

**CITY OF FAIRVIEW HEIGHTS
CITY COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
AUGUST 2, 2016
7:00 P.M.**

- A. Call to Order
- B. Pledge of Allegiance
- C. Invocation
- D. Roll Call
- E. Public Participation
- F. Consent Agenda:

**City Council Minutes – July 19, 2016
Executive Session Minutes – July 5, 2016
Finance Director Report**

- G. Committee Reports
- H. Communication from Mayor
- I. Communication from Elected Officials

J. UNFINISHED BUSINESS

Proposed Ordinance No. 44-'16, an Ordinance establishing rules and regulations for police tow assignments and selection of towing services. (Administration Committee)

Proposed Ordinance No. 45-'16, an Ordinance amending Ordinance No. 190, "The Revised Code," Chapter 24, Motor Vehicle Code, Schedule B, Stop and Through Intersections by adding Harbor Woods Drive (southbound) at Northshore Drive and Wolf Hollow Lane (eastbound) at Timber Point Court. (Administration Committee)

K. NEW BUSINESS

Proposed Resolution No. 65-'16, a Resolution establishing Towing Charge Rates for police tow assignments. (Administration Committee)

Proposed Resolution No. 70-'16, a Resolution authorizing the Mayor enter into an agreement with All Weather Courts, Inc. for the resurfacing of the tennis courts located in Everett Moody Park. (Community Committee)

Proposed Resolution No. 71-'16, a Resolution authorizing the Mayor to enter into an agreement with National Erectors & Builders, Inc. for the purchase and installation of a Daktronics BA-2127 Scoreboard for George Lanxon Field. (Community Committee)

Move to go into Executive Session pursuant to 5 ILCS 120/2 (c) (11) – Litigation.

L. ADJOURNMENT

**CITY OF FAIRVIEW HEIGHTS
CITY COUNCIL MINUTES
JULY 19, 2016**

The regular meeting of the Fairview Heights City Council was called to order at 7:00 P.M. by Mayor Mark T. Kupsky in the Municipal Complex, 10025 Bunkum Road, Fairview Heights, IL with the Invocation by City Clerk Karen J. Kaufhold and the Pledge of Allegiance by Mayor Kupsky.

ROLL CALL

Roll call of Aldermen present: Brenda Wagner, Harry Zimmerman, Pat Peck, Roger Lowry, Justin Gough, Denise Williams, Bill Poletti, Frank Menn, Dennis Baricevic and Pat Baeske. Mayor Mark T. Kupsky, City Clerk Karen J. Kaufhold and City Attorney Kevin Hoerner were also present.

PUBLIC PARTICIPATION

Derrick Vandenburg – spoke regarding additional office space in the Comprehensive Plan.

CONSENT AGENDA

Alderman Lowry moved to approve the July 5, 2016 City Council minutes and the bills and invoices as presented for payment in the amount of \$1,379,328.33. Seconded by Alderman Williams.

Roll call on the Consent Agenda showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn and Baeske voting “Yea.” Alderman Baricevic voting “Nay.” Motion passed on 9 yeas and 1 nay.

COMMITTEE REPORTS

Mayor Kupsky announced the Community Committee will meet July 20th, 7:00 P.M.

COMMUNICATION FROM MAYOR

Mayor Kupsky requested a moment to reflect upon the men and women in blue and those who have lost their lives; Mayor thanked the Public Works Department for their efforts picking up trees and branches from the City streets and residents during the recent storms; Mayor stated that a computer router had failed and that it has been replaced; Mayor reminded everyone to be careful during the extreme temperatures and to check on those working outside and on neighbors.

COMMUNICATION FROM ELECTED OFFICIALS

City Clerk Kaufhold announced the Executive Session listed on the City Council Agenda has been cancelled; City Clerk’s Office received a petition with 36 signatures against the Proposed Rezoning and Development at 10207 Lincoln Trail; the City Auction will be held on September 10th, 9:00 A.M. on the Municipal Complex grounds.

UNFINISHED BUSINESS

Proposed Ordinance No. 39-'16, an Ordinance approving the Tax Increment Financing Redevelopment Plan and Redevelopment Project for the Ludwig Drive Tax Increment Financing Redevelopment Project Area was read for the second time.

Roll call on Proposed Ordinance No. 39-'16 showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn and Baeske voting "Yea." Alderman Baricevic voting "Nay." Proposed Ordinance No. 39-'16 passed on 9 yeas and 1 nay.

Proposed Ordinance No. 39-'16 now becomes **ORDINANCE NO. 1754-2016**.

Proposed Ordinance No. 40-'16, an Ordinance designating and approving the Ludwig Drive Tax Increment Financing Redevelopment Project Area was read for the second time.

Roll call on Proposed Ordinance No. 40-'16 showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn and Baeske voting "Yea." Aldermen Baricevic voting "Nay." Proposed Ordinance No. 40-'16 passed on 9 yeas and 1 nay.

Proposed Ordinance No. 40-'16 now becomes **ORDINANCE NO. 1755-2016**.

Proposed Ordinance No. 38-'16, an Ordinance adopting Tax Increment Financing in the Ludwig Drive Tax Increment Financing Redevelopment Project Area was read for the second time.

Roll call on Proposed Ordinance No. 38-'16 showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn, Baricevic and Baeske voting "Yea."

Proposed Ordinance No. 38-'16 passed on 10 yeas and no nays.

Proposed Ordinance No. 38-'16 now becomes **ORDINANCE NO. 1756-2016**.

Proposed Ordinance No. 42-'16, an Ordinance approving the Tax Increment Financing Redevelopment Plan and Redevelopment Project for the State Route 159 North Tax Increment Financing Redevelopment Project Area was read for the second time

Roll call on Proposed Ordinance No. 42-'16 showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn and Baeske voting "Yea." Alderman Baricevic voting "Nay." Proposed Ordinance No. 42-'16 passed on 9 yeas and 1 nay.

Proposed Ordinance No. 42-'16 now becomes **ORDINANCE NO. 1757-2016**.

Proposed Ordinance No. 43-'16, an Ordinance designating and approving the State Route 159 North Tax Increment Financing Redevelopment Project Area was read for the second time.

Roll call on Proposed Ordinance No. 43-'16 showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn and Baeske voting "Yea." Alderman Baricevic voting "Nay." Proposed Ordinance No. 43-'16 passed on 9 yeas and 1 nay.

Proposed Ordinance No. 43-'16 now becomes **ORDINANCE NO. 1758-2016**.

Proposed Ordinance No. 41-'16, an Ordinance adopting Tax Increment Financing in the State Route 159 North Tax Increment Financing Redevelopment Project Area was read for the second time.

Roll call on Proposed Ordinance No. 41-'16 showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn, Baricevic and Baeske voting "Yea."

Proposed Ordinance No. 41-'16 passed on 10 yeas and no nays.

Proposed Ordinance No. 41-'16 now becomes **ORDINANCE NO. 1759-2016**.

NEW BUSINESS

Proposed Ordinance No. 44-'16, an Ordinance establishing rules and regulations for police tow assignments and selection of towing services. Motion made by Alderman Baricevic. Seconded by Alderman Wagner. Proposed Ordinance No. 44-'16 was read for the first time.

Proposed Ordinance No. 45-'16, an Ordinance amending Ordinance No. 190, "The Revised Code," Chapter 24, Motor Vehicle Code, Schedule B, Stop and Through Intersections by adding Harbor Woods Drive (southbound) at Northshore Drive and Wolfhollow Lane (eastbound) at Timberpoint Court. Motion made by Alderman Zimmerman. Seconded by Alderman Peck. Proposed Ordinance No. 45-'16 was read for the first time.

Alderman Lowry moved to table Proposed Resolution No. 65-'16, a Resolution establishing Towing Charge Rates for police tow assignments to the next City Council meeting. Seconded by Alderman Baeske. Motion carried.

Proposed Resolution No. 66-'16, a Resolution authorizing the Mayor to enter into an Agreement with Schildknecht Lawn Care, for lawn mowing, weed clearing, nuisance abatement and trash/debris removal service from July 19, 2016 to April 30, 2017. Motion made by Alderman Poletti. Seconded by Alderman Wagner.

Roll call on Proposed Resolution No. 66-'16 showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn, Baricevic and Baeske voting "Yea." Proposed Resolution No. 66-'16 passed on 10 yeas and no nays.

Proposed Resolution No. 66-'16 now becomes **RESOLUTION NO. 4041-2016**.

Proposed Resolution No. 67-'16, a Resolution authorizing the Mayor on behalf of the City to enter into a contract with the Kilian Corporation for the Kassing Avenue Roadway Improvements Project. Motion made by Alderman Baeske. Seconded by Alderman Wagner.

Roll call on Proposed Resolution No. showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn, Baricevic and Baeske voting "Yea." Proposed Resolution No. 67-'16 passed on 10 yeas and no nays.

Proposed Resolution No. 67-'16 now becomes **RESOLUTION NO. 4042-2016**.

Proposed Resolution No. 68-'16, a Resolution authorizing the Mayor on behalf of the City to enter into a Professional Service Agreement on behalf of the City with Horner & Shifrin, Inc. for the design of Sidewalk Replacement, Phases 2 and 3, on Lincoln Trail. Motion made by Alderman Williams. Seconded by Alderman Zimmerman.

Roll call on Proposed Resolution No. 68-'16 showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn, Baricevic and Baeske voting "Yea." Proposed Resolution No. 68-'16 passed on 10 yeas and no nays.

Proposed Resolution No. 68-'16 now becomes **RESOLUTION NO. 4043-2016**.

NEW BUSINESS - continued

Proposed Resolution No. 69-'16, a Resolution authorizing the Mayor on behalf of the City to enter into an Engineering Services Agreement with Millennia Professional Services of Illinois to provide engineering services for the improvements of Bonita Drive. Motion made by Alderman Williams. Seconded by Alderman Wagner.

Roll call on Proposed Resolution No. 69-'16 showed Aldermen Wagner, Zimmerman, Peck, Lowry, Gough, Williams, Poletti, Menn, Baricevic and Baeske voting "Yea." Proposed Resolution No. 69-'16 passed on 10 yeas and no nays.

Proposed Resolution No. 69-'16 now becomes **RESOLUTION NO. 4044-2016**.

Alderman Gough moved to adjourn. Seconded by Alderman Poletti. Motion carried.

Meeting adjourned at 7:19 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karen J. Kaufhold".

KAREN J. KAUFHOLD
CITY CLERK

Memo

To: Mayor & City Council
From: Gina Rader - Director of Finance
CC: City Clerk & Directors
Date: July 28, 2016
Re: Finance Report – August 2nd City Council Meeting

Sales Tax Revenues

Attached is the most current revenue deposit received for Sales Tax, this month reflected an increase from this same time period last year. Please let me know if you have any questions.

Thanks,
Gina

**CITY OF FAIRVIEW HEIGHTS, IL
SALES TAX REPORT
State 1% Municipal Tax Portion**

DISTRIBUTION MONTH	MAY 2013 - APRIL 2014	MAY 2014 - APRIL 2015	MAY 2015 - APRIL 2016	MAY 2016 - APRIL 2017	% CHANGE	CHANGE IN DOLLARS
MAY	\$ 601,011.50	\$ 584,713.94	\$ 586,147.75	\$ 632,285.33	7.9%	\$ 46,137.58
JUN	655,667.46	647,401.33	708,268.15	696,077.63	-1.7%	\$ (12,190.52)
JUL	574,119.26	578,345.95	563,612.88	576,220.16	2.2%	\$ 12,607.28
AUG	586,795.92	593,876.18	607,839.70	-		
SEP	610,055.28	579,381.42	653,462.36	-		
OCT	554,178.50	550,782.54	573,059.41	-		
NOV	574,589.49	579,500.49	642,921.78	-		
DEC	468,313.25	588,998.17	626,164.49	-		
JAN	589,088.14	580,475.99	627,103.06	-		
FEB	687,960.48	680,833.91	695,015.32	-		
MAR	969,659.49	1,028,593.77	1,041,010.81	-		
APR	458,225.94	528,428.24	519,339.92	-		
YTD TOTAL	\$ 7,329,664.71	\$ 7,521,331.93	\$ 7,843,945.63	\$ 1,904,583.12		\$ 46,554.34
YTD CHANGE	-6.7%	2.6%	4.3%			
MONTHLY AVG	\$ 610,805.39	\$ 626,777.66	\$ 653,662.14	\$ 158,715.26		

7/28/2016

**PROPOSED ORDINANCE NO. 44-'16
AMENDED**

**AN ORDINANCE ESTABLISHING RULES AND
REGULATIONS FOR POLICE TOW ASSIGNMENTS
AND SELECTION OF TOWING SERVICES.**

WHEREAS, the Police Department of the City of Fairview Heights wishes to establish rules and regulations for Police Tow Assignments and selection of Towing Services.

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

SECTION 1. DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tow truck means a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing vehicles by means of a crane, tow bar, tow line or dolly, or is otherwise exclusively used to render assistance to other vehicles.

Towing service means the provision of tow truck services in response to a dispatch or request from the police department or any other municipal department.

Truck means any truck weighing over Ten Thousand (10,000) pounds.

SECTION 2. FEES. The fee to be paid to the City in order to be placed on the tow roster under SECTION 4 is Twenty-Five Dollars (\$25.00). The initial fee is due and payable upon submission of the application provided for in this article. The renewal fee shall be paid on each anniversary date.

SECTION 3. PURPOSE AND INTENT. It is the intent of this article to prescribe the basic regulations for the operation of tow trucks in the removal of motor vehicles which are illegally parked, abandoned, involved in an accident, subsequent to an arrest, or which constitute an obstruction to traffic or snow removal operations on designated snow routes, or which constitute a public nuisance, other than removal of certain inoperable or abandoned vehicles under Chapter 2 of Ordinance 190. It is the purpose of the City Council in enacting this article to provide a fair and impartial means of distributing City requests for towing services among qualified firms, and to ensure that such services are prompt and reasonably priced and are provided in the best interest of the public, as well as the interest of efficient removal of such vehicles. In enacting this article, it is not the purpose of the council to regulate towing services other than those dispatched or requested by city personnel. Nothing in this chapter shall prohibit the Chief of Police from enacting rules and regulations for the effective administration of tow operations in the City.

SECTION 4. ROSTER. All firms selected and designated to provide towing services under this article shall be listed on a roster to be kept by the police department. The roster of towing firms shall, at all reasonable times, be open to public inspection. The maximum number of towing firms on said roster shall not exceed five (5) firms at any one time. The roster of towing firms shall be effective for a period of two (2) years commencing January 1, 2017.

While the current number of tow services in use is set at five (5), should any current tow services withdraw or become permanently removed from the tow rotation list, then the number of tow services shall decrease until such time as the maximum

number of tow operators does not exceed three (3). It shall remain at a maximum of three (3) operators thereafter.

SECTION 5. ELIGIBILITY. Any towing firm shall become eligible to be listed on the roster and participate in the assignment of service calls by the police department if it has maintained a principal place of business in the City for a period of at least six (6) months prior to the date of application and meets the requirements set forth in this article. No person or towing firm shall be placed on the roster or operate a tow truck on tow roster calls if that person or towing firm or tow operator for that firm has been convicted under the laws of Illinois or any other state of an offense which under the laws of Illinois would be a felony theft of a vehicle or a felony offense under Article 1, Chapter 4 of the Illinois Vehicle Code, or has been fined by the Illinois Commerce Commission.

SECTION 6. APPLICATION. Any towing firm meeting the minimum eligibility requirements may submit a verified application to the City to participate in police towing operations. The application shall be in a form provided by the City Clerk, and shall elicit the following information:

(1) Business operation:

- a. Name of firm. Indicate whether a corporation or partnership, list all parties having a financial interest in the towing firm, including names and addresses, number of years business has been established in the City.
- b. Experience. List number of years and locations of participation in similar police towing services, together with any commendations or written complaints received from governmental agencies in conduct of the business within the last five (5) years.

- c. Attendants and drivers. List names, driver's license numbers, and addresses of all attendants and drivers who will conduct the police towing service.
- d. Equipment. Describe available equipment to be used in police towing services, particularly in terms of comparative qualities or capacities as related to minimum eligibility requirements.

(2) Business location and storage lot:

- a. Primary business location. List location of primary business operation, including dimensions and types of facilities available.
- b. Storage lot. List location of storage lots, zoning classification, dimensions thereof, relationship to primary business operation, and the type of protection provided at the lot(s).
- c. Vehicles towed on behalf of Fairview Heights Police shall be stored on a storage lot within the City of Fairview Heights.

SECTION 7. REVIEW OF APPLICATIONS. It shall be the duty of the police chief or his designee to investigate all applications and renewals submitted under this article and place all eligible firms on the roster. The police chief shall disapprove of any application or renewal if, after due investigation, he finds that the applicant does not meet the minimum requirements set forth in this article or has violated SECTION 15. The police chief shall notify an applicant in writing if an application or renewal is disapproved and state the reasons for such disapproval.

SECTION 8. ASSIGNMENT. Any towing firm listed on the roster shall not assign its place to other towing concerns nor assign any calls without written consent of the police chief.

SECTION 9. TOW TRUCKS; Minimum Equipment Standards. Minimum equipment standards for tow trucks shall be as follows:

(1) Truck chassis: At least one (1) rig of one-ton capacity with rear dual wheels. The police officer on the scene shall determine if greater capacity is needed and shall call upon any service capable of providing that capacity regardless of whether or not the company is on the roster of the city or whether it is their (the additional service called) period of time to receive police requests.

(2) Company name: Company name, address or phone number on both sides of tow car.

(3) Lights: Trucks must, at all times, be equipped with such headlights, taillights, red reflectors, stoplights, warning lights, etc., as required by state law, plus one (1) white utility light (adjustable or portable), and may be equipped with such other lights as the owner may desire which are not forbidden by law.

(4) Winch: To be power-driven by power takeoff from transmission equipped with safety dogs or equivalent braking devices.

(5) Additional equipment: Trucks must be equipped with red flares, lanterns or reflectors, hand tools, crowbar, rope, broom, shovel, dustpan, fire extinguisher (dry chemical type), portable red taillight and stoplight for towed vehicles, equipment for opening locked vehicles, a safety snubber chain, and oil/chem dry to clean spills.

(6) Each tow company shall have at least one (1) set of dollies readily available at all times.

SECTION 10. MINIMUM BUSINESS AND STORAGE LOT REQUIREMENTS.

1) Business and storage. The business and storage lot of a towing firm must be within a reasonable distance of public transportation and the storage lot must be in close proximity to the place of business. The storage lot must have adequate storage space (at least fifty (50) feet by one hundred (100) feet or equivalent area) to accommodate thirty (30) cars, either under cover or well fenced. The firm must exercise ordinary care to keep stored vehicles and contents safe from pilfering.

2) Hours. There shall be an attendant on call, capable of responding to police requests for towing, as well as to be present or available for the release of vehicles to the authorized party, twenty-four (24) hours a day, seven (7) days a week while in the police department's on call status. An attendant shall be on call to be present or available for the legally authorized recovery of personal items from towed vehicles by an authorized party Monday through Friday from 8:00 a.m. to 5:00 p.m., except on days the business is closed in recognition of holidays or due to a bona fide emergency situation.

3) Records. Each tow operator shall keep a record of the vehicle and license number; date and time it was towed; location from which it was towed; name of officer ordering the towing; and whether the vehicle was impounded or towed at the owner's request.

SECTION 11. DISPATCHING REQUIREMENTS. All requests for towing service pursuant to this article shall be made through the police department.

1) The on call tow service shall normally be available to respond within 15 minutes to a police request for a tow.

2) When it becomes evident that there will be a delay in responding to a request for towing service, the towing firm concerned shall advise the police department of this delay.

SECTION 12. REVISION OF RATES; Notice of Hearing.

1) The City Council may, from time to time, amend, by resolution after a public hearing, the schedule of fees or rates which may be charged for towing and storage services. The maximum fees to be charged shall not exceed these established rates.

2) Rates shall be prominently posted in each tow operator's place of business, in such a manner as is easily visible and readable by persons at the business to retrieve a towed vehicle.

3) The established tow rates shall be reviewed by City staff annually.

SECTION 13. REMOVAL OF HAZARDS; Police to Determine Necessity of Removing Vehicles. After being requested by the police department to respond for a tow, the tow truck operator shall cooperate with the police officers in removing hazards and illegally parked vehicles as requested. It is the duty of the police officers to determine when such a vehicle should be impounded or moved, and the tow truck operator shall abide by their decisions. The tow operator shall be responsible for removing the vehicle and all parts and debris from the vehicle from the scene and for clearing the roadway of debris, glass, and fluids. Should the removal of fluids from the roadway be beyond the tow operator's capability, fire services may be summoned to assist.

SECTION 14. IDENTIFICATION OF TOW TRUCKS. Only tow trucks bearing the name of the towing firm called shall be dispatched to the scene of need.

SECTION 15. CONDUCT. All owners of towing firms shall conduct their business in an orderly and businesslike manner. They shall use every means to avoid any conflicts between any interested parties. The primary measure to be used by the city in determining whether a towing firm has violated this section will be the number and type of complaints received by the city from the public. The police department is charged with the investigation and documentation of all complaints related to towing firms. Tow companies shall comply with all Illinois Compiled Statutes concerning the operation of a towing business including but not limited to the following: Chapter 625 ILCS 5/5-202: Tow or wrecker operators must register tow or wrecker vehicles, 5/12-214.1: Tow trucks meeting federal motor carrier safety requirements; lighting and signaling equipment, 5/12-215: Oscillating rotating or flashing lights on motor vehicles,

5/12-606: Tow trucks; identification; equipment; insurance, 5/4-200-215 Abandoned, lost, stolen, or unclaimed vehicles.

SECTION 16. PROTECTION OF VEHICLES. Vehicles impounded by the police for special investigations, i.e., fingerprints, etc., shall be held in maximum security until cleared by the investigating officers. Contents of vehicles with a police hold shall not be removed.

SECTION 17. RESPONSIBILITY FOR EMPLOYEES' ACTS. The owners of towing firms participating in towing assignments by the police department shall be responsible for the acts of their employees while on duty.

SECTION 18. PERIODIC INSPECTIONS. Towing firms on the roster may be subject to periodic checks of all records, equipment and storage facilities by police officers. A towing firm that fails to produce tow records or allow for inspections of its equipment and facilities at the request of the police, may be immediately suspended from the roster until the investigation in question is resolved.

SECTION 19. DAMAGE APPRAISALS. All vehicles stored or impounded as a result of the tow ordered by the police department shall be made available to the owner of the vehicle or his representative, appropriate insurance agent, insurance adjuster, or appropriate body shop or car dealer, for the purpose of estimating or appraising damages, except vehicles with a police hold for evidence or seizure.

SECTION 20. ACCESS TO VEHICLES. Vehicles impounded by a towing firm shall be accessible to police department personnel.

SECTION 21. ITEMIZED STATEMENTS, When Required.

1. A person conducting towing operations shall furnish an itemized statement of services performed, labor and special equipment used in completing

the tow of a vehicle and the charges made therefor to and upon the request of:

- a. The person requesting the towing service;
 - b. The registered owner of the vehicle towed;
 - c. The insurance carrier of either paragraph (a) or (b) above;
 - d. The duly authorized agent of paragraph (a) or (b) above.
2. A person conducting towing operations shall furnish a copy of the statement to any person authorized by this section to receive the statement without demanding payment as a condition precedent. The chief of police or his designee shall have authority over determining who may have access to towed vehicles ordered by the City during any dispute that may arise from this section.

SECTION 22. VEHICLE REPAIR OR ALTERATION, When Permitted. A person conducting towing operations shall refrain from making any repairs or alterations to a vehicle without first being authorized by a person listed in subsections Section-21 (1) (b), (c), or (d). Parts or accessories shall not be removed from vehicles without authorization except as necessary for security purposes. Under such circumstances, the parts or accessories removed shall be listed on the itemized statement and stored until final disposition of the towed vehicle. This section shall not be construed to prohibit persons conducting towing operations from making emergency alterations necessary to permit the removal by towing of vehicles.

SECTION 23. PROPERTY REQUIREMENTS. The property used for the towing and storage operations must meet all applicable requirements of the City Ordinance and State or Federal laws and regulations, including but not limited to, all zoning, building, health and safety requirements.

SECTION 24. STORAGE LOT CAPACITY. At no time shall the storage lot of a towing firm be filled to more than ninety (90) percent capacity. Should the lot be filled greater than that limit, the city may suspend towing services pursuant to this article until such time as the number of the vehicles in the lot is reduced to within the above-stated capacity.

SECTION 25. DEVIATION FROM ROSTER. Any and all tow truck operators not selected and designated pursuant to this article are prohibited from removing from the public streets and towing away any vehicles involved in the situations as set forth in Section 3; provided, however, that the owner or operator of the vehicle involved in the aforesaid situations may designate any towing service to be used for the towing away of the vehicle and/or may designate the destination of the towed vehicle. When feasible, the investigating police officer may allow a tow service of the vehicle operator's choice to be summoned, except in cases of tows related to police arrests, regardless of whether the selected tow service is on the Police Department's authorized call out list.

SECTION 26. INSURANCE.

1. Each towing firm listed on the roster, as of the date of effect of this ordinance, shall have in full force and effect, during the period the firm remains on the roster, public liability, property damage and fire and theft insurance coverage. The city shall be listed as an additional insured on each policy. Proof of such coverage shall be a minimum eligibility requirement. The amounts of public liability and property damage coverage shall not be less than:
 - a. Public liability, Five Hundred Thousand Dollars (\$500,000.00) per each accident.
 - b. Property damage, Fifty Thousand Dollars (\$50,000.00) per each accident.
2. Each towing firm listed on the roster after the date of enactment of this ordinance, including those firms who are renewing prior applications, shall have in full force and effect, during the period the firm remains on the roster, insurance coverage meeting the minimum requirements as follows:
 - a. Comprehensive General Liability: Must include the following industry standard forms of insurance:
 - i. Premises/operation coverage;
 - ii. Products and completed operations coverage;

- iii. Blanket contractual liability;
 - iv. Five Hundred Thousand Dollars (\$500,000.00) combined single limit, or Five Hundred Thousand Dollars (\$500,000.00) bodily injury and Two Hundred Fifty Thousand Dollars (\$250,000.00) property damage.
 - b. Comprehensive Auto Liability: Must include the following endorsements:
 - i. All owned autos, hired-car coverage, and employers non-owned auto coverage;
 - ii. The policy shall not contain a radius restriction of less than fifty (50) miles;
 - iii. Fifty Thousand Dollars (\$50,000.00) on hook liability.
 - c. Garage keeper's legal liability or motor truck cargo: The towing firm shall provide coverage for the vehicles in their custody. Either a motor truck cargo policy, listing all storage lots as terminal locations or garage keepers' legal liability shall be required. The minimum amount of coverage shall be no less than Fifty Thousand Dollars (\$50,000.00).
 - d. Workers' compensation and employers' liability: Statutory limits for workmen's compensation and a One Hundred Thousand Dollar (\$100,000.00) employers' liability limit.
3. Each towing firm shall supply the city with a certificate of insurance, which indicates coverage for the above mentioned minimum insurance requirements and carries the provision that said insurance shall not be cancelled without giving the city at least thirty (30) days' notice of cancellation or material change. The certificate of insurance shall also name the city as additional insured.

SECTION 27. POLICE DEPARTMENT HELD HARMLESS. If any firm listed on the roster performs towing services in a manner not in accordance with the provisions

contained in this article, the police department and the City of Fairview Heights are held harmless from any and all liability or damage arising therefrom.

SECTION 28. REMOVAL OR SUSPENSION FROM ROSTER.

- 1) Any deviation from the requirements established in this article, except for violations of SECTION 18, or failure at any time to provide reasonable, quick and efficient service at the rates prescribed may result in the temporary suspension for no more than thirty (30) days or removal of the name of such firm from the roster upon the recommendation of the police chief for a first offense within a 12 month period.
- 2) The police chief shall provide the tow operator with written notice at least fifteen (15) days prior to the effective date of the suspension/removal by delivering said notice to the tow operator's place of business. Said written notice shall include; 1) the effective date of the suspension/removal; 2) whether the suspension/removal is temporary or permanent; 3) the allegations which form the basis of the suspension/removal; 4) the actions, if any, the tow operator may take to prevent the suspension/removal from occurring; and 5) the procedure which the tow operator must follow to request a hearing to appeal the suspension/removal. If a hearing is requested, the designated city attorney for Fairview Heights shall act as hearing officer. The hearing shall be informal and provide both sides with the opportunity to present all evidence relevant to the suspension/removal. The hearing officer shall issue a written decision based upon a preponderance of the presented evidence within seven (7) days of the hearing. The opinion will be sent to the tow operator's business address with a copy retained in the tow operator's application file. The city or the tow operator may contest the decision of the hearing officer in any manner provided by law.
- 3) A tow operator must request a hearing by: 1) calling the Mayor's office within ten (10) days of receiving a notice of suspension/removal; and 2) scheduling a hearing with the Mayor's office. The Mayor's office must provide a time for the hearing that is within ten (10) calendar days of receiving notice of the suspension/ removal. If the tow operator is unavailable at the time provided by

the city, the city shall not be bound by ten (10) day period and the suspension/removal will not be stayed. If the City is unable to provide a hearing time within the applicable time period, all action on the suspension/removal shall be stayed until the hearing.

SECTION 29. SOLICITATION OF BUSINESS. No wrecker may respond to the scene of an accident or emergency for the purpose of towing vehicles unless specifically called there by the police or person involved in the accident or emergency. This section is intended to prohibit wrecker owners from soliciting business at the scenes of accidents and emergencies and shall not be construed to prohibit any wrecker from contracting with any person, firm or corporation providing the wrecker owner, his agents, and employees do not solicit towing contracts at the scenes of accidents or emergencies.

SECTION 30. SPECIAL SITUATIONS.

1. Storage fees may be charged for each calendar day, or fraction thereof, that a vehicle is in storage. This includes the date the vehicle is brought in to storage and the date the vehicle is taken out from storage.
2. No storage fees shall be charged on vehicles while the police department has a hold placed on the vehicle for evidence, processing, or seizure.
3. The fees regulated by this ordinance apply to motorized vehicles and trailers, less than a one-ton truck.
4. Tows for vehicles owned by the City of Fairview Heights of under a one-ton truck shall only be charged for standard tow fee, winching, and mileage (for those miles outside the City of Fairview Heights).

SECTION 31. PASSAGE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

PROPOSED ORDINANCE NO. 45-'16

AN ORDINANCE AMENDING ORDINANCE NO. 190, "THE REVISED CODE," CHAPTER 24, MOTOR VEHICLE CODE, SCHEDULE B, STOP AND THROUGH INTERSECTIONS BY ADDING HARBOR WOODS DRIVE (SOUTHBOUND) AT NORTHSORE DRIVE AND WOLFOLLOW LANE (EASTBOUND) AT TIMBERPOINT COURT.

WHEREAS, it has been determined to be in the best interest of the motoring public in the City of Fairview Heights and for the safety, welfare and protection of the residents of the City of Fairview Heights to amend Ordinance No. 190, "The Revised Code," Chapter 24, Motor Vehicle Code, Schedule B, Stop and Through Intersections.

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

SECTION 1. AMENDMENT. Amendment of Ordinance No. 190, "The Revised Code," Chapter 24, MOTOR VEHICLE CODE, SCHEDULE B, STOP AND THROUGH INTERSECTIONS, by adding in alphabetical order as follows

<u>"STOP STREET</u>		<u>THROUGH STREET</u>
HARBOR WOODS DRIVE (Southbound)	at	NORTHSORE DRIVE
WOLFOLLOW LANE (Eastbound)	at	TIMBERPOINT COURT"

SECTION 2. PASSAGE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

READ FIRST TIME: July 19, 2016

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

MARK T. KUPSKY, MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

PROPOSED RESOLUTION NO. 65-'16

**A RESOLUTION ESTABLISHING TOWING
CHARGE RATES FOR POLICE TOW
ASSIGNMENTS**

WHEREAS, the Fairview Heights Police Department wishes to establish towing charge rates for Police Tow Assignments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS:

1. The authority to establish maximum tow fees allowable for police tow assignments is established under Ordinance No. 190, Chapter 24, "An Ordinance Establishing Rules and Regulations for Police Tow Assignments and Selection of Towing Services."
2. The following maximum rates shall be in effect, as of date of passage of this resolution:

ACTION	FEE
Standard Tow	\$180
Flatbed or Dollies – Add	\$80
Assists (No Tow) (Includes tire changes, battery jumpstarts, etc)	\$80
Mileage (out of City)	\$5.00 per mile
Winching Services	\$100 and up
Storage – Inside	\$75 per day
Storage – Outside	\$50 per day
Administrative Fee	\$35
After Hour Gate Fee (for owner access or pick up)	\$75
Accident Scene Clean-up	\$50 and up
Additional Services Rate	\$75 per half hour

3. The tow operator may charge for any regulatory fees as established by a local, state, or federal agency. Such regulatory fees shall be detailed upon the billing provided.
4. The rates established by this resolution shall remain in effect until such time as this resolution is amended or repealed.

PASSED:

APPROVED:

ATTEST:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

KAREN J. KAUFHOLD - CITY CLERK

PROPOSED RESOLUTION NO. 70-'16

**A RESOLUTION AUTHORIZING THE MAYOR TO
ENTER INTO AN AGREEMENT WITH ALL
WEATHER COURTS, INC. FOR THE
RESURFACING OF THE TENNIS COURTS
LOCATED IN EVERETT MOODY PARK.**

WHEREAS, the City of Fairview Heights wishes to resurface the tennis courts located in Everett Moody Park;

WHEREAS, All Weather Courts, Inc. 10188 Route 36E, P.O. Box 276, Dawson, IL 62520-0276 has submitted the best bid in the interest of the City pursuant to such advertisement for bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS:

That the Mayor be authorized to enter into an agreement with All Weather Courts, Inc. 10188 Route 36E, P.O. Box 276, Dawson, IL 62520-0276 in the amount of ONE HUNDRED NINE THOUSAND FIVE HUNDRED DOLLARS (\$109,500.00) and to include the additional Alternate in the amount of THREE THOUSAND EIGHT HUNDRED DOLLARS (\$3,800.00) for a total cost of ONE HUNDRED THIRTEEN THOUSAND THREE HUNDRED DOLLARS (\$113,300.00), pursuant to the bid attached hereto, made a part hereof, and marked "EXHIBIT A."

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

PASSED:

APPROVED:

ATTEST:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

KAREN J. KAUFHOLD - CITY CLERK

"EXHIBIT A"

CONTRACTORS BID FORM
Moody Park Tennis Court Resurfacing

Total Bid Price: \$109,500.00

Total Bid Price Written: One Hundred + Nine Thousand, Five Hundred Dollars

Notes/Explanation regarding bid: _____

Per Specifications

ALTERNATE: Conversion of 1 tennis court into 4 permanent pickle ball courts
Owner will install fence and sleeves for pickle ball courts. The following must be included in Alternate costs:

- Apply acrylic color in contrasting blue in Kitchen (pickle ball center)
- Apply pickle ball lines in white or orange to four courts
- Supply and install Douglas Pickle Ball net posts, nets and center strap

Additional cost for ALTERNATE \$3800.00 Three Thousand Eight Hundred Dollars.

- Direct purchases by the City of Fairview Heights are tax exempt.
- The undersigned certifies that no Federal, State or County tax will be added to the above quoted prices.
- The undersigned certifies and agrees that this bid is submitted in accordance with all applicable Federal, State, County and City laws.

By signing below, the Undersigned agree to comply with all terms and conditions contained herein.

Company: All Weather Courts, Inc

Authorized Signature: Angela Judge

Title: Secretary-treasurer

CONTRACTOR'S BID FORM

Bid Date: July 13, 2016

Project: **MOODY PARK TENNIS COURTS**

Bidding Company: All Weather Courts, IL

Name of Authorized Agent: Angela Judge

Email tennisawc@aol.com

Telephone 217-364-4433 Address PO Box 216, 10188 Rte 36e

City Dawson State IL Zip 62520

The undersigned Bidder, in compliance with the Invitation for Bids, examined the Solicitation Documents thereto, having investigated the location of and conditions affecting the proposed work, hereby proposes to furnish all labor, materials and supplies, and to perform all work for the Project in accordance with Contract Documents, within the time set forth and the prices stated below. These prices are to cover all expenses incurred in performing the work required under the Contract Documents, of which this Contractor's Bid Form is a part.

The undersigned Contractor does hereby declare and stipulate that this offer is made in good faith without collusion or connection to any person(s) providing an offer for the same work, and that it is made in pursuance of and subject to all terms and conditions of the Instructions to Bidders, the Specifications and all other Solicitation Documents, all of which have been examined by the undersigned.

The Contractor also agrees that if awarded the Contract, to provide insurance certificates within (10) working days of the date of Notification of Award. Submittal of this offer will be taken by the Owner as a binding covenant that the Contractor will be prepared to complete the project in its entirety.

The Owner reserves the right to make the award on the basis of the offer deemed most favorable, to waive any formalities or technicalities and to reject any or all offers. It is further agreed that this offer may not be withdrawn for a period of (60) calendar days after closing time.

RECEIPT OF ADDENDA: the undersigned Contractor acknowledges receipt of Addenda to the Solicitation, Specifications and other Contract Documents.

State number of Addenda received: 0

It is the responsibility of the Bidder to ensure all Addenda have been received and acknowledged.

PROPOSED RESOLUTION NO. 71-'16

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH NATIONAL ERECTORS & BUILDERS, INC. FOR THE PURCHASE AND INSTALLATION OF A DAKTRONICS BA-2127 SCOREBOARD FOR GEORGE LANXON FIELD.

WHEREAS, the City of Fairview Heights wishes to replace the Scoreboard located on George Lanxon Field in Everett Moody Park;

WHEREAS, National Erectors & Builders, Inc. 13739 Kayser Road, Highland, IL 62249 has submitted the best bid in the interest of the City pursuant to such advertisement for bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS:

That the Mayor be authorized to enter into an agreement with National Erectors & Builders, Inc. 13739 Kayser Road, Highland, IL 62249 for the purchase and installation of a Daktronics BA-2127 located on George Lanxon Field in Everett Moody Park, in the amount of EIGHTEEN THOUSAND AND TWENTY-FIVE DOLLARS (\$18,025.00), pursuant to the bid attached hereto, made a part hereof, and marked "EXHIBIT A."

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

PASSED:

APPROVED:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN KAUFHOLD - CITY CLERK

CONTRACTORS BID FORM
Moody Park Scoreboard Replacement

Item	QTY	Description	Unit Price	Extended Price
#1	1	Scoreboard comparable to either Nevco Model 1606 or Daktronics BA-2127 with non-electronic team names	10,458. ⁰⁰	10,458. ⁰⁰
#2	1	wireless/wired control	560. ⁰⁰	560. ⁰⁰
#3	1	wireless receiver with an enclosure box	298. ⁰⁰	298. ⁰⁰
#4	1	carrying case for controls	298. ⁰⁰	298. ⁰⁰
#5	2	Non Illuminated Sign up to 3' high and the width of the scoreboard	1886. ⁰⁰	3772. ⁰⁰
#6		Freight	739. ⁰⁰	739. ⁰⁰
#7	1	Removal of old scoreboard	475. ⁰⁰	475. ⁰⁰
#8	1	Paint Steel Beams	475. ⁰⁰	475. ⁰⁰
#9	1	Scoreboard installation	475. ⁰⁰	475. ⁰⁰
#10	1	Install top & bottom panels	475. ⁰⁰	475. ⁰⁰
Total Price with Installation				18,025.⁰⁰

Total Bid Price Written: Eighteen Thousand, Twenty-Five & 00/100 Dollars

ALTERNATE: Electronic Team Name Feature \$ 2083.⁰⁰

- Direct purchases by the City of Fairview Heights are tax exempt.
- The undersigned certifies that no Federal, State or County tax will be added to the above quoted prices.
- The undersigned certifies and agrees that this bid is submitted in accordance with all applicable Federal, State, County and City laws.

By signing below, the Undersigned agree to comply with all terms and conditions contained herein.

Company: National Erectors & Builders Inc.

Authorized Signature: Ben Kunz

Title: President

CONTRACTOR'S BID FORM

Bid Date: June 29, 2016

Project: **MOODY PARK SCOREBOARD**

Bidding Company: National Erectors & Builders, Inc.

Name of Authorized Agent: Ben Kunz

Email: bkunz@neb-inc.com

Telephone: 618-406-8102 Address: 13739 Kayser Road

City: Highland State: IL Zip: 62249

The undersigned Bidder, in compliance with the Invitation for Bids, examined the Solicitation Documents thereto, having investigated the location of and conditions affecting the proposed work, hereby proposes to furnish all labor, materials and supplies, and to perform all work for the Project in accordance with Contract Documents, within the time set forth and the prices stated below. These prices are to cover all expenses incurred in performing the work required under the Contract Documents, of which this Contractor's Bid Form is a part.

The undersigned Contractor does hereby declare and stipulate that this offer is made in good faith without collusion or connection to any person(s) providing an offer for the same work, and that it is made in pursuance of and subject to all terms and conditions of the Instructions to Bidders, the Specifications and all other Solicitation Documents, all of which have been examined by the undersigned.

The Contractor also agrees that if awarded the Contract, to provide insurance certificates within (10) working days of the date of Notification of Award. Submittal of this offer will be taken by the Owner as a binding covenant that the Contractor will be prepared to complete the project in its entirety.

The Owner reserves the right to make the award on the basis of the offer deemed most favorable, to waive any formalities or technicalities and to reject any or all offers. It is further agreed that this offer may not be withdrawn for a period of (60) calendar days after closing time.

RECEIPT OF ADDENDA: the undersigned Contractor acknowledges receipt of Addenda to the Solicitation, Specifications and other Contract Documents.

State number of Addenda received: 1

It is the responsibility of the Bidder to ensure all Addenda have been received and acknowledged.