

AGENDA
CITY OF LINCOLN
REGULAR COMMITTEE OF THE WHOLE MEETING
February 11, 2014
7:00 P.M.

1. Call to Order
2. Historic Preservation District presentation
3. Commercial snow removal
4. Impound ordinance
5. Code Hearing division ordinance
6. Other discussion
7. Executive Session
Acquisition of real estate
8. Adjournment
9. Upcoming Meetings:
Council: Tuesday, February 18, 2014 7:00pm
Committee of Whole: Tuesday, February 25, 2014 7:00pm

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

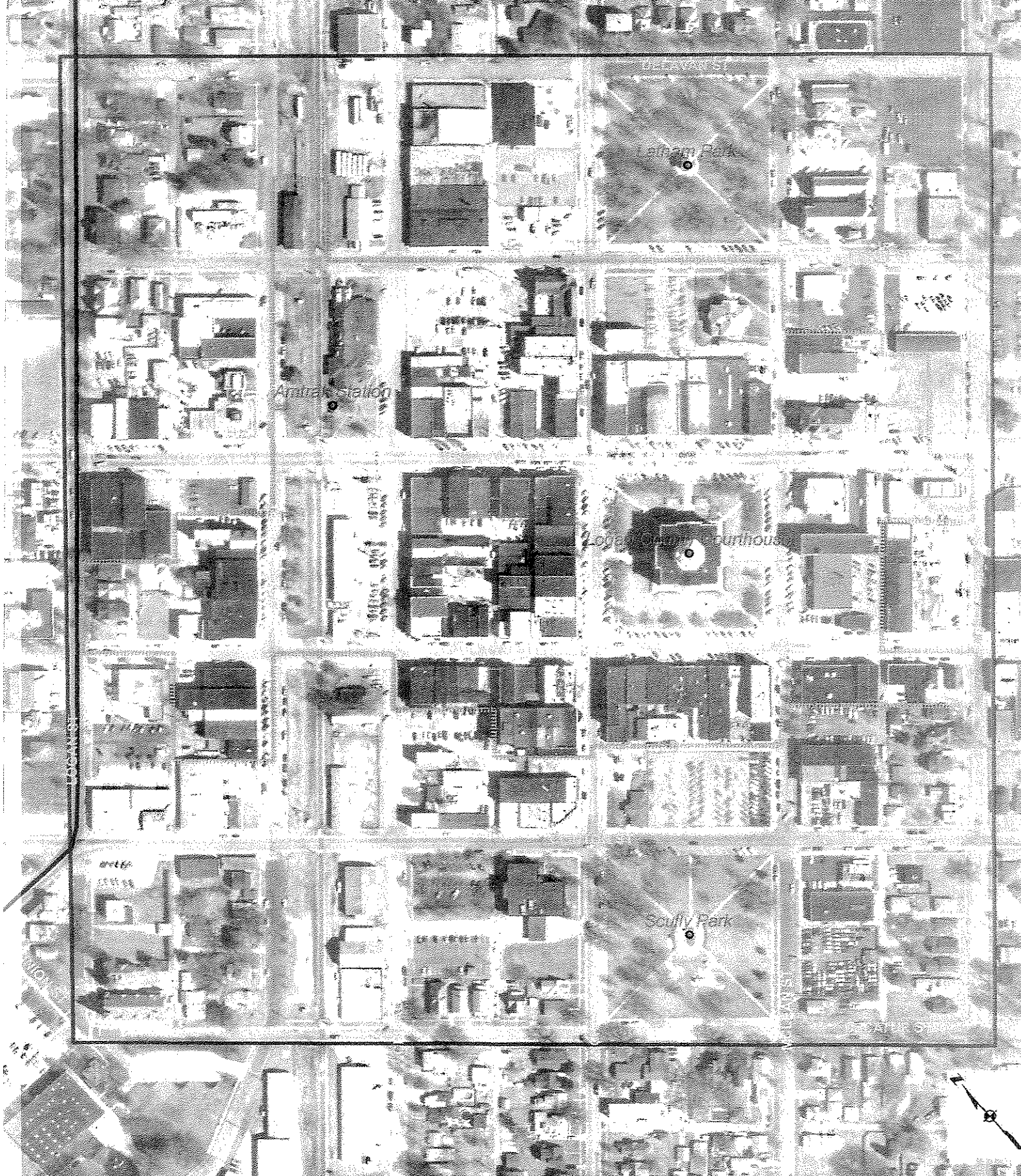
February 10, 2014

Members of the Lincoln City Council,





The Historic Preservation Commission has voted to recommend to you that a Downtown Historic District be established following the boundaries of the existing Historic District on the Nations Register. As a newly formed body, the Historic Preservation Commission wishes to have the Downtown District be the first designation on our own local register of historic places. We feel this area is an easy choice for the local register since it has already been deemed historically significant by the National Register of Historic Places.

Lincoln's Historic Downtown will benefit from being on a local register as we begin the process of revitalizing our Downtown. A local designation will have a stabilizing effect on the downtown area. Local residents will be able to ensure that the historic architectural characteristics of the downtown buildings are preserved. As we value our downtown buildings enough to showcase them as a local Historic District, others will see the charm and history that can be found in Lincoln.

Sincerely,
April Doolin, Chairman
Lincoln Historic Preservation Commission



Legend

-  Downtown Streetscape Area
-  Old Route 66
-  Historic District
-  Existing City Parking Lot

***Downtown Streetscape
Planning Area
Lincoln, Illinois***

MEMORANDUM

TO: Mayor Keith Snyder and Members of the City Council

FROM: John R. Lebegue, Building and Safety Official

DATE: February 10, 2014

SUBJECT: Consideration of an amendment to the City Code pertaining to the depositing of snow on City property.

Depositing of snow on City property

During the recent heavy snowfalls, the Street Department has noticed that several commercial and office properties in the City have been depositing a large volume of snow onto the City streets when they plow their parking lots instead of storing the snow on their own property. The depositing of snow on the City streets is not only a nuisance, but is costly, as City snow plows have to return to that area to again clear the snow from the street. Currently, there exists no code language in the Lincoln City Code that specifically addresses the depositing of snow or ice on City property. To determine what other municipalities are doing to address this type of problem and to possibly find some specific code language, a survey of numerous comparable communities was performed, and three municipalities were found to have specific code language prohibiting the depositing of snow on City property. Following is the code language of Streator, Bloomington and Washington, Illinois:

Streator

100.92 Snow Removal: It shall be unlawful for any property owner or his representative to deposit snow from private property onto any public street.

Bloomington

Chapter 38: Section 25: Sweeping, Shoveling, Etc., Snow, Ice, Etc., Upon Public Ways: No person shall sweep, shovel, or pile or cause to be swept, shoveled, or piled any snow, ice, or other waste upon any of the streets, avenues, alleys, sidewalks or other public ways of the City.

Washington

98.003 Depositing of Snow, Ice and/or Other Materials on Public Property

- A. Depositing of snow, ice and/or other materials on the public property prohibited. It shall be unlawful for any person to deposit, sweep, throw, place, or cause to be

swept, thrown, placed or deposited by any means snow, ice or other material(s) on, in, or over any public street, roadway, alley, right-of-way, curb, gutter, fire hydrant, sidewalk or other public property in the City.

After reviewing the code language of the Streator, Bloomington and Washington, staff recommends that Section 8-3-4, Obstructions, of the City Code be amended with the following code language to prohibit the depositing of snow and ice on City property:

Depositing of Snow, Ice on Public Property Prohibited

It shall be unlawful for any commercial or industrial property owner or a representative of such property or property located in the Commercial and Industrial Districts to deposit snow from private property onto any public street, roadway, alley and sidewalk in the City.

ORDINANCE NO. _____

ORDINANCE PROVIDING FOR THE IMPOUNDMENT OF MOTOR VEHICLES
WITHIN THE CITY OF LINCOLN, ILLINOIS

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

WHEREAS, the City Code of the City of Lincoln, specifically Title 9, sets forth Ordinances pertaining to traffic regulations within the City of Lincoln; and,

WHEREAS, the City Council of the City of Lincoln believes that a new chapter should be added to the City Code of the City of Lincoln to address the issue of the impoundment of motor vehicles within the City of Lincoln; and,

WHEREAS, the City Council believes it is in the best interest of the citizens of Lincoln, Logan County, Illinois, that the City Code of the City of Lincoln be amended to address the issue of impoundment of motor vehicles within the City of Lincoln, Illinois.

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

1. That Chapter 14 of Title 9 is hereby created as follows:

"9-14 IMPOUNDMENT OF MOTOR VEHICLES

9-14-1: Impoundment of motor vehicles used in connection with illegal activities:

(a) *Impoundment.* A motor vehicle, operated with the express or implied permission of the owner of record, that is used in connection with any of the following violations, or which may jeopardize the public's safety and safe vehicular movement and in furtherance of public safety or in the exercise by the police department of its community caretaker functions, may be subject to tow and impoundment by the city, and the owner of record of said vehicle shall be liable to the city for an

administrative and processing fee of five hundred dollars(\$500.00) in addition to any towing and storage fees.

(b) *Violations.*

- (1) Operation or use of a motor vehicle in the commission or attempted commission of any offense for which a motor vehicle may be seized and forfeited pursuant to 720 ILCS 5/36-1 et seq.; or
- (2) Driving under the influence of alcohol, other drug or drugs, or intoxicating compounds, in violation of 625 ILCS 5/11-501 or a similar provision of the City Code; or
- (3) Operation or use of a motor vehicle in connection with the commission or attempted commission of any offense in violation of the provisions of Illinois Cannabis Control Act, 720 ILCS 550/1 et seq.; or
- (4) Operation or use of a motor vehicle in connection with the commission or attempted commission of any offense in violation of the Illinois Controlled Substances Act, 720 ILCS 570/100, et seq.; or
- (5) Unlawful use of a weapon in violation of 720 ILCS 5/24-1; aggravated discharge of a firearm in violation of 720 ILCS 5/24-1.5; and unlawful possession of a firearm and firearm ammunition in violation of 720 ILCS 5/24-3.1; or
- (6) Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked, the violation of 625 ILCS 5/6-303; except that vehicles shall not be subject to seizure impoundment if the suspension is for an unpaid citation (parking or moving), or due to failure to comply with emission testing; or
- (7) Operation or use of a motor vehicle with an expired driver's license in violation of Section 6-101 of the Illinois Vehicle Code, 625 ILCS 5/6-101, where the period of expiration is greater than one (1) year, or
- (8) Operation or use of a motor vehicle without ever having been issued a driver's license or permit in violation of Section 6-101 of the Illinois Vehicle Code, 625 ILCS 5/6-101, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
- (9) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a Circuit Clerk in Illinois for failing to answer charges that the driver violated the offenses of : driving while license is revoked or suspended, 625 ILCS 5/6-303; operating a motor vehicle without a valid driver's license, 625 ILCS 5/6-101; and/or driving under the influence of alcohol, other drugs, intoxication compound(s), or a

combination thereof, 625 ILCS 5/11-501; or
(10) Operation or use of a motor vehicle in connection with the commission or attempted commission of any felony offense defined under Chapter 720 ILCS; or
(11) Fleeing and eluding in violation of 625 ILCS 5/11-204 or 625 ILCS 5/11-204.1 or a similar provision of the City Code; or
(12) Operation or use of a motor vehicle in connection with leaving the scene of an accident involving personal injury or property damage in violation of 625 ILCS 5/11-401, 625 ILCS 5/11-402 or 625 ILCS 5/11-403 or any similar provisions of the City Code.

9-14-2: General regulations:

- (a) This chapter shall not replace or otherwise abrogate any existing state or federal laws or city ordinances.
- (b) The owner shall be subject to all fees set forth in this chapter in addition to any penalties that may be assessed by a court of law for the underlying violations.
- (c) This chapter shall not apply to a vehicle which was stolen at the time of impoundment so long as the theft was reported to appropriate police authorities within twenty-four (24) hours of its discovery.
- (d) Fees for towing and storage of a vehicle under this chapter shall be those approved by the chief of police and shall be uniform for all similarly situated vehicles.
- (e) Vehicles shall not be impounded where applicable law does not specifically provide for the forfeiture and towing of the vehicle and an authorized, lawful and unimpaired driver is available to promptly remove the vehicle from the location of an arrest.

9-14-3: Probable cause and notice:

Whenever a police officer has probable cause to believe that a vehicle is subject to tow and impoundment pursuant to this chapter, the officer shall provide for the towing of the vehicle by a wrecker licensed as authorized by the City Code. Prior to towing, the officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation and who is physically present at the scene of the alleged violation that the vehicle will be towed and impounded.

The officer shall inform any present owner and/or person in control of the vehicle of that person's right

to request a hearing to be conducted under Section 4 of this chapter. An owner may secure release of an impounded vehicle pending completion of the hearings provided for in Section 4 of this chapter by posting a bond of cash, money order, certified check, or approved credit card payment service with the police department in the amount of five hundred dollars (\$500.00) and accrued towing and storage charges.

The police department shall hold the cash bond, and accrued towing and storage charges in escrow until such time as a request for hearing would be untimely, or if a hearing has been timely requested, until the hearing is completed in conformance with Section 4 of this chapter.

9-14-4: Hearing:

Within forty-eight (48) hours after a vehicle is towed/impounded pursuant to this chapter, a representative of the city shall provide a written notice to the owner of the record of such vehicle either by personal delivery or by certified mail, return receipt requested at the address of the owner as it appears in the records of the Secretary of State. Delivery of the notice to one (1) joint owner of the vehicle shall constitute notice to all joint owners of the vehicle.

The notice shall advise the owner of his or her right to request a hearing before a hearing officer to determine whether the subject vehicle is eligible for impoundment pursuant to this section. The notice shall state the penalties that may be imposed if no hearing is requested, including that a vehicle that is not released by payment of the penalty and fees may be sold or disposed of by the city in accordance with applicable law.

The owner of record seeking a hearing must file a written request for a hearing with the police department no later than fifteen (15) days after the notice was personally delivered or mailed. The hearing shall be conducted by a hearing officer appointed by the mayor under authority of Title 1, Chapter 22 of the City Code.

The hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than forty-five (45) days after the request for a hearing has been filed. Not less than ten (10) days prior to the hearing, the hearing officer will notify the owner of record, by mail, of the date, time, and location of the hearing.

At any time prior to the hearing, the hearing officer may, at the request of the city or the owner, di-

rect witnesses to appear and give testimony at the hearing. The formal rules of evidence will not apply during the hearing, but hearsay evidence shall be admissible only if it is of the type commonly relied upon by reasonable prudent persons in the conduct of their affairs.

If, after considering evidence received during the hearing, the hearing officer determines by a preponderance of the evidence that the vehicle was used in connection with the commission of an offense set forth in Section 1 of this chapter, the hearing officer shall enter an order finding the owner of the vehicle civilly liable to the city of an administrative and processing fee of five hundred dollars (\$500.00).

If bond has been posted in accordance with Section 3 of this chapter, all sums due the city and the tow operator for towing and impoundment fees shall be distributed to the city and tow operator as the case may be.

If the hearing officer enters an order finding the owner of record liable to the city for the administrative fee, any vehicle still impounded shall continue to be impounded until the owner pays the administrative fee to the city plus all applicable towing and storage charges to the tow operator or until disposal of the vehicle pursuant to Section 6 of this chapter.

If the hearing officer finds by a preponderance of the evidence that the vehicle was not used in connection with the commission of an offense set forth in Section 1 of this chapter, the hearing officer shall order the immediate return of the owner's vehicle and of any cash bond and may order a return of towing and impoundment fees.

9-14-5: Administrative review:

A final order entered by a hearing officer under Section 4 of this chapter is subject to review under the Administrative Review Act found at 735 ILCS 5/3-101 et seq.

9-14-6: Administrative fee; disposal of vehicles:

The administrative fee as imposed pursuant to this chapter, such fee shall constitute a debt due and owing the city. The debt may be satisfied by the bond posted pursuant to this chapter or where no bond is posted by cash, money order, certified check, or approved credit card payment service.

If the administrative penalty and applicable towing and impoundment fees are not paid within thirty

(30) days after the expiration of time for administrative review of the hearing officer's determination or within thirty (30) days after an action seeking administrative review has been resolved and in favor of the city, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided for the disposition of unclaimed vehicles under the Illinois Vehicle Code.

9-14-7: Vehicle Possession:

Except as otherwise provided by law, no owner, lien holder or other person shall be legally entitled to take possession of a vehicle impounded under this chapter until the bond and towing and impoundment fees are paid of the administrative penalty and fees applicable under this chapter have been paid.

Whenever a person with a lien of record against an impounded vehicle has commenced proceedings to repossess the vehicle, possession of the vehicle shall be given to that person if she or he agrees in writing to pay to the city from proceeds of the sale of the vehicle the administrative fee, plus applicable towing and storage charges."

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

3. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

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

Alderwoman Anderson	_____	Alderwoman Tibbs	_____
Alderwoman Bauer	_____	Alderman Carmitchel	_____
Alderman Hoinacki	_____	Alderman O'Donohue	_____
Alderwoman Horn	_____	Alderwoman Neitzel	_____

Ayes: _____

Nays: _____

Absent: _____

Abstentions: _____

Passed and approved this _____ day of _____, 2014.

CITY OF LINCOLN,

BY: _____

Keith Snyder, Mayor
City of Lincoln, Logan
County, Illinois

ATTEST: _____ (SEAL)

City Clerk, City of Lincoln,
Logan County, Illinois

ORDINANCE NO. _____

**ORDINANCE CREATING A CODE HEARING DEPARTMENT
WITHIN THE CITY OF LINCOLN, ILLINOIS**

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

WHEREAS, the City Code of the City of Lincoln, specifically Title 1, sets forth Ordinances pertaining to administration within the City of Lincoln; and,

WHEREAS, the City Council of the City of Lincoln believes that a new chapter should be added to the City Code of the City of Lincoln to address the issue of the creation of a Code Hearing Department within the City of Lincoln; and,

WHEREAS, the City Council believes it is in the best interest of the citizens of Lincoln, Logan County, Illinois, that the City Code of the City of Lincoln be amended to create a Code Hearing Department within the City of Lincoln, Illinois.

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

1. That Chapter 22 of Title 1 is hereby created as follows:

"1-22 CODE HEARING DEPARTMENT

- 1-22-1: Purpose and scope of chapter:

The purpose of this chapter is to provide for the fair, efficient and expedited enforcement of the City Code of the City of Lincoln., as may be allowed by law and directed by ordinance, through a Code Hearing Department proceeding and to establish a code hearing department and personnel.

- 1-22-2: Establishment and jurisdiction:

- A) There is hereby created a separate and inde-

pendent division of the City of Lincoln to be known as the code hearing division.

B) The City of Lincoln hereby adopts in its entirety, division 2.2 of article 1 of the Illinois Municipal Code. Any inconsistency between this chapter and division 2.2 of article 1 of the Illinois Municipal Code shall be resolved with respect to alleged violations to be adjudicated under authority of this subsection (B) in favor of division 2.2 of article 1 of the Illinois Municipal Code. The code hearing division shall have the power and authority under this subsection (B) and division 2.2 if article 1 of the Illinois Municipal Code to enforce any municipal ordinance by an administrative adjudication proceeding, other than:

(1) Building code violations that must be adjudicated pursuant to division 31.1 of article 11 of the Illinois Municipal Code;

(2) Any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles;

(3) Any reportable offense under Section 6-204 of the Illinois Vehicle Code;

C) The City of Lincoln hereby adopts in its entirety, division 31.1 of article 11 of the Illinois Municipal Code. Any inconsistency between this chapter and division 31.1 of article 11 of the Illinois Municipal Code with respect to alleged violations to be adjudicated under authority of this subsection (C) shall be resolved in favor of division 31.1 of article 11 of the Illinois Municipal Code. The code hearing division shall have the power and authority under this subsection (C) and division 31.1 of the Illinois Municipal Code to enforce any municipal ordinance law, housing or building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in a municipality or any municipal ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles or the abatement of nuisances from private property.

D) Any other provision of this chapter to the contrary notwithstanding, any officer or employee of the city who charges any person with a violation of any provision of the City Code may elect to proceed by filing a complaint in Logan County Circuit Court or by utilizing any other enforcement procedure authorized by the City Code rather than utilizing the procedures set forth in this chapter. Any officer or employee of the city who seeks administrative adjudication of any complaint under this chapter may at any time prior to com-

mencement of the hearing on the merits of such complaint by the hearing officer dismiss the complaint seeking administrative adjudication without prejudice and thereafter refile the complaint under this chapter, utilize any other enforcement procedure authorized by the City Code or refile the complaint in Logan Count Circuit Court.

1-22-3: Code hearing department personnel and duties:

The code hearing division shall consist of, upon appointment by the mayor with the advice and consent of the city council and under the direct supervision of the mayor, a hearing officer, and such other positions as may be approved by the city council, with the powers and duties as hereinafter set forth. Other than the hearing officer, one (1) person may serve more than one (1) such position. Compensation for each of the positions shall be as approved by the city council.

(1) *Hearing officer*

a. The hearing officer, prior to appointment, must be an attorney licensed to practice law for at least (3) years in the State of Illinois. The hearing officer shall preside over all adjudicatory hearings and shall have the following powers and duties:

- i. To administer oaths;
- ii. To hear testimony, to accept evidence that is relevant to the existence of the City Code violation and to rule upon motions, objections and the admissibility of evidence;
- iii. To issue subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;
- iv. To preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- v. To issue and sign a written finding, decision and order stating whether a City Code violation exists;
- vi. To impose penalties, sanctions or such other relief consistent with applicable City Code provisions and to assess costs upon finding a party liable for the charged violation, except however, that in no event shall the hearing officer have authority to impose a penalty of incarceration;
- vii. To review final determination of liability for an ordinance violation in accordance with the administrative review procedures hereinafter set forth; and
- viii. To hold conferences for the settlement or simplification of issues.

b. Prior to conduction of Code Hearing proceed-

ings under this chapter, the hearing officer shall have successfully completed a formal training program which includes the following:

i. Instruction on the rules of procedure of the administrative hearings over which the hearing officer shall preside;

ii. Orientation to each subject area of the code violations that he/she will adjudicate;

iii. Observation of administrative hearings; and

iv. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

(2) *Director.* The director is authorized and directed to:

a. Operate and manage the code hearing division;

b. Adopt, distribute and process all notices as may be required under this chapter or as may be reasonably required to carry out the purpose of this chapter;

c. Collect moneys paid as fines and /or penalties assessed after a final determination of liability;

d. Certify copies of final determinations of an ordinance violation adjudicated pursuant to this chapter, and any factual reports verifying the final determination of any violation liability which was issued in accordance with this chapter

e. Promulgate rules and regulations reasonably required to operate and maintain the administrative adjudication system hereby created.

f. Collect unpaid fines and penalties through private collection agencies and direct the pursuit of all post-judgment remedies available by law.

g. Provide input of violation notice information;

h. Establish hearing dates and notice dates;

i. Record fine and penalty assessment and payments;

j. Issue payment receipts;

k. Issue succeeding notice of hearing dates and /or final determination of liability;

l. Keep accurate records of appearances and non-appearances at Code hearing, pleas entered, judgments entered, sanctions imposed, if any, fines and penalties assessed and paid;

m. Effectuate any other authority as may be reasonably required for the proper administration of this chapter;

n. Designate one (1) or more assistant director to assist in fulfilling responsibilities hereunder; and

o. The director of planning and zoning shall be the ex officio director under this chapter.

1-22-4: Notice:

The adjudication of any ordinance violation shall afford a party due process of law. The notice charging a violation of the City Code shall be accompanied by a summons and shall contain, but shall not necessarily be limited to the following information:

- (1) The name and address of the defendant.
- (2) The date, time and place the violation was observed.
- (3) A citation to the ordinance violated.
- (4) A description of the act or omission which violates the ordinance.
- (5) The signature of the person issuing the notice.
- (6) The address of the structure where the violation is observed, if applicable.

1-22-5: Service:

Service shall be provided by state law under the applicable provision of the Illinois Municipal Code.

1-22-6: Administrative hearings:

The administrative adjudication of any ordinance violation shall afford a party due process of law and shall substantially follow the procedure set forth below:

- (1) Any administrative proceeding conducted by the code hearing department shall afford the parties an opportunity for a hearing before a Code hearing officer.
- (2) An attorney who appears on behalf of any person shall file with the hearing officer a written appearance on a form provided by the code hearing department for that purpose.
- (3) The hearing officer may grant continuances only in cases where a continuance is absolutely necessary to protect the rights of the defendant. Lack of preparation by either party shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this chapter shall not exceed twenty-five (25) days.
- (4) All testimony shall be given under oath or affirmation.
- (5) The hearing officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and production of relevant documents. Issuance of subpoenas shall be subject to restrictions contained in this chapter.
- (6) The formal and technical rules of evidence

shall not apply to the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of his or her affairs.

(7) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, issued and signed in accordance with state law shall be prima facie evidence of the correctness of the facts contained therein.

(8) Upon timely request of any party to a proceeding, any person, who the hearing officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

(9) The record of all hearings before a hearing officer shall include:

- a. All documents presented at the hearing;
- b. A copy of the notice of the violation or notice of hearing; and
- c. A copy of the findings and decisions of the hearing officer.

(10) The record of a hearing before a hearing officer may include a record of the testimony presented at the hearing, which may be by means of a tape recording, transcription or other appropriate means.

- a. The code hearing division shall not be required to provide recording services or equipment.
- b. Any party desiring to record the testimony presented at the hearing shall provide its own court reporter, transcriber or recorder at that party's own expense regardless of the outcome of the hearing.
- c. The hearing officer may reasonably limit where the court reporter, transcriber or recorder may be placed in the hearing room. If the party, the court reporter, transcriber or recorder is unwilling to follow reasonable limitations then the hearing officer may remove the court reporter, transcriber or recorder.

(11) Upon conclusion of a hearing, the hearing officer shall make a final written determination on the basis of the evidence as to whether or not a code violation exists. Upon issuing a final determination of liability, the hearing officer shall:

- a. Impose penalties and/or fines that are consistent with applicable provisions of the City Code.
- b. Issue orders that are consistent with applicable provisions of the City Code, including, but not limited to, orders to cure or abate any continuing violations of the City Code; and

c. Assess costs reasonably related to instituting the hearing.

(12) In the issuance of a final determination of liability, a hearing officer shall inform the defendant of defendant's right to seek judicial review of the final determination.

1-22-7: Default:

A) If at the time set for a hearing the recipient of a violation notice or a notice of hearing, or the recipient's attorney of record, fails to appear, the hearing officer may find the recipient in default and proceed with the hearing and accept evidence relevant to the existence of a code violation and conclude with a finding, decision and order. A copy of the order of default shall be served in any manner permitted under this chapter.

B) Within twenty-one (21) calendar days from the issuance of an order of default, a recipient of a violation notice or a notice of hearing who has been found to be in default may petition the hearing officer to set aside the determination and set a new hearing date on the basis that the failure to appear at the hearing was for good cause. If the petition is granted, the hearing officer shall serve notice of the new hearing date upon the petitioner in any manner permitted by this chapter no less than seven (7) calendar days prior to the hearing date.

1-22-8: Review of final orders:

A final order of a hearing officer shall constitute a final determination and shall be subject to review under the Illinois Administrative Review Law.

1-22-9: Enforcement of hearing officer's order:

Any fine, other sanction or costs imposed by a hearing officer's order and any expenses incurred by the city to enforce the order, including but not limited to; attorney's fees, court costs and costs related to property demolition or foreclosure, that remain unpaid after the exhaustion of, or failure to exhaust, judicial review of a hearing officer's final determination of liability for a code violation shall be a debt due and owing the city and, as such, may be collected in accordance with applicable law.

1-22-10: Fines payable to the city treasurer:

All fines and other monies paid to the city in accordance with this chapter shall be remitted to the City of Lincoln Treasurer for deposit to the city general fund.

1-22-11: Post-hearing motions:

There shall be no post-hearing motion practice before the code hearing division.

1-22-12: Ex parte disclosures:

The city hereby adopts and incorporates Canon 3(A) (6) of the Code of Conduct for Administrative Law Officers. Therefore, hearing officers and other personnel of the code hearing department are required to refrain from public comment about a pending proceeding before the code hearing department.

1-22-13: Waiver, suspension or reduction of fines:

In instances where the City Code calls for the imposition of a mandatory minimum fine upon a finding of liability by a hearing officer may not waive, suspend or reduce the imposition of said mandatory minimum fine.

1-22-14: Schedule of fines/penalties:

For an ordinance violation of the City Code, fines and penalties shall be as established from time to time by the mayor or city council.

1-22-15: Additional rules, regulations and provisions:

The director may adopt any other necessary and proper rules, regulations or provisions to carry into effect this chapter and the powers granted and purposes stated in the City Code."

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

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

as provided by law.

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

Alderwoman Anderson	_____	Alderwoman Tibbs	_____
Alderwoman Bauer	_____	Alderman Carmitchel	_____
Alderman Hoinacki	_____	Alderman O'Donohue	_____
Alderwoman Horn	_____	Alderwoman Neitzel	_____

Ayes: _____

Nays: _____

Absent: _____

Abstentions: _____

Passed and approved this _____ day of _____, 2014.

CITY OF LINCOLN,

BY: _____
 Keith Snyder, Mayor
 City of Lincoln, Logan
 County, Illinois

ATTEST: _____ (SEAL)
 City Clerk, City of Lincoln,
 Logan County, Illinois



AMERICAN WATER
Contract Services

American Water Enterprises, Inc.
150 West Kickapoo St
Lincoln, IL 62656

P 217-732-4030
F 217-732-8596
www.amwater.com

Memorandum

Please review the Bid Tabs below for the South Plant Lift Station Electrical Service Relocation.

Egizii Electric Holdings \$56,741.51

Six-Underground Construction \$38,374.82

Six-Underground came in \$18,366.69 lower than Egizii. However, Six Underground has several stipulations that potentially could affect the bid price.

1. Assumes ground conditions are normal. Any rock or underground obstructions can result in a price increase.
2. The price does not include any open cutting of surface to expose utilities. If needed, the price can increase.
3. The restoration shall be done with black dirt and seed. The area of construction is a roadway and needs all back-fill to be aggregate of some sort.

Six Underground did not visit the site, as did Egizii. I spoke with a representative of the Six-Underground over the phone on a Saturday morning to tell them where the location was so they could pull an aerial shot of the project. At the time, there were some questions that were asked that I did not have the answer to. I emailed back with the representative early Monday morning with what information that I had regarding the project so that they may offer a bid. A bid was emailed to me that morning prior to the time requested. Egizii hand delivered theirs.

With not knowing the site layout and the assumptions that were made, I do not feel that Six-Underground has a good account of what the project is consisting of. Therefore I recommend that the City proceed with Egizii Electric Holdings.



February 10, 2014

The Honorable Keith Synder
City of Lincoln
P.O. Box 509
Lincoln, IL 62656

Re: Contract No.72789
Logan County
Section 23 (B-1)
Route FAU 7706 (Business Loop 55)

The Honorable Keith Synder,

With regard to the above referenced project, we would like to official inform you that the bridge located on Business 55 over the Salt Creek will be closed beginning on March 1, 2014 and reopening on November 15, 2014. This will include Business 55 from Kenwood Drive to 1050 Avenue.

According to our contract with IDOT we are required to notify you with in 14 calendar days of this closure.

There will be message boards placed in the proper locations 2 weeks prior to the above closure.

Please let me know if you have any comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel Midiri', written over a horizontal line.

Joel Midiri
Project Manager
Halverson Construction Co., Inc.

LINCOLN POLICE DEPARTMENT

CHIEF KEN GREENSLATE



DEPUTY CHIEF MICHAEL L. GERIETS

Press Release

February 10, 2014

In May of 2013, Deputy Chief Michael Geriets of the Lincoln Police Department began compiling data in regards to traffic accidents and the current functions of traffic lights throughout the city of Lincoln. The issue was raised by Lincoln City Councilmen and citizens of the community after several accidents that resulted in personal injury specifically at the intersection of Woodlawn Rd. and Lincoln Parkway, while vehicles turned left in front of oncoming traffic resulting in significant vehicle damage and personal injury.

At that time, Geriets researched the previous 18 months of accident reports for that particular intersection. There were 14 accidents in that 18 months period studied. Only four (4) of the fourteen (14) accidents reviewed were from a driver making a left turn, and of those four (4) accidents, only two resulted in driver/passenger injuries. The rest of the accidents were side swipe same direction, rear end collisions, and total disregard for the traffic control device.

The issue was that the green left turn arrow changes to a steady green light, still allowing drivers to turn left if they yield the intersection. The confusion for some drivers is that they still have a dedicated time to make their turn without oncoming traffic. Another issue is the geography of the intersection. If a vehicle is in the left turn lane on the opposite side of the intersection, that vehicle creates a visual obstruction of oncoming through traffic. Turning left in front of a vehicle that has a posted speed limit of 45 mph and a green light, causes due concern that a traffic accident will result in significant injury and damage to both vehicles.

Deputy Chief Geriets has met with Illinois Department of Transportation personnel, William Shaw (Traffic Signals & Systems Engineer), Marshall Metcalf (Traffic Operations Engineer), and Michael Irwin (Plans and Design Engineer) to see what may be done regarding this issue and also issues regarding the functionality of other traffic signals in Lincoln that police officers and citizens report as not working properly.

On Monday, February 10, 2014 another meeting took place at the Illinois Department of Transportation to again address these issues and the results of a speed study conducted by Marshall Metcalf.

LINCOLN POLICE DEPARTMENT

CHIEF KEN GREENSLATE



DEPUTY CHIEF MICHAEL L. GERIETS

Metcalf states that speed limits will not be increased or decreased based solely upon a request by any official. There has to be a speed study conducted that takes many factors into consideration such as;

- a. The current posted speed.
- b. Average speed of vehicles.
- c. Safety performance of those speeds.
- d. Number of entrances to driveways, or other streets.
- e. Geometric layout of the road design i.e.; grade, curves, location in relation to residences or business.

In November 2013, IDOT conducted a speed study in which hidden detectors were placed in the roadways at the following locations. 5th Street Road and Lincoln Parkway. Lincoln Parkway and Short 11th Street (entrance to Abraham Lincoln Memorial Hospital): and, Lincoln Parkway north of Woodlawn Road. After taking all data into consideration, the speed study indicated that a speed limit reduction in those areas was in fact warranted. IDOT is planning on reducing the speed limit from 45mph to 40 mph on Lincoln Parkway (Old Rt. 66) approximately ½ mile south of 5th St. Road and will continue a 40 mph posted speed limit on Lincoln Parkway (Old Rt. 66) to approximately ½ miles east of the Kickapoo Park entrance.

Another area of concern is the curve that's located north of Woodlawn Rd on Lincoln Parkway. There is a spur that allows drivers to enter and exit Lincoln Parkway to Rt. 121 towards Hartsburg. This area of the spur has seen its share of serious accidents. Although the intersection isn't too obstructed, it's located on a curve with a steep grade. There were two rollover accidents in one month at that intersection last summer. Although there has been no decision made what to do with that intersection, IDOT engineers are considering a variety of options.

In regards to the traffic signals throughout Lincoln. There seems to be a misconception that cameras seen high in the intersection are recording drivers and their actions. This is not true. None of the cameras seen on traffic lights in the City of Lincoln are recording drivers or their vehicles. Those cameras are specifically designed to be aimed at metal magnetic strips under the surface of the roadway that detects motor vehicles as they drive over those strips. Seeing that barrier broken tells the computer program that a vehicle is at that intersection. The light will then change to move traffic along, based upon the program set up for that intersection. It will decide what to do, based on the specific traffic operation it was programmed for. All traffic lights are set up to function specifically for

LINCOLN POLICE DEPARTMENT

CHIEF KEN GREENSLATE



DEPUTY CHIEF MICHAEL L. GERIETS

different times of day. For example, based on previous studies, and traffic light may have a weekday morning operation, that may differ from weekend or evening operation.

One of the problems that may exist when a traffic light does not recognize that a vehicle is waiting may be that a sensor may be no longer operable. If we are aware of that being an issue, IDOT will send someone here to repair that sensor. In most cases the light will still change, however, not before it goes through the normal waiting cycle as if other vehicle are still on the main throughway. In most cases like that, an extra 35-40 seconds of waiting can seem like an eternity.

William Shaw, Traffic Signals & Systems Engineer stated that they have looked at different possibilities regarding the Lincoln Parkway and Woodlawn Road intersection. One solution was to change that intersection to a four point protective/permmissive left turn traffic signal configuration (yellow flashing arrows only). This could be quite costly to change those light standards at that intersection to adapt to a flashing yellow estimated between \$100,000-\$200,000 per intersection.

Generally speaking IDOT recommends that all traffic lights be the same. They don't want drivers approaching one set of standards for one light and have the next light be all together different. It can be confusing. Since most of the left turn accidents investigated by the Lincoln Police Department seem more significant at Lincoln Parkway and Woodlawn Road, IDOT personnel are checking into the feasibility of isolating any changes to that specific intersection.

Changing all lights standards in one corridor, to function the same with a flashing yellow light could cost over \$2 million dollars.

Deputy Chief Geriets states that his officers do sometimes report a traffic light that doesn't seem to be functioning properly with timing. If citizens call and report a problem to the police it's important to document the following information:

- a. Identify the street intersection of the traffic light.
- b. Direction of travel.
- c. Note the exact date and time of day you believed there was a malfunction.
- d. If possible note how long you waited- (sometimes 90 seconds can feel like five minutes).
- e. Report any issue with the light.

Michael L. Geriets
Deputy Chief
Lincoln Police Department