

CITY OF LINCOLN REGULAR CITY COUNCIL MEETING

AGENDA
JUNE 6, 2016
7:00 P.M.

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Public Participation**
- 5. Consent Agenda By Omnibus Vote**

All items under the Consent Agenda are considered to be routine in nature and/or non-controversial and will be approved by one motion. If any one wishes to have a separate vote on any item, it will be pulled from the Consent Agenda and voted on separately.

- A. Payment of Bills
 - B. Approval of request from The Up In Smoke Committee to extend the closing of various streets for the Up In Smoke BBQ Competition through Monday, June 6, 2016 at 9:00 a.m.
 - C. Approval of request from First Presbyterian Church to temporarily reconfigure the flow of traffic on various streets and alleys on Wednesday, July 20, 2016 from 4:00 p.m. through 7:00 p.m. for the annual BBQ Pork Dinner
- 6. Ordinances and Resolutions**
 - A. Ordinance amending section 9-7-4 of the City Code, Downtown Parking Regulations within the City of Lincoln
 - B. Resolution establishing salaries and/or pay increases for the City of Lincoln
 - C. Resolution supporting the enhancement and preservation of the City of Lincoln, Historic Downtown Through Streetscape Improvement
 - 7. Bids**
 - 8. Reports**
 - A. City Treasurer Annual Pension Fund Reports
 - 9. New Business/Communications**
 - A. Approval of Lincoln Civic Foundation Bylaws (tabled 5/16/16)
 - B. Approval of the renewal of the contract between the City of Lincoln and Logan County for Animal Control Services
 - C. Approval of work order #6 for Farnsworth Group, Inc. for completion of the ITEP Grant Application in an amount not to exceed \$3,000.00
 - 10. Possible Executive Session**
 - 11. Adjournment**

We welcome the participation of persons with disabilities at all City of Lincoln meetings. If auxiliary aid or service is required for most effective participation and communication, please notify the City Clerk's Office at 217-735-2815 or cityclerk@lincolnil.gov no later than 48 hours prior to the meeting time.

M E M O R A N D U M

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator 

MEETING

DATE: May 24, 2016

RE: Requests to Permit

Amended Request from Pigs and Swigs Festival

Chris Graue, representing the Up in Smoke BBQ Competition Committee has requested that the Council amend the previously granted street closure request for the festival. The Up in Smoke Committee will utilize a tent for the weekend, which cannot be picked up by the rental company until Monday morning, June 6th. Their Committee asks for the street closures to remain in place for Kickapoo Street until 9AM on Monday, June 6th.

The Council will not be able to vote on the item until after the event, but will be able to provide consensus at the COW.

COW Recommendation: Place the request from the Up in Smoke BBQ Competition Committee for the Pigs and Swigs Festival on the June 6th consent agenda.

Council Recommendation: Approve the request to permit from the Up in Smoke BBQ Competition Committee for the Pigs and Swigs Festival as presented.

First Presbyterian Church – Annual BBQ Pork Dinner

The First Presbyterian Church located at 301 Pekin Street has submitted a request to modify the traffic pattern near their property for their annual pork barbeque dinner. Due to the interest in the event, the church is requesting the use of one-way traffic on specific portions of streets to prevent congestion for attendees. The request is to have one-way traffic on:

- Ottawa Street southbound between Pekin and the Lincoln Junior High School alley
- The alley behind Lincoln Junior High School eastbound between Ottawa and Kankakee

To assist you, a map is provided with the direction of the one-way routes. The request is limited to Wednesday, July 15 from 4PM – 7PM. The Presbyterian Church has provided the City with a certificate of insurance naming the City a holder of the certificate.

COW Recommendation: Place this request to permit on the consent agenda for June 6th.

Council Recommendation: Authorize the request to permit the temporary traffic configuration for the First Presbyterian Church on Wednesday July 20 from 4-7PM as presented.

REQUEST TO PERMIT

RECEIVED

MAY 12 2016

CITY CLERK
LINCOLN, ILLINOIS

DATE: May 11, 2016

We, the undersigned of the City of Lincoln, do hereby respectfully request the Mayor and City Council to permit

the alley between Ottawa Street and Karkakee Street, behind the Lincoln Jr. High School to be one-way going east on Wednesday, July 20, 2016 between the hours of 4-7 p.m. In addition, we would like to have Ottawa Street between Pekin Street and the alley behind the Jr. High. one-way going south during these same hours. First Presbyterian Church is holding its annual Pork BBQ for the 36th year on this date. The size of the BBQ has grown to serve around 1,000 diners - over half of which are carry-outs. This one-way traffic flow prevents congestion and accidents. We would also request city barricades to aid with the traffic pattern. We appreciate your consideration of our request.

If the above request is for use of City property, including streets and/ or alleys, please check one of the two boxes below:

A Certificate of Insurance Liability for the event is attached.

A Certificate of Insurance Liability for the event will be provided to the City no later than _____.

*Please see
diagram on
back

If City property is used, a Certificate of Insurance Liability is required listing the City as an additional insured. The City reserves the right to postpone review and consideration of this Request to Permit until a Certificate of Insurance Liability is provided.

Name: First Presbyterian Church

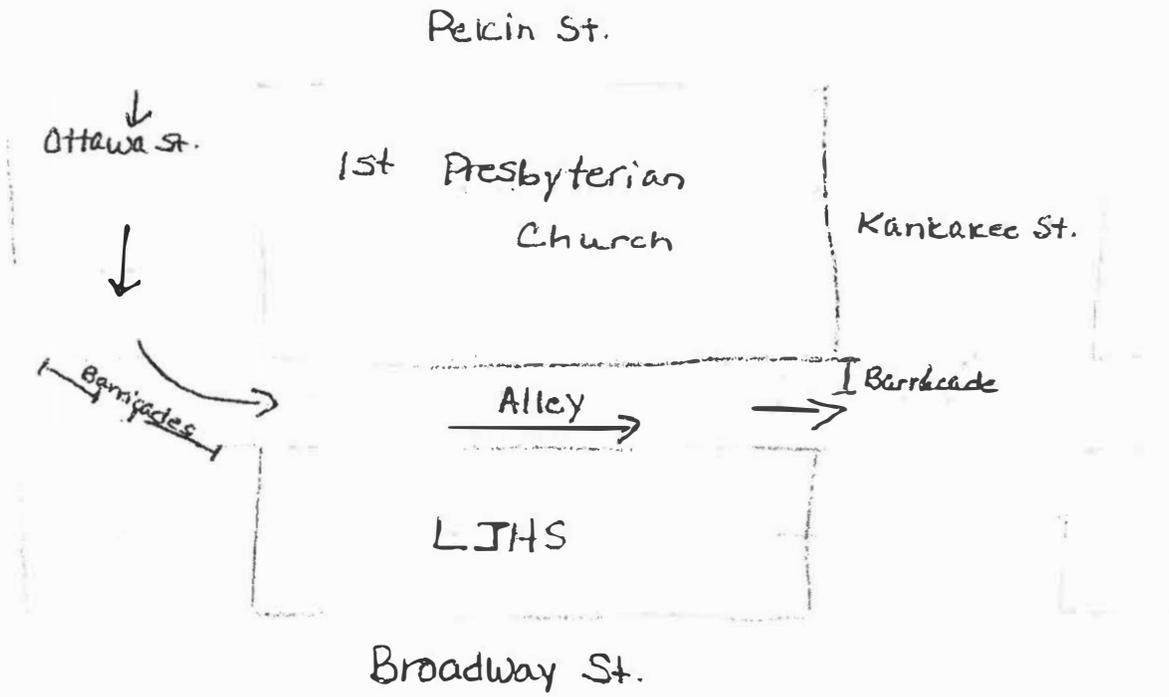
Address: 301 Pekin Street
Lincoln, IL 62656

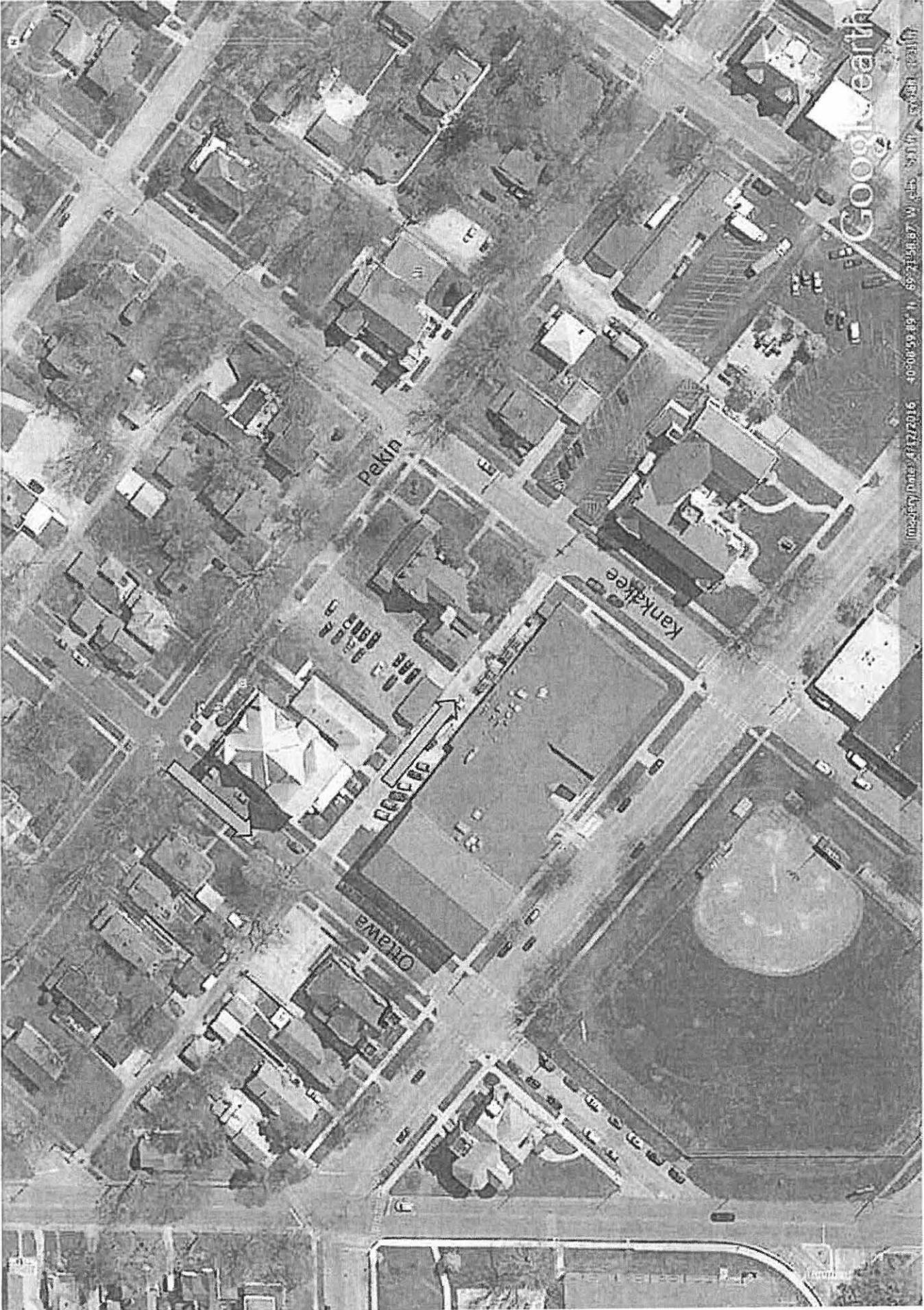
Phone: 732-7365 Cell: 737-4311

Email: kcleesman@frontier.com

BBA Chairs -

Charlise Leesman
Deb Schweitzer





Google Earth

Imagery Date: 4/27/2016 40°08'59.89" N, 89°21'48.97" W, 455, 351 M, 25.0 M, 25.0 M



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

05/05/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Church Mutual Insurance Company 3000 Schuster Lane Merrill WI 54452	CONTACT NAME: Andrea L Marlowe	PHONE (A/C No. Ext): 1-800-554-2642 Option 1	FAX (A/C No): 855-264-2329
	E-MAIL ADDRESS: cs2@churchmutual.com		
INSURED FIRST PRESBYTERIAN CHURCH 301 PEKIN ST LINCOLN IL 62656-2030	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Church Mutual Insurance Company		18767
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	0002165-02-858932	01/15/2016	01/15/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Evidence of Liability Insurance for rerouting traffic on July 20, 2016 due to the church picnic at 301 Pekin Street, Lincoln, Illinois. Commercial General Liability
 Additional Insured: City of Lincoln, subject to the coverage provided by the referenced policy. A220 SRAP 511

CERTIFICATE HOLDER CITY OF LINCOLN - CITY HALL 701 BROADWAY ST LINCOLN IL 62656-2837	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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M E M O R A N D U M

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator 

MEETING

DATE: May 24, 2016

RE: Ordinance ___: Amending Downtown Parking Regulations

As was requested from the April 12 meeting, the staff waited for thirty (30) days to solicit public input on the proposed parking ordinance. The draft ordinance was posted on the City's Facebook page and website along with the media coverage of the discussion. Most of the response generated on Facebook and in phone calls and emails had a misunderstanding of the ordinance. Many thought that the ordinance simply limited the amount of time anyone can park downtown to thirty minutes. The staff has worked to dispel this misunderstanding and try to explain that, essentially, we are removing parking time limits for customers and visitors to the downtown area.

Part of the discussion on April 12 centered on the idea of customers. Put simply, a customer is anyone who isn't an employee. Concerns were brought up about renters in the downtown. As it stands they would not be exempted from the regulations and subject to a violation.

As a reminder to the staff's thought process and an explanation of the proposed ordinance, I have attached a copy of the proposed downtown parking ordinance.

COW Recommendation: The staff believes that the reduction and/or elimination of the parking of employees should help create parking spots for those who wish to do business or visit the downtown. Place the Ordinance ___: Amending Downtown Parking Regulations on the Council's June 6th agenda.

Council Recommendation: Adopt Ordinance ___: Amending Downtown Parking Regulations as presented.

MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator

MEETING

DATE: April 12, 2016

RE: Ordinance ____: Amending Downtown Parking Regulations

The availability of parking in and around the downtown square is always a hot topic with residents, business owners, and visitors alike. The City often fields requests for more parking, greater enforcement, or both. When it comes to downtown parking, we seem to suffer from a lack of parking and a perceived lack of parking.

Historically, the City has taken some steps to help regulate parking and increase its availability. One step began with an intergovernmental agreement between the City and the County regulating who parks on the interior of the downtown square. Outside of a few reserved spaces for certain county officials and county sheriff's deputies, other county employees are encouraged to park off the square. This agreement gives the City jurisdiction to regulate parking in that area. Additionally, the City has utilized a "two-hour" parking limit on spaces to try to give patrons enough time to enjoy our downtown, but also to prevent individuals from parking in a space all day.

As time progressed, the two-hour parking became less and less effective at regulating parking. Without a dedicated individual monitoring parking, it became inefficient for a police officer to begin monitoring vehicles and return two hours later to check his or her findings. We have also learned ways many have gotten around the enforcement which has exacerbated the parking problems downtown. It also has grown apparent that a large percentage of parking spaces are being occupied by vehicles which rarely leave over the course of a workday – the cars belonging to employees of the various organizations downtown.

Our staff met to try to think of practical ways to address the parking needs of the community. In those discussions, numerous ideas were considered – reducing/raising the hourly limit on parking, metering, eliminating restrictions, etc. Where the staff ultimately formed consensus was around the concept of "customer parking."

Enclosed with your materials is an ordinance which revises current standards adding the concept of customer parking in a downtown parking district. The district is defined as Broadway Street from Chicago Street to the alley east of McLean Street (next to City Hall), Pulaski Street from Chicago Street to McLean Street, Kickapoo Street from Pekin Street to Clinton Street, and McLean Street from Pekin Street to Pulaski Street. From 9AM-5PM during the weekdays, only persons conducting business at any of the businesses or government entities are able to park for over 30 minutes within the downtown parking district. Employees of any of those organizations would be required to find parking elsewhere. Anyone would be allowed to park downtown for the purposes of loading or unloading for a period of no more than 30 minutes.

Signage would also need to be replaced to represent the changed policy, should the council approve the new ordinance. Enforcement does require some use of the honor system. The police department would be able to determine if a parked car belongs to an employee downtown by abuse of the system. Citizens who report violations are required according to the new ordinance to appear as witnesses in court.

The new ordinance also revises the parking violation fee structure. For decades, a parking fine was \$10. There were no increased fees for multiple violations. Under the draft ordinance, the first parking violation constitutes a fine of \$25. The second offense in the course of a year is \$50, third offense is \$100, and a fourth offense is \$200. As it stands now, a \$10 fine is not discouraging anyone for taking up a parking space for an extended period of time. However, the fine does increase if not paid within 48 hours.

The ordinance does eliminate the two hour parking zones on other streets such as Sangamon, Chicago, and Clinton. If the Council feels this is necessary in one or more of these areas, the draft ordinance will need to be amended. A copy of the current ordinance section (9-7-4) is included with your materials.

COW Recommendation: This concept does dramatically change the city's policy toward downtown parking and should require some further discussion and input from residents and others. A "customer parking" approach is not unlike that of establishments you might see in larger, metropolitan areas. Because of the significant change to the program, action can be deferred to a later voting meeting to allow for public input. May 16th would allow for approximately 30 days between the workshop discussion and a possible vote.

Council Recommendation: Should the Council feel it is necessary to amend parking regulations, after a period for public input. Place the ordinance in its final form on the May 16th agenda for approval.

ORDINANCE NO. _____

ORDINANCE AMENDING DOWNTOWN PARKING REGULATIONS.
WITHIN THE CITY OF LINCOLN

WHEREAS, the City of Lincoln is a municipal corporation situated in Logan County, Illinois; and,

WHEREAS, the City Code of the City of Lincoln, specifically Title 9, governs parking regulations of the City of Lincoln; and,

WHEREAS, the City of Lincoln wishes to create a Downtown Parking District during regular business hours for the benefit of the customers for downtown businesses and those doing business at government buildings within the City of Lincoln by amending Title 9, Chapter 7, Section 4 to the City Code of the City of Lincoln; and,

WHEREAS, the City Council of the City of Lincoln believes that establishing a Downtown Parking District within the City of Lincoln will ensure a business friendly environment and said Parking District will enhance the economic value of the City; and,

WHEREAS, the City Council believes it is in the best interest of the citizens of Lincoln, Logan County, Illinois, that the Downtown Parking District be established within the City of Lincoln.

NOW, THEREFORE, the City Council of the City of Lincoln, Logan County, Illinois, does hereby amend the City Code in the following regards:

1. That Title 9, Chapter 7, Section 4 is hereby deleted and the following is added in place thereof:

"9-7-4: Downtown Parking District

A) Definitions

The Downtown Parking District shall be defined as the downtown

area of the City of Lincoln, defined by the boundaries, where there is the desire to control or restrict parking to provide customer parking for businesses and to those government buildings in the District.

Downtown Parking District Boundaries shall be defined as the following streets: (Both sides of each street are within the district unless specifically indicated otherwise in this section)

Broadway Street from Chicago Street to the alley East of McLean Street
Pulaski Street from Chicago Street to McLean Street
Kickapoo Street from Pekin Street to Clinton Street
McLean Street from Pekin Street to Pulaski Street

Block shall be defined as the area on both sides of a street between nearest cross-streets or intersection.

Days and Hours of Ordinance Enforcement shall be defined as Monday through Friday, 9 AM to 5 PM, excluding City designated holidays.

Officer shall be defined as any City of Lincoln Police Officer, Volunteer Officer or other City of Lincoln employee, full time, part time or temporary, approved by the Chief of Police to enforce City of Lincoln ordinances or State Law in regards to any parking or ordinance violations within the city limits of Lincoln.

Customer shall be defined as any person actively shopping at a merchant or conducting business at any government building in the Downtown Business District other than those that are employed at the business or government entity.

Merchant shall be defined as any and all businesses that provide a service, merchandise or goods and collect fees for that service, merchandise or goods; clubs and organizations with restricted memberships that receive payment for food and drink served to members and non-members; providers of professional services, and collecting fees for services provided.

B) Parking Control

A person parking within the parking district shall comply with this ordinance and with the posted times on signs marking individual spaces or areas.

C) Parking Restrictions

No person, other than a Customer, shall cause any motor vehicle operated by that person to be parked upon a public street within

the Downtown Parking District between the hours of 9:00 a.m. and 5:00 p.m. daily, excepting City designated holidays.

D) Exceptions

The following exceptions will be allowed:

- 1) Designated spaces marked with proper signage.
- 2) Owners or employees that are loading and unloading, limited to thirty (30) minutes.

E) Citations by Officer on Illegally Parked Vehicles

Upon violation of this ordinance, an Officer shall issue a citation. The officer shall next serve the citation on the owner or operator personally or by affixing the citation to the vehicle if the operator cannot be readily located.

F) Citizen Complaints, their Service, and Citizen Witness Required

A parking violation citation may also be served by an Officer upon a person alleged to be in violation of this ordinance following receipt of a sworn parking complaint from a citizen. A citizen, swearing out a parking complaint agrees to appear as a witness for the prosecution in Court. If a citizen is unwilling to appear as a witness, then such citation shall not be issued.

G) Separate Violations

Each day or distinct time period of an offense described by this ordinance shall be considered a separate violation subject to a separate penalty as described by this ordinance.

H) Penalties

A person found in violation of section C shall, for the first violation is punishable by a fine of \$25.00. A second offense within a calendar year shall be punishable by a fine of \$50.00. A third offense within a calendar year shall be punishable by a fine of \$100.00. The fourth and any subsequent offense within a calendar year shall be punishable by a fine of \$200.00.

3. That should any clause, sentence, or paragraph of the above-noted Ordinance be declared invalid by any Court of competent jurisdiction, such invalidity shall not affect any other portion of said Ordinance.

4. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form

as provided by law.

The vote on the adoption of this Ordinance was as follows:

Alderman Parrott	_____	Alderwoman Bauer	_____
Alderwoman Tibbs	_____	Alderman Welch	_____
Alderman Hoinacki	_____	Alderman Mourning	_____
Alderwoman Horn	_____	Alderman Hoefle	_____

Ayes: _____

Nays: _____

Absent: _____

Abstentions: _____

Passed and approved this _____ day of _____, 2016.

CITY OF LINCOLN

BY: _____

Martha Neitzel, Mayor
City of Lincoln, Logan
County, Illinois

ATTEST: _____ (SEAL)

City Clerk, City of Lincoln,
Logan County, Illinois

MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator



MEETING

DATE: May 24, 2016

RE: Resolution ___: 2016 Employee Cost of Living Adjustments

For many years, the past practice of the City was to build employee raises into the budget, which would automatically take effect upon the commencement of a new budget year, beginning May 1. The raises were never voted upon separately by the Council, rather they may have been authorized by the mayor, or department heads may revert back to the budget document which was passed.

Last year, however, raises were approved by a resolution of the Council. Anticipated raises were built into the budget, but the Council had the final authority on approving the raises and determining their effective date. In 2015, the department heads and most non-contractual, exempt employees received a 2.5% cost of living adjustment. Hourly employees received a \$.25/hour raise.

This year's budget includes a 3% raise for non-contractual, exempt employees, save one. Hourly employees have been calculated for a \$.50/hour raise. I would ask that Council to consider making those salary adjustments retroactive to May 1, 2016.

In absence of a formal evaluation system or merit program, I believe the best way to proceed is by providing employees with equivalent raises. Over the course of the year, we can work toward an evaluation system and merit-based salary increases.

COW Recommendation: Place Resolution ___: 2016 Employee Cost of Living Adjustments to the Council's June 6th agenda.

Council Recommendation: Approve Resolution ___: 2016 Employee Cost of Living Adjustments at a rate of 3% for exempt employees and \$.50/hour for non-exempt employees retroactive to May 1, 2016.

RESOLUTION 2016- _____

RESOLUTION ESTABLISHING SALARIES AND/OR
PAY INCREASES FOR THE CITY OF LINCOLN

WHEREAS, the City of Lincoln establishes a salary for all appointed officials and employees for the City of Lincoln; and

WHEREAS, the City Council will consider the performance, skill levels, and market conditions in determining the amount and type of pay increases for its employees;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL, OF THE CITY OF LINCOLN:

SECTION 1: The following full-time, exempt positions shall receive a cost of living increase to their current annual salary in the amount of three percent (3.0%) to be paid out in a manner established by City policy and shall be paid retroactive to May 1, 2016:

1. Fire Chief, Deputy Fire Chief(s)
2. Police Chief, Deputy Police Chief
3. Building and Safety Officer, Deputy Building and Safety Officer
4. Street Superintendent
5. Deputy City Clerk
6. Administrative Assistant to the Chief of Police

SECTION 2: The following positions shall receive a cost of living increase to their current hourly rate in the amount of \$0.50/hour to be paid out in a manner established by City policy and shall be paid retroactive to May 1, 2016:

1. Administrative Assistant to the Mayor
2. Accounts Payable Clerk
3. Part-Time Sewer Clerk
4. Building and Safety Office Administrative Assistant

PASSED THIS _____ DAY OF JUNE 2016

APPROVED:

MAYOR

(SEAL)

ATTEST:

CITY CLERK

MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator 

MEETING

DATE: May 24, 2016

RE: Resolution ____: ITEP Grant Downtown Revitalization Letter of Support

Earlier this Spring, the Illinois Department of Transportation (IDOT) announced that it would be announcing a new cycle of Illinois Transportation Enhancement Program grants for municipalities. As IDOT states, "The ITEP provides funding for community based projects that expand travel choices and enhance the transportation experience by improving the cultural, historic, aesthetic and environmental aspects of our transportation infrastructure.

The ITEP is designed to promote and develop alternative transportation options, including bike and pedestrian travel, along with streetscape beautification. The federal funds are awarded competitively, and projects must be related to surface transportation." Commonly funded projects include pedestrian/bicycle facilities, landscape/streetscape and other scenic beautification, conversion of abandoned railroad corridors to trails, historic preservation and rehabilitation of historic transportation facilities.

As it stands, the City's plan for downtown streetscape as part of a larger revitalization effort would qualify as eligible for the ITEP funds. The City has applied for these funds in 2010 and 2012 without an award. However, having already constructed a portion of the streetscape project and with the improvements associated with the Lincoln Grand 8 Project, the State may look more favorably towards the project. I have asked Farnsworth to provide the City with a cost estimate to help write, compile, and submit the ITEP application for this cycle of funding. They have provided a work order in the amount not to exceed \$3,000 to complete the application. We will also be soliciting local businesses and other organizations for letters of support for the project.

In this round of funding, the City will seek to secure the funding for the remaining three blocks (Kickapoo, Broadway, McLean) surrounding the courthouse square – an estimated construction cost of about \$1.6M. We also intend to ask for a 70/30 split of grant funds and city matching funds to help improve our chances of receiving the award. The City's match of the total requested funds would be approximately \$480,000.

One of the first steps of the grant application is a resolution of support from the City Council which is before you this evening. Applications for the grant are due on June 17th and awarded projects are expected to be named in the Fall of 2016.

COW Recommendation: Place Resolution ____: ITEP Grant Downtown Revitalization Letter of Support on the Council's June 6th agenda.

Council Recommendation: Adopt Resolution ____: ITEP Grant Downtown Revitalization Letter of Support as presented.

RESOLUTION 2016 - _____

RESOLUTION SUPPORTING THE ENHANCEMENT AND PRESERVATION OF THE CITY
OF LINCOLN, ILLINOIS' HISTORIC DOWNTOWN THROUGH STREETScape
IMPROVEMENT

WHEREAS, the City of Lincoln applied for an Illinois Transportation Enhancement Program (ITEP) Grant in August 2010 and prior to submission of that grant the City conducted a public hearing where members of the public and downtown business owners were afforded the opportunity to comment on the City's ITEP application at that time as well as share their ideas for downtown improvements via anonymous survey; and

WHEREAS, there was no opposition voiced to the proposed application and downtown improvements were ranked on the survey results as the most important improvement the City could pursue; and,

WHEREAS, the City reapplied for the same ITEP grant in 2012 for the same purposes with a substantially equivalent application; and,

WHEREAS, since 2010, the City has secured a grant from the Department of Commerce and Economic Opportunity for the purpose of planning downtown redevelopment and revitalization; and,

WHEREAS, the result of that plan has produced the construction of one block of downtown streetscape and the City believes that it is imperative for the long term benefit of the community to continue the implementation of this plan by constructing additional streetscape improvements.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL, OF THE CITY OF LINCOLN THAT IT CONTINUES TO SUPPORT THE REVITALIZATION OF DOWNTOWN LINCOLN AS ONE OF THE HIGHEST PRIORITIES OF THE COMMUNITY; AND BE IT FURTHER

RESOLVED, THAT THE CITY OF LINCOLN BELIEVES THAT THE FUNDING OF THESE STREETScape IMPROVEMENTS THROUGH THE ILLINOIS TRANSPORTATION ENHACEMENT PROGRAM AWARD WOULD PLAY A SIGNIFICANT PART IN THE OVERALL PROCESS OF LINCOLN'S REVITALIZATION; AND BE IT FURTHER

RESOLVED, THAT THE CITY OF LINCOLN REQUESTS THE ILLINOIS DEPARTMENT OF TRANSPORTATION TO FULLY SUPPORT ITS 2016 ITEP APPLICATION AND FUND THIS WORK WHICH IS CRUCIAL TO CREATING A VITAL, ATTRACTIVE, AND COMPELLING DOWNTOWN.

PASSED THIS _____ DAY OF JUNE 2016

APPROVED:

MAYOR

(SEAL)

ATTEST:

CITY CLERK

WORK ORDER No. 6

This Work Order #6 describes certain services to be performed by Farnsworth Group, Inc. ("ENGINEER") in accordance with the terms and conditions of that certain Master Services Agreement dated January 21, 2015, between the City of Lincoln ("CITY"), an Illinois municipality having its offices at City Hall, 700 Broadway St., Lincoln, IL 62656 and ENGINEER, located at 7707 N. Knoxville Avenue, Suite 200, Peoria, IL 61614.

SERVICES:

Services Topic: Prepare an application for an Illinois Transportation Enhancement Program (ITEP) grant through the Illinois Department of Transportation program for the 2106 ITEP Cycle 12.

Objective of Services: Provide Grant Writing and Engineering Services to assist the City with the preparation of the ITEP grant application.

Activities to be performed: Review the City's past ITEP grant application, develop the project scope, opinion of construction costs, and complete the grant application package for review by the City.

Type and Description of Materials to be developed/provided: ITEP grant application package, including ITEP forms and supporting documents.

TIMELINE:

Commencement Date: 5/23/16

Days Necessary to Complete: 12 Calendar Days

Completion Date: 6/3/2016

COMPENSATION:

Payment schedule: Invoice after grant application is submitted in June 2016.

Total Fee:

A time and material fee, not to exceed \$3,000.

INVOICING:

All invoices submitted under this Work Order should be sent to the following address and should reference ITEP Grant Application 2016:

City of Lincoln
Attn: Clay Johnson, City Administrator
700 Broadway St.
Lincoln, IL 62656

ENGINEER and CITY agree that the referenced Agreement and this Work Order are the complete and exclusive statement of the agreement between the parties, superseding all other proposals or prior agreements, oral or written, and all other communications between the parties relating to the subject matter hereof. In the event of any conflicts between this Work Order and the Agreement, the terms of the Agreement shall prevail. This Work Order shall be effective on the date the second of the two parties hereto signs below.

ENGINEER

CITY

Signature

Signature

Gary W. Davis

Printed or Typed Name

Printed or Typed Name

Principal

Title

Title

Date

Date

M E M O R A N D U M

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator



MEETING

DATE: May 10, 2016

RE: Lincoln Civic Foundation Bylaws

During the course of our preliminary discussion on the Lincoln Civic Foundation's bylaws, there were questions raised about the composition of the Board of Directors. In this revision of the bylaws, the members of the Board of the Foundation would be selected by the aldermen of each Ward and provided to the Mayor. The two aldermen of each ward would select a single representative of their ward to serve on the Board. The Mayor would also have a selection of a candidate who can be from anywhere in the City. This process mirrors that of the Citizen of the Year recognitions previously awarded by the Council and Mayor. The list of candidates would then be submitted by the Mayor for the advice and consent of the Council. The terms of all the members of the Board are coterminous with the term of the Mayor.

At any time, a $\frac{3}{4}$ majority vote could remove any director or officer of the Foundation. Vacancies created in the Board would be filled using the same process as described above.

Officers of the Foundation are selected by the Board of Directors for one year terms beginning May 1.

The remaining language remains as it was previously discussed in February.

COW Recommendation: Place the approval of the Lincoln Civic Foundation Bylaws on the May 16th Agenda.

Council Recommendation: After discussion, by motion vote, approve the Lincoln Civic Foundation Bylaws as amended.

BYLAWS

of

Lincoln Civic Foundation, Inc.

ARTICLE I

Introduction

- Section 1. **Definition of Bylaws.** These Bylaws constitute the code of rules adopted by the Board of Directors of Lincoln Civic Foundation, Inc. for the regulation and management of its affairs.
- Section 2. **Purpose.** This Foundation will have the purposes or powers as may be stated in its Articles of Incorporation and such powers as are now or may be granted hereafter by the laws of the United States and the State of Illinois. The general purposes of the Foundation are to enhance the quality of life for Lincoln, Illinois residents and standard of living; without regard for race, color, national origin, age, sex, religion, marital status or handicap. In furtherance of its general purposes, the particular purpose for which this Foundation is formed is to improve the quality of life by hosting community events, enhancing community assets, and improve the aesthetic quality of the community. The Foundation shall be of such purposes that are solely for charitable, religious, governmental, and educational purposes, as defined under the section 501(c)(3) of the Internal Revenue code, as amended or any future such code.
- Section 3. **Powers.** The Foundation may purchase, receive and/or accept, hold title to or borrow against property, whether real, personal or mixed, by way of gift, devise or bequest, from any person, firm, trust or Foundation, to be held, administered, or disposed of, and to do any other business permissible by law in accordance with and pursuant to its purposes and Articles of Incorporation while remaining tax exempt under 501(c)(3) of the Internal Revenue Code, as amended or any future such code.

ARTICLE II

Membership

- Section 1. **Membership.** The Foundation will have no members other than those serving on the Board of Directors or its appointed, affiliated Committees.

Section 2. **Classes of Members.** There will be no classes of membership.

ARTICLE III

Directors

Section 1. **Definition of Board of Directors.** The Board of Directors is that group of persons vested with the management of the business and affairs of this Foundation subject to the law, Articles of Incorporation, and these Bylaws.

Section 2. **Structure of Board.** The Board of Directors of this Foundation will constitute a single class.

Section 3. **Qualifications of Directors.** The qualifications for becoming and remaining a Director of this Foundation are as follows: persons must be of legal voting age, a United States Citizen, and fully subscribe to, and have a working interest in, the purposes and basic policies of the Foundation.

Section 4. **Number of Directors.** The number of Directors of this Foundation will not be less than five (5) at any time. Furthermore, the number of Directors may vary from time to time between a minimum of five (5) and a maximum of nine (9) with the amount to be determined by majority vote of the current directors. No decrease in the number shall have the effect of shortening the term of any current or incumbent director.

Section 5. **Terms of Directors.** The Directors constituting the initial Board of Directors as named in the Articles of Incorporation will be submitted to the Mayor for nomination by the two Aldermen of representing each ward of the City of Lincoln. The Mayor and Aldermen representing each ward will submit a single nominee to the Mayor for the advice and consent of by the City Council. The nominees submitted to the Mayor for approval must live within the boundaries of the ward of the nominating Aldermen. The Mayor's shall also have a nominee who must be a Lincoln resident and can represent the city at-large. Their Directors terms on the Board shall run concurrently with the term of the Mayor of the City of Lincoln.

Section 6. **Vacancies of the Board.** Resignation of a Director will become effective immediately or on the date specified therein and vacancies will be deemed to exist as of such effective date. Any vacancy occurring in the Board of Directors, and any directorship shall be filled utilizing the same process as outlined in Section 5 and be submitted by the Mayor for the advice and consent of the City Council.

Section 7. **Place of Directors' Meetings.** Meetings of the Board of Directors, regular or special, will be held at the registered office of this Foundation or at any other place within or without the State of Illinois, as provided or such place or

places as the President designates.

Section 8. **Regular Directors' Meetings.** The Board of Directors will meet as needed but hold, at a minimum, one meeting per calendar year.

Section 9. **Call of Special Board Meetings.** A special meeting of the Board of Directors may be called by a number constituting a quorum of the Board of Directors directing that the President of the Board of Directors call a special meeting.

Section 10. **Notice of Directors' Meetings.** Written, printed, or electronic means of notice stating the place, day and hour of any meeting of the Board of Directors will be delivered to each Director not less than two (2) nor more than forty-five (45) business days before the date of the meeting, either personally, electronically or by first class mail, by or at the direction of the President or the Secretary. If mailed, such notice will be deemed to be delivered when deposited in the United States mail addressed to the Director at his address as it appears on the records of this Foundation, with postage prepaid. Such notice need not state the business to be transacted at, or the purpose of, such meeting.

Section 11. **Waiver of Notice.** Attendance of a Director at any meeting of the Board of Directors will constitute a waiver of notice of such meeting except where such Director attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened.

Section 12. **Quorum of Directors.** A group of no less than five (5) Directors present at a meeting having received proper notice will constitute a quorum. The act of a majority of the Directors present at a meeting when a quorum is present will be the act of the Board of Directors unless a greater number is required under the provisions of the Articles of Incorporation of this Foundation, or any other provision of these Bylaws.

Section 13. **Director Conduct.**

(A) In their capacity as Directors, the members of the Board of Directors must act at all times in the best interests of the Foundation. The Board shall adopt a policy as to what constitutes a conflict of interest, and that assists the Board members in identifying and disclosing actual and potential conflicts, and help ensure the avoidance of conflicts of interest where necessary.

(B) In their capacity as Directors, the members of the Board of Directors must act at all times in the best interests of the Foundation. The Board shall adopt a whistleblower policy that (1) encourages staff and volunteers to come forward with credible information on illegal practices or serious violations of adopted policies of the Foundation;

(2) specifies that the Foundation will protect the person from retaliation; and (3) identifies where such information can be reported.

Section 14. **Removal of Directors.** Any Director elected or appointed to the Board may be removed by a ¾ majority of the City Council whenever in their judgment the best interests of this Foundation will be served. However, such removal will be without prejudice to any contractual rights of the Officer so removed. Appointment to the Board shall not of itself create such contract rights. Removal of a board member requires a three-fourths majority vote of the entire Board at a duly called meeting.

ARTICLE IV

Officers

Section 1. **Roster of Officers.** The officers of this Foundation will consist of the following personnel:
President
Vice-president
Secretary-Treasurer

Section 2. **Selection of Officers.** Each of the Officers of this Foundation will be elected or appointed for a one year term by the Board of Directors on or prior to April 30. Each officer will remain in office until a successor to such office has been selected and qualified. The first such election will take place at the meeting of the Board of Directors in _____ being effective immediately. The Election shall be every year thereafter at a meeting of the Board of Directors. Elected officers' terms are effective May 1.

Section 3. **Multiple Officeholders.** In any election of Officers, the Board of Directors may not elect or appoint a single person to any two or more offices simultaneously. In the case of a tie vote of the Board, the President, if not a Director, may cast the deciding vote when there is a tie vote.

Section 4. **President.** The President subject to the control of the Board of Directors, supervise and control the affairs of the Foundation. The President shall run all meetings and perform all duties incident to such office and such other duties as may be provided in these Bylaws or as may be prescribed by the Board of Directors.

Section 5. **Vice-President.** The Vice-President will perform all duties and exercise all powers of the President when the President is absent or is otherwise unable to act. The Vice-President will perform other such duties as may be prescribed by the Board.

Section 6. **Secretary-Treasurer.** The Secretary-Treasurer will keep minutes of all meetings of Board of Directors, will be the custodian of the corporate records, will give all notices as are required by law or these Bylaws, and, generally, will perform all duties incident to the office of Secretary-Treasurer and such

other duties as may be required by law, by the Articles of Incorporation, or by these Bylaws, or which may be assigned from time to time by the Board of Directors.

The Secretary-Treasurer will have charge and custody of all funds of this Foundation, will deposit the funds as required by the Board of Directors, will keep and maintain adequate and correct accounts of the Foundation's properties and business transactions, will render reports and accountings to the Directors as required by the Board of Directors, or as required by law. The Treasurer will perform, in general, all duties incident to the office of Treasurer and such other duties as may be required by law, by the Articles of Incorporation, or by these Bylaws, or which may be assigned from time to time by the Board of Directors. The Treasurer may service no more than five (5) consecutive terms.

Section 8. **Removal of Officers.** Any officer elected or appointed to the office may be removed by a $\frac{3}{4}$ majority vote of the Lincoln City Council whenever in their judgement the best interests of this Foundation will be served. However, such removal will be without prejudice to any contractual rights of the Officer so removed. Election of an officer shall not of itself create such contract rights.

ARTICLE V

Executive Director

Section 1. **Executive Director.** The Board of Directors may appoint an Executive Director, who shall be in charge of the operation of the Foundation and its related programs. The Executive Director shall be responsible for its administration and activities, according to policies established by the Board. He or she shall have the authority to employ and dismiss other personnel of the staff according to the policies approved by the Board. The Executive Director shall submit an annual report at a designated meeting on the conditions and activities of the organization and related programs and he or she shall make such recommendations in regard thereto as he or she sees fit. The Executive Director shall submit informal progress reports at all meetings of the Board and he or she shall call to their attention any matters requiring action or notice. The Executive Director shall be an ex-officio member of the Board of Directors, may be an ex-officio member of all committees and shall have financial document execution authority.

Section 3. **Absence of Executive Director.** At such time when there is not an Executive Director employed by the Foundation, or in the absence of the Executive Director when employed, the President shall assume the duties of the Executive Director and be responsible for the day-to-day activities of the Foundation as provided for in these bylaws and the polices and procedures of the Foundation.

ARTICLE VI

COMMITTEES

Section 1.

Definition of Advisory Committee. This Foundation may have an Advisory Committee, which will consist of two (2) Directors and the Executive Director. The Board of Directors may appoint up to six (6) additional members to the Advisory Committee. Such Advisory Committee will have and exercise some prescribed authority of the Board of Directors in the management of this Foundation or its functions. However, no such Committee will have the authority of the Board in reference to affecting any of the following:

- (A) Amending, altering, or repealing of the Bylaws.
- (B) Electing, appointing, or removing of any such committee, or any director, or officer of the Foundation; except the Endowment Directorial Committee may add or remove its own members if they are not directors of this Foundation.
- (C) Amending the Articles of Incorporation, restating articles of Incorporation adopting a plan of merger or adopting a plan of consolidation with another Foundation.
- (D) Authorizing the sale, lease, exchange, or mortgage of all or a substantial part of the property and assets of this Foundation.
- (E) Authorizing the voluntary dissolution of this Foundation or revoking proceedings thereof.
- (F) Adopting a plan for distribution of assets of this Foundation, except the assets managed by the said Directorial Committee under agreement with the Foundation.
- (G) Amending, altering, or repealing of any resolution of the Board of Directors.
- (H) Action on matters committed by Bylaws or resolution of the Board to another Committee of the Board.

Section 2.

Appointment of Committees. The Board of Directors, by resolution duly adopted by a majority of the Directors, will designate and appoint the Advisory Committee and delegate to such Committees specific and prescribed authority on the Board of Directors to exercise in the management of this Foundation. However, the creation of such Advisory Committees will not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed on such personnel otherwise by law.

Section 3. **Funds and Endowment Management.** The Board of Directors shall direct and monitor the distribution of all funds exclusively for the Foundation's charitable purposes. The Board shall have the power:

- (A) To modify any restriction or condition on distribution of funds for the Foundation's specified charitable purposes or to specified organizations if in the sole judgment of the Board, the restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable mission;
- (B) To replace any participating trustee, custodian, or agent for breach of fiduciary duty under state law; and
- (C) To hold funds for itself or a fellow nonprofit.

Section 4. **Audit Committee.** The Audit Committee as a Directorial Committee may be operative as part of the duc management of the Foundation when deemed necessary. The Committee will be made up of at least two members of the Board of Directors and that shall be independent; where independent means to not be paid staff, have check approval authority, or consultant for other audit/review services. The Audit Committee should have at least one member that is a financial expert. The Audit Committee may enlist the advice of a compensated independent advisor should the Audit Committee believe it necessary to perform its work proficiently. The Audit Committee shall ensure that the auditor or firm does not provide non-audit services while providing audit services, except preparation of the Form 990 (or related tax documents). The lead audit person should change ever 5 years. The Board of Directors shall provide adequate funding for the Audit Committee to carry on its duties. The Audit Committee has these powers and authorities:

- To hire, fire, and supervise an outside auditor to perform reviews and/or audits of the Foundation books;
- Establish procedures for receiving complaints and concerns regarding accounting matters;
- Determine if indpendent outside counsel, advisors, and auditors need to be enlisted.

ARTICLE VII

Operations

Section 1. **Fiscal Year.** The Fiscal Year of this Foundation will begin on May 1 and end on April 30.

Section 2. **Execution of Documents.** Except as otherwise provided by law, checks,

drafts, promissory notes, and orders for the payment of money, and other evidences of indebtedness of this Foundation will be signed by the Secretary-Treasurer and countersigned by the President and/or an agent duly approved by the Board of Directors. For said checks, drafts, or orders for the payment of money of a value less than five hundred dollars (\$500) the signatory can be the Secretary-Treasurer or an agent duly approved by the Board of Directors. Grant proposals, grant agreements, Memorandums of Agreement, and like documents for activities approved by the Board of Directors shall be signed by the President or in his absence the Vice-President; where there is an Executive Director employed he/she may be designated as signatory by the Board of Directors.

Section 3. **Books and Records.** This Foundation will keep correct and complete books and records of account, and will also keep minutes of the proceedings of its Board of Directors, and Committees. The Foundation will keep at its registered office a membership register giving the names, addresses, and showing classes and other details of the membership of the Board and each Committee, and the original or a copy of its Bylaws including amendments to date certified by the Secretary-Treasurer of the Foundation. The Foundation may choose to use an outside firm or organization to keep and maintain the books and records of its activities.

Section 4. **Inspection of Books and Records.** All books and records of this Foundation may be inspected by the Lincoln City Council, any Director, or his agent or attorney, for any proper purpose at any reasonable time on written demand under oath stating such purpose.

Section 5. **Annual Report.** Prior to the end of each fiscal year, the Executive Director shall provide an annual report to the Lincoln City Council outlining the activities of the organization, the gross revenues received by the Foundation, and the gross expenditures of the Foundation. The report may also include an anticipated budget and activities of the Foundation over the subsequent fiscal year.

Section 6. **Records Retention and Destruction.** The Foundation shall have a policy that identifies the record retention responsibilities of staff, volunteers, members of the Board of Directors, and outsiders for maintaining and documenting the storage and destruction of the Foundation's documents and records.

(A) **Rules.** The Foundation's staff, volunteers, members of the Board of Directors and outsiders (i.e., independent contractors via agreements with them) are required to honor these rules: (a) paper or electronic documents indicated under the terms for retention below will be transferred and maintained by the Human Resources, Legal or Administrative staffs/departments or their equivalents; (b) all other paper documents will be destroyed after three years; (c) all other electronic documents will be deleted from all individual computers,

data bases, networks, and back-up storage after one year; and (d) no paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated government investigation or proceeding or private litigation.

(B) **Terms for retention.**

1. Retain permanently:

Governance records – Charter and amendments, Bylaws, other organizational documents, governing board and board committee minutes.

Tax records – Filed state and federal tax returns/reports and supporting records, tax exemption determination letter and related correspondence, files related to tax audits.

Intellectual property records – Copyright and trademark registrations and samples of protected works.

Financial records – Audited financial statements, attorney contingent liability letters.

2. Retain for ten years:

Pension and benefit records -- Pension (ERISA) plan participant/beneficiary records, actuarial reports, related correspondence with government agencies, and supporting records.

Government relations records – State and federal lobbying and political contribution reports and supporting records.

3. Retain for three years:

Employee/employment records – Employee names, addresses, social security numbers, dates of birth, INS Form I-9, resume/application materials, job descriptions, dates of hire and termination/separation, evaluations, compensation information, promotions, transfers, disciplinary matters, time/payroll records, leave/comp time/FMLA, engagement and discharge correspondence, documentation of basis for independent contractor status (retain for all current employees and independent contractors and for three years after departure of each individual).

Lease, insurance, and contract/license records – Software license agreements, vendor, hotel, and service agreements, independent contractor agreements, employment agreements, consultant agreements, and all other agreements (retain during the term of the agreement and for three years after the termination, expiration, or non-renewal of each agreement).

4. Retain for one year:

All other electronic records, documents and files – Correspondence files, past budgets, bank statements, publications, expired employee manuals/policies and procedures, survey information.

5. **Exceptions.** Exceptions to these rules and terms for retention may be granted only by the Foundation's chief staff executive or Chairman of the Board. Grant agreements, government record requirements, and memorandums of agreement take precedence over the above named requirements where the said records are to be held longer than this policy.

Section 7. **Nonprofit Operations - Compensation.** This Foundation will not have or issue shares of stock. No dividend will be paid, and no part of the income of this Foundation will be distributed to its Directors, Officers, or Executive Director. The Foundation shall not compensate the Executive Director, Officers, or Directors for services rendered. The Board of Directors shall have the sole power and authority to approve all compensation, should there be any, for any vendor or contractor.

Section 8. **Loans to Management.** This Foundation will make no loans to any of its Directors or Officers.

Section 9. **Miscellaneous Provisions.**

(A) No Director or Incorporator of this Foundation may have any vested right, interest, or privilege of, in, or to the assets, functions, affairs, or franchises of the Foundation, or any right, interest, or privilege which may be transferable or inheritable, or which will continue if its membership ceases, or while it is not in good standing.

(B) Expelled, resigned, or otherwise unseated Directors shall have no property rights.

(C) The Foundation: (i) will distribute its income for each tax year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Sec. 4942; (ii) will not engage in any act of self-dealing as defined in Sec. 4941(d); (iii) will not retain any excess business holdings as defined in Sec. 4943(c); (iv) will not make investments in any manner as to subject it to tax under Sec. 4944; (v) will not make taxable expenditures as defined in Sec. 4945(d) of the Internal Revenue Code, any future tax code, or applicable laws of the State of Illinois.

(D) On dissolution after either (i) the payment or discharge of all liabilities of the Foundation and expense related thereto; (ii) the return, transfer, or conveyances of assets held on conditions requiring the same in the event of dissolution or liquidation; and/or (iii) the transfer or conveyance of assets received and held subject to limitations permitting their use only for charitable, religious, governmental, educational, or similar purposes under Section 501(c)(3) of Internal Revenue Code of 1986, as amended, the assets remaining in this Foundation may be distributed to first, the City of Lincoln, and second to an entity which qualified as exempt charitable organization for Federal Income Tax purposes under Section 501(c)(3) of Internal Revenue Code of 1986, as amended, or any future such law.

(E) All programs will be conducted in compliance with the nondiscrimination provisions as contained in Title VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (PL 100-259) and other nondiscrimination statutes; namely, Section 504, of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act.

(F) The Foundation will comply with federal laws and regulations concerning restrictions on lobbying, a drug-free workplace, and responsibilities for non-procurement, suspension, and disbarment.

ARTICLE VIII

Indemnification and Liability

Section 1. **Indemnification.** A director of the Foundation shall not be personally liable to the Foundation for monetary damages for breach of duty as a director, except for liability (i) for any transaction in which the director's personal financial interest is in conflict with the financial interest of the Foundation; (ii) for acts or omissions not in good faith or which involve intentional misconduct or are known to the director to be a violation of law; (iii) for any transaction from which the director derived an improper personal benefit; or as provided and required under the provisions prescribed by State of Illinois statute.

Section 2. **Limitation of Liability.** No member of this Foundation shall ever be held liable or responsible for contracts, debts, or default of this Foundation in any further sum than the unpaid dues, if any owing by him or her to the Foundation, nor shall any mere informality in organization have effect of rendering these Articles of Incorporation null in whole or part or exposing the members to liability other than as above provided.

ARTICLE IX

Adoption and Amendments

Section 1. **Amendment of Articles of Incorporation.** The power to alter, amend, or repeal the Articles of Incorporation of this Foundation is vested in the Board of Directors. Such action must be taken pursuant to a resolution approved by a three-fourths majority of the Directors at a duly called meeting.

Section 2. **Modification of these Bylaws.** The power to alter, amend, or repeal these

Bylaws, or to adopt new Bylaws, insofar as is allowed by laws of the State of Illinois or Federal Code, is vested in the Board of Directors upon resolution approved by majority vote of the entire Board at a duly called meeting.

Section 3. **Bylaws Review.** The President shall appoint a committee to review and update the bylaws every two (2) years effective with the date of these bylaws. This committee shall review and update the bylaws and present recommendations for bylaw changes to the Board of Directors within ninety (90) days of their appointment.

Section 4. **Adoption of these Bylaws.** These bylaws were duly discussed and approved by unanimous vote of the Board of Directors on _____.

MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln
FROM: Clay T. Johnson, City Administrator 
MEETING
DATE: May 24, 2016
RE: Logan County Animal Control Contract Renewal

The Logan County Board has submitted their contract for animal control services to the City for renewal. The services provided by the County remain the same as they have been for the previous contracts. The County's services include animal shelter and pound, administration of pound and employment of staff, enforcement of animal control laws, and issuance of dog registrations. For these services, the City pays an annual fee of \$40,190.52 for a period from June 1st to May 31st.

Prior to renewal last year, the City inquired to the contract and considered paying the County on a per incident basis. Based on numbers provided by the County, it was determined that the City's response volume would result fees of approximately \$60,000. Payments to animal control are made on a monthly basis.

COW Recommendation: Place the renewal of the contract with Logan County for Animal Control services on the June 6th Council agenda.

Council Recommendation: Approve the renewal of the contract with Logan County for Animal Control services.



Logan County Board

P.O. Box 39
Lincoln, Illinois 62656
217-732-6400
FAX 217-735-5246

Rec 5-9-16
*Referred to
city adminstrator*

April 20, 2016

Mayor Marty Neitzel
P.O. Box 509
Lincoln, IL 62656

Dear Mayor Neitzel,

Attached is a copy of the new version of the agreement between the City of Lincoln and Logan County for animal control services.

Contracts are being offered this year at the same rate as last year. You have the option to pay annually or monthly.

Please be advised that the Logan County Board has approved a \$200 fee to be charged to municipalities which do not have a contract and Animal Control is called to an animal problem in that community. For the safety of County residents, we respond to animal calls in all communities, regardless of whether a contract is in place.

If you have any questions, you may reach me after 5:00 p.m. at 217-413-0272, or leave a message with our County Board Administrative Assistant, Amy Kuhlman, at 217-732-6400.

Make checks payable to: Logan County
Send payments to: Logan County Clerk
P.O. Box 278
Lincoln, IL 62656

Sincerely,

Scott Schaffenacker
Chairman
Logan County Animal Control Committee

AGREEMENT

This AGREEMENT made and entered into this 1st day of June, 2016, by and between Logan County, a body corporate and politic, existing by and under the laws of the State of Illinois, (hereinafter referred to as the "County"), and City of **LINCOLN**, a municipal corporation, existing by and under the laws of the State of Illinois, (hereinafter referred to as the "City"),

WITNESSETH:

WHEREAS, the County is authorized under the Illinois Animal Control Act to provide certain animal control services and to enter into agreements regarding the provision of said services, and

WHEREAS, the City of Lincoln, pursuant to the Cities and Villages Act, Chapter 65, paragraph 5/11-20-9, Illinois Compiled Statutes, is authorized to regulate and prohibit the running-at-large of animals within the City limits of Lincoln, Illinois, and

WHEREAS, the City of Lincoln has passed certain ordinances which prohibit the running-at-large of certain animals within its jurisdiction and has made other provisions to promote the health, welfare and safety of humans and animals within said jurisdiction, and

WHEREAS, the City and County wish to enter into a contractual relationship providing for certain animal control and animal shelter services within the County of Logan and municipality of Lincoln.

NOW, THEREFORE, for and in consideration of the mutual covenants and undertakings hereinafter set forth, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties do mutually agree as follows:

1. **TERM** This Agreement shall commence at 12:01 P.M. on June 1st, 2016, and shall terminate at 11:59 A.M. May 31, 2017 unless otherwise terminated or extended.

2. **COMPENSATION TO LOGAN COUNTY** The City agrees to pay the County for the services hereinafter set forth, the sum of \$40,190.52 for a 12 month period from June 1st, 2016 through May 31, 2017. All payments shall be made in equal monthly installments and such payments shall commence on or before the 15th of June, 2016 and shall continue on the 15th day of each month

thereafter. The monthly payment shall be \$3,349.21. All payments shall be made to the Logan County Treasurer, P.O. Box 400, Courthouse, Lincoln, Illinois 62656 and deposited to the County's Animal Control Fund.

3. SERVICES TO BE PROVIDED BY COUNTY

- a. **Animal Shelter and Pound** Logan County will furnish, operate and maintain an animal shelter and pound for lost, strayed, captured, surrendered or homeless dogs and cats in Logan County. The shelter shall be operated and maintained according to regulations of the Illinois Department of Agriculture. Logan County will provide humane treatment for all animals in its care and custody; provided that Logan County, under the direction of the Administrator of the Animal Control Ordinance (hereinafter referred to as Administrator), shall humanely dispose of such animals as provided by statute, regulation or ordinance. Logan County shall keep accurate records of all animals taken into its custody and impounded and shall record the final disposition made of an impounded animal.
- b. **Administration of Shelter** Logan County will maintain reasonable office hours at the shelter for the convenience of the public and for the purpose of transacting business in connection with its duties under this Agreement, such as for reception of captured or surrendered animals and for transacting business relating to the redemption or adoption of impounded animals.
- c. **Employment of Personnel** Logan County shall employ individuals to carry out its duties under this Agreement. Logan County shall thoroughly familiarize such personnel with all applicable statutes, rules, regulations and ordinances pertaining to animal control within Logan County.
- d. **Enforcement of Animal Control Laws** Logan County shall certify to the Administrator one or more of its employees as being trained and competent to assume the duties of the Animal Control Warden. The Administrator shall appoint such employees as Animal Control Wardens to enforce all applicable statutes, regulations, City ordinances and County ordinances relating to animal control and to capture and impound dogs found running-at-large within the City. Animal Control agrees to respond 24 hours a day to barking

dogs, dogs running-at-large, bite cases and injured dogs or cats. Animal Control will maintain reasonable hours for reclaims, adoptions and other non-emergency needs. The Animal Control Wardens shall be employees of, and be compensated by, Logan County.

e. **Cooperation with Other Departments** Logan County will cooperate with personnel of City of Lincoln Police Department, Logan County Sheriff's Office and Logan County Health Department in investigating complaints for violation of animal control and animal welfare laws and ordinances and shall respond directly and investigate citizen complaints of violations of such laws and ordinances. When warranted, Logan County shall prepare and transmit investigative reports of violations to the State's Attorney of Logan County for his review and the filing of charges or actions if appropriate. If charges or actions are filed by the State's Attorney, Logan County and the City of Lincoln will cooperate fully in the prosecution of the same. The City Attorney, however, will prosecute actions under the City Leash Ordinances and all such fines and penalties collected shall be retained by the City.

f. **Issuance of Dog Registrations, Collection of Fees, Maintenance** Under the supervision of the Administrator, Logan County shall issue dog and cat registration tags for all dogs and cats required to be registered in Logan County, and shall collect and retain all registration fees. In addition, Logan County shall collect and retain all required rabies inoculation, housing, neutering and adoption fees. Logan County shall keep complete and accurate records of the issuance of registration tags and the receipt of all fees and charges enumerated above.

4. INSURANCE The County of Logan, at its own cost and expense, shall carry insurance for the benefit of and to protect itself against all claims, demands, causes of action or judgments and from all expenses that may be incurred in investigating or resisting the same stemming from the performance of its duties described above. The City shall be responsible for obtaining and paying for any insurance it may feel is appropriate.

5. AGREEMENT NOT ASSIGNABLE Neither party may sell, mortgage or assign this Agreement, or the powers granted to it, or any interest therein.

6. ENTIRE AGREEMENT This Agreement contains the entire understanding of the Parties and no warranties, representations, covenants, or agreements have been made with respect to the subject matter of this Agreement except as stated in this Agreement. This Agreement may not be amended or modified except in writing and signed by the Parties.

This Agreement entered into the day and year first set forth above pursuant to authority given by the respective governing bodies of both the County and the City.

City of Lincoln, Illinois

By: _____
Mayor

ATTEST: _____ (SEAL) _____
City Clerk Date

County of Logan, Illinois

By: _____
Chairman, Logan County Board

ATTEST: _____ (SEAL) _____
Logan County Clerk Date