



City of Wilmington
1165 South Water Street
Wilmington, IL 60481

Agenda
Regular City Council Meeting
Wilmington City Hall
Council Chambers
February 18, 2020
7:00 p.m.

I. Call to Order

II. Pledge of Allegiance

III. Roll Call by acting City Clerk

John Persic, Jr.	Kevin Kirwin
Floyd Combes	Dennis Vice
Lisa Butler	Ben Dietz
Frank Studer	Jake Tenn

IV. Approval of the January 21, 2020 Regular City Council Meeting Minutes

V. Public Hearing

VI. Mayor's Report

1. Wilmington Moose Riders is having a tag day on May 2, 2020 to raise monies to help with vets.
2. City wide spring pick up is scheduled for May 7, 2020
3. Mayoral Appointment of Dave Schultz to the Wilmington Police Pension Board – 2-year term (February 2020 – February 2022)
4. Mayoral Appointment of Jayson Walinski to the Planning and Zoning Commission to replace the position previously held by Gina Wysocki, with a term expiring in February 2022
5. Approve the Mayoral Appointment of Part-Time Wilmington Police Officer Jeremy Bailey
6. Swearing in of Wilmington Police Officer Jeremy Bailey

VII. Public Comment

(State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01)

Posting Date:
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VIII. Planning & Zoning Commission

1. The next regular scheduled meeting is Thursday, March 5, 2020 at 5:00 p.m.

IX. Committee Reports

A. Police & ESDA Committee

Co-Chairs – Frank Studer & Lisa Butler

1. The next scheduled meeting is Tuesday, March 10, 2020 at 5:30 p.m.

B. Ordinance & License Committee

Co-Chairs – Floyd Combes & Jake Tenn

1. Approve Ordinance 20-02-18-01 an Ordinance Amending Chapter 34 Article 3 “Catfish Days Coordinating Committee”
2. The next scheduled meeting is Tuesday, March 10, 2020 at 6:00 p.m.

C. Buildings, Grounds, Parks, Health & Safety Committee

Co-Chairs – John Persic, Jr. & Floyd Combes

1. The next scheduled meeting is Wednesday, March 11, 2020 at 5:30 p.m.

D. Water, Sewer, Streets & Alleys Committee

Co-Chairs – Frank Studer & Kevin Kirwin

1. The next scheduled meeting is Wednesday, March 11, 2020 at 6:00 p.m.

E. Finance, Administration & Land Acquisition Committee

Co-Chairs – Frank Studer & Ben Dietz

1. Approve the Accounting Reports as Prepared by the Accountant
2. Approve Resolution 2020 – 01 – A Resolution Authorizing The Participation In The Northern Illinois Municipal Electric Collaborative (NIMEC) And Authorizing The City Administrator To Approve A Contract With The Lowest Cost Electricity Provider For A Period Up To 36 Months
3. Approve Ordinance 20-02-18-02 – An Ordinance Amending Ordinance No. 19-05-21-01 Which Approved The Issuance Of Supplemental TIF Note I
4. The next scheduled meeting is Wednesday, March 18, 2020 at 6:00 p.m.

F. Personnel & Collective Bargaining Committee

Co-Chairs – John Persic, Jr. & Dennis Vice

X. Attorney & Staff Reports

XI. Executive Session

1. Appointment, Employment, Dismissal, Compensation, Discipline and Performance of an Employee of the City of Wilmington (5 ILCS 120/2(c)(1))
2. Collective negotiating matters between the City of Wilmington (public body) and its employees (5 ILCS 120/2(c)(2))

XII. Action Following Executive Session

1. Approve the hire of Part-Time Fiscal Clerk

XIII. Adjournment

The next City Council meeting is Tuesday, March 3, 2020 at 7:00 p.m.

ORDINANCE NO. 20-02-18-01

**AN ORDINANCE AMENDING CHAPTER 34 ARTICLE 3
“CATFISH DAYS COORDINATING COMMITTEE”**

WHEREAS, Catfish Days is an annual celebration within the City of Wilmington; and

WHEREAS, Chapter 34 Article 3 “Catfish Days Coordinating Committee” of Wilmington’s Code of Ordinances sets forth certain regulations for Catfish Days, with its most recent amendment being on April 17, 1984; and

WHEREAS, the celebration and the activities permitted during such celebration has changed since 1984; and

WHEREAS, in an effort to update Chapter 34 Article 3 so that its regulations match the activities permitted at Catfish Days, the Corporate Authorities of the City of Wilmington find that it is in the best interest of the health, safety, and welfare of the City and its residents to amend Chapter 34, Article 3 “Catfish Days Coordinating Committee”.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILMINGTON, ILLINOIS:

SECTION 1: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY

That Chapter 34, Article 3 “Catfish Days Coordinating Committee” is hereby deleted and replaced by the following:

Article 3. - Catfish Days Coordinating Committee

34.50 - Celebration recognized—Committee established.

- (A) There is hereby recognized and declared to be a Catfish Days celebration in the city, and a four-day period beginning on the Thursday preceding the 4th full weekend in July is declared to be the recognized as the official dates for conducting such celebration.
- (B) There is hereby established a committee of not less than five nor more than 15 to be members hereafter known as the Catfish Days coordinating committee who shall be appointed by the mayor with advice and consent of City Council. Such committee shall not have any power to bind or obligate the city but its duty shall be to coordinate all activities and events during Catfish Days and issue festival activity permits for scheduled activities.

34.51 - Definitions.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Beer garden." Any area outside of or adjoining any place of business licensed as a Class A, Class A-1, Class C, Class D, Class D-1, Class E, or I-2 licensee under the provisions of Chapter 112 of this code used for the purpose of selling or serving alcoholic liquor; provided that only the type of alcoholic liquor permitted on the licensed premises shall be allowed in the "beer garden."

"Catfish Days coordinating committee." The officially designated and appointed committee whose function shall be to define, approve, and coordinate scheduled events for Catfish Days.

"Festival activity permit." A permit issued by the Catfish Days coordinating committee indicating that the activity or event is a scheduled activity.

"Outside entertainment." Any musical performance or musical program that is given out of doors, in a tent, or other temporary building.

"Scheduled activity." An activity or event that has been properly and timely scheduled with the Catfish Days coordinating committee.

"Unapproved activity." An activity or event that has not been properly and timely scheduled or approved by the Catfish Days coordinating committee.

34.52 - Activity approval—Permits—Fees.

All scheduled activities shall be submitted to the Catfish Days coordinating committee for its approval before March 31 of the year of the celebration. The Catfish Days coordinating committee shall report all scheduled activities to the city council on or before the second regular meeting of the council in May of the year of such celebration. Any activity or event not approved by the Catfish Days coordinating committee or properly or timely scheduled shall be an unapproved activity and shall not be entitled to recognition or sanction as a Catfish Days event. In addition, the persons coordinating such unapproved activity shall pay for or reimburse the city for the cost of security, crowd control, traffic control, and adequate sanitation facilities. No permits required from the city shall be issued to any unapproved activity until the cost of security, crowd control, traffic control, and adequate sanitation facilities is paid. The Catfish Days coordinating committee shall set its own fees for scheduled events and activities.

34.53 - Regulation of outside entertainment.

No outside entertainment shall be allowed during Catfish Days Celebration week except during the hours of 5:00 p.m. through 11:30 p.m. on Thursday; between the hours of 6:00p.m.on Friday and 1:30 a.m. Saturday; between the hours of 12:00 p.m. on Saturday and 1:30 a.m. Sunday; and between the hours of 12:00 p.m. until 9:00 p.m. on Sunday.

Penalty, see Section 10.99

34.54 - Regulation of beer gardens.

(A) Conditions of operation. No beer garden shall be operated during Catfish Days Celebration week except when each of the following conditions are satisfied:

- (1) The area operated as a beer garden shall be adequately fenced with a snow fence no less than four feet high.
 - (2) The beer garden shall have one or more entrances or gates not to exceed four in number, of not more than five feet in width each.
 - (3) No person under the age of 21 years shall enter a beer garden, except in cases where a beer garden is selling food; and in that event a person under the age of 21 years, when accompanied by his parents or legal guardian, may enter the beer garden with the parent or legal guardian and remain there with the parent or legal guardian until 9:00 p.m. After 9:00 p.m., no person under the age of 21 years shall be allowed in the beer garden. It shall be the responsibility of the owner, operator, and employees of the beer garden to enforce the time limits set above and to remove persons under the age of 21 years from the beer garden after 9:00 p.m.
 - (4) No person under the age of 21 years shall be allowed to consume, purchase, or possess any alcoholic liquor in a beer garden. It shall be the responsibility of the owner, operator, and employees of the beer garden to enforce this age provision by providing a responsible person or persons to check and establish the age of each person consuming alcoholic liquor within the beer garden.
 - (5) Each beer garden shall provide and maintain such number of portable sanitary facilities as may be required by the Catfish Days coordinating committee.
 - (6) All beer gardens shall be approved to obtain a license to operate and pay the fee as hereinafter specified in division (B) below.
 - (7) Any violation of this section, state law, or other local ordinance, or any disorder, fighting, or lewd operations will result in the suspension of the beer garden license for the day of that violation, in addition to any other penalty as provided by law.
- (B) Permits and permit fees for beer gardens. Any business licensed as a Class A, Class A-1, Class C, Class D, Class D-1, Class E, or I-2 licensee under the provisions of Chapter 112 of this code, desiring to operate a beer garden during Catfish Days, shall obtain a beer garden license, as follows:
- (1) An application shall be made at least 30 days prior to Catfish Days Celebration to the local liquor commissioner on a form acceptable to the commissioner, the form shall be completed by the applicant, and the permit fee must be paid in full at the time of application.
 - (2) The applicant shall pay in full at the time of application a permit fee calculated as follows:
 - (a) For each day's operation between 12:00 p.m. and 5:59 p.m., a fee of \$35 shall be charged for each entrance or gate to the beer garden.
 - (b) For each day's operation between 6:00 p.m. and the closing hour, the fee shall be \$90 for each entrance or gate to the beer garden.
 - (c) No charge or fee shall be charged for any exit used solely as an emergency exit.

Penalty, see Section 10.99

34.55 - Mud volleyball participants to shower in designated areas.

Mud volleyball participants shall shower or clean-up only in areas designated for their use. No participant shall leave the volleyball area, except to go to and from the shower or clean-up area.

Penalty, see Section 10.99

SECTION 2: SEVERABILITY

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: REPEALER

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2020 with ____ members voting aye, ____ members voting nay, the Mayor voting _____, with ____ members abstaining or passing and said vote being:

John Persic, Jr.	_____	Kevin Kirwin	_____
Dennis Vice	_____	Floyd Combes	_____
Ben Dietz	_____	Lisa Butler	_____
Jake Tenn	_____	Frank Studer	_____

Approved this ____ day of _____, 2020

Roy Strong, Mayor

Attest:

Joie Ziller, Deputy City Clerk

RESOLUTION NO. 2020 - 01

A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE NORTHERN ILLINOIS MUNICIPAL ELECTRIC COLLABORATIVE (NIMEC) AND AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE A CONTRACT WITH THE LOWEST COST ELECTRICITY PROVIDER FOR A PERIOD UP TO 36 MONTHS.

PASSED AND APPROVED BY
THE MAYOR AND CITY COUNCIL
THE 18TH DAY OF FEBRUARY, 2020.

Published in Pamphlet Form by
Authority of the Corporate
Authorities of the City of
Wilmington, Illinois, this
___th day of _____, 2020.

RESOLUTION NO. 2020 - 01

A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE NORTHERN ILLINOIS MUNICIPAL ELECTRIC COLLABORATIVE (NIMEC) AND AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE A CONTRACT WITH THE LOWEST COST ELECTRICITY PROVIDER FOR A PERIOD UP TO 36 MONTHS.

WHEREAS the City of Wilmington ("The City") is a municipality in accordance with the Constitution of the State of Illinois of 1970; and,

WHEREAS, on January 2, 2007, the State of Illinois implemented a plan to deregulate Commonwealth Edison; and,

WHEREAS, as a result of this deregulation, electricity may be purchased based on market price and Commonwealth Edison will no longer be the sole supplier of electricity in Northern Illinois, resulting in new electricity suppliers being able to compete against Commonwealth Edison, and competitive market forces dictating the price of electricity; and,

WHEREAS, the City of Wilmington has selected the Northern Illinois Municipal Electric Collaborative (NIMEC) to serve as the City's broker relative to the acquisition of electrical energy for City facilities, due to NIMEC's municipal experience and the fact that NIMEC is the largest municipal Collaborative in northern Illinois which will be aggregating the energy needs of 150 government members of the Collaborative in order to secure more competitive pricing based in higher volumes than can be provided individually to a single municipality; and,

WHEREAS, there is no cost to join NIMEC, with the amount of compensation that NIMEC receives, if the City chooses the NIMEC electricity supplier, being built into the prices bid by the electricity, so there will be no direct payment made to NIMEC by the City; and,

WHEREAS the City has been working with NIMEC since 2008, and the City has enjoyed a good working relationship with NIMEC; and

WHEREAS, Commonwealth Edison will no longer offer a fixed energy rate for large or medium sized commercial accounts and would instead charge based on a floating hourly rate and the City desires to enter the market to secure a fixed rate, up to 36 months in term.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

- Section 1.** That the Northern Illinois Municipal Electric Collaborative (NIMEC) has been appointed the City's broker for purposes of obtaining an electricity supply for the City's municipal needs.

Section 2. That the City Administrator is authorized to negotiate energy rates directly with suppliers in an effort to secure lower energy costs.

Section 3. That in light of the time constraints and procedures required, applicable to the acceptance of a competitive bid for a supply of electricity, once the bids are received by NIMEC, the City Administrator is hereby authorized to sign the contract with the most optimal bidder, with the Mayor being hereby directed to place said contract on the first available City Board regular meeting following the execution thereof by the Mayor, for ratification by the City Board.

Section 4. That the City Administrator is authorized to name the Finance Director as the City Administrator's designee in matters concerning the bid.

Section 5: The Resolution shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

ADOPTED this ____ day of _____ 2020, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTENTION: _____

APPROVED by me this ____th day of _____ 2020.

Roy Strong, Mayor

Joie Ziller, Deputy City Clerk

CITY OF WILMINGTON

ORDINANCE NO. 20-02-18-02

**AN ORDINANCE AMENDING
ORDINANCE NO. 19-05-21-01 WHICH
APPROVED THE ISSUANCE OF
SUPPLEMENTAL TIF NOTE I**

WHEREAS, on May 4, 2010, the City Council of the City of Wilmington (the “Corporate Authorities”) adopted Ordinance No. 10-05-04-06 approving a redevelopment plan and project prepared by Laube Companies (the “Redevelopment Plan and Project”) for an area consisting of 1,275 acres located at the southeast quadrant near the intersection of Interstate 55 and Lorenzo Road that are appropriate for industrial and commercial development and use as an Intermodal Terminal Facility Area (“Redevelopment Project Area”) as defined in the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.* (“Act”); and

WHEREAS, the Redevelopment Plan and Project, including the Redevelopment Project Area as provided therein, were the subject of (i) extensive consideration by a properly convened joint review board and (ii) a public hearing held in accordance with the Act; and

WHEREAS, on May 4, 2010, the Corporate Authorities adopted Ordinance No. 10-05-04-07 designating the Redevelopment Project Area as the Interstate 55 and Lorenzo Road Redevelopment Project Area pursuant to the Act; and

WHEREAS, on May 4, 2010, the Corporate Authorities adopted Ordinance No. 10-05-04-08 approving tax increment allocation financing for the Redevelopment Project Area to carry out the terms and conditions of the Redevelopment Plan and Project; and

WHEREAS, on May 18, 2010, the City of Wilmington (the “City”) entered into that certain Redevelopment Agreement with Ridgeport Development Services, LLC and Ridgeport Logistics Center I, LLC, as amended by (a) that certain First Amendment to

Redevelopment Agreement dated October 19, 2010 (the “First Amendment”), (b) that certain Second Amendment to Redevelopment Agreement dated August 24, 2011 (the “Second Amendment”), (c) that certain Third Amendment to Redevelopment Agreement dated July 17, 2012 (the “Third Amendment”), (d) that certain Fourth Amendment to Redevelopment Agreement dated February 2013 (the “Fourth Amendment”), (e) that certain Fifth Amendment to Redevelopment Agreement dated June 6, 2014 (the “Fifth Amendment”), (f) that certain Sixth Amendment to Redevelopment Agreement dated September 2, 2014 (the “Sixth Amendment”), (g) that certain Seventh Amendment to Redevelopment Agreement dated December 19, 2014 (the “Seventh Amendment”), (h) that certain Eighth Amendment to Redevelopment Agreement dated March 17, 2015 (the “Eighth Amendment”), (i) that certain Ninth Amendment to Redevelopment Agreement dated March 17, 2015 (the “Ninth Amendment”), (j) that certain Tenth Amendment to Redevelopment Agreement dated March 29, 2016 (the “Tenth Amendment”), (k) that certain Eleventh Amendment to Redevelopment Agreement dated April 26, 2016 (the “Eleventh Amendment”), (l) that certain Twelfth Amendment to Redevelopment Agreement dated September 2, 2016 (the “Twelfth Amendment”), (m) that certain Thirteenth Amendment to Redevelopment Agreement dated September 27, 2016 (the “Thirteenth Amendment”) and (n) that certain Fourteenth Amendment to Redevelopment Agreement dated February 10, 2017 (the “Fourteenth Amendment”), said Redevelopment Agreement as so amended being referred to herein as the “Original Redevelopment Agreement”); and

WHEREAS, the Original Redevelopment Agreement was amended and restated in full in that certain Amended and Restated Redevelopment Agreement dated as of January 3, 2018, which was amended by that certain First Amendment to Amended and Restated Redevelopment Agreement dated as of September 18, 2018 (collectively, the “Restated

Redevelopment Agreement”), between the City, Adar Ridgeport Industrial Partners, LLC, Ridgeport Partners I, LLC, Ridgeport Partners II, LLC, Batory Real Estate Holding, LLC, A-R Ridgeport II, LLC and Ridge Lego Partners, LLC (“New Owner I”); and

WHEREAS, the Original Redevelopment Agreement, as amended and restated by the Restated Redevelopment Agreement, is referred to herein as the “Redevelopment Agreement,” and capitalized terms used but not expressly defined herein shall have the meanings set forth in the Redevelopment Agreement; and

WHEREAS, the Redevelopment Project Area was further amended by the “2-16 Amendment to the Tax Increment Financing Redevelopment Plan & Project” for the Ridgeport Logistics Center Intermodal Terminal Facility Area, which was adopted by Ordinance No. 17-01-03-12 on January 3, 2017; and

WHEREAS, the City has, pursuant to an “Estoppel,” dated March 29, 2016, evidenced the approval of TIF Eligible Expenses constituting Redevelopment Project Costs, including in the amount of \$2,845,965 that have been assigned and allocated to the New Owner I Expansion Parcel and now desires to approve the execution of a Certificate of Expenditure for such amounts; and

WHEREAS, as provided for in the Fifth Amendment to the Redevelopment Agreement, (i) Michelin North America, Inc., as the tenant (the “Tenant”) under the Lego Lease, has exercised its right to expand its Premises to the New Owner I Expansion Parcel and (ii) New Owner I has certified to the City that it has incurred not less than \$2,336,860 of additional TIF Eligible Expenses constituting Redevelopment Project Costs with respect to the New Owner I Expansion Parcel; and

WHEREAS, the City has approved an additional Certificate of Expenditure with respect to the additional TIF Eligible Expenses constituting Redevelopment Project Costs incurred by New Owner I with respect to the New Owner I Expansion Parcel; and

WHEREAS, the City has waived the requirements set forth in Section 4.9 of the Redevelopment Agreement in light of the provisions set forth in Section 5 of the Fifth Amendment, which provides that New Owner I shall be deemed not to be a Related Owner Party based upon the control and ownership information previously supplied to the City; and

WHEREAS, New Owner I has submitted to the City a certificate of occupancy for the building improvements made to the New Owner I Expansion Parcel; and

WHEREAS, on May 21, 2019, the City adopted Ordinance No. 19-05-21-01 (the “Original Ordinance”) which authorized the issuance of a TIF Note in the principal amount of \$5,182,825 (the “Supplemental TIF Note I”) to New Owner I and the loan of the proceeds thereof to New Owner I to finance the \$5,182,825 of TIF Eligible Expenses allocated to or incurred with respect to the New Owner I Expansion Parcel; and

WHEREAS, the form of Supplemental TIF Note I attached to the Original Ordinance provides that the Treasurer of the City (the “City Treasurer”) will serve as registrar and paying agent (the “Registrar”) for Supplemental TIF Note I and that the City Treasurer will execute the Certificate of Authentication set forth therein; and

WHEREAS, the office of the City Treasurer is currently vacant, and the City Council of the City has determined to authorize an amendment to the form of Supplemental TIF Note I to provide that the Deputy City Clerk shall act as Registrar for Supplemental TIF Note I and shall execute the Certificate of Authentication set forth therein and to make any changes to Schedule 1 thereto that are necessary to comply with the Redevelopment Agreement;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilmington, County of Will, State of Illinois, as follows:

SECTION ONE. Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO. Definitions. Capitalized terms used but not expressly defined herein shall have the meanings set forth in the Redevelopment Agreement.

SECTION THREE. Amendment. The City hereby authorizes amendments to Supplemental TIF Note I to provide that the Deputy City Clerk shall act as Registrar for Supplemental TIF Note I and shall execute the Certificate of Authentication set forth therein and to make any changes to Schedule 1 thereto that are necessary to comply with the Redevelopment Agreement.

SECTION FOUR. Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

SECTION FIVE. Severability. If any section, paragraph, clause, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION SIX. Effective Date. Except as amended by this Ordinance, the Original Ordinance shall remain in full force and effect.

SECTION SEVEN. Repeal. All ordinances, resolutions, or parts thereof in conflict herewith be and the same hereby are repealed, and this Ordinance shall be in full force and effect forthwith upon its adoption.

[SIGNATURE PAGE FOLLOWS]

PASSED this 18th day of February, 2020.

AYES: () _____

NAYES: () _____

ABSENT: () _____

APPROVED this 18th day of February, 2020.

Ray Strong. Mayor

ATTEST:

Joie Ziller, Deputy City Clerk