelter for the community. By supporting HSHM's Street Outreach program, CDBG funding is assisting community members gain access to the emergency shelter or the rapid rehousing program. Street outreach also provides unhoused community members access to critical supportive services.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Through HSHM's Street Outreach program, homeless community members can gain shelter through rapid re-housing or the emergency shelter available. The first step in obtaining permanent, stable housing is to become housed. The Street Outreach program helps make the critical initial contact that will help homeless community members gain housing and other resources that will help them build a stable personal and financial situation that leads to permanent housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

Through the 2-1-1 system and the Mid Central Community Action (MCCA) Housing Navigator, community members seeking these services are connected or referred to other social services that will be able to assist them.

## Discussion

The City remains committed to assisting the CICoC organizations in McLean County through the challenges described in the introduction paragraph. Through CDBG funds to local non-profit organizations, the City is supporting services that are critical to helping the homeless population in the community. Staff from the Economic and Community Development Department will continue to provide

technical support to organizations involved in the CICoC in McLean County.

The City's CDBG housing rehabilitation program assists community members stay in their homes through rehabilitation work that keeps the housing unit livable. This helps reduce the number of community members that could otherwise become unhoused.

## AP-75 Barriers to affordable housing – 91.220(j)

### Introduction:

The City strives to eliminate barriers to affordable housing throughout this Annual Action Plan and beyond. Affordable housing issues are addressed throughout several projects to be implemented during the 2020-2024 Consolidated Plan period. Staff will continue to seek new opportunities beyond those discussed below.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City operates homeowner housing rehabilitation programs for low-to-moderate income residents, including one program funded with CDBG dollars. These programs help homeowners complete critical repairs to their homes. Many homeowners can afford their regular monthly expenses but are unable to pay for large ticket items. By offering 0% interest terms under deferred payment loans or grants, homeowners can maintain the affordability of their current housing.

The City waives all building permit and inspection fees for any non-profit organization building or rehabilitating affordable housing for low- and moderate-income residents. This policy extends to all private contractors performing rehabilitation work under CDBG, IHDA, or ARPA funded projects.

In August 2015, the City of Bloomington adopted its current Comprehensive Plan with goals aimed at reducing barriers to affordable housing. While the Plan is not policy, it serves as a guide for policy decisions. The Comprehensive Plan encourages future infill development opportunities and provides a tiered system for prioritizing development.

The Regional Housing Staff Committee also monitors and encourages the Low Income Housing Tax Credit (LIHTC) tool as an option for developers. This committee provides continual updates on the number of units supported through this program to City staff as well.

### Discussion:

The City will continue to look at policy changes and other programs than can further reduce barriers to affordable housing.

## AP-85 Other Actions – 91.220(k)

### Introduction:

The City endeavors to plan its annual program based on how to best meet the needs of the community while staying within the federal regulations for the Community Development Block Grant. When services are needed but cannot be provided directly by the City, partnerships are created and (or) maintained to ensure the services are available to those most in need.

### Actions planned to address obstacles to meeting underserved needs

The City attempts to maximize its funding to public services so that as many agencies serving vulnerable populations as possible are supported. Staff continue to look for funding resources outside of CDBG to further address the needs of special populations such as disabled and elderly homeowners. The 2020-2024 Consolidated Plan and this Annual Action Plan make resources for West Bloomington residents a priority. Having said that, there is clearly a need for public services that is beyond the capacity of our CDBG program or the City as a whole. Additional investments from sources outside of the Bloomington-Normal community would be required to eliminate obstacles to meeting the needs of the underserved. Staff will continue to serve on committees and work groups that address the housing needs of low-to-moderate income families.

The John M. Scott Health Care Trust, managed by the City, provides funding to local service providers to ensure individuals without adequate, affordable healthcare have access to quality health services.

Serving as Staff Administrator for the Commission is a part of the Grant Specialist's job duties. The Staff Administrator serves as a liaison between the John M. Scott Commission and the City in addition to operating the grants program offered by the Trust. The Bloomington City Council serves as the Trustee of the Trust. In the City's Fiscal Year 2025, which runs parallel to the 2024 CDBG Program Year, the Trust will invest over half-a-million dollars into the community through grants to local organizations that provide health care services to underserved community members within McLean County.

The City operated a non-profit grant program and a housing rehabilitation program through American Rescue Plan Act (ARPA) funds allocated to the City. The non-profit grant program provided program and capital funding. Funding for the non-profit program supported homeless services, sexual assault resources, and health care. Over \$1,000,000 was awarded in the previous program year for this program. The ARPA housing rehabilitation program, funded at over \$1,000,000 by the City Council, has supported affordable housing preservation efforts in Bloomington. The program provided up to \$45,000.00 to eligible households within certain low income qualified census tracts. Funding for this program is provided through a grant. ARPA funds have been layered with other housing rehabilitation

programs and provide an additional resource for community members needing these services as well.

#### Actions planned to foster and maintain affordable housing

Preservation of the existing affordable housing stock and the creation of new affordable housing through demolition and clearance are high priorities identified within this Annual Action Plan. Over fifty percent (50%) of funding included in this plan will be dedicated to these projects. If homeless services are included, over sixty percent (60%) of the funds in this Annual Action Plan are dedicated to affordable housing or homeless services. Additionally, the City will continue its participation in the Regional Housing Staff Advisory Committee and the Affordable and Supportive Housing Committee. One of the continuing initiatives of the Regional Housing Staff Advisory Committee is to inventory all income-qualified housing in McLean County and track contract expiration dates. These units are a significant portion of the affordable housing stock, especially for those households with extremely low incomes. Additionally, these committees have begun to explore how land use policy changes can encourage development, including affordable housing development, in established neighborhoods within the City through infill development.

#### Actions planned to reduce lead-based paint hazards

All CDBG contractors are required to maintain Renovation, Repair and Painting (RRP) certification. The City offers all CDBG approved contractors the opportunity to attend the RRP certification training at least every five years at no cost to the contractor. A training was held in April 2021 resulting in 26 new/renewed certifications. The next training is planned for April 2025. Additionally, City staff will maintain all necessary licenses and certifications to ensure that lead-based paint safety practices and regulations are being strictly adhered to on all CDBG projects.

The City also has funding from the HUD Lead-Based Paint Hazard Control and Healthy Housing grant program. The period of performance for the grant started on January 4, 2021. It is a 42 month program that will address lead and health hazards in approximately 92 owner-occupied and rental housing units. Unfortunately, staff transitions and continued hurdles from the COVID-19 Pandemic delayed the start of lead hazard control work until November 2023. The Lead-Based Paint Hazard Reduction and Healthy Homes Program is now operational and will continue into Program Year 2024. CDBG funds may be used as match for qualifying projects under this program.

#### Actions planned to reduce the number of poverty-level families

The City will continue to support the Housing Authority of the City of Bloomington's job and life-skills training program annually. The program offers job training and a job fair each year for public housing residents and Housing Choice Voucher recipients. Past training topics have included Microsoft Office Suite, how to write a resume, interview skills, and money management and budgeting. The training(s) and job fair are designed to foster job and life skills required for the local workforce and increase

facetime with the businesses most likely to employ individuals with those skills.

Homeownership is traditionally the greatest source of an individual's wealth. The City's various housing rehabilitation programs provide low-to-moderate income homeowners the opportunity to preserve their greatest asset. The City also offers housing rehabilitation through the Illinois Housing Development Authority's (IHDA) Home Repair and Accessibility Program (HRAP) and the City's ARPA funded program. Through the IHDA HRAP program, homeowners can receive up to \$45,000 in assistance through a 5-year forgivable loan.

#### Actions planned to develop institutional structure

With a variety of staff transitions at key local organizations, City staff has, and will continue, to build partnerships to better serve the community. Outside of the committees associated with the McLean County Regional Planning Commission, the City continues to be a member of the Invest Health Team. This team was formed to look at the built environment and how it affects the health and well-being of City residents. The Invest Health team is currently focused on affordable housing and health care with a particular focus on permanent supportive housing and homeless services. Additionally, the City is currently building partnerships with organizations, such as the Bloomington-Normal Water Reclamation District, to discuss long-term public infrastructure strategies, goals, and plans.

Through the John M. Scott Trust grant program, the City continues to build strong partnerships with community organizations serving underserved community members. A multitude of local organizations are funded each year with this program. Grants are awarded for general health care operations, capital improvements, and health care programs.

Staff will continue to foster new partnerships that will improve the institutional delivery structure of CDBG and the priorities identified in the 2020-2024 Consolidated Plan. Planning for the next CDBG Consolidated Plan is currently underway and the City is looking to develop or strengthen partnerships with organizations serving low-to-moderate income community members.

#### Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue involvement with the Central Illinois Continuum of Care (CICoC) and assist with rebuilding or modifying the CICoC to better serve the community. Additionally, the City will continue to participate in the United Way of McLean County Housing Assistance Coalition to further enhance coordination on housing related issues.

#### Discussion:

The City will continue to seek additional funding to support local programs in ways that CDBG is unable to do so. Interagency collaboration has been referenced throughout this Plan and will remain a key

component of the City's strategy to meet the needs of the community.

## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

#### Introduction:

The City makes every attempt to utilize program income within the same program year it is received. Section AP-15 Expected Resources Table 5 shows \$49,320 in estimated program income, which has been budgeted to projects within this Annual Action Plan. Program income comes from the repayment of loans made available through the City's CDBG housing rehabilitation program.

#### Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

#### Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	80.00%

No new funding to meet urgent needs has been allocated in this Annual Action Plan.





## CONSENT AGENDA ITEM NO. 8.I.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on a Resolution Approving Fiscal Year 2025 John M. Scott Health Care Trust Category III Grant Awards and Programmatic Agreements, in the Amount of \$15,641, as requested by the Economic & Community Development Department.

**RECOMMENDED MOTION:** The proposed Resolution be approved.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** The John M. Scott Health Care Commission ("Commission") is pleased to provide the following funding recommendations and information for Category III-Emergent Need Fiscal Year ("FY") 2025 grants. The Commission oversees a grant program focused on funding healthcare-related projects and programs within McLean County. Community members served with John M. Scott Health Care Trust ("Trust") funds must be McLean County residents and have an annual income at or below 185% of the Federal Poverty Level. Grants are divided into three categories: Category I-General Operating Grants; Category II-Community Health Priority Grants; and Category III-Emergent and Emergency Need Grants. Category I Grants operate on a three-year funding cycle while the Category II and Category III Grants operate on an annual or rolling funding cycle. The Commission provides a capital and program option for Category II Grants.

The Category III grant structure created two funding areas: emergent and emergency needs. Emergent needs are defined as healthcare needs that organizations address with innovative or targeted programs that align with the Trust. Emergency needs are defined as unexpected needs or events that cause an unexpected increase in service demand, a gap in services, or a service cost related to a program that aligns with the Trust's goals. The Commission developed this structure hoping it would spur Category III grant applications and help serve smaller or more innovative programs. Additionally, the Commission designed the program, like the other grant categories, with the goal of health equity as a foundation.

The Request for Proposal was released on January 22, 2024. City staff held a grant workshop in February to assist organizations with limited or no experience applying for Trust funds. Applications were accepted from January 22, 2024, to February 26, 2024. In total, seven organizations applied for funding and requested \$65,641 in aggregate.

Each application was evaluated based on the standardized scoring criteria, project or program compliance with the Trust's legal requirements, community need, and coherence to Category III program strategic objectives, and funding constraints. Their recommendations were passed

to the full Commission for approval. The Commission voted to approve the funding recommendations on April 23, 2024. The funding recommendations are listed below.

- YWCA McLean County-Young Wonders Youth Development Program (\$7,641)
- The Center for Youth and Family Solutions-Single Session Intervention Program (\$8,000)

The funding recommendation represents another investment in our community and is a continued testament to the legacy of Judge John M. Scott's vision for a more equitable community.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Marketing for this grant funding opportunity was conducted through email communications, a press release, and networking by the members of the John M. Scott Health Care Commission.

**FINANCIAL IMPACT:** The award of FY 2025 Trust grants have no impact on the City General Fund. Awards are made from the net proceeds of Trust investments. Additionally, Trust funds cover related administrative costs including a portion of the time for Economic and Community Development Department staff. If approved, the FY 2025 Category III grant awards will be paid from the John M. Scott Health Care Trust-Grant Program account (72102100-79130-59200). Stakeholders can locate this in the FY 2025 Proposed Budget Book titled "Other Funds & Capital Improvement" on page 152.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035:** Goal CWB-2 (Create a lifelong community that meets the needs of residents of all ages and abilities), Objective CWB-2.1 (Promote the welfare of older adults and persons with disabilities to foster maximum independence so they can continue to be an integral part of the community); and Goal CWB-3 (Develop a coordinated and efficient system of services that addresses comprehensive needs of children, families and communities), and Objective CWB-3.2 (Support coordination and integration of behavioral health services for all residents)

Respectfully submitted for consideration.

Prepared by: Joni Gerard, Grant Specialist

**ATTACHMENTS:**  
[E&CD 2B Resolution](#)

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION APPROVING THE FISCAL YEAR 2025 JOHN M. SCOTT HEALTH CARE TRUST CATEGORY III GRANT AWARDS AND PROGRAMMATIC AGREEMENTS, IN THE AMOUNT OF \$15,641**

**WHEREAS**, the Bloomington City Council serves as the Trustee for the John M. Scott Health Care Trust ("Trust"); and

**WHEREAS**, in 2018, the Trust was re-organized to cease providing direct services and instead to an operational model that provides grants to qualified grant recipients; and

**WHEREAS**, the John M. Scott Health Commission ("Commission") reviewed various grant applications and proposals for distribution in Fiscal Year 2025 ("FY25") and is recommending the Trustee award the grants set forth in this Resolution.

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

**Section 1.** That the recitals set forth above are incorporated herein as if fully set forth in this paragraph 1.

**Section 2. Grant Awards**. The City Council, as Trustee of the John M. Scott Health Care Trust, hereby approves the following grants to be made in FY25: Category III – YWCA McLean County (\$7,641); The Center for Youth and Family Solutions (\$8,000).

**Section 3. Programmatic Agreements**. The City Council, as Trustee, authorizes the Mayor, on behalf of the Trustee, to execute the programmatic agreements assigned to each grant.

**Section 4. Effectiveness**. This Resolution shall be effective upon passage by the City Council and execution by the Mayor of the City of Bloomington.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

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Mboka Mwilambwe, Mayor

**ATTEST**

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Leslie Smith-Yocum, City Clerk



## CONSENT AGENDA ITEM NO. 8.J.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** Ward 9

**SUBJECT:** Consideration and Action on a Resolution Approving a Variance to Chapter 38, Section 123, of the Bloomington City Code to Allow a Permit to be Issued for the Reconstruction of a Driveway at 1902 Wakefield Lane, Bloomington, Illinois, 61704, as requested by the Department of Operations & Engineering Services.

**RECOMMENDED MOTION:** The proposed Resolution be approved.

**STRATEGIC PLAN LINK:**

Goal 4. Strong Neighborhoods

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 4f. Residents increasingly sharing/taking responsibility for their homes and neighborhoods

**BACKGROUND:** If approved, the City would allow a variance to Chapter 38, Section 123, of the Bloomington City Code to allow a wider driveway curb access. The existing curb access width is 21 feet, and the proposed addition is not to exceed 10 feet. The driveway is on an incline with a width of 31-feet in front of a three-stall garage. Widening the curb access to match the 31-foot width will improve access for the homeowner. The City Engineer believes that the wider driveway curb access will not have a negative impact on traffic or have a detrimental effect on the neighborhood. Therefore, the widening of the driveway could be allowed if Council approves the Resolution.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Mike Bonneville, Home Owner and Requester

**FINANCIAL IMPACT:** N/A

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amy Overton, Project & Grant Manager

**ATTACHMENTS:**

DOES 3B Resolution

DOES 3C Variance Request

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION APPROVING A VARIANCE TO CHAPTER 38, SECTION 123, OF THE  
BLOOMINGTON CITY CODE TO ALLOW A PERMIT TO BE ISSUED FOR THE  
RECONSTRUCTION OF A DRIVEWAY AT 1902 WAKEFIELD LANE, BLOOMINGTON,  
ILLINOIS, 61704**

**WHEREAS**, the City of Bloomington is committed to promoting an atmosphere in which residents increasingly take responsibility for their homes and neighborhoods; and

**WHEREAS**, the existing curb access width of the driveway at this location is 21 feet wide; and

**WHEREAS**, City Engineering staff foresees no negative impact as a result of widening the curb access to 31 feet at this location; and

**WHEREAS**, City Council has the authority to grant variances to City Code;

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

**Section 1.** That the recitals set forth above are incorporated herein and City Manager, or designated representatives, are authorized to secure the variance, and any other necessary documents.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

**ATTEST**

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Mboka Mwilambwe, Mayor

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Leslie Smith-Yocum, City Clerk

Mike Bonneville  
1902 Wakefield Lane  
Bloomington, IL 61704

April 22, 2024

Kevin Kothe, P.E.  
Director of Operations and Engineering Services/City Engineer  
City of Bloomington – Department of Operations and Engineering Services  
109 E. Olive Street  
P.O. Box 3157  
Bloomington, IL 61702

RE: Request for Driveway Variance (Property ID 14-25-424-019)

Dear Mr. Kothe:

Please accept this letter as my formal request for relief from Chapter 38, Section 6002 (Ch. 38, Sec 123) and Chapter 24, Manual of Practice, Standard Detail 4.06F, of the Bloomington City Code to allow permits to be issued for a driveway with a width not to exceed 31-feet at 1902 Wakefield Lane. I was instructed by Jon Branham to submit this letter as the next step in the variance request process.

The current driveway is full width (31 ft) at garage (3 stalls), but necks down to 21 ft wide at the street. I request permission to widen the driveway at the street by no more than an additional 10 feet. The driveway edge would still be 5-6 feet from any property line and would not be wider than the driveway at the garage end.

The request is made in the interest of public safety. Our home is on an inside corner lot and the driveway is at an incline, making it difficult for us to back into our garage while watching traffic and sidewalks. The east side of the property, where the driveway is located, and the south side of the property are bordered by public sidewalks which are routinely used by the public to access Tipton Park and the constitution trail. Providing the variance would allow homeowner to back straight into the garage, making the entire process safer and quicker.

Utilizing the GIS system, the lengthening of the current driveway will not encroach on the adjacent property. It appears that a variance was already granted to the adjoining property

to the north (1904 Wakefield Lane) of this property, as it has a driveway equal in width to that which is being requested here.

Thank you for your consideration of this request. If you have any questions or additional information is needed, please contact me at [REDACTED] or [REDACTED].

Sincerely,

A handwritten signature in black ink on a light-colored background. The signature appears to read "Mike B C".

Mike Bonneville



## CONSENT AGENDA ITEM NO. 8.K.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** Ward 7

**SUBJECT:** Consideration and Action on a Resolution Approving a Variance to Chapter 38, Section 123, of the Bloomington City Code to Allow a Permit to be Issued for the Reconstruction of a Driveway at 205 S. Lumber Street, Bloomington, Illinois, 61701, as requested by the Department of Operations & Engineering Services.

**RECOMMENDED MOTION:** The proposed Resolution be approved.

**STRATEGIC PLAN LINK:**

Goal 4. Strong Neighborhoods

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 4f. Residents increasingly sharing/taking responsibility for their homes and neighborhoods

**BACKGROUND:** If approved, the City would allow a variance to Chapter 38, Section 123, of the Bloomington City Code to allow widening of a 20-foot driveway approach by an additional 3 feet and six inches to a total width of 23 feet and 6 inches. This addition is necessary to accommodate the safety and accessibility needs of the homeowner who has a disability. The City Engineer believes that the wider driveway approach will not have a negative impact on traffic or have a detrimental effect on the neighborhood. Therefore, the driveway could be allowed if Council approves the Resolution.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Andreas Concrete Construction, LLC, on behalf of Renee Ingalsbe

**FINANCIAL IMPACT:** N/A

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amy Overton, Project & Grant Manager

**ATTACHMENTS:**

[DOES 2B Resolution](#)

[DOES 2C Variance Request](#)

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION APPROVING A VARIANCE TO CHAPTER 38, SECTION 123, OF THE  
BLOOMINGTON CITY CODE TO ALLOW A PERMIT TO BE ISSUED FOR THE  
RECONSTRUCTION OF A DRIVEWAY AT 205 S. LUMBER STREET, BLOOMINGTON,  
ILLINOIS, 61701**

**WHEREAS**, the City of Bloomington is committed to promoting an atmosphere in which residents increasingly take responsibility for their homes and neighborhoods; and

**WHEREAS**, the existing driveway width at this location is 20 feet; and

**WHEREAS**, City Engineering staff foresees no negative impact as a result of widening the driveway width to 23 feet and 6 inches at this location; and

**WHEREAS**, City Council has the authority to grant variances to City Code.

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

**Section 1.** That the recitals set forth above are incorporated herein and City Manager, or designated representatives, are authorized to secure the variance, and any other necessary documents.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

**ATTEST**

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Mboka Mwilambwe, Mayor

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Leslie Smith-Yocum, City Clerk

Christian Andreas  
Andreas Concrete Construction LLC  
14723 N. 900 East Rd, Bloomington, IL 61705  
309-287-9711  
candreas@andreasconcreteconstruction.com

Resident/Property Owner:

Renee Ingalsbe  
205 S Lumber St, Bloomington, IL 61701  
[REDACTED]  
[REDACTED]

Date: April 25, 2024

**RE: Request for Relief from Driveway Requirements – Property Parcel ID #: 21-05-406-018**

Kevin Kothe, P.E.  
Director of Operations and Engineering Services / City Engineer  
City of Bloomington - Department of Operations and Engineering Services  
109 E. Olive St. | P.O. Box 3157  
Bloomington IL 61702-3157  
P 309.434.2435 | F 309.434.2201

Dear Mr. Kothe,

We are writing on behalf of our client, Renee Ingalsbe, the resident of 205 S Lumber St, Bloomington, IL 61701, Parcel ID #: 21-05-406-018. The property is zoned R-1B (Medium Density Single-Family Residence District) with the legal description CITIZENS ADD LOT 17 & 18.

Our client is requesting relief from the standard driveway width requirements as outlined in the City of Bloomington Municipal Code.

## **Project Description**

A 13' driveway addition has been partially completed on the property. This addition, when fully connected to the existing road infrastructure, will widen the driveway to 23'6", exceeding current Code limitations. This modification is essential to accommodate our client's needs as a deaf and blind individual and provide safe and accessible entry and exit from their vehicle.

The current driveway width of 10'6" does not provide adequate space for safe vehicular access. The proposed widening, including the necessary 3'6" extension into the public right-of-way, will dramatically improve our client's safety and accessibility.

## **Relief Justification: Findings of Fact**

**Unique Property Characteristics:** The existing narrow driveway poses an unreasonable hardship for our client due to their disabilities. A standard-width driveway does not allow them to safely enter or exit their vehicle, and the proposed widening is necessary to address these accessibility needs.

**Minimum Necessary Action:** The proposed variance represents the minimum action required to accommodate our client's accessibility requirements. A smaller width increase would remain insufficient.

**Circumstances Beyond Applicant Control:** Our client's disabilities necessitate this variance and are not the result of any action on their part. The existing driveway configuration was a pre-existing condition.

**No Special Privilege:** Granting the variance does not create a privilege denied to others. It simply ensures our client has a driveway with the minimum width necessary for their safe and independent use.

**No Detriment to Public Welfare or Neighborhood:** The proposed driveway addition will not impede traffic in the area or negatively impact neighborhood aesthetics. It will have no unreasonable impact on the use or development of adjoining properties.

### **Public Right-of-Way Considerations**

The driveway addition extends into the public right-of-way by 3'6" to achieve the total width of 23'6". This extension will create a safe and accessible connection between the driveway and the existing street infrastructure.

We understand the importance of maintaining a safe and functional public right-of-way. The proposed extension has been carefully designed to minimize its impact:

- **Minimal Footprint:** The extension only adds 3'6" to the existing public right-of-way, ensuring minimal intrusion.
- **Sidewalk and Approach Maintenance:** The sidewalk and driveway approach will be extended by 3'6" to maintain a smooth and safe transition for pedestrians and vehicles.
- **Traffic Flow:** The extension is designed not to impede traffic flow on the adjacent street.

### **Conclusion**

We respectfully request that the City Council approve this variance. The impact to the public is imperceptible; the impact to the quality of life to our client is invaluable and necessary.

Thank you for your consideration of this important matter.

Respectfully,  


Christian Andreas  
Andreas Concrete Construction LLC  
On Behalf of Renee Ingalsbe



## CONSENT AGENDA ITEM NO. 8.L.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on a Resolution Authorizing a Change Order for Additional Funds to the Original Purchase Order (PO20240117) with the University of Illinois College of Veterinary Medicine for Veterinary Care for the Animal Collection at Miller Park Zoo, in the Amount of \$7,570.61, as requested by the Parks & Recreation Department.

**RECOMMENDED MOTION:** The proposed Resolution be approved.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5a. Well-planned City with necessary services and infrastructure

Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents

**BACKGROUND:** The City of Bloomington, Miller Park Zoo, has a three-year contract with the University of Illinois College of Veterinary Medicine to provide animal care services. The animal collection at the Zoo requires an expertise that not many in the country possess. The veterinarian must possess a wide range of specialized expertise across all types of animals.

The need for additional visits by the vet care team is essential in providing the necessary care for the collection of animals at Miller Park Zoo. As a result of the additional care, the original allocation of \$100,000 for Fiscal Year ("FY") 2024 vet care with the University of Illinois College of Veterinary Medicine did not fully fund the vet care needs at Miller Park Zoo in the fiscal year. The change order for additional funds in the amount of \$7,570.61 is needed to provide payment for the services received in FY 2024. The Miller Park Zoo - Veterinary Services account for FY 2024 does have the funding available to cover the additional need of \$7,570.61.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** University of Illinois College of Veterinary Medicine

**FINANCIAL IMPACT:** If approved, a Change Order to add Additional Funds to the Original Purchase Order (PO20240117) with the University of Illinois College of Veterinary Medicine in the Amount of \$7,570.61. The FY 2024 budget for Miller Park Zoo had \$140,000 in the Miller Park Zoo - Veterinary Services Account (10014136-70040) for veterinary services. \$100,000 of the \$140,000 was allocated to the University of Illinois for veterinary care. An additional \$7,570.61 is needed to provide payment for the services received in FY 2024. The Miller Park Zoo - Veterinary Services account for FY 2024 does have the funding available to cover the additional need of \$7,570.61 so a budget amendment is not necessary. Stakeholders can locate this in the FY 2024 Budget Book titled "Budget Overview & General Fund" on page 212.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: Goal HL-4 (Continue to develop quality parks and recreational programming for all); and Objective HL-4.1 (Ensure that all parks have amenities and facilities that appeal to residents of all ages and abilities).

Respectfully submitted for consideration.

Prepared by: Katie Taylor, Business Manager

**ATTACHMENTS:**

[\*\*PARKS 1B Resolution\*\*](#)

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION AUTHORIZING A CHANGE ORDER FOR ADDITIONAL FUNDS TO THE  
ORIGINAL PURCHASE ORDER (PO20240117) WITH THE UNIVERSITY OF ILLINOIS  
COLLEGE OF VETERINARY MEDICINE FOR VETERINARY CARE FOR THE ANIMAL  
COLLECTION AT MILLER PARK ZOO, IN THE AMOUNT OF \$7,570.61**

**WHEREAS**, On May 22, 2023 (Resolution No. 2023-014) the City of Bloomington City Council approved an agreement with the University of Illinois College of Veterinary Medicine for the care of the animal collection at Miller Park Zoo; and

**WHEREAS**, the additional services by the University of Illinois College of Veterinary Medicine are required for animal care at Miller Park Zoo; and

**WHEREAS**, the additional cost of \$7,570.61 has been agreed upon by the University of Illinois College of Veterinary Medicine and the City of Bloomington; and

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

**Section 1.** That the recitals set forth above are incorporated herein and City Manager, or designated representatives, are authorized to secure the Change Order, and any other necessary documents.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

**ATTEST**

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Mboka Mwilambwe, Mayor

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Leslie Smith-Yocum, City Clerk



## CONSENT AGENDA ITEM NO. 8.M.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** Ward 2

**SUBJECT:** Consideration and Action on an Ordinance Approving an Amended Preliminary Plan for Wittenberg Woods at Prairie Vista Phase 5, for Property Generally Located at the Northwest Corner of Lutz Road and S. Morris Avenue, Consisting of Approximately 8.587 Acres (Part of Pin: 21-17-451-005), as requested by the Economic & Community Development Department.

**RECOMMENDED MOTION:** The proposed Ordinance be approved.

**STRATEGIC PLAN LINK:**

Goal 4. Strong Neighborhoods

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 4c. Preservation of property/home valuations

Objective 5a. Well-planned City with necessary services and infrastructure

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** The Applicant seeks approval of an amendment to the "Amended Preliminary Plan - Wittenberg Woods at Prairie Vista Phase 5", which amended the original 2003 Preliminary Plan for "Wittenberg Woods at Prairie Vista" to allow completion of the final phase area of the original Plan.

**Summary of the Request:**

- Re-allocate property proposed for 20 Two-Family Dwelling lots, 13 Single-Family (Detached) Dwelling lots, and 7 Single-Family (Attached) Dwelling lots into 32 Single-Family (Detached) Dwelling lots.
- One portion of the area that was the subject of the previous amendment (Lot 551) has already been Final Platted as "Wittenberg Woods 4th Addition."
- No waivers or exemptions to the Subdivision Code or Zoning Code are requested or provided as part of this Amendment.
- Removal will be required for any installed service lines that will be unused as a result of the proposed reduction in density.

On May 1, 2024, the Planning Commission held a public hearing and voted 6-0-0 to recommend approval of the Preliminary Plan.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice of the Planning Commission public hearing was published in *The Pantagraph* on Thursday, April 11, 2024. Courtesy notices were mailed to 103 property owners within 500 feet of the subject properties.

**FINANCIAL IMPACT:** The proposed Amendment will allow for investment and development on a Tier 1 vacant property adding to the City's tax base. The Applicant will be responsible for

the construction and cost of the infrastructure for the new development, with tap-on fees contributing to the cost of existing water and sewer infrastructure.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: Goal H-1 (Ensure the availability of safe, attractive and high-quality housing stock to meet the needs of all current and future residents of Bloomington), Objective H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits), and Goal UEW-1 (Provide quality public infrastructure within the City to protect public health, safety and the environment), Objective UEW-1.2b (Prioritize new development where City services are available or can be extended efficiently and economically).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, City Planner

**ATTACHMENTS:**

[E&CD 5B Ordinance](#)

[E&CD 5C - Ordinance Exhibit B](#)

[E&CD 5D - PS-02-24 - Planning Commission DRAFT Minutes](#)

[E&CD 5E - PS-02-24 - Staff Report](#)

**ORDINANCE NO. 2024 - \_\_\_\_\_**

**AN ORDINANCE APPROVING AN AMENDED PRELIMINARY PLAN FOR WITTENBERG WOODS AT PRAIRIE VISTA PHASE 5, FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF LUTZ ROAD AND S. MORRIS AVENUE, CONSISTING OF APPROXIMATELY 8.587 ACRES (PART OF PIN: 21-17-451-005)**

**WHEREAS**, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, an Application requesting approval of an Amended Preliminary Plan for Wittenberg Woods at Prairie Vista Phase 5 for property generally located at the northwest corner of Lutz Road and S. Morris Avenue, legally described in Exhibit "A", and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

**WHEREAS**, said Application included a document titled "2024 Amended Preliminary Plan for Wittenberg Woods at Prairie Vista Phase 5", prepared by Craig M. Earl, Illinois Professional Engineer No. 062-054466, of Farnsworth Group, dated April 17, 2024, depicted in Exhibit "B", and hereinafter referred to as "Plan", which is attached hereto and made part hereof by this reference; and

**WHEREAS**, after proper notice, the City of Bloomington Planning Commission held a public hearing on said Plan and determined the Plan to be in conformance with the standards of the Subdivision Code and the Official Comprehensive Plan; and

**WHEREAS**, the Planning Commission recommended the City Council approve said Plan; and

**WHEREAS**, the City Council of the City of Bloomington has the power to adopt this Ordinance and approve said Plan.

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

**Section 1.** That the above recitals are incorporated herein by this reference as if specifically stated in full.

**Section 2.** The City Council hereby accepts and adopts the findings of fact put forth by the Planning Commission.

**Section 3.** That the request for approval of the "2024 Amended Preliminary Plan for Wittenberg Woods at Prairie Vista Phase 5" for the property legally described in Exhibit "A" and depicted in Exhibit "B", is hereby approved.

**Section 4.** In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are

severable from the invalid parts shall remain in full force and effect.

**Section 5.** The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

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

**Section 7.** This Ordinance shall be effective immediately after its approval and publication as required by law.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

**ATTEST**

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Mboka Mwilambwe, Mayor

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Leslie Smith-Yocum, City Clerk

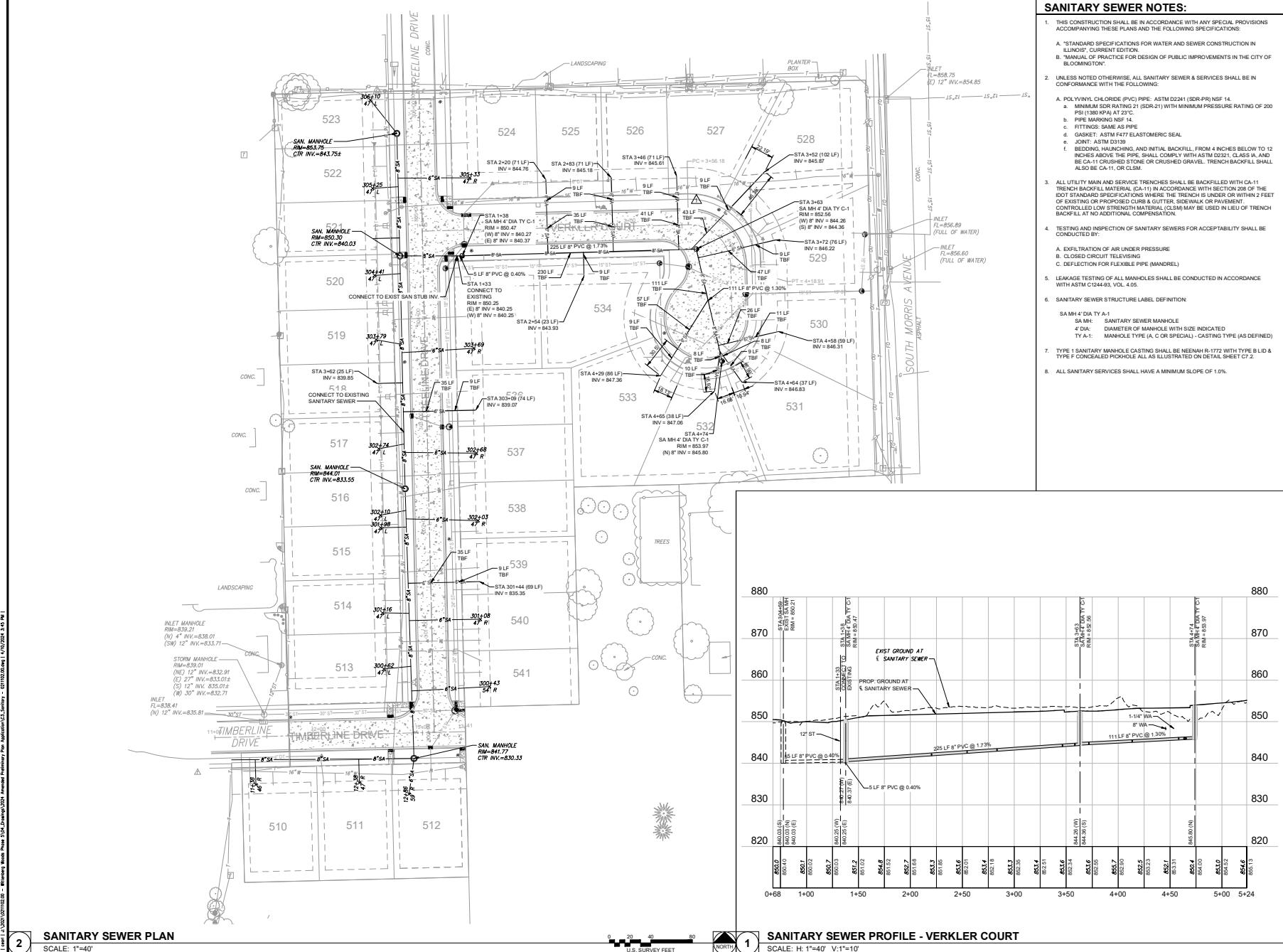
**EXHIBIT A**  
**Legal Description**

A part of the of West Half of the Southeast Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian more particularly described as follows: Beginning at the Southeast Corner of Lot 506 in Wittenberg Woods at Prairie Vista Second Addition according to the plat recorded February 18, 2016 as Document No. 2016-2745 in said Recorder's Office, being on North Line of Lutz Road. From said Point of Beginning, thence east 249.02 feet along said North Line of Lutz Road which forms an angle of 90°-00'-00" as measured from north to east with the East Line of said Lot 506; thence north 354.59 feet along a line which forms an angle to the right of 88°-35'-25" with the last described course; thence east 110.00 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course; thence north 208.99 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence east 101.22 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course to the Northwest Corner of a tract of land described in Warranty Deed recorded as Document No. 2015-12731 in the McLean County Recorder's Office; thence east 231.98 feet along the North Line of said tract of land which forms an angle to the right of 178°-43'-12" with the last described course to the Northeast Corner of said tract of land, being on the East Line of the West Half of said Southeast Quarter; thence north 362.40 feet along said East Line of the West Half which forms an angle to the right of 91°-15'-24" with the last described course to the Southwest Corner of a tract of land conveyed to the City of Bloomington by Warranty Deed by Corporation recorded September 8, 2005 as Document No. 2005-26735, also being the Southeast Corner of Morris Avenue as dedicated in Wittenberg Woods at Prairie Vista according to the plat recorded September 14, 2004 as Document No. 2004-31490 in said Recorder's Office; thence west 43.02 feet along the South Line of said Morris Avenue which forms an angle to the right of 91°-44'-01" with the last described course; thence north 16.15 feet along the West Right-of-Way Line of said Morris Avenue which forms an angle to the right of 268°-16'-01" with the last described course to the Southeast Corner of Lot 106 in said Wittenberg Woods at Prairie Vista; thence west 570.00 feet along the South Line of said Wittenberg Woods at Prairie Vista which forms an angle to the right of 90°-01'-23" with the last described course to the Northeast Corner of said Wittenberg Woods at Prairie Vista Second Addition; thence south 647.80 feet along the East Line of said Wittenberg Woods at Prairie Vista Second Addition which forms an angle to the right of 90°-00'-00" with the last described course to the Southeast Corner of Timberline Drive as dedicated in said Second Addition; thence west 56.00 feet along the South Line of said Timberline Drive which forms an angle to the right of 270°-00'-00" with the last described course to the Northeast Corner of Lot 509 in said Second Addition; thence south 29.76 feet along the East Line of said Lot 509 which forms an angle to the right of 90°-00'-00" with the last described course; thence southerly 110.42 feet along said East Line of Lot 509 and the East Line of Lot 508 in said Second Addition which form an angle to the right of 189°-57'-34" with the last described course; thence south 156.19 feet along the East Lines of Lots 508, 507 and 506 in said Second Addition which form an angle to the right of 171°-27'-01" with the last described course to the to the Point of Beginning, containing 8.587 acres, more or less.

**PIN: Part of 21-17-451-005**







**Farnsworth**  
GROUP

2709 MCGRAW DRIVE  
BLOOMINGTON, ILLINOIS 61704  
(309) 663-8435 / info@fw.com

www.f-w.com  
Engineers | Architects | Surveyors | Scientists

# DATE: DESCRIPTION:

**Preliminary Plan**  
NOT FOR CONSTRUCTION

PROJECT:  
Wittenberg Woods II, LLC

**2024 Amended**  
**Preliminary Plan for**  
**Wittenberg Woods at**  
**Prairie Vista Phase 5**

Bloomington, Illinois

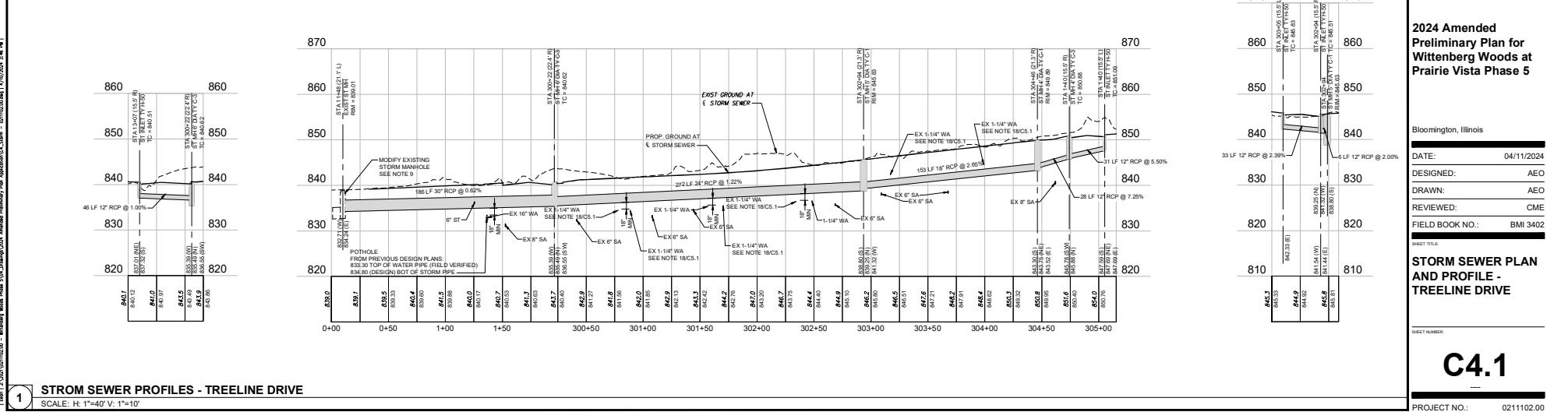
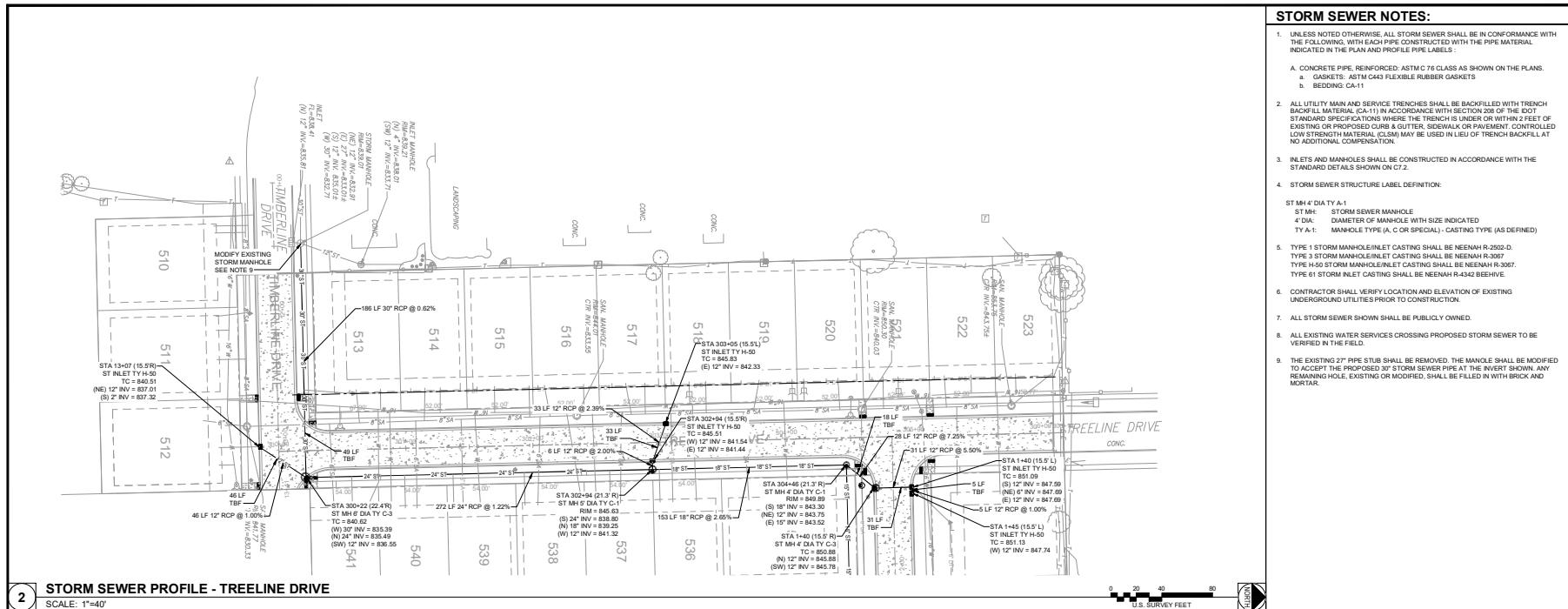
DATE: 04/11/2024  
DESIGNED: AEO  
DRAWN: AEO  
REVIEWED: CME  
FIELD BOOK NO.: BMI 3402  
SHEET TITLE:

**SANITARY SEWER**  
**PLAN AND PROFILE**

SHEET NUMBER:

**C3.1**

PROJECT NO.: 0211102.00



**Farnsworth**  
GROUP

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# DATE: DESCRIPTION:

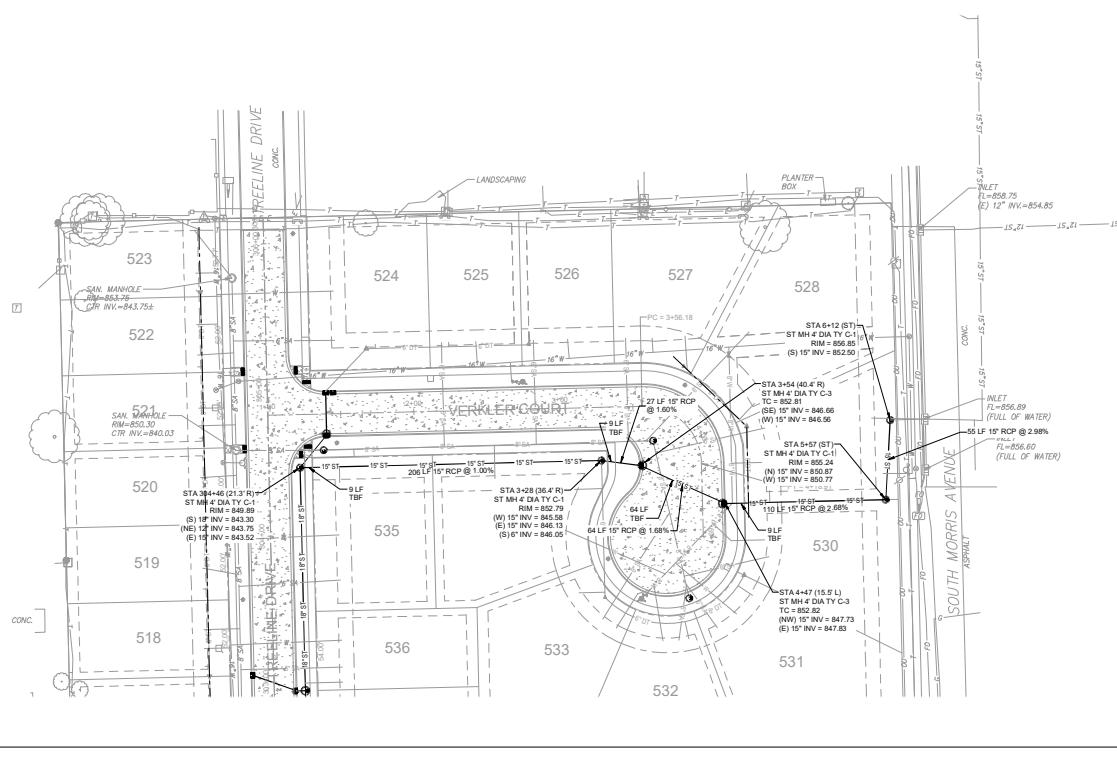


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# DATE: DESCRIPTION:



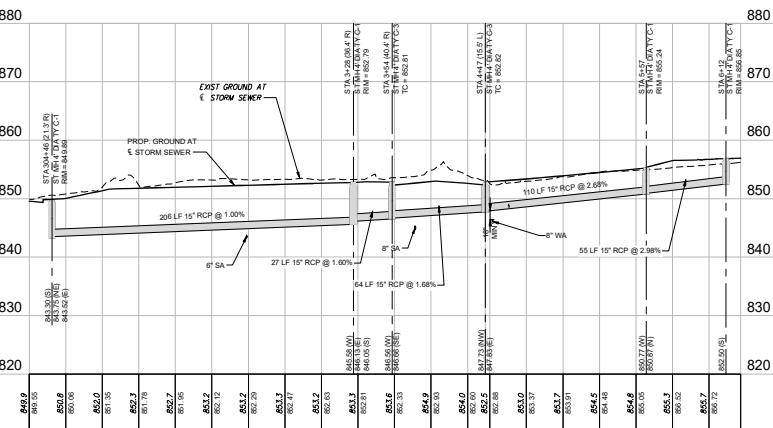
Preliminary Plan  
NOT FOR CONSTRUCTION

2024 Amended  
Preliminary Plan for  
Wittenberg Woods at  
Prairie Vista Phase 5

Bloomington, Illinois  
DATE: 04/11/2024  
DESIGNED: AEO  
DRAWN: AEO  
REVIEWED: CME  
FIELD BOOK NO.: BMI 3402  
SHEET TITLE:

STORM SEWER PLAN  
AND PROFILE -  
VERKLER COURT

SHEET NUMBER:  
C4.2  
PROJECT NO.: 0211102.00



**AYES:** Lewis; Muehleck; Peradotti; Beyer; Patino; Cullen  
**Motion passed.**

Commissioner Lewis made a motion, seconded by Commissioner Patino, to establish findings of fact the request for approval of the proposed Annexation Agreement is in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend approval of the request.

Roll call.

**AYES:** Lewis; Muehleck; Peradotti; Beyer; Patino; Cullen  
**Motion passed.**

*The following item was presented:*

Item 5.D. PS-02-24 - Consideration, review, and action on a request submitted by Wittenberg Woods II, LLC, (1707 E. Hamilton Road, Ste. 1A) for approval of the 2024 Amended Preliminary Plan for Wittenberg Woods at Prairie Vista Phase 5, for property located northwest of the intersection of S. Morris Ave. and Lutz Rd (Part of PIN: 21-17-451-005).

Ms. Pemberton presented that Staff Report with recommendation for approval of the Amended Preliminary Plan. She noted that the only significant change to the plan is changing the proposed Single-Family Attached (Townhome) and Two-Family (Duplex) structures to Single-Family Detached dwellings. She noted that any already-installed utility service lines that are not used during development will be required to be removed as part of project closeout and this will be reflected in Construction Plan documents.

Vice Chair Beyer opened the public hearing.

**Mart Fetzer, Applicant,** provided additional background information on why the changes were happening, indicating changes in market conditions as well as investor profiles.

Vice Chair Beyer closed the public hearing.

Commissioner Cullen made a motion, seconded by Commissioner Patino, to establish findings of fact that the Amended Preliminary Plan does conform with the standards of the Subdivision Code and Official Comprehensive Plan and to recommend approval of the request.

Roll call.

**AYES:** Lewis; Muehleck; Peradotti; Beyer; Patino; Cullen  
**Motion passed.**

Ms. Pemberton stated the Preliminary Plan and associated Plat could be expected on the May 28<sup>th</sup> City Council agenda.

## New Business

No new business was presented.



## PLANNING COMMISSION

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TO: Planning Commission

FROM: Economic & Community Development Department

DATE: May 1, 2024

CASE NO: PS-02-24, Amended Preliminary Plan

REQUEST: Public Hearing, review and action on a request submitted by Wittenberg Woods II, LLC, for approval of an Amended Preliminary Plan for Wittenberg Woods at Prairie Vista, for the property generally located at the northwest corner of Lutz Road and S. Morris Avenue, consisting of approximately 8.587 acres (Part of PIN: 21-17-451-005).

---

### BACKGROUND

#### Request

The Applicant seeks approval of an amendment to the "Amended Preliminary Plan - Wittenberg Woods at Prairie Vista Phase 5", which amended the original 2003 Preliminary Plan for "Wittenberg Woods at Prairie Vista" to allow completion of the future phase area of the original Plan. One portion of the area that was the subject of the previous amendment has already been Final Platted (Wittenberg Woods 4<sup>th</sup> Addition), but market conditions have resulted in the Applicant's desire to change the character of development in the remaining portion, necessitating transportation and public infrastructure changes, and therefore, a requirement to amend the remaining portion prior to Final Platting and development. The amendment will re-allocate property proposed for 20 Two-Family Dwelling lots, 13 Single-Family (Detached) Dwelling lots, and seven (7) Single-Family (Attached) Dwelling lots into 32 Single-Family (Detached) Dwelling lots. One (1) Outlot dedicated for (private) detention to serve the development proposed for the recently-approved Wittenberg Woods 4<sup>th</sup> Addition remains unchanged. No waivers or exemptions to the Subdivision Code or Zoning Code are requested or provided as part of this Amendment. Conditions in the associated construction plans—as well as a Cover Sheet note—require the removal of any installed utility service lines that will be unused as a result of the proposed reduction in density.

#### Property Characteristics

The subject property consists of approximately 8.587 acres of land located near the northwest corner of Lutz Road and S. Morris Avenue, zoned R-2 (Mixed Residence) District. The property is currently vacant except for underground utilities.

#### Notice

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in The Pantagraph on Thursday, April 11, 2024. Courtesy notices were mailed to 103 property owners within 500 feet of the subject property.

#### Surrounding Zoning and Land Uses

	Zoning	Land Uses
North	R-1C (Single-Family Residence) District	Single-Family Detached Dwellings
South	County R-1 (Single-Family Residential) District	Farm Improved with Buildings, Electrical Substation
East	P-2 (Public Lands & Institutions) District	Right of Way, Golf Course
West	R-1C (Single-Family Residence) District	Single-Family Detached Dwellings

## ANALYSIS

### Description of Current Zoning District

#### Existing Zoning: R-2 (Mixed Residence) District

The R-2 District is intended to accommodate development characterized by a mixture of housing types at a high single-family and a low multiple-family dwelling unit density. Densities of up to approximately 13 dwelling units per acre are allowed. This district allows for the conversion of dwelling units in older residential areas of mixed dwelling unit types in order to extend the economic life of these structures and allow owners to justify expenditures for repairs and modernization and serves as a zone of transition between lower density residential districts and residential districts that permit greater land use intensity and dwelling unit density (§ 44--401E).

### Compliance with the Comprehensive Plan

The proposed Preliminary Plan Amendment contributes to the following Goals and Objectives:

- Goal H-1 (Ensure the availability of safe, attractive and high quality housing stock to meet the needs of all current and future residents of Bloomington), Objective H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits).
- Goal UEW-1 (Provide quality public infrastructure within the City to protect public health, safety and the environment), Objectives UEW-1.7 (Reliable and efficient collections systems (sanitary sewer, combined sewer, and storm sewer systems) to protect public health, safety and the environment), UEW-1.2b (Prioritize new development where City services are available or can be extended efficiently and economically), and UEW-1.2c (Promote compact and orderly development of infrastructure consistent with the overall goals of this comprehensive plan).

The 2035 Comprehensive Plan identifies this area as "Low Density Residential," and defines that as "under 8 units per acre"; the resulting overall density complies with the Future Land Use Map designation. The Land Use Priorities Map identifies this property as Tier 1, "Vacant and under-utilized land for infill development or redevelopment within the City."

## STANDARDS FOR REVIEW FOR PRELIMINARY PLANS

The Planning Commission shall hold at least one public hearing on any Preliminary Plan, during which it shall determine the extent to which the plan conforms or fails to conform with the standards of the Subdivision Code and the requirements of the City's Manual of Practice for the Design of Public Improvements. Recommendations shall be made upon the determination that the Preliminary Plan complies, or fails to comply, with the requirements for subdivision and the official Comprehensive Plan, as required by City Code § 24-302F and discussed below.

### Request for Amendment to the Preliminary Plan - Subdivision Principles of Planning

A. Adequate vehicular and pedestrian access should be provided to all parcels.

Direct access to a local public road has been provided for all lots created by the Plan. Required 5-foot sidewalks have been provided along both sides of Timberline Drive, Treeline Drive, and the newly created Verkler Court. This final phase will add a secondary route for existing phase traffic to traverse the development.

B. Local street systems should be designed to minimize through-traffic movements.

To traverse the subdivision as through-traffic, five turns on relatively slow-speed roads would be

required to get from Witten Woods Dr/Morris Ave to Handel Drive/Lutz Road, as opposed to a single turn at the intersection of Lutz/Morris on higher-speed City and Local Collector roads. From a practical standpoint, the design does not encourage through-traffic, even while connecting the currently dead-end Treeline Drive and Timberline Drive.

- C. Street patterns should minimize out-of-the-way vehicular traffic.

The proposed street pattern creates traffic pathways that are as direct as possible, allowing for topography, without encouraging through-traffic movement.

- D. Local street systems should be logical and comprehensible, and street names should be simple, consistent, understandable and not duplicative.

Two of the roads present in the area of the Plan are continuations of existing roads that have been dead-ended/stubbed for continuation, and the naming of such will continue. The cul-de-sac has been appropriately named as a "Court" and no duplicates have been found.

- E. Local circulation systems and land development patterns should not detract from the efficiency of arterial and collector streets.

Access for the area of this Plan will be by completion of the existing and planned local road network and should not detract from, or disrupt, the efficiency of the larger network.

- F. Elements in the local circulation system should not have to rely on extensive traffic regulation in order to function efficiently and safely.

Intersections are appropriately spaced to reduce congestion and/or safety concerns; they are designed for standard 90° turns that will not require specialized signage or movement.

- G. Traffic generators within residential areas should be considered in the local circulation pattern.

Residential is the only use proposed for lots in the proposed Plan; no alternate traffic generators are present.

- H. Planning and construction of local streets should clearly indicate their function.

The local roads in the proposed Plan are designed as such, with direct driveway access to the dwelling units and dual-side sidewalks to provide for the daily movement of residents.

- I. The local street system should be designed for a relatively uniform low volume of street traffic.

At the standard 30-foot width, the proposed local roads have been designed to safely permit two-way traffic and on-street parking, without encouraging excessive speeds through overdesign.

- J. Local streets should be designed to discourage excessive speeds.

Refer to standard "I".

- K. Pedestrian-vehicular conflict points should be minimized.

Crosswalks have been provided only at street intersections, not between such, and the provision

of walks along both sides of the street prevents the need to cross a street access a walking path.

- L. An optimum amount of space should be devoted to street uses.

The standard 60-foot right-of-way has been proposed and 30-foot street pavement width has been provided to accommodate a local street, built to City standards, dual-side sidewalks at the required minimum of 5-foot width, and the installation and maintenance of the appropriate public utilities.

- M. The arrangement of local streets should permit economical and practical patterns, shapes and sizes of development parcels.

The portion of the development that remains to be subdivided is restricted in how the alignment and length of streets can be designed due to the existing streets with which it will be connected. A reasonable and appropriate layout has been provided. The proposed Plan provides lots of a variety of shapes and sizes that meet the minimum requirements for the R-2 (Mixed Residence) District zoning in which it is located.

- N. Local streets should be related to topography from the standpoint of both economics, drainage and amenities.

The design for the proposed streets, buried utilities, and grading/drainage allows the use of gravity storm and sanitary sewers, without requiring the construction of a lift station. No topography significant enough to disrupt line of sight during travel is present.

- O. Open space areas should be provided, commensurate with the projected population density of the development.

Upon final platting of the area that is the subject of this Preliminary Plan, a Fee in Lieu of Parkland Dedication will be provided to the City, as required by § 24-702-703 of the City Code.

- P. Major elements of the street system may be used to help define and buffer different land use areas enhancing their identity and cohesiveness.

The primary streets (Treeline Drive and Timberline Drive) are lined with lots that will result in development similar to what currently exists, or that will create a logical transition between the higher density multiple-family dwellings in the southeast corner of the Plan and the low-density single-family dwellings that lie exterior to the Plan on the north and west. The cul-de-sac spur is surrounded by lots that will result in single-family dwellings, which are more appropriate for the reduced speeds and less frequent use of the street type.

- Q. The street and pedestrian circulation pattern in a new residential subdivision shall be compatible with the Comprehensive Plan of the City of Bloomington.

The proposed street and pedestrian circulation patterns support the following Comprehensive Plan Goals, Objectives, and Strategies: TAQ-1.1f (Promote the use of connectivity in the local street network), TAQ-1.1h (Continue implementation of design standards for local street alignment and configuration that sustain neighborhood character, improve safety, and incorporates passive disincentives for diversion from collector and arterial streets), TAQ-1.1l (Incorporate sidewalks and other infrastructure into the classified system), and TAQ-1.4c Provide pedestrians with safe access throughout the transportation network, facilitating access to facilities such as transit, businesses, parks and neighborhood centers).

R. Subdivision layout should optimize the overall length of streets.

Refer to Standard "M".

S. Residential area should be conveniently accessible from arterial and collector streets.

The proposed Plan connects Timberline Drive and Treeline Drive, currently dead ends terminating just outside of existing phases. Completing this connection will result in convenient access to a City or Local Collector road from either end of the final development.

T. Access points to arterial and collector street facilities should be limited in number, given special design consideration, and whenever possible, located where other features are not competing for driver attention.

No arterial streets are within or adjacent to the Plan area. A no-access strip has been provided at the rear of the property lines where the lots back to Morris Avenue (local collector), ensuring that driveways will be constructed with local road access only.

U. Driveway entrances should be minimized on arterial streets and whenever possible on collector streets in residentially zoned areas.

No arterial streets are within or adjacent to the Plan area. The subdivision that results from this plan will be accessible only via local roads.

V. Through-traffic on local residential streets should be avoided where practical.

Refer to Standard "B".

W. Lot layout in residential subdivisions should be designed to reduce the incidence of housing on arterial streets.

No arterial streets are within or adjacent to the Plan area.

X. Public utilities, including water, storm sewer and sanitary sewer facilities, should be existing or proposed by the developer or the City of Bloomington of a size adequate to serve the proposed subdivision and any other future development they may be required to service.

Public water and sewer mains are existing in the location of the proposed Treeline Drive /Timberline Drive extensions and connection. Public Works will review and approve of the sizing and layout requirements for any additional utilities, and any existing service lines that are not used in pursuit of the resulting development will be removed, per the associated construction plans.

Y. The general land use principles and planning standards should be applied to the subdivision as contained in the Comprehensive Plan of the City of Bloomington.

The following principles from the "Future Growth & Land Use Plan" from the City's 2023 Comprehensive Plan are illustrated in the proposed Amendment:

- Excellence in Design: "...Design should balance competing priorities and meet multiple needs without compromising quality."
- Choice: "Offer a range of housing choices with varying sizes, densities, style and age. Housing types, though different, should be designed to relate to each other to create

vibrant and cohesive streetscapes."

- Connectivity: "Have a walkable layout with streets that connect in a logical manner throughout the neighborhood, to adjacent developments and other key destinations for seamless transitions..."

Z. Cul-de-sac streets shall be limited in number to encourage more equal utilization of local streets.

The use of the single cul-de-sac in the proposed Plan is appropriate for retaining limited access to Morris Avenue, while still allowing full and efficient use of the subject property.

AA. More than one entrance to a subdivision shall be required where feasible.

Two points of access are provided; one via Treeline Drive and one via Timberline Drive. Long-term, a third access through the drive area of Wittenberg Woods 4<sup>th</sup> Addition will be created, but the offset of that alignment and Treeline Drive will not be conducive to regular through-traffic.

BB. Interconnection of adjoining residential subdivisions shall be required where feasible

Refer to Standard "F".

#### Request for Amendment to the Preliminary Plan - Layout and Design Requirements

A. Subdivisions shall consist solely and exclusively of lots of record, outlots, easements, public right-of-way and public improvements.

The proposed Plan consists of 32 Lots of Record and one Outlot, including easements, right-of-way for public streets, and public improvements including sidewalks and drainage swales.

B. All proposed lots of record shall front on and have access to a public street or roadway. Flag lots are not permitted in R1 and R2 Zoning Districts.

Direct access to a local public road has been provided for all Lots of Record created by the Plan.

C. All proposed lots of record shall meet or exceed the lot size, dimension and area requirements of any applicable zoning regulations of the City of Bloomington and when applicable, the County of McLean.

All [single-family] detached residential lots meet the minimum lot width of 50 feet, and minimum lot area of 6,600 square feet. Corner lots are appropriately oversized.

D. Outlots may not be used for buildings or parking lots.

Outlot 542 (FKA Outlot 550), will not be permitted to be developed with buildings or parking lots, as it will be required for stormwater management for Wittenberg Woods 4<sup>th</sup> Addition.

E. Rear, side and front yard easements shall be dedicated to the City for use by the City and private utility companies (for gas, electricity, Cable TV, water, storm sewer, sanitary sewer,

etc.) as provided herein.

Fifteen-foot drainage and utility easements run along the front of each property, in addition to a 60-foot right-of-way, within which the utilities lie. At least 5-foot easements are present along the rear of each lot, to provide sufficient drainage and access for private utility installation.

F. Where residential lots are platted abutting an arterial major street, the "back-up" treatment should be used and a "no-access" strip depicted on those lots adjacent to the arterial street.

All properties front a local road; a 5-foot no-access strip has been provided at the rear of the properties where the lots back to Morris Avenue (local collector).

G. Boundaries of the subdivision shall be drawn to meet or exceed the required standards.

The boundaries of the proposed Amendment include "all contiguous property in common ownership or unified control," as required per § 24-402B of the City Code. The Plan includes sufficient information on the adjacent properties to place the Amendment in the context of the large Plan it proposes to amend, and to meet the requirements of the Manual of Practice 1.05A(2)(b)(iv).

H. In general, lots shall be as nearly rectangular in shape as practicable.

All Lots or Record not adjacent to the cul-de-sac are rectangular. Lots adjacent to the cul-de-sac are as rectangular in shape as practicable.

#### STAFF RECOMMENDATION

Staff finds that the standards for Preliminary Plan (and Amendment thereof) have been adequately addressed in the proposed Plan, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

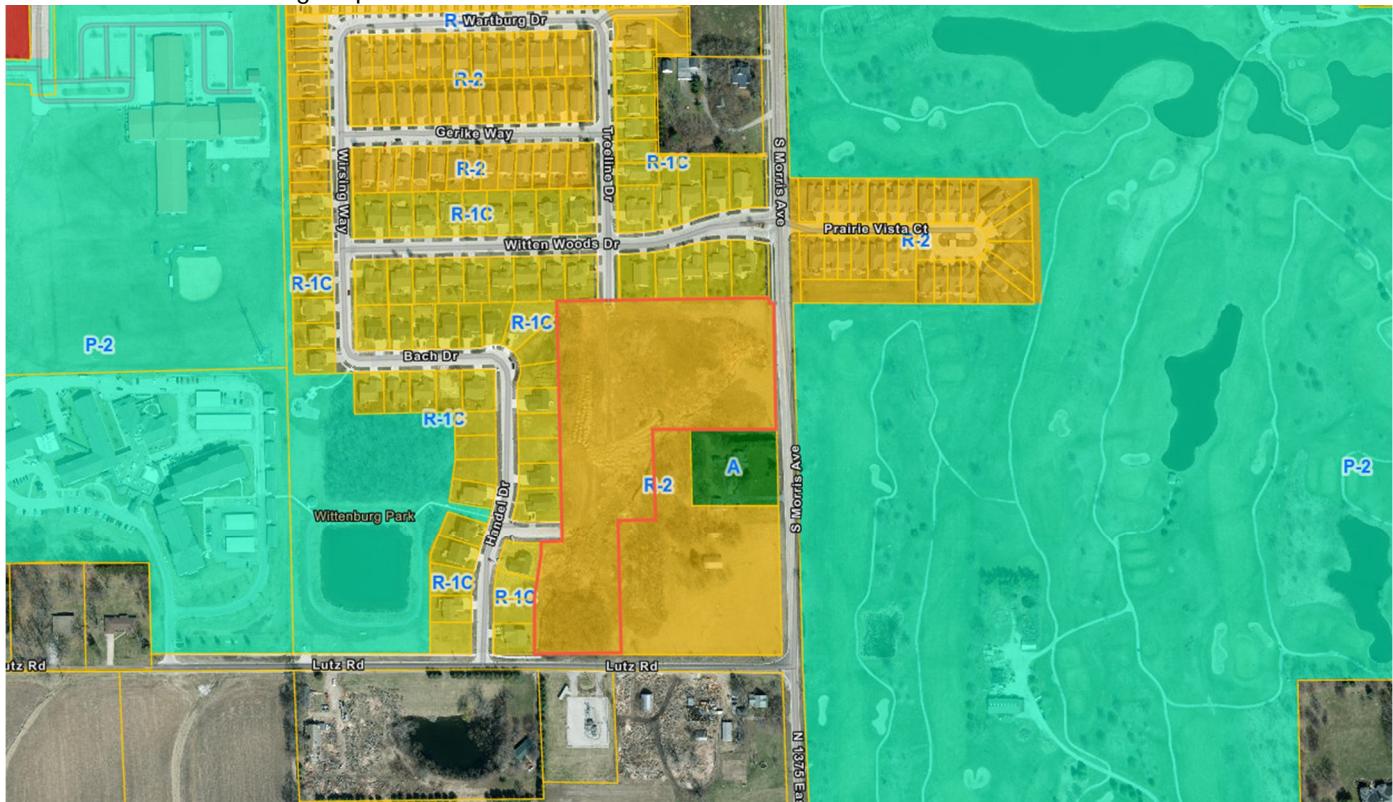
Motion to establish findings of fact that the Amended Preliminary Plan does conform with the standards of the Subdivision Code and the Official Comprehensive Plan and to recommend approval of the request.

Respectfully submitted,  
Alissa Pemberton  
City Planner

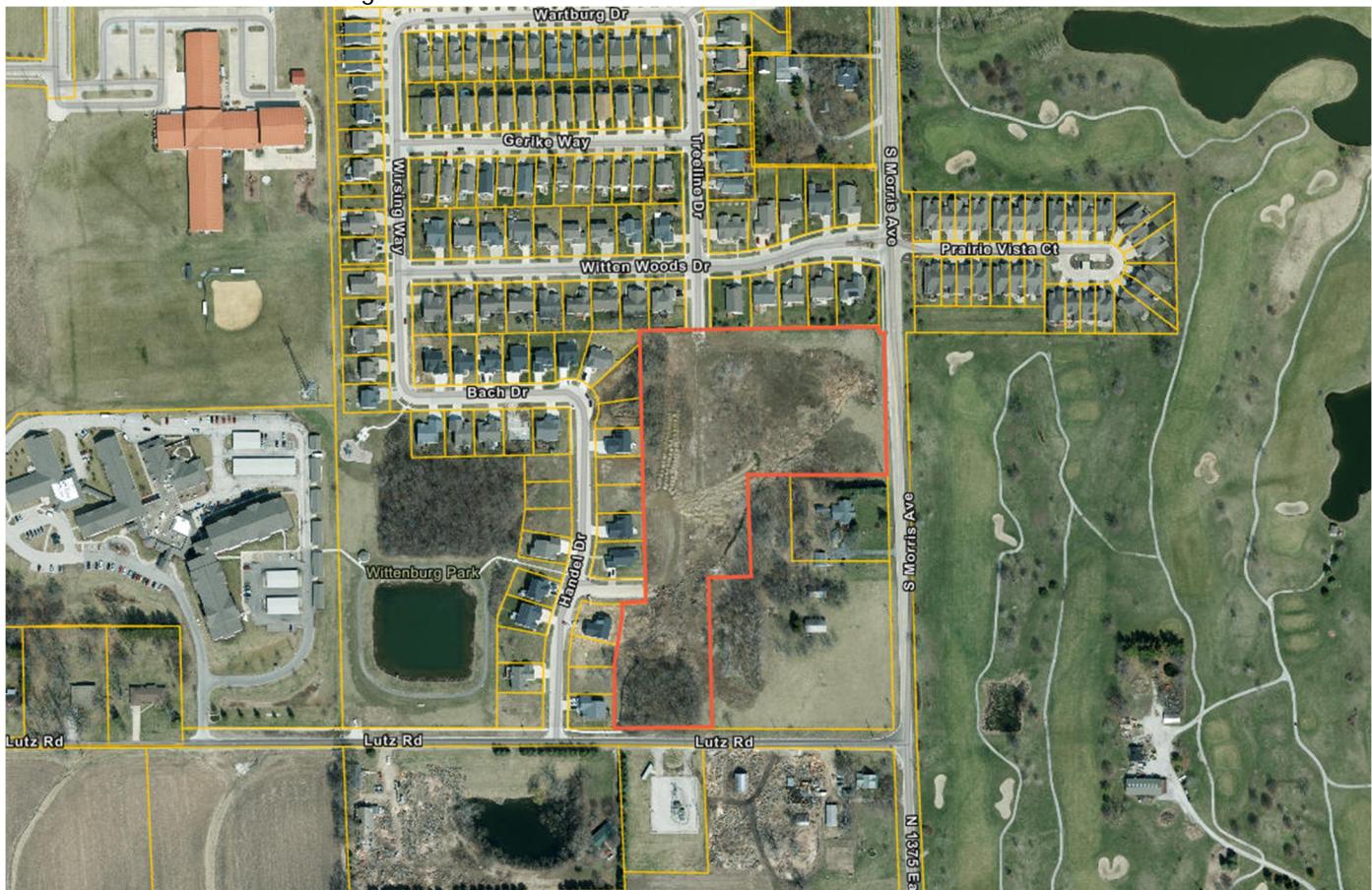
Attachments:

1. Zoning Map
2. Aerial Image
3. Neighborhood notice map
4. 2024 Amended Preliminary Plan - Wittenberg Woods at Prairie Vista Phase 5

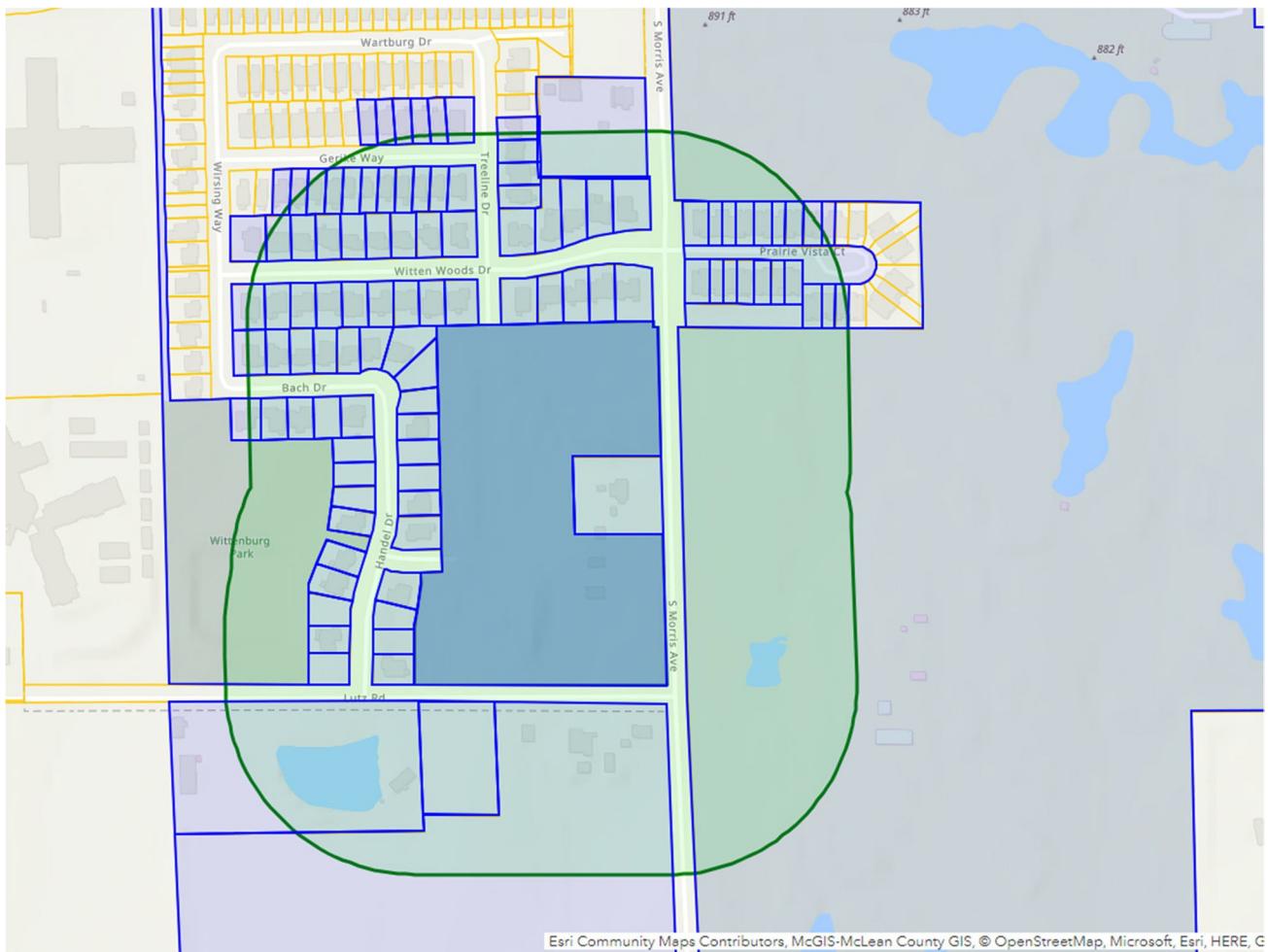
Attachment1 - Zoning Map



Attachment 2 - Aerial Image



### Attachment 3 - Neighborhood Notice Map





## CONSENT AGENDA ITEM NO. 8.N.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** Ward 2

**SUBJECT:** Consideration and Action on an Ordinance Approving the Final Plat of Wittenberg Woods at Prairie Vista Third Addition, as requested by the Department of Operations & Engineering Services.

**RECOMMENDED MOTION:** The proposed Ordinance be approved.

**STRATEGIC PLAN LINK:**

Goal 4. Strong Neighborhoods

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 4c. Preservation of property/home valuations

Objective 5a. Well-planned City with necessary services and infrastructure

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** The Petitioner, Wittenberg II, LLC, is requesting approval of the Final Plat of Wittenberg Woods at Prairie Vista Third Addition. The subdivision is located near the northwest corner of Morris Avenue and Lutz Road. The proposed Final Plat facilitates the creation of 32 residential lots and one outlot. The lot configuration is consistent with the "2024 Amended Preliminary Plan for Wittenberg Woods at Prairie Vista Phase 5," recommended for approval by Council on May 28, 2024. The existing Parcel Identification Number (PIN) for the property is 21-17-451-006. The zoning in this area is R-2 (Mixed Residence) District. Approval of this Final Plat will facilitate new single-family residences. The proposed use is permitted in this zoning district. The Final Plat complies with City engineering standards (Manual of Practice and Chapter 24 of City Code). City staff has no objections to the plat.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Wittenberg II, LLC

**FINANCIAL IMPACT:** Wittenberg II, LLC, paid all survey and plat costs. Tap-on fees are required. See tap-on/surety attachment for additional information. Approval of the Final Plat will facilitate the construction of new residential housing. This could result in additional property tax revenues for the City.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: Goal H-1 (Ensure the availability of safe, attractive and high-quality housing stock to meet the needs of all current and future residents of Bloomington), Objective H-1.1 (Ensure that the housing to accommodate the new growth is a broad range (of types, sizes, ages, densities, tenancies and costs) equitably distributed throughout the City recognizing changing trends in age-group composition, income, and family living habits); and Goal UEW-1 (Provide quality public

infrastructure within the City to protect public health, safety and the environment), Objective UEW-1.2b (Prioritize new development where City services are available or can be extended efficiently and economically)

Respectfully submitted for consideration.

Prepared by: Steven Law, Senior Civil Engineer

**ATTACHMENTS:**

DOES 1B Ordinance  
DOES 1C Final Plat  
DOES 1D Owners Petition  
DOES 1E County Clerks Certificate  
DOES 1F Owners Certificate  
DOES 1G School District Certificate  
DOES 1H Final Plat Checklist  
DOES 1I Final Plat Map  
DOES 1J Tap On Memo  
DOES 1K Drainage Statement

**ORDINANCE NO. 2024 - \_\_\_\_\_**

**AN ORDINANCE APPROVING THE FINAL PLAT OF  
WITTENBERG WOODS AT PRAIRIE VISTA THIRD ADDITION**

**WHEREAS**, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of Wittenberg Woods at Prairie Vista Third Addition dated May 13, 2024, legally described in Exhibit "A" and depicted in Exhibit "B", attached hereto and made a part hereof by this reference; and

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

**WHEREAS**, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with the requirements of the Bloomington City Code.

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

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

**Section 2.** The Final Plat of Wittenberg Woods at Prairie Vista Third Addition, legally described in Exhibit "A" and depicted in Exhibit "B", dated May 13, 2024, is hereby approved. Tap-on fees are due prior to recording.

**Section 3.** The City Clerk is hereby authorized to publish this Ordinance in pamphlet form as provided by law.

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

**Section 5.** This Ordinance shall take effect immediately after its approval and publication as required by law.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

**ATTEST**

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Mboka Mwilambwe, Mayor

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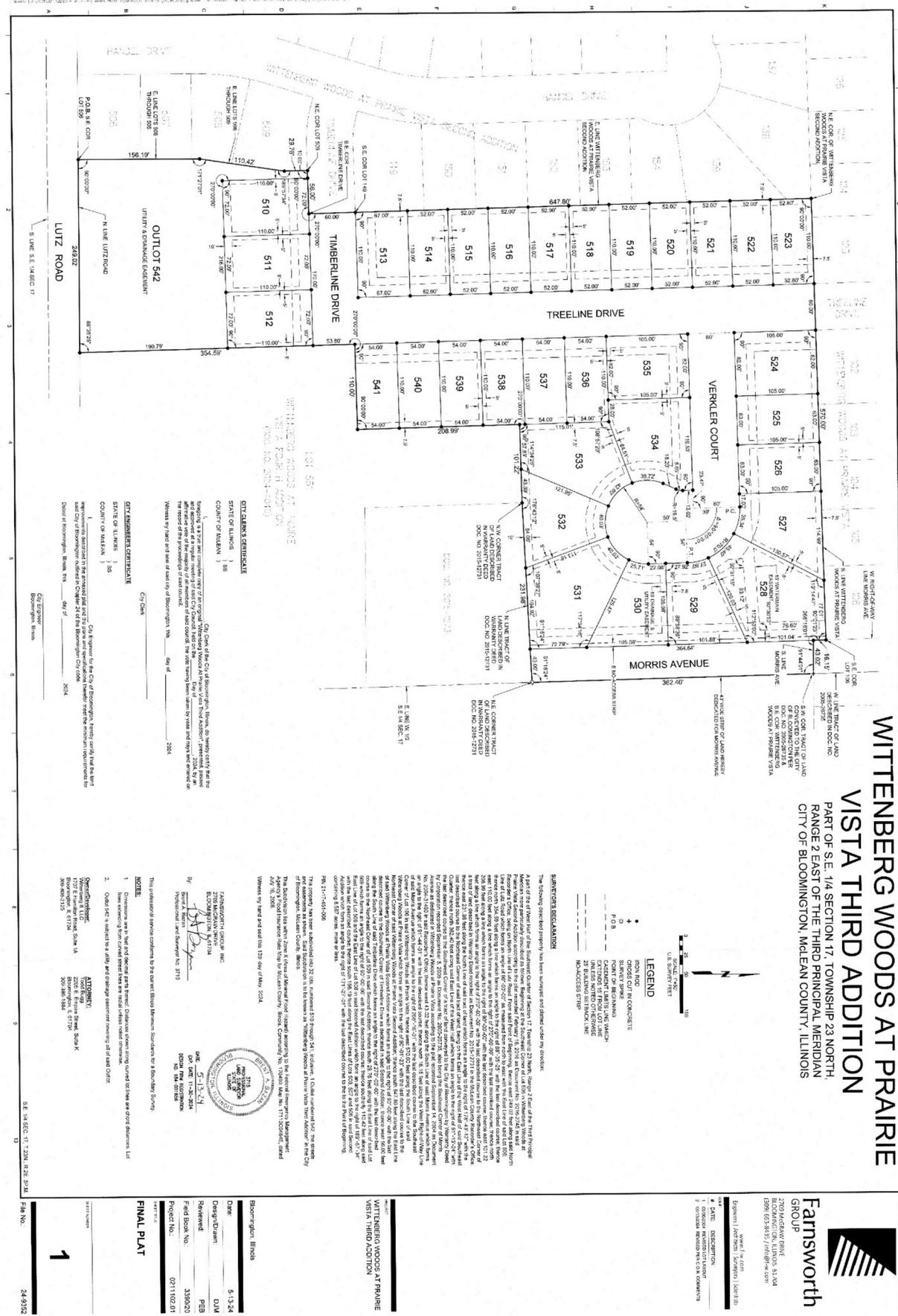
Leslie Smith-Yocum, City Clerk

EXHIBIT A  
Legal Description

A part of the of West Half of the Southeast Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian more particularly described as follows: Beginning at the Southeast Corner of Lot 506 in Wittenberg Woods at Prairie Vista Second Addition according to the plat recorded February 18, 2016 as Document No. 2016-2745 in said Recorder's Office, being on North Line of Lutz Road. From said Point of Beginning, thence east 249.02 feet along said North Line of Lutz Road which forms an angle of 90°-00'-00" as measured from north to east with the East Line of said Lot 506; thence north 354.59 feet along a line which forms an angle to the right of 88°-35'-25" with the last described course; thence east 110.00 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course; thence north 208.99 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course; thence east 101.22 feet along a line which forms an angle to the right of 270°-00'-00" with the last described course to the Northwest Corner of a tract of land described in Warranty Deed recorded as Document No. 2015-12731 in the McLean County Recorder's Office; thence east 231.98 feet along the North Line of said tract of land which forms an angle to the right of 178°-43'-12" with the last described course to the Northeast Corner of said tract of land, being on the East Line of the West Half of said Southeast Quarter; thence north 362.40 feet along said East Line of the West Half which forms an angle to the right of 91°-15'-24" with the last described course to the Southwest Corner of a tract of land conveyed to the City of Bloomington by Warranty Deed by Corporation recorded September 8, 2005 as Document No. 2005-26735, also being the Southeast Corner of Morris Avenue as dedicated in Wittenberg Woods at Prairie Vista according to the plat recorded September 14, 2004 as Document No. 2004-31490 in said Recorder's Office; thence west 43.02 feet along the South Line of said Morris Avenue which forms an angle to the right of 91°-44'-01" with the last described course; thence north 16.15 feet along the West Right-of-Way Line of said Morris Avenue which forms an angle to the right of 268°-16'-01" with the last described course to the Southeast Corner of Lot 106 in said Wittenberg Woods at Prairie Vista; thence west 570.00 feet along the South Line of said Wittenberg Woods at Prairie Vista which forms an angle to the right of 90°-01'-23" with the last described course to the Northeast Corner of said Wittenberg Woods at Prairie Vista Second Addition; thence south 647.80 feet along the East Line of said Wittenberg Woods at Prairie Vista Second Addition which forms an angle to the right of 90°-00'-00" with the last described course to the Southeast Corner of Timberline Drive as dedicated in said Second Addition; thence west 56.00 feet along the South Line of said Timberline Drive which forms an angle to the right of 270°-00'-00" with the last described course to the Northeast Corner of Lot 509 in said Second Addition; thence south 29.76 feet along the East Line of said Lot 509 which forms an angle to the right of 90°-00'-00" with the last described course; thence southerly 110.42 feet along said East Line of Lot 509 and the East Line of Lot 508 in said Second Addition which form an angle to the right of 189°-57'-34" with the last described course; thence south 156.19 feet along the East Lines of Lots 508, 507 and 506 in said Second Addition which form an angle to the right of 171°-27'-01" with the last described course to the to the Point of Beginning, containing 8.587 acres, more or less.

PIN: 21-17-451-006

## EXHIBIT B





## **PETITION FOR APPROVAL OF FINAL PLAT**

STATE OF ILLINOIS )  
 )ss.  
COUNTY OF MCLEAN )

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

Now come(s) Wittenberg II, L.L.C., hereinafter referred to as "Petitioner(s)", respectfully representing and requesting as follows:

- That your Petitioner(s) is(are) the owner(s) of the freehold or lesser estate therein of the Property hereinafter legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made a part hereof by this reference, or is (are) a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said property;
- That your Petitioner(s) seek(s) approval of the Final Plat for the subdivision of said property to be known and described as *Wittenberg Woods at Prairie Vista Third Addition*;
- That your Petitioner(s) also seek(s) approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: none;

WHEREFORE, your Petitioner(s) respectfully pray(s) that said Final Plat for the *Wittenberg Woods at Prairie Vista Third Addition*, submitted herewith, be approved with the exemptions and/or variations as requested herein.

RESPECTFULLY SUBMITTED BY:

Wittenberg N. L. L. C.

Name: Hundman Management, L.L.C.

Title: Manager

May 3, 2024

## EXHIBIT A

## LEGAL DESCRIPTION

Wittenberg Woods at Prairie Vista Third Addition

A part of the of West Half of the Southeast Quarter of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian more particularly described as follows: Beginning at the Southeast Corner of Lot 506 in Wittenberg Woods at Prairie Vista Second Addition according to the plat recorded February 18, 2016 as Document

No. 2016-2745 in said Recorder's Office, being on North Line of Lutz Road. From said Point of Beginning, thence east 249.02 feet along said North Line of Lutz Road which forms an angle of  $90^{\circ}-00'-00"$  as measured from north to east with the East Line of said Lot 506; thence north 354.59 feet along a line which forms an angle to the right of  $88^{\circ}-35'-25"$  with the last described course; thence east 110.00 feet along a line which forms an angle to the right of  $270^{\circ}-00'-00"$  with the last described course; thence north 208.99 feet along a line which forms an angle to the right of  $90^{\circ}-00'-00"$  with the last described course; thence east 101.22 feet along a line which forms an angle to the right of  $270^{\circ}-00'-00"$  with the last described course to the Northwest Corner of a tract of land described in Warranty Deed recorded as Document No. 2015-12731 in the McLean County Recorder's Office; thence east 231.98 feet along the North Line of said tract of land which forms an angle to the right of  $178^{\circ}-43'-12"$  with the last described course to the Northeast Corner of said tract of land, being on the East Line of the West Half of said Southeast Quarter; thence north 362.40 feet along said East Line of the West Half which forms an angle to the right of  $91^{\circ}-15'-24"$  with the last described course to the Southwest Corner of a tract of land conveyed to the City of Bloomington by Warranty Deed by Corporation recorded September 8, 2005 as Document No. 2005-26735, also being the Southeast Corner of Morris Avenue as dedicated in Wittenberg Woods at Prairie Vista according to the plat recorded September 14, 2004 as Document No. 2004-31490 in said Recorder's Office; thence west 43.02 feet along the South Line of said Morris Avenue which forms an angle to the right of  $91^{\circ}-44'-01"$  with the last described course; thence north 16.15 feet along the West Right-of-Way Line of said Morris Avenue which forms an angle to the right of  $268^{\circ}-16'-01"$  with the last described course to the Southeast Corner of Lot 106 in said Wittenberg Woods at Prairie Vista; thence west 570.00 feet along the South Line of said Wittenberg Woods at Prairie Vista which forms an angle to the right of  $90^{\circ}-01'-23"$  with the last described course to the Northeast Corner of said Wittenberg Woods at Prairie Vista Second Addition; thence south 647.80 feet along the East Line of said Wittenberg Woods at Prairie Vista Second Addition which forms an angle to the right of  $90^{\circ}-00'-00"$  with the last described course to the Southeast Corner of Timberline Drive as dedicated in said Second Addition; thence west 56.00 feet along the South Line of said Timberline Drive which forms an angle to the right of  $270^{\circ}-00'-00"$  with the last described course to the Northeast Corner of Lot 509 in said Second Addition; thence south 29.76 feet along the East Line of said Lot 509 which forms an angle to the right of  $90^{\circ}-00'-00"$  with the last described course; thence southerly 110.42 feet along said East Line of Lot 509 and the East Line of Lot 508 in said Second Addition which form an angle to the right of  $189^{\circ}-57'-34"$  with the last described course; thence south 156.19 feet along the East Lines of Lots 508, 507 and 506 in said Second Addition which form an angle to the right of  $171^{\circ}-27'-01"$  with the last described course to the Point of Beginning, containing 8.587 acres, more or less.

PIN(S): 21-17-451-006

## COUNTY CLERK'S CERTIFICATE

State of Illinois )  
                  )ss.  
County of McLean)

I, Kathy Michael, County Clerk of McLean County, State of Illinois, do hereby certify that on the 3<sup>rd</sup> day of May, 24, there were no delinquent general or special assessments unpaid, special assessments or delinquent special assessments unpaid against the tract of land shown on the plat attached to this certificate and described in the certificate of the Surveyor attached hereto and to said Plat.

*Kathy Michael*

---

County Clerk, McLean County, Illinois

PIN 21-17-451-006

## OWNER'S CERTIFICATE

State of Illinois )  
                         )ss.  
County of McLean)

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, hereby certify that we are the owners of all the premises embodied in the attached Plat of Wittenberg Woods at Prairie Vista Third Addition Subdivision to the City of Bloomington, McLean County, Illinois, and that we have caused said Plat to be made and that it is a true and correct plat of "Wittenberg Woods at Prairie Vista Third Addition" Subdivision to the City of Bloomington, McLean County, Illinois as laid off in lots and streets by Brent A. Bazan, Registered Illinois Land Surveyor Number 3715; and we, the undersigned, hereby dedicate and set apart to the City of Bloomington for general utility purposes, (and further dedicated the public use areas as shown on said Plat)\*

\*where dedication is required under Section 3.5.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this 30th day of October, 2023.

Wittenberg II, L.L.C., by its Manager,  
Hundman Management, L.L.C.,

BY: R Michael Hundman

State of Illinois )  
                         )ss.  
County of McLean)

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

Given under my hand and notarial seal this 30th day of October, 2023.

Morgan Spann  
Notary Public

My commission expires 06/12/2027.



## SCHOOL DISTRICT CERTIFICATE

This is to certify that Wittenberg II, L.L.C. as Owner/Developer of the property herein described in the Surveyor's Certificate, which will be known as Wittenberg Woods at Prairie Vista Third Addition Subdivision, to the best of my knowledge, is located within the boundaries of Community Unit School District #5 in McLean County, Illinois.

Dated this 30<sup>th</sup> day of October, 2023.

Wittenberg II, L.L.C., by its Manager,  
Hundman Management, L.L.C.,

BY: M Michael M. My

State of Illinois )  
 )ss.  
 County of McLean)

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

Given under my hand and notarial seal this 30<sup>th</sup> day of October, 2023.

Morgan Spann  
Notary Public

My commission expires 06/02/2027.





## Wittenberg II, LLC (Wittenberg Woods at Prairie Vista Third Addition)

Date Prepared: 5/16/2024

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

Wittenberg Woods at Prairie Vista  
Third Addition

0

305

610

Feet

Date: 12/19/2023



## MEMORANDUM

Date: May 13, 2024  
 To: Alissa Pemberton, City Planner  
 From: Steven J. Law, P.E.  
 Re: **Wittenberg Woods at Prairie Vista Third Addition**  
 Performance Guarantees and Tap-On Fees

The following are the Performance Guarantee and Tap On fees required from the developer before releasing for recording: **Wittenberg Woods at Prairie Vista Third Addition**. The final plat is scheduled for Council consideration at the May 28, 2024 Council meeting.

### **A: Tap-On Fees:**

The following tap-on fees are due prior to final plat recording:

		<u>Fund Code</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
1	SW Sanitary Sewer	51101100-54120	\$3,005.45	\$7,979.47	\$10,984.92
2	Parkland Fee	24104100-57320			\$2,977.24
3	Substandard Rd (Lutz)	10016210-57320			\$21,166.70
4	Annexation Fees	10010010-54620			\$29,255.25
5	Reduction for Lutz Road Sidewalk***	Off of Lutz (Item #3)			(\$13,944.00)
	Total Due				\$50,440.11

Parcel area: 8.587 acres.

Frontage on Lutz Road: 249.02 feet.

- 1) SW Sanitary Sewer: \$350/ac + 6% interest\*\* from 02/80; Principal & Interest used
- 2) Parkland Fee: Balance of 3.0 acres owed for remaining area of Annexation Agreement of 12.15 acres. (Fair Cash Value of an acre of land in the subdivision in 2004 was \$606.89) \* (3.0 acres) = \$1,820.67, price adjusted to today = \$2,977.24
- 3) Substandard Road Fee (Lutz): \$85/LF (@ 249.02')
- 4) Annexation Fee: 32 Residential Lots (\$23,607.68) price adjusted from November 2018 = \$29,255.25
- 5) Reduction For Lutz Road Sidewalk: 1162 SF x \$12/SF = \$13,944

\*\* Interest calculated based on the lower of 6% simple interest or the CPI calculated on the principal using the BLS inflation calculator at ([http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm))

\*\*\* The developer will install the public sidewalk along Lutz Road on behalf of the City. This sidewalk is the City's responsibility due to the substandard road fees collected. The estimated cost of the sidewalk fronting Lutz Road is therefore being deducted from the substandard road fee. The sidewalk will be built as part of the Wittenberg Woods Apartments project.



PO Box 3157  
Bloomington, IL 61702-3157  
[www.bloomingtonil.gov](http://www.bloomingtonil.gov)  
Phone: (309) 434-2225

**B: Performance Guarantee**

110% of Public Improvements (1.1 x \$1,169,144.00) = \$1,286,058.40

Total Bond Amount Required **\$1,286,058.40**

*Bonds/Guarantees must be in the form(s) and language provided by City Code.*

**C: Bond for the Improvement of Adjacent Substandard Street**

None

cc: Kevin Kothe, City Engineer/Director of Operations and Engineering Services  
Bob Yehl, Assistant City Engineer  
Chris Tomerlin, Finance  
file

DRAINAGE STATEMENT

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

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



Craig M. Earl

Registered Professional Engineer No. 062-054466

OWNER: Wittenberg II, LLC



## REGULAR AGENDA ITEM NO. 9.A.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** Ward 1 and Ward 2

**SUBJECT:** Consideration and Action on a Resolution Authorizing an Annexation Agreement with David Hruska for the Property Commonly Known as 2440 W. Washington Street, PIN: 20-01-300-004, as requested by the Economic & Community Development Department.

**RECOMMENDED MOTION:** The proposed Resolution be approved.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5a. Well-planned City with necessary services and infrastructure

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** David Hruska, with the assistance of Christopher B. Burke Engineering and in partnership with New Leaf Energy (Developer), have submitted a request for approval of an Annexation Agreement for an approximately 132-acre property, commonly known as 2440 W. Washington Street. The Applicant seeks to incorporate the property and construct a Community-Scale Solar Energy Conversion Facility on a portion (approximately 1/4) of the premises; the balance of the property is planned for continued agricultural operation.

Chapter 8.5, § 203 of the City Code and 65 ILCS 5/11-15.1.1 require that the City Council hold a public hearing prior to adopting any Annexation Agreement; ***the required City Council public hearing will occur the evening of May 28, 2024.*** City Code also requires that Council approve or reject the Annexation Agreement on the basis of (1) the facts presented at the public hearing; (2) the recommendations of the Planning Commission; and (3) the recommendations of City Staff.

**Summary of the Request:**

- County A (Agricultural) District to City A (Agriculture) District
- The Agreement secures right-of-way dedication commitments from the Property Owner for the City's Planned/Proposed future transportation network.
- The right to tap (access) public water and sewer are provided to the Owner, upon the availability of such and the payment of applicable fees.
- No waivers or incentives are provided as part of this Agreement.
- The proposed Site Plan for the Solar Energy Conversion Facility meets or exceeds the setback requirements for development the use in either the City or the County.
- The Developer has agreed to restrict the proposed project to a 10-foot height, which is 50% of the legally-allowable height for the Use in the County or City.
- The Developer has agreed to provide vegetative screening above and beyond the requirement present in Code.
- Contiguity, and therefore the ability to enact the annexation, is contingent upon

annexation of PIN 20-01-100-031, which is the subject of Case Z-06-24, and involved an annexation agreement with Joseph and Carri Scharf.

On May 1, 2024, the Planning Commission held a public hearing and voted 6-0-0 to recommend approval of the Annexation Agreement and Zoning Map Amendment, concerns regarding the potential height, setbacks, and screening of the Solar Energy Conversion Facility proposed for a portion of the premises were the primary subjects of public testimony and the hearing; the Agreement has since been modified to reflect changes that address those concerns.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice of the Planning Commission hearing was published in *The Pantagraph* on Monday, April 8, 2024. Courtesy notices were mailed to 19 property owners within 500 feet of the subject property, as well as to Dale Township, McLean County, and Unit 5 School District.

The Applicant provided notice of this public hearing before the City Council, by Certified Mail, to the following parties on May 7, 2024: Dale Township Fire Protection District, McLean County Unit 5 School District, Golden Prairie Public Library District, Dale Township, Dale Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water Reclamation District.

Additionally, the notice for the City Council public hearing was published in *The Pantagraph* on Friday, May 10, 2024.

**FINANCIAL IMPACT:** The proposed Annexation and Zoning Map Amendment will add to the City's tax base. The Agreement secures vital infrastructure pathways for the future development throughout the area of "emerging" west Bloomington. The Applicant will be responsible for the construction and cost of any infrastructure for development on the subject property, with tap-on fees contributing to the cost of existing water and sewer infrastructure upon further subdivision or development.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: Goal UEW-2 (Promote and facilitate energy conservation and alternate energy generation and resources), Objective UEW-2.2 (Ensure at least 25% of energy use comes from renewable energy sources); Goal TAQ-1 (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objectives TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system), and TAQ-1.5 (Plan for appropriate and safe access to major surface transportation facilities, including arterial and collector streets); Goal NE-3 (Reduce environmental pollutants), Objective NE-3.1 (Identify and reduce air pollutants), Policy NE-3.1a (Work to attract and provide incentives for wind, solar, geothermal, biofuel, and other types of renewable energy development); and Goal CF-1 (Continue to provide quality public facilities and services), Objectives CF-1.1 (Provide adequate City services for current and new annexations) and CF-1.4 (Focus resources on maintaining and developing facilities that support the goal of contiguous and compact growth).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, City Planner

**ATTACHMENTS:**

[E&CD 3B Resolution](#)

[E&CD 3C - Resolution Exhibit B](#)

[E&CD 3D Z-05-24 Staff Report](#)

[E&CD 3E Draft Planning Commission Minutes for Z-05-24](#)

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION AUTHORIZING AN ANNEXATION AGREEMENT WITH DAVID HRUSKA  
FOR THE PROPERTY COMMONLY KNOWN AS 2440 W. WASHINGTON STREET,  
PIN: 20-01-300-004**

**WHEREAS**, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a request for approval of an Annexation Agreement pertaining to property commonly known as 2440 W. Washington Street, legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

**WHEREAS**, the request included a proposed Annexation Agreement labeled as Exhibit "B" and hereinafter referred to as "Agreement", which is attached hereto and made part hereof by this reference; and

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

**WHEREAS**, the Bloomington Planning Commission, following said public hearing, made findings of fact that such Annexation Agreement and the included proposal(s) for Zoning Map Amendment(s) are in the public interest and not solely for the benefit of the applicant, as required by § 8.5-203 of the Bloomington City Code; and

**WHEREAS**, the Bloomington Planning Commission voted to recommend that the City Council pass this Resolution; and

**WHEREAS**, the Bloomington City Council, after proper notice was given, conducted a public hearing on said request and Agreement; and

**WHEREAS**, the City Council of the City of Bloomington has the power to adopt this Resolution and approve the Annexation Agreement.

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

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

**Section 2.** The City Council adopts the findings of fact of the Bloomington Planning Commission and hereby approves the Annexation Agreement, attached as Exhibit "B", with David Hruska for the Property commonly known as 2440 W. Washington Street, legally described in Exhibit "A", and authorizes the Mayor and City Clerk to execute said agreement.

**Section 3.** This Resolution is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

**Section 4.** This Resolution shall take effect immediately after its approval and publication as required by law.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

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Mboka Mwilambwe, Mayor

**ATTEST**

---

Leslie Smith-Yocum, City Clerk

EXHIBIT A  
**Legal Description**

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

**PIN:** 20-01-300-004

**ADDRESS:** 2440 W WASHINGTON STREET

**EXHIBIT B**  
**ANNEXATION AGREEMENT**

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

**WHEREAS**, Owner is the owner of approximately 131.90 acres, less public right-of-way, with frontage on West Washington Street and hereinafter described on Exhibit "A," which is attached hereto and made a part hereof by this reference (hereinafter "Premises" or "Property"); and

**WHEREAS**, Owner has submitted a Concept Plan for Washington Street Solar Subdivision, attached hereto as Exhibit "B" (hereinafter "Concept Plan"), of how they propose to develop the Property; and

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

**WHEREAS**, said Premises is not within the corporate limits of any municipality, and will become contiguous to the City with the Annexation of PIN 20-01-100-031 which is being considered for Annexation concurrently, as case Z-06-24 ; and

**WHEREAS**, the Owner is desirous of having said premises zoned A (Agricultural) District upon annexation to the City (all Lots referenced shall include any subdivisions thereof); and

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

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

**1. ANNEXATION PETITIONS.**

Owner, subject to the terms and conditions set forth in this Agreement, will petition the City of Bloomington, requesting annexation of the property, or portions thereof, identified on Exhibit "A" to the City's corporate limits, after approval and execution of this Annexation Agreement. The City shall publicize and give such notices and conduct such public hearings as are required to annex the Premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

**2. ANNEXATION.**

Upon Owner's Petition, the City agrees to adopt an Ordinance(s) annexing the property, or portions thereof, described on Exhibit "A."

### **3. ZONING.**

City agrees to zone the Premises legally described on Exhibit "A", upon annexation, to the A (Agricultural) District, subsequent to approval after any public hearings required by the City Code.

### **4. DEVELOPMENT OBLIGATIONS.**

Unless explicitly written as otherwise, it is the intent of this section of the Agreement to allow the Owner to continue the active Agricultural operation inside City limits, without triggering obligations and fees related to development, until such time as development is proposed or pursued, indicated by Final Platting or the connection to new City services.

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

**Note: Bonds shall be provided for all public improvements as set forth in the City Code. All public improvements shall be constructed within dedicated public right-of-way or dedicated easements.**

A. The Owner shall have the following obligations regarding streets as reflected on the Concept Plan attached as Exhibit "B":

(1) W. Washington Street

- i. At the Time of Annexation: The Owner shall dedicate right-of-way along the entire northern border of the Property, extending 45-feet from the middle-line of W. Washington Street.
- ii. At the completion of the road being modified to City Minor Street standards, or at Final Platting, whichever occurs last, the Owner shall pay the Adjacent Substandard Roadway fee. The fee shall reflect the cost, per foot of frontage, of one half the per foot cost of a 30' wide local street section. Said fee is currently \$175 per foot (1/2 of \$350 per foot). Beginning from the date of this Agreement, this fee shall be increased at a rate of 6% simple interest or based on the Consumer Price Index (CPI), whichever is lower at the time of payment. At Owner's option, the fee may be paid at any time in advance of it becoming due.

(2) Future Charolais Lane Extension

- i. At the Time of Final Platting, or before this Agreement expires: The Owner shall dedicate a 90-foot right-of-way, running from the eastern border of the property to the western border of the property, in line with the existing latitude of Charolais Lane, as shown in the Concept Plan on Exhibit "B", or alternate alignment as approved by the City at time of Platting.

(3) Future North-South Collector Road

- i. At the Time of Final Platting, or before this Agreement expires: The Owner shall dedicate a 90-foot right-of-way, running from the northern border of the property to the southern border of the property, at a distance of approximately 1,300 feet east from the western border of the property, as shown in the Concept Plan on Exhibit "B", or alternate alignment as approved by the City at time of Platting.

B. Public Water Improvements: The Owner shall have the following obligations regarding water improvements.

- (1) Right-of-Way. All public water mains shall be built within dedicated public right-of-way or dedicated easements, including but not limited to those depicted in the Concept Plan (Exhibit "B").
- (2) Improvement Obligations.
  - i. Upon the extension of a public water main to an area adjacent to the Premises, the Owner may tap such main.
  - ii. The Owner shall be responsible for payment of tap-on fees prior to the connection to public water, based upon the requirements of the City Code at the time connection is sought.

C. Public Sanitary Sewer Improvements: The Owner shall have the following obligations regarding sanitary sewer improvements.

- (1) Right-of-Way. All public sanitary sewers shall be built within dedicated public right-of-way or dedicated easements, including but not limited to those depicted in the Concept Plan (Exhibit "B").
- (2) Improvement Obligations.
  - i. Upon the extension of a public sanitary sewer to an area adjacent to the Premises, the Owner may tap such sewer.
  - ii. The Owner shall be responsible for payment of tap-on fees prior to the connection to public sanitary sewer, based upon the requirements of the City Code at the time connection is sought.

D. Lot 2 of the Concept Plan - Commercial Solar Energy Conversion Facility Use

(1) The following modifications of the Use Provisions associated with Solar Energy Conversion Facilities (§ 44-1031 of the City Code) shall apply:

- i. Decommissioning - The provisions for Decommissioning set forth in an executed Agricultural Impact Mitigation Agreement between the State of Illinois Department of Agriculture and the owner of any Commercial Solar

Energy Conversion Facility project constructed on the Premises, shall override § 44-1031D of the City Code in timeline and process, provided construction begins within 5 years of the effective date of this Agreement.

- ii. Landscaping and screening - Developer agrees to provide a vegetative buffer, consisting of Arbor Vite or other evergreen trees and materials approvable per § 44-1305 of the City Code, along the northern border of the Solar Energy Conversion Facility, for the visual benefit of the exiting residence at 2406 W. Washington Street. The remaining portion of the site may be fenced subject to the provisions of City Code § 44-1031F(3)(a) and § 44-910 (Fence regulations).
- iii. Maximum height - Developer agrees to a maximum height restriction of ten (10) feet, at full tilt, for installed solar arrays.

E. Future subdivision and development of the Premises shall be by applicable governing Codes at that time.

## **5. OBLIGATION TO DEVELOP PER CODE.**

In the construction and use of improvements on the subject Premises the Owner shall comply with all zoning subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time. Bonds shall be provided for all public improvements as set forth in the City Code.

## **6. ANNEXATION TO OTHER TAXING DISTRICTS.**

The Owner, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue any necessary petitions to annex the Premises to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District.

## **7. COVENANTS AND AGREEMENTS**

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

## **8. TERM**

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

## **9. NOTICES**

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

To the City of Bloomington, Illinois (“City”):

City of Bloomington  
Attn: City Manager  
115 E. Washington Street  
Bloomington, IL 61701

To David Hruska (“Owner”):

2507 W. College Avenue  
Normal, IL 61761

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

## **10. ADOPTION OF ORDINANCES**

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

## **11. GENERAL PROVISIONS**

The following general provisions shall apply to this Agreement:

- A. Time of the Essence. Time is of the essence in the performance of this Agreement.
- B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.
- C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.
- D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.
- E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois.

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

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

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

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

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

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

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

party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owner or the Property is subject.

- M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owner agrees that they will not seek, and does not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.
- N. No Third Party Beneficiaries. No claim as a third-party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owner.
- O. Recording. After the Owner has paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.
- P. Occupancy Permits. In addition to any other remedies permitted by this Agreement, the failure of Owner to meet any obligation set forth within this Agreement shall be cause for the City to deny and/or revoke any occupancy permit issued on the Premises.

EXECUTED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, at Bloomington, Illinois.

CITY OF BLOOMINGTON

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Mboka Mwilambwe, Mayor

ATTEST

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Leslie Smith-Yocum, City Clerk

OWNER:

David Hruska

By:

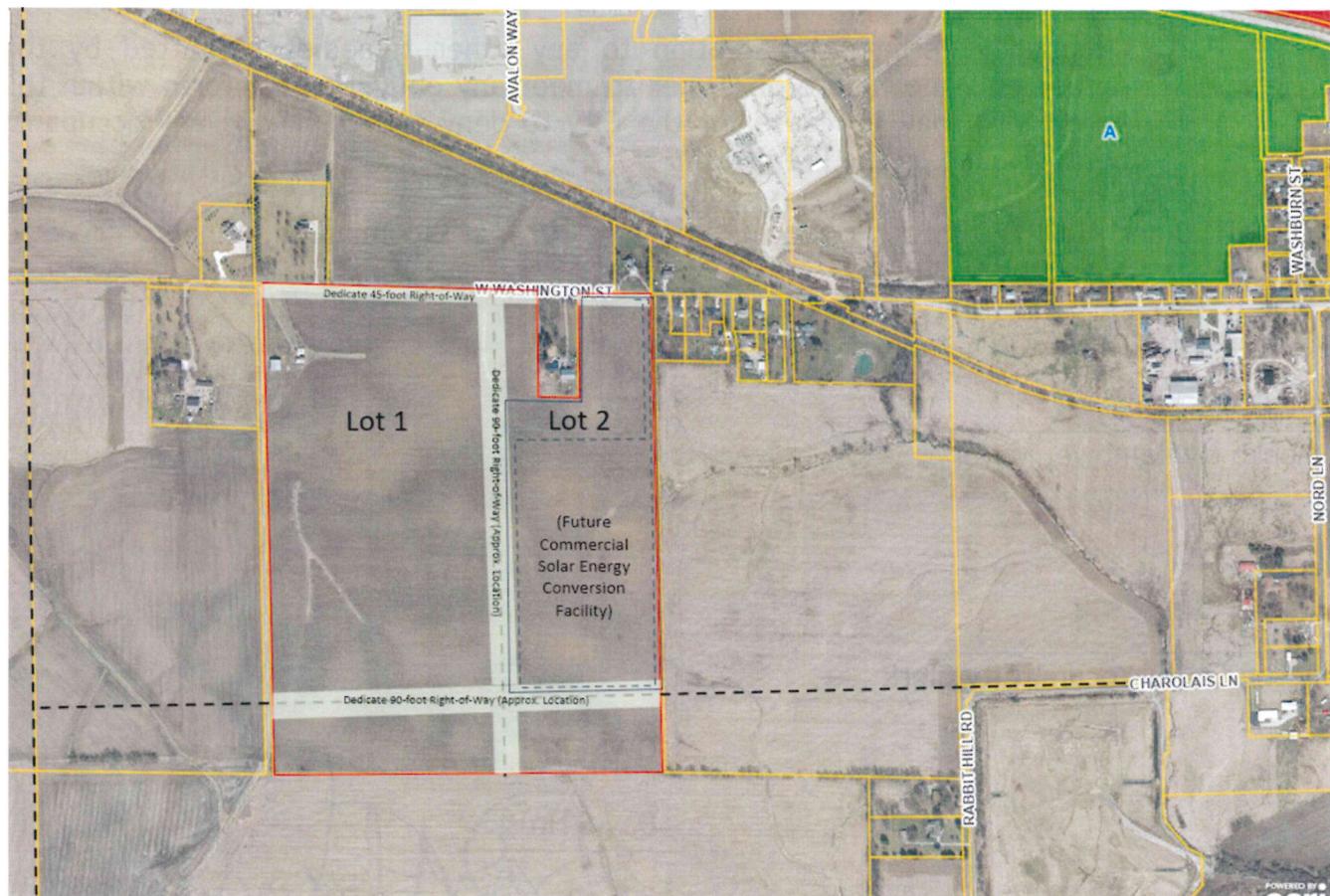
Property Owner

Exhibit A  
**LEGAL DESCRIPTION**

THE WEST 53.90 ACRES OF THE SOUTH EAST 1/4 OF SECTION 1; AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 1, EXCEPT 2 ACRES OFF OF THE WEST SIDE THEREOF; ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCLEAN COUNTY, ILLINOIS, ALSO EXCEPT LOT 1 OF PINE TREE SUBDIVISION IN THE SOUTH EAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT RECORDED MAY 19, 1971, AS DOCUMENT NO. 71-3896, AS CONVEYED BY WARRANTY DEED RECORDED JULY 26, 1971 AS DOCUMENT NO. 1971-00006273, PUBLIC RECORDS OF MCLEAN COUNTY, STATE OF ILLINOIS.

**PIN: 20-01-300-004**  
**ADDRESS: 2440 W WASHINGTON ST**

Exhibit B  
**CONCEPT PLAN**  
Washington Street Solar Subdivision





## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** May 1, 2024

**CASE NO:** Z-05-24, Annexation Agreement & Zoning Map Amendment

**REQUEST:** Consideration, review, and action on a request submitted by Christopher B. Burke Engineering, for approval of an Annexation Agreement and Zoning Map Amendment, from County A (Agricultural) to City A (Agriculture) District, and Site Plan Review, pertaining to property commonly known as 2440 W. Washington Street, consisting of approximately 131.9 acres, more or less (PIN: 20-01-300-004).

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### BACKGROUND

#### *Request*

The Applicant seeks approval of an Annexation Agreement and Zoning Map Amendment to incorporate the property and facilitate the construction of a community-scale Solar Energy Conversion Facility. The requested zoning for the property is “A (Agriculture) District” and is appropriate for this property not readily served by public water and sewer and is accessible by a sub-standard local road. In addition, the Applicant has elected to initiate Public Hearing Site Plan Review to secure zoning review of the proposed project, including minor modifications of the Use Provisions associated with this “permitted by right” use. Contiguity, and therefore the ability to annex the subject property, is contingent upon annexation of PIN 20-01-100-031, which is the subject of case Z-06-24.

The Agreement secures right-of-way dedication commitments from the Property Owner for the City’s Planned/Proposed future transportation network. The right to tap (access) public water and sewer are provided to the Owner, upon the availability of such and the payment of applicable fees. Future development of the parcel (and any child parcel) is contingent upon approvals through future processes, including rezoning and subdivision under the applicable Codes at the time of application. Additional review would be required for any Preliminary Subdivision or Planned Unit Development approval, Plat approval, Site Plan approval, and related site and building permits; each of these items is a usual and customary requirement, several of which entail additional future public hearings.

#### *Property Characteristics*

The subject property consists of approximately 130 acres of active agricultural land located south of West Washington Street, and west of the Constitution Trail crossing, Bloomington Heights Road, and the Ameren electrical substation. No existing Annexation Agreement or Preliminary Plan was found for the subject property. Two of the City’s Planned/Proposed roads run through the property, including the future east-west extension of Charolais Lane. The property spans two sewer-sheds, with the northern portion of the property draining to the north (would be served by the existing Washington Street main), and the southern approximately 2/3 of the property draining to the south which would be served by a yet-unidentified future main. The property is currently used as cropland and is improved with three (3) use-supporting structures and a radio tower.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, April 8, 2024. Courtesy notices were mailed to 19 property owners within 500 feet of the subject property.

## Surrounding Zoning and Land Uses

	Zoning	Land Use(s)
North	County A (Agricultural), City M-1 (Restricted Manufacturing)	Vacant, Cropland, Single-Family Residences, Constitution Trail, developing low-intensity industrial
South	County A (Agricultural)	Vacant, Cropland
East	County A (Agricultural)	Vacant, Cropland, Single-Family Residences
West	County A (Agricultural)	Vacant, Cropland, Single-Family Residences

## ANALYSIS

### *Comparison of Existing and Proposed Districts\**

#### **Existing Zoning: County A (Agriculture) District**

Agricultural land is under urban pressure from expanding incorporated areas. This urban pressure takes the form of scattered development in wide belts around the incorporated communities of McLean County, brings conflicting land uses into juxtaposition, creates high costs for public services and stimulates land speculation. Certain agricultural land constitutes unique and irreplaceable land resources. It is the purpose of the Agriculture District to provide a means by which agricultural land may be protected and enhanced as an economic and environmental resource of major importance to the County (McLean County Code § 350-35).

#### **Proposed Zoning: A (Agriculture) District**

The intent of this A-Agriculture District is to govern the use of land, buildings, and structures within areas of the City where soil, topographic, and other conditions are best suited for the pursuit of agriculture or where essential community facilities or utilities do not yet or are not reasonably expected to serve the property. These regulations are further intended to provide for the protection and conservation of natural resources, to prevent or minimize conflicts between agriculture and non-agricultural land uses; act as a holding zone for annexed land prior to timely development; and to facilitate orderly and efficient urban development by preventing a scattered and indiscriminate pattern of urban growth (§ 44-301).

### *Compliance with the Comprehensive Plan*

The proposed Annexation and Zoning Map Amendment contribute to the following Goals and Objectives:

- Goal UEW-2 (Promote and facilitate energy conservation and alternate energy generation and resources), Objective UEW-2.2 (Ensure at least 25% of energy use comes from renewable energy sources);
- Goal TAQ-1 (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objectives TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system), TAQ-1.5 (Plan for appropriate and safe access to major surface transportation facilities, including arterial and collector streets) ; and
- Goal NE-3 (Reduce environmental pollutants), Objective NE-3.1 (Identify and reduce air pollutants), Policy NE-3.1a (Work to attract and provide incentives for wind, solar, geothermal, biofuel, and other types of renewable energy development); and
- Goal CF-1 (Continue to provide quality public facilities and services), Objectives CF-1.1

(Provide adequate City services for current and new annexations) and CF-1.4 (Focus resources on maintaining and developing facilities that support the goal of contiguous and compact growth).

The 2035 Comprehensive Plan Future Land Use Map identifies this area as “Future” in the Emerging Areas. The Land Use Priorities Map does not identify this property. This map was adopted in 2015, prior to the introduction of Rivian and Ferraro on the west side of the community. The development of updated maps is under discussion; based on a long-established planned/proposed transportation network and infrastructure planning/feasibility, it can be reasonably expected that the area between the western alignment of Rivian Motorway and Sugar Creek/I-55 will be looked at for residential and low-intensity industrial/commercial uses within the next 5-10 years (see Comprehensive Plan *Figure 4-1. Neighborhood Classification Boundaries* indicating W. Market Street and W. Washington Street as primary “Transportation Corridors” in the “Emerging” area of West Bloomington).

## STANDARDS FOR REVIEW FOR ZONING MAP AMENDMENTS

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

Chapter 44 (Zoning) was updated in February of 2023; Chapter 8.5 (Annexation) was not updated concurrently. The more comprehensive Chapter 44 criteria has been used for this review since the Planning Commission’s primary obligation (§ 8.5-203D) is to evaluate the proposed Zoning Map Amendment(s) (§ 44-1706E(2)(a)[1] - § 44-1706E(2)(a)[11]) versus (§ 8.5-203D(1) -§ 8.5-203D (8)).

### *Request for Zoning Map Amendment to A*

#### **1. The suitability of the subject property for uses authorized by the existing zoning.**

Uses permitted within the current County A (Agriculture) District are oriented to the production and management of agricultural crops, and normal accessory uses like low-density single-family dwellings, and processing or storage facilities. Other commercial recreation and potentially noxious uses that require large amounts of land and/or separation from populated areas may also be permitted. Many of the uses in this District are reliant upon well and septic to supply potable water and refuse disposal, due to the extended distance between users and the expense of installing and maintaining public utility infrastructure. In the not-too-distant future, continued agricultural operation of the property may no longer be the highest and best use of the property, as access to water and sewer infrastructure expands in the vicinity and transportation infrastructure is improved to support employment centers on the western edge of the City.

#### **2. The length of time the property has remained vacant as zoned considered in the context of land development in the area.**

The property has never been developed and is currently used as cropland, but it is now effectively within a large “donut-hole” of developed land and City existing or planned infrastructure. The property to the north (Nord Farms and Constitution Trail) was annexed in 2005 west past Rivian Motorway, and property further south was annexed past Mitsubishi Motorway in 1996/2001 (Heartland Hills, Fox Creek, future regional park). See also the discussion of “Compliance with the Comprehensive Plan” in the prior portion of this report.

**3. The suitability of the subject property for uses authorized by the proposed zoning.**

Physically, the subject property would be appropriate for most uses permittable in the City's Zoning Code. The property does not hold any major drainage ways, flood zones, or natural features. There are minor topographic changes on the subject property, but fewer than on the surrounding parcels, with most of the site falling within the 800-810 range.

**4. The existing land uses and zoning of nearby property.**

The adjacent properties are zoned County A (Agriculture), and County or City M-1 (Restricted Manufacturing), City B-1 (General Commercial) or, Town M-2 (General Manufacturing), and are in a variety of stages of development, mostly consisting of active agricultural fields, single-family residential uses, or low-intensity industrial.

A notable difference is the County-zoned M-1 property which holds the Ameren West Market Street Substation, an extremely high voltage station hosting connections of 100-161 kV with significant capacity remaining at the interconnection point near W. Washington Street. The lack of available water/sewer infrastructure, combined with the available capacity for grid connection make this and any surrounding property prime candidates for the installation of alternative energy uses, regardless of whether that installation is within the County or City.

**5. Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application.**

The relative gain for the owner from the Map Amendment itself is minimal, as similar uses are permissible in both the County and City Agricultural zoning districts; even the proposed Solar Energy Conversion Facility could be developed on the subject site within the County with slightly different provisions and restrictions. The gain to the community, should the Map Amendment be approved, is real and meaningful, due to the decreased potential for noxious uses permitted in the County District (including mining and stock yards) near the Constitution Trail and other developing City properties.

**6. The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

The Annexation Agreement requires the Property Owner to dedicate right-of-way for the future planned through-road network within the subject area, and to pay applicable substandard road fees, upon improvement. Dedication is triggered upon development of the adjacent property, or upon request of the City to ensure the requirement may be enforced for the benefit of surrounding properties, should they elect to develop first. No public road network is required for implementation of the currently proposed development on the site; the property owner or developer would be responsible for the cost of any internal circulation.

**7. The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in the area.**

Stormwater management for development of the subject property will be managed according to the City's Manual of Practice, requiring onsite management in almost all instances and that the post-development condition is no worse than the pre-development condition in all cases.

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

The Agreement does not obligate the City to extend, or the Property Owner to connect, to public water or sanitary sewer at this time; provisions are included for allowing access should the City extend services in the future, and for requiring any public infrastructure installed by the Property Owner to facilitate the extension of such services be built in an appropriate manner. The property is easily served by Bloomington fire and police protection. The property will be annexed to Bloomington-Normal Water Reclamation District and is already part of the Unit 5 School District.

9. The extent to which property values are diminished by the restrictions of the proposed zoning.

Property values are unlikely to be diminished by the Map Amendment. Uses permissible in the City A (Agriculture) District are similar to those permissible on the adjacent County "A" parcels, with a reduction in permissions for by-right residential uses, as well as significant reduction in uses that the City would determine as appropriate in only Commercial or Industrial zoning districts. For an area that is primarily single-family homes and productive agricultural fields, the Zoning Map Amendment is actually protective of values by safeguarding the consistency of that character as compared to the potential for significant change within the currently assigned district.

10. Whether a Comprehensive Plan for land use and development exists, and whether the amendment is in harmony with it.

See prior discussion of "Compliance with the Comprehensive Plan" in this report.

11. Whether the City needs more of the types of uses allowed in the proposed district.

While the City does not necessarily need more of the types of uses allowed in the proposed district (agriculture, forestry, and low-intensity single-family dwellings are as appropriate in the County as they are in the City, and other income-generating land uses or moderate- to high-intensity residential uses are not permitted in "A"), the City does need to ensure the long-term viability of this area's public infrastructure and transportation network, which necessitates governance by our Subdivision and Zoning Codes through annexation. Annexation as A (Agriculture) District results in the least change possible as part of that process.

#### **ADDITIONAL STANDARDS FOR REVIEW FOR ANNEXATION**

Both the Planning Commission and City Council shall conduct public hearings on the Agreement. The Planning Commission shall make its recommendation to the City Council after conducting its hearing. Recommendations shall be made...giving due consideration for the purpose and intent of Chapter 44, Article I, of the Bloomington City Code - 1960, including the following specific purposes (§ 8.5-203D(9)):

- (a) To conserve and protect the taxable value of land and structures;

Standards five (5) and nine (9) for approval of Zoning Map Amendments speak to this purpose. Incorporation of the subject property as Agricultural land is additionally protective of the row-crop nature of the existing land and structures by removing the potential for the development of more commercial/industrial "agricultural" uses, while securing the land required for infrastructure to support future community development protects the value of surrounding properties and increases the value of the subject property should they choose to pursue alternate use in the future.

**(b) To protect the air, water and land resources within the City from the hazards of pollution and misuse;**

Standards three (3) and eight (8) for approval of Zoning Map Amendments speaks to this purpose. Compliance with the City Code, once annexed, will be generally protective from the hazards of pollution and misuse; the Agreement states all public hearing and normal permitting processes shall be followed, and no Variations to the Code are requested or included as part of the Agreement.

**(c) To protect land and structures from natural hazards; including flooding and erosion;**

Standard seven (7) for approval of Zoning Map Amendments speaks to this purpose. Incorporation and development of this property, when in compliance with the Manual of Practice—which is the expectation and requirement of such—will address onsite and localized flooding issues.

**(d) To preserve and protect historic locations, structures and groups of structures;**

Not applicable; this property is unimproved.

**(e) To preserve and protect and encourage the development of structures, groups of structures and neighborhoods of distinctive architectural character and appearance;**

Standard four (4) for approval of Zoning Map Amendments speaks to this purpose. No urban or neighborhood development is pondered at this time.

**(f) To provide for the orderly and functional arrangement of land uses and structures;**

Standard two (2) for approval of Zoning Map Amendments speaks to this purpose. No urban or neighborhood development is pondered at this time, but Annexation and the securing of necessary right-of-way supports orderly and functional arrangement of land uses and structure in future development in this part of “emerging” west Bloomington.

**(g) To establish standards for the orderly development or redevelopment of geographic areas within the City;**

The Agreement codifies and secures existing standards for collector/arterial transportation infrastructure, helping to guide orderly development of this area of the community in the future. Further, the Agreement does not exempt the subject property or Property Owner from any of the established standards for planning and development within the City but specifies that future subdivision and development of the Premises shall be by applicable governing Codes at that time.

**(h) To secure for the public locations for housing, employment, shopping, education and recreation that are adequate in terms of health, safety, convenience and number;**

Standards six (6) and 11 for approval of Zoning Map Amendments speak to this purpose. This Agreement and Annexation does not secure locations for the development of such, but does secure vital infrastructure pathways to support the future development of those locations throughout the area of “emerging” west Bloomington.

**(i) To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public facilities;**

Standard eight (8) for approval of Zoning Map Amendments speak to this purpose. This Agreement

and Annexation secure vital infrastructure pathways for the future development throughout the area of “emerging” west Bloomington; future development using the road right-of-way dedications will facilitate the provision of the remaining infrastructure and facilities.

**(j) To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;**

Standard one (1) for approval of Zoning Map Amendments speak to this purpose. Limiting the uses on this property to those permissible in the City A (Agriculture) District is protective of row-crop agriculture use for as long as that serves as the highest and best use. Annexation and the securing of right-of-way helps to protect natural resources and agricultural productivity elsewhere by reducing the risk that development will “leapfrog” which commonly happens when implementing a common-sense infrastructure network becomes difficult because arterial roads and public water/sewer are not planned in advance.

**(k) To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington; and**

Approval of the Agreement and Zoning Map Amendment after public hearings and Council review would be the result of a fair, equitable, and orderly public review and participation process.

**(l) To promote the Official Comprehensive Plan adopted by the City of Bloomington.**

During drafting and adoption of the Comprehensive Plan, certain assumptions were made regarding what and where the primary drivers of development would be over the planning horizon of 2015-2035, but a number of those (including the Eastside Highway and Hershey Road extension) have not come to fruition and the development they would have spurred has not progressed. While other areas within our extraterritorial jurisdiction (primarily to the south and east) also have the potential for development to support this growth, none are so uniquely positioned to allow our community to expand within a focused area (between the long-established Mitsubishi/Rivian Motorway alignment and existing City limits), in synchronization with planned improvements by BNWRD and the need for proximate and supportive uses for two growing employment centers. Adoption of the subject Agreement, and Annexation of this property, is an important step in the long-range planning that will help ensure the City’s Core Values of Solid Infrastructure, Healthy Community, Stable Economy, and Efficient Government are implemented as development pressure rises with the need to supply and house a local workforce for our growing economy.

## **CONSIDERATIONS FOR SITE PLAN REVIEW**

The Planning Commission shall hold at least one public hearing on any proposed initiated Public Hearing Site Plan Review and report to the Council its findings of fact and recommendations. Recommendations shall be guided by those purposes for which the Code was adopted and shall endeavor to accomplish those standards and objectives for which this Code is designed, based upon considering the factors listed in § 44-1709 and discussed below.

### ***Request for Site Plan Review for a “Community Scale” Solar Energy Conversion Facility***

- The Use, “Solar Energy Conversion Facility”, is permitted by right in the A (Agriculture) District (§ 44-302B) and does not require additional entitlement.
- The provided Site Plan meets the minimum Front/Side/Rear yard requirements for the District of 50/20/50 feet (§ 44-303A).

- Concealment - Trenching is represented on the Plan as an appropriate method of concealment for the medium voltage lines between the inverter and point of interconnection (§ 44-1031C). Low voltage wiring between the modules and inverter will be reviewed for appropriate concealment as part of the permitting and installation process.
- Decommissioning - The language in § 44-1031D will be supplanted by an executed Agricultural Impact Mitigation Agreement between the State of Illinois Department of Agriculture and the owner of any Commercial Solar Energy Conversion Facility project constructed on the Premises, in timeline and process, provided construction begins within 5 years of the effective date of the Agreement. This reduces the local administrative burden of tracking system performance and improves coordination between local and state governmental agencies for related facility processes. In addition, based upon recent legislation and current legal challenges, this provision may prove no longer be enforceable; the proposed solution avoids that potential pitfall while still ensuring appropriate decommissioning on a reasonable timeline.
- Landscaping and screening
  - As required, the perimeter of the site will be fenced per § 44-1031F(3)(a). Additionally, the Agreement specifies that the northern boundary of the project shall be screened by opaque privacy fencing, as requested by the City to reduce the visual impact to the nearby residences. The remaining area should be screened by wire mesh (chain link) to retain conditions similar to existing as related to the movement of wind, water, and pollinators, but may be screened with any material approved per § 44-910.
  - The Applicant proposes to cover crop underneath the solar modules, as good practice and as is required by § 44-1031F(3)(b).
- Glare - the solar modules used in the proposed project will be oriented toward the south, and will track east-to-west, meaning any glare would be directed away from existing developed properties (§ 44-1031F(5)). Additional performance criteria exist both in State law and in our Zoning Code, as related to off-site impacts, and no enhancing reflectors are proposed on the subject Plan.
- A 2-inch height modification, per § 44-1031F(7), has been requested for appropriate array pitch, due to site topography.
- The provided Site Plan meets the minimum Site and Bulk Standards per § 44-1031F(8).
- Review of Use Provisions that are not applicable (including those related to “Private solar energy conversion”, location in B-1/B-2, and location within 500 feet of an airport have been omitted from this report.)

**(a) The extent to which potential incompatibilities between the proposed development and surrounding existing development and/or zoning is minimized by such design features as placement of buildings, parking areas, access driveways and existing or proposed topography.**

The proposed Site Plan clusters the development (solar arrays and inverter) to the rear of the adjacent property by a distance of more than 300% the required front/rear yard for the District. Arrays facing away from the existing residence means the impact of glare should be minimal to non-existent. An opaque fence will border the northern part of the project to reduce the visual impact from the road.

**(b) The extent to which the proposal minimizes any adverse impact of the development upon adjoining land.**

The proposed Site Plan has been designed to fit within the boundaries of “Lot 2” that protects future right-of-way and infrastructure planning when subdivided from the larger property. The most likely future use immediately to the south of the proposal is public roadway which would not be adversely impacted by the existence of the PV project, if appropriate screening is implemented during and after roadway construction.

(c) The extent to which adequately improved streets connected to the improved arterial street system are available or can be reasonably supplied to serve the uses proposed in the development.

No public roadways are required as part of development the proposal; future public roadways are protected by the Agreement through provisions that dedicate right-of-way or future right-of-way.

(d) The extent to which the proposed development will favorably or adversely affect other persons or property and, if so, whether because of circumstances peculiar to the location the effect is likely to be greater than is ordinarily associated with the development of the type proposed.

The same use (solar energy production) can be implemented in the County or the City, with greater or lesser restrictions on siting conditions and timing; the proposed Site Plan fits within the City standards and may be more favorable than other proposals we can reasonably expect to see for the subject property in the near future. While the installation of a Solar Energy Conversion Facility does constitute “development,” the proposed project will help to retain the agricultural character of the area while still providing consistent income for the subject property owners. The long-term nature of the use (25+ years) ensures some level of consistency for current surrounding property owners, while development pressures from growing industry on the west side of the City encourage more urban forms of development on other nearby properties.

Upon a vote, the Planning Commission will forward its recommendation to City Council. Council will then conduct a second public hearing, and approve or reject the Agreement on the basis of:

1. The facts presented at the public hearings; and
2. The recommendations of the Planning Commission; and
3. The recommendations of the City Staff.

#### **STAFF RECOMMENDATION**

Staff finds that the standards for an Annexation Agreement have been adequately addressed in the Draft Agreement, Concept Plan, and Site Plan, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

Motion to establish findings of fact that the request for approval of the proposed Annexation Agreement is in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend approval of the request.

Staff additionally finds that the proposed Zoning Map Amendment is in the public interest and not solely for the benefit of the Applicant, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

Motion to establish findings of fact that the request for approval of the proposed Zoning Map Amendment to the A (Agriculture) District is in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend approval of the request.

Staff additionally finds that the proposed Site Plan generally meets the standards for site plan review, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

Motion to establish findings of fact that the Site Plan for which approval is requested meets the standards and objectives for which the Code is designed and to recommend approval of the request.

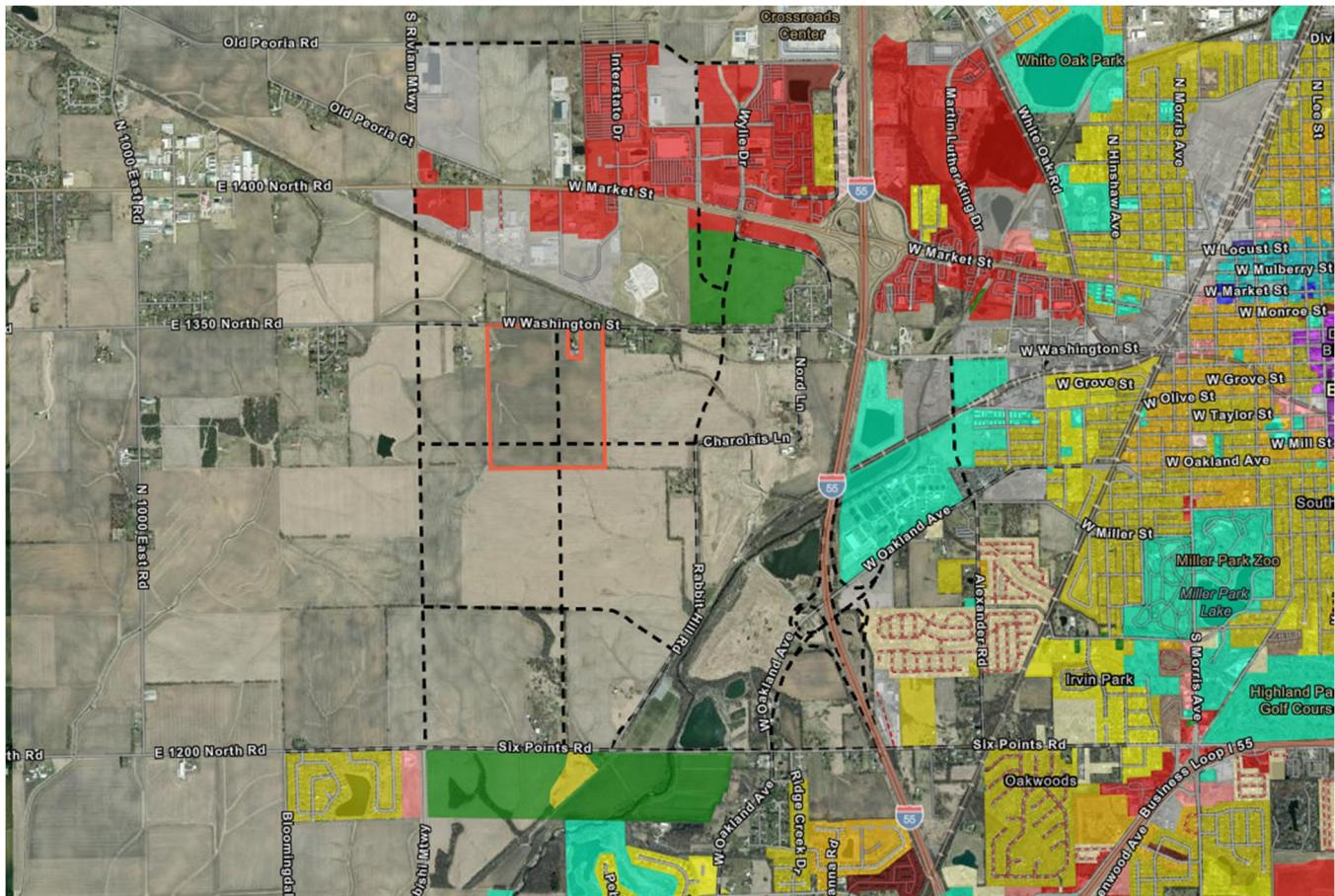
Respectfully submitted,  
Alissa Pemberton  
City Planner

**Attachments:**

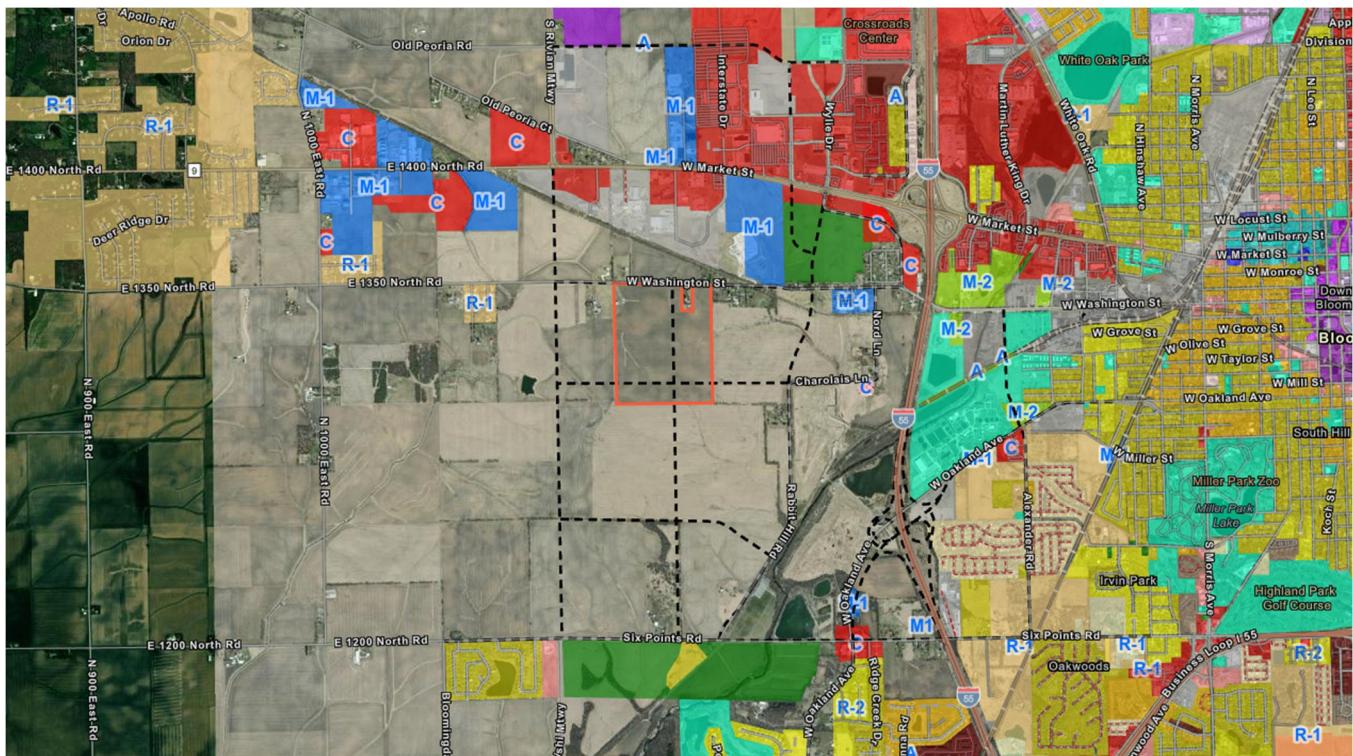
1. Zoning Map
2. Aerial Image
3. Neighborhood notice map
4. Site Plan for 2440 W Washington - McLean - 4990 KWAC - PV Only Project
5. Draft Annexation Agreement, including Concept Plan Exhibit

### *Attachment 1: Zoning Map*

## City of Bloomington Zoning Only

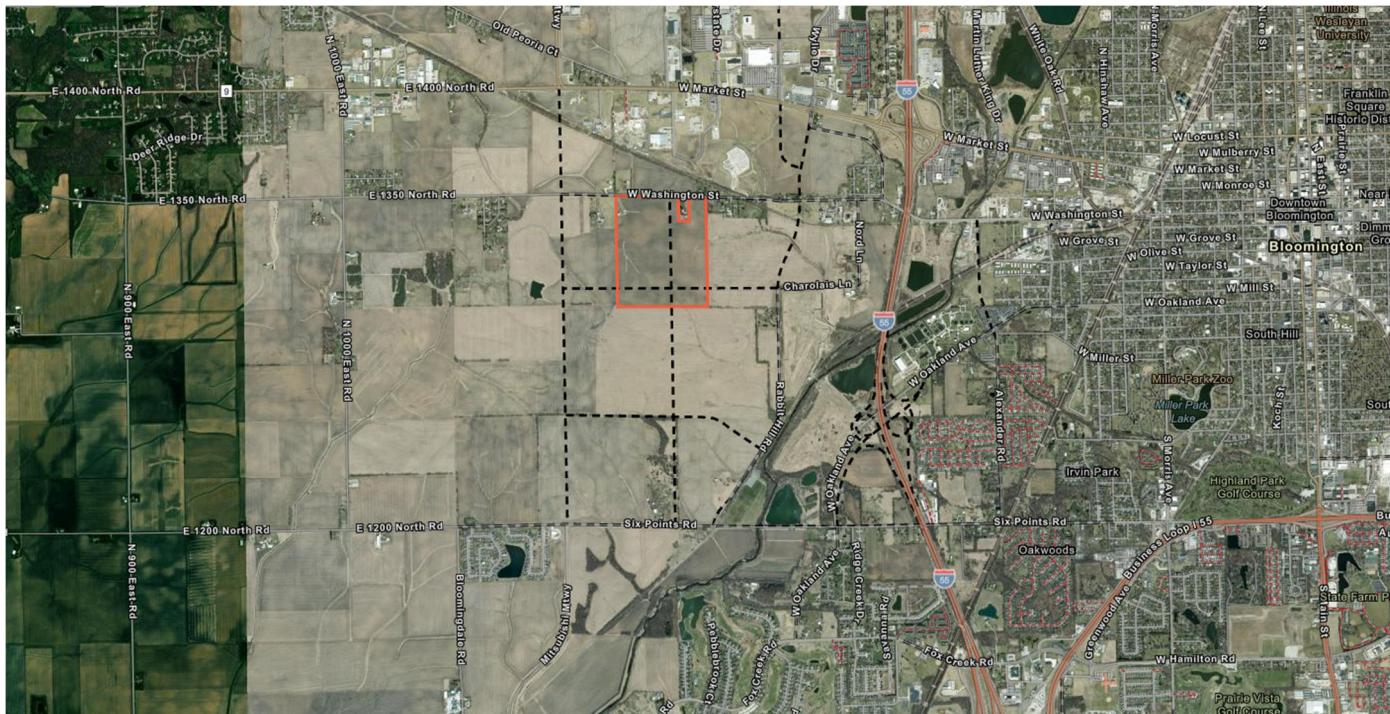


### **County and Town of Normal Zoning Included**

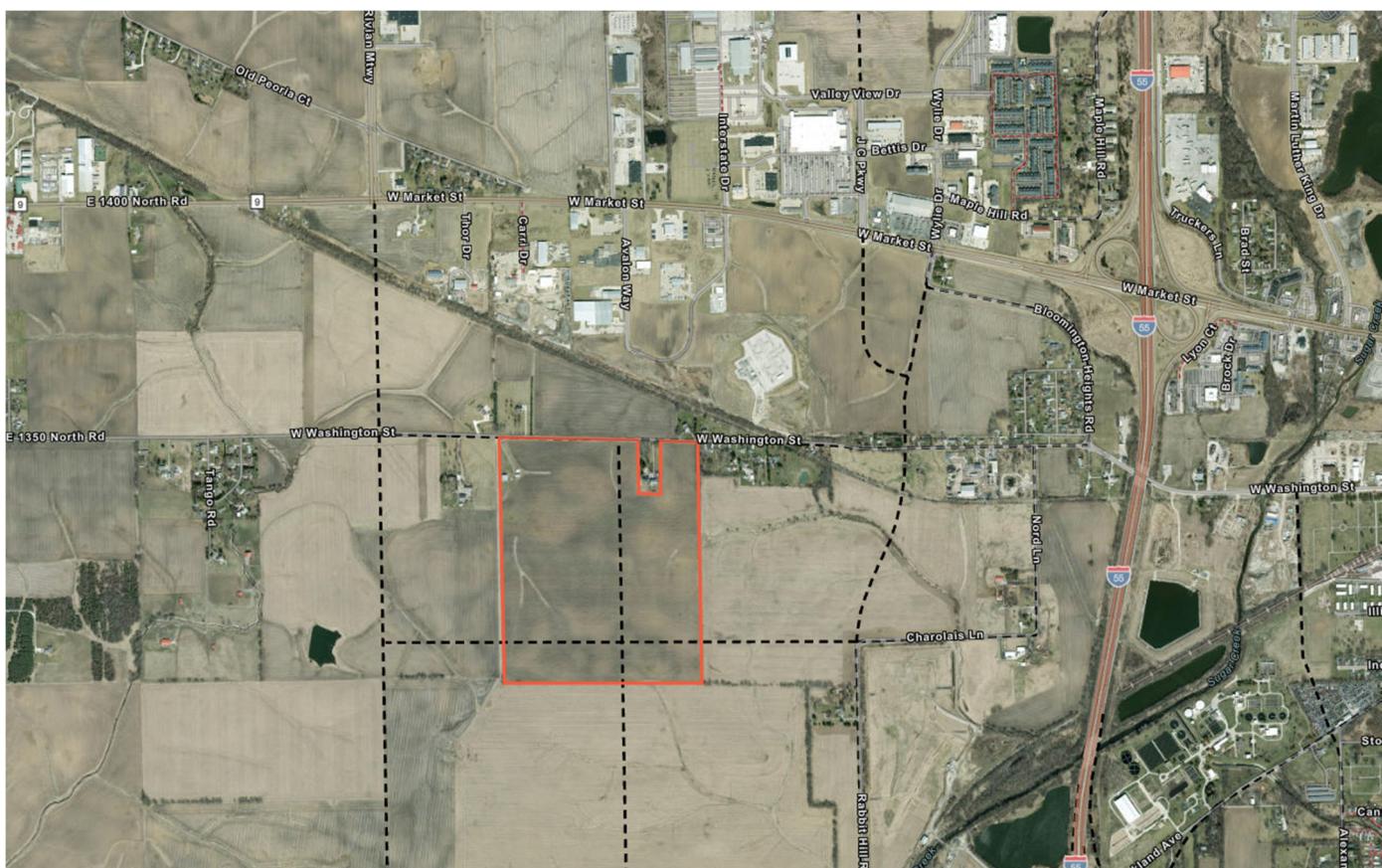


## *Attachment 2: Aerial Image*

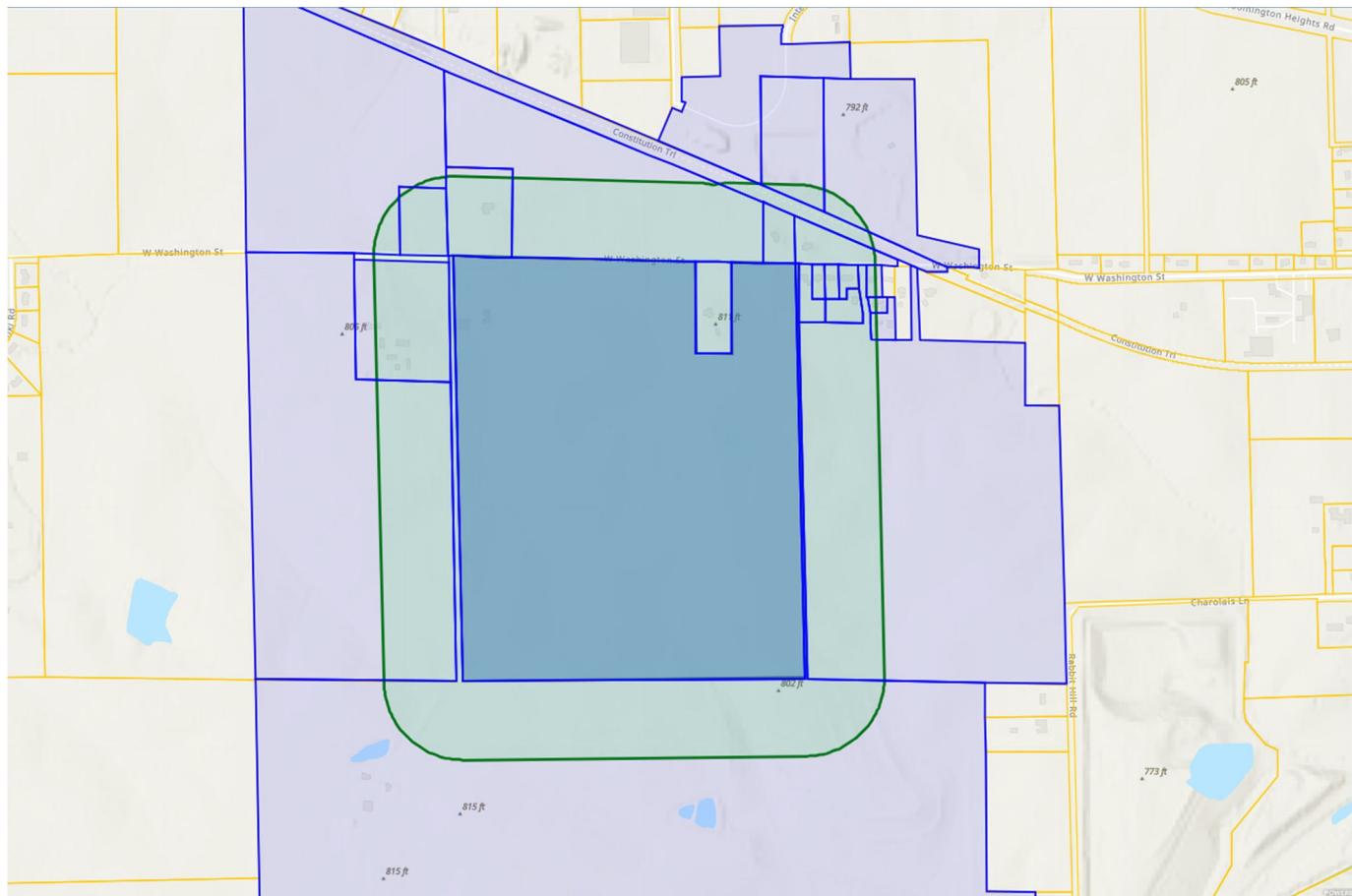
## Community Scale



## Planning Area Scale



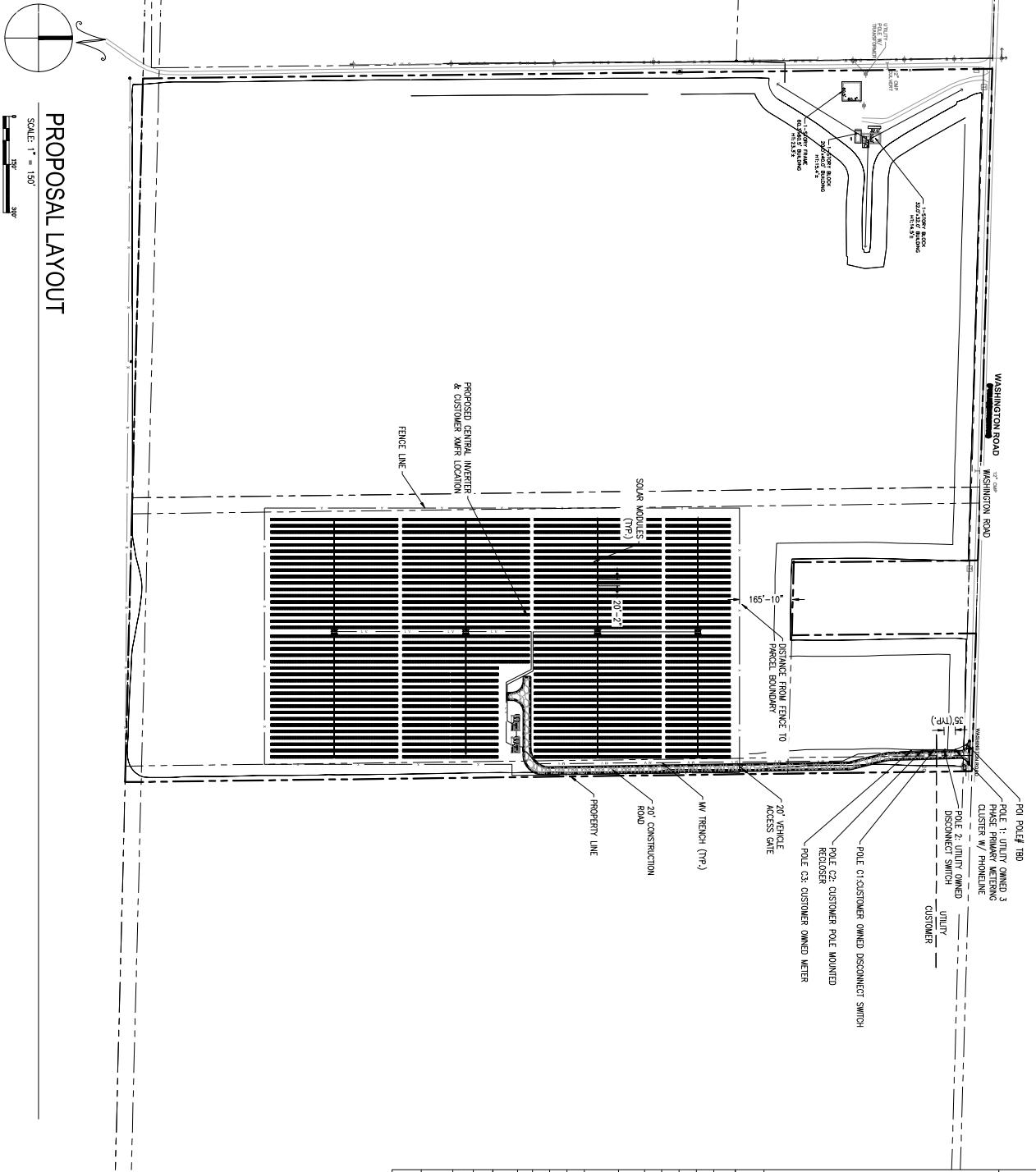
Attachment 3: Neighborhood Notice Map



2440 W WASHINGTON - MCLEAN - 4990 KWAC - PV ONLY PROJECT

## PROJECT INFORMATION

## Attachment 4: Site Plan for 2440 W Washington - McLean



## PROPOSAL SPECIFICATION

2440 W WASHINGTON - MCLEAN  
BLOOMINGTON IL 61705



# FORGESOLAR GLARE ANALYSIS

Project: **2440 W Washington St - McLean IL**

Proposed 5 MW Solar Facility located on 2440 W Washington St - McLean IL.

Site configuration: **Tracker System**

**Site description:** Proposed 5 MW Tracker system Solar Facility located on 2440 W Washington St - McLean IL.

**Created** 22 Mar, 2024

**Updated** 22 Mar, 2024

**Time-step** 1 minute

**Timezone offset** UTC-6

**Minimum sun altitude** 0.0 deg

**DNI** peaks at 1,003.0 W/m<sup>2</sup>

**Category** 5 MW to 10 MW

**Site ID** 115040.19820

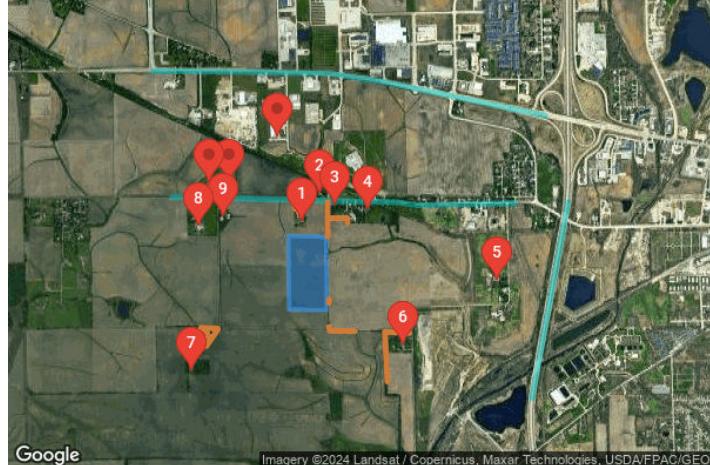
**Ocular transmission coefficient** 0.5

**Pupil diameter** 0.002 m

**Eye focal length** 0.017 m

**Sun subtended angle** 9.3 mrad

**PV analysis methodology** V2



## Summary of Results

No glare predicted

PV Array	Tilt	Orient	Annual Green Glare		Annual Yellow Glare		Energy
	°	°	min	hr	min	hr	kWh
PV array 1	SA tracking	SA tracking	0	0.0	0	0.0	-

*Total glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.*

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
Route 1	0	0.0	0	0.0
Route 2	0	0.0	0	0.0
Route 3	0	0.0	0	0.0
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
OP 11	0	0.0	0	0.0
OP 12	0	0.0	0	0.0

# Component Data

## PV Arrays

**Name:** PV array 1  
**Axis tracking:** Single-axis rotation  
**Backtracking:** Shade-slope  
**Tracking axis orientation:** 180.0°  
**Max tracking angle:** 52.0°  
**Resting angle:** 52.0°  
**Ground Coverage Ratio:** 0.362  
**Rated power:** -  
**Panel material:** Smooth glass without AR coating  
**Reflectivity:** Vary with sun  
**Slope error:** correlate with material



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	40.478433	-89.046201	792.00	15.00	807.00
2	40.478482	-89.048990	794.16	15.00	809.16
3	40.474385	-89.048937	801.85	15.00	816.85
4	40.474353	-89.046169	801.51	15.00	816.51

## Route Receptors

**Name:** Route 1  
**Path type:** Two-way  
**Observer view angle:** 50.0°



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	40.480641	-89.057483	789.56	5.00	794.56
2	40.480347	-89.041003	768.32	5.00	773.32
3	40.480184	-89.039566	778.13	5.00	783.13
4	40.480298	-89.032442	777.49	5.00	782.49

**Name:** Route 2  
**Path type:** Two-way  
**Observer view angle:** 50.0°



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	40.480362	-89.028551	773.34	5.00	778.34
2	40.469458	-89.031169	748.39	5.00	753.39

**Name:** Route 3  
**Path type:** Two-way  
**Observer view angle:** 50.0°



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	40.487641	-89.058849	805.39	5.00	810.39
2	40.487510	-89.046017	813.76	5.00	818.76
3	40.487053	-89.042198	810.61	5.00	815.61
4	40.485160	-89.030224	784.16	5.00	789.16

## Discrete Observation Point Receptors

Name	ID	Latitude (°)	Longitude (°)	Elevation (ft)	Height (ft)
OP 1	1	40.479287	-89.047923	810.51	5.50
OP 2	2	40.480858	-89.046636	793.83	5.50
OP 3	3	40.480197	-89.045574	799.07	5.50
OP 4	4	40.479914	-89.043202	791.19	5.50
OP 5	5	40.476021	-89.033722	773.48	5.50
OP 6	6	40.472409	-89.040577	796.85	5.50
OP 7	7	40.471008	-89.056011	818.91	5.50
OP 8	8	40.479039	-89.055544	803.40	5.50
OP 9	9	40.479512	-89.053677	789.29	5.50
OP 10	10	40.481405	-89.054707	791.95	5.50
OP 11	11	40.481422	-89.053248	800.54	5.50
OP 12	12	40.484000	-89.049772	798.22	5.50

## Obstruction Components

**Name:** Obstruction 1  
**Top height:** 45.0 ft



Google Imagery ©2024 Maxar Technologies, USDA/FPAC/GEO

Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	40.478450	-89.046115	791.44
2	40.480359	-89.046115	795.55

**Name:** Obstruction 2  
**Top height:** 35.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	40.474957	-89.046018	803.18
2	40.474769	-89.046018	802.62

**Name:** Obstruction 3  
**Top height:** 40.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	40.480400	-89.048497	791.71
2	40.480400	-89.047756	795.98
3	40.480318	-89.047746	796.74
4	40.480327	-89.048035	798.76
5	40.480090	-89.048046	800.92
6	40.479951	-89.048153	803.64
7	40.479772	-89.048218	808.53
8	40.479951	-89.048271	801.94
9	40.479992	-89.048486	798.26
10	40.480400	-89.048497	791.71

**Name:** Obstruction 4  
**Top height:** 30.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	40.473301	-89.054117	807.63
2	40.472371	-89.054965	806.30
3	40.472893	-89.054825	805.98
4	40.473212	-89.054986	806.49
5	40.473375	-89.055351	805.91
6	40.473334	-89.054192	807.63
7	40.473301	-89.054117	807.63

**Name:** Obstruction 5  
**Top height:** 45.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	40.473081	-89.040152	796.16
2	40.473146	-89.041933	787.69
3	40.470388	-89.041751	777.70

**Name:** Obstruction 6  
**Top height:** 40.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	40.473416	-89.046021	799.91
2	40.473204	-89.045946	800.82
3	40.473187	-89.044143	784.23

**Name:** Obstruction 7  
**Top height:** 50.0 ft



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)
1	40.479471	-89.046042	798.95
2	40.479463	-89.044669	795.70
3	40.479210	-89.044669	792.82

# Glare Analysis Results

## Summary of Results

No glare predicted

PV Array	Tilt °	Orient °	Annual Green Glare min	Annual Green Glare hr	Annual Yellow Glare min	Annual Yellow Glare hr	Energy kWh
PV array 1	SA tracking	SA tracking	0	0.0	0	0.0	-

*Total glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.*

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
Route 1	0	0.0	0	0.0
Route 2	0	0.0	0	0.0
Route 3	0	0.0	0	0.0
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0
OP 12	0	0.0	0	0.0

## PV: PV array 1 no glare found

Receptor results ordered by category of glare

Receptor	Annual Green Glare		Annual Yellow Glare	
	min	hr	min	hr
Route 1	0	0.0	0	0.0
Route 2	0	0.0	0	0.0
Route 3	0	0.0	0	0.0
OP 1	0	0.0	0	0.0
OP 2	0	0.0	0	0.0
OP 3	0	0.0	0	0.0
OP 4	0	0.0	0	0.0
OP 5	0	0.0	0	0.0
OP 6	0	0.0	0	0.0
OP 7	0	0.0	0	0.0
OP 8	0	0.0	0	0.0
OP 9	0	0.0	0	0.0
OP 10	0	0.0	0	0.0
OP 11	0	0.0	0	0.0
OP 12	0	0.0	0	0.0

### PV array 1 and Route: Route 1

No glare found

### PV array 1 and Route: Route 2

No glare found

### PV array 1 and Route: Route 3

No glare found

### PV array 1 and OP 1

No glare found

### PV array 1 and OP 2

No glare found

### PV array 1 and OP 3

No glare found

## **PV array 1 and OP 4**

No glare found

## **PV array 1 and OP 5**

No glare found

## **PV array 1 and OP 6**

No glare found

## **PV array 1 and OP 7**

No glare found

## **PV array 1 and OP 8**

No glare found

## **PV array 1 and OP 9**

No glare found

## **PV array 1 and OP 10**

No glare found

## **PV array 1 and OP 11**

No glare found

## **PV array 1 and OP 12**

No glare found

# Assumptions

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"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

"Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.

The algorithm does not rigorously represent the detailed geometry of a system; detailed features such as gaps between modules, variable height of the PV array, and support structures may impact actual glare results. However, we have validated our models against several systems, including a PV array causing glare to the air-traffic control tower at Manchester-Boston Regional Airport and several sites in Albuquerque, and the tool accurately predicted the occurrence and intensity of glare at different times and days of the year.

Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare. This primarily affects V1 analyses of path receptors.

Random number computations are utilized by various steps of the annual hazard analysis algorithm. Predicted minutes of glare can vary between runs as a result. This limitation primarily affects analyses of Observation Point receptors, including ATCTs. Note that the SGHAT/ForgeSolar methodology has always relied on an analytical, qualitative approach to accurately determine the overall hazard (i.e. green vs. yellow) of expected glare on an annual basis.

The analysis does not automatically consider obstacles (either man-made or natural) between the observation points and the prescribed solar installation that may obstruct observed glare, such as trees, hills, buildings, etc.

The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)

The variable direct normal irradiance (DNI) feature (if selected) scales the user-prescribed peak DNI using a typical clear-day irradiance profile. This profile has a lower DNI in the mornings and evenings and a maximum at solar noon. The scaling uses a clear-day irradiance profile based on a normalized time relative to sunrise, solar noon, and sunset, which are prescribed by a sun-position algorithm and the latitude and longitude obtained from Google maps. The actual DNI on any given day can be affected by cloud cover, atmospheric attenuation, and other environmental factors.

The ocular hazard predicted by the tool depends on a number of environmental, optical, and human factors, which can be uncertain. We provide input fields and typical ranges of values for these factors so that the user can vary these parameters to see if they have an impact on the results. The speed of SGHAT allows expedited sensitivity and parametric analyses.

The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.

Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.

Refer to the Help page at [www.forgesolar.com/help/](http://www.forgesolar.com/help/) for assumptions and limitations not listed here.

Default glare analysis parameters and observer eye characteristics (for reference only):

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

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*The following item was presented:*

**Item 5.B. Z-05-24** - Consideration, review, and action on a request submitted by Christopher B. Burke Engineering, for approval of an Annexation Agreement and Zoning Map Amendment, from County A (Agricultural) to City A (Agriculture) District, and Site Plan Review pertaining to property commonly known as 2440 W. Washington Street, consisting of approximately 131.9 acres, more or less (PIN: 20-01-300-004).

Ms. Pemberton presented the Staff Report with recommendation for approval, with the proposed modifications. She noted the key reasons for annexation, which include the importance of securing future right-of-way areas for the City's planned/proposed transportation network. She reviewed the key components of the site plan and explained Solar Energy use provisions in the City Code. She noted that the Applicant has agreed to provide an opaque fence on the north side of the solar use to screen the view from the residential property to the north. Additionally, she highlighted key provisions of the Annexation Agreement and the non-contiguous nature of the subject property, noting that completing the subject following case (Z-06-24) will result in contiguity.

Vice Chair Beyer asked for clarification of the differences between the McLean County and City of Bloomington use standards for solar. Additionally, she asked about how State legislation applies to the County and City. Ms. Pemberton explained that Solar is a Special Use in the County in all Districts, and the City does permit commercial solar by right in some Districts, however many of the installation provisions are similar between the two (i.e. height). She explained that State legislation (the "Siting Bill") dictates how restrictive the County may be on their site design and permitting standards, noting that City Staff are not experts on legislation impacting Counties only. Home-Rule Municipalities have more flexibility than Counties in how Codes can be written and applied, but legislation related to renewable energy technologies that does apply to municipalities has become in-force within the last year so other more directly related legislation may become applicable in the future. Vice Chair Beyer asked whether a Battery Energy Storage System is proposed as part of the proposed project. Ms. Pemberton stated only the Commercial Solar Energy Facility has been proposed. Vice Chair Beyer asked for clarification that the Ameren Substation is in County; Ms. Pemberton confirmed.

Chair Boyd opened the public hearing.

Tom Ryan, New Leaf Energy Representative and Co-Applicant, provided background information about the 5-MegaWatt (Community Scale) solar energy project proposed for the subject property. He explained they had been working on the project for two years with the property owner and Ameren and has acquired interconnection approval at the Ameren substation. He explained a miscommunication between staff and the applicant on the submitted plans, stating that the 20-foot and 2-inch "array pitch" on the plan spec sheet is the *distance between* the arrays and the height is not listed; the actual maximum height of the arrays, at full tilt, will be less than 10 feet. The project also includes opaque fencing along the north side to reduce impact to the neighboring residence. Additionally, he explained that the project began in McLean County but began working toward annexation when Staff identified a conflict with the proposed Site Plan and future

planned/proposed road network, and subsequently identified the project required a subdivision under City Code.

Ms. Pemberton noted that, due to Mr. Ryan's testimony regarding the miscommunication on project specifications, the request and approval for waiver of the height restriction that is in the Draft Annexation Agreement would be removed.

Vice Chair Beyer asked about the timeline of the project, if the owners are selling or leasing, and what are the benefits are of developing the project within the City, as opposed to developing in the County. Mr. Ryan stated they plan for construction to begin Spring of '25 and they will be in a long-term lease agreement with the current property owner. He mentioned that developing within the City may alleviate future issues with coordination since they are required to operate within the City Code.

**Courtney Hruska (2440 W. Washington Street)** stated she supported the annexation.

**David Hruska (2440 W. Washington Street), Co-Applicant and Property Owner/Trustee**, stated he supports the annexation of the property and is excited to assist the City in achieving the renewable energy goals of the Comprehensive Plan.

**Lindsey Griffin (W. Washington Street), Resident**, expressed concerns about the construction and noise associated with the proposed development. She stated that the project will result in the loss of enjoyment of property. Ms. Griffin also expressed concern that the trees along the western side of her property (eastern side of the subject property) would be removed.

Ms. Pemberton noted that the exhibits are of a scale where small detail may be difficult to see, but parcel maps for the area indicate there is a 20-foot-wide strip of property, belonging to a different owner, in between the subject property and Ms. Griffin's property. She pointed out the area on an aerial image and observed most of the trees appear to be maintained on this adjacent property.

**Eric Haney (2406 W. Washington Street)**, expressed concerns about the current site plan. He noted that previously, when the project was proposed in the County, there were greater setbacks, and handed out a copy of the Application for Special Use Permit submitted to McLean County by New Leaf Energy in 2023. He noted key conditions of his property and the proposed project, including an increase in topography from north-to-south. Mr. Haney stated that he is concerned about potential home devaluation, future expansion of solar uses, and loss of enjoyment of his property. He cited research from Lawrence Berkeley National Laboratory related to changes in property values near Utility-Scale solar farms. He stated he could live with the project at the previous proposal of 811-foot setback and 8-foot high panels.

Chair Boyd asked Staff to address the speaker's questions. Ms. Pemberton explained that expansion of the use would require additional Site Plan review, but neither the City or County can wholly prevent the installation of solar energy production on appropriately-zoned land. She noted the "greater setback" on the Site Plan proposed

during the County Special Use process is due to the location of the project on a different portion of the property, not setback compliance. Setbacks for the proposed project meet requirements and the currently proposed location does not present issues for the future transportation network.

**Dawn Haney (2406 W. Washington Street)** expressed concerns and asked for greater setbacks and additional landscaping features. She stated a belief that the proposed road should be moved. She cited draft legislation and asked that the project be required to have a 500-foot setback as IL HB-4135 bill proposes and discussed additional research she found online. She noted that she also supports a height limit for the solar panels.

Chair Boyd asked Staff why the road could not be moved further south to the property line. Ms. Pemberton stated that if the project were relocated to the far south property border it would still not meet the setback that Ms. Haney is requesting. In addition, she noted there is some flexibility in alignment—from both an engineering/planning perspective and language in the Agreement—but moving it to the southern property boundary could restrict beneficial development in the future by requiring the coordination of multiple property owners to construct the road.

**Tim Nord (2510 W. Washington Street)** stated he likes the idea of solar and already has accessory solar installed on his property. He handed out a packet of project summaries for projects completed or proposed in the County. He introduced himself as a property appraiser and local landowner. He stated he does not object to the plan as it was originally presented to the County but has concerns about the current project, particularly as related to the proposed height. He discussed the issue of 20-foot height and potential negative visual impact. He reviewed the projects in his provided packet, focusing on height, setbacks, and screening provisions. He added he would like to see additional screening added when the future roads are developed, or the use expands, so the public does not see long chain-link fences without any vegetative screening. He discussed the financing mechanisms and taxation of solar uses. He noted a number of other properties in or near City limits that could host solar farms in the near future, by right. He encouraged reducing the height requirement in the City Code and adding more screening there also, to apply to all projects. He inquired whether the Developer of the proposed solar use on the subject property has an agreement the property to the north or with Amren to expand the proposed use if the Agreement is approved.

Ms. Pemberton responded that Staff is not aware of any company—including New Leaf—that has an approved interconnection for the subject properties, except the one currently being discussed. The queue does not indicate any other approvals at this location.

Chair Boyd asked that the document previously handed out, and that handed out by Mr. Nord be entered as Exhibits “A” and “B.”

Chair Boyd left the meeting at 6:22 pm. Vice Chair Beyer assumed leadership thereafter.

**Paul Nord (2507 W. Washington Street)** expressed concerns over road alignment, and referenced a prior agreement related to Walmart and the alignment of roads south of W.

Washington Street when it was developed. He also expressed concerns over 20-foot high panels, shading crop production on his property adjacent to the east, and fencing without screening if they ever do put housing on the adjacent property.

He passed out a fact sheet, "Solar Farm 2.0" from UIUC, which is entered as Exhibit "C".

Ms. Pemberton reiterated Code requirements and annexation items for the Commission, noting that much of the testimony has been related to items that would require text amendment(s) to enforce. She clarified that "Commercial Solar Energy Facilities," as a Use, have already been vetted and approved as part of the City Zoning Code, with adopted Use Provisions. She explained the relationship of the City's Zoning Code, Subdivision Code, and State law that results in the proposed belonging under City jurisdiction. She reiterated that the request for modification of the height restriction had already been addressed and the related provision would be removed from the Agreement.

Commissioner Kreiger left the meeting at 6:35 pm. Quorum was maintained.

**Commissioner Lewis made a motion, seconded by Commissioner Patino, to take a 10-minute recess.**

**Roll call.**

**AYES:** Lewis; Muehleck; Peradotti; Beyer; Patino; Cullen

**Motion passed viva voce.**

Recess began at 6:35 p.m.

**The Planning Commission reconvened the meeting at 6:45 p.m. on May 1, 2024. Vice Chair Beyer recalled the meeting to order and directed roll call.**

**Roll call.**

**PRESENT:** Lewis; Muehleck; Peradotti; Beyer; Patino; Cullen

**A quorum was still present.**

**Mary Thompson, Dale Township Supervisor**, expressed concerns about the responsibility for road maintenance after annexation. She also asked what happens with the pieces of road that are not annexed, between different areas of City limits. Ms. Pemberton stated that Kevin Kothe, Director of Operations and Engineering Services, is present and can address that question after the public hearing is complete.

Vice-Chair Beyer invited the Applicants to respond to witness testimony.

**Tom Ryan, Co-Applicant**, clarified items from public testimony. He reiterated the height will not be 20-foot, 2-inches but will be 8-to-9 feet, at maximum. He stated they are not planning any other projects in the area at this time; when he recently viewed the subject "Ameren Interconnection Queue" no other projects were present. He refuted the information presented regarding significant property value decreases associated with solar, stating they have conducted property value impact studies related to many of their sites and the previously stated outcomes did not hold true. Additionally, he stated that they will consider more screening and fencing options after speaking with the residents

at 2406 W. Washington. No trees are planned for removal, and he provided a construction timeline which approximated 4-to-6 months. He stated that New Leaf will pay the taxes on the property they lease, expected at more than \$400,000 over the course of 20 years.

Commissioner Patino asked the Applicant about the noise produced by a Solar Farm.

Mr. Ryan stated the inverter, which produces the most noise on the project, produces approximately 52 decibels at 200 feet, similar to a refrigerator. He noted the location of the inverter is more than 200 feet from the nearest residence.

Vice Chair Beyer closed the public hearing.

**Kevin Kothe, Director of Operations and Engineering Services**, provided background and context on road maintenance in annexed and shared jurisdictional areas. He explained that the obligation to repair any road damage that occurred during construction would fall upon the Developer, regardless of jurisdiction since they are still public roads. Additionally, he explained how the City has designed and adjusted the planned/proposed road network, over time, and provided additional context on the appropriateness of the proposed location of roads on the subject property. He noted the goal of building the road network in this area; Rivian Motorway and Wylie extensions as arterial roads, collector roads between, but property lines in this area jog quite a bit.

Vice Chair Beyer asked about the timeline of the proposed road construction. Mr. Kothe responded that road construction is driven by development, including usually being physically and financially constructed by such development. The City has no intention of constructing either of the proposed roads at this time, but having the plan in place is important to making sure things can move forward in the future.

Vice Chair Beyer reviewed the Standards for Consideration of Zoning Map Amendments with the Commission. Ms. Pemberton reminded the Commission that the question on the table is a Zoning Map Amendment, not approval of a specific use. She clarified that the question before the Commission is whether the proposed zoning—A (Agriculture) District—is appropriate for the subject property if it is annexed; the burden of deciding whether a property will be annexed is on the City Council.

**Kelly Pfeifer, Assistant Director of Economic and Community Development**, further clarified the Planning Commission's role. She stated that they were deciding on what could be called “Zoning Upon Annexation”, not whether it should be annexed.

The Commission discussed procedural items and the criteria for consideration of Zoning Map Amendments with Ms. Pemberton.

Commissioner Lewis made a motion, seconded by Commissioner Peradotti, to establish findings of fact that the request for approval of the proposed Zoning Map Amendment to the A (Agriculture) District is in the public interest and not solely for the benefit of the Applicant or Property Owner, and to recommend approval of the request.

**Roll call.**

**AYES:** Patino, Lewis, Peradotti

**NAYES:** Beyer, Cullen, Muehleck

**Motion failed (tie).**

Ms. Pemberton requested that those who voted in the negative clearly indicate the reasons so that a pathway forward can be identified. Ms. Pfeifer clarified that the request to annex from the Applicant requires that a zoning upon annexation be selected from the Zoning Districts available within the City Code. She asked the Planning Commission what district they would recommend, if they feel Agricultural zoning is not appropriate.

Ms. Pemberton explained that the only zoning classifications that would allow the Applicant to continue the current use (farming) are A (Agriculture), P-2 (Public Lands & Institutions), or P-3 (Airport) District. Vice Chair Beyer expressed support for P-2 (Public Lands and Institutions) District since multi-family dwellings could be built there and the community needs housing. Ms. Pemberton noted that if the property was zoned P-2 (Public Lands and Institutions) District then inappropriate high-intensity uses would also be permitted by right; she added that Staff would not support a Zoning Map Amendment to P-2 for the subject property because the public good test could not be met. Ms. Pfeifer reiterated that the property is not developable into most of the P-2 uses right now due to lack of water and sewer so it is inappropriate from that aspect also.

City Attorney Boyle clarified procedural items.

**Commissioner Lewis made a motion, seconded by Commissioner Peradotti, to reconsider the vote.**

**Roll call.**

**AYES:** Lewis, Muehleck, Peradotti, Beyer, Patino, Cullen

**Motion passed.**

**Commissioner Lewis made a motion, seconded by Commissioner Peradotti, to establish findings of fact that the request for approval of the proposed Zoning Map Amendment to the A (Agriculture) District is in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend approval of the request.**

**Roll call.**

**AYES:** Lewis, Muehleck, Peradotti, Beyer, Patino, Cullen

**Motion passed.**

Ms. Pemberton reviewed the Site Plan Standards for Review and applicable use provisions. She clarified the height requirements and glare concerns, and that the Site Plan meets all requirements after the previously discussed modification of panel height. She also noted that the Applicant had chosen to pursue Public Hearing Site Plan to allow any required modification and additional public information, but since the Plan now meets all requirements it could be reverted to administrative review.

Vice Chair Beyer asked about the possibility of additional setbacks and expressed concerns about fire protection. Ms. Pemberton responded Planning Commission cannot require increased setbacks since the Site Plan meets the adopted requirements, and noted fire protection would be addressed through standard building permit processes for construction and NFPA standards for mitigation.

Commissioner Patino asked Staff about the concerns residents brought forth and the steps to addressing them. Ms. Pemberton responded that many of the requests for changes to how solar is implemented would need to be addressed through text amendments to the Zoning Code; she added that amendments could be proposed based on pending legislation and/or City Council initiation.

Vice Chair Beyer asked if the developer will take feedback. Ms. Pemberton responded they may implement feedback, however it was their decision to bring the Site Plan in front of Planning Commission. She added that since the Site Plan meets the current Zoning Code and no waiver is required based on updated information; the Site Plan review can be done administratively instead of in Public Hearing.

Commissioner Lewis asked for clarification on one of the speakers' concerns regarding shading. Ms. Pemberton clarified now that the proposed panels meet the height requirements crop shading on the adjacent property should not be a concern.

Commissioner Patino made a motion, seconded by Commissioner Cullen, to establish findings of fact that the Site Plan meets the subject standards and to revert its review from Public Hearing back to Administrative.

Roll call.

AYES: Lewis, Muehleck, Peradotti, Beyer, Patino, Cullen

Motion passed.

The Commission reviewed the Standards for Consideration for Annexation. Ms. Pemberton and Mr. Boyle clarified procedural items and the Planning Commission role in Annexations and Text Amendments.

Commissioner Peradotti made a motion, seconded by Commissioner Lewis, to establish findings of fact that the request for approval of the proposed Annexation Agreement is in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend a modified approval of the request, after removal of Public Hearing Site Plan Review per the prior motion.

Roll call.

AYES: Lewis, Muehleck, Peradotti, Beyer, Patino, Cullen

Motion passed.

*The following item was presented:*

Item 5.C. Z-06-24 - Consideration, review, and action on a request submitted by Christopher B. Burke Engineering, for approval of an Annexation Agreement and Zoning Map Amendment, from County A (Agriculture) to City A (Agriculture) District and County



## REGULAR AGENDA ITEM NO. 9.B.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** Ward 7 and Ward 2

**SUBJECT:** Consideration and Action on a Resolution Authorizing an Annexation Agreement with Joseph and Carri Scharf, for Property Generally Located South of the Terminus of Carri Drive, Between the Constitution Trail and W. Washington Street, PIN: 20-01-100-031, and the Property Commonly Known as 1803 W. Washington Street, PIN: 21-05-306-002, as requested by the Economic & Community Development Department.

**RECOMMENDED MOTION:** The proposed Resolution be approved.

**STRATEGIC PLAN LINK:**

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 5a. Well-planned City with necessary services and infrastructure

Objective 5b. City decisions consistent with plans and policies

**BACKGROUND:** Joseph and Carri Scharf, with the assistance of Christopher B. Burke Engineering, have submitted a request for approval of an Annexation Agreement for "Tract A", an approximately 30.8-acre property south of the terminus of Carri Dr., between the Constitution Trail and W. Washington Street, and "Tract B", commonly known as 1803 W. Washington Street, consisting of approximately 3.3 acres. The Applicant seeks to incorporate the properties, gain access to water and sewer when needed, and to continue current operations at this time.

Chapter 8.5, § 203 of the City Code and 65 ILCS 5/11-15.1.1 require that the City Council hold a public hearing prior to adopting any Annexation Agreement; ***the required City Council public hearing will occur the evening of May 28, 2024.*** City Code also requires that Council approve or reject the Annexation Agreement on the basis of (1) the facts presented at the public hearing; (2) the recommendations of the Planning Commission; and (3) the recommendations of City Staff.

**Summary of the Request:**

- Tract A: County A (Agricultural) District to City A (Agriculture) District
- Tract B: County M-2 (General Manufacturing) District to City M-2 (General Manufacturing) District
- The Agreement secures right-of-way dedication commitments from the Property Owner for the City's Planned/Proposed future transportation and recreational network.
- The right to tap (access) public water and sewer are provided to the Owner, upon the availability of such and the payment of applicable fees.
- The Agreement waives the subdivision requirements *only* for the existing developed parcel (1803 W. Washington), which was created outside of the provisions of our Subdivision Code but is an existing buildable parcel for all other intents and purposes.

- Fees as a Condition of Annexation (§ 8.5-205) are required for “Tract B” which would annex as a commercial zoning classification.
- Annexation of “Tract A” is required to gain contiguity for the annexation of the property at 2440 W. Washington Street that is the subject of case Z-05-24.

On May 1, 2024, the Planning Commission held a public hearing and voted 6-0-0 to recommend approval of the Annexation Agreement and Zoning Map Amendment.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Notice of the Planning Commission hearing was published in *The Pantagraph* on Monday, April 8, 2024. Courtesy notices were mailed to 19 property owners within 500 feet of the subject property, as well as to Dale and Bloomington Townships, McLean County, and Unit 5 School District.

The Applicant provided notice of this public hearing before the City Council, by Certified Mail, to the following parties on May 10, 2024: Bloomington Township Fire Protection District, Dale Township Fire Protection District, McLean County Unit 5 School District, Golden Prairie Public Library District, Bloomington Township, Dale Township, Bloomington Township Highway Commission, Dale Township Highway Commission, Bloomington-Normal Airport Authority, and Bloomington-Normal Water Reclamation District.

Additionally, the notice for the City Council public hearing was published in *The Pantagraph* on Friday, May 10, 2024.

**FINANCIAL IMPACT:** The proposed Annexation and Zoning Map Amendment will add to the City’s tax base. The Agreement secures vital infrastructure pathways for the future development throughout the area of “emerging” west Bloomington. The Applicant will be responsible for the construction and cost of any infrastructure for development on the subject property, with tap-on fees contributing to the cost of existing water and sewer infrastructure upon further subdivision or development.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035:** Goal UEW-1 (Provide quality public infrastructure within the City to protect public health, safety and the environment), Objectives UEW-1.2 (Expand City’s infrastructure, as needed, while supporting the overall goal of compact growth and vibrant urban core) and UEW-1.5 (Reliable water supply and distribution system that meets the needs of the current and future residents); Goal TAQ-1 (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objectives TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system), and TAQ-1.5 (Plan for appropriate and safe access to major surface transportation facilities, including arterial and collector streets); Goal HL-1 (Create a park and green space system that provides for a variety of active and passive recreational and wellness activities for current and future residents), Objective HL-1.3 (Enhance the walking, jogging and biking trails system); and Goal CF-1 (Continue to provide quality public facilities and services), Objectives CF-1.1 (Provide adequate City services for current and new annexations) and CF-1.4 (Focus resources on maintaining and developing facilities that support the goal of contiguous and compact growth).

Respectfully submitted for consideration.

Prepared by: Alissa Pemberton, City Planner

**ATTACHMENTS:**

[E&CD 4B Resolution](#)

[E&CD 4C Resolution Exhibit B](#)

[E&CD 4D Z-06-24 Staff Report](#)

[E&CD 4E Draft Planning Commission Minutes for Z-06-24](#)

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION AUTHORIZING AN ANNEXATION AGREEMENT WITH JOSEPH AND  
CARRI SCHARF, FOR PROPERTY GENERALLY LOCATED SOUTH OF THE TERMINUS  
OF CARRI DRIVE, BETWEEN THE CONSTITUTION TRAIL AND W. WASHINGTON  
STREET, PIN: 20-01-100-031, AND PROPERTY COMMONLY KNOWN AS 1803 W.  
WASHINGTON STREET, PIN: 21-05-306-002**

**WHEREAS**, there was heretofore filed with the Economic & Community Development Department of the City of Bloomington, McLean County, Illinois, a request for approval of an Annexation Agreement pertaining to two tracts of property: "Tract A" generally located south of the terminus of Carri Drive, between the Constitution Trail and W. Washington Street, and "Tract B" the property commonly known as 1803 W. Washington Street, legally described in Exhibit "A" and hereinafter referred to as "Property", which is attached hereto and made part hereof by this reference; and

**WHEREAS**, the request included a proposed Annexation Agreement labeled as Exhibit "B" and hereinafter referred to as "Agreement", which is attached hereto and made part hereof by this reference; and

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

**WHEREAS**, the Bloomington Planning Commission, following said public hearing, made findings of fact that such Annexation Agreement and the included proposal(s) for Zoning Map Amendment(s) are in the public interest and not solely for the benefit of the applicant, as required by § 8.5-203 of the Bloomington City Code; and

**WHEREAS**, the Bloomington Planning Commission voted to recommend that the City Council pass this Resolution; and

**WHEREAS**, the Bloomington City Council, after proper notice was given, conducted a public hearing on said request and Agreement; and

**WHEREAS**, the City Council of the City of Bloomington has the power to adopt this Resolution and approve the Annexation Agreement.

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

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

**Section 2.** The City Council adopts the findings of fact of the Bloomington Planning Commission and hereby approves the Annexation Agreement, attached as Exhibit "B", with Joseph Scharf and Carri Scharf, for the property generally located south of the terminus of Carri Drive, between the Constitution Trail and W. Washington Street, and the property commonly known as 1803 W. Washington Street, legally described in Exhibit "A", and authorizes the Mayor and City Clerk to execute said agreement.

**Section 3.** This Resolution is enacted pursuant to the home rule authority of the City of Bloomington granted by Article VII, Section 6 of the 1970 Illinois Constitution.

**Section 4.** This Resolution shall take effect immediately after its approval and publication as required by law.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

**ATTEST**

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Mboka Mwilambwe, Mayor

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Leslie Smith-Yocum, City Clerk

**EXHIBIT A**  
**Legal Description**

**TRACT A**

ALL THAT PORTION OF THE SOUTH HALF OF THE WEST 51 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION I, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY; ALSO, ALL THAT PORTION OF LOT 4 LYING SOUTH OF THE I.B. & W. RAILROAD IN TIRE NORTHWEST QUARTER OF SECTION 1, AND ALL THAT PORTION OF LOTS 5 AND 6 LYING SOUTH OF THE LB. & W. RAILROAD IN THE NORTHWEST QUARTER OF SECTION 1, ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING THE PLAT RECORDED IN CHANCERY RECORD 15, PAGE 562 IN MCLEAN COUNTY CIRCUIT COURT, EXCEPT THAT PORTION CONVEYED BY WARRANTY DEED 2013-00027010 MORE PARTICULARLY DESCRIBED AS FOLLOWS; A PART OF THE SOUTH HALF OF TIRE WEST 51 ACRES OF THE EAST HALF OF TIRE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT-OF-WAY OF THE C.C.C. AND ST. LOUIS RAILWAY COMPANY, ALSO BEING A PART OF LOT 3 IN THE SUBDIVISION FOR THE ESTATE OF JACOB MOTTER, DECEASED, IN CHANCERY RECORD 15, PAGE 563, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, ALSO BEING THE SOUTHWEST CORNER OF SAID SOUTH HALF, THENCE EAST 409.10 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 564.99 FEET ALONG LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 89° 24' 45" WITH THE SAID SOUTH LINE; THENCE WEST 425.95 FEET ALONG A LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 90° 37' 42" WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 3, ALSO BEING THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 565.72 FEET ALONG SAID WEST LINE WHICH FORMS AN ANGLE TO THE RIGHT OF 87° 39' 54" WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, SITUATED IN THE COUNTY OF MCLEAN, IN THE STATE OF ILLINOIS.

**PIN:** 20-01-100-031  
**ADDRESS:** NOT ADDRESSED

**TRACT B**

BEGINNING AT A POINT 382.7 FEET EAST OF A POINT WHERE THE NORTH LINE OF WASHINGTON STREET INTERSECTS THE SECTION LINE BETWEEN SECTIONS 5 AND 6, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE EASTERLY ON THE NORTH LINE OF WASHINGTON STREET A DISTANCE OF 328 FEET TO THE WEST BOUNDARY OF THE COUNTY ROAD, AND THENCE RUNNING NORTHEASTERLY ALONG THE WEST BOUNDARY OF SAID COUNTY ROAD, A DISTANCE OF 421.5 FEET, AND RUNNING THENCE WESTERLY A DISTANCE OF 329.6 FEET, AND RUNNING THENCE SOUTHWESTERLY A DISTANCE OF 432 FEET TO THE PLACE OF BEGINNING AS SHOWN BY THE PLAT OF ELMER FOLSOM, CIVIL ENGINEER AND SURVEYOR DATED NOVEMBER 19, 1906, RECORDED IN BOOK 435 OF DEEDS, PAGE 423, IN MCLEAN COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF BLOOMINGTON IN WARRANTY DEEDS 89-10187 AND 96-451.

**PIN:** 21-05-306-002  
**ADDRESS:** 1803 W. WASHINGTON STREET

**EXHIBIT B**  
**ANNEXATION AGREEMENT**

Pursuant to legislative authorization found in Article 11, Division 15.1 of the Illinois Municipal Code, (65 ILCS 5/11-15.1-1 et seq.) for and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned City of Bloomington, Illinois, a Municipal Corporation, hereinafter referred to as "City" and Joseph A. & Carri G. Sharf, hereinafter referred to as "Owners" enter into this Annexation Agreement ("Agreement") for the annexation of property into the City. Owners shall refer to Joseph A. & Carri G. Sharf, their successors or assigns.

**WHEREAS**, Owners are the owner of two Tracts of land totaling approximately 33.87 acres, less public right-of-way, with frontage on West Washington Street and hereinafter described on Exhibit "A," which is attached hereto and made a part hereof by this reference (hereinafter "Premises" or "Property"); and

**WHEREAS**, the Owners are desirous of having the Premises annexed to the City and the City is desirous of annexing said premises; and

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

**WHEREAS**, the Owners are desirous of having Tract A of the Premises zoned A (Agricultural) District upon annexation to the City (all Lots referenced shall include any subdivisions thereof); and

**WHEREAS**, the Owners are desirous of having said Tract B of the Premises zoned M-2 (General Manufacturing) District upon annexation to the City (all Lots referenced shall include any subdivisions thereof); and

**WHEREAS**, the Owners are desirous of having Subdivision requirements of Chapter 24 waived for said Tract B upon annexation to the City, until further subdivision or modifications to the subject parcel occur; and

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

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

**1. ANNEXATION PETITIONS.**

Owners, subject to the terms and conditions set forth in this Agreement, will petition the City of Bloomington, requesting annexation of the property, identified on Exhibit "A" to the City's corporate limits, no later than 120 days after approval and execution of this Annexation Agreement. The City shall publicize and give such notices and conduct such public hearings as are required to annex the Premises, including specifically, public hearings on this annexation agreement conducted after notice as required by law and ordinance.

## **2. ANNEXATION.**

Upon Owners' Petition, the City agrees to adopt an Ordinance annexing the property, described on Exhibit "A."

## **3. ZONING.**

City agrees to zone Tract A of the Premises legally described on Exhibit "A", upon annexation, to the A (Agricultural) District, and Tract B of the Premises legally described on Exhibit "A", upon annexation, to the M-2 (General Manufacturing) District, subsequent to any public hearings required by the City Code.

## **4. DEVELOPMENT OBLIGATIONS.**

Unless explicitly written as otherwise, it is the intent of this section of the Agreement to allow the Owner to continue the active Agricultural operation inside City limits, without triggering obligations and fees related to development, until such time as development is proposed or pursued, indicated by Final Platting or the connection to new City services.

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

**Note: Bonds shall be provided for all public improvements as set forth in the City Code. All public improvements shall be constructed within dedicated public right-of-way or dedicated easements.**

A. The Owners shall have the following obligations related to Tract A (PIN: 20-01-100-031):

(1) Transportation - W. Washington Street

(a) At the Time of Annexation: The Owners shall dedicate right-of-way along the entire southern border of the Property that fronts W. Washington Street, extending 45-feet from the middle-line, for the future street widening and improvement of such.

(b) At the completion of the road being modified to City Minor street standards, or at Final Platting, whichever occurs last, the Owners shall pay the Adjacent Substandard Roadway fee. The fee shall reflect the cost, per foot of frontage, of one half the per foot cost of a 30' wide local street section. Said fee is currently \$175 per foot (1/2 of \$350 per foot). Beginning from the date of this agreement, this fee shall be increased at a rate of 6% simple interest or based on the Consumer Price Index (CPI), whichever is lower at the time of payment. At Owners' option, the fee may be paid at any time in advance of it becoming due, subject to the provisions and limitations of § 24-406B(1).

(2) Transportation and Utilities - Constitution Trail Extension

- (a) Upon Subdivision of the Premises, or at the request of the City: The Owners shall dedicate a north-south 50-foot-wide right-of-way easement, extending from the existing Constitution Trail at the northern boundary of the Premises to W. Washington Street at the southern boundary of the Premises. Said right-of-way easement shall also serve as an easement for City Utilities; specifically, water and sewer and no others without written permission of the City and the owner.

(3) Water

- (a) Upon extension of a public water main to an area adjacent to the Premises, the Owners may tap such main.
- (b) The Owners shall be responsible for payment of tap-on fees prior to connection to public water, based upon the requirements of the City Code at the time connection is sought.

(4) Sanitary Sewer

- (a) Owners may tap and use the sanitary sewer main running adjacent to the north boundary of the Premises.
- (b) The Owners shall be responsible for payment of tap-on fees prior to connection to the public sanitary sewer main, based upon the requirements of the City Code at the time connection is sought.

(5) Fees

- (a) Annexation Fees shall be applied at the time of final platting, if the Premises is developed with residential or commercial uses during the enforceable duration of this Agreement.
- (b) No Parkland Dedication fees shall be required unless the property is developed with residential uses during the enforceable duration of this Agreement; then they shall be charged as per the applicable governing Code(s) at that time.
- (c) The Owner shall not be required to install water mains or sewer mains except as needed for development on the parcels described in this Annexation Agreement. Any oversizing of engineering specifications, as required by the City, shall be paid by the City.

B. The Owners shall have the following obligations related to Tract B (PIN: 21-05-306-002):

- (1) Subdivision -The City shall waive subdivision requirements of Chapter 24 for the existing parcel and recognize the existing parcel as buildable.

(2) Water

- (a) The property is not currently served by City water service, but public service is available immediately adjacent to the property. The Owners may continue use of the existing, legally permitted on-site well to serve the existing structure and use, so long as such continues to be legally permitted and in compliance with any related requirements.
- (b) The Owners may, at their election or upon required termination of the existing on-site well, tap the public water main running along the southern border of the Property to install water service to facilitate development on the subject Property. The Owners shall be responsible for payment of tap-on fees of \$8,738.82 prior to connection.

(3) Sanitary Sewer

- (a) The property is not currently served by sanitary sewer. The Owners may continue use of the existing, legally permitted on-site septic system to serve the existing structure and use, so long as such continues to be legally permitted and in compliance with any related requirements.
- (b) Upon extension of a public sanitary sewer to an area adjacent to the Premises, the Owners may tap such sewer. The Owners shall be responsible for payment of tap-on fees prior to connection to public sanitary sewer, based upon the requirements of the City Code at the time connection is sought.

(4) Fees

- (a) Annexation Fees of \$9,330.55 shall be applied at the time of annexation, payable prior to recording of the Annexation Plat.
- (b) The Owner shall not be required to install water mains or sewer mains except as needed for development on the parcels described in this Annexation Agreement. Any oversizing of engineering specifications, as required by the City, shall be paid by the City.

D. Future subdivision and development of the Premises shall be by applicable governing Codes at that time.

**5. OBLIGATION TO DEVELOP PER CODE.**

In the construction and use of improvements on the subject Premises the Owners shall comply with all zoning, subdivision, building, mechanical and other applicable codes and ordinances of the City of Bloomington in effect at that time. Bonds shall be provided for all public improvements as set forth in the City Code.

## **6. ANNEXATION TO OTHER TAXING DISTRICTS.**

The Owners, as soon as practicable, but not later than 30 days from the date of annexation to the City, shall file and thereafter diligently pursue the necessary petition to annex the Premises to the Bloomington-Normal Airport Authority and the Bloomington and Normal Water Reclamation District, if not already annexed to such.

## **7. COVENANTS AND AGREEMENTS**

The covenants and agreements contained in the Agreement shall be deemed to be covenants running with the land during the term of this Agreement, shall inure to the benefit and be binding upon the heirs, successors and assigns of the parties hereto and all of the respective successor legal or beneficial owners of all or any portion of the Property. The City agrees that after a successor becomes bound to the personal obligation created in the manner provided in this Agreement and provides the financial assurances required, the personal liability of the Owner shall be released to the extent of the transferee's assumption of liability.

## **8. TERM**

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

## **9. NOTICES**

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

To the City of Bloomington, Illinois ("City"):

City of Bloomington  
Attn: City Manager  
115 E. Washington Street  
Bloomington, IL 61701

To Joseph A. and Carri G. Scharf ("Owners"):

7 Carri Drive  
Bloomington, IL 61704

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

## **10. ADOPTION OF ORDINANCES**

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

## 11. GENERAL PROVISIONS

The following general provisions shall apply to this Agreement:

- A. Time of the Essence. Time is of the essence in the performance of this Agreement.
- B. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.
- C. Non-Waiver. The City shall be under no obligation to exercise any of the rights granted to it in this Agreement. The failure of the City to exercise at any time any right granted to the City shall not be deemed or construed to be a waiver of that right, nor shall the failure void or affect the City's right to enforce that right or any other right.
- D. Consents. Unless otherwise provided in this Agreement, whenever the consent, permission, authorization, approval, acknowledgement, or similar indication of assent of any party to this Agreement, or of any duly authorized officer, employee, agent, or representative of any party to this Agreement, is required in this Agreement, the consent, permission, authorization, approval, acknowledgement, or similar indication of assent shall be in writing.
- E. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the internal laws, but not the conflicts of laws rules, of the State of Illinois. This agreement shall be governed by the laws and ordinances in effect on the date adopted. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to the Requirements of Law, that may occur in the future that are less restrictive or more permissive.
- F. Severability. It is hereby expressed to be the intent of the parties to this Agreement that should any provision, covenant, agreement, or portion of this Agreement or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Agreement to the greatest extent permitted by applicable law.
- G. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.
- H. Interpretation. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result

of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

- I. Exhibits. The Exhibits attached to this Agreement are, by this reference, incorporated in, and made a part of this Agreement. In the event of a conflict between an exhibit and the text of this Agreement, the text of this Agreement shall control.
- J. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.
- K. Changes in Laws. Unless otherwise provided in this Agreement, any reference to the Requirements of Law shall be deemed to include any modifications of, or amendments to, the Requirements of Law that may occur in the future.
- L. Authority to Execute. The City hereby warrants and represents to the Owners that the Persons executing this Agreement on its behalf have been properly authorized to do so by the Corporate Authorities. The Owners hereby warrant and represent to the City (i) that they are the record and beneficial owners of fee simple title to the Property, (ii) except for a mortgage on the property, no other person has any legal, beneficial, contractual, or security interest in the Property and that annexing the property is not a violation of the security interests, (iii) that it has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement and to bind the Property as set forth in this Agreement, (iv) that all legal actions needed to authorize the execution, delivery, and performance of this Agreement have been taken, and (v) that neither the execution of this Agreement nor the performance of the obligations assumed by the Owners will (a) result in a breach or default under any agreement to which the Owners are a party or to which it or the Property is bound or (b) violate any statute, law, restriction, court order, or agreement to which the Owners or the Property is subject.
- M. Enforcement. The parties to this Agreement may, in law or in equity, by suit, action, mandamus, or any other proceeding, including without limitation specific performance, enforce or compel the performance of this Agreement; provided, however, that the Owners agree that they will not seek, and do not have the right to seek, to recover a judgment for monetary damages against the City, or any of its elected or appointed officials, officers, employees, agents, representatives, engineers, or attorneys, on account of the negotiation, execution, or breach of this Agreement.
- N. No Third Party Beneficiaries. No claim as a third-party beneficiary under this Agreement by any Person shall be made, or be valid, against the City or the Owners.
- O. Recording. After the Owners have paid to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, the affidavit of service of notice as required by Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-

1, and the Annexation Ordinance, the City shall promptly cause this Agreement to be recorded in the office of the Recorder of McLean County.

P. Occupancy Permits. In addition to any other remedies permitted by this Agreement, the failure of Owners to meet any obligation set forth within this Agreement shall be cause for the City to deny and/or revoke any occupancy permit issued on the Premises.

EXECUTED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, at Bloomington, Illinois.

CITY OF BLOOMINGTON

\_\_\_\_\_  
Mboka Mwilambwe, Mayor

ATTEST

\_\_\_\_\_  
Leslie Smith-Yocum, City Clerk

OWNER:  
By:   
Joseph A. Scharf

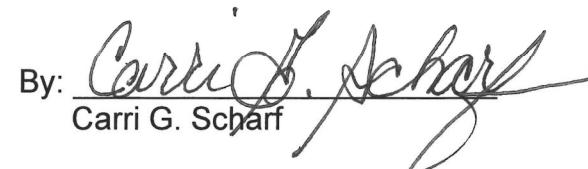
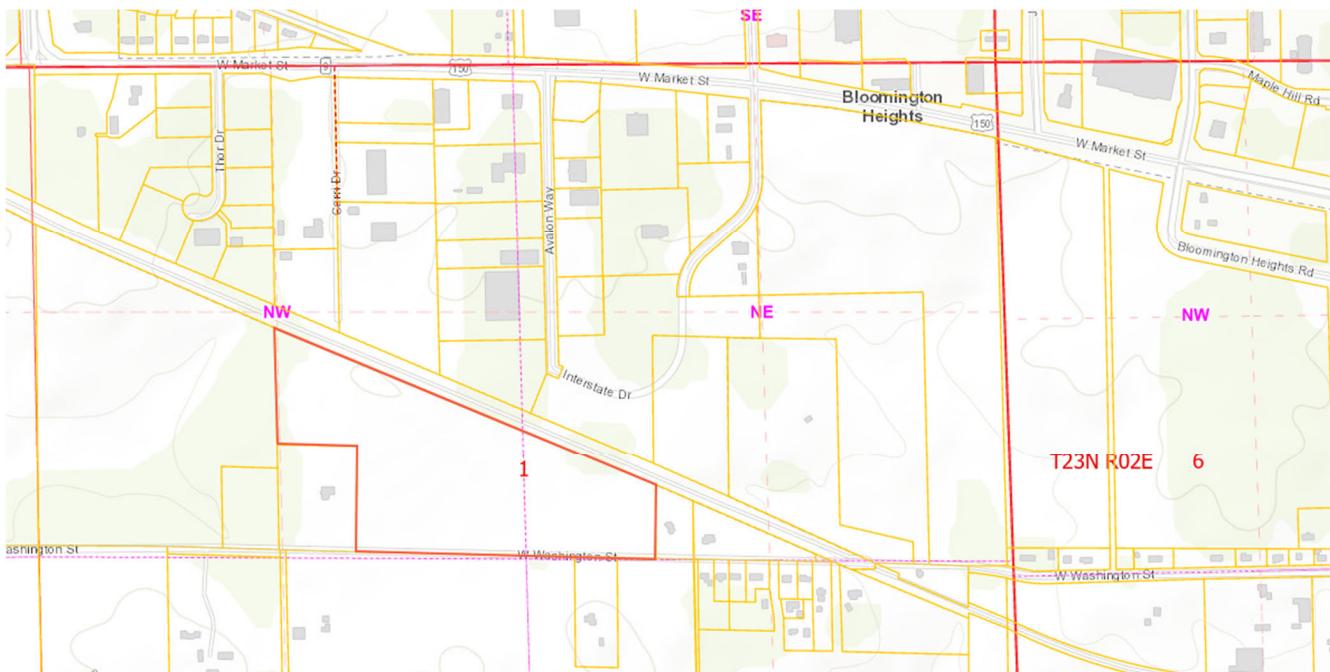
By:   
Carri G. Scharf

Exhibit A  
**LEGAL DESCRIPTION**

**TRACT A**

ALL THAT PORTION OF THE SOUTH HALF OF THE WEST 51 ACRES OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION I, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE C.C.C. & ST. L. RAILWAY COMPANY; ALSO, ALL THAT PORTION OF LOT 4 LYING SOUTH OF THE I.B. & W. RAILROAD IN TIRE NORTHWEST QUARTER OF SECTION 1, AND ALL THAT PORTION OF LOTS 5 AND 6 LYING SOUTH OF THE LB. & W. RAILROAD IN THE NORTHWEST QUARTER OF SECTION 1, ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING THE PLAT RECORDED IN CHANCERY RECORD 15, PAGE 562 IN MCLEAN COUNTY CIRCUIT COURT, EXCEPT THAT PORTION CONVEYED BY WARRANTY DEED 2013-00027010 MORE PARTICULARLY DESCRIBED AS FOLLOWS; A PART OF THE SOUTH HALF OF TIRE WEST 51 ACRES OF THE EAST HALF OF TIRE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT-OF-WAY OF THE C.C.C. AND ST. LOUIS RAILWAY COMPANY, ALSO BEING A PART OF LOT 3 IN THE SUBDIVISION FOR THE ESTATE OF JACOB MOTTER, DECEASED, IN CHANCERY RECORD 15, PAGE 563, MCLEAN COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, ALSO BEING THE SOUTHWEST CORNER OF SAID SOUTH HALF, THENCE EAST 409.10 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 564.99 FEET ALONG LINE WHICH FORMS AN ANGLE TO THE RIGHT OF  $89^{\circ} 24' 45''$  WITH THE SAID SOUTH LINE; THENCE WEST 425.95 FEET ALONG A LINE WHICH FORMS AN ANGLE TO THE RIGHT OF  $90^{\circ} 37' 42''$  WITH THE LAST DESCRIBED COURSE TO THE WEST LINE OF SAID LOT 3, ALSO BEING THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 565.72 FEET ALONG SAID WEST LINE WHICH FORMS AN ANGLE TO THE RIGHT OF  $87^{\circ} 39' 54''$  WITH THE LAST DESCRIBED COURSE TO THE POINT OF BEGINNING, SITUATED IN THE COUNTY OF MCLEAN, IN THE STATE OF ILLINOIS.

**PIN: 20-01-100-031**  
**ADDRESS: NOT ADDRESSED**

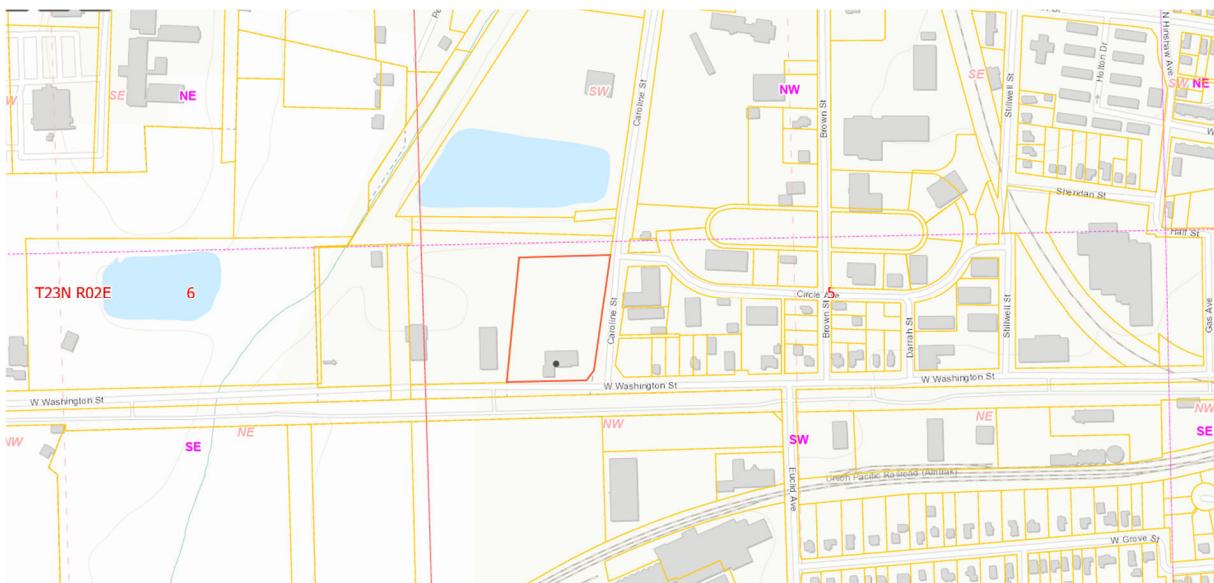


## TRACT B

BEGINNING AT A POINT 382.7 FEET EAST OF A POINT WHERE THE NORTH LINE OF WASHINGTON STREET INTERSECTS THE SECTION LINE BETWEEN SECTIONS 5 AND 6, TOWNSHIP 23 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, RUNNING THENCE EASTERLY ON THE NORTH LINE OF WASHINGTON STREET A DISTANCE OF 328 FEET TO THE WEST BOUNDARY OF THE COUNTY ROAD, AND THENCE RUNNING NORtheasterly along the WEST BOUNDARY OF SAID COUNTY ROAD, A DISTANCE OF 421.5 FEET, AND RUNNING THENCE WESTERLY A DISTANCE OF 329.6 FEET, AND RUNNING THENCE SOUTHWESTERLY A DISTANCE OF 432 FEET TO THE PLACE OF BEGINNING AS SHOWN BY THE PLAT OF ELMER FOLSOM, CIVIL ENGINEER AND SURVEYOR DATED NOVEMBER 19, 1906, RECORDED IN BOOK 435 OF DEEDS, PAGE 423, IN MCLEAN COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF BLOOMINGTON IN WARRANTY DEEDS 89-10187 AND 96-451.

**PIN: 21-05-306-002**

**ADDRESS: 1803 W. WASHINGTON STREET**





## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Economic & Community Development Department

**DATE:** May 1, 2024

**CASE NO:** Z-06-24, Annexation Agreement & Zoning Map Amendment

**REQUEST:** Consideration, review, and action on a request submitted by Christopher B. Burke Engineering, for approval of an Annexation Agreement and Zoning Map Amendment, from County A (Agriculture) to City A (Agriculture) District, and County M-2 (General Manufacturing) to City M-2 (General Manufacturing) District, pertaining to: 1) property generally located south of the terminus of Carri Dr., between the Constitution Trail and W. Washington Street (PIN: 20-01-100-031), consisting of approximately 30.8 acres, and 2) property commonly known as 1803 W. Washington Street, (PIN: 21-05-306-002), consisting of approximately 3.3 acres.

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### BACKGROUND

#### *Request*

The Applicant seeks approval of an Annexation Agreement and Zoning Map Amendment to incorporate the subject properties under the equivalent City Zoning as the currently existing County Zoning. The requested zoning for Tract A of the property is A (Agriculture) District and is appropriate for this property that is not readily served by public water and sewer and is accessed by a sub-standard local road. The requested zoning for Tract B of the property is M-2 (General Manufacturing) District and is appropriate for the property that is currently functioning and surrounded by other M-2 properties and uses. Annexation of Tract A is required to gain contiguity for the annexation of the property at 2440 W. Washington Street that is the subject of case Z-05-24.

For Tract A, the Agreement secures right-of-way dedication commitments from the Property Owner for the City's Planned/Proposed future transportation and recreational network. The right to tap (access) public water and sewer are provided to the Owner, upon the availability of such and the payment of applicable fees. Future development of the parcel (and any child parcel) is contingent upon approvals through future processes, including rezoning and subdivision under the applicable Codes at the time of application. Additional review would be required for any Preliminary Subdivision or Planned Unit Development approval, Plat approval, Site Plan approval, and related site and building permits; each of these items is a usual and customary requirement, several of which entail additional future public hearings.

For Tract B (1803 W. Washington), the Agreement waives the subdivision requirements for the existing developed parcel which was created outside of the provisions of our Subdivision Code but is an existing buildable parcel for all other intents and purposes. Disconnection from a suspected private water main is required, with resulting connection to the public main available along W. Washington Street. Future connection, upon availability, to a public sanitary sewer main is also required. Fees as a Condition of Annexation (§ 8.5-205) are required for this parcel that would annex as a commercial zoning classification, but no parkland dedication or transportation-related fees are required.

#### *Property Characteristics*

Tract A of the subject properties consists of approximately 30.8 acres of active agricultural land located north of West Washington Street, west of the Constitution Trail crossing past Bloomington Heights Road

and the Ameren electrical substation. No existing Annexation Agreement or Preliminary Plan was found for the subject property. One alignment for the future connection from the Constitution Trail to W. Washington Street runs through the subject property, with flexible location. If developed, the property would be served by the Washington Street sewer main. The property is currently used as cropland and is otherwise unimproved.

Tract B of the subject properties consists of approximately 3.3 acres of land located at the northwest corner of W. Washington Street and Caroline Street, improved with an office building and equipment garage. No existing Annexation Agreement was found for the subject property. It is surrounded on all sides by incorporated property or City right-of-way, and is accessible by both W. Washington Street and Caroline Street. Public water is immediately adjacent. It is likely that the existing sanitary sewer is connected to one of the private combined sewers in the area; an alternative solution does not exist at this time but is pondered in the provisions of the Annexation Agreement. This property is within the FEMA Regulatory Floodway for Sugar Creek.

#### *Notice*

The application was filed in conformance with applicable procedural and public notice requirements. Notice was published in *The Pantagraph* on Monday, April 8, 2024. Courtesy notices were mailed to 36 property owners within 500 feet of the subject property.

#### *Surrounding Zoning and Land Uses*

	<b>Zoning</b>	<b>Land Use(s)</b>
North	M-2 (General Manufacturing)	Trade and Construction Services, Public Utilities
South	P-2 (Public Lands & Institutions)	Cemetery
East	M-2 (General Manufacturing)	Right-of-Way, Office, Warehouse
West	M-2 (General Manufacturing)	Trade and Construction Services

## **ANALYSIS**

#### *Comparison of Existing and Proposed Districts - Tract A*

##### **Existing Zoning: County A (Agriculture) District**

Agricultural land is under urban pressure from expanding incorporated areas. This urban pressure takes the form of scattered development in wide belts around the incorporated communities of McLean County, brings conflicting land uses into juxtaposition, creates high costs for public services and stimulates land speculation. Certain agricultural land constitutes unique and irreplaceable land resources. It is the purpose of the Agriculture District to provide a means by which agricultural land may be protected and enhanced as an economic and environmental resource of major importance to the County (McLean County Code § 350-35).

##### **Proposed Zoning: A (Agriculture) District**

The intent of this A-Agriculture District is to govern the use of land, buildings, and structures within areas of the City where soil, topographic, and other conditions are best suited for the pursuit of agriculture or where essential community facilities or utilities do not yet or are not reasonably expected to serve the property. These regulations are further intended to provide for the protection and conservation of natural resources, to prevent or minimize conflicts between agriculture and non-agricultural land uses; act as a holding zone for annexed land prior to timely development; and to facilitate orderly and efficient urban development by preventing a scattered and indiscriminate pattern of urban growth (§ 44-301).

## *Comparison of Existing and Proposed Districts - Tract B (1803 W. Washington)*

### **Existing Zoning: County M-2 (General Manufacturing) District**

The M-2 General Manufacturing District is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district. (McLean County Code § 350-40A).

### **Proposed Zoning: M-2 (General Manufacturing) District**

The intent of this M-2 General Manufacturing District is to provide for the more intense types of industrial and manufacturing uses which generally exhibit higher levels of objectionable external effects. This district should not be located adjacent to residential districts, and its contiguity to commercial and business areas should, wherever possible, be avoided. Uses permitted in this district will provide for those basic industries needed to expand employment opportunities within the City (§ 44-601B).

### *Compliance with the Comprehensive Plan*

The proposed Annexation and Zoning Map Amendment contribute to the following Goals and Objectives:

- Goal UEW-1 (Provide quality public infrastructure within the City to protect public health, safety and the environment), Objectives UEW-1.2 (Expand City's infrastructure, as needed, while supporting the overall goal of compact growth and vibrant urban core) and UEW-1.5 (Reliable water supply and distribution system that meets the needs of the current and future residents); and
- Goal TAQ-1 (A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objectives TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system), TAQ-1.5 (Plan for appropriate and safe access to major surface transportation facilities, including arterial and collector streets); and
- Goal HL-1 (Create a park and green space system that provides for a variety of active and passive recreational and wellness activities for current and future residents), Objective HL-1.3 (Enhance the walking, jogging and biking trails system); and
- Goal CF-1 (Continue to provide quality public facilities and services), Objectives CF-1.1 (Provide adequate City services for current and new annexations) and CF-1.4 (Focus resources on maintaining and developing facilities that support the goal of contiguous and compact growth).

For Tract A, the 2035 Comprehensive Plan Future Land Use Map identifies this area as "Future" in the Emerging Areas. The Land Use Priorities Map does not identify this property. This map was adopted in 2015, prior to the introduction of Rivian and Ferraro on the west side of the community. The development of updated maps is under discussion; based on a long-established planned/proposed transportation network and infrastructure planning/feasibility, it can be reasonably expected that the area between the western alignment of Rivian Motorway and Sugar Creek/I-55 will be looked at for residential and low-intensity industrial/commercial uses within the next 5-10 years (see Comprehensive Plan *Figure 4-1. Neighborhood Classification Boundaries* indicating W. Market Street and W. Washington Street as primary "Transportation Corridors" in the "Emerging" area of West Bloomington).

For Tract B, the 2035 Comprehensive Plan Future Land Use Map identifies this area as "Commercial Activity Center" in the Emerging Areas. The Land Use Priorities Map identifies this property as "Tier 2," land immediately adjacent to the City's incorporated area, and with access to City services.

## STANDARDS FOR REVIEW FOR ZONING MAP AMENDMENTS

The Planning Commission shall hold at least one public hearing on any proposed Zoning Map Amendment and report to the Council its findings of fact and recommendations. Recommendations shall be made upon the determination that the Map Amendment is in the public interest and not solely for the benefit of the applicant, based upon considering the factors listed in § 44-1706E(2) and discussed below.

Chapter 44 (Zoning) was updated in February of 2023; Chapter 8.5 (Annexation) was not updated concurrently. The more comprehensive Chapter 44 criteria has been used for this review since the Planning Commission's primary obligation (§ 8.5-203D) is to evaluate the proposed Zoning Map Amendment(s) (§ 44-1706E(2)(a)[1] - § 44-1706E(2)(a)[11]) versus (§ 8.5-203D(1) -§ 8.5-203D (8)).

### *Request for Zoning Map Amendment to A and M-2*

#### **1. The suitability of the subject property for uses authorized by the existing zoning.**

For Tract A, Uses permitted within the current County A (Agriculture) District are oriented to the production and management of agricultural crops, and normal accessory uses like low-density single-family dwellings, and processing or storage facilities. Other commercial recreation and potentially noxious uses that require large amounts of land and/or separation from populated areas may also be permitted. Many of the uses in this District are reliant upon well and septic to supply potable water and refuse disposal, due to the extended distance between users and the expense of installing and maintaining public utility infrastructure. In the not-too-distant future, continued agricultural operation of the property may no longer be the highest and best use of the property, as access to water and sewer infrastructure expands in the vicinity and transportation infrastructure is improved to support employment centers on the western edge of the City.

For Tract B, the subject property is appropriate for few uses permitted in the County or City's Zoning Code, due to the insurance and Code requirements for structures and many lending restrictions for properties within the Regulatory Floodway. Uses with low "built areas" requirements or with flexibility in finish floor elevation are typically those that are most suitable for these properties; M-1 and M-2 uses tend toward these characteristics more than those of most other Districts. Additional development or redevelopment is not prohibited but does have regulatory hurdles that a homeowner or residential contractor may find overly burdensome, while many industrial operators are used to working with State or Federal permitting agencies and may find the coordination more manageable.

#### **2. The length of time the property has remained vacant as zoned considered in the context of land development in the area.**

For Tract A, The property has never been developed and is currently used as cropland, but it is now effectively within a large "donut-hole" of developed land and City existing or planned infrastructure, with property to the north (Nord Farms and Constitution Trail) having been annexed in 2005 to out past Rivian Motorway, and property further south having been annexed out past Mitsubishi Motorway in 1996/2001 (Heartland Hills, Fox Creek, future regional park). See also the discussion of "Compliance with the Comprehensive Plan" in the prior portion of this report. For Tract B, the property is not vacant and has been used functionally in the M-2 (County) zoning; assignment of the M-2 (City) zoning would allow it to continue to function as such.

#### **3. The suitability of the subject property for uses authorized by the proposed zoning.**

For Tract A, physically, the subject property would be appropriate for most uses permittable in the City's Zoning Code. The property does not hold any major drainage ways, flood zones, or natural features. There are minor topographic changes on the subject property, with most of the site falling

within the 790-800 range. For Tract B, the physical and environmental restrictions of the subject property remain, as discussed above. Uses found in the Manufacturing Districts list of Permitted Uses may be most practicable.

**4. The existing land uses and zoning of nearby property.**

For Tract A, the adjacent properties are zoned County A (Agriculture), and County or City M-1 (Restricted Manufacturing), or City B-1 (General Commercial) and are in a variety of stages of development, mostly consisting of active agricultural fields, single-family residential uses, or low-intensity industrial.

A notable difference is the County-zoned M-1 property which holds the Ameren West Market Street Substation, an extremely high voltage station hosting connections of 100-161 kV with significant capacity remaining at the interconnection point near W. Washington Street. The lack of available water/sewer infrastructure, combined with the available capacity for grid connection make this and any surrounding property prime candidates for the installation of alternative energy uses, regardless of whether that installation is within the County or City.

For Tract B, the adjacent properties are zoned City/County M-2 (General Manufacturing), City B-1 (General Commercial), or P-2 (with a cemetery use), so the character of the uses and impacts are of similar intensity as the proposed zoning. However, within two blocks (less than a 5-minute walk) of the subject property residential Districts begin and spread widely to the east.

**5. Relative gain or hardship to the public as contrasted and compared to the hardship or gain of the individual property owner resulting from the approval or denial of the zoning amendment application.**

For Tract A, the relative gain for the Owner from the Map Amendment itself is minimal, as similar uses are permissible in both the County and City Agricultural zoning districts. The gain to the community, should the Map Amendment be approved, is real and meaningful, due to the decreased potential for noxious uses (including mining and stock yards) near the Constitution Trail and other developing City properties.

For Tract B, the relative gain for the Owner from the Map Amendment is minimal, as similar uses are permissible in both Districts and they are already served by public water and sewer. However, the gain to the community, should the Map Amendment be approved, is real and meaningful, due to the decreased potential for certain noxious uses that are permitted by right within the County M-2 Zoning but not City M-2 Zoning, like a Solid Waste Transfer Station or Asphalt or concrete plant, which may not be appropriate in such close proximity to an established residential neighborhood.

**6. The extent to which adequate streets are connected to the arterial street system and are available or can be reasonably supplied to serve the uses permitted in the proposed zoning classification.**

For Tract A, the Annexation Agreement requires the Property Owner to dedicate right-of-way for the future improvement of W. Washington Street, and to pay applicable substandard road fees, triggered upon improvement of the subject property and road. No public road network is required for implementation of the currently proposed development on the site; the property owner or developer would be responsible for the cost of any internal circulation. For Tract B, the existing street network adequately serves the subject property.

**7. The extent to which the proposed amendment is inconsistent with the need to minimize flood damage and that the development of the subject property for the uses permitted in the proposed zoning classification will not have a substantial detrimental effect on the drainage patterns in**

the area.

Stormwater management for development on either Tract of the subject property will be managed according to the City's Manual of Practice, requiring onsite management in almost all instances and that the post-development condition is no worse than the pre-development condition in all cases.

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

For Tract A, the Agreement does not obligate the City to extend, or the Property Owner to connect, to public water or sanitary sewer at this time; provisions are included for allowing access should the City extend services in the future, and for requiring any public infrastructure installed by the Property Owner to facilitate the extension of such services be built in an appropriate manner. The property is easily served by Bloomington fire and police protection. The property is already annexed to the Bloomington-Normal Water Reclamation District and is part of the Unit 5 School District.

For Tract B, service by City Fire and Police will likely improve coordination and decrease confusion in this area (see Attachment 4 "Tract B Public Safety Service Map"). Both adjacent roads are already maintained by the City and all surrounding properties are served by City solid waste disposal. The property will be annexed to the Bloomington-Normal Water Reclamation District and is already part of the Unit 5 School District.

**9. The extent to which property values are diminished by the restrictions of the proposed zoning.**

For Tract A, property values are unlikely to be diminished by the Map Amendment. Uses permissible in the City A (Agriculture) District are similar to those permissible on the adjacent County "A" parcels, with a reduction in permissions for by-right residential uses, as well as significant reduction in uses that the City would ascribe as appropriate in only Commercial or Industrial zoning districts. For an area that is primarily single-family homes and productive agricultural fields, the Zoning Map Amendment is actually protective of values by safeguarding the consistency of that character as compared to the potential for significant change within the currently assigned district.

For Tract B, the physical and environmental restrictions of the subject property remain, as discussed above. Assignment of the City-equivalent of the current zoning, which is already present on surrounding properties is unlikely to be detrimental.

**10. Whether a Comprehensive Plan for land use and development exists, and whether the amendment is in harmony with it.**

See prior discussion of "Compliance with the Comprehensive Plan" in this report.

**11. Whether the City needs more of the types of uses allowed in the proposed district.**

For Tract A, the City does not necessarily need more of the types of uses allowed in the proposed district (agriculture, forestry, and low-intensity single-family dwellings are as appropriate in the County as they are in the City, and other income-generating land uses or moderate- to high-intensity residential uses are not permitted in "A"), the City does need to ensure the long-term viability of this area's public infrastructure and transportation network, which necessitates governance by our Subdivision and Zoning Codes through annexation. Annexation as A (Agriculture) District results in the least change possible as part of that process.

For Tract B, the City does not necessarily need more of the types of uses allowed in the proposed district, because—for all intents and purposes other than jurisdiction—the subject property has been

functioning as a part of the City community and economy for many years already.

## **ADDITIONAL STANDARDS FOR REVIEW FOR ANNEXATION**

Both the Planning Commission and City Council shall conduct public hearings on the Agreement. The Planning Commission shall make its recommendation to the City Council after conducting its hearing. Recommendations shall be made...giving due consideration for the purpose and intent of Chapter 44, Article I, of the Bloomington City Code - 1960, including the following specific purposes (§ 8.5-203D(9)):

**(a) To conserve and protect the taxable value of land and structures;**

Standards five and nine for approval of Zoning Map Amendments speak to this purpose. Incorporation of Tract A as Agricultural land is additionally protective of the row-crop nature of the existing land by removing the potential for the development of more commercial/industrial “agricultural” uses, while securing the land required for infrastructure to support future community development protects the value of surrounding properties and increases the value of the subject property should they choose to pursue alternate use in the future. For Tract B, the associated formalization of the parcel as a legal/buildable parcel, the direct connection to public water, and the ability to work toward formal disconnection from the property adjacent to the west (future direct connection to sanitary sewer) is likely to improve both the real and taxable value of the property by removing some of the hurdles to future improvement or sale.

**(b) To protect the air, water and land resources within the City from the hazards of pollution and misuse;**

Standards three and eight for approval of Zoning Map Amendments speaks to this purpose. Compliance with the City Code, once annexed, will be generally protective from the hazards of pollution and misuse; the Agreement states all public hearing and normal permitting processes shall be followed, and no Variations to the Code are requested or included as part of the Agreement. One waiver from Chapter 24 (having to final plat) Tract B is provided since an Annexation Plat will be required as part of the incorporation process and no right-of-way or easement dedications have been identified as necessary.

**(c) To protect land and structures from natural hazards; including flooding and erosion;**

Standard seven for approval of Zoning Map Amendments speaks to this purpose. Incorporation and development of this property, when in compliance with the Manual of Practice—which is the expectation and requirement of such—will address onsite and localized flooding issues.

**(d) To preserve and protect historic locations, structures and groups of structures;**

For Tract A, this standard is not applicable; this property is unimproved. For Tract B, this standard is also not applicable as the only structure on site is not a historic resource.

**(e) To preserve and protect and encourage the development of structures, groups of structures and neighborhoods of distinctive architectural character and appearance;**

Standard four for approval of Zoning Map Amendments speaks to this purpose. No urban or neighborhood development is pondered on either Tract at this time.

**(f) To provide for the orderly and functional arrangement of land uses and structures;**

Standard two for approval of Zoning Map Amendments speaks to this purpose. For Tract A, no urban

or neighborhood development is pondered at this time, but Annexation and the securing of necessary right-of-way supports orderly and functional arrangement of land uses and structure in future development in this part of “emerging” west Bloomington. For Tract B, the subject property is already placed within the context of the developed land in the community.

**(g) To establish standards for the orderly development or redevelopment of geographic areas within the City;**

The Agreement codifies and secures existing standards for transportation infrastructure, helping to guide orderly development of this area of the community in the future. Further, the Agreement does not exempt the subject property or Property Owner from any of the established standards for planning and development within the City but specifies that future subdivision and development of the Premises shall be by applicable governing Codes at that time.

**(h) To secure for the public locations for housing, employment, shopping, education and recreation that are adequate in terms of health, safety, convenience and number;**

Standards six and 11 for approval of Zoning Map Amendments speak to this purpose. This Agreement and Annexation does not secure locations for the development of such, but does secure vital infrastructure pathways to support the future development of those locations throughout the area of “emerging” west Bloomington, and provides additional infrastructure resources to an existing employment center.

**(i) To facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public facilities;**

Standard eight for approval of Zoning Map Amendments speak to this purpose. This Agreement and Annexation secure vital infrastructure pathways for the future development throughout the area of “emerging” west Bloomington and provides a plan and mechanism for providing appropriate water, sewage, and solid waste disposal to the existing business on Tract B.

**(j) To conserve and protect natural resources including prime agricultural land, mineral resources and areas of scientific interest;**

Standard one for approval of Zoning Map Amendments speak to this purpose. Limiting the uses on Tract A to those permissible in the City A (Agriculture) District is protective of the current use as row-crop agriculture for as long as that serves as the highest and best use. Annexation and the securing of right-of-way helps to protect natural resources and agricultural productivity elsewhere by reducing the risk that development will “leapfrog” which commonly happens when implementing a common-sense infrastructure network becomes difficult because arterial roads and public water/sewer are not planned in advance. For Tract B, efforts that encourage the continued operation and improvement of properties already within the City’s sphere of influence pursue the same goal.

**(k) To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the City of Bloomington; and**

Approval of the Agreement and Zoning Map Amendment after public hearings and Council review would be the result of a fair, equitable, and orderly public review and participation process.

**(l) To promote the Official Comprehensive Plan adopted by the City of Bloomington.**

During drafting and adoption of the Comprehensive Plan, certain assumptions were made regarding

what and where the primary drivers of development would be over the planning horizon of 2015-2035, but a number of those (including the Eastside Highway and Hershey Road extension) have not come to fruition and the development they would have spurred has not progressed. While other areas within our extraterritorial jurisdiction (primarily to the south and east) also have the potential for development to support this growth, none are so uniquely positioned to allow our community to expand within a focused area (between the long-established Mitsubishi/Rivian Motorway alignment and existing City limits), in synchronization with planned improvements by BNWRD and the need for proximate and supportive uses for two growing employment centers. Adoption of the subject Agreement, and Annexation of this property, is an important step in the long-range planning that will help ensure the City's Core Values of Solid Infrastructure, Healthy Community, Stable Economy, and Efficient Government are implemented as development pressure rises with the need to supply and house a local workforce for our growing economy.

**Upon a vote, the Planning Commission will forward its recommendation to City Council. Council will then conduct a second public hearing, and approve or reject the Agreement on the basis of:**

1. The facts presented at the public hearings; and
2. The recommendations of the Planning Commission; and
3. The recommendations of the City Staff.

#### **STAFF RECOMMENDATION**

Staff finds that the standards for an Annexation Agreement have been adequately addressed in the Draft Agreement, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

Motion to establish findings of fact that the request for approval of the proposed Annexation Agreement is in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend approval of the request.

Staff additionally finds that the proposed Zoning Map Amendments are in the public interest and not solely for the benefit of the Applicant, after reviewing the relevant factors for consideration, and recommends the Planning Commission take the following action(s):

Motion to establish findings of fact that the request for approval of the proposed Zoning Map Amendments to the A (Agriculture) District and to the M-2 (General Manufacturing) District are in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend approval of the request.

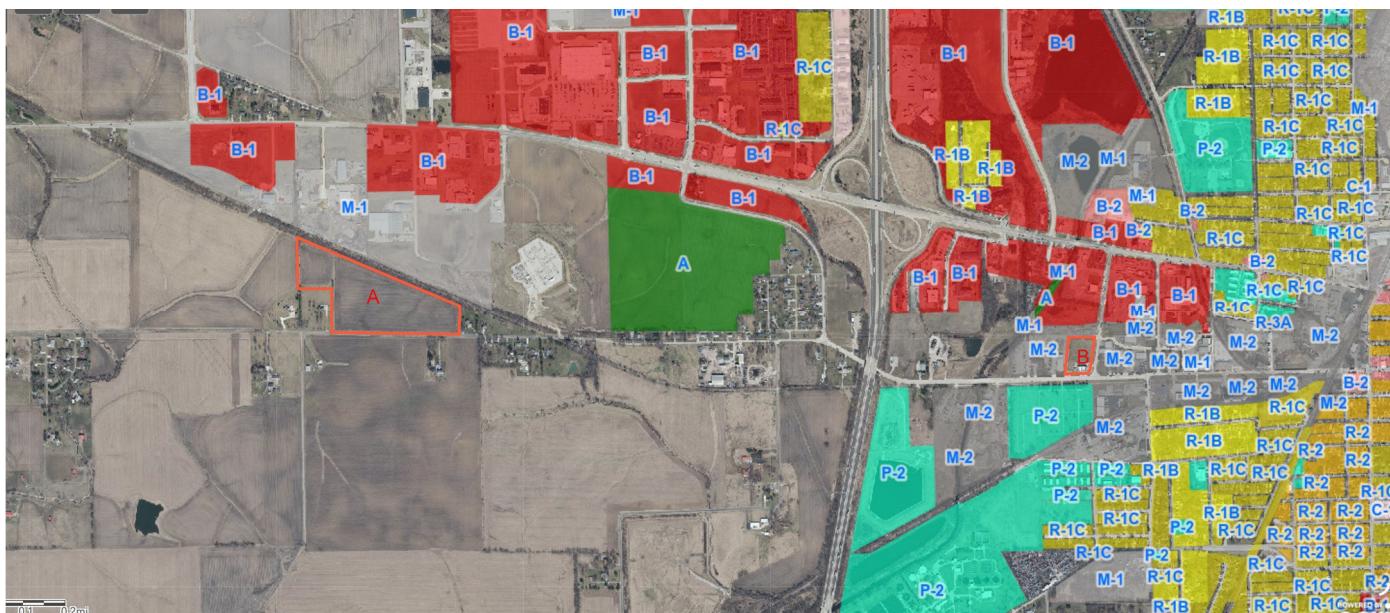
Respectfully submitted,  
Alissa Pemberton  
City Planner

#### **Attachments:**

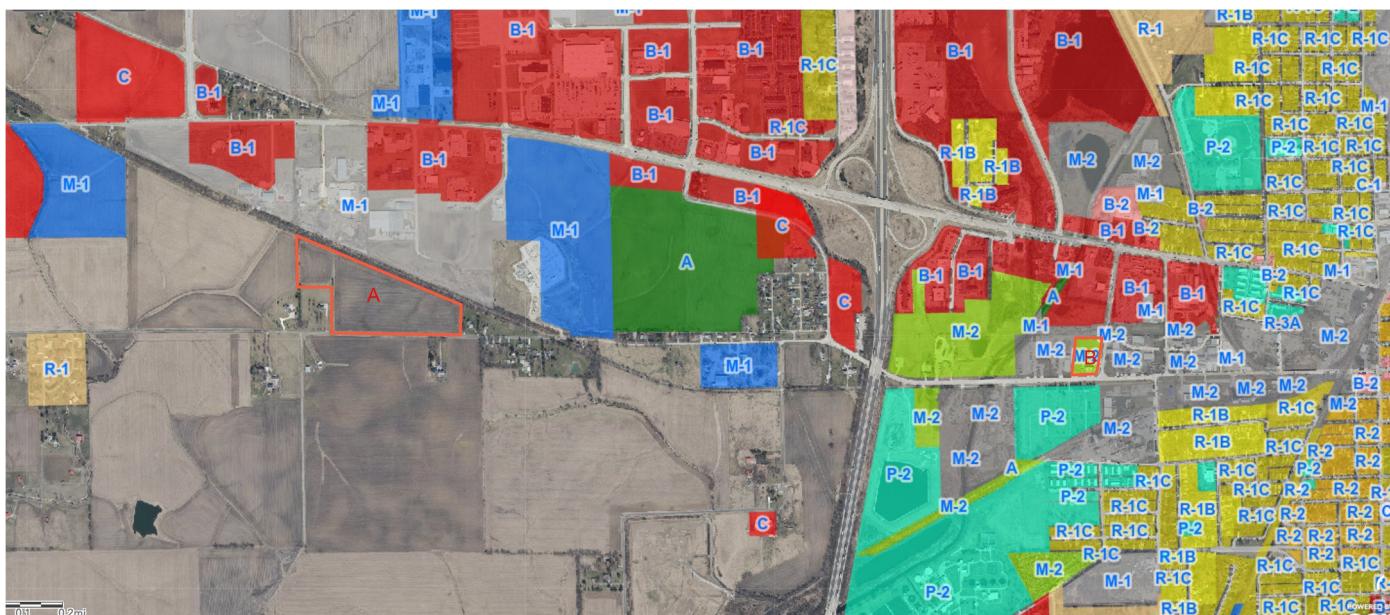
1. Zoning Map
2. Aerial Image
3. Neighborhood notice map
4. Tract B Public Safety Service Map
5. Draft Annexation Agreement

Attachment 1: Zoning Map

City of Bloomington Zoning Only



County and Town of Normal Zoning Included



*Attachment 2: Aerial Image*

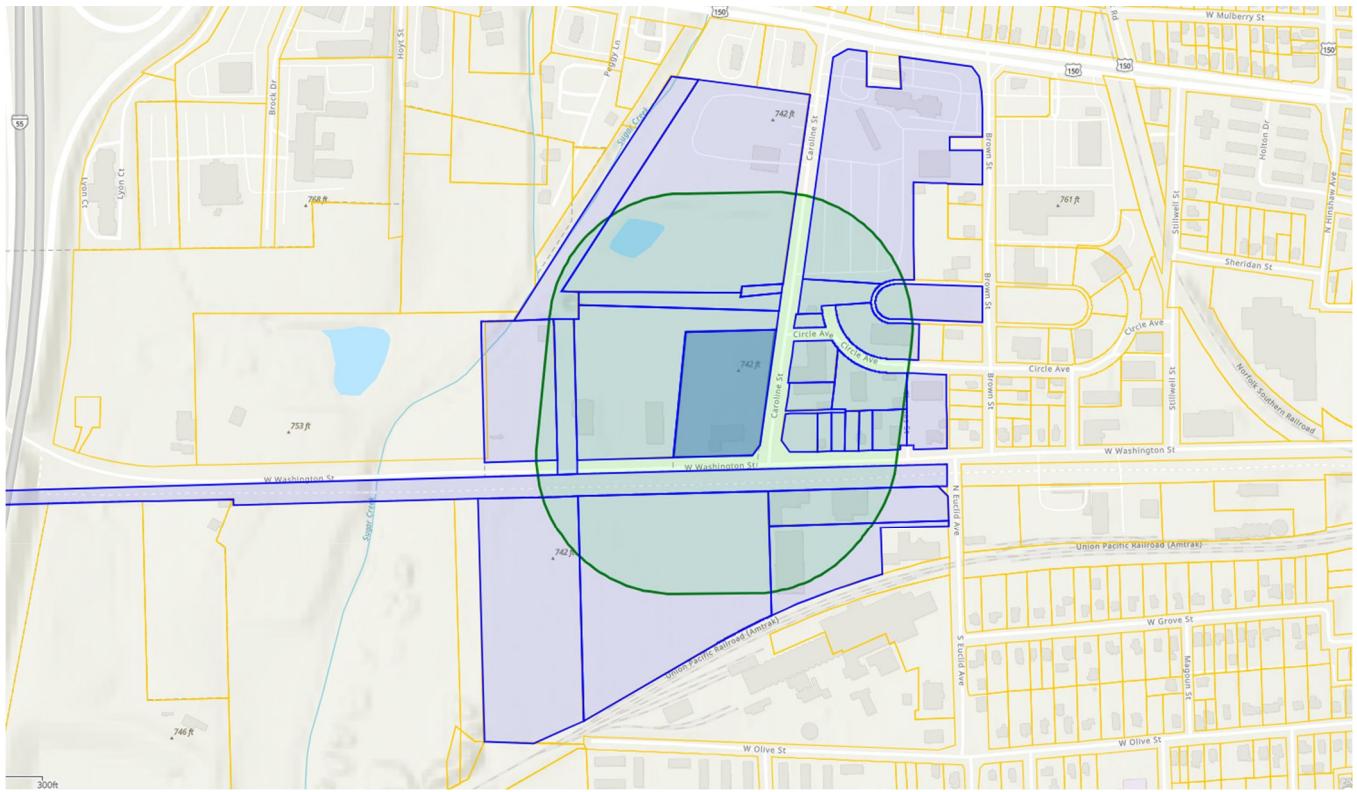
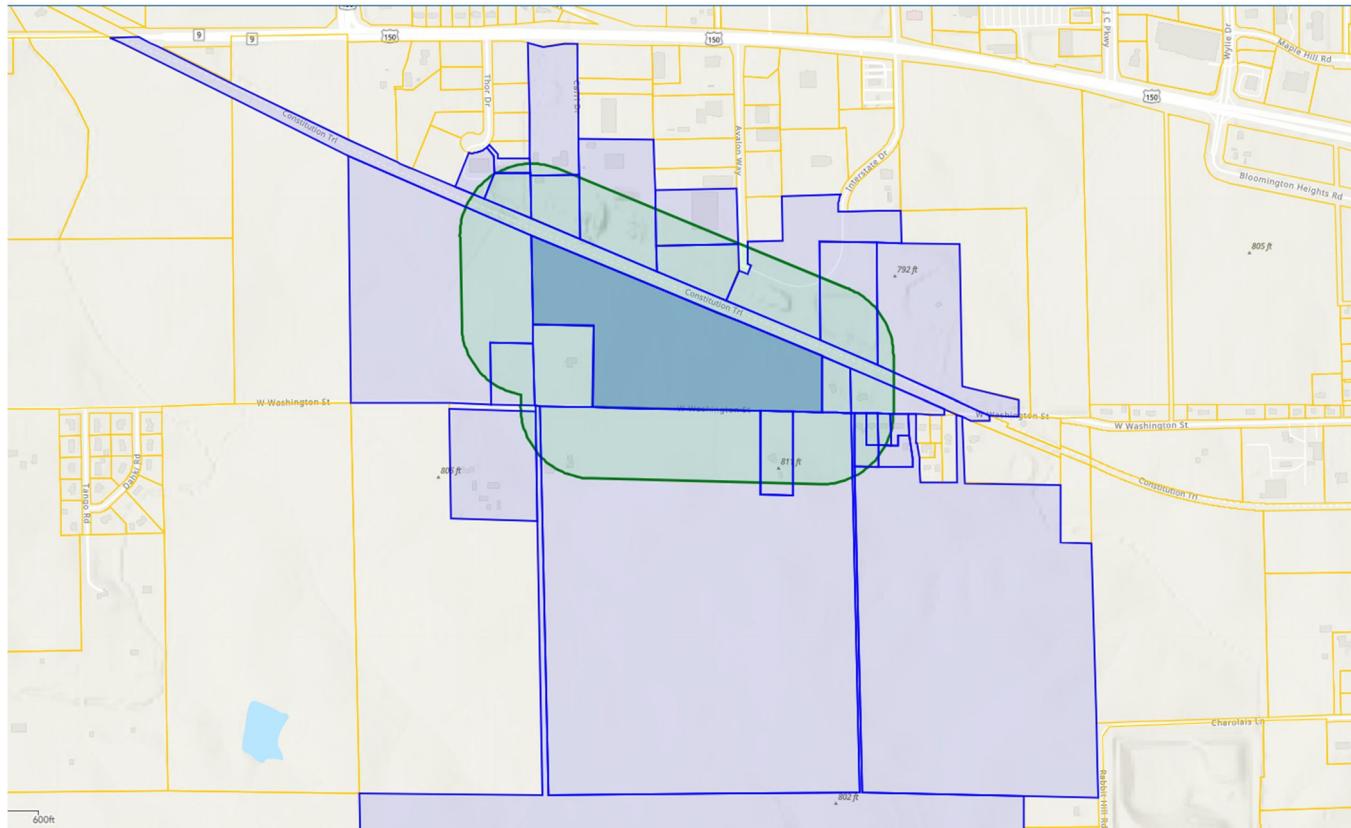
**Community Scale**



**Planning Area Scale**



### *Attachment 3: Neighborhood Notice Map*



Attachment 4: Tract B Public Safety Service Map



Vice Chair Beyer asked about the possibility of additional setbacks and expressed concerns about fire protection. Ms. Pemberton responded Planning Commission cannot require increased setbacks since the Site Plan meets the adopted requirements, and noted fire protection would be addressed through standard building permit processes for construction and NFPA standards for mitigation.

Commissioner Patino asked Staff about the concerns residents brought forth and the steps to addressing them. Ms. Pemberton responded that many of the requests for changes to how solar is implemented would need to be addressed through text amendments to the Zoning Code; she added that amendments could be proposed based on pending legislation and/or City Council initiation.

Vice Chair Beyer asked if the developer will take feedback. Ms. Pemberton responded they may implement feedback, however it was their decision to bring the Site Plan in front of Planning Commission. She added that since the Site Plan meets the current Zoning Code and no waiver is required based on updated information; the Site Plan review can be done administratively instead of in Public Hearing.

Commissioner Lewis asked for clarification on one of the speakers' concerns regarding shading. Ms. Pemberton clarified now that the proposed panels meet the height requirements crop shading on the adjacent property should not be a concern.

**Commissioner Patino made a motion, seconded by Commissioner Cullen, to establish findings of fact that the Site Plan meets the subject standards and to revert its review from Public Hearing back to Administrative.**

Roll call.

AYES: Lewis, Muehleck, Peradotti, Beyer, Patino, Cullen

Motion passed.

The Commission reviewed the Standards for Consideration for Annexation. Ms. Pemberton and Mr. Boyle clarified procedural items and the Planning Commission role in Annexations and Text Amendments.

**Commissioner Peradotti made a motion, seconded by Commissioner Lewis, to establish findings of fact that the request for approval of the proposed Annexation Agreement is in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend a modified approval of the request, after removal of Public Hearing Site Plan Review per the prior motion.**

Roll call.

AYES: Lewis, Muehleck, Peradotti, Beyer, Patino, Cullen

Motion passed.

*The following item was presented:*

**Item 5.C. Z-06-24 - Consideration, review, and action on a request submitted by Christopher B. Burke Engineering, for approval of an Annexation Agreement and Zoning Map Amendment, from County A (Agriculture) to City A (Agriculture) District and County M-2 (General Manufacturing) to City M-2 (General Manufacturing) District, pertaining to:**

1) property generally located south of the terminus of Carri Dr., between the Constitution Trail and W. Washington Street (PIN: 20-01- 100 -031), consisting of approximately 30.8 acres, and 2) property commonly known as 1803 W. Washington Street, (PIN: 21-05-306-002), consisting of approximately 3.3 acres.

Ms. Pemberton presented the Staff Report with a recommendation of approval. She identified existing conditions of the properties and key Annexation Agreement components. She noted that Annexation of “Tract A” is required to gain contiguity for the annexation of the property at 2440 W. Washington Street that is the subject of case Z-05-24.

Vice Chair Beyer opened the public hearing.

**Brian Hug, Attorney representing the Applicant**, provided further background. He stated that there are no plans for any new development and that they are looking to continue the same operations in the City.

**Tim Nord (2510 W. Washington Street), Resident**, spoke in favor of zoning the little parcel (PIN: 21-05-306-002) to M-2. He added that the second parcel (PIN: 20-01-100-031) should be zoned residential to help the region’s housing needs, instead of being zoned to Agriculture, specifically given the adjacency of public sewer. He reiterated the need to change the City code related to solar uses and discussed possible financial implications for solar uses versus implications for residential uses.

**Patricia Harter (2501 W. Washington Street), Resident**, spoke against the request. She expressed concerns about the health risks associated with solar energy production, hazardous material, and the potential for turning all of W. Washington into a solar field. She cited the World Health Organization research on Electromagnetic Fields. She expressed concerns about property devaluation, noting they selected their property because it was in the country. She expressed concerns about sun and air pollution that would result if solar farms moved into the area.

**Scott Harter (2501 W. Washington Street), Resident**, spoke against the proposal. He inquired who would be responsible for maintaining the property once the solar farm is installed and who would be responsible for fixing any broken panels. He also expressed concerns about who would be responsible for cleaning and repairing any damage to the local roads that result from the solar farm.

**Paul Nord (2501 W. Washington Street), Resident**, spoke against the proposal and echoed similar issues as the previous testimonies. He inquired why the property needs to annex to get sewer across it when they could just do an easement like they did on the Nord land to the east.

Ms. Pemberton clarified that no development is currently proposed for the subject property and that any development—even of permitted by right uses—would still require review and permitting which would address many of the concerns raised through the course of the testimony. She explained that things that occur on the property are the responsibility of the property owner, including maintenance and cleanup of any damage.

Ms. Pfeifer also clarified that the proposed Commercial Solar Energy Facility is related to the previous case and on a different property. The question before the Commission is related to the appropriateness of zoning to A (Agriculture) District and M-2 (General Manufacturing) District.

Vice Chair Beyer clarified procedural items for the audience.

**Dawn Haney (2406 W. Washington Street)** expressed concerns about solar farms in the area and asked for greater setbacks and additional landscaping features.

Vice Chair Beyer reminded the speaker that no solar use is currently proposed for the properties that are the subject of the current case. Ms. Pemberton clarified additional procedural items, as well as the duties and responsibilities of the Bloomington Planning Commission, as created by City Code.

Vice Chair Beyer closed the public hearing.

Commissioner Patino made a motion, seconded by Commissioner Lewis, to establish findings of fact that the request for approval of the proposed Zoning Map Amendments to the A (Agriculture) District and M-2 (General Manufacturing) District are in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend approval of the request.

Roll call.

**AYES:** Lewis; Muehleck; Peradotti; Beyer; Patino; Cullen

**Motion passed.**

Commissioner Lewis made a motion, seconded by Commissioner Patino, to establish findings of fact the request for approval of the proposed Annexation Agreement is in the public interest and not solely for the benefit of the Applicant or Property Owner and to recommend approval of the request.

Roll call.

**AYES:** Lewis; Muehleck; Peradotti; Beyer; Patino; Cullen

**Motion passed.**

Ms. Pemberton stated the case would proceed on the May 28<sup>th</sup> City Council agenda.

*The following item was presented:*

Item 5.D. PS-02-24 - Consideration, review, and action on a request submitted by Wittenberg Woods II, LLC, (1707 E. Hamilton Road, Ste. 1A) for approval of the 2024



## REGULAR AGENDA ITEM NO. 9.C.

**FOR COUNCIL:** May 28, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** (1) Presentation and Discussion of Fiscal Year (FY) 2025 General Resurfacing and Pavement Preservation Programs and the State of the Street and Sidewalk Network; and (2) Consideration and Action on a Resolution Authorizing Waiving the Technical Bidding Requirements and Authorizing City Staff to Negotiate an Agreement with Rowe Construction, A Division of United Contractors Midwest, for the FY 2025 General Street Resurfacing Program, as requested by the Department of Operations & Engineering Services.

**RECOMMENDED MOTION:** The proposed Resolution be approved.

**STRATEGIC PLAN LINK:**

Goal 2. Upgrade City Infrastructure and Facilities

Goal 4. Strong Neighborhoods

Goal 5. Great Place - Livable, Sustainable City

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 2a. Better quality roads and sidewalks

Objective 4d. Improved neighborhood infrastructure

Objective 5a. Well-planned City with necessary services and infrastructure

**BACKGROUND:** The Department will present the current condition of the street system and recommendations for the FY 2025 General Resurfacing Program and Pavement Preservation Program. The presentation will be provided at the meeting and will be made available at [www.bloomingtonstreets.com](http://www.bloomingtonstreets.com).

If approved, the Resolution would authorize the City to waive the technical bidding requirements and negotiate a contract with Rowe Construction, A Division of United Contractors Midwest (UCM), for the FY 2025 General Street Resurfacing Program. UCM is the company in McLean County capable of performing all the required operations and staff would bring the negotiated contract for Council approval.

Information about City streets is maintained in a Geographic Information System (GIS) by the Department of Operations and Engineering. The condition rating, along with other information, is used to help determine which streets will be resurfaced each year.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

**FINANCIAL IMPACT:** The negotiated contract will come back to Council for approval and the financial impact will be finalized at that time. Stakeholders can locate information on the FY 2025 General Resurfacing and Pavement Preservation Programs in the FY 2025 Proposed Budget Book titled "Other Funds & Capital Improvement" on pages 67 through 69, 157, and 231 through 236.

**AMERICAN RESCUE PLAN FUNDING IMPACT:** N/A

**COMMUNITY DEVELOPMENT IMPACT:** This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: Goal UEW-1 (Provide quality public infrastructure within the City to protect public health, safety, and the environment), Objective UEW-1.1 (Maintain the existing City operated infrastructure in good condition by prioritizing maintenance over building new and implementing fees to cover costs); Goal TAQ-1 (A safe and efficient network of streets, bicycle- pedestrian facilities and other infrastructure to serve users in any surface transportation mode), Objective TAQ-1.1 (Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods, and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system), Objective TAQ-1.2 (Data driven transportation infrastructure policy and management), Objective TAQ-1.4 (Pedestrian safety for users of all transportation facilities with a Sidewalk Master Plan, and sidewalk system that provides safe access throughout the transportation network)

Respectfully submitted for consideration.

Prepared by: Bob Yehl, Assistant City Engineer

**ATTACHMENTS:**

[DOES 5B Resolution](#)

**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION AUTHORIZING WAIVING THE TECHNICAL BIDDING REQUIREMENTS,  
AND AUTHORIZING CITY STAFF TO NEGOTIATE AN AGREEMENT WITH ROWE  
CONSTRUCTION, A DIVISION OF UNITED CONTRACTORS MIDWEST, FOR THE FY 2025  
GENERAL STREET RESURFACING PROGRAM**

**WHEREAS**, the City of Bloomington has the ability to waive the technical bidding requirements, pursuant to City Code Chapter 16, Section 50; and

**WHEREAS**, streets for resurfacing have been identified for fiscal year 2025; and

**WHEREAS**, Rowe Construction – A Division of United Contractors Midwest (UCM) has historically been the sole bidder on this annual contract; and

**WHEREAS**, it is anticipated UCM would be the sole bidder if the project were subject to a competitive bid; and

**WHEREAS**, the City staff believe that a better end product will be achieved through utilizing the bid waiver process and direct negotiations with UCM; and

**WHEREAS**, UCM will be able to more accurately bid the work because they will have fewer uncertainties and UCM's prior experience and depth of knowledge about resurfacing will provide an opportunity for them to make recommendations on how the work can be accomplished in a more efficient manner; and

**WHEREAS**, direct negotiations with UCM will expedite the commencement of work

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

**Section 1.** That the recitals set forth above are incorporated herein and City Manager, or designated representatives, are authorized to secure the Change Order, and any other necessary documents.

**PASSED** this 28th day of May 2024.

**APPROVED** this \_\_\_\_ day of May 2024.

**CITY OF BLOOMINGTON**

**ATTEST**

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Mboka Mwilambwe, Mayor

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Leslie Smith-Yocum, City Clerk