

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
AGENDA

May 3, 2021

Convened in the Council Chambers, 401 Whitney Blvd, Belvidere IL at 7:00 p.m.
Mayor Elect Morris presiding.

(1) Roll Call:

(2) Pledge of Allegiance:

Invocation: Mayor Elect Morris

(3) Public Comment: (Please register with the City Clerk):

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of
April 19, 2021; as presented.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

(A) Recognition of Aldermen.

(B) Swearing in of Elected Officials.

(7) Approval of Expenditures: None.

(8) Committee Reports and Minutes of City Officers:

(A) Minutes of Committee of the Whole – Public Safety, Finance & Personnel of
April 26, 2021 as presented.

(9) Unfinished Business:

(A) Ord. #524H – 2nd Reading: An Ordinance Granting a Special Use to Allow
Indoor Commercial Entertainment (Video Gaming) within the NB,
Neighborhood Business District (600 Logan Avenue).

Tabled March 1, 2021

(B) Ord. #531H – 2nd Reading: An Ordinance Establishing Recapture of Tripp
Road Reconstruction between Crystal Parkway and Corporate Parkway in the
City of Belvidere, Illinois.

(C) Ord. #532H – 2nd Reading: An Ordinance Granting a Special use to Allow Indoor Commercial Entertainment (Video Gaming) within the PB, Planned Business District (884 Belvidere Road).

(D) Ord. #533H – 2nd Reading: An Ordinance Providing for Temporary Relief from the Full Requirements of Section 98-12(a)(3) of the City of Belvidere Municipal Code for Fiscal Year 2022 (5/1/2021-04/30/2022). (Sidewalk Cafés).

(E) Res. #2021-7 – A Resolution Authorizing the Execution of an Easement Agreement for the Expansion of General Mills Park.

Tabled April 19, 2021.

(F) Motion to authorize the Belvidere Police Department to hire an entry level police officer to backfill for the experienced officer being assigned to the COSSAP grant position.

Table March 15, 2021.

(10) New Business:

(A) Ord. #534H – 1st Reading: An Ordinance Authorizing the Sale of Certain Personal Property (Police Department Vehicles) and Approving the Purchase of New Vehicles.

(B) Motion to waive the 2-week layover requirement of Section 2-87(g) of the City of Belvidere Municipal Code with respect to Ordinance #535H - An Ordinance Authorizing the Sale of a Vacant Lot. (407 W. Madison Street).

(C) Ord. #535H – 2nd Reading: An Ordinance Authorizing the Sale of a Vacant Lot. (407 W. Madison Street).

Motions forwarded from Committee of the Whole – Public Safety, Finance & Personnel of April 26, 2021.

Motions of Public Safety – Chairman Ric Brereton:

(A) Motion to authorize purchase of two 2021 Dodge Durangos at a cost of \$92,230.00 (\$33,115.00 plus upfitting of \$13,000.00 each) and two 2021 Dodge Chargers at a cost of \$80,020.00 (30,010.00 plus upfitting at \$10,000.00 each) with a total cost not to exceed \$172,250.00. Payment to come from the 2022 Capital Fund line item.

(B) Motion to authorize the sale of two surplus police vehicles: 2012 Dodge Durango VIN #1C4RDJFG9EC358761 and a 2014 Dodge Durango VIN#1C4RDJFGXCC361440, to the Kunes Dodge Dealership of Belvidere for the total sale price of \$14,000.00.

(C) Motion to replace squad #2 with a 2021 Dodge Charger at a cost not to exceed \$41,062.50, with payment to come from the \$27,062.50 check from CCMSI and \$14,000.00 from the sale of two Dodge Durango's.

(D) Motion to authorize the Belvidere Police Department to purchase, build, and install a new network server not to exceed \$10,583.00 to come from the Belvidere Police Department equipment line item.

Motions of Finance and Personnel:

(E) Motion to approve the Memorandum of Understanding as to improvement of Belvidere Cemetery Association Land and Belvidere Park District Recapture Agreement and Authorize the Mayor to Execute the Memorandum of Understanding.

Motions of Public Works - Ald. Freeman:

(F) Motion to approve the block party request at 140 Beacon Drive on July 10, 2021, with an ending time of 10:00p.m.

(11) Adjournment:

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
MINUTES

Date: April 19, 2021

Convened in the Belvidere Council Chambers, 401 Whitney Blvd, Belvidere Illinois
at 7:00 p.m.

Call to order by City Clerk Sarah Turnipseed.

(1) Roll Call: Present: D. Arevalo, R. Brereton (by teleconference), M. Fleury,
W. Frank, M. Freeman (by teleconference),
M. McGee (by teleconference), T. Porter,
T. Ratcliffe (by teleconference), D. Snow and C. Stevens.

Absent: None.

Other staff members in attendance:

Public Works Director Brent Anderson, Fire Chief Al Hyser, Police Chief Shane Woody,
Director of Buildings Kip Countryman, Community Development Planner Gina DelRose,
City Attorney Mike Drella and City Clerk Sarah Turnipseed.

(2) Pledge of Allegiance:
Election of Temporary Chair:

Motion by Ald. Snow, 2nd by Ald. Porter to elect Ald. Stevens to chair the meeting of
April 19, 2021. Roll Call Vote: 10/0 in favor. Ayes: Arevalo, Brereton, Fleury, Frank,
Freeman, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: None. Motion carried.

Invocation: Ald. Fleury.

(3) Public Comment: None.

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of
April 5, 2021; as presented.

Motion by Ald. Fleury, 2nd by Ald. Porter to approve the minutes of the regular meeting
of the Belvidere City Council of April 5, 2021. Roll Call Vote: 10/0 in favor. Ayes:
Brereton, Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens and Arevalo.
Nays: None. Motion carried.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

- (A) Report of Growth Dimensions by Executive Director Pam Lopez-Fettes.
 Discussion followed.

(7) Approval of Expenditures: General & Special Fund Expenditures: \$1,759,842.63
 Water & Sewer Fund Expenditures: \$ 396,146.15

Motion by Ald. Fleury, 2nd by Ald. Arevalo to approve the General & Special Fund Expenditures in the amount of \$1,759,842.63. Discussion took place. Roll Call Vote: 10/0 in favor. Ayes: Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo and Brereton. Nays: None. Motion carried.

Motion by Ald. Snow, 2nd by Ald. Porter to approve the Water & Sewer Fund Expenditures in the amount of \$396,146.15. Roll Call Vote: 10/0 in favor. Ayes: Frank Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton and Fleury. Nays: None. Motion carried.

(8) Committee Reports and Minutes of City Officers:

- (A) Monthly Report of Belvidere Police Department Overtime for March 2021.
- (B) Monthly Report of Belvidere Fire Department Overtime for March 2021.
- (C) Monthly Report of Community Development Department/Planning Department for March 2021.
- (D) Monthly Report of Building Department Revenues, Residential Building Permits, Commercial Permits and Case Reports for March 2021.
- (E) Monthly General Fund Report for March 2021.
- (F) Monthly Water/Sewer Fund Report March 2021.
- (G) Monthly Financial Report for March 2021.
- (H) Monthly CD Investments March 2021.
- (I) Minutes of Planning and Zoning Commission April 13, 2021.

Let the record show these reports were placed on file.

- (J) Minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of April 12, 2021.

Motion by Ald. Arevalo, 2nd by Ald. Frank to approve the minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of April 12, 2021. Roll Call Vote: 10/0 in favor. Ayes: Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury and Frank. Nays: None. Motion carried.

Belvidere City Council
April 19, 2021

(9) Unfinished Business:

- (A) Ord. #524H – 2nd Reading: An Ordinance Granting a Special Use to Allow Indoor Commercial Entertainment (Video Gaming) with the NB, Neighborhood Business District (600 Logan Avenue).

Tabled March 1, 2021.

(10) New Business:

- (A) Ord. #531H – 1st Reading: An Ordinance Establishing Recapture of Tripp Road Reconstruction between Crystal Parkway and Corporate Parkway in the City of Belvidere, Illinois.

- (B) Ord. #532H – 1st Reading: An Ordinance Granting a Special use to Allow Indoor Commercial Entertainment (Video Gaming) within the PB, Planned Business District (884 Belvidere Road).

- (C) Ord. #533H – 1st Reading: An Ordinance Providing for Temporary Relief from the Full Requirements of Section 98-12(a)(3) of the City of Belvidere Municipal Code for Fiscal Year 2022 (5/1/2021-04/30/2022).

Let the record show that Ordinances #531H - #533H were placed on file for first reading.

- (D) Res. #2021-6 – A Resolution Directing the Planning Department to Publish the Zoning Map of the City of Belvidere.

Motion by Ald. Snow, 2nd by Ald. Fleury to adopt Resolution #2021-6. Roll Call Vote: 10/0 in favor. Ayes: McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Frank and Freeman. Nays: None. Motion carried.

- (E) Res. #2021-7 A Resolution Authorizing the Execution of an Easement Agreement for the Expansion of General Mills Park.

Discussion took place. Motion by Ald. Snow, 2nd by Ald. Frank to have a Phase I completed on the Easement for the Expansion of General Mills Park. Further discussion took place. Roll Call Vote: 10/0 in favor. Ayes: Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Frank, Freeman and McGee. Nays: None. Motion carried.

Motion by Ald. Snow, 2nd by Ald. Porter to table Resolution #2021-7 to the next City Council Meeting. Roll Call Vote: 10/0 in favor. Ayes: Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Frank, Freeman, McGee and Porter. Nays: None. Motion carried.

Belvidere City Council
April 19, 2021

Motions forwarded from Committee of the Whole – Building, Planning and Zoning and Public Works of April 12, 2021.

- (A) Motion to reimburse Jim Kanabay at 816 Willow Street for a sewer backup that occurred March 25, 2021 in the amount of \$3,700.00 subject to the homeowner installing a sewer backup prevention system acceptable to the Public Works Department with reimbursement by the City of Belvidere in accordance with city policy. Discussion took place. Roll Call Vote: 9/1 in favor. Ayes: Snow, Stevens, Arevalo, Fleury, Frank, Freeman, McGee, Porter and Ratcliffe. Nays: Brereton. Motion carried.
- (B) Motion to approve the 2021 Outdoor Warning Siren System annual preventive maintenance agreement with Braniff Communications in the amount of \$5,580.00. Discussion took place. Roll Call Vote: 10/0 in favor. Ayes: Stevens, Arevalo, Brereton, Fleury, Frank, Freeman, McGee, Porter, Ratcliffe and Snow. Nays: None. Motion carried.
- (C) Motion to approve the agreement with Lakeland Biologists for the 2021 Farmington Ponds Maintenance Program at an estimated cost of \$16,000.00. This work will be paid for from the Farming Ponds Special Service Areas. Roll Call Vote: 10/0 in favor. Ayes: Arevalo, Brereton, Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: None. Motion carried.
- (D) Motion to approve the 2021 MFT Street Maintenance Program. Discussion took place. Roll Call Vote: 10/0 in favor. Ayes: Brereton, Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens and Arevalo. Nays: None. Motion carried.
- (E) Motion to approve the Audit Agreement Letter including Appendix A for additional services up to \$15,000.00 dated April 7, 2021, with Sikich LLP. Discussion took place. Clint Morris spoke from the audience. Roll Call Vote: 10/0 in favor. Ayes: Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo and Brereton. Nays: None. Motion carried.
- (F) Motion to accept the grant from General Mills in the amount of \$25,000.00 for additional improvements to General Mills Park. Roll Call Vote: 10/0 in favor. Ayes: Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, and Fleury. Nays: None. Motion carried.

Belvidere City Council
April 19, 2021

(11) Adjournment:

Motion by Ald. Arevalo, 2nd by Ald. Porter to adjourn meeting at 8:02 p.m. Aye voice vote carried. Motion carried.

Mayor

Attest:

City Clerk

Minutes
Committee of the Whole
Public Safety and Finance and Personnel
April 26, 2021
6:00 p.m.

Call to Order – City Clerk Sarah Turnipseed:

Aldermen Present:

D. Arevalo, R. Brereton (by teleconference), M. Fleury, W. Frank,
M. Freeman (by teleconference), T. Porter,
T. Ratcliffe (by teleconference), D. Snow and C. Stevens.

Alderman Absent: M. McGee.

Other staff members in attendance:

Director of Buildings Kip Countryman, Public Works Director Brent Anderson, Police Chief Shane Woody, Fire Chief Al Hyser, City Attorney Mike Drella and City Clerk Sarah Turnipseed.

Public Comment: None.

Public Forum: None.

Reports of Officers, Boards, and Special Committees:

Motion by Ald. Snow, 2nd by Ald. Porter to elect Ald. Stevens to chair the meeting of April 26, 2021. Roll Call Vote: 9/0 in favor. Ayes: Arevalo, Brereton, Fleury, Frank, Freeman, Porter, Ratcliffe, Snow and Stevens. Nays: None. Motion carried.

1. Public Safety, Unfinished Business: None.
2. Public Safety, New Business:

(A) Police Department – Update.

Police Chief Shane Woody presented an update. Discussion followed.

(B) Police Department – Purchase of 4 New Squad Cars.

Motion by Ald. Fleury, 2nd by Ald. Arevalo to purchase two 2021 Dodge Durangos at a cost of \$92,230.00 (\$33,115.00 plus upfitting of \$13,000.00 each) and two 2021 Dodge Chargers at a cost of \$80,020.00 (30,010.00 plus upfitting at \$10,000.00 each) with a

total cost not to exceed \$172,250.00. Payment to come from the 2022 Capital Fund line item. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Fleury, Frank, Freeman, Porter, Ratcliffe, Snow, Stevens, Arevalo and Brereton. Nays: None. Motion carried.

(C) Police Department – Replacement of Squad #2 and sale of 2 retired police vehicles.

Motion by Ald. Snow, 2nd by Ald. Frank to authorize the sale of two surplus police vehicles: 2012 Dodge Durango VIN #1C4RDJFG9EC358761 and a 2014 Dodge Durango VIN#1C4RDJFGXCC361440, to the Kunes Dodge Dealership of Belvidere for the total sale price of \$14,000.00. Roll Call Vote: 9/0 in favor. Ayes: Frank, Freeman, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton and Fleury. Nays: None. Motion carried.

Motion by Ald. Fleury, 2nd by Ald. Arevalo to replace squad #2 with a 2021 Dodge Charger at a cost not to exceed \$41,062.50, with payment to come from the \$27,062.50 check from CCMSI and \$14,000.00 from the sale of two Dodge Durangos. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Freeman, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury and Frank. Nays: None. Motion carried.

(D) Police Department – Request for Body Worn Camera Network Server.

Motion by Ald. Porter, 2nd by Ald. Snow to authorize the Belvidere Police Department to purchase, build, and install a new network server not to exceed \$10,583.00 to come from the Belvidere Police Department equipment line item. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Frank and Freeman. Nays: None. Motion carried.

(E) Fire Department – Annual Report.

Fire Chief Al Hyser presented the Belvidere Fire Department 2020 Annual Report.

3. Finance & Personnel, Unfinished Business: None.
4. Finance & Personnel, New Business: None.
5. Other:

(A) Dispose of vacant lot – 407 W. Madison Street.

Motion by Ald. Snow, 2nd by Ald. Arevalo to transfer the vacant lot at 407 W. Madison Street to Habitat for Humanity. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Frank, Freeman and Porter. Nays: None. Motion carried.

(B) Appleton Road Speed Study.

Discussion took place, Jim Dollman, spoke from the audience.

(C) Belvidere Park District/Belvidere Cemetery Recapture.

Motion by Ald. Snow, 2nd by Ald. Porter to approve the Memorandum of Understanding as to improvement of Belvidere Cemetery Association Land and Belvidere Park District Recapture Agreement and Authorize the Mayor to Execute the Memorandum of Understanding. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Snow, Stevens, Arevalo, Brereton, Fleury, Frank, Freeman, Porter and Ratcliffe. Nays: None. Motion carried.

(D) Block Party Request – 140 Beacon Drive.

Motion by Ald. Snow, 2nd by Ald. Arevalo to approve the block party request at 140 Beacon Drive on July 10, 2021. Discussion took place. Motion by Ald. Snow, 2nd by Ald. Porter to amend request with an ending time of 10:00p.m. Roll Call Vote on amendment: 8/1 in favor. Ayes: Stevens, Arevalo, Brereton, Fleury, Frank, Porter, Ratcliffe and Snow. Nays: Freeman. Motion to amend carried. Roll call vote on motion as amended: 8/1 in favor. Ayes: Arevalo, Brereton, Fleury, Frank, Porter, Ratcliffe, Snow and Stevens. Nays: Freeman. Motion carried.

6. Adjournment:

Motion by Ald. Fleury, 2nd by Ald. Porter to adjourn meeting at 7:21p.m. Aye voice vote carried. Motion carried.

_____ Mayor

Attest: _____ City Clerk

ORDINANCE #531H
AN ORDINANCE ESTABLISHING
RECAPTURE FOR TRIPP ROAD RECONSTRUCTION
BETWEEN CRYSTAL PARKWAY AND CORPORATE PARKWAY
IN THE CITY OF BELVIDERE, ILLINOIS

BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

SECTION 1: The City of Belvidere (the City) constructed, or caused to be constructed, certain improvements (the Improvements) to Tripp Road between Crystal Parkway and Corporate Parkway in connection with the development of a manufacturing facility located at 675 Corporate Parkway Belvidere Illinois. The total cost of constructing the Tripp Road improvements was \$577,456.60. After accounting for grants received from the Illinois Department of Transportation and funds paid by the owners of 675 Corporate Parkway, \$268,028.30 (the Recapture Amount) is subject to recapture from property owners adjacent to Tripp Road. The Recapture Amount is an amount owed to the City of Belvidere to recover the cost of the Tripp Road improvements.

SECTION 2: The Corporate Authorities find that the properties identified in Exhibit A, which is attached hereto and incorporated herein, have benefited or will benefit from the improvements to Tripp Road identified above. These properties may be referred to as the Benefited Properties. In the event any of the Benefited Properties are sub-divided or split in the future, each new property shall also be considered a Benefited Property.

SECTION 3: The Corporate Authorities find that the most equitable method of assessing the Recapture Amount is on a "front foot" basis based upon each of the Benefited Properties' linear frontage upon Tripp Road. The front foot recapture fee (the Recapture Fee) shall, as of the date of this Ordinance, be \$166.24 per linear foot of frontage upon Tripp Road. Exhibit A identifies the total Recapture Fee owed by each of the Benefited Properties as of the date of this Ordinance. The Recapture Fee shall be adjusted annually in accordance with the Construction Cost Index. In the event the Construction Cost Index is not available, the Consumer Price Index – all urban, shall be used in its place.

SECTION 4: The City of Belvidere shall collect, and each Benefitted Property shall pay to the City of Belvidere, the applicable Recapture Fee upon the earliest to occur of: 1) annexation of the Benefited Property to the City of Belvidere as a condition of annexation; 2) prior to approval of any plat of subdivision or planned unit development; 3) prior to issuance of any building permit by the City of Belvidere for any structure on the Benefited Property; or 4) prior to any new driveway permit being issued with respect to a Benefited Property accessing Tripp Road. The owner(s) of any Benefited Property may pre-pay the Recapture Fee without penalty if they so choose. The Corporate Authorities may modify the payment obligations of the Recapture Fee set forth in this Ordinance through the approval of any annexation agreement or development agreement adopted and approved by the Corporate Authorities without amending this Ordinance.

SECTION 5: In the event a Recapture Fee is not paid when due and owing, any of the above approvals may, at the option of the City of Belvidere, be deemed void. Further, the Recapture Fee shall become a lien upon the Property and the City may proceed to collect the Recapture Fee by an action at equity or law against the then current owners of the relevant Benefited Property.

SECTION 6: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Voting Aye: .
Voting Nay:
Abstain:
Absent:

APPROVED:

ATTEST:

City Clerk Sarah Turnipseed

(SEAL)

Passed:

Approved:

Exhibit "A"

276-004
20.13

CORPORATE PKWY

TRIPP RD

16.5'

80'

200'

276-003
0.67

276-007
0.68

200'

5831

276-005

TRIPP RD

734.82'

251-004
2.67

2389

381'

CRYSTAL PKWY

TRIPP RD

Legend

Tripp Road Recapture Ordinance Fees

-  07-01-276-001 - \$2,743.00
-  07-01-276-003 - \$13,299.00
-  07-01-276-002 - \$33,248.00
-  07-01-276-005 - \$33,248.00
-  07-01-251-004 - \$63,336.00
-  07-01-276-004 - \$122,154.00

276-004
38.86



ORDINANCE NO. 532H

**AN ORDINANCE GRANTING A SPECIAL USE
TO ALLOW INDOOR COMMERCIAL ENTERTAINMENT
(VIDEO GAMING)
WITHIN THE PB, PLANNED BUSINESS DISTRICT
(884 Belvidere Road)**

WHEREAS, The City of Belvidere has adopted Chapter 150, Zoning Ordinance in accordance with the provisions of Illinois Compiled Statutes to regulate the use of land and to specify the minimum requirements for improvements on land in the City of Belvidere; and

WHEREAS, Special Uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property; are reviewed on a case by case basis; and are permitted only by permission of the Belvidere City Council; and,

WHEREAS, The applicant, Deuce's Wild Hospitality, LLC 7548 Western Gales Drive, Rockford, IL 61107 on behalf of the property owner, Logan Square Plaza Inc., 2777 Finley Road #13, Downers Grove, IL 60515 is requesting a special use to permit indoor commercial entertainment to operate video gaming at 884 Belvidere Road; and

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the City of Belvidere Planning and Zoning Commission held a public hearing on April 13, 2021 concerning the proposed Special Use; and,

WHEREAS, the City of Belvidere Planning and Zoning Commission having examined the application and having considered the evidence, both oral and documentary and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the City considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. That a Special Use in the PB, Planned Business District for indoor commercial entertainment (video gaming) on the property depicted in Attachment A and legally described as:

Lot 69 of Logan Square Subdivision as recorded in the Recorder's Office of Boone County as document 2003R13998; located in Boone County, Illinois; (PIN: 06-31-151-001).

is hereby approved, subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. The video gaming shall be in substantial compliance with the site plan submitted. (Attachment B)
3. The special use is only for the tenant space commonly known as 884 Belvidere Road.

Section 3. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the City of Belvidere and shall not be used except as may otherwise be expressly authorized by the applicable law and the special use.

Section 4. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 7. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Belvidere this ____ day of _____, 2021.

APPROVED by the Mayor of the City of Belvidere this ____ day of _____, 2021.

Clint Morris, Mayor

ATTEST:

Sarah Turnipseed, City Clerk

Ayes: _____ **Nays:** _____ **Absent:** _____

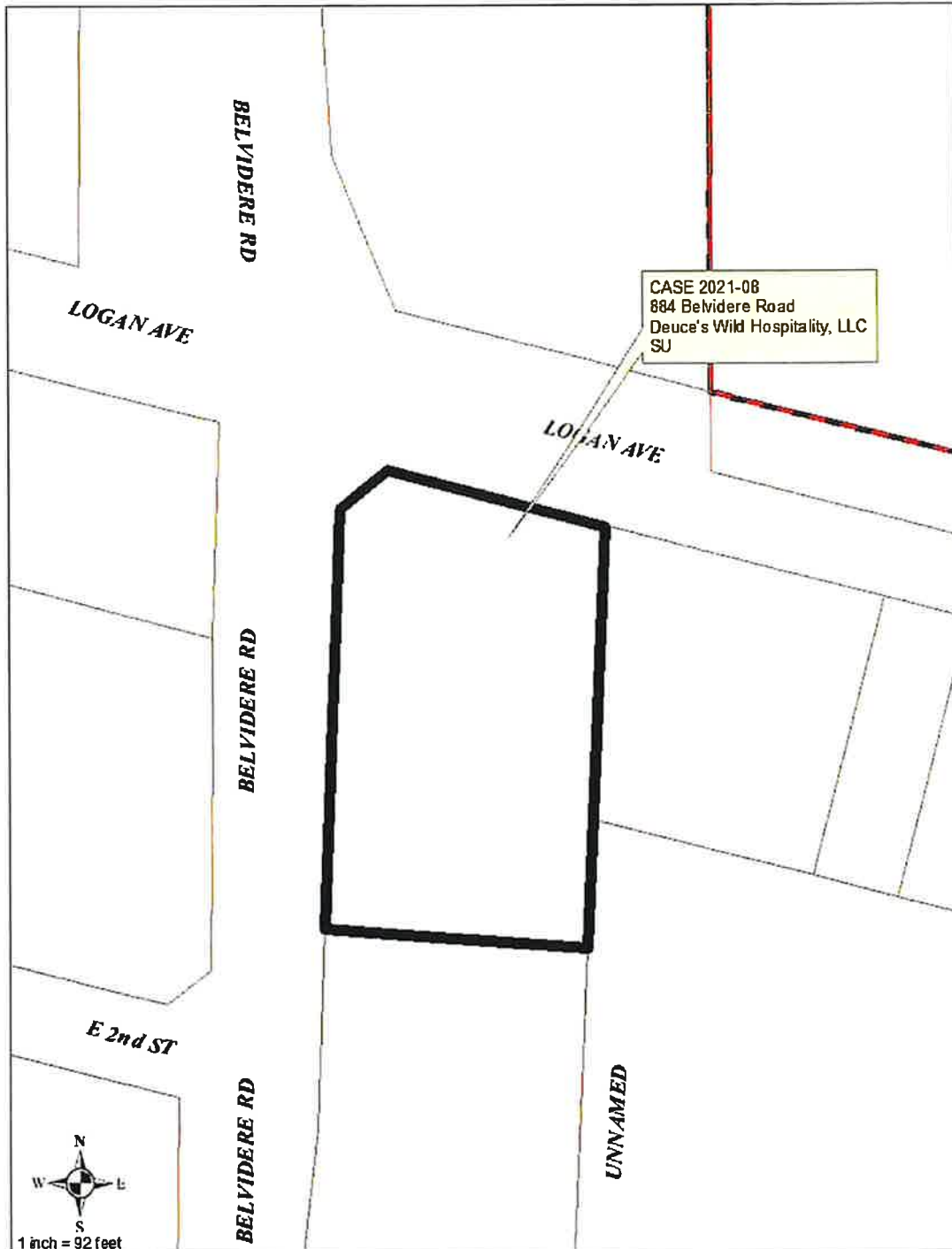
City Council Members Voting Aye: _____

City Council Members Voting Nay: _____

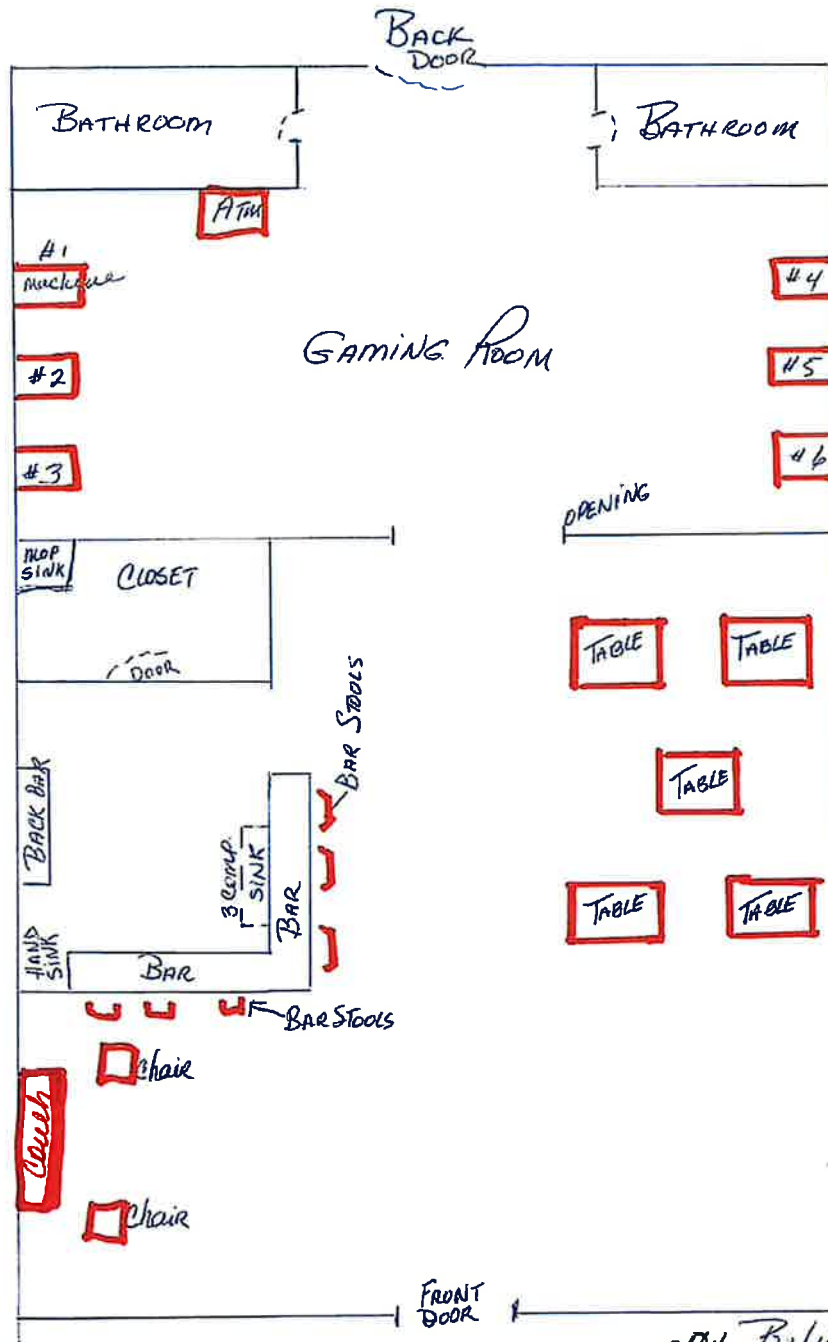
Date Published:

Sponsor: _____

ATTACHMENT A



ATTACHMENT B



804 Belvidere Rd.
Belvidere, IL 61008
RASA'S SLOTS

ORDINANCE #533H
AN ORDINANCE PROVIDING FOR TEMPORARY RELIEF
FROM THE FULL REQUIREMENTS OF SECTION 98-12(a)(3)
OF THE CITY OF BELVIDERE MUNICIPAL CODE
FOR FISCAL YEAR 2022 (5/1/2021 – 4/30/2022)

WHEREAS, The Corporate Authorities of the City of Belvidere previously enacted Section 98-12(a)(3) of the City of Belvidere Municipal Code to allow Sidewalk Café allowing for Sidewalk Café's within the City of Belvidere and placing certain restrictions upon their operations; and

WHEREAS, on June 1, 2020 the Corporate Authorities of the City of Belvidere enacted Ordinance 496H which provided temporary relief from the full requirements of Section 98-12(a)(3) of the City of Belvidere Municipal Code in reaction to the COVID-19 pandemic and the Governor's Executive Orders in response to the pandemic; and

WHEREAS, The Governor of the State of Illinois, pursuant to his executive powers, continues to limit the operations of commercial and hospitality industries within the State in response to the continuing COVID-19 pandemic; and

WHEREAS, the Corporate Authorities of the City of Belvidere desire to assist restaurants and bars in operating in compliance with the Governor's Executive Orders and the Guidelines and rules of promulgated by DECO as well as relevant health departments and officials, including but not limited to, the Boone County Health Department; and

WHEREAS, the Corporate Authorities find that it is essential and urgent that this Ordinance take effect immediately upon its passage to comply with the Governor's and DCEO's orders relating to outside dining and to provide a mechanism for City restaurants and bars to remain open thus helping to preserve jobs and businesses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belvidere as follows:

SECTION 1: The foregoing recitals are incorporated herein by this reference.

SECTION 2: The \$75.00 application fee required by section 98-12(a)(3)(a) is waived for fiscal year 2022.

SECTION 3: The size requirements of Section 98-12(a)(3)(b)(4) as follows: Activities shall provide for a minimum pedestrian width of four (4) feet at all times. No part of the Sidewalk Café shall be closer than three (3) feet of the vehicle right of way (curb). No activities of the Sidewalk Café my block or impede pedestrian traffic along the sidewalk, or ingress and egress to the business it fronts or neighboring businesses.

SECTION 4: Section 98-12(a)(3)(h) is modified to provide that the permitted sidewalk café must comply with all restrictions, regulations and laws of the Boone County Health Department, DCEO, Executive Orders of the Governor of the State of Illinois, orders and regulations of either the Belvidere Local Liquor Commissioner or the State of Illinois Liquor Commission and any other lawful law or regulation. The Guidelines and Toolkit published by DCEO, and as they may be amended in the future, are hereby adopted and incorporated in this ordinance as if fully set forth.

SECTION 5: Section 98-12(a)(3)(I) is modified to provide that Sidewalk Cafés must cooperate and allow inspection at any reasonable hour by any employee or agent of the City or by any State of Illinois or Boone County agency with regulatory authority.

SECTION 6: Section 98-12(a)(3)(n)(1) is modified to provide that the supplied dram shop insurance shall name the City of Belvidere as an additional insured and shall specifically note coverage for the area of the Sidewalk Café.

SECTION 7: Section 98-12(a)(3)(n)(4), prohibiting a Sidewalk Café to allow consumption of alcohol where at least 50% of revenue is derived from the sale of food for consumption on premises and requiring alcohol service incidental to the provision of food only, shall not be applicable nor enforced during fiscal year 2022.

SECTION 8: Section 98-12(a)(3)(n)(5), allowing the requirement of a beautification project as a condition of receiving permission for sale and consumption of alcohol in a sidewalk café is not applicable or enforceable during fiscal year 2022.

SECTION 9: Section 98-12(a)(3)(n)(6) is amended to read as follows: *Any Sidewalk Café with specific permission to serve alcoholic beverages shall enclose the permitted area from the remainder of the public way, and be maintained in accordance with a plan reasonably approved by the City. The boundary shall be no less than 24 inches or more than 36 inches in height. The boundary shall be durable so that it shall not collapse or fall over due to wind or incidental contact with patrons or pedestrians. The boundary may have movable sections to aid in public access to seating as long as the boundary complies with the submitted plan. The boundary shall be maintained in place during operating hours. No boundary may be stabilized by bolting to the sidewalk. Non-permissible enclosure of City property, within the boundaries of the Sidewalk Café, shall include, but is not limited to, parking meters, fire hydrants, and utility or signal control boxes. These types of items can be identified as items which must be accessible to the public or to the City for emergency services. The sidewalk Café serving alcohol shall be located in accordance with Section 98-12(a)(3)(b)(4).*

SECTION 10:The remainder of Section 98-12, as well as all other codes and regulations of the City of Belvidere, shall remain in full force and effect.

SECTION 11:The modifications to Section 98-12 of the Belvidere Municipal Code set forth in this Ordinance are specifically allowed in response to the

Executive Orders of the Illinois Governor in relation to the COVID-19 Pandemic and are solely intended for a limited duration. The modifications provided herein shall cease upon the expiration of the Sidewalk Café permits issued for Fiscal Year 2022. Thereafter, all permitted Sidewalk Café's shall comply with Section 98-12 in its entirety without regard to this Ordinance.

SECTION 12: Violation of any of the laws, regulations rules or orders, including but not limited to the DCEO Guidelines and Toolkit referenced in this Ordinance shall constitute a nuisance and may be enforced as a violation of this Ordinance in accordance with section 98-12(b). Suspension or revocation of sidewalk café permits for a violation of this Ordinance or any other City Code or Ordinance shall be in accordance with Section 98-12(b) and Section 26-43 of the City of Belvidere Municipal Code.

SECTION 13: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 14: This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor. The Clerk shall nonetheless publish this Ordinance in pamphlet form as required by law.

Voting Aye: .
Voting Nay: .
Absent: .

APPROVED:

Mayor

ATTEST:

City Clerk Sarah Turnipseed

(SEAL)

Passed:
Approved:
Published:

RESOLUTION #2021-7
A RESOLUTION AUTHORIZING
THE EXECUTION OF AN
EASEMENT AGREEMENT FOR
THE EXPANSION OF GENERAL MILLS PARK

IT IS THEREFORE RESOLVED, by the Mayor and City Council of the City of Belvidere as follows:

- 1) The Mayor is authorized to execute and the Clerk to attest the attached Easement Agreement between the City of Belvidere and Lake Bonita LLC for the acquisition of a perpetual easement for the expansion of General Mills Park.
- 2) Upon execution of the Easement Agreement the City shall cause the Easement Agreement to be properly recorded with the Boone County Recorder.

Approved:

Mayor

Attest:

City Clerk

Ayes: .
Nays:
Absent:
Approved:

Prepared By & Return To:
Michael Drella, City Attorney
City of Belvidere
401 Whitney Blvd.
Belvidere, IL 61008
(815)544-2612

EASEMENT AGREEMENT

THIS INDENTURE WITNESSETH, that

WHEREAS, the City of Belvidere, a municipal corporation located in the County of Boone and State of Illinois, operates a public park commonly known as the General Mills Park (the Park); and

WHEREAS, the City desires to expand the Park to provide additional recreational opportunities to the City's residents; and,

WHEREAS, the Grantor, Lake Bonita LLC, is the owner in fee simple of the premises described in the attached Exhibit A (the Real Estate), which is incorporated herein by this reference, and is willing to grant a perpetual easement upon, and through the Real Estate for the purpose herein specified;

NOW THEREFORE, in consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, and in consideration of the mutual covenants, conditions and agreements herein contained, the Grantor, does hereby give, grant and convey to the City of Belvidere the perpetual easement, privilege, right and authority to construct, reconstruct, inspect, repair, maintain and operate a public park, under and through the Real Estate owned by the undersigned Grantor set forth and shown on the attached Exhibit A and further described as follows, to wit:

Part of the Southeast Quarter (1/4) of Section 22, Township 44 North, Range 3 East of the Third Principal Meridian, bounded and described as follows to-wit: Commencing at the point of intersection of the Southwesterly line of Christi Lane, as conveyed to the City of Belvidere by Document No. 80-511 as recorded in the Recorder's Office of Boone County, Illinois and the Northwesterly right of way line of High Line Street as dedicated upon the Plat of Road Dedication as recorded in Book 6 of Plats on page 44 and 45 as Document No. 10232 in said Recorder's Office, Also being the Northeasterly corner of the premises recorded as Document NO. 03R10162 in said Recorder's Office; thence South 32 degrees 08' 39" West along the Northwesterly right of way line of High Line Street and along the Southeasterly line of the premises conveyed as Document No. 03R10162, a distance of 165.00 feet more or less to the Southeasterly corner said premises conveyed as Document No. 03R10162; thence North 57 degrees 49' 25" West along the Southwesterly line of said premises conveyed as document No. 03R10162 a distance of 21.0 feet to the PLACE OF BEGINNING; thence South 32 degrees 08' 39" West a distance of 50.79 feet to the Westerly extension of the North right of way line of Lake Shore Drive; thence South 89 degrees 37' 07" West along said Westerly extension a distance of 81.0 feet; thence North 00 degrees 22' 53" West a distance of 46.0 feet; thence North 32 degrees 10' 35" East a distance of 55.59 feet more or less to the Southwesterly line of the aforesaid premises conveyed as Document N. 03R10162; thence South 57 degrees 49' 25" East along said Southwesterly line a distance of 93.0 feet to the Place of Beginning, situated in the County of Boone, State of Illinois.

In consideration of the grant of easement herein contained ("Easement Premises"), the City of Belvidere hereby agrees with the Grantor(s) herein, as follows:

1. That, the City of Belvidere, or its authorized contractor, shall have exclusive use the Easement Premises for the purpose of constructing, maintaining a public park and open space for the use and enjoyment of the general public, including but not limited to construction of sports facilities and structures.
2. This easement is exclusive and Grantor(s) agrees that it is relinquishing all right and power to use the Easement Premises for its own purposes other than as a member of the General Public.
3. Grantor(s) and the City of Belvidere agree that the Easement Premises are a part of a larger parcel of land commonly known as pin 05-22-451-007 which is legally described in a document of conveyance which is recorded as Document No. 71-2550 in the Boone County Recorder's Office (the Remainder Parcel). The Grantor(s) and the City of Belvidere agree that at such time as Grantor(s), subdivide or seek to convey to a third party the Remainder Parcel or the Easement Premises, the Grantor(s) shall dedicate fee simple title to the Easement Premises unto the City of Belvidere for no additional compensation.
4. The City of Belvidere will indemnify and hold harmless the Grantor(s) from any loss, damage or expense in the nature of any legal liability which said Grantor(s) may suffer, incur or sustain, arising out of or as a result of the use of the Easement Premises as a public park. The City of Belvidere shall cause Grantor(s) to be added as an additional

insured to any liability insurance policy the City of Belvidere may obtain relating to its operation of the Easement Premises as a public park.

5. This indenture shall run with the land, and shall be binding upon the grantees, assigns, heirs and successors of the parties hereto. All grantees, assigns, heirs and successors of the Grantor(s) shall be deemed Grantor(s) under this Easement Agreement.

IN WITNESS WHEREOF, the Parties have executed this Grant of Easement effective this day of _____, 20__.

By Grantor: Lake Bonita, LLC

By: _____.

Its: _____.

I, _____, A Notary Public in and for said County and State aforesaid, do hereby certify that _____, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as a free and voluntary act, for the uses and purpose therein set forth, including the release and waiver of the rights of homestead.

GIVEN under my hand and notarial seal this ___ day of _____, 20__.

Notary Public

(SEAL)

My Commission Expires _____, 20__.

The City of Belvidere has caused its name to be hereto subscribed and its corporate seal affixed by its proper officers thereunto authorized, this ____ day of _____, 20__.

City of Belvidere

By: _____
Mayor

ATTEST:

Clerk

ORDINANCE #534H

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY
(POLICE DEPARTMENT VEHICLES)
AND APPROVING THE PURCHASE OF NEW VEHICLES

WHEREAS, the City of Belvidere Police Department is in possession of certain used vehicles, described in Exhibit A that are no longer needed or useful; and

WHEREAS, the Vehicles constitutes surplus personal property within the meaning of 65 ILCS 5/11-76-4; and

WHEREAS, the Corporate Authorities of the City find that the previously referenced Vehicles are no longer necessary or useful to or in the best interest of the City; and

WHEREAS, the Corporate Authorities find that the Surplus Vehicles should be traded in for the purchase of new vehicles.

NOW THEREFORE IT IS ORDAINED by the CITY COUNCIL of the City of Belvidere, Boone County Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth.

SECTION 2: The Mayor, or his designee, is authorized and directed to sell the Vehicles identified in Exhibit A by any means authorized by State Statute, including but not limited to an internet auction site or trade in for new vehicles.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Ayes:

Nays:

Absent:

APPROVED:

Mayor Clinton Morris

(SEAL)

ATTEST: City Clerk Sarah Turnipseed

Passed:
Approved:

Published:

EXHIBIT A

- (1) 2012 Dodge Durango VIN #1C4RDJFG9EC358761
- (2) 2014 Dodge Durango VIN #1C4RDJFGXCC361440

ORDINANCE #535H

AN ORDINANCE AUTHORIZING THE SALE OF
OF A VACANT LOT. (407 W. MADISON STREET)

WHEREAS, the City of Belvidere (the City) obtained fee simple title to real property commonly known as 407 W. Madison Street Belvidere Illinois and legally described in the attached Exhibit A (the Property); and

WHEREAS, the Property was abandoned property within the meaning of the Illinois Municipal Code and the City obtained title to the Property pursuant to court order; and

WHEREAS, the Property is now a vacant residential lot as the City demolished a dilapidated and dangerous single-family home formerly on the Property; and

WHEREAS, there is a surplus of vacant lots in the City making it unlikely that this lot would be developed in the foreseeable future if it were listed for sale; and

WHEREAS, the City Council finds that vacant lots can constitute a blight on surrounding properties decreasing their property values; and

WHEREAS, the City Council finds that transferring the Property from City ownership to private ownership will eliminate the costs to the tax payers of having the City maintain the Property; and

WHEREAS, the City Council finds that the cost savings of not maintaining the Property, the enhanced value to the neighborhood of having a new home constructed on the Property and the future tax revenues relating to a developed lot are valuable and sufficient consideration for transferring title to the Property to Habitat for Humanity of Boone County; and

WHEREAS, the City Council finds that it is in the public interest to have the Property developed with a residence and placed in private ownership so as to enhance the neighborhood and increase the communities tax base; and

WHEREAS, Habitat for Humanity of Boone County has agreed to take fee simple title to the Property, to maintain the Property and to construct a single-family residence upon the Property for purposes of transferring the Property to a private party in need of a home; and

WHEREAS, the City is a home rule unit of government within the meaning of Section 6 of Article VII of the 1970 Constitution of the State of Illinois.

NOW THEREFORE IT IS ORDAINED by the CITY COUNCIL of the City of Belvidere, Boone County Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth.

SECTION 2: For purposes of this Ordinance, and the approval of the Contract and for the sale of the Property, Division 76, of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-76-1 et seq.) shall not apply to this Ordinance and are expressly abrogated and waived pursuant to the City's home rule authority.

SECTION 3: The City Council authorizes the transfer of the Property to the Habitat for Humanity of Boone County for purposes of building a single-family home upon the Property.

SECTION 4: The Mayor, or his designee, is authorized and directed to execute and the Clerk to attest any documents necessary to facilitate and accomplish the transfer of the Property to the Habitat for Humanity of Boone County, including, but not limited to, a deed and other necessary documents as approved by the City Attorney.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor. The City Council finds that immediate approval is essential to obtain favorable sale and purchase terms.

Ayes:
Nays:
Absent:

APPROVED:

Mayor Clinton Morris

(SEAL)

ATTEST: _____
Clerk Sarah Turnipseed

Passed:
Approved:
Published:

EXHIBIT A

The Easterly One-Half (1/2) of Lot Eleven (11), and the Westerly One (1) rod of Lot Ten (10), all in Nathaniel Crosby's Addition to Belvidere, situated in the City of Belvidere according to the map of the Plat of said Addition, as recorded in the Recorder's Office of Boone County, Illinois in Book X of Deeds on page 416 as the same appears from the records of Boone County, Illinois; situated in the County of Boone and State of Illinois.

Commonly known as 407 W. Madison Street, Belvidere, Illinois.
Permanent Index No. 05-26-403-024