



## City of Fairview Heights

CITY COUNCIL MEETING AGENDA  
10025 BUNKUM ROAD  
FAIRVIEW HEIGHTS, IL 62208  
SEPTEMBER 15, 2020  
7:00 P.M.

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The City Council meeting will be held in the Recreation Room behind City Hall. Entrance is through the door next to the Police Department parking lot. There will also be remote access via conference call or video call. Please mute your phone during the meeting. Phone number: 1-650-215-5226  
Passcode: 163 788 6570

A. Call to order

B. Pledge of Allegiance

C. Invocation

D. Roll call

E. Public participation

F. Consent Agenda:

**City Council Minutes: August 18, 2020**  
**Finance Director's Report**

Presentation of Bills: \$1,581,366.59

G. Committee Reports

H. Communication from Mayor

I. Communication from elected officials

J. UNFINISHED BUSINESS

None.

K. NEW BUSINESS

**Proposed Ordinance No. 16-'20**, an Ordinance amending Ordinance No. 190, "The Revised Code," Chapter 8, Business Registration, Article 9, Section 8-9-3 Fee. (Administration Committee);

Under the Omnibus Reading:

**Proposed Ordinance No. 17-'20**, an Ordinance amending Chapter 36 (Taxation) of the Revised Code of Ordinances of the City of Fairview Heights, Illinois as amended, by adopting Article VII (Simplified Municipal Telecommunications Tax). (Administration Committee);

**Proposed Ordinance No. 18-'20**, an Ordinance amending Chapter 36 (Taxation) of the Revised Code of Ordinances of the City of Fairview Heights, Illinois, as amended by adopting Article VIII (Municipal Utility Taxes). (Administration Committee) and

**Proposed Ordinance No. 19-'20**, an Ordinance amending Chapter 36 (Taxation) of the Revised Code of Ordinances of the City of Fairview Heights, Illinois, as amended, by adopting Article IX (Natural Gas Use Tax). (Administration Committee)

**K. NEW BUSINESS - continued**

**Proposed Ordinance No. 20-'20**, an Ordinance suspending restrictions on allocation/utilization of Home Rule Tax Revenue under Chapter 36 (Taxation), Section 36-1-2 of the Revised Code of Ordinances, for Fiscal Year 2020-2021. (Administration Committee)

**Proposed Resolution No. 23-'20**, a Resolution for maintenance under the Illinois Highway Code. (Alderman Pat Baeske)

Move to go into Executive Session as per 5 ILCS 120/2(c) (1) Personnel.

**L. ADJOURNMENT**

**CITY OF FAIRVIEW HEIGHTS  
CITY COUNCIL MINUTES  
AUGUST 18, 2020**

The regular meeting of the Fairview Heights City Council was called to order at 7:04 P.M. by Mayor Mark Kupsy and was held remotely due to the COVID19 Pandemic with the Pledge of Allegiance and Invocation by City Clerk Karen J. Kaufhold.

**ROLL CALL**

Roll call of Aldermen present: Frank Menn, Joshua Frawley, Pat Baeske, Brenda Wagner, Harry Zimmerman, Pat Peck, Anthony LeFlore, Ryan Vickers, Bill Poletti, and Denise Williams were present. Mayor Mark Kupsy, City Clerk Karen Kaufhold, and City Attorney Andrew Hoerner were also present.

**PUBLIC PARTICIPATION**

Sharon Kassing – spoke about the Fairview Heights Midwest Salute to the Arts Virtual online Art Fair which begins August 24<sup>th</sup>.

**CONSENT AGENDA**

Alderman Wagner moved to approve the August 4, 2020 City Council Minutes, Finance Director's Report and the bills and invoices presented in the amount of \$1,164,510.21. Seconded by Alderman Poletti.

Alderman Peck moved to amend the City Council Minutes of August 4<sup>th</sup> by changing the Roll Call by replacing "City Attorney Andrew Hoerner" with "City Attorney Garrett Hoerner" and add under the Mayor's Report the following "Mayor stated that Sweet Cravings will hold a Ribbon Cutting on August 6<sup>th</sup>, 12:00 noon." Seconded by Alderman Poletti.

Roll call on the motion to amend the City Council minutes of August 4<sup>th</sup> showed Aldermen Menn, Frawley, Baeske, Wagner, Peck, LeFlore, Vickers, Poletti and Williams voting "Yea." Motion passed on 10 yeas.

Roll call on the motion to pass the City Council Minutes as amended, the Finance Director's Report and the bills and invoices in the amount of \$1,164,510.21 showed Aldermen Menn, Frawley, Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting "Yea." Motion passed on 10 yeas.

**COMMITTEE REPORTS**

Mayor Kupsy announced the August 19<sup>th</sup> Community Committee meeting has been cancelled due to lack of agenda items.

**COMMUNICATIONS FROM THE MAYOR**

Mayor Kupsy requested a moment of silence for John Hoerner who recently passed away. Mr. Hoerner was the brother of Garrett and Kevin Hoerner and the uncle of Andrew

### **COMMUNICATIONS FROM THE MAYOR - continued**

Hoerner; Mayor stated that there was an incident at the mall and there will be additional information to follow from Chief Locke; Mayor reminded everyone to participate in the Census by the end of September; Mayor stated COVID 19 is still very real and reminded everyone to wear masks and announced there will be a drive through testing site at Moody Park on August 21<sup>st</sup> from 8:00 A.M. to 4:00 P.M.; Mayor stated that Jackie Joyner Kersee Center is also a testing site and open 9:00 A.M. to 4:00 P.M. daily and the Walgreens in Cahokia has rapid testing available; Mayor stated that District 4 is around 8.4% and that the Governor has placed additional restrictions on the area; Mayor stated the Midwest Salute to the Arts will begin August 24<sup>th</sup> and urged everyone to visit [Midwestsalute.com](http://Midwestsalute.com) to get you to the virtual site;

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

Aldermen Menn congratulated John Harty for his professionalism and fast response to the recent water issues in the City.

Alderman Poletti stated John Harty, Dan Wolf and the street crew are monitoring the water issues in the City and are doing a great job.

Alderman Peck stated that she wanted to give credit to the Parks Department for working on weekends and with no summer help. Alderman Peck asked Sharon Kassing about Art Fair flyers.

Alderman Williams congratulated the Police Department for their work with the incident at the mall today, and also thanked Sharon Kassing for the forethought of a virtual Art Fair.

Alderman Peck thanked John Harty for his work getting free street lights installed through Ameren in an area of new homes in Ward Four.

Alderman Wagner thanked Sharon Kassing for thinking outside of the box and having a virtual Art Fair, and also thanked the City Hall employees who are positive and have picked up the slack.

Mayor stated that Aspen Waste is preparing to take over trash hauling in the City October 1<sup>st</sup> and a number of residents have already switched over to Aspen. Mayor stated that Code Enforcement has tightened up on code violations within the City. Mayor also stated that the bulk item pickup has been cancelled and that the City may, depending on COVID, have a Community Cleanup Day in October, otherwise it may not be until next Spring.

### **UNFINISHED BUSINESS**

None.

## NEW BUSINESS

Proposed Resolution No. 22-'20, a Resolution authorizing the Mayor to enter into an agreement with Providence Bank to administer a Procurement Card System for the City of Fairview Heights. Motion by Alderman Williams. Seconded by Alderman Poletti.

Roll call on Proposed Resolution No. 22-'20 showed Aldermen Menn, Frawley, Baeske, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting "Yea." Alderman Wagner abstained. Proposed Resolution No. 22-'20 passed on 9 yeas and 1 abstained.

Proposed Resolution No. 22-'20 now becomes **RESOLUTION NO. 4350-2020**.

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

Meeting adjourned at 7:39 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:** September 11, 2020  
**Re:** Finance Report – September 15, 2020 City Council Meeting

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## Bill List

The bill list was approved by the Administration committee in the amount of \$1,581,366.59. This will be forwarded to City Council for approval.

## Budget

The revised Budget Books have been distributed for review. The intention is to complete the Revised Budget Review at the October Finance Committee Meeting. Please feel free to reach out to me with any questions prior to the meeting.

## Sales Tax

Sales Tax numbers received this month from July sales looked promising. There was only a 6% decline in the YOY revenue for a total of \$36,650.90 decline in dollars for September. Year-to-date revenue shows a loss of \$700,507.05 for this fiscal year. Keep in mind, this is only showing Sales Tax revenues, as presented at the September 9 Administration Meeting all revenues are significantly affected by COVID.

**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	MAY 2017 - APRIL 2018	MAY 2018 - APRIL 2019	MAY 2019 - APRIL 2020	MAY 2020 - APRIL 2021	% CHANGE	CHANGE IN DOLLARS
MAY	\$ 601,011.50	\$ 584,713.94	\$ 586,147.75	\$ 632,285.33	\$ 571,553.40	\$ 553,114.13	\$ 490,116.91	\$ 518,363.86	5.8%	\$ 28,246.95
JUN	655,667.46	647,401.33	708,268.15	696,077.63	677,065.69	676,704.83	654,604.36	473,959.16	-27.6%	\$ (180,645.20)
JUL	574,119.26	578,345.95	563,612.88	576,220.16	599,877.49	555,320.85	572,195.98	292,786.39	-48.8%	\$ (279,409.59)
AUG	586,795.92	593,876.18	607,839.70	608,444.47	600,057.37	607,357.54	585,032.16	352,983.85	-39.7%	\$ (232,048.31)
SEP	610,055.28	579,381.42	653,462.36	679,234.60	613,965.54	623,578.60	610,349.55	573,698.65	-6.0%	\$ (36,650.90)
OCT	554,178.50	550,782.54	573,059.41	572,368.09	476,801.05	540,557.44	562,791.28			
NOV	574,589.49	579,500.49	642,921.78	599,121.43	575,354.24	570,594.16	561,747.98			
DEC	468,313.25	588,998.17	626,164.49	612,305.99	581,474.30	577,677.65	585,185.60			
JAN	589,088.14	580,475.99	627,103.06	570,540.96	564,056.46	560,273.13	581,553.25			
FEB	687,960.48	680,833.91	695,015.32	678,820.57	672,397.54	668,036.72	644,092.22			
MAR	969,659.49	1,028,593.77	1,041,010.81	974,290.59	935,340.51	870,591.30	865,433.15			
APR	458,225.94	528,428.24	519,339.92	488,717.27	528,625.80	457,194.13	482,774.60			
YTD TOTAL	\$ 7,329,664.71	\$ 7,521,331.93	\$ 7,843,945.63	\$ 7,688,427.09	\$ 7,396,569.39	\$ 7,261,000.48	\$ 7,195,877.04			\$ (700,507.05)
YTD CHANGE	-6.7%	2.6%	4.3%	-2.0%	-3.8%	-1.8%	-0.9%			
MONTHLY AVG	\$ 610,805.39	\$ 626,777.66	\$ 653,662.14	\$ 640,702.26	\$ 616,380.78	\$ 605,083.37				

PROPOSED ORDINANCE NO. 16-'20

AN ORDINANCE AMENDING ORDINANCE NO. 190,  
"THE REVISED CODE," CHAPTER 8, BUSINESS  
REGISTRATION, ARTICLE 9, SECTION 8-9-3 FEE.

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 8, BUSINESS REGISTRATION, ARTICLE 9, SECTION 8-9-3, FEE,  
reading as follows:

"8-9-3 FEE. The annual fee is Twenty Five Dollars (\$25.00) and shall be  
submitted with the registration application. This fee is non-refundable and is used solely  
for the administration of this Article."

Be and the same is hereby amended to read as follows:

**"8-9-3 FEE. The annual fee is Fifty Dollars (\$50.00) and shall be submitted  
with the registration application. This fee is non-refundable and is used solely for  
the administration of this Article."**

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:

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

MARK T. KUPSKY - MAYOR  
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

PROPOSED ORDINANCE NO. 17-'20

AN ORDINANCE AMENDING CHAPTER 36 (TAXATION) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS, AS AMENDED, BY ADOPTING ARTICLE VII (SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX).

THE CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY IS NOW OPERATING UNDER THE PROVISIONS OF THE ILLINOIS MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED, AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Simplified Municipal Telecommunications Tax Act, 35 ILCS 636 *et seq.* (the "Act"); and

WHEREAS, this Ordinance is intended to impose the tax authorized by the Act providing for a single municipal imposed telecommunications tax which will be collected by the Illinois Department of Revenue.

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

**SECTION 1.** *Recitals.* The recitals contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2.** *Adoption of Tax.* Chapter 36 of the Revised Code of Ordinances of the City of Fairview Heights, Illinois shall be amended by adding Article VII (Simplified Municipal Telecommunications Tax as follows:

**ARTICLE VII – SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX**

**36-7-1** **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

(A) "Amount paid" means the amount charged to the taxpayer's service address in the City regardless of where such amount is billed or paid.

(B) "Department" means the Illinois Department of Revenue.

(C) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in the City and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within the City and charges for the portion of the inter-office channels provided within the City. Charges for that portion of the inter-office channel connecting two (2) or more channel termination points, one or more of which is located within the jurisdictional boundary of the City, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the City and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, "gross charge" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this Ordinance, (ii) the tax imposed by the Telecommunications Excise Tax Act, (iii) the tax imposed by Section 4251 of the Internal Revenue Code, (iv) 911 surcharges, or (v) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.

(2) Charges for a sent collect telecommunication received outside of City.

(3) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement.

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.

(5) Charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity.

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Ordinance has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

(7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).

(8) Charges paid by inserting coins in coin-operated telecommunication devices.

(9) Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonable identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services of telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving

nontaxable charges shall be on the retailer of the telecommunications.

(D) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

(E) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(F) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any City, town, county, or other political subdivision of this State.

(G) "Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(I) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(J) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other

than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(K) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) "Taxpayer" means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Ordinance.

(M) "Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Ordinance, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall

not be considered "telecommunications" subject to the tax imposed under this Ordinance. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

**36-7-2            SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX IMPOSED.** A tax is hereby imposed upon any and all the following acts or privileges:

(A) The act or privilege of originating in the City or receiving in the City intrastate telecommunications by a person at a rate of six percent (6%) of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of the tax properly due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.

(B) The act or privilege of originating in the City or receiving in the City interstate telecommunications by a person at a rate of six percent (6%) of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-state or multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another State or municipality in this State on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other State or such tax properly due and paid in another municipality in this State which was not previously allowed as a credit against any other state or local tax in this State.

(C) The tax imposed by this Ordinance is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the City.

**36-7-3            COLLECTION OF TAX BY RETAILERS.**

(A) The tax authorized by this Ordinance shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall

collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Ordinance shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

(B) Whenever possible, the tax authorized by this Ordinance shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

**36-7-4            RETURNS TO DEPARTMENT.** On or before the last day of February 2021, and on or before the last day of every month thereafter, the tax imposed under this Ordinance on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-50) and any accompanying rules and regulations created by the Department to implement the Act.

**36-7-5            RESELLERS.**

(A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this Article on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

**SECTION 3.** *Severability.* If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

**SECTION 4.** *Effective Date.* This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all bills issued on or after the first day of January, 2021. Copies of this Ordinance shall be certified by the City Clerk and filed with the Illinois Department of Revenue prior to September 20, 2020.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

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MARK T. KUPSKY - MAYOR  
CITY OF FAIRVIEW HEIGHTS

ATTEST:

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KAREN J. KAUFHOLD - CITY CLERK

PROPOSED ORDINANCE NO. 18-'20

AN ORDINANCE AMENDING CHAPTER 36 (TAXATION)  
OF THE REVISED CODE OF ORDINANCES OF THE CITY  
OF FAIRVIEW HEIGHTS, ILLINOIS, AS AMENDED, BY  
ADOPTING ARTICLE VIII (MUNICIPAL UTILITY TAXES)

THE CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY IS NOW OPERATING UNDER THE PROVISIONS OF THE ILLINOIS MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

WHEREAS, this Ordinance is adopted pursuant to the Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2); and

WHEREAS, this Ordinance is intended to impose the municipal utility taxes for gas, water and electricity as authorized by Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) which will be collected by the applicable public utility.

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

**SECTION 1.** *Recitals.* The recitals contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2.** *Adoption of Tax.* Chapter 36 of the Revised Code of Ordinances of the City of Fairview Heights, Illinois shall be amended by adding Article VIII (Municipal Utility Taxes) as follows:

**ARTICLE VIII – MUNICIPAL UTILITY TAXES**

**36-8-1** **TAX IMPOSED.** A tax is imposed on all persons engaged in the following occupations or privileges:

(A) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the City and not for resale, at the rate of five (5%) of the gross receipts

therefrom, pursuant to Section 8-11-2(2) of the Illinois Municipal Code (65 ILCS 5/8-11-2(2));

(B) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser, using an alternative rate, pursuant to Section 8-11-2(3) of the Illinois Municipal Code (65 ILCS 5/8-11-2(3)):

- (1) For the first 2,000 kilowatt-hours used or consumed in a month; 0.61 cents per kilowatt-hour;
- (2) For the next 48,000 kilowatt-hours used or consumed in a month; 0.40 cents per kilowatt-hour;
- (3) For the next 50,000 kilowatt-hours used or consumed in a month; 0.36 cents per kilowatt-hour;
- (4) For the next 400,000 kilowatt-hours used or consumed in a month; 0.35 cents per kilowatt-hour;
- (5) For the next 500,000 kilowatt-hours used or consumed in a month; 0.34 cents per kilowatt-hour;
- (6) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.32 cents per kilowatt-hour;
- (7) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.315 cents per kilowatt-hour;
- (8) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.31 cents per kilowatt-hour;
- (9) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.305 cents per kilowatt-hour; and
- (10) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month, 0.30 cents per kilowatt-hour.

(C) Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the municipality, and not for resale, at the rate of five percent (5%) of the gross receipts therefrom.

### **36-8-2        EXCEPTIONS.**

(A) None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof; nor shall any person engaged in the business of distributing, supplying, furnishing or selling gas or electricity be subject to taxation under the provisions of this Article for such transactions as are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act, authorized by Section 8-11-

1 of the Illinois Municipal Code (65 ILCS 5/8-11-1), nor shall any tax authorized by this Article be imposed upon any person engaged in a business or any privilege unless such tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated.

(B) All City accounts are not subject to the taxes imposed in Section 36-8-1 of this Article.

**36-8-3** **ADDITIONAL TAXES.** The taxes imposed by Section 36-8-3 of this Article shall be in addition to the payment of money, or value of products or services furnished to the municipality by the taxpayer as compensation for the use of its streets, alleys or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires or other equipment used in the operation of the taxpayers' business.

**36-8-4** **DEFINITIONS.** For purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Gross Receipts.** The consideration received for distributing, supplying, furnishing or selling gas, electricity and/or water for use or consumption and not for resale, except for that consideration received from the City; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expenses whatsoever.

**Person.** Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation or political subdivision of the state, or a receiver, trustee, guardian or other representative appointed by order of any court.

**Purchase at Retail.** Any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility directly in the generation, production, transmission, delivery or sale of electricity.

**Purchaser.** Any person who uses or consumes, within the corporate limits of the City, electricity acquired in a purchase at retail.

**36-8-5            REPORTS TO MUNICIPALITY.**

(A) On or before the last day of each month, each taxpayer shall make a return to the City Treasurer for the preceding month, stating:

- (1) His or her name;
- (2) His or her principal place of business;
- (3) His or her gross receipts during those months upon the basis of which the tax is imposed;
- (4) Amount of tax; and
- (5) Such other reasonable and related information as the corporate authorities may require.

(B) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City the amount of tax herein imposed; provided that, in connection with any return, the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

**36-8-6            CREDIT FOR OVERPAYMENT.**

(A) If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that, no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.

(B) No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three years after the due date of such amount.

**36-8-7            COLLECTION.** The tax authorized by this Article shall be collected from the purchaser by the person maintaining a place of business in the state who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity of the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Article and any such tax collected by a person delivering electricity shall constitute a debt owed to the City by such person delivering electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity, and taxes so collected shall be remitted to the City monthly.

Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the City upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall pay the tax monthly, directly to the City in the manner prescribed by the City. Persons delivering electricity who file returns pursuant to this section, shall, at the time of filing such return, pay the City the amount of the tax collected pursuant to Section 36-8-1 of this Article.

**SECTION 3.** *Severability.* If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

**SECTION 4.** *Effective Date.* This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law provided, however, that the taxes provided for herein shall take effect for all bills issued on or after the first day of January, 2021. Copies of this Ordinance shall be certified by the City Clerk and sent to the affected public utilities by October 1, 2020.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

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MARK T. KUPSKY - MAYOR  
CITY OF FAIRVIEW HEIGHTS

ATTEST:

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KAREN J. KAUFHOLD - CITY CLERK

**PROPOSED ORDINANCE NO. 19-'20**

**AN ORDINANCE AMENDING CHAPTER 36 (TAXATION)  
OF THE REVISED CODE OF ORDINANCES OF THE CITY  
OF FAIRVIEW HEIGHTS, ILLINOIS, AS AMENDED, BY  
ADOPTING ARTICLE IX (NATURAL GAS USE TAX).**

THE CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY IS NOW OPERATING UNDER THE PROVISIONS OF THE ILLINOIS MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

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

**SECTION 1.** *Adoption of Tax.* Chapter 36 of the Revised Code of Ordinances of the City of Fairview Heights, Illinois shall be amended by adding Article IX (Natural Gas Use Tax) as follows:

**ARTICLE IX – NATURAL GAS USE TAX**

**36-9-1** **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Person.** Any individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation or political subdivision of the state, or a receiver, trustee, conservator or other representative appointed by order of any court.

**Public Utility.** A public utility as defined in 220 ILCS 5/3-105 of the Public Utilities Act.

**Public Utilities Act.** The Illinois Public Utilities Act as amended, (220 ILCS 5/1-101 *et seq.*).

**Retail Purchaser.** Any person who purchases gas in a sale at retail.

**Sale at Retail.** Any sale of gas by a retailer to a person for use or consumption, and not for resale. For this purpose, the term **Retailer** means any person engaged in the business of distributing, supplying, furnishing or selling gas.

**36-9-2      TAX IMPOSED.**

(A) Except as otherwise provided by this Article, a tax is imposed on the privilege of using or consuming gas in the City that is purchased in a sale at retail at the rate of \$0.05/therm. Such tax shall be in addition to other taxes levied by the City upon the taxpayer.

(B) The ultimate incidence of and liability for payment of the tax is on the retail purchaser, and nothing in this subchapter shall be construed to impose a tax on the occupation of distributing, supplying, furnishing, selling or transporting gas.

(C) The retail purchaser shall pay the tax, measured by therms of gas delivered to the retail purchaser's premises, to the public utility designated to collect the tax pursuant to Section 36-9-2 of this Article on or before the payment due date of the public utility's bill first reflecting the tax, or directly to the City Treasurer on or before the fifteenth day of the second month following the month in which the gas is delivered to the retail purchaser if no public utility has been designated to collect the tax pursuant to Section 36-9-2 of this Article or if the gas is delivered by a person other than a public utility so designated.

(D) Nothing in this Section shall be construed to impose a tax upon any person, business or activity which, under the constitutions of the United States or state, may not be made the subject of taxation by the City.

(E) A person who purchases gas for resale and therefore does not pay the tax imposed by this Section with respect to the use or consumption of the gas, but who later uses or consumes part or all of the gas, shall pay the tax directly to the City Treasurer on or before the fifteenth day of the second month following the month in which the gas is used or consumed.

(F) The tax shall apply to gas for which the delivery to the retail purchaser is billed by a public utility on or after January 1, 2021.

(G) To prevent multiple taxation, the use of gas in the City by a retail purchaser shall be exempt from the tax imposed by this Section if the gross receipts from the sale at retail of such gas to the retail purchaser are properly subject to a tax imposed upon the seller of such gas pursuant to the City's utility tax under Chapter 36, Article VIII of this Code, as amended

from time to time, authorized pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2).

(H) The tax imposed hereunder shall not apply to any utility accounts of the City.

**36-9-3**            **COLLECTION OF TAX BY PUBLIC UTILITY.** The tax authorized by this Article shall be collected from the retail purchaser by the public utility providing gas service to the retail purchaser. This tax shall constitute a debt of the retail purchaser to the public utility providing to the retail purchaser and if unpaid, is recoverable in the same manner as the original charge for providing the gas service. Any tax required to be collected pursuant to this Article and any such tax collected by a public utility shall constitute a debt owed to the City by such public utility. Public utilities providing gas service shall collect the tax from the retail purchaser by adding such tax to the gross charge for providing the gas service. Public utilities shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the public utility providing gas service for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the City upon request. If the public utility providing gas service fails to collect the tax from the retail purchaser, then the retail purchaser shall be required to pay the tax directly to the City in the manner prescribed by the City. Public utilities providing gas service in the City shall pay the City the amount of the tax collected pursuant to this Article. The Mayor is authorized to enter into a contract for collection of the tax imposed by this Article with any public utility providing gas service in the City.

**36-9-4**            **BOOKS AND RECORDS.** Every taxpayer shall keep accurate books and records, including original source documents and books of entry, denoting the activities or transactions that gave rise, or may have given rise to any tax liability or exemption under this Article. All such books and records shall, at all times during business hours, be subject to and available for inspection by the City.

**SECTION 2.** *Severability.* If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

**SECTION 3.** *Effective Date.* This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law provided, however, that the taxes provided for herein shall take effect for all bills issued on or after the first

day of January, 2021. Copies of this Ordinance shall be certified by the City Clerk and sent to the affected public utilities by October 1, 2020.

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. 20-'20**

**AN ORDINANCE SUSPENDING RESTRICTIONS ON ALLOCATION/UTILIZATION OF HOME RULE TAX REVENUE UNDER CHAPTER 36 (TAXATION), SECTION 36-1-2 OF THE REVISED CODE OF ORDINANCES, FOR FISCAL YEAR 2020-2021.**

THE CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY OF FAIRVIEW HEIGHTS IS NOW OPERATING UNDER THE PROVISIONS OF THE MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

WHEREAS, the City Council has enacted Section 36-1-2 of the Revised Code of Ordinances, specifically imposing a one percent (1%) Home Rule Tax pursuant to Sections 8-11-1 and 8-11-5 of the Illinois Municipal Code (65 ILCS 5/8-11-1; 65 ILCS 5/8/11-5) and restricting the allocation/utilization of such tax funds as follows:

"The City shall hereby utilize no less than thirty-five percent (35%) of the Home Rule Tax collected for infrastructure improvement; these improvements shall include for the improvement/replacement of City streets, sidewalks, drainage, infrastructure, maintenance of City owned property and purchase of equipment and material for these items. The remaining sixty-five percent (65%) of Home Rule funds shall be designated by City Council in the annual City Budget. These funds may be utilized for the operation of the City, with priority towards maintaining our City's infrastructure. These funds shall provide for the hiring of a City Administrator for the day-to-day operation of the City as approved by Council. Upon approval of this Chapter, the City shall include a City Administrator in the next annual City Budget, and the Personnel Committee, with advice and consent of Council shall outline the hiring process, reporting structure, as well as the salary and benefits. The salary, benefits, and support cost for a City Administrator shall be paid from these Home Rule funds. Any surplus in Home Rule funds shall be designated for Infrastructure Improvement."

WHEREAS, because adverse conditions resulting from the ongoing COVID-19 Pandemic have diminished the City's revenue and depleted its financial resources, the City Council desires to suspend the aforementioned restrictions on the allocation/utilization of its Home Rule Tax revenue under Section 36-1-2 of the Revised Code of Ordinances for Fiscal Year 2020-21 (through April 30, 2021).

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

**SECTION 1.** The above-referenced restrictions on the allocation/utilization of the City's Home Rule Tax revenue under Section 36-1-2 of the Revised Code of Ordinances are hereby suspended for Fiscal Year 2020-21 (through April 30, 2021), with same restored as of May 1, 2021.

**SECTION 2.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, and shall remain in effect until its expiration on April 30, 2021.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

\_\_\_\_\_  
MARK T. KUPSKY - MAYOR  
CITY OF FAIRVIEW HEIGHTS

ATTEST:

\_\_\_\_\_  
KAREN J. KAUFHOLD - CITY CLERK

PROPOSED RESOLUTION NO. 23-'20



Resolution for Maintenance Under the Illinois Highway Code



Resolution Number	Resolution Type	Section Number
	Supplemental	21-00000-00-GM

BE IT RESOLVED, by the Council of the City of Fairview Heights Illinois that there is hereby appropriated the sum of One Hundred Thousand Dollars (\$30,000.00)

One Hundred Thousand Dollars (\$30,000.00)

of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of Illinois Highway Code from

05/01/20 to 04/30/21  
Beginning Date Ending Date

BE IT FURTHER RESOLVED, that only those operations as listed and described on the approved Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that City of Fairview Heights shall submit within three months after the end of the maintenance period as stated above, to the Department of Transportation, on forms available from the Department, a certified statement showing expenditures and the balances remaining in the funds authorized for expenditure by the Department under this appropriation, and

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I Karen Kaufhold City Clerk in and for said City of Fairview Heights in the State of Illinois, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the

Council of Fairview Heights at a meeting held on 09/15/20  
Governing Body Type Name of Local Public Agency Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this      day of      Month, Year     .

(SEAL)

Clerk Signature  
[Signature Box]

APPROVED

Regional Engineer  
Department of Transportation  
[Signature Box] [Date Box]

PASSED:

APPROVED:

MARK T. KUPSKY– MAYOR  
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK