

AGENDA
REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS
7:00 P.M.
TUESDAY, JULY 5, 2022
FREEDOM HALL, 349 W. BIRCHWOOD, MORTON, ILLINOIS

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE TO THE FLAG**
- IV. PUBLIC HEARING**
- V. PRESENTATIONS AND SPECIAL REPORTS**
- VI. PUBLIC COMMENT**
 - A. Public Comments
 - B. Requests for Removal of Items from the Consent Agenda
- VII. CONSENT AGENDA**
 - A. Approval of Minutes
 - 1. Regular Meeting – June 20, 2022
 - B. Approval of Bills
- VIII. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
- IX. VILLAGE PRESIDENT**
- X. VILLAGE CLERK**
- XI. VILLAGE ADMINISTRATOR**
 - A. Building Improvement Grant Recommendation
- XII. CHIEF OF POLICE**
- XIII. CORPORATION COUNSEL**
- XIV. DIRECTOR OF FIRE AND EMERGENCY SERVICES**
- XV. DIRECTOR OF PUBLIC WORKS**
 - A. Resolution Approving Consent Order and Payment of Civil Penalty to Illinois Environmental Protection Agency
 - B. Resolution Authorizing Joint PPUATS Funding Agreement for 2023 Fiscal Year
- XVI. ZONING AND CODE ENFORCEMENT OFFICER**
- XVII. VILLAGE TRUSTEES**
 - A. Trustee Blunier
 - B. Trustee Hilliard
 - C. Trustee Leitch
 - D. Trustee Menold
 - E. Trustee Newman
 - F. Trustee Parrott
- XVIII. CLOSED SESSIONS**
- XIX. CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS**
- XXIII. ADJOURNMENT**

**VILLAGE BOARD OF TRUSTEES
REGULAR MEETING
7:00 P.M., June 20, 2022**

After calling the meeting to order, Mayor Pro Tem Parrott led the Pledge of Allegiance. Clerk Evans called the roll and found the following Trustees present: Leitch, Menold, Newman, Parrott – 4.

PUBLIC HEARING – None.

PRESENTATIONS – None.

PUBLIC COMMENT – None.

CONSENT AGENDA

- A. Approval of Minutes.
 - 1. Regular Meeting – June 6, 2022
- B. Approval of Bills

Trustee Newman moved to approve the Consent Agenda. The motion was seconded by Trustee Menold and approved by the following roll call vote:

Yes: Leitch, Menold, Newman, Parrott – 4.
No: None – 0.
Absent: None – Blunier, Hilliard – 2.

VILLAGE PRESIDENT – None.

VILLAGE CLERK – None.

VILLAGE ADMINISTRATOR – Administrator Smick presented Building Improvement Grant recommendations for consideration. Trustee Menold moved to approve the recommended grant amounts and the motion was seconded by Trustee Leitch. The grants were approved by the following roll call vote:

Yes: Leitch, Menold, Newman, Parrott – 4.
No: None – 0.
Absent: None – Blunier, Hilliard – 2.

CHIEF OF POLICE – None.

CORPORATION COUNSEL – Attorney McGrath presented a Resolution approving side letter agreement with Paramedics Local 4952 regarding starting pay for experienced paramedics. Trustee Newman moved to adopt the Resolution and it was seconded by Trustee Leitch. The Resolution was adopted by the following roll call vote:

Yes: Leitch, Menold, Newman, Parrott – 4.
No: None – 0.
Absent: None – Blunier, Hilliard – 2.

DIRECTOR OF FIRE AND EMERGENCY SERVICES – None.

DIRECTOR OF PUBLIC WORKS – None.

ZONING AND CODE ENFORCEMENT OFFICER – None.

VILLAGE TRUSTEES

Trustee Blunier – None.

Trustee Hilliard -None.

Trustee Leitch -None.

Trustee Menold – None.

Trustee Newman questioned the date of the next meeting due to the July 4th holiday being on a Monday and Administrator Smick mentioned that the meeting was on July 5th.

Trustee Parrott – None.

CLOSED SESSION – None.

CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS – None.

ADJOURNMENT

With no further business to come before the Board, Trustee Leitch moved to adjourn. The motion was seconded by Trustee Newman and followed by a unanimous voice vote of all present board members.

ATTEST:

PRESIDENT

VILLAGE CLERK



Memo

To: President and Board of Trustees
From: Business District Commission
Date: June 30, 2022
Re: Building Improvement Grant Recommendation

Below is the recommendation for Building Improvement Grants from the Business District Commission. The Commission reviewed and approved the following:

Applicant	Property Address	Total Project Cost	Amount Approved by BDC	Summary of Work
Spark Academy	1989 N. Morton Ave	\$58,000	\$5,000	Design & Engineering

The Commission is asking for your approval of this recommendation.

If you have any questions, please reach out to Julie Smick.

Thank you!

RESOLUTION NO. 02-23

RESOLUTION APPROVING CONSENT ORDER AND PAYMENT OF CIVIL PENALTY TO ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, a dispute exists between the Village of Morton, the office of the Attorney General of the State of Illinois, and the Illinois Environmental Protection Agency regarding the National Pollutant Discharge Elimination System Permit for waste water treatment plant #2 located at 2625 South Fourth Avenue, Morton Illinois; and

WHEREAS, Corporation Counsel for the Village of Morton has negotiated a proposed agreed resolution of the instant dispute; and

WHEREAS, the terms and conditions of the proposed agreement between the Village of Morton, IEPA and Attorney General are set forth on Exhibit A attached hereto; and

WHEREAS, the proposed settlement agreement requires payment of the sum of \$10,185.00 to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, as follows:

1. That the recitations set forth in the preamble to this resolution are found to be true and correct, and the same are incorporated herein by reference.
2. That the Consent Order in the form and substance attached hereto as Exhibit A is hereby approved. Corporation Counsel for the Village of Morton is authorized to execute the Consent Order on behalf of the Village of Morton
3. That the payment of a civil penalty by the Village of Morton in the amount of \$10,185.00 as required by Exhibit A is hereby authorized and approved. The Village Treasurer shall cause payment to be issued in accordance with the provisions of Exhibit A.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this _____ day of _____, 2022; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2022

President

ATTEST:

Village Clerk

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL DISTRICT
TAZEWELL COUNTY, STATE OF ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)	
<i>ex rel.</i> KWAME RAOUL, Attorney General)	
of the State of Illinois,)	
)	
Plaintiff,)	
)	
v.)	No. 2022-CH-
)	
VILLAGE OF MORTON, an Illinois municipal)	
corporation,)	
)	
Defendant.)	

CONSENT ORDER

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and Defendant, VILLAGE OF MORTON, (collectively “Parties to the Consent Order”), have agreed to the making of this Consent Order and submit it to this Court for approval.

I. INTRODUCTION

This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Court’s entry of the Consent Order and issuance of any injunctive relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1 *et seq.* (2020), and the Illinois Pollution Control Board (“Board”) regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to this Consent Order that it be a final judgment on the merits of this matter.

A. Parties

1. On _____, 2022, a Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2020), against the Defendant.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2020).

3. At all times relevant to the Complaint, Defendant Village of Morton was and is an Illinois municipal corporation that owned and operated the Morton Sewage Treatment Plant No. 2 located at 2625 South Fourth Avenue, Morton, Tazewell County, Illinois (“Facility”).

4. Defendant operates the Facility pursuant to National Pollutant Discharge Elimination System (“NPDES”) Permit Number IL0030015 (the “Permit”).

B. Allegations of Non-Compliance

Plaintiff contends that the Defendant has violated the following provisions of the Act, Board regulations, and the Permit:

Count I: Failure to Submit Required Reports
Section 12(f) of the Act, 415 ILCS 5/12(f) (2020);
Section 305.102(b) and 309.102(a) of the Board’s regulations, 35
Ill. Adm. Code 305.102(b) and 309.102(a); and
Special Conditions 14, 15, 16, 17, and 23 of the Permit.

Count II: Failure to Timely Apply for NPDES Permit Renewal
Section 12(f) of the Act, 415 ILCS 5/12(f) (2020); and
Sections 309.102(a) and 309.104(a) of the Board’s regulations, 35
Ill. Adm. Code 309.102(a) and 309.104(a).

C. Admission of Violations

The Defendant admits to the violations alleged in the Complaint filed in this matter and referenced above.

D. Compliance Activities to Date

1. On November 10, 2021, Illinois EPA received the Defendant's NPDES permit renewal application.
2. On November 10, 2021, pursuant to Special Condition 16 of the Permit, Defendant submitted the Biosolids Program Report for 2018, 2019, and 2020 to Illinois EPA.
3. On November 10, 2021, pursuant to Special Condition 17 of the Permit, Defendant submitted the Plan, Report, or Scope of Work or Status/Progress Report to Illinois EPA.
4. On November 10, 2021, pursuant to Special Condition 23 of the Permit, Defendant submitted the Phosphorus Discharge Optimization Plan to Illinois EPA.
5. On November 16, 2021, pursuant to Special Condition 14 of the Permit, Defendant submitted the Annual Fiscal Report previously due January 31, 2019 to Illinois EPA.
6. On April 12, 2022, pursuant to Special Condition 15 of the Permit, Defendant submitted the Biomonitoring Report to Illinois EPA.

II. APPLICABILITY

This Consent Order shall apply to and be binding upon the Parties to the Consent Order. The Defendant waives as a defense to any enforcement action taken pursuant to this Consent Order the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Consent Order. This Consent Order may be used against the Defendant in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2020).

III. JUDGMENT ORDER

This Court has jurisdiction of the subject matter herein and of the Parties to the Consent Order and, having considered the stipulated facts and being advised in the premises, finds the following relief appropriate:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Civil Penalty

1. The Defendant shall pay a civil penalty of Ten Thousand One Hundred and Eighty-Five Dollars (\$10,185.00). Payment shall be tendered within thirty (30) days of entry of the Consent Order. Payment shall be tendered pursuant to Section III.C.

B. Interest and Default

1. If the Defendant fails to make any payment required by this Consent Order on or before the date upon which the payment is due, the Defendant shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Plaintiff shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2020), interest shall accrue on any penalty amount owed by the Defendant not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Consent Order shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund

(“EPTF”). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Kevin D. Bonin
Assistant Attorney General
Environmental Bureau
Illinois Attorney General’s Office
500 South Second Street
Springfield, Illinois 62701

3. Payment of the civil penalty shall be approved by the Defendant’s Board of Trustees (“Approval”) prior to the tendering of payment. A copy of the Approval is attached hereto and incorporated by reference into this Consent Order as Exhibit A.

D. Future Compliance

1. The Defendant shall comply with the terms and conditions of the Permit.

2. The Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Defendant’s Facility which is the subject of this Consent Order, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Consent Order in no way affects the responsibilities of the Defendant to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

4. The Defendant shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Defendant's payment of a \$10,185 penalty, its commitment to comply with the Permit as contained in Section III.D.1 above, and its commitment to cease and desist as contained in Section III.D.4 above, the Plaintiff releases, waives and discharges the Defendant from any further liability or penalties for the violations of the Act, Board Regulations, and the Permit that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Plaintiff's Complaint filed on _____, 2022. The Plaintiff reserves, and this Consent Order is without prejudice to, all rights of the State of Illinois against the Defendant with respect to all other matters, including but not limited to the following:

- a. criminal liability;
- b. liability for future violations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. the Defendant's failure to satisfy the requirements of this Consent Order.

Nothing in this Consent Order is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2020), other than the Defendant.

F. Notice and Public Comment

After this Consent Order is signed by all the Parties to the Consent Order but prior to entry by the Court, it shall be posted on the Illinois EPA's website for a period of not less than thirty (30) days for public notice and comment. The Plaintiff reserves the right to withdraw or withhold its consent prior to entry by the Court if the comments regarding the Consent Order disclose facts or considerations which indicate that the Consent Order is inappropriate, improper, or inadequate. The Defendant consents to the entry of this Consent Order and agrees not to withdraw from or oppose the entry of this Consent Order or to challenge any provision of the Consent Order unless the Plaintiff has notified the Defendant in writing that it withdraws or withholds its consent for the Consent Order. In the event the Plaintiff notifies the Defendant that it withdraws or withholds its consent for the Consent Order, then the terms of the agreement may not be used as evidence in any litigation between those entities.

G. Execution and Entry of Consent Order

This Order shall become effective only when executed by all Parties to the Consent Order and the Court. This Order may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument. The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Consent Order and to legally bind them to it.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to this Court that it may be approved and entered.

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: _____
ANDREW ARMSTRONG, Chief
Assistant Attorney General
Environmental Bureau

BY: _____
CHARLES GUNNARSON
Chief Legal Counsel

DATE: _____

DATE: _____

FOR THE DEFENDANT:

VILLAGE OF MORTON

BY: _____

Its: _____
[title of signatory]

DATE: _____

ENTERED:

JUDGE

DATE: _____

RESOLUTION NO. 03-23

**RESOLUTION AUTHORIZING JOINT PPUATS FUNDING
AGREEMENT FOR 2023 FISCAL YEAR**

WHEREAS, Village of Morton has in prior years participated in the metropolitan planning organization of the Peoria-Pekin Urbanized Area (PPUATS)

WHEREAS, the Director of Public Works has recommended the Village continue its participation in PPUATS, and enter into the Joint PPUATS Funding Agreement – Unified Work Program FY 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, as follows:

1. The Joint PPUATS Funding Agreement – Unified Work Program FY 2023, substantially in the form set forth on Exhibit A attached hereto is hereby approved.
2. The President of the Board of Trustees is authorized to execute the Joint PPUATS Funding Agreement for the fiscal year 2023
3. The Village of Morton g that the President of the Board of Trustees is authorized to execute the Joint PPUATS Funding Agreement – Unified Work Program FY 2023 and the Village to make a contribution of \$7,347.00.
4. The fiscal year contribution of \$7,347.00 to PPUATS is hereby approved and authorized.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this ____ day of _____, 2022; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2022.

President

ATTEST:

Village Clerk

JOINT FUNDING AGREEMENT – UNIFIED PLANNING WORK PROGRAM FY 2023

This agreement is hereby entered into by the members of the participating agencies of the metropolitan planning organization (MPO) of the Peoria-Pekin Urbanized Area, recognized under Section 134 of the *Infrastructure Investment and Jobs Act (IIJA)*. It is intended to set forth the procedures and methods agreed upon to ensure sufficient local matching funds enabling the Peoria-Pekin Urbanized Area to receive **\$814,199** in Federal Highway Administration and Federal Transit Administration planning funds. The funding requires a 20% local match, requiring a total local match of **\$203,550** for Fiscal Year 2023. It is further agreed that the Greater Peoria Mass Transit District provides **\$3,800** as a pass-through membership fee for participation in the planning process.

The Federal Planning funds, FTA funds, and local dollars will be utilized for the work and services performed in accordance with the Unified Planning Work Program (UPWP) for Fiscal Year 2023. The work and services and their associated costs as contained in the UPWP were adopted by the Tri-County Regional Planning Commission. If state funds can be utilized to offset local match for FY23, local dollars will be programmed by the Tri-County Regional Planning Commission in a separate work program.

Each participating agency identified herein hereby agrees to pay its entire share to the MPO not later than November 1, 2022. The MPO is hereby designated to deposit local funds into a special bank account. Withdrawals from this account shall be for reimbursement for work accomplished on the appropriate designated work tasks. The MPO shall make a monthly report to the Tri-County Regional Planning Commission accounting for the expenses incurred on the work tasks identified in the UPWP. Federal and State funds shall be requested by and dispersed directly to the MPO in accordance with agreements of the State of Illinois and the Greater Peoria Mass Transit District.

The local money for FY 2023 shall be provided by each of the participating agencies noted herein by the contributing percentage of MFT funds each such agency received in Calendar Year 2021.

Community	2021 MFT Allotment	2021 MFT %	FY2023 Contribution
Peoria County	\$2,163,028	22.30%	\$44,537
Tazewell County	\$1,716,677	17.70%	\$35,346
Woodford County	\$609,932	6.29%	\$12,558
City of Peoria	\$2,522,577	26.00%	\$51,940
City of Pekin	\$747,822	7.71%	\$15,398
City of East Peoria	\$513,302	5.29%	\$10,569
City of West Peoria	\$102,191	1.05%	\$2,104
City of Washington	\$363,361	3.75%	\$7,482
Village of Bartonville	\$141,936	1.46%	\$2,922
Village of Morton	\$356,802	3.68%	\$7,347
Village of Peoria Heights	\$135,026	1.39%	\$2,780
Village of Creve Coeur	\$119,563	1.23%	\$2,462
City of Chillicothe	\$133,732	1.38%	\$2,754
Village of Germantown Hills	\$75,409	0.78%	\$1,553
CityLink	N/A	N/A	\$3,800
TOTAL			\$203,550

Any surplus of local matching money with accumulated interest will remain on deposit in the special bank account managed by the MPO with any excess from previous years and may be used for such purposes and projects as designated by the Tri-County Regional Planning Commission.

This agreement is approved as indicated by signature of an agent of the undersigned participating agency represented on the Tri-County Regional Planning Commission:

Bartonville	_____	Date	_____
Chillicothe	_____	Date	_____
Creve Coeur	_____	Date	_____
East Peoria	_____	Date	_____
Germantown Hills	_____	Date	_____
GPMTD	_____	Date	_____
Morton	_____	Date	_____
Pekin	_____	Date	_____
Peoria	_____	Date	_____
Peoria Heights	_____	Date	_____
Washington	_____	Date	_____
West Peoria	_____	Date	_____
Peoria County	_____	Date	_____
Tazewell County	_____	Date	_____
Woodford County	_____	Date	_____