



**CITY OF  
BLOOMINGTON  
CITY COUNCIL -  
REGULAR SESSION  
MEETING  
JULY 8, 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  
MONDAY, JULY 8, 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 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 for the Proposed Downtown Redevelopment Project Area as Scheduled by Ordinance 2024-034, as requested by the Economic & Community Development Department. (*Recommended Motion: The public hearing be convened for the proposed Downtown Redevelopment Project Area.*) (*Presentation by Melissa Hon, Economic & Community Development Director.*)
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 June 10, 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 \$8,529,146.97, as requested by the Finance Department. (*Recommended Motion: The proposed Bills and Payroll be approved.*)
  - C. Consideration and Action on the Purchase of a Fire Safety Simulator from JHB

Group, in the Amount of \$180,434.44, as requested by the Fire Department.  
*(Recommended Motion: The proposed Purchase be approved.)*

- D. Consideration and Action on a Resolution Authorizing the Rejection of All Bids for the Wylie & Maple Hill Drive Intersection Improvements Project (Bid #2025-03), as requested by the Department of Operations & Engineering Services. *(Recommended Motion: The proposed Resolution be approved.)*
- E. Consideration and Action on a Resolution Amending the Contract with Stewart Spreading Inc., for Lime Sludge Removal, Due to Changes to the Prevailing Wage Act of the State of Illinois Public Act 103-0327, as requested by the Water Department. *(Recommended Motion: The proposed Resolution be approved.)*
- F. Consideration and Action on a Resolution Authorizing a Change Order for the Design Contract with Stanley Consultants, Inc., for the Meadowbrook Subdivision Improvement Project, in an Amount Not to Exceed \$59,267, as requested by the Water Department and the Department of Operations & Engineering Services. *(Recommended Motion: The proposed Resolution be approved.)*
- G. Consideration and Action on an Ordinance Amending the Bloomington City Code Updating Chapters 21, 36, and the Schedule of Fees Pertaining to Scavengers, Waste Collectors, Waste Haulers, and Bulk Waste Collection, as requested by the Public Works Department. *(Recommended Motion: The proposed Ordinance be approved.)*

**9. Regular Agenda**

**10. City Manager's Discussion**

**11. Mayor's Discussion**

**12. Council Member's Discussion**

**13. Executive Session**

**14. 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:** July 8, 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 June 24, 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](#)



# Appointments

Library Board of Trustees:

- **Craig McCormick**

Human Relations Commission:

- **Amy Endicott**



# Appointment

Public Safety & Community Relations Board:

- **Sean Murphy**



# Reappointments

Planning Commission:

- **Goverdhan Galpalli**
- **William Peradotti**
- **Mary Ann Cullen**



**PUBLIC HEARINGS ITEM NO. 7.A.**

**FOR COUNCIL:** July 8, 2024

**WARD IMPACTED:** Ward 6

**SUBJECT:** Public Hearing for the Proposed Downtown Redevelopment Project Area as Scheduled by Ordinance 2024-034, as requested by the Economic & Community Development Department.

**RECOMMENDED MOTION:** The public hearing be convened for the proposed Downtown Redevelopment Project Area.

**STRATEGIC PLAN LINK:**

- Goal 3. Grow the Local Economy
- Goal 5. Great Place - Livable, Sustainable City
- Goal 6. Prosperous Downtown Bloomington

**STRATEGIC PLAN SIGNIFICANCE:**

- Objective 3c. Revitalization of older commercial homes
- Objective 5e. More attractive city: commercial areas and neighborhoods
- Objective 6b. Downtown Vision and Plan used to guide development, redevelopment and investments

**BACKGROUND:** Tax Increment Finance ("TIF") Consultant, Peckham Guyton Albers & Viets ("PGAV"), has completed the Redevelopment Plan for the proposed Downtown TIF District. The TIF Act calls for the City to hold a public hearing so that all interested persons or affected taxing districts may provide verbal or written feedback in support or objection with respect to any issues regarding the approval of the proposed Redevelopment Plan, designation of the Project Area, or adoption of tax increment allocation financing. The TIF Act requires the public hearing to be scheduled at least 45 days after the adoption of an ordinance setting a date and time for the public hearing. Ordinance #2024-034, approved on May 13, 2024, set a date and time for the public hearing as required.

In compliance with the TIF Act, staff mailed the notice of this public hearing to all of the affected taxing districts and to the Illinois Department of Commerce and Economic Opportunity. The impacted taxing districts were also provided with a copy of the Redevelopment Plan. Representatives from the impacted taxing districts convened three times as the Joint Review Board (JRB) to discuss the proposed Downtown Redevelopment Project Area and ordinances. The JRB is comprised of the following voting members: Bloomington School District #87, McLean County, Heartland Community College, the City of Bloomington Township, and the City of Bloomington, as well as the following non-voting members: CIRA, BNWRD, and the Bloomington Library.

The first JRB meeting was held on June 3, 2024, and was continued to June 20, 2024. The final JRB meeting occurred on July 1, 2024. The Joint Review Board voted to recommend that the City Council approve the Redevelopment Plan and Project, adopt an ordinance

terminating the Downtown Southwest TIF District, and adopt the three ordinances that would establish the proposed Downtown Redevelopment Project Area (five voted in favor, and one abstained).

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** A copy of the Redevelopment Plan was placed on file at the City Clerk Department on April 12, 2024. A notice of the availability to review the Redevelopment Plan at the City Clerk's Department was mailed to all parties registered on the Interested Parties Registry and all residential addresses within 750 feet of the boundaries of the proposed TIF District.

A public meeting was held at the Government Center on April 29, 2024, from 6:00 PM to 8:00 PM, where PGAV presented the Redevelopment Plan and Project Area. A total of 478 notices of the public meeting were sent to all residential addresses and property owners within the boundary of the proposed TIF District, to the eight affected taxing bodies, and to those registered on the Interested Parties Registry via Certified Mail. 23 individuals attended the public meeting.

A notice of this public hearing was sent to all residential addresses within the boundary of the proposed TIF District as well as sent via certified mail to the owners of the property included within the boundary of the proposed TIF District. The notice of the public hearing was also published in *The Pantagraph* on June 10, 2024, and June 17, 2024.

The Redevelopment Plan can be viewed at [www.bloomingtonil.gov/TIF](http://www.bloomingtonil.gov/TIF).

**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**: Goal ED-4 (Enhance the image of Bloomington as a business friendly community. ED-4.2 Prioritize infill and redevelopment to spur growth and reinvestment in the City), Objectives ED-4.3 (Facilitate and enhance pedestrian-friendly neighborhood centers to support mixed use developments), ED-4.4 (Evaluate commercial land use needs in the context of changing economic trends), ED-4.5 (Identify and reduce barriers for local growth and economic development); Goal D-1 (Continue to build a healthy Downtown that offers a range of employment, retail, housing, cultural and entertainment opportunities for all), Objectives D-1.1 (Strengthen business recruitment and retention activities), D-1.2 (Pursue catalyst projects that can serve as additional Downtown anchors), D-1.4 (Develop a wide variety of Downtown housing options); Goal D-2 (Market and promote the unique brand and image of Downtown Bloomington), Objective D-2.1 (Identify and designate gateways to Downtown); and Goal D-6 (Reinforce the connections between Downtown and adjacent neighborhoods), Objectives D-6.1 (Encourage development on sites that will link Downtown with surrounding neighborhoods), D-6.3 (Pursue public-private development opportunities with major employers seeking employee housing near offices). TIF Districts are a recommended tool in the "Economic Development Incentives Toolkit" detailed on page 97 of the City's Comprehensive Plan 2035.

Respectfully submitted for consideration.

Prepared by: Ellen Robertson, Sr. Economic Development Specialist

**ATTACHMENTS:**

[E&CD 1B Ordinance No. 2024 - 034](#)

**CITY OF BLOOMINGTON**

**2024 - 034**

**AN ORDINANCE TO SET A DATE FOR, AND TO APPROVE A PUBLIC NOTICE OF A  
PUBLIC HEARING ON THE TAX INCREMENT FINANCING (TIF) REDEVELOPMENT PLAN  
FOR THE DOWNTOWN TIF REDEVELOPMENT PROJECT AREA**

**Adopted by the City Council  
of the City of Bloomington  
on May 13, 2024**

Published in pamphlet form by authority of the City Council of the  
City of Bloomington, McLean County, Illinois, on May 17, 2024.

STATE OF ILLINOIS            )  
  ) ss.  
COUNTY OF MCLEAN         )

CERTIFICATE

I, Leslie Smith-Yocum, certify that I am the duly appointed and qualified municipal clerk of the City of Bloomington, County of McLean, Illinois.

I further certify that on the Corporate Authorities of the above municipality passed and approved Ordinance No. 2024 - 034, entitled, An Ordinance To Set a Date for, and to Approve a Public Notice of a Public Hearing on the Tax Increment Financing (TIF) Redevelopment Plan for the Downtown TIF Redevelopment Project Area, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of this Ordinance, including the Ordinance and cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the municipal building, commencing on May 17, 2024, and continuing for at least ten days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Bloomington, Illinois, on 05/ 17/2024



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



## ORDINANCE NO. 2024 - 034

### AN ORDINANCE TO SET A DATE FOR, AND TO APPROVE A PUBLIC NOTICE OF A PUBLIC HEARING ON THE TAX INCREMENT FINANCING (TIF) REDEVELOPMENT PLAN FOR THE DOWNTOWN TIF REDEVELOPMENT PROJECT AREA

**WHEREAS**, the City of Bloomington, McLean County, Illinois (the “City”) is a municipal corporation and political subdivision of the State of Illinois and as such is reviewing the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.* (the “Act”) for purposes of designated the Downtown Redevelopment Project Area; and

**WHEREAS**, pursuant to the Act, the City is required to adopt an ordinance fixing the time and place for the public hearing on the proposed Downtown Redevelopment Project Area; and

**WHEREAS**, the City desires to adopt this Ordinance in order to comply with such requirements of the Act.

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

**Section 1.** The above recitals are incorporated herein and made a part thereof.

**Section 2.** It is necessary and in the best interests of the City that a public hearing be held prior to the consideration of the adoption by the Mayor and City Council (the “*Corporate Authorities*”) of an ordinance or ordinances approving the Downtown TIF Redevelopment Project Area Tax Increment Financing Plan and Project (the “*Plan*”), designating the Downtown TIF as a “Redevelopment Project Area” (the “*Project Area*”) under the Act and adopting tax increment allocation financing, and accordingly, it is necessary that a date for such public hearing be established and notice thereof be given, all in accordance with the provisions of the Act.

**Section 3.** It is hereby determined that a public hearing (the “*Hearing*”) on the proposed Plan for the proposed Project Area, as legally described in *Exhibit A*, attached hereto and made a part hereof of this Ordinance, shall be held on the 8th day of July, 2024, at 6:00 p.m., at the Government Center, 115 East Washington Street, Bloomington, Illinois.

**Section 4.** Within a reasonable time after the adoption of this ordinance, a copy of the Plan and Project along with the name of the contact person at the City shall be sent to the affected taxing districts by certified mail.

**Section 5.** Notice of the Hearing is hereby authorized to be given by publication and mailing, said notice by publication to be given at least twice, the first publication to be no more than thirty (30) nor less than ten (10) days prior to the Hearing in a newspaper of general circulation within the taxing districts having property in the Project Area, and notice by mailing to be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the Project Area and to each residential address located within the Project Area, not less than ten (10) days prior to the date set for the Hearing. In the event taxes for the last preceding year were not paid, notice shall also be sent to the persons last listed on the tax rolls within the preceding three (3) years as owner(s) of such property.

**Section 6.** Notice of the Hearing is hereby directed to be in substantially the form found in *Exhibit B* which is attached hereto and made a part hereof.

**Section 7.** The notice provided for in Section 5 is hereby directed to be given by mail, not less than forty-five (45) days prior to the date set for the Hearing, to all taxing districts of which taxable property is included in the proposed Project Area and to the Illinois Department of Commerce and Economic Opportunity (“DCEO”). Notice shall include an invitation to each taxing district and DCEO to submit written comments to the City, in care of the City Clerk of the City of Bloomington, Government Center, 115 East Washington Street, STE 103, Bloomington, Illinois 61701 concerning the subject matter of the Hearing prior to the date of the Hearing.

**Section 8.** It is hereby ordered that a Joint Review Board (the “Board”) shall be convened on the 3rd day of June, 2024, at 9:00 a.m., at the City of Bloomington, Government Center, 115 East Washington Street, Bloomington, Illinois 61701, which is not sooner than fourteen (14) days nor later than twenty-eight (28) days following the notice to be given to all taxing districts, as provided in Section 7 above, to review the public record, the proposed Plan and the proposed ordinances approving the proposed Plan. The Joint Review Board shall consist of a representative selected by the community college district, the local community unit school district, the township, and county, all of which have authority to directly levy taxes on the property in the proposed Project Area, a representative selected by the City, and a public member to be selected by a majority of the other Board members, and shall act in accordance with the applicable provisions of the Act.

**Section 9.** The document entitled *Downtown TIF Redevelopment Project Area Tax Increment Financing Redevelopment Plan and Project* has been available for inspection and review commencing the 12<sup>th</sup> day of April, 2024, which is more than 10 days prior to the adoption of this Ordinance at the City Clerk Department at the City of Bloomington, Government Center, 115 East Washington Street, STE 103, Bloomington, Illinois, during regular office hours.

**Section 10.** Notice of the establishment of an interested parties’ registry which entitles all registrants to receive information on activities related to the proposed designation of a redevelopment project area and the preparation of a redevelopment plan and project is hereby authorized.

**Section 11.** If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**Section 12.** All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 13.** The City Clerk is hereby authorized to publish this Ordinance in pamphlet form as provided by law.

**Section 14.** 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 15.** This Ordinance shall take effect immediately after its approval and publication as required by law.

**PASSED** this 13th day of May, 2024

**APPROVED** this 17th day of May, 2024.

**CITY OF BLOOMINGTON**

*Mboka Mwilambwe*  
Mboka Mwilambwe, Mayor

**ATTEST**

*Leslie Smith-Yocum*  
Leslie Smith-Yocum, City Clerk



*Exhibit A*

Legal Description

Downtown Redevelopment Project Area

Legal Description

City of Bloomington – Redevelopment Project Area Boundary

A part of Section 4 and the N½ of Section 9, all in Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the southwest corner of Lot 17 in Block 4 of Durley's Addition, said point lying at the intersection of the east side of the public alley in said Block 4 and the north right of way line of Walnut Street; thence South along the east right of way line of the public alley in Block 7 in said Durley's Addition and the southerly extension thereof to the northwest corner of Lot 1 in Block 11 of said Durley's Addition on the south right of way line of Chestnut Street; thence West on said south right of way line to the northwest corner of said Block 11 on the east right of way line of East Street; thence South along said east right of way line to the southwest corner of said Block 11 on the north right of way line of Locust Street; thence East along said north right of way line to the southwest corner of Block 10 of said Durley's Addition on the east right of way line of Prairie Street; thence South along said east right of way line to the southwest corner of Block 3 in KH Fell's 2<sup>nd</sup> Addition to Bloomington on the north right of way line of Market Street; thence East on said north right of way line to the southwest corner Block 4 in said KH Fell's 2<sup>nd</sup> Addition on the east right of Gridley Street; thence South along said east right of way line to the southwest corner of the North 100 feet of Lot 6 in Block 2 in Evan's Addition to Bloomington; thence West 60 feet to the southeast corner of the North 100 feet of Lot 43 in White's Addition to Bloomington on the west right of way line of said Gridley Street; thence South along said west right of way line to the northeast corner of Lot 6 in said White's Addition to Bloomington on the south right of way line of Front Street; thence East 50 feet to the northwest corner of Block 7 in said Evan's 2<sup>nd</sup> Addition to Bloomington on the east right of way line of Gridley Street; thence South along said east right of way line and the southerly extension thereof to the north line of Block 2 of Schroeder's Addition to Bloomington on the south right of way line of Oakland Avenue; thence West on said south right of way line to the northeasterly right of way line of the Norfolk Southern Railroad; thence Northwesterly to a point at the intersection of the north right of way line of Oakland Avenue and the northerly right of way line of said Norfolk Southern Railroad; thence Northwesterly along said northerly railroad right of way line to the east right of way line of Main Street; thence South along said east right of way line to the northwest corner of Lot 1 in Wolcott's Addition to Bloomington on the south right of way line of Wood Street; thence West along said south right of way line to the northeast corner of Lot 1 in Hodler's Addition to Bloomington on the west right of way line of Center Street; thence North along said west right of way line to the northerly right of way line of the Norfolk Southern Railroad;

thence Northwesterly along said northerly railroad right of way line to the west right of way line of Lee Street; thence North on said west right of way line to the southeast corner of Parcel Two as conveyed to the City of Bloomington per the Warranty Deed recorded as Document No. 2005-24566; thence Northwesterly on the southerly line of said Parcel Two to the northwest corner thereof on the south right of way line of Olive Street; thence North to southwest corner of Parcel One as conveyed in said Document No. 20045-24566 on the north right of way line of Olive Street; thence Northeasterly on the northerly line of said Parcel One to the northeast corner thereof on the west right of way line of Lee Street; thence North along said west right of way line to the northeast corner of Lot 107 in James Allin's Addition to Bloomington on the south right of way line of Washington Street; thence West on said south right of way line to the northeast corner of Lot 1 in Leavitt's Subdivision to Bloomington on the west right of way line of Mason Street; thence North on said west right of way line and the northerly extension thereof to the north right of way line of Jefferson Street; thence East on said north right of way line to the southeast corner of Lot 3 in James Mason's Addition to Bloomington on the west right of way line of Oak Street; thence North on said west right of way line to point on the westerly extension of the north line of Lot 6 in Assessor's Subdivision of Block 32 of Allin, Gridley & Prickett's Addition to Bloomington; thence East on the north line of said Lot 6 and the easterly extension thereof to the west right of way line of Lee Street; thence North on said west right of way line to a point on the westerly extension of the north line of Lot 1 in George W. Anderson's Subdivision on the east right of way line of said Lee Street; thence South on said east right of way line to the southwest corner of Lot 2 in said George W. Anderson's Subdivision on the north right of way line of Monroe Street; thence East on said north right of way line to the southeast corner of Block 33 in said Allin, Gridley & Prickett's Addition to Bloomington on the west right of way line of Roosevelt Street; thence North along said west right of way line to the southeast corner of Lot 3 in Owner's Subdivision of Lot 9 and Part of Lot 8 in Block 16 of Allin, Gridley & Prickett's Addition to Bloomington on the north right of way line of Locust Street; thence East along said north right of way line to the southeast corner of Lot 11 in Block 12 in Durley's Addition to Bloomington on the west right of way line of the public alley; thence North along said west right of way line to the northeast corner of Lot 2 in said Block 12 on the south right of way line of Chestnut Street; thence West along said south right of way line to the northeast corner of Block 13 in Allin, Gridley & Prickett's Addition to Bloomington on the west right of way line of Main Street; thence North along said west right of way line to the southeast corner of Block 1 in said Allin, Gridley & Prickett's Addition to Bloomington on the north right of way line of Walnut Street; thence East along said north right of way line to the Point of Beginning.

*Exhibit B*

**NOTICE OF PUBLIC HEARING**

**CITY OF BLOOMINGTON, ILLINOIS, PROPOSED APPROVAL OF THE TAX INCREMENT FINANCING REDEVELOPMENT PLAN FOR THE DOWNTOWN REDEVELOPMENT PROJECT AREA**

Notice is hereby given that on the 8th day of July, 2024, at 6:00 p.m., at the City of Bloomington, Government Center, 115 East Washington Street, Bloomington, Illinois, a public hearing (the "*Hearing*") will be held to consider the approval of the proposed Downtown TIF Redevelopment Project Area Tax Increment Financing Redevelopment Plan and Project (the "*Plan*"), the designation of the Downtown TIF Redevelopment Project Area (the "*Project Area*") and the adoption of tax increment financing therefore. The Project Area consists of the territory legally described on *Exhibit A* and generally described as follows:

The Plan objectives are to reduce or eliminate blighting conditions, to enhance the tax base of the City and other affected taxing districts by encouraging private investment in residential, commercial, and other mixed-use development within the Project Area, and to preserve and enhance the value of properties therein, all in accordance with the provisions of the "Tax Increment Allocation Redevelopment Act," effective January 10, 1977, as amended (the "Act"). The City may issue obligations to finance project costs in accordance with the Plan, which obligations may also be secured by the special tax allocation fund and other available funds, if any, as now or hereafter permitted by law, and which also may be secured by the full faith and credit of the municipality.

At the Hearing, there will be a discussion of the Plan, designation of the Project Area, and the adoption of tax increment allocation financing for the Project Area. The Plan is on file and available for public inspection at the City Clerk Department at the City of Bloomington, Government Center, 115 East Washington Street, STE 103, Bloomington, Illinois.

Pursuant to the proposed Plan, the City proposes to facilitate redevelopment of the Project Area by incurring or reimbursing eligible redevelopment project costs, which may include, but shall not be limited to, studies, surveys, professional fees, property assembly costs, construction of public improvements and facilities, building and fixture rehabilitation, reconstruction, renovation and repair, financing costs, and interest costs, all as authorized under the Act. The Plan proposes to provide assistance by paying or reimbursing costs including, but not limited to, site assembly, analysis, professional services and administrative activities, public improvements and facilities, building rehabilitation, capital costs incurred by a taxing district as a direct result of a redevelopment project, the payment of financing and interest costs, and such other project costs as permitted by the Act pursuant to one or more redevelopment agreements.

Tax increment financing is a public financing tool that does not raise property taxes but is used to assist economic development projects by capturing the projected increase in the property tax revenue stream to be created by the increase of the assessed value of the development or development area and investing those funds in improvements associated with the project.

At the Hearing, all interested persons or affected taxing districts may file written objections with the City Clerk and may be heard orally with respect to any issues regarding the approval of the proposed Plan, designation of the Project Area, and adoption of tax increment allocation financing therefore.

The Hearing may be adjourned by the Mayor and City Council of the City without further notice other than a motion to be entered upon the minutes of the Hearing fixing the time and place of the subsequent hearing.

For additional information about the proposed Plan and Project and to file comments or suggestions prior to the hearing contact Ellen Robertson, Sr. Economic Development Specialist of the City of Bloomington, Government Center, 115 East Washington Street, Bloomington, Illinois, (309) 434-2443.

By Order of the Mayor and City Council of the City of Bloomington this 17th day of May, 2024.



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





**CONSENT AGENDA ITEM NO. 8.A.**

**FOR COUNCIL:** July 8, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action to Approve the Minutes of the June 10, 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 JUNE 10, 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

No Recognitions or Appointments were presented.

Public Comment

Mayor Mwilambwe read a public comment statement of procedure. No emailed public comment was received. Marty Siegle 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.

Council Member Boelen made a motion, seconded by Council Member Ward, to approve the Consent Agenda.

Item 7.A. Consideration and Action to Approve the Minutes of the May 13, 2024, Regular City Council Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 7.B. Consideration and Action to Approve the Minutes of the April 26, 2024, Day 1 City Council Retreat Special Council Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 7.C. Consideration and Action to Approve the Minutes of the April 27, 2024, Day 2 City Council Retreat Special Council Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 7.D. Consideration and Action on Approving Bills and Payroll in the Amount of \$9,033,353.21, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 7.E. 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.F. Consideration and Action on A Resolution Authorizing a Purchase Order with Hanson Professional Services, Inc., for Engineering and Design Services, Prior to Receiving an Executed Engineering Services Agreement from the Illinois Department of Transportation (IDOT) for the Hamilton Road Extension Project, in the Amount of \$143,790, as requested by the Department of Operations & Engineering Services. (Recommended Motion: The proposed Resolution be approved.)

RESOLUTION NO. 2024 - 030

A RESOLUTION AUTHORIZING A PURCHASE ORDER WITH HANSON PROFESSIONAL SERVICES, INC., FOR ENGINEERING AND DESIGN SERVICES, PRIOR TO RECEIVING AN EXECUTED ENGINEERING SERVICES AGREEMENT FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) FOR THE HAMILTON ROAD EXTENSION PROJECT, IN THE AMOUNT OF \$143,790

Item 7.G. Consideration and Action on A Resolution Waiving the Formal Bidding Requirements and Approving the Purchase of a Reel Grinder from Foley Company, in the Amount \$54,954, as requested by the Parks & Recreation Department. (Recommended Motion: The proposed Resolution be approved.)

RESOLUTION NO. 2024 - 031

A RESOLUTION WAIVING THE FORMAL BIDDING REQUIREMENTS AND APPROVING THE PURCHASE OF A REEL GRINDER FROM FOLEY COMPANY, IN THE AMOUNT \$54,954

Item 7.H. Consideration and Action on A Resolution Waiving the Formal Bidding Requirements and Approving an Agreement with Cargill, Inc., for the Purchase of Rock Salt, in the Amount of \$93.54 per Ton, as requested by the Public Works Department. (Recommended Motion: The proposed Resolution be approved.)

RESOLUTION NO. 2024 - 032

A RESOLUTION WAIVING THE FORMAL BIDDING REQUIREMENTS AND APPROVING AN AGREEMENT WITH CARGILL, INC., FOR THE PURCHASE OF ROCK SALT, IN THE AMOUNT OF \$93.54 PER TON

Item 7.I. Consideration and Action on (1) An Ordinance Amending the Budget Ordinance for the Fiscal Year ending April 30, 2025, in the Amount of \$150,000; and (2) A Resolution Approving the Acceptance of Additional Funds from the Illinois Housing Development Authority's (IHDA) Home Repair and Accessibility Program Round 1, in the Amount of \$150,000, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance and Resolution be approved.)

ORDINANCE NO. 2024 - 039

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR ENDING APRIL 30, 2025, IN THE AMOUNT OF \$150,000

RESOLUTION NO. 2024 - 033

A RESOLUTION APPROVING THE ACCEPTANCE OF ADDITIONAL FUNDS FROM THE ILLINOIS HOUSING DEVELOPMENT AUTHORITY'S (IHDA) HOME REPAIR AND ACCESSIBILITY PROGRAM ROUND 1, IN THE AMOUNT OF \$150,000

Item 7.J. Consideration and Action on A Resolution Authorizing a Change Order for the Contract with Bailey Edward Design, Inc., for Architectural Services for the Economic & Community Development Remodeling Project, in the Amount Not to Exceed \$8,000, as requested by the Department of Operations & Engineering Services. (Recommended Motion: The proposed Resolution be approved.)

RESOLUTION NO. 2024 - 034

A RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE CONTRACT WITH BAILEY EDWARD DESIGN, INC., FOR ARCHITECTURAL SERVICES FOR THE ECONOMIC & COMMUNITY DEVELOPMENT REMODELING PROJECT, IN THE AMOUNT NOT TO EXCEED \$8,000

Item 7.K. Consideration and Action on A Resolution Approving the Content of and Release of Certain Closed Session Meeting Minutes, and Authorizing the Destruction of Audio, as requested by the City Clerk Department. (Recommended Motion: The proposed Resolution be approved.)

RESOLUTION NO. 2024 - 035

A RESOLUTION APPROVING THE CONTENT OF AND RELEASE OF CERTAIN CLOSED SESSION MEETING MINUTES, AND AUTHORIZING THE DESTRUCTION OF AUDIO

Item 7.L. Consideration and Action on an Application from Times Past 2.0, LLC, d/b/a Times Past Inn, located at 1216 Towanda Ave., Requesting Approval of a Change in Ownership and Creation of a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed License be approved.)

Item 7.M. Consideration and Action on an Application from MIA Global Ventures, LLC, d/b/a Fusion Crunch, located at 616 N. Main St., Requesting Approval of the Creation of a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) liquor license, as requested by the City Clerk Department. (Recommended Motion: The proposed License be approved with the condition that alcohol sales cease at 1 a.m. on Fridays and Saturdays.)

Mayor Mwilambwe directed the Clerk to call roll:

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

Motion carried.

Regular Agenda

The following Item was presented:

Item 8.A. Consideration and Action on (1) An Ordinance Amending the Budget Ordinance for the Fiscal Year ending April 30, 2025, in the Amount of \$5,425,000 for both the General Fund, to Transfer to the Capital Improvement Fund, and the Capital Improvement Fund where the Purchase will be Executed; and (2) An Ordinance Approving a Real Estate Transaction and Agreement for the Purchase of Owens Nursery for the Relocation of the City's Public Works Campus, in the Amount of \$5,425,000, as requested by the Administration Department.

City Manager Jeff Jurgens discussed how the City had spent many years searching for property to accommodate a new campus for the Public Works Department as it had outgrown its current location. He indicated that a study had been completed in 2019 by a third party that evaluated the Department's needs. The company estimated the new campus would need to be at least 20 acres with 60,000-160,000 sqft. of facilities space and would run around a \$68-\$80 million. City Manager Jurgens went on to walk-through details of the Owen's Nursery property purchase and how it met both current and future needs of the Department. He mentioned that even with phasing improvements over the next few budget years, the property would still bring the City substantial cost savings. He reminded Council that in an effort to solve drainage issues the current Public Works campus had been selected as the location for the East Street Basin.

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

Council Member Montney express supported for the purchase, but was also concerned that the City had used a Decatur realtor instead of a local realtor. She shared an email from Former City Manager Tim Gleason describing why a non-Bloomington realtor had been chosen. City Manager Jurgens then discussed future opportunities for choosing local realtors, as well as additional efforts that had gone into the purchase agreement.

Mayor Mwilambwe directed the Clerk to call roll:

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

ORDINANCE NO. 2024 - 040

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR ENDING APRIL 30, 2025, IN THE AMOUNT OF \$5,425,000 FOR BOTH THE GENERAL FUND, TO TRANSFER TO THE CAPITAL IMPROVEMENT FUND, AND THE CAPITAL IMPROVEMENT FUND WHERE THE PURCHASE WILL BE EXECUTED

ORDINANCE NO. 2024 - 041

AN ORDINANCE APPROVING A REAL ESTATE TRANSACTION AND AGREEMENT FOR THE PURCHASE OF OWENS NURSERY FOR THE RELOCATION OF THE CITY'S PUBLIC WORKS CAMPUS, IN THE AMOUNT OF \$5,425,000

City Manager's Discussion

City Manager Jurgens provided an update on a coalition of 16 or so organizations that had been working to address homelessness. He then discussed upcoming events, the Lead Line Program, and wrapped up by sharing a new website, [www.BuildingBloomington.com](http://www.BuildingBloomington.com).

Mayor's Discussion

Mayor Mwilambwe thanked City Manager Jurgens for the efforts to aid in the homelessness issue and the upcoming housing symposium. He was excited about all of the recreation and activities happening in the City and thanked staff for their efforts. He reminded the community of the Town of Normal vs. City of Bloomington softball game that would kick-off the Juneteenth celebration on Saturday, June 22, 2024.

Council Member's Discussion

Council Member Ward thanked multiple staff from the Police Department for their recent walkthrough event in Ward 7.

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 6:31 P.M.

CITY OF BLOOMINGTON

ATTEST

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

\_\_\_\_\_  
Amanda Stutsman, Deputy City Clerk

DRAFT



**CONSENT AGENDA ITEM NO. 8.B.**

**FOR COUNCIL:** July 8, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on Approving Bills and Payroll in the Amount of \$8,529,146.97, 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 \$8,529,146.97 (Payroll total \$3,751,715.22 Accounts Payable total \$4,536,478.45, and Bank Transfers total \$240,953.30.

**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**

<b>Date</b>	<b>Gross Pay</b>	<b>Employer Contribution</b>	<b>Totals</b>
6/28/2024	\$ 2,923,513.43	\$ 633,684.26	\$ 3,557,197.69
			\$ -
Off Cycle Adjustments	\$ 194,007.00	\$ 510.53	\$ 194,517.53
<b>PAYROLL TOTAL</b>			<b>\$ 3,751,715.22</b>

**ACCOUNTS PAYABLE (WIRES)**

<b>Date</b>	<b>Bank</b>	<b>Total</b>
7/8/2024	AP General	\$ 3,517,199.50
7/8/2024	AP JMScott	\$ -
7/8/2024	AP Comm Devel	\$ 13,927.35
7/8/2024	AP IHDA	\$ -
7/8/2024	AP Library	\$ 51,380.43
7/8/2024	AP MFT	\$ 11,060.00
06/20/2024-06/28/2024	Out of Cycle AP	\$ 942,911.17
05/15/2024-06/26/2024	AP Bank Transfers	\$ 240,953.30
<b>AP TOTAL</b>		<b>\$ 4,777,431.75</b>

**PCARDS**

<b>PCARD TOTAL</b>	<b>\$0.00</b>
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<b>GRAND TOTAL</b>	<b>\$ 8,529,146.97</b>
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Respectfully,

**F Scott Rathbun**  
**Director of Finance**



**CONSENT AGENDA ITEM NO. 8.C.**

**FOR COUNCIL:** July 8, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on the Purchase of a Fire Safety Simulator from JHB Group, in the Amount of \$180,434.44, 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  
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  
Objective 1c. Engaged residents that are well informed and involved in an open governance process

**BACKGROUND:**

The Bloomington Fire Department is pleased to announce a partnership with State Farm Insurance and our Foreign Fire Board to purchase a community education tool that can help protect residents of all ages from the dangers of fire. The Fire Department is seeking approval to purchase a Fire Safety Simulator from JHB Group, a specialized mobile trailer that is critical in educating the public of all ages on fire and life safety.

The simulator utilizes a Fire Extinguisher Training System, advanced technology currently used to teach fire extinguisher training. The technology engages and allows people of all ages and degrees of mobility (fully ADA-compliant) to interact safely with situations of danger. This is critical to educating children, older adults, and people at high risk of needing emergency services as outlined in National Fire Protection Association (NFPA) Standard 13. This type of education capability aids in increasing the resiliency of residents during times of natural and man-made disasters. The JHB Fire Safety Simulator is an intricate part of the Fire Department's mission to provide community risk reduction services as part of the total fire protection strategic plan.

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

**FINANCIAL IMPACT:** If approved, the City will purchase a Fire Safety Simulator from JHB Group, in the Amount of \$180,434.44. Funds have been allocated in FY 2025 in the Fire-Capital Outlay Equipment other than office Account (10051210-72140). Stakeholders can locate this in the FY 2025 Budget Books titled: "Budget Overview & General Fund" on page 244 and "Other Funds & Capital Improvement" on page 99. A total of \$184,000 was

budgeted for this item. The City is receiving a grant from State Farm for \$60,000 and a donation from the Foreign Fire Board in the amount of \$30,108.61 to offset 50% of the total cost.

**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: Frank Friend, Fire Captain

**ATTACHMENTS:**

[FIRE 1B Quote](#)

[FIRE 1C Sole Source Sourcewell](#)

# JHB Group, Inc.

8545 Pyott Rd  
Lake In The Hills, IL 60156  
US  
team@jhbgroup.org  
www.JHBGroup.org



## Estimate

ADDRESS	SHIP TO	ESTIMATE	27FSS-BLM.4SW
City of Bloomington	City of Bloomington	DATE	06/10/2024
115 E. Washington St.	115 E. Washington St.	EXPIRATION	07/31/2024
Bloomington, IL 61701	Bloomington, IL 61701	DATE	

DATE	DESCRIPTION	QTY	RATE	AMOUNT
	Fire Safety Simulator - 27FT Configuration	1	140,737.08	140,737.08
	Fire Safety Simulator- 27FT	1	140,737.08	
	Aluminum Tube Construction	1	0.00	
	Cross Members 16 O/C	1	0.00	

V-Nose Design	V-Nose Design	1	0.00
Roof - One Piece Aluminum	Roof - One Piece Aluminum	1	0.00
3/4 Width Aluminum Ramp with 36" ATP Extension. 2000# Max Load.	3/4 Width Aluminum Ramp with 36" ATP Extension. 2000# Max Load.	1	0.00
Aluminum Hinge Gap Cover	Aluminum Hinge Gap Cover	1	0.00
Side Entrance Door 36"x78"	Side Entrance Door 36"x78"	1	0.00
Slide In/Out Step with Non-Skid Grip	Slide In/Out Step with Non-Skid Grip	1	0.00
Insulation - Reflective Bubble	Insulation - Reflective Bubble	1	0.00
G-Floor Vinyl Flooring	G-Floor Vinyl Flooring	1	0.00
DOT Lighting Package	DOT Lighting Package	1	0.00
5200# Torsion Axle with EZ Lube Hubs & Electric Brakes	5200# Torsion Axle with EZ Lube Hubs & Electric Brakes	2	0.00
2 5/16" Coupler	2 5/16" Coupler	1	0.00
Screw-Less Aluminum Exterior	Screw-Less Aluminum Exterior	1	0.00
2000# Electric Tongue Jack	2000# Electric Tongue Jack	1	0.00
Lippert High-Speed Power Stabilizer Jack	Lippert High-Speed Power Stabilizer Jack	1	0.00
ST225/75R15/LRE Premium Aluminum Wheels	Tire/Wheel: ST225/75R15/LRE Premium Aluminum Wheels	4	0.00
3/8 Plywood with FRP Walls	3/8 Plywood with FRP Walls	1	0.00
Premium Power Roof Vent with MaxxVent Cover	Premium Power Roof Vent with MaxxVent Cover	1	0.00
2.5# Fire Extinguisher	2.5# Fire Extinguisher	1	0.00
Smoke/CO Detector	Smoke/CO Detector	1	0.00
Electric - 12v Master Power Switch	Electric - 12v Master Power Switch	1	0.00
Electric- AGM Battery. 750 CCA, 870 CA, 120 Minute Reserve Capacity	Electric- AGM Battery. 750 CCA, 870 CA, 120 Minute Reserve Capacity	3	0.00
Solar Charging System	(2)100w Solar Charging Panel. Smart Solar Charging Controller. Heavy Duty Solar Cables.	1	0.00
JHB Non-Penetrating Roof Mounting System	Exclusive! JHB Non-Penetrating Roof Mounting System. All communication and antennas are mounted on floating	1	0.00

	bracket system with no roof penetration to remove concerns for longterm leaking.			
Air Condition 14,000BTU	Air Condition 14,000BTU	1	0.00	
4500 Peak Watt Remote/Electric Start Dual Fuel Inverter Generator	4500 peak watts and 3700 running watts on gasoline 4050 peak watts and 3300 running watts on propane 5% THD for sensitive electronics like phones, TVs and computers RV Ready TT-30R outlet for campgrounds and tailgates Super quiet and lightweight: as low as 52 dBA, only 104.7 lbs	1	0.00	
Power Awning - 16ft Power Awning with Weatherguard	Power Awning - 16ft Power Awning with Weatherguard	1	0.00	
Swivel Rear Skid Bogie Wheel	Swivel Rear Skid Bogie Wheel	2	0.00	
3M Commercial VHB Tape	3M Commercial VHB Tape	1	0.00	
3M High Grade Silicone	3M High Grade Silicone	1	0.00	
XO Ratchet Jack	JHB-OPT-XOJ - Ark Dual Wheel Ratchet Jack	1	430.80	430.80
Wi-Fi Tablet Control System - JHB Proprietary	JHB-COM-ELAN : JHB Group proprietary tablet control system. iPad. Heavy-Duty Protective Case. Magnet Mounting. Custom Control System. Remote Camera Viewing. Remote Trailer Controls.	1	0.00	0.00T
Fire Safety Props- Kitchen	Fire Safety Props: Kitchen - Oven fire with shutoff. Pot on stove with smoke and flame effects. Toaster with smoke and flame effect. Electrical breaker box. Gas shut off. Water shut off. Illuminated window with custom imagery. Hazardous chemicals cabinets under sink with child safety lock demo.	1	0.00	0.00T
Fire Safety Props - Bedroom	Fire Safety Props: Bedroom - Children's bed. Flickering lamp on nightstand with outlet. ADA movable wall. Illuminated window with custom imagery.	1	0.00	0.00T
Fire Safety Props - Heated Door with Smoke and Fire Effect	Fire Safety Props - Heated Door with Smoke and Fire Effect. Low voltage heated door element. Door alarm with silence button. Smoke and fire effect. Laundry basket with cloths.	1	0.00	0.00T
Exterior TV Compartment with 37in LED TV	JHB-OPT-39EXT Custom Exterior TV Compartment with 37in LED Smart TV.	1	2,398.00	2,398.00

	110V Outlet. HDMI Input. Wall Mount Bracket.			
Severe Weather Package - FSS	JHB-FSS-SVRWTH : Shake, Rattle and Roll Severe Weather System featuring 4 types of weather emergencies with special lighting, sound and vibration effects. Only available with Fire Safety Simulators (JHB-FSS-27).	1	7,992.60	7,992.60
FSS-Industrial/Utility Hazard Package- GSA	JHB-FSS-BBQ Flammable liquids cabinet with hidden TV, electrical hazard, leaking gas hazard, lock-out tag-out and BBQ grill simulator. Available option with HAT-FS-TL.	1	9,650.30	9,650.30
PolyCor AP- Exterior - 27FT	JHB-PSP-POLY27 Poly-Cor AP is structurally designed to prevent oil canning even in extreme temperatures, and has a polyester paint that can be easily cleaned with standard household cleaning products. Poly-Cor AP makes for a cooler, brighter, quieter and better looking trailer.	1	5,900.00	5,900.00
Custom Graphic Package – Full	JHB-ART-GHFL: Custom Graphics Package – Complete Graphics Package with custom design, 3M printed vinyl and installation.	1	15,758.00	15,758.00
Transport Prep & Virtual Training		1	1,250.00	1,250.00
Sourcewell Contract Training Pricing Discount	Sourcewell Contract Training Pricing Discount JHB Group 011822-JHB Bloomington Account # 25014	1	0.00	0.00T

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Tax Not Included. Delivery Not Included.

SUBTOTAL	184,116.78
DISCOUNT 2%	-3,682.34
TAX	0.00
-----	
<b>TOTAL</b>	<b>\$180,434.44</b>

Accepted By

Accepted Date



JHB Group, Inc.  
8545 Pyott Rd.  
Lake In The Hills, IL 60156  
(657) 667-3473  
www.JHBGroup.org

June 1, 2024

**SOLE SOURCE LETTER**

To Whom It May Concern:

*This letter is to confirm that the Fire Safety Simulator is a sole source product, manufactured, sold and distributed exclusively by JHB Group, Inc. No division of JHB Group, Inc. nor any other company, makes a similar or competing mobile platform with equal innovation, design and features.*

**Key features of the Fire Safety Simulator:**

- US Patent # 10,188,955
- Low Profile Rear Ramp with ADA Accessibility- Exclusive!
- FiAR- Augmented Reality Fire Extinguisher Training System – Exclusive!
- VR- Fire Sprinkler Demo System – Exclusive!
- Solar Charging- Exclusive!
- UV Disinfectant Light System- Proprietary
- Easy Clean Interior – Meets USDA, FDA and LA County Requirements - Exclusive!
- Tablet Control System – Proprietary
- Available via Sourcewell Contract # 011822-JHB

This product must be purchased directly by institutions from JHB Group, Inc. at the address listed above. There are no agents or dealers authorized to represent this product.

Additionally, competition is precluded by the existence of a US Patent on our fire safety events platforms.

There is no other like item(s) or product(s) available for purchase that would serve the same purpose or function and there is only one price for the above name(s) item(s) or product(s) because of exclusive production and, distribution.

If you desire additional information, don't hesitate to contact me at (657)667-3473 at any time or visit our website at www.JHBGroup.org. Thank you for your interest in our mobile platforms.

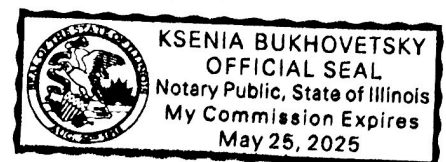
Sincerely,

Chris Gantz, CEO  
JHB Group, Inc.

SUBSCRIBED AND SWORN to before me on this 11 day of June, 20 24.  
[Signature] Ksenia Bukhovetsky  
Notary Public Signature Printed Name

My Commission Expires: May 25 2025

JHB Group, Inc. ©2024 All Rights Reserved





**CONSENT AGENDA ITEM NO. 8.D.**

**FOR COUNCIL:** July 8, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on a Resolution Authorizing the Rejection of All Bids for the Wylie & Maple Hill Drive Intersection Improvements Project (Bid #2025-03), as requested by the Department of Operations & Engineering Services.

**RECOMMENDED MOTION:** The proposed Resolution 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:** If approved, the City will reject all bids for the Wylie & Maple Hill Drive Intersection Improvements project. The project was advertised as Bid #2025-03 to solicit competitive bids for intersection improvements at the intersection of Wylie Drive and Maple Hill Drive. Bids were received until 10:00 A.M. on Monday, June 10, 2024, electronically via the City's e-Procurement Portal, *OpenGov*. The City received one bid from Stark Excavating, Inc., totaling \$984,316.

The bid solicitation states that the City retains the rights to reject any and all bids and to waive technicalities. The budgeted amount for the project was \$629,633. After further review of the bid submission by City staff, the City is looking at alternative solutions that may be more cost-effective for this project. The Department of Operations and Engineering Services will rebid this project at a later date with an amended scope. A full bid tabulation is attached.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The work was advertised in *The Pantagraph* and on *OpenGov* on May 9, 2024.

**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: Brock Sutton, Engineer

**ATTACHMENTS:**

[DOES 1B Resolution](#)

[DOES 1C Bid Tab](#)

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

**A RESOLUTION AUTHORIZING THE REJECTION OF ALL BIDS FOR THE WYLIE & MAPLE HILL DRIVE INTERSECTION IMPROVEMENTS PROJECT (Bid #2025-03)**

**WHEREAS**, the City solicited competitive bids for Wylie & Maple Hill Drive Intersection Improvements project; and

**WHEREAS**, one bid for this project was received; and

**WHEREAS**, the bid was higher than the budgeted amount for this project; and

**WHEREAS**, Staff are looking at alternative solutions that may be more cost-effective; and

**WHEREAS**, Staff believe the rejection of all bids is in the best interest of the City; and

**WHEREAS**, the bid solicitation states that the City retains the right to reject any and all bids and to waive technicalities;

**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 reject the bid for Bid #2025-03.

**PASSED** this 8th day of July 2024.

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

**CITY OF BLOOMINGTON**

**ATTEST**

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

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



**EVALUATION TABULATION**

ITB No. Bid #2025-03

Wylie & Maple Hill Drive Intersection Improvements

RESPONSE DEADLINE: June 10, 2024 at 10:00 am

Report Generated: Monday, June 17, 2024

**SELECTED VENDOR TOTALS**

Vendor	Total
Stark Excavating, Inc.	\$984,316.00

**BID #2025-03 WYLIE & MAPLE HILL DR INTERSECTION IMPROVEMENTS**

Base Bid

Bid #2025-03 Wylie & Maple Hill Dr Intersection Improvements					Stark Excavating, Inc.	
Selected	Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
X	20200100	EARTH EXCAVATION	173	CU YD	\$265.00	\$45,845.00
X	20201200	REMOVAL AND DISPOSAL OF UNSUITABLE MATERIAL	60	CU YD	\$65.00	\$3,900.00
X	21101505	TOPSOIL EXCAVATION AND PLACEMENT	107	CU YD	\$150.00	\$16,050.00
X	21101600	TOPSOIL FURNISH AND PLACE, VARIABLE DEPTH	513	SQ YD	\$11.50	\$5,899.50
X	21400100	GRADING AND SHAPING DITCHES	130	FOOT	\$51.00	\$6,630.00
X	25000110	SEEDING, CLASS 1A	0.3	ACRE	\$6,600.00	\$1,980.00
X	25000400	NITROGEN FERTILIZER NUTRIENT	27	POUND	\$3.00	\$81.00
X	25000500	PHOSPHORUS FERTILIZIER NUTRIENT	27	POUND	\$3.00	\$81.00

EVALUATION TABULATION

ITB No. Bid #2025-03

Wylie & Maple Hill Drive Intersection Improvements

Bid #2025-03 Wylie & Maple Hill Dr Intersection Improvements					Stark Excavating, Inc.	
Selected	Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
X	25000600	POTASSIUM FERTILIZER NUTRIENT	27	POUND	\$3.00	\$81.00
X	25100630	EROSION CONTROL BLANKET	1482	SQ YD	\$2.25	\$3,334.50
X	28000305	TEMPORARY DITCH CHECKS	30	FOOT	\$2.60	\$78.00
X	28000400	PERIMETER EROSION BARRIER	1440	FOOT	\$2.60	\$3,744.00
X	28000500	INLET AND PIPE PROTECTION	3	EACH	\$300.00	\$900.00
X	28000510	INLET FILTERS	9	EACH	\$160.00	\$1,440.00
X	28100107	STONE RIPRAP, CLASS A4	38	SQ YD	\$325.00	\$12,350.00
X	28200200	FILTER FABRIC	38	SQ YD	\$16.50	\$627.00
X	35101400	AGGREGATE BASE COURSE, TYPE B	80	TON	\$60.00	\$4,800.00
X	35101600	AGGREGATE BASE COURSE, TYPE B 4"	1523	SQ YD	\$30.00	\$45,690.00
X	35101800	AGGREGATE BASE COURSE, TYPE B 6"	115	SQ YD	\$43.00	\$4,945.00
X	35300300	PORTLAND CEMENT CONCRETE BASE COURSE 8"	115	SQ YD	\$144.00	\$16,560.00
X	40600290	BITUMINOUS MATERIALS (TACK COAT)	52	POUND	\$6.00	\$312.00
X	40604050	HOT-MIX ASPHALT SURFACE COURSE, IL-9.5, MIX "C", N50	16	TON	\$250.00	\$4,000.00
X	42000060	WELDED WIRE REINFORCEMENT	97	SQ YD	\$23.00	\$2,231.00
X	COB42401	PCC SIDEWALK, SPECIAL	115	SQ FT	\$385.00	\$44,275.00

EVALUATION TABULATION

Invitation to Bid - Wylie & Maple Hill Drive Intersection Improvements

EVALUATION TABULATION

ITB No. Bid #2025-03

Wylie & Maple Hill Drive Intersection Improvements

Bid #2025-03 Wylie & Maple Hill Dr Intersection Improvements					Stark Excavating, Inc.	
Selected	Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
X	42000300	PORTLAND CEMENT CONCRETE PAVEMENT 8" (JOINTED)	1257	SQ YD	\$140.00	\$175,980.00
X	42300400	PORTLAND CEMENT CONCRETE DRIVEWAY PAVEMENT, 8 INCH	357	SQ YD	\$162.50	\$58,012.50
X	42400300	PORTLAND CEMENT CONCRETE SIDEWALK 6 INCH	7233	SQ FT	\$17.50	\$126,577.50
X	42400800	DETECTABLE WARNINGS	95	SQ FT	\$33.00	\$3,135.00
X	44000100	PAVEMENT REMOVAL	1295	SQ YD	\$29.00	\$37,555.00
X	44000200	DRIVEWAY PAVEMENT REMOVAL	397	SQ YD	\$17.00	\$6,749.00
X	44000400	GUTTER REMOVAL	10	FOOT	\$6.50	\$65.00
X	44000500	COMBINATION CURB AND GUTTER REMOVAL	842	FOOT	\$6.50	\$5,473.00
X	44000600	SIDEWALK REMOVAL	478	SQ FT	\$2.00	\$956.00
X	COB44201	CLASS D PATCHES, TYPE II, 2 1/2 INCH	9	SQ YD	\$80.00	\$720.00
X	COB44202	CLASS D PATCHES, TYPE III, 2 1/2 INCH	19	SQ YD	\$83.00	\$1,577.00
X	COB44203	CLASS D PATCHES, TYPE IV, 2 1/2 INCH	217	SQ YD	\$61.00	\$13,237.00
X	50900805	PEDESTRIAN RAILING	47	FOOT	\$280.00	\$13,160.00
X	54213657	PRECAST REINFORCED CONCRETE FLARED END SECTIONS 12"	2	EACH	\$1,700.00	\$3,400.00
X	550A0050	STORM SEWERS, CLASS A, TYPE 1 12"	64	FOOT	\$210.00	\$13,440.00
X	55100500	STORM SEWER REMOVAL 12"	59	FOOT	\$35.00	\$2,065.00

EVALUATION TABULATION

Invitation to Bid - Wylie & Maple Hill Drive Intersection Improvements

EVALUATION TABULATION

ITB No. Bid #2025-03

Wylie & Maple Hill Drive Intersection Improvements

Bid #2025-03 Wylie & Maple Hill Dr Intersection Improvements					Stark Excavating, Inc.	
Selected	Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
X	60218300	MANHOLES, TYPE A, 4' DIAMETER, TYPE 1 FRAME, OPEN LID	1	EACH	\$4,700.00	\$4,700.00
X	60240220	INLETS, TYPE B, TYPE 3 FRAME AND GRATE	4	EACH	\$3,100.00	\$12,400.00
X	60261100	INLETS TO BE ADJUSTED WITH NEW TYPE 9 FRAME AND GRATE	1	EACH	\$1,500.00	\$1,500.00
X	60266600	VALVE BOXES TO BE ADJUSTED	3	EACH	\$450.00	\$1,350.00
X	60500060	REMOVING INLETS	2	EACH	\$1,100.00	\$2,200.00
X	60604400	COMBINATION CONCRETE CURB AND GUTTER, TYPE B-6.18	926	FOOT	\$102.00	\$94,452.00
X	60619600	CONCRETE MEDIAN, TYPE SB-6.12	490	SQ FT	\$26.00	\$12,740.00
X	67100100	MOBILIZATION	1	L SUM	\$6,700.00	\$6,700.00
X	70107007	PAVEMENT MARKING BLACKOUT TAPE, 7"	110	FOOT	\$4.75	\$522.50
X	70307120	TEMPORAY PAVEMENT MARKING - LINE 4" - TYPE IV TAPE	1060	FOOT	\$1.55	\$1,643.00
X	72400500	RELOCATE SIGN PANEL ASSEMBLY - TYPE A	6	EACH	\$205.00	\$1,230.00
X	78001100	PAINT PAVEMENT MARKING - LETTERS AND SYMBOLS	63	SQ FT	\$3.75	\$236.25
X	78001130	PAINT PAVEMENT MARKING - LINE 6"	1082	FOOT	\$4.75	\$5,139.50
X	78001140	PAINT PAVEMENT MARKING - LINE 8"	144	FOOT	\$6.75	\$972.00
X	78001150	PAINT PAVEMENT MARKING - LINE 12"	153	FOOT	\$10.50	\$1,606.50
X	78001180	PAINT PAVEMENT MARKING - LINE 24"	25	FOOT	\$19.00	\$475.00

EVALUATION TABULATION

Invitation to Bid - Wylie & Maple Hill Drive Intersection Improvements

EVALUATION TABULATION

ITB No. Bid #2025-03

Wylie & Maple Hill Drive Intersection Improvements

Bid #2025-03 Wylie & Maple Hill Dr Intersection Improvements					Stark Excavating, Inc.	
Selected	Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
X	78300201	PAVEMENT MARKING REMOVAL - GRINDING	28	SQ FT	\$6.25	\$175.00
X	Z0013798	CONSTRUCTION LAYOUT	1	L SUM	\$7,888.25	\$7,888.25
X	Z0062456	TEMPORARY PAVEMENT	60	SQ YD	\$175.00	\$10,500.00
X	X0322916	PROPOSED STORM SEWER CONNECTION TO EXISTING STORM SEWER	2	EACH	\$1,350.00	\$2,700.00
X	X0327618	LANDSCAPING (SPECIAL)	1	L SUM	\$2,900.00	\$2,900.00
X	X7010216	TRAFFIC CONTROL AND PROTECTION, (SPECIAL)	1	L SUM	\$50,250.00	\$50,250.00
X	X8030106	LOCATING UNDERGROUND UTILITIES	15	FOOT	\$340.00	\$5,100.00
X	X8040510	RELOCATE ELECTRIC SERVICE	1	EACH	\$9,000.00	\$9,000.00
Total						\$924,316.00

**BID #2025-03 WYLIE & MAPLE HILL DR INTERSECTION IMPROVEMENTS**

Contingency

Bid #2025-03 Wylie & Maple Hill Dr Intersection Improvements					Stark Excavating, Inc.	
Selected	Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
X	COB00620	CONTINGENCY	1	L SUM	\$60,000.00	\$60,000.00
Total						\$60,000.00

EVALUATION TABULATION

Invitation to Bid - Wylie & Maple Hill Drive Intersection Improvements

Page 5



**CONSENT AGENDA ITEM NO. 8.E.**

**FOR COUNCIL:** July 8, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on a Resolution Amending the Contract with Stewart Spreading Inc., for Lime Sludge Removal, Due to Changes to the Prevailing Wage Act of the State of Illinois Public Act 103-0327, as requested by the Water Department.

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

**STRATEGIC PLAN LINK:**

Goal 1. Financially Sound City Providing Quality Basic Services

Goal 2. Upgrade City Infrastructure and Facilities

**STRATEGIC PLAN SIGNIFICANCE:**

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

Objective 2b. Quality water for the long term

**BACKGROUND:** The Water Department is recommending the approval of a Resolution amending the contract with Stewart Spreading, Inc. for lime sludge removal. The amended contract is required due to changes within the Illinois Prevailing Wage Act, which became effective on January 1, 2024. Illinois Public Act 103-0327 amended Section 2 of the Prevailing Wage Act. The change to the Illinois statute resulted in substantial increases to the cost of direct labor.

When the original contract was approved, the prevailing wage was not required for lime sludge removal operations but due to changes in the Illinois Prevailing Wage Act, to comply with the new statute, Stewart Spreading, Inc., must increase the rate of pay for all workers, resulting in an increase of 17.99% in the cost per dry ton removed from the City's three lime sludge lagoons. The law states that *"Public works projects also includes the removal, hauling, and transportation of biosolids, lime sludge, and lime residue from a water treatment plant or facility and the disposal of biosolids, lime sludge, and lime residue removed from a water treatment plant or facility at a landfill."* Lime sludge removal is heavily dependent on truck drivers to haul the harvested lime sludge to the farm fields where it is then spread on fields prior to spring planting. On a typical day of sludge removal, it is not uncommon for Stewart Spreading, Inc. to harvest 115 semi-loads of lime sludge per day.

The current contract was formally solicited (RFP #2022-08), with the Request for Proposal being released on July 19, 2021. Two companies submitted competitive proposals, Stewart Spreading, Inc. and J. Oros Environmental, Inc., with Stewart Spreading being awarded the contract on September 13, 2021.

The City has three sludge lagoons, located west of the Water Treatment Plant at Lake Bloomington. Lime sludge is a reusable byproduct of the water-softening process. This

process must take place each year as the water softening process produces in excess of 5,000 dry-tons per year. The lime sludge is removed from the sludge lagoon by the contractor and applied to farmland for pH control. The water content of the lime makes it expensive to transport to fields, but the material reacts more quickly than powdered limestone. The time window for application is from after the crop is harvested to when the ground becomes frozen, or snow-covered. To date, Stewart Spreading, Inc. has removed 47,250 dry-tons of lime sludge and has proven to be an invaluable partner to the City.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Stewart Spreading, Inc.

**FINANCIAL IMPACT:** The Water Department has budgeted \$1,308,000 for FY 2025 lime sludge removal. The Department will exhaust the funds from the budgeted amount and reassess the remaining amount of lime sludge to be removed. If funds are available and there is a sufficient amount of lime sludge still to be removed, the Department will increase funds at that time. This is paid from the Water Purification-Landfill Fees account (50100130-70650). Stakeholders can locate this in the FY 2025 Budget Book titled "Other Funds & Capital Improvement" on page 132.

**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-1.5. (Reliable water supply and distribution system that meets the needs of current and future residents)

Respectfully submitted for consideration.

Prepared by: Joe Darter, Property Manager

**ATTACHMENTS:**

[WTR 1B Resolution](#)

[WTR 1C Resolution Exhibit A - Agreement](#)

[WTR 1D Illinois Public Act 103-0327](#)

[WTR 1E Current Contract](#)

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

**A RESOLUTION AMENDING THE CONTRACT WITH STEWART SPREADING INC., FOR LIME SLUDGE REMOVAL, DUE TO CHANGES TO THE PREVAILING WAGE ACT OF THE STATE OF ILLINOIS PUBLIC ACT 103-0327**

**WHEREAS**, on September 13, 2021, an Agreement for Lime Sludge Removal (“Agreement”) was made between the CITY and STEWART SPREADING INC. (“Stewart”) for removal of lime sludge at the City of Bloomington’s lime sludge lagoons; and

**WHEREAS**, the Public Act 103-0327 which amended Section 2 of the Illinois Prevailing Wage Act passed and became effective January 1, 2024, resulting in substantial increases to the cost of direct labor; and

**WHEREAS**, the prices initially quoted by Stewart did not account for changes to Prevailing Wage rates; and

**WHEREAS**, the parties desire to amend the Agreement, as set forth herein, to extend the term of the Agreement through April 30, 2026, and to update pricing to reflect the increase in Prevailing Wage rates, attached hereto as Exhibit A.

**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 execute the agreement amendment (Exhibit A), and any other necessary documents.

**PASSED** this 8th day of July 2024.

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

**CITY OF BLOOMINGTON**

**ATTEST**

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

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

**SECOND AMENDMENT TO AGREEMENT  
FOR LIME SLUDGE REMOVAL  
WITH STEWART SPREADING INC.  
FOR EXTENSION OF AGREEMENT THROUGH THE END OF FY2026**

This Second Amendment, made and entered into this \_\_\_ day of July, 2024 by and between THE CITY OF BLOOMINGTON, ILLINOIS, (hereinafter “CITY”), and STEWART SPREADING INC., (hereinafter “STEWART”), WITNESSETH that:

WHEREAS, on September 13, 2021, an Agreement for Lime Sludge Removal (“Agreement”) was made between the CITY and STEWART for removal of lime sludge at the City of Bloomington lime sludge lagoons;

WHEREAS, the Agreement provided the City three optional one-year renewal periods and the City would like to extend for the remaining two optional years; and

WHEREAS, Public Act 103-0327 which amended Section 2 of the Illinois Prevailing Wage Act passed and became effective January 1, 2024, resulting in substantial increases to the cost of direct labor; and

WHEREAS, the prices initially quoted by Stewart did not account for changes to Prevailing Wage rates; and

WHEREAS, the parties desire to amend the Agreement, as set forth herein, to extend the term of the Agreement through April 30, 2026 and to update pricing to reflect the increase in Prevailing Wage rates.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants set forth herein, the parties hereto, intending legally to be bound, agree to incorporate the above recitals as if fully restated herein and further agree as follows:

1. Recitals. The recitals set forth above shall be incorporated into the terms and conditions of this First Amendment as if fully set forth herein.

2. Amendment to Agreement. In Section 3. Description of Services, the following addition shall be made to existing language:

~~The initial term is from 9/13/21 to 4/30/23. A minimum of 30,000 dry tons must be removed from 09/13/21 to 4/30/23. Subsequent fiscal years will require a minimum of 15,000 dry tons to be removed each subsequent contract year.~~ This Agreement shall be extended through April 30, 2026.

On Exhibit B, pricing shall be amended as follows:

Initial Term of Contract September 13, 2021 – April 20, 2023 Unit Price Per dry-ton \$73.21  
Annual Optional Renewal #1 May 1, 2023 – April 30, 2024 Unit Price Per dry-ton \$77.37  
Annual Optional Renewal #2 May 1, 2024 – April 30, 2025 Unit Price Per dry-ton \$96.45  
Annual Optional Renewal #3 May 1, 2025 – April 30, 2026 Unit Price Per dry-ton \$101.86

3. In all other respects the Agreement for Lime Sludge Removal shall remain unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment to the Agreement for Lime Sludge Removal in duplicate this day and year first above written.

**CITY OF BLOOMINGTON**

**STEWART SPREADING INC.**

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

By: *M. J. Halmagyi*  
Its Representative

ATTEST:

ATTEST:

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

By: *Michelle Stewart*  
Its Secretary



AN ACT concerning employment.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Prevailing Wage Act is amended by changing Section 2 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance

Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other funds made available pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part with funds from the Environmental Protection Agency under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act; and (iv) all transportation facilities undertaken under a design-build contract or a Construction Manager/General Contractor contract under the Innovations for Transportation Infrastructure Act. "Public works" also includes all projects at leased facility property used for airport purposes under

Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) and the construction of a new utility-scale solar power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act. "Public works" also includes electric vehicle charging station projects financed pursuant to the Electric Vehicle Act and renewable energy projects required to pay the prevailing wage pursuant to the Illinois Power Agency Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects performed by a third party contracted by any public utility, as described in subsection (a) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects that exceed 15 aggregate miles of new fiber optic cable, performed by a third party contracted by any public utility, as described in subsection (b) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of

public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" also includes the removal, hauling, and transportation of biosolids, lime sludge, and lime residue from a water treatment plant or facility and the disposal of biosolids, lime sludge, and lime residue removed from a water treatment plant or facility at a landfill. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction

is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

"Labor organization" means an organization that is the exclusive representative of an employer's employees recognized or certified pursuant to the National Labor Relations Act.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in

which the work is being performed, to employees engaged in work of a similar character on public works.

(Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21; 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff. 6-15-22.)

**CITY OF BLOOMINGTON**  
**CONTRACT WITH**  
 Stewart Spreading Inc.  
**FOR**  
 Lime sludge removal

**THIS AGREEMENT**, dated this 13th day of September, 2021, is between the City of Bloomington (hereinafter "CITY") and Stewart Spreading Inc. (hereinafter "CONTRACTOR").

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

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

**Section 2. Incorporation of Bid/RFP/RFO & Proposal Terms.** This work was subject to the following procurement initiative by the CITY:  
RFP#2022-08 Lime Sludge Removal from Sludge Lagoons (hereinafter "Request")

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

**Section 3. Description of Services.** CONTRACTOR shall provide the services/work identified in the Procurement Documents, and specifically as follows: The initial term is from 9/13/21 to 4/30/23. A minimum of 30,000 dry tons must be removed from 9/13/21 to 4/30/23.  
Subsequent fiscal years will require a minimum of 15,000 dry tons to be removed  
each subsequent contract year.

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF BLOOMINGTON

By: [Signature]  
Its City Manager

ATTEST:

By: [Signature]  
City Clerk



Stewart Spreading Inc.

By: [Signature]  
Its owner

By: [Signature]  
Its Business Development mgr.

**EXHIBIT A**  
**SCOPE OF SERVICES / WORK PROVIDED**

Furnish all equipment, materials, labor and coordination to remove lime sludge from the City of Bloomington lime sludge lagoons.

**EXHIBIT B  
PAYMENT TERMS**

Initial Term of Contract	September 13, 2021 – April 30, 2023	Unit Price Per dry-ton	\$73.21
Annual Optional Renewal #1	May 1, 2023 – April 30, 2024	Unit Price Per dry-ton	\$77.37
Annual Optional Renewal #2	May 1, 2024 – April 30, 2025	Unit Price Per dry-ton	\$81.74
Annual Optional Renewal #3	May 1, 2025 – April 30, 2026	Unit Price Per dry-ton	\$86.33



**CONSENT AGENDA ITEM NO. 8.F.**

**FOR COUNCIL:** July 8, 2024

**WARD IMPACTED:** Ward 1

**SUBJECT:** Consideration and Action on a Resolution Authorizing a Change Order for the Design Contract with Stanley Consultants, Inc., for the Meadowbrook Subdivision Improvement Project, in an Amount Not to Exceed \$59,267, as requested by the Water Department and the Department of Operations & Engineering Services.

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

**STRATEGIC PLAN LINK:**

Goal 2. Upgrade City Infrastructure and Facilities

**STRATEGIC PLAN SIGNIFICANCE:**

Objective 2b. Quality water for the long term

**BACKGROUND:** The Meadowbrook Subdivision, which was built in the early 1950s and located on the City's southeast side is bound by Lincoln Street to the north and McGregor Street to the west. The neighborhood has 183 single-family homes. The water main replacement will upgrade the water distribution infrastructure and improve system reliability, fire protection, water quality, and pressure. The project intends to replace approximately 6,800 linear feet of 6- inch ductile iron water mains within the development on Meadowbrook Drive, Lafayette Street, Magnolia Drive, and Conley Circle, with 8-inch ductile iron pipe. 6-inch and 12-inch water mains located within McGregor Street will be replaced. Additionally, the 6-inch service line along Lincoln Street on the north will be abandoned in place and water line services will be changed over to the adjacent 12-inch main. All water service lines will be replaced from the water main to the water meter located inside the homes. This project was put out for formal solicitation Bid 2024-49 on March 27, 2024 and awarded to George Gildner Inc.

Due to the complexity of the project, schedule delays, and scope changes to the plans, have contributed to a change order request from the consultant. Stanley is requesting a change order for the additional time related to the project and design changes. Staff evaluated the request from Stanley and is recommending that the change order be approved. The change order is germane to the original contract as signed and is in the best interest of the City.

If approved, the City will execute a change order to the contract with Stanley Consultants for the Meadowbrook Subdivision project for additional services related to the project. On March 14, 2022, the City entered into an agreement with Stanley Consultants Inc. for the design services associated with the Meadowbrook Subdivision Improvements Projects, in an amount not to exceed \$619,710.

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

**FINANCIAL IMPACT:** If approved, a Change Order for the Design Contract with Stanley Consultants, Inc., for the Meadowbrook Subdivision Improvement Project, in the Amount Not to Exceed \$59,267 will be executed. A total of \$31,006 will be allocated out of Water Transmission and Distribution-Architectural & Engineering Services for Capital account (50100120-70051) and \$28,261 will be allocated from the Capital Improvement-Architectural & Engineering Services for Capital account for Capital account (40100100-70051). Although not budgeted, sufficient funding is available in the FY 2025 Budget to pay for this work. Stakeholders can locate this in the FY 2025 Budget Book titled "Other Funds & Capital Improvement" on pages 81 and 128.

**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-1.5 (Reliable water supply and distribution system that meets the needs of current and future residents)

Respectfully submitted for consideration.

Prepared by: Brett Lueschen, Assistant Water Director

**ATTACHMENTS:**

[WTR 2B Resolution](#)

[WTR 2C Change Order](#)

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

**A RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE DESIGN CONTRACT WITH STANLEY CONSULTANTS, INC., FOR DESIGN SERVICES FOR THE MEADOWBROOK SUBDIVISION IMPROVEMENT PROJECT, IN THE AMOUNT NOT TO EXCEED \$59,267**

**WHEREAS**, the City of Bloomington previously authorized a contract with Stanley Consultants, Inc., for design and engineering services for the Meadowbrook Subdivision Improvements Project, in an amount not to exceed \$619,710; and

**WHEREAS**, additional services from Stanley Consultants, Inc. are required to complete the design; and

**WHEREAS**, unforeseen delays and scope changes have led to a delayed completion of the design; and

**WHEREAS**, the additional design cost estimates have been agreed upon by Stanley Consultants and the City of Bloomington; and

**WHEREAS**, the change order is germane to the original contract as signed and is in the best interest of the City and authorized by law; and

**WHEREAS**, the change order is germane to the original quote/purchase as signed and authorized by law.

**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 22nd day of July 2024.

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

**CITY OF BLOOMINGTON**

**ATTEST**

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

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



January 24, 2024

Ed Andrews, PE  
Water Department Director  
City of Bloomington  
603 W. Division St  
Bloomington, IL 61701

**SUBJECT: Meadowbrook Subdivision Water Main Replacement and Roadway Improvements;  
Change Order Request**

Dear Mr. Andrews,

Per our discussion at the 100% review meeting, Stanley Consultants is requested change order No. 1 for the Meadowbrook Subdivision project. The change order breakdown is described below and estimated hours are attached.

1. Project Schedule Delays:

The project schedule has extended due to longer review periods by the City of Bloomington (CoB) Water Department. On the following page is the original schedule. Our 60% design package was submitted May 11, 2023, which is 4 months later than anticipated. Additionally, our 90% design package was submitted September 21, 2023, 6 months later than anticipated. The delays in receiving review submittal responses have extended the total project days, during which Stanley Consultants had to increase employee rates to accommodate for inflation and yearly raises. The rates increased 5.5% on April 1, 2023. The attached sheets 1 & 2 of the hourly breakdown show the project hours impacted and the associated costs for increasing rates.

Schedule Delays Impact to the Water Department:	\$7,524
Schedule Delays Impact to the Engineering Department:	<u>\$6,699</u>
Total:	\$14,223

2. Project Scope of Work Change - Water:

Early in the project process, the Project Team agreed to spend additional time on the project development and 30% design to avoid changes in design, specifically the water main layout, beyond the 30% submittal to reduce major impact to plan and profile development but also the roadway rehabilitation work. During the 60% and 90% design there were several CoB Water Department lead changes regarding the location of the waterline relative to the curb and other utilities. The changes across the submittals caused additional efforts among the team. Refer to sheet 3 of the hourly breakdown for the additional associated effort.

Project Scope of Work Impact to the Water Department: \$23,482



### 3. Project Scope of Work Change – Engineering:

After the 60% review meeting in May, CoB requested the addition of ADA sidewalks and driveway sidewalks in the plans. This scope of work was not initially included in the contract. From design, through labeling, an additional 126 hours is anticipated, much of which was completed in the 90% submittal.

In December 2023, CoB Engineering Department requested some additional effort to develop bid alternatives. The current roadway cost estimate falls within the budget established by the CoB. Having seen high costs in the past, CoB have used and approach of using Alternative bidding to ensure that if bids come in higher than estimated and there is not an opportunity to add funding to cover the cost, that a portion of the planned work could still be completed. For the Meadowbrook Subdivision project, the base bid will include all work planned except for the roadway patching. The Alternate bid will be the base bid items plus the roadway patching. Additional effort will be required to make changes to the Summary of Quantities sheet, the typical section sheet, the pavement removal sheets, the patching sheets and the details for the patching. The additional anticipated effort is 24 hours, inclusive of meetings. Refer to sheet 4 of the hourly breakdown for the additional associated effort.

Project Scope of Work Impact to the Engineering Department: \$21,562

**Original Project Schedule**

Task	Start	End	Duration (Days)	Notes
Notice to Proceed	4/26/2022		1	
Kick-Off Meeting	5/2/2022		1	
Field Survey & Data Processing	6/6/2022	7/15/2022	39	
Project Development Report (Phasing and construction sequencing)	7/5/2022	8/19/2022	45	
Phasing Report Meeting	9/2/2022		1	Allow 2 weeks for COB review
30% Design / Plans & Specs	8/5/2022	10/28/2022	84	
30% Review Meeting	11/11/2022		1	Allow 2 weeks for COB review
60% Design / Plans & Specs	11/14/2022	1/16/2023	63	
60% Review Meeting	1/30/2023		1	Allow 2 weeks for COB review
90% Design / Plans & Specs	1/31/2023	3/21/2023	49	
90% Review Meeting	4/4/2023		1	Allow 2 weeks for COB review
Final Design/ Plans & Specs	4/5/2023	4/19/2023	14	
Permit Acquisition	4/19/2023	6/21/2023	63	
Bid Phase (estimated)	6/28/2023	8/9/2023	42	Allow 2 weeks for COB/SCI review
	TOTAL:		405	



Based on the changes to schedule and scope, Stanley Consultants is requesting a change order in the amount of \$59,267.

We appreciate your willingness to consider these requests as we work to successfully complete the Meadowbrook Subdivision project.

Sincerely,

A handwritten signature in blue ink that reads "Kate Despinoy".

Kate Despinoy, PE, PMP  
Client Service Manager  
Stanley Consultants, Inc.

cc: Michael Colby, Catherine Kibble

Attachments: Hourly Fee Breakdown

**City of Bloomington**

**Meadowbrook Subdivision Waterline Replacement; Change Order due to Schedule Delays**

Prepared For: City of Bloomington

sheet 1

Prepared By: SCI

<i>Tasks</i>	Project Manager	Principal Engineer - QA/QC	Water Engineer	Water EIT	Transportation Lead	Transportation Engineer	Transportation EIT	Transportation Engineer QA/QC	Designer / CAD	Cost Estimating	Administration	Total Hours	Labor
<b>Billing Rate</b>	\$ 11.28	\$ 15.13	\$ 20.00	\$ 6.88	\$ 11.11	\$ 7.48	\$ 6.10	\$ 14.58	\$ 7.42	\$ 5.94	\$ 4.40		
<b>3. Plans, Specifications, Bid Docs, Reports, Etc.</b>													
30% Submittal												-	\$ -
60% Submittal	16	8	40	40	2	8	24	2	110	4	24	278	\$ 2,580.24
90% Submittal	8	4	20	40	2	8	20	2	100	4	8	216	\$ 1,860.47
Final Submittal												-	\$ -
Issued for Bid												-	\$ -
Internal Meetings/Coordination												-	\$ -
<b>Subtotal</b>	24	12	60	80	4	16	44	4	210	8	32	494	\$ 4,440.71
<b>5. Bidding Assistance</b>													
Bidding Questions/Addendum	16		40	40	4	12	16	2				130	\$ 1,516.43
Review Bids	20		40	20	4	8	20	2	20			134	\$ 1,567.03
<b>Subtotal</b>	36	0	80	60	8	20	36	4	20	0	0	264	\$ 3,083.46
<b>TOTAL HOURS BY TEAM MEMBER</b>	60	12	140	140	12	36	80	8	230	8	32	758	
<b>TOTAL FEE BY TEAM MEMBER</b>	\$676	\$182	\$2,800	\$963	\$133	\$269	\$488	\$117	\$1,708	\$48	\$141	<b>LABOR</b>	<b>\$7,524</b>
												<b>EXPENSES</b>	<b>\$0</b>
												<b>SUB SURVEY</b>	<b>\$0</b>
												<b>ALLOWANCE ITEMS</b>	<b>\$0</b>
												<b>TOTAL</b>	<b>\$7,524</b>

**City of Bloomington**

**Meadowbrook Subdivision Roadway Improvements; Change Order Due to Schedule Delays**

Prepared For: City of Bloomington

sheet 2

Prepared By: SCI

<i>Tasks</i>	Transportation Lead	Transportation Engineer	Transportation EIT	Transportation Engineer QA/QC	Drainage Engineer	Drainage Engineer QA/QC	Special Provisions	Cost Estimating	Administration	Total Hours	Labor
<b>Billing Rate</b>	\$ 11.11	\$ 7.48	\$ 6.10	\$ 14.58	\$ 7.48	\$ 9.73	\$ 13.20	\$ 5.94	\$ 4.40		
	Kucharski	Foutris	Kamber / Anderson	Kibble	Schrock	Delves	K Frank	Brumiester	Delouis		
<b>2. Plans, Specifications, Bid Docs, Reports, Etc.</b>											
30% Submittal										-	\$ -
60% Submittal	22	80	116	10	80	40		4	8	360	\$ 2,743.51
60% Walkthrough	8				8					16	\$ 148.72
90% Submittal	22	60	130	6	60	40		4	8	330	\$ 2,471.48
Final Submittal										-	\$ -
Issued for Bid										-	\$ -
Internal Meetings/Coordination										-	\$ -
<b>Subtotal</b>	52	140	246	16	148	80	0	8	16	706	\$ 5,363.71
<b>4. Bidding Assistance</b>											
Bidding Questions/Addendum	20	30	16	2	20	12				100	\$ 839.85
Review Bids	10	8	16	2	16	8				60	\$ 495.33
<b>Subtotal</b>	30	38	32	4	36	20	0	0	0	160	\$ 1,335.18
<b>TOTAL HOURS BY TEAM MEMBER</b>	82	178	278	20	184	100	0	8	16	866	
<b>TOTAL FEE BY TEAM MEMBER</b>	\$911	\$1,331	\$1,697	\$292	\$1,376	\$973	\$0	\$48	\$70	<b>LABOR</b>	<b>\$6,699</b>
										<b>TOTAL</b>	<b>\$6,699</b>

**City of Bloomington**

**Meadowbrook Subdivision Waterline Replacement; Change Order due to Scope Change**

Prepared For: City of Bloomington

sheet 3

Prepared By: SCI

<i>Tasks</i>	Project Manager	Principal Engineer - QA/QC	Water Engineer	Water EIT	Transportation Lead	Transportation Engineer	Transportation EIT	Transportation Engineer QA/QC	Designer / CAD	Cost Estimating	Administration	Total Hours	Labor
<b>Billing Rate</b>	\$ 217.00	\$ 290.00	\$ 164.00	\$ 132.00	\$ 213.00	\$ 144.00	\$ 117.00	\$ 280.00	\$ 143.00	\$ 114.00	\$ 84.00		
<b>3. Plans, Specifications, Bid Docs, Reports, Etc.</b>													
Changes at 60% and 90% design on the location of watermain	4	4	20		4	8	20	6	60	4		130	\$ 20,368.00
60% Submittal												-	\$ -
90% Submittal												-	\$ -
Final Submittal												-	\$ -
Issued for Bid												-	\$ -
Internal Meetings/Coordination												-	\$ -
<b>Subtotal</b>	4	4	20	0	4	8	20	6	60	4	0	130	\$ 20,368.00
<b>4. Meetings and Submittals</b>													
Additional Virtual Meetings (3)	3		6		3			3				15	\$ 3,114.00
												-	\$ -
<b>Subtotal</b>	3	0	6	0	3	0	0	3	0	0	0	15	\$ 3,114.00
<b>TOTAL HOURS BY TEAM MEMBER</b>	7	4	26	0	7	8	20	9	60	4	0	145	
<b>TOTAL FEE BY TEAM MEMBER</b>	\$1,519	\$1,160	\$4,264	\$0	\$1,491	\$1,152	\$2,340	\$2,520	\$8,580	\$456	\$0	<b>LABOR</b>	<b>\$23,482</b>
												<b>EXPENSES</b>	<b>\$0</b>
												<b>SUB SURVEY</b>	<b>\$0</b>
												<b>ALLOWANCE ITEMS</b>	<b>\$0</b>
												<b>TOTAL</b>	<b>\$23,482</b>

**City of Bloomington**

**Meadowbrook Subdivision Roadway Improvements; Change Order Due to Scope Change**

Prepared For: City of Bloomington

sheet 4

Prepared By: SCI

<i>Tasks</i>	Transportation Lead	Transportation Engineer	Transportation EIT	Transportation Engineer QA/QC	Drainage Engineer	Drainage Engineer QA/QC	Principal Transportation Engineer	Cost Estimating	Administration	Total Hours	Labor
<b>Billing Rate</b>	\$ 213.00	\$ 144.00	\$ 117.00	\$ 280.00	\$ 144.00	\$ 187.00	\$ 253.00	\$ 114.00	\$ 84.00		
<b>2. Plans, Specifications, Bid Docs, Reports, Etc.</b>											
90% Submittal - addition of ADA sidewalk and driveway sidewalks		55	54				4			113	\$ 15,250.00
Final Submittal - addition of ADA sidewalk and driveway sidewalks		5	4				4			13	\$ 2,200.00
Issued for Bid - Alternative Bidding effort		8	8				4			20	\$ 3,100.00
Internal Meetings/Coordination							4			4	\$ 1,012.00
<b>Subtotal</b>	0	68	66	0	0	0	16	0	0	150	\$ 21,562.00
<b>TOTAL HOURS BY TEAM MEMBER</b>	0	68	66	0	0	0	16	0	0	150	
<b>TOTAL FEE BY TEAM MEMBER</b>	\$0	\$9,792	\$7,722	\$0	\$0	\$0	\$4,048	\$0	\$0	<b>LABOR</b>	<b>\$21,562</b>
										<b>TOTAL</b>	<b>\$21,562</b>



**CONSENT AGENDA ITEM NO. 8.G.**

**FOR COUNCIL:** July 8, 2024

**WARD IMPACTED:** City-Wide Impact

**SUBJECT:** Consideration and Action on an Ordinance Amending the Bloomington City Code Updating Chapters 21, 36, and the Schedule of Fees Pertaining to Scavengers, Waste Collectors, Waste Haulers, and Bulk Waste Collection, as requested by the Public Works Department.

**RECOMMENDED MOTION:** The proposed Ordinance 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 City has a responsibility to its residents to enforce rules set in place by the Illinois Environmental Protection Agency ("IEPA"). As such we recommend the following changes in order to align the City Code with the IEPA rules and the Illinois Clean Construction Act and to more appropriately capture the labor and construction costs associated with doing so. The Public Works Department enforcement includes managing programming and costs associated to staff, equipment, sample testing, and the potential for special disposal. It has proven to be a challenge for the Department to cover the labor and costs associated with the special testing and collection of dirt, sod, and rock from residents. In an effort to both meet the applicable IEPA rules, Illinois Clean Construction Act, and be fiscally responsible, the Department proposes to discontinue the collection of contaminated broken concrete, bricks, rock, stone, or reclaimed asphalt pavements. Note, this change will not impact the collection of Clean Construction or Demolition Debris (CCDD or Clean CDD) including uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, or reclaimed asphalt pavement generated from construction or demolition activities.

In addition, and in an effort to address growing concerns of bulk pick-up associated to rental properties, Public Works recommends implementing a penalty system to recoup the cost of picking up bulk waste from these properties outside of the free bulk waste pick-up program. This would require an amendment to the Schedule of Fees for the following:

- A. Bulk Waste Fee Residential Fee = \$25/bucket
- B. Out-of-Program Bulk Waste Refuse Program (Landlords and Rental Agencies)
  - 1. Out of Program Bulk Pick-Up Fee \$100/bucket
  - 2. Habitual Offender - Out-of-Program Bulk Pick-Up Fee
    - 1st Offense = \$25 fine plus \$150/bucket
    - 2nd Offense = \$500 fine plus \$150/bucket
    - 3rd Offense = \$750 fine plus \$150/bucket
- C. In-Program Bulk Waste Refuse Program (Landlords and Rental Agencies)
  - 1. In-Program Bulk Pick-Up Fee

- Scheduled Pick-Up Day = \$25/bucket
- Unscheduled Pick-Up Day = \$100/bucket
- 2. Habitual Offender - In-Program Bulk Pick-Up Fee
  - 1st Offense = \$25 fine plus \$100/bucket
  - 2nd Offense = \$500 fine plus \$100/bucket
  - 3rd Offense = \$750 fine plus \$100/bucket

Further, the City Clerk assists Public Works in administering several licenses related to work overseen by Public Works. After thorough review of the Code applicable to said licenses, the following amendments are proposed:

- Stop licensing Day Scavengers and Night Scavengers
  - Antiquated practice; No longer necessary.
- Stop licensing companies removing septic, sewage, and cesspool waste
  - Old language; City no longer possesses authority from the State to license; McLean County Health Department possesses such authority and licenses said businesses.
- Add and clean-up language to better track and control the practices of private waste collectors and waste haulers operating throughout the City.

Lastly, while reviewing the Refuse Chapter, staff found additional sections where fees were listed. To continue to keep the City Code consistent and to reduce duplicative efforts, staff have included updates to Chapter 21 Sections 316 and 811 to move the stated fees to the Schedule of Fees.

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

**FINANCIAL IMPACT:** If approved, the updated fine/fee structure would allow the Solid Waste Fund to better offset cost per event.

**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: Colleen Winterland, Asst. Director of Public Works

**ATTACHMENTS:**  
[PW 1B Ordinance](#)

**ORDINANCE NO. 2024 - \_\_\_\_\_**

**AN ORDINANCE AMENDING THE BLOOMINGTON CITY CODE UPDATING CHAPTERS 21, 36, AND THE SCHEDULE OF FEES PERTAINING TO SCAVENGERS, WASTE COLLECTORS, WASTE HAULERS, AND BULK WASTE COLLECTION**

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

**WHEREAS**, the City Council is responsible for managing the City Code (hereinafter "Code"); and

**WHEREAS**, the Public Works Department (hereinafter "Department") is responsible for facilitating the collection of bulk waste, construction debris, potential for special disposals, etc. in accordance with Illinois Environmental Protection Agency (hereinafter "IEPA") rules and the Illinois Clean Construction Act; and

**WHEREAS**, due to certain IEPA requirements for testing of materials collected, it is a challenge for the Department to cover the associated labor and costs of special testing and collection of dirt, sod, and rock from residents; and

**WHEREAS**, the Department proposes to discontinue the collection of contaminated broken concrete, bricks, rock, stone, or reclaimed asphalt pavements; and

**WHEREAS**, it also proposes to begin charging higher fees/fines for landlords and rental agencies that put out large amounts of bulk waste for the City to collect; and

**WHEREAS**, it recommends ceasing licensing of scavengers and companies removing septic, sewage, and cesspool waste; and

**WHEREAS**, further proposes to amend the Code to better track and control the practices of private waste collectors and waste haulers operating throughout the City.

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

**SECTION 1.** That Chapters 21, 36, and the Schedule of Fees of the Municipal Code of the City of Bloomington, Illinois, 1960, as amended, are hereby amended to read as set forth in Exhibit A (additions underlined and deletions stricken).

**SECTION 2.** The Bloomington City Code is hereby further amended by renumbering, redesignating, and reformatting the chapters and subsections as needed to conform to the above-referenced amendments and removals.

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

**SECTION 4.** This Ordinance shall take effect ten days after passage.

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

**PASSED** this 8<sup>th</sup> day of July 2024.

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

**CITY OF BLOOMINGTON**

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

**ATTEST**

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

**EXHIBIT A**  
**Chapter 21**  
**Refuse Code**

§ 21-204 [Ch. 21, Sec. 200.4] **Terms defined.**

**LICENSED WASTE COLLECTOR OR WASTE HAULER**

A person or entity who obtains a license from the City of Bloomington to collect or transport public or private refuse over the streets of the City under Chapter 36.

~~§ 21-312 [Ch. 21, Sec. 301.2 ] **Garbage collectors – license required; fee; issuance; etc.**  
[Ord. No. 2012-58]~~

~~All persons, before collecting garbage, rubbish, or ashes within the City shall procure annually a license from the City Manager upon the payment of a fee of \$100.~~

~~§ 21-313 [Ch. 21, Sec. 301.3 ] **Same – license plate to be issued; attaching to vehicle.**  
[Ord. No. 1995-63]~~

~~Upon the issuance of the license required by the preceding Section, the licensee shall receive a metal license plate bearing a number and the words "Refuse Collector" and the year for which it is issued. Such plate shall be securely fastened to the vehicle to be used in such a manner as to be readily discernible.~~

~~§ 21-314 [Ch. 21, Sec. 301.4 ] **Same – requirements as to vehicles; revocation of license for failure to comply.**  
[Ord. No. 1995-63]~~

~~All vehicles used in the collection of garbage, ashes, or rubbish shall have a tight cover for that portion of the vehicle in which the garbage is contained. Such cover may be of metal or canvas or similar material but shall be so designed and constructed as to prevent odor from escaping from the garbage and rubbish and flies from entering that portion of the truck where the garbage and rubbish is contained. Such cover shall be closed at all times while the vehicle is in transit anywhere within the limits of the City.~~

~~§ 21-315 [Ch. 21, Sec. 301.5 ] **Penalty for violation of this section.**  
[Ord. No. 1995-63]~~

~~Any violation of this section shall subject the offender to revocation of the license provided for herein. The penalty of revocation of the license shall be in addition to any other penalty imposed for a violation of this chapter. Each day that any truck shall be operated in violation of provisions of this section shall constitute a separate offense.~~

§ 21-307 [Ch. 21, Sec. 300.7 ] **Bulk waste collection.**

- A. Bulk waste and building waste may be collected by the City under rules established by the Director of Public Works and approved by the City Manager, but only with respect to bulk waste or building waste generated or created by the occupant or owner of residential

property, served by the solid waste program, with proper permits, at least twice per year. The collection shall take place once in the season of spring and once in the season of fall within each calendar year. The time periods shall be determined under rules established by the Director of Public Works and approved by the City Manager. The City shall not charge the occupant or owner of residential property served by the solid waste program for bulk waste or building waste collection during these time periods.

- B. The City shall not collect bulk waste or building waste outside of the aforementioned time periods unless the occupant or owner of residential property served by the solid waste program requests a pickup of bulk waste or building waste. After such a request is made, the City shall pick up such bulk waste or building waste and shall charge the resident a pick-up fee as set forth in the Schedule of the Fees ~~sum of \$25~~ per bucket of bulk waste.
- C. The City shall not collect bulk waste or building waste generated or created by any work performed by any contractor, subcontractor or other person for hire and/or bartering.
- D. The City ~~will~~ shall not collect any sod, ~~concrete, bricks~~ or shingles unless the resident who participates in the bulk waste collection program requests a pickup of such sod, ~~concrete, bricks~~ or shingles. After such a request is made, the City will pick up such sod, ~~concrete, bricks~~ or shingles and will charge the resident for the actual cost of the pickup and disposal of such material for anything beyond 35 pounds of material. The determination by the City of the weight of the material shall be final.
- E. Per the Illinois Environmental Protection Agency (hereinafter "IEPA") rules, Illinois Clean Construction Act, the City shall not collect contaminated broken concrete, bricks, rock, stone, or reclaimed asphalt pavements. The City may collect Clean Construction or Demolition Debris (CCDD or Clean CDD) including uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, or reclaimed asphalt pavement generated from construction or demolition activities. When uncontaminated soil is mixed with any of these materials, the uncontaminated soil is also considered CCDD. Uncontaminated soil that is not mixed with other CCDD materials is not CCDD. What constitutes "uncontaminated soil" for purposes of CCDD and uncontaminated soil fill operations is defined in 35 Ill. Adm. Code 1100. 35 Ill. Adm. Code 1100 was last amended by the Illinois Pollution Control Board in its Final Opinion and Order dated August 23, 2012. These changes, which begin on page 6 of the Final Opinion and Order, became effective on August 27, 2012. For resources regarding General Construction or Demolition Debris, please refer to the General CDD page. Uncontaminated materials listed in this section are subject to the Refuse Program fee outlined in the Schedule of Fees.
- E.F. Notwithstanding any of the provisions contained herein, the City shall collect landscape waste and bulk waste from locations within the City designated as a National Historic Landmark, without charge, in accordance with rules and procedures adopted by the Department of Public Works.
- G. Landlords and Rental agencies not part of the City's Refuse Program who set out bulk and brush for collection by the City will receive a written letter of compliance to which they have seven (7) days to comply or the Public Works Department will pick up the bulk and/or brush and bill the landlord or rental agency. Landlords and Rental agencies will be charged for non-compliance with this Section and charged a pick-up fee as set forth in the Schedule of Fees. Habitual offenders will be determined by the Director of Public Works and will have a

stair-stepped penalty system in addition to a pick-up fee as set forth in the Schedule of Fees.

H. Landlords and Rental agencies that are part of the City's Refuse Program who set out bulk and brush for collection by the City on their scheduled refuse pick-up day will be charged a pick-up fee set forth in the Schedule of Fees. Landlords and Rental agencies that are a part of the City's Refuse Program who set out bulk waste or brush on their non-scheduled pick-up day will be charged a pick-up fee as outlined in the Schedule of Fees. Habitual offenders will be determined by the Director of Public Works and will have a stair-stepped penalty system in addition to a pick-up fee as set forth in the Schedule of Fees.

**§ 21-316 [Ch. 21, Sec. 301.6 ] Refuse fee.**

- A. There shall be a charge for refuse collection of refuse to the owner and/or occupant of every dwelling unit for which refuse service is actually provided by the City. Effective May 1, 2016, such fees shall be charged per month and shall be based on the size of the refuse cart in amounts as set forth in the Schedule of Fees of \$16 per month per single-family dwelling and for each unit in a two family or multifamily dwelling for one thirty-five-gallon refuse cart, \$24 per month, per single-family dwelling and for each unit in a two family or multifamily dwelling for one sixty-five-gallon refuse cart,; and \$25 per month, per single-family dwelling and for each unit in a two family or multifamily dwelling for or a ninety-five-gallon refuse cart. [Ord. No. 2018-12]
- B. Effective May 1, 2018, there shall be a charge for refuse collection of refuse to the owner and/or occupant of every dwelling unit for which refuse service is actually provided by the City. Fees shall be charged per month and shall be based on the size of the refuse cart in amounts as set forth in the Schedule of Fees perFor a single-family dwelling and for each unit in a two family or multifamily dwelling, such fee shall be based on the size of the refuse cart as follows: \$16 per month, per single-family dwelling and for each unit in a two family multifamily dwelling for one thirty-five-gallon refuse cart,; \$25 per month, per single-family dwelling and for each unit in a two family or multifamily dwelling for one sixty-five-gallon refuse cart,; and \$29 per month, per single-family dwelling and for each unit in a two family or multifamily dwelling or for a ninety-five-gallon refuse cart. [Ord. No. 2018-12]
- C. Effective and beginning May 1, 2019, the refuse fees outlined above shall increase annually on May 1 of each year, at a compounding rate of 3% over the rate from the previous year until May 1, 2024. Effective and beginning May 1, 2024, the refuse fees shall be increased annually on May 1 of each year by CPI-WST (Water, Sewer, and Trash Collection), based on an average of the previous calendar year, or similar index if CPI-WST is not available. [Ord. No. 2018-12; amended 11-27-2023 by Ord. No. 2023-110]
- D. Effective May 1, 2014, the owner of a multiple-family dwelling may elect to have multiple tenants share garbage carts. The tenants must all live within a building or buildings located on a single lot or on lots abutting one another. In such cases, the property owner shall notify the Department of Public Works in writing and the property owner shall decide upon the number of carts and the size of carts to be used by the tenants. The Director of Public Works has the discretion to approve, amend or refuse the request and his/her judgment is final. If the cart-sharing request is approved by the Director, the Refuse Fee will be assessed for each residential unit at the lowest residential fee, as if each unit has individually ordered one thirty-five-gallon cart. The fee will be assessed as such regardless of whether the property owner or the tenant has assumed primary responsibility for payment of the Refuse Fee. [Ord.

No. 2014-14]

- E. Effective May 1, 2014, residents of Bloomington Housing Authority units who are excluded from the wheeled cart collection process shall pay the lowest residential fee set by the City. [Ord. No. 2014-14]
- F. Effective May 1, 2014, residents living within the Downtown Service Area (defined as the area west of East Street, east of Madison Street, north of Front Street and south of Locust Street; and Front Street from East Street to Prairie Street) who are excluded from the wheeled cart collection process shall pay the lowest residential fee set by the City. [Ord. No. 2014-14]
- G. The refuse fee shall be payable on a monthly basis. There shall be a ~~\$30~~ fee set forth in the Schedule of Fees for an exchange or substitution of an ordered and delivered refuse cart provided by the City if the substituted cart is larger than the original cart. There shall be no charge for substitution of refuse carts if the substituted cart is smaller than the original cart. Failure to pay the fee upon billing by the City may result, at the City's option, in the placement of a lien against the real estate or may result in the filing of a complaint in Circuit Court seeking a personal judgment against the owner or persons interested in the property subject to such refuse fee, termination of refuse services, termination of water service or other remedies. The election of a particular remedy shall not constitute a waiver of any other remedy available to the City for collection of the refuse fee. The owner(s) and tenants of multifamily housing properties shall be exempt from the upsizing fee if their upsizing is a direct result of City-approved cart-sharing arraignments described above in this section. [Ord. No. 2014-14]
- H. The owner of the dwelling unit, the occupant thereof and the user of the services shall be jointly and severally liable to pay such refuse fee and the services are furnished to the dwelling unit by the City only on the condition that the owner of the dwelling unit, occupant thereof and user of the refuse service are jointly and severally liable. The refuse fee for such refuse collection shall be paid in advance, for which the City of Bloomington shall provide refuse collection service to the dwelling unit at least once each week. [Ord. No. 2011-18]

**§ 21-811[Ch. 21, Sec. 800.11] Nuisance abatement.**

- A. In the event of a violation of Article VIII of this chapter, the Director of the Economic & Community Development Department, the Director of the Public Works Department or their designates, shall notify, in writing, such owner to cut, destroy, or remove such growth or objects as are prohibited by said Section. In the event such owner cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that unless such nuisance is so abated or removed by a specific date, the City will cause it to be abated or removed, the cost thereof will be charged to the owner, and that such cost shall be a lien upon the real property where the nuisance was abated or removed. Such notice shall also state that the failure of such owner to abate the nuisance as required by such notice shall be deemed an implied consent for the City to abate or remove such nuisance. Such implied consent shall be deemed to form a contract between such owner and the City. If such owner fails to abate any nuisance within the time limit specified in such notice, the City may proceed to abate such nuisance, keeping an account of the expense of the abatement as to each particular lot or tract, and such expense shall be charged and paid by such owner. [Ord. No. 2017-96; 8-10-2020 by Ord. No. 2020-53]

- B. Administrative expense. In addition to the expenses set forth in Subsection A, the City shall charge a ~~\$100 per lot or \$400 per acre~~ fee as set forth in the Schedule of Fees to cover a portion of the administrative costs incurred for removal of the nuisance. This expense shall be assessed against the owner of any property which received a notice from the City as set forth in Subsection A, regardless of whether the City or its agents are required to mow the property involved. [Ord. No. 1995-63]
- C. Lien or personal judgment. If the costs of abating or removing the nuisance remain unpaid, the City, at its option, may file a lien upon the real property where the nuisance was abated or removed, or commence proceedings in the Circuit Court seeking a personal judgment from the owner of such property where the nuisance was abated or removed. [Ord. No. 1995-63]
- (1) Lien. When the City exercises its right to file a lien upon the real property where the nuisance was abated or removed, the City must file a Notice of Lien in the office of the Recorder of Deeds of McLean County. Such notice shall consist of a sworn statement setting out:
- (a) A description of the real estate, sufficient for identification;
  - (b) The amount of money representing the cost and expense incurred or payable for the service; and
  - (c) The date or dates when such cost or expense was incurred by the municipality. This lien shall be superior to all other liens except taxes, provided, however, it shall not be valid as to any purchaser whose right in and to such real estate have risen subsequent to the date on which such costs were incurred and prior to the filing of such notice, and a lien of the City shall not be valid as to any mortgages, judgment, creditor or other lien or whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the costs and expenses by the owner of any other person interested in such property, after the Notice of Lien has been filed, the lien shall be released by the City and the release may be filed of record as in the case of filing the Notice of Lien. The lien may be enforced by proceeding to foreclosure, as provided by law. Interest on the lien shall accrue at the rate as set forth in the Schedule of Fees ~~of 6% per year~~.
- (2) Personal judgment. When the City exercises its right to obtain a personal judgment against an owner for the cost of abatement or removal of a nuisance, the City shall file an action in the Circuit Court against any person or persons to whom notice was sent as authorized in § 21-811A. Said action shall be used upon the implied consent by said persons to form a contract with the City for the abatement or removal of said nuisances. The action authorized by this paragraph shall be in addition to, and without waiver, of any other remedy. [Ord. No. 1995-63]
- D. Definition of "owner." For the purpose of Chapter 21, the term "owner shall mean the person, partnership or entity paying property taxes on the real estate on which a violation of this chapter occurs. [Ord. No. 1995-63]

### **Schedule of Fees**

#### **BULK WASTE COLLECTION (CHAPTER 21)**

A. Bulk Waste Fee (Residents)

(21-307B)

<u>1. Residential Bucket Fee</u>	<u>\$25.00/bucket</u>
<u>B. Out-of-Program Bulk Waste Refuse Program (Landlords and Rental Agencies)</u>	<u>(21-307F)</u>
<u>1. Out of Program Bulk Pick-Up Fee</u>	<u>\$100.00/bucket</u>
<u>2. Habitual Offender - Out-of-Program Bulk Pick-Up Fee</u>	
<u>(a) 1<sup>st</sup> Offense</u>	<u>\$250.00 fine plus \$150.00/bucket</u>
<u>(b) 2<sup>nd</sup> Offense</u>	<u>\$500.00 fine plus \$150.00/bucket</u>
<u>(c) 3<sup>rd</sup> Offense</u>	<u>\$750.00 fine plus \$150.00/bucket</u>
<u>C. In-Program Bulk Waste Refuse Program (Landlords and Rental Agencies)</u>	<u>(21-307G)</u>
<u>1. In-Program Bulk Pick-Up Fee</u>	
<u>(a) Scheduled Pick-Up Day</u>	<u>\$25.00/bucket</u>
<u>(b) Unscheduled Pick-Up Day</u>	<u>\$100.00/bucket</u>
<u>2. Habitual Offender - In-Program Bulk Pick-Up Fee</u>	
<u>(a) 1<sup>st</sup> Offense</u>	<u>\$250.00 fine plus \$100.00/bucket</u>
<u>(b) 2<sup>nd</sup> Offense</u>	<u>\$500.00 fine plus \$100.00/bucket</u>
<u>(c) 3<sup>rd</sup> Offense</u>	<u>\$750.00 fine plus \$100.00/bucket</u>
<u>D. Refuse Fee</u>	<u>(21-316)</u>
	<u>Effective May 1, 2016 (21-316(A))</u>
<u>1. Refuse Collection Service (per dwelling unit)</u>	
<u>(a) 35-Gallon Refuse Cart</u>	<u>\$16.00/month</u>
<u>(b) 65-Gallon Refuse Cart</u>	<u>\$21.00/month</u>
<u>(c) 95-Gallon Refuse Cart</u>	<u>\$25.00/month</u>
	<u>Effective May 1, 2018 (21-316(B))</u>
<u>2. Refuse Collection Service (per dwelling unit)</u>	
<u>(a) 35-Gallon Refuse Cart</u>	<u>\$16.00/month</u>
<u>(b) 65-Gallon Refuse Cart</u>	<u>\$25.00/month</u>
<u>(c) 95-Gallon Refuse Cart</u>	<u>\$29.00/month</u>
	<u>Effective May 1, 2019 – May 1, 2024 (21-316(C))</u>
<u>3. Refuse Collection Service (per dwelling unit)</u>	
<u>(a) 35-Gallon Refuse Cart</u>	<u>3% annual compounding increase over previous year rate charged monthly</u>
<u>(b) 65-Gallon Refuse Cart</u>	<u>3% annual compounding increase over previous year rate charged monthly</u>
<u>(c) 95-Gallon Refuse Cart</u>	<u>3% annual compounding increase over previous year rate charged monthly</u>
	<u>Effective May 1, 2024 (21-316(C))</u>
<u>4. Refuse Collection Service (per dwelling unit)</u>	
<u>(a) 35-Gallon Refuse Cart</u>	<u>annual increase based on avg cart fees of previous calendar year</u>
<u>(b) 65-Gallon Refuse Cart</u>	<u>annual increase based on avg cart</u>

	<u>fees of previous calendar year</u>
<u>(c) 95-Gallon Refuse Cart</u>	<u>annual increase based on avg cart fees of previous calendar year</u>
<b>5. Refuse Collection Service (multiple-family dwelling unit exceptions)</b>	
<u>(a) Landlord who elect refuse cart sharing</u>	<u>35-gallon cart rate/tenant (21-316(D))</u>
<u>(b) BLM Housing Authority Units who are excluded from wheeled cart collection</u>	<u>(a) 35-gallon cart rate/tenant (21-316(E))</u>
<u>(c) Downtown Service Area Residents who are excluded from wheeled cart collection</u>	<u>35-gallon cart rate/tenant (21-316(F))</u>
<b>E. Refuse Cart Exchange or Substitution Cart</b>	<b>(21-316(G))</b>
<u>(a) Upsizing Cart</u>	<u>\$30.00</u>
<u>(b) Downsizing Cart</u>	<u>\$0.00</u>
<b>F. Nuisance Administrative Expense</b>	<b>\$100.00/lot or \$400/acre (21-811(B))</b>
<b>G. Nuisance Lien Interest Rate</b>	<b>6.00%/year (21-316(E))</b>

**Chapter 36**  
**ScavengersWaste Collectors or Waste Haulers**

~~Article I~~  
**Day Scavengers**

**§ 36-101 [Ch. 36, Sec. 1] Definitions.**

**CHANGE OF OWNERSHIP**

- A. A change in the form of ownership, e.g., from an individual or partnership or entity or from a partnership to an individual
- B. A change from an individual to a partnership or a change in a partnership such as the addition or deletion of any partner; or
- C. In an entity, the transfer of over 5% of the stock thereof except for those listed on a national stock exchange in which event the transfer of a controlling interest or over 50% of the stock thereof.

**ENTITY**

An organization that has an identity separate from those of its members, including, but is not limited to, corporations, limited partnerships, limited liability companies, or limited liability partnerships.

## WASTE COLLECTOR OR WASTE HAULER

Any person or entity that collects, transports, or disposes of waste materials for profit. Waste materials includes but is not limited to solid waste, bulk waste, liquid waste, food waste, plant waste, animal waste, medical waste, hazardous waste, construction debris, industrial waste, and any discarded materials for recycling. Waste materials does not include waste from septic tanks, outhouses, or the like.

Some examples include but are not limited to collection and transport of waste from grease traps, construction or demolition work, dumpsters, trash or recycling bins, discarded furniture, and yard waste.

### § 36-102 [Ch. 36, Sec. 2] License - required.

No person other than one licensed under Chapter 21 of this Code shall be permitted to remove and dispose of swill, offal, table refuse, usually known as garbage, or any other matter described in § 36-1021 of this chapter, without first having obtained a license to do so; provided, that any person desiring to gather, remove, and dispose of garbage, decaying animal matter and fish, swill, or other animal or vegetable refuse and wastes from his own premises, without the aid of a licensed private scavenger, waste collector or waste hauler may do so.

### § 36-1032 [Ch. 36, Sec. 23] Same – granting Applications; Renewals.

~~A. The City Manager shall, from time to time, and upon application, grant a license to any person to remove and dispose of, in the manner stated in this article, offal, table refuse, or animal and vegetable matter usually known as garbage, inflammable waste materials, building materials and rubbish from hotels, restaurants, cafes, boarding houses, and other places not otherwise provided for by the City or for the removal and disposal of swill or any animal or vegetable refuse and waste, including decaying animal matter and fish from commission houses and other places where such decaying animal matter and fish may accumulate.~~

~~B. Any person, firm, or corporation holding a license as night scavenger shall not be required to take out any additional license for engaging in the business or employment of day scavenger.~~

A. Applications for creation of licenses shall be made upon forms prepared and furnished by the City Clerk. Each application shall be signed and verified upon the oath or affirmation of an owner, an authorized agent or managing member of the applicant. Such application shall be submitted and filed with the City Clerk after payment to the City of an application fee as set forth in the Schedule of Fees. Each application shall contain the following information and statements:

(1) The name, date of birth, and address of the applicant in the case of an individual; in the case of a partnership, the persons entitled to share in the profits thereof; and in the case of an entity, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such entity is owned by one person or their nominees, the name and address of such person;

(2) The entity name, registered DBA (Doing Business As)/Assumed Name, establishment address and phone number;

- (3) An email address to be used for all licensing communications;
- (4) A statement whether the applicant has made a similar application for a similar license on premises other than described in this application and the disposition of such application;
- (5) Whether a previous license by any state or subdivision thereof or by the federal government has been revoked and reasons therefor; and
- (6) A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States or any ordinance of the City in the conduct of their place of business.

If an entity, the applicant must be in good standing with the State of Illinois before a license will be issued.

B. The following must be submitted as supplemental documentation to the application provided by the City Clerk:

- (1) A list of all owners/partners/officers with name, date of birth, address, and percent ownership/stock;
- (2) If an Assumed Name is used, proof the Assumed Name is registered with the State of Illinois or County of McLean;
- (3) Insurance as set out in § 36-105;
- (4) A bond as set out in § 36-105;
- (5) Waste collectors or waste haulers providing refuse services must provide a copy of their Environmental Protection Agency permit;
- (6) Waste collectors or waste haulers providing refuse services must provide a list of all the addresses to be serviced under the City waste collector or waste hauler license, if approved.

C. Disqualification for license. No such license shall be issued to:

- (1) A person whose license issued under this ordinance has been revoked for cause.
- (2) A person who, at the time of application, for renewal of any license hereunder would not be eligible for such license upon a first application.
- (3) Any person who fails to furnish or falsely furnishes information or who fails to make or falsely makes statements required in the application for a license as set forth in this chapter.

D. Renewals. All applications for the renewal of a license shall be made in writing to the City Clerk not later than December 1 of each year. If the information and statements contained in the original application have not changed, in lieu of an application for renewal, a licensee may file with the City Clerk not later than December 1 of each year, an affidavit stating that such facts and statements have not changed.

**§ 36-1043 [Ch. 36, Sec. 34] License fee; Late fee.**

- A. The fee to be paid for the license herein required shall be an amount as set forth in the Schedule of Fees per year payable in advance and no license shall be issued until such fee has been paid. When a license is created by the City Clerk and is subsequently issued, the license fee shall be prorated on the basis of the remaining days of the calendar year in which the license is issued. Application fees shall not be prorated. The license shall expire on December 31<sup>st</sup> of the year in which it is issued. In the event of revocation or surrender of a license, no unearned portion of the license fee shall be refunded.
- B. Each renewal license fee must be received by the City Clerk not later than December 1 unless the first falls on a holiday, in which case license fees may be received by the Clerk on the following business day. If a license fee is received late, the license holder must pay a late fee in the amount of 10% of the invoiced license fee and may be subject to the renewal license being denied.

**§ 36-105 [Ch. 36, Sec. 5] ~~Same fee; bond.~~ Bond and insurance requirements; termination of licenses.**

**[Ord. No. 2018-89]**

~~Every person applying for the license required by this article shall pay annually to the Director of Finance a sum in an amount set forth in the Schedule of Fees and shall execute a bond to the City in the penal sum of \$500 with a corporation surety to be approved by the Corporation Counsel conditioned that such licensee will comply with the provisions of the Code of the City on this subject or pertinent thereto which the City Council may, from time to time, ordain and will also comply with and obey the directions and regulations of the Department of Health. Said license shall expire December 31<sup>st</sup> of the year in which it was issued. License fees shall not be prorated.~~

- A. Each person or entity having a license shall obtain and at all times maintain in effect a penal bond to the City of Bloomington in the sum of \$5,000 from a solvent surety company licensed to do business in the State of Illinois and each such bond is subject to being approved by the Corporation Counsel. Each bond shall be filed with the City Clerk before a license to which the bond applies is issued and shall be conditioned upon compliance with the provisions of this article, state, and federal law.
- B. Each licensee is required at all times to have on file with the City Clerk proof from the surety company that the required bond is in effect at all times as required by this section.
- C. Each licensee prior to receiving a license, shall procure and maintain for the duration of the license, public liability and property damage insurance in a minimum amount of \$500,000 per person and \$1,000,000 in the aggregate per occurrence and property damage in a minimum amount of \$1,000,000, which shall name the City of Bloomington, its officers and employees as additional insureds and the same shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the City. Proof of such insurance, issued by an insurance company licensed to do business in the State of Illinois in the form of a certificate of insurance, shall be attached to the application.
- D. The failure of any person or entity to at all times maintain in effect the bond or insurance as required by this section shall be a violation of this chapter and may result in sanctions as herein provided.

**§ 36-1067 [Ch. 36, Sec. 46] Notices of change.**

Changes relating to the following must be reported to the City Clerk, in writing, before they occur: (1) changes in ownership as defined in § 36-101 [Ch. 36, Sec. 1] and (2) changes in DBA (Assumed Name).

**§ 36-107 [Ch. 36, Sec. 7] License revocation, suspension, or nonrenewal.**

A. In addition to the imposition of fines provided in this chapter, any license may be revoked, suspended, or not renewed, after notice and hearing by the City Manager, or their designee, for any of the following reasons:

- (1) Violation of any of the provisions of this chapter;
- (2) Violation of any law occurring on the establishment's premises committed by the establishment or an employee of the establishment;
- (3) Violation of any law or state regulation;
- (4) Failure to pay any tax, judgment, fee, or bill owed to the City of Bloomington;
- (5) Failure to provide current information regarding the ownership or location of the business;
- (6) Failure to notify in writing the City Clerk Department and receive prior approval of a change in ownership as required by § 36-106;

B. For the administration of this section, the formal rules of evidence shall not apply at the hearing and hearsay may be permitted, provided it is of the nature reasonably prudent persons would rely upon in the conduct of their affairs. At the hearing, the City Manager, or their designee, shall determine by a preponderance of the evidence whether a lawful reason exists to revoke or suspend the license. The City Manager, or their designee, after determining that a lawful reason exists to revoke or suspend the license, shall also determine whether that lawful reason merits the sanction of a revocation or suspension of the license.

C. An establishment whose license has been revoked may not reapply for a new license until one year after the final determination of revocation.

**§ 36-108 [Ch. 36, Sec. 8] Disposal of offensive matter.**

The offensive matters described in this article shall under no circumstances be disposed of in any public dump or public place within the City nor in any other manner or place other than as prescribed permitted by the Director of Health Illinois Environmental Protection Agency.

**§ 36-105 [Ch. 36, Sec. 5] Identification of vehicle.**

Every vehicle under this chapter shall be conspicuously and permanently marked with the name of the person owning the same and the number of his license. The letters and figures used in such marking shall not be less than six inches in height.

**§ 36-106 [Ch. 36, Sec. 6] Violations.**

Every person so licensed as day scavenger, as aforesaid, who shall in the conduct of his business violate any of the provisions of the Code of the City regulating his business or who shall in the conduct of such business refuse or fail to comply with the rules and regulations of

the County Public Health Department, shall for each offense be subject to a penalty of not less than \$5 nor more than \$50, and, upon conviction, his license may be forfeited, in the discretion of the City Manager.

Article II  
**Night Scavengers**

~~§ 36-201 [Ch. 36, Sec. 7] Scavengers – must be licensed.~~

~~The City Manager may from time to time grant licenses to any person, company, or corporation to engage in the business of emptying, cleaning or removing the contents of privy vaults, cesspools, septic tanks, or sinks, and every such person, company, or corporation engaged in such business shall be deemed a night scavenger within the meaning of this article.~~

~~§ 36-202 [Ch. 36, Sec. 8] License fee – bond.  
[Ord. No. 2018-89]~~

~~Every person, company or corporation applying for such license shall before the same issues pay to the Director of Finance the sum in the amount set forth in the Schedule of Fees per annum for each and every wagon used by such person for scavenger work and execute a bond with a corporate surety to be approved by the Director of Finance, conditioned that said scavenger will comply with the provisions of this article, and the Code of the City which is in force at the time of the issuance of said license or may afterward be passed by the Council, touching said occupation, and will also comply with and obey the directions and regulations of the County Public Health Department and its agents made in pursuance of law. Said license shall expire December 31st of the year in which it was issued. License fees shall not be prorated.~~

~~§ 36-203 [Ch. 36, Sec. 9] Unlicensed work – penalty.~~

~~No person, company, or corporation within the City shall empty, clean, or remove the contents of any privy vault, cesspool, or sink or engage in the business of night scavenger without having first obtained a license so to do. Any person violating the foregoing provisions of this section shall forfeit and pay not less than \$5 nor more than \$25 for each offense: Provided, that the owners, occupants, or agents of any premises upon which vaults are located within the City limits desiring to clean and remove the contents thereof themselves without the aid of night scavengers may be allowed to do so upon the written permission of the Department of Health, and then only in the manner directed in such permit.~~

~~§ 36-204 [Ch. 36, Sec. 109] Odorless machine – approval of – compensation – penalty.~~

~~It shall be unlawful for any person, firm, or corporation to empty any septic tank, privy vault, sink, cesspool, or other receptacle of filth located in said City, except with an odorless machine, apparatus, or process which has been approved by the County Public Health Department by a certificate in writing issued to the person, firm, or corporation proposing to engage in said business; and such certificate must be presented to the City Manager before any license shall be issued for said business. Any violation of the provisions of this section shall subject the offender to a fine of not less than \$10 or more than \$50.~~

~~§ 36-205<sup>109</sup> [Ch. 36, Sec. 914] Specifications for transportation.~~

~~No part of the contents of any privy vault, sink, or cesspool, except substances other than excrements insoluble in water, or any accumulation of any offensive fluid, liquor; or semiliquid substances or materials being in any excavation, cellar, or place within the limits of the City shall~~

~~be removed therefrom; nor shall the same be transported through any of the streets or avenues of the City unless and except the same shall be removed and transported by means of an airtight and watertight iron vehicle of a capacity of not less than 70 cubic feet and in such a manner as shall prevent entirely the escape of any noxious or offensive odors therefrom and by a permit from the County Public Health Department. All tools, pails, and tubs used by the scavengerswaste collector or waste hauler shall be made from galvanized iron or other metal and shall be free from all wood to prevent saturation of the night soil into them. All carts and vehicles mentioned in this article and all boxes, tubs, and receptacles thereon in which any substance in this article referred to may be or is carried shall be strong and tight, so that no part of such contents or load shall fall, leak, or spill therefrom and shall be adequately and tightly covered so as to prevent the same from becoming offensive or dangerous to health. Should any such substance or materials being so conveyed fall upon or in any place, street, or premises, it shall be the duty of every such person and entity at once to remove any such substance which has fallen therefrom.~~

~~§ 36-206 [Ch. 36, Sec. 12] Time of opening vaults; - disposition of contents - penalty.~~

~~No privy vault, cesspool, septic tank, or sink, shall be opened nor the contents thereof, shall be disturbed or removed between the hours of 5:00 a.m. and 10:00 p.m., of any day except the same be done by odorless process approved by the County Public Health Department, nor shall such contents be deposited or buried within the City except upon the written permission of the County Public Health Department, in such manner and place as it shall therein direct. Any person, company, or corporation engaged in such business who shall violate the directions of the Public Health Department contained in any such permit shall immediately forfeit his license, and shall also be subject to a penalty of not less than \$10 nor more than \$100.~~

~~§ 36-207110 [Ch. 36, Sec. 103] Signs on Marked scavengerwaste collector or waste hauler vehicleswagons.~~

~~All Scavengerswaste collectors or waste haulers who engage in the business of removing the contents of privy vaults, cesspools, septic tanks, or sinks shall be required to cause to be painted mark on the sides of their vehicle(s) used in such business with the words, "Licensed ScavengerBusiness," and immediately beneath such words shall be painted the number of their City license. Such words and figures shall be painted on all such vehicles in large letters and figures and in such manner as to render them most conspicuous, and the number to be used shall be given in the license.~~

~~§ 36-208 [Ch. 36, Sec. 134] Offensive vault; - notice to owner; - work done by City - expense how paid - penalty.~~

~~Whenever in the opinion of the County Health Department any privy, vault, cesspool, septic tank, or sink shall be offensive and need cleaning, it shall be his duty to notify the owner, agent, or occupant of the premises to which any such vault belongs to cleanse the same within the time and in the manner set forth in said notice and unless the person so notified shall comply within the time and in the manner mentioned in said notice, it shall be the duty of said office to cause said vault, etc., to be cleaned by one or more of the City scavengers aforesaid; and any person so failing to comply with such notice shall on conviction be subject to a fine of not less than \$10 nor more than \$50 for each offense, and in addition thereto shall be liable to the City for the expense of such cleaning.~~

~~§ 36-209 [Ch. 36, Sec. 15] Penalty.~~

~~Any person who shall engage in business as a night scavenger or who shall undertake to remove~~

~~the contents of any privy vault, cesspool, or sink within the City without a license or permit, as aforesaid, shall on conviction thereof be subject to a penalty of not less than \$10 nor more than \$50 for each offense; and any night scavenger, as aforesaid, and any owner, agent, or occupant, as aforesaid, acting under license or permit, as aforesaid, who shall violate the terms of said permit or refuse or fail to comply with any order or direction of the County Public Health Department or its agents or who shall violate any of the provisions of this article, where no other penalty is prescribed, shall be subject to a penalty of not less than \$5 nor more than \$50 for each offense; and any scavenger aforesaid shall also at the discretion of the City Manager of the City forfeit his license.~~

**§ 36-240111 [Ch. 36, Sec. 116] Disinfection.**

All vehicles used under the provisions of this article shall be thoroughly disinfected and ~~put~~ kept in an inoffensive condition when not in use.

**§ 36-244112 [Ch. 36, Sec. 127] Unnecessary offensiveness.**

- A. No driver of a vehicle under the provisions of this article nor any person having undertaken or being engaged in and about the loading or unloading thereof, nor any person engaged about the cleaning or emptying or having undertaken to empty or remove any garbage, offal, ~~or the contents of any vault, sink, privy, catch basin, cesspool, septic tank,~~ or any noxious or offensive substance shall do, or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building, or premises.
- B. No vehicle for carrying any offal, swill, garbage, or rubbish ~~or the contents of any privy vault, cesspool, septic tank, or sink~~ or having upon it or in it other nauseous or offensive substances shall, without necessity therefor stand or remain, nor shall a needless number gather before or near any building, place, or business, or other premises where any person may be; nor shall any such vehicle occupy an unreasonable length of time in loading or unloading or in passing along any street or through any inhabited place or ground; nor shall any such vehicle, or the driver thereof, or anything pertaining thereto, or the person in charge thereof, be in a condition needlessly filthy or offensive and when not in use such vehicles and all implements used in connection therewith shall be stored and kept in some place where no needless offense shall be given to any inhabitants of the City or so as to endanger the health of any person.

**§ 36-113 [Ch. 36, Sec. 13] Violations, penalty.**

Any person, firm, or entity violating any provision of this chapter shall, unless otherwise provided in this chapter, be fined not less than \$250 nor more than \$2,000 for each offense; and a separate offense shall be deemed to have occurred on each day during or on which a violation occurs or continues.

**§ 36-114 [Ch. 36, Sec. 14] Severability.**

If any section, sentence, clause, or other provision of this chapter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other section, sentence, clause, or provision. To this end all such portions of this chapter are declared severable and shall be so construed whenever possible to do so.