

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
AGENDA

February 5, 2024

Convened in the Council Chambers, 401 Whitney Blvd, Belvidere, IL at 6:00 p.m.

(1) Roll Call:

(2) Pledge of Allegiance:
Invocation:

(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 January 16, 2024; as presented.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

(7) Approval of Expenditures: None.

(8) Committee Reports and Minutes of City Officers:

(A) Approval of Minutes of Committee of the Whole – Public Safety and Finance and Personnel of January 22, 2024; as presented.

(9) Unfinished Business: None.

(10) New Business:

(A) Ord. #657H – 1st Reading: An Ordinance Authorizing the Sale of Certain Personal Property (Fire Dept. Jacob's Ladder).

(B) Ord. #658H – 1st Reading: An Ordinance Amending Sections 106-300, 106-301, 106-302 and 106-303 of the City of Belvidere Municipal Code Pertaining to the Local Motor Fuel Tax to Impose the Tax Upon the Use of Fuel Not Purchased at Retail For Certain Vehicles.

(C) Ord. #659H – 1st Reading: An Ordinance Authorizing Execution of a Recapture Agreement Between the City of Belvidere and Scannell Properties #554 LLC and Establishing Recapture for the Construction of Water Mains at Irene Road and North of US Route 20 in the City of Belvidere, Illinois.

(D) Ord. #660H – 1st Reading: An Ordinance Amending Section 110-91, Stop Streets, of the City of Belvidere Municipal Code to Add Union Avenue at West 6th Street as a Two-Way Stop Intersection and Repealing Ordinance #655H.

(E) Res. #2024-2 – A Resolution Authorizing Certain Annual Parades for 2024.

Motions forwarded from Committee of the Whole – Public Safety, Finance & Personnel of January 22, 2024.

Motions of Public Safety – Chairman Matt Fleury:

(A) Motion to authorize the purchase of (1) 2024 Dodge Durango, equipment and upfitting at a cost not-to-exceed \$66,522.00 with payment coming from insurance in the amount of \$18,113.00 and payment from DUI Equipment Fund in the amount of \$48,409.00.

(B) Motion to approve an expenditure of \$4,713.23 to complete the living quarters reflooring of Belvidere Fire Dept. Station 2.

(11) Adjournment:

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
MINUTES

Date: January 16, 2024

Convened in the Belvidere Council Chambers, 401 Whitney Blvd, Belvidere, Illinois
at 6:00 p.m.

Call to order by Mayor Morris.

(1) Roll Call: Present: J. Albertini, R. Brereton, M. Fleury, W. Frank, M. Freeman,
S. Gramkowski, M. McGee, D. Snow and C. Stevens.

Absent: N. Mulhall.

Other staff members in attendance:

Public Works Director Brent Anderson, Fire Chief Shawn Schadle, Police Chief Shane
Woody, Director of Buildings Kip Countryman, Budget and Finance Officer Shannon
Hansen, City Attorney Mike Drella and City Clerk Sarah Turnipseed.

(2) Pledge of Allegiance:

Invocation: Mayor Morris.

Ald. Mulhall arrived at 6:03p.m.

(3) Public Comment:

Ald. John Albertini spoke concerning four-way stop at Union Ave. & 6th Street.

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of
December 18, 2023; as presented.

Motion by Ald. Albertini, 2nd by Ald. McGee to approve the minutes of the regular
meeting of the Belvidere City Council of December 18, 2023. Aye voice vote carried.
Motion carried.

- (B) Approval of the minutes of the special meeting of the Belvidere City Council of December 29, 2023; as presented.

Motion by Ald. McGee, 2nd by Ald. Snow to approve the minutes of the special meeting of the Belvidere City Council of December 29, 2023. Aye voice vote carried. Motion carried.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

- (A) Michael Dunn with R-1 Planning Council spoke regarding a cost sharing agreement for Economic Analysis and Data Services. Discussion took place concerning fees, reporting and how data is shared.

(B) Report of IDA Public Library by Board President James Lee.

(7) Approval of Expenditures: General & Special Fund Expenditures: \$2,488,763.04
Water & Sewer Fund Expenditures: \$ 643,444.80

Motion by Ald. McGee, 2nd by Ald. Stevens to approve the General & Special Fund Expenditures in the amount of \$2,488,763.04. Discussion took place concerning expenditures. Roll Call Vote: 9/0/1 in favor. Ayes: Albertini, Fleury, Frank, Freeman, Gramkowski, McGee, Mulhall, Snow and Stevens. Nays: None. Abstain: Brereton. Motion carried.

Motion by Ald. Frank, 2nd by Ald. McGee to approve the Water & Sewer Fund Expenditures in the amount of \$643,444.80. Roll Call Vote: 10/0 in favor. Ayes: Brereton, Fleury, Frank, Freeman, Gramkowski, McGee, Mulhall, Snow, Stevens and Albertini. Nays: None. Motion carried.

(8) Committee Reports and Minutes of City Officers:

- (A) Monthly Report of Belvidere Police Department Overtime Pay for December 2023.
- (B) Monthly Report of Belvidere Fire Department Overtime Pay for December 2023.
- (C) Monthly Report of Community Development Department/Planning Department for December 2023.
- (D) Monthly Report of Building Department Revenues, Residential Building Permits for December 2023.
- (E) Yearly Report of Building Department Revenues and Residential Building Permits for CY 2023.
- (F) Monthly General Fund Report for December 2023.
- (G) Monthly Water/Sewer Fund Report December 2023.
- (H) Monthly CD Investments for December 2023.

Belvidere City Council
January 16, 2024

Let the record show these reports were placed on file.

- (I) Minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of January 8, 2024.

Motion by Ald. Fleury, 2nd by Ald. Stevens to approve the minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of January 8, 2024. Aye voice vote carried. Motion carried.

(9) Unfinished Business: None.

(10) New Business:

- (A) Res. #2024-1 – A Resolution Authorizing Execution of a Letter of Credit with Midland States Bank Guaranteeing Payment to the City’s Insurance Carrier for Fuel Storage.

Motion by Ald. Snow, 2nd by Ald. Mulhall to adopt Res. #2024-1. Roll Call Vote: 10/0 in favor. Ayes: Fleury, Frank, Freeman, Gramkowski, McGee, Mulhall, Snow, Stevens, Albertini and Brereton. Nays: None. Motion carried.

Motions forwarded from Committee of the Whole – Building, Planning and Zoning and Public Works of January 8, 2024.

- (A) Motion to approve the construction services proposal from CES, in an amount not-to-exceed \$18,000.00, for the 6th Street Low Flow Channel Project. This work will be paid for from Line Item #01-5-751-8058. Roll Call Vote: 10/0 in favor. Ayes: Frank, Freeman, Gramkowski, McGee, Mulhall, Snow, Stevens, Albertini, Brereton and Fleury. Nays: None. Motion carried.

Ald. Albertini left meeting at 6:55p.m.

- (B) Motion to waive the bidding process for factory repairs to the thickening centrifuge at the Waste Water Treatment Plant. Discussion took place regarding factory repairs. Roll Call Vote: 9/0 in favor. Ayes: Freeman, Gramkowski, McGee, Mulhall, Snow, Stevens, Brereton, Fleury and Frank. Nays: None. Motion carried.

Ald. Albertini returned to meeting at 6:59 p.m.

- (C) Motion to approve the proposal from Centrisys for factory repairs to the thickening centrifuge at the WWTP at a cost not-to-exceed \$40,900.00. This work will be paid for from the Sewer Depreciation Account. Discussion took place regarding repairs. Roll Call Vote: 10/0 in favor. Ayes: Gramkowski, McGee, Mulhall, Snow, Stevens, Albertini, Brereton, Fleury, Frank and Freeman. Nays: None. Motion carried.

Belvidere City Council
January 16, 2024

(D) Motion to authorize a cost sharing agreement with Region 1 Planning Council for Economic Analysis and Data Services at an amount not-to-exceed \$7,857.14 annually. Discussion took place regarding fee. Motion by Ald. Stevens, 2nd by Ald. Frank to amend amount to \$2,182.54 for FY 24. Roll Call Vote: 10/0 in favor. Ayes: McGee, Mulhall, Snow, Stevens, Albertini, Brereton, Fleury, Frank, Freeman and Gramkowski. Motion to amend carried. Roll Call Vote on motion as amended: 9/1 in favor. Ayes: Mulhall, Snow, Stevens, Albertini, Fleury, Frank, Freeman, Gramkowski and McGee. Nays: Brereton. Motion carried.

(11) Adjournment:

Motion by Ald. Frank, 2nd by Ald. Albertini to adjourn meeting at 7:10p.m. Aye voice vote carried. Motion carried.

Mayor

Attest: _____
City Clerk

Minutes
Committee of the Whole
Public Safety and Finance and Personnel
January 22, 2024
6:00 p.m.

Date: January 22, 2024

Convened in the Belvidere Council Chambers, 401 Whitney Blvd., Belvidere, Illinois at 6:00p.m.

Call to Order – Mayor Clinton Morris:

Roll Call:

Present: J. Albertini, R. Brereton, M. Fleury, W. Frank, M. Freeman,
S. Gramkowski, M. McGee, D. Snow and C. Stevens.

Absent: N. Mulhall.

Other staff members in attendance:

Public Works Director Brent Anderson, Budget and Finance Officer Shannon Hansen, Police Chief Shane Woody, Fire Lt. Dan Drall, City Attorney Mike Drella and City Clerk Sarah Turnipseed.

Public Comment: Sally Medearis, Washington Academy presented proposal for enhanced safety measures at the Washington Academy Campus.

Public Forum: None.

Reports of Officers, Boards, and Special Committees:

Report of Growth Dimension by Executive Director Pam Lopez-Fettes.

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

(A) Police Department – Update.

Police Chief Shane Woody presented an update.

(B) Police Department – Request to Purchase a 2024 Dodge Durango.

Motion by Ald. Stevens, 2nd by Ald. Fleury to authorize the purchase of (1) 2024 Dodge Durango, equipment and upfitting at a cost not-to-exceed \$66,522.00 with payment coming from insurance in the amount of \$18,113.00 and payment from DUI Equipment Fund in the amount of \$48,409.00. Discussion took place on timeline, replacing the Dodge Chargers with Dodge Durangos and funding for vehicle. Aye voice vote carried. Motion carried.

(C) Fire Department – Update.

Fire Lt. Dan Drall presented an update.

(D) Fire Department – Replacement of Flooring at Station 2.

Motion by Ald. Stevens, 2nd by Ald. Fleury to approve an expenditure of \$4,713.23 to complete the living quarters reflooring of Belvidere Fire Dept. Station 2. Discussion took place concerning the City not using of a local vendor. Aye voice vote carried. Motion carried.

(E) Fire Department – Sale of Jacob’s Ladder (Fitness Equipment).

Motion by Ald. Snow, 2nd by Ald. Stevens to sell or trade in the Jacob’s Ladder by any legal means and purchase fitness equipment. Discussion took place on value of equipment. Aye voice vote carried. Motion carried.

3. Finance & Personnel, Unfinished Business: None.

4. Finance & Personnel, New Business:

(A) Finance Department – Update.

Budget and Finance Officer Shannon Hansen presented an update.

(B) Aldermanic Pay Per Meeting – Ald. Stevens.

Motion by Ald. Stevens, 2nd by Ald. Gramkowski to modify the compensation of Alderperson to a per meeting for Committee of the Whole Meetings and City Council Meetings on the basis of \$150.00 per meeting. Discussion took place concerning modification of compensation. Roll Call Vote: 3/6 in favor. Ayes: Fleury, Gramkowski and Stevens. Nays: Albertini, Brereton, Frank, Freeman, McGee and Snow. Motion lost.

(C) Amendment to Belvidere Local Motor Fuel Tax Code.

Motion by Ald. Snow, 2nd by Ald. Stevens to amend the Local Motor Fuel Tax Code for bulk purchasers of fuel per the City Attorney’s memo of January 5, 2024. Discussion took place concerning the fueling of school buses and hindering future business development. Aye voice vote carried. Motion carried.

(D) Scannell Properties Recapture Agreement.

Motion by Ald. Albertini, 2nd by Ald. Stevens to approve the Recapture Agreement between the City of Belvidere and Scannell Properties #554 LLC. Discussion took place regarding clarification between the current Annexation Agreement and Recapture Agreement presented. Aye voice vote carried. Motion carried.

(E) Committee Appointment - Ald. Clayton Stevens to the Boone County Council on Aging Board.

Mayor Morris informed the council of his appointment of Ald. Clayton Stevens to the Boone County Council on Aging Board. Discussion took place concerning responsibilities and duties of position on board and vacancy due to Ald. Albertini resignation from board.

5. Other:

(A) Resolution Authorizing certain Annual Parades for 2024.

Motion by Ald. Snow, 2nd by Ald. Fleury to forward to City Council Resolution #2024-2, A Resolution Authorizing Certain Annual Parades for 2024. Aye voice vote carried. Motion carried.

(B) Intersection Review Union Avenue & 6th Street. – Ald. Stevens.

Motion by Ald. Stevens, 2nd by Ald. McGee to remove stop sign at Union & W. 6th Street. Discussion took place concerning issues the placement of sign. Motion to Amend by Ald. Brereton to relocate the stop sign at Union Avenue and & W. 6th Street to W. 6th Street and 5th Avenue. Ald. Brereton withdrew motion. Aye voice vote carried. Motion carried.

(C) Executive Session to discuss Collective Bargaining Matters pursuant to Section 2(c)(2) of the Open Meeting Act.

Motion by Ald. Frank, 2nd by Ald. McGee to go into Executive Session at 7:41p.m. to discuss Collective Bargaining Matters pursuant to Section 2(c)(2) of the Open Meetings Act. Roll Call Vote: 9/0 in favor. Ayes: Brereton, Fleury, Frank, Freeman, Gramkowski, McGee, Snow, Stevens and Albertini. Nays: None. Motion carried.

Motion by Ald. Snow 2nd by Ald. Gramkowski to come out of Executive Session at 8:54p.m. Roll Call Vote: 9/0 in favor. Ayes: Fleury, Frank, Freeman, Gramkowski, McGee, Snow, Stevens, Albertini and Brereton. Nays: None. Motion carried.

(F) Local 150 Grievance/Employee Discipline.

Motion by Ald. Snow, 2nd by Ald. Albertini to deny the Union's grievance Step 3 request to rescind the discipline, leaving the three-day suspension without pay intact and direct the City Attorney to prepare correspondence indicating that the three-day suspension without pay is warranted and supported by the Grievant's actions in engaging in the oral altercation, including profanity and name calling, with another employee on or about October 27, 2023, which directly led to a physical altercation and found that the prior oral warning in 2023 for engaging in profanity and an oral confrontation, coupled with the severity of the October 27, 2023, incident, demonstrate appropriate use of progressive discipline.

6. Adjournment:

Motion by Ald. Frank, 2nd by Ald. McGee to adjourn meeting at 8:57p.m. Aye voice carried. Motion carried.

_____ Mayor

Attest: _____ City Clerk

ORDINANCE #657H

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY
(FIRE DEPT. JACOB'S LADDER)

WHEREAS, the City of Belvidere Fire Department is in possession of certain exercise equipment commonly known as a Jacob's Ladder; and

WHEREAS, the equipment 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 equipment is no longer necessary or useful to or in the best interest of the City.

NOW THEREFORE BE IT 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 equipment by any reasonable means, including but not limited to an internet auction site, other auction methods, direct sale to an individual or trade in for new equipment.

SECTION 3: 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 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: 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:

J:\Draft Ordinances\2024 surplus Jabobs ladder.doc

ORDINANCE #658H
AN ORDINANCE AMENDING SECTIONS 106-300, 106-301, 106-302 AND
106-303 OF THE CITY OF BELVIDERE MUNICIPAL CODE PERTAINING TO THE
LOCAL MOTOR FUEL TAX TO IMPOSE
THE TAX UPON THE USE OF FUEL NOT PURCHASED
AT RETAIL FOR CERTAIN VEHICLES

WHEREAS, in 2018 by Ordinance 405H, the Corporate Authorities adopted the City of Belvidere Local Motor Fuel Tax (LMFT) imposing a tax upon the purchase, at retail, of motor fuel within the City of Belvidere; and

WHEREAS, multiple large fleet operators and manufacturers purchase motor fuel in bulk for use in their vehicles operated within the City of Belvidere or manufactured in the City of Belvidere; and

WHEREAS, these operators and manufacturers have avoided the LMFT by purchasing their fuel in bulk and not at retail despite having significant impact upon the City's roads and services.

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

SECTION 1: Sections 106-300, 106-301, 106-302 and 106-303 of the City of Belvidere Municipal Code are amended to read as set forth in the attached Exhibit A which is incorporated herein by this reference.

SECTION 2: 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 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: 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: .
Absent: .

APPROVED:

Mayor Clinton Morris

ATTEST:

City Clerk Sarah Turnipseed

(SEAL)

Passed:

Approved:

Published:

EXHIBIT A

Sec. 106-300. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Belvidere, Boone County Illinois.

Department means the budget officer or finance director of the city or such other city department or individual as assigned by the mayor.

Motor fuel means any volatile and inflammable liquid or gas produced, blended or compounded for the purpose of or which is suitable for operating any combustion engine or a vehicle, or which is used in propelling a vehicle. "Vehicle fuel" includes, but is not limited to, gasoline, gasohol, diesel fuel, ethanol, motor benzol, motor benzene, propane gas fuel, kerosene and "special fuel" as defined in the Illinois Motor Fuel Tax Law, as amended [ILCS Ch. 35, Act 505 § 1.13], and blends thereof.

Person means any individual, firm, trust, estate, partnership, association, corporation, limited liability company, joint venture, joint stock company, receiver, trustee, conservator, legal representative, or other legally recognized entity.

Retail vehicle fuel dealer means any person who is engaged in the business of selling motor fuel in the city to a purchaser for the purchaser's use or consumption, and not for resale in any form.

Sale, resale, or purchase means any transfer of ownership or title or both, any exchange or any barter, whether conditional or otherwise, in any manner or by any means whatsoever for consideration.

Sale at retail means any sale to a person for that person's use or consumption and not for resale to another.

Use means the exercise of any right to or power over vehicle fuel incident to the ownership thereof, including, but not limited to, the receipt of vehicle fuel by any person into a fuel supply tank of a vehicle. A user of motor fuel means any person using or causing to be used the motor fuel as described herein and in section 106-301.

Vehicle means any machine or device in, upon or by which any person or property is or may be transported or drawn upon a rail, street, road highway or otherwise upon land, in or upon water, or through the air. "Vehicle" includes, but is not limited to, motor vehicles as defined in the Illinois Vehicle Code, automobiles, trucks, buses, trains, motorcycles, boats, and aircraft.

Sec. 106-301. Local motor fuel tax imposed.

- (a) A local motor fuel tax is hereby imposed upon the privilege of purchasing or using each gallon of motor fuel, or fraction thereof, purchased in a sale at retail or used within the corporate limits of the city, at the rate of two cents per gallon. The ultimate incidence of and liability for payment of the tax is to be borne by the retail purchaser or user of motor fuel. Nothing in this chapter shall be construed to impose a tax upon the occupations of persons engaged in the retail sale of vehicle fuel. It shall be the duty of every retail vehicle fuel dealer to secure the tax from the purchaser at the time the retail vehicle fuel dealer collects the purchase price for the motor fuel and to pay over the tax to the city through the department.
- (b) In the event motor fuel is dispensed in a unit of measure other than the gallon, the tax shall be imposed at the same ratio to one cent as the unit is to the gallon. The tax shall be paid in addition to any and all other taxes and charges.
- (c) It shall be presumed that all sales and uses of motor fuel in the city are subject to the local motor fuel tax until the contrary is established, by clear and convincing evidence. The burden of proving that a sale or use is not taxable under this article shall be upon the retail vehicle fuel dealer, purchaser or user so claiming.
- (d) The local motor fuel tax imposed by this article shall not be applicable to the privilege of purchasing or using vehicle fuel when such fuel is purchased or used, as the case may be, by the federal government, or any of its instrumentalities.
- (e) Use of motor fuel shall be deemed to occur only at the place within the City of Belvidere where the motor fuel is transferred into a motor vehicle, subject to registration and licensing under the Illinois Vehicle Code or which could be registered and titled under the Illinois Vehicle Code, by which it is to be consumed. To the extent that a person has paid the tax imposed by this Article on the retail purchase of motor fuel, such person shall be exempt from the payment of and liability for said tax on the use of such fuel.

Sec. 106-302. Collection and remittance of local motor fuel tax.

- (a) The local motor fuel tax shall be collected by each retail vehicle fuel dealer, who shall have the duty to collect the local motor fuel tax from the purchaser of the motor fuel, and thereafter remit such local motor fuel tax to the city.
- (b) If any retail vehicle fuel dealer fails to collect the local motor fuel tax, such retail vehicle fuel dealer shall remain liable for the local motor fuel tax not collected and shall pay the amount of the local motor fuel tax due to the city in accordance with this article.
- (c) On the 20th day of each calendar month the retail vehicle fuel dealer or each user, as described in Section 106-301 shall transmit a report of sale or use of all vehicle fuel in the previous month, on forms to be created and approved by the department, together with a sum of money equal to the amount of the local motor fuel tax owing for the applicable month. A retail vehicle fuel dealer may retain one percent of the total sum of motor fuel tax owed for the applicable month as a credit to reimburse the retail vehicle fuel dealer for the time and expense incurred in connection with collecting and remitting the local motor fuel tax.
- (d) Failure by the retail vehicle fuel dealer to file sales and use tax returns with the Illinois Department of Revenue shall not relieve the retail vehicle fuel dealer from the responsibility to pay the local motor fuel tax to the city. The Department may require each retail vehicle fuel dealer and each user to file with the Department copies of the corresponding sales and use tax returns submitted to the Illinois Department of Revenue. The Department may require each user of motor fuel to file copies of invoices or paid receipts representing the user's purchase of motor fuel used in the City under this Article.
- (e) Late or unpaid payments of the local motor fuel tax shall, in addition to penalties as set forth in this article or in Section 1-9 of the City of Belvidere Municipal Code, be subject to interest at the rate of one and one-half percent per month or each fraction thereof. Further, a retail vehicle fuel dealer will not be entitled to the one percent credit set forth in subsection (c) above if a payment is late or unpaid.

Sec. 106-303. Registration.

Each retail vehicle fuel dealer shall register as a retail vehicle fuel dealer with the upon forms created and approved by the department. Each person who maintains or operates an above ground storage tank or below ground storage tank for the dispensing of motor fuel, not at retail, into a motor vehicle subject to registration under the Illinois Vehicle Code, or which could be registered under the Illinois Vehicle Code, shall register as a vehicle fuel dispenser upon forms created and approved by the department.

ORDINANCE #659H
AN ORDINANCE AUTHORIZING EXECUTION
OF A RECAPTURE AGREEMENT
BETWEEN THE CITY OF BELVIDERE AND
SCANNELL PROPERTIES #554 LLC AND
ESTABLISHING
RECAPTURE FOR THE CONSTRUCTION OF WATER
MAINS AT IRENE ROAD AND NORTH OF US ROUTE 20
IN THE CITY OF BELVIDERE, ILLINOIS

WHEREAS, Scannell Properties #554 LLC (Scannell), on behalf of the City of Belvidere (the City) constructed, or caused to be constructed, certain improvements (the Improvements) consisting of extension of the City's Water System in connection with the development of the Kelly Farms subdivision north of U.S. Route 20 and East of Irene Road which included oversizing of water mains to service contiguous land west of Irene Road; and

WHEREAS, the total cost of constructing the Improvements was \$614,112.00. The amount subject to recapture due to the oversize of the mains is \$121,566.08 (the Recapture Amount); and

WHEREAS, the oversized water main will benefit parcels fronting on the West side of Irene Road from the south right of way line of the Union Pacific Railroad extending south along Irene Road a distance of 794.29 feet as shown on the attached Exhibit A (the Benefited Properties).

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: The Recapture Agreement between the City and Scannell, attached hereto as Exhibit B, is approved. The Mayor and Clerk are authorized to execute and attest the Recapture Agreement.

SECTION 3: 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. 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. The Benefited Properties shall pay a Recapture Fee for a proportionate share of constructing the Improvements.

SECTION 4: 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 Irene Road. The front foot recapture fee (the Recapture Fee) shall, as of the date of this Ordinance, be \$153.05 per linear foot of frontage upon Irene Road as described in the Recitals and Exhibit A. The Recapture Fee shall be adjusted annually in accordance with the

Recapture Agreement.

SECTION 5: 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) prior to approval of any plat of subdivision or planned unit development; 2) prior to issuance of any building permit by the City of Belvidere for any structure on the Benefitted Property; or 3) prior to any connection to the City's water system. The owner(s) of any Benefitted 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, but only in accordance with the Recapture Agreement.

SECTION 6: 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 Benefitted Property.

SECTION 7: 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 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9: 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:

Mayor Clinton Morris

ATTEST:

City Clerk Sarah Turnipseed

(SEAL)

Passed:
Approved:
Published:

EXHIBIT B

SCANNELL PROPERTIES #554, LLC
RECAPTURE AGREEMENT

WATER EXTENSION
IRENE ROAD AND US Route 20

THIS RECAPTURE AGREEMENT (this "Agreement") is made and entered into this day of January, 2024, by and between the City of Belvidere, a municipal corporation of the State of Illinois, Boone County, ("City") and Scannell Properties #554, LLC, an Indiana limited liability company (hereinafter "Owner" or "Developer").

RECITALS

A. Developer and City entered into that certain Annexation Agreement on or about May 2, 2022 (the "Annexation Agreement"), which was recorded in the Official Records of the Boone County Clerk and Recorder on May 26, 2022 as Instrument Number 2022R03066; and

B. Pursuant to the Annexation Agreement, and the City of Belvidere Municipal Code, Developer constructed and dedicated, or will dedicate, to the City potable water utilities (the "Utilities") which will benefit other properties (collectively, the "Benefited Properties") in proximity to the Owner's property; and

C. The Benefited Properties are the parcels fronting the West side of Irene Road from the south right of way line of the Union Pacific Railroad extending south along Irene Road a distance of 794.29 feet as shown in the attached Exhibit A, which is incorporated herein by this reference; and

D. Owner agreed to construct and has constructed the Utilities to the City's specifications to serve the Benefited Properties if the City agreed to recapture an equitable portion of the cost of such construction from the Benefited Properties; and

E. The City agrees that Owner is entitled to recapture a portion of the cost of constructing the Utilities that is allocable to the Benefited Properties from the Recapture Fees that are paid from time to time by the owners or developers of the Benefited Properties.

NOW, THEREFORE, in consideration of mutual promises and agreements contained herein, the City and Developer agree as follows:

1. Recitals: The foregoing recitals are incorporated herein by this reference.
2. Recapturable Improvements: The Recapturable Improvements are the Utilities. Owner represents and warrants that it has fully completed and paid for all costs of the Utilities in accordance with the Annexation Agreement, the approved Plat of Subdivision, and the approved

construction plans for the Utilities. The City and Owner agree that the total cost of constructing the Utilities is \$614,112.00.

3. Recapture Fees: The City and Owner agree that the entire amount subject to recapture is \$121,566.08 (the "Recapture Fees"), which represents that portion of the total construction cost of the Utilities that benefits the Benefited Properties.

4. The Benefited Properties shall pay the recapture fee based upon their frontage upon that portion of Irene Road lying 794.29 feet south of the Union Pacific Railroad as shown on Exhibit A at the rate of \$153.05 per linear foot.

5. The City will use its best efforts to collect the Recapture Fees provided herein from each parcel of the Benefited Properties at the time they seek to connect to the City's potable water system, or earlier at the City's discretion based upon the applicable parcel's frontage upon that portion of Irene Road subject to recapture as set forth above. The City shall not be liable to Developer if the City is, for any reason, unable to collect said costs. The City's responsibility to reimburse Developer shall be limited to payments from funds actually collected from Benefited Property owners and as such the City's obligations under this Agreement are non-recourse to the City's other general and special funds.

6. Developer agrees to indemnify, defend and hold harmless, the City, its officials, officers, employees and agents, in both their official and individual capacities, from and against any claim, demand, liability and/or litigation arising out of, or in any way related to, this Agreement or the City's collection of the Recapture Fees contemplated herein, from any third party, except to the extent of the City's negligence or willful misconduct.

7. Either party may enforce this Agreement by any action or proceeding at law or in equity. The parties agree that any action relating to this Agreement shall be brought in the 17th Judicial Circuit, Boone County, Illinois, and both parties submit to jurisdiction and venue in that Court. This Agreement shall be construed under Illinois law without regard to conflicts of law provisions.

8. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same Agreement.

[Remainder of page intentionally left blank; signature page follows.]

WHEREFORE, the parties hereto have set their hands this _____ day of _____, 2023.

CITY:

City of Belvidere,
an Illinois municipal corporation

By: _____
Mayor Clinton Morris

DEVELOPER:

Scannell Properties #554, LLC,
an Indiana limited liability company

By: 
Marc D. Pflieger, Manager

ATTEST:

City Clerk

ORDINANCE #660H
AN ORDINANCE AMENDING SECTION 110-91, STOP STREETS,
OF THE CITY OF BELVIDERE MUNICIPAL CODE
TO ADD UNION AVENUE AT WEST 6th STREET
AS A TWO-WAY STOP INTERSECTION
AND REPEALING ORDINANCE #655H

WHEREAS, the Corporate Authorities adopted Ordinance #655H on December 18, 2023 modifying the then existing two-way stop intersection by which Union Ave. traffic stopped at West 6th Street making the intersection a four-way stop intersection; and

WHEREAS, the Corporate Authorities now find that such action was not advisable and wish to repeal Ordinance #655H and re-establish a two-way stop intersection by which traffic on Union Ave. will stop at West 6th Street.

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

SECTION 1: The foregoing recitals are incorporated herein.

SECTION 2: Ordinance #655H adopted December 18, 2023 is hereby repealed.

SECTION 3: Section 110-91, Stop Streets, of the City of Belvidere Municipal Code is hereby amended to add the intersection of Union Avenue and West 6th Street as a two-way stop intersection by which traffic on Union Ave. will stop at the intersection of West 6th Street:

Union Ave.	West 6 th St.	Both	
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Any conflicting provision for the intersection of Union Ave. and West 6th Street contained in Section 110-91 is repealed and shall be deleted.

SECTION 4: The Official Traffic Regulation Map shall be amended in conformance with this Ordinance. The Director of Public Works shall remove and add signage in compliance with the Manual on Uniform Traffic Control Devices necessary to carry out the intent of this ordinance.

SECTION 5: 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 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: 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: .
Absent: .

APPROVED:

Mayor Clinton Morris

ATTEST:

City Clerk Sarah Turnipseed

(SEAL)

Passed:
Approved:
Published

Resolution #2024-2

A RESOLUTION AUTHORIZING CERTAIN ANNUAL PARADES FOR 2024

WHEREAS, the City of Belvidere allowed certain organizations to conduct parades on city streets in 2023, and

WHEREAS, the City Council finds it to be in the best interest of the City to allow the same parades in 2024,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BELVIDERE, ILLINOIS AS FOLLOWS:

SECTION 1: That the Mayor and City Council of the City of Belvidere approve the annual parades as set forth in Exhibit A, which is incorporated herein by reference.

SECTION 2: That the Mayor is authorized to approve amendments to the parade routes and the times and dates of the parades.

SECTION 3: The Police, Fire, and Public Works Departments are directed to provide such parade assistance as the Mayor directs.

Ayes:

Nays:

Absent:

Date Approved:

Approved:

Mayor

Attest:

City Clerk

ANNUAL PARADES
EXHIBIT A

- EVENT:** **GOOD FRIDAY**
SPONSOR: Members of St James Church
ROUTE: Assembles on Church Street right on Main Street right Buchanan Street right on Warren Avenue and ending at Church Street.
- EVENT:** **MEMORIAL DAY**
SPONSOR: Veteran's Memorial Commission
ROUTE: Assembles at City Lot #5, proceeds West on Pleasant to State St. Brief ceremony at State Street Bridge.
- EVENT:** **4TH OF JULY/HERITAGE DAY CELEBRATION**
SPONSOR: Heritage Day Committee
ROUTE: Assembles at Harrison St., proceeds to State Street, heading south ending at Logan Ave.
- EVENT:** **HOMECOMING PARADE**
SPONSOR: Belvidere High School
ROUTE: Assembles at the Community Building and proceeds South on Pearl Street to 6th Street, East on 6th Street to East Avenue to High School.
- EVENT:** **HOMECOMING PARADE**
SPONSOR: Belvidere North High School
ROUTE: Assembles at the corner of Buchanan Street and Main Street and proceeds north on Main Street ending at West Street.
- EVENT:** **ANNUAL HALLOWEEN PARADE**
SPONSOR: IOU Club
ROUTE: Assembles on North State Street between Perry and Boone and proceeds to the Community Building.
- EVENT:** **VETERAN'S DAY PARADE**
SPONSOR: Veteran's Memorial Commission
ROUTE: Assembles at State Street and Lincoln Avenue, March to WWII Memorial in Belvidere Park then to VFW for ceremony.
- EVENT:** **CHRISTMAS PARADE**
SPONSOR: Belvidere Park District
ROUTE: North of Ida Public Library proceed south on State Street ending at Community Building.