



City Council
COMMITTEE OF THE WHOLE
City of Belvidere, Illinois

Alderman Sheryl Prather	Chairman Building
Alderman Natalie Mulhall	Vice-Chairman Building
Alderman Ric Brereton	Chairman Finance and Personnel
Alderman Wendy Frank	Vice -Chairman Finance and Personnel
Alderman Tom Porter	Chairman Planning & Zoning
Alderman Mike McGee	Vice-Chairman Planning & Zoning
Alderman Clayton Stevens	Chairman Public Safety
Alderman Matthew Fleury	Vice-Chairman Public Safety
Alderman Marsha Freeman	Chairman Public Works
Alderman Daniel Snow	Vice-Chairman Public Works

AGENDA

January 24, 2022
6:00 p.m.
City Council Chambers
401 Whitney Blvd., Belvidere, Illinois

Call to Order:

Roll Call:

Public Comment:

Public Forum:

Reports of Officers, Boards, and Special Committees:

1. Public Safety, Unfinished Business: None.

2. Public Safety, New Business:
 - (A) Police Department – Update.
 - (B) Police Department – Donation.
 - (C) Police Department – SWAT Vehicle Equipment Request.

3. Finance & Personnel, Unfinished Business: None.

4. Finance & Personnel, New Business:
 - (A) Finance Department – Update.

5. Other:
 - (A) OSHA Mandate – Tabled January 10, 2022.
 - (B) Nicor – Nexsite.
 - (C) Florence Court Reconstruction Project – Bid Tabulation.
 - (D) Logan Avenue Rehabilitation Project – Bid Tabulation.
 - (E) Whistle Blower Mandate.
 - (F) Resolution – Release of Certain Executive Session Minutes Pursuant to 5ILCS 120/1 Et. Seq.
 - (G) Executive Session to discuss probable or imminent litigation pursuant to section 2(c)(11) of the Illinois Open Meeting Act.

6. Adjournment:




BELVIDERE
POLICE

Matthew Wallace
Deputy Chief—Investigations

Shane Woody
Chief of Police

Patrick Gardner
Deputy Chief—Patrol

615 N. Main Street - Belvidere, IL 61008 - Phone: 815-544-9626 - Fax: 815-544-9603 - www.ci.belvidere.il.us

TO: MAYOR MORRIS AND CITY COUNCIL
FROM: CHIEF SHANE WOODY 
DATE: JANUARY 19, 2022
RE: MOTION TO ACCEPT DONATION

Please be advised that the Belvidere Police Department has received a donation from Paul and Dorothy Hale in the amount of \$100.00.

Motion: To accept the donation of \$100.00, check #4364 from Paul and Dorothy Hale, to be used for this year's annual Department Meeting.

SW/sd.



BELVIDERE
POLICE

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TO: Mayor Morris and City Council
FROM: Chief Shane Woody
DATE: January 24, 2022
RE: SWAT Vehicle Equipment Request

Mr. Mayor and Council,

Attached to this memorandum is a quote sheet for modifications by SWATMOD to the armored SWAT vehicle. This request is to replace or add the following equipment including labor:

1. Heavy duty lower bumper to protect the armored vehicle. The guard will protrude low enough to allow the team to block vehicles without the vehicle being able to maneuver underneath the armored vehicle. Also prevents the armored vehicle from going up and over the front or rear of the vehicle. SWATMOD would have to fabricate this bumper. Cost \$3,440.00
2. Replace stock halogen headlights with upgraded LED headlights. LED would be far brighter and offer greater range of illumination. Cost \$470.00
3. Application of vinyl decals on front/rear and both sides of vehicle. Cost \$1,940.00
4. Current vehicle tires have dry rot. Request to replace the 4 vehicle tires with used tires in excellent condition including O-rings and valve stems, if needed. Cost \$4,880.00

Motion: To approve the expenditure to SWATMOD for the necessary modifications and equipment in the amount of \$10,730.00. This expenditure will be taken from the Belvidere Police Department Federal Asset Forfeiture account.



320.309.2260
3866 31st St SE
St Cloud, MN 56304

Custom Modification QUOTE 12/02/21

For:

Belvidere PD
615 North Main Street
Belvidere, Illinois 61008

The following is a Quote sheet for Modifications to your Caiman MRAP.

Current Labor rate is \$110 per hour.

Item Description	Estimated Time	Parts Cost	Total Estimated Cost
<p>Parts and labor for a large, heavy duty lower bumper to protect the MRAP, the guard will protrude low enough so that it pushes vehicles out of the way rather than driving over them.</p> <p>This will be a modest looking guard that will blend into the Cougars characteristics.</p>	24 hours	\$800	\$3,440.00
<p>Parts and labor to dismount and replace one tire with NOS tire in excellent usable condition. Rim O-rings will also be replaced as well as valve stems if needed. 4 Tires.</p>	4 hours x 4 tires	\$780 x 4 tires	\$4,880.00
<p>Parts and labor to replace stock halogen headlights with upgraded LED headlights. We have several different versions to choose from. These are a huge upgrade over the stock halogens as they are much brighter and offer a greater range of illumination.</p>	1 hours	\$360	\$470.00
<p>Application of Vinyl decals on front/rear and both sides of vehicle with Agency's Markings.</p>	14 hours	\$400	\$1,940.00

Terms & Conditions

CURRENT VEHICLE





MODIFIED
FRONT
BUMPER

Memo

To: Mayor and City Council
From: Brent Anderson, Director of Public Works
Date: 1/19/2022
Re: Florence Court Reconstruction Project – Bid Tabulation

The following bids were opened for the Florence Court Reconstruction Project:

- | | |
|--|--------------|
| 1. Dale's Plumbing, Inc
15949 Telegraph Road
Pecatonica, IL 61063 | \$281,862.20 |
| 2. N-Trak Group, LLC
1523 Windsor Road
Loves Park, IL 61111 | \$284,894.50 |
| 3. Fischer Excavating, Inc
1567 Heine Road
Freeport, IL 61032 | \$320,556.05 |
| 4. Stenstrom Excavation & Blacktop Group
2422 Center Street
Rockford, IL 61108 | \$321,822.00 |
| 5. Schroeder Asphalt Services, Inc
P.O. Box 831
Huntley, IL 60142 | \$338,881.10 |
| 6. Northern Illinois Services, Inc
4781 Sandy Hollow Road
Rockford, IL 61109 | \$391,806.60 |

The Engineer's Estimate for this project was \$200,250.00.

I would recommend approval of the low bid from Dale's Plumbing, in the amount of \$281,862.20, for the Florence Court Reconstruction Project. This work will be paid for from Capital Funds.

Memo

To: Mayor and City Council
From: Brent Anderson, Director of Public Works
Date: 1/19/2022
Re: Logan Avenue Rehabilitation Project – Bid Tabulation

The following bids were opened for the Logan Avenue Rehabilitation Project:

- | | |
|--|----------------|
| 1. N-Trak Group, LLC
1523 Windsor Road
Loves Park, IL 61111 | \$2,671,812.59 |
| 2. William Charles Construction Co.
833 Featherstone Road
Rockford, Illinois 61107 | \$2,840,097.74 |
| 3. Fischer Excavating, Inc
1567 Heine Road
Freeport, IL 61032 | \$2,986,944.09 |
| 4. Stenstrom Excavation & Blacktop Group
2422 Center Street
Rockford, IL 61108 | \$2,991,250.79 |
| 5. Triggi Construction, Inc
1975 Powis Road
West Chicago, IL 60186 | \$3,407,752.15 |
| 6. Schroeder Asphalt Services, Inc
P.O. Box 831
Huntley, IL 60142 | \$4,963,300.94 |

The Engineer's Estimate for this project was \$2,610,000.00.

I would recommend approval of the low bid from N-Trak Group, in the amount of \$2,671,812.59, for the Logan Avenue Rehabilitation Project, subject to IDOT approval. This work will be paid for from MFT and Capital Funds.

**CITY OF BELVIDERE
CITY ATTORNEY**

To: Mayor and City Council
From: Mike Drella
cc:
Date: January 20, 2022
Re: Whistle Blower Mandate

Last year the State adopted Public Act 101-652, a part of which amended the Public Officer Prohibited Activities Act. It requires all municipalities to adopt a Whistle Blower Policy. While not artfully drafted, the new legislation requires a policy allowing any employee to make a complaint of improper actions to an auditing official. If retaliatory action is taken against an employee making a claim of improper action, the statute and the policy allow for protection of that employee.

The attached proposed policy is based upon an IML model policy with some changes. For example, the IML policy, and the statute, require improper government actions and claims of retaliation to be reported to the auditing official and that person to take corrective action. It is clear that the auditing official is really intended to simply consider claims of retaliation so the attached policy does that. Second, it makes clear that the auditing official really has no authority when it comes to employees governed by the Fire and Police Commission.

RECOMMENDED MOTION: Chapter 43 of the City of Belvidere Municipal Code to adopt a new Article IV Whistle Blower Policy as set forth in the attached Exhibit.

Exhibit A

Article IV: Whistleblower Protection Policy

43-50 Purpose

As required by Public Act 101-652 (50 ILCS 105/4.1)(the Act), the City of Belvidere (the City) provides whistleblower protections to protect an employee or contractor from retaliation for (1) reporting an improper governmental action, (2) cooperating with an investigation related to a report of improper governmental action or (3) testifies in a proceeding or prosecution arising out of an improper governmental action. The confidentiality of a whistleblower will be maintained to the extent allowable by law. An identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may also waive confidentiality in writing. The City will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action and threats of harm. Any whistleblowers who believe they are being or have been retaliated against must submit a written report to the City Clerk (the Auditing Official) within 60 days of gaining knowledge of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

43-51 Definitions

- a) **Whistleblower** means an employee, as defined below, or contractor who:
 1. Reports an improper governmental action as defined in the Act;
 2. Cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,
 3. Testifies in a proceeding or prosecution arising out of an improper governmental action.
- b) **Auditing Official** means the City Clerk whose duties may include: receiving, registering and investigating complaints and information concerning misconduct, inefficiency and waste within the City; investigating the performance of officers, employees, functions and programs; and, promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the City. In the absence of the City Clerk, the Deputy Clerk shall serve as Auditing Official. If the City Clerk or Deputy Clerk fail to act as Auditing Official, or if those office are vacant, the Auditing Official defaults to the State's Attorney of Boone County.
- c) **Employee** means anyone employed by the City, whether in a permanent or temporary position, including full-time, part-time and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under the Act.
- d) **Improper governmental action** means any action by an employee of the City; an appointed member of a board, commission or committee; or, an elected official of the

City that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public's trust or expectation of their conduct; is of substantial and specific danger to the public's health or safety; or, is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's or committee member's official duties to be subject to a claim of "improper governmental action."

1. Improper governmental action does not include the City's personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.
- e) **Retaliate, retaliation or retaliatory action** means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under the Act. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or, other disciplinary action made because of an employee's protected activity under the Act.

43-52 Duties of an Auditing Official

The Auditing Official may establish additional written processes and procedures for managing complaints of retaliation filed under this Policy in addition to those procedures set forth herein. The Auditing Official shall investigate and dispose of reports of retaliation in accordance with these processes and procedures, and all other provisions of the Act. To the extent allowed by law, the identity of an employee reporting information regarding an improper governmental action or retaliation shall be kept confidential unless waived, in writing, by the employee.

The Auditing Official shall provide each employee a written summary or a complete copy of the Act upon commencement of employment. The Auditing Official may satisfy the annual copy of the Act by placing a copy of the policy on a City website or communication portal available to all employees. As this Policy establishes the process and procedure for managing complaints and reporting complaints, that procedure is not required to be reported separately.

In the event the Auditing Official determines that an employee suffered a retaliatory action for reporting an improper governmental action, the Auditing Official may, where otherwise lawful, reinstate, reimburse for lost wages or expenses incurred, promote or provide some other form of restitution.

In instances of a substantiated claim of retaliatory action, where an Auditing Official determines that restitution will not suffice, the Auditing Official may make the investigation findings available for the purposes of aiding in that employee's, or the employee's attorney's, effort to make the employee whole.

Auditing Officials are responsible for reading the full context of Section 4.1 and complying with all requirements.

Upon receipt of a written report of improper governmental action or a claim of retaliation, the Auditing Official shall initiate an investigation of the alleged improper governmental action. In so doing, the Auditing Official shall keep a written record of all investigative steps and a written record of all interviews conducted by the Auditing Official. Upon completion of the investigation, the Auditing Official shall prepare written findings and a determination of whether an improper governmental action occurred and shall forward such report to the Mayor and any other governmental official the Auditing Official deems necessary or convenient.

The Auditing Official may utilize other City officials, including, but not limited to, the City Attorney and the Belvidere Police Department, in performing the Auditing Official's duties. The Auditing Official, may, at any time refer any report of improper government action or retaliation to the Boone County States Attorney.

Any claim of improper governmental action arising out of an action or failure to act by a member of the sworn member of the Belvidere Fire Department or Belvidere Police Department, other than a Chief or Deputy Chief, may be referred to the Belvidere Police Department or Belvidere Fire Department, as the Case may be, for investigation. Where appropriate, charges may be filed with the Belvidere Fire and Police Commission.

43-53 Duties of an Employee

All reports of an improper governmental action shall be promptly submitted in writing to the Auditing Official who is responsible for investigating and coordinating corrective action. An employee who believes they have been improperly retaliated against shall file a written report of such retaliation within sixty (60) days of the employee gaining knowledge of the retaliatory action.

The written report shall be submitted on forms to be provided by the Auditing Official. The written report must include specific facts substantiating the alleged improper governmental action. Supposition, rumor and innuendo shall not be sufficient to initiate an investigation under this policy. Rather, reasonably articulable facts supporting the belief that an improper governmental action has occurred must be included in the written report.

The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; a designated Auditing Official is charged with these responsibilities.

43-54 Defend Trade Secrets Act Compliance:

"Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

a) Immunity—An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that—(A) is made—(i) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and, (ii) solely for the purpose of reporting or investigating a suspected violation of law; or, (B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

b) Use of Trade Secret Information in Anti-Retaliation Lawsuit—An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual—(A) files any document containing the trade secret under seal; and, (B) does not disclose the trade secret, except pursuant to court order." (18 U.S.C. § 1833).

43-55 **Employee Acknowledgment**

Employees are required to sign a written acknowledgement that they have received, read and understand this Policy, and to submit that acknowledgement to the Auditing Official or other designated official of the **City/Village/Town**. The form that follows on page four of this policy will satisfy this requirement upon receipt.

43-56 Home Rule

The City of Belvidere is a home rule municipality within the meaning of Article VII, Section 6 of the Constitution of the State of Illinois 1970. To the extent this Policy differs from the Act or articulates a policy in contravention to the Act, this Policy shall control and take precedence over the Act.

Employee Acknowledgement of Whistleblower Protection Policy

*I confirm that I have received, read and understand the “Whistleblower Protection Policy” for employees of the **City of Belvidere**.*

*I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about the Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Auditing Official or the State’s Attorney of **Boone county**.*

Print Name: _____

Employee Signature: _____

Date: _____

RESOLUTION #2022-7:

**RELEASE OF CERTAIN EXECUTIVE
SESSION MINUTES PURSUANT TO 5 ILCS 120/1 Et. Seq.**

WHEREAS, the Corporate Authorities of the City of Belvidere have met, from time to time, in executive session for purposes authorized by the Illinois Open Meetings Act (5 ILCS 120/1 et seq.) (Hereinafter the Act); and

WHEREAS, pursuant to the Act, the Mayor and City Council have met in closed session to review the minutes of all closed sessions to determine if it is necessary to protect the public interest, or the privacy of any individual, by keeping said minutes confidential; and

WHEREAS, the Mayor and City Council determined that a need for confidentiality still exists as to the executive session minutes identified on the attached Schedule A; and

WHEREAS, the Mayor and City Council determined that the minutes of the meetings listed on the attached Schedule B no longer require confidential treatment and should be made available for public inspection.

IT IS THEREFORE RESOLVED BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF BELVIDERE AS FOLLOWS:

Section 1: The Executive Session minutes from those meetings set forth on Schedule B, attached hereto and incorporated herein are hereby released. The City Clerk is hereby authorized to make said minutes available for public inspection and copying in accordance with the standing procedures of the office of the City Clerk.

Section 2: The City Clerk is also authorized and directed to destroy the verbatim record, if any, of the executive sessions identified in Schedule B for destruction, but only in compliance with Section 2.06 of the Open Meetings Act (5 ILCS 120/2.06).

Ayes:

Nays:

Absent:

Date Approved:

By: _____
Mayor

Attest: _____
City Clerk

SCHEDULE A

October 26, 2020
October 19, 2020
August 3, 2020
February 1, 2021
May 10, 2021
August 2, 2021
October 11, 2021

SCHEDULE B

January 19, 2021
June 7, 2021
June 14, 2021
June 28, 2021