



CITY OF  
BLOOMINGTON  
SPECIAL SESSION  
COUNCIL MEETING  
APRIL 9, 2018

# AGENDA



**SPECIAL MEETING AGENDA  
OF THE CITY COUNCIL  
CITY HALL COUNCIL CHAMBERS  
109 EAST OLIVE STREET, BLOOMINGTON, IL 61701  
MONDAY, APRIL 9, 2018; 5:30 P.M.**

1. Call to Order
2. Roll Call of Attendance
3. Public Comment
4. Consideration and potential action or direction of various proposed options regarding existing boat docks on non-leased marginal land at Lake Bloomington where ownership is claimed by non-lake front leaseholders, as requested by the Water Department. *(Recommend utilizing one or a combination of the following options, provide staff direction related to existing boat docks on non-leased marginal land at Lake Bloomington where ownership is claimed by non-lake front leaseholders. Staff recognizes that approaches may vary based on individual circumstances and therefore the options below may be applied differently to different categories of boat dock owners.*

*Sample Option 1:* *All existing boat docks not conforming to the ordinances, regulations, policies and standards of the City of Bloomington, having been constructed upon land set aside for access easements for off-the-lake lots and the general public, shall be removed by the owner or shall be a issued violation notice and made subject to the Administrative Court system for remediation.*

*Sample Option 2:* *All existing boat docks not conforming to the ordinances, regulations, policies and standards of the City of Bloomington, having been constructed upon land set aside for access easements for off-the-lake lots and the general public, shall be removed by the owner voluntarily or shall be purchased by the City of Bloomington for the appraised value. The owner(s) of each boat dock shall be compensated for the appraised value of the boat dock by the City of Bloomington and ownership of the boat dock will be transferred to the City of Bloomington. Owner(s) who choose not to sell the boat dock to the City will be issued a violation notice and made subject to the Administrative Court system for*

remediation.

*Sample Option 3: All existing boat docks not conforming to the ordinances, regulations, policies and standards of the City of Bloomington, having been constructed upon land set aside for access easements for off-the-lake lots and the general public, shall be granted a temporary permit for the dock that expires in either six (6) months or upon transfer of the property, whichever is sooner. Upon the end of the six (6) month permit or upon transfer of the property, whichever is sooner, the permit holder will be required to remove the boat dock at the expense of the permittee. Owner(s) who choose not to obtain a permit from the City will be issued a violation notice and made subject to the Administrative Court system for remediation.*

*(Presentation by Bob Yehl, Water Director, 10 minutes, City Council discussion, 40 minutes.)*

5. Adjourn (Approximately 6:50 p.m.)



**SPECIAL SESSION MEETING  
AGENDA ITEM NO. 4**

FOR COUNCIL: April 9, 2018

**SPONSORING DEPARTMENT:** Water Department / Administration

**SUBJECT:** Consideration and potential action or direction of various proposed options regarding existing boat docks on non-leased marginal land at Lake Bloomington where ownership is claimed by non-lake front leaseholders, as requested by the Water Department.

**RECOMMENDATION/MOTION:** That the City Council, utilizing one or a combination of the following options, provide staff direction related to existing boat docks on non-leased marginal land at Lake Bloomington where ownership is claimed by non-lake front leaseholders. Staff recognizes that approaches may vary based on individual circumstances and therefore the options below may be applied differently to different categories of boat dock owners.

**Sample Option 1:** All existing boat docks not conforming to the ordinances, regulations, policies and standards of the City of Bloomington, having been constructed upon land set aside for access easements for off-the-lake lots and the general public, shall be removed by the owner or shall be a issued violation notice and made subject to the Administrative Court system for remediation.

**Sample Option 2:** All existing boat docks not conforming to the ordinances, regulations, policies and standards of the City of Bloomington, having been constructed upon land set aside for access easements for off-the-lake lots and the general public, shall be removed by the owner voluntarily or shall be purchased by the City of Bloomington for the appraised value. The owner(s) of each boat dock shall be compensated for the appraised value of the boat dock by the City of Bloomington and ownership of the boat dock will be transferred to the City of Bloomington. Owner(s) who choose not to sell the boat dock to the City will be issued a violation notice and made subject to the Administrative Court system for remediation.

**Sample Option 3:** All existing boat docks not conforming to the ordinances, regulations, policies and standards of the City of Bloomington, having been constructed upon land set aside for access easements for off-the-lake lots and the general public, shall be granted a temporary permit for the dock that expires in either six (6) months or upon transfer of the property, whichever is sooner. Upon the end of the six (6) month permit or upon transfer of the property, whichever is sooner, the permit holder will be required to remove the boat dock at the expense of the permittee. Owner(s) who choose not to obtain a permit from the City will be issued a violation notice and made subject to the Administrative Court system for remediation.

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

**STRATEGIC PLAN SIGNIFICANCE:** Objective 2a. Quality water for the long term. Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

**BACKGROUND:** At the February 13, 2017, City Council meeting, staff provided a presentation to the City Council on the recent efforts of the Administration and Water Department staff regarding the Lake Bloomington Dock Project which included codifying the existing permitting practices of the Water Department. During this meeting, Council directed the Administration and the Water Department to continue to gather available information and data, conduct a public meeting, and meet individually with dock owners of existing boat docks on non-leased marginal land at Lake Bloomington where ownership is claimed by non-lake front leaseholders.

The Administration and Water Departments have concluded the directives provided by Council.

The effort performed by City staff resulted in the identification of the following options related to the existing boat docks on non-leased marginal land at Lake Bloomington where ownership is claimed by non-lake front leaseholders but wherein City staff does not believe a permit was issued or wherein the dock exceeds the permitted structure –

1. Owner of dock(s) has dock “grandfathered in” but must make dock compliant with City Code.
2. Owner of dock(s) remove the non-compliant dock.
3. Owner of dock(s) sign over ownership of dock to the City of Bloomington.
4. Owner of dock(s) sells the dock(s) to the City of Bloomington for the appraised value assessed by an MAI appraiser.
5. Owner of the dock(s) is granted a temporary permit for the dock that expires in either two (2) years or upon transfer of the property, whichever is sooner.
6. Owner of the dock(s) is granted a temporary permit for the dock that expires in either six (6) months or upon transfer of the property, whichever is sooner.
7. Owner of the dock(s) is cited with an Ordinance Violation and must appear in Administrative Court.
8. Owner of the dock(s) is granted a lease for the marginal land area adjacent the dock installation and pay an annual lease fee.

After consideration and discussion with interested parties, the Department has provided the sample options outlined in the above Recommendation/Motion for consideration and action. The Water Department plans to return to Council at a later date to present proposed ordinances pertaining to codification of existing permitting practices of the Water Department.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Owners of the 18 boat docks constructed upon the access easement for off-the-lake lots and the general public at Lake Bloomington where ownership is claimed by non-lake front leaseholders; various lease holders and area residents; Lake Bloomington Association.

**FINANCIAL IMPACT:** To be determined; will vary depending upon which option is chosen.

**COMMUNITY DEVELOPMENT IMPACT:** UEW-1 Provide quality public infrastructure within the City to protect public health, safety and the environment.

Link to Comprehensive Plan/Downtown Plan Goals UEW-1.5 Reliable water supply and distribution system that meets the needs of the current and future residents.

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION:** Minimal; varies depending upon which option is chosen.

Respectfully submitted for Council consideration.

Prepared by: Joseph M. Darter, Property Manager

Reviewed by: Robert Yehl, PE, Water Director

Financial & budgetary review by: Scott Rathbun, Sr. Budget Manager

Community Development review by: Bob Mahrt, Interim Community Development Director

Legal review by: Gregory E. Moredock, Sorling Northrup

Recommended by:



Steve Rasmussen  
Interim City Manager

**Attachments:**

- 8B - Lake Bloomington Current Governance
- 8C - The Lake Bloomington Management Principles
- 8D - Previous Council Proceedings (1950, 1977, 1978)
- 8E - Dock / Claimed Owner Map
- 8F - Public Meeting Presentation, May 3, 2017

### Governance at Lake Bloomington

Lake Bloomington is located in an unincorporated area within McLean County (County). The City of Bloomington (City) is unable to annex the area due to the Lake and its' marginal lands not being contiguous to Bloomington City limits. Illinois Municipal Code 65 ILCS 5/7-4-2 (from Ch. 24, par. 7-4-2) allows for Bloomington to maintain jurisdiction and control over the area applying City ordinances as if the lake and marginal lands were located within City limits. This is permissible via the Illinois Municipal Code because the Lake is owned by the City, it lies outside the corporate limits of the City, and it does not lie within the corporate limits of another municipality.

### Bloomington City Code

Per the Illinois Municipal Code stated above, the City of Bloomington has the authority to apply the entire Bloomington City Code to the Lake Bloomington area. The Bloomington City Code carves out an entire chapter, Chapter 23, which specifically addresses specialty areas surrounding Lake Bloomington. Chapter 23, Sections 3, 6, 30, 49, 52, and 53 are specific to the City establishing additional rules and regulations specifically applicable to the Lake.

Additionally, most leases also contain specific building provisions for lease holders.

### Chapter 23 Relevant Sections

#### Section 3: Buildings and Structures.

No building or other structure, whether for habitation or otherwise, including any dock, wharf, boathouse or anchored or stationary raft shall be constructed, altered or maintained within the limits of the reservoir or marginal land, unless all applicable permits, based upon a written application setting forth the location, specifications and intended use thereof, are granted by the appropriate divisions of the Building Department, including building, electric, plumbing and heating. (Ordinance No. 1990-29)

#### Section 6: Connections to Utility Services.

No person not an authorized employee of the City shall make any connection with, uncover, alter or disturb any water pipe or main, conduit, electric wire or line, sewer or other utility constructed or maintained by the City or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit from the City based upon a written application setting forth the location and nature of the work to be done, together with a description thereof or copy of plans or specifications therefor of the contemplated connection or alteration and depositing with the City such a sum of money as the City shall estimate will fully cover all damage of any kind which may be caused by the connection or alteration or filing an appropriate bond, guaranteeing restoration, in form and amount and with surety, as approved by the City, if requested by the City to do so. After such alteration or connection has been completed, the sewer, water pipe or main, conduit, electric wire or line, manhole or intercepting chamber shall be immediately restored to as good a state or condition as prior to the doing of such work, to the satisfaction of the City or by the City, as the City may elect. If the completion of the restoration be



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without expense to the City and to its satisfaction the sum deposited shall be refunded, but if any of the work be done by it, the City shall certify the actual expense incurred and shall refund to the holder of the permit the difference, if any, between the amount deposited and the amount certified. In the event the amount so certified shall be in excess of the deposit the holder of the permit shall immediately pay such excess to the City. (Ordinance No. 1990-29)

Section 30: Encroachments.

No building or structure or anything erected or constructed on the face thereof or in any way connected therewith shall extend into, upon, or over any boulevard, road or parkway within the marginal land unless a written permit for the same shall have been granted by the City, based upon a written application setting for the location and specifications of the encroachment. (Ordinance No. 1990-29)

Section 49: Right of Inspection, Construction and Maintenance.

The City, by its authorized representatives, shall have the right to go upon and into the reservoir and marginal land and every part thereof and the improvements thereon at any and all reasonable times for the purpose of inspecting the same; also to gain access to other land; plant and care for trees and other vegetation; to construct or cause to be constructed and maintained sewer, water and gas pipes, electric and telephone lines and pipes and lines for other services and their appurtenances; to improve and protect the shoreline; and to do any other work pertaining to the improvement, protection, sanitary control, and regulation of the reservoir and its environs. (Ordinance No. 1990-29)

Section 52: Rules and Regulations

The appropriate department of the City shall have power to establish general rules and regulations for the administration of this Article and such other rules and regulations as may be deemed advisable or necessary to make in giving full force and effect to the carrying out of the provisions of this Article and may amend and repeal any such rules and regulations.

Section 53: Permits and Licenses.

All applications for permits or licenses herein provided for shall be directed to the City.

All permits and licenses herein provided for that may be issued by the City shall not be transferable in any way, but all benefits which may be derived therefrom shall accrue only to the person to whom the permit was originally issued by the City.

Each permit or license, whether or not issued for a consideration, shall be subject to revocation by the City unless otherwise expressly provided whenever the licensee or holder of such permit in any way violates or permits the violation of any law, ordinance, rule or regulation for the regulation, care,

protection or control of the reservoir, drainage area or water supply of the City. All such permits or licenses may be consecutively numbered.

Each custodian of marginal land and each licensee or holder of any permit from the City herein provided for shall at all times keep his post office address on file with the City, and any provision for written notice to any custodian, licensee or holder of any permit from the City herein provided for shall be deemed for all purposes to have complied with when the same in writing shall have been deposited in the United States registered mail, postage prepaid, and properly addressed to such designated address. The affidavit of the person so mailing such notice, together with the registry receipt shall be prima facie evidence of the mailing thereof.

#### Applicable Provisions from Lease (1)

**IMPROVEMENTS.** Lessee shall be permitted to make improvements upon the premises that are in compliance with the laws of the State of Illinois and the ordinances of the City and County of McLean. Lessee shall erect only one principle structure on the property included in this lease. Any other improvements erected on said property shall be for use in conjunction with the principle structure. The ordinances of the City shall be in full force and effect and in the same manner as if the above-described premises were located within the boundaries of the City of Bloomington. Prior to commencement of construction of any improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises.

**RULES AND REGULATION.** Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee.

**USE OF AND ACCESS TO LAKE.** Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of the Lessor, which rules and regulations will apply equally to Lessees of Lake Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises.

**TREE CUTTING.** No trees on the leased premises shall be removed without the permission of the City except that Lessee can trim trees for safety, plant health, or aesthetic reasons, and lessee may remove dead trees from leased premises.

(1) Note: These lease provisions are included in the various versions of Lot Leases currently in use. Specifically leases dated 1968, 1986, 1997, 2004 and 2015 were reviewed.

Access Easement Definition: “The right given to use a pathway or a road to a property that belongs to another person to give access to a road.”

An easement is a negotiated agreement in which a property owner gives others the right to limited use and access to the land.

## **The Lake Bloomington Management Principles**

### Protection of the Water Supply for the City of Bloomington

- ❖ Ensuring a quality water source is available for future generations by mitigating impacts to water quality and minimizing risks to the reservoir through a managed approach to integration of recreational and residential uses.

### Consistent Community Development

- ❖ Ensuring consistent, efficient and effective rules and regulations are applied equally to all.

### Providing Access to All

- ❖ Ensuring all segments of the population are able to enjoy the reservoir and surrounding lands through focused efforts and coordination.

## **Management Principles in Practice: Land Use Planning**

Water Department staff is currently creating an actionable plan that will govern the use of Lake Bloomington and the land surrounding the reservoir. The Proposed Land Use Plan aims to protect the City of Bloomington's water supply in the following ways:

- ❖ Protecting the reservoir by controlling the activities that have been proven to be detrimental to water quality.
- ❖ Managing the development of the area around the reservoir by applying consistent standards to community development.
- ❖ Protecting the natural areas that surround Lake Bloomington by creating unique areas of protection.

These areas of protection will include:

- ❖ Creating green spaces to help with sediment erosion and filtration
- ❖ Creating areas that protect the abundant wildlife and migratory birds
- ❖ Providing areas of conservation and areas that promote human interaction with nature

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

Ayes: Aldermen Meara, Jones, McGraw, Kane, Drybread, Gaines, McKee, Smith, Harris, Knobloch, Marquardt and Erickson.

Nays: 0.

Motion carried.

### COMMITTEE REPORTS

Alderman Smith read the following:

September 29, 1950.

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

GENTLEMEN:—Your Lake Bloomington Board, Special Lake Bloomington Committee and City Engineer to whom was referred the resolution calling for a proposal for the financing of graveling and black topping the main road around Lake Bloomington, respectfully report that they have studied the situation thoroughly and wish to recommend the sale of the following lots under the following conditions:

The sale of lots shall be limited to the residents of the City of Bloomington for 60 days, beginning with first day of sale, October 2, 1950.

There shall be a limit of 1 lot to the purchaser.

There shall be no options allowed.

The sale of lots shall automatically cease when the city has sold the first lot over \$20,000.00 worth. This money shall be for the exclusive use of Department 6 of the Water Department.

All present and future leases shall have the lease rent paid on them on or before the 1st day of January of each year, in advance. Failure on the part of the lease holder to do so shall be cause for the city to take up the lease and issue a new one at a new rent figure. Any such new lease rent figures shall be set by the Council.

- Lots 1, 5, 6, 7, Block 9, Camp Potawatomie—\$300 each.
- Lots 4, 5, 6, 7, 8, 9, 11, 12, 13, Block 11, Camp Potawatomie—\$300 each.
- Lots 1 through 16, Block 13, Camp Potawatomie—\$300 each.
- Lots 1 through 19, Block 15, Camp Potawatomie—\$300 each.
- Lot 4, Block 17, Camp Potawatomie—\$400.
- Lots 1 through 25, Block 18, Camp Potawatomie—\$300 each.
- Lots 1 through 30, Block 20, Camp Potawatomie—\$300 each.
- Lots 5 and 8, Block 22, Camp Potawatomie—\$300 each.
- Lots 6 and 7, Block 22, Camp Potawatomie—\$200 each.
- Lots 1 through 15, Block 23, Camp Potawatomie—\$300 each.
- Lots 1 through 8, Block 25, Camp Potawatomie—\$300 each.
- Lots 1 through 3, Block 27, Camp Potawatomie—\$300 each.
- Lots 1 and 2, Block 4, Camp Kickapoo—\$300 each.
- Lot 3, Block 4, Camp Kickapoo—\$400.
- Lots 20 through 23, Block 3, Camp Kickapoo—\$400 each.

All of these lots are presently surveyed and are off-the-lake lots. Hepatica Lane, Anemone Lane, Trillium Lane and Blue Bell Lane, shall be opened for accessibility to the lake front by the public and the purchasers of these off-the-lake lots.

Lots 1 through 9, Block 3, Camp Iroquois—\$800 each.

Lots 10 and 11, Block 3, Camp Iroquois—\$1,000 each.

Lots 3, 4, 5, 6, 7, Block 26, Camp Potawatomie, to be surveyed—\$1,500 each.

Lots 1 through 8, Block 29, Camp Potawatomie, to be surveyed—\$1,500 each.

Lots 1 through 7, Block 30, Camp Potawatomie, to be surveyed—\$1,500 each.

A public lot to be created between Blocks 26 and 28 of Camp Potawatomie.

A public lot to be created in Block 29 of Camp Potawatomie.

A public lot to be created between Blocks 29 and 30 of Camp Potawatomie.

The comptroller is hereby authorized to place the lots for lease on Monday, October 2, 1950.

JESSE JONES  
JOE MCGRAW  
C. C. WILLIAMS  
*Lake Bloomington Board.*

RONALD H. SMITH  
JOHN P. KANE  
*Special Lake Bloomington Committee.*

S. R. WILHOIT,  
*City Engineer.*

Motion by Alderman Smith, seconded by Alderman Jones, that the report be adopted and recommendations be concurred in.

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

Ayes: Aldermen Meara, Jones, McGraw, Kane, Drybread, Gaines, McKee, Smith, Harris, Knobloch and Erickson. 11.

Nays: Alderman Marquardt. 1.

Motion carried.

Alderman Meara read the following report and Ordinance:

September 29, 1950.

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

GENTLEMEN:—Your Judiciary Committee to whom was referred on September 8 1950, the petition of Frank E. Sperry and Elsie J. Sperry for the re-zoning of Blocks Two and Three in the new Oakland Heights Addition to the City of Bloomington as shown by plat approved by the City Council of the City of Bloomington on the 14th day of July, 1950, from Industrial classification to Residential classification would respectfully represent that they have met on said petition and prepared the attached Ordinance providing for the re-zoning of said property and recommend that this Ordinance be referred to the Judiciary Committee, a standing committee of this Council, to hold a public hearing thereon and do all other things required by statute and to report back to this Council.

Respectfully submitted,  
J. WILLIAM MEARA  
ROBERT ERICKSON  
HAROLD KNOBLOCH  
*Judiciary Committee.*

**To:** Honorable Mayor and City Council  
**From:** William L. Vail, City Manager  
**Subject:** Report from certain Lease Holders at Lake Bloomington

Attached is a report from Mr. Arnie Sepke and other residents at Lake Bloomington regarding a 40' strip of land leased to Darwin Rhoda.

I would recommend that you receive the report and refer it to the staff for their review and recommendation.

Respectfully,

William L. Vail  
City Manager

(Report on file in City Clerk's Office.)

**Motion by Councilman Parker, seconded by Councilman Smart, that the report be received and referred to the staff for review and recommendation.**

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

**Ayes: Councilmen Smart, Pierce, Parker and Mayor Buchanan.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**To:** Honorable Mayor and City Council  
**From:** William L. Vail, City Manager  
**Subject:** Request for "No Parking" on McClun Street

The Engineering Department has recommended that "No Parking" be extended from the existing 30' spacing to 45' from the north line of Taylor Street on McClun Street to allow for trucks to back into and exit from a loading dock on McClun Street.

It is recommended that this request be referred to the Development Committee for review and recommendation.

Respectfully,

William L. Vail  
City Manager

**The City Manager presented the following:**

**To:** Honorable Mayor and City Council  
**From:** William L. Vail, City Manager  
**Subject:** Lease of property at Lake Bloomington to Darwin L. Rhoda

On May 19, 1977 the Bloomington City Council authorized the execution of a lease between the City of Bloomington and Darwin L. Rhoda for a 40' wide strip of property adjoining Mr. Rhoda's lot of Lot 4 in Block 19 of Camp Potawatamie. The City Council and staff, at that time, were both of the opinion that the referenced property was totally vacant and unused and had not previously been appropriated or set aside for the specific use of any party.

Mr. Rhoda indicated in his request for the lease of the property that he would clean up the area and maintain it in a reasonable condition. On July 20, 1978 we received a communication from Mr. Arnie Sepke, Randy and Gay Blumenshire, Ronald and Juanita Longstreth, and Alan Steffen, who are leaseholders of records and are in permanent residency at Lake Bloomington, contesting that this particular lake access is now in violation of Zoning Ordinances established for the regulation of land use as ratified by the Bloomington City Council on September 29, 1950.

The above mentioned leaseholders cited in their communication a Resolution passed by the Bloomington City Council on September 29, 1950 which stated that Trillium Lane, between Blocks 19 and 21 of Camp Potawatamie at Lake Bloomington, shall remain open for accessibility to the lake by the public and the purchasers of off-the-lake lots.

It does appear from the examination of the minutes of the City Council Meeting of September 29, 1950, that the property leased to Mr. Rhoda, being a portion of Trillium Lane, was property which was devoted to a prior use, namely, as an access way to the lake for purchasers of off-the-lake properties. Consequently, the City Council's action on May 9, 1977 is inconsistent with its prior action and does abridge the right of those off the lake property owners.

Therefore, I recomend the City Council rescind the lease executed on May 9, 1977 between the City of Bloomington and Darwin L. Rhoda, and direct the Director of Finance to refund Mr. Rhoda any monies paid to the City pursuant to the lease of said property.

Respectfully,

William L. Vail  
City Manager

Motion by Councilman Parker, seconded by Councilman Smart, that the report be adopted.

Motion by Councilman Pierce, seconded by Councilman Smart, that the rules be suspended for someone in the audience to speak.

Motion carried.

Mr. Arnie Stepke, Ronald Longstreth indicated they had used this access to the lake prior to it being leased to Mr. Rhoda. They said that prior to the leasing to Mr. Rhoda, they had mowed and maintained the lot and hoped to build a dock there to tie up their boats. They said with the leasing to Mr. Rhoda they have no access to the lake.

Motion by Councilman Smart, seconded by Councilman Pierce, that the Council come back to order.

Corporation Counsel Stanczak said Mr. John Luedtke, Attorney for Mr. Rhoda, had asked that this matter not be considered tonight.

The Mayor directed the Clerk to call the roll on Motion by Councilman Parker, seconded by Councilman Smart, that the report be adopted, which resulted as follows:

Ayes: Councilman Parker.

Nays: Councilmen Smart, Pierce and Mayor Buchanan.

Motion lost.

Mayor Buchanan said a lease was granted to Mr. Rhoda and he would like to hear his views on the matter.

Motion by Councilman Pierce, seconded by Councilman Smart, that the matter be laid over.

Motion carried.

The City Manager presented the following:

To: Honorable Mayor and City Council  
From: William L. Vail, City Manager  
Subject: Request of Edward Ingold to lease from the City of Bloomington a vacant tract of land between Lots 8, 9, 10 and 11 in Block 3 of Iroquois Area, Lake Bloomington



Community Development allocations for downtown improvements. We are recommending that the cost of this project be paid from this account.

I, therefore, recommend that the City Council authorize the expenditure of approximately \$9,200.00 to perform sidewalk repairs in the 200 block of East Front Street.

Respectfully,

William L. Vail  
City Manager

**Motion by Councilman Pierce, seconded by Councilman Smart, that the City Council authorize the expenditure of approximately \$9,200.00 to perform sidewalk repairs in the 200 block of East Front Street.**

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

**Ayes: Councilmen Smart, Pierce, Parker and Mayor Buchanan.**

**Nays: None.**

**Motion carried.**

**The City Manager presented the following:**

**To: Honorable Mayor and City Council**  
**From: William L. Vail, City Manager**  
**Subject: Lease of property at Lake Bloomington to Darwin L. Rhoda**

The controversy surrounding a lease for a portion of Trillium Lane to Mr. Darwin L. Rhoda was laid over at the October 23, 1978 Council Meeting at the request of Mr. Rhoda and his attorney. A meeting was held on November 8 with Mr. Rhoda's Attorney, John Luedtke; Mr. David Stanczak; Mr. Ron Smith; and one of the Petitioners. The meeting was set up to pursue the possibility of some accommodation of the competing interests.

After Mr. Luedtke had suggested seeking a compromise to this problem in a letter dated October 31, 1978, Mr. John Luedtke on behalf of Mr. Rhoda, indicated that the Rhodas would be willing to keep Trillium Lane open for pedestrian traffic, casual family picnicing, and an access for snowmobiles in the winter. He indicated that Mr. Rhoda would not want the area used for boating, a boat dock, swimming, fishing, picnic tables, grills and recreation structures such as swings, slides, etc. Mr. Luedtke indicated the Mr. Rhoda would expect the land to be left as it is, that is to say, unimproved without roadways and sidewalks.

At the meeting, the one Petitioner and Mr. Ron Smith voiced personal objections to the proposal presented by Mr. Luedtke as well as some doubt as to whether any of the Petitioners would accept it. Consequently, this matter comes up before the City Council for a decision on

the matter. The staff recommendation and Ordinance, which is attached, will rescind the lease of the 40' strip of property to Mr. Rhoda and refund to him all monies paid to the City under the lease.

In an effort to provide you with some background as it relates to this matter, on May 19, 1977 the Bloomington City Council authorized the execution of the lease between the City of Bloomington and Darwin L. Rhoda for a 40' wide strip of property adjoining Mr. Rhoda's lot. The Council and staff at that time were both of the opinion that the referenced property was totally vacant and unused and had not previously been appropriated or set aside for the specific use of any party. Mr. Rhoda indicated in his request for the lease of the property that he would clean up the area and maintain it in a reasonable condition. On July 20, 1978 we received a communication from Mr. Arnie Sepke, Randy and Gay Blumenshine, Ronald and Juanita Longstreth and Alan Steffen, who are leaseholders of record and are in permanent residence at Lake Bloomington, protesting that this particular lake access is now in violation of the Zoning Ordinance established for regulation of land use as ratified by the Bloomington City Council on September 25, 1950.

The above mentioned leaseholders cited in their petition a Resolution passed by the Bloomington City Council on September 29, 1950 which stated that Trillium Lane, between Blocks 19 and 21 of Camp Potawatomie at Lake Bloomington shall remain open for accessibility to the Lake by the public and the purchasers of off the lake lots.

It does appear from the examination of the minutes of the City Council Meeting of September 29, 1950 that the property leased to Mr. Rhoda, being a portion of Trillium Lane, was property which was devoted to a prior use, namely as an access way to the Lake for purchasers of off the Lake properties.

Consequently, the City Council's action on May 9, 1977 is inconsistent with its prior action and does abridge the right of those off the Lake property owners. The basis for the claim for both sides in this dispute is that the City has done or is attempting to do something which it has no right to do. The Petitioners claim that the City had no right to lease to Mr. Rhoda a strip of property which they had a proprietary interest, namely, the right of access over the 40' strip. Conversely, Mr. Rhoda's Attorney argued that having leased the 40' strip to Mr. Rhoda, the City cannot terminate that lease except as therein provided and since there are no provisions of the lease which Mr. Rhoda has violated, it is outside the City's capacity to terminate that lease.

The Corporation Counsel has recommended that the City Council could terminate Mr. Rhoda's lease on the grounds that the City had conveyed to the purchasers of off the Lake lots of property interest and the right of access across Trillium Lane to the Lake.

Therefore, I recommend that the City Council rescind the lease executed on May 9, 1977 between the City of Bloomington and Darwin L. Rhoda and direct the Director of Finance to refund to Mr. Rhoda any monies paid to the City pursuant to the lease of said property.

Respectfully,

William L. Vail  
City Manager

## ORDINANCE NO. 1978-139

AN ORDINANCE RESCINDING A LEASE FOR  
CERTAIN PROPERTY AT LAKE BLOOMINGTON

WHEREAS the Bloomington City Council on May 9, 1977 authorized execution of a lease between the City of Bloomington and Darwin L. Rhoda for a 40 foot wide strip of property adjoining Mr. Rhoda's lot at Lot 4, Block 19 of Camp Potawatamie; and

WHEREAS the City Council and Mr. Rhoda at the time were both of the opinion that said property was totally vacant and unused and had not previously been appropriated or set aside for the specific use of any party; and

WHEREAS it appears from an examination of the Minutes of the City Council Meeting of September 29, 1950 that the property leased to Mr. Rhoda, being a portion of Trillium Lane, was property which was devoted to a prior use, namely as an access way to the lake for purchasers of off the lake properties; and

WHEREAS the City Council's action on May 9, 1977 is inconsistent with its prior action and abridges the rights created in off the lake property owners;

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

SECTION 1. The lease executed by and between the City of Bloomington on May 9, 1977 and Darwin L. Rhoda shall be and the same is hereby rescinded.

SECTION 2. The Director of Finance shall be and the same is hereby directed to refund to Mr. Rhoda any costs incurred pursuant to the lease of said property to Mr. Rhoda or its rescision as herein provided.

SECTION 3. This Ordinance shall take effect immediately upon passage and approval.

PASSED and APPROVED this 27th day of November, 1978.

APPROVED:

RICHARD BUCHANAN  
Mayor

ATTEST:

SANDRA CORDERO  
City Clerk

Motion by Councilman Pierce, seconded by Councilman Passmore, that the Resolution be adopted.

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

Ayes: Councilmen Smart, Pierce, Passmore and Mayor Buchanan.

Nays: None.

Motion carried.

**The following was presented:**

**To:** Honorable Mayor and City Council

**From:** William L. Vail, City Manager

**Subject:** Payment made to Darwin L. Rhoda

Pursuant to the action taken by the City Council on November 27, 1978 as it relates to the termination of the lease of property at Lake Bloomington to Mr. Rhoda, Mr. Stanczak, Mr. Rhoda, and Mr. John Luedtke met in an effort to arrive at a settlement relative to payments made to the City, and work performed by Mr. Rhoda on the above referenced property.

Mr. Rhoda's attorney has informed us that they will be willing to settle with the City of Bloomington for the sum of \$1,000.00. In addition, Mr. Rhoda proposes to remove the piles of dirt from that portion of Trillium Lane which borders his lot, to remove the existing posts and chain, and do some rough grading or leveling of the lane.

It is my position that this represents a fair settlement. It is, therefore, recommended that the City Council authorize to Mr. Darwin Rhoda a payment of \$1,000.00 in an effort to resolve this matter. Sufficient dollars are available in the Judgement Fund to accommodate this expenditure.

Respectfully,

William L. Vail  
City Manager

Motion by Councilman Smart, seconded by Councilman Passmore, that the City Council authorize a payment of \$1,000.00 to Mr. Darwin Rhoda.

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

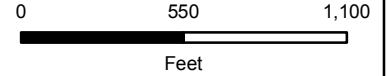
Ayes: Councilmen Smart, Passmore and Mayor Buchanan.

Nays: Councilman Pierce.

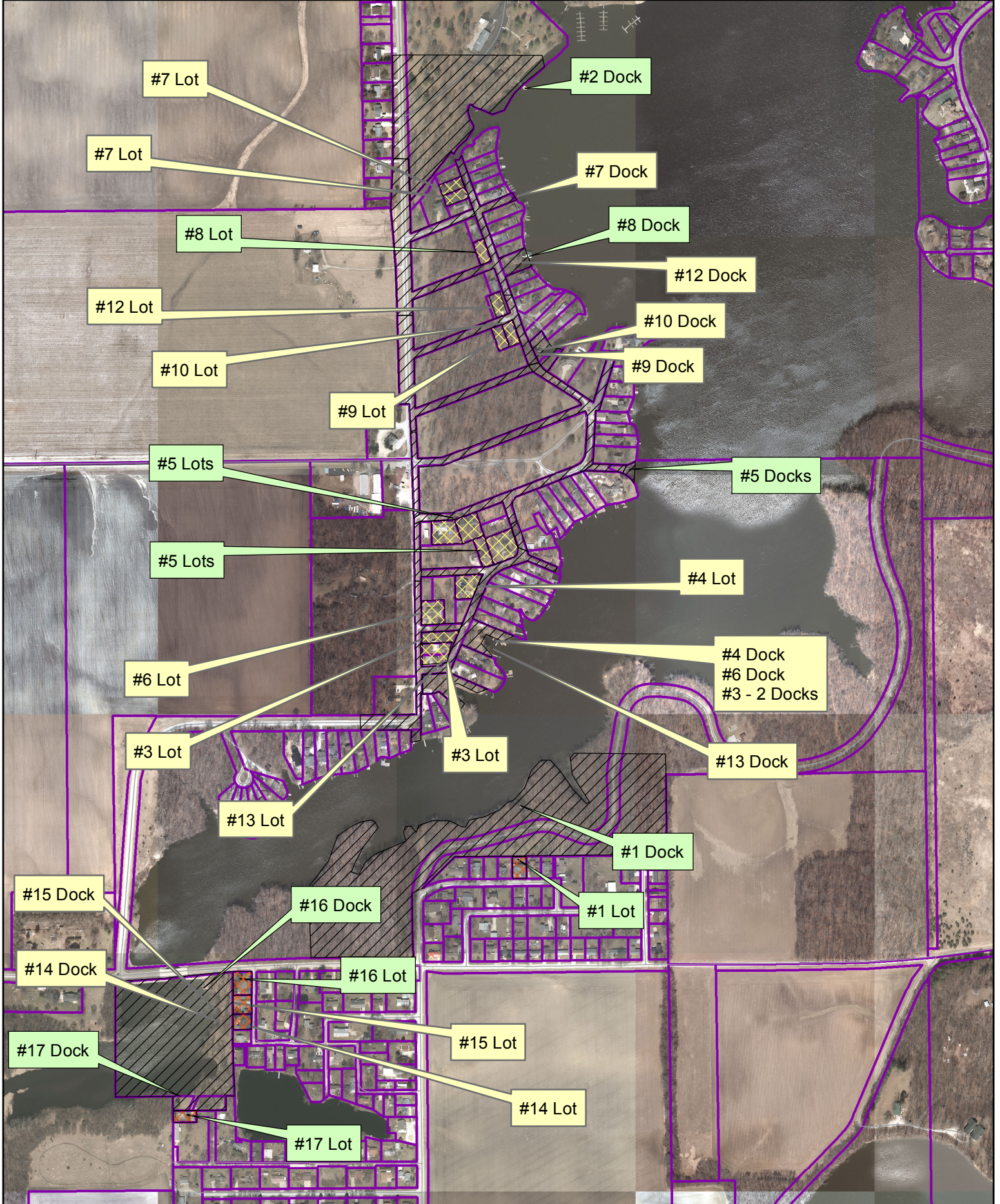
Motion carried.

The City Manager presented the following:

# Lot & Dock Locations With Corresponding Project #



Date: 3/22/2018



A high-speed photograph of a water droplet hitting a surface, creating a central column of water and concentric ripples. The background is a light blue gradient.

# Structure Permitting Process And Dock Evaluation

Public Meeting

May 3, 2017

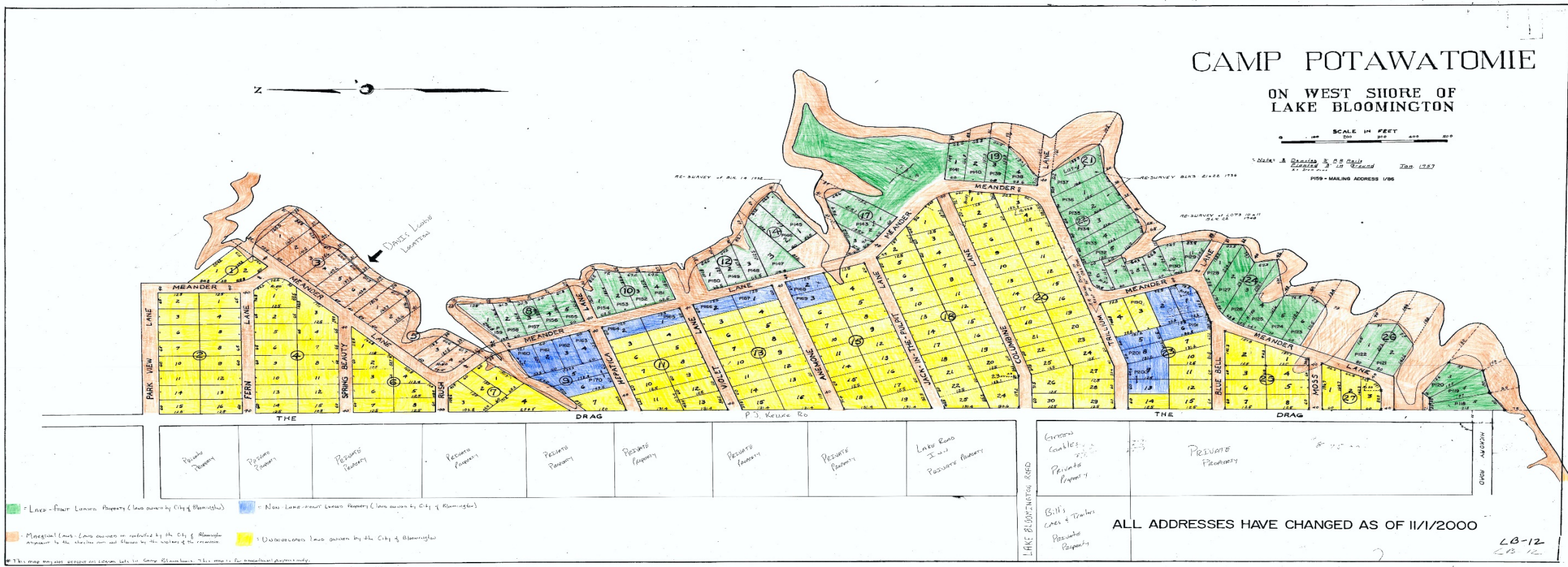
6:00 – 8:00 PM



# **GOALS OF COMMUNITY DEVELOPMENT AT LAKE BLOOMINGTON**

- **Protection of Water Supply for the City of  
Bloomington**
- **Consistent Community Development**
  - **Providing Access to All**

# Land Use Categories





A water droplet is captured mid-fall, creating a series of concentric ripples on the surface of the water below. The background is a soft, light blue gradient.

# **Current City Ordinance**

**Section 3 of Chapter 23 states: “No building or other structure, whether for habitation or otherwise, including any dock, wharf, boathouse or anchored or stationary raft shall be constructed, altered or maintained within the limits of the reservoir or marginal land, unless applicable permits, based upon a written application setting forth the location, specifications and intended use thereof, are granted by the appropriate divisions of the Building Department, including building, electric, plumbing and heating. (Ordinance No. 1990-29)**

# Proposed Changes to Section 3 of Chapter 23

## Section 3: Buildings and Structure

**No building or other structure, whether for habitation or otherwise, including any dock, wharf, boathouse or anchored or stationary raft shall be constructed, altered or maintained within the limits of the reservoir or marginal land, unless all applicable permits, based upon a written application setting forth the location, specifications and intended use thereof, are granted by the Water Department and as applicable the Community Development Department ~~appropriate divisions of the Building Department, including building, electric, plumbing and hearing~~. No permit for any dock, wharf or boathouse or anchored or stationary raft shall be issued unless it is to be located adjacent to marginal land located directly adjacent to and bordering land leased by the applicant, and it is determined by the Water Director that the addition of such dock, wharf, boathouse or anchored or stationary raft is a mere extension of the leased premises to be used for the sole purpose of docking a boat. An anchored or stationary raft may be located off the marginal land adjacent to the applicant's leased premises, so long it does not impact public access to the waterways and is otherwise in compliance with this section.**

A high-speed photograph of a water droplet hitting a surface, creating a splash and concentric ripples. The background is a soft, light blue gradient. The text "Questions and Comments" is overlaid in the center in a bold, black, sans-serif font.

# Questions and Comments