



CITY COUNCIL, CITY OF LOVES PARK, ILLINOIS
Journal of Proceedings
Regular Meeting, Monday, January 10, 2022
City Hall Council Chambers

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

Alderman Mark Peterson, opened the meeting with an invocation, followed by the Pledge of Allegiance.

Present: Aldermen Nancy Warden, John Jacobson, Jim Puckett, Dan Jacobson, John Pruitt, Jim Thompson, Mark Peterson, A. Marie Holmes, Robert Schlensker, Doug Allton

Also Present: City Clerk Bob Burden
City Attorney Gino Galluzzo

1. Approve Minutes 01/03/21 The Journal of Proceedings for the regular meeting of January 3, 2022 was approved as submitted by the city clerk on a motion by Alderman Schlensker. Second by Alderman Allton. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
2. Former Officer Jim Young Mayor Jury sent his thoughts and prayers to the family of former Loves Park Police Officer Jim Young, who recently passed away.
3. City Council Meeting Mayor Jury announced that next week's council meeting will be held Tuesday, January 18, 2022, due to the Martin Luther King Jr. holiday on Monday.
4. General Fund Bills Alderman John Jacobson presented the General Fund and all other bills dated January 3, 2022, in the amount of \$806,571.76, and moved that they be paid. Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
5. Water Department Bills Alderman John Jacobson presented the Water Department bills dated January 3, 2022, in the amount of \$96,476.66, and moved that they be paid. Second by Alderman Peterson. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
6. Public Safety Report Alderman Allton presented the Fire Department Report dated January 10, 2022, to be placed on file.
7. Public Works Report Alderman Schlensker presented the Street Department Report dated January 10, 2022; presented the Water Department Report for January 10, 2022, to be placed on file.
8. Finance Committee Alderman John Jacobson of the Finance and Administration Committee presented the General Fund and all other bills dated January 10, 2022, in the amount of \$95,921.08, for consideration at next week's city council meeting; presented the minutes from the committee meeting held January 3, 2022, to be placed on file.
9. Public Works Committee Alderman Schlensker of the Public Works Committee presented the Water Department list of bills dated January 10, 2022, in the amount of \$36,196.68, for consideration at next week's city council meeting; presented the minutes from the committee meeting held January 3, 2022, to be placed on file.

10. Omnibus Vote For Resolutions Alderman John Jacobson moved that Resolution Items #10 through #18 on the Agenda be acted upon through a single omnibus vote. Second by Alderman Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
11. Omnibus Vote Approved Alderman John Jacobson moved to approve Resolution Items #10 through #18 on the Agenda. Second by Alderman Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
12. Continue City Council With 10 Alderpersons Alderman John Jacobson presented the following resolution of the City of Loves Park, Boone and Winnebago Counties, Illinois to continue a City Council consisting of ten Alderpersons elected two-each within five wards in the City. **WHEREAS**, the City of Loves Park (“City”) operates pursuant to Article 3.1 of the Illinois Municipal Code (65ILCS 5/3.1 et seq); and **WHEREAS**, the City has previously elected to use a provision of Article 3.1 that gives the City an option for its council to be comprised of ten (10) alderpersons elected two (2) each from the City’s five (5) wards; and **WHEREAS**, Article 3.1 requires the City to renew this resolution with one (1) year after receipt of every decennial census if it desires to keep its current council size; and **WHEREAS**, on August 12, 2021 the United States Census Bureau released the 2020 decennial census information containing the City’s population; and **WHEREAS**, the City has determined it to be in its best interests to continue having its council size remain at ten (10) alderpersons elected two (2) each from the City’s five (5) wards. **NOW THEREFORE BE IT RESOLVED** by the Mayor and the City Council of the City of Loves Park, County of Winnebago and County of Boone, Illinois, that by the adoption of this resolution, that the Mayor and the City Council hereby agree as follows:
1. The above recitals are hereby incorporated into this Resolution as if fully stated herein.
 2. The City of Loves Park shall continue to have a City Council comprised of ten (10) alderpersons pursuant to Article 3.1 of the Illinois Municipal Code (65 ILCS 5/3.1-20-10(b)).
 3. The City of Loves Park will continue to have (5) wards pursuant to Article 3.1 of the Illinois Municipal Code (65 ILCS 5/3.1-20-15) and shall elect two (2) alderpersons from each ward.
 4. This resolution shall be in full force and effect immediately upon its passage and publication as required.
 5. This resolution shall remain in effect until such time it is rescinded, or it is replaced by a substantially similar resolution after the next occurring decennial census results for the City are posted by the United States Census Bureau.
- Second by Alderman Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
- RESOLUTION NO. 22-004**
13. First Amendment To Sales Tax Revenue Sharing Agreement With Spring Creek Development Co. Alderman John Jacobson presented the following resolution authorizing the Mayor to execute a First Amendment to the Sales Tax Revenue Sharing Agreement between the City of Loves Park, Illinois and Spring Creek Development Company et al. **WHEREAS**, The City of Loves Park, Boone and Winnebago Counties, Illinois (“City”), is a duly constituted, organized and validly existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois, and is operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., as amended; and **WHEREAS**, on December 12, 2018, pursuant to Section 8-11-20 of the Illinois Municipal Code, 65 ILCS 5/8-11-20, the corporate authorities entered into an economic incentive agreement (“Agreement”) with Interstate Boulevard Property LLC, an Illinois limited liability company, SCL Business Park LLC, an Illinois limited liability company, SCL Commercial LLC, an Illinois limited liability company, and Spring Creek Development Company, an Illinois corporation (collectively referred to as “Developer”) relating to the development or redevelopment of land within the corporate limits of the municipality

14. First Amendment To Sales Tax Revenue Sharing Agreement With Spring Creek Development Co. (Continued)

(“Developer Property”); and **WHEREAS**, in order to further development of Developer Property, Developer requested the City to provide economic incentives to Skyland Corporation, an Illinois corporation that purchased a portion of the Developer Property (“Interstate Property”); and **WHEREAS**, Developer has agreed to waive its rights to the sales taxes generated on the Interstate Property pursuant to the Agreement so those sales taxes can be used to provide economic incentives to Skyland Corporation; and **WHEREAS**, the City and Developer desire to enter into a First Amendment to the Sales Tax Revenue Sharing Agreement with Developer to memorialize Developer’s agreeing to waive its right to the sales taxes generated on the Interstate Property during the period the City is obligated to make economic incentive payments to Skyland Corporation. **NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Loves Park, Illinois, that by the adoption of this resolution, that the City hereby agrees:

1. The above recitals are hereby incorporated into this Resolution as if fully stated herein.
2. The City Council hereby approves the First Amendment to the Sales Tax Revenue Sharing Agreement and authorizes the Mayor or his designee to execute the First Amendment to the Economic Incentive 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 Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)

RESOLUTION NO. 22-005

15. Assignment In Rights To Restrictive Covenants On Certain Properties Pursuant To Economic Incentive Agreement With Skyland Corporation

Alderman John Jacobson presented the following resolution authorizing the Mayor to agree to accept on behalf of the City of Loves Park an assignment in rights to restrictive covenants on certain properties pursuant to an Economic Incentive Agreement between the City of Loves Park and Skyland Corporation. **WHEREAS**, The City of Loves Park, Boone and Winnebago Counties, Illinois (“City”), is a duly constituted, organized and validly existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois, and is operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., as amended; and **WHEREAS**, on May 13, 2019, pursuant to Section 8-11-20 of the Illinois Municipal Code, 65 ILCS 5/8-11-20, the corporate authorities entered into an economic incentive agreement (“Agreement”) with Skyland Corporation, an Illinois corporation (Skyland”) relating to the development or redevelopment of land within the corporate limits of the municipality; and **WHEREAS**, pursuant to Section C.6. of the Agreement, Skyland agreed to irrevocably assign to the City all of its rights to any deed restrictions or covenants existing upon certain properties identified in the Agreement so that the City may extinguish those restrictions; and **WHEREAS**, the City has drafted and desires to enter into an Assignment of Rights in Restrictive Covenants (“Assignment”) to effectuate and memorialize the assignment required by Section C.6 of the Agreement. **NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Loves Park, Illinois, that by the adoption of this resolution, that the City hereby agrees:

1. The above recitals are hereby incorporated into this Resolution as if fully stated herein.
2. The City Council hereby approves the Mayor to sign the Assignment on behalf of the City 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 Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)

RESOLUTION NO. 22-006

16. First
Amendment To
Economic
Incentive
Agreement With
Skyland
Corporation

Alderman John Jacobson presented the following resolution authorizing the Mayor to execute a First Amendment to the Economic Incentive Agreement between the City of Loves Park, Illinois and Skyland Corporation. **WHEREAS**, the City of Loves Park, Boone and Winnebago, Illinois (“City”), is a duly constituted, organized and validly existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois, and is operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., as amended; and

WHEREAS, on May 13, 2019, pursuant to Section 8-11-20 of the Illinois Municipal Code, 65 ILCS 5/8-11-20, the corporate authorities entered into an economic incentive agreement (“Agreement”) with Skyland Corporation, an Illinois corporation (“Skyland”) relating to the development or redevelopment of land within the corporate limits of the municipality; and **WHEREAS**, pursuant to Section C.3. of the Agreement, Skyland was permitted to reallocate \$200,000.00 of incentive derived from the SR Property to the Interstate Property, as those terms are identified in the Agreement; and **WHEREAS**, Skyland has notified the City of its desire to reallocate incentives consistent with the terms of the Agreement; and **WHEREAS**, the City has drafted and desires to enter into a First Amendment to the Economic Incentive Agreement to effectuate and memorialized the reallocation of incentives pursuant to terms of the Agreement. **NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Loves Park, Illinois, that by the adoption of this resolution, that the City hereby agrees:

1. The above recitals are hereby incorporated into this Resolution as if fully stated herein.
2. The City Council hereby approves the First Amendment to the Economic Incentive Agreement, including the findings stated therein and made a part hereof, and authorizes the Mayor or his designee to execute the First Amendment to the Economic Incentive 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 Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)

RESOLUTION NO. 22-007

17. Settlement
Agreement With
TH Foods For
Payment Of
Unpaid Water
Consumption
Fees

Alderman John Jacobson presented the following resolution authorizing the Mayor to enter into a settlement agreement between the City of Loves Park, Illinois and TH Foods, Inc., an Illinois Corporation, for payment of unpaid water consumption fees. **WHEREAS**, the City of Loves Park, Boone and Winnebago Counties, Illinois (“City”), is a duly constituted, organized and validly existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois, and is operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., as amended; and **WHEREAS**, pursuant to 65 ILCS 6/11-129-1 of the Illinois Municipal Code the City operates a waterworks system (“Water Department”); and **WHEREAS**, TH Foods, Inc., an Illinois corporation (“TH Foods”) is a manufacturer located in the City connected to and receiving water from the Water Department; and **WHEREAS**, on or about January 2020 the Water Department recognized significant discrepancies in meter readings at TH Foods and determined that an under-calculation of water consumption had been occurring at TH Foods for several years; and **WHEREAS**, the City is limited by 65 ILCS 5/11-150-2(a)(1) to bill for unbilled service within twenty-four (24) months (Lookback Period”); and **WHEREAS**, the City performed a review of TH Foods invoicing and payments and an extensive mathematical analysis of historic meter readings, the result of which were presented to TH Foods; and **WHEREAS**, through negotiation with TH Foods, the parties agreed upon setting a Lookback Period of June 2018 through May 2020 for unbilled services and agreed on the mathematical analysis determining the amount of unpaid water fees due and owing to the City being set at eighty-one thousand sixty-six dollars (\$81,066.00) (“Settlement Amount”); and **WHEREAS**, the parties have drafted and approved the terms of an agreement (“Settlement Agreement”) in substantially similar form as that attached as “Exhibit A” that will permit TH Foods to pay the Settlement amount in twelve (12) equal monthly installments by adding those

18. Settlement Agreement With TH Foods For Payment Of Unpaid Water Consumption Fees
(Continued)
- payments to their then-current monthly fees; and **WHEREAS**, the City has determined it to be in its best interest to authorize the Mayor to enter into the Settlement Agreement with TH Foods. **NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Loves Park, Illinois, that by the adoption of this resolution, that the City hereby agrees:
1. The above recitals are hereby incorporated into this Resolution as if fully stated herein.
 2. The city Council hereby approves of and authorizes the Mayor to enter into the Settlement 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 Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
- RESOLUTION NO. 22-008**
19. Municipal Well & Pump To Remove & Assess Pumping Equipment For Well #6
- Alderman John Jacobson 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 Midwest Well Services, Inc. dba: Municipal Well & Pump, 1212 Storbeck Drive, Waupun WI 53963, to remove and assess pumping equipment for emergency repairs at Well #6 for the cost of \$24,759.00. Funds shall be drawn from Account No. 31-51-4117 (Well #6 Facility). Second by Alderman Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
- RESOLUTION NO. 22-009**
20. Solutient Technologies To Remove Backwash Residuals At Well #5 Northern A-1 Environmental Services For Disposal
- Alderman John Jacobson 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 Solutient Technologies, LLC, 6616 Promway Avenue, NW, North Canton, Ohio 44720, for removal of backwash residuals at Well #5 for a cost of \$18,301.00 and hire Northern A-1 Environmental Services, 3947 US 131 North, P.O. Box 1030 Kalkaska, MI. 49646 for disposal of backwash residuals at Well #5 for a cost of \$110,375.00. Funds will be drawn from Account No. 31-51-4118 (backwash residuals removal/disposal). Second by Alderman Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
- RESOLUTION NO. 22-010**
21. Water Department To Purchase 2,020-Ft. Of Water Main For River Lane Phase Two Water Main Project
- Alderman John Jacobson 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 purchase 2,020 ft. of ten-inch water main from Core and Main, 6829 Irene Road, Belvidere, Illinois 61008, for the River Lane Phase Two water main project for a cost of \$63,569.00. Funds shall be taken from Account No. 31-00-1955 (River Lane Water Main). Second by Alderman Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
- RESOLUTION NO. 22-011**
22. Water Department To Seek Bids For Rehabilitation & Painting of Tower #1
- Alderman John Jacobson 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 seek bids for the rehabilitation and painting of Tower #1 with the assistance of Fehr Graham Engineering and Environmental, 200 Prairie Street, Rockford, IL 61107. Second by Alderman Schlensker. Motion carried. 10 Ayes (Aldermen Warden, John Jacobson, Puckett, Dan Jacobson, Pruitt, Thompson, Peterson, Holmes, Schlensker, Allton)
- RESOLUTION NO. 22-012**

23. Alderman Schlensker moved that the meeting be adjourned. Second by Alderman Allton. Motion carried by voice vote. The meeting was adjourned at 6:08 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.