

CITY COUNCIL, CITY OF LOVES PARK, ILLINOIS

Journal of Proceedings
Regular Meeting, Monday, April 19, 2021
City Hall Council Chambers

Mayor Gregory Jury called the meeting to order at 6:00 p.m.

Alderman Robert Schlensker opened the meeting with an invocation, followed by the Pledge of Allegiance.

Present: Mayor Gregory Jury

Aldermen, Jim Puckett, Clint Little, John Pruitt, Charles Frykman, Mark Peterson, A. Marie Holmes, Robert Schlensker, Doug Allton, Nancy Warden, John Jacobson (via zoom)

Also Present: City Clerk Bob Burden
City Attorney Gino Galluzzo

1. Approve Minutes 04/12/21 The Journal of Proceedings for the regular meeting of April 12, 2021 was approved as submitted by the city clerk on a motion by Alderman Allton. Second by Alderman Schlensker. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
2. IDPH/Water System Perfect Compliance Received a letter from the Illinois Department of Public Health, commending the City of Loves Park water system for maintaining perfect compliance for 12 consecutive months. Placed on file.
3. Commerce Commission Hearing Received a notice from the Illinois Commerce Commission of a hearing regarding Nicor Gas Company, to be held August 31, 2021, in the offices of the Commission, Chicago, IL. Placed on file.
4. Oath Of Office Mayor Jury announced that the oath of office ceremony for the newly elected officials will be held Sunday, May 2, 2021 at 4:00 p.m. in the City Hall Council Chambers.
5. Great American Clean Up Mayor Jury announced that the City of Loves Park will have a team participating in the Great American Clean up to be held Saturday, April 24, 2021.9:00 a.m. to 12:00 noon. Anyone interested in participating should contact Steve Thompson.
6. General Fund Bills Alderman Jacobson presented the General Fund and all other bills dated April 12, 2021 in the amount of \$382,951.84, and moved that they be paid. Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
7. Water Department Bills Alderman Jacobson presented the Water Department bills dated April 12, 2021 in the amount of \$29,470.60, and moved that they be paid. Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
8. Public Safety Report Alderman Allton presented the Police Department Report dated April 19, 2021; presented the Fire Department Report dated April 14, 2021 and the Loves Park Fire Department Strategic Plan Report, to be placed on file.
9. Public Works Report Alderman Schlensker presented the Street Department Report dated April 19, 2021; presented the Water Department Report for April 19, 2021, to be placed on file.

10. Building Department Report Alderman Frykman presented the Building Department Report for March 2021; New Commercial - \$284,040.00; New Residential - \$448,824.00; Others - \$1,428,551.00; Total Permits – 128; Permit Fees - \$18,240.00; Machesney Park Fees - \$21,157.00.
11. Finance and Administration Committee Alderman Jacobson of the Finance and Administration Committee presented the General Fund and all other bills dated April 19, 2021, in the amount of \$139,825.43, for consideration at next week's city council meeting; presented the minutes from the committee meeting held April 12, 2021, to be placed on file.
12. Public Works Committee Alderman Schlensker of the Public Works Committee presented the Water Department list of bills dated April 19, 2021, in the amount of \$205,116.60, for consideration at next week's city council meeting; presented the minutes from the committee meeting held April 5, 2021, to be placed on file.
13. Water Department To Hire Fehr Graham Engineering For Services For Tower 1 Rehab Alderman Schlensker presented the following resolution and moved for its adoption: **RESOLVED**, that by the adoption of this Resolution, that the Water Department Manager is authorized to hire Fehr Graham Engineering and Environmental, 200 Prairie Street, Rockford, IL 61107, for professional services for Tower 1 Rehab for the cost of \$49,850.00. Funds shall be drawn from Account No. 31-00-1920 (Tower #1 Rehabilitation). Second by Alderman Frykman. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
RESOLUTION NO. 21-026
14. Water Department To Hire Baxter & Woodman Engineers For Services To Well #7 Alderman Schlensker presented the following resolution and moved for its adoption: **RESOLVED**, that by the adoption of this Resolution, that the Water Department Manager is authorized to hire Baxter and Woodman Consulting Engineers, 8678 Ridgfield Road, Crystal Lake, IL for professional services for Well #7 design, permitting, bidding and construction services for the cost of \$29,750.00. Funds shall be drawn from Account No. 31-00-1991 (Well #7 Capital Projects). Second by Alderman Frykman. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
RESOLUTION NO. 21-027
15. Spend Funds At Same Rate Alderman Jacobson presented the following resolution and moved for its adoption: **RESOLVED**, that by the adoption of this Resolution, that the City of Loves Park may continue to spend funds at the same rate as the 2020-2021 Appropriation Ordinance until the 2021-2022 Appropriation Ordinance is approved. Further, that the City Treasurer is hereby authorized to make appropriation transfers within funds as provided by law. Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
RESOLUTION NO. 21-028
16. Inducement Agreement Alderman Jacobson presented the following resolution and inducement agreement with Markus Smith, 5535 and 5545 North Second Street. **WHEREAS**, the City of Loves Park ("City") is duly organized and existing municipality created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, as supplemented and amended; and **WHEREAS**, the City has duly established a Tax Increment Financing ("TIF") District within which the City has implemented Tax Increment Financing within the district, which district is known as the North Second Street TIF District; and **WHEREAS**, Markus Smith, owns certain property located within the North Second Street TIF District ("5535 and 5545 North Second Street") and has requested TIF assistance from the City; and **WHEREAS**, Markus Smith, wishes to begin work related to the redevelopment of said properties located at 5535 and 5545 North Second Street, prior to entering a redevelopment agreement with the City, and **WHEREAS**, the City agrees to provide TIF incentives, for TIF eligible expenses, to Markus Smith for work related to the redevelopment of the properties located at 5535 and 5545 North Second Street. **NOW, THEREFORE, BE IT**

17. Inducement Agreement (Continued) **RESOLVED**, by the City Council and the City of Loves Park, Illinois, that by the adoption of this resolution, whose recitals are incorporated herein, that the City hereby agrees:
1. The above recitals are incorporated into this Resolution as if fully stated herein and made part hereof.
 2. That the City will provide TIF incentives on TIF eligible expenses incurred that are substantially the same as listed on Exhibit "A", for redevelopment work done at the properties located at 5535 and 5545 North Second Street.
 3. The TIF incentive amount issued by the City, for the redevelopment work done at 5535 and 5545 North Second Street, will be negotiated through a Redevelopment Agreement.
 4. This resolution will be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.
- Second by Alderman Peterson.
18. Amendment Attorney Galluzzo presented an amendment to include that "the passage of the Inducement Resolution will not bind the city to provide Markus Smith with any TIF funds and any commitment by the city to provide TIF funds requires passage of a separate redevelopment agreement".
19. Amendment Approved Alderman Jacobson moved to approve the amendment to the Resolution. Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
RESOLUTION NO. 21-029
20. Promotion Of Drew Armstrong To Water Distribution Lead Alderman Jacobson presented the following resolution and moved for its adoption: **RESOLVED**, that by the adoption of this Resolution, that Drew Armstrong shall be promoted to fill the position of Water Distribution Lead in the Loves Park Water Department, effective May 1, 2021, at the rate of \$31.47 per hour. The Water Distribution Lead position shall be a union position and have a starting wage that is 8% higher than the 5+ year wage rate set in the current collective bargaining agreement. Future increases shall be in accordance with the current Local 150 collective bargaining agreement. This position will be full time and will be paid from Account No. #31-50-4030 (Maintenance Wages). Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
RESOLUTION NO. 21-030
21. Agreement With Javon Bea Hospital To Continue Fire/EMS Dispatch Services Alderman Jacobson presented the following resolution and moved for its adoption: **RESOLVED**, that by the adoption of this Resolution, that the Fire Chief may sign the attached contract with Javon Bea Hospital to continue emergency Fire/EMS dispatch services for the Loves Park Fire Department effective May 1, 2021. The base fee for this service is \$479.93 monthly and the per call fee is \$15.00 per call dispatched. These fees will automatically increase annually by 5%. Funds for this service will be drawn from Account No. 01-12-8650 (Communication Expense/Fire Department). Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
RESOLUTION NO. 21-031
22. Approved As Amended Alderman Jacobson moved to approve Items 16 & 17, the Inducement Resolution as amended. Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)
RESOLUTION NO. 21-029

23. Identifying
Acquisition
Contracts/ Fire
Department

Alderman Jacobson presented the following resolution of the City of Loves Park, Winnebago and Boone Counties, Illinois, identifying certain acquisition contracts to the installment purchase contract, dated as of May 14, 2019, between the City of Loves Park and the City Treasurer relating to acquiring, constructing, installing and equipping improvements needed for the prevention and extinguishment of fires including, without limitation, an addition to Fire Station #2, Two Pierce Fire Engines and various items of equipment for those fire engines with the proceeds for the City's Debt Certificates, Series 2019. **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVES PARK, WINNEBAGO AND BOONE COUNTIES, ILLINOIS, AS FOLLOWS:**

Section 1. Recitals. It is found and declared by the City Council (the "Corporate Authorities") of the City of Loves Park, Winnebago and Boone Counties, Illinois (the "City"), as follows:

(a) The City is a duly organized and existing municipality of the State of Illinois, and is now operating under and pursuant to the provisions of the Illinois Municipal Code (65ILCS 1-1-1 et seq., as amended; the "Code") and is a "governmental unit" as defined in Section 2 (i) of the Local Government Debt Reform Act of the State of Illinois, as amended 30 ILCS 350/1 et seq. (the "Debt Reform Act").

(b) On April 29, 2019, the Corporate Authorities adopted Ordinance No. 4267-19 (the "Authorizing Ordinance") authorizing and providing for the execution and delivery of an Installment Purchase Contract (the "Installment Contract") and the issuance, sale and delivery of the \$2,585,000 Debt Certificates, Series 2019 (the "Certificates"), of the City for the purpose, among other things, of financing a portion of the costs of acquiring, construction, installing and equipping improvements needed for the prevention and extinguishment of fires including, without limitation, an addition to Fire Station #2, two Pierce fire engines and various items of equipment for those fire engines and , incidental to the project costs, to pay bond discount capitalized interest, reserve requirements, and legal, other financing and administrative fees and costs (together, the "Project"), all in accordance with preliminary plans and estimates of costs which have been approved by the Corporate Authorities and are now on file in the office of the City Clerk for public inspection.

(c) Section 17 of the Authorizing Ordinance provided in part that the Corporate Authorities must adopt a resolution or ordinance (each an "Identification Action") identifying all or any part of any contract for the acquisition or construction of the Project or any component part of the Project (each an "Acquisition Contract") to the Installment Contract as required by Section 17(b) of the Debt Reform Act. The City Clerk was authorized and directed in the Authorizing Ordinance to file a certified copy of the Authorizing Ordinance, a certified copy of each Identification Action and a copy of the related Acquisition Contract or Acquisition Contracts with the City Treasurer in his capacity as nominee seller under the Installment Contract. Under Section 17(b) and Section 16 of the Authorizing Ordinance, the adoption of an Identification Action and the filing of it and the related Acquisition Contract or Acquisition Contracts with the City Treasurer are conditions to the disbursement of moneys on deposit in the Project Fund established under the Authorizing Ordinance to pay amounts due under the Acquisition Contract.

(d) In connection with the project, the City has entered into Acquisition Contracts with contractors listed on Exhibit A (the "Contracts") and desires to satisfy the requirements of Section 17(b) of the Debt Reform Act and Section 16 of the Authorizing Ordinance in order that payments may be made from the Project Fund of amounts due under the Contracts. Exhibit A is incorporated into this Resolution by this reference.

Section 2. Identification of Contracts to Installment Contract. The City has entered into the Contracts in order to acquire and construct the Project. The City Council hereby identifies the Contracts to the Installment Contract.

Section 3. Filings with City Treasurer. The City Clerk previously filed a certified copy of the Authorizing Ordinance with the City Treasurer. The City Clerk is directed to file a certified copy of this Resolution and a copy of the Contracts with the City Treasurer. When the City Clerk has done so, the City will be authorized under Section 17(b) and the Authorizing Ordinance to disburse moneys from the Project Fund to pay amounts due under the Contracts.

24. Identifying
Acquisition
Contracts/ Fire
Department
(Continued)

Section 4. Additional Authority; Ratification of Prior Actions. The Mayor, the City Clerk, the City Treasurer, and the other officers and employees of the City are authorized to execute and deliver on behalf of the City such other documents, agreements and certificates and to do such other things consistent with the terms of this Resolution as such officers and employees shall deem necessary or appropriate in order to effectuate the intents and purposes of this Resolution. All actions previously taken on behalf of the City by such officers and employees in connection with the Contracts and the Project are ratified, confirmed and approved.

Section 5. Conflicting Resolutions, Etc. All resolutions and orders or parts of resolutions and orders in conflict with this Resolution are repealed to the extent of such conflict.

Section 6. Severability. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

Section 7. Effective Date. This Resolution shall be in full force and effect upon its adoption as provided by law.

Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)

RESOLUTION NO. 21-032

25. Latham Road
Bridge/ River
Gage
Agreement

Alderman Jacobson presented the following resolution authorizing the Mayor to execute an Intergovernmental Agreement between the City of Loves Park, Illinois, an Illinois Municipal Corporation and the Village of Machesney Park, Illinois, an Illinois Municipal Corporation and the County of Winnebago, an Illinois Body Politic. **WHEREAS**, the City of Loves Park ("City") and the Village of Machesney Park ("Machesney ") are duly organized bodies politic created under the provisions of the laws of the State of Illinois, and are operating under and pursuant to the provisions of the Illinois Municipal Code, as amended (65 ILCS 5/1-1-1 et seq.; the "Municipal Code"), and the County of Winnebago (County), is an Illinois Body Politic operating under the provisions of the Illinois Counties Code, as amended (55 ILCS 5/1-1-1 et seq.; the "Counties Code"), and as "unit[s] of local government" as defined in Article VII, Section 1 of the Constitution of the State of Illinois; and **WHEREAS**, Article VII, Section 10 of the Constitution of the State of Illinois authorizes units of local government to contract or otherwise associate among themselves to obtain or share services in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities; and **WHEREAS**, Machesney has entered into an agreement with the US Geological Service regarding payment for the operation of a river gage and requests that the City and the County each participate equally in the cost of that program by providing the annual sum of \$1,833.33 for the next five (5) years; and **WHEREAS**, the information on water flow along the Rock River is of value to the City and the City has previous participated in this program at the same cost in the past and as such, this contribution does not represent any increase in funding for this project. **NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Loves Park, Illinois, that by the adoption of this resolution, whose recitals are incorporated herein, that the City hereby agrees:

1. The above recitals are hereby incorporated into this Resolution as if fully state herein.
2. The City Council hereby approves the adoption of the Intergovernmental Agreement by and between the City, the County and Machesney and authorizes the Mayor, or his designee, to execute that Intergovernmental Agreement in substantially the same form as attached hereto as Exhibit "A".
3. This Resolution will be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker, Allton, Warden, Jacobson)

RESOLUTION NO. 21-033

26. Adjourn Alderman Jacobson moved that the meeting be adjourned. Second by Alderman Schlensker. Motion carried by voice vote. The meeting was adjourned at 6:18 p.m.

APPROVED:

Robert J. Burden, City Clerk

STANDING COMMITTEE MEETINGS:

Community Development:	Following Council Meeting 6:15 p.m.
Finance and Administration:	Prior to Council Meeting 5:40 p.m.
Public Works:	Prior to Council Meeting 5:15 p.m.
Zoning Board of Appeals:	3 rd Thursday of the Month 5:30 p.m.