

AGENDA
MACOMB CITY COUNCIL
MONDAY, SEPTEMBER 16, 2024
MACOMB CITY HALL
5:15 PM

MEETING CALLED TO ORDER

PLEDGE

ROLL CALL

PUBLIC HEARING

1. Consideration to Create a Class V Liquor License for Whitberg, LLC
2. Consideration to Create a Class V Liquor License for Niemann Food's Inc. DBA Rich's

PUBLIC COMMENT

Citizens wishing to address the City Council on matters germane to the agenda of the meetings will be limited to 3 minutes and are asked to be brief and concise in making their remarks. Comments submitted by mail or email will not be read aloud but a copy will be provided to each member of the Council and made a part of the minutes.

MOTION TO SIT AS TOWNSHIP

CONSENT AGENDA

1. Claims and accounts.
2. Supervisors Report-August
3. Assessors Report.

UNFINISHED BUSINESS

NEW BUSINESS

1. Other new business.

MOTION TO RESUME AS CITY COUNCIL

CONSENT AGENDA

1. Minutes of the Macomb City Council meeting held on Tuesday, September 3, 2024 and Committee of the Whole meeting held on Monday, September 9, 2024.
2. Monthly Reports:

UNFINISHED BUSINESS

1. Consideration to Authorize Letter of Intent between Pivot Energy, City of Macomb and (MAEDCO) Macomb Area Economic Development Corporation.

This item had discussion at last week's Committee of the Whole Meeting. FINAL ACTION will be in order.

2. Consideration of an Ordinance Authorizing the Issuance of a Special Use Permit to Allow a Large-Scale Solar Energy System in an AG-1 Agriculture Zoning District at the Property Located Northeast of the Intersection of US Highway 67 and US Highway 136 (12-000-343-00 and 12-000-344-00), Macomb, McDonough County, Illinois.

This item had first reading June 17, 2024, and additional discussion at last week's Committee of the Whole Meeting. City Attorney Scalf will present the updated ordinance for second reading. FINAL ACTION will be in order.

3. Consideration of an Ordinance Approving First Amendment to Lease Agreement with SPRINTCOM, LLC.

This item had first reading on September 3, 2024 and discussion last week. FINAL ACTION will be in order.

4. Consideration of an Ordinance Amending Portions of Chapter 4 Concerning Alcoholic Beverages within the Macomb Municipal Code.

This item had first reading on September 3, 2024 and discussion last week. FINAL ACTION will be in order.

5. Consideration of an Ordinance to Authorize Issuance of a Special Use Permit to Allow Front Yard Parking in an R-1 Single Family Zoning District at 121 Kurlene Drive, Macomb, Illinois, McDonough County, Illinois.

This item had first reading on September 3, 2024 and discussion last week. FINAL ACTION will be in order.

6. Consideration of an Ordinance to Authorize Issuance of a Special Use Permit to Allow Front Yard Parking in an R-1 Single Family Zoning District at 127 Kurlene Drive, Macomb, Illinois, McDonough County, Illinois.

This item had first reading on September 3, 2024 and discussion last week. FINAL ACTION will be in order.

7. Other unfinished business.

NEW BUSINESS

1. Consideration of an Ordinance to Create a Class V Liquor License for Whitberg, LLC at 1690 E Jackson St Unit F, Macomb, Illinois.

City Attorney Scalf will present this item for first reading.

2. Consideration of an Ordinance to Create a Class V Liquor License for Niemann Foods, Inc. DBA Rich's at 501 W Jackson St Ste A, Macomb, Illinois.

City Attorney Scalf will present this item for first reading.

3. Consideration of an Ordinance Amending Section 4-83 allowing a Supplemental Outdoor Cafe Liquor License for Class A License Holders in the Downtown Business District.

This item was recommended by the General Government Committee and had discussion at last week's Committee of the Whole Meeting. City Attorney Scalf will present this item for first reading.

4. Consideration to Authorize City of Macomb to Provide Loans for Abating Private Nuisance Trees.

This was discussed and recommended by the General Government Committee on September 5, 2024. FINAL ACTION will be in order.

5. Consideration of an Ordinance to Amend Section 16-71 concerning trespass.

This item was discussed at General Government Committee on August 29, 2024. City Attorney Scalf will present the item for first reading.

6. Consideration to Adopt a Resolution Authorizing the City of Macomb to make application for Reconnecting Communities Pilot Program grant with a 20% local match.

This item was discussed at the General Government Committee meeting on September 5, 2024 and at last week's Committee of the Whole Meeting. City Attorney Scalf will read the Resolution. FINAL ACTION will be in order.

7. Consideration to Award Bid for Crack Seal Project to (CASCO) Complete Asphalt Service Company in the amount of \$37,574.00.

Bid Tabulation attached. FINAL ACTION will be in order.

8. Consideration to Approve Funding Agreement with (MACVB) Macomb Area Convention and Visitors Bureau.

FINAL ACTION will be in order.

9. Consideration to Approve Repaving Portions of Groome and Edwards Streets, in addition to the current contract with UCM.

FINAL ACTION will be in order.

10. Consideration to Approve a Contract for Construction Services for the Burgess Lift Station Project with Thouvenot, Wade & Moerchen, Inc. (TWM) in the amount of \$43,900.00 (Not to exceed).

FINAL ACTION is in order.

11. Consideration to Authorize Construction of a Storage Shed for Operations Division of Public Works

FINAL ACTION will be in order.

12. Consideration to Approve Agreement with The Sports Facilities Advisory in the amount of \$47,250.00.

FINAL ACTION will be in order.

13. Other new business.

COMMITTEE REPORTS

ALDERMANIC REPORTS

MAYORAL APPOINTMENTS

1. Consideration to concur with Mayoral Committee Re-Appointments; Lin Stults-Historic Preservation, and Marshall Ervin and Steve Horrell- Liquor Advisory

EXECUTIVE SESSION

To consider information relative to:

1. Appointment, employment, compensation, discipline, performance, or dismissal of an employee of the public body or legal counsel for the public body, pursuant to Sec. 2(c) (1) of the Open Meetings Act.
2. Collective Bargaining matters between the public body and its employees or representatives or deliberations concerning salary schedules for one or more classes of employees, pursuant to Sec. 2(c) (2) of the Open Meetings Act.
3. The purchase or lease of real property for the use of the public body, pursuant to Sec. 2(c) (5) of the Open Meetings Act.
4. The setting of a price for sale or lease of property owned by the public body, pursuant to Sec. 2(c) (6) of the Open Meetings Act.
5. Pending or probable litigation, pursuant to Sec. 2(c) (11) of the Open Meetings Act.

COUNCIL ADJOURNMENT



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM G.2: Supervisors Report-August
DESCRIPTION:

Memo:
Supervisors Report Attached

Attachments:

1. Supervisors Report-August

MACOMB CITY TOWNSHIP
CLAIM VOUCHER
 General Town Fund - #190-0110-01

DATE	VENDOR	AMOUNT
8/7/2024	Macomb Health & Welfare #15110	\$5,214.50
	City of Macomb Business Office #15111	\$19.20
	Timbuk Tech #15114	\$150.00
	MTC Communications #15113	\$110.97
	Community News Brief #15115	\$43.33
	Glenda Bryan #15112	\$55.00
	Wermer, Rogers,Doran, Ruzon CPA #15116	\$3,250.00
	TOTAL	\$8,843.00

Ordered by Angela Markley
Supervisor

MACOMB CITY TOWNSHIP
CLAIM VOUCHER
 General Assistance Fund = #190-3012-01

DATE	VENDOR	AMOUNT
08/07/24	Macomb Health & Welfare #15117	\$1,065.28
	City of Macomb Business Office #15118	\$9.60
	Timbuk Tech #15120	\$75.00
	MTC Communications #15119	\$66.44
	Community News Brief #15121	\$21.67
	Angela Markley #15122	\$55.00
Rent-Clients	McDonough County Housing Authority	\$660.50
	Brian Shaul	\$1,100.00
	CBIE Properties LLC	\$500.00
	Charles Wrenn	\$175.00
	Macomb Rentals	\$390.00
	Mike Parker	\$334.00
	Rector Apartments	\$375.00
	Richard Markley	\$400.00
	Richard Spangler	\$250.00
Utilities-Client	Ameren Illinois	\$200.00
	Macomb City Waterworks	\$63.72
Client-Food & Esst.	Hy-Vee Accounts Receivable	\$2,383.23
	TOTAL	\$8,124.44

Ordered by Angela Markley
Supervisor

MACOMB CITY TOWNSHIP
CLAIM VOUCHER
 General Town Fund - #190-0110-01

DATE	VENDOR	AMOUNT
8/20/2024	First national Bank #15127	\$1,088.48
	Township Supervisors of Illinois #15125	\$75.00
	Angela Markley #15123	\$155.06
	Glenda Bryan #15124	\$152.30
	TOTAL	\$1,470.84

Ordered by Angela Markley
Supervisor

**MACOMB CITY TOWNSHIP
CLAIM VOUCHER**

Aug-24

Acct. #	VENDOR	AMOUNT
190-0110-01	General Town Fund	
	Payroll Clearing Fund #15108	\$696.30
	Payroll Clearing Fund #15131	\$3,407.62
	Payroll Clearing Fund #15129	\$3,407.62
190-3012-01	General Assistance Fund	
	Payroll Clearing Fund #15132	\$1,153.45
	Payroll Clearing Fund #15130	\$1,153.45
190-0129-01	IMRF Fund	
	Illinois Municipal Retirement Fund #15106	\$966.95
003-2662-01	Payroll Clearing Fund	
	IMRF #15105	\$410.50
	IL Department of Revenue #15107	\$430.26
	Electronic Federal Tax Payment System #15109	\$2,020.60
	TOTAL	\$13,646.75

Angela Markley
Supervisor

Supervisor's Monthly Report for September 2024

Our office had 7 intakes scheduled for August in regards of receiving General Assistance, 1 of those was moved to be processed for Emergency Assistance.

From the above numbers 5 were approved for General Assistance and, 1 was approved for Emergency Assistance and 1 of those appointments did not show up for his appointment. When we get an application, we 1st process for General Assistance and then if they do not qualify for General Assistance we will look to see if they could possibly qualify for Emergency Assistance under the guidelines that are set for that program.

The attached Monthly Analysis report for General Assistance has the breakdowns for the cases, pending and denials for our township and outer lying townships.

Our office has mailed/ handed out 14 applications from August 15 to September 11.

Anita has taken on 2 more recipients with SOAR for their SSD/SSI claims. Currently that makes 4 recipients she is working with through the SOAR program. This is 2 more than they suggest, but with the increased number of our clients that are pending disability she feels it is necessary due to they do not have the means to continuously travel from physician appointments and attorney appointments out of town and Prairie State Legal Services are turning away people because their case loads are at a maximum. One of the cases Anita is working on has a scheduled online video hearing for December 18th, which will be conducted at our office.

Just a reminder that on September 27th Anita and I will be attending a General Assistance workshop in Bloomington through the Township Officials of Illinois.

Monthly Analysis of General Assistance Cases & Expenditures

Month Reported: Aug 2024

1. <u>Cases & Persons</u>	<u>Cases</u>	<u>Persons</u>
A. Total – All Cases	<u>27</u>	<u>27</u>
B. Macomb City Twp.	<u>26</u>	<u>26</u>
C. Outer Lying Twp.	<u>1</u>	<u>1</u>
D. Pending	<u>5</u>	<u>5</u>
E. Denials	<u>2</u>	<u>2</u>
2. <u>Employability Status of Macomb City Twp. Cases</u>	<u>Male</u>	<u>Female</u>
A. Employable	<u>0</u>	<u>5</u>
B. Pending Disability	<u>8</u>	<u>8</u>
C. Medically Exempt	<u>2</u>	<u>3</u>
3. <u>Assistance Expenditures of Macomb City Twp. Cases</u>	<u>TOTALS</u>	
A. Shelter	<u>\$ 5,422.50</u>	
B. Utilities	<u>\$ 664.98</u>	
C. Food	<u>\$ 1,162.60</u>	
D. Personal Hygiene & Household Supplies	<u>\$ 1,120.76</u>	
E. Transportation	<u>\$ 80.00</u>	
F. Criminal History Checks	<u>\$ 0.00</u>	
<u>TOTAL EXPENDITURES</u>	<u>\$ 8,450.84</u>	



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM L.1: Consideration to Authorize Letter of Intent between Pivot Energy, City of Macomb and (MAEDCO) Macomb Area Economic Development Corporation.
DESCRIPTION: ***This item had discussion at last week's Committee of the Whole Meeting. FINAL ACTION will be in order.***

Memo:

The Letter of Intent sets forth the agreements the parties have reached as a result of negotiations. The site plan has been adjusted to meet the concerns of City Council.

Additionally, the frontage portion will be deeded to MAEDCO, the entire parcel will be subject to a Pre-Annexation Agreement and the balance of the parcel will be deeded to MAEDCO at the end of the solar project.

Attachments:

1. Letter of Intent

LETTER OF INTENT

September 8, 2024

VIA E-MAIL

The City of Macomb, Illinois
Attn. Mayor Michael J. Inman
232 East Jackson Street
Macomb, IL 61455
Email: mayor@macomb.com

Macomb Area Economic Development Corp.
Attn: Kim Pierce, President/CEO
1406 E Carroll St
Macomb, IL 61455
Email: kim.pierce@maedco.org

RE: Approximately 99.80 acres of farmland located at the northeasterly corner of the intersection of U.S. Highway 67 and U.S. Highway 136, Macomb, Illinois, in McDonough County

Dear Mayor Inman and President/CEO Pierce,

This Letter of Intent sets forth the primary business terms and conditions under which **Pivot Energy**, or its nominee or assignee (“**Pivot**”) will purchase and develop certain Property depicted and described herein and located in McDonough County, State of Illinois, subject to the negotiation, execution and delivery of a definitive written purchase agreement (the “**Purchase Agreement**”) with **H. Leroy Brown Farms LLC** (the “**Seller**”), an Annexation Agreement with the **City of Macomb, Illinois** (the “**City**”), and a Remainder Agreement with the Macomb Area Economic Development Corporation (“**MAEDCO**”). The proposed core business terms regarding Pivot’s proposed development of the Property are as follows:

1. **Property:** Pivot intends to purchase from Seller approximately 99.80 acres of farmland located at the northeasterly corner of the intersection of U.S. Highway 67 and U.S. Highway 136, Macomb, Illinois, in McDonough County, comprising all of property identification numbers 12-000-344-00 and 12-000-343-00 (the “Property”) together with all rights appurtenant thereto, including, without limitation, all easement rights and access rights. The Property is depicted in the attached Exhibit A and made a part hereof.
2. **Purchaser / Developer:** Pivot Energy, or its nominee or assignee
3. **Pivot Energy’s Intended Use:** Pivot intends to utilize and develop the Property as a solar energy project (“Pivot’s Intended Use”).
4. **Frontage Parcel to MAEDCO:** Pivot shall reserve a portion of the Property that contains the frontage along U.S. Highway 136 (specific parcel boundaries and acreage TBD) to MAEDCO for the exclusive use and commercial development by MAEDCO (the “MAEDCO Parcel”). Pivot shall confirm the specific boundaries of the MAEDCO Parcel which is reflected in an Array Plan dated 8/29/2024. The MAEDCO Parcel shall be conveyed to MAEDCO in fee simple by Pivot following: (i) the issuance of all permits, licenses, approvals and consents

(governmental or otherwise) necessary, in Pivot's sole discretion, for the use and development of the Property in accordance with Pivot's Intended Use, and (ii) the commencement of commercial operation of Pivot's Intended Use on the remainder of the Property.

At the end of the useful life of the solar energy project (estimated to be approximately 40 years), Pivot shall convey the remaining acreage of the Property to MAEDCO, or their successor in interest, in fee simple upon completion of decommissioning and removal of solar energy project.

5. Required Governmental Approvals:

Pivot's required governmental approvals will include, without limitation, an investigation with respect to the availability of permits, licenses, approvals and consents (governmental or otherwise) as to all matters relating to the zoning of the Property, site plan approval, design review, necessary variances, special use permits, conditional use permits, building permits, access permits for ingress and egress to the Property, and such other permits, licenses, approvals, and consents necessary, in Pivot's sole discretion, for the development of the Property in accordance with Pivot's Intended Use

6. Development Agreement and/or Pre-Annexation Agreement:

After full execution of this Letter of Intent, the parties shall negotiate, construct, and seek all required governmental approvals of and thereafter execute a formal written Annexation Agreement necessary to allow the use and development of the Property by Pivot for Pivot's Intended Use based upon the terms and conditions set forth herein. The Annexation Agreement shall include a 3-acre plot in the northwest corner of PIN 17-000-019-00.

7. Conditions

Pivot's obligation to purchase the Property, develop the Property for Pivot's Intended Use and reserve the MAEDCO Parcel to MAEDCO are all contingent upon the following (in addition to any items identified in the Purchase Agreement and the Development Agreement and/or Pre-Annexation Agreement) (collectively the "Conditions"):

- a) Pivot's completion of and satisfaction with its due diligence investigation of the Property during the Inspection Period pursuant to Pivot's written Purchase Agreement with Seller;
- b) Satisfactory title and survey review of the Property during the Inspection Period; and
- c) Pivot obtaining and receiving and the City issuing, approving and granting all permits, licenses, approvals, and/or consents which Pivot deems necessary or desirable to develop and use the Property in accordance with Pivot's Intended Use.

It is expressly understood that the City is not **obligated** by this Letter of Intent to approve any application of Purchaser/Developer.

8. Revocation of Special Use Permit

The City may revoke any special use permit authorized by Ordinance and issued by the Community Development Director if Pivot Energy, or its successors and/or assigns, fails to adhere to the terms contained herein to include, without limitation, the execution of a Pre-Annexation Agreement concerning the parcels listed in Paragraph 6.

This Letter of Intent is intended to list the primary business terms and contingencies which shall be incorporated into a written Annexation Agreement by and between Pivot and the City. For the avoidance of doubt, this Letter of Intent is NOT binding upon Pivot, the City or MAEDCO, but is entered into for the sole purpose of setting forth terms for the development of the Property for Pivot’s Intended Use to be incorporated into an Annexation Agreement.

If the terms of this Letter of Intent are acceptable to the City and MAEDCO, we ask that the City and MAEDCO execute this letter where indicated below and return it by email to Pivot Energy at fbholat@pivotenergy.net and bbecker@pivotenergy.net.

This Letter of Intent shall be null and void unless fully executed by all parties and returned to Pivot on or before September 20, 2024. By executing below, the City agrees not to enter into, seek new or continue talks or negotiations with any other potential developers regarding the Property.

Should you have any questions about the above or wish to discuss the proposal further, please contact us.

Respectfully Yours,

PIVOT ENERGY

By: _____
Name: _____
Its: _____

Accepted by:

The City of Macomb, Illinois

By: _____
Michael J. Inman, Mayor

Date: _____

Macomb Area Economic Development Corporation

By: _____
Kim Pierce, President/CEO

Date: _____

EXHIBIT A

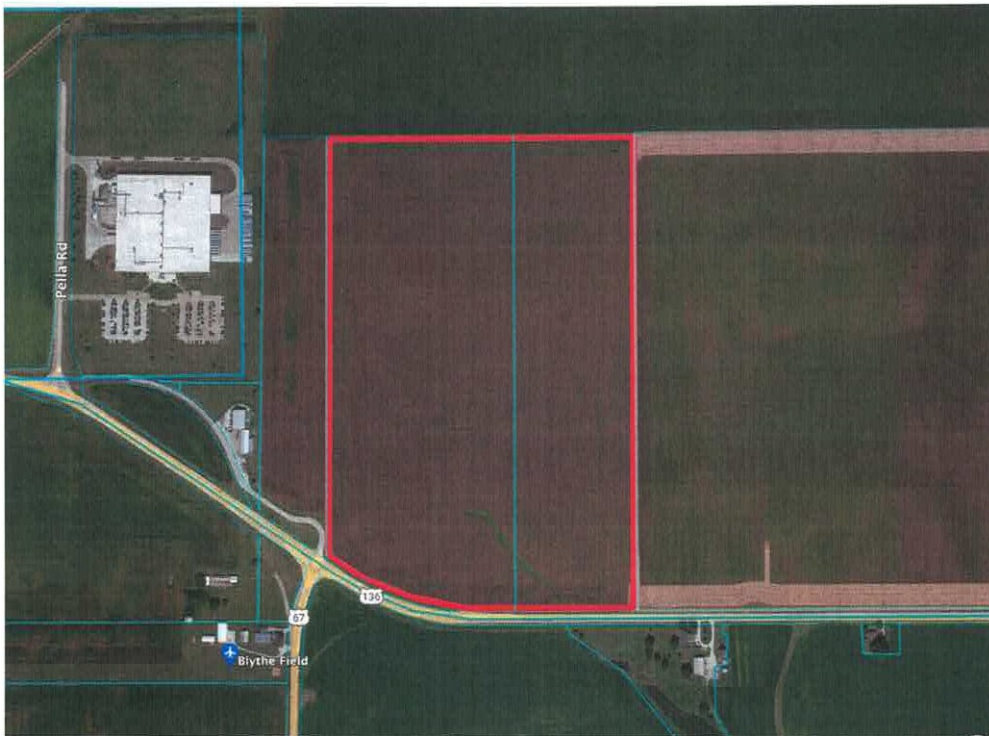
Legal Description and General

Depiction Description of Owner's Land:

THAT CERTAIN REAL PROPERTY LOCATED IN MCDONOUGH COUNTY, ILLINOIS,
DESCRIBED AS:

Parcel	Total Parcel Acreage
12-000-433-00	58.93
12-000-343-00	40.87
Total:	99.8

For Owner's title to the Land, reference is herein made to a deed dated 1/25/2016 and recorded at the McDonough County Registry of Deeds as Reception Number 2016-233.



Property Information

Parcel Number 12-000-343-00	Site Address	Owner Name & Address H LEROY BROWN FARMS LLC, PO BOX857 MACOMB, IL, 61455
Tax Year 2022 (Payable 2023)		
Sale Status None		
Property Class 0021 - Farmland	Tax Code 12011 -	Tax Status Taxable
Net Taxable Value 29,837	Tax Rate Unavailable	Total Tax Unavailable
Township MACOMB	Acres 40.8700	Mailing Address
Legal Description S34 T6 R2 W 1/2 E 1/2 SW		

Notes
deeds 99-921MP 03-6887MP 03-6888MP

Property Information

Parcel Number 12-000-344-00	Site Address	Owner Name & Address H LEROY BROWN FARMS LLC, POBOX857 MACOMB, IL, 61455
Tax Year 2022 (Payable 2023)		
Sale Status None		
Property Class 0021 - Farmland	Tax Code 12011 -	Tax Status Taxable
Net Taxable Value 43,430	Tax Rate Unavailable	Total Tax Unavailable
Township MACOMB	Acres 58.9300	Mailing Address
Legal Description S34 T6 R2 EX SW COR W 1/2 SW & EX STATE HWY		

Notes
deeds 99-921MP 03-6887MP 03-6888MP



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM L.2: Consideration of an Ordinance Authorizing the Issuance of a Special Use Permit to Allow a Large-Scale Solar Energy System in an AG-1 Agriculture Zoning District at the Property Located Northeast of the Intersection of US Highway 67 and US Highway 136 (12-000-343-00 and 12-000-344-00), Macomb, McDonough County, Illinois.

DESCRIPTION: ***This item had first reading June 17, 2024, and additional discussion at last week's Committee of the Whole Meeting. City Attorney Scalf will present the updated ordinance for second reading. FINAL ACTION will be in order.***

Memo:

The Ordinance had first reading in June 2024. There were concerns raised by the Council about the site plan and location of the proposed project. After extensive negotiations and discussions, the site plan has been updated and a Letter of Intent prepared to address the concerns raised. Staff feels the applicant has mitigated the concerns of Council and recommends adoption of the Ordinance.

An updated Ordinance is in the packet.

Attachments:

1. Ordinance for Special Use Permit - McDonough Solar 6

AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF A SPECIAL USE PERMIT TO ALLOW A LARGE-SCALE SOLAR ENERGY SYSTEM IN AN AG-1 AGRICULTURE ZONING DISTRICT AT THE PROPERTY LOCATED NORTHEAST OF THE INTERSECTION OF US HIGHWAY 67 AND US HIGHWAY 136 (12-000-343-00 AND 12-000-344-00), MACOMB, MCDONOUGH COUNTY, ILLINOIS

Preamble

WHEREAS, McDonough Solar 6 LLC, McDonough Solar 6b LLC, and McDonough Solar 6c LLC, (the “Applicant”) has filed an application with the Office of Community Development (the “Office”) of the City of Macomb, McDonough County, Illinois (the “City”), requesting a special use permit authorizing a Large-scale solar energy system at the property located northeast of the intersection of US Highway 67 and US Highway 136 (PIN 12-000-343-00 and 12-000-344-00) (the “Subject Property”), and legally described as set forth in Exhibit A, attached hereto and incorporated herein.

WHEREAS, the Subject Property is not located within the city limits but is within the extra-territorial jurisdiction of the City; and

WHEREAS, upon receipt of the application, the Office reviewed the county real estate tax records, compiled a complete list of the record owners to be served with notice, scheduled a public hearing for May 8, 2024, and served written notices of the scheduled public hearing on the record owners of all real estate located within two hundred fifty feet (250’) of the Subject Property in all directions (the “Record Owners”), in the form and manner provided by the Unified Development Ordinance of the City of Macomb; and

WHEREAS, notice of the time and place of the public hearing was given to the general public by publication of notice in the The Community News Brief, a local newspaper of general circulation within the City; and

WHEREAS, the Office also posted a sign on the Subject Property in a prominent location indicating the pendency of the application for a special use permit; and

WHEREAS, the application was referred to the Planning Commission of the City for public hearing thereon; and

WHEREAS, the Planning Commission held a public hearing on the application for a special use permit, on May 8, 2024, at 5:15 p.m., in the City Council Chambers of Macomb City Hall, Macomb, Illinois; the Applicant and Owner was present; there were statements in opposition of the application including presentation of the staff report; there were statements in support of the application including a letter from the Owner and IBEW Local 34 and Porter Electric; and

WHEREAS, on May 8, 2024, the Planning Commission did vote 7-1 to grant the special use permit and recommended that the City Council approve the special use permit upon condition that the project be built in accordance with the plans that were submitted; and

WHEREAS, the City Council has received the recommendation of the Planning Commission and desires to concur with that recommendation and to grant the request for a special use permit with conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, McDONOUGH COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Incorporation of Preamble. The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

Section 2. Special Use Permit for the Subject Property. The Subject Property, as legally described in Exhibit A, attached hereto, is hereby granted a special use permit authorizing a large-scale solar engery system at at the property located northeast of the intersection of US Highway 67 and US Highway 136 identifed as 12-000-343-00 and 12-000-344-00, in accordance with the provisions of the Unified Development Ordinance of the City of Macomb, with the following conditions:

1. The project shall be constructed in accordance with the site and construction plans submitted and approved by the City of Macomb;
2. The landscaping on the site shall be maintained in accordance with the approved landscaping plan;
3. There shall be executed a Pre-Annexation Agreement for the parcels;
4. The Special Use Permit may be revoked by the City upon failure of Pivot Energy, or their successors and/or assigns, to adhere to all terms, conditions and intentions set forth in a Letter of Intent executed by Pivot Energy, the City of Macomb and Macomb Area Economic Development Corporation.

Section 3. Office of Community Development to Issue Permit and to Change Records. The Office of Community Development is hereby authorized to issue the special use permit as provided in Section 2 and to take all other actions which may be necessary and proper to effectuate this ordinance, including updating the City’s official zoning map.

Section 4. Effective Date. This ordinance shall be effective immediately upon its passage and approval.

Presented this ____ of _____, 2024.

First Reading: _____

Second Reading: _____

Passed this ____ day of _____, 2024.

Approved this ____ day of _____, 2024.

Recorded in City records this ____ day of _____, 2024.

Published in pamphlet form this ____ day of _____, 2024.

Michael J. Inman
Mayor

ATTEST: (SEAL)

Renee Lotz
City Clerk

Passed by roll call vote with the name of each City Council member recorded on the appropriate line below:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Exhibit A – Legal Description

A part of the Southwest Quarter (SW 1/4) of Section Thirty-four (34), Township Six (6) North, Range Two (2) West of the Fourth Principal Meridian, McDonough County, Illinois, more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter (SW 1/4) of Section Thirty-four (34) thence North 88°55'08" East, along the North line of the Southwest Quarter (SW 1/4) of Section 34, a distance of 355.83 feet to the point of beginning of the tract to be described.

From the point of beginning thence North 88°55'08" East, a distance of 1652.77 feet to a point on the East line of the West Half(W 1/2) of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section Thirty-four (34), thence South 0°12'08" East, a distance of 2606.59 feet to a point on the North right of way line of U.S. Route 136, thence South 89°13'08" West, a distance of 672.04 feet to a point, thence North 84°20'51" West, a distance of 177 .93 feet to a point, thence along the chord of a curve to the right with a radius of 1065.92 feet North 73°59'51" West, a distance 623.85 feet to a point, thence North 57°11 '34" West, a distance of 155.55 feet to a point, thence North 8°37'11" West, a distance of 187 .68 feet to a point, thence North 57°11 '34" West 55.42 feet to a point, thence North 0°12'23" West 2097.52 feet to the point of beginning the above described tract contains 96.1682 acres situated in the County of McDonough and State of Illinois SUBJECT TO the following reservation as disclosed in Deed dated December 27, 1977 and recorded January 6, 1978 as Document Number 78-79: "Reserving the right to the owner or owners of the West Half of said Quarter to use the tile drain now on said Quarter and to connect a tile drain with that on said East Half or to an outlet on said East Half for a tile drain at the place where the tile drain now on said Quarter runs for the purpose of draining said West Half of said Quarter." SUBJECT TO right of ways of record.

Property Index Number: 12-000-343-00 and 12-000-344-00

PIN: 12-000-344-00, 12-000-343-00

Address: Northeast of the intersection of US Highway 67 and US Highway 136



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM L.3: Consideration of an Ordinance Approving First Amendment to Lease Agreement with SPRINTCOM, LLC.
DESCRIPTION: ***This item had first reading on September 3, 2024 and discussion last week. FINAL ACTION will be in order.***

Memo:

Attachments:

None



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM L.4: Consideration of an Ordinance Amending Portions of Chapter 4 Concerning Alcoholic Beverages within the Macomb Municipal Code.
DESCRIPTION: ***This item had first reading on September 3, 2024 and discussion last week. FINAL ACTION will be in order.***

Memo:

Attachments:

None



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM L.5: Consideration of an Ordinance to Authorize Issuance of a Special Use Permit to Allow Front Yard Parking in an R-1 Single Family Zoning District at 121 Kurlene Drive, Macomb, Illinois, McDonough County, Illinois.
DESCRIPTION: ***This item had first reading on September 3, 2024 and discussion last week. FINAL ACTION will be in order.***

Memo:

The ordinance had a minor typographical error that has been corrected. The updated ordinance is in your packet.

Attachments:

1. Ordinance for Special Use Permit - 121 Kurlene Dr

AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF A SPECIAL USE PERMIT TO ALLOW FRONT YARD PARKING IN AN R-1 SINGLE FAMILY ZONING DISTRICT AT 121 KURLENE DR, MACOMB, MCDONOUGH COUNTY, ILLINOIS

Preamble

WHEREAS, John and Amy Miller, (the “Applicant”) has filed an application with the Office of Community Development (the “Office”) of the City of Macomb, McDonough County, Illinois (the “City), requesting a special use permit authorizing Front Yard Parking at 121 Kurlene Dr (the “Subject Property”), and legally described as set forth in Exhibit A, attached hereto and incorporated herein.

WHEREAS, the Subject Property is located within the city limits; and

WHEREAS, the application was referred to the Planning Commission of the City for public hearing thereon; and

WHEREAS, upon receipt of the application, the Office scheduled a public hearing for August 28, 2024, compiled and served written notices of the scheduled hearing to the record owners of all real estate located within two hundred fifty feet (250’) of the Subject Property in all directions (the “Record Owners”); provided notice of the time and place of the public hearing was given to the general public by publication of notice in the Community News Brief, a local newspaper of general circulation within the City; posted a sign on the Subject Property in a prominent location indicating the pendency of the application for a special use permit; all in the form and manner provided by the Unified Development Ordinance of the City of Macomb; and

WHEREAS, the Office received no comments in favor of or against the proposed special use permit request; and

WHEREAS, the Planning Commission held a public hearing on the application for a special use permit, on August 28, 2024, at 5:15 p.m., in the City Council Chambers of Macomb City Hall, Macomb, Illinois; the Applicant was present; there were no statements in favor or opposition of the application; and

WHEREAS, on August 28, 2024, the Planning Commission did vote 8-0 to grant the special use permit and recommended that the City Council approve the special use permit contingent upon the surface being made compliant with the Macomb Municipal Code within six (6) months of granting the permit, unless extended by the Community Development Director; and

WHEREAS, the City Council has received the recommendation of the Planning Commission and desires to concur with that recommendation and to grant the request for a special use permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, McDONOUGH COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Incorporation of Preamble. The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

Section 2. Zoning of Subject Property. The Subject Property, as legally described in Exhibit A, attached hereto, is hereby granted a special use permit authorizing a Front Yard Parking at 121 Kurlene Dr, contingent upon the surface being made compliant with the Macomb Municipal Code within six (6) months of granting the permit, unless extended by the Community Development Director, in accordance with the provisions of the Unified Development Ordinance of the City of Macomb.

Section 3. Office of Community Development to Issue Permit and to Change Records. The Office of Community Development is hereby authorized to issue the special use permit as provided in Section 2 and to take all other actions which may be necessary and proper to effectuate this ordinance, including updating the City’s official zoning map.

Section 4. Effective Date. This ordinance shall be effective immediately upon its passage and approval.

Presented this ____ of _____, 2024.

First Reading: _____

Second Reading: _____

Passed this ____ day of _____, 2024.

Approved this ____ day of _____, 2024.

Recorded in City records this ____ day of _____, 2024.

Published in pamphlet form this ____ day of _____, 2022.

Michael J. Inman
Mayor

ATTEST: (SEAL)

Renee Lotz
City Clerk

Passed by roll call vote with the name of each City Council member recorded on the appropriate line below:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Exhibit A – Legal Description

Lot Fourteen (14) in Block Three (3) in Booz Fifth Riverdale Addition to the City of Macomb, County of McDonough, State of Illinois, subject to setback lines, utility easements and protective covenants contained in Plat of said Addition recorded August 21 1963 in Plat Record 4, pages 92 & 93, McDonough County, Illinois

PIN: 11-101-046-00
Address: 121 Kurlene Dr



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM L.6: Consideration of an Ordinance to Authorize Issuance of a Special Use Permit to Allow Front Yard Parking in an R-1 Single Family Zoning District at 127 Kurlene Drive, Macomb, Illinois, McDonough County, Illinois.
DESCRIPTION: ***This item had first reading on September 3, 2024 and discussion last week. FINAL ACTION will be in order.***

Memo:

An updated ordinance was previously provided. However, there was a minor typographical error that has been corrected. The ordinance is in your packet.

Attachments:

1. Ordinance for Special Use Permit - 127 Kurlene Dr

AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF A SPECIAL USE PERMIT TO ALLOW FRONT YARD PARKING IN AN R-1 SINGLE FAMILY ZONING DISTRICT AT 127 KURLENE DR, MACOMB, ILLINOIS, MACOMB, MCDONOUGH COUNTY, ILLINOIS

Preamble

WHEREAS, Lawrence and Katherine Taylor, (the “Applicant”) has filed an application with the Office of Community Development (the “Office”) of the City of Macomb, McDonough County, Illinois (the “City”), requesting a special use permit authorizing a Front Yard Parking at 127 Kurlene Dr, Macomb, Illinois (the “Subject Property”), and legally described as set forth in Exhibit A, attached hereto and incorporated herein.

WHEREAS, the Subject Property is located within the city limits; and

WHEREAS, the application was referred to the Planning Commission of the City for public hearing thereon; and

WHEREAS, upon receipt of the application, the Office scheduled a public hearing for August 28, 2024, compiled and served written notices of the scheduled hearing to the record owners of all real estate located within two hundred fifty feet (250’) of the Subject Property in all directions (the “Record Owners”); provided notice of the time and place of the public hearing was given to the general public by publication of notice in the Community News Brief, a local newspaper of general circulation within the City; posted a sign on the Subject Property in a prominent location indicating the pendency of the application for a special use permit; all in the form and manner provided by the Unified Development Ordinance of the City of Macomb; and

WHEREAS, the Office received no comments in favor of or against the proposed special use permit request; and

WHEREAS, the Planning Commission held a public hearing on the application for a special use permit, on August 28, 2024, at 5:15 p.m., in the City Council Chambers of Macomb City Hall, Macomb, Illinois; the Applicant was present; there were no statements in favor or opposition of the application; and

WHEREAS, on August 28, 2024, the Planning Commission did vote 8-0 to grant the special use permit and recommended that the City Council approve the special use permit contingent upon the surface being made compliant with the Macomb Municipal Code within six (6) months of granting the permit, unless extended by the Community Development Director; and

WHEREAS, the City Council has received the recommendation of the Planning Commission and desires to concur with that recommendation and to grant the request for a special use permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, McDONOUGH COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Incorporation of Preamble. The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

Section 2. Zoning of Subject Property. The Subject Property, as legally described in Exhibit A, attached hereto, is hereby granted a special use permit authorizing a Front Yard Parking at 127 Kurlene Dr, Macomb, Illinois, contingent upon the surface being made compliant with the Macomb Municipal Code within six (6) months of granting the permit, unless extended by the Community Development Director, in accordance with the provisions of the Unified Development Ordinance of the City of Macomb.

Section 3. Office of Community Development to Issue Permit and to Change Records. The Office of Community Development is hereby authorized to issue the special use permit as provided in Section 2 and to take all other actions which may be necessary and proper to effectuate this ordinance, including updating the City’s official zoning map.

Section 4. Effective Date. This ordinance shall be effective immediately upon its passage and approval.

Presented this ____ of _____, 2024.

First Reading: _____

Second Reading: _____

Passed this ____ day of _____, 2024.

Approved this ____ day of _____, 2024.

Recorded in City records this ____ day of _____, 2024.

Published in pamphlet form this ____ day of _____, 2022.

Michael J. Inman
Mayor

ATTEST: (SEAL)

Renee Lotz
City Clerk

Passed by roll call vote with the name of each City Council member recorded on the appropriate line below:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Exhibit A – Legal Description

Lot Number Seventeen (17), Block Three (3), Booz Fifth Riverdale Park Addition to the City of Macomb, situated in the County of McDonough and State of Illinois.

PIN: 11-101-050-00

Address: 127 Kurlene Dr, Macomb, Illinois



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.1: Consideration of an Ordinance to Create a Class V Liquor License for Whitberg, LLC at 1690 E Jackson St Unit F, Macomb, Illinois.
DESCRIPTION: ***City Attorney Scalf will present this item for first reading.***

Memo:

Attachments:

1. Ordinance Creating Class V Liquor License- Whitberg, LLC

Ordinance No. _____

AN ORDINANCE TO CREATE A CLASS V LIQUOR LICENSE FOR WHITBERG, LLC

- A. Whitberg, LLC, an Illinois limited liability company with its principal office located at 2709 Ricksbury Dr, Bloomington, Illinois, has a business location at 1690 E. Jackson St. Unit F, in Macomb, McDonough County, Illinois (the “Subject Property”). Whitberg, LLC has applied for a liquor license with the local Liquor Commissioner (the “Liquor Commissioner”) of the City of Macomb, McDonough County, Illinois (the “City”). The Applicant has requested that the City Council (the “Council”) approve the site for the sale of alcoholic beverages at the Subject Property and create a Class V liquor license for it; it also has requested that, if the Council creates the license, the Mayor issue that license to it within 30 days; and
- B. Upon receipt of the application, the Liquor Commissioner arranged for the Community Development Director and/or their staff to compile a complete list of the record owners of all real estate located within two hundred fifty feet (250) of the Subject Property in all directions (the “Record Owners”), as shown by the real estate tax records of McDonough County, Illinois, and to post signs on the Subject Property in a prominent location, indicating the pendency of the liquor license application; and
- C. Pursuant to local ordinances, the Liquor Commissioner scheduled a public hearing on September 16, 2024, at 5:15 p.m., at the Macomb City Hall, to allow the Record Owners and the general public to obtain information about, and to offer comment upon, the request for a Class V at the Subject Property; and
- D. The City Attorney’s Office sent written notice to the Record Owners about the pending application and the scheduled public hearing and arranged to publish notice of the scheduled public hearing in The Community News Brief, as required by the Macomb Liquor Code; and
- E. The Liquor Commissioner also arranged with the Macomb Police Department to conduct a background investigation of the principal and resident manager; the background investigations were conducted, and the Liquor Commissioner was advised that there was nothing found, from a law enforcement perspective, to prevent the creation or issuance of the requested license; and
- F. The City has not received any written protests from the Record Owners about the sale of alcohol at the Subject Property or about the creation of the requested Class V liquor license; and
- G. On September 16, 2024, a representative from Whitberg, LLC appeared before the Mayor and Council, presented information about the business, the premises, and the proposed plans for the new business at that location, and responded to questions from the Council; and
- H. The Liquor Commissioner conducted a public hearing on September 16, 2024 at 5:15 p.m. in the City Council Chambers, 232 East Jackson Street, Macomb, Illinois, to hear

and consider comments from the Record Owners and the general public about the creation of the license, and the Council heard the comments of those who wished to express their opinions and desires; and

- I. The Council, after having reviewed the information presented to it about the license, applicants and its proposed business plans, desires to approve the site for the sale of alcoholic liquor and create a Class V license for Whitberg, LLC at the Subject Property, and the Council recommends that the Mayor issue the requested license.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, MCDONOUGH COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Incorporation of Preamble. The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

Section 2. Approval of Site and Creation of License. The Council hereby approves the premises located at 1690 E. Jackson St. Unit F, for the sale of alcoholic liquor and creates a Class V liquor license for Whitberg, LLC at the Subject Property.

Section 3. License Expiration. This license shall expire and cease to exist if the Liquor Commissioner does not grant it to Whitberg, LLC for the Subject Property within thirty (30) days of the effective date of this ordinance.

Section 4. Effective Date. This ordinance shall be effective immediately upon its passage and approval.

Presented this ____ day of _____, 2024.
First Reading: _____, 2024.
Second Reading: _____, 2024.
Passed this ____ day of _____, 2024.
Approved this ____ day of _____, 2024.
Recorded in City records this ____ day of _____, 2024.
Published in pamphlet form this ____ day of _____, 2024.

Michael Inman
Mayor

ATTEST: (SEAL)

Renee Lotz
City Clerk

(Passed by roll call vote, with the name of each City Council Member recorded on the appropriate line below.)

AYES: _____

NAYS: _____

ABSENT: _____

RECUSED: _____



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.2: Consideration of an Ordinance to Create a Class V Liquor License for Niemann Foods, Inc. DBA Rich's at 501 W Jackson St Ste A, Macomb, Illinois.
DESCRIPTION: ***City Attorney Scalf will present this item for first reading.***

Memo:

Attachments:

1. Ordinance Creating Class V Liquor License - Niemann Food's Inc.

Ordinance No. _____

**AN ORDINANCE TO CREATE A CLASS V LIQUOR LICENSE FOR
NIEMANN FOOD'S INC. DBA RICH'S**

- A. Niemann Food's Inc. dba Rich's has a business location at 501 W Jackson St, Ste. A, Macomb, Illinois 61455, in Macomb, McDonough County, Illinois (the "Subject Property"). Niemann Food's Inc. dba Rich's has applied for a liquor license with the local Liquor Commissioner (the "Liquor Commissioner") of the City of Macomb, McDonough County, Illinois (the "City"). The Applicant has requested that the City Council (the "Council") approve the site for the sale of alcoholic beverages at the Subject Property and create a Class V liquor license for it; it also has requested that, if the Council creates the license, the Mayor issue that license to it within 30 days; and
- B. Upon receipt of the application, the Liquor Commissioner arranged for the Community Development Coordinator and/or their staff to compile a complete list of the record owners of all real estate located within two hundred fifty feet (250) of the Subject Property in all directions (the "Record Owners"), as shown by the real estate tax records of McDonough County, Illinois, and to post signs on the Subject Property in a prominent location, indicating the pendency of the liquor license application; and
- C. Pursuant to local ordinances, the Liquor Commissioner scheduled a public hearing on September 16, 2024, at 5:15 p.m., at the Macomb City Hall, to allow the Record Owners and the general public to obtain information about, and to offer comment upon, the request for a Class V at the Subject Property; and
- D. The City Attorney's Office sent written notice to the Record Owners about the pending application and the scheduled public hearing and arranged to publish notice of the scheduled public hearing in The Community News Brief, as required by the Macomb Liquor Code; and
- E. The Liquor Commissioner also arranged with the Macomb Police Department to conduct a background investigation of the principal and resident manager; the background investigations were conducted, and the Liquor Commissioner was advised that there was nothing found, from a law enforcement perspective, to prevent the creation or issuance of the requested license; and
- F. The City has not received any written protests from the Record Owners about the sale of alcohol at the Subject Property or about the creation of the requested Class V liquor license; and
- G. On September 16, 2024, a representative from Niemann Food's Inc. dba Rich's appeared before the Mayor and Council, presented information about the business, the premises, and the proposed plans for the new business at that location, and responded to questions from the Council; and

- H. The Liquor Commissioner conducted a public hearing on September 16, 2024 at 5:15 p.m. in the City Council Chambers, 232 East Jackson Street, Macomb, Illinois, to hear and consider comments from the Record Owners and the general public about the creation of the license, and the Council heard the comments of those who wished to express their opinions and desires; and
- I. The Council, after having reviewed the information presented to it about the license, applicants and its proposed business plans, desires to approve the site for the sale of alcoholic liquor and create a Class V license for Niemann Food's Inc. dba Rich's at the Subject Property, and the Council recommends that the Mayor issue the requested license.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, MCDONOUGH COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Incorporation of Preamble. The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

Section 2. Approval of Site and Creation of License. The Council hereby approves the premises located at 501 W Jackson St, Ste. A, Macomb, Illinois 61455, for the sale of alcoholic liquor and creates a Class V liquor license for Niemann Food's Inc. dba Rich's at the Subject Property.

Section 3. License Expiration. This license shall expire and cease to exist if the Liquor Commissioner does not grant it to Niemann Food's Inc. dba Rich's for the Subject Property within thirty (30) days of the effective date of this ordinance.

Section 4. Effective Date. This ordinance shall be effective immediately upon its passage and approval.

Presented this ____ day of _____, 2024.
 First Reading: _____, 2024.
 Second Reading: _____, 2024.
 Passed this ____ day of _____, 2024.
 Approved this ____ day of _____, 2024.
 Recorded in City records this ____ day of _____, 2024.
 Published in pamphlet form this ____ day of _____, 2024.

 Michael Inman
 Mayor

ATTEST: (SEAL)

 Renee Lotz
 City Clerk

(Passed by roll call vote, with the name of each City Council Member recorded on the appropriate line below.)

AYES: _____

NAYS: _____

ABSENT: _____

RECUSED: _____



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.3: Consideration of an Ordinance Amending Section 4-83 allowing a Supplemental Outdoor Cafe Liquor License for Class A License Holders in the Downtown Business District.
DESCRIPTION: ***This item was recommended by the General Government Committee and had discussion at last week's Committee of the Whole Meeting. City Attorney Scalf will present this item for first reading.***

Memo:

An amendment to allow Class A Liquor License Holders in the downtown business district to obtain a supplemental Class OC license was presented to the General Government Committee at their meeting on September 5, 2024. We currently allow Class R and Class B license holders this option. The same restrictions would be required, including a fence of barrier as approved by the Community Development Director. Additionally, this would only be available to Class A holders that include a food component to their operation. General Government Committee has recommended approval of the amendment.

A copy of the proposed Ordinance is included in your packet.

Attachments:

1. Ordinance to Amend Section 4-83

ORDINANCE NO. _____

AN ORDINANCE AMENDING PORTIONS OF SECTION 4-83 OF CONCERNING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE MACOMB MUNICIPAL CODE

PREAMBLE

WHEREAS, the City of Macomb (“the City”) is a municipality duly organized under the laws of the State of Illinois; and

WHEREAS, the City is authorized by Section 4-1 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4-1) to establish regulations and restrictions upon the issuance of and operations under local licenses for sale at retail of alcoholic liquor not inconsistent with the Illinois Liquor Control Act as the public good and convenience may require;

WHEREAS, the Mayor and City Attorney recommend to the Council for its consideration and approval an amendment to Section 4-83 of the Municipal Code of Macomb, Illinois (the “Code”) concerning Alcoholic Beverages as set forth in the Exhibit attached hereto and incorporated herein; and

WHEREAS, the City Council has received the recommendation and concurrence from the General Government Committee and desires to concur with that recommendation to amend Section 4-83 of the Municipal Code of the City of Macomb concerning Alcoholic Beverages as set forth in the exhibit attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, McDONOUGH COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Incorporation of Preamble. The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

Section 2. Amendments. That Section 4-83 of the Municipal Code Alcoholic Beverages shall be amended as set forth in the Exhibit, attached to and incorporated into this Ordinance.

Section 3. Severability Clause. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall be effective upon its passage, approval and publication, as provided by law.

Presented this ____ day of _____, 2024.

First Reading: ____ day of _____, 2024.

Second Reading: ____ day of _____, 2024.

Passed this ____ day of _____, 2024.

Approved this ____ day of _____, 2024.

Recorded in City records this ____ day of _____, 2024.

Published in pamphlet form this ____ day of _____, 2024.

Michael J. Inman, Mayor

ATTEST: (SEAL)

Renee Lotz, City Clerk

Passed by roll call vote with the name of each City Council member recorded on the appropriate line below:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Exhibit A.

Sec. 4-83. Supplementary licenses.

(1) *Class OC license.*

- a. Class OC outdoor café license shall permit the retail sale of alcoholic liquor by any person holding a class R or class B license within the area designated as historic district whose business fronts upon a sidewalk designated in an outdoor café permit adjacent to the licensed premises during the hours of 11:00 a.m. to 10:00 p.m., Monday through Saturday, and 12:00 p.m. (noon) to 9:00 p.m. on Sunday, provided that a valid outdoor café permit has been issued, pursuant to sections 14-131—14-~~140~~150. The license shall also permit the sale of alcoholic liquor by any person holding a class R or class B license in an outdoor dining area adjacent to the licensed premises. A class A license holder may seek a class OC license if there is a food component to the operation of their business.
- b. The outdoor café designated area must be clearly delineated so there is no question as to the licensed premises and the area within which alcoholic liquor may be sold. The area shall include a visual demarcation of the area as approved by community development ~~coordinator~~director, considering premises location, safety of patrons and pedestrians, neighborhood appearance and any other relevant factor, and must meet other City Code requirements. If the outdoor café designated area abuts a state highway or a class A liquor establishment, the area shall be bounded by a fence or other barricade approved by the community development ~~coordinator~~director at least four feet high.
- c. The outdoor café designated area may have outdoor entrance and exit points if the area will be supervised or monitored by the licensee or its agent.
- d. During the times when alcoholic liquor may be served under the class OC license, the licensee shall:
 1. Not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the outdoor café permit or the service premises of the licensee.
 2. Comply with all requirements set forth in sections 14-131—14-140.
- e. The outdoor café area shall be subject to all provisions of this chapter as though the outdoor café area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales.
- f. Prior to the issuance of a class OC outdoor café license the licensee shall provide proof of dram shop insurance. The policy shall name the city as an additional insured, and will indemnify and hold it harmless from any action, proceeding or claim of liability asserted against it as a result of the operation of an outdoor café. Failure by the licensee to maintain the insurance required by this section shall result in the revocation of the license.
- g. No smoking is allowed in any portion of an outdoor location, with smoking being defined pursuant to the Smoke Free Illinois Act definition (410 ILCS 82/10).
- h. There shall be an additional fee for this license equal to the sum of \$100.00 ~~plus one-half the additional occupancy for the outdoor café location. For example, if occupancy in the outdoor café location is 100 additional persons, the fee would be \$100.00 + \$50.00, or \$150.00. The additional occupancy add-on shall apply to new renewals occurring after May 1, 2022.~~

...

(Ord. No. 22-11 , § 2(Exh. A), 3-21-22; Ord. No. 22-53 , § 2 (Exh. B), 11-7-22; Ord. No. 23-09 , Exh. D, 2-21-23)



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.4: Consideration to Authorize City of Macomb to Provide Loans for Abating Private Nuisance Trees.
DESCRIPTION: ***This was discussed and recommended by the General Government Committee on September 5, 2024. FINAL ACTION will be in order.***

Memo:

Attachments:

None



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.5: Consideration of an Ordinance to Amend Section 16-71 concerning trespass.
DESCRIPTION: ***This item was discussed at General Government Committee on August 29, 2024. City Attorney Scalf will present the item for first reading.***

Memo:

This item was discussed at the General Government Committee on August 29, 2024.

The proposed amendment is the result of collaboration between Chief Hamer and Attorney Scalf to address the increase in calls for service to public spaces, such as Chandler Park. We considered alternative options, such as placing hours on park usage, but felt this option was a better solution to attempt to address the concerns.

The proposal provides that the commission of any violation of city ordinance or state statute while on the premises of another, including public property, can also be charged as trespass. This provides our officers with an additional path to seek compliance from offenders and keep our public spaces as free from disruption, noise and disorderly conduct as possible.

Attachments:

1. Ordinance to Amend 16-71

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 16-71 OF THE MACOMB MUNICIPAL
CODE PERTAINING TO TRESPASS**

PREAMBLE

WHEREAS, the City of Macomb (“the City”) is a municipality duly organized under the laws of the State of Illinois; and

WHEREAS, the Illinois Municipal Code grants to the City Council of the City of Macomb, McDonough County, Illinois (the “Council”), has the authority to prevent or suppress riots, routs, affrays, noises, disturbances, trespasses, and disorderly assemblies in any public or private place; and

WHEREAS, that law enforcement has seen increasing calls for service to public spaces for commission of crimes and ordinance violations and the proposed amendment is another path for enforcement and prevention and suppression of noises, disturbances and disorderly assemblies within those public spaces in furtherance of safety for the community; and

WHEREAS, the Police Chief and City Attorney recommend an amendment to Section 16-71 of the Municipal Code of Macomb pertaining to the offense of trespass and this recommendation has received the concurrence of the General Government Committee; and

WHEREAS, the City Council has received the recommendation of the Community Development Committee and the Community Development Director and desires to concur with that recommendation to amend Section 16-71 of the Municipal Code of the City of Macomb as set forth in the attached Exhibit A; and

WHEREAS, the City Council has received the recommendation and desires to concur with that recommendation to amend Section 16-71 of the Municipal Code of the City of Macomb concerning trespass as set forth in the attached exhibit, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MACOMB, McDONOUGH COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Incorporation of Preamble. The foregoing recitals are true and correct and are incorporated herein as the findings of the Mayor and City Council.

Section 2. Amendments. Section 16-71 of the Municipal Code shall be amended as set forth in Exhibit A, attached to and incorporated into this Ordinance.

Section 3. Severability Clause. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and

all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall be effective upon its passage, approval and publication, as provided by law.

Presented this _____ day of _____, 2024.
First Reading: _____ day of _____, 2024.
Second Reading: _____ day of _____, 2024.
Passed this _____ day of _____, 2024.
Approved this _____ day of _____, 2024.
Recorded in City records this _____ day of _____, 2024.
Published in pamphlet form this _____ day of _____, 2024.

Michael J. Inman, Mayor

ATTEST: (SEAL)

Renee Lotz, City Clerk

Passed by roll call vote with the name of each City Council member recorded on the appropriate line below:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Exhibit A.

Sec. 16-71. - Trespass.

- (a) No person shall trespass upon any public or private property anywhere within the city.
- (b) Without limiting the generality of subsection (a) any of the following acts shall constitute trespass for purposes of this section:
 - (1) Any entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by an owner or occupant thereof; or
 - (2) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or
 - (3) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing by any owner or occupant thereof; or(4)An entry into or upon any vehicle without the consent of the person having the right to possession or control thereof, or a failure or refusal to leave any vehicle after being requested to leave by the person having the right to make such request;or
 - (4) The commission of any violation of any City ordinance or state law while on the premises of another, including without limitation, public property.

(Ord. No. 2739, § 20, 8-4-97)



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.6: Consideration to Adopt a Resolution Authorizing the City of Macomb to make application for Reconnecting Communities Pilot Program grant with a 20% local match.

DESCRIPTION: ***This item was discussed at the General Government Committee meeting on September 5, 2024 and at last week's Committee of the Whole Meeting. City Attorney Scalf will read the Resolution. FINAL ACTION will be in order.***

Memo:

Attachments:

1. Resolution for RCP Grant Local Match

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION AN APPLICATION FOR FUNDING THROUGH THE RECONNECTING COMMUNITIES PILOT (RCP) DISCRETIONARY GRANT PROGRAM

Preamble

WHEREAS, the United States Department of Transportation has issued a Notice of Funding Opportunity for Reconnecting Communities Pilot Program grants which includes Community Planning Grants; and,

WHEREAS, the City of Macomb intends to apply for a Planning Grant to fund a study of removing, retrofitting, or mitigating existing facilities to restore community connectivity, public engagement and other transportation planning activities; and,

WHEREAS, the cost share of the RCP Community Planning Grant requires a 20% local match and the estimated amount of funding to be sought is \$180,000.00, which would require a \$36,000.00 local match;

WHEREAS, City Council finds that it is in the best interest of the Citizens of Macomb to submit an application for a Reconnecting Communities Pilot Program Community Planning Grant for the above-mentioned projects with a local match not to exceed \$36,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MACOMB, ILLINOIS AS FOLLOWS:

SECTION 1. Incorporation of Preamble. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2. Authority to Execute Application. The Mayor is authorized to submit a Reconnecting Communities Pilot Program grant application requesting \$180,000 for a Community Planning Grant, execute the grant agreement if awarded, and to provide such additional information as may be required by the grant administrator.

SECTION 3. Local Match Funding. The City of Macomb shall and does hereby commit 20% local matching funds in the estimated amount of \$36,000 as recommended for the grant application.

SECTION 4. Effective Date. This Resolution shall be effective immediately upon its passage and approval.

Presented this _____ day of _____, 2024.

Passed this _____ day of _____, 2024.

Approved this _____ day of _____, 2024.

Recorded in City records this _____ day of _____, 2024.

Michael J. Inman, Mayor

ATTEST: (SEAL)

Renee Lotz, City Clerk

(Passed by Roll Call Vote of the City Council with the name of each Council Member recorded on the appropriate line below.)

AYES: _____

NAYS: _____

ABSENT: _____



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.7: Consideration to Award Bid for Crack Seal Project to (CASCO) Complete Asphalt Service Company in the amount of \$37,574.00.
DESCRIPTION: ***Bid Tabulation attached. FINAL ACTION will be in order.***

Memo:

Sealed bids were received on September 10, 2024 at City Hall. Two bids were received. Those bid tabs were attached. This project was a budgeted item, \$70,000 FY24/25. CASCO has been the contractor for our crack seal projects in the past and this bid is in line with past bids. The Operations Division of Public Works recommends awarding the bid to Complete Asphalt Service Company in the amount of \$37,574.00.

Public Works Director Alice Ohrtmann

Attachments:

1. Crack Seal Bid Documents

**SECTION V
BID FORM**
(Must be completed by Vendor)

The undersigned proposes to furnish all materials, supplies, equipment or services set forth herein subject to all conditions outlined in the bid Document, including the general instructions and information to bidder, at prices indicated below:

		Bid Price
Rebecca Lane	Entire Length	\$14,569.00
Carolbeth Avenue	Entire Length	\$ 5,823.00
Susan Avenue	Entire Length	\$ 5,538.00
Lake Michael Drive	Entire Length	\$ 4,271.00
Thomas Street	Entire Length	\$ 7,373.00

Bid Total \$ 37,574.00

Payment Terms: Within 30 Days of completion

1 year material

Warranty & workmanship Exceptions or Deviations attached YES NO

Delivery *see contract completion date (Number of Days)

Company Name Complete Asphalt Service Co. Telephone 217-285-6099

Address 1601 Kamar Dr., P.O. Box 457, Pittsfield, IL 62363

Person submitting Bid: Chris S Wingler President
Print Name Title

Chris S Wingler, Pres 9/10/2024 (date)
Signature

SECTION VI AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYMENT

The City of Macomb is an Equal Employment Opportunity Employer. The City is required by various Federal & State Rules and Regulations, to ensure that all those who are contracting with the City of Macomb to provide a service or to start and complete the



**SECTION V
BID FORM**
(Must be completed by Vendor)

The undersigned proposes to furnish all materials, supplies, equipment or services set forth herein subject to all conditions outlined in the bid Document, including the general instructions and information to bidder, at prices indicated below:

		Bid Price
Rebecca Lane	Entire Length	\$18,700.00
Carolbeth Avenue	Entire Length	\$12,500.00
Susan Avenue	Entire Length	\$12,500.00
Lake Michael Drive	Entire Length	\$12,400.00
Thomas Street	Entire Length	\$16,400.00

Bid Total \$ 72,500.00

Payment Terms: Within 30 Days of completion

Warranty 1 year Exceptions or Deviations attached YES NO

Delivery 11/1/2024 (Number of Days)

Company Name Laverdiere Construction Inc. Telephone (309) 837-1258

Address 4055 W. Jackson St., Macomb IL 61455

Person submitting Bid: Mitch Lynn Commercial V.P.
Print Name Title

Mitch Lynn
Signature

9/10/2024 (date)

SECTION VI AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYMENT

The City of Macomb is an Equal Employment Opportunity Employer. The City is required by various Federal & State Rules and Regulations, to ensure that all those who are





TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.8: Consideration to Approve Funding Agreement with (MACVB) Macomb Area Convention and Visitors Bureau.
DESCRIPTION: ***FINAL ACTION will be in order.***

Memo:

The prior agreement with the Macomb Area Convention and Visitor's Bureau was extended to allow for additional discussions prior to execution of a new agreement.

Those discussions were successful and staff recommends approval of a new agreement for the balance of a three-year term with no changes to the prior terms and conditions. The term of the agreement will be October 1, 2024 to April 30, 2027.

Attachments:

1. [MACVB Funding Agreement 2024-2027]

**AGREEMENT BETWEEN THE CITY OF MACOMB AND MACOMB AREA
CONVENTION AND VISITORS BUREAU**

**PART I
AGREEMENT**

THIS AGREEMENT, entered into this ____ day of _____, 2024, by and between the City of Macomb, a municipal corporation, with offices at 232 East Jackson Street, Macomb, Illinois, (herein referred to as “City”) and the Macomb Area Convention and Visitors Bureau, an Illinois not-for-profit corporation, with offices at 120 E. Calhoun St., Macomb, Illinois, (herein referred to as “MACVB”):

WITNESSETH THAT:

WHEREAS, MACVB is a non-profit corporation organized and existing to encourage, foster, promote and stimulate tourism and conventions in the Macomb, Illinois area; and

WHEREAS, the City has levied a Hotel Operators’ Occupation Tax also known as the Hotel/Motel Tax (the “Tax”) pursuant to Section 8-3-14 of the Illinois Municipal Code (65 Illinois Compiled Statutes, 5/8-3-14); and

WHEREAS, the Tax so collected by the City must be spent solely to promote tourism and conventions within the City; and

WHEREAS, MACVB is in need of funds to finance its objectives; and

WHEREAS, the objectives of the MACVB are compatible with the need of the City to use the Tax to promote tourism.

NOW, THEREFORE BE IT AGREED, by and between the City and MACVB as follows:

1. Time of Performance. The services of the MACVB shall commence on October 1, 2024 and shall continue until April 30, 2027.
2. Compensation and Method of Payment. The City agrees, subject to the terms and conditions of the agreement, to pay MACVB seventy-eight percent (78%) of the Tax collected. The City shall remit payment monthly on or before the 30th of each month.

**PART II
TERMS AND CONDITIONS**

1. Use of Funds. MACVB agrees that the Tax received by it from the City shall be used to promote tourism and conventions in the City and none of such funds shall be used to advertise or promote any hotel business. Additionally, MACVB will participate in the organization and management of the annual Heritage Days Celebration, including oversight of fiduciary matters.

The term “promote tourism and conventions in the City” includes the following activities:

- a. Meeting with individuals and groups interested in planning events in the City who request assistance from MACVB including, but not limited to:
 1. Providing a listing of services provided by MACVB that may assist the individual/ group and a listing of services not provided by MACVB. (Examples: Provided services include advertising events, but not recruitment of volunteers for events.)
 2. Providing a listing of local resources available to individuals and groups planning events in the City. (Examples: existing community groups/organizations/individuals with expertise specific to the event, existing library or historical information, existing physical space available for events)
- b. Providing the services referred to in paragraph “a” above in a timely manner.
- c. Providing a summary of requested services provided by MACVB, including the cost for such services, to the individuals or groups conducting the events in a timely manner after the conclusion of the event.

2. Reports and Information.

- a. MACVB shall provide the City annually, by April 1st, during the term of this agreement, with a proposed budget for its upcoming fiscal year.
- b. Upon the completion of the annual audit of MACVB’s financial statements, MACVB shall also provide the City with audited financial statements showing MACVB’s current financial condition. All audited financial data shall be prepared by an independent certified public accountant in accordance with generally accepted accounting principles.
- c. MACVB and the City shall meet on a quarterly basis to review progress, goals, and plans for the future.
- d. MACVB shall provide the City with any other reports or information which the City may reasonably request to verify the proper use of the monies paid to MACVB hereunder.
- e. It is agreed that all information data, reports, and records as are existing, available, and necessary for the carrying out of the work outlined in this Agreement shall be furnished to the City by MACVB. No charge will be made to the City for such information and the City will cooperate with MACVB in every way possible to facilitate the performance of the scope of work described in the Agreement.

3. Termination of Contract for Cause. If, through any cause, MACVB shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if MACVB shall violate any of the covenants, agreements or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to MACVB of such termination and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by MACVB for events created by MACVB under this Agreement shall, at the option of the City, become City property.

Notwithstanding the above, upon termination for cause, MACVB shall not be relieved of its obligation to indemnify and hold the City harmless from damages sustained by the City by virtue of any breach of the Agreement by MACVB, and the City may withhold any payments to MACVB for the purpose of set-off until such time as the exact amount of damages due the City from MACVB is determined.

4. Termination for Convenience of the City. The City may terminate this Agreement at any time by giving at least thirty (30) days' notice in writing to the MACVB. If the Agreement is terminated by the City as provided herein, MACVB will be paid for the time provided and expenses incurred up to the termination date.
5. Changes. The City may, from time to time, request changes in the scope of the services of MACVB to be performed hereunder. Such changes, including any increase or decrease in the amount of MACVB's compensation, which are mutually agreed upon by and between the City and MACVB, shall be incorporated in written amendments to this Agreement.
6. Personnel.
 - a. The MACVB represents that it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the City.
 - b. The Executive Director is accountable to the MACVB's Board of Directors and reports directly to the Chairperson, who acts on behalf of the Board of Directors. The Board of Directors shall evaluate the performance of the Executive Director on an annual basis. The Board of Directors shall maintain a job description for the Executive Director listing essential job functions.
 - c. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of the Agreement.
7. Assignability. The MACVB shall not assign any interest in or obligation of this Agreement without the prior written consent of the City.

8. Records and Audits. The MACVB shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Agreement and such other records as may be deemed necessary by the City to assure proper accounting for all project funds, both state and non-state shares. These records will be made available for audit purposes to the City or any authorized representative to assure proper accounting for all project funds, both state and non-state shares, and will be retained for seven (7) years after the expiration of this Agreement unless permission to destroy them is granted by the City.
9. Indemnification. The MACVB shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the City from and against them, and shall assume full responsibility for payments of federal, state, and local taxes on contributions imposed or required under the social security, worker's compensation, unemployment insurance and income tax laws.
10. Compliance with Laws. The MACVB shall comply with all applicable laws, ordinances, and codes of the state and local governments. In addition, the MACVB agrees to comply with the requirements of the Illinois Open Meetings Act as it pertains to meetings being open to the public with notice and agenda being available and posted.
11. Equal Employment Opportunity. The MACVB agrees that it will comply with state and federal civil rights laws. No person in the United States shall, on the grounds of race, religion, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs or activities undertaken by the MACVB. The MACVB further agrees to comply with subsequent laws, rules and regulations effectuating same, which prohibits discrimination because of race, color, religion, sex or national origin and requires that affirmative action be taken; and will require compliance with the above by its contractors, subcontractors, vendors, and suppliers with whom the MACVB does business.

The MACVB has a Board-approved Affirmative Action Plan and takes affirmative action by recruiting, employing, and promoting protected class members. The MACVB provides opportunities for employment and advancement without regard to race, color, religion, sex, national origin, citizenship status (with regard to employment), ancestry, age (40 and over), order of protection status, marital status, physical or mental disability, arrest record, military status, sexual orientation, and unfavorable discharge from military service. This policy applies to every aspect of employment including, but not restricted to, recruitment, hiring, placement, promotion, demotion, salary administration, transfer, training, compensation, reduction in work force and termination.

12. Miscellaneous Provisions.

- a. This Agreement shall be construed under and in accordance with the laws of the State of Illinois.

- b. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
- c. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- d. This Agreement may be amended in writing by mutual agreement of the parties.

IN WITNESS HEREOF, the parties have hereunto set their hands and/or seals.

CITY OF MACOMB

MACOMB AREA CONVENTION AND VISITORS BUREAU

By: _____
Michael J. Inman, Mayor

By: _____
Board Chairman

ATTEST: (SEAL)

ATTEST: (SEAL)

By: _____
Renee Lotz, City Clerk

By: _____
Secretary



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.9: Consideration to Approve Repaving Portions of Groome and Edwards Streets, in addition to the current contract with UCM.
DESCRIPTION: ***FINAL ACTION will be in order.***

Memo:

Attachments:

None



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.10: Consideration to Approve a Contract for Construction Services for the Burgess Lift Station Project with Thouvenot, Wade & Moerchen, Inc. (TWM) in the amount of \$43,900.00 (Not to exceed).
DESCRIPTION: ***FINAL ACTION is in order.***

Memo:
Burgess Lift Station Contract Services Agreement Attached.

Attachments:

1. Burgess Lift Station Construction Services Memo 091024 Complete



Public Works Department
Alice M. Ohrtmann, P.E.
Director of Public Works
309.833.2821

Memorandum

To: Mayor Inman and City Council
From: Alice Ohrtmann, Public Works Director
**Subject: Burgess Lift Station
Construction Services Contract**
Date: September 10, 2024

Public Works is requesting approval to enter into a construction services contract with TWM in an amount, not to exceed, \$43,900. They will be providing construction management services that will include inspection, shop drawing review, preparation of pay requests and determination of total quantities. A full description of the services being provided is attached.

A time and materials, not to exceed contract was selected as we may not need them to be onsite full-time during construction. This gives up flexibility, without being committed to a higher cost. The FY 24/25 budget allocates \$63,000 for engineering services. A portion of this budget is also being used for the NPDES renewal (\$2,500) and design of the 2024 sewer lining project (\$13,500).



Proposal for Professional Services Construction Engineering Services

PROPOSED SCOPE OF SERVICES

We are providing this proposal to perform the following specific professional services. For the purpose of this project, you agree with us that these services, as listed below, will be considered our **Basic Scope of Services**.

1. Construction Engineering Services

We will perform construction engineering services for the Burgess Lift Station Upgrade Project. This work will include a Resident Project Representative (RPR) on site for an estimated 10 hours per day for 30 working days to observe and collect quantities against project plans and specifications. This service will include the following:

- Aid with contractor questions during bidding.
- Attend Bidding and Construction meetings with contractor and client
- RPR on site daily during construction activities
- Review Pay requests from contractor against project quantities and actual installation.

2. Deliverables

We will be on site daily to keep track of quantities and to make sure that plans and specifications are adhered to and aid the City in approving pay requests from the contractor.

Fees - Basic Scope of Services

We agree to provide the **Basic Scope of Services** listed above in exchange for your payment of the following fees charged per hour:

	PM	Engineer I	Tech V
Construction Engineering Services			
Observation and Data Collection	10		300
Field Work Data Processing			15
Office Data Processing/Site meetings	10		15
Engineering Changes and Coordination	10		
Bidding Questions/Shop Drawings Review	10	20	

For a Time and Materials (Not to Exceed) Fee of: \$43,900



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.11: Consideration to Authorize Construction of a Storage Shed for Operations Division of Public Works
DESCRIPTION: ***FINAL ACTION will be in order.***

Memo:

Attachments:

1. Ops Dept Storage Building 091224



Public Works Department
Alice M. Ohrtmann, P.E.
Director of Public Works
309.833.2821

Memorandum

To: Mayor Inman & City Council
From: Alice Ohrtmann, Public Works Director
Subject: Construction of Storage Building at Operations Department
Date: September 12, 2024

As part of the FY24/25 budget, the Operations Department included \$120,000 for improvements to their buildings. One of the planned improvements is the addition of a storage shed attached to the west shed. This will provide a storage area for smaller pieces of equipment. Brad Whitford laid out the building, developed a materials list for the project (estimated cost of \$11,000), and solicited bids for the construction of the building. It is his intent to purchase the materials directly from West Side Lumber. He estimated that the cost of construction would be between \$20,000 and \$25,000 and that the total cost would be \$40,000.

He requested construction bids from three companies.

The bids are:

Laverdiere Construction	\$24,919
Sullivan Construction	\$42,500
BMC Contracting	\$33,850

The Public Works Department is requesting approval to award a contract to Laverdiere Construction in the amount of \$24,919 to construct the storage shed.



TO: City Council
AGENDA: Macomb City Council
DATE: September 16, 2024
ITEM M.12: Consideration to Approve Agreement with The Sports Facilities Advisory in the amount of \$47,250.00.
DESCRIPTION: ***FINAL ACTION will be in order.***

Memo:

Attachments:

1. 2024-9-11SFA AGREEMENT_Macomb, IL



THE SPORTS FACILITIES
ADVISORYTM
SERVICES AGREEMENT

Between:
Sports Facilities Advisory, LLC
&
City of Macomb, IL

AUGUST 21, 2024

SERVICES AGREEMENT

SPORTS FACILITIES ADVISORY, LLC – U.S. TAX ID: 32-0109344

17755 US Highway 19 N. Unit 300 • Clearwater, FL 33764 • P: 727.474.3845 • F: 727.462.2800

1. City of Macomb, IL (hereinafter referred to as “Client”) hereby engages Sports Facilities Advisory, LLC (hereinafter referred to as “Consultant”) for the services set forth in this Services Agreement (hereinafter referred to as “Agreement”).
2. **Scope of Services:** The Client is engaging the Consultant to provide the services set forth on Exhibit A in the attached hereto and the Consultant is agreeing to provide the services set forth on Exhibit A in the attached hereto.
3. **Period of Performance:** The period of performance under this Agreement shall commence upon signature of this Agreement by both parties and shall continue through the delivery by Consultant of Exhibit A but in no case shall be longer than 120 days. Any services provided by Consultant to Client beyond the scope of services and period of performance described herein will be contracted separately and billed at Consultant’s hourly rates.
4. **Confidentiality, Nondisclosure, and Non-Use Covenants:** For purposes of this Agreement, the party disclosing confidential information is the “Discloser,” and the party receiving the information is the “Recipient.” Confidential information means all information concerning either party’s business including, but not limited to, all tangible, intangible, visual, electronic, present or future information such as (a) trade secrets; (b) financial information, including pricing; (c) technical information, including research, development, procedures, algorithms, data designs, and know-how; (d) business information, including operations, planning, marketing interests, and products and services; and (e) the terms of this Agreement.
Recipient does not have an obligation to protect confidential information that is; (a) in the public domain through no action of Recipient; (b) within the legitimate possession of Recipient, with no confidentiality obligations to a third party; (c) lawfully received from a third party having rights in the information without restriction, and without notice of any restriction against its further disclosure; (d) independently developed by Recipient without breaching the agreement or by the parties who have not had, either directly or indirectly, access to or knowledge of the confidential information; or (e) disclosed with the prior written consent of Discloser. If confidential information is required to be produced by law, court order or government authority, Recipient must immediately notify Discloser of that obligation. Recipient will not produce or disclose confidential information in response to that obligation until Discloser has requested protection from the court or other legal or governmental authority issuing the process and the request has been denied, or consented in writing to the production or disclosure of the confidential information in response to the process, or taken no action to protect its interests in the confidential information within 14 business days after the receipt of notice from Recipient of the obligation to produce or disclose.
Recipient will use the confidential information only to further the relationship between the parties. Confidential information may not be disclosed to any third party without the written consent of Discloser or used by Recipient in any manner which may be competitive to Discloser.
5. **Responsibility:** Client assumes all responsibility for financial and other risks associated with the planning, development, operations & management of the Client’s business and Consultant assumes no liability for the Client’s project. The Client agrees to seek independent accounting and legal services that are necessary for the operation of Client’s businesses.
6. **Consultant Services:** Client understands that consultant is a management consulting firm, is not licensed to sell securities, is not a licensed accounting practice nor licensed to practice law.
7. **Governing Law:** The execution, interpretation, and performance of this Agreement shall be governed by the laws of the State of Florida. Any lawsuits arising from this Agreement shall be brought before a Court of Law in Pinellas County, Florida.
8. **Construction:** The parties hereto acknowledge and agree that: (i) each party has participated in the drafting of this Agreement; (ii) no inference in favor of, or against, any party shall be drawn from the fact that one party

has drafted any portion hereof; and (iii) each party has had the opportunity to have this document reviewed by their respective legal counsel.

- 9. **Entire Agreement:** This Agreement and the attached Exhibit A contains the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior agreements or understandings, expressed or implied, written or oral, between the parties hereto with respect to the subject matter hereof. This Agreement may not be modified or amended except by a written instrument signed by the parties hereto.
- 10. **Compensation:** Upon execution of this Agreement, the compensation for Exhibit A shall be due and owing as follows under the Payment Terms:

Payment Terms – Exhibit A (\$47,250.00)

- **Payment 1 – (50%) \$23,625.00:** Due upon execution of Agreement. Consultant will not provide services nor book meetings until Payment 1 is made in full.
- **Payment 2 – (30%) \$14,175.00:** To be invoiced and paid to Consultant by Client upon presentation of the draft pro forma to Client. Copy of the draft deliverable(s) to be delivered to Client only upon payment.
- **Payment 3 – (20%) \$9,450.00:** To be invoiced upon presentation of the final deliverable(s). Copy of the Final deliverable(s) to be delivered to Client only upon payment.

- Preferred Payment: To avoid additional processing fees, the preferred payment method is via check.
- Wire Transfers: Client is responsible for all additional fees associated with electronic wire transfers.
- Credit Card Payments: Credit card payments will not be accepted.

In the event Client fails to make any payments when due, interest will be charged on the unpaid total in the amount of 18% per annum or the maximum rate allowed under state and federal law, whichever is greater. All payment due dates, unless otherwise stated, are to be within 30 days of receipt of the invoice. Deposit (or initial) payments are the exception as these payments are immediately due to engage Consultant for services.

City of Macomb, IL
"CLIENT"

Sports Facilities Advisory, LLC
"CONSULTANT"

BY: _____

BY: _____

Print Name

Jason Clement, Manager

Date

Date

Client Billing Address

Invoicing/Billing Contact Name

Invoicing/Billing Contact Email/Phone

SF COMPANIES | SCOPE OF SERVICES

Step 1: Project Kick-Off Call

In this step, Consultant will set up an initial phone call with the Client's team to cover six topics that allow the Consultant's team to begin its work. Those topics are:

- Introductions
- Project History
- Existing Data
- Potential Partners and Stakeholders
- Key Dates for the Project
- Other Questions & Answers

Step 2: Existing Data Review & Market Analysis

In this step, Consultant will review any existing data, documentation, and/or resources provided related to the project. Consultant will then conduct preliminary market research, which will encompass demographics, sports participation in the region, and an analysis of existing service providers (competition).

Step 3: Remote Development Planning Session (DPS)

The DPS is a "deep-dive" planning and strategy session that will focus on defining success and refining the vision, value propositions, financial resources and core competencies, products and services, strategic alliances, and financial success metrics. During the DPS, Consultant will also share data from its preliminary market assessment, including key demographic and socioeconomic factors, participation rates, and other market insights. This will be held via a teleconference via Zoom meeting.

Step 4: Detailed Financial Forecast (Pro Forma)

In this step, Consultant will complete more in-depth research/analysis to produce a 5-year cash flow forecast and 20-year financial outlook. Consultant's pro forma documents are detailed, institutional-grade financial forecasts used to support decision-making and financing.

The pro forma will provide insight into the financial potential of the project and will include projections related to construction and start-up costs, revenues/expenses by product/program, EBITDA, net income, facility utilization, and more.

The pro forma will provide the Client with detailed financial projections related to and based on:

- The ideal business model
- Realistic and/or recommended debt-to-equity mix and debt service
- Right-sized program spaces and space requirements
- Construction and start-up costs based on recent, comparable projects
- Recommended parking
- Revenue by product/program
- Direct/variable costs (Cost of Goods Sold)
- Facility and operating expenses
- Management and staffing model
- Utilization Projections

Step 5: Economic Impact Analysis

In this step, Consultant will project the economic impact of the facility on an annual basis. Economic impact is defined as new off-site spending that will occur in the market as a result of tournaments and events held at the facility. This information is used to project economic activity from out-of-town visitors who would not be in the market but for the events that will be held at the facility.

The results, primarily quantified as room nights generated and direct spending, are used by elected officials and private developers alike to understand the impact that the venue will have on the lodging, dining, retail, entertainment, and transportation industries as well as on the tax base of the municipalities that benefit from new spending.

Consultant's economic impact projections are developed based on projections for tournaments and events throughout the pro forma and reflective of several key drivers of economic impact, including:

- Number of Events
- Number of Teams
- Number of Participants
- Number of Affiliated Spectators
- Percent of Participants and Affiliated Spectators from Out of Town
- Length of Stay
- Average Daily Rate (ADR)
- Average Daily Expenditures (ADE)

Step 6: Executive Summary & Recommendations

In this step, Consultant will produce a summary report for the project. The summary report will include an overview of the market analysis and pro forma. Additionally, Consultant will work with the Client to provide recommendations on the existing facility and programming plan. This will also include considerations around playing surface materials, onsite amenities, parking, concessions, lighting, and more.