

State of Illinois) SS  
Belvidere, Illinois)

BELVIDERE CITY COUNCIL  
REGULAR MEETING  
AGENDA

November 2, 2020

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

(1) Roll Call:

(2) Pledge of Allegiance:  
Invocation:

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

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of  
October 19, 2020; as presented.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

(7) Approval of Expenditures: None.

(8) Committee Reports and Minutes of City Officers:

(A) Minutes of Committee of the Whole – Public Safety, Finance & Personnel of  
October 26, 2020; as presented.

(9) Unfinished Business:

(A) Ord. #507H – 2<sup>nd</sup> Reading: An Ordinance Authorizing the Sale of Certain  
Personal Property (Public Works 1974 Pennco Tank Trailer).

(10) New Business:

(A) Ord. #508H -1<sup>st</sup> Reading: An Ordinance Amending Section 2-2, Public  
Comment of the City of Belvidere Municipal Code.

(B) Resolution #2022-2020 – A Resolution Authorizing the Purchase of Certain  
Real Property Adjacent to Logan Avenue to Facilitate ADA Compliance.

(C) Motion to waive referral of Resolution #2023-2020 to Committee pursuant to  
Sec. 2-88, of the Belvidere Municipal Code.

- (D) Resolution #2023-2020 – A Resolution Authorizing the Execution of An Agreement Between the City of Belvidere and Washington International Insurance Company.

Motions forwarded from Committee of the Whole – Public Safety, Finance & Personnel of October 26, 2020.

Motions of Finance and Personnel – Chairman Ratcliffe:

- (A) Motion to approve the 2021 IML Risk Management Association Annual Renewal.
- (B) Motion to allow public comment to include written comment at any public meeting which will be read into the record by City staff during the public comment portion of the meeting. Any such written public comment must be received by the City Clerk no later than 4:30 p.m. the day of the public meeting. The Clerk shall provide an email address for purposes of receiving public comment and post that address on the City's Web Site. Upon termination of the Governor's Executive Order 2020-58 as well as any other Executive Order restricting public gatherings during COVID-19, this policy shall immediately terminate and public comment will revert to its usual requirement of in person attendance.

Motions of Public Safety – Chairman Ric Brereton:

- (C) Motion to authorize Capital Fund expenditures for the purchase of two (2) 2021 Dodge Durango Police Package SUV's at a cost not to exceed \$46,250 each for a total expenditure of \$92,500.00.
- (D) Motion to authorize the purchase of four (4) Motorola Starcom 21 APX 4000 7/800 MHZ Model 2 Portable Radios at \$3,679.69 each; for a total cost of \$14,718.76 using funds budgeted in the Equipment Line Item #01-5-210-8200 for the purchase of portable radios.
- (E) Motion to approve the Homecoming Parade Application.

Motions of Public Works – Chairman Freeman

- (F) Motion to approve Side Action Diesel Performance to complete the repairs to truck #2079 at the estimated cost of \$7,595.06. This work will be paid for from Street Department Line Item #01-5-310-6020, Equipment Repair
- (11) Other:
    - (A) Executive Session to discuss pending, probable or imminent litigation pursuant to section 2(c)(11) of the Illinois Open Meeting Act regarding Apollo Trenchless Inc.
  - (12) Adjournment:

State of Illinois) SS  
Belvidere, Illinois)

BELVIDERE CITY COUNCIL  
REGULAR MEETING  
MINUTES

Date: October 19, 2020

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

Call to order by Mayor Chamberlain (by teleconference).

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

Absent: W. Frank

Other staff members in attendance:

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

(2) Pledge of Allegiance:  
Invocation:

(3) Public Comment:

(A) Birju Trivedi, Fas Mart & Cloud Gate Investments, spoke as a proponent on  
increasing the number of Video Gaming Establishments.

(B) Jeff Carlisle on behalf of Boone County District II, spoke on data Boone County  
has prepared on Impact Fees.

(C) Tom Howlett, Howlett Homes, wanted to thank everyone for their services.

(D) Clint Morris, spoke as an opponent concerning Impact Fees.

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of  
October 5, 2020; as presented.

Belvidere City Council  
October 19, 2020

Motion by Ald. Arevalo, 2<sup>nd</sup> by Ald. Porter to approve the minutes of the regular meeting of the Belvidere City Council of October 5, 2020. Roll Call Vote: 9/0 in favor. Ayes: Arevalo, Brereton, Fleury, Freeman, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: None. Motion carried.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

(A) City Clerk Sarah Turnipseed read Proclamation Recognizing Phil Eaton into the record.

(B) Report of Growth Dimensions by Executive Director Pam Lopez-Fettes.

(7) Approval of Expenditures: General & Special Fund Expenditures: \$2,594,636.19  
Water & Sewer Fund Expenditures: \$ 640,158.32

Motion by Ald. Stevens, 2<sup>nd</sup> by Ald. Porter to approve the General & Special Fund Expenditures in the amount of \$2,594,636.19. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Brereton, Fleury, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens and Arevalo. Nays: None. Motion carried.

Motion by Ald. Snow, 2<sup>nd</sup> by Ald. Fleury to approve the Water & Sewer Fund Expenditures in the amount of \$640,158.32. Roll Call Vote: 9/0 in favor. Ayes: Fleury, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo and Brereton. Nays: None. Motion carried.

(8) Committee Reports and Minutes of City Officers:

(A) Monthly Report of Belvidere Police Department Overtime for September 2020.

(B) Monthly Report of Belvidere Fire Department Overtime for September 2020.

(C) Monthly Report of Community Development Department/Planning Department for September 2020.

(D) Monthly Report of Building Department Revenues, Residential Building Permits and Case Reports for September 2020.

(E) Monthly General Fund Report for September 2020.

(F) Monthly Water/Sewer Fund Report September 2020.

(G) Monthly Financial Report for September 2020.

(H) Monthly CD Investments for September 2020.

Let the record show these reports were placed on file.

(I) Minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of October 12, 2020.

Motion by Ald. Arevalo, 2<sup>nd</sup> by Ald. Porter to approve the minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of October 12, 2020.

Roll Call Vote: 9/0 in favor. Ayes: Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton and Fleury. Nays: None. Motion carried.

(9) Unfinished Business:

(A) Ord. #506H – 2<sup>nd</sup> Reading: An Ordinance Repealing Section 15-25 of the Belvidere Municipal Code.

Motion by Ald. Snow, 2<sup>nd</sup> by Ald. Arevalo to pass Ordinance #506H. Discussion took place. Roll Call Vote: 4/5 in favor. Ayes: Ratcliffe, Snow, Arevalo and Fleury. Nays: McGee, Porter, Stevens, Brereton and Freeman. Motion lost.

(10) New Business:

(A) Ord. #507H – 1<sup>st</sup> Reading: An Ordinance Authorizing the Sale of Certain Personal Property (Public Works 1974 Pennco Tank Trailer).

Let the record show that Ordinance #507H was placed on file for first reading.

Motions forwarded from Committee of the Whole – Building, Planning and Zoning and Public Works of October 12, 2020.

(A) Motion to approve the Special Use Extension Request for Permit #2018-15. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Freeman and McGee. Nays: None. Motion carried.

(B) Motion to approve the proposal from T Lee's Service, in the amount of \$9,495.00, for a new diesel fuel dispenser for the Street Department. Any cost not covered by insurance will be paid for from Line Item #01-5-310-8200. Roll Call Vote: 9/0 in favor. Ayes: Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Freeman, McGee and Porter. Nays: None. Motion carried.

(C) Motion to approve the purchase of the 2012 CT Transport 5500 gallon tanker and the 2010 Dragon 6300 gallon tanker in the amount of \$32,000.00, from Midwest Tank and Trailer. This equipment will be paid for from the sanitary sewer depreciation fund 61-1750. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Snow, Stevens, Arevalo, Brereton, Fleury, Freeman, McGee, Porter and Ratcliffe. Nays: None. Motion carried.

(D) Motion to approve GFL Environmental Inc. for refuse hauling in Belvidere. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Stevens, Arevalo, Brereton, Fleury, Freeman, McGee, Porter, Ratcliffe and Snow. Nays: None. Motion carried.

(11) Other:

(A) Executive Session to discuss pending, probable or imminent litigation pursuant to section 2(c)(11) of the Illinois Open Meeting Act regarding Apollo Trenchless Inc.

Motion by Ald. Porter and 2<sup>nd</sup> by Ald. Stevens to go into Executive Session at 8:11p.m. to discuss probable or imminent litigation pursuant to section 2(c)(11) of the Illinois Open Meeting Act regarding Apollo Trenchless Inc. Roll Call Vote: 9/0 in favor. Ayes: Arevalo, Brereton, Fleury, Freeman, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: None. Motion carried.

Motion by Ald. Snow, 2<sup>nd</sup> by Ald. Porter to move out of Executive Session at 8:36p.m. Roll Call Vote: 9/0 in favor. Ayes: Fleury, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo and Brereton. Nays: None. Motion carried.

(12) Adjournment:

Motion by Ald. Fleury, 2<sup>nd</sup> by Ald. Porter to adjourn meeting at 8:38 p.m. Aye voice vote carried. Motion carried.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Minutes  
Committee of the Whole  
Public Safety and Finance and Personnel  
October 26, 2020  
6:00 p.m.

Call to Order – Mayor Mike Chamberlain:

Aldermen Present:

D. Arevalo, R. Brereton, M. Fleury, M. Freeman (by Teleconference),  
M. McGee, T. Porter, T. Ratcliffe (by Teleconference),  
D. Snow (by Teleconference) and C. Stevens.

Alderman Absent: W. Frank.

Department Heads and City Personnel in Attendance:

Budget and Finance Director Becky Tobin, Public Works Director Brent Anderson,  
Police Chief Shane Woody, Fire Chief Al Hyser, City Attorney Mike Drella and City  
Clerk Sarah Turnipseed.

Public Comment:

- (A) Jack Weiss spoke concerning unimproved alleys.
- (B) Carla Weiss spoke concerning unimproved alleys.
- (C) City Attorney Mike Drella read into the record a Public Comment from  
Lanny Kruckeberg concerning unimproved alleys.

Public Forum: None.

Reports of Officers, Boards, and Special Committees:

1. Finance & Personnel, Unfinished Business: None.
2. Finance & Personnel, New Business:
  - (A) Budget/Finance Update.

Budget and Finance Director Becky Tobin presented an update on: Fiscal Year 2021 Revenue; Publication of Treasurer's Report; Cure's Grant; Budget Process; and Credit Card Machines. Discussion took place.

(B) FY 2021 Capital Expenditures.

Budget and Finance Director Becky Tobin reported the status of the FY 2021 Capital Expenditures. Discussion took place.

(A) 2021 IML Risk Management Association Annual Renewal.

Motion by Ald. Snow, 2<sup>nd</sup> by Ald. Porter, to approve the 2021 IML Risk Management Association Annual Renewal. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Arevalo, Brereton, Fleury, Freeman, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: None. Motion carried.

3. Public Safety, Unfinished Business: None.

4. Public Safety, New Business:

(A) Fire Department – Update.

Fire Chief Al Hyser presented an update on: Covid -19 Precautions; PPE Supplies; Fire Safety Month; Mini Pumper Build; and New Command Vehicle. Discussion took place.

(B) Police Department – Update.

Police Chief Shane Woody presented an update on: Testing Body Worn Cameras; Citizen Police Academy Classes; COSSAP Grant; Fire & Police Commission; and Medicine Collection. Discussion took place.

(C) Police Department – Purchase of Two New Vehicles.

Motion by Ald. Fleury 2<sup>nd</sup> by Ald. Porter to authorize Capital Fund expenditures for the purchase of two (2) 2021 Dodge Durango Police Package SUV's at a cost not to exceed \$46,250 each for a total expenditure of \$92,500.00. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Brereton, Fleury, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens and Arevalo. Nays: None.

(D) Police Department – Purchase of Four Starcom Portable Radios.

Motion by Ald. Snow, 2<sup>nd</sup> by Ald. Porter to authorize the purchase of four (4) Motorola Starcom 21 APX 4000 7/800 MHZ Model 2 Portable Radios at \$3,679.69 each; for a total cost of \$14,718.76 using funds budgeted in the Equipment Line Item #01-5-210-8200 for the purchase of portable radios. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Fleury, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo and Brereton. Nays: None. Motion carried.

(E) Homecoming Parade Application.



Motion by Ald. Porter, 2<sup>nd</sup> by Ald. Stevens to approve the Homecoming Parade Application. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton and Fleury. Nays: None. Motion carried.

5. Other:

(A) Public Comment Time Limits – Ald. Freeman.

Discussion took place. Motion by Ald. Freeman, 2<sup>nd</sup> by Ald. Stevens to amend the public comment time limit to 5 minutes per person and total length of public comment to 45 minutes. Roll Call Vote: 9/0 in favor. Ayes: McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury and Freeman. Nays: None. Motion carried.

Further discussion took place concerning public comment being made in person or by e-mail. Motion by Ald. Stevens, 2<sup>nd</sup> by Ald. Porter to allow public comment to include written comment at any public meeting which will be read into the record by City staff during the public comment portion of the meeting. Any such written public comment must be received by the City Clerk no later than 4:30 p.m. the day of the public meeting. The Clerk shall provide an email address for purposes of receiving public comment and post that address on the City's Web Site. Upon termination of the Governor's Executive Order 2020-58 as well as any other Executive Order restricting public gatherings during COVID-19, this policy shall immediately terminate and public comment will revert to its usual requirement of in person attendance. Roll Call Vote: 9/0 in favor. Ayes: Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Freeman and McGee. Nays: None. Motion carried.

(B) Unimproved Alleys.

Discussion took place. Mayor Chamberlain requested a Roll Call Vote to approve continuing preparation of information on unimproved alleys: 9/0 in favor. Ayes: Brereton, Fleury, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens and Arevalo. Nays: None.

(C) Vehicle Repair – Street Department Truck #2079.

Motion by Ald. Snow, 2<sup>nd</sup> by Ald. Stevens to approve Side Action Diesel Performance to complete the repairs to Truck #2079 at the estimated cost of \$7,595.06. This work will be paid for from Street Department Line Item #01-5-310-6020, Equipment Repair. Discussion took place. Roll Call Vote: 9/0 in favor. Ayes: Snow, Stevens, Arevalo, Brereton, Fleury, Freeman, McGee, Porter and Ratcliffe. Nays: None. Motion carried.

(D) Resolution #2022-2020 – A Resolution Authorizing the Purchase of Certain Real Property Adjacent to Logan Avenue to Facilitate ADA Compliance.

Motion by Ald. Snow, 2<sup>nd</sup> by Ald. Porter to adopt Resolution #2022-2020. Roll Call Vote: 9/0 in favor. Ayes: Stevens, Arevalo, Brereton, Fleury, Freeman, McGee, Porter, Ratcliffe and Snow. Nays: None. Motion carried.

(E) Executive Session to discuss pending, probable or imminent litigation pursuant to section 2(c)(11) of the Illinois Open Meeting Act regarding Apollo Trenchless Inc.

Motion by Ald. Arevalo, 2<sup>nd</sup> Ald. Porter to go into Executive Session at 7:53p.m. to discuss pending, probable or imminent litigation pursuant to section 2(c)(11) of the Illinois Open Meeting Act regarding Apollo Trenchless Inc. Roll Call Vote: 9/0 in favor. Ayes: Arevalo, Brereton, Fleury, Freeman, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: None. Motion carried.

Motion by Ald. Snow, 2<sup>nd</sup> by Ald. Porter to leave Executive Session at 8:31p.m. Roll Call Vote: 9/0 in favor. Ayes: Fleury, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo and Brereton. Nays: None. Motion carried.

Motion by Ald. Arevalo, 2<sup>nd</sup> by Ald. Porter. to adjourn meeting at 8:32p.m. Aye voice vote carried. Motion carried.

\_\_\_\_\_ Mayor

Attest: \_\_\_\_\_ City Clerk

ORDINANCE #507H

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY  
(PUBLIC WORKS 1974 PENNCO TANK TRAILER)

WHEREAS, the City of Belvidere Public Works Department is in possession of a 1974 Pennco Tank Trailer (the Property) that is no longer needed or useful; and

WHEREAS, the Property is cost prohibitive to repair and constitutes surplus personal property within the meaning of 65 ILCS 5/11-76-4; and

WHEREAS, the Corporate Authorities of the City find that the previously referenced Property is no longer necessary or useful to or in the best interest of the City.

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

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

**SECTION 2:** The Mayor, or his designee, is authorized and directed to sell or scrap the 1974 Pennco Tank Trailer (VIN 2-11877-83) by any means, including but not limited to an internet auction site or scrap.

**SECTION 3:** If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

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

**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Ayes: .  
Nays: .  
Absent: .

APPROVED:

\_\_\_\_\_  
Mayor Michael W. Chamberlain

(SEAL)

ATTEST: \_\_\_\_\_  
City Clerk

Passed:  
Approved:  
Published:

ORDINANCE #508H  
AN ORDINANCE AMENDING SECTION 2-2,  
PUBLIC COMMENT  
OF THE CITY OF BELVIDERE MUNICIPAL CODE

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

**SECTION 1:** Section 2-2- of the City of Belvidere Municipal Code is amended to read as set forth in the attached Exhibit A which is attached hereto and incorporated herein.

**SECTION 2:** If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Voting Aye:  
Voting Nay:  
Absent:

APPROVED:

\_\_\_\_\_  
Michael W. Chamberlain  
Mayor

ATTEST: \_\_\_\_\_  
Sarah Turnipseed  
City Clerk (SEAL)

Passed:  
Approved:  
Published:

## EXHIBIT A

### Sec. 2-2. - Public comment.

- (a) As required by Section 2.06(g) of the Illinois Open Meetings Act, any person shall be permitted an opportunity to address public officials at any open public meeting of any public body of the City of Belvidere, including but not limited to, the city council, the committees of the whole, the planning and zoning commission, the historic preservation commission and the fire and police commission (hereinafter public bodies). Public comment shall be subject to the following rules and regulations:
- (b) All city public bodies shall include a provision for public comment on their agenda.
- (c) Any person wishing to address the public body shall, prior to the start of the public body's meeting, register for public comment on forms provided by the public body immediately prior to the public meeting. The person making comment shall, at the beginning of their comment, provide their name and identify the topic of their comment.
- (d) All persons providing public comment at a public meeting shall be limited to five minutes of public comment. The chair may extend that time with the consent of the public body.
- (e) The total of public comments at any one meeting of a city public body shall not extend more than 45 minutes in length, unless extended by the chair with the consent of the public body. Individuals who are not able to address the public body because of this time length shall be informed of the next public meeting of the public body so that they may address the public body at that time.
- (f) The purpose of public comment shall only be to seek redress from the public body or to advise or educate the public body regarding an issue which the public body is competent to act upon. It shall not be used for any commercial purpose or to solicit funds or attendance at any function or event.
- (g) All public comment shall be respectful to others, shall not use offensive language, shall not be purposefully disruptive to the meeting and shall not include unsubstantiated personal attacks on any persons character.
- (h) In the event any person violates any of these restrictions, the chair retains the right and the power to rule the public comment out of order and to order the person making the public comment to cease such comment and removed from the meeting.

(Ord. No. 242H, § 1(Exh. A), 12-15-14)

RESOLUTION #2022-2020

A RESOLUTION AUTHORIZING THE PURCHASE OF  
CERTAIN REAL PROPERTY ADJACENT  
TO LOGAN AVENUE TO FACILITATE  
ADA COMPLIANCE

WHEREAS, the City of Belvidere (the City) maintains roads and streets within the City of Belvidere, including but not limited to Logan Avenue; and

WHEREAS, the City Council finds that reconstruction of Logan Avenue is necessary for the public good and welfare; and

WHEREAS, it is necessary to obtain additional right of way from landowners adjacent to Logan Avenue to widen sidewalks and relocate utility poles so as to comply with the Americans with Disabilities Act (the ADA); and

WHEREAS, attached hereto and incorporated herein as Exhibit A are the properties from which certain land must be acquired to facilitate compliance with the ADA; and

WHEREAS, the City has obtained appraisals (the Appraisals), prepared by Rebecca Davidson establishing the fair market value of all of the parcels to be acquired.

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

- 1) The foregoing recitals are incorporated herein as if fully set forth.
- 2) The City Council finds that it is necessary and desirable for the City to acquire the lands specified for the purpose of the Logan Avenue reconstruction and compliance with the ADA.
- 3) The Mayor, Public Works Director, and the City Attorney are authorized to negotiate and purchase the parcels described in the Attached Exhibit A at the amount identified as the fair market value set forth in the Appraisals. The Mayor is authorized to execute any contracts and necessary closing documents as approved by the City Attorney to effectuate the purchase of the parcels identified in Exhibit A.

Passed by the City Council of the City of Belvidere, Illinois

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Ayes:

Nays:

Absent:

Date Approved:

EXHIBIT A

Address	Portion of PIN	SQ Feet To Be Obtained	Fair Market Value Pursuant to Appraisal
1054 Logan Ave	0536206015	197.59	\$1066.00
923 Logan Ave.	0536206008 & 0536206047	23	\$90.00
1017-1023 Logan Ave.	0536206013 & 0536206014	374	\$1085.00
1007 Logan Ave.	0536206011 & 0536206023	292	\$975.00
1053 Logan Ave.	0536206015	197	\$1060.00
925 Logan Ave.	0536206046	199	\$955.00



RESOLUTION #2023-2020

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT  
BETWEEN THE CITY OF BELVIDERE AND WASHINGTON INTERNATIONAL  
INSURANCE COMPANY

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

- 1) The Mayor is hereby authorized to execute the agreement between the City of  
Belvidere and Washington International Insurance Company, a copy of which  
is attached hereto.

Approved:

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Mayor

Attest:

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City Clerk

Ayes:

Nays:

Absent:

Date Approved:

## **SETTLEMENT AGREEMENT AND RELEASE**

This Settlement Agreement and Release (the "Agreement") is made and entered into by and between the City of Belvidere, 401 Whitney Boulevard, Belvidere, Illinois ("City") and Washington International Insurance Company, 1450 American Lane, Schaumburg, Illinois 60173 ("WIIC"). City and WIIC are collectively referred to herein as the "Parties."

### **RECITALS**

WHEREAS, City entered into a written agreement with Apollo Trenchless, Inc. ("Apollo") dated September 5, 2019 (the "Contract") pursuant to which Apollo, as contractor, agreed to perform certain construction for the City on a project identified as "Forcemain Extension VFW to Water Treatment Plant" (the "Project"); and

WHEREAS, as required by law and under the terms of the Contract, Apollo, as principal, and WIIC, as surety, executed and delivered to City a Contract Bond numbered 9190974 (the "Bond") in the amount of \$335,924.00 ("penal sum of the Bond") securing Apollo's obligations to a) perform the work in accordance with the terms of the Contract and b) pay for labor, materials, apparatus, fixtures or machinery furnished to the project for the performance of the work under the Contract; and

WHEREAS, on or about August 4, 2020, the City declared Apollo in default and terminated Apollo for cause in accordance with the Contract;

WHEREAS, the City subsequently demanded performance from WIIC under the Bond and called upon WIIC to complete the Project and pay outstanding claims of materialmen and subcontractors; and

WHEREAS, WIIC denies, disputes and disclaims any obligation or liability to the City under the terms of the Bond or the Contract; and

WHEREAS, City and WIIC recognize the uncertainty, risk and significant costs of engaging in litigation or arbitration to adjudicate their respective rights and obligations under the Contract and Bond and, therefore, without admitting any liability toward each other, have arrived at an agreement and a method to fully settle, satisfy and release City's claims and demands against WIIC said agreement being set forth below.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises and

payment hereinafter described, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and WIIC hereby agree as follows:

1. The foregoing Recitals are incorporated herein as an integral part of this Agreement.

2. As full and final satisfaction and settlement of its claims and demands against WIIC, City will accept payment from WIIC in the amount of \$52,895.29 (the "Settlement Payment"). WIIC will deliver the Settlement Payment to City within fourteen (14) days after the date that WIIC receives City's signed Agreement. The Settlement Payment shall effectively reduce the penal sum of the Bond by \$52,895.29.

3. WIIC and City agree that WIIC shall have no responsibility or obligation for the performance, completion, correction, warranty or maintenance of any work under the Contract and, upon tendering the payment described in paragraph two above, WIIC shall have no further obligation to City under the Bond, Contract or otherwise, except as provided in paragraph five below.

4. Effective upon receipt of, and as consideration for the Settlement Payment, City hereby expressly and unconditionally acquits, releases and forever discharges WIIC and its affiliates, parent companies, respective employees, officers, directors, officials, agents, consultants, attorneys, successors and assigns (none of whom admit any liability but expressly deny liability) of and from any and all known and unknown, foreseen and unforeseen actions, causes of action, claims, debts, dues, accounts, demands, liabilities, damages, costs, expenses, compensations, sums of money, covenants, contracts, agreements and any and all liabilities of every kind, character and description, including without limitation claims for punch list work, warranty work, completion work, legal, design, professional and delay costs, latent defects, patent defects and any other damages which City now has or may have in the future, or which City may

have heretofore had against WIIC, by reason of, or in any way growing out of, or related to or concerning, whether directly or indirectly, (i) the Contract, (ii) the Project or (iii) the Bond.

5. WIIC acknowledges and agrees that, subject to the terms and limitations of the Bond, 30 LCS § 550/1 et seq., and the law, its obligations under the Bond to pay just and valid claims of Apollo's subcontractors or suppliers for labor, material, apparatus and machinery furnished for performance of the work under the Contract shall continue to remain in full force and effect. All payments made by WIIC to satisfy claims on the Bond, whether fully or partially, (including but not limited to the Settlement Payment to the City) shall be credited and applied to reduce the penal sum of the Bond.

6. This Agreement and the release set forth in paragraph four above, do not release, impair, alter or otherwise affect any rights, remedies, claims, causes of action or defenses that City and Apollo have or might have against each other arising from or related to the Contract or Project. The parties understand and acknowledge that City and Apollo expressly reserve their respective rights, remedies, claims, causes of action or defenses against each other arising from or related to the Contract or Project.

7. This Agreement constitutes the whole of the understanding, discussions, and agreements by and among the Parties to this Agreement. The Parties to this Agreement acknowledge that there have been no oral, written or other agreements of any kind as a condition precedent to or to induce the execution and delivery of this Agreement. Any written or oral discussions conducted prior to the effective date of this Agreement shall not in any way vary or alter the terms of this Agreement.

8. This Agreement may be amended, modified or waived, in whole or in part, only by an agreement in writing executed by all of the Parties and making specific reference to this Agreement.

9. This Agreement may be executed in multiple counterparts, each of which, when assembled to include an original signature for each party contemplated to sign this Agreement, will constitute a complete and fully executed original. All such fully executed original counterparts will collectively constitute a single agreement. Delivery of this Agreement may be accomplished by fax or e-mail.

10. Any notices or correspondence which is required to be given or delivered by the terms of this Agreement shall be given or delivered via e-mail, fax or first class mail as follows:

As to City:

Michael Drella, City Attorney  
City of Belvidere  
401 Whitney Boulevard., Suite 100  
Belvidere, Illinois 62677  
Fax: (815) 544-3060  
E-mail: [cityattorney@ci.belvidere.il.us](mailto:cityattorney@ci.belvidere.il.us)

As to WIIC:

Steven H. Elizer, Esq.  
Elizer Law Group, LLC  
5836 Lincoln Avenue, Suite 200  
Morton Grove, Illinois 60053  
Fax: (847) 983-0305  
E-mail: [selizer@elizerlaw.com](mailto:selizer@elizerlaw.com)

11. This Agreement is effective as of the date that it has been executed by all Parties to this Agreement.

12. This Agreement shall be binding upon the Parties and their respective successors and assigns.

13. In the event that one or more provisions of this Agreement shall be declared to be invalid, illegal or unenforceable in any respect, unless such invalidity, illegality or unenforceability shall be tantamount to a failure of consideration, the validity, legality and enforceability of the remaining provisions contained in this Agreement shall not in any way be affected or impaired thereby.

14. It is understood and agreed by the parties to this Agreement that this Agreement shall be construed without regard to any presumption or other rule requiring construction against the party causing this Agreement to be drafted.

15. This Agreement shall not supersede, replace, modify, alter, impair or in any way affect that certain General Indemnity Agreement executed by Apollo, Charles J. Cohen and Aaron Cohen dated March 24, 2011 (the "GIA"), it being the intent that all rights, remedies and obligations under the GIA shall survive the execution of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates indicated below, and each of the undersigned personally represent and warrant that they have the full right, power and authority to execute this Agreement on behalf of the respective parties.

**City of Belvidere**

**Washington International Insurance Company**

Sign: \_\_\_\_\_

Sign: \_\_\_\_\_

Print: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Washington International Insurance Company**

(dual signatory)

Sign: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_