



City of Wilmington
1165 South Water Street
Wilmington, IL 60481

Agenda
Regular City Council Meeting
Wilmington City Hall
Council Chambers
April 21, 2020
7:00 p.m.

PURSUANT TO EXECUTIVE ORDER 2020-07 SIGNED BY GOVERNOR PRITZKER AND GUIDANCE PROVIDED BY LEGAL COUNSEL, THE CITY OF WILMINGTON MAY CONDUCT ALL OR PORTIONS OF THIS MEETING BY USE OF TELEPHONIC OR ELECTRONIC MEANS WITHOUT A PHYSICAL QUORUM PRESENT IN THE BOARDROOM. PUBLIC ACCESS TO THIS MEETING IS AVAILABLE AS FOLLOWS: JOIN ZOOM MEETING

<https://us02web.zoom.us/j/9828302841?pwd=OEpCc2d4bEJlQ3R2eXlmdWtnWkVwdz09>

MEETING ID: 982 830 2841

PASSWORD: 086905

ONE TAP MOBILE

+13126266799,,9828302841# US (CHICAGO)

DIAL BY YOUR LOCATION

+1 312 626 6799 US (CHICAGO)

MEETING ID: 982 830 2841

PASSWORD: 086905

WE ARE HAPPY TO ACCOMMODATE WRITTEN PUBLIC COMMENTS. ANY WRITTEN COMMENTS MUST BE RECEIVED VIA EMAIL BY 3:00 P.M. ON THE DAY OF THE SCHEDULED MEETING. COMMENTS RECEIVED BY 3:00 P.M. WILL BE PUT INTO THE RECORD AND CONSIDERED BEFORE COMMITTEE ACTION. COMMENTS CAN BE SUBMITTED BY EMAIL TO JZILLER@WILMINGTON-IL.COM.

I. Call to Order

II. Roll Call by City Clerk

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

III. Approval of the April 7, 2020 Regular City Council Meeting Minutes

IV. Mayor's Report

V. Public Comment

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

Posting Date:
4/17/2020 1:20 PM jz

VI. Planning & Zoning Commission

1. Approve Ordinance No. 20-04-21-01 – An Ordinance Granting a Map Amendment to Certain Property and a Variance Regarding Minimum Lot Size 1212 N. Joliet Street, Wilmington, IL 60481 (PIN 03-17-25-104-013-0000)
2. The next regular scheduled meeting is Thursday, May 7, 2020 at 5:00 p.m.

VII. Committee Reports

A. Police & ESDA Committee

Co-Chairs – Frank Studer & Lisa Butler

1. The next scheduled meeting is Tuesday, May 12, 2020 at 5:30 p.m.

B. Ordinance & License Committee

Co-Chairs – Floyd Combes & Jake Tenn

1. Approve Ordinance No. 20-04-21-02 – An Ordinance Amending Chapter 34 Article 3 “Catfish Days Coordinating Committee”
2. Approve Ordinance No. 20-04-21-03 – An Ordinance of the City of Wilmington Amending Its Liquor License Ordinances to Include a Class B-2 Liquor License Permitting Beer and Wine Sales for Off-Premises Consumption and Limited On-Premises Consumption and Amending Class B Liquor License Permitting Alcoholic Liquor Sales for Off-Site Consumption and Limited On-Premises Consumption
3. The next scheduled meeting is Tuesday, May 12, 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, May 13, 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, May 13, 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 Finance Director

2. Approve Ordinance No. 20-04-21-04 – An Ordinance Authorizing the Issuance of General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020, of the City of Wilmington, Will County, Illinois, In An Aggregate Principal Amount Not To Exceed \$7,230,000 For The Purpose of Refunding the City’s Outstanding IEPA Water Treatment Refunding Loan and Paying for Costs Related Thereto
3. Approve Ordinance No. 20-04-21-05 – An Ordinance of the City of Wilmington Amending Chapter 113 Amusements to Create “Article 10 – Video Gaming” Regulating Video Gaming Licenses
4. Approve Proposal for a Water Distribution System Leak Survey in the amount not exceed \$10,750.00 as presented by M.E. Simpson Co., Inc
5. The next scheduled meeting is Tuesday, May 19, 2020 at 6:00 p.m.

F. Personnel & Collective Bargaining Committee
Co-Chairs – John Persic, Jr. & Dennis Vice

VIII. Attorney & Staff Reports

IX. Adjournment

The next City Council meeting is Tuesday, May 5, 2020 at 7:00 p.m.

**Minutes of the Regular Meeting of the
Wilmington City Council
Wilmington City Hall
1165 South Water Street
April 7, 2020**

Call to Order

The Regular Meeting of the Wilmington City Council on April 7, 2020 was called to order at 7:05 p.m. by Mayor Roy Strong in the Council Chambers of the Wilmington City Hall.

Roll Call

Upon Roll Call by the Clerk the following members of the corporate authorities answered “Here” or “Present”:

Aldermen Present Studer, Persic, Kirwin, Vice, Dietz, Tenn, Butler

Aldermen Absent Combes

Quorum

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

Other Officials in Attendance

Also, in attendance were the City Administrator/Deputy City Clerk Joie Ziller, Finance Director Matt Hoffman, Chief of Police Phillip Arnold, Superintendent Bob Bland and City Attorney Bryan Wellner

Mayor Strong announced that this evenings’ City Council meeting is being held remotely using a video and audio recording program consistent with Executive Order 2020-07 which was ordered by Governor Pritzker on March 16, 2020 in response to the COVID-19 pandemic. This order addresses the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body. Specifically, (1) the requirement in 5 ILCS 120/2.01 that “members of a public body must be physically present” is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended. More importantly, based on what we know now about the coronavirus pandemic and prudent precautions as a result thereof, this meeting is being conducted in ways to provide the maximum amount of protection to our board, staff and the community. We apologize for any inconvenience to anyone, but we ask for understanding and compliance temporarily. Thank you.

Approval of Minutes

Alderman Butler made a motion and Alderman Tenn seconded to approve the March 18, 2020 Regular City Council meeting minutes as amended and have them placed on file

Upon roll call, the vote was:

AYES: 7 Studer, Persic, Kirwin, Vice, Dietz, Tenn, Butler

NAYS: 0

ABSENT: 1 Combes

The motion carried.

Mayor’s Report

Mayor Strong stated, that considering what is available to us, that the City is doing its best at handling this COVID-19 pandemic. Equipment, such as masks are hard to find but Chief Arnold was able locate some through a source at Shorewood Police Department. The masks have been ordered and are expected to arrive in 10 days. Mayor Strong thanked City Administrator Joie Ziller and Chief of Police Phil Arnold, they are

updating us with new information every day and is very thankful for these people in their positions, doing their job and stepping up to the plate during this difficult time.

Public Comment

Alderman Tenn stated that he received a text from someone asking if the City plans to still increase water rates. This will be discussed further at the April Water, Sewer, Streets & Alleys Committee meeting.

Planning & Zoning Commission

The next meeting is scheduled for Thursday, April 2, 2020 at 5:00 p.m.

Committee Reports

Police & ESDA Committee

The next scheduled meeting is Tuesday, April 14, 2020 at 5:30 p.m.

Ordinance & License Committee

Alderman Tenn made a motion and Alderman Butler seconded to approve Ordinance No. 20-04-07-01 – An Ordinance Establishing Rules for Participation and Voting Through Electronic Conferencing by Members of the Public Body for City of Wilmington City Council Meetings, to become effective once provisions in Section 6 of Governor Pritzker’s Executive Order 2020-07 is no longer effective

Upon roll call, the vote was:

AYES: 7 Studer, Persic, Kirwin, Vice, Dietz, Tenn, Butler

NAYS: 0

ABSENT: 1 Combes

The motion carried.

The next scheduled meeting is Tuesday, April 14, 2020 at 6:00 p.m.

Buildings, Grounds, Parks, Health & Safety Committee

The next scheduled meeting is Wednesday, April 15, 2020 at 5:30 p.m.

Water, Sewer, Streets and Alleys Committee

The next scheduled meeting is Wednesday, April 15, 2020 at 6:00 p.m.

Finance, Administration & Land Acquisition Committee

Alderman Dietz made a motion and Alderman Tenn seconded to approve the accounts payable report in the amount of \$293,448.58 as prepared by the Finance Director

Upon roll call, the vote was:

AYES: 7 Studer, Persic, Kirwin, Vice, Dietz, Tenn, Butler

NAYS: 0

ABSENT: 1 Combes

The motion carried.

Alderman Dietz made a motion and Alderman Kirwin made a motion to approve ESI Consultants, Ltd. Recommendation and Award Austin Tyler Construction, Inc. the Illinois Route 53 at Kankakee River Drive/Wilmington-Peotone Road Intersection Improvement Project in the bid amount of \$2,629,523.47

Upon roll call, the vote was:

AYES: 7 Studer, Persic, Kirwin, Vice, Dietz, Tenn, Butler

NAYS: 0

ABSENT: 1 Combes

The motion carried.

The next scheduled meeting is Tuesday, April 21, 2020 at 6:00 p.m.

Personnel & Collective Bargaining Committee

Nothing at this time.

Attorney & Staff Reports

City Administrator Joie Ziller stated that she distributed the April City Limits Newsletter via email. This newsletter can also be found on the City's website.

Chief Arnold stated that he will continue to email his daily COVID-19 status reports and asked if any of the Aldermen had specific questions to please feel free to give him a call.

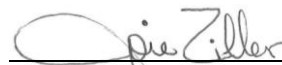
Executive Session

No Executive Session was necessary

Adjournment

Motion to adjourn the meeting made by Alderman Studer and seconded by Alderman Kirwin. Upon voice vote, the motion carried. The Regular Meeting of the City of Wilmington City Council held on April 7, 2020 adjourned at 7:22 p.m.

Respectfully submitted,



Joie Ziller, Deputy City Clerk

ORDINANCE NO. 20-04-21-01

**AN ORDINANCE GRANTING A MAP AMENDMENT TO CERTAIN PROPERTY
AND A VARIANCE REGARDING MINIMUM LOT SIZE
1212 N. JOLIET STREET, WILMINGTON, IL 60481
(PIN 03-17-25-104-013-0000)**

WHEREAS, Brian Van Duyne, the Petitioner, represents that he is the owner of property commonly described at 1212 N. Joliet Street, Wilmington, IL 60481, PIN No. 03-17-25-104-013-0000, further described in the Plat of Survey attached as Exhibit A which by reference is incorporated in this Ordinance (hereinafter referred to as “Subject Property”);

WHEREAS, the Petitioner submitted a Land Use Petition, attached hereto as Exhibit B, to the City of Wilmington requesting a map amendment to the Subject Property from R-2 Single Family Residential District to an R-3 Two-Family Residential District under the City’s Zoning Ordinance;

WHEREAS, the Petitioner further requested the City of Wilmington to grant Subject Property a variance to vary the minimum lot size requirement for a two-family attached dwelling (duplex), as set forth in Section 150.55 of the City of Wilmington Code of Ordinances, from 12,000 square feet to 7,300 square feet;

WHEREAS, a public hearing was conducted before the Wilmington Planning & Zoning Commission (the “PZC”) on April 2, 2020; and

WHEREAS, after such public hearing, the PZC made findings of fact set forth in Exhibit C and incorporated herein as if set forth in its entirety;

WHEREAS, based on the foregoing findings of fact, the Planning & Zoning Commission recommended approval of the requested map amendment and variance; and

WHEREAS, it is in the best interest of the City of Wilmington to grant the requested rezoning and variances.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS

SECTION 1: INCORPORATION OF RECITALS

The above recitals and all exhibits referred to in this Ordinance are incorporated herein.

SECTION 2: MAP AMENDMENT

That the requested map amendment be and the same are hereby granted, subject to the following conditions:

1. The zoning designation for Subject Property is hereby amended from an R-2 Single Family Residential District to an R-3 Two-Family Residential District, as presently defined in Section 150.55 of the Wilmington Code of Ordinances under, a copy of which is attached hereto as Exhibit D and incorporated as if set forth in its entirety.
2. Except as provided in this Ordinance, the Petitioner shall fully comply with all other R-3 Two-Family Residential District regulations and other applicable City Ordinances.
3. The City Administrator shall cause the City of Wilmington zoning map to reflect such amendments set forth in this Ordinance.

SECTION 3: VARIANCE

That the requested variances be hereby granted, thereby permitting a variance for Subject Property varying the minimum lot size requirement for a two-family attached dwelling (duplex), as set forth in Section 150.55 of the City of Wilmington Code of Ordinances, from 12,000 square feet to 7,300 square feet.

SECTION 4: 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 5: REPEALER

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

SECTION 6: EFFECTIVE DATE

This Ordinance shall be effective after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 21st day of April, 2020 with _____ members voting aye, _____ members voting nay, the Mayor voting _____, with _____ members abstaining or passing and said vote being:

Kevin Kirwin _____
Dennis Vice _____
Ben Dietz _____
Jake Tenn _____

John Persic, Jr. _____
Floyd Combes _____
Lisa Butler _____
Frank Studer _____

Approved this 21st day of April, 2020

Roy Strong, Mayor

Attest:

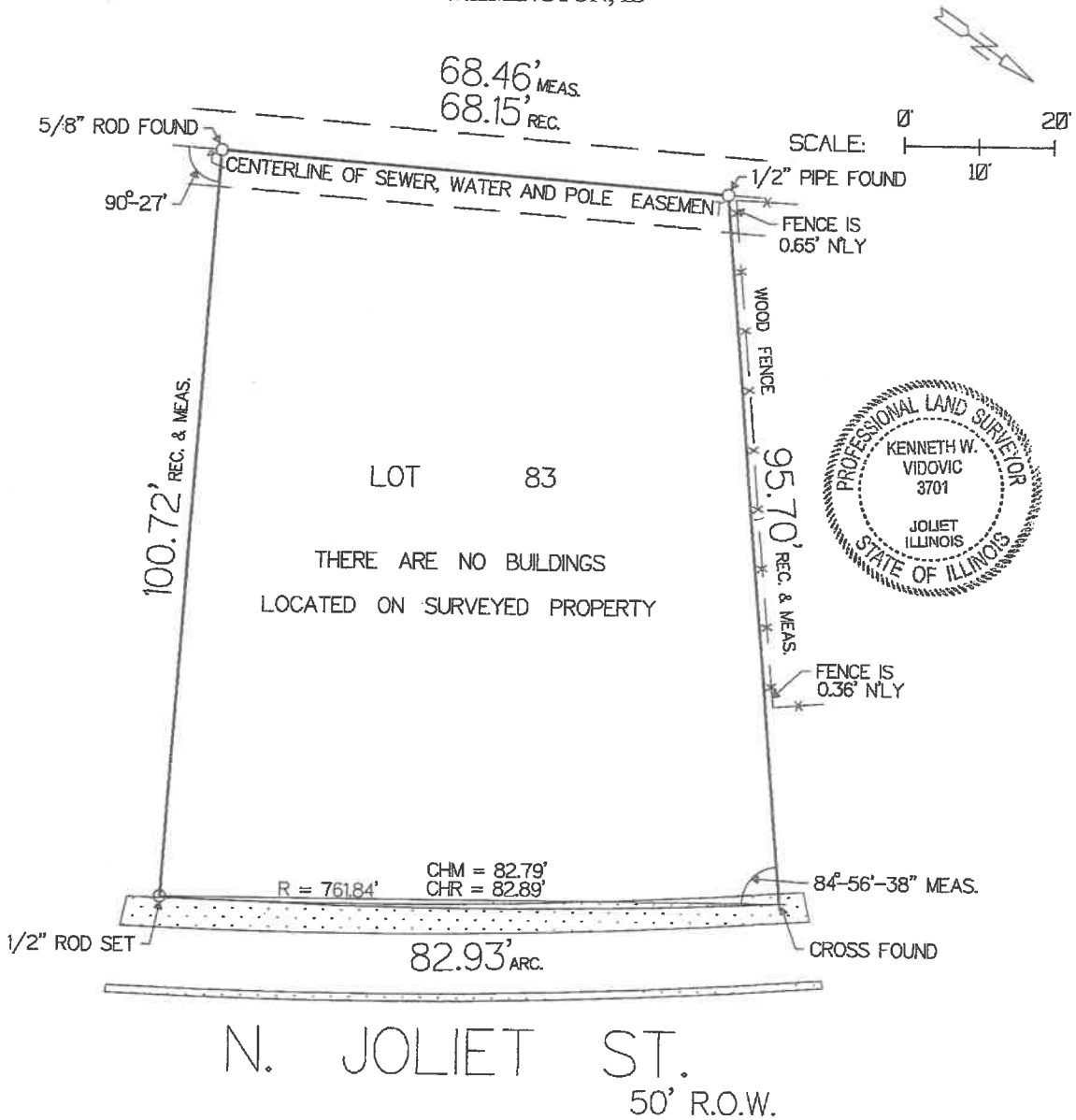
Joie Ziller, Deputy City Clerk

EXHIBIT A
PLAT OF SURVEY

PLAT OF SURVEY

LOT 83, IN NORTHCREST, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF SECTION 25, IN TOWNSHIP 33 NORTH, AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 18, 1948, IN PLAT BOOK 27, PAGE 1, AS DOCUMENT NO. 646750 EXCEPT THEREFROM THE SOURCE MATERIAL BENEATH THE SURFACE TOGETHER WITH THE RIGHT TO MINE AND REMOVE THE SAME, TOWNSHIP OF WILMINGTON, COUNTY, OF WILL, STATE OF ILLINOIS.

1212 N. JOLIET STREET
WILMINGTON, IL



COMMUNITY SURVEY INC.

81 N. CHICAGO STREET, SUITE 207
JOLIET, IL 60432

(815) 722-9005 (815) 722-9019 - fax

EMAIL: kvcommunitysurvey@att.net

DESIGN FIRM NO. 184-002899

CHECK DEED OR GUARANTEE POLICY FOR BUILDING LINE OR
EASEMENT RESTRICTIONS NOT SHOWN ON PLAT OF SURVEY.
COMPARE POINTS BEFORE BUILDING.

WE, COMMUNITY SURVEY INC., DO HEREBY CERTIFY THAT WE HAVE
SURVEYED FOR GLORIA LONGEST UNDER MY HAND AND SEAL
ON THIS 11TH DAY OF FEBRUARY 2020.
FIELD WORK 2/5/2020
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS
MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SURVEY NUMBER 19-26503

Kent Vidovic

ILLINOIS LAND SURVEYOR NO. 3701
EXPIRES 11/30/2020

EXHIBIT B
LAND USE PETITION



Land Use Petition
City of Wilmington, Illinois

Petitioner: Brian VanDuyne
Address: 30900 Sea Sprite Dr
City: Wilmington State: IL Zip: 60481
Phone No.: (815) 207-9557 Fax No.: Email: brian.vanduyne@comcast.net

- Petitioner is the owner of the subject property and is the signer of this petition
Petitioner is the contract purchaser of the subject property and has attached a copy of said contract to this petition
Petitioner is acting on behalf of the owner of the subject property and has attached a letter granting such authority signed by the owner

In the event the property is held in trust, a notarized letter from an authorized trust officer identifying the petitioner as an authorized individual acting on behalf of the beneficiaries and providing the name, address, and percentage of interest of each beneficiary is attached to this executed petition.

Subject Property

Location: 1212 N. Joliet St Wilmington, IL 60481
Size of Property: Approximately 7300 ft^2 Tax Parcel No.: 03-17-25-104-013-0000

The following documents have been attached:

- Legal Description, Plat of Survey, List of Adjacent Property Owners, Site Plan, Preliminary Plat, Final Plat, Preliminary Plan, Final Plan, Impact Fee Form, Bank Trust Letter

Type of Action Requested

- Annexation, Annexation Agreement, Concept Plan, Preliminary Plat/Plan (circle one), Final Plat/Plan (circle one), Map Amendment from R1 to R3, Conditional Use, Variance, Site Plan Review

I have submitted the required filing fee. I understand that the fee is non-refundable. The fee is determined according to the attached schedule of fees. (initial here) (fee)

Statement of Petition

Please provide a brief statement describing the proposal as it relates to the standards of petition accompanying this document (attach additional sheets if necessary).

To change zoning from existing R1 single family to R3 two unit
Variance from required 13000 sq ft lot size to 7300 sq ft as existing Ret Ord 150.55

Number of Dwelling Units: 2 Type of Units: Duplex Square Footage: less than 1800 ft^2
Proposed Time Schedule for Development
Requested Variances

Authorization

I hereby affirm that I have full legal capacity to authorize the filing of this petition and that all the information and exhibits herewith submitted are true and correct to the best of my knowledge. The petitioner invites city representatives to make all reasonable inspections and investigations of the subject property during the period of processing this petition.

State of Illinois, County of Will, Date 3-12-20, Signature of Petitioner



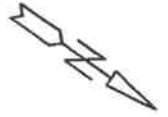
I, the undersigned, a notary public in and for the said county and state aforesaid, do hereby that Jolynn Ziller is personally known to me to be the same person whose name is subscribed to the forgoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act, for the uses and purposes set forth.

Notary Signature: [Signature] My Commission Expires: 11-26-2025

Given under my hand and notary seal this 12 day of March, A.D. 2020

MAR 12 2020
ck 3828+3829
City of Wilmington

1212 N. JOLIET STREET
WILMINGTON, IL



68.46' MEAS.
68.15' REC.

SCALE: 0' 10' 20'

5/8" ROD FOUND

90°-27'

CENTERLINE OF SEWER, WATER AND POLE EASEMENT

1/2" PIPE FOUND

FENCE IS 0.65' N'LY

36'

WOOD FENCE

100.72' REC. & MEAS.

11'

52'

Proposed Bldg.

34'

11'

95.70' REC. & MEAS.

FENCE IS 0.36' N'LY

Parking

25'

Parking

R = 761.84'

CHM = 82.79'
CHR = 82.89'

84'-56"-38" MEAS.

1/2" ROD SET

82.93' ARC.

CROSS FOUND

N. JOLIET ST.
50' R.O.W.

EXHIBIT C

PLANNING AND ZONING COMMISSION FINDINGS OF FACT

**BEFORE THE PLANNING AND ZONING COMMISSION OF
THE CITY OF WILMINGTON ON APRIL 2, 2020**

**THE MATTER OF A
VARIANCE & MAP AMENDMENT 1212 N. JOLIET STREET
PETITIONER, BRIAN VAN DUYNÉ**

PZC VARIANCE FORM FOR FINDINGS AND RECOMMENDATIONS

JURISDICTIONAL REQUIREMENTS FOR A HEARING

- Yes No Published Public Hearing Notice was made not less than 15 days and not more than 30 days prior to hearing.
- Yes No Public Hearing Notice made part of the record.
- Yes No Applicant's Affidavit that signage was posted not less than 15 days and not more than 30 days prior to hearing.
- Yes No Copy of the Notice was sent to each property owner within 250 feet of the proposed variance.
- Yes No Applicant's Affidavit of Service of Notice to each property owner was filed.

REQUIREMENTS FOR GRANTING A VARIANCE

- Yes No (1) Strict enforcement of the code would involve practical difficulties or impose exceptional hardship;
- Yes No (2) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;
- Yes No (3) The plight of the owner is due to unique circumstances;
- Yes No (4) The variation, if granted, will not alter the essential character of the locality.
- Yes No Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgment of the PZC, a variation is permitted because the evidence sustained the existence of each of the above four conditions.

Facts supporting variance as to issue: The requested R-3 zoning is consistent with the adjoining zoning and uses. The subject property adjoins two other R-3 parcels which are occupied by two-family buildings. The lot area is consistent with and similar to the other R-3 zoned parcels in the vicinity. A sketch plan of the proposed building footprint provided by the applicant demonstrates that a two-family home can be constructed on the parcel without the need for any setback variances. Even under the current R-2 zoning district, the parcel would require a variance for lot area as it does not meet the R-2 minimum lot size requirements.

Conditions or restrictions: None

The PZC recommends that the City Council may impose the following conditions and restrictions upon the premises benefitted by a variance should the City Council approve said variance: None

The final vote of the Planning and Zoning Commission to recommend APPROVAL of the requested map amendment and variance on 1212 N. Joliet Street, by ayes and nays, was as follows:

Bryan Humphries	<u>aye</u>	Larry Clennon	<u>aye</u>
Chris Smith	<u>aye</u>	Jonathan Jones	<u>aye</u>
Ken Kulpa	<u>aye</u>	John Tryner	<u>aye</u>
Jayson Walinski	<u>absent</u>		

PZC hereby recommends the granting of the Variance for lot area from 12,000 square feet to 7,300 square feet and Map Amendment from R-2 to R-3 on the property located at 1212 N. Joliet Street.

OR

PZC hereby recommends against the granting of a variance on 1212 N. Joliet Street in this matter.

Dated: April 2, 2020

Bryan Humphries
Chairman

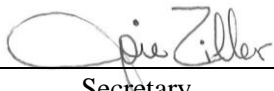

Secretary

EXHIBIT D

SECTION 150.55 - R3 – TWO-FAMILY RESIDENTIAL DISTRICTS.

- (A) Purpose and intent. This district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repair and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted.
- (B) Permitted land uses and developments.
 - (1) Those uses permitted in R-2 Single-Family Residential Districts;
 - (2) Two-family (duplex) dwellings.
- (C) Conditional uses.
 - (1) Conditional use permitted in the E-R Single-Family Residential District.
- (D) Bulk and density requirements.
 - (1) Minimum lot size. The minimum lot size for permitted and conditional land uses in the R-3 Single and Two-Family Residential District shall be as follows:

Single-family detached dwelling	10,000 square feet
Two-family attached dwelling (duplex)	12,000 square feet
Nonresidential uses	Five acres, unless otherwise specified

- (2) Minimum lot width. The minimum lot width for permitted and conditional land uses in the R-3 Single-Family Residential District shall be as follows:

Single-family detached dwelling	75 feet
Two-family attached dwelling (duplex)	80 feet
Nonresidential uses	300 feet unless otherwise specified

- (3) Building setback requirements.
 - (a) Front yard. No principal building shall be allowed within 25 feet of any front lot line or a street right-of-way line.
 - (b) Side yard. No principal building shall be allowed within 10 feet of any side lot line.

- (c) Rear yard. No principal building shall be allowed within 25 feet of any rear lot line.
 - (4) Building height limitation. No building shall exceed two and one-half stories or 30 feet in height.
 - (E) Other development regulations.
 - (1) Section 150.110 et seq. (Off-Street Parking and Loading).
 - (2) Section 150.120 et seq. (Signs).
- (Ord. 1324, passed 1-4-00)

ORDINANCE NO. 20-04-21-02

**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: CHAPTER 34 ARTICLE 3 “CATFISH DAYS COORDINATING COMMITTEE” AMENDED 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 fourth 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 11:00 p.m. on Thursday; between the hours of 6:00 p.m. on Friday and 1:00 a.m. Saturday; between the hours of 12:00 p.m. on Saturday and 1:00 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 temporary fencing (i.e. snow fence) no less than four (4) feet high.

(2) The beer garden shall have no more than one gate for entrance controlled by staff where identification will be checked and no more than one gate for exit.

(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

ORDINANCE NO. 20-04-21-03

AN ORDINANCE OF THE CITY OF WILMINGTON AMENDING ITS LIQUOR LICENSE ORDINANCES TO INCLUDE A CLASS B-2 LIQUOR LICENSE PERMITTING BEER AND WINE SALES FOR OFF-PREMISES CONSUMPTION AND LIMITED ON-PREMISES CONSUMPTION AND AMENDING CLASS B LIQUOR LICENSE PERMITTING ALCOHOLIC LIQUOR SALES FOR OFF-SITE CONSUMPTION AND LIMITED ON-PREMISES CONSUMPTION

WHEREAS, the City of Wilmington, Illinois is a non-home rule Illinois Municipal Corporation; and

WHEREAS, the City of Wilmington is authorized under Section 4-1 of the Liquor Control Act (235 ILCS 5/4-1) to determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor not inconsistent with this Act, the amount of the local licensee fees to be paid for the various kinds of licenses to be issued, and other related regulations; and

WHEREAS, the Corporate Authorities for the City of Wilmington finds that it shall amend its liquor license ordinances to provide for a Class B-2 Liquor License permitting beer and wine sales for off-premises consumption and limited on-premises consumption and to otherwise amend related ordinances in a manner consistent with the Liquor Control Act.

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

SECTION 1. SECTION 112.06 AMENDED

A. That Section 112.06 Subsection (2)(a) of the Wilmington Code of Ordinances be and the same is hereby amended to state the following:

112.06 - Classification of licenses—Fees.

(2)(a) Class B license shall authorize on the specified premises (i) the retail sale of alcoholic liquor for consumption off the specified premises and (ii) the sale of alcoholic liquor for limited consumption on premises when dispensed in glasses which can hold no more than eight ounces and the premises shall not dispense more than 16 ounces of beer, 12 ounces of wine, or 2 ounces of spirits to any person in a

single day. The annual fee for the license shall be \$800 payable in two semiannual installments of \$400 each; the installments shall be due on May 1 and November 1 of each year. No sale of alcoholic liquor shall be permitted in a drive-up or drive-thru or other similar facility.

B. That Section 112.06 Subsection (2) of the Wilmington Code of Ordinances be the same and the same is hereby amended to create Subsection (2)(c), a Class B-2 Liquor License, as follows:

112.06 - Classification of licenses—Fees.

(2)(c) Class B-2 shall authorize on the specified premises (i) the retail sale of beer and wine for consumption off the specified premises and (ii) the sale of beer and wine for limited consumption on premises when dispensed in glasses which can hold no more than eight ounces and the premises shall not dispense more than 16 ounces of beer or 12 ounces of wine to any person in a single day. The annual fee for the license shall be \$800 payable in two semiannual installments of \$400 each; the installments shall be due on May 1 and November 1 of each year. No sale of alcoholic liquor shall be permitted in a drive-up or drive-thru or other similar facility.

SECTION 2. SECTION 112.23 AMENDED

That Section 112.23 Subsection (A)(2) of the City of Wilmington Code of Ordinances be the same and the same is hereby amended to state:

112.23 - Hours during which sales are prohibited.

(A)(2) Class B, B-1, and B-2 license.

(a) Monday between the hours of midnight and 6:00 a.m. and Monday through

Thursday between the hours of 11:00 p.m. and 6:00 a.m. the following day;

(b) Saturday: Between the hours of midnight and 6:00 a.m.;

c) Sunday: Between the hours of midnight and 6:00 a.m.

SECTION 3. SECTION 112.25 AMENDED

That Section 112.25 of the City of Wilmington Code of Ordinances be the same and the same is hereby amended to include:

112.25 - Number of liquor licenses authorized.

Classification	Maximum Number Allowed
Class B-2 liquor license (Retail/carryout, beer and wine only with limited on-premises consumption)	1

SECTION 4. SEVERABILITY

If any section, paragraph, clause or provision of this ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

SECTION 5. REPEALER

All ordinances, resolutions, orders or parts thereof, which conflict with the provisions of this ordinance, is to the extent of such conflict, hereby repealed.

SECTION 6. 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

City of Wilmington

Check Register Meeting Date: March 18, 2020



Check#	Date	Vendor/Employee	Amount
Fund	1	General Corporate Fund	
1025	3/18/2020	All 4 Fun Entertainment	200.00
0	3/12/2020	Misc City Hall ACH	41.22
0	3/11/2020	Misc WPD ACH	72.50
0	3/16/2020	WEX Bank	2,900.15
0	3/13/2020	Payroll Sweep	78,834.19
0	3/13/2020	Paycor	466.38
See attached	3/18/2020	VARIOUS	124,658.37
			Total: <u>206,972.81</u>
Fund	2	Water Operating M & R Fund	
0	3/13/2020	Payroll Sweep	17,574.66
0	3/5/2020	Illinois Funds US Bank	635.39
0	3/5/2020	JPMorgan Chase Bank, N.A.	125.94
0	3/5/2020	WEX Bank	410.03
See attached	3/18/2020	VARIOUS	83,668.33
			Total: <u>102,414.35</u>
Fund	4	Sewer Operating M & R Fund	
0	3/13/2020	Payroll Sweep	14,121.07
0	3/5/2020	Illinois Funds US Bank	635.38
0	3/5/2020	JPMorgan Chase Bank, N.A.	125.93
See attached	3/18/2020	VARIOUS	1,878.41
			Total: <u>16,760.79</u>
Fund	7	ESDA Fund	
See attached	3/18/2020	VARIOUS	3,366.56
			Total: <u>3,366.56</u>
Fund	25	Ridgeport TIF#2 Fund	
See attached	2/20/2020	Misc TIF#2 ACH	27.81
See attached	3/18/2020	VARIOUS	563.25
			Total: <u>591.06</u>
			GRAND TOTAL: <u>330,105.57</u>

Dennis Vice

Floyd Combes

Jake Tenn

John Persic, Jr.

Kevin Kirwin

Frank Studer

Lisa Butler

Ben Dietz

Approved: March 18, 2020

Accounts Payable GL Distribution Report

User: maureen
 Printed: 04/16/20 13:20
 Batch: 006-04-2020
 Fiscal Period: 12
 JE Date: 04/21/20

City of Wilmington
 1165 S. Water St.
 Wilmington, IL 60481
 815-476-2175



Fund	DR Amount	CR Amount	Account Number	Description
01 General Corporate Fund				
	0.00	39,499.77	01-00-0010	Cash
	39,499.77	0.00	01-00-3202	Accounts Payable
	<u>39,499.77</u>	<u>39,499.77</u>		
07 ESDA Fund				
	0.00	2,691.14	07-00-0010	Cash
	2,691.14	0.00	07-00-3202	Accounts Payable
	<u>2,691.14</u>	<u>2,691.14</u>		
Grand Total:	<u>42,190.91</u>	<u>42,190.91</u>		

Accounts Payable

Computer Check Register

City of Wilmington
 1165 S. Water St.
 Wilmington, IL 60481
 815-476-2175



User: maureen

Printed: 04/16/2020 - 13:20

Bank Account: G/C OPR

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
21943	9050	Air Gas USA, LLC	04/21/2020	9969495986	104.66
Check 21943 Total:					104.66
21944	0038	Beglers Auto Repair	04/21/2020	24426	2,027.38
Check 21944 Total:					2,027.38
21945	9103	Blue Cross Blue Shield of Illi	04/21/2020	May 2020	1,540.00
Check 21945 Total:					1,540.00
21946	0053	Brown's Carpet Care, Inc.	04/21/2020	202004070752a 202004070752b	300.00 2,214.67
Check 21946 Total:					2,514.67
21947	1451	Brownells, Inc.	04/21/2020	18937719.00	50.82
Check 21947 Total:					50.82
21948	1902	Cabela's Wholesale, LLC	04/21/2020	110224332	1,529.96
Check 21948 Total:					1,529.96

21949	1199	Camz Communications, Inc.	04/21/2020	20-183	95.00
			Check 21949 Total:		95.00
21950	9059	Comcast	04/21/2020	April 2020 a	153.35
				April 2020 b	470.89
				April 2020 c	68.40
				April 2020 d	88.40
			Check 21950 Total:		781.04
21951	0091	ComEd	04/21/2020	Electricity	81.40
			Check 21951 Total:		81.40
21952	1174	D'Orazio Ford	04/21/2020	140522	3,236.06
			Check 21952 Total:		3,236.06
21953	0117	DTW Inc	04/21/2020	6719	694.47
				6703 a	255.62
				6703 b	41.25
			Check 21953 Total:		991.34
21954	1096	EJ Equipment, Inc.	04/21/2020	W09321	292.20
			Check 21954 Total:		292.20
21955	0139	Fisher Auto Parts Inc	04/21/2020	March 2020 a	92.45
				March 2020 b	523.46
			Check 21955 Total:		615.91
21956	1198	Fleet Safety Supply	04/21/2020	74631	914.00

				Check 21956 Total:	914.00
21957	0144	G W Communications	04/21/2020		
				14094	47.30
				14095	51.70
				14222	110.95
				Check 21957 Total:	209.95
21958	0162	Grainger	04/21/2020		
				9492571378	14.10
				Check 21958 Total:	14.10
21959	9082	Grundy Supply	04/21/2020		
				274030	176.22
				274292	273.46
				275056	34.34
				Check 21959 Total:	484.02
21960	0177	Heritage FS, Inc.	04/21/2020		
				3/25 - 3/30/20a	962.40
				3/25 - 3/30/20b	34.97
				3/25 - 3/30/20c	5,176.88
				3/25 - 3/30/20d	275.73
				Check 21960 Total:	6,449.98
21961	1127	Konica Minolta	04/21/2020		
				9006665392 a	193.90
				9006665392 b	148.26
				9006661266a	134.59
				Check 21961 Total:	476.75
21962	1233	Konica Minolta	04/21/2020		
				35258992a	126.09
				35258992b	159.77
				Check 21962 Total:	285.86

21963	0270	Mahoney Silverman & Cross LLC	04/21/2020		
				49809-001	831.25
				49809-002	461.25
				49809-002 b	1,675.50
				49809-003	615.00
				49809-019	717.50
				49809-020	256.25
				49809-020 b	2,152.50
				49809-031	225.00
				49809-032	1,050.00
					<hr/>
				Check 21963 Total:	7,984.25
					<hr/> <hr/>
21964	0295	Municipal Code Corporation	04/21/2020		
				00340923	475.00
					<hr/>
				Check 21964 Total:	475.00
					<hr/> <hr/>
21965	0313	Office Depot	04/21/2020		
				470674363001	59.47
				470675228001	12.39
				470675227001	9.39
					<hr/>
				Check 21965 Total:	81.25
					<hr/> <hr/>
21966	1390	Police Chiefs Assoc. of Will	04/21/2020		
				P.Arnold 2020	50.00
				A. Zink 2020	50.00
					<hr/>
				Check 21966 Total:	100.00
					<hr/> <hr/>
21967	1681	Pomp's Tire Service, Inc.	04/21/2020		
				410756733	625.52
					<hr/>
				Check 21967 Total:	625.52
					<hr/> <hr/>
21968	0342	Prairie Material Sales Inc	04/21/2020		
				889462473	188.86
					<hr/>
				Check 21968 Total:	188.86
					<hr/> <hr/>
21969	0363	Richard Quigley	04/21/2020		
				3050	25.00

			Check 21969 Total:	25.00
21970	0358	Ray O Herron Inc	04/21/2020	
			2021524-in	134.98
			2020790-IN	84.98
			3023750	1,185.00
			3023752	704.00
			3024336	459.09
			3024341	410.75
			Check 21970 Total:	2,978.80
21971	0344	Yatin M Shah MD SC	04/21/2020	
			Jeremy Bailey	205.00
			Check 21971 Total:	205.00
21972	0433	Traffic Control & Protection,	04/21/2020	
			103591	95.55
			103740	1,168.75
			Check 21972 Total:	1,264.30
21973	1768	Uni Max Management Corp.	04/21/2020	
			3404	1,950.00
			Check 21973 Total:	1,950.00
21974	1885	Verizon Connect NWF, Inc.	04/21/2020	
			OSV2081191	151.60
			Check 21974 Total:	151.60
21975	0455	Verizon Wireless	04/21/2020	
			9851965251a	190.80
			9851965251b	561.96
			9851965251c	354.15
			9851965251d	63.60
			9851965251e	165.21
			Check 21975 Total:	1,335.72

21976	0463	Waste Management Of Il SW	04/21/2020		
				6043842-2007-4	666.48
				6043860-2007-6	275.53
					<hr/>
			Check 21976 Total:		942.01
					<hr/> <hr/>
21977	1756	WatchGuard, Inc.	04/21/2020		
				ACCINV0024786	90.00
					<hr/>
			Check 21977 Total:		90.00
					<hr/> <hr/>
21978	0472	Whitmore Investments Inc	04/21/2020		
				March 2020 a	434.94
				March 2020 b	69.26
				March 2020 c	384.41
				March 2020 d	17.43
					<hr/>
			Check 21978 Total:		906.04
					<hr/> <hr/>
21979	1498	Will County 9-1-1 System	04/21/2020		
				200403-01	122.46
					<hr/>
			Check 21979 Total:		122.46
					<hr/> <hr/>
21980	0494	Wilmington Overhead Door Co.	04/21/2020		
				092516	70.00
					<hr/>
			Check 21980 Total:		70.00
					<hr/> <hr/>
			Report Total:		42,190.91
					<hr/> <hr/>

Accounts Payable GL Distribution Report

User: maureen
 Printed: 04/16/20 13:27
 Batch: 007-04-2020
 Fiscal Period: 12
 JE Date: 04/21/20

City of Wilmington
 1165 S. Water St.
 Wilmington, IL 60481
 815-476-2175



<u>Fund</u>	<u>DR Amount</u>	<u>CR Amount</u>	<u>Account Number</u>	<u>Description</u>
02 Water Operating M & R Fund				
	0.00	44,852.65	02-00-0010	Cash
	44,852.65	0.00	02-00-3202	Accounts Payable
	<u>44,852.65</u>	<u>44,852.65</u>		
03 Sewer Capital Project Fund				
	0.00	15,002.39	03-00-0010	Cash
	15,002.39	0.00	03-00-3202	Accounts Payable
	<u>15,002.39</u>	<u>15,002.39</u>		
04 Sewer Operating M & R Fund				
	0.00	4,596.43	04-00-0010	Cash
	4,596.43	0.00	04-00-3202	Accounts Payable
	<u>4,596.43</u>	<u>4,596.43</u>		
Grand Total:	<u>64,451.47</u>	<u>64,451.47</u>		

Accounts Payable

Computer Check Register

City of Wilmington
 1165 S. Water St.
 Wilmington, IL 60481
 815-476-2175



User: maureen

Printed: 04/16/2020 - 13:26

Bank Account: W/S OPR

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
11366	1848	BETE Fog Nozzle, Inc.	04/21/2020	416687	1,521.12
			Check 11366 Total:		1,521.12
11367	0082	Clennon Electric Co Inc	04/21/2020	38951	312.72
			Check 11367 Total:		312.72
11368	9059	Comcast	04/21/2020	April 2020 w	108.35
			Check 11368 Total:		108.35
11369	0117	DTW Inc	04/21/2020	6703 s	96.88
			Check 11369 Total:		96.88
11370	0177	Heritage FS, Inc.	04/21/2020	3/25/-3/30/20w	1,007.53
				3/25/-3/30/20s	1,940.96
			Check 11370 Total:		2,948.49
11371	9102	Jack Henry & Associates, Inc.	04/21/2020	3370119w	47.08
				3370119s	47.09

				Check 11371 Total:	94.17
11372	1233	Konica Minolta	04/21/2020		
				35258992 w	65.97
				35258992 s	65.97
				Check 11372 Total:	131.94
11373	0258	Messer LLC	04/21/2020		
				2102160172	1,504.04
				Check 11373 Total:	1,504.04
11374	1903	Parkson Corporation	04/21/2020		
				AR1/51027866	83.06
				Check 11374 Total:	83.06
11375	0363	Richard Quigley	04/21/2020		
				3044	127.50
				Check 11375 Total:	127.50
11376	0402	Springbrook Software Inc.	04/21/2020		
				INV-ACC51355	417.50
				INV-ACC51355s	417.50
				Check 11376 Total:	835.00
11377	0444	Underground Pipe & Valve Co	04/21/2020		
				041775	298.00
				Check 11377 Total:	298.00
11378	0449	USA Blue Book	04/21/2020		
				198397	1,319.99
				195766	102.68
				199790	60.75
				192169	195.03

			Check 11378 Total:	1,678.45
11379	0455	Verizon Wireless	04/21/2020	
			9851965251w	292.41
			9851965251s	316.98
			Check 11379 Total:	609.39
11380	0463	Waste Management Of Il SW	04/21/2020	
			6042713-2007-8	38,793.60
			Check 11380 Total:	38,793.60
11381	0472	Whitmore Investments Inc	04/21/2020	
			March 2020 s	13.18
			March 2020 se	106.57
			March 2020 w	186.62
			Check 11381 Total:	306.37
11382	1123	Xylem Water Solutions USA Inc	04/21/2020	
			3556A89333	15,002.39
			Check 11382 Total:	15,002.39
			Report Total:	64,451.47

WCHC

Accounts Payable GL Distribution Report

User: maureen
Printed: 04/17/20 09:38
Batch: 008-04-2020
Fiscal Period: 12
JE Date: 04/21/20

City of Wilmington
1165 S. Water St.
Wilmington, IL 60481
815-476-2175



<u>Fund</u>	<u>DR Amount</u>	<u>CR Amount</u>	<u>Account Number</u>	<u>Description</u>
05 DFC Federal Grant Fund				
	0.00	1,656.61	05-00-0010	Cash
	1,656.61	0.00	05-00-3202	Accounts Payable
	<u>1,656.61</u>	<u>1,656.61</u>		
Grand Total:	<u>1,656.61</u>	<u>1,656.61</u>		

Accounts Payable

Computer Check Register

City of Wilmington
 1165 S. Water St.
 Wilmington, IL 60481
 815-476-2175



User: maureen

Printed: 04/17/2020 - 09:37

Bank Account: WCHC

Check	Vendor No	Vendor Name	Date	Invoice No	Amount
1561	9127	Cardmember Service	04/21/2020	April 2020 stat	460.13
				Check 1561 Total:	460.13
1562	1280	Trust 741	04/21/2020	2020-05	500.00
				Check 1562 Total:	500.00
1563	8380	Wilmington Coalition Healthy C	04/21/2020	Utilities	696.48
				Check 1563 Total:	696.48
				Report Total:	1,656.61

Accounts Payable

Computer Check Proof List

User: maureen
 Printed: 04/17/2020 - 9:33 AM

City of Wilmington
 1165 S. Water St.
 Wilmington, IL 60481
 815-476-2175



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:9127 April 2020 stat	Cardmember Service April 2020 Statement Check Total:	460.13 460.13	04/21/2020	Check Sequence: 1 05-00-6670	ACH Enabled: No
Vendor:1280 2020-05	Trust 741 May 2020 WCHC Check Total:	500.00 500.00	04/21/2020	Check Sequence: 2 05-00-6670	ACH Enabled: No
Vendor:8380 Utilities	Wilmington Coalition Healthy C Utilities - Jan., Feb., March 2020 Check Total:	696.48 696.48	04/21/2020	Check Sequence: 3 05-00-6670	ACH Enabled: No
	Total for Check Run: Total Number of Checks:	1,656.61 3			

Accounts Payable To Be Paid Proof List

User: maureen
Printed: 04/17/2020 - 9:20 AM
Batch: 055-04-2020

City of Wilmington
1165 S. Water St.
Wilmington, IL 60481
815-476-2175



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
Cardmember Service										
9127										
April 2020 stat	04/17/2020	460.13	0.00	04/21/2020	April 2020 Statement		-		No	0000
05-00-6670	DFC Federal Grant Expenditures									
	April 2020 stat Total:	460.13								
	9127 Total:	460.13								
Cardmember Service Total:		460.13								
Trust 741										
1280										
2020-05	04/17/2020	500.00	0.00	04/21/2020	May 2020 WCHC		-		No	0000
05-00-6670	DFC Federal Grant Expenditures									
	2020-05 Total:	500.00								
	1280 Total:	500.00								
Trust 741 Total:		500.00								
Wilmington Coalition Healthy C										
8380										
Utilities	04/17/2020	696.48	0.00	04/21/2020	Utilities - Jan., Feb., March 2020		-		No	0000
05-00-6670	DFC Federal Grant Expenditures									
	Utilities Total:	696.48								
	8380 Total:	696.48								
Wilmington Coalition Healthy C Total:		696.48								
Report Total:		1,656.61								

Accounts Payable GL Distribution Report

User: maureen
 Printed: 04/17/20 09:21
 Batch: 055-04-2020
 Fiscal Period: 12
 JE Date: 04/21/20

City of Wilmington
 1165 S. Water St.
 Wilmington, IL 60481
 815-476-2175



<u>Fund</u>	<u>DR Amount</u>	<u>CR Amount</u>	<u>Account Number</u>	<u>Description</u>
05 DFC Federal Grant Fund				
	0.00	1,656.61	05-00-3202	Accounts Payable
	500.00	0.00	05-00-6670	DFC Federal Grant Expenditures
	696.48	0.00	05-00-6670	DFC Federal Grant Expenditures
	460.13	0.00	05-00-6670	DFC Federal Grant Expenditures
	<u>1,656.61</u>	<u>1,656.61</u>		
Grand Total:	<u>1,656.61</u>	<u>1,656.61</u>		

ORDINANCE NO. 20-04-21-04

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2020, OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,230,000 FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING IEPA WATER TREATMENT REFUNDING LOAN AND PAYING FOR COSTS RELATED THERETO.

WHEREAS, the City of Wilmington, Will County, Illinois (the "**City**"), is a duly organized and existing municipality created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, as amended (the "**Municipal Code**"), and, having the powers, objects and purposes provided by said Municipal Code, has for many years owned and operated a sewerage system as set forth in Division 141 of Article 11 of the Municipal Code (the "**Sewerage System**"); and

WHEREAS, the Mayor and Council of the City (the "**Corporate Authorities**") have determined that it is advisable, necessary and in the best interests of the City to (i) currently refund the City's outstanding IEPA Water Treatment Refunding Loan (the "**Loan**"), dated May 24, 2007 (the "**Refunding**"), which loan was entered into for the purpose of financing a waste water treatment plant within the City (the "**Prior Project**") and (ii) pay certain costs of issuance of the Bonds (as such term is hereinafter defined), all for the benefit of the inhabitants of the City; and

WHEREAS, on the 3rd day of March, 2020, the Corporate Authorities adopted Ordinance No. 20-03-03-01 (the "**Authorizing Ordinance**") authorizing the issuance of General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020 (the "**Bonds**"), as provided in the Local Government Debt Reform Act, as supplemented and amended (the "**Debt Reform Act**"); and

WHEREAS, on the 9th day of March, 2020, the Authorizing Ordinance, together with a notice of intent to issue the Bonds, was published in the *Herald News*, and an affidavit evidencing the publication of the Authorizing Ordinance and related notice of intent were presented to the Corporate Authorities and made a part of the permanent records of the City; and

WHEREAS, more than thirty (30) days expired from the date of publication of the Authorizing Ordinance and related notice, and no petitions were filed with the City Clerk requesting that the question of the issuance of the Bonds be submitted to referendum; and

WHEREAS, the Corporate Authorities called, held and duly adjourned on March 18, 2020, a hearing on the issuance of the Bonds pursuant to the Bond Issue Notification Act, as amended; and

WHEREAS, the Refunding is to be effected by direct payments or deposits (a "**Refunding Deposit**") or funding with an applicable escrow, deposit or other refunding agent (as applicable, the "**Refunding Agent**") through an escrow, deposit or other refunding account (as applicable, the

“**Refunding Account**”) with cash and/or certain investment securities (the “**Investment Securities**”) under an escrow, deposit or refunding agreement (as applicable, the “**Refunding Agreement**”) to apply for such purpose; and

WHEREAS, the estimated cost of the Refunding, including legal, financial, bond discount, if any, printing and publication costs, capitalized interest, if any, and other expenses (collectively, the “**Costs**”), will not exceed \$7,230,000, and the City has insufficient funds on hand and lawfully available to pay such Costs; and

WHEREAS, for the purpose of providing funds to finance the Refunding and in accordance with the provisions of the Debt Reform Act, the Corporate Authorities authorize the issuance of alternate bonds, being general obligation bonds payable from any revenue source as provided by the Debt Reform Act, in an amount not to exceed \$7,230,000; and

WHEREAS, it is necessary for the best interests of the City that the Refunding be completed, and in order to raise funds required for such purpose it will be necessary for the City to borrow an aggregate principal amount of not to exceed \$7,230,000 and in evidence thereof to issue alternate bonds, being general obligation bonds payable from (i) Net Revenues of the City’s Sewerage System (generally, Net Revenues means gross revenues minus operation and maintenance expenses), and (ii) all collections distributed to the City from Retailer’s Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes (collectively, (i) and (ii) are referred to herein as the “**Pledged Revenues**”) and (iii) ad valorem taxes of the City for which its full faith and credit have been irrevocably pledged, unlimited as to rate or amount (the “**Pledged Taxes**”), in an aggregate principal amount not to exceed \$7,230,000, all in accordance with the Act; and

WHEREAS, the City has insufficient funds to pay the costs of the Refunding and, therefore, must borrow money and issue one or more series of alternate bonds under this ordinance, from time to time, in evidence thereof in the aggregate principal amounts as herein provided for such purpose; and

WHEREAS, the Corporate Authorities are now authorized to issue alternate bonds in an aggregate amount not to exceed \$7,230,000 in accordance with the provisions of the Act, and the Corporate Authorities hereby determine that it is necessary and desirable that the bonds so authorized be issued at this time; and

WHEREAS, the City shall set forth the term of the Bonds and their status as taxable or tax-exempt bonds in the Bond Order as hereinafter defined; and

WHEREAS, the Property Tax Extension Limitation Law of the State of Illinois, as amended (the “**Tax Limitation Law**”), imposes certain limitations on the “aggregate extension” of certain property taxes levied by the City, but provides that the definition of “aggregate extension” contained in Section 18-185 of the Tax Limitation Law does not include “extensions... payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act”; and

WHEREAS, pursuant to the offering of the Bonds (as defined in Section 1) for negotiated sale and the related Preliminary Official Statement (the “**Preliminary Official Statement**”, which when supplemented and completed is to constitute a final “**Official Statement**”), the City has determined to accept the Bond Purchase Agreement (which when executed and delivered each shall constitute a “**Purchase Agreement**”) submitted by Bernardi Securities, Inc., of Chicago, Illinois (the “**Underwriter**”), with respect to which the City will execute a Continuing Disclosure Undertaking (the “**Undertaking**”) under Rule 15c2-12 of the Securities and Exchange Commission (“**Rule 15c2-12**”); and

WHEREAS, for convenience of reference only this ordinance is divided into numbered sections with headings, which shall not define or limit the provisions hereof, as follows:

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, as follows:

Section 1. Definitions. Certain words and terms used in this ordinance shall have the meanings given them herein, including above in the recitals in the preamble hereto, and the meanings given them in this Section 1, unless the context or use clearly indicates another or different meaning is intended. Certain definitions are as follows:

“**Act**” means, collectively and as applicable, the Local Government Debt Reform Act (Section 350/1 *et seq.* of Chapter 30 (and particularly Section 350/15 thereof concerning alternate bonds) of the Illinois Compiled Statutes, as supplemented and amended, the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*), and applicable laws in connection with the Registered Bond Act, the Illinois Bond Replacement Act and the Bond Authorization Act.

“**Alternate Bonds**” means “**alternate bonds**” as described in Section 15 of the Debt Reform Act (Section 350/15 of Chapter 30 of the Illinois Compiled Statutes), and includes expressly the Bonds.

“**BDSF**” or “**bona fide debt service fund**” means a fund, which may include proceeds of an issue, that (1) is used primarily to achieve a proper matching of revenues with principal and interest payments within each bond year (i.e. each December 2 to December 1 annual period or as specified in the Bond Order); and (2) is depleted at least once each bond year, except for a reasonable carryover amount not to exceed the greater of: (i) the earnings on the fund for the immediately preceding bond year; or (ii) one-twelfth of the principal and interest payments on the issue for the immediately preceding bond year.

“**Bond**” or “**Bonds**” means, the City’s General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020, as authorized to be issued by this ordinance, as supplemented and amended.

“**Bond Order**” means one or more certificates signed by the Designated Representatives, and attested by the City Clerk and under the seal of the City, setting forth and specifying details for the Bonds, including, as the case may be, but not limited to, identification of a Policy and an Insurer, if any, book-entry only registration, specification of Pledged Taxes, final interest rates, final maturity schedules, optional and mandatory redemption provisions, reoffering premium, original issue discount (“**OID**”) status as “**qualified tax-exempt obligations**,” designation of a Bond Registrar, Paying Agent or other fiscal agent, and designation of series subject to not exceeding the specified aggregate principal amount for the Bonds.

“**Bond Year**” means each annual period of December 2 to the next December 1, for the Bonds, subject to such lawful elections as the City may make in the Bond Order.

“**City**” means the City of Wilmington, Will County, Illinois.

“**Code**” means the Internal Revenue Code of 1986, as amended, and includes related and applicable Income Tax Regulations promulgated by the Treasury Department.

“**Corporate Authorities**” means the City Council of the City.

“Depository” means a securities depository with respect to Bonds subject to global book entry registration, initially The Depository Trust Company (“**DTC**”), New York, New York.

“Designated Representatives” means the Mayor and the City Administrator.

“Fiscal Year” means the twelve-month period beginning on May 1 of the calendar year and ending on the succeeding April 30.

“Insurer” means, if any, the issuer of a Policy securing payment of one or more series of Bonds.

“Outstanding,” when used with reference to any referenced obligation, means any referenced obligation which is outstanding and unpaid; provided, however, such term shall not include obligations: (i) which have matured and for which moneys are on deposit with proper paying agents, or are otherwise properly available, sufficient to pay all principal and interest thereof, or (ii) the provision for payment of which has been made by the City by the deposit in an irrevocable trust or escrow of funds of direct, full faith and credit non-callable obligations of the United States of America, the principal and interest of which will be sufficient to pay at maturity or as called for redemption all the principal of and applicable premium on such obligations, and will not result in the loss of the exclusion from gross income of the interest thereon under Section 103 of the Code.

“Parity Bonds” means bonds or any other obligations, if any, which share ratably and equally in the applicable Pledged Revenues, as set forth and provided for in any such ordinance authorizing the issuance of any such Parity Bonds.

“Pledged Revenues” means (i) Net Revenues of the City’s Sewerage System (generally, Net Revenues means gross revenues minus operation and maintenance expenses), and (ii) all collections distributed to the City from Retailer’s Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes, and as provided in the Debt Reform Act.

“Pledged Taxes” means the Taxes authorized to be levied in Section 10 to secure and pay the Bonds.

“Loan” means the City’s outstanding IEPA Water Treatment Refunding Loan, dated May 24, 2007, which loan was entered into for the purpose of financing a waste water treatment plant within the City.

“Prior Project” shall have the meaning set forth in the recitals in the preamble to this ordinance.

“Purchase Agreement” means the Bond Purchase Agreement with the Underwriter for the purchase of Bonds, which upon acceptance and execution by the City and the Underwriter constitutes the Purchase Agreement for the applicable Bonds.

“Qualified Investments” means legal investments of the City under applicable law, limited and restricted with respect to any applicable Insurer’s Policy.

“**Rule 15c2-12**” means Rule 15c2-12 of the Securities and Exchange Commission.

“**Undertaking**” means the City’s Continuing Disclosure Undertaking under Rule 15c2-12 related to the Bonds.

“**Underwriter**” means Bernardi Securities, Inc., Chicago, Illinois, the underwriter in connection with the Bonds identified in the preamble to this ordinance.

“**Yield**” or “**yield**” means yield computed under Section 1.148-4 of the Income Tax Regulations for the Bonds, and yield computed under Section 1.148-5 of the Income Tax Regulations for an investment.

“**Yield Reduction Payments**” or “**yield reduction payments**” shall have the meaning in Income Tax Regulations Section 1.148-5(c).

“**Yield Restricted**” or “**yield restricted**” with reference to an obligation means that the yield thereon is restricted not to exceed the yield on the Bonds.

Section 2. Preambles, Authority and Purpose. The Corporate Authorities hereby find that all the recitals contained in the preambles and recitals to this ordinance are true, complete and correct, and hereby incorporate them into this ordinance by this reference thereto. This ordinance is adopted pursuant to the Constitution and applicable laws of the State of Illinois, including the Act, for the purpose of paying all or a portion of the costs of refunding the Loan and costs of issuance of the Bonds. The Corporate Authorities hereby determine the period of usefulness of the Prior Project to be not less than ten (10) years from the expected date of delivery of the Bonds.

Section 3. Authorization and Terms of Bonds. To meet all or a part of the estimated costs of refunding the Loan, there is hereby appropriated an applicable sum to be derived from the proceeds of the Bonds. For the purpose of financing such appropriations, the Bonds of the City shall be issued and sold from time to time in the aggregate principal amount set forth herein, shall be designated **General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020** (\$7,230,000 maximum aggregate principal amount), and shall be issuable in the denominations of \$5,000 each or any authorized integral multiple thereof.

(a) **General Terms.** The Bonds series shall be numbered consecutively from R-1 upwards in order of their issuance and may bear such identifying numbers or letters as shall be useful to facilitate the registration, transfer and exchange of the Bonds. As set forth in an order to authenticate the Bonds, each Bond shall be dated as of or before the date or dates of the issuance and sale thereof and acceptable to the Underwriter. Subject to the applicable Bond Order, the Bonds of each series are hereby authorized to bear interest at a rate not to exceed 5.00% and mature in the principal amount on December 1 of each of the years (subject to redemption, as the case may be), not to exceed \$875,000 for any year commencing not before 2020 and ending not later than 2028, as shall be specified in a Bond Order.

Each Bond shall bear interest from its date, or from the most recent interest payment date to which interest has been paid, computed on the basis of a 360-day year consisting of twelve

30-day months, and payable in lawful money of the United States of America semiannually on the dates and at the rates percent per annum as shall be specified in the Bond Order. The principal of and premium, if any, on the Bonds shall be payable in lawful money of the United States of America upon presentation and surrender thereof at the designated payment office of the financial institution designated in the Bond Order to act as the Paying Agent for the Bonds (including its successors, the “**Paying Agent**”). Interest on the Bonds shall be payable on each interest payment date to the registered owners of record appearing on the registration books maintained by the financial institution designated in the Bond Order to act as the Bond Registrar on behalf of the City for such purpose (including its successors, the “**Bond Registrar**”), at the designated corporate trust office of the Bond Registrar as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding the applicable interest payment date. Interest on the Bonds shall be paid by check or draft mailed by the Paying Agent to such registered owners at their addresses appearing on the registration books.

(b) **Redemption**. The Bonds are subject to redemption as follows:

(i) **Optional Redemption**. The Bonds are not subject to optional redemption prior to maturity.

(ii) **Mandatory Sinking Fund Redemption**. The Bonds may be subject to mandatory sinking fund redemption, if needed, as determined in the Bond Order.

(iii) **Procedure**. The City covenants that it will redeem Bonds pursuant to the redemption provisions applicable to such Bonds. Proper provision for redemption having been made, the City covenants that the Bonds so selected for redemption shall be payable as at maturity.

The City shall, at least 45 days prior to an optional redemption date (unless a shorter time shall be satisfactory to the Bond Registrar), notify the Bond Registrar of any optional redemption date and of the principal amount of Bonds to be redeemed. In the event that less than all of the Bonds of a particular series or maturity are called for redemption as aforesaid, as necessary, the particular Bonds or portions of Bonds to be redeemed shall be selected not more than sixty (60) days or less than thirty (30) days prior to the redemption date by the Bond Registrar by such method as the Bond Registrar shall deem fair and appropriate; provided, that such lottery shall provide for the selection for redemption of Bonds or portions thereof so that any \$5,000 Bond or \$5,000 portion of a Bond shall be as likely to be called for redemption as any other such \$5,000 Bond or \$5,000 portion. The Bond Registrar shall promptly notify the City in writing of the Bonds or portions of Bonds selected for redemption and, in the case of any Bond selected for partial redemption, the principal amount thereof to be redeemed.

Unless waived by the registered owner of Bonds to be redeemed, presentment for payment being conclusively such a waiver, notice of any such redemption shall be given by the Bond Registrar on behalf of the City by mailing the redemption notice by first class mail not less than thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to each registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by each such registered owner to the Bond Registrar.

All notices of redemption shall include at least the information as follows: (1) the identification of the particular Bonds (and related series) to be redeemed; (2) the redemption date; (3) the redemption price; (4) if less than all of the Bonds of a particular maturity are to be redeemed, the identification numbers and maturities (and, in the case of partial redemption of any Bond, the respective principal amounts) of the Bonds to be redeemed; (5) a statement that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after such date; and (6) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the designated payment office of the Paying Agent.

Prior to any redemption date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, together with accrued interest, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Neither the failure to mail such redemption notice nor any defect in any notice so mailed to any particular registered owner of a Bond shall affect the sufficiency of such notice with respect to any other registered owner. Notice having been properly given, failure of a registered owner of a Bond to receive such notice shall not be deemed to invalidate, limit or delay the effect of the notice or the redemption action described in the notice. Such notice may be waived in writing by a registered owner of a Bond, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice shall be filed with the Bond Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

Upon surrender of such Bonds for redemption in accordance with such notice, such Bonds shall be paid from available funds therefor by the Paying Agent at the redemption price. Interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for the partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal.

If any Bond or portion of Bond called for redemption shall not be so paid upon surrender thereof for redemption, the principal, and premium, if any, shall, until paid, bear interest from the redemption date at the rate borne by the Bond or portion of Bond so called for redemption. All Bonds which have been redeemed shall be marked cancelled by the Bond Registrar and shall not be reissued.

Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall identify the series and the Bond or Bonds, or portion thereof, being redeemed with the proceeds of such check or other transfer.

Section 4. Registration of Bonds and Book-Entry. The Bonds shall be negotiable, subject to the provisions for registration of transfer contained herein and related to book-entry only registration.

(a) **General.** This subsection (a) is subject to the provisions of subsection (b) concerning book-entry only provisions. The City shall cause books (as applicable to each series, the “**Bond Register**”) for the registration and for the transfer of the Bonds as provided in this ordinance to be kept at the designated payment office of the Bond Registrar, which is hereby constituted and appointed the Bond Registrar of the City. The City is authorized to prepare, and the Bond Registrar shall keep custody of, multiple Bond blanks executed by the City for use in the issuance from time to time of the Bonds and in the transfer and exchange of Bonds.

Upon surrender for transfer of any Bond at the principal payment office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Bond Registrar and duly executed by the registered owner or such owners attorney duly authorized in writing, the City shall execute and the Bond Registrar shall authenticate, date and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of the same series and maturity of authorized denominations, for a like aggregate principal amount. Any fully registered Bond or Bonds may be exchanged at the office of the Bond Registrar for a like aggregate principal amount of Bond or Bonds of the same series and maturity of other authorized denominations. The execution by the City of any fully registered Bond shall constitute full and due authorization of such Bond, and the Bond Registrar shall thereby be authorized to authenticate, date and deliver such Bond.

The Bond Registrar shall not be required to transfer or exchange any Bond during the period from the fifteenth (15th) day of the calendar month next preceding any interest payment date on such Bond and ending on such interest payment date, nor to transfer or exchange any Bond after notice calling such Bond for prepayment has been mailed, nor during a period of fifteen (15) days next preceding mailing of a notice of prepayment and redemption of any Bonds.

The person in whose name any Bond shall be registered on the Bond Register shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of, premium (if any) or interest on any Bond shall be made only to or upon the order of the registered owner thereof or such registered owners legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

No service charge shall be made for any transfer or exchange of Bonds, but the City or the Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds exchanged in the case of the issuance of a Bond or Bonds for the outstanding portion of a Bond surrendered for redemption. In the event any registered owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such registered owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such registered owner hereunder or under the Bonds.

The Mayor, City Clerk or Treasurer may, in his or her discretion at any time, designate a bank with trust powers or trust company, duly authorized to do business as a bond registrar, paying agent, or both, to act in one or both such capacities hereunder, in the event the Mayor, City Clerk or Treasurer shall determine it to be advisable. Notice shall be given to the registered owners of

any such designation in the same manner, as near as may be practicable, as for a notice of redemption of Bonds, and as if the date of such successor taking up its duties were the redemption date.

(b) **Book-Entry-Only Provisions.** Unless otherwise set forth in a Bond Order, the Bonds shall be issued in the form of a separate single fully registered Bond of each series for each of the maturities of the Bonds. Upon initial issuance, the ownership of each such Bond shall be registered in the Bond Register therefor in a street name (initially “**Cede & Co.**” for DTC) of the Depository or any successor thereto, as nominee of the Depository. As necessary, the outstanding Bonds from time to time may be registered in the Bond Register in a street name, as nominee of the Depository. If not already done and effective, the Mayor or City Clerk or Treasurer is authorized to execute and deliver on behalf of the City such letters to or agreements with the Depository as shall be necessary to effectuate such book-entry system (any such letter or agreement being referred to herein as the “**Representation Letter**”). Without limiting the generality of the authority given to the Mayor, City Clerk or Treasurer with respect to entering into such Representation Letter, it may contain provisions relating to (a) payment procedures, (b) transfers of the Bonds or of beneficial interest therein, (c) redemption notices and procedures unique to the Depository, (d) additional notices or communications, and (e) amendment from time to time to conform with changing customs and practices with respect to securities industry transfer and payment practices.

With respect to Bonds registered in the Bond Register in the name of a nominee of the Depository, the City and the Bond Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds from time to time as securities depository (each such broker-dealer, bank or other financial institution being referred to herein as a “**Depository Participant**”) or to any person on behalf of whom such a Depository Participant or an Indirect Participant holds an interest in the Bonds (an “**indirect participant**” or a “**beneficial owner**”). Without limiting the meaning of the foregoing, the City and the Bond Registrar or Paying Agent shall have no responsibility or obligation with respect to (a) the accuracy of the records of the Depository, the nominee, or any Depository Participant, Indirect Participant or Beneficial Owner, with respect to any ownership interest in the Bonds, (b) the delivery to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register, of any notice with respect to the Bonds, including any notice of redemption, or (c) the payment to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register, of any amount with respect to principal of or interest on the Bonds.

As long as the Bonds are held in a book-entry-only system, no person other than the nominee of the Depository, or any successor thereto, as nominee for the Depository, shall receive a Bond certificate with respect to any Bonds. Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new nominee in place of the prior nominee, and subject to the provisions hereof with respect to the payment of interest to the registered owners of Bonds as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding the applicable interest payment date, the reference herein to nominee in this ordinance shall refer to such new nominee of the Depository.

In the event that (a) the City determines that the Depository is incapable of discharging its responsibilities described herein and in the Representation Letter, (b) the agreement among the City, the Bond Registrar, the Paying Agent and the Depository evidenced by the Representation Letter shall be terminated for any reason or (c) the City determines that it is in the best interests of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the City shall notify the Depository and the Depository Participants of the availability of Bond certificates, and the Bonds shall no longer be restricted to being registered in the Bond Register in the name of a nominee of the Depository. At that time, the City may determine that the Bonds shall be registered in the name of and deposited with a successor depository operating a book-entry system, as may be acceptable to the City, or such depository's agent or designee, and if the City does not select such alternate book-entry system, then the Bonds may be registered in whatever name or names registered owners of Bonds transferring or exchanging Bonds shall designate, in accordance with the provisions hereof. Notwithstanding any other provision of this ordinance to the contrary, so long as any Bond is registered in the name of a nominee of the Depository, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Representation Letter.

Section 5. Execution and Authentication. Each Bond shall be executed in the name of the City by the manual or authorized facsimile signature of its Mayor and the corporate seal of the City, or a facsimile thereof, shall be thereunto affixed, impressed or otherwise reproduced or placed thereon and attested by the manual or authorized facsimile signature of its City Clerk. Temporary Bonds, in lieu of or preliminary to the availability of Bonds in definitive form, shall be and are hereby authorized and approved. Typewritten Bonds are authorized in the event Section 4(b) applies.

In case any officer whose signature, or a facsimile of whose signature, shall appear on any Bond shall cease to hold such office before the issuance of such Bond, such Bond shall nevertheless be valid and sufficient for all purposes, the same as if the person whose signature, or a facsimile thereof, appears on such Bond had not ceased to hold such office. Any Bond may be signed, sealed or attested on behalf of the City by any person who, on the date of such act, shall hold the proper office, notwithstanding that at the date of such Bond such person may not hold such office. No recourse shall be had for the payment of any Bonds against any member of the Corporate Authorities or any officer or employee of the City (past, present or future) who executes the Bonds, or on any other basis.

Each Bond shall bear thereon a certificate of authentication executed manually by the Bond Registrar. No Bond shall be entitled to any right or benefit under this ordinance or shall be valid or obligatory for any purpose until such certificate of authentication shall have been duly executed by the Bond Registrar. Such certificate of authentication shall have been duly executed by the Bond Registrar by manual signature, and such certificate of authentication upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this ordinance. The certificate of authentication on any Bond shall be deemed to have been executed by the Bond Registrar if signed by an authorized officer of or signer for the Bond Registrar, but it shall not be necessary that the same signer or officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 6. Transfer, Exchange and Registration. Each Bond shall be transferable only upon the registration books maintained by the Bond Registrar on behalf of the City for that purpose at the principal office of the Bond Registrar, by the registered owner thereof in person or by such registered owners attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar and duly executed by the registered owner or such registered owners duly authorized attorney. Upon the surrender for transfer of any such Bond, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond or Bonds registered in the name of the transferee of the same aggregate principal amount, maturity and interest rate as the surrendered Bond. Bonds, upon surrender thereof at the principal office of the Bond Registrar, with a written instrument satisfactory to the Bond Registrar, duly executed by the registered owner or such registered owners attorney duly authorized in writing, may be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate and of the denomination of \$5,000 or any authorized integral multiple thereof, less previous retirements.

For every such exchange or registration of transfer of Bonds, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. No other charge shall be made for the privilege of making such transfer or exchange. The provisions of the Illinois Bond Replacement Act shall govern the replacement of lost, destroyed or defaced Bonds.

The City, the Paying Agent and the Bond Registrar may deem and treat the person in whose name any Bond shall be registered upon the registration books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, or interest thereon and for all other purposes whatsoever, and all such payments so made to any such registered owner or upon such registered owners order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent or the Bond Registrar shall be affected by any notice to the contrary.

Section 7. Bond Registrar and Paying Agent. The Bond Registrar and Paying Agent with respect to this ordinance and the Bonds shall be such entity as is provided in the Bond Order. The City covenants that it shall at all times retain a Bond Registrar and Paying Agent with respect to the Bonds and shall cause to be maintained at the designated office of such Bond Registrar a place where Bonds may be presented for registration of transfer or exchange, that it will maintain at the designated payment office of the Paying Agent a place where Bonds may be presented for payment, that it shall require that the Bond Registrar maintain proper registration books and that it shall require the Bond Registrar and Paying Agent to perform the other duties and obligations imposed upon each of them by this ordinance in a manner consistent with the standards, customs and practices concerning municipal securities. The City may enter into appropriate agreements with any Bond Registrar and any Paying Agent in connection with the foregoing, including as follows:

- (a) to act as Bond Registrar, authenticating agent, Paying Agent and transfer agent as provided herein;

(b) to maintain a list in the Bond Register of the registered owners of the Bonds as set forth herein and to furnish such list to the City upon request, but otherwise to keep such list confidential;

(c) to cancel and/or destroy Bonds which have been paid at maturity or submitted for exchange or transfer;

(d) to give notices of redemption of Bonds to be redeemed;

(e) to furnish the City at least annually a certificate with respect to Bonds cancelled and/or destroyed; and

(f) to furnish the City at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds.

In any event, the Bond Registrar and Paying Agent shall comply with (a) - (f) above.

The Bond Registrar and Paying Agent shall signify their acceptances of the duties and obligations imposed upon them by this ordinance. The Bond Registrar by executing the certificate of authentication on any Bond shall be deemed to have certified to the City that it has all requisite power to accept, and has accepted, such duties and obligations, including in the case of the Paying Agent, not only with respect to the Bond so authenticated but with respect to all of the Bonds. The Bond Registrar and Paying Agent are the agents of the City for such purposes and shall not be liable in connection with the performance of their respective duties except for their own negligence or default. The Bond Registrar shall, however, be responsible for any representation in its certificate of authentication on the Bonds.

The City may remove the Bond Registrar or Paying Agent at any time. In case at any time the Bond Registrar or Paying Agent shall resign (such resignation to not be effective until a successor has accepted such role) or shall be removed or shall become incapable of acting, or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator of the Bond Registrar or Paying Agent, or of its property, shall be appointed, or if any public officer shall take charge or control of the Bond Registrar or Paying Agent or of their respective properties or affairs, the City covenants and agrees that it will thereupon appoint a successor Bond Registrar or Paying Agent, as the case may be. The City shall mail or cause to be mailed notice of any such appointment made by it to each registered owner of Bonds within twenty (20) days after such appointment. Any Bond Registrar or any Paying Agent appointed under the provisions of this Section 7 shall be a bank, trust company or other qualified professional with respect to such matters, authorized to exercise such functions in the State of Illinois.

The City shall provide to the Bond Registrar and Paying Agent a copy of any amendment to this ordinance or in connection with the Bonds.

Section 8. Alternate Bonds; General Obligations. The Bonds are and constitute Alternate Bonds under the Debt Reform Act, anticipated to be payable from applicable Pledged Revenues. The Bonds of each such series, regardless of the date or dates of their issuance, are on parity with each other within such series and shall share equally and ratably as to payment in the

Pledged Revenues applicable to the Bonds. Under and pursuant to Section 15 of the Debt Reform Act, the full faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of, premium, if any, and interest on such Bonds; and such Bonds shall be direct and general obligations of the City; and the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City's corporate limits, for the payment of the Bonds and the interest thereon, without limitation as to rate or amount (such ad valorem taxes being the "**Pledged Taxes**"), as provided herein.

The term of the Bonds shall not be longer than the term of the Loan and the debt service payable in any year on the Bonds shall not exceed the debt service payable in such year on the Loan.

Section 9. **Form of Bonds.** Unless Bonds in typewritten form are accepted or in any contract for the sale of the Bonds the purchaser or purchasers of the Bonds shall agree to accept typewritten or other temporary Bonds preliminary to the availability of, or in lieu of, Bonds in printed form prepared in compliance with the National Standard Specifications for Fully Registered Municipal Securities prepared by the American National Standards Institute, Bonds shall comply therewith, and in any event shall be in substantially the following forms provided, however, that appropriate insertions, deletions and modifications in the form of the Bonds may be made, including as to the custom of printing Bonds in part on the front and back of certificates, a payment schedule and the issuance of a single Bond for each maturity, as the Underwriter thereof agrees or accepts, in an appropriate form approved by Bond Counsel, not inconsistent herewith:

REGISTERED
NO. _____

\$ _____

**UNITED STATES OF AMERICA
STATE OF ILLINOIS
THE COUNTY OF WILL
CITY OF WILMINGTON
GENERAL OBLIGATION REFUNDING BONDS
(ALTERNATE REVENUE SOURCE)
SERIES 2020**

INTEREST RATE: MATURITY DATE: DATED DATE: CUSIP:

Registered Owner: CEDE & CO.

Principal Amount:

KNOW ALL BY THESE PRESENTS that the City of Wilmington (the “City”), a public corporation situated in The County of Will, in the State of Illinois, acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, and to pay interest on such Principal Amount from the later of the Dated Date hereof or the most recent interest payment date to which interest has been paid, at the Interest Rate per annum set forth above, computed on the basis of a 360-day year consisting of twelve 30-day months and payable in lawful money of the United States of America semiannually on the first (1st) day of June and December in each year, commencing [June 1, 2020], until the Principal Amount hereof shall have been paid, by check or draft mailed to the Registered Owner of record hereof as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date, at the address of such Registered Owner appearing on the registration books maintained for such purpose at the designated corporate trust office of _____, as Bond Registrar (including its successors, the “**Bond Registrar**”). This Bond, as to principal and premium, if any, when due, will be payable in lawful money of the United States of America upon presentation and surrender of this Bond at the designated payment office of _____, as Paying Agent (including its successors, the “**Paying Agent**”). Interest on each Bond also may be payable by wire or electronic transfer to (and at the expense of) any registered owner of a Bond or Bonds (as of the applicable record date) holding an aggregate principal amount of \$500,000 or more when such registered owner shall have requested such wire or electronic transfer payment to a bank in the continental United States by written instruction (with sufficient directions, including bank address and routing and account numbers) to the Paying Agent at least fifteen (15) days prior to an interest payment date.

The Bonds are payable from (i) Net Revenues of the City’s Sewerage System (generally, Net Revenues means gross revenues minus operation and maintenance expenses), and (ii) all collections distributed to the City from Retailer’s Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes; and although it is expected and required by applicable law, that the Bonds are to be paid from such applicable Pledged Revenues, which are pledged to the payment thereof, the full faith and credit of the City, including the power to levy taxes without limit as to

rate or amount are irrevocably pledged for the punctual payment of the principal of and interest on this Bond and each Bond of the series of which it is a part, according to the terms thereof.

This Bond is one of a series of Bonds issued in the aggregate principal amount of \$ _____, which are all of like tenor, except as to maturity, interest rate and right of and redemption, and which are authorized and issued under and pursuant to and in accordance with Ordinance No. _____, adopted by the City Council on April 21, 2020, and entitled: “AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2020, OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,230,000 FOR THE PURPOSE OF REFUNDING THE CITY’S OUTSTANDING IEPA WATER TREATMENT REFUNDING LOAN AND PAYING FOR COSTS RELATED THERETO” (with respect to which undefined terms herein shall have the meanings therein, the “**Bond Ordinance**”, as supplemented and amended), pursuant to the Constitution and laws of the State of Illinois, including Section 15 of the Local Government Debt Reform Act (Section 350/15 of Chapter 30 of the Illinois Compiled Statutes, in connection with “**alternate bonds**”, as supplemented and amended), the Registered Bond Act, the Illinois Bond Replacement Act and the Bond Authorization Act. The Bonds are issued to current refund all or a portion of the City’s outstanding IEPA Water Treatment Refunding Loan and pay costs of issuance of the Bonds.

This Bond is transferable only upon the registration books therefor by the Registered Owner hereof in person, or by such Registered Owners attorney duly authorized in writing, upon surrender hereof at the designated corporate trust office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Registered Owner or by such Registered Owner’s duly authorized attorney, and thereupon a new registered Bond or Bonds, in the denominations of \$5,000 or any authorized integral multiple thereof and of the same aggregate principal amount as this Bond shall be issued to the transferee in exchange therefor. In like manner, this Bond may be exchanged for an equal aggregate principal amount of Bonds of any authorized denomination.

The Bond Registrar shall not be required to exchange or transfer any Bond during the period from the fifteenth (15th) day of the month next preceding any interest payment date and ending on such interest payment date or during a period of fifteen (15) days next preceding the mailing of a notice of redemption which could designate all or a part of such Bond for redemption, nor to transfer or exchange any Bond after notice calling such Bond for redemption has been mailed, nor during a period of fifteen (15) days next preceding mailing of a notice of redemption of any Bonds. The City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange of this Bond. No other charge shall be made for the privilege of making such transfer or exchange. The City, the Paying Agent and the Bond Registrar may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal, premium, if any, and interest due hereon and for all other purposes whatsoever, and all such payments so made to such Registered Owner or upon such Registered Owner’s order shall be valid and effectual to satisfy and discharge the liability upon this Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent or the Bond Registrar shall be affected by any notice to the contrary.

No recourse shall be had for the payment of any Bonds against the Mayor or any member of the City Council or any other officer or employee of the City (past, present or future) who executes any Bonds, or on any other basis. The City may remove the Bond Registrar or Paying Agent at any time and for any reason and appoint a successor.

This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by the Bond Registrar.

The City has designated the Bonds of this series as “qualified tax-exempt obligations” under Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of this Bond in order to make it a legal, valid and binding general obligation of the City have been done, exist and have been performed in regular and due time, form and manner as required by law, and that the series of Bonds of which this Bond is one, together with all other indebtedness of the City is within every debt or other limit prescribed by law.

IN WITNESS WHEREOF, the City of Wilmington, Will County, Illinois, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signature of its Mayor, and its corporate seal, or a facsimile thereof, to be hereunto affixed or otherwise reproduced hereon and attested by the manual or facsimile signature of its City Clerk, all as of the Dated Date set forth above.

(SEAL)

CITY OF WILMINGTON,
Will County, Illinois

Attest:

SPECIMEN

SPECIMEN

City Clerk

Mayor

CERTIFICATE OF AUTHENTICATION

Dated: _____, 2020

This is one of the General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020, described in the within mentioned Bond Ordinance.

_____, _____, Illinois, as Bond Registrar

By: _____
Authorized Signer

Bond Registrar and _____, _____, Illinois
Paying Agent:

ASSIGNMENT

For value received the undersigned sells, assigns and transfers unto

[Name, Address and Tax Identification Number of Assignee]
the within Bond and hereby irrevocably constitutes and appoints _____
attorney to transfer the within Bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated

Signature Guarantee By:

Signature

(Name of Eligible Guarantor Institution as defined by
SEC Rule 17 Ad-15 (17 CFR 240.1 Ad-15))

NOTICE: The signature on this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Section 10. Alternate Bonds; General Obligations; Tax Levy. The Bonds are and constitute Alternate Bonds under the Debt Reform Act, anticipated to be payable from Pledged Revenues. Under and pursuant to Section 15 of the Debt Reform Act, the full faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of, premium, if any, and interest on the Bonds; the Bonds shall be direct and general obligations of the City; and the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City's corporate limits, for the payment of the Bonds and the interest thereon, without limitation as to rate or amount (such ad valorem taxes being the "**Pledged Taxes**").

Pledged Revenues are hereby determined by the Corporate Authorities to be sufficient to provide for or pay in each year to final maturity of the Bonds all of the following: (1) costs of operation and maintenance of the Sewerage System, but not including depreciation, (2) the debt service on all Outstanding revenue bonds payable from the Pledged Revenues, (3) all amounts required to meet any fund or account requirements with respect to such Outstanding revenue bonds, (4) other contractual or tort liability obligations, if any, payable from such Pledged Revenues, and (5) in each year, an amount not less than 1.25 times debt service of all (i) Alternate Bonds payable from such Pledged Revenues previously issued and outstanding, and (ii) Alternate Bonds payable from such Pledged Revenues proposed to be issued, including the Bonds.

The Pledged Revenues shall be and are hereby determined by the Corporate Authorities to provide in each year an amount not less than 1.25 times debt service (as defined in Section 3 of the Debt Reform Act) of Alternate Bonds payable from such revenue sources previously issued and outstanding, and Alternate Bonds proposed to be issued. Such conditions enumerated need not be met for that amount of debt service (as defined in Section 3 of the Debt Reform Act)

provided for by the setting aside of proceeds derived from the sale of the Bonds (the “**Proceeds**”) or other moneys at the time of the delivery of such bonds. The Pledged Revenues are hereby determined by the Corporate Authorities to provide in each year all amounts required to meet any fund or account requirements with respect to this Ordinance, contractual or tort liability obligations, if any, payable from Pledged Revenues, and an amount not less than 1.25 times debt service (as defined in Section 3 of the Debt Reform Act) of all of the Outstanding Bonds, payable from such Pledged Revenues. The determination of the sufficiency of the Pledged Revenues is expected to be supported by reference to the most recent audit of the City, which audit is for a Fiscal Year ending not earlier than 18 months previous to the time of issuance of the Bonds, and if such audit is unavailable, a “**report**” under Section 15 of the Debt Reform Act shall be prepared.

For the purpose of providing the money required to pay the interest on the Bonds when and as the same falls due and to pay and discharge the principal thereof as the same shall mature, there shall be levied upon all the taxable property within the City’s corporate limits in each year while any of the Bonds shall be Outstanding, and there is hereby levied, in addition to all other taxes levied by the City, the Pledged Taxes in the amounts for each year not to exceed \$880,000, commencing for each levy year, commencing not before 2020 (collectible in 2021) and ending not later than 2027 (collectible in 2028), as shall be specified in an applicable Bond Order.

The Pledged Revenues and other moneys on deposit in the Alternate Bond and Interest Account and Bond Fund, as applicable, shall be applied to pay principal of and interest on the Bonds.

Interest or principal coming due at any time when there are insufficient funds on hand from the Pledged Revenues to pay the same shall be paid promptly when due from current funds on hand in advance of the collection of the Pledged Revenues or Pledged Taxes herein levied; and when the Pledged Revenues shall have been collected, reimbursement shall be made to said funds in the amount so advanced.

Pursuant to Section 13 of the Debt Reform Act, the moneys deposited or to be deposited into the Bond Fund (as herein defined), including any tax receipts derived from the taxes levied pursuant to the Ordinance, are pledged as security for the payment of the Bonds. While any Bonds remain outstanding and unpaid, the tax levies to be made as provided by the Ordinance shall be for the sole benefit of the owners of the outstanding Bonds and such owners shall have and are granted a security interest in, and a lien upon, all rights, claims and interests of the City arising pursuant to those levies and all present and future proceeds of such levies. The security interest in and lien upon those rights, claims and interests are immediately valid and binding from the time the Bonds are issued, and shall immediately attach to (a) the tax receipts wherever held, (b) amounts held in the Bond Fund and other funds pledged for the benefit of holders of the Bonds, and (c) those rights, claims and interests pledged hereby, without any physical delivery or further act and the lien of such pledge shall be immediately valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City or against the funds, rights, claims or interests pledged hereby irrespective of whether such parties have notice thereof.

The pledge is an agreement between the City and the Bondholders to provide security for the Bonds in addition to any statutory lien.

Section 11. Filing of Ordinance. Forthwith upon the passage of this ordinance, the City Clerk of the Corporate Authorities is hereby directed to file a certified copy of this ordinance with the County Clerk, and it shall be the duty of the County Clerk to annually in and for each of the years 2020 to 2027, inclusive, ascertain the rate necessary to produce the tax herein levied, and extend the same for collection on the tax books against all of the taxable property within the City in connection with other taxes levied in each of said years for city purposes, in order to raise the respective amounts aforesaid and in each of said years such annual tax shall be computed, extended and collected in the same manner as now or hereafter provided by law for the computation, extension and collection of taxes for general city purposes of the City, and when collected, the taxes hereby levied shall be placed to the credit of a special fund to be designated “Bond and Interest Fund of 2020” (the “**Bond Fund**”), which taxes are hereby irrevocably pledged to and shall be used only for the purpose of paying the principal of and interest on the Bonds; and a certified copy of this ordinance shall also be filed with the Treasurer.

Section 12. Abatement of Pledged Taxes. Whenever the Pledged Revenues or other lawfully available funds are available to pay any principal of or interest on the Bonds when due, so as to enable the abatement of Pledged Taxes levied for the same, the City will direct the deposit of such Pledged Revenues and such funds into the Bond Fund created solely for such purpose. The City will direct the abatement of the Pledged Taxes by the amount of such deposit, and proper notification of such abatement will be filed with the County Clerk in a timely manner. The City pledges to abate the levy for the Bonds only upon full funding of the Bond Fund in the appropriate levy amount.

If for any reason there is a failure to pay debt service after such abatement, the additional amount, together with additional interest accruing, shall be added to the tax levy in the year of, or the next year following, such failure.

Section 13. Sewer Fund. Upon the issuance of any of the Bonds, the Sewerage System shall continue to be operated on a Fiscal Year basis. All of the Sewer Revenues shall be set aside as collected and be deposited into a separate fund and in an account in a bank designated by the Corporate Authorities, which fund has heretofore been created or continued and designated as the “**Sewer Fund**” of the City and is expressly continued hereunder, which fund shall constitute a trust fund for the purpose of carrying out the covenants, terms, and conditions of this ordinance or other ordinances of the City and shall be used only in paying Operation and Maintenance Costs, providing an adequate depreciation fund, paying the principal of and interest on all Outstanding revenue bonds of the City which by their terms are payable from the Sewer Revenues and providing for the establishment of and expenditure from the account as provided in this ordinance or other ordinances of the City.

For the purpose of meeting the requirements of this Section 15, the City, at its discretion, may utilize its current Sewer Fund and account structure to pay principal of and interest on the Bonds.

Section 14. Flow of Funds. There is hereby created or continued in the Sewer Fund each of the “Operation and Maintenance Account,” the “Alternate Bond and Interest Account,” and the “General Account,” to which there shall be credited on a given day, as selected by the Corporate Authorities, without any further official action or direction, in the order in which said

accounts are hereinafter mentioned, all moneys held in the Sewer Fund, in accordance with the following provisions.

(a) *Operation and Maintenance Account.* There shall be credited to the Operation and Maintenance Account within the Sewer Fund an amount not less than that amount which shall be sufficient, when added to the amount then on deposit to the credit of said Account, to establish an account balance in an amount not less than the amount necessary to pay Operation and Maintenance Costs for the Sewerage System. Amounts in said account shall be used to pay Operation and Maintenance Costs of the System.

(b) *Alternate Bond and Interest Account.* There shall next be paid into the Alternate Bond and Interest Account, a fractional amount of the amount of the interest becoming due on the next succeeding interest payment date of the Bonds then Outstanding and a fractional amount of the amount of the principal becoming due on the next succeeding principal payment date on the Bonds then Outstanding until there shall have been accumulated in the Alternate Bond and Interest Account an amount sufficient to pay such principal or interest, or both, of the Bonds, in such amounts from the Fund to be determined by the City in accordance with this ordinance. In computing the fractional amount to be set aside, the fraction shall be so computed that sufficient funds will be set aside in said account and will be available for the prompt payment of such principal of and interest on all such Bonds as the same will become due. Credits to the Alternate Bond and Interest Account may be suspended at such time as there shall be a sufficient sum, held in cash and investments, in said account to meet principal and interest requirements in said account to and including the next principal payment date, but such credits shall be resumed thereafter and, further, at any time said sum is insufficient for such purpose. All moneys in said account shall be used for the purpose of paying interest on and principal of the Bonds then Outstanding and such Additional Bonds as may be payable from such account in the future (as hereinafter provided).

(c) *General Account.* All moneys remaining in the Sewer Fund after crediting the required amounts to the respective accounts as set forth in the foregoing text of paragraphs (A) and (B), and after crediting funds to any accounts as may be provided in this ordinance or other ordinances of the City, shall be credited each month to the General Accounts for the Fund. Funds in the General Accounts shall be used, first, to make up any deficiencies in any of the accounts having a prior lien on Sewer Revenues; and then, at the discretion of the Corporate Authorities, for any lawful Sewerage System or City purpose.

Moneys to the credit of the Sewer Fund may be invested pursuant to any authorization granted to municipal corporations by Illinois statute or court decision, subject to provisions which may be set forth in this ordinance.

For the purpose of meeting the requirements of this Section, the City, at its discretion, may utilize its current Sewer Fund and account structure to pay principal of and interest on the Bonds.

Section 15. Additional Bonds. (i) The City reserves the right to issue (a) parity bonds without limit provided that Pledged Revenues as applicable to a particular series of Bonds shall be sufficient to provide for or pay all of the following: (i) debt service on all Outstanding bonds payable from such Pledged Revenues computed immediately after the issuance of any proposed parity bonds, (ii) all amounts required to meet any fund or account requirements with respect to

such outstanding bonds, (iii) other contractual or tort liability obligations then due and payable, if any, and (iv) an additional amount not less than 0.25 times debt service (as provided in Section 15 of the Debt Reform Act) on such of the Alternate Bonds as shall remain outstanding bonds after the issuance of the proposed parity bonds. Such sufficiency shall be calculated for each year to the final maturity of such Alternate Bonds which shall remain outstanding after the issuance of the proposed parity bonds. The determination of the sufficiency of the applicable Pledged Revenues shall be supported by reference to the most recent audit of the City, which audit shall be for a Fiscal Year ending not earlier than eighteen (18) months previous to the time of issuance of the proposed parity bonds.

(ii) If such audit shows the applicable Pledged Revenues to be insufficient, then the determination of sufficiency may be made the following way (and otherwise in compliance with applicable law): (1) the determination of sufficiency of the Pledged Revenues may be supported by the report of an independent accountant or feasibility analyst, the latter having a national reputation for expertise in such matters, and with no other involvement in an applicable Prior Projects, demonstrating the sufficiency of the Pledged Revenues and explaining by what means they will be greater than as shown in the audit; or (2) the reference to and acceptance of an audit, an adjusted statement of the Pledged Revenues, or a report, as the case may be, and the determination of the City of the sufficiency of the Pledged Revenues shall be conclusive evidence that the conditions of this Ordinance have been met and that the parity bonds are properly issued hereunder; and no right to challenge such determination is granted to the registered owners of the Bonds.

Section 16. Investments. Money to the credit of the Bond Fund may be invested pursuant to any authorization granted to municipal corporations by State law or court decision.

Moneys to the credit of the Bond Fund (and any subaccounts created therein) may be invested from time to time by the Treasurer in (i) interest bearing bonds, notes, or other direct full faith and credit obligations of the United States of America, (ii) obligations unconditionally guaranteed as to both principal and interest by the United States of America, or (iii) certificates of deposit or time deposits of any bank, as defined by the Illinois Banking Act, provided such bank is insured by the Federal Deposit Insurance Corporation or a successor corporation to the Federal Deposit Insurance Corporation, and provided further that the principal of such deposits in excess of the insured amount is secured by a pledge of obligations as described in clauses (i)(i) and (i)(ii) above in the full principal amount of such excess. Such investments may be sold from time to time by the Treasurer as funds may be needed for the purpose for which said respective accounts have been created. To the extent moneys in said Bond Fund as described in this paragraph are held uninvested and on deposit in demand accounts, such amounts shall be added to the amount invested pursuant to clause (iii) above and the sum so derived subject to the limitations as set forth therein.

Investments in the Accounts shall mature or be subject to redemption at the option of the holder thereof prior to the time when needed, and, in any event, within one (1) year.

All interest on any funds so invested shall be credited to the Bond Fund and is deemed and allocated as expended with the next expenditure(s) of money from the Bond Fund.

Moneys in any of said accounts shall be invested by the Treasurer, if necessary, in investments restricted as to yield, which investments may be in United States Treasury Obligations – State and Local Government Series, if available, and to such end the Treasurer shall refer to any investment restrictions covenanted by the City or any officer thereof as part of the transcript of proceedings for the issuance of the Bonds, and to appropriate opinions of counsel.

Section 17. Bond Proceeds Account. Except for accrued interest received on the sale of the Bonds (and an amount of applicable Bond proceeds or other available funds to pay interest to and including the first or second interest payment date as specified in a Bond Order), which shall be deposited upon issuance of any Bonds into the applicable Bond Fund, all remaining proceeds derived from the sale of each series of the Bonds, net of issuance costs directly paid by the Underwriter, which is hereby authorized, and for which the Underwriter shall receive a purchase price credit, shall be deposited in a “**Bond Proceeds Account**” identified to the Bonds (as “**Series 2020**”), within each of which there further shall be, as applicable, a “**Proceeds Subaccount**” (which may be held by a Refunding Agent) with respect to applicable refunding and issuance costs, which are hereby established as special accounts and subaccounts of the City. Moneys in the applicable subaccount or subaccounts of the Bond Proceeds Account shall be used for the purposes specified in Section 3 of this ordinance (that is, the costs of the refunding with respect to which that series of Bonds was issued) and for the payment of costs of issuance of the Bonds, but may hereafter be reallocated and used for other lawful purposes in accordance with applicable law. Before any such reallocation shall be made, there shall be filed with the City Clerk of the City an opinion of Ice Miller LLP or other nationally recognized Bond Counsel (“**Bond Counsel**”) to the effect that such reallocation is authorized and will not adversely affect the tax-exempt status of any Bonds under Section 103 of the Internal Revenue Code of 1986, as amended (the “**Code**”). Moneys in each subaccount of the Bond Proceeds Account may be withdrawn from time to time as needed for the payment of costs and expenses incurred by the City in connection with, as applicable, the refunding of the Loan, and for paying the fees and expenses incidental thereto. Moneys shall be withdrawn from the depository in connection with such funds from time to time by the Treasurer or other appropriate financial officer of the City only upon submission to such officer of the following (provided that funds to refund the Loan shall be directly applied without this process):

A duplicate copy of the order signed by the Mayor or City Clerk, or such other officer as may from time to time be by law authorized to sign and countersign orders of the City, the Bond Proceeds Account and the purpose for which the order is issued and indicating that the payment for which the order is issued has been approved by the Corporate Authorities.

Within sixty (60) days after completion of the Refunding, the Mayor or City Clerk shall certify to the Corporate Authorities the fact that the refunding cost or issuance cost payment has been completed, and after all costs have been paid, the Mayor or City Clerk shall execute a completion certificate and file it with the Treasurer and in the records of the City certifying that the refunding and/or work or issuance cost payments have been completed and that all related costs have been paid; and, if at that time any funds remain in the Bond Proceeds Account, the same shall be applied for other authorized improvements or work or such officer shall credit such funds to the Bond Fund to the Bonds, as the Corporate Authorities direct.

Section 18. Costs of Issuance. Costs of issuance of the Bonds not otherwise paid shall be paid from the remaining proceeds by the City. When all the costs of issuance of the Bonds have been paid, the City shall then transfer any amount then remaining from the proceeds of the Bonds to the Bond Fund as herein provided.

Section 19. Treatment of Bonds as Debt. The Bonds shall be payable from the Pledged Revenues and shall not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation, unless the Pledged Taxes have been extended pursuant to the general obligation, full faith and credit promise supporting the Bonds, in which case the amount of the outstanding Bonds will be included in the computation of indebtedness of the City for purposes of all statutory provisions or limitations until an audit of the City shows that the Bonds been paid from the Pledged Revenues for a complete fiscal year, in accordance with the Act.

Section 20. Related Agreements. The Purchase Agreement and the Undertaking, in substantially the forms thereof, shall be and are hereby approved and authorized to be executed, delivered and performed.

The Official Statement in connection with the Bonds, as presented before the Corporate Authorities in preliminary form, shall be and is hereby approved, deemed final under Rule 15c2-12 and is authorized to be used by the Underwriter in the offering and sale of the Bonds. The Preliminary Official Statement is hereby authorized to be completed to constitute a final Official Statement under such Rule 15c2-12. The City is authorized to cooperate with the Underwriter in connection with compliance by the Underwriter with Rule 15c2-12 and applicable rules of the Municipal Securities Rulemaking Board related to the Bonds.

All things done with respect to the Purchase Agreement, the Undertaking and the Official Statement by the Mayor, City Clerk or Treasurer in connection with the issuance and sale of the Bonds, shall be and are hereby in all respects ratified, confirmed and approved. The Mayor, City Clerk, Treasurer and other officials of the City are hereby authorized and directed to do and perform, or cause to be done or performed for or on behalf of the City, each and everything necessary for the issuance of the Bonds, including the proper execution, delivery and performance by the City of the Official Statement, the Undertaking, the Purchase Agreement and related instruments and certificates, such documents to be in substantially the form presented at the meeting of the Corporate Authorities which the ordinance is adopted, with such changes therein as the officers executing them shall approve, and the purchase by and delivery of the Bonds to or at the direction of the Underwriter.

No elected or appointed officer of the City is in any manner interested, directly or indirectly, in his or her own name or in the name of any other person, association, trust or corporation in the Purchase Agreement.

Section 21. Arbitrage Rebate. The City shall comply with the provisions of Section 148(f) of the Code relating to the rebate of certain investment earnings at periodic intervals to the United States of America to the extent that such compliance is necessary to preserve the exclusion from gross income for federal income tax purposes of interest on the Bonds under Section 103 of the Code. There is hereby authorized to be created a separate and special accounts identified to each issue of the Bonds, each to be known as the “**Rebate Account**”, and further identified

“**Series 2020**”, to the Bonds or into which there shall be deposited as necessary investment earnings to the extent required so as to maintain the tax-exempt status of the interest on the Bonds under Section 148(f) of the Code. All rebates, Yield Reduction Payments, special impositions or taxes for such purpose payable to the United States of America (Internal Revenue Service) shall be payable from applicable excess earnings or other sources which are to be deposited into the appropriate Rebate Account. An arbitrage regulation agreement with respect to this Section 14 is authorized, and shall also apply to Yield Reduction Payments.

Section 22. Investment Regulations. All investments shall be in Qualified Investments, unless otherwise expressly herein provided. No investment shall be made of any moneys in the Bond Fund related to the Bonds or the Bond Proceeds Account related to the Bonds, except in accordance with the tax covenants and other covenants set forth in Section 16 of this ordinance. All income derived from such investments in respect of moneys or securities in any fund or account shall be credited in each case to the fund or account in which such moneys or securities are held.

Any moneys in any fund or account that are subject to investment yield restrictions may be invested in United States Treasury Securities, State and Local Government Series, pursuant to the regulations of the United States Treasury Department, Bureau of Public Debt. The Treasurer or other appropriate financial officer of the City and agents designated by such officer are hereby authorized to submit on behalf of the City subscriptions for such United States Treasury Securities and to request redemption of such United States Treasury Securities.

Section 23. Non-Arbitrage and Tax-Exemption. One purpose of this Section is to set forth various facts regarding the Bonds and to establish the expectations of the Corporate Authorities and the City as to future events regarding the Bonds and the use of Bond proceeds. The certifications and representations made herein and at the time of the issuance of the Bonds are intended, and may be relied upon, as certifications and expectations described in Section 1.148-0 *et seq.* of the Income Tax Regulations dealing with arbitrage and rebate (the “**Regulations**”). The covenants and agreements contained herein and at the time of the issuance of the Bonds are made for the benefit of the registered owners from time to time of the Bonds. The Corporate Authorities and the City agree, certify, covenant and represent as follows:

(a) All of the Proceeds are needed for the purposes for which the bonds are being issued. The Loan is to be immediately paid off.

(b) The proceeds of the Loan were timely spent for the Prior Project. There are no unspent Loan proceeds.

(c) The City has on hand no funds which could legally and practically be used for the Refunding which are not pledged, budgeted, earmarked or otherwise necessary to be used for other purposes. Accordingly, no portion of any Proceeds will be used (i) directly or indirectly to replace funds of the City or any agency, department or division thereof that could be used for the Refunding, or (ii) to replace any proceeds of the applicable Bonds or any prior issuance of obligations by the City. No portion of any issue of the Bonds is being issued solely for the purpose of investing Proceeds at a Yield higher than the Yield on the applicable Bonds. For purposes of this Section, “**Yield**” means that yield (that is, the discount rate) which when used in computing

the present worth of all payments of principal and interest to be paid on an obligation (using semi-annual compounding on the basis of a 360-day year) produces an amount equal to the purchase price of the Bonds, including accrued interest, and the purchase price of the Bonds is equal to the first offering price at which more than 10% of the principal amount of each maturity of the Bonds is sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers).

(d) All principal proceeds of the Bonds, net of accrued interest and issuance costs directly paid by the Underwriter, will be deposited in the applicable Bond Proceeds Account or otherwise applied to the Refunding and used to pay costs of the Refunding and costs of issuance of the Bonds, and any accrued interest and premium received on the delivery of the Bonds will be deposited in the applicable Bond Fund and used to pay the first interest due on the Bonds. Earnings on the investment of moneys in any fund or account or subaccount will be credited to that fund or account or subaccount. Other refunding costs, including issuance costs of the Bonds, will be paid directly from other proceeds or from the applicable Bond Proceeds Account, and no other moneys are expected to be deposited therein. Interest on and principal of the Bonds will be paid from the applicable Bond Fund. No Proceeds will be used more than ninety (90) days after the date of issue of the Bonds for the purpose of paying any principal or interest on any other issue of bonds, notes, certificates or warrants or on any installment contract or other obligation of the City or for the purpose of replacing any funds of the City used for such purpose.

(e) The Bond Fund is established to achieve a proper matching of revenues and earnings with debt service in each year for the Bonds. Other than any amounts held to pay principal of matured Bonds that have not been presented for payment, it is expected that any moneys deposited in the Bond Fund will be spent within the 12-month period beginning on the date of deposit therein. Any earnings from the investment of amounts in the Bond Fund will be spent within a one-year period beginning on the date of receipt of such investment earnings. Other than any amounts held to pay principal of matured Bonds that have not been presented for payment, it is expected that the Bond Fund will be depleted at least once a year, except for a reasonable carryover amount not to exceed the greater of (i) one-year's earnings on the investment of moneys in each applicable Bond Fund, or (ii) in the aggregate one-twelfth (1/12th) of the annual debt service on the Bonds.

(f) Other than the Bond Fund, no funds or accounts, including any Depreciation Account, have been or are expected to be established, and no moneys or property have been or are expected to be pledged (no matter where held or the source thereof) which will be available to pay, directly or indirectly, the Bonds or restricted so as to give reasonable assurance of their availability for such purposes. No property of any kind is pledged to secure, or is available to pay, obligations of the City to any credit enhancer or liquidity provider.

(g) (i) All amounts on deposit in each applicable Bond Proceeds Account or in the Bond Fund and all Proceeds, no matter in what funds or accounts deposited ("**Gross Proceeds**"), to the extent not exempted in (ii) below, and all amounts in any fund or account or subaccount pledged directly or indirectly to the payment of the Bonds which will be available to pay, directly or indirectly, the Bonds or restricted so as to give reasonable assurance of their availability for such purpose contrary to the expectations set forth in (f) above, shall be invested at market prices and at a Yield not in excess of the Yield on such Bonds plus, for amounts in the applicable Bond

Proceeds Account to be applied to finance project facilities, if any, after 3 years of issuance 1/8 of 1%.

(ii) The following may be invested without Yield restriction:

(A) amounts invested in obligations described in Section 103(a) of the Code (but not specified private activity bonds as defined in Section 57(a)(5)(C) of the Code), the interest on which is not includable in the gross income of any registered owner thereof for federal income tax purposes (“**Tax-Exempt Obligations**”);

(B) amounts deposited in the Bond Fund that are reasonably expected to be expended within thirteen (13) months from the deposit date and have not been on deposit therein for more than thirteen (13) months;

(C) amounts, if any, in the applicable Bond Proceeds Account to be applied to a project to the earlier of completion (or abandonment) of such improvements or three (3) years from the date of issue of the Bonds for each such project;

(D) an amount not to exceed the lesser of \$100,000 or 5% of the Bond proceeds;

(E) all amounts for the first thirty (30) days after they become Gross Proceeds (e.g., date of deposit in any fund or account securing the Bonds); and

(F) all amounts (other than with respect to refunding) derived from the investment of the Proceeds for a period of one (1) year from the date received.

(h) Subject to (q) below, once moneys are subject to the Yield limits of (g)(i) above, such moneys remain Yield restricted until they cease to be Gross Proceeds.

(i) Pursuant to Section 148(f)(4)(D) of the Code, the City may not be excepted from the required rebate of arbitrage profits on the Bonds. The City is a governmental unit with general taxing powers, none of the Bonds is a “**private activity bond**” as defined in Section 141(a) of the Code, and all the net proceeds of the applicable Bonds are to be used for the local government activities of the City, the aggregate face amount of all tax-exempt obligations (and excluding “**private activity bonds**” as defined in Code) to be issued by the City and all subordinate entities thereof (of which there are none) during the calendar year of issuance of the Bonds, including the Bonds, is not reasonably expected to exceed \$5,000,000 to be taken into account under such Section 148(f)(4)(D). In any event, the City reserves the right to use any applicable exception from such arbitrage rebate, including the 6-month expenditure and two-year construction spend down exception under Section 148(f)(4)(C) of the Code, or the 18-month expenditure exception under Section 1.148-7(d) of the Regulations, and the Mayor is authorized to select and document any such exception. The City is authorized to execute, deliver and perform an arbitrage regulation agreement related to the Bonds, arbitrage rebate and Yield Reduction Payments.

(j) None of the Proceeds will be used, directly or indirectly, to replace funds which were used in any business carried on by any person other than a state or local governmental unit.

(k) The payment of the principal of or the interest on the Bonds will not be, directly or indirectly: **(A)** secured by any interest in **(i)** property used or to be used for a private business use by any person other than a state or local governmental unit, or **(ii)** payments in respect of such property, or **(B)** derived from payments (whether or not by or to the City), in respect of property, or borrowed money, used or to be used for a private business use by any person other than a state or local governmental unit.

(l) None of the Proceeds will be used, directly or indirectly, to make or finance loans to persons other than a state or local governmental unit.

(m) No user of the Prior Project, other than a state or local government unit, will use the Prior Project on any basis other than the same basis as the general public, and no person other than a state or local governmental unit will be a user of such Prior Project as a result of **(i)** ownership, or **(ii)** actual or beneficial use pursuant to a lease or a management or incentive payment contract, or **(iii)** any other similar arrangement.

(n) Beginning on the 15th day prior to the sale date of the Bonds, the City has not sold or delivered, and will not sell or deliver, (nor will it deliver within 15 days after the date of issuance of such Bonds) any other obligations pursuant to a common plan of financing, which will be paid out of substantially the same source of funds (or which will have substantially the same claim to be paid out of substantially the same source of funds) as the Bonds or will be paid directly or indirectly from Proceeds.

(o) No portion of the Prior Project is expected to be sold or otherwise disposed of prior to the last maturity of the particular Bonds to which they relate.

(p) The City has not been notified of any disqualification or proposed disqualification of it by the Internal Revenue Service as a bond issuer which may certify bond issues under Section 1.148-0 *et seq.* of the Regulations.

(q) The Yield restrictions contained in (g) above or any other restriction or covenant contained herein need not be observed and may be changed if the City receives an opinion of Bond Counsel to the effect that such non-observance or change will not adversely affect the tax-exempt status of interest on any of the Bonds to which such Bonds otherwise are entitled.

(r) The City acknowledges that any changes in facts or expectations from those set forth herein may result in different Yield restrictions or rebate requirements from those set forth herein and that Bond Counsel should be contacted if such changes do occur.

(s) The Corporate Authorities have no reason to believe the facts, estimates, circumstances and expectations set forth herein are untrue or incomplete in any material respect. On the basis of such facts, estimates, circumstances and expectations, it is not expected that the Proceeds or any other moneys or property will be used in a manner that will cause the Bonds to be private activity bonds, arbitrage bonds or hedge bonds within the meaning of Sections 141, 148 or 149(g) of the Code, and of applicable regulations. To the best of the knowledge and belief of the Corporate Authorities, such expectations are reasonable, and there are no other facts, estimates and circumstances that would materially change such expectations.

The City also agrees and covenants with the registered owners of the Bonds from time to time outstanding that, to the extent possible under Illinois law, it will comply with all present federal tax law and related regulations and with whatever federal tax law is adopted and regulations promulgated in the future which apply to such Bonds and affect the tax-exempt status of such Bonds.

Section 24. Further Assurances and Actions. The Corporate Authorities hereby authorize the officials of the City responsible for issuing the Bonds, the same being the Mayor, City Clerk, and Treasurer, to make such further filings, covenants, certifications and supplemental agreements (including but not limited to Purchase Agreements, Undertakings and an arbitrage regulation agreement) as may be necessary to assure that the Bonds, and related proceeds, will not cause any of the Bonds to be private activity bonds, arbitrage bonds or hedge bonds and to assure that the interest on the Bonds will be excluded from gross income for federal income tax purposes and that there will be compliance by the Underwriter with Rule 15c2-12. In connection therewith, the City and the Corporate Authorities further agree: (a) through the officers of the City, to make such further specific covenants, representations as shall be true, correct and complete, and assurances as may be necessary or advisable; (b) to consult with Bond Counsel approving the Bonds and to comply with such advice as may be given; (c) to pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Bonds; (d) to file such forms, statements, and supporting documents as may be required and in a timely manner; and (e) if deemed necessary or advisable, to employ and pay fiscal agents, financial advisors, attorneys, and other persons to assist the City in such compliance. The call to redeem the Loan is hereby authorized and approved or ratified if already given. The abatement of Pledged Taxes levied to pay for the Bonds is authorized upon compliance with this ordinance.

Section 25. General Covenants. The City covenants and agrees with the registered owners of the Bonds, so long as there are any Outstanding Bonds (as defined herein), as follows:

(a) The City will take all action necessary to impose, levy, collect and apply applicable Pledged Revenues and Pledged Taxes in the manner contemplated by this ordinance and such Pledged Revenues shall not be less than as shall be required under Section 15 of the Debt Reform Act to maintain the Bonds as Alternate Bonds according to their respective terms.

(b) The Pledged Revenues are hereby pledged to the payment of the Bonds; and the Corporate Authorities covenant and agree to prove for, collect and apply the Pledged Revenues to the payment of all of such bonds as are from time to time Outstanding Bonds and the provision of not less than an additional 0.25 times debt service thereon, all in accordance with Section 15 of the Debt Reform Act.

(c) The City will make and keep proper books and accounts (separate and apart from all other records and accounts of the City), in which complete entries shall be made of all transactions relating to Pledged Taxes and Pledged Revenues, and hereby covenants that within 210 days following the close of each Fiscal Year, it will cause the books and accounts related to the Pledged Revenues and the Pledged Taxes, to be audited by independent certified public accountants. Such audit will be available for inspection by the owners of any of the Bonds. Supplemental to the Undertaking, upon request, the City will send to the Underwriter a copy of such audit and of its general audit in each year. Each such audit, in addition to whatever matters

may be thought proper by the accountants to be included therein, shall, without limiting the generality of the foregoing, include the following:

- (i) A balance sheet as of the end of such Fiscal Year, including a statement of the amount held in each of the funds and accounts under this ordinance.
- (ii) A list of all insurance policies in force at the end of the Fiscal Year, setting out as to each policy the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy.
- (iii) The amount and details of all Outstanding bonds.
- (iv) The accountants comments regarding the manner in which the City has carried out the accounting requirements of this ordinance (including as to the Alternate Bond status of the Bonds) and has complied with Section 15 of the Debt Reform Act, and the accountants recommendations for any changes.

It is further covenanted and agreed that a copy of each such audit upon request shall be furnished upon completion to the Underwriter.

(d) The City will keep its books and accounts in accordance with generally accepted fund reporting practices for local government entities and enterprise funds; provided, however, that the monthly credits to the Bond Fund shall be in cash, and such funds shall be held separate and apart in cash and investments. For the purpose of determining whether sufficient cash and investments are on deposit in the accounts and subaccounts under the terms and requirements of this ordinance, investments shall be valued at the lower of the cost or market price on the valuation date thereof, which valuation date shall be not less frequently than annually.

(e) The City will take no action in relation to the applicable Pledged Revenues or the applicable Pledged Taxes which would unfavorably affect the security of any of the Outstanding Bonds or the prompt payment of the principal and interest thereon or qualification of any Bonds as Alternate Bonds.

(f) The owner of any Bond may proceed by civil action to compel performance of all duties required by law and this ordinance.

(g) The City will adopt a budget and/or approve appropriations prior to the beginning of each Fiscal Year (or in the next quarter if applicable law permits), subject to all applicable state laws, providing for payment of all sums to be due in the Fiscal Year or Bond Year so as to comply with the terms of this ordinance. The budget may include in its estimate of income the use of available surplus moneys or other funds of the City appropriated for such purposes. If during the Fiscal Year there are extraordinary receipts or payments of unusual cost, the City will adopt an amended budget for the remainder of the Fiscal Year, providing for receipts or payments pursuant to this ordinance.

(h) The City will comply with the special covenants concerning Alternate Bonds as required by Section 15 of the Debt Reform Act and this ordinance.

(i) The City will take no action in relation to the Prior Project which would unfavorably affect the security of any of the applicable Outstanding Bonds or the prompt payment of the principal and interest thereon.

(j) The City will pay, or cause to be paid, as the same become due, all taxes and governmental charges of any kind whatsoever that may at any time be lawfully assessed, imposed or levied against the City.

(k) The City will carry insurance on the Prior Project of the kinds and in the amounts which are usually carried by private parties operating similar properties, covering such risks as shall be recommended by a competent consulting engineer or insurance consultant employed by the City for the purpose of making such recommendations. All moneys received for loss under such insurance policies shall be deposited in a segregated insurance account and used in making good the loss or damage in respect of which they were paid, either by repairing the property damaged or making replacement of the property destroyed, and provision for making good such loss or damage shall be made within ninety (90) days from the date of the loss. The proceeds derived from any and all policies for workers compensation or public liability shall be paid into a segregated account and used in paying the claims on account of which they were received.

(l) After their issuance, to the extent lawful each issue of the Bonds shall be incontestable by the City.

Section 26. Defeasance. Any Bond or Bonds which (a) are paid and canceled, (b) which have matured and for which sufficient sums have been deposited with the Paying Agent to pay all principal and interest due thereon, or (c) for which sufficient funds and Defeasance Obligations have been deposited with the Paying Agent or similar institution having trust powers to pay, taking into account investment earnings on such obligations, all principal of and interest on such Bond or Bonds when due at maturity or as called for redemption, pursuant to an irrevocable escrow or trust agreement, shall cease to have any lien on or right to receive or be paid from the Pledged Taxes under the Bond Ordinance and shall no longer have the benefits of any covenant for the registered owners of outstanding Bonds as set forth in the Bond Ordinance as such relates to lien and security of the outstanding Bonds. All covenants relative to the payment, registration, transfer, and exchange are expressly continued for all Bonds whether outstanding Bonds or not. “**Defeasance Obligations**” means (a) direct and general full faith and credit obligations of the United States Treasury (“**Directs**”), (b) certificates of participation or trust receipts in trusts comprised wholly of Directs, or (c) other obligations unconditionally guaranteed as to timely payment by the United States Treasury.

Section 27. Ordinance to Constitute a Contract. The provisions of this ordinance shall constitute a contract between the City and the owners of the Bonds. Any pledge made in this ordinance and the provisions, covenants and agreements herein set forth to be performed by or on behalf of the City shall be for the equal benefit, protection and security of the registered owners of any and all of the Bonds. All of the Alternate Bonds issued under this ordinance, regardless of the time or times of their issuance, shall be of equal rank in the related or shared Pledged Revenues without preference, priority or distinction of any of such Bonds over any other thereof (or of each series, as applicable), except as expressly provided in or pursuant to this ordinance. This ordinance, as supplemented and amended, shall constitute full authority for the issuance of Bonds,

and to the extent that the provisions thereof conflict with the provisions of any other ordinance or resolution of the City, the provisions of this ordinance shall control.

Section 28. Severability and No Contest. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance or any ordinance supplemental hereto. Upon the issuance of the Bonds, neither the Bonds nor this ordinance shall be subject to contest by or in respect of the City, to the extent lawful.

Section 29. Bank Qualified Bonds. Pursuant to Section 265(b)(3) of the Code, the City as applicable at the time of sale and delivery of Bonds shall designate such Bonds as “**qualified tax-exempt obligations**” as defined in Section 265(b)(3) of the Code. The City by any such designation represents that the reasonably anticipated amount of tax-exempt obligations that will be issued by the City and all subordinate entities (of which there are none) of the City during the calendar year in which the Bonds are issued will not exceed \$10,000,000 within the meaning of or to be taken into account under Section 265(b)(3) of the Code. The City by any such designation covenants that in that connection it will not so designate and issue more than \$10,000,000 aggregate principal amount of tax-exempt obligations in such calendar year. For purposes of this Section, the term “**tax-exempt obligations**” includes “**qualified 501(c)(3) Bonds**” (as defined in the Section 145 of the Code of 1986) but does not include other “**private activity bonds**” (as defined in Section 141 of the Code).

Section 30. Filing/Conflict. This ordinance has remained on file with the City Clerk for public inspection, in the form in which it is finally passed, for a period of time necessary to satisfy all requirements. All ordinances, resolutions or parts thereof in conflict herewith be and the same are hereby superseded to the extent of such conflict and this ordinance shall be in full force and effect forthwith upon its adoption.

Section 31. Effective Date. This ordinance shall become effective immediately upon its passage and approval in the manner provided by law, and upon its becoming effective and upon or prior to the issuance of the Bonds a certified copy of this ordinance shall be filed with the County Clerk.

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Adopted: April 21, 2020.

Mayor, City of Wilmington,
Will County, Illinois

City Clerk, City of Wilmington,
Will County, Illinois

(SEAL)

Alderman _____ moved and Alderman _____
seconded the motion that said Ordinance as presented by the City Clerk be adopted.

After a full discussion thereof, the Mayor directed that the roll be called for a vote upon
the motion to adopt said Ordinance.

Upon the roll being called, the following Aldermen voted

AYE: _____

NAY: _____

ABSENT: _____

Whereupon the Mayor declared the motion carried and said Ordinance adopted, approved
and signed the same in open meeting and directed the City Clerk to record the same in the records
of the Corporate Authorities of the City of Wilmington, Will County, Illinois, which was done.

Other business not pertinent to the adoption of said Ordinance was duly transacted at the
meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

City Clerk, City of Wilmington,
Will County, Illinois

STATE OF ILLINOIS)
) SS
COUNTY OF WILL)

CERTIFICATION OF MINUTES AND ORDINANCE

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the City of Wilmington, Will County, Illinois (the “City”), and as such official am the keeper of the official journal of proceedings, books, records, minutes and files of the City Council (the “Corporate Authorities”).

I further certify that the foregoing is a full, true and complete transcript of that portion of the minutes of the meeting of the Corporate Authorities held on the 21st day of April, 2020, insofar as the same relates to the adoption of Ordinance No. _____ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2020, OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,230,000 FOR THE PURPOSE OF REFUNDING THE CITY’S OUTSTANDING IEPA WATER TREATMENT REFUNDING LOAN AND PAYING FOR COSTS RELATED THERETO.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said regular public meeting.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and that the City has complied with all of the provisions of said Act and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I hereunto affix my official signature and seal of said City, this 21st day of April, 2020.

(SEAL)

City Clerk

STATE OF ILLINOIS)
)
COUNTY OF WILL) SS

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of Will County, Illinois, and as such official I do further certify that on the ____ day of ____, 2020, there was filed in my office a duly certified copy of Ordinance No. ____ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2020, OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,230,000 FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING IEPA WATER TREATMENT REFUNDING LOAN AND PAYING FOR COSTS RELATED THERETO.

duly adopted by the City Council of the City of Wilmington, Will County, Illinois, on the 21st day of April, 2020, and that the same has been deposited in the official files and records of my office.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said County, this ____ day of ____, 2020.

County Clerk of Will County, Illinois

(SEAL)

ORDINANCE NO. 20-04-21-05

**AN ORDINANCE OF THE CITY OF WILMINGTON
AMENDING CHAPTER 113 AMUSEMENTS TO CREATE
“ARTICLE 10 - VIDEO GAMING”
REGULATING VIDEO GAMING LICENSES**

WHEREAS, the City of Wilmington, Illinois is a non-home rule Illinois Municipal Corporation; and

WHEREAS, the City of Wilmington is authorized by the Illinois Video Gaming Act (230 ILCS 40/25) to regulate video gaming within its corporate limits; and

WHEREAS, the Corporate Authorities for the City of Wilmington finds that it shall amend its video gaming ordinance to amend the fees and related operation regulations in a manner consistent with the Illinois Video Gaming Act.

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

SECTION 1: CHAPTER 113 - AMUSEMENTS AMENDED

That Article XI Business Regulations, Chapter 113 Amusements of the Wilmington Code of Ordinances be the same and the same is hereby amended to include the following:

Article 10. – Video Gaming

113.100 - Definitions.

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Licensed establishment" means any licensed retail establishment where alcoholic liquor is drawn, poured, mixed, or otherwise served for consumption on the premises, whether the establishment operates on a nonprofit or for-profit basis. "Licensed establishment" includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this Act to any licensee licensed under the Illinois Horse Racing Act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (i) an inter-track wagering location licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975, or (iii) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975. "Licensed establishment" does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a

riverboat licensed under the Illinois Gambling Act, except as provided in this paragraph. The changes made to this definition by Public Act 98-587 are declarative of existing law.

"Licensed truck stop establishment" means a facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

"Licensed large truck stop establishment" means a facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs: (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 50,000 gallons per month.

"Video gaming terminal" means any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

113.101 – License Required.

No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated any video gaming terminal at any premises within the City of Wilmington without first having obtained an annual City of Wilmington video gaming license. The license provided for in this Article shall permit a licensee to operate video gaming terminals in conformance with the Video Gaming Act except as provided in this chapter.

Except licensed truck stop establishments and licensed large truck stop establishments, no video gaming licenses shall be issued for any premises unless the applicant holds in effect at the time of application and at all times thereafter during which a video gaming terminal is made available to the public for play at that location (1) a valid City of Wilmington retail liquor license that permits alcoholic liquor to be drawn, poured, mixed, or otherwise served for consumption on the premises and (2) a valid liquor license issued by the Illinois Liquor Control Commission.

113.102 – License Application and Fees.

(A) Fees.

(1) Licensed establishments regularly open to the public for twenty-four (24) hours at least one day per week shall, upon application, submit a nonrefundable fee as follows:

- i. One hundred dollars (\$100.00) per video gaming terminal requested if the licensed establishment is requesting a license to operate no more than six (6) video gaming terminals; or
- ii. Two hundred dollars (\$200.00) per video gaming terminal requested if the licensed establishment is requesting a license to operate more than six (6) video gaming terminals.

(2) All other licensed establishments shall, upon application, submit a nonrefundable fee of as follows:

- i. Fifty dollars (\$50.00) per video gaming terminal requested if the licensed establishment is requesting a license to operate no more than six (6) video gaming terminals; or
- ii. One hundred dollars (\$100.00) per video gaming terminal requested if the licensed establishment is requesting a license to operate more than six (6) video gaming terminals.

(3) Establishments that previously possessed a video gaming license and paid an annual fee to the City prior to the adoption of this ordinance shall be subject to the fees set forth in this Section upon renewal of the licensed establishment's liquor license.

(B) All fees collected by the City of Wilmington from video gaming license applications shall only be used by the City of Wilmington for beautification projects.

(C) Licensed large truck stop establishments may possess up to ten (10) video gaming terminals on its premises at any time. All other licensed establishments may possess up to six (6) video gaming terminals on its licensed premise at any time.

113.103 – Video Gaming Restrictions.

(A) The following regulations apply to all licensed establishments operating a video gaming terminal on its premises:

(1) Every license issued under this chapter shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued;

- (2) All video gaming terminals must be located in an area restricted to persons twenty-one (21) years of age or older. The entrance to such area must, at all times, be within the view of at least one employee who is at least twenty-one (21) years of age;
 - (3) No establishment may cause or permit any person under the age of twenty-one (21) years to use, play or operate a video gaming terminal;
 - (4) Except at licensed truck stop establishments, no video gaming terminal may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the establishment under its current liquor license; and
 - (5) The licensed establishment must fully comply with the Illinois Video Gaming Act (230 ILCS 40/1, et seq.) and all rules, regulations and restrictions imposed by the state gaming board.
- (B) Establishments with a video gaming terminal or applying for a video gaming license shall be subject to inspection by the chief of police or his/her authorized agents, at any time, to ensure compliance with this Article. It shall be unlawful for any person to hinder, resist, oppose or attempt to hinder, resist or oppose the chief of police or his/her respective agents in the course of an inspection and may result in the denial of an application or revocation or suspension of video gaming license.
- (C) The City may revoke or suspend any video gaming license issued by the City if the licensed establishment violates any of the provisions of this Article. No license shall be so revoked or suspended, except after a hearing before the City Administrator, with at least three (3) day written notice to the licensed establishment affording the licensed establishment an opportunity to appear and defend.
- (D) Any licensed establishment that has its liquor license revoked or suspended by the City or by the State Liquor Commission, or has its video gaming license revoked or suspended by the State Gaming Board, shall automatically, without hearing, have its City video gaming license revoked or suspended for the same period of time as its liquor license and/or the State Gaming Board suspension or revocation, whichever the case may be.

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



April 9, 2020

Mr. Bob Bland
Superintendent of Water & Water Reclamation
City of Wilmington
1165 S. Water Street
Wilmington, IL 60481

RE: PROPOSAL FOR A WATER DISTRIBUTION SYSTEM LEAK SURVEY

Dear Mr. Bland,

M.E. Simpson Co., Inc. is pleased to present the City of Wilmington our proposal for a Water Distribution System Leak Detection Survey Program. We are honored to be considered for this work and are confident our team will help make the project a success.

M.E. Simpson Co., Inc. is a Professional Services Firm dedicated to developing and providing programs and services designed to maximize peak performance for our clients' water distribution systems. Many of these programs are universally recognized as a part of "Best Management Practices" (BMPs) for utilities. We pride ourselves on delivering solid solutions using the highest quality technical and professional services by way of state-of-the-art technology and a skilled and well-trained staff of professionals. Our highly-educated engineers and technical team are committed to the success of this project. They will be ready at a moment's notice to relieve your staff's burden and ensure a seamless continuation of your services.

Our services were developed and refined to provide utilities with programs that can be customized to meet their needs. From complete "Turn-Key" services to assisting with the development of "in-house" programs for utilities, M.E. Simpson Co., Inc. serves our clients with this ultimate goal: to deliver to the public the implicit faith that **"the water is always safe to drink"**.

Thank you for your consideration and this opportunity to acquaint you with our Water Distribution System Leak Detection Services and offer this response. We are committed to exceeding your expectations.

Sincerely,

Randy Lusk
Regional Manager

Randy Lusk
Innovations & Solutions Manager

3406 Enterprise Avenue
Valparaiso, IN 46383

800.255.1521 P
888.531.2444 F

Randy.Lusk@mesimpson.com

SCOPE OF WORK

Water Distribution System Leak Survey

The Field Scope of Service for the Leak Survey is understood to be the following:

M.E. Simpson Co., Inc. will furnish all labor, material, transportation, tools, and equipment necessary to survey the water distribution system areas selected by the City. M.E. Simpson Co., Inc. shall be required to provide such skilled and trained personnel and equipment necessary to complete the work herein specified. **There will be a minimum of Two Persons per team working on the survey at all times.**

- ◆ Work in an orderly and **safe** manner to insure protection of the local residents, Utility employees, and the Field Staff so that no **avoidable** accidents occur.
- ◆ All Field Staff will have readily observable identification badges worn while in the field.
- ◆ The leak detection equipment to be used will be that which was described in the “Equipment to be used” section.
- ◆ Initially listen to **all fire hydrants, all accessible main line valves**, and when necessary, selected service connections in the entire distribution system by making physical contact with the valve, hydrant, pipe, or B-box. (Listening points that are not accessible will be given to the Utility and when corrected they will be listened to.)
- ◆ Listening points of contact will be: valves, hydrants, service valves or meter settings. The preference of listening points in order as follows; direct contact with the pipe, main line valves, hydrant valves, hydrants, then service valves or meter settings.
- ◆ Specific listening distances will be determined by pipe material. Metallic type pipes; no greater than 500’ between listening points. Non-Metallic AC/Concrete type pipes; no greater than 300’ between listening points. Non-Metallic PVC/HDPE type pipes; no greater than 150’ between listening points.
- ◆ A “suspected leak” log shall be maintained indicating all areas where suspected leak noise was heard. This log will be reviewed when the Project Team is verifying the suspected leak area for confirmation of the actual existence of a leak. This log will be a part of the periodic reports turned into the Utility regardless of an actual leak located in the area or not, with an explanation of the noise source.
- ◆ When leak noise has been detected and or suspected, the Project Team will verify the suspected area a second time to confirm the noise. At least four hours will pass between the initial listening of the area before a second listen and confirmation is attempted.
- ◆ The Project Team will line locate the water main and service lines in the immediate area so the correct pipe distances can be input into the leak correlator and also so that the Water Utility will have an idea of where the water main is located prior to excavation. Non-metallic pipe locations will be “interpolated” as best that can be identified, given the line location of metallic services, Utility knowledge of the area, or other information regarding the actual location of the main.

- ◆ The Project Team will use “State of the Art” Electronic Leak Correlators to determine if a leak is present and use the same equipment to pinpoint the leak.
- ◆ For PVC water mains only the Echologics LeakFinder-ST w/hydrophones leak correlator or Fluid Conservation Systems (FCS) TriCorr Touch leak correlator, will be used for correlations because of the ability for these correlators to be able to analyze the particular sound frequencies inherent to PVC pipe.
- ◆ The leak location will be marked in the field (on the surface) using environmentally formulated Precautionary Blue paint.
- ◆ The Project Team will document all leak locations with a diagram indicating the location of the leak. Other information related to that correlation will be included as part of the field sheet such as the filters used for the correlation, line locations, distances between sensors, etc.
- ◆ The locations of leaks requiring immediate attention (immediate threat to life, injury or traffic) will be turned in as quickly as possible to facilitate the repair process.
- ◆ The Project Team will report daily or per request of the Utility, to assigned Utility Professional and go over the progress of the previous day, as well as cover what will be surveyed the current day.
- ◆ It may be necessary to conduct parts of the Leak Survey during “off hours” such as at night. This may be required in areas of high traffic volume where traffic noise may affect the ability to detect leak noise, and traffic volume may affect the ability of the Project Team to be able to safely access main line valves in the middle of the street. The Project Team will give 24-hour advanced notice of intent to survey a particular area that may require after hours surveying or nighttime surveying. This is so the Utility can plan for the area to be surveyed, give notification to the Police department, as well as other Public Works Divisions as to the activity that will take place.
- ◆ As a part of the leak program, mapping discrepancies found, distribution assets found in disrepair will be noted and turned into the utility.
- ◆ Leaks verified on the customer’s side of a service shut-off will not be located beyond the shut-off. If a leak appears to be on the Customers’ side, the Utility will be notified first, then the customer notified and permission granted prior to the water being shut off even for short periods of time where possible and as time allows, as well as the ability for the customer to respond.
- ◆ If the Utility requests leak locations beyond the service shut off on the customer’s side of the service line, this will result in an additional charge to the leak survey based on an hourly rate and this service must be agreed upon between the Utility and M.E. Simpson Co., Inc. prior to the start of the survey.
- ◆ Valves and hydrants will not be operated without Utility permission. Valves and hydrants that break during this type of operation are the sole responsibility of the Utility. M.E. Simpson Co., Inc. cannot be responsible for valves and hydrants that break due to pre-existing conditions.

- ◆ The Utility is encouraged to dig up and repair the leaks located as soon as possible so that the area may be re-surveyed while the Project Team is still working on the survey in that general geographical location to ensure no other leaks are present in that area.

Equipment List

- ◆ FCS **S30** Gutermann **AquaScope** electronically enhanced listening device.
- ◆ Echologics **LeakFinder-ST w/hydrophones**; FCS **AC Digital**, **TriCorr Touch** or Vivax-Metrotech **HL6000X** leak correlator systems.
- ◆ **RADIO Detection** Line Locators.
- ◆ **Chicago Tape**, **Fisher M-Scope** or **Schonstedt** magnetic locators.
- ◆ **All necessary valve keys and hand tools**
- ◆ Truck mounted arrow board/signage and warning lights.
- ◆ Traffic control equipment, including properly sized traffic cones with reflective stripes.

Quality Control and Accuracy of Leak Locations

The level of accuracy of leak detection is a matter of taking in all the above considerations and applying those considerations to each individual potential leak location as it is being evaluated. Any statement made as to the level of accuracy of leak locations must be considered based on the individual conditions of each leak.

Locating leaks on a distribution system can be very challenging. It is not a perfect science. Pipes and fittings can leak for a variety of reasons (age, poor installation, material failures, bad soils, etc.), and the ability to locate leaks is dependent on the stated variables listed in the “Project Approach”. By employing a strict methodology in the field for conducting a leak survey, these variables can be accounted for and mitigated. The depth of experience of the Project Team is extremely important to maintaining the ability to have accurate locations of leaks. Additionally, crews work as Two-Person Teams in the field, double checking the progress of the work as the survey progresses. The systematic procedure for leak confirmation has been stated in the Scope of Field Service and is restated here.

“Suspected leak areas are always listened to a second time, preferably at a different time of day than originally listened to. The mains and services will be line located to insure correct pipe distances are used for the correlations. Correlations may need to be performed several times with several configurations to insure all the possible scenarios have been covered. Sewer manholes may need to be opened and flows observed. If there is any doubt as to the existence of a leak, the area may be checked and correlated at different times to rule out water usage or other factors. The progress of the survey will be monitored by the use of daily logs and a progression map with suspected leak noise indications marked and possible leak locations will be maintained. Field leak location forms will be turned into the Utility according to the agreed schedule. The Project Team will follow up on leak locations by monitoring the repair schedule of the Utility. That way in case a potential leak location is wrong, the Project Team can return to the site and determine why the leak location was incorrect, and correct it. This means maintaining a good level of communication between the Project Team in the field, and the Utility.

As a matter of Quality Control for leaks in the field, our Correlators, FCS TriCorr Touch and Echologics LeakFinder-ST have the distinct ability to be able to detect and pinpoint more than one leak in the same relative area, thus allowing better leak coverage and insuring that one leak is not “masking” another leak in the same area. The use of progress reports and meetings will allow for open discussions of problems encountered so solutions can be examined.”

Utility Observations

The M.E. Simpson Co., Inc. Project Team will welcome having staff of the Utility observe field procedures while the Leak Survey is in progress. They will be happy to explain and demonstrate the equipment and techniques that are employed by M.E. Simpson Co., Inc. for detecting and locating leaks on the Water System.

Final Reports, Documentations & Communications

M.E. Simpson Co, Inc. will perform the following:

- ◆ Project Team will **meet daily** with assigned Utility personnel to go over areas of survey for prior workday and plan current day and area to survey.
- ◆ The field technicians will be readily available by cellular phone. This will facilitate communications between the Utility and the field technicians. A **24-hour toll-free 800 number** is available for direct contact with M.E. Simpson Co., Inc. for emergencies.
- ◆ **Diagram all leak locations**, date of location, and classify according to severity and an estimate of loss.
- ◆ **The Project Manager will** meet with the Utility regularly for a progress report.
- ◆ **Prepare a progress report** at monthly intervals for the Utility if requested.
- ◆ Develop a **Leak Survey log** of activity which will also have confirmed leaks listed and this list will be turned in weekly (in Excel format). The list will also be included with the final report that will include the following;
 1. Mechanical deficiencies discovered
 2. Mapping errors on the water atlas
 3. Type of monitored appurtenances
 4. Location of same for leaks discovered
 5. Total estimated loss

Effective communication...
accurate documentation...
**Insuring the success for
the leak survey**

- ◆ **Prepare the final report** at the completion of the project which will include all leak location reports with drawings, total of estimated water loss, total pipe distance investigated, a description of the area surveyed, and other problems found in the system during the course of the survey that need the attention of the Water Utility. The leak summary will list leak types such as main leaks, service line leaks, valve leaks, or hydrant leaks.

A cost benefit analysis of the survey based on the “cost to produce” water will also be included that describes the financial impact to the Utility for water loss. Recommendations for system maintenance will be a part of this report based on field observations made during the survey.

This final report shall be made available for submission to the Utility within thirty (30) working days of the completion of the fieldwork.

Assumptions & Services Provided by the Utility

- ◆ The Utility will furnish all maps in an electronic format or paper atlases (two copies), and records necessary to properly conduct the survey.
- ◆ The Utility will assist as necessary to clean out service valves, meter pits and valve-boxes needed for listening.
- ◆ The Utility will provide a Primary Contact Person and/or secondary contact person for the Field Staff to report to on a periodic basis. This person shall act as the official liaison for the duration of the Leak Survey. This person shall have a working knowledge of the water system and will be helpful in attempting to locate particularly hard-to-find water valves for listening and for general information about the water system. *This person will not need to assist the Project Team on a full time basis*, but only on an “as needed” basis.
- ◆ The Utility will assist, if needed, to help gain entry into sites that may be difficult to get into due to security issues or other concerns.
- ◆ The Utility will assist, if needed, to locate all nonmetallic pipe within the service area. This would include all Concrete Cylinder pipe, Asbestos Cement Pipe, PVC pipe and HDPE pipe.
- ◆ We will encourage the immediate digging of major leaks (main breaks) so that if there are problems with the leak location, the problems can be corrected while the Project Team is close by and can verify the site.

PROJECT SAFETY PLAN

M.E. Simpson Co., Inc.'s Safety Programs cover all aspects of the work performed by M.E. Simpson Co., Inc. We take great pride in our safety plan/policy/program and that is evident in our EMR scores over the last five years. The safety of our employees, the utilities employees and that of the general public is our #1 priority.

Our Safety Plan/Policy/Program, with all of its parts, is 60 pages in length. In an effort to be more efficient and less wasteful we do not print copies of the safety program for RFPs. There is nothing secretive or proprietary contained within our plan/policy/program and we are happy to share its contents. If you would like a PDF copy of our plan/policy/program please contact Terrence Williams, Operations Manager, at 800.255.1521 and a copy of our program will be sent via email to you.

Below is an overview of our plan/policy/program:



Safety is a major part of any project. M.E. Simpson Co., Inc. always provides a safe work environment for its employees. **Our staff is trained in General Industry OSHA rules, Confined Space Entry & Self-Rescue, First Responder First Aid, CPR, and Traffic Control.**

While in the field on your project, M.E. Simpson Co., Inc. and its employees will follow all of the necessary safety procedures to protect themselves, your staff and the general public.

M.E. Simpson Co., Inc. uses Two-Man Teams for Safety and Quality Assurance.

The use of a "one-person" leak detection team is dangerous and impractical where water mains run under roadways. It would be a dangerous precedent to allow a "one-person" team to access main line valves located in the roadway, attempt to listen to the valve with headphones on, and at the same time try to control traffic flow at that person's location in the street.

Therefore M.E. Simpson Co., Inc. adheres to the following:

- ◆ The Project Manager and the Field Manager will be trained in accordance with OSHA Standard 1910 (General Industry) and be in possession of an OSHA 10 Hour or 30 Hour Card.
- ◆ Any listening points located in a "confined space" such as pit and vault installations that **require entry** will be treated in accordance with the safety rules regarding **Confined Space Entry, designated by the Utility, The Department of Labor and OSHA.**
 - All personnel are **trained and certified** in Confined Space Entry & Self-Rescue.
- ◆ We will follow all safety rules regarding **First Responder First Aid & CPR, designated by the Utility, The Department of Labor and OSHA.**
 - All personnel are **trained and certified** in First Responder First Aid & CPR.
- ◆ We will follow all **traffic safety rules, designated by the Utility, The Department of Labor, OSHA, and the Illinois Department of Transportation (per MUTCD).**
 - All personnel are **trained and certified**, by the **AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION (ATSSA)** in Traffic Control and Safety.

Current documentations of safety training and certifications can be provided for all project personnel for the Utility. These certifications are current and up to date (for 2019) for all project personnel.

INVESTMENT

A commitment to improving and maximizing the City of Wilmington’s water distribution system for future generations.

M.E. Simpson Co., Inc. is pleased to present our “Proposal” for a Water Distribution System Leak Detection program for the City of Wilmington. M.E. Simpson Co., Inc. will perform our leak detection services on approximately **50** miles of watermain within the City of Wilmington’s water distribution system. The survey will be completed by listening on the accessible main line valves, fire hydrants and as needed services by one of our two-man teams with all necessary equipment furnished by M.E. Simpson Co., Inc. as described within this document. The project will also include complete reporting of all issues found, with a final comprehensive report.

2020 Leak Survey

Water Distribution System Leak Survey Program Fee (lump sum) **\$10,750.00****

******Any water main surveyed in addition to the above 50 original miles of watermain will be surveyed at the rate of **\$215.00** per mile of pipe.

We thank you for this opportunity to acquaint you with our Water Distribution System Leak Detection services and offer this proposal. If you have further inquiries or you wish to discuss our service in more detail, do not hesitate to call us.