



City of Fairview Heights

CITY COUNCIL MEETING AGENDA
10025 BUNKUM ROAD
FAIRVIEW HEIGHTS, IL 62208
February 17, 2026
7:00 P.M.

The City Council meeting will be held in the Council Chambers. Participation (only) join at <https://meet.goto.com/COFH> or dial in at 1 (786) 535-3211 - Access Code: 808-004-661 - Please mute your phone during the meeting. To install the application: <https://meet.goto.com/install>

A. Pledge of Allegiance

F. Consent Agenda:

City Council Minutes – February 03, 2026
Finance Director's Report
Presentation of Bills - \$ 2,202,490.44

B. Invocation

C. Call to Order

G. Committee Reports

D. Roll Call

H. Communications from Mayor

E. Public Participation

I. Communication from Elected Officials

J. UNFINISHED BUSINESS

None

K. NEW BUSINESS

Proposed Ordinance No. 33-'26 an Ordinance Implementing a Municipal Grocery Retailers' Occupation Tax by adding Article XI Under Chapter 36 (Taxation) of the Revised Code of Ordinances of the City of Fairview Heights.. (Administration Committee)

Proposed Resolution No. 14-'26 a Resolution amending Resolution No. 4603-2024, approved by City Council December 18, 2024; A Resolution Adopting a Capital Improvement Priority List. (Operations Committee)

Proposed Resolution No. 15-'26 a Resolution authorizing the Mayor on behalf of the City to enter into a Joint Funding Agreement for State participation for Phase II Design Engineering Costs Associated with Longacre Drive, Section Number 20-00044-00-RS, State Job Number D-98-048-26. (Operations Committee)

Proposed Resolution No. 16-'26 a Resolution For Maintenance Under the Illinois Highway Code. (Operations Committee)

L. MOTION

Motion authorizing the force level of sworn officers for the Police Department be increased temporarily from 47-49. Force level will return to 47 though attrition.

M. ADJOURNMENT

**CITY OF FAIRVIEW HEIGHTS
CITY COUNCIL MINUTES
February 03, 2026**

The regular meeting of the Fairview Heights City Council was called to order at 7:05 p.m. by Mayor Mark T. Kupsy in the City Council Chambers, 10025 Bunkum Road, Fairview Heights, IL and also conducted virtually for guest attendees and City Council members per Resolution 4391-2021 with the Pledge of Allegiance and Invocation by City Clerk Karen Kaufhold

ROLL CALL

Roll call of Aldermen present: Barbara Brumfield, Jeff Harris, Brenda Wagner, Pat Peck, Bill Poletti, Frank Menn, Josh Frawley, Derrick King and James Winkeler. Alderman Anthony LeFlore was absent – excused to attend virtually. City Clerk Karen Kaufhold and Attorney Andrew Hoerner were present.

PUBLIC PARTICIPATION

Tom Waldron – Discussed his concerns with the snow removal process.

Robert G. Savage – Discussed his issues with Sun Solar for Solar Panels.

CONSENT AGENDA

Alderman Bill Poletti moved to approve the January 20, 2026 City Council Meeting Minutes. Seconded by Alderman Barbara Brumfield.

Roll call on the January 20, 2026 City Council Meeting Minutes showed Aldermen Brumfield, Harris, Wagner, Peck, LeFlore, Poletti, Menn, Frawley, King and Winkeler, voting “Yea”. Motion passes with 10 yeas.

COMMITTEE REPORTS

The Mayor announced that the Administration and Operations Meeting will be on February 11, 2026 at 7:00 P.M.

COMMUNICATIONS FROM THE MAYOR

Mayor Mark Kupsy began tonight’s meeting with a moment of silence for the passing of Gary Crawford, Alderman Brenda Wagner’s husband. Mayor Mark wanted to thank the maintenance crew their for hard efforts in the snow removal process. Mayor notified everyone that the construction on Pearson Road will start in the Spring and on Oak Street will hopefully start later in the Summer. Mayor Kupsy notified us that Royal Palm Mediterranean Cuisine had its Ribbon Cutting on January 29th, 2026. Mayor announced that our Building Official, Tom Green will be retiring and Joe Warner will be taking his place. Mayor also announced the retirement of Lieutenant Wade Gummersheimer and his acceptance in a new position in Code Enforcement, the retirement of Sergeant Tony Flinn, and the Swearing in Ceremony held on January 27, 2026.

COMMUNICATIONS FROM ELECTED OFFICIALS

Alderman Pat Peck announce the next Trekking for Trash will be held on Saturday, February 14, 2026.

COMMUNICATIONS FROM ELECTED OFFICIALS - CONINTUED

Alderman Brenda Wagner gave a heartfelt thank you to everyone for their prayers, thoughts, and support during the passing of her husband.

UNFINISHED BUSINESS

None

NEW BUSINESS

Proposed Resolution No. 11-'26 a Resolution authorizing the Mayor on behalf of the City of Fairview Heights to enter into an agreement with Department of Commerce and Economic Opportunity for the Receipt of Funding for cost associated with Moody Park Trail Enhancements in the amount of \$150,000. Motion was made by Alderman Peck. Seconded by Alderman Poletti.

Roll call on Proposed Resolution No. 11-'26 showed Aldermen Brumfield, Harris, Wagner, Peck, LeFlore, Poletti, Menn, Frawley, King and Winkeler, voting "Yea". Motion passes with 10 yeas.

Proposed Resolution No. 11-'26 passed on 10 yeas.

Proposed Resolution No. 11-'26 now becomes **RESOLUTION NO. 4692-2026**

Proposed Resolution No. 12-'26 a Resolution authorizing the Mayor to enter into an agreement for Professional Services with Farnsworth Group for Re-Design Services related to SHPO Archaeological findings impacting the Pleasant Ridge Park Renovation Project in the amount of \$30,000. Motion was made by Alderman Brumfield. Seconded by Alderman Peck.

Roll call on Proposed Resolution No. 12-'26 showed Aldermen Brumfield, Harris, Wagner, Peck, LeFlore, Poletti, Menn, Frawley, King and Winkeler, voting "Yea". Motion passes with 10 yeas.

Proposed Resolution No. 12-'26 passed on 10 yeas.

Proposed Resolution No. 12-'26 now becomes **RESOLUTION NO. 4693-2026**

Proposed Resolution No. 13-'26 a Resolution authorizing the Mayor on behalf of the City to enter into a Professional Services Agreement with Confluence to provide Professional Design Services related to the Lincoln Trail Great Streets Initiative. Motion was made by Alderman Peck. Seconded by Alderman Winkeler.

Roll call on Proposed Resolution No. 13-'26 showed Aldermen Brumfield, Harris, Wagner, Peck, LeFlore, Poletti, Menn, Frawley, King and Winkeler, voting "Yea". Motion passes with 10 yeas.

Proposed Resolution No. 13-'26 passed on 10 yeas.

Proposed Resolution No. 13-'26 now becomes **RESOLUTION NO. 4694-2026**

Motion made by Alderman Poletti moved to adjourn. Seconded by Alderman Peck. Motion carried.

Meeting adjourned at 7:38 P.M.

Respectfully submitted,

Karen Kaufhold
CITY CLERK

PROPOSED ORDINANCE NO. 33-'26

AN ORDINANCE IMPLEMENTING A MUNICIPAL GROCERY RETAILERS' OCCUPATION TAX AND A MUNICIPAL GROCERY SERVICE OCCUPATION TAX BY ADDING ARTICLE XI UNDER CHAPTER 36 (TAXATION) OF THE REVISED CODE OF ORDINANCES OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS, AS AMENDED

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

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

WHEREAS, the Illinois Municipal Code (65 ILCS 5/1-2-1) provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and,

WHEREAS, the City is a home rule Illinois municipality pursuant to the Constitution of the State of Illinois of 1970, as amended; and,

WHEREAS, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) provides that, beginning on January 1, 2026, all Illinois municipalities may impose a tax "upon all persons engaged in the business of selling groceries at retail in the municipality" (the "Municipal Grocery Retailers' Occupation Tax") (65 ILCS 5/8-11-24); and,

WHEREAS, the Municipal Grocery Retailers' Occupation Tax may be imposed "at the rate of 1% of the gross receipts from these sales" (65 ILCS 5/8-11-24); and,

WHEREAS, any Municipal Grocery Retailers' Occupation Tax shall be administered, collected and enforced by the Illinois Department of Revenue; and,

WHEREAS, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) requires any municipality imposing a Municipal Grocery Retailers' Occupation Tax under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) to also impose a Service Occupation Tax at the same rate, "upon all persons engaged, in the municipality, in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries" as "an incident to a sale of service" (the "Municipal Grocery Service Occupation Tax") (65 ILCS 5/8-11-24); and,

WHEREAS, any Municipal Grocery Service Occupation Tax shall be administered, collected and enforced by the Illinois Department of Revenue; and,

WHEREAS, the City Council believe that it is appropriate, necessary and in the best interests of the City and its residents that the City levy a Municipal Grocery Retailers' Occupation Tax as permitted by Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24); and,

WHEREAS, the City Council believe that it is appropriate, necessary and in the best interests of the City and its residents that the City levy a Municipal Grocery Service Occupation Tax as permitted by Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS, AS FOLLOWS:

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

Section 2. Adoption. Chapter 36 of the Revised Code of Ordinances of the City of Fairview Heights, Illinois, as amended, shall be amended by adding Article XI – Municipal Grocery Retailers' Occupation Tax and Municipal Grocery Service Occupation Tax, as follows:

**ARTICLE XI - MUNICIPAL GROCERY RETAILERS' OCCUPATION TAX AND
MUNICIPAL GROCERY SERVICE OCCUPATION TAX**

36-11-1 Municipal Grocery Retailers' Occupation Tax Imposed. A tax is hereby imposed upon all persons engaged in the business of selling groceries at retail in this municipality at the rate of 1% of the gross receipts from such sales made in the course of such business while this Ordinance is in effect. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

36-11-2 Municipal Grocery Service Occupation Tax Imposed. A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries as an incident to a sale of service. The rate of this tax shall be the same rate identified in Section 36-11-1. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

36-11-3 Illinois Department of Revenue to Administer Both Taxes. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State

of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

36-11-4 EFFECTIVE DATE. The taxes imposed by this Ordinance shall take effect on the later of: (i) January 1, 2026; (ii) the first day of July next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding April 1st; or, (iii) the first day of January next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding October 1st.

Section 3. Clerk to file Ordinance with Illinois Department of Revenue. As required under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24), the Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before April 1, 2025.

Section 4. Repeal of Conflicting Provisions. All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 5. Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 6. Headings/Captions. The headings/captions identifying the various sections and subsections of this Ordinance are for reference only and do not define, modify, expand or limit any of the terms or provisions of the Ordinance.

Section 7. Publication. The Clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK



Illinois Department of Revenue

Legal Services Office
101 W. Jefferson St. MC 5-500
Springfield, IL 62794

October 7, 2025

Karen J. Kaufhold
City Clerk
City of Fairview Heights
10025 Bunkum Rd.
Fairview Heights, IL 62208

Re: Ordinance No. 1974-2024
Municipal Grocery Occupation Tax

Dear Karen Kaufhold:

This is to acknowledge receipt of Fairview Heights's Ordinance No. 1974-2024 imposing a Municipal Grocery Retailers' Occupation Tax and Municipal Grocery Service Occupation Tax at the rate of 1%.

The Illinois Department of Revenue shall collect, administer, and enforce the Municipal Grocery Retailers' Occupation Tax and Municipal Grocery Service Occupation Tax effective **January 1, 2026**, in accordance with the provisions of 65 ILCS 5/8-11-24.

While we are accepting this ordinance for purposes of meeting the October 1, 2025 filing deadline for implementation on January 1, 2026, we must ask Fairview Heights to amend or replace the ordinance to address the following issue(s):

- Correct the service occupation tax base in Section 36-11-2 of the City Code by replacing "same rate identified in Section 2 above" with "same rate identified in Section 36-11-1".

Please adopt a conforming ordinance and file a certified copy with the Department on or before **November 1, 2025** at the following address:

Local Tax Allocation Division (3-500)
Illinois Department of Revenue
101 W. Jefferson St.
Springfield, IL 62702

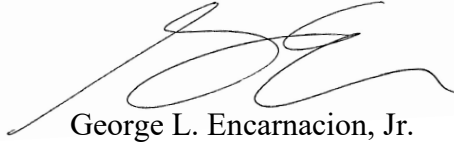
Fairview Heights – Grocery Occupation Tax

Page 2

October 9, 2025

If you have any questions regarding this letter, please contact our office at the number listed below. If you have questions concerning the distribution of the tax, please contact the Department's **Local Tax Allocation Division at (217) 785-6518 or rev.localtax@illinois.gov**.

Very truly yours,

A handwritten signature in black ink, appearing to read 'GE', is positioned above the printed name and title of the signatory.

George L. Encarnacion, Jr.
Associate Counsel
(217) 524-0034

GLE:sce

Cc: Aaron Allen, Local Tax Allocation Division

PROPOSED RESOLUTION NO. 14-‘26

A RESOLUTION AMENDING RESOLUTION NO. 4603-2024, APPROVED BY CITY COUNCIL DECEMBER 18, 2024; A RESOLUTION ADOPTING A CAPITAL IMPROVEMENT PRIORITY LIST.

WHEREAS, the City of Fairview Heights passed Resolution No. 4603-2024, establishing a Capital Improvement Priority List, and

WHEREAS, the recommended Capital Improvement Priority List requires amending to make changes by the Public Works Committee, and

WHEREAS, Major Projects: (6) Lincoln Highway is now shown as (6) Phase 2 (Joseph Drive to Bel Rose Drive) and (7) Phase 3 (Bel Rose Drive to Old Collinsville Road), and

WHEREAS, Minor Projects: (1) Stites/Cory Drive and (11) Windy Lane/Pinewood projects are complete and removed from the list, therefore, all projects listed under Minor Projects shall move up one position. To be added to the Minor Projects list are (10) Clifford Terrace and (11) Pasadena Drive, and

WHEREAS, Joint Projects: (3) Marketplace Streetscape Phase III is complete and removed from the list, therefore, all projects listed under Joint Projects shall move up one position. To be added to the Joint Projects list are (6) Ashland Avenue, Phase 1 (Old Collinsville Road to Joseph Drive), (7) Ashland Avenue, Phase 2 (Joseph Drive to Illinois Route 159), and (8) Salem Place/Old Collinsville Road Roundabout.

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

The Capital Improvement Priority List shall be amended as follows:

MAJOR PROJECTS:

- 1) Municipal Complex
- 2) Asphalt Overlay/Concrete Replacement Program
- 3) Storm Drainage Program
- 4) Sidewalks Program
- 5) South Ruby Lane (Longacre Drive to Garage site; entrance and road into Moody Park from Longacre Drive)
- 6) Lincoln Highway, Phase 2 (Joseph Drive to Bel Rose Drive)
- 7) Lincoln Highway, Phase 3 (Bel Rose Drive to Old Collinsville Road)
- 8) Old Lincoln Trail Improvement
- 9) Holy Cross Road, Phase I

MINOR PROJECTS:

- | | |
|---|--|
| 1) Pearson Drive (Ward 2) | 7) Club Road, Wilson Lane (Ward 2) |
| 2) Kadlec Drive (Ward 3) | 8) Linda Drive (Ward 3) |
| 3) Elm, Oak, Cedar, Lea Drives (Ward 1) | 9) Holliday, Leininger Drives (Ward 4) |
| 4) Mt. Vernon Drive (Ward 4) | 10) Clifford Terrace (Ward 2) |
| 5) Judy Lane (Ward 4) | 11) Pasadena Drive (Ward 3) |
| 6) Wedgewood Drive (East) (Ward 1) | 12) |

JOINT PROJECTS:

- 1) Bike Trails
- 2) Second Avenue
- 3) Longacre Drive
- 4) Old Collinsville Road – Ashland to Lincoln Highway
- 5) Old Collinsville Road at Ashland Turn Lane
- 6) Ashland Avenue, Phase 1 (Old Collinsville Road to Joseph Drive)
- 7) Ashland Avenue, Phase 2 (Joseph Drive to Illinois Route 159)
- 8) Salem Place/Old Collinsville Road Roundabout

The Capital Improvement Project List, 2025, is attached hereto, made a part hereof and marked “EXHIBIT A.”

This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED:

APPROVED:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

PROPOSED RESOLUTION NO. 15-'26

A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY TO ENTER INTO A JOINT FUNDING AGREEMENT FOR STATE PARTICIPATION FOR PHASE II DESIGN ENGINEERING COSTS ASSOCIATED WITH LONGACRE DRIVE, SECTION NUMBER 20-00044-00-RS, STATE JOB NUMBER D-98-048-26.

WHEREAS, the City of Fairview Heights is proposing to patch, resurface, install pavement markings, sidewalk improvements, and all other necessary work to complete the improvements along Longacre Drive from Union Hill Road to Illinois Route 159, and

WHEREAS, engineering services are required to revise current plans and specifications for improvements to Longacre Drive, in its entirety, from Union Hill Road to Illinois Route 159, and

WHEREAS, engineering costs of \$22,880.00 will be funded through the Joint Funding Agreement by the Illinois Department of Transportation (IDOT) utilizing the Local Project Funding (LPF) grant.

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

That the Mayor be and is hereby authorized to enter into a Joint Funding Agreement between the Illinois Department of Transportation and the City of Fairview Heights for the receipt of funding in the amount of TWENTY-TWO THOUSAND EIGHT HUNDRED EIGHTY DOLLARS AND NO CENTS (\$22,880.00) for engineering costs associated with improvements to Longacre Drive, in its entirety, from Union Hill Road to Illinois Route 159 per the Joint Funding Agreement for State Participation attached hereto, made a part hereof, and marked "Exhibit A."

This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED:

APPROVED:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

"EXHIBIT A"



**Illinois Department
of Transportation**

**Joint Funding Agreement for
State Participation**

☒ State Participation ☐ Economic Development Program ☐ Truck Access Route Program (TARP)

LOCAL PUBLIC AGENCY

Local Public Agency			County	Section Number
City of Fairview Heights			St. Clair	20-00044-00-RS
Construction	Engineering	Right-of-Way		
State Job Number	State Job Number	State Job Number		
	D-98-048-26			

LOCATION

Local Street/Road Name	Key Route	Length	Stationing	
Longacre Drive	FAU 9163	1.01 MI	From	To
			00.00	01.01
Location Termini				
From Union Hill RD to ILL 159				
Current Jurisdiction	Existing Structure Number(s)		Add Location	
Fairview Heights	N/A		Remove	

PROJECT DESCRIPTION

Phase II design engineering for the improvements along Longacre Dr. including patching, hma resurfacing, pavement markings, sidewalk improvements, and all necessary work to complete the project.
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Local Public Agency	Section Number	Construction State Job Number	Engineering State Job Number	Right-of-Way State Job Number
City of Fairview Heights	20-00044-00-RS		D-98-048-26	

This Agreement is made and entered into between the above local public agency, hereinafter referred to as the "LPA" and the State of Illinois acting by and through its Department of Transportation, herein referred to as the "STATE". The STATE and LPA joint proposes to improve the designated location as described in the Location and Project Description sections of this Agreement. The improvement shall be developed and constructed in accordance with plans prepared by, or on behalf of the LPA and approved by the STATE using the STATE's Motor Fuel Tax policies and procedures.

I. GENERAL

1.1 Availability of Appropriation: Sufficiency of Funds. This Agreement is contingent upon and subject to the availability of sufficient funds. The STATE may terminate or suspend this Agreement, in whole or in part, without penalty or further payment being required, if (i) sufficient funds for this Agreement have not been appropriated or otherwise made available to the LPA by the STATE funding source, (ii) the Governor or STATE reserves funds, or (iii) the Governor or STATE determines that funds will not or may not be available for payment. The STATE shall provide notice, in writing to LPA of any such funding failure and its election to terminate or suspend this Agreement as soon as practicable. Any suspension or termination pursuant to this Section will be effective upon the date of the written notice unless otherwise indicated.

1.2 Domestic Steel Requirement. Construction of the project will utilize domestic steel as required by Section 106.01 of the current edition of the Standard Specifications for Road and Bridge Construction.

1.3. Severability. If any provision of this Agreement is declared invalid, its other provisions shall not be affected thereby.

1.4. Termination. This Agreement may be terminated, in whole or in part, by either Party for any or no reason upon thirty (30) calendar days' prior written notice to the other Party. If terminated by the STATE, the STATE must include the reasons for such termination, the effective date, and, in the case of a partial termination, the portion to be terminated. If the STATE determines in the case of a partial termination that the reduced or modified portion of the funding award will not accomplish the purposes for which the funding award was made, the STATE may terminate the Agreement in its entirety.

This Agreement may be terminated, in whole or in part, by the STATE without advance notice:

- a. Pursuant to a funding failure as provided under Article 1.1
- b. If LPA fails to comply with the terms and conditions of this funding award, application or proposal, including any applicable rules or regulations, or has made a false representation in connection with the receipt of this or any award.

II. REQUIRED CERTIFICATIONS

This Agreement and the LPA's obligations and services hereunder are hereby made and must be performed in compliance with all applicable federal and State laws, including, without limitation, federal regulations, State administrative rules and any and all license requirements or professional certification provisions.

2.1 Bribery. The LPA certifies to the best of it's knowledge that it's officials have not been convicted of bribery or attempting to bribe an officer or employee of the state of Illinois, nor made an admission of guilt of such conduct which is a matter of record (30 ILCS 500/50-5).

2.2 Bid Rigging. LPA certifies that it has not been barred from contracting with a unit of state or local government as a result of a violation of Paragraph 33E-3 or 33E-f of the Criminal Code of 1961 (720 ILCS 5/33E-3 or 720 ILCS 5/33E-4, respectively).

2.3 Debt to State. LPA certifies that neither it, nor its affiliate(s), is/are barred from receiving an Award because LPA, or its affiliate(s), is/are delinquent in the payment of any debt to the State, unless LPA, or its affiliate(s), has/have entered into a deferred payment plan to pay off the debt, and the LPA acknowledges STATE may declare the Agreement void if the certification is false (30 ILCS 500/50-11).

2.4 Debarment. The LPA certifies to the best of its knowledge and belief that it's officials:

- a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
- b. have not within a three-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;
- c. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, Local) with commission of any of the offenses enumerated in item (b) of this certification; and
- d. have not within a three-year period preceding the agreement had one or more public transactions (Federal, State, Local) terminated for cause or default.

2.5 Construction of Fixed Works. The LPA certifies that all Programs for the construction of fixed works which are financed in whole or in part with funds provided by this Agreement shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 *et seq.*) unless the provisions of that Act exempt its application. In the construction of the Program, the LPA shall comply with the

Local Public Agency	Section Number	Construction State Job Number	Engineering State Job Number	Right-of-Way State Job Number
City of Fairview Heights	20-00044-00-RS		D-98-048-26	

requirements of the Prevailing Wage Act including, but not limited to, inserting into all contracts for such construction a stipulation to the effect that not less than the prevailing rate of wages as applicable to the Program shall be paid to all laborers, workers, and mechanics performing work under the Award and requiring all bonds of contractors to include a provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract.

2.6 Criminal Convictions. The LPA certifies that neither it nor any managerial agent of LPA has been convicted has been convicted of a felony under the Sarbanes-Oxley Act of 2002, nor a Class 3 or Class 2 felony under Illinois Securities Law of 1953, or at least five (5) years have passed since the date of conviction. The LPA further certifies that it is not barred from receiving an funding award under 30 ILCS 500/50-10.5 and acknowledges that **STATE** shall declare the Agreement void if this certification is false (30 ILCS 500/50-10.5).

2.7 Improper Influence. The LPA certifies that no funds have been paid or will be paid by or on behalf of the LPA to any person for influencing or attempting to influence an officer or employee of any government agency, a member of Congress or Illinois General Assembly, an officer or employee of Congress or Illinois General Assembly, or an employee of a member of Congress or Illinois General Assembly in connection with the awarding of any agreement, the making of any grant, the making of any loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment or modification of any agreement, grant, loan or cooperative agreement. 31 USC 1352. Additionally, the LPA certifies that it has filed the required certification under the Byrd Anti-Lobbying Amendment (31 USC 1352), if applicable.

2.8 Telecom Prohibition. The LPA certifies that it will comply with Section 889 of the FY 2019 National Defense Authorization Act (NDAA) that prohibits the use of telecommunications or video surveillance equipment or services produced provided by the following companies: Dahua Technology Company, Hangzhou Hikvision Digital Technology Company, Huawei Technologies Company, Hytera Communications Corporation, and ZTE Corporation. Covered equipment and services cannot be used as substantial or essential component or any system, or as critical technology as part of any system.

2.9 Personal Conflict of Interest - (50 ILCS 105/3, 65 ILCS 5/3.1-55-10, 65 ILCS 5/4-8-6) The LPA certifies that it shall maintain a written code or standard of conduct which shall govern the performance of its employees, officers, board members, or agents engaged in the award and administration of contracts supported by state or federal funds. Such code shall provide that no employee, officer, board member or agent of the LPA may participate in the selection, award, or administration of a contract supported by state or federal funds if a conflict of interest, real or apparent would be involved. Such a conflict would arise when any of the parties set forth below has a financial or other interest in the firm selected for award:

- a. the employee, officer, board member, or agent;
- b. any member of his or her immediate family;
- c. his or her partner; or
- d. an organization which employs, or is about to employ, any of the above.

The conflict of interest restriction for former employees, officers, board members and agents shall apply for one year.

The code shall also provide that LPA's employees, officers, board members, or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts. The **STATE** may waive the prohibition contained in this subsection, provided that any such present employee, officer, board member, or agent shall not participate in any action by the LPA relating to such contract, subcontract, or arrangement. The code shall also prohibit the officers, employees, board members, or agents of the LPA from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

2.10 Organizational Conflict of Interest. The LPA certifies that it will also prevent any real or apparent organizational conflict of interest. An organizational conflict of interest exists when the nature of the work to be performed under a proposed third party contract or subcontract may, without some restriction future activities, result in an unfair competitive advantage to the third party contractor or LPA or impair the objectivity in performing the contract work.

III. AUDIT AND RECORD RETENTION

3.1 STATE Audits. The **STATE** may, at its sole discretion and at its own expense, perform a final audit of the Project (30 ILCS 5, the Illinois State Auditing Act). Such audit may be used for settlement of the Project expenses and for Project closeout purposes. The LPA agrees to implement any audit findings contained in the **STATE's** authorized inspection or review, final audit, the **STATE's** independent audit, or as a result of any duly authorized inspection or review.

3.2 Record Retention. The LPA shall maintain for three (3) years from the date of final project closeout by the **STATE**, adequate books, records, and supporting documents to verify the amounts, recipient, and uses of all disbursements of funds passing in conjunction with this contract. If any litigation, claim or audit is started before the expiration of the retention period, the records must be retained until all litigation, claims or audit exceptions involving the records have been resolved and final action taken.

3.3 Accessibility of Records. The LPA shall make books, records, related papers, supporting documentation and personnel relevant to this Agreement available to authorized **STATE** representatives, the Illinois Auditor General, Illinois Attorney General, any Executive Inspector General, the **STATE's** Inspector General, and any other person as may be authorized by the **STATE** (including auditors), by the State of Illinois. The LPA shall cooperate fully in any such audit or inquiry.

3.4 Failure to maintain the books and records. Failure to maintain the books, records and supporting documents required by this section shall establish presumption in favor of the **STATE** for recovery of any funds paid by the **STATE** under the terms of this

Local Public Agency	Section Number	Construction State Job Number	Engineering State Job Number	Right-of-Way State Job Number
City of Fairview Heights	20-00044-00-RS		D-98-048-26	

contract.

IV. LPA FISCAL RESPONSIBILITIES

4.1 To provide all initial funding and payment for work specified under this Agreement.

4.2 Reimbursement Requests. For reimbursement requests the **LPA** will submit supporting documentation with each invoice. Supporting documentation is defined as verification of payment, certified time sheets or summaries, vendor invoices, vendor receipts, cost plus fix fee invoice, progress report, personnel and direct cost summaries, and other documentation supporting the requested reimbursement amount (Form BLR 05621 should be used for consultant invoicing purposes). **LPA** invoice requests to the **STATE** will be submitted with sequential invoice numbers by project.

LPA's must justify continued funding on inactive projects. An inactive project is defined as a project with no expenditures for the past twelve (12) months. To keep projects active, invoicing must occur a minimum of one time within any given twelve (12) months period. However, to ensure adequate processing time, the first invoice shall be submitted to the **STATE** within six (6) months of the date of execution of this Agreement. Subsequent invoices will be submitted in intervals not to exceed six (6) months.

4.3 Final Invoice: The **LPA** will submit to the **STATE** a complete and detailed final invoice with applicable supporting documentation of all incurred costs, less previous payments, no later than twelve (12) months from the date of completion of work or from the date of the previous invoice, whichever occurs first. If a final invoice is not received within this time frame, the most recent invoice may be considered the final invoice and the obligation of the funds closed. Form BLR 05613 (Engineering Payment Record) is required to be submitted with the final invoice for engineering projects.

4.4 Project Closeout: The **LPA** shall provide the final report to the appropriate **STATE** district office within twelve (12) months of the physical completion date of the project so that the report may be audited and approved for payment. If the deadline cannot be met, a written explanation must be provided to the district prior to the end of the twelve (12) months documenting the reason and the anticipated date of completion. If the extended deadline is not met, this process must be repeated until the project is closed. Failure to follow this process may result in the immediate closeout of the project and loss of further funding.

4.5 Project End Date: The period of performance (end date) for state obligation purposes is five (5) years for projects under \$1,000,000 or seven (7) years for projects over \$1,000,000 from the execution date of the Agreement. Joint agreement amendments for time extensions must be received and approved prior to expiration of the project end date. Failure to extend the end date may result in the immediate close-out of the project and loss of further funding.

V. THE LPA AGREES

5.1 To acquire in its name, or in the name of the **STATE** if on the **STATE** highway system, all right-of-way necessary for this project in accordance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and established State policies and procedures. Prior to advertising for bids, the **LPA** shall certify to the **STATE** that all requirements of Titles II and III of said Uniform Act have been satisfied. The disposition of encroachments, if any, will be cooperatively determined by representatives of the **LPA**, the **STATE**, and the **FHWA** if required.

5.2 To provide for all utility adjustments and to regulate the use of the right-of-way of this improvement by utilities, public and private, in accordance with the current Utility Accommodation Policy for Local Public Agency Highway and Street Systems.

5.3 To provide on-site engineering supervision and inspection during construction of the proposed improvement.

5.4 To retain jurisdiction of the completed improvement unless specified otherwise by schedule (schedule should be accompanied by a location map). If the improvement location is currently under road district jurisdiction, a jurisdictional schedule is required.

5.5 To maintain or cause to be maintained the completed improvement (or that portion within its jurisdiction as established by addendum) in a manner satisfactory to the **STATE**.

5.6 To provide if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvement.

5.7 To regulate parking and traffic in accordance with the approved project report.

5.8 To regulate encroachments on public rights-of-way in accordance with current Illinois Compiled Statutes.

5.9 To regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement in accordance with the current Illinois Compiled Statutes.

5.10 For contracts awarded by the **LPA**, the **LPA** shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any USDOT - assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The **LPA** shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT - assisted contracts. The **LPA's** DBE program, as required by 49 CFR part 26 as approved by USDOT, is incorporated by reference in this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the **STATE** may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for

Local Public Agency	Section Number	Construction State Job Number	Engineering State Job Number	Right-of-Way State Job Number
City of Fairview Heights	20-00044-00-RS		D-98-048-26	

enforcement under 18 U.S. C 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C 3801 et seq.). In the absence of a USDOT - approved **LPA** DBE Program or on **STATE** awarded contracts, this Agreement shall be administered under the provisions of the **STATE**'s USDOT approved Disadvantaged Business Enterprise Program.

VI. THE STATE AGREES

- 6.1 To provide such guidance, assistance, and supervision to monitor and perform audits to the extent necessary to assure validity of the **LPA**'s certification of compliance with Title II and III Requirements.
- 6.2 To reimburse the **LPA** for the state share on the basis of periodic billings, provided said billings contain sufficient cost information and show evidence of payments by the **LPA**.
- 6.3 To provide independent assurance sampling and furnish off-site material inspection and testing at sources normally visited by **STATE** inspectors for steel, cement, aggregate, structural steel, and other materials customarily tested by the **STATE**.

SCHEDULES

Additional information and/or stipulations are hereby attached and identified below as being a part of this agreement.

☒	1.	Division of Cost
☒	2.	Location Map
☐		
☐		
☐		
☐		

Local Public Agency	Section Number	Construction State Job Number	Engineering State Job Number	Right-of-Way State Job Number
City of Fairview Heights	20-00044-00-RS		D-98-048-26	

AGREEMENT SIGNATURES EXECUTION

The LPA agrees to accept and comply with the applicable provision set forth in this agreement including attached schedules.

APPROVED

Local Public Agency

Name of Official (Print or Type Name)

Mr. Mark Kupsky

Title of Official

City Mayor

Signature

Date

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The above signature certifies the agency's TIN number is

370918589 conducting business as a Governmental Entity.

DUNS Number 020374427

UEI

APPROVED

State of Illinois
Department of Transportation

Omer Osman, P.E., Secretary of Transportation

Date

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By:

George A. Tapas, P.E., S.E., Engineer of Local Roads & Streets

Date

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Stephen M. Travia, P.E., Director of Highways PI/Chief Engineer

Date

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Michael Prater, Chief Counsel

Date

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Vicki Wilson, Chief Fiscal Officer

Date

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NOTE: If the LPA Signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.

SCHEDULE NUMBER 1

Local Public Agency	County	Section Number	Construction State Job Number	Engineering State Job Number
City of Fairview Heights	St. Clair	20-00044-00-RS		D-98-048-26

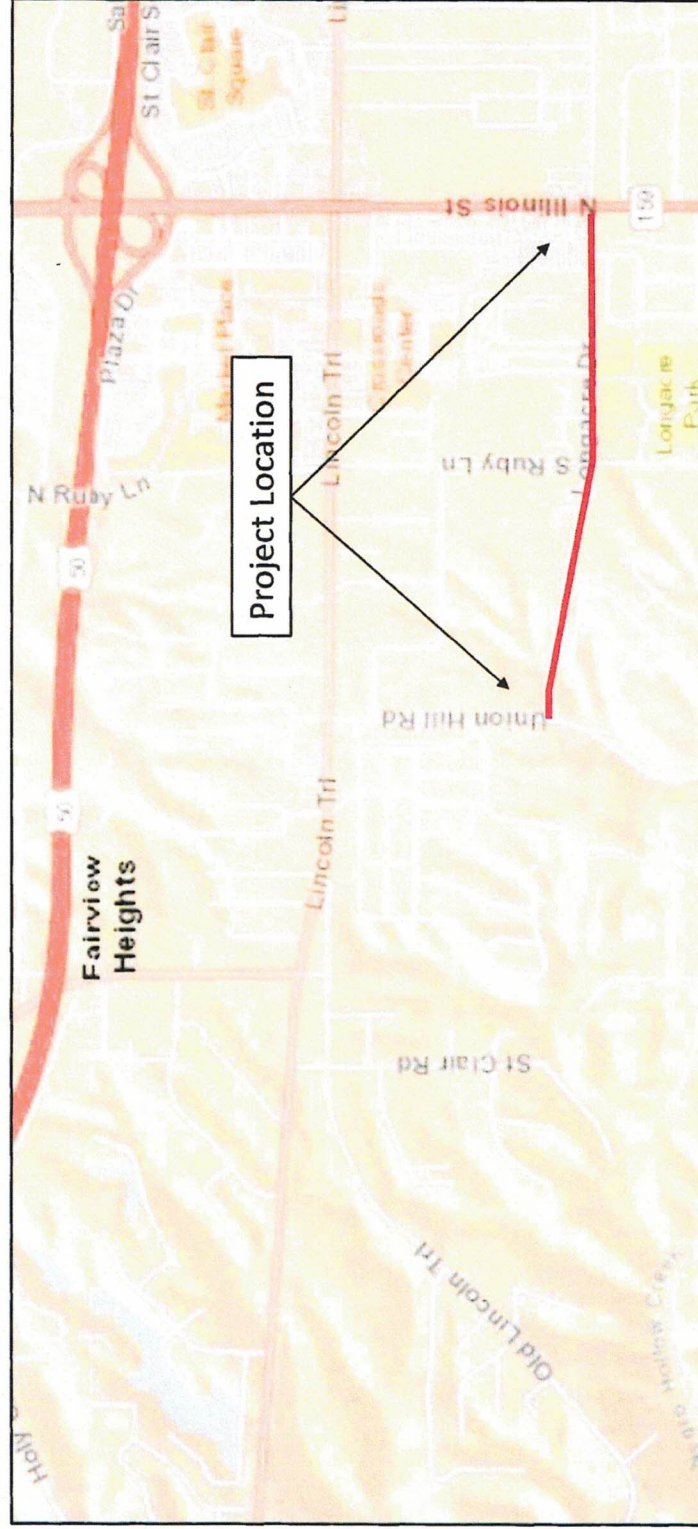
DIVISION OF COST

Type of Work	State Funds			Local Public Agency			Totals
	Fund Type	Amount	%	Fund Type	Amount	%	
Preliminary Engineering	LPF	\$22,880.00	100%	Local		BAL	\$22,880.00
Total		\$22,880.00		Total			\$22,880.00

If funding is not a percentage of the total place an asterisk (*) in the space provided for the percentage and explain below:

STATE LPF Funds for Preliminary Engineering 100% NTE \$22,800.00

NOTE: The costs shown in the Division of Cost table are approximate and subject to change. The final LPA share is dependent on the final State participation. The actual costs will be used in the final division of cost for billing and reimbursement.



Addendum 1 - Location Map
Fairview Heights
20-00044-00-RS, C-98-013-24

PROPOSED RESOLUTION NO. 16-'26



**Illinois Department
of Transportation**

Resolution for Maintenance Under the Illinois Highway Code

District	County	Resolution Number	Resolution Type	Section Number
8	St. Clair		Original	27-00000-00-GM

BE IT RESOLVED, by the Council of the City of
Governing Body Type Local Public Agency Type
Fairview Heights Illinois that there is hereby appropriated the sum of
Name of Local Public Agency
Nine Hundred Eighty-Eight Thousand One Hundred Eighty-Two Dollars (\$988,182.00)

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

05/01/26 to 04/30/27
Beginning Date Ending Date

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

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

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

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

Council of Fairview Heights at a meeting held on 02/17/26
Governing Body Type Name of Local Public Agency Date

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

(SEAL, if required by the LPA)

Clerk Signature & Date

APPROVED

Regional Engineer Signature & Date
Department of Transportation