



## City of Fairview Heights

CITY COUNCIL MEETING AGENDA  
10025 BUNKUM ROAD  
FAIRVIEW HEIGHTS, IL 62208  
MARCH 15, 2022  
7:00 P.M.

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The City Council meeting will be held in the Recreation Room behind City Hall. Entrance is located through the door next to the Police Department rear parking lot. Public Participation (only) join at <https://www.gotomeet.me/COFH/fairview-heights-city-council-meeting> or dial in at 872-240-3212 - Access Code: 800-727-189 - Please mute your phone during the meeting.

A. Call to Order

B. Pledge of Allegiance

C. Invocation

D. Roll Call

E. Public Participation

F. Consent Agenda:

**City Council Minutes: March 1, 2022**

**Finance Director's Report**

Presentation of bills: \$1,789,575.32

G. Committee Reports

H. Communications from Mayor

I. Communication from Elected Officials

J. UNFINISHED BUSINESS

None

K. NEW BUSINESS

**Proposed Resolution No. 9-'22**, a Resolution amending Resolution No. 4414-2022, a Resolution for Improvement under the Illinois Highway Code. (Lincoln Highway) (Operations Committee)

**Proposed Resolution No. 10-'22**, a Resolution adopting a Comprehensive Policy regarding Development Incentives for the City of Fairview Heights. (Community Committee)

L. ADJOURNMENT

**CITY OF FAIRVIEW HEIGHTS  
CITY COUNCIL MINUTES  
MARCH 1, 2022**

The regular meeting of the Fairview Heights City Council was called to order at 7:00 P.M. by Mayor Mark Kupsy in the Recreation Room, 10025 Bunkum Road, Fairview Heights, IL and also 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: Aldermen Anthony LeFlore, Bill Poletti, Denise Williams, Frank Menn, Barbara Brumfield, Brenda Wagner were present. Aldermen Joshua Frawley, Harry Zimmerman and Pat Peck attended virtually. Alderman Ryan Vickers absent (unexcused). Mayor Mark Kupsy and City Clerk Karen Kaufhold were present. City Attorney Garrett Hoerner attended virtually.

**PUBLIC PARTICIPATION**

None.

**CONSENT AGENDA**

Alderman Williams moved to approve the February 18<sup>th</sup> City Council minutes and the Finance Director's Report. Seconded by Alderman LeFlore.

Alderman Peck stated under Public Participation, add "in need of additional volunteers and funding." Mayor stated the change would be handled administratively.

Roll call on the motion showed Aldermen LeFlore, Poletti, Williams, Menn, Frawley, Brumfield, Wagner, Zimmerman and Peck voting "Yea." Alderman Vickers was absent. Motion passed on 9 yeas and 1 absent.

**COMMITTEE REPORTS**

Mayor Kupsy announced the Administration Committee will meet March 9th, 7:00 P.M.

**COMMUNICATIONS FROM THE MAYOR**

Mayor Kupsy asked everyone to keep those around the world in your thoughts and prayers during this time of unrest; Mayor stated that the mask mandate has been modified and masks are not required other than on public transportation and a few other very limited locations such as nursing homes, hospitals and schools. Mayor stated that it's each person's decision on whether or not to wear a mask; Mayor stated its Mardi Gras week; Mayor stated the City as well as local businesses in town are continuing to look for employees.

## COMMUNICATIONS FROM ELECTED OFFICIALS

Alderman Williams thanked the Public Works Department for the great job during the recent snow and ice event.

## UNFINISHED BUSINESS

None.

## NEW BUSINESS

Proposed Ordinance No. 3-'22, an Ordinance amending Ordinance No. 190, "The Revised Code," Chapter 14, "The Development Code," Section 14-2-3, "Zone District Map and Boundaries" by changing the Zone District of certain real property known as Parcel Identification Numbers 03-22.0-400-033 and 03-22.0-400-034 from I – Industrial to M2 – Multi Family District. Motion by Alderman Wagner. Seconded by Alderman Brumfield. Proposed Ordinance No. 3-'22 was read for the first time.

Alderman Poletti moved to advance Proposed Ordinance No. 3-'22 to the second reading. Seconded by Alderman LeFlore.

Roll call on the motion showed Aldermen LeFlore, Poletti, Williams, Menn, Frawley, Brumfield, Wagner, Zimmerman and Peck voting "Yea." Alderman Vickers was absent. Motion passed on 9 yeas and 1 absent. Proposed Ordinance No. 3-'22 was read for the second time.

Roll call on Proposed Ordinance No. 3-'22 showed Aldermen LeFlore, Poletti, Williams, Menn, Frawley, Brumfield, Wagner, Zimmerman and Peck voting "Yea." Alderman Vickers was absent. Proposed Ordinance No. 3-'22 passed on 9 yeas and 1 absent.

Proposed Ordinance No. 3-'22 now becomes **ORDINANCE NO. 1914-2022**.

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

Meeting adjourned at 7:10 P.M.

Respectfully submitted,



KAREN J. KAUFHOLD  
CITY CLERK

# Memo

**To:** Mayor & City Council  
**From:** Gina Rader - Director of Finance  
**CC:** City Clerk & Directors  
**Date:** March 10, 2022

## Presentation of Bills

February bills in the amount of \$1,789,575.32 will be presented to the Finance Committee prior to the City Council Meeting on March 15. Once approved they will be forwarded to the City Council for approval that evening.

## Finance Committee Legislation

None

## State Sales Tax

Attached is the most recent sales tax summary report. These numbers received in March reflect the holiday shopping season sales. Throughout this fiscal year the trend has continued to remain on the upward swing. This is positive news for the city as a whole.

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

DISTRIBUTION MONTH	MAY 2014 -		MAY 2015 -		MAY 2016 -		MAY 2017 -		MAY 2018 -		MAY 2019 -		MAY 2020 -		MAY 2021 -		CHANGE IN DOLLARS
	APRIL 2015	APRIL 2016	APRIL 2016	APRIL 2017	APRIL 2017	APRIL 2018	APRIL 2018	APRIL 2019	APRIL 2019	APRIL 2020	APRIL 2020	APRIL 2021	APRIL 2021	APRIL 2022	APRIL 2022	% CHANGE	
MAY	\$ 584,713.94	\$ 586,147.75	\$ 632,285.33	\$ 571,553.40	\$ 553,114.13	\$ 490,116.91	\$ 518,363.86	\$ 485,349.04	\$ 485,349.04	\$ 518,363.86	\$ 473,959.16	\$ 779,052.70	\$ 779,052.70	\$ 779,052.70	\$ 779,052.70	-6.4%	\$ (33,014.82)
JUN	647,401.33	708,268.15	696,077.63	677,065.69	676,704.83	654,604.36	473,959.16	473,959.16	473,959.16	473,959.16	473,959.16	473,959.16	473,959.16	473,959.16	473,959.16	64.4%	\$ 305,093.54
JUL	578,345.95	563,612.88	576,220.16	599,877.49	555,320.85	572,195.98	292,786.39	292,786.39	292,786.39	292,786.39	292,786.39	292,786.39	292,786.39	292,786.39	292,786.39	129.3%	\$ 378,441.37
AUG	593,876.18	607,899.70	608,444.47	600,057.37	607,357.54	585,032.16	352,983.85	352,983.85	352,983.85	352,983.85	352,983.85	352,983.85	352,983.85	352,983.85	352,983.85	99.8%	\$ 352,088.23
SEP	579,381.42	653,462.36	679,234.60	613,965.54	623,578.60	610,349.55	573,698.65	573,698.65	573,698.65	573,698.65	573,698.65	573,698.65	573,698.65	573,698.65	573,698.65	34.2%	\$ 196,176.60
OCT	550,782.54	573,059.41	572,368.09	476,801.05	540,557.44	562,791.28	553,942.65	553,942.65	553,942.65	553,942.65	553,942.65	553,942.65	553,942.65	553,942.65	553,942.65	16.3%	\$ 90,361.78
NOV	579,500.49	642,921.78	599,121.43	575,354.24	570,594.16	561,747.98	539,090.76	539,090.76	539,090.76	539,090.76	539,090.76	539,090.76	539,090.76	539,090.76	539,090.76	24.2%	\$ 130,226.20
DEC	588,998.17	626,164.49	612,305.99	581,474.30	577,677.65	585,185.60	588,959.31	588,959.31	588,959.31	588,959.31	588,959.31	588,959.31	588,959.31	588,959.31	588,959.31	8.5%	\$ 50,206.71
JAN	580,475.99	627,103.06	570,540.96	564,056.46	560,273.13	581,553.25	552,631.29	552,631.29	552,631.29	552,631.29	552,631.29	552,631.29	552,631.29	552,631.29	552,631.29	20.7%	\$ 114,132.05
FEB	680,833.91	695,015.32	678,820.57	672,397.54	668,036.72	644,092.22	555,336.35	555,336.35	555,336.35	555,336.35	555,336.35	555,336.35	555,336.35	555,336.35	555,336.35	27.5%	\$ 152,583.09
MAR	1,028,593.77	1,041,010.81	974,290.59	935,340.51	870,591.30	865,433.15	800,244.14	800,244.14	800,244.14	800,244.14	800,244.14	800,244.14	800,244.14	800,244.14	800,244.14	27.7%	\$ 221,562.78
APR	528,428.24	519,339.92	488,717.27	528,625.80	457,194.13	482,774.60	499,297.62	499,297.62	499,297.62	499,297.62	499,297.62	499,297.62	499,297.62	499,297.62	499,297.62		
YTD TOTAL	\$ 7,521,331.93	\$ 7,843,945.63	\$ 7,688,427.09	\$ 7,396,569.39	\$ 7,261,000.48	\$ 7,195,877.04	\$ 6,301,294.03	\$ 7,759,853.94	\$ 7,759,853.94	\$ 6,301,294.03	\$ 7,759,853.94	\$ 7,759,853.94	\$ 7,759,853.94	\$ 7,759,853.94	\$ 7,759,853.94	23.2%	\$ 1,957,857.53
YTD CHANGE		2.6%		4.3%		-2.0%		-3.8%		-1.8%		-0.9%		-13.6%			
MONTHLY AVG	\$ 626,777.66	\$ 653,662.14	\$ 640,702.26	\$ 616,380.78	\$ 605,083.37	\$ 599,656.42	\$ 525,107.84	\$ 705,441.27	\$ 705,441.27	\$ 525,107.84	\$ 705,441.27	\$ 705,441.27	\$ 705,441.27	\$ 705,441.27	\$ 705,441.27		

**PROPOSED RESOLUTION NO. 9-'22**

**A RESOLUTION AMENDING RESOLUTION NO. 4414-2022, A RESOLUTION FOR IMPROVEMENT UNDER THE ILLINOIS HIGHWAY CODE. (LINCOLN HIGHWAY)**

WHEREAS, the City of Fairview Heights passed Resolution No. 4414-2022, a Resolution for Improvement under the Illinois Highway Code (Lincoln Highway), passed on January 18, 2022 and approved on January 19, 2022.

WHEREAS, Resolution No. 4414-2022 has been amended under the appropriated sum to read SEVEN HUNDRED FIFTY THOUSAND THREE HUNDRED THIRTY-EIGHT DOLLARS (\$750,338.00) as shown in "EXHIBIT A."

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

That the Mayor be and is hereby authorized to enter into the amended agreement with the State of Illinois, Department of Transportation, 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 J. KAUFHOLD – CITY CLERK

“EXHIBIT A”



Resolution for Improvement Under the Illinois Highway Code



Is this project a bondable capital improvement?

Yes  No

Resolution Type	Resolution Number	Section Number
Amended		

BE IT RESOLVED, by the Council of the City of Fairview Heights

Governing Body Type of the City Local Public Agency Type Name of Local Public Agency Illinois that the following described street(s)/road(s)/structure be improved under the Illinois Highway Code. Work shall be done by Contract Contract or Day Labor

For Roadway/Street Improvements:

Name of Street(s)/Road(s)	Length (miles)	Route	From	To
Lincoln Highway	0.92	9166	Entrance to Barnes & Noble	Old Collinsville Road

For Structures:

Name of Street(s)/Road(s)	Existing Structure No.	Route	Location	Feature Crossed

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of

Milling and HMA resurfacing, sidewalks on both sides of Lincoln Highway, upgrades to ADA access, selective repair of curb & gutter, pavement markings and selective signal improvements at crosswalks.

2. That there is hereby appropriated the sum of Seven Hundred Fifty Thousand Three Hundred Thirty Eight

Dollars ( \$750,338.00 ) for the improvement of said section from the Local Public Agency's allotment of Motor Fuel Tax funds.

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 J. Kaufhold City Clerk in and for said City

Name of Clerk Local Public Agency Type of Fairview Heights in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by

Council of Fairview Heights at a meeting held on March 15, 2022

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

(SEAL)

Clerk Signature	Date

Approved

Regional Engineer Department of Transportation	Date

**PROPOSED RESOLUTION NO. 10-'22**

**A RESOLUTION ADOPTING A COMPREHENSIVE  
POLICY REGARDING DEVELOPMENT INCENTIVES  
FOR THE CITY OF FAIRVIEW HEIGHTS.**

WHEREAS, the City of Fairview Heights is an experienced, innovative and sophisticated user of development incentives; and

WHEREAS, the Directors of the Economic Development and Land Use & Development departments of the City have recommended a comprehensive policy reflecting best practices nationally and current needs locally; and

WHEREAS, the draft policy was reviewed by the City's Business Alliance Commission and approved for adoption at their meeting on February 15, 2022; and

WHEREAS, the Community Committee of the City Council reviewed the draft policy at their meeting on February 16, 2022 and recommended adoption.

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

That the City of Fairview Heights hereby adopts the attached policy regarding Development Incentives 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:

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MARK T. KUPSKY- MAYOR  
CITY OF FAIRVIEW HEIGHTS

ATTEST:

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KAREN J. KAUFHOLD - CITY CLERK



## “EXHIBIT A”

# ***City of Fairview Heights*** **Policy Regarding Development Incentives**

### **I. Goal**

- I. The City of Fairview Heights seeks to assist in attracting and retaining high quality development that is compatible with the long-range goals expressed in the adopted Economic Development Strategy while also conforming to land uses outlined in the Comprehensive Land Use Plan.

### **II. Summary**

- I. The City of Fairview Heights may, at its sole discretion, provide financial or in-kind assistance to new or existing commercial, industrial, or institutional development through the use of incremental and other revenues accruing to the City. Any request for incentives must be supported with explicit justification and provide evidence that the investment of public dollars will support long-term goals provided in the City's adopted planning documents (as noted above), and that a gap in private capital exists such as would prevent completion of the project “but for” provision of the incentive(s).

### **III. Objectives**

- I. Any public dollars invested towards a specific development or redevelopment project should directly, or indirectly, fulfill at a minimum one, and preferably multiple, of the following desired objectives:
  - Broaden economic participation from all neighborhoods
  - Create new jobs and/or retain current jobs
  - Create new market investment potential
  - Develop properties that provide new infrastructure or utilities to undeveloped areas
  - Ensure a balanced tax base, measured by Equalized Assessed Valuation (EAV)
  - Provide meaningful infill development which strengthens the existing business base and improves co-tenancy
  - Provide new and/or increase existing tax revenue
  - Protect major retail areas
  - Redevelop high profile opportunity sites

### **II. Financial Objectives**

- I. To be considered by the City, incentives must provide a demonstrable return to Fairview Heights for the future investment of incremental tax revenue and will only be considered if the project would not be possible “but for” such assistance. Incentives of other types can be considered when the direct result of the incentive is the encouragement of development which meets the goal and objectives noted above.

- II. For projects that are requesting sales or property tax rebate incentives, only those City revenues which are directly accrued on an annual basis by the proposed project will be considered for use in assisting the development or redevelopment activities and costs. These incremental revenues are those which annually result from the proposed project in excess of current City revenues currently being generated from the project site or area.
- III. The amount of any incentive shall be calculated on the basis of length of agreement and projected return on investment.
- IV. Eligible project elements to be financed shall be limited to actual costs of improvements or activities as documented by audited receipts and/or lien waivers.
- V. Incentive assistance from the City will be provided based on negotiated Redevelopment Agreements between the City and developers which have been adopted by Ordinance.; any such agreement will contain a cost recovery process ("claw back provision") to follow if the assisted project fails prior to the completion of the period covered by the Redevelopment Agreement.
- VI. For multi-phase projects or those having multiple buildings, assistance will be provided based on the overall development program and channeled through a single development agreement with the prime developer.

## **II. Procedures**

- I. Requests for incentive assistance must be in the form of a completed Application accompanied by detailed financial information that demonstrates the developer's projected revenue anticipated from the proposed project; while the Application will be available for public review, the financial information will be regarded as proprietary and will remain confidential.
- II. Acceptance by the DED of an Application for incentive assistance that complies with the spirit and intent of this Policy does not commit the City to approval of the development/ redevelopment project associated with said Application.
- III. The applicant will demonstrate that the project would not be possible "but for" incentive assistance from the City and will provide an affidavit to such effect.
- IV. Review of an Application by the DED may be subject to review by a third party, at the cost of the applicant, to determine appropriate incentive amount and level of risk being undertaken by the City.
- V. No assistance will be provided to any project for expenditures incurred prior to the adoption of the Ordinance(s) required to implement the project.
- VI. Upon approval of a mutually negotiated Letter of Intent (LOT), the City will require the developer to pay an application fee at the time of application to be applied

toward the City's legal and planning costs associated with reviewing the Application.

- VII. If requested, the City may assist developers in seeking State and Federal incentive financing.
- VIII. Each project requesting incentive assistance will be considered on a case-by-case basis, i.e., approval of any Redevelopment Agreement by the City should not be construed to mean that the provision of incentives is inherently approved for any other applicant that may make a similar Application.
- IX. The City reserves the right to amend, modify, or withdraw these policies; revise any requirement of these policies; require additional statements, sworn affidavits as to the "but for" provisions of these policies or other information from any applicant or developer; negotiate or hold discussions with any applicant or developer that does not completely conform to the policies as set forth above, to waive any nonconformity with these policies, to eliminate these policies in whole or in part, if the City deems it is in its best interest to do so, and to waive any timetables established by ordinance, resolution or motion.

### **III. Compliance**

- I. Ensuring that recipients of incentives comply with the provisions of this Policy and fulfill the assurances upon which the incentives were granted is a core responsibility of the Economic Development Dept. (EDD) which:
  - a. Sponsors on-site reviews along with requests for financial statements and reports in order to establish compliance;
  - b. Monitors the developer's performance in meeting terms and conditions in the written agreement;
  - c. May amend any incentive agreement to reduce the recipient's obligations regarding employment levels, wage requirements, or non-compliance penalties in the event of a declared disaster or economic downturn;
  - d. Ensures that projects funded by incentives conform to prevailing state and federal statutes including those of the Illinois Tax Increment Allocation Redevelopment Act (TIF Act, 65 ILCS 5/11-74, 4-1);
  - e. Includes "clawback" provisions relating to repayment or cessation of incentives in all written agreements, and will exercise such provisions when the terms of any incentive agreement have not been met.

### **IV. Timeline for Review**

- I. Recognizing that time is of the essence, the City will make every effort to process any Application in a timely manner following this general timeline:
  - a. Submission of the Application to the DED;
  - b. Review by City staff, followed by negotiation with the developer resulting in a Letter of Intent (LOT) outlining terms of agreement;
  - c. Review of the LOT by either the Operations or Community Committee;

- d. If recommended for approval by the Committee, a Redevelopment Agreement based upon the LOT will be finalized and forwarded to the City Council for action at their next regular meeting;
- e. If not recommended for approval by the Committee, the LOT may be renegotiated;
- f. The City Council will review the Redevelopment Agreement and recommend final action;
- g. The Mayor will have final authority, as approved by the City Council, to execute the Redevelopment Agreement on behalf of the City.

II. Under most circumstances, the timeline for completing the entire process outlined above will be three months or less.

### III. Right to Amend

- I. The City may exercise the foregoing rights at any time without notice and without liability to any applicant, developer and/ or project or any other party for its expenses incurred in the preparation of an application for economic development assistance. The preparation of any such application and related costs associated with responding to the City in its review of such application shall be the sole responsibility of the applicant/developer.